

James Toomey

(516) 993-9083 • james-toomey@uiowa.edu

ACADEMIC POSITIONS

Associate Professor of Law, University of Iowa College of Law (July 2024 – Present)

Courses: Property; Trusts & Estates; Elder Law

Assistant Professor of Law, Elisabeth Haub School of Law at Pace University (July 2022 – June 2024)

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)

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

Privately-Crafted Obligations, 78 FLA. L. REV. (forthcoming 2026) ([link](#))

Law’s Meaning, 101 NOTRE DAME L. REV. (forthcoming 2026) ([link](#))

Fiduciary Standards, 51 ACTEC L. J. (forthcoming 2026) ([link](#))

Executor Discretion, 110 IOWA L. REV. 1323 (2025) ([link](#)) (reviewed on [Jotwell](#))

Love, Liberalism, Substituted Judgment, 99 IND. L. J. 1289 (2024) ([link](#)) (reviewed on [Jotwell](#))

“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), 15 AJOB EMPIRICAL BIOETHICS 237 (2024) ([link](#))

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

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

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

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

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

BOOKS

REINACH AND THE FOUNDATIONS OF PRIVATE LAW (ed., with Marietta Auer, Paul B. Miller & Henry E. Smith), Cambridge University Press (forthcoming 2025) ([link](#)).

SHORTER WORKS & BOOK CHAPTERS

Introduction, in REINACH AND THE FOUNDATIONS OF PRIVATE LAW (Marietta Auer, Paul B. Miller, Henry E. Smith & James Toomey, eds.) Cambridge University Press (forthcoming 2025) ([link](#))

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 (forthcoming 2025) ([link](#))

Paying for Health Care and Private Law's Internal Point of View, in HEALTH LAW AS PRIVATE LAW (I. Glenn Cohen, Wendy Netter Epstein, Christopher Robertson & Carmel Shachar, eds.), Cambridge University Press (forthcoming 2025) ([link](#))

The True Self and Decision-Making Capacity (with Jonathan Lewis, Ivar Hannikainen & Brian Earp), 24 Am. J. Bioethics 86 (2024), Open Peer Commentary to *Affect, values and problems assessing decision-making capacity*, by Jennifer Hawkins ([link](#))

Introduction—Bioethics After Dobbs, 45 PACE L. REV. 1 (2024) ([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 Crowdsource 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 Bioprogess, BILL OF HEALTH, Nov. 26, 2018 ([link](#))

ACADEMIC SERVICE

Intellectual Life Committee, University of Iowa College of Law (2024 – present)

Internal Procedures Committee, University of Iowa College of Law (2024 – present)

Faculty Development Committee, Elisabeth Haub School of Law at Pace University.
(2022 – 2024)

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; 2024)

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

Legal Theory, Cambridge University Press (2022)

Routledge. (2021).

SELECTED PRESENTATIONS

Fiduciary Standards, Health Law Policy, Bioethics, and Biotechnology Workshop, Harvard Law School, Cambridge (Sept. 9, 2024); Trust Law and Succession Workshop, George Mason Antonin Scalia Law School (Nov. 2, 2024); North American Workshop on Private Law Theory, Berkeley Law School (Jan. 31, 2025)

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)