

# Shay Lavie

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| CONTACT INFORMATION             | Faculty of Law, Tel Aviv University<br>Tel Aviv, Israel 69978  | (972) 3-6409146<br>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)<br><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<br><b>Cornell Law School</b> , Visiting Professor (Fall 2017)<br><i>Course:</i> Class Actions<br><b>Harvard University</b> , Byse Fellow and Teaching Fellow<br><i>Byse Fellow:</i> Teaching the non-credit seminar <i>Regulation through Litigation</i> (Harvard Law School, Spring 2012)<br><i>Teaching Fellow:</i> Empirical Methods II (Kennedy School of Government, Spring 2010) |  |
| EDUCATION                       | <b>Harvard Law School</b> , S.J.D. (Awarded 2012)<br><i>Dissertation Topic:</i> Collectivized Litigation (supervised by David Rosenberg, Kathryn Spier, Louis Kaplow)<br><b>Columbia Law School</b> , LL.M., <i>Harlan Fiske Stone Scholar</i> for Academic Excellence (Awarded 2007)<br><i>LL.M. Paper:</i> Judicial Sunk Cost Bias (supervised by Edward Morrison)<br><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)<br>ISRAEL SCIENCE FOUNDATION, a grant for <i>Piecemeal Adjudication</i> (2015–2018) (Primary Investigator; Collaborator—Yuval Feldman)<br>HARVARD LAW SCHOOL, Clark Byse Fellowship (2011–2012)<br>HARVARD LAW SCHOOL, Summer Academic Fellowship (2011, 2010)<br>ISEF FOUNDATION (2009–2012)<br>HEBREW UNIVERSITY–COLUMBIA LAW SCHOOL, LL.M. Fellowship (full tuition and expenses) (2006–2007)   |  |
| PUBLICATIONS                    | <i>Judgment-Contingent Penalties: Signaling in Negative Expected-Value Suits</i> , JOURNAL OF LEGAL STUDIES (2022, forthcoming) (co-authored with Avraham Tabbach)<br><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]<br>– Featured in LEGAL THEORY BLOG (February 24, 2020), [link]<br><i>Those who tan and those who don't: A natural experiment on colorism</i> , 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

- 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,  
WORKING  
PAPERS, AND  
RESEARCH IN  
PROGRESS

- Asymmetric Information in Litigation, in ENCYCLOPEDIA OF LAW AND ECONOMICS (Alain Marciano and Giovanni Battista Ramello eds., Springer) (2d ed., 2021)
- Stepwise Liability
- Settlement without Negotiation: The Promise of Bargaining Protocols (co-authored with Avraham Tabbach)
- Separating Reasoning from Decision-making in the Israeli Supreme Court (co-authored with Liav Orgad and Guy Raveh) (in Hebrew)

SELECTED  
PRESENTATIONS

- Stepwise Liability*
- Italian Society of Law and Economics Annual Conference (December 2021)
- 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)
- Hebrew University, Law and Economics Workshop (December 2019)

*Litigation Signals* (co-authored with Avraham Tabbach)

- Reason and Decision Forum, Tel Aviv University (December 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)
- European Law and Economics Association Annual Conference (September 2019)
- Bar Ilan University, Empirical Legal Studies Workshop (June 2019)
- Israeli Law and Economics Association Annual Conference (December 2018)

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

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

*Separating Reasoning from Decision-making in the Israeli Supreme Court* (co-authored with Liav Orgad and Guy Raveh)

- Workshop on Empirical Study of Public Law and Human Rights, Hebrew University of Jerusalem (June 2019)

*Judgment Contingent Settlements* (co-authored with Avraham Tabbach)

- Strategy Seminar, Collier School of Management at Tel Aviv University (November 2018)
- American Law and Economics Association Annual Conference (May 2018)
- Workshop on Law and Economics, Stony Brook Center for Game Theory (July 2016)
- Society for Institutional & Organizational Economics Annual Conference (June 2016)
- European Law and Economics Association Annual Conference (September 2015)

*Settlement without Negotiation: The Promise of Bargaining Protocols* (co-authored with Avraham Tabbach)

- Annual American Civil Procedure Workshop (November 2018)
- European Law and Economics Association Annual Conference (September 2018)
- Economic Analysis of Litigation Workshop, Bucerius Law School Hamburg (June 2018)
- Faculty Seminar, the IDC Herzliya School of Law (May 2018)
- Texas Law School, Law, Business, and Economics Workshop (February 2018)

*Adjusting Legal Standards* (and previous titles) (co-authored with Tal Ganor and Yuval Feldman)

- Conference on Empirical Legal Studies in Europe (June 2018)
- Italian Society of Law and Economics Annual Conference (December 2016)

*Efficient Market Judgments: The Case for Class Actions*

- GIF Young Scientists' Meeting—Legal Rules for the Digital Economy (February 2018)

*Torts for Non-Victims: The Case for Third Party Litigation* (and previous titles) (co-authored with Ehud Guttel and Alon Harel)

- Canadian Law and Economics Association Annual Conference (September 2017)
- Bar-Ilan University, Faculty Workshop (May 2017)
- Israeli Law and Economics Association Annual Conference (March 2017)

*Litigation Signals* (co-authored with Avraham Tabbach)

- Tel Aviv University Faculty Workshop (June 2017)
- Junior Faculty Federal Courts Workshop (March 2017)

*Quotas* (and previous titles)

- Cornell Law School, Faculty Seminar (September 2017)
- Stanford International Junior Faculty Forum (October 2015)
- Annual American Civil Procedure Workshop (July 2015)
- American Law and Economics Association Annual Conference (May 2015)
- Renmin University International Virtual Workshop (May 2015)

*Discretionary Review and Undesired Cases: Lessons for Institutional Design*

- Hebrew University, Private Law Workshop (May 2014)
- American Law and Economics Association Annual Conference (May 2012)

- Peking University School of Transnational Law (February 2012)
- Canadian Law and Economics Association Annual Conference (September 2011)

*Are Judges Tied to the Past? Evidence from Jurisdiction Cases* (and previous titles)

- Tel Aviv University, Law and Economics Workshop (March 2014)
- Law & Business Symposium, IDC Herzliya (March 2014)
- American Law and Economics Association Annual Conference (May 2010)
- Hebrew University, Law and Economics Workshop (January 2010)
- Canadian Law and Economics Association Annual Conference (October 2009)

*Appellate Courts and Caseload Pressure* (and previous titles)

- European Law and Economics Association Annual Conference (September 2013)
- Cornell–Tel Aviv Conference on Empirical Legal Studies (May 2013)
- Conference on Empirical Legal Studies (November 2011)

*The Malleability of Collective Litigation*

- Junior Faculty Federal Courts Workshop (February 2012)
- Tel Aviv University Faculty of Law, Faculty Workshop (January 2012)
- Bar Ilan University Faculty of Law, Faculty Workshop (December 2011)
- Haifa University Faculty of Law, Faculty Workshop (December 2011)
- Hebrew University Faculty of Law, Faculty Workshop (December 2011)
- Harvard Law School, Law and Economics Seminar (October 2011)

*Reverse Sampling: A Simple Proposal to Allocate the Proceeds of Low-Value Class Actions*

- Israeli Law and Economics Association Annual Conference (June 2010)

*Class Actions Venture Funds* (co-authored with Michael Sabin)

- Harvard Law School, Law and Economics Seminar (March 2007)

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)  
 Magistrate Court, Jerusalem, Volunteer (2003–2004)

OTHER  
ACADEMIC  
ACTIVITIES

*Reviewer*

- *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*; *Behavioural Public Policy*; Israel Science Foundation; European Association of Law & Economics Annual Conference; and several journals in Hebrew including *Hebrew University of Jerusalem Law Review* and *Tel Aviv University Law Review*.

*Organizing and Editing*

- 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, Graduate Studies, LL.M., Library, and Information Technology Committees.

*Other University Activities*

- Vice Commissioner for Disciplinary Affairs.

ADDITIONAL  
INFORMATION

*Coursework on Empirical Methods*

- Advanced Quantitative Research Methodology, Harvard University Dep’t. of Government (Spring 2011)
- Empirical Methods I & II, Harvard University Kennedy School of Government (Fall 2008, Spring 2009)

*Coursework on Microeconomics and Mathematics*

- Set Theory, School of Mathematical Sciences, Tel Aviv University (Fall 2019)
- Non-cooperative Games, School of Mathematical Sciences, Tel Aviv University (Fall 2016)
- Advanced Mathematics for Economists, Berglas School of Economics, Tel Aviv University (Spring 2016)
- Contracts & Organizations, Harvard University Dep't. of Economics (Fall 2010)
- Microeconomic Theory I & II, Harvard University Kennedy School of Government (Fall 2008, Spring 2009)

*Computing Skills*

- L<sup>A</sup>T<sub>E</sub>X,  $\mathbb{R}$ , Stata, *Mathematica*

*Bar Admissions*

- New York (2008); Israel (2006)

*Other Experience*

- Multimedia Center, Hebrew University: technician and film producer (2003–2005)
- Abramson & Co. Law Offices, Jerusalem, Israel: law librarian (2002–2003)
- Israel Defense Forces: staff sergeant (1997–2000)