

Daniel B. Kelly
Antonin Scalia Law School
George Mason University
Room 209, Hazel Hall
3301 Fairfax Dr., Arlington, VA 22201
lawdean@gmu.edu
(703) 993-8352

ACADEMIC EXPERIENCE

George Mason University, Antonin Scalia Law School, Arlington, VA
Allison and Dorothy Rouse Dean, 2026-present
George Mason University Professor of Law, 2026-present

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW, Minneapolis, MN
Dean and Mengler Chair in Law, 2024-2026

UNIVERSITY OF NOTRE DAME LAW SCHOOL, Notre Dame, IN
Professor of Law, 2014-2024; Associate Professor of Law, 2009-2014
Robert and Marion Short Scholar, 2010-2013
Director, Fitzgerald Institute for Real Estate, 2019-2024; Acting Director, 2017-2019
Director, Law and Economics Program, 2019-2024; Co-Director, 2010-2019

HARVARD LAW SCHOOL, Cambridge, MA
Louis D. Brandeis Visiting Professor of Law, fall 2020

UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL
Visiting Professor of Law, spring 2016 (teaching visit)

ACADEMIC FELLOWSHIPS

NORTHWESTERN LAW SCHOOL, Chicago, IL
Searle-Kauffman Fellow on Law, Innovation & Growth, 2009-2010 (non-residential)

HARVARD LAW SCHOOL, Cambridge, MA
Terence M. Considine Research Fellow in Law and Economics, 2008-2009
Lecturer in Law, 2008-2009

YALE LAW SCHOOL, New Haven, CT
John M. Olin Research Fellow, 2007-2008

PROFESSIONAL EXPERIENCE

CRAVATH, SWAINE & MOORE LLP, New York, NY
Litigation Associate, 2006-2007 (admitted to New York State Bar)
Summer Associate, 2004

U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, Geneseo, NY
Judicial Clerk to the Honorable Richard C. Wesley, 2005-2006

EDUCATION

HARVARD LAW SCHOOL, J.D., *cum laude*, June 2005

Executive Editor, *Harvard Journal of Law & Public Policy*

John M. Olin Fellow in Law and Economics

Research Assistant, Professor Steven Shavell

Research & Teaching Assistant, Professor Charles Fried (“Contracts”)

Teaching Fellow, Professor Michael Sandel (“Justice: Moral Reasoning”)

John M. Olin Law and Economics Prize (for best paper in law and economics)

UNIVERSITY OF NOTRE DAME, B.A. in economics and history, *summa cum laude*, May 2002

Phi Beta Kappa; Omicron Delta Epsilon (economics); Phi Alpha Theta (history)

Concentration in Philosophy, Politics, and Economics (PPE)

Research Assistant, Professor Vai-Lam Mui

John Sheehan Honors Essay Award (for best senior thesis in economics)

PUBLICATIONS

BOOK (EDITOR)

[*The Oxford Handbook of the New Private Law*](#) (with co-editors Andrew S. Gold, John C.P. Goldberg, Emily L. Sherwin, & Henry E. Smith, Oxford UP 2020).

ARTICLES & BOOK CHAPTERS

[On Disgorgement and Punitive Damages in Trust Law](#), 107 Iowa Law Review 2079-2133 (2022).

[Law and Economics](#), in [*The Oxford Handbook of the New Private Law*](#) (Andrew S. Gold, John C.P. Goldberg, Daniel B. Kelly, Emily L. Sherwin, & Henry E. Smith eds., Oxford UP 2020).

[Fiduciary Principles in Fact-Based Fiduciary Relationships](#), in [*The Oxford Handbook of Fiduciary Law*](#) (Evan J. Criddle, Paul B. Miller, & Robert H. Sitkoff eds., Oxford UP 2019).

[Dividing Possessory Rights](#), in [*Law and Economics of Possession*](#) 175-206 (Yun-Chien Chang ed., Cambridge UP 2015).

[Trust Term Extension: An Economic Analysis](#), 67 Florida Law Review Forum 85-104 (2015).

[The Right to Include](#), 63 Emory Law Journal 857-924 (2014).

[Restricting Testamentary Freedom: Ex Ante Versus Ex Post Justifications](#), 82 Fordham Law Review 1125-1185 (2013).

[Toward Economic Analysis of the Uniform Probate Code](#), 45 *University of Michigan Journal of Law Reform* 855-898 (2012) (symposium).

[Strategic Spillovers](#), 111 *Columbia Law Review* 1641-1721 (2011).

[Acquiring Land Through Eminent Domain: Justifications, Limitations, and Alternatives](#), in *Research Handbook on the Economics of Property Law* 344-371 (Kenneth Ayotte & Henry E. Smith eds., Edward Elgar Press 2011).

[Pretextual Takings: Of Private Developers, Local Governments, and Impermissible Favoritism](#), 17 *Supreme Court Economic Review* 173-235 (2009) (symposium).

[The Limitations of Majoritarian Land Assembly](#), 122 *Harvard Law Review Forum* 7-17 (2009).

[The “Public Use” Requirement in Eminent Domain Law: A Rationale Based on Secret Purchases and Private Influence](#), 92 *Cornell Law Review* 1-65 (2006).

COURSES

University of St. Thomas School of Law

Foundations of Justice: Moral Reasoning for Lawyers (fall 2024 and fall 2025)

Notre Dame Law School

Law School Courses: Property; Trusts & Estates; Law & Economics Seminar

Other Law Electives: Commercial Real Estate Transactions (J.D. & M.B.A); Property Theory; Remedies; Real Estate Colloquium: Finance, Investment, and Law (J.D., M.B.A., undergrad)

Undergraduate: Law, Economics, and Justice (PPE Colloquium); Church Real Estate

Harvard Law School

Property (fall 2020); Real Estate Reading Group (fall 2020)

Land Use, Natural Resources (spring 2009)

University of Chicago Law School

Trusts and Estates (spring 2016)

LAW REFORM & LEGAL EDUCATION

American College of Real Estate Lawyers (ACREL)

Member, 2024-present

American Law Institute (ALI)

Associate Reporter, Restatement (Fourth) of Property, 2015-2022

Advisor, Restatement (Fourth) of Property, 2022-present

Member, 2015-present

Association of American Law Schools (AALS)

Chair, Section on Trusts and Estates, 2019

Executive Committee, Section on Trusts and Estates, 2016-2021

Executive Committee, Section on Property Law, 2014-2015

Sponsors for Educational Opportunity (SEO) Law Institute

Lecturer, Property (for incoming underrepresented law students), 2011, 2012, 2014-2021

ADMINISTRATION & SERVICE

UNIVERSITY OF ST. THOMAS

President's Council, 2024-2026

Deans' Council, 2024-2026

Budget Advisory Committee, 2024-2025

Search Committee, VP for Student Affairs, spring 2026

UNIVERSITY OF ST. THOMAS SCHOOL OF LAW

Dean and Mengler Chair in Law, 2024-2026

Appointments Committee, 2024-2026

Executive Committee, 2024-2026 (chair)

UNIVERSITY OF NOTRE DAME

403(b) Investment Committee

Member, 2020-2024 (served as fiduciary overseeing retirement assets of \$2.5B)

Fitzgerald Institute for Real Estate (FIRE)

Director, 2019-2024; Acting Director, 2017-2019

Administration: Launched new University Institute; assembled Advisory Board with 48 world-class alumni and industry leaders; substantially increased endowed funding.

Faculty: Hired seven full-time faculty and six adjunct faculty, working with deans of Architecture, Arts & Letters, Engineering, Law School, Mendoza College of Business.

Students: Launched new undergraduate minor in Real Estate with 500+ students, MBA minor, and Program of Study in Real Estate Law; created Church Properties Initiative.

University Committee on Research and Sponsored Programs

Law School Representative, 2023-2024

ND LEAD (program for developing University's future leaders)

Participant, 2023-2024 (nominated by Dean G. Marcus Cole)

COVID-19 Economic and Social Science Research Task Force

Member, 2020 (summer)

Philosophy, Politics, and Economics (PPE) Program

Faculty Advisor, 2010-2024

Notre Dame Institute for Advanced Study (NDIAS)

Law/Legal Topics Review Committee, 2013-2019

Faculty Board on Athletics

Member, 2013-2019

Academic Integrity Subcommittee, 2013-2019 (Chair, 2015-2019)

Faculty Liaison, Men's Basketball and Men's Tennis, 2013-2019

NOTRE DAME LAW SCHOOL

Law School Committees

Appointments Committee, 2014-2016 (Vice Chair, 2014-2015), 2021-2023

Clerkship Committee, 2009-2011, 2012-2014

Colloquium Committee, 2009-2010, 2011-2012

Curriculum Committee, 2010-2011

Dean's Search Committee, 2018-2019

Elder Law Committee & Award, 2012-2024 (Chair)

Faculty Development Committee, 2011-2012, 2014-2016

Graduate Admissions Committee (LLM & SJD), 2019-2021

Legal Writing Committee, 2023-2024

Library Committee, 2023-2024

Library Director Search Committee, 2016-2017

Promotions Committee, 2016-2018

Public Interest Fellowship Committee, 2018-2019

Tax Clinic, Ad Hoc Committee, 2021-2022

Law and Economics Program

Director and Co-Founder (with Margaret Brinig), 2010-2024

Program of Study in Real Estate Law

Faculty Advisor, 2017-2024

Real Estate Law Society

Faculty Advisor, 2021-2024

Research Program on Law and Market Behavior

Faculty Fellow, 2012-2024

Edward J. Kelly Memorial Lecture in Elder Law

Faculty Organizer, 2013-2024

REFEREE ACTIVITY

Law Reviews

Columbia Law Review; Harvard Law Review; Notre Dame Law Review; University of Chicago Law Review; Yale Law Journal

Peer-Reviewed Journals

American Journal of Jurisprudence; American Law & Economics Review; Int'l Review of Law & Economics; Journal of Law, Economics, & Organization; Journal of Legal Analysis; Journal of Legal Studies; Modern Law Review; Review of Law & Economics

Conferences, Foundations, and University Presses

American Law and Economics Association; European Association of Law and Economics; Israel Science Foundation; Society for Institutional and Organizational Economics; University of Chicago Press; Yale University Press