

**MIRIAM H. BAER**  
Brooklyn Law School  
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## **Academic Experience**

**BROOKLYN LAW SCHOOL**, Brooklyn, NY,  
Associate Director, Center for the Study of Business Law and Regulation  
*Professor of Law* 2014–present  
*Associate Professor of Law* 2011–2014  
*Assistant Professor of Law* 2008–2011

*Courses taught:* Criminal Law, Criminal Procedure: Investigations, Corporations, White-Collar Crime

*Selected Committees:* Long Range Planning, Academic Standards, Entry Level Appointments, Safety and Security, Workshops

**EDMOND SAFRA CENTER FOR ETHICS, HARVARD UNIVERSITY**  
Visiting Fellow 2021-22

**CAROL & LAURENCE ZICKLIN CENTER FOR BUSINESS ETHICS RESEARCH,  
THE WHARTON SCHOOL** December 2018–present  
Senior Fellow

**YALE LAW SCHOOL**, New Haven, CT, *Florence Rogatz Visiting Professor of Law*  
*Criminal Procedure: Investigations* Spring semester 2021  
Spring semester 2018

**NYU SCHOOL OF LAW**, New York, NY  
Visiting Fellow, Center for Research in Crime & Justice 2014-15  
Acting Assistant Professor of Lawyering 2006–2008

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## **Education**

**HARVARD LAW SCHOOL**, J.D., *magna cum laude* June 1996  
*Human Rights Journal*: Articles and Managing Editor  
*Research Assistant*: Professor Arthur Miller

**PRINCETON UNIVERSITY**, A.B. in Politics, *magna cum laude*, *Phi Beta Kappa* June 1993

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## **Publications**

### **WORKS IN PROGRESS**

MYTHS & MISUNDERSTANDINGS OF WHITE-COLLAR CRIME (Cambridge U. Press, forthcoming 2022)

*The Information Shortfalls of Prosecuting Irresponsible Executives*, DePaul L. Rev. (forthcoming), for 26<sup>th</sup> Clifford Symposium on Tort Law and Social Policy

## BOOK CHAPTERS

*Personhood, Procedure and the Endurance of Corporate Compliance*, in RESEARCH HANDBOOK ON CORPORATE PURPOSE AND PERSONHOOD (E. Pollman and R. Thompson eds, Edward Elgar Publishing, forthcoming 2021)

*Designing Corporate Leniency Programs*, in CAMBRIDGE HANDBOOK ON COMPLIANCE (D. Sokol & B. Von Rooij, eds., Cambridge University Press, 2021)

*Corporate Criminal Law Unbounded*, in OXFORD HANDBOOK ON PROSECUTORS AND PROSECUTIONS (R. Wright, K. Levine & R. Gold, eds., Oxford University Press, 2021)

*When the Corporation Investigates Itself*, in RESEARCH HANDBOOK ON CORPORATE CRIME AND FINANCIAL MISDEALING (J. Arlen ed., Edward Elgar Publishing, 2018)

Contributions in CRIMINAL LAW CONVERSATIONS (Robinson, Garvey & Ferzan, eds., Oxford University Press 2009)

- *Entrapment and the Quandary of the Undercover Investigation*
- *Eliminating the Divide between the State and its Citizens*

## ARTICLES & ESSAYS

*Law Enforcement's Lochner*, 105 MINN. L. REV. 1667 (2021)

*Three Conceptions of Corporate Crime (and One Avenue for Reform)*, 83 LAW & CONTEMP. PROBS. 1 (2020)

*Compliance Elites*, 88 FORDHAM L. REV. 1599 (2019)

*Sorting Out White-Collar Crime*, 97 TEX. L. REV. 225 (2018)

- Discussed in DAVID MILLS AND ROBERT WEISBERG, WHITE-COLLAR CRIME (2020)

*Reconceptualizing the Whistleblower's Dilemma*, 50 U.C. DAVIS L. REV. 2215 (2017)

*Pricing the Fourth Amendment*, 58 WM & MARY L. REV. 1103 (2017)

- American Law and Economics Association, Annual Meeting 2016
- Cited in *U.S. v. Weaver*, 975 F.3d 94 (2d Cir. 2020) (Calabresi, J., concurring)

*Too Vast to Succeed*, Book Review of TOO BIG TO JAIL: HOW PROSECUTORS COMPROMISE WITH CORPORATIONS by Brandon Garrett, 114 MICH. L. REV. 1109 (2016)

*Timing Brady*, 115 COLUM. L. REV. 1 (2015)

- Yale-Stanford-Harvard Junior Faculty Forum

*Unsophisticated Sentencing*, 61 WAYNE L. REV. 61 (2015) (symposium contribution)

*Confronting the Two Faces of Corporate Fraud*, 66 FLA. L. REV. 87 (2014)

- Reviewed in *JOTWELL* (April 13, 2015)
- Selected for *Securities Law Review* (2015) (Langevoort, ed.)

*Choosing Punishment*, 92 B.U. L. REV. 577 (2012)

*Some Thoughts on the Porous Boundary between Ordinary and Extraordinary Frauds*, Book Review of ENSURING CORPORATE MISCONDUCT by Tom Baker and Sean Griffith, 14 U. PA. J. BUS. L. 927 (2012)

*Cooperation's Cost*, 88 WASH. U. L. REV. 963 (2011)

- Yale-Stanford Junior Faculty Forum
- American Law and Economics Association Annual Meeting 2010
- Cited in *U.S. v. Rushin*, 844 F.3d 933 (11<sup>th</sup> Cir. 2016) (Jordan. J, concurring).

*Organizational Liability and the Tension Between Corporate and Criminal Law*, 19 J. LAW & POL'Y 1 (2010)

*Governing Corporate Compliance*, 50 B.C. L. REV. 949 (2009)

*Linkage and the Deterrence of Corporate Fraud*, 94 VA. L. REV. 1295 (2008)

*Insuring Corporate Crime*, 83 IND. L. J. 1035 (2008)

*Corporate Governance and Corporate Policing: What Can We Learn from Hewlett-Packard's Pretexting Scandal?*, 77 U. CIN. L. REV. 523 (2008)

- Excerpted in GEOFFREY MILLER, *THE LAW OF GOVERNANCE, RISK MANAGEMENT & COMPLIANCE* (Walters Kluwer, 2d. Ed. 2017).

*Towards a More Balanced Treatment of Bidder and Target Shareholders*, 1997 COLUM. BUS. L. REV. 319 (as Miriam P. Hechler)

*The Role of the Corporate Attorney within the Takeover Context: Loyalties to Whom?* 21 DEL. J. CORP. L. 943 (1996) (as Miriam P. Hechler)

#### **ONLINE PUBLICATIONS**

*Bruce Castor Botched the Cosby Case Even Worse than it Seems*, (coauthored with Cynthia Godsoe) SLATE, July 3, 2021, <https://slate.com/news-and-politics/2021/07/bruce-castor-bill-cosby-deal-bad.html>

*Propping up Corporate Crime with Corporate Character*, 103 IOWA LAW REVIEW ONLINE 88 (2018)

*Insider Trading's Legality Problem*, 127 YALE L.J. FORUM 129 (2017)

- Discussed in Bloomberg Opinion, May 4, 2018, <https://www.bloomberg.com/opinion/articles/2018-05-04/insider-trading-needs-law-needs-to-change>

*Some Skepticism about Criminal Discovery Empiricism*, 73 WASH & LEE L. REV. ONLINE 347 (2016)

*Book review of Brandon Garrett's Too Big to Jail: How Prosecutors Compromise with Corporations*, in Rutgers Review of Criminal Books, <https://clejbooks.rutgers.edu/books/too-big-to-jail/>

*Secrecy, Intimacy, and Workable Rules: Justice Sotomayor Stakes Out the Middle Ground in United States v. Jones*, 123 YALE L.J. FORUM 393 (2014)

*Evaluating the Consequences of Calibrated Sentencing: A Response to Professor Kolber*, 109 COLUM. L. REV. SIDEBAR 211 (2009)

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## **Practice Experience**

**VERIZON COMMUNICATIONS**, New York, NY, Sept. 2004-Oct. 2005  
Assistant General Counsel for Compliance.

**UNITED STATES ATTORNEY'S OFFICE, SDNY**, New York, NY, Sept. 1999-Aug. 2004  
Assistant United States Attorney, Criminal Division.

**CRAVATH SWAINE & MOORE**, New York, NY, Summer 1995, Sept. 1997-Sept. 1999  
Litigation associate.

**THE HONORABLE JANE ROTH**, Wilmington, DE, Sept. 1996-Aug. 1997  
United States Court of Appeals for the Third Circuit.

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## **Honors & Appointments**

Visiting Fellow, Edmond Safra Center for Ethics at Harvard University, 2021-22 academic year

Senior Fellow at The Carol and Lawrence Zicklin Center for Business Ethics Research (Wharton),  
December 2018- present

Elected to American Law Institute, December 2016; Adviser on Principles of the Law of  
Compliance, Risk Management and Enforcement project, 2015- present.

Elected as an American Bar Foundation Fellow, February 2017

Articles twice selected for the Yale/Stanford/Harvard Junior Faculty Forum (2010 and 2014)

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## **Selected Academic and Professional Presentations**

*Myths and Misunderstandings in White-Collar Crime*, Southeastern Association of Law Schools  
Annual Meeting, August 2022 (workshopped two chapters of forthcoming book)

*Business Scholarship Podcast, Biden Symposium: Enforcement and Policing*, January 2021

*American Association of Law Schools, Annual Meeting, Criminal Justice Section Works in  
Progress*, Mentor and Commentator on junior scholar's corporate crime article, January 2021

*Corporate Whistleblowing: Hit Rates and Awards and the Problem of the Complicit  
Whistleblower*, PIABA (Public Investors Advocate Bar Association) Annual Meeting, October  
2020

*The Information Shortfalls of Prosecuting Irresponsible Executives*, 26<sup>th</sup> Annual Clifford  
Symposium on Tort Law and Social Policy, DePaul Law School, April 2020

*Law Enforcement's Lochner:*  
Washington & Lee University School of Law, Faculty Workshop, October 2020  
Corporate and Securities Litigation Workshop, August 2020  
National Business Law Scholar's Conference, June 2020

*Three Ways to Think About Corporate Crime*, Symposium on Corporate Crime and Enforcement, Duke Law School, November 2019

*Compliance Elites*, Stein Symposium on Corporate Lawyering and Ethics, Fordham Law School, October 2019

*Designing Leniency*, Law and Society Conference, Washington D.C., May 2019

*Myths and Misunderstandings in White-Collar Crime*, Fordham Law School, Advanced Criminal Law Seminar Series, April 2019

*Internal Investigations: Comparative Workshop on US, UK and German Law*, sponsored by the House of Finance, Goethe-Universität Frankfurt, January 2019

*Sorting Out White-Collar Crime*,  
Cardozo Law School, Faculty Workshop, October 2018  
University of Connecticut Law School, Faculty Workshop, October 2017  
Pace Law School, Faculty Workshop, October 2017  
Columbia Law School Criminal Law Roundtable, May 2017

*The Criminal Side of Business*, National Business Law Scholars Conference, Featured Panel Discussion, June 2018

*Corporate Compliance and Organizational Change*, Notre Dame Law School, senior/junior corporate compliance scholars workshop, April 2018

*Institute for Law and Economic Policy, 23<sup>rd</sup> Annual Conference*, Naples, Florida (invited commentator on panel relating to corporate crime), April 2017

*Reconceptualizing the Whistleblower's Dilemma*,  
Southern Methodist University Law School, Faculty Workshop, February 2017  
Emory Law School, Faculty Workshop, January 2017  
Canadian Law & Economics Association, September 2016  
Eugene and Delia Murphy Corporate Law Colloquium, Fordham Law School, April 2016

*Insider Trading's Legality Problem*, AALS Annual Meeting Discussion Group on Insider Trading, January 2017

*Pricing the Fourth Amendment*,  
American Law and Economics Association Annual Meeting, Harvard Law School, May 2016  
Criminal Justice Ethics Schmooze, Fordham Law School, June 2015  
Criminal Justice Hoffinger Colloquium, NYU School of Law, April 2015 (featured speaker)

*Disciplining Corporate Power*, panelist at Rebellious Lawyering Conference, Yale Law School, February 2016

*Anti-Bribery Statutes and Corporate Prosecutions*, panelist at International Law Weekend-West, BYU Law School, January 2016

*When the Corporation Investigates Itself*, Symposium on Corporate Fraud and Financial Misdealing, NYU School of Law, April 2015

*Unsophisticated Sentencing*, Symposium on White-Collar Crime and Sentencing, Wayne State University Law School, October 2014

*Timing Brady*,  
Fordham Law School, Criminal Law Speaker Series, September 2014

Stanford-Yale-Harvard Junior Faculty Forum, Stanford Law School, June 2014  
Criminal Justice Ethics Schmooze, Fordham Law School, June 2014

*Secrecy, Intimacy and Workable Rules: Justice Sotomayor Stakes Out the Middle Ground*, Yale Law School, Symposium on the Early Jurisprudence of Justice Sotomayor, Yale Law Journal Forum, February 2014

*Confronting the Two Faces of Corporate Fraud*,  
University of Florida, Criminal Justice Center Junior Workshop, March 2013  
University of Michigan Law School, Legal Theory Workshop, September 2013

*Choosing Punishment*,  
University of Illinois School of Law, Program in Business Law and Policy, November 2011  
Yale Law School Criminal Law Roundtable, May 2011

*Cooperation's Cost*,  
Yale/Stanford Junior Faculty Forum, Yale Law School, June 2010  
American Law and Economics Association, Annual Meeting, May 2010

*Governing Corporate Compliance*, Washington University Law School, Corporate Regulation Junior/Senior Workshop, March 2009

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## **Professional Activities & Media**

Cited and quoted in Vox, Politico, Wall Street Journal, Washington Post, New York Times, New York Times Magazine, Bloomberg News, Bloomberg Opinion, The Atlantic and other publications.

Podcast interviews with Business Scholarship Podcast and Ipse Dixit. Business law related blog posts for Columbia Blue Sky Blog, and NYU Compliance and Enforcement Blog.

Appearances on MSNBC, CBSN (CBS News' digital network), NPR and CNN.

Admitted to practice before the United States Courts of Appeal for the Second and Third Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

Referee or reviewer for *New Criminal Law Review*, Springer (international book division), *Law & Policy* (Wiley), *Regulation and Governance* (Wiley), NYU Press, Stanford University Press, Walters Kluwer, the Harvard Law Review and the Yale Law Journal.