

Boston University School of Law  
765 Commonwealth Avenue  
Boston, Massachusetts 02215  
*fredtung@bu.edu*

***EDUCATION***

- Harvard Law School, Cambridge, Massachusetts.  
J.D. *cum laude* 1987.
- Cornell University, Ithaca, New York (January 1981 - May 1983).  
A.B. 1983 *cum laude* in Computer Science  
and with Distinction in All Subjects.  
Phi Beta Kappa;  
Phi Kappa Phi.
- Jiao Tong University, Shanghai, China. Summer China Program 1982. Intensive eight week study-tour program co-sponsored by the Chinese government and the Jiao Tong University System.
- University of California, Berkeley, California. (September 1979 - December 1980).  
UC Honor Student, UC Alumni Scholar,  
Edward Frank Kraft Prize.

***CURRENT EMPLOYMENT***

Howard Zhang Faculty Research Scholar and Professor of Law ('10 – ).

Research and teaching interests: Corporations, Bankruptcy & Corporate Reorganization, Property, Securities Regulation, Financial Regulation, International Regulatory Competition and Coordination, Analytical Methods for Lawyers.

***Law School Service:***

Associate Dean for Equity, Justice and Engagement (July '21- Oct. '22).

- Organized BU Law Student Support Services, a joint project between BU Law and Boston Medical Center (BMC), to enable law students to seek confidential mental health services from BMC clinicians working in BMC's Center for Multicultural Mental Health.
- Principal Investigator for a grant recently awarded by the Law School Admissions Council (LSAC). The grant supports the *BU Summer Pre-Law Academy* (BU-SPLA), a program for college students from underrepresented groups with a demonstrated interest in pursuing law school.

- Organizer: Congresswoman Barbara Jordan Speaker Series on Race, Law & Inequality (2021-22)
  - K-Sue Park (Georgetown Law School):  
*Why the History Wars Matter: Property and Racial Violence in America* (November 4, 2021).
  - Jamila Jefferson-Jones (Wayne State University Law School):  
“*Driving While Black*” as “*Living While Black*” (February 10, 2022).
  - Monica Bell (Yale University):  
*The Elusive End of Black Residential Freedom* (March 3, 2022).
  - Meera Deo (Southwestern Law School):  
*Pandemic Effects on Legal Education* (March 23, 2022).
- Organizer: BU Law faculty DEI classroom training with Rich Diversity Consulting (Prof. Camille Rich (USC))
  - Creating the Inclusive Law School Classroom for Gen Z Students: Auditing Your Classroom for Belongingness Norms* (Aug. 30; Sept. 1, 2021).
  - From Colorblindness to Social Justice: Understanding How Your Equality Model Shapes the Law Student Experience* (Oct. 22, 2021).
- Organizer: DEI training for BU Law Committee on Continuation, Promotion & Tenure (Prof. Osamudia James (UNC); July-Sept. 2021).
- Co-chair, Community & Inclusion Committee:
  - Effected amendment to JD Student Handbook regarding Unprofessional Conduct.
  - Co-principal drafter of the law school’s DEI Strategic Plan.
- 1L DEI Orientation: created and organized Inclusive Classroom presentations:
  - *Legal Pedagogy, Classroom Dialogue & Community Expectations* (Sept. 2021).
  - *To Think Like a Lawyer, Start with Racial Literacy* (Sept. 2022).
- Organized an iteration of *In Real Law (IRL)*: a series of dinner programs connecting first generation law students and law students of color with a diverse group of successful practicing attorneys in Boston for professional development (Oct. 2022).

Associate Dean for Academic Affairs ('15 – '18).

- Principal Organizer: Corporate Counsel Externship Program (Summer '17 – ).  
Recruited and hired Prof. Cecily Banks, who had been running a corporate counsel externship program at another law school. Under Prof. Banks' supervision, the program has thrived.
- Co-organizer: Introduction to Business Fundamentals ('15-'17).
  - Responding to alumni suggestions that law students' business backgrounds were insufficient for today's legal environment, I and several business law colleagues created an online, self-paced, asynchronous computer program, as a required part of the JD curriculum.
  - Low-stakes delivery mechanism to introduce students to business basics. Assessment based on multiple choice exams. A student passes with a 70% score on the post-course exam. May re-take as many times as necessary to achieve a passing score.
- Principal Organizer: 1L Lawyering Lab Program ('14-'15).
  - Required one-week transactional simulation that 1Ls take in January before the start of spring semester.
  - Meant to contrast with bulk of students' first semester reading appellate cases. 1Ls get a very different perspective on law practice in the Lawyering Lab, which offers experiential learning in a team-based transactional environment, incorporating such lawyering skills as client counseling, negotiation, teamwork, contract drafting, and problem solving.

**Other Administrative Roles:**

- Appointments Committee ('13-'18; '19-'23; Chair '14-'15, '20-'21).
- Outcomes and Assessments Committee (Chair '17-'18).
- Revenue Committee ('14-'17; Co-chair '17).
- Experiential Learning/ Lawyering Lab Committee ('13-'15).
- Transactional Law Committee ('11-'13).
- Competencies Task Force ('13-'14).
- Strategic Planning Committee ('11-'12).
- Academic Program Review Committee ('17-'18).
- Governance Committee ('17-'18).
- Continuation, Promotion and Tenure Committee ('12-'13).
- Faculty Advisor, Review of Banking and Financial Law ('10- ).

*University Service:* University Faculty Affairs Council ('15 – '18).

*Selected International Service:*

- Consultant (2007). Ministry of Justice, Ethiopia. Retained to assist in comprehensive reform of Ethiopian Commercial Code. I gave two lectures; the latter was broadcast live throughout the country to judicial trainees working in various parts of Ethiopia:
  - *Reforming Ethiopian Bankruptcy Law.*  
Ethiopia Ministry of Justice. Addis Ababa, June 27, 2007.
  - *U.S. and Ethiopian Commercial Law: A Comparative Analysis.*  
Ethiopia Supreme Court. Addis Ababa, June 29, 2007.
- Consultant/ Team Leader (1999). Center for Commercial Law and Economics, Indonesia. Retained to design and implement seminar series for Indonesian government officials, academics, and lawyers on corporate reorganization law. Sponsored by USAID through the Partnership for Economic Growth. I presented:
  - *Distribution of Assets under US and Indonesian Bankruptcy Law.*  
Center for Commercial Law and Economics, Bukit Jimbaran, Bali, Indonesia. July 29-31, 1999.
- Lecturer in Law, Peking University (1988-89). Beijing, China. Taught courses in American corporation law, American commercial law; pursued independent research in economic development and comparative law issues.
- Interpreter, ABC News (May 1989). Beijing, China. Conducted on-camera interviews by simultaneous interpretation (English and Mandarin) for ABC News coverage of Democracy Movement.

*Selected Community Service:*

- Board of Directors, [Breakthrough Greater Boston \(BTGB\)](#) ('18- ).
  - Non-profit educational organization with a dual mission.
  - Offers a six-year outside-of-school educational program for low-income middle school students in Greater Boston to put them on the path to college and help them succeed once there.
  - Helps college students launch careers in education, selecting from a national pool of college students and training them to be the Teaching Fellows in the program.
- Harvard Mediation Program: Board of Directors, Mediation Training Instructor, Mediator (1985-87).

- Consumer Law Task Force, Atlanta Legal Aid Society (2008-10).
  - During the financial crisis, while I was at Emory, I worked with the Consumer Law Task Force of the *Atlanta Legal Aid Society* to halt foreclosures and keep families in their homes, as well as share information about ongoing mortgage scams.
  
- Summer bridge programs:
  - While at the University of San Francisco, I regularly taught summer bridge programs for incoming 1Ls from underrepresented communities. Though in-person bridge programs are expensive, I hope and expect that our newfound collective expertise with Zoom teaching may enable more law schools to offer remote or hybrid-form summer bridge programs going forward. Having witnessed the bonding and collegiality that emerges from these programs, I am a big fan.
  
- Board of Trustees, Institute of Continuing Legal Education for the State Bar of Georgia (2005-10).
  
- Wellesley Little League: Board of Directors ('12-'15); Summer Baseball Commissioner ('14); coach/ manager (F'10, SP'11, F'11, SP'12, SUM'12, F'12, SP'13, SUM'13, F'13, SP'14, SUM'14, SP'15). Weston Little League: manager (F'10). Wellesley United Soccer Club: coach (F'11). Wellesley Youth Hockey Ass'n: team manager (winter '10-'11). Druid Hills Baseball: T-ball League Director (F'09; SP'10); T-ball/ baseball coach and manager (F'08, SP'09, SUM'09, F'09; SP'10; SUM'10).
  
- Team in Training, Leukemia Society of Northern California (1997): Runner and Mentor for fundraising arm of Leukemia Society. Completed the San Francisco Marathon, July 1997.

February 22, 2023

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***Law School Service:***

- Associate Dean for Equity, Justice and Engagement (July '21 – Oct. '22).
- Associate Dean for Academic Affairs ('15 – '18).
- Appointments Committee ('13-'18; '19-'23; Chair '14-'15, '20-'21).
- Outcomes and Assessments Committee (Chair '17-'18).
- Revenue Committee ('14-'17; Co-chair '17).
- Principal Organizer: 1L Lawyering Lab Program ('14-'15).
- Experiential Learning/ Lawyering Lab Committee ('13-'15).
- Transactional Law Committee ('11-'13).
- Competencies Task Force ('13-'14).
- Strategic Planning Committee ('11-'12).
- Academic Program Review Committee ('17-'18).
- Governance Committee ('17-'18).
- Continuation, Promotion and Tenure Committee ('12-'13).
- Faculty Advisor, Review of Banking and Financial Law ('10- ).

*University Service:* University Faculty Affairs Council ('15 – '18).

***RECENT ACADEMIC APPOINTMENTS***

- Harvard Law School  
Visiting Professor of Law ('12). Taught bankruptcy.
- Emory University School of Law  
Robert T. Thompson Professor of Law and Business ('09-'10).  
Professor of Law ('05-'09).

***Law School Service:***

- Appointments Committee ('05-'09).
- Chair, Colloquium and Scholarship Committee ('07-'08).

- Transactional Program Committee ('07-'10).
- Chair, Curriculum Subcommittee on Transactions and Regulation ('09-'10).
- Woodruff Scholars Selection Committee ('06, '09).
- Faculty Advisor, Emory Bankruptcy Developments Journal ('05-'10).

*University Service:* University Search Committee for Senior Vice Provost of Diversity and Community Development ('06-'07).

## **PUBLICATIONS**

- [\*Do Lenders Still Monitor? Leveraged Lending and the Search for Covenants\*](#), 47 JOURNAL OF CORPORATION LAW 153 (2021).
- [\*Financing Failure: Bankruptcy Lending, Credit Market Conditions, and the Financial Crisis\*](#), 37 YALE J. ON REG. 651 (2020).
- BANKRUPTCY AND CORPORATE REORGANIZATION: LEGAL AND FINANCIAL MATERIALS (4<sup>th</sup> ed., Foundation Press 2016) (with Mark J. Roe).
- Teacher's Manual for BANKRUPTCY AND CORPORATE REORGANIZATION: LEGAL AND FINANCIAL MATERIALS (4<sup>th</sup> ed., Foundation Press 2016).
- [\*Law and Project Finance\*](#), 25 J. Fin. Intermediation 154 (2016) (with Krishnamurthy Subramanian, Chief Economic Adviser to the Government of India).
- [\*Breaking Bankruptcy Priority: How Rent-Seeking Upends the Creditors' Bargain\*](#), 99 VA. L. REV. 1235 (2013) (with Mark J. Roe); quoted in *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973 (2017); selected as one of the Top 10 Corporate and Securities Articles of 2014 by corporate and securities law professors polled by *Corporate Practice Commentator*.
- [\*Reverse Regulatory Arbitrage: An Auction Approach to Regulatory Assignments\*](#), 98 IOWA L. REV. 1895 (2013) (with M. Todd Henderson).
- [\*Pay for Regulator Performance\*](#), 85 S. CAL. L. REV. 1003 (2012) (with M. Todd Henderson).
- *Paying Bank Examiners for Performance*, REGULATION 34:1 (Spring 2012) (with M. Todd Henderson).
- [\*Pay for Banker Performance: Structuring Executive Compensation for Risk Regulation\*](#), 105 Nw. U. L. Rev. 1205 (2011).
- [\*The Puzzle of Independent Directors: New Learning\*](#), 91 B.U. L. REV. 1175 (2011).

- *Bonding Bankers: Notes Toward a Governance Approach to Financial Risk Regulation*, 4 ENTREPRENEURIAL BUS. L. J. 465 (2010) (Symposium: *The Credit Crash of 2008: Regulation within Economic Crisis*).
- *Leverage in the Board Room: The Unsung Influence of Private Lenders in Corporate Governance*, 57 UCLA L. REV. 115 (2009).
- *The Great Bailout of 2008-09*, 25 EMORY BANKR. DEV. J. 333 (2009) (Sixth Annual Symposium: transcript of remarks).
- *What Else Matters for Corporate Governance?: The Case of Bank Monitoring*, 88 B. U. L. REV. 991 (2008).
- *The New Death of Contract: Creeping Corporate Fiduciary Duties for Creditors*, 57 EMORY L.J. 809 (2008).
- *Gap Filling in the Zone of Insolvency*, 1 U. MD. J. BUS. & TECH. L. 607 (2007) (Symposium: *Twilight in the Zone of Insolvency: Fiduciary Duty and the Creditors of Troubled Companies*); reprinted in 3 ICFAI J. BANKING L. 25 (2007).
- *Before Competition: Origins of the Internal Affairs Doctrine*, 32 J. CORP. L. 33 (2006).
- *Lost in Translation: From U.S. Corporate Charter Competition to Issuer Choice in International Securities Regulation*, 39 GA. L. REV. 525 (2005).
- *From Monopolists to Markets?: A Political Economy of Issuer Choice in International Securities Regulation*, 2002 WISC. L. REV. 1363, reprinted in 45 CORPORATE PRACTICE COMMENTATOR 327 (2003), reprinted in SECURITIES LAW REVIEW (2004).
- *Passports, Private Choice, and Private Interests: Regulatory Competition and Cooperation in Corporate, Securities, and Bankruptcy Law*, 3 CHI. J. INT'L L. 369 (2002).
- *After Orange County: Reforming California Municipal Bankruptcy Law*, 53 HASTINGS L.J. 885 (2002).
- *Skepticism about Universalism: International Bankruptcy and International Relations* (April 2, 2002). Berkeley Olin Program in Law & Economics, Working Paper Series. Paper 43 (available at <http://repositories.cdlib.org/blewp/43>).
- *Is International Bankruptcy Possible?*, 23 MICH. J. INT'L L. 31 (2001).
- *Fear of Commitment in International Bankruptcy*, 33 GEO. WASH. INT'L L. REV. 555 (2001) (Symposium: *Global Trade Issues in the New Millennium*).



- *Limited Liability and Creditors' Rights: the Limits of Risk Shifting to Creditors*, 34 GA. L. REV. 547 (2000), cited extensively in *Badger State Bank v. Taylor*, 688 N.W. 2d 439 (Wis. 2004).
- *The Future Claims Representative in Mass Tort Bankruptcy: A Preliminary Inquiry*, 3 CHAPMAN L. REV. 43 (2000) (*Chapman Bankruptcy Law Symposium*).
- CALIFORNIA MUNICIPAL BANKRUPTCY LEGISLATION: A REPORT PREPARED FOR THE CALIFORNIA LAW REVISION COMMISSION (Palo Alto, CA: California Law Revision Commission, 2000) (available at <http://www.clrc.ca.gov/pub/BKST/BKST-811-ungMuniBk.pdf>).
- *Taking Future Claims Seriously: Future Claims and Successor Liability in Bankruptcy*, 49 CASE W. RES. L. REV. 435 (1999).
- *Future Claims and Successor Liability in Bankruptcy*, 73d ANNUAL MEETING OF THE NATIONAL CONFERENCE OF BANKRUPTCY JUDGES 10-25 (1999).
- *Distributions in Bankruptcy*, Center for Commercial Law & Economics, Bukit Jimbaran, Bali, Indonesia (July 1999).
- *Confirmation and Claims Trading*, 90 NW. U. L. REV. 1684 (1996).

#### **WORKS IN PROGRESS**

- *Restructuring Support Agreements: An Empirical Analysis*  
(with Anthony Casey and Kate Waldock)
- *Sustaining Main Street*
- *The ESG Lending Thicket*

#### **MISCELLANEOUS**

American Law Institute (2017- ).

Area Organizer:

- Conference on Empirical Legal Studies 2022  
University of Toronto Faculty of Law (Bankruptcy & Debtor-Creditor).
- Conference on Empirical Legal Studies 2019.  
Claremont McKenna College  
(Bankruptcy, Secured Credit, Creditor Rights, Consumer Finance).
- American Law and Economics Association 2016 Annual Meeting.  
Harvard Law School (Debt & Bankruptcy).

Roger T. Traynor Summer Professor in Corporate Law, Summer 2011.  
University of California, Hastings College of the Law.

Invited as one of four nationally recognized corporate law scholars to participate in a 3-week summer scholarly exchange program with West coast corporate law professors.

**Congressional Testimony:**

Testified before the Congressional Oversight Panel for the Troubled Asset Relief Program (TARP), reviewing executive compensation provisions implemented as part of TARP and the performance of Kenneth Feinberg as the Special Master for executive compensation. As part of my testimony, I highlighted two novel and important components for structuring financial executives' compensation to constrain excessive risk taking: (i) a primary focus on executives' portfolio incentives, as opposed to simply annual compensation structures; and (ii) the use of inside debt as a compensation device. October 21, 2010. Washington, D.C.

Fellow, Searle-Kauffman Institute on Law, Innovation, and Growth, 2009-10.

Searle Center on Law, Regulation, and Economic Growth.

Northwestern University School of Law.

[\*Conglomerate\*](#) (permanent blogger 2006-09; *Conglomerate Master* (occasional blogger) 2009- ). *Conglomerate*, one of the most popular blogs authored by law professors, focuses on issues relating to business, law, economics, and society. *Conglomerate* has been quoted in various media outlets, including *The New York Times* and *The Financial Times*, and has been recognized by the *ABA Journal* as one of the Top 100 Blawgs.

**PRESENTATIONS**

- *Do Lenders Still Monitor? Leveraged Lending and the Search for Covenants*  
Corporate Restructuring and Insolvency Seminar. September 15, 2021.  
Faculty Workshop, Boston University School of Law. June 17, 2021.
- *Looking Back: Comparing Urban Fiscal Crises of the Past and the Present*  
Fordham University School of Law.  
[Fordham Urban Law Journal: Cooper-Walsh Colloquium](#). October 16, 2020.
- *Restructuring Support Agreements: An Empirical Analysis*  
University of Michigan Law School. Law and Economics Workshop.  
March 12, 2020.
- *Banking on Innovation: The Role of Lender Governance*  
University of Toronto Faculty of Law. Law & Economics Colloquium.  
February 25, 2020.  
Hastings College of the Law, University of California. UC Hastings Workshop in  
Law, Business & Economics. January 27, 2020.

- Financial Research Group, Indira Gandhi Institute of Development Research,  
10<sup>th</sup> Emerging Markets Finance Conference, 2019. Mumbai, India.  
December 13, 2019.
- *Financing Failure: Bankruptcy Lending, Credit Market Conditions, and the Financial Crisis.*  
University of Michigan Law School. Legal Theory Workshop.  
March 12, 2020.  
Financial Research Group, Indira Gandhi Institute of Development Research,  
9<sup>th</sup> Emerging Markets Finance Conference, 2018. Mumbai, India.  
December 13, 2018.  
University of Texas School of Law, Symposium—Bankruptcy’s Universal Pragmatist: A Celebration of the Work of Jay Lawrence Westbrook.  
February 3, 2018.  
University of Richmond School of Law, Emroch Faculty Colloquy Series.  
September 22, 2017.  
American Law & Economics Association 2017 Annual Meeting.  
Yale Law School. May 13, 2017.  
American Law Institute Young Scholars Medal Conference: Law and Corporate Finance—Credit Markets and Corporate Reorganization.  
New York University School of Law. April 4, 2017.  
Business Law Colloquium, Villanova University School of Law. April 1, 2017.  
Canadian Law and Economics Association 2016 Annual Meeting.  
University of Toronto. September 23, 2016.  
University of California, Irvine School of Law. Faculty workshop. April 6, 2016.
  - *Corporate Bankruptcy Hybridity*, Melissa B. Jacoby.  
Discussant: Bankruptcy’s New Frontiers. University of Pennsylvania Law Review Symposium. October 21, 2017.
  - *Consumer Law as Tax Alternative*, Rory Van Loo.  
Discussant: The Future of Law and Economics and the Legacy of Guido Calabresi. Boston University School of Law. June 2, 2017.
  - *The Legislative Structure of Municipal Bankruptcy*, Vincent S.J. Buccola.  
Discussant: American Law and Economics Association 2015 Annual Meeting.  
Columbia Law School. May 16, 2015.
  - *Regulating Algorithms*, Yesha Yadav.  
Discussant: Fifth Annual Jr. Faculty Business and Financial Law Workshop.  
George Washington University Law School. February 28, 2015.
  - *Debtor-in-Possession Financing: Creditor Control and Conflicts in Bankruptcy Reorganization.*  
Becker Friedman Institute for Research in Economics, University of Chicago.  
September 12, 2014.

- Hong Kong Polytechnic University, School of Accounting and Finance,  
Faculty Workshop. June 24, 2014.
- Asian Law and Economics Association 2014 Annual Meeting, National Taiwan  
University College of Law. Taipei, Taiwan. June 21, 2014.
- Section on Creditors' and Debtors' Rights, Association of American Law Schools  
2014 Annual Meeting. New York, NY. January 4, 2014.
- *The Hidden Nature of Executive Retirement Pay*,  
Robert J. Jackson, Jr. and Colleen Honigsberg.  
Discussant: Conference on Empirical Legal Studies 2013.  
The University of Pennsylvania Law School. October 26, 2013.
  - *Bank CEOs, Inside Debt Compensation, and the Global Financial Crisis*.  
University of California, Irvine, School of Law. January 11, 2017  
Law and Society Association, 2013 Annual Meeting.  
Boston, MA. May 30, 2013.  
New York University School of Law, Law and Economics Colloquium.  
May 7, 2013.  
University of Texas School of Law, Center for Law, Business, & Economics.  
March 25, 2013.  
Vanderbilt University, Law and Business Workshop. November 30, 2012.  
The University of Chicago, Becker Friedman Institute for Research in Economics.  
September 14, 2012.  
Harvard Law School. February 27, 2012.  
Asian Law and Economics Association 2011 Annual Meeting.  
The University of Hong Kong. July 8, 2011.  
The New Design of Monetary Policy and Financial Regulation.  
FinLawMetrics 2011, Università Bocconi. June 24, 2011.  
Roger Traynor Summer Program in Corporate Law.  
UC Hastings College of the Law. June 1, 2011  
Conference on Empirical Legal Studies 2010 Annual Meeting.  
Yale Law School. November, 6, 2010.  
Canadian Law and Economics Association 2010 Annual Meeting.  
University of Toronto. October 2, 2010.  
Southeastern Association of Law Schools 2010 Annual Meeting.  
Palm Beach, FL. August 3, 2010.  
Searle-Kauffman Institute on Law, Innovation, and Growth. March 16, 2010.
  - *Hedge Funds and Risk Decoupling: The Empty Voting Problem in the European Union*,  
Wolf-Georg Ringe.  
Discussant: Third Annual Jr. Faculty Business and Financial Law Workshop.  
The George Washington University Law School. April 26, 2013.
  - *Pay for Regulator Performance*.  
Southeastern Association of Law Schools 2012 Annual Meeting.  
August 3, 2012.

- Pace University School of Law, Business Law Colloquium.  
March 13, 2012.
- Boston College Law School, Faculty Workshop.  
January 20, 2012.
- Canadian Law and Economics Association 2011 Annual Meeting.  
University of Toronto. September 24, 2011.
- *Dodd-Frank and Banker Pay.*  
Symposium: *Striking the Right Balance: Investor and Consumer Protection in the New Financial Marketplace.* Center for Law, Economics & Finance,  
George Washington University School of Law. March 2, 2012.
  - *Agency Costs in the Era of Economic Crisis: The Enhanced Connection between CEO Compensation and Corporate Cash Holdings,* Prof. Mira Ganor.  
Discussant: Second Annual Jr. Faculty Business and Financial Law Workshop.  
The George Washington University Law School.  
February 10, 2012.
  - *Chronicle of a Local Crisis Foretold—Lessons from Israel,* Prof. Omer Kimhi.  
Discussant: Cooper Walsh Colloquium, *The Fordham Law Journal.*  
Fordham University School of Law, November 11, 2011.
  - *Pay for Banker Performance: Structuring Executive Compensation for Risk Regulation.*  
Center for Finance, Law & Policy, Boston University. February 28, 2011.  
Boston University School of Law. January 22, 2010.  
Canadian Law and Economics Association 2009 Annual Meeting.  
University of Toronto. October 2, 2009.  
Southeastern Association of Law Schools 2009 Annual Meeting.  
Palm Beach, FL. August 5, 2009.
  - *The Impact of the Great Recession on Executive Compensation Design.*  
Association of American Law Schools 2011 Annual Meeting. San Francisco, CA.  
January 7, 2011.
  - *Micro-Prudence, Macro Risk: Where Financial Regulation Meets Bankruptcy,*  
Prof. Sarah P. Woo.  
Discussant: Conference on Empirical Legal Studies 2010.  
Yale Law School. November 6, 2010.
  - *Independent Directors and Firm Value: Evidence from a Natural Experiment.*  
New York University School of Law. November 3, 2010.
  - *Trust Me: Social Ties among Independent Directors.*  
Symposium, *The Role of Fiduciary Law and Trust in the 21<sup>st</sup> Century.*  
Boston University School of Law, October 29, 2010.

- *Bankers Across Borders: Compensation, Cartels, and Competition.*  
 Symposium: The Globalization of Securities Regulation: Competition or Coordination? Corporate Law Center, University of Cincinnati College of Law. March 5, 2010.
- *Paying for Advice: The Role of Remuneration Consultants in UK Listed Companies,* Prof. Ruth Bender.  
 Discussant, Vanderbilt Law Review Symposium: Executive Compensation. February 26, 2010.
- *Ownership, Creditors and Control.*  
 Symposium: *In Berle's Footsteps.*  
 Berle Center on Corporations, Law & Society, Seattle University School of Law. November 7, 2009.
- *Financial Crisis, Financial Regulation, and Financial Executives' Compensation.*  
 Thompson Chair Lecture, Emory University School of Law. October 7, 2009.
- *Methods of Transactional Scholarship: Empirical Approaches—Producing, Consuming, and Consulting.*  
 AALS 2009 Mid-Year Program on Transactional Law. Long Beach, CA. June 11, 2009.
- *Empiricism in the Classroom: Fiduciary Duties and Agency Costs of Debt.*  
 AALS 2009 Mid-Year Program on Business Associations. Long Beach, CA. June 8, 2009.
- *Leverage in the Board Room: The Unsung Influence of Private Lenders in Corporate Governance.*  
 University of California, Davis School of Law. November 30, 2009.  
 2009 Law and New Institutional Economics Workshop for Law Professors.  
 University of Colorado School of Law. June 4-5, 2009.  
 American Law and Economics Association 2009 Annual Meeting.  
 University of San Diego. May 16, 2009.  
 University of California, Hastings College of the Law. October 17, 2008.  
 Canadian Law and Economics Association 2008 Annual Meeting.  
 University of Toronto. September 27, 2008.  
 University of Illinois College of Law, Program on Business Law and Policy.  
 Corporate Colloquium. September 15, 2008.  
 Emory University School of Law. Faculty Colloquium. September 10, 2008.
- *Bonding Bankers: Notes Toward a Governance Approach to Risk Regulation.*  
 Symposium: *The Credit Crash of 2008: Regulation within Economic Crisis.*  
 Moritz College of Law, The Ohio State University. March 6, 2009.

- *The Great Bailout of 2008-09.*  
Emory Bankruptcy Developments Journal 2009 Symposium. Emory University School of Law. March 5, 2009.
- *The Financial Meltdown of 2008.*  
Evening at Emory: Emory Mini-Law School. November 11, 2008.
- *Agency Problems at Dual-Class Companies,*  
Ronald W. Masulis, Cong Wang, and Fei Xie.  
Discussant: Conference on Empirical Legal Studies 2008. Cornell Law School. September 12, 2008.
- *Law and Project Finance.*  
Asian Law and Economics Association 2012 Annual Meeting.  
Shandong University School of Law. July 11, 2012.  
American Law and Economics Association 2008 Annual Meeting.  
Columbia Law School. May 17, 2008.  
Conference on Empirical Legal Studies 2007 Annual Meeting.  
New York University School of Law. November 10, 2007.
- *The New Death of Contract: Creeping Corporate Fiduciary Duties for Creditors.*  
Fourth International Conference on Contracts.  
University of the Pacific, McGeorge School of Law. February 9, 2008.  
Eugene P. and Delia S. Murphy Conference on Corporate Law.  
Fordham University School of Law. October 19, 2007.  
Midwestern Law and Economics Association 2007 Annual Meeting.  
University of Minnesota. October 12, 2007.  
Canadian Law and Economics Association 2007 Annual Meeting.  
University of Toronto. September 29, 2007.
- *Reforming Ethiopian Bankruptcy Law.*  
Ethiopia Ministry of Justice. Addis Ababa, June 27, 2007.
- *U.S. and Ethiopian Commercial Law: A Comparative Analysis.*  
Ethiopia Supreme Court. Addis Ababa, June 29, 2007.
- *What Else Matters for Corporate Governance?: The Case of Bank Monitoring.*  
University of Michigan School of Law, Law and Economics Workshop,  
Ann Arbor, MI. February 1, 2007.  
Canadian Law and Economics Association 2006 Annual Meeting.  
University of Toronto. September 29, 2006.  
  
Southeastern Association of Law Schools 2006 Annual Meeting.  
Palm Beach, FL. July 17, 2006.  
Law and Society Association 2006 Annual Meeting.  
Baltimore, MD. July 7, 2006.

- *Gap Filling in the Zone of Insolvency*  
 University of Maryland School of Law. Symposium: Twilight in the Zone of Insolvency: Fiduciary Duty and the Creditors of Troubled Companies. November 4, 2005.
- *The 2005 Amendments to the Bankruptcy Laws*  
 Business Law Institute (Institute of Continuing Legal Education for the State Bar of Georgia). Atlanta, GA. October 20, 2005.
- *Origins of the Internal Affairs Doctrine*  
 Law and Society Association 2005 Annual Meeting. Las Vegas, NV. June 3, 2005.  
 University of Minnesota Law School, Faculty Workshop. March 23, 2005.  
 Association of American Law Schools 2005 Annual Meeting.  
     Section on Business Associations. San Francisco, CA. January 8, 2005.  
 UCLA School of Law, Faculty Colloquium. November 8, 2004.  
 Indiana University School of Law, Faculty Workshop. October 14, 2004.  
 Emory University School of Law, Faculty Workshop. October 1, 2004.  
 William and Mary School of Law, Faculty Workshop. September 24, 2004.  
 Canadian Law and Economics Association 2004 Annual Meeting.  
 University of Toronto. September 17, 2004.
- *Distress and the Rule of Law*  
 University of Texas School of Law, Conference on Commercial Law Realities. April 9, 2005.
- *Lost in Translation: From U.S. Corporate Charter Competition to Issuer Choice in International Securities Regulation.*  
 Law and Society Association 2004 Annual Meeting. Chicago, IL. May 28, 2004.
- *Mixed Metaphors: The Disconnect between U.S. Corporate Charter Competition and Issuer Choice in International Securities Regulation.*  
 American Law and Economics Association Thirteenth Annual Meeting, University of Toronto. September 20, 2003.
- *Race of the Diligent: Ethnicity, Economic Development, and International Bankruptcy Reform.*  
 Association of American Law Schools 2003 Annual Meeting. Section on Creditors' and Debtors' Rights. Washington, DC. January 2, 2003.
- *From Monopolists to Markets? A Political Economy of Issuer Choice in International Securities Regulation.*  
 University of Cincinnati College of Law, Faculty Workshop. September 20, 2002.  
 Loyola Law School, Faculty Workshop. September 5, 2002.  
 University of Virginia School of Law, Legal Studies Workshop. March 22, 2002.  
 Association of American Law Schools 2002 Annual Meeting.  
     Section on Securities Regulation. New Orleans, La. January 5, 2002.



- *Is International Bankruptcy Possible?*  
 USC/UCLA Corporate Law Roundtable 2001.  
 Center for Law, Economics and Organization,  
 University of Southern California Law School. November 9, 2001.  
 University of Texas School of Law,  
 Arthur Moller Workshop. November 2, 2001.  
 University of California, Hastings College of the Law, October 5, 2001.
- *Skepticism about Universalism: International Bankruptcy and International Relations.*  
 Boalt Hall School of Law, Law & Economics Workshop, University of California  
 at Berkeley. February 26, 2001.
- *Successor Liability in Bankruptcy.*  
 Federal Judicial Center, Workshop for Judges of the First Circuit. Martha's  
 Vineyard, Massachusetts. October 11, 2000.
- *Fear of Commitment in International Bankruptcy.*  
 George Washington University Law School. Symposium: Global Trade Issues in  
 the New Millennium. September 22, 2000.
- *The Future Claims Representative in Mass Tort Bankruptcy: A Preliminary Inquiry.*  
 Chapman University School of Law. The Chapman Bankruptcy Law Symposium.  
 January 31, 2000.
- *Limited Liability and Creditors' Rights: the Limits of Risk Shifting to Creditors.*  
 University of Georgia School of Law. Symposium: Teaching Corporate Law.  
 October 15, 1999.
- *Future Claims and Successor Liability in Bankruptcy.*  
 National Conference of Bankruptcy Judges, San Francisco, CA. October 8, 1999.
- *Distribution of Assets under US and Indonesian Bankruptcy Law.*  
 Center for Commercial Law and Economics, Bukit Jimbaran, Bali, Indonesia. July  
 29-31, 1999.
- *Selling the Going Concern: Future Claims and Successor Liability in Bankruptcy.*  
 Bar Association of San Francisco, Commercial Law and Bankruptcy Section. May  
 11, 1999.
- *Recent Developments with Credit Cards: Dischargeability and Related Issues.*  
 Alameda County Bar Association, Bankruptcy and Commercial Law Section.  
 September 19, 1996.

- *An Analysis of the Bankruptcy Reform Act of 1994.*  
Bar Association of San Francisco, Commercial Law and Bankruptcy Section.  
October 26, 1994. Panelist with Hon. Thomas Carlson (N.D. Cal.) and Penn Ayers  
Butler, Esq.
- *Whither China? The Consequences of the Tiananmen Incident on China Today.*  
UCLA School of Law. October 23, 1989.  
Panelist with Professor William Alford (then of UCLA School of Law; currently  
Director of East Asian Legal Studies, Harvard Law School), Professor Richard  
Baum (UCLA Department of Political Science) and Ellen Eliasoph, Esq.

***PRIOR ACADEMIC APPOINTMENTS***

- Loyola Law School, Los Angeles. Professor of Law and Dean's Fellow ('03 – '05).  
Chair, Lateral Appointments Committee; Chair, Faculty Workshops Committee.
- Hastings College of the Law, University of California (Fall 2001). Visiting Professor  
of Law.
- University of San Francisco School of Law. Professor of Law (1999-2003), Associate  
Professor (1994-99).
- McGeorge School of Law, University of the Pacific. Assistant Professor of Law (1993-  
94).

***PROFESSIONAL ACTIVITIES***

- Referee for YALE LAW JOURNAL, CONFERENCE ON EMPIRICAL LEGAL STUDIES, LAW  
AND SOCIETY REVIEW, JOURNAL OF LEGAL STUDIES, REVIEW OF LAW AND ECONOMICS.
- Consumer Law Task Force, Atlanta Legal Aid Society (2008-10).
- Consultant (2007). Ministry of Justice, Ethiopia. Retained to assist in comprehensive  
reform of Ethiopian Commercial Code.
- Consultant/ Team Leader (1999). Center for Commercial Law and Economics,  
Indonesia. Retained to design and implement seminar series for Indonesian  
government officials, academics and lawyers on corporate reorganization law.  
Sponsored by USAID through the Partnership for Economic Growth.
- Consultant (1998-2000). California Law Revision Commission. Retained to study and  
recommend legislation concerning authorization for California political subdivisions  
to seek bankruptcy protection under municipal bankruptcy provisions of federal  
bankruptcy law.
- AALS Committee to Review Scholarly Papers (2014).

- Board of Trustees, Institute of Continuing Legal Education for the State Bar of Georgia (2005-10).
- Gibson, Dunn & Crutcher (1989-93). Los Angeles, San Francisco. Corporate and bankruptcy groups, specializing in corporations, corporate reorganization and debt restructuring.
- Lecturer in Law, Peking University (1988-89). Beijing, China. Taught courses in American corporation law, American commercial law; pursued independent research in economic development and comparative law issues.
- Interpreter, ABC News (May 1989). Beijing, China. Conducted on-camera interviews by simultaneous interpretation (English and Mandarin) for ABC News coverage of Democracy Movement.
- Federal Court Law Clerk (1987-88). Honorable Stanley A. Weigel, United States District Court, San Francisco, California.
- Overseas Private Investment Corporation (Summer 1987). Office of the General Counsel, Washington, D.C.
- Signetics Corporation (1983-84). Software systems analyst. Sunnyvale, California.

***PROFESSIONAL AFFILIATIONS***

- Conference of Asian Pacific American Law Faculty (1994- ).
- American Law and Economics Association (1998- ).
- Law and Society Association (2003- ).
- Canadian Law and Economics Association (2004 - ).
- Midwestern Law and Economics Association (2005 - ).
- Society for Empirical Legal Studies (2006- ).
- American Economics Association (2009- ).
- Harvard Club of Northern California; (1987-2003); Board of Directors (1999-2002).
- Harvard Law School Association of Northern California (1987-2003); Treasurer (1999-2002).

- Debtor-Creditor Relations and Bankruptcy Committee of the Business Law Section of the State Bar Ass'n of California (1996-97).
- Commercial Law and Bankruptcy Committee of the Barristers Club of the Bar Association of San Francisco: Vice Chair (1992-93).
- Phi Beta Kappa of Northern California: Teaching Excellence Committee (1995-96).

*MISCELLANEOUS*

- Proficient in Mandarin; private pilot; experienced in civil mediation and mediation training.

February 24, 2023