

MIRIAM A. CHERRY

3700 Lindell Blvd., Saint Louis University Law School, St. Louis, MO 63108
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ACADEMIC EXPERIENCE & HONORS

2010 - present	Professor of Law, Saint Louis University Merit Award - University Research Leave (Spring 2013) Visiting Professor (2010-2011)
2009	Visiting Professor of Law, University of Georgia
2006 - 2010	Associate Professor (with tenure 2008), Pacific-McGeorge School of Law John G. Sprankling Faculty Scholarship Award (2010) Elected to Membership, American Law Institute (2008)
2003 - 2006	Associate Professor, Cumberland Law School-Samford University Assistant Professor (2003-2005)
Curricular Interests:	Contracts, Business Associations, Securities Regulation Sales & Leases of Goods, Employment Relations

EDUCATION

J.D.	HARVARD LAW SCHOOL	1999
	<i>cum laude</i> , <i>Harvard Journal of Law & Gender</i> , Chair of Article Selection Research Assistant to Professors Martha Minow and Charles Nesson Legal Services Center, Battered Women’s Advocacy Project	
B.A.	DARTMOUTH COLLEGE	1996
	Phi Beta Kappa, <i>summa cum laude</i> , High Honors in History Edwin Jones Award for best American history thesis	

SCHOLARSHIP: BOOKS

CONTRACTS: A MODERN APPROACH (with Lawrence Cunningham) (work in progress).

VIRTUAL WORK (work in progress).

GLOBAL ISSUES IN EMPLOYMENT LAW (THOMSON WEST 2008) (with Samuel Estreicher)
(includes discussion of executive compensation and international contract issues).

SCHOLARSHIP: LAW REVIEW ARTICLES

The B Corporation and the Market for Altruism (work in progress).

Initial Public Offerings, Technological Change, and Crowdfunding (work in progress).

Cyber Commodification, __ MD. L. REV. __ (forthcoming 2012) (selected for inclusion in cyberlaw issue).

A Taxonomy of Virtual Work, 45 GA. L. REV. 951 (2011).

Beyond Profit: Rethinking Corporate Social Responsibility after the BP Disaster, 85 TULANE L. REV. 983 (2011) (with Judd Sneirson).

Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes, 94 MINN. L. REV. 368 (2009) (with Jarrod Wong).

Reply: Clawback to the Future, HEADNOTES (companion to MINNESOTA L. REV.).

Working for (Virtually) Minimum Wage, 60 ALA. L. REV. 1077 (2009).

Prediction Markets and the First Amendment, 2008 U. ILL. L. REV. 833 (with Robert Rogers).

Tiresias and the Justices: Using Information Markets to Predict Supreme Court Decisions, 100 NORTHWESTERN U. L. REV. 1141 (2006) (with Robert Rogers).

Decentering the Corporation: Using the Limited Liability Company to Organize Low Wage Immigrant Workers, 39 U.C. DAVIS L. REV. 787 (2006) (reprinted in 27 IMMIGRATION & NATIONALITY L. REV. 125 (2006)).

Markets for Markets: Origins and Subjects of Information Markets, 58 RUTGERS L. REV. 339 (2006) (with Robert Rogers).

A Tyrannosaurus-Rex Aptly Named "Sue": Using a Disputed Dinosaur to Teach Contract Defenses, 82 N. D. L. REV. 295 (2005).

Whistling in the Dark? Corporate Fraud, Whistleblowers, and the Implications of the Sarbanes-Oxley Act for Employment Law, 79 WASHINGTON L. REV. 1029 (2004).

SCHOLARSHIP: ESSAYS, BOOK REVIEWS, AND PUBLISHED REMARKS

Learning Contracts through Current Events, __ HAW. L. REV. __ (review essay of Lawrence Cunningham's treatise, *CONTRACTS IN THE REAL WORLD: STORIES OF POPULAR CONTRACTS AND WHY THEY MATTER*) (forthcoming 2012).

Virtual Whistleblowing, SOUTH TEXAS L. REV. (solicited symposium contribution) (forthcoming 2012).

The Gamification of Work, HOFSTRA L. REV. (solicited essay for "Ideas" section) (forthcoming 2012).

Chevron, Greenwashing, and Corporate Social Responsibility, WASH. & LEE J. ENERGY, CLIMATE CHANGE, & ENVIRONMENT (forthcoming 2012) (with Judd Sneirson).

Of Morals and Markets, 52 ARIZ. L. REV. 73 (2010) (solicited commentary on prediction markets).

Essay, The Global Dimensions of Virtual Work, 54 ST. LOUIS UNIV. L. J. 471 (2010) (invited symposium contribution to *Competition in the Global Workplace, The Role of Law in Economic Markets*).

Book Review of Jeffrey Brandon Morris's *Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit*, 27 LAW & HISTORY REV. 220 (2009).

Essay, *Working (with) Workers: Implementing Theory*, 41 SUFFOLK L. REV. 731 (2008) (contribution to AALS annual meeting panel, selected through blind peer review).

Essay, *Exploring (Social) Class in the Classroom: The Case of Lucy, Lady Duff Gordon*, 28 PACE L. REV. 235 (2008) (invited symposium contribution to contracts conference).

A Satire of Law Firm Employment Practices (Book Review of Jeremy Blachman's *Anonymous Lawyer*), 20 GEORGETOWN J. LEGAL ETHICS 1137 (2007).

No Longer Just Company Men: The Flexible Workforce and Employment Discrimination (Book Review of Katherine V.W. Stone's *From Widgets to Digits*), 27 BERKELEY J. LAB. & EMP. L. 209 (2006).

Images of Women Workers in Film, 10 EMPLOYEE RIGHTS & EMPLOYMENT POLICY J. 295 (2006) (published remarks, AALS annual meeting panel).

How to Succeed in Business Without Really Trying (Cases): Gender Stereotypes and Sexual Harassment Since the Passage of Title VII, 22 HOFSTRA LABOR & EMPLOYMENT L. J. 533 (2005) (invited symposium contribution).

SCHOLARSHIP: SHORTER, OCCASIONAL, AND STUDENT WORK

The Law Review Games (with Paul Secunda) (unpublished satire, available on SSRN, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2028007).

The Five Stages of Law Review Submission (with Brannon P. Denning) (unpublished satire, available on SSRN, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=796264).

Exercising the Right to Public Accommodations: The Debate Over Single-Sex Health Clubs, 52 MAINE L. REV. 97 (2000).

Case Comment, A Negotiation Approach to Mandatory Arbitration Contracts, 4 HARVARD NEGOTIATION L. REV. 269 (1999).

Note, Not-So-Arbitrary Arbitration, 21 HARVARD WOMEN'S L. J. 267 (1998).

JUDICIAL CLERKSHIPS AND PRACTICE EXPERIENCE

JUDICIAL CLERK, U.S. COURT OF APPEALS FOR THE EIGHTH CIRCUIT CHAMBERS OF JUDGE GERALD HEANEY

2000-2001 Term

Wrote internal legal memoranda and assisted with legal opinions, including: *Deerbrook Pavillion v. Shalala*, 235 F.3d 1100 (8th Cir. 2000) (sale of nursing home did not relieve obligation to pay fines under complex regulatory scheme); *Singleton v. Norris*, 267 F.3d 859 (8th Cir. 2001) (refusing to administer antipsychotic drugs to make defendant sane for purposes of execution).

LAW CLERK, SUPREME JUDICIAL COURT OF MASSACHUSETTS,

JUSTICE RODERICK L. IRELAND

1999-2000 Term

Researched various issues of law and assisted with legal opinions including: Harhen v. Brown, 431 Mass. 838 (2000) (business judgment rule); Commonwealth v. Mavredakis, 430 Mass. 848 (2000) (constitutional law, rights under state versus U.S. Constitution); Rotkiewicz v. Sadowsky, 431 Mass. 748 (2000) (defamation law).

BERMAN DEVALERIO PEASE TABACCO BURT & PUCILLO

Boston, MA

2002 – 2003

Briefed Symbol Technologies case, which led to corporate restructuring and resulted in \$139 million settlement. Briefed accountant's liability issues in WorldCom litigation. Researched and wrote legal briefs in several other accounting fraud cases, including Reliant Energy. Investigated potential violations of various securities laws.

FOLEY HOAG LLP, Boston, MA

Summer 1998, 2001 - 2002

Assisted corporate clients with mergers and acquisitions, venture capital financings and private debt financings. Advised corporate clients with general business matters including formation, capitalization, contract review, contract drafting and compliance with securities laws. Provided non-profit organizations with legal advice on corporate matters.

SELECTED PUBLIC PRESENTATIONS AND MEDIA APPEARANCES

"The Economics of the B Corporation," Midwest Law & Economics Association (MLEA) Annual Meeting, Washington University in Saint Louis, Saint Louis, MO, October 2012 (upcoming).

"The Gamification of Work," Labor & Employment Law Colloquium, Northwestern University Law School, Chicago, IL, September 2012 (upcoming).

"Virtual Work," Law and Society Conference, June 7, 2012, Honolulu, Hawaii.

"Virtual Whistleblowing," Conference on Citizen Employees, South Texas College of Law, March 6, 2012, Houston, TX.

"Cyber Commodification," AALS Annual Contracts Conference, Thomas Jefferson School of Law, March 1, 2012, San Diego, CA.

"The New Work," Roundtable Discussion on Platforms and Power, New York University School of Law, sponsored by New York University School of Law Information Law Institute & Engelberg Center on Innovation Law & Policy, May 6, 2011, New York City, NY.

"Virtual Contracts, Virtual Employment," Spring Conference on Contracts, Stetson University Law School, Feb. 19, 2010, Gulfport, FL.

"Greenwashing and Corporate Social Responsibility," Society of American Law Teachers (SALT) Conference, December 10, 2010, Honolulu, Hawaii.

"Clawback Provisions in the Dodd-Frank Act," Panel on Executive Compensation in Recessionary Times, Southeast Association of Law Schools (SEALs) Conference, Aug. 3, 2010, West Palm Beach, FL.

“Clawback Clauses,” Panel, Can I Get a Remedy?, Spring Conference on Contracts, University of Nevada-Las Vegas, Feb. 27, 2010, Las Vegas, NV.

“Clawbacks: Prospective Contract Measures in an Era of Excessive Executive Compensation and Ponzi Schemes,” Panel, Financial Collapse and Recovery Effort, Business Associations Section, AALS Annual Meeting, Jan. 10, 2010 (selected from blind call for papers), New Orleans, LA.

“Contractual Clawbacks and Corporate Governance,” Conference on Global Federalism and the Financial Crisis, University of the Pacific-McGeorge School of Law, Oct. 18, 2009, Sacramento, CA.

“Writing in Comparative Law,” New Voices Panel, Annual Meeting of the American Society of Comparative Law, Roger Williams Law School, Oct. 4, 2009, Bristol, RI.

“Whistleblowers in Cyberspace,” SEALs, August 6, 2009, West Palm Beach, FL.

“Technology and Working Across Borders,” Law and Society Association, June 5, 2009, Denver, CO.

“The Global Dimensions of Virtual Work,” Saint Louis University Law School, Symposium, Competition in the Global Workplace, The Role of Law in Economic Markets, April 3, 2009, St. Louis, MO.

“Virtual Work,” invited presentation, American Bar Association, Technology in the Practice and Workplace Committee Mid-Year Meeting, May 1, 2008, Chicago, IL.

“Employment and Labor Law Lawyer as Public Intellectual,” AALS Annual Meeting presentation, Employment Law Section, January 4, 2008, New York City, NY.

Discussant, *“The Brain Drain and Economic Development,”* University of the Pacific-McGeorge School of Law, Nov. 16, 2007, Sacramento, CA.

“(Social) Class in the Classroom: The Case of Lucy, Lady Duff Gordon,” Symposium on the Legacy of Lucy, Lady Duff-Gordon, Pace University, Nov. 7, 2007, White Plains, NY.

“Global Issues in Employment Law,” Second Annual Colloquium on Current Scholarship in Labor and Employment Law, University of Colorado, Sept. 28, 2007, Boulder, CO.

“Global Issues in Employment Law,” Faculty Colloquium, University of Nebraska, Sept. 21, 2007, Lincoln, NE.

“Funds and Fundamentalism,” Association for Law Culture and Humanities Conference, Georgetown University Law Center, March 23, 2007, Washington D.C.

“The Strange Tale of Trover, the Amazing Living Dog,” Third Annual Contracts Conference, South Texas Law School, February 23, 2007, Houston, TX.

“A Satire of Law Firm Employment Practices,” Colloquium on Current Scholarship in Labor and Employment Law, Marquette University, October 25, 2006, Milwaukee, WI.

"Contracts Pedagogy," Southeast Association of Law Schools (SEALS) Conference, July 21, 2006, West Palm Beach, FL.

"Mythology of the Whistleblower," Law and Society, July 7, 2006, Baltimore, MD.

"Law Professor Blogs," Coast to Coast / The Legal Talk Network, June 2, 2006 (radio show interview with Professors Eugene Volokh and Susan Crawford).

"Analyzing the Development of Prediction Markets," Faculty Colloquium, University of Alabama Law School, April 7, 2006, Tuscaloosa, AL.

"Marriage and Divorce in Edith Wharton's Summer," Association for Law Culture and Humanities Conference, March 7, 2006, Syracuse University, Syracuse, NY.

"Contracts Pedagogy and a Dinosaur Named Sue," International Contracts Conference, Texas Wesleyan University, February 25, 2006, Dallas-Ft. Worth, TX.

"Sex Stereotyping Theory and Images of Working Women in Popular Culture," AALS Annual Meeting, Employment Discrimination Section, Jan. 5, 2006, Washington D.C.

Moderator, Panel on Scholarship and Continuing Legal Education, AALS Annual Meeting, Employment Discrimination Section, Jan. 5, 2006, Washington D.C.

"Markets for Markets: Origins and Subjects of Information Markets," Faculty Workshop Talk, Saint Louis University Law School, Oct. 18, 2005, St. Louis, MO.

"Tiresias and the Justices: Using Information Markets to Predict Supreme Court Outcomes," New Scholars Panel, Southeast Association of Law Schools (SEALS) conference, July 21, 2005, Hilton Head, SC.

Legal Commentary, Sarbanes-Oxley Act / HealthSouth Trial, Channel 42, CBS Local News, June 29, 2005.

"Decentering the Corporation" Symposium on Critical Race Feminism, April 1, 2005, U.C. Davis Law School, Davis, CA.

"Melodrama and the Tale of the Whistleblower," Law, Culture, and Humanities Conference, March 12, 2005, Austin, TX.

"How to Succeed in Business Without Really Trying (Cases): Gender Stereotypes and Sexual Harassment Since the Passage of Title VII," Conference on the Fortieth Anniversary of Title VII, Feb. 26, 2005, Hofstra Law School, Hempstead, NY.

"Sarbanes-Oxley Act: Key Points and Provisions," Panel on Managing and Governing Non-Profits in the Era of Sarbanes-Oxley, Program by Non-Profit Resource Center of Alabama, Nov. 12, 2003, Birmingham, AL.

LAW SCHOOL SERVICE, SERVICE TO THE PROFESSION, BLOGGING

Chair, 1843 Scholars Committee (Saint Louis University 2011-present).

Member, Scholarship Committee (Saint Louis University 2012-present).

Co-Organizer, Conference on Invisible Work and Invisible Workers (Washington University in Saint Louis, planning for Spring 2013).

Co-Organizer, Employment Law Colloquium (Saint Louis University – Washington University in Saint Louis, October 2010).

Member, American Law Institute, Elected 2008.

Co-Organizer, Fourth International Contracts Conference (Pacific-McGeorge, February 2008).

Contributing Author and Permanent Blogger, ContractsProf Blog, (2005- present).

Guest Author, Faculty Lounge Blog (Spring 2010).

Guest Author, Concurring Opinions (Spring 2006, Fall 2008).

Guest Author, Prawfsblawg (Fall 2006).

Member, Strategic Long-Term Planning Committee (2008 – 2010, Pacific-McGeorge).

Member, Employment, Promotion, and Tenure Committee (2006- 2007, Pacific-McGeorge).

Member, Faculty Development Committee (2006 – 2009, Pacific-McGeorge).

Member, Teaching Methods Committee (2007 – 2008, Pacific-McGeorge).

Member, Curriculum Committee (2008 – 2009, Pacific-McGeorge).

Executive Committee, AALS Section on Employment Discrimination (2006 – 2008).

Member, Colloquium Committee (2003-2005, Cumberland Law School).

Member, University Institutional Review Board (2004, Cumberland Law School-Samford University).

Member, University Diversity Committee (2004-2005, Cumberland Law School-Samford University).

Member, University Task Force on Academic Standards (2004-2005, Cumberland Law School-Samford University).

Member, Faculty Recruitment Committee (2003-2004, Cumberland Law School).

BAR ADMISSION

Admitted to Massachusetts Bar in December, 1999.

INTERESTS

Enjoy hiking, yoga, visiting historic places, science fiction writing, and gardening (but not all at the same time).