

Kimberly D. Krawiec

Duke University Law School
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Durham NC 27708
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EXPERIENCE

COURSES:

Business Associations
Securities Regulation
Financial Derivatives
Corporate Crime

Corporate Finance
Advanced Seminars in
Securities and Derivatives
Issues

Taboo Trades and
Forbidden Markets
Theories of Governance
and Civic Association

Duke Law School

Kathrine Robinson Everett Professor of Law

July 2011-

Professor of Law

July 2009-2011

University of North Carolina School of Law

August 2001-July 2009

Professor of Law

University of Virginia School of Law

January 2005-May 2005

Visiting Professor of Law

Georgetown University Law Center

August 2004-December 2004

Visiting Professor of Law

Harvard Law School

August 2003-May 2004

Bruce W. Nichols Visiting Professor of Law

University of Pennsylvania School of Law

January 2001 - May 2001

Visiting Professor of Law

University of California at Los Angeles School of Law

August 2000 - December 2000

Visiting Professor of Law

Northwestern University School of Law

August 1999 - May 2000

Visiting Associate Professor of Law

University of Oregon School of Law

August 1997 - May 2001

Associate Professor of Law with Tenure

University of Tulsa College of Law

August 1995 - August 1997

Assistant Professor of Law

Sullivan & Cromwell New York, NY

October 1992 - August 1995, Summer 1991

Associate, Commodity and Derivatives Group

PUBLICATIONS

A Primer on Kidney Transplantation: Anatomy of the Shortage, 77 L. & CONTEMP. PROBS.
(forthcoming, 2014) (with Philip J. Cook)

Reverse Transplant Tourism, 77 L. & CONTEMP. PROBS. (forthcoming, 2014) (with Michael A.
Rees)

Agency Lobbying and Financial Reform: A Volcker Rule Case Study, 32 BANKING & FINANCIAL
SERVICES POLICY REPORT 15-22 (August 2013)

The Danger of Difference: What Corporate Directors Say About Diversity, 3 U. ILL. L. REV. 919
(2013) (with Lissa L. Broome and John M. Conley)

Don't "Screw Joe The Plummer": The Sausage Making of Financial Reform, 55 AZ. L. REV. 53
(2013)

Custom, Contract, And Kidney Exchange (with Kieran Healy), 62 DUKE L. J. 645 (2012)

Dangerous Categories: Narratives of Corporate Board Diversity, 89 N.C. L. REV. 759 (2011)
(with Lissa L. Broome and John M. Conley)

Does Critical Mass Matter? Views From The Boardroom, 34 SEATTLE L. REV. 1049 (2011)
(with Lissa L. Broome and John M. Conley)

The Dark Side of Commodification Objections: Politics And Elitism in Standardized Testing, 35
WASH U. J. L. & POLICY 349 (2011)

For Love Or Money: Defining Relationships In Law and Life, 35 WASH U. J. L. & POLICY 1
(2011) (with Marion Crain)

*Narratives of Diversity in the Corporate Boardroom: What Corporate Insiders Say about Why
Diversity Matters*, in DISCOURSE PERSPECTIVES ON ORGANIZATIONAL
COMMUNICATION (Fairleigh Dickinson University Press, 2011) (with Lissa L.
Broome and John M. Conley)

A Woman's Worth, 88 N.C.L. REV. 1739 (2010).

Price and Pretense in The Baby Market, in BABY MARKETS: MONEY AND THE NEW POLITICS OF
CREATING FAMILIES (Cambridge University Press, 2010).

Sunny Samaritans & Egomaniacs: Price-Fixing in the Gamete Market, 72 L. & CONTEMP.
PROBS. 59 (2009).

Show Me The Money: Making Markets in Forbidden Exchange, 72 L. & CONTEMP. PROBS. i
(2009).

Why We Should Ignore the "Octomom," 104 NW. U. L. REV. COLLOQUY 120 (2009)

The Return of the Rogue, 51 AZ. L. REV. 127 (2009).

Altruism and Intermediation in the Market for Babies, 66 WASH. & LEE L. REV. 203 (2009).

Operational Risk Management: An Emergent Industry, in OPERATIONAL RISK TOWARDS BASEL
III: BEST PRACTICES AND ISSUES IN MODELING, MANAGEMENT AND
REGULATION (John Wiley and Sons, 2009).

Signaling Through Board Diversity: Is Anyone Listening? 77 U. CINN. L. REV. 431 (2008) (with
Lissa L. Broome).

Incomplete Contracts in a Complete Contract World, 33 FL. ST. L. REV. 725 (2006) (with Scott
Baker).

Common Law Disclosure Duties and the Sin of Omission: Testing the Meta-Theories, 91 VA. L.
REV. 1795 (2005) (with Kathryn Zeiler).

Organizational Form as Status and Signal, 40 WAKE FOREST L. REV. 977 (2005).

The Economics of Limited Liability: An Empirical Study of New York Law Firms, 2005 U. ILL. L.
REV. 107 (2005) (with Scott Baker).

Organizational Misconduct: Beyond the Principal-Agent Model, 32 FL. ST. L. REV. 571 (2005).

The Penalty Default Canon, 72 GEO. WASH. L. REV. 663 (2004) (with Scott Baker).

Cosmetic Compliance and the Failure of Negotiated Governance, 81 WASH. U. L. Q. 487 (2003).

Fairness, Efficiency & Insider Trading: Deconstructing the Coin of the Realm in the Information Age, 95 NW. U. L. REV. 443 (2001).

Foreword, The Regulation of Derivatives and Other Complex Financial Products, 21 NW. J. INT'L. L. & BUS. 565 (2001).

Privatizing "Outsider Trading," 41 VA. J. INT'L. L. 693 (2001).

Derivatives on TV: A Tale of Two Derivatives Debacles in Prime Time, 4 GREEN BAG 2d 257 (2001) (with Peter H. Huang & Frank Partnoy).

Accounting for Greed: Unraveling the "Rogue Trader" Mystery, 72 OR. L. REV. 301 (2000).

Derivatives, Corporate Hedging and Shareholder Wealth: Modigliani-Miller Forty Years Later, 1998 U. ILL. L. REV. 201 (1999)

Don't Ask, Just Tell: Insider Trading After United States v. O'Hagan, 84 VA. L. REV. 153 (1998) (with Richard Painter and Cindy Williams)

More Than Just New Financial Bingo: A Risk-based Approach to Understanding Derivatives, 23 J. CORP. L. 1 (1997)

SEC Promulgates New Insider Trading Rules, 15 BNA CORP. COUNSEL WEEKLY 8 (Nov. 1, 2000) (with Richard W. Painter).

Building the Basic Course Around Intra-Firm Relations, 34 GA. L. REV. 785 (2000).

Fiduciaries, Misappropriators and the Murky Outlines of the Den of Thieves: A Conceptual Continuum for Analyzing United States v. O'Hagan, 33 TULSA L. J. 163 (1997)

Corporate Debt Restructurings in Mexico: For Foreign Creditors, Insolvency Law Is Only Half the Story, 17 N.Y.L. SCH. J. INT'L. & COMP. L. 481 (1997)

Gustafson v. Alloyd Co.: The Wrong Decision, But it is Still Business As Usual in the Securities Markets, 31 TULSA L. J. 509 (1996)

Electronic Surveillance, 79 GEO. CRIM. PROC. PROJECT 678 (1991)

WORKING PROJECTS

THE DANGER OF DIFFERENCE: HOW CORPORATE DIRECTORS TALK ABOUT DIVERSITY, University of Pennsylvania Press (*advance contract*, manuscript due June, 2014) (with Lissa Broome & John Conley)

RECALIBRATING RISK (edited volume), with Ed Balleisen, Lori Benneer, and Jonathan Wiener

SELECTED RECENT CONFERENCES AND SPEAKING ENGAGEMENTS (SINCE 2006)

Faculty Workshops (*Reverse Transplant Tourism*, 2013-14): USC Law School, Harvard Law School, University of Tulsa Law School

III Seminario De Control Interno Y Compliance: Experiencias Y Mejores Prácticas En Los Mercados De Activos Financieros. Bogota, Colombia (Oct. 29, 2012)

A Rogue Trading Case Study, Risk Management Association Annual Meeting, Cambridge, MA (April 25, 2012)

Faculty Workshops (*Don't Screw Joe The Plummer*, 2011-13): Rethinking Regulation Working Group -- Kenan Institute for Ethics (Duke University), Duke University School of Law, University of Colorado, the Center for the Study of Law and Society at Berkeley Law School, Reykjavik University (law and business schools), University of St. Louis, George Washington University, Pace University, and Florida International University

Faculty Workshops (*Kidneys Without Contracts*, 2011-12): Trent Center for Bioethics, Humanities, & History of Medicine (Duke University), Duke Law School

Panelist: American Association of Law Schools, *Reviving Financial Institutions*, Washington, DC (Jan. 7, 2012)

Plenary Panelist: American Association of Law Schools Conference, *Women Rethinking Equality*, Washington, DC (June 21, 2011)

Faculty Workshops (*Dangerous Categories*, 2010-11): Penn, USC, Illinois, Florida, and Tulane law schools, and Duke University's Fuqua School of Business

Commenter, *Regulating Assisted Reproductive Technology*, Rutgers-Camden (April 1, 2011)

Presenter, *Reregulation & The Business Firm*, University of Iowa (Feb. 19, 2011)

Presenter, *Adolf A. Berle, Jr. Symposium on Corporations, Law and Society*, Seattle University (Jan. 22, 2011)

Presenter/Co-organizer, *Board Diversity and Corporate Performance: Filling in the Gaps*, University of North Carolina School of Law (April 16, 2010)

Commenter/Co-organizer, *For Love or Money: Defining Relationships in Law and Life*, Wash. U. Law School (March 26-27, 2010)

University of British Columbia, The National Centre for Business Law, *Narratives of Diversity in the Corporate Boardroom: What Corporate Insiders Say About Why Diversity Matters* (March 12, 2010)

Faculty Workshops (*A Woman's Worth*, 2009-10): Bar-Ilan, Duke, Georgia, Northwestern, and Tel Aviv law schools

Presenter, *Globalization, Families, and the State*, University of North Carolina (Oct. 2009)

Presenter, *Behavioral Analysis of Law: Markets, Institutions, and Contracts*, University of Haifa (Dec. 2009)

Faculty Workshops (*Operational Risk Management*, 2008-09): Duke Law School-Fuqua School of Business, University of Arizona Law School

Faculty Workshops (*Sunny Samaritans & Egomaniacs*, 2008-09): University of Chicago, Duke, Indiana-Bloomington, University of Iowa, UCLA, and University of Oregon law schools

Presenter, *The Opposite(s) of Property*, Duke Law School (Jan. 17, 2009)

Commenter, *3rd Annual Law & Entrepreneurship Retreat*, Drexel University School of Law (Oct. 24, 2008)

Presenter, *The (Dys)functional Board: Causes and Cures*, University of Cincinnati School of Law (March 14, 2008)

Faculty Workshops (*Board Diversity & Corporate Performance*, 2007-08): University of Alabama, Duke University Law & Markets Speaker Series, University of North Carolina

Faculty Workshops (*Price and Pretense in the Baby Market*, 2006-07): University of Alabama, University of Illinois, Vanderbilt University, Washington & Lee University, and the University of North Carolina Schools of Law

Presenter, *Baby Markets: Money, Morals, and the Neopolitics of Choice*, DePaul University College of Law (November 10, 2006)

COMPETITIVE GRANTS, FELLOWSHIPS, AND AWARDS

Bass Connections Grant, \$18,000, *Regulatory Disaster Scene Investigation* (co-principal investigator with: Edward J. Balleisen, Lori Benneer, and Jonathan Wiener) (2014)

Bass Connections & Kenan Institute for Ethics, \$19,500, *Living Donor Kidney Transplants and the Good Samaritan: The Religious, Legal, and Ethical Challenges of Non-simultaneous, Extended, Altruistic Donor Chains* (with David Toole and Ray Barfield) (2014)

Smith Richardson Foundation, \$170,000, *Recalibrating Risk: Crises, Risk Perceptions, And Regulatory Responses* (co-principal investigator with: Edward J. Balleisen, Lori Benneer, and Jonathan Wiener) (2013)

Kenan Institute For Ethics, Senior Research Fellow, 2011-2013

Kenan Institute For Ethics, Research Grant, \$19,500 (*Kidneys Without Contracts*)

University of North Carolina Pogue Award (awarded by University Provost -- fall 2008 leave with full salary)

Robertson Scholars Collaboration Fund Grant (awarded \$3600 to support the Duke-UNC Law & Finance Speaker Series for spring 2008; awarded \$1900 to support the Duke-UNC Law & Finance Speaker Series for Spring 2009)

Corporate Practice Commentator's Best Corporate and Securities Law Articles of 1999 (for *Derivatives, Corporate Hedging and Shareholder Wealth*)

Robert Childres Memorial Award for Teaching Excellence (1999-2000, Northwestern University School of Law)

Nominee, University of Tulsa Outstanding Teacher Award (1996)

EDUCATION

Georgetown University Law Center Washington, DC

J.D., *Cum Laude*, May 1992

North Carolina State University Raleigh, NC

B.A., *Cum Laude*, May 1987

SERVICE AND AFFILIATIONS

Selected Professional Activities

AALS Section on Securities Regulation, Chair (2012-13), Executive Council (2010-present)

AALS Section on Business Associations, Chair (2014-2015), Executive Council (2010-present)

Commentator, Central and East European Law Initiative (CEELI) of the American Bar Association (1997-2000)

Faculty, *NASD Institute for Professional Development*, Wharton School of Business (2001 - 2002) (Philadelphia PA)

Reviewer

Regulation & Governance, Journal of Risk Research, Journal of Law and Economics, National Science Foundation, Social Sciences and Humanities Research Council of Canada

Professional Memberships/Bar Admissions

American Bar Association

Business Law Section

Securities Law Section

American Law and Economics Association

Law and Society Association

State Bar of New York (Admitted 1993)

University Service (Since 2001)

Faculty Council, Kenan Institute For Ethics, Duke University (2010-present)

Kenan-Flagler Business School, University of North Carolina, Dean Search Committee (2007-08)

Chair, Faculty Workshop Committee (2006-8, 2010-11)

Appointments Committee (2001-2003, 2009-11, 2012-14)