

PAUL BREST

Curriculum Vitae

Personal

Born August 9, 1940, Jacksonville, Florida

Married to Iris Lang Brest

Children: Hilary (b. 1965) and Jeremy (b. 1969)

Academic History

1962-1965 Harvard Law School. LL.B., Magna cum laude.

Supreme Court and Developments Note Editor,
Harvard Law Review

1958-1962 Swarthmore College. B.A. Major in English literature; minors in
philosophy and music

Employment

2000- Emeritus Professor, Stanford Law School, Master in Public Policy
Program (since 2007), and Graduate School of Business (since 2012), recalled
to active duty

2013-2015 Visiting Professor, National University of Singapore Business School

2000-2012 President, William and Flora Hewlett Foundation

1987-1999 Dean and Richard E. Lang Professor of Law,
Stanford Law School

1983-1987 Kenneth and Harle Montgomery Professor of Public Interest Law,
Stanford Law School

1983-1984 Fellow, Center for Advanced Study in the Behavioral Sciences

1977-1978 Visiting Professor, Yale Law School

1969-1983	Assistant Professor, Associate Professor, and Professor, Stanford Law School
Summer, 1970	Associate Editor, President's Commission on Campus Unrest
1968-1969	Law Clerk to Justice John M. Harlan, U.S. Supreme Court
1966-1968	Attorney, NAACP Legal Defense & Educational Fund, Jackson, Mississippi
1965-1966	Law Clerk to Judge Bailey Aldrich, Chief Judge, United States Court of Appeals, 1st Circuit

Honorary Degrees and Memberships

1991	Doctor of Laws, Swarthmore College
1982	American Academy of Arts and Sciences
1980	Doctor of Laws, Northeastern University Law School

Books

The Stanford PACS Guide to Effective Philanthropy (2019) (with various co-authors)

Money Well Spent: A Strategic Guide to Smart Philanthropy (2nd ed. Stanford University Press, 2018) (with Hal Harvey)

Translating Science into Policy: The Role of Decision Science, National Academies of Sciences (2016)

Problem Solving, Decision Making, and Professional Judgment: A Guide for Lawyers and Policy Makers, Oxford University Press 2010) (with Linda Krieger)

Processes of Constitutional Decisionmaking (Little, Brown, 1975);
(7th ed., 2018, with Sanford Levinson, et al.)

Articles

Changing Behavior to Improve People's Lives: A Practical Guide. (Ideas42 2019). (with Piyush Tandia, Jason Bade, and Maeve Richards).

International Finance Corporation, Creative Impact—The Promise of Impact Investing (April 2019) (chapter on “What is Impact Investing?”)

The Outcomes Movement in Philanthropy and the Nonprofit Sector, in *The Nonprofit Sector: A Research Handbook* (3rd ed. Powell & Bromley, eds. Forthcoming 2020).

How Investors Can (and Can't) Create Social Value, Stanford Social Innovation Review, December 8, 2016 (with Ronald Gilson and Mark Wolfson), forthcoming Journal of Corporation Law (2018).

Reconciling Corporate Social Responsibility and Profitability: Guidelines for the Conscientious Manager, in *Philanthropy in Democratic Societies* (Reich, Cordelli, and Bernholz, eds, 2016).

Impact Investing In the Absence of Credible Legal Institutions, 2016

Investing for Impact with Program-Related Investments: A report on strategic investing at the Bill & Melinda Gates Foundation, Stanford Social Innovation Review, Summer 2016.

Problem Solving, Human-Centered Design, and Strategic Processes (2015) (with Nadia Roumani and Jason Bade)

Strategic Philanthropy and its Discontents, Stanford Social Innovation Review (on line), Spring 2015.

When Can Impact Investing Create Real Impact (with Kelly Born), Stanford Social Innovation Review, Summer 2012. Fall, 2013.

Quis custodiet ipsos custodes?: Debiasing The Policy Makers Themselves, in Eldar Shafir (ed), *The Behavioral Foundations of Public Policy*. Princeton. 2012

Risky Business: How The William and Flora Hewlett Foundation approaches high-risk philanthropic ventures, Stanford Social Innovation Review, Summer 2012.

The value of calculated risk (with Ruth Levine and Linda Frey), Alliance Magazine, 1 June 2012

A Decade of Outcome-Oriented Philanthropy, Stanford Social Innovation Review, Spring 2012

The Power of Theories of Change, Stanford Social Innovation Review, Spring 2010

Calculated Impact, Stanford Social Innovation Review, Winter 2009

Amos Tversky's contributions to legal scholarship: Remarks at the BDRM session in honor of Amos Tversky, June 16, 2006, 1 Judgment and Decision Making 174 (2006)

Strategic Philanthropy and its Malcontents, in Moral Leadership (Deborah Rhode, editor, 2006).

In Defense of Strategic Philanthropy, 149 Proceedings of the American Philosophical Society 132 (2005)

What the Nonprofit Sector Can Learn from Home Improvements, Nonprofit Quarterly, Winter 2003

Smart Money: Strategic General Operating Support, Stanford Social Innovation Review Winter 2003.

Comments on Grutter v. Bollinger, 51 Drake L. Rev. 683 (2003).

Preface to Symposium, Empirical Legal Realism: A New Social Scientific Assessment of Law and Human Behavior, , 97 Nw. L. Rev. 1079 (2003).

Lawyers as Problem Solvers, 72 Temple L. Rev. 811 (1999) ((with Linda Krieger)

The Alternative Dispute Resolution Grab Bag: Complementary Curriculum, Collaboration, and the Pervasive Method, 50 Fla..L. Rev. 753 (1998)

The Responsibility of Law Schools: Educating Lawyers as Counselors and Problem Solvers, 58 Law & Contemp. Probs 5 (1995)

Affirmative Action for Whom?, 47 Stan. L. Rev. 855 (1995)
(with Miranda Oshige)

On Teaching Professional Judgment, 69 Wash. L. Rev. 527 (1994)
(with Linda Krieger)

Plus Ça Change, 91 Mich. L. Rev. 1401 (1993)

The Disorderly University: A Reply to Mark Tushnet, 4 Yale Journal of Law &
The Humanities 381 (1992)

Further Beyond the Republican Revival: Toward Radical Republicanism,
97 Yale Law Journal 1623 (1988)

Protecting Academic Freedom Through the First Amendment, 67 Texas Law
Review 1359 (1988)

Politics, Feminism, and the Anti-Pornography Movement in Minneapolis,
39 Stanford Law Review 607 (1987) (with Ann Vandenberg)

Congress as a Constitutional Decisionmaker and its Power to Counter Judicial
Doctrine, 21 Georgia Law Review 57 (1986)

Constitutional Citizenship, 35 Cleveland State Law Review 1 (1986)

"Legislation," 1 Encyclopedia of the American Constitution 464 (Levy, Karst &
Mahoney eds. 1986)

"Constitutional Interpretation," 3 id. 1136

Who Decides?, 58 Southern California Law Review 661 (1985)

"Race Discrimination," in Blasi, ed., The Burger Court: The Counter
Revolution that Wasn't (Yale University Press, 1983)

State Action and Liberal Theory: A Casenote on Flagg Brothers v. Brooks,
University of Pennsylvania Law Review (1982)

Interpretation and Interest, 34 Stanford Law Review 765 (1982)
The Fundamental Rights Controversy: The Essential Contradictions of
Normative Constitutional Scholarship, 90 Yale Law Journal 1063 (1981)

The Substance of Process, 42 Ohio State Law Review 131 (1981)

The Misconceived Quest for the Original Understanding, 60 Boston University Law Review 204 (1980)

Reflections on Motive Review, 15 San Diego Law Review 1141 (1978)

Foreword: In Defense of the Antidiscrimination Principle, 90 Harvard Law Review 1 (1976)

The Conscientious Legislator's Guide to Constitutional Interpretation, 27 Stanford Law Review 585 (1975)

Palmer v. Thompson: An Approach to the Problem of Unconstitutional Motivation, 1971 Supreme Court Review 95

Intelligence Gathering on Campus, in Law and Discipline on Campus (G. Holmes, ed. 1971)

The Federal Government's Power to Protect Negroes and Civil Rights Workers Against Private Inflicted Harm, 1 Harvard Civil Rights-Civil Liberties Law Review 2; 2 id. 1 (1966)

Book Reviews

Bollinger, The Tolerant Society, N.Y. Times Book Review, June 8, 1986

Barber, Strong Democracy, 13 Political Theory 465 (1985)

McClosky & Brill, Dimensions of Tolerance, N.Y. Times Book Review, January 1, 1984

Seligman, The High Citadel: The Influence of Harvard Law School, N.Y. Times Book Review, April 30, 1978

Berger, Government by Judiciary: The Transformation of the Fourteenth Amendment, N.Y. Times Book Review, December 11, 1977

Graglia, Disaster by Decree, 55 Tex. L. Rev. 569 (1977)

Coons, Clune and Sugarman, Public Wealth and Private Education, 23 Stanford Law Review 591 (1971)

Newspaper Opinion Columns

"Meese, the Lawman, Calls for Anarchy," New York Times, November 2, 1986 (on Attorney General Edwin Meese's view of judicial authority)

"When Judging Justices," Los Angeles Times, November 2, 1986 (with Elizabeth Leff) (on California judicial retention election)

"Supreme Court Prescribes a View of Privacy," Los Angeles Times, July 13, 1986 (on Hardwick v. Bowers)

Lectureships, Panels, etc.

University Faculty Talent Show, Schumann Piano Quintet (1998)

Music Guild at Stanford, Brahms Piano Quintet 1997

California Association of Scholars, Affirmative Action, 1994

Thomas F. Ryan Lecture, Georgetown Law Center, Does Law School Matter, 1994

Edward Barrett Lecture, University of California at Davis, Affirmative Action For Whom, 1993

William H. Leary Lecture, University of Utah College of Law, Affirmative Action in Faculty Hiring: A Non-Polemical Guide, 1991

AALS, Annual Meeting, panels on the Retention of Minority Law Teachers and Government, 1990

Alumni Distinguished Lecture in Jurisprudence, University of Tennessee College of Law The Revival of Civic Republicanism and the Possibility of Citizenship, 1989

Liberty Fund Conference on Community and Liberty, 1988

Georgetown Law School Colloquium on Constitutional Jurisprudence, 1988

8th Circuit Judicial Conference, talk on Constitutional Interpretation, 1987

9th Circuit Judicial Conference, panel on Judicial Review, 1987

AALS Annual Meeting, panels on Constitutional Law and Computers and Law, 1986

IBM Conference on Academic Computing, panel on Expert Systems, 1986

U.S.C. Symposium on Interpretation, 1985

AALS Institute on Teaching Constitutional Law, 1984

Distinguished Lecturer, Cleveland-Marshall Law School, 1984

Columbia Legal Theory Workshop, 1984

Julius Rosenthal Foundation Lecture Series, Northwestern University Law School, 1983

AALS Annual Meeting, Plenary Session on Legal Education, 1982

Society of American Law Teachers (SALT), Conference Equality, December 1979

Panelist, SALT Conference on Law Teaching, December 1979

Speaker, New York University Law Review Annual Banquet, May 1979

Distinguished Lecturer, Boston University Law School, February 1979

Yale Legal Theory Workshop, January 1979

Conference on Critical Legal Studies panel on Legal Education, November 1978

Conference on Equality, University of San Diego Department of Philosophy, May 1977

Outside Organizations, Consultants, etc.

2012-2016	Committee on Preparing the Next Generation of Policy Makers for Science-Based Decisions, National Academies of Sciences, Committee on Science, Technology, and Law
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2015-	Jasper Ridge Charitable Fund, Board of Directors
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2015-	ImpactMatters, Board of Directors
2013-	The Bridgespan Group, Board of Directors
2013-2016	Social Science Research Council Advisory Group
2012-2018	Creative Commons (Chair/Member, Board of Directors)
2011-2018	Advisory Board, Center for Advanced Study in the Behavioral Sciences (Chair 2013-16)
2011-	Board of Directors, Ideas42
2009 -	Board of Directors, Climate Policy Initiative
2005-2008	Advisory Board, National Center for Law and Philanthropy
2005-	Board of Trustees, Security Council Report
2003-2007	Board of Trustees, California Institute of Technology
2003-2010	Board of Directors, Ithaca Harbours
2002	CSIS-AUSA Commission on Post-Conflict Reconstruction
2002-present	Advisory Board, Partnership for Public Service
1997-2001	Advisory Board, Bella and Harry Wexner Kollel Elyon and Semikha Honors Program, Yeshiva Theological Seminary
1996-2008	Board of Directors, Sequitur (contemporary music ensemble)
1996-1998	Board of Directors, Friends of the Anacapa String Quartet
1991-1998	Advisory Board, Stanford String Quartet
1991-1993	Advisory Board, Snowbird Institute for the Humanities
1991-1994	Editorial Board, Journal of Legal Education
1991-1993	Advisory Board, Stanford Humanities Center
1990-1992	Advisory Board, Computer Professionals for Social Responsibility

1989-1992	Co-chair, California State Bar Commission on Lawyering Skills
1989-present	Advisory Board, Lawyers Committee for Civil Rights Under Law
1988-1989	Member, Board of Directors, Santa Clara County Bar Association Law Foundation
1988-1990	Member, AALS Committee on Minority Faculty Recruitment and Retention
1988-1992	Director, Reference Software, Inc.
1982-1984	President, Palo Alto Chamber Orchestra
1981-1990	President, Pro/Tem Software, Inc.
1980-1983	Board, Vanguard Public Foundation
1980-1984	Yale University Council Committee on the Law School
1978-1985	Board of Directors, Society of American Law Teachers
1975	Chair, Grievance Panel, Palo Alto Unified School District
1973-1977	Mexican-American Legal Defense and Educational Fund (MALDEF), Special Educational Task Force
1970-1972	The Ford Foundation (program monitor for MALDEF)

Stanford University and Law School Committees

2018	President's Advisory Committee on Renaming Principles (Chair)
2018	President's Advisory Committee on Renaming Junipero Serra Features
2019-	Interim Faculty Director, Steyer-Taylor Center on Energy and Climate
2000-	Co-director, Stanford Law School Law and Policy Lab
1987-1999	University Cabinet
1995-1996	University Information Infrastructure Committee

1995-1996	University Committee on Technology in Teaching and Learning
1992-1993	Provost's Committee on the Recruitment and Retention of Women Faculty
1990-1993	Advisory Committee, Stanford Humanities Center
1986-1987	Co-leader, Interdisciplinary Faculty Seminar on Interpretation (with Ann Swidler); Law School Appointments Committee; Interdisciplinary Program and Search Committee for the Program in Ethics and Society
1985-1986	Chair, Law School Placement Committee; Chair, Law School Committee to Evaluate the East Palo Alto Community Law Project
1984-1986	University Project Advisory Team on the IBM Grant
1981-1983	Advisory Council to Context (University Text-Processing Network); Committee on Public Events (Chair, 1983)
1981	Law School Dean Search Committee
1980-1982	Policy Board, Center for Research on Women
1979-1982	Chair, Law School Curriculum Committee
1979	Law School Ad Hoc Committee on Admissions Policy
1978-1984	Chair, Law School Seminars Committee
1978-1983	University Committee on Interdisciplinary Seminars
1978-1982	Coordinator of "Curriculum B" (experimental first-year Law School curriculum)
1978-1979	University Provost Search Committee
1976-1977	Law School Dean Search Committee
1975-1976	University Fellow

1974-1976	Chair, Law School Appointments Committee
1973-1974	University Committee on the Professoriate; Law School Appointments Committee; Chair, Legal Educational Opportunity Program (LEOP)
1972-1973	Chair, Law School Ad Hoc Committee on Minority Admissions
1971-1972	Academic Senate; Senate Steering Committee; Law School Appointments Committee; Chair, LEOP
1970-1971	University Ad Hoc Committee on Privacy; Chair, LEOP