

March 2016

KATHRYN E. SPIER

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ACADEMIC APPOINTMENTS

Current Positions: Domenico de Sole Professor of Law, Harvard Law School (2008 – present).
NBER Research Associate, Law and Economics Group (2002 – present).

Previous Positions: Professor of Law, Harvard Law School (2007 – 2008).
Richard M. Paget Distinguished Professor (2005 – 2007); Professor of Management and Strategy (2003 - 2005); Associate Professor (1994 - 2003); Kellogg Graduate School of Management, Northwestern University.
Professor of Law, Northwestern University (2005 – 2007).
Northwestern Department of Economics, Courtesy Appointment.
Robert B. and Candace J. Haas Visiting Professor, Harvard Law School (Fall 2005).
NBER Faculty Research Fellow, Law and Economics Group. (1990-2002).
Associate Professor (1993-1994); Assistant Professor (1989 – 1993); Department of Economics, Harvard University.
Olin Fellow, University of Chicago Law School (1993 – 1994).
Visiting Assistant Professor, University of Chicago GSB (1993).
Visiting Scholar, Harvard Law School (1993).

EDUCATION

Graduate: M.I.T., Department of Economics, Ph.D. 1989.

Undergraduate: Yale, B.A. *summa cum laude* with distinction in Mathematics & Economics, 1985.

PROFESSIONAL LEADERSHIP

President, *The American Law and Economics Association*. 2015-2016. (Vice President, 2014-2015; Secretary-Treasurer, 2013-2014)

Co Editor, *The RAND Journal of Economics*. 2011 to present. (Associate Editor, 1998 to 2010)

Editorial Board, *The Journal of Law, Economics, and Organization*. 1997 to present.

Editorial Board, *B.E. Journals of Economic Analysis & Policy*. 2001 to present.

Advisory Board, *Journal of Institutional and Theoretical Economics*. 2013 to present.

Editorial Board, *The International Review of Law and Economics*. 1999 to 2012.

Board of Directors, *The American Law and Economics Association*. 2004 - 2007, 1997-2000.

HONORS, GRANTS, & FELLOWSHIPS

National Science Foundation Award No. SES-1155761, "Contractual Arrangements and Bargaining Institutions in Inter-Firm and Intra-Firm Strategic Environments." 2012-15.

Searle Fund Grant, "Litigation Policy and Tort Reform." 2004-05.

Garvin Prize in Law & Economics, School of Law, Boalt Hall, Berkeley. 2001-2002.

Sidney J. Levy Teaching Award, Kellogg. 2002 and 2006.

Olin Fellowship, University of Chicago. 1993-94.

Olin Fellowship for Junior Faculty. 1992-93.

National Science Foundation Grant, No. SES-9109009, "The Strategic Role of Debt: Can Leverage Influence Bargaining Outcomes?" 1991-92.

Olin Foundation Graduate Fellowship in Law and Economics, MIT. 1988-89.

National Science Foundation Graduate Fellowship, MIT. 1985-88.

Deforest Prize, Yale University, for excellence in pure and applied mathematics).1985.

Bickerman Memorial Prize, Yale University; for best departmental essay in economics. 1985.

Laun Honor Award, Yale University; for overall excellence in economics. 1985.

Ellsworth Senior Prize, Yale University, Jonathan Edwards College; best senior essay in the social sciences. 1985.

Stanley Prize, Yale University; for excellence in pure and applied mathematics. 1984.

Phi Beta Kappa. Yale University. 1984.

PUBLICATIONS

“A Comprehensive Theory of Civil Settlement” (with J.J. Prescott). *NYU Law Review* (2016). Available at SSRN: <http://ssrn.com/abstract=2632612>.

“Stipulated Damages as a Rent-Extraction Mechanism: Experimental Evidence” (with Claudia Landeo). *Journal of Institutional and Theoretical Economics*. Vol. 172 (2016) pp. 235-273. Available at SSRN: <http://ssrn.com/abstract=2112665>.

“Do Tying, Bundling, and Other Purchase Restraints Increase Product Quality?” (with James D. Dana). *International Journal of Industrial Organization*, Vol. 43 (2015), pp. 142-147. Available at SSRN: <http://ssrn.com/abstract=2587975>.

“Incentive Contracts for Teams: Experimental Evidence” (with Claudia Landeo). *Journal of Economic Behavior and Organization*, Vol. 119 (2015), pp. 496-511. Available at SSRN: <http://ssrn.com/abstract=2443216>.

“What Courses Should Law Students Take? Lessons from Harvard’s BigLaw Survey” (with John C. Coates, IV and Jesse M. Fried). *Journal of Legal Education*, Vol. 64(3) (2015), pp. 443-454.

“Incentives to Invest in Litigation and the Superiority of the Class Action” (with David Rosenberg). *Journal of Legal Analysis*, Vol. 6(2) (2014), pp. 305-365.

“Trial and Settlement: A Study of High-Low Agreements” (with JJ Prescott and Albert Yoon). *Journal of Law and Economics*, Vol. 57 (2014), pp. 699-746.

“审判与和解：高低协议研究” [Trial and Settlement: A Study of High-Low Agreements]. Translated by Yajie Xin. 比较: *Comparative Studies*, no. 80 (2015): 154-189.

“Shotguns and Deadlocks” (with Claudia Landeo). *The Yale Journal on Regulation*, forthcoming, Vol. 31(1) (2014).

“Irreconcilable Differences: Judicial Resolution of Business Deadlock” (with Claudia Landeo). *The University of Chicago Law Review*, Vol. 81(1) (2014), pp. 203-227.

“Should Consumers be Permitted to Waive Products Liability? Product Safety, Private Contracts, and Adverse Selection” (with Albert Choi). *The Journal of Law, Economics, & Organization*, Vol. 30 (4) (2014), pp. 734-766.

“Shotgun Mechanisms for Common-Value Partnerships: The Unassigned-Offeror Problem” (with Claudia Landeo), *Economics Letters*, Vol. 121 (2013), pp. 390-394.

“Exclusive Dealing and Market Foreclosure: Further Experimental Results” (with Claudia Landeo). *The Journal of Institutional and Theoretical Economics*, Vol. 168(1) (2012), pp. 150-170.

“Incentives and Contract Frames: Comment” (with Claudia Landeo). *The Journal of Institutional and Theoretical Economics*, Vol. 168(1) (2012), pp. 83-88.

“Product Safety, Buybacks and the Post-Sale Duty to Warn,” *The Journal of Law, Economics, & Organization*, Vol. 27(3) (2011), pp. 515-539.

Reprinted in *Economic Models of Law*, Thomas J. Miceli and Mathew J. Baker, eds., Edward Elgar Publishing, forthcoming.

“Trigger Happy or Gun Shy? Dissolving Common-Value Partnerships with Texas Shootouts” (with Richard Brooks and Claudia Landeo), *RAND Journal of Economics* Vol. 41(4) (2010), pp. 649-673.

“Divide and Conquer” (with Eric A. Posner and Adrian Vermeule), *The Journal of Legal Analysis*, Vol. 2(2) (2010) pp. 417-471.

“Naked Exclusion: An Experimental Study of Contracts with Externalities,” (with Claudia Landeo), *The American Economic Review*, Vol. 99(5) (2009), pp. 1850-77.

“Strategic Judgment Proofing,” (with Yeon-Koo Che), *The RAND Journal of Economics*, Vol. 39(4) (2008), pp. 926-948.

“Exploiting Plaintiffs Through Settlement: Divide and Conquer,” (with Yeon-Koo Che), *The Journal of Institutional and Theoretical Economics*, Vol. 164(1) (2008), pp. 4-23.

“Economics of Litigation,” in Blume and Durlauf, eds., *The New Palgrave Dictionary of Economics*, 2nd ed., Palgrave MacMillan, 2008.

“Litigation,” in A. Mitchell Polinsky and Steven Shavell, eds., *The Handbook of Law and Economics*, North Holland, 2007.

“Entry Deterrence in a Duopoly Market,” (with James D. Dana, Jr.), *The B.E. Journal of Economic Analysis & Policy*: Vol. 7(1) (Advances), Article 19 (2007).

“Manufacturer Liability for Harm Caused by Consumers to Others,” (with Bruce Hay), *The American Economic Review*, Vol. 95(5) (2005), pp. 1700-1711.

“Information and Externalities in Sequential Litigation,” (with Xinyu Hua), *Journal of Institutional and Theoretical Economics*. Vol. 161(2) (2005), pp. 215-232.

“A Theory of Utilization Review,” (with David Dranove), *Contributions to Economic Analysis & Policy*, Vol. 2(1) (2003).

“The Use of Most-Favored-Nation Clauses in Settlement of Litigation,” *The RAND Journal of Economics*, Vol. 34 (1) (2003).

“‘Tied to the Mast’: Most-Favored-Nation Clauses in Settlement Contracts,” *The Journal of Legal Studies*, Vol. 32 (1) (2003).

“Settlement with Multiple Plaintiffs: The Role of Insolvency,” *Journal of Law, Economics, and Organization*, Vol. 18 (2) (2002), pp. 293-323.

“Threats Without Binding Commitment,” (with Steven Shavell), *Topics in Economic Analysis & Policy*: Vol. 2 (1) (2002).

“Revenue Sharing and Vertical Control in the Video Rental Industry,” (with James D. Dana, Jr.), *The Journal of Industrial Economics*, Vol. 49 (3) (2001), pp. 223-45.

“‘Competition’ Among Employers Offering Health Insurance,” (with David Dranove and Laurence Baker), *The Journal of Health Economics*, Vol. 19 (2000), pp. 121-140.

“Settlement of Litigation,” (with Bruce Hay), in Peter Newman, ed., *The New Palgrave Dictionary of Economics and the Law*, Macmillan Reference Limited, 1998. pp. 442-451.

“Capital Structure, Priority Rules, and the Settlement of Civil Claims,” (with Alan Sykes), *The International Review of Law and Economics*, Vol. 18 (2) (1998), pp. 187-200.

“Burdens of Proof in Civil Litigation: An Economic Perspective,” (with Bruce L. Hay), *The Journal of Legal Studies*, Vol. 26(2) (1997), pp. 413 - 431.

Reprinted in *The Economics of Evidence, Procedure, and Litigation*, Chris W. Sanchirico, ed., Edward Elgar Publishing, Volume 2, (2007).

“A Note on the Divergence Between the Private and the Social Motive to Settle Under a Negligence Rule.” *The Journal of Legal Studies*, Vol. 26(2) (1997), pp. 613 - 621.

“On the Efficiency of Privately Stipulated Damages for Breach of Contract: Entry Barriers, Reliance, and Renegotiation,” (with Michael Whinston), *The RAND Journal of Economics*, Vol. 26 (2) (1995), pp. 180-202.

“Settlement Bargaining and the Design of Damage Awards,” *The Journal of Law, Economics, & Organization*, Vol. 10 (2) (1994), pp. 84-95.

Reprinted in *The Economics of Evidence, Procedure, and Litigation*, Chris W. Sanchirico, ed., Edward Elgar Publishing, Volume 2, (2007).

“Pretrial Bargaining and the Design of Fee-Shifting Rules,” *The RAND Journal of Economics*, Vol. 25 (2) (1994), pp. 197-214.

“Retaliatory Mechanisms for Eliminating Trade Barriers: Aggressive Unilateralism vs. GATT Cooperation,” (with David E. Weinstein), Chapter 14 in *Imperfect Competition in International Trade*, Winston W. Chang and Seiichi Katayama, eds., Kluwer Academic Publishers (1995).

“Designing a Private Industry: Government Auctions with Endogenous Market Structure,” (with James D. Dana, Jr.), *The Journal of Public Economics*, Vol. 53 (1994), pp. 127-147.

“A Note on Joint and Several Liability: Insolvency, Settlement, and Incentives,” *The Journal of Legal Studies*, Vol. 23 (1, part 2) (1994), pp.559-568.

“Capital Structure as a Bargaining Tool: The Role of Leverage in Contract Renegotiation,” (with Enrico Perotti), *The American Economic Review*, Vol. 83 (5) (1993), pp. 1131-1141.

“Expertise and Contingent Fees: The Role of Asymmetric Information in Attorney Compensation,” (with James D. Dana, Jr.), *The Journal of Law, Economics, & Organization*, Vol. 9 (2) (1993), pp. 349-367.

“Defense Procurement: Politics, Management, and Incentives: Discussion,” in James Leitzel and Jean Tirole, eds. *Incentives in procurement contracting*. Pew Studies in Economics and Security. Boulder and Oxford: Westview Press, 1993, pages 22-23.

“The Dynamics of Pretrial Negotiation,” *The Review of Economic Studies*, Vol. 59 (1) (1992), pp. 93-108.

Reprinted in *The Economics of Evidence, Procedure, and Litigation*, Chris W. Sanchirico, ed., Edward Elgar Publishing, Volume 1, (2007).

“Incomplete Contracts and Signaling,” *The RAND Journal of Economics*, Vol. 23 (3) (1992), pp. 432-443.

UNPUBLISHED MANUSCRIPTS

“What Courses Should Law Students Take? Harvard’s Largest Employers Weigh In” (with John C. Coates, IV and Jesse M. Fried). February 2014. Available at SSRN: <http://ssrn.com/abstract=2397317>.

“Bundling and Quality Assurance” (with James D. Dana). Mimeo. October 2014. Revised August 2015. <http://ssrn.com/abstract=2658922>.

“Contracting on Litigation” (with J.J. Prescott). Mimeo. September 2015 (first draft October 2014).

“Taking a Financial Position in Your Opponents in Litigation” (With Albert Choi). February 2015. Available at SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2733710

REFEREE ACTIVITY

American Economic Review; American Law and Economics Review; Econometrica; Games and Economic Behavior; International Economic Review; International Review of Law and Economics; Journal of Economics & Management Strategy; Journal of Economic Theory; Journal of Institutional and Theoretical Economics; Journal of Labor Economics; Journal of Law and Economics; Journal of Law, Economics, & Organization; Journal of Legal Analysis; Journal of Legal Studies; Journal of Political Economy; Journal of Public Economics; National Science Foundation; Quarterly Journal of Economics; RAND Journal of Economics; Review of Economics and Statistics; Review of Economic Studies; etc.

SELECT ADMINISTRATIVE

Law and Business Program of Study Coordinator, Harvard Law School, 2013 –
Library Committee, Harvard Law School, 2009 – .

Managerial Economics and Strategy Ph.D. Coordinator, Kellogg GSM, 2002 – 2004.

Personnel Committee, Kellogg Graduate School of Management, 2004 – 2007.

Recruiting Committee, Kellogg Graduate School of Management, 2005 – 2007.

TEACHING

Harvard Law School:

- Business Strategy for Lawyers. Fall 2005, Spring 2008 – .
- Analytical Methods for Lawyers. Fall 2008 – .
- Law, Economics and Organizations Research Seminar. 2009 – .
- Business Strategy in the Entertainment Industry Reading Group. Spring 2010.
- Competitive Strategy and Antitrust Reading Group. Spring 2011.
- Olin Spanish Law and Economics Seminar. Fall 2008, 2009, 2010
- The Federal Judicial Center Law and Society Program, Spring 2012, 2013

Northwestern University, Kellogg Graduate School of Management:

- MGMT 452 Strategy and Organization. MBA. 1994 – 2007.
- MECS 517 Ph.D. Research Seminar. Spring 2000.

Northwestern University, Law School:

- BUSCOM 603K Business Strategy for Lawyers. Fall 2004.

Northwestern University, College of Arts and Sciences

(Mathematical Methods in Social Sciences Program)

- MMSS 456 Business Strategy and Organization, undergraduate, Spring 2003.

Harvard University, Department of Economics:

- EC 2030. Mathematics for Economists. Ph.D., 1989 – 1992.
- EC 2051. Economics of Uncertainty and Information, Ph. D., 1990 & 1991.
- EC 985a. Research in Microeconomics, undergraduate, 1990 – 1992.
- EC 2612. Bargaining and Contracts with Applications: Industrial Organization and the Economics Analysis of the Law, Ph.D., 1992.
- EC 2011. Critical Seminar in Economic Theory. 1989-1993.
- EC 2086. Advanced Theory Workshop. 1989-1993. With other faculty.
- EC 2660. Law and Economics: Research Seminar. 1992-93.

University of Chicago, Graduate School of Business:

- BUS 300. Microeconomics, MBA, Fall 1993.