

DALIA T. MITCHELL
The George Washington University Law School
2000 H Street NW, Washington, DC 20052
Direct phone: (202) 994-9320; E-mail: dtsuk@law.gwu.edu

ACADEMIC APPOINTMENTS

THE GEORGE WASHINGTON UNIVERSITY

Professor of Law and History (by courtesy)	May 2009–present
John Marshall Harlan Dean’s Research Professor	December 2022–present
Faculty Director, Business & Finance Law Program	July 2021–present
Associate Professor of Law with tenure	August 2005–May 2009
Associate Professor of Law	August 2004–August 2005
Visiting Associate Professor of Law	August 2003–August 2004

THE UNIVERSITY OF ARIZONA

Associate Professor of Law	January 2001–August 2004
Assistant Professor of Law	July 1999–December 2000

TEACHING

Corporations, American Legal History, Selected Topics in Constitutional Law, Business Bankruptcy and Reorganization

PUBLICATIONS AND WORKS IN PROGRESS

BOOKS

WE THE MANAGERS: THE MAKINGS OF MODERN CORPORATE LAW (in progress)

[ARCHITECT OF JUSTICE: FELIX S. COHEN AND THE FOUNDING OF AMERICAN LEGAL PLURALISM](#) (Ithaca, NY: Cornell University Press, 2007)

- Winner of the 2007 American Historical Association’s Littleton-Griswold Prize for the best book in any subject on the history of American law and society
- Selected Reviews:
 - Brett W. Curry, LAW AND POLITICS BOOK REVIEW, vol. 17 (2009): 764-767

- Roy Kreitner, *Biographing Realist Jurisprudence*, LAW AND SOCIAL INQUIRY, vol. 35 (2010): 765-791
- Larry Nesper, ETHNOHISTORY, vol. 56 (2009): 315-317
- Edward A. Purcell, Jr., THE JOURNAL OF AMERICAN HISTORY, vol. 95 (2008): 250-251
- Steve Russel, WICAZO SA REVIEW, vol. 23 (2008): 112-114
- John Schlegel, LAW AND HISTORY REVIEW, vol. 26 (2008): 463-464
- Kaius Tuori, *The Disputed Roots of Legal Pluralism*, LAW, CULTURE AND THE HUMANITIES, vol. 9 (2013): 330-351
- Kevin Washburn, *Felix Cohen, Anti-Semitism, and American Indian Law*, AMERICAN INDIAN LAW REVIEW, vol. 33 (2009): 583-605
- Jace Weaver, AMERICAN HISTORICAL REVIEW, vol. 113 (2008): 1185-1186

[CORPORATIONS](#) (Carolina Academic Press, 2018)

ARTICLES

Hedging Pluralism: Felix Frankfurter's Majoritarianism in a Symposium "Celebrating the Legacy of Felix Frankfurter," TOURO LAW REVIEW, vol. 39 (forthcoming 2024)

Asking the Jewish Question: The Import of Jewish History to Corporate Law, in a Symposium on "Law vs. Antisemitism," LEWIS AND CLARK LAW REVIEW, vol. 27 (forthcoming 2024)

[Proceduralism: Delaware's Legacy](#), UNIVERSITY OF CHICAGO BUSINESS LAW JOURNAL, vol. 2: 333-390 (2023)

- Featured in [HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE](#) (September 8, 2023)

[Shareholder Wealth Maximization: Variations on a Theme](#), UNIVERSITY OF PENNSYLVANIA JOURNAL OF BUSINESS LAW, vol. 24: 700-749 (2022)

- Shorter adaptation published in [FINANCIAL HISTORY MAGAZINE](#) (March 2022): 22-25
- Featured in [OXFORD BUSINESS LAW BLOG](#) (May 15, 2023)

Rewritten Meinhard, in [FEMINIST JUDGMENTS: REWRITTEN CORPORATE LAW](#) (Kelli Alces Williams, Anne Choike, and Usha Rodrigues eds., Cambridge University Press, 2022)

Business as Usual: Hobby Lobby and the Purpose of Corporate Rights, 2021
COLUMBIA BUSINESS LAW REVIEW: 243-295 (2021)

From Vulnerable to Sophisticated: The Changing Representation of Creditors in Business Reorganizations, NEW YORK UNIVERSITY JOURNAL OF LAW AND BUSINESS, vol. 16: 123-183 (2019)

From Dodge to eBay: The Elusive Corporate Purpose, VIRGINIA LAW AND BUSINESS REVIEW, vol. 13: 155-211 (2019)

- Featured in [THE CLS BLUE SKY BLOG: COLUMBIA LAW SCHOOL BLOG ON CORPORATIONS AND CAPITAL MARKETS](#) (2019)
- Presented at a faculty workshop, The George Washington University, September 5, 2018

Legitimizing Power: A Brief History of Modern U.S. Corporate Law, in [THE RESEARCH HANDBOOK ON THE HISTORY OF CORPORATE AND COMPANY LAW](#) 510-533 (Harwell Wells, ed., Edward Elgar Press, 2018)

From Tort to Finance: Delaware's Sedative Duty to Monitor, in [COMPLEXITY AND CRISIS IN THE FINANCIAL SYSTEM: CRITICAL PERSPECTIVES ON THE EVOLUTION OF AMERICAN AND BRITISH BANKING](#) 121-148 (Matthew Hollow, Folarin Akinbami and Ranald Michie eds., Edward Elgar Pub. 2016)

The Import of History to Corporate Law, in "Teaching Business Associations," ST. LOUIS UNIVERSITY LAW JOURNAL, vol. 59: 683-701 (2015)

Jews and American Legal Pluralism, in [JEWS AND THE LAW](#) 321-346 (Marc Galanter, Ari Mermelstein, Suzanne Last Stone, Victoria Saker Woeste, and Ethan Zadoff eds., Quid Pro Press, 2014)

Legitimizing Power: The Changing Status of the Board of Directors, in [THE EMBEDDED FIRM: LABOR, CORPORATE GOVERNANCE, AND FINANCE CAPITALISM](#) 60-81 (Cynthia Williams and Peer Zumbansen eds., Cambridge University Press, 2011)

The Financial Determinants of American Corporate Governance: A Brief History, in [CORPORATE GOVERNANCE: A SYNTHESIS THEORY, RESEARCH AND PRACTICE](#) 19-36 (H. Kent Baker and Ronald Anderson eds., John Wiley & Sons, Inc., 2010) (with Lawrence E. Mitchell)

The End of Corporate Law, in a symposium on "Corporate Governance and Climate Change," WAKE FOREST LAW REVIEW, vol. 44: 101-127 (fall 2009)

[*Status Bound: The Twentieth Century Evolution of Directors' Liability*](#), NEW YORK UNIVERSITY JOURNAL OF LAW AND BUSINESS, vol. 5: 63-151 (spring 2009)

Transformations: Pluralism, Individualism, and Democracy, in [TRANSFORMATIONS IN AMERICAN LEGAL HISTORY: ESSAYS IN HONOR OF PROFESSOR MORTON J. HORWITZ](#) 185-210 (Daniel W. Hamilton & Alfred L. Brophy eds., Harvard University Press for Harvard Law School, 2008)

[*Shareholders as Proxies: The Contours of Shareholder Democracy*](#), in a Symposium on "Understanding Corporate Law through History," WASHINGTON AND LEE LAW REVIEW, vol. 63: 1503-1578 (winter 2006)

- Reprinted in CORPORATE GOVERNANCE: VALUES, ETHICS, AND LEADERSHIP (Lawrence E. Mitchell ed., Ashgate Publishing 2009)

[*From Pluralism to Individualism: Berle and Means and 20th Century American Legal Thought*](#), LAW AND SOCIAL INQUIRY, vol. 30(1): 179-225 (winter 2005)

[*Corporations without Labor: The Politics of Progressive Corporate Law*](#), THE UNIVERSITY OF PENNSYLVANIA LAW REVIEW, vol. 151: 1861-1912 (summer 2003)

[*"A Double Runner": Felix S. Cohen and the Indian New Deal*](#), in a Symposium on "Putting Law in Its Place in Native North America," POLITICAL AND LEGAL ANTHROPOLOGY REVIEW (POLAR), vol. 25(1): 48-68 (summer 2002)

[*Pluralisms: The Indian New Deal as a Model*](#), in a Symposium on "Legislating Morality: The Problem of Moral Rights and Legal Rights," MARGINS: MARYLAND'S INTERDISCIPLINARY PUBLICATION ON RACE, RELIGION, GENDER AND CLASS, vol. 1(2): 393-449 (winter 2001)

[*The New Deal Origins of American Legal Pluralism*](#), FLORIDA STATE UNIVERSITY LAW REVIEW, vol. 29(1): 189-268 (fall 2001)

- Includes a comment by Aviam Soifer, [Descent](#), FLORIDA STATE UNIVERSITY LAW REVIEW, vol. 29(1): 269-276 (fall 2001)

BOOK REVIEWS

Review of James R. Hackney, Jr., *Under Cover of Science: American Legal-Economic Theory and the Quest for Objectivity* (Durham, NC: Duke University Press, 2006), LAW AND HISTORY REVIEW (2009)

Review of *Felix S. Cohen, On the Drafting of Tribal Constitutions*, edited by David E. Wilkins (Norman, OK: University of Oklahoma Press, 2007), THE REGISTRAR OF KENTUCKY HISTORICAL SOCIETY (2008)

ENCYCLOPEDIA ENTRIES

Felix S. Cohen, an entry in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (Roger Newman ed., Yale University Press, 2009)

Morris R. Cohen, an entry in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (Roger Newman ed., Yale University Press, 2009)

Legal Realism, an entry in LEGAL SYSTEMS OF THE WORLD: A POLITICAL, SOCIAL, AND CULTURAL ENCYCLOPEDIA (Herbert Kritzer ed., 2002)

LL.M. THESIS

DELIBERATIVE DEMOCRACY AND ITS CRITICS (LL.M. Thesis, 1994, available at Harvard Law School's Library)

SERVICE

Faculty Director, Business and Finance Law Program (2021-present)

Search Committee for Business and Finance Law Program Director (2021-2022)

Curriculum Committee, The George Washington University Law School (2004-2006, 2010-present)

Academic Integrity Committee, The George Washington University Law School (2015-2022)

Ad hoc Committee on ABA Standards Implementation, The George Washington University Law School (2017-2020)

C-LEAF Executive Board, The George Washington University Law School (2010-2020)

Advisory Council on Research, The George Washington University (2012-2013)

Appointments Committee, The George Washington University Law School (2007-2008, 2010)

Works in Progress Committee, The George Washington University Law School (2005-2006, 2009-2010)

LAW AND SOCIETY REVIEW: Editorial Advisory Board (2004-2006)

LAW AND SOCIETY HURST PRIZE COMMITTEE (2004-2005)

AMERICAN SOCIETY FOR LEGAL HISTORY: Member of the Program Committee, Annual Meeting, November 2001

Conference on FEMINISM, CORPORATIONS AND CAPITALISM: POLICY AND PROTEST, SUNY Buffalo, co-sponsored by the Feminism and Legal Theory Workshop at Cornell Law School, April 2001: Member of the Organizing Committee

Conversations on FEMINISM AND CORPORATIONS, sponsored by the Feminism and Legal Theory Workshop at Cornell Law School, June 2000: assisted in organizing

Faculty Selection Committee, James E. Rogers College of Law, University of Arizona (2001-2002)

Visiting Scholars / Faculty Enrichment Committee, James E. Rogers College of Law, University of Arizona (1999-2000; 2000-2001): organized a speaker series on legal realism. The series included seven faculty presentations by eminent legal scholars who assessed the enduring influence of legal realism on their respective fields of expertise

LEGAL EXPERIENCE

S. HOROWITZ & CO. LAW FIRM, TEL AVIV, ISRAEL

Law Clerk March 1993-August 1993
Drafted memoranda analyzing corporate transactions and intellectual property litigation

CHIEF JUSTICE MEIR SHAMGAR, SUPREME COURT OF ISRAEL, JERUSALEM, ISRAEL

Judicial Clerk March 1992-March 1993
Drafted opinions in a variety of civil law cases

FELLOWSHIPS AND AWARDS

THE AMERICAN HISTORICAL ASSOCIATION'S 2007 LITTLETON-GRISWOLD PRIZE (for the best book in any subject on the history of American law and society) for ARCHITECT OF JUSTICE: FELIX S. COHEN AND THE FOUNDING OF AMERICAN LEGAL PLURALISM (Ithaca, NY: Cornell University Press, 2007)

(Inaugural) WILLARD HURST LEGAL HISTORY INSTITUTE, UNIVERSITY OF WISCONSIN, MADISON, Summer 2001

SAMUEL I. GOLIEB FELLOWSHIP IN LEGAL HISTORY, NEW YORK UNIVERSITY SCHOOL OF LAW, 1998-1999

EDUCATION

HARVARD LAW SCHOOL, CAMBRIDGE, MA

S.J.D., June 1999

YALE UNIVERSITY, NEW HAVEN, CT

M.Phil., Department of History, May 1998

TEL AVIV UNIVERSITY SCHOOL OF LAW, ISRAEL

LL.B. *magna cum laude*, February 1992