

## MAYTAL GILBOA

### Academic Positions

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- 2024-present Associate Professor, University of Bar Ilan Faculty of Law
- 2020-2024 Assistant Professor, University of Bar Ilan Faculty of Law
- 2018-2020 Postdoctoral Fellow, University of Toronto Faculty of Law
- 2016-2017 Postdoctoral Fellow, Hebrew University of Jerusalem,  
The Federmann Center for the Study of Rationality
- 2015-2016 Adjunct Lecturer, Tel Aviv University Buchmann Faculty of Law

### Publications

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- Biased but Reasonable: Bias Under the Cover of Standard of Care, 57 GEORGIA LAW REVIEW 489 (2023)
  - Covered in Race, Racism and the Law (March. 26, 2023)  
<https://racism.org/articles/basic-needs/54-health-and-health-care/230-health-care-generally/191-barrierstoaccess/11096-biased-but>
- The Future of Property, 44 CORDOZO LAW REVIEW 1443 (2023) (with Yael Lifshitz & Yotam Kaplan)
- Duty of Noninjury, Duty of Care, and Guidance Rules: A Comment on *Recognizing Wrongs* 27 JERUSALEM REVIEW OF LEGAL STUDIES 51 (2023)
- Linking Gains to Wrongs, 35 CANADIAN LAW AND JURISPRUDENCE 365 (2022)
- The Costs of Mistakes, 122 COLUMBIA LAW REVIEW FORUM 61 (2022) (with Yotam Kaplan)
  - Cited and Quoted by the US Court of Appeal (Second Circuit) in the matter of *Citibank v. US LLC LP* (Sep. 8, 2022)
- The Other Hand Formula, 26 LEWIS & CLARK LAW REVIEW 883 (2022) (with Yotam Kaplan)
- The Color of Pain: Racial Bias in Pain and Suffering Damages, 56 GEORGIA LAW REVIEW 651 (2022)
  - Covered in Race, Racism and the Law (Sep. 21, 2022)  
<https://racism.org/articles/law-and-justice/civil-justice-and-racism/10723-the-color>
- Loser Takes All: Multiple Claimants & Probabilistic Restitution, 10 UC IRVINE LAW REVIEW 907 (2020) (with Yotam Kaplan)

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- Multiple Reasonable Behavior Cases: The Problem of Causal Underdetermination in Tort Law, 25 LEGAL THEORY 77 (2019)
  - The Costs of Having (too) Many Choices: Reshaping the Doctrine of Informed Consent, 84 BROOKLYN LAW REVIEW 367 (2019) (with Omer Pelled)
  
  - The Mistake about Mistakes: Rethinking Partial and Full Restitution, 26 GEORGE MASON LAW REVIEW 427 (2018) (with Yotam Kaplan)
  
  - The Right of a Payor, Who Discharged Another's Debt Under a False Assumption, for Restitution from the Creditor, 35 TEL AVIV U. L. REV. 403 (2012)
    - Cited and Quoted by the Israeli Supreme Court in File No. 10901/08 Beizman Investments Inc. v. Haliva (July 17, 2011)

## Grants, Awards & Scholarships

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- 2022-2024 The Israel Science Foundation Grant (ISF) (with Yotam Kaplan)
- 2022 The Germen Israeli Foundation for Scientific Research and Development Grant (GIF) (with Yotam Kaplan)
- 2018-2020 Tel Aviv University President's Postdoctoral Grant
- 2016-2017 Israeli Center of Research Excellence Scholarship (I-CORE)
- 2009-2014 Zvi Meitar Center for Advanced Legal Studies Fellowship, Tel Aviv University Buchmann Faculty of Law
- 2012 The Switzerland-Israel Foundation for Advancing Philosophical Research in Israel Scholarship
- 2011, 2012 Zvi Meitar Fellow for Excellent Achievements
- 2001-2002 Dean's list, Tel Aviv University Buchmann Faculty of Law
- 2002 Israel Presidential Prize for Volunteerism

## Selected Presentations

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- 6/2023 Biased Evaluation of Pain and Suffering Damages  
The annual meeting of the American Law & Economics Association  
**Boston University**
- 6/2023 Climate Change as Unjust Enrichment  
Energising Private Law  
**King's College, London**
- 5/2023 Biased but Reasonable: Bias Under the Cover of Standard of Care  
The Private Law Workshop (*cancelled due to strike*)

**Hebrew University of Jerusalem**

- 01/2023 Biased but Reasonable: Bias Under the Cover of Standard of Care  
The Law & Economic Workshop  
**Bar Ilan University**
- 11/2022 Biased but Reasonable: Bias Under the Cover of Standard of Care  
The Law & Economic Workshop  
**Hebrew University of Jerusalem**
- 9/2022 The Costs of Mistakes  
The annual meeting of the European Law & Economics Association  
**Nova School of Business & Economics, Lisbon**
- 8/2022 Biased but Reasonable: Bias Under the Cover of Standard of Care  
The annual meeting of the American Law & Economics Association  
**Columbia Law School, NYC**
- 6/2022 Duty of Noninjury: A Causal Perspective  
Book Symposium: "Recognizing Wrongs" by John Goldberg & Benjamin Zipursky  
**The Hebrew University of Jerusalem**
- 6/2022 Biased but Reasonable: Bias Under the Cover of Standard of Care  
The Canadian Law of Obligations Conference  
**Allard Law & Green College, UBC**
- 6/2022 Biased but Reasonable: Bias Under the Cover of Standard of Care  
**The 2022 Conference of the Israeli Private Law Association**
- 11/2021 The Color of Pain: Racial Bias in Pain and Suffering Damages  
The Law & Economic Workshop  
**Tel Aviv University Buchmann Faculty of Law**
- 6/2021 The Other Hand Formula  
The 2021 Conference of the Israeli Private Law Association  
**University of Haifa Faculty of Law**
- 12/2020 The Normativity of Causation: Making Sense of Restitution for Wrongs  
**Faculty Seminar, Reichman University, Herzliya**
- 7/2020 The Normativity of Causation: Making Sense of Restitution for Wrongs  
Obligations X (*Cancelled – Covid19*)  
**Harvard Law School**
- 9/2019 Loser Takes All: Multiple Claimants & Probabilistic Restitution  
The 2019 Canadian Law & Economics Association Meeting  
**University of Toronto**
- 6/2019 Making Sense of Restitution for Wrongs  
The Workshop: The Place of Restitution in the Modern Law: 30 Years after  
"An Introduction to the Law and Restitution"  
**University of Leeds School of Law**

- 5/2019 Making Sense of Restitution for Wrongs  
The Canadian Private Law Workshop  
**Osgoode Law School, Toronto**
- 9/2018 The Mistake about Mistakes: Rethinking Partial Restitution  
The 2018 Canadian Law & Economics Association Meeting  
**University of Toronto**
- 5/2018 Normativity or Causation?  
The Legal Philosophy Workshop  
**Rutgers University**
- 9/2017 Multiple Reasonable Behavior Cases: The Problem of Causal Underdetermination in Tort Law  
The 2017 Canadian Law & Economics Association Meeting  
**University of Toronto**
- 6/2017 Multiple Reasonable Behavior Cases: The Problem of Causal Underdetermination in Tort Law,  
The 2017 Conference of the Israeli Private Law Association  
**College of Law and Business**
- 5/2017 Multiple Reasonable Behavior Cases: The Problem of Causal Underdetermination in Tort Law  
The annual meeting of the American Law & Economics Association  
**Yale Law School**
- 3/2017 A Welfarist Perspective on Autonomy  
The Postgraduate and Early Career Conference  
**UCL**
- 3/2017 The Costs and Benefits of Personal Autonomy  
The 2017 Annual Conference of the Israeli Association of Law & Economics  
**Tel Aviv University**
- 12/2016 Optimizing Autonomy in the Law  
The Psychological Distance Workshop  
**The School of Psychological Sciences, Tel Aviv University**
- 9/2016 The Problem of Normative Overdetermination  
The 33rd Annual Conference of the European Association of Law & Economics  
**University of Bologna**
- 5/2016 Optimizing Autonomy in the Law  
The 2016 Conference of the Israeli Private Law Association  
**Bar Ilan University Faculty of Law**
- 4/2016 Reassessing Autonomy  
The 2016 Young Scholars' Conference – "Law on the Move"  
**University of Michigan Law School**
- 3/2016 Reassessing Autonomy

- The "Private Law Forum"  
**Tel Aviv University Buchmann Faculty of Law**
- 3/2016 The Problem of Normative Overdetermination  
The Doctoral and Postdoctoral Workshop  
**Hebrew University of Jerusalem's Faculty of Law**
- 10/2015 When a Defendant Is & Is Not the Cause of Injury  
The "Private Law Forum"  
**Tel Aviv University Buchmann Faculty of Law**
- 11/2014 Toward a Better Understanding of Causation in Law  
The 4th Doctoral Scholarship Conference – "Law and Responsibility"  
**Yale Law School**
- 4/2012 Restitution of Payment Made Under False Assumption – Theoretical Aspects  
The Private Law Workshop  
**Tel Aviv University Buchmann Faculty of Law**

### **Selected Academic Services (including organization of conferences & workshops)**

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- 05/2023 Co-organizer - The 2023 Conference of the Israeli Private Law Association
- 2022-2023 Advisory Board, third edition of Tort Law: Cases & Commentaries (University of British Columbia)
- 06/2019 Co-organizer - The Private Law Junior Scholars' Conference 2019 (Tel Aviv University)
- 09/2018 Co-organizer - The Private Law Junior Scholars' Conference 2018 (University of Toronto)
- 2015-2016 Co-organizer - The Forum of Private Law (Tel Aviv University)
- 2011-2013 Co-organizer - The Philosophy of Law Doctoral Workshop (Tel Aviv University)
- 2002-2003 Editorial Board Member  
Tel Aviv University Law Review, Volume 27

### **Doctoral Students (currently supervising)**

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- 2022/10- Michael Nachmani

### **Non-Academic Positions**

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- 2006-2008 Legal Consultant, Afcon Industries Ltd., Israel
- Full-service in-house attorney in the legal department of one of Israel's largest and leading industrial enterprises

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- Legal services included: transactions (frontline negotiator); litigation (co-supervisor of the company's outsourcing of litigation); consulting to the senior management of the parent company and its subsidiaries; appointed supervisor according to the Law for Prevention of Sexual Harassment (1998).

2005-2006 Associate Attorney, Shavit, Bar-On & Co Law Firm, Tel Aviv

- Legal services included: litigation (researched and drafted motions for the civil law department; argued before courts); transactions (frontline and co-negotiator)

2004-2005 Articled Clerk, Kantor Elhanani, Tal & Co Law Firm, Tel Aviv