

**WILLIAM A. BIRDTHISTLE**

Professor of Law  
Chicago-Kent College of Law  
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**EMPLOYMENT**

<b>CHICAGO-KENT COLLEGE OF LAW</b> <i>Professor of Law</i> , 2014 – present <i>Associate Professor of Law</i> , 2011 – 2014 <i>Assistant Professor of Law</i> , 2006 – 2011	2006 – present
<b>UNIVERSITY OF CHICAGO LAW SCHOOL</b> <i>Visiting Professor of Law / Lecturer</i>	Fall 2016 – 2018
<b>UNIVERSITY OF IOWA COLLEGE OF LAW</b> <i>Visiting Professor of Law</i>	Fall 2011
<b>ROPES &amp; GRAY LLP</b> <i>Corporate Associate, Investment Management Practice</i>	2001 – 2006
<b>THE HONORABLE DIARMUID F. O’SKANLAIN</b> United States Court of Appeals for the Ninth Circuit <i>Judicial Clerk</i>	1999 – 2000

**EDUCATION**

**HARVARD LAW SCHOOL**  
J.D., *cum laude*, 1999  
Managing Editor, *Harvard Law Review*

**DUKE UNIVERSITY**  
B.A., English & Psychology, *summa cum laude*, 1995  
Phi Beta Kappa

**PUBLICATIONS**

**BOOKS**

*Empire of the Fund: The Way We Save Now* (Oxford University Press, June 2016)

*Research Handbook On the Regulation of Mutual Funds* (Edward Elgar, forthcoming 2018)  
(co-edited with John D. Morley)

**ACADEMIC ARTICLES**

*Undivided Loyalty: The Problem of Allegiance in the Literature of War*, in *WAR IN LAW & LITERATURE*  
(eds. Martha Nussbaum, et al.) (forthcoming 2019) with Alison L. LaCroix

Symposium, *Federalism of Personal Finance: State & Federal Retirement Plans*, 41 *SEATTLE UNIVERSITY LAW REVIEW* 367 (2018)

*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)

#### **OTHER PUBLICATIONS**

- Next Stop for Mutual -Fund Fees: Zero*, WALL STREET JOURNAL, June 10, 2018, with Daniel J. 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

## COMMENTARY

*The Conglomerate*  
*Concurring Opinions*  
*PrawfsBlawg*  
*The Volokh Conspiracy*

## AWARDS, FELLOWSHIPS, LECTURES & REFEREEING

Norman & Edna Freehling Scholar, 2013 – 2015  
Chicago-Kent College of Law Excellence in Teaching Award, 2010  
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*, March 2007

## SELECTED PRESENTATIONS & CONFERENCES

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  
Investment Fund Roundtable, *Host*: 2008-2017  
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  
University of Chicago Law School Federalist Society, April 2010  
    Debate with Professor M. Todd Henderson on *Jones v. Harris*  
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