### BRIAN D. FEINSTEIN

Assistant Professor
Department of Legal Studies & Business Ethics
The Wharton School
600 Jon M. Huntsman Hall
3730 Walnut Street
Philadelphia, PA 19104
bdfeinst@wharton.upenn.edu
(215) 573-0577 (office)

### EDUCATION

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

## PUBLICATIONS

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)

<u>Congressional Government Rebooted: Randomized Committee Assignments & Legislative Capacity</u>, 7 HARV. L. & POL'Y REV. 601 (2013)

<u>Avoiding Oversight: Legislator Preferences & Congressional Monitoring of the Administrative State</u>, 8 J.L. Econ. & Pol'y 23 (2011)

<u>Community Benefits Agreements with Transit Agencies: A Legal Strategy for Addressing Gentrification</u>, 38 TRANSP. L.J. 85 (2011) (with Ashley Allen)

The Dynasty Advantage: Family Ties in Congressional Elections, 35 LEG. STUD. Q. 571 (2010)

<u>Congressional Parties and Civil Rights Politics</u>, 72 J. Pol. 672 (2010) (with Eric Schickler and Kathryn Pearson)

<u>Platforms and Partners: The Civil Rights Realignment Reconsidered</u>, 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

### CLERKSHIP

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

## 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.

## TEACHING EXPERIENCE

#### UNIVERSITY OF CHICAGO LAW SCHOOL

Lecturer, Legal Research & Writing, 2016—present (student evaluations available)

Lecturer, Political Control of Administration, Spring 2018

#### HARVARD UNIVERSITY

Head Teaching Fellow, American Government: A New Perspective, Professors Sunshine Hillygus and Paul Peterson, two semesters (student evaluations available)

Received Certificate of Distinction in Teaching, Derek Bok Center for Teaching & Learning (awarded to approx. 5% of instructors per semester)

*Teaching Fellow*, The Politics of Congress, Professor David King, one semester (student evaluations available)

Advisor, Government and Social Studies Senior Honors Theses (four students)

## WORKING PAPERS

Pathways of Power: The Rise of Hill Staffers-Turned-Commissioners (with Todd Henderson)

Federal Advisory Committees and the Internal Separation of Powers (with Daniel Hemel)

Ex Post Financial Regulation (in progress)

State Attorneys General and Lender Behavior (in progress) (with Manisha Padi and Chen Meng)

### OTHER WRITING

<u>State Foreclosure Law: A Neglected Element of the Housing Finance Debate</u>, PENN WHARTON PUBLIC POLICY INITIATIVE ISSUE BRIEF (November 2018)

<u>Can Member Characteristics Predict Committee Oversight Activity?</u>, NEW AM. FOUND. & R St. Inst. Legislative Branch Capacity Working Group (Apr. 25, 2018) (blog post)

<u>The Mick Mulvaney Proposal that Could Change the CFPB for the Better</u>, FORTUNE (Apr. 17, 2018) (with Todd Henderson)

<u>Who Conducts Oversight? Bill-Writers, Lifers, and Nail-Biters,</u> 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)

<u>Agencies' Responsibilities to Inform Congress: Two Perspectives</u>, 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: <u>A simple way to fix</u> 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)

<u>Are Close Elections Random?</u> (2011) (with Justin Grimmer (lead author), Daniel Carpenter, and Eitan Hersh)

### PRESENTATIONS

Advisory Committees in the Internal Separation of Power: 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. 2019); 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 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).

Partisan Balance With Bite: Conference on Empirical Legal Studies, Cornell Law School, Ithaca, NY (Oct. 2017)

Designing Executive Agencies for Congressional Control: Scholars Roundtable on Congressional Oversight, Carl Levin Center at Wayne Law School, Detroit, MI (June 2017)

# PRESS COVERAGE

For Judging Judicial Foreclosure: WALL ST. J. (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 País (interview), NEW YORK, GOVERNING.

## PROFESSIONAL AFFILIATIONS

Member, Society for Empirical Legal Studies, 2016 – present; American Law & Economics Association, 2017 – present

Reviewer, Am. J. Pol. Sci., Reg. & Governance, J. Pol., 2009 – present (occasional)

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