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## CURRICULUM VITAE

Steven Shavell

### Harvard Law School

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### Education

1977-1978 Liberal Arts Fellow, Harvard Law School  
1970-1973 Ph.D., Economics, M.I.T.  
1964-1968 A.B., Mathematics, A.B. Economics, University of Michigan

### Academic and Employment History

2000-present Samuel R. Rosenthal Professor of Law and Economics, Harvard Law School  
1985-present Director, John M. Olin Center for Law, Economics, and Business,  
Harvard Law School  
1980-present Research Associate, National Bureau of Economic Research  
1980-2006 Director/Co-Director, Law and Economics Program, National Bureau of  
Economic Research  
1999 (Fall) Visiting Professor, New York University Law School  
1984-1985 Visiting Professor, University of Chicago Law School  
1982-2000 Professor of Law and Economics, Harvard Law School  
1980-1982 Assistant Professor of Law and Economics, Harvard Law School  
1979-1980 Associate Professor of Economics, Harvard University  
1974-1979 Assistant Professor of Economics, Harvard University  
1973-1974 Assistant Professor of Economics, Boston College  
1968-1970 Lt., j. g., U. S. Public Health Service, Centers for Disease Control

### Editorial and Public Service Positions

2008-present Co-Editor, *Journal of Legal Analysis*  
2006-present Member, Board of Advisors, Joseph von Sonnenfels Center for the Study of Public  
Law and Economics, University of Vienna  
2005-present Co-Editor, *American Law and Economics Review*  
2005-present Member, Advisory Board, *Journal of Tort Law*

2005-present Member, Advisory Board, Intellectual Property Institute, University of Richmond

2003-present Faculty Associate, Center for Basic Research in the Social Sciences, Harvard University

2003-present Member, Board of Faculty Advisors, *Journal of Law, Economics and Policy*

2001-present Member, Board of Advisors, Center for Law, Economics, and Financial Institutions, Copenhagen Business School

1999-present Member, Board of Editors, *Encyclopedia of Law and Economics*

1990-present Member, Board of Editors, *Research in Law and Economics*

1989-present Member, Board of Editors, *Journal of Law, Economics, and Organization*

1987-present Member, Board of Editors, *International Review of Law and Economics*

1990-present Associate Editor, *Geneva Risk and Insurance Review*

2001-2002 President, American Law and Economics Association

1999-2005 Member, Board of Editors, *American Law and Economics Review*

1990-1994 Member, Board of Directors, American Law and Economics Association

1986-1990 Consultant to American Law Institute, Project on Compensation and Liability for Product and Process Injuries

1987-1989 Consultant to United States Sentencing Commission

1985-1988 Member, Board of Editors, *American Economic Review*

1985-1986 Member, National Science Foundation panel awarding grants in law and social sciences

#### Honors and Fellowships

2002 Elected as member of the American Academy of Arts and Sciences

1988 Elected as Fellow of the Econometric Society

1983-1984 Guggenheim Memorial Foundation Fellowship

1979 Liberty Fund Summer Fellow in Law and Economics

1977-1978 Liberal Arts Fellow in Economics, Harvard Law School

1977-1978 National Science Foundation National Needs Postdoctoral Research Fellow

1970-1973 National Science Foundation Graduate Fellowship

1968 Phi Beta Kappa

1968 Honorary Woodrow Wilson Fellow

#### Teaching Experience

At Harvard Law School: analytical methods for lawyers; microeconomics and public policy; economic analysis of law; quantitative analysis; seminars on various subjects. At the Department of Economics at Harvard University: law and economics; microeconomic theory; decision analysis; nonlinear programming. At programs for judges: economic analysis of law.

## **Publications**

### Scholarly Books

1. *Economic Analysis of Accident Law*, 1987. Harvard University Press, Cambridge.
2. *Fairness versus Welfare* (with Louis Kaplow), 2002. Harvard University Press, Cambridge.
3. *Foundations of Economic Analysis of Law*, 2004. Belknap Press of Harvard University Press, Cambridge.
4. *Handbook of Law and Economics*, 2007. Volumes 1, 2. A. Mitchell Polinsky and Steven Shavell, Editors. Elsevier, Amsterdam.

### Textbooks

1. *Analytical Methods for Lawyers* (with Howell Jackson, Louis Kaplow, W. Kip Viscusi, and David Cope), 2003. Foundation Press, New York.
2. *Contracting* (with Louis Kaplow), 2004, Foundation Press, New York. (Reprinted from *Analytical Methods for Lawyers*.)
3. *Microeconomics* (with Louis Kaplow), 2004, Foundation Press, New York. (Reprinted from *Analytical Methods for Lawyers*.)
4. *Decision Theory, Games, and Information* (with Louis Kaplow), 2004, Foundation Press, New York. (Reprinted from *Analytical Methods for Lawyers*.)
5. *Law and Economics*, 2004, Foundation Press, New York. (Reprinted from *Analytical Methods for Lawyers*.)

### Articles

1. Benefits Due to Immunization Against Measles (with Norman Axnick and John Witte), *Public Health Reports*, Aug. 1969, Vol. 84, 673-680.
2. Costs of the 1964-1965 Measles Epidemic, *Proc. 6th Annual Immunization Conference*, U.S. Dept. of Health, Education, and Welfare, 1969, 43-47.
3. The Theory of Search (with Meir Kohn), *Journal of Economic Theory*, Oct. 1974, Vol. 9, 93-123.

4. The Air Pollution and Property Value Debate (with A. Mitchell Polinsky), *Review of Economics and Statistics*, Feb. 1975, Vol. 57, 100-104.
5. Amenities and Property Values in a Model of an Urban Area (with A. Mitchell Polinsky), *Journal of Public Economics*, 1976, Vol. 5, 119-129.
6. Sharing Risks of Deferred Payment, *Journal of Political Economy*, Jan. 1976, Vol. 84, 161-168.
7. Amenities and Property Values in a Model of an Urban Area: A Reply (with A. Mitchell Polinsky), *Journal of Public Economics*, Feb. 1978, Vol. 9, 111-112.
8. Theoretical Issues in Medical Malpractice, in *The Economics of Medical Malpractice*, S. Rottenberg (ed.), American Enterprise Institute, Washington, D.C., 1978, 35-64.
9. Do Managers Use Their Information Efficiently?, *American Economic Review*, Dec. 1978, Vol. 68, 935-937.
10. The Optimal Tradeoff Between the Probability and Magnitude of Fines (with A. Mitchell Polinsky), *American Economic Review*, Dec. 1979, Vol. 69, 880-891.
11. On Moral Hazard and Insurance, *Quarterly Journal of Economics*, Nov. 1979, Vol. 92, 541-562.
12. The Optimal Payment of Unemployment Insurance Benefits Over Time (with Laurence Weiss), *Journal of Political Economy*, Dec. 1979, Vol. 87, 1347-1362.
13. Risk Sharing and Incentives in the Principal and Agent Relationship, *Bell Journal of Economics*, Spring 1979, Vol. 10, 55-73.
14. Damage Measures for Breach of Contract, *Bell Journal of Economics*, Autumn 1980, Vol. 11, 466-490.
15. Strict Liability versus Negligence, *Journal of Legal Studies*, Jan. 1980, Vol. 9, 1-25.
16. An Analysis of Causation and the Scope of Liability in the Law of Torts, *Journal of Legal Studies*, June 1980, Vol. 9, 463-516.
17. A Note on Efficiency vs. Distributional Equity in Legal Rulemaking: Should Distributional Equity Matter Given Optimal Income Taxation? *American Economic Review*, May, 1981, Vol. 71, 414-418.
18. Contribution and Claim Reduction Among Antitrust Defendants: An Economic Analysis (with A. Mitchell Polinsky), *Stanford Law Review*, Feb. 1981, Vol. 33, 447-471.

19. Suit, Settlement, and Trial: A Theoretical Analysis Under Alternative Methods for the Allocation of Legal Costs, *Journal of Legal Studies*, Jan. 1982, Vol. 11, 55-81.
20. The Social versus the Private Incentive to Bring Suit in a Costly Legal System, *Journal of Legal Studies*, June 1982, Vol. 11, No. 2, 333-339.
21. On Liability and Insurance, *Bell Journal of Economics*, Spring 1982, Vol. 13, No.1, 120-132.
22. Pigouvian Taxation with Administrative Costs (with A. Mitchell Polinsky), *Journal of Public Economics*, 1982, Vol. 19, 385-394.
23. Torts in Which Victim and Injurer Act Sequentially, *Journal of Law and Economics*, Oct. 1983, Vol. 26, 589-612.
24. A Model of the Optimal Use of Liability and Safety Regulation, *Rand Journal of Economics*, Summer 1984, Vol. 15, 271-280.
25. Liability for Harm versus Regulation of Safety, *Journal of Legal Studies*, June 1984, Vol. 13, 357-374.
26. The Design of Contracts and Remedies for Breach, *Quarterly Journal of Economics*, Feb. 1984, Vol. 97, 121-148.
27. The Optimal Use of Fines and Imprisonment (with A. Mitchell Polinsky), *Journal of Public Economics*, 1984, Vol. 24, 89-99.
28. A Model in Which Suits are Brought for Their Nuisance Value (with David Rosenberg), *International Review of Law and Economics*, June 1985, Vol. 5, 3-13.
29. Uncertainty Over Causation and the Determination of Civil Liability, *Journal of Law and Economics*, Oct. 1985, Vol. 28, 587-609.
30. Criminal Law and The Optimal Use of Nonmonetary Sanctions as a Deterrent, *Columbia Law Review*, Oct. 1985, Vol. 85, 1232-1262.
31. The Judgment Proof Problem, *International Review of Law and Economics*, June 1986, Vol. 6, No. 1, 45-58.
32. The Optimal Use of Nonmonetary Sanctions as a Deterrent, *American Economic Review*, September 1987, Vol. 77, 584-592.
33. A Model of Optimal Incapacitation, *American Economic Review*, May 1987, Vol. 77, 107-110.

34. Legal Advice about Contemplated Acts: The Decision to Obtain Advice, its Social Desirability, and Protection of Confidentiality, *Journal of Legal Studies*, January 1988, Vol. 17, 123-150.
35. A Note on the Incentive to Reveal Information, *Geneva Papers on Risk and Insurance*, January 1989, Vol. 14, 66-74.
36. Legal Advice About Information to Present in Litigation: Its Effects and Social Desirability (with Louis Kaplow), *Harvard Law Review*, January 1989, Vol. 102, 565-615.
37. Legal Error, Litigation, and the Incentive to Obey the Law (with A. Mitchell Polinsky), *Journal of Law, Economics, and Organization*, Spring 1989, Vol. 5, 99-108.
38. Optimal Sanctions and the Incentive to Provide Evidence to Legal Tribunals, *International Review of Law and Economics*, June 1989, Vol. 9, 3-11.
39. Sharing of Information Prior to Settlement or Litigation, *Rand Journal of Economics*, Summer 1989, Vol. 20, 183-195.
40. Deterrence and the Punishment of Attempts, *Journal of Legal Studies*, June, 1990, Vol. 19, 435-466.
41. Zur Strafbarkeit des Versuchs (with Michael Adams), *Goltdammer's Archiv fur Strafrecht*, August, 1990, Vol. 137, 337-386.
42. Legal Advice about Acts Already Committed (with Louis Kaplow), *International Review of Law and Economics*, June, 1990, Vol. 10, 149-159.
43. An Economic Analysis of Altruism and Deferred Gifts, *Journal of Legal Studies*, June, 1991, Vol. 20, No. 2, 401-421.
44. A Note on Optimal Fines When Wealth Varies Among Individuals (with A. Mitchell Polinsky), *American Economic Review*, June, 1991, Vol. 81, No. 3, 618-621.
45. Specific versus General Enforcement of Law, *Journal of Political Economy*, October, 1991, Vol. 99, No. 5, 1088-1108.
46. Individual Precautions to Prevent Theft: Private versus Socially Optimal Behavior, *International Review of Law and Economics*, September, 1991, Vol. 11, No. 2, 123-132.
47. Information and the Scope of Liability for Breach of Contract: The rule of *Hadley v. Baxendale* (with Lucian Bebchuk), *Journal of Law, Economics, and Organization*, 1991, Vol. 7, No. 2, 284-312.

48. Comment on "Liability and the Incentives for Innovations" by J. Finsinger, in *Economic Analysis of Law - A Collection of Applications*, Wolfgang Weigel (ed.), 1991, Univ. of Vienna, Austria, 196.
49. A Note on Marginal Deterrence, *International Review of Law and Economics*, September, 1992, Vol. 12, 345-355.
50. Enforcement Costs and the Optimal Magnitude and Probability of Fines (with A. Mitchell Polinsky), *Journal of Law and Economics*, April, 1992, Vol. 35, No. 1, 133-148.
51. Liability and the Incentive to Obtain Information about Risk, *Journal of Legal Studies*, June, 1992, Vol. 21, No. 2, 259-270.
52. Private versus Socially Optimal Provision of Ex Ante Legal Advice (with Louis Kaplow), *Journal of Law, Economics, and Organization*, 1992, Vol. 8, No. 2, 306-320.
53. Suit versus Settlement when Parties Seek Nonmonetary Judgments, *Journal of Legal Studies*, January, 1993, Vol. 22, No. 1, 1-13.
54. Should Employees be Subject to Fines and Imprisonment Given Existence of Corporate Liability? (with A. Mitchell Polinsky), *International Review of Law and Economics*, September, 1993, Vol. 13, No. 3, 239-257.
55. Contingent Valuation of the Nonuse Value of Natural Resources: Implications for Public Policy and the Liability System, in Jerry A. Hausman (editor) *Contingent Valuation: A Critical Assessment*, 1993, Elsevier, Amsterdam, pp. 371-385.
56. An Economic Analysis of Threats and Their Illegality: Blackmail, Extortion, and Robbery, *University of Pennsylvania Law Review*, 1993, Vol. 141, No. 5, 1877-1903.
57. The Optimal Structure of Law Enforcement, *Journal of Law and Economics*, April, 1993, Vol. 36, No. 1, Part 2, 255-287.
58. Acquisition and Disclosure of Information Prior to Sale, *Rand Journal of Economics*, Spring 1994, Vol. 25, No. 1, 20-36.
59. Accuracy in the Determination of Liability (with Louis Kaplow), *Journal of Law and Economics*, April, 1994, Vol. 37, No. 1, 1-15.
60. Why the Legal System is Less Efficient Than the Income Tax in Redistributing Income (with Louis Kaplow), *Journal of Legal Studies*, June, 1994, Vol. 23, No. 2, 667-681.
61. A Note on Optimal Cleanup and Liability after Environmentally Harmful Discharges (with

- A. Mitchell Polinsky), *Research in Law and Economics*, 1994, Vol. 16, 17-24.
62. Optimal Law Enforcement with Self-Reporting of Behavior (with Louis Kaplow), *Journal of Political Economy*, June, 1994, Vol. 102, No.3, 583-606.
63. When Are Shareholder Suits in Shareholder Interests? (with Reinier Kraakman and Hyun Park), *Georgetown Law Review*, 1994, Vol. 82, No. 5, 1733-1775.
64. Should Liability be Based on the Harm to the Victim or the Gain to the Injurer? (with A. Mitchell Polinsky), *Journal of Law, Economics, and Organization*, 1994, Vol. 10, No. 2, 427-437.
65. Alternative Dispute Resolution: An Economic Analysis, *Journal of Legal Studies*, January 1995, Vol. 24, No. 1, 1-28.
66. The Appeals Process as a Means of Error Correction, *Journal of Legal Studies*, June 1995, Vol. 24, No. 2, 379-426.
67. Do Liability Rules Facilitate Bargaining? A Reply to Ayres and Talley (with Louis Kaplow), *Yale Law Journal*, 1995, Vol. 105, No. 1, 221-233.
68. Property Rules versus Liability Rules: An Economic Analysis (with Louis Kaplow), *Harvard Law Review*, 1996, Vol. 109, No. 4, 713-790.
69. Accuracy in the Assessment of Damages (with Louis Kaplow), *Journal of Law and Economics*, 1996, Vol. 39, No. 1, 191-210.
70. Any Frequency of Plaintiff Victory at Trial is Possible, *Journal of Legal Studies*, 1996, Vol. 25, No. 2, 493-501.
71. Reply to a Comment on "The Appeals Process as a Means of Error Correction," *Legal Theory*, 1996, Vol. 2, 83-85.
72. The Optimal Level of Corporate Liability Given the Limited Ability of Corporations to Penalize Their Employees, *International Review of Law and Economics*, 1997, Vol. 17, 203-213.
73. The Fundamental Divergence Between the Private and the Social Motive to Use the Legal System, *Journal of Legal Studies*, June, 1997, Vol. 26, No.2, Pt.2, 575-612.
74. Legal Advice, *The New Palgrave Dictionary of Economics and the Law*, Peter Newman (ed.), New York: Stockton Press, 1998, Vol. 2, E-O, 516-520.
75. Causation and Tort Liability, *The New Palgrave Dictionary of Economics and the Law*, Peter Newman (ed.), New York: Stockton Press, 1998, Vol. 1, A-D, 211-214.

76. Punitive Damages: An Economic Analysis (with A. Mitchell Polinsky), *Harvard Law Review*, 1998, Vol. 111, 869-962.
77. Contracts, *The New Palgrave Dictionary of Economics and the Law*, Peter Newman (ed.), New York: Stockton Press, 1998, Vol. 1, A-D, 436-445.
78. Public Enforcement of Law (with A. Mitchell Polinsky), *The New Palgrave Dictionary of Economics and the Law*, Peter Newman (ed.), New York: Stockton Press, 1998, Vol. 3, P-Z, 178-188.
79. Punitive Damages (with A. Mitchell Polinsky), *The New Palgrave Dictionary of Economics and the Law*, Peter Newman (ed.), New York: Stockton Press, 1998, Vol. 3, P-Z, 192-198.
80. On Offense History and the Theory of Deterrence (with A. Mitchell Polinsky), *International Review of Law and Economics*, Vol. 18, No. 3, September 1998, 305-324.
81. On the Disutility and Discounting of Imprisonment and the Theory of Deterrence (with A. Mitchell Polinsky), *Journal of Legal Studies*, Vol. 28, No. 1, January 1999, 1-16.
82. The Level of Litigation: Private versus Social Optimality, Vol. 19, No. 1, March, 1999, *International Review of Law and Economics*, 99-115.
83. Reconsidering Contractual Liability and the Incentive to Reveal Information (with Lucian Bebchuk), *Stanford Law Review*, Vol. 51, No. 6, July, 1999, 1615-1627.
84. The Conflict Between Notions of Fairness and the Pareto Principle (with Louis Kaplow). *American Law and Economics Review*, Vol. 1, Nos. 1 & 2, Fall 1999, 63-77.

85. On the Social Function and the Regulation of Liability Insurance. *Geneva Papers on Risk and Insurance, Issues and Practice*, Vol. 25, No. 2, April 2000, 166-179.
86. The Economic Theory of Public Enforcement of Law (with A. Mitchell Polinsky). *Journal of Economic Literature*, Vol. 38, No. 1, March 2000, 45-76.
87. Should Legal Rules Favor the Poor? Clarifying the Role of Legal Rules and the Income Tax in Redistributing Income (with Louis Kaplow). *Journal of Legal Studies* Vol. 29, No. 2, June 2000, 821-835.
88. Punitive Damages (with A. Mitchell Polinsky). *Encyclopedia of Law and Economics*, edited by Boudewijn Bouckaert and Gerritt De Geest, 2000. Vol. II, Edward Elgar, Northampton MA. 764-781.
89. Public Enforcement of Law (with A. Mitchell Polinsky). *Encyclopedia of Law and Economics*, edited by Boudewijn Bouckaert and Gerritt De Geest, 2000. Vol. V, Edward Elgar, Northampton MA. 307-344.
90. The Fairness of Sanctions: Some Implications for Optimal Enforcement Policy (with A. Mitchell Polinsky). *American Law and Economics Review*, Vol. 2, No. 2, Fall 2000, 223-237.
91. Notions of Fairness Versus the Pareto Principle: On the Role of Logical Consistency (with Louis Kaplow). *Yale Law Journal*, vol. 110, No. 2, November 2000, 237-249.
92. Fairness versus Welfare (with Louis Kaplow). *Harvard Law Review*, Vol. 114, No. 4, February, 2001, 961-1388.
93. Any Non-Welfarist Method of Policy Assessment Violates the Pareto Principle (with Louis Kaplow). *Journal of Political Economy*, Vol 109, No. 2, April 2001, 281-286.
94. Punitive Damages: An Economic Perspective (with A. Mitchell Polinsky). Chapter 13 in *Litigation Services Handbook*, 3<sup>rd</sup> edition, Roman L. Weil, Michael J. Wagner, and Peter B. Frank (editors), 2001, John Wiley & Sons, New York.
95. Law and Economics. *International Encyclopedia of the Social and Behavioral Sciences*, Neil J Smelser and Paul B. Baltes (editors), 2001, Vol. 12, 8446-8452. Elsevier, Amsterdam.
96. Law: Economics of its Public Enforcement (with A. Mitchell Polinsky). *International Encyclopedia of the Social and Behavioral Sciences*, Neil J Smelser and Paul B. Baltes (editors), 2001, Vol. 12, 8510-8517. Elsevier, Amsterdam.
97. Corruption and Optimal Law Enforcement (with A. Mitchell Polinsky). *Journal of Public Economics*. Vol. 81, No. 1, July 2001, 1-24.

98. Rewards versus Intellectual Property Rights (with Tanguy van Ypersele). *Journal of Law and Economics*, Vol. 44, No. 2, October 2001, 525-547.
99. Economic Analysis of Law (with Louis Kaplow). *Handbook of Public Economics*, Vol. 3, Alan J. Auerbach and Martin Feldstein (editors), Elsevier, 2002, 1661-1784.
100. Threats without Binding Commitment (with Kathryn E. Spier). *Topics in Economic Analysis & Policy*: Vol. 2, No. 1, 2002, Article 2.
101. On the Superiority of Corrective Taxes to Quantity Regulation (with Louis Kaplow). *American Law and Economics Review*, Vol. 4, No. 1, Spring 2002, 1-17.
102. Law versus Morality as Regulators of Conduct. *American Law and Economics Review*, Vol. 4, No. 2, 2002, 227-257.
103. Fairness versus Welfare: Notes on the Pareto Principle, Preferences, and Distributive Justice (with Louis Kaplow). *Journal of Legal Studies*, Vol. 32, No. 1, January 2003, 331-362.
104. Any Non-Welfarist Method of Policy Assessment Violates the Pareto Principle: Reply (with Louis Kaplow). *Journal of Political Economy*, Vol. 112, No. 1, Part 1, February, 2004, 249-251.
105. The Advantage of Focusing Law Enforcement Effort (with Henrik Lando). *International Review of Law and Economics*, Vol. 24, 2004, 209-218.
106. Reply to Ripstein: Notes on Welfarist versus Deontological Principles (with Louis Kaplow). *20 Economics and Philosophy*, 2004, 209-215.
107. Minimum Asset Requirements and Compulsory Liability Insurance as Solutions to the Judgment-Proof Problem. *Rand Journal of Economics*, Vol. 36, 2005, 63-77.
108. A Simple Proposal to Halve Litigation Costs (with David Rosenberg), *University of Virginia Law Review*, 2005, Vol. 91, 1721-1735.
109. Specific Performance versus Damages for Breach of Contract: An Economic Analysis. *Texas Law Review*. 2006, Vol. 84, 831-876.
110. The Appeals Process and Adjudicator Incentives. *Journal of Legal Studies*. 2006, Vol 35, 1-29.
111. A Solution to the Problem of Nuisance Suits: The Option to Have the Court Bar Settlement (with David Rosenberg). *International Review of Law and Economics*. 2006, Vol. 26, 42-51.

112. On the Writing and Interpretation of Contracts. *Journal of Law, Economics & Organization*, 2006, Vol. 22, 289-314.
113. Is Breach of Contract Immoral? *Emory Law Journal*, 2006, Vol. 56, 439-460.
114. On the Proper Magnitude of Punitive Damages: Mathias v. Accor Economy Lodging, Inc. *Harvard Law Review*, 2007, Vol. 120, 1223-1227.
115. Do Excessive Legal Standards Discourage Desirable Activity? *Economics Letters*, 2007, Vol. 95, 394-397.
116. Optimal Discretion in the Application of Rules. *American Law and Economics Review*. 2007, Vol. 9, 175-194.
117. Toward a Theory of a Moral System that Optimally Channels Behavior (with Louis Kaplow). *Journal of Political Economy*. 2007, Vol. 115, 494-514.
118. Public Enforcement of Law (with A. Mitchell Polinsky). *Handbook of Law and Economics*, Vol. 1, A. Mitchell Polinsky and Steven Shavell (editors), Elsevier, 2007, 403-454.
119. Liability for Accidents. *Handbook of Law and Economics*, Vol. 1, A. Mitchell Polinsky and Steven Shavell (editors), Elsevier, 2007, 139-182.
120. Contractual Holdup and Legal Intervention. *Journal of Legal Studies*, 2007, Vol. 36, 325-354.
121. On Optimal Legal Change, Past Behavior, and Grandfathering. *Journal of Legal Studies*, 2008, Vol. 37, 37-85.
122. Law and Economics. *International Encyclopedia of the Social Sciences*, 2nd edition, William A. Darity, editor. Detroit, Macmillan. 2008. Vol. 4, 367-369.
123. Economic Analysis of Law (with A. Mitchell Polinsky). *New Palgrave Dictionary of Economics*, second edition, Steven N. Durlauf and Lawrence E. Blume (editors). Palgrave Macmillan. 2008.
124. Economic Analysis of Accident Law. *New Palgrave Dictionary of Economics*, second edition, Steven N. Durlauf and Lawrence E. Blume (editors). Palgrave Macmillan. 2008.
125. Public Enforcement of Law (with A. Mitchell Polinsky). *New Palgrave Dictionary of Economics*, second edition, Steven N. Durlauf and Lawrence E. Blume (editors). Palgrave Macmillan. 2008.
126. Eminent Domain versus Government Purchase of Land Given Imperfect Information About

Owners' Valuations, forthcoming, *Journal of Law and Economics*.

127. Why Breach Of Contract May Not Be Immoral Given The Incompleteness Of Contracts, forthcoming, *Michigan Law Review*.

### Discussion Papers

1. All Individuals May Be Made Worse Off under Any Nonwelfarist Principle (with Louis Kaplow), Harvard Law School, 2001.
2. Human Nature and the Best Consequentialist Moral System (with Louis Kaplow), Harvard Law School, 2001.
3. Mandatory versus Voluntary Disclosure of Product Risks (with A. Mitchell Polinsky), Harvard Law School, under review, *Journal of Law, Economics, & Organization*.
4. On the Design of the Appeals Process: The Optimal Use of Discretionary Review versus Direct Appeal, 2008.