

# Shay Lavie

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CONTACT INFORMATION	Faculty of Law, Tel Aviv University, Israel	snlavie@tauex.tau.ac.il
TEACHING & RESEARCH INTERESTS	Civil Procedure; Class Actions & Complex Litigation; Law & Economics; Game Theory; Empirical Methods; Public versus Private Enforcement; Judicial Decision Making	
ACADEMIC APPOINTMENTS	<b>Tel-Aviv University, Buchmann Faculty of Law</b> , Assistant Professor (Spring 2013–present; tenured since Spring 2018) <i>Courses:</i> *Civil Procedure; Law & Economics; Empirical Methods; *Class Actions; *Class Action Clinic; *Law & Economics Workshop; Economics of Litigation; *Regulation through Litigation (Seminar); Procedures; Empirical Legal Studies Workshop Current courses are represented with *. <b>Cornell Law School</b> , Visiting Professor (Fall 2017) <i>Course:</i> Class Actions	
EDUCATION	<b>Tel Aviv University, School of Mathematical Sciences</b> , B.Sc, Data Science (Expected 2029) <b>Harvard Law School</b> , S.J.D. (Awarded 2012) <i>Dissertation Topic:</i> Collectivized Litigation (supervised by David Rosenberg, Kathryn Spier, Louis Kaplow) <b>Columbia Law School</b> , LL.M., <i>Harlan Fiske Stone Scholar</i> for Academic Excellence (Awarded 2007) <i>LL.M. Paper:</i> Judicial Sunk Cost Bias (supervised by Edward Morrison) <b>Hebrew University of Jerusalem, Faculty of Law</b> , LL.B. <i>Magna Cum Laude</i> , Dual Degree Program in Law and Communications (Awarded 2005)	
SELECTED GRANTS AND FELLOWSHIPS	ISRAEL SCIENCE FOUNDATION, a grant for <i>Settlement Signals and Bargaining Procedures</i> (2016–2018) (Collaborator; Primary Investigator—Avraham Tabbach) ISRAEL SCIENCE FOUNDATION, a grant for <i>Piecemeal Adjudication</i> (2015–2018) (Primary Investigator; Collaborator—Yuval Feldman) HARVARD LAW SCHOOL, Clark Byse Fellowship: Teaching the non-credit seminar <i>Regulation through Litigation</i> (2011–2012) ISEF FOUNDATION (2009–2012)	
PUBLICATIONS	<i>Winner Pays: An Alternative Method to Public Funding</i> , 25 THEORETICAL INQUIRIES IN LAW (forthcoming 2024) (co-authored with Ronen Avraham), [link] <i>Stepwise Liability: Between the Preponderance Rule and Proportional Liability</i> , 27 INTERNATIONAL JOURNAL OF EVIDENCE AND PROOF 279 (2023), [link] <i>The Promise of Bargaining Protocols</i> , 15 JOURNAL OF LEGAL ANALYSIS 79 (2023) (co-authored with Avraham Tabbach), [link] – A podcast discussing the paper available at the following <a href="#">link</a> (in Hebrew) <i>Judgment-Contingent Penalties: Signaling in Negative Expected-Value Suits</i> , 52 JOURNAL OF LEGAL STUDIES 193 (2023) (co-authored with Avraham Tabbach), [link] <i>Class Actions and the Regulatory State—Lessons from Israel</i> , in CAMBRIDGE INTERNATIONAL HANDBOOK OF CLASS ACTIONS 503 (Brian Fitzpatrick & Randall Thomas, eds.) (Cambridge University Press, 2021), [link] – Featured in LEGAL THEORY BLOG (February 24, 2020), [link]	

- Those who tan and those who don't: A natural experiment on colorism*, 15 PLOS ONE (2020) (co-authored with Tamar Kricheli-Katz, Tali Regev, Haggai Porat, and Ronen Avraham), [link]
- Judgment-Contingent Settlements*, 36 JOURNAL OF LAW, ECONOMICS, & ORGANIZATION 170 (2020) (co-authored with Avraham Tabbach), [link]
- Adjusting Legal Standards*, 49 EUROPEAN JOURNAL OF LAW & ECONOMICS 33 (2020) (co-authored with Tal Ganor and Yuval Feldman), [link]  
 – Featured in LEGAL THEORY BLOG (August 28, 2019), [link]
- Quotas*, 34 JOURNAL OF LAW & POLITICS 21 (2018), [link]  
 – Selected for presentation at the STANFORD INT’L JUNIOR FACULTY FORUM
- Torts for Non-Victims: The Case for Third Party Litigation*, 2018 UNIVERSITY OF ILLINOIS LAW REVIEW 1049 (2018) (co-authored with Ehud Guttel and Alon Harel), [link]
- Litigation Signals*, 58 SANTA CLARA LAW REVIEW 1 (2018) (co-authored with Avraham Tabbach) (leading article), [link]
- Tiered Certification*, 19 THEORETICAL INQUIRIES IN LAW 69 (2018) (Guest Editors: Alon Klement, Shay Lavie), [link]
- Discretionary Review and Undesired Cases*, 44 EUROPEAN JOURNAL OF LAW & ECONOMICS 265 (2017), [link]
- Appellate Courts and Caseload Pressure*, 27 STANFORD LAW & POLICY REVIEW 57 (2016), [link]  
 – Response by Hon. Jon O. Newman, 28 STANFORD LAW & POLICY REVIEW ONLINE 21 (2017), [link]  
 – Reviewed in SIXTH CIRCUIT APPELLATE BLOG (April 5, 2017), [link]  
 – Featured in LAW360 (Jan. 24, 2017), [link]
- Are Judges Tied to the Past? Evidence from Jurisdiction Cases*, 43 HOFSTRA LAW REVIEW 337 (2014), [link]  
 – Reprinted in the 2015 ROMANIAN JUDGES’ FORUM REVIEW
- The Malleability of Collective Litigation*, 88 NOTRE DAME LAW REVIEW 697 (2013), [link]
- Reverse Sampling: Holding Lotteries to Allocate the Proceeds of Small-Claims Class Actions*, 79 GEORGE WASHINGTON LAW REVIEW 1065 (2011), [link]

PUBLICATIONS  
IN HEBREW

- Fifty Shades of Donation: Class Actions in Light of the Cy Pres Problem*, TEL AVIV UNIVERSITY LAW REVIEW ONLINE FORUM (forthcoming 2024) (in Hebrew)
- Wheel of Fortune: Distributing Class Action Funds*, 40 TEL AVIV UNIVERSITY LAW REVIEW 321 (2017) (in Hebrew), [link]
- On Interlocutory Appeals, Subject-Matter Jurisdiction, and Judicial Sunk Costs*, 19 IDC LAW REVIEW 627 (2016) (in Hebrew), [link]
- Judicial Directives: Normative and Empirical Assessment*, 34 TEL AVIV UNIVERSITY LAW REVIEW 437 (2011) (in Hebrew) (co-authored with Liav Orgad), [link]

SHORTER  
ESSAYS

- Asymmetric Information in Litigation, in ENCYCLOPEDIA OF LAW AND ECONOMICS (Alain Marciano and Giovanni Battista Ramello eds., Springer) (2d ed., 2021)

SELECTED  
PRESENTATIONS  
(LAST 5 YEARS)

- Regulation by Rivals* (co-authored with Roy Shapira)  
 • Siena–Toronto–Tel Aviv Workshop on Law & Economics (June 2024)
- Winner Pays: An Alternative Method to Public Funding* (co-authored with Ronen Avraham)  
 • Tel Aviv Law School, Faculty Seminar (June 2024)
- Bargaining with the Judge to Facilitate Settlements* (and previous titles) (co-authored with Avraham Tabbach)  
 • American Law and Economics Association Annual Conference (May 2024)

- International Meeting in Law & Economics (April 2024)
- Hebrew University, Law and Economics Workshop (February 2024)

*The Promise of Bargaining Protocols* (and previous titles) (co-authored with Avraham Tabbach)

- Tel Aviv's Reason and Decision Forum, Annual Retreat (February 2023)
- American Law and Economics Association Annual Conference (August 2022)

*Stepwise Rules* (and previous titles)

- Economic Analysis of Evidence Law Workshop (May 2022)
- Annual American Civil Procedure Workshop (May 2022)

*Judgment-Contingent Penalties: Signaling in Negative Expected-Value Suits* (and previous titles) (co-authored with Avraham Tabbach)

- Law and Economic Theory Conference (December 2021)
- American Law and Economics Association Annual Conference (October 2021)
- International Meeting in Law & Economics (May 2021)
- European Law and Economics Association Annual Conference (September 2020)

*Those Who Tan and Those Who Don't: A Natural Experiment of Employment Discrimination* (co-authored with Tamar Kricheli-Katz, Tali Regev, Haggai Porat, and Ronen Avraham)

- Empirical Legal Studies Workshop, Freie Universität Berlin (December 2019)

*Class Actions and the Regulatory State—Lessons from Israel*

- International Class Actions Conference, Vanderbilt Law School (August 2019)

PRACTICAL  
EXPERIENCE

Cohen Milstein Sellers & Toll PLLC, New York, Summer Associate (Summer and Fall 2012)

Sanford, Wittels & Heisler, LLP, New York, Summer Associate (Summer 2009)

Amit, Pollak, Matalon and Co., Law Offices, Tel Aviv, Summer Associate (Summer 2008)

Magistrate Judge Michael H. Dolinger, Southern District of New York, Extern (Spring 2007)

Chief Justice Aharon Barak, Supreme Court of Israel, Jerusalem, Israel, Law Clerk (2005–2006)

ACADEMIC  
ACTIVITIES  
AND  
ADDITIONAL  
INFORMATION

*Reviewer (selected journals)*

- *Journal of Law, Economics, & Organization*
- *Journal of Legal Studies*
- *Journal of Theoretical and Institutional Economics*
- *International Review of Law & Economics*
- *Review of Law & Economics*
- *European Journal of Law and Economics*
- Israel Science Foundation
- *Hebrew University of Jerusalem Law Review*
- *Tel Aviv University Law Review*

*Organizing and Editing (selected conferences)*

- Member of the Organizing Committee for the Israeli Association of Law & Economics Annual Conference (Jerusalem, June 2024).
- Member of the Local Organizing Committee for the European Association of Law & Economics Annual Conference (Tel Aviv, September 2019).
- Co-organized the conference “Fifty Years of Class Actions—A Global Perspective” (January 2017) (together with Samuel Issacharoff and Alon Klement) and co-edited a volume of the *Theoretical Inquiries in Law* devoted to the conference papers.

*Faculty Committees*

- Served in various faculty committees including Admission and Graduate Committees.

*Other University Activities*

- Vice Commissioner and Commissioner for Disciplinary Affairs (2020-2023, 2024).

*Bar Admissions*

- New York (2008); Israel (2006)