

## **CURRICULUM VITAE**

### **Alex Stein**

Professor of Law  
Brooklyn Law School  
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### **PERMANENT APPOINTMENTS**

Fall 2016- Professor of Law, Brooklyn Law School

Teaching as of Spring 2017: Torts  
Evidence  
Medical Malpractice

Chair of the Lateral Appointments Committee 2017-18

2004-2016 Professor of Law, Benjamin N. Cardozo School of Law

Teaching: Torts  
Evidence  
Medical Malpractice  
Constitutional Criminal Evidence

Chair of the Academic Standards Committee: 2005-06

Chair of the Appointments Committee: 2007-08

Chair of the Steering Committee for Promotion and Tenure: 2009-10

Chair of the Faculty Development Committee: 2010-11

Member of the Appointments Committee: 2012-13

Member of the Faculty Development Committee: 2013-14

Member of the Appointments Committee: 2013-14

Member of the Steering Committee for Promotion and Tenure: 2015-16

1991-2004 Sylvan M. Cohen Professor of Law, Faculty of Law, Hebrew University of Jerusalem

Taught: Evidence  
Civil Procedure  
Criminal Procedure

Vice-Dean in 1998-99

1989-1991      Lecturer in Law, Brunel University, Uxbridge, England  
Taught:            Evidence  
                      Criminal Law

### VISITING POSITIONS

Fall 2016      Visiting Professor of Law, Harvard Law School  
Teaching:        Torts  
                      Medical Malpractice

Fall 2016      Visiting Professor of Law, Alabama Law School (short visit)  
Teaching:        Advanced Torts: Trying a Medical Malpractice Case

Fall 2014      Joseph F. Cunningham Visiting Professor of Commercial and Insurance Law, Columbia Law School  
Taught:            Torts

2008-2009     George W. Crawford Visiting Professor of Law, Yale Law School  
Taught:            Evidence; Criminal Procedure

2006-2007     Visiting Professor of Law, Yale Law School  
Taught:            Evidence; Criminal Law

2002 (Fall) &  
2003-2004     Visiting Professor of Law, Benjamin N. Cardozo School of Law  
Taught:            Evidence  
                      Torts  
                      Medical Malpractice  
                      Constitutional Criminal Evidence

2000 (Fall)    Visiting Professor of Law, Columbia Law School  
Taught:            Evidence

1999 (Fall)    Visiting Professor, University College Oxford (short visit with condensed teaching)  
Taught:            Class Actions

1998 (Fall)    Distinguished Visiting Professor of Law, University of Toronto Faculty of Law  
Taught:            Causation and Uncertainty

1996  
(Spring)       Visiting Professor of Law, Benjamin N. Cardozo School of Law  
Taught:            Evidence  
                      Tort Liability under Uncertainty

1994-1995     Visiting Professor of Law, University of Miami School of Law  
Taught:            Evidence  
                      Analysis of Evidence

## EDUCATION

Ph.D. (1990), University of London (University College)

Dissertation: *The Law of Evidence and the Problem of Risk-Distribution*, supervised by William L. Twining

LL.B. (1983); LL.M. (1987), Hebrew University of Jerusalem

## PRACTICE OF LAW

Bar Membership: Israel

1986-1987 Private practice with Wiskind & Stein, Jerusalem, Israel: Partner, specializing in commercial litigation

1984-1986 Private practice with Raveh, Abramson & Co., Jerusalem, Israel: Associate, specializing in commercial litigation

1983-1984 Law Clerk for Justice Menachem Elon, Israel Supreme Court

1982-1983 Law Clerk for Hon. Rachel Sukar, Head of the Criminal Litigation Department, Attorney-General's Office, Israel

## PUBLICATIONS

### **BOOKS**

2016 AN ANALYTICAL APPROACH TO EVIDENCE: TEXT, PROBLEMS, AND CASES (6th ed., Wolters Kluwer) (co-authored with Ronald J. Allen, et al.)

2005 FOUNDATIONS OF EVIDENCE LAW (Oxford University Press)

2001 TORT LIABILITY UNDER UNCERTAINTY (Oxford University Press) (co-authored with Ariel Porat)

1992 EVIDENCE AND PROOF, Volume XI in the *International Library of Essays in Law & Legal Theory* (New York University Press) (co-edited with William Twining)

### **ARTICLES**

2017 The Domain of Torts, 117 *Columbia Law Review* 535-611

2017 Empowering Individual Plaintiffs, 102 *Cornell Law Review* 1319-1365 (with Gideon Parchomovsky)

- 2017 Behavioral Probability, in *Research Handbook on Behavioral Law and Economics* \_\_\_\_ (Joshua C. Teitelbaum & Kathryn Zeiler, eds.) (Edward Elgar Publishing)  
For videotaped presentation and discussion of this paper at the Rutgers University Philosophy Department, see here: <https://www.youtube.com/watch?v=xfPUyBsA6E8>.
- 2016 Abortion, Informed Consent, and Regulatory Spillover, 92 *Indiana Law Journal* 1-54 (with Katherine Shaw)
- 2016 Constitutional Retroactivity in Criminal Procedure, 91 *Washington Law Review* 463-514 (with Dov Fox)
- 2016 Understanding Legal Redundancies, 94 *Texas Law Review* See Also 121-130
- 2015 The New Doctrinalism: Implications for Evidence Theory, 163 *University of Pennsylvania Law Review* 2085-2107
- 2015 Catalogs, 115 *Columbia Law Review* 165-209 (with Gideon Parchomovsky)
- 2015 Dualism and Doctrine, 90 *Indiana Law Journal* 975-1010 (with Dov Fox)  
*reprinted in* PHILOSOPHICAL FOUNDATIONS OF LAW AND NEUROSCIENCE 105-136 (Michael Pardo & Dennis Patterson ed., 2016)
- 2015 Talking Points, *University of Illinois Law Review* 1259-1286 (with Jef De Mot)
- 2015 Inefficient Evidence, 66 *Alabama Law Review* 423-470
- 2013 Intellectual Property Defenses, 113 *Columbia Law Review* 1483-1542 (with Gideon Parchomovsky)
- 2013 Contra la “Prueba Libre,” 26 *Revista de Derecho* 245-61 (consolidated Spanish summary and translation of “Freedom of Proof” and “Refoundation of Evidence Law,” published by Universidad Austral de Chile, Valdivia)
- 2013 Evidence, Probability, and the Burden of Proof, 55 *Arizona Law Review* 557-602 (with Ronald J. Allen)
- 2013 Are People Probabilistically Challenged? Review of Daniel Kahneman, *Thinking, Fast and Slow*, 111 *Michigan Law Review* 855-875
- 2012 The Relational Contingency of Rights, 98 *Virginia Law Review* 1313-1372 (with Gideon Parchomovsky)
- 2012 Toward a Theory of Medical Malpractice, 97 *Iowa Law Review* 1201-1257
- 2012 Corrupt Intentions: Bribery, Unlawful Gratuity, and Honest-Services Fraud, 75 *Law & Contemporary Problems* 61-81
- 2012 Evidence, in Uriel Procaccia, ed., *Economic Analysis of Law* 1103-1132 (in Hebrew) (with Talia Fisher)

- 2011 Self-Incrimination, in *Procedural Law and Economics* 366-385 (Chris W. Sanchirico, volume ed., 2011) (8 ENCYCLOPEDIA OF LAW AND ECONOMICS, Edward Elgar Publishing Limited, Cheltenham, UK, Gerrit De Geest, gen. ed., 2nd ed. 2009-2011)
- 2011 The Flawed Probabilistic Foundation of Law & Economics, 105 *Northwestern University Law Review* 199-260
- 2011 Liability for Future Harms, in Richard S. Goldberg, ed., *Perspectives on Causation* 221-239 (Hart Publishing, Oxford) (with Ariel Porat)
- 2011 Torts, Innovation, and Growth, in *Rules for Growth: Promoting Innovation and Growth through Legal Reform* (Robert E. Litan, et al, Kauffman Foundation Press) 257-272 (with Gideon Parchomovsky)
- 2010 The Distortionary Effect of Evidence on Primary Behavior, 124 *Harvard Law Review* 518-548 (with Gideon Parchomovsky)
- 2010 Strategic Enforcement, 94 *Minnesota Law Review* 9-58 (with Margaret H. Lemos)
- 2009 Originality, 95 *Virginia Law Review* 1505-1550 (with Gideon Parchomovsky)  
Reproduced in *West's 2010/11 Copyright Law Anthology* (Rodney A. Smolla, ed.)
- 2009 Reconceptualizing Trespass, 103 *Northwestern University Law Review* 1823-1862 (with Gideon Parchomovsky)
- 2009 The Trial-Time/Forum Principle and the Nature of Evidence Rules, in *Current Trends in Criminal Procedure and Evidence: A Collection of Essays in Honor of Professor Eliahu Harnon* 81-103 (Anat Horovitz & Mordechai Kremnitzer, eds.)
- 2008 On the Epistemic Authority of Courts, 5 *Episteme* 402-410 (special issue on Evidence & Law, edited by Frederick Schauer and Walter N. Sinnott-Armstrong)
- 2008 The Right to Silence Helps the Innocent: A Response to Critics, 30 *Cardozo Law Review* 1115-1140  
Symposium on the *Future of Self-Incrimination: Fifth Amendment, Confessions, and Guilty Pleas*
- 2008 Torts and Innovation, 107 *Michigan Law Review* 285-315 (with Gideon Parchomovsky)  
Reproduced in *Law and Economics of Innovation* (Eli M. Salzberger, ed.) (Edward Elgar Publishing, 2012)  
Reproduced in the *Law and Economics of Innovation, International Library of Critical Writings on Economics* (Mark Blaug, et al, eds. 2012)  
Reproduced in the *Stresa Lecture Series* 1-41 (Corridori Atlantici, Torino, 2009)  
Shortened version published in the *Handbook on Law, Innovation and Growth* 151-77 (Robert E. Litan, ed. 2011)

- 2008 Constitutional Evidence Law, 61 *Vanderbilt Law Review* 65-124  
Chinese translation published in 15 *Legal Method* 312-338 (2014) (Fei Zheng & Chuanming Fan, trans.)
- 2007 Deterrence, Retributivism, and the Law of Evidence, 93 *Virginia Law Review in Brief* 173-182 (with Richard A. Bierschbach)  
<http://www.virginialawreview.org/inbrief/2007/09/18/bierschbach.pdf>
- 2007 Mediating Rules in Criminal Law, 93 *Virginia Law Review* 1197-1258 (with Richard A. Bierschbach)
- 2007 A Liberal Challenge to Behavioral Economics: The Case of Probability, 2 *New York University Journal of Law & Liberty* 531-540  
Symposium on the *Behavioral Law & Economics' Challenge to the Classical Liberal Program*
- 2006 Ambiguity Aversion and the Criminal Process, 81 *Notre Dame Law Review* 1495-1551 (with Uzi Segal)
- 2006 Healthcare Intermediaries, 29(4) *Regulation* 20-25
- 2005 Overenforcement, 93 *Georgetown Law Journal* 1743-1781 (with Richard A. Bierschbach)
- 2004 Auctioning for Loyalty: Selection and Monitoring of Class Counsel, 22 *Yale Law & Policy Review* 69-124 (with Alon Harel)
- 2003 Indeterminate Causation and Apportionment of Damages: An Essay on *Holtby, Allen and Fairchild*, 23 *Oxford Journal of Legal Studies* 667-702 (with Ariel Porat)
- 2001 Of Two Wrongs that Make a Right: Two Paradoxes of the Evidence Law and their Combined Economic Justification, 79 *Texas Law Review* 1199-1234
- 2000 The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege, 114 *Harvard Law Review* 430-510 (with Daniel J. Seidmann)
- 2000 How to Resolve the Indeterminate Causation Problem that Arises in Medical Malpractice Litigation, 23 *Yiuney Mishpat* 755-775 (Hebrew)
- 2000 Evidential Rules for Criminal Trials: Who Should be in Charge?, in Sean Doran & John Jackson, eds., *The Judicial Role in Criminal Proceedings* 127-143 (Hart Publishing, Oxford)
- 1999 The Evidential Damage Doctrine: A Response to Critique, 30 *Mishpatim* 349-376 (Hebrew) (with Ariel Porat)
- 1999 Israel, in Craig M. Bradley, *Criminal Procedure: A Worldwide Study* 217-244 (Carolina Academic Press) (with Eliahu Harnon)
- 1998 An Essay on Uncertainty and Fact-Finding in Civil Litigation, with Special Reference to Contract Cases, 48 *University of Toronto Law Journal* 299-351

- 1998 The Evidential Damage Doctrine: A Positive Analysis of the Law, 21 *Yiuney Mishpat* 191-258 (Hebrew) (with Ariel Porat)  
This article has received the highest number of citations in the Israeli court' decisions among the articles ever published by *Yiuney Mishpat* (Tel-Aviv University Law Review) – see citations study of the volumes 1-40 carried out by *Yiuney Mishpat* in 2017
- 1998 Theory and Fortuity in Judicial Reasoning, 29 *Mishpatim* 5-15 (Hebrew)  
Keynote Lecture at the Hebrew University of Jerusalem Faculty of Law
- 1997 Liability for Uncertainty: Making Evidential Damage Actionable, 18 *Cardozo Law Review* 1891-1960 (with Ariel Porat)
- 1997 Bayesioskepticism Justified, 1 *International Journal of Evidence & Proof* 339-342
- 1997 Against Free Proof, 31 *Israel Law Review* 573-589
- 1996 The Refoundation of Evidence Law, 9 *Canadian Journal of Law & Jurisprudence* 279-342
- 1996 Judicial Fact-Finding and the Bayesian Method: The Case for Deeper Scepticism about their Combination, 1 *International Journal of Evidence & Proof* 25-47
- 1996 Allocating the Burden of Proof in Sales Litigation, 50 *University of Miami Law Review* 335-344
- 1995 Probability and Proof in *State v. Skipper*: An Internet Exchange, 35 *Jurimetrics Journal* 277-310 (with Ronald J. Allen, *et. al.*)
- 1995 Symposium on Implied Hearsay: Discussion, 16 *Mississippi College Law Review* 93, 95, 106, 108, 193, 194
- 1995 The Form and Substance of the Hearsay Doctrine: A Response to Professor Seidelson, 16 *Mississippi College Law Review* 55-60  
Symposium on *Implied Hearsay*
- 1995 The Bank-Client Evidentiary Privilege, 25 *Mishpatim* 45-85 (Hebrew)
- 1993 Reform Movements in Criminal Procedure and the Protection of Human Rights in Israel, 64 *Revue Internationale de Droit Penal* 1177-1192 (with Eliahu Harnon)
- 1993 Defending Liberal Law (reviewing Andrew Altman, *Critical Legal Studies: A Liberal Critique*, Princeton University Press, 1990), 22 *Anglo-American Law Review* 194-220
- 1993 From Blackstone to *Woolmington*: On the Development of a Legal Doctrine, 14 *Journal of Legal History* 14-27
- 1993 The Admissibility of Out-of-Court Statements as Evidence in Criminal Trials: On the New Bill, New Ideas, and the Same Old Tenets, 10 *Mechkarey Mishpat* 157-181 (Hebrew)

- 1992 Hearsay Statements as Evidence in Criminal Trials: Is and Ought, 21 *Mishpatim* 325-351 (Hebrew)
- 1992 Introduction, in William Twining & Alex Stein, eds., *Evidence and Proof*, Volume XI in the INTERNATIONAL LIBRARY OF ESSAYS IN LAW & LEGAL THEORY xv-xxx (New York University Press) (with William L. Twining)
- 1991 After *HUNT*: The Burden of Proof, Risk of Non-Persuasion and Judicial Pragmatism, 54 *Modern Law Review* 570-576
- 1991 Criminal Defences and the Burden of Proof, 28 *Coexistence* 133-147
- 1988 A Political Analysis of Procedural Law (reviewing Mirjan R. Damaška, *The Faces of Justice and State Authority*, Yale University Press, 1986), 51 *Modern Law Review* 659-675
- 1987 Bentham, Wigmore and Freedom of Proof (reviewing William L. Twining, *Theories of Evidence: Bentham & Wigmore*, Weidenfeld & Nicolson, London, 1985), 22 *Israel Law Review* 245-276
- 1985 Eavesdropping and Electronic Surveillance in Criminal and National Security Investigations, 14 *Mishpatim* 527-557 (Hebrew) (student article)
- 1984 Promises of Public Authorities, 14 *Mishpatim* 255-294 (Hebrew) (student article)
- 1983 On the Probative Value of Out-of-Court Statements, 13 *Mishpatim* 154-158 (Hebrew) (student Note)

#### **MEDIA & POPULAR PRESS**

- 2017 Interviewed and cited by NATURE, *Vaccine Ruling from Europe's Highest Court Isn't As Crazy as Scientists Think*, June 28, 2017, <http://www.nature.com/news/vaccine-ruling-from-europe-s-highest-court-isn-t-as-crazy-as-scientists-think-1.22222>.
- 2017 Interviewed and cited by BLOOMBERG BNA, *Trump Seen as Supportive of Business-Backed Litigation Bills*, March 2, 2017, <https://www.bna.com/trump-seen-supportive-n57982084705/>.
- 2016 *Malpractice Can Begin at the Front Desk with Simple Errors by Admissions Staff*, 38(3) *HEALTHCARE RISK MANAGEMENT* 29.
- 2015 *Medical Malpractice: Could Your Front Desk Get You Sued?*, *OUTPATIENT SURGERY MAGAZINE*, November 2015, 26-27, <https://www.outpatientsurgery.net/surgical-facility-administration/avoid-medical-malpractice/medical-malpractice-could-your-front-desk-get-you-sued--11-15>.
- 2015 *Reproductive Malpractice and the U.S. Military*, *HUFFINGTON POST*, 7.2.2015 [http://www.huffingtonpost.com/dov-fox/reproductive-malpractice\\_b\\_7706980.html](http://www.huffingtonpost.com/dov-fox/reproductive-malpractice_b_7706980.html) (with Dov Fox).



- 2015 Interviewed and cited by 24(8) BLOOMBERG BNA'S HEALTH LAW REPORTER (2.26.2015) about the purposes and scope of physicians' peer review privilege.
- 2014 Interviewed by the HEALTHCARE RISK MANAGEMENT REVIEW about arbitration of medical malpractice disputes, <http://www.hrmronline.com/article/the-art-of-compromise>.
- 2014 WASHINGTON EXAMINER cites my opinion (among others) on how to protect doctors against unmeritorious malpractice suits: <http://washingtonexaminer.com/lawyers-professors-discuss-ways-around-fla.-sc-decision-that-struck-down-caps/article/feed/2139985#>.
- 2014 Interviewed by the WASHINGTON EXAMINER about the renewal of constitutional attacks upon statutes capping compensation for medical malpractice victims. <http://washingtonexaminer.com/article/feed/2135026>
- 2014 Interviewed by the LEGAL NEWSLINE: <http://legalnewsline.com/issues/tort-reform/249242-fla-decision-could-launch-new-attacks-on-damages-caps-around-the-country>.
- 2013— Owner, developer and writer for the e-journal STEIN on Medical Malpractice, <http://steinmedicalmalpractice.com>.
- 2013— Permanent contributor to the BILL OF HEALTH, a blog run by the Petrie-Flom Center at Harvard Law School  
For my multiple contributions to the BILL OF HEALTH, please visit <http://blogs.harvard.edu/billofhealth/category/contributors/alex-stein/>.
- 1992 The Accused's Right to Due Process, in Tamar Ben-Gal *et al.*, eds., 3 *Human Rights and Civil Liberties in Israel: A Reader* 355-358 (published by the Association for Civil Rights in Israel)
- 1992 Human Rights in the Law of Evidence, in Tamar Ben-Gal *et al.*, eds. 3 *Human Rights and Civil Liberties in Israel: A Reader* 420-425 (published by the Association for Civil Rights in Israel)

### **WORKS IN PROGRESS**

*Law and the Epistemology of Disagreement*

*Autonomy as a Second-Order Right* (with Gideon Parchomovsky)

*Causation*

*Choice of Health Law*

*Fixing the Federal Law of Medical Malpractice*

*Second-Personal Evidence*

MEDICAL MALPRACTICE (treatise in progress)

## ACADEMIC PRESENTATIONS

- 2017 Uppsala University, Department of Law, Sweden, Conference on Evidence, Disagreements & Rights  
Delivered a keynote on *Law and the Epistemology of Disagreement* (see works in progress)
- 2017 Brooklyn Law School, Trial Lawyers Alumni Group  
Presented *President Trump's Tort Reform*  
See here: <http://blogs.harvard.edu/billofhealth/2017/06/05/president-trumps-tort-reform/>
- 2017 Metropolitan Hospital Center, New York City  
Invited participant in a panel discussion of medical malpractice in emergency care
- 2017 Rutgers University, Philosophy Department, Seminar on the Foundations of Probability  
Presented *Behavioral Probability* (see articles and here: <https://www.youtube.com/watch?v=xfPUyBsA6E8>)
- 2017 Brooklyn Law School, Faculty Workshop  
Presented *The Domain of Torts* (see articles)
- 2016 Harvard Law School, Lecture Cosponsored by the Project on the Foundations of Private Law and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics  
Presented *The Domain of Torts* (see articles)
- 2016 University of Alabama School of Law, Faculty Workshop  
Presented *The Domain of Torts* (see articles)
- 2016 Stony Brook University Economics Department, Center for Game Theory: Workshop on Law and Economics  
Presented *Constitutional Retroactivity in Criminal Procedure* (see Articles)
- 2016 Symposium on “Does Liability Stifle Innovation?” – Keele University School of Law  
Presented *Torts and Innovation* (see Articles)
- 2016 Keele University School of Law, Faculty Seminar  
Presented *Constitutional Retroactivity in Criminal Procedure* (see Articles)
- 2016 University of Pennsylvania School of Law, Faculty Workshop  
Presented *The Domain of Torts* (see articles)
- 2015 University of Minnesota School of Law, Faculty Workshop  
Presented *Abortion, Informed Consent, and Regulatory Spillover* (see Articles)
- 2015 Brooklyn Law School, Faculty Workshop  
Presented *Abortion, Informed Consent, and Regulatory Spillover* (see Articles)
- 2015 Alabama Law School, Faculty Workshop  
Presented *Abortion, Informed Consent, and Regulatory Spillover* (see Articles)

- 2015 Eighth International Conference on Procedural Law, Medellin University, Cartagena, Colombia  
Presented *Inefficient Evidence* (see Articles)
- 2015 The College of Law & Management, Ramat Gan, Israel  
Presented *Constitutional Retroactivity in Criminal Procedure* (see Articles)
- 2015 The Twenty Fifth Annual Meeting of the American Law & Economics Association, Columbia Law School  
Presented *Constitutional Retroactivity in Criminal Procedure* (see Articles)
- 2015 Columbia Law Review, Authors' Talk  
Presented and discussed *Catalogs* (see Articles)
- 2015 Bar-Ilan University Faculty of Law, Faculty and Doctorate Students Workshop  
Presented *Abortion, Informed Consent, and Regulatory Spillover* (see Articles)
- 2015 Cardozo Law School, Faculty Workshop  
Presented *Constitutional Retroactivity in Criminal Procedure* (see Articles)
- 2014 University of Pennsylvania School of Law  
Symposium on The New Doctrinalism  
Presented *The New Doctrinalism: Implications for Evidence Theory* (see Articles)
- 2014 Columbia Law School, Faculty Workshop  
Presented *Abortion, Informed Consent, and Regulatory Spillover* (see Articles)
- 2014 Bar-Ilan University Faculty of Law, Faculty Seminar  
Presented *Catalogs* (see Articles)
- 2013 Michigan Law School, Law & Economics Seminar  
Presented *Talking Points* (see Articles)
- 2013 Cardozo Law School, Faculty Workshop  
Presented *Talking Points* (see Articles)
- 2013 The Twenty Third Annual Meeting of the American Law & Economics Association, Vanderbilt Law School  
Presented *Inefficient Evidence* (see Articles)
- 2013 Texas Law School, Medical Malpractice Roundtable  
Co-organized Roundtable and led the discussion of Limitations and Repose Statutes
- 2013 Texas Law School, Law & Philosophy Paper Series  
Presented *Inefficient Evidence* (see Articles)
- 2013 Cardozo Law School, Faculty Workshop  
Presented *Inefficient Evidence* (see Articles)

- 2012 Columbia University, School of Engineering and Applied Science, Graduate Seminar  
Presented *Are People Probabilistically Challenged?* (see Articles)
- 2012 The Twenty Second Annual Meeting of the American Law & Economics Association,  
Stanford Law School  
Presented *The Relational Contingency of Rights* (see Articles)
- 2012 Symposium on Decision Theory and Law, University of Alabama School of Law  
Presented *Are People Probabilistically Challenged?* (see Articles)
- 2012 University of California at Berkeley School of Law, Law & Economics Seminar  
Presented *The Relational Contingency of Rights* (see Articles)
- 2012 University of Connecticut School of Law, Faculty Workshop  
Presented *The Relational Contingency of Rights* (see Articles)
- 2012 AALS Conference, Evidence Section, Washington DC  
Presented *Burdens of Proof and Primary Behavior*
- 2011 VI MINI FORO DE EPISTEMOLOGÍA JURÍDICA, Instituto de Investigaciones  
Filosóficas, UNAM, Mexico City, Mexico  
Presented *People's Probability*
- 2011 Georgetown University School of Law, Law & Economics Workshop  
Presented *The Relational Contingency of Rights* (see Articles)
- 2011 William & Mary School of Law, Faculty Workshop  
Presented *Toward a Theory of Medical Malpractice* (see Articles)
- 2011 Law & Economics Institute, Stresa, Italy  
Invited discussant
- 2011 Hebrew University of Jerusalem, Conference on Moral Uncertainty  
Presented *Criminal Law and the Limits of Government*
- 2011 Duke Law School, the *Law & Contemporary Problems* Symposium “Adjudicating Guilty  
Mind”  
Presented *Corrupt Intentions: An Essay On Bribery, Unlawful Gratuity, and Honest-Services  
Fraud* (see Articles)
- 2011 University of Connecticut Law School, Conference on Actuarial Litigation  
Commentator
- 2010 Tel-Aviv University Faculty of Law  
Delivered the Second Annual Taubenschlag Lecture on *Criminal Law and the Limits of  
Government*

- 2010 Bar-Ilan University Faculty of Law, Faculty Seminar  
Presented *The Flawed Probabilistic Foundation of Law & Economics* (see Articles)
- 2010 Harvard Law School, Law & Economics Workshop  
Presented *The Distortionary Effect of Evidence on Primary Behavior* (see Articles)
- 2010 Chicago Law School, Law & Economics Workshop  
Presented *The Distortionary Effect of Evidence on Primary Behavior* (see Articles)
- 2010 The Twentieth Annual Meeting of the American Law & Economics Association, Princeton University  
Presented *The Flawed Probabilistic Foundation of Law & Economics* (see Articles)  
Presented *The Distortionary Effect of Evidence on Primary Behavior* (see Articles)
- 2010 The Kauffman Foundation Summer Legal Institute, Dana Point, California  
Presented *Torts vs. Growth*
- 2010 Benjamin N. Cardozo School of Law, Faculty Workshop  
Presented *The Distortionary Effect of Evidence on Primary Behavior* (see Articles)
- 2010 Albert Einstein College of Medicine, Yeshiva University  
Presented *Toward a Theory of Medical Malpractice* (see Articles)
- 2009 The Hebrew University of Jerusalem Conference in Honor of Professor Eliahu Harnon  
Presented *Recent Trends in American Evidence Law*
- 2009 Ono Academic College of Law, Israel, Faculty Seminar  
Presented *The Flawed Probabilistic Foundation of Law & Economics* (see Articles)
- 2009 The Kauffman Foundation Summer Legal Institute, Dana Point, California  
Participated in a roundtable discussion on *Law, Innovation and Growth*
- 2009 The Nineteenth Annual Meeting of the American Law & Economics Association, University of San Diego School of Law  
Presented *Reconceptualizing Trespass* (see Articles)
- 2009 Virginia Law School, Faculty Workshop  
Presented *Reconceptualizing Trespass* (see Articles)
- 2008 Yale Law School, Conference in Honor of Mirjan Damaška  
Presented *Bentham, Damaška, and the Epistemic Authority of Courts*
- 2008 University of Southern California School of Law, Center of Law, Economics and Organization Workshop  
Presented *Torts and Innovation* (see Articles)
- 2008 Yale Law School, Faculty Workshop  
Presented *Torts and Innovation* (see Articles)

- 2008 The Kauffman Foundation Conference on Law & Innovation, Dana Point, California  
Presented *Torts and Innovation* (see Articles)
- 2008 Dartmouth College, Conference on Law and Evidence organized by the Dartmouth College  
Philosophy Department & *Episteme, A Journal of Social Epistemology*  
Presented *The Epistemic Authority of Courts* (see Articles)
- 2008 University of Southern California School of Law, Conference on Law, Economics and  
Neuroscience  
Presented *Economizing Neuroscience: Comments on Mark Dean, et al, Measuring Beliefs  
and Utilities: A Neuroeconomic Approach*
- 2008 Benjamin N. Cardozo School of Law, The Cardozo Law Review Symposium on The Future  
of Self-Incrimination: Fifth Amendment, Confessions, and Guilty Pleas  
Presented *The Right to Silence Helps the Innocent: A Response to Critics* (see Articles)
- 2008 Benjamin N. Cardozo School of Law, Faculty Workshop  
Presented *Torts and Innovation* (see Articles)
- 2007 Yale Law School, Faculty Workshop  
Presented *Constitutional Evidence Law* (see Articles)
- 2007 University of Minnesota Law School, Institute for Law and Rationality  
Presented *Mediating Rules in Criminal Law* (see Articles)
- 2006 Conference on the Behavioral Law & Economics' Challenge to the Classical Liberal  
Program  
New York University Journal of Law & Liberty, New York University School of Law  
Presented *A Liberal Challenge to Behavioral Economics: The Case of Probability* (see  
Articles)
- 2006 The Sixteenth Annual Meeting of the American Law & Economics Association, University  
of California at Berkeley School of Law  
Presented *Ambiguity Aversion and the Criminal Process* (see Articles)
- 2006 Hebrew University of Jerusalem Faculty of Law, Conference on *Foundations of Evidence  
Law* (see Books)
- 2006 University of Texas School of Law, Law & Economics workshop  
Presented *Ambiguity Aversion and the Criminal Process* (see Articles)
- 2006 University of Connecticut School of Law, Faculty Workshop  
Presented *Ambiguity Aversion and the Criminal Process* (see Articles)
- 2006 Hebrew University of Jerusalem Faculty of Law, Symposium on Evidence and Procedure  
Presented *Ambiguity Aversion and the Criminal Process* (see Articles)
- 2006 Bar-Ilan University Faculty of Law, Law & Economics workshop  
Presented *Ambiguity Aversion and the Criminal Process* (see Articles)

- 2005 University of Pennsylvania School of Law, Institute for Law & Philosophy  
Participated in a roundtable symposium on *Risk* (discussing, inter alia, Ariel Porat & Alex Stein, TORT LIABILITY UNDER UNCERTAINTY, Oxford University Press, 2001)
- 2004 University of Chicago School of Law, John M. Olin Workshop in Law & Economics  
Presented *Overenforcement* (see Articles)
- 2004 University of Pennsylvania School of Law, Conference on Conflict of Interests  
Presented *Does Scholarship Involve Agency Problems? A Comment on Steven Sugarman's Paper*
- 2004 Benjamin N. Cardozo School of Law, Faculty Workshop  
Presented *Understanding the Law of Evidence through Paradoxes of Rational Belief* (Chapter 3 of Alex Stein, FOUNDATIONS OF EVIDENCE LAW, Oxford University Press, 2005)
- 2003 Benjamin N. Cardozo School of Law, Faculty Workshop  
Presented *Indeterminate Causation and Apportionment of Damages: An Essay on Holtby, Allen and Fairchild* (see Articles)
- 2002 University of Pennsylvania School of Law, John M. Olin Workshop in Law & Economics  
Presented *Indeterminate Causation and Apportionment of Damages: An Essay on Holtby, Allen and Fairchild* (see Articles)
- 2002 Fordham University School of Law, Faculty Workshop  
Presented *Indeterminate Causation and Apportionment of Damages: An Essay on Holtby, Allen and Fairchild* (see Articles)
- 2001 Bar-Ilan University Faculty of Law, Faculty Seminar  
Presented *The Evidential Damage Doctrine: A Positive Analysis of the Law* (see Articles)
- 2001 Tel-Aviv University Faculty of Law & Business School Seminars on Law & Economics  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 2000 University of California at Berkeley School of Law, John M. Olin Workshop in Law & Economics  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 2000 Columbia Law School, Faculty Workshop  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 2000 Fordham University School of Law, Faculty Workshop  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)

- 2000 Benjamin N. Cardozo School of Law, Faculty Workshop  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 2000 University of Connecticut School of Law, Faculty Workshop  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 2000 Hebrew University of Jerusalem Faculty of Law, Faculty Seminar  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 1999 Nottingham University Seminars on Criminal Justice  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 1999 Second World Conference on Evidence and Fact-Finding in Litigation, Amsterdam, Holland  
Presented *The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege* (see Articles)
- 1999 Conference on the New Corporate Law and Securities Class Actions, Hebrew University of Jerusalem  
Presented *The Class Action Agency Problem* (part of *Auctioning for Loyalty: Selection and Monitoring of Class Counsel*, see Articles)
- 1998 Conference on Legal Theory, Federalism Institute, Freiburg, Switzerland  
Presented *Theory vs. Pragmatism*
- 1998 Hebrew University of Jerusalem Faculty of Law, Faculty Seminar  
Presented *The Evidential Damage Doctrine: A Positive Analysis of the Law* (see Articles)
- 1997 University of Pennsylvania School of Law, Faculty Workshop  
Presented *An Essay on Uncertainty and Fact-Finding in Civil Litigation, with Special Reference to Contract Cases* (see Articles)
- 1997 Benjamin N. Cardozo School of Law, Faculty Workshop  
Presented *An Essay on Uncertainty and Fact-Finding in Civil Litigation, with Special Reference to Contract Cases* (see Articles)
- 1996 Israel Supreme Court, Anglo-Israeli Academics and Judges Symposium  
Presented *Admissibility of Confessions*
- 1996 Keynote Speaker at the Academic Year Opening Ceremony, Hebrew University of Jerusalem Faculty of Law  
Presented *Theory and Fortuity in Judicial Reasoning* (see Articles)
- 1995 Levin College of Law, University of Florida, Gainesville, Faculty Workshop  
Presented *The Refoundation of Evidence Law* (see Articles)



- 1995 International Seminar on Evidence and Inference in Litigation, Benjamin N. Cardozo School of Law  
Presented *The Refoundation of Evidence Law* (see Articles)
- 1994 Law Academy, Moscow, Russia  
Delivered a series of lectures in Russian: *Overviewing the Common Law Systems of Adjudication*
- 1993 International Conference on the Rights of the Accused, Crime Control and Protection of Victims, Hebrew University of Jerusalem  
Presented *Against Free Proof* (see Articles)
- 1992 Annual Conference, International Association of Penal Law, Vancouver, Canada  
Presented *On the Unbearable Lightness of "Weight"* (part of *The Refoundation of Evidence Law*, see Articles)  
Presented *Procedure and Evidence in Terrorist Trials*
- 1991 Annual Conference, International Association of Penal Law, Toledo, Spain  
Presented *Reform Movements in Criminal Procedure and the Protection of Human Rights in Israel* (with Eliahu Harmon) (see Articles)
- 1991 Conference on the Erosion of the Hearsay Rule and Rights of the Accused, Hebrew University of Jerusalem  
Presented *Hearsay Statements as Evidence in Criminal Trials: Is and Ought* (see Articles)
- 1990 Anglo-Russian Conference on Criminal Law, University College London  
Presented *Criminal Defences and the Burden of Proof* (see Articles)

**PEER REVIEW**

Harvard Law Review	Journal of Legal Studies	Journal of Moral Philosophy
Yale Law Journal	University of Chicago Law Review	Law & Philosophy
International Journal of Evidence & Proof	Law, Probability & Risk	Legal Theory
International Review of Law & Economics	Journal of Law, Economics & Organization	<i>MISHPATIM</i> : Hebrew University Law Review
University of Toronto Law Journal	Oxford University Press	<i>YIUNEY MISHPAT</i> : Tel-Aviv University Law Review
Journal of Law, Medicine and Ethics	New Criminal Law Review	Public Choice
International Commentary on Evidence	Jurimetrics	Pace University Law School, Goetel Prize for Outstanding Scholarship – referee
Israel Law Review		

**AMICUS BRIEFS, EXPERT OPINION & TESTIMONY**

Tax App. 26342-01-16, Center District Court, Lod, Broadcom Semiconductors Israel Ltd. v. Tax Officer, K'far Saba, ISRAEL (2017) (expert opinion on American law)

Mister Money Israel (1977) Ltd., et al. v. Abraham Leibowitz, Kings County Index No. 11533/2000, Kings Country Court, New York, NY (2017) (expert opinion on Israeli law)

Ontario Superior Court of Justice, Canada, Crosslink Technology Inc. v. BASF Canada, et al. (2017) (expert opinion on American law)

Court of Appeals of Santiago, Chile & Supreme Court of Justice, Chile, Aquavant v. Ormat Andina Energia Limitada, et al. (2017) (expert opinion on Israeli law)

United States Supreme Court, No. 15-488 Ortiz v. U.S. ex rel. Evans Army Community Hospital (2015) (amicus brief on medical malpractice and FTCA) (with Dov Fox)

Tax App. 35054-03-13, District Court of Tel-Aviv-Jaffa, ISRAEL (2015) (expert opinion on American law)

Civ. Case 37967-10-10, District Court of Tel-Aviv-Jaffa, ISRAEL (2015) (expert opinion on Israeli law)

06-cv-702, U.S. District Court, E.D.N.Y., In the matter of Strauss v. Credit Lyonnais, S.A. (2010) (expert opinion on Israeli law)

08-cv-375, U.S. District Court, E.D.N.Y., Goldberg et al v. UBS AG, 660 F.Supp.2d 410 (2009) (expert opinion on Israeli law)

03-C-108, Circuit Court of the Raleigh County, W. VA., United Bank as Executor and Trustee of the Estate of Meyer (Max) Lewin v. Summert, et al. (2006) (expert opinion on Israeli law)

03-cv-5562, U.S. District Court, S.D.N.Y., JSC Foreign Economic Ass'n TECHNOSTROYEXPORT v. International Development & Trade Services, Inc., et al. (2005) (expert opinion on Israeli law)

H<sup>2</sup>D 12/05, Tel-Aviv SHALOM Court, ISRAEL, United States Judicial Authority Foreign Economic Ass'n TECHNOSTROYEXPORT v. Schein, et al. (2005) (expert opinion on intersections of American and Israeli law)

### **OTHER PROFESSIONAL ENGAGEMENTS**

Member, Editorial Board, *International Journal of Evidence & Proof* (2000-)  
<http://www.vathek.com/ijep/index.shtml>

Faculty Advisor, *Cardozo Law Review Symposium on the Future of Self-Incrimination: Fifth Amendment, Confessions, and Guilty Pleas* (2008)

Member, *Revision Committee*, Israel Bar (2000-2003)

Founding Editor & Member of the Editorial Board, *Theoretical Inquiries in Law* (1999-2002)  
<http://www.tau.ac.il/law/ceglajournal.htm>  
<http://www.bepress.com/til>

Co-Chairperson, *International Conference on Contemporary Legal Scholarship: Achievements and Prospects*, Tel-Aviv University Faculty of Law, 1999, published in 2:1 *Theoretical Inquiries in Law* (2001)

Guest Editor of 31:1-3 *Israel Law Review* – special volume containing papers presented at the *International Conference on the Rights of the Accused, Crime Control and Protection of Victims*, Hebrew University of Jerusalem (1997)  
<http://law.mscc.huji.ac.il/law1/ilr/Default.htm>

Member, Advisory Board, *International Journal of Evidence & Proof* (1996-2000)

Organizing Committee, *International Conference on the Rights of the Accused, Crime Control and Protection of Victims*, Hebrew University of Jerusalem (1993)

*Institute for Advanced Judicial Studies*, Israel (lectured to judges on various legal issues between 1992 and 2004)

Member, *Law Commission for the Review of the Law of Criminal Procedure*, Ministry of Justice, Israel (1992-2003)

Chairperson, *Conference on the Erosion of the Hearsay Rule and Rights of the Accused*, Hebrew University of Jerusalem (1991)

Arbitrator, *Israel Chess Federation* (1985-1987)

Member, Editorial Board, *MISHPATIM*, Hebrew University Law Review (1984-1985)  
<http://law.mssc.huji.ac.il/law1/newsite/hebrew.html>

### **COMMUNITY SERVICE**

Co-founder of the Israeli Indigent Criminal Defense Association (prior to the establishment of the Public Defender's Office) (1991-94)

Association for Civil Rights in Israel, Pro Bono Advisor on Criminal Defense (1984-87)

Pro bono representation of the Black Hebrew Israelites residing in Dimona, Israel, in their Supreme Court petition against deportation (1986)

**LANGUAGES:** English, Hebrew, and Russian

**HOBBIES:** Chess. Chess Master, played professionally 1964-1982  
Soccer. Played in amateur teams