

JENNIFER M. PACELLA

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ACADEMIC APPOINTMENTS:

INDIANA UNIVERSITY, KELLEY SCHOOL OF BUSINESS, Bloomington, IN

Associate Professor of Business Law and Ethics with Tenure, July 2022 to present

Assistant Professor, July 2019 to June 2022

Courses Taught: Legal Environment of Business and Honors equivalent; Business Ethics and Equity in Diverse Organizations; and “In the Wake of #MeToo: Understanding and Responding to Sexual Misconduct and Gender Inequity in the Workplace.”

CITY UNIVERSITY OF NEW YORK, ZICKLIN SCHOOL OF BUSINESS,

BARUCH COLLEGE, New York, NY

Assistant Professor of Law, August 2013 to June 2019

Courses Taught (both graduate and undergraduate level): Fundamentals of Business Law (includes Torts, Contracts, and Commercial Law); The Law of Business Organizations; Corporate Compliance, Governance, and Whistleblowing

UNIVERSITY OF CONNECTICUT SCHOOL OF BUSINESS, Hartford, CT

Guest Lecturer, Spring 2018; *Adjunct Professor*, Summer 2019

Courses Taught (graduate level, law): Ethics and Compliance in the Global Organization

UNIVERSITY AT BUFFALO SCHOOL OF LAW, Buffalo, NY

Adjunct Professor, Bridge Terms 2015 and 2016

Courses Taught: The Law of GRC (Governance, Risk Management, and Compliance) & Whistleblowing

JUDICIAL CLERKSHIPS & PROFESSIONAL EXPERIENCE:

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, Newark, NJ

Law Clerk to the Honorable Julio M. Fuentes, 2012 – 2013

SHEARMAN & STERLING LLP, New York, NY

Transactional Associate – Financial, Securities, and Commercial Law, 2008 – 2012

Summer Associate – Litigation Group (New York, NY office) and Capital Markets Group (Rome, Italy office), Summer 2007

THE LAW OFFICE OF MORETTI & BERTUCCI, Florence, Italy
Legal Intern, Summer 2006
Recipient of selective Law School grant supporting international externships

PUBLICATIONS:

Making Whistleblowers Whole, 12 UC IRVINE LAW REVIEW __ (forthcoming, 2022),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3788634.

Whistleblowing in the Compliance Era (with Jeffrey R. Boles and Leora F. Eisenstadt), 55
GEORGIA LAW REVIEW 147 (Fall 2020),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3536680.

The Regulation of Lawyers in Compliance, 95 WASHINGTON LAW REVIEW 947 (Spring 2020),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3430093.

Invited Symposium, *Emerging Trends in Corporate Enforcement and Corporate Compliance: Compliance Officers: Personal Liability, Protections, and Posture*, 14 BROOKLYN JOURNAL OF CORPORATE, FINANCIAL & COMMERCIAL LAW 39 (Fall 2019),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3539848.

Vaulted Into Victims: Preventing Further Sexual Abuse in U.S. Olympic Sports Through Unionization and Improved Governance (with Marc Edelman), 61 ARIZONA LAW REVIEW 463 (Fall 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3234438.

Invited Symposium, *Facilitating the Compliance Function*, 71 RUTGERS UNIVERSITY LAW REVIEW 579 (Fall 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3460740.

Whistleblowers Need Not Apply (with Leora F. Eisenstadt), 55 AMERICAN BUSINESS LAW JOURNAL 665 (Fall 2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3129731.

Invited Symposium, *What Would We Do Without Them: Whistleblowers in the Era of Sarbanes-Oxley and Dodd-Frank* (with Sean Griffith, Jane A. Norberg, Ian Engoron, Alice BrightSky, Tracey McNeil, Judith Weinstock, and Jason Zuckerman), 23 FORDHAM JOURNAL OF CORPORATE & FINANCIAL LAW 379 (2018),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3189466.

Silencing Whistleblowers by Contract, 55 AMERICAN BUSINESS LAW JOURNAL 261 (2018),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3039839.

Conflicted Counselors: Retaliation Protections for Attorney-Whistleblowers in an Inconsistent Regulatory Regime, 33 YALE JOURNAL ON REGULATION 491 (2016),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2620365.

Invited Symposium, *The Role of Technology in Compliance in Financial Services: An Indispensable Tool as well as a Threat?: The Cybersecurity Threat: Compliance and the Role of Whistleblowers*, 11 BROOKLYN JOURNAL OF CORPORATE, FINANCIAL & COMMERCIAL LAW 39 (2016), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2803995.

Advocate or Adversary? When Attorneys Act as Whistleblowers, 28 GEORGETOWN JOURNAL OF LEGAL ETHICS 1027 (2015), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2489174.

Bounties for Bad Behavior: Rewarding Culpable Whistleblowers under the Dodd-Frank Act and Internal Revenue Code, 17 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 345 (2015), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2394687.

Inside or Out? The Dodd-Frank Whistleblower Program's Anti-Retaliation Protections for Internal Reporting, 86 TEMPLE LAW REVIEW 721 (2014), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2320229.

Internal Whistleblowers: Emerging Judicial Debate for Anti-Retaliation Protections, CAYMAN FINANCIAL REVIEW, Issue 36, (2014), <http://www.compasscayman.com/cfr/2014/08/08/Internal-whistleblowers-/>.

If the Shoe of the SEC Doesn't Fit: Self-Regulatory Organizations and Absolute Immunity, 58 WAYNE LAW REVIEW 201 (2012), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2128688.

Welcoming the Unwanted: Italy's Response to the Immigration Phenomenon and European Union Involvement, 25 GEORGETOWN IMMIGRATION LAW JOURNAL 341 (2011), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1851800.

EDUCATION:

UNIVERSITY AT BUFFALO SCHOOL OF LAW

Juris Doctor, May 2008, *magna cum laude*, Class Rank: Top 5-8%, GPA: 3.76

Awards/Activities:

Buffalo Law Review – Note & Comment Editor

Recipient of New York State Bar Association Law Student Legal Ethics Award – May 2008

International Law Fellow – Academic year 2007-2008

Philip C. Jessup International Law Moot Court Board Member

Finalist in Fasken Martineau International Law Moot Court Competition

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Master of Arts in Political Science, Concentration in Trans-Atlantic Studies, Dec. 2004

Included study at UNC-Chapel Hill and one year at Università degli Studi di Siena in Siena, Italy

Masters Thesis: *Benito Mussolini: Tyrant or Hero? An Examination of the Real Construct of Italian Fascism*

STATE UNIVERSITY OF NEW YORK, COLLEGE AT GENESEO

Bachelor of Arts in Political Science, Concentrations in Italian and Studio Art, May 2003, cum laude

ACADEMIC PRESENTATIONS AND INVITED PANELS:

Invited Panelist, *Whistleblowing: Good for Society, Bad for the Whistleblower?* City University of New York, Zicklin Talks Business Webinar Series (June 14, 2022).

Invited Speaker, *From Enron to COVID: Whistleblowing and Retaliation Law*, American Bar Association Live Webinar (June 9, 2022).

Invited Speaker, *Whistleblowing in the Modern Era of Ethics and Compliance*, Semi-Annual Ethics Webinar, Noble Consulting Services (December 8, 2021).

Emotional Damages for Whistleblowers, Annual Meeting of MAALSB (Mid-Atlantic Academy of Legal Studies in Business), Online Conference (March 19, 2021).

Invited Speaker, *Whistleblower 101: What You Need to Know*, American Bar Association Live Webinar (February 25, 2021).

Invited Panelist, *Athlete A – a Discussion of the USA Gymnastics Sexual Abuse Scandal*, Monroe County National Organization for Women, Online Event (December 9, 2020).

Invited Panelist, *Corporate Whistleblowing 2020: Where We Are Today and Where We Are Going*, Brooklyn Law School, Online Event (October 14, 2020).

Invited Panelist, *Whistleblowing in the Workplace*, Kelley Discussion Series: Ethical Issues Facing Business Today, Kelley School of Business, Indiana University, Bloomington IN, Online Event (August 14, 2020).

Whistleblowing in the Compliance Era, 95th Annual Meeting of the Academy of Legal Studies in Business, Online Conference (August 6, 2020).

Invited Panelist, *Online Academic Integrity*, 95th Annual Meeting of the Academy of Legal Studies in Business, Online Conference (August 5, 2020).

Invited Panelist, *Pursuing Excellence in Research and Publishing*, 95th Annual Meeting of the Academy of Legal Studies in Business, Online Conference (August 3, 2020).

Invited Participant and Discussant, *Big Ten & Friends Conference*, Kelley School of Business, Indiana University, Bloomington, IN (Feb. 14-15, 2020).

When Compliance Exceeds Law, City University of New York, Baruch College, Zicklin School of Business, Scholarship Series, New York, NY (Nov. 26, 2019).

When Compliance Exceeds Law, 94th Annual Meeting of the Academy of Legal Studies in Business, Montreal, Quebec (August 9, 2019).

The Regulation of Lawyers in Compliance, 94th Annual Meeting of the Academy of Legal Studies in Business, Montreal, Quebec (August 9, 2019).

Invited Panelist, *What You Should Know about Corporate Ethics and Compliance*, 94th Annual Meeting of the Academy of Legal Studies in Business, Montreal, Quebec (August 8, 2019).

Invited Panelist, *Scholarly Writing Workshop: How to Write and Place an Article*, 94th Annual Meeting of the Academy of Legal Studies in Business, Montreal, Quebec (August 7, 2019).

Invited Panelist, *The Thriving Law Department: The Baruch Experience*, Summit on the Academic Profession of Business Law, University of Connecticut School of Business, Hartford, CT (May 30, 2019).

Invited Panelist, *Integrating Corporate Compliance Into Business School Teaching, Research, and Programs*, Summit on the Academic Profession of Business Law, University of Connecticut School of Business, Hartford, CT (May 30, 2019).

Regulatory and Enforcement Developments Affecting Compliance Officers, Invited Symposium of the BROOKLYN JOURNAL OF CORPORATE, FINANCIAL & COMMERCIAL LAW: *Emerging Trends in Corporate Enforcement and Corporate Compliance*: Brooklyn Law School, Brooklyn, NY (Feb. 22, 2019).

Compliance Officers and Ethical Obligations, City University of New York, Baruch College, Zicklin School of Business, Law Department Faculty Scholarship Series, New York, NY (Sept. 25, 2018).

Vaulted Into Victims: Preventing Further Sexual Abuse in U.S. Olympic Sports Through Unionization and Improved Governance, 93rd Annual Meeting of the Academy of Legal Studies in Business, Portland, OR (August 13, 2018).

Invited Panelist, *The Anatomy of an ABLJ Manuscript*, 93rd Annual Meeting of the Academy of Legal Studies in Business, Portland, OR (August 12, 2018).

Whistleblowers Need Not Apply, 93rd Annual Meeting of the Academy of Legal Studies in Business, Portland, OR (August 12, 2018).

Fixing USA Gymnastics, “Law Review Camp” Legal Scholarship Workshop, University at Buffalo School of Law, Buffalo, NY (July 30, 2018).

Contractual Restrictions on Whistleblowing, Annual Meeting on Law and Society, Law & Society Association, Toronto, Canada (June 8, 2018).

Invited Panelist, *Compliance Programs, Compliance Officers, and Corporate Culture*, 2018 Compliance Conference, University of Michigan, Ross School of Business, Ann Arbor, MI (May 4, 2018).

Invited Panelist, *The Intersection of Compliance and Risk Management*, Third Annual Corporate Compliance Institute, organized by The Center for Corporate Law and Governance, Rutgers Law School, Camden, NJ (April 13, 2018).

Whistleblowers Need Not Apply, Annual Meeting of MAALSB (Mid-Atlantic Academy of Legal Studies in Business), Peirce College, Philadelphia, PA (April 7, 2018).

Invited Panelist, *What Would We Do Without Them: Whistleblowers in the Era of Sarbanes-Oxley and Dodd-Frank*, Annual Symposium of the FORDHAM JOURNAL OF CORPORATE & FINANCIAL LAW, Fordham Law School, New York, NY (October 27, 2017).

Silencing Whistleblowers by Contract, 92nd Annual Meeting of the Academy of Legal Studies in Business, Savannah, GA (August 9, 2017).

Statutory Reform for Whistleblowers as Job Applicants, 92nd Annual Meeting of the Academy of Legal Studies in Business, Savannah, GA (August 9, 2017).

Invited Panelist, *Research and Teaching Perspectives on Corporate Compliance and Business Law*, 92nd Annual Meeting of the Academy of Legal Studies in Business, Savannah, GA (August 9, 2017).

Employer Impediments to Whistleblowing, City University of New York, Baruch College, Zicklin School of Business, Law Department Faculty Scholarship Series, New York, NY (April 4, 2017).

The Role of Cybersecurity Whistleblowers in Corporate Governance and Compliance, Annual Meeting of MAALSB (Mid-Atlantic Academy of Legal Studies in Business), sponsored by Pennsylvania State University - Abington and Zicklin School of Business, New York, NY (April 8, 2016).

The Cybersecurity Threat: Compliance and the Role of Whistleblowers, Invited Symposium of the BROOKLYN JOURNAL OF CORPORATE, FINANCIAL & COMMERCIAL LAW: *The Role of Technology in Compliance in Financial Services: An Indispensable Tool as well as a Threat?* Brooklyn Law School, Brooklyn, NY (March 4, 2016).

Cybersecurity Compliance: The SEC's Focus and the Role of Whistleblowers, "Law Review Camp" Legal Scholarship Workshop, University at Buffalo School of Law, Buffalo, NY (January 28, 2016).

Conflicted Counselors: Retaliation Protections for Attorney-Whistleblowers in an Inconsistent Regulatory Regime, Legal Ethics Scholars Roundtable, Fordham Law School, New York, NY (November 3, 2015).

Conflicted Counselors: Retaliation Protections for Attorney-Whistleblowers in an Inconsistent Regulatory Regime, Colloquium on Scholarship in Employment and Labor Law (COSELL), Indiana University Maurer School of Law, Bloomington, IN (September 12, 2015).

Retaliation Protections for Attorney-Whistleblowers, “Law Review Camp” Legal Scholarship Workshop, University at Buffalo School of Law, Buffalo, NY (August 17, 2015).

Conflicted Counselors: Retaliation Protections for Attorney-Whistleblowers in an Inconsistent Regulatory Regime, 90th Annual Meeting of the Academy of Legal Studies in Business, Philadelphia, PA (August 8, 2015).

Advocate or Adversary? When Attorneys Act as Whistleblowers, 6th Annual National Business Law Scholars Conference, Seton Hall University School of Law, Newark, NJ (June 5, 2015).

Retaliation Protections for Attorney-Whistleblowers and Conflicting Ethical Duties, 2015 Annual Meeting of NEALSB (Northeast Academy of Legal Studies in Business), Princeton, NJ (April 25, 2015).

Advocate or Adversary? When Attorneys Act as Whistleblowers, 2015 Annual Meeting of PSWALS (Pacific Southwest Academy of Legal Studies in Business), Palm Springs, CA (February 14, 2015).

Advocate or Adversary? When Attorneys Act as Whistleblowers, 89th Annual Meeting of the Academy of Legal Studies in Business, Seattle, WA (August 5, 2014).

Bounties for Bad Behavior: Rewarding Culpable Whistleblowers under the Dodd-Frank Act and Internal Revenue Code, 2014 Annual Meeting of MAALSB (Mid-Atlantic Academy of Legal Studies in Business), Johns Hopkins Carey Business School, Baltimore, MD (March 22, 2014).

Bounties for Bad Behavior: Rewarding Culpable Whistleblowers under the Dodd-Frank Act and Internal Revenue Code, City University of New York, Baruch College, Zicklin School of Business, Law Department Faculty Scholarship Series, New York, NY (March 18, 2014).

Inside or Out? The Dodd-Frank Whistleblower Program’s Anti-Retaliation Protections for Internal Reporting, 2013 Annual Meeting of SEALSB (Southeastern Academy of Legal Studies in Business), Tampa, FL (November 8, 2013).

Inside or Out? The Dodd-Frank Whistleblower Program’s Anti-Retaliation Protections for Internal Reporting, City University of New York, Baruch College, Zicklin School of Business, Law Department Faculty Scholarship Series, New York, NY (October 24, 2013).

If the Shoe of the SEC Doesn’t Fit: Self-Regulatory Organizations and Absolute Immunity, Campbell University, Norman Adrian Wiggins School of Law, Raleigh, NC (November 9, 2012).

AWARDS:

Innovative Teaching Award, Kelley School of Business, Indiana University (awarded April 6, 2021).

Virginia Maurer “Best Ethics Paper” Award, 95th Annual Meeting of the Academy of Legal Studies in Business, *Whistleblowing in the Compliance Era* (with Jeffrey R. Boles and Leora F. Eisenstadt), Online Conference (awarded August 6, 2020).

Distinguished Proceedings Paper Award, 94th Annual Meeting of the Academy of Legal Studies in Business, *The Regulation of Lawyers in Compliance*, Montreal, Quebec (awarded August 10, 2019).

Hoeber Memorial Award, Outstanding Article, AMERICAN BUSINESS LAW JOURNAL, 93rd Annual Meeting of the Academy of Legal Studies in Business, *Silencing Whistleblowers by Contract*, Portland, OR (awarded August 13, 2018).

Virginia Maurer “Best Ethics Paper” Award, 93rd Annual Meeting of the Academy of Legal Studies in Business, *Vaulted Into Victims: Preventing Further Sexual Abuse in U.S. Olympic Sports Through Unionization and Improved Governance* (with Marc Edelman), Portland, OR (awarded August 13, 2018).

Jackson Lewis “Outstanding Employment Law Paper” Award, 93rd Annual Meeting of the Academy of Legal Studies in Business, *Whistleblowers Need Not Apply* (with Leora F. Eisenstadt), Portland, OR (awarded August 13, 2018).

Distinguished Proceedings Paper Award, 93rd Annual Meeting of the Academy of Legal Studies in Business, *Vaulted Into Victims: Preventing Further Sexual Abuse in U.S. Olympic Sports Through Unionization and Improved Governance* (with Marc Edelman), Portland, OR (awarded August 13, 2018).

Best Paper Award, Annual Meeting of MAALSB (Mid-Atlantic Academy of Legal Studies in Business), *Whistleblowers Need Not Apply* (with Leora F. Eisenstadt) (awarded June 2018).

Outstanding Proceedings Paper Award, 92nd Annual Meeting of the Academy of Legal Studies in Business, *Silencing Whistleblowers by Contract*, Savannah, GA (awarded August 10, 2017).

Teaching Excellence Award, Zicklin School of Business, City University of New York (awarded May 19, 2017).

Research Award Recipient, PSC-CUNY Research Grant, Research Foundation of the City University of New York, to pursue whistleblowing law research (academic year 2017-2018).

OTHER HONORS & LECTURES:

Invited Lecturer, *Whistleblowing and Retaliation: “In the Wake of #MeToo” MBA Intensive Course*, Kelley School of Business, Indiana University, online (February 2, 2021).

Organizer, Speaker, and Moderator, *Fireside Chat with Halliburton Whistleblower, Anthony Menendez*, Ethics Section Meeting, 95th Annual Meeting of the Academy of Legal Studies in Business, Online Conference (August 6, 2020).

Invited Lecturer, *Whistleblowing and Retaliation: “In the Wake of #MeToo” MBA Intensive Course*, Kelley School of Business, Indiana University, Bloomington IN (March 9, 2020).

Selected to present research in the Invited Scholars Colloquium of the AMERICAN BUSINESS LAW JOURNAL, 92nd Annual Meeting of the Academy of Legal Studies in Business, Savannah, GA (August 8, 2017).

Cited in petition for a writ of certiorari to the U.S. Supreme Court in the case of *Digital Realty Trust, Inc. v. Somers*, Docket No. 16-1276 (April 25, 2017) (cert granted), <http://www.scotusblog.com/case-files/cases/digital-realty-trust-inc-v-somers/>

Guest Blogger, YALE JOURNAL ON REGULATION - Notice and Comment, *Regulatory Inconsistencies Lead to Uncertain Protections for Attorney-Whistleblowers*, <http://yalejreg.com/nc/regulatory-inconsistencies-lead-to-uncertain-protections-for-attorney-whistleblowers-by-jennifer-m-pacella/> (Dec. 5, 2016).

Speaker & Moderator, *The Accountant Who Took on Halliburton . . . and Won*, Robert Zicklin Center for Corporate Integrity, City University of New York, Baruch College, New York, NY, *Featuring Anthony Menendez*— Halliburton whistleblower (March 29, 2016).

Selected to present research as an author in the 16th Annual Huber Hurst Research Seminar sponsored by Warrington College of Business - University of Florida and Academy of Legal Studies in Business, San Francisco, CA (February 26, 2016).

Sole-presenter, *Landing Your Dream Job: Career Q&A with Prof. Pacella*, University at Buffalo School of Law, Buffalo, NY (January 19, 2016).

Invited Lecturer, *Corporate Compliance and Whistleblowing*, University at Buffalo School of Law’s Introduction to Compliance Class and Expanding Employment Opportunities for Lawyers (October 15, 2015).

Invited Lecturer, *Corporate Compliance and Risk Management*, University at Buffalo School of Law’s New York City Program on Finance & Law, New York, NY (March 2015).

Sole-presenter, *Getting Where You Want to Go, A Careers Conversation*, University at Buffalo School of Law, Buffalo, NY (January 21, 2015).

Organizer & Moderator, *American Whistleblowers Live at Baruch*, Government Accountability Project's American Whistleblower Tour Stop, Robert Zicklin Center for Corporate Integrity, City University of New York, Baruch College, New York, NY, *Featuring Sherron Watkins* – Enron whistleblower and *Jon Oberg* – Department of Education whistleblower (October 21, 2014).

BAR AND COURT ADMISSIONS:

New York
California (inactive)
U.S. Court of Appeals for the Third Circuit

PROFESSIONAL AFFILIATIONS, SKILLS, & SERVICE:

Diversity, Equity, Inclusion, and Belonging Committee Member: Business Law & Ethics Department, Kelley School of Business, Indiana University

Prior Officer of the Ethics Section of the Academy of Legal Studies in Business, positions held: Chair (2020-2021), Vice Chair (2019-2020), and Secretary (2018-2019)

Prior Officer of MAALSB (Mid-Atlantic Academy of Legal Studies in Business), positions held: President & Annual Conference Chair (2020-2021), President-Elect (2019-2020), Vice President (2018-2019), Secretary (2017-2018), and Treasurer (2016-2017)

AMERICAN BUSINESS LAW JOURNAL – Peer Reviewer

JOURNAL OF BUSINESS ETHICS – Peer Reviewer

Fluent in Italian, Intermediate understanding of Spanish

MEDIA CONTRIBUTIONS:

Have provided subject matter expert commentary in the following media outlets: *Columbia Journalism Review*, *Canada's National Post* (Financial Section), *Thomson Reuters*, *CBC News Canada*, *CBC Montreal Radio Show* (interview), *The Conversation*, *IndyStar*, *Law360*, *The New York Daily News* (op-ed).