ANTHONY JAMES SEBOK

Benjamin N. Cardozo School of Law
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EDUCATION

Princeton University, Ph.D. (Politics) 1993

Yale Law School, J.D. (Law) 1991

University of Oxford, M.Phil. (Politics) 1986

Cornell University, B.A. *magna cum laude* (Philosophy) 1984

EMPLOYMENT

Joseph and Sadie Danciger Chair in Law, Benjamin N. Cardozo School of Law, New York, NY, 2021 – present

Co-Director, Jacob Burns Center for Ethics in the Practice of Law, Benjamin N. Cardozo School of Law, New York, NY, 2017 – present

Adjunct Professor, NYU School of Law, 2022 – present. Courses: Third-Party Investment in Litigation (2022 - 2026), Torts (2023 & 2025), and Professional Responsibility (2026)

Visiting Professor of Law, Roma Tre University, Rome, Italy, Spring 2025 & Spring 2027

Professor of Law, Benjamin N. Cardozo School of Law, New York, NY, 2007 – 2021

Fellow, Center on Civil Justice, NYU School of Law, 2019 – 20

Visiting Professor of Law, Cornell Law School, Ithaca, NY, Spring 2018

Visiting Professor of Law, Haifa University, Haifa, Israel, Spring 2016

Distinguished Research Professor of Law, Swansea University, Wales, UK, 2013 – 2016

Joseph F. Cunningham Visiting Professor of Commercial and Insurance Law, Columbia Law School, New York, NY, Fall 2011

Visiting Professor of Law, Tsinghua University School of Law, Beijing, China, Summer 2010

Visiting Professor of Public and International Affairs, Princeton University, 2007-08

Associate Dean for Research, Brooklyn Law School, Brooklyn, NY, 2006-07

Centennial Professor of Law, Brooklyn Law School, Brooklyn, NY, 2005-2007

Fellow, Program in Law and Public Affairs and **Visiting Professor of Public and International Affairs**, Princeton University, 2005-06

Professor of Law, Brooklyn Law School, Brooklyn, NY, 1997-2005

DAAD Visiting Professor of Law, Freie Universität, Berlin, 2001

Berlin Prize Fellow, The American Academy in Berlin, 1999

Visiting Associate Professor of Law, Benjamin N. Cardozo School of Law, New York, NY, Spring 1997

Assistant Professor of Law, Brooklyn Law School, Brooklyn, NY, 1992-95

Law Clerk, Chief Judge Edward Cahn, U.S. District Court, Philadelphia, PA, 1991-1992

TEACHING

Torts, Professional Responsibility, Third-Party Investment in Litigation, Advanced Torts, Remedies, Insurance Law, Products Liability, Comparative Products Liability, Constitutional Law, Jurisprudence

BOOKS

TORT LAW: RESPONSIBILITIES AND REDRESS, SIXTH EDITION (with John C.P. Goldberg, Leslie Kendrick & Benjamin Zipursky) (Aspen Publishing, 2026)

THIRD PARTY LITIGATION FINANCE: LAW, POLICY & PRACTICE (Aspen Publishing, 2024)

TORT LAW: GLOBAL PERSPECTIVES (with Mauro Bussani and Marta Infantino) (Oxford University Press, 2022)

COMPARATIVE TORT LAW: GLOBAL PERSPECTIVES, SECOND EDITION (edited with Mauro Bussani) (Edward Elgar Publishing, 2021)

LEGAL POSITIVISM IN AMERICAN JURISPRUDENCE (Cambridge University Press, 1998)

PHILOSOPHY OF LAW: A COLLECTION OF ESSAYS (edited with Jules Coleman) (Garland Press, 1994)

ESSAYS

The Contradictions of the American Conception of "Legal Professionalism" in THE EVOLVING STATE OF AMERICAN EXCEPTIONALISM (Scott Dodson & Margaret Woo, eds., Edward Elgar Publishing, forthcoming 2027)

"History of Champerty and Maintenance" (with David Capper) and "Comparative Legal Ethics in Legal Finance" (with Lucy Pert) *in* LAW AND BUSINESS OF LITIGATION FINANCE (Steven Friel, ed.) (Bloomsbury Professional, UK, 2020; revised 2023)

"White Paper on Mandatory Disclosure in Third Party Litigation Finance," *in* SELECTED PAPERS ON LITIGATION FINANCE DISCLOSURE RULES (Center on Civil Justice, NYU School of Law, 2020)

"Sources of Attorney's Duties to Third Parties in the Litigation Funding Context," *in* HANDBOOK ON THIRD-PARTY FUNDING IN INTERNATIONAL ARBITRATION (Nikolaus Pitkowitz, ed., Juris Publishing, 2018)

"Actual Causation in the Second and Third Restatements: Or, the Expulsion of the Substantial Factor Test," *in* CAUSATION IN EUROPEAN TORT LAW (Marta Infantino & Eleni Zervogianni, eds., Cambridge University Press, 2017)

"Normative Theories of Punitive Damages: The Case of Deterrence," *in* PHILOSOPHICAL FOUNDATIONS OF THE LAW OF TORTS (John Oberdieck, ed., Oxford University Press, 2014)

"The U.S. Supreme Court's Theory of Common Law Punitive Damages: An Inauspicious Start," *in* THE POWER OF PUNITIVE DAMAGES: IS EUROPE MISSING OUT, (Lotte Meurkens and Emily Nordin, eds., Intersentia Press, 2012)

"Adversarial Legalism and the Emergence of a New European Legality: A Comparative Perspective" *in* IMAGINING NEW LEGALITIES: PRIVACY AND ITS POSSIBILITIES IN THE 21ST CENTURY (Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey, eds., Stanford University Press, 2012) (with Lars Trägårdh)

"Comment on 'Law as a Means'" *in* THE HART/FULLER DEBATE AT FIFTY (Peter Cane, ed., Hart Publishing, 2009)

"United States" and "Aggravated Damages" *in* UNIFICATION OF TORT LAW: PUNITIVE DAMAGES (Helmut Koziol and Vanessa Wilcox, eds., Research Unit for European Tort Law, 2009)

"Legal Positivism," *in* ENCYCLOPEDIA OF LEGAL HISTORY **(**Stanley Katz, ed., Oxford University Press, 2009)

"Legal Process and the Practices of Principle," *in* TOPICS IN CONTEMPORARY PHILOSOPHY, VOL. 3 (Michael O'Rourke, ed., MIT Press, 2006)

"A Brief History of Mass Restitution Litigation in the United States," *in* CALLING POWER TO ACCOUNT: LAW'S RESPONSE TO PAST INJUSTICE (D. Dyzenhaus & M. Moran, eds., University of Toronto Press, 2005)

"Should We Care About Fairness in Tort Damages? An Inquiry into American Exceptionalism," *in* AMERICAN AND GERMAN LEGAL CULTURES: CONTRAST, CONFLICT, CONVERGENCE? (Krakau, Knud & Streng, eds., Carl Winter Universitätsverlag, 2003)

"The Invisible Borderlines of Tort on the Internet" *in* SELECTED LEGAL ISSUES OF E-COMMERCE (Y. Kono, C. Paulus, & H. Rajak, eds., Kluwer Law Int'l, 2002)

"Legal Positivism and American Slave Law: The Case of Chief Justice Shaw," *in* RECRAFTING THE RULE OF LAW: THE LIMITS OF ORDER (D. Dyzenhaus, ed., Hart Pub., 1999)

ARTICLES

Misguided Paternalism in Commercial Law and Litigation Finance, VILLANOVA L. REV. __ (fortcoming 2027)

An Empirical Analysis Of The Regulation Of Litigant Third Party Financing (with Ronen Avraham and Joanna Shepherd), 25 THEORETICAL INQUIRIES L. 117 (2024)

Consumer Litigant Finance and Legal Ethics: Empirical Observations from Texas (with Lynn A. Baker), 25 THEORETICAL INQUIRIES L. 141 (2024)

Damages: Symposium Presentation of Anthony Sebok, 52 SW. L. REV. 607 (2024) (Symposium on Concluding the Restatement (Third) of Torts)

Making Sense Of Abatement As A Tort Remedy, 73 DEPAUL L. REV. 525 (2024) (Symposium on New Torts)

Aaron Twerksi: Practical Wisdom At Ground Zero, 18 BROOK. J. CORP. FIN. & COM. L. 141 (2024) (Symposium on Professor Aaron Twerski and the Law of Torts: Duty, Design, and Conflicts)

The Rules of Professional Responsibility and Legal Finance: A Status Update, 57 WAKE FOREST L. REV. 777 (2022)

The Public Right and Wrongs: Tort Theory and the Problem of Public Nuisance, 14 J. TORT L. 531 (2022) (Symposium on the Future of Tort Theory)

The Deep Architecture of American COVID-19 Tort Reform, 71 DEPAUL L. REV. 201 (2022) (Symposium on Tort Law & Social Policy, Civil Litigation in a Post-Covid World)

The Mysterious Market for Post-Settlement Litigant Finance, 96 N.Y.U. L. REV. ONLINE 181 (2021) (with Ronen Avraham and Lynn Baker)

The MDL Revolution and Consumer Legal Funding, 40 REV. LITIG. 143 (2021) (with Ronen Avraham and Lynn Baker)

Going Bare in the Law of Assignments: When Is an Assignment Champertous?, 14 FIU L. Rev. 85 (2020)

New Means of Financing Tort Lawsuits and Law Firms, 49 SW. L. REV. 505 (2019)

An Empirical Investigation of Third Party Consumer Litigation Funding, 104 CORNELL L. REV. 1133 (2019) (with Ronen Avraham)

Selling Attorneys' Fees, 2018 U. ILL. L. REV. 1207

Private Dollars For Public Litigation, 12 NYU J.L. & BUS. 809 (2016) (Symposium Litigation Funding, Center for Civil Justice, NYU School of Law)

The Unwritten Federal Arbitration Act, 65 DEPAUL L. REV. 1301 (2016) (Symposium on the Supreme Court, Business and Civil Justice)

Should the Law Preserve Party Control? Litigation Investment, Insurance Law and Double Standards, 56 WILLIAM & MARY L. REV. 837 (2015)

What Do We Talk About When We Talk About Control? 82 FORDHAM L. REV. 2939 (2014) (Symposium on the Legal Profession's Monopoly on the Practice of Law)

Litigation Investment and Legal Ethics: What are the Real Issues?, 55 CANADIAN BUSINESS LAW JOURNAL 111 (2014)

"*Operation Arbitration": Massing Individual Arbitrations in a Post-Class Action Era*, 63 DEPAUL L. REV. 447 (2014) (with Myriam Gilles) (Symposium on the Changing Face of Litigation and Law Firm Finance)

Jeffrey O'Connell and the Market in Tort Claims, 6 JOURNAL OF TORT LAW 115 (2013) (Symposium in Memory of Jeffrey O'Connell)

Characterizing the Parties' Relationship in Litigation Investment: Contract and Tort Good Faith Norms, 66 VAND. L. REV. 1832 (2013) (with W. Bradley Wendel)

The Failed Promise of a General Theory of Pure Economic Loss:

An Accident of History? 61 DEPAUL L. REV. 615 (2012) (Symposium on the Work of Robert Rabin)

What is Wrong About Wrongdoing?, 39 FLA. ST. U.L. REV. 209 (2011)

The Inauthentic Claim, 64 VAND. L. REV. 61 (2011)

Betting on Tort Suits After the Event: From Champerty to Insurance, 60 DEPAUL L. REV. 453 (2011) (Symposium on Uncertainty in Tort Law)

What Do We Talk About When We Talk About Mass Torts? 106 MICH. L. REV. 1213 (2008) (Annual Symposium Issue on Books in Law) (reviewing Richard Nagareda, MASS TORTS IN A WORLD OF SETTLEMENT)

Taking "Tort" Seriously in the Alien Tort Statute, 33 BROOK J. INT'L L. 871 (2008) (Symposium on Corporate Liability for Grave Breaches of International Law)

After Philip Morris v. Williams*: What is Left of the "Single Digit" Ratio?,* 2 CHARLESTON L. REV. 287 (2008) (Symposium on the Future of Punitive Damages)

Teaching Tort Law From a Comparative Perspective, 57 J. LEG. EDUC. 562 (2007)

Punitive Damages: From Myth to Theory, 92 IOWA L. REV. 957 (2007)

Dispatches From the Tort Wars: A Review Essay, 85 TEX. L. REV. 1465 (2007) (review essay on three recent books on tort reform and civil litigation)

The Place of Reliance in Fraud, 48 ARIZ. L. REV. 1001 (2006) (coauthored with John C.P. Goldberg and Benjamin C. Zipursky) (Symposium on Economic Torts)

Translating the Immeasurable: Thinking About Pain and Suffering Comparatively, 55 DEPAUL L. REV. 379 (2006) (Symposium on Measuring Pain and Suffering); *translated into Italian and reprinted in* DANNI DOLLARI E DOLORI (Marta Infantino & Mauro Bussani, eds., Editoriale Scientifica, 2016)

Deterrence or Disgorgement? Reading Ciraolo *After* Campbell, 63 MD. L. REV. 541 (2005) (Symposium on Guido Calabresi's *The Cost of Accidents*)

Two Concepts of Justice in Slavery Reparations, 84 B.U.L. REV. 1405 (2004) (Symposium on the Jurisprudence of Slavery Reparations)

Pretext, Transparency and Motive in Mass Restitution Litigation, 57 VAND. L. REV. 2177 (2004) (Symposium on Lawyers as Activists: Achieving Social Change through Civil Litigation)

What's Law Got to Do with It? Designing Compensation Schemes in the Shadow of the Tort System, 53 DEPAUL L. REV. 501 (2003) (Symposium on The September 11th Compensation Fund and the Future of Civil Justice)

Deutsche Firmen vor US-Gerichten, NEUE JURISTISCHE WOCHENSCHRIFT, S. 3244 - 3246 (November 3, 2003) (co-authored with Dr. Reiner Geulen)

The Fall and Rise of Blame in American Tort Law, 68 BROOK. L. REV. 1031 (2003) (Symposium on Responsibility & Blame: Psychological and Legal Perspectives)

Introduction: What Does It Mean To Say That a Remedy Punishes? 78 CHI-KENT L. REV. 3 (2003) (Symposium Editor, Private Law, Punishment, and Disgorgement)

What Did Punitive Damages Do? Why Misunderstanding the History of Punitive Damages Matters Today, 78 CHI-KENT L. REV. 163 (2003) (Symposium on Private Law, Punishment, and Disgorgement)

Reparations, Unjust Enrichment, and the Importance of Knowing the Difference Between the Two, 58 N.Y.U. ANN. SURV. AM. L. 651 (2003) (Symposium on A Dream Deferred: Comparative and Practical Considerations for the Black Reparations Movement)

A Road Not Taken: Harry Wellington, Legal Process and Adjudication, 44 N.Y.L.S. L. REV. 207 (2001) (Symposium on the Scholarship of Harry Wellington)

Purpose, Knowledge and Recklessness: Pruning The Restatement (Third)'s Definition of Intent, 54 VAND. L. REV.1165 (2001)

(Symposium on the Third Restatement of Torts: General Principles)

Liability Without Cause? Further Ruminations on Cause-in-Fact as Applied to Handgun Liability, 32 CONN. L. REV. 1379 (2000) (co-authored with Aaron Twerski) (Symposium on Guns and Liability in America)

Finding Wittgenstein at the Core of the Rule of Recognition, 52 SMU L. REV. 75 (1999)

Is the Rule of Recognition a Rule?, 72 NOTRE DAME L. REV. 1539 (1997)

The Insatiable Constitution, 70 S. CAL. L. REV. 601 (1997)

Reading THE LEGAL PROCESS, 94 MICH. L. REV. 2701 (1996)

Does an Objective Theory of Self-Defense Demand Too Much?, 57 U. PITT. L. REV. 725 (1996)

Misunderstanding Positivism, 93 MICH. L. REV. 2054 (1995) (*reprinted in* Tom Campbell, ed., THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW AND LEGAL THEORY, 2ND SERIES (Ashgate Publishing, 1999))

Judging the Fugitive Slave Acts, 100 YALE L. J. 1835 (1991) (*reprinted in* D. Dyzenhaus & A. Ripstein, eds., LAW AND MORALITY: READINGS IN LEGAL PHILOSOPHY (University of Toronto Press, 1996))

REPORTS

ABA Commission on Ethics 20/20, *White Paper on Alternative Litigation Finance* (2012) (Academic Co-reporter with W. Bradley Wendel)

SHORT PIECES

Book Review, 8 J. EUR. TORT L. 372 (2017) (*reviewing* Eoin Quill & Raymond J. Friel (eds.), *Damages and Compensation Culture: Comparative Perspectives* (2016))

Book Review, 5 J. EUR. TORT L. 137 (2014) (*reviewing* John Bell and David Ibbetson, *European Legal Development: The Case of Tort* (2012))

Book Review, JURIST, Vol. 2, Number 8, October 1999 (*reviewing* Richard Posner, *The Problematics of Moral and Legal Theory* (1999))

Book Review, 11 CAN. J. L. & JURIS. 457 (1998) (*reviewing* Dennis Patterson, *Law and Truth* (1997))

MEDIA **Regular Columns**

1. Jotwell (www.Jotwell.com):

The Shame Of Mass Torts (Review of ELIZABETH CHAMBLEE BURCH, THE PAIN BROKERS) (April 15, 2026)

The Return of Private Law (Review of Yotam Kaplan, Adi Libson, & Gideon Parchomovsky, *The Renaissance of Private Law*) (April 24, 2025)

We Don't Talk About Insurance (No, No, No!) (Review of Kenneth Abraham & Catherine Sharkey, *The Glaring Gap in Tort Theory*) (April 5, 2024)

Just Kidding? The Problem of Unenforceable Waivers of Liability, (Review of Edward Cheng, Ehud Guttel & Yuval Procaccia, *Unenforceable Waivers*) (February 8, 2023)

Law's Duct Tape? Using Public Nuisance To Fix The Holes In Administrative Law, (Review of David Dana, *Public Nuisance Law: When Politics Fail*) (January 3, 2022)

Beware of Strangers Bearing Gifts (Review of Joshua Knobe & Scott Shapiro, *Proximate Cause Explained: An Essay in Experimental Jurisprudence*) (January 21, 2021)

Is Less Really More? Abraham and Kendrick on Getting Rid of Affirmative Duties (Review of Kenneth Abraham & Leslie Kendrick, *There's No Such Thing as Affirmative Duty*) (January 23, 2019)

I Pity the Fool: Ori Herstein's Defense of The Klutz (Review of Ori Herstein, *Nobody's Perfect: Moral Responsibility in Negligence*) (December 19 2019)

Doing Away With Battery (Review of Stephen Sugarman, *Restating the Tort of Battery*) (December 20, 2017)

*What Is It Like To Think Like A Pre-Modern? (*Review of Kenneth Abraham & G. Edward White*, The Transformation of the Civil Trial and the Emergence of American Tort Law*) (February 13, 2016)

What Happens If We Call Discrimination a Tort? (Review of Sandra Sperino, *Let's Pretend Discrimination is a Tort*) (December 17, 2015)

Why Answer? (Review of Nils Jansen, *The Idea of Legal Responsibility*) (January 10, 2014)

Does Tort Law Empower? (Review of Ori Herstein, *How Tort Law Empowers*) (December 19, 2013)

Are Risks Wrong? (Review of John Oberdiek, *The Moral Significance of Risking*) (February 27, 2012)

2. New Private Law (http://blogs.law.harvard.edu/nplblog/):

Naked Came the Assignment (May 19, 2015)

A Frolic Of His Own (June 17, 2015)

Can Tort Damages Discriminate? (August 17, 2015)

3. Writ

Between 2000 – 2009 I wrote over 150 columns about litigation and society for *Writ*, an on-line legal journal. An archive of the columns can be found at: http://writ.news.findlaw.com/sebok.

4. Occasional Media Publications

Senate's 41% Litigation Finance Tax Would Hurt Legal System, Law360, June 26, 2025

We Must Fight The Phantom Threat Of Texas' Abortion Law, LAW360, September 15, 2021

New Ethics Opinion on Litigation Funding Gets It Wrong, NEW YORK LAW JOURNAL, August 31, 2018 (with Anthony E. Davis)

Lawsuit Lending Gets a Bad Rap: Killing the Industry With Regulation Would Hurt Accident Victims Again, CRAINS NEW YORK BUSINESS, June 11, 2018

Insight: Procedural, Substantive Concerns About The Litigation Funding Transparency Act of 2018, BLOOMBERG BNA, June 7, 2018

Americans Should Have the Proper Protections When Bringing Lawsuits, THE HILL, March 29, 2018 (with Ronen Avraham)

Mythic Pizza, THE NEW YORK TIMES, January 7, 2007 (with Samuel K. Murumba)

The Asbestos Mess, WALL ST. JOURNAL, March 8, 2006 (with Peter H. Schuck)

Menschenrechtsklagen in den USA, AUFBAU: DAS JÜDISCHE MONATSMAGAZIN, February 2006

Hearing On 9-11 Tort Cases Raises Difficult Questions Of Who Owed Duty To Whom, 21 No. 5 ANDREWS AVIATION LITIG. REP. 5 (May 13, 2003)

Prosaic Justice, LEGAL AFFAIRS 51 (Sept./Oct. 2002)

Disaster Plan, LEGAL TIMES, March 25, 2002

Is This Deal Good or Raw? NEWSDAY, January 27, 2002

Litigation Management: Sneaky Tort Reform, NATIONAL LAW JOURNAL, January 14, 2002

Television: The Oprah Winfrey Show, CBS Evening News, CNN, BBC World Business Report, Reuters TV, and RNN

Radio: NPR, WNYC, PRI's Marketplace. BBC Radio, Bavaria Radio and South African Radio

AWARDS AND FELLOWSHIPS

Berlin Prize Fellow, The American Academy in Berlin, 1999
Research Fellow, Humboldt Universität, Berlin, Germany, 1999
Fellow, Program in Law and Public Affairs, Princeton University, Princeton, NJ, 2005-06

PROFESSIONAL ACTIVITIES

American Bar Association

American Law Institute

American Association of Law Schools (Sections on Insurance Law, Jurisprudence, Remedies, and Torts & Compensation Systems)

MPRE Subject Matter Expert for the National Conference of Bar Examiners

Advisory Board, Dispute Financing Library, Center on Civil Justice, NYU School of Law

Ethics Consultant, Burford Group (U.K. and USA)

Co-Reporter, ABA Commission on Ethics 20/20, Third-Party Financing of Litigation Working Group (2011 – 2012)

Drafter, Section on Principles of Procedural Justice, ABA Litigation Section Project, "The Rule of Law in Times of Calamity" (2006)

Committee on Standards of Attorney Conduct, NYS Bar (2024 - present)

Committee on Professional Responsibility , New York City Bar Association, (2024 - present)

Committee on Professional Ethics, New York City Bar Association, (2021 – 2024)

Products Liability Committee, New York City Bar Association (2000 – 03); (2005 – 2007)

Civil Rights Committee, New York City Bar Association (1998 – 1999)

Lectures and Continuing Education Committee, New York City Bar Association (1995 – 96)

TESTIMONY

New York Senate Standing Committee on Consumer Protection, Public Hearing on Lawsuit Lending, May 16, 2018, (written and oral)