

# MURAT C. MUNGAN

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## **CURRENT POSITIONS**

Professor, Antonin Scalia Law School at George Mason University

Director, American Law and Economics Association

Director, Robert A. Levy Fellowship Program

Co-Editor, Elements in Law, Economics and Politics

Associate Editor, International Review of Law and Economics

Affiliated Faculty, NYU Public Safety Lab

Expert, Research Foundation – Flanders Review College

## **PREVIOUS ACADEMIC POSITIONS**

### ANTONIN SCALIA LAW SCHOOL AT GEORGE MASON UNIVERSITY

Associate Professor of Law 2016-2018

### FLORIDA STATE UNIVERSITY

D'Alemberte Professor of Law 2015-2016

Assistant Professor 2013-2015

Visiting Assistant Professor 2011-2013

Courtesy Professor of Economics 2013-2016

### SHORT ACADEMIC VISITS

UNIVERSITY OF QUEENSLAND, SCHOOL OF ECONOMICS 2020 (Spring)

UNIVERSITÉ PARIS NANTERRE, ECONOMICS DEPARTMENT 2018 (Summer)

UNIVERSITY OF CALIFORNIA BERKELEY SCHOOL OF LAW 2017 (Spring)

SUNGKYUNKWAN UNIVERSITY, COLLEGE OF ECONOMICS 2017 (Spring)

THE UNIVERSITY OF MICHIGAN LAW SCHOOL 2015 (Summer)

KOÇ UNIVERSITY LAW SCHOOL (ISTANBUL) 2015 (Summer)

UNIVERSITY OF HAMBURG 2014 (Summer)

## **COURSES TAUGHT**

Criminal Law, Antitrust, Law and Economics, Corporations, Economics of Crime, Analytical Methods for Lawyers, Economics for Lawyers.

## **EDUCATION**

<b>J.D.</b>	GEORGE MASON UNIVERSITY SCHOOL OF LAW	2011
<b>PH.D.</b>	BOSTON COLLEGE, DEPARTMENT OF ECONOMICS	2010
<b>M.A.</b>	BOSTON COLLEGE, DEPARTMENT OF ECONOMICS	2008
<b>B.A.</b>	SABANCI UNIVERSITY (ISTANBUL), ECONOMICS	2006

## **SCHOLARSHIP | REVISION AND RESUBMISSION REQUESTS AND FORTHCOMING**

The Effect of Public Health Insurance on Criminal Recidivism (w. Erkmen Aslim, Carlos Navarro and Han Yu)

JOURNAL OF POLICY ANALYSIS AND MANAGEMENT (FORTHCOMING).

Rewards versus Imprisonment

AMERICAN LAW AND ECONOMICS REVIEW (FORTHCOMING).

Optimal Enforcement with Heterogeneous Private Costs of Punishment (w. Brian Galle)

JOURNAL OF LEGAL STUDIES (FORTHCOMING).

Proxy Crimes (w. Piotr Bystranowski)

AMERICAN CRIMINAL LAW REVIEW (FORTHCOMING).

The Exclusionary Rule Revisited (w. Nuno Garoupa)

JOURNAL OF LEGAL STUDIES (FORTHCOMING).

The Limit of Law: Factors Influencing the Decision to Make Harmful Acts Illegal (w. Tom Miceli)

ECONOMICS OF GOVERNANCE (FORTHCOMING).

Laws and Norms with (Un-)Observable Actions (w. Claude Fluet)

R&R Requested from EUROPEAN ECONOMIC REVIEW

Sanction Severity Influences Learning About Enforcement Policy: Experimental Evidence (w. Tim Friehe and Pascal Langenbach)

R&R Requested from JOURNAL OF LEGAL STUDIES.

The Effect of Evidentiary Rules on Conviction Rates (w. Alex Lundberg)

R&R Requested from JOURNAL OF ECONOMIC BEHAVIOR AND ORGANIZATION.

Whistle-Blowing and the Incentive to Hire (w. Jef de Mot)

R&R Requested from ECONOMIC INQUIRY.

## **SCHOLARSHIP | PEER REVIEWED AND LAW REVIEW PUBLICATIONS**

The Easterbrook Theorem: An Application to Digital Markets (w. Joshua Wright)

130 YALE LAW JOURNAL FORUM (2021).

Legislating for Profit and Optimal Eighth Amendment Review (w. T. Miceli)

59 ECONOMIC INQUIRY 1403 (2021).

The Price of Expungements (w. R. Espinosa, G. DeAngelo, B. Deffains, and R. Romaniuc)  
65 INTERNATIONAL REVIEW OF LAW AND ECONOMICS (2021).

The Political Economy of Enforcer Liability for Wrongful Police Stops (w. Tim Friehe)  
23 JOURNAL OF PUBLIC ECONOMIC THEORY 141 (2021).

Justifications, Excuses, and Affirmative Defenses  
36 JOURNAL OF LAW, ECONOMICS, AND ORGANIZATION 343 (2020).

Discrimination and Deterrence with Enforcer Liability  
22 AMERICAN LAW AND ECONOMICS REVIEW 303 (2020).

Predictable Punishments (w. Brian Galle)  
11 UC IRVINE LAW REVIEW (2020).

Access to Substance Use Disorder Treatment During COVID-19: Implications from  
Reduced Local Jail Populations (w. Erkmen Aslim)  
119 JOURNAL OF SUBSTANCE ABUSE TREATMENT 108147 (2020).

Productive and Dynamic Inefficiencies of Intermediate Regulatory Sanctions (w. Friehe)  
20 B.E. JOURNAL OF ECONOMIC ANALYSIS AND POLICY (2020).

The Optimal Standard of Proof with Adjudication Avoidance  
16 REVIEW OF LAW AND ECONOMICS (2020).

Optimal Imprisonment and Fines with Non-Discriminatory Sentences (w. Nuno Garoupa)  
182 ECONOMICS LETTERS 105 (2019).

Optimal Non-Prosecution Agreements and the Reputational Effects of Convictions  
59 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 57 (2019).

The Case Against Expanding Defamation Laws (w. Yonathan Arbel)  
71 ALABAMA LAW REVIEW 453 (2019).

Mimicking, Errors, and the Optimal Standard of Proof (w. Andrew Samuel)  
174 ECONOMICS LETTERS 18 (2019).

Salience and the Severity versus the Certainty of Punishment  
57 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 95 (2019).

Sharing of Cost Related Information Can Increase Consumer Welfare under Risk-Aversion  
15 REVIEW OF LAW AND ECONOMICS (2019).

Statistical (and Racial) Discrimination, 'Ban the Box', and Crime Rates  
20 AMERICAN LAW AND ECONOMICS REVIEW 512 (2018).

Optimal Preventive Law Enforcement and Stopping Standards  
20 AMERICAN LAW AND ECONOMICS REVIEW 289 (2018).

The Effect of Type-I Error on Deterrence (w. Henrik Lando)  
53 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 1 (2018).

### Mere Preparation

14 REVIEW OF LAW AND ECONOMICS (2018).

On the Optimality of Sealing Criminal Records, and How It Relates to Adverse Selection, Productivity Reduction, and Stigma 26 SUPREME COURT ECONOMIC REVIEW (2018).

### Reducing Crime through Expungements

137 JOURNAL OF ECONOMIC BEHAVIOR AND ORGANIZATION 398 (2017).

The Certainty versus the Severity of Punishment, Repeat Offenders, and Stigmatization

150 ECONOMICS LETTERS 126 (2017).

### Over-Incarceration and Disenfranchisement

172 PUBLIC CHOICE 377 (2017).

### Conditional Privacy Rights

173 JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS 114 (2017).

Wrongful Convictions, Deterrence, and Stigma Dilution

25 SUPREME COURT ECONOMIC REVIEW 199 (2017).

### Gateway Crimes

68 ALABAMA LAW REVIEW 671 (2017).

Reducing False Guilty Pleas and Convictions through Exoneration Compensation (w. Klick)

59 JOURNAL OF LAW AND ECONOMICS 173 (2016).

Stigma Dilution and Over-Criminalization

18 AMERICAN LAW AND ECONOMICS REVIEW 88 (2016).

Identifying Criminals' Risk Preferences (w. Jon Klick)

91 INDIANA LAW JOURNAL 791 (2016).

A Generalized Model of Reputational Sanctions and the (Ir)relevance of the Interactions between Legal and Reputational Sanctions

46 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 86 (2016).

The Property-Contract Balance: Comment

172 JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS 70 (2016).

Duress as Rent-Seeking (w. Mark Seidenfeld)

99 MINNESOTA LAW REVIEW 1423 (2015).

Political Uncertainty and the Market for IPOs (w. Jay Kesten)

41 JOURNAL OF CORPORATION LAW 431 (2015).

Investments to Make Threats Credible, Rent-Seeking, and Duress (w. Mark Seidenfeld)

23 SUPREME COURT ECONOMIC REVIEW 341 (2015).

Discounting and Criminals' Implied Risk Preferences (w. Jon Klick)

11 REVIEW OF LAW AND ECONOMICS 19 (2015).

Wrongful Convictions and the Punishment of Attempts  
42 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 79 (2015).

Abandoned Criminal Attempts: An Economic Analysis  
67 ALABAMA LAW REVIEW 1 (2015).

Forfeiture of Illegal Gains, Attempts and Implied Risk Preferences (w. Jon Klick)  
43 JOURNAL OF LEGAL STUDIES 137 (2014).

Less Protection, More Innovation?  
22 SUPREME COURT ECONOMIC REVIEW 123 (2014);  
Reprinted in: Intellectual Property and Innovation, Critical  
Concepts in Intellectual Property Law Series (Ed. Shubha Ghosh)

A Behavioral Justification for Escalating Punishment Schemes  
37 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 189 (2014).

Reverse Payments, Perverse Incentives  
27 HARVARD JOURNAL OF LAW AND TECHNOLOGY 1 (2013).

Optimal Warning Strategies: Punishment Ought not to be Inflicted where the Penal  
Provision is not Properly Conveyed 9 REVIEW OF LAW AND ECONOMICS 303 (2013);

The Law and Economics of Fluctuating Criminal Tendencies and Incapacitation  
72 MARYLAND LAW REVIEW 156 (2012).

Don't Say You're Sorry Unless You Mean It: Pricing Apologies to Achieve Credibility  
32 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 178 (2012).

Economics of the Independent Invention Defense under Incomplete Information  
20 SUPREME COURT ECONOMIC REVIEW 183 (2012).

Fundraising and Optimal Policy Rules (w. Baris K. Yoruk)  
14 JOURNAL OF PUBLIC ECONOMIC THEORY 625 (2012).

Welfare Enhancing Regulation Exemptions  
31 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 249 (2011).

A Utilitarian Justification for Heightened Standards of Proof in Criminal Trials  
167 JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS 352 (2011).

A Note on the Effects of State-Dependent Benefits on Optimal Law Enforcement  
6 REVIEW OF LAW AND ECONOMICS 97 (2010).

Repeat Offenders: If They Learn, We Punish Them More Severely  
30 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 173 (2010).

## **SCHOLARSHIP| BOOK CONTRIBUTIONS AND OTHERS**

A Price for Injustice (w. Jon Klick) 40 REGULATION 12 (2017).

The Scope of Criminal Law

in RESEARCH HANDBOOK ON THE ECONOMICS OF CRIMINAL LAW (2012).

## **SCHOLARSHIP| COMPLETE WORKING PAPERS (AVAILABLE ON SSRN)**

Reputational versus Beckerian Sanctions (w. Claude Fluet)

Regulating Speech with Bayesian Audiences (w. Yonathan Arbel)

Punishment Menus (w. M. Guim Alfago and Jon Klick)

Optimal Standards of Proof in Antitrust (w. Josh Wright)

The Signal-Tuning Function of Liability Regimes (w. Claude Fluet)

Accuracy and Preferences for Legal Error (w. Marie Obidzinski and Yves Oytana)

Rewards versus Imprisonment: The Impact of Choice

The Impact of Legal Team Size on Third Party Perceptions (w. G. Grolleau and N. Mzoughi)

A Theory of Unenforced Laws (w. Tom Miceli)

## **SERVICE TO THE PROFESSION**

**Editor:** Supreme Court Economic Review (2016-2020)

**PROPOSAL/EXTERNAL REVIEWER:** Swiss National Science Foundation; Israel Science Foundation; Polish National Science Centre; Borders, Trade and Immigration Institute; Research Foundation – Flanders; Wolters Kluwer; Palgrave Macmillan.

**CONFERENCE ORGANIZATION:** Roundtable on Economics of Criminal Procedure, Punishment, and their Consequences, 2020; Roundtable on the Public Choice Analysis of the Legal System, 2019; Law and Economic Theory Conference, 2018, Roundtable on Economics of Criminal Procedure, Punishment, and their Consequences, 2018.

**AREA ORGANIZER:** AMERICAN LAW AND ECONOMICS ASSOCIATION ANNUAL MEETING, 2020 (Criminal Law and Law Enforcement); EUROPEAN ASSOCIATION OF LAW AND ECONOMICS ANNUAL MEETING, 2019, 2020 (Crime; Punishment; Criminal Law)

**PEER REVIEWER:** RAND Journal of Economics; American Economic Journal:

Microeconomics; Review of Economic Studies; Journal of Public Economics; International

Economic Review; Journal of Law and Economics; Journal of Economic Behavior and Organization; Journal of Legal Studies; Yale Law Journal; Journal of Law, Economics, and Organization; American Law and Economics Review; Public Choice; Economic Inquiry; International Review of Law and Economics; Supreme Court Economic Review; Economics and Philosophy; Economics Letters; Review of Law and Economics; Economics of Governance; Contemporary Economic Policy; Journal of Offender Rehabilitation; Noûs; SATS Northern European Journal of Philosophy; Southern Economic Journal; European Journal of Law and Economics; Revista Cuadernos De Economia; Journal of Urban Economics; Revue d'Economie Politique; Asian Journal of Law and Economics; European Journal of Political Economy; International Journal of the Economics of Business; Journal of Policy Analysis and Management; Journal of Competition Law and Economics.

## **Presentations**

### *Reputational versus Beckerian Sanctions*

Western Economic Association International Conference, 2021

### *Laws and Norms with (Un-)Observable Actions*

Seminar, ETH Zurich and University of Zurich (joint), 2021

Southern Economic Association, Annual Meeting, 2020

37<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2020

Seminar, Northwestern University School of Law, 2020

Seminar, University of Queensland School of Economics, 2020

### *Regulating Speech with Bayesian Audiences*

Ninth Annual Law and Economics Theory Conference, 2019

### *Rewards versus Imprisonment*

Seminar, Washington University School of Law, 2021

36<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2019

29<sup>th</sup> Annual Meeting of the American Law and Economics Association, 2019

Seminar, University of San Diego School of Law, 2019

Public Choice Society Meetings, 2019

Southern Economic Association, Annual Meeting, 2019

*Justifications, Excuses, and Affirmative Defenses*

Seminar, University of Texas School of Law, 2018

Seminar, West Virginia University Department of Economics, 2018

35<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2018

Eighth Annual Law and Economics Theory Conference, 2018

Southern Economic Association, Annual Meeting, 2018

*Wrongful Convictions, Deterrence, and Stigma Dilution*

Supreme Court Economic Review Roundtable on the Economics of Legal Error, 2018

*Discrimination and Deterrence with Enforcer Liability*

Seminar, Université Paris Nanterre, 2018

28<sup>th</sup> Annual Meeting of the American Law and Economics Association, 2018

Seminar, Simon Fraser University Department of Economics, 2017

Seminar, Loyola University Maryland, 2017

Southern Economic Association, Annual Meeting, 2017

International Workshop in Law and Economics, Villa Finally, Florence, Italy, 2017

Society of Institutional and Organizational Economics, Annual Meeting, 2017

Seminar, LUMSA, Rome, Italy, 2017

*The Specific Deterrence Effects of Expungements: An Experimental Approach*

Public Choice Society Meetings, 2018

*The Signal-Tuning Function of Liability Regimes*

35<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2018

Seminar, Bonn University, 2018

Seventh Annual Law and Economics Theory Conference, 2017

Seminar, Université Paris Nanterre, 2017

*Optimal Non-Prosecution Agreements and the Reputational Effects of Convictions*

Seminar, Aix-Marseille Université, 2018

Seminar, Mannheim University, 2018

Seminar, University of Arizona James E. Rogers College of Law, 2017

*Statistical (and Racial) Discrimination, 'Ban the Box', and Crime Rates*

34<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2017

Seminar, Sung Kyun Kwan University, Economics Department, Seoul, South Korea, 2017

*Reducing Crime through Expungements*

Seminar, City University of Hong Kong, School of Law, 2017

Law and Economics Workshop, UC Berkeley, 2017



Law and Economics Workshop, UCLA, 2016

33<sup>rd</sup> Annual Meeting of the European Association of Law and Economics, 2016

Canadian Law and Economics Association, Annual Meeting, 2016

Southern Economic Association, Annual Meeting, 2016

Seminar, George Mason University School of Law, 2015

*Over-Incarceration and Disenfranchisement*

Public Choice Society Meetings, 2017

*Optimal Preventive Law Enforcement and Stopping Standards*

26<sup>th</sup> Annual Meeting of the American Law and Economics Association, 2016

2<sup>nd</sup> International Law and Economics Conference, Bilkent University, 2015

*Conditional Privacy Rights*

34<sup>th</sup> International Seminar on New Institutional Economics, Max Planck Institute, 2016

Research Roundtable on Privacy and Data Security, LEC at George Mason University, 2015

*Sharing of Cost Related Information Can Increase Consumer Welfare under Risk-Aversion*

Next Generation of Antitrust Scholars, New York University School of Law, 2016

*On the Optimality of Sealing Criminal Records, and How It Relates to Adverse Selection, Productivity Reduction, and Stigma*

Annual Meeting of the International Society of New Institutional Economics, 2015

Public Economics Workshop, University of Michigan, 2015

Law and Economics Colloquium, George Mason University, 2015

*Stigma Dilution and Over-Criminalization*

Quattrone Center Workshop, University of Pennsylvania Law School, 2015

Levy Workshop, George Mason University School of Law, 2015

2<sup>nd</sup> International Law and Economics Conference, 2015

Workshop, Istanbul Technical University, Economics Department, 2015

*Reducing Guilty Pleas through Exoneration Compensations*

25<sup>th</sup> Annual Meeting of the American Law and Economics Association, 2015

*Abandoned Criminal Attempts: An Economic Analysis*

1<sup>st</sup> International Law and Economics Conference, 2014

Law and Economics Workshop, University of Michigan Law School, 2013

Law and Economics Workshop, Georgetown University Law Center, 2013

*Wrongful Convictions and the Punishment of Attempts*

1<sup>st</sup> International Law and Economics Conference, 2014

Mini-Conference on the Law and Economics of Crime, Copenhagen Business School, 2014

Canadian Law and Economics Association, Annual Meeting, 2014

*The Effect of Type-I Errors on Deterrence*

Internal Faculty Workshop, Florida State University College of Law, 2014

Canadian Law and Economics Association, Annual Meeting, 2014

*Reverse Payments, Perverse Incentives*

Seminar, Copenhagen Business School, 2014

23<sup>rd</sup> Annual Meeting of the American Law and Economics Association, 2013

Internal Faculty Workshop, Florida State University College of Law, 2012

*The Law and Economics of Fluctuating Criminal Tendencies and Incapacitation*

Seminar, University of Amsterdam, 2014

Canadian Law and Economics Association, Annual Meeting, 2012

16th Annual Conference of the International Society for New Inst. Economics, 2012

Law and Economics Colloquium, George Mason University School of Law, 2012

Junior Faculty Workshop, Florida State University College of Law, Summer 2012

*Forfeiture of Illegal Gains, Attempts and Implied Risk Preferences*

23<sup>rd</sup> Annual Meeting of the American Law and Economics Association, 2013

Canadian Law and Economics Association, Annual Meeting, 2012

Southern Economic Association, Annual Meeting, 2012

*A Behavioral Justification for Escalating Punishment Schemes*

Canadian Law and Economics Association, Annual Meeting, 2013

Junior Faculty Workshop, Florida State University College of Law, Fall 2012

*Less Protection, More Innovation?*

16th Annual Conference of the ISNIE, 2012

Eastern Economics Association, Annual Meeting, 2012

Seminar, Florida State University, College of Law, 2011

Levy Workshop, George Mason University School of Law, 2011

*Economics of the Independent Invention Defense under Incomplete Information*

Seminar, ETH Zürich, Professorship for Intellectual Property, 2011

Seminar, University of Hawaii, Department of Economics, 2011

Canadian Law and Economics Association, Annual Meeting, 2010

*Welfare Enhancing Regulation Exemptions*

27<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2010

*Optimal Warning Strategies: Punishment Ought not to be Inflicted where the Penal Provision is not Properly Conveyed*

21<sup>st</sup> Annual Meeting of the American Law and Economics Association, 2011

27<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2010

Canadian Law and Economics Association, Annual Meeting, 2010

Eastern Economics Association, Annual Meeting, 2010

Thesis Workshop, Boston College, Department of Economics, 2010

*A Utilitarian Justification for Heightened Standards of Proof in Criminal Trials*

Seminar, Oregon State University, School of Public Policy, 2011

Levy Workshop, George Mason University School of Law, 2010

26<sup>th</sup> Annual Meeting of the European Association of Law and Economics, 2009

Canadian Law and Economics Association, Annual Meeting, 2009

Thesis Workshop, Boston College, Department of Economics, 2009

Seminar, Amsterdam University, Center for Law and Economics, 2009

*The Scope of Criminal Law*

Levy Workshop, George Mason University School of Law, 2010

*Don't Say You're Sorry Unless You Mean It: Pricing Apologies to Achieve Credibility*

Seminar, Florida State University College of Business, 2011

*Repeat Offenders: If They Learn, We Punish Them More Severely*

19<sup>th</sup> Annual Meeting of the American Law and Economics Association, 2009

EMLE Conference on Law and Economics, University of Hamburg, 2009

Levy Workshop, George Mason University School of Law, 2009