
KIMBERLY D. KRAWIEC

EXPERIENCE

UNIVERSITY OF VIRGINIA

Charles O. Gregory Professor of Law, Sullivan and Cromwell Professor of Law — 2021-
Present

DUKE UNIVERSITY – 2009-2021

Kathrine Robinson Everett Professor Of Law — 2011-2021
Professor Of Law — 2009-2011

UNIVERSITY OF SOUTHERN CALIFORNIA – AUGUST-DECEMBER 2013

Visiting Professor of Law

UNIVERSITY OF NORTH CAROLINA – AUGUST 2001-JULY 2009

Professor of Law

UNIVERSITY OF VIRGINIA – JANUARY-MAY 2005

Visiting Professor of Law

GEORGETOWN UNIVERSITY LAW CENTER – AUGUST-DECEMBER 2004

Visiting Professor of Law

HARVARD LAW SCHOOL – AUGUST 2003-MAY 2004

Bruce W. Nichols Visiting Professor of Law

UNIVERSITY OF PENNSYLVANIA – JANUARY 2001-MAY 2001

Visiting Professor of Law

UNIVERSITY OF CALIFORNIA AT LOS ANGELES – AUGUST 2000-DECEMBER 2000

Visiting Professor of Law

NORTHWESTERN UNIVERSITY – AUGUST 1999-MAY 2000

Visiting Associate Professor of Law

UNIVERSITY OF OREGON – AUGUST 1997-MAY 2001

Associate Professor of Law with Tenure

UNIVERSITY OF TULSA – AUGUST 1995-MAY 1997

Assistant Professor of Law

SULLIVAN & CROMWELL; NEW YORK, NEW YORK – AUGUST 1995-MAY 1997

October 1992 - August 1995, Summer 1991
Associate, Commodity and Derivatives Group

CURRENT COURSES

Repugnant Transactions Taboo Trades Advanced Contracts Blood Feud

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BOOKS AND EDITED VOLUMES

Balleisen, E., Benneer, L., Krawiec, K., & Wiener, J. (Eds.). (2017). *Policy Shock: Recalibrating Risk and Regulation after Oil Spills, Nuclear Accidents and Financial Crises*. Cambridge: Cambridge University Press. doi:10.1017/9781316492635

Sex in Law, *Law & Contemporary Problems*: Volume 85, Number 1 (2022) (with Doriane Coleman)

Altruism, Community, and Markets, *Law & Contemporary Problems*: Volume 81, Number 3 (2018) (with Julia Mahoney and Sally Satel)

Sex and Sport, *Law & Contemporary Problems*: Volume 80, Number 4 (2018) (with Doriane Coleman)

Law and Markets, *Law & Contemporary Problems*: Volume 80, Number 1 (2017) (with Joseph Blocher)

Organs and Inducements, *Law & Contemporary Problems*: Volume 77, Number 3 (2014) (with Philip J. Cook)

Show Me the Money: Making Markets in Forbidden Exchange, *Law & Contemporary Problems*: Volume 72, Number 3 (2009)

ARTICLES AND BOOK CHAPTERS

The Case For Specific Performance of Personal Service Contracts (with Nathan B. Oman), 110 IOWA L. REV. __ (forthcoming, Jan. 2025)

Vice Capital (with Andrew K. Jennings), 15 U.C. IRVINE LAW REVIEW __ (forthcoming 2025)

WHO Says Countries Should Be Self-Sufficient in (Unremunerated) Organs and Blood (with Alvin A. Roth), forthcoming 2025

The Commodification of Work, forthcoming in THE OXFORD HANDBOOK OF PHILOSOPHY AND WORK, Julian Jonker & Grant J. Rozeboom eds., (Oxford UK, 2025)

The Ethical Limits of Markets, in RESEARCH HANDBOOK ON THE PHILOSOPHY OF CONTRACT LAW, Mindy Chen-Wishart and Prince Saprai eds., (forthcoming Edward Elgar Publishing Ltd, 2024)

Gametes, in THE ROUTLEDGE HANDBOOK OF COMMODIFICATION, Vida Panitch and Elodie Bertrand eds., (Routledge UK, 2023)

Markets, Repugnance, and Externalities, JOURNAL OF INSTITUTIONAL ECONOMICS (2022): 1-12

No Money Allowed, 2022 UNIVERSITY OF CHICAGO LEGAL FORUM 221 (2022)

Criminal, Legal, and Ethical Kidney Donation and Transplantation: A Conceptual Framework to Enable Innovation, TRANSPLANT INTERNATIONAL (2022): 131 (with Alvin E. Roth, Ignazio R. Marino, and Michael A. Rees)

Organ Entrepreneurs, in THE CAMBRIDGE HANDBOOK ON LAW AND ENTREPRENEURSHIP IN THE UNITED STATES, Cambridge University Press (2022) (with Kieran Healy)

Kidney Donation and the Consent of the Poor, 66 LOYOLA L. REV. 23 (2020) (with Philip J. Cook)

Let's Talk: What FinReg Can Learn From New Governance (And Vice Versa), 44(4) LAW & SOCIAL INQUIRY (2019)

Kidneys without Money, JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS (JITE), 175(1), 4-19 (2019) (DOI: 10.1628/jite-2019-0003)

Complete Chain of the First Global Kidney Exchange Transplant and 3-yr Follow-up. EUROPEAN UROLOGY FOCUS 4.2 (2018): 190-197. (with Danielle N. Bozek, et al.)

If We Allow Football Players and Boxers to Be Paid for Entertaining the Public, Why Don't We Allow Kidney Donors to Be Paid for Saving Lives?, 81 L. & CONTEMP. PROBS. 9-35 (2018) (with Philip J. Cook)

Does Contract Law Need Morality?, 9 WILLIAM & MARY BUSINESS L. REV. 9 (2018) (with Wenhao Liu)

If We Pay Football Players, Why Not Kidney Donors?, REGULATION 12-17 (Spring 2018) (with Philip J. Cook)

Introduction, POLICY SHOCK: RECALIBRATING RISK AND REGULATION AFTER OIL SPILLS, NUCLEAR ACCIDENTS AND FINANCIAL CRISES. Cambridge: Cambridge University Press. (2017). (with Balleisen, E., Benneer, L., & Wiener, J.)

Conclusion, POLICY SHOCK: RECALIBRATING RISK AND REGULATION AFTER OIL SPILLS, NUCLEAR ACCIDENTS AND FINANCIAL CRISES. Cambridge: Cambridge University Press. (2017). (with Balleisen, E., Benneer, L., & Wiener, J.)

Repugnance Management and Transactions in the Body, 107 (5) AM. ECON. REV. 86-90, Papers and Proceedings (May 2017) (with Kieran Healy)

Kidney Exchange to Overcome Financial Barriers to Kidney Transplantation, 17(3) AM. J. OF TRANSPLANTATION, 782 (2017) (with Michael A. Rees, et. al.)

Contract Development In A Matching Market: The Case of Kidney Exchange, 80 L. & CONTEMP. PROBS. 11 (2017) (with Wenhao Liu & Marc L. Melcher)

Diversity And Talent at The Top: Lessons From The Boardroom, in DIVERSITY IN PRACTICE: RACE, GENDER, AND CLASS IN LEGAL AND PROFESSIONAL CAREERS, p. 81 (with John M. Conley & Lissa L. Broome) (Cambridge University Press: 2016)

Lessons From Law About Incomplete Commodification in the Egg Market, 33 (2) J. OF APPLIED PHILOSOPHY 160-177 (2016)

The Volcker Rule: A Brief Political History, CAPITAL MARKETS LAW J. (2015) 10 (4): 507-522 (with Guangya Liu)

Markets, Morals, And Limits in The Exchange of Human Eggs, 13 GEO. J.L. & PUB. POL'Y 349 (2015)

A Primer on Kidney Transplantation: Anatomy of the Shortage, 77 L. & CONTEMP. PROBS. 1 (2014) (with Philip J. Cook)

Reverse Transplant Tourism, 77 L. & CONTEMP. PROBS. 145 (2014) (with Michael A. Rees)

Egg-Donor Price Fixing and Kamakabi v. American Society for Reproductive Medicine, 16 AM. MED. ASSOC. J. OF ETHICS (formerly Virtual Mentor) 57-62 (2014)

A Difficult Conversation: Corporate Directors on Race And Gender, 26 PACE INT'L L. REV. 13 (2014) (with John M. Conley & Lissa L. Broome)

Agency Lobbying and Financial Reform: A Volcker Rule Case Study, 32 BANKING & FINANCIAL SERVICES POLICY REPORT 15-22 (August 2013)

The Danger of Difference: What Corporate Directors Say About Diversity, 3 U. ILL. L. REV. 919 (2013) (with Lissa L. Broome and John M. Conley)

Don't "Screw Joe The Plummer": The Sausage Making of Financial Reform, 55 AZ. L. REV. 53 (2013)

Custom, Contract, And Kidney Exchange (with Kieran Healy), 62 DUKE L. J. 645 (2012)

Dangerous Categories: Narratives of Corporate Board Diversity, 89 N.C. L. REV. 759 (2011) (with Lissa L. Broome and John M. Conley)

Does Critical Mass Matter? Views From The Boardroom, 34 SEATTLE L. REV. 1049 (2011) (with Lissa L. Broome and John M. Conley)

The Dark Side of Commodification Objections: Politics And Elitism in Standardized Testing, 35 WASH U. J. L. & POLICY 349 (2011)

For Love Or Money: Defining Relationships In Law and Life, 35 WASH U. J. L. & POLICY 1 (2011) (with Marion Crain)

Narratives of Diversity in the Corporate Boardroom: What Corporate Insiders Say about Why Diversity Matters, in DISCOURSE PERSPECTIVES ON ORGANIZATIONAL COMMUNICATION (Fairleigh Dickinson University Press, 2011) (with Lissa L. Broome and John M. Conley)

A Woman's Worth, 88 N.C.L. REV. 1739 (2010).

Price and Pretense in The Baby Market, in BABY MARKETS: MONEY AND THE NEW POLITICS OF CREATING FAMILIES (Cambridge University Press, 2010).

Sunny Samaritans & Egomaniacs: Price-Fixing in the Gamete Market, 72 L. & CONTEMP. PROBS. 59 (2009).

Introduction: Show Me The Money: Making Markets in Forbidden Exchange, 72 L. & CONTEMP. PROBS. 1 (2009).

Why We Should Ignore the “Octomom,” 104 NW. U. L. REV. COLLOQUY 120 (2009)

The Return of the Rogue, 51 AZ. L. REV. 127 (2009).

Altruism and Intermediation in the Market for Babies, 66 WASH. & LEE L. REV. 203 (2009).

Operational Risk Management: An Emergent Industry, in OPERATIONAL RISK TOWARDS BASEL III: BEST PRACTICES AND ISSUES IN MODELING, MANAGEMENT AND REGULATION (John Wiley and Sons, 2009).

Signaling Through Board Diversity: Is Anyone Listening? 77 U. CINN. L. REV. 431 (2008) (with Lissa L. Broome).

Incomplete Contracts in a Complete Contract World, 33 FL. ST. L. REV. 725 (2006) (with Scott Baker).

Common Law Disclosure Duties and the Sin of Omission: Testing the Meta-Theories, 91 VA. L. REV. 1795 (2005) (with Kathryn Zeiler).

Organizational Form as Status and Signal, 40 WAKE FOREST L. REV. 977 (2005).

The Economics of Limited Liability: An Empirical Study of New York Law Firms, 2005 U. ILL. L. REV. 107 (2005) (with Scott Baker).

Organizational Misconduct: Beyond the Principal-Agent Model, 32 FL. ST. L. REV. 571 (2005).

The Penalty Default Canon, 72 GEO. WASH. L. REV. 663 (2004) (with Scott Baker).

Cosmetic Compliance and the Failure of Negotiated Governance, 81 WASH. U. L. Q. 487 (2003).

Fairness, Efficiency & Insider Trading: Deconstructing the Coin of the Realm in the Information Age, 95 NW. U. L. REV. 443 (2001).

Foreword, The Regulation of Derivatives and Other Complex Financial Products, 21 NW. J. INT’L. L. & BUS. 565 (2001).

Privatizing “Outsider Trading,” 41 VA. J. INT’L. L. 693 (2001).

Derivatives on TV: A Tale of Two Derivatives Debacles in Prime Time, 4 GREEN BAG 2D 257 (2001) (with Peter H. Huang & Frank Partnoy).

Accounting for Greed: Unraveling the “Rogue Trader” Mystery, 72 OR. L. REV. 301 (2000).

Derivatives, Corporate Hedging and Shareholder Wealth: Modigliani-Miller Forty Years Later, 1998 U. ILL. L. REV. 201 (1999)

Don't Ask, Just Tell: Insider Trading After United States v. O'Hagan, 84 VA. L. REV. 153 (1998) (with Richard Painter and Cindy Williams)

More Than Just New Financial Bingo: A Risk-based Approach to Understanding Derivatives, 23 J. CORP. L. 1 (1997)

SEC Promulgates New Insider Trading Rules, 15 BNA CORP. COUNSEL WEEKLY 8 (Nov. 1, 2000)
(with Richard W. Painter).

Building the Basic Course Around Intra-Firm Relations, 34 GA. L. REV. 785 (2000).

Fiduciaries, Misappropriators and the Murky Outlines of the Den of Thieves: A Conceptual Continuum for Analyzing United States v. O'Hagan, 33 TULSA L. J. 163 (1997)

Corporate Debt Restructurings in Mexico: For Foreign Creditors, Insolvency Law Is Only Half the Story, 17 N.Y.L. SCH. J. INT'L. & COMP. L. 481 (1997)

Gustafson v. Alloyd Co.: The Wrong Decision, But it is Still Business As Usual in the Securities Markets, 31 TULSA L. J. 509 (1996)

SHORTER PIECES

"Global kidney exchange should expand wisely." *Transplant International* 33.9 (2020): 985-988 (with Roth, Alvin E., et al.)

"Global kidney exchange: Financially incompatible pairs are not transplantable compatible pairs." *American Journal of Transplantation* 17.10 (2017): 2743-2744 (with Rees, M. A., et al.)

"People should not be banned from transplantation only because of their country of origin." *American Journal of Transplantation* 17.10 (2017): 2747-2748 (with Roth, Alvin E., et al.)

"Is Informed Consent Enough?." *American Journal of Transplantation* 16.3 (2016): 1038-1038 (with Liu, W. and M. L. Melcher).

What Does Corporate Boardroom Diversity Accomplish?, "Room For Debate," N. Y. TIMES (April 1, 2015)

"How Can the Shortage of Kidneys for Transplantation Be Rectified?." *Medical Law Perspectives* (July 2015) (with Philip J. Cook)

"Why Ban Payment to Kidney Donors but Not Football Players?" THE NEWS & OBSERVER (Feb. 01, 2018) (With Philip J. Cook)

WORKING PROJECTS

Incentivizing Witness Cooperation (With Philip J. Cook)

COMPETITIVE GRANTS, FELLOWSHIPS, AND AWARDS

Bass Connections Grant, \$18,000, *Regulatory Disaster Scene Investigation* (co-principal investigator with: Edward J. Balleisen, Lori Benneer, and Jonathan Wiener) (2014)

Bass Connections & Kenan Institute for Ethics, \$19,500, *Living Donor Kidney Transplants and the Good Samaritan: The Religious, Legal, and Ethical Challenges of Non-simultaneous, Extended, Altruistic Donor Chains* (with David Toole and Ray Barfield) (2014)

Smith Richardson Foundation, \$170,000, *Recalibrating Risk: Crises, Risk Perceptions, And Regulatory Responses* (co-principal investigator with: Edward J. Balleisen, Lori Bennear, and Jonathan Wiener) (2013)

Kenan Institute For Ethics, Senior Research Fellow, 2011-present

Kenan Institute For Ethics, Research Grant, \$19,500 (*Kidneys Without Contracts*)

University of North Carolina Pogue Award (awarded by University Provost -- fall 2008 leave with full salary)

Robertson Scholars Collaboration Fund Grant (awarded \$3600 to support the Duke-UNC Law & Finance Speaker Series for spring 2008; awarded \$1900 to support the Duke-UNC Law & Finance Speaker Series for Spring 2009)

Corporate Practice Commentator's Best Corporate and Securities Law Articles of 1999 (for Derivatives, Corporate Hedging and Shareholder Wealth)

Robert Childres Memorial Award for Teaching Excellence (1999-2000, Northwestern University School of Law)

Nominee, University of Tulsa Outstanding Teacher Award (1996)

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER WASHINGTON, DC

J.D., *Cum Laude*, May 1992

NORTH CAROLINA STATE UNIVERSITY RALEIGH, NC

B.A., *Cum Laude*, May 1987

SERVICE & AFFILIATIONS

SELECTED PROFESSIONAL ACTIVITIES

AALS Section on Securities Regulation, Chair (2012-13), Executive Council (2010-2014)

AALS Section on Business Associations, Chair (2014-2015), Executive Council (2010-present)

Commentator, Central and East European Law Initiative (CEELI) of the American Bar Association (1997-2000)

Faculty, *NASD Institute for Professional Development*, Wharton School of Business (2001 - 2002) (Philadelphia PA)

PEER REVIEWER

Regulation & Governance, Journal of Risk Research, Journal of Law and Economics, Law & Policy, National Science Foundation, Social Sciences and Humanities Research Council of

Canada, Netherlands Organisation for Scientific Research, Law & Social Inquiry, Business History Review, Economics and Philosophy, Cambridge University Press, Stanford University Press, Oxford University Press

UNIVERSITY SERVICE (SINCE 2007)

Appointments Committee (2009-11, 2012-19, 2022-23)

Faculty Council, Kenan Institute For Ethics, Duke University (2010-2021)

Advisory Board, Rethinking Regulation Program, Duke University (2015-2018)

Kenan-Flagler Business School, University of North Carolina, Dean Search Committee (2007-08)

Chair, Faculty Workshop Committee (2006-8, 2010-11)

State Bar of New York (Admitted 1993)