



### 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 contract law, corporate law, bail and sentencing, and the First Amendment. Work in progress includes empirical analysis of the complete corpus of U.S. contractual good faith case law and theoretical analysis of the strengths and limitations of algorithms in law. Papers can be viewed at <http://ssrn.com/author=468606>.

## EDUCATION

<b><u>Law</u></b>	J.D. 2013	University of Pittsburgh School of Law Magna cum laude Editor-in-chief, <i>University of Pittsburgh Law Review</i>
	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
<b><u>Economics</u></b>	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
<b><u>Computers</u></b>	B.S. 1999	Grove City College

## ACADEMIC APPOINTMENTS

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<b><u>Current</u></b>	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)
<b><u>Previous</u></b>	University of South Australia, School of Law (2016-2017) Legislation, Advanced Statutory Interpretation

## PUBLICATIONS

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### **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**

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

*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 Urme 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 Firat 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**

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

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

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

**Presentations at Annual Conferences:** American Law & Economics Association, 2017, 2020; Artificial Intelligence & Simulated Behavior Convention, 2019; European Law & Economics Association 2017, 2018, 2019; 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 Oslo School of Law (Norway), 2018; University of Pittsburgh School of Law, 2020; University of Virginia School of Law, 2019.

## PROFESSIONAL SERVICE

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### Editorships

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

### Referee

Artificial Intelligence & Law  
Columbia Law Review  
Edward Elgar Publishing  
European Journal of Law & Economics  
Hart Law Publishing

Law & Social Inquiry  
Netherlands Organization for Scientific Research  
Regulation & Governance  
Review of Law & Economics  
Supreme Court Economic Review

## OTHER EXPERIENCE

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### Legal Service

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