

# Shawn J. Bayern

FSU College of Law  
425 West Jefferson Street  
Tallahassee, FL 32306-1601  
850-644-8308  
bayern@law.fsu.edu

## ACADEMIC APPOINTMENTS

### **Assistant Professor, Florida State University College of Law, 2009 – present**

#### *Service:*

- Appointments Committee, January 2011 –
- Law Review Faculty Advisor, 2011 –
- Coach, Moot Court Teams, 2011 –
- Business Law Programs Committee, 2011 –
- Colloquium Committee, 2010 – 2011
- Admissions Committee, 2009 – 2011

#### *Honors:*

- Chosen “Professor of the Year” by FSU’s first-year students, 2009 – 2010

### **Visiting Assistant Professor, Duke University School of Law, 2007 – 2009**

## TEACHING

**Florida State University College of Law:** Torts, Contracts, Unincorporated Business Entities

**Duke Law School:** Law and Economics; Business Associations (Corporations)

**UC Berkeley School of Law (Boalt Hall):** Contract Law Theory Seminar (with Melvin A. Eisenberg)

## EDUCATION

### **University of California, Berkeley School of Law (Boalt Hall)**

J.D., May 2006

#### *Honors:*

- Thelen Marrin Prize for Academic Achievement (strongest academic record at graduation)
- Jurisprudence Award (first in class): Torts; Contracts; Constitutional Law: Structural Issues; Comparative Contract Law; Law & Economics; Corporations I
- Prosser Prize (second in class): Administrative Law
- William Carey Jones Scholarship (merit scholarship)

#### *Activities:*

- Editor-in-Chief, *California Law Review*
- Research Assistant, Melvin A. Eisenberg
- Research Assistant, Andrea L. Peterson

### **Yale University**

B.S., Computer Science, May 1999

#### *Honors:*

- Tau Beta Pi Engineering Honor Society

## PUBLICATIONS

### Law-Review Articles and Essays

*False Efficiency and Missed Opportunities in Law and Economics*, 86 TUL. L. REV. 135 (2011).

*The Limits of Formal Economics in Tort Law: The Puzzle of Negligence*, 75 BROOK. L. REV. 707 (2010).

*Rational Ignorance, Rational Closed-Mindedness, and Modern Economic Formalism in Contract Law*, 97 CALIF. L. REV. 943 (2009).

*Case Interpretation*, 36 FLA. ST. U. L. REV. 125 (2009).

*The Significance of Private Burdens and Lost Benefits for a Fair-Play Analysis of Punishment*, 12 NEW. CRIM. L. REV. 1 (2009) (peer reviewed).

Comment, *Explaining the American Norm Against Litigation*, 93 CALIF. L. REV. 1697 (2005).

### Working Papers

*The Expectation Measure and Its Discontents* (with Melvin A. Eisenberg).

*Offer and Acceptance in Modern Contract Law: A Needless Concept*.

### Selected Shorter Works and Op-Eds

*A Formal System for Analyzing Conveyances of Property Under the Common Law*, in FRONTIERS IN ARTIFICIAL INTELLIGENCE AND APPLICATIONS: LEGAL KNOWLEDGE AND INFORMATION SYSTEMS 139 (R.G.F. Winkels ed., 2010).

*Making Financial Regulation Work: The Elephants of Banking*, WASHINGTON POST: THE HEARING, June 29, 2009 (with Zephyr Teachout).

*Toward Nonprofit Financial Services*, HUFFINGTON POST, May 12, 2009.

### Amicus Briefs

*Brief of Contract Law Professors in Support of Respondent, Astra USA, Inc., v. County of Santa Clara*, United States Supreme Court, No. 09-1273 (arguing that a public hospital should be able to enforce, as a third-party beneficiary, a contract between pharmaceutical companies and the Secretary of Health and Human Services).

### Selected Technical Books and Articles (non-legal)

JSTL IN ACTION (2003).

WEB DEVELOPMENT WITH JAVASERVER PAGES (2d ed. 2002) (with Duane K. Fields & Mark A. Kolb).

*Synchronized Recursion*, DR. DOBB'S J., June 2001, at 151.

## RECENT AND UPCOMING PRESENTATIONS

Presenter, “Offer and Acceptance in Modern Contract Law: A Needless Concept,” Obligations VI Conference, London, Ontario (forthcoming July 2012).

Faculty Workshop, “False Efficiency and Missed Opportunities in Law and Economics,” Case Western Reserve University School of Law, Faculty Workshop Series, Mar. 2011.

Presenter, “The Expectation Measure and Its Discontents,” 6th International Contracts Conference, Feb. 2011.

Presenter, “A Formal System for Analyzing Conveyances of Property Under the Common Law,” JURIX (The Foundation for Legal Knowledge Based Systems), University of Liverpool, Dec. 2010.

Presenter, World Institute for Research in Law, Annual Meeting, “The Limits of Formal Economics in Tort Law,” June 2010.

Panelist, “False Assumptions in Law and Economics,” Annual Murphy Corporate Law Conference, Fordham Law School, Mar. 2010.

Keynote speaker, “Conceptualism and Interdisciplinary Research,” Annual Meeting, Florida State University Graduate Student Congress, Mar. 2010.

Panelist, “Asymmetric Information and Contract Law,” Spring Contracts Conference, Feb. 2010.

## LEGAL WORK EXPERIENCE

**Judge Harris Hartz, United States Court of Appeals for the Tenth Circuit**  
Law Clerk, September 2006 – August 2007

**Office of the Solicitor General, United States Department of Justice**  
Law Clerk, June 2006 – August 2006

**Appellate Staff, Civil Division, United States Department of Justice**  
Law Intern, July 2005 – August 2005

**Covington & Burling (Washington, D.C.)**  
Summer Associate, May 2005 – July 2005

**Judge Sandra B. Armstrong, United States District Court for the Northern District of California**  
Law Extern, June 2004 – August 2004

## OTHER EXPERIENCE

**Java Community Process**  
Reference-Implementation Lead, JSP Standard Tag Library (JSTL)  
May 2001 – June 2003

Served on “expert groups” responsible for creating programming languages (such as the popular JavaServer Pages language). Directed a team of Sun Microsystems employees and volunteers as the principal engineer for a widely used open-source programming project.

## **Yale University Information Technology Services, Technology and Planning**

Researcher

June 1999 – June 2003

Created and developed the Yale Central Authentication Service (CAS), a software framework for computer security adopted widely by universities worldwide. (In 2006, Yale received a \$50,000 award from the Andrew W. Mellon Foundation in honor of its creation of CAS.)

## **Independent Activities**

June 1999 – June 2003

Served as a frequent conference speaker and corporate trainer. Conceived and developed several web sites, including *timecave.com*, a service with about 25,000 users that was featured in *PC World* as one of the “best free” sites on the Internet in 2003. Consulted for a variety of start-up and established organizations, and led several open-source software projects at the Apache Software Foundation. Wrote and reviewed examination questions for a provider of professional certifications affiliated with Carnegie Mellon University.

## **MISCELLANEOUS SERVICE AND ACTIVITIES**

Instrumental musical composition

*Honors:* Music Aid International Music Awards, 2006, 2007, 2009: Special Mention

iPhone/iPad application development, including a free searchable edition of the United States Code released in early 2010, downloaded over ten thousand times, and adopted by some federal agencies

Former General Securities Representative (NASD/FINRA Series 7)