

Dear Friends,

To help while away your free time, here's another compilation of my writing.

I recently co-authored an oped suggesting a way for Democrats to pursue tailored and temporary court packing:

Democrats Need a Plan B for the Supreme Court. Here's One Option, *Washington Post*, July 27, 2018 (with John Fabian Witt).

Last year I spent a lot of time working to bring Fred Vars's amazing idea of a "No Guns Registry" to the attention of state legislators around the country. Alabama, California, Massachusetts, Tennessee, Washington and Wisconsin have introduced bills with versions of the idea (and Fred and I have testified to some legislative committees). Here is a full law review treatment of our work (which discusses some of the differences in these bill):

Gun (Self) Control, *University of Pennsylvania Law Review* (forthcoming 2018) (with Fredrick Vars). **Online Appendix**.

And here is an oped version of the "No Guns Registry" idea on the occasion of Washington becoming the first state to enact a version of the idea:

A New Way to Reduce Gun Suicides, and Maybe Mass Shootings Too, *Los Angeles Times*, March 12, 2018. (with Fredrick Vars).

Ed Fox helped me scratch an itch by estimating how much alpha an investor needs to justify sacrificing diversification:

Alpha Duties: The Search For Excess Returns and Appropriate Fiduciary Duties, *Texas Law Review* (forthcoming 2018) (with Edward Fox).

Jacob Hacker and I are working on a book arguing that people should have the public option to purchase additional Social Security benefits at actuarial fair prices. Here's a preview:

Social Security Plus, *Elder Law Journal* (forthcoming 2018) (with Jacob Hacker).

Amen Jalal and I contributed this econometric article on PDMPs for a special issue that my YLS seminar (co-taught with the indomitable Abby Gluck and Kate Stith) produced last semester:

The Impact of Prescription Drug Monitoring Programs on U.S. Opioid Prescriptions, 46 *Journal of Law, Medicine & Ethics* 387 (2018). (with Amen Jalal).

Here's an essay proposing that “*NDA*s only be enforceable (1) if they explicitly disclose the rights which the survivor retains, notwithstanding the *NDA*, to report the perpetrator's behavior to the Equal Employment Opportunity Commission (EEOC) and other investigative authorities; (2) if they include a condition that any misrepresentation by the perpetrator about the survivor and perpetrator's past interactions will constitute a material breach giving the survivor the option to cancel the *NDA* and speak about those past interactions; and (3) if the underlying survivor allegations are deposited in an information escrow that would be released for investigation by the EEOC (or the Department of Education with regard to Title IX violations) and other investigative authorities if another complaint is received against the same perpetrator.” The last proposal is again connected to my work with **Callisto**:

Targeting Repeat Offender NDAs, 71 *Stanford Law Review Online* (2018).

Abe Wickelgren has a modest proposal about negotiated cartelization of gun manufacturers as harm reduction strategy that we wrote up for two publications in slightly revised form:

A Gun Control Solution Manufacturers Can Get Behind, *The Brookings Institute*, March 14, 2018. (with Abraham L. Wickelgren).

Time for a Truce with Gun Makers, *The Milken Review* (March 22, 2018).

Jess Ladd, the amazing leader of **Callisto** (the sexual assault reporting platform that is now in operation at more than a dozen Universities), discovered a new type of flawed cognitive inference that causes people to systematically underestimate the extent of repeat offending:

Act-Sampling Bias and the Shrouding of Repeat Offending, 103 *Virginia Law Review Online* 94 (2017). (with Ian Ayres, Michael Chwe and Jessica Ladd).

My two long-time consulting collaborators, Gary Klein and Jeff West, and I wrote up our experience in working on a bunch of disparate impact lending suits:

The Rise and (Potential) Fall of Disparate Impact Lending Litigation, in *Evidence and Innovation in Housing Law Policy* (Cambridge University Press, 2017) (with Gary Klein and Jeffrey West).

Fred and I describe the “No Guns Registry” idea yet again:

[How a “no guns” registry could help prevent firearm-related suicides](#), *The Brookings Institute*, June 20, 2017. (with Frederick Vars).

Here’s an article describing the initial results of a project that began in Joe and Barbara’s kitchen. At Stanford, Yale and now Quinnipiac, we introduce law students to Cognitive Behavioral Therapy in hopes of giving them tools to reduce law school anxiety:

[Anxiety Psychoeducation for Law Students: A Pilot Program](#), *67 Journal of Legal Education* 118 (2017) (with Joe Bankman, Barbara Fried & Kristine Luce). [Online Appendix](#).

Here’s an article where I’m lucky to join one of the best young IP scholars in the business:

[A Market Test for Bayh-Dole Patents](#), *102 Cornell Law Review* 271 (2017) (with Lisa Larrimore Ouellette).

In this piece, I comment on Tom Ginsburg, Jonathan S. Masur, and Richard H. McAdams (GMM) attractive theory of "temporary law":

[Extempore](#), *81 University of Chicago Law Review Online* (2016).

Here, Robert McGuire and I propose an extension of the False Claims Act:

[Using the False Claims Act to Remedy Tax Expenditure Fraud](#), *66 Duke Law Journal* 535 (2016) (with Robert McGuire).

In this article, I use the excuse of conference on privacy to write about an idea I’ve privately mused about for years -- a criminal Laffer Curve:

[Contracting for Privacy Precaution \(and a Laffer Curve for Crime\)](#), *45 Journal of Legal Studies* 123 (2016).

This article is based on my ALEA Presidential address. It shows that voluntary taxation is not an oxymoron and is related to a potential book project, “Government as Platform”:

[Voluntary Taxation and Beyond - the Promise of Social-Contracting Voting Mechanisms](#), *19 American Law & Economics Review* 1 (2016). [Online Appendix](#)

This oped extolls the creation of [Callisto](#) (which I continue to advise) and is related to an earlier article I wrote on [“Information Escrows”](#):

[Meet Callisto, the Tinder-like Platform that Aims to Fight Sexual Assault](#), *Washington Post*, Oct. 9, 2015.

This oped proposes that we stop allowing unsafe recalled cars to continue to drive:

Fix VW's Polluting Diesels, and Fix the Recall System Too, *Los Angeles Times*, Sept. 28, 2015.

In Supreme Court redistricting case, it's the 'whole number of persons', *Los Angeles Times*, May 29, 2015 (with Bruce Ackerman).

John Roberts' Roadmap for Campaign Finance Reform, *The Atlantic*, May 7, 2015 (with Bruce Ackerman).

Statistical Methods Can Demonstrate Racial Disparity, *New York Times*, April 27, 2015.