

## YOAV DOTAN – CURRICULUM VITAE

### 1. Personal Details

Date of Birth: December 3, 1959, Israel

I.D. 056128945

Citizenship: Israeli

Married +3

Permanent Address:

628 Har-Porat St.

Maccabim 71799

Israel

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### 2. Education

1981-1984	The Hebrew University, Jerusalem	LLB
1986-1987	University of California at Berkeley	LLM
1988-1993	The Hebrew University, Jerusalem	Ph.D
1990-1991	University of Paris (No.1)	Doctoral Studies
1994-1995	Wolfson College, Oxford University	Post Doctorate

### 3. Employment

1984-1985	The Hebrew University, Jerusalem Faculty of Law	Assistant
1988-1994	The Hebrew University, Jerusalem Faculty of Law	Doctor-Instructor
1995-2000	The Hebrew University, Jerusalem Faculty of Law	Lecturer
2000-2003	The Hebrew University, Jerusalem Faculty of Law	Senior Lecturer
2003-Current	The Hebrew University, Jerusalem Faculty of Law	Associate Professor
2005-2009	The Hebrew University, Jerusalem Faculty of Law	Dean
2008- current	The Hebrew University, Jerusalem	Full Professor, A.Goodman Professor of Public Law

## **4. Official Functions and Position at the Hebrew University**

1996-1998 Head of the Commission for Student Admissions - Faculty of Law  
1997-1998 The Commissioner for Disciplinary Proceedings  
1997-1999 Initiation of the Interdisciplinary M.A. Program for Law and Public Policy  
1999-2001 Member of the Steering Commission of the Interdisciplinary M.A. Program for Law and Public Policy  
1999-2000 Manager of the Legal Aid Program - Faculty of Law  
2000-2002 Initiation of the Placement Service and Head of the Placement Project - Faculty of Law  
2001-2002 Head of the Interdisciplinary M.A. Program for Law and Public Policy  
2004-2005 Head of the Committee for Advanced Legal Studies  
2005-2009 Dean of the Faculty of Law  
2009 – Current Pro Dean for Faculty – Community Relationship, Faculty of Law

## **5. Employment in Other Academic Institutions**

2002 - 2003 Columbia University Law School – Visiting Professor  
2003-2004 Fordham University Law School – Visiting Professor  
2008 (fall) University of Miami Law School – Visiting Professor  
2010 (fall) Tulane University School of Law – Visiting Professor  
2015 (fall) Center for Transnational Legal Studies, London – Visiting Professor

## **6. Other Academic Activities**

### Memberships

President, Israeli Association for Law and Society (2011-2013)  
*Comparative Sociology Editorial Board* (2007-2008)  
*Law and Society Review Editorial Board* (2004-2007)  
Member, American Political Science Association  
Member, Law and Society Association  
Member, Membership Committee of the Law and Society Association (2000-2001)  
Member, Research Group on Judicial Politics of the International Political Science Association  
Member, Israeli Association for Public Law – Steering Committee  
Member, The Jurist Committee of BEZCHT, The Israel Human Rights Center for People with Disabilities (2000-2002)  
Member, The Council for Administrative Tribunals of Israel (1995-1997) (2014-current)

### Conference Participation Last 5 Years (Selection)

Conference: Law and Society Association Annual Meeting May 2015, Seattle  
Paper: When the Court Rules against the Public: Voter's Behavior and Trust in Judicial Institutions in the Wake of the Municipal Crisis in Israel 2013 (With Raanan Solizeanu-Kenan and Omer Yair)

Conference: The 9<sup>th</sup> Annual Conference on Empirical Legal Studies, November 7-8, 2014  
U.C. Berkeley,

Paper: The Varying Impact of Cognitive Biases on Different Types of Decisions – An  
Experimental Study (with Omer Dekel)

Conference: Law and Society Association Annual Meeting May 2014, Minneapolis  
*Author meets critics:* on Yoav Dotan's Book: *Lawyering for the Rule of Law* (Cambridge  
2014)

*Symposium on The Law of Deliberative Democracy*, April 2013, London  
Paper: Judicial Review, Official Appointments and Deliberative Democracy

Conference: Law and Society Association Annual Meeting. June 2012. Honolulu,  
Paper: The Impact of Lawyers' Role Morality on Outcomes in Litigation:

Conference: Administrative Law Discussion Forum. June 2012. Luxemburg.  
Paper: Informal Privatization and Distributive Justice in Israeli Administrative Law

Conference: Law and Society Association Annual Meeting, May 2011, San Francisco  
Paper: Judicial Activism and Government Practices in Litigation in the Israeli High Court  
of Justice 1970-2000

Conference: Law and Society Association Annual Meeting, May 2010, Chicago  
Paper: *Castles, Cavaliers and Windows:* Judicial Behavior, Legal Mobilization and  
Governmental Positions in Litigation

## **7. Research Grants and Honors**

Harvard University - Edmond J. Safra Research Lab on Institutional Corruption Non  
Residential Fellowship (2012-13).

Shneior Zalman Heshin Prize for Academic Excellence in Law (2012)

2005-2006 The Halbert Center for Canadian Studies  
Research on the Impact of judicial review on equality rights of women and gays

2004-2005 Handler Foundation Grant

2001- 2002 International Council for Canadian Studies  
Research on the Impact of Bills of Rights on Interest Group Litigation

1999-2000 The Halbert Center for Canadian Studies  
Research on the Impact of Bills of Rights on Interest Group Litigation

1999 E. Birk Prize for distinguished research in the field of law

1997-1999 The Israel Science Foundation

Research on the High Court of Justice Department in the Attorney General Office

1997-1999 Israel Foundations Trustees

Research on Interest Groups Petitioning the Supreme Court (With Menachem Hofnung)

a) Research Students

Yael Kariv (Ph.D.)

Shimrit Garam Reichbad (Ph.D.)

Nadiv Mordeachi (Ph.D.)

Gad Ronen (Ph.D.)

b) Course Subjects

Administrative Law

Judicial Review of Administrative Action (Master)

The Social Impact of Judicial Review (Master)

Judicial Review in Liberal Democracy

Judicial Review of Economic Regulation

Comparative Judicial Review

## PUBLICATIONS LIST

### BOOKS

1. *Lawyering for the Rule of Law: Government Lawyers and the Rise of Judicial Power in Israel* (Cambridge Un. Press, 2014)  
Reviewed at:  
(1) Book Symposium on Yoav Dotan's *Lawyering for the Rule of Law: Government Lawyers and the Rise of Judicial Power in Israel*, *Jerusalem Review of Legal Studies* (Malcolm Feeley (ed.); Anna-Maria Marshal, Charles Epp, Gad Barzilai, Edward Rubin) (2015) 1-50  
(2) Martin Edelman, *Law and Politics Book Review (LPBR)* Vol. 25 No. 3 (March 2015) pp. 43-44
2. *Zamir Book on Law, Society and Politics* (Hebrew University of Jerusalem, Harry Sacher Institute for Legislative Research and Comparative Law, 2003 Co-edited with Ariel Bendor, Hebrew)
3. *Judicial Activism in the Israeli High Court of Justice* (Magnes Press, 2000, Co-authored with Ruth Gavison and Mordechai Kremnitzer, Hebrew)
4. *Administrative Guidelines* (Hebrew University of Jerusalem, Harry Sacher Institute for Legislative Research and Comparative Law, 1996, Hebrew)

### ARTICLES

1. Impeachment by Judicial Review: Israel's Odd System of Checks and Balances, 19(2) *Theoretical Inquiries in Law* (forthcoming 2018)
2. Will Procurement Officials be Biased to Disregard Procurement Rules in Favor of a Low-priced, albeit Defective, Bid? *Review of Law & Economics* (2017) (forthcoming; available on line at <https://doi.org/10.1515/rle-2016-0014>) (with Omer Dekel)
3. Open and Close Judicial Review of Agency Action: The Conflicting US and Israeli Approach, 64 *American Journal of Comparative Law* 521 (2016) (with Michael Asimow)
4. Hired Guns and Ministers of Justice: The Role of Government Attorneys in the US and Israel, 49(1) *Israel Law Review* 1 (2016, forthcoming) (with Michael Asimow)
5. The Boundaries of Social Transformation through Litigation: Women's and LGBT Rights in Israel, 1970-2010 48 *Israel Law Review* (2015) 3-38
6. The Public Lawyer: The Servant of Two Masters (in Dorit Beinisch Book, A. Barak, S. Lifshitz, I. Bar-simantov, K. Azulai eds., 2015)
7. Human Dignity, Social Justice and Socio-Economic Rights (Response to Aharon Barak, 'Social Rights as Constitutional Rights: Human Dignity and the Right for Minimal Livelihood') *Society, Labor & Law* (Hebrew) (Forthcoming 2015)

8. The Different Effect of Cognitive Bias on Different Decision Types – An Experimental Study on Government Procurement, 45 *Mishpatim* (HU Law Rev.) (2015) 689-729 (Hebrew) (with Omer Dekel)
9. Solving the Counter-majoritarian Difficulty? 11 *I-CON: International Journal of Constitutional Law* 13-33 (2013 with Or Bassok)
10. Judicial Activism and Government Practices in Litigation in the Israeli High Court of Justice 1970-2000 (in *Empirical Legal Analysis: Assessing the Performance of Legal Institutions* Yun-chien Chang ed., Academia Sinica, Routledge, 2013) 159-180
11. Informal Privatization and Distributive Justice in Israeli Administrative Law, *Hemline Law Review* 36 *Hamline L. Rev.* (2012-13) 27-38 (Conference Issue)
12. Constitutional Adjudication and Political Accountability – Comparative Analysis and the Peculiarity of Israel (in *Constitutional Law of Israel*, G. Sapir, D. Barak-Erez & A. Barak eds., Hart Pub. 2013) 91-104
13. Non Delegation and the Revised Principle of Legality, 42 *Mishpatim* 379-447, (2012) (Hebrew)
14. Causation in Administrative Law (In *Mishael Chessin Book*, Aharon Barak, Itzhak Zamir & Yigal Marzel (eds.) Jerusalem, (2009) (Hebrew)
15. Privatization in Israeli Administrative Law *Mishpatim* (2007) 287-347 (with Barak Medina) (Hebrew)
16. Judicial Review of Legislation – The Accountability Question *Mishpat Umimshal* 33-64 (2007) (Hebrew)
17. Making Consistency Consistent, 57(4) *Administrative Law Review* (2005) 995-1069
18. The Public, the Private and the Norm of Equality (Review Article) 20 *Canadian Journal of Law & Society* 207-221 (2006)
19. Legal Defeats - Political Wins: Why Do Elected Representative Go to Court? 38 (1) *Comparative Political Studies* 75-103 (2005) (with Menachem Hofnung)
20. The Spillover Effect of Bills of Rights: A Comparative Assessment of the Impact of Bills of Rights on Courts in Canada and Israel, *American Journal of Comparative Law* 293-342 (2005)
21. Campaign Finance Reform and the Social Inequality Paradox, 37 (4) *Michigan Journal of Law Reform* 955-1015 (2004)
22. Legalizing the Unlegalizable: Terrorism, Secret Services and Judicial Review in Israel 1970-2001 (in *Judicial Review and Bureaucratic Impact*, Marc Hertogh and Simon Halliday eds. Cambridge Un. Press) (2004) 190-220
23. Pre-Petitions and Constitutional Dilemmas Regarding the Role of the Attorney General Office, 7 *Mishpat Umimshal* (Law and Government) (2003) 159-205 (Hebrew)
24. The Supreme Court as the Protector of Social Rights (in *Economic, Social and Cultural Rights*, Yoram Rabin and Yuval Shani (eds.) (2003) 69-129
25. Two Concepts of Reasonableness (in *Shamgar Book*, Y. Marzel (ed.), (2003) 459-510
26. The High Court of Justice During the *Intifada* (in 1 *Zamir Book on Law, Society and Politics*, Yoav Dotan and Ariel Bendor (eds.), 2003, 399-439

27. Government Lawyers as Adjudicators: *Pre-petitions* in the High Court of Justice Department 35 *Israel Law Review* (2003) 453-480
28. The Duty to Give Reasons in Administrative Law, 19 *Mechkarei Mishpat* (Bar Ilan Un. Law Review) (2002) 1-66 (Hebrew)
29. Judicial Accountability in Israel: The High Court of Justice and the Phenomenon of Judicial Hyperactivism (in *Developments in Israeli Public Administration*, Moshe Maor (ed.)), 8(4) *Israel Studies* (2002) 87-106
30. The Global Language of Human Rights: Patterns of Cooperation between State and Civil Rights Lawyers in Israel (in *Cause Lawyering and the State in a Global Era*, Austin Sarat and Stuart Scheingold (eds), Oxford Un. Press, 2001, 244-263 =
31. The Knesset as "Legislating for Itself" in the Jurisprudence of the Supreme Court, *Mishpatim* (2000) 771-796 (Hebrew)
32. Interest Groups in the Israeli High Court of Justice: Measuring Success in Litigation and in Out-of-Court Settlements, 23(1) *Law and Policy* (2001) 1-27 (with Menachem Hofnung)
33. The Lawyer, The Public Cause and the Individual Client: A Preliminary Observation into the Relative Success of Political Lawyers in Litigation, 23 *Iunei Mishpat* (Tel Aviv Un. Law Review)(2000) 697-715 (Hebrew)
34. Administrative Promise to the Public, 5 *Mishpat Umimshal* (Law and Government) (2000) 465-495 (Hebrew)
35. Note: Do the 'Haves' Still Come Out Ahead? Resource Inequalities in Ideological Courts: The Case of the Israeli High Court of Justice, 33(4) *Law and Society Review* (1999) 401-425
36. Does Israel Need a Constitutional Court?" 5 *Mishpat Umimshal* (Law and Government) (2000) 117-163 (Hebrew)
37. Public Lawyers and Private Clients: An Empirical Observation on the Relative Success Rates of Cause Lawyers, 21 (4) *Law and Policy* (1999) 401-425
38. Judicial Rhetoric, Government Lawyers and Human Rights: The Case of the Israeli High Court of Justice during the *Intifada*, 33 (2) *Law and Society Review* (1999) 319-364
39. Cause Lawyers Crossing the Lines: Patterns of Fragmentation and Cooperation between State and Civil Rights Lawyers in Israel, 5 *International Journal of the Legal Profession* (1998) 193-208
40. Judicial Review and Political Accountability in Israel, 32 *Israel Law Review* (1998) 448-474
41. Should Prosecutorial Discretion Enjoy Special Treatment in Judicial Review: A Comparative Analysis of the Law in England and in Israel, [1997] *Public Law* 513-531
42. Why Administrators Should Be Bound by Their Policies, 17 *Oxford Journal of Legal Studies* (1997) 23-41
43. The Constitutional Status of the Right for Private Property, 27 *Mishpatim* (Hebrew Un. Law Review) 535-579 (1997) (Hebrew)
44. Administrative Contracts and Promises (in *Public Law in Israel*, I. Zamir and A. Zysblat (eds), Oxford Un. Press, 1997)
45. A Constitution for Israel? The Constitutional Dialogue after 'the Constitutional Revolution', 27 *Mishpatim* (Hebrew Un. Law Review) 149-209 (1997) (Hebrew)

46. Publication of Administrative Guidelines, 3 *Mishpat Umimshal* (Law and Government) 475-508 (1996) (Hebrew)
47. Ripeness and Politics in the High Court of Justice, 20 *Iunei Mishpat* (Tel Aviv Un. Law Review) 93-139 (1996) (Hebrew)
48. Public Cause of Action and Damages without Fault, 2 *Mishpat Umimshal* (Law and Government) 97-108 (1994) (Hebrew)
49. Discrimination in Favor of Others, 1 *Mishpat Umimshal* (Law and Governmnet) 489-507 (1993) (Hebrew)
50. Judicial Review of Delegated Legislation and the Exceptional Case," 24 *Mishpatim* (Hebrew Un. Law Review) 425-461(1994) (Hebrew)
51. The Duty to Publish Administrative Rules, 23 *Mishpatim* (Hebrew University Law Review) 437-472 (1993) (Hebrew)
52. Instead of Relative Voidness, 23 *Mishpatim* (Hebrew University Law Review) 587-640 (1993) (Hebrew)
53. Letter of Credit - Fraud in the Transaction and Fraud in the Documents, 17 *Mishpatim* (Hebrew University Law Review) 92-145 (1987) (Hebrew)
54. Tort Liability of Public Officials with Discretionary Powers, 15 *Mishpatim* (Hebrew University Law Review) 245-286 (1985) (Hebrew)

## REVIEW ARTICLES

1. Lawyering for ‘The Rule of Law’ or ‘Lawyering for the Court’?—A Response to Barzilai, Epp, Rubin, and Marshall, *Jerusalem Review of Legal Studies* (2015) Vol. 11 42-50 doi:10.1093/jrls/jlv001
2. On the Relationships between Power and Accountability (Review on *Public Responsibility in Israel*, Raphael Cohen-Almagor, Ori Arbel-Ganz & Asa Kasher eds., Kibbutz Hameuchad Pub. & The Jerusalem Center for Ethics, 2012) *Mishpatim on-line* 2013.

## OTHER PUBLICATIONS

1. Judicial Review and Election’s Dirty Tricks in an Age of Hyper-Activism – VERSA – Opinions on the Supreme Court of Israel (May 16, 2015) (<http://versa.cardozo.yu.edu/viewpoints#sthash.PsvLt9cj.dpuf>)
2. Judicial Conservatism and Intellectual Courage: A Homage to President (ret.) Asher Grunis – VERSA – Opinions on the Supreme Court of Israel (May 24, 2015) (<http://versa.cardozo.yu.edu/viewpoints#sthash.PsvLt9cj.dpuf>)
3. Administrative Procedure in Israel – Report on the Codification of Administrative Law (International Academy of Comparative Law, Jean-Bernard Auby, ed., Bruylant Press, 2013,)

## WORK IN PROGRESS

1. Judicial Review of Administrative Action (Book – 4 parts) (Under Contract by Harry Sacher Inst. for Legal Studies and Comparative Law)
2. *Ex Ante* Controls in Administrative Law – Comparative Analysis



3. Castles, Cavaliers and Windows: Judicial Behavior, Legal Mobilization and Governmental Positions in Litigation
4. Anti-Corruption and Rule of Law in the Israeli Supreme Court Jurisprudence
5. When the Court Rules against the Public: Voter's Behavior and Trust in Judicial Institutions in the Wake of the Municipal Crisis in Israel 2013
6. Introducing: The McDonald's Index for Comparative Administrative Law & Regulation