

James Fallows Tierney

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Current position

University of Nebraska College of Law

2020 –

Assistant professor of law

Research interests

Regulation, enforcement, and disclosure in retail securities markets

Structures of capital ownership and intermediation

Behavioral finance and political economy

Contract design and governance

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](#))

ESSAYS

2021

On “confetti regulation”: The wrong way to regulate gamified investing, with Kyle Langvardt, 131 YALE LAW JOURNAL FORUM (forthcoming 2021)

Woke Capital?, LAW AND POLITICAL ECONOMY PROJECT BLOG (LPE BLOG) (May 2021)

([link](#))

Anti-administrativism returns to the SEC's doorstep: A response to Alex Platt, YALE J. ON REG. NOTICE & COMMENT ONLINE (invited response, March 2021) ([link](#))

WORK IN PROGRESS — ARTICLES

February 2022 (target)	Gamification in securities regulation Error costs in stockbroker misconduct disclosure (with Ben Edwards)
August 2022 (target)	Enforcement in the “People’s Stock Market” Crypto cops and feral finance
Long term	Securities industry bars: An empirical study

WORK IN PROGRESS — ESSAYS

Late fall 2021 (target)	Securities law and inequality: a response to Emily Winston
February 2022 (target)	All the world’s a security: a response to Brian L. Frye
February 2023 (target)	Equity and contractual complexity

Academic presentations

Error costs in stockbroker misconduct disclosure

July 2021 Research accountability group

Gamification in securities regulation

October 2021 University of Kentucky faculty workshop (invited)
Fourth Annual Chicagoland Junior Scholars Conference

May 2021 Research accountability group
Consumer Federation of America — 55th Annual Consumer Assembly conference (invited)

On “confetti regulation”: The wrong way to regulate gamified investing, with Kyle Langvardt

June 2021 National Business Law Scholars Conference

Apr. 2021 Junior Scholar Workshop Series

Enforcement in the “people’s stock market”¹

Mar. 2021 University of Nebraska faculty colloquium

Jan. 2021 ClassCrits Online Junior Scholar Workshop

¹Sometimes presented as *The political economy of securities industry bars* and other previous titles.

	AALS annual conference — Emerging Voices in Securities Regulation roundtables
Aug. 2020	Junior Scholar Workshop Series
	<i>Contract Design in the Shadow of Regulation</i>
Oct. 2019	University of Chicago Law School — Legal Scholarship Workshop (invited)
	Midwestern Law and Economics Association annual conference
	<i>Moral Reasoning in International Law</i>
May 2010	University of Chicago Law School — Chicago International Law Society
Nov. 2009	American Society for International Law conference (with Roger Alford)
	<i>Sovereign Power, Human Rights, and Hypocrisy Costs</i>
Jan. 2010	University of Chicago — Law Culture & Society workshop

Teaching

CORE DOCTRINAL COURSES

	<i>University of Nebraska College of Law</i>
Spring 2022 (expected)	Business associations, corporate finance
Fall 2021	Business associations, securities regulation
Spring 2021	Business associations, corporate finance
Fall 2020	Securities regulation

ADDITIONAL TEACHING EXPERIENCE

	<i>University of Nebraska College of Law</i>
2021 – 2022	Contemporary legal literature (zero credit hour course, co-taught with Profs. Gus Hurwitz and Kyle Langvardt)
	<i>University of Chicago</i>
2010	Reason and Passion: The Strange Alchemy of Life and Law Teaching assistant to Justice (retired) Albie Sachs, Constitutional Court of South Africa
	<i>Brown University</i>
2005, 2006	Introductory Biology Teaching assistant to Professor Kenneth Miller

Service to the university

University of Nebraska College of Law

- 2021 – Faculty Appointments Committee
Supervisor for externships (health and business law, nonprofit board service)
Supervisor for independent study (cryptocurrency regulation)
- 2020 – 2021 Student awards committee

University of Chicago

- 2010 Appointments committee
Student interviewer
- 2006 – 2007 Division of the Social Sciences graduate student activities council
Departmental representative

Brown University

- 2005 – 2006 University disciplinary committee
Undergraduate representative
- 2004 – 2005 Student activities advisory council
At-large representative
Brown Outdoor Leadership Training
Trip Leader/Trainer

Service to the profession and the community

ACADEMIC JOURNAL PEER REVIEWER

- 2021 – Columbia Law Review

ACADEMIC PROFESSIONAL ENGAGEMENT

- 2021 Future Business Law Professors Conference (hosted by Villanova Law)
Panelist and presenter

NONPROFIT BOARD SERVICE

- 2021 – 2023 Securities & Exchange Commission Historical Society
Member, board of advisers
- 2021 – Lincoln DSA
Member, board of directors

MEMBERSHIP IN PROFESSIONAL AND RELATED AFFINITY GROUPS

- 2021 – American Law and Economics Association
- Association for the Promotion of Political Economy and the Law (APPEAL)
- 2020 – Securities & Exchange Commission Historical Society
- American Association of Law Schools — various business law sections
- Society of American Law Teachers (SALT)
- ClassCrits
- American Bar Association — Business Law Section
- 2017 – DSA
- 2016 – Ninth Judicial Circuit Historical Society

Public engagement: Comment letters and amicus briefs

- 2021 Comment letter on SEC’s request for information on digital engagement practices, File No. S7-10-21, filed Oct. 1, 2021 ([SSRN link](#))
- 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
- 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

Podcast appearances

- 2021 Interviewed by Gus Hurwitz, *Tech Refactored*, “Episode 8: Gamestop, RobinHood, and Stonks: Oh my!” Nebraska Governance and Technology Center (Feb. 9, 2021) ([link](#))
Interviewed by Andrew Jennings, *Business Scholarship Podcast*, “Symposium: Financial and Corporate Regulation in the Biden Administration” (Jan. 4, 2021) ([link](#))

Selected media appearances

- 2021 Quoted in Matt Egan, *Robinhood reveals new regulatory probes on the eve of its blockbuster IPO*, CNN BUSINESS, July 28, 2021 ([link](#))
Quoted in David Isenberg, *US regulator fines UBS \$8m over volatility ETP*, FINANCIAL TIMES, July 21, 2021 ([link](#))
Quoted in David Isenberg, *SEC to Weigh Whether Algorithms Are Recommendations*, IGNITES, May 20, 2021 (a Financial Times publication, tear sheet on file)
Quoted in Hannah Levintova, *Robinhood Promises Free Trades. Did Alex Kearns Pay With His Life?*, MOTHER JONES, Apr. 29, 2021 ([link](#))

Quoted in Matt Egan, *Robinhood's CEO is not licensed by a powerful Wall Street regulator*, CNN BUSINESS, Feb. 4, 2021 ([link](#))

Quoted in Aaron Keller, *Law Prof Who Wrote Textbook on Securities Regulation Explains 'WallStreetBets': Retail Investors Have 'Revolted and Stormed the Bastille'*, LAW & CRIME, Jan. 28, 2021 ([link](#))

Selected popular and non-academic 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

- 2021 – Nebraska (# 27242)
- 2012 – Massachusetts (# 682712)
- 2012 – District of Columbia (# 1011395)

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

Python

R

Bash

L^AT_EX

ℳ.: Markdown, TOML, YAML, Hugo, ...

Omitted sections

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

[Current version of CV](#)

Last updated: October 7, 2021