

# James Fallows Tierney

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SSRN: [https://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=1349730](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1349730)

Google Scholar: <https://scholar.google.com/citations?user=z3nFrOUAAAAJ&hl=en>

## Academic appointments

*Chicago-Kent College of Law, Illinois Institute of Technology*

July 2023 – Assistant professor of law

*University of Nebraska College of Law*

2020 – 2023 Assistant professor of law

*Rutgers Law School – Camden*

Spring 2023 Part-time lecturer (podium fill)

## Research interests

Regulation, enforcement, and litigation in retail securities markets

Law and political economy of capital markets and shareholders

Text-as-data methods applied to disclosure and law

Behavioral economics of disclosure and choice

Contemporary learning theory in legal education

## Academic publications

ARTICLES, ESSAYS, AND BOOK CHAPTERS

2024 *Grade insurance*, JOURNAL OF LEGAL EDUCATION (**forthcoming** 2024) ([link](#))

*Reconsidering securities industry bars*, STANFORD JOURNAL OF LAW, BUSINESS, AND FINANCE (**forthcoming** 2024) ([draft link](#))

- 2023 *Stockbroker secrets*, with Benjamin P. Edwards, UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW (**forthcoming** 2023-24) ([draft link](#))
- 2022 *Investment games*, 72 DUKE LAW JOURNAL 353 (2022) ([link](#))<sup>1</sup>
- Essay, *On “confetti regulation”: The wrong way to regulate gamified investing*, with Kyle Langvardt, 131 YALE LAW JOURNAL FORUM 747 (Jan. 2022) ([link](#))
- 2020 *Contract Design in the Shadow of Regulation*, 98 NEBRASKA LAW REVIEW 874 ([link](#))
- 2011 *Moral Reasoning in International Law*, with Roger P. Alford, in THE ROLE OF ETHICS IN INTERNATIONAL LAW (Donald Earl Childress III, ed., Cambridge University Press) ([abstract](#))
- 2010 Comment, *Summary Dismissals*, 77 UNIVERSITY OF CHICAGO LAW REVIEW 1841 ([link](#))
- 2009 *The Polar Bear Treaty and the Changing Geography of the High Arctic*, 3 JOURNAL OF ANIMAL LAW & ETHICS 141 ([link](#))

#### SHORTER PIECES

- 2024 *FINRA Faces Uphill Battle in Case Challenging Its Enforcement*, with Benjamin P. Edwards, in COLUMBIA BLUE SKY BLOG (Aug. 1, 2023) ([link](#))
- 2022 *Securities law’s effects on wealth inequality: the case of asymmetric investment opportunity*, JOTWELL — CORPORATE LAW (Feb. 4, 2022) ([link](#))
- 2021 *Woke Capital?*, LAW AND POLITICAL ECONOMY PROJECT BLOG (LPE BLOG) (May 2021) ([link](#))
- Anti-administrativism returns to the SEC’s doorstep: A response to Alex Platt*, YALE J. ON REG. NOTICE & COMMENT ONLINE (invited response, March 2021) ([link](#))

## Work in Progress

#### PAPERS UNDER SUBMISSION THIS CYCLE

- 2023 Essay, *The SEC’s data analytics rule and the “Netflix” problem in securities law*, **revise and resubmit** at JURIMETRICS: THE JOURNAL OF LAW, SCIENCE, AND TECHNOLOGY ([draft link](#))

#### PAPERS SLATED FOR UPCOMING SUBMISSION

- Feb. 2024 *Antidiscrimination in capital markets: litigating access to SRO services*  
*Introducing an open-access structured dataset of Federal Register filings (2000-2022)*

<sup>1</sup>Cited in, e.g., the SEC’s Proposed Rule, Conflicts of Interest Associated with the Use of Predictive Data Analytics by Broker-Dealers and Investment Advisers, Exchange Act Release No. 97990, Advisers Act Release No. 6353, File No. S7-12-23 (July 26, 2023)

(target for SCIENTIFIC DATA, peer-review)

Summer 2024 Financialized farmland (essay), with Jess Shoemaker  
Execution for Retail Investors

#### ADDITIONAL WORK IN PROGRESS

The stock exchange rule firehose: A law-as-data approach  
Equity vibes

Retail investors and capital markets intermediation, in Deborah DeMott and Cheng Han Tan, eds., AGENCY AND INTERMEDIATION (Edward Elgar, forthcoming 2025)

#### SELECTED UNPUBLISHED MANUSCRIPTS

2011 The economic theory of bellwether trials ([link](#))  
Popular sovereignty and private ordering in the state of exception ([link](#))  
Threshold constraints and the laws of war ([link](#))  
Institutional design and distrust in federal Indian law (not on SSRN, email for draft)  
The Judicial Safeguards of Marginal Federalism (not on SSRN, email for draft)

2009 Sovereign power, human rights, and hypocrisy costs ([link](#)) (revised MA thesis, won Ignacio Martín Baró prize at University of Chicago)

### Academic presentations

#### PAPER TALKS<sup>2</sup>

*The stock exchange rule firehose: A law-as-data approach*

Jan. 2024 AALS annual conference — Emerging Voices in Securities Regulation (scheduled)

Oct. 2023 Midwestern Law and Economics Association

Sept. 2023 Law and Economics seminar, Washington & Lee School of Law (invited)

Aug. 2023 Data Science & the Law Conference

June 2023 National Business Law Scholars Conference

May 2023 Securities Regulation Junior Scholars Group

May 2022 Junior Scholars Legal Research Workshop

*Reconsidering securities industry bars*

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<sup>2</sup>Papers sometimes presented under previous titles.

Oct. 2023 Chicago-Kent College of Law faculty colloquium

Mar. 2021 University of Nebraska faculty colloquium

Jan. 2021 ClassCrits Online Junior Scholar Workshop

AALS annual conference — Emerging Voices in Securities Regulation roundtables

Aug. 2020 Junior Scholar Workshop Series

*Regulating Financialized Farmland for Equitable Futures*

July 2023 Who Owns the Land? Interdisciplinary Land & Water Workshop, University of Nebraska College of Law

*Investment Games*

Dec. 2022 CFA Institute, Capital Markets Policy Council meeting (invited)

Oct. 2022 University of Rhode Island economics seminar (invited)

June 2022 Harvard/Yale/Stanford Junior Faculty Forum (blind, peer reviewed)

Jan. 2022 AALS annual conference — Emerging Voices in Securities Regulation

Oct. 2021 University of Kentucky faculty workshop (invited)

Fourth Annual Chicagoland Junior Scholars Conference

May 2021 Junior Scholars Legal Research Workshop

*Equity Vibes*

Oct. 2022 ClassCrits XIII conference

*Stockbroker Secrets*

Oct. 2022 Midwestern Law and Economics Association

Sept. 2022 Corporate and Securities Litigation Workshop

June 2022 National Business Law Scholars Conference

July 2021 Junior Scholars Legal Research Workshop

*Stock ownership: Retail, redux?*

May 2022 Junior Scholars Legal Research Workshop

*On “confetti regulation”: The wrong way to regulate gamified investing, with Kyle Langvardt*

June 2021 National Business Law Scholars Conference

Apr. 2021 Junior Scholar Workshop Series

*Contract Design in the Shadow of Regulation*

- Oct. 2019 University of Chicago Law School — Legal Scholarship Workshop (invited)  
Midwestern Law and Economics Association annual conference

*Moral Reasoning in International Law*

- May 2010 University of Chicago Law School — Chicago International Law Society  
Nov. 2009 American Society for International Law conference (with Roger Alford)

*Sovereign Power, Human Rights, and Hypocrisy Costs*

- Jan. 2010 University of Chicago — Law Culture & Society workshop

NON-PAPER TALKS

- Jan. 2024 Moderator (invited), AALS section on securities regulation plenary panel on three years of the Gensler administration at the SEC
- Sept. 2023 Discussant (invited), Second London Law and Finance Symposium, Notre Dame Law School
- Discussant on cryptocurrency regulation, *Securities Regulation*, UC Berkeley School of Law
- Sept. 2022 Panelist, *The State of Fiduciary Advice 2022*, Institute for the Fiduciary Standard
- Apr. 2022 Association for the Promotion of Political Economy and the Law (APPEAL) and Law and Political Economy (LPE) Project “Office Hours,” mentor for graduate student and aspiring scholars
- Sept. 2021 Future Business Law Professors Conference (hosted by Villanova Law), panelist and presenter
- May 2021 Panelist, *Can Regulators Keep Pace with New Investors and the Fintech Firms that Cater to Them?*, Consumer Federation of America — 55th Annual Conference ([link](#))

**Education**

- 2011 *University of Chicago Law School*, JD with honors  
Executive Articles and Book Reviews Editor, UNIVERSITY OF CHICAGO LAW REVIEW  
American Civil Liberties Union chapter president
- 2007 *University of Chicago*, MA (Division of the Social Sciences — International Relations)
- 2006 *Brown University*, AB (Political Science)

## Honors & awards

*University of Nebraska College of Law*

2020 Order of the Coif (elected member, Nebraska chapter)

*University of Chicago*

2009 Joseph Henry Beale prize for outstanding work in 1L research and writing  
Ignacio Martín Baró prize for best masters/professional student paper (Human Rights Program)

## Teaching

CORE DOCTRINAL COURSES

*Chicago-Kent College of Law*

Business associations

Corporate Finance

*University of Nebraska College of Law*

×4 Business associations

×3 Securities Regulation

×3 Corporate Finance

×1 Corporate Governance seminar

*Rutgers Law School*

Securities Regulation

ADDITIONAL TEACHING EXPERIENCE

*University of Nebraska College of Law*

Supervisor for externships and independent study

2022 Nonprofit board externship pilot program (co-taught with Dean Richard Moberly and Prof. Brett Stohs)

2021–22 Contemporary legal literature (zero credit hour course, co-taught with Profs. Gus Hurwitz and Kyle Langvardt)

*University of Chicago*

2010 Teaching assistant to Justice (retired) Albie Sachs, Constitutional Court of South Africa

(undergraduate seminar “Reason and Passion: The Strange Alchemy of Life and Law”)

*Brown University*

2005, 2006 Teaching assistant to Professor Kenneth Miller (undergraduate “Introductory Biology”)

*Kaplan Test Preparation*

2005 Instructor for Medical College Admission Test (MCAT)

**Service to the university**

*Chicago-Kent College of Law*

2023 – Speakers committee  
Visiting Assistant Professor hiring/renewal committee  
Campus Judicial Board

*University of Nebraska College of Law*

2022 – 2023 Faculty Appointments Committee (entry level), Learning Outcomes Committee, Ad Hoc Committee on AI and ChatGPT

Faculty advisor, People’s Parity Project chapter

2021 – 2022 Faculty Appointments Committee (business law)

2020 – 2021 Student awards committee

*University of Chicago*

2010 Appointments committee, student interviewer

2006 – 2007 Division of the Social Sciences graduate student activities council, departmental representative

*Brown University*

2005 – 2006 University disciplinary committee, undergraduate representative  
Brown Outdoor Leadership Training, trip leader/trainer

2004 – 2005 Student activities advisory council, at-large representative  
Brown Outing Club, president

## Service to the profession and the community

### WORKSHOP AND CONFERENCE ORGANIZATION

Spring 2023 Organizer, Junior Scholars Legal Research Workshop

### ACADEMIC JOURNAL PEER REVIEWER

2021 - Columbia Law Review

### RESEARCH ENGAGEMENT

2021 - 2022 Research Development Fellows Program (UNL ORED), program fellow and participant

### NONPROFIT BOARD AND RELATED SERVICE

2023 - DSA Fund, board of directors; budget and finance committee

2022 - DSA Fund, member of planning committee for *How We Win* series (links [here](#) and [here](#))

2021 - 2023 Lincoln DSA, Inc., treasurer and member of board of directors<sup>3</sup>

2021 - 2023 Securities & Exchange Commission Historical Society, member of board of advisers

### MEMBERSHIP IN PROFESSIONAL AND RELEVANT AFFINITY GROUPS

American Bar Association Business Law Section, Federal Regulation of Securities — Subcommittee on Trading and Markets

Association for the Promotion of Political Economy and the Law (APPEAL)

ClassCrits

DSA

Ninth Judicial Circuit Historical Society

Society of American Law Teachers (SALT)

### COMMUNITY COLLABORATION

Archival of old concert recordings ([Archive.org link](#)) for Miracle Orchestra

### LABOR ORGANIZATIONS

2023 - PTLFC-AAUP-AFT, Local 6324 (Rutgers University)

2015 - 2020 National Treasury Employees Union, Local 293 (Securities and Exchange Commission)

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<sup>3</sup>Helped social welfare organization become a Nebraska nonprofit corporation and secure 501(c)(4) recognition.



## Public engagement

### REGULATORY PRESENTATIONS

June 2023 Panelist, Securities and Exchange Commission Investment Advisory Committee panel on gamification and digital engagement practices

### COMMENT LETTERS, AMICUS BRIEFS, AND REPRESENTATIONS

- 2023 Comment letter on SEC’s proposed rule on gamification (data analytics in retail investment advice), File No. S7-12-23 (Oct. 10, 2023) (drafting and corresponding author, with two co-signatories) ([link](#))
- 2022 Brief of amici curiae corporate and securities law scholars in support of defendant-appellee and affirmance, *National Center for Public Policy Research v. Weber*, No. 22-15822 (9th Cir. filed Nov. 10, 2022) (counsel of record, primary author, amicus) ([link](#))
- Comment letter on SEC’s amendments to Exchange Act Rule 3b-16 regarding the definition of “exchange” (Reg ATS reform), File No. S7-02-22 (June 13, 2022) (sole author)
- 2021 Comment letter on SEC’s request for information on digital engagement practices, File No. S7-10-21, filed Oct. 1, 2021 (sole author) ([SSRN link](#))<sup>4</sup>
- 2020 Comment letter, with Benjamin P. Edwards, on FinCEN’s advance notice of proposed rulemaking, *Anti-Money Laundering Program Effectiveness*, Docket No. FINCEN-2020-0011, filed Nov. 16, 2020 (primary author) ([link](#))
- 2014 Amicus brief in the U.S. Supreme Court in *Holt v. Hobbs*, No. 13-6827 (2014), on behalf of Americans United for Separation of Church and State supporting Muslim inmate’s religious exemption from prison facial-hair grooming policy, 2014 WL 2361896 (counsel, [link](#))
- 2013 Amicus brief in the U.S. Supreme Court in *Schuetz v. Coalition to Defend Affirmative Action*, No. 12-682 (2013), on behalf of historians and scholars in defense of affirmative action in public university admissions, 2013 WL 4737192 (counsel, [link](#))
- 2012 – Various pro bono engagements, including FINRA arbitrations, eviction defense, and representing incarcerated and detained persons in federal appeals

### ADDITIONAL ENGAGEMENT AS SIGNATORY

- 2023 Brief of First Amendment and securities law scholars in support of respondent, *National Center for Public Policy Research v. SEC*, No. 23-60230 (5th Cir. filed Sept. 2023)
- 2022 Brief of amici curiae corporate and securities law scholars in support of defendant and appellee Shirley Weber and affirmance, *Meland v. Weber*, No. 22-15149 (9th Cir. filed Apr. 4, 2022) (drafting contributor too)

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<sup>4</sup>Cited in SEC’s proposed rule on gamification, *supra* note 1.

## Legal Employment and Relevant Professional Experience

### *Securities and Exchange Commission*

2015 – 2020 Senior counsel, Office of the General Counsel

Wrote dozens of opinions of the Commission comprising final agency action, and advised the Commission on disposition of appeals from administrative proceedings and self-regulatory organization (SRO) actions. As a federal administrative agency appellate adjudications lawyer, acted as a securities law generalist, proposing and drafting interpretations of novel and complex questions involving all aspects of the federal securities laws. Worked directly with Commissioners, their counsel, and operating division staff to develop analyze programmatic effects of proposed interpretations of the securities laws. Developed subject matter specialization in broker-dealer and investment adviser regulation, as well as SRO (stock exchange and FINRA) rules.

### *Mayer Brown LLP*

2012 – 2015 Associate, Supreme Court and appellate litigation

Summer 2010 Summer associate

Litigation practice involved handling appeals and critical pretrial motions for clients in capital markets, financial services, telecommunications, and other sectors.

- Principal or contributing author of seventeen filings before U.S. Supreme Court and other appellate courts, and dozens of other dispositive motion in trial court and arbitration.
- Represented residential mortgaged-backed securities (RMBS) trustee in litigation nationwide.
- Persuaded Second Circuit to hold that RMBS are exempt from the Trust Indenture Act.
- Represented banks against claims brought by SEC and CFTC relief defendants and receivers to recover proceeds of third parties' Ponzi schemes and securities frauds.
- Coauthored merits briefs for petitioner before the Supreme Court in *Hana Financial v. Hana Bank* (2015).
- Oral argument before two federal courts of appeals.
- Represented charitable foundation in litigation related to class-action lawsuit asserting claims against the United States based upon wrongs committed against Native Americans whose land was held in trust by the Department of the Interior.
- Represented business trade groups before Second Circuit in case involving Microsoft's challenge to an extraterritorial warrant from U.S. law enforcement to obtain data stored on non-U.S. servers.
- As a summer associate, prepared arguments in amicus brief offering novel de-

fense of the Patient Protection and Affordable Care Act’s (“Obamacare’s”) individual mandate as a valid exercise of Congress’s taxing power, which arguments the Supreme Court ultimately accepted in upholding the mandate.

Policy practice involved assisting clients in shaping regulatory and legislative policy related to Dodd-Frank implementation, private securities litigation, arbitration, class actions, and contract design. Drafted and submitted agency comment letters related to contract design in capital markets and consumer finance. Wrote speeches, Congressional hearing testimony (and QFRs and answers), and PowerPoint decks. Prepared white paper featuring extensive data analysis.

*U.S. Court of Appeals for the Ninth Circuit*

2011 – 2012 Judicial Clerk to the Honorable Mary Schroeder

*Committee for Public Counsel Services*

Summer 2009 Summer intern, appellate public defender’s office

Supported the Massachusetts state appellate public defender’s office by researching law, preparing memos, and drafting briefs in direct appeals and post-conviction proceedings in state court, and in a federal habeas action. Drafted an amicus brief that successfully persuaded the state Supreme Judicial Court to overturn precedent and require police to suspect dangerousness before pat-frisking citizens during otherwise consensual street encounters.

*Law Office of Harvey Silverglate*

2007 – 2008 Paralegal and research assistant

Assisted a criminal defense and civil-liberties attorney by preparing memoranda on factual and legal issues related to pending cases, and reviewing evidence in a federal criminal conspiracy trial. Helped research and edit his *THREE FELONIES A DAY* (2008), and provided support for his work with the Foundation for Individual Rights in Education, which he founded. Coauthored or assisted with dozens of blog posts, columns, op-eds, and articles in the *BOSTON GLOBE*, *BOSTON PHOENIX* alt-weekly, *MASACHUSETTS LAWYERS WEEKLY*, and other publications.

## **Podcast appearances**

2023 Interviewed by Kurt Wolfe and Chris Ekimoff, *Addressing the ‘Netflix Problem’ in Securities Regulation*, INSECURITIES PODCAST, Practicing Law Institute (Sept. 7, 2023) ([link](#))

2022 Panelist with Kyle Langvardt, interviewed by Gus Hurwitz, *What’s Happening with Twitter and FTX?*, TECH REFACTORED, Nebraska Governance and Technology Center (Nov. 18, 2022) ([link](#))

- 2021 Interviewed by Kurt Wolfe and Chris Ekimoff, *Cheers! Regulatory Resolutions & More at the inSecurities NYE Party*, INSECURITIES PODCAST, Practicing Law Institute (Dec. 30, 2021) (interviewed with others including SEC Commissioner Hester Peirce, securities lawyers, and several other law professors; [link](#))
- Interviewed by Kurt Wolfe and Chris Ekimoff, *Play It Again: An Expert's Take on Gamification and Stock Trading*, INSECURITIES PODCAST, Practicing Law Institute (Nov. 18, 2021) (solo interview; [link](#))
- Interviewed by Thomas H. Bickel, BROWN UNDERGRADUATE LAW REVIEW, "Alumni Spotlight" series (Oct. 22, 2021) ([link](#))
- Interviewed by Gus Hurwitz, *Tech Refactored*, "Episode 8: Gamestop, RobinHood, and Stonks: Oh my!" Nebraska Governance and Technology Center (Feb. 9, 2021) ([link](#))
- Interviewed by Andrew Jennings, *Business Scholarship Podcast*, "Symposium: Financial and Corporate Regulation in the Biden Administration" (Jan. 4, 2021) ([link](#))

## Selected media appearances

- 2023 Quoted in Jesse Westbrook and Robert Schmidt, *Ex-SEC Official Who Studies Predictive Data Discusses Brokers' 'Netflix Problem'*, CAPITOL ACCOUNT (Nov. 3, 2023) ([link](#))
- Quoted in Dan Shaw, *FINRA fights for life in 'existential threat' D.C. court case*, FINANCIAL PLANNING (Nov. 1, 2023) ([link](#))
- Quoted in Patrick Donachie, *Robinhood's Loss Could Embolden States Still on the Fiduciary Fence*, WEALTH MANAGEMENT, Sept. 19, 2023 ([link](#))
- Quoted in Patrick Donachie, *Legal Battle Between FINRA and Frequent Foe Could Be a 'Headshot' For the Regulator*, WEALTH MANAGEMENT, Aug. 11, 2023 ([link](#))
- Quoted in Imani Moise, *Bond Investing Gets the Robo-Adviser Treatment*, WALL STREET JOURNAL, June 7, 2023 ([link](#))
- 2022 Quoted in Paul Hammel, *Nebraska AG's report warns against 'threat' in environmental, social and governance investing*, NEBRASKA EXAMINER, Dec. 9, 2022 ([link](#))
- Quoted in Sarah Posner, *The Right-Wing Plan to Bring Down the Regulators Reaches the Supreme Court*, TALKING POINTS MEMO, Nov. 4, 2022 ([link](#))
- Quoted in Ali Breland, *"It's Potentially Illegal": As Crypto Crashed, Coinbase Stopped Some Notifications*, MOTHER JONES, Aug. 10, 2022 ([link](#))
- Quoted in Heike Buchter & Leon Koß, *Generation auf Pump*, DIE ZEIT, July 25, 2022 (article in German) ([link](#))
- Quoted in Scott Nover, *GameStop trading nearly destroyed Robinhood*, QUARTZ, July 2, 2022 ([link](#))
- Quoted in David Isenberg, *Industry's 'Can-Do' Lawyering Needs Reform: SEC Commish*, IG-

NITES, Mar. 7, 2022 (a Financial Times publication, tear sheet on file)

Quoted in Robin Kaiser-Schatzlein, *Robinhood struck it rich by turning stock trades into a game. But now its own stock has plunged 80% — and it needs to start copying its old-school rivals if it wants to survive.*, BUSINESS INSIDER, Feb. 27, 2022 ([link](#))

Quoted in David Isenberg, *Worse Than Confetti: The Casino Tricks of Robos and Online Brokers*, IGNITES, Feb. 22, 2022 (video interview) (a Financial Times publication, tear sheet on file)

Quoted in Daren Fonda, *Brokers, Casinos, and Social Media Are Reconditioning Our Brains — Turning Us Into Digital Addicts*, BARRON'S, Feb. 11, 2022 ([link](#))

2021 Quoted in Matt Egan, *Robinhood reveals new regulatory probes on the eve of its blockbuster IPO*, CNN BUSINESS, July 28, 2021 ([link](#))

Quoted in David Isenberg, *US regulator fines UBS \$8m over volatility ETP*, FINANCIAL TIMES, July 21, 2021 ([link](#))

Quoted in David Isenberg, *Shops Caught Up in SEC Data Breach Probe*, IGNITES, June 24, 2021 (a Financial Times publication, tear sheet on file)

Quoted in David Isenberg, *SEC to Weigh Whether Algorithms Are Recommendations*, IGNITES, May 20, 2021 (a Financial Times publication, tear sheet on file)

Quoted in Hannah Levintova, *Robinhood Promises Free Trades. Did Alex Kearns Pay With His Life?*, MOTHER JONES, Apr. 29, 2021 ([link](#))

Quoted in Matt Egan, *Robinhood's CEO is not licensed by a powerful Wall Street regulator*, CNN BUSINESS, Feb. 4, 2021 ([link](#))

Quoted in Aaron Keller, *Law Prof Who Wrote Textbook on Securities Regulation Explains 'WallStreetBets': Retail Investors Have 'Revolted and Stormed the Bastille'*, LAW & CRIME, Jan. 28, 2021 ([link](#))

## **Selected popular and non-academic writing**

2015 *The Line Between Wiretapping and Quality Assurance*, with Donald M. Falk, DAILY JOURNAL (Cal.), Jan. 28, 2015

2013 *Supreme Court Reaffirms that Forum-Selection Clauses are Presumptively Enforceable*, with J. Paul Forrester et al., HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE & FINANCIAL REGULATION, Dec. 19, 2013 ([link](#))

2011 Guest blog posts about editing law reviews, OPINIO JURIS blog, May 2011 ([link to index of posts](#))

2008 *Massachusetts lawmakers are pushing to criminalize Salvia. Is this a test-run for marijuana-law reform?*, BOSTON PHOENIX, Apr. 23, 2008

*Echoes of Rodney King*, with Harvey Silverglate, BOSTON PHOENIX, Feb. 21, 2008

*Preventing police oversight*, with Harvey Silverglate, MASSACHUSETTS LAWYERS WEEKLY, Jan. 26, 2008

*To the editors*, NEW YORK TIMES, Jan. 9, 2008

2007 *Using the ban on pretrial publicity to avoid embarrassing prosecutors, judges*, with Harvey Silverglate, MASSACHUSETTS LAWYERS WEEKLY, Nov. 5, 2007

2006 *Why suspected terrorists should be granted habeas corpus review: A response to Posner's security-liberty balancing scheme*, 4 DARTMOUTH COLLEGE UNDERGRADUATE JOURNAL OF LAW 6, 2006

## Conceptual art

2021 *The Value of NFTs: a response to Bryan L. Frye* (Oct. 2021) ([link](#))

## Admissions

### STATE BARS

2012 – Massachusetts (# 682712)

2012 – District of Columbia (# 1011395)

2021 – Nebraska (# 27242) (inactive status)

### FEDERAL COURTS

U.S. Supreme Court

U.S. Courts of Appeals for the Second, Seventh, Eighth, Ninth, Tenth and Federal Circuits

U.S. District Courts for the District of Columbia and the District of Massachusetts

## Skills

Proficient R

ℒ<sub>TEX</sub>

I dabble Python, Markdown, Bash, Zsh, TOML, YAML, GitHub ([link to my repository](#))