

CURRICULUM VITA

Alan O. Sykes

PRESENT POSITION

Professor of Law, Stanford University

PAST POSITIONS

Frank & Bernice Greenberg Professor of Law, University of Chicago, The Law School
1997-2006

Herman Phleger Visiting Professor of Law, Stanford Law School
2005-2006

Visiting Professor of Law, New York University Law School
Autumn 1996

Visiting Professor of Law, Harvard Law School
Autumn 1991

Assistant Professor and Professor of Law, University of Chicago, The Law School
1986-1996

Associate, Arnold & Porter, Washington, D.C.
1983-1986

Instructor, Department of Economics, Yale University
1978-1982

National Science Foundation Graduate Fellow,
Department of Economics, Yale University
1976-1979

EDUCATION

Ph.D. Department of Economics, Yale University, 1987

J.D. Law School, Yale University, 1982

B.A. College of William and Mary, 1976

BAR ADMISSIONS

District of Columbia
Massachusetts

PROFESSIONAL ACTIVITIES

Reporter, American Law Institute Project on Principles of Trade Law: The WTO 2003-
 Associate Editor, *Journal of International Economic Law*, 1998 –
 Member, Editorial Board, *World Trade Review*, 2006 --
 Series Editor for Edward Elgar Press, *International Economic Law Series*
 Co-Editor, *Journal of Legal Studies*, 2000 -- 2006
 Co-Editor, *Journal of Law and Economics*, 1990 -- 2000
 Member of the Board, University of Chicago Press, 1998 -- 2000
 Board of Directors, American Law & Economics Association, 1999 -- 2002, Executive
 Committee, 2001-02
 Vice Chair, Section on International Trade, ABA Administrative Law Section, 1994
 Chair, American Association of Law Schools, Section on Law & Economics, 1989

SUBJECTS TAUGHT

Torts
 Contracts
 Insurance Law and Policy
 International Trade Regulation
 Antitrust
 Economic Analysis of Law, Introductory and Advanced
 Empirical Law and Economics
 Workshop on International Law

FORTHCOMING/WORKING PAPERS

The Law and Economics of International Trade and Investment (in progress).

International Law, forthcoming in Handbook of Law and Economics (A. Mitchell Polinsky & Steven Shavell eds.) (Elsevier).

Commentary on United States – Final Antidumping Duties on Softwood Lumber from Canada, prepared for American Law Institute Project on Principles of World Trade Law (with Chad Bown)

Transnational Forum Shopping as a Trade and Investment Issue (forthcoming in *Journal of Legal Studies*).

Strict Liability versus Negligence in *Indiana Harbor* (forthcoming in *University of Chicago Law Review*)

Safeguards, forthcoming in Princeton Encyclopedia of the World Economy

BOOKS

The WTO Agreement on Safeguards: A Commentary (Oxford University Press: 2006).

Legal Problems of International Economic Relations, 4th Edition (West: 2002) (with John Jackson & William Davey).

Documents Supplement to Legal Problems of International Economic Relations, 4th Edition (West: 2002) (with John Jackson & William Davey).

Product Standards for Internationally Integrated Goods Markets (Brookings Institution: 1995).

Legal Problems of International Economic Relations, 3d Edition (West: 1995) (with John Jackson & William Davey).

Documents Supplement to Legal Problems of International Economic Relations, 3d Edition (West: 1995) (with John Jackson & William Davey).

EDITED VOLUMES

Economics of Tort Law, Volumes I and II (Edward Elgar Publishing 2007).

Research Handbook of International Economic Law (Edward Elgar Publishing: 2007) (Andrew T. Guzman, co-editor).

The WTO and International Trade Law/Dispute Settlement (Edward Elgar Publishing 2005) (Petros Mavroidis, co-editor).

Economic Dimensions in International Law (Cambridge University Press: 1998) (Jagdeep S. Bhandari, co-editor).

Implementing the Uruguay Round (Oxford University Press: 1997) (John H. Jackson, co-editor).

ARTICLES AND CHAPTERS

United States Courts and the Optimal Deterrence of International Cartels:
A Welfarist Perspective on *Empagran*, 3 *J. Competition Law & Economics* 309 (2007)
and in Antitrust Stories (Dan Crane & Eleanor Fox eds.) (Foundation Press 2007) (with
Alvin Klevorick)

Lex Loci Delictus and Global Economic Welfare: *Spinozzi v. ITT Sheraton Corp.*, 120
Harvard Law Review 1137 (2007) (with Jack Goldsmith).

An Economic analysis of State and Individual Responsibility Under International Law, 9
American Law and Economics Review 72 (2007) (with Eric Posner).

Trade Remedy Laws, in Research Handbook of International Economic Law (Andrew T.
Guzman & Alan O. Sykes eds.) (Edward Elgar Press 2007).

Commentary on United States – Definitive Safeguard Measures on Imports of Certain
Steel Products, 6 *World Trade Review* 89 (2007), and in The WTO Case Law of 2003,
Henrik Horn & Petros Mavroidis eds. (Cambridge University Press: 2006) Law (with
Gene M. Grossman).

The Fundamental Deficiencies of the Agreement on Safeguards: A Reply to Professor
Lee, 40 *J. World Trade* 979 (2006).

Commentary on European Communities – Conditions for the Granting of Tariff
Preferences to Developing Countries, prepared for ALI Project on Principles of Trade
Law, in The WTO Case Law of 2003, Henrik Horn & Petros Mavroidis eds. (Cambridge
University Press: 2006) (with Gene M. Grossman).

Commentary on European Communities – Antidumping Duties on Imports of Cotton-
Type Bed Linen From India: Recourse to Article 21.5 of the DSU, 5 *World Trade Review*
133 (2006), and in The WTO Case Law of 2003, Henrik Horn & Petros Mavroidis eds.
(Cambridge University Press: 2006) (with Gene M. Grossman).

International Trade and Human Rights: An Economic Perspective, in Trade and Human
Rights: Foundations and Conceptual Issues, Frederick M. Abbott, Christine Breining-
Kaufmann and Thomas Cottier eds. (University of Michigan Press 2005).

Public Versus Private Enforcement of International Economic Law: Standing and
Remedy, 34 *Journal of Legal Studies* 631 (2005).

Optimal War and *Jus Ad Bellum*, 93 *Georgetown Law Journal* 993 (2005) (with Eric
Posner).

The Economics of WTO Rules on Subsidies and Countervailing Measures, in A.
Appleton, P. Macrory & M. Plummer eds., *The World Trade Organization: Legal,
Economic and Political Analysis*, Vol. II (Springer Verlag 2005).

A Preference for Development: The Law and Economics of GSP, 4 *World Trade Review* 41 (2005) (with Gene M. Grossman).

Commentary on *India -- Measures Affecting the Automotive Sector*, prepared for ALI Project on Principles of Trade Law, in The WTO Case Law of 2002, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press 2005) (with Kyle Bagwell).

Commentary on Chile -- Price Band System and Safeguard Measures Relating to Certain Agricultural Products, 3 *World Trade Review* 507 (2004) and in The WTO Case Law of 2002, Henrik Horn & Petros Mavroidis eds. (Cambridge University Press 2005) (with Kyle Bagwell),

The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute, 7 *J. Int'l Econ. L.* 523 (2004).

The Safeguards Mess Revisited -- A Reply to Professor Jones, 3 *World Trade Review* 93 (2004).

The Safeguards Mess: A Critique of WTO Jurisprudence, 2 *World Trade Review* 261 (2003), reprinted in The WTO, Safeguards, and Temporary Protection from Imports Chad P. Bown ed. (Cheltenham, UK: Edward Elgar 2006).

The Least Restrictive Means, 70 *U. Chi. L. Rev.* 403 (2003).

Terrorism and Insurance Markets: A Role for the Government as Insurer?, 25 *Regulation* 44 (2003), unabridged version in Symposium: The Law and Economics of Providing Compensation for Harm Caused by Terrorism, 36 *Ind. L. Rev.* 447 (2003) (with Anne Gron).

Domestic Regulation, Sovereignty and Scientific Evidence Requirements: A Pessimistic View, 3 *Chi. J. Int'l L.* 353 (2002), reprinted in The WTO and International Trade Law/Dispute Settlement (co-edited with Petros Mavroidis) (Edward Elgar Publishing 2005) and in Trade and Human Health and Safety, George Bermann & Petros Mavroidis eds. (Cambridge, UK: Cambridge University Press 2006).

TRIPs, Pharmaceuticals, Developing Countries and the Doha "Solution," 3 *Chi. J. Int'l L.* 47 (2002).

New Directions in Law and Economics, 46 *The American Economist* 10 (2002), reprinted in New Frontiers in Economics 281-301 (Michael Szenberg and Lall Ramrattan eds.) (Cambridge University Press: 2004).

The Economic Structure of Renegotiation and Dispute Settlement in the World Trade Organization, 31 *Journal of Legal Studies* S179 (2002) (with Warren F. Schwartz), reprinted in The WTO and International Trade Law/Dispute Settlement (co-edited with Petros Mavroidis) (Edward Elgar Publishing 2005).

The Assault on Managed Care: Vicarious Liability, Class Actions and the Patient's Bill of Rights, 30 *J. Legal Stud.* 625 (2001) (with Richard Epstein).

"Efficient Protection" Through WTO Rulemaking, in Efficiency, Equity and Legitimacy: The Multilateral Trading System at the Millennium 114, Roger Porter, Pierre Sauve, Arvind Subramanian & Americo Zampetti eds. (Brookings Institution: 2001).

Subrogation and Insolvency, 30 *J. Legal Stud.* 383 (2001).

The Dormant Commerce Clause and the Internet, 110 *Yale L.J.* 785 (2001) (with Jack Goldsmith).

The Remedy for Breach of Obligations Under the WTO Dispute Settlement Understanding: Damages or Specific Performance?, in New Directions in International Economic Law 351, Marco Bronckers & Reinhard Quick eds. (Kluwer Law International: 2000).

An Introduction to Regression Analysis, in Chicago Lectures in Law & Economics 1 (E. Posner ed.) (Foundation Press: 2000).

International Trade, in Encyclopedia of Law and Economics, Vol. III, Boudewijn Bouckaert & Gerrit de Geest eds. (Edward Elgar: 2000).

Regulatory Competition or Regulatory Harmonization? A Silly Question? 3 *J. Int'l Econ. L.* 257 (2000).

Externalities in Open Economy Antitrust and their Implications for International Competition Policy, 23 *Harv. J. L. & Pub. Pol.* 89 (2000).

Governmental Liability for Breach of Contract, 1 *Am. L. & Econ. Rev.* 313 (1999) (with Daniel R. Fischel).

The (Limited) Role of Regulatory Harmonization in International Goods and Services Markets, 2 *J. Int'l Econ. L.* 49 (1999).

Regulatory Protectionism and the Law of International Trade, 66 *U. Chi. L. Rev.* 1 (1999), reprinted in The Global Trading System Vol. IV 314-51 (Kym Anderson & Bernard Hoekman eds.) (London: Tauris 2002).

Antidumping and Antitrust: What Problems Does Each Address?, 1998 *Brookings Trade Forum* 1.

Civil Liability Under RICO -- Unintended Consequences of Legislation, The New Palgrave Dictionary of Economics and the Law, Vol. 1, 241 (Macmillan: 1998).

Impossibility Doctrine in Contract Law, The New Palgrave Dictionary of Economics and the Law, Vol. 2, 264 (Macmillan 1998).

International Sanctions, The New Palgrave Dictionary of Economics and the Law, Vol. 2, 352 (Macmillan: 1998) (with Jonathan Eaton).

Most Favoured Nation Obligations in International Trade, The New Palgrave Dictionary of Economics and the Law, Vol. 2, 660 (Macmillan: 1998) (with Warren Schwartz).

Vicarious Liability, The New Palgrave Dictionary of Economics and the Law, Vol. 3, 673 (Macmillan 1998).

Capital Structure, Priority Rules and the Settlement of Civil Claims (with Kathryn E. Spier), 18 *Int'l Rev. L. & Econ.* 187 (1998).

Comparative Advantage and the Normative Economics of International Trade Policy, 1 *J. Int'l. Econ. L.* 49 (1998).

Corporate Crime, 25 *J. Legal Stud.* 319 (1996) (with Daniel R. Fischel), reprinted in Milestones in Management Vol. X: Management and Law (Felix Ehrat & Eric Stupp eds.) (Basel: Helbing & Lichtenhahn 2003).

"Bad Faith" Refusal to Pay First-Party Insurance Benefits: An Economic Analysis, 25 *J. Legal Stud.* 405 (1996).

The Economics of "Injury" in Antidumping and Countervailing Duty Cases, 16 *Int'l Rev. L. & Econ.* 5 (1996), reprinted in The WTO and Antidumping (Douglas Nelson & Hylke Vandenbussche eds., (UK: Edward Elgar Press 2005). Extended version published in Economic Dimensions in International Law 83 (J. Bhandari & A. Sykes eds.) (Cambridge University Press: 1998).

The Positive Economics of the Most-Favored Nation Obligation and its Exceptions in the WTO/GATT System, 16 *Int'l Rev. L. & Econ.* 27 (1996), reprinted in The Global Trading System Vol. II 222-48 (Kym Anderson & Bernard Hoekman eds.) (London: Tauris 2002) and in The WTO's Core Rules and Disciplines (Kym Anderson & Bernard Hoekman eds.) (UK: Edward Elgar Press 2005). Extended version published in Economic Dimensions in International Law 43 (J. Bhandari & A. Sykes eds.) (Cambridge University Press: 1998) (with Warren Schwartz).

The Welfare Economics of Immigration Law: A Theoretical Survey with an Analysis of U.S. Policy, in Justice in Immigration (Cambridge University Press: 1995).

Judicial Restrictions on the Discretion of Liability Insurers to Settle or Litigate: An Economic Critique, 72 *Tex. L. Rev.* 1345 (1994), reprinted in *Insurance Law Anthology*, Vol. VIII (1995).

Bad Faith Refusal to Settle by Liability Insurers: Some Implications of the Judgment Proof Problem, 23 *J. Legal Stud.* 77 (1994).

Civil RICO After *Reves*: An Economic Commentary, 1993 *Sup. Ct. Rev.* 157 (with Daniel R. Fischel).

Comment: The Real Estate Puzzle, 36 *J. L. & Econ.* 541 (1993).

Constructive Unilateral Threats in International Commercial Relations: The Limited Case for Section 301, 23 *L. & Pol. Int'l Bus.* 263 (1992), reprinted in The WTO and International Trade Law/Dispute Settlement (co-edited with Petros Mavroidis) (Edward Elgar Publishing 2005).

Protectionism as a "Safeguard": A Positive Analysis of the GATT "Escape Clause" with Normative Speculations, 58 *U. Chi. L. Rev.* 255 (1991).

Safeguards Reform: The Injury Test, in Fair Exchange: Reforming Trade Remedy Laws 203, M. Trebilcock & R. York eds. (C.D. Howse Institute: 1990).

"Mandatory" Retaliation for Breach of Trade Agreements: Some Thoughts on the Strategic Design of Section 301, 1990 *B. U. Int'l. L.J.* 301.

Second-Best Countervailing Duty Policy: A Critique of the Entitlement Approach 21 *L. & Pol. Int'l Bus.* 699 (1990).

The Doctrine of Commercial Impracticability in a Second-Best World, 19 *J. Legal Stud.* 43 (1990).

Countervailing Duty Law: An Economic Perspective, 89 *Colum. L. Rev.* 199 (1989).

The Antitrust Guidelines for International Operations: An Economic Critique in 1988 Corporate Law Institute: North American and Common Market Antitrust and Trade Laws 4-1, B. Hawk, ed. (with Janusz Ordover).

The Boundaries of Vicarious Liability: An Economic Analysis of the Scope of Employment Rule and Related Legal Doctrines, 101 *Harv. L. Rev.* 563 (1988).

Municipal Liability Under § 1983: A Legal and Economic Analysis, 1987 *Sup. Ct. Rev.* 249 (with Larry Kramer).

Nonprice Anticompetitive Practices by Dominant Firms Toward the Producers of Complementary Products, in Antitrust and Regulation, F. Fisher, ed. (MIT Press: 1985) (with Janusz Ordover and Robert Willig).

The Economics of Vicarious Liability, 93 *Yale L. J.* 1231 (1984).

Unfair International Trade Practices, 15 *N.Y.U. J. Int'l. & Pol.* 323 (1983) (with Janusz Ordover and Robert Willig).

Predatory Systems Rivalry: A Reply, 83 *Colum. L. Rev.* 1150 (1983), reprinted in 1984 Corporate Counsel's Annual 433 (with Janusz Ordover and Robert Willig).

Herfindahl Concentration, Rivalry and Mergers, 95 *Harv. L. Rev.* 1857 (1982), excerpted in Economic Analysis and Antitrust Law 122, T. Calvani & Siegfried eds., 2d ed. (1988) (with Janusz Ordover and Robert Willig).

Note, An Efficiency Analysis of Vicarious Liability Under the Law of Agency, 91 *Yale L. J.* 168 (1981).

REVIEWS AND COMMENTS

Review of Fair Trade and Harmonization: Prerequisites for Free Trade (Jagdish Bhagwati & Robert Hudec eds.), 7 *Rev. Int'l Econ.* 769 (1999).

For John: A Tribute to a Scholar and Friend, 20 *Mich. J. Int'l L.* 171 (1999).

International Law and Economics, 1996 *Proceedings Am. Soc. Int'l. Law* 109.

Reformulating Tort Reform, a review of Liability: The Legal Revolution and Its Consequences, by Peter Huber, 56 *U. Chi. L. Rev.* 1153 (1989).