

James Fallows Tierney

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Current position

University of Nebraska College of Law

2020 –

Assistant professor of law

Research and teaching interests

Securities regulation and enforcement

Structures of capital ownership and intermediation (funds, advisors, universal owners)

Contract design and corporate governance across the capital structure

Law and political economy of financial regulation

Computational methods and “law as data”

Academic publications

ARTICLES AND BOOK CHAPTERS

2020

Contract Design in the Shadow of Regulation, 98 NEBRASKA LAW REVIEW 874 ([link](#))

2011

Moral Reasoning in International Law, with Roger P. Alford, in THE ROLE OF ETHICS IN INTERNATIONAL LAW (Donald Earl Childress III, ed., Cambridge University Press) ([abstract](#))

2010

Comment, *Summary Dismissals*, 77 UNIVERSITY OF CHICAGO LAW REVIEW 1841 ([link](#))

2009

The Polar Bear Treaty and the Changing Geography of the High Arctic, 3 JOURNAL OF ANIMAL LAW & ETHICS 141 ([link](#))

WORK IN PROGRESS — ARTICLES

Reconsidering securities industry bars

Agency costs in universal ownership theory

Contract design in the retail investment advisory relationship: An empirical study

Law as data: The case of the SEC's changing administrative docket

WORK IN PROGRESS — SHORT PIECES

An error cost theory of FINRA expungement (with Ben Edwards)

Anti-administrativism at the SEC's doorstep: A response to Alex Platt

Beware the un-woke CEO: Managers, universal ownership, and climate change risk

Equity investors and contractual complexity: Evidence from arbitration clauses

Academic presentations

Reconsidering Securities Industry Bars

Jan. 2021 AALS annual conference — Emerging Voices in Securities Regulation roundtables (scheduled)

Aug. 2020 Junior Scholar Workshop Series

Contract Design in the Shadow of Regulation

Oct. 2019 University of Chicago Law School — Legal Scholarship Workshop (invited)

Midwestern Law and Economics Association annual conference

Moral Reasoning in International Law

May 2010 University of Chicago Law School — Chicago International Law Society

Nov. 2009 American Society for International Law conference (with Roger Alford)

Sovereign Power, Human Rights, and Hypocrisy Costs

Jan. 2010 University of Chicago — Law Culture & Society workshop

Teaching

Nebraska College of Law

Spring 2021
(scheduled) Business associations

Corporate finance

Fall 2020 Securities regulation

ADDITIONAL TEACHING EXPERIENCE

University of Chicago

2010 Reason and Passion: The Strange Alchemy of Life and Law
Teaching assistant to Justice (retired) Albie Sachs, Constitutional Court of South Africa

Brown University

2005, 2006 Introductory Biology
Teaching assistant to Professor Kenneth Miller

Service to the university

2020 – Student honors committee

Service to the profession and the community

MEMBER

2020 – American Association of Law Schools, various business law sections
Society of American Law Teachers (SALT)
ClassCrits
American Bar Association — Business Law Section

Public engagement: Comment letters and amicus briefs

2020 Comment letter on FinCEN’s advance notice of proposed rulemaking, *Anti-Money Laundering Program Effectiveness*, Docket No. FINCEN-2020-0011, filed Nov. 16, 2020 ([SSRN link](#)) (*primary author*, with Benjamin P. Edwards)

2014 Amicus brief in the U.S. Supreme Court in *Holt v. Hobbs*, on behalf of Americans United for Separation of Church and State supporting Muslim inmate’s religious exemption from prison facial-hair grooming policy ([link](#))

2013 Amicus brief in the U.S. Supreme Court in *Schuette v. Coalition to Defend Affirmative Action* (2013), on behalf of historians and scholars in defense of affirmative action in public university admissions ([link](#))

Education

2011 *University of Chicago Law School*, JD with honors
Executive Articles and Book Reviews Editor, UNIVERSITY OF CHICAGO LAW REVIEW
Faculty Appointments Committee student interviewer
American Civil Liberties Union chapter president

2007 *University of Chicago*, MA (Division of the Social Sciences — International Relations)

2006 *Brown University*, AB (Political Science)

Honors & awards

University of Nebraska College of Law

2020 Order of the Coif (elected member, Nebraska chapter)

University of Chicago

2009 Joseph Henry Beale prize for outstanding work in IL research and writing

Ignacio Martín Baró prize for best masters/professional student paper (Human Rights Program)

Professional experience

2015 – 2020 Securities and Exchange Commission
Senior counsel, Office of the General Counsel

2012 – 2015 Mayer Brown LLP
Associate, Supreme Court and appellate litigation

2011 – 2012 The Honorable Mary Schroeder, U.S. Court of Appeals for the Ninth Circuit
Judicial clerk

2010 Mayer Brown LLP
Summer associate

2009 Committee for Public Counsel Services
Summer intern, appeals unit of Massachusetts state public defender

2007 – 2008 Law Office of Harvey Silverglate
Research assistant and paralegal

Selected popular and shorter writing

2015 *The Line Between Wiretapping and Quality Assurance*, with Donald M. Falk, DAILY JOURNAL (Cal.), Jan. 28, 2015

2013 *Supreme Court Reaffirms that Forum-Selection Clauses are Presumptively Enforceable*, with J. Paul Forrester et al., HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE & FINANCIAL REGULATION, Dec. 19, 2013 ([link](#))

2011 Guest blog posts about editing law reviews, OPINIO JURIS blog, May 2011 ([link to index of posts](#))

2008 *Massachusetts lawmakers are pushing to criminalize Salvia. Is this a test-run for marijuana-law reform?*, BOSTON PHOENIX, Apr. 23, 2008

Echoes of Rodney King, with Harvey Silverglate, BOSTON PHOENIX, Feb. 21, 2008

Preventing police oversight, with Harvey Silverglate, MASSACHUSETTS LAWYERS WEEKLY, Jan. 26, 2008

To the editors, NEW YORK TIMES, Jan. 9, 2008

2007 *Using the ban on pretrial publicity to avoid embarrassing prosecutors, judges*, with Harvey Silverglate, MASSACHUSETTS LAWYERS WEEKLY, Nov. 5, 2007

2006 *Why suspected terrorists should be granted habeas corpus review: A response to Posner's security-liberty balancing scheme*, 4 DARTMOUTH COLLEGE UNDERGRADUATE JOURNAL OF LAW 6

Admissions

STATE BARS

2012 – Massachusetts

2012 – District of Columbia

Not admitted in Nebraska; practice limited to federal matters

FEDERAL COURTS

U.S. Supreme Court

U.S. Courts of Appeals for the Second, Seventh, Eighth, Ninth, Tenth and Federal Circuits

U.S. District Courts for the District of Columbia and the District of Massachusetts

Skills

PROGRAMMING

Python

R

Bash

L^AT_EX

Omitted sections

“References,” various “service” categories, and “representative litigation experience” omitted from this version of CV

[Current version of CV](#)

Last updated: November 23, 2020