

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

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. II (Oxford University Press, forthcoming) (ed. with John Oberdiek).

INTERSTITIAL PRIVATE LAW (Oxford University Press, forthcoming) (ed. with Samuel L. Bray, John C.P. Goldberg, and Henry E. Smith).

OXFORD STUDIES IN PRIVATE LAW THEORY, VOL. I (Oxford University Press, 2020) (ed. with John Oberdiek).

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

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

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

Corporate Personality, Purpose, and Liability, in RESEARCH HANDBOOK ON CORPORATE PURPOSE AND PERSONHOOD (Elizabeth Pollman and Robert Thompson, eds.) (Elgar, 2021).

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, 2021) pp. 341-359.

Juridical Justification of Private Rights, in JUSTIFYING PRIVATE RIGHTS (Michael Crawford, Simone Degeling, and Nicholas Tivieros, eds.) (Hart Publishing, 2020) pp. 105-128.

Equity, Majoritarian Governance, and the Oppression Remedy, in FIDUCIARY OBLIGATIONS IN BUSINESS (Arthur Laby and Jacob Hale Russell, eds.) (Cambridge University Press, 2020).

The Corporation as a Category in Private Law, in RESEARCH HANDBOOK ON PRIVATE LAW THEORY (Hanoach Dagan and Benjamin Zipursky, eds.). (with A. Gold) (Edward Elgar, 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) pp. 323-349.

Introduction, in CIVIL WRONGS AND JUSTICE IN PRIVATE LAW (Paul B. Miller and John Oberdiek, eds.) (Oxford University Press, 2020) pp. xi-xxix. (with J. Oberdiek).

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) pp. 223-241.

Introduction, in FIDUCIARIES AND TRUST: ETHICS, POLITICS, ECONOMICS, AND LAW (Paul B. Miller and Matthew Harding, eds.) (Cambridge University Press, 2020) (with M. Harding) pp. 1-14.

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) pp. 891-908.

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) pp. 367-384.

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) pp. xix-xxix.

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

The Morality of Fiduciary Law, 62 WILLIAM & MARY LAW REVIEW YY (2021).

Against Fiduciary Constitutionalism, 106 VIRGINIA LAW REVIEW 1479 (2020) (with Samuel L. Bray).

Conscience and Justice in Equity, 21 JERUSALEM REVIEW OF LEGAL STUDIES 37 (2020).

Regularizing the Trust Protector, 103 IOWA LAW REVIEW 2097 (2018).

Defining the Scope of Fiduciary Liability, 80 SUPREME COURT LAW REVIEW 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 WILLIAM & MARY LAW REVIEW 455 (2015) (with Andrew S. Gold).

Multiple Loyalties and the Conflicted Fiduciary, 40 QUEEN'S LAW JOURNAL 301 (2014).

Justifying Fiduciary Remedies, 63 UNIVERSITY OF TORONTO LAW JOURNAL 570 (2013).

Justifying Fiduciary Duties, 58 MCGILL LAW JOURNAL 969 (2013).

The Future for Business Trusts, 36 QUEEN'S LAW JOURNAL 443 (2011).

A Theory of Fiduciary Liability, 56 MCGILL LAW JOURNAL 235 (2011).

PRESENTATIONS

Freedom of Disposition

- Conference on The Philosophical Foundations of the Law of Trusts, King's College London School of Law, London, England (September 2021) (invited)

Juridical Justification of Private Rights

- Private Law Workshop, Notre Dame Law School, Notre Dame, IN (November 2020)

Commentary on Lionel Smith's *Stepping Outside of Ourselves: How We Act for Others in Law*

- Virtual Workshop, McGill University Faculty of Law, Montréal, QC (September 2020) (invited)

The Morality of Fiduciary Law

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

Against Fiduciary Constitutionalism

- 3rd International Fiduciary Law Conference, Trinity College, University of Cambridge, Cambridge, England (December 2019)

Equity, Majoritarian Governance, and the Oppression Remedy

- Conference on Firm Governance, Rutgers Law School, Camden, NJ (October 2019) (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

- 1st 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, 19th 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

- 43rd 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, M. Brady, A. Gold, J. Goldberg, L. Katz, D. Klimchuk, Z. Sinel, H. Smith, S. Smith, and R. Stone), NORTH AMERICAN WORKSHOP ON PRIVATE LAW THEORY (NAWPLT):

NAWPLT VIII, Brooklyn Law School, Brooklyn, NY, TBD 2021 (local host: Andrew Gold)

NAWPLT VII, Western University Faculty of Law, London, ON, October 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 2021 (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 IV, Melbourne Law School, Melbourne, Australia, TBD 2021 (local host: Matthew Harding)

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. Oberdiek), OXFORD STUDIES IN PRIVATE LAW THEORY WORKSHOP (OSPLT):

OSPLT II, National University of Singapore School of Law, Singapore, August 2021 (host: John Oberdiek, w/ James Penner)

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 II, University of Toronto Faculty of Law, Toronto, ON, Canada, October 2021 (local host: Larissa Katz)

TEW I, Notre Dame Law School, Chicago, IL, September 2019 (local hosts: Sam 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 2021 (local host: Paul Miller)

Co-organizer (with I. Samet), Symposium on Andrew Gold's *The Right of Redress*, King's College London School of Law, London, UK, December 2019 (local host: Irit Samet)

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; S 2021) (with Samuel Bray)
Jurisprudence (S 2018; F 2018; S 2019; S 2020; S 2021)
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, Editorial Board, *American Journal of Jurisprudence*

Member, Advisory Board, *SSRN Fiduciary Law eJournal*

Manuscript Review

American Journal of Jurisprudence

Cambridge University Press

Columbia Law Review

Harvard Law Review

Journal of Equity

Law and Philosophy

Legal Theory

McGill Law Journal

The Monist

Oxford University Press

Philosophical Quarterly

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, University Committee on Latin American Initiatives, 2020-present
Chair, General Graduate Program Admissions Committee, The Law School, 2019-present

Member, Human Rights Graduate Program Admissions Committee, The Law School, 2019-present

Member, Law School Deans and Directors Group, 2018-present

Chair, Ad Hoc Committee to Review International Curriculum, The Law School, 2019-present

Member, Law School Early Re-Opening Committee (in response to Covid 19), 2020

Member, Law School Preparedness Committee (in response to Covid 19), 2020

Member, Ad Hoc Committee on the Human Rights Program, The Law School, 2019-2020

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

Member, Law School 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.