

GREGORY KCLASS
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PROFESSIONAL

Georgetown University Law Center 2005-present
Frederick J. Haas Chair in Law and Philosophy
Associate Dean for External Programs

Past positions:

Associate Dean of Research & Academic Programs,
2020-2021 & 2012-2015
Agnes N. Williams Research Professor, 2017-2022
John Carroll Research Professor, 2011-2012
Professor of Law, 2010-2021
Associate Professor of Law, 2005-2010

Office of the New York State Attorney General 2003-2005
Assistant Solicitor General

Hon. Guido Calabresi, U.S. Court of Appeals for the Second Circuit 2002-2003
Law Clerk

Institut für Philosophie, Technische Universität Dresden 1996-1998
Assistant Professor

Visiting Positions

Faculty of Law, University of Freiburg April 2022, March 2021, Sept 2019
Buchmann Faculty of Law, Tel Aviv University March 2017

DEGREES

J.D. Yale Law School, 2002
Ph.D. Dept. Philosophy, Graduate Faculty, New School for Social Research, 1999
B.A. (Philosophy) Carleton College, 1990

LAW COURSES

Contracts; Torts; Law of Deception; Fellows Seminar & Workshop; Advertising Law;
Bargain, Exchange & Liability; Advanced Contracts; Law & Philosophy Workshop;
Contemporary Legal Scholarship; Legal Justice; Contract Theory; Philosophy of Law

PUBLICATIONS

Books and Monographs

STUDIES IN CONTRACT LAW (Foundation Press)

10TH EDITION (forthcoming 2023) (with Ian Ayres & Rebecca Stone)

9TH EDITION (2017) (with Ian Ayres)

8TH EDITION (2012) (with Ian Ayres)

PHILOSOPHICAL FOUNDATIONS OF CONTRACT LAW (Oxford University Press, 2014; paperback 2016) (editor with George Letsas and Prince Saprai)

INTERNATIONAL ENCYCLOPEDIA OF LAWS, CONTRACT LAW: USA (Wolters Kluwer 2009, updates through 2011)

Reprinted as CONTRACT LAW IN THE UNITED STATES, 2D ED. (Wolters Kluwer 2011)

CONTRACT LAW IN THE UNITED STATES (Wolters Kluwer 2009)

INSINCERE PROMISES: THE LAW OF MISREPRESENTED INTENT (Yale University Press 2005) (with Ian Ayres)

Articles, Essays and Book Chapters

Misrepresentation, in RESEARCH HANDBOOK ON THE PHILOSOPHY OF CONTRACT LAW (P. Saprai & M. Chen-Wishart eds., Elgar forthcoming 2023)

Gender and Deception: Moral Perceptions and Legal Responses, 118 NW. U.L. REV. (forthcoming 2023) (with Tess Wilkinson-Ryan)

How to Interpret a Vending Machine: Smart Contracts and Legal Contracts, 7 GEO. L. & TECH. REV. 69 (2023)

Arthur Linton Corbin (1874–1967), in SCHOLARS OF CONTRACT LAW 201 (J. Goudkamp & D. Nolan eds., Hart 2022)

Tailoring ex Machina: Perspectives on Personalized Law, in U. OF CHI. L. REV. ONLINE *1 (March 9, 2022), <https://lawreviewblog.uchicago.edu/2022/03/09/bp-klass/>

False Advertising Law, in THE OXFORD HANDBOOK OF THE NEW PRIVATE LAW 391 (A. Gold *et al.* eds., Oxford Univ. Pr. 2020)

Promise, Agreement, Contract, in RESEARCH HANDBOOK ON PRIVATE LAW THEORIES 39 (H. Dagan & B. Zipursky eds., Elgar 2020)

PUBLICATIONS (cont.)

Contracts, Constitutions, and Getting the Interpretation-Construction Distinction Right, 18 GEO. J. L. & PUB. POL'Y 13 (2020)

Boilerplate and Party Intent, 82 LAW & CONTEMP. PROBS. 105 (2019)

One-Legged Contracting, 132 HARV. L. REV. F. 1 (2019) (with Ian Ayres)

Parol Evidence Rules and the Mechanics of Choice, 20 THEO. INQ. L. 457 (2019)

Empiricism and Privacy Policies in the Restatement of Consumer Contract Law, 36 YALE J. ON REG. 45 (2019)

Symposium on the JReg Notice & Comment blog:

<https://www.yalejreg.com/topic/symposium-on-the-draft-restatement-of-the-law-of-consumer-contracts/>

The Law of Deception: A Research Agenda, 89 COLORADO L. REV. 707 (2018)

The Rules of the Game and the Morality of Efficient Breach, 29 YALE J. L. & HUM. 71 (2017)

What If Fiduciary Obligations Are Like Contractual Ones?, in CONTRACT, STATUS, AND FIDUCIARY LAW 93 (Paul B. Miller & Andrew S. Gold eds., Oxford Univ. Pr. 2017)

Introduction, in PHILOSOPHICAL FOUNDATIONS OF CONTRACT LAW 1 (G. Klass, G. Letsas & P. Saprai eds., Oxford Univ. Pr. 2014)

Efficient Breach, in PHILOSOPHICAL FOUNDATIONS OF CONTRACT LAW 362 (G. Klass, G. Letsas & P. Saprai, eds., Oxford Univ. Pr. 2014)

Against Endowment Theory: Experimental Economics and Legal Scholarship, 61 UCLA L. REV. 2 (2013) (with Kathryn Zeiler)

Promise Etc., 45 SUFFOLK U. L. REV. 695 (2012)

To Perform or Pay Damages, 98 VA. L. REV. 143 (2012) (comment on Markovits & Schwartz, *The Myth of Efficient Breach*, 97 VA. L. REV. 1939 (2011))

Meaning, Purpose and Cause in the Law of Deception, 100 GEO. L.J. 449 (2012)

Implied Certification under the False Claims Act, 41 PUB. CONT. L.J. 1 (2011) (with Michael Holt)

PUBLICATIONS (cont.)

Intent to Contract, 95 VA. L. REV. 1437 (2009)

Reprinted in part in PERSPECTIVES ON CONTRACT LAW, 4TH ED. 317 (R. Barnett ed. 2009)

A Conditional Intent to Perform, 15 LEGAL THEORY 107 (2009)

Three Pictures of Contract: Duty, Power and Compound Rule, 83 N.Y.U. L. REV. 1726 (2008)

Contracting for Cooperation in Recovery, 117 YALE L.J. 2 (2007)

New Rules for Promissory Fraud, 48 ARIZ. L. REV. 957 (2006) (with Ian Ayres)

The Very Idea of a First Amendment Right against Compelled Subsidization, 38 U.C. DAVIS L. REV. 1087 (2005)

Reprinted in FIRST AMENDMENT LAW HANDBOOK: 2005-2006 EDITION 726 (Rodney A. Smolla ed., 2005)

Promissory Fraud without Breach, 2004 WIS. L. REV. 507 (with Ian Ayres)

A Framework for Reading Kant on Apperception: Seven Interpretive Questions, 94 KANT-STUDIEN 80 (2003)

Other Writings

Amicus Curiae Brief to the United States Court of Appeals for the Fifth Circuit regarding BMC Software, Inc. v. International Business Machines Corporation, No. 22-20463 (April 17, 2023)

Contributor to New Private Law blog, available at: <http://blogs.law.harvard.edu/nplblog/>

[*Empiricism and Privacy Policies in the Restatement of Consumer Contracts*](#), 36 YALE J. ON REG.: NOTICE & COMMENT (Feb. 28, 2019)

S2ERC Project: Vendor Truth Serum (Sept. 22, 2016) (with Eric Burger) (white paper analyzing DeWitt clauses in software contracts, NSF Grant No. 1362046), available at: http://s2erc.georgetown.edu/sites/s2erc/files/documents/vts_technical_report.pdf

Three Pictures of Contract: Duty, Power and Compound Rule, THE LEGAL WORKSHOP, April 27, 2008

Writing on Insincere Promises, THE SCRIVNER (Fall 2006)

PUBLICATIONS (cont.)

Promissory Fraud, 78 N.Y. ST. B.J. 26 (May 2006) (with Ian Ayres)

INTERPRETATION, APPERCEPTION AND JUDGMENT: AN INQUIRY INTO KANT AND CONTEMPORARY PHILOSOPHY OF MIND (1999) (unpublished Ph.D. dissertation, Graduate Faculty of Political and Social Science of the New School for Social Research (New York))

GEIST UND WELT (1998) (translation of JOHN MCDOWELL, MIND AND WORLD (1994), with Holm Bräuer and Thomas Blume)

Works in Progress

Rules and Reasons in Common Law Adjudication

The Parol Evidence Rule: Past, Present and Future

Apt and Certain Words (book)

PRESENTATIONS AND CONFERENCES

Gender and Deception: Moral Perceptions and Legal Responses

Georgetown Law Faculty Workshop, January 23, 2023

Northwestern University Law Review 2022 Symposium: Fraud and the Erosion of Trust, October 28, 2022

How to Interpret a Vending Machine: Smart Contracts and Legal Contracts

Hebrew University Private and Commercial Law Workshop, March 21, 2022

Florida State University College of Law Faculty Workshop, October 7, 2021

Georgetown Law Summer Workshop, June 4, 2020

Tailoring ex Machina

Symposium on *Personalized Law: Different Rules for Different People*, University of Chicago Law School, November 12-13, 2021

Arthur Linton Corbin (1874–1967)

Scholars of Contract Law Workshop, April 30, 2021

Georgetown Law Faculty Workshop, September 8, 2022

Organizer, Summer 2020 Online Contracts Reading Group (approximately 70 participants from all over the world)

False Advertising Law and Private Law Values

Oxford Handbook on Private Law Conference, Harvard University, Harvard University, March 15-16, 2019

PRESENTATIONS AND CONFERENCES (cont.)

Contracts, Constitutions, and Getting the Interpretation-Construction Distinction Right
2018 Salmon P. Chase Faculty Colloquium & Lecture, Center for the Constitution,
Georgetown University Law Center, December 1, 2018

Empiricism and Privacy Policies in the Restatement of Consumer Contract Law
Haifa Law School Faculty Workshop, March 7, 2018
Hebrew University Private Law Workshop, March 26, 2018
Georgetown Law Faculty Workshop, August 29, 2017

The Law of Deception: A Research Agenda
Private Law Theory Workshop, Faculty of Law, Tel Aviv University, March 7, 2018
2017 Rothgerber Constitutional Law Conference, University of Colorado School of
Law, April 14, 2017

The Parol Evidence Rule and the Mechanics of Choice
Freedom, Choice, and Contract, Columbia Law School, October 13-14, 2017

The Rules of the Game and the Morality of Efficient Breach
Workshop on Contract and Promise, Yale Law School, September 16, 2016
Georgetown Law Summer Workshop, June 2, 2016

Apt and Certain Words: Contract Interpretation, Construction and Theory,
Chapters 2 & 3
Private Law Theory Workshop, Faculty of Law, Tel Aviv University, March 30, 2016
Legal Theory Workshop, Fordham Law School, February 3, 2016
North American Workshop on Private Law Theory, University of Toronto, October
23-24, 2015

What If Fiduciary Obligations Are Like Contractual Ones?
Contract, Status and Fiduciary Law, McGill University, November 6 & 7, 2015
Contract and Fiduciary Duty: Two Things or Just One?, University College London,
July 9, 2015

10th International Conference on Contracts, Boyd School of Law, UNLV,
February 27 & 28, 2015
Panelist, Roundtable on Tentative Draft No.1, Restatement of Consumer Contracts
Panelist, Roundtable on Robin Kar, *Contract as Empowerment*

Who Contracts and the Plural Functions of Contract Law, or Convergence by Design
Harvard Private Law Colloquium, February 4, 2014
Georgetown Law Faculty Workshop, January 29, 2013
Georgetown Law Summer Workshop, May 31, 2011

PRESENTATIONS AND CONFERENCES (cont.)

Apt and Certain Words: The Interpretation and Construction of Contracts

Georgetown Law Summer Workshop, June 4, 2013

Co-organizer (with Prince Saprai and George Letsas), Bentham House Annual Conference 2013: The Philosophical Foundations of Contract Law, at University College London, May 10-11, 2013

Efficient Breach

The Philosophical Foundations of Contract Law, University College London, May 11, 2013

Against Endowment Theory: Experimental Psychology and Legal Scholarship

University of North Carolina School of Law, October 4, 2012

Georgetown Faculty Workshop, January 17, 2012

The Rules of the Game: Punitive Damages in Efficient Contracts

Quinnipiac-Yale Dispute Resolution Workshop, April 13, 2012

Invited participant, ALI Law of Criminal Fraud Conference at Duke Law School, October 29, 2011

Organizer, Contract and Promise Workshop, at Georgetown University Law Center
September 23-24, 2011; September 24-25, 2010; September 11-12, 2009; September 19-20, 2008; September 14-15, 2007

Promise Etc.

Contract as Promise at 30, Suffolk University Law School, March 24, 2011

Georgetown Law & Philosophy Workshop, February 7, 2011

Intent to Contract in Theory and Practice

AALS Contracts Section Annual Meeting, Navigating Lombard Street in a Fog: Seeking (or Ignoring) Landmarks of Intent and Context, January 6, 2011

Implied Certification Under the False Claims Act

Georgetown Law Faculty Workshop, September 2010

Meaning, Purpose and Cause in the Private Law of Information

University of Washington School of Law Faculty Colloquium, February 2010

Co-Organizer, Endowment Effect Workshop, at Georgetown University Law Center, November 13, 2009

PRESENTATIONS AND CONFERENCES (cont.)

Regulating Information

Contract Law: Interdisciplinary Perspectives, Hebrew University, June 2009
Georgetown Law Summer Workshop, June 2008

Powers and Duties

Oxford Jurisprudence Discussion Group, Oxford University, April 2009

Intent to Contract

Ayres Co-Author Conference, Yale Law School, February 2009
University of Georgia School of Law Faculty Workshop, October 2008
SMU Dedman School of Law Faculty Forum, October 2007
Georgetown Law Faculty Retreat, February 2007

Three Pictures of Contract

Contract Theory Seminar, William And Mary Law School, October 2008
Georgetown Law and Philosophy Workshop, November 2007
Georgetown Law Summer Workshop, May 2007

Contracting for Cooperation in Recovery

Stanford-Yale Junior Faculty Forum, Stanford Law School, June 2007
Georgetown Law Faculty Workshop, January 2007
University of Virginia Law School Faculty Workshop, October 2006

New Rules for Promissory Fraud

Dan Dobb's Economic Torts Conference, Arizona Law School, March 2006

Promissory Fraud without Breach

Freedom from Contract Conference, Univ. Wisconsin Law School, February 2004

ACADEMIC SERVICE

Peer Review: Oxford University Press; Cambridge University Press; Israel Science Foundation; Law & Social Inquiry; Erkenntnis; Oxford Journal of Legal Studies; Res Publica; American Journal of Comparative Law; Law and Philosophy; Legal Theory; Queens Law Journal; Journal of Law, Information & Science; Journal of Law, Medicine and Ethics

Committees

Building Committee (chair), 2022-present
Entry-Level Appointments, 2006-07, 2008-09, 2012-15, 2020-21
Lateral Appointments, 2010-11, 2013-15, 2020-21
University Committee on Rank and Tenure, 2018-20
Library Director Search, 2019-20

Committees (cont.)

University Faculty Senate, 2018-20
Fellows, 2008-11, 2011-15 (chair), 2015-16, 2018-19
ABA Self-Study & Faculty Handbook (chair), 2016-18
University Downtown Planning, 2016-18
University Research Integrity, 2015-17
University Research Integrity, 2013-15
Campus Art, 2013-14 (chair)
Institutes and Centers, 2012-13
Legal Research and Writing, 2012-13
Long-Range Planning, 2007-09, 2012-13
Rank & Tenure, 2011-13
Third-Year Curriculum, 2009-10
Curriculum, 2007-08
Journals, 2005-06

OTHER

Admitted: New York State, Fifth Circuit Court of Appeals
German (fluent); Spanish (fair)