

YOTAM KAPLAN

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Bar-Ilan University Law School

- Senior Lecturer, 2020-present
- Lecturer, 2017-2020

Hebrew University Law School

- Golda Meir Post-Doctoral Fellow, Lady Davis Fellowship Trust, 2016-2017

Harvard Law School

- Fellow, The Project on the Foundations of Private Law, 2011-2016

EDUCATION

Harvard Law School

- S.J.D. (Doctorate in Law), 2016
- LL.M. (Master of Laws) Studies, Dean Scholar Award, 2011

Hebrew University Law School

- LL.B. Summa Cum Laude, 2008

Faculty of Humanities, Hebrew University of Jerusalem

- “Amirim” Interdisciplinary Honors Program, 2008

PUBLICATIONS

1. *Recalibrating Patent Protection for COVID-19 Vaccines: A Path to Affordable Access and Equitable Distribution* (with Miriam Bitton-Marcowitz), UC IRVINE LAW REVIEW (forthcoming 2022)
2. *Tort as Meta-Regulation: The Liability of Private Transnational Regulators* (with Oren Perez), 43 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW (forthcoming 2022)
3. *Can the Injured Party Cause a Loss of Chance of Recovery?* RIVLIN BOOK (in Hebrew, With Ehud Guttel, forthcoming 2022).
4. *The Costs of Mistakes* (with Maytal Gilboa), COLUMBIA LAW REVIEW FORUM (forthcoming 2022)
5. *Unregistered Patents & Gender Equality: A Global Perspective* (with Miriam Bitton-Marcowitz and Emily Morris) in INTELLECTUAL PROPERTY, INNOVATION, AND GLOBAL INEQUALITY (forthcoming CUP, 2021)

6. *Preference Shaping & the Law: A Behavioral Ethics Perspective* (with Yuval Feldman), THEORETICAL INQUIRIES IN LAW (forthcoming 2021)
7. *Harm Displacement and Tort Doctrine* (with Yehonatan Givati), 49 JOURNAL OF LEGAL STUDIES 73 (2020)
8. *Economic Theory of Tort Law* in RESEARCH HANDBOOK ON PRIVATE LAW THEORY (Hanoch Dagan & Benjamin Zipursky eds. 2020)
9. *Patent Fraud by Design* (With Mordechai Sorek, Miriam Marcowitz-Bitton) 38 CARDOZO ARTS & ENTERTAINMENT LAW JOURNAL 359 (2020)
10. *Ethical Blind Spots & Regulatory Traps: On Distorted Regulatory Incentives, Behavioral Ethics & Legal Design* (with Yuval Feldman) in LAW AND ECONOMICS OF REGULATION (Springer 2021).
11. *Loser Takes All: Multiple Claimants & Probabilistic Restitution* (with Maytal Gilboa), 10 UC IRVINE LAW REVIEW 907 (Forthcoming 2019).
12. *Recoupment Patent* (with Miriam Bitton-Marcowitz and Maaya Perel), 98 NORTH CAROLINA LAW REVIEW 481 (Forthcoming 2019).
13. *Compliance as Behavioral Ethics* (with Yuval Feldman) CAMBRIDGE HANDBOOK ON COMPLIANCE (CUP 2019).
14. *Unregistered Patents & Gender Inequality* (with Miriam Bitton-Marcowitz and Emily Morris), 43 HARVARD JOURNAL OF LAW AND GENDER 47 (2019).
15. *Big Data and Bounded Ethicality* (with Yuval Feldman), 23 CORNELL JOURNAL OF LAW AND PUBLIC POLICY 39 (2019).
16. *In Defense of Compensation*, 70 ALABAMA LAW REVIEW 573 (2018).
17. *A Normative Inquiry into The Choice Theory of Contracts*, 20 JERUSALEM REVIEW OF LEGAL STUDIES 69 (2019).
18. *The Mistake about Mistakes: Rethinking Partial Restitution* (with Maytal Gilboa), 26(2) GEORGE MASON LAW REVIEW (2018).
19. *Over-Reliance under Contractual Disgorgement* (with Yehonatan Givati), 20(1) AMERICAN LAW AND ECONOMICS REVIEW 82 (2018).
20. *Tort Reform Through the Backdoor: A Critique of Law and Apologies* (with Yonathan Arbel), 90(6) SOUTHERN CALIFORNIA LAW REVIEW 1199 (2017).
21. *Expectation Damages under Uncertainty* (in Hebrew, with Kobi Kastiel), HUJI LAW REVIEW (2017).

22. *Institutional Gardening: The Supreme Court in Economic Liberalization* (with Noam Gidron) 21 LEWIS & CLARK LAW REVIEW 685 (2017).

HONORS, AWARDS & RESEARCH GRANTS

- GIF CIS Sustainability Grant 2021
- Polonsky Prize for Best Tort Law Article 2021
- Outstanding Lecturer Prize, Bar-Ilan University 2021
- Research Grant, Bar-Ilan Dangoor Center for Personalized Medicine 2020-2021
- Junior Scholar Cheshin Award for Academic Excellence in the Field of Law 2020
- Best Lecturer, Bar-Ilan University Law School Student Counsel Prize 2019, 2020 (two years)
- Addison-Brown Writing Prize, Harvard Law School, 2015
- Summer Academic Fellow, Harvard Law School, 2011-2012
- Dean Scholar award for LL.M. paper, Harvard Law School, 2011
- Fellow Harold Perlman Foundation Scholarship, 2010
- Tabbi Miller Award, Hebrew University Law School, 2007
- Rector Award, Hebrew University, 2005-2006
- First in Class, Hebrew University Law School, 2004-2005-2006
- Full scholarship award, LL.B. and the Amirim Interdisciplinary Honors Program, Hebrew University, 2004-2008

TEACHING EXPERIENCE

Bar-Ilan Law School

- Contracts, 2017-present
- The Law of Unjust Enrichment, 2017-present
- Private Law Theory Workshop, 2017-present

Harvard Law School

- Teaching Assistant, Legal Writing Workshop, 2013-2014
- Teaching Assistant, LL.M Adviser Graduate Program Fellowship, 2012-2013

Hebrew University Law School

- Teaching Assistant, Contract Law, 2008-2010
- Teaching Assistant, Legal Systems, 2007-2008
- Teaching Assistant, Jurisprudence, 2006-2007
- Teaching Assistant, Legal Writing Program, 2006-2007

WORK EXPERIENCE

Harvard Law School

- Research Assistant to Professor Henry E. Smith, 2010-2011

Agmon and Co. Law Offices

- Associate, 2009-2010

The Supreme Court of Israel

- Law Clerk for Chief Justice Dorit Beinisch, 2008-2009

Hebrew University Law School

- Research Assistant, contract law, 2006-2007
- Editorial Board Member, Hebrew University Law Review, 2005-2007

IDF, Intelligence Corps

- Translator, 2001-2004

INVITED PRESENTATIONS

- European Law and Economics Association Annual Meeting, 9/2021
- Behavioral Ethics and Governance Conference, Israel Institute for Advanced Studies 6/2021
- European Law and Economics Association Annual Meeting, 9/2020
- Law & Big Data International Workshop, BIU Law School, 12/2019
- European Law and Economics Association Annual Meeting, 9/2019
- The Private Law Consortium, BIU Law School, 5/2019
- IP, Innovation, and Global Inequality Workshop, 1/2019
- Relational Private Law and Network Theory Conference, 1/2019
- The Private Law Consortium, Harvard Law School, 5/2018
- American Law and Economics Association Annual Meeting, BU Law School 5/2018
- GIF Young Scientists' Meeting, Potsdam, Germany, 2/2018
- Israeli Law and Society Association Annual Meeting, 1/2018
- Hohfeldian Right Centennial Conference, Bar Ilan University, 12/2017
- Israeli Private Law Association Annual Meeting, 6/2017
- Hebrew University Law School, Private Law Workshop, 5/2017
- Tel Aviv University Law School, Law and Economics Seminar, 4/2017
- Hebrew University Law School, Law and Economics Seminar, 2017
- IDC Law School, Faculty workshop, 2017
- Bar Ilan Law School, Faculty workshop, 2017
- Hebrew University Law School, Faculty workshop, 1/2017

- American Law and Economics Association Annual Meeting, Columbia Law School 5/2015
- American Political Economy Conference, MIT 2015
- Canadian Law and Economics Association Annual Meeting, University of Toronto Faculty of Law, 2015
- The Private Law Consortium, University of Pennsylvania Law School, 5/2014
- American Law and Economics Association Annual Meeting, University of Chicago Law School, 5/2014
- Israeli Law and Economics Association Annual Meeting, Tel Aviv University Law School, 2014
- Harvard-Oxford-Edinburgh Legal Theory Colloquium, Oxford University, 2014
- Yale Law School Doctoral Conference, Yale Law School ,2013

ACTIVITIES

- Invited speaker, Judge Training Program, the Israeli Ministry of Justice: Mistaken Transfers & The Law of Unjust Enrichment (2017), Contract Formation (2018), New Directions in the Law of Unjust Enrichment (2019).
- Referee: Jerusalem Review of Legal Studies, BIU Law Review, Supreme Court Economic Review, HUJI Law Review.
- Coordinator, Private Law Consortium, Bar-Ilan Law School.
- Member: American Law and Economics Association, Israeli Private Law Association, European Law and Economics Association, Israeli Bar.
- Advisor, Partnerships Act Draft Memorandum (2016), Israeli Ministry of Justice.
- Organizing committee member, Israel National Moot Court Competition.
- Faculty supervisor, Academic-Together Project, Bar-Ilan Law School.
- Editor, BIU Law School Public Law & Legal Theory SSRN Series.