

## **BENJAMIN MEANS**

University of South Carolina School of Law  
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### **EDUCATION**

#### **University of Michigan Law School, Ann Arbor, MI**

*J.D., magna cum laude, 1999*

*Order of the Coif*

*Articles Editor, Michigan Law Review*

#### **Dartmouth College, Hanover, NH**

*A.B., cum laude, 1995*

*Feinstein Prize, Best Honors Thesis, English Department*

*Political Cartoonist, The Dartmouth, 1992–1995*

### **EXPERIENCE**

#### **University of South Carolina School of Law, Columbia, SC**

*John T. Campbell Chair in Business and Professional Ethics, 2020-Present*

*Professor of Law, 2016-Present*

*Associate Professor, 2013–2016*

*Assistant Professor, 2008–2013*

*Courses: Contracts, Business Associations, Family Business Law, Mergers & Acquisitions, Liberty Seminar*

#### **University of Alabama School of Law, Tuscaloosa, AL**

*Visiting Assistant Professor, Fall 2011*

#### **Satterlee Stephens LLP, New York, NY**

*Litigation Associate, 2003–2007*

#### **Davis Polk & Wardwell LLP, New York, NY**

*Litigation Associate, 2000–2003*

*Summer Associate, Summer 1998*

#### **United States Court of Appeals for the Second Circuit, Syracuse, NY**

*Law Clerk for the Honorable Rosemary Pooler, 1999–2000*

### **PUBLICATIONS**

#### **Articles:**

*Climate Change Compliance*, 107 IOWA LAW REVIEW (forthcoming 2022) (with Susan Kuo)

*Solving the “King Lear Problem”*, 12 U.C. IRVINE LAW REVIEW (forthcoming 2021)

*A Corporate Law Rationale for Reparations*, 62 BOSTON COLLEGE LAW REVIEW 799 (2021) (with Susan Kuo)

*The Value of Insider Control*, 60 WILLIAM & MARY LAW REVIEW 891 (2019)

- Reprinted in THE CORPORATE PRACTICE COMMENTATOR (Robert B. Thompson ed.).

*The Political Economy of Corporate Exit*, 71 VANDERBILT LAW REVIEW 1293 (2018) (with Susan Kuo)

- Reprinted in THE CORPORATE PRACTICE COMMENTATOR (Robert B. Thompson ed.).

*Collective Coercion*, 57 BOSTON COLLEGE LAW REVIEW 1599 (2016) (with Susan Kuo)

*Wealth Inequality and Family Businesses*, 65 EMORY LAW JOURNAL 937 (2016)

*Navigating the Uber Economy*, 49 U.C. DAVIS LAW REVIEW 1511 (2016) (with Joseph Seiner)

*The Contractual Foundation of Family-Business Law*, 75 OHIO STATE LAW JOURNAL 675 (2014)

*Nonmarket Values in Family Businesses*, 54 WILLIAM & MARY LAW REVIEW 1185 (2013)

- Selected for presentation at the 2012 Junior Faculty Forum cosponsored by the Harvard, Stanford, and Yale law schools; also selected for presentation at the C-LEAF Junior Faculty Business and Financial Law Workshop sponsored by the George Washington University Law School.

*Corporate Social Responsibility After Disaster*, 89 WASHINGTON UNIVERSITY LAW REVIEW 973 (2012) (with Susan Kuo)

*The Vacuity of Wilkes*, 33 WESTERN NEW ENGLAND LAW REVIEW 433 (2011) (symposium)

*A Contractual Approach to Shareholder Oppression Law*, 79 FORDHAM LAW REVIEW 1161 (2010)

- Received faculty award for outstanding publication.

*A Voice-Based Framework for Evaluating Claims of Minority Shareholder Oppression in the Close Corporation*, 97 GEORGETOWN LAW JOURNAL 1207 (2009)

*Criminal Speech and the First Amendment*, 86 MARQUETTE LAW REVIEW 501 (2002)

- Reprinted in THE FIRST AMENDMENT HANDBOOK (James M. Swanson ed., 2003–04).

Note, *Prohibiting Conduct, Not Consequences: The Limited Reach of the Migratory Bird Treaty Act*, 97 MICHIGAN LAW REVIEW 823 (1998)

**Book:**

THE CAMBRIDGE HANDBOOK OF SOCIAL ENTERPRISE LAW, (co-editor Joseph Yockey) (Cambridge University Press, 2018)

**Book Chapters and Miscellaneous:**

*MLB's Decision to Drop Atlanta Highlights the Economic Power Companies Can Wield Over Lawmakers – When They Choose to*, THE CONVERSATION, April 12, 2021 (republished by CHICAGO SUN-TIMES, FLIPBOARD, LEE ENTERPRISES (Newspaper Chain), NEWSBREAK, DANBURY NEWS-TIMES, HOUSTON CHRONICLE, MIDLAND REPORTER-CHRONICLE, NEW HAVEN REGISTER, ST. LOUIS POST-DISPATCH, SEATTLE POST-INTELLIGENCER, SAN ANTONIO EXPRESS-NEWS, ALBANY TIMES-UNION)

Ringling Bros. – Barnum & Bailey Combined Shows, Inc. v. Ringling, *Rewritten Opinion*, in FEMINIST JUDGMENTS: REWRITTEN CORPORATE LAW (Anne Choike, Usha Rodrigues & Kelli Alces Williams eds.) (Cambridge University Press, forthcoming 2021)

*Entrepreneurial Action in Family-Controlled Companies*, in THE CAMBRIDGE HANDBOOK OF LAW AND ENTREPRENEURSHIP IN THE UNITED STATES (D. Gordon Smith, Brian Broughman & Christine Hurt eds.) (Cambridge University Press, forthcoming 2021)

*Contractual Freedom and Family Business*, in RESEARCH HANDBOOK ON PARTNERSHIPS, LLCs AND ALTERNATIVE FORMS OF BUSINESS ORGANIZATIONS (Robert W. Hillman & Mark J. Loewenstein eds.) (Edward Elgar Publishing, 2015)

*Family Business Disputes*, BUSINESS LAW TODAY (Feb. 2015)

*The Prudential Third-Party Standing of Family-Owned Corporations*, 162 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 151 (2014) (with Matthew Hall)

*The Relational Structure of Family Businesses*, LEGAL WORKSHOP (Feb. 22, 2013), based on 54 WILLIAM & MARY LAW REVIEW 1185 (2013)

*After the Storm: The Vulnerability and Resilience of Locally Owned Business* in VULNERABILITY: VALUE AND CRITIQUE (Martha Albertson Fineman & Anna Grear eds.) (Ashgate, 2013) (with Susan Kuo)

Book Review, *The Meaning of the Market Myth*, 1 MICHIGAN JOURNAL OF PRIVATE EQUITY & VENTURE CAPITAL LAW 163 (2012) (solicited for inaugural issue)

Foreword, *A Lens for Law and Entrepreneurship*, 6 ENTREPRENEURIAL BUSINESS LAW JOURNAL 1 (2011) (solicited)

*"Voice" in the Close Corporation*, LEGAL WORKSHOP (Aug. 17, 2009), based on 97 GEORGETOWN LAW JOURNAL 1207 (2009)

Book Notice, *Monuments to the Past in a Leveling Wind*, 97 MICHIGAN LAW REVIEW 1617 (1999)

## PRESENTATIONS

*Solving the "King Lear Problem,"* Business Scholarship Podcast, June 22, 2021 (interview)

*Solving the King Lear Problem*, National Business Law Scholars Conference, University of Tennessee College of Law, June 17, 2021

*Solving the King Lear Problem*, LSU Paul M. Hebert Law Center, March 1, 2021

*Capital Discrimination*, Institute for Law & Economics, University of Pennsylvania School of Law, February 4, 2021 (workshop participant)

*New Voices in Business Law Scholarship*, American Association of Law Schools Annual Conference, Washington, D.C., January 4, 2021 (commentator)

*The Value of Insider Control*, University of Tennessee College of Law, April 8, 2020

*New Voices in Business Law Scholarship*, American Association of Law Schools Annual Conference, Washington, D.C., January 3, 2020 (commentator)

*Concurrent Session on Scholarship—Designing your Research Agenda*, American Association of Law Schools Workshop for New Law School Professors, June 7, 2019 (discussion leader)

*Averting Tragedy in Family Business Succession*, Law & Entrepreneurship Association, Boston College Law School, Apr. 5, 2019 (presentation and critique, Matthew Wansley)

*Breakout Session on Scholarship—Pursuing your Research Agenda*, American Association of Law Schools Workshop for New Law School Professors, June 23, 2017 (discussion leader)

*Supreme Court Update: Business, Administrative, Securities, Tax, and Employment Issues*, Southeast Association of Law Schools Annual Meeting, Aug. 4, 2016 (panelist)

*Entrepreneurial Action in Family-Controlled Businesses*, National Business Law Scholars Conference, The University of Chicago Law School, June 23, 2016

*Contract is King, But Can It Govern Its Realm?*, Section on Agency, Partnership, LLCs, and Unincorporated Associations, American Association of Law Schools, New York, Jan. 7, 2016 (moderator)

*Wealth Inequality and Family Businesses*, National Business Law Scholars Conference, Seton Hall University School of Law, June 5, 2015

*Wealth Inequality and Family Businesses*, Law & Entrepreneurship Association, University of Georgia School of Law, Mar. 21, 2015 (presentation and critique, Pamela Foohey)

*Nepotism, Inc.*, University of Houston Law Center, Nov. 3, 2014

*Family Business Disputes*, ABA Business Law Section, 2014 LLC Institute, Oct. 16, 2014 (program chair)

*What is the Role of Trust in the Marketplace?*, Southeast Association of Law Schools Annual Meeting, Aug. 7, 2014 (panelist)

*Does the Public/Private Divide in Federal Securities Law Make Sense?*, Southeast Association of Law Schools Annual Meeting, Aug. 6, 2014 (panelist)

Understanding Corporate Structure for Prosecuting Financial Fraud Seminar, *An Overview of Closely Held and Family Owned Businesses*, U.S. Department of Justice, National Advocacy Center, Apr. 29, 2014 (invited instructor)

*Private Ordering and Uncertainty in Family Businesses*, Washington and Lee University School of Law, Feb. 4, 2014

*Contract and Connection in Family-Business Law*, Georgia State University College of Law, Nov. 14, 2013

New Law Teachers Workshop Panel, *Becoming a Productive and Fulfilled Scholar*, Southeast Association of Law Schools Annual Meeting, Aug. 7, 2013

*Private Ordering and Uncertainty in Family Businesses*, Law & Society Annual Meeting, June 1, 2013

*Nonmarket Values in Family Businesses*, C-LEAF Junior Faculty Business and Financial Law Workshop, George Washington University Law School, Mar. 5, 2013

*Nonmarket Values in Family Businesses*, Law & Entrepreneurship Retreat, George Washington University Law School, Feb. 15, 2013 (presentation and critique, Elizabeth Pollman)

*The Temporal Dimension of Reasonable Expectations*, Conference of Asian Pacific Law Faculty (CAPALF), U.C. Hastings College of the Law, Feb. 1, 2013 (co-presenter, Susan Kuo)

*Nonmarket Values in Family Businesses*, National Business Law Scholars Conference, University of Cincinnati College of Law, June 28, 2012

*Nonmarket Values in Family Businesses*, Junior Faculty Forum, Harvard Law School, June 2, 2012

*Nonmarket Values in Family Businesses*, Paul M. Hebert Law Center, Louisiana State University, Mar. 23, 2012

*Nonmarket Values in Family Businesses*, University of Alabama School of Law, Oct. 25, 2011

*Corporate Social Responsibility After Disaster*, William and Mary Law School, Sept. 12, 2011

*A Contractual Approach to Shareholder Oppression Law*, University of Nebraska College of Law, Feb. 21, 2011

*A Lens for Law and Entrepreneurship*, Law & Entrepreneurship Retreat, University of Florida School of Law, Feb. 17, 2011

*Social Networks After Disaster: The Role of Locally Owned Business*, Conference of Asian Pacific Law Faculty (CAPALF) and Western Law Teachers of Color (WLTC), The William S. Richardson School of Law at the University of Hawai'i at Mānoa, Dec. 30, 2010 (co-presenter, Susan Kuo)

*A Contractual Approach to Shareholder Oppression Law*, The University of Maryland Francis King Carey School of Law, Nov. 15, 2010

*Social Networks After Disaster: The Role of Locally Owned Business, Feminism and Legal Theory Workshop, Social Vulnerability and the "Corporation,"* Emory University School of Law, Oct. 30, 2010 (co-presenter, Professor Susan Kuo)

*A Contractual Approach to Shareholder Oppression Law*, Southeastern Law Scholars Conference, Charleston School of Law, Oct. 23, 2010

*A Contractual Approach to Shareholder Oppression Law*, Florida State University College of Law, Oct. 18, 2010

*The Vacuity of Wilkes*, Law and Business Symposium, *Fiduciary Duties in the Closely Held Corporation 35 Years after Wilkes v. Springside Nursing Home*, Western New England College School of Law, Oct. 15, 2010

*The Vacuity of Wilkes*, New Scholars Conference, Southeast Association of Law Schools Annual Meeting, Aug. 27, 2010

*A Contractual Approach to Shareholder Oppression Law*, Law & Society Annual Meeting, May 28, 2010

Workshop Participant, *A Contractual Approach to Shareholder Oppression Law*, Law & Entrepreneurship Retreat, J. Reuben Clark Law School at Brigham Young University, Feb. 19, 2010 (presentation and critique, Douglas Moll)

*Why Contract Theory Justifies Shareholder Protection*, University of Georgia School of Law, Nov. 20, 2009

*Why Contract Theory Justifies Shareholder Protection*, University of South Carolina School of Law,  
Nov. 6, 2009

**SERVICE**

Member, Law School Hiring Committee, 2021-Present

Observer, Unincorporated Organizations Act Committee, Uniform Law Commission, 2021-Present

Member, Executive Committee of the AALS Section on Agency, Partnership, LLCs, and Unincorporated Business Associations, 2021-Present

Member, Law School Advisory Committee, 2019–2021

Member, Executive Committee of the AALS Section on Business Associations, 2018–2020

Chair, Law School Hiring Committee, 2017-2018

Chair, Law School Curriculum and Assessment Committee, 2015-17

Chair, AALS Section on Agency, Partnership, LLCs, and Unincorporated Business Associations, 2015

Advisor, South Carolina Senate Judiciary Committee (analyzing proposed legislation concerning Public Benefit Corporations), May 2012

Member, *Ad Hoc* Lawyers' Committee (reviewing status of South Carolina LLC Act), 2012-14

Member, Dean Search Committee, 2010–2011

Faculty Advisor, Joint Degree Program, 2010–Present