

**PAUL B. MILLER**  
Notre Dame Law School  
University of Notre Dame  
2160 Eck Hall of Law  
Notre Dame, IN 46556

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## POSITIONS

Notre Dame Law School

*Associate Dean for International & Graduate Programs, 2018 – present*

*Director, Notre Dame Program on Private Law, 2018 – present*

*Professor of Law (tenured), 2017 – present*

McGill University Faculty of Law

*Associate Professor of Law (tenured), 2015 – 2017*

*Assistant Professor of Law, 2013 – 2015*

Queen's University Faculty of Law

*Assistant Professor of Law, 2008-2013*

Hon. Justice Ian Binnie, Supreme Court of Canada

*Law Clerk, 2007-2008*

## VISITING POSITIONS

Peking University Law School

Beijing, China

*Global Faculty, 2018 - Present*

Tel Aviv University Buchmann Faculty of Law

Tel Aviv, Israel

*Visiting Professor of Law, 2019 (May-June)*

Melbourne Law School

Melbourne, Australia

*Visiting Scholar, 2016 (April)*

## EDUCATION

University of Toronto

*Ph.D. in Philosophy, 2008*

University of Toronto Faculty of Law

*J.D., 2004*

Cambridge University

*M.Phil. in History and Philosophy of Science, 2001*

University of Toronto

*M.A. in Philosophy, 2000*

Mount Allison University

*B.A.Hons. in Philosophy, 1999*

## INTERESTS

Philosophy of Law, Private Law Theory, Equity, Fiduciary Law, Agency, Trusts, Business and Non-Profit Organizations

## COURSES TAUGHT

Business Organizations, Corporate Law Theory, Jurisprudence, Law of Equity (with Samuel Bray), Private Law Theory, Property, Trusts and Estates

## SELECTED PUBLICATIONS

### ***Book Series***

OXFORD PRIVATE LAW THEORY (an Oxford University Press series) (Series Editor, with John Oberdiek).

### ***Books***

OXFORD STUDIES IN PRIVATE LAW THEORY, VOL. I (Oxford University Press, forthcoming) (ed. with John Oberdiek).

FIDUCIARIES AND TRUST: ETHICS, POLITICS, ECONOMICS, AND LAW (Cambridge University Press, 2020) (ed. with Matthew Harding).

CIVIL WRONGS AND JUSTICE IN PRIVATE LAW (Oxford University Press, 2020) (ed. with John Oberdiek).

THE OXFORD HANDBOOK OF FIDUCIARY LAW (Oxford University Press, 2019) (ed. with Evan J. Criddle and Robert H. Sitkoff).

FIDUCIARY GOVERNMENT (Cambridge University Press, 2018) (ed. with Evan J. Criddle, Evan Fox-Decent, Andrew S. Gold and Sung Hui Kim).

CONTRACT, STATUS, AND FIDUCIARY LAW (Oxford University Press, 2016) (ed. with Andrew S. Gold).

PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Oxford University Press, 2014) (paperback, 2016; Chinese translation, forthcoming 2018) (ed. with Andrew S. Gold).

### ***Chapters***

*Corporations*, in THE OXFORD HANDBOOK OF THE NEW PRIVATE LAW (Andrew S. Gold, John C.P. Goldberg, Daniel B. Kelly, Emily Sherwin, and Henry E. Smith, eds.) (Oxford University Press, forthcoming).

*Political (Dis)Trust and Fiduciary Government*, in FIDUCIARIES AND TRUST: ETHICS, POLITICS, ECONOMICS, AND LAW (Paul B. Miller and Matthew Harding, eds.) (Cambridge University Press, 2020).

*Torts Against the State*, in CIVIL WRONGS AND JUSTICE IN PRIVATE LAW (Paul B. Miller and John Oberdiek, eds.) (Oxford University Press, 2020). (with J. Pojanowski).

*Equity as Supplemental Law*, in PHILOSOPHICAL FOUNDATIONS OF THE LAW OF EQUITY (Dennis Klimchuk, Irit Samet, and Henry Smith, eds.) (Oxford University Press, 2020).

*New Frontiers in Private Fiduciary Law*, in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller, and Robert H. Sitkoff, eds.) (Oxford University Press, 2019).

*The Identification of Fiduciary Relationships*, in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller, and Robert H. Sitkoff, eds.) (Oxford University Press, 2019).

*Introduction*, in THE OXFORD HANDBOOK OF FIDUCIARY LAW (Evan J. Criddle, Paul B. Miller, and Robert H. Sitkoff, eds.) (Oxford University Press, 2019) (with E. Criddle and R. Sitkoff).

*Fiduciary Representation*, in FIDUCIARY GOVERNMENT (Evan J. Criddle, et al., eds.) (Cambridge University Press, 2018) pp. 21-48.

*Introduction – Fiduciary Government: Provenance, Promise, and Pitfalls* in FIDUCIARY GOVERNMENT (Evan J. Criddle, et al., eds.) (Cambridge University Press, 2018) (with E. Criddle, E. Fox-Decent, A. Gold, and S.H. Kim) pp. 1-18.

*Fiduciary Duties in Social Enterprise*, in THE CAMBRIDGE HANDBOOK OF SOCIAL ENTERPRISE LAW (Joseph Yockey and Benjamin Means, eds.) (Cambridge University Press, 2018) (with A. Gold) pp. 321-440.

*Dimensions of Fiduciary Loyalty*, in RESEARCH HANDBOOK ON FIDUCIARY LAW (D. Gordon Smith and Andrew S. Gold, eds.) (Edward Elgar, 2018), pp. 180-197.

*The Idea of Status in Fiduciary Law*, in CONTRACT, STATUS, AND FIDUCIARY LAW (Paul B. Miller and Andrew S. Gold, eds.) (Oxford University Press, 2016) pp. 25-50.

*Introduction*, in CONTRACT, STATUS, AND FIDUCIARY LAW (Paul B. Miller and Andrew S. Gold, eds.) (Oxford University Press, 2016) (with Andrew S. Gold) pp. 1-21.

*Principles of Public Fiduciary Administration*, in BOUNDARIES OF STATE, BOUNDARIES OF RIGHTS (Anat Scolnicov and Tsvi Kahana, eds.) (Cambridge University Press, 2016) pp. 251-270.

*The Fiduciary Relationship*, in PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold and Paul B. Miller, eds.) (Oxford University Press, 2014) pp. 63-90.

Reprinted in: EQUITY AND TRUSTS (Lionel D. Smith and Alexandra Popovici, eds.) (Cheltenham: Edward Elgar, 2019).

*Introduction*, in PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold and Paul B. Miller, eds.) (Oxford University Press, 2014) (with Andrew S. Gold) pp. 1-17.

## **Articles**

*Conscience and Justice in Equity*, 20 JERUS. REV. LEGAL STUD. (2019).

*Regularizing the Trust Protector*, 103 IOWA L. REV. 2097 (2018).

*Defining the Scope of Fiduciary Liability*, 80 SUP. CT. L. REV. 237 (2017).

Reprinted in: IN FURTHERANCE OF JUSTICE: THE JUDICIAL LIFE OF THOMAS A. CROMWELL (Stephen Aylward and Pam Hrick, eds.) (Toronto: LexisNexis, 2017).

*Fiduciary Governance*, 57 WM. & MARY L. REV. 455 (2015) (with Andrew S. Gold).

*Multiple Loyalties and the Conflicted Fiduciary*, 40 QUEEN'S L. J. 301 (2014).

*Justifying Fiduciary Remedies*, 63 U. TORONTO L. J. 570 (2013).

*Justifying Fiduciary Duties*, 58 MCGILL L. J. 969 (2013).

*The Future for Business Trusts*, 36 QUEEN'S L. J. 443 (2011).

*A Theory of Fiduciary Liability*, 56 MCGILL L. J. 235 (2011).

## **PRESENTATIONS**

*Paper/Title TBC*

- Obligations X, Harvard Law School, Cambridge, MA (July 2020) (invited)

*The Morality of Fiduciary Law*

- Symposium on The Future of Fiduciary Law, William & Mary Law School, Williamsburg, VA (February 2020) (invited)

*Corporations*

- Conference on The Landscape of Private Law, Harvard Law School, Cambridge, MA (March 2019) (invited)

*Political Trust and Fiduciary Government*

- Workshop on Fiduciaries and Trust: Ethics, Politics, Economics and Law, Melbourne Law School, Melbourne, VIC, Australia (December 2018)

*Torts Against the State*

- Private Law Theory Workshop, Tel Aviv University School of Law, Tel Aviv, Israel (June 2019) (invited)
- Workshop on Civil Wrongs and Justice in Private Law, Rutgers Law School, Camden, NJ (October 2018)

*Conscience and Justice in Equity*

- Symposium on Irit Samet's *Equity: Conscience Goes to Market* (OUP), University of Toronto Faculty of Law, Toronto, ON (September 2018) (invited)

*Equity as Supplemental Law*

- Faculty Seminar, Peking University Law School, Beijing, China (October 2018) (invited)
- Workshop on Theoretical and Legal Aspects of Equity and Commercial Law, St. Hugh's College, University of Oxford, Oxford, UK (May 2018) (invited)
- Faculty Colloquium, Notre Dame Law School, Notre Dame, IN (November 2016) (invited)

*The Identification of Fiduciary Relationships*

- Fiduciary Law: Charting the Field, Harvard Law School, Cambridge, MA (November 2017)

*Regularizing the Trust Protector*

- Symposium on Wealth Transfer Law in Comparative and International Perspective, University of Iowa College of Law, Iowa City, IA (September 2017) (invited)

*Fiduciary Representation*

- 1<sup>st</sup> International Fiduciary Law Conference, UNSW School of Law, Sydney, NSW, Australia (December 2017)
- Workshop on Fiduciary Government, UCLA School of Law, Los Angeles, CA (June 2017)

*Fiduciary Duties in Social Enterprise*

- 2017 Fiduciary Law Workshop, UCLA School of Law, Los Angeles, CA (June 2017)
- Social Enterprise Law Conference, Notre Dame Law School, Notre Dame, IN (March 2017) (invited)

*Trust and Fiduciary Law*

- Ideas in Fiduciary Law Workshop, Notre Dame Law School, Notre Dame, IN (April 2017) (invited)

*Dimensions of Fiduciary Loyalty*

- Common Law Colloquium, Université de Montréal Faculté de droit, Montreal, QC (November 2016) (invited)
- Legal Theory Workshop, Melbourne Law School, Melbourne, VIC, Australia (April 2016) (invited)
- Private Law Workshop, Harvard Law School, Cambridge, MA (November 2015) (invited)

*The Idea of Status in Fiduciary Law*

- Workshop on Contract, Status and Fiduciary Law, McGill University Faculty of Law, Montreal, QC (November 2015)

*Fiduciary Governance*

- Panel on Agency and Fiduciary Law, 19<sup>th</sup> Annual Conference of the International Society for New Institutional Economics (ISNIE), Harvard Law School, Cambridge, MA (June 2015) (invited)
- Law and Society Association Annual Meeting, Seattle, WA (May 2015)
- 2015 Fiduciary Law Workshop, J. Reuben Clark Law School, Brigham Young University, Provo, UT (May 2015)

*The Fiduciary Relationship*

- Workshop on Fiduciary Relationships, Department of Philosophy and Faculty of Law, Western University, London, ON (November 2014) (invited)
- Philosophical Foundations of Fiduciary Law Workshop, DePaul University College of Law, Chicago, IL (July 2013)
- 2013 Fiduciary Law Workshop, Notre Dame Law School, Notre Dame, IN (March 2013)

*Principles of Public Fiduciary Administration*

- Law and Society Association Annual Meeting, Minneapolis, MN (June 2014)

*Multiple Loyalties and the Conflicted Fiduciary*

- 43<sup>rd</sup> Annual Workshop on Commercial and Consumer Law, McGill University Faculty of Law, Montreal, QC (October 2013) (invited)

*Justifying Fiduciary Remedies*

- Obligations VI Conference, Western University Faculty of Law, London, ON (July 2012).
- Law and Society Association Annual Meeting, Honolulu, HI (June 2012)

- Canadian Private Law Theory Workshop, University of Toronto Faculty of Law, Toronto, ON (April 2012)

*Justifying Fiduciary Duties*

- Law and Society Association Annual Meeting, San Francisco, CA (June 2011)

**EVENTS**

***RECURRING***

Co-organizer (with A. Bagchi, A. Gold, J. Goldberg, D. Klimchuk, H. Smith and S. Smith), North American Workshop on Private Law Theory (NAWPLT):

NAWPLT VII, Western University Faculty of Law, London, ON, TBD 2019  
(local hosts: Dennis Klimchuk and Zoe Sinel)

NAWPLT VI, Yale Law School, New Haven, CT, October 2018 (local host:  
Daniel Markovits)

NAWPLT V, USC Gould School of Law, Los Angeles, CA, December 2017  
(local host: Greg Keating)

NAWPLT IV, Fordham Law School, New York, NY, November 2016 (local  
hosts: Aditi Bagchi and Ben Zipursky)

NAWPLT III, University of Toronto Faculty of Law, Toronto, ON, October  
2015 (local hosts: Lisa Austin and Larissa Katz)

NAWPLT II, Harvard Law School, Cambridge, MA, October 2014 (local  
hosts: John Goldberg and Henry Smith)

NAWPLT I, McGill University Faculty of Law, Montreal, QC, October 2013  
(local host: Stephen Smith)

Co-organizer (with D. DeMott, T. Frankel, A. Gold, S.H. Kim, G. Smith, and J.  
Velasco), Annual Fiduciary Law Workshop (FLW):

FLW VIII, Brooklyn Law School, Brooklyn, NY, TBD 2020 (local host:  
Andrew Gold)

FLW VII, Rutgers Law School, Camden, NJ, June 2019 (local host: Arthur  
Laby)

FLW VI, Washington University School of Law, St. Louis, MO, June 2018  
(local host: Andrew Tuch)

FLW V, UCLA School of Law, Los Angeles, CA, June 2017 (local host: Sung  
Hui Kim)

FLW IV, Duke Law School, Durham, NC, June 2016 (local host: Deborah  
DeMott)

FLW III, J. Reuben Clark Law School, Brigham Young University, Provo,  
UT, May 2015 (local host: Gordon Smith)

FLW II, McGill University Faculty of Law, Montreal, QC, May 2014 (local  
host: Paul Miller)

FLW I, Notre Dame Law School, Notre Dame, IN, March 2013 (local host:  
Julian Velasco)

Co-organizer (with S. Degeling, A. Gold, and M. Harding), International  
Fiduciary Law Conference (IFLC):

IFLC III, Trinity College, University of Cambridge, Cambridge, England,  
December 2019 (local host: Sarah Worthington)

IFLC II, Hong Kong University Faculty of Law, Hong Kong, December  
2018 (local hosts: Lusina Ho and Rebecca Lee)

IFLC I, UNSW School of Law, Sydney, Australia, December 2017 (local  
host: Simone Degeling)

Co-organizer (with J.F.K. Oberdiek), Oxford Studies in Private Law Theory  
Workshop (OSPLT):

OSPLT I, Notre Dame London Global Gateway, London, UK, August 2019  
(host: Paul Miller)

Co-organizer (with S. Bray, L. Katz, and I. Samet), The Equity Workshop (TEW):

TEW I, Notre Dame Law School, Chicago, IL, September 2019 (local hosts:  
Samuel Bray and Paul Miller)

### *AD HOC*

- Co-organizer (with S. Bray, J. Goldberg, and H. Smith), Interstitial Private Law, Notre Dame Rome Global Gateway, Rome, Italy, November 2020 (local host: Paul Miller)
- Co-organizer (with A. Gold, D. Luban, B. Wendel, and B. Zipursky), Legal Ethics and Fiduciaries, Notre Dame Global Campus at Kylemore Abbey, Connemara, Ireland, June 2019 (local host: Paul Miller)
- Co-organizer (with M. Harding), Fiduciaries and Trust: Ethics, Politics, Economics and Law, Melbourne Law School, Melbourne, Australia, December 2018 (local host: Matthew Harding)
- Co-organizer (with J. Oberdiek), Civil Wrongs and Justice in Private Law, Rutgers Law School, Camden, NJ, Fall 2018 (local host: John Oberdiek)
- Co-organizer (with E. Criddle and R. Sitkoff), Fiduciary Law: Charting the Field, Harvard Law School, Cambridge, MA, November 2017 (local host: Robert Sitkoff)
- Co-organizer (with E. Criddle, E. Fox-Decent, A. Gold, and S.H. Kim), Workshop on Fiduciary Government, UCLA School of Law, Los Angeles, CA, June 2017 (local host: Sung Hui Kim)
- Co-organizer (with A. Gold), Workshop on Contract, Status, and Fiduciary Law, McGill University Faculty of Law, Montreal, QC, November 2015 (local host: Paul Miller)
- Co-organizer (with A. Gold), Philosophical Foundations of Fiduciary Law Workshop, DePaul University College of Law, Chicago, IL, July 2013 (local host: Andrew Gold)

### **TEACHING**

#### *Notre Dame*

- Law of Equity (F 2019) (with Samuel Bray)  
Jurisprudence (S 2018; F 2018; S 2019; S 2020)  
Private Law Theory (S 2018)

**Tel Aviv**

Corporate Law Theory (Intensive, S 2019)

**McGill**

Business Associations (W 2014; W 2015; W 2016; F 2016)

Trusts (W 2016)

Corporate Law Theory (F 2015; W 2017)

Seminar in Law and Management (W 2015; F 2016)

**Queen's**

Business Associations (W 2009; W 2010; F 2010; W 2013)

Private Law Theory (W 2013)

Osler Business Law Symposium (W 2010; F 2010; W 2011; F 2012)

Property (F/W 2008-2009; F 2009; F 2012)

**SERVICE**

**General**

Editorial

Series Editor, OXFORD PRIVATE LAW THEORY

Editor, *Oxford Studies in Private Law Theory*

Member of the Editorial Board, *American Journal of Jurisprudence*

Member of the Advisory Board, *SSRN Fiduciary Law eJournal*

Manuscript Review

*American Journal of Jurisprudence*

*Columbia Law Review*

*Harvard Law Review*

*Journal of Equity*

*Law and Philosophy*

*Legal Theory*

*McGill Law Journal*

*The Monist*

*Stanford Law Review*

*Sydney Law Review*

*University of Toronto Law Journal*

*Yale Law Journal*

Grant Review

*Fonds de recherche du Québec - Société et culture (FRQSC)*

***Notre Dame***

Member, Dean Search Committee for Notre Dame Law School, 2018

Member, Colloquium Committee, 2017-2018

Member, Ad Hoc Advisory Committee – Law Library, 2017-2018

***McGill***

Chair, Prizes, Scholarships and Awards Committee, McGill Faculty of Law, 2016-2017

Member, Appointments Committee, McGill Faculty of Law, 2016-2017

Member, Admissions Committee, McGill Faculty of Law, 2016

Member, Prizes, Scholarships and Awards Working Group, McGill Faculty of Law, 2015-2016

Supreme Court Clerkships Coordinator, McGill Faculty of Law, 2013-2015.

***Queen's***

Director, Osler Distinguished Lectures in Business Law, 2008-2013.

Member and Chair, Faculty Admissions Committee, 2008-2009, 2011-2012, 2013-2014

Member, Faculty Appointments Committee, 2009-2010.