

Society for Empirical Legal Studies


**SECOND ANNUAL
CONFERENCE ON**

EMPIRICAL LEGAL STUDIES

Jointly sponsored by New York University
School of Law, Cornell Law School and
The University of Texas School of Law

November 9-10, 2007

Conference on Empirical Legal Studies

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	Author	Paper	Discussant	
	Friday 8:00-9:00	Breakfast	Greenberg Lounge	
	Friday 9:00-5:00	Coffee Service	Greenberg Atrium & 112 Furman	
	Friday 8:30-9:00	Opening Proceedings and Orientation	Tishman Auditorium (1st Fl. Vanderbilt)	
Friday Session 1 9:00-11:00	Courts & Judges I		Moderator: Fred Schauer	
			Faculty Library (3rd Fl. Vanderbilt)	
	Frank Cross, Thomas Smith, Antonio Tomarchio	Determinants of Cohesion in the Supreme Court's Network of Precedents	Tracey George	
	Charles Cameron & Thomas Clark	The Macro-Politics of the Supreme Court	Nicola Persico	
	Jeffrey Segal, Chad Westerland & Stefanie Lindquist	Congress, the Supreme Court, and Judicial Review: Testing a Constitutional Separation of Powers Model	Lewis Kornhauser	
	Corporate I		Moderator: Lawrence Cunningham	Pollack (9th Fl. Furman)
	Martijn Cremers, Vinay Nair & Urs Peyer	Takeover Defenses and Competition	Daniel Wolfenzon	
	Rejin Guo, Timothy Kruse & Tom Nohel	Undoing the Powerful Anti-Takeover Force of Staggered Boards	Guhan Subramanian	
	Xavier Giroud & Holger Mueller	Does Corporate Governance Matter in Competitive Industries?	Andrew Metrick	
	Bankruptcy I		Moderator: Jay Westbrook	Furman 118
	Lynn LoPucki & Joseph Doherty	The Determinants of Professional Fees in Large Bankruptcy Reorganization Cases Revisited	Ed Morrison	
	Jay Westbrook & Elizabeth Warren	Chapter 11: Conventional Wisdom and Reality	Antoinette Schoar	
	Ronald Mann	Making Sense of Nation-Level Bankruptcy Filing Rates	Stephen J. Lubben	
	Civil Litigation I		Moderator: Charles Silver	Furman 110
	Kuo-Chang Huang	Does Discovery Promote Settlement? A Lesson from Taiwan	Keith Hylton	
	Seth Seabury	Inferring Beliefs from Selected Samples: Evidence from Civil Litigation	Anup Malani	
	Gillian Hadfield	Settlement Values: How 9/11 Victims Saw the Choice Between Money and Going to Court	Robert Rabin	
	Criminal I		Moderator: Rachel Barkow	Snow Dining Room (4th Fl. Vanderbilt)
	Nancy King, Fred Cheesman & Brian Ostrom	Habeas Litigation in the U.S. District Courts	Trevor Morrison	
	Jeffrey Fagan, Aaron Kupchik & Akiva Liberman	Be Careful What You Wish for: Legal Sanctions and Public Safety Among Adolescent Offenders in Juvenile and Criminal Court	Samuel Gross	
Intellectual Property		Moderator: Rochelle Dreyfuss	Furman 330	
James Bessen & Michael Meurer	The Private Costs of Patent Litigation	Jay Kesan		
Mark Lemley & Bhaven Sampat	Is the Patent Office a Rubber Stamp?	Katherine Strandburg		
Paul Heald	Property Rights and the Efficient Exploitation of Copyrighted Works: An Empirical Analysis of Public Domain and Copyrighted Fiction Best Sellers	Barton Beebe		

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Friday Session 2 11:15-1:15			
	Michael Alvarez, Delia Bailey & Jonathan Katz	Estimating the Effect of Voter Identification Laws on Turnout	Andrew Martin
	Jonathan Nagler & Jan Leighley	Electoral Laws and Turnout, 1972-2004	Charles Cameron
	Adam Cox & Thomas Miles	Judging the Voting Rights Act	Ellen Katz
	Alexander Dyck, Adair Morse & Luigi Zingales	How Pervasive is Corporate Fraud?	Jennifer Arlen
	Jonathan Karpoff, Scott Lee & Gerald Martin	The Determinants of Managerial Decisions to Cook the Books	Mark Cohen
	Anup Agrawal & Tommy Cooper	Corporate Governance Consequences of Accounting Scandals: Evidence from Top Management, CFO and Auditor Turnover	Cindy Alexander
	Tom Chang & Antoinette Schoar	Judge Specific Differences in Chapter 11 and Firm Outcomes	Alan Schwartz
	Kenneth Ayotte & Edward Morrison	Creditor Control and Conflict in Chapter 11	Barry Adler
	Russell Korobkin & Joseph Doherty	Who Wins in Settlement Negotiations	Charles Silver
	Juan Carrillo & Thomas Palfrey	The Compromise Game: Two-Sided Adverse Selection in the Laboratory	Kathy Zeiler
	Claudia Landeo	Tort Reform and Disputes under Endogenous Beliefs	Dan Simon
Randi Hjalmarsson	Crime and Expected Punishment: Changes in Perceptions at the Age of Criminal Majority	Justin McCrary	
Danton Berube & Donald Green	The Effects of Sentencing on Recidivism: Results from a Natural Experiment	Daniel Ho	
David Abrams, Marianne Bertrand & Sendhil Mullainathan	Do Judges Vary in Their Treatment of Race?	Justin Wolfers	
Anup Malani	Expectations of Future Laws	Eric Talley	
Michael McDonald & Justin Levitt	Seeing Double Voting: An Extension of the Birthday Problem	Dan Rubinfeld	
William Anderson & Martin T. Wells	Numerical Analysis in Least Squares Regression With an Application to the Abortion-Crime Debate	Bruce Spencer	
1:15 - 2:15	Lunch		Greenberg Lounge (1st Floor Vanderbilt)

	Author	Paper	Discussant
Friday Session 3 2:15-4:15	Courts & Judges II		Moderator: Lee Epstein
			Vanderbilt 218
	Christina Boyd, Lee Epstein & Andrew Martin	Untangling the Causal Effects of Sex on Judging	Kevin Quinn
	Tracey George & Albert Yoon	Chief Judges: The Limits of Attitudinal Theory and Possible Paradox of Managerial Judging	Jeff Segal
	Matthew Sag, Tonja Jacobi and Maxim Sytch	The Effect of Judicial Ideology in Intellectual Property Cases	Patrick Egan
	Corporate III		Moderator: William Allen
			Pollack (9th Fl. Furman)
	Yair Listokin	Management Always Wins the Close Ones	Edward Rock
	Lucian Arye Bebchuk, Martijn Cremers & Urs Peyer	CEO Centrality	Paul Oyer
	Howard Rosenthal & Erik Voeten	Measuring Legal Systems	Katharina Pistor
	Commercial Contracts		Moderator: Florencia Marotta Wurgler
			Furman 326
	Adair Morse	Payday Lenders: Heroes or Villains?	Larry White
	Christopher Lewis Peterson	Usury Law, Payday Loans, and Statutory Slight of Hand: An Empirical Analysis of American Credit Pricing Limits	Michael Barr
	Katherine Porter	Profiting from 'Profligates': The Credit Industry's Business Model for Postbankruptcy Lending	Oren Bar-Gill
	Torts		Moderator: Catherine Sharkey
		Furman 310	
Paul Rubin & Joanna Shepherd	The Demographics of Tort Reform: Winners and Losers	Theodore Eisenberg	
Eric Helland	Crash and Learn: Consumption Externalities and the Reduction of Aircraft Accidents	Michael Heise	
Alan Marco & Casey Salvietti	What Does Tort Law Deter? Precaution and Activity Levels in No-Fault Automobile Insurance	Bentley MacLeod	
Criminal III		Moderator: David Garland	
		Faculty Library (3rd Fl. Vanderbilt)	
Beth Simmons & Allison Danner	Credible Commitments and the International Criminal Court	Andrew Guzman	
Samuel Gross & Barbara O'Brien	Frequency and Predictors of False Conviction: The Problem, and Some Data on Capital Cases	John Blume	
Stéphane Mechoulan	The External Effects of Black-Male Incarceration on Black Females	JJ Prescott	
Experimental II: Decisionmaking about Risk		Moderator: Barbara Spellman	
		Snow Dining Room (4th Fl. Vanderbilt)	
John Darley, Lawrence Solan, Matthew Kugler and Joseph Sanders	Liability for Risk: Citizens' Perspectives on Liability for Loss of Chance	Richard Lempert	
Dan Kahan, Paul Slovic, Donald Braman, John Gastil and Geoffrey Cohen	Affect, Values and Nanotechnology Risk Perceptions: An Experimental Investigation	Robert MacCoun	

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Friday Session 4 4:30-5:50	James Gibson & Gregory Caldeira	Knowing About Courts	Neal Beck	
	Jed Shugerman	The Twist of Long Terms: Disasters, Elected Judges, and American Tort Law	Sandy Gordon	
	Howell Jackson & Mark Roe	Public Enforcement of Securities Laws: Preliminary Evidence	Jack Coffee	
	Karen Nelson & Adam Pritchard	Litigation Risk and Voluntary Disclosure: The Use of Meaningful Cautionary Language	Jill Fisch	
	Jonathan Klick, Bruce Kobayashi & Larry Ribstein	The Effect of Contract Regulation: The Case of Franchising	Gillian Hadfield	
	John Horton	Contract Characteristics and the Probability of Litigation	Alan Marco	
	Paul Oyer & Scott Schaefer	Personnel-Economic Geography: Evidence from Large US Law Firms	Geoffrey Miller	
	Herbert Kritzer	To Lawyer, or Not to Lawyer, Is That the Question?	Tom Baker	
	Vladimir Atanasov, Bernard Black, Conrad Ciccotello, Stanley Gyoshev	How Does Law Affect Finance? An Examination of Financial Tunneling in an Emerging Market	Alexander Dyck	
	Art Durnev & Larry Fauver	Stealing from Thieves: Firm Governance and Performance When States are Predatory	Vic Khanna	
	Chris Sanchirico	Progressivity and Potential Income: Measuring the Effect of Changing Work Patterns on Income Tax Progressivity	Daniel Shaviro	
	Joel Slemrod	Why is Elvis on Burkina Faso Postage Stamps? The Commercialization of State Sovereignty	Jon M. Bakija	
	6:00-7:00	Reception and Poster Session		Greenberg Lounge (1st FI Vanderbilt)
		Jeanine L. Skorinko, Kaitlin Bountress, Barbara Spellman	Effect of Perspective-Taking on Decision-Making in the Courtroom	
Ryan Black & James Spriggs		An Empirical Study of the Length of U.S. Supreme Court Majority Opinions		
Bruce Spencer		On Measuring the Balance between Wrongful Convictions and Wrongful Acquittals in Criminal Trials		
Catherine Harris, Ralph Peeples & Thomas Metzloff		Does Being a Repeat Player Make a Difference: The Impact of Attorney Experience and Case Picking on the outcome of Medical Malpractice Lawsuits		
Bala Balasubramanian, Bernard Black & Vikramaditya Khanna		Firm-Level Corporate Governance: A Case Study of India		
Juan Pantano		On Scarlet Letters and Clean Slates: Criminal Records Policy in a Dynamic Model of Human Capital Accumulation and Criminal Behavior		
Bruce Kobayashi & Larry Ribstein		The Non-Uniformity of Uniform Laws		
Anita Anand & Laura Beny		Private Regulation of Insider Trading in the Shadow of Lax Public Enforcement (and a Strong Neighbor): Evidence from Canadian Firms		

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6:00-7:00	Reception and Poster Session		Greenberg Lounge (1st FI Vanderbilt)
	Barton Beebe	An Empirical Study of U.S. Copyright Fair Use Opinions, 1978-2005	
	Christina Boyd	She'll Settle It: Judges, Their Sex, and the Disposition of Personal Injury Cases in Federal District Courts	
	Giuseppe Di Vita	Do Delays in Civil Cases Depend upon the Number of Laws? A Theoretical and Empirical Study	
	Thomas Brunell, Chetan Dave & Nicholas Morgan	Time to Deliberate: Factors Influencing the Duration of Jury Deliberation	
	Elizabeth Tenney, Barbara Spellman, Robert MacCoun	Expanding the Scope of Cross Examination so that Jurors can Infer Witness Calibration	
	Juscelino F. Colares	An Empirical Examination of Product and Litigant-Specific Theories for the Divergence between NAFTA Chapter 19 and U.S. Judicial Review	
	Paul Edelman, David Klein & Stefanie Lindquist	Measuring Deviations from Expected Voting Patterns on Collegial Courts	
	Bjoern Dymke & Andreas Walker	Insider Trading in Germany -- Do Corporate Insiders Exploit Inside Information?	
	Jonathan Nash & Rafael Pardo	An Empirical Investigation into Appellate Structure and the Perceived Quality of Appellate Review	
	Joshua Fischman & Jacklin Chou Lem	Appellate Supervision of Lower-Court Decision-Making: Evidence from Alylum Adjudication	
	David Greenberg & Valerie West	Sentencing Americans to Death After Furman	
	Brent Boyea, Paul Brace & Jeff Yates	Institutional Structure and Judge Ideology in Tort Litigation in State Supreme Courts	
	Avner Levin	Is There a Global Approach to Workplace Privacy?	
	John Hagan & Sanja Kutnjak Ivkovich	Bargain Justice? Questions of Procedural Justice at the International Criminal Tribunal for the Former Yugoslavia	
	Benjamin Alarie & Andrew James Green	Policy Preference Change and Appointments to the Supreme Court of Canada	
	Laura Braslow & Ross Cheit	Appropriate Leniency or Worrisome Discretion? A Systematic Study of Motions to Reduce Criminal Sentences in Rhode Island Superior Court (1998-2003)	
	Wendy Martinek, Jennifer Luse, Geoff McGovern & Sara Benesh	'Such Inferior Courts . . . ': Compliance by Circuits with Jurisprudential Regimes	
	Jonathan Baron & Tess Wilkinson-Ryan	Moral Judgment and Moral Heuristics in Breach of Contract	
	Carolyn Shapiro	Coding Complexity: Bringing Law to the Empirical Analysis of the Supreme Court	
	Alexander Robbins	The Rule 10b5-1 Loophole: An Empirical Study	
Cindy Alexander	The Market Sanction for Financial Reporting Frauds: Toward a Reputation-Rebuilding Hypothesis		
Charles Keckler	The Hazards of Precedent: A Parameterization of Legal Change		
Robert J. Hume	Agency Nonacquiescence in Federal Immigration Cases: How Judges Influence the Process		
Lydia Tiede	Chile's Natural Experiment in Criminal Law Reform: Conversion from an Inquisitorial to Adversarial System		
Gwendolyn Ball & Jay P. Kesan	Bargaining Power Among Patent Litigants and Case Outcomes: What is the Importance of the Nature of the Parties		
7:15-7:45	Keynote Address: John Donohue	The Empirical Revolution in Law and Policy: Jubilation and Tribulation	Tishman Auditorium 1st FI Vanderbilt
8:00	Dinner		D'Agostino Hall or Snow (4th FI VH)

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Saturday Session 1 9:00-11:00	Saturday 8:00-9:00 Breakfast		Golding Lounge (2nd Fl Vanderbilt)	
	Saturday 9:00-3:00 Coffee Service		Golding Lounge & 2nd Fl. Furman	
	Law & Politics II		Moderator: Rick Pildes	Furman 210
	Christopher Berry & Jacob Gersen	The Fiscal Consequences of Electoral Institutions	Eric Helland	
	Delia Bailey & Jonathan Katz	Re-Assessing the Impact of Majority-Minority Districts on Congressional Elections	Nate Persily	
	Anna Bassi , Rebecca Morton & Jessica Trounstone	How the Delegation of Voting Rights Affects the Measurement of Voting Behavior	Matt McCubbins	
	Corporate IV		Moderator: Jeffrey Wurgler	Pollack (9th Fl. Furman)
	John Armour, Simon Deakin, Prabirjit Sarkar, Mathias Siems, Ajit Singh	Shareholder Protection & Stock Market Development: Test of Legal Origins Hypothesis	Howell Jackson	
	Simi Kedia & Shivaram Rajgopal	Neighborhood Matters: The Impact of Location on Broad Based Stock Option Plans	Scott Schaefer	
	James Brown, Dino Falaschetti & Michael Orlando	Auditor Independence and Earnings Quality: Evidence for Market Discipline vs. Sarbanes-Oxley Proscriptions	April Klein	
	Finance, Bankruptcy & Corporate Governance II		Moderator: Robert Howse	Furman 214
	Vedran Capkun	Bankruptcy Resolution: Duration, APR Violations, DIP Financing & Delaware	Richard Hynes	
	Krishnamurthy Subramanian, Frederick Tung & Xue Wang	Law, Agency Costs and Project Finance: An Empirical Analysis	Kose John	
	Marina Martynova & Luc Renneboog	A Corporate Governance Index: Convergence and Diversity of National Corporate Governance Regulations	Hannes Wagner	
	Medical Malpractice		Moderator: Jennifer Arlen	Vanderbilt 216
	Michelle Mello and David Studdert	Deconstructing Negligence: The Role of Individual and System Factors in Causing Medical Injuries	John Rolph	
	David Hyman , Bernard Black , Charles Silver and William Sage	The Effect of Caps on Non-Economic Damages on Jury Verdicts, Post-Verdict Payouts, and Settlements: Evidence from Texas Medical Malpractice Cases	Cathy Sharkey	
	Ronen Avraham and Alvaro Bustos	The Unexpected Effect of Tort Reform: Do Caps Delay Settlements?	Kathy Spier	
	Race and Sex		Moderator: Margo Schlanger	Vanderbilt 206
	Joseph Price & Justin Wolfers	Racial Discrimination Among NBA Referees	Ian Ayres	
Amit Gandhi, Matthew L. Spitzer, and Simon Wilkie	Cheap Sex and the Changing Economics of Broadcast Television	Dan Crane		
Katerina Linos	What Accounts for the Development of Employment Anti-Discrimination Laws Across OECD Countries?	Kim Yuracko		
Property & Environ. I		Moderator: Robert Ellickson	Furman 212	
Hilary Sigman	Environmental Liability and Redevelopment of Old Industrial Land	Richard Stewart		
Vicki Been, Ingrid Gould Ellen, Michael Gedal and Ioan Voicu	The Impact of Supportive Housing on Surrounding Neighborhoods	Jay Weiser		
Jonathan Nash	Packaging Property: The Effect of Paradigmatic Framing of Property Rights	Richard Epstein		

	Author	Paper	Discussant
Saturday Session 2 11:15-12:35			
	Sanford Gordon	An Analysis of Partisan Bias in Federal Public Corruption Prosecutions	Anne Morrison Piehl
	Cheryl Boudreau and Mathew McCubbins	From Competition to Competence? Theory and Experiments Regarding Deliberation and Citizen Learning	Rebecca Morton
	Marco Becht, Colin Mayer, Hannes Wagner	"Where Do Firms Incorporate? Deregulation and the Cost of Entry"	Jens Damann
	Cindy Alexander, Mark Chen, Duane Seppi, Chester Spatt	The Role of Advisory Services in Proxy Voting	Edward Rock
	Artyom Durnev, Merritt Fox, Randall Morck and Bernard Yeung	Required Line of Business Reporting and Share Price Accuracy	Allen Ferrell
	Alicia Davis Evans	Do Individual Investors Affect Share Price Accuracy? Some Preliminary Evidence	Stephen Choi
	Mihir Desai and Dhammika Dharmapala	Taxes, Institutions and Foreign Diversification Opportunities	David Walker
	Michael Barr and Jane Dokko	Paying to Save: Tax Withholding and Asset Allocation Among Low- and Moderate-Income Taxpayers	Nadia O. Eissa
	Ira Mark Ellman, Sanford Braver and Robert MacCoun	Intuitive Lawmaking: The Example of Child Support	Tess Wilkinson-Ryan
Betsey Stevenson	Divorce-Law Changes, Household Bargaining, and Married Women's Labor Supply Revisited	Lynn Mather	
Janice Nadler & Shari Seidman Diamond	Eminent Domain and the Psychology of Property Rights	Robert Ellickson	
David Markell & Tom Tyler	Using Empirical Research to Explore Ways to Enhance Citizen Roles in Environmental Compliance and Enforcement	Jeffrey Rachlinski	
12:35 - 1:35	Lunch		Greenberg Lounge (1st Floor Vanderbilt)
Saturday Session 3 1:35-3:35	Courts & Judges IV		Moderator: Lauren Edelman
			Furman 212
	Clifford Carrubba, Barry Friedman, Andrew Martin & Georg Vanberg	The Power on the Supreme Court	Daniel Rodriguez
	Jonathan Kastlelec and Jeffrey Lax	Case Selection and the Study of Judicial Politics	Dan Klerman
	Stephen Choi, Gaurang Mitu Gulati & Eric Posner	Professionals or Politicians: The Uncertain Empirical Case for an Elected Rather than Appointed Judiciary	Stefanie Lindquist

	Author	Paper	Discussant
Saturday Session 3 1:35-3:35			
	Kate Litvak	Long-Term Effect of Sarbanes-Oxley on Cross-Listing Premia	Craig Doidge
	Vitaliy Zheka	Does Corporate Governance Causally Predicts Firm Performance? Panel Data and Instrumental Variables Evidence	Mathias Siems
	Xi Li	The Sarbanes-Oxley Act and Cross-Listed Foreign Private Issuers	Reinier Kraakman
			Richard Scott Carnell
	Bart Leyman & Koen Schoors	Loan Securities and Bank Debt Restructuring of Small to Medium-Sized Distressed Firms	Charles Calomiris
	Donato Masciandaro	Determinants of Financial Supervision Regimes: Markets, Institutions, Politics, Law or Geography?	Geoffrey Miller
	Barak Richman	Insurance Mandates: Do They Hurt Those They're Designed to Help?	Russell Korobkin
	Pascoe Pleasence, Nigel Balmer & Alexy Buck	Mental Health and the Experience of Problems Involving Rights	Sherry Glied
	Jill Horwitz and Austin Nichols	What Do Nonprofits Maximize? Nonprofit Hospital Service Provision and Market Ownership Mix	Henry Hansmann
	Alayna Jehle, Monica Miller & Markus Kemmelmeier	The Influence of Accounts and Remorse on Mock Jurors' Judgments of Offenders	Jennifer Robbennolt
	Jeffrey Rachlinski, Sheri Lynn Johnson, Andrew Wistrich, Chris Guthrie	Does Unconscious Bias Affect Trial Judges?	Kristin Lane
Mary Rose, Christopher Ellison & Shari Seidman Diamond	Preferences for Juries Over Judges Across Racial and Ethnic Groups	Valerie Hans	
Thomas Cohen	Do Federal and State Courts Differ in How They Handle Civil Trial Litigation: A Portrait of Civil Trials in State and Federal District Courts	Nicole Waters	
Rebecca Eyre, Joe Cecil & Eric Topor	Judicial Management of Patent Claim Construction	Bhaven Sampat	
Thomas Bak, John Golmant & James Woods	A Comparison of the Effects of the 1978 and 2005 Bankruptcy Reform Legislation	Vedran Capkun	
	Empirical Methods Panels		
Saturday	Introductory Panel	Theodore Eisenberg: Recurring Problems in Statistical Analysis Richard Lempert: Empirical Research for Public Policy: With Examples from Family Law	Vanderbilt 218
3:50-5:30	Advanced Panel	Daniel Rubinfeld: Difference in Differences Analysis Bernard Black: Instrumental Variable Analysis	Vanderbilt 214
6:30-8:30	Reception		Lipton Hall, D'Agostino Hall