

Douglas G. Baird

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Current Position:

Harry A. Bigelow Distinguished Service Professor, University of Chicago Law School

University and Other Activities

Chair, National Bankruptcy Conference (2020-present)
President, American Law and Economics Association (2013-2014)
Vice President, American Law and Economics Association (2012-2013)
Secretary-Treasurer, American Law and Economics Association (2011-2012)
Fellow, American Academy of Arts and Sciences (since 1996)
Member, National Bankruptcy Conference (since 1993)
Vice-Chair, National Bankruptcy Conference (1997-2005)
Scholar in Residence, American College of Bankruptcy (2009-2013)
Director, American College of Bankruptcy (2005-2009)
Fellow, American College of Bankruptcy (since 2003)
Treasurer, South East Chicago Commission (2010-2011)
Vice President, South East Chicago Commission (2003-2011)
Board of Directors and Member of Executive Committee, South East Chicago Commission (1991-2011)
Board of Directors, American Law Deans Association (1997-99)
Board of Directors, American Law and Economics Association (1992-1995; 2008-2010)
Treasurer, The Renaissance Society (2002-2004)
Board of Directors, The Renaissance Society (1992-2004)
Chair, Faculty Retirement Oversight Committee (2020-)
Member, Faculty Retirement Oversight Committee (2014-16)
Chair, Committee on Awards and Prizes (2009-2011)
Chair, Standing Committee on Academic Fraud, University of Chicago (2005-2007)
Chair, Arts Planning Council, University of Chicago (2001-2003)
Chair, Committee on Patents, Software and Intellectual Property, University of Chicago (1989-92)

Member, Council on Research, University of Chicago (1989-92)
Chair, Library Board, University of Chicago (1989-92)

Positions

Visiting Professor of Law, Yale University (2000)
Dean, University of Chicago Law School (1994-99)
Robert Braucher Visiting Professor of Law, Harvard University (1993)
Harry A. Bigelow Professor of Law, University of Chicago (1988-1996)
Visiting Professor of Law, Stanford University (1987-88)
Professor of Law and Associate Dean, University of Chicago Law School (1984-87)
Assistant Professor of Law, University of Chicago Law School (1980-83)
Law clerk to the Hon. Dorothy W. Nelson, Circuit Judge, United States Court of Appeals for the Ninth Circuit (1980)
Law clerk to the Hon. Shirley M. Hufstедler, Circuit Judge, United States Court of Appeals for the Ninth Circuit (1979)

Degrees

LL.D. h.c., University of Rochester, October 1994
J.D., Stanford Law School, June 1979; Order of the Coif; Managing Editor, 31 Stanford Law Review
B.A. in English, Yale College, June 1975 (conferred *summa cum laude*)

Publications of Douglas G. Baird

The Unwritten Law of Corporate Reorganizations (Cambridge University Press forthcoming 2022)
Cases, Problems, and Materials on Contracts (Foundation Press 11th edition 2019) (with Dawson, Harvey, and Henderson)
Elements of Bankruptcy (Foundation Press 6th edition 2014)
Reconstructing Contracts (Harvard University Press 2013)
Cases, Problems, and Materials on Contracts (Foundation Press 10th edition 2013) (with Dawson, Harvey, and Henderson)
Elements of Bankruptcy (Foundation Press 5th edition 2010)
Economics of Contract Law (Edward Elgar 2007) (editor)
Contracts Stories (Foundation Press 2007) (editor)
Elements of Bankruptcy (Foundation Press 4th edition 2006)
Elements of Bankruptcy (Foundation Press 3d edition 2001)

Cases, Problems, and Materials on Contracts (Foundation Press 9th edition 2008)
(with Dawson, Harvey, and Henderson)

Cases, Problems, and Materials on Bankruptcy (Foundation Press 3d edition
2000) (with Adler and Jackson)

Game Theory and the Law (Harvard University Press 1994) (with Gertner and
Picker)

The Elements of Bankruptcy (Foundation Press revised edition 1993)

The Elements of Bankruptcy (Foundation Press 1992)

Cases, Problems, and Materials on Security Interests in Personal Property
(Foundation Press 1984) (with Jackson)

Cases, Problems, and Materials on Security Interests in Personal Property (2d ed.
Foundation Press 1987) (with Jackson)

Cases, Problems, and Materials on Bankruptcy (Little, Brown 1985) (with Jack-
son)

Cases, Problems and Materials on Bankruptcy (2d ed. Little, Brown 1990) (with
Thomas Jackson)

Bankruptcy—Past, Present, and Future, 94 *The Advocate* 13 (Spring 2021) (with
Isgur)

A Cause for Distress? Ways the Federal Income Tax Pushes Taxpayers into
Bankruptcy, *Taxes* 73 (March 2021) (with Sexton, Hoffenberg & Swartz)

Making Sense of Make Wholes, 94 *Am. Bankr. L. J.* 67 (2020)

Law and War in the New World: *Last of the Mohicans*, *The Spy*, and *The
Pioneers* in Cannons and Codes: Law, Literature, and America's Wars
(Alison LaCroix, Jonathan Masur, and Martha Nussbaum eds) (2021)

Absolute Priority and its Discontents, *Tijdschrift voor Belgisch Handelsrecht /
Revue de Droit Commercial Belge* 717 (June 2020)

The Fraudulent Conveyance Origins of Chapter 11: An Essay on the Unwritten
Law of Corporate Reorganizations, 36 *Emory Bankr. Dev. L.J.* 699 (2020).

Common Law Judging in an Age of Statutes, 87 *U. Chi. L. Rev.* 2321 (2020)

The Creditors' Bargain—Past, Present, and Future, in *Research Handbook on
Corporate Bankruptcy Law* (Barry Adler ed.) (2020)

Unlikely Resurrection: Richard Posner, Promissory Estoppel, and *The Death of
Contract*, 86 *U. Chi. L. Rev.* 1037 (2019)

Money and Art in Edward Bellamy's *Looking Backward*, in *Power, Prose, and
Purse: Law, Literature, and Economic Transformations* (Alison LaCroix,
Saul Levmore, and Martha C. Nussbaum eds) (2019)

The Bankruptcy Partition, 166 *U. Penn. L. Rev.* 1675 (2018) (with Casey &
Picker)

Pari Passu Clauses and the Skeuomorph Problem in Contract Law, 67 *Duke L.J.
Online* 84 (2017)

"Economics of Contract Law," *The Oxford Handbook of Law and Economics*,
vol. II, pp. 3-19 (Francesco Parisi, ed.) (2017)

Bankruptcy's Quiet Revolution, 91 *Am. Bankr. L.J.* 593 (2017)

Priority Matters, 165 U. Penn. L. Rev. 785 (2017)

Chapter 11's Expanding Universe, 87 Temple L. Rev. 975 (2015)

The Rights of Secured Creditors After *Rescap*, 2015 Il. L. Rev. 849

One-and-a-Half Badges of Fraud, Practical Lawyer 41 (August 2014)

American Stoic, in *American Guy: Masculinity in American Law and Literature* (Levmore & Nussbaum, eds) (2014)

Bankruptcy Step Zero, 2012 Sup. Court Rev. 203 (2013) (with Casey)

No Exit? Withdrawal Rights and the Law of Corporate Reorganizations, 113 Colum. L. Rev. 1 (2013) (with Casey)

Precontractual Disclosure Duties Under the Common European Sales Law, 50 Common Market L. Rev. 297 (2013)

Law, Commerce, and Gender in Trollope's *Framley Parsonage*, in *Subversion and Sympathy* (LaCroix & Nussbaum, eds) (2013)

Blue Collar Constitutional Law, 86 Am. Bankr. L.J. 3 (2012)

Lessons from the Automobile Reorganizations, J. Leg. Analysis (2012)

Dodd-Frank for Bankruptcy Lawyers, 19 Am. Bankr. Inst. L. Rev. 287 (2011)

Bankruptcy from Olympus, 77 U. Chi. L. Rev. 959 (2010)

Present at the Creation: The SEC and the Origins of the Absolute Priority Rule, 18 Am. Bankr. L. Rev. 591 (2010)

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Other People's Money, 60 Stan. L. Rev. 1309 (2008) (with Henderson)

The Young Astronomers, 74 U. Chi. L. Rev. 1641 (2007)

Reconstructing Contracts: *Hamer v. Sidway*, in *Contract Stories* (Foundation Press 2007)

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Technology, Information, and Bankruptcy, 2007 U. Ill. L. Rev. 305

Legal Approaches to Restricting Distributions to Shareholders: The Role of Fraudulent Transfer Law, 7 European Business Org. L. Rev. 199 (2006)

Absolute Priority, Valuation Uncertainty, and the Reorganization Bargain, 115 Yale L.J. 1930 (2006) (with Bernstein)

Private Debt and the Missing Lever of Corporate Governance, 154 U. Pa. L. Rev. 1209 (2006) (with Rasmussen)

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Serial Entrepreneurs and Small Business Bankruptcies, 105 Colum. L. Rev. 2310 (2005) (with Morrison)

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¿Bogart permanece en boga?: Rights of publicity en la era digital, *Ano XIV*, No. 29 *ius et veritas* 179 (2005) (translation from *Does Bogart Still Get Scale? Rights of Publicity in the Digital Age*, 4 *Green Bag* 357 (2001))

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The New Face of Chapter 11, 12 *Am. Bankr. L. Rev.* 69 (2004)

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Chapter 11 at Twilight, 56 *Stan. L. Rev.* 673 (2003) (with Rasmussen)

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Four (or Five) Easy Lessons From Enron, 55 *Vand. L. Rev.* 1787 (2002) (with Rasmussen)

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Does Bogart Still Get Scale? Rights of Publicity in the Digital Age, 4 *Green Bag* 357 (2001)

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Revisiting Auctions in Chapter 11, 36 J. Law & Econ. 633 (1993)

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Book Review: Avinash K. Dixit & Barry J. Nalebuff, Thinking Strategically, 100 Journal of Political Economy 1278 (1992)

The Dark Side of Chapter 11: A Comment on Professor Triantis’ Article, 20 Canadian Business L.J. 261 (1992)

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Fraudulent Conveyances, Agency Costs, and Leveraged Buyouts, 20 J. Legal Stud. 1 (1991)

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The Uneasy Case for Corporate Reorganizations, 15 J. Legal Stud. 127 (1986)

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Changing Technology and Unchanging Doctrine: *Sony Corp. v. Universal Studios*, 1984 S. Ct. Rev. 237

Notice Filing and the Problem of Ostensible Ownership, 12 J. Legal Stud. 53 (1983)

Common Law Intellectual Property and the Legacy of *International News Service v. Associated Press*, 50 U. Chi. L. Rev. 411 (1983)

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A Simple Noncooperative Bargaining Model of Corporate Reorganizations, 20 J. Legal Stud. 311 (1991) (with Randal Picker)

Bargaining After the Fall and the Contours of the Absolute Priority Rule, 55 U. Chi. L. Rev. 738 (1988) (with Jackson)

Fraudulent Conveyance Law and its Proper Domain, 38 Vand. L. Rev. 829 (1985)
(with Jackson)

Corporate Reorganizations and the Treatment of Diverse Ownership Interests: A
Comment on Adequate Protection of Secured Creditors in Bankruptcy, 51 U.
Chi. L. Rev. 97 (1984) (with Jackson)

Information, Uncertainty, and the Transfer of Property, 13 J. Legal Stud. 299
(1984) (with Jackson)

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Jackson)

Possession and Ownership: An Examination of the Scope of Article 9, 35 Stan. L.
Rev. 175 (1983) (with Jackson)

Rules, Standards, and the Battle of the Forms: A Reassessment of §2-207, 68 Va.
L. Rev. 1217 (1982) (with Robert Weisberg)

Human Cannonballs and the First Amendment, 30 Stan. L. Rev. 1185 (1978)

Cases, Problems, and Materials on Bankruptcy: 1987 Supplement (Little, Brown
1987) (with Jackson)

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Cases, Problems, and Materials on Bankruptcy: 1994 Supplement (Little, Brown
1994) (with Jackson)