

B R I A N D . F E I N S T E I N
Assistant Professor
Department of Legal Studies & Business Ethics
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E D U C A T I O N

- J.D.** HARVARD LAW SCHOOL, *cum laude*, 2012
Research Associate, Committee on Capital Markets Regulation
Research Assistant, Professor Mark Tushnet
Senior Articles Editor, *Harvard Law & Policy Review*
- PH.D.** HARVARD UNIVERSITY, Department of Government, 2009 (M.A. received 2006)
Committee: Daniel Carpenter (chair), Eric Schickler (UC Berkeley),
Kenneth Shepsle, Charles Stewart (MIT)
- B.A.** BROWN UNIVERSITY, Economics & Political Science, 2004, *magna cum laude*
Philo Sherman Bennett Prize
Departmental Honors in economics and in political science

P U B L I C A T I O N S

- [*Outside Advisers Inside Agencies*](#), __ GEORGETOWN L.J. __ (2020) (with Daniel Hemel)
- [*Judging Judicial Foreclosure*](#), 15 J. EMPIRICAL LEGAL STUD. 406 (2018)
- [*Partisan Balance with Bite*](#), 118 COLUM. L. REV. 9 (2018) (with Daniel Hemel)
- [*Congress in the Administrative State*](#), 95 WASH. U. L. REV. 1189 (2018)
- [*Designing Executive Agencies for Congressional Control*](#), 69 ADMIN. L. REV. 259 (2017)
- [*Congressional Government Rebooted: Randomized Committee Assignments & Legislative Capacity*](#), 7 HARV. L. & POL'Y REV. 601 (2013)
- [*Avoiding Oversight*](#), 8 J.L. ECON. & POL'Y 23 (2011)
- [*Community Benefits Agreements with Transit Agencies: A Legal Strategy for Addressing Gentrification*](#), 38 TRANSP. L.J. 85 (2011) (with Ashley Allen)
- [*The Dynasty Advantage: Family Ties in Congressional Elections*](#), 35 LEG. STUD. Q. 571 (2010)
- [*Congressional Parties and Civil Rights Politics*](#), 72 J. POL. 672 (2010) (with Eric Schickler and Kathryn Pearson)

[*Platforms and Partners: The Civil Rights Realignment Reconsidered*](#), 22 *STUD. IN AM. POL. DEV.* 1 (2008) (with Eric Schickler)

Received award for best paper on political organizations and parties presented at the American Political Science Association Annual Meeting, 2007

WORKING PAPERS

[*Congress's Commissioners*](#) (with Todd Henderson)

[*Polarized Politics, Stable Mortgage Markets*](#) (with Chen Meng & Manisha Padi)

Received Holmes-Cardozo Outstanding Research Award for Submitted Conference Paper, 2019 Academy of Legal Studies in Business Conference, Montreal, Canada

[*Are Close Elections Random?*](#) (with Justin Grimmer (lead author), Daniel Carpenter, and Eitan Hersh)

CLERKSHIP

HON. JOHN D. TINDER, U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT, *Law Clerk*, 2012-2013

PRIOR PROFESSIONAL EXPERIENCE

UNIVERSITY OF CHICAGO LAW SCHOOL, *Bigelow Fellow & Lecturer in Law*, 2016-2018

ARNOLD & PORTER LLP, *Associate*, 2013-2016, *Summer Associate*, Summer 2011

Representative matters: outside counsel for the Federal Housing Finance Agency in disputes concerning, *e.g.*, federal preemption of state & local laws regarding mortgage lien priority, the scope of FHFA conservatorship over Fannie Mae and Freddie Mac, and alleged breaches of contract; *pro bono* experience representing prisoners in Eighth Amendment suits.

U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS, *Law Clerk*, Summer 2010

Prepared Chairman Carl Levin for hearings concerning the causes of the financial crisis.

OTHER WRITING

[*Research Note: Outside Advisers Inside Agencies*](#), Osservatorio AIR (EU think tank) (Oct. 2019)

[*State Foreclosure Law: A Neglected Element of the Housing Finance Debate*](#), Penn Wharton Public Policy Initiative Issue Brief (Nov. 2018)

[*Can Member Characteristics Predict Committee Oversight Activity?*](#), NEW AMERICA FOUNDATION AND R STREET INSTITUTE LEGISLATIVE BRANCH CAPACITY WORKING GROUP (Apr. 25, 2018) (blog post)

[*The Mick Mulvaney Proposal that Could Change the CFPB for the Better*](#), FORTUNE (Apr. 17, 2018) (with Todd Henderson)

[*Who Conducts Oversight? Bill-Writers, Lifers, and Nail-Biters*](#), __ *WAYNE L. REV.* __ (forthcoming 2018) (symposium piece prepared for Carl Levin Center Symposium on Congressional Oversight in the 21st Century)

[*Partisan Balance Requirements from Carter to Obama \(and Trump\)*](#), YALE J. ON REG.: NOTICE & COMMENT (Aug. 11, 2017) (blog post) (with Daniel Hemel)

[*Agencies' Responsibilities to Inform Congress: Two Perspectives*](#), YALE J. ON REG.: NOTICE & COMMENT (July 11, 2017) (blog post)

Op-Ed, [*Hill Republicans must strengthen Congress – big league*](#), THE HILL, Nov. 14, 2016

Op-Ed, *Mix it up in Congress*, L.A. TIMES, Jan. 5, 2015, § A, at 13 (web version: [*A simple way to fix gridlock in Congress – change committees*](#))

Reprinted in other newspapers via Tribune News Service distribution, e.g., Op-Ed., *Rethink the committee system*, PHILA. INQUIRER, Jan. 7, 2015, § A, at 14

[*Book Review, The System of the Constitution, by Adrian Vermeule*](#), 23 L. & POL. BOOK REV. 401 (2013)

TEACHING

THE WHARTON SCHOOL, Law & Social Values, Spring 2019, Spring 2020, Fall 2020

UNIVERSITY OF CHICAGO LAW SCHOOL, Legal Research & Writing, 2016-2018

HARVARD UNIVERSITY, Head Teaching Fellow, American Government: A New Perspective; Teaching Fellow, The Politics of Congress; Advisor, Government and Social Studies Senior Honors Theses

PRESENTATIONS

Polarized Politics, Stable Mortgage Markets: Conference on Empirical Legal Studies, Claremont McKenna College, Claremont, CA (Nov. 2019); Academy of Legal Studies in Business Conference, Montreal, Canada (Aug. 2019) (recipient of Holmes-Cardozo Outstanding Research Award); Wharton Zicklin Center Financial Regulation Conference, Philadelphia, PA (Apr. 2019).

Inside Advisers Outside Agencies: New Voices in Administrative Law, Association of American Law Schools Annual Meeting, New Orleans, LA (Jan. 2019); Legal Studies & Business Ethics Seminar, The Wharton School, Philadelphia, PA (Dec. 2018); Conference on Empirical Legal Studies, University of Michigan Law School, Ann Arbor, MI (Nov. 2018); Administrative Law New Scholarship Roundtable, University of Michigan Law School, Ann Arbor, MI (June 2018)

Who Conducts Oversight? Bill-Writers, Lifers, and Nail-Biters: Symposium on Congressional Oversight, Carl Levin Center at Wayne Law School, Detroit, MI (Apr. 2018)

Congress in the Administrative State: Faculty Workshop, Indiana University McKinney School of Law, Indianapolis, IN (Mar. 2018); Faculty Works-in-Progress Workshop, University of Chicago Law School, Chicago, IL (Aug. 2017); Administrative Law New Scholarship Roundtable, Ohio State University Moritz College of Law, Columbus, OH (June 2017); American Law & Economics Association Annual Meeting, Yale Law School, New Haven, CT (May 2017).

P R E S S C O V E R A G E

For *Judging Judicial Foreclosure*: WALL ST. J. (interview); Knowledge@Wharton (interview)

For *Congress in the Administrative State*: Knowledge@Wharton (interview)

For *The Dynasty Advantage: Family Ties in Congressional Elections*: WASH. POST, N.Y. TIMES, TIME, Associated Press (various newspapers), THE GUARDIAN (interview), DETROIT FREE PRESS (interview), “The Diane Rehm Show” on National Public Radio, EL PAIS (interview), NEW YORK, GOVERNING.

P R O F E S S I O N A L A F F I L I A T I O N S

Member, Society for Empirical Legal Studies, 2016 – present; American Law & Economics Association, 2017 – present; Academy of Legal Studies in Business, 2018-present

Reviewer, PUB. CHOICE, AM. J. POL. SCI., REG. & GOVERNANCE, J. POL., various law reviews

Member, Bar of the State of Maryland, 2013 – present; Bar of the District of Columbia, 2014 – present