

MICHAEL B. PRESSMAN

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ACADEMIC POSITIONS

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

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

CLERKSHIPS

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

Law Clerk to the Honorable Nicholas G. Garaufis

Sept. 2017 - Sept. 2018

U.S. Court of Appeals for the Tenth Circuit

Law Clerk to the Honorable Robert E. Bacharach

Sept. 2016 - Aug. 2017

EDUCATION

University of Southern California

Ph.D., Philosophy, August 2018

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

Stanford Law School

J.D., June 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

M.A., Philosophy, December 2006

B.A., Philosophy (Phi Beta Kappa), December 2006

TEACHING AND RESEARCH INTERESTS

Primary: Torts, contracts, remedies, private law theory, civil procedure

Secondary: Evidence, law and philosophy, law and economics, insurance, property

PUBLICATIONS

Academic Publications:

Law Reviews:

1. 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)
2. The Relevance of Defendants’ Wealth for Forward-Looking, Backward-Looking, and Mixed Accounts of Tort Damages, 95 CHI.-KENT L. REV. 619 (2021)
3. Aggregating Happiness: A Framework for Exploring Compensation for Lost Years of Life, 69 DEPAUL L. REV. 875 (2020)
4. 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)
5. “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)
6. The Compatibility of Forward-Looking and Backward-Looking Accounts of Tort Law, 15 U. N.H. L. REV. 45 (2016)
7. 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:

1. On Michael D. Bayles’s “The Price of Life,” 125 ETHICS 1154 (2015)
2. A Defense of Average Utilitarianism, 27 UTILITAS 389 (2015)
3. On Anderson Woods’s “The Greatest Happiness Regardless of Number,” 125 ETHICS 546 (2015)

Book Chapters:

1. 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 Shammas)

Non-Academic Publications:

1. 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)
2. A Report on the Cook County, Illinois, Jury Survey, 6 JURY MATTERS 1 (2021)
3. Summit Panel Recap: Implications of Remote Technology Use During the Pandemic for *Post-Pandemic* Litigation, 5 JURY MATTERS 12 (2020)
4. New Survey Results Regarding Experiences in and Opinions About the Covid Litigation Landscape, 5 JURY MATTERS 12 (2020)

5. A Report on State Courts' Actions Regarding Racial Justice, 5 JURY MATTERS 11 (2020)
6. Results from the Civil Jury Project's Survey of Judicial Advisors Regarding Juror Demographics, 5 JURY MATTERS 9 (2020)
7. The Challenge of Achieving a Representative Cross-Section of the Community for Jury Trials During the Pandemic, 5 JURY MATTERS 7 (2020)
8. A Report on the Civil Jury Project's Mock Zoom Jury Trial, 5 JURY MATTERS 6 (2020)
9. The Permissibility and Constitutionality of Jury Trial by Videoconference, 5 JURY MATTERS 5 (2020) (with Michael Shammass)
10. Bench Trial by Videoconference, 5 JURY MATTERS 5 (2020)
11. High-Low Agreements: When Are They Enforceable? Do They Encourage Jury Trials?, 5 JURY MATTERS 2 (2020)
12. What We Can Learn from the Results of the Civil Jury Project's Recently-Discharged-Juror Questionnaire, 4 JURY MATTERS 9 (2019)
13. Innovations in Action: The Perspective of Recent Jurors, 4 JURY MATTERS 6 (2019)
14. 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)
15. *United States v. Chung*: State of Mind in Trade Secrets Actions, 15 IP LITIGATOR 5 (2009) (with John Williamson)
16. Defining the Trade Secret: Establishing that Information Is "Not Readily Ascertainable by Proper Means," 14 IP LITIGATOR 5 (2008) (with John Williamson)

ACADEMIC PRESENTATIONS

Paper Presentations:

A New Approach to Prejudgment Interest:

- ◆ Obligations X: Private Law and the State, Banff, Canada, July 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, April 2019

A Defense of Average Utilitarianism:

- ◆ The 7th Annual Rocky Mountain Ethics Congress (RoME), University of Colorado Boulder, August 2014
- ◆ Society for Applied Philosophy Annual Conference 2014, Oxford University, June 2014
- ◆ Institute of Applied Ethics, University of Hull, UK, November 2013
- ◆ First Annual Philosophers' Cocoon Philosophy Conference, University of Tampa, October 2013

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

- ◆ 3rd Annual UCLA Graduate Conference in Law and Philosophy, UCLA, February

2014

- ◆ 65th Northwest Philosophy Conference, Pacific University, October 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, January 2021
- ◆ Session chair for Barry Maguire, “Extrinsic Value and Different Deontic Dimensions,” The Sixth Annual Arizona Workshop in Normative Ethics, Tucson, January 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, October 2014

OTHER EMPLOYMENT

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

TEACHING EXPERIENCE

University of Southern California

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

- ◆ Philosophy 137: Social Ethics for Earthlings and Others (Prof. Lloyd, Spring 2014)
- ◆ Philosophy 135: Legal Controversies and Ethical Principles (Prof. Marmor, Fall 2013)
- ◆ Philosophy 101: Philosophical Foundations of Modern Western Culture (Prof. Ross, Spring 2013)
- ◆ Philosophy 135: Legal Controversies and Ethical Principles (Prof. Yaffe, Spring 2012)
- ◆ Philosophy 285: Knowledge, Explanation, and the Cosmos (Prof. Ross, Fall 2011)

BAR ADMISSIONS

State Bar of California

LANGUAGES

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