

Anup Malani

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Academic Employment

July 2006 -	Professor and Aaron Director Research Scholar, University of Chicago Law School
Sept 2008 - April 2009	Roscoe Pound Visiting Professor, Harvard Law School, and Visiting Director, Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics, Harvard Law School
Sept 2006 - Dec 2006	Visiting Professor, Harvard Law School
Sept 2004 - June 2006	Associate Professor, Health Evaluation Sciences, University of Virginia School of Medicine
July 2002 - June 2006	Associate Professor, University of Virginia Law School

Other Positions

Dec 2009 -	Committee on Clinical and Translational Science, Biological Sciences Division, University of Chicago
April 2009 -	Faculty Research Fellow, Health Care, National Bureau of Economic Research
June 2008 -	University Fellow, Resources for the Future, Washington, DC
July 2007 -	Editor, Journal of Law & Economics

Professional Employment

2001 - 2002	Law Clerk to Justice Sandra Day O'Connor, U.S. Supreme Court
2000 - 2001	Law Clerk to Judge Stephen F. Williams, U.S. Court of Appeals - D.C. Circuit
1999	Summer Associate, Wachtell, Lipton, Rosen and Katz, NY Summer Associate, Kellogg, Huber, Hansen, Todd and Evans, DC

1992-1994 Research Associate, Institute for International Economics, DC

Education

Ph.D. (economics) University of Chicago, 2003
Advisers: Gary Becker, Willard Manning, Tomas Philipson

J.D. University of Chicago Law School, June 2000 (high honors)

B.S.F.S. Georgetown University, May 1992

Honors and Awards

Order of the Coif, 2000; Stepan Chemical Company Scholarship, 1999 – 2000; John M. Olin Fellowship in Law and Economics, 1998 – 2000; Bradley Foundation Fellowship, 1997 – 2000; Beale Prize, 1997; Distinction (top score), Econometrics Field Exam, University of Chicago, Department of Economics, 1996; University of Chicago Fellowship, 1995 - 2000.

Peer-reviewed Publications

Anup Malani and Ramanan Laxminarayan. Surveillance of Disease Outbreaks, *Journal of Human Resources* (forthcoming 2010).

Ward Farnsworth, David Guzior, and **Anup Malani**. Ambiguity about ambiguity: An empirical inquiry into legal interpretation. *Journal of Legal Analysis* (forthcoming 2010).

Michael Eber, Ramanan Laxminarayan, Eli N. Perencevich and **Anup Malani**. Clinical and Economic Outcomes Attributable to Healthcare-Associated Sepsis and Pneumonia, *Archives of Internal Medicine* (Feb. 22, 2010).

Anup Malani and Guy David. Does Non-Profit Status Signal Quality? *Journal of Legal Studies* (June 2008).

Anup Malani. Patient enrollment in medical trials: Selection bias in a randomized experiment. *Journal of Econometrics*, 144(2): 341-351 (2008).

Anup Malani. Identifying Placebo Effects with Data from Clinical Trials. *Journal of Political Economy*, 114(2): 236-256 (2006).

Richard Hynes, **Anup Malani**, and Eric Posner. The Political Economy of State Property Exemption Laws. *Journal of Law and Economics*, 47: 19-44 (2004)

Tomas Philipson and **Anup Malani**. Measurement Errors: A Principal Investigator-Agent Approach. *Journal of Econometrics*, 91:273 (1999).

Law Review Publications

Todd Henderson and Anup Malani. Corporate Philanthropy and the Market for Altruism. *Columbia Law Review*, 109(5): 571-627 (June 2009).

Anup Malani. Regulation with Placebo Effects. *Duke Law Journal*, 58: 411-472 (Dec 2008).

Anup Malani. Valuing Laws as Local Amenities. *Harvard Law Review*, 121(5): 1273-1331 (2008).

Anup Malani and Eric Posner. For-Profit Charities. *Virginia Law Review*, 93(8): 2017-2067 (2007).

Anup Malani. Habeas Settlements. *Virginia Law Review*, 92(1): 1-68 (2006).

Anup Malani. The Scope of Criminal Forfeiture under RICO: The Appropriate Definition of 'Proceeds.' *University of Chicago Law Review*, 66: 1289-1316 (1999).

Other Publications

Anup Malani and Tomas Philipson. The Welfare Effects of FDA Regulation of Drugs. In Patricia Danzon and Sean Nicholson, eds., *The Handbook of Pharmaceutical Economics* (forthcoming 2010).

Anup Malani and Ramanan Laxminarayan. Beyond swine flu: Superbugs. *Chicago Tribune* (June 5, 2009).

Anup Malani and Dan Houser. Expectations Mediate Objective Physiological Placebo Effects. In Dan Houser and Kevin McCabe, eds., *Neuroeconomics, Advances in Health Economics and Health Services Research Vol. 20* (2008).

Anup Malani. Comment on Chapter 3 (Burman, Garrett and Khitatrakun), in Burman and Helms, *Brookings Conference on Taxes and Health Insurance: Analysis and Policy* (2008).

T. Buchman, J. Dushoff, M. Efron, P. Ehrlich, S. Fitzpatrick, R. Laxminarayan, B. Levin, S. Levin, M. Lipsitch, **A. Malani**, C. Nemeroff, S. Otto, V. Patel, and J. Solomkin, Antibiotic overuse: the influence of social norms. *Journal of the American College of Surgeons* (2008).

M. Todd Henderson and **Anup Malani**, Capitalism 2.0: Do corporations exist solely to maximize their bottom lines? We don't think so. *Forbes*, p 30 (Mar 10, 2008).

Anup Malani. Introduction: Current Research on Medical Malpractice Liability. *Journal of Legal Studies*, 36: S1-S8 (2007).

Ramanan Laxminarayan and **Anup Malani.** *Extending the Cure: Policy Responses to the Growing Threat of Antibiotic Resistance* (Resources for the Future, Mar 2007).

Anup Malani and Harvey Cantor. Ethical Issues in Research in Complementary and Alternative Medicine: Letter to the Editor. *Journal of the American Medical Association*, 291(18): 2192 (May 12, 2004).

Anup Malani, Tomas Philipson, and Guy David. Firm Behavior in the Non-Profit Sector: A Synthesis and Empirical Evaluation. In Edward Glaeser, ed, *The Governance of Not-for-Profit Firms* (NBER/University of Chicago Press, 2003).

Gary Hufbauer, **Anup Malani** and Darius Lakdawalla. Determinants of Direct Foreign Investment and Its Connection to Trade. *UNCTAD Review*, 5:39 (1994).

Working Papers (under review)

Emir Kamenica and Anup Malani. Do advertisements affect the physiological efficacy of branded drugs? (Mar 2009), under review.

Working Papers

Ward Farnsworth, Dustin Guzior and Anup Malani. Unconscious bias in legal interpretation (April 2010).

Eric Helland, Darius Lakdawalla, Anup Malani, and Seth Seabury. Tort Liability and the Market for Prescription Drugs (April 2010).

Daniel Bennett and Anup Malani. The Economics of Panic: SARS in Taiwan (April 2010).

Anup Malani. Can individuals change their beliefs without altering their information set? (Jan 2010).

Anup Malani and Julian Reif. Does tort liability affect physician labor supply? Estimates from a forward-looking model (Dec 2009).

Ilya Beylin, Anup Malani, and David Abrams. Finding Love in the Wreckage: Estimating Spousal Altruism with Data from Fatal Car Accidents (Jan 2009).

Anup Malani, Oliver Bembom, and Mark van der Laan. Accounting for Differences among Patients in the FDA Approval Process (Feb 2009).

Ramanan Laxminarayan, Eili Klein, Anup Malani, and Alison Galvani. Surveillance and Reporting of Emerging Pathogens (Mar 2009).

Anup Malani. Rational Crises (Mar 2009).

Anup Malani and Tomas Philipson. Clinical Trials, the Market for Observations, and the Cost of Medical R&D (Oct 2008).

Anup Malani and Julian Reif. Revisiting the Cost of Wrongful Discharge Laws: The Role of Legal Expectations (Sept 2008).

Anup Malani, Allison Galvani, Abraham Wickelgren, and Maciej Boni. Controlling Avian Influenza in Chickens (Feb 2008), basis for 2007 Coase Lecture at the University of Chicago Law School.

Anup Malani and Ramanan Laxminarayan. Is there a fitness cost to antibiotic resistance: evidence from community-level data on E. Coli and S. Aureus (Jan 2008).

Anup Malani. Expectations of Future Laws (Jan 2008).

Anup Malani. Can the placebo effect be ethically studied? (June 2007).

Barton Hamilton and Anup Malani. Employing compliance to estimate heterogeneous treatment response in medical trials (May 2007).

Anup Malani and Charles Mullin. Assessing the Merits of Reallocation under Joint and Several Liability, With an Application to Asbestos Litigation (Aug 2004).

Feifang Hu and Anup Malani. The Option Value of New Therapeutics (Oct 2004).

Anup Malani and Albert Choi. Are Non-profit Firms For-profits in Disguise? Evidence from the Nursing Home Industry (Sept 2004).

Anup Malani. The Internal Validity of Clinical Trials in the Presence of Placebo Effects (Aug 2003).

Anup Malani. Does the Felony-Murder Rule Deter Crime? Evidence from FBI Crime Data (Jan 2002).

Teaching

Bankruptcy and Reorganization, Spring 2010, Fall 2007, Winter 2007, Winter 2006; Bankruptcy (Law & Business track, U. Virginia), Spring 2005.

Contracts, Winter 2010.

Corporations (Law & Business track, U. Virginia), Spring 2005, Spring 2004; Corporations, Spring 2003.

Executive Compensation (Law & Business track, U. Virginia), Spring 2005.

Food and Drug Law, Fall 2009, Spring 2008.

Health Law, Fall 2008, Spring 2008, Spring 2007, Fall 2006, Spring 2006, Fall 2003.

Health Law Policy Workshop (Harvard), Fall 2008, Spring 2009.

Health Economics (University of Virginia, Department of Economics), Spring 2004.

Health Policy (seminar), Spring 2010, Fall 2003 (University of Virginia).

Insurance Law, Winter 2008.

Presentations

2010	University of Chicago Law School; University of Chicago Harris School of Public Policy; Resources for the Future; Columbia Law School; NBER Health Care Meetings; University of Virginia Law School; UCLA Business School; University of Chicago Booth School of Business; PEPC meeting; ALEA Annual Meeting Forthcoming: University of Michigan; University of Texas Law School; ASHE Annual Meetings; MacLean Center Annual Conference, University of Chicago
2009	Harvard/MIT/BU joint health Workshop, University of Chicago Booth School of Business (2); Harvard Law School (4); U. California-Berkeley Law School; Texas Law School; ALEA Annual Meeting; Washington University Law School; Georgia State Business School; Georgetown Law School; University of Chicago Law School; Wharton Business School; NYU Law School; MacLean Center Ethics Lecture, University of Chicago; Resources for the Future;
2008	ASSA/AEA Annual Meetings; University of Chicago, Harris School (2); University of Arizona, Department of Agricultural and Resource Economics; Case Western Law School; University of Chicago Law School (3); Brookings Institution; AEI; University of Georgia (2); ALEA Meetings; Harvard Law School; Northwestern Law School; Harvard Law School; Harvard Medical School; University of Chicago Booth School of Business; University of Chicago, Department of Economics
2007	Coase Lecture, University of Chicago; University of Michigan Law School; University of Chicago Law School (2); Yale Law School; University of Pennsylvania Law School; Harvard Law School; Duke/University of North Carolina Triangle Conference on Law & Economics; MacLean Center Ethics Lecture, University of Chicago; National Foundation for Infectious Diseases 2007 Annual Conference on Antimicrobial Resistance; RAND; DIMACS, Rutgers; 2007 CELS Conference; 2007 MacLean Center Conference; Stanford Law School
2006	MacLean Center, University of Chicago; Harvard Law School (2); University of

Virginia Law School (2); University of Chicago Law School (3); ALEA Meetings; University of Illinois-Chicago (2); Resources for the Future; World Bank; Northwestern University Law School.

2005 University of Virginia General Clinical Research Center; American Enterprise Institute; Midwest Law and Economics Conference; University of Virginia Law School (4); University of Virginia Medical School; University of Chicago Law School; University of Virginia, Department of Economics; ALEA Meetings; Columbia Law School; Washington University Olin School of Business; Washington University Law School.

2004 University of Chicago conference on Pharmaceutical Innovation and Cost; Federal Reserve Bank of New York/Princeton University Conference on Non-Profit Governance; Georgetown University Law Center; University of Virginia Law School (3); North American Summer Meeting of the Econometric Society; ALEA Meetings; George Mason University, Interdisciplinary Center for Economic Science; University of North Carolina Law School.

1999 - 2003 University of California-Irvine, Oct. 2003; RAND (Santa Monica)/University of Southern California Law School, Oct. 2003; University of Chicago, Department of Economics, Oct. 2003, Aug. 2003; University of Virginia, Department of Economics, Oct. 2002; University of Pennsylvania Law School, Feb. 2002; NBER Conference on Not-for-Profit Organizations, Florida, January 2002; University of Chicago, Department of Economics, March 2001, May 1999.

Organized Conferences and Seminars

June 2009	Pharmaceutical Drug Development, Petrie Flom Center, Harvard Law School
May 2006	Current Research on Medical Malpractice Liability, University of Chicago Law School
2003 - 2005	Sadie Lewis Webb Program in Law and Biomedicine's Health Law and Policy Speakers Series, University of Virginia Law School
Feb 2004	John M. Olin Conference on Empirical Research in Corporate, Securities, and Bankruptcy Law, University of Virginia Law School

Affiliations and Service

Faculty Research Fellow, National Bureau of Economic Research.

University Fellow, Resources for the Future, Washington, DC.

Board of Advisors, Public Health Law Research Program, Robert Wood Johnson Foundation, Temple University, Philadelphia, PA.

Research Affiliate, Joint Center for Poverty Research, Northwestern University/University of Chicago.

Referee: American Law and Economics Review, Economic Journal, Health Affairs, International Review of Law and Economics, Journal of the American Medical Association, Journal of Labor Economics, Journal of Legal Studies, Journal of Political Economy, National Tax Journal, Proceedings of the National Academy of Sciences, and RAND Journal of Economics.

Grants and Research Projects

University of Chicago Booth School of Business - Initiative on Global Markets, "Does Advertising Affect the Physiological Efficacy of Drugs?," 2010

University of Chicago Booth School of Business - Initiative on Global Markets and University of Chicago Law School, "Conflicts of Interest in Medical Journal Publications," 2009

University of Chicago Program in Pharmaceutical Policy, "Estimating the Negative Resistance Externality from Antibiotic Use," 2007, \$11,667, with Amitabh Chandra and Darius Lakdawalla

Pfizer Inc., Evidence-based Medicine Group, "Measuring Heterogeneity in Treatment Effects," 2007-2008, \$35,000, with Barton Hamilton.

Bankard Fund, "Hidden Components of Executive Compensation: Supplemental Employee Retirement Plans and Change-in-Control Payments," 2005, \$25,000, with Rajesh Aggarwal.

Principal Investigator on medical trial about the effect of DTC advertising on the efficacy of Claritin, conducted at the Nasal Physiology Lab, University of Chicago Hospital, 2008.

Principal Investigator on experiment concerning on subjects' control over own expectations in the context of a trial of the effect of glucose beverage on cognitive performance.

Principal Investigator on medical trial of the effect of caffeine on blood pressure and pulse, conducted at the General Clinical Research Center, University of Virginia, HIC #11701.

Media Citations and Appearances

Coverage of *Archive of Internal Medicine* (2010) paper: *Reuters*, U.S. hospital infections killed 48,000: report; *ABC News*, Study: Hospital Infections Kill 48,000 in U.S. Each Year; *CNN*, Hospitals and fatal infections; *Marketplace (NPR)*, More patients infected from hospitals; *Agence France Presse*, Infections in US hospitals kill 48,000, cost billions: study; *Agence France Presse [Spanish]*; 48.000 muertos al año en

EEUU por las dos principales infecciones hospitalarias; *Agence France Presse [French]*; USA: les deux principales infections nosocomiales font 48.000 morts par an; *Agence France Press/Vesti [Bulgarian]*, Изследване призовава към повишаване на болничната хигиена в САЩ; *National Public Radio, Shots Blog*, Hospital Infections: Deadly, Costly, And Potentially Avoidable; *Wall Street Journal Health Blog*, Study: Half of Infection Deaths Linked Directly to Hospital Care; *Los Angeles Times Booster Shots Blog*, Warning: Hospitals may be hazardous to your health; *Scientific American Observation Blog*, Two hospital-acquired infections estimated to have killed 48,000, cost \$8.1 B in 2006; UPI, 48,000 die of preventable hospital deaths; *UPI/Health View (Greek)*: Νοσοκομειακέρ λομώξειρ πποκαλούν 48.000 θανάοορ εηηζίυρ ζηιρ ΗΠΑ; *All Headline News*, Report: More People dying Of Infections Acquired At Hospitals; *HealthDay News/Palm Beach Post*, Hospital-Acquired Sepsis, Pneumonia a “Growing Menace”; *HealthDay News/Modern Medicine*, Hospital-Acquired Infections Impose Heavy Burden; *HealthLeaders Media*, Sepsis, Pneumonia Caused by HAIs Killed 48,000 Patients in One Year, Study Says; *Modern Healthcare*, Hospital-acquired infections killed 48,000 patients: study; *Medical News Today*, Hospital-Acquired Infections, MRSA, Killed 48,000 Americans In One Year; *New York Daily News*, Hospital infections killed nearly 50,000 a year, says new study; *AHA News Now*, Study: Hospital-associated sepsis, pneumonia infections costly; *Kaiser Health News Daily Report*, Study Says Lower-Cost Hospitals Don’t Have Lower Quality Care For Certain Illnesses; *WebMD*, Hospital Infections Kill 48,000 Each Year; *Five Towns Jewish Times*, Hospitals Kill Us – Literally and Financially; *KorMedi [Korean]*, 병 고치려다 병원에서 병 얻는다; *The Indianapolis Star*, Patients, watch out for yourselves; *Infectious Disease Examiner*, Hospital Infections Are Deadly and Expensive According to Study; *eFitness Now*, Hospital Infections Kill More Americans than HIV; *Injury Board*, Study – Hospital-Acquired Infections Kill 48,000; *Injury Board*, Sepsis and Pneumonia from Hospital-Acquired Infections Killed 48,000 People in 2006; *EmaxHealth*, Hospital-Acquired Infections Costly in Both Lives and Dollars; *Top News*, 48,000 Americans Killed Every Year Because of Hospital Infections, Study Reveals; *News Inferno*, Infections Caught in Hospitals Kill 48,000 in U.S. Every Year; *Press TV*, Study: US hospital infections kill 48,000 each year; *Daily Beast*, Study: Hospital Infections Left 48,000 Dead; *dbTechno*, Sepsis and Pneumonia Killing Thousands of American Hospital Patients; *Controversies in Hospital Infection Prevention*, HAIs: An even bigger problem than we thought?; *AZ Central*, Study: Hospital-acquired infections killed 48,000 in one year; *Fierce Healthcare*, Pneumonia, sepsis linked to 48,000 HAI-deaths annually; *Health News Track*, Sepsis an pneumonia cost \$8.1 billion to treat; *The Money Times*, Hospital acquired infections could be fatal – study; *INQRI Blog*, Sepsis and Pneumonia Caused by HAIs Killed 48,000 Patients; Cost \$8.1 Billion.

Adam Liptak, Serving Life for Providing Car to Killers, *New York Times* (Dec 4, 2007), A1 (discussion of “Does the Felony-Murder Rule Deter Crime?” paper).

Congressional Quarterly – Healthbeat News, New Policies Could Help Fight Increasing Ineffectiveness of Antibiotics, Researchers Say, (quoted on briefing given to House and Senate staffers on the *Extending the Cure* book).

Stephanie Francis Ward, Clerks Avoid Getting Their DIGs In, *ABA Journal* (March 2007) (quoted on reputational consequences to law clerks of cases dismissed by the Supreme Court as improvidently granted).

Discussion of *For-Profit Charities* paper: David Haskell, For-Profit Philanthropy, *NYT Magazine* (Dec 10, 2006); Aaron Steinberg, Greed is Good (for Philanthropy), *Reason Online* (Oct 26, 2006); Amanda Griscom Little, Virgin green, *Salon.com* (Sept 30, 2006); Andrew Cassell, Google tries to refresh our notion of charity, *Philadelphia Inquirer* (Sept 17, 2006).

Chicago Tonight, WTTW-Chicago, discussion of John Roberts nomination to the Supreme Court with Phil Ponce, Sept 13, 2005.