

# MICHAEL B. PRESSMAN

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## CURRENT POSITION

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**Harvard Law School**, Cambridge, MA

*Postdoctoral Fellow in Private Law and Lecturer on Law at Harvard Law School's*

*Project on the Foundations of Private Law*

*Sept. 2023 - Aug. 2025*

- ♦ Course: Theories of Tort Remedies (Spring 2025)

## EDUCATION

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**University of Southern California**, Los Angeles, CA

**Ph.D.**, Philosophy, Aug. 2018

- ♦ Areas of specialization: normative ethics, legal theory
- ♦ Dissertation: "Aggregating Happiness: Seeking and Identifying a Single Plausible Unifying Theory"

**Stanford Law School**, Stanford, CA

**J.D.**, Jun. 2010

- ♦ *Stanford Law Review*, Development Editor (2009-10), Member Editor (2008-09)
- ♦ *Stanford Technology Law Review*, Member Editor (2009-10), Symposium Editor (2008-09)

**Stanford University**, Stanford, CA

**M.A.**, Philosophy, Dec. 2006

**B.A.**, Philosophy (Phi Beta Kappa), Dec. 2006

## TEACHING AND RESEARCH INTERESTS

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**Primary:** Torts, contracts, property, evidence, remedies

**Secondary:** Civil procedure, insurance, tax, law & economics, law & philosophy

## PUBLICATIONS AND WORKS IN PROGRESS

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*Law Reviews:*

- ♦ Probabilistic Tort Law: Extending the Loss-of-Chance Doctrine's Partial-Damages Framework to All Tort Cases (and Beyond), 58 CONN. L. REV. (forthcoming 2025)
- ♦ Hedonic-Loss Damages That Optimally Deter: An Alternative to "Value of a Statistical Life" That Focuses on Both Decedent *and* Tortfeasor, 72 HASTINGS L.J. 1511 (2021)
  - Cited in RESTATEMENT (THIRD) OF TORTS: REMEDIES § 23 (Wrongful Death)
- ♦ The Relevance of Defendants' Wealth for Forward-Looking, Backward-Looking, and Mixed Accounts of Tort Damages, 95 CHI.-KENT L. REV. 619 (2021)
- ♦ Aggregating Happiness: A Framework for Exploring Compensation for Lost Years of Life, 69 DEPAUL L. REV. 875 (2020)
- ♦ Calculating Compensation Sums for Private Law Wrongs: Underlying Imprecisions, Necessary Questions, and Toward a Plausible Account of Damages for Lost Years of Life, 53 U. MICH. J.L. REFORM 597 (2020)

- ♦ “The Ability to Pay” in Tax Law: Clarifying the Concept’s Egalitarian and Utilitarian Justifications and the Interactions Between the Two, 21 N.Y.U. J. LEGIS. & PUB. POL’Y 141 (2018)
- ♦ The Compatibility of Forward-Looking and Backward-Looking Accounts of Tort Law, 15 U. N.H. L. REV. 45 (2016)
- ♦ The Two-Contract Approach to Liquidated Damages: A New Framework for Exploring the Penalty Clause Debate, 7 VA. L. & BUS. REV. 651 (2013)

*Peer-reviewed:*

- ♦ The Badness-of-Death Debate, Agent-Relative Value, and Aggregation (in progress)
- ♦ On Michael D. Bayles’s “The Price of Life,” 125 ETHICS 1154 (2015)
- ♦ A Defense of Average Utilitarianism, 27 UTILITAS 389 (2015)
- ♦ On Anderson Woods’s “The Greatest Happiness Regardless of Number,” 125 ETHICS 546 (2015)

*Book Chapters:*

- ♦ Addressing the Legal Permissibility of Online Litigation, in THE ONLINE COURTROOM: LEVERAGING REMOTE TECHNOLOGY IN LITIGATION (Richard Gabriel & Kenneth Broda-Bahm, eds., ABA Book Publishing, 2022) (with Michael Shammass)

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## CLERKSHIPS

**U.S. District Court for the Eastern District of New York**

*Law Clerk to the Honorable Nicholas G. Garaufis (Brooklyn, NY)* Sept. 2017 - Sept. 2018

**U.S. Court of Appeals for the Tenth Circuit**

*Law Clerk to the Honorable Robert E. Bacharach (Oklahoma City, OK)* Sept. 2016 - Aug. 2017

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## PRACTICE EXPERIENCE

**Sheppard, Mullin, Richter & Hampton LLP**, San Diego, CA

*Associate (insurance litigation practice group)* Aug. 2021 - Apr. 2023

**Pillsbury, Winthrop, Shaw, Pittman LLP**, San Francisco, CA

*Summer Associate* May - Jul. 2009

**Finnegan, Henderson, Farabow, Garrett & Dunner LLP**, Washington, D.C.

*Summer Associate (IP Specialties practice group)* May - Jul. 2008, Jul - Aug. 2009

**Manhattan District Attorney’s Office**, New York, NY

*Summer Law Fellow (Special Prosecutions Bureau)* Jun. - Aug. 2006

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## ADDITIONAL ACADEMIC APPOINTMENTS

**Yale Law School**, New Haven, CT

*Non-Resident Fellow at the Yale Law School Center for Private Law* Jul. 2021 - Jun. 2022

**New York University School of Law**, New York, NY

*Research Fellow at the Civil Jury Project* Sept. 2018 - Aug. 2021

## **ADDITIONAL PUBLICATIONS**

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- ◆ Remote Jury Trials: Reporting on Judge Matthew W. Williams’s Experiences in King County, Washington, 6 JURY MATTERS 2 (2021), reprinted in 3 ABA TORT TRIAL & INS. PRACTICE SECTION 6 (2021)
- ◆ A Report on the Cook County, Illinois, Jury Survey, 6 JURY MATTERS 1 (2021)
- ◆ Summit Panel Recap: Implications of Remote Technology Use During the Pandemic for *Post-Pandemic* Litigation, 5 JURY MATTERS 12 (2020)
- ◆ New Survey Results Regarding Experiences in and Opinions About the Covid Litigation Landscape, 5 JURY MATTERS 12 (2020)
- ◆ A Report on State Courts’ Actions Regarding Racial Justice, 5 JURY MATTERS 11 (2020)
- ◆ Results from the Civil Jury Project’s Survey of Judicial Advisors Regarding Juror Demographics, 5 JURY MATTERS 9 (2020)
- ◆ The Challenge of Achieving a Representative Cross-Section of the Community for Jury Trials During the Pandemic, 5 JURY MATTERS 7 (2020)
- ◆ A Report on the Civil Jury Project’s Mock Zoom Jury Trial, 5 JURY MATTERS 6 (2020)
- ◆ The Permissibility and Constitutionality of Jury Trial by Videoconference, 5 JURY MATTERS 5 (2020) (with Michael Shamas)
- ◆ Bench Trial by Videoconference, 5 JURY MATTERS 5 (2020)
- ◆ High-Low Agreements: When Are They Enforceable? Do They Encourage Jury Trials?, 5 JURY MATTERS 2 (2020)
- ◆ What We Can Learn from the Results of the Civil Jury Project’s Recently-Discharged-Juror Questionnaire, 4 JURY MATTERS 9 (2019)
- ◆ Innovations in Action: The Perspective of Recent Jurors, 4 JURY MATTERS 6 (2019)
- ◆ A Review of the Susman-Marten Proposal to the Federal Judicial Center to Include Jury Trial Training in Baby Judges’ School, 3 JURY MATTERS 12 (2018)
- ◆ *United States v. Chung*: State of Mind in Trade Secrets Actions, 15 IP LITIGATOR 5 (2009) (with John Williamson)
- ◆ Defining the Trade Secret: Establishing that Information Is “Not Readily Ascertainable by Proper Means,” 14 IP LITIGATOR 5 (2008) (with John Williamson)

## **PRESENTATIONS**

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### **Paper Presentations:**

*Disentangling Negligently Caused and Non-Negligently Caused Risks:*

- ◆ Obligations XI: Private Law Inside and Out, Harvard Law School, Jul. 2025

*Probabilistic Tort Law: Extending the Loss-of-Chance Doctrine’s Partial-Damages Framework to All Tort Cases (and Beyond):*

- ◆ Philosophy & Private Law Discussion Group, Jul. 2024

*A New Approach to Prejudgment Interest:*

- ◆ Obligations X: Private Law and the State, Banff, Canada, Jul. 2023

- ◆ Fellows Seminar, Yale Law School Center for Private Law, May 2022

*Hedonic-Loss Damages that Optimally Deter: An Alternative to “Value of a Statistical Life” that Focuses on Both Decedent and Tortfeasor:*

- ◆ Lawyering Scholarship Colloquium, NYU School of Law, Apr. 2019

*A Defense of Average Utilitarianism:*

- ◆ The 7th Annual Rocky Mountain Ethics Congress (RoME), University of Colorado Boulder, Aug. 2014
- ◆ Society for Applied Philosophy Annual Conference 2014, Oxford University, Jun. 2014
- ◆ Institute of Applied Ethics, University of Hull, UK, Nov. 2013
- ◆ First Annual Philosophers’ Cocoon Philosophy Conference, University of Tampa, Oct. 2013

*The Compatibility of Forward-Looking and Backward-Looking Accounts of Tort Law:*

- ◆ 3rd Annual UCLA Graduate Conference in Law and Philosophy, UCLA, Feb. 2014
- ◆ 65th Northwest Philosophy Conference, Pacific University, Oct. 2013
- ◆ The Ontario Legal Philosophy Partnership Graduate Conference for Legal Theory, York University, Toronto, Canada, May 2013

#### **Invited Comments and Other Conference Activity:**

- ◆ Invited roundtable participant, “Reimagining Jury Trials in a Pandemic,” 2021 Law and Society Annual Meeting, May 2021
- ◆ Invited comments on Christian Tarsney, “Average Utilitarianism Implies Solipsistic Egoism,” Meeting of the Eastern Division of the American Philosophical Association, Jan. 2021
- ◆ Session chair for Barry Maguire, “Extrinsic Value and Different Deontic Dimensions,” The Sixth Annual Arizona Workshop in Normative Ethics, Tucson, Jan. 2015
- ◆ Invited panel discussion participant, “College Athletics: Play or Work?,” Coffeehouse Conversations on Practical Ethics Series, Levan Institute for Humanities and Ethics, University of Southern California, Oct. 2014

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#### **ADDITIONAL TEACHING EXPERIENCE**

**University of Southern California (philosophy department),** Los Angeles, CA

*Teaching Assistant (led weekly discussion sections, held office hours, graded assignments):*

- ◆ Social Ethics for Earthlings and Others (Prof. Sharon Lloyd, Spring 2014)
- ◆ Legal Controversies and Ethical Principles (Prof. Andrei Marmor, Fall 2013)
- ◆ Philosophical Foundations of Modern Western Culture (Prof. Jake Ross, Spring 2013)
- ◆ Legal Controversies and Ethical Principles (Prof. Gideon Yaffe, Spring 2012)
- ◆ Knowledge, Explanation, and the Cosmos (Prof. Jake Ross, Fall 2011)

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#### **BAR ADMISSIONS**

State Bar of California

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#### **LANGUAGES**

- ◆ *Fluent:* Norwegian (Danish, Swedish), French
- ◆ *Conversant:* Spanish
- ◆ *Reading:* Latin