

OMRI BEN-SHAHAR

Leo and Eileen Herzel Professor of Law
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PROFESSIONAL EXPERIENCE

2008 - Leo and Eileen Herzel Professor of Law, University of Chicago
2006- 2008 Kirkland and Ellis Professor of Law and Economics, University of Michigan
2001-2006 Professor of Law and Economics, University of Michigan
1999-2001 Assistant Professor of Law and Economics, University of Michigan
1995-1998 Assistant Professor of Law and Economics, Tel-Aviv University

EDUCATION

1995 Harvard University, PhD, Economics
1999 Harvard University, S.J.D, Law
1991 Harvard University, LL.M, Law
1989 Hebrew University, B.A, Economics
1989 Hebrew University, LL.B, Law

ACTIVITIES

2012 – Co-Reporter, Restatement of the Law, Consumer Contract, American Law Institute
2011 – Kearny Director, Coase-Sandor Institute for Law and Economics, University of Chicago
2008-2016 Editor, Journal of Legal Studies
2007-2008 Chair, Section on Contracts, Association of American Law Schools
2006-2009 Board Member, American Association of Law and Economics
2002-2003 Chair, Section on Law and Economics, Association of American Law Schools
2001-2002 Founding President, Israeli Law and Economics Association
1999-2008 Founding Director, Olin Center for Law and Economics, University of Michigan
1997-1999 Judicial Panel Member, Israel Antitrust Court
1995-1998 Faculty Fellow, Israel Democracy Institute
1989-1990 Law Clerk, Supreme Court of Israel, Justice Yaakov Maltz

BOOKS

Omri Ben-Shahar and Carl E. Schneider, **MORE THAN YOU WANTED TO KNOW: THE FAILURE OF MANDATED DISCLOSURE** (Princeton University Press 2014; Paperback Edition 2016)
Chinese Translation: “Too Far: The Failure of Mandated Disclosure” (Law China Press, 2015)

Omri Ben-Shahar and Ariel Porat, eds., **FAULT IN AMERICAN CONTRACT LAW** (Cambridge University Press 2010)

Omri Ben-Shahar, ed., **BOILERPLATE: FOUNDATIONS OF MARKET CONTRACTS** (Cambridge University Press 2007)

RESEARCH ARTICLES

Interpreting Contracts Via Surveys and Experiments, New York University Law Review (Forthcoming, 2017) (with Lior Strahilevitz)

Searching for Precedent: The Quantitative Approach to the Restatement of Consumer Contracts, 83 University of Chicago Law Review (forthcoming, 2017) (with Oren Bar-Gill and Florencia Marrota-Wurgler)

Simplification of Privacy Disclosures: An Experimental Study, 45 Journal of Legal Studies, S41 (2016) (with Adam Chilton)

The Paradox of Access Justice, And Its Application to Mandatory Arbitration, 83 University of Chicago Law Review 1755 (2016)

Optimal Default for Consumer Contracts, 45 Journal of Legal Studies S137 (2016) (with Oren Bar-Gill)

Contracting Over Privacy: Introduction, 45 Journal of Legal Studies S1 (2016) (with Lior Strahilevitz)

The Perverse Effects of Subsidized Weather Insurance, 68 Stanford Law Review 571 (2016) (with Kyle Logue) (abridged version reprinted in *Regulation*, Fall 2015).

Personalizing Negligence Law, 91 NYU Law Review 627 (2016) (with Ariel Porat)

Regulation of Food Safety By Insurance, 14(2) Law and Social Sciences 48 (2015) (in Chinese)

Coping with the Failure of Mandated Disclosure, Jerusalem Review of Legal Studies (2015) (with Carl Schneider)

The Futility of Cost Benefit Analysis in Financial Regulation, 43 Journal of Legal Studies s253 (2014) (with Carl Schneider)

Exit From Contract, 6(1) Journal of Legal Analysis 152 (2014) (with Oren Bar-Gill)

Regulation Through Boilerplate: An Apologia, 112 Michigan Law Review 883 (2014)

Reversible Rewards, 15 American Law and Economics Review 156 (2013) (with Anu Bradford)

Regulatory Techniques in the Consumer Protection: A Critique of European Consumer Contract Law, 50 Common Market L. Rev. Special Issue 109 (2013) (with Oren Bar-Gill), translated to Spanish as *La Regulación de Los Contratos de Consumo*. In NUEVAS TENDENCIAS DEL MODERNO DERECHO ECONÓMICO (Valdés Prieto and Vásquez Duque, Eds., Santiago: Thomson Reuters, 2014) 209–236.

Introduction: A law and economics approach to European contract law, 50 Common Market L. Rev. Special Issue 3 (2013)

Contract versus Property Damages, 12, Academia Sinica Law Journal 1 (2013)

Outsourcing Regulation: How Insurance Reduces Moral Hazard, 111 Michigan L. Rev. 197 (2012) (with Kyle Logue)

Efficient Enforcement in International Law, 12 Chicago J. Int'l Law 375 (2012) (with Anu Bradford)

Fixing Unfair Contracts, 63 Stanford Law Review 869 (2011) (voted Best Contracts Paper published in 2011 by AALS Section on Contracts Official Blog).

The Failure of Mandated Disclosure, 159 U. of Penn. L. Rev. 647 (2011) (with Carl Schneider)
Spanish translation: El Fracaso de la Obligación de Proporcionar Información, in ANALISIS ECONOMICO DEL DERECHO, Ramirez and Granado, Eds. (Editorial Porrúa, Mexico 2012)
Russian translation: НЕЭФФЕКТИВНОСТЬ ТРЕБОВАНИЯ РАСКРЫТИЯ ИНФОРМАЦИИ, Актуальные проблемы экономики и права. (Actual Problems of Economics and Law) 2017. Т. 11, No 2, pp. 150-178.

The Right to Withdraw in Contract Law, 40 J. Legal Stud 115 (2011) (with Eric Posner)

Damages for Unlicensed Use, 78 U. of Chicago L. Rev. 7 (2011)

One-Way Contracts: Consumer Protection Without Law, 6 European Rev. Contract Law 221 (2010)

Consumer Protection Without Law, 33(2) Regulation 26 (Summer, 2010)

Pre-Closing Liability, 77 U. of Chicago L. Rev. 977 (2010)

An Information Theory of Willful Breach, 107 Michigan L. Rev. (2009) (with Oren Bar-Gill)

The Myth of Opportunity to Read in Contract Law, 5 European Review of Contract Law 1 (2009)

A Bargaining Power Theory of Gap-Filling, 109 Columbia L. Rev. (2009)

The Prisoners' (Plea Bargain) Dilemma, 1 Journal of Legal Analysis (2009), Reprinted in 33(1) Regulation 42 (Spring, 2010) (with Oren Bar-Gill)

Partially Odious Debt? A Framework for Optimal Liability, 70 Journal of Law and Contemporary Problems 101 (2007) (with Mitu Gulati)

Against Irreparable Benefits, 116 Yale L.J. Pocket Part 381 (2007)

The (Legal) Pains of Vioxx, The Economist's Voice, Vol. 3, Issue 6, Berkeley Economics Press (2006)

On the Stickiness of Default Rules, in Symposium on Default Rules, 33 Florida State Law Review 651 (2006) (with John Pottow)

More Options, Less Freedom: Review of Ian Ayres' "Optional Law", Journal of Economic Literature, Vol. XLIV, pp. 444-449. (2006)

Boilerplate and Economics Power in Auto Production Contracts, in Symposium on "Boilerplate: Foundations of Market Contracts," 104 Michigan Law Review 953 (2006) (with James J. White)

Forward: Symposium on Boilerplate, 104 Michigan Law Review 821 (2006)

An Ex-Ante View of the Battle of the Forms: Inducing Parties to Draft Reasonable Terms, 25

International Rev. L. & Econ. 350 (2005)

The (Legal) Value of Chance: Distorted Measures for Recovery in Private Law, 7 American Law and Economics Review 484 (2005) (with Robert Mikos)

Legal Durability, 1 Review of Law and Economics, www.bepress.com/rle/vol1/iss1/art2 (2005)

Credible Coercion, 83 Texas Law Review 717 (2005) (with Oren Bar-Gill)

The Law of Duress and the Economics of Credible Threats, 33 Journal of Legal Studies 391 (2004) (with Oren Bar-Gill)

Contracts without Consent: Exploring a New Basis for Contractual Liability, 152 U. of Pennsylvania Law Review 1829 (2004) (A symposium on this article appeared in the same issue.)

Ascent of Contract versus Contract upon Assent: Addendum, 152 U. of Pennsylvania Law Review 1947 (2004)

Agreeing to Disagree: Filling Gaps in Deliberately Incomplete Contracts, in Symposium on Freedom from Contract, 2004 Wisconsin Law Review 389 (2004)

Freedom From Contract: Forward, 2004 Wisconsin Law Review 261 (2004)

Threatening an Irrational Breach of Contract, 11 Supreme Court Economic Review 143-170 (2004), reprinted in *The Law and Economics of Irrational Behavior* (F. Parisi, V. Smith, Eds., Stanford Press)

The Uneasy Case for Comparative Negligence, American Law and Economics Review, Vol. 5, 433-469 (2003) (with Oren Bar-Gill)

Precontractual Reliance, The Journal of Legal Studies, Vol 30, 423-457 (2001) (with Lucian Bebchuk).

The Secrecy Interest in Contract Law, Yale Law Journal, Vol. 109, 1885-1925 (2000) (with Lisa Bernstein) (excerpted in various Contracts case books, including SUMMERS AND HILLMAN, CONTRACTS AND RELATED OBLIGATION, 4th Ed, 2001).

Causation and Foreseeability, in *Encyclopedia of Law and Economics* (Bouckaert and DeGeest, Eds., Elgar Pub., 2000).

The Tentative Case against Flexibility in Commercial Law, University of Chicago Law Review, Vol. 66, pp. 781-820 (1999) (reviewed by Ian Ayres, *Eroding Entitlements as Litigation Commitment*, 66 University of Chicago Law Review 836).

The Erosion of Rights By Past Breach, American Law and Economics Review, Vol. 1, 190-238 (1999)

Criminal Attempts, in *The New Palgrave Dictionary of Economics and the Law* (P. Newman, Ed., 1998).

Should Products Liability Be Based on Hindsight?, The Journal of Law, Economics, and Organization, Vol. 14, pp. 325-357 (1998).

The Regulation of the Licensing of Professional Occupations, The Economic Quarterly, Vol. 1998(1), pp. 18-27 (in Hebrew, 1998).

Playing Without a Rulebook: Optimal Sanctions When Individual Learn the Penalty Only By Committing the Crime, International Review of Law and Economics, Vol. 17, pp. 409-421 (1997).

The Economics of the Law of Criminal Attempts: a Victim-Centered Perspective, U.of Pennsylvania Law Review, Vol. 145, pp., 299-351 (1996) (with Alon Harel) (excerpted in KAPLAN, WEISBERG & BINDER, CRIMINAL LAW: CASES AND MATERIALS, 5th ed. 2004).

"Blaming the Victim": Optimal Incentives for Private Precautions Against Crime, Journal of Law, Economics and Organization, Vol. 11, pp. 434- 455 (1995) (with Alon Harel).

Informed Courts, Uninformed Individual and the Economics of Judicial Hindsight, Journal of Institutional and Theoretical Economics, Vol. 151, pp. 613-630 (1995).

SYMPOSIA AND CONFERENCES

2015	Organizer, <i>Contracting Over Privacy</i> , Journal of Legal Studies (with Lior Strahilevitz)
2014	Organizer, <i>Consumer Protection in China: A Law and Economics Approach</i> , Law and Social Science Review (in Chinese)
2012-2016	Organizer, <i>Summer Schools in Law and Economics</i> , Coase-Sandor Institute
2012	Organizer, <i>European Contract Law: a Law-and-Economics Perspective</i> , Common Market Law Review
2012	Co-Organizer, <i>Regulatory Techniques in Consumer Protection Law</i> , American Law Institute (with Oren Bar-Gill)
2010	Co-Organizer, <i>Licensing of Intellectual Property</i> , University of Chicago Law Review (with Richard Epstein and Jonathan Masur)
2008	Co-organizer, <i>Fault in Contract Law</i> , Michigan Law Review and Cambridge University Press (with Ariel Porat)
2007	Organizer, <i>How Bad Are Mandatory Arbitration Terms in Contracts?</i> , AALS Annual Meeting, Michigan Journal of Law Reform
2005	Organizer, <i>Boilerplate: Foundations of Market Contracts</i> , Michigan Law Review and Cambridge University Press
2004	Organizer, <i>Freedom From Contract</i> , Wisconsin Law Review (with Stuart Macaulay and William Whitford)
1998	Organizer, <i>The Economics of Contract Law</i> (Tel-Aviv, 1998)

TEACHING EXPERIENCE

- Contract Law
- Consumer Law
- Insurance Law
- Trademark Law
- Electronic Commerce
- Commercial Transactions
- Law and Economics (Law School and Economics Department)
- Game Theory and The Law
- Food Law and Policy
- Private Regulation