

# BEN CHEN

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## SUMMARY

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Ben Chen, LLB (Hons) BEcon (Hons) PhD *ANU*, LL.M JSD *Columbia*, is Associate Professor at The University of Sydney Law School, teaching Equity, Conflict of Laws, and Contracts.

An award-winning law and economics scholar, Ben writes in the areas of equity and trusts, inheritance law, civil procedure, and game theory. His publications include full-length original articles in *American Law and Economics Review*, *Cornell Law Review*, *Economic Theory*, *Melbourne University Law Review*, and *Modern Law Review*. His sole-authored articles have been cited extra-judicially by judges of the New South Wales and Queensland Courts of Appeal. He has received a *Discovery Early Career Researcher Award (DECRA)* and a *Discovery Project (DP)* grant from The Australian Research Council and a *Sydney Research Accelerator (SOAR) Prize*.

Ben serves on the board of *Sydney Law Review* and the board of councillors of The Francis Forbes Society for Australian Legal History. He is a Fellow of the Higher Education Academy (FHEA).

Ben was formerly a sessional academic at the Australian National University, a research assistant at Columbia Law School, and a judicial clerk at the NSW and ACT Supreme Courts.

## EMPLOYMENT

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**The University of Sydney**, Camperdown, NSW, Australia

<i>Associate Professor in Law (continuing)</i>	01/2025-present
<i>ARC Discovery Early Career Researcher Award Fellow (fixed term)</i>	07/2023-present
<i>Senior Lecturer in Law (continuing)</i>	01/2022-12/2024
<i>Lecturer in Law (continuing)</i>	07/2018-12/2021
<i>Associate Lecturer in Law (fixed term)</i>	02/2018-06/2018
Teaching Equity, Conflict of Laws, Commercial Conflict of Laws, and Contracts.	

## PUBLICATIONS

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### Full-length Original Articles

1. Ben Chen, 'Socially Optimal Ex-ante Adjudication' (2025) *American Law and Economics Review* (forthcoming)
2. Ben Chen and José A Rodrigues-Neto, 'The Interaction of Emotions and Cost-shifting Rules in Civil Litigation' (2023) 75 *Economic Theory* 841–885
3. Ben Chen and Natalie Silver, 'Undue Influence and Will Substitutes: Vitiating Transactions that Blur the Boundaries between Life and Death' (2022) 85(2) *Modern Law Review* 295–325
4. Ben Chen and Michael Legg, 'An Economic Perspective on Costs in Australian Class Actions' (2022) 45(3) *Melbourne University Law Review* 950–995

5. Ben Chen, 'Elder Financial Abuse: Capacity Law and Economics' (2021) 106 *Cornell Law Review* 1457–1538
6. Ben Chen, 'Family Fiduciaries in the Protective Jurisdiction' (2020) 44(1) *Melbourne University Law Review* 55–97
7. Ben Chen, 'Elder Financial Abuse: Fiduciary Law and Economics' (2020) 34 *Notre Dame Journal of Law, Ethics, and Public Policy* 307–360
8. Ben Chen, 'Equitable Relief in Transnational Intellectual Property Disputes' (2018) 12 *Journal of Equity* 151–167
9. Ben Chen, 'Historical Foundations of Choice of Law in Fiduciary Obligations' (2014) 10(2) *Journal of Private International Law* 171–203
10. Ben Chen, 'Diminution and Secularisation of Oaths in Australian Courts' (2013) 37 *Australian Bar Review* 291–306

### **Edited Book**

1. Barbara McDonald, Ben Chen and Jeffrey Gordon (eds), *Dynamic and Principled: The Influence of Sir Anthony Mason* (Federation Press 2022) (contributors include the Hon William Gummow NPJ, Stephen Gageler CJ, Andrew Bell CJ, Mark Leeming JA, Stephen McLeish JA, Kristen Walker JA and Elisabeth Peden J)

### **Book Chapters**

1. Ben Chen and Michael Legg, 'The Law and Economics of Australian Class Actions' in Michael Legg and James Metzger (eds), *The Australian Class Action: A 30 Year Perspective* (Federation Press 2023)
2. Ben Chen, 'Appropriate Uses of Law and Economics in the Judicial Process: Illustrated by an Incomplete Contracts Perspective on Promissory Estoppel in Australian Law' in Barbara McDonald, Ben Chen and Jeffrey Gordon (eds), *Dynamic and Principled: The Influence of Sir Anthony Mason* (Federation Press 2022)
3. Elizabeth S Scott and Ben Chen, 'Fiduciary Principles in Family Law' in Evan J Criddle, Paul B Miller, and Robert H Sitkoff (eds), *Oxford Handbook of Fiduciary Law* (OUP 2019)
4. Ben Chen and Jeff Gordon, 'Interpretive Formalism in the Law of Obligations: Thirty Years after *Form and Substance*' in Andrew Robertson and James Goudkamp (eds), *Form and Substance in the Law of Obligations* (Hart Publishing 2019)

### **Other Work**

1. Ben Chen, 'Equity' in David Hamer (ed), *LexisNexis Concise Australian Legal Dictionary* (6<sup>th</sup> ed, LexisNexis 2020)
2. Ben Chen, 'Issues in Law and Economics, by Harold Winter (Chicago University Press, Chicago, IL, 2017), pp. 233' (2018) 94(304) *Economic Record* 101–102
3. Kath Hall and Ben Chen, 'The High Court Accepts "Agreed Penalties" in Civil Penalty Cases' (April 2016) 68(3) *Governance Directions* 153–155

## WORK IN PROGRESS

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1. Ben Chen, 'LawtoData: an Empirical Legal Research Automator' ([link](#))
2. Ben Chen and José A Rodrigues-Neto, 'Generic Behavioral Success Functions in Contests: with Lessons for Settlement'
3. Ben Chen and José A Rodrigues-Neto, 'Remedying Judicial Hindsight Bias'
4. Ben Chen and José A Rodrigues-Neto, 'Portfolio Management under Hindsight Judging'
5. Ben Chen and José A Rodrigues-Neto, 'Tullock Contests with Incomplete Information and Spillovers'
6. Ben Chen, 'Restitution for Wrongs: Beyond Internalization of Externalities'

## SELECT GRANTS

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1. Discovery Project (2024-27), awarded by The Australian Research Council to 421 out of 2590 applications (AUD \$179,143 shared with Natalie Silver)
2. Discovery Early Career Researcher Award (2023-26), awarded by The Australian Research Council to 200 out of 1340 applicants (AUD \$472,081)
3. Sydney Research Accelerator (SOAR) Prize (2022-23), awarded by The University of Sydney to 22 out of more than 150 applicants (AUD \$149,910)
4. The Francis Forbes Society for Australian Legal History Research Grants (2020-21) (AUD \$4,800 shared with Barbara McDonald and Jeff Gordon)

## SELECT AWARDS AND SCHOLARSHIPS

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1. American Law and Economics Review Best Theory Paper Running-up (2025), awarded by the American Law and Economics Association
2. Hart Publishing Prize for Runner-up (2018), awarded by a panel including members of the High Court of Australia and the UK Supreme Court (AUD \$100 shared with Jeff Gordon)
3. Herman N Finkelstein Memorial Fellowship (2016-19), awarded by Columbia Law School (approx AUD \$20,000 & tuition waiver worth AUD \$50,000 pa)
4. Australian Postgraduate Award (2014-18), awarded by The Australian National University (approx AUD \$27,000 pa)
5. Harlan Fiske Stone Scholar (2016), awarded by Columbia Law School
6. Department of the Treasury Scholarships (2011-12), awarded by The Australian National University (AUD \$5,000 pa)
7. Burgmann College Bursaries (2008-10), awarded by Burgmann College at The Australian National University (AUD \$5,000 pa)

## SERVICE

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**Editorial Board:** Sydney Law Review (01/2019-present).

**Reviewer:** Journal of Legal Studies; Journal of Economic Behavior and Organization; Journal of Law, Economics, and Organization; American Law and Economics Review; Journal of Private International Law; Journal of Equity; Journal of Contract Law; European Journal of Law and Economics.

**Non-profit Board:** The Francis Forbes Society for Australian Legal History (11/2018-present).

## EDUCATION

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**Columbia University**, New York, United States

*Doctor of Juridical Science (JSD)* 09/2016-10/2019

Thesis: 'Mental Capacity to Transact'

Committee: Elizabeth S Scott (chair), Victor P Goldberg, Avery W Katz, Robert E Scott

Award: Herman N Finkelstein Memorial Fellow

*Master of Laws (LLM)* 08/2015-05/2016

Awards: Harlan Fiske Stone Scholar, Parker School Recognition

**The Australian National University**, Acton, Australia

*Doctor of Philosophy in Economics (PhD)* 02/2014-09/2018

Thesis: 'Essays on Civil Litigation and Contest Theory'

Committee: José A Rodrigues-Neto (chair), Maria Racionero, Martin Richardson

Award: Australian Postgraduate Award

*Graduate Diploma in Legal Practice (GDLP)* 11/2013-08/2014

*Bachelor of Laws with First Class Honours and Bachelor of Economics with Upper Second Class Honours (LLB Hons I, BEcon Hons II4)* 02/2008-12/2013

Awards: The Treasury Scholarships (2011-12), Burgmann College Bursaries (2008-10)

Activities: Federal Law Review, ANU Law Students Society

## EXPERIENCE

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**The Australian National University**, Acton, ACT, Australia

*Sessional Academic (fixed term)* 02/2014-06/2016, 02/2020-05/2020

Convened and lectured in Conflict of Laws (LLM). Tutored in Behavioural Economics, Equity and Trusts, and Corporations Law.

**Columbia University School of Law**, New York, NY, United States

*Research Assistant (part-time)* 09/2015-05/2016

Assisted Professor Elizabeth S Scott with the *Restatement of Children and the Law* and other projects.

**Department of the Prime Minister and Cabinet**, Barton, ACT, Australia

*Graduate Adviser, Economic Division* 02/2015-07/2015

*Intern, Economic Division* 12/2009-02/2010

Assisted with federal regulatory reform, stakeholder engagement, and ministerial briefing.

**Supreme Court of the Australian Capital Territory**, Canberra, ACT, Australia

*Associate (part-time)* 11/2013-12/2014

Assisted Chief Justice HG Murrell and Acting Justices with appellate and judicial review matters.

**Supreme Court of New South Wales**, Sydney, NSW, Australia

*Tipstaff* 08/2012-07/2013

Assisted Justice GC (Geoff) Lindsay with equity, succession, protective, and commercial matters.

**Department of the Treasury**, Parkes, ACT, Australia

*Intern, Markets Group* 07/2011-08/2011, 12/2011-01/2012

Assisted with federal regulatory reform in relation to water management and terrorism insurance.

**Burgmann College**, Acton, ACT, Australia

*Residential Advisor (part-time)* 02/2010-01/2012

Provided academic and pastoral support to residents.

## ADDITIONAL INFORMATION

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**Languages:** Python, Latex.

**Advance HE:** Fellow of the Higher Education Academy (FHEA) (since 2023).

**Admission as Lawyer:** Australian Capital Territory, Australia (admitted 2014, non-practising).