

## JOSHUA C. MACEY

Professor, Yale Law School  
127 Wall St., New Haven, CT 06511

### TEACHING EXPERIENCE

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#### Yale Law School

*Professor of Law*, 2026-present

*Associate Professor of Law*, July 2024-2025

#### The University of Chicago Law School

*Assistant Professor of Law*, 2020-2024

#### Cornell Law School

*Visiting Assistant Professor of Law*, 2019-2020

*Post-Doctoral Associate*, 2018-2019

### BOOK

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ENERGY, ECONOMICS, AND THE ENVIRONMENT, 6<sup>th</sup> Ed. (West) (with Joel B. Eisen, Emily Hammond, Jim Rossi, David B. Spence, and Hannah J. Wiseman)

“Bankruptcy,” Chapter in the Oxford Handbook on Climate Change and Private Law, ed. Doug Kysar and Ernest Lim (forthcoming)

### SCHOLARSHIP

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Utility Filing Rights and the Grid’s Governance Problem, 136 Yale Law Journal (forthcoming 2027) (with Elias van Emmerick)

Too Liable To Regulate: The Hidden Costs of Fossil Fuel Decommissioning and Remediation, 115 California Law Review (forthcoming 2027) (with Terra Baer and Pranjal Drall)

A Framework for Antitrust in Regulated Utility Markets, 175 University of Pennsylvania Law Review (forthcoming 2027) (with Jim Rossi)

The Case Against Single-Value Grid Planning, 44 Yale Journal on Regulation (forthcoming 2027) (with Jacob Finkel)

Governance Challenges Preventing a More Integrated Grid, 11 Nature Energy (forthcoming 2027) (with Shelley Welton)

Payment Network Governance, 68 Boston College Law Review (forthcoming 2026) (with Dan Awrey and Jeff Zhang)

[Against General Law Constitutionalism](#), 93 University of Chicago Law Review (forthcoming 2026) (with Ketan Ramakrishnan and Brian Richardson)

[Contemporary Law & Economics](#), 93 University of Chicago Law Review 301 (2026) (with Adam Chilton and Mila Versteeg)

[Rethinking Capacity Market Fundamentals](#), 150 Energy Economics 1 (2025) (with Ke Xin Zuo and Jacob Mays)

[Purdue Pharma and the New Bankruptcy Exceptionalism](#), 2024 Supreme Court Review 365 (with Tony Casey)

[Private Profit and Public Business](#), 103 Texas Law Review (2025) (with Aneil Kovvali)

- Winner of Berkeley Center for Law and Business Best Paper Award (junior category)

[Towards a National Transmission Planning Authority](#), 49 Harvard Environmental Law Review 79 (2025) (with Elias van Emmerick)

[The Public Law of Public Utilities](#), 42 Yale Journal on Regulation 179 (2025) (with Brian Richardson)

[Does ESG Crowd Out Support for Government Regulation?](#), 25 American Law and Economics Review (2025) (with Hajin Kim and Kristen Underhill)

[The Law and Economics of Transmission Planning and Cost Allocation](#), 45 Energy Law Journal 209 (2024) (with Jacob Mays)

[Outsourcing Electricity Market Design](#), 91 University of Chicago Law Review 1243 (2024)

[Bankruptcy by Another Name](#), 133 Yale Law Journal Online (2024) (with Tony Casey)

[Grid Reliability in the Electric Era](#), 41 Yale Journal on Regulation 164 (2024) (with Hannah Wiseman and Shelley Welton)

[Hidden Value Transfers in Public Utilities](#), 171 University of Pennsylvania Law Review 2129 (2023) (with Aneil Kovvali)

[In Defense of Chapter 11 in Mass Torts Cases](#), 90 University of Chicago Law Review (2023) (with Tony Casey)

[The Corporate Governance of Public Utilities](#), 40 Yale Journal on Regulation 569 (2023) (with Aneil Kovvali)

[Against Political Theory in Constitutional Interpretation](#), 76 Vanderbilt Law Review 899 (2023) (with Chris Havasy and Brian Richardson)

[Open Access, Interoperability, and DTCC's Path to Monopoly](#), 132 Yale Law Journal 96 (2023) (with Dan Awrey)

[What Are Networks, Platforms, and Utilities, and What Should We Do with Them?](#), Yale Journal On Regulation Notice & Comment (2023) (with Genevieve Lakier)

[The Bankruptcy Tribunal](#), 96 American Bankruptcy Law Journal 749 (2022) (with Tony Casey)

[Checks, Not Balances](#), 101 Texas Law Review 89 (2022) (with Brian Richardson)

[Clean Energy Through Grid Reliability](#), 74 Stanford Law Review 969 (2022) (with Alexandra Klass, Shelley Welton, and Hannah Wiseman) (2022)

- Winner of the 2022 Morrison Prize for most impactful environmental law article of the year
- Featured in the 2022 Environmental Law and Policy Annual Review as one of the twenty best environmental law articles of the previous year

[The Promise and Perils of Open Finance](#), 40 Yale Journal on Regulation 1 (with Dan Awrey) (2022)

[Private Risk and Social Resilience in Liberalized Electricity Markets](#), 5 Joule 369 (2022) (with Jacob Mays, Michael Craig, L. Lynne Kiesling, Blake Shaffer, and Han Shu)

[Bankruptcy Shopping: Domestic Venue Races and Global Forum Wars](#), 37 Emory Bankruptcy Developments Journal 462 (2021) (invited) (with Tony Casey)

[Claim Durability and Bankruptcy's Tort Problem](#), 38 Yale Journal on Regulation 766 (2021) (with Vince Buccola)

[Long Live the Federal Power Act's Bright Line](#), 134 Harvard Law Review 1360 (2021) (with Matthew Christiansen)

- Winner of the 2021 Morrison Prize for most impactful environmental law article of the year
- Featured in the 2021 Environmental Law and Policy Annual Review as one of the twenty best environmental law articles of the previous year

[MOPR Madness](#), 42 Energy Law Journal 67 (2021) (with Robert Ward)

[Utility Mergers and the Modern \(and Future\) Power Grid](#), 42 Energy Law Journal 237 (2021) (Review)

[Rate Regulation Redux](#), 168 University of Pennsylvania Law Review 1181 (2020) (with Jackson Salovaara)

[Zombie Energy Laws](#), 73 Vanderbilt Law Review 1077 (2020)

- Winner of the 2020 Morrison Prize for most impactful environmental law article of the year
- Selected for inclusion in the 2020 Environmental Law and Policy Annual Review as one of the top four environmental law articles of the previous year

[The Hertz Maneuver \(and the Limits of Bankruptcy Law\)](#), The University Of Chicago Law Review Online (2020) (with Tony Casey)

[Bankruptcy as Bailout: Coal Company Insolvency and the Erosion of Federal Law](#), 71 Stanford Law Review 879 (2019) (with Jackson Salovaara)

- Selected for inclusion in the 2020 Environmental Law and Policy Annual Review as one of the top twenty environmental law articles of the previous year

[What Corporate Veil?](#), 117 Michigan Law Review 1195 (2019) (Review)

[Dodd-Frank is a Pigouvian Regulation](#), 126 Yale Law Journal 1336 (2018) (with Aaron Levine)  
(Note)

[The Costs of Administrative Aggregation](#), 70 Stanford Law Review Online (2018) (with Shannon Grammel)

[Playing Nicely: How Judges Can Improve Dodd-Frank and Foster Interagency Collaboration](#), 126 Yale Law Journal 806 (2017) (Note)

## EDUCATION

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**Yale Law School**, J.D., 2017

*The Yale Law Journal*, Editor

Coker Fellow (Teaching Assistant, Constitutional Law), Professor Paul Kahn

**The London School of Economics and Political Science**, M.Sc in Political Theory, 2013

**Yale University**, B.A. in English Literature, 2012

## CLERKSHIP

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Hon. J. Harvie Wilkinson III, U.S. Court of Appeals for the Fourth  
Circuit *Law Clerk*, 2017-2018

## SELECTED PRESENTATIONS

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2025

- Yale Climate Change & Private Law Conference, “Bankruptcy”
- Stanford Law and Economics Workshop, “Too Liable To Regulate”
- Banff Electricity Camp, “The Law and Economics of Transmission Planning and Cost Allocation”
- Columbia Public Economics Colloquium, “A Framework for Antitrust Liability in Regulated Utility Markets”
- University of Chicago Law Review Symposium, “Law and Economics 3.0”
- National Conference of Constitutional Law Scholars, “Against General Law Constitutionalism”
- Junior Federal Courts Workshop, “Against General Law Constitutionalism”

- Berkeley Environmental Law Colloquium, “Too Liable To Regulate”
- NYU Conference on Mass Actions: Bankruptcy, MDL, and Class Actions, “The New Bankruptcy Exceptionalism”
- Organization of PJM States, “Remarks on Transmission Cost Allocation”

## 2024

- Columbia Law and Economics Workshop, “Private Profit and Public Business”
- Stanford Public Law Workshop, “The Public Law of Public Utilities”
- Berkeley / Penn Energy Law Workshop, “Too Liable To Regulate”
- University of Virginia Junior Environmental Law Scholars Workshop, “Too Liable To Regulate”
- Organization of MISO States, “Remarks on RTO Governance”
- University of Michigan Public Law Workshop, “Against General Law Constitutionalism”
- Wallace Stegner Center Young Scholar Lecture, “PUHCA 2.0”
- Energy Systems Integration Group, “The Law and Economics of Transmission Planning and Cost Allocation”
- National Conference of Constitutional Law Scholars, “The Public Law of Public Utilities”
- Northwestern Electricity Law Dialogue, “Towards a National Transmission Planning Authority”
- BYU Winter Deals Conference, “Private Profits and Public Business”
- University of Chicago Bankruptcy Conference, “Too Liable To Regulate”

## 2023

- Queens University Climate Institutions Conference, “Outsourcing Energy Market Design”
- American Law and Economics Association Annual Meeting, “Outsourcing Energy Market Design”
- University of Texas Advanced Civil Procedure Seminar, “In Defense of Chapter 11 for Mass Torts”
- American Law and Economics Association Annual Meeting, “Does ESG Crowd Out Government Support for Regulation” (presented by Kristen Underhill)
- Berkeley Law, Economics, and Administration Workshop, “Private Risk and Public Business”
- Notre Dame Faculty Workshop Series, “The Public Law of Public Utilities”
- Notre Dame Law and Economics Workshop Series, “Private Risk and Public Business”
- National Association of Regulatory Utility Commissioners, “Remarks on Transmission Planning and Cost Allocation”
- National Conference of Constitutional Law Scholars, “The Public Law of Public Utilities”
- Duke Law and Economics Workshop, “The Corporate Law of Public Utilities”

- Duke Faculty Workshop, “The Public Law of Public Utilities”
- Vanderbilt Networks, Platforms, and Utilities Conference, “The Corporate Law of Public Utilities”
- Environmental Law and Economics Annual Conference, “Outsourcing Energy Market Design”
- Berkeley / Penn Energy Law Conference, “Outsourcing Energy Market Design”

## 2022

- FERC Technical Conference on Transmission Planning and Cost Management, Panel on Local and Regional Reliability Transmission Planning Criteria and Cost Management
- National Association of Regulatory Utility Commissioners Annual Conference, Committee on Electricity, “It’s All About the Connection (Transmission)”
- Berkeley POWER Conference, “Private Risk and Social Resilience in Liberalized Electricity Markets”
- Morrison Prize Keynote Lecture, “Long Live the Federal Power Act’s Bright Line”
- University of Virginia Law School Faculty Workshop, “The Regulatory Compact”
- University of Texas Law School Faculty Workshop, “Incomplete Energy Markets”
- Yale Law, Economics, and Organization Faculty Workshop, “Incomplete Energy Markets”
- Columbia Law School Faculty Workshop, “Incomplete Energy Markets”
- American Law and Economics Association Annual Meeting, “The Payments Trilemma”
- American Law and Economics Association Annual Meeting, “The Promise and Perils of Open Finance” (presented by Dan Awrey)
- Yale Law Journal Workshop Series, “Open Access, Interoperability, and DTCC’s Path to Monopoly”
- Environmental Law and Economics Annual Conference, “Private Risk and Social Resilience in Liberalized Electricity Markets”
- Junior Administrative Law Scholars Conference, “Checks, Not Balances” (presented by Brian Richardson)

## 2021

- American Law and Economics Association Annual Meeting, “MOPR Madness,
- American Law and Economics Association Annual Meeting, “Too Small To Succeed” (presented by Dan Awrey)
- Wharton Financial Regulation Workshop, “Too Small To Succeed”
- Vanderbilt Financial Regulation Workshop, “Too Small To Succeed”
- Morrison Prize Keynote Lecture, “Zombie Energy Laws”
- Environmental Law and Policy Review Annual Meeting, “Zombie Energy Laws”

## 2020

- Vanderbilt Business Law Workshop, “Claim Durability and Bankruptcy’s Tort Problem”
- University of Texas Austin Electricity Conference, “Capacity Markets”
- BYU New Deals Conference, “The Regulatory Compact”
- AALS New Voices in Administrative Law and Legislation, “The Regulatory Compact”
- Yale Seminar on Private Law, “The Regulatory Compact”

## 2019

- Northern Plains Resource Council Annual Meeting, “Bankruptcy as Bailout: Coal Company Insolvency and the Erosion of Federal Law”
- Energy Law and Policy in the Rockies, “Bankruptcy as Bailout: Coal Company Insolvency and the Erosion of Federal Law”
- Emerging Energy Law Scholars Conference, “Rate Regulation Redux”
- National Business Law Scholars Conference (NBLSC), “The Lost History of the National Securities Clearing Corporation”
- Richmond Junior Faculty Forum, “Rate Regulation Redux”
- American Law and Economics Association Annual Conference (ALEA), Annual Meeting, “Rate Regulation Redux”
- BYU New Deals Conference, “The Lost History of the National Securities Clearing Corporation”

## 2018

- Young Bankruptcy Law Scholars Conference, “It’s Not Moral Hazard, It’s the Market: Natural Monopoly and the Misregulation of Financial Market Utilities”
- Canadian Law and Economics Annual Conference (CLEA), “Bankruptcy as Bailout: Coal Company Insolvency and the Erosion of Federal Law”
- Midwestern Law and Economics Association Annual Conference (MLEA), “It’s Not Moral Hazard, It’s the Market: Natural Monopoly and the Misregulation of Financial Market Utilities”

## TEACHING EXPERIENCE

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*The University of Chicago Law School:* Bankruptcy; Climate Change Law; Legislation; Energy Law

*Cornell Law School:* Administrative Law (Fall 2019), Energy Law (Fall 2018, Spring 2020), Environmental Law (Spring 2019)

*Yale Law School:* Constitutional Law, Coker Fellow (teaching assistant, Fall 2016)

## **SERVICE**

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University of Chicago Law School: Faculty Appointments Committee, 2022-2023; Journal Committee, 2021-present; Faculty Advisory, The University of Chicago Business Law Review, 2021-present

Cornell Law School: Clerkship Committee, 2019-2020; PhD Committee for student in Natural Resources Department