

# MATTHEW C. STEPHENSON

ELI GOLDSTON PROFESSOR OF LAW, HARVARD LAW SCHOOL

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## CURRICULUM VITAE

### Professional Positions

Harvard Law School

- Professor of Law, 2010-present
- Assistant Professor of Law, 2005-2010

Law Clerk, Justice Anthony M. Kennedy, United States Supreme Court, 2004-2005

Law Clerk, Senior Judge Stephen F. Williams, United States Court of Appeals for the District of Columbia Circuit, 2003-2004

### Education

Harvard University, Ph.D. (Political Science), 2003

Harvard Law School, J.D., *magna cum laude*, 2003

Harvard College, B.A. (East Asian Studies), *magna cum laude*, 1997

### Books

LEGISLATION AND REGULATION, 3<sup>RD</sup> EDITION (Foundation Press 2017) (1<sup>st</sup> edition 2010, 2<sup>nd</sup> edition 2013) (with John F. Manning)

### Articles and Book Chapters

CORRUPTION AS A SELF-REINFORCING “TRAP”: IMPLICATIONS FOR REFORM STRATEGY (under review) (2019)

*The Quality of Public Servants Determines the Quality of Public Service*, MICHIGAN STATE UNIVERSITY LAW REVIEW (forthcoming, 2019)

“Beware Blowback: How Attempts to Strengthen FCPA Deterrence Could Narrow the Statute’s Scope,” in Jennifer Arlen ed., THE RESEARCH HANDBOOK ON CORPORATE CRIME AND FINANCIAL MISDEALING (2018)

- “Standing Doctrine and Anticorruption Litigation: A Survey,” in OPEN SOCIETY FOUNDATIONS, LEGAL REMEDIES FOR GRAND CORRUPTION (2016)
- “Corruption and Democratic Institutions: A Review and Synthesis,” in Susan Rose-Ackerman & Paul Lagunes, eds., GREED, CORRUPTION, AND THE MODERN STATE (2015), pp. 92-133.
- The Welfare Effects of Minority-Protective Judicial Review*, 27 JOURNAL OF THEORETICAL POLITICS 499 (2015) (with Justin Fox)
- The Constraining, Liberating, and Informational Effects of Non-Binding Law*, 31 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 320 (2015) (with Justin Fox)
- Legislation and Regulation: The Harvard Experience*, 65 JOURNAL OF LEGAL EDUCATION 45 (2015) (with John F. Manning)
- Over-Accountability*, 6 JOURNAL OF LEGAL ANALYSIS 185 (2014) (with Jacob E. Gersen)
- Does Separation of Powers Promote Stability and Moderation?*, 42 JOURNAL OF LEGAL STUDIES 331 (2013)
- Can the President Appoint Principal Executive Officers without a Senate Confirmation Vote?*, 122 YALE LAW JOURNAL 940 (2013)
- Judicial Review as a Response to Political Posturing*, 105 AMERICAN POLITICAL SCIENCE REVIEW 397 (2011) (with Justin Fox)
- Information Acquisition and Institutional Design*, 124 HARVARD LAW REVIEW 1422 (2011)
- Judicial Deference to Inconsistent Agency Statutory Interpretations* (with Yehonatan Givati), 40 JOURNAL OF LEGAL STUDIES 85 (2011)
- Seminole Rock’s Domain*, 79 GEORGE WASHINGTON LAW REVIEW 1449 (2011) (with Miri Pogoriler)
- Statutory Interpretation by Agencies*, in DANIEL FARBER & ANNE JOSEPH O’CONNELL EDS., RESEARCH HANDBOOK ON PUBLIC CHOICE AND PUBLIC LAW 285 (Edward Elgar Publishing, 2010)
- Political Accountability under Alternative Institutional Regimes*, 22 JOURNAL OF THEORETICAL POLITICS 139 (2010) (with Jide O. Nzelibe)
- Complementary Constraints: Separation of Powers, Rational Voting, and Constitutional Design*, 123 HARVARD LAW REVIEW 655 (2010) (with Jide O. Nzelibe)

- Lobbyists as Imperfect Agents: Implications for Public Policy in a Pluralist System*, 47 HARVARD JOURNAL ON LEGISLATION 1 (2010) (with Howell E. Jackson)
- Legal Realism for Economists*, 23 JOURNAL OF ECONOMIC PERSPECTIVES 191 (2009)
- Chevron Has Only One Step*, 95 VIRGINIA LAW REVIEW 597 (2009) (with Adrian Vermeule)
- The Price of Public Action: Constitutional Doctrine and the Judicial Manipulation of Legislative Enactment Costs*, 118 YALE LAW JOURNAL 2 (2008)
- Optimal Political Control of the Bureaucracy*, 107 MICHIGAN LAW REVIEW 53 (2008)
- Evidentiary Standards and Information Acquisition in Public Law*, 10 AMERICAN LAW & ECONOMICS REVIEW 351 (2008)
- The Administrative Law of Borrowed Regulations: Legal Questions Regarding the Bankruptcy Law's Incorporation of IRS Standards*, 1 NORTON BANKRUPTCY LAW ADVISER 1 (2008) (with Kristin E. Hickman)
- Bureaucratic Decision Costs and Endogenous Agency Expertise*, 23 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 469 (2007)
- Regulatory Quality under Imperfect Oversight*, 101 AMERICAN POLITICAL SCIENCE REVIEW 605 (2007) (with Ethan Bueno de Mesquita)
- Judicial Reform in Developing Countries: Constraints and Opportunities*, in FRANÇOIS BOURGUIGNON & BORIS PLESKOVIC EDS., ANNUAL WORLD BANK CONFERENCE ON DEVELOPMENT ECONOMICS: BEYOND TRANSITION 311-328 (World Bank, 2007)
- The Strategic Substitution Effect: Textual Plausibility, Procedural Formality, and Judicial Review of Agency Statutory Interpretations*, 120 HARVARD LAW REVIEW 528 (2006)
- A Costly Signaling Theory of "Hard Look" Judicial Review*, 58 ADMINISTRATIVE LAW REVIEW 753 (2006)
- Legislative Allocation of Delegated Power: Uncertainty, Risk, and the Choice Between Agencies and Courts*, 119 HARVARD LAW REVIEW 1035 (2006)
- Legal Institutions and Informal Networks*, 18 JOURNAL OF THEORETICAL POLITICS 40 (2006) (with Ethan Bueno de Mesquita)

*Public Regulation of Private Enforcement: The Case for Expanding the Role of Administrative Agencies*, 91 VIRGINIA LAW REVIEW 93 (2005)

*Court of Public Opinion: Government Accountability and Judicial Power*, 20 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 379 (2004)

*Mixed Signals: Reconsidering the Political Economy of Judicial Deference to Administrative Agencies*, 56 ADMINISTRATIVE LAW REVIEW 657 (2004)

*“When the Devil Turns...”: The Political Foundations of Independent Judicial Review*, 32 JOURNAL OF LEGAL STUDIES 59 (2003)

*Informative Precedent and Intrajudicial Communication*, 96 AMERICAN POLITICAL SCIENCE REVIEW 755 (2003) (with Ethan Bueno de Mesquita)

- Reprinted in JON R. BOND ET AL. EDS, INSTITUTIONAL GAMES AND THE U.S. SUPREME COURT (University of Virginia Press, 2006)

*A Tale of Two Theories: The Legal Basis for the EPA’s Proposed Revision to the Routine Maintenance, Repair, and Replacement Exemption*, 33 ENVIRONMENTAL LAW REPORTER 10789 (2003)

*A Trojan Horse Behind Chinese Walls?: Problems and Prospects of U.S.-Sponsored “Rule of Law” Reform Projects in the People’s Republic of China*, 18 UCLA PACIFIC BASIN LAW JOURNAL 64 (2000)

- Updated and reprinted as “A Trojan Horse in China?”, in THOMAS CAROTHERS ED., PROMOTING THE RULE OF LAW ABROAD: IN SEARCH OF KNOWLEDGE (Carnegie Endowment for International Peace, 2006)

## **Short Comments and Replies**

*FOR: Public Ultimate Beneficial Ownership Registers*, COMPLIANCE WEEK (forthcoming 2019)

*The Costs of Voting Rule Chevron: A Comment on Gersen and Vermeule’s Proposal*, 116 YALE LAW JOURNAL POCKET PART 238 (2007)

*The Legislative Choice between Agencies and Courts: A Response to Farber and Vermeule*, 119 HARVARD LAW REVIEW FORUM 173 (2006)

## **Reports and Policy Papers**

“Specialised Anti-Corruption Courts: A Comparative Mapping,” U4 Anti-Corruption Resource Center Issue Paper (2016) (with Sofie Arjon Schutte).

“Specialised Anti-Corruption Courts: Philippines,” U4 Anti-Corruption Resource Center Brief (2016)

“Specialised Anti-Corruption Courts: Slovakia,” U4 Anti-Corruption Resource Center Brief (2016)

UNITED NATIONS OFFICE OF DRUGS AND CRIME, THE UNITED NATIONS CONVENTION AGAINST CORRUPTION: NATIONAL ANTI-CORRUPTION STRATEGIES: A PRACTICAL GUIDE FOR DEVELOPMENT AND IMPLEMENTATION (2015) (principal co-author, with Richard E. Messick)

### **Selected Speeches and Testimony**

Keynote Address, Third Judicial Forum on “Combating Corruption in a Democratic Rule of Law State,” January 22-25, 2019, Brasilia, Brazil

Keynote Address, Conference on “Academia Against Corruption in the Americas,” June 22-23, 2018, Monterrey, Mexico

Keynote Address, Chulalongkorn University Seminar on “Corporate Responsibilities and Practices in Anti-Corruption,” May 25, 2018, Bangkok, Thailand

Keynote Address, Social Integrity Architecture and Mechanism Design Lab Seminar on “Anti-Corruption Knowledge and Innovation,” December 20, 2017, Bangkok, Thailand

F.Y. Chang Memorial Lecture on “The International Fight Against Corruption: Where We’ve Been and Where We’re Going,” Dec. 6, 2017, Peking University, Beijing, People’s Republic of China

Invited Speech on “The FCPA and its Implications for China,” 18<sup>th</sup> Annual Shenzhen Legal Forum, June 23, 2016, Shenzhen, People’s Republic of China

Invited Speech on “Impunity as a Multiplier of Corruption,” 6<sup>th</sup> Annual International Anticorruption Conference (CAAI), Feb. 2-4, 2016, Lima, Peru

Keynote Address, International Bar Association Conference on “The Fight Against Corruption in Latin America,” May 12-13, 2014, Mexico City, Mexico.

Keynote Address, Conference on “A New Era for Public Sector Reform in the ASEAN Community”, January 17-18, 2013, Bangkok, Thailand

Keynote Address, 1<sup>st</sup> Annual Conference on Evidence-Based Anti-Corruption Policies (CEBAP), January 11-12, 2012, Bangkok, Thailand

Testimony before the U.S. House of Representatives Subcommittee on Courts, Commercial and Administrative Law, Hearing on “Formal Rulemaking and Judicial Review: Protecting Jobs and the Economy with Greater Regulatory Transparency and Accountability,” May 31, 2011, Washington, D.C.

### **Other Professional Activities**

Consultant on anticorruption and legal/judicial reform, various projects and clients (including World Bank, International Monetary Fund, UN Office of Drugs & Crime, UN Development Programme, Transparency International, U4 Anticorruption Resource Centre, Open Society Foundation, others)

Visiting Professor, Peking University School of Transnational Law, Shenzhen, People’s Republic of China, May 2010, March 2011, June 2012, January 2013, June 2014, December 2014, June 2015, June 2016, May 2017, May 2018

Visiting Professor, FGV Direito Rio, Rio de Janeiro, Brazil, May 2018, March 2019

Visiting Professor, International Anti-Corruption Academy, Summer Academy, Laxenburg, Austria, July 2015

Visiting Professor, Semaine Doctorale Intensive, Science Po, Paris, France, May 2013

Visiting Fellow, Becker Friedman Institute, University of Chicago, April 2010

Visiting Professor, Tsinghua University, Beijing, People’s Republic of China, June 2009

Rapporteur, Access to Justice Working Group, United Nations High-Level Commission on the Legal Empowerment of the Poor, 2006-2007

### **Journal and Editorial Positions**

Editor-in-Chief, *Global Anticorruption Blog*  
([www.globalanticorruptionblog.com](http://www.globalanticorruptionblog.com)), 2014-present.

Co-Founder and Host, *KickBack: The Global Anticorruption Podcast*, 2019-present

Editorial Board, *Journal of Theoretical Politics*, 2009-2011

Referee: *American Journal of Political Science*; *American Law & Economics Review*; *American Political Science Review*; *European Law Journal*; *Harvard Law Review*; *International Studies Quarterly*; *Journal of Empirical Legal Studies*; *Journal of Law, Economics & Organization*; *Journal of Legal Analysis*; *Journal of Legal Studies*; *Journal of Politics*; *Journal of Public Economics*; *Journal of Theoretical Politics*; *Law & Society Review*; *Political Research Quarterly*; *Public Choice*; *Regulation & Governance*; *Review of Law & Economics*; *Social Science Quarterly*

### **Professional Associations**

Advisory Board, Interdisciplinary Corruption Research Network, 2016-present

Advisory Board, Institute for Corruption Studies, Illinois State University, 2016-present

International Bar Association, Anti-Corruption Committee

U.N. Office of Drugs & Crime, Anti-Corruption Academic Initiative

Transparency International Anti-Corruption Solutions and Knowledge (ASK) Network of Experts