

LEO KATZ

Frank Carano Professor of Law
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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 (University of Chicago Press, 2011)

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

Circumvention of Law and the Hidden Logic Behind It (with Alvaro Sandroni, about to be submitted)

Rationality and Power Limits (with Alvaro Sandroni), *Theory and Decision*. (2019)

The In Rem/In Personam Distinction and Conceptual Partitioning for Persistence (with Shyam Balganes), forthcoming in Oxford volume on Hohfeld)

Einige Betrachtungen zum Problem des Vorverschuldens (with Alvaro Sandroni), in *Rechtstaatliches Strafrecht*, ed. Frank Saliger (2018).

Larry Alexander and the Gap (with Alvaro Sandroni) in *Moral Puzzles and Legal Perplexities*, eds. Heidi Hurd and Kim Ferzan (2018).

Strict Liability and the Paradoxes of Proportionality (with Alvaro Sandroni), *Criminal Law and Philosophy* (2019).

Non-epistemic Uncertainty and the Problem of Legal Line Drawing, in *Vagueness and the Law*, eds. Ralph Poscher and Gert Keil, Oxford University Press (2017).

The Inevitability and Ubiquity of Cycling in all Feasible Legal Regimes: A Formal Proof (with Alvaro Sandroni) *Journal of Legal Studies* (2017).

Do We Need A Doctrine of Complicity? (Essays in honor of Michael Moore, Oxford University Press) (2016)

Two Models of Punishment: A Response to James Whitman, *Texas Law Review*

(2016).

Nine Takes on Indeterminacy: With Special Emphasis on the Criminal Law, University of Pennsylvania Law Review (2015).

Consent and Insider Trading: A Response to John Anderson, Emory Law Review (2015).

Thoughts on Rethinking the Good (Journal of Moral Philosophy) (2015)

Rational Choice versus Lawful Choice (Journal of Institutional and Theoretical Economics) (2014)

Punishment as an Act of the Imagination (in *The Punitive Imagination*, Oxford University Press, 2014)

Entrapment Through the Lens of the Actio Libera in Causa, Criminal Law and Philosophy 2013

Targeted Killings and the Strategic Use of Self-Defense, essay in edited volume on Targeted Killings, Oxford University Press, 2012.

Complicity and the Murderous Judge, in ROBERT WEISSBERG, ED., CRIMINAL LAW STORIES, 2012.

A Theory of Loopholes, Journal of Legal Studies, January 2010.

Philosophy of Criminal Law, Oxford Companion to the Philosophy of Law, 2d ed., 2010.

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

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

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

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).

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.