

## CURRICULUM VITAE

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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)

Fall 2008	Visiting Professor of Law, NYU Law School
1998-2003	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)  
South Asia edition (Universal Law Publishing Company, 2009)

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)  
Chinese edition (Law Press of Beijing, forthcoming)  
Macedonian edition (forthcoming)

New Foundations of Cost-Benefit Analysis (with Matthew Adler): Harvard University Press (2006)  
Arabic edition (Institute of Public Administration, Saudi Arabia, forthcoming 2010)

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)

The Perils of Global Legalism: University of Chicago Press (2009)

Climate Change Justice (with David Weisbach): Princeton University Press (2010)

Law and Happiness (editor, with Cass R. Sunstein): University of Chicago Press (2010)

The Economics of Public International Law (editor): Edward Elgar (2010)

The Executive Unbound: After the Madisonian Republic (with Adrian Vermeule): Oxford University Press (2011)  
German edition (Duncker & Humblot, forthcoming)

Contract Law and Theory: Aspen (2011)

Economic Foundations of International Law (with Alan Sykes): Harvard University Press (forthcoming)

### **Articles and Book Chapters**

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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)

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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)

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

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Does Political Bias in the Judiciary Matter?: Implications of Judicial Bias Studies for Legal Reform, 75 U. Chi. L. Rev. 853 (2008)

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Human Welfare, Not Human Rights, 108 Colum. L. Rev. 1758 (2008)

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Should Greenhouse Gas Permits Be Allocated on a Per Capita Basis?, 97 Calif. L. Rev. 51 (2009) (with Cass R. Sunstein), republished with modifications in *Post-Kyoto International Climate Policy* 343 (Joseph E. Aldy and Robert N. Stavins, eds. 2010).

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A Loan Modification Approach to the Housing Crisis, 11 Amer. L. & Econ. Rev. 579 (2009), available at <http://aler.oxfordjournals.org/cgi/reprint/ahp019?ijkey=gvJKuuiQHk9SJaR&keytype=ref> (with Luigi Zingales)

The Rights of Migrants: An Optimal Contract Framework, 84 NYU L. Rev. 1403 (2009) (with Adam B. Cox), reprinted in Immigration and Nationality Law Review (forthcoming)

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Economic Foundations of the Law of the Sea, 104 Amer. J. Inter'l L. 569 (2010) (with Alan Sykes)

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Universal Exceptionalism in International Law, 52 Harv. J. Int'l L. 1 (2011) (with Anu Bradford)

The Limits of Constitutional Convergence, 11 Chicago J. Int'l L. 399 (2011) (with Rosalind Dixon)

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The Flaws of Foreign Affairs Legalism, 51 Va. J. Int'l L. 507 (2011) (with Daniel Abebe)

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Climate Regulation and the Limits of Cost-Benefit Analysis, 99 California L. Rev. 1557 (2011) (with Jonathan Masur)

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What Do Federal District Judges Want?: An Analysis of Publications, Citations, and Reversals, 28 J. Law, Econ., & Org. (with Stephen J. Choi and Mitu Gulati),  
<http://jleo.oxfordjournals.org/content/early/2011/01/31/jleo.ewq020.full.pdf?keytype=ref&ijkey=KEHcSveRg4dbdja>

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<http://jla.oxfordjournals.org/content/early/2012/05/31/jla.las004.full.pdf?keytype=ref&ijkey=DBWdulxsLvcdWAH>

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Delegation in Immigration Law, U. Chicago L. Rev. (forthcoming) (with Adam Cox)

Aggregation and the Law, Yale L.J. (forthcoming) (with Ariel Porat)

An FDA for Financial Innovation: Applying the Insurable Interest Doctrine to 21st-Century Financial Markets, Northwestern U. L. Rev. (forthcoming) (with E. Glen Weyl)

### **Book Reviews, Comments, Replies, 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)

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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)

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### **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

### **Grants, Fellowships, and Awards**

John M. Olin fellowship, University of Southern California (3/95)

University Research Foundation grant, University of Pennsylvania (6/96)

Olin Fellow, University of Virginia Law School (9/02)

Simon Visiting Scholar, Florida State University College of Law (3/18/04)

Fellow, American Academy of Arts and Sciences (elected 2010)

## **Teaching**

Contracts; Secured Transactions; Bankruptcy; Corporate Reorganization; Seminar on Contract Theory; Seminar on Game Theory and the Law; Employment and Labor Law; Public International Law; International Human Rights Law; Foreign Relations Law; International Law Workshop; European Union Law; Seminar on the Financial Crisis of 2008-2009; Banking Law; Seminar on the Federal Reserve Board; Seminar on Executive Power

## **Other Professional Activities**

Of Counsel, Boies, Schiller & Flexner (since 2010)

Editor, The Journal of Legal Studies (1998-2010)

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, Yale University Press, Hart Publishing, Journal of Peace Research, British Journal of Political Science, National Academy of Sciences, Social Theory and Practice, Politics, Philosophy and Economics, Journal of Global Ethics, Climate Policy

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-)

Member, Editorial Board, Journal of Benefit-Cost Analysis (2009-)

Short-Term Consultant, World Bank (2007)

Participant in Simulated Canada-United States Negotiation Over the Northwest Passage, sponsored by ArcticNet (Ottawa, February 2008)

Member, Faculty Steering Committee, Milton Friedman Institute (2008-2010)

## **Presentations**

Available upon request