

**MATTHEW D. ADLER**

Leon Meltzer Professor of Law  
University of Pennsylvania Law School  
3400 Chestnut St., Philadelphia PA 19104  
(215) 898-4571

March 2011

**EDUCATION:**

1988-91                   **Yale Law School**

J.D. awarded 1991. Research assistant for Professors Owen Fiss and Paul Gewirtz. Teaching assistant for first-year students. Senior Editor, *Yale Law Journal*.

1984-86                   **St. Antony's College, Oxford University**

Marshall Scholar. M. Litt. in Modern History awarded 1987. Thesis topic: British Diplomacy and the Politics of German Unification, 1859-1865.

1980-84                   **Yale University**

B.A. in History, *summa cum laude*, with distinction in the major, awarded 1984. One of eleven juniors elected to Phi Beta Kappa.

**WORK EXPERIENCE:**

1995-Present           **University of Pennsylvania Law School**, Philadelphia, PA. Assistant Professor 1995-2000; Professor, 2000-2006; appointed Leon Meltzer Professor of Law, 2006.

December 2010       **Bar-Ilan University Law Faculty**, Tel Aviv, Israel. Visiting Professor.

Spring 2009           **Columbia University Law School**, New York, NY. James S. Carpentier Visiting Professor

Spring 2003           **University of Chicago Law School**, Chicago, IL. Visiting Professor.

Fall 2002              **University of Virginia Law School**, Charlottesville, VA. Visiting Professor.

- 1994                    **Paul, Weiss, Rifkind, Wharton & Garrison**, New York, N.Y.  
Associate, litigation department.
- 1992-93                **Justice Sandra Day O'Connor, U.S. Supreme Court.** Law clerk.
- 1991-92                **Judge Harry Edwards, U.S. Court of Appeals for the D.C. Circuit.**  
Law clerk.
- 1990                    **Onek, Klein & Farr**, Washington, D.C. Summer associate.
- 1986-88                **Oliver, Wyman & Co.**, New York, N.Y. Management consultant.

#### **HONORS AND AWARDS:**

- 2010                    **A. Leo Levin Award for Excellence in an Introductory Course**,  
University of Pennsylvania Law School
- 2007                    **Christian R. and Mary F. Lindback Foundation Award for  
Distinguished Teaching**, one of eight awarded to University of  
Pennsylvania faculty (four in the non-health schools, four in the health  
schools)
- 2001, 2006            **Harvey Levin Memorial Award for Teaching Excellence**, University of  
Pennsylvania Law School.
- 1997, 1999            **Presidential Fellow**, Salzburg Seminar.
- 1990                    **Coker Fellow**, Yale Law School (teaching assistant for first-year  
students).
- 1984                    **Marshall Scholar**, one of thirty funded by the British government for two  
years study at a British university.
- John Spangler Nicholas Cup**, for the senior in Trumbull College, Yale  
University, with the highest academic rank.

#### **PUBLICATIONS:**

##### *Books:*

**Well-Being, Fair Distribution, and Policy Choice: A Defense of the  
Social Welfare Function** (Oxford University Press, forthcoming 2011)

**The Rule of Recognition and the U.S. Constitution** (Oxford University

Press, 2009) (co-edited with Kenneth Himma)

**New Foundations of Cost-Benefit Analysis** (Harvard University Press, 2006) (co-authored with Eric Posner)

**Cost-Benefit Analysis: Legal, Economic and Philosophical Perspectives** (University of Chicago Press, 2000) (co-edited with Eric Posner)

*Articles, Book Chapters, and Working Papers:*

*Regulatory Theory*, in **Companion to Philosophy of Law and Legal Theory** (Dennis Paterson ed., Cambridge University Press 2010)

*Future Generations: A Prioritarian View*, 77 **George Washington Law Review** 1478 (2009) (contribution to symposium on future generations)

*Social Facts, Constitutional Interpretation, and the Rule of Recognition*, in **The Rule of Recognition and the U.S. Constitution** 193 (Matthew D. Adler and Kenneth Einar Himma eds., Oxford University Press, 2009)

*Introducing a “Different Lives” Approach to the Valuation of Health and Well-Being* (working paper, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1112636](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1112636)) (co-authored with Paul Dolan)

*Well-Being, Inequality and Time: The Time Slice Problem and its Policy Implications* (working paper, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1006871](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1006871))

*Why De Minimis?* (working paper, available at [http://ssrn.com/sol3/papers.cfm?abstract\\_id=992787](http://ssrn.com/sol3/papers.cfm?abstract_id=992787))

*Happiness Research and Cost-Benefit Analysis*, 37 **Journal of Legal Studies** S253 (2008) (co-authored with Eric Posner) (contribution to symposium on happiness) (also published in **Law and Happiness** (Eric Posner & Cass Sunstein eds., University of Chicago Press 2010))

*Bounded Rationality and Legal Scholarship*, in **Theoretical Foundations of Law and Economics** 137 (Mark White ed., Cambridge University Press, 2009).

*Risk Equity: A New Proposal*, 32 **Harvard Environmental Law Review** 1 (2008)

*Inequality and Uncertainty: Theory and Legal Applications*, 155 **University of Pennsylvania Law Review** 279 (2006) (co-authored with Chris Sanchirico)

*Policy Analysis for Natural Hazards: Some Cautionary Lessons from Environmental Policy Analysis*, 56 **Duke Law Journal** 1 (2006) (contribution to symposium on Hurricane Katrina)

*Welfare Polls: A Synthesis*, 81 **N.Y.U. Law Review** 1875 (2006)

*Constitutional Fidelity, The Rule of Recognition, and the Communitarian Turn in Contemporary Positivism*, 75 **Fordham Law Review** 1671 (2006) (contribution to symposium on the internal point of view)

*Popular Constitutionalism and the Rule of Recognition: Whose Practices Ground U.S. Law?*, 100 **Northwestern Law Review** 719 (2006)

*QALYs and Policy Evaluation: A New Perspective*, 6 **Yale Journal of Health Policy, Law, and Ethics** 1 (2006)

*Equity Analysis and Natural Hazards Policy*, in **On Risk and Disaster: Lessons from Hurricane Katrina** 129 (Ronald Daniels et al., eds., 2006)

*Justification, Legitimacy and Administrative Governance*, **Issues in Legal Scholarship** (The Reformation of American Administrative Law) (2005), available at <http://www.bepress.com/ils/iss6/art3>

*Against "Individual Risk": A Sympathetic Critique of Risk Assessment*, 153 **University of Pennsylvania Law Review** 1121 (2005)

*Fear Assessment: Cost-Benefit Analysis and the Pricing of Fear and Anxiety*, 79 **Chicago-Kent Law Review** 977 (2004) (contribution to symposium on interdisciplinary legal scholarship)

*Constitutional Existence Conditions and Judicial Review*, 89 **Virginia Law Review** 1105 (2003) (co-authored with Michael Dorf)

*Legal Transitions: Some Welfarist Remarks*, 13 **Journal of Contemporary Legal Issues** 5 (2003) (contribution to symposium on legal transitions)

*Risk, Death and Harm: The Normative Foundations of Risk Regulation*, 87 **Minnesota Law Review** 1293 (2003)

*Does the Constitution Require (Basic or Strengthened) Public Rationality?*, in **Linking Law and Political Science** (Christoph Engel &

Adrienne Heritier eds., 2003)

*The Puzzle of Ex Ante Efficiency: Does Rational Approvability have Moral Weight?*, 151 **University of Pennsylvania Law Review** 707 (2003)

*State Sovereignty and the Anti-Commandeering Cases*, 574 **Annals of the American Academy for Political and Social Science** 158 (March 2001)

*Rights, Rules and the Structure of Constitutional Adjudication: A Response to Professor Fallon*, 113 **Harvard Law Review** 1371 (2000)

*Beyond Efficiency and Procedure: A Welfarist Theory of Regulation*, 28 **Florida State University Law Review** 241 (2000) (contribution to symposium on regulatory theory, with responses by Rob Atkinson and Dan Rodriguez)

*Personal Rights and Rule-Dependence: Can the Two Coexist?*, 6 **Legal Theory** 337 (2000)

*Expressive Theories of Law: A Skeptical Overview*, 148 **University of Pennsylvania Law Review** 1363 (2000) (with a response by Elizabeth Anderson and Richard Pildes)

*Implementing Cost-Benefit Analysis when Preferences are Distorted*, 29 **Journal of Legal Studies** 1105 (2000) (co-authored with Eric Posner) (also published as a chapter in **Cost-Benefit Analysis: Legal, Economic and Philosophical Perspectives**)

*Rethinking Cost-Benefit Analysis*, 109 **Yale Law Journal** 165 (1999) (co-authored with Eric Posner). Excerpted in **Jurisprudence: Classical and Contemporary** (Robert Hayman et al., 2d ed., 2002)

*The New Etiquette of Federalism: New York, Printz and Yeskey*, 1998 **Supreme Court Review** 71 (co-authored with Seth Kreimer)

*Rights Against Rules: The Moral Structure of American Constitutional Law*, 97 **Michigan Law Review** 1 (1998)

*Incommensurability and Cost-Benefit Analysis*, 146 **University of Pennsylvania Law Review** 1371 (1998)

*Judicial Restraint in the Administrative State: Beyond the Counter-majoritarian Difficulty*, 145 **University of Pennsylvania Law Review** 759 (1997)

*What States Owe Outsiders*, 20 **Hastings Constitutional Law Quarterly**

391 (1993)

*Comments, Book Reviews, Introductions, and Other Short Publications*

*Imposing Values* (book review), 120 **Ethics** 831 (2010)

*Contingent Valuation Studies and Health Policy*, 5 **Health Economics, Policy and Law** 123 (2010)

*Introduction*, in **The Rule of Recognition and the U.S. Constitution** xiii (Matthew D. Adler and Kenneth Einar Himma eds., Oxford University Press 2009) (co-authored with Ken Himma)

*New Foundations of Cost-Benefit Analysis*, 3 **Regulation and Governance** 72 (2009) (co-authored with Eric Posner)

*On (Moral) Philosophy and American Legal Scholarship*, in **On Philosophy in American Law** 114 (Jay Mootz ed., Cambridge University Press, 2009)

*Introduction to Conference Report on White House Review of Regulation* (report of conference on OIRA review held at Penn Law in December 2006, introduction co-authored with Cary Coglianese, forthcoming 2007)

*Corrective Justice and Liability for Global Warming*, 155 **University of Pennsylvania Law Review** 1859 (2007)

*Policy Analysis for Natural Hazards: Some Cautionary Lessons from Environmental Policy Analysis*, 32 **Administrative and Regulatory Law News** 11 (2007)

*Economic Growth and the Interests of Future (and Past and Present) Generations: A Comment on Tyler Cowen*, 74 **University of Chicago Law Review** 41 (2007)

*Cost-Benefit Analysis: New Foundations*, in 42/43 **Legislacao: Cadernos de Ciencia de Legislacao** 63 (2006) (publishing Proceedings of the Conference on Legal Evaluation, held in Lisbon, January 2005).

*Cost-Benefit Analysis*, in 1 **Encyclopedia of Law and Society: American and Global Perspectives** 305 (David S. Clark ed., Sage Publications, 2007)

*Cognitivism, Controversy and Moral Heuristics*, 28 **Behavioral and Brain Sciences** 542 (2005)

*Fairness Versus Welfare* (book review), 115 **Ethics** 824 (2005)

*Incorporating Fear Assessment into Cost-Benefit Analysis*, 29 **Administrative and Regulatory Law News** 4 (2004)

*Cost-Benefit Analysis, Static Efficiency and the Goals of Environmental Law*, 31 **Boston College Environmental Affairs Law Review** 591 (2004)

*Preferences and Rational Choice: Introduction*, 151 **University of Pennsylvania Law Review** 707 (2003) (co-authored with Claire Finkelstein and Peter Huang)

*Rights, Wrongs and Responsibilities* (book review), **Notre Dame Philosophical Review** (2002)

*The Positive Political Theory of Cost-Benefit Analysis: A Comment on Johnston*, 150 **University of Pennsylvania Law Review** 1429 (2002)

*Risk, Death and Time: A Comment on Judge Williams' Defense of Cost-Benefit Analysis*, 53 **Administrative Law Review** 271 (2001)

*Expression and Appearance: A Comment on Hellman*, 60 **Maryland Law Review** 688 (2001)

*Linguistic Meaning, Nonlinguistic "Expression," and the Multiple Variants of Expressivism: A Reply to Professors Anderson and Pildes*, 148 **University of Pennsylvania Law Review** 1577 (2000)

*Rights and Rules: An Overview*, 6 **Legal Theory** 241 (2000) (co-authored with Michael Dorf)

*Cost-Benefit Analysis: Introduction*, 29 **Journal of Legal Studies** 837 (2000) (co-authored with Eric Posner)

*The Problematics of Moral and Legal Theory* (book review), 20 **Philosophy in Review** 142 (2000)

*Incommensurability, Incomparability and Practical Reason* (book review), 19 **Philosophy in Review** 168 (1999)

*Can Constitutional Borrowing be Justified? A Comment on Tushnet*, 2 **University of Pennsylvania Journal of Constitutional Law** 350 (1998)

*Law and Incommensurability: Introduction*, 146 **University of Pennsylvania Law Review** 1169 (1998)

## **SCHOLARLY PRESENTATIONS:**

“Well-Being and Equity” presented to the Law and Economics Workshop, University of California-Berkeley, March 2011

“Well-Being and Equity” presented to the Law and Economics Workshop, Tel Aviv University faculty of law, Israel, December 2010

“Well-Being and Equity” presented to the Law and Economics Workshop, Bar-Ilan University faculty of law, Israel, December 2010

“Well-Being and Equity” presented to the faculty workshop, Hebrew University faculty of law, Israel, December 2010

“Intergenerational Equity: Puzzles for Welfarists” presented to a conference on intergenerational equity and intellectual property, University of Wisconsin Law School

“Equity Metrics: How to Choose?” presented to the OECD Regulatory Policy Conference, France, October 2010

“Well-Being and Equity” presented to the Tax Policy Workshop, Loyola Law School, October 2010

“Equity Metrics: How to Choose?” presented as part of a conference on developing standards for benefit-cost analysis, Washington, D.C., organized by the University of Washington Benefit-Cost Analysis Center and funded by the MacArthur Foundation

Comment on Douglas Kysar, *The View from Nowhere*, presented as part of a panel held by the Penn Program on Regulation, University of Pennsylvania

“Social Welfare Functions and Equity” presented to an EPA conference on environmental justice, Washington, D.C., June 2010

“Integrating Cost-Benefit Analysis and Risk Assessment” presented as part of an intergovernmental conference on risk regulation, Ottawa, Canada, June 2010

“Well-Being and Equity,” presented to a workshop on Welfare and Justice, Copenhagen University, Denmark, May 2010

“Well-Being and Equity,” presented to a faculty workshop at University

Paris-Descartes, France, May 2010

“Well-Being and Equity” presented to a workshop on environmental sustainability, Catholic University Louvain-la-Neuve, Belgium, May 2010

“Well-Being and Equity” presented to a workshop on environmental economics, Toulouse School of Economics, France, May 2010

“Well-Being and Equity” presented to the Faculty Workshop, George Washington University philosophy department, April 2010

“Well-Being and Equity” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, April 2010

“Future Generations: A Prioritarian View” presented to the annual conference of the Society for Environmental Law and Economics, Emory Law School, March 2010

“Cost Benefit Analysis and Equity” presented to a symposium on “Changes to the Regulatory State,” NYU Law School, March 2010

“Well-Being and Equity” presented to the Law and Philosophy Workshop, University of Chicago Law School, February 2010

“Well-Being and Equity” presented at the Wharton School as part of the series on Risk Regulation, University of Pennsylvania, February 2010

“Well-Being and Equity” presented to the Faculty Workshop, Duke University Law School, January 2010

“Well-Being and Equity” presented as part of the Symposium on Prioritarianism and Distributive Justice, University of Pennsylvania Law School, January 2010

“Well-Being and Equity” presented to the Workshop on Law, Economics and Politics, NYU Law School, December 2009

“Equity Metrics” presented to the Society for Risk Analysis/Resources for the Future Conference on Changes to Executive Order 12866, Washington D.C., June 2009

“Well-Being and Equity,” presented to the Law and Economics Workshop, University of Southern California, April 2009

“Social Facts, Constitutional Interpretation, and the Rule of Recognition,” presented to the Constitutional Theory Conference, University of Southern

California Law School, April 2009

“Risk Equity,” presented to the Society for Environmental Law and Economics Conference, Vancouver, March 2009

“Well-Being and Equity” presented to the Columbia Law School Faculty Workshop, March 2009

“Social Facts, Constitutional Interpretation, and the Rule of Recognition” presented to the Queen’s University Law Faculty workshop, March 2009

“Well-Being and Equity” presented to the Queen’s University Law and Economics Workshop, March 2009

“Well-Being and Equity” presented to the Law and Politics Workshop, University of Chicago Law School, February 2009

“New Foundations of Cost-Benefit Analysis” presented to a session at the Society for Risk Analysis Annual Conference, Boston, December 2008

“Prioritarianism and Future Generations” presented to a Conference on Future Generations, George Washington University Law School, October 2008

Participated in a panel on *New Foundations of Cost-Benefit Analysis*, Law and Society Association Annual Conference, Montreal, June 2008

“Risk Equity” presented to a session of the American Law and Economics Association Annual Conference, Columbia Law School, May 2008

“Social Facts, Constitutional Interpretation, and the Rule of Recognition” presented to the Conference on the Rule of Recognition, University of Pennsylvania Law School, May 2008

“The Time-Slice Problem” presented to the Faculty Workshop, Stanford Law School, April 2008

“Social Facts, Constitutional Interpretation and the Rule of Recognition” presented to the Constitutional Theory Workshop, University of Texas Law School, March 2008

Participated in a panel on cost-benefit analysis at the Sparer Conference, University of Pennsylvania Law School, March 2008

“Inequality and Uncertainty” presented to a Colloquium on the Philosophy of Law and Social Science, School of Law, University of California,

Berkeley, March 2008

“Risk Equity” presented to the Environmental Economics and Policy Seminar, JFK School, Harvard University, February 2008

“Risk Equity” presented to a session of the Society for Risk Analysis annual conference, San Antonio, Texas, December 2007

“The Time-Slice Problem” presented to a Law and Economics/Legal Theory Workshop, University of Toronto Law School, December 2007

“The Time-Slice Problem” presented to the Legal Theory Workshop, UCLA Law School, October 2007

“The Time-Slice Problem” presented to the Faculty Workshop, Duke University Law School, September 2007

“Happiness Research and Cost-Benefit Analysis” presented, with Eric Posner, to the Conference on Happiness, University of Chicago Law School, June 2007

Participated in a new book mini-symposium on *New Foundations of Cost-Benefit Analysis*, University of Pennsylvania Law School, April 2007

“The Time-Slice Problem” presented to the Law and Philosophy Workshop, Georgetown University Law School, April 2007

“The Time-Slice Problem” presented to the Faculty Workshop, Arizona State University College of Law, March 2007

“The Time-Slice Problem” presented to the GALA Workshop (Law and Jurisprudence), Boalt Hall School of Law, March 2007

*New Foundations of Cost-Benefit Analysis*, new book presentation at University of Pennsylvania bookstore, February 2007

“QALYs and Policy Evaluation” presented to the Seton Hall Law Review symposium on FDA Drug and Device Regulations, February 2007

“Inequality and Uncertainty” presented to the Law and Economics Workshop, University of Virginia Law School, December 2006

Comment on papers by Robert Stavins and Stuart Shapiro, Conference on White House review of regulation, University of Pennsylvania Law School, December 2006

Comment on paper by Daniel Farber, Conference on Liability for Global Warming, University of Pennsylvania Law School, November 2006

“The Time-Slice Problem” presented to the Law and Politics Workshop, Harvard Law School, November 2006

“The Time-Slice Problem” presented to the Faculty Workshop, University of Illinois Law School, October 2006

“The Time-Slice Problem” presented to the Faculty Workshop, Chicago-Kent School of Law, October 2006

“The Time-Slice Problem” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, October 2006

Participated in a panel on *New Foundations of Cost-Benefit Analysis* at the AEI-Brookings Joint Center, September 2006

“Welfare Polls” presented to a working group on national well-being accounts (chaired by Ed Diener) at the Medici 2006 Conference held at the University of Pennsylvania Positive Psychology Center, June 2006

“Inequality and Uncertainty” presented to the Law and Economics Workshop,” Tel Aviv University Faculty of Law, May 2006

“Against Individual Risk” presented to a workshop of the Environmental Justice Program, Tel Aviv University Faculty of Law, May 2006

“Inequality and Uncertainty” presented to the Faculty Workshop, Bar-Ilan University Faculty of Law, May 2006

“Inequality and Uncertainty” presented to the Law and Economics Workshop, Hebrew University Faculty of Law, May 2006

“Inequality and Uncertainty” presented to a session of the American Law and Economics Association Conference, Berkeley, California, May 2006

“Inequality and Uncertainty” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, May 2006

Comment on paper by Tyler Cowen, Conference on Intergenerational Equity and Discounting, University of Chicago Law School, April 2006

“Risk Analysis for Natural Hazards: Some Lessons from Environmental Risk Analysis,” presented to the Duke Law Journal Administrative Law Conference (on emergency management and Hurricane Katrina), Raleigh-

Durham, March 2006

“What is a Self-Interested Preference? Theory and Legal Applications,” presented to a session on the Methodology of Law and Economics, Eastern Economics Association Conference, Philadelphia, February 2006

“Fidelity to the Text versus Fidelity to the Community: Must the ‘Internal Point of View’ be Group-Sensitive?” presented to the Symposium on the Internal Point of View in Law and Ethics, Fordham Law School, February 2006

“What is a Self-Interested Preference? Theory and Legal Applications,” presented to a session on the Methodology of Law and Economics, American Economics Association Conference, Boston, January 2006

“Equity Analysis and Natural Hazards Policy” presented to the National Symposium on Risk and Disasters: Lessons from Hurricane Katrina, Washington D.C., December 2005

“Constitutional Existence Conditions and Judicial Review” presented to the Conference on Conceptual Issues in Constitutional Law, University of San Diego School of Law, November 2005

“Popular Constitutionalism and the Rule of Recognition” presented to a session on Judicial Legitimacy, 22d World Congress of Philosophy of Law and Social Philosophy, Granada, Spain, May 2005

Comment on “Beyond Camelot” presented to the Mini-Symposium for Professor Ed Rubin, University of Pennsylvania Law School, May 2005

“Against ‘Individual Risk’” presented to the Symposium on Risk, University of Pennsylvania Law School, March 2005

“Fear Assessment” presented to the Workshop on Economics and Psychology, NYU Center for Experimental Social Science, February 2005

“Popular Constitutionalism and the Rule of Recognition,” presented to the Faculty Workshop, Rutgers-Camden Law School, February 2005

“Against ‘Individual Risk’” presented to the University of Pennsylvania Law Review, February 2005

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Workshop, Fordham Law School, November 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the

Faculty Workshop, Cardozo Law School, November 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Constitutional Theory Conference, NYU Law School, October 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Workshop, Brooklyn Law School, October 2004

“Popular Constitutionalism and the Rule of Recognition” presented to the Faculty Retreat, University of Pennsylvania Law School, September 2004

“Against ‘Individual Risk’” presented to the Faculty Workshop, Cornell Law School, April 2004

“Against ‘Individual Risk’” presented to the Legal Theory Workshop, Columbia University School of Law, April 2004

“Against ‘Individual Risk’” presented to the Faculty Workshop, University of Michigan Law School, March 2004

“Against ‘Individual Risk’” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, March 2004

“Cost-Benefit Analysis and National Security Policy” presented to the ABA Section on Administrative Law, Washington, D.C., November 2003

“Fear Assessment” presented to the Symposium on Interdisciplinary Legal Scholarship, Chicago-Kent College of Law, October 2003

Comment on paper by Daphna Berek-Erez presented to the Symposium on Conflicts of Interest, University of Pennsylvania Law School, October 2003

“Static Efficiency and Environmental Law” and “What Principles Should Guide Environmental Law?” presented to the Conference on the Economic Dynamics of Environmental Law, Syracuse University College of Law, October 2003

“Fear Assessment” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, October 2003

“Against ‘Individual Risk’” presented to the Faculty Workshop, Northwestern University Law School, May 2003

“Against ‘Individual Risk’” presented to the Faculty Workshop, University of Chicago Law School, May 2003

Comment on papers by Fred Schauer, Larry Alexander and Chris Peters presented to the Constitutional Theory Conference, Vanderbilt Law School, April 2003

“Constitutional Existence Conditions and Judicial Review,” presented (with Michael Dorf) to the Law and Philosophy Workshop, Columbia University School of Law, February 2003

“Risk, Death and Harm” presented to the Faculty Workshop, William and Mary School of Law, November 2002

“Legal Transitions” presented to the Conference on Legal Transitions, University of San Diego Law School, October 2002

“Risk, Death and Harm” presented to the Faculty Workshop, University of Virginia Law School, October 2002

“The Puzzle of Ex Ante Efficiency” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, June 2002

“Does the Constitution Require (Basic or Strengthened) Public Rationality?” presented to the Symposium on the Links between Law and Political Science, Max Planck Institute, Bonn, Germany, May 2002

“Risk, Death and Harm” presented to the Faculty Workshop, Emory University Law School, April 2002

“Risk, Death and Harm” presented to the Faculty Workshop, George Washington University Law School, April 2002

“Risk, Death and Harm” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, March 2002

“The Puzzle of Ex Ante Efficiency” presented to the Symposium on Preferences and Rational Choice, University of Pennsylvania Law School, March 2002

“Risk, Death and Harm” presented to the Faculty Workshop, Vanderbilt University Law School, February 2002

“Naked Policymaking: A Comment on Diver” presented to the Faculty Retreat, University of Pennsylvania Law School, September 2001

“Expressive Theories of Law: A Skeptical Overview” presented to the Faculty Workshop, UCLA School of Law, December 2000

“Expression and Appearance: A Comment on Hellman” presented to the Symposium on the Expressive Dimension of Governmental Action, University of Maryland Law School, October 2000

“Beyond Efficiency and Procedure: A Welfarist Theory of Regulation” presented to the Faculty Retreat, University of Pennsylvania Law School, April 2000

“Expressive Theories of Law: A Skeptical Overview” presented to the Law and Humanities Conference, Georgetown University Law Center, March 2000

“Beyond Efficiency and Procedure: A Welfarist Theory of Regulation” presented to the Symposium on Regulatory Theory and Administrative Law, Florida State University Law School, February 2000

“Rethinking Cost-Benefit Analysis” presented to a Public Policy and Management Brown Bag Seminar, Wharton School, December 1999

“Rights and Rule-Dependence” presented to the Symposium on Rights and Rules, Columbia University Law School, October 1999

“Implementing Cost-Benefit Analysis when Preferences are Distorted” presented (with Eric Posner) to the Symposium on Cost-Benefit Analysis, University of Chicago Law School, September 1999

“Expressive Theories of Law: A Skeptical Overview” presented to an Institute for Law and Philosophy lunch, University of Pennsylvania Law School, April 1999

“The New Etiquette of Federalism” presented (with Seth Kreimer) to the Faculty Retreat, University of Pennsylvania Law School, April 1999

“Rethinking Cost-Benefit Analysis” presented (with Eric Posner) to the Law and Economics Workshop, University of Chicago Law School, March 1999

“Constitutional Borrowing: A Comment on Tushnet” presented to the Symposium on Constitutional Borrowing, University of Pennsylvania Law School, March 1998

“Incommensurability and Cost-Benefit Analysis” presented to the Symposium on Law and Incommensurability, University of Pennsylvania Law School, February 1998

“Incommensurability and Cost-Benefit Analysis” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, fall 1997

“Rethinking Cost-Benefit Analysis” presented (with Eric Posner) to the Ad Hoc Workshop, University of Pennsylvania Law School, summer 1997

“Rights against Rules” presented to the Ad Hoc Workshop, University of Pennsylvania Law School, spring 1997

“Rights against Rules” presented to the Faculty Workshop, University of San Diego Law School, spring 1997

“Judicial Restraint in the Administrative State” presented to the Legal Studies Workshop, University of Pennsylvania Law School, fall 1995

Comment on “Federalism and Families” (paper by Anne Dailey) presented to the Legal Studies Workshop, University of Pennsylvania Law School, spring 1995

“Agencies, Congress, and Constitutional Determinations” presented to appointments workshops at the University of Chicago Law School, Harvard Law School, Northwestern University Law School, University of Pennsylvania Law School, Rutgers Law School (Newark), University of Texas Law School, and Yale Law School, fall 1993 and winter 1994

## **TEACHING AND SERVICE:**

*Courses Taught:* Administrative Law (Spring 1995, 1995-96, 1996-97, 1997-98, 1999-2000, 2001-02, 2002-03 at Virginia and Chicago, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09 at Columbia; 2009-10; 2010-11); Constitutional Law (1997-98, 1998-99, 1999-2000, 2000-01, 2003-04, 2004-05, 2006-07, 2007-08; 2009-10; 2010-11); Food and Drug Law (1995-96, 1996-97); Theories of the Administrative State (1995-96); The Ethics of Regulation (1996-97, 1997-98, 1998-99, 1999-2000); Risk Regulation (2000-01); Constitutional Theory (2001-02, 2002-03 at Virginia and Chicago, 2003-04, 2005-06, 2007-08, 2008-09 at Columbia; 2009-10; 2010-11); Law and Morality (2004-05)

*Committee Service:* Tenure and Promotions (2005-06); Faculty Retreat (2003-04, 2010-11); Lateral Chair, Appointments Committee (2001-02); Chair, Lateral Appointments Committee (2000-01); Appointments (1997-98, 1999-2000, 2003-04, 2004-05, 2006-07); Admissions (2010-11); Educational Program (2004-05); Career Planning and Placement (1995-96, 1997-98, 1998-99); Clerkships (2010-11); Journal of Constitutional Law (1997-98, 1998-99, 1999-2000, 2000-01, 2001-02,

2003-04); Law Review (1995-96, 2007-08); Legal Studies Workshop (1996-97, 2005-06, 2007-08); Law and Economics Workshop (2006-07)

*Scholarly Service:*

Organized Symposium on the Rule of Recognition and the U.S. Constitution, held at the University of Pennsylvania Law School, May 2008

Co-organized Symposium on Risk and the Law, held at the University of Pennsylvania Law School, March 2005

Co-organizer, Conference on Constitutional Theory (roughly annual conference of leading constitutional theorists, held at Vanderbilt Law School, NYU Law School, the University of Pennsylvania Law School, and University of Southern California Law School: first session, April 2003; second session, October 2004; third session, April 2006; fourth session, April 2009)

Co-organizer, Conference on Conceptual Constitutional Scholarship (roughly annual conference of leading conceptual constitutional theorists, held at University of San Diego Law School, University of Texas Law School, and the University of Pennsylvania Law School; first session, May 2004; second session, November 2005)

Co-organized Symposium on Preferences and Rational Choice, held at the University of Pennsylvania Law School, March 2002

Co-organized Symposium on Rights and Rules, held at Columbia University Law School, October 1999

Co-organized Symposium on Cost-Benefit Analysis, held at the University of Chicago Law School, September 1999

Organized Symposium on Law and Incommensurability, held at the University of Pennsylvania Law School, February 1998

Co-editor (with Larry Alexander, David Brink, and Scott Shapiro) of *Legal Theory*

Co-editor (with Brian Bix) of *Constitutional Law, Jurisprudence, and Legal Philosophy Abstracts* (on-line journal publishing abstracts of working papers and forthcoming articles)

Referee for *Economics and Philosophy*; *Ethics*; *Ethical Theory and Moral*

*Practice; Journal of Benefit-Cost Analysis; Journal of Legal Studies; Law and Philosophy; Legal Theory; Perspectives in Psychological Science; Psychology, Public Policy and Law; Regulation and Governance; Social Choice and Welfare; Cambridge University Press; Harvard University Press; Oxford University Press; University of Chicago Press; Yale University Press*