

## DAVID A. HOFFMAN

3501 Sansom Street  
Philadelphia, PA 19104

### NOTABLE EMPLOYMENT

#### UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

*Deputy Dean* (2021-Present) and *William A. Schnader Professor of Law* (2021-Present)  
*Professor of Law* (2017-2021)  
*Visiting Professor of Law* (2015-2016)

Awards: Harvey Levin Memorial Award for Teaching Excellence (2018)

#### TEMPLE UNIVERSITY, BEASLEY SCHOOL OF LAW

*Murray H. Shusterman Professor in Transactional and Business Law* (2014-2016); *James E. Beasley Professor* (2012-2014) and *Professor of Law* (2011); *Associate Professor* (2007-2011); *Assistant Professor* (2004-2007); Secondary Appointment as a Professor in the Department of Public Health (2013-2016)

Awards: Friel-Scanlan Award For Faculty Research (2012), George P. Williams Memorial Award for the Outstanding Professor of the Year (2013)

#### CORNELL LAW SCHOOL

*Visiting Associate Professor of Law* (2009)

#### CRAVATH, SWAINE & MOORE LLP

*Litigation Associate* (2002 - 2004)

### EDUCATION

HARVARD LAW SCHOOL, J.D., June 2001, *cum laude*

YALE UNIVERSITY, B.A. in Archaeology and History, May 1998, *cum laude*

### JUDICIAL APPOINTMENTS

Special Master, *In re: National Football League Players' Concussion Injury Litigation*, No. 2:12-md-02323-AB (2020-Present)

<b>CLERKSHIP and FELLOWSHIP</b>	THE HONORABLE NORMA L. SHAPIRO Eastern District of Pennsylvania	2001-2002
	VISITING RESEARCH FELLOW University of Alabama School of Law	Fall, 2002

## PUBLICATIONS

### Books

ROBERT S. SUMMERS, ROBERT A. HILLMAN AND DAVID A. HOFFMAN, *CONTRACT AND RELATED OBLIGATION: THEORY, DOCTRINE, AND PRACTICE* (7<sup>TH</sup> EDITION 2016, 8<sup>TH</sup> EDITION 2021)

### Articles

*Nonparty Interests In Contract Law*, 171 U. PENN. L. REV. (forthcoming 2022) (with Hwang and Ben-Shahar)

*Leases as Forms*, 19 J. EMP. LEG. STUD. 90 (2022) (with Strezhnev)

*The Social Cost of Contract*, 121 COLUM. L. REV. 979 (2021) (with Hwang)

*Transactional Scripts in Contract Stacks*, 105 MINN. L. REV. 319 (2020) (with Cohney)

*Hushing Contracts*, 97 WASH U L. REV. 165 (2019) (with Lampmann)

*Coin-Operated Capitalism*, 119 COLUM. L. REV. 591 (2019) (with Cohney, Sklaroff and Wishnick)

*Relational Contracts of Adhesion*, 85 U. CHI. L. REV. 1395 (2018)

*Law and Psychology Grows Up, Goes Online, and Replicates*, 15 J. EMP. LEG. STUD. 1 (2018) (with Irvine and Wilkinson-Ryan)

*The Use and Reliability of Federal Nature of Suit Codes*, 2017 MICH. ST. L. REV. 997 (with Boyd) (invited Symposium issue)

*From Promise to Form: How Contracting Online Changes Consumers*, 91 N.Y.U. L. REV. 1595 (2017)

*Contract Consideration and Behavior*, 85 GEO. WASH. L. REV. 351 (2017) (with Eigen)

*“Ideology” or “Situation Sense”: An Experimental Investigation of Motivated Reasoning and Professional Judgment*, 164 U. PENN. L. REV. 349 (2016) (with Kahan, Evans, Devins, Lucci and Cheng)

*The Common Sense of Contract Formation*, 67 STAN. L. REV. 1269 (2015) (with Wilkinson-Ryan)

*Whither Bespoke Procedure?* 2014 U. ILL. L. REV. 389

*Empirical Analysis of Data Breach Litigation*, 11 J. EMP. LEG. STUD. 74 (2014) (peer reviewed)

*Litigating Toward Settlement*, 29 J. L. ECON. ORG. 898 (2013) (with Boyd) (peer reviewed)

*Building a Taxonomy of Civil Litigation: Clusters of Causes of Action in Federal Complaints*, 171 J. EMP. LEG. STUD. 253 (2013) (with Boyd, Ritovski, Obradovic) (peer reviewed)

*The Psychology of Contract Precautions*, 80 U. CHI. L. REV. 395 (2013) (with Wilkinson-Ryan)

*Instructing Juries on Noneconomic Contract Damages*, 81 FORDHAM L. REV. 1221 (2012) (with Radus)

*They Saw a Protest: Cognitive Illiberalism and the Speech-Conduct Distinction*, 64 STAN. L. REV. 851 (2012) (with Kahan, Braman, Rachlinski, Evans)

*Disputing Limited Liability*, 104 NW. U. L. REV. 853 (2010) (with Boyd)

*A Core of Agreement*, 77 U. CHI. L. REV. 1655 (2010) (with Braman and Kahan)

*Some Realism About Punishment Naturalism*, 77 U. CHI. L. REV. 1531 (2010) (with Braman and Kahan)

*Breach Is For Suckers*, 63 VAND. L. REV. 102 (2010) (with Wilkinson-Ryan)

*Whose Eyes Are You Going to Believe? Scott v. Harris and the Perils of Cognitive Illiberalism*, 122 HARV. L. REV. 837 (2009) (with Kahan and Braman)

*Wikitruth Through Wikiorde*, 59 EMORY L. J. 151 (2009) (with Mehra)

*Docketology, District Courts and Doctrine*, 85 WASH U. L. REV. 681 (2007) (with Izenman and Lidicker)

*Self-Handicapping and Managers’ Duty of Care*, 42 WAKE FOREST L. REV. 803 (2007) (invited symposium essay)

*The Best Puffery Article Ever*, 91 IOWA L. REV. 1395 (2006) (reprinted in SECURITIES LAW

REVIEW 2007 as one of the top 10 securities law articles of 2006)

*The "Duty" To Be a Rational Shareholder*, 90 MINN. L. REV. 537 (2006)

*Nullificatory Juries*, 2003 WISC. L. REV. 1115 (with Wenger)

*How Relevant is Jury Rationality?*, Review Essay, 2003 U. ILL. L. REV. 507

*Can Law and Economics Be Both Practical and Principled?*, 53 ALA. L. REV. 335 (2002) (with O'Shea)

## **WORKS IN PROGRESS**

*Does Litigation Insurance Price Procedural Tailoring?*

*Longer Trips to Court Cause Excess Evictions*

*Nonparty Interests In Contract Law*

*Et al.*

*(e)2-207*

*Debiasing Through Legalism*

*Cancel Contracts*

*Innovation in Corporate Governance Contracting*

## **OTHER**

Admitted to the Bars of New York State (2002) Pennsylvania (2020) and the Southern District of New York (2003)

Referee for the JOURNAL OF EMPIRICAL LEGAL STUDIES

Member of the Cultural Cognition Project, <http://research.yale.edu/culturalcognition/>

Member of the American Law Institute (2011-Present)

Appointed to the United Way of Southeastern Pennsylvania's task force on ethics for the School District of Philadelphia (2012)

Member of the Board of Lighthouse Academics, Inc. (2010-2015)

Member of the LegalStat Taskforce, a data-sharing and analysis project in created by Philadelphia VIP in conjunction with Community Legal Services and Philadelphia Legal Assistance.

Founding Editor, JOTWELL Contracts Section (2016 – Present)