

# 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

**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

## ACADEMIC ARTICLES

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

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

*Property’s Boundaries*, 109 VA. L. REV. 131 (2023) ([link](#))

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

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

*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](#))

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

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

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

*Understanding the Perspectives of Seniors on Dementia and Decision-making*, 12 *AJOB EMPIRICAL BIOETHICS* 101 (2020) (peer-reviewed) ([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* (work in progress)

*Conceptual Private Law in Healthcare Finance* (work in progress)

*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 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

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

*Legal Theory*, Cambridge University Press (2022)

Routledge. (2021).

### **SELECTED PRESENTATIONS**

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

*Identity in Self and Others*, Yale–Oxford–Jagiellonian Bioxphi Workshop, Jagiellonian University, Krakow (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)