

CURRICULUM VITAE

Eric A. Posner

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Professional Experience:

Kirkland & Ellis Professor of Law, University of Chicago (since 2003)
Member, Committee on International Relations, University of Chicago (since 2003)
Editor, *The Journal of Legal Studies* (since 1998)

1998-2002 Professor of Law, University of Chicago
1998 Professor of Law, University of Pennsylvania
Fall 1997 Visiting Assistant Professor of Law, University of Chicago
1993-1998 Assistant Professor of Law, University of Pennsylvania
1992-1993 Attorney Adviser, Office of Legal Counsel, U.S. Department of Justice
1991-1992 Law Clerk, Judge Stephen F. Williams, U.S. Court of Appeals, D.C. Circuit

Books:

Law and Social Norms: Harvard University Press (2000)
Japanese edition (Bokutakusha, 2002)
Chinese edition (China University of Political Science and Law Publishing House, 2005)
Taiwanese edition (Angle Publishing Company, 2006)

Chicago Lectures in Law and Economics (editor): Foundation Press (2000)

Cost-Benefit Analysis: Legal, Philosophical, and Economic Perspectives (editor, with Matthew Adler):
University of Chicago Press (2001)

The Limits of International Law (with Jack Goldsmith): Oxford University Press (2005)

New Foundations of Cost-Benefit Analysis (with Matthew Adler): Harvard University Press (2006)

Terror in the Balance: Security, Liberty and the Courts (with Adrian Vermeule): Oxford University Press
(2007)

Social Norms, Nonlegal Sanctions, and the Law (editor): Edward Elgar (2007)

Articles and Book Chapters:

Contract Law in the Welfare State: A Defense of Usury Laws, the Unconscionability Doctrine, and Related
Limitations on the Freedom to Contract, 24 *J. Legal Stud.* 283 (1995)

The Regulation of Groups: The Influence of Legal and Nonlegal Sanctions on Collective Action, 63 *U. Chi.
L. Rev.* 133 (1996)

Law, Economics, and Inefficient Norms, 144 *U. Pa. L. Rev.* 1697 (1996)

The Legal Regulation of Religious Groups, 2 *Legal Theory* 33 (1996)

Altruism, Status, and Trust in the Law of Gifts and Gratuitous Promises, 1997 *Wisc. L. Rev.* 567 (1997)

The Political Economy of the Bankruptcy Reform Act of 1978, 96 *Mich. L. Rev.* 47 (1997) (reprinted in part in *Bankruptcy Anthology* (Charles J. Tabb ed. 2001))

The Parol Evidence Rule, the Plain Meaning Rule, and the Principles of Contractual Interpretation, 146 *U. Pa. L. Rev.* 533 (1998)

Symbols, Signals, and Social Norms in Politics and the Law, 27 *J. Legal Stud.* 765 (1998) (reprinted in *Law and Economics* (Nicholas Mercuro ed., forthcoming 2007))

The Strategic Basis of Principled Behavior: A Critique of the Incommensurability Thesis, 146 *U. Pa. L. Rev.* 1185 (1998)

The Demand for Human Cloning, in *Clones and Clones: Facts and Fantasies About Human Cloning* (Martha C. Nussbaum and Cass R. Sunstein, eds.): W.W. Norton (1998) (with Richard A. Posner) (Reprinted, with a postscript, in 27 *Hofstra L. Rev.* 579 (1999))

A Positive Theory of Chapter 11, 74 *NYU Law Rev.* 161 (1999) (with Kevin A. Kordana)

The Decline of Formality in Contract Law, in *The Fall and Rise of Freedom of Contract* (Frank Buckley, ed.): Duke University Press (1999)

Family Law and Social Norms, in *The Fall and Rise of Freedom of Contract* (Frank Buckley, ed.): Duke University Press (1999)

Shaming White Collar Criminals under the Federal Sentencing Guidelines, 42 *J. Law & Econ.* 365 (1999) (With Dan M. Kahan)

Arbitration and the Harmonization of International Commercial Law: A Defense of *Mitsubishi*, 39 *Va. J. Intern'l Law* 647 (1999)

Should Debtors Be Forced into Chapter 13?, 32 *Loyola of Los Angeles L. Rev.* 965 (1999)

A Theory of Customary International Law, 66 *U. Chi. L. Rev.* 1113 (1999) (with Jack L. Goldsmith)

Rethinking Cost-Benefit Analysis, 109 *Yale L.J.* 165 (1999) (with Matthew Adler) (Reprinted in part in *Jurisprudence: Contemporary Readings, Narratives, and Problems* (Robert Hayman et al., ed., 2d ed. 2002))

Contract Remedies: Foreseeability, Precaution, Causation, and Mitigation, in *The Encyclopedia of Law and Economics* (Boudewijn Bouckaert and Gerrit De Geest, eds.): Edward Elgar (2000)

A Theory of Contract Law Under Conditions of Radical Judicial Error, 94 *Nw. U. L. Rev.* 749 (2000)

Understanding the Resemblance Between Modern and Traditional Customary International Law, 40 *Va. J. Int'l Law* 639 (2000) (with Jack L. Goldsmith)

Implementing Cost-Benefit Analysis When Preferences Are Distorted, 29 *J. Legal Stud.* 1105 (2000) (with Matthew Adler)

Introduction to the Conference on Cost-Benefit Analysis, 29 *J. Legal Stud.* 837 (2000) (with Matthew Adler)

Agency Models in Law and Economics, in *Chicago Lectures in Law and Economic* (Eric A. Posner ed.,

2000), reprinted in *Game Theory and the Law* (Eric B. Rasmussen ed., 2007)

The Design and Interpretation of Contracts: Why Complexity Matters, 95 Nw. U.L. Rev. 91 (2000) (with Karen Eggleston and Richard Zeckhauser)

Law and Social Norms: The Case of Tax Compliance, 86 Va. L. Rev. 1781 (2000)

Cost-Benefit Analysis as a Solution to a Principal-Agent Problem, 53 Admin. L. Rev. 289 (2001)

Law and the Emotions, 89 Georgetown L.J. 1977 (2001)

Controlling Agencies with Cost-Benefit Analysis: A Positive Political Theory Perspective, 68 U. Chi. L. Rev. 1137 (2001)

The Law and Economics of Consumer Finance, 4 Amer. Law & Econ. Rev. 162 (2002) (with Richard Hynes)

Legislative Entrenchment: A Reappraisal, 111 Yale L.J. 1665 (2002) (with Adrian Vermeule)

Fear and the Regulatory Model of Counterterrorism, 25 Harv. J.L. & Pub. Pol. 681 (2002)

Controlling Agencies with Net Benefit Accounts: A Thought Experiment, 150 U. Pa. L. Rev. 1473 (2002)

Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective, 31 J. Legal Stud. S115 (2002) (with Jack Goldsmith)

Interring the Nondelegation Doctrine, 69 U. Chi. L. Rev. 1721 (2002) (with Adrian Vermeule)

Economic Analysis of Contract Law After Three Decades: Success or Failure?, 112 Yale L.J. 829 (2003), reprinted in *Economics of Contract Law* (Douglas Baird ed. 2007)

Four Economic Perspectives on American Labor Law and the Problem of Social Conflict, 159 J. Inst'l & Theoretical Econ. 101 (2003)

The Jurisprudence of Greed, 151 U. Pa. L. Rev. 1097 (2003)

International Agreement: A Rational Choice Approach, 44 Va. J. Int'l L. 113 (2003) (with Jack Goldsmith)

Reparations for Slavery and Other Historical Injustices, 103 Colum. L. Rev. 689 (2003) (with Adrian Vermeule)

A Theory of the Laws of War, 70 U. Chi. L. Rev. 297 (2003)

Do States Have a Moral Obligation to Comply with International Law?, 55 Stan. L. Rev. 1901 (2003)

Accommodating Emergencies, 56 Stan. L. Rev. 605 (2003) (with Adrian Vermeule), reprinted in *The Constitution in Wartime* 55 (Mark Tushnet, editor, 2005)

Transfer Regulations and Cost-Effectiveness Analysis, 53 Duke L.J. 1067 (2003)

Probability Errors: Implications for Tort and Contract Law, 11 Sup. Ct. Econ. Rev. 125 (2004), reprinted in *The Law and Economics of Irrational Behavior* 456 (Francesco Parisi and Vernon Smith, editors, 2005)

Transitional Justice as Ordinary Justice, 117 Harv. L. Rev. 761 (2004) (with Adrian Vermeule)

The Political Economy of State Bankruptcy Exemptions, 47 J. Law & Econ. 19 (2004) (with Richard Hynes and Anup Malani)

Judicial Independence in International Tribunals, 93 Calif. L. Rev. 1 (2005) (with John Yoo)

Optimal War and *Jus ad Bellum*, 93 Georgetown L.J. 993 (2005) (with Alan Sykes)

International Law and the Disaggregated State, 32 Fla. St. U. L. Rev. 797 (2005)

Dollars and Death, 72 U. Chi. L. Rev. 537 (2005) (with Cass Sunstein)

Is the International Court of Justice Biased?, 34 J. Legal Stud. 599 (2005) (with Miguel de Figueiredo)

Political Trials in Domestic and International Law, 55 Duke L. J. 75 (2005)

Should Coercive Interrogation Be Legal?, 104 Mich. L. Rev. 671 (2006) (with Adrian Vermeule)

Holding Internet Service Providers Accountable, 14 Sup. Ct. Econ. Rev. 221 (2006) (with Douglas Lichtman), reprinted in *The Law and Economics of Cybersecurity* (Mark F. Grady and Francesco Parisi eds. 2006)

The Decline of the International Court of Justice, in *International Conflict Resolution 111* (Stefan Voigt, Max Albert, and Dieter Schmidtchen eds. 2006).

International Law: A Welfarist Approach, 73 U. Chi. L. Rev. 487 (2006)

International Law and the Rise of China, 7 Chi. J. Int'l L. 1 (2006) (with John Yoo)

Emergencies and Democratic Failure, 92 Va. L. Rev. 1091 (2006) (with Adrian Vermeule)

There Are No Penalty Default Rules in Contract Law, 33 Fla. St. U. L. Rev. 563 (2006)

The Law of Other States, 59 Stan. L. Rev. 131 (2006) (with Cass Sunstein)

Chevronizing Foreign Relations, 116 Yale L.J. 1171 (2007) (with Cass Sunstein)

Signing Statements and Executive Power, 23 Constitutional Commentary 307 (2007) (with Curtis Bradley)

The Second-Order Structure of Immigration Law, 59 Stan. L. Rev. 809 (2007) (with Adam Cox)

Social Norms and Economic Analysis of the Law, in *Economic Analysis of Law: A European Perspective* (Aristides N. Hatzis ed., forthcoming 2007)

An Economic Analysis of State and Individual Responsibility Under International Law, *Amer. L. & Econ. Rev.* (forthcoming 2007) (with Alan Sykes)

The Credible Executive, U. Chi. L. Rev. (forthcoming 2007) (with Adrian Vermeule)

The Case for For-Profit Charities, Va. L. Rev. (forthcoming) (with Anup Malani)

Timing Rules and Legislative Action, Harv. L. Rev. (forthcoming) (with Jacob Gersen)

International Human Rights and Global Warming, U. Pa. L. Rev. (forthcoming)

A Critique of the Odious Debt Doctrine (with Albert Choi), *Law & Contemp. Probs.* (forthcoming)

The International Protection of Cultural Property: Some Skeptical Observations, *Chi. J. Int'l L.* (forthcoming)

Book Reviews, Comments, and Other Short Pieces:

Norms, Formalities, and the Statute of Frauds: A Comment, 144 *U. Pa. L. Rev.* 1971 (1996)

Standards, Rules, and Social Norms, 21 *Harv. J.L. & Pub. Policy* 101 (1997)

Efficient Norms, in *The New Palgrave Dictionary of Economics and the Law* (Peter Newman, ed.): Macmillan (1998)

Notes Toward a Theory of Customary International Law, 92 *ASIL Proceedings* 53 (1998) (With Jack L. Goldsmith)

Law and Regret (Review of *Changing Your Mind* by E. Allan Farnsworth), 98 *Mich. L. Rev.* 1468 (2000)

Review of *The New Palgrave Dictionary of Economics and the Law*, edited by Peter Newman, 110 *Econ J.* 824 (2000)

Law and Economics for the Masses (Review of *Law's Order* by David Friedman), *Jurist* (2000)

Strategies of Constitutional Scholarship (Review of *The Strategic Constitution* by Robert D. Cooter), 26 *Law & Social Inquiry* 529 (2001)

Review of *The Jurisprudential Foundations of Corporate and Commercial Law*, edited by Jody S. Kraus and Steven D. Walt, 112 *Ethics* 626 (2002)

Review of *Law and Market Economy*, by Robin Paul Malloy, 18 *Economics and Philosophy* 183 (2002)

The Signaling Model of Social Norms: Further Thoughts, 36 *U. Rich. L. Rev.* 465 (2002)

Further Thoughts on Customary International Law, 23 *Mich. J. Inter'l L.* 191 (2002) (with Jack Goldsmith)

Introduction to a Conference on Rational Choice and International Law, 31 *J. Legal Stud.* S1 (2002).

Comment on Jean Braucher's Means Testing Consumer Bankruptcy, 7 *Fordham J. Corp & Fin. L.* 457 (2002)

When Reforming Accounting, Don't Forget Regulation. *Policy Matters* 02-35, AEI-Brookings Joint Center (August 2002)

Forward to the Japanese Edition of *Law and Social Norms* (Ota Shozo et al. trans. 2002)

Crimes and Punishment, *Wall Street Journal*, April 11, 2003, p. A10 (with Adrian Vermeule)

Tobacco Regulation or Litigation? (Review of *Smoke-Filled Rooms* by W. Kip Viscusi), 70 *U. Chi. L. Rev.* 1141 (2003)

The Nondelegation Doctrine: A Postmortem, 70 *U. Chi. L. Rev.* 1331 (2003) (with Adrian Vermeule)

The Patriot Act Under Fire, *Wall Street Journal*, December 9, 2003, p. A10 (with John Yoo)

Bankruptcy Act of 1978, in *Major Acts of Congress* (Brian K. Landsberg ed., 2003), vol. 1, p. 59

Reign of Terror, Chicago Tribune, January 18, 2004 (with John Yoo)

Evaluating Transfer Regulations, 26 Regulation 42 (2004)

International Court of Hubris, Wall Street Journal, April 7, 2004, p. A18 (with John Yoo)

Bring Back the Baathists, The New York Times, April 28, 2004, p. A23

Emergencies and Political Change: A Reply to Tushnet, 56 Stan. L. Rev. 1593 (2004) (with Adrian Vermeule)

A "Torture" Memo and Its Tortuous Critics, The Wall Street Journal, July 6, 2004, p. A22 (with Adrian Vermeule)

Remarks on the Alien Tort Claims Act and Transitional Justice, 98 Am. Soc'y Int'l L. Proc. 56 (2004)

Transnational Legal Process and the Supreme Court's 2003-2004 Term: Some Skeptical Observations, 12 Tulsa Journal of Comparative and International Law 23 (2004)

Terrorism and the Laws of War, 5 Chi. J. Int'l L. 423 (2005)

Contract Theory, in The Blackwell Guide to the Philosophy of Law and Legal Theory 138 (Martin P. Golding and William A. Edmundson eds. 2005)

Law, in The Encyclopedia of Social Measurement 463 (Kimberly Kempf-Leonard ed. 2005)

All Justice, Too, Is Local, The New York Times, December 30, 2004, p. A23

All Hail...King George?, Foreign Policy Online, <http://www.foreignpolicy.com/story/files/story2814.php> (March 2005)

The International Court of Justice: Voting and Usage Statistics, ASIL Papers and Proceedings 130 (2005).

Where's the Old Bolton When We Need Him?, Los Angeles Times, April 19, 2005, p. B13 (with John Yoo)

Judicial Clichés On Terrorism, The Washington Post, August 8, 2005, p. A15 (with Adrian Vermeule)

Justice Within Limits, The New York Times, September 26, 2005, p. A20

The Politics of Saddam's Trial, openDemocracy.net, October 31, 2005, republished in German translation as Recht in Verlegenheit, Süddeutsche Zeitung, Nov. 28, 2005, p. 15

Reply to Helfer and Slaughter, 93 Cal. L. Rev. 957 (2005) (with John Yoo)

Sins of the Fatherland, The Boston Globe, March 5, 2006, E4

The New International Law Scholarship, 34 Ga. J. Inter'l & Comp. L. 463 (2006)

A Threat That Belongs Behind Bars, The New York Times, June 25, 2006, s. 4, p. 12

Apply the Golden Rule to al Qaeda?, The Wall Street Journal, July 15, 2006, p. A9

Signing Statements: It's a President's Right, The Boston Globe, August 3, 2006 (with Curtis Bradley)

A Better Way on Detainees, *The Washington Post*, August 4, 2006, p. A17 (with Jack Goldsmith)

Review of *Terrorism and the State: Rethinking the Rules of State Responsibility*, by Tal Becker, 121 *Pol. Sci. Q.* 505 (2006)

The Humanitarian War Myth, *The Washington Post*, October 1, 2006, p. B7

On Learning from Others, 59 *Stan. L. Rev.* 1309 (2007) (with Cass Sunstein)

What the Cold War Taught Us, *The Wall Street Journal*, April 21, 2007, p. A9

Agencies Should Ignore Distant-Future Generations, 74 *U. Chi. L. Rev.* 139 (2007)

Review of *Law without Nations?: Why Constitutional Government Requires Sovereign States*, by Jeremy A. Rabkin, *Perspectives on Politics* (forthcoming)

Review of Robert E. Scott and Paul B. Stephan, *The Limits of Leviathan: Contract Theory and the Enforcement of International Law*, *Amer. J. Int'l L.* (forthcoming)

Work in Progress:

Covenants Not to Compete from an Incomplete Contract Perspective (with Alexander Triantis and George Triantis)

State Justices Project (with Stephen Choi and Mitu Gulati)

Treaties, State Size, and Development (with Tom Miles)

Presentations:

10/21/93: Wharton Public Policy and Management Seminar: Contract Law in the Welfare State

3/8/94: Harvard Law and Economics Seminar: Contract Law in the Welfare State

9/23/94: Penn Legal Studies Workshop: The Regulation of Groups

1/11/95: Georgetown Law and Economics Seminar: The Regulation of Groups

1/17/95: University of Chicago Law and Economics Seminar: The Regulation of Groups

2/10/95: Penn Topics in Legal Theory Seminar: The Legal Regulation of Religious Groups

2/13/95: Penn Legal Studies Workshop: Comment on Bernstein, Project Summary

3/9/95: University of Southern California Law and Economics Seminar: The Regulation of Groups

3/16/95: Boston University School of Law: The Legal Regulation of Religious Groups

5/12/95: American Law and Economics Association Annual Meeting, Berkeley: The Regulation of Groups

2/9/96: University of Pennsylvania Law Review Symposium on Law, Economics, and Norms: (1) Law, Economics, and Inefficient Norms; (2) Norms, Formalities, and Codes in Contract Law: A Comment

2/28/96: University of Toronto Law School: Law, Economics, and Inefficient Norms

5/11/96: American Law and Economics Association Annual Meeting, Chicago: Law, Economics, and Inefficient Norms

7/13/96: Law and Society Conference, Glasgow, Scotland: Altruism, Trust, and Status in the Law of Gifts and Gratuitous Promises

9/17/96: George Mason Law School: The Parol Evidence Rule, the Plain Meaning Rule, and Related Rules of Contract Interpretation

9/24/96: Harvard Law and Economics Seminar: Altruism, Status, and Trust in the Law of Gifts and Gratuitous Promises

11/15/96: University of Virginia Law School: The Political Economy of the Bankruptcy Reform Act of 1978

2/15/97: University of Wisconsin Law Review Symposium on Law and Economics and Law and Society: Altruism, Status, and Trust in the Law of Gifts and Gratuitous Promises

3/1/97: Federalist Society Conference on Law and Economics and the Rule of Law, Duke University: The Legal Economist as Social Engineer: A Critique

4/18/97: Conference on Social Norms, Social Meaning, and the Economic Analysis of Law, University of Chicago Law School: Symbols, Signals, and Social Norms in Politics and the Law

4/25/97: Bankruptcy Roundtable, sponsored by the Institute for Law and Economics, University of Pennsylvania: The Political Economy of the Bankruptcy Reform Act of 1978

5/9/97: American Law and Economics Association Annual Meeting, Toronto: Symbols, Signals, and Social Norms in Politics and the Law

6/20/97: Central European University, Budapest, Hungary: Conference on Financing Constitutional Identity: Autonomy and Welfare in the Regulatory State

9/12/97: University of Illinois at Urbana-Champaign College of Law: A Defense of Cost-Benefit Analysis

10/4/97: Donner Conference on Family Law, Alexandria, Virginia: Family Law and Social Norms

10/23/97: University of Chicago Law School: Shaming Penalties in the Criminal Law

10/28/97: University of Chicago, Workshop on Rational Models in the Social Sciences: The Demand for Human Cloning (with Richard A. Posner)

11/4/97: University of Chicago Law and Economics Seminar: Law Without Design

12/13/97: University of Chicago Law School and John M. Olin Program in Law and Economics, Conference on Penalties: Shaming White Collar Criminals: A Proposal for Reform of the Federal Sentencing Guidelines (with Dan M. Kahan)

1/29/98: Stanford Law and Economics Seminar: Law and Cooperation

2/7/98: University of Pennsylvania Conference on Incommensurability and the Law: The Strategic Basis of Principled Behavior: A Critique of the Incommensurability Thesis

3/2/98: University of California at Berkeley Law and Economics Seminar: Law, Cooperation, and Rational Choice

4/2/98: American Society of International Law Annual Meeting, Washington, D.C.: Notes Toward a Theory of International Law (with Jack L. Goldsmith)

4/17/98: NYU Law School: Law, Cooperation, and Rational Choice

4/30/98: University of Michigan Law and Economics Seminar: Law, Cooperation, and Rational Choice

5/8/98: American Law and Economics Association Annual Meeting, Berkeley: Voting Rules in Chapter 11 (with Kevin Kordana)

9/8/98: University of Chicago Law School: A Theory of Customary International Law (with Jack Goldsmith)

9/11/98: University of Virginia Law School, Sokol Colloquium on Private International Law: Arbitration and the Harmonization of International Commercial Law: A Defense of *Mitsubishi*

9/14/98: Georgetown University Law Center: Law, Cooperation, and Rational Choice

9/23/98: Yale Law and Economics Seminar: Law, Cooperation, and Rational Choice

10/22/98: Vanderbilt Law School: Law, Cooperation, and Rational Choice

11/20/98: Loyola University New Orleans School of Law: A Theory of Customary International Law

1/7/99: Association of American Law Schools Annual Meeting, New Orleans: The Political Economy of State Property Exemptions

1/29/99: Northwestern University School of Law: Symposium on Relational Contract Theory: Unanswered Questions: Relational Contracts and Incompetent Courts

3/2/99: University of Chicago Law and Economics Seminar: Rethinking Cost-Benefit Analysis (with Matthew Adler)

4/1/99: University of Minnesota Law School: Law, Cooperation, and Rational Choice

4/16/99: John M. Olin Conference on Law and Evolution, Georgetown Law School: The Evolution of Constitutions

4/26/99: UCLA Conference on the Political Economy of Contractual Obligations: The Case of Bankruptcy Law: The Political Economy of State Property Exemptions

5/8/99: American Law and Economics Association Annual Meeting, New Haven, CT: The Political Economy of State Property Exemptions

7/15/99: University of Chicago Law School: Simplicity and Complexity in Contracts

8/30/99: University of Southern California Law and Economics Workshop: Implementing Cost-Benefit Analysis When Preferences Are Distorted

9/7/99: Harvard Law and Economics Seminar: Simplicity and Complexity in Contracts

9/17/99: University of Chicago Law School Conference on Cost-Benefit Analysis: Implementing Cost-Benefit Analysis When Preferences Are Distorted

10/20/99: University of Toronto Law and Economics Seminar: Implementing Cost-Benefit Analysis When Preferences Are Distorted

1/28/00: University of San Diego Conference on Genes and the Just Society: Liberal Eugenics

2/10/00: University of Chicago Law School: The Evolution of Constitutions

2/25/00: University of Virginia Law School Conference on the Legal Construction of Norms: Law and Social Norms: The Case of Tax Compliance

3/14/00: Harvard Law and Economics Seminar: The Evolution of Constitutions

4/6/00: American Society of International Law Annual Meeting, Washington, D.C.: Should International Arbitration Awards Be Reviewable?

4/25/00: Rational Models Workshop, University of Chicago: Law and Social Norms

5/6/00: American Law and Economics Association Annual Meeting, New York: The Evolution of Constitutions

5/29/00: University of Chicago Law School: Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective

9/29/00: Cornell Law School: Law and the Emotions

10/19/00: University of Chicago Program on International Politics, Economics, and Security: Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective (with Jack Goldsmith)

11/4/00: Georgetown Law School Conference on Contracts with Highly Skilled Workers: Covenants Not to Compete from an Incomplete Contracts Perspective (with George Triantis)

12/9/00: University of Pennsylvania Law School Conference on Corporate Law and Social Norms: Comment on Eric Talley, Disclosure Norms

2/20/01: University of Chicago Law and Economics Seminar: Covenants Not to Compete from an Incomplete Contracts Perspective (with George Triantis)

4/28/01: University of Chicago Conference on Rational Choice and International Law: Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective (with Jack Goldsmith)

5/11/01: American Law and Economics Association Annual Meeting, Washington, D.C.: Moral and Legal Rhetoric in International Relations: A Rational Choice Perspective

7/19/01: University of Chicago Summer Workshop: Courts Should Not Enforce Government Contracts

8/3/01: American Bar Association Annual Meeting, Section on Administrative Law: Why Liberals Should Favor Cost-Benefit Analysis and Conservatives Should Oppose It

11/8/01: University of Chicago Work in Progress Seminar: Legislative Entrenchment: A Reappraisal (with Adrian Vermeule)

2/1/02: Washington University, St. Louis: The Political Economy of Property Exemption Law (with Richard Hynes)

2/15/02: Kennedy School of Government, Harvard University: Controlling Agencies with Net Benefit

Accounts: A Thought Experiment

3/1/02: University of Pennsylvania Law School Conference on Rationality and Preferences: The Jurisprudence of Greed

3/8/02: University of Colorado Law School: Should Courts Enforce Government Contracts?

3/23/02: University of Pennsylvania Law School Sparer Conference on Suing the Government: Should Courts Enforce Government Contracts?

3/28/02: University of Chicago Law School Work in Progress Seminar: Interring the Nondelegation Doctrine (with Adrian Vermeule)

4/19/02: University of Illinois at Chicago Department of Economics: The Economic Analysis of Contract Law After Three Decades: Success or Failure?

4/25/02: Villanova Law School: Should Courts Enforce Government Contracts?

6/20/02: Conference on Causes and Management of Conflicts, Wörlitz, Germany: Conflict Management in American Labor Law.

6/24/02: Max Planck Project Group on Common Goods, Bonn, Germany: Should Courts Enforce Government Contracts?

7/25/02: University of Chicago Law School Work in Progress Seminar: Reparations for Slavery and Other Historical Injustices (with Adrian Vermeule)

9/6/02: William and Mary College of Law: Reparations for Slavery and Other Historical Injustices

9/9/02: University of Virginia Law and Economics Seminar: Probability Errors

9/27/02: University of Michigan Law and Economics Seminar: A Theory of the Laws of War

10/11/02: Midwestern Law and Economics Association, Champaign, Illinois: A Theory of the Laws of War

10/31/02: George Mason Law School: Understanding Treaties

11/2/02: Conference on the Law and Economics of Irrational Behavior, George Mason Law School: Probability Errors: Some Positive and Normative Implications for Tort and Contract Law

11/15/02: Conference on the Limits of International Law, NYU Law School: Understanding Treaties: A Rational Choice Perspective (with Jack Goldsmith)

1/13/03: University of Chicago Law and Philosophy Workshop: A Theory of the Laws of War

1/16/03: University of Chicago Program on International Politics, Economics, and Security: Understanding Treaties: A Rational Choice Perspective (with Jack Goldsmith)

2/20/03: University of Chicago Law School: Transitional Justice as Ordinary Justice (with Adrian Vermeule)

2/22/03: Stanford Law Review Conference on Treaties, Enforcement, and U.S. Sovereignty: Do States Have a Moral Obligation to Comply with International Law?

3/14/03: McGill Law School: Transitional Justice as Ordinary Justice

3/19/03: University of California at San Diego and University of San Diego Law School: Social Norms in Tort and Contract Law

3/27/03: University of Lexington Law School: Transitional Justice as Ordinary Justice

6/9/03: Law and Society Annual Meeting, Pittsburgh: Social Norms in Tort and Contract Law

6/24/03: Fundación Ortega y Gasset, Madrid: A Theory of International Law

6/25/03: University Pompeu Fabra, Barcelona: The Law, Economics, and Social Norms of Contract Law

6/27/03: Workshop on Institutional Analysis, University Pompeu Fabra, Barcelona, Keynote Address: A Theory of International Law

7/24/03: University of Chicago Law School: A Theory of International Law

9/5/03: University of Indiana at Bloomington: Accommodating Emergencies

9/20/03: American Law and Economics Association Annual Meeting, Toronto: International Tribunals.

10/30/03: University of Chicago Law School: Accommodating Emergencies

11/7/03: Yale Law, Economics, and Organization Seminar: A Theory of International Law

12/1/03: University of Southern California Law School: A Theory of International Law

1/13/04: University of Chicago Law School International Law Workshop: A Theory of International Law

2/6/04: University of Virginia Law School: A Theory of International Adjudication

3/18/04: Florida State University College of Law: A Theory of International Adjudication

4/1/04: American Society of International Law, Annual Meeting, Washington, D.C.: The Alien Tort Statute and Transitional Justice

4/30/04: Conference on Compliance in International Law, University of Southern California: A Theory of International Adjudication

5/13/04: University of Chicago Law School: Optimal War and *Jus ad Bellum*

6/11/04: George Mason University Conference on Cybersecurity: Holding Internet Service Providers Accountable (with Doug Lichtman)

6/17/04: U.S. Naval Academy, Annapolis, Maryland: Optimal War and *Jus ad Bellum*

7/22/04: University of Chicago Law School: Voting Behavior in the International Court of Justice

9/13/04: Washington University in St. Louis Law and Politics Seminar: Is the International Court of Justice Politically Biased?

9/16/04: Berkeley International Law Seminar: Is the International Court of Justice Politically Biased?

10/15/04: Conference on Analyzing International Conflict Resolution, Saarbrücken, Germany: The Politics of the International Court of Justice

10/29/04: Conference on International Law and The Supreme Court's 2003-2004 Term, Tulsa, Oklahoma: The Supreme Court and International Law

12/2/04: University of Chicago Law School: Should Coercive Interrogation Be Legal?

12/3/04: Baker Institute Conference on the War on Terrorism After Iraq: Remarks on Domestic Law Enforcement and Civil Liberties.

1/24/05: Columbia Law and Economics Seminar: Is the International Court of Justice Biased?

2/8/05: Northwestern Law School: Should Coercive Interrogation Be Legal?

3/3/05: University of Minnesota Law School: Should Coercive Interrogation Be Legal?

3/10/05: University of Chicago Law School: The Design of Political Trials

3/25/05: Florida State University College of Law, Conference on Default Rules, Tallahassee, Florida: There Are No Penalty Default Rules in Contract Law

3/30/05: American Enterprise Institute, Washington, D.C.: The Limits of International Law

3/31/05: American Social for International Law, Annual Meeting, Washington, D.C.: Is the International Court of Justice Biased?

3/31/05: Federal Trade Commission, Washington, D.C.: Holding Internet Service Providers Accountable

4/6/05: American Law and Economics Association Annual Meeting, New York: There Are No Penalty Default Rules in Contract Law

4/7/05: American Law and Economics Association Annual Meeting, New York: Is the International Court of Justice Biased?

7/1/05: University of Tokyo, Japan: Soft Law in Domestic and International Settings

7/7/05: University of Chicago Law School: Emergencies and Democratic Failure (with Adrian Vermeule)

8/12/05: University of California Berkeley: Conference on Rational Choice and Constitutional Law: Emergencies and Democratic Failure (with Adrian Vermeule)

9/12/05: Utrecht University, the Netherlands: The State of the Art in Law and Economics

9/13/05: Hague Institute for the Internationalization of Law, Keynote Address: Globalization and Legal Scholarship

9/29/05: Chautauqua Institute, New York: The Limits of International Criminal Law

10/28-29/05: University of Georgia Law School: Conference on *The Limits of International Law*

11/10/05: Northwestern University Law School: Panel on the Patriot Act and Civil Liberties

11/11/05: Duke Law School, Law Review Lecture: Political Trials in Domestic and International Law

11/11/05: Duke Law School, Global Law Seminar: International Law: A Welfarist Approach

1/23/06: Eidgenössische Technische Hochschule Zürich: The Limits of International Law

1/25/06: Eidgenössische Technische Hochschule Zürich: An Economic Analysis of State and Individual Responsibility Under International Law

2/2/06: University of Chicago Law School Work in Progress: The Law of Other States (with Cass Sunstein)

2/22/06: St. John University Law School: The Law of Other States

2/23/06: Fordham Law School: The Law of Other States

3/24/06: Conference on Law, Diplomacy, and War, Claremont-McKenna College: International Law and Foreign Relations

4/7/06: University of Delaware, Koford Lecture: Terror in the Balance

4/12/06: Harvard Law and Economics Seminar: An Economic Analysis of State and Individual Responsibility

6/7/06: D.C. Circuit Conference, Nemaconlin, Pennsylvania: Remarks on International Law

6/15/06: University of Chicago Work in Progress: Chevronizing Foreign Relations Law

9/21/06: American Enterprise Institute: New Foundations of Cost-Benefit Analysis (with Matthew Adler)

10/19/06: Drury University Convocation: The Laws of War and the War on Terror

12/1/06: Notre Dame Law School: The Second-Order Structure of Immigration Law (with Adam Cox)

12/18/06: Max-Planck-Institute for Research on Collective Goods, Bonn: Conference on Public International Law and Economics: Treaties, State Size, and Development

1/19/07: Pepperdine Law School War on Terrorism Symposium: Terror in the Balance

1/26/07: University of Texas-Austin School of Law: The Second-Order Structure of Immigration Law

2/23/07: University of Michigan Legal Theory Workshop: The Case for For-Profit Charities

3/26/07: Northwestern Law and Politics Seminar: Treaties (with Tom Miles)

3/29/07: University of Arizona-Tucson Law School: Timing Rules and Legal Institutions

4/15/07: Midwest Political Science Association: International Law and International Relations

4/27/07: American Enterprise Institute: Terror in the Balance (with Adrian Vermeule)

5/4/07: Conference on The Role of Courts in International Law, Salzburg, Austria: Diplomacy, Arbitration, and International Courts

5/10/07: Fifth Circuit Judicial Conference: Terror in the Balance

6/1/07: Conference on the Legal Implications of the New Research on Happiness, University of Chicago Law School: Does Happiness Research Undermine Cost-Benefit Analysis? (with Matthew Adler)

Testimony:

3/16/99: Subcommittee on Commercial and Administrative Law, Committee on the Judiciary, House of Representatives, U.S. Congress: H.R. 833, The Bankruptcy Reform Act of 1999

Education:

Harvard Law School. J.D., magna cum laude, 1991
Yale University. B.A., M.A. in philosophy, summa cum laude, 1988

Professional Organizations:

Maryland Bar Association (admitted 1991)
American Law and Economics Association
American Society for Political and Legal Philosophy

Grants and Fellowships:

3/95: John M. Olin fellowship, University of Southern California
6/96: University Research Foundation grant, University of Pennsylvania
9/02: Olin Fellow, University of Virginia Law School
3/18/04: Simon Visiting Scholar, Florida State University College of Law

Teaching:

Contracts; Secured Transactions; Bankruptcy; Corporate Reorganization; Contract Theory; Game Theory and the Law; Employment and Labor Law; Public International Law; Foreign Relations Law; International Law Workshop

Other Professional Service:

Adviser, Restatement (Third) of Restitution, American Law Institute

Referee for Journal of Law and Economics, Journal of Economic Literature, Oxford University Press, Harvard University Press, Edward Elgar, Quarterly Journal of Economics, National Science Foundation, Law and Social Inquiry, American Economic Review, Journal of Law, Economics, & Organization, American Law and Economics Review, International Review of Law and Economics, American Journal of Political Science, Law and Society Review, Journal of Policy Analysis and Management, Journal of the European Economics Association, Health Affairs, University of Chicago Press, Canada Council for the Arts, World Politics, Supreme Court Economic Review, Law and Philosophy, Ethics and International Affairs, Institute of Medicine, Israel Science Foundation, Conflict Management and Peace Science, Smith Richardson Foundation

Member, Editorial Board, Law & Social Inquiry (2000-2001)

Member, Board of Directors, American Law and Economics Association (2000-2003)

Member, Board of University Publications, University of Chicago (2001-2004)

Member, Editorial Board, Review of Law and Economics (2004-)

Member, Oxford University Press Legal Education Advisory Board (2006-)

Short-Term Consultant, World Bank (2007)