

James Toomey

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ACADEMIC POSITIONS

Assistant Professor of Law, Elisabeth Haub School of Law at Pace University (July 2022 – Present)

Courses: Property; Contracts; Trusts & Estates; Health Law in America

Awards: Goettel Prize for Faculty Scholarship (2023)

Climenko Fellow & Lecturer on Law, Harvard Law School (September 2020 – June 2022)

Courses: First Year Legal Research & Writing; Elder Law Reading Group

EDUCATION

Harvard Law School, J.D., *magna cum laude* (2019)

Research: Student Fellow, Petrie-Flom Center for Health Law Policy, Biotechnology & Bioethics (September 2018 – May 2019)

Research Assistant, Professor Francis X. Shen (Fall 2017 – May 2019)

Cravath International Travel Fellowship (January 2018)

Teaching: Teaching Fellow, Professor Michael J. Sandel, for the undergraduate course “Money, Markets and Morals.” Awarded Harvard Distinction in Teaching Award. (Fall 2018)

Journal: Executive Editor for Online, HARV. NAT. SEC. J. (Fall 2018 – May 2019)

Cornell University, B.A. in English, *summa cum laude*, and Government, *magna cum laude* (2016)

Theses: ‘All Made the One Way’: Nationalism, Purpose and Universal Human Nature in James Joyce’s *Ulysses*. (English). Awarded M.H. Abrams Prize for Best Thesis.

Imperium Legum Non Hominum: A Constitutional Theory of Democratic Peace. (Government). Awarded Kasdan-Montessori Peace Prize for Best Thesis on the Problems of Securing Peace in the World.

Activities: Phi Beta Kappa Society

President, Cornell Literary Society

LAW REVIEW ARTICLES

Executor Discretion, 110 IOWA L. REV. (forthcoming 2025) ([link](#))

Love, Liberalism, Substituted Judgment, 99 IND. L. J. (forthcoming 2024) ([link](#))

“Religion,” *Before Darwin*, 101 WASH. U. L. REV. 661 (2024) ([link](#))

Property's Boundaries, 109 VA. L. REV. 131 (2023) ([link](#)) (Goettel Prize for Faculty Scholarship)

The Age of Fraud, 60 HARV. J. LEG. 101 (2023) ([link](#)) (reviewed on [Jotwell](#))

Narrative Capacity, 100 N.C. L. REV. 1073 (2022) ([link](#))

How to End Our Stories: A Study of the Perspectives of Seniors on Dementia and Decision-making, 29 ELDER L. J. 1 (2021) ([link](#))

PEER-REVIEWED ARTICLES

Advance Medical Decision-Making Differs Across First- and Third-Person Perspectives (with Jonathan Lewis, Ivar Hannikainen & Brian Earp), forthcoming AJOB EMPIRICAL BIOETHICS (2024) ([link](#))

Evolutionary Anamnesis, 37 BIOLOGY & PHIL. 56 (2022) ([link](#))

Too Important for the Bureaucrats: Rethinking Risk and Regulatory Presumptions in Times of Crisis, 47 AM. J. L. & MED. 249 (2021) ([link](#))

'As Long As I'm Me': From Personhood to Personal Identity in Dementia and Decision-making, 4 CANADIAN J. BIOETHICS 57 (2021) ([link](#))

Constitutionalizing Nature's Law: Dignity and the Regulation of Biotechnology in Switzerland, 7 J. L. & BIOSCIENCES 1 (2020) ([link](#))

Understanding the Perspectives of Seniors on Dementia and Decision-making, 12 AJOB EMPIRICAL BIOETHICS 101 (2020) ([link](#))

BOOKS

REINACH AND THE FOUNDATIONS OF PRIVATE LAW (ed., with Marietta Auer, Paul B. Miller & Henry E. Smith), Cambridge University Press (under contract).

SHORTER WORKS & BOOK CHAPTERS

Darwin's Reinach, in REINACH AND THE FOUNDATIONS OF PRIVATE LAW (Marietta Auer, Paul B. Miller, Henry E. Smith & James Toomey, eds.) Cambridge University Press (under contract) ([link](#))

Conceptual Private Law in Healthcare Finance, in HEALTH LAW AS PRIVATE LAW (I. Glenn Cohen, Wendy Netter Epstein, Christopher Robertson & Carmel Shachar, eds.), Cambridge University Press (under contract) ([link](#))

Liberalism and Identity, 21 AM. J. BIOETHICS 59 (2021), Open Peer Commentary to *Neutrality and Perfectionism in Public Health*, by Hafez Ismaili M'Hamdi ([link](#))

Is Noninvasive Prenatal Genetic Testing Eugenic?, HASTINGS CEN. BIOETHICS F. (Dec. 13, 2017) ([link](#))

JUDICIAL CLERKSHIP

Hon. Stanley Marcus, U.S. Court of Appeals for the Eleventh Circuit (2019 – 2020)

RELEVANT WORK EXPERIENCE

Sullivan & Cromwell LLP—New York; London (summer 2018; summer 2019)

Summer Associate (offer extended)

U.S. Attorney’s Office for the District of Massachusetts (spring 2018, January 2019)

Legal Intern—Healthcare Fraud

U.S. Attorney’s Office for the Eastern District of New York (summer 2017)

Legal Intern—International Narcotics and Money Laundering

Securities Industry & Financial Markets Association (SIFMA) (summer 2016)

Intern—State Government Affairs; Senior Investor Protection Initiative

Cornell University Police Department (fall 2012 – spring 2016)

Police Auxiliary

SELECTED COMMENTARY

Equalizing the Genetic Lottery?, BILL OF HEALTH, Jan. 12, 2022 ([link](#))

There’s More to Decision-Making Capacity than Cognitive Function, BILL OF HEALTH, Sept. 8, 2021 ([link](#))

Responsibly Developing Gene Drives: The GeneConvene Global Collaborative, BILL OF HEALTH, Jan. 13, 2021 ([link](#))

Book Review: Mary Ziegler’s ‘Abortion and the Law in America’, BILL OF HEALTH, Dec. 2, 2020 ([link](#))

To Combat the COVID-19 Pandemic, the US Should Crowdfund Contact Tracing, BILL OF HEALTH, Nov. 4, 2020 ([link](#))

No One Is Sovereign Over Genetic Sequences, BILL OF HEALTH, Mar. 21, 2019 ([link](#))

Malaria Eradication: For Africa as America, BILL OF HEALTH, Mar. 7, 2019 ([link](#))

On Social Suicide Prevention, Don’t Let the Perfect be the Enemy of the Good, BILL OF HEALTH, Feb. 20, 2019 ([link](#))

Towards Human Bioprogress, BILL OF HEALTH, Nov. 26, 2018 ([link](#))

ACADEMIC SERVICE

Faculty Development Committee, Elisabeth Haub School of Law at Pace University.
(2022 – present)

Guest lecturer, “Health Law and Policy,” taught by Aaron Kesselheim & Brendan Abel, Harvard Medical School. Taught “Introduction to the American Legal System” class to M.S. in Bioethics students. (2021 – present).

Peer Reviewer

University of Oxford Human Rights Hub (2024)

Clinical Ethics, SAGE Publishing (2023)

Medicine, Health Care and Philosophy, Springer Nature (2023)

Journal of Law, Medicine & Ethics, Cambridge University Press (2023)

Legal Theory, Cambridge University Press (2022)

Routledge. (2021).

SELECTED PRESENTATIONS

Authentic Substituted Judgment, 2024 Law-Med Conference: Cognitive Decline and the Law, Case-Western University, Cleveland (Mar. 1, 2024)

Darwin's Reinach, Reinach and Private Law Theory, Max Planck Institute for Legal History and Legal Theory, Frankfurt (Aug. 21, 2023)

Advance Decision and First- and Third-Person Judgments, Yale–Oxford–Jagiellonian Bioxphi Workshop, Jagiellonian University, Kraków (June 27, 2023)

Conceptual Private Law in Healthcare Finance, Health Law as Private Law Conference, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Cambridge (June 23, 2023)

Narrative Capacity, Health Law Policy, Bioethics, and Biotechnology Workshop, Harvard Law School, Cambridge (Sept. 8, 2021)

BAR ADMISSIONS

New York (2020)