

DAVID A. HOFFMAN

3501 Sansom Street
Philadelphia, PA 19104

NOTABLE EMPLOYMENT

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

William A. Schnader Professor of Law (2021-Present) and *Professor of Law* (2017-2021)
Deputy Dean (2021-2023)
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)

APPOINTMENTS

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

EDUCATION

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

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

CLERKSHIP and FELLOWSHIP THE HONORABLE NORMA L. SHAPIRO
Eastern District of Pennsylvania 2001-2002

VISITING RESEARCH FELLOW Fall, 2002
University of Alabama School of Law

PUBLICATIONS

Books

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

Articles

1. *Generative Interpretation*, 99 N.Y.U. L. REV. __ (forthcoming 2024) (with Yonathan Arbel)
2. *Defeating the Empire of Forms*, __ VA. L. REV. ____ (forthcoming 2023)
3. *Expecting Specific Performance*, 98 N.Y.U. L. REV. ____ (forthcoming 2023) (with Tess Wilkinson-Ryan and Emily Campbell)
4. *Nonparty Interests in Contract Law*, 171 U. PENN. L. REV. (forthcoming 2023) (with Hwang and Ben-Shahar)
5. *Longer Trips to Court Cause Evictions*, 120 PNAS e2210467120 (2023) (with Strezhnev) (peer reviewed)
6. *Leases as Forms*, 19 J. EMP. LEG. STUD. 90 (2022) (with Strezhnev) (peer reviewed)
7. *The Social Cost of Contract*, 121 COLUM. L. REV. 979 (2021) (with Hwang)
8. *Transactional Scripts in Contract Stacks*, 105 MINN. L. REV. 319 (2020) (with Cohney)
9. *Hushing Contracts*, 97 WASH U L. REV. 165 (2019) (with Lampmann)
10. *Coin-Operated Capitalism*, 119 COLUM. L. REV. 591 (2019) (with Cohney, Sklaroff and Wishnick)

11. *Relational Contracts of Adhesion*, 85 U. CHI. L. REV. 1395 (2018)
12. *Law and Psychology Grows Up, Goes Online, and Replicates*, 15 J. EMP. LEG. STUD. 1 (2018) (with Irvine and Wilkinson-Ryan) (peer reviewed)
13. *The Use and Reliability of Federal Nature of Suit Codes*, 2017 MICH. ST. L. REV. 997 (with Boyd) (invited Symposium issue)
14. *From Promise to Form: How Contracting Online Changes Consumers*, 91 N.Y.U. L. REV. 1595 (2017)
15. *Contract Consideration and Behavior*, 85 GEO. WASH. L. REV. 351 (2017) (with Eigen)
16. “*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)
17. *The Common Sense of Contract Formation*, 67 STAN. L. REV. 1269 (2015) (with Wilkinson-Ryan)
18. *Whither Bespoke Procedure?* 2014 U. ILL. L. REV. 389
19. *Empirical Analysis of Data Breach Litigation*, 11 J. EMP. LEG. STUD. 74 (2014) (peer reviewed)
20. *Litigating Toward Settlement*, 29 J. L. ECON. ORG. 898 (2013) (with Boyd) (peer reviewed)
21. *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)
22. *The Psychology of Contract Precautions*, 80 U. CHI. L. REV. 395 (2013) (with Wilkinson-Ryan)
23. *Instructing Juries on Noneconomic Contract Damages*, 81 FORDHAM L. REV. 1221 (2012) (with Rados)
24. *They Saw a Protest: Cognitive Illiberalism and the Speech-Conduct Distinction*, 64 STAN. L. REV. 851 (2012) (with Kahan, Braman, Rachlinski, Evans)
25. *Disputing Limited Liability*, 104 NW. U. L. REV. 853 (2010) (with Boyd)
26. *A Core of Agreement*, 77 U. CHI. L. REV. 1655 (2010) (with Braman and Kahan)

27. *Some Realism About Punishment Naturalism*, 77 U. CHI. L. REV. 1531 (2010) (with Braman and Kahan)
28. *Breach Is For Suckers*, 63 VAND. L. REV. 102 (2010) (with Wilkinson-Ryan)
29. *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)
30. *Wikitruth Through Wikiorde*r, 59 EMORY L. J. 151 (2009) (with Mehra)
31. *Docketology, District Courts and Doctrine*, 85 WASH U. L. REV. 681 (2007) (with Izenman and Lidicker)
32. *Self-Handicapping and Managers' Duty of Care*, 42 WAKE FOREST L. REV. 803 (2007) (invited symposium essay)
33. *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)
34. *The "Duty" To Be a Rational Shareholder*, 90 MINN. L. REV. 537 (2006)
35. *Nullificatory Juries*, 2003 WISC. L. REV. 1115 (with Wenger)
36. *How Relevant is Jury Rationality?*, Review Essay, 2003 U. ILL. L. REV. 507
37. *Can Law and Economics Be Both Practical and Principled?*, 53 ALA. L. REV. 335 (2002) (with O'Shea)

WORKS IN PROGRESS

Insurers & the Empire of Forms (with Swedloff)

Et al. (with Strezhnev)

The Puzzling Duty to Mitigate (with Wilkinson-Ryan)

Discriminatory Leases (with Strezhnev)

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)

Chair, Contracts Section, AALS (2023-2024)

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)

Created the Philadelphia Model Lease, available at <https://philadelphiafairlease.org/>