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BRIAN D. FEINSTEIN

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PROFESSIONAL EXPERIENCE

THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA
Associate Professor (with tenure), 2025-present
Assistant Professor, 2018-2025

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

ARNOLD & PORTER LLP
Associate, 2013-2016

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

EDUCATION

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*

PUBLICATIONS

How People Want Agencies to Decide: Political Insulation, Public Voice, and Reason-Giving
WASHINGTON UNIVERSITY LAW REVIEW, __ (forthcoming 2027)

Small Business Favoritism
AMERICAN BUSINESS LAW JOURNAL, 64: __ (forthcoming 2026)

Presidential Administration and the Accountability Illusion
DUKE LAW JOURNAL, 74: 1791 (2025)

The Market Value of Partisan Balance
NORTHWESTERN UNIVERSITY LAW REVIEW, 119: 1201 (2025) (with Daniel Hemel)

Legitimizing Agencies
UNIVERSITY OF CHICAGO LAW REVIEW, 91: 919 (2024)

Congress Is An It: A New View of Legislative History
EMORY LAW JOURNAL, 73: 1317 (2024)

Disappearing Commissioners
IOWA LAW REVIEW, 109: 1041 (2024) (with David Zaring)
Reprinted as *Comissários Desaparecidos*, REVISTA DE DIREITO ADMINISTRATIVO, 284: 37 (2025)

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)

In-Group Favoritism as Legal Strategy: Evidence from FCPA Settlements
AMERICAN BUSINESS LAW JOURNAL 60: 5 (2023) (with Will Heaston & Guilherme Siqueira de Carvalho)

Divided Agencies
SOUTHERN CALIFORNIA LAW REVIEW 95: 101 (2022) (with Abby Wood)

Identity-Conscious Administrative Law: Lessons from Financial Regulators
GEORGE WASHINGTON LAW REVIEW 90: 1 (2022)

The Impact of Cryptocurrency Regulation on Trading Markets
JOURNAL OF FINANCIAL REGULATION 7: 48 (2021) (with Kevin Werbach)

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)

WORKING PAPERS

Faithful Agencies (with Jody Freeman & Sharon Jacobs)

Valuing Administrative Democracy (with Daniel Walters)

The Architect and the Manager (with Jody Freeman & Sharon Jacobs)

TEACHING

THE WHARTON SCHOOL

Responsibility in Business (LGST 6120): AY 23-24 through AY 26-27

Responsibility in Global Management (LGST 6110): Spring 2025

Law & Social Values (LGST 1010): AY 19-20 through AY 24-25

Foundations of Business Law (LGST 9210): Spring 2024

Doctoral Independent Studies: The Admin. State & Financial Regulation, Spring 2025; Regulatory Agencies & Business, Spring 2021

MBA Independent Studies: General Counsel as Ethics Gatekeeper, Summer 2026; The Political Economy of the CHIPS Act, Summer 2026

UNIVERSITY OF CHICAGO LAW SCHOOL

Legal Research & Writing, 2016-2018

HARVARD UNIVERSITY

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

Teaching Fellow, The Politics of Congress, 2007

HONORS

Teaching Awards

Wharton Teaching Excellence Award, AY 2019-20 through 2025-26

Harvard University Certificate of Distinction in Teaching, AY 2009-10, 2008-09

Research Awards

Emerging Scholar Award, American Association of Law Schools (AALS) Section on Administrative Law, 2025 (recognizes one "outstanding scholarly publication by a junior scholar" in the field of administrative law annually; received for *Legitimizing Agencies*)

Finalist, Holmes-Cardozo Award for Best Conference Paper, 2024 Academy of Legal Studies in Business Conference (for *The Market Value of Partisan Balance*)

Hoeber Memorial Award, 2023 (recognizes one "outstanding article published in the *American Business Law Journal*" annually; for *In-Group Favoritism as Legal Strategy: Evidence from FCPA Settlements*)

Distinguished Paper and Finalist, Holmes-Cardozo Award for Best Conference Paper, 2022 Academy of Legal Studies in Business Conference (for *Banking on a Curve: How to Restore the Community Reinvestment Act*)

Finalist, Ralph Bunche Award for Best International Law Paper, 2020 Academy of Legal Studies in Business Conference (for *The Impact of Cryptocurrency Regulation on Trading Markets*)

Holmes-Cardozo Outstanding Research Award, 2019 Academy of Legal Studies in Business Conference (for *State Politics and Mortgage Markets*)

Best Conference Paper, Political Orgs. & Parties Section, American Political Science Assn. Annual Meeting, 2007 (for *Platforms and Partners: The Civil Rights Realignment Reconsidered*)

Reviews

Dan Deacon, Ad Law Reading Room: Valuing Administrative Democracy, YALE JOURNAL ON REGULATION: NOTICE & COMMENT, Jan. 5, 2026

Stephen Bainbridge, Does Having a Politically Balanced Judiciary Help Maintain Delaware's Dominance?, BAINBRIDGE ON CORPORATIONS, June 22, 2025 (reviewing *The Market Value of Partisan Balance*)

Dan Deacon, Ad Law Reading Room: Legitimizing Agencies, YALE JOURNAL ON REGULATION: NOTICE & COMMENT, Mar. 29, 2023

Anne Joseph O'Connell, Disputing Conflict Avoidance, JOTWELL, Apr. 13, 2022 (reviewing *Divided Agencies*)

Margaret Kwoka, Elevating Marginalized Voices in Agency Decisionmaking, JOTWELL, Jan. 5, 2022, (reviewing *Identity-Conscious Administrative Law: Lessons from Financial Regulators*)

PRESENTATIONS

Princeton University Center for the Study of Democratic Politics, Conference on Business & American Democracy (Apr. 2027) [scheduled]

Michigan Administrative Law Colloquium, University of Michigan Law School (Apr. 2027) [scheduled]

Yale Journal on Regulation Symposium, Revitalizing Administrative Law (Jan. 2027) [scheduled]

Washington University Law Review Symposium, The Many Faces of the State (Nov. 2026) [scheduled]

Conference on Compliance in an Era of Hyper-Regulatory Speed, Saul Ewing LLP, Philadelphia, PA (keynote address) (Nov. 2026) [scheduled]

Penn Law Review Symposium, Admin. Law's New Era (Oct. 2026) (commentator)

Harvard Law School Faculty Workshop (Oct. 2026)

Power in the Admin. State Workshop (Sept. 2026)

Penn Program on Regulation, The Admin. State After *Trump v. Slaughter* (July 2026) (panelist)

Political Economy & Public Law Conference, Texas A&M School of Law (June 2026)

American Law & Econ. Assn. Annual Meeting, University of Chicago Law School (May 2026)

Columbia Law School Law & Econ. Workshop (Feb. 2026)

Business Scholarship Podcast (Dec. 2025)

Princeton University, Book Manuscript Workshop on "White Shoes, Hidden Hands," by Brian Libgober (Oct. 2025) (panelist)

Yale Conference on Politics & Law in the Admin. State (June 2025)

Political Economy & Public Law Conference, University of Chicago Law School (June 2025)

Fordham Law School Faculty Workshop (Mar. 2025)

Duke Law Journal Admin. Law Symposium (Mar. 2025)

Conference on Empirical Legal Studies, Emory Law School (Nov. 2024)

Northwestern Law School Law & Econ. Colloquium (Oct. 2024)

Academy of Legal Studies in Business Conference, Washington, DC (Aug. 2024)

University of Chicago Conference on Presidential Power, the Admin. State, and American Democracy (July 2024)

American Law & Econ. Assn. Annual Meeting, Michigan Law School (May 2024)

Penn Law Institute for Law & Econ., Corporate Roundtable (May 2024)

Harvard Journal on Legislation Symposium, Admin. Law After the Major Questions Doctrine & *Chevron*, Harvard Law School (Mar. 2024)

NYU Law School External Law & Econ. Workshop (Feb. 2024)

UC Berkeley Law School, Roundtable on "The Corporate Republic" by Stavros Gadinis (Dec. 2023) (panelist)

Penn Law Institute for Law & Econ., Business & Financial Law Workshop (Dec. 2023) (discussant)

NYU Law School Colloquium on Law, Econ. & 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 Admin. 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 & Econ. 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 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 Comm. (majority staff) (Jan. 2022)

FDIC Center for Financial Research (Jan. 2022)

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

Chicago & Michigan Law Schools, 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 Admin. State, 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 Admin. State, Scalia Law School (Feb. 2021)

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

American Law & Econ. Assn. Annual Meeting, University of Chicago (Nov. 2020; paper accepted, conference later canceled)

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, Admin. Law New Scholarship Roundtable (July 2018)

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

American Law & Econ. Assn. Annual Meeting, Yale Law School (May 2017)

Earlier presentations available on request

SERVICE

Department / School

Wharton Faculty Fellow, 2026-27

Member, Wharton Curriculum Innovation & Review Committee, 2024-present

MBA Advisor, Legal Studies & Business Ethics Dept. (LGST), 2024-present

Member, LGST PhD Executive Committee, 2024-present

Member, Wharton IT Committee, 2019-2026

Undergraduate Advisor, LGST, 2022-24

Member, LGST Faculty Search Committee, 2023-24

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

Member, LGST Ph.D. Admissions Committee, 2025, 2023

Discipline

Selection Committee, Emerging Scholar Award, AALS Administrative Law Section, 2025-2026

Co-organizer, Wharton Financial Regulation Conference, 2022-2026

Area Organizer, Conference on Empirical Legal Studies, 2023

Co-organizer, Big Ten & Friends Business Law Conference, 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 peer reviewer for political science and legal journals

OTHER WRITING

Regulatory Favoritism, LLC
MILKEN INSTITUTE REVIEW (July 2026)

Presidential Control of Independent Agencies Has a Price
PROMARKET (July 14, 2026) (with Daniel Hemel)

The Government's Costly Definition of "Small Business"
WALL STREET JOURNAL (July 5, 2026)

Introduction to Symposium on Peter Conti-Brown & Sean Vanatta's *Private Finance, Public Power: A History of Bank Supervision in America*
YALE JOURNAL ON REGULATION: NOTICE & COMMENT (Sept. 10, 2025)

Pershing's Expedition: Bill Ackman, Herbalife, and the Ethics of Political Influence
SAGE BUSINESS CASES (2025)

Investors Value Partisan Balance on Delaware's Courts
HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE (Oct. 30, 2024) (with Daniel Hemel)

Board Diversity Matters: An Empirical Assessment of Community Reinvestment at Federal Reserve-Regulated Banks

YALE PROGRAM ON FINANCIAL STABILITY WORKING PAPER SERIES (January 2022) (with Peter Conti-Brown)

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, FinReg Blog (Mar. 29, 2021) (with Peter Conti-Brown)

The Rise of Hill Staffers-Turned-Regulatory Commissioners
YALE JOURNAL ON REGULATION: NOTICE & COMMENT (March 2, 2021)

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 Hemel)

Political Transitions & Firm Behavior in Highly Regulated Sectors: The Case of U.S. Mortgage Markets
UNIVERSITY OF CHICAGO COASE-SANDOR INSTITUTE FOR LAW & ECONOMICS WORKING PAPER SERIES, No. 882 (May 2019) (with Chen Meng & Manisha Padi)

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)

PROFESSIONAL AFFILIATIONS

Faculty Affiliate, Penn Program on Regulation, 2018 – present

Faculty Affiliate, Penn Law School Institute for Law & Economics, 2022 – 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