

ANTHONY NIBLETT

PROFESSOR OF LAW
CANADA RESEARCH CHAIR IN LAW, ECONOMICS, & INNOVATION
UNIVERSITY OF TORONTO FACULTY OF LAW

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ACADEMIC EMPLOYMENT

UNIVERSITY OF TORONTO FACULTY OF LAW

Professor, 2023 - present
Associate Professor (with tenure), 2016 – 2023
Canada Research Chair in Law, Economics, & Innovation, 2016 – present
Faculty Affiliate, Vector Institute for Artificial Intelligence, 2018 – present
Academic Advisor, Future of Law Lab, 2019 – present
Faculty Advisor, GPLLM Law, Technology, and Innovation, 2021-2022
Assistant Professor, 2011 – 2016

UNIVERSITY OF CHICAGO LAW SCHOOL

Bigelow Fellow & Lecturer-in-Law, 2009 – 2011

EDUCATION

HARVARD UNIVERSITY

Ph.D. Economics, 2009
M.A., Economics, 2006

UNIVERSITY OF MELBOURNE

Bachelor of Laws, First Class Honours, 2003
Bachelor of Commerce, First Class Honours (Economics), 2003

PUBLICATIONS

JOURNAL ARTICLES

A Thumb on the Scale for Innovation, CANADIAN COMPETITION LAW REVIEW (forthcoming 2023)

Problems with Probabilities, UNIV. OF TORONTO LAW JOURNAL (forthcoming 2023) [with Anthony J. Casey]

The Competition Act, Not the Competitors Act, 67(1) CANADIAN BUSINESS LAW JOURNAL 83 (2023)

The Limits of Public Contract Law, 85(2) LAW & CONTEMPORARY PROBLEMS 51 (2022) [with Anthony J. Casey]

Micro-directives and Computational Merger Review, 1 STANFORD JOURNAL OF COMPUTATIONAL ANTITRUST 132 (2021) [with Anthony J. Casey]

Will Robot Judges Change Litigation and Settlement Outcomes? A First Look at the Algorithmic Replication of Prior Cases, M.I.T. COMPUTATIONAL LAW REPORT, vol. 2.0 (2020) [with Anthony J Casey]

Algorithms as Legal Decisions: Gender Gaps and Canadian Employment Law in the 21st Century, 71 UNIVERSITY OF NEW BRUNSWICK LAW JOURNAL 112 (2020)

A Framework for the New Personalization of Law, 86 UNIVERSITY OF CHICAGO LAW REVIEW 333 (2019) [with Anthony J. Casey]

How Artificial Intelligence Will Affect the Practice of Law, 68 UNIVERSITY OF TORONTO LAW JOURNAL 106 (2018) [with Benjamin Alarie & Albert H. Yoon]

Computational Legal Research and the Advocate of the Future, 36 ADVOCATES QUARTERLY 12 (2017) [with Benjamin Alarie & Albert H. Yoon]

Self-Driving Contracts, 43(1) JOURNAL OF CORPORATION LAW 101 (2017) [with Anthony J. Casey]

Regulation by Machine, JOURNAL OF MACHINE LEARNING RESEARCH: W&CP (2017) [with Benjamin Alarie & Albert H. Yoon]

The Death of Rules and Standards, 92(4) INDIANA LAW REVIEW 1401 (2017) [with Anthony J. Casey]

On the Efficiency of the Common Law: An Application to Recovery of Rewards, 43(3) EUROPEAN JOURNAL OF LAW & ECONOMICS 393 (2017)

Unintended Consequences: The Regressive Effects of Increased Access to Courts, 14(1) JOURNAL OF EMPIRICAL LEGAL STUDIES 5 (2017) [with Albert H. Yoon]

Using Machine Learning to Predict Outcomes in Tax Law, 58(3) CANADIAN BUSINESS LAW JOURNAL 231 (2016) [with Benjamin Alarie & Albert H. Yoon]

Self-Driving Laws, 66(4) UNIVERSITY OF TORONTO LAW JOURNAL 429 (2016) [with Anthony J. Casey]

Law in the Future, 66(4) UNIVERSITY OF TORONTO LAW JOURNAL 423 (2016) [with Benjamin Alarie & Albert H. Yoon]

Friendly Precedent, 57 WILLIAM & MARY LAW REVIEW 1795 (2016) [with Albert H. Yoon]

Judicial Disharmony: A Study of Dissent, 42 INTERNATIONAL REVIEW OF LAW & ECONOMICS 60 (2015) [with Albert H. Yoon]

Hostile Takeovers and Over-Reliance, 38(2) SEATTLE UNIVERSITY LAW REVIEW 595 (2015)

Noise Reduction: The Screening Value of Qui Tam, 91(5) WASHINGTON UNIVERSITY LAW REVIEW 1169 (2014) [with Anthony J. Casey]

Case-by-Case Adjudication and the Path of the Law, 42(2) JOURNAL OF LEGAL STUDIES 303 (2013)

Tracking Inconsistent Judicial Behavior, 34 INTERNATIONAL REVIEW OF LAW & ECONOMICS 9 (2013)

The Evolution of a Legal Rule, 39(2) JOURNAL OF LEGAL STUDIES 325 (2010) [with Richard A. Posner & Andrei Shleifer]

Do Judges Cherry Pick Precedents to Justify Extra-Legal Decisions? A Statistical Examination, 70(1) MARYLAND LAW REVIEW 234 (2010)

Structural and Behavioral Market Power under the Trade Practices Act: An Application to Predatory Pricing, 32 AUSTRALIAN BUSINESS LAW REVIEW 83 (2004) [with Joshua S. Gans & Stephen King]

BOOK CHAPTERS

A Framework for the New Personalization of Law, Reprinted and translated (Mandarin) in XIAOXIA SUN (ED.), INTERDISCIPLINARY LAW: TECHNOLOGY AND RIGHTS (2023, Commercial Press, China) [with Anthony J. Casey]

Explainable AI and Taxation: A Real-life Application, DENNIS WEBER (ED.), THE IMPLICATIONS OF ONLINE PLATFORMS AND TECHNOLOGY ON TAXATION AND TAXPAYERS' RIGHTS (2023, IBFD) [with Benjamin Alarie]

The Present and Near Future of Self-Driving Contracts, ERNEST LIM & PHILIP MORGAN (ED.), CAMBRIDGE HANDBOOK ON PRIVATE LAW AND ARTIFICIAL INTELLIGENCE (2022, Cambridge Univ. Press) [with Anthony J. Casey]

Artificial Intelligence and Regulation, in PINA D'AGOSTINO, CAROLE PIOVESAN, & AVIV GAON (ED.), LEADING LEGAL DISRUPTION: ARTIFICIAL INTELLIGENCE AND A TOOLKIT FOR LAWYERS AND THE LAW (2021, Thomson Reuters)

Predictive Analytics, in JESSE BEATSON, GERALD CHAN, & JILL PRESSER (ED.), LITIGATING ARTIFICIAL INTELLIGENCE (2021, Emond Publishing)

Litigation Analytics, in NOAH WAISBERG & ALEXANDER HUDEK, AI FOR LAWYERS: HOW ARTIFICIAL INTELLIGENCE IS TRANSFORMING LAW PRACTICE & CAREERS (2021, Wiley Publishing)

Data Analytics and Tax Law, in ROLAND VOGL (ED.), RESEARCH HANDBOOK IN BIG DATA AND LAW (2020, Edward Elgar) [with Benjamin Alarie & Albert H. Yoon]

How Lower Courts Respond to a Change in a Legal Rule, in YUN-CHIEN CHANG (ED.), SELECTION AND DECISION IN JUDICIAL PROCESS AROUND THE WORLD: EMPIRICAL INQUIRIES (2020, Cambridge Univ. Press)

The Death of Rules and Standards, Reprinted in CHRISTOPH BUSCH & ALBERTO DI FRANCESCHI (ED.), GRANULAR LEGAL NORMS: BIG DATA AND PERSONALIZED LAWS (2020, Hart-Beck Press) [with Anthony J. Casey]

The Death of Rules and Standards (in French), Reprinted and translated (French) in FLORENCE G'SELL (ED.), LE BIG DATA ET LE DROIT (2019) [with Anthony J. Casey]

The Death of Rules and Standards (in Mandarin), Reprinted and translated (Mandarin) in DONGDE HOU (ED.), JUDICIAL APPLICATIONS OF ARTIFICIAL INTELLIGENCE [with Anthony J. Casey]

Self-driving Laws (in Mandarin), Reprinted and translated (Mandarin) in DONGDE HOU (ED.), JUDICIAL APPLICATIONS OF ARTIFICIAL INTELLIGENCE [with Anthony J. Casey]

The Application of Machine Learning to Constitutional Law, in DAVID S. LAW & MALCOLM LANGFORD (EDS.), RESEARCH METHODS IN CONSTITUTIONAL LAW HANDBOOK (Elgar) [with Albert H. Yoon]

Delaying Declarations of Constitutional Validity, in FRANK FAGAN & SAUL LEVMORE (EDS.), THE TIMING OF LAWMAKING (2017, Elgar)

The Evolution of a Legal Rule, Reprinted in ANDREI SHLEIFER, THE FAILURE OF JUDGES AND THE RISE OF REGULATORS (2012, MIT Press)

BOOK REVIEW AND COMMENTS

Comment on "Data Repurposing through Compatibility: A Computational Perspective", *Journal of Institutional and Theoretical Economics* (forthcoming 2024)

Book review of "Contracting and Contract Law in an Age of Artificial Intelligence", MANITOBA LAW JOURNAL (forthcoming 2023)

POLICY PAPERS

Stronger Enforcement of the Competition Act Is Better Than A Dramatic Overhaul, MACDONALD LAURIER INSTITUTE COMMENTARY (February 2023)

Multiple Listing Services in Canada: How to Preserve and Expand Value, CREA Policy Paper (September 2022) [with Paul A. Johnson]

How to Leverage Network Effects to Create Additional Value for Canadian Home Buyers and Sellers, C.D. HOWE INSTITUTE INTELLIGENCE MEMO (2022) [with Paul A. Johnson]

Up to the Task: Why Canadians don't need sweeping changes to competition policy to handle Big Tech, MACDONALD LAURIER INSTITUTE COMMENTARY (November 2021) [with D. Daniel Sokol]

Regulation Reform in Ontario: Machine Learning and Regulation, 43(3) C.D. HOWE INSTITUTE COMMENTARY 507 (2018)

The Economics of Patent Design: A Selective Survey, IPRIA WORKING PAPER No. 06/03 (2003) [with Ryan L. Lampe]

FOREWORDS AND INTRODUCTIONS

Canadian Competition Law in a Digital Age: Foreword, 67(1) CANADIAN BUSINESS LAW JOURNAL 1 (2023)

Modern Challenges to the Judicial System, UNIV. OF TORONTO LAW JOURNAL (2023) [introduction to Symposium with Justice Rosalie Abella and Albert Yoon]

Foreword to the 15th Conference on Empirical Legal Studies, 19(4) JOURNAL OF EMPIRICAL LEGAL STUDIES 802 (2022) [with Andrew Green and Albert H. Yoon]

PRESENTATIONS (since 2011-12)

2023

Does It Pay to Be Reasonable? – University of Texas, Austin – January 2023

Does It Pay to Be Reasonable? – Western Law – February 2023

The Future of Canadian Competition Law – Macdonald Laurier Institute webinar – February 2023

Predictive Analytics and Settlement -- Brandeis/Queen's Conference on AI and Dispute Resolution (online) – February 2023

Predictive Analytics and the Law – University of North Carolina Law (online) – March 2023

A (Cautiously) Optimistic View of Innovation and Climate Change – University of Toronto Big Ideas Conference – March 2023

Predictive Analytics and the Law – University of Houston (CRASA) (online) – March 2023

Autonomous Organizations, Panel – Florida State University College of Law – April 2023

Comments on Data Repurposing Through Compatibility – Max Planck, Segovia, Spain – June 2023

Unconscionable At Any Price? – STILE conference, Palermo, Italy – July 2023

Unconscionable At Any Price? – U of T Law & Economics, Newfoundland – August 2023

A Thumb on the Scale for Innovation – CLEA, Toronto – October 2023

A Thumb on the Scale for Innovation – CBA Competition Law, Ottawa – October 2023

2022

Social Media and Misinformation, University of Toronto Faculty of Law, How Freedom Rules and the Rules of Freedom: Convoys and Legal Institutions” – February 2022

AI and Tax Law: Real Life Applications – CPT-GREIT Conference, University of Amsterdam – April 2022

Problems with Probability UTLJ Symposium, Univ of Toronto Faculty of Law (online) – April 2022

Do Judges Anchor to Litigant Numbers? – STILE conference, Siena, Italy -- June 2022

Do Judges Anchor to Litigant Numbers? -- Max Planck, Bonn, Germany (online) -- July 2022

AI and the Future of In-House Counsel – Association of In-House Counsel (online) – September 2022

The Competition Act, Not the Competitors Act – U of T Competition Roundtable – September 2022

Do Judges Anchor to Litigant Numbers? – Latin American Workshop on Law & Economics, Bogota, Colombia – November 2022

Changes to the Canadian Competition Act – Canadian Bar Association/ American Bar Association – December 2022

Artificial Intelligence and Judging – Conference for Oxford Handbook on Comparative Judicial Behavior – Jerusalem, Israel, December 2022

2021

The Rapid Development and Effect of AI in the Practice of Law – Manitoba Mid-Winter Conference (online) – January 2021

Big Tech Wars 2 – Webinar (online), March 2021

Monopoly Games, MacDonald-Laurier Institute, Panel (online) – June 2021

The Present and Near-Future of Self-Driving Contracts, Cambridge Handbook on AI and Private Law Symposium (online) – July 20, 2021

Do Judges Anchor on Litigant Numbers?, U of T Law & Economics WIP Workshop – August 2021

The Limits of Public Contract Law, Law & Contemporary Problems Symposium, Contracts in Crisis (online) – July 2021

AI and Regulation, Denver Law Quantum Technologies Symposium (online) – November 19, 2021

Regulating Social Media, U of T Faculty Workshop – December 2021

Epic Games v. Apple, Canadian Bar Association, Competition Law and Foreign Investment Review Section, Panel (online) – December 2021

Merger Review and Micro-directives, Stanford Law School, Stanford Computational Antitrust Law Annual Conference (online – December 2021

2020

A.I. and Predictive Analytics – Predicting the Outcome of Dispute Resolution Workshop, Cambridge, UK (online) – February 2020

2019

TED x UofT – Why We Should Not Fear “Machines” in the Legal System – St. Lawrence Performing Arts Centre – March 2019

Using Machine Learning to Predict Reasonable Notice Awards – Vector Institute, Research Workshop – March 2019

Merger Review -- Canadian Bar Association – Competition Law Spring Conference – May 2019

A.I. and the Future of Law – Relay Ventures Conference, Napa, California – May 2019

Using Machine Learning to Predict Reasonable Notice Awards – Max Planck Institute, Bonn, Germany – May 2019

Settlement with Litigation Prediction Tools – Economics of Litigation Conference, Granada, Spain – June 2019

Settlement with Litigation Prediction Tools – CLEA, Toronto – September 2019

Settlement with Litigation Prediction Tools – George Mason Law School, Arlington, VA – September 2019

Algorithmic Decision-Making and the Rule of Law – Computational Law Forum, Tsinghua, Beijing – October 2019

The Future of Wrongful Dismissal: AI and the Practice of Employment Law – MaRS, Toronto – October 2019

Predictive Analytics – Conflict Analytics Lab, Queen’s Law School, Kingston – October 2019

2018

Regulation Reform in Ontario: Machine Learning and Regulation – C.D. Howe Institute Roundtable – February 2018

Technology and the Law – Access to Justice conference at Massey College – February 2018

Using Machine Learning to Predict Reasonable Notice Awards – Vector Institute, Research Symposium – February 2018

Using Data to Describe, Explain, and Predict the Law – uOttawa Symposium – March 2018

A Framework for the New Personalization of Law – University of Chicago Law School, Law Review Symposium – April 2018

Applications of Machine Learning, Emerging Technologies and the Law workshop, U. Toronto – April 2018

Using Machine Learning to Predict Reasonable Notice Awards – USI Lugano, Department of Economics – April 2018
 AI and the Future of Legal Research – Tsinghua/Toronto AI Squared Conference – May 2018
 Hipster Antitrust panel – Competition Bar Association, Toronto – May 2018
 Recent Developments in Legal Tech and AI – Faskins, Toronto – June 2018
 How Lower Courts Respond to a Change in a Legal Rule – Conference on Empirical Legal Studies Europe (CELSE), Leuven, Belgium – June 2018
 Self-driving Laws – CCAT Conference, Gatineau – June 2018
 Using Machine Learning to Predict Reasonable Notice Awards – Society of Institutional and Organizational Economics (SIOE), Montreal – June 2018
 Using Machine Learning to Predict Reasonable Notice Awards – Computational Law Forum, Tsinghua University, Beijing, China – December 2018

2017

Artificial Intelligence and the Law, Ontario Securities Commission, February 2017
 The Death of Rules and Standards, Granular Norms and the Future of Law Workshop, Villa Vigoni, Italy, March 2017
 Using Machine Learning to Predict Outcomes in Tax Law – Canadian Association of Law Librarians meetings, Ottawa – May 2017
 The Effect of a Change in a Legal Rule – Symposium on “The Efficiency of Courts”, Taipei, Taiwan – June 2017
 The Effect of a Change in a Legal Rule – STILE conference, Siracusa, Sicily – July 2017
 Predicting Reasonable Notice – Canadian Law & Economics Association meetings – September 2017
 Using Machine Learning to Predict Outcomes in Tax Law, uOttawa Law School – September 2017
 Best Practices for Law Firms and Technology – TAG conference, Quebec City – October 2017
 The Black Mirror: Artificial Intelligence and the Law – TAG conference, Quebec City – October 2017

2016

The Death of Rules and Standards -- National Judicial Institute Toronto – January 2016
 Using Machine Learning to Predict Outcomes in Tax Law, Canadian Tax Foundation – May 2016
 Machine Learning and Bail, Siena, Italy -- Law and Economics Conference – June 2016
 The Death of Rules and Standards, Society of Institutional and Organizational Economics, Paris, France – June 2016
 Unintended Consequences: The Regressive Effects of Increased Access to Courts, Conference on Empirical Legal Studies (Europe), Amsterdam, Netherlands – June 2016
 The Death of Rules and Standards, University of Connecticut Law School – September 2016
 Self-driving Contracts, Canadian Law & Economics Association meetings, Toronto – September 2016
 Artificial Intelligence and the Future of Law, Toronto Association of Law Libraries -- October 2016
 Using Machine Learning to Predict Outcomes in Tax Law, Canadian Tax Foundation – December 2016

2015

Teaching a Computer to Think Like a Lawyer – Cognitive Computing and the future of Legal Research – University of Toronto, March 2015
 The Death of Rules and Standards – STILE Conference -- Rome, July 2015
 The Death of Rules and Standards – Canadian Law & Economics Association -- University of Toronto, September 2015
 The Death of Rules and Standards – University of Michigan Law & Economics Seminar -- Ann Arbor, October 2015
 Unintended Consequences: The Regressive Effects of Increased Access to Courts -- Conference on Empirical Legal Studies -- Washington Univ. of St. Louis, October 2015
 The Death of Rules and Standards -- Washington Univ. of St. Louis Faculty Seminar – St. Louis, November 2015

2014

Judicial Disharmony: A Study of Dissent – American Law & Economics Association – Chicago, May 2014
Hostile Takeovers and Overreliance -- Berle VI Symposium -- Seattle University Law School, June 2014
Justice for Some: The Regressive Effects of Increased Access to Small Claims Court – Canadian Law & Economics Association -- Univ. of Toronto, September 2014

2013

Prizes and Rewards -- International Society of New Institutional Economics, Florence, Italy, June 2013
The Influence of Panel Composition on the Use of Precedent -- International Society of New Institutional Economics -- Florence, Italy, June 2013
Judicial Disharmony: A Study of Dissent -- STILE – Florence, Italy July 2013
Noise Reduction: The Screening Power of Qui Tam -- European Association of Law and Economics Meetings -- Warsaw, Poland, September 2013
Private Rewards and Prizes -- Toronto Junior Faculty Workshop -- University of Toronto, October 2013
How Judges Use Precedent – A Statistical Approach -- Invited lecture to U.S. judges -- Duke Law School, May 2013

2012

Outcomes and Precedents – Judicial Behavior Workshop – University of Chicago, May 2012
Outcomes and Precedents – American Law & Economics Association – Stanford, May 2012
Outcomes and Precedents – Osgoode-Toronto Junior Faculty Forum – University of Toronto, June 2012
Rewards and Prizes: Incentivizing Search for Socially Valuable Information – STILE – Pescara, Italy, June 2012
Rewards and Prizes: Incentivizing Search for Socially Valuable Information – Canadian Law & Economics Association – University of Toronto, September 2012
Rewards and Prizes: Incentivizing Search for Socially Valuable Information – Queen’s Law School – Law & Economics Seminar – Kingston, ON, October 2012
Outcomes and Precedents – University of Southern California Law School – Law & Economics Workshop – December 2012
Outcomes and Precedents – University of New South Wales Faculty Workshop – Sydney, December 2012

2011

Case-by-Case Adjudication and the Path of the Law – DePaul University, Economics Faculty Seminar – April 2011
Tracking Inconsistent Judicial Behavior – STILE – Bolzano, Italy, July 2011
Tracking Inconsistent Judicial Behavior – Canadian Law & Economics Association – University of Toronto, September 2011
Case-by-Case Adjudication and the Path of the Law” – Canadian Law & Economics Association – University of Toronto, September 2011

GRANTS AND FELLOWSHIPS

CRC Tier II – Chair in Law, Economics, & Innovation (2016-25)
SSHRC Insight Development Grant – Algorithmic Predictions as Legal Decisions (2020-24)
SSHRC Insight Development Grant – Access to Justice in Ontario (2014-16)
Dean’s Distinguished Visiting Fellowship – Washington Univ. of St. Louis Law School (2015)
Tory Business Law Fund Grant (2013-14)
Connaught New Researcher Grant (2012-14)
Harry A. Bigelow Fellowship (2009-11)
Harvard Economics Department, Dissertation Grant (2009)
Harvard Economics Department, Travel Grant (2006)
Frank Knox Memorial Fellowship, Harvard University (2003-09)

AWARDS

Mewett Teaching Award - University of Toronto Faculty of Law (2017)
Clifford Chance Best Paper award – NIPS Machine Learning & the Law symposium (2016)
University of Toronto, Early Career Teaching Award (2016)
Harvard College, Certificate of Undergraduate Education Award (2007, 2008)
Outstanding Teacher Award, Dept of Economics & Commerce, Univ. of Melbourne (2003)