

**JONATHAN R. NASH**

*Robert Howell Hall Professor of Law*

*Associate Dean for Research*

*Director of the Emory Center on Federalism and Intersystemic Governance*

Emory University School of Law

1301 Clifton Road NE

Atlanta, Georgia

(404) 712-1715

[jonathan.nash@emory.edu](mailto:jonathan.nash@emory.edu)

**Academic Experience and Fellowships**

EMORY UNIVERSITY SCHOOL OF LAW, Atlanta, GA

**Associate Dean for Research** – August 2019 to present

**Robert Howell Hall Professor of Law** – May 2017 to present

**Professor of Law** - July 2008 to May 2017

- Director, Emory University Center on Federalism and Intersystemic Governance, 2018-present
- Director, Emory Center for Law and Social Science, 2018-2021
- Appointed inaugural David J. Bederman Research Professor, 2014-2015; professorship awarded based upon scholarly productivity and engagement.
- Teach courses in Federal Courts, Civil Procedure, Transnational Civil Litigation, Habeas Corpus, Judicial Decision Making, Legislation & Regulation, Environmental Law, International Environmental Law, and Land Use.
- Other courses: Courts, Judges, and Voting; Law and Economics; Property.
- Appointments Committee, 2009-10, 2011-13 (Chair), 2021; Colloquium Committee, 2008-09, 2013-17 (Chair); Curriculum Committee, 2008-09, 2018-19; Promotion & Tenure Committee, 2009-10, 2018-19 (Chair); Law School Delegate to Univ. Faculty Council & Senate, 2013-14; Law School Delegate to the Univ. President's Faculty Advisory Council, 2014-17.

UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL

**Visiting Professor of Law** - Academic Year 2007-2008

TULANE LAW SCHOOL, New Orleans, LA

**Robert C. Cudd Professor of Environmental Law** - July 2007 to June 2008

**Robert C. Cudd Associate Professor of Environmental Law** - October 2004 to June 2007

**Associate Professor** - July 2002 to October 2004

- Tenured, July 2006.
- Visiting Professor, Hofstra Law School, Fall 2006.
- Visiting Scholar, Columbia Law School, Fall 2005.

UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL

**Harry A. Bigelow Fellow and Lecturer in Law** - September 2000 to July 2002

NEW YORK UNIVERSITY CENTER ON ENVIRONMENTAL AND LAND USE LAW,  
New York, NY

**Postdoctoral Research Fellow** - April 2000 to September 2000

**Research Associate** - June 1999 to March 2000

## Organizational Appointments

Co-Founder, Society for Environmental Law and Economics. Member, Executive Board, Canadian Law and Economics Association, 2009-12, Secretary, 2012-2016, Co-Vice President, 2016-2018; Co-President, 2018-Present; Elected Member, American Law Institute, 2016-present.

## Judicial Clerkships

THE HONORABLE DONALD STUART RUSSELL, U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT, Spartanburg, SC

**Law Clerk** - September 1993 to September 1994

THE HONORABLE NINA GERSHON, CHIEF MAGISTRATE JUDGE, U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, New York, NY

**Law Clerk** - September 1992 to September 1993

**Education** EMORY UNIVERSITY SCHOOL OF GRADUATE STUDIES, Atlanta, GA  
Ph.D. in Political Science, August 2021

HARVARD LAW SCHOOL, Cambridge, MA  
LL.M., June 1999

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY  
J.D., *magna cum laude*, May 1992

**Honors** Order of the Coif

Vanderbilt Medal for Outstanding Contributions to the School of Law

Editor-in-Chief, *Annual Survey of American Law*

Graduate Editor, *New York University Tax Law Review*

COLUMBIA COLLEGE, New York, NY  
B.A. in Mathematics, *summa cum laude*, May 1988

**Honors** Phi Beta Kappa

Dean's List

Van Amringe Columbia Mathematics Prize

Honorable Mention, National Science Foundation Fellowship Competition

## Academic Publications

*The Certificate of Division and the Early Supreme Court*, 94 S. CAL. L. REV.  
(forthcoming 2021) (with Michael G. Collins)

*Courts Creating Courts: Problems of Judicial Institutional Self-Design*, 73 ALA. L. REV.  
(forthcoming 2021)

*Promoting Regulatory Prediction*, IND. L.J. (forthcoming 2021) (with Jonathan Masur)

*Nontraditional Criminal Prosecutions in Federal Court*, 53 ARIZ. ST. L.J. 143 (2021)

*Filibuster Change and Judicial Appointments*, 17 J. EMPIRICAL LEG. STUD. 646 (2020)  
(with Joanna Shepherd)

*The Rules and Standards of Personal Jurisdiction*, 72 ALA. L. REV. 465 (2020)

*State Standing for Nationwide Injunctions Against the Federal Government*, 94 NOTRE DAME L. REV. 1985 (2019) (invited contribution to annual Federal Courts issue)

*National Personal Jurisdiction*, 68 EMORY L.J. 509 (2019)

*Aligning Incentives and Cost Allocation in Discovery*, 71 VAND. L. REV. 2015 (2018) (with Joanna Shepherd) (symposium contribution)

*The Case for Tipping and Unrestricted Tip-Pooling: Promoting Intrafirm Cooperation*, 59 B.C. L. REV. 1 (2018) (with Samuel Estreicher)

*Sovereign Preemption State Standing*, 112 NW. U. L. REV. 201 (2017)

*The Production Function of the Regulatory State: How Much Do Agency Budgets Matter?*, 102 MINN. L. REV. 695 (2017) (with J.B. Ruhl & James Salzman)

*Judicial Laterals*, 70 VAND. L. REV. 1911 (2017) (symposium contribution)

*Unearthing Summary Judgment's Concealed Standard of Review*, 50 U.C. DAVIS L. REV. 87 (2016)

*Doubly Uncooperative Federalism and the Challenge of U.S. Treaty Compliance*, 55 COLUM. J. TRANSNAT'L L. 3 (2016)

*Institutionalizing Pro Bono*, in *BEYOND ELITE LAW: ACCESS TO CIVIL JUSTICE IN AMERICA* 285 (Samuel Estreicher & Joy Radice eds., Cambridge U. Press 2016) (with Samuel Estreicher)

*A Functional Theory of Congressional Standing*, 114 MICH. L. REV. 339 (2015)

*Interparty Judicial Appointments*, 12 J. EMPIRICAL LEG. STUD. 664 (2015)

*Environmental Law in Austerity*, 32 PACE ENVTL. L. REV. 481 (2015) (essay; symposium contribution) (with James Salzman & J.B. Ruhl)

*Standing Doctrine Notwithstanding*, 93 TEX. L. REV. SEE ALSO 189 (2015) (response to Richard Fallon's *The Fragmentation of Standing*)

*Expertise and Opinion Assignment on the Courts of Appeals: A Preliminary Investigation*, 66 FLA. L. REV. 1599 (2014)

*Standing's Expected Value*, 111 MICH. L. REV. 1283 (2013)

*Rethinking the Principal-Agent Theory of Judging*, 99 IOWA L. REV. 331 (2013) (essay) (with Rafael I. Pardo)

*Legal Defeasibility in Context and the Emergence of Substantial Indefeasibility*, in *THE LOGIC OF LEGAL REQUIREMENTS: ESSAYS ON LEGAL DEFEASIBILITY* 377 (Jordi Ferrer & Giovanni B. Ratti eds., Oxford U. Press 2013)

*On the Efficient Deployment of Rules and Standards to Define Federal Jurisdiction*,  
65 VAND. L. REV. 509 (2012)

*The Supreme Court and the Regulation of Risk in Criminal Law*,  
92 B.U. L. REV. 171 (2012)

*Does Ideology Matter in Bankruptcy? Voting Behavior on the Courts of Appeals*,  
53 WM. & MARY L. REV. 919 (2012) (with Rafael I. Pardo)

*The Curious Landscape of the Extra-Territoriality of US Environmental Laws*, in  
BEYOND TERRITORIALITY: TRANSNATIONAL LEGAL AUTHORITY IN AN AGE OF  
GLOBALIZATION 163 (Gunther Handl, Joachim Zekoll & Peer Zumbansen eds.,  
Martinus Nijhoff 2012)

*Prosecuting Federal Crimes in State Courts*, 97 VA. L. REV. 243 (2011) (with  
Michael G. Collins)

*Mark to Ecosystem Service Market: Protecting Ecosystems Through Revaluing  
Conservation Easements*, in REBUILDING THE ARK: NEW PERSPECTIVES ON ESA  
REFORM 117 (Jonathan H. Adler ed., AEI Press 2011)

*The Institutional Dynamics of Transition Relief*, 85 N.Y.U. L. REV. 391 (2010) (with  
Jonathan S. Masur)

*Null Preemption*, 85 NOTRE DAME L. REV. 1015 (2010)

*Property Frames*, 87 WASH. U. L. REV. 449 (2010) (with Stephanie M. Stern)

*The Curious Legal Landscape of the Extraterritoriality of U.S. Environmental Laws*,  
50 VA. J. INT'L L. 997 (2010) (essay)

*Allocation and Uncertainty: Strategic Responses to Environmental Grandfathering*,  
36 ECOLOGY L.Q. 809 (2009)

*The Majority That Wasn't: Stare Decisis, Majority Rule, and the Mischief of Quorum  
Requirements*, 58 EMORY L.J. 831 (2009)

*Packaging Property: The Effect of Paradigmatic Framing of Property Rights*, 83 TUL. L.  
REV. 691 (2009) (symposium contribution)

*Judicial Election versus Judicial Appointment: Evaluating the Potential for a Race to the  
Bottom*, 64 N.Y.U. ANN. SURV. AM. L. 617 (2009) (symposium contribution)

*Identitarian Anxieties and the Nature of Inter-Tribunal Deliberations*, 9 CHI. J. INT'L L.  
613 (2009) (with Adeno Addis) (symposium contribution)

*Precautionary Standing*, 34 ADMIN. & REG. NEWS 10 (2009)

*Public Choice over Efficiency: The Case of Road Traffic Management*, in 6 CRITICAL ISSUES IN ENVIRONMENTAL TAXATION 307 (Jacqueline Cottrell et al. eds., Oxford U. Press 2009)

*The Uneasy Case for Transjurisdictional Adjudication*, 94 VA. L. REV. 1869 (2008)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, 61 VAND. L. REV. 1745 (2008) (with Rafael I. Pardo)

*Standing and the Precautionary Principle*, 108 COLUM. L. REV. 494 (2008) (essay)

*Economic Efficiency versus Public Choice: The Case of Property Rights in Road Traffic Management*, 49 B.C. L. REV. 673 (2008)

*Beyond Kyoto: The Treatment of Outliers*, 15 U.C. DAVIS J. INT'L L. & POL'Y 31 (2008) (symposium contribution)

*Examining the Perceived Quality of Appellate Review in the Bankruptcy System*, NORTON BANKR. L. ADVISER, Aug. 2008, at 1 (with Rafael I. Pardo)

*Taxes and the Success of Non-Tax Market-Based Environmental Regulatory Regimes*, in 5 CRITICAL ISSUES IN ENVIRONMENTAL TAXATION 735 (Nathalie J. Chalifour et al. eds., Oxford U. Press 2008)

*Grandfathering and Environmental Regulation: The Law and Economics of New Source Review*, 101 NW. U. L. REV. 1677 (2007) (with Richard L. Revesz)

*Trading Species: A New Direction for Habitat Trading Programs*, 32 COLUM. J. ENVTL. L. 1 (2007) (reprinted in 38 ENVTL. L. REP. NEWS & ANALYSIS 10,539 (2008), as one of the best articles on legal and policy solutions to pressing environmental problems)

*Prejudging Judges*, 106 COLUM. L. REV. 2168 (2006) (essay)

*The Illusion of Devolution in Environmental Law*, 38 URB. LAW. 1003 (2006) (essay)

*Framing Effects and Regulatory Choice*, 82 NOTRE DAME L. REV. 313 (2006)

*Resuscitating Deference to Lower Federal Court Judges' Interpretations of State Law*, 77 S. CAL. L. REV. 975 (2004)

*A Context-Sensitive Voting Protocol Paradigm for Multimember Courts*, 56 STAN. L. REV. 75 (2003)

*Examining the Power of Federal Courts to Certify Questions of State Law*, 88 CORNELL L. REV. 1672 (2003)

*Environmental Superliens and the Problem of Mortgage-Backed Securitization*, 59 WASH. & LEE L. REV. 127 (2002)

*The Design of Marketable Permit Schemes to Control Local and Regional Pollutants, in AN INTRODUCTION TO THE LAW AND ECONOMICS OF ENVIRONMENTAL POLICY: ISSUES IN INSTITUTIONAL DESIGN* 331 (Timothy Swanson ed., Elsevier Science 2002) (with Richard L. Revesz)

*Markets and Geography: Designing Marketable Permit Schemes to Control Local and Regional Pollutants*, 28 *ECOLOGY L.Q.* 569 (2001) (with Richard L. Revesz)

*Too Much Market? Conflict Between Tradable Pollution Allowances and the “Polluter Pays” Principle*, 24 *HARV. ENVTL. L. REV.* 465 (2000)

*Pendent Party Jurisdiction Under the Foreign Sovereign Immunities Act*, 16 *B.U. INT’L L.J.* 71 (1998)

### **Book Reviews**

Book Review of SAUL BRENNER & JOSEPH M. WHITMEYER, *STRATEGY ON THE UNITED STATES SUPREME COURT* (2009), *POLITICAL SCIENCE QUARTERLY*, vol. 125, no. 1, Spring 2010, at 141

Book Review of NANCY SCHERER, *SCORING POINTS: POLITICIANS, ACTIVISTS, AND THE LOWER FEDERAL COURTS APPOINTMENT PROCESS* (2005), *PERSPECTIVES ON POLITICS*, vol. 4, no. 2, June 2006, at 397

**Book** ENVIRONMENTAL LAW AND POLICY: THE ESSENTIALS (Aspen Publishers 2010)

**Edited Book** PROCEEDINGS OF THE FIFTY-EIGHTH ANNUAL NYU CONFERENCE ON LABOR LAW—WORKPLACE PRIVACY: HERE AND ABROAD (Kluwer 2010)

**Note** *An Economic Approach to the Availability of Hazardous Waste Insurance*, 1991 *ANN. SURV. AM. L.* 455

### **Amicus Curiae Briefs**

Brief for Amicus Curiae Professor Jonathan R. Nash in Support of Respondents in *Ford Motor Co. v. Montana Eighth Judicial District Court*, 141 S. Ct. 1017 (2021)

Brief of Professors Jonathan R. Nash, Aziz H. Huq, Matthew I. Hall, and 22 Other Legal Scholars as Amicus Curiae in Support of Plaintiff-Appellee in *Committee on Judiciary of U.S. House of Representatives v. McGahn*, 968 F.3d 755 (D.C. Cir. 2020)

Brief for Amicus Curiae Professor Jonathan R. Nash in Support of Respondent in *Plumhoff v. Rickard*, 572 U.S. 765 (2014)

**Op-Eds** *Trump’s Remaking of the Judicial System*, THE HILL, Nov. 23, 2020

*Here’s How Senators Can Overcome Their Hyperpartisanship with Judicial Nominees*, THE HILL, Aug. 12, 2019

*Chief Justice Roberts Will be the New ‘Swing’ Vote*, THE HILL, June 30, 2018

*Trump Reshapes the Lower Federal Courts with Little Progressive Scrutiny*,  
THE HILL, June 23, 2017

*Gorsuch on Supreme Court Might Impact Federal Agencies Most of All*,  
THE HILL, Feb. 2, 2017

*What Kind of Judges Will Trump Appoint?*, THE HILL, Nov. 13, 2016

*New Court Ruling May Lead to Citizens Challenging Executive Overreach*, THE HILL,  
Oct. 8, 2016

*Judges Must Be Politically Impartial, Period*, THE HILL, Aug. 14, 2016

*How the FBI Director Followed in Chief Justice Marshall's Footsteps*, THE HILL,  
July 6, 2016

*When a Supreme Court Tie Produces More Guidance, Not Less*, THE HILL, May 4, 2016

*Supreme Court Reaffirms Supremacy Over State Courts, and Why That Matters Now*,  
THE HILL, Feb. 4, 2016

*Technology, Search Costs and the Standard for Effective Assistance of Counsel*,  
THE HILL, Oct. 9, 2015

*Michigan v. EPA and the Future of Chevron Deference*, THE HILL, July 16, 2015

*The Broader Lessons from the ObamaCare Decision*, THE HILL, June 30, 2015

*Obama's Curious Take on ObamaCare Case and Supreme Court Docket*,  
THE HILL, June 16, 2015

*Article III Protectionism*, THE HILL, June 2, 2015

*A Slim Victory for Judicial Campaign Speech Codes*, THE HILL, May 7, 2015

*The 'Judicially Unadministrable' Statute and Why It Matters*, THE HILL, April 6, 2015

*If Not a Historic Agreement, Then a Historic Step – Obama, China, and Climate Change*,  
THE HILL, Nov. 17, 2014

*High-Speed Police Pursuits and Deadly Force*, THE HILL, Aug. 19, 2014

*The Muddied Future of ObamaCare*, THE HILL, Aug. 1, 2014

*Pork-Barrel Politics at the EPA*, THE HILL, June 16, 2014

*Keeping Cooperation in Cooperative Federalism*, THE HILL, May 30, 2014

*The Fifth Circuit's Curious About-Face*, NAT'L L.J., Nov. 12, 2012, at 39

*More Appellate Judges Shouldn't Yield Less Appellate Review: The Fifth Circuit's Shameful Disappearing Act in Comer*, NAT'L L.J., July 12, 2010, at 34

*Resolution Oversight*, NAT'L L.J., May 31, 2010, at 34 (with Rafael I. Pardo)

## **Work in Progress**

FEDERAL COURTS (casebook project with Michael G. Collins)

## **Presentations**

*A Subject-Matter Specific Empirical Investigation into the Impact of the Summary Judgment Trilogy*, Law & Economics Workshop (hosted virtually by the University of Michigan, University of Southern California, and University of Virginia), August 2021 (with D. Daniel Sokol)

*A Subject-Matter Specific Empirical Investigation into the Impact of the Summary Judgment Trilogy*, Civil Procedure Workshop (hosted virtually by the University of Alabama), August 2021

*Filibuster Change and Judicial Appointments*, West Virginia Bar Association Annual Meeting, White Sulphur Springs, WV, July 2021

*Communicating Risk Across the Political Divide*, Society for Environmental Law and Economics Annual Meeting (hosted virtually by Notre Dame Law School), June 2021 (with Cherie Metcalf)

*Communicating Risk Across the Political Divide*, Sustainability Conference of Legal Educators (hosted virtually by Arizona State University Sandra Day O'Connor School of Law), May 2021 (with Cherie Metcalf)

*Evaluating District Judges' Incentives to Appoint Magistrate Judges on the Basis of Merit Instead of Ideology*, Emory Center for Law and Social Science Conference on Magistrate Judges (virtual), April 2021

*Communicating Risk Across the Political Divide*, Midwest Political Science Association Annual Meeting (virtual), April 2021 (with Cherie Metcalf)

*Aligning Diversity Jurisdiction With Its Bias Rationale*, Emory Center for Federalism and Intersystemic Governance Conference on Federal Diversity Jurisdiction (virtual), March 2020 (with Daniel Klerman)

*Communicating Risk Across the Political Divide*, Sustainability Conference of Legal Educators, Law & Economics Workshop (hosted virtually by the University of Florida, University of Michigan, and University of Virginia), January 2021 (with Cherie Metcalf)

*The Problem of Regulatory Prediction*, Association of American Law Schools Annual Meeting (virtual), January 2021

*Aligning Diversity Jurisdiction With Its Bias Rationale*, Annual Civil Procedure Workshop (hosted virtually by Northwestern University Pritzker School of Law), October 2020 (with Daniel Klerman)



*Filibuster Change and Judicial Appointments*, Annual Conference on Empirical Legal Studies, Claremont, CA, November 2019

*Reciprocity and the Capacity of States to Sue and to Be Sued*, Civil Procedure Workshop, Austin, TX, October 2019

*Filibuster Change and Judicial Appointments*, Midwestern Law and Economics Association Annual Meeting, Villanova, PA, October 2019

*Filibuster Change and Judicial Appointments*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2019

*Public Perception of Climate Change Information Provided by the Government Versus the Market*, Southeastern Environmental Law Scholars Conference, Smithville, TN, July 2019

*Filibuster Change and Judicial Appointments*, Society for Institutional and Organizational Economics Annual Meeting, Stockholm, Sweden, June 2019

*The Problem of Predictive Regulation*, American Law and Economics Association Annual Meeting, New York, NY, May 2019

*The Problem of Predictive Regulation*, Sustainability Conference of Legal Educators, Phoenix, AZ, May 2019

*Filibuster Change and Judicial Appointments*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2019

*Filibuster Change and Judicial Appointments*, Northwestern University Conference on Text Analysis and Law, Chicago, IL, April 2019

*Prediction Markets for Climate Adaptation*, Society for Environmental Law and Economics Annual Meeting, Santiago, Chile, March 2019

*Can and Should Courts Create Courts? Problems of Judicial Institutional Self-Design*, George Mason Law School Faculty Workshop, Arlington, VA, January 2019

*Can and Should Courts Create Courts? Problems of Judicial Institutional Self-Design*, Annual Civil Procedure Workshop, Palo Alto, CA, November 2018

*The Collegiality of Dissent*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2018

*The Problem of Predictive Regulation*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2018

*The Collegiality of Dissent*, Midwestern Law and Economics Association Annual Meeting, Tuscaloosa, AL, September 2018

*The Problem of Predictive Regulation*, Midwestern Law and Economics Association Annual Meeting, Tuscaloosa, AL, September 2018

*The Collegiality of Dissent*, Society for Institutional and Organizational Economics Annual Meeting, Montreal, Canada, June 2018

*The Problem of Predictive Regulation*, Society for Environmental Law and Economics Annual Meeting, Chicago, Illinois, June 2018

*Discovery Cost Allocation, Incentives, and Signaling*, American Law and Economics Association Annual Meeting, Boston, MA, May 2018

*Public Perception of Climate Change Information Provided by the Government Versus the Market*, Annual Sustainability Conference of Legal Educators, Phoenix, AZ, May 2018

*The Collegiality of Dissent*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2018

*Examining Federal District Judges' Referrals to Magistrate Judges*, Annual Law and Economics Theory Conference, Houston, TX, December 2017

*Discovery Cost Allocation, Incentives, and Signaling*, Midwestern Law and Economics Association Annual Meeting, Milwaukee, WI, October 2017

*Discovery Cost Allocation, Incentives, and Signaling*, Vanderbilt Law Review Symposium, Nashville, TN, October 2017 (with Joanna Shepherd)

*Rules, Standards, and General Jurisdiction*, Annual Civil Procedure Workshop, Tucson, AZ, October 2017

*Certification of Division Under Marshall and Taney: An Examination*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2017

*Judicial Laterals*, Society for Institutional and Organizational Economics Annual Meeting, New York, NY, June 2017

*Private Control Over Regulatory Dockets Through Lawsuits to Compel Agency Action: An Examination*, Society for Environmental Law and Economics Annual Meeting, Oxford, United Kingdom, May 2017

*Judicial Laterals*, American Law and Economics Association Annual Meeting, New Haven, CT, May 2017

*The Production Function of the Regulatory State*, Annual Sustainability Conference of Legal Educators, Phoenix, AZ, May 2017

*Certification of Division Under Marshall and Taney: An Examination*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2017

*Judicial Laterals*, Vanderbilt Law Review Symposium, Nashville, TN, March 2017

*The Production Function of the Regulatory State*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2016

*Certification of Division Under Marshall and Taney: An Examination*, Midwestern Law and Economics Association Annual Meeting, Atlanta, GA, September 2016

*Unearthing Summary Judgment's Concealed Standard of Review*, Annual Civil Procedure Workshop, Seattle, WA, July 2016

*The Production Function of the Regulatory State*, Society for Institutional and Organizational Economics Annual Meeting, Paris, France, June 2016

*The Case for Tipping and Unrestricted Tip-Pooling: Promoting Intrafirm Cooperation*, Society for Institutional and Organizational Economics Annual Meeting, Paris, France, June 2016

*The Production Function of the Regulatory State*, Society for Environmental Law and Economics Annual Meeting, Austin, TX, May 2016

*Public Perception of Climate Change Information Provided by the Government Versus the Market*, Society for Environmental Law and Economics Annual Meeting, Austin, TX, May 2016 (with Cherie Metcalf)

*The Production Function of the Regulatory State*, American Law and Economics Association Annual Meeting, Cambridge, MA, May 2016

*Public Perception of Climate Change Information Provided by the Government Versus the Market*, American Law and Economics Association Annual Meeting, Cambridge, MA, May 2016 (with Cherie Metcalf)

Panelist, "States' Standing to Sue the United States", National Association of Attorneys General 2016 Southern Region Meeting, Atlanta, GA, April 2016

*An Empirical Investigation of the Effect of Collegiality on Judicial Decision-Making*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2016

*An Empirical Investigation of the Effect of Collegiality on Judicial Decision-Making*, Society for Empirical Legal Studies Annual Meeting, St. Louis, MO, October 2015

*An Empirical Investigation of the Effect of Collegiality on Judicial Decision-Making*, Midwest Law and Economics Association Annual Meeting, Lawrence, KS, October 2015

*An Empirical Investigation of the Effect of Collegiality on Judicial Decision-Making*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2015

*Examining Federal District Judges' Referrals to Magistrate Judges*, International Society for New Institutional Economics Annual Meeting, Cambridge, MA, June 2015

*Climate Science, Prediction Markets, and Public Opinion*, International Society for New Institutional Economics Annual Meeting, Cambridge, MA, June 2015

*Climate Science, Prediction Markets, and Public Opinion*, Society for Environmental Law and Economics Annual Meeting, Groningen, Netherlands, May 2015

*Examining Federal District Judges' Referrals to Magistrate Judges*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2015

*Interparty Judicial Appointments*, Society for Empirical Legal Studies Annual Meeting, Berkeley, CA, November 2014

*Interparty Judicial Appointments*, University of Notre Dame Law and Economics Workshop, South Bend, IN, November 2014

*Examining Federal District Judges' Referrals to Magistrate Judges*, Midwestern Law and Economics Association Annual Meeting, Indianapolis, IN, October 2014

*Examining Federal District Judges' Referrals to Magistrate Judges*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2014

*Interparty Judicial Appointments*, International Society for New Institutional Economics Annual Meeting, Durham, NC, June 2014

*A Formal Model of Federal Court Certification of Questions of Law*, International Society for New Institutional Economics Annual Meeting, Durham, NC, June 2014

*Interparty Judicial Appointments*, American Law and Economics Association Annual Meeting, Chicago, IL, May 2014

*Examining the Fate of Interparty Judicial Appointments*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2014

*The Benefits and Costs of Standing to Sue to Override Agency Priorities*, Conference on the Democratization of Risk Governance, Tel Aviv, Israel, December 2013

*Expertise and Opinion Assignment on the Courts of Appeals*, University of Chicago Law School Workshop on Judicial Behavior, Chicago, IL, November 2013

*Rethinking the Principal-Agent Model of Judging*, American Law and Economics Association Annual Meeting, Nashville, TN, May 2013 (with Rafael I. Pardo)

*Disentangling Institutional Constraints on Judging*, Southern Economics Association Annual Meeting, New Orleans, LA, November 2012 (with Rafael I. Pardo)

*Disentangling Institutional Constraints on Judging*, Midwest Law and Economics Association Annual Meeting, St. Louis, MO, October 2012 (with Rafael I. Pardo)

*Expertise and Judicial Opinion Assignment on the Courts of Appeals*, International Society for New Institutional Economics Annual Meeting, Los Angeles, CA, June 2012

*Environmental Regulation through the Looking Glass: The Curious Political Economy of Conservation Easements and Tradable Degradation Permits*, Society for Environmental Law and Economics Annual Meeting, Bloomington, IN, June 2012

*Expertise and Judicial Opinion Assignment on the Courts of Appeals*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2012

*Disentangling Institutional Constraints on Judging*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2012

*Expertise and Judicial Opinion Assignment on the Courts of Appeals*, Florida State University Law School Faculty Workshop, Tallahassee, FL, January 2012

*Expertise and Judicial Opinion Assignment on the Courts of Appeals*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2011

*The Cathedral of Transition Relief in Environmental Law*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2011

*The Cathedral of Transition Relief in Environmental Law*, Midwestern Law and Economics Association Annual Meeting, Bloomington, IN, September 2011

*Expertise and Judicial Opinion Assignment on the Courts of Appeals*, University of Florida Law School Faculty Workshop, Gainesville, FL, September 2011

*The Cathedral of Transition Relief in Environmental Law*, Society for Environmental Law and Economics Annual Meeting, Amsterdam, Netherlands, June 2011

*Ideological Voting in Bankruptcy*, Midwest Political Science Association Annual Meeting, Chicago, IL, April 2011 (with Rafael I. Pardo)

*The Cathedral of Transition Relief in Environmental Law*, University of Toronto Law and Economics Workshop, Toronto, Canada, November 2010

*The Cathedral of Transition Relief in Environmental Law*, Emory University School of Law Faculty Workshop, Atlanta, GA, November 2010

*Ideological Voting in Bankruptcy*, Society of Empirical Legal Studies Annual Meeting, New Haven, CT, November 2010 (with Rafael I. Pardo)

*The Cathedral of Transition Relief in Environmental Law*, Midwestern Law and Economics Association Annual Meeting, Boulder, CO, October 2010

*Environmental Regulation Through the Looking Glass: The Curious Political Economy of Conservation Easements and Tradable Degradation Permits*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, October 2010

*Ideological Voting in Bankruptcy*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, October 2010 (with Rafael I. Pardo)

*Tradable Environmental-Degradation Permits and the Takings Clause*, Association of American Law Schools Midyear Workshop on Property, New York, NY, June 2010

*The Institutional Dynamics of Transition Relief*, American Law and Economics Association Annual Meeting, Princeton, NJ, May 2010

*Prediction-Forcing Regulation*, Emory University Center on Federalism and Intersystemic Governance Conference on “Financial Regulation and Reform”, Atlanta, GA, April 2010

*Ideological Voting in Bankruptcy*, Emory University School of Law Faculty Workshop, Atlanta, GA, April 2010

*The Institutional Dynamics of Transition Relief*, Society for Environmental Law and Economics Annual Meeting, Atlanta, GA, March 2010

*Tradable Environmental-Degradation Permits and the Takings Clause*, Association for Law, Property, and Society Annual Meeting, Washington, DC, March 2010

*Instrument Choice in Federal Court Jurisdiction: Rules, Standards, and Discretion*, Midwestern Law and Economics Association Annual Meeting, South Bend, IN, October 2009

*The Institutional Dynamics of Transition Relief*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, October 2009

*Mark to Ecosystem Service Market: Repricing Conservation Easements to Protect Ecosystems*, American Enterprise Institute Symposium on “Rebuilding the Ark: New Perspectives on ESA Reform”, Washington, DC, September 2009

*The Institutional Dynamics of Transition Relief*, Emory University School of Law Faculty Workshop, Atlanta, GA, September 2009

*Property Frames*, International Society for New Institutional Economics Annual Meeting, Berkeley, CA, June 2009

*Scott v. Harris: Lessons for, and from, Environmental Law*, American Law and Economics Association Annual Meeting, San Diego, CA, May 2009

*Medellin v. Texas: The Judiciary and the Joints of Intersystemic Governance*, Emory University Center on Federalism and Intersystemic Governance Conference on “Layering Governance: Multi-Level Regulation under Bush and Beyond”, Atlanta, GA, May 2009

*Environmental Regulation Through the Looking Glass: The Curious Political Economy of Conservation Easements and Tradable Degradation Permits*, Property and Psychology Roundtable, Syracuse, NY, May 2009

*On Judicial Deliberation*, Emory Workshop on Law, Politics, and Human Rights, Atlanta, GA, March 2009 (with Adeno Addis)

*Null Preemption*, Tulane Law School Faculty Workshop, New Orleans, LA, February 2009

*Allocation and Uncertainty: Strategic Responses to Environmental Grandfathering*, International Society for New Institutional Economics Annual Meeting, Toronto, Canada, June 2008

*Property Frames*, Property Works in Progress Conference, Boulder, CO, June 2008 (with Stephanie Stern)

*The Uneasy Case for Transjurisdictional Adjudication*, Law and Society Association Annual Meeting, Montreal, Canada, May 2008

*Allocation and Uncertainty: Strategic Responses to Environmental Grandfathering*, American Law and Economics Association Annual Meeting, New York, NY, May 2008

*Property Frames*, Loyola Chicago Law School Faculty Workshop, Chicago, IL, May 2008 (with Stephanie Stern)

*Trading Species: A New Direction for Habitat Trading Programs*, Environmental Law and Policy Annual Review Conference, Washington, DC, April 2008

*Legal Defeasibility in Context*, Workshop on Defeasibilism, Oxford, UK, March 2008

*Packaging Property: The Effect of Paradigmatic Framing of Property Rights*, American Psychology-Law Society Annual Conference, Jacksonville, FL, March 2008

*Allocation and Uncertainty: Strategic Responses to Environmental Grandfathering*, University of Chicago Faculty Workshop, Chicago, IL, February 2008

*Packaging Property: The Effect of Paradigmatic Framing of Property Rights*, Second Annual Conference on Empirical Legal Studies, New York, NY, November 2007

*An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, Second Annual Conference on Empirical Legal Studies, New York, NY, November 2007

*Public Choice over Efficiency: The Case of Road Traffic Management*, Eighth Annual Global Conference on Environmental Taxation, Munich, Germany, October 2007

*Environmental Law through the Looking Glass: The Curious Political Economy of Conservation Easements and Tradable Degradation Permits*, Midwestern Law and Economics Association Annual Meeting, Minneapolis, MN, October 2007

*The Majority That Wasn't: Stare Decisis, Majority Rule, and the Mischief of Quorum Requirements*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2007

*Allocation and Uncertainty: Strategic Responses to Grandfathering*, Law and Society Association Annual Meeting, Berlin, Germany, July 2007

*An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, Law and Society Association Annual Meeting, Berlin, Germany, July 2007 (with Rafael I. Pardo)

*An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, International Society for New Institutional Economics Annual Meeting, Reykjavik, Iceland, June 2007

*Allocation and Uncertainty: Strategic Responses to Grandfathering*, Harvard-Boalt-UCLA Workshop for Junior Environmental Scholars, Cambridge, MA, June 2007

*An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, Stanford-Yale Junior Faculty Forum, Palo Alto, CA, May 2007 (with Rafael I. Pardo)

*Taxes and the Success of Non-Tax Market-Based Environmental Regulatory Regimes*, Seventh Annual Global Conference on Environmental Taxation, Ottawa, Canada, October 2006

*An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review*, Midwestern Law and Economics Association Annual Meeting, Lawrence, KS, October 2006 (with Rafael I. Pardo)

*Allocation and Uncertainty: Strategic Responses to Grandfathering*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2006

*The Illusion of Devolution in Environmental Law*, Association of American Law Schools Annual Meeting, Washington, DC, January 2006

*Allocation and Uncertainty: Strategic Responses to Grandfathering*, Columbia Law School Faculty Workshop, New York, NY, November 2005

*Allocation and Uncertainty: Strategic Responses to Grandfathering*, Midwestern Law and Economics Association Annual Meeting, Chicago, IL, October 2005

*Packaging Property: The Effect of Paradigmatic Framing of Property Rights*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2005



*The Law and Economics of New Source Review*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2005

*The Law and Economics of New Source Review*, Cornell Law School Faculty Workshop, Ithaca, NY, August 2005

*Packaging Property: The Effect of Paradigmatic Framing of Property Rights*, American Law and Economics Association Annual Meeting, New York, NY, May 2005

*Packaging Property: The Effect of Paradigmatic Framing of Property Rights*, Tulane Law School Faculty Workshop, New Orleans, LA, April 2005

*Allocation and Uncertainty: Strategic Responses to Grandfathering*, Tulane Law School Faculty Workshop, New Orleans, LA, October 2004

*The Law and Economics of New Source Review*, Midwestern Law and Economics Association Annual Meeting, Iowa City, IA, October 2004

*Economic Efficiency versus Public Choice: The Case of Property Rights in Road Traffic Management*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2004

*The Law and Economics of Tipping: The Laborer's Perspective*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2004

*The Uneasy Case for Transjurisdictional Adjudication*, Southeastern Association of Law Schools Annual Meeting, Kiawah Island, SC, August 2004

*The Uneasy Case for Transjurisdictional Adjudication*, May Gathering of Junior Law Faculty, Washington, DC, May 2004

*Framing Effects and Regulatory Choice: The Case of Environmental Regulation*, American Law and Economics Association Annual Meeting, Chicago, IL, May 2004

*Economic Efficiency versus Public Choice: The Case of Property Rights in Road Traffic Management*, Tulane Law School Environmental Conference, New Orleans, LA, April 2004

*Economic Efficiency versus Public Choice: The Case of Property Rights in Road Traffic Management*, Tulane Law School Energy and Environment Seminar, New Orleans, LA, October 2003

*The Uneasy Case for Transjurisdictional Adjudication*, Tulane Law School Faculty Workshop, New Orleans, LA, October 2003

*Economic Efficiency versus Public Choice: The Case of Property Rights in Road Traffic Management*, Midwestern Law and Economics Association Annual Meeting, Indianapolis, IN, October 2003

*Trading Species: A New Direction for Habitat Trading Programs*, American Law and Economics Association Annual Meeting, Toronto, Canada, September 2003

*Framing Effects and Regulatory Choice: The Case of Environmental Regulation*, Tulane Law School Faculty Workshop, New Orleans, LA, March 2003

*Environmental Superliens and the Problem of Securitization*, American Law and Economics Association Annual Meeting, Cambridge, MA, May 2002

*Property Baselines and the Choice of Environmental Regulatory Instrument*, Northwestern University School of Law Faculty Workshop Series in Property Law, Chicago, IL, October 2001

*Property Baselines and the Choice of Environmental Regulatory Instrument*, University of Chicago Law School Faculty Workshop, Chicago, IL, August 2001

*Markets and Geography: Designing Marketable Permit Schemes to Control Local and Regional Pollutants*, American Law and Economics Association Annual Meeting, Washington, DC, May 2001

*Markets and Geography: Designing Marketable Permit Schemes to Control Local and Regional Pollutants*, University of Chicago Law School Environmental Law Society Workshop, Chicago, IL, October 2000

*Markets and Geography: Designing Marketable Permit Schemes to Control Local and Regional Pollutants*, Canadian Law and Economics Association Annual Meeting, Toronto, Canada, September 2000 (with Richard L. Revesz)

## **Reviewer**

Cambridge University Press; Oxford University Press; UC-Berkeley Press; Wolters Kluwer Press; *American Journal of Political Science*; *Behavioural Public Policy*; *Economic Change and Restructuring*; *International Review of Law & Economics*; *Social Science Quarterly*; *Stanford Law Review*; *Yale Law Journal*

## **Other Legal Experience**

SQUADRON, ELLENOFF, PLESENT & SHEINFELD, LLP, New York, NY  
**Associate Attorney**, Litigation Department - October 1999 to March 2000

GIBSON, DUNN & CRUTCHER LLP, New York, NY  
**Associate Attorney**, Litigation Department - January 1997 to July 1998

DEWEY BALLANTINE, New York, NY  
**Associate Attorney**, Tax Department - October 1994 to December 1996  
**Summer Associate** - Summer 1991

## **Bar Admissions**

New York, 1993; U.S. Court of Appeals for the Fourth Circuit, 1994; U.S. District Courts for the Southern and Eastern Districts of New York, 1997; U.S. Supreme Court, 1998.