

Dr. Yifat Naftali Ben Zion

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CURRENT POSITION

HARVARD LAW SCHOOL, *Program on Corporate Governance*, Fellow

TEL-AVIV UNIVERSITY, FACULTY OF LAW, Assistant Professor (as of July 2024)

EDUCATION AND AWARDS

- 2022-Today The TAU presidential excellence scholarship, **Postdoctoral Scholarship**
- 2021-2022 NYU POLLACK CENTER FOR LAW & BUSINESS, research scholarship (renounced)
TEL AVIV UNIVERSITY, Fischer Center for Corporate Governance & Capital Markets Regulation, **Research Fellow & Academic Manager**
- 2020-2021 THE HEBREW UNIVERSITY OF JERUSALEM, The Sacher Institute for Legislative Research and Comparative Law, **Postdoctoral Scholarship**
THE HEBREW UNIVERSITY OF JERUSALEM, Mishael Cheshin postdoctoral scholarship (renounced)
- 2019-2020 TEL AVIV UNIVERSITY, Edmond J. Safra Center for Ethics, **Postdoctoral Scholarship**
- 2016-2020 TEL AVIV UNIVERSITY, Zvi Meitar Center for Advanced Legal Studies, **PhD** Dissertation: “*How concepts of fiduciary duties shape private law: On Legal Theory, Case law and in between*”; Supervisor: Prof. Hanoch Dagan (Awarded 21/7/2020)
- 2019 Excellence Grant, Aaron and Miriam Gutwirth Scholarships
- 2016-2018 Academic merit research scholarship, The Zvi & Ofra Meitar Family Fund
- 2013-2014 UNIVERSITY COLLEGE LONDON, Faculty of Law, **LLM (with distinction)**
Thesis (graded distinction): “*Restitution for Breach of Contract in Light of Attorney General v Blake*”; Supervisor: Prof. Robert Chambers
- 2006-2010 THE HEBREW UNIVERSITY OF JERUSALEM, Faculty of Law & Faculty of Social Sciences, **LLB, Law & International Relations (Cum laude)**
- 2008-2009 Placed on Dean’s List as outstanding student
- 2007-2008 Placed on Dean’s List as outstanding student
Judge Tebby Miller Prize for outstanding students in joint programs

PROFESSIONAL EXPERIENCE

- 2019-2022 TEL AVIV UNIVERSITY, **Adjunct Faculty** (Restitution of Unjust Enrichment; Pre-seminar in commercial & Private law (LLB); Advance seminar in commercial & Private law (LLM students))
- 2016-2018 TEL AVIV UNIVERSITY, **Teaching Assistant** (Property Law; Constitutional Law)
- 2012-2015 CENTRAL REGION DISTRICT COURT, **Judicial Assistant**, the President of the court (Judge Hila Gerstel; Judge Abraham Tal) & Judge Prof. Ofer Grosskopf
- 2012-2013 BAR ILAN UNIVERSITY, **Research Assistant** to Prof. Ariel Bendor
- 2012 CARMEL ACADEMIC CENTRE, **Research Assistant** to Dr. Gershon Guntovnik
- 2011-2012 BOAZ BEN ZUR & CO., LAW OFFICE, **Legal Associate** (Civil litigation)
- 2010-2011 DR J. WEINROTH & CO., LAW OFFICE, **Legal Intern** (Civil litigation)

2009-2010 THE HEBREW UNIVERSITY, **Research Assistant** to Prof. Ruth Gavison
 2008-2010 STATE ATTORNEY, High Court of Justice Department, **Pre-Intern**
 2008 MINISTRY OF JUSTICE, Office of Director General, **Project Manager**

SELECTED CONFERENCE PARTICIPATION & PRESENTATION

2024 The Harvard Law School Corporate Governance Roundtable, June 2024, **Participation**
 Harvard Law School PCG workshop, **Presentation:** “*Ethical Investments*”

2023 Oxford Studies in Private Law Theory Workshop, Max Planck Institute for Comparative and International Private Law, Hamburg, **Presentation:** “*The Underlying Conceptions of Fiduciary Law*”
 International Fiduciary Law Conference, Heinrich Heine University, Düsseldorf, **Presentation:** “*Could Legal Misinterpretation Destroy the Planet? Fiduciary Duties of Institutional Investors?*”
Book Launch: FIDUCIARY LAW FROM A COMPARATIVE PERSPECTIVE (with Prof. Nili Cohen; Supreme Court Justice Ofer Grosskopf; Prof. Assaf Hamdani & Dr. Sharon Shakargy as commentators)
 Gala: Markets, Ethics and the Law, Safra Center for Ethics, TAU, **Presentation:** “*Could Legal Misinterpretation Destroy the Planet? Fiduciary Duties of Institutional Investors?*”; **Commenting** on Tom Kohavi, “Structural Injustice and Private Law”
 The Harvard Law School Corporate Governance Roundtable, June 2023, **Participation**
 Harvard Law School Private law workshop, **Presentation:** “*Good Faith & Loyalty*”
 Book Event, The Program on the Foundations of Private Law, Harvard Law School, **Commenting** on Rob Stevens, THE LAWS OF RESITUTION

2022 Tel Aviv University, invited talk (for undergraduate students) “*Look Up: Institutional Investors and Socially Responsible Investing*”
 TAU Corporate Law Workshop 2021-2022, **Presentation:** “*Look Up: Institutional Investors and Socially Responsible Investing*”
 ESG Workshop, Tel Aviv University, **Presentation:** “*ESG & Fiduciary Duties of Institutional Investors?*”
 Directors Responsibilities & Corporate Opportunities conference, Tel Aviv University, **Open panel discussion** (with Sharon Hannes, Maya Sabari & Dan Shamgar)
 Annual Fiduciary Law Workshop, Brooklyn Law School, **Presentation:** “*Good Faith & Loyalty: Reimagining Civilian Contracts from a Fiduciary Law Perspective*”
 Activism & Institution Investors Conference, The Hebrew University of Jerusalem, **Commenting** on Kobi Kastiel & Assaf Eckstein, “Appointment of directors: theory, policy, empirical evidence”
 TAU Private Law Theory Workshop, **Presentation:** “*Notorious spies, Contracts & Loyalty*”
 Book Event, Safra Center for Ethics, **Commenting** on Martijn Hesselink, JUSTIFYING CONTRACT IN EUROPE: POLITICAL PHILOSOPHIES OF EUROPEAN CONTRACT LAW
 Amsterdam Centre for Transformative Private Law (ACT) Seminar, **Presentation:** “*Good Faith and Loyalty: Reimagining Civilian Contracts from a Fiduciary Law Perspective*”

2021 The 6th Annual TAU Workshop: Legal Change in Revolutionary Times, **Presentation:** “*Good Faith and Loyalty: Reimagining Civilian Contracts from a Fiduciary Law Perspective*”
 The fifth annual conference of the Israeli forum for Contract Law, Zefat Academic College, **Presentation:** “*Good Faith and Loyalty: European Contracts from a Fiduciary Law Perspective?*”

- Private & Commercial Law Workshop, The Hebrew University of Jerusalem, **Presentation:** “*Good Faith & Loyalty: Reimagining European Contracts from a Fiduciary Law Perspective*”
- Global Seminar in Private law theory, organized by Prof. Lionel Smith, McGill University, **Presentation:** “*Two Sides of the Same Coin: Revealing the Underlying Perceptions of Fiduciary Law*”
- 2020 Bar-Ilan university, invited talk (for undergraduate students), **Presentation:** “*The Goals of Contract Interpretation: Which Way We Ought to Go When We Care Where We Want to Get*”
- The Junior Scholars Workshop, The Hebrew University of Jerusalem, **Presentation:** “*Moving on the Continuum of Loyalty: From Standard Towards Rules*”
- The 2020 Fiduciary Law Workshop (Brooklyn Law School), **Presentation:** “*Where you stand depends on where you sit*”, postponed due to coronavirus
- The 2020 NYU/TAU Corporate Law Conference, **Presentation:** “*How Concepts of Fiduciary Duties Shape Private Law: The Case of Corporate Opportunity Doctrine*”
- 2019 European University Institute (EUI) Junior Scholars Workshop: Challenges of Global Private Law Theoretical Perspectives, **Presentation:** “*Fiduciary Duties of Lawyers: Protecting Economic Interests of Clients or Preserving the Administration of Justice?*”
- The 5th Annual TAU Workshop for Junior Scholars in Law: Rethinking Law and Boundaries, **Academic Organizer**
- Amsterdam Centre for European Studies, CSECL International Summer School: Frontiers of Private Law and its Theory, **Presentation:** “*Two Sides of The Same Coin: How Fiduciary Concept Shaped Private Law: The Case of Corporate Opportunity Doctrine*”
- 2018 The TAU Private Law & Theory Forum, **Presentation:** “*Divergence in Fiduciary Law: Corporate Law and the Duty of Loyalty*”
- 2017 The TAU Private Law & Theory Forum, **Presentations:** “*A Pluralistic Approach to Contract Interpretation*”; “*Restitution of Wrongful Profits*”
- The Annual TAU Workshop for Junior Scholars: Law in A Changing Society, **Chair**
- 2016 The TAU Private Law & Theory Forum, **Presentation:** “*Fiduciary duties: Towards a Unified Theory*”

PROFESSIONAL DEVELOPMENT

- 2023-2024 Editor, The Harvard Law School Forum on Corporate Governance
- 2023 Referee of article for Law and Business (*Mispath ve Assakim*).
- 2013-2014 Judges, Courts & Judicial Decision-Making Course, **Participation**, LLM Supreme Court Moot; Excellence Prize for best judicial questioning by Sir Anthony Hooper
- The High Court of Justice, London, **Marshalling**, Hon. Justice Robert Jay
- 2008-2009 Migrants’ Rights Workshop (A collaboration of The Hebrew University of Jerusalem; American University in Cairo & Georgetown University), **Contributor**, “*International Migrants Bill of Rights*” 7 GEORGETOWN LAW STUDENT SERIES (2010)
- 2007-2008 The Clinical Legal Education Center Program, Faculty of Law of the Hebrew University of Jerusalem, **Pre-Intern**, The NGO “Rabbis for Human Rights”

BAR ADMISSION AND MEMBERSHIP

- 2011 Admitted to the Israeli Bar Association

VOLUNTEERING ACTIVITY

2011-2019 TOPAZ – Leading Social Innovations, **Pro-bono Legal advisor**
2009 BRIT OLAM – INTERNATIONAL VOLUNTEERING AND DEVELOPMENT, **Volunteer**,
Educational support to children from destitute families in Kampala, Uganda

PUBLICATIONS

Revealing the Underlying Perceptions of Fiduciary Law, [III OXFORD STUDIES IN PRIVATE LAW THEORY](#) (Paul B Miller & John Oberdiek eds., Oxford University Press, forthcoming 2024)

Good Faith & Loyalty, 98 TUL. L. REV. (forthcoming 2023-2024)

Cleaning up the Corporate Opportunity Doctrine Mess: A First Principles Approach, 80(4) WASH. & LEE L. REV. 1609 (2023)

Look Up: Institutional Investors and Socially Responsible Investing, TAU LAW REVIEW (forthcoming 2024)

Moving on the Continuum of Loyalty: From Standard Towards Rules, 35(1) CANADIAN JOURNAL OF LAW AND JURISPRUDENCE 187 (2022).

[FIDUCIARY LAW FROM A COMPARATIVE PERSPECTIVE: ON LEGAL THEORY, CASE LAW AND IN BETWEEN](#) (2022, The Harry and Michael Sacher Institute for Legislative Research and Comparative Law, Jerusalem, 350 pages) (Book, Hebrew)

The Goals of Contract Interpretation: Which Way We Ought to Go When We Care Where We Want to Get, in ESSAYS ON CONTRACT IN HONOR OF GABRIELA SHALEV 507 (Aharon Barak, Yehuda Adar & Efi Zemach eds., 2020) (With Ofer Grosskopf) (Hebrew)*

Tafasta Merube Lo Tafasta? On Legal Norms, Procedural Mechanisms and Judicial Review in Corporate Law, in ESSAYS IN HONOR OF YORAM DANZIGER 133 (Limor Zer-Gutman & Ido Baum eds., 2019) (With Ofer Grosskopf) (Hebrew)†

Other

Ethical Investments, HARVARD LAW SCHOOL FORUM ON CORPORATE GOVERNANCE (May 2024) (available at <https://corpgov.law.harvard.edu/2024/05/29/ethical-investments-correcting-erisas-misinterpretation/>).

Who got it right, Eynat Guez or Dovi Frances? THEMARKER (Feb. 2023), <https://www.themarker.com/blogs/2023-02-20/ty-article/.premium/00000186-69ca-d3ca-a3e7-efdb29d00000>

Work in progress:

“Notorious spies, Contracts & Trust” (Advanced draft, planned submission fall 2023)

“[Ethical Investments](#)” (May 15, 2024). Available at SSRN.

“Academic Writing & Judicial Decision Making” (work in progress)

“Agency Benefits” (with Omer Peled) (work in progress)

“Fiduciary Duties of Lawyers: Protecting Economic Interests or Preserving Justice?” (work in progress)

“American Good faith” (work in progress)

* The article was cited and applied by the Israeli Supreme Court in CA 7649/18 **Bibi Roads Development Ltd. v. Israel Railways Ltd.** (20.11.2019) and many decisions which followed it.

† The article was cited by the Israeli Supreme Court in CA 7657/17 **Berdichev v. Feuchtinger** (18.6.2020) and applied in CA 8762/20 **Atzmon v. Nestle** (9.12.2021).