

**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 2023) (with Hwang and Ben-Shahar)

*Longer Trips to Court Cause Evictions*, PNAS 2210467120 (2023) (with Strezhnev) (peer reviewed)

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

*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) (peer reviewed)

*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 Wikiorder*, 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)

*Nullifcatory 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**

*Litigation Insurance Doesn't Price Procedural Tailoring* (with Swedloff)

*Cancelling Contract's Empire*

*Et al.* (with Strezhnev)

*The Specific Performance Heuristic* (with Campbell and Wilkinson-Ryan)

*Debiasing Through Legalism*

## **OTHER**

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

Member of the American Law Institute (2011-Present)

Vice-chair and incoming Chair, Contracts Section, AALS (2022-2023)

Referee for the JOURNAL OF EMPIRICAL LEGAL STUDIES, AMERICAN JOURNAL OF LAW AND ECONOMICS

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

Founding Editor, JOTWELL Contracts Section (2016 – Present)

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

Member of the LegalStat Taskforce, a data-sharing project in created by Philadelphia VIP in conjunction with Community Legal Services and Philadelphia Legal Assistance (2015-2020)

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