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## **LAW TEACHING**

Stanley A. Star Professor of Law & Business, Duke University School of Law, since 2004; Professor of Law, 1996-2004 (teaching courses covering commercial law, bankruptcy and insolvency law, corporate reorganization, securitization and structured finance, financial regulation and systemic risk, and international finance and capital markets).

Distinguished Visiting Professor, University College London (UCL) Law Faculty (Spring 2018).

Leverhulme Visiting Professor of Law, University of Oxford (Fall 2010).

Founding Director, Duke University Global Capital Markets Center; Faculty Director, 1997- 2002 and Co-Academic Director since 2006.

Professor of Business Administration (Adjunct), Fuqua School of Business, Duke University, January 2001-August 2004; Stanley A. Star Professor of Law & Business since that date.

Visiting Professor, University of Geneva Faculty of Law, 2001-2009 (May-June), teaching advanced U.S. business law courses in the Master of Advanced Studies in Business Law Programme.

Senior Fellow, The University of Melbourne Law School, spring 2004.

Visiting Lecturer, Yale Law School, 1992-96, teaching courses in commercial law, bankruptcy and finance.

Lecturer in Law, Columbia Law School, 1993-96, teaching courses in corporate reorganization, bankruptcy and structured finance.

Adjunct Professor of Law, Benjamin N. Cardozo School of Law, Yeshiva University, 1983-92, teaching seminars in bankruptcy and corporate reorganization.

Teaching Fellow in Property Law, Columbia Law School, 1974.

## LAW PRACTICE

Partner and Chairman of Structured Finance Practice Group, Kaye, Scholer, Fierman, Hays & Handler (now Kaye Scholer LLP), New York, 1989-96, concentrating in asset securitization; structured, corporate, and international finance; bankruptcy and corporate reorganization; and secured lending. Also partner in charge of the firm's training program in domestic and international finance. Special Counsel July 1996-May 2004; Special Consultant June 2004 through June 2007.

Partner, Shearman & Sterling, New York, 1983-89, concentrating in corporate and international finance, securitization, bankruptcy, corporate reorganization, commercial transactions and secured lending; associate, 1974-82.

Member of the New York Bar since 1975, registration no. 1419241.

## EDUCATION

Columbia University School of Law, 1974, J.D.

Research Assistant, Legislative Drafting Research Fund, 1972-74;  
Chairman, Environmental Law Council, 1973-74.

New York University School of Engineering and Science, 1971, B.S., Summa Cum Laude, Aeronautics and Astronautics.

Graduated number one in class (3.94/4.00). First prize, 1971, Sandham Public Speaking Contest (the University's public speaking contest). George Granger Brown Scholar. Tau Beta Pi (national engineering honor society—engineering equivalent of Phi Beta Kappa in liberal arts). Sigma Gamma Tau (national aeronautical engineering honor society).

Ranked number one in high school. Skipped senior year to begin college early on full academic scholarship. Declined invitation to begin college after sophomore year. While in high school, co-founded an “amateur rocket society” which built and launched the first non-governmental satellite, memorabilia of which were acquired by the Smithsonian National Air and Space Museum in Washington, D.C. (these rocket exploits were featured on American Public Media's “The Story,” Jan. 9, 2008; program archived at <http://www.thestory.org/stories/2008-01/rocket-science>), and rebroadcast on Aug. 12, 2008, in a “Best of The Story” series.

**PROFESSIONAL HONORS**

Fellow, American College of Bankruptcy.

Fellow (and during 2008-09, also a Regent), American College of Commercial Finance Lawyers.

Founding Member, International Insolvency Institute.

Senior Fellow, the Centre for International Governance Innovation (“CIGI”) (since October 2014).

MacCormick Fellowship, The University of Edinburgh School of Law (scheduled for May-June 2019).

Distinguished Visiting Professorship, University College London (UCL) Law Faculty (Spring 2018).

Appointed to the P.R.I.M.E. Finance “Panel of Recognized International Market Experts in Finance” (August 2017; this international panel, headquartered in The Hague Peace Palace, comprises 150 “of the most senior people in the financial markets” and has the mission of “foster[ing] a more stable global economy and financial marketplace by reducing legal uncertainty and systemic risk”).

Selected by the United Nations Commission on International Trade Law to formally present my paper, “A Proposal for UNCITRAL Research: A Model-law Approach to Sovereign Debt Restructuring,” at its 50<sup>th</sup> anniversary Congress (July 2017, in Vienna).

Hazelhoff Guest Lecture, Leiden University (December 14, 2016); also, Leiden University held an invitation-only “Rondetafelgesprek” (roundtable) on my work sponsored by the Hazelhoff Centre for Financial Law and attended by financial law scholars and senior representatives of government and industry.

Keynote Speaker, Economic and Social Research Council (ESRC) Symposium, University of Durham, England (and co-sponsored by Newcastle University) (September 26, 2016). This speech was subsequently published at 72 *BUSINESS LAWYER* 409 (2017).

Keynote Speaker, Loyola University Chicago School of Law, symposium on “Complying with Law: An Interdisciplinary Dialogue” (delayed; originally scheduled for September 23, 2016).

Distinguished Fellow, Centre for Financial Regulation and Economic Development, The Chinese University of Hong Kong (since August 2016).

Keynote Speaker, National Business Law Scholars Conference, The University of Chicago Law School (June 23, 2016).

14th AIIFL Distinguished Public Lecture, "Securitisation and Post-Crisis Financial Regulation," The University of Hong Kong (June 2, 2016).

Recognized in University of Chicago Professor BRIAN LEITER'S LAW SCHOOL REPORTS (May 25, 2016) as the second most-cited of the "Ten Most-Cited Faculty in Commercial Law (including contracts and bankruptcy), 2010-2014 (inclusive)." See <http://leiterlawschool.typepad.com/>.

Speech, "Managing Systemic Risk: An American View," Woodrow Wilson International Center for Scholars, May 17, 2016.

Keynote Speaker, University of Minnesota, Minnesota Journal of International Law Symposium (25th Volume Celebration, March 30, 2016; the Keynote Address itself was published in that 25th volume, at 311-20).

Appointed as Adjunct Professor 2016-2019, Shanghai University of International Business and Economics.

University of Florence Distinguished Public Lecture on Corporate Governance (November 20, 2015).

Peer-review selected speech, "Sovereign Debt Restructuring: A Model-Law Approach," Columbia University conference on "Sovereign Debt Restructuring" (September 22, 2015).

Keynote Reflections, University of Georgia School of Law, Law Review Symposium on "Financial Regulation: Reflections and Projections" (March 20, 2015).

Fred L. Carhart Memorial Lecture, Ohio Northern University Pettit College of Law (February 2015).

Distinguished Senior Expert Advisor, China Securitization Forum (since October 2014; and de facto senior advisor prior to that date (see [http://www.zhonglun.com/En/WebPageDetail\\_4\\_14\\_967.aspx](http://www.zhonglun.com/En/WebPageDetail_4_14_967.aspx))).

Visiting Fellow, Ludwig-Maximilians-Universitat Munchen (LMU) Center for Advanced Studies, June 29-July 5, 2014.

Public Lecture, Queen Mary University of London, on "The Governance Structure of Shadow Banking: Rethinking Assumptions About Limited Liability" (June 25, 2014).

Public Lecture, London School of Economics and Political Science, on “The Functional Regulation of Finance” (June 25, 2014).

Keynote Address, University of St. Thomas School of Law conference, “Beyond Crises-Driven Regulation—Initiatives for Sustainable Financial Regulation” (April 10, 2014).

Public Lecture, Queen Mary University of London, on “Ring-Fencing” (June 28, 2013).

“Featured Speaker,” University of Iowa College of Law conference, “Fiscal Reform, Monetization, or Default: How Will the US Solve the Problem of its National Debt?” (April 13, 2013). Podcast is available at [www.law.uiowa.edu/debtconference](http://www.law.uiowa.edu/debtconference).

Keynote Address, American University Washington College of Law symposium, “Transactional Lawyering: Theory, Practice, & Pedagogy,” co-sponsored by American University Business Law Review (April 5, 2013).

Appointed as Honorary Director of the Financial Law and Policy Center of Shanghai Jiao Tong University (SJTU)’s KoGuan Law School (since December 2012).

Appointed as Guest Professor of Law 2013-2016 and as Adjunct Professor 2016-2019, Shanghai University of International Business and Economics (formerly Shanghai Institute of Foreign Trade).

Keynote Speaker, Peking University Economic Law Lectures (December 11, 2012).

Firestarter and Expert, World Economic Forum, Industry Partnership Strategies Meeting 2012 (October 3, 2012).

Framing Address, Berle IV Symposium, “Rethinking Financial Markets,” University College London (June 14, 2012).

Inaugural Address, Boston University Review of Banking & Financial Law Inaugural Symposium (February 24, 2012).

Speaker, Penn Program on Regulation Risk Regulation Seminar Series (a joint program of the University of Pennsylvania Law School and The Wharton School of the University of Pennsylvania) (January 24, 2012).

The Roberta Mitchell Lecture, Capital University Law School (October 28, 2011).

Keynote Address, European Central Bank conference, Regulation of Financial Services in the EU (October 20, 2011) (for conference details, see [http://www.ecb.europa.eu/events/conferences/html/reg\\_fs.en.html](http://www.ecb.europa.eu/events/conferences/html/reg_fs.en.html)).

International Insolvency Institute creates a “Schwarcz Collection” library of articles on its website, at <http://www.iiiglobal.org/component/jdownloads/viewcategory/653.html>.

Keynote Speech, “Identifying and Managing Systemic Risk: An Assessment of Our Progress,” at George Mason University AGEP Advanced Policy Institute on Financial Services Regulation (March 10, 2011).

The 2011 Diane Sanger Memorial Lecture, “Protecting Investors in Securitization Transactions: Does Dodd-Frank Help, or Hurt?,” at Georgetown University Law Center (March 28, 2011). This Lecture was funded by the Sanger family and presented under the auspices of the SEC Historical Society, a non-profit organization, independent of the SEC, which shares, preserves, and advances knowledge of the history of financial regulation (see [www.sechistorical.org](http://www.sechistorical.org)).

Chapman Dialogue Series Address, “Ex Ante Versus Ex Post Approaches to Financial Regulation,” Chapman University School of Law (January 28, 2011). This talk also served as the Keynote Address of The Chapman Law Review 2011 Symposium on The Future of Financial Regulation.

Leverhulme Visiting Professorship, University of Oxford (Michaelmas Term 2010).

Leverhulme Lectures 2010, University of Oxford (Nov. 9, 10, and 11, 2010).

Distinguished Public Lecture, The National Assembly of the Republic of Korea (April 30, 2010).

Distinguished Guest Lecture, Industrial Bank of Korea (April 29, 2010).

Distinguished Public Lecture, Korean Financial Supervisory Service (April 28, 2010).

Keynote Plenary Address, 2010 Annual Conference, Corporate Law Teachers Association of Australia, New Zealand, and Asia-Pacific (February 8, 2010).

Keynote Speaker, New York Law School Law Review symposium on Fear, Fraud, and the Future of Financial Regulation (April 24, 2009).

In the July 11, 2009 THE ATLANTIC ([http://correspondents.theatlantic.com/richard\\_posner/2009/07/the\\_role\\_of\\_the\\_law\\_schools\\_in\\_the\\_recovery\\_from\\_the\\_current\\_depression.php](http://correspondents.theatlantic.com/richard_posner/2009/07/the_role_of_the_law_schools_in_the_recovery_from_the_current_depression.php)), Judge Richard

Posner said (emphasis added) that “with a few notable exceptions, such as Lucian Bebchuk, Edward Morrison, and *Steven Schwarcz*, academic lawyers (and Bebchuk and Morrison have Ph.Ds in economics, as well as law degrees) have not made a contribution to the understanding and resolution of the current economic crisis, even though it bristles with legal questions.”

Keynote Speaker, New York University School of Law and Journal of Law and Business, Symposium on Modernizing Financial Regulatory Structure (February 20, 2009).

“Featured Speaker,” ABA Section of Business Law Annual Leadership Meeting (January 17, 2009).

Inaugural Georgetown Law Journal Author Lecture (November 3, 2008).

Keynote Speaker, University of South Carolina, Law Review symposium on the subprime mortgage crisis (October 24, 2008).

2008 Roy R. Ray Lecture, Southern Methodist University, Dedman School of Law.

Distinguished Speaker (in Series), Corporate Governance Center, The University of Tennessee, 2008.

Business Law Advisor to the American Bar Association Section on Business Law, 2007-09; Continuing Advisor since 2009. Also, member of ABA Business Law Section Coordinating Task Force on Financial Markets and Institutions (since 2009).

Academic Advisor to the U.S. Federal Reserve Bank of Cleveland on the subprime mortgage crisis (2007).

Keynote Speaker, 2004 Annual Conference, Corporate Law Teachers Association of Australia and New Zealand.

Senior Fellow, The University of Melbourne Law School (spring 2004).

Parsons Visitor, University of Sydney Law Faculty (spring 2004).

National University of Singapore “Public Lecture” (2004).

Keynote Speaker, Asian Securitisation Forum (2004, New Delhi).

4<sup>th</sup> AIIFL Distinguished Public Lecture, “Intermediary Risk in Global Financial Markets,” The University of Hong Kong (2002).

Keynote Speaker, Moody's Corporation Annual Global Management Offsite (2002).

Keynote Speaker, National Economics Research Association (NERA) annual meeting (2002).

1996 Benjamin Weintraub Distinguished Professorship Lecture, Hofstra University School of Law.

## **FACULTY WORKSHOPS AND SIMILAR SCHOLARLY PRESENTATIONS**

Have given faculty workshops or similar scholarly presentations at Yale Law School, University of Pennsylvania Law School, University of Michigan Law School, The University of Chicago Law School, Harvard Law School, Stanford Law School, Georgetown University Law Center, Vanderbilt University Law School, UCLA School of Law, Washington University School of Law (St. Louis), Boston College Law School, University of Florence (Italy), Temple University, James E. Beasley School of Law, University of North Carolina School of Law, Chapel Hill, University of Illinois College of Law, Washington and Lee University School of Law, University of Iowa College of Law, The University of Georgia School of Law, American University—Washington College of Law, University of Alabama School of Law, The University of Melbourne Law School, the University of Sydney Faculty of Law, Monash University Law School, National University of Singapore, Victoria University Centre for International Corporate Governance Research, The University of Tennessee College of Law and College of Business Administration, George Mason University School of Law, Wake Forest University (School of Law and Babcock School of Management), Florida State University College of Law, The University of Richmond School of Law, University of Utah S.J. Quinney College of Law, William & Mary, Emory Law School, Notre Dame Law School, Southern Methodist University Dedman School of Law, The University of Hong Kong, Faculté de droit de l'Université de Genève (through the Centre for Banking & Financial Law), The George Washington University Law School, The Catholic University of America Columbus School of Law, Syracuse University College of Law, Georgia State University School of Law, Western Ontario University Faculty of Law, Duke University (numerous School of Law faculty workshops; Fuqua School of Business Finance Workshops; Duke Finance & Law Workshop; Globalization, Equity & Democratic Governance University Seminar; and Global Capital Markets Center Interdisciplinary Workshops), The Wharton School of the University of Pennsylvania, Cornell Law School, University of California Berkeley School of Law, University of California Hastings College of Law, University of California Davis School of Law, The University of Arizona James E. Rogers College of Law, Campbell University School of Law, Bocconi University, Hongik University, Korea Institute of Finance, Samsung Economic Research Institute, and Seoul National University (joint faculty seminar for Law



School and Economics Department, hosted by SNU Institute for Research in Finance and Economics), University of Manchester, Queen Mary University of London, University of Cambridge Faculty of Law, University College London Faculty of Laws, London School of Economics and Political Science, Oxford-Man Institute at the University of Oxford, The Global Economic Governance Programme at University College of the University of Oxford, the University of Oxford Faculty of Law, University of Edinburgh, Leiden University, University of Zurich Institute of Law (Rechtswissenschaftliches Institute), University of Zurich Centre for Financial Regulation, The University of Tokyo, Ohio Northern University Pettit College of Law, Shanghai Jiao Tong University (SJTU) KoGuan Law School, Shanghai Institute of Foreign Trade (SIFT), Shanghai University of International Business and Economics (SUIBE) School of Law, Fudan University School of Law, China University of Politics and Law (CUPL), Peking University Law School, and Tsinghua University School of Law.

Have moderated or lectured in scholarly and policy-oriented programs at the European University Institute, the European Central Bank, the World Economic Forum, the Centre for Corporate and Commercial Law of the University of Cambridge, the Centre for Commercial Law Studies of the University of London, the University of Toronto, Australian National University, The University of Melbourne, the University of Sydney, The University of Tokyo, the Royal Institute of International Affairs (Chatham House), Ludwig-Maximilians-Universität München (LMU) Center for Advanced Studies, the Centre for International Governance Innovation, Leiden University, Catholic University of Chile (co-sponsored by the Ministry of Finance of Chile), The University of Auckland Research Centre for Business Law, National University of Singapore Centre for Commercial Law Studies, Asia Institute of International Financial Law (Distinguished Visitor), Stanford Law School, the Asia-America Institute in Transnational Law at The University of Hong Kong, the American Securitization Forum, the Asian Securitisation Forum, University of St. Thomas School of Law, University of Delhi Faculty of Management Studies, Georgetown University School of Law, Columbia Law School, Columbia University Initiative for Policy Dialogue, Columbia University Richard Paul Richman Center for Business, Law, and Public Policy, Columbia Law School Center for Law and Economic Studies, The University of Chicago Law School, The George Washington University Law School, University of Minnesota Law School, the University of Wisconsin Law School, the International Insolvency Institute, Brooklyn Law School, Chapman University, University of Colorado School of Law, The Aspen Institute Business and Society Program, the American Conference Institute, the Association of American Law Schools (AALS), the American Law and Economics Association (ALEA), University of Connecticut, The Federalist Society, The Association of the Bar of the City of New York, the Heyman Center on Corporate Governance at Cardozo Law School, the United Nations Commission on International Trade Law, the U.S. Department of State, the University of Oxford Banking Forum, the National Conference of Bankruptcy Judges, the University of Cincinnati, New York Law School, The University of Georgia School of Law, Temple University

School of Law, University of Iowa College of Law, The Institute for Law and Economics of the University of Pennsylvania, the Wharton Financial Institutions Center (of the University of Pennsylvania), the Judge Business School (Cambridge University), Queen Mary University of London, University of California Berkeley School of Law, University of South Carolina School of Law, the University of Illinois College of Law-American Bankruptcy Institute 2008 “Debt” Conference and the University of Illinois College of Law-American Bankruptcy Institute 2014 “Symposium on Chapter 11 Reform,” Humboldt Universität zu Berlin, The University of Hong Kong Faculty of Law (Distinguished Public Lecture series), Imperial College London (Brevan Howard Centre for Financial Analysis), The University of Chicago Booth School of Business (Initiative on Global Markets), University of Utah S.J. Quinney College of Law, The Chinese University of Hong Kong, Radboud University Nijmegen, The Law Society of Hong Kong, Notre Dame Law School, Boston University School of Law, University of Texas School of Law, New York University School of Law, Yale Law School, Hong Kong Securities and Futures Commission, Hong Kong Monetary Authority, The Federal Reserve Bank of Chicago, the International Monetary Fund, and The World Bank.

## **GOVERNMENT TESTIMONY AND OTHER PUBLIC-INTEREST CONTRIBUTIONS**

Federal Reserve Bank of Minneapolis, comments on its “Minneapolis Plan to End Too Big to Fail” (Dec. 8, 2016), available at <http://ssrn.com/abstract=2883143>.

U.S. Government Accountability Office, advice at its request on the “swaps push-out rule” under section 716 of the Dodd-Frank Act, Sep. 7, 2016.

U.S. Financial Stability Oversight Council (“FSOC”) Office of the Independent Member, Washington, DC, presentation at its request on “Perspectives on Regulating Systemic Risk,” Mar. 15, 2016.

Member, The Financial Stability Group (since January 2016).

Federal Reserve Board and Reserve Bank staff, Washington, DC, presentation at their request on “Regulating Systemic Risk in Insurance,” Oct. 19, 2015.

Legislative staff for Sen. Elizabeth Warren, oral advice at the staff’s request on shadow-banking reform, Oct. 13, 2015.

Amicus Curiae Brief to the New York Court of Appeals in *Ace Securities Corp. v. DB Structured Products, Inc.*, APL-2014-00156, New York County Clerk’s Index No. 650980/12 (brief filed March 2015), also available at <http://ssrn.com/abstract=2584516>.

Financial Stability Board (“FSB”), comments on behalf of the Centre for International Governance Innovation, on the FSB’s September 29, 2014 Consultative Document, “Cross-Border Recognition of Resolution Action,” available at <http://www.cigionline.org/sites/default/files/no.51.pdf>.

Department of Finance, Canada (Joan Monahan, General Counsel, and Elizabeth Woodman, Senior Project Leader), advice at their request on systemic risk and the Department’s August 2014 proposed Capital Markets Stability Act, September 19, 2014.

U.S. Government Accountability Office, advice at its request re “GAO Study on Benefits and Costs of the Dodd-Frank Act,” March 27, 2012 (the resulting published report, FINANCIAL REGULATORY REFORM: FINANCIAL CRISIS LOSSES AND POTENTIAL IMPACTS OF THE DODD-FRANK ACT (Jan. 2013), is available at <http://www.gao.gov/products/GAO-13-180>).

Public Service Commission of Maryland, November 9, 2011, expert testimony on ring-fencing in connection with Case No. 9271, In the Matter of the Merger of Exelon Corporation and Constellation Energy Group, Inc.

European Systemic Risk Board, roundtable advice to the Secretariat of the Board (at the request of Francesco Mazzaferro, Head of ESRB Secretariat), Oct. 21, 2011.

Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment of the U.S. Senate, written and oral testimony at the Committee’s request at formal hearing on “The State of the Securitization Markets,” May 18, 2011 (testimony available at [http://banking.senate.gov/public/index.cfm?FuseAction=Hearings.Testimony&Hearing\\_ID=d9a647ee-3af5-4355-ae6c-c3ffb9584fc4&Witness\\_ID=8d3ce989-6498-492d-8077-84394b67c919](http://banking.senate.gov/public/index.cfm?FuseAction=Hearings.Testimony&Hearing_ID=d9a647ee-3af5-4355-ae6c-c3ffb9584fc4&Witness_ID=8d3ce989-6498-492d-8077-84394b67c919)) (and also available at <http://ssrn.com/abstract=1844407>).

U.K. Independent Commission on Banking (ICB), oral advice to the Chairman and Secretariat at the request of the Chairman (Sir John Vickers), All Souls College, University of Oxford, Nov 12, 2010.

Ministry of Finance, Republic of Chile, oral and written advice on reforming regulation of financial markets to the Ministry’s Commission assessing capital market reform (Macarena Vargas and Jorge Andres Tapia R., Secretaries) at the Commission’s request, September 30, 2010.

Korea Financial Supervisory Service, The National Assembly of Korea Legislative Counseling Office, Korea Institute of Finance, and Industrial Bank of Korea, oral and written advice at their request on global financial crisis-related issues (April 28-30, 2010).

Subcommittee on Domestic Policy (of the Committee on Oversight and Government Reform) of the U.S. House of Representatives, oral advice on bank bailouts to Subcommittee staff member Daryn Burke at his request, July 14, 2009.

High Court of New Zealand, expert testimony (with duty to the Court) on the norms of international finance (in *BNZ Investments Ltd. v. Comm'r of Inland Revenue*, CIV 2006-485-1028, Wellington Registry), May 7, 2009.

Committee on Homeland Security and Governmental Affairs of the U.S. Senate, oral advice on financial regulatory reform to Counsel and Legislative Assistant for Economic Policy Ryan McCormick and other Committee staff members Seth Grossman, Jonathan Trayton, and Mary Beth Schulz at their request, Jan. 9, 2009.

U.K. High Court of Justice, Chancery Division, expert testimony (with duty to the Court), on legal issues relating to tension between indenture-trustee duties to senior and subordinated investors and desire of seniors to foreclose on undervalued collateral (in *Bank of New York v. Montana Bd. of Investments*, July 3, 2008. (Case was later decided in [2008] E.W.H.C. 1594 (Ch.).)

Committee on Banking, Housing, and Urban Affairs of the U.S. Senate, oral advice on structured finance to Counsel for the Committee Andrew Olmem at his request, June 2008.

U.S. Federal Reserve Bank of Cleveland, oral and written testimony at their request at hearing on “Structured Finance and Loan Modification,” Nov. 20, 2007.

Committee on Financial Services of the U.S. House of Representatives, written and oral testimony at Committee’s request at formal hearing on “Systemic Risk: Examining Regulators’ Ability to Respond to Threats to the Financial System,” Oct. 2, 2007 (testimony available at [http://www.house.gov/apps/list/hearing/financialsvcs\\_dem/ht1002072.shtml](http://www.house.gov/apps/list/hearing/financialsvcs_dem/ht1002072.shtml)).

Committee on Financial Services of the U.S. House of Representatives, oral testimony at Committee’s request to Committee staff on H.R. 2990 (Credit Rating Agency Duopoly Relief Act of 2005) (declined invitation to testify at Nov. 29, 2005 formal hearing due to conflicting schedule).

Securities and Exchange Commission, written and oral testimony at Commission’s request at formal “Hearing on Credit Rating Agencies,” Nov. 21, 2002 (testimony available at <http://www.sec.gov/news/extra/credrate/slschwarcz.htm>).

Committee on the Judiciary of the U.S. Senate, written testimony at Committee’s request on proposed Section 912 (true sales in securitization transactions) of the then-proposed Bankruptcy Reform Act of 2001 (S.420/H.R.333), Feb. 26, 2002.

Committee on Governmental Affairs of the U.S. Senate, written and oral testimony at Committee's request at formal hearing on "Rating the Raters: Enron and the Credit Rating Agencies," Mar. 20, 2002 (testimony available at <http://www.hsgac.senate.gov/hearings/rating-the-raters-enron-and-the-credit-rating-agencies>).

### **OTHER PROFESSIONAL ACTIVITIES**

Founder and first Faculty Director, Duke University Global Capital Markets Center.

Lead Author and Reporter, International Insolvency Institute (III) Working Group on Sovereign Insolvencies (2015).

Special Editor, issue no. 81:1 of LAW AND CONTEMPORARY PROBLEMS (2018 symposium issue on "Secured Transactions Law in the 21st Century").

Special Editor, issue no. 78:3 of LAW AND CONTEMPORARY PROBLEMS (2015 symposium issue on "The Administrative Law of Financial Regulation").

Member, World Bank Insolvency and Creditor/Debtor Regimes (ICR) Global Task Force (since 2014).

Member, Advisory Board of the RGNUL Financial and Mercantile Law Review, Rajiv Gandhi National University of Law, India.

Member, Advisory Committee on Bankruptcy Remote Entities, Bankruptcy-Proofing, and Public Policy of the American Bankruptcy Institute's Commission to Study the Reform of Chapter 11 (2012-2014).

International Expert, Expert Consultative Committee of the China Law Review of Corporate Reorganization & Restructuring (since 2012).

Senior Academic Consultant, Shanghai Jiao Tong University (SJTU) Finance Law Center (since 2010).

Member, The American Law Institute (Member of Consultative Groups on Uniform Commercial Code, Suretyship, and Transnational Insolvency).

Member of Expert Advisory Group to the United Nations Commission on International Trade Law (UNCITRAL) regarding its Convention on the Assignment of Receivables in International Trade (and also one of those experts chosen to present the Convention to the UNCITRAL member nations). Also, member of Expert Advisory Group to UNCITRAL regarding proposals for an international insolvency convention.

Member, U.S. Secretary of State's Advisory Committee on Private International Law (since 1999).

Member, Academic Advisory Board, The University of Hong Kong Faculty of Law's Asian Institute of International Financial Law (since 2001).

Member, Academic Advisory Committee, Fudan [University] Civil & Commercial Law Review (since 2001).

Member, Editorial Advisory Board, Cambridge University Series on Economics, Finance and Law (since 2007).

Member, Editorial Advisory Board, American Securitization (since 2006).

Associate Editor, The Journal of Restructuring Finance (since 2002).

Senior Consultant, International Law Center for Inter-American Free Trade's Mexican Securitization Project (1997-99).

Member, American Law and Economics Association.

Member, Advisory Board, The Securitization Conduit (since 2000).

Member, Duke University Academic Council, 1999-2000; 2002-2003.

Member, North Carolina General Statutes Commission Drafting Committee to review revised Uniform Commercial Code Article 9, 1998-99.

The Association of the Bar of the City of New York: Chairman of Committee on Science and Law, 1987-90; Chairman of Causation Subcommittee, 1985-86; member, Committee on Uniform State Laws, 1993-96.

The New York Academy of Sciences: Directed major Academy study on public participation in the allocation of funds for scientific research, and Vice Chairman of the Section on Science and Public Policy, 1974-78.

Founded and directed Friends of the Eldridge Street Synagogue, 1978-84, the organization that first recognized the historic, religious and architectural significance of this synagogue; represented the synagogue in obtaining National and New York City Landmark status; and laid the foundation for the national fundraising effort.

Special Master, Bank of America, N.A. v. Patriarch Partners, LLC, U.S. District Court, W.D.N.C., Case # 3:01CV547-MU (2002).

### **MEDIA AND PUBLICITY**

Have been extensively quoted, referenced, and interviewed in numerous media including The New York Times, The Wall Street Journal, The Economist, The Washington Post,

The New Yorker, Time Magazine, Forbes, International Herald Tribune, Euromoney, The Atlantic, The Huffington Post, Bloomberg Law (Podcast), public radio's Marketplace and The State of Things, The Joan Hamburg Show, Reuters, CNN, and various television news shows.

## **PUBLICATIONS**

“Proactive Resolution of Sovereign and Subnational Debt” (work-in-progress).

“Central Clearing of Financial Contracts: Theory and Regulatory Implications” forthcoming 167 University of Pennsylvania Law Review (2018-19), available at <https://ssrn.com/abstract=3104079>.

“Beyond Bankruptcy: Resolution as a Macroprudential Regulatory Tool,” forthcoming 94 Notre Dame Law Review (2018-19), available at <http://ssrn.com/abstract=3019507>. This paper is the subject of a blog in The Harvard Law School Forum on Corporate Governance and Financial Regulation, available at <https://corpgov.law.harvard.edu/2017/09/14/resolution-as-a-macroprudential-regulatory-tool/>.

“Secured Transactions and Financial Stability: Regulatory Challenges,” essay dedicated to the LAW AND CONTEMPORARY PROBLEMS (volume 81, issue no. 1, 2018) symposium issue, Secured Transactions Law in the 21st Century, available at <http://ssrn.com/abstract=3033052>.

“Regulating Governance in the Public Interest” & “Regulating Governance in the Public Interest: History, Precedents, and Implications” (works-in-progress).

“Indenture Trustees with Conflicting Obligations: The Pre-Default Puzzle” (work-in-progress).

“Responsibility of Directors of Financial Institutions” (with Aleaha Jones and Jiazhen Yan), chapter in CORPORATE GOVERNANCE OF FINANCIAL INSTITUTIONS (Danny Busch, Guido Ferrarini, & Gerard van Solinge, eds.) (forthcoming 2018).

“Corporate Governance of SIFI Risk-taking: An International Research Agenda” (with Aleaha Jones), chapter in CROSS-BORDER BANK RESOLUTION (Bob Wessels & Matthias Haentjens, eds.) (forthcoming 2018), available at <http://ssrn.com/abstract=2972340>. This chapter is the subject of a blog in The Harvard Law School Forum on Corporate Governance and Financial Regulation, available at <https://corpgov.law.harvard.edu/2017/06/09/corporate-governance-of-sifi-risk-taking-an-international-research-agenda/>.

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#### **EXPERT TESTIMONY, CONSULTING, MEDIATION AND OTHER DISPUTE RESOLUTION**

List of representative transactions and references available upon request.

#### **MISCELLANEOUS**

Chevalier, Confrerie de la Chaine des Rotisseurs  
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