

Mercer Bullard

Selected Publications

The United States of America: Shifting Conduct Standards for Retail Investment Advice, In Financial Advice and Investor Protection (ed. Sandra Boysen) (2021)

Crowdfunding's Culture of Noncompliance: An Empirical Analysis, 24 Lewis & Clark L. Rev. 899 (2020) (discussed in Mark Stricherz, Federal crowdfunding program has 'culture of non-compliance,' review finds, CQ Roll Call (Oct. 3, 2019); David Nicklaus, SEC Should Improve Compliance Before Expanding Crowdfunding, St. Louis Dispatch (Sep. 29, 2019))

Shifting U.S. Conduct Standards for Retail Investment Advice: The Rise and Fall of the Mutual Fund Brand, in Elgar Handbook on Mutual Funds (ed. William Birdthistle) (Elgar 2018)

Mandatory Third-Party Compliance Examinations for Investment Advisers: An SEC Waterloo? 11 Brooklyn J. Corp., Fin. & Comm. L. (Fall 2016)

The Fiduciary Standard: A Predicate for Prudent Advice, in Exploring Advice: What You Need to Know About Good Financial Advice, a Quality Financial Plan and the Role of a Fiduciary (ed, Kevin Knull) (2016)

Insider Trading in a Mannean Marketplace, 88 Temple L. Rev. 223 (2016) (reprinted in 2016 Securities Law Review)

The Social Costs of Choice, Free Market Ideology and the Empirical Consequences of the 401(k) Plan Large Menu Defense, 20 Conn. Ins. L. J. 335 (2013 - 14)

The Fiduciary Study: It's Not What It Is, But How It's Made, Measured, and Decided, 87 St. John's L. Rev. 337 (2013)

Précis: Trading Fridays? Enhancing Insider Trading Enforcement through Time Interval Auctions (July 28, 2014) (presented at SEALS 2014)

Précis: Rich States, Poor States: The Disparate Impact of BAPCPA on High- and Low-Median Income State Residents (with Nathan Simpson) (<http://ssrn.com/abstract=2470255>) (July 22, 2014)

Précis: On Regulating Investors: The JOBS Act and the Accredited Investor Standard (presented at SEALS 2013) (July 2013) (<http://ssrn.com/abstract=2468031>) (cited in Jason Zweig, Do You See Yourself as a Sophisticated Investor? Wall St. J. (July 18, 2014))

Précis: Litigation Equilibrium and the False Empirical Value of Arbitration Outcomes (July 2013) (selected for 2014 AALS Securities Law panel)

The Social Costs of Choice, Free Market Ideology and the Empirical Consequences of the 401(k) Plan Large Menu Defense, 20 Conn. Ins. L. J. 335 (2013 - 2014)

The Fiduciary Standard: It's Not What It Is, But How It's Made, Measured and Decided, 87 St. John's L. Rev. 337 (Spring-Summer 2013)

Caremark's Irrelevance, 10 Berkeley Bus. L. J. 15 (2013)

Protecting Investors – Establishing the Fiduciary Duty Standard, AARP Public Policy Institute (Sep. 2011) *available at* <http://assets.aarp.org/rgcenter/ppi/cons-prot/rr2011-02.pdf>.

The Fiduciary Study: A Triumph of Substance over Form? 30 B.U. Rev. Banking Fin. L. 171 (2011)

Federally-Insured Money Market Funds and Narrow Banks: The Path of Least Insurance (Mar. 2, 2009) *available at* SSRN: <http://ssrn.com/abstract=1351987>

Regulating Hedge Fund Managers: The Investment Company Act as a Regulatory Screen, 13 Stanford J. Law, Bus. & Fin. 286 (2008)

Dura, Loss Causation, and Mutual Funds: A Requiem for Private Claims? 76 Cin. L. Rev. 559 (2008) (cited in *Younger v. Virtus Investment Partners Inc.*, 2016 WL 3647960 *5 (S.D.N.Y. 2016); *In re State Street Bank and Trust Co. Fixed Income Funds Investment Litigation*, 774 F.Supp.2d 584, 594 (S.D.N.Y. 2011))

Investor Timing and Fund Distribution Channels (Dec. 2007) (co-authors: Geoffrey Friesen & Travis Sapp) *available at* SSRN: <http://ssrn.com/abstract=1070545> (cited by DOL Regulatory Impact Analysis, DOL-sponsored Rand Report, Wall Street Journal and more than 15 other publications)

The Costs of Using a Broker to Select Mutual Funds, Institute for Higher Education Law & Governance Monograph Series, University of Houston Law Center (07-03) (co-authored with Edward O'Neal) (cited by Barron's, Bloomberg News, CNN Money and 5 other publications)

U.S. and Chinese Mutual Fund Regulation: A Comparison, appearing in *Diversification and Portfolio Management of Mutual Funds* (ed. Greg Gregoriou, Palgrave MacMillan 2007) (co-authors: Guangxi Jia, Jin Meng & Ji Qi)

The Visible Hand in Government-Sponsored Financial Services: Why States Should Not Sponsor 529 Plans, 74 U. Cin. L. Rev. 1265 (2006)

The Mutual Fund as a Firm: Fund Arbitrage, Frequent Trading and the SEC's Response to the Mutual Fund Scandal, 42 Houston L. Rev. 1271 (2006) (selected for 2005 Yale/Stanford Junior Faculty Forum and reprinted in: 48 Corporate Practice Commentator 413 (2006))

Insider Trading in Mutual Funds, 84 Oregon L. Rev. 821 (2005) (cited in *SEC v. Bauer*, 723 F.3d 758, 769 n. 3 (7th Cir. 2013))

Comments on Martin Lybecker's *Enhanced Corporate Governance*, 83 Wash. U.L.Q. 1095 (2005)

The Mutual Fund Summit: Context and Commentary, 73 Miss. L.J. 1129 (Spring 2004)

The Policy and Regulation of 529 Plan Fee Disclosure, Institute for Higher Education Law & Governance Monograph Series, University of Houston Law Center (05-12)

Section 3(c)(1) in Bloom, 6 Investment Lawyer 1 (May 1999)