

# James Toomey

(516) 993-9083 • james-toomey@uiowa.edu

## ACADEMIC POSITIONS

**Associate Professor of Law**, University of Iowa College of Law (July 2024 – Present)

*Courses:* Property; Trusts & Estates; Elder Law

**Assistant Professor of Law**, Elisabeth Haub School of Law at Pace University (July 2022 – June 2024)

*Courses:* Property; Contracts; Trusts & Estates; Health Law in America

*Awards:* Goettel Prize for Faculty Scholarship (2023)

**Climenko Fellow & Lecturer on Law**, Harvard Law School (September 2020 – June 2022)

*Courses:* First Year Legal Research & Writing; Elder Law Reading Group

## EDUCATION

**Harvard Law School**, J.D., *magna cum laude* (2019)

*Research:* Student Fellow, Petrie-Flom Center for Health Law Policy, Biotechnology & Bioethics (September 2018 – May 2019)

Cravath International Travel Fellowship (January 2018)

*Teaching:* Teaching Fellow, Professor Michael J. Sandel, for the undergraduate course “Money, Markets and Morals.” Awarded Harvard Distinction in Teaching Award. (Fall 2018)

*Journal:* Executive Editor for Online, HARV. NAT. SEC. J. (Fall 2018 – May 2019)

**Cornell University**, B.A. in English, *summa cum laude*, and Government, *magna cum laude* (2016)

*Theses:* ‘All Made the One Way’: Nationalism, Purpose and Universal Human Nature in James Joyce’s *Ulysses*. (English). Awarded M.H. Abrams Prize for Best Thesis.

*Imperium Legum Non Hominum:* A Constitutional Theory of Democratic Peace. (Government). Awarded Kasdan-Montessori Peace Prize for Best Thesis on the Problems of Securing Peace in the World.

*Activities:* Phi Beta Kappa Society

President, Cornell Literary Society

## LAW REVIEW ARTICLES

*Executor Discretion*, 110 IOWA L. REV. (forthcoming 2025) ([link](#))

*Love, Liberalism, Substituted Judgment*, 99 IND. L. J. 1289 (2024) ([link](#))

*“Religion,” Before Darwin*, 101 WASH. U. L. REV. 661 (2024) ([link](#))

*Property’s Boundaries*, 109 VA. L. REV. 131 (2023) ([link](#)) (Goettel Prize for Faculty Scholarship)

*The Age of Fraud*, 60 HARV. J. LEG. 101 (2023) ([link](#)) (reviewed on [Jotwell](#))

*Narrative Capacity*, 100 N.C. L. REV. 1073 (2022) ([link](#))

*How to End Our Stories: A Study of the Perspectives of Seniors on Dementia and Decision-making*, 29 ELDER L. J. 1 (2021) ([link](#))

### **PEER-REVIEWED ARTICLES**

*Advance Medical Decision-Making Differs Across First- and Third-Person Perspectives* (with Jonathan Lewis, Ivar Hannikainen & Brian Earp), forthcoming AJOB EMPIRICAL BIOETHICS (2024) ([link](#))

*Evolutionary Anamnesis*, 37 BIOLOGY & PHIL. 56 (2022) ([link](#))

*Too Important for the Bureaucrats: Rethinking Risk and Regulatory Presumptions in Times of Crisis*, 47 AM. J. L. & MED. 249 (2021) ([link](#))

*‘As Long As I’m Me’: From Personhood to Personal Identity in Dementia and Decision-making*, 4 CANADIAN J. BIOETHICS 57 (2021) ([link](#))

*Constitutionalizing Nature’s Law: Dignity and the Regulation of Biotechnology in Switzerland*, 7 J. L. & BIOSCIENCES 1 (2020) ([link](#))

*Understanding the Perspectives of Seniors on Dementia and Decision-making*, 12 AJOB EMPIRICAL BIOETHICS 101 (2020) ([link](#))

### **BOOKS**

REINACH AND THE FOUNDATIONS OF PRIVATE LAW (ed., with Marietta Auer, Paul B. Miller & Henry E. Smith), Cambridge University Press (forthcoming).

### **SHORTER WORKS & BOOK CHAPTERS**

*Darwin’s Reinach*, in REINACH AND THE FOUNDATIONS OF PRIVATE LAW (Marietta Auer, Paul B. Miller, Henry E. Smith & James Toomey, eds.) Cambridge University Press (forthcoming) ([link](#))

*Conceptual Private Law in Healthcare Finance*, in HEALTH LAW AS PRIVATE LAW (I. Glenn Cohen, Wendy Netter Epstein, Christopher Robertson & Carmel Shachar, eds.), Cambridge University Press (under contract) ([link](#))

*Liberalism and Identity*, 21 AM. J. BIOETHICS 59 (2021), Open Peer Commentary to *Neutrality and Perfectionism in Public Health*, by Hafez Ismaili M’Hamdi ([link](#))

*Is Noninvasive Prenatal Genetic Testing Eugenic?*, HASTINGS CEN. BIOETHICS F. (Dec. 13, 2017) ([link](#))

## **JUDICIAL CLERKSHIP**

Hon. Stanley Marcus, U.S. Court of Appeals for the Eleventh Circuit (2019 – 2020)

## **RELEVANT WORK EXPERIENCE**

Sullivan & Cromwell LLP—New York; London (summer 2018; summer 2019)  
*Summer Associate* (offer extended)

U.S. Attorney’s Office for the District of Massachusetts (spring 2018, January 2019)  
*Legal Intern—Healthcare Fraud*

U.S. Attorney’s Office for the Eastern District of New York (summer 2017)  
*Legal Intern—International Narcotics and Money Laundering*

Securities Industry & Financial Markets Association (SIFMA) (summer 2016)  
*Intern—State Government Affairs; Senior Investor Protection Initiative*

Cornell University Police Department (fall 2012 – spring 2016)  
*Police Auxiliary*

## **SELECTED COMMENTARY**

*Equalizing the Genetic Lottery?*, BILL OF HEALTH, Jan. 12, 2022 ([link](#))

*There’s More to Decision-Making Capacity than Cognitive Function*, BILL OF HEALTH, Sept. 8, 2021 ([link](#))

*Responsibly Developing Gene Drives: The GeneConvene Global Collaborative*, BILL OF HEALTH, Jan. 13, 2021 ([link](#))

*Book Review: Mary Ziegler’s ‘Abortion and the Law in America’*, BILL OF HEALTH, Dec. 2, 2020 ([link](#))

*To Combat the COVID-19 Pandemic, the US Should Crowdsource Contact Tracing*, BILL OF HEALTH, Nov. 4, 2020 ([link](#))

*No One Is Sovereign Over Genetic Sequences*, BILL OF HEALTH, Mar. 21, 2019 ([link](#))

*Malaria Eradication: For Africa as America*, BILL OF HEALTH, Mar. 7, 2019 ([link](#))

*On Social Suicide Prevention, Don’t Let the Perfect be the Enemy of the Good*, BILL OF HEALTH, Feb. 20, 2019 ([link](#))

*Towards Human Bioprogess*, BILL OF HEALTH, Nov. 26, 2018 ([link](#))

## **ACADEMIC SERVICE**

Faculty Development Committee, Elisabeth Haub School of Law at Pace University.  
(2022 – present)

Guest lecturer, “Health Law and Policy,” taught by Aaron Kesselheim & Brendan Abel, Harvard Medical School. Taught “Introduction to the American Legal System” class to M.S. in Bioethics students. (2021 – present).

Peer Reviewer

*University of Oxford Human Rights Hub* (2024)

*Clinical Ethics*, SAGE Publishing (2023)

*Medicine, Health Care and Philosophy*, Springer Nature (2023)

*Journal of Law, Medicine & Ethics*, Cambridge University Press (2023)

*Legal Theory*, Cambridge University Press (2022)

Routledge. (2021).

**SELECTED PRESENTATIONS**

*Authentic Substituted Judgment*, 2024 Law-Med Conference: Cognitive Decline and the Law, Case-Western University, Cleveland (Mar. 1, 2024)

*Darwin’s Reinach*, Reinach and Private Law Theory, Max Planck Institute for Legal History and Legal Theory, Frankfurt (Aug. 21, 2023)

*Advance Decision and First- and Third-Person Judgments*, Yale–Oxford–Jagiellonian Bioxphi Workshop, Jagiellonian University, Kraków (June 27, 2023)

*Conceptual Private Law in Healthcare Finance*, Health Law as Private Law Conference, Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School, Cambridge (June 23, 2023)

*Narrative Capacity*, Health Law Policy, Bioethics, and Biotechnology Workshop, Harvard Law School, Cambridge (Sept. 8, 2021)

**BAR ADMISSIONS**

New York (2020)