

Prof. Talia Fisher
Tel Aviv University Faculty of Law
Curriculum Vitae

Prof. Talia Fisher
Tel Aviv University Faculty of Law
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CURRICULUM VITAE

CURRENT POSITION

Full Professor (2015), Tel Aviv University Faculty of Law

APPOINTMENTS

University of Toronto Law School, Distinguished Visitor (2017).

Institute for Advanced Legal Studies at Hebrew University, member of research group "The Legitimization of Modern Criminal Law" (2016).

Vice Dean for Research at Faculty of Law Tel Aviv University (2015-2017).

Lab Fellow, Safra Center for Ethics, Harvard University and Visiting Scholar at Harvard Law School (2013-2014)

Member of The Young Israel Academy of Sciences and Humanities (for the years 2012-2017)

Member of the "Global Young Academy" (2012- 2018)

Visiting Scholar, Harvard Law School (2011-2012)

Visiting Professor, University of Toronto Law School (2009)

Director, Taubenschlag Center for Criminal Law, Tel Aviv University Faculty of Law (2009-2013)

Member of Israel Academy of Sciences Junior Faculty Forum (2009-2010)

Tel Aviv University Faculty of Law (2004-present)

EDUCATION

Hebrew University Faculty of Law (2004): Ph.D.

(Dissertation: "The Separation of State and Law")

Hebrew University Faculty of Law (1998): LL.M.

Hebrew University Faculty of Law (1996): LL.B.

ACADEMIC AWARDS

- | | |
|-------------|--|
| 2018 | Fattal Prize for Excellence in Legal Research |
| 2017 | Rector Award for Teaching Excellency |
| 2013 | Selection of article by the Philosopher's Annual as one of ten best articles in philosophy for 2012. |
| 2012 | The Cheshin Award for Young Scholar. |
| 2009 | The Tzeltner Award for Young Scholar. |
| 2008 | Selection of paper for Harvard-Stanford International Junior Faculty Forum |
| 2007 | Selection of paper for Stanford-Yale Junior Faculty Forum |

LIST OF PUBLICATIONS

BOOKS

- TALIA FISHER AND ISSI ROSEN-ZVI (EDS.) PROCEDURES: LAW, SOCIETY, AND CULTURE in Menachem Mautner (series ed.) (2014) (Hebrew).

ARTICLES

- "Procedure in the Age of the Administrative State", **Jerusalem Review of Legal Studies** (forthcoming)

- “Before the Law(yer): Discussion of Injustice in Person”, **Jerusalem Review of Legal Studies** (forthcoming)
- “State Inc.”, **Cornell JLPP** (forthcoming, with Tsilly Dagan)
- “Theoretical Perspectives on Evidence Law”
Tel Aviv University Law Review (2016).
- "He Paid She Paid: Exploiting Israeli Courts' Rulings on Litigation Costs to Explore Gender Biases" (with Tamar Kricheli, Issi Rosen Zvi, Ted Eisenberg)
Journal of Empirical Legal Studies (2016).
- "Sense and Sensitivity: Epistemic and Instrumental Approaches to Statistical Evidence" (with David Enoch)
67 Stanford Law Review 557 (2015).
- "Attorney Fees in a Loser Pays System " (with Theodore Eisenberg and Issi Rosen Zvi) 162 **University of Pennsylvania Law Review** 1619 (2014).
- "Rethinking Settlement" (with Leora Bilsky).
15 Theoretical Inquiries in Law 77 (2014).
- "When Courts Determine Fees in a System with a Loser Pays Norm" (with Ted Eisenberg and Issi Rosen Zvi) 60 **UCLA Law Review** 1452-1492 (2013).
- "Group Decision Making Effects on Appellate Panels: Presiding Justice and Opinion Justice Influence in the Israel Supreme Court" (with Ted Eisenberg and Issi Rosen-Zvi) 19 **Psychology, Public Policy, and Law** 282-296 (2013) .
- "Statistical Evidence, Sensitivity, and the Legal Value of Knowledge" (with David Enoch and Levi Spectre) 40 **Philosophy & Public Affairs** 197-224 (2012). (Chosen by the *Philosopher's Annual* as one of the ten best articles in philosophy for 2012).
- "Conviction without Conviction"
96 Minnesota Law Review pp. 833-885 (2012).
- “Does the Judge Matter? Exploiting Random Assignment on a Court of Last Resort to Assess Judge and Case Selection Effects” (with Ted Eisenberg and Issi Rosen-Zvi)

9 **Journal of Empirical Legal Studies** pp. 246- 290 (2012).

- “Actual Versus Perceived Performance of Judges” (with Ted Eisenberg and Issi Rosen-Zvi)
35 **Seattle University Law Review** pp. 695-727 (2012).
- “The State and the Market- A Parable: On the State’s Commodifying Effects”
(with Tsilly Dagan)
3(2) **Public Reason** pp.44-60 (2012).
- "Constitutionalism and the Criminal Law: Rethinking Criminal Trial Bifurcation"
61 **University of Toronto Law Journal** pp. 811-843 (2012).
- "Rights for Sale" (with Tsilly Dagan)
96 **Minnesota Law Review** pp. 90-141 (2011).
- "A Nuanced Approach to the Privatization Debate"
5 **Law and Ethics of Human Rights** pp. 73-110 (2011).
- "Force and Freedom: Can They Co-exist? Critical Notice: Force and Freedom by Arthur Ripstein".
24 **Canadian Journal of Law and Jurisprudence** pp. 387-403 (2011).
- "Israel’s Supreme Court Appellate Jurisdiction: An Empirical Study" (with Ted Eisenberg and Issi Rosen-Zvi)
96 **Cornell L. Rev.** pp. 693-726 (2011).
- "Separation of Law and State"
43 **University of Michigan Journal of Law Reform** pp. 435-496 (2010).
- “Statistical Punishment”
32 **Tel Aviv University Law Review** pp. 515-583 (2008).
- “Corporatism and Pluralism: On Guy Mundlak’s Book: *Fading Corporatism*”
32 **Iyunei Mishpat** pp. 251-277 (2008) (Book Review)
- “Beyond the Civil and the Criminal: Towards a New Procedural Taxonomy”
(with Issi Rosen Zvi)

38 **Hebrew University Law Review** PP. 489-558 (2008)

- "The Confessional Penalty" (with Issi Rosen Zvi)
30 **Cardozo Law Review** pp. 871- 916 (2008).
(selected for the 2008 Harvard-Stanford International Junior Faculty Forum).
- "The Boundaries Are Dead: Long Live the Boundaries" (with Issi Rosen Zvi)
Virginia Law Review- In Brief (2008).
- "The Privatization of Law"
30 **Tel Aviv University Law Review** pp. 517-573 (2008).
- "Nomos Without Narrative"
Theoretical Inquiries in Law 9 pp. 474-502 (2008).
- "Overcoming Procedural Boundaries" (with Issi Rosen Zvi)
Virginia Law Review 94 pp. 79-156 (2008)
(selected for the 2007 Stanford-Yale Junior Faculty Forum).
- "The Boundaries of Plea Bargaining: Negotiating the Standard of Proof"
The Journal of Criminal Law and Criminology 97 pp. 943-1007 (2007).
- "The Limits of Party Control in the Criminal Procedure"
29 **Tel Aviv University Law Review** pp. 377-449 (2006).
- "The Reciprocal Relation between Mass Lawsuits and Class Actions:
Procedural Aspects". (with Stephen Goldstein)
34 **Hebrew University Law Review** pp.21-38 (2004).

CHAPTERS IN BOOKS

- "Economic Analysis of Alternative Dispute Resolution" in Francesco Parizi (ed.), **OXFORD UNIVERSITY HANDBOOK OF ECONOMIC ANALYSIS OF LAW** (Oxford University Press, 2017).
- "Some are More Equal than Others: On the Regulation of Adoption" (with Tsilly Dagan) (Hebrew) in YISHAI BLANK, ROY KREITNER, AND DAVID LEVI-FAUR (EDS.) **REGULATIONS in LAW, SOCIETY, AND CULTURE** (Hebrew) (2016).

- "Contractual Ordering of the Evidentiary Arena in Ofer Groskopff & Shai Lavi (eds.) LAW AND LITERATURE IN HONOR OF PROF. NILI COHEN (forthcoming, 2016).
- "Economic Analysis of Criminal Law" in Markus Dubber and Tatjana Hornle (eds.), OXFORD UNIVERSITY HANDBOOK OF CRIMINAL LAW (Oxford University Press, 2014).
- "Economic Analysis of Evidence Law" (with Alex Stein)
URIEL PROCACCIA (ED.), ECONOMIC ANALYSIS OF LAW (Hebrew University Legal Publications, 2013).
- "Case Selection and Dissent in Courts of Last Resort: An Empirical Study of the Israeli Supreme Court" (with Theodore Eisenberg and Issi Rosen-Zvi), in EMPIRICAL STUDIES OF JUDICIAL SYSTEMS (Yun Chien Chang (ed.) 2012)
- It's for the Judges to Decide: Allocation of Trial Costs in Israel" (with Issi Rosen Zvi)
MATHIAS REINMAN (ED.), THE INTERNATIONAL ACADEMY OF COMPARATIVE LAW'S COST AND FEE ALLOCATION IN CIVIL PROCEDURE 177 (2010)

EDITED VOLUMES

- Talia Fisher & Menachem Mautner (eds.), Legal Pluralism, Privatization of Law and Multiculturalism, 9 Theoretical Inquiries in Law (2008) 321 pages (Hebrew).

TEACHING

2017 Rector Award for Teaching Excellency

2016-2017 TAU Senior Faculty "100 Club" for Teaching Excellency

2012-2013 TAU Senior Faculty "100 Club" for Teaching Excellency

2003-2005 Hebrew University Law School (Adjunct Lecturer)- Excellence in Teaching Award.

Core Law Courses

- Evidence Law (2004-2010; 2011-2013; 2014-present)
- Labor Law and Employment Law (2005-2008)
- Procedure (2015-present)

Advanced Law Courses

- Advanced Topics in Evidence Law Theory for Ph.D Candidates (2008-2009; 2011-2012)
- PhD Colloquium (2014- 2016)
- Introduction to Legal Theory for Research Students (LLM) (2015-2016)

Other

- The State and the Market (2009-present)
- Empirical Legal Studies (2014-2016)
- Law and Technology (2009-2010)
- The Jurisprudence of Alternative Dispute Resolution (2005-2010; 2011-2012)
- Negotiation Theory (2003-2010)

OTHER

Referee for **Legal Theory**

Referee for **European Journal of Law and Economics (EJLE)**

Member of Academic Committee for **Mishpat Utzava** (2014-present)

Referee for **Journal of Legal Studies (JLS)**

Referee for **Law and Society Review**

Referee for **Law and Contemporary Problems**

Referee for **Journal of Empirical Legal Studies (JELS)**

Guest Editor of *Law, Society, and Culture* (Procedures) (2012)

Guest Editor *Alei Mishpat's* special issue in memory of Prof. Stephen Goldstein

(2011)

Guest Editor of **Theoretical Inquiries in Law** (2007)

PARTICIPATION IN CONFERENCES AND SCIENTIFIC MEETINGS

- 2005** Hebrew University Law School, Faculty Seminar: presenter **2005**
Hebrew University Law School, Faculty Seminar: presenter
(dissertation)
- 2006** Tel Aviv University Law School, Faculty Seminar: presenter (*The Limits of Party Control in the Criminal Process*)
- 2006** Tel Aviv University Law School, Law and Economics Workshop: presenter
(*The Limits of Party Control in the Criminal Process*)
- 2006** Bar Ilan University Law School, Law and Economics Workshop: presenter
(*The Limits of Party Control in the Criminal Process*)
- 2006** Tel Aviv University Law School, Cegla Center International Conference on
Critical Modernities: commentator (Roger Berkowitz, *Democratic Legitimacy and the Scientific Foundation of Modern Law*)
- 2006** Tel Aviv University, Faculty of Law: The Northwestern-Tel Aviv
Conference: commentator (Abraham Wickelgren, *A Right to silence for Civil Defendants?*)
- 2007** Vrije University, Faculty of Law, Brussels, Belgium: Conference on
Law and Economic Development in the Middle East: presenter (*The Privatization of Law*)
- 2007** Tel Aviv University Law School, Faculty Seminar: presenter
(*The Limits of Party Control in the Criminal Process*)
- 2007** Hebrew University Law School, Conference on *Fast Justice*: presenter
(*Beyond the Civil and the Criminal : A New Procedural Order*)
- 2007** Tel Aviv University Law School, Cegla Center International Conference on

- Legal Pluralism, Privatization of Law and Multiculturalism: presenter (Nomos Without Narrative)*
- 2007** Bar Ilan University Law School, Faculty Seminar: presenter (*Overcoming Procedural Boundaries*)
- 2007** Liberty Fund Conference, Alexandria, Virginia, on *Hayek, Common Law and Contemporary Jurisprudence*: panelist (discussant of Friedrich Hayek's, *Law, Legislation and Liberty* and Arthur Hogue's *Origins of the Common Law*)
- 2008** Cardozo Law School Conference on *The Future of Self-Incrimination: Fifth Amendment, Confessions, and Guilty Pleas*: presenter (*The Confessional Penalty*)
- 2008** Cegla Center and Max Planck Institute Conference on *Convergence and Divergence of Law*: presenter (*Law as a Network Industry*)
- 2008** Tel Aviv University Law School, Symposium on *Prof. Guy Mundlak, Fading Corporatism*: commentator.
- 2008** Cornell Law School, Conference on *Law in Context: New and Interdisciplinary Approaches to Law*: presenter (*The Confessional Penalty*)
- 2008** Haifa University Law School, Faculty Seminar: presenter (*The Confessional Penalty*)
- 2008** Bar Ilan University Law School, Law and Economics Workshop: presenter (*The Confessional Penalty*).
- 2008** Tel Aviv and Toronto University Joint Conference on *Constitutionalization of Criminal Law*: presenter (*The Subjectivization of Criminal Procedure*).
- 2009** Toronto University Law School, Law and Economics Workshop: presenter (*Confessional Penalty*).
- 2009** Bar Ilan University, International Conference on *The Regulatory State* presenter (*Trading Regulatory Entitlements*).
- 2009** Hebrew University, International Seminar on *Procedure: Theory and*

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Practice: panelist.

2009 Hebrew University, The Public Law Forum: presenter (*Rights for Sale*)

2009 International Seminar on Private Power and Human Rights: presenter (*A Nuanced Approach to the Privatization Debate*).

2010 Tel Aviv University Law School, Symposium on *Prof. Arthur Ripstein's book, Force and Freedom*: commentator.

2010 Tel Aviv University, The Law and Economics Workshop: presenter (*Sentencing*).

2010 Institute for Judges: presenter (*Economic Analysis of Evidence Law*).

2010 Tel Aviv University Law School, Delegation of US Prosecutors: presenter (*Evidence Law in Israel*).

2010 Israel Law and Economics Association Annual Conference: presenter (*Probabilistic Sentencing*).

2010 Tel Aviv University Law School, Firm Governance: commentator.

2010 TAU–Cornell Conference, The Future of Legal Theory: presenter (with Prof. Ted Eisenberg and Issi Rosen Zvi) (*Israel's Supreme Court Appellate Jurisdiction: An Empirical Study*).

2010 Harvard University, Kennedy School of Government: Executive Sessions for State Court Leaders in the 21st Century: academic observer.

2010 Yale Law School: Conference on Empirical Legal Studies: poster presenter (*Israel's Supreme Court Appellate Jurisdiction: An Empirical Study*).

2011 Harvard University, Kennedy School of Government: STS Forum: presenter (*Conviction without Conviction*).

2011 Cornell Law School, Empirical Legal Studies Colloquium: presenter (*Israel's*

Supreme Court Appellate Jurisdiction: An Empirical Study).

2011 Harvard University, Kennedy School of Government: Executive Sessions for State Court Leaders in the 21st Century: academic observer.

2011 Hebrew University: Conference on Uncertainty in Law: presenter (*Statistical Evidence, Sensitivity, and the Legal Value of Knowledge*)

2012 ISF International Workshop: Sentencing Reform: commentator (Leslie Sebba, *Sentencing Reform – Conceptual and Methodological Issues: A Historical Overview*)

2012 Bar Ilan University: ADR Conference: presenter (*Models of Privatization*)

2012 Institute for Judges: presenter (*Jurisprudence*).

2012 Law and Business Academic Center: Contemporary Developments in the Israeli Exclusionary Rule: presenter (*Trends and Developments following the Issacharov Ruling*)

2012 Tel Aviv University: Governance without a State: presenter (*Privatizing Law*).

2012 IDC: Constitutional Agendas: presenter (*Rethinking the Constitutional Requirement of Conviction “Beyond a Reasonable Doubt”*).

2012 Cornell Law School: Public and Private- Beyond Distinctions? presenter (*Rethinking Settlement*).

2013 Bar Ilan University- political philosophy workshop: presenter (*From Locke to Nozick*).

2013 Tel Aviv University Law School: Law and Economics Workshop: presenter (*Statistical Evidence*)

2013 Stanford Law School: Annual Conference on Empirical Legal Studies: poster session (*Institutional Influences on Appellate Panels: Presiding Justice and Opinion Justice Effects, and Perceptions of Israel Supreme Court Justices*)

- 2012** Annual Conference Israel Law and Society Association: presenter (*Empirical Analysis of Order Effects at Trial.*)
- 2012** Annual Conference Israel Law and Society Association: presenter (*Models of Privatization*)
- 2012** Sapir Law School: presenter (*Statistical Evidence*)
- 2012** Northwestern Program: Conference on Privatization: panelist (*The Different Types of Privatization*)
- 2012** Tel Aviv University: Economics Department: presenter (*Probabilistic Conceptualizations of Guilt*)
- 2013** Tel Aviv University: Faculty Seminar: presenter (*Statistical Evidence: The Case for Sensitivity*)
- 2013** IDC: Conference in Honor of Former Justice Kedmi: presenter (*Law and Epistemology*).
- 2013** IDC: Book Event: Economic Analysis of Law: presenter (*Economic Analysis of Evidence Law*)
- 2013** Ben Gurion University: Economics Department: presenter (*Statistical Evidence: The Case for Sensitivity*)
- 2013** Cornell-Tel Aviv Conference on Empirical Legal Studies: presenter (*When Courts Determine Fees in a System with a Loser Pays Norm: Fee Award Denials to Winning Plaintiffs and Defendants*)
- 2013** TAU Law School: Cegla Conference 'New Approaches for a Safer and Healthier Society': commentator (*Reg Neg Redux: The Career of a Procedural Reform*)
- 2013** TAU Law School: The 4th Berg International Conference: In- Between: Trade and Legal Pluralism in the Era of the Geniza: commentator (*Due Process, Choice of Law, and Enforcement of Judicial Decisions on Dhimmis and Foreigners in the Abode of Islam and Recourse of Jews to non-Jewish Courts*)

and the Imposition of Bans in the Early Middle Ages, as reflected in the Responsa Literature and Genizah Documents")

- 2013** Hebrew University Law School: Criminal Law Workshop: presenter (*Group Decision Making Effects on Appellate Panels: Presiding Justice and Opinion Justice Influence in the Israel Supreme Court*)
- 2013** Bar Ilan University Law School: Constitutional and Criminal Law Workshop: presenter (*Statistical Evidence*)
- 2013** Tel Aviv University Law School: Workshop on Regulation: presenter (*The Commodifying Effects of the Regulation of Adoption in Israel*)
- 2013** Harvard University: Edmond J. Safra Center for Ethics: presenter (*Plea Bargaining and Institutional Corruption*)
- 2013** University of Toronto Law School: Critical Analysis of Law Series: presenter (*Statistical Evidence: The Case for Sensitivity*)
- 2013** University of Pennsylvania Law School: Conference on Empirical Legal Studies: poster presenter (*Attorney Fees in a Loser Pays System*)
- 2014** Harvard University: Edmond J. Safra Center for Ethics: presenter (*Institutional Corruption and Litigation Fees*)
- 2014** Harvard Law School: Annual Criminal Justice Roundtable: presenter (*Statistical Evidence*).
- 2014** Tel Aviv Law School: Renmin- Tel Aviv International Colloquium: presenter (*Statistical Evidence*).
- 2014** Tel Aviv Law School: Book Launching Event: presenter (*Procedure by Contract*).
- 2015** Tel Aviv Law School: Judges and Academia Forum: presenter (*Economic Analysis of Evidence Law*).
- 2015** Institute for Judges: presenter (*Contractual Ordering in the Courtroom*).
- 2015** Tel Aviv University: Minerva Center Annual Event: Commentator (Natalie Davidson, *privatizing Transitional Justice*).
- 2015** Institute for Judges: presenter (*Law and Philosophy: Epistemological Analysis of Statistical Evidence*).

- 2015** Tel Aviv University: Empirical Legal Studies Workshop: presenter (*The Use of Empirical Data in the Courtroom*).
- 2015** Tel Aviv University: Law and Economics Workshop: presenter (*He Paid She Paid: Exploiting Israeli Courts' Rulings on Litigation Costs to Explore Gender Biases*).
- 2015** Hebrew University: Public Law Workshop: presenter (*Statistical Evidence*).
- 2015** Jewish Law Annual Conference: Procedure: presenter (*Waiver of Procedural Rights*).
- 2015** Bar Ilan University: PhD Colloquium: presenter (*Conducting Legal Research*).
- 2016** Institute for Judges: presenter (*Evidence Law and Philosophy*).
- 2016** Israeli Institute for Advanced Studies: commentator (George Fletcher, *Jury Aversion*).
- 2016** Institute for Judges: presenter (*Economic Analysis of Evidence Law*).
- 2016** Hebrew University: Conference on the Legitimization of Criminal Law: commentator (Vincent Chiao, *Criminal Law as a Practice of Equality*).
- 2016** Institute for Advanced Legal Studies: presenter (*Waiver of Criminal Safeguards and the Legitimacy of Trial*).
- 2016** IDC: Mock Trial Judge
- 2016** Tel Aviv University: Workshop for Reading of Legal Texts: presenter (*A Take on Cover's Nomos and Narrative*).
- 2016** Tel Aviv University: Conference on the Proposed Amendments to the Israeli Copyright Law: panel participant (*Criminalization Online*).
- 2016** IDC: The Atara Kaufman Inaugural Conference in Law, Science&

Technology: presenter (*Evidence Law and Neuroscience: Implicit Bias in the Courtroom*).

- 2017** Tel Aviv University: Rethinking Care Responsibilities: commentator (*Tamar Kricheli, Shiri Regev, Market Goods, Moral Wrongs*).
- 2017** ILEA: Cheapest Risk Seeker: commentator (*Ehud Guttel, Alon Harel, Shay N. Lavi*).
- 2017** Tel Aviv Law School: Judges and Academia Forum: presenter (*Judges or Juries?*)
- 2017** Hebrew University Law School: Book Event: presenter (The Anglo-American Roots of Pro Se Litigation)
- 2017** University of Toronto Law School: CAL Workshop: presenter (Procedural Waivers)
- 2017** Osgoode Hall Law School: presenter (Statistical Evidence in the Criminal Justice System)
- 2017** Israeli Academy of Sciences and Humanities and Royal Academy: Conference on Technology and Privacy: Commentator (*Michael Birnhack, Privacy by Design*).
- 2017** Tel Aviv University: Conference on Morality and IP: panel participant.
- 2018** IDC: Faculty Seminar (State Inc.)
- 2018** Safra Center: Book Launch Event - The Law Of Good People: presenter
- 2018** Safra Center: privatization Conference: presenter (The Privatization of Procedure)

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