

Updated: Jan. 2023

**B R I A N D . F E I N S T E I N**

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**P R O F E S S I O N A L E X P E R I E N C E**

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**THE WHARTON SCHOOL OF THE UNIVERSITY OF PENNSYLVANIA**, *Assistant Professor of Legal Studies & Business Ethics*, 2018-present

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

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

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

**E D U C A T I O N**

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**J.D. HARVARD LAW SCHOOL**, *cum laude*, 2012

**PH.D. HARVARD UNIVERSITY**, Department of Government, 2009 (M.A. received 2006)

**B.A. BROWN UNIVERSITY**, Economics & Political Science, 2004, *magna cum laude*

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

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[Legitimizing Agencies](#)

UNIVERSITY OF CHICAGO LAW REVIEW, forthcoming

[Congress Is An It: A New View of Legislative History](#)

EMORY LAW JOURNAL, forthcoming

[Disappearing Commissioners](#)

IOWA LAW REVIEW, 109: \_\_, forthcoming (with David Zaring)

[Strategic Subdelegation](#)

JOURNAL OF EMPIRICAL LEGAL STUDIES, 20: 746 (2023) (with Jennifer Nou)

[Submerged Independent Agencies](#)

UNIVERSITY OF PENNSYLVANIA LAW REVIEW, 171: 945 (2023) (with Jennifer Nou)

[Banking on a Curve: How to Restore the Community Reinvestment Act](#)

HARVARD BUSINESS LAW REVIEW, 13: 335 (2023) (with Peter Conti-Brown)

Distinguished Paper and Finalist, Holmes-Cardozo Award for Best Conference Paper, 2022  
Academy of Legal Studies in Business Conference

[In-Group Favoritism as Legal Strategy: Evidence from FCPA Settlements](#)

AMERICAN BUSINESS LAW JOURNAL 60: 5 (2023) (with Will Heaston & Guilherme Siqueira de Carvalho)  
Hoerber Memorial Award (recognizes one outstanding article published in the journal in 2022-23)

[Divided Agencies](#)

SOUTHERN CALIFORNIA LAW REVIEW 95: 101 (2022) (with Abby Wood)  
Reviewed in JOTWELL: Anne Joseph O'Connell, [Disputing Conflict Avoidance](#), Apr. 13, 2022

[Identity-Conscious Administrative Law: Lessons from Financial Regulators](#)

GEORGE WASHINGTON LAW REVIEW 90: 1 (2022)  
Reviewed in JOTWELL: Margaret Kwoka, [Elevating Marginalized Voices in Agency Decisionmaking](#), Jan. 5, 2022

[The Impact of Cryptocurrency Regulation on Trading Markets](#)

JOURNAL OF FINANCIAL REGULATION 7: 48 (2021) (with Kevin Werbach)  
Finalist, Ralph Bunche Award for Best International Law Paper, 2020 Academy of Legal Studies in Business Conference

[The Contingent Origins of Financial Legislation](#)

WASHINGTON UNIVERSITY LAW REVIEW 99: 145 (2021) (with Peter Conti-Brown)

[Congress's Commissioners: Former Hill Staffers at the SEC and Other Independent Regulatory Commissions](#)

YALE JOURNAL ON REGULATION 38: 175 (2021) (with Todd Henderson)

[Outside Advisers Inside Agencies](#)

GEORGETOWN LAW JOURNAL 108: 1139 (2020) (with Daniel Hemel)

[Judging Judicial Foreclosure](#)

JOURNAL OF EMPIRICAL LEGAL STUDIES 15: 406 (2018)

[Partisan Balance with Bite](#)

COLUMBIA LAW REVIEW 118: 9 (2018) (with Daniel Hemel)

[Congress in the Administrative State](#)

WASHINGTON UNIVERSITY LAW REVIEW 95: 1189 (2018)

[Designing Executive Agencies for Congressional Control](#)

ADMINISTRATIVE LAW REVIEW 69: 259 (2017)

[Congressional Government Rebooted: Randomized Committee Assignments & Legislative Capacity](#)

HARVARD LAW & POLICY REVIEW 7: 601 (2013)

[Avoiding Oversight](#)

JOURNAL OF LAW, ECONOMICS, & POLICY 8: 23 (2011)

[Community Benefits Agreements with Transit Agencies: A Legal Strategy for Addressing Gentrification](#)

TRANSPORTATION LAW JOURNAL 38: 85 (2011) (with Ashley Allen)

[The Dynasty Advantage: Family Ties in Congressional Elections](#)

LEGISLATIVE STUDIES QUARTERLY 35: 571 (2010)

[Congressional Parties and Civil Rights Politics](#)

JOURNAL OF POLITICS 72: 672 (2010) (with Eric Schickler and Kathryn Pearson)

[Platforms and Partners: The Civil Rights Realignment Reconsidered](#)

STUDIES IN AMERICAN POLITICAL DEVELOPMENT 22: 1 (2008) (with Eric Schickler)

Best Conference Paper, Political Orgs. & Parties Section, American Political Science Assn.  
Annual Meeting, 2007

## WORKING PAPERS

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[Presidential Administration vs. The People](#)

[Board Diversity Matters: An Empirical Assessment of Community Reinvestment at Federal Reserve-Regulated Banks](#) (with Peter Conti-Brown and Kaleb Nygaard)

[Political Transitions & Firm Behavior in Highly Regulated Sectors: The Case of U.S. Mortgage Markets](#)  
(with Chen Meng & Manisha Padi)

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

## OTHER WRITING

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[Don't Fear Cryptocurrencies. Manage Them.](#)

NEW YORK TIMES (Apr. 14, 2021) (with Kevin Werbach)

[Financial Lawmaking and the Incoherence of Antinovelty Doctrine](#)

DUKE LAW SCHOOL GLOBAL FINANCIAL MARKETS CENTER, The FinReg Blog (Mar. 29, 2021) (with Peter Conti-Brown)

[Twitter and the Federal Reserve: How the U.S. Central Bank Is \(And Is Not\) Surviving Social Media](#)

BROOKINGS INSTITUTION, Series on Financial Markets and Regulation Report (Oct. 29, 2020) (with Peter Conti-Brown)

[The Dog that Didn't Bark: Effects of Regulation on Cryptocurrency Trading](#)

COLUMBIA LAW SCHOOL BLUE SKY BLOG ON CORPORATIONS & CAPITAL MARKETS (Sept. 28, 2020)  
(with Kevin Werbach)

[Does Regulation Chill Cryptocurrency Trading?](#)

THE REGULATORY REVIEW (Aug. 2020) (with Kevin Werbach)

[Time to Update Lincoln's Law for Trump's Administration](#)

BLOOMBERG LAW (Apr. 27, 2020)

[Brief of Professors Brian D. Feinstein and Daniel J. Hemel as Amici Curiae in Support of Petitioner](#)

Carney v. Adams, No. 19-309, U.S. Supreme Court, filed Jan. 28, 2020 (with Daniel J. Hemel)

[Can Member Characteristics Predict Committee Oversight Activity?](#)

NEW AMERICA FOUNDATION (Apr. 25, 2018)

[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 LAW REVIEW 64: 127 (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 JOURNAL ON REGULATION: NOTICE & COMMENT (Aug. 11, 2017) (with Daniel Hemel)

[Agencies' Responsibilities to Inform Congress: Two Perspectives.](#)

YALE JOURNAL ON REGULATION: NOTICE & COMMENT (July 11, 2017)

[Hill Republicans must strengthen Congress – big league](#)

THE HILL, Nov. 14, 2016

[Mix It Up in Congress](#)

L.A. TIMES, Jan. 5, 2015

[Are Close Elections Random?](#)

unpublished working paper (with Justin Grimmer, Daniel Carpenter, and Eitan Hersh)

## TEACHING

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### THE WHARTON SCHOOL

Foundations of Business Law (LGST 9210). Spring 2024

Responsibility in Business (LGST 6120), Fall 2023

Law & Social Values (LGST 1010), Fall 2022, Spring 2022, Fall 2020, Spring 2020, Spring 2019

Wharton Teaching Excellence Award, AY 2022-23, 2021-22, 2020-21, 2019-20

Doctoral Independent Study: Regulatory Agencies & Business, Spring 2021

### UNIVERSITY OF CHICAGO LAW SCHOOL

Legal Research & Writing, 2016-2018

### HARVARD UNIVERSITY

Head Teaching Fellow, American Government: A New Perspective, 2007 & 2008

Certificate of Distinction in Teaching, 2007 & 2008

Teaching Fellow, The Politics of Congress, 2007

Certificate of Distinction in Teaching, 2007

## PRESENTATIONS

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NYU Law School External Law & Economics Workshop (Feb. 2024) [scheduled]

UC Berkeley Law School (Dec. 2023) (panelist)

Penn Law Institute for Law & Economics; Business & Financial Law Wkshp. (Dec. 2023) (discussant)

NYU Law School Colloquium on Law, Economics & Politics (Nov. 2023)

Conference on Empirical Legal Studies, University of Chicago Law School (Oct. 2023)

Midwest Political Science Assn. Annual Meeting, Chicago, IL (Apr. 2023)

BC Law School Regulation & Markets Workshop (Mar. 2023)

Penn Law School Federalist Society Symposium (Mar. 2023) (panelist)

ABA Program for Prospective Administrative Law Scholars (Mar. 2023)

[Harvard Business Law Review Podcast](#) (Mar. 2023)

Indiana University Kelley School of Business, Dept. of Business Law & Ethics (Feb. 2023)

NYU Law School Institute for Corporate Governance & Finance (Feb. 2023)

American Law & Economics Assn. Annual Meeting, Columbia Law School (Aug. 2022)

Conference on Empirical Legal Studies, University of Virginia Law School (Nov. 2022)

Academy of Legal Studies in Business Annual Conference, Louisville, KY (Aug. 2022)

[Business Scholarship Podcast](#) (Aug. 2022)

University of Michigan Ross School of Business, Big Ten & Friends Seminar (July 2022)

Conference on Empirical Legal Studies (Mar. 2022)

Federal Reserve Board, Division of Consumer & Community Affairs (Mar. 2022)

[Penn Program on Regulation, Lecture Series on Race & Regulation](#) (Feb. 2022)

UC Hastings Law School Faculty Colloquium (Feb. 2022)

Office of Comptroller of the Currency (Acting Comptroller Hsu and senior staff) (Jan. 2022)

U.S. House Financial Services Committee, Majority Staff (Jan. 2022)

FDIC Center for Financial Research (Jan. 2022)

Assn. of American Law Schools Annual Meeting (Jan. 2022)

Chicago / Michigan Law School, Psychology & Lab Studies Group (Jan. 2022)

Penn Program on Regulation, Conversations on Law & Governance (Nov. 2021)

University of Chicago Political Science Dept., American Politics Workshop (Nov. 2021)

Center for the Study of the Administrative State, Antonin Scalia Law School (Oct. 2021)

Vanderbilt Law School Public Governance Seminar (Oct. 2021)

Academy of Legal Studies in Business Conference (Aug. 2021)

BU Law School Consumer Law Seminar (Apr. 2021)

Wharton Financial Regulation Conference (Apr. 2021)

Financial Regulatory Scholars Workshop (Feb. 2021)

Center for the Study of the Administrative State, Antonin Scalia Law School (Feb. 2021)

Assn. of American Law Schools Annual Meeting (Jan. 2021)

American Law & Economics Annual Meeting, University of Chicago (Nov. 2020; paper accepted, conference later cancelled)

Academy of Legal Studies in Business Conference (Aug. 2020)

University of Wisconsin, Congress & History Conference (June 2020)

Indiana University Kelley School of Business, Big Ten & Friends Seminar (Feb 2020)

Conference on Empirical Legal Studies, Claremont McKenna College (Nov. 2019)

Academy of Legal Studies in Business Conference, Montreal, Canada (Aug. 2019)

Wharton Financial Regulation Conference (Apr. 2019)

Assn. of American Law Schools Annual Meeting, New Orleans, LA (Jan. 2019)

Conference on Empirical Legal Studies, University of Michigan Law School (Nov. 2018)

University of Chicago Law School, Faculty Workshop (July 2018)

University of Michigan Law School, Administrative Law New Scholarship Roundtable (July 2018)

Conference on Empirical Legal Studies, Cornell Law School (Sept. 2017)

American Law & Economics Annual Meeting, Yale Law School (May 2017)

*Earlier presentations available on request*

## S E R V I C E

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### Department / School

Undergraduate Advisor, Legal Studies & Business Ethics Dept. (LGST), 2022-present

Member, LGST Faculty Search Committee, 2023-24

Organizer, LGST Half-Full Workshop, 2023-24

Co-organizer, LGST Seminar Series, 2020-21 & 2022-23

Member, LGST Ph.D. Admissions Committee, 2023

Member, Wharton IT Committee, 2019-present

### Discipline

Area Organizer, Conference on Empirical Legal Studies, 2023

Co-organizer, Big Ten & Friends Business Law Conference, 2023

Co-organizer, Wharton Financial Regulation Conference, 2022, 2023

Organizer, Power in the Administrative State Workshop Series, Jan. 2021-May 2022 (bimonthly Zoom workshop)

Area Organizer, American Law & Economics Assn. Annual Meeting, 2021

Occasional reviewer for many peer-reviewed political science and legal journals

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

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Faculty Affiliate, Penn Program on Regulation, 2018 – present; Penn Institute for Law & Economics, 2023 – present

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

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