

American Law and Economics Association

Fifteenth Annual Meeting

May 6-7, 2005

**New York University School of Law
40 Washington Square South
New York, New York 10012**

American Law and Economics Association 2004-2005

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Friday, May 6

(All sessions to be held at the Law School, unless otherwise noted)

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

8:00 - 8:45: *Registration and Continental Breakfast (Greenberg Lounge)*

8:45 - 9:00: *Welcome (Greenberg Lounge)*
Dean Richard Revesz

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

Panel IA: Administrative Law (Room 210)

Panel Chair: Jason Johnston

Marcel Boyer and Donatella Porrini, "Sharing Liability Between Banks and Firms: the Case of Industrial Safety Risk"

Dean Lueck, "The Organization and Behavior of Bureaucracy: An Empirical Study of State Wildlife Agencies"

Jonathan Nash and **Richard Revesz**, "The Law and Economics of New Source Review"

Panel IB: Bankruptcy I (Room 326)

Panel Chair: Steven Schwarcz

John Armour and Douglas J. Cumming, "Bankruptcy Law and Entrepreneurship"

Rainer F. Haselmann, Katharina Pistor, and **Vikrant Vig**, "Bankruptcy Legislation and Banking Behavior: Evidence From Transition Economies"

Michelle J. White, "A General Model of Personal Bankruptcy"

Panel IC: Behavioral I (Room 212)

Panel Chair: Peter Huang

Oren Bar-Gill, "Pricing Legal Options: A Behavioral Perspective"

Troy Allan Paredes, "Too Much Pay, Too Much Deference: Behavioral Corporate Finance, CEOs, and Corporate Governance"

Lauren E. Willis, "Decisionmaking & the Limits of Disclosure: The Problem of Predatory Lending"

Friday, May 6 (cont.)

Panel ID: Contracts I (Room 214)

Panel Chair: Gillian Hadfield

Oliver Hart and John Moore, "Agreeing Now to Agree Later: Contracts that Rule out but do not Rule In"

Lewis A. Kornhauser and W. Bentley MacLeod, "Contingency and Control: A Theory of Contracts"

Richard A. Posner, "Contract Interpretation"

10:30 - 10:45: Coffee Break (Greenberg Lounge)

10:45 - 12:15: Session II:

Panel IIA: Corporate I (Room 212)

Panel Chair: Alan Schwartz

Lucien Bebchuk, Alma Cohen and **Allen Ferrell**, "What Matters in Corporate Governance?"

Robert Daines and Charles Jones, "Mandatory Disclosure, Asymmetric Information and Liquidity: The Impact of the 1934 Act"

Robert Daines, Vinay Nair, and Lewis Kornhauser, "The Good, the Bad and the Lucky: CEO Pay and Skill"

Panel IIB: International (Room 326)

Panel Chair: Francesco Parisi

George Norman and **Joel P. Trachtman**, "The Customary International Law Game"

Jide O. Nzelibe, "A Positive Theory of the Wars Power Constitution"

Andrew Green, "Trade Rules and Climate Change"

Friday, May 6 (cont.)

Panel IIC: Property I (Room 210)

Panel Chair: Vicki Been

Kevin E. Davis and Catherine Hafer, "Equality for the Sake of Efficiency: Economic Implications of Unequal Protection of Property Rights"

Ingrid Gould Ellen and **Ioan Voicu**, "Nonprofit Housing and Neighborhood Spillovers"

Caspar Rose, "The Transfer of Property Rights by Theft: An Economic Analysis"

Panel IID: Torts I (Room 214)

Panel Chair: Eric Helland

Omri Ben-Shahar, "How Liability Distorts the Incentives of Manufacturers to Recall Products"

Robert D. Cooter and **Ariel Porat**, "Total Liability for Excessive Harm"

Nicola Gennaioli and **Andrei Shleifer**, "The Evolution of Precedent"

12:15 - 1:30: *Lunch (Greenberg Lounge)*

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

Panel IIIA: Antitrust (Room 210)

Panel Chair: M. Todd Henderson

Edward M. Iacobucci, "Revisiting the Law and Economics of Franchise Tying Contracts,"

Benjamin Klein and **Joshua D. Wright**, "The Economics of Slotting Arrangements,"

Daniel F. Spulber and Christopher S. Yoo, "On the Regulation of Networks as Complex Systems,"

Friday, May 6 (cont.)

Panel IIIB: Criminal I (Room 212)

Panel Chair: A. Mitchell Polinsky

Massimo d'Antoni and Roberto Galbiati, "Deterrence and Information: the Optimal Use of Monetary and Nonmonetary Sanctions Revisited"

Philip A. Curry and Steeve Mongrain, "Cheating in Rank-Order Tournaments"

Henrik Lando "Does Wrongful Conviction Lower Deterrence?"

Panel IIIC: Law and Politics I (Room 214)

Panel Chair: Lewis Kornhauser

Tonja Jacobi, "Explaining American Litigiousness: a Product of Politics, Not just Law"

Robert Mikos and Cindy Kam, "The Impact of Federalism on Citizen Support for Legislative Action"

Justin J. Wolfers, "Are Voters Rational? Evidence from Gubernatorial Elections"

Panel IIID: Procedure I (Room 326)

Panel Chair: Hillary Sale

Stephen Choi, "Do the Merits Matter Less After the Private Securities Litigation Reform Act"

Vincy Fon and Francesco Parisi, "Judicial Precedents in Civil Law Systems: A Dynamic Analysis"

Jonathan Klick and **Eric Helland**, "The Effect of Judicial Expediency on Attorney Fees in Class Actions"

3:00 - 3:15: Coffee Break (Greenberg Lounge)

Friday, May 6 (cont.)

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

Panel IVA: Comparative Corp (Room 326)

Panel Chair: Roberta Romano

Howell E. Jackson, "Variation in the Intensity of Financial Regulation"

Ehud Kamar, "Beyond Competition for Incorporations"

Steven A. Bank, **Brian R. Cheffins**, and **Marc Goergen**, "Dividends and Politics"

Panel IVB: Contracts II (Room 214)

Panel Chair: Omri Ben-Shahar

George Geis, "Empirically Assessing Hadley v. Baxendale"

Nicholas L. Georgakopoulos, "Contract-Centered Veil Piercing"

Eric Posner, "There Are No Penalty Default Rules in Contract Law"

Panel IVC: Intellectual Property I (Room 212)

Panel Chair: Ronald Mann

Joseph P. Cook, "On Understanding the Increase in US Patent Litigation"

Alan C. Marco, "Strategic Patent Extension in Pharmaceuticals: Evidence from Patent and Pricing Data"

Michael Meurer and James Bessen, "The Patent Litigation Explosion"

Panel IVD: Welfare/Family/Labor I (Room 210)

Panel Chair: Margaret Brinig

Betsey A. Stevenson and Justin J. Wolfers, "Divorce Laws and Family Distress"

Amy Wax, "Is the Family Friendly Workplace Possible?"

Abraham L. Wickelgren, "Why Divorce Laws Matter: Incentives for Marital Investments under Unilateral and Consent Divorce"

Friday, May 6 (cont.)

5:30-6:45: Cocktails in the Martin Lipton Hall

7:00: Dinner (also in the Martin Lipton Hall)

Speaker: Daniel Rubinfeld of the University of California, Berkeley

Saturday, May 7

8:00-9:00: *Continental Breakfast (Greenberg Lounge)*

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

Panel VA: Bankruptcy II (Room 326)

Panel Chair: Theodore Eisenberg

Philip Bond, "Debt Restructuring and Voting Rules"

M. Todd Henderson, "CEO Compensation in Bankruptcy: Theory & Evidence"

Edward R. Morrison and Douglas G. Baird, "Serial Entrepreneurs and Small Business Bankruptcies"

Panel VB: Behavioral II (Room 214)

Panel Chair: Christine Jolls

Claire Hill and **Erin O'Hara**, "Optimal Trust"

Paul Pecorino and **Mark van Boening**, "Fairness in an Embedded Ultimatum Game"

Charles R. Plott and **Kathryn Zeiler**, "Asymmetries in Exchange Behavior Incorrectly Interpreted as Evidence of Prospect Theory"

Panel VC: Corporate II (Room 210)

Panel Chair: Luigi Zingales

Dharmika Dharmapala and Mihir Desai, "Corporate Tax Avoidance and Firm Value"

Zohar Goshen and Gideon Parchomovsky, "The Essential Role of Securities Regulation"

Stephen M. Horan and **D. Bruce Johnsen**, "Do Third Party Payments Benefit the Principal: The Case of Soft Dollar Brokerage?"

Saturday, May 7 (cont.)

Panel VD: Criminal II (Room 216)

Panel Chair: John Donohue

Radha Iyengar, "I'd Rather Be Hanged for a Sheep than a Lamb: the Unintended Consequences of California's Three Strikes Law"

Robert L. Scharff and Daniel Polsby, "A Deadly Solution: Crack, Homicide, and the Decline of Crime in America"

Joanna M. Shepherd, "Deterrence versus Brutalization: Capital Punishment's Differing Impacts Among States"

Panel VE: Law and Development (Room 212)

Panel Chair: Robert Cooter

Bernard S. Black, Hasung Jang, and Woochan Kim, "Predicting Firms' Corporate Governance Choices: Evidence from Korea"

Alexander Dyck, David Moss, and **Luigi Zingales**, "Media versus Special Interests"

Andrew Guzman and Beth A. Simmons, "Power Plays & Capacity Constraints: The Selection of Defendants in WTO Disputes"

10:30-10:45: *Coffee Break (Greenberg Lounge)*

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

Panel VIA: Procedure II (Room 210)

Panel Chair: Kathryn Spier

Niko Matouschek and Ricardo Alonso, "Optimal Delegation."

Chris William Sanchirico, "Harnessing Adversarial Process: Optimal Complementarities in Evidence"

Watanabe Yasutora, "Learning and Bargaining in Dispute Resolution: Theory and Evidence from Medical Malpractice Litigation"

Saturday, May 7 (cont.)

Panel VIB: Property II (Room 212)

Panel Chair: Lee Fennell

Jonathan R. Nash, "Packaging Property: The Effect of Paradigmatic Framing of Property Rights"

Robert H. Sitkoff and Max M. Schanzenbach, "Jurisdictional Competition for Trust Funds: An Empirical Analysis of Perpetuities and Taxes"

Henry E. Smith, "Self-Help and the Nature of Property"

Panel VIC: Social Norms (Room 214)

Panel Chair: Eric Rasmusen

Peter C. Mayer, "Property Rights and Resource Management among Nonhuman Species"

Lior J. Strahilevitz, "A Social Networks Theory of Privacy"

Doron Teichman, "Sex, Shame, and the Law: An Economic Perspective on Megan's Laws"

Panel VID: Torts II (Room 326)

Panel Chair: Michelle White

Praveen Dhankar, M. Mahmud Khan and Ila M. Semenick Alam, "The Threat of Malpractice Lawsuit, Physician Behavior, and Health Outcomes: Testing the Presence of Defensive Medicine"

Theodore Eisenberg, Michael Heise and Martin T. Wells, "Judges, Juries and Punitive Damages: Empirical Analysis using the National Center for State Court 1992, 1996, and 2001 Data"

Paul Fenn and **Neil Rickman**, "Medical Malpractice: Legal Liability and Timing of Settlement"

Saturday, May 7 (cont.)

Panel VID: Welfare/Family/Labor II (Room 216)

Panel Chair: J. Hoult (Rip) Verkerke

Howard F. Chang, "Cultural Communities in a Global Labor Market: Immigration Restrictions as Residential Segregation"

Daniel E. Ho, "Evaluating Affirmative Action in American Law Schools: Does Attending a Better Law School Cause Black Students to Fail the Bar?"

Christine M. Jolls, "Law's Transformative Effects on Unconscious Bias"

12:15-1:30: *Lunch (Greenberg Lounge)*

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

Panel VIIA: Banking (Room 326)

Panel Chair: Howell Jackson

Anup Agrawal and Mark A. Chen, "Do Analysts Conflicts Matter? Evidence from Stock Recommendations"

Thomas J. Miles, "Risk-Taking and Funding Adequacy of Defined Benefit Pensions"

Jonathan Klick and **Thomas Stratmann**, "Effects of Insurance Mandates on the Behavior Diabetics"

Panel VIIB: Contracts III (Room 214)

Panel Chair: Eric Talley

Richard J. Ball, "Contract Dispute Resolution as a Private Good"

Richard Brooks, "Credit Where it is Due"

Barak Richman, "Community Institutions"

Saturday, May 7 (cont.)

Panel VIIC: Criminal III (Room 216)

Panel Chair: Steven Shavell

Oren Bar-Gill and **Oren Gazal**, "Plea Bargains Only for the Guilty"

David Bjerk, "Guilt Shall Not Escape nor Innocence Suffer: A Theory of Optimal Prosecutor Behavior when Defendant Guilt Is Uncertain"

Alon Klement and Alon Harel, "The Economics of Shame: Why less Shame is Better than More"

Panel VIID: Intellectual Property II (Room 212)

Panel Chair: Michael Meurer

Ariel Katz, "Intellectual Property, Antitrust, and the Presumption of Market Power: Making Sense of Alleged Nonsense"

Jay P. Kesan and Andres A. Gallo, "The Market for Private Dispute Resolution Services: An Empirical Re-Assessment of ICANN/UDRP Performance"

Eric Bennett Rasmusen, "An Economic Approach to the Ethics of Copyright Violation"

Panel VIIE: Tax (Room 210)

Panel Chair: Daniel Shavero

Louis Kaplow, "Optimal Income Transfers"

Stéphane Mechunlan and Jasmin Kantarevic, "The Impact of the Tax Exemption for Dependents and Marital Fertility Revisited"

Jacob Nussim and Avraham Tabbach, "Deterrence and the Tax Treatment of Monetary Sanctions and Litigation Costs"

3:00 - 3:15: *Coffee Break (Greenberg Lounge)*

Saturday, May 7 (cont.)

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

Panel VIIIA: Behavioral III (*Room 216*)

Panel Chair: Alicia Davis Evans

Dhammika Dharmapala, **Nuno Garoupa**, and **Richard H. McAdams**, "The Just World Bias and Hate Crime Statutes"

J.J. Prescott, "Measuring the Consequences of Jury Trial Protections"

Alan Schwartz, "How Much Irrationality Does the Market Permit?"

Panel VIIIB: Corporate III (*Room 210*)

Panel Chair: Paul Mahoney

Henry Hu and Bernard Black, "Empty Voting: Shareholder Voting Rights and Coupled Assets"

James C. Spindler, "IPO Liability and Entrepreneurial Response"

Mark Ira Weinstein, "Don't Leave Home Without It: Limited Liability and American Express"

Panel VIIIC: Health and Nonprofits (*Room 326*)

Panel Chair: Kristin Madison

David A. Hyman and Charles Silver, "The Poor State of Health Care Quality in the U.S.: Is Malpractice Liability Part of the Problem or Part of the Solution?"

Anup Malani and Albert H. Choi, "Are Non-Profit Firms Simply For-Profits in Disguise? Evidence from Executive Compensation in the Nursing Home Industry"

Ronen Avraham, "Solutions for Collective Action Problems in the Provision of Efficient Health Care"

Saturday, May 7 (cont.)

Panel VIIID: Law and Politics II (Room 212)

Panel Chair: Michael Trebilcock

Eric Posner and **Miguel de Figueiredo**, "Is the International Court of Justice Biased?"

Julia Shvets, "Selection of Judges and Policy Enforcement: Theory and Evidence from Russian Commercial Courts"

Max M. Schanzenbach and Emerson Tiller, "Strategic Judging Under the United States Sentencing Guidelines: Instrument Choice Theory and Evidence"

Panel VIIIE: Torts III (Room 214)

Panel Chair: Jennifer Arlen

Ronen Avraham and **David Lee**, "An Empirical Study of the Impact of Tort Reform on Medical Malpractice"

Jonathan Klick and Thomas Stratmann, "Does Medical Malpractice Reform Help States Retain Physicians and Does it Matter?"

Catherine M. Sharkey, "Crossing the Punitive-Compensatory Divide"

5:00: *Wine and Cheese Reception (Greenberg Lounge)*
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