PROF. MAYA STEINITZ

Professor of Law and R. Gordon Butler Scholar in International Law
Boston University Law School

ACADEMIC APPOINTMENTS (SELECTED)

BOSTON UNIVERSITY LAW SCHOOL, Boston, Mass. 2023 – onwards
Professor of Law and R. Gordon Butler Scholar in International Law.

Teaching: civil procedure, international arbitration, international business transactions, business associations (corporations), and negotiation and mediation.

Additional teaching interests: contracts, torts, professional responsibility, trusts & estates.

Research: Current research focuses on litigation finance, law firm ownership, and the future of the legal profession; transnational litigation, international adjudication, and international dispute resolution; class actions, mass torts and complex claims administration. Doctoral research focused on social psychology of law and subsequent scholarship has primarily drawn on comparative law and law and economics.

HARVARD LAW SCHOOL, Cambridge, Mass. 2018; 2026; 2028
Visiting Professor of Law. Taught civil procedure, international business transactions, cross-border tort litigation, and litigation and law firm finance and the legal profession.

UNIVERSITY OF IOWA COLLEGE OF LAW, Iowa City, Iowa 2011–2023
Charles E. Floete Distinguished Professor of Law *(tenured 2015)*.
Taught civil procedure, international business transactions, international arbitration, complex litigation, business associations (corporations), and negotiation.

COLUMBIA LAW SCHOOL, New York, N.Y. 2009–2011
Associate-in-Law & Lecturer. Taught "Comparative Introduction to American Law" and "The Legal Aspects of the Israeli-Palestinian Conflict" (with Prof. G. Fletcher).

ACADEMIC PUBLICATIONS

Books

- *Litigation Finance, Law Firm Ownership & The Future of the Legal Profession* (forthcoming, CAMBRIDGE UNIVERSITY PRESS; expected publication 2028).

  An in-depth study of the law, economics, policy implications, and the emerging and desirable practices in the interlocking areas of litigation and law firm finance. Major themes include: the elusive definition of litigation funding; the pricing of legal claims; the beneficial and detrimental effects of litigation funding in different contexts and for different constituencies; what do and should litigation funding deals look like; how should individual deals and the industry as a whole be regulated; what is the relationship between funding a single case, a portfolio of cases, and a whole law firm; what are the likely implications of the undoing of lawyers' monopoly over the practice of law for lawyers, law firms, and society writ large; what will happen when lawyers have equal but competing fiduciary duties to clients and to those holding the purse strings (otherwise stated: is the future of law like the present of medicine).

- *Financing Law: Markets, Democracy, and the Legal Profession* (forthcoming, CAMBRIDGE UNIVERSITY PRESS; expected publication 2027).

  The first volume to conceptualize, map, and organize a new interdisciplinary field connecting litigation finance, law-firm finance and ownership, technological transformation, and the changing role of lawyers and courts in democratic society. Drawing on civil procedure, corporate governance, professional responsibility, law and economics, political economy, sociology of professions, law and technology, and democratic theory, the book brings into a single framework bodies of scholarship that have largely developed in parallel. It examines the financialization and technologization of legal claims, law firms, legal work, and adjudication and the resulting transformation of litigation strategy, law-firm governance, professional identity and fiduciary obligations, access to justice, legal careers, institutional legitimacy, and the future structure of civil justice and the legal profession.

- *Civil Procedure: Cases and Materials* (open access coursebook, forthcoming 2026).

  A coursebook for the first-year civil procedure course, containing edited court opinions, scholarly excerpts, and introductory essays by the author. Aimed in part to address multiple barriers to student access to learning materials including cost, multi-platform use, disability, and readability.

- *Rules and Laws for Civil Actions* (with J. Rantanen, et. al) (first edition 2022; second edition 2023; third edition 2025) (open access).

  Rules and Laws for Civil Actions is an open-access resource for law students containing the U.S. Constitution, Federal Rules of Civil Procedure, Federal Rules of Evidence, Federal Rules of Appellate Procedure, and selected federal and state statutes. In addition to containing the official text, each legal source found in Rules and Laws for Civil Actions is accompanied by an introductory section written by an Iowa Law professor explaining its significance and background. The book was created, with the support of an OpenHawks grant, to supplement the study of Civil Procedure, Evidence, Constitutional Law, and other law school courses and to address multiple barriers to student access to these resources, including cost, multi-platform use, disability, and readability.

- *The Case for an International Court of Civil Justice* (CAMBRIDGE UNIVERSITY PRESS 2019).

  The book argues that we live in a world in which the victims of cross-border mass torts *de facto* lack a court to turn to in order to pursue legal action against multinational corporations responsible for disasters, atrocities and other harms. And even though tort victims ultimately receive no redress, corporations must nonetheless spend large sums to defend against sprawling, parallel litigations. The best way to provide a fair, legitimate, and efficient process for both victims and corporations is to create an International Court of Civil Justice (ICCJ). The book presents both justice-based and economics-based arguments in favor of an ICCJ. Closely associated with the economic arguments is a broader explanation for why the proposal is not only timely but also, perhaps counterintuitively, politically viable. The book also provides a procedural and institutional design for such a court, addressing such issues as personal and subject-matter jurisdiction, remedies, appeal, preclusion, and judicial independence.

- *Trust: The Unlikely Story of The Temple Mount/Al-Haram Al-Sharif Waqf* (in progress).

  The Jerusalem Waqf Administration is a trust arrangement under Islamic law which governs sites holy to both Jews and Muslims: Al-Haram al-Sharif and Temple Mount. *Trust* explores the puzzle of why, in a region where no dispute resolution mechanism seems to work, the compromise of having a waqf govern the holiest sites in Jerusalem does work. In so doing, it contributes to the study of dispute resolution the idea that trusts—those that developed in religious traditions such as Shari'a, Halachic (Jewish) law, and Cannon law as well as those used in the Common Law world and semi-equivalents in Civil Law systems—should be added to the dispute management and resolution toolbox into which negotiators reach in devising interim and final peace agreements and in international dispute resolution more broadly.

Law Review Articles

- *Zombie Litigation: Claim Aggregation, Litigant Autonomy, and Funders' Intermeddling,* 110 CORNELL L. REV. 1771 (2026).

  Introduces the concept of "zombie litigation" to describe a governance failure in litigation finance, wherein control over claims is displaced from claimants to funders and attorneys acting as asset brokers and managers. Examines implications for legal ethics, civil procedure, and the structure of the legal profession. Situates the phenomenon within broader shifts in the financing and governance of aggregate litigation and portfolio funding.

- *The Partnership Mystique: Law Firm Finance and Governance in the 21st Century*, 63 WM & MARY L. REV., 939 (2022).

  The article identifies and analyzes the de facto and de jure end of lawyers' exclusivity over the practice of law in the U.S.. First, the article argues that various financial products that have recently flooded the legal market are functionally equivalent to investing in and owning law firms and create all the same governance challenges as does allowing nonlawyers to directly own stock in law firms. Second, the article analyzes Arizona's groundbreaking legalization of nonlawyer participation in law firms and the effects it will have nationally. Third, the article explains that the drawbacks of liberalizing the practice of law are rooted in the conception of shareholder primacy. This principle would encourage lawyers to prioritize profit-maximization for the benefit of their investors over the interests of clients and the courts. Fourth, despite the apparent dangers there are reasons to celebrate the end of the era of legal practice as the exclusive purview of lawyers. Lawyers' monopoly hinders inclusion and diversity and, counterintuitively, undermines practitioners' dignity and wellbeing. Fifth, the apparent dangers of liberalization can be avoided if states follow Arizona in allowing nonlawyer participation in the practice of law but condition it on organization as 'legal benefit entity' which will be required to privilege the interests of clients and the courts over those of investors.

- *Follow the Money? A Proposed Approach for Disclosure of Litigation Finance Agreements*, 53 U.C. DAVIS L. REV. 1073 (2019).

  Congress, state legislatures, state and federal courts, bar associations, and others are proceeding along dozens of parallel tracks, engaging in fierce debates about how best to regulate the disclosure of litigation finance. This essay aims to turn those debates inside out. The thrust of the argument is that the quest for a bright-line rule by which to regulate disclosure of litigation funding is fundamentally misguided because it fails to account for the near-infinite variability of funding scenarios—scenarios that implicate widely different interests, pose different risks, and affect different constituencies to varying degrees. Instead of a bright line rule, this Essay proposes a shift to a standard-based approach and, specifically, a balancing test. After explaining the stakes and laying out the reasons why finding a uniform approach has proved so controversial and elusive, the Essay culminates with a suggestion for a specific balancing test, including factors and interests to be weighed by courts on an ad hoc basis.

- Republished, in edited form, in Harvard's *The Practice* (September-October 2019).
- Republished in David Siffret et. al (eds.), Mandatory Disclosure Rules in Dispute Financing (forthcoming 2020).

- *Transnational Litigation as Prisoner's Dilemma* (with P. Gowder) 94 NORTH CAROLINA L. REV. 751 (2016).

  In this article we use game theory to argue that perceptions of widespread corruption in the judicial processes in developing countries create *ex ante* incentives to act corruptly. Therefore, contrary to judicial narratives in individual cases—such as the (in)famous Chevron-Ecuador dispute used as illustration—the problem of corruption in transnational litigation is structural and as such calls for structural solutions. The article offers one such solution: the establishment of an international court of civil justice.

- *Back to Basics: Public Adjudication of Corporate Atrocities Mass Torts,* HARVARD JOURNAL OF INTERNATIONAL LAW (2016) (invited symposium essay).

  Arguing that the international tort cases arising out of corporate atrocity crimes should be adjudicated in an international court, not in international arbitration.

- *Incorporating Legal Claims,* 90 NOTRE DAME L. REV. 1155 (2015).

  This article proposes a new paradigm which would replace litigation-finance-as-champerty (the 'legal ethics paradigm') as the organizing idea in the literature and jurisprudence of litigation finance with litigation-finance-as-finance (the 'incorporation paradigm'). It first argues that the problems created by litigation finance are all facets of the classic problem of the separation of ownership and control. It then suggests incorporating legal claims: conceiving of a claim as an asset with an existence separate from the plaintiff by issuing securities tied to litigation proceeds rights. Such securities can be issued with or without the use of various business entities. The incorporation paradigm also opens up the possibility of applying practices of corporate governance to litigation governance. The theoretical argument is buttressed by an analysis of previously overlooked deals that used securities tied to litigation proceeds as well as corporate governance mechanisms.

- *The Case for an International Court of Civil Justice*, 67 STAN. L. REV. 74 (2014).

  An essay in which the main argument in the book by the same name (above) was first presented.

- *A Model Litigation Finance Contract,* (with A. C. Field) 99 IOWA L. REV. 711 (2014).

  This article steps into the gap created by the absence of information about or discussion of litigation finance contracting by providing an annotated model contract. We (i) set out the efficiency and justice case for a model contract; (ii) build on previous work to make the case for using venture capital contracts as analog; (iii) describe the ethical and economic challenges constraining parties to litigation finance contracts and narratively explain the contractual solutions we have devised; (iv) provide a model contract; and (v) conclude by mapping a research agenda for the new field of litigation finance contracting.

  - See also *online research project*: litigationfinancecontract.com

    In this first-ever instance of 'crowd-sourced' legal research I offered a model litigation finance contract, provision by provision, for discussion and debate. I linked our provisions to background essays we authored and hosted and edited guest commentary, which served as original research in their own right. Where persuaded by the commentary we revised our draft model. The final model contract was published as a section in the *A Model Litigation Contract*.

- *How Much is that Lawsuit in the Window? Pricing Legal Claims* 67 VANDERBILT L. REV. 1889 (2013).

  How should parties to litigation finance and contingency fee agreements deal with the inherent difficulty in pricing legal claims? The answer lies in "staged funding" which allows all of the claim owners to minimize the effects of uncertainty, optimize the distribution of the proceeds, and increase the value of the option to settle—described here as a compound call option—by accounting for real options i.e., lawyers' and funders' option of adjusting their investments in response to new information. The article concludes with practical suggestions on how to adapt staged funding, common in other areas of finance, to third party litigation funding.

- *The Litigation Finance Contract*, 54 WM & MARY L. REV. 455 (2012).

  Whereas the literature and case-law on litigation funding ("LF") is based on an analogy between LF and contingency fees this article breaks away from that tradition and instead posits an analogy to venture capital ("VC"). The article explains the resemblance between the economics of LF and the well-understood economics of VC, both of which are characterized by extreme (1) uncertainty, (2) information asymmetry, and (3) agency costs. It discusses which contractual arrangements developed in VC directly apply to LF, which need adaptation, and how to adapt. The analogy turns most of the conventional wisdom on its head arguing that funders should be viewed as real parties in interest and should be allowed to purchase control over the litigation. Various policy implications of the conceptual shift are explored.

- *Whose Claim is This Anyway? Third-Party Litigation Funding*, 95 MINNESOTA L. REV. 1268 (2011).

  The article identifies and describes the emerging secondary market in legal claims and the prospect of securitization of legal claims. It applies a bargaining analysis to understanding the systemic effects of the litigation finance industry and offers a three-step argument for a move away from a prohibition of litigation funding towards nuanced regulation of the industry. The article concludes with a five-pronged framework for the suggested regulatory regime.

  - Republished in *Transnational Dispute Management Journal* (2012).

- *Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan*, YALE HRDL JOURNAL (Spring 2009).

  This Note From the Field draws on the author's experience leading a team of fifty attorneys in representing the Sudanese People's Liberation Movement in drafting and negotiating the National Interim Constitution of Sudan, the Interim Constitution of Southern Sudan, and the Constitutions of two "transitional" states. It provides some counter-intuitive observations on the role *pro bono* private practitioners play, in contrast with public sector attorneys and foreign aid providers, as they enter the 'market' of global affairs.

- *The International Criminal Tribunal for Rwanda as Theater: The Social Negotiation of the Moral Authority of International Law*, 5 U. PENN. JILP 1 (2006).

  This article explores the philosophical notion advanced by some positivists that law *qua* law claims legitimate and supreme authority through ethnographic research conducted at the international criminal tribunal for Rwanda (ICTR). It examines the means through which moral authority is constructed and communicated by the ICTR and by extension by the International Criminal Courts (ICCs). It advances the argument that the ICCs seek to personify the Generalized Other (as the term is used in social-psychology) and demonstrates how they claim to embody the universal authority and morality of the international community.

- *'The Milosevic Trial - Live!': An Iconic Analysis of International Law's Claim of Legitimate Authority,* 3 OXFORD J. OF INT'L. CRIM. J. 103 (2005) (peer-reviewed).

  It has been argued that in order for a normative system to qualify as law it must claim to possess legitimate authority and to be supreme to other normative systems. This article examines criminal war trials from an ethnographic perspective, trying to discern whether and how international law claims legitimate authority and supremacy. Specifically, it focuses on the deeply symbolic example of the Milosevic trial. It offers a sociological reading of the symbolism of the interpersonal dynamics at the trial to show how a claim of supreme, legitimate authority is socially constructed and explores the sub-textual claims of the trial.

- *The Ad Hoc International Criminal Tribunals and a Jurisprudence of the Deviant*, 7 INT'L LAW FORUM DU DROIT 129 (2005) (invited, peer-reviewed).

  This short article is a synopsis of a doctoral thesis entitled "Law as Communication: A Concept of International Law," described below.

- *Law as Communication: A Concept of International Law*, J.S.D. DOCTORAL THESIS (NYU 2005).

  The thesis seeks to defend Razian positivism, specifically the claim that "whatever else the law is, it either claims legitimate authority, is held to possess it, or both" in two ways. One, is by using concepts from the social philosophy of G. H. Mead and his intellectual disciples (principally Erving Goffman) to explain the emergence of law and the co-emergence of the concept of law. The other, is a dramaturgical ethnography of the international criminal courts. The ethnography is used as an illustration of how one normative system claiming to be 'law'—the international legal system—is claiming legitimate, supreme, authority.

Edited Volumes

- *Report of the National Expert for the United States* in MAPPING THIRD PARTY LITIGATION FUNDING IN THE EUROPEAN UNION, British Institute of International and Comparative Law (BIICL) study commissioned by the European Commission (2025) (funded by the EC).
- *Transnational Mass Tort Litigation*, in RESEARCH HANDBOOK ON CIVIL JUSTICE (David Engel & Richard Jolly eds.) (forthcoming, Edward Elgar Publishing, 2024).
- Contributor, RESTATEMENT OF THE LAW, THE U.S. LAW OF INTERNATIONAL COMMERCIAL AND INVESTOR-STATE ARBITRATION, (George A. Bermann et. al) (The American Law Institute 2023).
- *Third-Party Litigation Funding of International Investment Arbitration* in the MAX PLANK INSTITUTION ENCYCLOPEDIA OF CIVIL PROCEDURE (OXFORD UNIVERSITY) (2021).
- *Follow the Money? A Proposal for the Regulation of Disclosure of Litigation Finance* in MANDATORY DISCLOSURE RULES IN DISPUTE FINANCING (David Siffret et. al, eds.) (2020 NYU PRESS).
- *Transnational Litigation Process Theories* in THE INTERNATIONAL ADJUDICATION HANDBOOK (C. Romano et. al, eds.) (OXFORD UNIVERSITY PRESS 2014).
- *Foreign Direct Investment by State-Controlled Entities—Do the Rules Need Changing?* in FDI BY STATE-CONTROLLED ENTITIES (Karl P. Sauvant and Lisa Sachs, eds.) (OXFORD UNIVERSITY PRESS 2012).

Edited Journal Issues

- "Contingent Fees and Third-Party Funding in Investment Arbitration Disputes," TRANSNATIONAL DISPUTE MANAGEMENT (2011) (with J. Matthews).
- "International Round Table on Law and Semiotics," INT'L J. LAW AND SEMIOTICS (Spring 2007) (with J. Brigham and A. Patakchi).

Unpublished Works in Circulation

- *Written testimony on oversight of third-party litigation funding before the Committee on Oversight and Accountability United States House of Representatives*, September 13, 2023, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4578171.
    - *Answers to post-hearing questions presented by the Committee*, January 9, 2024, also publicly available.
- *Expert witness reports* in the Sysco / Burford litigation (relating to setting aside international arbitration award regarding third party funding), *Sysco Corp. v. Glaz L.L.C.*, No. 23-1451 (N.D. Ill. Mar. 8, 2023).
- *Written testimony on lawsuit lending before the New York State Senate Standing Committee on Consumer Protection*, May 2018, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3178963.
- *Letter to the Hon. Sen. Orrt (NYS Senate) Regarding Lawsuit Lending*, May 2018, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3238148 (a follow-up research memorandum provided to the New York State Senate Standing Committee on Consumer Protection at its request following up on the testimony).
- *Experiential Teaching in Theory and Practice: An Annotated International Business Transaction Syllabus*, U. IOWA LEGAL STUDIES RESEARCH PAPER NO. 15–22 (with O. Shalomson and N. Steinitz – Edelman).

OpEds and Short Pieces

- *Campus Antisemitism Can Be Addressed By Encouraging More Speech, Not Less*, Boston Globe (April 2024).
- *To Heal the Nation, Hold Even the Politically Powerful Accountable*, Washington Post (October 2022).
- *The Sanctions Against Russia – A Game Changer for Israel*, Haaretz (April 2022) (Hebrew).
- *Pissarro Goes to Washington: Nazi-looted art litigation in the U.S. Supreme Court*, Haaretz (January 2022) (Hebrew).
- *The Abraham Accords Honeymoon May lead to Arbitration Impasses*, Globes (October 2021) (Hebrew).
- *The Identity Crisis of American Identity Politics*, Haaretz (August 2021) (Hebrew).
- *The Significance of Bill Cosby's Release*, Haaretz (July 2021) (Hebrew).
- *The Unholy Status Quo*, Haaretz (June 2021) (Hebrew).
- *Israel Can Learn from Police Reform in America*, Globes (May 2021) (Hebrew).
- *The Party Is Over*, Haaretz (April 2021) (Hebrew).
- *How to Accomplish Compensation for the Victims of the Mediterranean Tar Spill*, Haaretz (March 2021)

(Hebrew).

- *Tar Disaster: Domestic Courts will Struggle to Provide Redress*, Globes (March 2021) (Hebrew).
- *Profits May Tip Scales of Justice,* Arizona Republic (Feb. 2021) (with V. Sahani).
- *New Ariz. Law Practice Rules May Jump-Start National Reform*, Law360 (January 2021) (with V. Sahani).

Scholarly Blog Posts

- *Navigating the Sea Change in Law Firm Finance and Ownership in the U.S.*, Kluwer Arbitration Blog (November 2021) (with V. Sahani).
- *The Model Contract Project Overview*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 14, 2013).
- *The Case for Staged Funding of Litigation*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 14, 2013).
- *Litigation Proceed Rights*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 16, 2013).
- *Sale and Purchase of Litigation Proceed Rights*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 18, 2013).
- *Pricing Litigation Proceed Rights: Initial Claim Value and Risk Discount Factors*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 21, 2013).
- *Milestones Generally and in the Model Contract*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 25, 2013).
- *Introducing Conflicts of Interest*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 28, 2013).
- *Funding Through to Milestones: Accelerated and Supplemental Investments*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Jan. 30, 2013).
- Maya Steinitz, *Re-Pricing Litigation Proceed Rights*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 1, 2013).
- *Champerty*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 6, 2013).
- *Discoverability of Funding Contracts*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 8, 2013).
- *Final Funding Provisions*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 13, 2013).
- *Attorney Waste*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 15, 2013).
- *Using Securities as the Financing Instrument*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 21, 2013).
- *The Need for Independent Counsel*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Feb. 27, 2013).
- *Disclosing Conflicts of Interest*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 1, 2013).
- *Funder Influence, Not Control: Settlement Decisions in the Model Contract*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 6, 2013).

- *Funder Influence, Not Control: Choosing Litigation Counsel*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 8, 2013).
- *Funders as Lawyers*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 13, 2013).
- *The Duty to Cooperate*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 15, 2013).
- *Funder as Fiduciaries*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 20, 2013).
- *Defining the Award*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 22, 2013).
- *Confidential Information*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 27, 2013).
- *Dealing with Investigations*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Mar. 29, 2013).
- *Attorney-Client Privilege and Litigation Funding in New York*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 3, 2013).
- *Attorney-Client Privilege and the Model Contract Part 1: Common Legal Interest*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 5, 2013).
- *Privilege II: Securities Fraud and Information Shared as of Contract Execution*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 10, 2013).
- *Privilege III: Information Sharing During the Funding of the Suit*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 12, 2013).
- *Securitizing Claims*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 17, 2013).
- *Securitization and Secondary Financing Under the Model Contract*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 19, 2013).
- *Choosing a Forum for Dispute Resolution*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Apr. 26, 2013).
- *Funding Terms, Conflicts and the Model Contract, a Response*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 1, 2013).
- *Terminating Funding Contracts*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 3, 2013).
- *Rights of Funder to Terminate for Cause*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 6, 2013).
- *Termination for Cause by Plaintiff*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 8, 2013).
- *Consequences of Termination for Cause*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 10, 2013).
- *Executed Litigation Finance Contract from Canada*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 15, 2013).
- *Comparing the Financial Terms in the Dugal Contract to the Model*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 17, 2013).
- *Information Sharing in the Dugal Contract V. The Model*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 20, 2013).
- *Conflicts and Buyer's Remorse in the Dugal Contract V. The Model*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 22, 2013).

- *Termination and Control in the Dugal Contract and the Model*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 24, 2013).
- *Incorporating the Claim*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (May 31, 2013).
- *Dugal Versus the Model; Final Odds and Ends*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 3, 2013).
- *Securities Interest in the Model Contract*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 5, 2013).
- *Protecting the Claim from Impairment*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 7, 2013).
- *Proceeds and Costs*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 10, 2013).
- *Proceeds and Taxes*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 12, 2013).
- *The Role of Representations, Warranties and Covenants*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 14, 2013).
- *Capping Funder's Investment and Contractual Fiduciary Duties: A Response To Professors Sebok And Wendel*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 20, 2013).
- *Contracting for Funding in "Access to Justice Cases" Versus "Corporate Finance Cases"*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 24, 2013).
- *Good Faith Duty as Alternative to Fiduciary Duty*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (June 27, 2013).
- *The Third Wave of Litigation Finance: Litigation Finance as Corporate Finance*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (July 1, 2013).
- *The Need for and the Potential Role of Reputation Markets in Litigation Finance*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (July 4, 2013).
- *Aligning Incentives by Requiring Plaintiff to Shoulder Part of the Costs*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (July 11, 2013).
- *The Model and the Securities Laws, Coda*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (July 29, 2013).
- *Litigation Finance Brokers*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (August 1, 2013).
- *Some Thoughts About Plaintiff's Due Diligence*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (August 5, 2013).
- *Pricing Legal Claims Part I: The Valuation Challenge*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Aug. 15, 2013).
- *Pricing Legal Claims Part II – Valuation Biases and Heuristics*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Aug. 19, 2013).
- *Pricing Legal Claims III-Staged Funding and the Link to Options Analysis*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Aug. 21, 2013).
- *Pricing Legal Claims IV: Staged Funding Addresses the Nonmonotonic Trajectory of Claim Value*, Model Litig. Fin. Cont.: Litig. Funding Theory Prac. (Aug. 29, 2013).

Refereeing *(selected)*

- Yale Law Journal
- Columbia Law Review
- Oxford University Press (multiple)
- European Journal of International Law
- Oxford University Press Yearbook on International Investment Law
- Oxford Journal of International Criminal Justice
- Dutch Research Council
- Israel Science Foundation

LEGAL EXPERIENCE

CLERKSHIPS

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA, Rwanda & Tanzania 2003

Judicial Intern. Assisted judges in Trial Chamber with all aspects of judicial duties.

HON. E. HAYUT, former **CHIEF JUSTICE OF THE SUPREME COURT OF ISRAEL** 1998–1999

Judicial Clerk at the Tel Aviv Court of Appeals. Served on one of five penultimate national courts of appeal, considered second in importance only to the Supreme Court of Israel. Assisted in all aspects of judicial duties of the Hon. E. Hayut. Also assisted panel chaired by the Hon. A. Grunis, former Chief Justice of the Supreme Court of Israel, in all judicial tasks.

LITIGATION

LATHAM & WATKINS, LLP, New York, NY 2003–2009

Associate. Originated and led representation of the Government of Southern Sudan in the negotiation and drafting of peace agreements and post-conflict constitutions following more than 20 years of civil war. Represented companies and governments in all aspects of pre-claim, pre-hearing, and arbitral proceedings in arbitrations under the rules of the ICC, LCIA and UNCLOS, in enforcement actions in New York courts and in securities and antitrust investigations and litigation.

FLEMMING, ZULACK & WILLIAMSON, LLP, New York, NY 2001–2002

Law Clerk. Participated in every aspect of sophisticated commercial trial practice for this Wall Street boutique law firm.

ARBITRATION & ADJUDICATION

Court Member & Arbitrator 2009–Present

Served as chair, sole arbitrator, and co-arbitrator in 100+ international and domestic arbitrations. Authored dozens of arbitration decisions and awards (judgments) on topics of public and private international law, securities law, contracts, and torts. Selected to serve as one of nine Members of the inaugural bench of the Israeli-Palestinian ICC's Jerusalem Arbitration Center. Member of the rosters of arbitrators of the ICC Court of Arbitration (ICC), the International Centre for Dispute

Resolution (ICDR), the United Nations World Intellectual Property Organization (WIPO), the Singapore International Arbitration Center (SIAC), and the Financial Industry Regulatory Authority (FINRA). Serve as a Member of the ICC Commission on Arbitration.

ISRAEL DEFENSE FORCES, Israel 1992–1995

Lieutenant. Served as an adjudication officer, adjudicating hundreds of cases including cases that carried a penalty of jail time; platoon commander on the Israeli–Jordanian border during handover of the Jericho military post to the Palestinian Authority in implementation of the Oslo Accords. Prior to becoming an officer, served as media relations coordinator for the IDF spokesman.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, LL.M., 2000; J.S.D. 2005.

Honors: Emile Noel Fellow, Jean Monnet Center for Regional Economic Law and Justice; Dean's merit scholarships (multiple); Slavitt Postgraduate Fellowships; AVI foundation scholarship; Advanced Doctoral Research Fellowship, University College, Oxford.

HEBREW UNIVERSITY FACULTY OF LAW, Jerusalem, Israel, LL.B. 1999.

Honors: Minerva Human Rights Inaugural Fellowship. *Teaching Assistant:* Introduction to Israeli Law; Introduction to Common Law. *Lecturer*: Introduction to Legal Philosophy, 1998–1999.

LANGUAGES

English and Hebrew (fluent); French, Spanish and Aramaic (intermediate comprehension); Arabic, German, and Yiddish (basic comprehension).

BAR ADMISSIONS

Admitted to the New York State Bar (2004); Southern District of NY; Eastern District of NY.

PRESS APPEARANCES

Interviewed and cited by hundreds of leading news outlets globally, including CBS 60 Minutes, The New York Times, The Washington Post, The Wall Street Journal, Financial Times, NBC, NPR, The Atlantic, The Chicago Tribune, The Miami Herald, Reuters, Bloomberg, The American Lawyer, and Ha'aretz.

RECENT ACADEMIC PRESENTATIONS

- Co-organizer and moderator, *Navigating Campus Freedom of Expression in Polarized and Turbulent Times*, College of Management, Tel Aviv, Israel (July 2025)
- Presenter, *Do We Need an International Court of Civil Justice?* UC Berkeley Law School (April 2025).

- Presenter, *The Ethics Implications of Litigation Funding*, Boston Intellectual Property Law Association (BIPLA)'s Ethics Committee, (April 2025).
- Presenter, *Roundtable on Third Party Litigation Financing & Litigation Transparency*, George Mason Center on Law & Economics (March 2025).
- Presenter, *Zombie Litigation*, Law and Economics Workshop, Notre Dame (March 2025).
- Presenter, *Principles Governing the Third-Party Funding of Litigation in Europe*, invitation-only European Law Institute (ELI) High Level Forum (February 2025).
- Presenter, *Zombie Litigation*, Faculty workshop, BU (January 2025).