

## ADITI BAGCHI

Wilkinson Professor of Law, Fordham University Law School

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### EDUCATION

Yale Law School, J.D., June 2003.

Yale Law Journal. Yale Law and Policy Review. Research assistant to Bruce Ackerman (constitutional law) and Ian Ayres (contracts). Teaching Assistant in Contracts (law), International Political Economy (political science), and Crime & Punishment (political science).

University of Oxford, Nuffield College, Economic and Social History, M.Sc., October 2000.

Frank Knox Memorial Fellowship. Instructor, Political Theory, St. Peter's College (Oxford). Deutscher Akademischer Austausch Dienst scholarship for summer language study.

Harvard College, Government and Philosophy, A.B. *magna cum laude*, June 1999.

Executive Director, Small Claims Advisory Service. Trustee, PBHA. Special Features Editor, Harvard International Review. Research assistant to Aaron Tornell (economics).

### PUBLICATIONS

WHAT IS CONTRACT? THE EVOLVING BASIS FOR CONTRACTUAL OBLIGATION [Cambridge Elements in Philosophy of Law] (Cambridge University Press, forthcoming 2024)

*What is the Problem with Price Personalization?*, in eds. Esposito & Grochowski, CAMBRIDGE HANDBOOK ON PRICE PERSONALIZATION AND THE LAW (Cambridge University Press, forthcoming 2024).

- Keynote for Young Scholars Conference on Algorithmic Price Discrimination in Financial Services, Goethe University

*Pluralism*, in eds. Chen-Wishart & Saprai, RESEARCH HANDBOOK IN THE PHILOSOPHY OF CONTRACT LAW (Edward Elgar Publishing Ltd., forthcoming 2024)

*Regulatory Responsibility*, in eds. Banks & Chaykowski, NEW FOUNDATIONS OF WORKPLACE POLICY AND LAW (University of Toronto Press, forthcoming 2024)

*Private Law and Public Discourse*, 66 ARIZONA LAW REVIEW (forthcoming 2023)

- Law Department, European University Institute
- Legal Theory Workshop, University of Toronto Law School
- Analytic Legal Philosophy Conference, King's College London

*Consent and Disagreement*, 48 LAW & PSYCHOLOGY REVIEW (forthcoming 2023)

- Emotions and the Law Workshop, University of Surrey
- Private Law Theory Workshop, University of Girona
- Faculty Workshop, Washington and Lee University Law School

*The Importance of Being Effective*, in eds. Dempsey & Tanguay-Renaud, FROM MORALITY TO LAW AND BACK AGAIN: LIBER AMICORUM FOR JOHN GARDNER (Oxford University Press, forthcoming 2023)

- All Souls College, Oxford University

*Conflict, Consistency and the Role of Conventional Morality in Judicial Decision-Making*, 34 YALE JOURNAL OF LAW & THE HUMANITIES 9 (2023)

- Symposium on Benjamin Cardozo, Yale Law School

*Nondomination and the Ambitions of Employment Law*, 24 THEORETICAL INQUIRIES IN LAW 1 (2023)

- Jurisprudence Seminar, University of Arizona
- Conference on Private Law Theory and Law of Work, NYU Law School

*Law and the Moral Dynamics of Collective Action*, 53 SETON HALL LAW REVIEW 149 (2022)

- Colloquium on Legal, Political and Social Philosophy, New York University Law School
- Law and Philosophy Workshop, Yale Law School
- Faculty Workshop, Seton Hall Law School

*Lowering the Stakes of the Employment Contract*, 102 BOSTON UNIVERSITY LAW REVIEW 1185 (2022)

- Symposium on Law, Markets and Distribution, Boston University Law School

*Retrospective Risk Allocation*, 85 LAW AND CONTEMPORARY PROBLEMS 1 (2022)

- Conference on Contracts in Crisis

*The Contingent Politics of Legal Formalism* in eds. Balganesch, Sichelman & Smith, THE LEGACY OF WESLEY HOHFELD: EDITED MAJOR WORKS, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Cambridge University Press, 2022)

- Hohfeld Centennial Workshop, Yale Law School

*The Challenges of Radical Reform in Pluralist Democracies*, 1 EUROPEAN LAW OPEN 374 (2022) [short essay]

- Conference on Reconstituting the Code of Capital, European University Institute

*Would Reasonable People Endorse a “Content-Neutral” Law of Contract?*, 17 EUROPEAN REVIEW OF CONTRACT LAW 245 (2021) (symposium on Peter Benson’s Justice in Transactions)

*Public Justice and Private Consent*, in eds. Dagan & Zipursky, RESEARCH HANDBOOK ON PRIVATE LAW THEORIES (Edward Elgar Publishing Ltd., 2020)

- Wharton Legal Studies & Business Ethics seminar, University of Pennsylvania

*On the Boundaries of Normativity in Law*, in eds. Somek et al, NORMATIVISM AND ANTI-NORMATIVISM (VIENNA LECTURES ON LEGAL PHILOSOPHY) (Hart Publishing, 2020)

- University of Vienna Lecture on Legal Philosophy

*Lying and Cheating, or Self-Help and Civil Disobedience?*, 85 BROOKLYN LAW REVIEW 1 (2020)

- North American Workshop on Private Law, Yale Law School
- Legal Theory Workshop, University of Michigan
- Private Law Theory workshop, University of Western Ontario
- Legal Theory workshop, University of Virginia
- Contract Theory Summer School, University of Amsterdam

*The Employment Relationship as an Object of Employment Law*, in eds. Gold et al, OXFORD HANDBOOK OF NEW PRIVATE LAW (Oxford Univ. Press, 2020)

- Conference on the New Private Law, Harvard Law School

*Risk-Averse Contract Interpretation*, 82 LAW AND CONTEMPORARY PROBLEMS 1 (2019)

- Legal Theory Workshop, University of Edinburgh

*Interpreting Contracts in a Regulatory State*, 54 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 35 (2019)

- Private Law Theory workshop, Harvard Law School
- Conference on Context and Contract Interpretation, Venice International University

*Production Liability*, 87 FORDHAM LAW REVIEW 2501 (2019)

- Law and Economics Workshop, University of Michigan Law School
- Conference on Communities and the Law, Bar Ilan University

*Voluntary Obligation and Contract*, 20 THEORETICAL INQUIRIES IN LAW 433 (2019)

- Conference on Freedom, Choice and Contracts, Columbia Law School

*Fiduciary Principles in Employment Law* in eds. Criddle, Miller & Sitkoff, OXFORD HANDBOOK OF FIDUCIARY LAW (Oxford University Press, 2019).

- Conference on Fiduciary Law, Harvard Law School

*Contract and the Problem of Fickle People*, 53 WAKE FOREST LAW REVIEW 1 (2018)

- North American Private Law Workshop, Harvard Law School
- Contract Theory Workshop, Yale Law School
- Contract Theory Summer School, University of Amsterdam
- Faculty Workshop, American University Law School

*How Well Do We Treat Each Other in Contract?*, 9 WILLIAM & MARY BUSINESS LAW REVIEW 351 [book review] (2018)

*The Political Morality of Convergence in Contract*, 24 EUROPEAN LAW JOURNAL 1 (2018)

*Contract as Procedural Justice*, 7 JURISPRUDENCE 47 (2016)

- Workshop on Contract and Promise, Georgetown Law School
- Private Law Theory workshop, William & Mary Law School
- Legal Theory workshop, UCLA Law School
- Faculty Workshop, New York Law School

*On the Very Idea of Legal Methodology* in eds. Basedow, Fleischer and Zimmerman, LEGISLATORS, JUDGES, PROFESSORS (Mohr Siebeck Tuebingen, 2016)

- Max Planck Institute for International and Comparative Private Law

*Exit, Choice and Employee Loyalty* in eds. Gold & Miller, CONTRACT, STATUS, AND FIDUCIARY LAW (Oxford University Press, 2016).

- Conference on Contract, Status and Fiduciary Law, McGill University

*Authority, Intention and Interpretation* in eds. Waluchow & Sciaraffa, THE LEGACY OF RONALD DWORKIN (Oxford University Press, 2016).

- McMaster University Philosophy of Law Conference

*Other People's Contracts*, 32 YALE JOURNAL ON REGULATION 211 (2015)

- University of Colorado Law School
- AALS Annual Meeting, Section on Jurisprudence
- Cornell Law School

*At the Limits of Adjudication: Cumulative Externalities from Standard Terms* in eds. DiMatteo & Hogg, COMPARATIVE CONTRACT LAW (Oxford University Press, 2015).

- University of Edinburgh Law School
- Columbia Law School

*Re-Dressing the Naked Emperor, or How to Think about Political Economy and Law* in eds. Grundmann & Thiessen, RECHT UND SOZIALTHEORIE - INTERDISZIPLINÄRES DENKEN IN RECHTSWISSENSCHAFT UND -PRAXIS (Mohr Siebeck Tuebingen, 2015).

- Annual meeting of German Association for Comparative Law, University of Marburg

*The Effects of Financial Crises on the Binding Force of Contracts: United States Report*, 62 AMERICAN JOURNAL OF COMPARATIVE LAW 127 (2014) [related essay in ed. Başoğlu, THE EFFECTS OF FINANCIAL CRISES ON THE BINDING FORCE OF CONTRACTS - COMPARATIVE STUDY (Springer, 2015)]

*The Political Economy of Regulating Contract*, 62 AMERICAN JOURNAL OF COMPARATIVE LAW 687 (2014)

- University of Colorado Law School
- Labor & Employment Law Colloquium, Loyola Univ. Chicago/Northwestern Univ. Law School
- International and Comparative Law Workshop, Columbia Law School
- Law and Society Annual Meeting
- Scuola Superiore della Pubblica Amministrazione
- AALS Annual Meeting, Section on Comparative Law

*Distributive Justice and Contract* in eds. Klass, Letsas, & Saprai, PHILOSOPHICAL FOUNDATIONS OF CONTRACT LAW (Oxford University Press, 2014).

- University College London

*Parallel Contract*, 75 UNIVERSITY OF PITTSBURGH LAW REVIEW 139 (2014).

- AALS Annual Meeting, Section on Contract
- International Labor Organization, Geneva
- Workshop on Contract and Promise, Georgetown Law Center
- Legal Theory workshops at Brooklyn Law School and UCLA Law School

*The Perspective of Law on Contract*, 88 WASHINGTON LAW REVIEW 1227 (2013)

*The Market for Rights*, 54 CANADIAN BUSINESS LAW JOURNAL 252 (2013) [short essay]

Based on comments at University of Toronto Law School on Margaret Radin's *Boilerplate*.

*Managing Moral Risk: the Case of Contract*, 112 COLUMBIA LAW REVIEW 1878 (2011).

- Workshop on Contract and Promise, Georgetown Law School
- AALS Workshop on Women Rethinking Equality
- Presented at Fordham, DePaul and University of Pennsylvania Law Schools.

*Who Should Talk? What Counts as Employee Voice and Who Stands to Gain*, 94 MARQUETTE L. REV. 869 (2011)

*Unequal Promises*, 72 UNIVERSITY OF PITTSBURGH LAW REVIEW 467 (2011).

- Workshop on Contract and Promise, Georgetown Law Center

*Separating Contract and Promise*, 38 FLORIDA STATE LAW REVIEW 707 (2011) [excerpt in PERSPECTIVES ON CONTRACT LAW (Randy Barnett, ed. 2009)].

- Stanford-Yale Junior Faculty Forum, Yale Law School
- XXIII World Congress of Philosophy of Law and Social Philosophy, Jagellonian University
- Contract Theory seminar, William & Mary Law School
- Workshop on Contract and Promise, Georgetown Law Center

*The Myth of Equality in the Employment Relation*, 2009 MICHIGAN STATE LAW REVIEW 579.

- Faculty Workshop, University of Pennsylvania Law School
- Conference on Conceptualizing Substantive Justice, University of Denver
- 4th Annual Colloquium on Current Scholarship in Labor and Employment Law
- Faculty Workshop, Cardozo Law School
- Faculty Workshop, Hofstra Law School

*Intention, Torture and the Concept of State Crime*, 114 PENN STATE LAW REVIEW 1 (2009).

- Law and Society Annual Meeting, Humboldt University

*Distributive Injustice and Private Law*, 60 HASTINGS LAW JOURNAL 105 (2008).

- Law and Society Annual Meeting, Humboldt University

*The Accidental Promise: Remaking the Law of Misrepresented Intent*, 2008 UNIV. OF ILLINOIS L. REV. 985.

*Varieties of Employee Ownership: Some Unintended Consequences of Corporate Law and Labor Law*, 10 UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS & EMPLOYMENT LAW 305 (2008).

*Deliberative Autonomy and Legitimate State Purpose under the First Amendment*,  
68 ALBANY LAW REVIEW 815 (2005).

*The Political Economy of Merger Regulation*, 53 AMERICAN JOURNAL OF COMPARATIVE LAW 1 (2005) [reprinted in ed. J. Galloway, MERGERS AND ACQUISITIONS VOL. III (Ashgate, 2012)].

- Presented at Brooklyn Law School, Cardozo Law School, Stanford Law School, Virginia Law School, UCLA Law School, Univ. of Chicago Law School, and Univ. of Penn. Law School.

*Compulsory Licensing and the Duty of Good Faith in TRIPS*, 55 STANFORD LAW REVIEW 1529 (2003)  
· Winner, open note competition in connection with Symposium on Treaties, Enforcement, and U.S. Sovereignty, Stanford Law School.

Note, *Unions and the Duty of Good Faith in Employment Contracts*, 112 YALE LAW JOURNAL 1881 (2003).

*Political Citizenship in Britain and Germany*, 9 GERMAN POLITICS 161 (2000)  
· European Consortium for Political Research, University of Copenhagen.

*Public and Private Sector Labor Conflict in Britain, Germany, and Sweden*  
· Harvard-Oxford-Stockholm Graduate Student Conference, University of Stockholm.

## EMPLOYMENT

Fordham Law School, (since Fall 2023) Wilkinson Professor of Law	<i>September 2012-</i>
Columbia Law School, Visiting Professor of Law	<i>Fall 2021</i>
Yale Law School, Visiting Professor of Law	<i>Fall 2019</i>
University of Pennsylvania Law School, Assistant Professor of Law	<i>July 2006-June 2012</i>
Cravath, Swaine & Moore LLP, Litigation Associate	<i>Summer 2002, 2003- 2004, 2005-2006</i>
U.S. Court of Appeals for the Third Circuit, Judicial Clerk for Judge Julio Fuentes.	<i>Sept. 2004-Aug.2005</i>
International Atomic Energy Agency, Legal Intern	<i>Summer 2001</i>
Max Planck Institute for the Study of Societies, Visiting Researcher	<i>Summer 2000</i>
Center on Joblessness and Urban Poverty, Kennedy Sch. of Gov., Research Assistant	<i>Fall 1996-Spring 1999</i>
South Asia Human Rights Documentation Centre, Intern	<i>Summer 1998</i>
U.S. Dept. of Health and Human Services, Office for Civil Rights, Intern	<i>Summer 1997</i>

## MISCELLANEOUS

Chair-Elect, Section on Jurisprudence, American Association of Law Schools  
Editorial Board, Jurisprudence  
Steering Committee, North American Private Law Workshop  
Advisory Board, Edmond J. Safra Center for Ethics, Tel Aviv University  
2016-17 Fordham Law School Dean's Distinguished Research Award  
New York Law Journal 2013 "Rising Star"  
American Society of Comparative Law, 2005 Hessel Yntema Prize  
Admitted to New York Bar in 2003