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EMPLOYMENT

George Washington University Law School. Associate Dean for Strategy and Innovation, 2023-present; Oppenheim Professor of Law, 2019-present; Senior Associate Dean for Academic Affairs, 2021-2023; Carville Dickinson Benson Research Professor, 2017-2019; Professor of Law, 2008-present; Associate Professor (with tenure), 2004-2008; Visiting Associate Professor, 2003-2004. Courses: Administrative Law, Civil Procedure, Corporations, Intellectual Property, Law and Economics, Patent Law, Insurance Law.

University of Chicago Law School. Visiting Associate Professor, Fall 2005.

George Mason University School of Law. Associate Professor (untenured), 2000-2004; Assistant Professor, 2000-2003. Courses: Administrative Law, Civil Procedure, Insurance Law, Intellectual Property.

Northwestern University School of Law. Visiting Assistant Professor. 1999-2000. Courses: Administrative Law, Legal Reform.

Judge Patrick E. Higginbotham, United States Court of Appeals for the Fifth Circuit. Law clerk. 1998–99.

PUBLICATIONS AND WORKS IN PROGRESS

Evaluating Procedural Devices in an Equilibrating Civil Litigation System (unpublished manuscript, 2025).

A Correlated Signals Computational Game Theory Model of Litigation Bargaining (under review, 2025).

Random Sampling of and in Adjudications, STAN. J. L. ECON. & BUS. (forthcoming 2025).

The Cost of Justice at the Dawn of AI, 52 FLA. ST. L. REV. 205 (2025).

Modeling Fee Shifting with Computational Game Theory, 54 J. LEGAL STUDIES 165 (2025).

Regulating Producers by Randomizing Consumers, 2025 ILL. L. REV. 427 (2025).

Major Technological Questions, 92 GEO. WASH. L. REV. 1391 (2024) (with John F. Duffy).

Toward Livelihood Insurance, 2021 U. CHI. LEGAL FORUM 17 (2021).

Random Selection for Scaling Standards, 105 MINN. L. REV. 1345 (2021).

Mandatory Tax Penalty Insurance, 96 IND. L.J. 105 (2020).

Contractual Tax Reform, 61 WM. & MARY L. REV. 1537 (2020) (with Andrew Blair-Stanek).

The Very Brief History of Decentralized Blockchain Governance, 22 VAND. J. ENT. & TECH. L. 273 (2020) (symposium contribution).

Intellectual Property as an Emergent Inducement for Legal Innovation (with John F. Duffy), in LEGAL INNOVATION (Antoine Masson et al eds., forthcoming 2020).

Tax Experimentation, 71 FLA. L. REV. 65 (2019).

Blockchain-Based Insurance, in REGULATING BLOCKCHAIN: TECHNO-SOCIAL AND LEGAL CHALLENGES (Philipp Hacker et al. eds., 2019).

Prize and Reward Alternatives to Intellectual Property, in RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (P.S. Menell & B. Depoorter eds., 2019).

Cost-Plus Patent Damages, 26 TEX. INTELL. PROP. L.J. 133 (2018) (symposium contribution).

Bifurcating Settlements, 86 GEO. WASH. L. REV. 376 (2018) (with Sarah Abramowicz).

Autonocoin: A Proof-of-Belief Cryptocurrency, 1 LEDGER 119 (2016) (peer review).

Cryptocurrency-Based Law, 58 ARIZONA L. REV. 359 (2016).

Cryptoinsurance, 50 WAKE FOREST L. REV. 671 (2015).

Litigation Finance and the Problem of Frivolous Litigation, 63 DEPAUL L. REV. 195 (2014) (symposium contribution).

Screening Legal Claims Based on Third-Party Litigation Finance Agreements and Other Signals of Quality, 66 VAND. L. REV. 1641 (2013) (symposium contribution, with Omer Alper).

Commitment Bonds, 100 GEO. L.J. 605 (2012) (with Ian Ayres).

A New Uneasy Case for Copyright, 79 GEO. WASH. L. REV. 1644 (2011) (symposium contribution).

Orphan Business Models: Toward a New Form of Intellectual Property, 124 HARV. L. REV. 1362 (2011).

The Inducement Standard of Patentability, 120 YALE L.J. 1590 (2011) (with John F. Duffy).

Randomizing Law, 159 U. PA. L. REV. 929 (2011) (with Ian Ayres and Yair Listokin).

Citation to Legislative History: Empirical Evidence on Positive Political and Contextual Theories of Judicial Decisionmaking, 38 J. LEGAL STUD. 419 (2009) (with Emerson H. Tiller), reprinted in THE ECONOMICS OF JUDICIAL BEHAVIOR (Lee Epstein ed., 2014).

Ending the Patenting Monopoly, 157 U. PA. L. REV. 1541 (2009) (with John F. Duffy) (symposium contribution).

Notice-and-Comment Judicial Decisionmaking, 76 U. CHI. L. REV. 965 (2009) (with Thomas B. Colby).

Privatizing the Public Domain, in PERSPECTIVES ON COMMERCIALIZING INNOVATION (F. Scott Kieff & Troy A. Paredes eds., Cambridge Univ. Press 2009).

Intellectual Property for Market Experimentation, 83 N.Y.U. L. REV. 337 (2008) (with John F. Duffy).

PREDICTOCRACY: MARKET MECHANISMS FOR PUBLIC AND PRIVATE DECISION MAKING (Yale Univ. Press, 2008).

The Uneasy Case for Patent Races over Auctions, 60 STAN. L. REV. 803 (2008).

The Danger of Underdeveloped Patent Prospects, 92 CORNELL L. REV. 1065 (2007).

The Hidden Beauty of the Quadratic Market Scoring Rule: A Uniform Liquidity Market Maker, with Variations, 1 J. OF PREDICTION MARKETS 111 (2007).

Prediction Markets for Corporate Governance, 82 NOTRE DAME L. REV. 1343 (2007) (with M. Todd Henderson).

Predictive Decisionmaking, 92 VA. L. REV. 69 (2006).

Deliberative Information Markets for Small Groups, in INFORMATION MARKETS: A NEW WAY OF MAKING DECISIONS IN THE PUBLIC AND PRIVATE SECTORS 101 (Robert Hahn & Paul Tetlock eds., AEI-Brookings Press 2006).

Defining Dicta, 57 STAN. L. REV. 953 (2005) (with Maxwell L. Stearns).
On the Alienability of Legal Claims, 114 YALE L.J. 697 (2005).
A Theory of Copyright's Derivative Right and Related Doctrines, 90 MINN. L. REV. 317 (2005).
Information Markets, Administrative Decisionmaking, and Predictive Cost-Benefit Analysis, 71 U. CHI. L. REV. 933 (2004).
A Unified Economic Theory of Noninfringement Opinions, 14 FED. CIR. BAR J. 241 (2004).
An Industrial Organization Approach to Copyright Law, 46 WM. & MARY L. REV. 33 (2004).
How Lawyers Compete, REGULATION, Summer 2004, at 38.
The Human Genome Project in Retrospect, in PERSPECTIVES ON PROPERTIES OF THE HUMAN GENOME PROJECT (F. Scott Kieff ed., 2004) (symposium contribution).
On the Selection of Judges in International Figure Skating, 6 GREEN BAG 2D 339 (2003).
Perfecting Patent Prizes, 56 VAND. L. REV. 115 (2003).
Speeding up the Crawl to the Top, 20 YALE J. ON REG. 139 (2003).
Toward a Jurisprudence of Cost-Benefit Analysis, 100 MICH. L. REV. 1708 (2002) (reviewing CASS R. SUNSTEIN, THE COST-BENEFIT STATE: THE FUTURE OF REGULATORY PROTECTION (2002)).
Constitutional Circularity, 49 UCLA L. REV. 1 (2001).
Beyond Counting Votes: The Political Economy of Bush v. Gore, 54 VAND. L. REV. 1849 (2001) (with Maxwell L. Stearns).
A Compromise Approach to Compromise Verdicts, 89 CAL. L. REV. 231 (2001).
Cyberadjudication, 86 IOWA L. REV. 533 (2001).
En Banc Revisited, 100 COLUM. L. REV. 1600 (2000).
The Law-and-Markets Movement, 49 AM. U. L. REV. 327 (2000).
Market-Based Administrative Enforcement, 15 YALE J. ON REG. 197 (1998).
Beyond Balanced Budgets, Fourteenth-Amendment Style, 33 TULSA L.J. 561 (1998).
Book Note, *Impeaching Judges at the Fringe*, 106 YALE L.J. 2293 (1997) (reviewing MICHAEL J. GERHARDT, THE FEDERAL IMPEACHMENT PROCESS (1996)).
Development in Policy, *Gambling in the Wake of Seminole*, 14 YALE L. & POL'Y REV. 353 (1996) (coauthored with Partha Chattoraj).

EDUCATION

Yale Law School

J.D., 1998

Executive Editor, *Yale Law Journal*. 1997–98.
Codirector, Landlord-Tenant Clinic. 1996–97.
Member, *Yale Law and Policy Review*. 1995–96.

Amherst College

B.A., *summa cum laude*, 1994

Major: Economics.
Editor-in-chief, *The Amherst Student* (Amherst's student newspaper). 1992–93. Previously served as Managing News Editor and News Editor.
Honors and awards: Phi Beta Kappa (1993); Samuel Bowles Prize (1994) (for achievement in journalism); James R. Nelson Prize (1994) (presented annually to a senior economics major);

Economics Department Junior Class Prize (1993); Hamilton Prize (1991) (presented to a student in an introductory economics course).

PRESENTATIONS

University of Pennsylvania Symposium on Innovation and Criminal Justice (Jan. 2022).

Toward Livelihood Insurance, University of Connecticut Insurance Law Seminar (Feb. 2021).

Toward Livelihood Insurance, University of Chicago Legal Forum (Feb. 2021).

Law and Innovation, University of Pennsylvania Law and Innovation Symposium (Jan. 2020)

Rigorous Policy Pilots, Washington, D.C. (May 2019).

Intellectual Property as an Emergent Inducement for Legal Innovation (Mar. 2018, Conference on Legal Innovation, Paris, France).

AALS Insurance Law Section Panel, San Diego, Cal. (Jan. 2018).

Should Litigation Be More Like Poker?, Georgetown Law and Economics Workshop (Oct. 2017).

Cost-Plus Patent Damages, University of Texas Conference on Patent Damages (Feb. 2017).

Alternatives to Intellectual Property: Prizes, Rewards, Auctions and Beyond, Maurice A. Dean School of Law at Hofstra University 2nd Annual Intellectual Property Lecture (Apr. 2016).

Mostly Private vs. Purely Private Patents: Commentary on Kieff, Private Law and Intellectual Property Conference at Harvard University (Mar. 2016).

Prize and Reward Alternatives to Intellectual Property, Economics of Intellectual Property Handbook Workshop at Berkeley Law School (Aug. 2015).

Cryptoinsurance, Wake Forest Law Review Symposium on Financial Disintermediation (Mar. 2015).

Peer-to-Peer Law, Built on Bitcoin, Boston College Faculty Workshop (Oct. 2014)

Peer-to-Peer Law, Built on Bitcoin, George Mason University Levy Workshop (Sept. 2014)

Screening Legal Claims Based on Third-Party Litigation Finance Agreements and Other Quality Signals, Economics of Aggregate Litigation Conference for the Institute for Law & Economic Policy (Apr. 2013).

Orphan Business Models, Univ. of Chicago Law School (Feb. 2013).

A Machine Learning Model of Litigation, Univ. of Chicago Law School (Dec. 2012).

Conference on Alternative Litigation Finance, George Washington U. Law School (May 2012).

Justice Stephen G. Breyer's "The Uneasy Case for Copyright": A 40th Anniversary Symposium (Nov. 2011).

Inventing the Future: What's Next for Patent Reform?, Am. Enterp. Inst. (Mar. 2012).

Fair-Bet Commitment Bonds, Univ. of Richmond Law School (Jan. 2010).

A Fee-Limitation Rule for Litigation Finance, Searle Center at Northwestern University Law School (Sept. 2009 & Nov. 2009).

Ending the Patenting Monopoly, American Law and Economics Association (May 2009).

The Future of ICANN, National Press Club (May 2009).

Ending the Patenting Monopoly, Univ. of Pennsylvania Law School Symposium on Intellectual Property (Jan. 2009).

Patent Prizes, KEI-George Washington Univ. Workshop on the Medical Innovation Prize Fund (Feb. 2008).

The Hidden Beauty of the Quadratic Market Scoring Rule, ACM Conference on Electronic Commerce (June 2007).

Predictocracy: Market Mechanisms for Public and Private Decision Making, Duke Law School (Triangle Conference on Law and Economics of Information) (Apr. 2007).

Predictocracy: Market Mechanisms for Public and Private Decision Making, UCLA Law School (Apr. 2007).

Intellectual Property for Market Experimentation, George Mason University Law School (Mar. 2007).

Predictocracy: Market Mechanisms for Public and Private Decision Making, University of Alabama School of Law (Feb. 2007).

Perfecting Patent Prizes, Consumer Project on Technology (Dec. 2006).

The Danger of Underdeveloped Patent Prospects, American Law and Economics Association (May 2006).

Patent Auctions, Columbia Law School (Feb. 2006).

Patent Auctions, University of Michigan Law School (Feb. 2006).

Deliberative Information Markets for Small Groups, AEI-Brookings Joint Center Conference on Information Markets (Dec. 2005).

Patent Auctions, University of Chicago Law School (Nov. 2005).

Privatizing the Public Domain, Washington University School of Law Conference on Commercializing Innovation (Nov. 2005).

Patent Auctions, Boston University Law School (Sept. 2005).

Patent Auctions, The CNA Corporation (Aug. 2005).

Predictive Decisionmaking, Northwestern University Law School (May 2005).

On the Alienability of Legal Claims, Workshop on Champerty and Litigation Support (Jan. 2005).

Defining Dicta, University of Texas Law School (Dec. 2004).

On the Alienability of Legal Claims, University of Texas Law School (Dec. 2004).

A Unified Economic Theory of Noninfringement Opinions, Yale Law School Law and Economics Workshop (Oct. 2004).

Redundancy in Copyright Law, American Law and Economics Association (May 2004).

A Unified Economic Theory of Noninfringement Opinions, George Washington/Oracle Patent Symposium (March 2004).

Copyright Redundancy, University of Texas Law School (Feb. 2004).

Information Markets, Administrative Decisionmaking, and Predictive Cost-Benefit Analysis, University of Chicago Law School (Oct. 2003).

Copyright Redundancy, Tulane Intellectual Property Conference (Sept. 2003).

Trial by Market, American Law and Economics Association (Sept. 2003).

Copyrighted Works as Public Goods, Copyright Economics in the Internet Age conference sponsored by the Center for the Study of Digital Property (June 2003).

Copyright Redundancy, University of Virginia School of Law (Feb. 2003).

Copyright Redundancy, William and Mary Law School (Feb. 2003).
Retrospective Spending, Benjamin N. Cardozo School of Law (Dec. 2002).
Retrospective Spending, Washington Univ. School of Law (Sept. 2002).
Retrospective Spending, George Washington Univ. Law School (Sept. 2002).
Perfecting Patent Prizes, American Law and Economics Association (May 2002).
The Human Genome Project in Retrospect, Washington University School of Law
Conference on Law and the Human Genome Project (Apr. 2002).
Perfecting Patent Prizes, Boston University School of Law (Nov. 2001).