**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, Legal and Ethical Environment of Business, Contracts and Sales, 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**

*Financial Institution D&O Liability After* Caremark *and* McDonald’s (with Lawrence J. Trautman), forthcoming from Rutgers University Law Review, available at https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4566471

*Crisis at the Audit Committee: Challenges of a Post-Pandemic World* (with Bernice Donald, Brian Elzweig, Neal F. Newman, and Lawrence J. Trautman), forthcoming from Review of Banking and Financial Law, available at https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4240080

*The Utility of Originalism in Mitigating Judicial Elite Bias: Evidence from the 2021-2022 Supreme Court Term*, forthcoming from UMKC Law Review, available at https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4259320

**PUBLISHED SCHOLARSHIP**

*Climate Change and* Caremark *Doctrine, Imperfect Together* (with Lawrence J. Trautman), 25 University of Pennsylvania Journal of Business Law 777 (2023)

*Mission Critical:* Caremark*, Blue Bell, and Director Responsibility for Cybersecurity Governance* (with Lawrence J. Trautman), 2022 Wisconsin Law Review 888 (2022)

SEALSB Best Proceedings Paper Award (2021)

*Convergence and Divergence of Alcohol and Marijuana Regulation in a Federalist System*, 46 Seton Hall Legislative Journal 623 (2022)

*The “Free Market” for Marijuana: A Sober, Clear-Eyed Analysis of Marijuana Policy*, 24 Lewis & Clark Law Review 1219 (2020)

Institute for Humane Studies Hayek Fund for Scholars Grant

*Rogue Corporations: Unlawful Corporate Conduct and Fiduciary Duty*, 85 Missouri Law Review 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 Nevada Law Journal 1085 (2016)

*Anti-Assignment Provisions, Copyright Licenses, and Intra-Group Mergers: The Effect of* Cincom v. Novelis, 9 Northwestern Journal of Technology and Intellectual Property 263 (2010)

**WORKING PAPERS**

*High-Status Versus Low-Status Stakeholders* (on submission), available at https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4694806

SEALSB Best Proceedings Paper Award (2023)

Institute for Humane Studies Hayek Fund for Scholars Grant

*The Long-Term Impact of Kelo v. City of New London: Comparing State Legislative and Judicial Responses* (with Edward J. Lopez and Jon Murphy)

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

*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

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

**SCHOLARLY PRESENTATIONS**

*High-Status Versus Low-Status Stakeholders*

* Southeastern Academy of Legal Studies in Business Annual Meeting (Greenville, South Carolina, November 2023)
* Central States Law Schools Association Annual Scholarship Conference (Norman, Oklahoma, September 2023)
* Southern Academy of Legal Studies in Business Conference (San Antonio, Texas, March 2023)

*The Utility of Originalism in Mitigating Judicial Elite Bias: Evidence from the 2021-2022 Supreme Court Term*

* Southeastern Academy of Legal Studies in Business Annual Meeting (New Orleans, Louisiana, November 2022)

*Climate Change and Caremark Doctrine, Imperfect Together*

* Academy of Legal Studies in Business Annual Conference (Louisville, Kentucky, July 2022) (with Lawrence J. Trautman)

*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*

* Academy of Legal Studies in Business Technology Colloquium (online, January 2022) (with Lawrence J. Trautman)
* 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**

2023 SEASLB Best Proceedings Paper Award (for High-Status Versus Low-Status Stakeholders)

2022 SEALSB Junior Scholar Award

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**

Business Ready® Task Force, *task force member* (2023-present)

Business Law Faculty Search Committee, tenure-track line, *committee member* (2023-present)

Business Law Faculty Search Committee, fixed-term line, *committee member* (2023-present)

Southeastern Academy of Legal Studies in Business, *Vice President* (2023-present)

Gifts Review Committee, *committee member* (elected, 2023-present)

College Strategic Planning Committee, *committee member* (elected, 2023-present)

College Curriculum Committee, College of Business, *committee member* (2022-present)

Department Curriculum Committee, School of Accounting, Finance, Information Systems, and Business Law, *committee member* (2022-present)

Student Conduct Hearing Board, *member* (2022-present)

Sigma Phi Epsilon social fraternity, *chapter counselor* (2024-present), *faculty advisor* (2022-present), *Balanced Man Steward* (2021-2024), *academic coach* (2021-2022), *faculty fellow* (2022-present)

* *Speaker*, Balanced Man Scholarship Banquet (2022)

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

* *Moderator*, BLS Professor Debate on Student Loan Forgiveness Plan (2022)

Southeastern Academy of Legal Studies in Business, *Secretary* (2022-2023)

University Scholarship Committee, *committee member* (2021, 2023)

Southern Academy of Legal Studies in Business Conference, *paper presentation panel moderator* (2023)

Technology and Learning Committee, *committee member* (2017-2020) (Western Michigan University)

Business Law Club, *co-faculty advisor* (2017-2020) (Western Michigan University)

**NON-ACADEMIC WORK EXPERIENCE**

**H. Justin Pace, PLLC**, Asheville, NC

*Owner*, 2022 – present

* Appellate and motions litigation practice
* Business law consulting and expert witness services
* Fourth Circuit of the United States Court of Appeals, Criminal Justice Act panel
* Pisgah Legal Foundation housing fellow

**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 Fourth Circuit, admitted 2022

United States District Court for the Western District of North Carolina, admitted 2022

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