

BEN CHEN

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SUMMARY

Ben Chen, LLB (Hons) BEc (Hons) PhD (Econ) *ANU*, LLM JSD *Columbia*, is Senior Research Fellow at The University of Sydney Law School, teaching in the core private law subjects.

A law and economics scholar, Ben writes in the areas of equity and trusts, civil litigation, succession law, and game theory. His publications include full-length original articles in *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 fellow and a research assistant at Columbia Law School, a judicial clerk at the NSW and ACT Supreme Courts, and a sessional academic at The Australian National University.

EMPLOYMENT

The University of Sydney, Camperdown, NSW, Australia

Senior Research Fellow 07/2023-present

Researching on the behavioural economics of inheritance litigation, pursuant to a Discovery Early Career Researcher Award (DECRA) from The Australian Research Council.

Senior Lecturer in Law (continuing) 01/2022-present

Lecturer in Law (continuing) 07/2018-12/2021

Associate Lecturer in Law (fixed term) 02/2018-06/2018

Teaching Contracts, Equity, Private International Law, and Commercial Conflict of Laws.

PUBLICATIONS

Full-length Original Articles

1. Ben Chen and José A Rodrigues-Neto, 'The Interaction of Emotions and Cost-shifting Rules in Civil Litigation' (2023) 75 *Economic Theory* 841–885
2. 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
3. Ben Chen and Michael Legg, 'An Economic Perspective on Costs in Australian Class Actions' (2022) 45(3) *Melbourne University Law Review* 950–995
4. Ben Chen, 'Elder Financial Abuse: Capacity Law and Economics' (2021) 106 *Cornell Law Review* 1457–1538

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

1. Ben Chen, Michael Lynch and Xinwei Liu, 'The Empirical Legal Research Kickstarter' ([link](#))
2. Ben Chen, 'Ex-ante Adjudication as Information Design'

3. Ben Chen and José A Rodrigues-Neto, 'Generic Behavioral Success Functions in Contests: with Lessons for Settlement'
4. Ben Chen and José A Rodrigues-Neto, 'Remedying Judicial Hindsight Bias'
5. Ben Chen and José A Rodrigues-Neto, 'Portfolio Management under Judicial Hindsight Bias'
6. Ben Chen and José A Rodrigues-Neto, 'Tullock Contests with Incomplete Information and Spillovers'
7. Ben Chen, 'Restitution for Wrongs: Beyond Internalization of Externalities'

SELECTED GRANTS

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)

SELECTED AWARDS AND SCHOLARSHIPS

1. 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)
2. Herman N Finkelstein Memorial Fellowship (2016-19), awarded by Columbia Law School (approx AUD \$20,000 & tuition waiver worth AUD \$50,000 pa)
3. Australian Postgraduate Award (2014-18), awarded by The Australian National University (approx AUD \$27,000 pa)
4. Harlan Fiske Stone Scholar (2016), awarded by Columbia Law School
5. Department of the Treasury Scholarships (2011-12), awarded by The Australian National University (AUD \$5,000 pa)
6. Burgmann College Bursaries (2008-10), awarded by Burgmann College at The Australian National University (AUD \$5,000 pa)

SERVICE

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

Reviewer: Journal of Law, Economics, and Organization; 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).

CONFERENCE PRESENTATIONS

International: 22nd Annual Conference of the Society for the Advancement of Economic Theory, Paris, France (2023); 5th International Fiduciary Law Conference, Dusseldorf, Germany (2023); Contests: Theory and Evidence, Reading, United Kingdom (2023); 6th World Congress of the Game Theory Society, Budapest, Hungary (2021); 31st Annual Meeting of the American Law and Economics Association, Chicago, United States (2021); Columbia Law School Associates and Fellows Workshop (2016-19); 8th Yale Law School Doctoral Scholarship Conference, New Haven, United States (2018); 28th Annual Meeting of American Law and Economics Association, Boston, United States (2018); Harvard Law School Fiduciary Law Conference, Cambridge, United States (2017); Canadian Association of Law and Economics Annual Meeting, Toronto, Canada (2017).

Domestic: Intersections of Private Law Colloquium, University of Sydney (2024); Private and Commercial Law Annual Conference, University of Western Australia (2023); 40th Australasian Economic Theory Workshop, Australian National University (2023); 21st Annual Conference of the Society for the Advancement of Economic Theory, Australian National University (2022); Private and Commercial Law Annual Conference, University of Western Australia (2022); Australasian Law Academics Association Conference, University of Sydney (2021); Private Law ECR Conference, Australian National University (2020); Intersections in Private Law Colloquium, University of Sydney (2019); the 9th Biennial Conference on the Law of Obligations, University of Melbourne (2018); Law and Economics Workshop, University of New South Wales (2019); Journal of Equity Conference, 'Equity and Intellectual Property', University of New South Wales (2018); Econometric Society Australasian Meeting, University of Tasmania (2014); Australasian Economic Theory Workshop, Australian National University (2014); Australian Conference of Economists, Queensland University of Technology (2014).

EDUCATION

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, BEc Hons IIa) 02/2008-12/2013
Awards: The Treasury Scholarships (2011-12), Burgmann College Bursaries (2008-10)
Activities: Federal Law Review, ANU Law Students Society

EXPERIENCE

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

Drafted ministerial briefs, coordinated federal regulatory reform initiatives, and organised stakeholder engagement events.

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

Researched federal policies on 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

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).