

Daniel B. Kelly

University of St. Thomas School of Law
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ACADEMIC EXPERIENCE

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW, Minneapolis, MN
Dean and Mengler Chair in Law

UNIVERSITY OF NOTRE DAME LAW SCHOOL, Notre Dame, IN
Professor of Law, 2014-2024
Associate Professor of Law, 2009-2014
Robert and Marion Short Scholar, 2010-2013
Director, Fitzgerald Institute for Real Estate, 2019-2024; Acting Director, 2017-2019
Director, Law and Economics Program, 2019-2024; Co-Director, 2010-2019

HARVARD LAW SCHOOL, Cambridge, MA
Louis D. Brandeis Visiting Professor of Law, fall 2020

UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL
Visiting Professor of Law, spring 2016 (teaching visit)

ACADEMIC FELLOWSHIPS

NORTHWESTERN LAW SCHOOL, Chicago, IL
Searle-Kauffman Fellow on Law, Innovation & Growth, 2009-2010 (non-residential)

HARVARD LAW SCHOOL, Cambridge, MA
Terence M. Consideine Research Fellow in Law and Economics, 2008-2009
Lecturer in Law, 2008-2009

YALE LAW SCHOOL, New Haven, CT
John M. Olin Research Fellow, 2007-2008

PROFESSIONAL EXPERIENCE

CRAVATH, SWAINE & MOORE LLP, New York, NY
Litigation Associate, 2006-2007 (admitted to New York State Bar)
Summer Associate, 2004

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, Geneseo, NY
Judicial Clerk to the Honorable Richard C. Wesley, 2005-2006

EDUCATION

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

Executive Editor, *Harvard Journal of Law & Public Policy*

John M. Olin Fellow in Law and Economics

Research Assistant, Professor Steven Shavell

Research & Teaching Assistant, Professor Charles Fried (“Contracts”)

Teaching Fellow, Professor Michael Sandel (“Justice: Moral Reasoning”)

John M. Olin Law and Economics Prize (for best paper in law and economics)

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

Phi Beta Kappa; Omicron Delta Epsilon (economics); Phi Alpha Theta (history)

Concentration in Philosophy, Politics, and Economics (PPE)

Research Assistant, Professor Vai-Lam Mui

John Sheehan Honors Essay Award (for best senior thesis in economics)

PUBLICATIONS

BOOK (EDITOR)

The Oxford Handbook of the New Private Law (with co-editors Andrew S. Gold, John C.P. Goldberg, Emily L. Sherwin, & Henry E. Smith, Oxford UP 2020).

ARTICLES & BOOK CHAPTERS

Law and Economics, in *The Oxford Handbook of Comparative Trust Laws* (Mark Bennett, Lusina Ho, Adam Hofri, & Richard Nolan eds., Oxford UP 2024).

On Disgorgement and Punitive Damages in Trust Law, 107 Iowa Law Review 2079-2133 (2022).

Law and Economics, in *The Oxford Handbook of the New Private Law* (Andrew S. Gold, John C.P. Goldberg, Daniel B. Kelly, Emily L. Sherwin, & Henry E. Smith eds., Oxford UP 2020).

Fiduciary Principles in Fact-Based Fiduciary Relationships, in *The Oxford Handbook of Fiduciary Law* (Evan J. Criddle, Paul B. Miller, & Robert H. Sitkoff eds., Oxford UP 2019).

Dividing Possessory Rights, in *Law and Economics of Possession* 175-206 (Yun-Chien Chang ed., Cambridge UP 2015).

Trust Term Extension: An Economic Analysis, 67 Florida Law Review Forum 85-104 (2015).

The Right to Include, 63 Emory Law Journal 857-924 (2014).

Restricting Testamentary Freedom: Ex Ante Versus Ex Post Justifications, 82 Fordham Law Review 1125-1185 (2013).

Toward Economic Analysis of the Uniform Probate Code, 45 University of Michigan Journal of Law Reform 855-898 (2012) (symposium).

Strategic Spillovers, 111 Columbia Law Review 1641-1721 (2011).

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 Press 2011).

Pretextual Takings: Of Private Developers, Local Governments, and Impermissible Favoritism, 17 Supreme Court Economic Review 173-235 (2009) (symposium).

The Limitations of Majoritarian Land Assembly, 122 Harvard Law Review Forum 7-17 (2009).

The “Public Use” Requirement in Eminent Domain Law: A Rationale Based on Secret Purchases and Private Influence, 92 Cornell Law Review 1-65 (2006).

COURSES

Notre Dame Law School

Property, Remedies, Trusts & Estates, Law & Economics Seminar, Property Theory, Commercial Real Estate Transactions (J.D. & M.B.A), Real Estate Colloquium: Finance, Investment, and Law (J.D., M.B.A., undergraduate); Church Real Estate (undergraduate); Law, Economics, and Justice (undergraduate)

Harvard Law School

Property, Real Estate Reading Group

University of Chicago Law School

Trusts and Estates

LAW REFORM & LEGAL EDUCATION

American College of Real Estate Lawyers (ACREL)

Member, 2024-present

American Law Institute (ALI)

Associate Reporter, Restatement (Fourth) of Property, 2015-2022

Advisor, Restatement (Fourth) of Property, 2022-present

Member, 2015-present

Association of American Law Schools (AALS)

Chair, Section on Trusts and Estates, 2019

Executive Committee, Section on Trusts and Estates, 2016-2021

Executive Committee, Section on Property Law, 2014-2015

Sponsors for Educational Opportunity (SEO) Law Institute

Lecturer, Property (for incoming underrepresented law students), 2011, 2012, 2014-2021

Urban Land Institute (ULI)

Member, 2019-present

SERVICE

UNIVERSITY OF NOTRE DAME

Fitzgerald Institute for Real Estate (FIRE)

Director, 2019-2024; Acting Director, 2017-2019

Endowment: Launched new University Institute; assembled Advisory Board with 48 world-class alumni and industry leaders; substantially increased endowed funding

Faculty: Hired seven full-time faculty and six adjunct faculty, working with deans of Architecture, Arts & Letters, Engineering, Law School, Mendoza College of Business

Students: Created undergraduate minor with 500+ students, MBA minor, and Program of Study in Real Estate Law; launched Church Properties Initiative

403(b) Investment Committee

Member, 2020-2024 (served as fiduciary overseeing retirement assets of \$2.5B)

University Committee on Research and Sponsored Programs

Law School Representative, 2023-2024

ND LEAD (program for developing University's future leaders)

Participant, 2023-2024 (nominated by Dean G. Marcus Cole)

COVID-19 Economic and Social Science Research Task Force

Member, 2020 (summer)

Philosophy, Politics, and Economics (PPE) Program

Faculty Advisor, 2010-2024

Notre Dame Institute for Advanced Study (NDIAS)

Law/Legal Topics Review Committee, 2013-2019

Faculty Board on Athletics

Member, 2013-2019

Academic Integrity Subcommittee, 2013-2019 (Chair, 2015-2019)

Faculty Liaison, Men's Basketball and Men's Tennis, 2013-2019

NOTRE DAME LAW SCHOOL

Law School Committees

Appointments Committee, 2014-2016 (Vice Chair, 2014-2015), 2021-2023

Clerkship Committee, 2009-2011, 2012-2014

Colloquium Committee, 2009-2010, 2011-2012

Curriculum Committee, 2010-2011

Dean's Search Committee, 2018-2019

Elder Law Committee & Award, 2012-2024 (Chair)

Faculty Development Committee, 2011-2012, 2014-2016

Graduate Admissions Committee (LLM & SJD), 2019-2021

Legal Writing Committee, 2023-2024
Library Committee, 2023-2024
Library Director Search Committee, 2016-2017
Promotions Committee, 2016-2018
Public Interest Fellowship Committee, 2018-2019
Tax Clinic, Ad Hoc Committee, 2021-2022

Law and Economics Program

Director and Co-Founder (with Margaret Brinig), 2010-2024

Program of Study in Real Estate Law

Faculty Advisor, 2017-2024

Real Estate Law Society

Faculty Advisor, 2021-2024

Research Program on Law and Market Behavior

Faculty Fellow, 2012-2024

Edward J. Kelly Memorial Lecture in Elder Law

Faculty Organizer, 2013-2024

REFEREE ACTIVITY

Conferences, Foundations, and University Presses

American Law and Economics Association; European Association of Law and Economics; Israel Science Foundation; Society for Institutional and Organizational Economics; University of Chicago Press; Yale University Press

Law Reviews

Columbia Law Review; Harvard Law Review; Notre Dame Law Review; University of Chicago Law Review; Yale Law Journal

Peer-Reviewed Journals

American Journal of Jurisprudence; American Law & Economics Review; Int'l Review of Law & Economics; Journal of Law, Economics, & Organization; Journal of Legal Analysis; Journal of Legal Studies; Modern Law Review; Review of Law & Economics