

BRIAN D. FEINSTEIN
Department of Legal Studies & Business Ethics
The Wharton School of the University of Pennsylvania
3730 Walnut Street, Suite 600
Philadelphia, PA 19104
bdfeinst@wharton.upenn.edu ▪ (215) 573-0577 (office)

ACADEMIC APPOINTMENTS

THE WHARTON SCHOOL OF THE UNIVERSITY OF PENNSYLVANIA, DEPARTMENT OF LEGAL STUDIES & BUSINESS ETHICS, *Assistant Professor*, 2018—present

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

OTHER EXPERIENCE

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

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

[*Congress's Commissioners*](#), 31 YALE JOURNAL ON REGULATION __ (2021) (with Todd Henderson)

[*Outside Advisers Inside Agencies*](#), 108 GEORGETOWN LAW JOURNAL 1139 (2020) (with Daniel Hemel)

[*Judging Judicial Foreclosure*](#), 15 JOURNAL OF EMPIRICAL LEGAL STUDIES 406 (2018)

[*Partisan Balance with Bite*](#), 118 COLUMBIA LAW REVIEW 9 (2018) (with Daniel Hemel)

[*Congress in the Administrative State*](#), 95 WASHINGTON UNIVERSITY LAW REVIEW 1189 (2018)

[*Designing Executive Agencies for Congressional Control*](#), 69 ADMINISTRATIVE LAW REVIEW 259 (2017)

[*Congressional Government Rebooted: Randomized Committee Assignments & Legislative Capacity*](#), 7 HARVARD LAW & POLICY REVIEW 601 (2013)

[*Avoiding Oversight*](#), 8 JOURNAL OF LAW, ECONOMICS, & POLICY 23 (2011)

[*Community Benefits Agreements with Transit Agencies: A Legal Strategy for Addressing Gentrification*](#), 38 TRANSPORTATION LAW JOURNAL 85 (2011) (with Ashley Allen)

[*The Dynasty Advantage: Family Ties in Congressional Elections*](#), 35 LEGISLATIVE STUDIES QUARTERLY 571 (2010)

[*Congressional Parties and Civil Rights Politics*](#), 72 JOURNAL OF POLITICS 672 (2010) (with Eric Schickler and Kathryn Pearson)

[*Platforms and Partners: The Civil Rights Realignment Reconsidered*](#), 22 STUDIES IN AMERICAN POLITICAL DEVELOPMENT 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

[*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

[*The Impact of Cryptocurrency Regulation on Trading Markets*](#) (with Kevin Werbach)

Legislative Randomness & the Incoherence of Antinovelty (with Peter Conti-Brown)

OTHER WRITING

Does Regulation Chill Cryptocurrency Trading?, THE REGULATORY REVIEW (Aug. 2020)

[*Time to Update Lincoln's Law for Trump's Administration*](#), BLOOMBERG LAW (Apr. 27, 2020)

[*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*](#), 64 WAYNE LAW REVIEW 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) (blog post) (with Daniel Hemel)

[*Agencies' Responsibilities to Inform Congress: Two Perspectives*](#), YALE JOURNAL ON REGULATION: 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*, PHILADELPHIA INQUIRER, Jan. 7, 2015, § A, at 14

[Book Review, *The System of the Constitution*, by Adrian Vermeule](#), 23 LAW & POLITICS BOOK REVIEW 401 (2013)

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

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 (received Certificate of Distinction & Excellence in Teaching); Teaching Fellow, The Politics of Congress (received Certificate of Distinction & Excellence in Teaching); Advisor, Government and Social Studies Senior Honors Theses

PRESENTATIONS

Administrative Anti-Subordination: University of Georgia Terry College of Business Legal Studies Summer Seminar (July 2020; virtual presentation)

The Impact of Cryptocurrency Regulation on Trading Markets: Academy of Legal Studies in Business Conference (Aug. 2020; virtual conference)

Legislative Randomness & the Incoherence of Antinovelty: Congress & History Conference, University of Wisconsin (June 2020; virtual conference); Big Ten & Friends Business Law & Ethics Research Seminar, Indiana University Kelley School of Business, Bloomington, IN (Feb. 2020).

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

SiriusXM Wharton Business Daily (interview on CARES Act oversight, May 2020).

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