

TAL KASTNER

Assistant Professor of Law

Touro University, Jacob D. Fuchsberg Law Center

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ACADEMIC APPOINTMENTS

TOURO UNIVERSITY, JACOB D. FUCHSBERG LAW CENTER

Assistant Professor of Law, 2021-present

Courses: Property I, Property II, Law and Literature

NEW YORK UNIVERSITY SCHOOL OF LAW

Jacobson Fellow in Law and Business, 2019-2021

Courses: Corporate Governance, Ethical and Legal Challenges of the Modern Corporation, Corporate Turnarounds

Acting Assistant Professor of Lawyering, 2016-2019

Courses: Lawyering, Legal Professional Practicum

BENJAMIN N. CARDOZO SCHOOL OF LAW

Postdoctoral Fellow of Law and Interdisciplinary Studies, 2013-2016

Graduate Fellow in Jewish Law and Interdisciplinary Studies, 2011-2013

BARUCH COLLEGE, THE CITY UNIVERSITY OF NEW YORK

Adjunct Assistant Professor, 2015-2016

Course: Great Works

PRINCETON UNIVERSITY

Lecturer, 2012-2013

Courses: Center for Human Values: Clues, Evidence, Detection: Law Stories, Crime Fiction & Film

EDUCATION

PRINCETON UNIVERSITY

Ph.D. (English)

Dissertation: *The Boilerplate of Everything and the Ideal of Agreement in American Law and Literature*

Annan Dissertation Fellowship, 2009; Princeton University Merit Prize, 2003-2005

Assistant in Instruction, The Role of Law in American History, Professor Hendrik Hartog, Department of History, Fall 2010; Spring 2007

YALE LAW SCHOOL

J.D.

Yale Law Journal, editor

Yale Journal of Law and the Humanities, editor

Yale Law Women

UNIVERSITY OF PENNSYLVANIA

B.A. (English), *summa cum laude*

Phi Beta Kappa; Benjamin Franklin Scholar

Honors Thesis: *Mary Robinson: Thoughts on the Condition of Women and Their Identity*

PUBLICATIONS

Systemic Risk of Contract, 47 *BYU LAW REVIEW* 101 (2021).

“Highly recommended” by Lawrence Solum, *Legal Theory Blog*, July 7, 2021.

Ranked in the top 5 of Top 10 Downloads for *Law & Society: Private Law-Contracts eJournal* (August 10, 2021-September 14, 2021).

Form Contract, in *OXFORD HANDBOOK OF LAW AND HUMANITIES* (Maksymillian Del Mar, Bernadette Meyler & Simon Stern eds., 2020) (book chapter).

Boilerplate: Deconstructing the Fiction of Contract, in *FICTIONAL DISCOURSE AND THE LAW* (Hans Lind ed., 2020) (book chapter).

Contract Creep, 107 *GEORGETOWN LAW JOURNAL* 1277 (2019) (with Ethan Leib).

Defining Law, 64 *VILLANOVA LAW REVIEW* 693 (2019) (book symposium).

The Treachery of Rape Representation, in *I CONFESS* (Brandon Arroyo & Thomas Waugh eds., 2019) (with Ummni Khan) (book chapter).

Policing Narrative, 71 *SMU LAW REVIEW* 1117 (2018)

(reprinted in *The Legal Writing Institute Monograph Series on Legal Justice* (2020)).

Deviance in Nineteenth Century American Law and Culture, in *ROUTLEDGE RESEARCH COMPANION TO LAW AND THE HUMANITIES IN NINETEENTH CENTURY AMERICA* (Simon Stern & Nan Goodman eds., 2017) (book chapter).

“*I’m Just Some Guy*”: *Positing and Leveraging Legal Subjects in Consumer Contracts and the Global Market*, 23 *INDIANA JOURNAL OF GLOBAL LEGAL STUDIES* 531 (2016) (peer reviewed).

Introduction: Imagining Post-Neoliberal Regulatory Subjectivities, 23 *INDIANA JOURNAL OF GLOBAL LEGAL STUDIES* 377 (2016) (with Mika Villaman & Mikko Rajavuori) (peer reviewed collection introduction).

How ‘Bout Them Apples?: The Power of Stories of Agreement in Consumer Contracts, 7 *DREXEL LAW REVIEW* 67 (2014).

“*Bartleby*”: *A Story of Boilerplate*, 23 *LAW & LITERATURE* 365 (2011) (peer reviewed).

The Persisting Ideal of Agreement in an Age of Boilerplate, 35 *LAW & SOCIAL INQUIRY* 793 (2010) (peer reviewed book review).

BOOK PROJECT

THE AGE OF BOILERPLATE: AGREEMENT AND AGENCY IN AMERICAN LAW AND LITERATURE (solicited manuscript, Oxford University Press).

COMMENTARY AND PRESS

Scrivener’s Error or Systemic Issue?, *NEW YORK LAW JOURNAL*, Nov. 23, 2021.

‘Lamps Plus’ Undermines Contract Principles, *NEW YORK LAW JOURNAL*, Apr. 29, 2019.

Letter to the Editor, Re: Financial Goliaths and Consumer Davids, NEW YORK TIMES, July 13, 2017.

Agreement over Arbitration, THE HILL, Feb. 22, 2016.

OTHER LEGAL EXPERIENCE

CLEARY GOTTLIEB STEEN & HAMILTON LLP, *Associate*, 1999-2004

Advised corporate clients on a range of transactional matters, including corporate law, regulatory compliance, securities law, and mergers and acquisitions. Participated in civil rights pro bono projects and local mentoring program.

SUPREME COURT OF ISRAEL

JUSTICE DALIA DORNER, *Articled Law Clerk*, 1998-1999

PRESIDENT AHARON BARAK, *Foreign Law Clerk*, 1997-1998

SELECTED SCHOLARLY PRESENTATIONS AND CONFERENCES

Reading for the Plot of Oklahoma v. Castro-Huerta

Modern Language Association Annual Convention, Just in Time Panel: The Supreme Court's 2022 Session, January 2023, Accepted Paper.

Contract Interpretation: A Macro Narrative

Huber Hurst Research Seminar, University of Florida and University of Miami, January 2023, Selected Paper.

Conference on Empirical Studies, University of Virginia School of Law, November 2022, Poster Session, Selected Paper.

Marquette University Law School Junior Faculty Works-in-Progress Workshop, September 2022, Invited Participant.

Law & Society Association Annual Meeting, July 2022, Accepted Paper.

Sula and the 'Joke' of Contract

Association for the Study of Law, Culture and Humanities Annual Conference, Emory Law School, June 2022.

Systemic Risk of Contract (and other titles)

Law & Society Association Annual Meeting, July 2021, Accepted Paper.

Touro College, Jacob D. Fuchsberg Law Center, November 2020.

University of Arkansas School of Law, November 2020.

Peking University School of Transnational Law, November 2020.

Paul M. Hebert Law Center, Louisiana State University, October 2020.

USD Knudson School of Law, October 2020.

Yale Law School Workshop, August 2020, Selected Participant.

Brooklyn Law School, November 2019.

UC Berkeley School of Law, November 2019.

University of Tulsa College of Law, October 2019.

Syracuse University College of Law, October 2019.

SEALS Prospective Law Teachers Workshop, July 2019, Selected Participant.

National Business Law Scholars Conference, June 2019, Selected Participant.

NYU School of Law Scholarship Clinic, April 2019, Selected Paper.

Defining Law

Shachoy Symposium, Villanova University Charles Widger Law School, February 2019,
Invited Speaker.

Contract Creep

Insurance and Contract Law Workshop, Villanova University Charles Widger Law School,
October 2018, Invited Paper.
NYU School of Law Scholarship Clinic, April 2018, Selected Paper.

Form Contract

Oxford Handbook of Law and Humanities Conference, University of London, June 2018,
Invited Paper.
Whitney Humanities Center, Interdisciplinary Conference: Law and Fictional Discourse,
Yale University, May 2015, Selected Paper.

Policing Narrative

Association for the Study of Law, Culture and Humanities Annual Conference, Georgetown
Law, March 2018.
Association of American Law Schools Annual Meeting, Evidence and Law and the
Humanities Joint Program, January 2017, Selected Paper.

The Treachery of Rape Representation

Literature and Law Conference, John Jay College of Criminal Justice, October 2017,
Selected Paper.
Association for the Study of Law, Culture and Humanities Annual Conference, Stanford
University, April 2017.

Deviance in Nineteenth Century American Law and Culture

Association for the Study of Law, Culture and Humanities Annual Conference, University of
Connecticut Law School, April 2016.
Literature and Law Conference, John Jay College of Criminal Justice, October 2015,
Selected Paper.

Positing and Leveraging Legal Subjects in Consumer Contracts and the Global Market

Academy of Finland and University of Turku, October 2014, Selected Paper.

Author Meets Reader — Margaret Jane Radin's "Boilerplate"

Law & Society Association Annual Meeting 2013, Discussant.

PROFESSIONAL ACTIVITIES AND SERVICE

Bar Admissions: New York Bar; Israel Bar

Referee Report: SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL OF CANADA (2018)

Peer Reviewer: *Law & Social Inquiry* (2017-2018)
Law, Culture, and the Humanities (2017)

Volunteer: Moot and Mentor Columbia University Truman Fellowship Finalists (2020-present)