

**CHAIM N. SAIMAN**  
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Charles Widger School of Law  
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## PERMANENT APPOINTMENT

### **Villanova U. Charles Widger School of Law,**

Chair in Jewish Law (2019—)  
Professor of Law (with tenure) 2006—  
Associate Professor (2009-2012)  
Assistant Professor (2006-2009)

Areas: Insurance Law  
Jewish Law  
Private Law Theory  
Comparative Jurisprudence

Courses: *Contracts*  
*Jewish Law* (designed syllabus)  
*Insurance Law*  
*Advanced Insurance Law: Coverage Disputes* (co-developed syllabus for lawyering skills course focused on insurance coverage disputes)  
*Advanced Insurance Seminar*  
*Contracts Practicum* (co-developed Practicum attached to the first-year course that introduces students to basic transactional concepts)  
*Legislation and Statutory Interpretation*  
*Tradition in Law and Religion*

## EDUCATION

<b>Columbia University School of Law</b> , New York, NY	1999-2001
J.D., May 2001	
Harlan Fiske Stone Scholar	

March 2020

<b>Georgia State University</b> , Atlanta, GA B.B.S. Finance, <i>magna cum laude</i> Honors: Dean's List – all semesters; Hope Scholar, 1994-1998	1994-1998
<b>Yeshivat Har Etzion</b> , Alon Shvut, Israel Graduate Talmudic and Biblical Studies	1996-1998
<b>Yeshivat Kerem B'Yavne</b> , Yavne, Israel Undergraduate Talmudic and Biblical Studies.	1993-1995

### TERM APPOINTMENTS

<b>U. Toronto Faculty of Law</b> Distinguished Visiting Faculty	Winter 2019 & 2020
<b>Interdisciplinary Center Herzliya, Faculty of Law</b> Visiting Professor	Summer 2018 & 2020
<b>Harvard Law School</b> Gruss Visiting Professor of Talmudic Law	Spring 2017
<b>Hebrew University Faculty of Law</b> Visiting Professor	Spring/Summer 2016
<b>Bar Ilan Faculty of Law</b> Visiting Professor	Winter 2015
<b>University of Pennsylvania Law School</b> , Gruss Visiting Professor of Talmudic Law	Fall 2012 & Fall 2013
<b>Princeton University</b> William E. Simon Visiting Fellow in Religion and Public Life	2012-2013
<b>Harvard Law School</b> , John M. Olin Fellow in Law	2004-2006
<b>NYU Law School</b> , Samuel I. Golieb Fellow in Legal History	2005-2006

### PUBLICATIONS

- *The Law Wants to be Formal*, 96 NOTRE DAME L. REV. \_\_\_\_ (2020) (forthcoming)

- HALAKHAH: THE RABBINIC IDEA OF LAW (Princeton U. Press, 2018)
  - Significant scholarly reviews in:
    - *Harvard Theological Review*
    - *Journal of Law and Religion*
    - *Jewish Review of Books*
    - *American Journal of Comparative Law*
  - Symposium in *Villanova Law Review* with reviews by:
    - Christine Hayes
    - Sanford Levinson
    - Richard McAdams
    - Edward Rock
    - Suzanne Last Stone
    - Leora Batnitsky
    - Richard Weissberg
    - Nathan Oman
    - Harlan Cohen
- *Fiduciary Duties in Jewish and American Law* in the OXFORD HANDBOOK OF FIDUCIARY LAW (Oxford University Press) (forthcoming 2018)
- *Jewish Law in Modernity* in the ENCYCLOPEDIA OF THE BIBLE AND ITS RECEPTION (Verlag Walter de Gruyter) (2017).
- *Multivalent Logic in Jewish Law: One God, No State and Many Legal Arguments* in LAW AND THE NEW LOGICS (Oxford University Press 2016).
- *Talmudic Analytics and Ethical Thought: 25 JEWISH LAW ASSOCIATION STUDIES* 225 (2014).
- *Framing Jewish Law for the Law School Context: A Critique and Look Ahead*, 19 THE JEWISH LAW ANNUAL 89 (2011).
  - Translated into German as *Jüdisches Recht für die moderne Law School Kritik und Ausblick*, printed in TALMUDISCHE TRADITION UND MODERNE RECHTSTHEORIE, Karl-Heinz Ladeur & Ino Augsberg, eds. (Tübingen: Mohr Siebeck, 2012).
- *Transactional Lawyering— A Conceptual Approach*, 12 TRANSACTIONS: TENN. J. BUS. L. 83 (Special Report 2011).
- *Restitution and the Production of Legal Doctrine*, 65 WASHINGTON AND LEE LAW REVIEW 993 (2008).
- *Public Law, Private Law and Legal Science*, 56 AMERICAN JOURNAL OF COMPARATIVE LAW 691 (2008) (peer reviewed).

- *Reprinted in: BEYOND THE STATE: RETHINKING PRIVATE LAW* (Nils Jansen and Ralf Michaels eds., Mohr Siebeck (2008))
- *Restitution in America: Why the US Refuses to Join the Global Restitution Party?* 28 OXFORD JOURNAL OF LEGAL STUDIES 99 (2008) (peer reviewed).
- *Jesus' Legal Theory—A Rabbinic Reading*, 23 JOURNAL OF LAW AND RELIGION 97 (2007-08) (peer reviewed).
- *Restating Restitution: A Study in Contemporary Common Law Conceptualism*, 52 VILLANOVA LAW REVIEW 487 (2007).
- *Legal Theology: The Turn to Conceptualism in 19<sup>th</sup> Century Jewish Law*, 21 THE JOURNAL OF LAW AND RELIGION 39 (2006) (peer reviewed).
- *Interpreting Immunity: Qualified Immunity and the Common Law Tradition*, 7 U. PENN. J. OF CONST. LAW 1155 (2005).

### ***Works In Progress***

- *How Much Din Torah (Torah law) in a Din Torah (Rabbinic Court Case)?*
- *Why Insurance Needs a Restatement: The Case of Settlement Duties*
- THE RESTATEMENT OF THE LAW OF LIABILITY INSURANCE *and the Creation of Insurance Law*.
- OXFORD HANDBOOK ON JEWISH LAW, (with co-editors Roberta Kwall and Zev Eleff) (contract signed with OUP).
- *Halakhah and Modernity: The case of Commercial Law*

### **CLERKSHIP**

**Judge Michael W. McConnell**, Salt Lake City, UT 2/2003-8/2004  
Clerk to Judge McConnell on United States Court of Appeals  
for the Tenth Circuit.

### **LEGAL EXPERIENCE**

**Beth Din (Rabbinical Court) of America**, New York, NY 2018—  
○ rabbinical court judge/arbitrator in commercial law disputes

**Cleary, Gottlieb, Steen, & Hamilton**, New York, NY 2001-2003  
*Associate, Transactional Intellectual Property Group*

**Dewey Ballantine**, New York, NY Summer 2000  
*Summer Associate, Corporate Law*

### BAR ADMISSIONS

- New York
- Pennsylvania

### SELECTED PROFESSIONAL ENGAGEMENTS

- Expert witness on Jewish law in commercial fraud litigation, *Berger et al. v. Cushman & Wakefield of Pennsylvania, Inc., et al.*, Civil Action No. 2:13-cv-5195 (E.D. Pa.).
- Expert witness on insurance law, *Horn v. Minnesota Life Ins. Co., et.al*, Civil Action No. 2:17-cv-00238 (E.D. Pa.).
- Expert witness on Jewish law and insurance law, *Conestoga Trust v. RE Family Trust, et al.*, Civil Action No. 2011-CI-17646 (Bexar Cnty. Tex.).

### SELECTED POPULAR WRITINGS

- *The Inverted Halakhah of Simhat Torah*, (October 2019)  
<https://thelehrhaus.com/holidays/the-inverted-halakhah-of-simhat-torah/>
- *How Halakhah Changes: From Nahem to the “Tisha be-Av Kumzitz”* (July, 2017) <http://www.thelehrhaus.com/scholarship/2017/7/30/how-halakhah-changes-from-nahem-to-the-tisha-be-av-kumzitz>
- *Remembering R. Ozer Glickman- A Modern Orthodox Voice Against Racism* (March 2018)  
<https://forward.com/life/faith/397200/modern-orthodox-rabbi-ozzer-glickman-voice-against-racism/>
- *Why The Last Jedi is more “Spiritual” than “Religious”*, THE ATLANTIC, (Dec. 2017)

- <https://www.theatlantic.com/entertainment/archive/2017/12/why-the-last-jedi-is-more-spiritual-than-religious/549146/>
- *The Nature of Halakhic Civil Law* (June 2017)  
<http://www.thelehrhaus.com/timely-thoughts/2017/5/28/the-nature-of-halakhic-civil-law>
  - *Our Current Political Station: Might this be Modern Orthodoxy's Moment?*, (January, 2017)  
<http://www.thelehrhaus.com/timely-thoughts/2017/1/18/our-current-political-station-might-this-be-modern-orthodoxy-s-moment>
  - *The Market for Gedolim*, (Sept.2016)  
<http://www.thelehrhaus.com/scholarship/2016/10/12/the-market-for-gedolim>
  - *The Impassioned Moderate: Rav Aharon Lichtenstein*, THE JEWISH WEEK (April 21, 2015), <http://www.thejewishweek.com/editorial-opinion/opinion/rav-aharon-lichtenstein-impassioned-moderate>
  - *The Fifth Question*, THE JEWISH REVIEW OF BOOKS p.47 (Spring 2015)
  - *Should Maggid Take Forever?* TORAH MUSINGS  
<http://www.torahmusings.com/2015/03/should-maggid-take-forever/>
  - *The Paths Not Taken*, MOSAIC MAGAZINE  
<http://mosaicmagazine.com/supplemental/2013/12/the-paths-not-taken/>
  - *Debating Partnership Minyanim--- The Next Step*, CROSS CURRENTS  
<http://www.cross-currents.com/archives/2014/02/28/a-next-step-in-debating-partnership-minyanim>
  - *The Halakhah of Jesus' Trial*, FIRST THINGS, August/September 2013
  - *Clothes Make the Man*, JEWISH IDEAS DAILY,  
<http://www.jewishideasdaily.com/5518/features/clothes-make-the-man/>
  - *If Trayvon were Tuvia: The Orthodox (Non)response to the Zimmerman Verdict* CROSS CURRENTS, <http://www.cross-currents.com/archives/2013/08/07/if-trayvon-were-tuvia-the-orthodox-nonresponse-to-the-zimmerman-verdic>
  - *A Case Study in Contemporary Halakhic Rhetoric—R. Asher Weiss on Dina DeMalkhuta*, TORAH MUSINGS, <http://hirhurim.blogspot.com/2010/06/case-study-in-contemporary-halakhic.html>

- *The Long Arm of Halakhah: Jewish Law and the Madoff Scandal*, *THE JEWISH FORWARD*, <http://forward.com/articles/14934/the-long-arm-of-halacha-jewish-law-and-the-madoff/>

## OTHER SCHOLARLY ACTIVITIES

### *Editorships*

- Editor, *AMERICAN JOURNAL OF COMPARATIVE LAW*
- Guest editor for Jewish Law of the *JOURNAL OF LAW AND RELIGION* (Spring & Summer '12)
- PhD dissertation committee, Bernard Revel Graduate School at Yeshiva University. Topic: *The Biblical Law of Bailment in Its Ancient Near Eastern Contexts*.

### *Conferences and Panels Organized.*

- Law Review Symposium, *The Rabbinic Idea of Law: Interactions and Implication*, Villanova Law, (Winter 2019) (convener).
- AALS Section on Jewish Law: *The Evolution and Use of Judeo-Christian in American Law and Public Life*, (New Orleans, Winter 2019) (convener).
- *Workshop on Insurance & Contract Law*, Villanova (Fall 2018)
- Symposium on *Law & Religion Meets Law & Economics*, Villanova, (Spring 2017) (convener)
- Workshop *Thinking Legally vs. Thinking Historically*, U. Penn Law School (Winter 2013) (organizer)
- *Jewish Law Association Conference*, Yale Law School (Summer 2012) (member of the academic committee)
- *McCullen Symposium on The Moral Foundations of Private Law*, Villanova Law School (March 2012) (co-convener)
- AALS Section on Jewish Law: *Is Halakah Jewish Law?* (2010) (convener)

### *Peer Reviews & Dissertation Committees*

- Dissertation Committee and Field Supervisor for PhD candidate at Princeton University (American legal theory)
- Dissertation Committee and for PhD candidate at Yeshiva University (Talmudic law and legal theory)

- Reviewer for Israel Science Foundation grant applications, and tenure review for Hebrew University Law School
- Peer reviewer for AMERICAN JOURNAL OF COMPARATIVE LAW; JOURNAL OF RELIGION, LAW AND STATE; LAW AND PHILOSOPHY REVIEW; JEWISH STUDIES QUARTERLY; UNIVERSITY OF TORONTO LAW JOURNAL; STUDIES IN LAW, POLITICS AND SOCIETY; JOURNAL OF LAW AND RELIGION, Oxford U. Press and Cambridge U. Press.

## PRESENTATIONS

### DELIVERED (2017--)

**Columbia Law School**, Event for HALAKHAH: THE RABBINIC IDEA OF LAW (March. 2020)

**ABA-Tort Trial and Insurance Law Section Conference**, *Why Insurance Needs a Restatement*, (Phoenix AZ, Feb. 2020)

**NYU Law School**, Event for HALAKHAH: THE RABBINIC IDEA OF LAW (Dec. 2019)

**Stanford Law School**, Event for HALAKHAH: THE RABBINIC IDEA OF LAW (Nov. 2019)

**Stanford University**, Jewish Studies Program, Contemporary Beth Din Practice (Nov. 2019)

**Fordham Law School**, *Annual Lecture on Jewish Law* (Fall 2019)  
HALAKHAH: THE RABBINIC IDEA OF LAW

**U. Virginia**, Conference on Religion and the Market (MAY 2019).

**U. Toronto**, Faculty Workshop (March 2019)

**U. Toronto**, Private Law Theory Workshop (March 2019)

**Osgoode Hall Law School**, Faculty Workshop (March 2019)

**Duke Law School**, Faculty Workshop (Jan. 2019)

Presenting: *The Restatement of the Law of Liability Insurance and the Creation of Insurance Law.*

**Duke University**, Book Launch co-sponsored by Depts. of Religion, Jewish Studies and Law (Jan. 2019)

**William and Mary Law School**, Faculty Workshop (Jan 2019)

Presenting: The Restatement of the Law of Liability Insurance *and the Creation of Insurance Law*.

**Oxford University**, David Patterson Lecture, Centre for Hebrew and Judaic Studies, Oxford, UK, (November 2018)

**Oxford University**, Faculty of Law, Obligations & Property Law Workshop, Oxford, UK, (November 2018)

**Cambridge University**, Centre for Private Law, Cambridge, UK (November 2018)

**U. Antwerp**, Endowed Lecture at Institute for Jewish Studies, Antwerp, Belgium (November, 2018)

**U. Amsterdam**, Menasseh b. Israel Institute, Lecture Series on Jewish Studies (November, 2018).

**Villanova Law**, *The Interactions of Insurance and Contract Law* (Fall 2018)

Presented: The Restatement of the Law of Liability Insurance *and the Creation of Insurance Law*.

**Harvard Law School**, Private law workshop, (Fall 2018).

Presented: *The Domain of Private Law*

**Harvard Law School**, Book Launch for HALAKHAH: THE RABBINIC IDEA OF LAW (Fall 2018)

**Kesher Israel Congregation**, Scholar in Residence, Washington, DC (Fall 2018)

**Yale Law School**, Book Launch for HALAKHAH: THE RABBINIC IDEA OF LAW (Fall 2018)

**U. Melbourne/ Oxford University**, International Obligations Conference, Melbourne, Australia, (Summer 2018)

**Presented:** *The Domain of Private Law*

**Interdisciplinary Center Herzilia**, Faculty workshop (Summer 2018)

- Presented:** *The Domain of Private Law*
- Tel Aviv University Faculty of Law**, Private Law Theory workshop (Summer 2018)  
**Presented:** *The Domain of Private Law*
- Hebrew University Faculty of Law**, Private Law Theory Workshop (Summer 2018)  
**Presented:** *The Domain of Private Law*
- U. Pennsylvania Law School**, Gruss Conference (April 2018).  
**Presented:** *Jewish Law as a model for Stateless International Law*
- Notre Dame/Catholic Theological Union**, Conference on Jewish/Catholic Dialogue  
Chicago, IL, (April 2018).  
**Presented:** *The Halakhah of Jesus' Trial*
- 13<sup>th</sup> International Contracts Conference**, Orlando, FL (Feb. 2018)  
**Presented:** *The Domain of Private Law*
- Duke Law School**, Religious Law Seminar, Durham, North Carolina (January 2018)  
**Presented:** *Is Jewish Law a Religious Legal System?*
- Yale University Shabtai Society**, Shabbat Scholar in Residence, New Haven, CT (Jan 2018)
- Villanova University**, Program on Political Theology (January 2018)  
**Presented:** The Rabbinic Idea of Law
- Yeshiva University**, Shabbat Scholar in Residence, New York, NY (Dec. 2017)
- Harvard Law School**, Fiduciary Duties Conference, Cambridge, MA (Nov. 2017)  
**Presented:** *Fiduciary Duties in Classical Jewish Law*
- DePaul Law School**, Faculty Workshop, Chicago, IL (Nov. 2017)  
**Presented:** *The Distribution of Doctrinal Formality Across Common Law Systems*
- American Society of Comparative Law**, Washington, DC (Oct. 2017)  
**Presented:** *"Rabbinical Courts in the Contemporary West: A Forum of Jewish Law or a Jewish Legal Forum?"*

**SELETED (2010—2017)**

**HU Faculty of Law, *Jewish Law and Legal Theory Workshop***, Jerusalem, Israel  
(June 2016)

**Contemporary Issues in Insurance Law**, Conference at U. Haifa Faculty of Law,  
(Israel, December 2015)  
**Presented:** *Are Insurance Policies Contracts: The View from the Restatement of  
Liability Insurance*

**University of Toronto, *Conference on Jewish Law and the Family*** (Nov. 2015)  
**Presented:** *Gender Relationships in Halakhah and Aggadah*

**U. Michigan Faculty Workshop**, Ann Arbor, MI (Oct. 2015)  
**Presented:** *The Rabbinic Idea of Law*

**Duke Law School, Faculty Seminar**, Durham N. Carolina (October 2014)  
**Presented:** *The Rabbinic Idea of Law*

**U. California Law School (Irvine), *Conference on Jewish and Islamic Law***, Irvine, CA  
(Sept. 2014)  
**Presented:** *Framing Jewish Law for the American Law School Context*

**Hebrew University of Jerusalem, The Tzoba Conference: *Contact Law and Jewish  
Law***, (September 2014)  
**Presented:** *Does the Talmud Recognize a Contract? A Perspective Based on  
Contractual Remedies*

**Stanford Law School, Stanford Constitutional Law Center**, Stanford, CA (May 2014)  
**Presented:** *The Paradox of Free Exercise and Jewish Law*

**Religious Legal Theory Conference**, Emory Law School, Atlanta, GA (February 2014)  
**Presented:** *Torah Study and the Conflict between State & Halakhah*

***Thinking Legally & Thinking Historically***, U. Penn Law School (December 2013)  
Conference Organizer and Speaker

**Gross Lecture** (Endowed lecture), U.Penn.Law School (Fall 2013)

**Presented:** *Halakhah: Torah Study and the Codification of Jewish law*

**Philosophy of the Bible and Talmud**, Shalem Center, Jerusalem, Israel (Summer 2013)

**Presented:** *Torah Study as a way of Knowing*

*Shaping Legal Cultures*, U. Penn. Arts and Sciences, Philadelphia, PA(April, 2013).

**Presented:** *Non Applied Law*

**Gross Lectures** (Pair of endowed lectures), U.Penn.Law School (Spring 2013)

**Presented:** *Halakhah: The Rabbinic Idea of Law* (Lecture I)

*Law AS Literature: The case of the Talmudic Sugya* (Lecture II)

**Corrective Justice Workshop**, Cardozo Law School, New York, NY (July 2012)

**Presented:** *Corrective Justice and Jewish Law: From Incontrovertible Benefits to Immanent Rationality*

*Forgetting and Error in Jewish Law*, Harvard Law School, Cambridge, MA

(May, 2012)

**Panelist:** *Does Every Legal Question Have a Uniquely Correct Answer?*

**Faculty Seminar**, Hebrew University, Jerusalem (December 2011)

**Presented:** Work in progress on Jewish legal theory.

**International Workshop on Global Trends in Law and Religion**, held at University of Lucerne, Switzerland (November, 2011)

**Presented:** *Is Halakhah Jewish Law? And if not, what is it?*

**Faculty Seminar**, University of Georgia, Athens, GA (October, 2011)

**Presented:** Work in progress on private law theory

**Conference on Multi-valued Law and Multivalent Logic**, held at Netherlands Institute of Advanced Study Netherlands, (Summer 2011)

**Presented:** *Jewish Law: One God, No State and Many Legal Opinions*

**Presented:** *The Rabbinic Idea of Law*

**Conference on *Jewish and Modern Concepts of Law***, conference held at University of Hamburg, Germany (Fall 2010)

**Presented:** *Towards a Legal Theory of Jewish Law.*

**Obligations Conference**, held at Oxford University, Oxford, UK (Summer 2010)

**Presented:** *Faith in Legal Doctrine: An Anglo-American Comparison*

**Conference on *Transactional Education***, Emory Law School, Atlanta, GA (June 2010)

**Presented:** *Transactional Lawyering: A Conceptual Approach*  
(discussion and presentation of Villanova's practicum)

#### SELECTED SERVICE

- Chair, Academic Committee, Villanova U. Widger School of Law (2017--)
- Chair, Practicum Evaluation Committee (2017)
- Member, Strategic Planning Committee (2018-19)
- AALS Section on Jewish Law (Chair 2009-10; 2018-19)
- Advisor to JLSA
- Member US/Canada Committee of International Jewish Law Association