

Law and Political Economy Conference
Hosted by Kellogg's Ford Motor Company Center for Global Citizenship
and Northwestern Pritzker Law School
(Chicago Campus)
September 22-23, 2016

Thursday, September 22, 2016

12:00 p.m.

Lunch and Overview

1:30 p.m.

Afternoon Session 1 – Text Analysis

- Rachel Hinkle & Morgan Hazleton
“The Influence of Unique Information in Briefs on Supreme Court Decision-making”
- Ryan Owens
“Personal Motives and Supreme Court Agenda Setting”

3:00 p.m.

Coffee break

3:30 p.m.

Afternoon Session 2 – Separation of Powers

- Joanna Shepherd & Michael Kang
Contested Elections in State Courts
- Jed Stiglitz
“Democratic Distrust and Administrative Lawmaking”

5:30 PM

Break for rest

7:00 p.m.

Dinner

Friday, September 23, 2016

8:00 a.m.

Breakfast

9:00 a.m.

Morning Session 1 - Doctrine and Procedure

- Alvaro Bustos and Tonja Jacobi
“Judicial Choice Among Cases for Certiorari”
- Emerson Tiller and Mike Nelson
“The Political Economy of Proprietary Estoppel”

10:30 a.m.

Coffee break

11:00 a.m.

Morning Session 2 – Panel Discussion: Future directions

- Kevin Quinn
- Sara Benesh
- Matthew Spitzer

12:30 p.m.

Lunch (casual)

Additional Information:

Lodging: Warwick Hotel Chicago, 701 N Michigan Ave, Chicago, (312) 440-1500

Conference Location: Kellogg business school (next door to the law school)

Main Room: 309

Lunch Room: 323

Hospitality Room (breakfast and breaks): 307

Additional Room: 305

Papers are posted as they are made available to us at

<http://tonjajacobi.com/law-political-economy-conference/>

Speaker Roster



David Austen-Smith is the Peter G. Peterson Professor of Corporate Ethics, and Professor of Political Science and Economics at Northwestern University, Kellogg School of Management. He received his PhD in economics from Cambridge University in 1978. He joined the Northwestern faculty from the University of Rochester in 1996, transferring to the Kellogg School as the Earl Dean Howard Professor of Political Economy in September 2004 from the Weinberg College of Arts and Sciences where he was the Ethel and John Lindgren Professor. Austen-Smith is currently teaching “Strategic Crisis Management” and “Values-Based Leadership”. He is an elected a fellow of the American Academy of Arts and Sciences, the Econometric Society, and the Society for the Advancement of Economic Theory; he is also a charter member of the Game Theory Society. Austen-Smith has published widely on positive political theory, social choice and applied game theory.



Scott Baker is the Liggett and Koenig Faculty Fellow at Washington University in St. Louis. His research interests lie at the intersection of law, economics, and game theory. He tackles a wide range of topics from judicial performance to the structure of law firms to problems in patent law. His co-authored works appear in the *Journal of Political Economy*, *Journal of Legal Studies*, *Journal of Law and Economics*, *Journal of Law, Economics and Organization*, and the *Journal of Legal Analysis* as well as numerous law reviews. In the fall of 2012, he served as a Becker-Friedman fellow at the University of Chicago. He is the recipient of a Tilburg University grant for studies in the law and economics of innovation. Before joining the faculty in 2009, Professor Baker was a professor of law and economics at the University of North Carolina, where he served as associate dean for faculty affairs and received the McCall Award for Law School Teacher of the Year. After graduating from law school, he obtained his Ph.D. in economics from the University of North Carolina at Chapel Hill. Professor Baker clerked for the Hon. E. Grady Jolly, U.S. Court of Appeals for the Fifth Circuit.



Sara C. Benesh is Associate Professor of Political Science at the University of Wisconsin, Milwaukee where she teaches courses on the Supreme Court, Law and Society, Civil Rights and Liberties, American Government, and Political Methodology. She earned her PhD in 1999 from Michigan State University, and is author or coauthor of two books as well as articles in the *American Journal of Political Science*, the *Journal of Politics*, *American Politics Research*, and *Justice System Journal*, among others. Her current research focuses mostly on the legitimacy of the courts.



Ryan C. Black is Associate Professor of Political Science at Michigan State University and a faculty affiliate with the MSU College of Law. His research focuses on U.S. Supreme Court decision making. He has published two books with Cambridge University Press and one with the University of Michigan Press. He has also published over 40 articles or chapters in a variety of peer-reviewed political science journals (e.g., *American Journal of Political Science*, *Journal of Politics*), peer-reviewed interdisciplinary journals (e.g., *Journal of Empirical Legal Studies*, *Journal of Law and Courts*), and law reviews (e.g., *Georgetown Law Journal*). His work has also been funded by the National Science Foundation.



Christina L. Boyd is an Assistant Professor in the Department of Political Science at the University of Georgia. Her current research focuses on the quantitative examination of judges and litigants in federal courts.



Eileen Braman is an Associate Professor of Political Science at Indiana University. She has a JD from Fordham University Law School and a Ph.D. in Political Science from Ohio State University. Her book *Law Politics and Perception: How Policy Views Influence Legal Reasoning* (Charlottesville: University of Virginia 2009) investigates the cognitive processes involved in legal reasoning. In it she explores how policy preferences interact with case facts and accepted legal norms to shape judgments. The book was the Winner of the C. Herman Pritchett Award for best book on Law and Courts from the Law and Courts section of the American Political Science Association. More recently her work involves how constitutional considerations and democratic context interact to shape public assessments of the “appropriate” exercise of executive, legislative, and judicial authority in contested policy domains. Her work has appeared in several political science and interdisciplinary journals including: *The American Journal of*

Political Science, Journal of Politics, and Law & Society Review. Professor Braman's research interests include political decision-making (broadly defined), Congress/Court relations, and the determinants of public support for government action. Her teaching interests include Constitutional Law, Judicial Process, and Political Psychology.



Traci Burch is Associate Professor of Political Science at Northwestern University and a Research Professor at the American Bar Foundation. She is the author of Trading Democracy for Justice: Criminal Convictions and the Decline of Neighborhood Political Participation, published by the University of Chicago Press. Trading Democracy for Justice was awarded the Ralph Bunche Award from the American Political Science Association, the Best Book Award from the Urban Politics Section of the American Political Science Association, and the C. Herman Pritchett Award from the Law and Courts section of the American Political Science Association. She is also coauthor of Creating a New Racial Order, published in 2012 by Princeton University Press. Other recent publications appear in *Political Behavior*, *Law and Society Review*, and *Criminology and Public Policy*.



Álvaro Bustos is an Associate Professor in the School of Business at the Pontificia Universidad Católica de Chile (PUC). He holds a Ph.D. in Economics (Princeton), a Master in Legal Studies (Northwestern) and a degree in Civil Industrial Engineering (U de Chile). Prior to joining PUC permanently (2011) he was a Law and Finance Fellow, and a Visiting Professor at Kellogg School of Management and Northwestern School of Law. Among other topics, Professor Bustos has carried out research on the dynamics of trials, judicial voting and retirement decisions in the Supreme Court, the welfare impact of limits in damage compensations, judicial decisions in labor disputes in Chile, vertical integration in regulated markets, and the impact of taxes in the demand for capital. Currently Bustos is also a Director of the Center of Corporate Governance UC (<http://centrogobiernocorporativo.uc.cl/>) and a permanent member of the organizing committee of the Latin American Workshop in Law and Economics (<http://lawle.org>).



Andrew F. Daughety is the Gertrude Conaway Vanderbilt Professor of Economics, Professor of Law. His research relating to law focuses on models of settlement and negotiation, models of courts and court systems, products liability and safety, privacy, the market for legal services, litigation funding, the implications of informal sanctions on defendants and prosecutors in criminal cases on plea bargaining, and incentives for prosecutorial misconduct in terms of violation of the Brady rule. He is a co-editor of the *Journal of Law, Economics, and Organization*, is on the editorial board of *The American Law and Economics Review*, and an associate editor of the *RAND Journal of Economics*. He joined the faculty of Vanderbilt's Department of Economics in 1995 after appointments at the University of Iowa's Economics Department and at Northwestern University's Kellogg Graduate School of Management. He has been a visiting scholar at the

Wharton School of the University of Pennsylvania; Centre d'Economie et de Finances Internationales, Universite d'Aix-Marseille; California Institute of Technology; the Berkeley Center for Law, Business and the Economy at the University of California, Berkeley School of Law; New York University Law School; the Max Planck Institute for Research on Collective Goods, Bonn; the Universitat Autònoma de Barcelona; Hitotsubashi University, Tokyo; the University of Melbourne; Stanford Law School; the Institute for Advanced Study in Toulouse; the Paris Center for Law and Economics; and an ERID Visitor at Duke University.



James N. Druckman is the Payson S. Wild Professor of Political Science and Faculty Fellow at the Institute for Policy Research at Northwestern University. He is also an Honorary Professor of Political Science at Aarhus University in Denmark. His research focuses on political preference formation and communication. His recent work examines how citizens make political, economic, and social decisions in various contexts (e.g., settings with multiple competing messages, online information, deliberation). He also researches the relationship between citizens' preferences and public policy, and how political elites make decisions under varying institutional conditions.



Morgan Hazelton is an assistant professor in the Department of Political Science at Saint Louis University, with a courtesy appointment at the Law School. She obtained her law degree from the University of Texas at Austin in 2001, and her doctorate in Political Science from Washington University in 2014. Her work focuses on judicial politics, judicial hierarchy, litigation, and information theory, and has appeared in the *American Politics Review*, *Review of Law & Economics*, and *Global Jurist*.



Rachael K. Hinkle earned her Ph.D. in Political Science from Washington University in St. Louis and her J.D. from Ohio Northern University. She is currently an assistant professor in the Department of Political Science at the University at Buffalo, SUNY. Her research agenda focuses on judicial politics with particular attention to gleaning insights into legal development from the content of judicial opinions through the use of computational text analytic techniques. This work is informed by her experience clerking for the Honorable David W. McKeague in the U.S. Court of Appeals and the Honorable Robert C. Broomfield in the U.S District Court and has appeared in the *American Journal of Political Science* and the *Journal of Politics*.



Tonja Jacobi is Professor of Law at Northwestern Pritzker Law School, and holds affiliate status with the Ford Center at Kellogg School of Management. She earned her PhD in political science from Stanford University, where she wrote her dissertation on separation of powers constraints on the judiciary. She also holds a Masters from the University of California, Berkeley and a law degree with first class honors from the Australian National University. Her areas of interest include judicial politics and behavior, advice and consent nominations, and constitutional criminal procedure. Her current projects include a formal model of judicial choice among cases for certiorari, a theory of judicial review centered on constitutional stability, and a reconceptualization of the tests used in constitutional criminal procedure.



Michael S. Kang is Professor of Law at Emory University School of Law. His research focuses on issues of election law, voting and race, shareholder voting, and political science. His work has been published by the *Yale Law Journal*, *NYU Law Review*, and *Michigan Law Review*, among others. Professor Kang also serves as co-editor of the book series *Cambridge Studies in Election Law and Democracy* and co-authored a chapter for the first book in the series, "Race, Reform, and Regulation of the Electoral Process." Professor Kang visited Cornell Law School during the 2008 spring semester and Harvard Law School during the 2009 spring semester.

Professor Kang received his BA and JD from the University of Chicago, where he served as technical editor of the *University of Chicago Law Review* and graduated Order of the Coif. He received an MA from the University of Illinois and his PhD in government from Harvard University. After law school, Professor Kang clerked for Judge Michael S. Kanne of the US Court of Appeals for the Seventh Circuit and worked in private practice at Ropes & Gray in Boston before joining the Emory Law faculty in 2004.



Michael J. Nelson is currently the Jeffrey L. Hyde and Sharon D. Hyde and Political Science Board of Visitors Early Career Professor of Political Science, Assistant Professor of Political Science, and Affiliate Law Faculty at the Pennsylvania State University where he researches and teaches about American politics, especially judicial politics and judicial elections, and quantitative research methods. His research has been published in the *American Journal of Political Science*, *Political Research Quarterly*, the *Journal of Law and Courts*, and *State Politics and Policy Quarterly*. He earned his B.A. in Politics and English from Drake University and his M.A. and Ph.D. in Political Science from Washington University in St. Louis.



Ryan Owens is a Professor of Political Science at the University of Wisconsin-Madison. He also holds affiliate status with the UW Law School and is an Honorary Fellow in the Institute for Legal Studies. Professor Owens studies American politics, with special research interests on the U.S. Supreme Court and American political institutions. His work has appeared in the top political science journals as well as the country's top law reviews. He has received grants from the National Science Foundation, the Harvard Provost, the George H.W.

Bush Library Foundation, and various other sources. Between 2008 and 2011, Owens was Assistant Professor of Government at Harvard University. Prior to graduate school, Owens practiced telecommunications law at Reinhart, Boerner, s.c. in Madison, Wisconsin. From 1999-2000, Owens was a law clerk for the Wisconsin Public Service Commission, which regulated the state's public utilities. From 1998-1999, he worked for Governor Tommy G. Thompson as a pardons and extraditions secretary.



Kevin Quinn is Professor of Law at the UC Berkeley School of Law. Prior to joining the Berkeley Law faculty in 2009 he was Associate Professor of Government at Harvard University. Professor Quinn holds a Ph.D in Political Science from Washington University in St. Louis. He has written extensively on judicial decision making and statistical methodology. His research has been supported by the National Science Foundation and has appeared in, among other outlets, the *Columbia Law Review*, the *Stanford Law Review*, the *University of Pennsylvania Law Review*, the *American Journal of Political*

Science, the *Quarterly Journal of Political Science*, the *Journal of the American Statistical Association*, and the *Journal of the Royal Statistical Society Series A*. Professor Quinn is a three-time winner of the Gosnell Prize for excellence in political methodology and is a former President of the Society for Political Methodology.



Jennifer F. Reinganum is the E. Bronson Ingram Professor of Economics, Professor of Law at Vanderbilt Law School. Her law-related research focuses on models of settlement negotiation, models of courts and court systems, products liability and safety, privacy, the market for legal services, litigation funding, the effect on plea bargaining of informal sanctions on defendants and prosecutors in criminal cases, and incentives for prosecutorial misconduct in terms of violation of the Brady rule. She is a former co-editor of the *RAND*

Journal of Economics and the *Journal of Law, Economics and Organization*, and a past president of the American Law and Economics Association. Before joining Vanderbilt University's Department of Economics in 1995, she served as Professor of Economics at the University of Iowa and the California Institute of Technology. She has been a visiting scholar at the University of Chicago; Centre d'Economie et de Finances Internationales, Universite d'Aix-Marseille; California Institute of Technology; the

Berkeley Center for Law, Business and the Economy at the University of California, Berkeley School of Law; New York University Law School; the Max Planck Institute for Research on Collective Goods, Bonn; the Universitat Autònoma de Barcelona; Hitotsubashi University, Tokyo; the University of Melbourne; Stanford Law School; the Institute for Advanced Study in Toulouse; the University of Paris II; and an ERID visitor at Duke University.



Jeffrey Segal is SUNY Distinguished Professor at Stony Brook University. He is probably best known for being one of the leading proponents, with Harold Spaeth, of the attitudinal model of Supreme Court decision making. He has twice won the Wadsworth Award for an article or book published at least 10 years earlier that has had a lasting impact on the field of law and courts: first for “Predicting Supreme Court Decisions Probabilistically: the Search and Seizure Cases (1962-1981), (1984 *American Political Science Review*) and next for *The Supreme Court and the Attitudinal Model* (with Harold J. Spaeth, 1993 Cambridge University Press). His article “The Supreme Court During Crisis” (2005, *NYU Law Review*, with Lee Epstein, Daniel Ho, and Gary King) won the McGraw-Hill Award (2006) for best article published by political scientists on law and courts and was honorable mention for the Law and Society Article Prize (2006). He has also won Green Bag’s award for excellence in legal writing, an ABA-sponsored national award for innovation in teaching law and courts, and was a Guggenheim fellowship award recipient for 2011-12 when he also served as a fellow at Princeton’s Center for the Study of Democratic Politics. In 2014-15 he was Nirit and Michael Shaoul Fellow, Mortimer and Raymond Sackler Institute of Advanced Studies, Tel Aviv University 2014/15. His current research applies observational analyses of judicial decisions to cognitive biases found in laboratory experiments.



Joanna Shepherd is a Professor of Law at Emory University where she teaches Torts, Law and Economics, Analytical Methods for Lawyers, and Judicial Behavior. Much of Professor Shepherd's research focuses on empirical topics in law and economics, and more recently, on empirical analyses of the judiciary. Recent publications on judicial behavior have appeared in the *Stanford Law Review*, *Michigan Law Review*, *Southern California Law Review*, *New York University Law Review*, *Duke Law Journal*, and *The Journal of Legal Studies*. Her judicial research has been discussed by several publications including *The New York Times* and, in 2015, was cited by the Supreme Court of the U.S. in *Williams-Yulee v. Florida Bar* (2015).



Joseph Smith is Associate Professor and Chair of the Department of Political Science at The University of Alabama. He received his PhD from the University of Texas at Austin in 1999. His research relates to judicial decision-making and the role of courts in political systems. His research has appeared in the *Journal of Legal Studies*, the *Journal of Law, Economics, and Organization* and *Public Opinion Quarterly*, among other publications.



Matthew L. Spitzer rejoined the Northwestern University School of Law faculty in July 2013 as the Director of the Searle Center on Law, Regulation, and Economic Growth and as the Howard and Elizabeth Chapman Professor of Law. Professor Spitzer started his career at Northwestern Law as an Assistant Professor of Law from 1979 to 1981. Prior to rejoining Northwestern Professor Spitzer was on both the faculties of Law and Business at the University of Texas since July 2010. At the University of Texas he served as Director of the Massey Prize in Law, Innovation and Capital Markets and also as the Director of the Center for Law, Business and Economics. Prior to that Professor Spitzer was Professor of Social Science at Caltech and Professor of Law at the University of Southern California. From 2000 to 2006 Professor Spitzer served as the Dean of the Gould School of Law at the University of Southern California.



Jed Stiglitz is an Assistant Professor of Law and the Jia Jonathan Zhu and Ruyin Ruby Ye Sesquicentennial Fellow at Cornell Law School. His research focuses on administrative law, with an emphasis on the relationship between judicial review and the value of political accountability in the administrative state. He also studies legislation and other areas of public law. He earned a PhD from Stanford University and a JD from Stanford Law School. Following law school, he clerked for the Honorable Stephen F. Williams of the D.C. Circuit Court of Appeals.



Emerson H. Tiller joined the Northwestern faculty in 2003 as a Professor of Law with a courtesy appointment at the Kellogg School of Management as Professor of Business Law. Prior to joining the Northwestern faculty, Professor Tiller was a professor at the University of Texas, Graduate School of Business, where he also directed of the Center for Business, Technology and Law. His research has primarily focused on empirical and theoretical analyses of political forces in regulatory and judicial decision-making.