

DRAFT (as of August 22, 2003)

American Law and Economics Association

Thirteenth Annual Meeting

September 20-21, 2003

University of Toronto Faculty of Law

Saturday, September 20

(All Sessions to Be held at the Law School, unless otherwise noted)

(Author's name in bold indicates person presenting paper)

8:00 - 9:00: *Registration and Continental Breakfast (Rowell Room, Flavelle House)*

9:00 - 10:30: *Session I:*

Panel IA: Alternative Forms and Settings for Dispute Resolution (Room FL-A)

Panel Chair: Kathy Spier

Tom Ginsburg and **Richard McAdams**, “Coordination at the Core: An Expressive Theory of International Adjudication”

Theodore Eisenberg and Elizabeth Hill, “Employment Arbitration & Litigation: An Empirical Comparison”

Andrew F. Daughety and Jennifer F. Reinganum, “Exploiting Future Settlements: A Signaling Model of Most-Favored-Nation Clauses in Settlement Bargaining”

Panel IB: Positive Political Theory: Politics, Policy, and Money (Room FL-B)

Panel Chair: Bruce Chapman

John M. de Figueiredo and **Brian S. Silverman**, “Academic Earmarks and the Returns to Lobbying”

John R. Lott, Jr., “Campaign Finance Reform and Electoral Competitions”

Susan Rose-Ackerman, “Public Participation in Consolidating Democracy: Hungary and Poland”

Panel IC: Property and Institutions (Room FL-C)

Panel Chair: Henry Smith

Lee Fennell, “Contracting Communities”

Ronen Avraham and Eyal Erenberg, “Liability Rules and Modular Liability Rules: Another Ex-Ante View of the Cathedral”

Gideon Parchomovsky and Peter Siegelman, “Selling Mayberry: Individuals and Communities in Nuisance Disputes”

Saturday (cont.)

Panel ID: Corporate and Securities Law I (*Bennett Lecture Hall*)

Panel Chair: Jeff MacIntosh

Guhan Subramanian, “Bargaining in the Shadow of Takeover Defenses”

Bernard Black, Hasung Jang, and Woochan Kim, “Does Corporate Governance Affect Firm Value? Evidence from Korea”

Robert B. Thompson and Randall S. Thomas, “Shareholder Litigation”

10:30 - 10:45: *Coffee Break (Lower Rotunda, Flavelle House)*

10:45 - 12:15: *Session II :*

Panel IIA: Antitrust and Regulated Industries (*Room FL-A*)

Panel Chair: Edward Iacobucci

Roy J. Epstein and **Daniel L. Rubinfeld**, “Merger Simulation: Empirical Analysis of PCAIDS with Nests”

Paul Stephan, “Competitive Competition Law? An Essay Against International Cooperation”

George L. Priest, “Reexamining the Markets for Judicial Clerks and Other Assortative Matching Markets”

Panel IIB: Contracts and Commercial Law I (*Bennett Lecture Hall*)

Panel Chair: Bentley MacLeod

Robert Cooter and **Ariel Porat**, “Decreasing Liability Contracts”

Alan Schwartz and **Robert E. Scott**, “Contract Theory and the Limits of Contract Law”

Avery Katz, “The Efficient Design of Option Contracts: Basic Principles and Applications to Legal Doctrine”

Saturday (cont.)

Panel IIC: Criminal Law I (Room FL-B)

Panel Chair: Edward Glaeser

Ian Ayres and John Donohue III, “Shooting Down the Less Guns More Crime Hypothesis”

Richard T. Boylan, “What do Prosecutors Maximize: An Examination of U.S. Attorneys”

Richard R. W. Brooks and Steven Raphael, “Life Terms or Death Sentences: The Uneasy Relationship Between Judicial Elections and Capital Punishment”

Panel IID: Social Welfare Policy/Family Law (Room FL-C)

Panel Chair: Elizabeth Scott

Barak D. Richman, “Incorporating Psychosocial Variables into Health Care Policy: A Behavioral Economic Examination of Medicaid Expansion”

Margaret F. Brinig, Gerald Jogerst, Jeannette Daly, Jeffrey Dawson, “The Public Choice of Elder Abuse Law”

Robert H. Sitkoff, “An Agency Costs Theory of Trust Law”

12:15 - 1:30: *Lunch (Rowell Room, Flavelle House)*

1:30 - 3:00: *Session III*

Panel IIIA: Taxation (Room FL-A)

Panel Chair: Louis Kaplow

Douglas Cumming and Jeffrey MacIntosh, “Crowding Out Private Equity: Canadian Evidence”

David I. Walker, “Equity Compensation, Deferral, and Taxation of Investment Income”

Leandra Lederman, “The Federal Income Tax and Entrepreneurship”

Saturday (cont.)

Panel IIIB: Criminal Law III (Room FL-B)

Panel Chair: Edward Glaeser

Philip Bond and **Kathleen Hagerty**, “Preventing Crime Waves”

Benito Arrunada, “Third Party Moral Enforcement: The Rise and Decline of Christian Confession”

Dan Kahan and **Edward Schwartz**, “The Contours of Racial Profiling: Some Insights from Game Theory”

Panel IIIC: International Economic Law (Room FL-C)

Panel Chair: Warren Schwartz

Jeffrey Gordon, “An American Perspective on the New German Anti-takeover Law”

Eric A. Posner and Jack Goldsmith, “International Agreements: A Rational Choice Approach”

Frederick Tung, “Mixed Metaphors: The Disconnect Between U.S. Corporate Charter Competition and Issuer Choice in International Securities Regulation”

Panel IIID: Intellectual Property I (Bennett Lecture Hall)

Panel Chair: Polk Wagner

John F. Duffy, “A Minimum Optimal Patent Term”

Oren Bar Gill and **Gideon Parchomovsky**, “Publish or Patent: the Synergetic Advantage of Narrow Patents and Public Information”

F. Scott Kieff, “The Case for Registering Patents and the Law and Economics of Present Patent-Obtaining Rules”

3:00 - 3:15: *Coffee Break (Lower Rotunda, Flavelle House)*

Saturday (cont.)

3:15 - 4:45: *Session IV:*

Panel IVA: Bankruptcy I (Room FL-A)

Panel Chair: George Triantis

Henry Hansmann, Reinier Kraakman and Richard Squire, “Legal Entities, Asset Partitioning, and the Evolution of Organizations”

Antonio Nicita and Ugo Pagano, “A Comparative Institutional Analysis of the Firm”

Richard Hynes, “Overoptimism and Bankruptcy Policy”

Panel IVB: Comparative Law/Legal History (Room FL-B)

Panel Chair: Katharina Pistor

Curtis Milhaupt, “Nonprofit Organizations as Investor Protection: Economic Theory, and Evidence from East Asia”

Vincy Fon and **Francesco Parisi**, “Customary Law and Articulation Theories: An Economic Analysis”

Jane K. Winn, “Exoticism and Cosmopolitanism in the Regulation of Global Electronic Commerce”

Panel IVC: Corporate and Securities Law II (Bennett Lecture Hall)

Panel Chair: Lynn Stout

Allen Ferrell, “Does Mandated Disclosure Improve Informational Efficiency? Evidence from the Over-the-Counter Market”

Lisa Meulbroek, “Company Stock in Pension Plans: How Costly Is It?”

Lucian Bebchuk, “Empowering Shareholders”

Saturday (cont.)

Panel IVD: Contracts and Commercial Law III (Room FL-C)

Panel Chair: Bentley MacLeod

Philip Bond, “Persistent Court Corruption”

Kevin Davis, “The Demand for Immutable Contracts: Another Look at the Law and Economics of Contract Modification and Renegotiation”

Omri Ben-Shahar and Oren Bar-Gill, “The Credibility of Threats to Breach”

5:30-7:00: *Cocktails (Sutton Place Hotel, 955 Bay Street (at Wellesley))*

7:00: *Dinner – (Sutton Place Hotel)*

Welcoming remarks: Ron Daniels, Dean, Faculty of Law, University of Toronto
Speaker: The Honorable Frank H. Easterbrook, United States Court of Appeals (Seventh Circuit)

Sunday, September 21

8:00-9:00: *Continental Breakfast (Rowell Room, Flavelle House)*

9:00-10:30: *Session V:*

Panel VA: Social Norms (Room Room FL-A)

Panel Chair: Richard McAdams

Vincy Fon and Francesco Parisi, “Revenge and Retaliation”

Albert Yoon, “Love’s Labor’s Lost: Judicial Tenure Among Lower Federal Court Judges, 1945 – 2000”

Ian Ayres, Fredrick E. Vars & Nasser Zakariya, “To Insure Prejudice: Racial Disparities in Taxicab Tipping”

Panel VB: Regulatory Policy/Administrative Law (Bennett Lecture Hall)

Panel Chair: Steven Croley

Alison D. Morantz, “Has Regulatory Devolution Injured American Workers? An Empirical Comparison of State and Federal OSHA Enforcement”

Jonathan R. Nash, “Ecosystems and Endgangered Species, Markets and Geography: A New Direction for Habitat Trading Programs”

Howard Chang, “Risk Regulation, Public Concerns and the Hormones Dispute: Nothing to Fear But Fear Itself”

Panel VC: Bankruptcy II (Room FL-B)

Panel Chair: George Triantis

Alan Schwartz, Arturo Bris, Ivo Welch, “Who Should Pay for Bankruptcy Costs?”

Lynn M. LoPucki, “A Team Production Theory of Bankruptcy Reorganization”

B. Espen Eckbo and Karin S. Thorburn, “Control Benefits and CEO Discipline in Automatic Bankruptcy Auctions”

Sunday (cont.)

Panel VD: Labor and Employment Law (Room FL-C)

Panel Chair: Stewart Schwab

Janet Currie, Mehdi Farsi and **W. Bentley MacLeod**, “Cut to the Bone? Hospital Takeovers and Nurse Employment Contracts”

Omri Yadlin, “The Conspirator Dilemma: Introducing the ‘Trojan Horse’ Enforcement Strategy”

Joanna M. Shepherd and **George B. Shepherd**, “U.S Labor Market Regulation and the Export of Employment: Major League Baseball Replaces U.S. Players with Foreigners”

10:30-10:45: *Coffee Break (Lower Rotunda, Flavelle House)*

10:45-12:15: *Session VI:*

Panel VIA: Law and Development (Room FL-A)

Panel Chair: Kevin Davis

Amir N. Licht, Chanan Goldschmidt, and Shalom H. Schwartz, “Culture Rules: The Foundations of the Rule of Law and Other Norms of Governance”

Daniel Berkowitz, Johannes Moenius and Katharina Pistor, “Trade, Law and Product Complexity”

Lars P. Feld and **Stefan Voigt**, “Economic Growth and Judicial Independence: Cross-Country Evidence Using a Set of New Indicators”

Panel VIB: Corporate and Securities Law III (Room FL-B)

Panel Chair: Jennifer Arlen

Anup Agrawal and Sahiba Chadha, “Corporate Governance and Accounting Scandals”

Peter G. Klein and Kathrin Zoeller, “Universal-Bank Underwriting and Conflicts of Interest: Evidence from German Initial Public Offerings”

Yakov Amihud, “The Declining Information Content of Dividend Announcements and the Effect of Institutional Holdings”

Sunday (cont.)

Panel VIC: Contracts and Commercial Law II (*Bennett Lecture Hall*)

Panel Chair: Bentley MacLeod

Chris Sanchirico and George Triantis, “Evidence Arbitrage: The Fabrication of Evidence and the Verifiability of Contract Performance”

Steven Shavell, “On the Writing and the Interpretation of Contracts”

Luca Anderlini, **Leonardo Felli**, and Andrew Postlewaite, “Courts of Law and Unforeseen Contingencies”

Panel VID: Torts and Compensation Systems I (*Room FL-C*)

Panel Chair: Mark Grady

Allan M. Feldman and **Jeonghyun Kim**, “The Hand Rule and United States v. Carroll Towing Co. Reconsidered”

Michelle J. White, “The ‘Arms Race’ on American Roads: The Effect of Heavy Vehicles on Traffic Safety and the Failure of Liability Rules”

Michael Abramowicz, “Trial by Market”

12:15-1:30: Lunch (Rowell Room, Flavelle House)

1:30 - 3:00: Session VII:

Panel VIIA: Judicial Procedure and Evidence (*Room FL-A*)

Panel Chair: Chris Sanchirico

Amy Farmer and **Paul Pecorino**, “Pretrial Signaling with Negative Expected Value Suits”

Andrew F. Daughety and Jennifer F. Reinganum, “Speaking Up: A Model of Judicial Dissent and Discretionary Review”

Stuart Schwab, Theodore Eisenberg, Paula Hannaford-Agor, Valerie P. Hans, Nicole L. Mott, G. Thomas Munsterman & Martin T. Wells, “Judge-Jury Agreement in Criminal Cases: A Partial Replication of Kalven & Zeisel’s ‘The American Jury’”

Sunday (cont.)

Panel VIIB: Corporate and Securities Law IV (Bennett Lecture Hall)

Panel Chair: Eric Talley

Stephen Choi and **Jill Fisch**, “How to Fix Wall Street: A Voucher Financing Proposal”

Michel A. Robe, “Asymmetric Information, Myopia and Firm Value”

Edward M. Iacobucci, “Sales of Control, the Equal Opportunity Rule and Securities Regulation”

Panel VIIC: Intellectual Property II (Room FL-B)

Panel Chair: Wendy Gordon

Ariel Katz, “A Network Effects Perspective on Software Piracy”

Shubha Ghosh, “Rights of First Entry in ‘Derivative Markets’: Exploring Market Definition in Copyright”

Christopher S. Yoo, “Copyright and Product Differentiation”

Panel VIID: Comparative Law/Legal History II (Room FL-C)

Panel Chair: Katharina Pistor

Donald Smythe, “A Schumpeterian view of the Great Merger Movement in American Manufacturing, 1895-1904”

Margaret M. Blair, “Corporate Law and the Accumulation of Organizational Assets: Lessons from the 19th Century”

Laura Beny, “The Political Economy of Insider Trading, Legislation and Enforcement: International Evidence”

3:00 - 3:15: Coffee Break (Lower Rotunda, Flavelle House)

Sunday (cont.)

3:15 - 4:45: *Session VIII:*

Panel VIIIA: Intellectual Property III (Room FL-A)

Panel Chair: James Bessen

Henry Smith, “Measurement and Exclusion in Intellectual Property Law”

Michael Meurer, “Too Many Markets or Too Few? Copyright Policy Toward Shared Works”

Polk Wagner, "Is the Federal Circuit Succeeding: An Empirical Assessment of Judicial Performance"

Panel VIIIB: Behavioral Law and Economics (Bennett Lecture Hall)

Panel Chair: Richard McAdams

Russell Korobkin, “Bounded Rationality and Unconscionability: A Behavioral Theory of Policing Form Contracts”

Douglas Kysar, “The Expectations of Consumers”

Stephen Choi and **Adam Pritchard**, “Behavioral Economics and the SEC”

Panel VIIIC: Torts and Compensation Systems II (Room FL-B)

Panel Chair: Mark Grady

Bruce Hay and **Kathryn Spier**, “Manufacturer Liability for Product Injuries to Non-Consumers”

Albert Choi and Chris Sanchirico, “Should Plaintiffs Win What Defendants Lose: Litigation Stakes, Litigation Effort, and the Benefits of Decoupling”

Tom Baker, Alon Harel, Tamar Kugler, “The Virtues of Uncertainty in Law: An Experimental Approach”

4:45: *Wine & Cheese Reception - Rowell Room, Flavelle House*