American Law and Economics Association

Twenty-Seventh Annual Meeting
May 12-13, 2017

All sessions to be held at Yale Law School
127 Wall Street
New Haven, CT
Friday, May 12

(All sessions to be held at Yale Law School)

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

8:00 – 9:00: Registration and Continental Breakfast

9:00 – 10:30: Session I:

Panel IA: Corporate Governance I

Panel Chair: Scott Hirst

April Klein, Anthony Saunders, and Yu Ting Forester Wong, “Is there a “Quid Pro Quo” between Hedge Funds and Sell-Side Equity Analysts?”

Miguel Anton, Florian Ederer, Mireia Gine, and Martin C. Schmalz, “Common Ownership, Competition, and Top Management Incentives”

Lucian A. Bebchuk, Alma Cohen, and Scott Hirst, “Institutional Investors and the Modern Corporation”

Panel IB: Antitrust and Regulated Industries (Theory)

Panel Chair: Erik Hovenkamp

Louis Kaplow, “Recoupment and Predatory Pricing Analysis”


Panel IC: Empirical Studies in Business Finance and Bankruptcy

Panel Chair: Janis Skrastins

David Schoenherr, “Managers' Personal Bankruptcy Costs and Risk-Taking”

Jared Ellias, “An Empirical Study of Bankruptcy Claims Trading”

Janis Skrastins, “Credit Enforcement and Output Storage: Evidence from Grain Warehouses”
Panel ID: Judicial Behavior in Multimember Courts

Panel Chair: Jacob Nussim

Ben Grunwald, "Strategic Publication"


Jacob Nussim, "Averaging Judges"

Panel IE: Criminal Law, Crime, and Law Enforcement

Panel Chair: Vikram Maheshri


Libor Dušek and Christian Traxler, “Experience with Punishment and Specific Deterrence: Evidence from Speeding Tickets”

Vikram Maheshri and Giovanni Mastrobuoni, "Criminal Displacement: Evidence from “Guard’s” Dilemmas faced by Italian Banks"

Panel IF: Employment and Labor Law; Family Law; Discrimination (Panel I)

Panel Chair: Benjamin Shmueli


Matthew T. Bodie, “Employment as Fiduciary Relationship”

Benjamin Shmueli, “Carrots, Sticks, or Carrots which become Sticks?”

Panel IG: Patents I

Panel Chair: Jeffrey M. Kuhn


Mitja Kovac and Rok Spruk, “Using the Variation in Transaction Costs to Explain the Propensity to Patent: Some Firm-Level Evidence”

Jeffrey M. Kuhn, “Property Rights and Frictions in the Sale of Patents”
Panel III:  Financial Institutions I

Panel Chair:  Alessio M. Pacces

Kathryn Judge, “Investor-Driven Financial Innovation”

Christian Haddad and Lars Hornuf, “The Emergence of the Global Fintech Market: Economic and Technological Determinants”

Alessio M. Pacces and Hossein Nabilou, “The Law and Economics of Shadow Banking”

10:30 – 11:00:  Coffee Break

11:00 – 12:30:  Session II:

Panel IIA:  Commercial Law and Contracts I

Panel Chair:  Matthew Jennejohn

Sanjai Bhagat, Sandy Klasa, and Lubomir P. Litov, “The Use of Escrow Contracts in Acquisition Agreements”

Lisa Bernstein, “Revisiting the Maghribi Traders (Again): A Social Network Perspective”


Panel IIB:  Taxation, Public Finance, and Transfer Programs: Panel 1: (Theory)

Panel Chair:  Jordan M. Barry

Daniel Jaqua and Daniel Schaffa, “Pigouvian Taxation with Costly Administration and Multiple Externalities”

Thomas J. Brennan, “Income Taxation and Stochastic Interest Rates”

Jordan M. Barry and Victor Fleischer, “Tax and the Boundaries of the Firm”
Friday (cont.)

Panel IIC:  Delaware and State Competition

Panel Chair:  Minor Myers


Lars Hornuf, Abdulkadir Mohamed, and Armin Schwienbacher, “The Economic Impact of Forming a European Company”

Minor Myers, “The Political Economy of Delaware’s Corporate Law”

Panel IID:  Criminal Procedure and Trial

Panel Chair:  Ben Johnson

Andrew F. Daughety and Jennifer F. Reinganum, “Information Suppression by Teams and Violations of the Brady Rule”

Matthew B. Kugler and Lior Jacob Strahilevitz, “The Myth of Fourth Amendment Circularity”

Ben Johnson, “Through a Glass Darkly: Examining the Court Through the Lens of Certiorari”

Panel IIE:  Judicial Behavior

Panel Chair:  Kyle Rozema

Sepehr Shahshahani and Lawrence J. Liu, “Religion and Judging on the Federal Courts of Appeals”

Eric Helland, “The Role of Ideology in Judicial Evaluations of Experts”

Adam Bonica, Adam Chilton, Jacob Goldin, Kyle Rozema, and Maya Sen, “Do Law Clerks Influence Voting on the Supreme Court?”

Panel IIF:  Tort Law, Health Law, and Products Liability I (Empirics)

Panel Chair:  Fredrick E. Vars


Susannah Rose, Sunita Sah, Raed Dweik, Cory Schmidt, MaryBeth Mercer, Ariane Mitchum, Michael Kattan, Matthew Karafa, and Christopher Robertson, “A Randomized Field Experiment of Patient Responses to Physician Disclosures of Industry Conflicts of Interest”

Friday (cont.)

Panel IIG: Experiments and Quasi-Random Methods

*Panel Chair:* Dane Thorley

- **Hillel J. Bavli** and Reagan Rose, “Guiding Jurors with Prior-Award Information: A Randomized Experiment”
- **John Zhuang Liu,** “Reason Writing Reduces Emotional Judging: Experimental Evidences from Judges in China”
- **Dane Thorley,** “Randomness Pre-Considered: Recognizing and Accounting for “De-Randomizing” Events When Utilizing Random Judicial Assignment”

Panel III: Mergers and Acquisitions

*Panel Chair:* Albert Choi

- Jesse Fried and **Holger Spamann,** “The Limits of Preemptive Rights”
- Fangjian Fu, Wayne Guay, and **Wei Zhang,** “Costly Corporate Governance: Evidence from Shareholder Approval in Mergers and Acquisitions”
- **Albert Choi** and Eric Talley, “Appraising the ‘Merger Price’ Appraisal Rule”

12:30 - 1:45: *Lunch*

1:45 – 3:15: *Session III:*

Panel IIIA: Antitrust and Regulated Industries (Empirics)

*Panel Chair:* Matthew C. Weinberg

- **Alexei Alexandrov,** Russell Pittman, and Olga Ukhaneva, “Royalty Stacking in the U.S. Freight Railroads: Cournot vs Coase”
- **Angela Huyue Zhang,** “Strategic Public Shaming: Evidence from Chinese Antitrust”
- Nathan H. Miller and **Matthew C. Weinberg,** “The Market Power Effects of a Merger: Evidence from the U.S. Brewing Industry”
Friday (cont.)

Panel IIIB:  International Law

Panel Chair:  Vera Shikhelman

Jerome Hsiang and Julian Nyarko, “Precedent Citation at the WTO Shifting the Empirical Focus to Panelists”

Oren Bar-Gill and Gabriella Blum, “Defenses”

Vera Shikhelman, “Diversity and Decision-Making in The United Nations Human Rights Committee”

Panel IIIC:  Property I

Panel Chair:  Benito Arruñada

Daniel B. Kelly, “Deterrence and Disgorgement in Trust Fiduciary Law”

James R. Hines Jr., “Efficient and Impartial Trust Investing”

Benito Arruñada, “Blockchain’s Struggle to Deliver Impersonal Exchange”

Panel IIID:  Empirical Corporate and Consumer Finance

Panel Chair:  Colleen Honigsberg

Jill E. Fisch, Jonah B. Gelbach, and Jonathan Klick, “The Logic and Limits of Event Studies in Securities Fraud Litigation”

C.N.V. Krishnan, Steven Davidoff Solomon, and Randall S. Thomas, “Top Defense Litigation Counsel in Mergers and Acquisitions”

Colleen Honigsberg, Robert J. Jackson, Jr., and Richard Squire, “What Happens when Loans Become Legally Void? Evidence from a Natural Experiment”

Panel IIIE:  Criminal Behavior

Panel Chair:  Darwyyn Deyo

Suren Gomtsian, Annemarie Balvert, Branislav Hock, and Oguz Kirman, “Between the Green Pitch and the Red Tape: The Private Legal Order of FIFA”

Amanda Agan, Michael D. Makowsky, and Crystal Yang, “Do Minimum Wage Laws Increase Criminal Recidivism?”

Darwyyn Deyo, “Does Increasing the Minimum Wage Increase Commercial Crime? A Study Using Local City Arrest Data”
Friday (cont.)

Panel IIIF: Politics/Credit

Panel Chair: Pat Akey

Omar A. Guerrero and Ulrich Matter, “Revealing the Anatomy of Vote Trading”

Naseem Faraz and Marc Rockmore, “Political Distortions in Public Credit: Evidence from an Emerging Market”

Pat Akey, Rawley Z. Heimer, and Stefan Lewellen, “Politicizing Consumer Credit”

Panel IIIG: Financial Institutions II

Panel Chair: Christina Parajon Skinner

Douglas C. Cumming and Sophia Johan, "Dodd Franking the Hedge Funds"

Paul Calluzzo, Fabio Moneta, and Selim Topaloglu, “Use of Options, Short Sales, and Leverage by Mutual Funds”

Christina Parajon Skinner, “Regulating Nonbanks”

Panel IIIH: Shareholder Activism

Panel Chair: Gregory H. Shill

Oliver D. Hart and Luigi Zingales, “Should a Company Pursue Shareholder Value?”

Tara Bhandari, Peter Iliev, and Jonathan Kalodimos, “Governance Changes through Shareholder Initiatives: The Case of Proxy Access”


3:15 – 3:45: Coffee Break
Friday (cont.)

3:45 – 5:15:  *Session IV:*

**Panel IVA: Commercial Law; Contracts II**

*Panel Chair:* Mitu Gulati


Marcel Kahan and Shmuel Leshem, “Sovereign Debt and Moral Hazard: The Role of Contractual Ambiguity and Asymmetric Information”

Stephen J. Choi, Mitu Gulati, and Robert E. Scott, “Evolution or Intelligent Design? The Variation in Pari Passu Clauses”

**Panel IVB: Patents II**

*Panel Chair:* Stephen Yelderman


David S. Abrams and Bhaven N. Sampat, “Pharmaceutical Patent Citations and Real Value”

Stephen Yelderman, “The Value of Accuracy in the Patent System”

**Panel IVC: Mergers, Acquisitions, and Venture Capital**

*Panel Chair:* Brian Broughman

Giuseppe Dari-Mattiacci and Eric Talley, “Do Disclosure-Only Settlements in Merger Objection Lawsuits Harm Shareholders?”

John Morley, “Too Big to Be Active: Large Investment Managers, Conflicts of Interest, and the High Costs of Corporate Control”

Brian Broughman and Jesse M. Fried, “Long Live the King? The Almost Inevitable Loss of Startup-Founder Control by the IPO”
Friday (cont.)

Panel IVD:  Empirical Studies of Policing, Sentencing, and Crime

Panel Chair:  Daniel L. Chen

Alma Cohen and Crystal S. Yang, “Judicial Politics and Disparities in Sentencing”

Jamein Cunningham, Rob Gillezeau, and Douglas Williams, “Don’t Shoot! The Impact of Historical African American Protest on Police Killings of Civilians”


Panel IVE:  New Perspectives on Infringement and Regulation

Panel Chair:  Gillian K. Hadfield

Abraham Bell and Gideon Parchomovsky, “Reforming Infringement”

Lee Anne Fennell, “Lumps and Lapses in Tort Law”

Gillian K. Hadfield, “Superregulation: Competitive Approved Private Regulators (CAPRs)”

Panel IVF:  Behavioral Economics and Regulation

Panel Chair:  Yuval Feldman

Oren Bar-Gill, David Schkade, and Cass R. Sunstein, “Drawing False Inferences from Mandated Disclosures”


Maryam Koachaki, Yuval Feldman and Francesca Gino, “The Ethical Perils of Codes of Conduct Written in a Personal, Informal Language”

Panel IVG:  Securities Litigation

Panel Chair:  James J. Park

Barbara A. Bliss, Frank Partnoy, and Michael Furchtgott, “Information Bundling and Securities Litigation”

James Cameron Spindler, “We Have a Consensus on Fraud on the Market—And It’s Wrong”

James J. Park, “Halliburton II and the Costs of Securities Class Actions”
Friday (cont.)

Panel IVH: Tort Law, Health Law, Products Liability II (Theory)

*Panel Chair:* Maytal Gilboa

- **Steven Shavell**, “Why Strict Liability Should Apply To All Dangerous Activities—Both Common and Uncommon”

- Ehud Guttel and **Ariel Porat**, “Liability for Personal Governmental Services”

- **Maytal Gilboa**, “Multiple Reasonable Behaviors Cases: The Problem of Causal Underdetermination”

5:30 – 6:30: **Cocktails Reception – Sponsored by Cornerstone Research**

  *Location: Beinecke Rare Book and Manuscript Library Mezzanine (Large marble building across the street from the Yale Law School)*

6:30: **ALEA Annual Dinner**

  *Location: Yale University Commons Dining Hall 168 Grove Street (diagonally across the Courtyard from the Beinecke Library)*

  *Presiding:* Ian Ayres, President, ALEA

  *Speaker:* Keith N. Hylton
Saturday, May 13

8:00 – 8:30:  Continental Breakfast

8:30 – 10:00:  Session V:

Panel VA:  Consumer Finance and Bankruptcy

Panel Chair: Paige Marta Skiba

Alexei Alexandrov and Sergei Koulayev, “No Shopping in the U.S. Mortgage Market: Search Cost, Non-price Characteristics, and Consumer Beliefs”


Susan Payne Carter, Kuan Liu, Paige Marta Skiba, and Justin Sydnor, “The Effect of Having More Time to Repay a Payday Loan: Implications for Understanding Borrower Myopia”

Panel VB:  Settlement (and ADR)

Panel Chair: Yoon-Ho Alex Lee

Joyce Sadka, Enrique Seira, and Christopher Woodruff, “Overconfidence and Settlement: Evidence from Mexican Labor”

Saul Levmore and Frank Fagan, “Semi-Confidential Settlements in Civil, Criminal, and Sexual Assault Cases”

Yoon-Ho Alex Lee and Daniel Klerman, “Litigation and Settlement under Correlated Two-Sided Incomplete Information”

Panel VC:  Tort Law, Health Law, Products Liability III (Theory)

Panel Chair: Vardges Levonyan


Alberto Galasso and Hong Luo, “Tort Reform and Innovation”

Vardges Levonyan, “Physician Publications and Pharmaceutical Company Payments”
Panel VD: Contracts and Remedies

Panel Chair: Kristin Firth

Dorothee Mischkowski, Rebecca Stone, and Alexander Stremitzer, “Promises, Expectations, and Social Cooperation”

Omri Ben-Shahar and Lior Jacob Strahilevitz, “Interpreting Contracts via Surveys and Experiments”

Tess Wilkinson-Ryan, Kristin Firth, and Gideon Parchomovsky, “The Promise and Peril of Statutory Damages”

Panel VE: Property II

Panel Chair: Ronit Levine-Schnur

Yun-Chien Chang and Chang-Ching Lin, Do Parties Negotiate After Trespass Litigation? An Empirical Study of Coasean Bargaining


Ronit Levine-Schnur, “Winners and Losers in Takings for Pure Public Uses: An Empirical Examination”

Panel VIF: Evidence and Proof

Panel Chair: Jesse Bull

Frances Xu Lee, “Credibility of Crime Allegations”

Sean P. Sullivan, “A Likelihood Story: The Theory Of Legal Fact-Finding”

Jesse Bull and Joel Watson, “Statistical Evidence and the Problem of Robust Litigation”

Panel VG: Corporate Governance II

Panel Chair: Irena Hutton

Kobi Kastiel and Yaron Nili, “Captured Boards’: The Rise Of ‘Super Directors’ and the Case for a Board Suite”

Yaron Nili, “Out of Sight Out of Mind: The Case for Improving Director Independence Disclosure”

Todd Henderson, Irena Hutton, Danling Jiang, and Matthew Pierson, “Lawyer CEOs”
Panel VH:  **Taxation, Public Finance, and Transfer Programs II (Empirics)**

*Panel Chair:* Zachary Liscow

- **Eleanor Wilking**, “Hotel Tax Incidence with Heterogeneous Firm Evasion: Evidence from Airbnb Remittance Agreements”
- **Lily L. Batchelder**, “Accounting for Behavioral Considerations in Business Tax Reform: The Case of Expensing”
- **Zachary Liscow**, “Do Court Mandates Change the Distribution of Taxes and Spending?: Evidence from School Finance Litigation”

Panel VI:  **Topics in Administrative Law and Litigation**

*Panel Chair:* Brian D. Feinstein

- **Alice Guerra**, Barbara Luppi, and Francesco Parisi, “Standards of Proof and Civil Litigation: A Game-Theoretic Analysis”
- **Brian D. Feinstein**, “Congress in the Administrative State”

10:00 – 10:30:  **Coffee Break**

10:30 – 12:00:  **Session VI:**

Panel VIA:  **International Trade and Regulation**

*Panel Chair:* Bryan H. Druzin

- **Stavros Gadinis** and Thom Wetzer, “Basel III: Softer Rules, Harder Institutions”
- **Bryan H. Druzin**, “Why does Soft Law Have any Power Anyway?”

Panel VIB:  **Challenges in Corporate Reorganization Law**

*Panel Chair:* Frederick Tung

- **Douglas G. Baird**, “Bankruptcy’s Quiet Revolution”
- **Kenneth Ayotte**, “Bankruptcy on the Side”
- Colleen Honigsberg and **Frederick Tung**, “Do Economic Conditions Drive Dip Lending?: Evidence from the Financial Crisis”
Panel VI: Civil Litigation

Panel Chair: Ronen Avraham


Keith N. Hylton, “Deterrence and Aggregate Litigation”

Ronen Avraham and Anthony Sebok, “An Empirical Investigation of Third Party Consumer Litigation Funding”

Panel VID: Contracts and Consumer Regulation

Panel Chair: Florencia Marotta-Wurgler

Tess Wilkinson-Ryan, “The Perverse Consequences of Disclosing Standard Terms”

Bernardo Guimaraes and Bruno Meyerhof Salama, “Contingent Judicial Deference: Theory and Application To Usury Laws”


Panel VIE: Corruption

Panel Chair: Shmuel Leshem

J. Mark Ramseyer and Eric B. Rasmusen, “Identity Politics and Organized Crime in Japan: The Impact of Special Subsidies on Burakumin Communities”

Yujin Jeong and Jordan I. Siegel, “Evidence from the Revealed Accounting Records of Two South Korean Presidents”

Shmuel Leshem and Abraham L. Wickelgren, “Orchestrated Cheating: Group versus Individual Punishments”

Panel VIF: Political Economy, Public Choice, and Public Law

Panel Chair: Stephan Tontrup


Stephan Tontrup and Wolfgang Gaissmaier, “Running Head: Comparative Advantage of Self-Governance: The Comparative Advantage of Self Governance - Comparing Effects of Democracy in Germany and China”
Saturday (cont.)

Panel VIG:  Property III

Panel Chair: Henry E. Smith


Karen Bradshaw Schultz and Bryan Leonard, “Virtual Parceling”

Ted Sichelman and Henry E. Smith, “Modeling Legal Modularity”

Panel VIII: Judicial Behavior from a Labor Market

Panel Chair: Jonathan R. Nash

Madhav S. Aney, Shubhankar Damyand, and Giovanni Ko, “Jobs for Justice(s): Corruption in the Supreme Court of India”

Elliott Ash and Bentley MacLeod, “Aging, Retirement and High-Skill Work Performance: The Case of State Supreme Court Judges”

Jonathan R. Nash, “Judicial Laterals”

12:00 –12:30: Lunch

1:30 – 3:00: Session VII:

Panel VIIA: Securities Offerings and Disclosure

Panel Chair: Matthias Schmitt

Elisabeth de Fontenay, Josefin Meyer and Mitu Gulati, “The Sovereign-Debt Listing Puzzle”


Lars Hornuf and Matthias Schmitt, “Does A Local Bias Exist In Equity Crowdfunding?”
Saturday (cont.)

Panel VIIB:  **Courts and Criminal Cases**

*Panel Chair:* Ryan Fackler


David Arnold, Will Dobbie, and **Crystal S. Yang**, “Racial Bias in Bail Decisions”

David Abrams and **Ryan Fackler**, “To Plea or Not to Plea: Evidence from North Carolina”

Panel VIIC:  **Administrative Law**

*Panel Chair:* Matthew D. Adler

Roy Shapira and **Luigi Zingales**, “Is Pollution Value Maximizing? The DuPont Case”

**Amy Semet**, “Appellate Court Decision Making in NLRB Cases”


Panel VIID:  **Tort Law, Health Law, and Products Liability IV (Empirics)**

*Panel Chair:* Ezra Friedman

Alon Cohen, Ariel Porat and **Avraham Tabbach**, “Inducing Negligence”

Timo Goesch and **Tobias Pfrommer**, “Learning by Negligence - Torts,Experimentation, and the Value of Information”

Tom Baker, **Ezra Friedman**, and Kyle Logue, “Should Failure to Defend Imply Forfeiture of Coverage Defenses?”

Panel VIIIE:  **Social Responsibility & Innovation**

*Panel Chair:* Brian Galle

**Dhammika Dharmapala** and Vikramaditya Khanna, “The Impact of Mandated Corporate Social Responsibility: Evidence from India’s Companies Act of 2013”

**Marcello Puca** and Massimiliano Vatiero, “Ownership and Innovation: Evidence from Swiss Listed Firms”

**Brian Galle**, “Valuing the Right to Sue: An Empirical Examination of Nonprofit Agency Costs”
**Saturday (cont.)**

Panel VII: Behavioral Economics

*Panel Chair:* Marco Fabbri

- **Jacob S. Goldin** and Daniel Reck, “Preference Identification Under Inconsistent Choice”
- Giuseppe Dari-Mattiacci and **Alex Raskolnikov**, “Combining Carrots and Sticks in Public and Private Law: Theory and Applications”
- **Marco Fabbri** and Sven Hoeppner, “Virtue Ethics and Compliance Decisions: Field Evidence of Non-Utilitarian Motives for Law Abiding Behavior”

Panel VIIG: Taxation, Public Finance, and Transfer Programs: Panel 3: (Empirical)

*Panel Chair:* Emily Satterthwaite

- Quinn Curtis and **Andrew Hayashi**, “Tax Avoidance and Mergers: Evidence from Banks during the Financial Crisis”
- **Emily Satterthwaite**, “Entrepreneurs’ Legal Status Choices and the C Corporation Survival Penalty”

Panel VIH: Employment and Labor Law; Family Law; Discrimination (Panel II)

*Panel Chair:* Guilherme de Oliveira

- Giuseppe Dari-Mattiacci and Guilherme de Oliveira, “Slavery vs. Labor”
- Joel Waldfogel and **Paul M. Vaaler**, “Discriminatory Product Differentiation: The Case of Israel’s Omission from Airline Route Maps”
- **Guilherme de Oliveira**, “Turnover or Cash? Sharecropping in the US South”

3:15: Wine and Cheese Reception