

## **CURRICULUM VITAE**

### **Alex Stein**

Professor of Law  
Brooklyn Law School  
250 Joralemon Street  
Brooklyn, New York, 11201

Tel: 718-780-0615

Cell: 203-479-2368

E-mail: alex.stein@brooklaw.edu

alex@professoralexstein.com

Website: www.professoralexstein.com

### **PERMANENT APPOINTMENTS**

- Fall 2016- Professor of Law, Brooklyn Law School  
Teaching as of Spring 2017: Torts  
Evidence  
Medical Malpractice
- 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* \_\_\_\_.

2017 Empowering Individual Plaintiffs, 102 *Cornell Law Review* \_\_\_\_ (with Gideon Parchomovsky)

2016 Abortion, Informed Consent, and Regulatory Spillover, 92 *Indiana Law Journal* \_\_\_\_ (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
- 2016 Behavioral Probability, in *Research Handbook on Behavioral Law and Economics* \_\_\_\_ (Joshua C. Teitelbaum & Kathryn Zeiler, eds.) (Edward Elgar Publishing)
- 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)

- 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**

- 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://washingtosexaminer.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://washingtosexaminer.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**

*Fixing the Federal Law of Medical Malpractice*

*Second-Personal Evidence*

MEDICAL MALPRACTICE (treatise in progress)

#### **ACADEMIC PRESENTATIONS**

- 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 Distortory Effect of Evidence on Primary Behavior* (see Articles)
- 2010 Chicago Law School, Law & Economics Workshop  
Presented *The Distortory 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 Distortory 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 Distortory 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 Harnon) (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	Israel Law Review
International Commentary on Evidence	Journal of Moral Philosophy	New Criminal Law Review
International Journal of Evidence & Proof	Law, Probability & Risk	University of Chicago Law Review
International Review of Law & Economics	Legal Theory	<i>MISHPATIM</i> : Hebrew University Law Review
Journal of Law, Economics & Organization	Oxford University Press	<i>YIUNEY MISHPAT</i> : Tel-Aviv University Law Review
Journal of Law, Medicine and Ethics	Law & Philosophy	Public Choice
University of Toronto Law Journal	Jurimetrics	Pace University Law School, Goetel Prize for Outstanding Scholarship – referee

**AMICUS BRIEFS, EXPERT OPINION & TESTIMONY**

Amicus brief for the United States Supreme Court, No. 15-488 *Ortiz v. U.S. ex rel. Evans Army Community Hospital* (with Dov Fox) (2015)

Tax App. 35054-03-13, District Court of Tel-Aviv-Jaffa, ISRAEL (2015)

Civ. Case 37967-10-10, District Court of Tel-Aviv-Jaffa, ISRAEL (2015)

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

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

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)

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)

H<sup>o</sup>D 12/05, Tel-Aviv SHALOM Court, ISRAEL, *United States Judicial Authority Foreign Economic Ass'n TECHNOSTROYEXPORT v. Schein, et al.* (2005)

## 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.mscc.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