

## CURRICULUM VITAE

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### Professional Experience

Kirkland & Ellis Distinguished Service Professor of Law, University of Chicago (since 2013)  
Member, Committee on International Relations, University of Chicago (since 2003)

Fall 2016 Visiting Professor of Law, Columbia Law School  
2003-2012 Kirkland & Ellis Professor of Law, University of Chicago  
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, 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)  
Chinese edition (Law Press China, 2016)

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

- Korean edition (Sogan Hawoo, 2016)
- 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, 2014)
- Contract Law and Theory: Aspen (2011)  
Second edition (2016)
- Economic Foundations of International Law (with Alan Sykes): Harvard University Press (2013)  
Georgian edition (Labyrinth Publishing House, 2014)
- The Twilight of Human Rights Law: Oxford University Press (2014)  
Excerpt republished in Harper's, October 2014
- Last Resort: The Financial Crisis and the Future of Bailouts: University of Chicago Press (2018)  
Chinese edition (Truth and Wisdom Press, forthcoming)  
A Financial Times Book of the Year, 2018
- Radical Markets: Uprooting Property and Democracy for a Just Society (with E. Glen Weyl): Princeton University Press (2018)  
Korean edition (Bookie Publishing House, forthcoming)  
Japanese edition (Toyo Keizai, forthcoming)  
Chinese edition (Beijing Huazhang Graphics and Information Co. Ltd., forthcoming)  
Spanish edition (Antoni Bosch, 2019)  
Brazilian edition (Companhia das Letras, forthcoming)  
German edition (WBG, 2019 )  
Chinese (complex) edition (Gusa Press, forthcoming)  
Italian edition (LUISS University Press, forthcoming)  
Paperback edition, 2019  
An Economist Book of the Year, 2018
- The Demagogue's Playbook: All Points Books (2020)  
Chinese edition (Truth and Wisdom Press, forthcoming)
- How Antitrust Failed Workers: Oxford University Press (2021)

### **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., Routledge Press, 2007); Foundations of Law and Economics (Robert Cooter & Francesco Parisi, eds., Edward Elgar, 2010))

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. Inter'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), excerpted in Edward M. Wise, International Criminal Law: Cases and Materials (3d ed. 2009)

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), excerpt reprinted in *Tax Controversies: Practice and Procedure* (forthcoming)

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

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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) and *Law in Society: Nature, Functions and Limits* (Robert Hillman ed., forthcoming)

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, eds., 2005); and in *Law and Economics of Uncertainty* (Joshua C. Teitelbaum, ed., forthcoming)

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), reprinted in *Comparative Constitutional Law*, edited by Mark Tushnet (Edward Elgar, forthcoming)

Chevronizing Foreign Relations, 116 Yale L.J. 1171 (2007) (with Cass Sunstein), reprinted in *Curtis A. Bradley, Foreign Relations Law* (Edward Elgar, forthcoming)

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., 2007)

An Economic Analysis of State and Individual Responsibility Under International Law, 9 Amer. L. & Econ. Rev. 72 (2007) (with Alan Sykes)

The Credible Executive, 74 U. Chi. L. Rev. 865 (2007) (with Adrian Vermeule)

The Case for For-Profit Charities, 93 Va. L. Rev. 2017 (2007) (with Anup Malani)

Timing Rules and Legislative Action, 121 Harv. L. Rev. 543 (2007) (with Jacob Gersen)

Climate Change and International Human Rights Litigation: A Critical Appraisal, 155 U. Pa. L. Rev. 1925 (2007), reprinted in *Human Rights and the Environment* (Svitlana Kravchenko, John E. Bonine, & Don Anton eds., 2008); *Environment and Health: Issues and Implications* (L. Lakshmi ed., 2008)

A Critique of the Odious Debt Doctrine, 70 Law & Contemp. Probs. 33 (2007) (with Albert Choi)

The International Protection of Cultural Property: Some Skeptical Observations, 8 Chi. J. Int'l L. 213 (2007)

Constitutional Showdowns, 156 U. Pa. L. Rev. 991 (2008) (with Adrian Vermeule)

Climate Change Justice, 96 Georgetown L.J. 1565 (2008) (with Cass Sunstein), excerpted or reprinted in *Cases and Materials on Environmental Law* (Daniel A. Farber, ed., forthcoming); *Reflecting on Nature: Readings in Environmental Ethics and Philosophy* (Lori Gruen, Dale Jamieson, and Christopher Schlottmann eds., 2d ed., Oxford, 2012); *Ethics, Environmental Justice and Climate Change* (by Paul G. Harris ed., Edward Elgar, forthcoming); *The Ethical Life*, by Russ Shafer-Landau (Oxford, forthcoming); *Introducing Ethics and Contemporary Moral Issues*, by Russ Shafer-Landau (Oxford, forthcoming)

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

Happiness Research and Cost-Benefit Analysis, 37 J. Legal Stud. S253 (2008) (with Matthew Adler)

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

Soft Law: Lessons from Congressional Practice, 61 Stanford L. Rev. 573 (2008) (with Jacob E. Gersen)

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).

Are Judges Overpaid?, 1 J. Legal Analysis 47 (2009) (with Stephen J. Choi and G. Mitu Gulati)

Erga Omnes Norms, Institutionalization, and Constitutionalism in International Law, 165 J. Institutional & Theoretical Econ. 5 (2009)

Judicial Evaluations and Information Forcing: Ranking State High Courts and Their Judges, 58 Duke L.J. 1313 (2009) (with Stephen J. Choi and Mitu Gulati)

Fault in Contract Law, 107 Mich. L. Rev. 1431 (2009), reprinted in *Fault in American Contract Law* (Omri Ben-Shahar & Ariel Porat eds., 2010)

Crisis Governance in the Administrative State: 9/11 and the Financial Meltdown of 2008, 76 U. Chi. L. Rev. 1613 (2009) (with Adrian Vermeule)

A Loan Modification Approach to the Housing Crisis, 11 Amer. L. & Econ. Rev. 579 (2009) (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); reprinted in *Law and Economics of Migration* (Howard F. Chang, ed., forthcoming)

Professionals or Politicians?: The Uncertain Empirical Case for an Elected Judiciary, 26 J. Law, Econ., & Org. 290 (2010) (with Stephen Choi and Mitu Gulati)

Against Feasibility Analysis, 77 U. Chicago L. Rev. 657 (2010) (with Jonathan Masur)

Subconstitutionalism, 62 Stanford L. Rev. 1583 (2010) (with Tom Ginsburg)

*ProCD v. Zeidenberg* and Cognitive Overload in Contractual Bargaining, 77 U. Chicago L. Rev. 1181 (2010)

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

Divide and Conquer, 2 J. Legal Analysis 417 (2010) (with Kathryn Spier and Adrian Vermeule)

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)

The Right to Withdraw in Contract Law, 40 J. Legal Stud. 115 (2011) (with Omri Ben-Shahar)

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

Constitutional Possibility and Constitutional Evolution, in *Law, Economics and Evolutionary Theory* (Peer Zumbansen and Graf-Peter Calliess eds. 2011)

Judging Women, 8 J. Empirical Legal Stud. 504 (2011) (with Stephen J. Choi, Mitu Gulati, and Mirya Holman)

Pricing Terms in Sovereign Debt Contracts: A Greek Case Study With Implications for the European Crisis Resolution Mechanism, 6 Capital Markets L.J. 163 (2011) (with Stephen J. Choi and Mitu Gulati)

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

Efficient Breach of International Law: Optimal Remedies, "Legalized Noncompliance," and Related Issues, 110 Mich. L. Rev. 243 (2011) (with Alan Sykes)

Deference to The Executive in the United States After September 11: Congress, the Courts, and the Office of Legal Counsel, 35 Harv. J.L. & Pub. Pol'y 213 (2012)

Tyrannophobia, in *Comparative Constitutional Design* (Tom Ginsburg, ed. 2012) (with Adrian Vermeule)

What Do Federal District Judges Want?: An Analysis of Publications, Citations, and Reversals, 28 J. Law, Econ., & Org. 518 (2012) (with Stephen J. Choi and Mitu Gulati)

The Evolution of Contractual Terms in Sovereign Bonds, 4 J. Legal Analysis 131 (2012) (with Stephen J. Choi and Mitu Gulati)

Unemployment, Regulation, and Cost-Benefit Analysis, 98 Va. L. Rev. 579 (2012) (with Jonathan Masur)

Aggregation and the Law, 122 Yale L.J. 2 (2012) (with Ariel Porat)

Human Rights, the Laws of War, and Reciprocity, 6 L. & Ethics of Human Rights 148 (2012)

Delegation in Immigration Law, 79 U. Chicago L. Rev. 1285 (2012) (with Adam Cox)

International Paretianism: A Defense, 13 Chicago J. Int'l L. 347 (2013) (with David Weisbach)

The Questionable Basis of the Common European Sales Law: The Role of an Optional Instrument in Jurisdictional Competition, 50 Common Market L. Rev. 261 (2013)

The Institutional Structure of Immigration Law, 80 U. Chicago L. Rev. 289 (2013)

Benefit-Cost Analysis for Financial Regulation, 103 Amer. Econ. Rev.: Papers & Proceedings 393 (2013) (with E. Glen Weyl), reprinted in *Economics of Financial Law* (Geoffrey P. Miller, ed., Edward Elgar, forthcoming)

The Law and Policy of Judicial Retirement: An Empirical Study, 42 J. Legal Stud. 111 (2013) (with Stephen J. Choi and Mitu Gulati)

The Dynamics of Contract Evolution, 88 NYU L. Rev. 1 (2013) (with Stephen J. Choi and Mitu Gulati)

An FDA for Financial Innovation: Applying the Insurable Interest Doctrine to 21st-Century Financial Markets, 107 Northwestern U. L. Rev. 1307 (2013) (with E. Glen Weyl)

International Law and the Limits of Macroeconomic Cooperation, 86 S. Cal. L. Rev. 1025 (2013) (with Alan Sykes)

Inside or Outside the System?, 80 U. Chicago L. Rev. 1743 (2013) (with Adrian Vermeule)

How Well Do Measures of Judicial Ability Predict Judicial Performance?: A Case Study Using Securities Class Actions, 33 Inter'l Rev. L. & Econ. 37 (2013) (with Stephen J. Choi and Mitu Gulati)

Quadratic Voting as Efficient Corporate Governance, 81 U. Chicago L. Rev. 251 (2014) (with E. Glen Weyl)

Voting Rules in International Organizations, 15 Chicago J. Int'l L. 195 (2014) (with Alan O. Sykes), reprinted in *The Law and Politics of International Organizations* (Kenneth W. Abbott, ed., Edward Elgar, forthcoming)

Offsetting Benefits, 100 Va. L. Rev. 1165 (2014) (with Ariel Porat)

Unemployment and Regulatory Policy, in *Does Regulation Kill Jobs?* (edited by Cary Coglianese and Adam M. Finkel, 2014) (with Jonathan Masur)

Benefit-Cost Paradigms in Financial Regulation, 43 J. Legal Stud. S1 (2014) (with E. Glen Weyl)

Altruism Exchanges and the Kidney Shortage, 77 Law & Contemp. Probs. 289 (2014) (with Mitu Gulati & Stephen J. Choi), excerpted in part in *The Law of Bioethics: Individual Autonomy and Social Regulation* (Marsha Garrison, ed., West Publishing, 3d ed., forthcoming 2015)

Voting Squared: Quadratic Voting in Democratic Politics, 68 Vand. L. Rev. 441 (2015) (with E. Glen Weyl)

Cost-Benefit Analysis of Financial Regulations: A Response to Criticisms, 124 Yale L.J. F. 246 (2015) (with E. Glen Weyl)

The Role of Competence in Promotions from the Lower Federal Courts, 44 J. Legal Stud. S107 (2015) (with Stephen J. Choi and Mitu Gulati)



How Do Bank Regulators Determine Capital-Adequacy Requirements?, 82 U. Chicago L. Rev. 1853 (2015)

An Empirical Study of Political Bias in Legal Scholarship, 44 J. Legal Stud. 277 (2015) (with Adam Chilton)

A Framework for Bailout Regulation, 91 Notre Dame L. Rev. 479 (2015) (with Anthony Casey)

Toward a Pigouvian State, 164 U. Penn. L. Rev. 93 (2015) (with Jonathan Masur)

Institutional Flip-Flops, 94 Tex. L. Rev. 485 (2016) (with Cass Sunstein)

The Law, Economics, and Psychology of Manipulation, 1 J. Marketing Behavior 267 (2016)

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Supreme Court Justices' Loyalty to the President, 45 J. Legal Stud. 401 (2016) (with Lee Epstein)

What Legal Authority Does the Fed Need During a Financial Crisis?, 101 Minn. L. Rev. 1529 (2017)

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Quadratic Election Law, 172 Public Choice 265 (2017) (with Nicholas Stephanopoulos)

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Moral Commitments in Cost-Benefit Analysis, 103 Va. L. Rev. 1809 (2017) (with Cass R. Sunstein)

A Proposal to Limit the Anticompetitive Power of Institutional Investors, 81 Antitrust L.J. 669 (2017) (with Fiona Scott Morton & Glen Weyl)

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The Dictator's Handbook, U.S. Edition, in Can It Happen Here?: Authoritarianism in America (Cass Sunstein ed., 2018)

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Cost-Benefit Analysis and the Judicial Role, 85 U. Chicago L. Rev. 935 (2018) (with Jonathan Masur)

The Decline of Supreme Court Deference to the President, 166 U. Pa. L. Rev. 829 (2018) (with Lee Epstein)

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A Proposal for Protecting Low-Income Workers from Monopsony and Collusion, Hamilton Project (2018) (with Alan B. Krueger)

Antitrust Remedies for Labor Market Power, 132 Harvard L. Rev. 536 (2018) (with Suresh Naidu and E. Glen Weyl), winner Antitrust Writing Awards, Best Academic Article, 2019

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The Antitrust Challenge to Covenants Not to Compete in Employment Contracts, 83 Antitrust L.J. 165 (2020)

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## **Book Reviews, Comments, Opinion Pieces, Replies, and Other Short Pieces**

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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)

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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)

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[What Could Trump Do or Not Do in a Second Term?](#), New York Times, July 13, 2020

[Trump Has the Worst Record at the Supreme Court of Any Modern President](#), Washington Post, July 20, 2020

[Climate Change and Human Rights](#), in Climate Change, Justice and Human Rights 21 (David Ismangil, Karen van der Schaaf, and Lars van Troost, eds., Amnesty International, 2020)

[Avoiding the Trump Trap](#), Project Syndicate, August 10, 2020

[How the Religious Right Has Transformed the Supreme Court](#), New York Times, September 22, 2020

[What the U.S. Election Is Really About](#), Project Syndicate, October 14, 2020

[Legal Assaults on Coronavirus Shutdowns Threaten To Undermine the Liberal State](#), Washington Post, October 15, 2020

[Is the Long-Awaited Constitutional Crisis at Hand?](#), Project Syndicate, October 21, 2020

[Biden's Precarious Victory](#), Project Syndicate, November 6, 2020

[Why Prosecuting Trump Is a Very Bad Idea](#), New York Times, December 3, 2020

[America Passed the Trump Stress Test](#), Project Syndicate, December 7, 2020

[The Trump Paradox](#), Project Syndicate, December 22, 2020

[The Effort to Disqualify Trump Is Worth It](#), Project Syndicate, January 12, 2021

[Why Joe Biden Must Not Shy Away From the Full Power of the Presidency](#), New York Times, January 21, 2021

[Why Try Trump?](#), Project Syndicate, February 20, 2021

[Antitrust Is Back in America](#), Project Syndicate, March 12, 2021



[Senator Klobuchar’s Antitrust Bill Doesn’t Go Far Enough](#), ProMarket, March 22, 2021

[The End of Amateur Hour for the NCAA](#), Project Syndicate, April 7, 2021

[Long Live the Imperial President?](#), Project Syndicate, May 12, 2021

[Biden’s Antitrust Revolutionaries](#), Project Syndicate, June 18, 2021

[The Supreme Court’s NCAA Ruling Has Huge Implications Outside of Sports](#), Washington Post, June 22, 2021

[The Antitrust War’s Opening Salvo](#), Project Syndicate, July 21, 2021

[COVID and the Conservative Economic Crack-up](#), Project Syndicate, August 24, 2021

[In Emergencies, Judges Usually Defer to Politicians. Not during the Pandemic](#), Washington Post, August 24, 2021

[America’s Return to Realism](#), Project Syndicate, September 3, 2021

### **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

9/26/17: Committee on the Judiciary, U.S. Senate: [Special Counsels and the Separation of Powers](#)

10/16/18: Federal Trade Commission, [Competition and Consumer Protection in the 21st Century: Labor Markets and Antitrust Policy](#)

1/9/20: Federal Trade Commission, Non-Competes in the Workplace: Examining Antitrust and Consumer Protection Issues

### **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)

Illinois Bar Association (admitted 2018)

American Law and Economics Association (board member, various times)

American Law Institute

### **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)

Sloan Grant for Conference on Benefit-Cost Analysis and Financial Regulation (2013) (with Glen Weyl)

Economist Book of the Year, for *Radical Markets* (2018)

Financial Times Book of the Year, for *Last Resort* (2018)

Bloomberg 50, for *Radical Markets* (2018)

Antitrust Writing Award, for Antitrust Remedies for Labor Market Power (2019)

American Antitrust Institute Jerry S. Cohen Memorial Fund Writing Award, for Antitrust Remedies for Labor Market Power (2019)

Lawdragon 500 Leading Lawyers in America (2019, 2020)

### **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; Financial Regulation; Seminar on the Federal Reserve Board; Seminar on Executive Power; Seminar on Originalism and Its Critics; Corporate Finance

### **Other Professional Activities**

Of Counsel, MoloLamken (since 2018)

Counsel, Boies, Schiller & Flexner (2010-2016)

Cofounder and editor, New Rambler Review (2015-2017)

Member (elected 2014), Council Member (elected 2021); American Law Institute

Columnist, Slate Magazine (2012-2016)

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, Political Science Quarterly, Journal of Benefit-Cost Analysis, Journal of Legal Analysis, European Journal of International Law

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

Member, Board of Directors, American Law and Economics Association (2000-2003; 2013-2016)

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)

Member, International Advisory Board, the Centre for Law, Economics and Society, University College London (2013-)

Member, Editorial Board, Economic Analysis of Law Review (2014-)

Sympatic Inc., Advisory Board (2019-)