

SAMUEL W. BUELL

Duke University School of Law
210 Science Drive
Durham, NC 27708
(919) 613-7193
buell@law.duke.edu

APPOINTMENTS

Duke University School of Law	
<i>Professor</i>	2010-present
<i>Visiting Associate Professor</i>	2009-2010
Washington University School of Law	
<i>Associate Professor</i>	2006-2010
University of Texas School of Law	
<i>Visiting Assistant Professor; Fellow, Emerging Scholars Program</i>	2004-2006

PUBLICATIONS

ARTICLES AND ESSAYS

- Becoming A Legal Scholar*, 110 MICH. L. REV. 1175 (2012)
- On the Mental State of Consciousness of Wrongdoing*, 75 LAW & CONTEMP. PROBS. 133 (2012)
(with Lisa Kern Griffin)
- What Is Securities Fraud?*, 61 DUKE L.J. 511 (2011) (reprinted in SECURITIES LAW REVIEW
(Donald C. Langevoort ed. 2012))
- Good Faith and Law Evasion*, 58 UCLA L. REV. 611 (2011)
- The Court's Fraud Dud*, 6 DUKE J. CONST. LAW & PUB. POL'Y 31 (2010)
- Potentially Perverse Effects of Corporate Civil Liability* in Anthony S. Barkow & Rachel E. Barkow eds., PROSECUTORS IN THE BOARDROOM: USING CRIMINAL LAW TO REGULATE CORPORATE CONDUCT (2010)
- The Upside of Overbreadth*, 83 N.Y.U. L. REV. 1491 (2008)
- Criminal Procedure Within the Firm*, 59 STAN. L. REV. 1613 (2007)
- Reforming Punishment of Financial Reporting Fraud*, 28 CARDOZO L. REV. 1611 (2007)
- Novel Criminal Fraud*, 81 N.Y.U. L. REV. 1971 (2006)
- The Blaming Function of Entity Criminal Liability*, 81 IND. L.J. 473 (2006)

OTHER

Book Review: *The Collapse of American Criminal Justice* by William J. Stuntz, CRIM. LAW & CRIM. JUSTICE BOOKS, <http://cljbooks.rutgers.edu> (March 2012)

The Sources of Overbreadth, in PAUL H. ROBINSON, STEPHEN P. GARVEY & KIMBERLY KESSLER FERZAN EDS., CRIMINAL LAW CONVERSATIONS (2009)

Decision Rules as Notice: The Case of Fraud, in PAUL H. ROBINSON, STEPHEN P. GARVEY & KIMBERLY KESSLER FERZAN EDS., CRIMINAL LAW CONVERSATIONS (2009)

Time for A Twenty-First Century Justice Department, 20 FED. SENT. REP. 326 (2008)

Purposes and Effects in Criminal Law, 93 VA. L. REV. In Brief 199 (2007)

Criminal Abortion Revisited, 66 N.Y.U. L. REV. 1774 (1991)

EDUCATION

New York University School of Law

J.D., *summa cum laude*, 1992

- Graduation awards for first in class; outstanding overall scholarship, character, and professional activities; best law review note; and outstanding scholarship in criminal law
- *New York University Law Review*
- Order of the Coif

Brown University

A.B., History, *magna cum laude*, 1987

TESTIMONY AND LAW REFORM

Witness, United States Sentencing Commission, Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines, March 14, 2012 (written and oral testimony)

Witness, United States Senate Committee on the Judiciary, Hearing: Restoring Key Tools to Combat Fraud and Corruption After the Supreme Court's Skilling Decision, September 28, 2010 (written and oral testimony)

Organizer, American Law Institute preliminary examination of law of criminal fraud

PRESENTATIONS

Organizer and Principal Presenter, American Law Institute Meeting on the Law of Criminal Fraud and Contemporary Corporate Enforcement, Duke University School of Law, Durham, NC, October 2011

Consciousness of Wrongdoing, Conference on Adjudicating the Guilty Mind, Duke University School of Law, Durham, NC, May 2011

Panelist, Forum on Corporate Enforcement, Charlottesville, Virginia, May 2011

What Is Securities Fraud?, Faculty Workshop, Florida State University College of Law, Tallahassee, FL, April 2011

- What Is Securities Fraud?*, Conference on Corporate Governance and Business Ethics in a Post-Crisis World, Notre Dame Law School, South Bend, IN, March 2011
- Hard Choices in Teaching Criminal Law*, Criminal Justice Section, AALS Annual Meeting, San Francisco, CA, January 2011
- What Is Securities Fraud?*, Faculty Workshop, Duke University School of Law, Durham, NC, November 2010
- What Is Securities Fraud?*, Faculty Workshop, Willamette University College of Law, Salem, OR, October 2010
- Conference on Corporate Criminal Liability*, Panelist, Yale Law School, New Haven, CT, April 2010
- Conference on Rethinking Securities Regulation*, Discussant, "Fraud-on-the-Market Class Actions Against Foreign Issuers," Vanderbilt University Law School, Nashville, TN, March 2010
- Good Faith, Bad Faith, and Law Design*, Criminal Law Conference, Vanderbilt University School of Law, Nashville, TN, January 2010
- Good Faith, Bad Faith, and Law Design*, Faculty Workshop, Duke University School of Law, Durham, NC, November 2009
- Wrong Lessons of Enron?*, Securities Industry and Financial Markets Association, Keynote Address, St. Louis, MO, June 2009
- Potentially Perverse Effects of Corporate Civil Liability*, Conference on Regulation by Prosecution, New York University School of Law, New York, NY, May 2009
- Good Faith Is a State of Mind*, Center for Law, Business and the Economy and Center for Criminal Justice, UC Berkeley School of Law, Berkeley, CA, April 2009
- Good Faith Is a State of Mind*, Faculty Workshop, University of Illinois College of Law, Champaign, IL, March 2009
- Good Faith Is a State of Mind*, Faculty Workshop, Washington University School of Law, St. Louis, MO, March 2009
- New Research in Regulation of Corporations, Managers, and Financial Markets*, Conference Host and Organizer, Washington University School of Law, St. Louis, MO, March 2009
- Good Faith Is a State of Mind*, Conference on New Research in Regulation of Corporations, Managers, and Financial Markets, Washington University School of Law, St. Louis, MO, March 2009
- Overbreadth in Criminal Law*, Faculty Workshop, Georgetown University Law Center, Washington, DC, February 2008
- Overbreadth in Criminal Law*, Faculty Workshop, Washington University School of Law, St. Louis, MO, November 2007
- Enforcement of Corporate Governance Rules*, Discussant for four papers, Harvard Law School, Swiss Federal Institute of Technology Zurich, and European Corporate Governance Institute, Cambridge, MA, March 2007
- The Cooperation Dilemma: The New Realities of Corporate White Collar Defense*, Presenter, Stanford Criminal Justice Center, Stanford Law School, Palo Alto, CA, November 2006
- Class Action Kickbacks – A Critical Look*, Roundtable Participant, Fordham, Cardozo and Brooklyn Law Schools, New York, NY, October 2006
- Lessons After Enron*, Featured Speaker, SMU Law Review Corporate Counsel Symposium, Dallas, TX, October 2006
- Novel Criminal Fraud*, Presenter, Stanford-Yale Junior Faculty Forum, New Haven, CT, June 2006
- Novel Criminal Fraud*, Presenter, Cardozo Law Review Symposium: Fraud and Federalism, New York, NY, March 2006
- Concealment and Novel Fraud*, Presenter, University of Texas School of Law, Faculty Drawing Board, May 2005

RESEARCH

Criminal and Civil Regulation of Economic Behaviors
Legal Construction of Mental States
Enforcement Institutions

TEACHING

Criminal Law
Corporate Crime
Securities Regulation
Federal Criminal Law
Seminar on Developing the Scholarship Agenda
Advanced Topics in Financial Market Regulation

FACULTY SERVICE

Member, Duke University School of Law, Faculty Appointments Committee, 2011-2012
Co-organizer, Duke Legal Theory Colloquium, Fall 2011
Member, Duke University Academic Council, 2011-2013
Member, Washington University School of Law, Faculty Appointments Committee, 2006-2007
Clerkship Advisor, Washington University School of Law, 2007-2008

MEDIA

Op-eds published in LOS ANGELES TIMES, PHILADELPHIA INQUIRER, NEWARK STAR-LEDGER, DES MOINES REGISTER; frequent commentary on corporate crime and federal criminal law for NEW YORK TIMES, WALL STREET JOURNAL, WASHINGTON POST, NATIONAL PUBLIC RADIO, CHRISTIAN SCIENCE MONITOR, CNN, CNBC, MSNBC, CHICAGO TRIBUNE, ASSOCIATED PRESS, USA TODAY, TIME, HOUSTON CHRONICLE

PRACTICE

United States Department of Justice

Special Attorney, Enron Task Force

January 2002 to March 2004

Assistant U.S. Attorney, District of Massachusetts

July 1998 to July 2004

Assistant U.S. Attorney, Eastern District of New York

October 1994 to July 1998

- Two-time recipient, Attorney General's Award for Exceptional Service (highest DOJ honor, awarded annually)
- Lead prosecutor in numerous complex investigations and prosecutions involving fraud and racketeering, including cases against former top executives of Enron Corporation and members of Boston-based organized crime group headed by James "Whitey" Bulger
- Numerous briefs and arguments, United States Courts of Appeals

Covington & Burling, Washington, DC

Associate

October 1993 to October 1994

Honorable Jack B. Weinstein, United States District Court,
Eastern District of New York, New York, NY

Law Clerk

August 1992 to August 1993

Paul, Weiss, Rifkind, Wharton & Garrison, New York, NY
Summer Associate

1991 and 1992

MEMBERSHIP

American Law Institute
New York State Bar
Massachusetts State Bar
Supreme Court of the United States Bar