

## **H. JUSTIN PACE**

Western Carolina University

College of Business

School of Accounting, Finance, Information Systems, and Business Law

7 Killian Building Lane

Cullowhee, North Carolina 28723

hpace@wcu.edu

704.840.8387 (mobile)

### **ACADEMIC APPOINTMENTS**

#### **Western Carolina University, College of Business**

Assistant Professor of Business Law, 2020 – present

- Courses: Business Organization, Business Ethics and Corporate Responsibility, Labor and Employment Law

#### **Western Michigan University, Haworth College of Business,**

Assistant Professor of Finance and Commercial Law, 2017 – 2020

- Courses: Law, Ethics, and Corporate Social Responsibility (MBA course); Legal, Political, and Regulatory Aspects of Business (MBA course); Legal Aspects of Entrepreneurship; Marketing and Sales Law; Legal Environment of Business; Legal Environment of Business (Guizhou University of Finance and Economics)

#### **Florida State University College of Law,**

Visiting Assistant Professor, 2016 – 2017

- Courses: Securities Regulation, Corporations, Secured Transactions

### **EDUCATION**

#### **Northwestern Pritzker School of Law**

*Juris Doctor, cum laude*, 2011

- *Northwestern Journal of Technology and Intellectual Property*, Perspectives Editor
- *Harvard Journal of Law and Public Policy*, Symposium Issue, Editor, 2010
- Senior Research Honors

#### **North Carolina State University**

*Master of Accounting*, 2005

- Ernst & Young Scholar
- Passed all sections of the CPA exam (2005)

#### **Western Carolina University**

*Bachelor of Business Administration, cum laude*, 2004

## **ACCEPTED SCHOLARSHIP**

*Mission Critical: Caremark, Blue Bell, and Director Responsibility for Cybersecurity Governance* (with Lawrence J. Trautman), forthcoming from 2022 Wisconsin Law Review \_\_\_\_ (2022), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3938128](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3938128)  
SEALSB Best Proceedings Paper Award (2021)

*Convergence and Divergence of Alcohol and Marijuana Regulation in a Federalist System*, forthcoming from 46 Seton Hall Legislative Journal \_\_\_\_ (2022), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4032858](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4032858)

## **PUBLISHED SCHOLARSHIP**

*The “Free Market” for Marijuana: A Sober, Clear-Eyed Analysis of Marijuana Policy*, 25 Lewis & Clark L. Rev. 1219 (2020)  
Institute for Humane Studies Hayek Fund for Scholars Grant

*Rogue Corporations: Unlawful Corporate Conduct and Fiduciary Duty*, 85 MO. L. REV. 1 (2020) (lead article)  
Institute for Humane Studies Hayek Fund for Scholars Grant

*What Equity, the Promise Economy, and Cognition Mean for How Fiduciary Law Should Develop*, 20 University of Pennsylvania Journal of Business Law 684 (2018)

*Contracting out of Fiduciary Duties in LLCs: Delaware will Lead, but will Anyone Follow?*, 16 NEV. L.J. 1085 (2016)

*Anti-Assignment Provisions, Copyright Licenses, and Intra-Group Mergers: The Effect of Cincom v. Novelis*, 9 NW. J. TECH. & INTELL. PROP. 263 (2010)

## **WORKING PAPERS**

*Complexity and Class: A Review of Kent Greenfield’s Corporations Are People Too (And They Should Act Like It)* (invitation to resubmit), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3440993](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3440993)

*The Long-Term Impact of Kelo v. City of New London: Comparing State Legislative and Judicial Responses* (with Edward J. Lopez)  
Western Carolina University Center for the Study of Free Enterprise Grant

*Employment Law: The Basics* (with Lawrence J. Trautman, Lora Koretz, Anthony McMullen, and David D. Schein) (on submission), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3765016](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3765016)

*Contracts in Brief* (with Lawrence J. Trautman, Lora J. Koretz, Anthony McMullen, and Michelle A. Romero) (on submission), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3571997](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3571997)

*Minimal Effect: Contractual Expansion of Fiduciary Duties in Delaware LLCs*

## **SCHOLARLY PRESENTATIONS**

### *Convergence and Divergence of Alcohol and Marijuana Regulation in a Federalist System*

- Seton Hall Legislative Journal Symposium Conversations on Cannabis (invited presentation, online, February 2022)

### *Mission Critical: Caremark, Blue Bell, and Director Responsibility for Cybersecurity Governance*

- ALSB Technology Colloquium (online, January 2022)
- Hurst Seminar (invited presentation, online, January 2022)
- Southeastern Academy of Legal Studies in Business Annual Meeting (Savannah, Georgia, November 2021)

### *The “Free Market” for Marijuana: A Sober, Clear-Eyed Analysis of Marijuana Policy*

- National Business Law Scholars Conference (online, June 2020)
- 2020 Symposium on Legal, Ethical, and Compliance Issues for Emerging Markets: Cannabis in the States, cohosted by the Center for Legal Studies & Business Ethics at Oklahoma State University and the American Business Law Journal (invited presentation, Oklahoma City, Oklahoma, February 2020)

### *Minimal Effect: Contractual Expansion of Fiduciary Duties in Delaware LLCs*

- Central States Law Schools Association Scholarship Conference (Toledo, Ohio, September 2019)
- Southern Academy of Legal Studies in Business Annual Meeting (San Antonio, Texas, February 2019)

### *Complexity and Class: A Review of Kent Greenfield’s Corporations Are People Too (And They Should Act Like It)*

- Academy of Legal Studies in Business Annual Conference (Montreal, Quebec, August 2019)

### *Rogue Corporations: Unlawful Corporate Conduct and Fiduciary Duty*

- Midwest Academy of Legal Studies in Business Annual Meeting (Chicago, Illinois, March 2019)
- Southeastern Academy of Legal Studies in Business Annual Meeting (Chattanooga, Tennessee, October 2018)

*What Equity, the Promise Economy, and Cognition Mean for How Fiduciary Law Should Develop*

- AALS Annual Meeting Work-in-Progress Panel (San Diego, California, January 2017)
- Legal Scholarship Workshop, Northwestern Pritzker School of Law (Chicago, Illinois, November 2016)
- Southeastern Academy of Legal Studies in Business Annual Meeting (Durham, North Carolina, November 2016)
- Florida State University College of Law Faculty Enrichment Speaker Series (Tallahassee, Florida, November 2016)
- Central States Law Schools Association Scholarship Conference (Grand Forks, North Dakota, September 2016)

*Contracting out of Fiduciary Duties in LLCs: Delaware will Lead, but will Anyone Follow?*

- Legal Scholarship Workshop, Northwestern Pritzker School of Law (Chicago, Illinois, November 2015)

**SCHOLARLY AWARDS AND HONORS**

*2022 Huber Hurst Seminar*

*2021 SEASLB Best Proceedings Paper Award (for Mission Critical: Caremark, Blue Bell, and Director Responsibility for Cybersecurity Governance (with Lawrence J. Trautman))*

*2020 Haworth College of Business Faculty Research Award (Nominated)*

**MEDIA APPEARANCES**

*Financial expert breaks down the Jumar Management securities case: It's about the money, WWMT Newschannel 3 (November 7, 2019), <https://wwmt.com/news/local/financial-expert-breaks-down-the-jumar-management-securities-case-its-about-the-money>*

**UNIVERSITY SERVICE**

*Sigma Phi Epsilon social fraternity, Balanced Man Steward, academic coach (2021-present)*

*Business & Law Society (new student organization), co-faculty advisor (2021-present)*

*University Scholarship Committee, committee member (2021)*

**WORK EXPERIENCE**

**McKool Smith, P.C.**, Houston, TX

*Associate, 2013 – 2016*

- Practice focused on bankruptcy and commercial litigation

**United States Court of Appeals for the Fifth Circuit**, Houston, TX

*Law Clerk to the Honorable Edith Hollan Jones, 2012 – 2013*

**United States District Court for the Western District of Virginia**, Roanoke, VA

*Law Clerk to the Honorable Samuel Grayson Wilson, 2011 – 2012*

**Committee on Capital Markets Regulation**, Cambridge, MA

*Research Associate, 2011*

**Dechert LLP**, Charlotte, NC  
*Summer Associate*, 2010

**Accenture**, Charlotte, NC  
*Consultant* (2007 – 2009), *Analyst* (2005 – 2007)

**Dixon Hughes PLLC**, Asheville, NC  
*Audit Intern*, 2004

**BAR AND COURT ADMISSIONS**

Texas State Bar, admitted 2012

North Carolina State Bar, admitted 2011

United States Court of Appeals for the Third Circuit, admitted 2016

United States Court of Appeals for the Fifth Circuit, admitted 2013

United States District Court for the Southern District of Texas, admitted 2014

Buncombe County Bar, member

Young Professionals of Asheville, member