

ANDREW GOLD

DePaul University College of Law
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Chicago, IL 60604
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ACADEMIC APPOINTMENTS

DePaul University College of Law
Professor, Summer 2010 – Present
Associate Professor, 2007 – 2010
Assistant Professor, 2004 – 2007

Harvard Law School
Bruce W. Nichols Visiting Professor, Fall 2015 – Spring 2016

University of New South Wales Law School
Visiting Fellow, August 2015

University of Melbourne Law School
Visiting Scholar, July 2015

McGill University Faculty of Law
Fulbright Visiting Research Chair, Fall 2014

Harvard Law School, Project on the Foundations of Private Law
Visiting Scholar, Fall 2011 – Spring 2012

University of Oxford, University College
Oxford Centre for Ethics & Philosophy of Law
H.L.A. Hart Visiting Fellow, Fall 2011

AWARDS

Bruce W. Nichols Visiting Professorship, Harvard Law School
Fulbright Award to Canada, Fall 2014
2013 and 2007 Excellence in Scholarship Award, DePaul University College of Law
2010 Excellence in Teaching Award, DePaul University College of Law

EDUCATION

Duke University School of Law, J.D., 1998

Dartmouth College, B.A. in English and Philosophy, 1995

BOOKS

PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold & Paul B. Miller, eds.) (Oxford: Oxford University Press, 2014)

FIDUCIARY GOVERNMENT (forthcoming, Cambridge University Press) (co-edited with Evan Criddle, Evan Fox-Decent, Sung Hui Kim, and Paul Miller)

CONTRACT, STATUS, AND FIDUCIARY LAW (forthcoming 2016, Oxford University Press) (co-edited with Paul Miller)

RESEARCH HANDBOOK ON FIDUCIARY LAW (forthcoming 2017, Edward Elgar Publishing) (co-edited with Gordon Smith)

FIDUCIARY LAW: CASES AND MATERIALS (forthcoming, Aspen Publishing) (co-authored with Evan Criddle, Paul Miller, and Gordon Smith)

ARTICLES AND BOOK CHAPTERS

Private Rights and Private Wrongs, 115 MICHIGAN LAW REVIEW __ (forthcoming, 2017) (Review Article)

Book Chapter, *Scaling Up Legal Relationships* (co-authored with Henry Smith) (forthcoming, in THE LEGACY OF WESLEY HOHFELD: EDITED MAJOR WORKS, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES) (Shyam Balganes, Ted Sichelman & Henry Smith, eds.)

Book Chapter, *Justice, Redress, and the Right to Do Wrong* (forthcoming, in EQUITABLE COMPENSATION AND DISGORGEMENT OF PROFIT (Simone Degeling & Jason Varuhas, eds.) (forthcoming, Hart Publishing, 2016))

Book Chapter, *Accommodating Loyalty*, in CONTRACT, STATUS, AND FIDUCIARY LAW (forthcoming, Oxford University Press) (volume co-edited with Paul Miller)

Fiduciary Governance, 57 WILLIAM AND MARY LAW REVIEW 513 (2015) (with Paul Miller)

A Theory of Redressive Justice, 64 UNIVERSITY OF TORONTO LAW JOURNAL 159 (2014)

Book Chapter, *The Loyalties of Fiduciary Law*, in PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold & Paul B. Miller, eds.) (Oxford: Oxford University Press, 2014)

Book Chapter, *Introduction*, in PHILOSOPHICAL FOUNDATIONS OF FIDUCIARY LAW (Andrew S. Gold & Paul B. Miller, eds.) (Oxford: Oxford University Press, 2014)

On Selling Civil Recourse, 63 DEPAUL LAW REVIEW 485 (2014) (Clifford Symposium)

Reflections on the State as Fiduciary, 63 UNIVERSITY OF TORONTO LAW JOURNAL 655 (2013)

(Review Article)

Book Chapter, *Expressive Remedies in Private Law*, in REMEDIES AND PROPERTY (F. Lichere & R. Weaver, eds.) (Presses Universitaires d'Aix-Marseille, 2013)

Dynamic Fiduciary Duties,
34 CARDOZO LAW REVIEW 491 (2012)

Theories of the Firm and Judicial Uncertainty,
35 SEATTLE UNIVERSITY LAW REVIEW 1087 (2012) (Symposium)

The Taxonomy of Civil Recourse,
39 FLORIDA STATE UNIVERSITY LAW REVIEW 65 (2011) (Symposium)

A Moral Rights Theory of Private Law,
52 WILLIAM AND MARY LAW REVIEW 1873 (2011)

The New Concept of Loyalty in Corporate Law,
43 U.C. DAVIS LAW REVIEW 457 (2009)

A Property Theory of Contract,
103 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2009)

Book Chapter, *Consideration and the Morality of Promising*,
in EXPLORING CONTRACT LAW 115 (Jason Neyers, et al. eds.) (Oxford: Hart Publishing, 2009)

*Experimenting with the Lead Plaintiff Selection Process in Securities Class Actions:
A Suggestion for PSLRA Reform*,
57 DEPAUL UNIVERSITY LAW REVIEW 447 (2008) (Symposium)

*A Decision Theory Approach to the Business Judgment Rule:
Reflections on Disney, Good Faith, and Judicial Uncertainty*,
66 MARYLAND LAW REVIEW 398 (2007)

Absurd Results, Scrivener's Errors, and Statutory Interpretation,
75 UNIVERSITY OF CINCINNATI LAW REVIEW 25 (2006)

On the Elimination of Fiduciary Duties: A Theory of Good Faith for Unincorporated Firms,
41 WAKE FOREST LAW REVIEW 123 (2006)

*Reassessing the Scope of Conduct Prohibited by Section 10(b) and the Elements of Rule 10b-5:
Reflections on Securities Fraud and Secondary Actors*,
53 CATHOLIC UNIVERSITY LAW REVIEW 667 (2004)

The Diminishing Equivalence between Regulatory and Physical Takings,
107 DICKINSON LAW REVIEW 571 (2003)

Regulatory Takings and Original Intent: The Direct, Physical Takings Thesis 'Goes Too Far',
49 AMERICAN UNIVERSITY LAW REVIEW 181 (1999)

Formalism and State Sovereignty in Printz v. United States: Cooperation by Consent,
22 HARVARD JOURNAL OF LAW & PUBLIC POLICY 248 (1998)

WORKS IN PROGRESS

Sizing Up Private Law (co-authored with Henry Smith)

Purposive Loyalty (forthcoming, *Washington & Lee Law Review* Symposium)

Interpreting Fiduciary Law (forthcoming, in RESEARCH HANDBOOK ON FIDUCIARY LAW (D. Gordon Smith & Andrew S. Gold, eds.) (Elgar Publishing))

CLERKSHIPS

Judge Daniel A. Manion, U.S. Court of Appeals, Seventh Circuit, Law Clerk
South Bend, IN, 2000-2001

Chief Judge Loren A. Smith, U.S. Court of Federal Claims, Law Clerk
Washington, DC, 1998-1999

OTHER EMPLOYMENT

Skadden, Arps, Slate, Meagher & Flom, LLP, Associate
Wilmington, DE; Washington, DC, 2001-2004

Venable, Baetjer, Howard & Civiletti, LLP, Associate
Washington, DC, 1999-2000

Cooper & Carvin, PLLC, Summer Associate
Washington, DC, Summer 1997

Judge Alex Kozinski, U.S. Court of Appeals, Ninth Circuit, Extern
Pasadena, CA, Summer 1996

PANELS AND WORKSHOPS ORGANIZED

Fifth Annual Fiduciary Law Workshop, UCLA Law School, June 9-10, 2017 (Co-organizer)

Conference on Fiduciary Government, UCLA Law School, June 7-8, 2017 (Co-organizer)

Fourth Annual Fiduciary Law Workshop, Duke Law School, June 16-17, 2016 (Co-organizer)

Harvard Private Law Workshop, Harvard Law School, Fall 2015 (Co-convener with Henry Smith)

Conference on Contract, Status, and Fiduciary Law, McGill University, November 6-7, 2015 (Co-organizer)

North American Workshop on Private Law Theory, University of Toronto Law School, October 23-24, 2015 (Co-organizer)

Third Annual Fiduciary Law Workshop, BYU Law School, May 22-23, 2015 (Co-organizer)

North American Workshop on Private Law Theory, Harvard Law School, October 17-18, 2014 (Co-organizer)

Panel Sessions on Fiduciary Law, Law & Society Annual Conference, Minneapolis, May 29 to June 1, 2014 (Co-organizer)

Second Annual Fiduciary Law Workshop, McGill University, May 6, 2014 (Co-organizer)

North American Workshop on Private Law Theory, McGill University, October 4-5, 2013 (Co-organizer)

Conference on the Philosophical Foundations of Fiduciary Law, DePaul University, July 19-20, 2013 (Co-organizer)

First Annual Fiduciary Law Workshop, Notre Dame Law School, March 8, 2013 (Co-organizer)

INVITED SPEECHES AND PRESENTATIONS

Conference on Fiduciary Law: Charting the Field, Harvard Law School, November 10-11, 2017 (invited presenter)

Conference on the Philosophical Foundations of the Law of Equity, King's College London, June 29-30, 2017 (invited presenter)

Faculty Workshop, University of Virginia Law School, March 24, 2017 (invited presenter)

Business Law Colloquium, UC Irvine School of Law, November 21, 2016 (invited presenter)

Symposium on the Work of Wesley Newcomb Hohfeld, Yale Law School, October 14, 2016 (co-presenting with Henry Smith)

Conference on the Law of Obligations, Cambridge University, July 19-22, 2016 (presenter)

Faculty Workshop, Harvard Law School, February 4, 2016 (invited presenter)

Faculty Workshop, Washington & Lee University, February 8, 2016 (invited presenter)

Private Law Workshop, Harvard Law School, December 2, 2015 (invited presenter)

Faculty Workshop, Notre Dame Law School, September 29, 2015 (invited presenter)

Conference on Equitable Compensation and Disgorgement of Profit, University of New South Wales, August 7-8, 2015 (invited presenter)

Obligations Seminar, University of Melbourne, July 27, 2015 (invited presenter)

International Society for New Institutional Economics, Harvard Law School, June 18-20, 2015 (invited presenter)

Ninth Remedies Discussion Forum, Universite Paris-Dauphine, Paris, France, June 16-17, 2015 (invited presenter)

Presentation to the Obligations Discussion Group, University of Oxford, May 5, 2015 (invited presenter)

Fiduciary Relationships Conference, Western University, London, Canada, November 14-15, 2014 (invited participant)

North American Workshop on Private Law Theory, Harvard Law School, October 17-18, 2014 (Co-organizer)

Presentation of “Contracts and Sovereignty”, Faculty Seminar, McGill University, Montreal, October 10, 2014 (invited presenter)

Presentation of “Contracts and Sovereignty”, Research Group on Constitutional Studies, McGill University, Montreal, October 9, 2014 (invited presenter)

Second Annual Private Law Theory Workshop, College of William and Mary, Williamsburg, Virginia, August 14-15, 2014 (invited presenter)

Conference on the Law of Obligations, The Common Law of Obligations: Divergence and Convergence, University of Hong Kong, July 16-18, 2014 (presenter)

Presenting “The Equity in Corporate Law,” Law & Society Annual Conference, Minneapolis, Minnesota, May 29 to June 1, 2014 (presenter and panel co-organizer)

Faculty Roundtable on Ronald Coase and his Influence on Property Law, Theory, and Institutions, sponsored by the Notre Dame Law & Economics Program, Chicago, Illinois, May 10, 2014 (invited participant)

Workshop on Book Manuscript by Evan Criddle and Evan Fox-Decent, McGill University, Montreal, May 7, 2014 (invited panelist)

Second Annual Fiduciary Law Workshop, McGill University, Montreal, May 6, 2014 (participant and co-organizer)

Law & Entrepreneurship Retreat, University of Washington School of Law, February 21, 2014 (invited participant)

Midwestern Law & Economics Association Annual Meeting, University of Illinois, Urbana-Champaign, Illinois, October 11-12, 2013 (presenter)

26th Annual IVR World Congress of Philosophy of Law and Social Philosophy, Belo Horizonte, Brazil, July 22-26, 2013 (panelist)

Presentation of “How Private Law Is Simply Moral”, Private Law Consortium, Bar-Ilan University, Tel Aviv, Israel, June 26-27, 2013 (invited presenter)

Remedies Discussion Forum, Prato, Italy, June 10-11, 2013 (invited presenter)

Property Theory Workshop, NYU Law School, May 23-25, 2013 (invited participant)

A Brave New World: The Changing Face of Litigation and Law Firm Finance, 19th Annual Clifford Symposium, DePaul University, April 18-19, 2013 (panel discussant)

Presentation of “The Loyalties of Fiduciary Law,” 2013 Fiduciary Law Workshop, Notre Dame Law School, March 8, 2013 (presenter and co-organizer)

Conference on Moral Values in Private Law, King’s College London, December 13-14, 2012 (invited presenter; co-presented with Henry Smith)

Property & Remedies Discussion Forum, Aix-Marseille University, Aix-en-Provence, France, June 20-21, 2012 (invited presenter)

Presentation of “Dynamic Fiduciary Duties,” Law and Entrepreneurship Panel, Law & Society Association Annual Meeting, Hawaii, June 5-8, 2012 (invited panelist)

Osler Distinguished Lecture on Business Law, Presentation of “The New Concept of Loyalty in Corporate Law,” Queen’s University, Ontario, March 26, 2012 (invited lecturer)

Symposium on the Moral Foundations of Private Law, Villanova University, March 23, 2012 (invited presenter)

Private Law Workshop, Presentation of “A Theory of Redressive Justice,” Harvard Law School, March 5, 2012 (invited presenter)

Law & Entrepreneurship Retreat, Indiana University Maurer School of Law, February 24-25, 2012 (invited discussant)

Presentation of “Theories of the Firm and Judicial Uncertainty,” Berle Center Symposium on Theories of the Firm, Seattle University, January 2012 (invited presenter)

Private Law Workshop, Presentation of “A Theory of Redressive Justice,” University College London, November 30, 2011 (invited presenter)

Oxford University Jurisprudence Discussion Group, Presentation of “A Theory of Redressive Justice,” University of Oxford, November 17, 2011 (invited presenter)

Presentation of Paper on Fiduciary Duties, Illinois Corporate Colloquium, University of Illinois School of Law, November 1, 2011 (invited presenter)

Private Law Workshop, Presentation of “A Theory of Redressive Justice,” The College of William and Mary, Marshall Wythe School of Law, October 28-29, 2011 (invited presenter)

Searle Center Conference on Government Unions in the United States, Northwestern University School of Law, October 13-14, 2011 (invited participant)

2011 Contract and Promise Workshop, Georgetown University Law Center, September 23-24, 2011 (invited participant)

Fourth Annual Searle Center Conference on Entrepreneurship and Innovation, Northwestern University School of Law, June 16-17, 2011 (invited participant)

Second Annual Searle Center Conference on Internet Search and Innovation, Northwestern University School of Law, June 7-8, 2011 (invited participant)

Commentator on Frederick Schauer’s Paper, “On the Nature of the Nature of Law,” Conference on the Nature of Law: Contemporary Perspectives, McMaster University, Canada, May 13, 2011 (invited commentator)

Research Roundtable, Innovation Policy, Intellectual Property, and Entrepreneurship, Searle Center, Northwestern University School of Law, April 29, 2011 (invited participant)

Commentator on Professor Margaret Jane Radin’s Sullivan Lecture, Capital University Law School, April 8, 2011 (invited commentator and honorarium recipient)

Symposium on Civil Recourse Theory, Presentation of “A Taxonomy of Civil Recourse,” Florida State University College of Law, February 11-12, 2011 (invited presenter)

Faculty Workshop, Presentation of “A Moral Rights Theory of the Private Law,” Northwestern University School of Law, November 11, 2010 (invited presenter)

2010 Conference on Empirical Legal Studies, Co-Author Presented “An Experimental Test of Civil Recourse Theory,” Yale Law School, November 5-6, 2010 (invited participant)

2010 Contract and Promise Workshop, Georgetown University Law Center, September 24-25, 2010 (invited presenter)

Conference on the Law of Obligations, University of Oxford, co-hosted by University of Oxford and the University of Melbourne, July 14-16, 2010 (invited presenter)

Research Symposium on the Economics and Law of the Entrepreneur, Searle Center, Northwestern University, June 17-18, 2010 (invited participant)

American Law and Economics Association, 20th Annual Meeting, Princeton University, May 7-8, 2010 (Chair of Securities Litigation Panel)

The Limits of Predictability and the Value of Uncertainty, 16th Annual Clifford Symposium, DePaul University, April 9, 2010 (panel discussant)

Faculty Workshop, Presentation on the Private Law, Florida State University Law School, January 21, 2010 (invited presenter)

Advanced Contract Theory Seminar, Discussing “A Property Theory of Contract,” Marshall-Wythe School of Law, The College of William and Mary, October 7, 2009 (guest lecturer)

2009 Contract and Promise Workshop, Georgetown University Law Center, September 12, 2009 (invited presenter)

Research Roundtable: Corporate Governance, Searle Center, Northwestern University School of Law, April 30 - May 1, 2009 (invited participant)

The Economics and Law of the Entrepreneur, Searle Center Research Symposium, Northwestern University School of Law, June 18-19, 2008 (invited participant)

Preview of Daniel Spulber, Theory of the Firm, Searle Center Research Roundtable, Northwestern University School of Law, March 6-7, 2008 (invited participant)

“A Property Theory of Contract,” Faculty Workshop, Marquette University Law School, January 14, 2008 (invited presenter)

Panel on the Contract/Tort Divide, Exploring Contract Law Conference, University of Western Ontario, January 10-11, 2008 (moderator)

“A Property Theory of Contract,” Chicago Junior Faculty Workshop, DePaul University College of Law, Fall 2007 (presenter)

Panel on Securities Litigation, Challenges to the Attorney-Client Relationship: Threats to Sound Advice, 13th Annual Clifford Symposium, DePaul University College of Law, April 20, 2007

(panelist)

Fiduciary Duties in the Zone of Insolvency, Corporate Governance: The Ins and Outs for Ds and Os, DePaul Business & Commercial Law Journal Symposium, April 19, 2007 (panelist)

Conference on Competition Law, Beijing Foreign Studies University, Summer 2005 (moderator)

Panel on the Commodification of Body Parts, Health Law Institute Symposium, DePaul University College of Law, March 4-5, 2005 (moderator)

COURSES TAUGHT

Business Organizations
Corporate Finance
Securities Fraud
Global Approaches to Business Organizations
Fiduciary Law
Jurisprudence
Private Law Workshop

SERVICE

Business Law Committee, 2015 (Spring)
Faculty Council (Alternate Representative), 2007 - 2011
Faculty Recruitment Committee, 2006; 2009; 2012
Faculty Workshops/Intellectual Life, 2015 (Spring)
Admissions Committee, 2005 - 2006
Tax LLM Committee, 2005 - 2011
Technology Committee, 2008 - 2011
DePaul Business & Commercial Law Journal Committee, 2006 – 2011
Judicial Clerkship Committee, 2009 - 2010; 2012; 2015 (Chair, Spring)
Ethics Across the Curricula Committee, 2007 - 2011
Honor Code Presenter, 2008
Development of Business Law Certificate Program, 2009
Faculty Advisory Committee to the Dean, 2013-2014
Tenure & Promotion Committee (for Mark Moller; Michael Grynberg; Max Helveston; and Daniel Morales)

OTHER ACTIVITIES

Peer Reviewer, *University of Toronto Law Journal*
Peer Reviewer, *Law & Philosophy*
Peer Reviewer, *Oxford Journal of Legal Studies*
Peer Reviewer, Cambridge University Press
Contributor, Harvard Law School New Private Law blog