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BRIAN D. FEINSTEIN

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PROFESSIONAL EXPERIENCE

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

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

The Market Value of Partisan Balance

NORTHWESTERN LAW REVIEW, forthcoming (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, forthcoming

Disappearing Commissioners

IOWA LAW REVIEW, 109: 1041 (2024) (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) Hoeber 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, <u>Disputing Conflict Avoidance</u>, Apr. 13, 2022

Identity-Conscious Administrative Law: Lessons from Financial Regulators

GEORGE WASHINGTON LAW REVIEW 90: 1 (2022)

Reviewed in JOTWELL: Margaret Kwoka, <u>Elevating Marginalized Voices in Agency Decisionmaking</u>, 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)

<u>Congress's Commissioners: Former Hill Staffers at the SEC and Other Independent Regulatory Commissions</u>

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

Presidential Administration's Accountability Fallacy

Board Diversity Matters: An Empirical Assessment of Community Reinvestment at Federal Reserve-Regulated Banks (with Peter Conti-Brown)

<u>Political Transitions & Firm Behavior in Highly Regulated Sectors: The Case of U.S. Mortgage Markets</u> (with Chen Meng & Manisha Padi)

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

OTHER WRITING

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)

<u>Does Regulation Chill Cryptocurrency Trading?</u>

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)

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

Fordham Law School Faculty Workshop (Mar. 2025) [scheduled]

Northwestern Law School Law & Economics Colloquium (Oct. 2024) [scheduled]

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

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

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

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

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

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

UC Berkeley Law School, Roundtable on "The Corporate Republic" by Stavros Gadinis (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 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 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 Administrative 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 Administrative State, Scalia Law School (Feb. 2021)

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

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

Earlier presentations available on request

SERVICE

Department / School

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

Member, Wharton IT Committee, 2019-present

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

Member, LGST PhD Executive Committee, 2024-present

Undergraduate Advisor, LGST, 2022-24

Member, LGST Faculty Search Committee, 2023-24

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

Member, LGST Ph.D. Admissions Committee, 2023

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

Discipline

Co-organizer, Wharton Financial Regulation Conference, 2025 (primary organizer), 2023, 2022

Co-organizer, Wharton Workshop on DEI in Business: Legal & Ethical Issues, Apr. 2024

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

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