

WILLIAM A. BIRDTHISTLE

Professor of Law
Chicago-Kent College of Law
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EMPLOYMENT

CHICAGO-KENT COLLEGE OF LAW <i>Professor of Law</i> , 2014 – present <i>Associate Professor of Law</i> , 2011 – 2014 <i>Assistant Professor of Law</i> , 2006 – 2011 Excellence in Teaching Award, 2010	2006 – present
UNIVERSITY OF CHICAGO LAW SCHOOL <i>Visiting Professor of Law / Lecturer in Law</i> Graduating Students Award for Teaching Excellence, 2019	2016 – 2020
UNIVERSITY OF IOWA COLLEGE OF LAW <i>Visiting Professor of Law</i>	2011
ROPES & GRAY LLP <i>Corporate Associate, Investment Management Practice</i>	2001 – 2006
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT <i>Judicial Clerk</i> to the Honorable Diarmuid F. O’Scainnlain	1999 – 2000

EDUCATION

UNIVERSITY OF CHICAGO Ph.D., History, 2019 – present
HARVARD LAW SCHOOL J.D., <i>cum laude</i> , 1999 Managing Editor, <i>Harvard Law Review</i>
DUKE UNIVERSITY B.A., English & Psychology, <i>summa cum laude</i> , 1995 Phi Beta Kappa

PUBLICATIONS

BOOKS

RESEARCH HANDBOOK ON THE REGULATION OF MUTUAL FUNDS (co-edited with John D. Morley) (2018)
EMPIRE OF THE FUND: THE WAY WE SAVE NOW (Oxford University Press, 2016)

ACADEMIC ARTICLES

Undivided Loyalty: The Problem of Allegiance in the Literature of War, in WAR IN LAW & LITERATURE (Martha Nussbaum, et al., eds., forthcoming 2020) (with Alison L. LaCroix)
Free Funds: Retirement Savings as Public Infrastructure, in RESEARCH HANDBOOK ON THE REGULATION OF MUTUAL FUNDS (William A. Birdthistle & John Morley eds.) (2018)

- Mergers & Acquisitions with Props & Pantomime*, 20 TENNESSEE JOURNAL OF BUSINESS LAW 277 (2018) (Symposium)
- Federalism of Personal Finance: State & Federal Retirement Plans*, 41 SEATTLE UNIVERSITY LAW REVIEW 367 (2018) (Symposium)
- Becoming a Fifth Branch*, 99 CORNELL LAW REVIEW 101 (2013) (with M. Todd Henderson)
- The Supreme Court's Theory of the Fund*, 37 JOURNAL OF CORPORATION LAW 101 (2012)
- Breaking Bucks in Money Market Funds*, 2010 WISCONSIN LAW REVIEW 1155 (2010)
anthologized in SECURITIES LAW REVIEW (Donald C. Langevoort, ed., West 2012)
- Investment Indiscipline: A Behavioral Approach to Mutual Fund Jurisprudence*, 2010 UNIVERSITY OF ILLINOIS LAW REVIEW 61 (2010)
- One Hat Too Many?: Investment Desegregation in Private Equity*, 76 UNIVERSITY OF CHICAGO LAW REVIEW 45 (2009) (with M. Todd Henderson)
- The Fortunes & Foibles of Exchange-Traded Funds: A Positive Market Response to the Problems of Mutual Funds*, 33 DELAWARE JOURNAL OF CORPORATE LAW 69 (2008)
anthologized in SECURITIES LAW REVIEW (Donald C. Langevoort, ed., West 2009)
- Football Most Foul*, 10 GREEN BAG 2d 159 (2007)
- Compensating Power: An Analysis of Rents and Rewards in the Mutual Fund Industry*, 80 TULANE LAW REVIEW 1401 (2006)
- A Contested Ascendancy: Problems with Personal Managers Acting as Producers*, 20 LOYOLA OF LOS ANGELES ENTERTAINMENT LAW REVIEW 493 (2000)
- Recent Case: Jenkins v. Medford*, 119 F.3d 1156 (4th Cir. 1997) (*en banc*), 111 HARVARD LAW REVIEW 1596 (1998) (student case comment)

AMICUS BRIEFS

- Counsel of Record, *Brief of Law Professors as Amici Curiae in Support of Respondent* (November 2, 2010), *Janus, et al. v. First Derivative Traders*, No. 09-525 (U.S. 2010)
- Counsel of Record, *Brief of Amici Curiae Law Professors in Support of Petitioners* (June 15, 2009), *Jones v. Harris Associates L.P.*, 129 S. Ct. 1579 (U.S. 2009)
- Counsel of Record, *Brief of Amici Curiae Law Professors in Support of the Petition for Rehearing En Banc* (March 18, 2009), *Hecker v. Deere & Co.*, 556 F.3d 575 (7th Cir. 2009)
- Counsel of Record, *Brief of Amici Curiae Law Professors in Support of the Issuance of a Writ of Certiorari* (December 3, 2008), in *Jones v. Harris Associates, Inc.*, 527 F.3d 627 (7th Cir. 2008), *certiorari granted*, 77 U.S.L.W. 3281 (U.S. March 9, 2009)

POPULAR PUBLICATIONS

- Alexander Vindman Proves We Must Purge All Trace of the Foreign-Born from Our Military, Starting with . . . George Washington*, CHICAGO TRIBUNE, November 4, 2019, at C17
- The 401(k) Is Turning 40 Years Old. It's Past Time We Change How Americans Save for Retirement*, TIME, November 2, 2018, with Daniel Hemel
- Next Stop for Mutual-Fund Fees: Zero*, WALL STREET JOURNAL, June 10, 2018, with Daniel J. Hemel
- No, 401(k)s Aren't a "Great and Popular Middle-Class Tax Break,"* THE ATLANTIC, October 24, 2017, with Daniel Hemel
- How Lawsuits Against Ivy League Retirement Plans Could Help You*, NextAvenue, August 24, 2016
- 5 Reasons to Think Twice About Your Target-Date Fund*, MarketWatch, August 23, 2016
- Modest Proposal: Only the Foreign-Born for President*, CHICAGO TRIBUNE, February 10, 2016

- Literary Financial Literacy*, THE NEW RAMBLER, January 6, 2016 (reviewing John Lanchester, *I.O.U.: Why Everyone Owes Everyone and No One Can Pay* (2010), *Capital: A Novel* (2012), and *How to Speak Money: What the Money People Say – and What It Really Means* (2014))
- Making the Beautiful Game Beautiful Again*, CHICAGO TRIBUNE, June 7, 2015
- Portfolio of Eloquence*, WALL STREET JOURNAL, June 22, 2009, at A13 (reviewing Frank O'Connor, *The Best of Frank O'Connor* (2009) (Julian Barnes ed.))
- In Search of the Classic Irish Pub*, WALL STREET JOURNAL, March 14, 2009, at W9 (reviewing Bill Barich, *A Pint of Plain* (2009))
- Behind the Green Veil*, WALL STREET JOURNAL, January 2, 2009, at W6 (reviewing Richard Tillinghast, *Finding Ireland* (2008))
- A Postmodern St. Patrick's Day*, CHICAGO TRIBUNE, March 9, 2008, at 2/5
- Burning Bright: How the Celtic Tiger Proved the Begrudgers Wrong*, WALL STREET JOURNAL, February 23, 2008, at W8 (reviewing R.F. Foster, *Luck and the Irish* (2008))
- A Gentleman's Day Out in London Town*, FORBESTRAVELER.COM, August 22, 2006
- An Irish Freshman Adapts to Dorm Life*, CHICAGO TRIBUNE, March 16, 2007, at 27
- Bookmarks*, WALL STREET JOURNAL, March 16, 2007, at W6 (reviewing Hisham Matar, *In the Country of Men* (2006))
- Relegating the Twelfth Man*, CHICAGO TRIBUNE, July 12, 2006, at 19
- Writer's Block*, WALL STREET JOURNAL, June 3, 2006, at P8 (reviewing Alan Furst, *The Foreign Correspondent* (2006))
- Go, Azertyuiop! Racing Season Among the Irish*, WALL STREET JOURNAL, March 11, 2006, at P11 (reviewing Bill Barich, *A Fine Place to Daydream* (2006))
- A Ward-Heeler's Bruising Path*, WALL STREET JOURNAL, July 20, 2005, at D10 (reviewing Thomas Fleming, *Mysteries of My Father* (2005))
- Immigration Process Leaves a Harsh Imprint*, CHRISTIAN SCIENCE MONITOR, December 29, 2004, at 9
- Memories of Erin*, WALL STREET JOURNAL, March 12, 2004, at W6 (reviewing Benedict Kiely, *The Collected Stories of Benedict Kiely* (2003))
- The Bejaysus Factory*, WALL STREET JOURNAL, Dec. 13, 2002, at W1

TEACHING

Contracts
Business Organizations
Securities Regulation
Corporate Finance
International Business Transactions
Investment Funds

AWARDS, FELLOWSHIPS, LECTURES & REFEREEING

Norman & Edna Freehling Scholar, 2013 – 2015
Searle-Kauffman Fellow on Law, Innovation, and Growth, 2009 - 2010
Lecturer, *Themis Bar Review*, 2009 – present
Referee, *Journal of Legal Studies*
Lecturer, Shanghai Bar Association, China, *U.S. Business Organizations*, 2007

SELECTED PRESENTATIONS & CONFERENCES

Weil, Gotshal & Manges Roundtable, Yale Law School, December 2019
Society of Investment Law, Investment Fund Roundtables, *Host*: 2008-2019
The Business Use of Trusts, University of Cincinnati College of Law, February 2019
4th Luxembourg FinTech Conference, University of Luxembourg, October 2018
Teaching Transactional Law Conference, Emory Law School, June 2018
War in Law & Literature Conference, University of Chicago Law School, February 2018
Rutgers Workshop on Consumer Financial Protection, February 2018
Berle IX: Investor Time Horizons, Georgia State U. College of Law, June 2017
Washington University School of Law, April 2017
Law & Entrepreneurship Association, UC Berkeley Law, March 2017
Fordham University School of Law, April 2016
Vanderbilt Law School, October 2015
American Association of Law Schools Conference, *Presenter*: 2014, 2011, 2010
National Business Law Scholars Conference, *Presenter*: 2016, 2014, 2013, 2012
The Ohio State University Moritz College of Law, August 2013
Brooklyn Law School Symposium: Compliance in Financial Firms, February 2013
UCLA Junior Business Law Faculty Forum, November 2012
Midwest Law & Economics Association Annual Meeting, *Presenter*: October 2012
University of Iowa College of Law, September 2011
Notre Dame Law School, November 2010
University of North Carolina Law School, October 2010
Canadian Law & Economics Association Annual Meeting (Toronto), *Presenter*: 2010, 2009
Northwestern University Law School, September 2010
American Constitution Society (Illinois), August 2010
University of Chicago Law School Summit, *participant*, May 2010
Law & Society Association Annual Meeting, *Presenter*: 2016, 2010
U. of Chicago Law School Federalist Society, April 2010: Debate with Professor M. Todd Henderson
Morningstar webinar, April 2010: Debate with Professor John C. Coates IV on *Jones v. Harris*
Institute for Law & Economic Policy (Turks & Caicos Islands), *Commentator*: April 2010
Institute for Law & Economics, University of Pennsylvania Law School, *Participant*: April 2010
University of Illinois College of Law, September 2009
Case Western Reserve University School of Law, April 2009
Morningstar Fund Research (Chicago), March 2009
University of Chicago Law School, June 2008
Boston College Law School, March 2008
University of Illinois College of Law, February 2008
Southern Methodist University Dedman School of Law, February 2008

AFFILIATIONS

Bar of the Supreme Court of the United States, 2008
Bar of the United States Court of Appeals for the Seventh Circuit, 2009
Bar of the Commonwealth of Massachusetts, 2000