

Dana M. Muir
Stephen M. Ross School of Business
Ann Arbor, Michigan 48109
(734) 763-3091

EDUCATION

The University of Michigan Law School
J.D. magna cum laude, May 1990; G.P.A.: 4.01; class rank 2/400

The University of Detroit
M.B.A., December 1980

The University of Michigan
A.B. with distinction, December 1978

PROFESSIONAL APPOINTMENTS - ACADEMIC

	Stephen M. Ross School of Business, University of Michigan, Ann Arbor, MI
2008-current	Arthur F. Thurnau Professor of Business Law
2005 – 2008	Professor of Business Law
1999 - 2005	Associate Professor of Business Law
2003 – 2004	Louis and Myrtle Moskowitz Research Professor of Business and Law
2003 - 2004	Fellow, CIC Academic Leadership Program
1997 - 1998	Sanford R. Robertson Assistant Professor of Business Administration
1993 - 1998	Assistant Professor of Business Law
2011 – current	Member, Center for Research on Learning and Teaching, University of Michigan, Advisory Board
2007 – current	Editor-in-Chief, Annual Supplement, EMPLOYEE BENEFITS LAW
5/2009-6/2009	Parsons Visiting Scholar, University of Sydney Law School, Australia
3/2009-5/2009	Visiting Scholar, Workplace and Corporate Law Research Group, Monash University, Australia
F2002, W2001 F1997	University of Michigan Law School Visiting Professor of Law
Fall 1998	University of Iowa Law School, Iowa City, IA Visiting Associate Professor of Law

GOVERNMENT SERVICE

- 2008 – 2011 Member, U.S. Pension Benefit Guaranty Corporation, Advisory Committee
- 2002 - 2004 Member, U.S. Department of Labor Advisory Council on Pension and Welfare Benefits
- Fall 2000 United States Congress
 Congressional Fellow

ARTICLES, BOOKS, & BOOK CHAPTERS

Building Value in the Australian Defined Contribution System: A Values Perspective, Comparative Labor Law and Policy Review (2011).

Imagining the Ideal Pension System: International Perspectives. (2011 W.E. Upjohn Institute for Employment Research) (with J. Turner, co-editor). Including chapters:
--*Imagining the Ideal U.S. Pension System* (with J. Turner); chapter in: *Imagining the Ideal Pension System: International Perspectives*, 19-43. (2011 W.E. Upjohn Institute for Employment Research).

--*Constructing the Ideal Pension System: Cross-Country Perspectives of Eleven Authors* (with J. Turner); chapter in: *Imagining the Ideal Pension System: International Perspectives*, 1-17. (2011 W.E. Upjohn Institute for Employment Research).

The Effect of the Financial Crisis on U.S. Pensions – A Perspective on Financial Services Regulatory Reform in Protecting Pension Rights in the Economic Crisis, 123-148 (Intersentia 2011).

2010 Supplement to Employee Benefits Law (Editor-in-Chief of 1,880+ pp. annual supplement) (BNA 2010).

Justice Sotomayor on the Supreme Court: A Boon for Business?, *Virginia Law and Business Review* (2009) (lead article; with D. Baumer, S. Greene, G. Mark & R. Thomas).

The Proliferation of Individual Pension Account Options: A Challenge for Institutional Oversight in Personal Choice in Provision of Retirement Income: Meeting the Needs of Older People, 229-249 (Edward Elgar 2009).

2009 Supplement to Employee Benefits Law (Editor-in-Chief of 1811 pp. annual supplement) (BNA 2009).

Fiduciary Constraints: Correlating Liability with Responsibility, 42 WAKE FOREST LAW REVIEW 697-747 (2007) (with Cindy A. Schipani), *reprinted in* 49 CORPORATE PRACTICE COMMENTATOR 937-990 (2008).

2008 Supplement to Employee Benefits Law (Editor-in-Chief of 1518 pp. annual supplement) (BNA 2008).

Longevity and Retirement Age in Defined Benefit Pension Plans in Work Options for Mature Americans, 212-31 (University of Notre Dame Press, 2007) (co-authored with J. Turner).

The Use of Efficient Market Hypothesis: Beyond SOX, 105 MICHIGAN LAW REVIEW 1941-1980 (2007) (with Cindy A. Schipani).

Review of James A. Wooten, The Employee Retirement Income Security Act of 1974: A Political History, 32.4 Journal of Health Politics, Policy and Law (Duke University Press) 737- 740 (2007).

The Challenge of Company Stock Transactions for Directors' Duties of Loyalty, 43 HARVARD JOURNAL OF LEGISLATION 437- 85 (2006) (with Cindy Schipani).

The U.S. Culture of Employee Ownership and 401(k) Plans, 14 UNIVERSITY OF ILLINOIS ELDER LAW JOURNAL 1-33 (2006) (lead article).

New Standards of Director Loyalty and Care in the Post-Enron Era: Are Some Shareholders More Equal than Others?, 8 NEW YORK UNIVERSITY JOURNAL OF LEGISLATION AND POLICY 279-358 (2005) (with Cindy Schipani).

ERISA and Investment Issues, 65 OHIO STATE LAW REVIEW 199-248 (2004).

Counting the Cash: Disclosure and Cash Balance Plans? 37 JOHN MARSHALL LAW REVIEW 849-902 (2004).

Groundings of Voice in Employee Rights, 36 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 485-525 (2003).

A Manager's Guide to Employment Law: How to Protect Your Company and Yourself (Jossey Bass 2003).

The Dichotomy Between Investment Advice and Investment Education: Is No Advice Really the Best Advice? 23 BERKLEY JOURNAL OF EMPLOYMENT AND LABOR LAW 1 (2002) (lead article).

The Future of Fiduciary Issues in Employee Benefit Plans, 5 EMPLOYEE RIGHTS & EMP. 5 POL'Y J. 369-377 (2001).

"Fiduciary Status as an Employer's Shield: The Perversity of ERISA Fiduciary Law" 2 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LABOR AND EMPLOYMENT LAW 391-462 (2000).

"From YUPPIES to GUPPIES: Unfunded Mandates and Benefit Plan Regulation" 34 UNIVERSITY OF GEORGIA LAW REVIEW 195-289 (Fall 1999).

"The Plan Amendment Trilogy: Settling the Scope of the Settlor Doctrine" 15 THE LABOR LAWYER 205 (Fall 1999).

"Truth or Consequences: Varsity v. Howe and Beyond," 13 THE LABOR LAWYER 411-28 (Winter/Spring 1998) (lead article).

"Contemporary Social Policy Analysis and Employee Benefit Programs: Boomers, Benefits, and Bargains," 54 WASHINGTON & LEE LAW REVIEW 1351-1418 (1997) (lead article in issue).

"The Intersection of State Corporation Law and Employee Compensation Programs: Is it Curtains for Veil Piercing?," 1996 ILLINOIS LAW REVIEW 1059-1127 (with Cindy A. Schipani).

"ERISA Remedies: Chimera or Congressional Compromise?," 81 IOWA LAW REVIEW 1-53 (1995) (lead article) (cited by the U.S. Supreme Court in *Great-West Life & Annuity Ins. Co. v. Knudson*, 534 U.S. 204 (2002)).

"Plant Closings and ERISA's Noninterference Provision," 36 BOSTON COLLEGE LAW REVIEW 201-55 (1995) (lead article in annual employment law issue).

"Changing the Rules of the Game: Pension Plan Terminations and Early Retirement Benefits," 87 MICHIGAN LAW REVIEW 1034-72 (1989).

WORK IN PROGRESS

The Market for Financial Advisers (with J. Turner) (completed paper; accepted for presentation at 2012 Symposium of the Wharton Pension Research Council on The Market for Financial Advice, May 3-4, 2012).

Default Settings in Defined Contribution Plans – A Comparative Approach to Fiduciary Obligation and the Role of Markets (working paper available on SSRN at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1983945) (completed paper; accepted for presentation at Employee Benefits in an Era of Retrenchment, Washington University

Law School, March 29, 2012.)

Safe Harbor Automated Retirement Products (SHARPs) for 401(k)s: The Right Fiduciaries, Not Just More Fiduciaries (in process).

2012 Supplement to Employee Benefits Law (Editor-in-Chief) (BNA) (in process).

Third Edition, Employee Benefits Law (eds. J. Lewis, M. Rumeld, I. Berio-LeBeau) (D. Muir & others Senior Editors) (BNA). Expected forthcoming in first half of 2012 but one chapter remains to be submitted).

CONFERENCES ORGANIZED

2010 International Conference of the European Network for Research on Supplementary Pensions (ENRSP) (co-organizer with J. Turner).

-Topic: Constructing the Ideal Pension System

-Participants: Invitation only. Attendees included ENRSP members from eleven countries, policymakers (U.S. Social Security Administration), scholars (Johns Hopkins, Catholic University, etc.), industry (IBIS Advisors, a conference co-sponsor), and various interest groups (Economic Policy Institute, EBRI, AARP, Pension Rights Center, etc.).

-Publication: *Imagining the Ideal Pension System: International Perspectives*. (2011 W.E. Upjohn Institute for Employment Research) (with J. Turner, co-editor).

OTHER PUBLICATIONS AND WRITINGS

Constructing the Ideal Pension System: The Visions of Nine Country Experts, Benefits Quarterly (2011) (with J. Turner).

The Supreme Court's "Under the Radar" Fiduciary Decision, ABA Employee Benefits Committee Newsletter (July 2011).

Legislation Pending on Investment Advice to 401k Account Clients, Bank Accounting & Finance Journal (Oct.-Nov. 2009).

Co-Reporter, United States, *Complementary & Private Pensions Throughout the World 2009*, Organization for Economic Cooperation & Development (2008) (with John Turner).

The Honorable Sonia Sotomayor and ERISA, ABA Employee Benefits Committee Newsletter (July 2009).

Regulatory Reform in the Financial Services Sector: A Pension Lawyer's Perspective,

ABA Labor and Employment Section Newsletter (Jan. 2009)

The Market Meltdown and Regulation of Employee Benefit Plans, ABA Employee Benefits Committee Newsletter (Nov. 2008).

Co-Reporter, United States, *Complementary & Private Pensions Throughout the World 2007*, Organization for Economic Cooperation & Development (2008) (with John Turner).

Default Investments and Account Fees: Another Approach, ABA Employee Benefits Committee Newsletter (Winter 2007).

The Direction of Directed Trustee Liability Under ERISA, 35 ABA Labor & Employment Law Newsletter (Winter 2007).

Co-Reporter, United States, *Complementary & Private Pensions Throughout the World 2005*, Organization for Economic Cooperation & Development (2006) (with John Turner).

Employee Benefits Law (2nd Ed.), 2005 Cumulative Supplements (Senior Associate Editor until December 2005).

Employee Benefits Law (2nd Ed.), 2003 & 2004 Cumulative Supplements (contributing editor).

Amicus Brief in Julio Arana v. Ochsner Health Plan of Louisiana, filed at the request of the Fifth Circuit Court of Appeals, April 2003 (with Edward H. Cooper) (cited in *en banc* decision: *Arana v. Ochsner Health Plan*, No. 01-30922, 2003 U.S. App. LEXIS 13918 at *7 n.6 (5th Cir. July 10, 2003)).

Comment Letter of Dana M. Muir Regarding the Proposed Rules pursuant to Section 307 of the Sarbanes-Oxley Act of 2002, filed with the Securities & Exchange Commission, available at: <http://www.sec.gov/rules/proposed/s74502/dmmuir1.htm>, December 18, 2002.

Sarbanes-Oxley §307: No Mandated Disclosure of ERISA Fiduciary Breaches?, Vol. 02, No. 233, BNA Pension & Benefits Daily, Dec. 5, 2002; republished in BNA Pension & Benefits Reporter, p. 3196-3198 (2002).

Appropriate Equitable Relief after Great-West v. Knudson, Employee Benefits Committee Newsletter, ABA, Fall 2002.

Contingent Workers, ELEVENTH ANNUAL NATIONAL INSTITUTE ON ERISA LITIGATION (ABA) L-1 - L-25 (2001) (with Peter O. Shinevar).

ERISA Remedies and Removal, 2 FIFTEENTH ANNUAL NATIONAL INSTITUTE ON ERISA

BASICS (ABA) N-1 - N-38 (2001) (with David M. Cook).

How About Détente?: The Time Has Come For a Voluntary Fiduciary Resolution Program, 26 PENSION & BENEFITS REPORTER (1999) (with Frank H. Hoffman).

Curtiss-Wright v. Schoonejongen, 2 EMPLOYMENT AND LABOR LAW QUARTERLY 34-35 (1995).

PRESENTATIONS, TESTIMONY AND WORKING GROUPS (last 3 years)

“International Pension Trends.” Presented at the 2011 Members’ Conference, Institute for Law and the Workplace. Chicago, Illinois. October 13, 2011.

“Limiting Pension Risk in the U.S. through Guarantees and Regulation.” Presented at the 2011 meeting of the European Network of Research on Supplementary Pensions. Muenster, Germany. October 7, 2011 (with John Turner).

“Building Value in the Australian Defined Contribution System: A Values Perspective,” presented at the annual meeting of the Association of American Law Schools, January 7, 2011.

Co-Chaired 2010 meeting of the European Network of Research on Supplementary Pensions. Topic: Imagining the Ideal Pension System: A Cross-Country Comparison of Goals and Approaches. Washington D.C. September 10, 2010. (with John Turner).

“The Ideal U.S. Pension System.” Presented at the 2010 meeting of the European Network of Research on Supplementary Pensions. Washington D.C. September 10, 2010 (with John Turner).

“Investment Advice: A Step Backward,” presented at the annual meeting of the Tri-State Academy of Legal Studies in Business, October 9, 2009.

Led Summer Editorial and Editing Meeting of the Senior Editors, Employee Benefits Law Treatise, Aug. 7-10, 2009.

“Judge Sonia Sotomayor’s Second Circuit Opinions: Analysis and Forecasting,” developed, moderated and presented on panel at the annual meeting of the Academy of Legal Studies in Business, August 5, 2009.

“The 2008 Financial Crisis and Pensions – A Comparative Perspective,” presented at the annual meeting of the Academy of Legal Studies in Business, August 5, 2009.

Executive Roundtable on the Future of Retirement, sponsored by Society for Human Resource Management, Washington D.C., July 24, 2009.

“The Effect of the Financial Crisis on U.S. Pensions – A Perspective on Financial Services Regulatory Reform,” presented at the annual meeting of the European Network for Research on Supplementary Pensions, Leuven, Belgium, June 19, 2009.
Pension Benefit Guaranty Corporation, Conversations on Coverage, Meetings January and June 2009.

“The Effect of the Financial Crisis on U.S. Pensions – A Perspective on Financial Services Regulatory Reform”

Presented at: Monash University Law School, May 12, 2009
University of Sydney Law School, May 25, 2009
University of Western Sydney Law School, June 3, 2009

“Fiduciary Constraints: Correlating Obligation with Liability” The Duties of a Modern Corporate Executive, Department of Business Law & Taxation, Monash University, April 1, 2009 (written with Cindy A. Schipani).

Led Winter Editorial Meeting of the Senior Editors, Employee Benefits Law Treatise, Feb. 20, 2009.

PROFESSIONAL ASSOCIATION APPOINTMENTS AND ACTIVITIES AND SERVICE (last 3 years)

Activities related to University outreach:

Wolverine Express – day long outreach at Port Huron High School, Oct. 2011
Wolverine Express – day long outreach at Benton Harbor High School, Feb. 2010
Wolverine Express – meet with Benton Harbor students matriculating at Michigan, June, 2010

Member, Google Faculty Learning Committee, CRLT, 2011-2012. (University level committee charged with identifying and documenting best practices for teaching and learning using these Google collaboration tools)

Member, Executive Committee, 2011-2012; 2007-2008

Member, Community Values Committee, Fall 2011

Core Course Coordinator, MBA and BBA, LHC, 2009-2012

Co-editor, American Bar Association’s Employee Benefits Committee Newsletter, 2007-current (quarterly newsletter distributed to all members of Labor and Employment Law section of the ABA)

Member, Research Committee, Ross School of Business, 2009-2011, 2005-2007

Member, Thurnau Professor Selection Committee. 2010

Member, Selection Committee for University of Michigan Candidates for national Professor of the Year award. 2010

Faculty Advisor, BBA Law Group, 2009-2010

Admitted to practice law in Michigan and Illinois

RECOGNITION, AWARDS AND HONORS

Fellow, American College of Employee Benefits Counsel, inducted 2011.

Arthur F. Thurnau Professor, awarded 2008.

2005 Outstanding Proceedings Paper Award, Academy of Legal Studies in Business for "Directors' Duties of Loyalty: Is It Still a Matter of Honor?" (with Cindy A. Schipani)

2004 Outstanding Proceedings Paper Award, Academy of Legal Studies in Business for "Corporate Governance and Fiduciary Obligation: Do the Two Coincide in the Post-Enron Environment?" (with Cindy A. Schipani)

2001 Distinguished Proceedings Paper Award, Academy of Legal Studies in Business for "The Case for Investment Advice."

1999 Outstanding Proceedings Paper Award, Tri-State Academy of Legal Studies in Business for "Untangling the Plan Amendment Trilogy: Balancing the Settlor Doctrine and the Duty of Impartiality."

1997 Junior Faculty Award of Excellence, Academy of Legal Studies in Business

1997-98 Sanford R. Robertson Assistant Professor of Business Law

1997 Distinguished Proceedings Paper Award, Academy of Legal Studies in Business for "Solving the Benefit Crisis of the Baby Boomers: An Interest Analysis Approach."

1996 Distinguished Proceedings Paper Award, Academy of Legal Studies in Business for "Ruffling a Few Feathers: The Peacock Decision and Its Effect on Piercing the Corporate Veil," (with Cindy A. Schipani) .

1995 Outstanding Proceedings Paper Award, Tri-State Academy of Legal Studies in Business for "Federal Pension Policy: Should Crime Pay?"

1995 Outstanding Proceedings Paper Award, Academy of Legal Studies in Business for "Fiduciary Claims Under ERISA -- Rights Without Recompense?"

1995 Distinguished Paper Award, Midwest Academy of Legal Studies for "Remedies After Mertens v. Hewitt Associates for Violations of ERISA Section 510."

1994 Outstanding Proceedings Paper Award Runner-up, Tri-State Academy of Legal Studies in Business for "Do Health Care Providers Have a Remedy for Inaccurate Insurance Verifications?"

Order of the Coif

PROFESSIONAL APPOINTMENTS – BUSINESS

2011-current	Proprietor, Muir Fiduciary Services, LLC, Ann Arbor, MI
2010-2011	Expert Witness, Fiduciary Obligation, Investment Policy Statement, Collateralized Mortgage Obligations
12/2003 – 5/2009	Member, Board of Trustees, The Aerospace Corporation Chair, Compensation and Personnel Committee, 2007 Member, Executive Committee, 2007 Security Clearances: Top secret, SCI
1992 - 1993	Dykema Gossett, Bloomfield Hills, MI Associate
1990 - 1992	Winston & Strawn, Chicago, IL Associate
1979 - 1987	Chrysler Financial Corporation, Troy, MI Chrysler Corporation, Highland Park, MI Human Resources Specialist - Held positions in compensation and benefits, employment and placement, and union relations

COURSES TAUGHT

Legal Issues in Managing Your Workforce (graduate business school course focusing on employment issues of relevance to managers, including hiring, firing, nondiscrimination requirements, privacy, benefits, labor relations, and references)

Securities Law (graduate business school course I developed which covers registration, exemptions, fraud, insider trading, etc.)

Law of Enterprise Organization (graduate and undergraduate business school courses focusing on partnership, corporations, U.C.C., and securities law)

Legal Environment of Business (undergraduate business course focusing on contracts, torts, and constitutional law)

Employee Benefits Law (law school course I developed which concentrates in depth on issues in employer-sponsored employee benefit plans)

Executive Education programs on law related to investor relations, managing a workforce and employee benefits for domestic and William Davidson Institute programs