

## GILLIAN K. HADFIELD

University of Southern California  
Law School  
699 Exposition Blvd  
Los Angeles, CA 90089  
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### EDUCATION

Ph.D (Economics, with Distinction) Stanford University 1990

*Thesis: Commitment and the Design of Long-Term Contracts: Applications and Limitations of Contracting*

*Committee: Paul Milgrom, Kenneth Arrow, and A. Mitchell Polinsky*

J.D. (with Distinction) Stanford Law School 1988

B.A. (Hons) (Economics) Queen's University 1983

### COURSES TAUGHT

Contracts

Advanced Contracts: Strategy and Counseling

Law and Economics

Legal Innovation and Design

Problem-Solving Workshop (Harvard 1L)

Antitrust and Intellectual Property

Law and Policy of Alternative Dispute Resolution

Empirical Studies of the Legal System

Theories of Conflict

Work & Gender

### PRESENT POSITIONS

UNIVERSITY OF CHICAGO

Daniel R. Fischel and Sylvia M. Neil Distinguished Visiting Professor of Law, 2016

UNIVERSITY OF SOUTHERN CALIFORNIA

Richard L. and Antoinette Schamoi Kirtland Professor of Law and Professor of Economics, 2006– present

Professor of Law and Professor of Economics, 2005–2006

Professor of Law, 2001 – 2005

Director, USC Center in Law, Economics and Organization, 2004-2006; 2007–2011

Director, Southern California Innovation Project, 2007 – 2010

### OTHER TEACHING EXPERIENCE

HARVARD LAW SCHOOL

Eli Goldston Visiting Professor of Law, 2011-2012

Sidley Austin Visiting Professor of Law, Winter 2010

**COLUMBIA UNIVERSITY**

Justin W. D'Atri Visiting Professor of Law, Business and Society, Fall 2008

**UNIVERSITY OF CALIFORNIA, Hastings College of Law**

Visiting Professor, Fall 2004

**UNIVERSITY OF CALIFORNIA, Goldman School of Public Policy**

Visiting Professor, Spring 2003

**UNIVERSITY OF TORONTO, Faculty of Law**

Professor, 1999 – 2001

Associate Professor (with tenure), 1995 – 1999

**NEW YORK UNIVERSITY, Global Law Faculty**

Professor, 1999 – 2001

**UNIVERSITY OF CALIFORNIA, BERKELEY**

Assistant Professor of Law, 1990 – 1994

**OTHER POSITIONS HELD**

**WORLD ECONOMIC FORUM**

Global Future Council on the Future of Technology, Values and Policy,  
2016 - present

Global Agenda Council on Justice, 2014 - 2016

**NATIONAL CENTER FOR STATE COURTS**

Litigant Portal Project Technical Committee, 2015

**WORLD JUSTICE PROJECT**

Rule of Law Research Consortium, 2014 - present

**ASSOCIATION OF AMERICAN LAW SCHOOLS**

Committee on Research, 2014 - 2015

**THE HAGUE INSTITUTE FOR THE INTERNATIONALISATION OF LAW**

Programmatic Steering Board, 2012 – present

**AMERICAN LAW AND ECONOMICS ASSOCIATION**

Director, 2012 – 2015, 1995 – 1998

**INTERNATIONAL SOCIETY FOR NEW INSTITUTIONAL ECONOMICS**

Director, 2010 - 2014

**EDUCATING TOMORROW'S LAWYERS**

Advisory Board & Fellow, 2011 - present

**LEGALZOOM INC.**

Legal Advisory Council, 2011 - present

**JUSTANSWER.COM LLC.**

Expert Quality Advisory Board, 2011 - 2014

**ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE**

Editorial Committee, 2011 - present

**CENTER FOR ADVANCED STUDY IN THE BEHAVIORAL SCIENCES AT  
STANFORD**

Fellow, 2010-2011; 2006-2007

EUROPEAN SCHOOL OF NEW INSTITUTIONAL ECONOMICS

Lecturer, 2008

UNIVERSITY OF TORONTO LAW JOURNAL

Editorial Board, 2007 – 2016

CALIFORNIA CENTER for JUDICIAL EDUCATION AND RESEARCH

Faculty, 2006

JOURNAL OF LAW AND SOCIAL INQUIRY

Editorial Board, 2005 – 2011

LECG, LLC,

Principal, 2001 – 2006

CANADIAN LAW AND ECONOMICS ASSOCIATION

President, 1999 – 2000

INSTITUTE FOR POLICY ANALYSIS

Board of Advisors, 1997 – 2001

HOOVER INSTITUTION ON WAR, REVOLUTION AND PEACE

National Fellow, 1992

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Law Clerk to Chief Judge Patricia M. Wald, 1988 – 1989

DEBEVOISE & PLIMPTON, Washington, D.C.

Summer Associate, 1987

## **PROFESSIONAL AND ADMINISTRATIVE SERVICE**

UNIVERSITY OF SOUTHERN CALIFORNIA

Member, University Committee on Appointments, Promotion and Tenure,  
2014-present

Director, Center for Law and Social Science, 2013 - present

Fellow, USC Center for Excellence in Teaching, 2014-2015

Chair, Ad Hoc Task Force on Externships, 2014-2015

Provost's Dean Search Advisory Committee, 2014

Chair, Task Force on Limited Licenses, 2013-2015

Member, Appointments Committee, 2013 – 2014, 2005, 2007, 2008, 2009

Coordinator, Faculty Retreat on Innovation in Legal Education, 2013

Chair, Academic Affairs Committee, 2012-2013

Member, Academic Affairs Committee, 2015

Chair, Task Force on Legal Education, 2011-2012

Member, Provost's Social Sciences Transformative Hiring Advisory Committee,  
2011

Chair and Member, Tenure Committees, 2009, 2011

Member, University Committee on Academic Review, Committee to Review  
Department of Finance and Business Economics, Marshall School of  
Business, 2009

Member, Administration and Finance Committee, 2009, 2010

Chair, Tenure Committee, 2009

Director, Southern California Innovation Project, 2007-2010

Chair, Administration and Finance Committee, 2005 - 2006  
Member, Dean Search Committee, 2005 – 2006, 2014  
Director, Center in Law, Economics and Organization, 2005 – 2013  
Member, Planning Committee, USC Intellectual Property Institute,  
2004, 2007-2010

UNIVERSITY OF CALIFORNIA, BERKELEY

External Review Committee, Jurisprudence and Social Policy Program, Berkeley  
Law, 2013

CALIFORNIA STATE BAR BOARD OF TRUSTEES

Testimony and advisory services on access to justice and limited licensing,  
2013-present

CHIEF JUSTICE OF NEW YORK

Testimony and advisory services on access to justice and limited licensing,  
2012 – present

AMERICAN BAR FOUNDATION

Access to Justice Planning Group, 2011

KAUFFMAN FOUNDATION

Advisory services on development of Law, Innovation & Growth program,  
2007-2009

CONFERENCE ON EMPIRICAL LEGAL STUDIES

Member, conference organizing committee, 2007-2009

**PUBLICATIONS**

- 2016 “Scaffolding: Using Formal Contracts to Build Informal Relations to Support Innovation.” (with Iva Bozovic) Forthcoming, *Wisconsin Law Review*
- 2016 *Rules for a Flat World: Why Humans Invented Law and How to Reinvent It for a Complex Global Economy* Forthcoming, Oxford University Press
- 2016 “The Problem of Social Order: What Should We Count as Law?” Forthcoming, *Journal of Law and Social Inquiry*
- 2016 “Is Rule of Law an Equilibrium Without Private Ordering?” Forthcoming, *NOMOS*
- 2016 “How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering.” (with Deborah Rhode). *Hastings Law Journal* Vol 67, pp. 1191-1223.
- 2016 “Life in the Law-Thick World: The Legal Resource Landscape for Ordinary Americans.” (with Jamie Heine). In S. Estreicher and J Radice (eds.) *Beyond Elite Law: Access to Civil Justice in America* (Cambridge: Cambridge University Press).
- 2015 “Building Legal Order in Ancient Athens.” (with Federica Carugati and Barry Weingast) *Journal of Legal Analysis* Vol. 7, pp. 291-324.

- 2014 “Microfoundations of the Rule of Law.” (with Barry Weingast) *Annual Review of Political Science* Vol. 17, pp. 21-42.
- 2014 “Constitutions as Coordinating Devices.” (with Barry Weingast) S. Galiani and I. Sened (eds.) *Institutions, Property Rights, and Economic Growth: The Legacy of Douglass North*. (Cambridge: Cambridge University Press).
- 2014 “Innovating to Improve Access: Changing the Way Courts Regulate Legal Markets.” *Daedalus* Vol 143, pp. 83-95.
- 2014 “The Cost of Law: Promoting Access to Justice through the (Un)Corporate Practice of Law.” *International Review of Law and Economics* Vol 38, pp. 43-63.
- 2013 “Review of *The Economics of International Law* by Eric Posner and Alan Sykes.” *Journal of Economic Literature* Vol. 51, pp. 897-900.
- 2013 “Democracy, Courts and the Information Order.” (with Dan Ryan) *European Journal of Sociology* Vol 54, pp. 67-95.
- 2013 “Law without the State: Legal Attributes and the Coordination of Decentralized Collective Punishment.” (with Barry Weingast) *Journal of Law and Courts* Vol. 1, pp. 3-34.
- 2012 “Attorney-Client Confidentiality.” (with Shmuel Leshem) In C. Sanchirico (ed.) *Encyclopedia of Law and Economics (2<sup>nd</sup> Ed.)*, Vol. 8: *Procedural Law and Economics* (Northampton, MA: Edward Elgar Publishing)
- 2012 “Rational Reasonableness: Toward a Positive Theory of Public Reason.” (with Stephen Macedo) *The Law & Ethics of Human Rights* Vol 6, pp. 7-46. [With comment by Nir Eyal “Grounding Public Reason in Rationality: The Conditionally-Compassionate Medical Student, and Other Challenges.” *The Law & Ethics of Human Rights* Vol 6, pp. 48-68.]
- 2012 “What is Law? A Coordination Model of the Characteristics of Legal Order.” (with Barry Weingast) *Journal of Legal Analysis* Vol 4, pp. 471-514.
- 2012 “Legal Infrastructure and the New Economy.” *I/S: A Journal of Law and Policy for the Information Society* Vol 8, pp. 1-59. [With comments and reply.]
- 2012 “The Numbers Don’t Lie: Why It’s Time for Lawyers and Judges to Reduce the Regulatory Barriers to the Provision of Legal Help” in *Liman at Fifteen: Accessing Justice, Rationing Law* (Yale Law School), pp. 26-28.
- 2011 “The Dynamic Quality of Law: Judicial Incentives, Legal Human Capital and the Adaptation of Law.” *Journal of Economic Behavior and Organization* Vol. 79, pp. 80-94.
- 2011 “Equipping the Garage Guys in Law.” *Maryland Law Review* Vol 70, pp. 484-498.

- 2011 *Rules for Growth: Promoting Innovation and Growth Through Legal Reform* (with R. Litan, et al: The Kauffman Foundation Task Force on Law, Innovation and Growth) Ewing Marion Kauffman Foundation.
- 2011 “Producing Law for Innovation.” In R. Litan, et al. (eds.) *Rules for Growth*
- 2010 “Higher Demand, Lower Supply? A Comparative Assessment of the Legal Resource Landscape for Ordinary Americans.” *Fordham Urban Law Journal* Vol 37, pp. 129-156.
- 2010 “Making Legal Aid More Accessible and Affordable” *Washington Post*.
- 2009 “The Public and the Private in the Provision of Law for Global Transactions.” In Volkmar Gessner (ed.) *Contractual Certainty in International Trade: Empirical Studies and Theoretical Debates on Institutional Support for Global Economic Exchanges*. Oxford: Hart Publishing.
- 2009 “The Role of International Law Firms and Multijural Human Capital in the Harmonization of Legal Regimes.” In Albert Breton, Anne Des Ormeaux, Katharina Pistor, and Pierre Salmon, (Eds.), *Multijuralism: Manifestations, Causes, and Consequences*. Aldershot: Ashgate Publishing)
- 2009 “Toward a 21<sup>st</sup>-Century Health Care System: Recommendations for Health Care Reform.” (with Kenneth Arrow, Alan Auerbach, et al.) *Annals of Internal Medicine* Vol. 150, Issue 7, pp. 493-495
- 2009 “The Strategy of Methodology: The Virtues of Reductionism for Comparative Law.” (Focus Feature: Response to Comments on “Levers of Legal Design” by Pierre Legrand, Ralf Michaels and John Reitz) *University of Toronto Law Journal* Vol. LIX, No. 2, pp. 223-235
- 2008 “Legal Barriers to Innovation: The Growing Economic Cost of Professional Control over Corporate Legal Markets.” *Stanford Law Review* Vol. 60 pp. 1689-1732; Reprinted in *Regulation* Vol. 31, No. 3, pp. 14-21
- 2008 “Framing the Choice between Cash and the Courthouse: Experiences with the 9/11 Victim Compensation Fund.” *Law & Society Review* Vol. 42, pp. 645-682
- 2008 “The Levers of Legal Design: Institutional Determinants of the Quality of Law.” *Journal of Comparative Economics* Vol. 36, pp. 43-73
- 2007 “Don’t Forget the Lawyers: Legal Human Capital and the Role of Lawyers in Supporting the Rule of Law.” *DePaul Law Review* Vol. 55, pp. 401-421
- 2006 “On Public versus Private Provision of Corporate Law.” (with Eric Talley) *Journal of Law, Economics and Organization* Vol. 22, pp. 414-441
- 2006 “Judging Science: An Essay on the Unscientific Basis of Beliefs about the Impact of Law on Science and the Need for Better Data about Law.” *Journal of Law and Policy* Vol. 14, pp. 137-163

- 2005 “Exploring Economic and Democratic Theories of Litigation: Differences between Individual and Organizational Litigants in the Disposition of Federal Civil Cases.” *Stanford Law Review* Vol. 57, pp. 1275-1327
- 2005 “The September 11<sup>th</sup> Victim Compensation Fund: ‘An Unprecedented Experiment in American Democracy.’” *The Future of Terrorism Risk Insurance*. Defense Research Institute; reprinted in A.V. Sarsimha Rao *D&O and Terrorism Insurance* Hyderabad, India: ICFAI Press
- 2005 “Feminism, Fairness and Welfare: An Invitation to Feminist Law and Economics.” *Annual Review of Law and Social Science* Vol. 1, pp. 285-306. Reprinted in Lee Anne Fennell and Richard H. McAdams (eds.) *Fairness in Law and Economics*. Northampton, MA: Edward Elgar (2014)
- 2005 “The Many Legal Institutions that Support Contractual Commitment.” in Claude Menard and Mary Shirley (eds.) *Handbook of New Institutional Economics*. Netherlands: Kluwer. pp. 175-203
- 2004 “Where Have All the Trials Gone? Settlements, Non-trial Adjudications and Statistical Artifacts in the Changing Disposition of Federal Civil Cases.” *Journal of Empirical Legal Studies* Vol. 1, pp. 705-734
- 2004 “Delivering Legality on the Internet: Developing Principles for the Private Provision of Commercial Law.” *American Law and Economics Review* Vol. 6, pp.154-184
- 2002 “Privatizing Commercial Law: Lessons from ICANN.” *Journal of Small and Emerging Business Law* Vol. 6, pp. 257-283
- 2001 “Privatizing Commercial Law.” *Regulation* Vol. 24, No. 1, pp. 40-45; Reprinted in *New Zealand Business Law Quarterly* Vol. 7, pp. 287-295
- 2000 “Changing the Path of the Law.” in Steven J. Burton (ed.), *The Path of the Law and Its Influence: The Legacy of Oliver Wendell Holmes Jr.* Cambridge: Cambridge University Press. pp.278-284
- 2000 “The Price of Law: How the Market for Lawyers Distorts the Justice System.” *Michigan Law Review* Vol. 98, pp. 953-1006
- 1999 “A Coordination Model of the Sexual Division of Labor.” *Journal of Economic Behavior and Organization* Vol. 40, pp. 125-153
- 1999 *The Second Wave of Law and Economics* (with Megan Richardson). Annandale, Australia: Federation Press
- 1999 “Of Sovereignty and Contract: Damages for Breach of Contract by Government.” *University of Southern California Interdisciplinary Law Journal* Vol. 8, pp. 467-537
- 1998 “An Information-Based Approach to Labeling Biotechnology Consumer Products.” (with David Thomson). *Journal of Consumer Policy* Vol. 21, pp. 551-578 and in Bartha M. Knoppers and Alan D. Mathios (eds.) *Biotechnology and the Consumer*. Kluwer Academic Press

- 1998 “Information-Based Principles for Rethinking Consumer Protection Policy” (with Robert Howse and Michael Trebilcock). *Journal of Consumer Policy* Vol. 21, pp.131-169
- 1998 “Law-and-Economics from a Feminist Perspective.” in Peter Newman (ed.) *The New Palgrave Dictionary of Economics and the Law*, Vol. 2, pp. 455-459.
- 1998 “Sexual Harassment.” in Peter Newman (ed.) *The New Palgrave Dictionary of Economics and the Law* Vol. 3, pp. 455-458
- 1998 “An Expressive Theory of Contract: From Feminist Dilemmas to a Reconceptualization of Rational Choice in Contract Law.” *University of Pennsylvania Law Review* Vol. 146, pp.1235-1285. (Reviewed in Stephen Gardbaum, “Law, Incommensurability and Expression” *University of Pennsylvania Law Review*, Vol. 146, pp. 1687-1699.)
- 1998 Review of Margaret Jane Radin *Contested Commodities: The Trouble with Trade in Sex, Children, Body Parts and Other Things*. *University of Toronto Law Journal* Vol. 48, pp. 151-155
- 1997 “An Incomplete Contracting Perspective on Fiduciary Duty.” *Canadian Business Law Journal* Vol. 28, pp. 141-154
- 1996 “Rational Women: A Test for Sex-Based Harassment.” *California Law Review* Vol. 83, pp. 1151-1189
- 1996 “The Second Wave of Law and Economics: A Review of Michael Trebilcock's *The Limits of Freedom of Contract*.” *University of Toronto Law Journal* Vol. 46, pp. 181-200
- 1995 “Just Borders: Normative Economics and Immigration Law.” in Warren Schwartz (ed.) *Justice in Immigration*. Cambridge: Cambridge University Press. pp. 201-211
- 1995 “The Dilemma of Choice: A Feminist Perspective on *The Limits of Freedom of Contract*.” *Osgoode Hall Law Journal* Vol. 33, pp. 337-351
- 1994 “Households at Work: Beyond Labor Market Policies to Remedy the Gender Gap.” *Georgetown Law Journal* Vol. 82, pp. 89-107
- 1994 “Weighing the Value of Vagueness: An Economic Perspective on Precision in the Law.” *California Law Review* Vol. 82, pp. 541-554
- 1994 “Judicial Competence and the Interpretation of Incomplete Contracts.” *Journal of Legal Studies* Vol. 23, pp. 159 – 184
- 1993 “Not the ‘Radical’ Feminist Critique of *Sex and Reason*.” (response to Richard Posner, “The Radical Feminist Critique of *Sex and Reason*”). *Connecticut Law Review* Vol. 25, pp. 533-546
- 1992 “The Economics of Copyright: An Historical Perspective.” ASCAP Copyright Law Symposium No. 38, pp. 1-46. Reprinted 2001 in *The Economics of Intellectual Property* (R. Towse and R.W. Holzhauser, eds.)

(awarded National First Prize, 1988 Nathan Burkan Memorial Competition in Copyright Law)

- 1992 “Incomplete Contracts and Statutes.” *International Review of Law and Economics* Vol. 12, pp. 257-259
- 1992 “Flirting with Science: Richard Posner on the Bioeconomics of Sexual Man.” (reviewing Richard Posner *Sex and Reason*) *Harvard Law Review* Vol. 106, pp. 479-503
- 1992 “Bias in the Evolution of Legal Rules.” *Georgetown Law Journal* Vol. 80, pp. 583-616; excerpted in Kenneth G. Dau-Schmidt and Thomas S. Ulen (eds.) *A Law and Economics Anthology* (1998) and reprinted in Paul H. Rubin (ed.) *The Evolution of Efficient Common Law* (2007), pp.249-282
- 1991 “Credible Spatial Preemption through Franchising.” *RAND Journal of Economics* Vol. 22, pp. 531-543
- 1990 “Problematic Relations: Franchising and the Law of Incomplete Contracts.” *Stanford Law Review* Vol. 42, pp. 927-992; excerpted in Richard Craswell and Alan Schwartz (eds.) *Foundations of Contract Law* (1994), pp.203-210

## **WORK IN PROGRESS**

- “Legal Markets” (commissioned by *Journal of Economic Literature*)
- “Pervasive Spurious Normativity, or: The Case for Lots of Silly Rules” (with Dylan Hadfield-Menell)
- “Achieving Inclusion: Extending Access to the Rule of Law in Ancient Athens” (with Barry Weingast and Federica Carugati)

## **PRESENTATIONS AND ADDRESSES**

- Achieving Inclusion: Extending Access to the Rule of Law in Ancient Athens* World Justice Project Research Symposium, Stanford University (May 2016)
- The Future for Law* LegalZoom Interact (May 2016)
- The Role of Private Ordering in Governance* World Bank (April 2016)
- The Case for (Studying) Silly Rules* University of Pennsylvania (March 2016)
- Reinventing Law* SUNY Buffalo School of Law (February 2016)
- Markets for Rules* Brigham Young University Law School (November 2015),
- How to Regulate Legal Services to Promote Access, Innovation and the Quality of Lawyering* (with Deborah Rhode) University of California Hastings College of Law (November 2015)
- The Problem of Social Order: What Should We Count As Law?* University of Chicago Law School (October 2015)
- Developing Law for the Developing World* University of California Berkeley Law School (September 2015)

*Building Legal Order in Ancient Athens*, Mathius Corvinus Collegium, Budapest (December 2014), University of Virginia School of Law (February 2015), University of Bonn (June 2015)

*Pervasive Spurious Normativity*, Law and Economic Theory Conference, Berkeley (November 2014), Max Planck Institute for Research on Collective Goods, Bonn (June 2015), University of Southern California (August 2015)

*Challenges to Innovation*, ABA National Summit on Innovation in Legal Services, Stanford Law School (May 2015)

*Experimental and Computational Strategies to Investigate the Microfoundations of Legal Order* University of California, Santa Barbara Economics Department (May 2015)

*Reimagining Law*, Paul M. Van Arsdell, Jr. Memorial Lecture on Litigation and the Legal Profession, University of Illinois, Urbana-Champaign (February 2015)

*Modest Means Representation*, Los Angeles Law Library Pro Bono Week (October 2014)

*Law for a Flat World*, MassMutual Legal Offsite Annual Meeting (October 2014)

*Microfoundations of Law*, American Law and Economics Association Annual Meeting (May 2014), Comparative Law and Economics Forum (June 2014), International Society for New Institutional Economics (June 2014), World Justice Project Rule of Law Research Colloquium Conference (October 2014)

*The Changing Landscape of Legal Services*, Hiil Innovation Lab, The Hague (July 2014)

*Why We Need Radical Change to Uphold the Rule of Law*, Ontario Crown Counsel Summer School (June 2014)

*Obstacles to Access*, State Bar of California Civil Justice Strategies Task Force, (March 2014), State Bar of California Access to Justice Commission (April 2014)

*Why Legal Aid and Pro Bono Cannot Bridge the Access to Justice Gap*, Fordham Law School “Until Civil Gideon” Conference (November 2013)

*Reimagining Law*, Goodman Lecture, University of Toronto Faculty of Law (October 2013)

*Reinventing Law (School)*, Keynote Address, University of Alberta Faculty of Law Centenary Conference (September 2013)

*Democracy, Courts and the Information Order*. University of Southern California (February 2013).

*The Cost of Law: Promoting Access to Justice through the Corporate Practice of Law* Unlocking the Law Conference, George Mason University Law School (September 2012)

*When was Law Invented?* Keynote Address. International Society for New Institutional Economics (June 2012)

*The Crisis in Access to Justice and the Need for Innovative Solutions* Yale Law School (March 2012), National Association of Women Judges (March 2012)

*Law Without Coercion: The Role of Law in Coordinating Collective Punishment* Harvard Law School (March 2012), University of Pennsylvania Law School (October 2012)

*Pressures to Innovate in Legal Practice* American Association of Law Schools (January 2012)

*Coordination, Legal Order and Political Risk* Harvard Law School (October 2011)

*Scaffolding: Using Formal Contracts to Build Informal Relations to Support Innovation* University of Wisconsin Law School (October 2011), Boston University Law School (February 2012), Harvard Law School (March 2012), Massachusetts Institute of Technology (March 2012), International Society of New Institutional Economics (June 2012), Columbia Law School (February 2013), American Law and Economics Association (May 2013), Tilburg University (June 2013), University of Toronto (October 2013), Northwestern University Law School (November 2013), University of Pennsylvania Wharton School of Business (December 2013), European Summer School for Economic Theory (July 2014)

*What is Law? A Coordination Model of the Characteristics of Legal Order* Stanford University (November 2010), National Academy of Sciences (December 2010), Center for Advanced Study in the Behavioral Sciences (February 2011), American Law and Economics Association (May 2011), International Society of New Institutional Economics Annual Meeting (June 2011), Comparative Law and Economics Forum (July 2011), New York University Law School (September 2011), University of Southern California Law School (September 2011), University of Toronto Law School (October 2011), University of Texas Law School (November 2011), University of Paris (December 2011), University of Amsterdam (December 2011), American Economic Association Annual Meeting (January 2012), Harvard Law School (March 2012), Princeton University (May 2012), 5<sup>th</sup> MetaLawEcon Workshop at University of Debrecen Faculty of Law (December 2014)

*Producing Law for Innovation* Kauffman Summer Legal Institute (July 2010)

*Law for a Flat World: Building Legal Infrastructure for the New Economy.* Harvard University, Berkman Center for Internet and Society (April 2009), University of Michigan Law School (February 2010), University of Washington School of Law (March 2010), Ohio State Law School (March 2010), Queen's University Faculty of Law (March 2010), Berkeley Law School (April 2010), University of Southern California (April 2010), International Society for New Institutional Economics Annual Meeting (June 2010), Stanford Law School (November 2010), McGeorge School of Law (April 2011)

*Law and the Economic Crisis.* University of Southern California 2009 Trustees Conference (April 2009)

*Can Simpler Law be Stable?* The Santa Fe Institute (March 2009)

*Opening up Legal Markets to Compete Globally: What are the options?* Legal Malpractice and Risk Conference (March 2009)

*Higher Demand, Lower Supply? A Comparative Assessment of the Legal Resource Landscape for Ordinary Americans.* New York University School of Law (November 2008), American Bar Association Litigation Section Symposium (December 2008),

University of Virginia School of Law (April 2009), American Law and Economics Annual Meeting (May 2009)

*The Dynamic Quality of Law: The Role of Judicial Incentives and Legal Human Capital in the Adaptation of Law.* University of Paris X (October 2008), University of Chicago Law School (April 2009), Northwestern University School of Law (April 2009), Harvard Law School (January 2010)

*Democracy Courts and the Information Order.* American Sociological Association (August 2008), Cardozo School of Law (September 2008)

*The Role of International Law Firms and Multijural Legal Human Capital in the Harmonization of Legal Regimes.* Comparative Law and Economics Forum (June 2008), Columbia University School of Law (September 2008)

*Legal Design and the Production of Law.* The European School on New Institutional Economics (May 2008)

*Comments on Witt: The Political Economy of Pain.* Common Good (April 2008)

*Legal Barriers to Innovation: The Growing Economic Cost of Professional Control over Corporate Legal Markets.* Stanford University (March 2008), University of Pennsylvania Law School (March 2008), American Law and Economics Association Annual Meeting (May 2008), The Atheneum Club, London (June 2008), Oxford University (June 2008), Ewing Marion Kauffman Summer Legal Institute (June 2008)

*Framing the Choice between Cash and the Courthouse: Experiences with the 9/11 Victim Compensation Fund.* Law and Society Annual Meeting (July 2007), Conference on Empirical Legal Studies Annual Meeting (November 2007), University of California, Berkeley (February 2008), Oxford University (June 2008)

*Legal and Regulatory Issues in Health Care.* FRESH-Thinking Workshop, Center for Advanced Study in the Behavioral Sciences (November 2007)

*Institutional Determinants of the Quality of Law.* Stanford Law School (October 2006), Comparative Law and Economics Forum (April 2007)

*Law for a Flat World.* Center for Advanced Study in the Behavioral Sciences (March 2007)

*To Govern and Be Governed in Turn: Learning About Civil Litigation and Democracy from the Victims of September 11.* University of California, Berkeley (January 2007), Center for Advanced Study in the Behavioral Sciences (January 2007), Stanford Law School (February 2007), Virginia Law School (April 2007), Harvard Law School (April 2007)

*The Growth of Anti-Court Sentiment.* Los Angeles Judicial Education Program (October 2006)

*Private Harmonization of Legal Regimes: The Role of Multi-jurisdictional Law Firms and the Diffusion of Legal Human Capital.* Toronto, Canada (October 2006)

*Growing Support for Global Exchange: The Role of Law Firms and Legal Human Capital.* Onati, Spain (September 2006)

*Don't Forget the Lawyers: Legal Human Capital and The Role of Lawyers in Supporting the Rule of Law.* DePaul Law School (April 2006)

*The Quality of Law in Civil Code and Common Law Regimes: Judicial Incentives, Legal Human Capital and the Evolution of Law.* University of British Columbia Law School (March 2006), University of Toronto Faculty of Law (March 2006), New York University Law School (March 2006), Yale Law School (March 2006), American Law and Economics Association Annual Meeting (May 2006), National Bureau of Economic Research Summer Workshop (July 2006), Columbia Law School (November 2006), University of California, Berkeley School of Law (September 2007)

*The Many Legal Institutions that Support Contractual Commitments.* 3rd International Symposium of the Center for Legal Dynamics in Advanced Societies, Kobe Japan (September 2005)

*Delivering Legality on the Internet: Developing Principles for the Private Provision of Commercial Law.* Kobe University Faculty of Law (September 2005)

*The September 11th Victim Compensation Fund: 'An Unprecedented Experiment in American Democracy.'* University of Southern California Law School (March 2005), New York University Law School (October 2005)

*What Do We Know About Law's Ability to Judge Science?* Science for Judges VI, Brooklyn Law School (March 2005)

*Exploring Economic and Democratic Theories of Litigation: Differences Between Individual and Organizational Litigants in the Disposition of Federal Civil Cases.* Stanford Law School (February 2005), JAMS Annual Meeting (April 2005), Northern District Judicial Conference (May 2005), Loyola Law School (January 2006)

*Do Legal Origins Really Matter for Contemporary Institutions?* American Economics Association Annual Meeting, Philadelphia (January 2005), University of Southern California Law School (February 2005)

*Most Cases Don't Settle, There's More Non-Trial Adjudication than Ever and the Haves May be Coming Out Ahead: Preliminary Observations on the Changing Disposition of Federal Civil Cases.* Vanishing Trials Symposium (ABA Section on Litigation) (December 2003). Pepperdine Law School (January 2004), University of San Diego Law School (February 2004), Georgetown Law Center (October 2004)

*Daubert and the Theory of Expert Evidence.* Pennsylvania State University, Department of History (December 2002)

*On Public versus Private Provision of Corporate Law.* International Society for New Institutional Economics, Annual Meeting, Berkeley (September 2001), University of Illinois (October 2001), University of California, Berkeley School of Business (November 2001), University of Southern California-University of California, Los Angeles Corporate Roundtable, Los Angeles (November 2001), American Law and Economics Association Annual Meeting (May 2004), University of Toronto Rotman School of Management (March 2006)

*Privatizing Commercial Law: Lessons from ICANN.* Lewis and Clark Law School (October 2001), University of Illinois College of Law (October 2001)

*The Economics of Franchising and Franchise Legislation.* Luncheon Address, The American Franchise Association Annual Legal Symposium, Philadelphia (April 2001)

*Making the Market for Lawyers: Some Provocative Proposals for the Next Century.* Yale Law School (April 2001)

*The Allocation of Effort between the Economic and the Democratic Functions of Law.* University of Southern California (January 2001)

*The People v. The Corporation: Preliminary Findings on the Allocation of Legal Effort from Mandatory Filings by All Lawyers Practicing in Ontario, Canada.* Law and Society Association Annual Meeting (May 2000), American Bar Foundation (August 2000), Canadian Law and Economics Meetings (September 2000)

*Privatizing Commercial Law: Lessons from the Middle and the Digital Ages.* Cornell Law School (March 2000), Stanford Law School (April 2000), New York University (October 2000), University of San Diego (October 2000), Duke University (November 2000), University of California, Los Angeles (March 2001)

*The Price of Law: How the Market for Lawyers Distorts the Justice System.* Columbia University School of Law (December 1998), American Bar Foundation (July 1999), Canadian Law and Economics Association Annual Meeting (September 1999), University of Michigan (September 1999), Cornell Law School (November 1999), Stanford Law School (January 2000), Hoover Institution (January 2000), Law and Society Association Annual Meeting (May 2000), American Law and Economics Association Annual Meeting, New York University School of Law (May 2000)

*The Role of Theory in Commercial Disputes.* Canadian Institute for the Administration of Justice (October 1997)

*Rational Marriage: The Nature of Choice and Commitment in Marital Contracting.* George Mason University (October 1997)

*The Second Wave of Law and Economics: Learning to Surf.* University of Melbourne (July 1997)

*Changing the Path of the Law.* University of Iowa (January 1997).

*A Feminist Perspective on Rational Choice in the Law.* Columbia University School of Law (November 1996), Cornell Law School (April 1997), University of Melbourne (July 1997), Canadian Law and Economics Association (September 1997), University of Southern California (January 1998), University of Pennsylvania (February, 1998), McGill Law School (March 1998), Boston University (April 1998)

*Internalizing the Other: An Incomplete Contracting Perspective on Fiduciary Duty.* University of Toronto (October 1995), Columbia University Law School (February, 1997), University of Melbourne (July 1997)

*Contract Law.* Ontario Court of Appeal (October 1996)

*The Invisible Hand: Damages for Breach of Contract by Government.* University of Virginia (October 1995), New York University School of Law (December 1995), American Law & Economics Association (May 1997)

*Law, Economics and Feminism.* University of Virginia (October 1995)

*Rational Women: An Economic Test for Sexual Harassment.* University of Toronto (October 1993), University of Michigan (March 1994), Yale Law School (April 1994), American Law and Economics Association Annual Meeting (May 1994), Stanford Law School (March 1995), International Association for Feminist Economics (July 1995)

*A Coordination Model of the Sexual Division of Labor.* Hoover Institution (April 1993), Stanford Graduate School of Business (April 1993), International Association for Feminist Economics (August 1993), University of California, Berkeley (January 1996)

*Households at Work: Beyond Labor Market Policies to Remedy the Gender Gap.* Stanford Law School (March 1993)

*Nanny-gate: The Invisible Household.* Golden Gate University School of Law, Queen's Bench Association (March 1993)

*Overinvesting in Relationship-Specific Information under Short-Term Contracting.* Hoover Institution (February 1993)

*Bias in the Evolution of Legal Rules.* University of Toronto (November 1991), American Law and Economics Association Second Annual Meeting (May 1992)

*Judicial Competence and the Interpretation of Incomplete Contracts.* Georgetown University Law Center (April 1991), American Law and Economics Association First Annual Meeting (May 1991), University of California, Berkeley (February 1992), University of Chicago (October 1992), Northwestern University (October 1992)

*Problematic Relations: Franchising and the Law of Incomplete Contracts.* Stanford Law School (October 1988), Harvard Law School (March 1989), Yale Law School (March 1989), Columbia University (November 1989), New York University (November 1989), University of Chicago (November 1989), University of Michigan (December 1989), University of California, Berkeley (December 1989)

*Bargaining, Asymmetric Information and the Determination of Contract Duration.* University of Toronto (November 1988), Stanford University (October 1989)

## **ADDITIONAL CONFERENCES**

*National Conference of Bar Presidents, ABA Mid-Year Meeting, San Diego* (February 2016)

*Innovating Justice Summit, Hague Institute for the Internationalisation of Law, The Hague* (June 2015)

*World Economic Summit on the Global Agenda 2014, Dubai* (November 2014), Abu Dhabi (October 2015)

*Comparative Law and Economics Forum, Brussels* (June 2015)

*LexRedux Stanford* (April 2014)

*Stanford Roundtable on Technology and Transactional Practice* (December 2013)

*Law and Society Annual Meeting* Boston (May 2013)

*International Society for New Institutional Economics* (Chair) Vanderbilt University (May 2013)

*American Economics Association Annual Meeting* (Chair and Commentator) San Diego (January 2013)

*Conference on Theoretical Law and Economics* (Commentator) Yale Law School (December 2012)

*Haas-Sloan Conference on the Law and Economics of Organization*, University of California, Berkeley (November 2012)

*Inventing Law and Morality: Positive Models and Normative Ideals*, Princeton University (Workshop Organizer, May 2012)

*The Global Legal Profession*, Harvard Law School (April 2012)

*International Junior Faculty Forum* (Judge and Commentator), Stanford Law School (November 2010), Harvard Law School (November 2011), Stanford Law School (November 2012), Harvard Law School (November 2013), Stanford (October 2014), Stanford (October 2015)

*Planning Group for an Empirical Agenda for Access to Justice*, American Bar Foundation (November 2010)

*Future Ed* New York Law School (Panelist, April 2010), Harvard Law School (Invited Participant, October 2010)

*Building Better Lawyers* Center for Advanced Study in the Behavioral Sciences (May 2010, Conference Organizer)

*USC Institute on Intellectual Property* (Executive Committee and Moderator, March 2010)

*Conference on Empirical Legal Studies*, University of Southern California Law School (November 2009) (Organizing Committee, Chair and Discussant)

*Innovation, Risk, and Finance Conference*, Southern California Innovation Project (May 2009) (Co-Organizer)

*Future of the Firm*, Indiana University (April 2009) (Participant)

*Leading Legal Innovation*, Southern California Innovation Project (December 2008) (Co-Organizer)

*Business, Law & Innovation Conference*, Columbia Law School (November 2008) (Commentator)

*American Law and Economics Association Annual Meeting* (May 2008), Panel Chair (May 2012) Panel Chair (May 2013)

*Law, Economics and Neuroscience Conference: Implications for Innovation*, University of Southern California Law School (May 2008) (Moderator and Co-Organizer)

*USC Institute on Intellectual Property* (March 2008) (Moderator and Planning Committee)

*The Theory of the Firm: Research Roundtable on Law, Regulation and Economic Growth* Northwestern Law School (March 2008)

*Peer Production and Collaboration Roundtable* Southern California Innovation Project, University of Southern California Law School (February 2008) (Organizer and Moderator)

*Law Firms Working Group* American Bar Foundation (October 2007)

*The Effects of Law on Society* Kauffman Foundation and Common Good, (May 2007) (Invited Participant)

*Multijuralism* Toronto (October 2006) (Invited Paper and Participant)

*Legal Certainty Beyond the State: Autonomous Structures in Globalized Exchange Processes* Onati, Spain (September 2006) (Invited Paper and Participant)

*American Law and Economics Association Annual Meeting* (May 2006) (Chair and Principal Paper)

*The Law and Economics of Contracts* Columbia Law School (April 2006) (Invited Participant)

*Modeling Law* New York University School of Law (October 2005) (Invited Presentation)

*The Association of American Law Schools Mid-Year Conference on Contracts* Canada (June 2005) (Panelist and Organizer)

*American Law and Economics Association Annual Meeting* (May 2005) (Panel Organizer and Chair)

*Conference on Commercial Law Theory and the Convention on the International Sale of Goods* (October 2004) (Commentator)

*University of Southern California Institute on Intellectual Property* (May 2004, May 2005) (Moderator and Planning Committee)

*Colloquium on Slippery Slopes and the Movement away from Liberty*, Liberty Fund, (November 2002)

*International Seminar on Legal Markets*, Lord Chancellor's Department, (October 2002) (Convenor)

*Mechanism Design and the Law*, University of Southern California Law School (February 2002) (Commentator)

*Dissolving Boundaries: Law, Law Jobs and the Role of Law Schools in the New Century: Yale Law School's Tercentennial Celebration Conference* (April 2001) (Panelist)

*An Uncomfortable Conversation: Are Children a Public Good or Personal Responsibility?* Cornell Law School (November 1999) (Invited Participant)

*XXIVth International Congress on Law and Mental Health*, University of Toronto (June 1999) (Chair, Women's Madness: Law, Literature and Psychology)

*Law and Society Association Annual Meeting* (May 1999)

*Ontario Pro Bono Initiative Summit*, Faculty of Law, University of Toronto (April 1999) (Invited Participant)

*The Administration of Justice in Commercial Disputes*, The Canadian Institute for the Administration of Justice, Osgoode Hall Law School (October 1997) (Panelist)

*Donner Conference on Freedom of Contract and the Family*, George Mason University, (October 1997) (Commentator)

*Australian Law and Economics Association Second Annual Meeting*, University of Melbourne (July 1997) (Practitioner's Seminar)

*Make versus Buy: The New Boundaries of the Firm*, Columbia University (February 1997) (Invited Paper); (November 1997) (Commentator)

*Symposium on Oliver Wendell Holmes Jr., The Path of the Law*, University of Iowa (January 1997) (Commentator)

*The Market for Information Roundtable*, Industry Canada, Office of Consumer Affairs, (June 1996) (Invited Participant)

*Canadian Law and Economics Association*, University of Toronto (1995) (1996) (Chair)

*Symposium on Richard A. Posner's Book Sex and Reason*, Gruter Institute for Law and Behavioral Research, Stanford (March 1993) (Invited Participant)

*Revising U.C.C Article 2, Association of American Law Schools* (January 1993) (Commentator)

*Symposium on the Law and Economics of the Gender Gap* Georgetown University Law Center (November 1992) (Commentator)

*Conventions and the Culture of Liberty*, Liberty Fund (June 1992) (Invited Participant)

*Symposium on the Law and Economics of Immigration*, Georgetown University Law Center (April 1992) (Commentator)

*Human Genome Initiative*, University of Arizona School of Law (May 1991) (Invited Participant)

*Women and Work*, University of California, Los Angeles (November 1990) (Invited Participant)

*Constitutional Law and Economics*, Stanford Law School (October 1990) (Discussant)

## **FELLOWSHIPS, GRANTS, HONORS AND AWARDS**

Ewing Marion Kauffman Foundation, \$40,000, sabbatical grant in support of book project *Law for a Flat World: Legal Infrastructure and the New Economy*, 2011

Ewing Marion Kauffman Foundation, \$675,000 to establish the Southern California Innovation Project, 2006

Center for Advanced Study in the Behavioral Sciences, Fellow, 2006-2007, 2010-2011

University of Southern California Law School, Olin Fellow in Law and Economics, 2000-2001

Cornell Law School, Olin Fellow in Law and Economics, 1999-2000

Canadian Social Sciences and Humanities Research Council Relationships in Transition Program, \$40,000 to study legal profession in Ontario, 1999

Canadian Bar Association Law for the Future Fund, \$23,000 to study legal profession in Ontario, 1999

University of Toronto, Connaught Fellow, 1999

University of Toronto, Cecil Wright Fellowship, 1999

Columbia Law School, Senior Olin Fellow in Law and Economics, 1998

University of Toronto, *Faculty of Law, Cecil Wright Fellowship*, 1997  
University of Toronto, *Faculty of Law, Faculty Teaching Fellowship*, 1996  
University of California Regents, *Junior Faculty Fellowship*, 1993  
National Fellow, Hoover Institution, *John M. Olin Faculty Fellowship*, 1992  
*Sloan Doctoral Dissertation Fellowship*, 1989  
Order of the Coif (Law Honor Society), 1988  
Richard S. Goldsmith Prize in Dispute Resolution  
National First Prize, Nathan Burkan Memorial Competition  
*New Directions Mellon Fellowship*, 1986  
Hilmer Oehlmann Jr. Award for Legal Research and Writing  
*Canadian Social Sciences and Humanities Research Council Doctoral Fellowship*,  
1984  
Medal in Economics, Prize in Economic History, 1983  
The Prince of Wales Prize, Honourable Mention  
(awarded to the graduating student with second highest standing on the  
B.A.H. list, Queen's University).  
Rector Norman MacLeod Rogers Scholarship (awarded for intellectual achievement,  
leadership potential and contribution to the local and University  
communities).

## **REFEREEING**

RAND Institute of Civil Justice, American Economics Review, American Economic Journal: Microeconomics, American Law and Economics Review, Journal of Economic Behavior and Organization, Journal of Legal Studies, Journal of Political Economy, Journal of Law, Economics and Organization, Journal of Law and Economics, International Review of Law and Economics, Journal of Law and Society, Law and Social Inquiry, University of Chicago Press, Brookings Institute, Journal of Comparative Economics, University of Toronto Law Journal, European Journal of Law and Economics, Journal of Legal Studies, Journal of Urban Economics, Contemporary Economics

## **PROFESSIONAL MEMBERSHIPS**

American Law Institute, American Bar Association (Associate), American Economics Association, American Law and Economics Association, Order of the Coif, Society for Institutional and Organizational Economics

August 2016