

David Y. Kwok
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ACADEMIC APPOINTMENTS

University of Houston Hobby School of Public Affairs Elizabeth D. Rockwell Center for Ethics & Leadership Faculty Fellow	Houston, TX 2021-2022
University of Houston Law Center George A. Butler Research Professor Associate Professor Co-Director, Criminal Justice Institute Courses: White Collar Crime, Criminal Law, Criminal Procedure, Law & Social Sciences Honor Board Faculty Advisor (2020-22) Diversity, Equity, & Inclusion Committee (2019-23, 2021-22 chair) Judicial Clerkship Committee (2013-20) 1L Faculty Mentor (2014-23) Outcomes & Assessments Committee (2016-20)	Houston, TX 2021-present 2019-present 2021-present
Assistant Professor New Faculty Research Grant recipient (awarded 2014) Faculty Scholarship and Advancement Committee (2014-15) Executive Committee (2015-17)	2013-2019

EDUCATION

University of California, Berkeley, School of Law <i>Berkeley Center for Law, Business and the Economy</i> Law and Economics Fellow	Berkeley, CA 2012-2013
University of California, Berkeley, School of Law <i>Ph.D., Jurisprudence and Social Policy</i> Dissertation: The Private Enforcement of Government Interests Under the False Claims Act Committee Members: Robert Cooter, Justin McCrary, Robert MacCoun, and Lee Friedman Field Exams in Law & Economics and White Collar Crime	2011
Dean's Normative Time Fellowship, U.C. Berkeley (2010-11) Law and Economics Fellowship, U.C. Berkeley School of Law (2009-10) Law and Economics Scholar Award, U.C. Berkeley School of Law (2007-08)	

University of California, Berkeley, School of Law J.D.	2009
Order of the Coif	
AAJ Trial Advocacy Regional Champion (West Coast/Santa Monica, 2008)	
Moot Court Advocacy Award (2007)	
Prosser Prizes in Law, Economics and Business (2007) and Income Tax I (2008).	
 Goldman School of Public Policy, University of California, Berkeley Masters in Public Policy	 2006
Javits Fellowship for International Development (2005)	
Graduate Student Instructor in Applied Microeconomics (Fall, 2005)	
Thesis: Public-Private Partnerships in U.S. Infrastructure Development	
 Northwestern University B.S. Biomedical Engineering	 Evanston, IL 1997
Concentration in Electronic Instrumentation (Electrical Engineering)	
Honors Program in Engineering Management	
Cooperative education with Abbott Laboratories and Aksys, Ltd.	

ARTICLES

Underestimating Fraud, 109 KY. L.J. 359 (2021)

Is Vagueness Choking the White Collar Statute?, 53 GA. L. REV. 495 (2019)

The Private Partners in Public Corruption, 32 NOTRE DAME J. L. ETHICS & PUB. POL'Y 467 (2018)
(symposium on white collar crime)

The Public Wrong of Whistleblower Retaliation, 69 HASTINGS L.J. 1225 (2018)

Controlling Excessive Off-Label Medicare Drug Costs Through the False Claims Act, 27 HEALTH MATRIX 185 (2017)

A Fair Competition Theory of the Civil False Claims Act, 94 NEB. L. REV. 355 (2015)

Taxation Without Compensation as a Challenge for Tribal Sovereignty, 84 MISS. L.J. 91 (2014)

Evidence from the False Claims Act: Does private enforcement attract excessive litigation?, 42 PUB. CONT. L.J. 225 (2013) (peer selected and edited)

Determining Standing and Damages for "Competitive Injury" from False Patent Marks, 17 VA. J.L. & TECH. 171 (2012)

OTHER PUBLICATIONS

The Whistleblower as Corporate Frenemy, 2 BELMONT CRIM. L.J. 59 (2019) (symposium on white collar crime)

Lessons from Qui Tam Litigation in the United States, Open Society Justice Initiative (April 2016), <https://www.opensocietyfoundations.org/publications/lessons-qui-tam-litigation-united-states>

WORKS IN PROGRESS

Disentangling ‘Deep Pockets’ from a Media Deterrence Strategy in Federal Fraud Case Selection

The Deceptive Harm of Corporate Fraud

Lochner and the Market for Churches

A Basic Model of Coordinated Deterrence and the False Claims Act.

OTHER SERVICE

AALS Executive Committee for Law and the Social Sciences (2014-22). Chair-Elect (2017-18), Chair (2018-19).

Faculty Justice, UHLC Honor Board (2018-19).

USAID-sponsored corruption training for Indonesian officials (2015).

SEALS Steering Committee, University of Houston Law Center representative (2016-22).

Community Responsive Algorithms for Social Accountability, Community Advisory Board (2021-22).

PRESENTATIONS

“The Dominant Firm Threat to Criminal, Civil, and Ethical Equilibria” at the Southeastern Association of Law Schools Annual Meeting, July 28, 2022.

“Fraudulent Equilibria in Criminal, Civil, and Commercial Codes” at CrimFest, Cardozo School of Law, July 2022.

“Fraudulent Equilibria in Criminal, Civil, and Commercial Codes” at the National Business Law Scholars Conference, University of Oklahoma, June 2022.

“Trends in Prosecution of Federal and State Public Corruption” at Stetson Business Law Journal Symposium on Feb 25, 2022.

“The Common Criminal Defense in Public Corruption” at the Southeastern Association of Law Schools Annual Meeting, July 30, 2021.

“Corporate Religious Transparency” at the National Business Law Scholars Conference, University of Tennessee, June 2021.

“The Interplay of Corruption and Federalism in Mail and Wire Fraud” at the ABA Criminal Justice Sections Works-in-Progress in partnership with the AALS Criminal Justice Section and the Academy for Justice, November 12, 2020.

“Selection versus the Criminogenic Law School” at the Chicagoland Junior Scholars Conference, October 2, 2020

“Transparent State Corruption,” presented at the Southeastern Association of Law Schools Annual Meeting, August 4, 2020.

“The Justification of Nonprofit Attorneys,” at the AALS Annual Meeting as part of the Law & Social Science Section Works-In-Progress in Washington D.C., January 2020.

“Lochner and the Market for Churches,” at the Midwestern Law & Economics Association Annual Meeting held at Villanova Law, October 2019.

“Lochner and the Market for Churches,” at the Chicagoland Junior Scholars Conference held at Loyola Law School, September 2019.

“The Repeat Victim of Fraud,” presented at Crimfest, Brooklyn Law School, July 2019.

“The Organizational Victim of Fraud,” presented at National Business Law Scholars Conference, University of California, Berkeley, June 2019.

“The Whistleblower as Corporate Frenemy,” presented at the White Collar Crime Symposium held at Belmont University, February 2019.

“The Deceptive Harm of Corporate Fraud,” at the Regulating Behavior in and by Corporations workshop held at the University of Iowa, College of Law on Dec 6, 2018.

“The Deceptive Harm of Corporate Fraud,” at the Chicagoland Junior Scholars Conference held at Loyola Law School in October 2018.

“Benevolent Corporate Fraud,” presented at Southeastern Association of Law Schools Annual Meeting, August 2018.

“Benevolent Corporate Fraud,” presented at CrimFest, Cardozo School of Law, July 2018.

“Is Vagueness Choking the White Collar Statute?” presented at National Business Law Scholars Conference, University of Georgia, June 2018.

“Regulating the Marginal Liar,” presented at UHLC White Collar Crime Workshop, October 2017. Also organized and hosted the workshop at UHLC.

“Regulating the Marginal Liar,” presented at Southeastern Association of Law Schools Annual Meeting as part of the “Three Felonies a Day” Discussion Group, August 2017.

“Regulating the Marginal Liar,” presented at AALS Criminal Justice Section Midyear Meeting, Washington College of Law, American University, June 2017.

“The Public Wrong of Whistleblower Retaliation,” presented at AALS New and Emerging Voices in Workplace Law session during the AALS 2017 Annual Meeting, San Francisco, CA, January 2017.

“The Public Wrong of Whistleblower Retaliation,” presented at University of Mississippi School of Law as part of a faculty exchange program on Oct 17, 2016.

“Disentangling ‘Deep Pockets’ from a Media Deterrence Strategy in Federal Fraud Case Selection,” presented at Midwestern Law & Economics Association Annual Meeting, Emory University School of Law, September 2016.

“The Public Wrong of Whistleblower Retaliation,” presented at Texas Legal Scholars Workshop, SMU Dedman School of Law, August 2016.

“Market Competition & Materiality,” presented at Southeastern Association of Law Schools Annual Meeting as part of the Perspectives on the Future of White-Collar Crime Discussion Group, Amelia Island, FL, August 2016.

“Abolishing the Whistleblower’s Private Right Against Retaliation,” presented at Conference of Asian Pacific American Law Faculty, UC Davis School of Law, April 2016.

“Controlling Excessive Off-Label Medicare Drug Costs Through the False Claims Act,” presented at Boston College Law School as part of the junior faculty exchange program on October 23, 2015.

“Fair Competition and False Claims in Off-Label Reimbursement,” presented at Midwestern Law & Economics Association Annual Meeting, University of Kansas School of Law, October 2015.

“Retaliation Risk Allocation for Whistleblowers,” presented at the Colloquium on Scholarship in Employment and Labor Law, Indiana University Maurer School of Law, September 2015.

“Rewarding Whistleblowers: Is the U.S. Experience Exportable,” presented at the International Law Institute to as part of training program for USAID & Indonesian anti-corruption officials, September 2015.

“Secrecy and Disclosure in Qui Tam and Class Action Litigation,” presented at Southeastern Association of Law Schools Annual Meeting, Boca Raton, FL, July 2015.

“Fair Competition and False Claims in Off-Label Marketing,” presented at Health Law Professors Conference of American Society of Law, Medicine & Ethics, St. Louis University School of Law, June 2015.

“Risk Allocation for Whistleblowers,” presented at Law & Society Association annual meeting, Seattle, WA, May 2015.

“Disentangling ‘Deep Pockets’ from a Media Deterrence Strategy in Federal Fraud Case Selection,” selected for Early Career Workshop at Law & Society Association annual meeting, Seattle, WA, May 2015.

“Contracting for Whistleblower Employment Risk,” presented at Developing Ideas Conference, University of Kentucky College of Law, May 2015.

“Pharmaceutical Off-Label Marketing and Fair Competition,” presented at AALS Annual Meeting, Law, Medicine, & Health Care Section Works-In-Progress, January 2015.

“Risk Allocation for Whistleblowers,” presented at CSLSA 2014 Scholarship Conference, October 2014.

“Fair Competition and the False Claims Act,” presented at CrimFest, Rutgers School of Law-Newark, July 2014.

“Pharmaceutical Off-Label Marketing and Fair Competition,” presented at Health Law Professors Conference of American Society of Law, Medicine & Ethics, UC Hastings, June 2014.

“Disentangling ‘Deep Pockets’ from a Media Deterrence Strategy in Federal Fraud Case Selection,” presented at Law & Society Association annual meeting, Minneapolis, MN, May 2014.

“Pharmaceutical Off-Label Marketing and Fair Competition,” presented at Developing Ideas Conference, University of Kentucky College of Law, May 2014.

“Revising the Doctrine of ‘Legal Incidence’ in the State Taxation of Transactions with Indian Tribes,” presented at Law & Society Association annual meeting, Honolulu, HI, June 2012.

“Coordinated Private and Public Enforcement of Law: Deterrence under Qui Tam,” presented at American Law & Economics Association annual meeting, Princeton, NJ, May 2010.

“Beyond Compensation: Public Purposes and Private Motivations,” presented at Law & Society Association annual meeting, Denver, CO, April 2009.

PRIOR LEGAL EMPLOYMENT

U.S. Court of Appeals for the Ninth Circuit
Term Law Clerk, Judge John T. Noonan, Jr.

San Francisco, CA
2011-2012

Gibson, Dunn & Crutcher LLP
Summer Associate

San Francisco, CA
Summer 2007, 2008