

MICHAEL A. LIVERMORE

University of Virginia School of Law
580 Massie Road, Charlottesville, VA 22903
(434) 982-6224
mlivermore@virginia.edu

POSITIONS

UNIVERSITY OF VIRGINIA SCHOOL OF LAW, Charlottesville, VA
Associate Professor of Law, 2013–present

UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL
Visiting Professor of Law and Charles J. Merriam Scholar, Fall 2016

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY
Founding Executive Director, Institute for Policy Integrity, 2008–2013
Co-Director, Administrative and Regulatory State Clinic, 2009–2013
Postdoctoral Fellow, Center for Environmental & Land Use Law, 2006–2007

CLERKSHIP

HON. HARRY T. EDWARDS, DC CIRCUIT COURT OF APPEALS, Washington DC, 2007–2008

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., magna cum laude, May 2006

Order of the Coif

Managing Editor, *New York University Law Review*

Furman Academic Scholar

Law Review Alumni Association Award

Butler Scholar

Frank H. Sommer Memorial Award

Law and Economics Prize

STATE UNIVERSITY OF NEW YORK AT ALBANY, Albany, NY

B.A. (English), magna cum laude, May 2000

Phi Beta Kappa

Presidential Scholar

COURSES

Administrative Law

Environmental Law

Regulatory Law and Policy

Cost-Benefit Analysis and Regulatory Oversight

BAR ADMISSION

New York State

U.S. Court of Appeals for the DC Circuit

PUBLICATIONS

Books

Environmental Federalism in the United States (under contract, Cambridge University Press; forthcoming 2019) (with Cale Jaffe).

Law as Data: Computation, Text, and the Future of Legal Analysis (under contract, Santa Fe Institute Press; forthcoming 2018) (ed. with Daniel Rockmore)

The Globalization of Cost-Benefit Analysis in Environmental Policy (Oxford University Press, 2013) (ed. with Richard L. Revesz).

Retaking Rationality: How Cost-Benefit Analysis Can Better Protect the Environment and Our Health (Oxford University Press, 2008) (with Richard L. Revesz).

Chapters

“Environmental Law and Economics,” in *Oxford Handbook of Law and Economics* (Oxford University Press, Francesco Parisi, ed., 2017) (with Richard L. Revesz).

“Setting the Social Cost of Carbon,” in *Climate Change Law* (Edward Elgar, Encyclopedia of Environmental Law, Daniel Farber and Marjan Peeters eds., 2016).

“Balanced Job Impact Analysis,” in *Does Regulation Kill Jobs?* (University of Pennsylvania Press, Cary Coglianesi, Adam Finkel & Christopher Carrigan, eds., 2014) (with Jason Schwartz).

“Can Executive Review Help Prevent Capture?” in *Preventing Regulatory Capture: Special Interest Influence and How to Limit It* (Cambridge University Press, Dan Carpenter & David Moss, eds., 2014) (with Richard L. Revesz).

“The Shape of Distributional Analysis,” in *The Globalization of Cost-Benefit Analysis in Environmental Policy* (Oxford University Press, 2013) (with Jennifer S. Rosenberg) (translated into Spanish and French)

Articles

“Computationally Assisted Participatory Rulemaking” 93 *Notre Dame Law Review* __ (forthcoming 2018) (with Vladimir Eidelman and Brian Grom).

“The U.S. Supreme Court and the Judicial Genre” 59 *Arizona Law Review* 837 (2017) (with Allen B. Riddell and Daniel N. Rockmore).

“The Perils of Experimentation,” 126 *Yale Law Journal* 636 (2017) (selected for Harvard/Stanford/Yale Junior Scholars Workshop and Haub Environmental Law Distinguished Junior Scholars Award).

“A Quantitative Analysis of Writing Style on the U.S. Supreme Court,” 93 *Washington University Law Review* 1461 (2016) (with Keith Carlson and Daniel Rockmore).

“Political Parties and Presidential Oversight,” 66 *Alabama Law Review* 45 (2015).

“The Measurement of Subjective Value and Its Relation to Contingent Valuation and Environmental Public Goods,” 10(7) *PLoS ONE* e0132842 (2015) (with Mel W. Khaw, Paul Glimcher, Denise Grab, and Christian Vossler) (doi:10.1371/journal.pone.0132842).

“Rethinking Health-Based Environmental Standards,” 89 *New York University Law Review* 1184 (2014) (with Richard L. Revesz) (included in Environmental Law Institute annual review of best environmental law scholarship).

“Cost-Benefit Analysis and Agency Independence,” 81 *University of Chicago Law Review* 609 (2014).

- “The Meaning of Green Growth,” 3 *Michigan Journal of Environmental and Administrative Law* 33 (2013).
- “Regional Variation, Holdouts, and Climate Treaty Negotiations,” 4 *Journal of Benefit-Cost Analysis*, art. 1 (2013) (with J. Scott Holladay).
- “Patience is an Economic Virtue: Real Options, Natural Resources, and Offshore Oil,” 84 *University of Colorado Law Review* 581 (2013).
- “Regulatory Review, Capture, and Agency Inaction,” 101 *Georgetown Law Journal* 1337 (2013) (with Richard L. Revesz).
- “Can Cost-Benefit Analysis of Environmental Policy Go Global?” 19 *New York University Environmental Law Journal* 146 (2011).
- “Retaking Rationality: Two Years Later,” 48 *Houston Law Journal* 1 (2011) (with Richard L. Revesz).
- “A Brief Comment on ‘Humanizing Cost-Benefit Analysis,’” 2011 *European Journal of Risk Regulation* 13.
- “Water Pollution and Regulatory Cooperation in China,” 44 *Cornell International Law Journal* 101 (2011) (with Craig Wenner & Hong Lan).
- “Environmental Law: The Future of Cost-Benefit Analysis in Environmental Policy,” 17 *University of Baltimore Journal of Environmental Law* 189 (2010) (transcript of panel discussion).
- “Análisis Cost-Beneficio en Países en Vías de Desarrollo,” 117 *Estudios Públicos* 21 (2010).
- “Realist Lawyers and Realistic Legalists: A Brief Rebuttal to Judge Posner,” 59 *Duke Law Journal* 1187 (2010).
- “Pitfalls of Empirical Studies that Attempt to Understand the Factors Affecting Appellate Decisionmaking,” 58 *Duke Law Journal* 1895 (2009) (with Hon. Harry T. Edwards).
- “Cause or Cure? Cost-Benefit Analysis and Regulatory Gridlock,” 17 *New York University Environmental Law Journal* 107 (2008).
- “Reviving Environmental Protection: Preference-Directed Regulation and Regulatory Ossification,” 25 *Virginia Environmental Law Journal* 311 (2007).
- Book Note, “Conversation, Representation, and Allocation: Justice Breyer’s Active Liberty,” 81 *New York University Law Review* 1505 (2006) (with D. Theodore Rave).
- Note, “Authority and Legitimacy in Global Governance: Deliberation, Institutional Differentiation, and the Codex Alimentarius,” 81 *New York University Law Review* 766 (2006).

Short Works and Papers

- “Centralizing Congressional Oversight,” *Journal of Law and Politics* (forthcoming 2017) (with Matthew Brooker).
- “The One-In, Two-Out Executive Order Is a Zero,” 166 *University of Pennsylvania Law Review Online* 1 (2017) (with Caroline Cecot).
- Letter, “The Social Cost of Carbon: A Global Imperative,” 11 *Review of Environmental Economics and Policy* 172 (2017) (with Kenneth Arrow, Michael Oppenheimer, Peter H. Howard, Richard L. Revesz, Jason Schwartz and Thomas Sterner).
- “Rethinking Health-Based Environmental Standards and Cost-Benefit Analysis” 46 *Environmental Law Reporter* 10,674 (2016) (with Richard L. Revesz).
- “Interest Groups and Environmental Policy: Inconsistent Positions and Missed Opportunities,” 45 *Environmental Law* 1 (2015) (with Richard L. Revesz).

Comment, “Global warming: Improve economic models of climate change,” 508 *Nature* 173 (April 10, 2014) (with Kenneth Arrow, Lawrence H. Goulder, Peter H. Howard, Robert E. Kopp, Michael Oppenheimer, Richard L. Revesz and Thomas Sterner).

“Tacking in Shifting Winds: A Short Response to Bubb and Pildes, 127 *Harvard Law Review Forum* 204 (2014) (with Quinn Curtis and Andrew Hayashi).

“All the Authority the Agency Needs to Regulate GHGs,” 30 ENVTL. FORUM 49 (Nov./Dec. 2013)

“Prevailing Academic View on Compliance Flexibility under § 111 of the Clean Air Act,” (Resources for the Future Discussion Paper 11-29, 2011) (with Gregory E. Wannier, Jason A. Schwartz, Nathan Richardson, Michael B. Gerrard, and Dallas Burtraw).

SELECTED BRIEFS AND PUBLIC COMMENTS

Counsel of Record *in* Center for Sustainable Economy v. Jewell (D.C. Cir. 2014).

Amicus Curiae Institute for Policy Integrity at New York University School of Law *in* White Stallion Energy Center, et al. v. U.S. Environmental Protection Agency (DC Cir. 2013).

Amicus Curiae Institute for Policy Integrity at New York University School of Law *in* Coalition for Responsible Regulation, et al. v. U.S. Environmental Protection Agency (DC Cir. 2011).

Amicus Curiae Institute for Policy Integrity at New York University School of Law *in* Public Citizen et al. v. Federal Motor Carrier Safety Administration (DC Cir. 2009).

SELECTED PRESENTATIONS AND PANELS

“Empirical Methods for the Law,” *Journal of Institutional and Theoretical Economics*, Max Planck Institute for Research on Collective Goods, discussant, Syracuse, Italy, June 8–9, 2017.

“The Role of Judicial Characteristics in Influencing Opinion Text,” presentation, Conference on Empirical Legal Studies, Duke Law School, Durham, NC, Nov. 19, 2016.

“Computational Law,” presentation, LawOS: The Evolution and Complexity of Legal and Regulatory Systems, Santa Fe Institute, Santa Fe, NM, Nov. 5, 2016.

“Valuation of Air Toxics,” Environmental Protection Agency Workshop, New York, NY Aug. 25-26, 2016.

“Conference on Megaregional Trade Agreements,” Institute for International Law and Justice, New York University School of Law, New York, NY July 1-2, 2016.

“Law Search,” presentation, Conference on Empirical Legal Studies Europe, Amsterdam, The Netherlands, June 22, 2016; Complexity and the Law, University of Michigan, February 23, 2017.

“Computationally Assisted Regulatory Participation,” presentation, Annual Workshop on Political Economy and Public Law, Cornell Law School, Ithaca NY, June 4, 2016; faculty workshop, Brooklyn Law School, March 2, 2017.

“Neuroeconomics: A New Direction for Valuating Environmental Public Goods,” Resources for the Future, panel discussion, June 1, 2016.

“Neuroeconomics and Contingent Valuation,” presentation, Sustainability Conference for Legal Educators, Arizona State University, Phoenix AZ, May 13, 2016.

“Health-Based Environmental Standards and Cost-Benefit Analysis,” *Environmental Law and Policy Annual Review* (cosponsored by the Environmental Law Institute and Vanderbilt Law School), Washington DC, April 1, 2016.

“Sociopolitical Feedbacks and Climate Damages,” presentation, Society for Benefit Cost Analysis Annual Conference, Washington DC, March 17, 2016; American Law and Economics Association Annual Conference, Harvard Law School, Cambridge MA, May 20, 2016; Society for Environmental Law and Economics, University of Texas Law School, Austin TX, May 28, 2016.

“Quantitative Analysis of Legal Texts,” presentation, Center for the Study of Data and Knowledge, University of Virginia, Charlottesville VA, Nov. 22, 2015; Santa Fe Institute, Santa Fe NM, March 11, 2016.

“The Perils of Experimentation,” Faculty workshop presentation, Cornell Law School, Ithaca NY, Nov. 13, 2015; Pace Law School, White Plains NY, Sept. 14, 2016; Chicago Law School, Chicago IL, Oct. 20, 2016; presentation, Harvard/Stanford/Yale Junior Scholars Workshop, New Haven CN, June 29, 2016.

“Costs and Benefits vs. Smoke and Mirrors,” Federalist Society, Executive Branch Review Conference, panel discussion, Washington DC, June 24, 2015

“Air Quality: Health, Energy, and Economics,” Stegner Center, University of Utah S.J. Quinney College of Law, panel discussion, Salt Lake City, UT, March 5, 2015.

“Improving the Link between Analytical Methods and Policy,” Association for Public Policy Analysis and Management Annual Meeting, panel discussion, Albuquerque NM, Nov. 7, 2014.

“Agency Inaction,” American Bar Association Administrative Law Conference, panel discussion, Washington DC, Oct. 17, 2014.

“Parties and Presidential Oversight,” Faculty workshop presentations, Vanderbilt Law School, Nashville TN, Oct. 1, 2014; Duke Law School, Durham NC, April 3, 2015.

“Patterns in Law and other Systems,” Interdisciplinary Workshop on Patterns in Humanities Research, Neukom Institute, Dartmouth College, Hanover NH, Aug. 11, 2014

“U.S. Environmental Law, from NEPA to Climate Change,” presentation, Universidad de la República, Montevideo Uruguay, April 28, 2014.

“Rethinking Health Based Environmental Standards,” presentation, American Law and Economics Association Annual Meeting, Chicago IL, May 8, 2014.

“Domestic Priorities, Mechanisms, Constraints,” Symposium on New Approaches to International Regulatory Cooperation, Institute for International Law and Justice, New York University School of Law, discussion, New York, NY Feb. 27–29, 2014.

“The White House Role in the Agency Rulemaking Process,” American Bar Association Administrative Law Conference, panel discussion, Washington DC, Nov. 7, 2013.

“OIRA, Regulatory Review, and Capture,” presentation, American Law and Economics Association Annual Meeting, Stanford CA, May 18, 2012.

“Presidential Review in the Obama Administration,” Association of American Law Schools Annual Meeting, panel discussion, Washington DC, Jan. 7, 2012.

“Better Regulation for Green Growth,” Bertelsmann Stiftung International Conference on Regulatory Reform, panel discussion, Amsterdam, The Netherlands, Mar. 10–11, 2011.

“Valuing Lives: A Conference on Ethics in Health & the Environment,” New York University Center for Bioethics, panel discussion, New York, NY, Mar. 5, 2011.

“U.S. Experience Incorporating Climate Change into Regulatory Review,” International Conference on Better Regulation for Green Growth, panel discussion, Seoul, Korea, Nov. 4–5, 2010

“Global Cost-Benefit Analysis: Challenges and Opportunities,” New York University-Abu Dhabi Institute, workshop co-convener, Abu Dhabi, United Arab Emirates, Oct. 26–27, 2010.

“Challenges and Opportunities for Cost-Benefit Analysis,” Universidade de Brasilia Conference on Cost-Benefit Analysis and Efficiency in Public Policy, panel discussion, Brasília, Brazil, Aug. 23–24, 2010

“Happiness Analysis vs. Cost-Benefit Analysis,” Law and Society Association Annual Meeting, panel discussion, Chicago IL, May 28, 2010.

“New Arguments on Technology Assessment, Democratic Participation and Risk Perception,” American Philosophical Association Annual Meeting, panel discussion, Dec. 27, 2009, New York, NY.

“Accounting for the Effects of Environmental Regulation,” presentation, China University School of Law and Political Science, Beijing, China September 28, 2009.

“The Challenge of Cost-Benefit Analysis in Developed Countries,” presentation, Centro de Estudios Público Conference, Santiago, Chile, June 17, 2009.