

J.S. Nelson

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I am a professor of law, expert legal consultant, and start-up advisor. I write on business issues, ethics, entrepreneurship, the federal courts, and white collar crime.

CURRENT POSITIONS

Associate Professor of Law (Business Ethics), Villanova University, Villanova, PA.

First known appointment for business ethics in a U.S. law school. Appointed associate professor in Villanova's law school with a courtesy appointment in the Management and Operations Department of the university's business school. Courses: White Collar and Corporate Crime, Business Organizations, and Business Ethics. 2017–present.

Senior Fellow, Univ. of Penn., The Wharton School, Carol and Lawrence Zicklin Center for Business Ethics Research, Phila., PA.

According to the school, "this is a rare appointment, one that is reserved for colleagues whose expertise, interests, and agenda going forward offer the greatest possible value to the Center." Initial appointment was for academic years 2015–16 & 2016–17. Renewed indefinitely 2017 onwards.

EDUCATION

Harvard Law School, J.D., June 2001

Harvard Law Review, Editor and Supreme Court Co-Chair
John E. Thayer University Prize for Most Meritorious Scholar
Irving R. Kaufman Public Service Fellowship
Samuel J. Heyman Fellowship Prize for Public Interest Work

Yale University, B.A., Political Science, June 1996, *honors and distinction in the major*

Clement Prize for Best Senior Thesis on American Topic
Frank M. Patterson Prize for Research in Political Science
Block Fellowship for Research in Media and Government
Hugh P. Brady Prize for Outstanding Student from the Northwest

ADDITIONAL PAPER AWARDS

- Ralph Bunche Outstanding Int'l Paper Award, Acad. of Legal Stud. in Bus. (2016)
- Outstanding Proceedings Award, Acad. of Legal Stud. in Bus. (2015)
- Outstanding Paper, Pacific Southwest Acad. of Legal Stud. in Bus. (2014)
- Best Paper Award, Western Acad. of Legal Stud. in Bus. (2014 & 2016)
- Distinguished Proceedings Paper, Acad. of Legal Stud. in Bus. (2013)

ADDITIONAL FUNDING, FELLOWSHIPS, & APPOINTMENTS

- External Affiliate, Ostrom Workshop, Research Program on Cybersecurity and Internet Governance, Indiana University Bloomington (2017–)
- Editor for Entrepreneurship Law, Ewing Marion Kauffman Found., EshipLaw.org (2016–)
- Gaylord Jentz Memorial Scholarship, Acad. of Legal Studies in Bus. (2015)
- Zicklin Center for Bus. Ethics Research Seminar in Normative Bus. Ethics, The Wharton School, Univ. of Penn. (2014)
- Hurst Research Seminar in Legal Stud. and Ethics, Warrington Coll., Univ. of Florida (2014)

ACADEMIC WORKS

Books

BUSINESS ETHICS: WHAT EVERYONE NEEDS TO KNOW, co-authorship with Lynn A. Stout. OXFORD UNIVERSITY PRESS (book under contract, forthcoming 2018).

Articles

['Don't Ask, Don't Tell' Corporate Crime](#) (formerly [The Criminal Bug: Volkswagen's Middle Management](#))

- Best New Research: Highlighted as best new research with solicitation for feature by Oxford University's business law blog. Re-post and special mention by the Business Law Prof blog.
- Top Ten Download Paper on thirty-four SSRN lists; nine additional lists for 'Don't Ask, Don't Tell'.

[The Normalization of Corruption](#), J. OF MGMT. INQUIRY special issue on corruption, management and organizations (Nov. 2016) (double-blind peer-reviewed journal of the Western Acad. of Mgmt.; submitted by special invitation; selected as lead article).

- Top Ten Download Paper on nineteen SSRN lists.

[Paper Dragon Thieves](#), 105 GEO. L.J. 4, 871 (2017) (#6 top all-subject law journal by 2014 impact statistics when submitting in 2016) (Formerly: *The Corporate Shell Game*).

- Winner: Ralph Bunche Outstanding Int'l Paper Award, 2016 Acad. of Legal Stud. in Bus.
- Winner: Best Paper Award, 2016 Western Acad. of Legal Stud. in Bus.
- Top Ten Download Paper on seventeen SSRN lists.

[The Corporate Conspiracy Vacuum](#), 37 CARDOZO L. REV. 1, 249 (2015) (#23 top all-subject law journal by 2012 impact statistics when submitting in 2014; special request for second article after publication of first in series) (Formerly: *Corporate Conspiracy: How Not Calling a Conspiracy a Conspiracy Is Warping the Law on Corporate Wrongdoing*).

- Winner: Outstanding Proceedings Award, 2015 Acad. of Legal Stud. in Bus.
- Winner: Outstanding Paper, 2014 Pacific Southwest Acad. of Legal Stud. in Bus.
- Translation into Chinese and publication for the Chinese market.
- Top Ten Download Paper for CGN: Business Practices & Ethics.

[The Intracorporate Conspiracy Trap](#), 36 CARDOZO L. REV. 3, 969 (2015) (#23 top all-subject law journal by 2012 impact statistics when submitting in 2014) (Formerly: *Perverse Incentives and Corporate*

Conspiracy: Why We Are Asking the Wrong Basic Question in Assessing Personal Liability for Corporations and Their Agents).

- Winner: Best Paper Award, 2014 Western Acad. of Legal Stud. in Bus.
- Top Ten Download Paper on three SSRN lists.

When Criminal Prosecution of a Business and its Employees Creates a Conflict of Interest: Does Independent Counsel Address the Conflict? (with Richard O. Parry), *J. OF LEGAL STUDIES IN BUS.* (forthcoming 2016) (peer-reviewed specialty journal within the Acad. of Legal Stud. in Bus.).

Protecting Employee Rights and Prosecuting Corporate Crimes: A Proposal for Criminal Cumis Counsel (with Richard O. Parry), *10 BERKELEY BUS. L.J.* 1, 115 (2013) (#1 business law journal by 2011 impact statistics when submitting in 2012).

- Winner: Distinguished Proceedings Paper, 2013 Acad. of Legal Stud. in Bus.

Federal Courts—Proposed Changes to the Ninth Circuit and the Federal Courts of Appeals—Final Report of the Commission on Structural Alternatives for the Federal Courts of Appeals; and S. 253, the Ninth Circuit Reorganization Act, *113 HARV. L. REV.* 3, 822 (2000) (#1 all-subject law journal by impact statistics when data available in 2003).

- Initiated public exchange of articles with the Chief Judge of the U.S. Court of Appeals for the Ninth Circuit over the future of the Circuit: Procter Hug, Jr. & Carl Tobias, *A Preferable Approach for the Ninth Circuit*, *88 CALIF. L. REV.* 1657, 1657 et seq. (2000); *see also* Carl Tobias, *Commentary: The Next Step for the Ninth Circuit*, *73 S. CAL. L. REV.* 1407, 1407 et seq. (2000). Additionally cited in discussion of the U.S. Court of Appeals for the Fourth Circuit: Carl Tobias, *Article: A Fourth Circuit Photograph*, *45 WAKE FOREST L. REV.* 1373, 1375 (2010).

ACADEMIC EXPERIENCE

Advisor, Stanford University, Graduate School of Business, Center for Entrepreneurial Studies, Stanford, CA.

Presented series of workshops for MBA and graduate students. Topics included “*How to Use Your Lawyer for Your Best Value as a Start-up*” and “*Practical Tips for Negotiating Start-up Financing Events: Angel Investors and VC Term Sheets.*” Performance rating “phenomenal.” 2013–2017.

Faculty Mentor, The University of California at Berkeley, The Haas Business School, Berkeley, CA.

Mentored MBA students in the *New Venture Finance* class. 100% “rehire” reviews. 2013.

Adjunct Professor, California State University at Fullerton, The Mihaylo College of Business and Economics, Fullerton, CA.

Taught classes *Business and Its Legal Environment* and *Commercial Law* (undergraduate students). Participated in curriculum design for the fourth-largest business school in the country. Performance review summary: “very knowledgeable, well-prepared, organized, enthusiastic, interactive, and highly engaging.” 2011–2012.

Adjunct Professor, Claremont Graduate University, The Peter F. Drucker and Masatoshi Ito Graduate School of Management, Claremont, CA.

Taught class *Business Law & Ethics* (MBA and Executive MBA students). Focus of the class was on keeping practicing business people out of legal trouble. 95% of students would take another class with professor. Invited to teach extended versions of class for each program. 2010.

Instructor, Western State Colorado University, Gunnison, CO.

Taught class *Your Civil Rights: Street Law for Adults* (undergrad. and graduate students, cross-listed in Political Science and Extended Studies departments). Focus of the class was on criminal procedure, criminal law, and civil rights. Straight "A"s in all 8 evaluation categories. 100% of respondents would take another class with instructor. 2008.

PROFESSIONAL LEGAL EXPERIENCE

Business Owner, Josephine Sandler Nelson, LLC, and previous forms.

Owner of own consulting firm that provides contract business advising and select legal guidance to entrepreneurs, start-ups, and professional services firms. 2006–present.

Business Litigation, Brownstein, Hyatt & Farber, P.C., Denver, CO.

Litigation associate in contract, antitrust, and white collar defense cases representing clients in court proceedings and arbitrations. Significant appellate work in commercial fraud and services cases. Clients included telecommunications companies and real estate entities. 2005–2006.

Prosecutor, District Attorney's Office, Denver, CO.

Deputy District Attorney assigned to County Court to prosecute a range of offenses from third-degree assaults, to child abuse, and sex crimes. Focused on domestic violence cases. Worked to develop victims' testimony and to bring difficult domestic violence cases to trial. Tried nine solo cases to juries with a 90% conviction rate. Shepherded more than 1,000 cases to resolution. 2005.

Federal Appellate Court, The Hon. David M. Ebel & Staff Counsel, U.S. Court of Appeals for the Tenth Circuit, Denver, CO.

Bench clerk preparing legal analysis and bench memoranda on issues before the federal appellate court, including jurisdictional questions, habeas corpus, criminal sentencing, and white collar crime. Hired after initial clerkship with the Honorable David M. Ebel to work for all 21 judges on the Tenth Circuit as staff counsel. 2002–2004.

Federal District Court, The Hon. William H. Yohn, Jr., E.D. of Penn., Philadelphia, PA.

Bench clerk preparing legal analysis and bench memoranda on issues before the federal trial court, including commercial fraud, organized crime cases, and challenges to application of the death penalty. 2001–2002.

International Business Litigation, Powell, Goldstein, Frazer & Murphy, LLP, Wash., D.C.2000.

PROFESSIONAL NON-LEGAL EXPERIENCE

Public Finance Analyst, Public Financial Management, Inc., Philadelphia, PA.

Conducted strategic consulting and privatization projects to rescue distressed cities. Sized and structured over \$1.5 billion in bonds for clients in coordination with investment banks. 1996–1998.

ADDITIONAL PUBLICATIONS

Shorter Works

[Notes on the Origin of “The Normalization of Corruption”](https://managementink.wordpress.com/2016/12/07/notes-on-the-origin-of-the-normalization-of-corruption), MANAGEMENT INK (Dec. 7, 2016), <https://managementink.wordpress.com/2016/12/07/notes-on-the-origin-of-the-normalization-of-corruption>.

[The Normalization of Corruption and Wells Fargo’s 2 Million False Accounts](https://managementink.wordpress.com/2016/12/05/the-normalization-of-corruption-and-wells-fargos-2-million-false-accounts), MANAGEMENT INK (Dec. 5, 2016), <https://managementink.wordpress.com/2016/12/05/the-normalization-of-corruption-and-wells-fargos-2-million-false-accounts>.

[Fumigating the Criminal Bug: New Research on the Insulation of Volkswagen’s Middle Management](https://www.law.ox.ac.uk/business-law-blog/blog/2016/05/fumigating-criminal-bug-new-research-insulation-volkswagen-s-middle), OXFORD BUSINESS LAW BLOG (May 5, 2016), <https://www.law.ox.ac.uk/business-law-blog/blog/2016/05/fumigating-criminal-bug-new-research-insulation-volkswagen-s-middle> (article selected as best new research and post solicited by special request).

- Reposted by the peer editors of the Law Professor Blogs Network as [Josephine Sandler Nelson on Volkswagen](http://lawprofessors.typepad.com/business_law/2016/05/josephine-sandler-nelson-on-volkswagen), BUS. L. PROF. BLOG (May 9, 2016), http://lawprofessors.typepad.com/business_law/2016/05/josephine-sandler-nelson-on-volkswagen.html.

[The Ethical Slide, Train Tickets, and Helping the Next Generation of Corporate Leaders to Choose Differently](http://www.theconglomerate.org/2015/01/the-ethical-slide-train-tickets-and-helping-next-generation-of-corporate-leaders-to-choose-different.html), THE CONGLOMERATE: BUSINESS, LAW, ECONOMICS & SOCIETY [hereinafter THE CONGLOMERATE] (January 30, 2015), <http://www.theconglomerate.org/2015/01/the-ethical-slide-train-tickets-and-helping-next-generation-of-corporate-leaders-to-choose-different.html> (a top business law professor website).

[The Intracorporate Conspiracy Doctrine and D&O Litigation Incentives](http://www.theconglomerate.org/2015/01/the-intracorporate-conspiracy-doctrine-and-d-o-litigation-incentives.html), THE CONGLOMERATE (Jan. 29, 2015), <http://www.theconglomerate.org/2015/01/the-intracorporate-conspiracy-doctrine-and-d-o-litigation-incentives.html>.

[The Intracorporate Conspiracy Doctrine and CEO Turnover](http://www.theconglomerate.org/2015/01/the-intracorporate-conspiracy-doctrine-and-ceo-turnover.html), THE CONGLOMERATE (Jan. 28, 2015), <http://www.theconglomerate.org/2015/01/the-intracorporate-conspiracy-doctrine-and-ceo-turnover.html>.

[Frustration with the Intracorporate Conspiracy Doctrine Distorts other Areas of Law](http://www.theconglomerate.org/2015/01/frustration-with-the-intracorporate-conspiracy-doctrine-distorts-other-areas-of-law.html), THE CONGLOMERATE (Jan. 27, 2015), <http://www.theconglomerate.org/2015/01/frustration-with-the-intracorporate-conspiracy-doctrine-distorts-other-areas-of-law.html>.

[The Silenced Connecticut Sex-Abuse Case](http://www.theconglomerate.org/2015/01/the-silenced-connecticut-sex-abuse-case.html), THE CONGLOMERATE (Jan. 26, 2015), <http://www.theconglomerate.org/2015/01/the-silenced-connecticut-sex-abuse-case.html>.

[How We Should Have Tried Monsignor Lynn](http://www.theconglomerate.org/2015/01/how-we-should-have-tried-monsignor-lynn.html), THE CONGLOMERATE (Jan. 23, 2015), <http://www.theconglomerate.org/2015/01/how-we-should-have-tried-monsignor-lynn.html>.

[Sex Abuse, Priests, and Corporate Conspiracy](http://www.theconglomerate.org/2015/01/sex-abuse-priests-and-corporate-conspiracy.html), THE CONGLOMERATE (Jan. 22, 2015), <http://www.theconglomerate.org/2015/01/sex-abuse-priests-and-corporate-conspiracy.html>.

[Where are the Prosecutions for Corporate Conspiracy?](http://www.theconglomerate.org/2015/01/where-are-the-prosecutions-for-corporate-conspiracy.html), THE CONGLOMERATE (Jan. 21, 2015), <http://www.theconglomerate.org/2015/01/where-are-the-prosecutions-for-corporate-conspiracy.html>.

[Corporate Conspiracy Charges for the Financial Crisis](http://www.theconglomerate.org/2015/01/corporate-conspiracy-charges-for-the-financial-crisis.html), THE CONGLOMERATE (Jan. 20, 2015), <http://www.theconglomerate.org/2015/01/corporate-conspiracy-charges-for-the-financial-crisis.html>.

[JPMorgan's Witness and the Holes in Corporate Criminal Law](http://www.theconglomerate.org/2015/01/jp-morgans-witness-and-the-holes-in-corporate-criminal-law.html), THE CONGLOMERATE (Jan. 20, 2015), <http://www.theconglomerate.org/2015/01/jp-morgans-witness-and-the-holes-in-corporate-criminal-law.html>.

[The Conflict of Interest Inherent in a Corporation Paying for Its Employee's Counsel: A Better Model for Preventing and Addressing Corporate Crime](http://thenetwork.berkeleylawblogs.org/2013/08/19/the-conflict-of-interest-inherent-in-a-corporation-paying-for-its-employees-counsel-a-better-model-for-preventing-and-addressing-corporate-crime), THE NETWORK: BUSINESS AT BERKELEY LAW (Aug. 19, 2013), <http://thenetwork.berkeleylawblogs.org/2013/08/19/the-conflict-of-interest-inherent-in-a-corporation-paying-for-its-employees-counsel-a-better-model-for-preventing-and-addressing-corporate-crime> (on-line forum for the #1 business law journal by 2011 impact statistics when submitting in 2012).

- [Selected as Lead Article](#) for 6 LSN CORP. L.: CORP. GOVERNANCE L. EJOURNAL 86 (Sept. 2014).
- [Top Ten Download Paper](#) on seven SSRN lists.

Works in Progress

International Law and Enterprise Shells: A Proposal for Corporate Liability Reform. (Currently an article; direct solicitation by German-based Lambert Acad. Pub. to become a book.)

Smothering the Agents: How Supreme Court Majorities and Dissents Misunderstand Corporate Control. (Presented in development, 2016.)

Entrepreneurs and White Collar Crime: Bootstrapping Right into Trouble.

INVITED WORKSHOPS AND SYMPOSIA

Business Law Colloquium, Villanova L. Sch., Villanova, PA. The John. F. Scarpa Center for Law and Entrepreneurship, April 2017.

Huber Hurst Research in Legal Studies and Ethics Seminar (asked back as discussant after presenting).

- [San Francisco, CA](#). One of five scholars asked to serve as an outside discussant and give guidance to participants; the only outside discussant with less than thirty years of experience; three of the five served as presidents of the Academy. Feb. 2016.
- [Warrington Coll. of Bus. Admin., Univ. of FL., Gainesville, FL](#). Invitation from the President of the Academy of Legal Studies in Business; one of six scholars across the country selected to present; specially funded in full. Feb. 2014.

Preventative and Positive Roles of Law Symposium, Ross Sch. of Bus., Univ. of Mich., Ann Arbor, MI. Presented by special invitation; funded in full. July 2015.

Inaugural Normative Bus. Ethics Workshop Series, The Wharton Sch., Univ. of Penn., Phila., PA. Workshop sponsored by the Carol and Lawrence Zicklin Center for Bus. Ethics Research. Presentation specially funded in full. Jan. 2014.

MEDIA

Forbes Magazine, [Uber—A Paradigm Shifting Unicorn: Do The Rules Not Apply?](#), May 11, 2017 (quoted on Uber)

PRESENTATIONS

The Intracorporate Conspiracy Doctrine's Effects on Veil-piercing and Reverse-piercing in U.S. Law
Renmin University of China, Beijing, China, TBA 2016

Entrepreneurship Law Panel
Acad. of Legal Stud. in Bus., San Juan, PR, Aug. 2016 (organizer)

The Criminal Bug: Volkswagen's Middle Management
Acad. of Legal Stud. in Bus., San Juan, PR, Aug. 2016 (development track)

The Normalization of Corruption
Acad. of Legal Stud. in Bus., San Juan, PR, Aug. 2016 (development track)

Smothering the Agents (and former titles)
Acad. of Legal Stud. in Bus., San Juan, PR, Aug. 2016 (development track)

Paper Dragon Thieves (and former titles)
Acad. of Legal Stud. in Bus., San Juan, PR, Aug. 2016 (Bunche Outstanding Int'l Paper Award)
Western Acad. of Legal Stud. in Bus., Monterey, CA, Mar. 2016 (Best Paper)
Acad. of Legal Stud. in Bus., Phila., PA, Aug. 2015 (development track)

The Corporate Conspiracy Vacuum (and former titles)
Acad. of Legal Stud. in Bus., Phila., PA, Aug. 2015 (Outstanding Proceedings Paper)
Western Acad. of Legal Stud. in Bus., Monterey, CA, Mar. 2015
Pac. Southwest Acad. of Legal Stud. in Bus., Palm Springs, CA, Feb. 2014 (Outstanding Paper)
Acad. of Legal Stud. in Bus., Boston, MA, Aug. 2013 (development track)

The Intracorporate Conspiracy Trap (and former titles)
Acad. of Legal Stud. in Bus., Seattle, WA, Aug. 2014
Western Acad. of Legal Stud. in Bus., Monterey, CA, Mar. 2014 (Best Paper)
Pac. Southwest Acad. of Legal Stud. in Bus., Palm Springs, CA, Feb. 2014
Acad. of Legal Stud. in Bus., Boston, MA, Aug. 2013 (development track)

Protecting Employee Rights and Prosecuting Corporate Crimes: A Proposal for Criminal Cumis Counsel

Acad. of Legal Stud. in Bus., Boston, MA, Aug. 2013 (Distinguished Proceedings Paper)

Corporate Governance Panels

Acad. of Legal Stud. in Bus., San Juan, PR, Aug. 2016

Acad. of Legal Stud. in Bus., Phila., PA, Aug. 2015

Business Ethics and the Law Panel

The Southeastern Assoc. of Law Schools, Boca Raton, FL, July 2015

Federal Prosecutions guest lecture to Corp. Gov. students, Scheller Coll. of Bus., GA Inst. of Tech., Atlanta, GA, Mar. 2014 & 2015 (invited back to repeat presentation a second year)

BAR MEMBERSHIPS

Member, District of Columbia Bar (active); California Bar (inactive); Colorado Bar (inactive)

Admitted to practice before the U.S. Supreme Court

PROFESSIONAL MEMBERSHIPS & CONTRIBUTIONS

Peer Reviewer, *American Business Law Journal*

Member, Academy of Legal Studies in Business

Member, Law and Society Association

Member, Business Ethics Partnership, Markkula Center for Applied Ethics, Santa Clara University

By-Invitation Member, The CLUB, Women Leaders in Silicon Valley and the Bay Area