

STEPHEN F. DIAMOND

Curriculum Vitae
November 2020

Santa Clara University School of Law
Santa Clara, CA 95053
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sdiamond@scu.edu

EDUCATION

- 1994 J.D. Yale Law School.
Symposium Editor, *Yale Law Journal*.
1991 Ph.D. Department of Politics and Sociology, Birkbeck College, University of London.
1989 M.Phil. Department of Politics and Sociology, Birkbeck College, University of London.
1977 B.A. Development Studies, University of California at Berkeley.

ACADEMIC APPOINTMENTS

- 2005-present Santa Clara University, School of Law, Associate Professor of Law (with tenure).
1999-2005 Santa Clara University, School of Law, Assistant Professor of Law.
2009-2013 Santa Clara University, Markkula Center for Applied Ethics, Ethics Scholar.
2003-2004 Cornell Law School, Assistant Professor of Law (one-year visit).
1996-1997 Stanford University, Center for Latin American Studies, Visiting Scholar.
1993 UC. San Diego, Center for U.S.-Mexican Studies, Visiting Scholar.
1989-1990 Harvard University, Center for International Affairs, SSRC/MacArthur Foundation Fellow in International Peace and Security.
1990-1991 University California, Graduate School of International Relations and Pacific Studies, SSRC/MacArthur Foundation Fellow in International Peace and Security.

PUBLICATIONS

Books

- 2014 *Hidden History of the Equal Rights Amendment* (co-author: Hal Draper). Center for Socialist History.
2013 *Rights and Revolution: The Rise and Decline of Nicaragua's Sandinista Movement*. Vandepas.
2009 *From "Che" to China: Labor and Authoritarianism in the New Global Economy*. Vandepas.

Edited volumes

- 2003 (paperback); 1996 (cloth) *Human Rights, Labor Rights and International Trade: Law and Policy Perspectives*, (co-editor: Lance A. Compa). University of Pennsylvania Press.

Refereed articles

- 2020 Insider Trading: A clash between law and economics. *Oxford Research Encyclopedia of Economics*

- and Finance*. January.
- 2019 Exercising the “governance option”: labour’s push to reshape financial capitalism, *Cambridge Journal of Economics*, 43 (4), July, 891-916.
- 2018 Are the stock markets “rigged”? An empirical analysis of regulatory change (co-author: Jennifer W. Kuan), *International Review of Law and Economics*, 55, September, 33-40.

Law journals

- Legal Education During the COVID-19 Pandemic, Putting Health, Safety, and Equity First. *— Santa Clara L. Rev.* (accepted). (co-author with Sandoval, Cain, Love, Smith, Hammond and Nabipour).
- 2007 Ringing the Bell on the NYSE: Might a Nonprofit Stock Exchange have been efficient? 9 *Duquesne Business L. J.* 1 (co-author: Jennifer W. Kuan).
- 2003 The PetroChina Syndrome: Regulating Capital Markets in the Anti-Globalization Era. 29 *The J. of Corporation Law* 39.
- The “Race to the Bottom” Returns: China’s Challenge to the International Labor Movement. 10 *U.C. Davis J. of Int’l L. and Policy* 39.
- 2002 Bridging the Divide: An Alternative Approach to International Labor Rights after the Battle of Seattle. 29 *Pepperdine L. Rev.* 115.

Book chapters

- 2013 The Facebook Effect: Insider Trading and Secondary Markets in the Startup Environment, *Research Handbook on Insider Trading*, Stephen Bainbridge, ed., Elgar.
- 2011 Beyond the Berle-Means Paradigm: Private equity and the new capitalist order, *The Embedded Firm*, Cynthia Williams and Peer Zumbansen, eds., Cambridge University Press.
- 2008 Ringing the Bell on the NYSE: Might a Nonprofit Stock Exchange have been efficient? *Global Stock Exchanges: The Dawn of a New Era*, Arindam Banerjee, ed., ICAI University Press, India. (co-author: Jennifer W. Kuan)
- 2001 Beyond the Core: Re-Thinking the International Labor Rights Strategy after the Battle of Seattle. *Trade and Agriculture: Negotiating a New Agreement*, Joe McMahon, ed., Cameron May, London.
- 1996 Labor Rights in the Global Economy: A Case Study of the North American Free Trade Agreement. *Human Rights, Labor Rights and International Trade*, Lance A. Compa and Stephen F. Diamond, eds., Univ. of Penn. Press.
- Introduction. (co-author: Compa) *Human Rights, Labor Rights and International Trade*, Lance A. Compa and Stephen F. Diamond, eds., Univ. of Penn. Press.
- 1993 U.S. Labor and North American Economic Integration: Towards a Constructive Critique. *The Political Economy of North American Free Trade*, edited by Ricardo Grinspun and Maxwell Cameron. St. Martin's Press.

Book reviews

- 2014 *Human Rights and Transnational Solidarity in Cold War Latin America* ed. by Jessica Stites Mor, University of Wisconsin Press 2013 in *Human Rights Quarterly*, Vol. 36, No. 3, August.
- 2012 *Science Mart: Privatizing American Science* by Philip Mirowski, Harvard University Press, 2012 in *Contemporary Sociology*, Vol. 41, 2, March.
- 2010 *Revolution, Revival and Religious Conflict in Sandinista Nicaragua* by Calvin Smith, *Bulletin*

- of *Latin American Research*, Vol. 29, Issue 4, October.
- 2002 The “New Realism” and the Crisis of the Human Rights Movement. Review of *In Our Own Best Interest: How Defending Human Rights Benefits Us All* by William F. Schulz, 42 *Santa Clara L. Rev.* 1019.
- The Chinese Market: An Enigma Unraveled* by Joe Studwell, *Dissent*, Summer.
- 1984 Labor's War. Review of *Labor's War at Home: The CIO in World War II* by Nelson Lichtenstein, *Monthly Review*, May.
- 1979 Forms of capitalist control over the labor process. Review of *Contested Terrain: The Transformation of the Workplace in the Twentieth Century* by Richard Edwards, *Monthly Review*, December.

Manuscripts in preparation

- 2020 The myth of corporate governance.

Op-eds

- 2020 Top CEOs should give away their 2020 pay to the coronavirus fight. (co-author Jennifer W. Kuan). *MarketWatch*, March 30.
- 2019 Uber and the day the IPO Died. (co-author: Jennifer W. Kuan). *BloombergLaw*. June 6.
- 2010 A “modest proposal” for capital market reform: Close down Rule 144A. (co-author: Jeff Madrick). *HuffPost.com*. July 5. Cross posted at *NewDeal 2.0*.
- 2009 New leadership could make AFL-CIO relevant again (titles varied). Appeared in *Sacramento Bee*, *Pittsburgh Post-Gazette*, *Buffalo News*, *Pittsburgh Tribune-Review*, *Bellingham Herald*, *Providence Journal-Bulletin*, *Tuscaloosa News*.
- 2002 Enron toppled by politics, law, *The Times-Union*, Albany, New York, Feb. 3.
- 2001 Terrorism Must Be Fought Through International Law, *The Record*, Bergen County, New Jersey, Oct. 4.

Published letters

- 2015 American securities law is clear on insider trading – public or private, *Fin. Times*, Jun. 7.
- 2011 Fragile Pakistan a sacrifice to IMF? *Fin. Times*, Jan. 8.
- 2007 GM workers' healthcare fund is less secure than it seems, *Fin. Times*, Oct. 2.
- Citizen investors deserve protection, *Fin. Times*, Mar. 26.
- 2006 Healthy reminder of risks of stock options, *Fin. Times*, Oct. 10.
- 2005 Everyone knew a hard rain was going to fall on Delphi, *Fin. Times*, Oct. 18.
- SEC's first duty should be to investors, *Fin. Times*, Jun. 8.
- When Culture and Emerging Capitalism Clash, *Wall St. J.*, Apr. 20.
- 2003 A gaping hole in China's labour laws, *Fin. Times*, Sept. 22.
- Chinese workers need to feel secure, *Fin. Times*, Jan. 29.
- 1985 A Dark Day for U.S. Workers Is Dawning at Toyota-G.M. Plant, *The New York Times*, Aug. 8.

Other publications

- 2012 The Facebook Effect: Secondary Markets and Insider Trading in Today's Hot Startup Environment. *California Business Law Practitioner*, Winter, Vol. 27, No. 1.

- Facebook's Failed IPO: A Fall Worthy of Icarus. *Dissent Magazine* (online), May 29.
- Occupy Santa Clara! Corporate Personhood Reconsidered. *Dissent Magazine* (online), April 4.
- The Importance of Institutional Design: Evidence from the New York Stock Exchange IPO and Reg. NMS, *Securities Law eJournal*, Vol. 4, No. 7, Feb. 3. (Co-author: Jennifer W. Kuan).
- The Importance of Institutional Design: Evidence from the New York Stock Exchange IPO and Reg. NMS, *Corporate and Takeover eJournal*, Vol. 4, No. 6, Feb. 2. (Co-author: Jennifer W. Kuan).
- The Importance of Institutional Design: Evidence from the New York Stock Exchange IPO and Reg. NMS, *Market Microstructure eJournal*, Vol. 4, No. 7, Jan. 26. (Co-author: Jennifer W. Kuan).
- 2006 The Delphi "Bankruptcy," *Dissent Magazine*, Spring.
- 2003 The PetroChina Syndrome: Regulating Capital Markets in the Anti-Globalization Era, NELLCO Working Paper Series, Cornell Law School.
- The "Race to the Bottom" Returns: China's Challenge to the International Labor Movement, NELLCO Working Paper Series, Cornell Law School.
- 1985 No friends in labor's court, *The Nation*. Dec. 14.
- 1983 Plant Closings and Worker Health: A Nationwide Epidemic, Labor and Occupational Health Program *Monitor*, Volume II, #2, January-February, University of California, Berkeley.
- 1986 Hey, the Boss Just Called Me Into the Office...The Weingarten Decision and the Right to Representation on the Job. Institute of Industrial Relations, U.C. Berkeley.
- How to Cost a Union Contract. Co-authored with Paul Chown and Theresa Ghilarducci. Institute of Industrial Relations, U.C. Berkeley.
- Can They Just Fire Me? Public Employees Right to Due Process. Institute of Industrial Relations, U.C. Berkeley.
- 1982 Political and Occupational Hazards to Reproductive Health, *New Labor Review*, #4, Fall.
- 1975 *Plea Bargaining: Structure and Process* (contributing author). U.C. Berkeley.

GRANTS, AWARDS, AND FELLOWSHIPS

- 2020 Summer Research Grant, Santa Clara University School of Law
- 2014 Seminar Grant, Center for Social Justice and Public Service, SCU
- 2007 Seminar Grant, Center for Social Justice and Public Service, SCU
- 2004 Summer Research Grant, Santa Clara University School of Law
- 2003 Summer Research Grant, Cornell Law School
- 2002 Summer Research Grant, Santa Clara University School of Law
- 2001 Summer Research Grant, Santa Clara University School of Law
- 2000 Summer Research Grant, Santa Clara University School of Law
- 1992 Travel Grant, SSRC/MacArthur Foundation, Research Workshop, Central European University, Prague, Czech Republic.
- 1991 Workshop Grant, SSRC/MacArthur Foundation Program in International Peace and Security, University of California
- 1989 SSRC/MacArthur Foundation Fellowship in International Peace and Security Harvard University and University of California
- 1988 Overseas Research Student Award, University of London
- 1977 Phi Beta Kappa, U.C. Berkeley

1976 Junior Fellow, Carnegie Endowment for International Peace

INVITED TALKS

- 2018 Exercising the “Governance Option”: Labor’s Push to Reshape Capitalism, Harvard Law School, IGLP 2018, June 2.
Are the stock markets “rigged”? An empirical analysis of regulatory change, Section on Law and Economics, American Association of Law School, San Diego, January 3.
- 2017 Exercising the “Governance Option”: Labor’s Push to Reshape Capitalism, Labour Law Research Network 3, University of Toronto Faculty of Law, June.
- 2016 Exercising the Governance Option, Business and Human Rights Conference, University of Washington School of Law, September.
“Governance Questions About the Tesla/SolarCity Merger,” Presentation to Wall Street Analysts (approx. \$1 trillion of AUM present on teleconference), Washington, D.C.
The Tesla/SolarCity Merger: Corporate Governance Challenged, Council of Institutional Investors Fall Meeting, Chicago, IL, October.
- 2014 Manufacturing “Orderliness” on the New York Stock Exchange, Society for the Advancement of Socioeconomics, Northwestern/University of Chicago, July.
- 2013 The Surprising Consequences of Competition Between the NYSE and the Nasdaq, Department of Economics, Stanford University, October.
Did Exchange Competition Destabilize the Stock Market? Department of Economics, Stanford, March.
- 2011 Destabilizing “Competition”: The Case of the New York Stock Exchange, Stanford University, November 28.
Institutional Design and Market Efficiency: Evidence from the NYSE IPO, International Society for New Institutional Economics, Stanford University, June 16-18.
- 2010 A Tale of Two Exchanges: Why Institutional Design Matters, New School University Conference on U.S. Corporations in the Recovery and Beyond, April 22.
- 2009 Reconsidering the IPO of the New York Stock Exchange, IOFest, Haas School of Business, U.C. Berkeley.
Rethinking Private Equity and “Financialization,” Society for Advancement of Socioeconomics, SciencesPo, Paris, France.
Using Hostages to Improve the Quality of Financial Disclosure and Financial Institutions, International Society for New Institutional Economics, Haas School of Business, U.C. Berkeley.
- 2008 Beyond the Berle-Means Paradigm: Private Equity and the new capitalist order, Yale School of Management.
Beyond the Berle-Means Paradigm: Private Equity and the new capitalist order, Osgoode Hall School of Law, York University.
- 2004 Testing Convergence Theory: A case study of China’s new corporate economy, Faculty Seminar, Cornell Law School.
- 2003 The “Race to the Bottom” Returns: China’s Challenge to the International Labor Movement, Symposium on Workers in the Global Economy: The Role of International Economic Institutions, U.C. Davis King Hall School of Law.
Exercising the Governance Option: Labor and Legitimacy in the Modern Corporate System, Panel on Labor Rights, Corporations, and Capitalism, Feminism and Legal Theory Conference, Cornell Law School and University of Wisconsin Law School.
- 2002 The PetroChina Syndrome: Regulating Capital Markets in the Anti-Globalization Era,

- Feminism and Legal Theory Workshop on the Corporation and Citizenship, Osgoode Hall School of Law (York), Cornell Law School and University of British Columbia Law School.
- 2001 The PetroChina Syndrome: Regulating Capital Markets in the Anti-Globalization Era, Social Justice Seminar, School of Law, U.C. Berkeley.
- 1995 NAFTA, Labor and the Mexican Peso Crisis, Seminar on Law and International Relations, convened by Anne Marie Slaughter and Joseph Weiler, Harvard Law School.
- 1994 The Impact of the Global Economy on Labor Rights: A Case Study of NAFTA, School of Business and Department of Sociology, University of Wisconsin at Madison.
- 1993 Law, Labor, and Legitimacy: Economic Restructuring in Poland and Mexico, Center for U.S. Mexican Studies, U.C. San Diego.
- 1992 The Rule of Law in the East European Transition: Some Comparative Lessons, SSRC/MacArthur Foundation Research Workshop, Central European University, Prague, Czech Republic.
- 1991 American Labor and North American Economic Integration, Conference on Critical Perspectives on North American Economic Integration, York University.
Democratic Institutions and Development in the Transition of a New International Order: The Role of Trade Unions, SSRC/MacArthur Foundation Research Workshop, Graduate School of International Relations and Pacific Studies, U.C. San Diego.
Third World Security in the Post-Cold War Era: The Role of Trade Unions, Andrew Mellon Conference on Conceptual Approaches to the Third World, Center for Iberian and Latin American Studies, U.C. San Diego.
- 1990 Labor in Revolutionary Nicaragua: One Class, One Union? Center for International Affairs, Seminar on Latin America, Harvard University.
The Rise and Decline of Neo-Stalinism: Comparative Lessons from the Nicaraguan Experience, SSRC/MacArthur Fellows Conference, Budapest, Hungary.
Trade Unionism and Democracy: A Research Proposal, SSRC/MacArthur Fellows Conference, Morelos, Mexico.
- 1989 Revolution and Labor in Central America: Three Roads for the Trade Union Movement, Annual Meeting of the Southwest Labor Studies Association, San Francisco, California.
An Assessment of Nicaragua's Sandinista Revolution, Department of Chicano Studies, Graduate Seminar on Central America, U.C. Berkeley.
- 1984 The Trade Unions in Sandinista Nicaragua, Department of Economics, U.C. Berkeley.

OTHER TALKS

- 2012 Panelist, Discussion of *Kiobel v. Royal Dutch Shell*, Santa Clara University.
Distinguished Participant, Conference on Theory of the Firm, Adolph A. Berle Center, Seattle University School of Law.
- 2010 Institutional Heterogeneity Among Stock Exchanges, Faculty Workshop, SCU School of Law, August 30.
- 2009 Panelist, Executive Compensation in the Wake of the AIG Scandal, Markkula Center for Applied Ethics, Santa Clara University.
- 2008 Labor Unrest and Digitalization in Hollywood, U.C. Berkeley School of Law.
Anatomy of the Financial Meltdown, Santa Clara University School of Law.
- 2007 The NYSE IPO, Santa Clara University School of Law.
- 2005 Labor and Legitimacy in the Modern Corporate System, Global Conference on Business Ethics/The Accountable Corporation, Santa Clara University.
- 2004 The Perfect Storm: Facing the challenge to America's social welfare structure after the

Safeway strike, Governing Work and Welfare in the EU and US: Past, Present and Future, Cornell, Florence and Catania law schools, Erice, Sicily, Italy.

There is no free lunch: Why America's corporate managers should do the right thing and endorse the FASB proposal to expense options, Testimony on the impact of stock option expensing on small business, Committee on Small Business and Entrepreneurship, U.S. Senate, Washington, D.C.

- 2001 Alternative Capital Market Strategies for Pension Fund Trustees, AFL-CIO International Pension Fund Trustee Conference, San Francisco, California.
Using Corporate Law to Advance the International Human Rights Agenda, Grillo Public Interest Retreat, Santa Cruz, California, Santa Clara University and University of San Francisco Schools of Law.
- 1991 Organized Labor's View of Free Trade with Mexico, World Affairs Council of San Diego.

CONFERENCE ACTIVITY

- 2017 Program Chair and Organizing Committee, 3d Annual Business and Human Rights Scholars Conference, Santa Clara University, September.
- 2016 Discussant, 2d Annual Business and Human Rights Scholars Conference, University of Washington School of Law, September.
- 2008 Chair, Panel on Corporate Governance Reform: What Difference Has It Made or Could It Make for Workers? With Delaware Vice Chancellor Leo Strine, Capital Matters: Managing Labor's Capital, Harvard Law School, Cambridge, MA.
Discussant, Panel on International Labor Rights, Southwest Labor Studies Association, California State University at Pomona, California.
- 2002 Organizer (with Professor William B. Gould IV and Professor Robert Flanagan), Conference on International Labor Standards, Stanford Law School, June, Palo Alto, CA.
Chair, Panel on labor standards and the global economy, Conference on International Labor Standards, Stanford Law School, June, Palo Alto, CA.
Chair, Panel on codes of conduct, Conference on International Labor Standards, Stanford Law School, June, Palo Alto, CA.
- 1994 Organizer (with an editorial committee): The Informal Economy. A symposium sponsored by the *Yale Law Journal*.
- 1992 Organizer (with Lance A. Compa), Human Rights and Labor Rights: A New Look at Workers in the Global Economy, Orville H. Schell Center for International Human Rights, Yale Law School.
- 1991 Organizer and Chair, Democratic Institutions and Development in the Transition to a New International Order: The Role of Trade Unions, sponsored by MacArthur Foundation, SSRC, U.C. San Diego, Graduate School of International Relations and Pacific Studies.

WORKSHOPS/SEMINARS/SYMPOSIA ACTIVITY

- 2014 Convener, Seminar on Law and Labor in the Fields, School of Law
- 2013 Chair, Discussion with Kenneth Feinberg, Markkula Center for Applied Ethics, Santa Clara University.
- 2003 Organizer and Panel Chair, "Beyond a Boundary": Technology's Challenge to Legal Thinking, Santa Clara University.
- 2002 Chair, Panel on New developments in Broadband, Broadband Institute, Santa Clara University School of Law.

- Chair, Panel on Death Penalty in Comparative Perspective, Symposium, *Santa Clara Law Review*.
- Moderator, Debate on free trade between Douglas Irwin and Lori Wallach, Institute on Globalization, Santa Clara University.
- 2001 Moderator, Don Bradley, General Counsel, Wilson Sonsini Goodrich & Rosati, Ethics Week, Santa Clara University School of Law.
Organized and moderated presentation by John Heileman, author of *Pride Before the Fall: The Trials of Bill Gates and the End of the Microsoft Era*, Commonwealth Club of Silicon Valley, Palo Alto, California.
- 2000 Chair, Panel on New Developments in International Law, National ILSA Conference, Santa Clara University.
Chair, Panel on Crime and Tort on the Internet, High Tech Law Journal on Symposium on Internet Privacy.
Invited and chaired presentation by Robert Major, Principal, Major, Hagen and Africa, to Law School faculty.
- 1999 Invited and chaired presentation of Eamonn Fingleton, author of *In Praise of Hard Industries*, Center for Science, Technology and Society, Santa Clara University.
- 1989 Organizer, Revolution and Labor in Central America, Panel, Annual meeting of the Southwest Labor Studies Association, San Francisco, California.

TEACHING

Santa Clara University School of Law

Advanced Corporations
 Business Organizations
 Corporate Finance
 Globalization and the Rule of Law
 Regulation of International Business Transactions (Trade, Finance, M&A)
 Securities Regulation
 Social Justice Workshop

Cornell Law School

Business Organizations
 Securities Regulation
 Seminar on Comparative Corporate Law

ACADEMIC SERVICE

School of Law

Academic Affairs Committee
 High Tech Law Institute Faculty Advisory Board
 Disabilities Review Panel
 International Programs Advisory Committee
 Faculty Affairs Committee
 LARAW Appointments Committee

Faculty Secretary
Joint JD/MBA Program Advisor
Technology Steering Committee
Faculty Advisor, Start-up Law Clinic
Faculty Advisor, Start-up Law Students Association
Moot court judge, Vale Corporate Law competition.
Moot court judge, Jessup Moot court competition
Organized and hosted visit of Lori Wallach, Global Trade Watch
Faculty Organizing Committee, International Labor Studies Program, Stanford Law School
Organizer and Host, Visit of Jan Kavan, Former President of United Nations, Santa Clara University School of Law

Santa Clara University

At-large representative, Faculty Senate Council 2020-2022
Visiting Lecturer, SCU Leavey School of Business
Advisory Board, SCU Chapter, AAUP
SCU Chapter Vice President, AAUP, 2016-2018

Referee

Yale Law Journal
Cambridge Journal of Economics
Journal of Empirical Legal Studies
Law and Social Inquiry
Asian Politics & Policy
Bulletin of Latin American Research
Journal of Management and Governance
Santa Clara University Journal of International Law
Routledge Law Publishers
Aspen Publishers
Utrecht Journal of International and European Law

Hiring/promotion

Tenure Committee for Professor Beth Van Schaack (tenure awarded)
Mentor Committee for Professors Sue Guan, David Yosifon and Colleen Chien
Tenure letter for Sociology Professor, Iowa State University (tenure awarded)
Tenure letter for Law Professor, New York Law School (tenure awarded)
Tenure letter for Law Professor, New York Law School (tenure awarded)
Chair, Shadow Tenure and Promotion Committee of Senior Faculty Candidate, SCU

PROFESSIONAL EMPLOYMENT

2003-2011 OPTi, Inc., Palo Alto, CA.
Member, Board of Directors; Chair, Compensation Committee; Member, Audit Committee.
2006 General Counsel (Interim), nComputing, Redwood City, CA.

1995-1999 Wilson Sonsini Goodrich & Rosati, P.C. Palo Alto, CA. Associate.
1994-1995 Latham & Watkins, LLP New York, NY. Associate.
1993 Latham & Watkins, LLP, New York, NY. Summer Associate.
1992 Donovan Leisure Rogovin Huge and Schiller, Washington, D.C. Summer Associate.
1989-1990 Harvard University, Harvard Trade Union Program, Cambridge, MA. Assistant Director.
1986-1989 IBEW Local 1245, Walnut Creek, CA. Director of Public Affairs. (on leave 1987)
1980-1986 U.C. Berkeley, Center for Labor Research and Education. Program Representative.

BAR ADMISSIONS

1997 California.
1997 New York.