

G. MARCUS COLE

The William F. Baxter – Visa International Professor of Law

STANFORD UNIVERSITY

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ACADEMIC APPOINTMENTS

STANFORD UNIVERSITY

The William F. Baxter - Visa International Professor of Law September 2015 to Present
The Wm. Benjamin Scott & Luna M. Scott Professor of Law October 2007 to August 2015
Associate Dean for Curriculum and Academic Affairs September 2003 to September 2008
Professor of Law & Helen L. Crocker Faculty Scholar September 2003 to September 2007
Associate Professor of Law May 2000 September 2003
Assistant Professor of Law July 1997 to May 2000

- Subjects: Contracts, Bankruptcy, Venture Capital, Banking, and other commercial law courses.
- Seminars: Comparative Venture Capital – China, Rules Without Regulation, Commercial Law of Intellectual Property, Education Law & Policy, and the Stanford Law & Policy Colloquium.
- Stanford University Committee on Graduate Studies.
- Stanford University Committee on the Stanford Law School Dean Search.
- Law School Committees: Appointments, Admissions, Clerkships, Curriculum, and Placement.
- Member, United States Court of Appeals, 9th Circuit Bankruptcy Judicial Advisory Committee.

UNIVERSITEIT VAN AMSTERDAM

Fellow

CENTER FOR LAW & ECONOMICS

August 2008 to Present

PEKING UNIVERSITY SCHOOL OF TRANSNATIONAL LAW SHENZHEN

Visiting Professor April-June 2014, April-June 2015, April-June 2016 & April-June 2019

UNIVERSITY OF CALIFORNIA BERKELEY LAW SCHOOL BERKELEY

Visiting Professor of Law May 2015 to June 2015, & May 2016 to June 2016

UNIVERSITÄT WIEN GRADUATE PROGRAM IN LAW & BUSINESS

VIENNA

Visiting Professor of Law & Economics

April 2010 to Present

KOREA UNIVERSITY

SEOUL

Visiting Professor of Law

June 2010 to Present

BUCERIUS LAW SCHOOL HOCHSCHULE FÜR RECHTSWISSENSCHAFT HAMBURG

Visiting Professor of Law Spring 2007, 2008, Fall 2008, Spring 2009, 2010 & 2011

UNIVERSITEIT VAN LEIJDEN

LEIJDEN

Visiting Professor of Law

June and July 2008

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

CHICAGO

Visiting Professor of Law

August 2001 to August 2002

THE HOOVER INSTITUTION ON WAR, REVOLUTION AND PEACE

STANFORD

National Fellow

August 2002 to August 2003

RESEARCH PAPERS

- ***“Smart Contracts” and Convergence in Commercial Law* 92 SOUTHERN CALIFORNIA L. REV. (forthcoming May 2019)** (presents a theory of convergence throughout the modern evolution of contract and commercial law, in which private actors and states advance an efficient, privately-driven and enforced contract regime around the world, supplanting commercial codes and uniform laws.)
- ***Jurisdictional Competition in the Market for Chinese Companies*, (forthcoming 2019)** (exploring the rise of the “Variable Interest Entity” conduit to circumvent Chinese foreign investment law, and its role in the creation of Asia’s largest and most powerful companies).
- ***Does Too Much “Fa” Mean Less “Li”?* (forthcoming 2019)** (connecting the roots of unethical behavior in modern Chinese business culture and practices to the purposive eradication of social norms during Mao’s Cultural Revolution).
- ***Is Mobile Telephone Banking Really “Banking?”* (forthcoming 2019)** (examining the economics and political economy of MPESA and other mobile telephone banking systems in Africa and India, and evaluating various regulatory regimes for optimal economic growth).
- ***Venture Human Capital*, (forthcoming 2019)** (exploring the law and economics of equity investment in human potential, as currently practiced around the world, and the possibilities for underprivileged students in the United States).
- ***Rational Consumer Ignorance: When and Why Consumers Should Sign Form Contracts Without Even Reading Them*, 11 JOURNAL OF LAW, ECONOMICS AND POLICY 413 (2015)** (demonstrating that non-price terms in form contracts, including “hidden” terms, are often beneficial to non-drafting, “one-shot” players and consumers because of competitive forces).
- ***The New Forum-Shopping Problem in Bankruptcy* (with Todd Zywicki) Utah Law Review (2010)** (detailing the procedural device permitted by the bankruptcy judge in the “Anna Nicole Smith” case, which enables a state court litigant to circumvent state law outcomes by filing the same case in a federal bankruptcy court).
- ***What Is the Government’s Role in Regulating and Promoting Morals . . . Seriously?* HARVARD JOURNAL OF LAW & PUBLIC POLICY, December 2007** (employing the taxonomy of Lon Fuller’s “Morality of Law” to argue that government regulation of morals is inefficient, and is deeply rooted in the immoral royal adultery that led to the English Reformation and the fusion of the Church of England with the state).
- ***Protecting Consumers From Consumer Protection: Watters v. Wachovia Bank*, 6 CATO SUPREME COURT REVIEW 251 (2007)** (arguing that the economics and proliferation of pernicious state consumer protection laws favor federal preemption of state banking regimes and enhance, rather than undermine, jurisdictional competition and federalism).
- ***Law and Order Without Coercion*, 22 JOURNAL OF PRIVATE ENTERPRISE 37 (2007)** (challenging the “public goods” and “common pool” justifications for government regulation, and surveying the literature on the historical and contemporary examples of complex private systems achieving order and coordination without government intervention).
- ***Shopping for Law in a Coasean Market*, 1 NYU JOURNAL OF LAW & LIBERTY 112 (2005)** (employing Ronald Coase’s *The Theory of the Firm* to compare the relative agency and monitoring costs of adjudication and legislation as characterized in Friedrich Hayek’s *LAW, LEGISLATION, AND LIBERTY*).

RESEARCH PAPERS (continued)

- ***“Delaware is Not a State”: Are We Witnessing Jurisdictional Competition in Bankruptcy?”*** 55 VANDERBILT LAW REVIEW 1845 (2003) (presents results of interviews with lawyers and judges, and their explanations for the sudden growth in Delaware corporate bankruptcy filings, and analyzes these explanations in light of the literature on jurisdictional competition).
- ***Limiting Liability Through Bankruptcy***, 70 UNIV. CINCINNATI LAW REVIEW 1245 (2003) (employs the history of bankruptcy law prior to the development of corporate law to examine the operation of bankruptcy as a limited liability device for business entities, thereby explaining the most troublesome modern cases involving the circumvention of non-bankruptcy law).
- ***A Modest Proposal for Bankruptcy Reform***, 5 THE GREEN BAG 2D 269 (2002) (presents a tongue-in-cheek argument, in the spirit of Jonathan Swift, for the reinvigoration of debtors’ prison in light of the failure of stigma and shame to check the spread of consumer bankruptcy).
- ***The Venture Capital Investment Bust: Did Agency Costs Play a Role? Was it Something Lawyers Helped Structure?*** 76 CHICAGO-KENT L. REV. 211 (2001) (with Joseph Bankman) (presents results of interviews with venture capitalists, entrepreneurs, and institutional investors, explaining why venture capital firms continued to raise and invest funds when the fund managers claim to have known that the market for technology investments was overvalued prior to the technology market crash of April 2000).
- ***The Federalist Cost of Bankruptcy Exemption Reform***, 74 AM. BANKR. L.J. 253 (2000) (characterizes bankruptcy as an institution with federalist origins and structure which is important for the preservation of other, non-bankruptcy institutions and values, which are in turn threatened by bankruptcy exemption reform).
- ***A Calculus Without Consent: Mass Tort Bankruptcies, Future Claimants, and the Problem of Third Party Non-Debtor “Discharge.”*** 84 IOWA L. REV. 753 (1999) (questions the non-consensual nature of third party non-debtor “discharge” plans in complex Chapter 11 cases, and the consequent circumvention of non-bankruptcy law through these devices).

RESEARCH PAPERS IN PROGRESS

- ***The Preference for Preferences: Liquidation and Dividend Preferences in Venture Capital Contracting***, (forthcoming 2019) (presents results of interviews with venture capitalists and their lawyers, explaining the pervasiveness of preferred stock with liquidation and dividend preferences as transactions-cost-lowering asset control devices similar to blanket security interests in debt finance).
- ***Predatory Lending Laws and Their Victims***, (empirical analysis of 2006 Illinois Predatory Lending Act, which requires loans in select poor neighborhoods to be reviewed by the Cook County Mortgage Review Board, resulting in higher loan costs for low income borrowers, and lower home prices for low income home owners).
- ***Secured Credit as Asset Partitioning*** (examines the historic and contemporary uses of secured credit as an indispensable asset partitioning device, challenging recent scholarship declaring this function to be the essential role of organizational law).
- ***Blessed Be Bankruptcy*** (examines the complexities and consequences of bankruptcy filings by Roman Catholic Archdiocese and religious orders in response to tort suits arising from priest misconduct).

OPINION and COMMENTARY

- *In California, Judges Must Be Accountable to Voters*, SAN FRANCISCO CHRONICLE (August 22, 2017) (available at <https://www.sfchronicle.com/opinion/openforum/article/In-California-judges-must-be-accountable-to-11951077.php>).
- *A Word of Thanks to Four Black Men and A Gun*, PILEUS (July 15, 2010) (available at <https://pileusblog.wordpress.com/2010/07/15/a-word-of-thanks-to-four-black-men-and-a-gun/>).
- *Consumer Bankruptcy Is Insurance For Which the Insured Need Not Pay or Save*, BOSTON REVIEW (September/October 2005).
- *Discourse in the Garden of Good and Evil*, 37 J. BLACKS IN HIGHER ED. (Autumn 2002).
- *Confessions of an Undesirable Downtown Shopper*, PITTSBURGH POST-GAZETTE, Sunday, July 16, 2000.
- *Medallion Monopoly Drives Taxicab Racism*, 9 LIBERTY & LAW 4 (February 2000).

COURT BRIEFS

- *Waters v. Wachovia Bank, N.A.*, Supreme Court of the United States, No. 05-1342, Brief of Economists and Scholars Marcus Cole, Christopher Demuth, Richard Epstein, Robert Litan, Michael Staten, Peter Wallison and Todd Zywicki in Support of Respondents (arguing that consumer protection laws actually harm the very people they purport to protect).
- *Bush v. Holmes*, Supreme Court of Florida, Case Numbers SC04-2323, SC04-2324, and SC04-2325, on behalf of *amicus curiae* the Black Alliance for Educational Options, the Hispanic Counsel for Reform and Educational Options, the Center for Education Reform, and the Reason Foundation (defending the Florida Opportunity Scholarship program by illustrating its demonstrated benefits for African-American and Hispanic children throughout Florida, and showing parallel improvements in the educational experience of children in similar programs other states).
- *Marshall v. Marshall*, U.S. Court of Appeals, 9th Cir., No. 02-56002, Brief of *Amicus Curiae* in Support of Appellant-Cross Appellee Elaine T. Marshall (arguing that a state-law claim, raised as a counterclaim in a bankruptcy proceeding, is not a “core proceeding” under the Bankruptcy Code for which bankruptcy judges enjoy expansive powers enabling them to overturn state court determinations of that state-law claim).
- *In re Integrated Telecom Express, Inc. (NMSBPCSLDHB, L.P. (“The Landlord”) v. Integrated Telecom Express, Inc. et al.)*, U.S. Court of Appeals, 3rd Cir., No. 04-2411, Brief of *Amicus Curiae* in Support of Appellant (with Robert K. Rasmussen and David A. Skeel, Jr.) (Opposing a solvent company’s use of bankruptcy to evade breach of contract damages).
- *In re Owens Corning*, U.S. Court of Appeals, 3rd Cir., No. 04-4080 Brief of *Amicus Curiae* in Support of Appellant (with Robert K. Rasmussen, Barry Adler, Ronald Mann, Susan Block-Lieb, Marcel Kahan, and David Skeel, Jr.) (arguing that substantive consolidation be reserved for the rare circumstances where the corporate form has been used to deceive creditors).
- *Lucent Technologies, Inc. v. Shubert*, U.S. Court of Appeals, 3rd Cir., No. 07-2569, Brief of *Amicus Curiae* in Support of Appellant (with Robert K. Rasmussen and Edward R. Morrison) (arguing that a publicly-traded company is neither a “per se insider” nor a “non-statutory insider” of a debtor for purposes of bankruptcy).
- *Anaheim City School District et al. v. Ochoa et al.*, California Court of Appeal, No. G052409, Brief of *Amici Curiae* Brief in Support of Respondents (with Jack Coons and Steven Sugarman) (arguing that the California Parent Empowerment Act was enacted to give parents leverage, allowing for accountability and transformative administrative take-over of failing schools).

BOOK CHAPTERS

- *Johns-Manville and the Dawn of Asbestos Mass Tort Bankruptcies*, in **BANKRUPTCY STORIES** (Robert Rasmussen, ed. 2007).
- *The Federalist Cost of Bankruptcy Exemption Reform*, in **FOUNDATIONS OF BANKRUPTCY LAW** (Barry E. Adler, ed., 2005).

BOOK REVIEWS

- *The Dignity of Markets Not Seen: The Dignity of Commerce by Nathan Oman*, (forthcoming 2019).
- *Rethinking the Regulation Reflex: Anarchy, State and Public Choice*, by Edward Stringham, **20 J. AUSTRIAN ECONOMICS** 1 (2009).
- *Towards a Post-Apartheid Future: Political & Economic Relations in Southern Africa*, Gavin Maasdorp & Alan Whiteside, editors, **13 NW. J. OF INT'L L. & BUS.** 711 (1993).

PROFESSIONAL HONORS and ACTIVITIES

- “Outstanding Instructor of the Year,” Northwestern University School of Law *May 2002*
- Board of Advisors, The Independent Institute, Oakland, California *January 2007*
- Editorial Board, **CATO SUPREME COURT REVIEW**, The Cato Institute, *February 2002-Present*
- John M. Olin Fellow, University of Southern California Law Center, *March-April 1998*
- Junior Faculty Fellow, Property & Environment Research Center, Bozeman *June 1999*

SELECTED PRESENTATIONS

- *The Law & Economics of FinTech in China and the United States*, Stanford Medical School, Stanford, California, April 11, 2018.
- *The Similarities and Differences Between Venture Capital Law and Practice in Silicon Valley and China*, Credit-Ease, Beijing, China, March 28, 2018.
- *Crypto-currencies, Initial Coin Offerings, and the Future of China’s Securities Markets*, Stanford Law School Alumni Association, King & Wood, Beijing, China, March 27, 2018.
- *The Similarities and Differences Between Venture Capital Law and Practice in Silicon Valley and China*, The Grandall Law Firm of China, November 15, 2017.
- *Jurisdictional Competition in the Market for Chinese Companies*, Willamette University School of Law, Salem, Oregon, October 2, 2017.
- *The Dignity of Things Not Seen: The Market for Contract Law*, The Federalist Society for Law and Public Policy James Kent Academy, Annapolis, Maryland, August 5, 2017.
- *Jurisdictional Competition in the Market for Chinese Companies*, Stanford Law School Faculty Workshop, Stanford, California, May 3, 2017.
- *Jurisdictional Competition in the Market for Chinese Companies*, University of San Diego School of Law, San Diego, California, April 28, 2017.
- *Fiduciary Duties of Directors of Venture-Capital-Backed Companies*, The Arthur & Toni Rembe Rock Center for Corporate Governance, Stanford Law School, Stanford, California, April 13, 2017.
- *The Dignity of Things Not Seen: The Market for Contract Law*, William & Mary Law School, Williamsburg, Virginia, April 7, 2017.

SELECTED PRESENTATIONS (continued)

- ***Does Too Much “Fa” Mean Less “Li”? : Manners and Norms in Modern Chinese Business Culture***, Georgetown University McDonough School of Business, Washington, D.C., November 18, 2016.
- ***Opening Address: The U.S. – China Investment Summit***, Santa Clara Convention Center, Santa Clara, California, August 25, 2016.
- ***Fiduciary Duties of Directors of Venture-Capital-Backed Companies***, The Arthur & Toni Rembe Rock Center for Corporate Governance, Stanford Law School, Stanford, California, March 3, 2016.
- ***The Jack Lee Public Lecture: Rational Consumer Ignorance: When and Why Consumers Should Sign Form Contracts Without Even Reading Them***, Mississippi State University, Starkville, Mississippi, October 9, 2015.
- ***Keynote Address: The Converging Future and Privatization of Commercial Law***, The Pontificia Universidad Católica de Chile, Santiago, Chile, August 16, 2015.
- ***Fiduciary Duties of Directors of Venture-Capital-Backed Companies***, The Arthur & Toni Rembe Rock Center for Corporate Governance, Program for Financial Journalists, Skadden, Arps, Slate, Meagher & Flom, New York, New York, June 17, 2015.
- ***Rational Consumer Ignorance: When and Why Consumers Should Sign Form Contracts Without Even Reading Them***, George Mason University Center for Law and Economics, November 14, 2014.
- ***Rational Consumer Ignorance: When and Why Consumers Should Sign Form Contracts Without Even Reading Them***, National Association of State Attorneys General, Washington, D.C., October 10, 2014.
- ***Reforming Italy’s Insolvency Law: The View From the United States***, Banco Popolare, Lanciano, Italy, October 7, 2011.
- ***Could a United-States-Style Reorganization Law Work for Spain?*** Congreso de Derecho Concursal, Madrid, Spain, April 8, 2011.
- ***Keynote Address: What We Do and Don’t Know About Banking Regulation and the Financial Crisis***, The Austrian Economics Institute, Conference on the Financial Crisis, Vienna, Austria, October 1, 2010.
- ***iBootstraps: Is Mobile Telephone Banking Really ‘Banking’?***, Notre Dame Law School, September 27, 2010.
- ***iBootstraps: Is Mobile Telephone Banking Really ‘Banking’?***, Stanford Law School Faculty Workshop, September 15, 2010.
- ***The ‘Average Consumer’ Fallacy***, Wake Forest Law Review Symposium on Contract Law, March 26, 2010.
- ***God, Government, or Me: Who Decides What’s Moral?*** The Veritas Forum, Tulane University, February 8, 2010.
- ***Chipping Away at Chapter 11: How Judicial Inaction and Forum Shopping are Injecting Insecurity into the U.S. Bankruptcy Process***, Washington Legal Foundation, October 7, 2009.
- ***Anna Nicole Smith Goes Shopping: The New Forum Shopping Problem in Bankruptcy***, Stanford Law School Faculty Workshop, August 19, 2009.
- ***Protecting Consumers From Consumer Protection: An Empirical Analysis of American Consumer Protection in Mortgage Markets***, Universiteit van Amsterdam Center for Law and Economics, Amsterdam Law School, October 3, 2008.

SELECTED PRESENTATIONS (continued)

- ***Protecting Consumers From Consumer Protection: Watters v. Wachovia Bank***, Cato Institute Constitution Day Conference, Washington, D.C., September 17, 2007.
- ***The Christian Libertarian's View of Government's Role in the Regulation and Promotion of Morals***, The Federalist Society National Student Symposium, "Law & Morals," Northwestern University School of Law, February 24, 2007.
- ***The Essential Role of Politics in Judges and Judging***, Council on Public Policy, Bucerius Law School, Hamburg, Germany, February 7, 2007.
- ***Director and Creditor Liability in the "Zone of Insolvency" and in "Deepening Insolvency,"*** American College of Business Court Judges, Brookings Institution, November 17, 2006.
- ***The Preference for Preferences: Liquidation and Dividend Preferences in Venture Capital Contracts***, University of Florida Center for Technology Law, November 16, 2006.
- ***The End of Chapter 11***, Conference on Empirical Legal Studies, University of Texas at Austin, October 27, 2006.
- ***Rules Without Regulation***, Plenary Lecture, The Association For Private Enterprise Education, Las Vegas, Nevada, April 4, 2006.
- ***Rationalizing the Irrational Contract: The Harm of Predatory Lending Laws***, Stanford Law School Faculty Workshop, September 20, 2006.
- ***The Social Cost of Behavioral Law & Economics***, Civil Society Institute Lecture, Santa Clara University, October 26, 2005.
- ***The Preference for Preferences***, University of British Columbia Faculty of Law, Vancouver, Canada, October 24, 2005.
- ***Director Liability in the Zone of Insolvency***, Stanford Faculty Workshop, August 17, 2005.
- ***The Social Cost of Behavioral Law & Economics***, The Table, Carefree, Arizona, June 1, 2005.
- ***The Preference for Preferences: Liquidation and Dividend Preferences in Venture Capital Contracting***, Harvard-Texas Conference on Commercial Law, Austin, Texas, April 8, 2005.
- ***Moderator: The Future of Black Lawyers in Large Law Firms***, Stanford Black Law Students Association, Stanford Law School, February 19, 2005.
- ***Shopping for Law in a Coasean Market***, The Table, Carefree, Arizona, June 4, 2004.
- ***The Preference for Preferences***, Stanford Law School Faculty Workshop, June 2, 2004.
- ***Panel Chair: Bankruptcy & Creditors' Rights***, American Law & Economics Association, Northwestern University School of Law, Chicago, May 7, 2004.
- ***The Preference for Preferences***, Willamette Law Review Symposium, "Venture Capital After the Bubble," Portland, Oregon, March 5, 2004.
- ***The Rise of Black Conservatives***, Stanford Law School Federalist Society and the Stanford Law School Black Law Students Association, February 24, 2004.
- ***Moderator: Private Property vs. Environmentalism – Enemies or Allies?*** Federalist Society for Law & Public Policy, 23rd Annual National Symposium, "Private Law: The New Regulatory Frontier for Liberty," Vanderbilt Law School, Nashville, Tennessee, February 21, 2004.
- ***The Tragedy of Compassion in American Bankruptcy***, Santa Clara Law Review Symposium, "Relief From Debt As Part of the Safety Net," Santa Clara, California, January 30, 2004.
- ***Private Dissolution and Restructuring of Failed Technology Firms in Silicon Valley***, the Hoover Institution Economics Seminar, Stanford, May 12, 2003.
- ***Limiting Liability Through Bankruptcy***, Florida State Law Faculty Workshop, April 9, 2003.

SELECTED PRESENTATIONS (continued)

- ***Third Party Non-Debtor “Discharge” and Releases in Chapter 11 Cases***, American Bar Association, Annual Meeting Luncheon, Los Angeles, April 3, 2003.
- ***Moderator: Crime, Punishment, and Human Dignity***, 22nd Annual Federalist Society Symposium, Notre Dame Law School, February 22, 2003.
- ***Birds, Baptists, and Bootleggers: Economic Analysis and the Roots of Regulation***, Cypress Semiconductor Freedom Seminar, San Jose, California, September 27, 2002.
- ***“Delaware is Not a State”: Are We Witnessing Jurisdictional Competition in Bankruptcy?***, University of San Diego Law School Faculty Workshop, April 19, 2002.
- ***Third Party Non-Debtor “Discharge” and Releases in Chapter 11***, American Bar Association, Annual Meeting, Boston, April 4, 2002.
- ***Intellectual Property as Executory Contract in Bankruptcy***, American Bar Association, Annual Meeting of the Section on Business Law, Boston, April 4, 2002.
- ***Limiting Liability Through Bankruptcy***, Northwestern University School of Law Faculty Zodiac Workshop on the Law of Property, March 13, 2002.
- ***“Delaware is Not a State”: Are We Witnessing Jurisdictional Competition in Bankruptcy?***, Northwestern University Law Faculty Workshop, March 7, 2002.
- ***Bankruptcy As Asset Partition***, University of Cincinnati Law Review Symposium on Corporate Bankruptcy and Corporate Law, March 1, 2002.
- ***“Delaware is Not a State”: Are We Witnessing Jurisdictional Competition in Bankruptcy?***, Symposium: *The “Delawarization” of Corporate Bankruptcy*, Vanderbilt University Law School, Nashville, February 22, 2002.
- ***“Delaware is Not a State”: Are We Witnessing Jurisdictional Competition in Bankruptcy?***, Florida State University Law Faculty Workshop, February 15, 2002.
- ***Why Delaware? An Empirical Analysis of Jurisdictional Competition in Bankruptcy***, Moller Conference on Bankruptcy, University of Texas at Austin School of Law, November 2, 2001.
- ***The Federalist Cost of Bankruptcy Exemption Reform***, National Conference of Bankruptcy Judges, Annual Meeting, Orlando, Florida, October 17, 2001.
- ***The Venture Capital Investment Bust: Did Agency Costs Play a Role? Was it Something Lawyers Helped Structure?*** Stanford Law School Faculty Workshop, October 10, 2001.
- ***The Venture Capital Investment Bust: Did Agency Costs Play a Role? Was it Something Lawyers Helped Structure?***, Northwestern Law Faculty Workshop, September 20, 2001.
- ***Bankruptcy and Mass Tort Cases: The Special Case of Asbestos Litigation***, The Rand Center for Public Policy Analysis, Santa Monica, California, July 12, 2001.
- ***Bankruptcy as a Vehicle for Exploring Other Values***, American Association of Law Schools Workshop on Bankruptcy, St. Louis, Missouri, May 18, 2001.
- ***Informal Guarantees in High Technology Financing: The Case of Silicon Valley Commercial Real Estate***, American Law & Economics Association, Georgetown Law Center, Washington, D.C., May 10, 2001.
- ***The Venture Capital Investment Bust: Did Agency Costs Play a Role? Was it Something Lawyers Helped Structure?*** Chicago-Kent College of Law, Conference on Practice Informing the Theory of Business Law, Chicago, Illinois, April 5, 2001.
- ***Informal Guarantees in High Technology Financing: The Case of Silicon Valley Commercial Real Estate***, Vanderbilt University Law & Economics Colloquium, Nashville, Tennessee, October 10, 2000.

ACADEMIC CONFERENCES

- *Markets, Banks, and Panics in the 19th Century*, Monterey, California, March 1-3, 2018.
- *Markets, Morality, and Contract Law*, The William & Mary Center for the Study of Law and Markets, Williamsburg, Virginia, April 7, 2017.
- *Symposium on “Things Not Seen,”* Georgetown University Institute for the Study of Markets and Ethics, Washington, D.C., November 18, 2016.
- *Federalism and Freedom*, The Federalist Society for Law & Public Policy, Atlanta, Georgia, October 7-9, 2016.
- *The U.S.-China Investment Summit*, Santa Clara, California, September 25, 2016.
- *The Rule of Non-Law*, Freeman-Spogli Institute, Stanford, California, April 4, 2016.
- *Conference Celebrating the 100th Anniversary of the Chilean Commercial Code*, August 14-18, 2015.
- *Conference on Austrian Law & Economics*, George Mason University Center for Law & Economics, Arlington, Virginia, November 14, 2014.
- *National Association of State Attorneys General*, October 10, 2014.
- *The Federal Reserve and the Future of Payments, Clearing, and Digital Currencies*, Federal Reserve Bank of San Francisco, September 12, 2014.
- *Friedrich Hayek on Law*, The Federalist Society for Law & Public Policy, Dallas, Texas, February 22-23, 2013.
- *Argentina’s Insolvency Law*, Tukiman, Argentina, September 5-7, 2012.
- *The Contracts Clause, the Gold Clauses, and the Constitution*, The Federalist Society for Law & Public Policy, Atlanta, Georgia, March 9-10, 2012.
- *Reforming Italy’s Insolvency Law*, Banco Popolare, Lanciano, Italy, October 7, 2011.
- *Congresso de Derecho Concursal*, Madrid, Spain, April 7-11, 2011.
- *Conference on Austrian Economics*, Hayek Institute, Vienna, Austria, October 1, 2010.
- *Hayek on Law, Legislation and Liberty*, The Federalist Society, August 19-20, 2010.
- *Contract Law in Context*, Wake Forest University, Winston-Salem, NC, March 26, 2010.
- *The Business of Law*, Bucerius Law School, Hamburg, Germany, September 3-5, 2009.
- *The Collected Writings of Justice James Wilson*, University of St. Andrews, Scotland, March 26-29, 2009.
- *Intellectuals and Ideology*, Santa Monica, California, March 4-7, 2008.
- *Immigration, Identity & Community*, Linfield College, Portland, October 4-7, 2007.
- *The Law & Political Science of Environmental Policy*, Property & Economy Research Council, Emigrant, Montana, September 20-23, 2007.
- *Cato Institute Constitution Day*, Washington, D.C., September 17, 2007
- *Deirdre McCloskey’s “The Bourgeois Virtues,”* Liberty Fund, Indianapolis, May 3-5 2007.
- *The Federalists, The Anti-Federalists, and the Constitution They Created*, The Federalist Society for Law & Public Policy, La Jolla, California, March 8-11, 2007.
- *Law and Morality*, The Federalist Society Twenty-Fifth Anniversary National Law Student Symposium, Northwestern University School of Law, Chicago, February 23-24, 2007.
- *Legal Cultures & the Atlantic Divide*, Bucerius Law School, Hamburg, February 6-7, 2007.
- *Governance in Higher Education*, The Philanthropy Roundtable, Ft. Lauderdale, Florida, December 7-10, 2006.
- *Mont Pelerin Society General Meeting*, Guatemala City, Guatemala, November 4-9, 2006.
- *Conference on Empirical Legal Studies*, University of Texas, Austin, October 27-28, 2006.

ACADEMIC CONFERENCES (continued)

- *Liberty and Formal Equality*, Liberty Fund, Glenn Arbor, Michigan, October 19-22, 2006.
- *The Rule of Law and Liberty*, Liberty Fund, Tucson, Arizona, October 12-15, 2006.
- *Liberty in the Company of Strangers*, Liberty Fund, San Francisco, March 2-5, 2006.
- *Institute for Humane Studies Law Conference*, Washington, D.C., February 10-12, 2006.
- *The Writings of James Madison*, Liberty Fund, San Diego, California, January 5-8, 2006.
- *The Rule of Law in the Plays of Works of Shakespeare*, Liberty Fund, October 13-16, 2005.
- *The Table*, Carefree, Arizona, June 1-3, 2005.
- *Stanford-Yale Junior Faculty Forum, Bankruptcy Panel*, Stanford, May 27-28, 2005.
- *American Law & Economics Association Annual Meeting*, New York, May 6-8, 2005.
- *Harvard-Texas Conference on Commercial Law Realities*, Austin, Texas, April 8, 2005.
- *Liberty in the Writings of George Orwell*, Liberty Fund, San Diego, March 17-20, 2005.
- *The Writings of Pierre Goodrich*, Liberty Fund, Indianapolis, October 15–17, 2004.
- *The Philadelphia Society*, General Meeting, Philadelphia, September 1-3, 2004.
- *The Mont Pelerin Society*, General Meeting, Salt Lake City, August 13-18, 2004.
- *Imprisonment, Punishment, & Liberty*, Liberty Fund, Chicago, Illinois, June 24-27, 2004.
- *The Table*, Carefree, Arizona, June 3-6, 2004.
- *American Law & Economics Association Annual Meeting*, Chicago, Illinois, May 7, 2004.
- *Liberty and Law*, Institute for Humane Studies, Chicago, Illinois, March 19-21, 2004.
- *Venture Capital After the Burst of the Bubble*, Willamette Law Review Symposium, Portland, Oregon, March 5, 2004.
- *Private Law: The New Frontier for Limited Government, Federalist Society National Symposium*, Vanderbilt University Law School, Nashville, Illinois, February 20-21, 2004.
- *Hayek: Law, Legislation, and Liberty*, Liberty Fund, Tucson, November 20-23, 2004.
- *Liberty, Responsibility & Individualism in Ralph Ellison's Invisible Man*, Oklahoma City, Oklahoma, November 6-9, 2003.
- *National Conference of Bankruptcy Judges*, San Diego, California, October 15, 2003.
- *The Bankruptcy Code After 25 Years*, American Bankruptcy Institute, Georgetown University Law Center, October 10-11, 2003.
- *Political and Social Institutions of Liberty*, Seattle, Washington, September 25-28, 2003.
- *The Tragedy of the Anti-Commons*, University of California at Irvine, April 10-13, 2003.
- *Burst of the Bubble: Lessons and Opportunities from the Dot-com Collapse*, Stanford Program in Law, Science & Technology, October 23, 2002.
- *The Mont Pelerin Society*, General Meeting, London, England, October 5-10, 2002.
- *The Liberalization of UK Utility Markets*, Institute for Economic Affairs, London, England, October 9, 2002.
- *National Conference of Bankruptcy Judges*, Chicago, Illinois, October 3, 2002.
- *The Problematics of Jurisprudence*, Liberty Fund, Indianapolis, Indiana, May 3-5, 2002.
- *Slippery Slopes and Liberty*, NYU Center for Austrian Economics, April 5-7, 2002.
- *University of Cincinnati Law Review Symposium on Corporate Bankruptcy and Corporate Law*, Cincinnati, Ohio, March 1, 2002.
- *Vanderbilt Law Review Symposium on the "Delawarization" of Bankruptcy Law*, Nashville, Tennessee, February 22-23, 2002.

ACADEMIC CONFERENCES (continued)

- *American Association of Law Schools Section on Debtors' and Creditors' Rights*, New Orleans, Louisiana, January 2-6, 2002.
- *University of Pennsylvania Institute for Law and Economics, Roundtable on Corporate Bankruptcy Law*, Philadelphia, December 7, 2001.
- *Arthur Moller Conference on Empirical Research in Bankruptcy Law*, The University of Texas at Austin, School of Law, November 2-3, 2001.
- *National Conference of Bankruptcy Judges*, Orlando, Florida, October 17, 2001.
- *Bankruptcy and Mass Tort Cases: The Special Case of Asbestos Litigation*, The Rand Center for Public Policy Analysis, Santa Monica, California, July 12, 2001.
- *AALS Bankruptcy Workshop*, St. Louis, Missouri, May 18, 2001.
- *American Law & Economics Association Annual Meeting*, Georgetown University Law Center, Washington, D.C., May 10-12, 2001.
- *Bankruptcy & Tobacco Litigation*, Boalt Hall School of Law, Berkeley, April 20, 2001.
- *Practice Informs Theory: Empirical Analyses of Business Law*, Illinois Institute of Technology Chicago-Kent College of Law, Chicago, Illinois, April 5, 2001.
- *Norms, Law, and Liberty*, PERC, Chico Hot Springs, Montana, March 22-25, 2001.
- *Liberty & Society*, Institute for Civil Society, Alexandria, Virginia, June 17-19, 2000.
- *Liberty & the Four Horsemen*, The Federalist Society, Alexandria, VA, May 29-31, 2000.
- *American Law & Economics Association Annual Meeting*, New York, May 1-3, 2000.
- *Free Market Environmentalism in Theory and in Practice*, the Political Economy Research Council, Bozeman, Montana, June 22-27, 1999.
- *American Law & Economics Association Annual Meeting*, Yale Law School, New Haven, Connecticut, 6-8, 1999.
- *Liberty and Law*, Institute for Humane Studies, Chicago, Illinois, February 3-4, 1998.

BOARD MEMBERSHIPS and COMMUNITY INVOLVEMENT

- Member, Board of Trustees, **Bellarmino College Preparatory**, San Jose, California.
- Former President, Board of Directors, **Rocketship Charter Schools**, San Jose, California.
- Former Member, Board of Directors, **Anti-Defamation League of B'nai B'rith**, Central Pacific Region.
- Coach, **Palo Alto Little League**, and **Palo Alto All-Stars**, **National Junior Basketball**.

CLERKSHIP

September 1993 to September 1994

THE HONORABLE MORRIS SHEPPARD ARNOLD,

Circuit Judge, United States Court of Appeals for the Eighth Circuit.

LEGAL EXPERIENCE

MAYER, BROWN & PLATT

Associate, Commercial Litigation

August 1994 to June 1997

- Practiced complex commercial litigation in cases involving bankruptcy, admiralty, products liability, antitrust, employment law, and mass tort diversity actions.

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

Teaching Assistant to Prof. Daniel Polsby

Fall 1992

CITY OF CHICAGO DEPARTMENT OF LAW

Law Clerk

Summer 1991

EDUCATION

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

Doctor of Jurisprudence, May 1993.

- Honors: Editor-in-Chief, Northwestern Journal of International Law and Business
Dean's List
- Activities: Northwestern University Legal Clinic
Northwestern National Frederick Douglass Moot Court Team
Class Representative, Northwestern Student Bar Association
- LSAT: 98th percentile

CORNELL UNIVERSITY

Bachelor of Science in Applied Economics, May 1989.

- Honors: Dean's List
National Merit Commendation
- Activities: Hammerthrow, Cornell Varsity Track and Field
Contributing Editor, *US Black Engineer*, Baltimore, Maryland
Staff Writer, *Umoja Sasa News Journal*, Ithaca, New York