

## **MICHAEL HELLER**

Lawrence A. Wien Professor of Real Estate Law  
Columbia Law School  
435 West 116<sup>th</sup> Street  
New York, NY 10027  
212-854-9763; mhelle@law.columbia.edu

### **ACADEMIC**

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#### **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**

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##### **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**

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- 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**

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### **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**

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### **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**

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**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**

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**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**

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*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**

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*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 41<sup>st</sup> 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**

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*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 100<sup>th</sup> 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***

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*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***

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*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 4<sup>th</sup> 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***

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*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**

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Property  
Land Use  
International Law  
Legal Theory Workshop  
Transition Economy Seminar

## **MEMBERSHIPS**

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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