

SIMON STERN

University of Toronto, Faculty of Law
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EXPERIENCE

University of Toronto, Faculty of Law

Chair in Innovation Law	2020 – present
Professor	2019 – present
Associate Professor (with tenure)	2012 – 2019
Assistant Professor	2007 – 2012
Director, Centre for Innovation Law & Policy	2012 – present
Graduate Faculty, Dept. of English	
Affiliate member: Centre for Comparative Literature, Program in Book History and Print Culture, Sexual Diversity Studies Program; Centre for Ethics	

Herzliya Interdisciplinary Centre, Herzliya, Israel

Intensive course on “Law and Literature”	Dec. 2016, Dec. 2018
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Harvard Law School

Climenko Fellow & Lecturer	2005 – 2007
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Shea & Gardner, Washington, D.C. (now Goodwin Procter)

Associate	2003 – 2005
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U.S. Court of Appeals for the Ninth Circuit

Law Clerk, Judge Ronald M. Gould	2002 – 2003
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EDUCATION

Yale Law School, New Haven, CT · J.D. (Editor in Chief, *Yale Journal of Law & Humanities*)

University of California, Berkeley · Ph.D., English

Yale College, New Haven, CT · B.A., English, *magna cum laude*

SERVICE

Co-editor (with Robert Spoo), *Law and Literature* series, Oxford University Press (since 2018)

Editorial Board, *Law and Literature* (Taylor & Francis) (since 2016)

Co-editor, *Critical Analysis of Law* (since 2014)

Governing Board, International Society for the History and Theory of Intellectual Property (since 2014)

Program Committee, American Society for Legal History, 2019-20

Organizing Committee, Association for the Study of Law, Culture, and the Humanities (since 2019)
 Program Committee Chair, Association for the Study of Law, Culture, and the Humanities annual conference, 2016
 American Council of Learned Societies, ACLS/Mellon Dissertation Completion Fellowships Committee (2017-2020)
 Chair, Social Sciences and Humanities Research Council, Postdoctoral Fellowships Committee (Law and Political Science) (2014-17)
 Insight Grants Committee, Law & Criminology, Social Sciences and Humanities Research Council, (2019-20)
 Co-Chair, Critical Analysis of Law Workshop, University of Toronto Faculty of Law (since 2012)
 Chair, Law and Humanities Workshop, University of Toronto Faculty of Law (2007-12)

RESEARCH AND CONFERENCE GRANTS

Social Sciences and Humanities Research Council, Insight Grant, “Legal Fictions and the Legal Imagination,” \$93,069 (2018-21)
 Foundation for Legal Research (Canadian Bar Association), “What is a Sec. 8 Search?” \$5000 (summer 2018)
 Social Sciences and Humanities Research Council, Connection Grant, conference on “Law, Technology, and Artificial Intelligence,” \$12,500 (March 2017)
 Seed funding (various University of Toronto departments) “Legal Texts and the New Philology,” 50th annual conference of the Committee on Editorial Problems, \$6000 total (Feb. 2015)
 American Society for Legal History, William Nelson Cromwell Foundation Grant, to support publication of the Oxford UP edition of Blackstone’s *Commentaries* (joint application with Wilfrid Prest, David Lemmings, Thomas Gallanis, and Ruth Paley) \$20,000 (US) (2015)
 Social Sciences and Humanities Research Council, Insight Grant, “From Author’s Right to Property Right,” \$97,515 (2013-16)
 Australian Research Council, Discovery Grant, “A New History of Law in Eighteenth-Century England” (joint application with Wilfrid Prest, David Lemmings, Thomas Gallanis, and Ruth Paley), to support research and conference related to Blackstone’s *Commentaries* and eighteenth-century British legal history more generally, \$153,000 (Aus.) (2013)
 Foundation for Legal Research (Canadian Bar Association), “Copyright Originality and Judicial Originality,” \$5000 (summer 2012)

BOOKS AND EDITED VOLUMES

Co-Editor (with Maksymilian Del Mar & Bernadette Meyler), *The Oxford Handbook of Law and Humanities* (Oxford UP, 2020)
 Co-Editor (with Nan Goodman), *The Routledge Research Companion to Law and Humanities in Nineteenth-Century America* (Routledge, 2017)
 Editor, William Blackstone, *Commentaries on the Law of England, Book II: On the Rights of Things* (The Oxford Edition of Blackstone) (Oxford UP, 2016)
 Co-editor (with Catherine Gallagher), Aphra Behn, *Oroonoko*, Bedford Cultural Editions (1999)
 Co-editor (with John Bender), Henry Fielding, *Tom Jones*, Oxford University Press, World’s Classics (1996, new ed. 2008)

ARTICLES AND BOOK CHAPTERS

In Progress

“Artistic Copyright and Nineteenth-Century Print Culture,” in Will Slauter and Stephanie Delamaire, eds., *Images, Copyright, and the Public Domain* (Cambridge Open Book Publishers, 2020)

Forthcoming

“Biographical Evidence and the Law of Presumptions,” forthcoming in *J19: The Journal of Nineteenth-Century Americanists* (2020)

“Proximate Causation in Legal Historiography,” *History & Theory* (2020)

“Curiosity and Legal Affect in Fulbecke’s *Direction or Preparation to the Study of the Law*,” in Susan Bandes, Kathryn Temple, Jody Madeira, and Emily Kidd White, eds., *Research Handbook on Law and Emotion* (2020)

“Defining Obscenity before *Hicklin*: Corrupting Texts in the Seventeenth and Eighteenth Centuries,” forthcoming in Sylvia Sasse and Matthias Meindl, eds., *Literature on Trial* (Berlin: Matthes & Seitz, 2020)

entries on *The Supposed Daughter; Or, Innocent Impostor* (1756); Mary Pilkington, *Crimes and Characters: or, The New Foundling* (1805); and Charles Sedley, *The Faro Table; Or, The Gambling Mothers* (1808) in April London, ed., *The Cambridge Guide to the English Novel, 1660-1820* (Cambridge UP, 2020)

Published

“Legal Fictions and Legal Fabrication,” in Hans Lind, ed., *Fictional Discourse and the Law* (Routledge, 2020), 191-99

“The Legal Imagination in Historical Context,” in Amalia Amaya and Maksymilian Del Mar, eds., *Virtue, Emotion, and Imagination in Law and Legal Reasoning* (Hart, 2020), 217-34

“Factuality, Evidence and Truth in Factual Narratives in the Law,” in *Narrative Factuality: A Handbook*, ed. Monika Fludernik and Marie-Laure Ryan (de Gruyter, 2020), 391-400

“Cleland and the ‘Laws of Decency’: Investigating Obscenity in Eighteenth-Century England,” *Eighteenth-Century Life* 43 (2019), 162-87

“Copyright as a Property Right? Authorial Perspectives in Eighteenth-Century England,” 8 *U.C. Irvine L. Rev.* (2019), 461-88

“Literary Analysis of Law: Reorienting the Connections Between Law and Literature,” introduction to special issue on Literary Analysis of Law, 5 *Critical Analysis of Law* (2018), 1-8

“Textual Privacy and Mobile Information,” 55 *Osgoode Hall L.J.* (2018), 398-439

“Literary Analysis of Law,” in *The Oxford Handbook of Historical Legal Research*, ed. Markus Dubber & Christopher Tomlins (Oxford University Press, 2018), 63-78

“Introduction: Artificial Intelligence, Technology, and the Law,” 68:supp. *University of Toronto L. J.* (2018), 1-11

“Narrative in the Legal Text: Judicial Opinions and Their Narratives,” in *Narrative and Metaphor in Law*, ed. Michael Hanne & Robert Weisberg (Cambridge University Press, 2018), 121-39

“Narratives of Criminal Procedure from Doyle to Chandler to Burke,” *New England Law Review* 51 (2017), 249-62

“Wilde’s Obscenity Effect: Influence and Immorality in *Dorian Gray*,” *Review of English*

- Studies* 68 (2017), 756-72
- "Richardson and the Law," in *Samuel Richardson in Context*, ed. Peter Sabor and Betty Schellenberg (Cambridge University Press, 2017), 231-38
- "Margins of Authority: Coke's *Institutes* and the Epistemology of the String Cite," *Law & Humanities* 11 (2017), 121-36
- "A Trust Approach for Sharing Research Reagents" (with Aled Edwards *et al.*), *Science Translational Medicine* 9 (392) (2017)
- "*R. v. Jones* (1703): The Origins of the Reasonable Person," in Ian Williams, Philip Handler, and Henry Mares, eds., *Landmark Cases in Criminal Law* (Hart, 2017), 59-79
- "Literary and Legal Fictions," in *New Directions in Law and Literature*, ed. Bernadette Meyler & Elizabeth Anker (Oxford UP, 2017), 313-26
- "Forensic Oratory and the Jury Trial in Nineteenth-Century America," *Comparative Legal History* 3 (2016), 293-306
- "Effect and Technique in Legal Aesthetics," *Critical Analysis of Law* 2 (2015), 496-510
- "Satirical Authorship and Literary Commerce," in Alessa Johns, ed., *Reflections on Sentiment: Essays in Honor of George Starr* (U of Delaware Press, 2015), 167-84
- "Creating a Public Domain in Eighteenth-Century England," *Oxford Handbooks Online in Literature* (2015)
- "Blackstone's Legal Actors: The Passions of a Rational Jurist," in Nancy Johnson, ed., *Impassioned Jurisprudence: Law, Literature and Emotion, 1660-1800* (Bucknell UP, 2015), 1-19
- "Legal Fictions and Exclusionary Rules," in *Legal Fictions in Theory and Practice*, ed. William Twining & Maksymilian Del Mar (Springer, 2015), 157-74
- "Law and Literature," in Markus Dubber, ed., *The Oxford Handbook of Criminal Law* (Oxford University Press, 2014), 111-29
- "William Blackstone: Courtroom Dramatist?" in Wilfrid Prest, ed., *Re-Interpreting Blackstone's Commentaries: A Seminal Text in National and International Contexts* (Hart, 2014), 21-29
- "Blackstone's Criminal Law: Common-Law Harmonization and Legislative Reform," in Markus Dubber, ed., *Foundational Texts in Criminal Law* (Oxford University Press, 2014), 61-78
- "Copyright Originality and Judicial Originality," *U. Toronto L.J.* 63 (2013), 385-417
- "The Third-Party Doctrine and the Third Person" 16 *New Crim. L. Rev.* (2013), 364-412
- "Speech and Property in *David Simple*," *ELH* 79 (2012), 623-54
- "'Room for One More': The Metaphorics of Physical Space in the Eighteenth-Century Copyright Debate," *Law and Literature* 24 (2012), 113-54
- "From Author's Right to Property Right," *U. of Toronto Law J.* 62 (2012), 29-91
- "Detecting Doctrines: The Case Method and the Detective Story," *Yale J.L. & Human.* 23 (2011), 339-87
- "Legal Remedies for Medical Ghostwriting: Imposing Fraud Liability for Ghostwritten Articles," *PLoS Medicine* 8 (2011), 1-5 (co-authored with Trudo Lemmens)
- "Literary Evidence and Legal Aesthetics" in Austin Sarat, Cathrine Frank, & Matthew Anderson, eds., *Teaching Law and Literature (MLA Options for Teaching)* (New York: Modern Language Association, 2011), 244-52
- "Sentimental Frauds," *Law & Social Inquiry* 36 (2011), 83-113
- "Picturing Same-Sex Marriage in the Antebellum United States: The Union of 'Two Most Excellent Men' in Longstreet's 'A Sage Conversation'," *Journal of the History of*

- Sexuality* 19 (2010), 197-222 (co-authored with Timothy Stewart-Winter)
- “The Case and the Exceptions: Creating Instrumental Texts in Law and Literature” in Pat Rogers & Laura Runge, eds., *Producing the Eighteenth-Century Book: Writers and Publishers in England, 1650-1800* (Newark: U. of Delaware Press, 2009), 95-116
- “Copyright, Originality, and the Public Domain in Eighteenth-Century England” in Reginald McGinnis, ed. *Originality and Intellectual Property in the French and English Enlightenment* (New York: Routledge, 2008), 69-101
- “Constructive Knowledge, Probable Cause, and Administrative Decision-Making,” *Notre Dame L. Rev.* 82 (2007), 1085-1142
- “Catastrophic Threats and the Fourth Amendment,” *So. Cal. L. Rev.* 77 (2004), 777-833 (co-authored with Judge Ronald M. Gould)
- “From Local Knowledge to National Politics: Debating Rationales for Jury Nullification after *Bushell’s Case*,” *Yale L. J.* 111 (2002), 1815-59
- “*Tom Jones* and the Economies of Copyright,” *Eighteenth-Century Fiction* 9 (1997), 429-44

OTHER PUBLICATIONS

- Guest Editor, special issue on Artificial Intelligence, Technology, and the Law, *University of Toronto L.J.* 68:supp. (2018)
- Guest Editor (with Cheryl Suzack and Greig Henderson), Special Issue on Law and Literature, *University of Toronto Quarterly* 82:4 (Fall 2013)
- Guest Editor (with Markus Dubber), Special Issue on Corporate Personhood and Criminal Liability, *New Crim. L. Rev.* 16:2 (Spring 2013)
- Review of Dana Y. Rabin, *Identity, Crime, and Legal Responsibility in Eighteenth-Century England, Law, Culture & the Humanities* 5 (2009), 329-31
- Review of Robert Louis Stevenson, *The Strange Case of Dr. Jekyll and Mr. Hyde*, *Law and Politics Book Rev.* 18 (2008), 356-59
- Entries for *The Encyclopedia of the First Amendment* (2008) ed. David Hudson, David Schultz, & John Vile (Washington, D.C.: Congressional Quarterly Press) (entries on Thomas Bowdler, *The Catcher in the Rye*, *Fanny Hill*, *Manual Enterprises v. Day*, *Memoirs v. Massachusetts*, *Ulysses*)
- Review of Sean Grass, *The Self in the Cell: Narrating the Victorian Prisoner*, *Studies in the Novel* 38 (2007), 120-22
- “What Authors Do” *Yale J. Law & Hum.* 15 (2003), 461-79 (review of Joseph Loewenstein, *The Author’s Due* and *Ben Jonson and Possessive Authorship*)
- Review of Jonathan Grossman, *The Art of Alibi: English Law Courts and the Novel, Nineteenth-Century Literature* 58 (2003), 262-64

LECTURES AND CONFERENCE PRESENTATIONS

- “On Knowing It When You See it: Forensic Evidence and the Epistemologies of Gross Indecency,” Oscar Wilde, *Sexuality, and the State*, UCLA, May 15-16, 2020
- “‘Just the Facts, Please’: Towards a Narratology of Legal Facts,” conference on “Law and Literature from a Narratological Perspective,” Freiburg, Germany, May 8-9, 2020
- “The Reasonable Man as Character and Device,” joint meeting of the Long Eighteenth and Romanticism colloquium, the Long Nineteenth Century colloquium, and the Modernism colloquium, Barker Center, Harvard University, March 12, 2020
- “John Bull, Public Sentiment, and the Reasonable Man,” Trial by Media conference, Lewis Walpole Library, Yale University, Oct. 4, 2019

Moderator, Introductory panel, Queer Legal Studies Symposium, Yale University, Sept. 20, 2019

“Artistic Copyright and Nineteenth-Century Print Culture,” Images, Copyright, and the Public Domain, Université Paris Diderot, June 20, 2019

“Law in Literature,” Law and Literature Doctoral School, Ghent University, May 23, 2019

“Oscar Wilde and the Law,” sixth William Andrews Clark Lecture on Oscar Wilde, UCLA, Feb. 20, 2019

“Homo Legis: The Making of the Reasonable Man,” University of Minnesota Legal History Workshop, Sept. 27, 2018

“The Roots of Legal Thought: Notes Toward a Methodology,” History / Ideology / Law, Boston College Law School, Sept. 21-22, 2018

“The Structure of Legal Fictions,” Law/Arts/Culture Seminar, Osgoode Hall Law School, Sept. 12, 2018

Commentator on Andrew Bricker, “Libel and Lampoon: Satire, Irony and the Doctrine of ‘Common Intendment,’” Law & Humanities Jr Scholars Workshop, Stanford Law School, June 4-5, 2018

Co-organizer (with Bernadette Meyler and Maksymilian Del Mar) “Law and the Humanities,” Stanford Law School, May 18-19, 2018; Queen Mary Univ., June 14-15, 2018

“Artistic Copyright and Nineteenth-Century Print Culture,” Images, Copyright, & the Public Domain in the 19th Century, Winterthur Museum, Pennsylvania, March 29-30, 2018

“Authors v. Booksellers? Fictional Enforcement of Copyright Law in Eighteenth-Century Britain,” The Discursive Turn in Copyright, UC Irvine, October 27, 2017

“Cleland and the Laws of Decency,” Canadian Society for Eighteenth-Century Studies, Toronto, October 19, 2017

“Legal Fictions Revisited” and “Law and Fiction in the Eighteenth Century,” Wuhan University, China, September 2017

“Factuality and Factual Narratives in Law,” Factuality across the Disciplines, University of Freiburg, June 2017

“The Ethics of Legal Fictions” Centre for Ethics, U of T, Feb. 15, 2017

Commentator on Mark Kingwell, “The Ethics of Reading,” Centre for Ethics, University of Toronto, Feb 7, 2017

Commentator, Panel Discussion, “Policing Sex,” Centre for Ethics, University of Toronto, Nov. 25, 2016

“Law and Narrative,” Conference on “Narrative and Metaphor in Law,” Stanford Law School, Jan. 29-30, 2016 (invited)

“Scope and Duration in Copyright Law,” How Long? Copyright Duration in the 21st Century, University of Tulsa School of Law, Oct 29-30, 2015

Commentator, Law as Archive, American Studies Association annual conference, Oct 10, 2015

“Legal Fictions and Narrative,” UC-Santa Barbara, Oct 4, 2015

Commentator/Respondent, “Lord Eldon, Lord Byron, and the Public Domain,” International Society for the History and Theory of IP, University of Pennsylvania Law School, July 22, 2015

“*R. v. Jones* (1703): The Origins of the Reasonable Person” Landmark Cases in Criminal Law Conference, University of Cambridge School of Law, July 13, 2015 (invited)

Commentator on Derek Miller, "A Pre-History of Performing Rights in Anglo-American Copyright Law," Law & Humanities Jr. Scholars Conference, USC Law School, May 8, 2015

Discussant, Panel on Marianne Constable's *Our Word is Our Bond*, Law & Society Association, Seattle, May 30, 2015

"Legal and Literary Fictions," Law and Fictional Discourse, Yale Law School & Whitney Humanities Center, Yale Univ., May 19, 2015

"On the Margins: Visualizing Legal Authority and the Nature of Law," Frederic Alden Warren Lecture, Trinity College, University of Toronto, April 7, 2015

"Margins of Authority: Precedent and Citation in Coke's *Institutes*," Legal Marginalia, Hong Kong Univ. Law School, April 2, 2015

Organizer, Legal Texts and the New Philology, University of Toronto, March 20-21, 2015

"Effect and Technique in Legal Aesthetics," panel on "Meta-Aesthetics of Law and Justice," Association for the Study of Law Culture & Humanities, Georgetown Law School, March 7, 2015

"Narrative and Legal Analysis," Ohio State Univ, Jan. 30, 2015

"Narrative and Legal Analysis," Desire for Narrative in Law and Literature, Modern Language Association, Vancouver, Jan. 9-12, 2015

Chair/ Commentator, "The Fictive, the Virtual, and the Counterfactual on the Twentieth Anniversary of *Nobody's Story*," Modern Language Association, Vancouver, Jan 11, 2015

Chair/Commentator, "Credibility on Trial in Law and Literature," American Society for Legal History, Nov. 7, 2014

Commentator on Jean-Baptiste Fleury (Univ. de Cergy), "Social Scientists and the Boundaries of Criminality," Social Science, Ideology, and Public Policy in the United States, 1961 to the Present, York Univ., Oct 18, 2014 (invited)

"Forensic Oratory and the Jury Trial in Nineteenth-Century America," Lay Participation in Modern Law, Univ. of Helsinki, Sept 17-19, 2014 (invited)

"Blackstone and the Aesthetics of English Law," The Arts in Legal History, Buchmann Faculty of Law, Tel Aviv Univ, June 22-23, 2014

"Sufficiency of Reasons for Judgment," *U of T Faculty Research Workshop with Ont. Ct. of Appeal*, March 31, 2014

"Literary Evidence for the Law of Evidence," *North American Victorian Studies Association*, Pasadena, Oct. 27, 2013

"The Authority of Method: The Rise of Legal Analysis," *21st Annual British Legal History Conference*, Univ. of Glasgow, July 11, 2013

Respondent to "The Patent Bargain in 19th Century America," *Columbia/USC/G'town Law & Humanities Conference*, Georgetown Law School, June 3, 2013 (invited)

"Character and Responsibility," panel on *Responsibility and Subjecthood in Nineteenth Century Law*, Law & Society Association, Boston, June 2, 2013

"Fictional Origins of the Reasonable Person," Personhood in Law, Literature and the Arts, Leiden Univ., May 15-17, 2014

"Legal Exemplarity," *For Instance . . . : Eighteenth-Century Exemplarity, Its Practice and Limits*, Indiana Univ., May 8-10, 2013 (invited)

"Legal Fictions," New Directions in Law and Literature, Cornell University, April 12-13, 2013 (invited)

"Blackstone's Rhetoric of Justification," American Society for Eighteenth-Century Studies,

- Cleveland, April 5, 2013
- “Law and Narrative,” Teaching Law and Humanities, Princeton University, Feb. 28-March 1, 2013 (invited)
- “Legal and Literary Origins of the Reasonable Man,” 31st Annual Australia – New Zealand Legal History Conference, University of Technology, Sydney, Dec. 10, 2012
- “Blackstone’s *Commentaries* (1769),” Foundational Texts in Criminal Law, University of Toronto, Dec. 17, 2012
- Response to Keynote presentation, Re-interpreting Blackstone’s *Commentaries*, University of Adelaide, Dec. 6, 2012 (invited)
- “Literary Propriety and Eighteenth-Century Copyright Law,” conference on copyright history, George Washington Univ. School of Law, April 30-31, 2012 (*invited*)
- “Fictional Origins of the Reasonable Person”
- U.C. Davis School of Law, Oct. 13, 2011
 - U.C. Berkeley, Dept. of English, Oct. 15, 2011
- “Regulatory and Legal Options for Dealing with Ghostwriting Practices” (with Trudo Lemmens), The Ethics of Ghost Authorship in Biomedical Research, U. of Toronto Centre for Ethics, May 4, 2011
- “The Analytical Turn in Common-Law Thinking,” University of Virginia Law School, Law & Humanities workshop, March 21, 2011
- “From Author’s Right to Property Right,” Second Annual Workshop, International Society for the History and Theory of Intellectual Property, American Univ., Sept. 2010
- “Fictional Characters and the Reasonable Person”
- Univ. of Toronto, Jackman Inst. Working Group on Law & the Humanities, Oct. 2009
 - University of Toronto, Faculty of Law, Legal History Workshop, Oct. 2009
 - University of Osnabruck, Institute for English and American Studies, Aug. 2009
- “Methodological Approaches to Law and Literature,” Univ. of Osnabruck, Apr. 2009
- “The Third-Party Doctrine and the Third Person,” Centre for Innovation Law & Policy, Univ. of Toronto Faculty of Law, March 2009
- “Sentimental Frauds,” Identity Rights Colloquium, Centre for Innovation Law and Policy, University of Toronto Faculty of Law, Oct. 2008
- “Absent Minds in Victorian Fiction,” Altered States of Mind conference, University College, University of Toronto, March 2008
- “Detective Fiction and the Case Method”
- Univ. of Virginia Law School, Law & Humanities Workshop, April 2008
 - Seminar on Cognitive Science and the Arts, Harvard Univ., December 2007
 - American Society for Legal History, Arizona State Univ., Tempe, Oct. 2007
 - Beyond Reasonable Doubt: Conversations in Law, Literature, and Philosophy from the Reformation to the Present Day, Univ. of Cambridge, Sept. 2007
 - Association for the Study of Law, Culture, & the Humanities, Georgetown Univ. Law Center, March 2007
 - Modern Language Association, Philadelphia, PA, Dec. 2006
 - Symposium on Law and Literature, Univ. of Freiburg, Oct. 2006