

Jay A. Mitchell

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Professional experience

Stanford Law School

Professor of Law, Emeritus (2023 – current)
Professor of Law (2013 – 2023)
Associate Professor of Law (2010 – 2013)
Lecturer in Law (2007 – 2010)
Director, Organizations and Transactions Clinic (2007 – 2023)

Founded clinic designed to help prepare students for corporate practice. Responsible for curriculum development, client development, legal services delivery, and classroom instruction. Research and teaching interests include intersections of law and design (with emphasis on graphic design and visual expression) and transactional teaching.

Levi Strauss & Co.

Global Finance and Governance Counsel, 2006 - 2007
Chief Counsel, Corporate and Commercial, 2000 - 2006
Associate General Counsel, 1992 - 1999

Responsible for stockholder, finance, corporate governance, disclosure and commercial transaction matters for marketer of Levi's® jeans and Dockers® apparel. Projects included bank and bond financings, recapitalizations, exchange offers, acquisitions, stockholder and voting agreements, stock valuations, logistics outsourcing agreements, trademark licenses, raw material supply and contract manufacturing agreements, product technology agreements, joint ventures, and retail policy development, in United States and Europe. Member of multiple senior management teams.

Alza Corporation

Senior Corporate Counsel (1999)

Advised on corporate governance, product commercialization, raw materials supply, and manufacturing matters for drug delivery device and pharmaceutical corporation (now part of Johnson & Johnson).

Heller, Ehrman, White & McAuliffe

Partner (1990-1992)
Associate (1986-1990)

Represented public and private companies in merger, acquisition, securities offering, financing, debt restructuring, joint venture, and commercial matters at former San Francisco-based law firm. Member of Opinions Committee.

Arnold & Porter

Associate (1984-1985)

Represented public and private companies on merger and acquisition, securities offering, and regulatory matters at Washington, D.C.-based law firm.

Honorable John Lewis Smith, Senior Judge
United States District Court for the District of Columbia
Law Clerk (1983-1984)

Education

University of Virginia School of Law

J.D. (1983)
Law School Alumni Association Award for Academic Excellence
Z Society Shannon Award
Edwin S. Cohen Tax Prize
Order of the Coif

Stanford University

A.B., Political Science (1980)
Phi Beta Kappa

University of Kansas

Freshman year (1976-1977)

Book

Picturing Corporate Practice (West Academic 2016)

intended for law students interested in corporate and transactional work and for lawyers new to the practice; written in collaboration with graphic designer; features over 50 diagrams, timelines, and other graphics; includes vocabulary, how-things-work information, and practical suggestions for the new lawyer; offers ideas for using visual approaches in dealing with problems and documents across the practice

Articles

Whiteboard and Black-Letter: Visual Communication in Commercial Contracts, 20 U. Pa. Bus. L. J. 815 (2018)

discussion of use of visual expression in commercial contracts; describes why visual methods are useful in transactional work and why visuals are not often observed in contracts; assesses existing scholarship regarding visual methods and contracts; explores treatment of visuals under U.S. contract interpretation and evidentiary principles; identifies characteristics of transactional situations where visual executions may be especially helpful; proposes legal and empirical research streams, model creation, and other actions intended to build case for such use

Farmers Market Rules and Policies: Content and Design Suggestions (from a Lawyer), 13 J. Food Law & Policy 181 (2017); also avail. at <https://farmersmarketlegaltoolkit.org/risks/market-rules-procedure/#risks-marketrules-drafting>

discussion of documents used by farmers' market operators to manage markets; includes recommendations for market rules content; suggests ways to improve vendor, consumer, and community understanding; offers ideas for improving protective value of rules; includes suggestions for ensuring consistency across rules and other market materials; and provides recommendation for document organization, format, and style

Putting some product into work-product: corporate lawyers learning from designers, 12 Berkeley Bus. L.J. 1 (2015)

discussion, drawing on design and legal literatures, of how corporate lawyers can learn from information design and graphic design disciplines in creating governance materials, contracts, and other legal documents for clients; uses corporate governance documents as vehicle for experimentation; offers observations about ongoing innovation in legal document design and ideas for further research and development

Food Banks to Investment Banks: Clinic Design for Corporate Practice, 19 Lewis & Clark L. Rev. 267 (2015)

discussion of design of transactional clinic at Stanford Law School; describes how institutional and community setting and learning goals influenced clinic design; discusses client and project selection, project execution, and classroom approaches; reviews potential criticisms of the model

Reading (in the Clinic) is Fundamental, 19 Clinical L. Rev. 297 (2012)

discussion, drawing on reading comprehension literature, of reading as core professional activity of lawyers; describes lawyer reading generally, discusses challenges faced by novice readers in encountering legal materials; encourages clinical teachers to bring reading development sensibility to everyday work of clinic

Getting into the Field, 7 J. Food Law & Policy 69 (2011)

discussion of why food system is unusually attractive source of projects for transactional clinics and other non-litigation law school experiential education programs

Working papers

Outlooks, Techniques, and Words: Product Design, Practicing Law, and Engaging Students in Legal Practice (2020); available at: <https://medium.com/legal-design-and-innovation/outlooks-techniques-and-words-ddcf49e3b46d>; also avail. at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3521437

reflection about learning from the design disciplines; describes how design influences the author's understanding of and approach to legal documents, use of visual methods in doing legal work and engaging with students, and concepts and language he uses in talking about legal work and legal practice; suggests that practitioners and teachers need not go all-in on "design thinking" to benefit from design but instead can improve their advice and work-product, and their support of student and new lawyer professional development, through modest refinements in practice inspired by design mindsets and methods

Contract Mechanics: What They Are, Why's They're Important, and Learning to Work with Them (2020), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3503689

alternative version of essay titled *Contract Mechanics: What They Can Teach Us about Contracts*; paper presents essentially the same information but in non-traditional format and style; paper also includes (a) suggestions for visual depictions of common contract mechanics in line with a view that visual expression is a valuable (and under-appreciated) technique for individuals working with contracts and (b) brief observations about why mechanics might of interest to those exploring digital approaches to contracts

Contract Mechanics: What They Can Teach Us About Contracts (2019), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3371892

essay discussing why contract mechanics – such as arrangements which provide for adjustments in economic or other terms based on a party's performance or financial condition, or set out a computation, allocation, or decision-making process – provide a useful angle of approach to understanding and working with contracts; essay offers brief observations of commonly-observed mechanics and their central place in dealmaking, identifies how they provide good windows for learning, and suggests a way of thinking about them

Sketch Pad as Legal Pad: Picturing Corporate Practice (2015), available at:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2593308

concept paper for development of Picturing Corporate Practice book; offers ways of thinking about core professional tasks of advice development and deal planning, and about products corporate lawyers make for those purposes; suggests practical technique – sketching – for gaining traction on analysis and communication at core of corporate practice; draws on cognitive science, psychology, engineering, architecture, and design literature about sketching, cognition, and collaboration; makes extensive use of graphics

Document appreciation: some characteristics of legal documents (and talking with students about them) (2014), available at:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2406047

discussion of characteristics of contracts, governance and disclosure materials, closing documents, and other legal documents; includes observations about useful habits of mind for working with them; encourages law teachers to talk generally about characteristics as vehicle for deepening student understanding and appreciation of legal products

Resource website

Nonprofit documents | nonprofitdocuments.law.stanford.edu

website, targeted to lawyers, containing roughly 275 form and precedent legal documents for nonprofit organizations; materials relate to corporate governance, programmatic and earned income activities, resource sharing and other relationships unique to nonprofits, and other topics; site includes governance documents, contracts, practical management tools, and examples of advice communications; site also contains brief discussion about approach to legal document design reflecting research relating to intersections of design and documents; site receives 30,000+ annual views

Academic presentations

Drawing Pictures (2018)

invited participant in Stanford University Great Teaching Showcase event, sponsored by Vice Provost for Teaching and Learning, in January 2018; presentation on value of drawing as activity for thinking and collaboration

Expanding Access to Economic Justice through Various Pedagogies (2018)

presentation at Transactional Law and Skills panel at AALS annual meeting, San Diego, January 2018; discussion of client and project selection considerations relating to access to justice

Corporate Lawyers Learning from Designers (2017)

presentation at Law + Design Summit at Stanford d.school, September 2017; discussion of value of viewing legal documents as products and using visual methods in transactional practice

Drawing Pictures (2017)

presentation at Transactional Law and Skills panel at AALS annual meeting, San Francisco, January 2017; discussion of use of visual methods in transactional practice and teaching

Food, Law, Design, and Student Learning (2016)

presentation at Annual Transactional Clinical Conference, University of Baltimore, Baltimore, April 2016; discussion of use of visual methods in transactional practice and teaching

Picturing Corporate Practice (2016)

presentations at University of Washington Law School and University of Kansas Law School faculty and student workshops; January – February 2016; discussion of use of drawing in legal practice and attention to document design in legal work-products

Food Banks to Investment Banks: Clinic Design for Corporate Practice (2015)

presentation at Lewis & Clark Law School Annual Business Law Fall Forum, October 2015; discussion of transactional clinic design

Document Appreciation (2014)

presentation at Western Regional Legal Research and Writing Conference, September 2014, Stanford Law School; discussion of teaching ideas for engaging students with contracts, governance materials, and other legal documents

Experiential Programming and Food System Clients (2014)

presentation at stakeholder program hosted by Resnick Program for Food Law and Policy, UCLA School of Law, Los Angeles, March 2014; discussion of law school experiential program engagement with participants in food system

Food in the Clinic (2012)

plenary presentation at Annual Transactional Clinical Conference, Los Angeles, April 2012; discussion of opportunities for transactional clinics in representing participants in food system

Reading Documents (2011)

presentation at Berkeley-Stanford Clinicians' Writing Workshop, Stanford Law School, October 2011; discussion of reading as professional skill and clinic focus area

Teaching Problem Solving in Representation of Institutional Clients (2011)

concurrent session presentation and panel discussion at AALS 2011 Conference on Clinical Education, Seattle, June 2011; discussion of practical techniques for assessing situations encountered in corporate practice

Non-profit, Microenterprise, High Growth: Are All Acceptable Clinic Clients? (2010)

presentation and panel discussion at Annual Transactional Clinical Conference, Arizona State University, Tempe, April 2010; discussion of representation of larger clients in transactional clinics

Corporate in the Clinic (2009)

presentation at Berkeley-Stanford Clinicians' Writing Workshop, Stanford Law School, October 2009; discussion of guiding principles for corporate clinic design

Awards

ABA Outstanding Nonprofit Lawyer Academic Award (2013)

awarded by American Bar Association, Section of Business Law, Nonprofit Corporations Committee

Service

Faculty Senate, Stanford University

Faculty Senate member (2011 – 2015, 2018 - 2022)

Faculty Senate Steering Committee member (2012 – 2013, 2020-2021)

elected member of leadership group for Faculty Senate

Committee on Review of Undergraduate Majors (2019-2020)

Committee on Committees member (2017-2018)

Committee on Athletics, Physical Education and Recreation, Stanford University (2014 – 2019, 2021 - present)

appointed member of university committee; chair, 2017-2019

Advisory Task Force on NIL Matters (2022 – 2023)

appointed member and co-chair of task force providing recommendations to President and Provost

Advisory Committee on Challenges in College Athletics (2021 – 2022)

appointed member of advisory committee to President and Provost

Faculty Athletics Fellows, Stanford Athletics (2016 - 2019)

one of small group of faculty fellows for track and field program

Education Area Steering Group, Stanford University Long-Range Planning initiative (2017 – 2018)

appointed by President and Provost to committee composed of faculty, staff, and students; charged with review and recommendations regarding multiple topics, including audience for educational offerings, course consent, and teaching

Faculty College appointment, Stanford University (2012 - 2013)

member of group of faculty members from medical, earth sciences, design, and law schools appointed by Vice Provost for Undergraduate Education to examine university's approach to food systems study in undergraduate curriculum; developed detailed curricular, governance, and evaluation recommendations reflecting principles set out in 2012 study of undergraduate education at Stanford

Member, California Working Group on Hybrid Structures (2010 – 2011)

invited member of group of California corporate and nonprofit law practitioners that drafted legislation to create new form of corporate entity; flexible (now social) purpose corporation legislation enacted in 2012 as new division of California Corporations Code