

VICTOR FLEISCHER

Associate Professor of Law
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CURRICULUM VITAE as of April 22, 2010

CURRENT ACADEMIC APPOINTMENT

University of Colorado Law School, Associate Professor, 2006 to present.

OTHER ACADEMIC APPOINTMENTS

NYU School of Law, Visiting Professor, Fall 2010.

University of Illinois College of Law, Associate Professor, 2007-2009.

UCLA School of Law, Acting Professor of Law (tenure-track), 2003-2006.

Georgetown University Law Center, Visiting Professor of Law, Fall 2005.

Columbia Law School, Research Fellow in Transactional Studies, 2001-
2003.

OTHER PAST EMPLOYMENT

Davis Polk & Wardwell, Associate, 1998-2001.

Hon. Alex Kozinski, U.S. Court of Appeals, Ninth Circuit, Law Clerk,
1997-1998.

Hon. M. Blane Michael, U.S. Court of Appeals, Fourth Circuit, Law
Clerk, 1996-1997.

EDUCATION

Columbia University School of Law, J.D., 1996.

Columbia Law Review, 1994-1996.

Columbia College, Columbia University, B.A., American History, 1993.

PUBLICATIONS

ARTICLES

- Regulatory Arbitrage*, 89 TEXAS L. REV. __ (2010) (forthcoming).
- A Theory of Taxing Sovereign Wealth*, 84 NYU L. REV. 440 (2009).
- Book/Tax Conformity and Equity Compensation* (with D. Walker), 61 TAX L. REV. 399 (2009).
- Taxing Blackstone*, 61 TAX L. REV. 89 (2008).
- Two and Twenty: Taxing Partnership Profits in Private Equity Funds*, 83 NYU L. REV. 1 (2008).
- Brand New Deal: The Branding Effect of Corporate Deal Structures*, 104 MICH. L. REV. 1581 (2006).
- The Missing Preferred Return*, 31 J. CORP. L. 77 (2005).
- The Rational Exuberance of Structuring Venture Capital Start-Ups*, 57 TAX L. REV. 137 (2004).

SCHOLARLY ESSAYS

- Options Backdating, Tax Shelters, and Corporate Culture*, 26 VA. TAX REV. 1031 (2007) (Symposium Essay).
- The MasterCard IPO: Protecting the Priceless Brand*, 12 HARV. NEG. L. REV. 137 (2007) (Symposium Essay).
- Fickle Investors, Reputation, and the Clientele Effect in Venture Capital Funds*, 40 WILLAMETTE L. REV. 813 (2004) (Symposium Essay).

CASE STUDIES, TEACHING CASES AND OTHER PUBLICATIONS

Should We Tax Sovereign Wealth Funds? 118 YALE L.J. POCKET PART 93 (2008).

The Marketing Consequences of IPOs, BETRIEBSWIRTSCHAFTLICHE FORSCHUNG UND PRAXIS (BFUP) (2006).

Southwest Airlines (with Michael Ingrassia) (available on SSRN) (Teaching Case).

Branding the Google IPO, THE FINANCIER (2006) (Case Study).

Deals: Bringing Corporate Transactions into the Law School Classroom, 2002 COLUM. BUS. L. REV. 475 (Essay).

Enron's Dirty Little Secret: Waiting for the Other Shoe to Drop, 94 TAX NOTES 1045 (2002) (Essay).

Streetwatch (available on SSRN) (Teaching Case).

Columbia Venture Partners (with Geoffrey Smith) (available on SSRN) (Teaching Case).

"If it Looks Like a Duck": Corporate Resemblance and Check-the-Box Elective Tax Classification, 96 COLUM. L. REV. 518 (1996), reprinted in 71 TAX NOTES 345 (1996) (Student Note).

RANKINGS, AWARDS AND ACHIEVEMENTS

#9 Most-Cited Tax Law Professor, Brian Leiter's Scholarly Impact Study, 2005-2009 (March 31, 2010, available at http://www.leiter rankings.com/new/2010_scholarlyimpact.shtml).

#3 Most-Downloaded Tax Law Professor, All-Time SSRN Downloads, TaxProf Blog (Feb. 25, 2010, available at http://taxprof.typepad.com/taxprof_blog/2010/02/ssrntax.html).

Named Thomas Mengler Faculty Scholar, University of Illinois College of Law, 2008-2009.

TEACHING

UNIVERSITY OF COLORADO LAW SCHOOL

Deals (Spring 2011)
Deals Workshop (Spring 2011)
Higher Education Law and Policy (Spring 2010)
Deals (Fall 2009)
Venture Capital & Private Equity (Fall 2009)
Tax Policy (Fall 2009)
Innovation Policy & Entrepreneurship (Spring 2007)
Deals (Fall 2006)
Venture Capital & Private Equity (Fall 2006)

NYU SCHOOL OF LAW

Deals (Fall 2010)

UNIVERSITY OF ILLINOIS COLLEGE OF LAW

Corporate Tax (Spring 2009)
Partnership Tax (Spring 2009)
Corporate Tax (Spring 2008)
Partnership Tax (Spring 2008)

UCLA SCHOOL OF LAW

Tax Policy Colloquium (Spring 2006) (with Eric Zolt)
Deals (Spring 2006)
Regulating Wall Street (Spring 2005)
Federal Taxation I (Fall 2004)
Deals (Fall 2004)
Federal Taxation I (Spring 2004)
Deals (Fall 2003)

GEORGETOWN UNIVERSITY LAW CENTER (AS VISITING PROFESSOR OF LAW)

Deals (Fall 2005)
Executive Compensation (Fall 2005)

COLUMBIA LAW SCHOOL (AS RESEARCH FELLOW)

Deals Workshop (Spring 2003)
Taxation of Financial Instruments (Fall 2002) (guest lecturer – six classes)
Deals (Fall 2002) (with David Schizer)
Deals Workshop (Spring 2002)

SERVICE

SERVICE TO THE LEGAL PROFESSION AND LEGAL ACADEMY

Testimony to Committee on Ways and Means, U.S. House of Representatives, September 2007.
Presentation to Finance Committee, United States Senate, May 2007.

Planning Committee, 2009 AALS Mid-Year Meeting.
Member, Law Firms Working Group, 2007-present.
AALS Curriculum Committee, 2006-2008.
Editor, SSRN ENTREPRENEURSHIP & LAW JOURNAL, 2006-present.

Co-organizer & Workshop Faculty, 2009 Workshop on Law & New Institutional Economics (University of Colorado)
Co-founder, 2009 Summer Tax Conference (University of Colorado)
Co-organizer, 2008 Junior Tax Scholars Conference (NYU).
Co-organizer, 2007 Junior Tax Scholars Conference (Boston University).
Co-founder, 2006 Junior Tax Scholars Conference (inaugural conference held at University of Colorado) (co-founded with Miranda Perry Fleischer and Lily Batchelder).

UNIVERSITY SERVICE - UNIVERSITY OF COLORADO AT BOULDER

Board of Advisors, Deming Center Venture Fund, 2009-present.
Dean Search Committee, Leeds School of Business, Spring 2010-present.
Academic Affairs Budget Advisory Committee, 2009-2010.
Academic Affairs Budget Advisory Committee, 2006-2007.

LAW SCHOOL SERVICE

Appointments Committee, University of Colorado Law School, 2009-10.
Admissions Committee, University of Illinois College of Law, 2008-09.
Appointments Committee, University of Illinois College of Law, 2008-09.

Admissions Committee, University of Illinois College of Law, 2007-08.
Faculty Retreat Co-organizer, University of Illinois College of Law, 2007-08.
Technology Committee, University of Colorado Law School, 2006-07.
Curriculum Committee, UCLA School of Law, 2005-06.
Business Law Committee, UCLA School of Law, 2005-06.
Teaching and Clerkship Committee, UCLA School of Law, 2004-05.
Business Law Committee, UCLA School of Law, 2003-04.
Search Committee for Director, Business Law Program, UCLA School of Law, 2003-04.
Director, Transactional Studies Program, Columbia Law School, 2001-03.

SELECTED PRESS CLIPS

NEW YORK TIMES

Peter Edmonston, *Sovereign Taxes*, NEW YORK TIMES, March 7, 2008 (discussing my research on sovereign wealth funds).

Andrew Ross Sorkin, *A Professor's Word on Buyout Tax Battle*, NEW YORK TIMES, October 3, 2007 (profile and Q&A about my involvement in private equity tax debate in Washington).

Matt Richtel, *Entrepreneurs Defend a Tax Benefit Despite a Dubious Congress*, NEW YORK TIMES, September 21, 2007 (quote re: taxation of venture capital).

David Cay Johnston, *Tax Loopholes Sweeten a Deal for Blackstone*, NEW YORK TIMES, July 13, 2007 (discussing my research on Blackstone).

Jenny Anderson & Andrew Ross Sorkin, *Tax Gap Puts Private Equity on the Hot Seat*, NEW YORK TIMES, June 16, 2007 (quote re: taxation of private equity).

David D. Kirkpatrick, *Romney's Fortunes Tied to Business Riches*, NEW YORK TIMES, June 4, 2007 (quote re: taxation of private equity).

Taxing Private Equity, NEW YORK TIMES Editorial Page, April 2, 2007 (discussing my research).

WALL STREET JOURNAL

Peter Lattman, Jenny Strasburg & Naftali Bendavid, *Congress Has Hedge Funds, Buyout Firms in Tax Sights*, January 7, 2010 (quote re: carried interest).

BreakingViews column, *US Should Use as Political Lever Its Tax Break on Sovereign Funds*, March 14, 2008 (endorsing my proposal).

Anita Raghavan, *Hedge Funds Could Lose Offshore Tax Shelter*, WALL STREET JOURNAL, October 1, 2007 (quote re: offshore deferral).

Peter Lattman, *Academic Gets His Close-Up in Private Equity Tax Fracas*, WALL STREET JOURNAL, June 20, 2007 (discussing my research on taxation of private equity).

Sarah Lueck, *Higher Private-Equity Tax Is Explored*, WALL STREET JOURNAL, May 1, 2007 (discussing Senate briefing).

Financial Press and Wire Services

Eoin Callan, Alex Barker, Francesco Guerrera & Ben White, *Tax fears over Blackstone IPO*, FINANCIAL TIMES, May 6, 2007 (quote re: Blackstone).

Ben White & Eoin Callan, *Buy-out chiefs face higher taxes*, FINANCIAL TIMES, April 23, 2007 (quote re: taxation of private equity).

Emily Chasan, *Unusual IPO Tax Structure May Plague Blackstone*, REUTERS wire service, March 30, 2007 (quote re: Blackstone).

Ryan J. Donmoyer, *Blackstone Says IPO Tax Stance May Prompt IRS Action*, BLOOMBERG wire service, March 29, 2007 (discussing my research on private equity funds).

Other

Malcolm Gladwell, *Open Secrets*, THE NEW YORKER, January 8, 2007 (discussing my research on Enron).

Holly Hubbard Preston, *Want Part of an IPO? You Could Go Dutch*, INTERNATIONAL HERALD TRIBUNE, November 10, 2006 (quote re: Google IPO).

Loren Fox, *Do Deal Structures Have Brand Value?*, INSTITUTIONAL INVESTOR, September 2006 (discussing my research on MasterCard).

Quoted in numerous other media outlets, including NPR's *Morning Edition* and *Marketplace*, *Time*, *Forbes*, *Fortune*, *Financial Week*, *Washington Post*

INVITED PRESENTATIONS

Invited Participant, Committee on Global Thought, Conference on Sovereign Wealth Funds, Columbia University, October 2010

Taxing Founder's Stock, Columbia Summer Tax Workshop, June 2010

Regulatory Arbitrage, American Law and Economics Association Annual Meeting, May 2010

Regulatory Arbitrage, University of Minnesota Law School Law & Economics Workshop, March 2010

Regulatory Arbitrage, Emory Law School Faculty Colloquium, March 2010

Regulatory Arbitrage, BYU Conference on Law & Entrepreneurship, February 2010

Regulatory Arbitrage, University of Colorado Works-in-Progress Series, January 2010

Invited Participant, Kauffman-Planck Annual Summit on Entrepreneurship Research and Policy, Laguna Beach, CA, July 2009

Regulatory Craftsmanship, Summer Tax Conference, University of Colorado, June 2009

Taxing Sovereign Wealth, University of San Diego Faculty Colloquium, December 2008

Taxing Sovereign Wealth, Columbia Law School Tax Policy Colloquium, November 2008

Taxing Sovereign Wealth, USC Center for Law, Economics & Organization Workshop, November 2008

Taxing Sovereign Wealth, Harvard Law School Tax Policy Seminar, November 2008

Taxing Sovereign Wealth, Junior Tax Scholars Conference, NYU Law School, June 2008

Discussant, Roundtable on Social Entrepreneurship, University of Colorado Law School, May 2008

Start-up in a Box, Law & Entrepreneurship Conference, University of Arizona, March 2008

Invited Speaker, Panel on Carried Interest, Loyola of Chicago Law Review Symposium, March 2008

Invited Speaker, Panel on Carried Interest, 2008 Buyouts Conference, March 2008

Discussant, Roundtable on Private Equity, University of Colorado Law School, February 2008

Regulatory Craftsmanship, Vanderbilt University Law School Faculty Workshop, November 2007

Regulatory Craftsmanship, University of Cincinnati College of Law Faculty Workshop, November 2007

Regulatory Craftsmanship, Law Firms Working Group Conference, American Bar Foundation, October 2007

Targeting Carried Interest, American Enterprise Institute, September 2007

Targeting Carried Interest, NYU School of Law, Presentation and Panel Discussion on “Does Atlas Shrug? Taxing the Rich and the Carried Interest Debate,” September 2007

Testimony on Taxing Partnership Profits in Private Equity Funds, Committee on Ways and Means, U.S. House of Representatives, September 2007

The Blackstone IPO, Big Ten Junior Scholars Conference, Indiana University School of Law, August 2007

Invited Participant, Kauffman-Planck Annual Summit on Entrepreneurship Research and Policy, Laguna Beach, CA, July 2007

The Blackstone IPO, Junior Tax Scholars Conference, Boston University School of Law, June 2007

Two and Twenty, Stanford/Yale Junior Faculty Forum, Stanford Law School, May 2007

Two and Twenty, Initiative for Studies in Technology Entrepreneurship Conference, University of Wisconsin-Madison School of Business, May 2007

New Companies vs. Growth Companies, Law & Entrepreneurship Conference, University of Wisconsin Law School, May 2007

The Blackstone IPO, University of Illinois Faculty Workshop, May 2007

Two and Twenty, Finance Committee Roundtable, United States Senate, May 2007

The Defining Characteristics of US Corporate Law, National Centre for Business Law, University of British Columbia Faculty of Law, April 2007

Urban Entrepreneurship and the Promise of For-Profit Philanthropy, Western New England College of Law, March 2007

IPO Intelligence, Symposium on IPOs in the Internet Age, Ohio State, March 2007

Two and Twenty, AALS Section on Agency, Partnerships, Unincorporated Entities & LLCs, January 2007 (selected from a call for papers)

Options Backdating and Corporate Culture, University of Minnesota Law School Conference on the Future of Tax Shelters, October 2006

Two and Twenty, Junior Tax Scholars Conference, June 2006

Branding the Google IPO, Academy of Entrepreneurial Finance, April 2006

The MasterCard IPO, Harvard Law School Conference on Case Studies and Negotiations, April 2006

Commentaries by Gordon Smith, Laura Heymann, Joshua Wright, Mark Fenster, Susan Scafidi, and Scott Peppet

Two and Twenty, NYU Tax Policy Colloquium, March 2006

Two and Twenty, UCLA Tax Policy Colloquium, February 2006

Panelist, Section on Scholarship, AALS Annual Meeting, January 2006

Two and Twenty, Tax Section, AALS Annual Meeting, January 2006

Commentator, Georgetown/Sloan Conference on Corporate Governance,
October 2005

Brand New Deal, Duke University Faculty Workshop, September 2005

Brand New Deal, Georgetown Faculty Research Workshop, September 2005

Brand New Deal, Robert Levy Workshop, George Mason School of Law,
September 2005

Risky Business, Law & Society Annual Meeting, June 2005

Brand New Deal, UCLA Summer Research Workshop, May 2005

The Missing Preferred Return, U.C. Hastings Tax Policy Seminar, February 2005

The Missing Preferred Return, Michigan Tax Policy Workshop, January 2005

The Missing Preferred Return, UCLA Faculty Colloquium, September 2004

Invited Participant, Workshop on Tax Policy and Public Finance, Berkeley, CA,
June 2004

Commentator, Venture Capital After the Bubble, Willamette School of Law,
March 2004

Rational Exuberance, American Taxation Association Mid-year Meeting, February
2003

Rational Exuberance, University of Pennsylvania Tax Policy Colloquium, February
2003

Rational Exuberance, Columbia Law School Blue Sky Series, January 2003