

**JOHN M. GREABE**

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**CURRENT EMPLOYMENT**

**Associate Professor of Law**, Vermont Law School, South Royalton, VT 05068

**Courses Taught**

- Constitutional Law I
- Constitutional Law II
- Civil Procedure I
- Civil Procedure II
- First Amendment
- Conflict of Laws
- Judicial Opinion Writing
- The Lawyering Process

**Research Interests**

- Constitutional Law
- Civil Procedure
- Conflict of Laws
- Federal Statutory Interpretation
- Criminal Law & Procedure
- Federal Courts and Jurisdiction
- Appellate Practice and Procedure
- Judicial Opinion Writing
- Civil Rights
- Habeas Corpus

**John M. Greabe, Attorney at Law**, Hopkinton, NH 03229

**Services**

- Briefs, motions, and legal memoranda
- Case consultations
- Oral arguments
- Moot courts

**Recent Cases**

- *Jones v. Harris Associates*, United States Court of Appeals for the Seventh Circuit, No. 07-1624, Principal author of appellate briefs on behalf of mutual fund shareholders claiming various breaches of fiduciary duty in violation of the Investment Company Act of 1940
- *Gallus v. Ameriprise Financial, Inc.*, United States Court of Appeals for the Eighth Circuit, No. 07-2945, Principal author of appellate briefs on behalf of mutual fund shareholders claiming that they were charged excessive advisory fees in violation of the Investment Company Act of 1940

- *IMS Health Inc. v. Ayotte*, United States Court of Appeals for the First Circuit, Nos. 07-1945 and 07-2287, Served as a moot court judge to help prepare counsel for oral argument on whether the New Hampshire Prescription Confidentiality Act violates the First Amendment
- *United States ex rel. Greabe v. Blue Cross Blue Shield Association*, United States District Court for the District of Massachusetts, No. 04-11355-RWZ, Principal author of legal memoranda that successfully opposed a motion to dismiss a claim under the federal False Claims Act

## EDUCATION

### Harvard Law School, Cambridge, MA

- J.D., 1988
- Research assistant to Albert M. Sacks, Late Dean and Dane Professor of Law

### Dartmouth College, Hanover, NH

- B.A., Classics, 1985, *magna cum laude*
- Class of 1846 Latin Prize

## LAW REVIEW ARTICLES

*A Better Path for Constitutional Tort Law* (forthcoming in volume 25:2 of CONSTITUTIONAL COMMENTARY)

*Moving Beyond Gartenberg: A Process-Based and Comparative Approach to Section 36(b) of the Investment Company Act of 1940*, (forthcoming in REVIEW OF BANKING & FINANCIAL LAW) (with Michael Brickman, James Bradley, and Nina Fields)

*Mirabile Dictum! The Case for “Unnecessary” Constitutional Rulings in Civil Rights Damages Actions*, 74 NOTRE DAME LAW REVIEW 403 (1999)

- Cited by the majority and dissenting opinions in *Horne v. Coughlin*, 191 F.3d 244 (2d Cir. 1999)

*Spelling Guilt Out of a Record? Harmless-Error Review of Conclusive Mandatory Presumptions and Elemental Misdescriptions*, 74 BOSTON UNIVERSITY LAW REVIEW 819 (1994)

- Cited in *State v. Harvey*, 647 N.W.2d 189 (Wis. 2002) (Abrahamson, C.J., dissenting)

## OTHER PUBLICATIONS

*Judicial Opinion Writing: Teach It in Law School*, NATIONAL LAW JOURNAL. (Sept. 25, 2006)

*Can Congress Constitutionally Declare the World to be Flat?*, BURLINGTON FREE PRESS (May 30, 2007)

Thomas E. Baker, Rationing Justice on Appeal: The Problems of the United States Courts of Appeals (West 1994), N.H. BAR NEWS (Dec. 7, 1994) (book review)

## FEDERAL COURT EXPERIENCE

**Senior Law Clerk**, Honorable Jeffrey R. Howard, United States Court of Appeals for the First Circuit (2002 – 2007)

- Drafted or served as senior editor of all published opinions issued by chambers between 2002 and 2007
- Supervised three junior law clerks and numerous judicial interns

**Senior Law Clerk**, Honorable Norman H. Stahl, United States Court of Appeals for the First Circuit (1990-94; 1997-2001)

**Law Clerk**, Honorable Hugh H. Bownes, United States Court of Appeals for the First Circuit (1994-95)

**Law Clerk**, Honorable Paul J. Barbadoro, United States District Court for the District of New Hampshire (2001-02)

**Law Clerk**, Honorable W. Arthur Garrity, Jr., United States District Court for the District of Massachusetts (1995-96)

**Law Clerk**, Magistrate Judge James R. Muirhead, United States District Court for the District of New Hampshire (1996-97)

## RECENT PANELS AND PRESENTATIONS

**Vermont Bar Association**, *Overview of the Supreme Court's 2007-08 Term*, September 2008 (panelist)

**New Hampshire Bar Association**, Federal Practice Institute Seminar, *Persuasive Written Advocacy in the Federal Court*, September 2007 (panel co-chair)

**Vermont Law School**, *Who's Afraid of the Roberts Court?* September 2007 (panelist)

**Vermont State House**, *Colloquium on Vermont's Proposed Constitutional Amendment to Lengthen the Term Limits of State Officeholders*, December 2006 (presented to Vermont lawmakers)

**Vermont Judicial College**, *Judicial Opinion Writing*, June 2005 (faculty)

### **ASSOCIATIONS AND MEMBERSHIPS**

Admitted to practice before the Massachusetts Supreme Judicial Court; the New Hampshire Supreme Court; the United States Courts of Appeals for the First, Seventh, and Eighth Circuits; the United States District Court for the District of Massachusetts; and the United States District Court for the District of New Hampshire

Elected to *Who's Who Among America's Teachers*

Board of Trustees, Capital Region Food Program (Vice Chair)

Member, Board of Directors, Hopkinton Youth Sports Association

### **PRIOR PROFESSIONAL EXPERIENCE**

**Adjunct Professor of Law**, Pierce Law Center, Concord, NH (1997-2006, 2008)

**Faculty**, St. Paul's School, Concord, NH (1996); Tabor Academy, Marion, MA (1988-90)

### **REFERENCES**

**N. Bruce Duthu**, Professor of Native American Studies, Dartmouth College, Former Vice Dean for Academic Affairs and Professor of Law, Vermont Law School  
(603) 643-3530

**Honorable Norman Stahl**, United States Court of Appeals, First Circuit  
(617) 748-4596

**Honorable Michael Boudin**, United States Court of Appeals, First Circuit  
(617) 748-4431

**Honorable Jeffrey Howard**, United States Court of Appeals, First Circuit  
(603) 225-1525

**Honorable Paul Barbadoro**, United States District Court, District of New Hampshire  
(603) 226-7303

**Honorable James Muirhead**, United States District Court, District of New Hampshire  
(603) 225-1493