

ELISABETH DE FONTENAY

Karl W. Leo Distinguished Professor of Law, Duke University
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ACADEMIC/TEACHING APPOINTMENTS

DUKE UNIVERSITY SCHOOL OF LAW	2013-Present
<i>Karl W. Leo Distinguished Professor of Law, 2023-Present</i>	
<i>Professor of Law, 2019-2023</i>	
<i>Associate Professor of Law, 2013-2019</i>	
Distinguished Teaching Award, 2014	
HARVARD LAW SCHOOL	
<i>Sullivan & Cromwell Visiting Professor of Law</i>	Spring 2022
<i>Climenko Fellow and Lecturer on Law</i>	2011-2013
COLUMBIA LAW SCHOOL	Fall 2021 (mini-visit)
<i>Visiting Professor of Law</i>	
UNIVERSITY OF CHICAGO LAW SCHOOL	Fall 2018
<i>Class of 1969 Visiting Associate Professor of Law</i>	

PROFESSIONAL EXPERIENCE

ROPES & GRAY LLP, Boston, MA	2005-2011
<i>Associate, Corporate Group (2005-2011) & Tax Group (2005-2008)</i>	
<i>Summer Associate (2004)</i>	
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP, Washington, DC	Summer 2003
<i>Summer Associate</i>	
HARVARD BUSINESS SCHOOL, Boston, MA	2000-2002
<i>Research Associate to Professor Michael E. Porter</i>	

EDUCATION

HARVARD LAW SCHOOL, J.D., magna cum laude, 2005
<i>Journal on Legislation, Editor</i>
HLS TaxHelp, Volunteer
PRINCETON UNIVERSITY, B.A., Economics, summa cum laude, 2000
Phi Beta Kappa
Human Values Forum, Junior Fellow
Women's Rugby Team, All-American, 1999 and 2000

RESEARCH & TEACHING INTERESTS

Corporate Finance, Corporate Law, Private Investment Funds, Financial Contracting,
Leveraged Finance, Mergers & Acquisitions

SCHOLARSHIP

BOOKS

RESEARCH HANDBOOK ON THE STRUCTURE OF PRIVATE EQUITY AND VENTURE CAPITAL
(forthcoming, Edward Elgar) (co-editor, with Brian Broughman)

PUBLISHED JOURNAL ARTICLES & BOOK CHAPTERS

[*Private Equity for All: The Paradoxical Push to Democratize Private Markets*](#) (with W. Clayton)
(forthcoming, Duke Law Journal)

[*The Credit Markets Go Dark*](#) (with J. Ellias), 134 YALE L.J. 779 (2025)
(reviewed on [*Jotwell*](#) by Bill Bratton)

Shareholder Control and the Delaware Dilemma, (forthcoming, Yale Journal on Regulation.
Symposium: Alan Schwartz)

Corporate Governance in the Private-Markets Era, THE OXFORD HANDBOOK OF CORPORATE
LAW AND GOVERNANCE 2E (Jeffrey N. Gordon & Wolf-Georg Ringe eds., 2025)

[*Law and Courts in the Age of Debt*](#) (with J. Ellias), 171 U. PENN. L. REV. 2025 (2023)

[*Side Letter Governance*](#) (with Y. Nili), 100 WASH U. L. REV. 907 (2023) (selected as one of the
Top 10 Corporate and Securities Articles of 2023 by The Corporate Practice Commentator
(Robert B. Thompson ed.))

[*The Use of Debt in Corporate Finance*](#), in ELGAR ENCYCLOPEDIA OF LAW AND ECONOMICS
(SECOND EDITION): CORPORATE LAW AND ECONOMICS (A. Badawi, ed.) (forthcoming
2022)

[*The New Public/Private Equilibrium and the Regulation of Public Companies*](#) (with G. Rauterberg),
2021 COLUM. BUS. L. REV. 1199 (2021) (Symposium: The Future of Securities Regulation)

[*Complete Contracts in Finance*](#), 2020 WIS. L. REV. 533 (2020) (Symposium: The New Realism in
Business Law and Economics)

[*Private Equity's Governance Advantage: A Requiem*](#), 99 B.U. L. REV. 1095 (2019) (Symposium:
Institutional Investor Activism in the 21st Century)

[*Is there a First-Drafter Advantage in M&A?*](#) (with A. Badawi), 107 CALIF. L. REV. 1119 (2019)
(selected as one of the Top 10 Corporate and Securities Articles of 2019 by The Corporate
Practice Commentator (Robert B. Thompson ed.))

[*The Sovereign-Debt Listing Puzzle*](#) (with J. Meyer & G. M. Gulati), 71 OXFORD ECON. PAPERS 472 (2019)

[*Individual Autonomy in Corporate Law*](#), 8 HARV. BUS. L. REV. 183 (2018)

[*The Myth of the Ideal Investor*](#), 41 SEATTLE U. L. REV. 425 (2018) (Ninth Annual Adolf A. Berle, Jr. Symposium on Corporations, Law and Society)

[*Pricing Sovereign Debt: Foreign Versus Local Parameters*](#) (with M. Bradley, I. A. De Lira Salvatierra & G. M. Gulati), 24 EUR. FIN. MGMT. 261 (2018)

[*The Deregulation of Private Capital and the Decline of the Public Company*](#), 68 HASTINGS L. J. 445 (2017) (selected for reprint in *The Corporate Practice Commentator* (Robert B. Thompson ed.) and *Securities Law Review* 2018 (Donald C. Langevoort ed.))

[*Agency Costs in Law-Firm Selection: Are Companies Under-Spending on Counsel?*](#) 11 CAP. MARKETS L. J. 486 (2016)

[*Law Firm Selection and the Value of Transactional Lawyering*](#), 41 J. CORP. L. 393 (2015)

[*Do the Securities Laws Matter? The Rise of the Leveraged Loan Market*](#), 39 J. CORP. L. 725 (2014) (selected for reprint in *Securities Law Review* 2016 (Donald C. Langevoort ed.); prize recipient at 2014 C-LEAF Junior Faculty Business and Financial Law Workshop at the George Washington University Law School)

[*Private Equity Firms as Gatekeepers*](#), 33 REV. BANKING & FIN. L. 115 (2013)

WORKING PAPERS

[*The Value of M&A Drafting*](#) (with A. Badawi & J. Nyarko)

[*Contractual Complexity in Debt Agreements: The Case of EBITDA*](#) (with A. Badawi, S. Dyreng, and R. Hills)

[*Market Information and the Elite Law Firm*](#)

SHORTER WORKS

[*The \\$900 Million Mistake: In re Citibank August 11, 2020 Wire Transfers*](#) (SDNY 16 February 2021), 16 CAP. MARKETS L. J. 307 (2021)

Norms, Law, and Contract in the Loan Market, LOAN SYNDICATIONS & TRADING ASSOCIATION: LOANS MAGAZINE (Summer 2021), available at <https://www.lsta.org/content/norms-law-and-contract-in-the-loan-market/>

[*Windstream and Contract Opportunism*](#), 15 CAP. MARKETS L. J. 443 (2020)

Letter to the U.S. Securities and Exchange Commission re: Concept Release on Harmonization of Securities Offering Exemptions File No. S7-08-19, Sept. 24, 2019 (Erik F. Gerding, co-author), available at <https://www.sec.gov/comments/s7-08-19/s70819-6193340-192501.pdf>

[Written Testimony Before the United States House of Representatives Committee on Financial Services Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets, "Examining Private Market Exemptions as a Barrier to IPOs and Retail Investment,"](https://financialservices.house.gov/uploadedfiles/hhrg-116-ba16-wstate-defontenaye-20190911.pdf) Sept. 11, 2019, also available at <https://financialservices.house.gov/uploadedfiles/hhrg-116-ba16-wstate-defontenaye-20190911.pdf>

Putting the Securities Laws to the Test, REGULATION (Fall 2014)

GOVERNMENT

U.S. Securities and Exchange Commission, Investor Advisory Committee Meeting, "Discussion Regarding Proposed Rule 10B-1 Position Reporting of Large Security-Based Swap Positions / Asset-Based Swaps," Sept. 21, 2022, video available at https://youtu.be/KqcKnXaI5_0 (remarks begin at 21:04)

U.S. Securities and Exchange Commission, Investor Advisory Committee Meeting, "Discussion Regarding Increased Leverage and Related SEC Regulatory Implications," Sept. 19, 2019, video available at https://www.sec.gov/video/webcast-archive-player.shtml?document_id=iac091919 (remarks begin at 2:23:25)

U.S. House of Representatives Committee on Financial Services, Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets, "Examining Private Market Exemptions as a Barrier to IPOs and Retail Investment," Sept. 11, 2019, video available at <https://financialservices.house.gov/calendar/eventsingle.aspx?EventID=404232> (testimony begins at 27:10)

U.S. Securities and Exchange Commission, Investor Advisory Committee Meeting, "Discussion Regarding Capital Formation, Smaller Companies, and the Declining Number of Initial Public Offerings," June 22, 2017, video available at https://www.sec.gov/video/webcast-archive-player.shtml?document_id=062217iac (remarks begin at 47:25)

PROFESSIONAL SERVICE AND MEMBERSHIPS

Associate Reporter, Restatement of the Law of Corporate Governance, The American Law Institute (2023-Present)

Research Member, European Corporate Governance Institute (ECGI) (2025-present)

Board of Directors, American Law and Economics Association (2022-2025)

Program Committee Member (2020) and Area Organizer (2021, 2026), American Law and Economics Association (ALEA) Annual Conference

Steering Committee, Corporate Law Academic Webinar Series (CLAWS) (2020-2025)

Co-Editor, *Journal of Legal Analysis*

Elisabeth de Fontenay, CV

Ad Hoc Reviewer: *American Law and Economics Review*, *Journal of Law and Economics*, *Law and Social Inquiry*, *Capital Markets Law Journal*

Program Committee Member and Peer Reviewer, Conference on Empirical Legal Studies (2016)

Member, Society of Investment Law (Fall 2015-Present)

UNIVERSITY SERVICE

University Committees (Duke University):

- Athletic Council (Member; 2021-2024; Vice Chair and Executive Committee Member, 2022-2023, 2023-2024)
- Academic Council (2021-2022)

Academic Committees (Duke University School of Law):

- Lateral Appointments Committee (2019-2020; 2020-2021; 2025-2026)
- Entry-Level Appointments Committee (2015-2016; 2022-2023)
- Third-Year Review Committee (2024-2025)
- Curriculum Committee (2016-2017; 2017-2018; 2018-2019; 2019-2020)
- Faculty Workshop Committee (2014-2015; 2016-2017; 2023-2024)
- Teaching & Learning (2014-2015; 2022-2023; 2023-2024)
- Law Teaching & VAP Committee (2013-2014; 2016-2017; 2018-2019; 2019-2020)
- Executive Education Committee (2021-2022)
- Alumni & Development Committee (2024-2025; 2025-2026)

Advising:

- Co-advisor for Ryan Clements (SJD 2021, Duke University School of Law)
- Committee member for Marcelo Prates (SJD 2018, Duke University School of Law) and Matthew Kubic (PhD candidate, Fuqua School of Business, Duke University)

Other Service (Duke University School of Law):

- Faculty Advisor, Transactional Law Competition (Fall 2014, Fall 2015, Fall 2016, Fall 2017, Fall 2018, Fall 2019)

COURSES TAUGHT

DUKE UNIVERSITY SCHOOL OF LAW

Business Associations (Fall 2013, Fall 2014, Fall 2019, Fall 2020, Spring 2023, Spring 2024, Spring 2025, Fall 2025)

Corporate Finance (Spring 2014, Spring 2015, Spring 2016, Spring 2017, Spring 2018, Spring 2019, Spring 2020, Spring 2021, Fall 2022, Fall 2023, Fall 2024)

Private Equity & Hedge Funds (Spring 2016, Spring 2017, Spring 2018, Spring 2019, Spring 2020, Spring 2021, Fall 2022, Fall 2023, Fall 2024, Fall 2025)

Readings: Current Topics in Law & Finance (Fall 2020)

Finance for Judges, Masters of Judicial Studies Program (Summer 2014, Summer 2016, Summer 2018, Summer 2021, Summer 2023, Summer 2025)

HARVARD LAW SCHOOL

Corporations (Spring 2022)

Private Equity: Wall Street Versus Main Street? (Spring 2022)

Legal Research & Writing (Fall 2011, Spring 2011, Fall 2012, Spring 2012)

UNIVERSITY OF CHICAGO LAW SCHOOL

Business Organizations (Fall 2018)

SELECTED PRESENTATIONS & WORKSHOPS

Cornell Law School, Faculty Workshop, Feb. 13, 2026

BYU Law Winter Deals Conference, Park City, UT, Feb. 6-7, 2026

Washington University School of Law, Law & Economics Workshop, Oct. 14, 2025

Federal Reserve Bank of Atlanta's 29th annual Financial Markets Conference, May 19, 2025

Four Corners 2025 Academic Meeting, Private Credit ETFs Panel, Vanderbilt University, Owen School of Management, May 4, 2025

Tulane Bankruptcy & Restructuring Symposium, New Orleans, Apr. 4, 2025

BYU Winter Deals Conference, Park City, UT, March 13, 2025

Second Annual Private Equity Roundtable, New York University School of Law, Jan. 16, 2025

University of Chicago Law School, Law & Economics Workshop, Jan. 14, 2025

Penn ILE Fall Corporate Roundtable, "The Current State of the Public and Private Markets", University of Pennsylvania Law School, Dec. 6, 2024

Yale Law School, Alan Schwartz Festschrift, Nov. 8, 2024

Council of Institutional Investors, Webinar, Oct. 8, 2024

Columbia Law School, Law & Economics Workshop, Oct. 4, 2024

The Law and Finance of Private Equity and Venture Capital, University of Pennsylvania Law School, Jun. 12-13, 2024

Annual Meeting of the American Law and Economics Association Annual Conference, University of Michigan Law School, May 16-18, 2024

Financial Restructuring Roundtable, Sidley Austin LLP (New York), Apr. 4, 2024

BYU Law Winter Deals Conference, Park City, UT, Mar. 14-15, 2024

Duke University School of Law, Equity Market Structure Conference, Mar. 8, 2024

Penn/NYU Conference on Law and Finance, University of Pennsylvania Law School, Feb. 23-24 (Fri.-Sat.)

NYU Law School, Law & Economics Workshop, Jan. 24, 2024

Annual Private Equity Roundtable, "The Future of Private Equity Regulation," Yale Club, New York, Nov. 16, 2023

Vanderbilt University Law School, Conference for Research Handbook on the Structure of

Private Equity and Venture Capital, Oct. 5-6, 2023
 Georgetown University Law Center, Faculty Workshop, Sept. 26, 2023
 U.S. Securities and Exchange Commission, “Emerging Trends in Asset Management,” May 19, 2023
 BYU Law Winter Deals Conference, Park City, UT, Mar. 9, 2023
 U.S. Securities and Exchange Commission, Investor Advisory Committee Meeting, Mar. 2, 2023
 Junior Faculty Business and Financial Law Workshop, Institute for Law & Economics, The University of Pennsylvania Carey Law School, Dec. 8, 2022
 Conference on Empirical Legal Studies 2022, University of Virginia Law School, Nov. 4, 2022
 University of Pennsylvania Law Review Symposium, Oct. 7, 2022
 The Council of Institutional Investors 2022 Fall Conference, Boston, MA, Sept. 22, 2022
 U.S. Securities and Exchange Commission, Investor Advisory Committee Meeting, Panelist, “Discussion Regarding Proposed Rule 10B-1 Position Reporting of Large Security-Based Swap Positions / Asset-Based Swaps,” Sept. 21, 2022
 Cornell Law School, Law & Economics Workshop (virtual), Sept. 8, 2022
 Annual Meeting of the American Law and Economics Association, Columbia Law School, Aug. 4, 2022
 Creditor Rights Coalition/LSTA Symposium on Intra-Creditor Class Warfare, Lowenstein Sandler LLP, New York, Jun. 21, 2022
 Commenter, “The SEC’s Swaps and Beneficial Ownership Rule Proposals, Berkeley Center for Law and Business (BCLB), NYU Program on Corporate Law and Policy, and International Institute of Law and Finance (IILF), Jun. 14, 2022
 6th Annual Penn-NYU Empirical Contracts Workshop, University of Pennsylvania Carey School of Law, Jun. 2, 2022
 Council of Institutional Investors, Advisory Council Meeting (virtual), May 17, 2022
 BYU Law Winter Deals Conference, Park City, UT, Mar. 10, 2022
 Harvard Law School, Faculty Workshop, Feb. 24, 2022
 Harvard Law School, Law & Economics Seminar, Feb. 8, 2022
 Columbia Law School, Columbia Business Law Review Symposium Conference (“The Future of Securities Regulation”), Dec. 4, 2021
 Columbia Law School, BlueSky Workshop, Nov. 3, 2021
 Columbia Law School, Faculty Workshop, Oct. 26, 2021
 Virtual Law & Economics Workshop, Oct. 6, 2021
 Duke University School of Law, Board Meeting: Global Financial Markets Center, Sept. 30, 2021
 ABA Business Law Section Annual Meeting (Subcommittee on Private Equity and Venture Capital), Sept. 24, 2021
 BYU Law School, Private Equity Workshop, Sept. 10, 2021
 Duke University School of Law, Faculty Workshop, Sept. 1, 2021
 Loan Syndications and Trading Association (LSTA), Board Meeting (virtual), Jun. 24, 2021
 Millstein Center on Global Markets and Corporate Ownership, “Board 3.0: A New Optional Board Model,” Columbia Law School, May 21, 2021
 The Buchmann Faculty of Law, Tel Aviv University, Corporate Law Workshop (virtual), May 6, 2021
 UC Berkeley School of Law, Berkeley Business, Law & Accounting Workshop (virtual), May 3, 2021

Loyola Law School, Faculty Workshop (virtual), April 8, 2021
University of Florida Levin College of Law, UF Business Law Conference (virtual), Nov. 21, 2020
University of Oxford Faculty of Law, Business Law Workshop Series (virtual), Oct. 28, 2020
ABA Business Law Section Annual Meeting (Subcommittee on Private Equity and Venture Capital) (virtual), Sept. 22, 2020
Corporate Law Academic Workshop, Aug. 19, 2020
University of Texas School of Law, Business Law Workshop, Mar. 9, 2020
BYU Law Winter Deals Conference, Mar. 6, Park City, UT, 2020
UVA Darden School of Business & Investment Company Institute, 2020 Academic & Practitioner Symposium on Mutual Funds and ETFs, Washington, D.C., Feb. 21, 2020
Penn/NYU Conference on Law and Finance, University of Pennsylvania Law School, Feb. 7-8, 2020
University of Michigan Law School, Law & Economics Workshop, Jan. 30, 2020
Colloquium, “The Decline of America’s Public Markets,” The Federalist Society, Marina del Rey, Jan. 24-25, 2020
Yale Law School, Weil, Gotshal & Manges Roundtable & 12th Annual Investment Fund Roundtable, Dec. 9, 2019
Symposium: The New Realism in Business Law & Economics, University of Minnesota Law School, Nov. 7-8, 2019
International Financing Review (IFR): US ECM Roundtable, New York, Oct. 24, 2019
Duke University School of Law, Annual Corporate Law Academic Workshop, Aug. 8, 2019
The 29th Annual Meeting of the American Law and Economics Association, NYU Law School, May 17-18, 2019 (presented by co-author A. Badawi)
The 2019 M&A Roundtable, Berkeley Center for Law, Business & the Economy and Kirkland & Ellis, May 16-17, 2019
Roundtable on Long Term Stakeholder Governance, Millstein Center at Columbia Law School and Gibson, Dunn & Crutcher LLP, May 16, 2019
Columbia Law School, Colloquium on Contract and Economic Organization, Apr. 29, 2019
BYU Law Winter Deals Conference, Park City, UT, Mar. 7, 2019 (presented by co-author, A. Badawi)
Boston University School of Law, Annual Law Review Symposium, “Institutional Investor Activism in the 21st Century,” Nov. 17, 2018
University of Chicago Law School, Law & Economics Workshop, Nov. 1, 2018
Duke University School of Law, Law, Economics & Politics Seminar, Aug. 29, 2018
Junior Corporate Law Academic Workshop, Columbia Law School, Jun. 29, 2018
The Wall Street Journal CFO Network 2018 Annual Meeting: “Hello Private Capital,” Washington, D.C., Jun. 12, 2018
The 2018 M&A Roundtable, Berkeley Center for Law, Business & the Economy and Kirkland & Ellis, May 22-23, 2018
Council of Institutional Investors: “Public Company v. Private Company – Does it Matter?” New York, May 17, 2018
The 28th Annual Meeting of the American Law and Economics Association, Boston University School of Law, May 11-12, 2018
Corporate Roundtable: Institutional Investors, University of Pennsylvania Law School, Institute for Law and Economics, May 4, 2018
Fordham University School of Law, Faculty Workshop, Apr. 5, 2018

BYU Law Winter Deals Conference, Park City, UT, Mar. 1, 2018
2017 International Institute on Audit Regulation, Public Company Accounting Oversight Board, Dec. 7, 2017
Northwestern University Pritzker School of Law, Faculty Workshop, Nov. 6, 2017
Public Company Accounting Oversight Board, July 12, 2017
Junior Business Law Conference, University of Colorado Law School, July 6-7, 2017
Junior Corporate Law Academic Workshop, NYU Law School, June 23, 2017
Berle IX Symposium: Investor Time Horizons, Georgia State University College of Law, June 5-6, 2017
The 2017 M&A Roundtable, presented by the Berkeley Center for Law, Business & the Economy and Kirkland & Ellis, May 18-19, 2017
The 27th Annual Meeting of the American Law and Economics Association, Yale Law School, May 12-13, 2017
Duke University's Fuqua School of Business, Feb. 21, 2017
Columbia Law School, Law & Economics Workshop, Nov. 28, 2016
Notre Dame Law School, Law & Economics Workshop, Oct. 3, 2016
Junior Business Law Conference, University of Colorado Law School, July 7-8, 2016
The 26th Annual Meeting of the American Law and Economics Association, Harvard Law School, May 20-21, 2016
The 2016 M&A Roundtable, presented by the Berkeley Center for Law, Business & the Economy and Kirkland & Ellis, May 18-19, 2016
The Wharton School of the University of Pennsylvania, April 7, 2016
Investment Funds Roundtable Discussion, Boston University School of Law, December 4, 2015
Harvard Law School, Law & Economics Seminar, November 17, 2015
Stanford Law School, Law & Economics Seminar, October 1, 2015
Junior Business Law Conference, University of Colorado Law School, July 9-10, 2015
New York University School of Law, Law & Economics Colloquium, May 5, 2015
Yale Law School, Law, Economics, and Organization Workshop, April 23, 2015
Roundtable: Public and Private Enforcement after Halliburton, ATP and Boilermakers, Duke University School of Law, Global Financial Markets Center, September 26, 2014
George Washington University Law School, C-LEAF Junior Faculty Business and Financial Law Workshop, February 8, 2014

MEDIA, BLOGS & PODCASTS

Lisa Du, Takashi Nakamichi, and Ambereen Choudhury, "Blackstone Leads Race to Unlock \$7 Trillion of Cash in Japan," Bloomberg, Feb. 12, 2026, available at <https://www.bloomberg.com/news/articles/2026-02-12/blackstone-leads-the-race-to-unlock-7-trillion-of-cash-in-japan>

Hugh Son, "Wall Street braced for a private credit meltdown. The risk of one is rising," CNBC.com (Jan. 23, 2026), available at <https://www.cnbc.com/2026/01/23/wall-street-private-credit-risk-rising.html>

Freakonomics Radio (podcast), "Is the Public Ready for Private Equity?" (Nov. 1, 2025), available at <https://freakonomics.com/podcast/is-the-public-ready-for-private-equity/>

Financial Times, Swamp Notes (podcast), "Trump Opens Retirement to Crypto" (Aug. 16, 2025), available at <https://www.ft.com/content/86b4a6c4-5300-46c1-82f3-9c7dcd58df55>

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Sujeet Indap, Silver Lake and Davidson Kempner face off over ecommerce start-up, Financial Times, March 24, 2025 available at <https://www.ft.com/content/6481bf6c-d707-4cac-ac34-31f9497af3a3?accessToken=zwAGMTD'TK8vwkc9kqb9s1wdMrNOsNDH5SXrzow.MEQCI DBtIvmNZLdIqIlx19TcbdJ2E-XELhqa3YzLzNVL2BX8AiBri4XPdZ15L0Mw1WOvYxeR4o74m2CyO5rSIXe2BQEX8g&sharetype=gift&token=5e4619a5-c8ab-477c-956e-b90a2d29df69>

Bloomberg, Odd Lots (podcast), “The Black Hole of Private Credit That’s Swallowing the Economy” (Aug. 30, 2024), available at <https://www.bloomberg.com/news/audio/2024-08-30/odd-lots-inside-the-black-hole-of-private-credit-podcast>

Posting, “The Credit Markets Go Dark,” Harvard Law School Forum on Corporate Governance and Financial Regulation, Aug. 8, 2024, available at <https://corpgov.law.harvard.edu/2024/08/08/the-credit-markets-go-dark/>

John Sage and Ellen Schneider, “Private Credit Fund Burned by Risky Bets Is Bleeding Cash,” Bloomberg, Aug. 6, 2024, <https://www.bloomberg.com/news/features/2024-08-06/why-prospect-capital-s-8b-private-credit-strategy-is-raising-concern?srnd=undefined&embedded-checkout=true>

Rogé Karma, “The Secretive Industry Devouring the U.S. Economy,” The Atlantic, Oct. 30, 2023, available at <https://www.theatlantic.com/ideas/archive/2023/10/private-equity-publicly-traded-companies/675788/>

David Gura, “Where the 'meme stock' phenomenon stands, 2 and a half years after the GameStop craze,” All Things Considered, NPR, Sept. 15, 2023, available at <https://www.npr.org/2023/09/15/1199884259/where-the-meme-stock-phenomenon-stands-2-and-a-half-years-after-the-gamestop-cra>

Celeste Tamers, “Buy-siders cheer SEC climbdown on loans,” Risk.net, July 21, 2023, available at <https://www.risk.net/investing/7957284/buy-siders-cheer-sec-climbdown-on-loans>

Michelle Celarier, “Are Leveraged Loans Securities? The Answer Could Upend a Trillion Dollar Market,” Institutional Investor, July 17, 2023, available at <https://www.institutionalinvestor.com/article/2bxs6lvuyub5kij19z4sg/portfolio/are-leveraged-loans-securities-the-answer-could-upend-a-trillion-dollar-market>

Matt Levine, “Debt Is Trickier Than Equity,” Money Stuff, Bloomberg View, May 24, 2023, available at <https://www.bloomberg.com/opinion/articles/2023-05-24/debt-is-trickier-than-equity> (discussing “Law and Courts in an Age of Debt” with J. Elias)

Posting, “Side Letter Governance,” Harvard Law School Forum on Corporate Governance and Financial Regulation, June 27, 2023, available at <https://corpgov.law.harvard.edu/2023/06/27/side-letter-governance/>

Posting, “Law and Courts in the Age of Debt,” Harvard Law School Forum on Corporate Governance and Financial Regulation, April 20, 2023, available at

<https://corpgov.law.harvard.edu/2023/04/20/law-and-courts-in-an-age-of-debt/>

Posting, “The Value of M&A Drafting,” Harvard Law School Forum on Corporate Governance and Financial Regulation, March 23, 2023, available at <https://corpgov.law.harvard.edu/2023/03/23/the-value-of-ma-drafting/>

Matt Levine, “AMC Has Some Clever APEs,” Money Stuff, Bloomberg View, Feb. 1, 2023, available at <https://www.bloomberg.com/opinion/articles/2023-02-01/amc-has-some-clever-apes> (discussing “The Value of M&A Drafting” with A. Badawi and J. Nyarko)

Matthew Bultman, “Private Funds’ Secretive ‘Side Letter’ Deals Are Targeted by SEC,” Bloomberg Law, Dec. 19, 2022, available at <https://news.bloomberglaw.com/securities-law/private-funds-secretive-side-letter-deals-are-targeted-by-sec>

Davide Scigliuzzo, “Citrix Debt Debacle Heralds a Day of Reckoning on Wall Street,” Bloomberg, Sept. 22, 2022, available at <https://www.bloomberg.com/news/articles/2022-09-22/citrix-debt-debacle-heralds-a-day-of-reckoning-on-wall-street>

Posting, “CFIUS: A Primer” Lawfire, Sept. 29, 2021, available at <https://sites.duke.edu/lawfire/2021/09/29/guest-author-cfius-a-primer-everyone-needs-to-be-aware-of-the-growing-importance-of-this-major-national-security-tool/>

Podcast, “The Breakdown of Loan Market Norms,” Loan Syndications and Trading Association (LSTA) Jul. 29, 2021, available at <https://www.businessloanscoalition.com/podcast/episode/4a0f532a/elisabeth-de-fontenay-on-the-breakdown-of-loan-market-norms>

Podcast, “Banque Worms,” NPR: Planet Money, Jul. 23, 2021, available at <https://www.npr.org/2021/07/23/1019909860/banque-worms>

Podcast, “Elisabeth de Fontenay and Eric Talley on Mistaken Payments,” Business Scholarship Podcast, Jul. 15, 2021, available at <https://podcasts.apple.com/us/podcast/elisabeth-de-fontenay-and-eric-talley-on-mistaken-payments/id1470002641?i=1000528963550>

Sujeet Indap, “Courts Struggle to Keep Up With Canny Wall St in Credit Disputes,” Financial Times, Jun. 28, 2021, available at <https://www.ft.com/content/ac42ec21-71c0-4695-8edc-d8d6cb844fd4>

Yahoo! Finance, Interview re: GameStop congressional hearings, Feb. 18, 2021, video available at <https://finance.yahoo.com/video/push-regulate-short-selling-potentially-162943910.html>

Lisa Lee, Sally Bakewell, Katherine Doherty, and Jennifer Surane, “For Firms That Got Citi’s \$900 Million, It’s a Shot at Payback,” Bloomberg, Aug. 19, 2020, available at <https://www.bloomberg.com/news/articles/2020-08-19/for-recipients-of-citi-s-900-million-it-s-a-chance-at-payback>

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