

MITU GULATI



Academic Positions

University of Virginia Law School: 2021-current
Duke University Law School: 2005-2021
Georgetown Law School: 2001-2005
UCLA Law School: 1997-2001

Education

J.D. Harvard Law School, 1994
M.A. Yale University, 1991
A.B. University of Chicago, 1988

Fun (Research) Things I Do

Podcast: Clauses and Controversies
<https://podcasts.apple.com/us/podcast/clauses-controversies/id1528208049>

Blog Posts: creditslips.org & FT Alphaville




Current Research Obsession

Searching for Landmines in Sovereign Bonds

My Happiest Research (with Mom)

1. Remnants of Matriliney: Widows of Two Kerala Villages, 76 *MANUSHI: Journal of Women & Society* 32 (1993) (with Leela Gulati)
2. Female Labour in the Unorganised Sector: The Brick Worker Revisited, 32 *Economic and Political Weekly* 968 (1997) (with Leela Gulati)
3. Jayamma: Profile of a Widowed Brick Worker, in [*Widows in India: Social Neglect and Public Action*](#) (Martha Alter Chen ed., 1998) (with Leela Gulati)

Contact

-  UVA Law School
580 Massie Road
Charlottesville, VA 22903
-  434-924-8882
-  mgulati@law.virginia.edu

RESEARCH IN PROGRESS: 2023-24

with Michael Bradley & Irving de Lira Salvatierra

- [*The Impact of Issuing Foreign Debt on Maturity*](#)

with Albert Yoon & Tracey George

- *Membership Has its Privilege: Supreme Court Law Clerk Careers*

with Stephen Choi & Robert Scott

- [*Contractual Landmines*](#)

with Stephen Choi & Eric Posner

- *How Different Are the Trump Judges?*

with Ugo Panizza & Patrick Bolton

- *Sovereign Debt Puzzles*

with Patrick Bolton, Xueven Fu & Ugo Panizza

- *The Greek Retrofit of 2012*

with Quinn Curtis & Mark Weidemaier

- *ESG Bonds: (In)Credible Promises?*

with Lee Epstein

- *Discriminating Judges*

PAPERS FORTHCOMING: 2023

with Lee Buchheit

- [*Enforcing Comparable Treatment in Sovereign Bonds*](#) (forthcoming Capital Markets Law Journal)

with Stephen Choi & Robert Scott

- [*Are M&A Lawyers Really Better?*](#) (forthcoming Case Western Law Review)

with Stephen Choi & Robert Scott

- *Putin's Booby-Trapped Bonds* (forthcoming [*University of Toronto Law Journal*](#))

with Stephen Choi, Robert Scott & Matt Jennejohn

- *Fixing the Fraud Carve Out: A Study of Private Equity Contracting* (forthcoming *University of Pennsylvania Law Review*)

with Mark Weidemaier, Michael Bradley & Irving de Lira Salvatierra

- [*A Silver Lining to Russia's Anti Sanctions Clause?*](#) (forthcoming [*Virginia Law Review*](#) – Online)

with Richard Schragger

- *Muni Bonds and Bankruptcy: Does the Market Care? Should We?* (forthcoming [*Fordham Urban Law Journal*](#))

PUBLICATIONS: 2022

with Lee Buchheit

- [The Duty of Creditors to Cooperate in Sovereign Debt Workouts](#) (*forthcoming* FESTSCHRIFT IN HONOR OF CHRISTOPH PAULUS)

with Lee Buchheit, Patrick Bolton, Beatrice Weder di Mauro & Ugo Panizza

- [Environmental Protection and Sovereign Debt Restructuring](#) 17 Capital Markets Law Journal 307

with Lee Epstein

- [A Century of Business in the Supreme Court, 1920-2020](#) 107 Minnesota Law Review – Headnotes 49 (2022)

with Joseph Blocher

- [Navassa: Property, Sovereignty and the Law of the Territories](#) 131 Yale Law Journal 2390 (2022)

with Paolo Colla

- [The Price of Cheeky Lawyering](#) 85 Law and Contemporary Problems 99 (2022)

with Kim Oosterlinck, Ugo Panizza & Mark Weidemaier

- [Debt of Dishonor](#) 102 Boston University Law Review 1248 (2022)
- [The Odious Haitian Independence Debt](#) (*forthcoming Journal of Globalization and Development*)

with Tracey George & Albert Yoon

- [Gender, Credentials and M&A](#) (*forthcoming BYU Law Review*)

PUBLICATIONS: 2021

with Lee Buchheit

- [Avoiding the Lost Decade—Sovereign Debt Workouts in the Post-Covid Era](#) in 16 Capital Markets Law Journal 45 (2021)

with Lee Buchheit & Mihalís Gousgounis

- [Nailing the Flag to the Mast - Promises of Super-Priority in Public Debt](#) in 16 Capital Markets Law Journal 474 (2021)

with Stephen Choi & Robert Scott

- [Investigating the Contract Production Process](#) in 16 Capital Markets Law Journal 414 (2021)

with Mark Weidemaier

- [Unlawfully-Issued Sovereign Debt](#) in 61 Virginia Journal of International Law 554 (2021)

with Ugo Panizza

- [Make-Wholes in Sovereign Bonds](#) in 16 Capital Markets Law Journal 267 (2021).
- [Maduro Bonds](#) in SOVEREIGN DEBT IN COLONIAL AND NEO COLONIAL CONTEXTS (Juan Flores & Pierre Penet eds. 2021)

with Marcel Kahan

- [Contracts of Inattention](#) in 46 Law and Social Inquiry 1115 (2021)

with Patrick Bolton & Ugo Panizza

- [Legal Air Cover](#) in 7 [Journal of Financial Regulation](#) 189 (2021)

with Elena Carletti, Paolo Colla & Steven Ongena

- [The Price of Law: The Case of the Eurozone Collective Action Clauses](#) in 34 [Review of Financial Studies](#) 5933 (2021).

with Theresa Arnold, Amanda Dixon, Hadar Tanne & Madison Sherrill

- [Lipstick on a Pig: Specific Performance on the Ground](#) in 2021 [Wisconsin Law Review](#) 359.
- [The Cost of Guilty Breach: Willful Breach in M&A Contracts](#) in 62 [Boston College Law Review – E. Supp.](#) 1 (2021).

PUBLICATIONS: 2020

with Stephen Choi and Robert Scott

- Revising Boilerplate: Private Company v. Public Company Deals in 2020 [Wisconsin Law Review](#) 629.
- Hidden Holdouts: Contract Arbitrageurs and the Pricing of Collective Rights in 100 [Boston University Law Review](#) 253 (2020).
- Contractual Arbitrage in OXFORD HANDBOOK OF INSTITUTIONS AND INTERNATIONAL ECONOMIC GOVERNANCE AND MARKET REGULATION (Eric Brousseau, Jean-Michel Glachant & Jérôme Sgard eds. 2020)

with Lee Buchheit

- The Argentine Collective Action Clause Controversy in 15 [Capital Markets Law Journal](#) 464 (2020).

with Joseph Blocher

- Transferable Sovereignty: Lessons from the History of the Congo Free State in 69 [Duke Law Journal](#) 1219 (2020).

with Joseph Blocher and Kim Oosterlinck

- King Leopold's Bonds and the Odious Debts Mystery in 60 [Virginia Journal of International Law](#) 487 (2020)
- Why Did Belgium Pay Leopold's Bonds? in 83 [Law and Contemporary Problems](#) 49 (2020)

with Mark Weidemaier

- Necessity and the Covid-19 Pandemic in 15 [Capital Markets Law Journal](#) 277 (2020)

with Ugo Panizza

- The Hausmann-Gorky Effect in 166 [Journal of Business Ethics](#) 175 (2020).
- Alternative Solutions to the Odious Debt Problem in [Annals of the Fondazione Einaudi](#) (2020)

with Ugo Panizza, Mark Weidemaier, and Gracie Willingham

- When Governments Promise to Prioritize Public Debt: Do Markets Care? in 6 [Journal of Financial Regulation](#) 41 (2020)

with Theresa Arnold, Amanda Dixon, and Madison Whalen

- The Myth of Optimal Expectation Damages in 104 [Marquette Law Review](#) 141 (2020)

with Theresa Arnold and Ugo Panizza

- How to Restructure Euro Area Sovereign Debt in the Era of Covid-19 in 15 Capital Markets Law Journal 322 (2020)

with Multiple Authors

- Born Out of Necessity: A Debt Standstill for Covid-19 (with Patrick Bolton, Lee Buchheit, Pierre-Olivier Gourinchas, Chang-Tai Hsieh, Ugo Panizza, Ugo Panizza, and Beatrice Weder di Mauro) in CEPR Policy Insight #103 (2020)

PUBLICATIONS: 2019

with Stephen Choi and Adam Pritchard

- Unpacking the Gender Gap: A Study of SEC Enforcement Lawyers in 62 Journal of Law & Economics 427 (2019)

with Lee Buchheit

- Sovereign Debt Restructuring and U.S. Executive Power in 14 Capital Markets Law Journal 114 (2019)

with Anna Gelpern and Jeromin Zettelmeyer

- If Boilerplate Could Talk: The Work of Standard Terms in Sovereign Bond Contracts in 44 Law and Social Inquiry 617 (2019)

with Elisabeth de Fontenay and Josefin Meyer

- The Sovereign Debt Listing Puzzle in 72 Oxford Economic Papers 472 (2019)

with Georg Vanberg

- Financial Crises and Constitutional Compromise (in LIBERAL CONSTITUTIONALISM IN TIMES OF CRISIS (Tom Ginsburg, Mark Rosen & Georg Vanberg eds. 2019)

PUBLICATIONS: 2018

with Stephen Choi and Robert Scott

- Variation in Boilerplate: Rational Design or Random Mutation in 20 American Law and Economics Review 1 (2018)
- The Black Hole Problem in Commercial Boilerplate in 67 Duke Law Journal 1 (2018)

with Lee Buchheit

- The Local Law Advantage in Euro Area Sovereign Bonds in 3 University of Bologna Law Review 172 (2018)
- How to Restructure Venezuelan Debt in Economic & Financial Review, 63 (2018)
- Deterring Holdout Creditors in a Restructuring of PDVSA Bonds and Promissory Notes in 13 Capital Markets Law Journal 148 (2018)
- Sovereign Debt Restructuring in Europe in 9 Global Policy Review 65 (2018)

with Mark Weidemaier

- Market Practice and the Evolution of Foreign Sovereign Immunity in 43 Law and Social Inquiry 496 (2018)
- Sovereign Debt and the “Contracts Matter” Hypothesis in Oxford Handbook of Law and Economics (2018)

with Joseph Blocher

- What Does Puerto Rican Citizenship Mean For Puerto Rico's Legal Status in 67 Duke Law Journal Online 122 (2018)
- Puerto Rico and the Right of Accession in 41 Yale Journal of International Law 1 (2018)

with Georg Vanberg

- Paper Tigers (or How Much Will Courts Protect Rights in a Financial Crisis?) in *Institutions and the Crisis* (Franklin Allen, Elena Carletti & Mitu Gulati eds. 2018)

with Andrea Kropp and Mark Weidemaier

- How Good is the Public Data on Sovereign Bond Contracts in 4 Journal of Financial Regulation 190 (2018)

with Marcel Kahan

- *Cash America* and the Structure of Bondholder Remedies in 13 Capital Markets Law Journal 570 (2018)

PUBLICATIONS: 2017

with Stephen Choi

- Adjudicating Death: Professionals or Politicians? in 70 Vanderbilt Law Review 1709 (2017)

with Lee Buchheit

- Restructuring Sovereign Debt after *NML v. Argentina* in 12 Capital Markets Law Journal 224 (2017)

with Joseph Blocher

- Competing for Refugees: A Market-Based Solution to a Humanitarian Crisis in 48 Columbia Journal of Human Rights Law 53 (2017)
- The Market for Sovereign Control in 66 Duke Law Journal 797 (2017)
- Forced Secessions in 80 Law & Contemporary Problems 215 (2017)
- Markets and Sovereignty in 54 Osgoode Hall Law Review 465 (2017)

with Michael Bradley, Elisabeth de Fontenay, and Irving De Lira Salvatierra

- Pricing Sovereign Debt: Foreign versus Local Parameters in 24 European Financial Management Journal 261 (2017)

with Robert Rasmussen

- Puerto Rico and the Netherworld of Sovereign Debt Restructuring in 91 Southern California Law Review 133 (2017)

with Nikki Gutierrez

- Custom in Our Courts: Reconciling Theory with Reality in 27 Duke Journal of International & Comparative Law 243 (2017)

PUBLICATIONS: 2016

with Stephen Choi

- Customary International Law: How do Courts do it? (in *CUSTOM IN CRISIS* (Curtis A. Bradley ed. 2016))
- The Pricing of Non-Price Terms: The Case of the Greek Guarantees in 1 *Journal of Law Finance & Accounting* 1 (2016)

with Lee Buchheit

- Targeted Subordination of Official Sector Debt in 31 *Banking and Finance Law Review* 371 (2016)
- Talking One's Way out of a Debt Crisis (in *GAPS IN GOVERNANCE: FINANCIAL REGULATION IN THE EUROPEAN UNION* (Franklin Allen, Elena Carletti & Joanna Gray eds. 2016))

with Mark Weidemaier and Anna Gelpern

- When Governments Write Contracts: Policy and Expertise in Sovereign Debt Contracts (in *LAW AND GLOBALIZATION IN HISTORICAL CONTEXT* (Gregoire Mallard & Jerome Sgard eds. 2016))

with Richard Posner

- The Management of Staff by Federal Court of Appeals Judges in 69 *Vanderbilt Law Review* 279 (2016)

with Joseph Blocher and Larry Helfer

- Can Greece be Expelled from the Eurozone? Toward a Default Rule for Expulsions (in *GAPS IN GOVERNANCE: FINANCIAL REGULATION IN THE EUROPEAN UNION* (Franklin Allen, Elena Carletti & Joanna Gray eds. 2016))

with Tracey George

- Book Review: Courts of Good and Ill Repute: Review in 83 *U. Chicago Law Review* 1683 (2016)

with Katherine Bartlett

- Customer Discrimination in 102 *Iowa Law Review* 223 (2016)

with Anna Gelpern and Paolo Colla

- The PDVSA Pricing Puzzle in 12 *Capital Markets Law Journal* 66 (2016)

with David Levi and Jack Knight

- How Bayesian Are Judges in 16 *Nevada Law Review* 1061 (2016)

with Elena Carletti, Steven Ongena, and Paolo Colla

- [Pricing Contract Terms in a Crisis: Venezuelan Bonds in 2016](#) in 11 *Capital Markets Law Journal* 540 (2016)

PUBLICATIONS: 2015

with Stephen Choi and Eric Posner

- [The Role of Competence in Promotions from the Lower Federal Courts](#), 44 *Journal of Legal Studies* 107-131 (J2015)

with Lee Buchheit and Ignacio Tirado

- [Reprofiling Sovereign Debt](#), *Journal of International Banking Law* (2015)

with Elena Carletti and Paolo Colla

- [Evaluating the 2013 Euro CAC Experiment](#), in [THE NEW FINANCIAL ARCHITECTURE OF THE EUROZONE](#) 123-136 (Franklin Allen et al eds., 2015)

with Mark Weidemaier

- [The Relevance of Law to Sovereign Debt](#), 11 *Annual Review of Law & Social Science* 395-408 (2015)

PUBLICATIONS: 2014

with Devon Carbado and Patrick Shin

- [The Diversity Feedback Loop](#), in [A NATION OF WIDENING OPPORTUNITIES: THE CIVIL RIGHTS ACT AT 50](#) 119-143 (Ellen D. Katz & Samuel R. Bagenstos eds., 2015) (and in *Chicago Legal Forum* (2014))

with Devon Carbado

- The Intersectional Fifth Black Woman, 10 *Du Bois Review: Social Science Research on Race* 527-540 (2014)

with Patrick Shin

- [Cultivating Inclusion](#), 112 *Michigan Law Review First Impressions* 117-123 (2014)

with Lee Buchheit

- Restructuring a Euro Area Sovereign Guarantee, in [BEARING THE LOSSES FROM BANK AND SOVEREIGN DEFAULT IN THE EUROZONE](#) 143-164 (Franklin Allen et al eds., 2014)
- [Sovereign Contingent Liabilities](#), in [SOVEREIGN DEBT MANAGEMENT](#) 241-254 (Rosa Lastra & Lee Buchheit eds., 2014)

with Stephen Choi and Eric Posner

- [Altruism Exchanges and the Kidney Shortage](#), 77 *Law & Contemporary Problems* 289-322 (2014)

with Melissa Boudreau

- [The International Monetary Fund's Imperiled Priority](#), 10 *Duke Journal of Constitutional Law & Public Policy* 119-148 (2014)

with Benjamin Remy Chabot

- [Santa Anna and His Black Eagle: The Origins of Pari Passu?](#), 9 *Capital Markets Law Journal* 216-241 (2014)

with Michael Bradley and Irving De Lira Salvatierra

- [Lawyers: Gatekeepers of the Sovereign Debt Market?](#), 38 *International Review of Law & Economics* 150-168 (2014)

with Jeromin Zettelmeyer and Christoph Trebesch

- Managing Holdouts: The Case of the 2012 Greek Exchange, in [SOVEREIGN DEBT MANAGEMENT](#) 25-38 (Rosa Lastra & Lee Buchheit eds., 2014)

with Joseph Blocher

- [Ukraine and Russia: "You Break It, You Bought It"](#), *Financial History* 28-32 (Fall 2014)

with Mark Weidemaier

- [A People's History of Collective Action Clauses](#), 54 *Virginia Journal of International Law* 1 (2014)

PUBLICATIONS: 2013

with Michael Bradley

- [Collective Action Clauses for the Eurozone](#), *Review of Finance* 1-58 (2013)

with Mark Weidemaier

- [How Markets Work: The Lawyer's Version \(Studies in Law, Politics, and Society, v. 62\)](#), in [FROM ECONOMY TO SOCIETY? PERSPECTIVES ON TRANSNATIONAL RISK REGULATION](#) 107-134 (Bettina Lange et al. eds, 2013)

with Mark Weidemaier and Robert Scott

- [Origin Myths, Contracts, and the Hunt for Pari Passu](#), 38 *Law & Social Inquiry* 72-105 (2013)

with Lee Buchheit

- [Restructuring a Sovereign Debtor's Contingent Liabilities](#), in [SOVEREIGN FINANCING AND INTERNATIONAL LAW: THE UNCTAD PRINCIPLES ON RESPONSIBLE LENDING AND BORROWING](#) 287-294 (Carlos Esposito et al. eds., 2013)

with Jeromin Zettelmeyer and Christoph Trebesch

- [The Greek Debt Restructuring: An Autopsy](#), 28 *Economic Policy* 513-563 (2013)

with Stephen Choi and Eric Posner

- [The Law and Policy of Judicial Retirement](#), 42 *Journal of Legal Studies* 111-150 (2013)
- [How Well Do Measures of Judicial Ability Translate into Performance?](#), 33 *International Review of Law & Economics* 37-53 (2013)

with Lee Buchheit and Ignacio Tirado

- [The Problem of Holdout Creditors in Eurozone Sovereign Debt Restructurings](#), *Butterworths Journal of International Banking and Financial Law* 191-194 (April 2013)

with Anna Gelpern

- The Wonder-Clause, 41 *Journal of Comparative Economics* 367-385 (2013)

with Frank Smets

- The Evolution of Euro Area Sovereign Debt Contract Terms, 11 *Journal of Institutional Comparisons* 1-5 (2013)

with Multiple Authors

- [Revisiting Sovereign Bankruptcy](#) (Brookings Institute 2013) (with Lee Buchheit, Anna Gelpern, Ugo Panizza, Beatrice Weder di Mauro, Jeromin Zettelmeyer)
- [The Role of the IMF in Future Sovereign Debt Restructurings: Report of the Annenberg House Expert Group](#) (November 25, 2013) (with Douglas G. Baird, Nicole Bollen, Lee Buchheit, Anne O. Krueger, Fridrik Mar Balursson, Robert K. Rasmussen, David A. Skeel Jr., Sergei Storchak, Jeromin Zettelmeyer)

PUBLICATIONS: 2012

with Lee Buchheit

- [A Eurozone Debt Crisis: The Options Now](#), 8 *Capital Markets Law Journal* 54-61

with Stephen Choi and Eric Posner

- [The Evolution of Contractual Terms in Sovereign Bonds](#), 4 *Journal of Legal Analysis* 131-179 (2012)
- [The Dynamics of Contract Evolution](#), 2012 (2012) (John M. Olin Law & Economics (2d Series) Working Paper No. 605, 2012) (with Stephen J. Choi, Eric A. Posner)

with Jeromin Zettelmeyer

- [Engineering an Orderly Greek Debt Restructuring](#), 2012 (2012)
- [Making a Voluntary Greek Debt Exchange Work](#), 7 *Capital Markets Law Journal* 169-183 (2012) (reprinted in *Sovereign Insolvency* (Christoph Paulus ed., 2014))

with Anna Gelpern

- [CDS Zombies](#), 13 *European Business Organization Law Review* 347-390 (2012)

with Curtis Bradley

- [Foreword: The Duke Project on Custom and Law](#), 62 *Duke Law Journal* 529-533 (2012)

with Guy-Uriel Charles and Daniel Chen

- [Sonia Sotomayor and the Construction of Merit](#), 61 *Emory Law Journal* 801-861 (2012)

PUBLICATIONS: 2011

with Mark Weidemaier

- Book Review, 36 *PoLAR: Political and Legal Anthropology Review* 190-192 (2013) (reviewing Annelise Riles, *Collateral Knowledge: Legal Reasoning in the Global Financial Markets* (2011))

with Lee Buchheit

- [Greek Debt: The Endgame Scenarios](#) (2011)
- [Drafting A Model Collective Action Clause For Eurozone Sovereign Bonds](#), 6 *Capital Markets Law Journal* 317-325 (2011)

with Curtis Bradley

- [Mandatory Versus Default Rules: How Can Customary International Law Be Improved?](#), 120 *Yale Law Journal Online* 421-454 (2011)

with Robert Scott

- [Foreword: The Three and a Half Minute Transaction: Boilerplate and the Limits of Contract Design](#), 40 *Hofstra Law Review* 1-9 (2011)

with Stephen Choi, Mirya Holman, and Eric Posner

- [Judging Women](#), 8 *Journal of Empirical Legal Studies* 504-532 (2011)

with Stephen Choi and Eric Posner

- [What do Federal District Judges Want? An Analysis of Publications, Citations and Reversals](#), 27 *Journal of Law, Economics and Organization* 518 (2011)
- [Pricing Terms in Sovereign Debt Contracts: A Greek Case Study with Implications for the European Crisis Resolution Mechanism](#), 6 *Capital Markets Law Journal* 163-187 (2011)

with Patrick Shin

- [Showcasing Diversity](#), 89 *North Carolina Law Review* 1017-1053 (2011)

with Tracey George, Ann McGinley

- [The New Old Legal Realism](#), 105 *Northwestern University Law Review* 689-735 (2011)

with Anna Gelpern

- [Foreword: Of Lawyers, Leaders, and Returning Riddles in Sovereign Debt](#), 73 *Law & Contemporary Problems* i-xii (2011)

PUBLICATIONS: 2010

with Stephen Choi and Eric Posner

- [Professionals or Politicians: The Uncertain Empirical Case for an Elected Rather Than Appointed Judiciary](#), 26 *Journal of Law, Economics, & Organization* 290-336 (2010)

with Lee Buchheit

- Restructuring a Nation's Debt, 29 *International Financial Law Review* 46-49 (2010) reprinted in, *Managing Risk in the Financial System* 168-178 (John Raymond LaBrosse et al. eds., 2010)
- [Responsible Sovereign Lending and Borrowing](#), 2010 63-92 (2010) (UNCTAD, Discussion Paper No.198 April, 2010) (with Lee C. Buchheit) also published in, 73 *Law & Contemporary Problems* 63-92 (Fall 2010)

with Jack Knight

- [Talking Judges](#), 2010 *The Legal Workshop - Duke Law Journal* (2010) [republished 67 *Duke Law Journal* (2018)]

with David Klein and David Levi

- [Evaluating Judges and Judicial Institutions: Reorienting the Perspective](#), 2010 *The Legal Workshop - Duke Law Journal* (2010) [republished 67 *Duke Law Journal* (2018)]

with Sarah Ludington and Alfred Brophy

- [Applied Legal History: Demystifying The Doctrine Of Odious Debts](#), 11 *Theoretical Inquiries in Law* 247-281 (2010)

with Curtis Bradley

- [Customary International Law and Withdrawal Rights in an Age of Treaties](#), 21 *Duke Journal of Comparative & International Law* 1-30 (2010)
- [Withdrawing from International Custom](#), 120 *Yale Law Journal* 202-275 (2010)

with Michael Bradley and James Cox

- [The Market Reaction to Legal Shocks and Their Antidotes: Lessons From The Sovereign Debt Market](#), 39 *Journal of Legal Studies* 289-324 (2010)

PUBLICATIONS: 2009

with Lee Buchheit

- The Coroner's Inquest: Ecuador's Default and Sovereign Bond Documentation, 28 *International Financial Law Review* 22-25 (2009)

with Scott Baker

- "Make or Buy" and International Law, 165 *Journal of institutional and Theoretical Economics JITE* 134-141 (2009)

with David Levi

- ["Only Connect": Toward a Unified Measurement Project](#), 58 *Duke Law Journal* 1181-1190 (2009)

with **Stephen Choi and Eric Posner**

- [Are Judges Overpaid?: A Skeptical Response to the Judicial Salary Debate](#), 1 *Journal of Legal Analysis* 47-117 (Winter 2009)
- [Judicial Evaluations and Information Forcing: Ranking State High Courts and Their Judges](#), 58 *Duke Law Journal* 1313-1382 (2009)

with **Anna Gelpern**

- [Feel-good Formalism](#), 35 *Queen's Law Journal* 97-116 (2009)
- [Innovation after the Revolution: Foreign Sovereign Bond Contracts Since 2003](#), 4 *Capital Markets Law Journal* 85-103 (2009)

with **Stuart Benjamin**

- [Mr. Presidential Candidate: Whom Would You Nominate?](#), 42 *Loyola of Los Angeles Law Review* 293-334 (2009)

PUBLICATIONS: 2008

with **Sarah Ludington**

- [A Convenient Untruth: Fact and Fantasy in the Doctrine of Odious Debts](#), 48 *Virginia Journal of International Law* 595-639 (2008)

with **Devon Carbado and Catherine Fisk**

- [After Inclusion](#), 4 *Annual Review of Law & Social Science* 83-102 (2008)

with **Stephen Choi**

- [Bias in Judicial Citations: A Window into the Behavior of Judges?](#), 37 *Journal of Legal Studies* 87-129 (2008)
- [Trading Votes For Reasoning: Covering In Judicial Opinions](#), 81 *Southern California Law Review* 735-779 (2008)

with **David Levi**

- [Judging Measures](#), 77 *UMKC Law Review* 381-413 (2008)

with **Lee Buchheit**

- [Odious Debts and Nation-Building: When the Incubus Departs](#), 60 *Maine Law Review* 477-485 (2008)

PUBLICATIONS: 2007

with **George Triantis**

- [Contracts Without Law: Sovereign Versus Corporate Debt](#), 75 *University of Cincinnati Law Review* 977-1004 (2007)

with **Devon Carbado and Catherine Fisk**

- [Foreword: Making Makeup Matter](#), 14 *Duke Journal of Gender Law & Policy* 1-11 (2007)

with **Omri Ben-Shahar**

- [Partially Odious Debts?](#), 70 *Law & Contemporary Problems* 47-81 (2007)

with **Stephen Choi**

- [Ranking Judges According to Citation Bias](#), 82 *Notre Dame Law Review* 1279-1309 (2007)

with Lee Buchheit and Robert Thompson

- [The Dilemma of Odious Debts](#), 56 *Duke Law Journal* 1201-1262 (2007)

PUBLICATIONS: 2006

with Anna Gelpern

- [Public Symbol in Private Contract: A Case Study](#), 84 *Washington University Law Review* 1627-1715 (2006)

with James Coleman Jr.

- [A Response to Professor Sander: Is It Really All About the Grades?](#), 84 *North Carolina Law Review* 1823-1839 (2006)

with Stephen Choi

- [An Empirical Study of Securities Disclosure Practice](#), 80 *Tulane Law Review* 1023-1108 (2006)
- [Contract as Statute](#), 104 *Michigan Law Review* 1129-1173 (2006)

with Laura Beth Nielsen

- Introduction: A New Legal Realist Perspective On Employment Discrimination, 31 *Law & Social Inquiry* 797-799 (2006)

with Stephen Choi and Scott Baker

- [The Rat Race as an Information Forcing Device](#), 81 *Indiana Law Journal* 53-82 (2006)

with Multiple Authors

- The Story of Jespersion v. Harrah's: Makeup and Women at Work, in [Employment Discrimination Stories](#) 105-152 (Joel Wm. Friedman ed., 2006)

PUBLICATIONS: 2005

with Paul Edwards

- [Foreword: The Klein Criteria Project](#), 2 *Berkeley Business Law Journal* 1-11 (2005)

with David Vladeck

- [Judicial Triage: Reflections on the Debate over Unpublished Opinions](#), 62 *Washington and Lee Law Review* 1667-1708 (2005)

with Stephen Choi

- [Mr. Justice Posner?: Unpacking the Statistics](#), 61 *NYU Annual Survey of American Law* 19-43 (2005)
- [Which Judges Write Their Opinions \(And Should We Care?\)](#), 32 *Florida State University Law Review* 1077-1122 (2005)

with Devon Carbado

- [Race to the Top of the Corporate Ladder: What Minorities Do When They Get There](#), 61 *Washington and Lee Law Review* 1645-1693 (2005)

PUBLICATIONS: 2004

with Stephen Choi

- [A Tournament of Judges?](#), 92 *California Law Review* 299-322 (2004)
- [Choosing the Next Supreme Court Justice](#), 78 *USC Law Review* 23 (2004)
- [Innovation in Boilerplate Contracts: The Case of Sovereign Bonds](#), 53 *Emory Law Journal* 929 (2004)

with William Klein

- [Economic Organization in the Construction Industry: A Case Study of Collaborative Production Under High Uncertainty](#), 1 *Berkeley Business Law Journal* 137-174 (2004)

with Lee Buchheit

- [Sovereign Bonds and the Collective Will](#), 51 *Emory Law Journal* 1317 (2004)
(reprinted in *Bank of England Proceedings of Conference on Sovereign Debt* (2004))

with William Bratton

- [Sovereign Debt Reform and the Best Interest of Creditors](#), 57 *Vanderbilt Law Review* 1-79 (2004)

with Donald Langevoort

- [The Muddled Duty to Disclose Under Rule 10b-5](#), 57 *Vanderbilt Law Review* 1639 (2004)

with Donald Langevoort and Jeff Rachlinki

- [Fraud by Hindsight](#), 98 *Northwestern Law Review* 773 (2004)

PUBLICATIONS: 2003

with Stephen Choi

1. Why Lawyers Need to Take a Closer Look at Exit Consents, 15 *International Financial Law Review* 15-18 (2003)

with Stephen Bainbridge

2. [How Do Judges Maximize? \(The Same Way Everybody Else Does - Boundedly\): Rules of Thumb in Securities Fraud Opinions](#), 51 *Emory Law Journal* 83-152 (2003), reprinted in *Securities Law Handbook* (2003)

with Devon Carbado

3. [Tenure](#), 53 *Journal of Legal Education* 157 (2003)
4. [The Fifth Black Woman](#), 11 *Journal of Contemporary Legal Issues* 701 (2003)
(reprinted in *Critical Feminist Theory Reader* (Adrienne Wing, ed. 2003))
5. [The Law and Economics of Critical Race Theory](#), 112 *Yale Law Journal* 1757-1828 (2003) (reviewing Francisco Valdes et. al., *Crossroads, Directions and a New Critical Race Theory* (2002))
6. [What Exactly is Racial Diversity?](#), 91 *California Law Review* 1149-1165 (2003)
(reviewing Andrea Guerrero, *Silence at Boalt Hall: The Dismantling of Affirmative Action* (2002))

with Multiple Authors

7. [The Happy Charade: An Empirical Examination of the Third Year of Law School](#), 52 *Journal of Legal Education* 235 (2003)

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1. [Incorporating Labor](#), *Journal of Comparative Labor Law and Policy Journal* 171 (2002)
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2. Capital Markets Law Journal: General Editor – 2021-23
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