

**Curriculum Vitae**  
**DAVID JACKS ACHTENBERG**

Home:  
1010 West 68th Terrace  
Kansas City, MO 64113  
(816) 523-6834

Office:  
University of Missouri-Kansas City School of Law  
Kansas City, MO 64110-2499  
(816) 235-2382      AchtenbergD@umkc.edu

**Professional Experience**

1988 - Present	Professor & Law Foundation Scholar (previously Associate & Assistant Professor) UMKC Law School
1973-1988	Partner/Director (previously Associate) Achtenberg & Achtenberg, P.C. (and predecessor firms)

**Representative Honors and Awards**

Daniel L. Brenner Faculty Publishing Award (2005-06)

Daniel L. Brenner Faculty Publishing Award (1995)

Daniel L. Brenner Faculty Publishing Award (1993)

Elmer F. Pierson Teaching Award (1998)

Outstanding Professor Award -- 1998 (Selected by the Class of 1999)

Outstanding Professor Award -- 1994 (Selected by the Class of 1995)

Law School Nominee, Governor's Excellence in Teaching Award (2000)

*The Best Lawyers in America* (3rd ed. 1989-90) (Labor and Employment Law)

*The Best Lawyers in America* (6th ed. 1995-96) (First Amendment Law)

Martindale Hubbell Rating: a v

Missouri Supreme Court Civil Rules Advisory Committee (2006-Present)

Federal Practice Advisory Committee -  
United States District Court for the Western District of Missouri (1998-1999)

Chair, Civil Rights Committee, Kansas City Metropolitan Bar Association (2001)

**Selected Significant Cases**

Owen v. City of Independence, 445 U.S. 622 (1980)  
(Principal Author of Briefs)

McDonald v. City of West Branch, 466 U.S. 284 (1984)  
(Briefed and Argued)

In re George P. Kroh  
(Trustee and Attorney for Trustee)

## Selected Publications

- Immunity Under 42 U.S.C. § 1983: Interpretive Approach and the Search for the Legislative Will*, 86 Nw. U. L. Rev. 497 (1992) (Lead Article)
- With Malice Toward Some: United States v. Kirby, Malicious Prosecution and the Fourteenth Amendment*, 26 Rutg. L. J. 273 (1995) (Lead Article)
- Windfall Analysis: A New Look at Uncharged Conduct Evidence*, 27 Pacific L. J. 1077 (1996) (Lead Article)
- A "Milder Measure of Villainy": The Unknown History of 42 U.S.C. § 1983 and the Meaning of "Under Color of" Law*, 1999 Utah L. Rev. 1 (1999)(Lead Article)
- Taking History Seriously: Municipal Liability Under 42 U.S.C. § 1983 and the Debate over Respondeat Superior*, 73 Fordham L. Rev. 2183 (2005)
- Venue in Missouri After Tort Reform*, 75 UMKC L.Rev. 593 (2007)(Lead Article)
- The Surety Protection Provisions Of Magna Carta Chapter Nine: Some Thoughts About Their Genesis*, in *Proceedings of the Surety Claims Institute* (2007)
- UMKC School of Law American Bar Association/Association of American Law Schools Self Study (February 2000) (Principal Author)*
- Chapter, *"Suits Against Governments and Governmental Officials Under 42 U.S.C. § 1983"* in *Missouri Civil Actions* (1993) and Supplements (1998) and (2000)
- Chapter, *"Civil Rights Actions Under 42 U.S.C. § 1983"* in *Missouri Civil Actions II* (1981) and Supplements (1983) and (1986)
- Chapter *"Discrimination"* (with Sandra Schermerhorn), in *Missouri Tort Law* (1978)

## Education

Harvard University, B.A. (Government) Cum Laude, 1970

University of Chicago, J.D. 1973

Moot Court:	Winner, Osgoode Hall Competition
Legal Aid:	Executive Board, Mandel Legal Aid
Law Review:	Declined invitation to join Law Review staff to participate in Legal Aid Clinic

## Courses Currently Taught

Civil Procedure I (Pleadings, Parties, Class Actions, Discovery, Dispositive Motions, Trial, Post-Trial Motions)

Civil Procedure II (Personal Jurisdiction, Federal Jurisdiction, *Erie* Doctrine, Preclusion)

Civil Rights Litigation (Litigation Under § 1983 and Advanced Statutory Interpretation)

Supreme Court Seminar (Analysis of Selected Pending Cases)

The Missouri Supreme Court and Constitution (Analysis of Selected Pending Cases)

Missouri Civil Procedure (Topics)

Client Counseling Team

Court Clerkship Program

**Courses Previously Taught**

Contracts I & II  
Remedies  
Constitutional Law I  
Lawyering Skills  
Evidence

**Selected Law School and University Activities****University**

Dental Hygiene Division Site Visit and Evaluation Committee (2008)  
Master of Public Administration Evaluation Committee (2008)  
Provost Search (2007)  
Chancellor Search (2004/05)  
Program Evaluation (2004/05 - present)  
Chancellor's Extended Cabinet (2004/05)  
Grievance Hearing Panel (1993/94 - present)  
Student Conduct Committee (1993/94 - present)  
Mathematics Department Program Evaluation Committee (2002/03)  
Numerous Chancellor's Ad Hoc Committees to Review and Propose Recommended Disposition of Individual Student Grievances and Appeals (1993/94 - present)

**Law School**

Policy & Planning Committee, Chair (1998/99, 2000/01, 2003/04-2004/05)  
Member (1995/96-1998/99, 2000/01, 2003/04-2004/05)  
Executive Committee (1995/96-1998/99, 2000/01, 2003/04-2004/05)  
Dean Search Committee (1993/94-1994/95, 2003/04-2004/05)  
Self Study Committee, Chair (1998/99-2000/01)  
Admissions Committee (2005/06 present)  
Douglas Stripp Professorship Search Committee, Chair (2002/03, 2007/08)  
Edward A. Smith Chair Search Committee, Chair (2005/2006)  
Council on Program Evaluation Committee, Chair (2000/01)  
811 Grand Evaluation Committee (2003/04)  
Ad Hoc Legal Writing Program Committee, Chair (1997/98)  
Appointments Committee, Chair (1995/96-1996/97)  
Member (1994/95-1996/97, 2003/04)  
CLE Director Search Committee, Chair (1994/95)  
CLE Oversight Committee, Chair (1994/95)  
Placement Committee, Chair (1990/91-1992/93)  
Library Committee, Chair (1991/92)  
Admissions/Placement Director Search Committee, Chair (1991/92)  
Student Affairs Committee (1990/91)

**Selected Presentations**

- "Dispositive Motion Practice and Related Topics" at KCMBA Inns of Court (2007)
- "The Surety Protection Provisions Of Magna Carta Chapter Nine: Some Thoughts About Their Genesis" at Surety Claims Institute Annual Meeting (2007)
- "Surprises Under Missouri Tort Reform" at Lawyers Association of Kansas City (2007)
- "Venue Under Missouri Tort Reform: Changes and Challenges" at Missouri Bar Association Civil Practice Committee (2006)
- "Missouri Procedure After Tort Reform" at Law School Professors Litigation CLE (2006)
- "Hyatt Regency 25 Years Later" at KCMBA Hyatt Regency Conference (2006)
- "Venue Issues Under Tort Reform" at Missouri Organization of Defense Lawyers Annual Meeting (2006)
- "Supreme Court: Recent Developments and the Future," at Kansas City Metropolitan Bar's Bench, Bar & Boardroom Conference (2006)
- "Cross Examination and Impeachment: Law, Strategy & Tactics" at United States Department of Labor, Regional Solicitor's Office (2006)
- "Venue Under H.B. 393 (Missouri Tort Reform)" at Public Policy and Tort Reform: The Reasonable Middle (2005)
- "Emmett Till's Significance in the History of Civil Rights Law" at The Untold Story of Emmett Till (2004)
- "Missouri Civil Practice and Procedure" (2000 - 2007)
- "*Grutter & Gratz*: Implications for the Future" (2003)
- "Developments Under the Federal Rules of Evidence" at Annual 15 Hour Review of the Law Sponsored by UMKC CLE (2003)
- "*Grutter v. Bollinger*: Impact & Implications" at National Bar Association's Annula Branton E. Wiley Symposium (2002)
- "Overview of § 1983 Civil Right Actions" at Section 1981 and 1983 Civil Rights Litigation Seminar sponsored by KCMBA (1999)
- "Federal Civil Procedure: Recent Developments," at the Annual 15 Hour Review of the Law sponsored by UMKC CLE (1997 - 1998)
- "Affirmative Action in the Next Century," Keynote Speech at the Annual Civil Rights Town Hall Meeting sponsored by the NAACP, HUD, Jackson County Bar Association, Ad Hoc Group Against Crime, and UMKC (1996)
- "Entering Law Teaching After an Established Career," at the American Association of Law Schools Annual Recruitment Conference (1996)
- "Discriminatory Words and Conduct: New Missouri Supreme Court Ethics Rule 4.8.4(g)" at Ethics and Professionalism Seminar sponsored by Washington University in St. Louis and ACLU of Eastern Missouri (1996)

**Selected Presentations (Continued)**

"Preventing Attorney Bias Under Supreme Court Rule 4.8.4(g)" at UMKC CLE's Ethics and Professionalism Seminar (1996)

"Ethical Issues for Media Attorneys" at Money, Media and the Law sponsored by University of Kansas, Media/Professional Insurance, and The Kansas City Star (1995)

"After Acquired Evidence" at UMKC CLE's Current Issues in Handling Sexual Harassment Claims (1995)

"From Complaint to Verdict: How Changes in the Federal Rules of Civil Procedure Will Affect Your Practice" at Missouri Bar Association's Annual Meeting and New Developments in Federal Practice Seminar (1994)

"Expert Testimony: Federal and State" at Delta Theta Phi Luncheon Lecture (1994)

"Daubert and Post-Daubert Developments in the Admissibility of Innovative Scientific Evidence" at Shook, Hardy & Bacon Training Program for Litigation Associates (1994)

"Recent Developments under the Federal Rules of Evidence" at Missouri Association of Trial Attorneys Federal Practice Seminars (1994)

"Effective Negotiation Techniques for Legal Services Attorneys" at Midwest Legal Training Center's Basic Lawyering Advocacy Skills Training For Legal Services Attorneys (1992)

"School Desegregation: The Report Card -- A Debate With Lino Graglia" sponsored by The Federalist Society for Law & Public Policy Studies and the R. C. Kemper Charitable Trust (1992)

"Literary Theory and Constitutional Law: The Doctrine of Original Intent" at Rockhurst College's Bicentennial Celebration of the Bill of Rights (1991)

"An Update on the Federal Civil Rights Acts -- Constitutional Employment Litigation Against Municipalities and Their Officers" at the Kansas Association of City Attorneys Spring Meeting (1990)

"Investigation of Sexual Harassment Claims -- The Role of the Affirmative Action Officer" at United States Department of Labor Federal Affirmative Action Officer Regional Training Program (1990)

"Drug Screening and Employee Privacy" at Midwest Bioethics Center Debate on Mandatory Employee Drug Screening (1990)

"Litigation Under § 1983 -- What to Expect in the 90's" at UMKC CLE Employment Law in Transition: Civil Rights in the '90's (1989)

"Strategic Choices in Drafting Federal Jury Instructions" at UMKC CLE Jury Instructions Update Seminar (1988)

"Employee Testing -- The Plaintiff's View" at the Heartland Labor and Employment Law Institute (1988)

"Municipal Tort Liability from the Plaintiff's Perspective" at Missouri City Management Association Spring Conference (1988)

**Selected Presentations (Continued)**

- "Governmental and Individual Liability for Violations of Constitutional Rights" at University of Missouri Seminars on Municipal Liability (1987)
- "Civil Litigation of Employment Cases" at MoBar Labor Law Committee Seminar (1986)
- "Civil Rights Liability: Individual Immunities and Entity Protection under Monell" at MoBar CLE Local Government Law Seminars (1986)
- "Current Developments in Civil Rights Litigation" at Missouri Municipal Attorneys Association Annual Meeting (1986)
- "Federal Litigation Practice" at Midwest Regional Training Center's Federal Practice Seminar for Legal Services Attorneys (1985)
- "Prosecuting and Defending Section 1983 Actions" at MoBar CLE Civil Actions Seminars (1981)
- "Defense of Employment Cases under Title VII, the ADEA, and the Equal Pay Act" at KCBA Annual Meeting (1980)
- "Discrimination Litigation" at KCBA/UMKC CLE seminar entitled "Evaluation of the Case and Settlement Negotiations" (1980)
- "Plaintiff's View" at Equal Employment Opportunity Study Group (1980)
- "Interviewing the Plaintiff" at Midwest Research Institute Seminar entitled "Labor Law: Practicum in Employment Discrimination" (1978)
- "Developments and Strategic Options in Employment Litigation under 42 U.S.C. Section 1981" at MoBar Annual Meeting (1978)
- "Employment Discrimination" at MoBar CLE Tort Law Seminars