

MICHAEL B. PRESSMAN

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CURRENT POSITION

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 Torts Remedies (Spring 2025)

EDUCATION

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

Primary: Torts, contracts, property, evidence, remedies

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

PUBLICATIONS AND WORKS IN PROGRESS

Law Reviews:

- ◆ Probabilistic Tort Law: Extending the Loss-of-Chance Doctrine's Partial-Damages Framework to All Tort Cases (and Beyond) (in progress)
- ◆ 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 Shammas)

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

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

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

- ◆ 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 Shammass)
- ◆ 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

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

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)

BAR ADMISSIONS

State Bar of California

LANGUAGES

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