

# James Fallows Tierney

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## Academic appointments

*Chicago-Kent College of Law, Illinois Institute of Technology*

- July 2025– Associate dean of academic affairs
- Associate professor of law (with tenure)
- 2023–2025 Assistant professor of law

*University of Nebraska College of Law*

- 2020–2023 Assistant professor of law

*Rutgers Law School – Camden*

- Spring 2023 Part-time lecturer

## Research interests

Securities law: trading, markets, and retail financial advice

Administrative law: adjudication, rulemaking, and self-regulation

Legal analytics and law-as-data empirical analysis

## Academic publications and forthcoming work

### Articles and long essays

- forthcoming *Fair arbitration for investment advisers*, with Adam Gana and Zahra Hodjat, *CASE WESTERN RESERVE LAW REVIEW* ([SSRN preprint](#))

- 2026 *Trading Acres*, with Jessica Shoemaker, 135 *YALE LAW JOURNAL* 829 ([permalink](#) and [PDF](#))<sup>1</sup>

- 2025 *Jarkesy's Stakes for the SEC*, 74 *DUKE LAW JOURNAL* 1851 ([permalink](#) and [PDF](#), replication)

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<sup>1</sup>Received the American Agricultural Law Association's 2025 professional scholarship award.

[data](#), [code](#))<sup>2</sup>

*Grade insurance*, 73 JOURNAL OF LEGAL EDUCATION 421 (Spring) ([permalink](#) and [PDF](#))

*Overseeing Private Rulemaking: Evidence from SEC review of SRO rulemaking*, 27 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 589 ([permalink](#) and [PDF](#), [replication data](#))

2024 *Reg BI+: Conflicted Sales Practices in Algorithmic Financial Advice*, 2024 MICHIGAN STATE LAW REVIEW 947 ([link](#))

*Stockbroker secrets*, with Benjamin P. Edwards, 26 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW 793 ([permalink](#) and [PDF](#))

*Reconsidering securities industry bars*, 29 STANFORD JOURNAL OF LAW, BUSINESS, AND FINANCE 134 ([permalink](#) and [PDF](#), [replication data](#), [code](#))

2022 *Investment games*, 72 DUKE LAW JOURNAL 353 ([permalink](#) and [PDF](#), [code](#))<sup>3</sup>

2020 *Contract Design in the Shadow of Regulation*, 98 NEBRASKA LAW REVIEW 874 ([permalink](#) and [PDF](#))

2010 Comment, *Summary Dismissals*, 77 UNIVERSITY OF CHICAGO LAW REVIEW 1841 ([permalink](#) and [PDF](#))

2009 *The Polar Bear Treaty and the Changing Geography of the High Arctic*, 3 JOURNAL OF ANIMAL LAW & ETHICS 141 ([SSRN](#))

## Essays and Book Reviews

forthcoming *Radical Securities Law*, 101 CHICAGO-KENT LAW REVIEW (book review) ([SSRN](#))

2022 *On “confetti regulation”: The wrong way to regulate gamified investing*, with Kyle Langvardt, 131 YALE LAW JOURNAL FORUM 747 (Jan.) ([link](#))

## Book chapters

forthcoming *Retail investors and capital markets intermediation*, in Deborah DeMott and Cheng Han Tan, eds., AGENCY AND INTERMEDIATION (Edward Elgar) ([preprint](#))

*The SEC’s approach to compliance*, in James Fanto, ed., ENCYCLOPEDIA OF COMPLIANCE (Edward Elgar)

*Nonprofit compliance*, with Bryce Shuffler, in Fanto, ed., ENCYCLOPEDIA OF COMPLIANCE

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](#))

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<sup>2</sup>Selected for reprinting in the Corporate Practice Commentator (2025–26).

<sup>3</sup>Selected for Securities Law Report’s 2024 list of best securities law articles.

## **Short essays and blog posts**

- 2025 *Intel and the New State Capitalism*, in LAW AND POLITICAL ECONOMY PROJECT BLOG (LPE BLOG) (Oct. 20, 2025) ([link](#))  
*Absentee ownership and the “Berle-Means Farm”*, with Jessica Shoemaker, 54:2 JOURNAL OF EUROPEAN ECONOMIC HISTORY 183 (essay) ([open source link](#))  
*Stock Exchange Rulemaking after the Fifth Circuit’s AFBR Decision*, COLUMBIA BLUE SKY BLOG (Jan. 7, 2025) ([link](#))
- 2024 *How Loper Bright and the End to the Chevron Doctrine Impact the SEC*, PROMARKET (University of Chicago Booth School of Business) (Sept. 2024) ([link](#))  
*Jarkesy’s first-order consequences*, YALE J. ON REG. NOTICE & COMMENT ONLINE (July 2, 2024) ([link](#))
- 2023 *FINRA Faces Uphill Battle in Case Challenging Its Enforcement*, with Benjamin P. Edwards, COLUMBIA BLUE SKY BLOG (Aug. 1, 2023) ([link](#))
- 2022 *Securities law’s effects on wealth inequality: the case of asymmetric investment opportunity*, JOTWELL — CORPORATE LAW (Feb. 4, 2022) ([link](#))
- 2021 *Woke Capital?*, 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**

### **Current projects**

*Regulatory filings in the Federal Register (2000-2025)*

*Measuring the Market for Corporate Charters: Computational analysis of jurisdictional competition*, with Geeyoung Min

*Stock Exchanges as For-Profit Regulators*, with Geeyoung Min

### **Longer-term projects**

*William O. Douglas’s “Shotgun Behind the Door”* (essay)

*Public participation in FINRA rulemaking*, with Nicole Iannarone

*Rural community and corporate farming laws: Evidence from border counties*

### **Selected unpublished manuscripts**

- 2011 The economic theory of bellwether trials ([link](#))  
Popular sovereignty and private ordering in the state of exception ([link](#))

- Threshold constraints and the laws of war ([link](#))  
Institutional design and distrust in federal Indian law (not on SSRN, email for draft)  
2009 Sovereign power, human rights, and hypocrisy costs ([link](#)) (revised MA thesis, won Ignacio Martín Baró prize at University of Chicago)

## Academic presentations

### Paper talks

*The effect of corporate farming laws: Evidence from border counties*

- Spring 2026 University of Nebraska workshop (scheduled)

*Measuring the Market for Corporate Charters: Computational analysis of jurisdictional competition*

- Mar. 2026 Online Workshop for Computational Analysis of Law (scheduled)

- Oct. 2025 Midwestern Law & Economics Association

Corporate and Securities Litigation Workshop

*Stock Exchanges as For-Profit Regulators*

- Sept. 2025 Miami Law and Finance Workshop

University of Illinois School of Law

- June 2025 National Business Law Scholars Conference

- May 2025 Law and Society Association

*Jarkesy's Stakes for the SEC*

- Mar. 2025 Duke Law Journal administrative law symposium

*Big Data and Securities Regulation*

- Jan. 2025 AALS annual conference — AI and Data in Securities Regulation: Prospects and Projects

*Trading Acres*

- Nov. 2024 University of Nebraska faculty workshop

- May 2024 The Future of Capitalism: Neo-Feudalism?, University of Chicago

- July 2023 Who Owns the Land? Interdisciplinary Land & Water Workshop, University of Nebraska College of Law

*Overseeing Private Rulemaking: Evidence from SEC review of SRO rulemaking*

- June 2024 Ninth Annual New Administrative Law Scholarship Roundtable, Notre Dame Law School
- May 2024 ABA Administrative Law Conference
- Jan. 2024 AALS annual conference — Emerging Voices in Securities Regulation
- Oct. 2023 Midwestern Law and Economics Association
- Sept. 2023 Law and Economics seminar, Washington & Lee School of Law (invited)
- Aug. 2023 Data Science & the Law Conference
- June 2023 National Business Law Scholars Conference
- May 2023 Securities Regulation Junior Scholars Group
- May 2022 Junior Scholars Legal Research Workshop

*Grade insurance*

- June 2024 Chicago-Kent College of Law faculty pedagogy workshop

*Reconsidering securities industry bars*

- Oct. 2023 Chicago-Kent College of Law faculty colloquium
- Mar. 2021 University of Nebraska faculty colloquium
- Jan. 2021 ClassCrits Online Junior Scholar Workshop
- AALS annual conference — Emerging Voices in Securities Regulation roundtables
- Aug. 2020 Junior Scholar Workshop Series

*Investment Games*

- Dec. 2022 CFA Institute, Capital Markets Policy Council meeting (invited)
- Oct. 2022 University of Rhode Island economics seminar (invited)
- June 2022 Harvard/Yale/Stanford Junior Faculty Forum (blind, peer reviewed)
- Jan. 2022 AALS annual conference — Emerging Voices in Securities Regulation
- Oct. 2021 University of Kentucky faculty workshop (invited)
- Fourth Annual Chicagoland Junior Scholars Conference
- May 2021 Junior Scholars Legal Research Workshop

*Equity Vibes*

- Oct. 2022 ClassCrits XIII conference

### *Stockbroker Secrets*

- Oct. 2022 Midwestern Law and Economics Association
- Sept. 2022 Corporate and Securities Litigation Workshop
- June 2022 National Business Law Scholars Conference
- July 2021 Junior Scholars Legal Research Workshop

### *Stock ownership: Retail, redux?*

- May 2022 Junior Scholars Legal Research Workshop

### *On “confetti regulation”: The wrong way to regulate gamified investing*

- June 2021 National Business Law Scholars Conference
- Apr. 2021 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

### **Non-paper talks**

- Jan. 2025 Panelist, AALS section on Scholarship (co-sponsored by Legal Writing, Reasoning, and Research), *Supporting the student scholar* (invited)
- Panelist, AALS section on Internet and Computer Law, *Financial Regulation in Cyberspace* (invited)
- Jan. 2024 Co-panelist (invited), AALS section on securities regulation plenary panel on three years of the Gensler administration at the SEC
- Sept. 2023 Discussant (invited), Second London Law and Finance Symposium, Notre Dame Law School
- Discussant on cryptocurrency regulation, *Securities Regulation*, UC Berkeley School of Law
- Sept. 2022 Panelist, *The State of Fiduciary Advice 2022*, Institute for the Fiduciary Standard

- Apr. 2022 Association for the Promotion of Political Economy and the Law (APPEAL) and Law and Political Economy (LPE) Project “Office Hours,” mentor for graduate student and aspiring scholars
- Sept. 2021 Future Business Law Professors Conference (hosted by Villanova Law), panelist and presenter
- May 2021 Panelist, *Can Regulators Keep Pace with New Investors and the Fintech Firms that Cater to Them?*, Consumer Federation of America — 55th Annual Conference ([link](#))

## Education

*University of Chicago Law School*

2011 JD with honors

Executive Articles and Book Reviews Editor, UNIVERSITY OF CHICAGO LAW REVIEW  
American Civil Liberties Union chapter president

*University of Chicago, Division of the Social Sciences*

2007 MA, Committee on International Relations

Thesis: “The torture archipelago: Extrajudicial CIA detention of suspected terrorists and the international rule of law” (adviser: Prof. Eric Posner)

*Brown University*

2006 AB, Political Science

## Honors & awards<sup>4</sup>

*University of Nebraska College of Law*

2020 Order of the Coif (elected)

*University of Chicago*

2009 Joseph Henry Beale prize for outstanding work in 1L research and writing

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

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<sup>4</sup> Article-specific honors and awards noted above.

# Teaching

## Core doctrinal courses

*Chicago-Kent College of Law*

- ×3 Business organizations
- ×2 Corporate finance
- Legislation
- Administrative law

*University of Nebraska College of Law*

- ×4 Business associations
- ×3 Securities regulation
- ×3 Corporate finance
- Corporate governance seminar

*Rutgers Law School*

Securities Regulation

## Additional teaching experience

*University of Nebraska College of Law*

- 2022 Nonprofit board externship pilot program (co-taught with Dean Richard Moberly and Prof. Brett Stohs)
- 2021 - 2022 Contemporary legal literature (zero credit hour course, co-taught with Profs. Gus Hurwitz and Kyle Langvardt)

*University of Chicago*

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

*Brown University*

- 2005, 2006 Teaching assistant to Prof. Kenneth Miller (undergraduate “Introductory Biology”)

## **Service to the university**

### *Chicago-Kent College of Law*

- 2025 – 2026 Appointments committee (chair)
- 2024 – 2025 Dean search committee, curriculum committee, ad hoc committee on attendance policy
- 2023 – 2024 Visiting Assistant Professor hiring/renewal committee, Speakers committee

### *University of Nebraska College of Law*

- 2022 – 2023 Faculty Appointments Committee (entry level), Learning Outcomes Committee, Ad Hoc Committee on AI and ChatGPT
  - Faculty advisor, People's Parity Project chapter
- 2021 – 2022 Faculty Appointments Committee (business law)
- 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
  - Brown Outdoor Leadership Training, trip leader/trainer
- 2004 – 2005 Student activities advisory council, at-large representative
  - Brown Outing Club, president

## **Service to the profession and the community**

### **Conference and workshop organization**

- 2026 Organizer, Midwestern Law and Economics Association (MLEA)
- 2025 Executive committee, AALS Section on Business Associations
- 2024, 2025 Executive committee, AALS Section on Securities Regulation
- Spring 2023 Co-organizer, Junior Scholars Legal Research Workshop

## **Academic journal peer reviewer**

2021 – Columbia Law Review

## **Sponsored programs and grant development**

2021 – 2022 Research Development Fellows Program (UNL ORED), program fellow and participant

## **Nonprofit board and related service**

*Securities & Exchange Commission Historical Society*

2021 – Member, board of advisers

*DSA Fund, Inc.*

2024 – Treasurer; Chair of board Budget & Finance committee

2023 – Director

*Lincoln DSA, Inc.*

2021 – 2023 Treasurer; director

## **Miscellaneous**

2025 Collaborator on the “Bluebook Law Review” citation style language (CSL) template for Zotero

2004 Participant, National Outdoor Leadership School (Alaska Mountaineering)

2001 – 2002 Elected representative from my high school to city Board of Education, Newton, Massachusetts

## **Professional and affinity group membership**

ABA Administrative Law and Regulatory Practice Section — Securities, Commodities and Exchanges Committee

ABA Business Law Section — Federal Regulation of Securities

Law and Political Economy Collective

## **Labor organizations**

2023 PTLFC-AAUP-AFT, Local 6324 (Rutgers University)

2015 – 2020 National Treasury Employees Union, Local 293 (Securities and Exchange Commission)

## Public engagement

### Regulatory presentations

- June 2023 Panelist, SEC Investment Advisory Committee panel on gamification and digital engagement practices

### Comment letters, amicus briefs, and representations

- 2025 Brief of amicus curiae Professor James Tierney in Support of Neither Party, *Doelger v. J.P Morgan Chase*, No. 24-2000 (1st Cir. filed Mar. 20, 2025) ([link](#))
- 2024 Supplemental comment letter on SEC's proposed rule on gamification (data analytics in retail investment advice), File No. S7-12-23 (May 28, 2024) (drafting and corresponding author, with two co-signatories) ([link](#))
- 2023 Comment letter on SEC's proposed rule on gamification (data analytics in retail investment advice), File No. S7-12-23 (Oct. 10, 2023) (drafting and corresponding author, with two co-signatories) ([link](#))
- 2022 Brief of amici curiae corporate and securities law scholars in support of defendant-appellee and affirmance, *National Center for Public Policy Research v. Weber*, No. 22-15822 (9th Cir. filed Nov. 10, 2022) (counsel of record, primary author, amicus) ([link](#))  
Comment letter on SEC's amendments to Exchange Act Rule 3b-16 regarding the definition of "exchange" (Reg ATS reform), File No. S7-02-22 (June 13, 2022) (sole author)
- 2021 Comment letter on SEC's request for information on digital engagement practices, File No. S7-10-21, filed Oct. 1, 2021 (sole author) ([link](#))
- 2020 Comment letter, with Benjamin P. Edwards, on FinCEN's advance notice of proposed rule-making, *Anti-Money Laundering Program Effectiveness*, Docket No. FINCEN-2020-0011, filed Nov. 16, 2020 (primary author) ([link](#))
- 2014 Amicus brief in the U.S. Supreme Court in *Holt v. Hobbs*, No. 13-6827 (2014), on behalf of Americans United for Separation of Church and State supporting Muslim inmate's religious exemption from prison facial-hair grooming policy, 2014 WL 2361896 (counsel) ([link](#))
- 2013 Amicus brief in the U.S. Supreme Court in *Schuette v. Coalition to Defend Affirmative Action*, No. 12-682 (2013), on behalf of historians and scholars in defense of affirmative action in public university admissions, 2013 WL 4737192 (counsel) ([link](#))
- 2012 - Various pro bono engagements, including FINRA arbitrations, eviction defense, and representing incarcerated and detained persons in federal appeals

### Additional engagement as signatory

- 2023 Brief of First Amendment and securities law scholars in support of respondent, *National Center for Public Policy Research v. SEC*, No. 23-60230 (5th Cir. filed Sept. 2023)
- 2022 Brief of amicus curiae corporate and securities law scholars in support of defendant and ap-

pellee Shirley Weber and affirmance, *Meland v. Weber*, No. 22-15149 (9th Cir. filed Apr. 4, 2022) (drafting contributor)

## Legal employment and relevant professional experience

### *Securities and Exchange Commission*

2015 – 2020 Senior counsel, Office of the General Counsel

Wrote dozens of opinions of the Commission comprising final agency action, and advised the Commission on disposition of appeals from administrative proceedings and self-regulatory organization (SRO) actions. As a federal administrative agency appellate adjudications lawyer, acted as a securities law generalist, proposing and drafting interpretations of novel and complex questions involving all aspects of the federal securities laws. Worked directly with Commissioners, their counsel, and operating division staff to develop analyze programmatic effects of proposed interpretations of the securities laws. Developed subject matter specialization in broker-dealer and investment adviser regulation, as well as SRO (stock exchange and FINRA) rules.

### *Mayer Brown LLP*

2012 – 2015 Associate — Supreme Court and appellate litigation

2010 Summer associate

Litigation practice involved handling appeals and critical pretrial motions for clients in capital markets, financial services, telecommunications, and other sectors.

- Principal or contributing author of seventeen filings before U.S. Supreme Court and other appellate courts, and dozens of other dispositive and critical motions in trial court and arbitration.
- Represented residential mortgaged-backed securities (RMBS) trustee in litigation nationwide.
- Persuaded Second Circuit to hold that RMBS are exempt from the Trust Indenture Act.
- Represented banks against claims brought by SEC and CFTC relief defendants and receivers to recover proceeds of third parties' Ponzi schemes and securities frauds.
- Coauthored merits briefs for petitioner before the Supreme Court in *Hana Financial v. Hana Bank* (2015).
- Oral argument before two federal courts of appeals.
- Represented charitable foundation in litigation related to class-action lawsuit asserting claims against the United States based upon wrongs committed against Native Americans whose land was held in trust by the U.S. Dep't of Interior.
- Represented business trade groups before Second Circuit in case involving Microsoft's challenge to an extraterritorial warrant from U.S. law enforcement to obtain data stored on non-U.S. servers.
- As a summer associate, prepared arguments in amicus brief offering novel defense of the Patient Protection and Affordable Care Act's ("Obamacare's") individual mandate

as a valid exercise of Congress's taxing power, which arguments the Supreme Court ultimately accepted in upholding the mandate.

Besides appellate and critical motions litigation, my policy and regulatory practice involved assisting clients in shaping administrative and legislative policy related to Dodd-Frank implementation, private securities litigation, arbitration, class actions, and contract design. Drafted and submitted agency comment letters related to contract design in capital markets and consumer finance. Wrote speeches, Congressional hearing testimony (and QFRs and answers), and PowerPoint decks. Prepared policy white paper featuring empirical data analysis.

#### *U.S. Court of Appeals for the Ninth Circuit*

2011 - 2012 Judicial Clerk to the Honorable Mary Schroeder

#### *Committee for Public Counsel Services*

Summer 2009 Summer intern, appellate public defender's office

Supported the Massachusetts state appellate public defender's office by researching law, preparing memos, and drafting briefs in direct appeals and post-conviction proceedings in state court, and in a federal habeas action. Drafted an amicus brief that successfully persuaded the state Supreme Judicial Court to overturn precedent and require police to suspect dangerousness before pat-frisking citizens during otherwise consensual street encounters.

#### *Law Office of Harvey Silverglate*

2007 - 2008 Paralegal and research assistant

Assisted a criminal defense and civil-liberties attorney by preparing memoranda on factual and legal issues related to pending cases, and reviewing evidence in a federal criminal conspiracy trial. Co-authored or assisted with dozens of blog posts, columns, op-eds, and articles in the BOSTON GLOBE, BOSTON PHOENIX alt-weekly, MASSACHUSETTS LAWYERS WEEKLY, and other publications. Helped research and edit his book THREE FELONIES A DAY (2008), and provided support for his work with the Foundation for Individual Rights in Education (FIRE), which he co-founded.

## Podcast appearances

- 2024 Interviewed by Dave Lauer and Pink, LET'S TALK MARKETS, Urvin.Finance (Jan. 12, 2024) ([link](#))
- 2023 Interviewed by Kurt Wolfe and Chris Ekimoff, *Addressing the 'Netflix Problem' in Securities Regulation*, INSECURITIES PODCAST, Practicing Law Institute (Sept. 7, 2023) ([link](#))
- 2022 Panelist with Kyle Langvardt, interviewed by Gus Hurwitz, *What's Happening with Twitter and FTX?*, TECH REFACTORED, Nebraska Governance and Technology Center (Nov. 18, 2022) ([link](#))

- 2021 Interviewed by Kurt Wolfe and Chris Ekimoff, *Cheers! Regulatory Resolutions & More at the in-Securities NYE Party*, INSECURITIES PODCAST, Practicing Law Institute (Dec. 30, 2021) (interviewed with others including SEC Commissioner Hester Peirce, securities lawyers, and several other law professors; [link](#))
- Interviewed by Kurt Wolfe and Chris Ekimoff, *Play It Again: An Expert's Take on Gamification and Stock Trading*, INSECURITIES PODCAST, Practicing Law Institute (Nov. 18, 2021) (solo interview; [link](#))
- Interviewed by Thomas H. Bickel, BROWN UNDERGRADUATE LAW REVIEW, "Alumni Spotlight" series (Oct. 22, 2021) ([link](#))
- 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

- 2025 Alex Wittenberg, *Linqto Collapse Puts Focus On Retail Money In Private Funds*, LAW360 (July 11, 2025) ([link](#))
- 2024 Kim Clark, *Is Your Investment App Making You Trade Too Much?*, KIPLINGER PERSONAL FINANCE (Dec. 2024) ([link](#))
- 2023 Jesse Westbrook and Robert Schmidt, *Ex-SEC Official Who Studies Predictive Data Discusses Brokers' 'Netflix Problem'*, CAPITOL ACCOUNT (Nov. 3, 2023) ([link](#))
- Dan Shaw, *FINRA fights for life in 'existential threat' D.C. court case*, FINANCIAL PLANNING (Nov. 1, 2023) ([link](#))
- Patrick Donachie, *Robinhood's Loss Could Embolden States Still on the Fiduciary Fence*, WEALTH MANAGEMENT, Sept. 19, 2023 ([link](#))
- Patrick Donachie, *Legal Battle Between FINRA and Frequent Foe Could Be a 'Headshot' For the Regulator*, WEALTH MANAGEMENT, Aug. 11, 2023 ([link](#))
- Imani Moise, *Bond Investing Gets the Robo-Adviser Treatment*, WALL STREET JOURNAL, June 7, 2023 ([link](#))
- 2022 Paul Hammel, *Nebraska AG's report warns against 'threat' in environmental, social and governance investing*, NEBRASKA EXAMINER, Dec. 9, 2022 ([link](#))
- Sarah Posner, *The Right-Wing Plan to Bring Down the Regulators Reaches the Supreme Court*, TALKING POINTS MEMO, Nov. 4, 2022 ([link](#))
- Ali Breland, *"It's Potentially Illegal": As Crypto Crashed, Coinbase Stopped Some Notifications*, MOTHER JONES, Aug. 10, 2022 ([link](#))
- Heike Buchter & Leon Koß, *Generation auf Pump*, DIE ZEIT, July 25, 2022 (article in Ger-

man) ([link](#))

Scott Nover, *GameStop trading nearly destroyed Robinhood*, QUARTZ, July 2, 2022 ([link](#))

David Isenberg, *Industry's 'Can-Do' Lawyering Needs Reform: SEC Commish, IGNITES*, Mar. 7, 2022 (a Financial Times publication, tear sheet on file)

Robin Kaiser-Schatzlein, *Robinhood struck it rich by turning stock trades into a game. But now its own stock has plunged 80% — and it needs to start copying its old-school rivals if it wants to survive.*, BUSINESS INSIDER, Feb. 27, 2022 ([link](#))

David Isenberg, *Worse Than Confetti: The Casino Tricks of Robos and Online Brokers*, IGNITES, Feb. 22, 2022 (video interview) (a Financial Times publication, tear sheet on file)

Daren Fonda, *Brokers, Casinos, and Social Media Are Reconditioning Our Brains — Turning Us Into Digital Addicts*, BARRON'S, Feb. 11, 2022 ([link](#))

2021 Matt Egan, *Robinhood reveals new regulatory probes on the eve of its blockbuster IPO*, CNN BUSINESS, July 28, 2021 ([link](#))

David Isenberg, *US regulator fines UBS \$8m over volatility ETP*, FINANCIAL TIMES, July 21, 2021 ([link](#))

David Isenberg, *Shops Caught Up in SEC Data Breach Probe*, IGNITES, June 24, 2021 (a Financial Times publication, tear sheet on file)

David Isenberg, *SEC to Weigh Whether Algorithms Are Recommendations*, IGNITES, May 20, 2021 (a Financial Times publication, tear sheet on file)

Hannah Levintova, *Robinhood Promises Free Trades. Did Alex Kearns Pay With His Life?*, MOTHER JONES, Apr. 29, 2021 ([link](#))

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

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 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, 2006

*Is cooperation possible with an ascendant China? Economic and security factors in the Sino-American relationship*, BROWN POLICY REVIEW, Fall 2006

## Conceptual art

2021 *The Value of NFTs*: a response to Bryan L. Frye (Oct. 2021) ([link](#))

## Admissions

### State bars

2021 - Nebraska (inactive status)

2012 - District of Columbia

2012 - Massachusetts

### Federal courts

U.S. Supreme Court

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

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

## Skills

Proficient R, L<sup>A</sup>T<sub>E</sub>X

I dabble Python, Markdown, Bash, Zsh, TOML, YAML, GitHub (link to [my repository](#))