

LEE ANNE FENNELL

Professor of Law

University of Chicago Law School
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TEACHING POSITIONS

University of Chicago Law School, Professor, July 2007 to present

Courses: Property; Torts; Local Government; Land Use; Social Welfare Law;
Fair Housing
Committee Service: Appointments (2008-10); Law Teaching: Placement of
Graduates (2007-08)

University of Illinois College of Law, Professor, 2006-07

Associate Professor, 2004-06
Associate Director, Illinois Program in Law and Economics
Courses: Property; Land Use; Statutory Interpretation - Fair Housing; Advanced
Law and Economics (co-taught with Thomas S. Ulen)
Committee Service: Admissions and Scholarships (Spring 2007); Curriculum and
Academic Affairs (2004-05)

University of Virginia School of Law, Visiting Professor, Fall 2006

Courses: Social Welfare Law; Tragedies of the Commons and Anticommons

New York University School of Law, Visiting Professor, Spring 2006

Courses: Fair Housing; Colloquium on the Law, Economics, and Politics of
Urban Affairs (co-taught with Vicki Been and Ingrid Gould Ellen)

Yale Law School, Visiting Associate Professor, Fall 2005

Courses: Property; Social Welfare Policy

University of Texas School of Law, Assistant Professor, 2001-04

Courses: Property; Social Welfare Law; Economics, Behavior, and the Law
Committee Service: Rules and Standards (2003-04); Appointments (2002-03);
Curriculum (2001-02)

University of Chicago Law School, Bigelow Teaching Fellow, 1999-2001

Courses: Legal Research and Writing; Distributive Justice

University of Virginia, English Department, Instructor, 1997-98

Courses: Introductory Fiction Writing

EDUCATION

Georgetown University Law Center, Washington, D.C.

J.D., May 1990; *magna cum laude*; Order of the Coif
Topics Editor, *American Criminal Law Review*
John M. Olin Fellow in Law and Economics

University of Virginia, Charlottesville, VA

Scholar-in-Residence, School of Law, Fall 1998 to Spring 1999
M.F.A. in Fiction Writing, May 1998; Henry Hoyns Fellow in Fiction

Baylor University, Waco, TX

B.B.A. in Public Administration, August 1987; *summa cum laude*

PUBLICATIONS

BOOKS

[THE UNBOUNDED HOME: PROPERTY VALUES BEYOND PROPERTY LINES](#) (Yale UP, 2009)

ARTICLES, ESSAYS, AND WORKING PAPERS

[Controlling Residential Stakes](#) (with Julie Roin), 77 U CHI. L. REV. (symposium piece, forthcoming 2010)

[Willpower and Legal Policy](#), 5 ANN. REV. OF LAW & SOCIAL SCIENCE (forthcoming 2009)

[Adjusting Alienability](#), 122 HARV. L. REV. 1403 (2009)

[Homeownership 2.0](#), 102 NORTHWESTERN UNIV. L. REV. 1047 (2008)

[Slices and Lumps](#), U of Chicago Law & Economics, Olin Working Paper No. 395 (2008 Coase Lecture)

[Property and Half-Torts](#), 116 YALE L.J. 1400 (2007)

[Properties of Concentration](#), 73 U. CHI. L. REV. 1227 (2006)

[Efficient Trespass: The Case for “Bad Faith” Adverse Possession](#), 100 NORTHWESTERN UNIV.

L. REV. 1037 (2006)

[*Taxation over Time*](#) (with Kirk J. Stark), 59 TAX LAW REVIEW 1 (2005)

[*Revealing Options*](#), 118 HARV. L. REV. 1399 (2005)

[*Taking Eminent Domain Apart*](#), 2004 MICH. ST. L. REV. 957 (2004) (symposium piece)

[*Contracting Communities*](#), 2004 U. ILL. L. REV. 829 (2004)

[*Common Interest Tragedies*](#), 98 NORTHWESTERN U. L. REV. 907 (2004)

[*Relative Burdens: Family Ties and the Safety Net*](#), 45 WILLIAM & MARY L. REV. 1453 (2004)

[*Fear and Greed in Tax Policy: A Qualitative Research Agenda*](#) (with Christopher C. Fennell), 13 WASH. U. J. L. & POL'Y 75 (2003) (symposium piece)

[*Death, Taxes, and Cognition*](#), 81 NORTH CAROLINA L. REV. 567 (2003)

[*Beyond Exit and Voice: User Participation in the Production of Local Public Goods*](#), 80 TEXAS L. REV. 1 (2001)

Hard Bargains and Real Steals: Land Use Exactions Revisited, 86 IOWA L. REV. 1 (2000),
reprinted in 2001 ZONING & PLANNING LAW HANDBOOK 525 (Patricia Salkin, ed., 2001)
and 33 LAND USE & ENVIRONMENT L. REV. 3 (A. Dan Tarlock & David Callies, eds.,
2002)

Between Monster and Machine: Rethinking the Judicial Function, 51 SOUTH CAROLINA L. REV.
183 (1999)

Interdependence and Choice in Distributive Justice: The Welfare Conundrum, 1994 WISCONSIN
L. REV. 235 (1994)

Optimality in Fourth Amendment Law, 27 AM. CRIM. L. REV. 473 (1990)

BOOK CHAPTERS

[*Commons, Anticommons, Semicommons*](#), in RESEARCH HANDBOOK ON THE ECONOMICS OF
PROPERTY LAW, Henry E. Smith & Kenneth Ayotte, eds. (forthcoming Edward Elgar,
2009)

[*Exclusion's Attraction: Land Use Controls in Tieboutian Perspective*](#), in THE TIEBOUT MODEL AT
FIFTY: ESSAYS IN PUBLIC ECONOMICS IN HONOR OF WALLACE OATES 163 (William

Fischel, ed.) (Lincoln Institute of Land Policy 2006)

Hyperopia in Public Finance, in BEHAVIORAL PUBLIC FINANCE 141 (Edward J. McCaffery & Joel Slemrod, eds.) (Russell Sage 2006)

Unpacking the Gift: Illiquid Goods and Empathetic Dialogue, in THE QUESTION OF THE GIFT: ESSAYS ACROSS DISCIPLINES 85 (Mark Osteen, ed.) (Routledge 2002)

COMMENTS AND BOOK REVIEWS

Scaling Property with Professor Ellickson, WM & MARY BILL OF RIGHTS J. (forthcoming symposium piece)

Odds and Ends: An Epstein-Inspired Look at Luck, TULSA LAW REVIEW (forthcoming symposium piece)

Commentary on William A. Fischel, Political Structure and Exclusionary Zoning: Are Small Suburbs the Big Problem? in FISCAL DECENTRALIZATION AND LAND POLICIES, Gregory K. Ingram & Yu-Hung Hong, eds. (Lincoln Institute of Land Policy, 2008)

[Order with Outlaws?](http://www.pennumbra.com/responses/12-2007/Fennell.pdf) 156 U Pa. L. Rev. PENnumbra 269 (2007), <http://www.pennumbra.com/responses/12-2007/Fennell.pdf>. (response to Eduardo Moisés Peñalver & Sonia K. Katyal, *Property Outlaws*, 155 U. PA. L. REV. 1095 (2007)).

Book Review (ROBIN PAUL MALLOY, LAW IN A MARKET CONTEXT: AN INTRODUCTION TO MARKET CONCEPTS IN LEGAL REASONING (2004)), 55 J. LEGAL EDUC. 295 (2005)

Homes Rule, 112 YALE L.J. 617 (2002) (review of WILLIAM A. FISCHEL, THE HOMEVOTER HYPOTHESIS: HOW HOME VALUES INFLUENCE LOCAL GOVERNMENT TAXATION, SCHOOL FINANCE, AND LAND-USE POLICIES (2001))

WORKS IN PROGRESS

Risk Reversibility

Taxing Willpower

RECENT AND UPCOMING PRESENTATIONS

Wolf Family Lecture on the American Law of Real Property, University of Florida Levin College of Law, 2010

Gifford/Starn O'Toole Marcus & Fisher Lecture in Real Property, University of Hawai'i School of Law, November 2009

Columbia Law School, Law and Economics Workshop, October 2009

Silicon Flatirons Workshop on New Institutional Economics (NIE) for Law Professors (discussant), University of Colorado, June 2009

American Law and Economics Association, Annual Meeting, May 2009

Case Western Reserve University School of Law, Faculty Workshop, April 2009

Legal Scholarship Symposium Honoring Richard Epstein, University of Tulsa College of Law, March 2009

Temple University School of Law, Faculty Workshop, March 2009

Northwestern University School of Law, Searle Law and Economics Colloquium, March 2009

Indiana University, Political Theory Workshop, March 2009

University of Southern California, Law, Economics, and Organization Workshop, February 2009

Columbia Law School, Tax Policy Colloquium, December 2008

Conference Honoring Robert Ellickson (awardee of the Brigham-Kanner Property Rights Prize) (panelist), William & Mary School of Law, October 2008

Midwest Law and Economics Association, Annual Meeting, October 2008

Kansas University School of Law, Faculty Workshop, September 2008

University of Iowa School of Law, Faculty Workshop, September 2008

University of Colorado School of Law, Property Works in Progress Conference, June 2008

Law and Society Annual Meeting, Montreal, May 2008

American Law and Economics Association, Annual Meeting, May 2008

Contested Commodities: Reframing the Debate on Financial Incentives in the Supply of Genetic Materials (commentator), University of Chicago Law School, April 2008

University of Chicago Law School, Coase Lecture, February 2008

Association of American Law Schools, Annual Meeting, Property Junior Scholars Panel (commentator), January 2008

Midwest Law and Economics Association, Annual Meeting, October 2007

Queen's University Faculty of Law, Lecture, September 2007

University of Illinois at Chicago, Institute of Government and Public Affairs Public Policy Research Seminar, September 2007

American Political Science Association, Annual Meeting, Panel on Cities and Homeowners' Associations (commentator), August 2007

University of Chicago Law School, Works in Progress Workshop, July 2007

Lincoln Institute of Land Policy, Conference on Land Policies and Fiscal Decentralization (commentator), Cambridge, MA, June 2007

Notre Dame Law School, Faculty Colloquium, April 2007

University of Michigan School of Law, Legal Theory Workshop, March 2007

George Washington School of Law, Law and Economics Workshop, February 2007

University of Southern California, Law, Economics, and Organization Workshop, November

2006

University of Virginia School of Law, Faculty Workshop, November 2006
 Midwest Law and Economics Association, Annual Meeting, October 2006
 University of Texas, Center for Law, Business & Economics Workshop, October 2006
 University of Alabama School of Law, Faculty Colloquium, September 2006
 Georgetown University Law Center, Environmental and Land Use Workshop, September 2006
 American Law and Economics Association, Annual Meeting, May 2006
 Northwestern University School of Law, Tax Policy Colloquium, April 2006
 University of Pennsylvania School of Law, Legal Theory Workshop, April 2006
 University of Chicago Law School, Law and Economics Workshop, February 2006
 University of Minnesota School of Law, Faculty Workshop, February 2006
 New York University School of Law, Colloquium on Tax Policy and Public Finance February 2006
 New York University School of Law, Faculty Workshop, February 2006
 University of Indiana School of Law – Bloomington, Faculty Workshop, February 2006
 Yale Law School, Faculty Workshop, November 2005
 Association for Public Policy Analysis and Management, 2005 Fall Conference, Washington, D.C., November 2005
 Harvard Law School, Faculty Workshop, September 2005
 Conference Commemorating the 50th Anniversary of Charles Tiebout’s “A Pure Theory of Local Expenditures,” Lincoln Institute of Land Policy and Rockefeller Center for Social Sciences at Dartmouth College, June 2005
 Northwestern University School of Law, Faculty Workshop, April 2005
 St. Louis University Law School, Faculty Workshop, April 2005
 Critical Tax Theory Conference, Seattle University School of Law, April 2005
 UCLA Law School, Colloquium on Tax Policy and Public Finance, February 2005
 Ohio State University College of Law, Faculty Workshop, February 2005
 Local Government Law Symposium, University of Virginia School of Law, January 2005
 Association of American Law Schools, Annual Meeting, “Hot Topic” Panel on Public Use, January 2005
 Symposium on *County of Wayne v. Hathcock*, Michigan State University College of Law, November 2004
 Real Options and the Law, John M. Olin Conference, University of Virginia School of Law, October 2004
 Midwest Law and Economics Association, Annual Meeting, October 2004
 University of Illinois Faculty Retreat, May 2004
 American Law and Economics Association, Annual Meeting, May 2004
 Behavioral Public Finance Conference: Toward a New Agenda, University of Michigan Business School, April 2004
 Tulane University Law School, Environmental Law Conference, April 2004
 Columbia University School of Law, Law and Economics Workshop, March 2004
 NYU Tax Policy Colloquium, February 2004
 AALS Panel on State and Local Government Law, Annual Meeting, Atlanta, GA, January 2004
 Midwest Law and Economics Association, Annual Meeting, October 2003

Lewis & Clark Law School, Faculty Colloquium, October 2003
American Law and Economics Association, Annual Meeting, September 2003
Canadian Law and Economics Association, Annual Meeting, September 2003
Regional Meeting of the International Association for the Study of Common Property, August 2003
International Society of Family Law: North American Regional Conference, University of Oregon School of Law, June 2003
Stanford/Yale Junior Faculty Forum, Stanford Law School, June 2003

CONFERENCES AND PANELS ORGANIZED

University of Chicago Law Review Symposium Conference, Reassessing the State and Local Government Toolkit, June 2009 (conference organizer, with Julie Roin and Richard Epstein)
American Law and Economics Association, 2009 Annual Meeting, Area Organizer for Property and Environmental Law (with Gary Libecap); 2005 Annual Meeting, Area Organizer for Property
AALS Section on State and Local Government Law, 2009 Annual Meeting Program (section chair and panel organizer)
Illinois Program in Law and Economics, The Future of the Commons and the Anticommons, June 2006 (conference organizer, with Thomas S. Ulen)
University of Illinois College of Law, 2005 Faculty Retreat (conference organizer, with Charles Tabb)

MANUSCRIPT REFEREE

Journal of Legal Studies, 2006, 2007
Land Use and Environment Law Review, 2004-09
Michigan University Press, 2004
Princeton University Press, 2002
Yale University Press, 2006

LEGAL EXPERIENCE

Virginia School Boards Association, Staff Attorney, Charlottesville, VA
September 1998 to July 1999

State and Local Legal Center, Associate Counsel, Washington, D.C.
November 1992 to June 1996

Pettit & Martin, Associate, Washington, D.C. and San Francisco, CA
September 1990 to November 1992