

December 2017

Prof. EYAL ZAMIR

CURRICULUM VITAE

PERSONAL DETAILS

Date and Place of Birth: April 27, 1961, Israel

Marital Status: Married with two daughters

Military Service: 1982-1987; Present Rank: Lieutenant Colonel

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HIGHER EDUCATION

1. 1982 – LL.B. *cum laude*, Law Faculty, Hebrew University of Jerusalem, Israel;
2. 1989 – Dr. Jr., Law Faculty, Hebrew University of Jerusalem. Subject of the doctoral thesis: “The Conformity Rule in the Performance of Contracts”, under the supervision of Prof. G. Tedeschi.

ACADEMIC APPOINTMENTS

1. 1981/2 – Research Assistant to Prof. G. Tedeschi, Law Faculty, Hebrew University of Jerusalem, Israel;
2. 1987/8 – Visiting Lecturer, Department of Accounting, Tel-Aviv University, Israel;
3. 1987/8-1989/90 – Assistant Teacher, Faculty of Law, Hebrew University;
4. 1990/91 – Visiting Researcher, Harvard Law School;
5. 1991 – Senior Lecturer (without tenure), Faculty of Law, Hebrew University;
6. 1992 – Appointed Lionel Cohen Senior Lecturer;
7. 1995 – Associate Professor (with tenure), Faculty of Law, Hebrew University;
8. 1996/7 – Visiting Scholar, Yale Law School;
9. 1997/8 to present – teaching courses and seminars in various law colleges in Israel, including the Interdisciplinary Center, Herzliya; the College of Management, Rishon Lezion; Sha’arei Mishpat College, Hod Hasharon; and the Academic Center of Law and Business, Ramat Gan.
10. 1998 – Appointed Augusto Levi Professor of Commercial Law;

11. 1998 to present – Professor of Law, Hebrew University;
12. 2005/6 – Senior Global Research Fellow, NYU School of Law;
13. April 2008 – Visiting Professor, Università Cattolica del Sacro Cuore, Milan (teaching a condensed course “An Introduction to Law & Economics”);
14. Fall 2008, Fall 2009, Fall 2012 – Visiting Professor, Georgetown University Law Center (teaching a course “Advanced Contract Law”);
15. June-July 2009 – Visiting Professor, University of Milan, Bicocca. (teaching a condensed course “An Introduction to Law & Economics”);
16. Fall 2010 – The Inaugural Lawrence E. Irell Visiting Scholar, UCLA School of Law (teaching a course “Introduction to Economic Analysis of Law”);
17. April 2011 – Visiting Professor, University of Zürich Faculty of Law (co-teaching a seminar “Theory and Practice of the Economic Analysis of Law”);
18. July 2012 – Visiting Professor, Max Planck Institute of Economics, Jena (teaching a condensed course “Economic and Behavioral Analysis of Contract Law: An Introduction” in the IMPRS Summer School);
19. September-October 2015 – Professor, Center for Transnational Legal Studies, London (teaching a course “Advanced Contract Law”).

ADDITIONAL ACADEMIC ACTIVITIES

1. 1979/80-1981/2 – Editor, “Mishpatim” – the Students’ Law Review, Law Faculty, Hebrew University of Jerusalem;
2. 1987-2006 – Member of the Commission for the Codification of Private Law, headed by Chief Justice, Prof. A. Barak;
3. 1988, 1993 – Compilation of Cases, Legislation, and Materials in contracts and private law;
4. 1993-1994 – Preparation of Report and annotated bills of legislation on contracts for the doing of work, services contracts, and brokerage contracts, for the Ministry of Justice;
5. 1995 to present – Co-Editor of the series *Commentary on Laws Relating to Contracts*, founded by the late Prof. G. Tedeschi (with Prof. G. Shalev and Prof. A.M. Rabello);
6. 2001-2003 – Member, the Editorial Board of *Israel Law Review*;
7. 2002-2003 – Chairperson of the Advisory Academic Board of *Mishpat VeTzava* (Military Law, the Law Review of the legal department of the I.D.F.);
8. 2004 to present – Member, the Advisory Academic Board of *Katharsis – A Critical Review in the Humanities and Social Sciences*;
9. 2011/12-2012/13 – Member, Executive Board, Israeli Association of Private Law;
10. 2016 to present – Contributing Editor, JOTWELL – the Journal of Things we Like (Lots), Contracts Section.

COURSES AND SEMINARS TAUGHT

Contract Law; Advanced Contract Law; Theories of Contract Law; Commercial Law (Sales, Leases, and Contracts for Services); Relational Contracts; Consumer Contracts; Remedies for Breach of Contract; Introduction to Law and Economics; Private and Commercial Law Workshop.

ADDITIONAL ACTIVITIES AT THE HEBREW UNIVERSITY

1. 1991/2, 1992/3, 1994/5, 1997/8, 1998/9 – Member, Teaching Committee, Faculty of Law;
2. 1993/4-1994/5, 1996 – Officer in Charge of Students' Disciplinary Proceedings;
3. 1994/5-1995/6, 1997/8-2001/2 – Member, Executive Board of the Harry and Michael Sacher Institute for Legislative Research and Comparative Law;
4. 1995/6 – Member, Curriculum Committee, Faculty of Law;
5. 1997/8-1998/9 – Deputy Chairperson of the Appeal Committee of Students' Disciplinary Proceedings;
6. 1999/00-2001/2 – Vice Dean, Faculty of Law;
7. 1999/00-2001/2 – Deputy Chairperson, Teaching Committee, Faculty of Law;
8. 1999/00-2001/2 – Member, The Hebrew University's Teaching Procedures Committee;
9. 2000/1-2001/2 – Admissions Committee, Faculty of Law;
10. 2000/1-2001/2 – Chairperson, Committee for the Reform of the University's Rules Concerning Students' Discipline;
11. 2002/3-2004/5 – Dean of the Faculty of Law;
12. 2004/5 – Member, Committee for the Reform of the Appointments and Promotions Procedures of the Hebrew University;
13. 2006/7-2007/8, 2009/10-2012/13 – Chair, Appointments Committee of the Faculty of Law;
14. 2007/8-2010/11, 2012/13-2013/14 – Member, Academic Policy Committee, Hebrew University;
15. 2008-2011 – Member, Executive Committee of the Hebrew University;
16. 2008-2011 – Member, Board of Governors of the Hebrew University;
17. 2008/9 – Member, Presidential Search Committee, Hebrew University;
18. 2008/9, 2013/14-2014/15 – Member, Appointments Committee of the Faculty of Law;
19. 2008/9-2009/10 – Member, Committee for the Examination of Teaching Load, Hebrew University;
20. 2008/9 – Member, Committee for the Examination of the Academic Organs of the Hebrew University;
21. 2009/10-2013/14 – Member, Appointments Committee, Faculty of the Humanities;
22. 2009/10-2011/12 – Member, Candidates Screening Committee, Department of International Relationships;
23. 2010/11-2013/14 – Member, Standing Committee of the Hebrew University;

24. 2010/11-2011/12, 2014-15 – Chair, Committee for the Ranking of Law Journals;
25. 2010/11-2012/13 – Founding Academic Director, Aharon Barak Center for Interdisciplinary Legal Research;
26. 2012 to present – Member, Advisory Committee for Gender Issues of the Hebrew University;
27. 2013-2018 – Member, Academic Board, I-Core: The Center for Empirical Studies of Decision Making and the Law;
28. 2015/16-2017/18 – Member, University Appointments and Tenure Committee in the Non-Experimental Sciences.

RECENT PRESENTATIONS IN CONFERENCES AND INVITED LECTURES

1. June 2013, Weimar, Germany – “Rational Choice versus Lawful Choice: On Law, Economics, and Morality,” comment on Leo Katz in a seminar What Makes Intervention Legitimate? organized by the Max Planck Institute for Research on Collective Goods and the University of Bonn;
2. January 2014, Neve Ilan, Israel – “Economic Analysis of Remedies for Breach of Contracts,” Institute of Advanced Judicial Studies;
3. March 2014, Interdisciplinary Center, Herzlia, Israel – “Behavioral Analysis of Judicial Decision-Making: Achievements and Challenges,” Symposium on Judicial Discretion – Theoretical and Empirical Analysis;
4. April, 2014, Dor Resort, Israel – “It’s Now or Never!” in the Center for Empirical Legal Studies Annual Retreat;
5. May 2014, Hebrew University of Jerusalem – “It’s Now or Never!” in the Faculty of Law’s Private and Commercial Law Workshop;
6. June 2014, Università Cattolica del Sacro Cuore, Milano – “Price Fairness: Cognitive And Social Psychology Perspective,” Conference on Towards a Role for Price Justice in Contemporary Contract Law;
7. June 2014, Hebrew University and Bar Ilan University, Israel – “It’s Now or Never!” in a conference Behavioral Legal Studies – Cognition, Motivation and Moral Judgment;
8. July 2014, Freiburg, Germany – “Psychology, Morality, and (Public) Law: The Role of Loss Aversion,” The Freiburg Lecture Series: Staatswissenschaft & Philosophy of Law;
9. July 2014, London – “It’s Now or Never!” in a conference on Behavioral and Experimental Law and Economics organized by Notre Dame University Law & Market Behavior Research Program;
10. September 2014, Zova, Israel – “Procedural and Substantive Fairness in Contract Law: Exploitation and Duress as Test Cases” in a conference on Jewish Law and Contract Law;
11. October 2014, Interdisciplinary Center, Herzlia, Israel – “It’s Now or Never!” in the IDC’s faculty seminar;
12. November 2014, Tel Aviv University, Israel – “The Right to Regret: A Psychological Outlook” A Comment on Ohad Somech in the Second Annual Conference of Law Doctoral Students;

13. December 2014, Hebrew University of Jerusalem – “Standard Form Contracts – Empirical Studies, Normative Implications, and the Fragmentation of Legal Scholarship” in a Workshop on the Scholarship of Florencia Marotta-Wurgler;
14. January 2015, Bar Ilan University, Israel – “It’s Now or Never!”, Bar Ilan University Law Faculty Seminar;
15. January 2015, Neve Ilan, Israel – “Behavioral Analysis of Evidence Law,” Institute of Advanced Judicial Studies;
16. March 2015, Neve Ilan, Israel – “Private Law as Public Law: Distributive Justice in Contract Law?” Institute of Advanced Judicial Studies;
17. March 2015, Caesarea, Israel – “Loss Aversion and Moral Dilemmas,” in the Center for Empirical Legal Studies Annual Retreat;
18. May 2015, Columbia University, New York – “It’s Now or Never! Using Deadlines as Nudges,” in the American Law and Economics Association 2015 Annual Meeting;
19. May 2015, Haifa University, Israel – “On Academic Research and Judicial Decision-Making” in a conference on Judges and Scientists: Judicial Decisions, the Sources of Knowledge, and Academic Research;
20. June 2015, Tel Aviv University, Israel – “Loss Aversion and Moral Dilemmas” in the Theodore Eisenberg Empirical Legal Studies Conference and Memorial Event;
21. October 2015, Center for Transnational Legal Studies, London – “It’s Now or Never! Using Deadlines as Nudges,” in the CTLS Colloquium;
22. November 2015, Neve Ilan, Israel – “Restitution in Contractual Contexts,” Institute of Advanced Judicial Studies;
23. January 2016, Bar Ilan University, Israel – “Loss Aversion and Moral Judgment” in the Empirical Legal Studies Workshop;
24. March 2016, Bar-Ilan University, Israel – “Redeeming Public Choice Theory: Self-Interested Behavior of Public-Spirited Officials” in the Annual Conference of the Israeli Law and Economics Association;
25. March 2016, Hebrew University, Israel – “Redeeming Public Choice Theory: Self-Interested Behavior of Public-Spirited Officials” in the Law Faculty Seminar;
26. August 2016, Utrecht, The Netherlands – “Explaining Self-Interested Behavior of Public-Spirited Policymakers” in the European Group of Public Administration Annual Conference;
27. September 2016, The Isaac Newton Institute, Cambridge University, England – “The Anti-Inference Bias and Circumstantial Evidence” in Probability and Statistics in Forensic Science Workshop;
28. November 2016, University of Zürich, Switzerland – “Cognitive Psychology, Commonsense Morality, and the Law”;
29. December 2016, Hebrew University – “Tastes, Values, and the Future of Law and Economics” in a Symposium on Guido Calabresi’s The Future of Law and Economics;
30. February 2017, Southwestern Law School, Los Angeles – “Pricing Methods, Marketing Techniques, and the Law of Consumer Contracts” in the 12th Annual International Conference on Contracts;

31. April 2017, Berlin – “Expected Utility Theory, Prospect Theory, and Attorneys’ Fees” in a Workshop on Law and Economics organized by the Israeli Academy of Sciences and the German National Academy Leopoldina;
32. April 2017, Ramat Ef’al, Israel – “Mistake and Deception in contracting: Fault and More” in a workshop on Fault in Private Law organized by the Institute for Advanced Studies of Judicial Assistants;
33. June 2017 – Boston University, Boston – “Tastes, Values, and the Future of Law and Economics” in a Symposium on Guido Calabresi’s The Future of Law and Economics;
34. July 2017 – University of Siena, Italy – “Consumer Transactions: Behavioural and Experimental Perspectives” in a conference on “Guido Tedeschi between Italy and Israel;”
35. March 2018 (expected) – Oxford University – “Enforced Performance vs. Damages: An Empirical Study,” in the Obligations Discussion Group;
36. April 2018 (expected) – Center for Transnational Legal Studies, London – “Enforced Performance vs. Damages: An Empirical Study,” in the CTLS Colloquium.

REFEREING AND ACADEMIC REVIEWS

1. Referee for dozens of legal journals in Israel and abroad, for journals in psychology (e.g., Organizational Behavior & Human Decision Processes; Judgment and Decision Making), economics (Economia – History / Methodology / Philosophy) business administration (Journal of Business Ethics), and for general journals (PLOS ONE);
2. Referee of book manuscripts for Israeli and International publishers, including Oxford University Press;
3. Referee of doctoral dissertations and member of doctoral committees for students in Israeli and overseas institutions, including the Universities of Oxford and Newcastle, Australia;
4. Referee in numerous appointment and promotion procedures in various universities in Israel and the United States;
5. Member, International Evaluation Committee of the Department of Law, University of Cyprus (2016).

NON-ACADEMIC PROFESSIONAL EXPERIENCE

1. 1981-1982 – Clerk with Adv. Renato Yarach, Director of Constitutional and Administrative Law Department, Attorney General’s Office, Ministry of Justice, Jerusalem, Israel;
2. 1984 – Addmitted to Israeli Bar;
3. 1982-1987 – Practical legal work, including legislation, legal advice and appearances at judicial tribunals, during compulsory military service (dealing with land law, international law, and administrative law);
4. 1995 – Participation in the Israeli-Palestinian negotiations on the Interim Agreement concerning the West Bank and Gaza Strip (“Oslo B”);

5. 2004-2005 – Chairperson, committee for the examination of the land registration procedures in the West Bank, appointed by the Attorney General;
6. 2015 – Court appointed examiner of a settlement agreement in a several-billion class-action suit against insurance companies.

AWARDS AND FELLOWSHIPS

1. 1983 – The George Weber Prize for the most excellent article published in *Mishpatim* or in *Israel Law Review* in 1982-83 (for the article on Unreasonableness);
2. 1985 – The Moshe Duchan Prize (for the research on state land);
3. 1988 – The Y. Sussman Law Prize (for the book on the Sale Law);
4. 1988 – Scholarship from the Suss fund of the Hebrew University;
5. 1988 – Justice Shalom Kassan Prize for outstanding students for second and third degrees;
6. 1988-1990 – Grant from the Council for Higher Education for outstanding third degree students in the Humanities, Social Science and Law;
7. 1990/1 – Rothschild Fellowship for advanced studies at Harvard Law School;
8. 1990/1 – Fulbright Researcher Award, from the US-Israel Educational Foundation;
9. 1991/2-1993/4 – Yigal Alon Fellowship (from the Council for Higher Education);
10. 1994 – A Prize from the Aharon & Moshe Ben-Shemesh Foundation (for the book on Israelis' lands in the territories);
11. 1994 – The Moshe Duchan Prize (for the book on Israelis' lands in the territories);
12. 1994 – The Hebrew University President's Prize for the Excellent Young Scholar, named after Yoram Ben Porat (first recipient);
13. 2011 – Zeltner Prize (for senior scholar);
14. 2013 – The Hebrew University Rector Prize for Excellent Researchers (for excellence in Research, Teaching, and Active Participation in the Life of the Academic Community);
15. 2014 – Justice Shneor Zalman Cheshin Prize for Academic Excellence in Law (for senior scholar).

PUBLICATIONS

BOOKS

Hebrew

1. [STATE LAND IN JUDEA AND SAMARIA – THE LEGAL STATUS](#) (The Jerusalem Institute for Israel Studies, Jerusalem, 1985) 75 pp., including Summary in English;
2. SALE LAW, 1968, in COMMENTARY ON LAWS RELATING TO CONTRACTS, G. Tedeschi, ed. (The Harry Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1987) 867 + 43 pp.;

3. [THE CONFORMITY RULE IN THE PERFORMANCE OF CONTRACTS](#) (The Harry Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1990) 465 pp.;
4. [THE LEGAL STATUS OF LANDS ACQUIRED BY ISRAELIS BEFORE 1948 IN THE WEST BANK, GAZA STRIP AND EAST JERUSALEM](#) (The Jerusalem Institute for Israel Studies, 1993, with E. Benvenisti) 320 pp., including appendices;
5. CONTRACT FOR SERVICES LAW, 1974, in COMMENTARY ON LAWS RELATING TO CONTRACTS, G. Tedeschi, ed. (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1994) 875 pp.;
6. BRIEF COMMENTARY ON LAWS RELATING TO PRIVATE LAW (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1994, with Prof. A.M. Rabello and Prof. G. Shalev) 488 pp.;
7. INTERPRETATION AND GAP FILLING IN CONTRACTS (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1996) 167 pp.;
8. BRIEF COMMENTARY ON LAWS RELATING TO PRIVATE LAW, 2d ed. (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 1996, with Prof. A.M. Rabello and Prof. G. Shalev) 848 pp.;
9. [PRIVATE PROPERTY IN THE ISRAELI-PALESTINIAN CONFLICT – CURRENT STATUS AND POSSIBLE SOLUTIONS](#) (The Jerusalem Institute for Israel Studies, 1998, with E. Benvenisti) 86 pp.;
10. SALES (HOUSING) LAW, 1973, in COMMENTARY ON LAWS RELATING TO CONTRACTS founded by G. Tedeschi (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 2002) 1092 pp.

English

11. [LAW, ECONOMICS, AND MORALITY](#) (OUP, 2010) 376 pp. (with B. Medina); Chinese translation by Xu Dafeng (Fu Dan University Press, Shanghai China, 2015);
12. [LAW, PSYCHOLOGY, AND MORALITY: THE ROLE OF LOSS AVERSION](#) 258+18 pp. (OUP, 2014);
13. BEHAVIORAL LAW AND ECONOMICS (app. 600 pp.) (OUP, forthcoming 2018) (with D. Teichman).

EDITED BOOKS

Hebrew

1. THE DRAFT CIVIL CODE: A CRITICAL ANALYSIS, 36 MISHPATIM 183-909 (Guest ed. with I. Gilead and B. Medina, 2006);
2. THE JUDICIAL LEGACY OF AHARON BARAK (The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 2009, with C. Fassberg and B. Medina) 658 pp.

English

3. [THE OXFORD HANDBOOK OF BEHAVIORAL ECONOMICS AND THE LAW](#) 824 + 13 pp. (co-edited with D. Teichman, OUP 2014).

ARTICLES AND BOOK CHAPTERS

Articles in Referreed Journals – Hebrew

1. "Unreasonableness – A Ground for Judicial Intervention in Administrative Law," 12 MISHPATIM (The Students Law Review of the Hebrew University) 291-328 (1982);
2. "Comments on the *Gofen* Case," 35 HAPRAKLIT (Israeli Bar's Law Journal) 101-107 (1983);
3. "The Contractor's Liability as a Bailee – Policy Considerations," 17 IYUNEI MISHPAT (Tel Aviv University Law Review) 95-120 (1992);
4. "On the Distinction between an Employee and an Independent Contractor," 22 MISHPATIM 113-168 (1992);
5. "The 1990 Amendment to the Sale (Housing) Law – A Critical Analysis," 18 IYUNEI MISHPAT 201-234 (1993);
6. "Sub-Contracting: The Relationship between the Employer, the Contractor and the Sub-Contractor," MEHKAREI MISHPAT (Bar-Ilan University Law Review) 45-97 (1994);
7. "Legislative Proposals Relating to Contracts for Services," 26 MISHPATIM 97-168 (1995);
8. "Market Overt, Common Mistake, and Unjust Enrichment," 26 MISHPATIM 359-78 (1995);
9. "Free Will, Economic Efficiency, and Equality in Exchange," 29 MISHPATIM 783-99 (1998);
10. "The Bailees Law, 1967 and Its Interpretation" (Book Review of Shirley Renner, THE BAILEES LAW, 1967) , 30 MISHPATIM 393-424 (1999);
11. "The Theoretical Foundations of the Sales (Housing) Law," 30 MISHPATIM 459-512 (2000);
12. "Remedies for Breach of Contract: Expectation Damages, Reliance Damages, Restitution of Unjust Enrichment, and Restoration of the Contractual Equivalence," 34 MISHPATIM 91-195 (2004);
13. "The Effect of Subsequent Expropriation on a Contract for the Sale of Land: Impossibility, Interpretation, or Transfer of Risk?," 35 MISHPATIM 331-57 (2005) (with T. Kricheli-Katz);
14. "The Regulation of Specific Contracts in the Draft Civil Code – A Critical Analysis," 36 MISHPATIM 531-593 (2006);
15. "Towards an Integrative Legal Scholarship," 4 [DIN U'DVARIM](#) (Haifa Law Review) 131-66 (2008);
16. "Law, Economics, and Deontological Morality – A Response to Ariel Porat," 41 MISHPATIM 439-453 (with B. Medina) (2011);
17. "Further Thoughts on Contract Interpretation and Supplementation," 43 [MISHPATIM](#) 5-53 (2012);
18. "Consumer Protection Law – A Unique and Separate Legal Sphere?" 8 MOZNEI MISHPAT (Netanya Academic College Law Review) 409-17 (2012);

19. "Empirical Legal Studies: A Critical Review" 44 [MISHPATIM](#) 671–88 (2015, with D. Teichman);
20. "Illegal Contract or Contract For Appearance Sake?", 45 [MISHPATIM](#) 251–76 (2015, with M. Cohen);
21. "Behavioral Analysis of Judicial Decisionmaking: Achievements and Challenges" 19 [MISHPAT VA'ASAKIM](#) (Law and Business) 57–100 (2015, with D. Teichman);
22. "Procedural and Substantive Fairness in Contract Law: Exploitation and Duress as Test Cases" 13 [ALEI MISHPAT](#) (College of Law and Business Law Review) 7–35 (2016);
23. "A Contingent Fee at the Rate of 100%" – [MISHPATIM](#) – (forthcoming, 2017, app. 18 pages).

Articles in Refereed Journals – English

24. "The Failure of the Remedy of Reduction in Israeli Law – Causes and Lessons," 23 *ISR. L. REV.* 469-505 (1989);
25. "Market Overt in the Sale of Movables: Israeli Law in a Comparative Perspective," 24 *ISR. L. REV.* 82-127 (1990);
26. "The Extent of Similarity Required between the Content of the Contract and its Performance," 25 *ISR. L. REV.* 187-218 (1991);
27. "Toward a General Concept of Conformity in the Performance of Contracts," 52 *LOUISIANA L. REV.* 1-90 (1991);
28. "Private Claims to Property Rights in the Future Israeli-Palestinian Settlement," 89 *AMERICAN J. INTERNATIONAL LAW* 295-340 (1995) (with E. Benvenisti).
29. "The Inverted Hierarchy of Contract Interpretation and Supplementation," 97 [COLUMBIA L. REV.](#) 1710-1803 (1997);
30. "The Efficiency of Paternalism," 84 [VIRGINIA L. REV.](#) 229-86 (1998);
31. "The Missing Interest: Restoration of the Contractual Equivalence," 93 [VIRGINIA L. REV.](#) 59-138 (2007);
32. "Law, Morality, and Economics: Integrating Moral Constraints with Economic Analysis of Law," 96 [CALIFORNIA L. REV.](#) 323-91 (2008) (with B. Medina);
33. "Revisiting the Debate over Attorneys' Contingent Fees: A Behavioral Analysis," 38 *J. LEGAL STUD.* 245-88 (2010) (with I. Ritov);
34. "Notions of Fairness and Contingent Fees," 74 [LAW & CONTEMPORARY PROBLEMS](#) 1-32 (2011) (with I. Ritov);
35. "Law, Economics, and Morality: Response to Critiques," 3 [JERUSALEM REV. LEGAL STUD.](#) 107-46 (2011) (with B. Medina);
36. "Loss Aversion and the Law," 65 [VANDERBILT L. REV.](#) 829-94 (2012);
37. "Loss Aversion, Omission Bias, and the Burden of Proof in Civil Litigation," 41 *J. LEGAL STUD.* 165-207 (2012) (with I. Ritov);
38. "Who Benefits from the Uniformity of Contingent Fee Rates?" 9 [REVIEW OF LAW AND ECONOMICS](#) 357-88 (2013) (with B. Medina & U. Segal);
39. "Seeing is Believing: The Anti-Inference Bias," 89 [INDIANA LAW JOURNAL](#) 195-229 (2014) (with I. Ritov & D. Teichman);

40. "Rational Choice versus Lawful Choice: On Law, Economics, and Morality," 170 JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS 129-36 (2014);
41. "Contract Law and Theory – Three Views of the Cathedral," 81 [UNIVERSITY OF CHICAGO LAW REVIEW](#) 2077–2123 (2014);
42. "Affirmative Action and other Group Tradeoff Policies: Identifiability of the Adversely Affected People" 125 [ORGANIZATIONAL BEHAVIOR AND HUMAN DECISION PROCESSES](#) 50-60 (2014) (with I. Ritov);
43. "Standard Form Contracts: Empirical Studies, Normative Implications, and the Fragmentation of Legal Scholarship" 12 [JERUSALEM REVIEW OF LEGAL STUDIES](#) 137–70 (2015) (with Y. Farkash);
44. "It's Now or Never! Using Deadlines as Nudges" 42 [LAW AND SOCIAL INQUIRY](#) 769–803 (2017) (with D. Lewinsohn-Zamir and I. Ritov);
45. "New Evidence about Circumstantial Evidence" 41 [LAW AND PSYCHOLOGY REV.](#) 107–58 (2017) (with Elisha Harlev and Ilana Ritov);
46. "Tastes, Values, and the Future of Law and Economics" __ [JERUSALEM REVIEW OF LEGAL STUDIES](#) (25 pp., Forthcoming, 2017);
47. "Explaining Self-Interested Behavior of Public-Spirited Policymakers" [PUBLIC ADMINISTRATION REVIEW](#) ([early view](#)) (14 pp., Forthcoming) (with R. Sulitzeanu-Kenan);
48. "Consumer Contracts: A Behavioral Perspective" STUDI SENESE (University of Siena Law Review) (app. 45 pp., Forthcoming 2018) (with Doron Teichman).

Book Chapters – Hebrew

49. "Toward Legislation of the Law of Brokerage," in ESSAYS IN MEMORY OF PROFESSOR GUIDO TEDESCHI 225-64 (A. Barak, I. Englard, A.M. Rabello & G. Shalev, eds., Jerusalem, 1996);
50. "Trends in Contract Interpretation," in FIRST JUDGMENTS: REFLECTIONS UPON DECISIONS OF THE ISRAELI SUPREME COURT DURING THE FIRST YEAR OF ISRAEL'S INDEPENDENCE 95-101 (D. Barak-Erez, ed., 1999);
51. "Allocation of Common Parts in a Condominium to Individual Unit Owners," in ESSAYS IN HONOUR OF JOSHUA WEISMAN (D. Lewinsohn-Zamir & S. Lerner, eds., Jerusalem, 2002) 205-79;
52. "Illegal Contracts and their Effect—Thirty Years Later," in [THE BOOK OF DANIEL: ESSAYS IN HONOR OF DANIEL FRIEDMANN](#) (N. Cohen & O. Grosskopf, eds., 2007) 423-66;
53. "Justice Aharon Barak and Contract Law: Between Judicial Activism and Judicial Restraint, Between Freedom of Contract and Social Solidarity, Between Adjudication and Academia," in [THE JUDICIAL LEGACY OF AHARON BARAK](#) (C.W. Fassberg, B. Medina & E. Zamir, eds., 2009) 343-410;
54. "Mistake and Deception in Contract Formation", in [THEODOR ORR BOOK](#) (A. Barak, O. Shaham & R. Sokol eds., 2013) 203–58;
55. "Loss Aversion and the Marginality of the Disgorgement Interest", in [SHLOMO LEVIN BOOK: ESSAYS IN HONOUR OF JUSTICE SHLOMO LEVIN](#) 323-73 (A. Grunis, E. Rivlin & M. Karayanni, eds., 2013);

56. "Mistake as to the Worthwhileness of the Transaction: The Object's Value, Future Developments, Assumption of Risk, and Negligence" (forthcoming in [ESSAYS ON CONTRACT IN HONOR OF GABRIELA SHALEV](#) (Aharon Barak, Yehuda Adar & Efi Zemach eds.);
57. "Behavioral Economics and Contract Law: Theoretical Insights and Empirical Findings" (forthcoming in [ESSAYS ON CONTRACT IN HONOR OF GABRIELA SHALEV](#) (Aharon Barak, Yehuda Adar & Efi Zemach eds.) (with Y. Farkash and D. Teichman; app. 40 pp.).

Book Chapters – English

58. "European Tradition, The Conventions on International Sales and Israeli Contract Law," in EUROPEAN LEGAL TRADITIONS AND ISRAEL 499-511 (Jerusalem, 1994, A.M. Rabello, ed.);
59. "Private Law Codification in a Mixed Legal System – The Israeli Successful Experience," in [THE SCOPE AND STRUCTURE OF CIVIL CODES – A COMPARATIVE ANALYSIS](#) 233–8 (Julio Cesar Rivera ed., Springer 2014);
60. "Law's Loss Aversion," in THE OXFORD HANDBOOK OF BEHAVIORAL ECONOMICS AND THE LAW 268-99 (Oxford University Press, E. Zamir & D. Teichman eds., 2014);
61. "Judicial Decisionmaking: A Behavioral Perspective," in [THE OXFORD HANDBOOK OF BEHAVIORAL ECONOMICS AND THE LAW](#) 664–702 (Oxford University Press, E. Zamir & D. Teichman eds., 2014) (with D. Teichman);
62. "Law and Behavioral Economics" in [ENCYCLOPEDIA OF THE PHILOSOPHY OF LAW AND SOCIAL PHILOSOPHY](#); [SpringerLink](#), 8 pp. (2017);
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