CHARLES MICHAEL YABLON

Curriculum Vitae

Educational Background

Columbia University 1968-1972 Bachelor of Arts

Magna Cum Laude, Phi Beta Kappa, Jones Prize for Best Essay in Philosophy of Science, Summer Traveling Fellowship

Yale University 1972-1975 Juris Doctor

Judicial Clerkship

Honorable Irving R. Kaufman, Chief Judge, United States Court of Appeals for the Second Circuit 1976-1977

Legal Practice

Cravath Swaine & Moore 1975-76, 1977-80 Litigation Associate

Worked primarily on antitrust and securities class actions, shareholder derivative suits, and litigation involving hostile takeovers.

Skadden Arps, Slate, Meagher & Flom 1980-83 Senior Litigation Associate

Worked on litigation involving hostile takeovers, securities class actions and general business litigation.

Academic Appointments

Benjamin N. Cardozo School of Law, Yeshiva University

1983-1986	Assistant Professor
1986-1988	Associate Professor
1988-present	Professor of Law
2003-2005	Director, Samuel and Ronnie Heyman Center for Corporate Governance,
2011- 2022	Academic Director, Samuel and Ronnie Heyman Center for Corporate Governance

2013-2016	Faculty Director, Cardozo Data Law Initiative
2022 – present	Director Emeritus, Samuel and Ronnie Heyman Center for Corporate Governance

Courses Taught: Corporations, Civil Procedure, Mergers and Acquisitions, E- Discovery, Corporate Finance, Comparative Corporate Governance, Conflict of Laws, Class and Derivative Litigation, Injunctions, Jurisprudence

Academic and Research Interests: Corporate Governance, Mergers and Acquisitions, Executive Compensation, Comparative Corporate Governance, Civil Procedure, E-Discovery, Class Actions, Mass Torts

Publications

Books

A. Leo Levin, Philip Shuchman & Charles M. Yablon, CASES AND MATERIALS ON CIVIL PROCEDURE (Foundation Press 1992)

A. Leo Levin, Philip Shuchman & Charles M. Yablon, CASES AND MATERIALS ON CIVIL PROCEDURE, SECOND EDITION (Foundation Press 2000)

Articles, Essays & Reviews

Contention Disclosure and Corporate Takeovers, 6 Cardozo L. Rev. 429 (1985)

The Indeterminacy of the Law: Critical Legal Studies and the Problem of Legal Explanation, 6 Cardozo L. Rev. 917 (1985)

Law and Metaphysics, 96 Yale L. J. 613 (1987)

Arguing About Rights, 85 Mich. L. Rev. 871 (1987)

Judicial Process as an Empirical Study: A Comment on Justice Brennan's Essay, 10 Cardozo L. Rev. 149 (1988)

Poison Pills and Litigation Uncertainty, 1989 Duke L. J. 54 (1989)

Arguing From Necessity: A Comment on "Hegel and the Crisis of Private Law," 10 Cardozo L. Rev. 1019 (1989)

Forms, 11 Cardozo L. Rev. 1349 (1990)

Are Judges Liars? A Wittgensteinian Critique of Law's Empire, Canadian J. of Law and Jurisprudence (1990)

Justifying the Judge's Hunch: An Essay on Discretion, 41 Hastings L. J. 231 (1990)

On the Allocation of Burdens of Proof in Corporate Law: An Essay on Fairness and Fuzzy Sets, 13 Cardozo L. Rev. 497 (1991)

Overcompensating: The Corporate Lawyer and Executive Pay, 92 Colum. L. Rev. 1867 (1992)

Comments on Kevelson and Goodrich, 4 Cardozo Studies in Law and Literature 223 (1992)

Modern Corporate Theory: Public Utility or Private Part? A Comment on Professor Wolfe's Paper, 50 Wash. & Lee L. Rev. 1705 (1993)

On the Contribution of Baseball to American Legal Theory, 104 Yale L. J. 227 (1994)

Delaware Fiduciary Duty Law after *QVC* and *Technicolor*: A Unified Standard (and the End of *Revlon* Duties?) (w/ L. Cunningham) 49 Business Lawyer 1593 (1994)

Grant Gilmore, Holmes, and the Anxiety of Influence, 90 Northwestern L. Rev. 236 (1995)

Judicial Drag: An Essay on Wigs, Robes and Legal Change, 1995 Wisconsin L. Rev. 1129 (1995)

Freud as Law Professor: An Alternative History, 16 Cardozo L. Rev. 1439 (1995)

The Good, The Bad and the Frivolous Case: An Essay on Probability and Rule 11, 44 U.C.L.A. L. Rev. 65 (1996)

Stupid Lawyer Tricks: An Essay on Discovery Abuse, 96 Colum. L. Rev. 1618 (1996)

Corporate Culture in Takeovers, 19 Cardozo L. Rev. 553 (1997)

Bonus Questions: Executive Compensation in the Era of Pay for Performance, 75 Notre Dame L. Rev. 271 (1999)

Suing the Devil: A Guide for Practitioners, 86 Virginia L. Rev. 103 (2000)

A Dangerous Supplement? Longshot Claims and Private Securities Litigation, 94 Northwestern L. Rev. 567 (2000)

Timing Corporate Disclosures to Maximize Performance-Based Remuneration: A Case

of Misaligned Incentives? 35 Wake Forest L. Rev. 83 (2000) (W/ J. Hill)

Corporate Governance and Executive Remuneration: Rediscovering Managerial Positional Conflict, 25 University of New South Wales L.J. 294 (2002) (w/ J. Hill)

Nietzsche and the Nazis: The Impact of National Socialism on the Philosophy of Nietzsche, 24 Cardozo L. Rev. 739 (2003)

A Theory of Presumptions, 2 Law, Probability and Risk 227 (Oxford 2003)

Hindsight, Regret and Safe Harbors in Rule 11 Litigation, 37 Loyola of Los Angeles L. Rev. 599 (2004)

The Meaning of Probability Judgments: An Essay on the Use and Misuse of Behavioral Economics, 2004 U. of Ill. L. Rev. 899 (2004)

Is the Market for CEOs Rational? 4 NYU Journal of Law and Business 89 (2007)

The Historical Race: Competition For Corporate Charters And The Rise And Decline Of New Jersey: 1880-1910, 32 J. Corp. L. 323 (2007)

Failed Lawyers and the Sources of Satire, 15 Geo. Mason L. Rev.775 (2008)

Stoneridge, Agency Principles And The Future Of 10b-5 Liability, 3 J. of Sec. Law, Reg. & Compliance 39 (2010)

Madison's Full Faith and Credit Clause: A Historical Analysis, 33 Cardozo L. Rev. 125 (2011)

Discovery About Discovery: Sampling Practice and the Resolution of Discovery Disputes In An Age of Ever-Increasing Information, (with Nick Landsman-Roos) 34 Cardozo L. Rev. 719 (2012)

Predictive Coding: Emerging Questions and Concerns (with Nick Landsman-Roos) South Carolina L. Rev 64 S. Carolina L. Rev. 633 (2013).

Innovation, The State and Private Enterprise: A Corporate Lawyer's Perspective, 40 Del. J. Corp. Law 1017 (2016)

Byte Marks: Making Sense of New F.R.C.P. 37(e), 69 Fla. L. Rev. 571 (2017).

Mixed Motive Investments and Agency Costs, *chapter in* HANDBOOK ON SOCIAL ENTERPRISE LAW, Joe Yockey & Benjamin Means Eds., (Cambridge Univ. Press 2018)

The Virtues of Complexity: Judge Marrero's Systemic Account of Litigation Abuse, 40 Cardozo L. Rev. 233 (2018)

The Lawyer as Accomplice: Cannabis, Uber, Airbnb, and the Ethics of Advising "Disruptive" Businesses, 104 Minn. L. Rev. 309 (2019)

Inherent Judicial Authority: A Study in Creative Ambiguity, 43 Cardozo L. Rev. 1035 (2022)

Crypto: The Prospect of Regulatory Competition, 93 UMKC L. Rev. 391 (2024)

The Two Faces of Stays Pending Appeal: An Essay on Institutionalism and Appellate Procedure, 101 NOTRE DAME LAW REVIEW REFLECTION 175 (2026)

Paper Presentations and Panel Discussions (partial)

"Mixed Motive Investments and Agency Costs" presented as part of a conference on Social Enterprise Law, Notre Dame School of Law, Mar. 3, 2017

"Mixed Motive Investments and Agency Costs" presented at the National Business Law Scholars Conference, University of Utah Law School, June 8, 2017.

"Regulatory Challenges of Blockchain-Based Token Sales" presented to the Hong Kong Securities Authority, Jan. 29, 2018 and at the Graduate Center, Chinese University of Hong Kong, Jan. 30, 2018.

"Innovation, The State and Private Enterprise: A Corporate Lawyer's Perspective" presented as the plenary speaker at the Australian Corporate Law Teachers Association (CLTA) Annual Meeting, Melbourne, February 13, 2018

"Is Legal Risk Different" presented at University of Sydney Law School, business law speaker series, Feb. 27, 2018

"Regulatory Challenges of Blockchain-Based Token Sales" presented at the Australian National University Law School (ANU), March 9, 2018 and at the faculty of law of the University of Roma Tre, April 24, 2018

"Lawyering at the Edge of Disruption: Uber, Airbnb, Cannabis and the Ethics of Legal Risk Management," presentation to the graduate faculty of law at the University of Roma Tre, December 12, 2018

"Nudging Judges: An Alternative Perspective on Delaware Fiduciary Duty Law" presented at the Workshop on Corporate and Securities Litigation, Boston University School of Law, September 28, 2019

“Regulation of Blockchain-Based Token Sales: A Comparative Analysis” presented online to the students and faculty at the University of Roma Tre, May 6, 2020

“Crypto: The Prospect of Regulatory Competition” presented at the Law and Society Conference, Lisbon Portugal, July 2022

“Crypto: The Prospect of Regulatory Competition” presented at the University of Roma Tre, December, 2022