

LEO KATZ

Frank Carano Professor of Law
University of Pennsylvania Law School
3400 Chestnut Street
Philadelphia, Pennsylvania 19104
tel: 215-898-9334
email: lkatz@law.upenn.edu

EMPLOYMENT

- 1991-present **University of Pennsylvania Law School**
Professor of Law.
Courses: Criminal Law, Corporations, First year elective on Law and Morality, *Seminars:* Life and Death, Philosophical Dimensions of Corporate Law, Problems in Law and Morality.
- 2007/8 **Fellow, Wissenschaftskolleg, Berlin**
- Summer 2000 **Australian National University, RSSH, Law Program**
Visiting Scholar
- Fall 1999 **Boalt Hall, University of California, Berkeley**
Visiting Scholar. Guggenheim fellowship for work in criminal law theory.
- Fall 1995 **Goethe Universität Frankfurt**
Visiting Professor of Law
Courses: American Corporate Law, Seminar in Criminal Law Theory
- 1987-1991 **University of Michigan Law School**
Assistant Professor of Law
Courses: Criminal Law, Corporations, Seminars.
- 1984-1987
& summer 1981 **Mayer, Brown and Platt**
Associate
- 1982-1983 **Ninth Circuit Court of Appeals, Hon. Anthony M. Kennedy**
Law Clerk
- Summer 1980 **Kirkland and Ellis**
Summer Associate

EDUCATION

- 1979-1982 **University of Chicago Law School, J.D., 1982.**
Law Review. Graduated with Honors & Order of the Coif.
- 1976-1979 **University of Chicago**
M.A. in economics, 1982
B.A. in economics, 1979.
- 1974-75 **University of Vienna, Austria**
Training in mathematics towards B.A

BOOKS

WHY THE LAW IS SO PERVERSE (under submission)

FOUNDATIONS OF THE CRIMINAL LAW, edited anthology, with Michael Moore and Stephen Morse
(New York: Oxford University Press, 1999).

ILL-GOTTEN GAINS: EVASION, BLACKMAIL, FRAUD AND KINDRED PUZZLES OF THE LAW
(Chicago: University of Chicago Press, 1996).

BAD ACTS AND GUILTY MINDS: CONUNDRUMS OF THE CRIMINAL LAW
(Chicago: University of Chicago Press, 1987).

ARTICLES PUBLISHED and FORTHCOMING

A Theory of Loopholes, Journal of Legal Studies, forthcoming, (2010).

Some Memories and Some Ideas, Yearbook of the Wissenschaftskolleg of Berlin, forthcoming, (2009)

Contrived Defenses and Deterrent Threats: Two Facets of One Problem (with Claire Finkelstein,) 5 Ohio Journal of Criminal Law 479 (2008)

Philosophy of Criminal Law, Oxford Companion to the Philosophy of Law, 2d ed., (rev.), forthcoming (2010).

In Defense of Tax Shelters, 26 VIRGINIA TAX JOURNAL 799 (2007).

Complicity and the Murderous Judge, in ROBERT WEISSBERG, ED., CRIMINAL LAW STORIES, FORTHCOMING.

Choice, Consent and Cycling: The Hidden Limitations of Consent, 104 MICHIGAN LAW REVIEW 627 (2006).

What to Compensate? Some Surprisingly Unappreciated Reasons Why the Problem Is So Hard, U. SAN DIEGO L. REV., Symposium on Harms, Baselines and Counterfactuals, (2003).

Villainy and Felony, BUFFALO CRIMINAL LAW REVIEW, Symposium on "the New Culpability," (2003).

Before and After: Temporal Anomalies in Legal Doctrine, 151 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 863 (2003).

Justification and Harm in Negligence, 4 JOURNAL OF THEORETICAL INQUIRIES 397 (2003).

Duress in ENCYCLOPEDIA OF CRIME AND CRIMINAL JUSTICE, (MacMillan Press, 2002).

Comments on Scott Shapiro, in 1 LEGAL AND POL. PHIL. 217, ed. Enrique Villanueva (2002).

Conflicts of Rights and the Outbreak of the First World War 7 LEGAL THEORY (2001).

Why the Successful Assassin Is More Wicked than the Unsuccessful One Symposium in Honor of Sandy Kadish 88 CAL. L. REV. 791 (2000).

What We Do When We Do What We Do and Why We Do It, 37 UNIV. SAN DIEGO L. REV. 753 (2000).

Form and Substance in Law and Morality in SYMPOSIUM: THE ROOTS OF FORMALISM, 66 UNIV. CHI. L. REV. 566 (1999).

Playing By, With, Around, Under, and Above the Rules: An Essay For and About Fred Schauer, in ed. LINDA MEYER, RULES AND REASONING: ESSAYS IN HONOR OF FRED SCHAUER 176 (1999).

Preempting Oneself: The Right and the Duty to Forestall One's Own Wrongdoing, 5 LEG. THEORY (1999).

Responsibility and Consent: The Libertarian's Problems with Freedom of Contract in ELLEN FRANKEL PAUL, ET. AL., RESPONSIBILITY 94 (1999); also in 16 SOC. PHIL. & POL. 94 (1999).

Incommensurable Choices and the Problem of Moral Ignorance, in SYMPOSIUM: LAW AND INCOMMENSURABILITY, 146 UNIV. PENN. L. REV. 1465 (1998).

Philosophy of Criminal Law, ed. DENNIS PATTERSON, A COMPANION TO PHILOSOPHY OF LAW AND LEGAL THEORY 80 (1996).

A Look at Tort Law with Criminal Law Blinders in SYMPOSIUM: THE INTERSECTION OF TORT AND CRIMINAL LAW, 76 BOS. UNIV. L. REV. 307 (1996).

Proximate Cause in Michael Moore's Act and Crime 142 UNIV. PENN. L. REV. 1513 (1994).

Crime, Consent and Insider Trading, 5 J. CONTEMP. LEG. ISSUES 217 (1994).

Evading Responsibility: The Ethics of Ingenuity in 2 ANN. REV. LAW & ETHICS 191 (1994).

Blackmail and Other Forms of Arm-Twisting, 141 UNIV. PENN. L. REV. 1567 (1993).

The Assumption of Risk Argument in ed. ELLEN FRANKEL PAUL, ET. AL., CRIME, CULPABILITY AND REMEDY 138 (1990).

Insider Trading: Who Loses? (With Leo Herzel) LLOYDS BANK REVIEW (July 1987).

Next-to-Last Word on Endangered Directors (with Leo Herzel & Richard W. Shepro), HARV. BUS. REV. (Jan. 1987).

Takeover Defenses (with Peter Gaines) Butterworth's Journal of Banking (December 1986).

Smith v. VanGorkom: The Business of Judging Business Judgment, THE BUSINESS LAWYER (Aug. 1986).

Equitable Modifications of Time Limitations Under Title VII, 46 UNIV. CHIC. L. REV. 1061 (1981).

MANUSCRIPTS

The Libertarian Case Against Freedom of Contract: Corporate Law Through a Deontological Lens (Working Paper)

The Frustrations of the Sensible Social Planner: Criminal Law as a Regulatory Tool (Working Paper)

Is There a Volume Discount for Crime? (Working Paper)

Why Is the Law So Either/Or? (Working Paper)

The Hand Formula, the Pareto Principle and the Cooter-Porat Paradox (Working Paper)

CURRENT PROJECTS.

FROM VILLAINY TO FELONY, book project concerning the special part of the criminal law

Multicriterial Decision-Making in the Law, long-term project with Alvaro Sandroni

Criminal Law Casebook, with Michael Moore, Heidi Hurd, Stephen Morse, Larry Alexander and Claire Finkelstein

NEWSPAPER ARTICLES

All Deceptions Are Not Equal, NEW YORK TIMES, Aug. 19, 1998.

Subornation of Perjury: A Definition, WALL STREET JOURNAL, Mar. 16, 1998.

We Were Ignorant Of the Law, Say The President's Men, WALL STREET JOURNAL, Oct. 8, 1997.

The Blackmail Conundrum, WALL STREET JOURNAL, July 29, 1997.

Logical Loopholes, NEW YORK TIMES, Apr. 14, 1996.

Insider Trading: Right Result, Wrong Rules (with Leo Herzel), LEGAL TIMES, June 23, 1986.

Takeovers: Poison Pill Warrants (with Leo Herzel), THE NATIONAL LAW JOURNAL, Mar. 25, 1985.

Cooperation and the Prisoners Dilemma (with Leo Herzel), Book Review essay, THE AMERICAN LAWYER, Mar. 25, 1985.

INVITED PRESENTATIONS (recent and upcoming)

Law and Economics Workshop, University of Southern California, March 2009, on *A Theory of Loopholes*

Legal Theory Workshop, University of Minnesota Law School, Oct. 2008, on *Why the Law is So Perverse*

Workshop at the Max Planck Institute of Public Goods, Bonn, Germany, Jan. 2008, on *A Theory of Loopholes*

Workshop at the Wissenschaftskolleg of Berlin, Germany, February 2008, on *Why the Law Is So Perverse*

Workshop at Rutgers Law School on *Why is the Law so Either/Or?* Fall 2006.

Conference on Tax Shelters, University of Minnesota Law School, Fall 2006.

Workshop on Criminal Law Theory, University of Illinois College of Law. Paper presented: *Choice, Consent and Cycling*.

Conference on "What Do Compensatory Damages Compensate?" University of San Diego Law School (February 28 - March 1, 2003). Paper presented: *Harm and Baselines*

Conference on Rationality and Preferences, University of Pennsylvania Law School (March 1 - 2, 2002). Paper presented: *Time, Irrationality, and the Law*

Conference on Negligence, CEGLA Institute, Buchman Law School, University of Tel Aviv (June, 2001).

Paper presented: *Justification and Harm in Negligence*

Faculty Workshop, University of Texas Law School (January, 2001).

Paper presented: *Why Is the Law So Either/Or?*

Fortunoff Colloquium Lecture, New York University Law School (September, 2000).

Paper presented: *Is There a Volume Discount for Crime?*

Conference on Michael Moore's PLACING BLAME, University of Pennsylvania Law School (March 2000)

Paper presented: *Is There a Volume Discount for Crime?*

Faculty Retreat, University of Pennsylvania Law School (September, 2000).

Paper presented: *Is There a Volume Discount for Crime?*

AALS Annual Meeting, Washington D.C., speaker on "Legal Theory" panel (January, 2000).

Paper presented: *Why We Do What We Do When We Do What We Do: Symmetry and the Law*

Conference on the Morality of the Criminal Law (in honor of Sanford Kadish), Boalt Hall, University of California School of Law. (October, 1999).

Paper presented: *Why the Successful Assassin Is More Wicked Than the Unsuccessful One*

University of Pennsylvania, Institute for Law and Philosophy. Conference on Conflicts of Rights (September 1999).

Paper presented: *Conflicts of Rights and the Outbreak of the First World War*

San Diego School of Law, Liberty Fund Conference. Pre-emptive Action. (May 1998).

Paper presented: *Preempting Oneself: The Right and the Duty to Forestall One's Own Wrongdoing*

Bowling Green State University, Social Philosophy and Policy Center, Conference on Responsibility (April 1998).

Paper presented: *Responsibility and Consent: The Libertarian's Problems with Freedom of Contract*

Conference on Corporate Misconduct, Sponsored by Institute of Economic Policy (November 1997).

Paper presented: *The Frustrations of the Sensible Social Planner: Criminal Law as a Regulatory Tool*

Quinnipiac School of Law. Conference on Legal Reasoning and the Work of Frederick Schauer (October 1997).

Paper presented: *Playing By, With, Around, Under, and Above the Rules*

Federal Judicial Center Conference for Bankruptcy Judges (Louisville, Ky.)
(July 1997).
Address: *The Ethics of Ingenuity*

University of San Diego School of Law, Legal Theory Workshop (April 1997).
Paper presented: *The Libertarian Case Against Freedom of Contract:
Corporate Law Through a Deontological Lens*

University of Arizona School of Law, Legal Theory Workshop (April 1997).
Paper presented: *The Libertarian Case Against Freedom of Contract*

Federal Judicial Center Conference for Bankruptcy Judges (Minneapolis)
(March 1997).
Address: *The Ethics of Ingenuity*

Columbia Law School, Legal Theory Workshop (February 1997).
Paper presented: *The Libertarian Case Against Freedom of Contract*