

MICHAEL HELLER

Lawrence A. Wien Professor of Real Estate Law
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ACADEMIC

Permanent:

COLUMBIA LAW SCHOOL

Lawrence A. Wien Professor of Real Estate Law, 2002-present.

Vice Dean for Intellectual Life, 2005-2006.

Scholarship focuses on property theory, contract theory, real property, law and development, post-socialist transition. Courses include property, land use, and real estate transactions.

THE UNIVERSITY OF MICHIGAN LAW SCHOOL

Professor of Law, 1999-2002; Assistant Professor, 1994-1999.

WDI Co-Director for Corporate Governance Research, U.M. Business School, 1998-2004.

Awarded the L. Hart Wright Prize for Excellence in Law Teaching, 1996.

Visiting and Fellowships:

UCLA SCHOOL OF LAW, Visiting Professor, 2006-07.

CENTER FOR ADVANCED STUDY IN THE BEHAVIORAL SCIENCES, Fellow, 2004-05.

NEW YORK UNIVERSITY LAW SCHOOL, Visiting Professor, 2001.

COLUMBIA LAW SCHOOL, Olin Senior Fellow, Fall 2000.

YALE LAW SCHOOL, Visiting Co-Lecturer, Fall 1991.

PROFESSIONAL

THE WORLD BANK

Legal and Housing Policy Consultant / Deputy Task Manager, 1990-94, Washington, DC.

Advised Russian and Eastern European governments on creating property rights in land and housing.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Law Clerk, 1989-90, San Francisco, CA. Chambers of the Honorable James R. Browning.

THE URBAN INSTITUTE

Research Assistant in Public Finance and Housing, 1985-86, Washington, DC.

Designed projects for USAID to provide urban infrastructure in Honduras and Jamaica.

EDUCATION

- J.D. STANFORD LAW SCHOOL, *with distinction*, 1989
Order of the Coif; Articles Editor, Stanford Journal of International Law
- A.B. HARVARD UNIVERSITY, *cum laude with high honors in Social Studies*, 1985
Honors Thesis: "Protest and Patronage in the Venezuelan Barrios"

DRAFTS IN PROGRESS

Books

MINE! -- THE HIDDEN RULES OF OWNERSHIP (*with Jim Salzman*) (book proposal available)

Articles/Essays

The Property Pact (*with Hanoch Dagan*) (*draft available*)

The Rocking Chair: An Essay on the Value of Property (*draft available*)

PUBLICATIONS

Books

THE CHOICE THEORY OF CONTRACTS (*with Hanoch Dagan*)
CAMBRIDGE UNIVERSITY PRESS (hardcover, paperback, 2017)

COMMONS AND ANTICOMMONS

EDWARD ELGAR PUBLISHING (editor, with original introduction, 2 volumes, hardcover, 2010)

THE GRIDLOCK ECONOMY:

HOW TOO MUCH PROPERTY WRECKS MARKETS, STOPS INNOVATION, AND COSTS LIVES

BASIC BOOKS (hardcover 2008, paperback 2010; Korea edition with an original forward, 2009;
China, 2009; Taiwan, 2010; Thailand, 2011)

CORPORATE GOVERNANCE LESSONS FROM TRANSITION ECONOMY REFORMS

PRINCETON UNIVERSITY PRESS (co-edited with Merritt Fox, hardcover 2006, paperback 2008)

PUBLICATIONS – Continued

Book Chapters

An Overview of Anticommons Theory

in OXFORD HANDBOOK OF LAW AND ECONOMICS (F. Parisi, ed., Oxford University Press, 2016)

The ‘Land Assembly Districts’ Solution to Third Party Transfers (with Rick Hills)

in RETHINKING EXPROPRIATION LAW, Vol. 1 (B. Hoops, et al, eds, Eleven Int’l Publishing, 2015)

The Tragedy of the Anticommons

in COMMONS: A NEW THEORY OF FOR A NEW POLICY BEYOND MARKET AND STATE
(Silke Helfich and Heinrich Boll-Stiftung, eds., German hardcover 2012, English paperback 2012).

The Anticommons

in HANDBOOK ON PROPERTY LAW (Henry Smith, ed., Elgar Publishing, 2010)

Property Law

in OXFORD HANDBOOK OF LEGAL STUDIES
(P. Cane & M. Tushnet, eds., Oxford University Press 2003)

A Property Theory Perspective on Russian Enterprise Reform

in ASSESSING THE RULE OF LAW IN TRANSITION ECONOMIES
(P. Murrell, ed., University of Michigan Press, 2001)

Empty Moscow Stores: A Cautionary Tale for Property Innovators

in PROPERTY AND VALUES
(C. Geisler, G. Daneker & C. Matthei, eds., Island Press, 2000)

Progress and Limits in Property Rights Reform

in RUSSIA HOUSING REFORM AND PRIVATIZATION: STRATEGY AND TRANSITION ISSUES
(World Bank, 1995)

Articles

The Tragedy of the Anticommons: A Concise Introduction and Lexicon

76 MODERN LAW REVIEW 6 (2013)

Land Assembly Districts

121 HARVARD LAW REVIEW 1465 (with Rick Hills) (2008)

The Rose Theorem?

18 YALE JOURNAL OF LAW AND HUMANITIES 29 (2006)

PUBLICATIONS – Continued

Articles – continued

Common Interest Developments at the Crossroads of Legal Theory
37 URBAN LAWYER 329 (2006)

The UNE Anticommons: How the FCC Deters Broadband Innovation
22 YALE JOURNAL ON REGULATION 275 (2005)

Conflicts in Property
6 THEORETICAL INQUIRIES IN LAW 37 (2005) (with Hanoch Dagan)

The Liberal Commons
110 YALE LAW JOURNAL 549 (2001) (with Hanoch Dagan)

The Dynamic Analytics of Property Law
2 THEORETICAL INQUIRIES IN LAW 79 (2001)

Corporate Governance Lessons from Russian Enterprise Fiascos
75 NEW YORK UNIVERSITY LAW REVIEW 1720 (2000) (with Merritt Fox)

The Three Faces of Private Property
79 OREGON LAW REVIEW 417 (2000)

The Boundaries of Private Property
108 YALE LAW JOURNAL 1163 (1999)

Deterrence and Distribution in the Law of Takings
112 HARVARD LAW REVIEW 997 (1999) (with James E. Krier)
reprinted in LAND USE PLANNING HANDBOOK (West, 2000)
and in 31 LAND USE & ENVIRONMENTAL LAW REVIEW (2000)
(selected as one of best articles in field for year)

Who Owns Nothing? The Law of Takings in Phillips v. Washington Legal Foundation
7 SUPREME COURT ECONOMIC REVIEW 285 (1999)(with James E. Krier)

Revaluing Restitution: From the Talmud to Postsocialism
97 MICHIGAN LAW REVIEW 1385 (1999) (with Chris Serkin) (book review)

The Cutting Edge of Poster Law
49 JOURNAL OF LEGAL EDUCATION 467 (1999)

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PUBLICATIONS – Continued

Can Patents Deter Innovation? The Anticommons in Biomedical Research
280 SCIENCE 698 (1998) (with Rebecca S. Eisenberg)

The Tragedy of the Anticommons: Property in the Transition from Marx to Markets
111 HARVARD LAW REVIEW 621 (1998)

ABA Review of the UN Specialized Agencies: The IMF and World Bank
30 INTERNATIONAL LAWYER 441 (1996) (with the ABA Section on Int'l Law and Practice)

Property Rights: A View from the Trenches
19 YALE JOURNAL OF INTERNATIONAL LAW 203 (1994) (comment)

The Housing Sector in Budapest: Housing Finance and the Real Estate Sector
URBAN INSTITUTE WORKING PAPER 6127-67 (1992) (with Raymond Struyk, Jozsef Hegedus,
Katie Mark & Ivan Tosics),
reprinted in BUDAPEST IN TRANSITION: ESSAYS IN HOUSING AND PUBLIC FINANCE (1993)

Legal Reform for Hungary's Private Sector
WORLD BANK WORKING PAPER 983 (1992) (with Cheryl Gray & Rebecca Hanson),
revised and reprinted in 26 GEORGE WASHINGTON J. OF INT'L LAW & ECON. 293 (1993),
and in ACTA ECONOMICA (Hungary) (1993),
and in EVOLVING LEGAL FRAMEWORKS FOR PRIVATE SECTOR DEVELOPMENT
IN CENTRAL AND EASTERN EUROPE, WORLD BANK DISCUSSION PAPER 209 (1993)

The Legal Framework for Private Sector Initiative in a Transitional Economy: The Case of Poland
WORLD BANK WORKING PAPER 800 (1991) (with Cheryl Gray, et. al.),
revised and reprinted in 22 GEORGIA JOURNAL OF INTERNATIONAL LAW 283 (1992),
and in EVOLVING LEGAL FRAMEWORKS FOR PRIVATE SECTOR DEVELOPMENT IN
CENTRAL AND EASTERN EUROPE, WORLD BANK DISCUSSION PAPER 209 (1993)

Chernobyl Fallout: IAEA Conventions Expand Radiation Pollution Law
23 STANFORD JOURNAL OF INTERNATIONAL LAW 651 (1987)

Editorial

Where Are the Cures?
FORBES, "On My Mind" column, July 21, 2008

Innovation Gridlock
NEWSWEEK, Feb. 2, 2009

INVITED LECTURES

Mine! The Hidden Rules of Ownership

Sept. 13, 2016 Columbia Tues Faculty Lunch Talk

Choice Theory of Contracts

Sept 21, 2016 Harvard Private Law Theory Workshop
Nov. 19, 2015 Fordham Law School, Faculty Colloquium
Nov. 16, 2015 International Private Law Theory Group, via Skype
Apr. 9, 2015 European University Institute colloquium
Mar 26, 2015 Univ. of Connecticut Law School Faculty Colloquium
Feb. 6, 2015 UCLA Law School Faculty Colloquium
Oct. 3, 2013 CLS Thursday Faculty Workshop

Property Pact

May 14, 2016 Progressive Property Conference, Seton Hall School of Law
Oct. 9, 2015 European Property Theory Network, Konisberg, Germany
June 20, 2015 Hague Conference on Expropriation

Land Assembly Districts and Third Party Transfers

Sept. 27, 2013 Int'l Conference on Expropriation, Groningen University, The Netherlands

Commons and Anticommons

June 3, 2013 Keynote Speaker, International Association for the Study of the Commons, Mt. Fuji, Japan

Introduction to the Gridlock Economy

Jan. 17, 2013 Keynote Speaker, Symposium on the Anticommons, Notre Dame Law School

Informal Norms and the Piracy Paradox

Jan. 18, 2013 Conference on "The Knockoff Economy," Notre Dame Law School

Tragedy of the Anticommons: A Concise Introduction and Lexicon

June 12, 2012 The 41st Chorley Endowed Lecture, London School of Economics

The Rocking Chair

Mar 20, 2012 CLS 10-10 Faculty Talk

Eminent Domain in NYC

Feb. 11, 2011 Fordham Law School Conference

White Spaces and the Work of Carol Rose

Sept. 30, 2010 William and Mary Law School Conference

The Gridlock Economy

Feb. 8, 2011 Columbia School of Architecture and Urban Planning Colloquium

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Oct. 23, 2009 Keynote address, Georgetown/Stanford Law School conference honoring
“The Gridlock Economy,” with a focus on application to patent law

INVITED LECTURES – Continued

The Gridlock Economy (continued)

Oct. 2, 2009 Keynote address, George Mason Law School conference honoring
“The Gridlock Economy,” with a focus on innovation economics

Sept. 29, 2009 Columbia Business School Real Estate Colloquium talk

July 29, 2009 Cosmos Club, Wash DC, book talk

June 9, 2009 Keynote address, CISAC World Copyright Summit

Apr. 4, 2009 BU Law School Conference on Property Rights talk

Feb. 27, 2009 Univ. Illinois Law and Economics Workshop talk

Feb. 9, 2009 Cardozo Law School IP talk

Nov. 18, 2008 Harvard Law School Berkman Center talk

July 18, 2008 Authors @ Google talk

July 16, 2008 Microsoft Research Series talk

Mar. 26, 2007 USC Faculty Colloquium

Nov. 6, 2006 UCLA School of Law, Monday Faculty Colloquium

The Future of the Book

Nov. 14, 2008 Yale Univ Press 100th Centennial Celebration and Conference

On Privatization of the Italian Public Patrimony

June 6, 2006 Accademia Nazionale dei Lincei, Rome

Current Research on Commons and Anticommons

June 3, 2006 University of Illinois Conference on the Commons and Anticommons

The Art of Land Assembly

Oct. 25, 2006 UCLA Ziman Center Workshop

Oct. 13, 2006 USC Law School Faculty Colloquium

Jan. 18, 2006 NYU Law School Colloquium on Innovation Policy

Mar. 3, 2005 Boalt Law School, Faculty Colloquium

Feb. 11, 2004 Univ. of Chicago Law & Economics Workshop

Feb. 6, 2004 Univ. of Colorado Faculty Workshop

Oct. 23, 2003 Boston University Law School Faculty Workshop

Feb. 28, 2003 William & Mary Conference on Law and Economic Development

Feb. 12, 2005 Boalt Law School Faculty Colloquium

Feb. 11, 2003 Harvard Law and Economics Workshop

Feb. 6, 2003 Stanford Law and Economics Workshop

Jan. 16, 2003 Columbia Faculty Workshop

Aug. 23, 2002 UCLA Law School Faculty Colloquium

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The Rose Theorem?

Nov. 12, 2005 Yale Law School Conference on “The Properties of Carol Rose”
Oct. 10, 2005 Columbia 10-10 Faculty Workshop

INVITED LECTURES – *Continued*

Dealbreakers: Facing the Dark Side of Our Ownership Society

Mar. 10, 2005 Stanford Law School, Faculty Colloquium
Nov. 5, 2004 Center for Advanced Study in the Behavioral Sciences Colloquium

Condos at the Crossroads: Two Axes of Collective Action Dilemmas

Jan 7, 2005 American Association of Law Schools Annual Conference,
Joint Section on Property and Local Government

The UNE Anticommons: How the FCC Deters Innovation

May 17, 2004 Manhattan Institute Conference on Tragedy of the Telecommons

The Value of Unifying Property Rights in Land

Feb. 27, 2004 China Center for Economic Research Workshop on Rural Land Law

Conflicts in Property

May 25, 2004 Gruter Institute Conference on Law and Biology
Oct. 17, 2003 Univ. of Pennsylvania and CEGLA Conference on Conflicts of Interest

Share Price Accuracy in Transition Economies

May 9-10, 2003 Co-organizer and moderator of William Davidson Institute Conference

The Anticommons Revisited

April 4, 2003 Liberty Fund Conference on the Tragedy of the Anticommons

The Nature of Property

April 15, 2003 Gruter Institute Conference on Property Rights

Forming Property

Mar. 1, 2002 Notre Dame Faculty Colloquium
Jan. 25, 2002 University of Miami, Faculty Theory Workshop
Nov. 14, 2001 Emory Law School, Faculty Theory Workshop
Nov. 12, 2001 NYU Faculty Workshop

The Economy of Property Forms

June 1, 2001 Gruter Institute Conference on Law and Biology
Apr. 21, 2001 NW Law School Faculty Conference, The Evolution of Property Rights

Property Governance in the New Commons

Mar. 30, 2001 Wash. U. Law School, Interdisciplinary Center,
Inaugural Conference on Law and Norms (comment)

INVITED LECTURES – Continued

Property Rights in the American West

Oct. 5, 2000 Liberty Fund Conference, Bozeman, MT (comment)

The Liberal Commons (with Hanoch Dagan)

July 27, 2001 FREE Conference on Managing Common Property Resources
Oct. 19, 2000 Columbia Law School Faculty Workshop
Sept. 28, 2000 Graduate Institute for International Studies, Sion, Switzerland,
Conference on Managing Common Resources Property
Sept. 21, 2000 Duke Law School, Legal Theory Workshop
June 25, 2000 Tel Aviv University Law School, Faculty Workshop
May 6, 2000 Annual Meetings of the American Law and Economics Association
May 4, 2000 Fordham Law School Faculty Workshop

Mar. 20, 2000 Vanderbilt Law and Economics Workshop
Jan. 28, 2000 University of Virginia Law School Faculty Colloquium
Jan. 21, 2000 University of Texas Law School Legal Theory Workshop
Jan. 5, 2000 Hebrew University, Faculty Workshop
Oct. 13, 1999 U.M. Law School, Faculty Workshop

Three Faces of Private Property

May 20, 2001 Bar Ilan University Law School
Mar. 10, 2000 University of Oregon Law School Conference on
New Approaches to Law and Economics

The Dynamic Analytics of Property Law

Dec. 27, 1999 International Conference on Contemporary Legal Scholarship:
Achievements and Prospects, CEGLA Institute, Tel Aviv, Israel

Lessons From Fiascoes in Russian Corporate Governance (with Merritt Fox)

Sept. 25, 1999 WDI Conference on Corporate Governance in Transition Economies
July 24, 1999 4th Annual Int'l WDI Conference on Transition Economies, Beijing
Mar. 25, 1999 U.M. Law and Economics Workshop
May 9, 1998 American Law and Economics Annual Meeting

A Property Theory Perspective on Russian Corporate Transition

Mar. 5, 1999 IRIS Center Conference on the Rule of Law in Transition

Deterrence and Distribution in the Law of Takings (with Jim Krier)

Apr. 8, 1999 U.M. Law and Economics Workshop

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Mar. 26, 1999 University of Illinois Legal Theory Workshop
Feb. 19, 1999 Chicago-Kent Legal Theory Workshop
Nov. 9, 1998 Cardozo Legal Theory Workshop

INVITED LECTURES – Continued

The Boundaries of Private Property

April 28, 1998 George Mason University Law School, Law and Economics Workshop
Feb. 21, 1998 U.M. Law School, Faculty Workshop

Can Patents Stifle Innovation? The Anticommons in Biomedical Research (w/ Rebecca Eisenberg)

July 22, 1998 Merck Public Policy Seminar
Nov. 17, 1997 Stanford Law School, Intellectual Property Workshop
Oct. 15, 1997 U.M. Law School, Faculty Workshop
July 29, 1997 NBER, Workshop on Intellectual Property Policy

The Tragedy of the Anticommons: Property in the Transition from Marx to Markets

July 29, 2001 FREE Conference on Managing Common Property Resources
Nov. 17, 1997 Stanford Law School, Faculty Legal Theory Workshop
Oct. 19, 1997 U.M. Committee of Visitors and International Alumni Reunion Speech

The Tragedy of the Anticommons: Property in the Transition from Marx to Markets

Sept. 17, 1997 University of Toronto Law Faculty, Law and Economics Workshop
August 29, 1997 University of Iowa Law School, Faculty Seminar
June 20, 1997 U.M. Davidson Institute Conference on the Economics of Transition
May 29, 1997 Wharton Business School, Impact Conference on
Legal and Ethical Foundations of Emerging Economies
May 9, 1997 American Law and Economics Association, Annual Meeting
Mar. 25, 1997 U.M. Graduate Anthropology Seminar
Jan. 12, 1997 U.M. Faculty Seminar on Chinese Enterprise Reform
Nov. 12, 1996 Georgetown University Law Center Law and Economics Workshop
Oct. 3, 1996 U.M. Law and Economics Workshop
Aug. 30, 1996 American Political Science Association, Annual Meeting
Apr. 12, 1996 U.M. Law School, Faculty Workshop

From Marx to Markets: The Creation of Property Rights in Transition Economies

Dec. 2, 1999 U.M. Russian & Eastern European Studies, REES 395 Lecture
Nov. 20, 1997 U.M. Russian & Eastern European Studies, REES 395 Lecture
Nov. 21, 1996 U.M. Russian & Eastern European Studies, REES 395 Lecture
Dec. 5, 1995 U.M. William Davidson Institute Lecture
Oct. 31, 1995 U.M. Department of Economics, TIEL Lecture

TEACHING

Property
Land Use
International Law
Legal Theory Workshop
Transition Economy Seminar

MEMBERSHIPS

American Association of Law Schools, 1994-present
 Chair, Session on Pedagogy of Property, 2001 Annual Meeting
American Law and Economics Association, 1996-present
 Chair, Session on Property, 2002, 2006, 2011 Annual Meetings
American Bar Association, Section on International Law, 1995-2001
California Bar (inactive member) and Ninth Circuit Court of Appeals Bar, 1989-present
Council on Foreign Relations, term member, 1997-2002
Order of the Coif, elected 1989