

# SCOTT A. BAKER

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## ACADEMIC APPOINTMENTS

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William F. & Jessica L. Kirsch Professor of Law, Washington University in St. Louis, February 2017—present

Professor of Economics (courtesy), Washington University in St. Louis, July 2009—present

Professor of Law, Washington University in St. Louis, July 2009—February 2017

Professor of Law, University of North Carolina, July 2005—July 2009

Professor of Economics (courtesy), University of North Carolina, July 2006—July 2009

Associate Professor of Law, University of North Carolina at Chapel Hill, July 2002–July 2005

## OTHER ACADEMIC AND LEGAL POSITIONS

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Vice Dean for Faculty Research and Development, Washington University in St. Louis, July 2019—October 2024

Co-editor, *American Law and Economics Review*, 2022–present

Co-editor, *International Review of Law and Economics*, 2014–2017

Fellow, Becker-Friedman Center, University of Chicago, Fall 2012

Interim Director, Intellectual Property and Technology Law Program, Washington University in St. Louis, January 2010—July 2010

Law clerk, The Honorable E. Grady Jolly, United States Court of Appeals for the Fifth Circuit, July 2001—July 2002

## EDUCATION

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Ph.D., Economics, University of North Carolina, 2001

J.D., University of Chicago, 2000

B.A., Miami University, 1994

## PUBLICATIONS (NOT INCLUDING SOME SHORTER WORKS)

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Scott Baker. Reflections on translating law and economic models for lawyers and law professors. *Asian Journal of Law and Economics*. forthcoming 2025 (keynote address)

Scott Baker and Michael Gilbert. Rational gridlock. *Public Choice*, forthcoming 2025

- Scott Baker and Anup Malani. Compromising accuracy to encourage regulatory participation. *Journal of Legal Studies*, 51(1):1–38, 2022
- Scott Baker and Lewis A Kornhauser. A Theory of Claim Resolution. *Journal of Law, Economics, and Organization*, 39(1), 2021
- Scott Baker. Comment on judicial choice among cases for certiorari. *Supreme Court Economic Review*, 27:155–166, 2019
- Scott Baker and Albert H. Choi. Reputation and litigation: Why costly legal sanctions can work better than reputational sanctions. *Journal of Legal Studies*, 47(1):45–82, 2018
- Scott Baker and Alex Raskolnikov. Harmful, harmless, and beneficial uncertainty in law. *Journal of Legal Studies*, 46(2):281–307, 06 2017
- Scott Baker. Toward a theory of motion practice and settlement. *Journal of Institutional and Theoretical Economics*, 173(1):144–162, 2017
- Adam B. Badawi and Scott Baker. Appellate lawmaking in a judicial hierarchy. *Journal of Law and Economics*, 58(1):139–172, 2015
- Scott Baker and Albert Choi. Contract’s role in relational contract. *Virginia Law Review*, 101:559–607, 2015
- Scott Baker and Anup Malani. Trial court budgets, the enforcer’s dilemma, and the rule of law. *University of Illinois Law Review*, 2014:1573–1602, 2014
- Scott Baker and Gary Biglaiser. A model of cause lawyering. *Journal of Legal Studies*, 43(1):37–63, 2014
- Scott Baker and Pauline T. Kim. A dynamic model of doctrinal choice. *Journal of Legal Analysis*, 4(2):329–363, 2012
- Scott Baker and Claudio Mezzetti. A theory of rational jurisprudence. *Journal of Political Economy*, 120(3):513–551, 2012
- Scott Baker, Pak Y. Lee, and Claudio Mezzetti. Intellectual property disclosure as threat. *International Journal of Economic Theory*, 7(1):21–38, 2011
- Scott Baker. Refining the judicial pay/judicial performance debate: A response to professors cross, czarneski, henderson, marks, and zorn. *Boston University Law Review*, 88:855–873, 2008
- Scott Baker. Should we pay federal circuit judges more? *Boston University Law Review*, 88:63–112, 2008
- Claudia M. Landeo, Maxim Nikitin, and Scott Baker. Deterrence, lawsuits, and litigation outcomes under court errors. *Journal of Law, Economics, and Organization*, 23(1):57–97, 2006
- Kim Krawiec and Scott Baker. Incomplete contracts in a complete contract world. *Florida State University Law Review*, 33:725–755

Scott Baker, Stephen Choi, and Mitu Gulati. The rat race as an information-forcing device. *Indiana Law Review*, 81:53–82, 2006

Scott Baker and Claudio Mezzetti. Disclosure as a strategy in the patent race. *Journal of Law and Economics*, 48(1):173–194, 2005

Scott Baker and John M. Conley. Fall from grace or business as usual? a retrospective look at lawyers on wall street and main street. *Law & Social Inquiry*, 30(4):783–821, 2005

Scott Baker and Kim Krawiec. The economics of limited liability: An empirical study of new york law firms. *University of Illinois Law Review*, 2005:107–170, 2005

Scott Baker. A risk-based approach to mandatory arbitration. *Oregon Law Review*, 83:861–898, 2004

Scott Baker and Kim Krawiec. The penalty default canon. *George Washington University Law Review*, 72:663–723, 2004

Scott Baker and Claudio Mezzetti. Prosecutorial resources, plea bargaining, and the decision to go to trial. *Journal of Law, Economics, and Organization*, 17(1):149–167, 04 2001

Doug Lichtman, Scott Baker, and Kate Kraus. Strategic disclosure in the patent system. *Vanderbilt Law Review*, 53:2175–2216, 2000

## **WORKING PAPERS**

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Scott Baker and Kevin Collins. Trademarks and consumer communication. 2025

Scott Baker and Giri Parameswaran. Coordinating the behavior of imperfectly-informed teammates: The case for single standards. 2024

Scott Baker and Claudio Mezzetti. Analogical persuasion. 2019

Scott Baker and Anup Malani. Judicial learning and the quality of legal rules. 2015

## **SELECTED ACADEMIC PRESENTATIONS (POST COVID)**

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2025 Wisconsin Law School • University of Mississippi, Law and Economics Workshop • University of Missouri Law School • ITAM Mexico City Law and Economics Workshop • Boston University Law and Economics Workshop • Theoretical European Law and Economics Group (online)

2024 University of Virginia Law School Conference on Constitutional Change • Northwestern University Law and Economics Workshop • Law and Economic Theory Conference, University of Michigan • American Law and Economics Association Meetings • Asian Law and Economics Association (Keynote Address) • University of Texas Law and Economics Workshop • Latin America Law and Economics Conference • Washington University in St. Louis

2023 Harvard Law School, Law, Economics, and Organization Workshop • Columbia Law School Faculty Workshop • Latin America Law and Economics Conference (Keynote Address) • Toulouse School of Economics • American Law and Economics Association Meetings

2022 Law and Economic Theory Conference, Georgetown University • Washington University in St. Louis

## **TEACHING**

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### **Law**

Contracts, Torts, Property, Trade Dress and Design Law, Survey of Intellectual Property, Patents, Corporations, Financial Literacy for Lawyers, Game Theory and the Law (seminar), Law and Economics, Innovation in Private Law and Legal Scholarship (seminar, co-taught with A. Davis), Rationality and the Law (seminar, co-taught with M. Corrado and G. Brennan)

### **Economics**

Contract Theory (Ph.D. Course)

## **HONORS, AWARDS, AND GRANTS**

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David M. Becker Professor of the Year Award, 2019—2020 Academic Year

Israel Treimann Faculty Fellow 2011—2012 Academic Year

Tilburg University Grant for studies in the law and economics of innovation (with C. Mezzetti)

McCall Award for Law School Teacher of Year 2004—2005 Academic Year (University of North Carolina School of Law)

## **SERVICE AND PROFESSIONAL AFFILIATIONS**

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### **Referee**

American Law and Economics Review, Journal of Law, Economics, and Organization, Rand Journal of Economics, Journal of Law and Economics, Journal of Legal Studies, Rand Technical Working Paper Series, Review of Law and Economics, National Science Foundation.

### **Professional Affiliations**

Member, California Bar (inactive), Board Member, American Law and Economics Association (2021-2023)