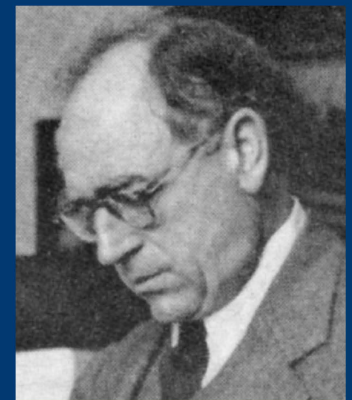
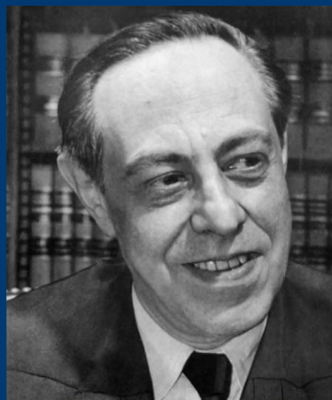
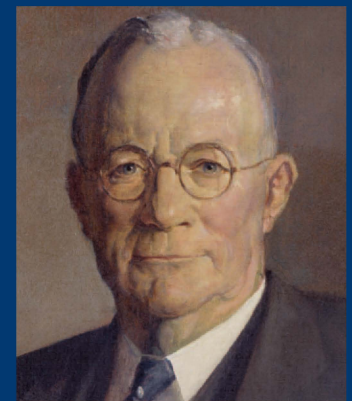
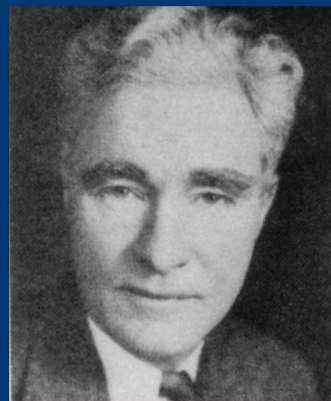
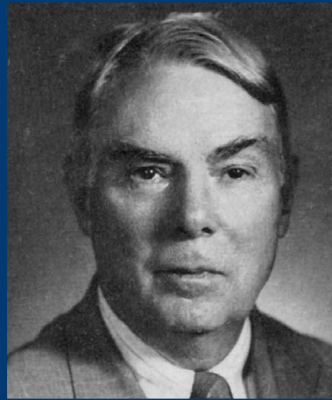




THE FIFTH ANNUAL CONFERENCE ON Empirical Legal Studies



Yale Law School

NOVEMBER 5-6, 2010 • NEW HAVEN, CONNECTICUT



Legal Realism at Yale Law School

1	2	3	4
5	6	7	8
9	10	11	12

1 WILLIAM O. DOUGLAS
Sterling Professor of Law, 1928–36

2 WALTON H. HAMILTON
Southmayd Professor of Law, 1928–48

3 W. UNDERHILL MOORE
Sterling Professor of Law, 1929–47

4 HARRY A. SHULMAN
Sterling Professor of Law, 1929–54

5 THURMAN W. ARNOLD
Lafayette S. Foster Professor of Law, 1930–38

6 FRIEDRICH KESSLER
Sterling Professor of Law, 1935–39, 1947–70

7 ROSCOE T. STEFFEN
Professor of Law, 1925–49

8 ARTHUR L. CORBIN
William K. Townsend Professor of Law, 1903–43

9 CHARLES E. CLARK
Dean, 1929–1939

10 JEROME N. FRANK
Visiting Lecturer, 1946–57

11 WESLEY A. STURGES
Edward J. Phelps Professor of Law, 1924–61

12 KARL N. LLEWELLYN
Assistant Professor of Law, 1919–20, 1922–25

Friday

Registration will be available throughout the conference at the desk in front of the auditorium.

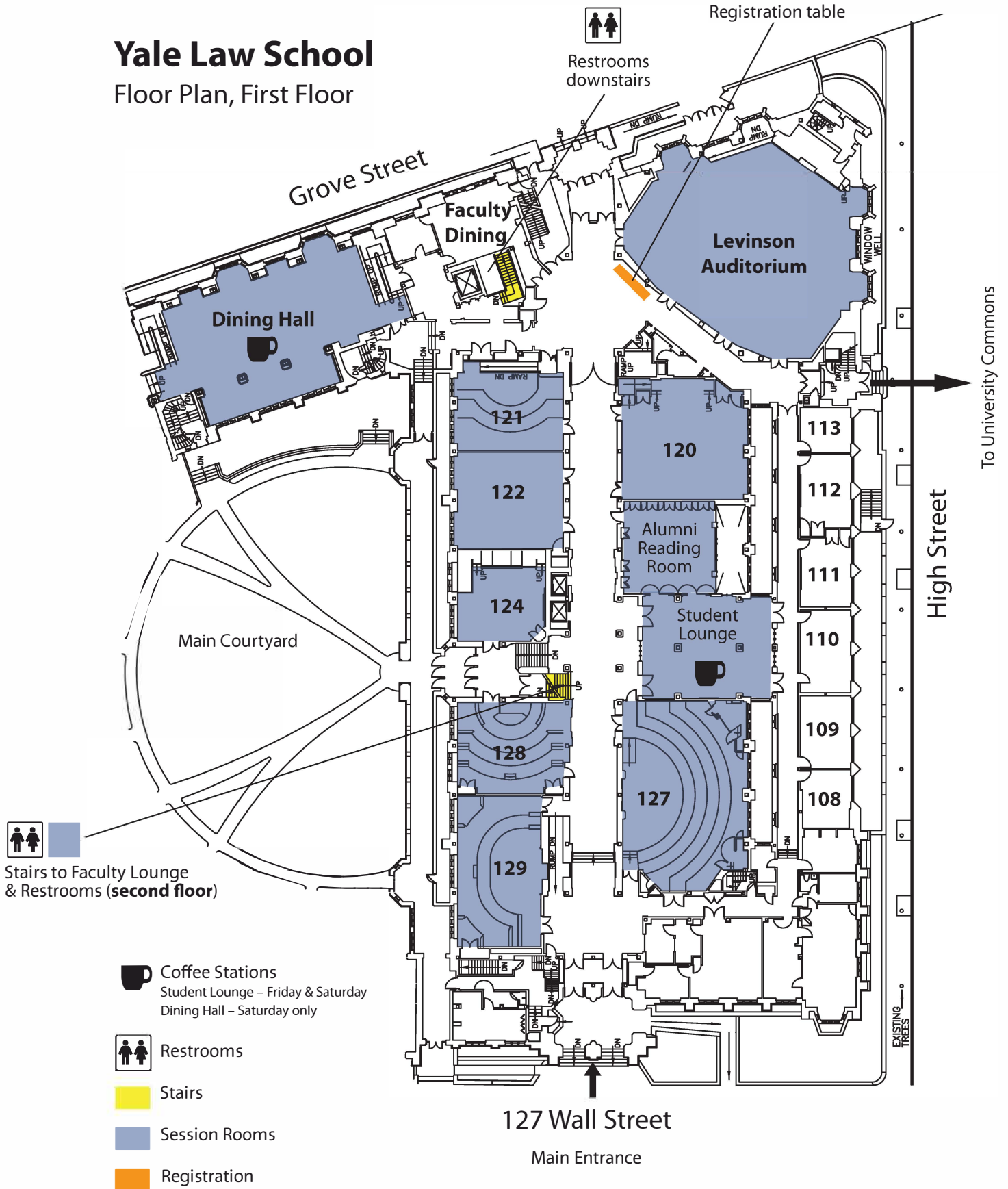
7:45 – 8:30 AM	CONTINENTAL BREAKFAST DINING HALL	
8:30 – 8:45 AM	WELCOME – DEAN ROBERT POST ROOM 127	
8:45 – 10:15 AM	METHODOLOGY I	ROOM 127
	Choice of Regression Models	
10:15 – 10:30 AM	BREAK	STUDENT LOUNGE
10:30 – 12:00 PM	METHODOLOGY II	ROOM 127
	Field Experimentation in the Social Sciences	
12:00 – 12:30 PM	BOX LUNCH	DINING HALL
12:30 – 2:30 PM	SESSION I	ROOM
	Civil Rights and Discrimination I	120
	Contracts I	128
	Corporate Governance I: Governance and Performance	127
	Courts I: Federal Appeals Courts	122
	Health Care I: Physicians and Hospitals	124
	Intellectual Property I	121
	Law and Finance	Auditorium
2:30 – 2:45 PM	BREAK	STUDENT LOUNGE
2:45 – 4:45 PM	SESSION II	ROOM
	Administrative Law	121
	Antitrust	124
	Banking Law	128
	Civil Rights and Discrimination II:	
	Discrimination in the Justice System	Auditorium
	Corporate and Securities Litigation	127
	Courts II: Measuring Judicial Performance	120
	Criminal Justice I: Prisons and Plea Bargains	122
	Law and Psychology I: Emotions, Motivations, Legitimacy	Faculty Lounge
4:45 – 6:45 PM	RECEPTION AND POSTER SESSION DINING HALL	
6:45 PM	DINNER	
	YALE UNIVERSITY COMMONS	
	Keynote Speaker: Orley Ashenfelter	

Saturday

7:30 – 8:40 AM	CONTINENTAL BREAKFAST DINING HALL	
8:40 – 10:00 AM	SESSION III	ROOM
	Civil Rights and Discrimination III:	
	Equal Opportunity in Housing and Education	120
	Corporate Acquisitions I: Leveraged Buyouts	127
	Corporate Law: Choice of Domicile	128
	Courts III: Civil Litigation Process	129
	Criminal Justice II: Deterrence	Auditorium
	Employment Relations	124
	Experimental Legal Studies	121
	Health Care II: Defensive Medicine	122
	Law and Psychology II: Cognition of Causation and Guilt	Faculty Lounge
10:00 – 10:15 AM	BREAK	DINING HALL & STUDENT LOUNGE
10:15 AM – 12:15 PM	SESSION IV	ROOM
	Civil Rights and Discrimination IV: Bankruptcy and Bail	122
	Contracts II	128
	Corporate Governance II: Boards	Auditorium
	Corporate Sanctions and Reputation	127
	Courts IV: International Courts	121
	Financial Crisis: Financial Institutions and Bankruptcy	120
	Intellectual Property II	129
	Property	124
	U.S. Supreme Court	Faculty Lounge
12:15 – 1:15 PM	LUNCH	DINING HALL
1:15 – 3:15 PM	SESSION V	ROOM
	Contracts III	129
	Corporate Governance III: Hedge Fund Activism	127
	Courts V: Decisionmaking (Parties, Judges and Jurors)	121
	Courts VI: Legitimacy of Judicial Institutions	128
	Insider Trading	122
	Law and Psychology III: Blaming, Forgiving and the Endowment Effect	120
	Law Firms	Faculty Lounge
	Mortgage Foreclosure Policy	Auditorium
	Tax	124
3:15 – 4:35 PM	SESSION VI	ROOM
	Civil Rights and Discrimination V	129
	Comparative Law (Social Welfare Regulation):	
	Traffic Safety and No-fault Divorce	124
	Corporate Acquisitions II: Defensive Tactics	127
	Courts VII: Judicial Ideology and Gender	120
	Criminal Justice III: Impact of Legal Rules on Criminal Activity	Auditorium
	Criminal Justice IV: Psychology of Crime	128
	Law and Politics	122
	Policing against Terrorism	121
4:35 PM	RECEPTION	ALUMNI READING ROOM

Yale Law School

Floor Plan, First Floor



Yale Law School Conference on Empirical Legal Studies

November 5–6, 2010

PROGRAM



Friday, November 5, 2010

7:45 – 8:30 AM
DINING HALL

Continental Breakfast

8:30 – 8:45 AM
ROOM 127

Welcome
Dean Robert Post

8:45 – 10:15 AM
ROOM 127

Methodology I: Choice of Regression Models
Martin T. Wells

10:30 AM – 12:00 PM
ROOM 127

Methodology II: Field Experimentation in the Social Sciences
Alan Gerber and Donald Green

12:00 – 12:30 PM
DINING HALL

Boxed Lunch

SESSION I: 12:30 – 2:30 PM • ROOM 120

Civil Rights and Discrimination I

Chair: Clayton P. Gillette

Rachael V. Cobb
D. James Greiner
Kevin M. Quinn

Can Voter ID Laws Be Administered in a Race-Neutral Manner?
Evidence from the City of Boston in 2008
Discussant: Nathaniel Persily

David S. Law
Mila Versteeg

The Evolution and Ideology of Global Constitutionalism
Discussant: Bruce A. Ackerman

Betsey Stevenson
Justin Wolfers

Subjective and Objective Indicators of Racial Progress
Discussant: Joseph G. Altonji

SESSION I: 12:30 – 2:30 PM • ROOM 128

Contracts I

Chair: Alan Schwartz

Yuval Feldman
Doron Teichman

The Expressive Power of Contracts: An Empirical Examination
Discussant: Alexander Stremitzer

Yair Listokin

The Meaning of Contractual Silence: A Field Experiment
Discussant: Ezra Friedman

Florencia Marotta-Wurgler

Does Disclosure Matter?
Discussant: Albert Choi

Friday, November 5, 2010

SESSION I: 12:30 – 2:30 PM • ROOM 127

Corporate Governance I: Governance and Performance

Chair: Rick Antle

Assaf Hamdani
Yishay Yafeh

Institutional Investors as Minority Shareholders
Discussant: Brian Bolton

Henry Hansmann
Steen Thomsen

Virtual Ownership and Managerial Distance: The Governance of Industrial Foundations
Discussant: Kenneth M. Lehn

Jarrad Harford
Mark Humphery-Jenner
Ronan Powell

The Sources of Value Destruction in Acquisitions by Entrenched Managers
Discussant: Guhan Subramanian

SESSION I: 12:30 – 2:30 PM • ROOM 122

Courts I: Federal Appeals Courts

Chair: Bert I. Huang

Carlos Berdejo

It's the Journey, Not the Destination: Judicial Preferences and Decision-Making in the Ninth Circuit
Discussant: Jeff L. Yates

Joshua B. Fischman

Understanding Voting Behavior in Circuit Court Panels
Discussant: Chad Westerland

Corey Rayburn Yung

Flexing Judicial Muscle: An Empirical Study of Judicial Activism in the Federal Courts
Discussant: Christina L. Boyd

SESSION I: 12:30 – 2:30 PM • ROOM 124

Health Care I: Physicians and Hospitals

Chair: Jill R. Horwitz

Katie Elkin

David M. Studdert
David Elkin
Matthew J. Spittal

An Analysis of Disciplinary Cases Against Doctors in Australia and New Zealand: Characteristics of Doctors and Cases, and Predictors of Removal from Practice
Discussant: Michelle Mello

Hyun K. Kim

Bernard S. Black

Does Hospital Infection Reporting Affect Infection Rates: A Case Study of Pennsylvania
Discussant: Kristin Madison

Susanne C. Monahan
Mark C. Suchman

Does HIPAA Hinder Provider-Patient Communication?
Discussant: Griffin Sims Edwards

Friday, November 5, 2010

SESSION I: 12:30 – 2:30 PM • ROOM 121

Intellectual Property I

Chair: Henry E. Smith

John R. Allison

Mark A. Lemley
Joshua W. Walker

Patent Quality and Settlement Among Repeat Patent Litigants

Discussant: Ian Ayres

C. Scott Hemphill

Bhaven N. Sampat

When Do Generics Challenge Drug Patents?

Discussant: Fiona Scott Morton

Maria Lillà Montagnani

Massimiliano Nuccio
Maurizio Borghi

Online Distribution of Digital Goods: Empirical Evidence from
Bottom-Up Cluster Analysis

Discussant: Peter DiCola

SESSION I: 12:30 – 2:30 PM • AUDITORIUM

Law and Finance

Chair: Claire Priest

Ola Bengtsson

S. Abraham Ravid

Geography and Private Equity Contracting: Evidence from U.S. Venture Capital

Discussant: Robert Bartlett

Alicia J. Davis

Do Individual Investors Have an Effect on Corporate Governance?

Some Preliminary Evidence

Discussant: Stephen J. Choi

Veronica Aoki Santarosa

Financing Long-Distance Trade Before Banks: the Joint Liability Rule and
Bills of Exchange in 18th-Century France

Discussant: Ronald Mann

SESSION II: 2:45 – 4:45 PM • ROOM 121

Administrative Law

Chair: Mathew D. McCubbins

Christopher R. Berry

Jacob E. Gersen

Agency Spending and Political Control of the Bureaucracy

Discussant: Mathew D. McCubbins

Griffin Sims Edwards

A Selection – Corrected Estimate of Chevron's Impact on Agency Deference

Discussant: Daniel E. Ho

Gbemende Johnson

Equal Before the Law? State Supreme Court Judicial Review of State
Administrative Agencies

Discussant: Susan Rose-Ackerman

Friday, November 5, 2010

SESSION II: 2:45 – 4:45 PM • ROOM 124

Antitrust

Chair: Daniel Rubinfeld

Peter DiCola FCC Regulation and Increased Ownership Concentration in the Radio Industry
Discussant: Matthew Spitzer

Christoph Engel How is the Competition Dilemma Specific? An Experiment
Lilia Zhurakhovska *Discussant: C. Scott Hemphill*

Dina I. Waked Antitrust Enforcement in Developing Countries: Reasons for Enforcement
& Non-Enforcement Using Resource-Based Evidence
Discussant: Richard Brooks

SESSION II: 2:45 – 4:45 PM • ROOM 128

Banking Law

Chair: Jonathan R. Macey

Daniel Berkowitz The Emergence of Bank-Issued Credit in Russia: An Empirical Characterization
David N. Dejong *Discussant: Ryan Bubb*

Robert C. Bird The Impact of Labor Mobility on Bank Performance
John D. Knopf *Discussant: Daniel Berkowitz*

Prasad Krishnamurthy Branching Restrictions, Financial Market Integration, and Firm Growth:
Evidence from U.S. Banking Deregulation
Discussant: M. Todd Henderson

SESSION II: 2:45 – 4:45 PM • AUDITORIUM

Civil Rights and Discrimination II: Discrimination in the Justice System

Chair: Kate Stith

Beth A. Freeborn Racial and Ethnic Disparities in Federal Sentencing: A Quantile Regression Approach
Monica E. Hartmann *Discussant: Ashley T. Rubin*

Jean Lee Do Jurors Discriminate? Evidence from Changes in State Juror Selection Procedures
Discussant: David S. Abrams

Jill D. Weinberg Judicial Consciousness: An Empirical Examination of Summary Judgment
Laura Beth Nielsen Outcomes of Employment Discrimination Cases
Discussant: Bert I. Huang

Friday, November 5, 2010

SESSION II: 2:45 – 4:45 PM • ROOM 127

Corporate and Securities Litigation

Chair: Henry Hansmann

John Armour
Bernard S. Black
Brian R. Cheffins

Is Delaware Losing its Cases?
Discussant: Jill E. Fisch

Stephen J. Choi
Drew T. Johnson-Skinner
Adam C. Pritchard

The Price of Pay to Play in Securities Class Actions
Discussant: David Webber

Quinn Curtis
John D. Morley

An Empirical Study of Mutual Fund Excessive Fee Litigation: Do the Merits Matter?
Discussant: Erik R. Sirri

SESSION II: 2:45 – 4:45 PM • ROOM 120

Courts II: Measuring Judicial Performance

Chair: Shari Seidman Diamond

Thomas Cameron

Have Chief Justice Roberts and Justice Alito Moved the Supreme Court to the Right?
Ideological Movement on the Supreme Court from 1953 to 2008
Discussant: Theodore W. Ruger

Scott E. Graves
Robert Matthew Howard
Pamela C. Corley

Judicial Independence: Evidence from a Natural Experiment
Discussant: D. James Greiner

J.J. Prescott
Kathryn E. Spier
Albert Yoon

Trial and Settlement: A Study of High-Low Agreements
Discussant: George L. Priest

SESSION II: 2:45 – 4:45 PM • ROOM 122

Criminal Justice I: Prisons and Plea Bargains

Chair: Peter Grabosky

Shawn D. Bushway
Allison D. Redlich

The Role of Evidence in the Value of Plea Bargains
Discussant: Nicola Persico

Amanda B. Geller
Marah A. Curtis

A Sort of Homecoming: Incarceration and the Housing Security of Urban Men
Discussant: Justin Wolfers

Charles Loeffler

The Effects of Imprisonment on Labor Market Participation
Discussant: Nina Walton

Friday, November 5, 2010

SESSION II: 2:45 – 4:45 PM • FACULTY LOUNGE

Law and Psychology I: Emotions, Motivations, Legitimacy

Chair: Dan M. Kahan

Liesbeth Hulst Does Compensation for Emotional Harm to Victims' Relatives Assist in their Emotional Recovery?

Discussant: John M. Darley

Sunita Sah The Burden of Disclosure

George F. Loewenstein

Discussant: Dan Simon

Daylian M. Cain

Dan Simon Lay Judgments of Legal Decisions

Nicholas Scirich

Discussant: Janice Nadler

4:45 – 6:45 PM • RECEPTION AND POSTER SESSION

Dining Hall

POSTER SESSION: ANTITRUST

Magdalena Laskowska Dynamic Efficiencies and Technological Progress in EC Merger Control

Oana Andreea Stefan The Judicial Geometry of European Competition and State Aid Soft Law

Zhongmin Wang Supermarket and Gasoline: An Empirical Study of Bundled Discount

POSTER SESSION: CIVIL RIGHTS: EMPLOYMENT AND EDUCATION

Adam Gailey What Explains the Geographic Variation in Employment Discrimination Allegations?

Seth A. Seabury

Sandeep Kindo The Right to Elementary Education: Assertion of Rights and Budgetary Patterns in India since 1990

POSTER SESSION: CORPORATE AND SECURITIES LAW

Ettore Croci The Corporate Governance Endgame – An Economic Analysis of Minority

Olaf Ehrhardt

Squeeze-Out Regulation in Germany

Eric Nowak

Amedeo De Cesari The Effects of Ownership and Stock Liquidity on the Timing of Repurchase Transactions

Susanne Espenlaub

Arif Khurshed

Michael Simkovic

Nicholas L. Georgakopoulos Bankruptcy Veil-Piercing: Bypassing Broken Nodes?

James J. Park Securities Class Actions Against Bankrupt Companies

Friday, November 5, 2010

POSTER SESSION: COURTS I: CIVIL LITIGATION

Yonatan A. Arbel The Impact and Functions of Specific Performance Litigation

Herbert M. Kritzer A Portrait of Local News Reporting of Civil Litigation
Robert E. Drechsel

Margaret S. Williams Who Will Manage Complex Civil Litigation? The Decision to Transfer and Consolidate Multidistrict Litigation
Tracey E. George

POSTER SESSION: COURTS II: CRIMINAL JUSTICE

Ashley T. Aubuchon-Rubin The Effect of County Demographics on Sentencing Outcomes: A Quasi-Experiment Using Data from Inmates of Eastern State Penitentiary between 1829 and 1859

Paula Hannaford-Agor Safe Harbors from Fair Cross Section Challenges? The Practical Limitations of Measuring Representation in the Jury Pool
Nicole L. Waters

Ronen Perry Stealing Sunshine
Dana Weimann-Saks

Melanie D. Wilson Improbable Cause: A Case for Judging Police by a More Majestic Standard

POSTER SESSION: COURTS III: JUDICIAL BEHAVIOR

Denise Keele A Strategic Model of Judicial Behavior in the Lower Federal Courts
Robert W. Malsheimer

Mehmet K. Konar-Stenberg Judicial Behavior and the Dormant Commerce Clause Doctrine: An Empirical Study
Anne Peterson

David L. Schwartz The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study
Lee Petherbridge

POSTER SESSION: COURTS IV: SUPREME COURTS

Jeffrey Budziak Legal Argumentation and Case Quality at the U.S. Supreme Court
Daniel Lempert

Theodore Eisenberg Israel's Supreme Court Appellate Jurisdiction: An Empirical Study
Talia Fisher
Issachar Rosen-Zvi

Chang-Ching Lin Party Capability versus Court Preference: Why the 'Haves' Come Out Ahead? –
Kuo-Chang Huang An Empirical Lesson from Taiwan Supreme Court
Kong-Pin Chen

POSTER SESSION: EXPERIMENTAL LEGAL STUDIES: NORMS

Ian Ayres Evidence from Two Large Field Experiments that Peer Comparison Feedback
Sophie Raseman Can Reduce Residential Energy Usage
Alice Shih

Peter G. Lewisch Free-Riding on Altruistic Punishment? An Experimental Comparison of Third-Party-
Punishment in a Stand-Alone and in an In-Group Environment
Stefania Ottone
Ferruccio Ponzano

Gijs van Dijck When Do Individuals Participate in Class Actions?

Friday, November 5, 2010

POSTER SESSION: INTELLECTUAL PROPERTY

Christopher J. Buccafusco The Creativity Effect
Christopher Jon Sprigman

Giuseppe Di Vita The Trips Agreement and Technological Innovation

John Hagedoorn The Allocation of Intellectual Property Control Rights In R&D Alliances
Bart Dormans
Geerte Hesen

Andrew W. Torrance Property Rules, Liability Rules, and Patents: One Experimental View of the Cathedral
Bill M. Tomlinson

POSTER SESSION: LAW AND FINANCE

Thomas J. Brennan Quantifying the Subsidies Hidden in the Cash-Flow Taxation of Fixed Bonds and Interest Rate Swaps

Stephen F. Diamond Institutional Heterogeneity Among Stock Exchanges: Implications for Market Efficiency
Jennifer W. Kuan

Lei Ding The Impact of State Anti-Predatory Lending Laws on the Foreclosure Crisis
Carolina Reid
Roberto G. Quercia
Alan White

Luca Dalla Pellegrina New Advantages of Tying One's Hands: Supervision, Monetary Policy and
Donato Masciandaro Central Bank Independence
Rosaria Vega Pansini

Douglas M. Spencer Constitutions and Commitments: A Modern Day Investment Scheme?

POSTER SESSION: LAW FIRMS

Carolyn Dubay Trends and Problems in the Appointment and Compensation of Common Benefit Counsel in Complex Multi-District Litigation: An Empirical Study of Ten Mega MDLs

Samuel Estreicher Examining the Instrumental Use of Pro Bono Projects by Law Firms: Preliminary Evidence
Michael Heise
Jonathan Nash

Richard H. Sander The Secret of My Success: How Status, Prestige and School Performance
Jane Yakowitz Shape Legal Careers

POSTER SESSION: NONJUDICIAL DISPUTE RESOLUTION

Yun-chien Chang Exhaustion of Administrative Remedies or Exhausting Appellants? An Empirical Study of Administrative Appeal

Leslie Sherida Ferraz Access to Justice and Small Claims Courts: Empirical Research and Statistical Analysis in Nine Brazilian States

Alicia Summers Assessing Efficiency and Workload Implications of the King County Mediation Pilot
Steve Wood
Jesse Russell

Friday, November 5, 2010

POSTER SESSION: PROPERTY

Gordon Bermant Beyond Ownership: Lessees and Idiosyncratic Valuation
Heather Barness-Blakeman

Cherie Metcalf Property Law Culture: Public Law, Private Preferences and the Psychology of Expropriation

6:45 PM • DINNER

Keynote Speaker: Orley Ashenfelter
Yale University Commons

*Shuttle buses will run after the dinner from University Commons
(corner of College Street and Grove Street) to the three downtown hotels.*

Saturday, November 6, 2010

7:30 – 8:40 AM Continental Breakfast
DINING HALL

SESSION III: 8:40 – 10:00 AM • ROOM 120

Civil Rights and Discrimination III: Equal Opportunity in Housing and Education

Chair: Jane Yakowitz

Yana Kucheva The Misunderstood Consequences of *Shelley v. Kraemer*
Richard H. Sander *Discussant: Daniel L. Chen*

Barbara Ann White Affirmative Action for the Age of Obama: New Insights from a 10 Year Study
Discussant: Jill D. Weinberg

SESSION III: 8:40 – 10:00 AM • ROOM 127

Corporate Acquisitions I: Leveraged Buyouts

Chair: Ettore Croci

Matthew D. Cain Form Over Substance? Management Buy-Outs and the Value of Corporate Process
Steven M. Davidoff *Discussant: Michael Simkovic*

Jerry Cao Creditor Rights and LBOs
Douglas J. Cumming *Discussant: Holger Spamann*
Meijun Qian
Xiaoming Wang

SESSION III: 8:40 – 10:00 AM • ROOM 128

Corporate Law: Choice of Domicile

Chair: Nicholas L. Georgakopoulos

Michal Barzuza What Happens in Nevada? Self-Selecting into a Lax Law
David Carl Smith *Discussant: Larry Ribstein*

Jens Damman Where are Limited Liability Companies Formed? An Empirical Analysis
Matthias Schundeln *Discussant: Bruce Kobayashi*

Saturday, November 6, 2010

SESSION III: 8:40 – 10:00 AM • ROOM 129

Courts III: Civil Litigation Process

Chair: Margaret Williams

Thomas H. Cohen

Expeditioness and Delay in State Courts: An Exploration of Case Processing Time in Civil Trials

Discussant: Michael Heise

Emery G. Lee

Margaret S. Williams

Richard Allen Nagareda

Joe S. Cecil

Thomas E. Willging

Kevin M. Scott

The Expanding Role of Multidistrict Consolidation in Federal Civil Litigation: An Empirical Investigation

Discussant: Carolyn Dubay

SESSION III: 8:40 – 10:00 AM • AUDITORIUM

Criminal Justice II: Deterrence

Chair: Melanie D. Wilson

David S. Abrams

Building Criminal Capital vs. Specific Deterrence: The Effect of Incarceration Length on Recidivism

Discussant: John F. Pfaff

Margaret F. Brinig

Nicole Stelle Garnett

Catholic Schools and Broken Windows

Discussant: Jeffrey Fagan

SESSION III: 8:40 – 10:00 AM • ROOM 124

Employment Relations

Chair: Samuel Estreicher

Kate Litvak

When Assets Go Home at Night: The Effect of Labor Mobility on Firms' Financial Decisions

Discussant: Jun Yang

Alison D. Morantz

Coal Mine Safety: Do Unions Make a Difference?

Discussant: Wayne Gray

SESSION III: 8:40 – 10:00 AM • ROOM 121

Experimental Legal Studies

Chair: Ronan Perry

Kenworthy Bilz

Andrew S. Gold

An Experimental Test of Civil Recourse Theory

Discussant: Douglas A. Kysar

Nicholas Scurich

Richard S. John

Trawling Genetic Databases: When a DNA Match is Just a Naked Statistic

Discussant: David Kaye

Saturday, November 6, 2010

SESSION III: 8:40 – 10:00 AM • ROOM 122

Health Care II: Defensive Medicine

Chair: Adam Gailey

Ronen Avraham
Max Matthew Schanzenbach
The Impact of Tort Reform on Intensity of Treatment: Evidence from the Heart Patients
Discussant: Andrew Mulcahy

Brian K. Chen
Defensive Medicine Under Enterprise Insurance: Do Physicians Practice Defensive Medicine, and Can Enterprise Insurance Mitigate its Effect?
Discussant: Amanda Kowalski

SESSION III: 8:40 – 10:00 AM • FACULTY LOUNGE

Law and Psychology II: Cognition of Causation and Guilt

Chair: David A. Hoffman

Dan Simon
Doug Stenstrom
Stephen J. Read
The Spontaneous Arousal of Hot Cognitions in the Course of Deciding Criminal Verdicts
Discussant: Dan M. Kahan

Barbara A. Spellman
Christopher R. Holland
When Knowledge Matters to Causation
Discussant: Joshua Knobe

SESSION IV: 10:15 AM – 12:15 PM • ROOM 122

Civil Rights and Discrimination IV: Bankruptcy and Bail

Chair: Edward J. Janger

Shawn D. Bushway
Jonah B. Gelbach
Testing for Racial Discrimination in Bail Setting Using Nonparametric Estimation of a Parametric Model
Discussant: John J. Donohue

Sumit Agarwal
Souphala Chomsisengphet
Robert McMenamin
Paige Marta Skiba
Dismissal with Prejudice? Race and Politics in Personal Bankruptcy
Discussant: Robert M. Lawless

Dov Cohen
Robert M. Lawless
Less Forgiven: Race and Chapter 13
Discussant: Paige Marta Skiba

SESSION IV: 10:15 AM – 12:15 PM • ROOM 128

Contracts II

Chair: Richard Brooks

Hadar Aviram
Ethan J. Leib
Are Friendship & the Law Separate Spheres? A Vignette Survey Study
Discussant: Zev Eigen

William C. Johnson
Jun-Koo Kang
Ronald W. Masulis
Sangho Yi
Information Revelation Along the Supply Chain: The Relationship between Suppliers and Large Customers
Discussant: Victor Goldberg

Daphna Lewinsohn-Zamir
The Thing Itself: The Preference for In-Kind Over Monetary Redress
Discussant: Eric L. Talley

Saturday, November 6, 2010

SESSION IV: 10:15 AM – 12:15 PM • AUDITORIUM

Corporate Governance II: Boards

Chair: Minor Myers

Matthew D. Cain
Steven M. Davidoff

Corporate Governance by Firm Contestability
Discussant: Andrew Metrick

H. Shawn Mobbs

Internal Financial Expertise on the Board: Implications for Corporate Financial Policy
Discussant: Antonio Gledson de Carvalho

Tareque Nasser

Corporate Financial and Investment Policies in the Presence of a Blockholder on the Board
Discussant: Jeffrey N. Gordon

SESSION IV: 10:15 AM – 12:15 PM • ROOM 127

Corporate Sanctions and Reputation

Chair: Cindy R. Alexander

John Armour
Colin Mayer
Andrea Polo

Regulatory Sanctions and Reputational Damage in Financial Markets
Discussant: Jennifer H. Arlen

Peter-Jan Engelen

Measuring Reputational Penalties – The Case of US Illegal Insider Trading
Discussant: Jonathan R. Macey

Yonca Ertimur
Fabrizio Ferri
David A. Maber

Reputation Penalties for Poor Monitoring of Executive Pay: Evidence from
Option Backdating
Discussant: Jay Cai

SESSION IV: 10:15 AM – 12:15 PM • ROOM 121

Courts IV: International Courts

Chair: Oana Andreea Stefan

Royce Carroll
Lydia Brashear Tiede

Conflict on Chile's Constitutional Tribunal
Discussant: Jeffrey K. Staton

Juscelino F. Colares

The Reality of EU-Conformity Review in France
Discussant: Mitchel Lasser

Valentina P. Dimitrova-Grajzl
Peter Grajzl
Janez Sustersic
Katarina Zajc

Court Output, Judicial Staffing, and the Demand for Court Services: Evidence
from Slovenian Courts of First Instance
Discussant: Leslie Ferraz

Saturday, November 6, 2010

SESSION IV: 10:15 AM – 12:15 PM • ROOM 120

Financial Crisis: Financial Institutions and Bankruptcy

Chair: Michael Simkovic

Deniz Anginer The Chrysler Effect: The Impact of the Chrysler Bailout on Borrowing Costs

A. Joseph Warburton *Discussant: Kenneth Ayotte*

Frederick Tung Bank CEOs, Inside Debt Compensation, and the Global Financial Crisis

Xue Wang *Discussant: John D. Morley*

Sarah P. Woo Micro-Prudence, Macro-Risk: Where Financial Regulation Meets Bankruptcy

Discussant: Frederick Tung

SESSION IV: 10:15 AM – 12:15 PM • ROOM 129

Intellectual Property II

Chair: Alvin K. Klevorick

Christoph Engel Fairness Ex Ante & Ex Post - The Benefits of Renegotiation in Media Markets

Michael J. Kurschilgen *Discussant: Shyam Sunder*

Alan C. Marco Do Economic Downturns Dampen Patent Litigation?

Ted M. Sichelman *Discussant: Edmund W. Kitch*

David S. Olson Empirical Study of Dissemination of Invention Information in the Patent System

Discussant: John R. Allison

SESSION IV: 10:15 AM – 12:15 PM • ROOM 124

Property

Chair: Robert C. Ellickson

Bernadette Atuahene Where Did the Money Go? Did the Financial Awards Distributed by the South African Land Restitution Program Contribute to Economic Development?

Discussant: Robert C. Ellickson

Ian Keay Property Rights, Resource Access and Long Run Growth

Cherie Metcalf *Discussant: Katrina M. Wyman*

Terra Lawson-Remer Do Stronger Collective Property Rights Increase Household Income? Evidence from a Field Study in Fiji

Discussant: Cherie Metcalf

Saturday, November 6, 2010

SESSION IV: 10:15 AM – 12:15 PM • FACULTY LOUNGE

U.S. Supreme Court

Chair: Charles Cameron

Stefanie A. Lindquist

Jeffrey Segal

Chad Westerland

Judicial Review in the United States Supreme Court: Are Justices Merely Legislators in Robes?

Discussant: Deborah Beim

Douglas Rice

The Impact of Supreme Court Activity on the Judicial Agenda: Calling to Action or Settling the Law

Discussant: Carolyn Shapiro

Jeff L. Yates

Brian Levey

Justin Moeller

For the Times They are a Changin': Explaining U.S. Supreme Court Justices' Voting

Discussant: Joshua C. Teitelbaum

12:15 – 1:15 PM • LUNCH

DINING HALL

SESSION V: 1:15 – 3:15 PM • ROOM 129

Contracts III

Chair: Alexander Stremitzer

Daniel L. Chen

Markets and Morality: How Does Competition Affect Moral Judgment?

Discussant: Kory Kroft

Zev J. Eigen

When and Why Individuals Obey Form-Adhesive Contracts: Experimental Evidence of Consent, Compliance, Promise and Performance

Discussant: Tess Wilkinson-Ryan

Tess Wilkinson-Ryan

Moral Psychology of Assigned Contracts

Discussant: Claudia M. Landeo

SESSION V: 1:15 – 3:15 PM • ROOM 127

Corporate Governance III: Hedge Fund Activism

Chair: Eric J. Pan

Vikas Agarwal

Wei Jiang

Yuehua Tang

Baozhong Yang

Uncovering Hedge Fund Skill from the Portfolio Holdings They Hide

Discussant: Cindy R. Alexander

Yasushi Hamao

Kenji Kutsuna

Pedro Matos

U.S.-Style Investor Activism in Japan: The First Ten Years

Discussant: Robin Marc Greenwood

April Klein

Emanuel Zur

The Impact of Hedge Fund Activism on the Target Firm's Existing Bondholders

Discussant: K.J. Martijn Cremers

Saturday, November 6, 2010

SESSION V: 1:15 – 3:15 PM • ROOM 121

Courts V: Decisionmaking (Parties, Judges and Jurors)

Chair: **Gijs van Dijck**

Christina L. Boyd
David A. Hoffman

Litigating Toward Settlement
Discussant: Theodore Eisenberg

Shari Seidman Diamond

Beth Murphy
Mary R. Rose

The 'Kettleful of Law' in Real Jury Deliberations: Successes and Failures
Discussant: Valerie Hans

Joshua C. Teitelbaum

Analogical Legal Reasoning: Theory and Evidence
Discussant: Joshua B. Fischman

SESSION V: 1:15 – 3:15 PM • ROOM 128

Courts VI: Legitimacy of Judicial Institutions

Chair: **Robert Howard**

Deborah Beim
Charles M. Cameron
Lewis A. Kornhauser

Policy and Disposition Coalitions on the Supreme Court of the United States
Discussant: Corey Yung

James L. Gibson
Gregory A. Caldeira

Judicial Impartiality, Campaign Contributions, and Recusals: Results from a National Survey
Discussant: Sanford C. Gordon

Fabiana Luci Oliveira
Luciana Gross Cunha
Rodrigo De Losso da Silveira Bueno
Rubens Morita
Silvia Pupo

Building a Confidence Index for Brazil's Judicial System
Discussant: Tom R. Tyler

SESSION V: 1:15 – 3:15 PM • ROOM 122

Insider Trading

Chair: **James J. Park**

Anup Agrawal
Tareque Nasser

Insider Trading in Takeover Targets
Discussant: Kate Litvak

Jonathan Brogaard

High Frequency Trading and its Impact on Market Quality
Discussant: David K. Musto

M. Todd Henderson

Insider Trading and CEO Pay
Discussant: Heather E. Tookes

Saturday, November 6, 2010

SESSION V: 1:15 – 3:15 PM • ROOM 120

Law and Psychology III: Blaming, Forgiving and the Endowment Effect

Chair: Keith Chen

Amy E. Coren

Bridging the WTA-WTP Gap: Ownership, Bargaining, and the Endowment Effect

Discussant: Shane Frederick

Dena M. Gromet

John M. Darley

Gut Reactions to Criminal Wrongdoing: The Role of Political Ideology

Discussant: Tamar Gendler

Tyler G. Okimoto

Michael Wenzel

N.T. Feather

Conceptualizing Retributive and Restorative Justice

Discussant: Kenworthy Bilz

SESSION V: 1:15 – 3:15 PM • FACULTY LOUNGE

Law Firms

Chair: Noah Messing

Flóra Felső

Sander Onderstal

Jo Seldeslachts

When Would a Lawyer Work for a Fixed Fee?

Discussant: Noah Messing

Mark C. Weidemaier

Robert E. Scott

G. Mitu Gulati

Origin Myths, Contracts, and the Hunt for *Pari Passu*

Discussant: John Coates

Charles D. Weisselberg

Su Li

Big Law's Sixth Amendment: The Development of White-Collar Practices in the Large U.S. Law Firms

Discussant: Herbert M. Kritzer

SESSION V: 1:15 – 3:15 PM • AUDITORIUM

Mortgage Foreclosure Policy

Chair: Patricia Ann McCoy

Neil Bhutta

Jane K. Dokko

Hui Shan

Consumer Ruthlessness and Strategic Default During the 2007–2009 Housing Bust

Discussant: Mark A. Willis

Quinn Curtis

Foreclosure Law and Mortgage Risk in the Subprime Era: An Empirical Examination

Discussant: Christopher L. Griffin

Christopher J. Mayer

Edward R. Morrison

Tomasz Piskorski

Arpit Gupta

Mortgage Modification and Strategic Default: Evidence from a Legal Settlement with Countrywide

Discussant: Patricia Ann McCoy

Saturday, November 6, 2010

SESSION V: 1:15 – 3:15 PM • ROOM 124

Tax

Chair: Thomas J. Brennan

Dhammika Dharmapala

Nadine Riedel

Earnings Shocks and Tax-Motivated Income-Shifting: Evidence from European Multinationals

Discussant: Thomas J. Brennan

Murray Z. Frank

Rajdeep Singh

Tracy Yue Wang

Personal Income Tax and Corporate Investment

Discussant: Dhammika Dharmapala

Nancy Christine Staudt

Mobilizing Judicial Resources: The Information Theory in Action

Discussant: Moses Shayo

SESSION VI: 3:15 – 4:35 PM • ROOM 129

Civil Rights and Discrimination V

Chair: Daniel E. Ho

Gary L. Blasi

Joseph W. Doherty

Do Antidiscrimination Regimes Discriminate? Processing Claims Through Administrative and Legal 'Pyramids' and the Role of the Plaintiffs' Bar: A California Case Study

Discussant: Laura Beth Nielsen

Jeffrey Fagan

Amanda B. Geller

Profiling and Consent: Stops, Searches and Seizures after *Soto*

Discussant: Emily Owens

SESSION VI: 3:15 – 4:35 PM • ROOM 124

Comparative Law (Social Welfare Regulation): Traffic Safety and No-fault Divorce

Chair: Nancy Staudt

Sietse Bracke

Gerd Verschelden

Koen J.L. Schoors

No-Fault Divorce and Rent-Seeking

Discussant: Jonah B. Gelbach

Josef Montag

Radical Change in Traffic Law: Effects on Road Safety in the Czech Republic

Discussant: Max M. Schanzenbach

SESSION VI: 3:15 – 4:35 PM • ROOM 127

Corporate Acquisitions II: Defensive Tactics

Chair: Roberta Romano

Mark Humphery-Jenner

Using Anti-Takeover Provisions to Ameliorate Managerial Risk Aversion and Generate Value

Discussant: H. Shawn Mobbs

Karl S. Okamoto

David J. Pedersen

Natalie Bucciarelli Pedersen

The Price Effects of Event Risk Protection: The Results from a Natural Experiment

Discussant: Annette B. Poulsen

Saturday, November 6, 2010

SESSION VI: 3:15 – 4:35 PM • ROOM 120

Courts VII: Judicial Ideology and Gender

Chair: Theodore Eisenberg

Royce de Rohan Barondes

Federal District Judge Gender and Reversals

Discussant: Lee Epstein

Jonathan Nash

Ideological Voting in Bankruptcy

Rafael I. Pardo

Discussant: Edward R. Morrison

SESSION VI: 3:15 – 4:35 PM • AUDITORIUM

Criminal Justice III: Impact of Legal Rules on Criminal Activity

Chair: Peter Lewisch

John J. Donohue

Abhay Aneja

Alexandria Zhang

The Impact of Right-To-Carry Laws and the NRC Report: Lessons for the Empirical Evaluation of Law and Policy

Discussant: Andrew Papachristos

Sasha Romanosky

Rahul Telang

Alessandro Acquisti

Do Data Breach Disclosure Laws Reduce Identity Theft?

Discussant: J.J. Prescott

SESSION VI: 3:15 – 4:35 PM • ROOM 128

Criminal Justice IV: Psychology of Crime

Chair: Hadar Aviram

Janice Nadler

Mary-Hunter Morris

The Psychology of Blame: Criminal Liability and the Role of Moral Character

Discussant: Jed Rubenfeld

Avani Mehta Sood

John M. Darley

The Plasticity of Harm: An Experimental Demonstration of the Malleability of Judgments in the Service of Criminalization

Discussant: Donald Braman

SESSION VI: 3:15 – 4:35 PM • ROOM 122

Law and Politics

Chair: Denise Keele

Jordi Blanes i Vida

Mirko Draca

Christian Fons-Rosen

Revolving Door Lobbyists

Discussant: Andrew C. Eggers

Sanford C. Gordon

Executive Control vs. Bureaucratic Insulation: Evidence from Federal Contracting

Discussant: Gregory A. Huber

Saturday, November 6, 2010

SESSION VI: 3:15 – 4:35 PM • ROOM 121

Policing against Terrorism

Chair: Tracey Meares

Liav Orgad

Badi Hasisi

Airport Screening, Human Rights, and the War on Terror: Lessons from Israel, 1968-2008

Discussant: Bernadette Atuahene

Aziz Z. Huq

Tom R. Tyler

Stephen J. Schulhofer

Mechanisms for Eliciting Cooperation in Counter-Terrorism Policing

Discussant: Franklin E. Zimring

**4:35 PM • RECEPTION
ALUMNI READING ROOM**

The 2010 Conference on Empirical Legal Studies gratefully acknowledges the support of the Oscar M. Ruebhausen Fund at Yale Law School.



CELS 2010



5TH Annual Conference on Empirical Legal Studies

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President: Roberta Romano

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Notes:

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