Frank Fagan

Associate Professor of Law

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Frank Fagan is an Associate Professor of Law and Scientific Director of the EDHEC Augmented Law Institute. His teaching and writing considers the interplay of artificial intelligence and law. His empirical work uses natural language processing techniques to examine contract and corporate law doctrine. His theoretical work considers the impact of AI on law and society. Work in progress includes empirical analysis of the complete corpus of U.S. corporate agency case law and theoretical analysis of the strengths and limitations of algorithms in law. He is editor of *Research in Law & Economics* and the AI Law Blawg at http://ailawblawg.com. Papers are available at http://ssrn.com/author=468606.

EDUCATION

Law	J.D. 2013	University of Pittsburgh School of Law Magna cum laude Editor-in-chief, *University of Pittsburgh Law Review*
	Ph.D. 2011	Erasmus University Rotterdam School of Law (joint) European Doctorate in Law and Economics Erasmus Mundus Fellow (European Union)
	LL.M. 2005	Hamburg University School of Law (joint) European Master in Law and Economics
Economics	Ph.D. 2011	University of Bologna Department of Economics (joint) European Doctorate in Law and Economics Erasmus Mundus Fellow (European Union)
	M.A. 2005	University of Bologna Department of Economics (joint) European Master in Law and Economics
Computers	B.S. 1999	Grove City College

EDHEC BUSINESS SCHOOL

Lille Campus	Nice Campus	Paris Campus	London Campus	Singapore Campus
Tel.: +33 (0)3 20 15 45 00	Tel.: +33 (0)4 93 18 99 66	Tel.: +33 (0)1 53 32 76 30	Tel.: +44 (0)20 7871 6740	Tel.: +65 6438 0030

ACADEMIC APPOINTMENTS

Current   EDHEC Business School, Department of Law
Associate Professor of Law (since 2017)
Teaching Award: 2017-2018, 2019-2020
Contracts, Corporations, Securities Regulation, Artificial Intelligence &Law

Scientific Director
EDHEC Augmented Law Institute (since 2020)

Previous   University of South Australia, School of Law (2016-2017)
Legislation, Advanced Statutory Interpretation

PUBLICATIONS

Books

THE TIMING OF LAWMAKING (edited with Saul Levmore)
Edward Elgar (2017)

LAW AND THE LIMITS OF GOVERNMENT: TEMPORARY VERSUS PERMANENT LEGISLATION,
Edward Elgar (2013)

Articles

Lending in China,
30 RESEARCH IN LAW & ECONOMICS 189-99 (2022)

Competing Algorithms for Law: Sentencing, Admissions, and Employment
88 UNIVERSITY OF CHICAGO LAW REVIEW 367-412 (2021), with Saul Levmore

Chinese translation: F. Zheng & K. Luo, Oriental Law (东方法学) (forthcoming)

Two-sided Social Media and Bad Faith Political Speech,
29 RESEARCH IN LAW & ECONOMICS 137-47 (2021)

Optimal Social Media Content Moderation and Platform Immunities,
50 EUROPEAN JOURNAL OF LAW & ECONOMICS 437-49 (2020)

Waiving Good Faith: A Natural Language Processing Approach,
16 NYU JOURNAL OF LAW & BUSINESS 633-82 (2020)

The Impact of Artificial Intelligence on Rules, Standards, and Judicial Discretion
93 SOUTHERN CALIFORNIA LAW REVIEW 1-36 (2019), with Saul Levmore

Standardized Data Collection: Legal Requirements, Guidelines, or Competition?
2 GNLU JOURNAL OF LAW & ECONOMICS 69-78 (2019)

Reducing Ethical Misconduct of Attorneys with Mandatory Ethics Training: A Dynamic Panel Approach, 15 REVIEW OF LAW & ECONOMICS 1-23 (2019)

Common Law Efficiency When Joinder and Class Actions Fail as Aggregation Devices
    47 EUROPEAN JOURNAL OF LAW & ECONOMICS 1-14 (2019), with Urmee Khan

The End of Bargaining in the Digital Age
    103 CORNELL LAW REVIEW 1469-1526 (2018), with Saul Levmore

Systemic Social Media Regulation
    16 DUKE LAW & TECHNOLOGY REVIEW 393-439 (2018)

Semi-Confidential Settlements in Civil, Criminal, and Sexual Assault Cases
    103 CORNELL LAW REVIEW 311-55 (2018), with Saul Levmore

Big Data Legal Scholarship: Toward a Research Program and Practitioner's Guide
    20 VIRGINIA JOURNAL OF LAW & TECHNOLOGY 1-81 (2016)

Successor Liability from the Perspective of Big Data,
    9 VIRGINIA LAW & BUSINESS REVIEW 391-451 (2015)

Sunsets and Federal Lawmaking: Evidence from the 110th Congress
    41 INTERNATIONAL REVIEW OF LAW & ECONOMICS 1-6 (2015), with Fırat Bilgel

The Fiscal Cliff as Reelection Strategy: Rethinking the Temporary Taxation Debate
    116 WEST VIRGINIA UNIVERSITY LAW REVIEW 783-817 (2014)

Tannenwald Foundation, Prize for Student Excellence in Tax Scholarship, 2012

After the Sunset: The Residual Effect of Temporary Legislation
    36 EUROPEAN JOURNAL OF LAW & ECONOMICS 209-226 (2013)

Book Contributions

"Legislative Sunrises: Transitions, Veiled Commitments, and Carbon Taxes" in Frank Fagan and Saul Levmore (eds.), THE TIMING OF LAWMAKING 130-48 (Edward Elgar 2017), with Saul Levmore.

"Legal Cycles and Stabilization Rules" in Frank Fagan and Saul Levmore (eds.), THE TIMING OF LAWMAKING 11-33 (Edward Elgar 2017)

"Renovating the Efficiency of Common Law Hypothesis" in Frank Fagan and Saul Levmore (eds.), THE TIMING OF LAWMAKING 280-98 (Edward Elgar 2017)

Miscellaneous

Introduction: *The Law and Economics of Privacy, Personal Data, Artificial Intelligence, and Incomplete Monitoring*, 30 RESEARCH IN LAW & ECONOMICS 1-2 (2022), with James Langenfeld

Review Essay: *Natural Language Processing for Lawyers and Judges*
    119 MICHIGAN LAW REVIEW 1399-1410 (2021)

The Law and Economics of Patent Damages, Antitrust, and the Legal Process
    29 RESEARCH IN LAW & ECONOMICS 1-6 (2021), with James Langenfeld

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Response: *Political Paralysis and Timing Rules*
91 NYU LAW REVIEW ONLINE 43-52 (2016)

Response: *The Role of Lawmakers, Lobbyists, and Interest Groups in the Normative Evaluation of Timing Rules* 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 61-72 (2011), with Michael Faure

INVITED LECTURES

Chair at Conference Panels: American Law & Economics Association, 2019; European Law & Economics Association 2019, 2020.

Program Committees: European Law & Economics Association 2022; ACM Fairness, Accountability, and Transparency (FAccT) 2022.

Presentations at Annual Conferences: American Law & Economics Association, 2017, 2020; Artificial Intelligence & Simulated Behavior Convention, 2019; Computational Legal Studies 2022; European Law & Economics Association 2017, 2018, 2019, 2020, 2021; German Law & Economics Association, 2021; International Meeting in Law & Economics 2018.

Presentations at Workshops: Authority for Communications Guarantees, Rome (Italy), 2018; ETH Zurich, Center for Law & Economics (Switzerland), 2019; Maastricht University School of Law (Netherlands), 2020; Science Po Law School, Paris (France), 2018; University of Eastern Piedmont (Italy), 2021; University of Oslo School of Law (Norway), 2018; University of Pittsburgh School of Law, 2020; University of Virginia School of Law, 2019.

PROFESSIONAL SERVICE

Editorships

2019 – Present   *Research in Law & Economics* (Emerald)

Referee

Artificial Intelligence & Law	Law & Social Inquiry
Cambridge University Press	International Review of Law & Economics
Columbia Law Review	Netherlands Organization for Scientific Research
Edward Elgar Publishing	Regulation & Governance
European Journal of Law & Economics	Review of Law & Economics
Hart Law Publishing	Supreme Court Economic Review

Report Contributor

World Economic Forum, *Advancing Digital Safety: A Framework to Align Global Action,* 2021.

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OTHER EXPERIENCE

Legal Service

2016 – 2018   Legal Advisor, U.S. Department of Labor
2013 – 2015   Attorney, U.S. Department of Labor (Citation of Merit)

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