

EMILY R. WINSTON

Associate Professor

University of South Carolina School of Law
1525 Senate Street • Columbia, SC 29208
240-498-1700 • winstone@mailbox.sc.edu

ACADEMIC APPOINTMENTS:

University of South Carolina School of Law, Columbia, SC

Assistant Professor of Law, 2019 – 2024

Associate Professor of Law (with tenure), 2024 – present

Teaching:

Business Associations (fall 2019; spring 2020; fall 2020; spring 2021; fall 2021; spring 2022; fall 2022; fall 2023; fall 2024)

Securities Regulation (spring 2020; fall 2021; spring 2021; spring 2023; fall 2023)

Mergers and Acquisitions (spring 2024)

Seminar: The Social Impact of Business Activity (fall 2020; fall 2022; fall 2024)

Service:

Technology Committee (2019-2020)

Faculty Selection Committee (2020-2021; 2021-2022; 2023-2024)

Faculty Advisory Committee (2022-2023)

Faculty Advisor, South Carolina Journal of International Law and Business (2019-present)

Faculty Advisor, Vis Moot International Commercial Arbitration Team (2021-present)

Order of the Coif Committee (2022-present)

Faculty Senate (2022-present)

Nominated to participate in University Emerging Leaders Program (2024-2025)

NYU School of Law, New York, NY

Jacobson Research Fellow in Law and Business, 2016 – 2019

NYU School of Law Business Law Transactions Clinic, New York, NY

Clinic Fellow and Supervising Attorney, 2014 – 2016

Peking University School of Transnational Law, Shenzhen, Guangdong, China

C.V. Starr Lecturer, 2010 – 2011

PUBLICATIONS AND WORKS IN PROGRESS:

Private Market Wealth (work in progress)

- This work in progress explores the effects of the growth of private capital markets, and the policies that have facilitated that growth, on the distribution of wealth.

Unequal Intermediation [50 J. CORP. L. \(forthcoming, 2025\)](#)

- Building on the foundation laid in *An Unlikely Romance*, this paper explores the relationship between the development of market intermediaries and wealth distribution.

The Limits of Governance (with Cathy Hwang) [47 SEATTLE L. REV. 677 \(2024\)](#)

- Symposium essay comparing intra-corporate and extra-corporate solutions to improving the social and environmental impacts of corporations.

An Unlikely Romance: The United States and Intermediated Markets [58 RICHMOND L. REV. 793 \(2024\)](#)

- Explores the reasons why the United States' securities laws—which were designed to avoid the concentration of economic power in large market intermediaries—nonetheless facilitated the growth of large powerful intermediaries.

Securitization of Coal Plant Retirements: Implications for Just Energy Transitions [33 COLO. ENV'T L. J. 317 \(2022\)](#) (with Ann Eisenberg)

- Examines securitization as a financial tool to finance equitable transitions away from coal powered energy.

Unequal Investment: A Regulatory Case Study [107 CORNELL L. REV. 781 \(2022\)](#)

- Argues that capital markets regulatory decision-making should account for wealth distribution effects but that, as currently framed, it does not.
- Reviewed by Professor James Tierney in JOTWELL

Managerial Fixation and the Limitations of Shareholder Power [71 HASTINGS L. J. 699 \(2020\)](#)

- Questions the ability of shareholders to effectively advocate for the interests of other corporate stakeholders.

Benefit Corporations and the Separation of Benefit and Control, [39 CARDOZO L. REV. 1783 \(2018\)](#)

- Identifies the lack of stakeholder involvement in benefit corporation governance as a key flaw in the design of benefit corporations.

EDUCATION:

The University of Chicago Law School, J.D., 2010

University of Maryland

B.A., Government and Politics, with Honors, 2006

B.A., Economics, 2006

OTHER PROFESSIONAL EXPERIENCE:

Paul Hastings LLP, Associate, 2012 – 2014

Represented corporate clients in finance transactions involving Latin American companies with a focus on securities offerings and bank lending.

Dewey & LeBoeuf LLP, Associate, 2012

Worked in same practice group with which I transitioned to Paul Hastings LLP in May 2012.

American Bar Association Rule of Law Initiative Mexico City, Volunteer/Intern, 2011

PRESENTATIONS:

Private Market Wealth

- Law and Society Annual Meeting (June 2024)
- AALS Financial Regulation Section Mid-Year Meeting, The Wharton School (November 2024)

Can Companies Help? Furthering Racial Equity Through Corporate & Securities Laws and Disclosures

- Panelist, AALS Annual Meeting (January 2024)

The Limits of Governance

- Berle XIV Symposium, USC School of Law (March 2023, my co-author, Cathy Hwang, presented on our behalf)

Unequal Intermediation

- Junior Faculty Business and Financial Law Workshop, UPenn Law (December 2022)
 - Selected as one of eight presenters from over 120 submissions
- Law and Society Annual Meeting (May 2021, July 2022)
- National Business Law Scholars Conference (June 2021, June 2022)
- Richmond Junior Faculty Forum (May 2022)

The Rights and Responsibilities of Shareholders

- Presentation to shareholders' meeting of American Forest Management, Inc. (Feb. 2021)

Unequal Investment (presented under various titles)

- AALS New Voices in Securities Regulation (January 2021) (Invited)
- Vulnerability and Corporate Subjectivity Workshop, Emory School of Law (October 2020) (Invited)
- National Business Law Scholars Conference, Berkeley School of Law (June 2020) (Presented under alternate title)

Managerial Fixation and the Limitations of Shareholder Power (presented under various titles)

- Global Business and Human Rights Scholars Association, Annual Meeting, NYU Stern School of Business (September 2018)
- Guest Lecturer, Seminar on Global Business Regulation, Rutgers Law School (September 2018)
- National Business Law Scholars Conference, University of Georgia School of Law (June 2018)
- Law and Society Association Annual Meeting, Toronto, Canada (June 2018)
- NYU Scholarship Clinic, New York University School of Law (April 2018)
- Rocky Mountain Junior Scholars Forum, Brigham Young University J. Reuben Clark Law School (November 2017)

Benefit Corporations and the Separation of Benefit and Control

- NYU Lawyering Scholarship Colloquium, New York University School of Law (January 2017)
- National Business Law Scholars Conference, University of Utah S.J. Quinney College of Law (June 2017)