

DANIEL M. KLERMAN

January 17, 2025

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Employment

Edward G. Lewis Professor of Law and History, USC Law School, 2017-
Charles L. and Ramona I. Hilliard Professor of Law and History, USC law
School, 2007-17
Associate Dean for Academic Affairs, USC Law School, 2009-11
Professor of Law and History, USC Law School, 2001-6
Associate Professor, USC Law School, 1998-2001
Assistant Professor, University of Chicago Law School, 1995-1998
Law Clerk, Justice Stevens, U.S. Supreme Court, 1993-94
Law Clerk, Judge Posner, Seventh Circuit Court of Appeals, 1992-93

Visiting Professorships

Visiting Professor, Hebrew University, Spring 2024
Sichuan University, Summer 2018, 2023
Invited Professor, University of Paris II (Panthéon-Assas), Summer 2022
Austin Wakeman Scott Visiting Professor, Harvard Law School, Fall 2013
Visiting Professor, Tel Aviv University Faculty of Law, March 2012
Visiting Professor, California Institute of Technology, Winter 2003, 2005,
2006, 2007, 2008
Visiting Professor, Interdisciplinary Center Herzliya, Israel, May-June
2000 and December 2000-January 2001
Visiting Assistant Professor, Stanford Law School, 1997-1998

Education

University of Chicago Department of History, Ph.D. 1998
Dissertation: Private Prosecution of Crime in Thirteenth-Century England
University of Chicago Law School, J.D. 1991
High Honors, Order of the Coif
Staff, *University of Chicago Law Review*
Yale University, B.A. 1988
summa cum laude, Phi Beta Kappa
Distinction in two majors: History; Mathematics and Philosophy

Fellowships, Grants, Honors, and Prizes

Fulbright Senior Scholar, Hebrew University, Jerusalem, 2024
Visiting Scholar, Becker Friedman Institute, University of Chicago, 2024
Taiwan Ministry of Science and Technology, “Theoretical, Empirical, and Policy Analyses of Settlement,” (2,930,00 NTD, which is about \$93,000) (with Yun-chien Chang) (MOST 108-2410-H-001-063-MY3)
USC Office of Research grant for Southern California Empirical Legal Studies group, 2014-15 (with Jeb Barnes)
USC Law School, Student Bar Association (SBA) Faculty Appreciation (“Outstanding Professor”) Award, 2013-14
USC Advancing Scholarship in the Humanities and Social Sciences Initiative grant, 2007-8
Gabriel and Matilda Barnett Summer Professorship, USC Law and Business Schools, 2006, for support of research in law & economics
Sutherland Prize, American Society for Legal History, 2004, for the best article in English legal history
David Yale Prize, Selden Society, 2001, for distinguished contribution to the history of the laws and legal institutions of England and Wales
Olin Fellow, USC Law School, January 1998
Fulbright Fellow, London, England, 1994-95
National Science Foundation, Law and Social Science Program, Doctoral Dissertation Research Grant, 1994-95
Social Science Research Council, International Doctoral Research Fellowship, 1994-95
Caspar Platt Award, University of Chicago Law School, 1991, for the outstanding paper written by a law student
Bradley Fellowship in Legal History, University of Chicago Law School, 1989-90
Century Fellowship, University of Chicago, Division of Social Sciences, 1988-92
Andrew D. White Prize, Yale University, 1988, for the best senior essay in European history

Publications (more significant articles marked with an asterisk)

“The Selection of Disputes” at Forty, Yale Journal on Regulation (forthcoming) (with Alex Lee)
Efficiency & Diversity A Comment on Yun-Chien Chang, Property Law: Comparative, Empirical, and Economic Analyses, Jerusalem Review of Legal Studies (forthcoming)
Personal Property Servitudes Revisited, 99 Tulane Law Review 345-395 (2024) (with Stefan Bechtold)
Contingent Fees and Access to Justice, 102 Washington University Law

- Review Online 1-22 (2024) (with Eric Helland)
- **Law Matters—Less Than We Thought*, 40 *Journal of Law, Economics & Organization* 108-128 (2024) (with Holger Spamann)
- Bias in Choice of Law: New Empirical and Experimental Evidence*, 179 *Journal of Institutional and Theoretical Economics* 32-50 (2023)
- **Settlement Around the World: Settlement Rates in the Largest Economies*, 14 *Journal of Legal Analysis* 80-175 (2022) (with Yun-chien Chang)
- The Transformation of the Art Market: Law, Norms and Institutions*, 23 *Theoretical Inquiries in Law* 219-41 (2022) (with Anja Shortland)
- Reputational Economies of Scale*, 65 *International Review of Law & Economics* ___ (2021) (with Miguel de Figueiredo)
- Comment on Brady, Evans & Wehrly, Reputational Penalties for Environmental Violations: A Pure and Scientific Replication Study*, 63 *International Review of Law & Economics* ___ (2020) (forthcoming)
- Posner and Class Actions*, 86 *University of Chicago Law Review* 1097-1115 (2019)
- Forum Selling Abroad*, 92 *Southern California Law Review* 487-559 (2019) (with Jens Frankenreiter and Stefan Bechtold)
- **Litigation and Selection with Correlated Two-Sided Incomplete Information*, 20 *American Law and Economics Review* 382-459 (2018) (with Yoon-Ho Alex Lee and Lawrence Liu)
- Quantitative Legal History*, in *Oxford Handbook of Legal History*, ed. Markus Dubber and Christopher Tomlins (2018)
- Maybe There Is No Bias in the Selection of Disputes for Litigation*, 174 *Journal of Institutional and Theoretical Economics* 143-70 (2018) (with Eric Helland and Alex Lee)
- Contingent Fee Litigation in New York City*, 70 *Vanderbilt Law Review* 1971-1992 (2017) (with Eric Helland, Brendan Dowling, and Alexander Kappner)
- Economics of Legal History*, in *Oxford Handbook of Law & Economics*, ed. Francesco Parisi (2017)
- Abbreviated version published as *Introduction to Economics of Legal History*, ed. Daniel Klerman, in *Economic Analysis of Law* series, eds. Francesco Parisi and Richard Posner (Elgar Publishing, 2015)
- Related book chapter published as *Economic Analysis of Legal History in Methodologies of Law & Economics*, ed. Thomas Ulen (Elgar Publishing, 2017)
- Takings, Fiscal Illusion, and the Median Voter*, 173 *Journal of Institutional and Theoretical Economics (JITE)* 71-76 (2017) (comment on article by Urs Schweizer)
- Forum Selling and Domain-Name Disputes*, 48 *Loyola University Chicago Law Journal* 561-84 (2016) (Symposium on judicial decisionmaking)

- Abbreviated version published in *Los Angeles Daily Journal*, August 23, 2016, p. 6.
- Abbreviated version published in *San Francisco Daily Journal*, August 23, 2016, p. 6
- The Priest-Klein Hypotheses: Proofs and Generality*, 48 *International Review of Law and Economics* 59-76 (2016) (with Alex Lee)
- **Forum Selling*, 89 *Southern California Law Review* 241-316 (2016) (with Greg Reilly)
- Economics of Legal History*, ed. Daniel Klerman, in *Economic Analysis of Law* series, eds. Francesco Parisi and Richard Posner (Elgar Publishing, 2015)(reprint collection)
- Inside the Caucus: An Empirical Analysis of Mediation from Within*, 12 *Journal of Empirical Legal Studies* 686-715 (2015) (with Lisa Klerman)
- The Economics of Civil Procedure*, 11 *Annual Review of Law & Social Science* 353-71 (2015)
- Jurisdiction, Choice of Law, and Property*, in *Law and Economics of Possession*, ed. Yun-chien Chang (Cambridge University Press, 2015)
- Walden *v. Fiore and the Federal Courts: Rethinking FRCP 4(k)(1)(A) and Stafford v. Briggs*,” 19 *Lewis and Clark Law Review* 713-24 (2015) (Symposium on Personal Jurisdiction)
- **Inferences from Litigated Cases*, 43 *Journal of Legal Studies* 209-48 (2014) (with Alex Lee)(lead article)
- Chinese translation in Thomas Miles, Yun-chien Chang, and Jinhua Chen (editors), *An Empirical Legal Studies Reader: International Perspectives*. Beijing, China: Contemporary China Publishing House (2024)
- **Rethinking Personal Jurisdiction*, 6 *Journal of Legal Analysis* 245-303 (2014)
- Economic Analysis of Subject Matter Jurisdiction Waiver: A Response to Professor Buehler*, 89 *Washington Law Review Online* 1 (2014)
- Reading, Writing, and Questions in Advance: Teaching English Legal History*, 53 *American Journal of Legal History* 466 (2013) (Symposium on Teaching Legal History)
- Reprinted in *Teaching Legal History: Comparative Perspectives* (Wildy, Simmonds & Hill, London, 2014)
- **Personal Jurisdiction and Product Liability*, 85 *Southern California Law Review* 1551-1596 (2012)
- **The Selection of Thirteenth-Century Disputes for Litigation*, 9 *Journal of Empirical Legal Studies* 320-46 (2012)
- Reprinted in *Economics of Legal History*, ed. Daniel Klerman, in *Economic Analysis of Law* series, eds. Francesco Parisi and Richard Posner

- (Elgar Publishing, 2015)
- **Legal Origin or Colonial History?*, 3 *Journal of Legal Analysis* 379-409 (2011)
 (with Paul Mahoney, Holger Spamann, and Mark Weinstein)
 Chinese translation in Thomas Miles, Yun-chien Chang, and Jinhua Chen (editors), *An Empirical Legal Studies Reader: International Perspectives*. Beijing, China: Contemporary China Publishing House (2024)
- Corruption and Private Law Enforcement: Theory and History*, 6 *Review of Law & Economics* 75-96 (2010) (with Nuno Garoupa)
- Review of *Trial by Jury: The Seventh Amendment and Anglo-American Special Juries*, by James Oldham, 27 *Law and History Review* 215 (2009)
- Review of *A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France*, by Amalia Kessler, 69 *Journal of Economic History* 601-2 (2009)
- The Emergence of English Commercial Law: Analysis Inspired by the Ottoman Experience*, 71 *Journal of Economic Behavior and Organization* 638-646 (2009)
 Reprinted in *Customary Law*, eds. Lisa Bernstein and Francesco Parisi (Elgar Publishing forthcoming 2014)
- Rape: English Common Law*, 5 *Encyclopedia of Legal History* 67-69 (Oxford University Press 2009)
- Review of *Law Courts and Lawyers in the City of London, 1300-1550*, by Penny Tucker, 26 *Law and History Review* 738 (2008)
- **Jurisdictional Competition and the Evolution of the Common Law*, 74 *University of Chicago Law Review* 1179 (2007)
 Reprinted in *Economics of Legal History*, ed. Daniel Klerman, in *Economic Analysis of Law* series, eds. Francesco Parisi and Richard Posner (Elgar Publishing, 2015)
- Legal Origin?*, 35 *Journal of Comparative Economics* 278-293 (2007) (with Paul Mahoney)
- Legal Infrastructure, Judicial Independence, and Economic Development*, 19 *Pacific McGeorge Global Business & Development Law Journal* 427-34 (2007)
 Chinese translation in E. Xiang Wan and Jing Liu, eds.,
 《国家民商审判评论》(人民法院出版社) (*Review of Chinese Civil and Commercial Adjudication*) 404-12 (People's Court Press, 2006)
 Reprinted in *Judicial Independence and Accountability: A Debate*, ed. P. Sabiha Khanum (Amicus Books 2008)
- Trademark Dilution, Search Costs, and Naked Licensing*, 74 *Fordham Law Review* 1759-73 (2006)
 Reprinted in *Trademark Dilution: Applications and Implications*, ed. A.V. Narsimha Rao (Amicus Books, 2008)

**The Value of Judicial Independence: Evidence from Eighteenth-Century England*, 7 *American Law & Economics Review* 1-27 (2005) (with Paul Mahoney)
 Reprinted in *The Economics of Judicial Behavior*, ed. Lee Epstein (Elgar Publishing 2013)
 Reprinted in *Economics of Legal History*, ed. Daniel Klerman, in *Economic Analysis of Law* series, eds. Francesco Parisi and Richard Posner (Elgar Publishing, 2015)
 Condensed and reprinted in Paul Brand, Kevin Costello & W.N. Osborough eds. *Adventures of the Law: Proceedings of the Sixteenth British Legal History Conference, Dublin 2003* (Four Courts Press, 2005), 139-60.
And Wretches Hang? Review of *Law, Crime and English Society, 1660-1830*, ed. Norma Landau, 16 *Yale Journal of Law and Humanities* 405 (2004)
 Review of *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseilles, 1264-1423*, by Daniel Lord Smail, 22 *Law and History Review* 645 (2004)
Corruption and the Optimal Use of Nonmonetary Sanctions, 24 *International Review of Law & Economics* 219-25 (2004) (with Nuno Garoupa)
Jurisdictional Competition and the Evolution of the Common Law: A Hypothesis, 77 *Australian Journal of Legal History* 1-19 (2004)
 Revised version published in Anthony Musson, ed., *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe* (Ashgate Publishing, 2005), 149-68.
 Review of *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt*, by Anthony Musson, 78 *Speculum* 442 (2003)
 Review of *The Fee Tail and the Common Recovery in Medieval England, 1176-1502*, by Joseph Biancalana, 35 *Albion* 271 (2003)
 **Was the Jury Ever Self-Informing?*, in Maureen Mulholland and Brian Pullan, eds., *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History*, vol. 1 (Manchester University Press, 2003)
 Revised and reprinted in 77 *Southern California Law Review* 123-50 (2003)
Statistical and Economic Approaches to Legal History, 2002 *University of Illinois Law Review* 1167
Women Prosecutors in Thirteenth-Century England, 14 *Yale Journal of Law and Humanities* 271 (2002)
A Look at California Juries: Participation, Shortcomings, and Recommendations (ATRA 2002)
Optimal Law Enforcement with a Rent-Seeking Government (with Nuno Garoupa), 4 *American Law and Economics Review* 116 (2002)
 Review of *The Common Law Mind*, by J.W. Tubbs, 33 *Albion* 276 (2001)
 **Settlement and the Decline of Private Prosecution in Thirteenth-Century England*, 19 *Law and History Review* 1 (2001)
 Review of *Women Waging Law in Elizabethan England*, by Tim Stretton, 27 *Ius*

Commune 502 (2000)
Review of *The Criminal Trial in Later Medieval England*, by J.G. Bellamy, 31 *Albion* 273 (1999)
Non-Promotion and Judicial Independence, 72 *Southern California Law Review* 455 (1999)
Reprinted in *The Economics of Judicial Behavior*, ed. Lee Epstein (Elgar Publishing, 2013)
Review of *Courts, Counties, and the Capital in the Later Middle Ages*, ed. Diana E.S. Dunn, 17 *Law and History Review* 173 (1999)
Review of *The Earliest English Law Reports*, by Paul Brand, 16 *Law and History Review* 595 (1998)
Settling Multidefendant Lawsuits: The Advantage of Conditional Setoff Rules, 25 *Journal of Legal Studies* 445 (1996)
An Economic Analysis of Mary Carter Settlement Agreements, 83 *Georgetown Law Journal* 2215 (1995) (with Lisa Bernstein)
Earth First? CERCLA Reimbursement Claims and Bankruptcy, 58 *University of Chicago Law Review* 795 (1991)

Select Recent Presentations

Comment on Jessica Bregant, Jennifer K. Robbennolt, & Verity Winship, “Settlementality,” Conference on Empirical Legal Studies, Emory University, November 9, 2024
Comment on Peter Grayzl & Peter Murrell, “Measuring Institutional Innovation: Recombinant Novelty in Early-Modern English Caselaw,” Conference on Empirical Legal Studies, Emory University, November 8, 2024
Comment on Matthew Kim, “The Elected Judge,” Conference on Empirical Legal Studies, Emory University, November 8, 2024
“The Selection of Disputes’ at Forty,” *Law and Markets: A Conference on Themes in the Work of George Priest*, Yale Law School, September 6, 2024 (with Alex Lee)
“Out-of-State Bias: Judicial Reactions,” NYU-IJA New Appellate Judges Seminar, July 17, 2024
“Diversity Jurisdiction and Out-of-State Bias: Experimental Evidence,” Annual Meeting, Society for Institutional & Organizational Economics (SIOE), University of Chicago, June 27, 2024
“Diversity Jurisdiction and Out-of-State Bias: Experimental Evidence,” Annual Conference, Israeli Law & Economics Association (ILEA), Hebrew University, Jerusalem, Israel, June 20, 2024
“Diversity Jurisdiction and Out-of-State Bias: Experimental Evidence,” Faculty Workshop, Faculty of Law, Bar Ilan University, Ramat Gan, Israel, June 17, 2024

Efficiency & Diversity: A Comment on Yun-chien Chang, *Property Law: Comparative, Empirical, and Economic Analysis*, Book Symposium, Hebrew University, Jerusalem, June 14, 2024 (by zoom)

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” BSE Workshop in Law and Economics, Barcelona School of Economics, Spain, June 6, 2024

“Diversity Jurisdiction and Out-of-State Bias: Experimental Evidence,” Law School, Universitat Pompeu Fabra, Barcelona, Spain, May 30, 2024

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” Law School, Free University of Berlin, Germany, May 1, 2024

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” School of Economics and Business, University of Ljubljana, Slovenia, April 18, 2024

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” Faculty of Law, Charles University, Prague, Czech Republic, April 16, 2024

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” Law, Economics, and Empirical Studies Workshop, Hebrew University, Jerusalem, Israel, March 12, 2024

“Diversity Jurisdiction and Out-of-State Bias: Experimental Evidence,” Law & Economics Workshop, Tel Aviv University, March 6, 2024

“Personal Property Servitudes Revisited,” Law & Economics Society, University of Chicago Law School, February 27, 2024

“Diversity Jurisdiction and Out-of-State Bias: Experimental Evidence,” Law & Economics Workshop, University of Chicago Law School, January 9, 2024

“Diversity Jurisdiction and Out-of-State Bias: An Experiment,” Center for Law & Economics, ETH Zurich, November 29, 2023

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” Business Law Workshop, Oxford University, November 8, 2023

“Diversity Jurisdiction and Out-of-State Bias: An Experiment,” LawEcon Seminar, University of Bonn, Germany, November 2, 2023

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” European Association for Law & Economics (EALE) Annual Meeting, Berlin, Germany, September 22, 2023

“Diversity Jurisdiction and Out-of-State Bias: An Experiment,” Faculty Workshop, Cornell Law School, August 25, 2023

“Legal Origin from Outer Space (and on Foot): A Geographic Regression Discontinuity Approach,” NBER Law & Economics Summer Institute, July 26, 2023

- “Legal Origin from Outer Space (and on Foot),” KoGuan Law School, Shanghai Jiao Tong University, July 9, 2023
- “Legal Origin: A Geographic Regression Discontinuity Approach,” American Law & Economics Association annual meeting, Boston University Law School, June 17, 2023
- “Diversity Jurisdiction: An Experiment,” Center for Law and Social Science (CLASS), University of Southern California, April 24, 2023
- “An Experimental Investigation into the Bias Rationale for Federal Diversity Jurisdiction,” University of Arizona QuantLaw Conference, February 17, 2023
- Comment on Pellegrina, Garoupa, & Grajzl, “Judges, Out-of-Court Rewards, and In-Court Behavior: Evidence from an Italian Legal Reform,” Conference on Empirical Legal Studies, University of Virginia, November 5, 2022
- “An Experimental Investigation into the Bias Rationale for Federal Diversity Jurisdiction,” Conference on Empirical Legal Studies, University of Virginia, November 4, 2022 (with Jonathan Nash)
- “Bias in Choice of Law: New Empirical and Experimental Evidence,” 38th International Seminar on the New Institutional Economics, Max Planck Institute for Research on Collective Goods, Stralsund, Germany, June 16, 2022
- “Legal Origin from Outer Space (and on Foot),” Law & Economics Workshop, University of Paris II Panthéon-Assas Center for Research in Law & Economics (CRED), June 7, 2022
- Comment on Simon Poux & Simona Ramos, “A Unified Framework for the Governance of the Commons with Blockchain-Based Tools: An Application to Customary Land Commons in Ghana,” Law & Economics Workshop, University of Paris II Panthéon-Assas Center for Research in Law & Economics (CRED), June 7, 2022
- “An Experimental Investigation into the Bias Rationale for Federal Diversity Jurisdiction,” Civil Procedure Workshop, Cardozo Law School, May 20, 2022 (with Jonathan Nash)
- “Settlement Rates Around the World,” Settlement in the 21st Century (conference), University of Illinois College of Law, April 1, 2022
- “Two Papers on Diversity Jurisdiction,” Faculty Workshop, University of San Diego School of Law, March 25, 2022
- “An Experimental Investigation into the Bias Rationale for Federal Diversity Jurisdiction,” Conference on Empirical Legal Studies, March 18, 2022 (with Jonathan Nash) (by zoom)
- Comment on Choi, Erickson, & Pritchard, “Coalitions among Plaintiffs’ Attorneys in Securities Class Actions,” Conference on Empirical Legal Studies, March 18, 2022 (by zoom)

- “Settlement Rates Around the World,” Annual Meeting, American Law & Economics Association, October 23, 2021 (by zoom)
- “Settlement Rates Around the World,” Summer Brown Bag Series, USC Law School, July 22, 2021 (by zoom)
- “Settlement Rates Around the World,” 8th International Meeting in Law & Economics, Economix, CNRS & Paris Nanterre, May 27, 2021 (with Yun-chien Chang) (by zoom)
- “COVID-19 and Residential Lease Renegotiation,” QuantLaw, University of Arizona Law School, May 7, 2021 (with Meirav Furth-Matzkin) (by zoom)
- “Aligning Diversity Jurisdiction With Its Bias Rationale,” Colloquium Series Workshop, Emory University School of Law, April 7, 2021 (with Jonathan Nash) (by zoom)
- “The Transformation of the Art World: Law, Norms, and Institutions” Faculty Workshop, USC Law School, March 25, 2021 (with Anja Shortland) (by zoom)
- “Aligning Diversity Jurisdiction With Its Bias Rationale,” Conference on Federal Diversity Jurisdiction, Center for Federalism and Intersystemic Governance, Emory University School of Law, March 19, 2021 (with Jonathan Nash) (by zoom)
- “Settlement Around the World,” Law & Economics Seminar, Harvard Law School, March 9, 2021 (with Yun-chien Chang) (by zoom)
- “Choice of Law and the Art World: Law, Norms, and Institutions,” ExLegi Seminar, Oxford University, February 9, 2021 (with Anja Shortland) (by zoom)
- “Art Theft and the Art Loss Register: Law, Norms & Institutions,” Departmental Seminar, Economics Subject Group, Management School, Queens University Belfast, January 22, 2021 (with Anja Shortland) (by zoom)
- “Choice of Law and the Art World,” The Global Law Market (conference), CEGLA Center, Tel Aviv University, January 3, 2021 (with Anja Shortland) (by zoom)
- “Settlement Rates Around the World,” Interdisciplinary Center, Herzliya, December 1, 2020 (by zoom)
- “Aligning Diversity Jurisdiction with its Bias Rationale,” Civil Procedure Workshop, Northwestern University, October 23, 2020 (with Jonathan Nash) (by zoom)
- “Reputational Economies of Scale,” Law, Economics and Organization Workshop, Yale Law School, October 15, 2020 (by zoom)
- “Legal Origin from Outer Space,” Law, Accounting & Business Workshop, UC Berkeley Law School, October 5, 2020 (with Miguel de Figueiredo) (by zoom)
- “Settlement Rates Around the World,” European Association of Law &

Economics, September 24, 2020 (with Yun Chien Chang) (by zoom)

“Settlement Rates Around the World,” Florida-Michigan-Virginia Virtual Law & Economics Workshop, September 16, 2020 (by zoom)

“Settlement Rates Around the World,” Lecture to 5 Brazilian institutions: Pontifical Catholic University of Rio Grande do Sul (PUCRS) (Porto Alegre), Centro Estudos Avançados de Processo (ceapro) (Sao Paulo), Mackenzie Presbyterian University (Sao Paulo), Brazilian Institute of Public Law (IDP) (Brasilia), and Pontifical Catholic University of Campinas, August 6, 2020 (with Yun-chien Chang) (by zoom)

“Aligning Diversity Jurisdiction with its Bias Rationale,” UGA-Emory Faculty Workshop, July 1, 2020 (by zoom)

“Legal Origin from Outer Space,” Society for Organizational and Institutional Economics (SIOE), Annual Meeting, June 22, 2020 (by zoom)

“A Rebuttable Complete Diversity Rule,” Brown Bag, USC Law School, June 4, 2020 (with Jonathan Nash) (by zoom)

“Law Matters – Less Than We Thought,” QuantLaw, University of Arizona School of Law, February 28, 2020

“Legal Origin from Outer Space,” Law & Economics Colloquium, University of Toronto, February 11, 2020

“Legal Fictions and Appellate Review,” Law & Literature Conference on Legal Fictions, University of Southern California

“Legal Origin from Outer Space,” Conference on Empirical Legal Studies, Claremont-McKenna College, November 15, 2019

Comment on Rok Spruk & Mitja Kovac, “Persistent Effects of Colonial Institutions on Long-Run Development: Local Evidence from Regression Discontinuity Design in Argentina,” Conference on Empirical Legal Studies, Claremont-McKenna College, November 16, 2019

“Legal Origin from Outer Space,” Law & Economics Workshop, Georgetown Law Center, October 18, 2019

“Legal Origin from Outer Space,” Law & Economics Workshop, George Mason Law School, October 17, 2019

“Contingent Fees and Access to Justice,” Faculty Workshop, University of Denver Sturm College of Law, September 4, 2019

Comment on Edward Glaeser et al., “How Does Restaurant Compliance Affect Returns to Algorithms,” NBER Law & Economics Summer Institute, July 25, 2019

“Law Matters – Less Than We Thought,” Bolch Judicial Institute, Duke Law School, June 11, 2019

“Forum Selling Abroad,” Comparative Law Work-In-Progress Workshop, University of Illinois College of Law, June 3, 2019

“Forum Selling,” Institutional & Organizational Economics Academy,

Corsica, France, May 24, 2019

Comment on Sepehr Shashahani, “The Fact-Law Distinction,” Institutional & Organizational Economics Academy, Corsica, France, May 23, 2019

“Law Matters – Less Than We Thought,” American Law & Economics Association annual meeting, NYU Law School, May 17, 2019

“Contingent Fees and Access to Justice,” Faculty Workshop, Brooklyn Law School, April 18, 2019

“Legal Origin from Outer Space,” Keynote, QuantLaw, University of Arizona Law School, March 14, 2019

“Legal Origin from Outer Space,” Faculty Workshop, USC Law School, February 28, 2019

Comment on Michael Simkovic & Miao Ben Zhang, “Measuring Regulation,” Faculty Workshop, USC Law School, February 7, 2019

“Law Matters – Less Than We Thought,” Center for Law & Social Science (CLASS) and Social Psychology Brown Bag, University of Southern California (USC), November 26, 2018

“Contingent Fees and Access to Justice,” Faculty Workshop, Notre Dame Law School, November 15, 2018

“Contingent Fees and Access to Justice,” Civil Procedure Workshop, Stanford Law School, November 9, 2018

“Contingent Fees and Access to Justice,” Center for Institutional and Behavioral Studies, Academia Sinica, Taipei, Taiwan, July 13, 2018

“Contingent Fees and Access to Justice” and “Legal Origin from Outer Space,” Sichuan University Law School, Chengdu, China, July 9, 2018

“Rules and Standards: An Experiment,” Law & Economics Seminar, Hong Kong University, July 3, 2018

“Legal Origin from Outer Space,” “Rules and Standards: An Experiment,” and “Quantitative Legal History,” Peking University Law School, June 27, 2018

“Legal Origin from Outer Space,” China University of Political Science and Law, Beijing, China, June 26, 2018

“Forum Selling Abroad,” Society for Organizational and Institutional Economics (SIOE) annual meeting, University of Montreal (joint with Jens Frankenreiter), June 22, 2018

“Contingent Fees and Access to Justice,” American Law & Economics Association Annual Meeting, Boston University Law School, May 11, 2018

Comment on Jacob Brady, Mary Evans, and Eric Wehrly, “The Reputational Penalties for Environmental Violations,” Replication Conference, Program on Empirical Legal Studies, Claremont McKenna College, April 27, 2018

Comment on Orin Kerr, “Cross-Enforcement of the Fourth Amendment,”

Faculty Workshop, USC Law School, March 22, 2018

“Contingent Fees and Access to Justice,” CLASS (Center for Law and Social Science) Workshop, USC Law School, March 19, 2018

“Contingent Fees and Access to Justice,” QuantLaw, University of Arizona Law School, March 1, 2018

“Reputational Economies of Scale,” Section on Law & Economics, American Association of Law Schools Annual Meeting, San Diego, January 3, 2018

“Maybe There is No Bias in the Selection of Disputes for Litigation,” Conference on Empirical Legal Studies (CELS), Cornell Law School, October 13, 2017

Comment on Yun-Chien Chang and William H. J. Hubbard, “Testing Litigation Selection Hypotheses with Taiwanese Court Data,” Conference on Empirical Legal Studies (CELS), Cornell Law School, October 13, 2017

“Forum Selling,” Colloquium on Forum Shopping and Third Party Litigation Funding, Pepperdine Law School, October 6, 2017

“Contingent Fee Litigation in New York City,” Law and Economics Seminar, Stanford Law School, October 5, 2017

Comment on Sean Gailmard, “Building a New Imperial State: The Strategic Foundations of Separations of Powers in the United States,” Political Economy and Public Law Conference (PEPL), USC, June 16, 2017

“Maybe There’s No Selection of Disputes for Litigation,” Seminar on Empirical Methods for the Law Seminar, sponsored by the Max Planck Institute for Research on Collective Goods and University of Bonn, Syracuse, Italy, June 8, 2017

“Litigation and Settlement under Correlated Two-Sided Incomplete Information,” American Law and Economics Association Annual Meeting, May 13, 2017 (with Alex Lee)

“Contingent Fee Litigation in New York City,” Vanderbilt Law Review Symposium on State Courts, March 31, 2017

“Contingent Fee Litigation in New York City,” Faculty Colloquium, University of Arizona Law School, February 16, 2017

“Litigation and Settlement under Correlated Two-Sided Incomplete Information,” Law & Econ Theory Conference, NYU Law School, December 2, 2016 (with Alex Lee)

Comment on Danial Asmat & Sharon Tennyson, “Tort Liability and Settlement Failure: Evidence from Litigated Auto Insurance Claims,” Conference on Empirical Legal Studies, Duke Law School, November 18, 2016

Comment on Anna Bindler & Randi Hjalmarsson, “The Fall of Capital Punishment and the Rise of Prisons: How Expected Sentences Affect

- Jury Verdicts,” Conference on Empirical Legal Studies, Duke Law School, November 18, 2016
- “Are State Courts Biased? Evidence from Choice of Law,” Columbia Law & Economics Workshop, September 12, 2016
- “Settlement and Selection with Correlated Two-Sided Asymmetric Information,” Workshop on Law & Economics, Stony Brook Center for Game Theory, July 14, 2016
- Comment on Urs Schweizer, “Efficient Compensation: Lessons from Civil Liability,” Seminar on Remedies Game, sponsored by the Max Planck Institute for Research on Collective Goods and University of Bonn, Sibiu, Romania, June 10, 2016
- “Settlement and Selection with Correlated Two-Sided Asymmetric Information,” Law & Economics Workshop, University of Bonn Graduate School of Economics and Law Faculty and the Max Planck Institute for Research on Collective Goods, Bonn, Germany, June 7, 2016
- “The Selection of Disputes for Litigation,” Law and Economics Lecture, University of Hamburg, Germany, June 1, 2016
- “Legal Fictions and Appellate Review,” Max Planck Institute for Comparative and International Private Law, Hamburg, Germany, May 31, 2016
- “Economic Analysis of Legal History,” Tilburg Law & Economics Center (TILEC), University of Tilburg, Netherlands, May 25, 2016
- “Are State Courts Biased? Evidence from Choice of Law,” American Law and Economics Association Annual Meeting, May 20, 2016
- “Arbitration Class Action Waivers: Invincible or Ephemeral?” 1st Annual ADR Symposium, USC Law School, April 15, 2016 (Lunch Keynote, Debate with Theane Evangelis)
- “Forum Selling and Domain Name Disputes,” Decisions, Decisions: Exploring Factors that Affect the Judicial Decision-Making Process, Loyola University of Chicago Law School, April 8, 2016
- “Are State Courts Biased? Evidence from Choice of Law,” Faculty Workshop, William & Mary Law School, February 25, 2016
- “The Selection of Disputes for Litigation,” Keynote Address, QuantLaw Conference. University of Arizona College of Law, February 13, 2016
- Comment on John Campbell et al., “An Experimental Method to Identify Recalcitrant Jurors,” QuantLaw Conference. University of Arizona College of Law, February 13, 2016
- “Are State Courts Biased? Evidence from Choice of Law,” QuantLaw Conference. University of Arizona College of Law, February 12, 2016
- “Forum Selling,” Judicial Behavior Seminar, University of Chicago Law School, November 4, 2015

Comment on William Hubbard, “The Empirical Effects of *Twombly* and *Iqbal*,” Conference on Empirical Legal Studies, Washington University, St. Louis, October 30, 2015

“PACER and Empirical Choice of Law Research,” NSF Workshop on Increasing Access to Federal Court Data, Penn Law School, October 9, 2015

“Forum Selling,” Law & Economics Workshop, University of Michigan Law School, September 10, 2015

Comment on Roger Michalski & Abby K. Wood, “*Twombly* and *Iqbal* at the State Level,” Faculty Workshop, USC Law School, August 27, 2015

“Forum Selling,” Judicial Behavior Workshop, Duke Law School, June 3, 2015

“Forum Selling,” American Law & Economics Association Annual Meeting, May 16, 2015

Comment on Claudine Desrieux & Roman Espinosa, “Do Employers Fear Labor Courts? Theory and Evidence from French Labor Courts,” American Law & Economics Association Annual Meeting, May 16, 2015

“Forum Selling,” Law & Economics Workshop, ETH Zurich, Switzerland, March 18, 2015

“The Selection of Disputes for Litigation,” Law & Economics Lecture, ETH Zurich, Switzerland, March 17, 2015

“Forum Selling,” Law & Economics Colloquium, Northwestern Law School, February 9, 2015

“Forum Selling,” Faculty Workshop, UNLV Law School, January 21, 2015

“Forum Selling,” Faculty Workshop, Emory Law School, November 19, 2014

Comment on Mark Rose, “Hollywood Story: *Nichols v. Universal* (1930),” Chapter 5 of *Authors in Court: Scenes in the History of Literary Property*, Southern California IP Professors’ and UCLA Entertainment, Media, and Intellectual Property Colloquium Workshop, UCLA Law School, November 16, 2014

“Inside the Caucus: An Empirical Analysis of Mediation from Within,” Conference on Empirical Legal Studies (CELS), Berkeley Law School, November 7, 2014 (with Lisa Klerman)

“Forum Selling,” Faculty Workshop, USC Law School, October 31, 2014 (with Greg Reilly)

“Inferences from Litigated Cases,” American Law & Economics Association Annual Meeting, May 8, 2014

“Inside the Caucus: An Empirical Analysis of Mediation from Within,” Negotiation & Dispute Resolution Colloquium, UCLA Law School, January 31, 2014 (with Lisa Klerman)

“Inside the Caucus: An Empirical Analysis of Mediation from Within,”

Faculty Workshop, USC Law School, January 31, 2014 (with Lisa Klerman)

“Inferences from Litigated Cases,” Law and Economics Workshop, Tel Aviv University, December 16, 2013

“Jurisdiction, Choice of Law, and the Internet,” Law & Information Technology Colloquium, Tel Aviv University, December 11, 2013

“Inferences from Litigated Cases,” Law & Economic Theory Conference, Vanderbilt Law School, December 7, 2013 (with Alex Lee)

“Rethinking Personal Jurisdiction,” Faculty Workshop, Penn Law School, November 6, 2013

“Rethinking Personal Jurisdiction,” Faculty Workshop, Harvard Law School, October 28, 2013

“Inferences from Litigated Cases,” Conference on Empirical Legal Studies, Penn Law School, October 25, 2013

Comment on Ashley Rubin, “The Declining Death Penalty in Eighteenth-Century London? The Role of Ecological Fallacy in Lenience-Based Accounts,” Conference on Empirical Legal Studies, Penn Law School, October 26, 2013

“Legal Fictions as Strategic Instruments,” Legal History Roundtable, Boston College Law School, October 3, 2013

“Inside the Caucus: An Empirical Analysis of Mediation from Within,” Law & Economics Seminar, Harvard Law School, October 1, 2013 (joint with Lisa Klerman)

“Inside the Caucus: An Empirical Analysis of Mediation from Within,” Quinnipiac-Yale Dispute Resolution Seminar, Yale Law School, September 27, 2013

“Rethinking Personal Jurisdiction,” Law & Economics Workshop, Yale Law School, September 26, 2013

“Jurisdiction, Choice of Law and Property,” Keynote Address at the 5th Law and Economic Analysis Conference, Academia Sinica, Taiwan, August 7, 2013

Comment on Tze-Shiou Chien, “Negligence as Property Rule,” 5th Law and Economic Analysis Conference, Academia Sinica, Taiwan, August 7, 2013

“Economic Analysis of Legal History,” Academia Sinica, Taiwan, August 5, 2013

“Inferences from Litigated Cases,” Southern California Empirical Legal Studies workshop, USC Law School, Jun 7, 2013

“Reputational Economies of Scale,” American Law & Economics Association Annual Meeting, May 17, 2013

“Rethinking Personal Jurisdiction,” Faculty Workshop, University of Virginia Law School, March 1, 2013

Comment on Joshua Teitelbaum, “Inside the *Blackwall* Box: Examining U.S. Marine Salvage Awards,” Conference on Empirical Legal Studies, Stanford Law School, November 10, 2012

“Rethinking Personal Jurisdiction,” Law & Economics Workshop, University of Chicago Law School, November 6, 2012

“Inferences from Litigated Cases,” DonaldFest (Conference in Honor of Donald Wittman), University of California Santa Cruz Economics Department, October 27, 2012

Comment on Ronald Wintrobe, “Adam Smith and the Buddha: Economic Logic and Zen Buddhist Logic,” DonaldFest (Conference in Honor of Donald Wittman), University of California Santa Cruz Economics Department, October 27, 2012

“Rethinking Personal Jurisdiction,” Faculty Workshop, UCLA Law School, October 19, 2012

“Personal Jurisdiction and Product Liability,” American Law & Economics Association Annual Meeting, May 18, 2012

“Personal Jurisdiction: An Economic Approach,” Law & Economics Workshop, Harvard Law School, April 17, 2012

“Personal Jurisdiction: A Pragmatic/Economic Approach,” Faculty Colloquium, Hebrew University Faculty of Law, March 28, 2012

“Personal Jurisdiction and Product Liability,” Law & Economics Workshop, Haifa University, March 20, 2012

“Personal Jurisdiction and Product Liability,” Law & Economics Workshop, Tel Aviv University, March 14, 2012

“Personal Jurisdiction and Product Liability,” Center for Law, Business, & Economics, University of Texas Law School, March 5, 2012

“Personal Jurisdiction and Product Liability,” USC Law School Faculty Workshop, February 10, 2012

“Personal Jurisdiction in Product Liability Cases: An Economic Analysis,” Duke Law School Faculty Workshop, January 13, 2012

Courses Taught

Civil Procedure
Property
Concepts in American Law (undergraduate course)
Choice of Law
English Legal History
Law, Language & Values
Intellectual Property
Law and Economics
High Technology Law (short course in Israel)
Trademarks and Unfair Competition

Class Actions
Legal Fictions
Empirical Legal Studies in America (short course at Sichuan University)

USC Administration and Committee Service (recent only)

University Committee on Appointments, Promotion, and Tenure (UCAPT),
Humanities Panel, 2023-24
Co-chair, Senate Faculty Affairs Committee, 2024-25
Center for Law and Social Science (CLASS)
Director, 2018-2023, 2024-25
Co-Director 2015-18
Chair, Library Director Search Committee, Law School, 2012-13
Review Committee for the Leventhal School of Accounting, 2012-13
University Faculty Tenure and Privileges Appeals Committee, 2009-10
Administration and Finance Committee, Law School, 2006-9
Academic Affairs Committee, Law School, 2008-11
Appointments Committee, Law School, 2001-8, 2009-12, 2013-16, 2017,
2019-23, 2024-25
Chair 2006-8
Chair, lateral subcommittee, 2019-20
Co-Director, Center for Law, Economics & Organization (CLEO), 2006-7
Co-Director, Southern California Empirical Legal Studies (SCELS), 2014-5
Dean Search Committee, Law School, 2005-6
University Committee on Appointments, Promotion, and Tenure, 2004-6
Internal Review Committee for Department of History, 2005-6
Steering Committee, Center for Law History and Culture (CLHC), 2005-6
Information Technology Committee, Law School, 1999-2009
Clerkship Committee, Law School, 2006

Other

Admitted to Illinois Bar 1991
Admitted to California Bar 2018
American Law Institute
Member 2008-
American Law & Economics Association
Board of Directors, 2009-12
Nominating Committee, 2010-12, Chair 2011-12
Area Organizer for the Annual Meeting: Courts, Evidence, Juries, Judges,
Judicial Decisionmaking (2018); Civil and Criminal Procedure;
Litigation; Alternative Dispute Resolution (2013, 2014), Legal Process
(2008), Legal History/Comparative Law (2001), Procedure (1998), Torts
(1996)

American Society for Legal History
 Sutherland Prize Committee (prize for best article in English legal history), 2012-16; Chair 2014-15
 Program Committee, 2000-1 and 2005-6, Co-Chair 2005-6
 European Association of Law & Economics (EALE)
 Area Organizer 2020, 2021
 Society for Institutional and Organizational Economics (SIOE, formerly International Society for New Institutional Economics (ISNIE))
 Executive Committee, 2022-23
 Finance Committee, 2022-25
 Program Committee, 2013-14, 2016-17, 2017-18, 2020-21
 Williamson Prize Committee, 2017
 Selden Society
 State Correspondent, 2010-
 Society for Empirical Legal Studies
 Co-President, 2008-9
 Board of Directors, 2008-10
 Fellow, 2015-
 Area Organizer (Procedure) 2023, 2024
 Journal of Law & Empirical Analysis (JLEA)
 Co-Founder, 2020 (with Christoph Engel, Lee Epstein, and Eyal Zamir)
 Co-Editor in Chief, 2023-
 Editorial Board, Journal of Legal Analysis, 2010-
 Editorial Board, Law and History Review, 2005-
 Editorial Board, Studies in Economics, Cognition and Society book series, Cambridge University Press, 2009-12
 Associate Editor, Economics, Cognition and Society book series, University of Michigan Press, 2007-9
 Referee for American Economic Review, American Law and Economics Review; American Political Science Review; Cambridge University Press; Economic Inquiry; Economic Journal; Economic Modeling; Economica; Economics of Governance; European Review of Law & Economics; Harvard Law Review; International Review of Law and Economics; Israel Science Foundation; Journal of Economic History; Journal of Empirical Legal Studies; Journal of Law and Economics; Journal of Interdisciplinary Economics; Journal of Institutional and Theoretical Economics; Journal of Law, Economics and Organization; Journal of Legal Analysis; Journal of Legal Studies; Law and History Review; Law and Social Inquiry; Polish National Science Centre; RAND Journal of Economics; Review of Economics and Statistics; Scandinavian Economic History Review; Studies in Law, Politics and Society; World Development, Yale Law Journal

Tenure or Lateral Hire letters for Duke Law School, NYU Law School,
Stanford Law School, University of Chicago Law School