

ROBERT E. SCOTT PUBLICATION LIST

Books and Book Chapters:

CONTRACT LAW AND THEORY, CAROLINA ACADEMIC PRESS (6th ed. 2023)
(with Jody P. Kraus).

A Joint Maximization Theory of Contract and Regulation, in RESEARCH HANDBOOK ON PRIVATE LAW THEORY 22, Elgar Pub. (2020).

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THE THREE AND A HALF MINUTE TRANSACTION: BOILERPLATE AND THE LIMITS OF CONTRACT DESIGN, Univ. Chicago Press (2013) (with Mitu Gulati).

CONTRACT LAW AND THEORY, Lexis Pub., (5th ed., 2013) (with Jody S. Kraus).

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THE LIMITS OF LEVIATHAN – CONTRACT THEORY AND THE ENFORCEMENT OF INTERNATIONAL LAW, Cambridge Univ. Press, (2006) (with Paul B. Stephan).

PAYMENT SYSTEMS AND CREDIT INSTRUMENTS, Foundation Press, (2d ed., 2007) (with Clayton P. Gillette & Alan Schwartz).

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Contractual Landmines, 41 Yale J. Reg. 307 (2024) (with Stephen Choi & Mitu Gulati).

Contract Production in M&A Markets, 171 U. Pa. L. Rev. 1881 (2023) (with Stephen Choi, Mitu Gulati & Mathew Jennejohn).

Obsolescence: The Intractable Production Problem in Contract Law, 121 Colum. L. Rev. 1659 (2021) (with Alan Schwartz).

What Do Lawyers Contribute to Law and Economics?, 38 Yale J. on Reg. 707 (2021)
(with George Triantis).

The Case Against Equity in American Contract Law, 93 S. Cal. L. Rev. 1323 (2020)
(with Jody Kraus).

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*Anticipating Venezuela's Debt Crisis: Hidden Holdouts and the Problem of Pricing
Collective Action Clauses*, 100 B.U. L. Rev. 253 (2020) (with Mitu Gulati &
Stephen Choi).

Can Restitution Save Spiderless Networks, 8 Harv. Bus. L. Rev. 1 (2018)
(with Ariel Porat).

Variation in Boilerplate: Rational Design or Random Mutation?, 20 Am. L. & Econ. Rev.
1 (2018) (with Mitu Gulati & Stephen Choi).

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The Common Law of Contract and the Default Rule Project, 102 Va. L. Rev. 1523 (2016)
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From Contract to Status: Collaboration and the Evolution of Novel Family Forms, 115
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(with Darius Palia).

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The Death of Contract Law, 54 U. of Toronto L. J. 369 (2004) (Wright Memorial Lecture).

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Bargain*, 75 Va. L. Rev. 155 (1989) (with Thomas Jackson).

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Through Bankruptcy with the Creditors' Bargain Heuristic, 53 U. Chi. L. Rev. 690
(1986) (review essay).

*Error and Rationality in Individual Decisionmaking: An Essay on the Relationship
Between Cognitive Illusion and the Management of Choice*, 59 S. Cal. L. Rev. 329
(1986).

The Limits of Expanded Choice: An Analysis of the Interactions Between Express and Implied Contract Terms, 73 Calif. L. Rev. 261 (1985) (with Charles Goetz).

The Mitigation Principle: Toward a General Theory of Contractual Obligation, 69 Va. L. Rev. 967 (1983) (with Charles Goetz).

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Enforcing Promises: An Examination of the Basis of Contract, 89 Yale L. J. (1980) (with Charles Goetz).

Measuring Sellers Damages: The Lost Profits Puzzle, 31 Stan. L. Rev. 323 (1979) (with Charles Goetz).

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Work in Progress:

THE CONTRACT PRODUCTION PARADOX (working draft) (with Mitu Gulati & Stephen Choi).

Commercial Boilerplate: A Review and Research Agenda, (forthcoming Am. Rev. L. & Soc. Sci. (2024).

Comparing Agency Costs in Contract Production: Private Equity M&A versus Corporate and Sovereign Bonds, 173 Case W. L. Rev. --- (2024).

INNOVATION AND CONTRACT: ADAPTABILITY AND COLLABORATION IN AN UNCERTAIN WORLD, Cambridge U. Press, (forthcoming 2021) (with Ronald Gilson & Charles Sabel).