

ADITI BAGCHI

Professor of Law, Fordham University Law School

abagchi@law.fordham.edu ♦ 150 West 62nd Street, New York, NY 10023 ♦ (917) 679-1382

EDUCATION

YALE LAW SCHOOL, J.D., June 2003.

Yale Law Journal. Yale Law and Policy Review. Research assistant to Bruce Ackerman and Ian Ayres. Teaching Asst 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.

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 Rev. Research assistant to Aaron Tornell (Economics).

PUBLICATIONS and PRESENTATIONS

Allocating Risk with Hindsight, 84 LAW AND CONTEMPORARY PROBLEMS (forthcoming 2022) (invited contribution).

The Importance of Being Effective, FROM MORALITY TO LAW AND BACK AGAIN: LIBER AMICORUM FOR JOHN GARDNER (Oxford University Press, forthcoming 2021)

- Law and Philosophy Workshop, Yale Law School
- All Souls College, Oxford University
- Faculty Workshop, Seton Hall Law School

Nondomination and the Ambitions of Employment Law, THEORETICAL INQUIRIES IN LAW (forthcoming 2021) (invited contribution)

- University of Arizona, Jurisprudence workshop
- NYU Law School, Conference on Private Law theory and Law of Work (September 2021)

Pluralism, in eds. Chen-Wishart & Sapra, RESEARCH HANDBOOK IN THE PHILOSOPHY OF CONTRACT LAW (Edward Elgar Publishing Ltd., forthcoming 2022)

WHAT IS CONTRACT? FROM PROMISE TO AGREEMENT TO EXCHANGE [CAMBRIDGE ELEMENTS IN PHILOSOPHY OF LAW] (Cambridge University Press, forthcoming 2023)

Would Reasonable People Endorse a “Content-Neutral” Law of Contract?, 17 EUROPEAN REVIEW OF CONTRACT LAW (forthcoming 2021) (review of 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

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 (March 2019)

Lying and Cheating, or Self-Help and Civil Disobedience?, 85 BROOKLYN L. REV. 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

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

- Legal Theory Workshop, University of Edinburgh

Interpreting Contracts in a Regulatory State, 54 UNIV. OF SAN FRANCISCO L. REV. 35 (2019)

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

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

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

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

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
- Centre for the Study of European Contract Law, 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 (invited book symposium) (2018)

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, 2018)

- Hohfeld Centennial Workshop, Yale Law School

The Political Morality of Convergence in Contract, 24 EUROPEAN L. J. 1 (2018) (peer-reviewed)

- Centre for the Study of European Contract Law, University of Amsterdam

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

Contract as Procedural Justice, 7 JURISPRUDENCE 47 (2016) (peer-reviewed)

- 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

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 J. ON REG. 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 AM. J. COMP. L. 127 (2014) (symposium) (related essay forthcoming 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 AM. J. COMP. L. 687 (2014) (peer-reviewed)

- 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 U. PITT. L. REV. 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 L. REV. 1227 (2013) (invited symposium essay)

The Market for Rights, 54 CANADIAN BUSINESS L. J. 252 (2013) (invited short symposium essay).
Based on comments at University of Toronto Law School on Margaret Radin's *Boilerplate*.

Managing Moral Risk: the Case of Contract, 112 COLUMBIA L. REV. 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) (invited response to Prof. Kenneth Dau-Schmidt, journal symposium).

Unequal Promises, 72 U. OF PITT. L. REV. 467 (2011).

- Workshop on Contract and Promise, Georgetown Law Center

Separating Contract and Promise, 38 FLORIDA STATE L. REV. 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 MICH. STATE L. REV. 579.

- Faculty Workshop, University of Pennsylvania Law School
- Conference on Conceptualizing Substantive Justice at 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 L. REV. 1 (2009).

- Law and Society Annual Meeting, Humboldt University

Distributive Injustice and Private Law, 60 HASTINGS L. J. 105 (2008).

- Law and Society Annual Meeting, Humboldt University

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

Varieties of Employee Ownership: Some Unintended Consequences of Corporate Law and Labor Law, 10 UNIV. OF PENN. J. BUS. & EMPLOYMENT L. 305 (2008).

Deliberative Autonomy and Legitimate State Purpose under the First Amendment,
68 ALBANY L. REV. 815 (2005).

The Political Economy of Merger Regulation, 53 AM. J. COMP. L. 1 (2005) (peer-reviewed) (reprinted in ed. J. Galloway, MERGERS AND ACQUISITIONS VOL. III (Ashgate, 2012)).

- Winner of American Society of Comparative Law's Hessel Yntema Prize
- 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.

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

Compulsory Licensing and the Duty of Good Faith in TRIPS, 55 STAN. L. REV. 1529 (2003)

- Winner, open note competition in connection with Symposium on Treaties, Enforcement, and U.S. Sovereignty, Stanford Law School.

Political Citizenship in Britain and Germany, 9 GERMAN POL. 161 (2000) (peer-reviewed)

- 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.

EXPERIENCE

YALE LAW SCHOOL

Fall 2019

Visiting Professor of Law. Course: Contracts.

FORDHAM LAW SCHOOL

September 2012-

Professor of Law. Courses: Contracts, Labor Law and seminars.

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL

July 2006-June 2012

Assistant Professor of Law. Courses: Contracts, Labor Law and seminars.

CRAVATH, SWAINE & MOORE LLP, Litigation Dept.

Summer 2002, 2003- 2004, 2005-2006

New York, NY

Prepared memoranda, drafted pleadings, and conducted legal research and document review.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Sept. 2004-Aug.2005

Newark, NJ

Judicial clerk for Judge Julio Fuentes.

INTERNATIONAL ATOMIC ENERGY AGENCY, Legal Department

Vienna, Austria

Summer 2001

Legal research pertaining to the enforcement of nuclear nonproliferation agreements; transfer of nuclear technology to developing countries; and the adequacy of national regulatory regimes.

MAX PLANCK INSTITUTE FOR THE STUDY OF SOCIETIES

Cologne, Germany

Summer 2000

Conducted literature review and wrote report assessing impact of EU-level employment strategy on member states' economic policies, trying to account for pattern of EU influence across states.

CENTER ON JOBLESSNESS AND URBAN POVERTY, Kennedy School of Government

Cambridge, MA

Fall 1996-Spring 1999

Research assistant for several studies on welfare policy. Helped conduct literature reviews and develop survey of welfare recipients. Compiled database of media coverage of welfare reform.

SOUTH ASIA HUMAN RIGHTS DOCUMENTATION CENTRE

New Delhi, India

Summer 1998

Wrote reports on status of Burmese and Bangladeshi refugees in India.

U.S. DEPT. OF HEALTH AND HUMAN SERVICES, Office for Civil Rights.
Washington, DC.

Summer 1997

Proposed methods of integrating departmental initiatives and recent legislation. Identified scope of federal jurisdiction for proposed regulations. Emphasis on welfare/health care reform.

MISCELLANEOUS

Admitted to New York Bar in 2003 (now inactive). New York Law Journal 2013 “Rising Star”.
Fordham Law School Dean’s Distinguished Research Award. Steering Committee, North American
Private Law Workshop. Advisory Board, Edmond J. Safra Center for Ethics, Tel Aviv University.
Editorial Board, *Jurisprudence*. Treasurer, AALS Section on Jurisprudence.