

ALON KLEMENT

Buchmann Faculty of Law
Tel-Aviv University

Current Positions

Full Professor of Law, Tel-Aviv University

Other Positions

Professor of Law, 2000-2015
Radzyner Law School, IDC Herzliya

Visiting Professor, Spring 2006
Bologna University, Erasmus Mundus Law and Economics Program

Advisor to the Constitution, Law and Justice Committee,
Subcommittee on Class Actions, The Knesset (Israeli Parliament),
2006

Visiting Professor, Fall 2008
Columbia Law School

Visiting Professor, Spring 2009
Boston University School of Law

Visiting Professor, Spring 2011
Université Jean Moulin, Lyon 3

Visiting Professor, Spring 2015
University of Texas, Austin

Visiting Professor, Fall 2018
Georgetown University

Director, Cegla Center for the Interdisciplinary Research of Law
Tel-Aviv University, 2017-2020

Visiting Professor, Fall 2021
Cornell University

Education

1993, *Tel-Aviv University*, LLB (Law) & B.A. (Economics)

1996, *Harvard Law School*, LLM

2000, *Harvard Law School*, SJD

Courses Taught

Civil Procedure
Private International Law
Aggregate Litigation: A Global Perspective
Complex Litigation
Class Action Clinic
Law and Economics
Law and Social Norms
Game Theory: Applications to Law
Economic Analysis of Litigation and Settlement
Negotiation Workshop
Conflict System Design

Grants

- ISF Grant 709/12: Global Class Actions: The Israeli Case

Publications

In English

1. "Who Should Guard the Guardians? A New Approach for Monitoring Class Action Lawyers," 21 *Review of Litigation* 25-82 (2002)
2. "Threats to Sue and Cost Divisibility under Asymmetric Information," 23 *International Review of Law and Economics* 261-272 (2003)
3. "Incentive Structures for Class Action Lawyers," (with Zvika Neeman), 20 *Journal of Law Economics & Organization*, 102-124 (2004).
4. "Against Compromise: A Mechanism Design Approach" (with Zvika Neeman), 21 *Journal of Law, Economics & Organization* 285-314 (2005)
5. "The Class Defense" (with Assaf Hamdani), 93 *California Law Review* 685-741 (2005)
6. "The Economics of Stigma: Why More Detection of Crime May Result in Less Stigmatization" (with Alon Harel), 36 *Journal of Legal Studies* 355 (2007)
7. "Civil Justice Reform: A Mechanism Design Framework" (with Zvika Neeman), 164 *Journal of Institutional and Theoretical Economics* 52 (2008)
8. "Comment on 'Product Liability, Signaling and Disclosure' by . F. Daughety and J. F. Reinganum" (with Zvika Neeman), 164 *Journal of Institutional and Theoretical Economics* 130 (2008)

9. "Corporate Crime and Deterrence" (with Assaf Hamdani), 61 *Stanford Law Review* 271 (2008)
10. "Ex ante-Verfahrensvereinbarungen aus kontradiktorischer Perspektive" (with Daphna Kapeliuk) (2009) in **"Ökonomische Analyse des Prozessrechts"** (Hrsg. Bork, Eger, Schäfer) Verlag Mohr-Siebeck, Tübingen (in German)
11. "Negative Expected Value Suits" (with Lucian A. Bebchuk), in the **New Palgrave Dictionary of Economics and the Law**, C. Sanchirico ed. (2011)
12. "Contracting Around Twombly" (with Daphna Kapeliuk), 60 *DePaul L. Rev.* 1(2011)
13. "Changing the Litigation Game: An *Ex-Ante* Perspective on Contractualized Procedures" (with Daphna Kapeliuk), 91(6) *Texas L. Rev.* 1047 (2013)
14. "Does Information about Arbitrators' Win/Loss Ratios Improve Their Accuracy?" (with Zvika Neeman), 42 *Journal of Legal Studies* 369 (2013)
15. "A Mechanism Design Approach to Legal Problems" (with Zvika Neeman), in **The Handbook of Market Design**, Alvin E. Roth and Nir Vulkan eds. (Oxford, 2013)
16. "Judicial Decision Making: A Dynamic Reputation Approach" (with Alma Cohen and Zvika Neeman), 44 *Journal of Legal Studies* S133 (2015)
17. "Agent Without a Principal", in **Class Actions in Context: How Economics, Politics and Culture Shape Collective Litigation**, Editors: Deborah Hensler, Christopher Hodges & Ianika Tzankova (Elgar, 2016)
18. "Class Action Enablers", in **Class Actions in Context: How Economics, Politics and Culture Shape Collective Litigation**, Editors: Deborah Hensler, Christopher Hodges & Ianika Tzankova (Elgar, 2016) (with Camille Cameron and Jasminka Kalajdzic)
19. "Cost-Benefit Analysis of Class Actions: An Israeli Perspective" (with Keren Weinshall-Margel), 172 *Journal of Institutional and Theoretical Economics* 75 (2016)
20. "Class Actions in the U.S. and Israel: A Comparative Approach" (with Robert Klonoff) 19(2) *Theoretical Inquiries in Law* 151 (2018)
21. "Consumer Fraud, Misrepresentation, and Reliance" (with Zvika Neeman and Yuval Procaccia) 95 *International Review of Law and Economics* 95 (2018)
22. "In-Kind Transfers and the Law of Torts" (with Assaf Jacob and Yuval Procaccia) 47 *Journal of Legal Studies* 181 (2018)
23. "Diffusion of Legal Innovations: The Case of Israeli Class Actions" (with Christoph Engel and Keren Winshall-Margel) 15 *Journal of Empirical Legal Studies* 708 (2018)

24. "Auctioning Class Action Representation" (with Zvika Neeman and Ofir Moran) *forthcoming* 37 ***Journal of Law, Economics and Organization*** (2021)
25. "The Unexpected Effects of Israeli Courts' Approach to Dual-Listed Companies" 23 ***Theoretical Inquiries in Law*** 37 (2022)

In Hebrew

1. "The Boundaries of Mass Tort Class Actions," 34 ***Mishpatim, The Hebrew University Law Journal***, 301-384 (2004)
2. "Overcoming the Advantages of A Single Defendant over Multiple Plaintiffs - The Class Action Device, A Case Note," 21 ***Mechkarey Mishpat, Bar-Ilan Law Studies***, 387-425 (2004)
3. "Guidelines for the Interpretation of the New Class Action Statute – 2006" 49 ***Hapraklit*** 131 (2006)
4. "Justice and Efficiency in Civil Procedure: A New Perspective" (with Roy Shapira), 7 ***Law and Business Review*** 137-175 (2007)
5. "Employment Class Actions: Did the Rules of the Game Change?" (with Sharon Rabin-Margalio), 31 ***Iyuney Mishpat, The Tel-Aviv University Law Journal*** 369 (2009)
6. "The Class Defense and Mistaken Payments" (with Assaf Hamdani), 38 ***Mishpatim, The Hebrew University Law Journal*** 445(2009)
7. "Social Control in Gated Communities", in **GATED COMMUNITIES IN ISRAEL**, Amnon Lehavi ed. 115 (2009)
8. "Procedural Contracts" (with Daphna Kapeliuk), 33 ***Iyuney Mishpat, The Tel-Aviv University Law Journal*** 187 (2009)
9. "Class Action Settlements and Voluntary Dismissals", 41 ***Mishpatim, The Hebrew University Law Journal*** 5 (2011)
10. "Economic Analysis of Civil Procedure", in **LAW AND ECONOMICS IN ISRAEL**, Urieal Procaccia ed. (Sacher inst.) (2012)
11. "Non-Party Intervention in Civil Proceedings", in **SHLOMO LEVIN BOOK**, Michael Kreine ed. (Sacher inst.) (2013)
12. "Loss Causation in Securities Class Actions" (with Sharon Hannes), 35 ***Iyuney Mishpat, The Tel-Aviv University Law Journal*** 639 (2013)
13. "Reliance, Causation and Damages in Consumer Class Actions" (with Yuval Procaccia), 37 ***Iyuney Mishpat, The Tel-Aviv University Law Journal*** 7 (2014)
14. "Lack of Subject Matter Jurisdiction in Civil Procedure", 18 ***Law and Business Review*** 467 (2014)
15. "The Gap Between the Perceived and Actual Value of Settlements in Class actions", 20 ***Law and Business Review*** 1 (2016)

16. "Class Actions in Israel: An Empirical Perspective" (with Keren Weinshall-Margel), 45 *Mishpatim, The Hebrew University Law Journal* 707 (2016)
17. "Fee Shifting in Civil Litigation – A Proposed Outline for Reform", 9 *Mishpatim Online* 107 (2016)
18. "Review of the Merits in Israeli Class Action Certification" (with Ruth Ronen) 32 *Iyuney Mishpat, The Tel-Aviv University Law Journal* 5 (2019)
19. "Procedure and Substance in Excessive Pricing Class Actions: A Combined Approach for Realizing Optimal Deterrence (with David Gilo) 35 *Iyuney Mishpat, The Tel-Aviv University Law Journal* 117 (2022)
20. "Class Actions and the New Rules of Civil Procedure" (with Naama Hadassi) 35 *Iyuney Mishpat Forum, The Tel-Aviv University Online Law Journal* 1 (2022)
21. "Aggregate Litigation – An Alternative Model for Civil Proceedings", 5 *Studies on Regulation* 139 (2022)

Academic presentations

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- Harvard, Law and Economics Seminar, Spring 2000
 - Tel-Aviv University, Law and Economics Seminar, Fall 2000
 - Hebrew University, Law and Economics Seminar, Spring 2001
 - University of Southern California, CLEO Conference on "Mechanism Design and the Law", Spring 2002
 - Harvard, Law, Economics and Organization Theory Seminar, Spring 2002
 - Israeli Law and Economics Association Annual Conference, Spring 2003
 - Boston University, Faculty Seminar, Fall 2004
 - Tel-Aviv University, Law and Economics Seminar, Spring 2005
 - Interdisciplinary Center Conference on "Civil Codification", Spring 2005
 - Israeli Law and Economics Association Annual Conference, 2005
 - Israeli Economics Association Annual Conference, Spring 2005
 - American Law and Economics Association Annual Conference, Spring 2005
 - Hebrew University, Law and Economics Seminar, Fall 2006
 - Tel Aviv University, Faculty Seminar, Fall 2006
 - Hebrew University, Conference on Criminal Law, Winter 2006
 - Tel-Aviv University, Law and Economics Seminar, Fall 2006
 - Israeli Law and Economics Association Annual Conference, Spring 2007
 - Conference On Self-Interest, Social Norms and Legal Compliance, Bar Ilan University and Hebrew University, Spring 2007
 - "Fast Justice" – A Conference on Civil Justice Reform, Hebrew University, Spring 2007
 - "Mechanism Design and the Law", Max Plank Institute for Research on Collective Goods and Journal of Institutional and Theoretical Economics joint conference, Spring 2007-07-10

- European Law and Economics Association Annual Conference, Summer 2007
- Bar Ilan University, Faculty Seminar, Fall 2007
- Tel Aviv University, Faculty Seminar, Fall 2007
- Travemunde Symposium for Law and Economics, March 2008
- Stanford Law and Economics Workshop, Fall 2008
- Columbia Law Faculty Workshop, Spring 2009
- Harvard Law and Economics Workshop, Spring 2009
- University of Virginia Law and Economic Workshop, Spring 2009
- Cornell Law and Economics Workshop, Spring 2009
- Berkeley Law and Economics Workshop, Spring 2009
- American Law and Economics Association Annual Conference, Spring 2009
- Israeli Law and Economics Association Annual Conference, Spring 2009
- American Law and Economics Association Annual Conference, Spring 2010
- International Law and Society Association Annual Conference, Spring 2012
- Hebrew University Faculty Seminar, Spring 2013
- Northwestern-IDC joint Seminar, Spring 2013
- Conference on A Rational Choice Approach to Judging, Chicago University, Fall 2013
- Conference: The New Landscape of Securities Class Actions, Loyola of Chicago Law School, Fall 2014
- European Law and Economics Association Annual Conference, Spring 2015
- Tel-Aviv Law Faculty Seminar, Spring 2016
- Joint Conference Siena/Toronto/TAU, Summer 2016
- Law and Economics Workshop, Stony-Brook, Summer 2016
- Israeli Law and Economics Association Annual Conference, January 2017
- Theoretical Inquiries in Law Conference: Fifty Years of Class Actions: A Global Perspective, January 2017
- Israeli Law and Economics Association Annual Conference, Fall 2018
- Tel-Aviv Law Faculty Seminar, Spring 2019
- American Law and Economics Association Annual Conference, Spring 2019
- European Law and Economics Association Annual Conference, Summer 2019
- Theoretical Inquiries in Law Conference: The Global Law Market, January 2021

Awards and Fellowships

- 1989-1993: Fellow, The Disciplinary Program for Excellence, *Tel Aviv University*
- 1996-2000: Olin Fellow in Law, Economics, and Business, *Harvard Law School*
- 1999-2000: Byse Fellow, Graduate Program, Harvard Law School and Program on Negotiation Harvard University
- May 2000: Best Paper on Complex Litigation, *Harvard Law School*

- May 2000: Distinguished Paper in Law and Economics, *Harvard Law School*
- May 2007: Special Award for Distinction in Research, *Interdisciplinary Center, Herzliya*
- May 2008: Special Award for Distinction in Research, *Interdisciplinary Center, Herzliya*
- May 2013: Special Award for Distinction in Research, *Interdisciplinary Center, Herzliya*
- March 2019: Polonsky Prize for Best Paper in Tort Law (w. Assaf Jacov and Yuval Procaccia)

Refereeing for:

- Journal of Legal Studies
- Journal of Law, Economics and Organization
- American Review of Law and Economics
- Journal of Legal Analysis
- International Review of Law and Economics
- Review of Law and Economics
- Review of Economic Studies
- Toronto Law Journal
- Iyune Mishpat, The Tel-Aviv University Law Journal (Hebrew)
- Mishpatim, The Hebrew University Law Journal (Hebrew)
- Mechkarey Mishpat, Bar-Ilan Law Studies (Hebrew)
- Law and Business Review (Hebrew)