

Kent Greenfield

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[current as of January 21, 2011]

PROFESSORSHIPS

BOSTON COLLEGE LAW SCHOOL, Newton, Massachusetts *1995-present*

Professor of Law, 2003-present. Law Fund Scholar, 2003-present. Associate Professor (with tenure), 1999-2003. Assistant Professor, 1995-1999.

Courses: Corporations; Constitutional Law I & II; Law & Economics; Theory and Practice in Business Decision Making; Administrative Law; Elements of the Law (seminar); Corporations, Markets, and Social Welfare (seminar); Supreme Court Seminar.

Additional scholarly interests include the nature of choice and consent, progressive corporate governance, behavioral economics, regulatory theory, the role of workers in the corporation, and free speech.

School Service: Promotion and Tenure Committee (2007-2009)(elected by colleagues); Promotion and Tenure Committee for Long-Term Contract Faculty (2010-11); Business Advisory Council (2008-present); Advisory Committee for the development of a Directors' Training Institute at the law school (2009-present); Appointments Committee (1996-99; 2007-2008; 2009-2010); Chair, Clerkships Committee (1995-99; 2000-01); Educational Policy Committee (1995-96); Clerkship Committee (2002-03, 2006-07); Admissions Committee (2003-04), Career Services Committee (1995-99); Publications Committee (1996-97; 1998-99; 2005-06); Scholarship Committee (2004-05); Co-chair, Task Force on Anti-discrimination Committee on Policies and Remedies; Faculty Advisor, *Boston College Law Review* (1996-present); Faculty Advisor, *Boston College Third World Law Journal* (1999-present); Faculty Advisor, The American Constitution Society for Law and Policy (2001-present).

BROWN UNIVERSITY, Providence, Rhode Island *Fall, 2006*

Visiting Professor of Political Science. Taught "Topics in Constitutional Law" to 85 undergraduates.

UNIVERSITY OF HAWAII WILLIAM S. RICHARDSON SCHOOL OF LAW, Honolulu, Hawai'i *January, 2005*

Visiting Wallace S. Fujiyama Professor.

UNIVERSITY OF CONNECTICUT SCHOOL OF LAW, Hartford, Connecticut *Spring, 2002*

Visiting Professor of Law.

CLERKSHIPS

HONORABLE DAVID H. SOUTER, ASSOCIATE JUSTICE

United States Supreme Court *1994-95*

HONORABLE LEVIN CAMPBELL, SENIOR CIRCUIT JUDGE

United States Court of Appeals for the First Circuit, Boston, Massachusetts *1993-94*

EDUCATION

UNIVERSITY OF CHICAGO LAW SCHOOL

J.D. with Honors, 1992.

Order of the Coif

Topics and Comments Editor, *University of Chicago Law Review*, Volume 59.

BROWN UNIVERSITY

A.B. *magna cum laude* in economics and history, 1984.

Phi Beta Kappa.

LEGAL PRACTICE

COVINGTON & BURLING, Washington, D.C. *1992-93*

FELLOWSHIP

DISTINGUISHED FACULTY FELLOW, CENTER ON CORPORATIONS, LAW & SOCIETY

Seattle University School of Law, Seattle, Washington 2007-08

HONORS, AWARDS, & ELECTED POSITIONS

- Chair of the Section on Business Associations, American Association of Law Schools, 2010-11.
- Received the first annual Business & Law Society Award “for Inspirational Achievement,” Boston College Law School, April 12, 2007.
- Received the first annual Leadership Award from the Lambda Students Association at Harvard Law School, April, 2006.
- Recipient, on behalf of Forum for Academic and Institutional Rights (FAIR) of the Kevin Larkin Memorial Award for Public Service, from the Massachusetts Lesbian and Gay Bar Association, 2005.
- B.C. Law Teacher of the Year for 2003-04, given by the Law Students Association (on vote of entire student body).
- Outstanding Teacher Award (the Emil Slizewski Award), given by graduating class of 2004.
- “Friend” Award, given by B.C.’s Lambda Law Students’ Association, 2004.
- Received named Law School scholarships from 2003 to the present (Thomas Carney Scholar, 2003-2004; Zamparelli Scholar, 2005; Law Fund Scholar, 2006-present) in recognition of outstanding scholarly contributions.
- University Research Fellowship, 2004.
- University Recipient of Research Incentive Grant, 2003.
- Law School nominee for University Distinguished Research Award, 2000.

BOOKS

THE MYTH OF CHOICE (Yale Univ. Press, forthcoming 2011).

This book argues that most individuals are limited by economics, power, situation, biology, and culture in making important choices, and that politics and law should adapt to take these limitations into account.

THE FAILURE OF CORPORATE LAW: FUNDAMENTAL FLAWS AND PROGRESSIVE POSSIBILITIES (Chicago Univ. Press, 2006). This book examines and critiques many of the major underlying assumptions of traditional corporate law doctrine.

SCHOLARLY ARTICLES

Law, Politics, and the Erosion of Legitimacy in the Delaware Courts, 55 N.Y.L.S. L. Rev. 481 (2010)(symposium issue).

Defending Stakeholder Governance, 58 CASE WESTERN RES. L. REV. 1043 (2008) [published November 2009].

Corporate Law and the Rhetoric of Choice (book chapter), in DANA GOLD, ED., LAW AND ECONOMICS: TOWARD SOCIAL JUSTICE, Vol. 24 of RESEARCH IN LAW AND ECONOMICS (2009).

The Origins and Costs of Short-Term Management, in ALLEN WHITE, ED., PAPER SERIES ON RESTORING THE PRIMACY OF THE REAL ECONOMY 26, June 2009, a collection of papers written by invitation and distributed during The Second Summit on the Future of the Corporation, a national forum convened at Faneuil Hall, Boston, June, 2009. Also available at www.corporation2020.org.

Mukasey’s Defense of Professional Irresponsibility, 32 B.C. J. OF INT’L & CORP. L. 223 (2009).

Reclaiming Corporate Law in a New Gilded Age, 2 HARV. L & POLICY REV. 1 (2008).

- Debate: Can Corporate Law Can Save the World?*, a paper in debate form, with Professor Gordon Smith, 57 EMORY L.J. 947 (2008).
- The Connection Between Corporate Law & Poverty* (Panel remarks), 15 GEORGETOWN J. OF POVERTY L. & POLY ____ (2008).
- Corporate Ethics in a Devilish System*, 3 MD. J. OF BUS. & TECH. L. 427 (2008).
- The Implications of "Going Private" on Stakeholders*, 3 BROOKLYN J. OF CORPORATE, FIN., & COMM. L. 75 (2008).
- The Disaster at Bhopal: Lessons for Corporate Law?*, 42 N. Eng. L. Rev. 755 (2008).
- A New Era for Corporate Law: Using Corporate Governance Law to Benefit All Stakeholders*, in ALLEN WHITE & MARJORIE KELLY, EDS., PAPER SERIES ON CORPORATE REDESIGN 19 (Nov. 2007), a collection of papers written by invitation and distributed during The Summit on the Future of the Corporation, a national forum convened at Faneuil Hall, Boston, November, 2007. Also available on-line at www.corporation2020.org.
- A Bridle, a Prod, and a Big Stick: An Evaluation of Class Actions, Shareholder Proposals, and the Ultra Vires Doctrine as Methods for Controlling Corporate Behavior*, 79 ST. JOHN'S L. REV. 929 (2005) (with Adam Sulkowski) (symposium issue).
- New Principles for Corporate Law*, 1 HASTINGS CORP. L. J. 89 (2005).
- Democracy and Dominance of Delaware in Corporate Law*, 67 J. LAW & CONTEMP. PROB. 135 (2004) (symposium issue).
- An Experimental Test of Fairness Under Agency and Profit Maximization Constraints (With Notes on Implications for Corporate Governance)* (with Peter C. Kostant), 71 GEO. WASH. L. REV. 983 (2003).
- Various contributions to *DICTIONARY OF AMERICAN HISTORY* (3d ed.) (2003). Authored eighteen encyclopedia-length entries on business law, administrative law and constitutional law topics, including "Equal Protection," "Mergers and Acquisitions," "Leveraged Buyouts," "Big Business," "Group Libel," "Hate Speech," and "Administrative Justice."
- September 11 and the End of History for Corporate Law*, 76 TULANE L. REV. 1409 (2002)(symposium issue).
- Using Behavioral Economics To Show the Power and Efficiency of Corporate Law as Regulatory Tool*, 35 U.C. DAVIS L. REV. 581 (2002) (symposium issue).
- Ultra Vires Lives! A Stakeholder Analysis of Corporate Illegality (With Notes on How Corporate Law Could Reinforce International Law Norms)*, 87 VA. L. REV. 1279 (2001).
- From Metaphor to Reality in Corporate Law*, 2 STAN. AGORA 59 (2001)(on-line journal)(symposium issue).
- There's a Forest in Those Trees: Teaching About the Role of Corporations in Society*, 34 GA. L. REV. 1011 (2000)(symposium issue), excerpted in THOMAS W. JOO, *CORPORATE GOVERNANCE: LAW, THEORY AND POLICY* (2004).
- The Place of Workers in Corporate Law*, 39 B.C. L. REV. 283 (1998).
- Gradgrind's Education: Using Dickens and Aristotle to Understand (and Replace?) the Business Judgment Rule* (with John E. Nilsson), 63 BROOKLYN L. REV. 799 (1998).
- The Unjustified Absence of Federal Fraud Protection in the Labor Market*, 107 YALE L.J. 715 (1997).
- From Rights to Regulation in Corporate Law*, published as a chapter in FIONA MACMILLAN PATFIELD, ED., *PERSPECTIVES ON COMPANY LAW*, Vol. 2 (Kluwer Law International, 1997).
- Cruelty and Original Intent: A Socratic Dialogue*, 72 INDIANA L.J. 31 (1996), reprinted in 5 Boston College Law School Magazine 27 (Fall 1996).
- Our Conflicting Judgments About Pornography*, 43 AM. U. L. REV. 1197 (1994).
- Original Penumbra: Constitutional Interpretation in the First Year of Congress*, 26 CONN. L. REV. 79 (1993).
- Cameras in Teddy Bears: Electronic Visual Surveillance and the Fourth Amendment*, 58 U. CHI. L. REV. 1045 (1991), reprinted in PAT MAGARICK, ED., *INSURANCE LAW REVIEW* 1992-93 (1993).

OTHER WRITINGS

- “Walmart and the Culture of Discrimination,” Huffington Post, March 30, 2011.
- “Wake Up America! Daylight Savings Time is a Socialist Plot!”, Huffington Post, March 10, 2011.
- “What My Snowy Sidewalk Says About the Individual Mandate,” a blog essay on HuffingtonPost.com, posted February 18, 2011.
- “The DOMA Supreme Court Question: Do the Conservatives Really Care About States’ Rights?”, a blog essay on HuffingtonPost.com, posted on July 9, 2010.
- “Here’s a Scary Thought: Anthony Kennedy is Now the Leader of the Court’s “Liberal” Wing,” a blog essay on HuffingtonPost.com, posted on April 12, 2010.
- “A Campaign Funding Mess,” The Boston Globe, Opinion, January 23, 2010, at A11.
- “A Way Out of the *Citizens United* Mess?”, a blog essay on HuffingtonPost.com, posted on January 22, 2010.
- “The New Federalism Attack on DOMA: Does the Supreme Court Really Care About States’ Rights?”, a blog essay on HuffingtonPost.com, posted on July 9, 2009.
- “Souter and Empathy,” an invited blog essay on ACSblog.org, June 12, 2009.
- “The Supreme Court, Empathy, and the Science of Decision Making,” a blog essay on HuffingtonPost.com, posted on May 25, 2009.
- “Of Big and Small Tents: Arlen Specter as a Dem, and the Obama Storm at Notre Dame,” a blog essay on HuffingtonPost.com, May 1, 2009.
- “Who’s Presumptuous Now? McCain Articulates Foreign Policy During Georgia Conflict,” blog essay on HuffingtonPost.com, August 15, 2008.
- “I Want to Be Too Big to Fail,” blog essay on HuffingtonPost.com, July 14, 2008.
- “Mukasey’s Defense of Professional Irresponsibility,” blog essay on HuffingtonPost.com, May 29, 2008.
- “Red Sox and Blue Voters,” blog essay on HuffingtonPost.com, October 11, 2007.
- “Supreme Court Preview: The Most Important Case You Haven’t Yet Heard About -- The Stoneridge Case and ‘Scheme’ Liability Under Federal Securities Laws,” a guest blog on ACSblog.org, October 9, 2007.
- “New Principles for Company Law,” an invited essay for Keeping Good Companies, the magazine for the professional association of corporate executives in Australia, July 2007, pp. 336-339.
- “Economic Reasoning and Brain Damage,” guest op-ed on ACSblog.org, posted April 2, 2007.
- “A Note About the Tumble,” guest op-ed on ACSblog.org, posted March 2, 2007.
- “Fighting for Equality, and Losing,” Vantage Point essay in the Boston Bar Journal, September/October 2006.
- “Both Sides [Now]: Higher Education Institutions Have a Right to Dissent Without Losing Federal Money,” essay in Trusteeship Magazine (the magazine of the Association of Governing Boards of Universities and Colleges), January/February 2006, p. 35.
- “Unconstitutional Constitution Day,” guest op-ed on ACSblog.org, posted September 15, 2005.
- “In Closing: Fighting Might with Rights,” BC Law Magazine, Spring/Summer 2005.
- “A Liberal’s Disappointment in Million Dollar Baby,” guest op-ed on blog of American Constitution Society (acsblog.org), posted March 8, 2005.
- “Imposing Inequality on Law Schools,” op-ed appearing in the Washington Post, November 10, 2003.
- “It’s Time to Federalize Corporate Charters,” op-ed appearing in on-line public interest journal TomPaine.com, July, 2002.
- “Truth, or Consequences: If a Company Lies, Employees Should Be Able To Sue,” The Washington Post, Outlook Section (lead article), Sunday, June 28, 1998. This article was reprinted in The Des Moines Register, The Sacramento Bee, The Louisville Courier-Journal, and The Salt Lake Tribune.

COMMUNITY SERVICE ACTIVITIES

Member of the Convening Committee for the Second Summit on the Future of the Corporation, June, 2009.

Member of the Northeast Steering Committee of the Barack Obama for President campaign, February 2007 – November, 2008;
Member of Economics, Globalization, and Trade Policy Committee, Barack Obama for President, 2008.

Member of the Convening Committee for the Summit on the Future of the Corporation, November, 2007.

Founder and President of the Forum for Academic and Institutional Rights (FAIR), an association of over 30 law schools organized to fight for academic freedom and oppose discrimination. FAIR brought suit against the Department of Defense to contest the constitutionality of the Solomon Amendment, which forces law schools to allow military recruiters on campus notwithstanding their discrimination against gay and lesbian students. The United States Court of Appeals for the Third Circuit held in favor of FAIR and its co-plaintiffs in November, 2004, ordering an injunction against the government's continued enforcement of the Solomon Amendment. The United States Supreme Court decided against FAIR in March, 2006.

Member of the Board of Governors, the Society of American Law Teachers, January 2004 – January 2007.

Member of the Board of Directors, Political Asylum/Immigration Representation Project, Inc., Boston, Massachusetts, February 1996 - May 1999.

Judge, 2003 National Gay and Lesbian Law Association Student Writing Competition.

FACULTY COLLOQUIA

- University of Oregon School of Law (March 10, 2011)
- University of Windsor School of Law (March 4, 2010) (Ron Ianni visiting lecture series)
- University of Tulsa College of Law (September 11, 2009)
- Boston College Law School (June 3, 2009)
- University of Indiana at Indianapolis (February 7, 2008)
- University of California-Berkeley Department of Political Science (Nov. 16, 2007)
- Western New England College School of Law (January 25, 2007)
- University of Alabama School of Law (November 14, 2005)
- Georgia State University College of Law (September 26, 2005)
- University of Georgia Law School (March 11, 2005)
- Boston College Law School (February 11, 2005)
- Hofstra Law School (September 13, 2004)
- UCLA School of Law (November 14, 2003)
- Seattle University School of Law (March 10, 2003)
- University of Connecticut School of Law (February 26, 2002)
- Georgetown Law Center (November 2, 2001)
- Boston College Law School (October 15, 2001)
- University of Limerick School of Law, Limerick, Ireland (May 1, 2001)
- Fordham University School of Law (February 5, 2001)
- Quinnipiac University College of Law (November 8, 2000)
- Roger Williams University School of Law (September 13, 2000)
- Benjamin N. Cardozo School of Law (March 6, 2000)
- Boston College Law School (November 12, 1999)
- Brooklyn Law School (October 6, 1999)
- Loyola University Law School (Los Angeles) (March 6, 1998)
- La Universidad de Chile, including members of the Tribunal de Trabajo (National Labor Board), Santiago, Chile (July 1, 1997)
- The University of Connecticut School of Law (March 18, 1997)
- Quinnipiac College School of Law (March 19, 1997)
- Boston College Law School (November 22, 1996)

CONFERENCE PAPERS AND PRESENTATIONS

Co-organizer and co-moderator of the 2011 Wake Forest School of Law Business Law Symposium "The Sustainable Corporation," March 31-April 1, 2011.

Organizer and moderator of 2011 Program of AALS Section on Business Associations, January 7, 2011, San Francisco, CA. Program was entitled "Corporate Political Speech and Dueling Conceptions of the Corporation in Supreme Court Jurisprudence," and was c-

sponsored by the Section on Constitutional Law. This was the first time in memory that the Business Associations Section and the Constitutional Law Section had co-sponsored a program.

Moderator of Roundtable discussion of recent Supreme Court cases relating to the mutual fund industry, during annual roundtable meeting on Investment Funds, Boston University School of Law, December 10, 2010.

Panelist, "Unexplored Terrain: Companies, Trade Associations and Risk," a discussion during the conference "Citizens United and the Changing Political Role of the Corporation," hosted by the Legal Studies and Business Ethics Department, The Wharton School, University of Pennsylvania, October 1, 2010.

Panelist, "Good Faith After Disney," New York Law School, November 13, 2009.

Moderator, "Stakeholder Engagement," one of eight plenary panels during a two-day, invitation-only "Expert Meeting on Corporate Law and Human Rights: Opportunities and Challenges of Using Corporate Law to Encourage Corporations to Respect Human Rights," Osgoode Hall Law School, York University, Toronto, November 5-6, 2009. The meeting was held in support of the Corporate Law Tools Project of the Special Representative of the UN Secretary-General on Business and Human Rights.

"Economic Arguments for Stakeholder Governance," a paper at the annual meeting of the Society for the Advancement of Socio-Economics, Sciences Po University, Paris, France, July 17, 2009.

"Defending Stakeholder Governance," a paper delivered to a plenary session of the AALS Mid-Year Conference "Business Associations: Taking Stock of the Field and Corporate Social Accountability," Long Beach, CA, June 9, 2009.

"Mukasey's Defense of Professional Irresponsibility," a paper delivered at the conference "The Pen, the Sword, and the Waterboard, Ethical Lawyering in the 'Global War on Terrorism,'" Boston College Law School, October 29, 2008.

Panelist, "Redesigning Corporate Governance for the 21st Century," given during the 3rd International Conference on Corporate Social Responsibility at Humboldt University, Berlin, Germany, October 9, 2008.

"The Impact of Privatization on Non-shareholder Stakeholders," a paper delivered at the conference "The 'Going Private' of U.S. Capital Markets," Brooklyn Law School, February 29, 2008.

Moderator of panel on corporate governance implications of the Bhopal tragedy, during conference "The Bhopal Disaster Approaches 25," New England School of Law, February 8, 2008.

"The Possible Gains from Stakeholder Governance," a presentation during the conference "Corporations and Their Communities," Case Western Reserve School of Law, Cleveland, OH, January 25-26, 2008.

Member of panel on "Critical Issues in the Coming Decade," a plenary session of The Summit on the Future of the Corporation, Faneuil Hall, Boston, November 14, 2007.

Discussion group leader during Summit on the Future of the Corporation, Faneuil Hall, Boston, November 13-14, 2007.

Member of panel on "How Law Constructs Wealth Patterns," part of the conference "Wealth Inequality and the Eroding Middle Class," sponsored by the Center on Poverty, Work, and Opportunity and the American Constitution Society, University of North Carolina at Chapel Hill, November 4-5, 2007.

Conference Moderator, "The Greening of the Corporation," Boston College Law School, October 25, 2007.

Panelist, Roundtable on Corporate Ethics, part of the conference "The Sarbanes-Oxley Act of 2002, Five Years Later," at the University of Maryland School of Law, October 18-19, 2007.

Panelist, Chevron Deference, Federal Preemption, and Wachovia Bank v. Watters, part of the 13th Annual Gallivan Conference at the University of Connecticut School of Law, November 17, 2006.

Moderator, Panel on "Should Corporations Have First Amendment Rights?," a conference on Corporations and the First Amendment, sponsored by the Center for Corporations, Law, & Society, Seattle University School of Law, October 20, 2006.

"Corporate Law and the Fetish of Choice," a conference paper presented at a conference on Law & Economics: Toward Social Justice, sponsored by the Center for Corporations, Law, & Society, Seattle University School of Law, September 29, 2006.

"The Real Story Behind Rumsfeld v. FAIR," plenary presentation during the SALT Teaching Conference, Boston, MA, September 9, 2006.

"The Possibilities for Stakeholder Corporate Governance," a presentation to the meeting of Corporation 2020, New York City, June 8, 2006.

“What to Do After Solomon,” a panel discussion at the annual meeting of the National Association of Law Placement, April 26, 2006.

“The Pooring of the American Environment and the Failure of Corporate Law,” opening address to the conference on Corporate Governance and Environmental Best Practices, College of William & Mary Law School, February 4, 2006.

Panelist, “To Speak or Not to Speak: The Nexus of Compelled Speech, Compelled Silence, and the Health of the First Amendment,” the National Communication Association National Conference, Boston, MA, November 18, 2005.

Panelist, “The Rights of Workers in an Increasingly Corporate World,” 2005 Shaking the Foundations Conference, Stanford Law School, November 4, 2005.

Plenary panelist, “The Solomon Amendment, Expressive Association, and the Supreme Court,” at the 2005 Lavender Law Conference, San Diego, CA, October 29, 2005.

Invited commentator at the 2005 Sloan Summer Institute for the Study of Business in Society, Warrenton, Virginia, June 26-28, 2005.

Invited participant at a roundtable of scholars, lawyers, and activists working on issues of corporate governance reform, Washington, D.C., June 14, 2005.

“Rethinking Corporate Design,” a presentation to the third meeting of Corporation 2020, a group of businesspeople, scholars, and activists in corporate reform, Boston, Massachusetts, May 15, 2005.

“Progressive Responses to the Dominant Corporate Model,” a presentation at the Equal Justice Society conference Linking Corporate Law with Progressive Social Movements, UCLA Law School, April 8, 2005.

“A Stick and a Carrot,” a presentation at the conference People of Color, Women, and the Public Corporation,” St. John’s University School of Law, March 18, 2005.

“Limiting Limited Liability,” a presentation at the second meeting of Corporation 2020, San Francisco, California, November 30, 2004.

“Teaching About Class in Corporations Class,” a presentation at the Society of American Law Teachers’ Teaching Conference, University of Nevada at Las Vegas School of Law, October 15, 2004.

“Legal Perspectives on a New Design for the Corporation,” a presentation at the inaugural meeting of Corporation 2020, a group of businesspeople, thinkers, and activists in corporate reform, Boston, Massachusetts, May 13, 2004.

“An Incomplete List of Possible Progressive Reforms in Corporate Law,” a presentation to the Rights, Liberties, and Justice Project, Santa Cruz, California, January 30, 2004.

Moderator for panel on President Bush’s economic and regulatory policies, at the National Convention of the American Constitution Society, Washington, D.C., August 2, 2003. Panelists included Paul Begala of CNN, Georgetown Law Professor Daniel Tarullo, and Sally Katzen, former economic advisor to President Clinton.

“The Intellectual History of Corporate Law,” a guest lecture for seminar students in the MBA program at the University of New Hampshire, June 9, 2003.

Guest Lecturer in a class on corporate governance at the Seattle University School of Law, March 10, 2003.

“The Undemocratic Centerpiece of Corporate Law: the Internal Affairs Doctrine,” a paper delivered at the Fourth Annual Public Law Conference at Duke University School of Law, December 14, 2002.

Moderator of the Private Law Panel at Fourth Annual Public Law Conference at Duke University School of Law, December 14, 2002.

“An Experimental Test of Fairness in Market Transactions,” a paper delivered as a Sloan Fellow at the Sloan Summer Institute for the Study of Business in Society, Fairfax County, Virginia, June 2002.

“An Experimental Test of Fairness in Market Transactions,” a paper delivered at the Law & Society Annual Meeting, Vancouver, B.C., May 2002.

“September 11 and the End of History for Corporate Law,” paper delivered at a conference on corporate social responsibility, Tulane University, April 2002.

Moderator, “Using Socio-Economics to Teach Corporate Law,” a panel at the annual meeting of the American Association of Law Schools, New Orleans, Louisiana, January 3, 2002.

“Using Corporate Law to Address Stagnant Wages and Income Inequality in the United States,” an invited presentation at the Conference of the Society for the Advancement of Socio-Economics, the University of Amsterdam, July 1, 2001.

“Using Behavioral Economics To Show the Power and Efficiency of Corporate Law as Regulatory Tool,” one of six invited papers delivered at the Daniel J. Dykstra Corporate Governance Symposium, University of California, Davis, February 9, 2001.

“A New Use for Behavioral Economics: Discovering the Power and Efficiency of Corporate Law as Regulatory Tool,” an invited presentation at the Conference of the Society for the Advancement of Socio-Economics, the London School of Economics, July 10, 2000.

Sloan Summer Fellow and invited participant in the summer retreat sponsored by the Sloan Program for the Study of Business in Society, Warrenton, Virginia, June 25-30, 2000.

“The Efficiency of Corporate Law as Regulatory Tool,” a presentation at a roundtable to discuss works in progress at the Conference on Socio-Economics, Georgetown University Law School, January 5, 2000.

Panelist and Commentator at the Inaugural Conference of the Sloan Program for the Study of Business in Society, George Washington Law School, October 22-23, 1999.

“There’s a Forest in Those Trees: Teaching About the Role of Corporations in Society,” a presentation at the Conference on Teaching Corporate Law, University of Georgia School of Law, October 16, 1999.

PRESENTATIONS TO STUDENTS AND FACULTY

On Military Recruiting and the First Amendment (in connection with work with FAIR):

- Boston College Law School (March 4, 2008)
- Boston University School of Law (February 13, 2006)
- John Marshall Law School (February 10, 2006)
- Villanova University Law School (February 1, 2006)
- Middlebury College (January 27, 2006)
- UCLA Law School (January 17, 2006)
- Northeastern University Law School (December 1, 2005)
- Yale Law School (November 16, 2005) (Debate; sponsored by the Federalist Society)
- Boston College (moot Supreme Court argument) (November 11, 2005)
- University of Chicago Law School (November 7, 2005) (Debate; sponsored by the American Constitution Society)
- Harvard Law School (October 12, 2005) (Debate; sponsored by Federalist Society)
- University of Minnesota Law School (October 10, 2005)
- Vermont Law School (October 7, 2005) (Debate; sponsored by school)
- Suffolk Law School (April 21, 2005)
- Rutgers-Camden School of Law (April 18, 2005)
- Boston College (main campus) (April 13, 2005)
- University of Georgia School of Law, March 10, 2005.
- Harvard Law School (March 8, 2005)
- Roger Williams University School of Law (February 9, 2005)
- The University of Hawaii William S. Richardson School of Law (January 27, 2005)
- The annual meeting of the Association of American Law Schools, AALS Executive Committee Program (January 8, 2005)
- The University of Southern California Law School (April 9, 2004)
- Northwestern University School of Law (February 13, 2004)
- University of Chicago Law School (February 12, 2004)
- Washington University in St. Louis School of Law (February 12, 2004)
- Association of American Law Schools, Atlanta, Georgia (January 5, 2004)
- Suffolk University Law School (November 18, 2003)
- Cornell University Law School (November 11, 2003)
- Boston College Law School (November 10, 2003)
- The University of Michigan Law School (October 28, 2003)
- Brandeis University (October 21, 2003)
- Fordham University School of Law (October 17, 2003)
- Harvard Law School (October 11, 2003)
- Hastings College of Law (September, 2003)
- University of San Francisco Law School (September, 2003)
- Stanford University Law School (September 24, 2003)

On Other Topics:

Guest Speaker in Advanced Corporate Governance Seminar, University of Oregon School of Law, March 10, 2011.

Quarterfinal round judge, Fifth Annual Constance Baker Motley National Moot Court Competition in Constitutional Law at Suffolk University Law School, March 28, 2010.

"The Myth of Choice," The University of Windsor, Faculty of Law, March 5, 2010 (guest speaker in corporate governance seminar).

Panelist, "Are Corporations People Too? Understanding *Citizens United*," Boston College Law School, February 2, 2010.

Moderator, "When Demand Exceeds Supply: Designing Organ Donor Laws to Promote Fair Allocation of a Scarce Resource," a panel discussion sponsored by the ACS and the Federalist Society at Boston College Law School, October 27, 2009.

"Reclaiming Corporate Law," an invited lecture at the Institute for Legal Studies, University of Wisconsin Law School, in their series "Interesting People with Interesting Ideas," Madison, Wisconsin, March 29, 2008.

Guest lecturer in class on non-profit corporations, University of Indiana at Indianapolis Law School, February 7, 2008.

"The Failure of Corporate Law," a lecture to the students and faculty of the University of Mississippi School of Law, Oxford, Mississippi, November 1, 2007.

"Can Corporate Lawyers Save the World?," a lecture on behalf of the American Constitution Society, Northwestern University School of Law, April 4, 2007.

"The Failure of Corporate Law," a lecture on behalf of the Center on Corporations, Law & Society, Seattle University School of Law, April 2, 2007.

"Corporate Law and the Fetish of Choice," a law and economics theory workshop at the University of British Columbia, Vancouver, March 5, 2007.

"The Failure of Corporate Law," a lecture defending my book of the same name. Given at University of Kentucky School of Law, February 20, 2007.

Guest speaker in course on negotiation, Carroll School of Management, Boston College, February 8, 2007.

"The Failure of Corporate Law," the Clason lecture at the Western New England College School of Law, January 25, 2007.

"Can Corporate Law Save the World?," a debate with Professor Gordon Smith (Wisconsin), sponsored by the American Constitution Society, The Law School at the University of Chicago, January 17, 2007. Also given at Boston College Law School, January 26, 2007.

Speaker at rally to protest the awarding of an honorary degree to Secretary of State Condoleezza Rice by Boston College, BC Main Campus, May 8, 2006.

Panelist, "Is There Academic Freedom at Boston College?," a "town meeting" on the main campus of Boston College, March 22, 2006.

Discussion leader, "Alito and the Impact on Roe," a brown bag lunch for the Reproductive Rights Coalition and the Woman's Law Caucus, BC Law School, January 26, 2006.

"The Role of a Clerk at the Supreme Court," a discussion with the Supreme Court seminar at Harvard Law School, January 9, 2006.

"The Court in Transition," a panel discussion on behalf of the Political Science Association of Boston College, October 26, 2005.

"Memories from (Beside) the Bench," a panel discussion of former Supreme Court clerks, on behalf of the American Constitution Society, Boston College Law School, October 18, 2005. (Also at a similar program on April 26, 2002.)

Speaker on panel on diversity to entering 1L class at BC Law School, August 30, 2005.

"Three Common Mistakes of Law & Economics," a talk delivered to the faculty and students of Harvard Law School as part of a panel on progressivism and economics, sponsored by the Harvard Law School chapter of the American Constitution Society, March 19, 2002. Other panelists included Morton Horwitz, Joseph Singer, and Frank Michelman.

"The Essence of Legal Scholarship," a discussion with student members of the Boston College Law Review, November 15, 1999.

"The Meeting of the WTO as a Constitutional Moment," a presentation to faculty at the Boston College Law School, December 10, 1999, with Professor David Wirth.

"The Use of the Internet in the Classroom," a presentation to the faculty at the Boston College Law School, November 5, 1999.

“The Competition Among A Corporation’s Various Stakeholders,” a discussion with the participants in the Leadership for Change program, sponsored by the Boston College Carroll School of Management and the Boston College Department of Sociology, December 13, 1997.

Respondent, “Conversations With . . . Joseph Singer,” a panel discussion on Singer’s essay *Rent*, 39 B.C. L. Rev. 1 (1998), before students and faculty of the Boston College Law School, December 3, 1997.

“How to Study for First Year Courses,” a presentation to the first year class of the Boston College Law School on behalf of the Academic Support Program, September 24, 1997.

“Fundamentals of Law,” two introductory classes for entering first year students at the Boston College Law School, August 27, 1997.

“Una Introducción a la Ley de Sociedad Anónima en los Estados Unidos (An Introduction to Corporate Law in the United States),” a presentation (in Spanish) to LL.M. students at the Universidad de Chile, Santiago, Chile, July 2, 1997.

“Shareholder Supremacy in Corporate Law,” a discussion with the participants in the Leadership for Change program, sponsored by the Boston College Carroll School of Management and the Boston College Department of Sociology, December 12, 1998.

“How to Study for First Year Courses,” a presentation to the first year class of the Boston College Law School on behalf of the Academic Support Program, October 21, 1998.

“Bringing Human Rights Home,” a presentation about the death penalty in the United States and the Supreme Court’s review of condemned prisoners’ last minute petitions, sponsored by the Alliance for Justice and the Public Interest Law Foundation, Boston College Law School, October 5, 1998.

“When Corporations Lie: Corporate Responsibility in Plant Closures,” one of the seminars on Current Legal Issues offered in the Harvard University Trade Union Program, a program of the John F. Kennedy School of Government, March 6, 1997.

“Corporations, Law, and Democracy: Corporations as Public Servants,” a discussion with the participants in the Leadership for Change program, sponsored by the Boston College Carroll School of Management and the Boston College Department of Sociology, December 14, 1996.

“Clerking at the Supreme Court,” a panel discussion before the students in the Supreme Court Seminar, Boston College Law School, November 22, 1996.

Presenter, “A Conversation About Corporate Social Responsibility,” The Third Annual Interdisciplinary Ethics Roundtable, Boston College Law School, November 8, 1996.

“From Rights to Regulation in Corporate Law,” presented to the Study Group on the American Corporation, Boston College Department of Sociology, July 2, 1996.

“Judicial Decision Making,” a discussion with law students at the University of Louisville College of Law, February 21, 1996.

Public Introductions:

- Adam Winkler (2010)
- Christine Bader (2010)
- Rep. Marty Meehan (2007)
- Josh Rosenkranz, Esq. (Annual SALT dinner, 2007)
- Erwin Chemerinsky (2006)
- Jon Bonifaz (2005)
- Lyle Denniston (2005)
- Robert Reich (2002)
- Abner Mikva (2001)
- Ralph Nader (1999)

OTHER PUBLIC PRESENTATIONS

Commentator on the 2011 Abraham L. Pomerantz Lecture of Professor Frank Partnoy at Brooklyn Law School, March 15, 2011.

Spoke to members of the Massachusetts state senate, along with staffers and legislative aides about possible state legislation to respond to the Supreme Court’s *Citizens United* decision, May 10, 2010.

“The Myth of Choice,” the 2010 Husson University Symposium on Ethics and the Sacred, Bangor, Maine, March 24, 2010.

“Possible Responses to *Citizens United*,” an invited speaker to on-line “webinar” hosted by the Business Ethics Network, February 26, 2010.

“The Implications of *Citizens United* on Corporate Speech Rights and Corporate Power,” an invited lunch-time lecture at Tellus Institute, Boston, MA, February 24, 2010.

“The Failure of Corporate Law,” a lecture defending my book of the same name. Given on behalf of the Lexington, Kentucky Lawyers’ Chapter of the American Constitution Society (ACS), February 21, 2007; the Nashville, Tennessee Lawyers’ Chapter of the ACS, February 23, 2007; the George Coon Public Library, Princeton, Kentucky, February 22, 2007; the Los Angeles Lawyers’ Chapter of the ACS, March 2, 2007; the Phoenix Lawyers’ Chapter of the ACS, March 23, 2007; the Puget Sound Lawyers’ Chapter of the ACS, Seattle, Washington, March 30, 2007; the Hartford, Connecticut Chapter of the ACS, June 5, 2007; the New York City Chapter of the ACS, July 11, 2007; the Detroit Lawyers’ Chapter of the ACS, October 1, 2007.

“Military Recruiting and the First Amendment,” a panel discussion on behalf of the Los Angeles Lawyers’ Chapter of the American Constitution Society, Los Angeles (University of Loyola School of Law), January 17, 2006.

“Why the FAIR Case Matters,” a presentation to the Civil Rights Committee of the Boston chapter of the Anti-Defamation League, November 2, 2005.

“The Roberts Confirmation and the O’Connor Vacancy: What’s at Stake?,” a panel discussion on behalf of the Boston Lawyers’ Chapter of the American Constitution Society, Boston, September 29, 2005. Other panels included Charles Fried (Harvard Law), Eliot Minberg (People for the American Way), and Renee Landers (Suffolk Law).

“Corporate Social Responsibility,” a presentation to members of the Hawaii Bar Association, Honolulu, HI, January 28, 2005.

Co-host of Conference for all the Supreme Court law clerks of the 1994-94 Term, held under the auspices of the Georgetown Law Center’s Supreme Court Project, May 2002.

“Clerking at the Supreme Court,” a presentation to the litigation department of Choate, Hall & Stewart, Boston, Massachusetts, May 20, 1999.

Discussant, “How Do We Appear to the Outside World?,” a panel discussion before the members of the Boston College Law School Board of Advisors, May 16, 1997.

“Maintaining Neutrality: Avoiding Ex Parte Communications,” presented to the Flaschner Judicial Institute Training Seminar for Administrative Law Judges and Hearing Officers, May 31, 1996.

Invited Guest, White House Conference on Corporate Citizenship, May 16, 1996.

“The Evolution of Judicial Decisions, and Tips for Advocates,” presented for continuing legal education credit to members of the Louisville (Kentucky) Bar Association, February 22, 1996.

“Corporate Social Responsibility,” presented to Boston College Alumni Association Council, December 5, 1995.

MEDIA APPEARANCES (SELECTED)

Appeared in CNN’s The Situation Room report on the nomination of Elena Kagan to the Supreme Court, May 11, 2010.

Interviewed by “@BC” on The Failure of Corporate Law, appearing on the web at <http://at.bc.edu/greenfield/> in June, 2007.

Appeared on ABC World News Tonight, CBS Evening News, Lou Dobbs Tonight (CNN), and Scarborough Country and on numerous local television broadcasts to discuss *Rumsfeld v. FAIR* case, December 2005 - March, 2006.

Featured on public radio programs Justice Talking and Here & Now, December, 2005.

Appeared on MSNBC’s Scarborough Country to discuss military recruiting at law schools, May 4, 2005.

Featured on NewsNight interview program, New England Cable News, December 2, 2004.

Appeared on Fox News Live (national) to discuss FAIR’s victory in the Third Circuit, December 1, 2004.

Appeared on Michael Medved’s nationally syndicated call-in radio show to discuss FAIR’s victory, the First Amendment, and military recruitment, November 30, 2004.

Appeared on Fox News Live (national) to discuss new version of Solomon Amendment in Congress, April 29, 2004.

Featured in national NPR story about FAIR's lawsuit against the Defense Department, September, 2003.

Appeared nationwide on CNN Financial to discuss the Supreme Court and the implications of the next retirement of a Supreme Court Justice, June 26, 2003.

SCHOLARSHIP REVIEWS

- University of Memphis School of Law (2010) (promotion and tenure)
- Osgoode Hall, York University, Toronto (2009) (promotion and tenure)
- George Washington University (2009)(promotion)
- Tulane University (2008) (tenure)
- St. Louis University (2008) (tenure)
- University of Hawai'i (2007) (tenure)
- Hofstra University (2006) (tenure and appointment)
- Osgoode Hall, York University, Toronto (2006) (appointment to chair)
- Seattle University (2005) (promotion)
- University of California – Davis (2000) (tenure); (2010) (promotion)
- Roger Williams University (2000) (tenure)
- Oxford University Press (2009, 2010) (manuscript reviews)
- Yale University Press (2000) (manuscript review)
- University of Chicago Press (2005, 2006, 2007) (manuscript and proposal reviews)

OUTSIDE LEGAL ACTIVITIES

Co-author (with Professor Daniel Kanstroom) of amicus brief for the National Association of Criminal Defense Lawyers and the Families Against Mandatory Minimums Foundation, in the Supreme Court cases of *Cleveland v. United States* and *Muscarello v. United States* (1998), which raised the issue of the proper meaning of a federal statute that outlawed "carrying a firearm" in connection with certain underlying crimes. Our position gained four votes in the Supreme Court, even though no Court of Appeals had previously adopted our reasoning.

Of Counsel to Cunha & Holcomb, P.C., Boston, Massachusetts, April 1996-September 1999; wrote a portion of the brief to the United States Court of Appeals for the First Circuit in the civil rights case of *Olsen v. City of Fall River*. Mr. Olsen was wrongly convicted for murder and won a \$1.5 million civil judgment against the city and individual police officers, only to have the judgment vacated by the district court on a technicality. (The First Circuit upheld the lower court in September 1999.)

Consultant to the litigating team representing unnamed plaintiffs in a suit against Unocal, Inc., in the United States District Court for the Central District of California. The suit alleges that Unocal is liable for torts committed by the military regime of Burma in the course of a joint venture to build a natural gas pipeline. The Ninth Circuit Court of Appeals recently held in favor of the plaintiffs, allowing their cause of action to proceed.

NON-LEGAL PROFESSIONAL EXPERIENCE

LEVI STRAUSS & CO. San Francisco, CA *1985-88*
Community Affairs and Corporate Communications Specialist
Advised Senior Management on a range of policy issues relating to corporate citizenship, philanthropy, investment policy, and personnel.

PROFESSIONAL AFFILIATIONS

Member of the District of Columbia Bar