

Honorable Janet Bond Arterton  
United States District Court, District of Connecticut  
Richard C. Lee United States Courthouse  
141 Church Street  
New Haven, CT 06510  
203.773.2456

Judge Arterton was nominated by President Bill Clinton, confirmed by the United States Senate, and entered on duty May 15, 1995 as United States District Judge for the District of Connecticut.

She served on the United States Judicial Conference's Committee on International Judicial Relations from 2002 to 2008, and continues to participate in international judicial rule of law programs around the world. She presides of the District's Support Court program in New Haven for persons in the criminal justice system who are afflicted with substance abuse problems. She also served on the Connecticut Bar Foundation Fellows Advisory Research Committee, the District Court Advisory Committee on ADR, and the Federal Judges Association Board of Directors. She has sat by designation with the Court of Appeals for the Armed Services, the Federal Circuit and the Second Circuit.

Judge Arterton is a graduate of Mount Holyoke College (Political Science) and Northeastern University School of Law, where she served as a member of the Visiting Committee. In 2005, Northeastern University conferred on her an honorary degree of Doctor of Laws.

From 1978 to 1995, she practiced law in the New Haven, Connecticut law firm then known as Garrison & Arterton, P.C., where her legal practice focused on labor and employment law in federal and state courts. She chaired the Connecticut Bar Association's Federal Practice Section, and served as a Member of the Board of Governors of the Connecticut Trial Lawyers Association, and by appointment on the Federal Court Civil Justice Reform Act Advisory Committee, the United States Magistrate Judge Selection Committee, the United States District Court Local Rules

Advisory Committee, and the State Court Rules Advisory Committee. She chairs the Arterton Intellectual Property American Inn of Court.

In 1996, she received the Connecticut Women's Education and Legal Fund's Maria Miller Stewart Recognition Award, and in 2000 she received Community Mediation Inc.'s Robert C. Zampano Award for Excellence in Mediation. In 2015, she was selected by the Connecticut Bar Association to receive the Henry J. Naruk Judiciary Award for contributions to the administration of justice. In 2015 she received the American Board of Trial Lawyer Connecticut Chapter's award for Professionalism and Civility. In 2016 she received the Achievement Award conferred by the Mount Holyoke College Alumnae Association.

Judge Arterton has been a continuing education lecturer, and has authored or contributed to books, articles and periodicals, including "Unconscious Bias and the Impartial Jury," 40 Conn. L. Rev. 1023 (2008); "Alternative Dispute Resolution in the District of Connecticut," in Mazadoorian, H. *Mediation Practice Book: Critical Tools, Techniques and Forms*, Law First Publ. 2002; Phelan and Arterton, *Disability Discrimination in the Workplace*, (Clark Boardman Callaghan 1992), "Jury Trials Under Title VII of the Civil Rights Act of 1964," in Spriggs, K., *Representing Plaintiffs in Title VII Actions*, John Wiley & Sons, 1994; and "Employment Discrimination Claims In State Court: A Laboratory For Experimentation," *New York Law Review*, 1984/85. She also taught trial practice at Yale Law School.

Olatunde Johnson  
Jerome B. Sherman Professor of Law and Vice Dean  
Columbia Law School  
Jerome Greene Hall, Room 630  
435 West 116th Street  
New York, NY 10027  
212.854.8387  
[ojohns@law.columbia.edu](mailto:ojohns@law.columbia.edu)

Olatunde Johnson is a Professor of Law at Columbia Law School where she teaches legislation and civil procedure, and writes about modern civil rights legislation, congressional power, and innovations to address discrimination and inequality in the United States. Professor Johnson graduated from Yale University and from Stanford Law School. After law school, Professor Johnson clerked for Judge David Tatel on the U.S. Court of Appeals for the D.C. Circuit and for Justice John Paul Stevens on the United States Supreme Court. Prior to entering academia, Professor Johnson served as constitutional and civil rights counsel to Senator Edward M. Kennedy on the Senate Judiciary Committee and worked at the NAACP Legal Defense Fund (LDF) where she conducted trial and appellate level litigation to promote racial and ethnic equity in employment, health, and higher education.

# ALEXANDRA DEVORAH LAHAV

University of Connecticut School of Law  
55 Elizabeth Street, Hartford CT 06105  
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## ACADEMIC APPOINTMENTS

University of Connecticut School of Law  
Ellen Ash Peters Professor (2015-present); Joel Barlow Professor (2013-2015); Professor (2009-2013);  
Associate Professor (2004-2009)

Visiting Professor Harvard Law School (Fall 2015), Yale Law School (Fall 2013), Columbia Law School (Fall 2011), Fordham Law School (2009-2010), Buchmann Faculty of Law, Tel Aviv University (May-June 2007)

Courses taught: civil procedure, torts, complex litigation, advanced civil procedure, professional responsibility, tort reform, tort law and alternatives seminar, legal ethics seminar.

## PUBLICATIONS

### *Books*

IN PRAISE OF LITIGATION (Oxford Univ. Press 2017)

CIVIL PROCEDURE: DOCTRINE, PRACTICE AND CONTEXT (4th edition, 2012; 5th ed., 2016) with Stephen N. Subrin, Martha L. Minow, Mark S. Brodin, and Thomas O. Main

### *Journal Articles*

Procedural Design, *Vanderbilt L. Rev.* (forthcoming 2018)

The Roles of Litigation in American Democracy, 65 *Emory L. Rev.* 1657 (2016)

The Market for Preclusion in Merger Litigation, 66 *Vanderbilt L. Rev.* 1053 (2013)(with Sean J. Griffith)

The Case for “Trial by Formula,” 90 *Tex. L. Rev.* 571 (2012) (Selected for Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School, 2012)

Portraits of Resistance: How Lawyers Respond to Unjust Proceedings, 57 *UCLA L. Rev.* 725 (2010) (Selected for Fred C. Zacharias Memorial Prize)

Bellwether Trials, 76 *Geo. Wash. L. Rev.* 576 (2008)

The Law and Large Numbers: Preserving Adjudication in Complex Litigation, 59 *Florida L. Rev.* 383 (2007)

Fundamental Principles for Class Action Governance, 37 *Indiana L. Rev.* 65 (2003)

***Book Chapters, Shorter Works & Symposia***

Mass Tort Class Actions: Past, Present, and Future, 92 NYU L. Rev. 1998 (2017)

Participation and Procedure, 64 DePaul L. Rev. 513 (2015)

The Jury and Participatory Democracy, 55 William & Mary L. Rev. 1030 (2014)

Symmetry and Class Action Litigation, 60 UCLA L. Rev. 1494 (2013)

The Political Justification for Group Litigation, 81 Fordham L. Rev. 3193 (2013)

Due Process and the Future of Class Actions, 44 Loy. U. Chi. L.J. 545 (2012)

Rites without Rights: A Tale of Two Military Commissions, 24 Yale Journal of Law & Humanities 439 (2012)

Are Class Actions Unconstitutional? 106 Mich. L. Rev. 993 (2011) (book review of Martin H. Redish, Wholesale Justice: Constitutional Democracy and the Problem of the Class Action Lawsuit (2009))

Two Views of the Class Action, 79 Fordham L. Rev. 1939 (2011)

The Curse of Bigness and the Optimal Size of Class Actions, 63 Vand. L. Rev. En Banc 117 (2010)

Recovering the Social Value of Jurisdictional Redundancy, 82 Tulane L. Rev. 2369 (2008)

Absence Makes the Heart Grow Fonder: Dead Souls, Phantom Clients and the Modern Class Action in 40 STUDIES IN LAW, POLITICS AND SOCIETY 340 (Austin Sarat ed., 2007)

Recent Publication: The Strange Career of Legal Liberalism, 32 Harv. Civil Rights – Civil Liberties L. Rev. 565 (1997) (book review of Laura Kalman, Strange Career of Legal Liberalism (1998))

## **PRESENTATIONS**

### ***Faculty Workshops***

Procedural Design (previously titled The Disintegration of Procedure)

Harvard (Nov. 2016); University of Virginia (Sept. 2016); UNLV-Boyd (Oct. 2017); Emory (Jan. 2017); Texas (April 2017)

Equality in Civil Litigation

Roger Williams University (March 2015); University of Southern California - Gould (Sept. 2014)

The Market for Preclusion in Merger Litigation

Fordham (March 2012)

The Case for “Trial by Formula”

Columbia (Dec. 2011); Brooklyn (Dec. 2011)

Rights Without Rights: A Tale of Two Military Commissions

Northeastern (March 2011)

Rough Justice

Pacific McGeorge (Nov. 2009); University of Florida, Levine College of Law (March 2010)

Portraits of Resistance: How Lawyers Respond to Unjust Proceedings

Brooklyn (Jan. 2009); Boston University (Jan. 2009); Seton Hall University (Oct. 2008); Boston College (Sept. 2008)

Bellwether Trials

St. John’s (March 2008); Washington University– St. Louis, MO (Oct. 2007); Tel Aviv University (May 2007)

Absence Makes the Heart Grow Fonder: Dead Souls, Phantom Clients and the Modern Class Action, Eastman Lecture, Department of Law, Jurisprudence and Social Thought, Amherst College (April, 2006)

### ***Conferences***

Presenter, The Future of Civil Discovery, Vanderbilt Law School, October 13, 2017

Presenter, MDL Problems, Section on Litigation, AALS Annual Meeting, January 6, 2017

Presenter, Rule 23@50, NYU Law School, December 2, 2016

Presenter, The Role of Litigation in American Democracy, Pound Conference on Civil Justice, Emory Law School, October 15, 2015.

Presenter, Participation and Procedure, Clifford Symposium, DePaul U. College of Law, April 24-25, 2014

Presenter, Transparency in Civil Litigation, Through a Glass Starkly: Civil Procedure Reassessed, Northeastern Law School, April 11, 2014

Presenter, The Jury as a Political Institution, William & Mary Law School, February 22-23, 2013

Presenter, Twenty-First Century Litigation: Pathologies and Possibilities, UCLA, January 24-25, 2013

Presenter, Corporate Liability for Human Rights Violations, Tel Aviv University, Dec. 16-17, 2012

Presenter, Representing Groups, Fordham Law School, November 30, 2012

Commentator, Law as a Business, The Law: Business or Profession, Fordham Law School, April 23-24, 2012

Presenter, Eugene P. and Delia S. Murphy Conference on Corporate Law, Fordham Law School, April 9, 2012

Presenter, The Future of Class Actions and Its Alternatives, Loyola University-Chicago Law School, April 13, 2012

Presenter, Aggregation and Mass Torts, Mass Torts and the Federal Courts, Charleston Law School, Feb. 24, 2012

Presenter, Are Class Actions Unconstitutional?, Association of American Law Schools, Civil Procedure Section Panel, January 2012

Conference Organizer, Actuarial Litigation, University of Connecticut Insurance Law Center, April 11, 2011

Presenter, Rites Without Rights: A Tale of Two Military Commissions, Courts: Representing and Contesting Ideologies in the Public Spheres, Yale Law School, February 4, 2011

Presenter, Provocation: Law and War, Northeast Law and Society Conference, Amherst, MA, October 2, 2010

Invited Participant, Layering Governance: Multi-Level Regulation Under Bush and Beyond, Center on Federalism and Intersystemic Governance, Emory University School of Law, May 1-2, 2009

Presenter, Representing Guantanamo Detainees, A Place Beyond Law: Detainees Held in Guantánamo Bay, Cuba Panel, Law and Society Annual Conference, Montreal, Canada, May 30, 2008

Presenter, Recovering the Social Value of Jurisdictional Redundancy, Tulane Law Review Symposium: The Problem of Multidistrict Litigation, New Orleans, LA, February 16, 2008

Presenter and Organizer, Wal-Mart: Inter-doctrinal and Interdisciplinary Approaches to Law, Association of American Law Schools, Open Source Panel, Washington, DC, January 5, 2007 (developed panel chosen by competition)

Presenter and Organizer, The Phantom Client, Association of American Law Schools, Professional Responsibility Section Panel, Washington, DC, January 6, 2007

Invited Participant, *Governance by Design: Cost, Effectiveness and Democratic Norms*, Harvard Law School, Cambridge, MA, March 25, 2005

Presenter, “Historicism in Judicial Opinions,” Law Culture and Humanities Conference, New York, NY, 2003

***Continuing Legal Education (Selected Presentations)***

The New Class Action Landscape, ABA 21st Annual Class Action Institute, Oct. 27, 2017  
(presenting at this event yearly since 2013)

A Preview of the Proposed Changes to the Federal Rules of Civil Procedure, Connecticut Bar Association Annual Meeting, June 17, 2013

The Supreme Court Class Action Docket, Boston Bar Association, February 11, 2013

Advocacy at Guantanamo Bay, District of Connecticut Bench Bar Conference, Oct. 8, 2010

Eighth Annual Class Actions/Mass Torts Symposium, New Orleans Bar Association, Oct. 2008

**SERVICE**

***Select University & Law School Service***

Chair, Promotion and Tenure Committee (elected by faculty), 2012, 2014-2015

Member, Faculty Appointments Committee (elected by faculty), 2008-2009, 2010-2011, 2016-present

Member, Curriculum Reform Committee, 2011-2014 (Chair 2014)

Chair, Educational Policy Committee, 2012

Co-Chair, Workshops Committee, 2016

Member, The Gladstein Committee (University committee), 2011-2016

Member, Dean Search Committee (elected by faculty), 2006-2007

Advisor, Connecticut Law Review, 2006-2007, 2008-2011

***Other Service***

Member, Executive Committee, Professional Responsibility Section, AALS

Member, Executive Committee, Remedies Section, AALS

Member, Executive Committee, Litigation Section, AALS

Manuscript referee: Cambridge University Press, Oxford University Press

Outside reviewer: American Political Science Review, Journal of Law & Society, Harvard Law Review, Yale Law Journal, Harvard/Yale/Stanford Junior Faculty Forum (2015)

**OTHER PROFESSIONAL EXPERIENCE**

Stanford Law School, Thomas C. Grey Fellow (2002-2004)

Emery Cuti Brinckerhoff & Abady PC, Associate (1999-2002)

Justice Alan Handler, New Jersey Supreme Court, Law Clerk (1998-1999)

Debevoise & Plimpton LLC, Summer Associate (June-August 1997)

### **EDUCATION**

Harvard Law School, J.D., magna cum laude, 1998

Brown University, B.A. (with honors), 1993

### **BAR ADMISSIONS**

New York, Massachusetts (inactive), Southern and Eastern Districts of New York

### **AWARDS, DISTINCTIONS**

2011 Branstetter New Voices in Civil Justice Workshop, Vanderbilt Law School

2010 Fred C. Zacharias Memorial Prize for Best Article in Professional Responsibility

2008-2009 Human Rights Institute, University of Connecticut, Research Fellowship

### **MEDIA**

Quoted in articles in the Los Angeles Times, New York Times, Wall Street Journal, Bloomberg, Thompson Reuters, Law360, National Law Journal and New York Law Journal. Appearances on the Diane Rehm Show (NPR), Southern California public radio (WKPC) and New York public radio (WNYC).

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PETER SIEGELMAN

EDUCATION

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Yale Law School: M.S.L. (Master of Studies in Law), 1997.  
Yale University: Ph.D. (Economics), 1991. Dissertation: *An Economic Analysis of Employment Discrimination Litigation*. Committee: James Heckman, Paul Schultz, Joel Waldfogel.  
Swarthmore College: B.A. with High Honors (History), 1978. Phi Beta Kappa. J. R. Pennock Fellowship in Public Affairs.

EMPLOYMENT

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University of Connecticut: Professor of Economics (by courtesy) (2012–\_\_).  
Bar Ilan University, Ramat Gan (Israel): Visiting Lecturer (May 2011).  
University of Navarra, Pamplona (Spain): Visiting Lecturer (March 2008).  
University of Michigan Law School: Visiting Prof. (Spring 2006).  
University of Connecticut Law School: Prof. (2004–2006), Roger Sherman Prof. (2006–2015); Phillip I. Blumberg Prof. (2015–\_\_); Interim director, Insurance Law Center (2014-15).  
Fordham University School of Law: Assoc. Prof. (2000–2004).  
Univ. of Connecticut Law School: Visiting Assoc. Prof. (Fall 1998 & Fall 1999).  
Amherst College, Dept. of Economics: Visiting Prof. (Spring 1999).  
Yale Law School: Visiting Lecturer in Law (Fall 1997).  
Yale Law School: Olin Law & Economics Research Fellow (1995/96).  
American Bar Foundation: Research Fellow (1989-1995).  
Amherst College, Department of Black Studies: Visiting Prof. (Spring 1994).  
Yale University, Economics Dept.: Teaching Fellow (1984, 1986).  
Congressional Budget Office: Assistant Analyst, (Jun.–Dec., 1985).  
Wells Fargo Bank, San Francisco, CA: Country Risk Analyst (1979-80;1981).

SCHOLARLY PUBLICATIONS: Published or Accepted [\* = symposium contribution]

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*Insurance Law & Economics*, in Francesco Parisi (ed), OXFORD HANDBOOK OF LAW & ECONOMICS (forth., 2016??) (with Daniel Schwarcz).

\**An Economist Listens to Serial*, 48 CONN. L. REV. \_\_ (July 2016).

\**A Law Faculty Listens to Serial*, 48 CONN. L. REV. \_\_ (July 2016) (symposium co-editor, with Steven Wilf).

*The Compromised Worker & The Limits of Employment Discrimination Law*, \_\_ BUFFALO L. REV. \_\_ (2016).

ELGAR RESEARCH HANDBOOK ON THE ECONOMICS OF INSURANCE LAW (co-editor, with Daniel Schwarcz) (2015).

*Insurance Agents in the 21<sup>st</sup> Century: the Problem of Biased Advice*, in ELGAR RESEARCH HANDBOOK ON THE ECONOMICS OF INSURANCE LAW (2015) (with Daniel Schwarcz).

*\*Information & Equilibrium in Insurance Markets with Big Data*, 21 CONN. INS. L. J. 318 (2015).

*Behavioral Economics and Insurance Law: The Importance of Equilibrium Analysis*, in Doron Teichman & Eyal Zamir (eds.), OXFORD HANDBOOK OF BEHAVIORAL ECONOMICS AND THE LAW (2014) (with Tom Baker).

*The Questionable Character of the Bar's Character and Fitness Inquiry*, 40 L. & Soc. Inq. 51(2014) (with Leslie Levin & Christine Zozula).

*You Want Insurance With That? Using Behavioral Economics to Protect Consumers from Add-On Insurance Products*, 20 CONN. INS. L. J. 1 (2013) (with Tom Baker).

*The Law & Economics of Liability Insurance*, in Jennifer Arlen (ed.), RESEARCH HANDBOOK ON THE ECONOMICS OF TORTS (2013) (with Tom Baker). Reprinted in RESEARCH HANDBOOK ON THE LAW & ECONOMICS OF INSURANCE (2015) (D. Schwarcz and P. Siegelman, eds).

*Underclaiming and Overclaiming: Bringing Law Back Into the Dispute Pyramid*, 38 L. & SOC. INQ. 836 (2013) (with Sachin Pandya).

*Cities, Property and Positive Externalities*, 54 WM. & MARY L. REV. 211 (2012) (with Gideon Parchomovsky).

*Can Propitious Selection Stabilize Insurance Markets?*, 35 J. INS. ISSUES 121 (2012) (with Tsvetanka Karagyozeva).

*You DO Have to Keep Your Promises*, 52 WM. & MARY L. REV. 1181 (2011) (with Steve Thel).

*Testing for Adverse Selection in Insurance Markets*, 77 J. RISK & INS. 39 (2010) (with Alma Cohen). Awarded 2010 Amer. Risk & Ins. Association Witt Prize for best article in the J. R. I.

*Tontines for the Invincibles*, 10 WISC. L. REV. 79 (2010) (with Tom Baker).

*Predictions and Nudges: What Behavioral Economics has to Offer the Humanities, and Vice-Versa*, [essay reviewing PREDICTABLY IRRATIONAL by Dan Ariely and NUDGE by Richard Thaler & Cass Sunstein], 21 YALE J. L. & HUM. 341 (2009) (with Anne C. Dailey).

*Bribes vs. Bombs: An Essay on Coasean Warfare*, 29 INT'L REV. OF L. & ECON. 179 (2009) (with Gideon Parchomovsky).

*\*Wilfulness vs Expectation: A Defense of Wilful Breach Doctrine*, 107 Mich. L. Rev. 1517 (2009) (with Steve Thel); reprinted in Omri Ben-Shahar and Ariel Porat, eds. FAULT IN AMERICAN CONTRACT LAW (Cambridge University Press: 2010).

*Contributory Disparate Impact in Employment Discrimination Law*, 49 WM. & MARY L. REV. 515 (2007).

*Of Equal Rights and Half Wrongs*, 82 NYU L. REV. 738 (2007) (with Gideon Parchomovsky & Steve Thel).

*The Evolution of Employment Discrimination Law in the 1990s: An Empirical Examination*, in Laura Beth Nielsen & Robert Nelson (eds.), HANDBOOK OF RESEARCH ON EMPLOYMENT DISCRIMINATION: RIGHTS AND REALITIES (2005) (with John J. Donohue).

*Adverse Selection in Insurance Markets: An Exaggerated Threat*, 113 YALE L.J. 1223 (2004).

*Selling Mayberry: Individuals and Communities in Law and Economics*, 92 CAL. L. REV. 75 (2004) (with Gideon Parchomovsky). Reprinted in Richard Brooks et. al. (eds.), ECONOMICS OF ENVIRONMENTAL LAW (2008).

*A New Old Look at Terrorism Insurance: Jack Hirshleifer's War Damages Insurance After 50 Years* [Essay on *War Damages Insurance*, by Jack Hirshleifer, 35 REV. ECON. & STAT. 144 (1953)], 9 CONN. J. INS. L. 19 (2002).

*Towards an Integrated Theory of Intellectual Property*, 88 VA. L. REV. 102 (2002) (with Gideon Parchomovsky).

\**James Heckman as a Law & Society Scholar: An Outsider's Appreciation*, 27 L. & SOC. INQ. 11 (2002).

*Race and Radio: Preference Externalities, Minority Ownership, and the Underprovision of Programming to Black and Hispanic Listeners*. Ch. 4 in Michael R. Baye and Jon P. Nelson (eds.), ADVERTISING AND DIFFERENTIATED PRODUCTS (2001) (with Joel Waldfogel).

\**Racial Discrimination in 'Everyday' Commercial Transactions: What Do We Know, What Do We Need to Know, and How Can We Find Out?*, in Michael Fix & Margery Turner (eds.), A NATIONAL REPORT CARD ON DISCRIMINATION IN AMERICA: THE ROLE OF TESTING (1999).

*Toward a Taxonomy of Disputes: New Evidence Through the Prism of the Priest-Klein Model*, 28 J. LEGAL STUD. 101 (1999) (with Joel Waldfogel).

*Allocating Resources Among Prisons and Social Programs in the Battle Against Crime*, 28 J. LEGAL STUD. 1 (1998) (with John J. Donohue).

\**The Q-Word as Red Herring: Why Disparate Impact Liability Does Not Induce Hiring Quotas*, 74 TEX. L. REV. 1487 (1996) (with Ian Ayres).

THE PROBLEMS OF LUSTRATION: PROSECUTION OF WRONGDOERS BY DEMOCRATIC SUCCESSOR REGIMES, 20 L. & SOC. INQ. (1995) (Symposium Organizer/Editor).

*The Selection of Employment Discrimination Disputes for Litigation: Using Business Cycle Effects to Test the Priest-Klein Hypothesis*, 24 J. LEGAL STUD. 427 (1995) (with John J. Donohue).

*Race and Gender Discrimination in Bargaining for a New Car*, 85 AM. EC. REV. 304 (1995) (with Ian Ayres).

Book Review, 33 J. ECON. LIT. 244 (1995) [Reviewing Farrell Bloch, ANTIDISCRIMINATION LAW AND MINORITY EMPLOYMENT (1994)].

*Shaky Grounds: The Case Against the Case Against Antidiscrimination Laws* [review essay on

RICHARD EPSTEIN, FORBIDDEN GROUNDS (1992)] 19 L. & SOC. INQ. 725 (1994).

*The Urban Institute Audit Studies: Their Methods and Findings*, in Michael Fix and Raymond Struyk (eds.), CLEAR AND CONVINCING EVIDENCE: MEASUREMENT OF DISCRIMINATION IN AMERICA 187 (1993) (with James J. Heckman).

*Law and Macroeconomics: Employment Discrimination Litigation Over the Business Cycle*, 66 S. CAL. L. REV. 709 (1993) (with John J. Donohue).

*The Changing Nature of Employment Discrimination Litigation*, 43 STAN. L. REV. 983 (1991) (with John J. Donohue).

*Studying the Iceberg From Its Tip? An Analysis of Differences Between Published and Unpublished Federal Employment Discrimination Cases*, 24 L. & SOC. REV. 1133 (1991) (with John J. Donohue).

Book Review, 95 AM. J. SOCIO. 1109 (1990) [reviewing Charles Smith, AUCTIONS: THE SOCIAL CONSTRUCTION OF VALUE (1989)].

*The Economics of the Insurance Anti-Trust Suits: Toward an Exclusionary Theory*, 63 TUL. L. REV. 971 (1989) (with Ian Ayres). Reprinted in 4 NAT'L INS. L. REV. 1 (1990) and in 4 INS. L. ANTH. 501 (1989-90).

*Neoclassical Difficulties: Tort As Deterrence for Latent Injuries*, 11 L. & POLICY 309 (1989) (with W. L. F. Felstiner). Reprinted in, James Short and Lee Clarke, (eds.), ORGANIZATIONS, UNCERTAINTIES, AND RISKS (1992).

#### SCHOLARLY PUBLICATIONS: IN PROGRESS

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*Do Judges Respond to Incentives: Measuring the Effects of the 6-Month List* (with Alexandra Lahav, Miguel de Figueiredo and Nancy Gertner).

*Rights of First Refusal: A Non-Options Based Approach* (with Steve Thel).

*Attenuation Bias* (with Brendan Maher)

*Missing Data in the Regulatory State* (with Sachin Pandya)

*Unconscionability as Insurance: Exploring the Analogy* (with Tom Baker).

*Markets for Honor? VARA and the Uncertain Case for Moral Rights* (with Steven Wilf).

*Crossing Boundaries: Trees, Trespass and the Property/Liability Rule Distinction*

#### OTHER PUBLICATIONS

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*How Digital Technology Spawned Retro's Revival*, The Conversation, available at <https://theconversation.com/how-digital-technology-spawned-retros-revival-54302> (with Steven Wilf).

*Predicting Subsequent Discipline from Bar Admissions Data: A Report to the LSAC* (2012)

(with Leslie Levin and Christine Zozula).

Comment on *Pregnant Man?* (by Darren Rosenblum), 22 YALE J. L. & FEMINISM 254 (2010).

*Tontines for the Young Invincibles*, REGULATION, Winter, 2010 at 20 (with Tom Baker).

*Can The Hair Club for Men Help Solve the Food Safety Problem?* Freakonomics Blog (with Ian Ayres), March 27, 2009.

*Time for Tontines*, N.Y. TIMES, March 9, 2009 (Op-Ed, with Tom Baker).

*Plagiarism Should Disqualify Candidate for Federal Judge*, CT. LAW TRIBUNE, July 28, 2008.

*A 'Peace Dividend' Dream for the Middle East*, L.A. TIMES, Nov. 26, 2002 (Op-Ed, with Gideon Parchomovsky).

*Congress Should OK Terrorism-Insurance Bill*, NEWSDAY, September 17, 2002 (Op-Ed, with Tom Baker).

*Race on the Radio: Preference Externalities and the Underprovision of Radio to Minority Listeners* (Working Paper, with Joel Waldfogel).

*Is the U.S. at the Optimal Rate of Crime? Allocating Resources Among Prisons, Police and Social Programs*, American Bar Foundation Working Paper (1995) (with John J. Donohue).

*Another Look at Employment Discrimination Litigation: A Reply to Epp*. American Bar Foundation Working Paper (1990).

*Insurers Win Battle, But War Continues*, 13 LEGAL TIMES 25 (Nov. 27, 1989).

*Protecting the Textile and Apparel Industries*, Congressional Budget Office Staff Paper (1985) (with Daniel Kaplan).

#### TEACHING

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Bar Ilan University, Ramat Gan, Israel (2011): Law & Economics of Contract.

Universidad de Navarra, Pamplona, Spain (2008): U.S. Contract Law.

Univ. of Conn. Law School (2004-\_\_): Contracts, Employment Discrimination, Law & Economics, Insurance Law & Economics, Quantitative Methods for Lawyers, Institutional Design in the Law of Work, Corporate Finance, Remedies.

Univ. of Michigan Law School (2006): Employment Discrimination, Law & Economics.

Fordham Law School (2000-2004): Contracts (Full Year); Law & Economics, Advanced Business Law), Employment Discrimination.

Amherst College: Law & Economics of Discrimination (Econ., 1994), Employment Discrimination (Black Studies, 1999).

Yale Law School: Law & Statistics.

Yale College: Introductory Micro- and Macroeconomics (teaching fellow).

#### PUBLISHED NOTES & ARTICLES SUPERVISED

---

Qihao He, *Catastrophe Insurance in China* (SJD Dissertation, 2016).

Meghan M. Sweeney, *"We'd Love to Match Them, But...": How Temporary Employment*

*Agencies Understand and Use Race and Ethnicity*, 11 CONN. PUB. INT. L.J. 51 (2011) (article).

Karen Patterson, *Accommodating employees with mental impairments: an empirical study of employer practices*, 5 INT'L. J. PRIVATE L. 40 (2012) (article).

Jennifer Brooks-Crozier, *The Nature and Nurture of Violence: Early Intervention Services for the Families of MAOA-Low Children as a Means to Reduce Violent Crime and the Costs of Violent Crime*, 44 CONN. L. REV. 531 (2012).

Wyatt R. Jansen, *Impermissible Windfalls?: Unemployment Insurance, Back Pay, and the Two Classes of Title VII Plaintiffs*, 18 CONN. INS. L.J. 307 (2011).

Jeanne Hayes, *Female Infertility in the Workplace: Understanding the Scope of the Pregnancy Discrimination Act*, 42 CONN. L. REV. 1299 (2010).

Christopher Hatch, *Fourth and Short on Equality: The Disparate Impact of the NFL's Use of the Wonderlic Intelligence Test and the Case for a Football-Specific Test*, 41 CONN. L. REV. 1669 (2009).

Cynthia S. Duncan, *The Need for Change: an Economic Analysis of Marijuana Policy*, 41 CONN. L. REV. 1701 (2009).

Tsvetanka Karagyozyova, *Three Essays on Heterogeneity, Insurance, and Asset Pricing*, Ph.D. Dissertation, Univ. of Connecticut Economics Department (2<sup>nd</sup> reader, 2007).

Michael Pereira, *Risk Management for the Age of Information - the New Financial Order: Risk in the 21st Century*, 9 FORDHAM J. CORP. & FIN. L. 715 (2004) (Review Essay).

Guy McPherson, *It's the End of the World as We Know it (And I Feel Fine): Rent Regulation in New York City and the Unanswered Questions of Market and Society*, 72 FORDHAM L. REV. 1125 (2004).

Scott D. Simon, *If You Can't Beat 'Em, Join 'Em: Implications for New York's Scalping Law in Light of Recent Developments in the Ticket Business*, 72 FORDHAM L. REV. 1171 (2004).

Laya Sleiman, *A Duty to Make Reasonable Efforts and a Defense of the Disparate Impact Doctrine in Employment Discrimination Law*, 72 FORDHAM L. REV. 2677 (2004).

Eric D. Beal, *Posner and Moral Hazard*, 7 CONN. INS. L.J. 81 (2000).

#### SELECTED OTHER ACTIVITIES

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Area Organizer (Program Selection Committee: Contract Law) for Amer. Law & Econ. Assoc. Spring Meetings, 2011 & 2012.

Co-convenor (with Alexandra Lahav), Actuarial Litigation: Using Statistical Methods in the Resolution of Mass Torts (Symposium, U. Conn. Law School, April 2011).

Editorial Board, *Law & Social Inquiry* (2008-2011).

Faculty Advisor, UConn Law & Public Policy Certificate Program (joint Law/Public Policy) & JD/MBA Program (2008-2014).

Consulting expert, consolidated challenge to Connecticut death penalty statute.

Co-Principal Investigator (with John J. Donohue, Laura Beth Nielsen and Robert Nelson), *The Changing Dynamics of Employment Discrimination Disputes* (funded by National

Science Foundation Law Program in Law and Social Science) (2004).

Advisory Board, Stein Public Interest Scholars, Fordham Law School (2004).

Consulting expert, New York Attorney General (discrimination in automobile financing) (2002-04).

Consulting expert, U.S. Justice Department (police racial profiling) (1999-2001).

Invited panelist: The Role of Testing in a National Report Card on Race, The Urban Institute (March, 1999).

Statistical Consultant, 7<sup>th</sup> Circuit Settlement Conference Project (Dec., 1994).

Invited participant: Rockefeller Foundation panel on the future of discrimination research (Nov., 1994).

Co-Editor, LAW & SOCIAL INQUIRY (1992-95); Associate Editor (1990-92).

Member, Illinois State Bar Association Task Force on Minorities and the Justice System (July-Dec., 1993).

Invited panelist: "Clear and Convincing Evidence: The Use of Testing to Measure Discrimination," Amer. Assoc. for the Adv. of Science Annual Meeting (Feb., 1993).

Co-recipient of Russell Sage Foundation grant (with James Heckman) to evaluate the use of paired audits in assessing hiring discrimination (Oct., 1992).

Consultant to insurance company offering liability policies for employment discrimination suits (May, 1992).

American Bar Foundation Policy Committee (1992-93, 1994-95).

Editor/writer for introductory macroeconomics textbook authored by Prof. Ray Fair, Yale Univ. (1986-87).

Co-organizer/analyst/writer for nonpartisan faculty/graduate student committee to investigate labor dispute at Yale(Fall, 1984).

Student Ambassador from Richmond, CA to sister city (Shimada) in Japan. Taught English classes, etc. (Summer, 1973).

#### PROFESSIONAL MEMBERSHIPS

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American Economics Association

#### REFEREE FOR

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Amer. Econ. J.: Econ. Policy, Amer. Econ. Rev., Amer. L. & Econ. Rev., Conn. Ins. L. J., Geneva Papers in Risk & Ins., Harvard L. Rev., Int'l Rev. of L. & Econ., Israel Science Foundation, J. L. & Econ., J. Empirical Legal Stud., J. Legal Stud., J. Risk & Ins., L. & Social Inquiry, National Science Foundation, Oxford Economic Papers, Yale. L. J.

April 25, 2016