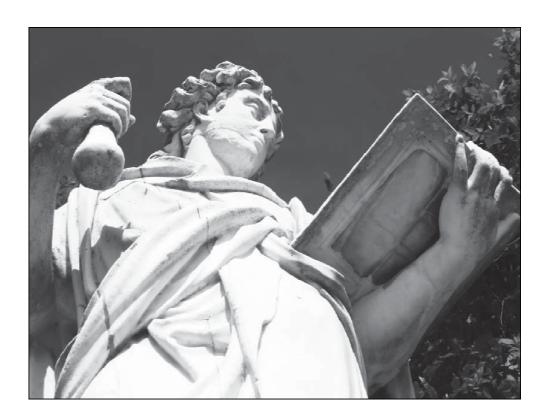
American Law and Economics Association



Nineteenth Annual Meeting May 15-16, 2009

Sponsored by the University of San Diego School of Law

[PRELIMINARY DRAFT: May 5, 2009]

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Friday, May 15

(All sessions to be held at the Institute for Peace and Justice, 5998 Alcalá Park, San Diego, California)

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

8:00 – 8:45: Registration and Continental Breakfast

9:00 – 10:30: **Session I:**

Panel IA: Shareholder Voting (Room A)

Panel Chair: Michael Klausner

Stephen Choi, Marcel Kahan, and **Jill Fisch**, "Director Elections and the Influence of Proxy Advisors"

Fabrizio Ferri, Yonca Ertimur and Stephen Stubben, "Board of Directors' Responsiveness to Shareholders: Evidence from Shareholder Proposals"

Lucian Bebchuk and Ehud Kamar, "Bundling and Entrenchment"

Panel IB: <u>Takeover and Takeover Defenses</u> (Room B)

Panel Chair: Robert Daines

Mira Ganor, "Investing in the Competition"

Michal Barzuza, "The State of State Antitakeover Law"

Lubomir Litov and Kose John, "Managerial Entrenchment and Capital Structure: New Evidence"

Panel IC: Antitrust I (Room C)

Panel Chair: Orley Ashenfelter

Joshua D. Wright and Michael Baye, "Is Antitrust Too Complicated for Generalist Judges? The Impact of Economic Complexity and Judicial Training on Appeals"

Louis Kaplow, "On the Meaning of Horizontal Agreements in Antitrust"

Panel ID: <u>Contracts: Interpretation</u> (Room E)

Panel Chair: Ariel Porat

Kevin Davis, "Interpreting Boilerplate"

Joel Watson and Alan Schwartz, "Contextual Asymmetry, Contractual Interpretation, and the Choice of External Enforcer"

Albert H. Choi and Yeon-Koo Che, "Shrink Wraps: Who Should Bear the Cost of Communicating Mass-Market Contract Terms?"

Panel IE: <u>Litigation and the Legal Process: Empirical</u> (Theater)

Panel Chair: Eric Helland

Gillian Hadfield, "Higher Demand, Lower Supply"

W. Kip Viscusi and Alison F. Del Rossi, "The Changing Landscape of Blockbuster Punitive Damages Awards"

Michael D. Frakes, "Malpractice Standards of Care and Regional Variations in Physician Practice Styles"

Panel IF: Political Economy: Elected v. Appointed Judges (Room D)

Panel Chair: John M. de Figueiredo

Jordi Blanes i Vidal, and Clare Leaver, "Pandering Judges"

Claire S.H. Lim, "Turnover and Accountability of Appointed and Elected Judges"

Joanna Shepherd, "Separation Or Unification Of Power?: The Strategic Voting of Judges Facing Reappointment"

Panel IG: Law and Development (Room F)

Panel Chair: Robert Cooter

Daniel Klerman, Paul Mahoney, Holger Spamann, and Mark Weinstein, "Legal Origin and Economic Growth"

Alexander Volokh, "Property Rights and Contract Form in Medieval Europe"

Claire Priest, "The End of Entail: Information, Institutions, and Slavery in the American Revolutionary Period"

Panel IH: Property and Environmental Law II (Room G)

Panel Chair: Lee Fennell

Abraham Bell, "Zoning to Nuisance"

Bevin Ashenmiller, "Anti-SLAPP legislation and Citizen Enforcement: Measuring the 'Chill' of Strategic Lawsuits"

Daniel Bruce Kelly, "Strategic Spillovers"

10:30 - 10:45: Coffee Break

10:45 – 12:15: **Session II:**

Panel IIA: Corporate Governance (Room A)

Panel Chair: Kate Litvak

Jesse Fried and Brian Broughman, "Why Do VCs Use Inside Rounds?

Robert P. Bartlett, III, "The Determinants of Buyout Returns: Does Transaction Strategy Matter?"

Rudy Santore and Stephen Cotten, "Managerial Teams, Whistle-Blowing, and Fraud"

Panel IIB: <u>Executive Compensation: I</u> (Theater)

Panel Chair: Mark Weinstein

Anup Agrawal and Mark A. Chen, "Boardroom Brawls: An Empirical Analysis of Disputes Involving Directors"

John K. Wald, Ivan E. Brick, and Oded Palmon, "Too Much Pay-Performance Sensitivity?"

Paroma Sanyal and Laarni Bulan, "Innovation, R&D and Managerial Compensation"

Panel IIC: Antitrust II (Room E)

Panel Chair: Keith Hylton

John Shahar Dillbary, "Predatory Bundling and the Exclusionary Standard"

Eric Helland and Michelle S. Goeree, "Do Research Joint Ventures Serve a Collusive Function?"

Panel IID: Experimental Law and Economics: Contracts (Room G)

Panel Chair: Kevin Davis

Alexander Morell, Andreas Glöckner, and Emanuel Towfigh, "Sticky Rebates: Rollback Rebates Induce Non-Rational Loyalty in Consumers: Experimental Evidence"

Tess Wilkinson-Ryan, "Liquidated Damages and Efficient Breach: A Psychological Experiment"

Kathryn Spier, Richard Brooks, and Claudia Landeo, "Trigger Happy or Gun Shy? Dissolving Common Value Partnerships with Texas Shootouts"

Panel IIE: Health Law I (Room F)

Panel Chair: Anup Malani

Marianne Bitler and Christopher Carpenter, "Insurance Screening and Mammography"

Adam Candeub, "Signals, Warranties, and the Healthcare Contract"

John J. Donohue III, Michael Ashley Stein, Sascha Becker, and Christopher L. Griffin, "Assessing Post-ADA Employment: Some Econometric Evidence and Policy"

Panel IIF: Predicting Legal Outcomes (Room D)

Panel Chair: Frank Partnoy

H M. Todd Henderson, Justin Wolfers, and Eric Zitzewitz, "Predicting Crime"

Uday Rajan, **Amit Senu**, and Vikrant Vig, "The Failure of Models that Predict Failure: Distance, Incentives and Defaults"

Ted Sichelman, "Quantum Game Theory and Cooperation in Intellectual Property"

Panel IIG: Behavioral Law and Economics I (Room B)

Panel Chair: Edward McCaffery

Ryan Bubb and Alex Kaufman, "Consumer Biases and FIrm Ownership"

Joshua C. Teitelbaum, Levon Barseghyan, and Jeffrey Prince, "Are Risk Preferences Stable Across Contexts? Evidence from Insurance Data"

Francesco Parisi and Barbara Luppi, "Forgiving Overconfidence in Tort Law"

Panel IIH: Theory of the Firm I(Room C)

Panel Chair: Richard Brooks

Henry Hansmann and Kenneth Ayotte, "Legal Entities as Transferable Bundles of Contracts"

Oliver Hart and Bengt Holmstrom, "A Theory of Firm Scope"

Giulio Ecchia, **Martin Gelter**, and **Piero Pasotti**, "Corporate Governance, Corporate and Employment Law, and the Costs of Expropriation"

12:15 – 1:30: **Lunch- Garden of the Sea**

Sponsored by Cornerstone Research

1:30 – 3:00: **Session III**:

Panel IIIA: International Corporate Governance (Room A)

Panel Chair: Stephen Choi

Bernard S. Black, Woochan Kim, Hasung Jang, and Kyung-Suh Park, "How Corporate Governance Affects Firm Value: Evidence on Channels from Korea"

Vikramaditya Khanna and Dhammika Dharmapala, "Corporate Governance, Enforcement and Firm Value: Evidence from India"

Marc van Essen, J. (Hans) van Oosterhout, and Pursey P.M.A.R. Heugens, "Unpacking The European Control-Based Corporate Governance System: Meta-Analyzing Ownership and Performance in 23 European Countries"

Panel IIIB: <u>Corporate Governance II</u> (Theater)

Panel Chair: Jesse Fried

Assaf Hamdani and Lucian Bebchuk, "The Elusive Quest for Global Governance Standards"

Yair Listokin, "The Pivotal Mechanism and Organizational Control"

Edward Iacobucci, "Does Departing from Mandatory Corporate Law Increase Value?"

Panel IIIC: Consumer Bankruptcy (Room D)

Panel Chair: Richard Hynes

Ning Zhu and Michelle J. White, "Saving Your Home in Chapter 13 Bankruptcy"

Ronald J. Mann and Katherine Porter, "Saving up for Bankruptcy"

Matthew J. Notowidigdo and Tal Gross, "Medicaid and Consumer Bankruptcies"

Panel IIID: Contracts and Corporations (Room F)

Panel Chair: Donald Smythe

George Triantis and Albert Choi, "Strategic Vagueness: The Case of Material Adverse Change (MAC) Clauses"

Eric Talley, "On Uncertainty, Ambiguity and Contractual Conditions"

Alexander Stremitzer, "Opportunistic Termination"

Panel IIIE: <u>Litigation and the Legal Process: Theory</u> (Room B)

Panel Chair: Nuno Garoupa

Steven Shavell, "On the Design of the Appeals Process: The Optimal Use of Discretionary Review versus Direct Appeal"

Barak Medina and Ofer Grosskopf, "Repairing (the Doctrine of) Irreparable Harm: Economic Analysis of Preliminary Injunctions"

Alon Klement and Daphna Kapeliuk, "Contractualizing Procedure"

Panel IIIF: Political Economy: Constitutions (Room E)

Panel Chair: Donald Wittman

Carmine Guerriero, "Democracy, Judicial Attitudes and Heterogeneity: The Civil Versus Common Law Tradition"

Robert Cooter and Neil Siegel, "The General Welfare: An Economic Analysis"

Serra Boranbay, "Sequencing, Agenda Setting, and Voting in Budget Procedures"

Panel IIIG: <u>International and Comparative Law</u> (Room G)

Panel Chair: Andrew Guzman

Alan O. Sykes and Robert W. Staiger, "Over-Regulation and Trade Protectionism"

Katerina Linos, "Diffusion through Democracy: How International Norms Shape Voter Choices"

Adam B. Cox and Eric Posner, "The Rights of Migrants"

Panel IIIH: <u>Intellectual Property I</u> (Room C)

Panel Chair: Mark Schankerman

Jonathan Barnett, "Property as Process: How Innovation Markets Select Innovation Regimes"

Suzanne Scotchmer, "Cap and Trade. And Innovate?"

Christopher S. Yoo and John P. Conley, "Nonrivalry and Price Discrimination in Copyright Economics"

3:00 – 3:15: **Coffee Break**

3:15 – 4:45: **Session IV:**

Panel IVA: Fraud, SEC Enforcement and Securities Class Actions (Theater)

Panel Chair: Jill Fisch

Michael Klausner, "Do Securities Class Actions Supplement SEC Enforcement?"

Stephen Choi, "Motions for Lead Plaintiff in Securities Class Actions"

John Wald and Brian McTier, "The Causes and Consequences of Securities Class Action Litigation"

Panel IVB: Executive Compensation II (Room B)

Panel Chair: Ehud Kamar

Jay Cai and Ralph Walkling, "Shareholders' Say on Pay: Does It Create Value?"

Sharon Hannes, "Compensating for Executive Compensation: The Case for Gatekeeper Incentive Pay"

Minoru Nakazato, **J. Mark Ramseyer**, and Eric Rasmusen, "Executive Compensation in Japan: Estimating Levels and Determinants from Tax Records"

Panel IVC: Antitrust III (Room C)

Panel Chair: Eric Talley

Warren Schwartz and Abe Wickelgren, "Optimal Antitrust Enforcement: Competitor Suits, Entry, and Post-entry Competition"

Paul Pecorino, "Optimal Compensation for Regulatory Takings"

Ezra Friedman, "Competition and Unconscionability"

Panel IVD: Property and Environmental Law II (Room E)

Panel Chair: Gary Libecap

Margaret F. Brinig and Nicole Stelle Garnett, "Catholic School Closings and External Effects"

Christian Almer and Timo Goeschl, "Environmental Crime and Punishment: Econometric Evidence from the German Penal Code"

Jonathan Masur and Daniel Abebe, "Climate Change and Internal Heterogeneity"

Panel IVE: Experimental Law and Economics (Room D)

Panel Chair: Richard Brooks

Ben Depoorter, **Sven Vanneste**, and Alain Van Hiel , "Gentle Nudges v. Hard Shoves in Copyright Law: An Empirical Study on The Conflict Between Norms and Enforcement"

Russell Korobkin, "Who Wins in Settlement Negotiations?"

Avishalom Tor and Stephen Garcia, "The N-Effect: More Competitors, Less Competition"

Panel IVF: <u>Labor and Employment Law</u> (Room F)

Panel Chair: John J. Donohue

Samuel Estreicher, "Employer Reputation at Work"

Ramin Baghai-Wadji, Viral V. Acharya, and Krishnamurthy V. Subramanian, "Labor Laws and Innovation"

Scott A. Moss and Peter H. Huang, "Replacing Too-Narrow 'Rationality' Premises in Employment Discrimination: How Behavioral & Happiness Research Actually Can Be Useful"

Panel IVG: Behavioral Public Finance (Room G)

Panel Chair: Dhammika Dharmapala

Brian Galle, "Do Hidden Taxes Increase Welfare?"

Lee Fennell, "Taxing Willpower"

Jacob Nussim, "Taxes, Prices, and Consumer Protection"

Panel IVH: $\underline{\text{Tort Law}}$ (Room A)

Panel Chair: Jennifer Arlen

Ronen Avraham, Leemore Dafny, and Max Schanzenbach, "The Impact of Tort Reform on Employer Health Insurance Premiums"

W. Bentley MacLeod, Daniel Carvell, and Janet Currie, "Accidental Death and the Rule of Joint and Several Liability"

Paul Heaton and Eric Helland, "No-Fault Insurance and Automobile Accidents"

5:00 – 6:15: Cocktails – Garden of the Sea Sponsored by the Federalist Society

6:30 ALEA Annual Dinner Hahn University Center

Welcome by Dean Kevin Cole

Speaker: Orley Ashenfelter, Princeton University

Saturday, May 16

8:00 – 9:00: Continental Breakfast

9:00 – 10:30: **Session V:**

Panel VA: Securities Markets and Regulation (Theater)

Panel Chair: M. Todd Henderson

Douglas Cumming, and Sofia Johan, "Exchange Trading Rules"

Vikrant Vig, Benjamin Keys, Tanmoy Mukherjee, and Amit Seru, "Did Securitization Lead to Lax Screening? Evidence from Subprime Loans"

Kate Litvak, "Summary Disclosure and the Efficiency of the OTC Market: Evidence from the Recent Pink Sheets Experiment"

Panel VB: <u>Business Bankruptcy</u> (Room A)

Panel Chair: Alan Schwartz

Stephen J. Lubben, "Derivatives and Bankruptcy: The Flawed Case For Special Treatment"

Robert K. Rasmussen and Douglas G. Baird, "Anti-Bankruptcy"

Frederick Tung, "Leverage in the Boardroom: The Unsung Influence of Private Lenders in Corporate Governance"

Panel VC: Issues in Risk and Information (Room F)

Panel Chair: Henry Hansmann

Omri Ben-Shahar and Oren Bar-Gill, "An Information Theory of Willful Breach"

Jonathan Masur, "Costly Screens and Valuation Asymmetries"

Jonathan Nash, "Scott v. Harris and the Regulation of Risk: Lessons for, and from, Environmental Law"

Panel VD: <u>Criminal Law: Theory</u> (Room E)

Panel Chair: Tom Miles

Alon Harel and Ariel Porat, "Criminal Responsibility For Unspecified Offences"

Murat Mungan, "Repeat Offenders: If They Learn, We Punish Them More Severely"

Gideon Parchomovsky and Alex Stein, "Reconceptualizing Trespass"

Panel VE: Health Law II (Room D)

Panel Chair: Joni Hersch

Seth A. Seabury, "Does Malpractice Liability Reform Attract High Risk Doctors? Evidence from Physician Location and Relocation"

Yasutora Watanabe, David Dranove, and Subramaniam Ramanarayanan, "Changes in the Demand for Physician Services Subsequent to Negligence"

Brian Chen, "Stark Contrasts: The Impact of Prohibiting Physician Self-Referrals on the Prevalence of Overtreatment in Health Care"

Panel VF: Political Economy: Political Influence and Corruption (Room C)

Panel Chair: Claire S.H. Lim

Álvaro Bustos and Tonja Jacobi, "Strategic Judicial Preference Revelation"

Brian Kelleher Richter, "How the Value of Political Connections Vary around the World: Firm-level Connectedness, Domestic Economic-Institutions, and the Cost of Capital in Competitive Financial Markets"

Andrew Samuel and Emmanuel Dechenaux, "Preemptive Corruption, Hold-Up and Repeated Interactions"

Panel VG: Behavioral Law and Economics II (Room B)

Panel Chair: Francesco Parisi

Jeffrey J. Rachlinski, Chris Guthrie, and **Andrew J Wistrich**, "The 'Hidden Judiciary': An Empirical Examination of Executive Branch Justice"

Richard Brooks, "Groups and Individuals"

Eric Rasmussen, "Internalities and Paternalism: Applying the Compensation Criterion to Multiple Selves across Time"

Panel VH: Public and Administrative Law (Room G)

Panel Chair: Brian Galle

Bert I. Huang, "How Stable is Appellate Review? Evidence from a Surge in Federal Appeals"

Max Schanzenbach and Joshua Fischman, "Do Standards of Review Matter? The Case of Federal Criminal Sentencing"

Jodi Short and Michael Toffel, "Coming Clean and Cleaning Up: Is Voluntary Disclosure a Signal of Effective Self-Policing?"

10:30 - 10:45: **Coffee Break**

10:45 – 12:15: **Session VI**:

Panel VIA: <u>Corporate Disclosure I</u> (Theater)

Panel Chair: Cindy Alexander

Merritt B. Fox, **Artyom Durneve**, Randall Morck, and Bernard Yeung, "The Effectiveness of Mandatory Disclosure: An Empirical Test of the Line of Business Regulations"

M. Todd Henderson, Alan D. Jagolinzer, and Karl A. Muller, III, "Scienter Disclosure"

Tracy Wang, "Real Investment and Corporate Securities Fraud"

Panel VIB: Commercial Law (Room A)

Panel Chair: Alan Schwartz

Adam Badawi, "Arguably Illegal Contracts"

Alon Harel and Yuval Procaccia, "On the Optimal Regulation of Unread Contracts"

Donald J. Smythe, "Transportation Networks, Neighborhood Effects, and the Commercial Codification Movement"

Panel VIC: Antitrust IV (Room F)

Panel Chair: Abraham Wickelgren

Orley Ashenfelter and Daniel Hosken, "The Effect of Mergers on Consumer Prices: Evidence"

Patrick Beschorner, "Paragraph IV Certification in the Hatch-Waxman Act: Preventing Anti-competitive Settlements in Patent Litigation"

Zhongmin Wang, "Supermarket and Gasoline: An Empirical Study of Bundled Discount"

Panel VID: Criminal Law: Empirical I (Room G)

Panel Chair: Antony Dnes

Carlos Berdejo and Noam Yuchtman, "Crime, Punishment and Politics: An Analysis of Political Cycles in Criminal Sentencing"

Oren Gazal-Ayal, Avishalom Tor, and Stephen M. Garcia, "Innocence, Fairness and the Willingness to Accept Plea Bargain Offers"

Holger Spamann, "Legal Origins of Crime and Punishment"

Panel VIE: Theory of the Firm II (Room D)

Panel Chair: Oliver Hart

Brian Broughman, "Independent Directors and Board Control in Venture Finance"

George Geis, "An Empirical Examination of Business Outsourcing Transactions"

Meng-Chi Tang, "Contract Length: Expected Surplus, Uncertainty, and Specific Investments"

Panel VIF: <u>Labor and Employment Law: The "Sander" Controversy</u> (Room E)

Panel Chair: Henry Farber

Richard Sander, "Do Credential Gaps in College Reduce the Number of Minority Science Graduates?"

Peter Arcidiacono, **Esteban M. Aucejo**, and Hanming Fang, "Does Affirmative Action Lead to Mismatch: A New Test and Evidence"

Paul Oyer and Scott Schaefer, "The Returns to Attending a Prestigious Law School"

Panel VIG: Political Economy and Intellectual Property (Room C)

Panel Chair: Betsey Stevenson

C. Scott Hemphill and Jeannie Suk, "Law Culture and Economics of Fashion"

Bruce Kobayashi and Larry Ribstein, "Jurisdictional Competition for Limited Liability Companies"

Nuno Garoupa, Fernando Gomez-Pomar, and Veronica Grembi, "Judging Under Political Pressure: An Empirical Analysis of Constitutional Review Voting in the Spanish Constitutional Court"

Panel VIH: <u>Intellectual Property: II</u> (Room B)

Panel Chair: C.S. Yoo

James Bessen, "Imperfect Property Rights"

Alberto Galasso and Mark Schankerman, "Patent Thickets and the Market for Innovation: Evidence from Settlement of Patent Disputes"

John F. Duffy and Michael Abramowicz, "Ending the Patenting Monopoly"

12:15 – 1:30: **Lunch – Garden of the Sea**

1:30 – 3:00 **Session VII:**

Panel VIIA: Corporate Disclosure II (Theater)

Panel Chair: Alicia Davis Evans

Adam Pritchard and Karen Nelson, "Litigation Risk and Voluntary Disclosure: The Use of Meaningful Cautionary Language"

James C. Spindler, "Litigation Risk, Informational Asymmetry, and IPO Underpricing"

Nina Walton, "Gatekeepers and CEO Reputation"

Panel VIIB: Credit Markets and Bankruptcy (Room A)

Panel Chair: Robert Rasmussen

Oren Rigbi, "The Effects of Usury Laws: Evidence from the Online Loan Market"

Richard Hynes, "Does Payday Lending Catch Vulnerable Communities in a Debt Trap?"

Panel VIIC: Family Law, Gender, and Discrimination (Room B)

Panel Chair: Margaret Brinig

Anup Malani, Ilya Beylin, and David Abrams, "Finding Love in the Wreckage: Estimating Spousal Altruism with Data from Fatal Car Crashes"

J. Mark Ramseyer, **John R. Lott, Jr.**, and Jeffrey Standen, "Peer Effects in Affirmative Action: Evidence from Law Student Performance"

Thomas J. Miles, "Racial Disparities in the Allocation of Wiretap Applications across Federal Judges"

Panel VIID: Criminal Law: Empirical II (Room G)

Panel Chair: Holger Spamann

Michael Frakes and **Matthew Harding**, "The Deterrent Effect of Expansions in Death-Penalty Eligibility Criteria"

Antony W. Dnes, "Wounding Offences and Legal Change"

Daniel L. Chen and John J. Horton, "Deter or Spur? The Effect of Executions of Deserters in the British Army during World War I"

Panel VIIE: Torts: Damages (Room D)

Panel Chair: Ronen Avraham

David Hyman, Bernard Black, and Charles Silver, "The Impact of the 'Duty to Settle' on Settlement: Evidence from Texas"

Joni Hersch and W. Kip Viscusi, "Punitive Damages by Numbers: Exxon Shipping Co. v. Baker"

Peter H. Huang and Rick Swedloff, "Happiness, Juries, and Tort Damages"

Panel VIIF: The Political Economy of Regulation (Room E)

Panel Chair: Joanna Shepherd

Connor Raso, Strategic or Sincere? "The Agency Choice between Guidance Documents and Legislative Rules"

Dino Falaschetti, "Democratic Governance and Economic Performance"

David E. Bernstein, "The Political Economy of Lochner v. New York"

Panel VIIG: Taxation and Social Welfare (Room F)

Panel Chair: Paul Oyer

Dhammika Dharmapala and Mihir Desai, "Investor Taxation in Open Economies"

Betsey Stevenson and Mary Daly, "Subsidizing the Single-Earner Household: Examining the US Household-based Taxation System and the 2003 Tax Reforms"

Ellen Moule, Thad Kousser, and Mathew D. McCubbins, "For Whom the TEL Tolls: Can State Tax and Expenditure Limits Effectively Reduce Spending?"

Panel VIIH: Negotiations, Bargaining, and Cooperation (Room C)

Panel Chair: Assaf Hamdani

James F. Ring, "Fair Resolutions: A Mechanism for Resolving Monetary Claims"

Ben Depoorter, "Law in the Shadow of Bargaining: The Feedback Effect of Civil Settlements"

Owen R. Phillips, John N. Thurow, and Dale J. Menkhaus, "The Maverick Firm in Experimental Duopoly Markets"

3:00 Wine and Cheese Reception Garden of the Sea

