

**Richard W. Painter**  
**S. Walter Richey Professor of Corporate Law. University of Minnesota Law School 229**

**Education:**

**Yale Law School**, J.D. 1987; YALE JOURNAL ON REGULATION 1984-86 (editor 1985-86); Phi Delta Phi (Chapter President 1986-87) (sponsored lectures on professional ethics)

**Harvard College**, B.A. *summa cum laude* in History 1984; Phi Beta Kappa 1983; honors thesis in history; John Harvard Scholarship (awarded for class rank) 1982, 1983 and 1984; Detur Prize (highest 2% of freshman class) 1981; Phillips Brooks House Committee for the Homeless 1982-84 (Chairperson 1983-84) (operated a homeless shelter in Harvard Square); H-R Students for Walter Mondale '84 (chair)

**Employment:**

**University of Minnesota Law School**, Minneapolis, Minnesota

S. Walter Richey Professor of Corporate Law since 2005 (on leave 2005-2007). Courses in Business Organizations, Securities Regulation, Securities Litigation, Professional Responsibility, Professional Responsibility of Business Lawyers, and Government Ethics. Course at Carlson School of Business in Business Ethics (fall 2008); Provost's Conflicts of Interest Review Committee (2007-14).

**The White House**, Washington, D.C.

Associate Counsel to the President (commissioned officer in the White House Counsel's Office) February 2005 to July 2007

Chief ethics lawyer for the President, White House staff and the President's nominees to Executive Branch agencies; head of six lawyer White House ethics office; responsible for ethics screening of Supreme Court nominees and preparation for confirmation; liaison between the White House, the Office of Government Ethics and designated ethics officers at Executive Branch agencies; ethics briefings for White House staff and ethics consultations with White House staff; top secret security clearance

**University of Illinois College of Law**, Champaign, Illinois

Guy Raymond and Mildred Van Voorhis Jones Professor of Law 2003-2005; Professor 1999-2005 and Associate Professor 1998-99; Visiting Assistant Professor, Fall 1996. Courses in Professional Responsibility, Business Ethics, Business Organizations, Securities Regulation, Securities Litigation, Corporate Finance, Contract Negotiation and Comparative U.S. and E.U. Corporate Law.

**University of Oregon School of Law**, Eugene, Oregon

Associate Professor (with tenure) 1997-98; Assistant Professor 1993-96; Co-Director, Law and Entrepreneurship Center 1994-97. Courses in Professional Responsibility, Partnerships and Corporations, Securities Regulation, Business Planning, Corporate Finance and Mergers and Acquisitions.

**Finn Dixon & Herling**, Stamford, Connecticut

Associate in commercial and appellate litigation, 1991-1993

On the briefs for petitioner in petition for *certiorari* and briefs on the merits in *Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources*, 112 S. Ct. 2019 (cert. granted Jan. 1992; decided June 1992) (Michigan solid waste import restrictions unconstitutional under the Commerce Clause)

**Sullivan & Cromwell**, New York, New York  
Associate in corporate law and commercial litigation, 1988-1991

**Judge John T. Noonan, Jr.**,  
**United States Court of Appeals for the Ninth Circuit**, San Francisco, CA  
law clerk, 1987-1988 (subsequent coauthor of three editions of legal ethics casebook with Judge Noonan)

**Academic Affiliations, Fellowships and Visiting Professor Appointments:**

**University of Pennsylvania**

Board of Advisors, Center for Ethics and the Rule of Law (CERL), 2020-2023. co-reporter, *Report on the Department of Justice and the Rule of Law under the Tenure of Attorney General William Barr* (October 2020); contributing author, *Report on the Closure of the Detention Facility at Guantanamo Bay* (February 2022), counsel of record in amicus brief on behalf of CERL in *Trump v. Vance*, 591 U.S. \_\_ (2020).

**Harvard University**

Fellow, Safra Center for Ethics 2014-2015 (residential fellowship with \$100K salary supplement plus research expenses for a book on campaign finance reform published in 2016; Fellow, Center for European Studies (2004) (research and presentation on European corporate takeover law)

**Humboldt University, Berlin, Germany**

Visiting Scholar 2000-2001 (research for coauthored publications with Prof. Dr. Christian Kirchner on European corporate law)

**University of Michigan Law School**, Ann Arbor, Michigan

Visiting Professor, Fall 2002  
Courses in Securities Regulation and Mergers and Acquisitions

**University of Wisconsin Law School**, Madison, Wisconsin

Warren P. Knowles Visiting Professor of Law and Government Ethics, Spring 2001 Course in Business Organizations and seminar in Ethics of Business Lawyers.

**University of Bielefeld**, Bielefeld, Germany

Guest Professor, Summer 1999, 2000 and 2001  
Course on U.S. corporate and securities law; four-day seminars in Luxembourg on Internet law (1999), European corporate takeover law (2000), and European antitrust law (2001).

**Cornell Law School**, Ithaca, New York

Visiting Associate Professor, Fall 1997 and Spring 1998  
Courses in Professional Responsibility and Securities Regulation, Ethical Issues in Business Transactions and directed reading in Asset Securitization

**Boston University School of Law**, Boston, Massachusetts

Visiting Assistant Professor, Spring 1997  
Courses in Securities Regulation and Ethical Issues in Business Transactions.

## **Professional Activities:**

American Law Institute. Member 1999 to present; Associate Reporter for *ALI Principles of Government Ethics*

Diana Davis Spencer Foundation, Bethesda, Maryland (assets \$1.4 billion): Member of the Audit Committee and the Investment Committee, advisor, 2014 to present.

International Ice Hockey Federation (IIHF), Zurich, Switzerland, member of elected five-member Ethics Board 2021 to present (hearing ethics cases involving players, coaches, teams and national hockey associations, recommendations on revisions to IIHF Ethics Code)

Citizens for Responsibility and Ethics in Washington (CREW), Vice Chair, 2016-2018. Board Member 2016-2019.

American Bar Association. Member and speaker for numerous section programs including 2012 Professional Responsibility Conference plenary panel on Watergate.

Association of American Law Schools. Section on Professional Responsibility, Section on Securities Regulation (Chair 2012-13), Section on Business Organizations, House of Representatives (2002-03).

Association of the Bar of the City of New York (1999-93. Committee on Professional Responsibility (member and co-author of two published reports); speaker for 2003 ABCNY panel on the Sarbanes-Oxley Act.

Candidate for U.S. Senate in Minnesota (2018) and candidate for U.S. House from Minnesota First Congressional District (2022).

**Biographical Listings:** MARQUIS WHO'S WHO IN THE WORLD (2004); MARQUIS WHO'S WHO IN AMERICA (since 2005)

**Op-eds and Media Appearances:** Frequent op-eds in THE NEW YORK TIMES, THE WASHINGTON POST, USA TODAY, BLOOMBERG NEWS, NEWSWEEK, THE WALL STREET JOURNAL, NBC NEWS, JUST SECURITY (BLOG), THE LOS ANGELES TIMES, THE SAN FRANCISCO CHRONICLE and other publications. Frequent appearances on CNN, MSNBC, Fox News, Real Time with Bill Maher, PBS NewsHour, BBC TV, NBC News, ABC News, CBS News, Canadian TV Network (CTV), Al Jazeera, Deutsche Welle (DW) TV, National Public Radio (NPR), Minnesota Public Radio, BBC Radio, and other radio and television outlets worldwide. Selected op-eds listed separately below. Regular MSNBC op-ed contributor since 2021.

**Restatements and Principles:** *ALI Principles of Government Ethics* (completed and approved by the ALI membership in May 2023) Associate Reporter (with Richard Briffault, Reporter)

## **Books and Articles:**

### Books:

AMERICAN NERO: THE HISTORY OF THE DESTRUCTION OF THE RULE OF LAW IN AMERICA AND WHY

TRUMP IS THE WORST OFFENDER (with Peter Golenbock) (Ben Bela Books March 2020)

TAXATION ONLY WITH REPRESENTATION: THE CONSERVATIVE CONSCIENCE AND CAMPAIGN FINANCE REFORM (Take Back our Republic 2016)

BETTER BANKERS, BETTER BANKS: PROMOTING GOOD BUSINESS THROUGH CONTRACTUAL COMMITMENT (with Claire A. Hill) (University of Chicago Press, June 2015)

GETTING THE GOVERNMENT AMERICA DESERVES: HOW ETHICS REFORM CAN MAKE A DIFFERENCE (January 2009, Oxford University Press)

SECURITIES LITIGATION AND ENFORCEMENT: CASES AND MATERIALS (with Donna Nagy and Margaret Sachs) (West Publishing 2003); SECOND EDITION (2007); THIRD EDITION (2011); FOURTH EDITION (2017) and TEACHER'S MANUAL

PROFESSIONAL AND PERSONAL RESPONSIBILITIES OF THE LAWYER (with Judge John T. Noonan, Jr.) (Foundation Press 1997); SECOND EDITION (2001); THIRD EDITION (2011); and TEACHER'S MANUAL

Articles, Book Chapters, and Book Reviews:

*SCOTUS House: Can a Supreme Court Ethics Lawyer and an Inspector General Help Get this Fraternity under Control?* Georgetown Journal of Legal Ethics, Vol. Volume XXXVII (forthcoming 2023)

*Deepfake 2024: Will Citizens United and Artificial Intelligence Together Destroy Representative Democracy?*, Journal of National Security Law & Policy (forthcoming early 2024)

*The Conservative Case for ESG*, 9 University of Pennsylvania Journal of Law and Public Affairs (forthcoming 2023)

*A Bipartisan Agenda for Defending Free Enterprise, Assuring Honest Government and Fighting Climate Change*, book chapter in *Across the Aisle: Why Bipartisanship Works for America*, former U.S. Representative Jill Long Thompson, Editor, Indiana University Press (forthcoming 2023)

*"You're Fired": Criminal Use of Presidential Removal Power*, 25 New York University Journal of Legislation and Public Policy (2023) (with Claire Finkelstein)

*Fiduciary Duties of Military Contractors: Shareholder Primacy or Loyalty to the United States*, in ETHICAL DILEMMAS IN THE DEFENSE INDUSTRY (Oxford U. Press 2023) (Daniel Schoeni, Tobias Vestner, and Kevin Govern eds.)

*Board Diversity: A Response to Professor Fried*, 26 STANFORD JOURNAL OF LAW, BUSINESS AND FINANCE 1 (2022)

*Presidential Accountability and the Rule of Law: Can the President Claim Immunity if He Shoots Someone on Fifth Avenue?* 24 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 93 (2022) (with Claire Finkelstein)

*Separation of Politics and State in the Aftermath of Donald Trump*, 57 OHIO NORTHERN UNIVERSITY LAW REVIEW 509 (2021 endowed lecture on the Hatch Act at Ohio Northern University Law School)

*A Three Step Approach to Money in Politics*, in *OVERCOMING TRUMPERY: HOW TO RESTORE ETHICS, THE RULE OF LAW AND DEMOCRACY* (Brookings Institution, March 2022) (Norman Eisen, editor)

*Restoring the Rule of Law through Department of Justice Reform*, *OVERCOMING TRUMPERY: HOW TO RESTORE ETHICS, THE RULE OF LAW AND DEMOCRACY* (Brookings Institution, March 2022) (Norman Eisen, editor) (with Claire Finkelstein)

*Interpreting and Implementing the Twenty-Fifth Amendment* (with Norman Eisen), chapter in *THE DANGEROUS CASE OF DONALD TRUMP: 37 PSYCHIATRISTS AND MENTAL HEALTH EXPERTS ASSESS A PRESIDENT* (2019), (Bandy X. Lee, editor) (2019).

*Speech: Ethics and Government Lawyering in Current Times*, 47 *HOFSTRA LAW REVIEW* (2019)

*Lawyers as Fiduciaries*, chapter in *THE OXFORD HANDBOOK OF FIDUCIARY LAW* (Robert Sitkoff and Evan Criddle editors) (2018)

*Why Limits on contributions to Super PACs should survive Citizens United*, 86 *FORDHAM LAW REVIEW* 2299 (with Albert W. Alschuler, Norman L. Eisen and Laurence H. Tribe) (2017)

*Majority Rule and the Future of Judicial Selection*, *WISCONSIN LAW REVIEW* 263-284 (2017) (with Michael Gerhardt)

*The Emoluments Clause: Its text, meaning and application to Donald J. Trump*, with Norman Eisen and Laurence H. Tribe, *BROOKINGS INSTITUTION GOVERNANCE STUDIES PAPER SERIES* (December 2016)

*Plugging Leaks and Lowering Levees in the Federal Government: Practical Solutions for Securities Trading Based on Political Intelligence* (with Donna Nagy), 2014 *ILLINOIS LAW REVIEW* 1521 (2014)

*People Who Are Not Legal and Who Are Not Alive in the Eyes of the Law*, *VILLANOVA LAW REVIEW*, Symposium in Honor of Judge John T. Noonan, Jr. (2014)

*Christian Kirchner's New Institutional Economics and Jurisdictional Competition in Regulation of Public Companies and Financial Services Firms*, in *Festschrift zu Ehren von Christian Kirchner: Recht im ökonomischen Kontext* (Mohr Siebeck, Tuebingen, Germany 2014)

*Sworn to Fun, Loyal to None: Time Inconsistent Preferences in Investment Banking*, 1 *VIRGINIA JOURNAL OF CRIMINAL LAW* 70 (2013) (comment on Manuel A. Utset, *Corporate Actors, Corporate Crimes and Time-Inconsistent Preferences*, 1 *VIRGINIA JOURNAL OF CRIMINAL LAW* 1 (2013))

*Selective Disclosure by Federal Officials and the Case for an FGD (Fair –er Government Disclosure) Regime*, 2012 *WISCONSIN LAW REVIEW* 1285-1365 (2012) (with Donna Nagy)

*Forum Competition and Choice of Law Competition in Securities Law After Morrison v. National Australia Bank*, 97 *MINNESOTA LAW REVIEW* 132-205 (2012) (with Wulf Kaal)

*“Extraordinary Circumstances”*: *The Legacy of the Gang of 14 and a Proposal for Judicial Nominations Reform*, 46 UNIVERSITY OF RICHMOND LAW REVIEW 969-983 (2012) (with Michael Gerhardt)

*Of the Conditional Fee as a Response to Lawyers, Bankers and Loopholes*, 1 AMERICAN UNIVERSITY BUSINESS LAW REVIEW 42-57 (2011) (with Claire Hill)

*Transaction Cost Engineers, Loophole Engineers or Gatekeepers: The Role of Business Lawyers after the Financial Meltdown*, a chapter in RESEARCH HANDBOOK ON THE ECONOMICS OF CORPORATE LAW 255-272 (Claire Hill and Brett McDonnell editors) (Edward Elgar Pub. 2012).

*The Dodd-Frank Extraterritorial Jurisdiction Provision: Was it Effective, Needed or Sufficient?*, 1 HARVARD BUSINESS LAW REVIEW 195-229 (2011) (inaugural symposium volume)

*The Aftermath of Morrison v. National Australia Bank and Elliott Associates v. Porsche*, 1-2011 EUROPEAN COMPANY AND FINANCIAL LAW REVIEW 77-99 (2011) (with Wulf Kaal)

*When Courts and Congress Don't Say What They Mean: Initial Reactions to Morrison v. National Australia Bank and to the Extraterritorial Jurisdiction Provisions of the Dodd-Frank Act*, 20 MINNESOTA JOURNAL OF INTERNATIONAL LAW 1-25 (2010) (with Douglas Dunham, and Ellen Quackenbos)

*Compromised Fiduciaries: Conflicts of Interest in Government and Business*, 95 MINNESOTA LAW REVIEW 1637-1691 (2011) (with Claire Hill)

*The Moral Responsibility of Investment Bankers*, 8 ST. THOMAS UNIVERSITY LAW REVIEW 5-28 (2011) (Fall 2010 endowed law review lecture)

*Pro Se Litigation After the Financial Crisis*, 45 FAMILY LAW QUARTERLY 64-94(2011) (Bob Levy editor)

*Initial Reflections on an Evolving Standard: Constraints on Risk Taking by Directors and Officers in Germany and the United States*. 40 SETON HALL LAW REVIEW 1433-1485 (2009 symposium on securities law) (with Wulf Kaal)

*Berle's Vision Beyond Shareholder Interests: Why Investment Bankers Should Have (Some) Personal Liability* (with Claire Hill), 33 SEATTLE LAW REVIEW 1 (June 2010) (symposium on Adolf Berle)  
*President Obama's Progress in Government Ethics*, CONSTITUTIONAL COMMENTARY (May 2010) (symposium on conservative and libertarian perspectives on the Obama Administration)

*Extraterritorial Application of US Securities Laws* (with Prof. Dr. Wulf Kaal), 7 EUROPEAN COMPANY LAW 90, (published by Wolters Kluwer and the Centre for European Company Law at the University of Leiden, The Netherlands) (June 2010).

*Bailouts: An Essay on Conflicts of Interest and Other Ethics Problems When Government Pays the Tab*, 41 MCGEORGE LAW REVIEW (2009 symposium on government ethics).

*Ethics and Corruption in Business and Government: Lessons from the South Sea Bubble and the Bank of the United States* (published by the University of Chicago Law School) (2006 Maurice and Muriel Fulton Lecture in Legal History) (posted on SSRN Minnesota Legal Studies Research Paper 06-32).

*Regulatory Competition in EU Corporate Law after Inspire Art: Unbundling Delaware's Product for Europe* (with Prof. Dr. Christian Kirchner, Humboldt University, Berlin, and Dr. Wulf Kaal), 2 EUROPEAN COMPANY AND FINANCIAL LAW REVIEW 159 (2005)

*Free the Lawyers: A Modest Proposal to Allow Restrictions on Future Law Practice in Settlement Agreements*, 18 GEORGETOWN JOURNAL OF LEGAL ETHICS 1 (with Stephen Gillers) (2005)

*The Impact of Recent Developments in Securities Law and Ethics Rules on Tax Lawyers and Tax Directors*, March, 2005 in TAXES (CCH) (University of Chicago Tax Conference papers)

*Ethics in the Age of Un-incorporation: A Return to Ambiguity of Pre-incorporation or an Opportunity to Contract for Clarity*, 2005 ILLINOIS LAW REVIEW 49 (2005) (Symposium on *Un-incorporation*)

*Convergence and Competition in Rules Governing Lawyers and Auditors*, 29 JOURNAL OF CORPORATION LAW 1 (2004) (Symposium on *Evaluation and Response to Risk in Law and Accounting in the U.S. and E.U.*)

*The Dubious History and Psychology of Clubs as Self Regulatory Organizations* in AMERICAN ACADEMY OF ARTS AND SCIENCES OCCASIONAL PAPER SERIES, Corporate Governance Symposium; republished in JAY LORSCH, LESLIE BERKOWITZ AND ANDY ZELLEKE, RESTORING TRUST IN AMERICA'S BUSINESS (MIT Press 2004)

*Commentary on Brudney and Ferrell*, 69 UNIVERSITY OF CHICAGO LAW REVIEW 1219-1229 (2002) (commenting on article by Victor Brudney and Allen Ferrell on corporate charity)

*Contracting Around Conflicts in a Family Business: Louis Brandeis and the Warren Trust*, 9 UNIVERSITY OF CHICAGO LAW SCHOOL ROUNDTABLE 1-26 (2001)

*Standing Up to Wall Street*, 101 MICHIGAN LAW REVIEW 1512 (book review) (2003) (reviewing ARTHUR LEVITT, TAKE ON THE STREET (2002))

*The New German Corporate Takeover Law: Comparison with Delaware and Recommendations for Reform*, (with Christian Kirchner) 50 AMERICAN JOURNAL OF COMPARATIVE LAW 201-226 (2002)

*Rules Lawyers Play By*, 76 N.Y.U. LAW REVIEW 665-749 (June 2001)

*A European Modified Business Judgment Rule for Takeover Law* (with Christian Kirchner), 2 EUROPEAN BUSINESS ORGANIZATION LAW REVIEW 353-400 (Asser Institute - Max Planck Institute) (2000).

*Afterword: Jurisdictional Competition as Federalism's Answer to the Multidisciplinary Practice Debate*, 36 WAKE FOREST LAW REVIEW 185-91 (2001) (March 2001 Symposium on Multidisciplinary Practice)

*Irrationality and Cognitive Bias at a Closing in Arthur Solmssen's THE COMFORT LETTER*, 69 FORDHAM LAW REVIEW 101-26 (2000) (Annual Ethics Symposium), reprinted in SECURITIES LAW REVIEW (2002)

*Lawyers' Rules, Auditors' Rules and the Psychology of Concealment*, 84 MINNESOTA LAW REVIEW 1399-1437 (June 2000) (February 2000 Symposium on Multidisciplinary Practice)

*Advance Waiver of Conflicts*, 8 GEORGETOWN JOURNAL OF LEGAL ETHICS 289-329 (Winter 2000) (1999 Symposium on the Ethics of Business Lawyering)

*Open Chambers?*, 97 MICHIGAN LAW REVIEW 1430-71 (book review) (1999) (reviewing EDWARD LAZARUS, CLOSED CHAMBERS (Times Books 1998))

*Responding to a False Alarm: Federal Preemption of State Securities Fraud Causes of Action*, 84 CORNELL LAW REVIEW 1-108 (1998)

*Don't Ask, Just Tell: Insider Trading after United States v. O'Hagan*, 84 VIRGINIA LAW REVIEW 153-229 (1998) (co-author with Kimberly D. Krawiec and Cynthia A. Williams)

*Professional Responsibility Rules as Implied Contract Terms*, 34 GEORGIA LAW REVIEW 953-71 (Fall 1999 Symposium on Business Law)

*Insider Trading Thirty Years Later*, 50 CASE WESTERN LAW REVIEW 305-11 (1999) (responding to essay by Professor Jon Macey in Symposium on the Legacy of Henry Manne)

*Second Opinions in Litigation*, 84 VIRGINIA LAW REVIEW 1411-37 (1998) (co-author with Michael Klausner and Geoffrey Miller) (presented at February 1998 Olin Foundation Symposium on Law and Economics of Lawyering)

*Lawyer Disclosure of Corporate Fraud: Establishing a Firm Foundation*, 1996 SMU LAW REVIEW 101-157 (co-author with Jennifer E. Duggan) (Symposium on Securities Regulation) (presented at the May 1996 meeting of the American Law and Economics Association at the University of Chicago) (proposing at pages 261-63 legislative provisions resembling Section 307 of the Sarbanes-Oxley Act of 2002)

*Disclosure of Environmental Legal Proceedings Under the Securities Laws: A Potential Step Backward*, 11 J. ENVTL. LAW AND LITIGATION 101-126 (1996 Symposium on Business and the Environment)

*Game Theoretic and Contractarian Paradigms in the Uneasy Relationship Between Regulators and Regulatory Lawyers*, 65 FORDHAM LAW REVIEW 601-653 (AALS Professional Responsibility Section Symposium; presented at the January 1996 AALS annual meeting in San Antonio, Texas) (see Ian Ayres, *Response to Painter*, 65 FORDHAM LAW REVIEW 654 (1996))

*Contractarian and Cultural Perspectives on Value Creation by Business Lawyers*, 74 OREGON LAW REVIEW 327-339 (1995) (comment on papers presented at November 1994 Symposium on Business Lawyering and Value Creation for Clients)

*Litigating on a Contingency: A Monopoly of Champions or a Market for Champerty?*, 70 CHICAGO KENT LAW REVIEW 625-697 (1995) (Symposium on Fee Shifting)

*Toward A Market for Lawyer Disclosure Services: In Search of Optimal Whistleblowing Rules*, 63 GEORGE WASHINGTON LAW REVIEW 221-296 (1995)



*The Moral Interdependence of Corporate Lawyers and Their Clients*, 67 SOUTHERN CALIFORNIA LAW REVIEW 507-584 (1994), reprinted in 36 CORPORATE PRACTICE COMMENTATOR 755-834 (1995)

### **Reports on the Legal Profession:**

*Report on the Department of Justice and the Rule of Law under the Tenure of Attorney General William Barr*, Center for Ethics and the Rule of Law (CERL) at the University of Pennsylvania and Citizens for Responsibility and Ethics in Washington (October 12, 2020) (co-reporter with Claire O. Finkelstein) (250 pages)

*Beyond Guantanamo: Restoring the Rule of Law to the Law of War - A Report Regarding the Closing of the Guantanamo Bay Detention Facility*, Center for Ethics and the Rule of Law (CERL) at the University of Pennsylvania (April 2022) (contributing author) (200 pages)

*Discipline of Law Firms*, Report of the Committee on Professional Responsibility, 48 THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 628 (1993); reprinted in LAWYER AND ACCOUNTANT LIABILITY AND RESPONSIBILITY (ALI-ABA 1993) (co-author with Karen B. Burrows) (New York in 1996 became the first state in the United States to provide for discipline of law firms when the Appellate Division adopted rules essentially identical to several of the rules suggested in this Report)

*The Attorney's Duties to Report the Misconduct of Other Attorneys and to Report Fraud on a Tribunal*, Report of the Committee on Professional Responsibility, 47 THE RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 905 (1992) (co-author with Sandra E. Nickel)

### **Bar Admissions:**

New York (admitted 1988) (active)

Connecticut (admitted 1991) (inactive)

United States Supreme Court (admitted 1992); coauthor of amicus briefs in *United States v. O'Hagan*, 521 U.S. 642 (1997) (counsel of record for amici), *Morrison v. National Australia Bank*, 561 U.S. 247 (2010) and in *Trump v. Vance*, 591 U.S. \_\_\_ (2020) (counsel of record for amici).

United States District Courts for the Southern District of New York (admitted 1991). Counsel for Citizens for Responsibility and Ethics in Washington (CREW) and also Vice Chair of CREW in *CREW et al v. Donald J. Trump* (filed January 2017) (suit against the President under the emoluments clause of the constitution), dismissed 276 F. Supp. 3d 174 (S.D.N.Y. 2018), judgment vacated and remanded by the Second Circuit, 939 F.3d 131 (2d Cir. 2019).

United States District Court for the District of Connecticut (admitted 1991).

### **Board Memberships:**

Diana Davis Spencer Foundation (charitable foundation, assets \$1.4 billion), one of two independent members of the investment committee and one of two independent members of the audit committee, since 2014.

Take Back our Republic (501c3 public policy organization dedicated to campaign finance reform), board member, 2014 to 2018 and 2019-present.

Issue One (501c3 public policy organization dedicated to campaign finance reform), advisory board member, 2016-2020.

Citizens for Responsibility and Ethics in Washington, Vice Chair, 2016 to 2018, board member 2016-19.

Campus Safety Coalition, Minneapolis, Minnesota, Board Member 2022 to present.

**Invited Congressional Testimony:**

Oral Testimony and *Written Statement of Richard W. Painter before the United States Senate Budget Committee*, June 21, 2023 (hearing entitled “Democracy Distorted: Unraveling the Consequences of Fossil Fuel Dark Money in Politics”)

Oral Testimony and *Written Statement of Richard W. Painter before the United States House of Representatives Committee on Oversight and Government Reform, Subcommittee on Operations*, September 14, 2020, (hearing entitled “The United States Postal Service under Postmaster Louis DeJoy”)

Oral Testimony and *Written Statement of Richard W. Painter before the United States House of Representatives Committee on Oversight and Government Reform*, March 23, 2017, (hearing entitled “Legislative Proposals for Fostering Transparency”)

Oral Testimony and *Written Statement of Richard W. Painter before the United States House of Representatives Committee on Oversight and Government Reform, Subcommittee on Economic Growth, Job Creation and Regulatory Affairs*, February 26, 2014 (hearing entitled “Is the Obama Administration Conducting a Serious Investigation of IRS Targeting?”)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Financial Services*, May 17, 2012 (hearing entitled “Examining the Settlement Practices of U.S. Financial Regulators”)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Government Oversight and Reform*, June 21, 2011 (hearing entitled “The Hatch Act: the Challenges of Separating Politics from Policy”).

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Finance, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises*, February 4, 2004 (hearing entitled “The Role of Attorneys in Corporate Governance”) (testimony on rules governing professional conduct of corporate attorneys issued by the SEC pursuant to Section 307 of the Sarbanes-Oxley Act of 2002)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. Senate Committee on Banking, Housing and Urban Affairs Subcommittee on Securities*, reprinted in Hearing on S. 1260 (February 23, 1998) (hearing preceding the Securities Litigation Uniform Standards Act of 1998)

Oral Testimony and *Written Statement of Richard W. Painter Before the U.S. House of Representatives Committee on Commerce Subcommittee on Finance and Hazardous Materials*, reprinted in Hearings on H.R. 1689, The Securities Litigation Uniform Standards Act of 1998 (No. 105-85) at 73-84 (May 19, 1998) (hearing preceding the Securities Litigation Uniform Standards Act of 1998).

### **Congressional Legislation:**

Section 307 of the Sarbanes-Oxley Act of 2002 (mandating SEC rules requiring lawyers to report securities law violations up-the-ladder to client boards of directors) is based on a proposal made in an April 2002 letter to SEC Chairman Harvey Pitt and earlier in *Lawyer Disclosure of Corporate Fraud: Establishing a Firm Foundation*, 1996 SMU LAW REV. 101 (Section 307 was sponsored by Senators John Edwards (D. N.C.), Mike Enzi (R. WY) and John Corzine (D. N.J.) and had strong bipartisan support).

### **New York Times Op-eds:**

Separation of Politics and State (June 13, 2010)

<https://www.nytimes.com/2010/06/14/opinion/14painter.html>

The NRA Protection Racket (December 20, 2012)

<https://www.nytimes.com/2012/12/20/opinion/the-nra-protection-racket.html>

The Conservative Case for Campaign Finance Reform (February 3, 2016)

<https://www.nytimes.com/2016/02/03/opinion/the-conservative-case-forcampaign-finance-reform.html>

The Real Clinton Foundation Revelation (August 31, 2016)

<https://www.nytimes.com/2016/08/31/opinion/the-real-clinton-foundation-revelation.html>

The White House Rule: No Tax Returns, No Job (October 7, 2016) (with Norman Eisen)

<https://www.nytimes.com/2016/10/07/opinion/the-white-house-rule-no-tax-returns-no-job.html>

On Clinton Emails Did the F.B.I. Director Abuse his Power?, October 30, 2016

<https://www.nytimes.com/2016/10/30/opinion/on-clinton-emails-did-the-fbi-director-abuse-hispower.html>

It is Possible for Trump to be a Good president, November 9, 2016

<https://www.nytimes.com/interactive/projects/cp/opinion/election-night-2016/it-is-possible-for-trump-to-be-a-good-president>

Trump's Business Empire Isn't Just an Ethical Disaster (December 1, 2016)

<https://www.nytimes.com/2016/12/01/opinion/trumps-business-empire-isnt-just-an-ethical-disaster.html>

Can Donald Trump Hire Ivanka Trump? December 29, 2016 (with Norman Eisen)

<https://www.nytimes.com/2016/12/29/opinion/can-donald-trump-hire-ivanka-trump.html>

Trump's Business Separation Plan Does Nothing of the Kind, January 12, 2017

<https://www.nytimes.com/2017/01/12/opinion/trumps-business-separation-plan-does-nothing-of-the-kind.html>

Who Hasn't Trump Banned? People From Places Where He Does Business (with Norman Eisen)  
(January 29, 2017)

<https://www.nytimes.com/2017/01/29/opinion/who-hasnt-trump-banned-people-from-places-where-hesmade-money.html>

The Lesson of Nordstrom: Do Business with the Trumps or Else (February 9, 2017)

<https://www.nytimes.com/2017/02/09/opinion/the-lesson-of-nordstrom-do-business-with-the-trumps-orelse.html>

Jeff Sessions Needs to Go (March 2, 2017)

<https://www.nytimes.com/2017/03/02/opinion/jeff-sessions-needs-to-go.html>

The Criminal President? (May 17, 2017) (with Norm Eisen)

<https://www.nytimes.com/2017/05/17/opinion/trump-comey-memo-obstruction-justice.html>

The Four Threats to Robert Mueller (December 21, 2017) (with Norman Eisen)

<https://www.nytimes.com/2017/12/21/opinion/robert-mueller-investigation.html>

Trump Hasn't Fired Mueller – Yet (January 26, 2018) (with Norm Eisen)

<https://www.nytimes.com/2018/01/26/opinion/donald-trump-robert-mueller.html>

Trump's Bid to Stand Above the Law, May 8, 2020 (with Claire O. Finkelstein)

<https://www.nytimes.com/2020/05/08/opinion/supreme-court-trump-executive-privilege.html>

### **Washington Post Op-eds (partial list):**

A Trump Presidency would be ethically compromised (September 20, 2016) (with Norman Eisen)

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