

Ideas are not beliefs. – Larry Ribstein

THE RED HERRING

Newsletter of the AALS Section on Business Associations (SOBA)

Chartered January 1, 1973

Volume XXXX – Fall 2020



2021 ANNUAL MEETING – SOMEWHERE IN CYBERSPACE

Corporate Boards in the Age of COVID-19

Wednesday, January 6, 2:45 to 4:00 PM EST

The COVID-19 pandemic has put corporate boards under tremendous stress. In the midst of unprecedented financial and operational challenges, boards must comply with legal obligations that are often complex, uncertain, and contested. This panel will explore the impact of COVID-19 on the corporate board. How should boards exercise their responsibilities during these times? Should boards reevaluate the corporate purpose in light of the increased vulnerability of employees and other stakeholders? As market instability continues, how should boards approach planned transactions and use defensive mechanisms? This session will connect corporate law theory to the immediate challenges facing corporate boards.

Invited speakers:

- Joseph A. Grundfest, Stanford
- Vice Chancellor Travis Laster, Delaware Chancery Court
- Jamie Leigh, Cooley LLP

Presenters from CFP:

Martin Gelter (Fordham) & Julia M. Puaschunder (Columbia), *COVID-19 and Comparative Corporate Governance*.

Yaron Nili (Wisconsin) & Megan W. Shaner (Oklahoma), *Back to the Future? Reclaiming Shareholder Democracy Through Virtual Annual Meetings*.

Moderator: Jessica Erickson, Richmond.

Works in Progress

The section's WIP Program will be held Tuesday, January 5, 4:15 to 5:30 PM EST.

Moderator: Megan Shaner (Oklahoma).

Sue Guan (Santa Clara), *Novel Settlements*

Commentators: Andrew Verstein (Wake Forest) & Megan Shaner (Oklahoma)

Nicole Iannarone (Drexel), *Structural Barriers to Inclusion in FINRA's Arbitrator Pool*

Commentators: Benjamin Means (South Carolina) & Jill Gross (Pace)

Geeyoung Min (Michigan State), *Governance by Dividends*

Commentators: Afra Afsharipour (Davis) & Ofer Eldar (Duke)

Yaron Nili (Wisconsin), *Board Gatekeepers' Independence*

Commentators: Frank Gevurtz (McGeorge) & Jim Park (UCLA)

Alex Platt (Kansas), *The Non-Revolving Door*

Commentators: Jessica Erickson (Richmond) & Andrew Tuch (WSL)

Paige Wilson (Ohio State), *The Midwest Venture Model*

Commentators: Darian Ibrahim (Williams & Mary) & Christina Sautter (LSU)

Race and Teaching Business Law

January 2022 Annual Meeting

Many SOBA members expect to devote increased attention to consideration of issues of race and the teaching of business law. The Executive Committee is compiling resources to aid in the teaching and research of these issues. The materials will soon be publicly available for our members and others on the section's AALS website on a separate tab to be developed by the AALS sections administrator. We welcome material for this online repository as well as feedback on this initiative.

Knowing that many of our members have been discussing these important issues in their business law classes this year and will continue to do so, we feel it is useful to pre-commit to an opportunity to reflect on those experiences. Thus, the Executive Committee has decided to devote the section's primary session at the 2022 AALS annual meeting to a consideration of issues of race and the teaching of business law. We hope that this session will provide a forum for continuing important conversations that have begun in various venues including the section's listserv. The topic of the section's other session at the 2022 annual meeting has yet to be determined and will be announced next year.

As for the much anticipated and always exciting business meeting, you should have received a message from our Fearless Leader naming the nominees who were to be elected barring any objection registered by December 23.

The nominated and presumably now elected chair-elect is James J. Park of UCLA.

The newly elected members of the Executive Committee, whose terms will end as of the 2024 Annual Meeting are:

- Eric C. Chaffee, Toledo
- Carliss Chatman, Washington (& Lee?)
- Cathy Hwang, Virginia
- Michael P. Malloy, McGeorge
- James D. Nelson, Houston
- Cheryl L. Wade, St. John's

Note that the current leadership roster below does not reflect the above results of the recent virtual business meeting. Rather, the roster is current as of going to press. We presume that (consistent with past practice) Park will exit the list of Executive Committee members by virtue of being anointed Chair-Elect. Needless to say, all this assumes a peaceful transition of power and no efforts to overturn the results of the election.

As we have noted before, we here at The Red Herring are not sure whether terms expire at the beginning or end of the designated annual meeting. We presume they expire at the end of the meeting since the tradition until recently was to hold a live business meeting at the end of the program. Admittedly, one business meeting was held at the beginning of an annual meeting to avoid a looming contest (notwithstanding *Schnell v. Chris-Craft Industries, Inc.*, 285 A.2d 437 (Del. 1971)).

As we noted last year, we were a bit confused about how the Executive Committee had grown from the traditional ten members with staggered three-year terms to eleven members. It appears that membership has now grown to twelve members even with the subtraction of Park. Is there any reason to suspect an ongoing committee packing plot? As Marvin Chirelstein once said, "The herring gets ever redder."

In our never-ending quest to get to the bottom of things – no matter how trivial – the Red Herring has discovered that the section bylaws provide for an Executive Committee of fifteen. Will wonders never cease!

The SOBA bylaws can be found at:

<https://connect.aals.org/p/do/sd/sid=2115&fid=6291&req=direct>

SPONSORED PROGRAMS

TUESDAY, JANUARY 5 / 2:45 PM to 5:30 PM

Environmental Law and Securities Regulation Joint Program, Co-Sponsored by Business Associations and Natural Resources and Energy Law.

What Can Securities Regulation Contribute to Environmental Law, and Vice Versa?

Victor Flatt, Houston

Jill Fisch, Penn

Sanford J. Lewis, environmental and securities law attorney

James Andrus, CalPERS

Presenters from CFP (delivering TED-style talks):

Madison Condon; Michael P. Vandenberg; Virginia Harper Ho; Andrew W. Winden; Jonathan S. Masur & Jonathan Remy Nash; Lisa Benjamin; Felix Mormann; Grégoire Lunven; Christine Sgarlata Chung; Richard J. Wallsgrove; Brett McDonnell, Hari M. Osofsky, Jacqueline Peel & Anita Foerster.

THURSDAY, JANUARY 7 / 11:00 AM to 12:15 PM

Transactional Law and Skills, Co-Sponsored by Business Associations.

The New Public Interest in Private Markets: Transactional Innovation for Promoting Inclusion

Matt Jennejohn, BYU (moderator)

Afra Afsharipour, Davis

Alina Ball, Hastings

Patience A. Crowder, Denver

Camille K. Pannu, Irvine

Lynnise E. Phillips Pantin, Columbia

Darren Rosenblum, Pace

MORE →

FRIDAY, JANUARY 8 / 1:15 PM to 2:30 PM

Section on Socio-Economics

For Whose Benefit Public Corporations? Perspectives on Shareholder and Stakeholder Primacy

Stefan J. Padfield, Akron (moderator)
Robert Ashford, Syracuse
Lucian Bebchuk, Harvard
Margaret M. Blair, Vanderbilt
June Carbone, Minnesota
Joshua P. Fershee, Creighton
Sergio Alberto Gramitto Ricci, Cornell
Marcia Narine Weldon, Miami
Edward L. Rubin, Vanderbilt

SATURDAY, JANUARY 9 / 11:00 AM - 12:15 PM

Insurance Law, Co-Sponsored by Environmental Law and Business Associations.

Climate Change and the Insurance Industry

Anya E.R. Prince, Iowa (moderator)
Christopher C. French, Penn State
Dave Jones, Berkeley Center for Law, Energy and the Environment
Carolyn Kousky, Resources for the Future
Alexander B. Lemann, Marquette

Information relating to other programs and panels of interest follows beginning on page 14.

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ABSTRACTS FOR PAPER PRESENTATIONS

PRIMARY SESSION

Virtual Annual Meetings: A Path Toward Shareholder Democracy and Stakeholder Engagement?

Yaron Nili & Megan Wischmeier Shaner

From demanding greater executive accountability to lobbying for social and environmental policies, shareholders today influence how managers run American corporations. In theory, shareholders exert that influence through the annual meeting: a forum where any shareholder, large or small, can speak their mind, engage with the corporation's directors and managers, and influence each other. But today's annual meetings, where a widely diffused group of owners often vote by proxy, are largely pro forma: only handful of shareholders attend the meeting and voting results are largely determined prior to the meeting.

But modern technology has the potential to resurrect the annual meeting as the deliberative convocation and touchstone of shareholder democracy it once was. COVID-19 has forced most American corporations to hold their annual meetings virtually. Virtual meetings allow shareholders to attend meetings at a low cost, holding the promise of re-engaging retail shareholders in corporate governance. If structured properly, virtual meetings can reinvigorate the annual meeting, reviving shareholder democracy while maintaining the efficiency benefits of proxy voting. But virtual meetings also hold the potential for broader deliberative process, in which stakeholders' voices are also heard – allowing shareholders to hear and learn not only from management and each other, but also from other stakeholders.

The Article makes three key contributions to the existing literature. First, using a comprehensive hand collected dataset of state reactions to COVID-19 and of all annual meetings held between March 11 and June 30, 2020, it offers a detailed empirical account of the impact that COVID-19 and the move to virtual annual meetings had on shareholder voting. Second, it uses the context of COVID-19 to show how modern-day annual meetings have drifted away from its democratic function. Finally, the Article argues that technology can revive the shareholder democracy goals of annual meetings as well as bolster ESG efforts through facilitating retail shareholder and corporate stakeholder engagement, and underscores how virtual meetings can meet these important goals.

COVID-19 and Comparative Corporate Governance

Martin Gelter & Julia M. Puaschunder

With the pandemic caused by the novel coronavirus SARS-CoV-2 raging around the world, many countries' economies are at a crucial juncture. The external shock to the economy caused by COVID-19 has the potential to affect corporate governance profoundly. This article explores its possible impact on comparative corporate governance. For an economy to operate successfully, a society must first find a politically sustainable social equilibrium. In many countries, historical crises – such as the Great Depression and World War II – have resulted in a reconfiguration of corporate governance institutions that set the course for generations. While it is not yet clear whether COVID-19 will have a similar effect, it is possible that it will change patterns of what kind of firms are – from an evolutionary perspective – likely to survive, and which ones are not. We argue that to some extent, it will accelerate ongoing trends, whereas in other areas it put corporations on an entirely new course. We observe three trends, namely the need for resilience, a growth of nationalist policies in corporate law, and a growing orientation toward 'stakeholder' interests. First, firms will have to become resilient to the crisis, and consequently long-term oriented. Corporations that are not operating merely on an arm's length capital market basis but are integrated into a network, generated by core shareholders, state ownership or bank lending may be more likely to survive. In addition, firms are beginning to interact with their workforce differently in their attempts to maintain what could be called 'healthy human capital.' Second, we are likely to see a resurgence of nationalism in corporate governance to ensure that foreign ownership and interconnected supply change do not put national security at risk. Third, the existing critiques of inequality and climate change risk will accelerate the trend toward a broadening of corporate purpose toward 'stakeholderism' and public policy issues. As in the past years, institutional investors acting as 'universal owners' will play a role in shaping this trend.

MORE →

WORKS IN PROGRESS SESSION

The Non-Revolving Door

Alex Platt

For decades, commentators have warned about the “revolving door” between the SEC and the regulated industry. So far, however, the debate has overlooked a different “door” SEC attorneys might walk through. Joining a plaintiffs’ side securities litigation firm would seem to be an appealing option for SEC attorneys looking to continue pursuing the same core mission of protecting investors and holding companies accountable for fraud and misconduct. There is substantial overlap between the legal regimes, types of cases, and legal skills relevant to both SEC enforcement and private securities litigation. And, as to compensation, I estimate the revenues per lawyer at one elite plaintiffs’ firm and find that this figure compares very favorably with the RPL of leading defense firms.

Given all this, one might expect that SEC attorneys regularly make their way to the plaintiffs’ bar, and vice versa. But it is not so.

This paper shows that the door between the SEC and the plaintiffs’ bar does not revolve. Among other things, I show that none of the ten leading plaintiffs’-side firms employ anyone with recent SEC experience doing plaintiffs’ side litigation; none of the enforcement attorneys I identified as working for the agency in 2015 left to do plaintiffs’ side litigation; none of the current upper- and middle-managers in the SEC’s enforcement division have any prior plaintiffs’ side experience; and only five of the enforcement attorneys I identified as working for the agency in 2019 had prior plaintiffs’ side experience.

This “non-revolving door” between the SEC and the plaintiffs bar is an intriguing, overlooked feature of the securities enforcement in the United States. Among other things, it raises the prospect that SEC attorneys might have come to embrace the defense bar’s hostile and skeptical view of the social value of securities class action litigation, with significant consequences for the securities enforcement landscape.

The Midwest Venture Model

Paige Wilson

Midwest venture capital has grown significantly in the past decade. In 2019, venture capitalists invested \$5.73 billion dollars in the Midwest, representing approximately four percent of venture capital across the nation. These figures represent a growth of more than four hundred percent in the region over the past decade. Early-stage venture capital financings in the Midwest do not look the same as earlystage venture capital financings on the coasts. But should they?

Early scholars noted regional differences in how venture capital is practiced on the East Coast and West Coast, i.e., in the major innovation hubs of Boston and Silicon Valley. Over the past decades, there is evidence that the West Coast model of venture capital, including the deal terms used in early-stage venture capital financings, have overtaken East Coast practices. This phenomenon raises the question whether other regions should also embrace West Coast practices.

This Article offers the first empirical study of startup lawyers in the Midwest. Overall, the study finds that Midwest lawyers take a more risk-averse approach than their coastal counterparts in drafting the legal agreements for early-stage venture capital financings. While there is evidence of convergence toward West Coast practices as lawyers and investors gain exposure to those practices, some key differences persist. These variations from the West Coast model can be explained as rational in emerging regions with different market dynamics, as it takes time for aspiring ecosystems like the Midwest to scale and meet the norms of a mature venture capital ecosystem.

Governance by Dividends

Geeyoung Min

For dual-class companies, stock dividends have become a potent weapon for boards to reallocate corporate control without shareholder approval. For example, the CBS board made a pro rata distribution of voting class of stock to all shareholders to drastically dilute the controlling shareholder's voting power. By contrast, the Google board distributed a new non-voting class of stock to all shareholders to preserve the controlling shareholders' lock on control. In both cases, the distribution of the identical stock to all shareholders facially treats them equally, but it, in fact, has a starkly unequal impact on each class' voting power. Given such differences and potential impact on corporate governance, the need for a distinctive treatment of stock dividends is long overdue.

As dividends have long been treated as boards' business judgment, courts have declined to second-guess their substantive merits as long as dividends are pro rata. Stock dividends are also primarily governed by each company's corporate charter, and this Article first analyzes hand-collected charter provisions from 222 dual-class companies, using them as prisms to show the companies' varying perceptions of stock dividends as a governance weapon.

Based on the analysis of the charter provisions, the Article offers normative suggestions to fill the legal vacuum in which stock dividends are created and distributed. First, as an ex-ante mechanism, state corporate statute can provide a set of default provisions on stock dividends to guide companies and also to reduce litigation costs. Second, as an ex-post remedy, the business judgment rule protection of the courts should be limited to the narrowly defined pro rata stock distribution (i.e., proportional distribution within the same class of stock). Other stock dividends without approval by class vote, in contrast, should receive increased judicial scrutiny because they are not driven primarily by business purpose, are not pro-rata, and sometimes are inseparable from board members' self-interest.

Novel Settlements

Sue Guan

In recent years, misconduct in financial markets has increasingly taken novel forms that take advantage of modern market microstructure. Largely made possible through the expanded automation of trading in financial markets, examples range from quote-based manipulation, or 'spoofing' that exploits known features of liquidity providers' algorithms, and a practice known as "last look" which holds incoming orders for a few milliseconds so that a market maker can decline to execute if the market moves in an unfavorable direction, to order-routing practices whereby broker-dealers such as TD Ameritrade send retail orders to venues offering the greatest rebates without sufficient regard for its duty of best execution.

Each of these behaviors has come under regulatory scrutiny prior to being clearly prohibited by existing law. Thus, each—due to their novelty—has been subject to a varying array of disciplining forces, sometimes in direct conflict with one another. The first regulatory responses, however, have almost always had enormous and often overlooked influence on the legal and structural landscape thereafter—including sometimes, through the inadvertent delegation of lawmaking and policymaking authority to the private market. Understanding the impact of first regulatory responses in fast-evolving markets (where courts are by nature slow to adapt) is the aim of this Article. Through a better understanding of the force and consequences of such regulatory responses, this Article develops principles to guide regulators in the future facing similar situations: novel wrongdoing with little guiding law.

Board Gatekeepers' Independence

Yaron Nili

Who will guard the guards? For the last decade, investors and scholars have been laser-focused on rudimentary benchmarks for independent boards of directors as a means to ensure that boards serve as a robust check on management's power—ensuring that the corporation does no harm. It is therefore not surprising that in addition to monitoring by external corporate gatekeepers, such as auditors, analysts and credit ratings, a new breed of internal gatekeepers has emerged: board gatekeepers.

Indeed, over the last decade, investors have pushed companies to install an independent chair on their board, or alternately, nominate a director as the Lead Independent Director. In both cases, these roles are meant to serve an independent gatekeeping function—a necessary guardrail against managements' ability to exert undue control over the boardroom. But a closer look at board gatekeepers' independence paints a concerning reality: they are often deprived of the powers necessary to rebalance the boardroom dynamic, and in many cases, their own independence is questionable at best.

This Article makes two contributions to the literature. First, it is the first to empirically explore the powers and independence of board gatekeepers. It does so through an original, hand collected, dataset that reveals the unfettered discretion companies have in designating gatekeepers' independence and powers and uncovers that many board gatekeepers are gatekeepers in title only. Second, the Article uses the context of board gatekeepers to illuminate the inherent difficulty with the governance system's reliance on the abstract concept of independence, underscoring the importance of what it terms as "functional independence" over a ceremonial designation. Recognizing that companies with faux gatekeepers may pose specific governance concerns, the Article then offers several policy recommendations to help with guarding the guards

Structural Barriers to Inclusion in FINRA's Arbitrator Pool

Nicole G. Iannarone

After being named in an AAA arbitration, Sean Carter, also known as Jay-Z, challenged the forum's legitimacy because it lacked diverse arbitrators. Years before Carter's challenge, FINRA Dispute Resolution, the forum that arbitrates most disputes between investors and stockbrokers, took steps to diversify its neutral roster. When asked whether Carter could have objected to its forum, FINRA asserted it had a sufficiently diverse roster. Unlike most arbitral forums, FINRA publishes awards that permit some assessment of its diversity efforts. This Article is the first to assess inclusion in FINRA's arbitrator pool. It makes two main contributions. First, it identifies structural barriers in arbitrator selection procedures that may

prevent newly recruited, and overall more diverse, arbitrators from presiding over smaller claims. Second, it evaluates the impact of these barriers by assessing whether newly recruited arbitrators presided over smaller claims proceedings that concluded after a hearing, finding that only 0.98 percent of such decisions were rendered by arbitrators who first appeared in FINRA's awards database after its diversity recruitment efforts. Though FINRA has taken steps to diversify, few new entrants obtain experiential credentials to preside over smaller claims. The results also illustrate the limits of FINRA's transparency and the need for additional information to fully evaluate whether arbitrator selection practices result in inclusion. These findings lay a foundation for future work to design and evaluate the impact of arbitrator qualification and selection procedures – both within and outside FINRA – to achieve the aim of inclusion in neutral selection systems.



RIP

The Red Herring notes with sadness the deaths of Stephen F. Williams of the DC Circuit and Colorado (on August 7) and Ralph K. Winter of the Second Circuit and Yale (on December 8).

OUR MISSION (SHOULD WE DECIDE TO ACCEPT IT)

For the record, the AALS website includes the following statement of purpose:

The Section on Business Associations promotes the communication of ideas, interests, and activities among members and makes recommendations on matters of interest in the teaching and improvement of the law relating to business associations.

The website address is:

<https://connect.aals.org/businessassociations>

AALS SECTION ON BUSINESS ASSOCIATIONS

EXECUTIVE COMMITTEE & OFFICERS

Term Expiring at the 2021 Annual Meeting

Afra Afsharipour, UC Davis
Tamara Belinfanti, NYLS
Tom Lin, Temple
Megan Shaner, Oklahoma

Term Expiring at the 2022 Annual Meeting

Dana Brakman Reiser, Brooklyn
Mira Ganor, Texas
Matt Jennejohn, BYU
James J. Park, UCLA
Andrew Verstein, Wake Forest

Term Expiring at the 2023 Annual Meeting

Gina-Gail Fletcher, Indiana
Manning Warren III, Louisville

Fearless Leaders

Andrew Tuch, Washington (St. Louis) – Chair
Jessica Erickson, Richmond – Chair-Elect
Anne Tucker, Georgia State – Immediate Past Chair

Fearless Editor

Richard Booth, Villanova

Formerly Fearless Editors

John Coffee, Columbia 1981-1982
Robert Thompson, Georgetown 1982-1984

A roster of past chairs (through 2013) can be found at:

<https://connect.aals.org/p/do/sd/sid=2116&fid=6292&req=direct>

Tuesday, January 5

Sessions
1:15 p.m. - 2:30 p.m. EST

1:15 p.m. - 2:30 p.m. EST
Tuesday, January 5
Add to Calendar

Section on Financial Institutions and Consumer Financial Services, Co-Sponsored by Commercial and Consumer Law: The Next Post-Crisis Financial Reform
Added to MyAgenda
More

Sessions
2:45 p.m. - 4:00 p.m. EST

2:45 p.m. - 4:00 p.m. EST
Tuesday, January 5
Add to Calendar

Section on Litigation, Co-Sponsored by Professional Responsibility: The Growth of Third-Party Litigation Finance: Opportunities and Challenges
Added to MyAgenda
More

Sessions
4:15 p.m. - 5:30 p.m. EST

4:15 p.m. - 5:30 p.m. EST
Tuesday, January 5
Add to Calendar

Section on Business Associations: New Voices in Business Law
Added to MyAgenda
More

Wednesday, January 6

Sessions
11:00 a.m. - 12:15 p.m. EST

11:00 a.m. - 12:15 p.m. EST
Wednesday, January 6
Add to Calendar

Section on Contracts: Contracting for Effort: The Law and Economics of Best and Reasonable Effort Clauses
Added to MyAgenda
More

Sessions
1:15 p.m. - 2:30 p.m. EST

1:15 p.m. - 2:30 p.m. EST
Wednesday, January 6
Add to Calendar

Section on Legal Writing, Reasoning, and Research Co-Sponsored by Technology, Law and Legal Education, Law Libraries and Legal Information: The Future Has Arrived - The Impact of Artificial Intelligence on Legal Writing and Research
Added to MyAgenda
More

Sessions
2:45 p.m. - 4:00 p.m. EST

2:45 p.m. - 4:00 p.m. EST
Wednesday, January 6
Add to Calendar

Section on Business Associations, Co-Sponsored by Securities Regulation and Transactional Law and Skills: Corporate Boards in the Age of COVID-19
Added to MyAgenda
More

Sessions
4:15 p.m. - 5:30 p.m. EST

4:15 p.m. - 5:30 p.m. EST
Wednesday, January 6
Add to Calendar

Section on Contracts: Drafting "Best Efforts" and Related Contract Clauses
Added to MyAgenda

Thursday, January 7

Sessions

11:00 a.m. - 12:15 p.m. EST

11:00 a.m. - 12:15 p.m. EST
Thursday, January 7
Add to Calendar

Section on Intellectual Property: Intellectual Property and Culture
Added to MyAgenda
More

Sessions

1:15 p.m. - 2:30 p.m. EST

1:15 p.m. - 2:30 p.m. EST
Thursday, January 7
Add to Calendar

Section on Agency, Partnership, LLC's and Unincorporated Associations: Entrepreneurship and the Entity
Added to MyAgenda
More

Sessions

4:15 p.m. - 5:30 p.m. EST

4:15 p.m. - 5:30 p.m. EST
Thursday, January 7
Add to Calendar

Section on Securities Regulation: Emerging Voices in Securities Regulation
Added to MyAgenda
More

Friday, January 8

Sessions

11:00 a.m. - 12:15 p.m. EST

11:00 a.m. - 12:15 p.m. EST
Friday, January 8
Add to Calendar

Section on Biolaw, Co-Sponsored by Intellectual Property: Science Fiction and the Law
Added to MyAgenda
More

Sessions

1:15 p.m. - 2:30 p.m. EST

1:15 p.m. - 2:30 p.m. EST
Friday, January 8
Add to Calendar

Section on Conflict of Laws: Corporations and Conflict of Laws
Added to MyAgenda
More

Sessions

2:45 p.m. - 4:00 p.m. EST

2:45 p.m. - 4:00 p.m. EST
Friday, January 8
Add to Calendar

Section on Employee Benefits and Executive Compensation, Co-Sponsored by Labor Relations and Employment Law, and Law, Medicine and Health Care: Working in a New World - Employee and Worker Benefits Re-examined in a Time of Crisis
Added to MyAgenda
More

Saturday, January 9

Sessions

11:00 a.m. - 12:15 p.m. EST

11:00 a.m. - 12:15 p.m. EST
Saturday, January 9
Add to Calendar

Section on Antitrust and Economic Regulation: Antitrust In--And After--A Time of Crisis
Added to MyAgenda
More

MORE INFORMATION ABOUT THE ABOVE PROGRAMS

Section on Financial Institutions and Consumer Financial Services, Co-Sponsored by Commercial and Consumer Law: The Next Post-Crisis Financial Reform

Added to MyAgenda

Less

After the 2008 financial crisis, Congress overhauled financial regulation. The Dodd-Frank Act of 2010 created a new consumer protection agency, limited bank investment, imposed new capital and liquidity requirements, created an umbrella financial council, and reworked derivatives oversight, among many significant pieces. This session will explore ideas about what the next sweeping financial legislation should entail.

Moderator

Rory Van Loo
Associate Professor of Law
Boston University School of Law



Speaker Call for Papers

Jeremy Kress
University of Michigan Ross School of Business

Jeremy Kress is an Assistant Professor of Business Law at the University of Michigan's Ross School of Business. Kress's scholarship focuses on financial regulation and systemic risk. Before entering academia, he was an attorney in the banking regulation and policy group at the Federal Reserve Board of Governors in Washington, D.C. In that capacity, he drafted rules to implement the Dodd-Frank Act and Basel III, and he advised the Board on the legal permissibility of bank mergers and acquisitions.

Kress is a senior research fellow at the University of Michigan Center on Finance, Law, and Policy, where he previously served as assistant executive director. Kress graduated cum laude from Harvard Law School and from the Harvard Kennedy School, where he was a Presidential Scholar.

Speaker Call for Papers

Da Lin
Assistant Professor of Law
The University of Richmond School of Law

Speaker Call for Papers

Christina Skinner
Assistant Professor
Wharton School of the University of Pennsylvania

Speaker

Yesha Yadav
Professor of Law, LL.M. Program Faculty Co-Director, Enterprise Scholar for 2017-19
Vanderbilt University Law School

Section on Litigation, Co-Sponsored by Professional Responsibility: The Growth of Third-Party Litigation Finance: Opportunities and Challenges

 Added to MyAgenda

Less 

Over the last decade, third-party litigation finance in the United States has quickly grown into a \$10 billion industry. Third-party litigation finance has been praised for increasing access to justice and reducing variations in litigation resources and risk tolerance, but concerns have been raised about champerty, less meritorious litigation, and effects on lawyer independence and client control. This program will explore third-party litigation finance with attention to contested issues such as fee splitting, claim assignment, aggregate litigation, and attorney-client privilege. The program will explore proposals such as disclosing third-party litigation finance in litigation and permitting non-lawyer ownership or investment in law firms.



Moderator

Byron G. Stier

Associate Dean for Strategic Initiatives and Professor of Law
Southwestern Law School

Byron Stier is Associate Dean for Strategic Initiatives, Director of the Civil Litigation and Advocacy Concentration, and Professor of Law at Southwestern Law School in Los Angeles. He serves as Chair of the Section on Litigation of the Association of American Law Schools, Liaison of the ABA Section of International Law to the ABA Section of Legal Education and Admissions to the Bar, Vice Chair of the ABA International Ethics Committee, and Vice President of the Harvard Law School Association of Los Angeles. A former litigator at Skadden Arps and Jones Day, his scholarship focuses on mass tort litigation. He received his J.D. from Harvard Law School; LL.M. in Legal Education from Temple University Beasley School of Law, where he was an Abraham L. Freedman Fellow and Lecturer in Law; and B.A., summa cum laude, from the University of Pennsylvania, where he was a Dean's Scholar and Benjamin Franklin Scholar.



Speaker

John Beisner

Partner

Skadden, Arps, Slate, Meagher, & Flom LLP

John Beisner is the leader of Skadden Arps' Mass Torts, Insurance and Consumer Litigation Group. His practice focuses on the defense of class actions, mass tort matters, and other complex civil litigation in both trial and appellate courts. Over the past 40 years, John has defended major U.S. and international corporations in more than 600 class actions. In the mass tort arena, John has handled numerous matters before the Judicial Panel on Multidistrict Litigation and has been involved in over 30 multidistrict litigation proceedings, typically in a lead counsel role. John is a frequent writer and lecturer on class action and complex litigation issues. In 2013, he received the Burton Award for Legal Achievement, which recognizes excellence in legal scholarship. John is listed in the top tier (Star Individual) in Chambers USA: America's Leading Lawyers for Business in the area of products liability.

Speaker

Jonathan T. Molot

Prof.

Georgetown University Law Center



Speaker

Victoria S. Sahani

Professor of Law

Arizona State University Sandra Day O'Connor College of Law

Victoria Shannon Sahani is the Associate Dean of Faculty Development and a Professor of Law at Arizona State University Sandra Day O'Connor College of Law. She is also the Director of the Faculty Inclusion Research for System Transformation Initiative, or FIRST Initiative, a university-wide initiative commissioned by the ASU president's office examining the history of race and inclusion among faculty at the University. Professor Sahani is a co-author of the book *Third-Party Funding in International Arbitration* (2d ed. 2017) (with Lisa Bench Nieuwveld), as well as numerous book chapters, articles, essays, and blogs posts. Prior to joining the legal academy, Professor Sahani served for five years as Deputy Director of Arbitration and ADR in North America for the International Chamber of Commerce (ICC) International Court of Arbitration, as well as Deputy Director of the Arbitration and ADR Committee of the United States Council for International Business (USCIB).

Speaker

Anthony J. Sebok

Professor of Law and Co-Director, Jacob Burns Center for Ethics in the Practice of Law
Benjamin N. Cardozo School of Law

Speaker

Maya Steinitz

Professor and Bouma Family Fellow in Law
University of Iowa College of Law

Section on Contracts: Contracting for Effort: The Law and Economics of Best and Reasonable Effort Clauses

 Added to MyAgenda

Less 

Best effort clauses in contracts are prevalent and in some sense paradoxical. For instance, in the extensive literature on the economics of contracts, it is almost universally accepted that "effort" is non-contractable because it is unobservable and unverifiable by courts or other arbitral bodies, yet everyday lawyers are busy drafting hundreds or thousands of best effort clauses. What exactly accounts for this apparent disconnect between economic theory and legal practice? We will to explore this question among others by examining scholarship and practice on topic of best effort clauses.

Moderator

Richard Brooks
Professor of Law
New York University School of Law

Speaker

Nathan Atkinson
Postdoctoral Fellow in Law and Economics
ETH Zurich Center for Law & Economics

Speaker

Patrick Bolton
Columbia Law School

Speaker

Julian Nyarko
Assistant Professor of Law
Stanford Law School



Speaker

Sarah Sanga
Associate Professor of Law
Northwestern University Pritzker School of Law

Sarah Sanga's principal areas of research are corporate law and contract theory. An interdisciplinary scholar, his work has appeared in leading law, economics, and scientific journals, including the *Journal of Political Economy*, the *Journal of Law & Economics*, *California Law Review*, and *Science*. Sanga holds a BA in economics from the University of Michigan, Ann Arbor, a PhD in economics from the University of California, Berkeley, and a JD from Yale.

Speaker

Alexander Stremtizer
University of California, Los Angeles School of Law

Section on Legal Writing, Reasoning, and Research Co-Sponsored by Technology, Law and Legal Education, Law Libraries and Legal Information:
The Future Has Arrived - The Impact of Artificial Intelligence on Legal Writing and Research

Added to MyAgenda

Less 

Legal Writing, Reasoning, and Research Co-Sponsored by Technology, Law and Legal Education, and Law Libraries and Legal Information: The Future Has Arrived: The Impact of Artificial Intelligence on Legal Writing and Research

Moderator

Emily Janoski-Haehlen

Associate Dean of Academic Affairs & Institutional Excellence, Associate Professor and Director, Law Library
University of Akron School of Law



Moderator

Timothy J. Duff

Visiting Assistant Professor of Legal Practice Skills
Suffolk University Law School

Tim Duff is a Visiting Assistant Professor of Legal Practice Skills at Suffolk University Law School in Boston, Massachusetts. Professor Duff previously taught first-year legal writing, advanced legal writing, and appellate practice at Case Western Reserve University School of Law in Cleveland, Ohio. He also practiced law for more than 27 years. He has been a Board Certified Specialist in Appellate Law and has been recognized as an Ohio SuperLawyer in Appellate Practice. Professor Duff is actively involved in the national legal-writing community, including AALS's Section on Legal Writing, Reasoning, and Research, LWI, and ALWD. He is also the Chair-Elect for AALS's Section on New Law Professors. Professor Duff presents frequently at national and regional conferences on legal writing, teaching methods, experiential education, and litigation.



Speaker

Dyane O'Leary

Associate Professor of Legal Writing
Suffolk University Law School

Speaker

Joe Regalla

Associate Professor of Law
University of Nevada, Las Vegas, William S. Boyd School of Law



Speaker

Drew T. Simshaw

Assistant Prof. of Law
Gonzaga University School of Law

Professor Simshaw researches the interplay between artificial intelligence and legal ethics, access to justice, and legal education. Before joining Gonzaga University School of Law, he represented public interest organizations at federal agencies and before federal appellate courts as a communications and technology attorney with the Institute for Public Representation in Washington, D.C. He previously taught at the Elon University School of Law and the Georgetown University Law Center. A proud AmeriCorps alum, he earned his B.A. from the University of Washington, J.D. from the Indiana University Maurer School of Law, and LL.M with distinction from the Georgetown University Law Center.

Section on Intellectual Property: Intellectual Property and Culture

 Added to MyAgenda

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The program on Intellectual Property and Culture is the main program of the section on Intellectual Property, and it is co-sponsored by the section on Art Law and the section on Law and the Humanities. The program will examine ways in which intellectual property responds to, and is shaped by, cultural practices as well as how intellectual property's role in these practices implicates larger social values.

Moderator

Christopher Newman

Antonin Scalia Law School at George Mason University

Speaker

Jasmine C. Abdel-Khalik

University of Missouri-Kansas City School of Law

Jasmine Abdel-khalik is the Associate Dean of Students at the University of Missouri-Kansas City School of Law, where her research and teaching interests include trademarks, business torts, copyright, and contracts. She has been examining how intellectual property doctrine may reentrench existing stereotypes and biases as well as the intersect of intellectual property laws and protection of speech. Professor Abdel-khalik has been honored to receive several teaching and research awards at UMKC.



Speaker Call for Papers

Courtney M. Cox

Fordham University School of Law



Speaker

Willajeanne F. McLean

University of Connecticut School of Law

Distinguished Professor of Law, University of Connecticut School of Law

Professor McLean has been a member of the UCONN law faculty since 1991, and has taught Trademark Law, Torts, Law and Institutions of the European Union, and a seminar on Intellectual Property Law in the EU. She was a Fulbright Fellow at Adam Mickiewicz University in Poznań, Poland, where she taught Comparative EU and U.S. Intellectual Property Law and lectured at the Intellectual Property Law Institute of the Jagiellonian University in Cracow. More recently, she gave a series of lectures on Comparative Intellectual Property issues at Beijing Normal University in Beijing, China. Her research interests include the interface of intellectual property, popular culture, and European law.



Speaker

Matthew Sipe

University of Baltimore School of Law

Matthew Sipe is an assistant professor of law at the University of Baltimore School of Law. His research focuses on the relationship between law, innovation and ownership—particularly with respect to intellectual property and antitrust. His work has been published or is forthcoming in law reviews such as the University of Pennsylvania Law Review, the Wisconsin Law Review, and the Harvard Journal of Law & Technology.

Prior to joining UB Law, Professor Sipe taught at George Washington University Law School as the Frank H. Marks Visiting Associate Professor in Intellectual Property. His previous position was at the U.S. Supreme Court, serving an appointment as a Supreme Court Fellow. Professor Sipe received his J.D. from Yale Law School and his undergraduate degree from the University of Virginia.

Section on Agency, Partnership, LLC's and Unincorporated Associations: Entrepreneurship and the Entity

 Added to MyAgenda

Less 

How do issues of entity choice, structure, and finance encourage entrepreneurship? This panel will showcase scholarship on subjects at the intersection of business law and entrepreneurship, including entity choice throughout a company's evolution, financing alternatives, and the use of legal rules to promote and discourage different kinds of entrepreneurship. It will explore for-profit enterprise as well as non-profit and social enterprise.



Moderator
Jeremy Kidd
Associate Professor
Mercer University School of Law

Jeremy Kidd is a law and economics scholar who teaches a variety of business and commercial law subjects. He specializes in public choice theory, with a focus on how special interests use the various mechanisms of government to achieve their private ends. Applying theories of "rent seeking" he has published and presented on the topics of hedge fund regulation, innovation policy, and third-party legal funding.

Prof. Kidd received his J.D. from the Antonin Scalia Law School in 2007 and his Ph.D. in Economics from the John M. Huntsman School of Business in 2009. A member of the Utah Bar and the District of Columbia Bar. Prior to entering academia, he clerked for Alice Batchelder on the Sixth Circuit and Ted Stewart on the District Court for Utah.

Prof. Kidd is currently a Visiting Associate Professor at the Catholic University of America, Columbus School of Law.

Speaker
Jordan M. Barry
Professor of Law, Director, Center for Corporate and Securities Law; Co-Director, Graduate Tax Programs
University of San Diego School of Law

Speaker
Priya Baskaran
Assistant Professor
American University, Washington College of Law

Speaker Call for Papers
William J. Moon
Assistant Professor of Law
University of Maryland Francis King Carey School of Law



Speaker Call for Papers
Paige Wilson
Assistant Clinical Professor of Law
The Ohio State University, Michael E. Moritz College of Law

Professor Paige Wilson directs the Entrepreneurial Business Law Clinic (EBLC) at The Ohio State University Moritz College of Law. Prior to joining the law school faculty, Professor Wilson practiced law at Gunderson Dettmer in New York City, where she represented high-growth technology companies and venture capital funds. Professor Wilson earned her JD from Yale Law School in 2013.

Section on Securities Regulation: Emerging Voices in Securities Regulation

 Added to MyAgenda

Less 

The AALS Section on Securities Regulation is delighted to bring together junior and senior securities regulation scholars to highlight the work of junior scholars and provide them feedback. Junior scholars' presentations of their drafts will be followed by comments from senior scholars and further audience discussion.



Moderator
Wendy G. Couture
Associate Dean for Faculty
University of Idaho College of Law

Commentator
Eric C. Chaffee
Associate Professor
University of Toledo College of Law



Speaker Call for Papers
William W. Clayton
Associate Professor of Law
Brigham Young University, J. Reuben Clark Law School

William Clayton joined the BYU Law faculty in July 2018. Before coming to BYU, he worked as a corporate attorney at Wachtel, Lipton, Rosen & Katz and Simpson Thacher & Bartlett LLP in New York City, and he was the Executive Director of the Yale Law School Center for the Study of Corporate Law. His research interests are in the areas of investment funds, contracts, corporate governance, and securities law, and he teaches courses on contracts, business organizations, and corporate finance. Clayton is the founder of the BYU Law Deals Academy, an experiential learning and career program for first-year law students. Clayton holds a J.D. from Yale Law School, an M.B.A. from Stanford Graduate School of Business, and a B.A. from Stanford University.

Commentator
Gina-Gail S. Fletcher
Professor
Duke University School of Law

Speaker Call for Papers
Caleb N. Griffin
Belmont University College of Law

Commentator
Michael D. Guttentag
Professor & John T. Gurash Fellow in Corp. Law & Bus.
Loyola Law School, Los Angeles



Commentator
Joan M. Heminway
Rick Rose Distinguished Professor of Law and Interim Director of the Institute for Professional Leadership
University of Tennessee College of Law

As a former (15-year) practitioner in transactional corporate and securities law, I teach law students the basics of business associations, corporate finance, securities regulation, and contract drafting. I conduct research and publish written work in the same areas, with an emphasis on disclosure law and policy. I infuse this teaching with leadership principles and processes, and in my role as Interim Director of the College of Law's Institute for Professional Leadership, I help to manage a curriculum that offers basic and advanced instruction on leadership traits, roles, and methods.

I also have an interest in the ways in which the law interacts with nonhuman animals and have taught courses and lectured on that subject.



Speaker Call for Papers

Andrew K. Jennings

Teaching Fellow, Corporate Governance & Practice and Lecturer in Law
Stanford Law School

Andrew Jennings is a Lecturer in Law and the Teaching Fellow for the Corporate Governance & Practice program at Stanford Law School. His research interests focus on corporate governance and compliance, securities regulation, and white-collar crime.

Prior to joining Stanford, Andrew was a scholar in residence at Duke Law School and a law clerk to the Hon. Helene N. White of the U.S. Court of Appeals for the Sixth Circuit. He practiced law at Cravath, Swaine & Moore LLP, where he handled M&A and corporate governance matters, and later at Sullivan & Cromwell LLP, where he practiced in criminal defense and investigations and civil litigation.

Andrew is the creator and host of the Business Scholarship Podcast, a podcast of interviews with business scholars about their recent research. He received a J.D. and M.A. from Duke University and a B.A. from Hampden-Sydney College.

Commentator

Kristin N. Johnson

McGlinchey Stafford Professor of Law
Tulane University Law School

Commentator

Arthur B. Laby

Professor, Co-Director, Rutgers Center for Corporate Law and Governance
Rutgers Law School

Speaker Call for Papers

Geeyoung Min

Assistant Professor of Law
Michigan State University College of Law



Speaker Call for Papers

Alexander Platt

Associate Professor of Law
University of Kansas School of Law

Alexander I. Platt joined the KU Law faculty in 2020 as an associate professor of law. His scholarship focuses on the public and private enforcement of the federal securities laws. His perspective on these subjects is informed by four years of experience representing both defendants and plaintiffs (including class action plaintiffs) in securities and other corporate and commercial law matters at a prominent law firm in Washington, D.C.

Before joining KU, Platt was a Climenko Fellow and Lecturer on Law at Harvard Law School. Platt received his B.A., magna cum laude, in Philosophy and Political Science from Columbia University, and his J.D. from Yale Law School, where he served as an Articles Editor on the Yale Law Journal. After graduating from law school, he clerked for judges Stephen F. Williams (D.C. Cir.) and Royce C. Lamberth (D.D.C.).

Speaker Call for Papers

Peter Robau

Wagner Fellow
NYU Pollack Center for Law & Business

Speaker Call for Papers

James Fallows Tierney

Assistant Professor of Law
University of Nebraska College of Law

Commentator

Andrew Tuch

Professor of Law
Washington University in St. Louis School of Law

Speaker Call for Papers

Emily Winston

Assistant Professor
University of South Carolina School of Law

Section on Biolaw, Co-Sponsored by Intellectual Property: Science Fiction and the Law

 Added to MyAgenda

Less 

How can science fiction help us think about teaching law, legal scholarship, and legal reform? Panelists will discuss how the use of science fiction texts can help students learn about law and technology, how science fiction can help us better understand the law of emerging technology, and how science fiction can inform our understanding of underlying legal concepts. The panel will also involve comments from a leading science fiction author on how the law informs and come into their own fictional work.



Moderator

Deven R. Desai

Georgia Institute of Technology

Deven Desai is a professor at the Georgia Institute of Technology, Scheller College of Business where he is the Area-Coordinator for Law and Ethics. His is also the Associate Director for Law, Policy, and Ethics for ML@GATECH. He was also the first and, to date, only Academic Research Counsel at Google, Inc., and a Visiting Fellow at Princeton University's Center for Information Technology Policy.

Professor Desai's scholarship examines how business interests, new technology, and economic theories shape privacy, technology, competition, and intellectual property law and where those arguments explain productivity or where they fail to capture society's interest in the free flow of information and development. His work has appeared in leading law reviews and journals including the Georgetown Law Journal, Minnesota Law Review, Notre Dame Law Review, Florida Law Review, Wisconsin Law Review, U.C. Davis Law Review, and Harvard Journal of Law and Technology.

Speaker

Marc Jonathan Blitz

Professor of Law

Oklahoma City University School of Law

Speaker

Camilla Hrdy

Associate Professor

University of Akron School of Law

Speaker

John Scalzi

Independent Author

Speaker

Victoria Sutton

Associate Dean for Digital Learning and Graduate Education; Paul Whitfield Horn Professor

Texas Tech University School of Law

Section on Conflict of Laws: Corporations and Conflict of Laws

 Added to MyAgenda

Less 

Business law increasingly intersects with conflict of laws. Jurisdictional competition is growing for both corporate organization and corporate litigation, leading lawyers and legislators to respond in creative ways. This year's section meeting will host discussions of current topics on this theme, including jurisdictional provisions in corporate registration statutes, cross-border competition for corporate law, forum selection in corporate bylaws, and use of foreign regulatory materials in U.S. corporate litigation. The section meeting will close with recognition of Symeon Symeonides for completion of his 30th Annual Survey of Choice of Law in the American Courts.

Moderator

John F. Coyle

University of North Carolina School of Law

Moderator

Aaron D. Simowitz

Willamette University College of Law

Speaker

Kevin Benish

New York University School of Law

Speaker

William J. Moon

Assistant Professor of Law

University of Maryland Francis King Carey School of Law

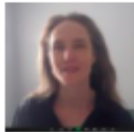


Speaker

Symeon C. Symeonides

Willamette University College of Law

Symeon C. Symeonides is the Alex L. Parks Distinguished Professor of Law and Dean Emeritus at Willamette University. He is the author of thirty annual surveys of choice-of-law cases decided by American courts. The last twenty of those surveys are now published in Symeonides, *Choice-of-Law in Practice: A Twenty-Year Report from the Trenches* (Brill-Nijhoff 2020) available at <https://brill.com/view/title/58306>



Speaker

Verity Winship

University of Illinois College of Law

Speaker

Diego Zambrano

Stanford Law School

Section on Employee Benefits and Executive Compensation, Co-Sponsored by Labor Relations and Employment Law, and Law, Medicine and Health Care: Working in a New World - Employee and Worker Benefits Re-examined in a Time of Crisis

Added to MyAgenda

Less 

In the wake of COVID-19, employee benefits received renewed interest and attention. Employees in positions with comprehensive benefits plans worried about their futures. Would they be facing furloughs or unemployment substantially earlier than they planned to leave the workforce? If they remained employed, would their employer decrease support to defined contribution plans making it more difficult for them to plan for an uncertain future? This program will explore the wide-ranging questions impacting all aspects of the employee benefits spectrum.

Moderator

Deepa Das Acevedo

Assistant Professor

University of Alabama School of Law



Speaker

Christine Lazaro

Professor of Clinical Education, Director, Securities Arbitration Clinic

St. John's University School of Law

Christine Lazaro is a Professor of Clinical Legal Education and the Director of the Securities Arbitration Clinic at St. John's University School of Law. She is also Of Counsel to the Law Offices of Brent A. Burns, where she consults on securities arbitration and regulatory matters. Professor Lazaro is a member of the Public Investors Advocate Bar Association, served as its President from 2018 through 2019 and currently serves on its Board of Directors and as co-chair of its Fiduciary Standards Committee. Professor Lazaro is also a member of the New York State Bar Association and is co-chair of its Securities Disputes Committee. Professor Lazaro also serves on the FINRA Investor Issues Advisory Committee. Professor Lazaro speaks and writes regularly on the topics of securities arbitration and the duties of brokers and brokerage firms.

Speaker

Norman P. Stein

Professor

Drexel University Thomas R. Kline School of Law

Section on Antitrust and Economic Regulation: Antitrust In--And After--A Time of Crisis

Added to MyAgenda

Less 

This panel will examine how antitrust law has responded to, and been affected by, crisis. COVID-19 is only the most recent crisis. Antitrust law was adopted at a time of economic crisis and has been challenged by wars, depressions, and recessions. For antitrust, these challenges have often required a reevaluation of merger standards, cartel and collaborative agreements, and individual firm pricing decisions. These problems have been faced not just in the United States but in the many other jurisdictions to which competition law has spread. Our panelists will consider antitrust responses to crises beyond COVID-19 and beyond the United States.

Speaker

Eleanor M. Fox
New York University School of Law

Speaker

Okeoghene Odudu
University of Cambridge Faculty of Law



Speaker

Barak Orbach
The University of Arizona James E. Rogers College of Law



Speaker

Nancy L. Rose
Massachusetts Institute of Technology

Charles P. Kindleberger Professor of Applied Economics
MIT Department of Economics
<https://economics.mit.edu/faculty/nrose>

Nancy L. Rose is the Charles P. Kindleberger Professor of Applied Economics and former Department Head of the MIT Economics Department. Her research analyzes the economic and legal foundations for more effective antitrust enforcement, building on her experience as Deputy Assistant Attorney General for Economic Analysis in US DOJ Antitrust Division and as founding director of the National Bureau of Economic Research (NBER) program in Industrial Organization. She is a former Vice President of the American Economic Association, fellow of the American Academy of Arts and Sciences, a Distinguished Fellow of the Industrial Organization Society, and Research Associate of the NBER. Recent work includes "Will Competition be a COVID-19 Casualty?" https://www.hamiltonproject.org/papers/will_competition_be_another_covid_19_casualty and "Restoring Competition in the United States: A Vision for Antitrust Enforcement for the Next Administration and Congress." https://equitablegrowth.org/research-paper/restoring-competition-in-the-united-states/?longform=true#how_the_antitrust_enforcement_agencies_can_optimize_deterrence

SOME OTHER PROGRAMS OF POSSIBLE INTEREST

- Section on Jurisprudence and Torts and Compensation Systems Joint...

Tuesday, January 5, 2021 · 1:15 – 2:30pm

- ≡ AALS 2021 Annual Meeting – The Power of Words
Section on Jurisprudence and Torts and Compensation Systems Joint Program: From Personal Life to Private Law: A Celebration of John Gardner's Jurisprudence

- AALS Open Source Program The Power of Supply Chains

Tuesday, January 5, 2021 · 2:45 – 4:00pm

- ≡ AALS 2021 Annual Meeting – The Power of Words
AALS Open Source Program The Power of Supply Chains

- Section on Intellectual Property: Communicating Intellectual...

Tuesday, January 5, 2021 · 4:15 – 5:30pm

- ≡ AALS 2021 Annual Meeting – The Power of Words
Section on Intellectual Property: Communicating Intellectual Property Law

BUT WAIT! THERE'S MORE ...

Shortly before going to press, the Red Herring received word of one more session of possible interest. According to Patricia McCoy of the Section on Financial Institutions and Consumer Financial Services, in addition to the official section session (Tuesday, January 5) the powers that be have organized an off-site (off-shore?) scholarly workshop to allow more colleagues to present their work. This virtual off-site workshop will take place on Zoom on Wednesday, January 6, 2021, 1:00 to 5:00 PM EST.

- Paolo Saguato, *The Regulator of Last Resort*
- Commentator: Patricia McCoy

- Hilary Allen, *Precautionary Regulation of Fintech Regulation*
- Commentator: Yesha Yadav

- Arthur Wilmarth, *Taming the Megabanks: Why We Need a New Glass-Steagall Act*
- Commentator: Erik Gerding

- Nakita Cuttino, *Conscious Credit: Can Private Debt Serve the Public Good?*
- Commentator: Frank Partnoy

- Nadav Orian Peer, *Bank's Liquidity Premium: Who Gets It and Why It Matters for Social Justice*
- Commentator: Jeremy Kress

Zoom window opens at 12:30 PM – for those who want to chat.

<https://bccte.zoom.us/j/96072899815>

Meeting ID: 960 7289 9815

Trouble? Call or text Patricia Mccoy on 216-287-6597.