

Benjamin P. Edwards

4505 S. Maryland Parkway
University of Nevada, Las Vegas
William S. Boyd School of Law
Las Vegas, Nevada 89154-1003

Phone: (702) 895-2402 • E-mail: Benjamin.Edwards@unlv.edu

EDUCATION

Columbia Law School (2007)

JURIS DOCTOR

Harlan Fiske Stone Scholar (2005), James Kent Scholar (2006)

Parker School of Foreign and Comparative Law Certificate for Achievement

Teaching Assistant to Professors Louis Henkin and Jeffrey Gordon

Business Editor, *Columbia Human Rights Law Review*

Executive Editor, *Columbia Journal of Environmental Law*

University of South Carolina Honors College (2004)

BACHELOR OF ARTS IN PHILOSOPHY, *magna cum laude*

Honors: Phi Beta Kappa, Omicron Delta Kappa

Algernon Sydney Sullivan Award (given to top overall male and female graduate)

Josiah Morse Award (Philosophy Department Honor)

Thesis: *Rhetoric Reborn: How the Isocratic Model of Rhetoric Surpasses Plato's Criticisms*

Student Body Treasurer, 2003–2004

ACADEMIC APPOINTMENTS

University of Nevada, Las Vegas Boyd School of Law, Las Vegas, Nevada 2017-Present

Associate Professor of Law

Course Package: Securities Regulation, Business Organizations, Professional Responsibility

Barry University Dwayne O. Andreas School of Law, Orlando, Florida 2015-2017

Assistant Professor of Law

Courses Taught: Business Organizations, Professional Responsibility, & Securities Regulation

Michigan State University College of Law, East Lansing, Michigan 2012–2015

Founding Director, Investor Advocacy Clinic, 2013–2015

Teaching Fellow, Immigration Law Clinic, 2012–2013

Courses Taught: Investor Advocacy Clinic & Securities Litigation

LEGAL EXPERIENCE

Skadden, Arps, Slate, Meagher & Flom LLP, New York, New York, 2008—2012

Associate, Securities Litigation Group

- Extensive motion practice in federal and state courts for multi-district litigation arising out of the Bernard Madoff Ponzi scheme.
- General federal securities litigation involving initial public offerings and mortgage-backed securities.

United States District Court (W.D.T.N.), Memphis, Tennessee, 2007—2008

Law Clerk to the Honorable Samuel H. Mays, Jr.

SELECTED PUBLICATIONS AND WORKS IN PROGRESS

Law Reviews & Journals

Uncovering the Hidden Conflicts in Securities Class Action Litigation: Lessons from the State Street ___ BUSINESS LAWYER ___ (forthcoming 2019) (with Anthony A. Rickey)

Venture Bearding, 52 U.C. Davis L. Rev. 1873 (2019) (with Ann C. McGinley)

Cybersecurity Oversight Liability, 35 Ga. St. U. L. Rev. 663 (2019)

Crafting Fee-Shifting Policy, ___ TRANSACTIONS: TENN. J. BUS. L. ___ (forthcoming 2019) (symposium)

Conflicts, Confidentiality, and other Concerns: The Promise and Perils for Lawyers Serving on Corporate Boards, 64 Rocky Mountain Mineral Law Foundation Annual Institute 3 (2018)

The Professional Prospectus, 74 WASHINGTON & LEE L. REV. 1457 (2017)

Conflicts & Capital Allocation, 78 OHIO ST. L.J. 183 (2017)

Distributed Governance, 59 WM. & MARY L. REV. ONLINE 1 (2017) (with Carla L. Reyes & Nizan Packin)

The Dark Side of Self-Regulation, 85 U. CIN. L. REV. 574 (2018)

Arbitration's Dark Shadow, 18 NEV. L. J. 427 (2018) (symposium)

The Rise of Automated Investment Advice: Can Robo-Advisers Rescue the Retail Market?, 93 CHI-KENT L. REV. 97 (2017) (symposium)

Regulating Culture: Improving Corporate Governance with Anti-Arbitration Provisions for Whistleblowers, 58 WM. & MARY L. REV. ONLINE 41 (2016) (with Nizan Geslevich Packin)

The Value of Uncertainty: Jurisdictional Defects in High-Stakes Securities Litigation, 110 NW. U. L. REV. 283, 110 NW. U. L. REV. ONLINE 19 (2015) (with Cathy Hwang)

Disaggregated Classes, 9 VA. L. & BUS. REV. 305 (2015)

Crafting Comment Letters, 18 TRANSACTIONS: TENN. J. BUS. L. 382 (forthcoming 2016) (with Nicole G. Iannarone)

The Fragmented Regulation of Investment Advice: A Call for Harmonization,
4 MICH. BUS. & ENTRE. L. REV. 47 (2015) (with Christine Lazaro)

Fiduciary Duty & Investment Advice: Will a Uniform Fiduciary Duty Make a Material Difference?, 14 J. OF BUS. & SEC. L. 105 (2014)

Welcoming a Post-DOMA World, 47 FAM. L.Q. 173 (2013)

When Fear Rules in Law's Place: Systemic Intimidation May Drive Plaintiffs out of Court,
20 VA. J. SOC. POL'Y & L. 437 (2013)

Rolling Back the Economic Loss Doctrine in Securities Disputes against Financial Intermediaries,
20 PIABA B.J. 39 (2013)

Closed-End Fund IPO Considerations, 22 PIABA B.J. 238 (2015)

Case Comment, *Environmental Defense v. Duke Energy Corporation*, 33 COLUM. J. ENVTL. L.
197 (2009)

Works in Progress

Performance-Oriented Investor Protection Law (with Lauren E. Willis, draft anticipated 2019)

Other Publications

Regulators can't be bullied by brokerage firms, LAS VEGAS SUN, (April 11, 2019)

CFPB confusing 'freedom of choice' with 'freedom to be fleeced', THE HILL, (Mar. 6, 2019) (with Christopher Odinet)

The Legislature needs to act on payday lending, NEVADA INDEPENDENT, (Mar. 3, 2019)

State Leadership Needed on Consumer Protection Issues, JURIST, (Feb. 24, 2019)

Trump's personnel problems harm the nation's financial stability, THE HILL, (Dec. 26, 2018)

'Venture bearding' masks Silicon Valley's big gender problem, THE HILL, (Nov. 6, 2018)

Nevada lawmakers must step up on payday lending, LAS VEGAS SUN, (Sept. 10, 2018)
(discussing state regulatory resources)

End the pious prevarication around crisis pregnancy centers, LAS VEGAS SUN, (Aug. 17, 2018)
(with Ann McGinley)

Trump's need for instant gratification now harming markets, THE HILL, (June 4, 2018)
(discussing Presidential tweet tipping economic data)

Fix the flaw in financial self-regulation, THE HILL, (Mar. 19, 2018) (detailing concept from the
Dark Side of Self-Regulation)

It's Hard Out There for an Immigrant; Lemon Lawyers Make It Harder, THE HILL, (Jan. 19,
2018) (with Brian Frye) (discussing concepts from *The Professional Prospectus*)

Financial regulator's conflicts of interest are a serious concern, THE HILL, (Dec. 8, 2017) (op-
ed) (with Andrew Stoltmann) (discussing findings from report published by PIABA)

Finra Governance Review: Public Governors Should Protect the Public Interest, 24 PIABA B.J. 369 (2017) (with Andrew Stoltmann)

Immigrants Need Better Protection—From Their Lawyers, WALL STREET JOURNAL, (Nov. 27, 2017) (op-ed) (discussing concept from *The Professional Prospectus*)

The Coming Trump Slump, U.S. NEWS & WORLD REPORT, (Sept. 22, 2017) (op-ed) (with Sarah C. Haan)

Time for Finra to pull back the curtain on its oversight and board, INVESTMENTNEWS, (June 21, 2017) (op-ed)

Bending the truth on the fiduciary rule, FINANCIAL PLANNING, (June 8, 2017) (op-ed)

Nevadans Deserve Honest Advice, NEVADA INDEPENDENT, (May 12, 2017) (op-ed)

Investors Pay If Wall Street Wins a Fiduciary-Rule Delay, BLOOMBERGVIEW, (March 28, 2017) (op-ed) (with Christine Lazaro)

A rules change from Trump means more money for Wall Street, WASHINGTON POST, (Feb. 3, 2017) (op-ed)

Financial advice is a thicket of conflicts. Wall Street wants to keep it that way, WASHINGTON POST, (Dec. 29, 2016) (op-ed)

Self-Regulation's Dark Side, OXFORD BUSINESS LAW BLOG (October 2016)

Corporate Whistleblowers & Arbitration, OXFORD BUSINESS LAW BLOG (July 2016) (with Nizan Packin)

Why Broker-Dealers and Financial Advisers Should Be Required to Carry Insurance, INVESTMENTNEWS (June 15, 2016) (op-ed)

Uncertainty as Litigation Strategy, COLUMBIA LAW SCHOOL BLUE SKY BLOG (June 13, 2016) (with Cathy Hwang)

Uncertainty as Litigation Strategy, OXFORD BUSINESS LAW BLOG (June 14, 2016) (with Cathy Hwang)

Should Corporate Whistleblowers Go to Arbitration?, COLUMBIA LAW SCHOOL BLUE SKY BLOG (June 27, 2016) (with Nizan Packin)

The Fragmented Regulation of Investment Advice: A Call for Harmonization, COLUMBIA LAW SCHOOL BLUE SKY BLOG (Mar. 4, 2015)

2015 Securities Law Update, PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION (2015) (conference materials)

FINRA's Diversity Dilemma, INVESTMENTNEWS (Nov. 16, 2014) (op-ed)

Disaggregated Classes: A Different Claim Aggregation Method to Avoid SLUSA, COLUMBIA LAW SCHOOL BLUE SKY BLOG (Aug. 11, 2014)

Exam Scores and Failures Belong on BrokerCheck, INVESTMENTNEWS (Jun. 1, 2014) (op-ed)

The Inequality of Investor Access to Information (with Christine Lazaro & Jason Doss), study released by PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION, (Mar. 6, 2014)

Annuity Suitability Concerns, PRACTISING LAW INSTITUTE (2015) (with Christine Lazaro)

Comment Letters

Letter commenting on Nevada Financial Planning Statute (Oct. 9, 2017)

Letter commenting on Financial Industry Regulatory Authority's Special Engagement Notice (June 14, 2017)

Letter commenting on Department of Labor's Proposal to Delay Fiduciary Duty Rule (Mar. 17, 2017) (with Nicole Iannarone)

Letter commenting on Department of Labor's Proposed Fiduciary Duty Rule (Sept. 23, 2015)

Letter commenting on FINRA's Comprehensive Automated Risk Data System (Dec. 2, 2014)

Blogs

Editor, Business Law Prof Blog (Dec. 2017-Present)

Guest Blogger, *PrawfsBlawg* (Aug. 2016) (May 2017) (Nov. 2017)

PRESENTATIONS

Presentation, *Performance-Based Investor Protection*, Michigan State University College of Law, East Lansing, Michigan, Workshop on Corporate Law & Technology (April 24, 2019)

Presentation, *Performance-Based Investor Protection*, Indiana Law, Bloomington, Indiana, Workshop on Financial Regulation (April 5, 2019)

Presentation, *Uncovering the Hidden Conflicts in Securities Class Action Litigation: Lessons from the State Street*, Iowa Law, Workshop on Corporate Law (Dec. 5, 2018)

Presentation, *Venture Bearding*, Gonzaga University School of Law, Spokane (November 8, 2018)

Panel Presentation, *Crypto Currencies, Initial Coin Offerings, and Securities Regulation*, Public Investors Arbitration Bar Association Annual Meeting, Bonita Springs, Florida (Oct. 9, 2018)

Panel Presentation, *Ethical Issues in Dealing with Elderly Clients*, Public Investors Arbitration Bar Association Annual Meeting, Bonita Springs, Florida (Oct. 12, 2018)

Presentation, *Ethical Issues for Lawyers Serving on Corporate Boards*, Annual Meeting for the Rocky Mountain Mineral Law Foundation, Victoria, British Columbia (July 19, 2018)

Presentation, *Venture Bearding*, National Business Law Scholar's Conference, Athens, Georgia (June 2018)

Presentation, *Venture Bearding*, Law & Society, Toronto, Canada (June 2018)

Presentation, *Cryptos, Coins, & Cons*, Legal Bootcamp, William S. Boyd School of Law (April 27, 2018)

Invited Presentation, *Venture Bearding*, Loyola Law School, Los Angeles (April 5, 2018)

Invited Presentation, *Venture Bearding*, Marquette Law School, Milwaukee, Wisconsin (Mar. 22, 2018)

Presentation, *The Dark Side of Self-Regulation*, Boston University (financial regulation class, Dec. 7, 2017)

Presenter, *Venture Bearding*, Rocky Mountain Junior Scholars Forum, Brigham Young University J. Reuben Clark Law School, (Nov. 16, 2017)

Presenter, *Venture Bearding*, University of New Mexico School of Law, (Nov. 1, 2017) (workshop)

Presenter, *Venture Bearding*, Florida International University College of Law, (Oct. 2, 2017) (invited workshop talk)

Presenter, *The Professional Prospectus*, South Eastern Association of Law Schools, Boca Raton, (August 2017)

Presenter, *The Professional Prospectus*, Law & Society Association, Mexico City, Mexico (June 2017)

Presenter, *The Professional Prospectus*, National Business Law Scholars Conference, University of Utah, Salt Lake City, Utah (June 2017)

Presenter, American Association of Law Schools, *The Person Prospectus* (Jan. 2017) (competitively selected works-in-progress panel for AALS Professional Responsibility Section)

Presenter, American Association of Law Schools, *Whistleblowers: The Last Line of Defense* (Jan. 2017) (Presenting *Regulating Culture*)

Invited Presenter, *The Professional Prospectus*, University of Kentucky College of Law (March 2017)

Presenter, *Regulating Culture*, National Business Law Scholars Conference, University of Chicago, Chicago, Illinois (June 2016)

Presenter, *Conflicts & Capital Allocation*, National Business Law Scholars Conference, University of Chicago, Chicago, Illinois (June 2016)

Presenter & Panel Chair, *Conflicts & Capital Allocation*, Law & Society, New Orleans, Louisiana (June 2016)

Presenter, *Conflicts & Capital Allocation*, American Society of Comparative Law, Younger Comparativists Committee Second Workshop on Comparative Business & Financial Law, Davis, California (February 2016)

Presenter, *2015 Securities Law Update*, Annual Meeting, Public Investors Arbitration Bar Association, Ponte Vedre, Florida (Oct. 2015)

Presenter, *Insider Trading Law & Liability*, Michigan Bureau of Investments, East Lansing, Michigan (Aug. 2015)

Presenter, *Conflicts & Capital Allocation*, National Business Law Scholars Conference, Seton Hall University School of Law, Newark, New Jersey (June 2015)

Presenter, *The Value of Uncertainty*, National Business Law Scholars Conference, Seton Hall University School of Law, Newark, New Jersey (June 2015) (with Cathy Hwang)

Presenter, *New Securities Law Developments*, Annual Meeting, Public Investors Arbitration Bar Association, La Quinta, California (Oct. 2014)

Panelist, *Developments in Broker-Dealer and Investment Adviser Regulation*, Midwest Securities Law Institute, Michigan State University College of Law, East Lansing, Michigan (Oct. 2014)

Presenter, *Disaggregated Classes*, Junior Faculty Workshop, Michigan State University College of Law, East Lansing, Michigan (Sept. 2014)

Presenter, *Consumer Debt*, Midwest Clinic Teachers Conference, Michigan State University College of Law, East Lansing, Michigan (Sept. 2014)

Colloquium Host & Presenter, *Disaggregated Classes*, Junior Scholars Virtual Colloquium, Michigan State University College of Law, East Lansing, Michigan (August 2014)

Presenter, *The Fragmented Regulation of Investment Advice: The Case for Harmonization*, Securities Arbitration Clinic Roundtable, Fordham Law School, New York, New York (June 2014)

Presenter, *Disaggregated Classes*, National Business Law Scholars Conference, Loyola Law School, Los Angeles, California (June 2014)

Panelist, *Protecting Yourself from Investment Fraud*, SENIOR TOWN HALL MEETING, Grand Ledge, Michigan (May 2014)

Presenter, *Disaggregated Classes*, American Association of Law Schools Clinical Conference, Chicago, Illinois (Apr. 2014)

Guest Speaker, *Lessons for Young Auditors From Bernard Madoff's Ponzi Scheme*, ELI BROAD COLLEGE OF BUSINESS AT MICHIGAN STATE UNIVERSITY, East Lansing, Michigan (Apr. 2014)

Presenter, *Informed Investing & Red Flags for Fraud*, LANSING ELDER ABUSE TASK FORCE, Lansing, Michigan (Apr. 2014)

Presenter, *Pizza & Ponzi Schemes*, MICHIGAN STATE COLLEGE OF LAW (Mar. 2014)

Presenter, *Disaggregated Classes*, Michigan State University College of Law, Junior Faculty Workshop, East Lansing, Michigan (October 2013)

Presenter, *Disaggregated Classes*, Junior Scholars Virtual Colloquium, Gonzaga University School of Law, Spokane, Washington (July 2013).

Guest Speaker, *Breaking Down Bernard Madoff's Ponzi Scheme*, ELI BROAD COLLEGE OF BUSINESS AT MICHIGAN STATE UNIVERSITY (Apr. 2013)

Presenter, *Protecting Yourself from Investment Fraud*, RETIRED & SENIOR VOLUNTEER PROGRAM, Lansing, Michigan (May 2014)

Guest Speaker, *Immigration Law for Social Work Professionals*, MICHIGAN STATE UNIVERSITY SCHOOL OF SOCIAL WORK (Nov. 2012)

Panelist, *The Importance of Coming Out*, MICHIGAN STATE UNIVERSITY COLLEGE OF LAW TRIANGLE BAR ASSOCIATION (Oct. 2012)

Presenter, *When Fear Rules in Law's Place*, Michigan State University College of Law, Junior Faculty Workshop, East Lansing, Michigan (October 2012)

SELECTED MEDIA COVERAGE

Carl Icahn poised for significant Caesars board influence, Feb. 20, 2019 (quoted)

Money Stuff: Running a Hedge Fund Isn't All Bad, BLOOMBERG, Jan. 23, 2019 (quoted)

The Latest Trend in Mobile Gaming: Stock-Trading Apps, WALL STREET JOURNAL, Jan. 22, 2019 (quoted)

The Persistence of High-Fee Index Funds, WEALTH MANAGEMENT, Nov. 19, 2018 (quoted)

FINRA board rife with conflicts of interest, new report finds, FINANCIAL PLANNING MAGAZINE, Nov. 15, 2017 (quoted, discussing co-authored report)

Why You Still Can't Trust Your Financial Adviser, BLOOMBERG, June 7, 2017 (quoted)

As Fiduciary Rule Gets Reviewed, Class-Action Provision Is Under Microscope, WALL STREET JOURNAL, March 15, 2017 (quoted)

Donald Trump Victory Casts Clouds Over Fiduciary Rule, WALL STREET JOURNAL, Nov. 11, 2016 (quoted)

Finance Execs Fill 'Public' Board Seats at Finra, the Regulator that Promises Investor Protection, THE STREET, Aug. 26, 2016 (quoting from draft law review article)

FINRA Candidate Says He Would Represent Firms, Not Investors, ONWALLSTREET, July 6, 2015 (quoted)

How to Win at Mediation, THE WALL STREET JOURNAL, Mar. 9, 2015 (quoted)

FINRA Chips Land In Industry Purse After CARDS Match, Law360, May 4, 2015 (quoted)

FSI Warns of False Positives under CARDS, INVESTMENTNEWS, Dec. 1, 2014 (quoting from comment letter)

FINRA's Broker Oversight Under Fire: Report Criticizes Regulator for Stripping Out Black Marks From Firms' Disclosures to Investors, THE WALL STREET JOURNAL, Mar. 7, 2014, at C1 (covering co-authored study)

Should Broker's exam scores and failures be added to BrokerCheck?, NEW YORK BAR SECURITIES LITIGATION AND ARBITRATION BLOG, June 5, 2014 (covering op-ed in INVESTMENTNEWS)

Reed, Grassley Statement on FINRA Withholding Critical "Red Flag" Information In BrokerCheck System, OFFICE OF U.S. SENATOR JACK REED, Mar. 7, 2014 (responding to co-authored study)

Finra seeks to tighten investor dispute rules, INVESTMENTNEWS, Jun. 18, 2014 (quoted)

Trust But Verify: Regulators Demand Banks Verify Brokers' Background, FORBES, May 13, 2014 (covering co-authored study)

Hiding In Plain Sight: Is Your Financial Advisor's Past Being Fully Disclosed?, FORBES, Mar. 13, 2014 (covering co-authored study)

Three Ways To Vet Your Broker, FORBES, Mar. 5, 2014 (covering co-authored study)

U.S. Investor Lawyers Seek New Law To Beef Up Broker Disclosures, REUTERS, Mar. 6, 2014 (covering co-authored study)

Checking Up On Your Broker, KIPLINGER, May 9, 2014 (covering co-authored study)

FINRA Criticized For Deleting Red Flags From Broker Records, MARKETWATCH, Mar. 7, 2014 (covering co-authored study)

FINRA Ready To Impose More Disciplinary Actions Against Brokers That They Can Fail To Report, DEALBREAKER, Mar. 6, 2014 (covering co-authored study)

Can FINRA Serve Investors And The Industry?, INVESTMENTNEWS, Mar. 16, 2014 (covering co-authored study)

FINRA Approves Background Checks For Brokers, INVESTMENTNEWS, Apr. 24, 2014 (covering co-authored study)

PIABA Claims that FINRA is Withholding Critical "Red Flag" Information in Broker Background Check Disclosures to Investors, NEW YORK STATE BAR ASSOCIATION SECURITIES LITIGATION & ARBITRATION BLOG, Mar. 6, 2014 (mentioned)

Invested, LEGALNEWS, June 26, 2013 (profiled)

Clinic Gives Law Students Real Experience, STATE NEWS, July 10, 2013 (quoted)

A Big Win For Transgender Rights, FEMINISTING.COM, Oct. 23, 2009 (covered)

Transgender Name-Change Victory In New York, EXAMINER.COM, Oct. 21, 2009 (covered)

SERVICE

University of Nevada, Las Vegas William S. Boyd School of Law

Wellness Committee (2017)

Clinic Committee (2017-Present)

ABA Site Visit Committee (2018-Present)

Nevada Law Journal/Gaming Law Journal Committee (2017)

Barry University Dwayne O. Andreas School of Law

Student Services Committee, 2015-2016

Mission Effectiveness Committee, 2015-2017

American Association of Laws Schools Task Force, 2016-2017

Michigan State University College of Law

Technology Committee, 2013-2015

Internal Review Committee, 2012-2015

Public Investors Arbitration Bar Association

Board of Directors (elected 2017-present)

State Legislation (2017) (co-chair)

Self-Regulatory Organization (SRO) Committee, 2012-2017

Amicus Committee, 2013, 2014-2016 (co-chair), 2017, 2018-Present (co-chair)
Legislation Committee, 2013-2017
Fiduciary Committee, 2015-2017

ACADEMIC & PROFESSIONAL MEMBERSHIPS

- State Bar of New York
- State Bar of Michigan
- State Bar of Nevada
- Public Investors Arbitration Bar Association

MISCELLANEOUS

- Outstanding Service Award,
PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION (2016)
- Self-Regulatory Organization (SRO) Committee Service Award,
PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION (2013, 2014, 2015, 2016, 2017)
- Fiduciary Duty Committee Service Award,
PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION (2016, 2017)
- Legislative Committee Service Award,
PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION (2014, 2015)
- Amicus Committee Service Award,
PUBLIC INVESTORS ARBITRATION BAR ASSOCIATION (2015)
- Pro Bono Achievement Award, SANCTUARY FOR FAMILIES (2012)
- Pro Bono Award, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP (2008–2012)
- Member, COLUMBIA JOURNAL OF GENDER & LAW (2004)
- Externship, United States Magistrate Judge James C. Francis IV (2005)
- Intern, United States Fourth Circuit Court of Appeals Judge William B. Traxler, Jr. (2003)
- Peer Reviewer, Jurimetrics Journal (2015)