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

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)

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

AWARDS & HONORS

Aging and the Law Section Emerging Scholar Award (American Association of Law Schools; 2026) (link)

Goettel Prize for Faculty Scholarship (Elisabeth Haub School of Law at Pace University; 2023) (link)

Harvard Distinction in Teaching Award (Harvard University; 2018)

M.H. Abrams Prize for Best Thesis (Cornell University Department of English; 2016)

Kasdan-Montessori Peace Prize for Best Thesis on the Problems of Securing Peace in the World (Cornell University Department of Government; 2016)

Phi Beta Kappa Society (Cornell University; 2016)

LAW REVIEW ARTICLES

Legal Personal Identity, 121 NW. U. L. REV. (forthcoming 2027) (link)

Parents as Liberal Fiduciaries, 68 B.C. L. REV. (forthcoming 2027) (link)

Dynamic Guardianship, 76 EMORY L. J. (forthcoming 2027) (link)

Privately-Crafted Obligations, 78 FLA. L. REV. (forthcoming 2026) (link)

Theories of Meaning, Theories of Law, 101 NOTRE DAME L. REV. 387 (2026) (link)

Fiduciary Standards, 51 ACTEC L. J. 265 (2026) (link) (reviewed on Jotwell)

Executor Discretion, 110 IOWA L. REV. 1323 (2025) (link) (reviewed on Jotwell)

Love, Liberalism, Substituted Judgment, 99 IND. L. J. 1289 (2024) (link) (reviewed on Jotwell)

"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

A qualitative study of true self judgments, epistemic access, and medical decision-making (with Jonathan Lewis, Ivar Hannikainen & Brian Earp), JOURNAL OF MEDICAL ETHICS (2025) (link)

Advance Medical Decision-Making Differs Across First- and Third-Person Perspectives (with Jonathan Lewis, Ivar Hannikainen & Brian Earp), 15 AJOB EMPIRICAL BIOETHICS 237 (2024) (link)

Evolutionary Anamnesis, 37 BIOLOGY & PHIL. 56 (2022) (link)

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

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

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

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

BOOKS

REINACH AND THE FOUNDATIONS OF PRIVATE LAW (ed., with Marietta Auer, Paul B. Miller & Henry E. Smith), Cambridge University Press (2025) (link)

SHORTER WORKS & BOOK CHAPTERS

Zombies, AI, and the "Objective" Theory of Contracts, HARV. J. L. & TECH. (forthcoming 2026) (link)

Personhood as Participation, in LEGAL PERSONHOOD IN PRIVATE LAW (Christopher Essert, Eva Micheler & Paul B. Miller, eds.) Cambridge University Press (forthcoming 2026) (link)

Introduction, in REINACH AND THE FOUNDATIONS OF PRIVATE LAW (Marietta Auer, Paul B. Miller, Henry E. Smith & James Toomey, eds.) Cambridge University Press (2025) (link)

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 (2025) (link)

Paying for Health Care and Private Law's Internal Point of View, in HEALTH LAW AS PRIVATE LAW (I. Glenn Cohen, Wendy Netter Epstein, Christopher Robertson & Carmel Shachar, eds.), Cambridge University Press (2025) (link)

The True Self and Decision-Making Capacity (with Jonathan Lewis, Ivar Hannikainen & Brian Earp), 24 AM. J. BIOETHICS 86 (2024), Open Peer Commentary to *Affect, values and problems assessing decision-making capacity*, by Jennifer Hawkins (link)

Introduction—Bioethics After Dobbs, 45 PACE L. REV. 1 (2024) (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 Bioprogress, BILL OF HEALTH, Nov. 26, 2018 (link)

ACADEMIC SERVICE

Associate Editor
Journal of Medical Ethics (2025 – present)

Intellectual Life Committee, University of Iowa College of Law (2024 – present)

Student Services Committee, University of Iowa College of Law (2025 – present)

Internal Procedures Committee, University of Iowa College of Law (2024 – 2025)

Faculty Development Committee, Elisabeth Haub School of Law at Pace University. (2022 – 2024)

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
JME Practical Bioethics, British Medical Journal Group (2026)
Neuroethics, Springer Nature (2026)
Cambridge University Press (2025)
University of Oxford Human Rights Hub (2024)
Clinical Ethics, SAGE Publishing (2023)
Medicine, Health Care and Philosophy, Springer Nature (2023; 2024)
Journal of Law, Medicine & Ethics, Cambridge University Press (2023)
Legal Theory, Cambridge University Press (2022)
Routledge. (2021).

SELECTED PRESENTATIONS

Privately-Crafted Obligations, Berkeley/Toronto/Texas/Yale Private Law Junior Faculty Forum, Austin (Apr. 18, 2026)

Zombies, AI, and the "Objective" Theory of Contracts, When AI Acts: Law for the Agentic Future, Cambridge (Mar. 28, 2026)

Personhood as Participation, Legal Personhood in Private Law, Rome (Nov. 6, 2025)

Fiduciary Standards, Health Law Policy, Bioethics, and Biotechnology Workshop, Harvard Law School, Cambridge (Sept. 9, 2024); Trust Law and Succession Workshop, George Mason Antonin Scalia Law School (Nov. 2, 2024); North American Workshop on Private Law Theory, Berkeley Law School (Jan. 31, 2025)

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)