

DANIEL B. KELLY

Notre Dame Law School
Notre Dame, Indiana 46556

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ACADEMIC APPOINTMENTS

NOTRE DAME LAW SCHOOL

Associate Professor of Law, 2009-present
Robert and Marion Short Scholar, 2010-present
Co-Director, Law and Economics Program, 2010-present

NORTHWESTERN LAW SCHOOL

Searle-Kauffman Fellow on Law, Innovation, and Growth, 2009-2010

HARVARD LAW SCHOOL

Terence M. Conidine Fellow in Law and Economics, 2008-2009
Lecturer on Law, 2008-2009

YALE LAW SCHOOL

John M. Olin Fellow, 2007-2008

PROFESSIONAL EXPERIENCE

CRAVATH, SWAINE & MOORE LLP

Litigation Associate, 2006-2007
Summer Associate, 2004

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT

Law Clerk to the Honorable Richard C. Wesley, 2005-2006

EDUCATION

HARVARD LAW SCHOOL, J.D., *cum laude*, 2005

John M. Olin Fellow in Law and Economics
Research Assistant to Professor Steven Shavell
Teaching Fellow for Professor Michael Sandel
John M. Olin Law and Economics Prize (for best third-year paper in law and economics)

UNIVERSITY OF NOTRE DAME, B.A., *summa cum laude*, economics and history, 2002

Phi Beta Kappa
Research Assistant to Professor Vai-Lam Mui
John Sheehan Honors Essay Award (for best senior thesis in economics)

PUBLICATIONS

Strategic Spillovers, 111 COLUMBIA LAW REVIEW __ (forthcoming 2011).

An Economic Analysis of the Uniform Probate Code, 45 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM __ (forthcoming 2011) (symposium).

Acquiring Land Through Eminent Domain: Justifications, Limitations, and Alternatives, in RESEARCH HANDBOOK ON THE ECONOMICS OF PROPERTY LAW 344-371 (Kenneth Ayotte & Henry E. Smith, eds., Edward Elgar 2011).

Pretextual Takings: Of Private Developers, Local Governments, and Impermissible Favoritism, 17 SUPREME COURT ECONOMIC REVIEW 173-235 (2009).

The Limitations of Majoritarian Land Assembly, 122 HARVARD LAW REVIEW FORUM 7-17 (2009), at <http://www.harvardlawreview.org/forum/issues/121/april08/kelly.pdf>.

The "Public Use" Requirement in Eminent Domain Law: A Rationale Based on Secret Purchases and Private Influence, 92 CORNELL LAW REVIEW 1-65 (2006).

WORKS IN PROGRESS

"Ex Ante Versus Ex Post Considerations in Wills, Trusts, and Estates"

"Rules Versus Standards in Wills, Trusts, and Estates"

"The Right to Include"

"Tradable Environmental Allowances"

INVITED TALKS AND PRESENTATIONS

"An Economic Analysis of the Uniform Probate Code," American College of Trust and Estate Counsel, Symposium, The Uniform Probate Code: Remaking of American Succession Law, Michigan Law School, Ann Arbor, Michigan (October 2011).

"Strategic Spillovers," Annual Conference of The International Society for New Institutional Economics, Stanford University, Palo Alto, California (June 2011).

"Acquiring Land Through Eminent Domain: Justifications, Limitations, and Alternatives" Illinois College of Law Faculty Workshop, Champaign, Illinois (February 2011).

"Ex Ante Versus Ex Post Considerations in Wills, Trusts, and Estates," Notre Dame Law School Faculty Workshop, Notre Dame, Indiana (January 2011).

- “Strategic Spillovers,” Canadian Law and Economics Association Annual Meeting, University of Toronto Law School, Toronto, Canada (October 2010).
- “Strategic Spillovers,” Notre Dame Law and Economics Workshop, Notre Dame, Indiana (August 2010).
- “Tradable Environmental Allowances: Property, Non-Property, or Quasi-Property?”, American Law and Economics Association Annual Meeting, Princeton University, Princeton, New Jersey (May 2010).
- “Strategic Spillovers,” Illinois College of Law Faculty Workshop, Champaign, Illinois (April 2010).
- “Strategic Spillovers,” Society for Environmental Law and Economics Annual Meeting, Emory Law School, Atlanta, Georgia (March 2010).
- “Strategic Spillovers,” Notre Dame Law School Faculty Workshop, Notre Dame, Indiana (February 2010).
- “Strategic Spillovers,” Midwestern Law and Economics Association Annual Meeting, Notre Dame Law School, Notre Dame, Indiana (October 2009).
- “Strategic Spillovers,” Stanford-Yale Junior Faculty Forum, Stanford Law School, Palo Alto, California (May 2009).
- “Strategic Spillovers,” American Law and Economics Association Annual Meeting, University of San Diego, San Diego, California (May 2009).
- “Tradable Environmental Allowances: Property, Non-Property, or Quasi-Property?”, Inaugural Meeting of the Society for Environmental Law and Economics, British Columbia Law School, Vancouver, Canada (March 2009).
- “Strategic Spillovers,” Junior Property Scholars Works-In-Progress Panel, Association of American Law Schools Annual Meeting, San Diego, California (January 2009).
- “Strategic Holdouts, Secret Agents, and The Land Assembly Problem,” Harvard Law School, Law and Economics Workshop, Cambridge, Massachusetts (October 2008).
- “A Jurisprudence of Pretext,” Panel on Post-*Kelo* Reform, sponsored by the *Supreme Court Economic Review*, New York, New York (January 2008).
- “The ‘Public Use’ Requirement in Eminent Domain Law: A Rationale Based on Secret Purchases and Private Influence,” Stanford Law School, Law and Economics Workshop, Palo Alto, California (February 2006).
- “The Law and Economics of Eminent Domain,” Harvard Law School, Law and Economics Workshop, Cambridge, Massachusetts (November 2004).

COURSES GIVEN

Notre Dame Law School

Trusts & Estates (spring 2012)
Law & Economics Seminar (with Margaret Brinig) (spring 2012)
Trusts & Estates: A U.S.-U.K. Comparative Perspective (fall 2011, in London)
Property (spring 2011)
Trusts & Estates (fall 2010)
Law & Economics Seminar (with Margaret Brinig) (fall 2010)
Property (spring 2010)
Property Theory Seminar (fall 2009)

Harvard Law School

Land Use Puzzles, Natural Resource Dilemmas (spring 2009)

PROFESSIONAL SERVICE

Referee, *American Law and Economics Review* (Oxford University Press)

Referee, *Journal of Legal Analysis* (Harvard University Press)

Referee, Yale University Press

Clerkship Committee, Notre Dame Law School (2009-2011)

Colloquium Committee, Notre Dame Law School (2009-2010, 2011-present)

Curriculum Committee, Notre Dame Law School (2010-2011)

Faculty Development Committee, Notre Dame Law School (2011-present)

Faculty Advisor, Philosophy, Politics, and Economics Program, Notre Dame (2010-present)

Faculty Lecturer, Sponsors for Educational Opportunity, Corporate Law Institute,

New York University School of Law (2011)

Program Organizer, Palmer Lecture Series, Notre Dame Law School (2010)

Program Organizer, Law and Economics Symposium, Notre Dame Law School (2010)

Program Organizer, Midwestern Law and Economics Association Annual Meeting,
Notre Dame Law School (2009)

PROFESSIONAL AFFILIATIONS

Member, American Economic Association

Member, American Law and Economics Association

Member, International Society for New Institutional Economics

Member, New York State Bar