

## FRANCESCO PARISI

### PERSONAL

Born, May 31, 1962. Office: University of Minnesota – Twin Cities, Law School, 229 South 19th Ave., Minneapolis, MN 55455. Tel: (612) 624-3256; Fax: (612) 625-2011. Residence: 20 Second St. NE, #1607, Minneapolis, MN 55413.

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### ACADEMIC POSITIONS

#### Current

2006 – Present Oppenheimer Wolff and Donnelly Professor of Law (since 2008); Professor of Law (2006-2008), University of Minnesota, School of Law  
2006 – Present Professor of Public Finance (Professore Ordinario – SECS 03), University of Bologna, Department of Economics

#### Previous

2002 – 2006 Distinguished Professor of Private Law (Professore Ordinario per Chiara Fama – IUS 01), University of Milan, Faculty of Law  
1993 – 2006 Professor of Law (1998-2006), Associate Professor of Law (1993-1998), George Mason University, School of Law  
1991 – 1993 Assistant Professor of Law, Louisiana State University  
1990 – 1991 Lecturer in Law, University of California, Berkeley, School of Law

### EDUCATION

J.S.D. University of California, Berkeley, School of Law (Boalt Hall), 1990  
Associate Editor, Ecology Law Quarterly  
LL.M. University of California, Berkeley, School of Law (Boalt Hall), 1988  
Associate Editor, International Tax & Business Lawyer  
Ph.D. George Mason University, Economics, 1998  
M.A. University of California, Berkeley, Economics, 1995  
D. Jur. University of Rome *La Sapienza*, School of Law, *cum laude*, 1985

Additional training includes: European Law Association: *Advanced European Community Law Certificate* (Rome, 1996); *European Community Law Certificate* (Rome, 1995); GMU Law and Economics Center: *Basic & Advanced Courses on Quantitative Methods*

(Dartmouth, Summer 1993), *Economic Institute for Law Professors* (Dartmouth, Summer 1992).

## **VISITING APPOINTMENTS**

### **Full Semester Visits**

2000 (Spring) Visiting Professor of Law, University of Virginia, School of Law  
1999 (Fall) Harry F. Redmon Visiting Professor of Law, Louisiana State University

### **Short Term Visits**

Interdisciplinary Center (IDC), Herzliya, Israel (Spring 2009); University of Haifa, Israel (Summer 2006 and 2008); European School of New Institutional Economics, Corsica, France (Spring 2006); University of Santiago (Desarrollo), Chile (Spring 2006); University of Amsterdam (Winter 2006); Pompeu-Fabra University, Barcelona, Spain (Spring 2005); University of Aix-Marseille III, France (Spring 2005); University of Ghent, Belgium (Spring 2004 and 2005); University of Siena, Italy (Spring 2004); Max Planck Institute for Evolutionary Economics, Jena, Germany (Spring 2003); Institute for Economic Studies, Cologne, Germany (Summer 2002); Max Planck Institute for Law, Economics and Politics, Bonn, Germany (Spring 2002); University of Hamburg, Germany (Spring 2002, Fall 2004, Spring 2007); University of Bologna, Italy (Spring 2001); University of Würzburg, Germany (Spring 1999); Bocconi University, Milan, Italy (Fall 1998); University of Trento, Italy (Spring 1996)

## **EDITORIAL POSITIONS**

### **Editorships**

2004 – Present Editor, *Review of Law and Economics* (B.E. Press)  
2001 – Present Editor, *Comparative Law Abstracts* (Social Sciences Research Network)  
2002 – 2008 Editor, *Supreme Court Economic Review* (University of Chicago Press)  
1994 – 2001 Editor, *International Legal Theory* (ASIL Publication)

### **Boards of Editors**

2006 – Present *European Review of Tort Law*  
2006 – Present *Review of Economic Development, Public Policy and Law*  
2004 – Present *Public Choice*  
2004 – Present *Journal of Law, Economics and Policy*  
2002 – Present *European Law Abstracts* (Social Sciences Research Network)  
1998 – Present *International Review of Law and Economics*  
1994 – Present *American Journal of Comparative Law*  
1994 – 2000 *Journal of International Legal Studies*

## **Referee**

American Law and Economics Review  
Aspen Publishing  
Cambridge University Press  
Constitutional Political Economy  
Economica  
Economics and Philosophy  
Edward Elgar Publishing  
European Journal of Law and Economics  
Harvard Law Review  
Homo Oeconomicus  
International Journal of the Economics of Business  
International Review of Law and Economics  
Journal of Environmental Economics and Management  
Journal of Institutional Economics  
Journal of Institutional and Theoretical Economics  
Journal of Legal Studies  
Michigan University Press  
Oxford University Press  
Public Choice  
Routledge Publishing  
West Publishing

## **ACADEMIC POSITIONS**

### **Honorary Positions**

2007 – Present Associate Member, International Academy of Comparative Law  
2004 – Present Nominator, Nobel Prize for Economics  
Royal Swedish Academy of Sciences  
2002 – Present Honorary Member, Bulgarian Hayek Society (Sofia, Bulgaria)  
1993 – Present Vice-President, Association Henri Capitant des Amis de la Culture  
Juridique Française, Louisiana Chapter.

### **Boards of Directors**

2008 – Present Member, Board of Advisors, European Association of Law and  
Economics  
2006 – Present Executive Director, Italian Society for Law and Economics  
2007 – 2010 Member, Board of Directors, American Law and Economics Association  
1994 – 2006 Member, Board of Directors, American Society of Comparative Law

## **Memberships**

American Economic Association  
American Law & Economic Association (Founding Member, 1991)  
American Society of International Law  
American Society of Comparative Law  
European Law & Economics Association  
Canadian Law & Economics Association  
International Society for New Institutional Economics  
Italian Society for Law and Economics (Founding Member, 2005)

## **CENTERS AND PROGRAMS**

### **Directorships**

2008 – Present Co-Director, Center for Law and Economics, University of Bologna  
2006 – Present Co-Director, Institute for Law and Economics, University of Minnesota  
2002 – 2006 Director, Law and Economics Program, George Mason University  
1999 – 2006 Deputy Director, J.M. Buchanan Center for Political Economy, Program in Economics and the Law

### **Advisory Boards**

2006 – Present Joseph von Sonnenfels Center for the Study of Public Law and Economics, University of Vienna, Austria  
2001 – Present International Law and Economic Development Center, University of Virginia  
2000 – 2001 Academic Evaluation Board, Bocconi University, Milan

### **University Service**

Chair, Performance Assessment Committee, University of Minnesota (2007-2008)  
Director, International Studies, George Mason University (2002-2006)  
Director, International Business Law Track, George Mason University (2000-2006)

Director, Exchange Program, University of Rome-George Mason University, sponsored by the Italian National Council for the Research, C.N.R. (1997-1998)

## **AWARDS AND GRANTS**

### **Awards**

2007 Vance K. Opperman Research Scholar Award, University of Minnesota  
2004 Excellence Award for Scholarship, Italian Ministry of Education  
2003-2004 Garvin Prize in Law & Economics for Best Workshop Paper (University of California at Berkeley)

### **Fellowships**

2008 Erasmus Mundus Scholar, University of Haifa, Faculty of Law  
1987 – 1992 Fulbright Scholar to the United States, Fulbright Foundation  
1988 – 1991 Research Fellow, Italian National Council for the Research (C.N.R.)

Also received research and study grants from the *John M. Olin Foundation* (1992, 1994); the *GMU Law and Economics Center* (1995); the *Institute for Humane Studies* (1998); and the *GMU Law and Psychiatry Center* (2001)

### **OTHER EXPERIENCE**

#### **Program Organizer**

2005 Program Committee, International Society for New Institutional Economics, 9<sup>th</sup> Annual Conference (Barcelona, September 22-24, 2005)  
2005 Program Area Organizer, American Law and Economics Association, 16<sup>th</sup> Annual Conference (New York, May 5-6, 2005)  
2001 – 2003 Coordinator, Research Project on the “Law and Economics of Irrational Behavior” Law and Psychiatry Center, GMU.  
2001 Program Director, Public Law Institute for Federal Judges, Law and Economics Center, Tucson, Arizona, October 2001  
1999 – 2001 Co-Director, Distinguished Lecture Series, J.M. Buchanan Center for Political Economy  
1995 – 1999 Co-Director, Research Project in ‘Law, Economics & Freedom of Contract,’ sponsored by the Italian National Council for the Research (C.N.R.)

#### **Legal Experience**

1986 – 1987 Legal Counsel, Russian Orthodox Church in Italy  
1986 – 1987 *Ad hoc* legal advisor to the Central Bank of Italy (Banca d’Italia)  
1985 – 1987 Law Associate, Studio Legale Prof. Paolo Vitucci, Rome  
1982 – 1987 Research Fellow, Supreme Court of Italy (Corte Suprema di Cassazione)  
Member of the Research Group ‘Giurinform Studio’

#### **Lectureships and Summer Programs**

2003 – Present	Faculty, Erasmus Program in Law and Economics, Bologna (Italy)
2003 – 2006	Associate Faculty, Center for Global Studies, George Mason University
1994 – 1999	Director (1999) and Faculty (1994-1998), Temple University, School of Law, Summer Program in Rome
1985 – 1987	Faculty, LUISS University (Rome, Italy), Department of Economics
1986 – 1987	Lecturer, University of Rome <i>La Sapienza</i> , Department of Political Sciences

## **ADMISSIONS TO BAR**

Italy (Supreme Court) and European Court of Justice, 2002

## **PUBLICATIONS**

### **Books**

*Comparative Law and Legal Institutions* (Aspen, forthcoming), coauthored with Thomas Ginsburg and Guy Seidman

*The Language of Law and Economics: A Dictionary* (Cambridge University Press, forthcoming)

*Sources of Law: The Economics of Lawmaking* (Oxford University Press, 2009), coauthored with Vincy Fon.

*Responsabilità Civile ed Analisi Economica* (“Tort Law and Economics”) (Giuffrè, 2006), coauthored with Giampaolo Frezza. [in Italian]

*The Law and Economics of the European Union* (Lexis Publishing, 2003), coauthored with Paul Stephan and Ben Depoorter

*Liability for Negligence and Judicial Discretion*, 1<sup>st</sup> edition, pp. x-200, (California, 1990); 2<sup>nd</sup> edition, pp. xxiv-459, (California, 1992), with a foreword by Peter Stein

*Il Contratto Concluso Mediante Computer* (“The Formation of Contracts Via Computer”), pp. ix-140, (Cedam, 1987). [in Italian]

### **Edited Volumes**

*Legal Institutions and Economic Development* (Elgar, 2009), co-edited with Robert D. Cooter

*Foundations of Law and Economics* (Elgar, 2009), co-edited with Robert D. Cooter

*Recent Developments in Law and Economics*, 3 volumes (Elgar, 2009), co-edited with Robert D. Cooter

*The Law and Economics of Cybersecurity* (Cambridge University Press, 2006), co-edited with Mark Grady

*The Law and Economics of Irrational Behavior* (Stanford University Press, 2005), co-edited with Vernon Smith

- Chinese Translation: Peking University Press, forthcoming.

*The Origins of Law and Economics: Essays by the Founding Fathers* (Elgar, 2005), co-edited with Charles K. Rowley

*Economic Foundations of Private Law* (Elgar, 2002), co-edited with Richard A. Posner

*Law and Economics*, 3 volumes (Elgar, 1997), co-edited with Richard A. Posner:

Volume I: *Theoretical and Methodological Foundations* (pp. cvii-599).

Volume II: *Contracts, Torts and Criminal Law* (pp. viii-619).

Volume III: *Other Areas of Private and Public Law* (pp. viii-656).

General Editor, *Economic Approaches to Law* (Elgar, 2006 through 2008), with Richard A. Posner

Volume 1: *Law and Economic Development*, (Hans-Bernd Schäfer and A.V. Raja, eds.)

Volume 2: *Economics of Family Law* (Margaret F. Brinig, ed.), 2 vols.

Volume 3: *The Evolution of Efficient Common Law* (Paul H. Rubin, ed.)

Volume 4: *Social Norms, Non-legal Sanctions, and the Law* (Eric A. Posner, ed.)

Volume 5: *Economics of Contract Law* (Douglas G. Baird, ed.)

Volume 6: *Public Choice and Public Law* (Daniel A. Farber, ed.)

Volume 7: *Economics of Federalism* (Bruce H. Kobayashi and Larry E. Ribstein, eds.), 2 vols.

Volume 8: *Economics of European Union Law* (Paul B. Stephan, ed.)

Volume 9: *Economics of Property Law* (Richard A. Epstein, ed.)

Volume 10: *Economics of Conflict of Laws* (Erin A. O'Hara, ed.), 2 vols.

Volume 11: *Economics of Tort Law* (Alan O. Sykes, ed.), 2 vols.

Volume 12: *Economics of Labor and Employment Law* (John J. Donohue III, ed.), 2 vols.

Volume 13: *Economics of Evidence, Procedure and Litigation* (Chris W. Sanchirico, ed.), 2 vols.

Volume 14: *Game Theory and the Law* (Eric B. Rasmusen, ed.)

Volume 15: *Economics of Administrative Law* (Susan Rose-Ackerman, ed.)

Volume 16: *Economics of Intellectual Property Law* (Robert P. Merges, ed.), 2 vols.

Volume 17: *Economics of Criminal Law* (Steven D. Levitt and Thomas J. Miles, eds.)

Volume 18: *Economics of Antitrust Law* (Benjamin Klein and Andres V. Lerner, eds.), 2 vols.

Volume 19: *Economics of Tax Law* (David A. Weisbach, ed.), 2 vols.

Volume 20: *Experimental Law and Economics* (Jennifer H. Arlen and Eric L. Talley, eds.)

General Editor, *Handbooks in Law and Economics*, 20 volumes (Elgar, forthcoming), with Richard A. Posner

General Editor, *Handbooks in Comparative Law*, 12 volumes (Elgar, forthcoming), with Thomas Ginsburg

Additionally served as Editor of the Collected Economic Papers of Richard A. Posner, 3 volumes (Elgar, 2000 and 2001)

### **Articles**

“*Seeking Rents in the Shadow of Coase*” \_\_ Public Choice \_\_-\_\_ (2009), coauthored with Giuseppe Dari-Mattiacci and Sander Onderstal.

“*Choice of Law and Legal Evolution: Rethinking the Market for Legal Rules*” \_\_ Public Choice \_\_-\_\_ (2009), coauthored with Emanuela Carbonara.

“*Stability and Change in International Customary Law*” 17 Supreme Court Economic Review \_\_-\_\_ (2009), coauthored with Vincy Fon.

“*Social Networks, Self-Denial, and Median Preferences: Conformity as an Evolutionary Strategy*” 37 Journal of Socio-Economics 1319-1327 (2008), coauthored with Jonathan Klick.

“*Lawmakers as Norms Entrepreneurs*” 4 Review of Law and Economics \_\_-\_\_ (2008), coauthored with Emanuela Carbonara and Georg von Wangenheim.

“*Role-Reversibility, Stochastic Ignorance and Social Cooperation*” 37 Journal of Socio-Economics 1061-1075 (2008), coauthored with Vincy Fon.

“*The Economics of Treaty Ratification*” 4 Journal of Law, Economics & Policy \_\_-\_\_ (2008), coauthored with Vincy Fon.

“*The Hidden Bias of the Vienna Convention*” 4 Review of Law and Economics 383-406 (2008), coauthored with Vincy Fon.

“*Legal Innovation and the Compliance Paradox*” 9 Minnesota Journal of Law, Science and Technology 837-860 (2008), coauthored with Emanuela Carbonara and Georg von Wangenheim.

“*On the Optimal Specificity of Legal Rules*” 3 Journal of Institutional Economics 147-164 (2007), coauthored with Vincy Fon.

“*Crowding-Out in Productive and Redistributive Rent-Seeking*” 133 Public Choice 199-229 (2007), coauthored with Giuseppe Dari-Mattiacci, Eric Langlais and Bruno Lovat.

- “*Substituting Complements*” 3 *Journal of Competition Law and Economics* 1-15 (2007), coauthored with Giuseppe Dari-Mattiacci.
- Reprinted in M. Heller (ed.), *Commons and Anticommons*, \_\_\_-\_\_\_ (Elgar, 2009)
- “*The Paradox of Legal Harmonization*” 132 *Public Choice* 367-400 (2007), coauthored with Emanuela Carbonara.
- “*The Formation of International Treaties*” 3 *Review of Law and Economics* 37-60 (2007), coauthored with Vincy Fon.
- “*The Comparative Law and Economics of Pure Economic Loss*” 27 *International Review of Law and Economics* 29-48 (2007), coauthored with Vernon Palmer and Mauro Bussani.
- Reprinted in G. de Geest (ed.), *Economics of Comparative Law*, \_\_\_-\_\_\_ (Elgar, 2009)
- “*Creating Failures in the Market for Tax Planning*” 26 *Virginia Tax Review* 943-969 (2007), coauthored with Phil Curry and Claire Hill.
- “*Matching Rules*” 28 *Managerial and Decision Economics* 1-14 (2007), coauthored with Vincy Fon.
- “*Judicial Precedents in Civil Law Systems: A Dynamic Analysis*” 26 *International Review of Law and Economics* 519-535 (2006), coauthored with Vincy Fon.
- Spanish Translation: “*Los Precedentes Judiciales en los Sistemas del Civil Law: Un Análisis Dinámico*” 4 *Jurisprudencia - Revista de Análisis Especializado de Jurisprudencia* 481-501 (2008)
- “*From ‘Tragedy’ to ‘Disaster’: Welfare Effects of Commons and Anticommons Dilemmas*” 26 *International Review of Law and Economics* 104-122 (2006), coauthored with Sven Vanneste, A. Van Hiel and Ben Depoorter.
- “*Two Dimensions of Regulatory Competition*” 26 *International Review of Law and Economics* 56-66 (2006), coauthored with Norbert Schulz and Jonathan Klick.
- “*A Law and Economics Perspective on Terrorism*” 128 *Public Choice* 147-168 (2006), coauthored with Nuno Garoupa and Jonathan Klick.
- Reprinted in N.Garoupa (ed.), *Criminal Law and Economics* \_\_\_-\_\_\_ (Elgar, 2009)
  - Reprinted in C.K. Rowley (ed.), *The Political Economy of Terrorism* \_\_\_-\_\_\_ (Springer, forthcoming).
- “*International Customary Law and Articulation Theories: An Economic Analysis*” 2 *International Law and Management Review* 201-232 (2006), coauthored with Vincy Fon.

- “*The Role of Status Quo Bias and Bayesian Learning in the Creation of New Legal Rights*” 3 *Journal of Law, Economics and Policy* 25-45 (2006), coauthored with Robert L. Scharff.
- “*Intra-Jurisdictional Tax Competition*” 16 *Constitutional Political Economy* 387-395 (2005), coauthored with Jonathan Klick.
- “*Rents, Dissipation, and Lost Treasures: Rethinking Tullock’s Paradox*” 124 *Public Choice* 411-422 (2005), coauthored with Giuseppe Dari-Mattiacci.
- “*Causation and Responsibility: The Compensation Principle from Grotius to Calabresi*” 64 *Maryland Law Review* 108-135 (2005), coauthored with Vincy Fon.
- “*Duality in Property: Commons and Anticommons*” 25 *International Review of Law and Economics* 578-591 (2005), coauthored with Norbert Schulz and Ben Depoorter.
- Reprinted in M. Heller (ed.), *Commons and Anticommons*, Vol. 1, \_\_\_-\_\_\_ (Elgar, 2009)
- “*Legislate Today or Wait Until Tomorrow? An Investment Approach to Lawmaking*” 23 *Journal of Public Finance and Public Choice* 19-42 (2005), coauthored with Nita Ghei.
- Reprinted in F. Cafaggi, A. Nicita and U. Pagano (eds.), *Legal Orderings and Economic Institutions* 84-102 (Routledge, 2007)
- “*The Modernization of European Antitrust Enforcement: The Economics of Regulatory Competition*” 13 *George Mason Law Review* 309-324 (2005), coauthored with Ben Depoorter.
- Reprinted in P. Stephan (ed.), *Economics of European Union Law*, 465-479 (Elgar, 2007)
- “*Problems with the Enforcement of Copyright Law: Is there a Social Norm Backlash?*” 12 *International Journal of the Economics of Business* 361-369 (2005), coauthored with Ben Depoorter and Sven Vanneste.
- “*Litigation, Judicial Path-Dependence, and Legal Change*” 20 *European Journal of Law and Economics* 43-56 (2005), coauthored with Vincy Fon and Ben Depoorter.
- “*Wealth, Utility and the Human Dimension*” 1 *NYU Journal of Law and Liberty* 590-608 (2005), coauthored with Jonathan Klick.
- “*The Behavioral Foundations of Retaliatory Justice*” 7 *Journal of Bioeconomics* 45-72 (2005), coauthored with Vincy Fon.
- “*Comparative Causation*” 6 *American Law and Economics Review* 345-368 (2004), coauthored with Vincy Fon.
- Reprinted in R.D. Cooter and F. Parisi (eds.), *Recent Developments in Law and Economics*, Vol. 2, \_\_\_-\_\_\_ (Elgar, 2009)

- Italian Translation: “*Causalità Concorrente*” 11 *Danno e Responsabilità* 701-712 (2006)
- “*The Rise and Fall of Communal Liability in Ancient Law*” 24 *International Review of Law and Economics* 489-506 (2004), coauthored with Giuseppe Dari-Mattiacci.
- Reprinted in G. Miller (ed.), *Economics of Ancient Law* \_\_-\_\_ (Elgar, 2009)
- “*The Harmonization of Legal Warranties in European Law: An Economic Analysis*” 52 *American Journal of Comparative Law* 403-431 (2004).
- Hebrew Translation: “*Uniformity and Diversity in Consumer Protection Law: An Economic Analysis*” 5 *Israeli Journal of Law and Business* 257-286 (2006)
- “*Adverse Selection and Moral Hazard in Forum Shopping: Conflict of Laws as Spontaneous Order*” 25 *Cardozo Law Review* 1367-1392 (2004), coauthored with Nita Ghei.
- “*The Value of Waiting in Lawmaking*” 18 *European Journal of Law and Economics* 131-148 (2004), coauthored with Vincy Fon and Nita Ghei.
- “*Functional Law and Economics: The Search for Value-Neutral Principles of Lawmaking*” 79 *Chicago-Kent Law Review* 431-450 (2004), coauthored with Jonathan Klick.
- “*Simultaneous and Sequential Anticommons*” 17 *European Journal of Law and Economics* 175-190 (2004), coauthored with Norbert Schulz and Ben Depoorter.
- Reprinted in M. Heller (ed.), *Commons and Anticommons*, Vol. 1, \_\_-\_\_ (Elgar, 2009)
- “*Positive, Normative and Functional Schools in Law and Economics*” 18 *European Journal of Law and Economics* 259-272 (2004)
- Reprinted in J.G. Backhaus (ed.), *Elgar Companion to Law and Economics* (Second Expanded Edition) 58-73 (Elgar, 2005)
  - Italian Translation: “*Le Scuole Positiva, Normativa e Funzionale nella Analisi Economica del Diritto*” 12 *Critica Sociale* 35-43 (2005), with Eleonora Melato
  - Spanish Translation: “*Escuelas positivas, normativas y funcionales en el Análisis Económico del Derecho*” \_\_ *Ius et Veritas* \_\_-\_\_ (forthcoming).
- “*Liability for Pure Financial Loss in Europe: An Economic Restatement*” 51 *American Journal of Comparative Law* 113-162 (2003), coauthored with Mauro Bussani and Vernon Palmer
- Reprinted in G. de Geest and R. van denBerg (eds.), *Comparative Law and Economics*, Vol. 2, 270-319 (Elgar, 2004)
- “*Litigation and the Evolution of Legal Remedies: A Dynamic Model*” 116 *Public Choice* 419-433 (2003), coauthored with Vincy Fon.

- Reprinted in P. Rubin (ed.), *The Evolution of Efficient Common Law*, 404-418 (Elgar, 2007)
  - Reprinted in R.D. Cooter and F. Parisi (eds.), *Legal Institutions and Economic Development*, \_\_\_-\_\_\_ (Elgar, 2009)
- “Reciprocity-Induced Cooperation” 159 *Journal of Institutional and Theoretical Economics* 76-92 (2003), coauthored with Vincy Fon.
- “The Cost of Delegated Control: Vicarious Liability, Secondary Liability and Mandatory Insurance” 23 *International Review of Law and Economics* 453-475 (2003), coauthored with Giuseppe Dari-Mattiacci.
- “Political Coase Theorem” 115 *Public Choice* 1-36 (2003).
- Reprinted in R.D. Cooter and F. Parisi (eds.), *Legal Institutions and Economic Development*, \_\_\_-\_\_\_ (Elgar, 2009)
  - Spanish Translation: “Political Coase Theorem” \_\_\_ *Themis: Revista de Derecho* \_\_\_-\_\_\_ (forthcoming)
  - German Translation (abridged): “Das Coase-Theorem und politische Märkte” 15 *Journal für Rechtspolitik* 106-113 (2007)
- “The Disunity of Unanimity” 14 *Constitutional Political Economy* 83-94 (2003), coauthored with Jonathan Klick.
- “Fragmentation of Property Rights: A Functional Interpretation of the Law of Servitudes” 3 *Global Jurist: Frontiers* 2: 1-41 (2003), coauthored with Ben Depoorter.
- “Treaty Reservations and the Economics of Article 21 of the Vienna Convention” 21 *Berkeley Journal of International Law* 100-126 (2003), coauthored with Catherine Sevchenko.
- “The Role of Reciprocity in International Law” 36 *Cornell International Law Journal* 93-123 (2003), coauthored with Nita Ghei.
- “Fair Use and Copyright Protection: A Price Theory Explanation” 21 *International Review of Law and Economics* 453-473 (2002), coauthored with Ben Depoorter.
- Reprinted in M. Heller (ed.), *Commons and Anticommons*, Vol. 2, \_\_\_-\_\_\_ (Elgar, 2009)
- “Rethinking Forum Shopping in Cyberspace” 77 *Chicago-Kent Law Review* 1325-1355 (2002), coauthored with Kimberly A. Moore.
- “Rent-Seeking Through Litigation: Adversarial and Inquisitorial Systems Compared” 22 *International Review of Law and Economics* 193-216 (2002)
- Reprinted in R. Congleton, A. Hillman and K. Konrad (eds.), *Forty Years of Rent Seeking Research* Vol. 2, 397-420 (Springer, 2008)

- Reprinted in C. Sanchirico (ed.), *Economics of Evidence, Procedure and Litigation* Vol. 2, 323-346 (Elgar, 2007)
- “*Entropy in Property*” 50 *American Journal of Comparative Law* 595-622 (2002)
- Reprinted in G. de Geest and R. van denBerg (eds.), *Comparative Law and Economics* , Vol. 2, 151-188 (Elgar, 2004)
  - Reprinted in R.D. Cooter and F. Parisi (eds.), *Recent Developments in Law and Economics*, Vol. 1, \_\_-\_\_ (Elgar, 2009)
  - Spanish Translation: “*Entropy in Property*” \_\_ *Themis: Revista de Derecho* \_\_-\_\_ (forthcoming)
- “*Fragmentation in Property: Towards a General Model*” 158 *Journal of Institutional and Theoretical Economics* 594-613, coauthored with Norbert Schulz and Ben Depoorter (2002).
- “*Votes and Outcomes: Rethinking the Politics-Like-Markets Metaphor*” 13 *European Journal of Law and Economics* 183-192 (2002).
- “*Freedom of Contract and the Laws of Entropy*” 10 *Supreme Court Economic Review* 65-90 (2002).
- “*The Differential Calculus of Consent*” 20 *Journal of Public Finance and Public Choice* 115-123 (2002), coauthored with Jonathan Klick.
- “*Lessons from the Anticommons: The Economics of Tasini v. New York Times*” 90 *Kentucky Law Journal* 295-328 (2002), coauthored with Catherine Sevchenko.
- “*Floor Versus Screen Trading in the Stock Market: Comment*” 158 *Journal of Institutional and Theoretical Economics* 55-62 (2002).
- “*The Genesis of Liability in Ancient Law*” 3 *American Law and Economics Review* 82-124 (2001)
- Reprinted in G. de Geest and R. van denBerg (eds.), *Comparative Law and Economics*, Vol. 1, 163-205 (Elgar, 2004)
  - Reprinted in G. Miller (ed.), *Economics of Ancient Law* \_\_-\_\_ (Elgar, 2009)
  - Spanish Translation: “*Genesis of Liability in Ancient Law*” \_\_ *Themis: Revista de Derecho* \_\_-\_\_ (forthcoming)
- “*Sources of Law and the Institutional Design of Lawmaking*” 20 *Journal of Public Finance and Public Choice* 100-125 (2001)
- “*The Cost of the Game: A Taxonomy of Social Interactions*” 9 *European Journal of Law and Economics* 99-114 (2000)
- “*The Market for Votes: Coasian Bargaining in an Arroviaan Setting*” 6 *George Mason Law Review* 745-766 (1998)

- “*The Rise of Structuralism in European Merger Policy*” 32 *Stanford Journal of International Law* 15-40 (1996), coauthored with Alessandro Bertolini
- “*Toward a Theory of Spontaneous Law*” 6 *Constitutional Political Economy* 211-231 (1995)
- “*Private Property and Social Costs*” 2 *European Journal of Law and Economics* 149-173 (1995)
- Reprinted in R.A. Posner and F. Parisi (eds.), *Law and Economics* 597-622 (Elgar, 1997)
- “*Alterum non Laedere: An Intellectual History of Civil Liability*” 39 *American Journal of Jurisprudence* 317-351 (1994)

### **Book Contributions**

- “A Law and Economics Perspective on Precontractual Liability “ in J. Cartwright and M. Hesselink (eds.), *Precontractual Liability in European Private Law* \_\_\_-\_\_\_ (Cambridge University Press, forthcoming), coauthored with Eleonora Melato.
- “An Economic Analysis of the United Nations Convention on Contracts for the International Sale of Goods,” in André Janssen and Olaf Meyer (eds.), *Methodology of the CISG* (Sellier European Law Publishers, forthcoming), coauthored with Marta Cenini.
- “Punitive Damages and Class Actions” in J.G. Backhaus, A. Cassone and G. Ramello (eds.), *Class Actions for Europe: Perspectives from Law and Economics* \_\_\_-\_\_\_ (Elgar, 2008), coauthored with Marta Cenini.
- “Harmonizing European Law: Bargaining, Competition and Legal Obsolescence” in Jochen Bigus, Thomas Eger, Claus Ott and Georg von Wangenheim (eds.) *Hans-Bernd Schaefer Festschrift* \_\_\_-\_\_\_ (forthcoming), coauthored with Emanuela Carbonara.
- “Harmonization of European Private Law: An Economic Analysis” in M. Bussani and F. Werro (eds.), *European Private Law. A Handbook* (Staempfli Publications Ltd. forthcoming).
- “Functional Law and Economics” in A.N. Hatzis (ed.) *Norms and Values in Law and Economics* \_\_\_-\_\_\_ (Routledge, 2008).
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- “Revenge and Retaliation” in F. Parisi and V. Smith (eds.) *The Law and Economics of Irrational Behavior* 141-168 (Stanford University Press, 2005), coauthored with Vincy Fon.
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#### **Articles and Book Contributions in Foreign Languages**

“*Allocazione del Rischio tra Clausola Penale e Autonomia Contrattuale*” \_\_ *Rivista di Diritto Civile* \_\_-\_\_ (forthcoming), coauthored with Marta Cenini. [In Italian]

“*Mass Torts e Responsabilità per Danno Ambientale: Un’Analisi Economica*” 14 *Danno e Responsabilità* \_\_-\_\_ (2009), coauthored with Giuseppe Dari-Mattiacci. [In Italian]

“Prefazione: *Analisi Economica del Diritto Penale e Criminalità Organizzata*” (by A. Mangione), (Monforte ed., 2009). [In Italian]

“*Analisi Economica del Diritto*” in N. Irti (ed.), *Dizionario di Diritto Privato* \_\_-\_\_ (Giuffrè, forthcoming). [In Italian]

“*Teoria dei Giochi e Diritto*” in N. Irti (ed.), *Dizionario di Diritto Privato* \_\_-\_\_ (Giuffrè, forthcoming), with Enrico Baffi. [In Italian]

“*Interesse Positivo, Interesse Negativo e Incentivi nella Responsabilità Contrattuale: Un’Analisi Economica e Comparata*” 54 *Rivista di Diritto Civile* 218-242 (2008), coauthored with Marta Cenini. [In Italian]

“*La Babele dell’AEL e il Diritto Penale*” 20 *Rivista Trimestrale di Diritto Penale dell’Economia* 45-71 (2007), coauthored with Eleonora Montani. [In Italian]

“*Scuole e Metodologie dell’Analisi Economica del Diritto*” 21 *Rivista Critica del Diritto Privato* 377-399 (2005). [In Italian]

- “*Il Nesso Causale nell’Inquinamento Ambientale*” 9 *Danno e Responsabilità* 942-951 (2004), coauthored with Giuseppe Dari-Mattiacci. [In Italian]
- “*Analisi Economica del Diritto Pubblico e Penale: Una Rassegna*” in 34 *Biblioteca della Libertá* 37-55 (1999), coauthored with Richard A. Posner. [In Italian]
- “*Analisi Economica del Diritto Privato e Commerciale: Una Rassegna*” in 34 *Biblioteca della Libertá* 3-32 (1999), coauthored with Richard A. Posner. [In Italian]
- “*Rischio e Causalitá nel Concorso di Colpa*” in 45 *Rivista di Diritto Civile* 233-271 (1999), coauthored with Giampaolo Frezza. [In Italian]
- “*Teorema di Arrow*” in 19 *Digesto Italiano (Diritto Civile)*, 4th ed., 287-296 (1999). [In Italian]
- “*Teorema di Coase*” in 19 *Digesto Italiano (Diritto Civile)*, 4th ed., 296-315 (1999). [In Italian]
- “*Il Concorso di Colpa: Analisi Economico-Comparata*” in 14 *Rivista Critica del Diritto Privato* 669-729 (1998), coauthored with Giampaolo Frezza. [In Italian]
- Reprinted in S. Rodotá (ed.), *La Responsabilitá Civile tra Presente e Futuro* (Jovene, 1998)
  - Reprinted in 53 *Rivista Trimestrale di Diritto e Procedura Civile* 945-991 (1999)
- “*Scuole e Tendenze nella Analisi Economica del Diritto*” in 33 *Biblioteca della Libertá* 3-19 (1998), coauthored with Richard A. Posner. [In Italian]
- “*La Responsabilitá Stocastica*” in 63 *Responsabilitá Civile e Previdenza* 824-847 (1998), coauthored with Giampaolo Frezza. [In Italian]
- “*Crisi e Proposte di Riforma nel Sistema dei Torts*” in 63 *Responsabilitá Civile e Previdenza* 555-563 (1998), coauthored with Giampaolo Frezza. [In Italian]
- “*Learned Hand Formula of Negligence*” in 10 *Digesto Italiano (Diritto Civile)*, 4th ed., 436-443 (1993). [In Italian]
- Reprinted in *Materiali di Economia e Diritto*, 285-292 (Università di Roma La Sapienza, 1997)
- “*Interpretazione Giuridica ed Analisi Economica: Il Teorema di Coase Trenta Anni Dopo*” in 9 *Rivista Critica del Diritto Privato* 401-434 (1991). [In Italian]
- “*Sviluppi nell’Elemento Soggettivo del Tort of Negligence*” in 36 *Rivista di Diritto Civile*, I, 545-599 (1990). [In Italian]
- Seven notes for the Italian Supreme Court data base (C.E.D. – Archivio Novità), summarizing jurisprudential conflicts and doctrinal trends on various issues. [In Italian]

## **WORK IN PROGRESS**

### **Book-Length Projects**

*The Law and Economics of the Anticommons: Issues in Property Law* (Elgar, forthcoming), coauthored with Ben Depoorter

*The Methodology of Law and Economics*, (Cambridge University Press, under contract)

*Economic Analysis of Law*, (West Publishing, under contract), coauthored with Robert D. Cooter and Thomas Ulen

*The Emergence of Law*.

### **Submitted Papers**

“*Self-Defeating Subsidiarity*” \_\_ Journal of Law, Economics and Organization \_\_ - \_\_ (Submitted, 2008), coauthored with Emanuela Carbonara and Barbara Luppi.

“*Unjust Laws and Illegal Norms*” \_\_ Journal of Legal Studies \_\_ - \_\_ (Revise and Resubmit, 2008), coauthored with Emanuela Carbonara and Georg von Wangenheim.

“*Optimal Remedies for Bilateral Contracts*” \_\_ Journal of Legal Studies \_\_ - \_\_ (Revise and Resubmit, 2008), coauthored with Vincy Fon and Barbara Luppi.

### **Working Papers and Pending Projects**

“*Institutions, Organizations and Law: A Comment on Richard Posner*” \_\_ Journal of Institutional Economics \_\_ - \_\_ (commissioned, 2008).

“*Beyond Debiasing: The Overconfidence Paradox*” \_\_ Queen’s Law Journal \_\_ - \_\_ (2009), coauthored with Barbara Luppi.

“The Comparative Law and Economics of Frustration in Contracts” in E. Hondius and H.C. Grigoleit (eds.), *Frustration and Flexibility of Contractual Obligations* \_\_ - \_\_ (Cambridge University Press, commissioned).

“*Loss-Sharing Under Negligence*” \_\_ Journal of Legal Studies \_\_ - \_\_ (submitted, 2008), coauthored with Giuseppe Dari-Mattiacci and Bruno Lovat.

“*Strength, Motivation and Cunning: Asymmetric Rent-Seeking with Tradable Rents*” coauthored with Giuseppe Dari-Mattiacci, Eric Langlais and Bruno Lovat.

“*Optimal Government Responses to Tax Planning*” coauthored with Phil Curry and Claire Hill.

*Polluter Does Not Pay Principle: Environmental Protection for Developing Countries*”  
coauthored with Barbara Luppi and Shruti Rajagopalan.

“*Duality in Duopoly*” coauthored with Giuseppe Dari-Mattiacci and Barbara Luppi.

“*Optimal Timing and Specificity of Legal Rules*” coauthored with Barbara Luppi.

“*The Option Value of Precautions*” coauthored with Barbara Luppi.

“*Negotiorum Gestio* and Optimal Incentives for the Good Samaritan” coauthored with  
Barbara Luppi.

“*Dynamic Subsidiarity*” coauthored with Emanuela Carbonara and Barbara Luppi.

“*Credit Rationing with Externalities*” coauthored with Barbara Luppi.

“Asymmetric Rhetoric and Ideological Cascades”

## **INVITED LECTURES**

**Keynote Lectures and Dinner Speaker** : Catholic University of America, Alumni Dinner, 2001; Erasmus Conference in Law and Economics, Ghent (Belgium) 2002; Hamburg Chamber of Commerce (Germany), 2004; Inaugural Lecture, Italian Society for Law and Economics, Siena (Italy), 2005; University of Minnesota, Oppenheimer Wolff and Donnelly Lecture, 2009; Inaugural Lecture, University of Montreal (Canada), Institute of American Studies, 2002.

**Chair at Conference Panels** : American Law & Economics Association, 2000, 2005; Canadian Law and Economics Association, 2002, 2003; European Association of Law & Economics, 2000, 2008; International Society for New Institutional Economics, 2005; Italian Society for Law and Economics, 2007; Midwestern Law & Economics Association, 2007.

**Presentations at Annual Conferences** : American Law & Economics Association, 1995, 1996, 2003, 2004, 2005, 2006, 2007, 2008; American Political Science Association, 2000; Association of American Law Schools, 1996, 2009; Canadian Law and Economics Association, 1996, 2001, 2002, 2003, 2004, 2006, 2007; European Law & Economics Association, 2000, 2002, 2003, 2004, 2005, 2006, 2008; European School of New Institutional Economics, 2006; International Society for New Institutional Economics, 2005, 2007; Italian Society for Law and Economics, 2006, 2007, 2008; Latin-American Law & Economics Association, 2000; Midwestern Law and Economics Association, 2007, 2008; Southern Economic Association, 1997, 2005; World Congress of the International Association for Philosophy of Law and Social Philosophy, 2003.

**Roundtables and Debates** : Guido Calabresi, Rome (2005); Antonin Scalia and Dieter Grimm, Washington DC (2000).

**Faculty Workshops** : Bar-Ilan University, Ramat Gan (Israel), 2007; Bocconi University, Milan (Italy), 1998, 1999, 2001; Boston College, School of Law, 2002; Catholic

University of America, 2001; Catholic University of Milan, 1998; Chicago-Kent College of Law, 2000, 2001; U.S. Department of Justice, Antitrust Division, 2002; Canadian Department of Justice, 2003; Emory University, School of Law, 2009; Georgetown University Law Center, 2004, 2005; Ghent University (Belgium), 1996, 2002, 2003, 2005; Hebrew University, Jerusalem (Israel), 2007; JNU, Center for the Study of Law and Governance, New Delhi (India), 2005; Louisiana State University, Law Center, 1999; Max Plank Institute for Economic Dynamics, Jena (Germany), 2003, 2004; Max Planck Institute for Law, Economics and Politics, Bonn (Germany), 2001, 2002; Max Planck Society, Munich (Germany), 2001; Max Planck Society, Woerlitz (Germany), 2002; New York University, Department of Economics, 2001, 2004; Northwestern University, School of Law, 2005; University of Aix-Marseille III (France), 2005; University of Amsterdam, Department of Economics (Netherlands), 2005, 2006; University of Amsterdam, Faculty of Law (Netherlands), 2008; University of Bologna, Economics Department (Italy), 2004, 2006; University of Bologna, School of Law (Italy), 2008; University of California at Berkeley, School of Law, 2003; Case Western Reserve, School of Law, 2006; University of Chicago, School of Law, 1996, 2004; University of Haifa (Israel), 2004, 2006, 2008; University of Hamburg (Germany), 1998, 2002, 2003; University of Maryland, School of Law, 2004; University of Michigan Law School, 2001; University of Milan-Bicocca, Department of Statistics (Italy), 2004; University of Milan-Statale, School of Law (Italy), 1998, 2006; University of Minnesota, School of Law, 2005, 2006, 2007; University of Minnesota, Department of Applied Economics, 2008; University of North Carolina at Chapel Hill, School of Law, 1996; Notre Dame Law School, 2001, 2004; University of Pavia, Department of Economics (Italy), 1998; University of Pompeu Fabra, Barcelona (Spain), 2005; University of Santiago Desarollo (Chile), 2006; University of Siena, Department of Economics (Italy), 1996; University of St. Thomas School of Law, 2008; University of Tel-Aviv (Israel), 2006; Temple University School of Law, 2004; University of Texas, School of Law, 2007; University of Varese (Italy), Department of Economics, 1998; University of Vienna, Department of Economics (Austria), 2004; University of Virginia, School of Law, 2000; University of Würzburg, Department of Economics (Germany), 1999; Yeshiva University, Cardozo Law School, New York, 1996; York University, Economics Department (Canada), 2001, 2002.

## **LANGUAGES**

Italian, English. Reading skills in French, Spanish, and Latin.

## **TEACHING INTERESTS**

In the field of Law and Economics: *Analytical Methods for Lawyers, Law & Economics, Public Choice Theory, Game Theory and the Law, Economics of Regulation*. In the field of Comparative and International law: *Comparative Law, European Law, European Legal History, Sources of International Law, and Roman Law*.

## **REFERENCES**

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