

**GILLIAN K. HADFIELD**

University of Southern California  
Law School  
699 Exposition Blvd  
Los Angeles, CA 90089  
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ghadfield@law.usc.edu

## **EDUCATION**

Ph.D (Economics, with Distinction) Stanford University 1990

*Thesis: Commitment and the Design of Long-Term Contracts: Applications and Limitations of Contracting*

*Committee: Kenneth Arrow, Paul Milgrom and A. Mitchell Polinsky*

J.D. (with Distinction) Stanford Law School 1988

B.A.(Hons) (Economics) Queen's University 1983

## **RESEARCH AND TEACHING**

- Comparative economics of legal institutions
- Alternative dispute resolution and legal design
- Contract law and theory
- Law and economics
- Intellectual Property and Antitrust

## **PRESENT POSITIONS**

The Law School, UNIVERSITY OF SOUTHERN CALIFORNIA,  
Professor of Law, 2001 – 2005

Professor of Law and Economics, 2005-2006

Richard L. and Antoinette S. Kirtland Professor of Law and Professor of Economics, 2006- present

Director USC Center in Law, Economics and Organization, 2004-Present

Principal, LECG, LLC, 2001 – present

## **OTHER TEACHING EXPERIENCE**

UNIVERSITY OF CALIFORNIA, Hastings College of Law  
Visiting Professor, Fall 2004

Goldman School of Public Policy, UNIVERSITY OF CALIFORNIA,  
Visiting Professor, Spring 2003

UNIVERSITY OF TORONTO, Faculty of Law  
Associate Professor (with tenure), 1995-1999  
Professor, 1999 – 2001

NEW YORK UNIVERSITY, Global Law Faculty, 1999 - 2001  
Professor

UNIVERSITY OF CALIFORNIA, Berkeley, 1990 - 1994  
Assistant Professor of Law

### **OTHER POSITIONS HELD**

JOURNAL OF LAW AND SOCIAL INQUIRY, 2005 – Present

Editorial Board

CANADIAN LAW AND ECONOMICS ASSOCIATION, 1999 – 2000

President

INSTITUTE FOR POLICY ANALYSIS, 1997 – 2001

Board of Advisors

AMERICAN LAW AND ECONOMICS ASSOCIATION, 1995 – 1998

Director

U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT,  
Chief Judge Patricia M. Wald 1988 – 1989

Law Clerk

DEBEVOISE & PLIMPTON, Washington, D.C., 1987

Summer Associate

### **PUBLICATIONS**

- 2006 “On Public versus Private Provision of Corporate Law” (with Eric Talley) 22  
*Journal of Law, Economics and Organization*
- 2006 “Judging Science: An Essay on the Unscientific Basis of Beliefs about the  
Impact of Law on Science and the Need for Better Data about Law.” *Journal of  
Law and Policy* (forthcoming)
- 2005 “Feminism, Fairness and Welfare: An Invitation to Feminist Law and  
Economics” 1 *Annual Review of Law and Social Science* 285-306.
- 2005 “Exploring Economic and Democratic Theories of Litigation: Differences  
between Individual and Organizational Litigants in the Disposition of Federal  
Civil Cases” 57 *Stanford Law Review* 1275
- 2005 “The September 11<sup>th</sup> Victim Compensation Fund: ‘An Unprecedented  
Experiment in American Democracy’” *The Future of Terrorism Risk Insurance*  
Defense Research Institute
- 2005 “The Many Legal Institutions That Support Contractual Commitment” in Claude  
Menard and Mary Shirley (eds.) *Handbook of New Institutional Economics*
- 2004 “Where Have All the Trials Gone? Settlements, Non-trial Adjudications and  
Statistical Artifacts in the Changing Disposition of Federal Civil Cases” 1  
*Journal of Empirical Legal Studies* 705-734.
- 2004 “Delivering Legality on the Internet: Developing Principles for the Private  
Provision of Commercial Law” 6 *American Law and Economics Review* 154-  
184.

- 2002 “Privatizing Commercial Law: Lessons from ICANN” *Journal of Small and Emerging Business Law*, Vol. 6, pp. 257-283.
- 2001 “Privatizing Commercial Law” *Regulation*, Vol. 24, No. 1, pp. 40-45; Reprinted in *New Zealand Business Law Quarterly* Vol. 7, pp. 287-295.
- 2000 “The Price of Law: How the Market for Lawyers Distorts the Justice System” *Michigan Law Review* Vol. 98, pp. 953-1006.
- 2000 “Changing the Path of the Law” in Steven J. Burton (ed.), *The Path of the Law and Its Influence: The Legacy of Oliver Wendell Holmes Jr.* Cambridge University Press.
- 1999 “A Coordination Model of the Sexual Division of Labor.” *Journal of Economic Behavior and Organization* Vol. 40, pp. 125-153.
- 1999 *The Second Wave of Law and Economics* (with Megan Richardson). Federation Press.
- 1999 “The Role of Theory in Commercial Disputes.” *Proceedings of the Annual Conference of the Canadian Institute for the Administration of Justice.*
- 1999 “Of Sovereignty and Contract: Damages for Breach of Contract by Government.” *University of Southern California Interdisciplinary Law Journal*, Vol. 8, pp. 467-537.
- 1998 “An Information-Based Approach to Labeling Biotechnology Consumer Products” (with David Thomson), *Journal of Consumer Policy* Vol. 21, pp. 551-578 and in Bartha M. Knoppers and Alan D. Mathios (eds.) *Biotechnology and the Consumer*, Kluwer Academic Press.
- 1998 “Information-Based Principles for Rethinking Consumer Protection Policy” (with Robert Howse and Michael Trebilcock), *Journal of Consumer Policy*, Vol. 21 pp.131-169.
- 1998 “An Expressive Theory of Contract: From Feminist Dilemmas to a Reconceptualization of Rational Choice in Contract Law.” *University of Pennsylvania Law Review*, Vol. 146 pp.1235-1285. (Reviewed in Stephen Gardbaum, “Law, Incommensurability and Expression” *University of Pennsylvania Law Review*, Vol. 146 pp. 1687-1699.)
- 1998 Review of Margaret Jane Radin *Contested Commodities: The Trouble with Trade in Sex, Children, Body Parts and Other Things.* *University of Toronto Law Journal*, Vol. 48, pp. 151-155.
- 1998 “Law-and-economics from a feminist perspective” in Peter Newman (ed.) *The New Palgrave Dictionary of Economics and the Law*, Vol. 2, pp. 455-459.
- 1998 “Sexual harassment”, in Peter Newman (ed.) *The New Palgrave Dictionary of Economics and the Law*, Vol. 3, pp. 455-458.

- 1997 "An Incomplete Contracting Perspective on Fiduciary Duty." *Canadian Business Law Journal*, Vol. 28, pp. 141-154.
- 1996 "Rational Women: A Test for Sex-Based Harassment." *California Law Review*, Vol. 83, pp. 1151-1189.
- 1996 "The Second Wave of Law and Economics: A Review of Michael Trebilcock's *The Limits of Freedom of Contract*." *University of Toronto Law Journal* Vol. 46, pp. 181-200.
- 1995 "The Dilemma of Choice: A Feminist Perspective on *The Limits of Freedom of Contract*." *Osgoode Hall Law Journal*, Vol. 33, pp. 337-351.
- 1995 "Just Borders: Normative Economics and Immigration Law" in Warren Schwartz (ed.) *Justice in Immigration*. Cambridge University Press.
- 1994 "Weighing the Value of Vagueness: An Economic Perspective on Precision in the Law." *California Law Review* Vol. 82, pp. 541 - 554.
- 1994 "Judicial Competence and the Interpretation of Incomplete Contracts." *29 Journal of Legal Studies* Vol. 23, pp. 159 - 184.
- 1994 "Households at Work: Beyond Labor Market Policies to Remedy the Gender Gap." *Georgetown Law Journal* Vol. 82, pp. 89-107.
- 1993 "Not the 'Radical' Feminist Critique of *Sex and Reason*" (response to Posner, "The Radical Feminist Critique of *Sex and Reason*"). *Connecticut Law Review*, Vol. 25, pp. 533-546.
- 1992 "Flirting with Science: Richard Posner on the Bioeconomics of Sexual Man" (reviewing Posner *Sex and Reason*). *Harvard Law Review* Vol. 106, pp. 479-503.
- 1992 "Bias in the Evolution of Legal Rules" *Georgetown Law Journal* Vol. 80, pp. 583-616; excerpted in Kenneth G. Dau-Schmidt and Thomas S. Ulen (eds.) *A Law and Economics Anthology* (1998).
- 1992 "The Economics of Copyright: An Historical Perspective." *ASCAP Copyright Law Symposium* Number 38, pp. 1-46. Reprinted 2001 in *The Economics of Intellectual Property* (R. Towse and R.W. Holzhauser, eds.) (awarded National First Prize, 1988 Nathan Burkan Memorial Competition in Copyright Law).
- 1992 "Incomplete Contracts and Statutes." *International Review of Law and Economics* Vol. 12, pp. 257-259.
- 1991 "Credible Spatial Preemption through Franchising." *RAND Journal of Economics* Vol. 22, pp. 531-543.

- 1990 "Problematic Relations: Franchising and the Law of Incomplete Contracts." *Stanford Law Review* Vol. 42, p. 927-992; excerpted in Richard Craswell and Alan Schwartz (eds.) *Foundations of Contract Law* (1994).

## **WORK IN PROGRESS**

"The Quality of Law in Civil Code and Common Law Regimes: Judicial Incentives, Legal Human Capital and the Evolution of Law"

"Don't Forget the Lawyers: Legal Human Capital and The Role of Lawyers in Supporting the Rule of Law"

Survey of September 11<sup>th</sup> Victims and Families, in progress, assessing the choice between the Fund and litigation

"What Lawyers Do: Evidence from Ontario" (empirical study funded by Canadian Social Sciences and Humanities Research Council Relationships in Transition Program, \$40,000; Canadian Bar Association Law for the Future Fund, \$23,000) (joint with Ronit Dinovitzer)

## **PRESENTATIONS AND ADDRESSES**

*"Don't Forget the Lawyers: Legal Human Capital and The Role of Lawyers in Supporting the Rule of Law"* DePaul Law School (April 2006)

*"The Quality of Law in Civil Code and Common Law Regimes: Judicial Incentives, Legal Human Capital and the Evolution of Law"* University of British Columbia Law School (March 2006), University of Toronto Faculty of Law (March 2006), New York University Law School (March 2006), Yale Law School (March 2006)

*"Exploring Economic and Democratic Theories of Litigation: Differences Between Individual and Organizational Litigants in the Disposition of Federal Civil Cases"* Stanford Law School (February 2005), JAMS Annual Meeting (April 2005), Northern District Judicial Conference (May 2005), Loyola Law School (January 2006)

*"The Many Legal Institutions that Support Contractual Commitments"* 3<sup>rd</sup> International Symposium of the Center for Legal Dynamics in Advanced Societies, Kobe Japan (September 2005).

*"Delivering Legality on the Internet: Developing Principles for the Private Provision of Commercial Law"* Kobe University Faculty of Law (September 2005).

*"Do Legal Origins Really Matter for Contemporary Institutions?"* American Economics Association Annual Meeting, Philadelphia (January 2005), USC Law School (February 2005)

*"The September 11<sup>th</sup> Victim Compensation Fund: 'An Unprecedented Experiment in American Democracy'"* USC Law School (March 2005), NYU Law School (October 2005)

*"What do we know about law's ability to judge science?"* Science for Judges VI, Brooklyn Law School (March 2005)

*"Most Cases Don't Settle, There's More Non-Trial Adjudication than Ever and the Haves May be Coming Out Ahead: Preliminary Observations on the Changing Disposition of Federal Civil Cases"* Georgetown Law Center (October 2004), University of San Diego

Law School (February 2004), Pepperdine Law School (January 2004), Vanishing Trials Symposium (ABA Section on Litigation) (December 2003)

*“Daubert and the Theory of Expert Evidence”* Pennsylvania State University, Department of History, State College (December 2002).

*“On Public versus Private Provision of Corporate Law”* International Society for New Institutional Economics, Annual Meeting, Berkeley (September 2001), University of Illinois (October 2001), University of California, Berkeley School of Business (November 2001), USC-UCLA Corporate Roundtable, Los Angeles (November 2001), American Law and Economics Association Annual Meeting (May 2004), University of Toronto Rotman School of Management (March 2006).

*“Privatizing Commercial Law: Lessons from ICANN”* Northwestern Law School of Lewis and Clark College (October 2001), University of Illinois College of Law, (October 2001).

*“The Economics of Franchising and Franchise Legislation”* Luncheon Address, The American Franchise Association Annual Legal Symposium, Philadelphia (April 2001)

*Making the Market for Lawyers: Some Provocative Proposals for the Next Century* Yale Law School (April 2001)

*The Allocation of Effort between the Economic and the Democratic Functions of Law,* University of Southern California (January 2001)

*“The People v. The Corporation: Preliminary Findings on the Allocation of Legal Effort from Mandatory Filings by All Lawyers Practicing in Ontario, Canada”* Law and Society Association Annual Meeting, Miami (May 2000), American Bar Foundation (August 2000), Canadian Law and Economics Meetings, Toronto (September 2000)

*“Privatizing Commercial Law: Lessons from the Middle and the Digital Ages”* Cornell Law School (March 2000), Stanford Law School (April 2000), New York University (October 2000), University of San Diego (October 2000), Duke University (November 2000), University of California at Los Angeles (March 2001)

*“The Price of Law: How the Market for Lawyers Distorts the Justice System”* Columbia University School of Law (December 1998), American Bar Foundation (July 1999) Canadian Law and Economics Association Annual Meeting (September 1999), University of Michigan (September 1999), Cornell Law School (November 1999), Stanford Law School (January 2000), Hoover Institution (January 2000), Law and Society Association Annual Meeting, Miami (May 2000), American Law and Economics Association Annual Meeting, NYU Law School (May 2000).

*“The Role of Theory in Commercial Disputes,”* Canadian Institute for the Administration of Justice (October 1997).

*“Rational Marriage: The Nature of Choice and Commitment in Marital Contracting,”* George Mason University (October 1997).

*“The Second Wave of Law and Economics: Learning to Surf,”* University of Melbourne, Keynote Address (July 1997).

*“Changing the Path of the Law,”* University of Iowa (January 1997).

*“A Feminist Perspective on Rational Choice in the Law,”* Columbia University School of Law, (November 1996), Cornell Law School (April 1997), University of Melbourne (July 1997), Canadian Law and Economics Association (September 1997), University of Southern California (January 1998), University of Pennsylvania (February, 1998), McGill Law School (March 1998), Boston University (April 1998).

*“Internalizing the Other: An Incomplete Contracting Perspective on Fiduciary Duty.”* Annual Workshop on Consumer and Commercial Law, University of Toronto, (October 1995), Columbia University Law School (February, 1997), University of Melbourne (July 1997).

*“Contract Law”* Ontario Court of Appeal (October 1996).

*“The Invisible Hand: Damages for Breach of Contract by Government.”* University of Virginia (October 1995), New York University (December 1995), American Law & Economics Association (May 1997).

*“Law, Economics and Feminism.”* University of Virginia (October 1995).

*“Rational Women: An Economic Test for Sexual Harassment.”* University of Toronto (October 1993), University of Michigan (March 1994), Yale Law School (April 1994), American Law and Economics Association Annual Meeting (May 1994), Stanford Law School (March 1995), International Association for Feminist Economics (July 1995).

*“A Coordination Model of the Sexual Division of Labor.”* Hoover Institution (April 1993), Stanford Graduate School of Business (April 1993), International Association for Feminist Economics (August 1993), University of California, Berkeley (January 1996).

*“Households at Work: Beyond Labor Market Policies to Remedy the Gender Gap.”* Stanford Law School (March 1993).

*“Nanny-gate: The Invisible Household.”* Golden Gate University School of Law, Queen's Bench Association (March 1993).

*“Overinvesting in Relationship-Specific Information under Short-Term Contracting.”* Hoover Institution (February 1993).

*“Bias in the Evolution of Legal Rules.”* University of Toronto (November 1991), American Law and Economics Association Second Annual Meeting (May 1992).

*“Judicial Competence and the Interpretation of Incomplete Contracts.”* Georgetown University Law Center (April 1991), American Law and Economics Association First Annual Meeting (May 1991), University of California, Berkeley (February 1992), University of Chicago (October 1992) Northwestern University (October 1992).

*“Problematic Relations: Franchising and the Law of Incomplete Contracts.”* Stanford Law School (October 1988), Harvard Law School (March 1989), Yale Law School (March 1989), Columbia University (November 1989), New York University (November 1989),



University of Chicago (November 1989), University of Michigan (December 1989),  
University of California, Berkeley (December 1989).

*“Bargaining, Asymmetric Information and the Determination of Contract Duration.”*  
University of Toronto (November 1988), Stanford University (October 1989).

## CONFERENCES

*American Law and Economics Association Annual Meeting* Berkeley (May 2006) (Chair)

*Twelfth Annual Clifford Symposium: Is the Rule of Law Waning in America?* DePaul Law  
School (April 2006) (Invited Paper)

*The Law and Economics of Contracts* Columbia Law School (April 2006) (Invited  
Participant)

*Modeling Law* NYU Law School (October 2005) (Invited Presentation)

*3<sup>rd</sup> International Symposium of the Center for Legal Dynamics in Advanced Societies*, Kobe  
Japan (September 2005) (Keynote Speaker).

*The Civil Trial: Adaptation and Alternatives* Stanford Law Review Symposium (February  
2005) (Invited Paper)

*AALS Mid-Year Conference on Contracts* Montreal Canada (June 2005) (Panelist and  
Organizer)

*American Law and Economics Association Annual Meeting* New York (May 2005) (Panel  
Organizer and Chair)

*Science for Judges VI* Brooklyn Law School (March 2005)

*Conference on Commercial Law Theory and the Convention on the International Sale of  
Goods* Florence Italy (October 2004) (Commentator)

*USC Institute on Intellectual Property* (May 2004, May 2005) (Moderator and Planning  
Committee)

*American Law and Economics Association Annual Meeting* Chicago (May 2004) (Principal  
Paper)

*The Vanishing Trial*, ABA Section on Litigation, San Francisco (December 2003) (Invited  
Paper)

*Historians as Expert Witnesses*, Pennsylvania State University, (December 2002) (Invited  
Paper)

*International Seminar on Legal Markets*, Lord Chancellor’s Department, U.K. (October  
2002) (Convenor)

*Mechanism Design and the Law*, USC Law School (February 2002) (Commentator)

*USC-UCLA Corporate Roundtable* USC Law School (November 2001) (Invited Paper)

*Deciding ICANN Domain Name Disputes: Questioning Delegation, Fairness and Consent*  
Northwestern Law School of Lewis & Clark College (October 2001) (Invited Paper)

*International Society for New Institutional Economics Annual Meeting*, University of California, Berkeley (September 2001) (Invited Paper)

*Dissolving Boundaries: Law, Law Jobs and the Role of Law Schools in the New Century: Yale Law School's Tercentennial Celebration Conference* New Haven (April 2001) (Panelist)

*Canadian Law and Economics Association Annual Meeting*, University of Toronto (September 2000) (Chair and Principal Paper)

*American Law and Economics Association Annual Meeting*, NYU Law School (May 2000) (Principal Paper)

*Law and Society Association Annual Meeting*, Miami, May 2000 (Chair and Principal Papers)

*An Uncomfortable Conversation: Are Children a Public Good or Personal Responsibility?*  
Cornell Law School, November 1999 (Invited Participant)

*XXIVth International Congress on Law and Mental Health*, University of Toronto, June 1999 (Chair, Women's Madness: Law, Literature and Psychology)

*Law and Society Association Annual Meeting*, Chicago, May 1999

*Ontario Pro Bono Initiative Summit*, Faculty of Law, University of Toronto, April 1999 (Invited Participant)

*Symposium on Incommensurability and the Law*, University of Pennsylvania Law School, February 1998 (Principal Paper).

*The Administration of Justice in Commercial Disputes*, The Canadian Institute for the Administration of Justice, Osgoode Hall Law School, October 1997 (Panelist).

*Donner Conference on Freedom of Contract and the Family*, George Mason University, October 1997 (Commentator).

*Canadian Law and Economics Association Annual Meeting*, University of Toronto, September 1997 (Chair and Principal Paper).

*Australian Law and Economics Association Second Annual Meeting*, University of Melbourne, July 1997 (Keynote Address, Principal Paper and Practitioner's Seminar).

*Biotechnology, the Consumer and the Canadian Marketplace*, Industry Canada, Office of Consumer Affairs, Ottawa, May 1997 (Principal Paper).

*American Law & Economics Association Annual Meeting*, University of Toronto, May 1997 (Principal Paper).

*Make versus Buy: The New Boundaries of the Firm*, Columbia University, February 1997 (Invited Paper); November 1997 (Commentator).

*Symposium on Oliver Wendell Holmes Jr., The Path of the Law*, University of Iowa, January 1997 (Commentator).

*Feminism Confronts Economic Theory*, Columbia University, November 1996 (Invited Paper)

*The Market for Information, Roundtable, Industry Canada, Office of Consumer Affairs*, Ottawa, June 1996 (Invited Participant).

*International Association for Feminist Economics, Annual Meeting* Tours, France, July 1995 (Principal Paper).

*Canadian Law and Economics Association*, University of Toronto, 1995 (Chair), 1996 (Chair).

*American Law and Economics Association Annual Meeting* Stanford University, May 1994 (Principal Paper).

*International Association For Feminist Economics, Annual Meeting* American University, Washington D.C., August 1993 (Paper).

*Symposium on Richard A. Posner's Book Sex and Reason*, Gruter Institute for Law and Behavioral Research, Stanford, March 1993 (Invited Participant).

*Revising U.C.C Article 2*, Association of American Law Schools, San Francisco, January 1993 (Commentator).

*Void-for-Vagueness: Law's Precision Measured Against Models of Perception and Thought* Gruter Institute, University of California, Berkeley School of Law, November 1992 (Invited Paper).

*Symposium on the Law and Economics of the Gender Gap* Georgetown University Law Center, November 1992 (Commentator).

*Conventions and the Culture of Liberty*, Liberty Fund, Cape Cod, June 1992 (Invited Participant).

*American Law and Economics Association Annual Meeting* Yale Law School, May 1992 (Chairperson and Principal Paper, Session on the Evolution of Legal Rules).

*Symposium on the Law and Economics of Immigration*, Georgetown University Law Center, April 1992 (Commentator).

*American Law and Economics Association First Annual Meeting*, University of Illinois, May 1991 (Principal Paper, Contracts Session).

*Human Genome Initiative*, University of Arizona School of Law, May 1991 (Invited Participant).

*Women and Work*, University of California, Los Angeles, November 1990 (Invited Participant).

*Constitutional Law and Economics*, Stanford Law School, October 1990 (Discussant).

## **FELLOWSHIPS, HONORS AND AWARDS**

Center for Advanced Study in the Behavioral Sciences, Fellow, 2006-2007

USC Law School, 2000-2001, Olin Fellow in Law and Economics

Cornell Law School, 1999-2000, Olin Fellow in Law and Economics

University of Toronto, 1999, Connaught Fellow

University of Toronto, 1999, Cecil Wright Fellowship

Columbia Law School, 1998, Senior Olin Fellow in Law and Economics

University of Toronto, Faculty of Law, 1997, Cecil Wright Fellowship

University of Toronto, Faculty of Law, 1996, Faculty Teaching Fellowship

University of California Regents Junior Faculty Fellowship, 1993

National Fellow, Hoover Institution, 1992, John M. Olin Faculty Fellowship

Sloan Doctoral Dissertation Fellowship, 1989

Order of the Coif (Law Honor Society), 1988

Richard S. Goldsmith Prize in Dispute Resolution

National First Prize, Nathan Burkan Memorial Competition

New Directions Mellon Fellowship, 1986

Hilmer Oehlmann Jr. Award for Legal Research and Writing

Canadian Social Sciences and Humanities Research Council Doctoral Fellowship, 1984

Medal in Economics, Prize in Economic History 1983

The Prince of Wales Prize, Honourable Mention

(awarded to the graduating student with second highest standing on the B.A.H. list, Queen's University).

Rector Norman MacLeod Rogers Scholarship (awarded for intellectual achievement, leadership potential and contribution to the local and University communities).

## **PROFESSIONAL MEMBERSHIPS**

American Law and Economics Association, American Economics Association, Order of the Coif, International Association for New Institutional Economics

May 2006