THE FIFTH ANNUAL CONFERENCE ON
Empirical Legal Studies

Yale Law School

NOVEMBER 5–6, 2010 • NEW HAVEN, CONNECTICUT
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<td>WILLIAM O. DOUGLAS</td>
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<td>WALTON H. HAMILTON</td>
<td>Southmayd Professor of Law, 1928–48</td>
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<td>W. UNDERHILL MOORE</td>
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<td>HARRY A. SHULMAN</td>
<td>Sterling Professor of Law, 1929–54</td>
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<td>THURMAN W. ARNOLD</td>
<td>Lafayette S. Foster Professor of Law, 1930–38</td>
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<td>FRIEDRICH KESSLER</td>
<td>Sterling Professor of Law, 1935–39, 1947–70</td>
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<td>ROSCOE T. STEFFEN</td>
<td>Professor of Law, 1925–49</td>
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<td>ARTHUR L. CORBIN</td>
<td>William K. Townsend Professor of Law, 1903–43</td>
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<td>CHARLES E. CLARK</td>
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<td>JEROME N. FRANK</td>
<td>Visiting Lecturer, 1946–57</td>
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<td>WESLEY A. STURGES</td>
<td>Edward J. Phelps Professor of Law, 1924–61</td>
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<td>KARL N. LLEWELLYN</td>
<td>Assistant Professor of Law, 1919–20, 1922–25</td>
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Legal Realism at Yale Law School
CEL5 Program Summary November 5–6, 2010

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 & STUDENT LOUNGE DINING HALL

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

127 Wall Street
Main Entrance

Grove Street

Faculty Dining

Dining Hall

Levinson Auditorium

Main Courtyard

Alumni Reading Room

Student Lounge

Session Rooms

Registration

Restrooms
downstairs

Stairs to Faculty Lounge & Restrooms (second floor)

Coffee Stations
Student Lounge – Friday & Saturday
Dining Hall – Saturday only

127 Wall Street
Main Entrance

To University Commons
## Yale Law School Conference on Empirical Legal Studies
### November 5–6, 2010

#### PROGRAM

**Friday, November 5, 2010**

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
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<tbody>
<tr>
<td>7:45 – 8:30 AM</td>
<td>Continental Breakfast</td>
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<tr>
<td>8:30 – 8:45 AM</td>
<td>Welcome</td>
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<td>Room 127</td>
<td>Dean Robert Post</td>
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<tr>
<td>8:45 – 10:15 AM</td>
<td>Methodology I: Choice of Regression Models</td>
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<tr>
<td>Room 127</td>
<td>Martin T. Wells</td>
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<tr>
<td>10:30 AM – 12:00 PM</td>
<td>Methodology II: Field Experimentation in the Social Sciences</td>
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<tr>
<td>Room 127</td>
<td>Alan Gerber and Donald Green</td>
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<tr>
<td>12:00 – 12:30 PM</td>
<td>Boxed Lunch</td>
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<td>Dining Hall</td>
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### 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**
Institutional Investors as Minority Shareholders  
*Discussant: Brian Bolton*

**Yishay Yafeh**

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

**Steen Thomsen**

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

**Mark Humphery-Jenner**

**Ronan Powell**

**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**
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*

**David M. Studdert**

**David Elkin**

**Matthew J. Spittal**

**Hyun K. Kim**
Does Hospital Infection Reporting Affect Infection Rates: A Case Study of Pennsylvania  
*Discussant: Kristin Madison*

**Bernard S. Black**

**Susanne C. Monahan**
Does HIPAA Hinder Provider-Patient Communication?  
*Discussant: Griffin Sims Edwards*

**Mark C. Suchman**
**Friday, November 5, 2010**

### SESSION I: 12:30 – 2:30 PM • ROOM 121

**Intellectual Property I**

**Chair: Henry E. Smith**

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<tbody>
<tr>
<td>John R. Allison</td>
<td>Patent Quality and Settlement Among Repeat Patent Litigants</td>
<td>Ian Ayres</td>
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<td>Mark A. Lemley</td>
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<td>Joshua W. Walker</td>
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<td>C. Scott Hemphill</td>
<td>When Do Generics Challenge Drug Patents?</td>
<td>Fiona Scott Morton</td>
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<td>Bhaven N. Sampat</td>
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<td>Maria Lillà Montagnani</td>
<td>Online Distribution of Digital Goods: Empirical Evidence from Bottom-Up Cluster Analysis</td>
<td>Peter DiCola</td>
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<td>Massimiliano Nuccio</td>
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<td>Maurizio Borghi</td>
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### SESSION I: 12:30 – 2:30 PM • AUDITORIUM

**Law and Finance**

**Chair: Claire Priest**

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<tr>
<th>Presenter</th>
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<tbody>
<tr>
<td>Ola Bengtsson</td>
<td>Geography and Private Equity Contracting: Evidence from U.S. Venture Capital</td>
<td>Robert Bartlett</td>
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<td>S. Abraham Ravid</td>
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<td>Alicia J. Davis</td>
<td>Do Individual Investors Have an Effect on Corporate Governance? Some Preliminary Evidence</td>
<td>Stephen J. Choi</td>
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<td>Veronica Aoki Santarosa</td>
<td>Financing Long-Distance Trade Before Banks: the Joint Liability Rule and Bills of Exchange in 18th-Century France</td>
<td>Ronald Mann</td>
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### SESSION II: 2:45 – 4:45 PM • ROOM 121

**Administrative Law**

**Chair: Mathew D. McCubbins**

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<tr>
<th>Presenter</th>
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<tbody>
<tr>
<td>Christopher R. Berry</td>
<td>Agency Spending and Political Control of the Bureaucracy</td>
<td>Mathew D. McCubbins</td>
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<td>Jacob E. Gersen</td>
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<td>Griffin Sims Edwards</td>
<td>A Selection – Corrected Estimate of Chevron’s Impact on Agency Deference</td>
<td>Daniel E. Ho</td>
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<td>Gbemende Johnson</td>
<td>Equal Before the Law? State Supreme Court Judicial Review of State Administrative Agencies</td>
<td>Susan Rose-Ackerman</td>
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<td>Time</td>
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| 2:45 – 4:45 PM | Room 124    | Antitrust                            | 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  
Discussant: C. Scott Hemphill  
Dina I. Waked, Antitrust Enforcement in Developing Countries: Reasons for Enforcement & Non-Enforcement Using Resource-Based Evidence  
Discussant: Richard Brooks |
| 2:45 – 4:45 PM | Room 128    | Banking Law                          | Jonathan R. Macey | Daniel Berkowitz, The Emergence of Bank-Issued Credit in Russia: An Empirical Characterization  
Discussant: Ryan Bubb  
Robert C. Bird, John D. Knopf, The Impact of Labor Mobility on Bank Performance  
Discussant: Daniel Berkowitz  
Prasad Krishnamurthy, Branching Restrictions, Financial Market Integration, and Firm Growth: Evidence from U.S. Banking Deregulation  
Discussant: M. Todd Henderson |
| 2:30 – 4:30 PM | Auditorium  | Civil Rights and Discrimination II: Discrimination in the Justice System | Kate Stith | Beth A. Freeborn, Racial and Ethnic Disparities in Federal Sentencing: A Quantile Regression Approach  
Discussant: Ashley T. Rubin  
Monica E. Hartmann, Do Jurors Discriminate? Evidence from Changes in State Juror Selection Procedures  
Discussant: David S. Abrams  
Jean Lee, Judicial Consciousness: An Empirical Examination of Summary Judgment  
Outcomes of Employment Discrimination Cases  
Discussant: Bert I. Huang  
Jill D. Weinberg, Laura Beth Nielsen |
### Corporate and Securities Litigation

**Chair:** Henry Hansmann

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<th>Speaker</th>
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<tr>
<td>John Armour</td>
<td>Is Delaware Losing its Cases?</td>
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<tr>
<td><strong>Bernard S. Black</strong></td>
<td>Discussant: Jill E. Fisch</td>
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<td>Brian R. Cheffins</td>
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<td>Stephen J. Choi</td>
<td>The Price of Pay to Play in Securities Class Actions</td>
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<td>Drew T. Johnson-Skinner</td>
<td>Discussant: David Webber</td>
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<td><strong>Adam C. Pritchard</strong></td>
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<td>Quinn Curtis</td>
<td>An Empirical Study of Mutual Fund Excessive Fee Litigation: Do the Merits Matter?</td>
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<td><strong>John D. Morley</strong></td>
<td>Discussant: Erik R. Sirri</td>
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### Courts II: Measuring Judicial Performance

**Chair:** Shari Seidman Diamond

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<th>Speaker</th>
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<tr>
<td><strong>Thomas Cameron</strong></td>
<td>Have Chief Justice Roberts and Justice Alito Moved the Supreme Court to the Right? Ideological Movement on the Supreme Court from 1953 to 2008</td>
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<td>Discussant: Theodore W. Ruger</td>
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<tr>
<td><strong>Scott E. Graves</strong></td>
<td>Judicial Independence: Evidence from a Natural Experiment</td>
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<td>Robert Matthew Howard</td>
<td>Discussant: D. James Greiner</td>
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<td><strong>Pamela C. Corley</strong></td>
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<td><strong>J.J. Prescott</strong></td>
<td>Trial and Settlement: A Study of High-Low Agreements</td>
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<td><strong>Kathryn E. Spier</strong></td>
<td>Discussant: George L. Priest</td>
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<td><strong>Albert Yoon</strong></td>
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### Criminal Justice I: Prisons and Plea Bargains

**Chair:** Peter Grabosky

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<tr>
<td><strong>Shawn D. Bushway</strong></td>
<td>The Role of Evidence in the Value of Plea Bargains</td>
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<tr>
<td><strong>Allison D. Redlich</strong></td>
<td>Discussant: Nicola Persico</td>
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<td><strong>Amanda B. Geller</strong></td>
<td>A Sort of Homecoming: Incarceration and the Housing Security of Urban Men</td>
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<td><strong>Marah A. Curtis</strong></td>
<td>Discussant: Justin Wolfers</td>
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<td><strong>Charles Loeffler</strong></td>
<td>The Effects of Imprisonment on Labor Market Participation</td>
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<td>Discussant: Nina Walton</td>
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## Friday, November 5, 2010

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

**Law and Psychology I: Emotions, Motivations, Legitimacy**  
**Chair: Dan M. Kahan**

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<th>Speaker</th>
<th>Topic</th>
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| 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  
**Discussant: Dan Simon** |
| George F. Loewenstein | |
| Daylian M. Cain |  
**Discussant: Dan Simon** |
| Dan Simon | Lay Judgments of Legal Decisions  
**Discussant: Janice Nadler** |
| Nicholas Scurich |  |

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

**Dining Hall**

**POSTER SESSION: ANTITRUST**

<table>
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<th>Speaker</th>
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<tr>
<td>Magdalena Laskowska</td>
<td>Dynamic Efficiencies and Technological Progress in EC Merger Control</td>
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<td>Oana Andreea Stefan</td>
<td>The Judicial Geometry of European Competition and State Aid Soft Law</td>
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<tr>
<td>Zhongmin Wang</td>
<td>Supermarket and Gasoline: An Empirical Study of Bundled Discount</td>
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**POSTER SESSION: CIVIL RIGHTS: EMPLOYMENT AND EDUCATION**

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| 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**

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| Ettore Croci | The Corporate Governance Endgame – An Economic Analysis of Minority Squeeze-Out Regulation in Germany  
Olaf Ehrhardt |
| Eric Nowak | The Effects of Ownership and Stock Liquidity on the Timing of Repurchase Transactions  
Amedeo De Cesari  
Susanne Espenlaub  
Arif Khurshed  
**Michael Simkovic** |
<p>| Nicholas L. Georgakopoulos | Bankruptcy Veil-Piercing: Bypassing Broken Nodes? |
| James J. Park | Securities Class Actions Against Bankrupt Companies |</p>
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<th><strong>POSTER SESSION:</strong> COURTS I: CIVIL LITIGATION</th>
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<td>Yonatan A. Arbel</td>
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<td>Herbert M. Kritzer</td>
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<th><strong>POSTER SESSION:</strong> COURTS II: CRIMINAL JUSTICE</th>
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<td>Ashley T. Aubuchon-Rubin</td>
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<td>Paula Hannaford-Agor &amp; Nicole L. Waters</td>
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<td>Ronen Perry &amp; Dana Weimann-Saks</td>
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<th><strong>POSTER SESSION:</strong> COURTS III: JUDICIAL BEHAVIOR</th>
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<td>Denise Keele &amp; Robert W. Malmsheimer</td>
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<td>Mehmet K. Konar-Steenberg &amp; Anne Peterson</td>
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<td>David L. Schwartz &amp; Lee Petherbridge</td>
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<th><strong>POSTER SESSION:</strong> COURTS IV: SUPREME COURTS</th>
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<td>Jeffrey Budziak &amp; Daniel Lempert</td>
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<td>Theodore Eisenberg &amp; Talia Fisher &amp; Issachar Rosen-Zvi</td>
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<td>Chang-Ching Lin &amp; Kuo-Chang Huang &amp; Kong-Pin Chen</td>
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<tr>
<th><strong>POSTER SESSION:</strong> EXPERIMENTAL LEGAL STUDIES: NORMS</th>
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<tr>
<td>Ian Ayres</td>
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<tr>
<td>Sophie Raseman &amp; Alice Shih</td>
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<tr>
<td>Peter G. Lewisch &amp; Stefania Ottone &amp; Ferruccio Ponzano</td>
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</tbody>
</table>
### Friday, November 5, 2010

**POSTER SESSION: INTELLECTUAL PROPERTY**

- **Christopher J. Buccafusco**
  - The Creativity Effect
- **Giuseppe Di Vita**
  - The Trips Agreement and Technological Innovation
- **John Hagedoorn**
  - Bart Dormans
  - Geerte Hesen
  - The Allocation of Intellectual Property Control Rights In R&D Alliances
- **Andrew W. Torrance**
  - Bill M. Tomlinson
  - Property Rules, Liability Rules, and Patents: One Experimental View of the Cathedral

**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**
  - Jennifer W. Kuan
  - Institutional Heterogeneity Among Stock Exchanges: Implications for Market Efficiency
- **Lei Ding**
  - Carolina Reid
  - Roberto G. Quercia
  - Alan White
  - The Impact of State Anti-Predatory Lending Laws on the Foreclosure Crisis
- **Luca Dalla Pellegrina**
  - Donato Masciandaro
  - New Advantages of Tying One's Hands: Supervision, Monetary Policy and 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**
  - Michael Heise
  - Jonathan Nash
  - Examining the Instrumental Use of Pro Bono Projects by Law Firms: Preliminary Evidence
- **Richard H. Sander**
  - Jane Yakowitz
  - The Secret of My Success: How Status, Prestige and School Performance 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**
  - Steve Wood
  - Jesse Russell
  - Assessing Efficiency and Workload Implications of the King County Mediation Pilot
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
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
Discussant: Michael Simkovic

Steven M. Davidoff

Jerry Cao
Creditor Rights and LBOs
Discussant: Holger Spamann

Douglas J. Cumming
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
Discussant: Larry Ribstein

David Carl Smith

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

Matthias Schundeln

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

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

**Courts III: Civil Litigation Process**  
**Chair: Margaret Williams**

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<tr>
<th>Presenter</th>
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</table>
| Thomas H. Cohen | Expeditiousnesses and Delay in State Courts: An Exploration of Case Processing Time in Civil Trials  
**Discussant: Michael Heise** |
| Emery G. Lee | The Expanding Role of Multidistrict Consolidation in Federal Civil Litigation: An Empirical Investigation  
**Discussant: Carolyn Dubay** |
| Richard Allen Nagareda |  
Joe S. Cecil |  
Thomas E. Willging |  
Kevin M. Scott |

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

**Criminal Justice II: Deterrence**  
**Chair: Melanie D. Wilson**

<table>
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<tr>
<th>Presenter</th>
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</table>
| David S. Abrams | Building Criminal Capital vs. Specific Deterrence: The Effect of Incarceration Length on Recidivism  
**Discussant: John F. Pfaff** |
| Margaret F. Brinig | Catholic Schools and Broken Windows  
**Discussant: Jeffrey Fagan** |
| Nicole Stelle Garnett |  |

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

**Employment Relations**  
**Chair: Samuel Estreicher**

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<th>Presenter</th>
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| 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**

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<tr>
<th>Presenter</th>
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| Kenworthey Bilz | An Experimental Test of Civil Recourse Theory  
**Discussant: Douglas A. Kysar** |
| Andrew S. Gold |  |
| Nicholas Scurich | Trawling Genetic Databases: When a DNA Match is Just a Naked Statistic  
**Discussant: David Kaye** |
| Richard S. John |  |
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

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<tr>
<th>Speaker</th>
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<tbody>
<tr>
<td>Matthew D. Cain</td>
<td>Corporate Governance by Firm Contestability</td>
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<tr>
<td>Steven M. Davidoff</td>
<td>Discussant: Andrew Metrick</td>
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<td>H. Shawn Mobbs</td>
<td>Internal Financial Expertise on the Board: Implications for Corporate Financial Policy</td>
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<td>H. Shawn Mobbs</td>
<td>Discussant: Antonio Gledson de Carvalho</td>
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<td>Tareque Nasser</td>
<td>Corporate Financial and Investment Policies in the Presence of a Blockholder on the Board</td>
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<td>Tareque Nasser</td>
<td>Discussant: Jeffrey N. Gordon</td>
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### Session IV: 10:15 AM – 12:15 PM • Room 127

**Corporate Sanctions and Reputation**  
**Chair:** Cindy R. Alexander

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<th>Speaker</th>
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<tbody>
<tr>
<td>John Armour</td>
<td>Regulatory Sanctions and Reputational Damage in Financial Markets</td>
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<td>Colin Mayer</td>
<td>Discussant: Jennifer H. Arlen</td>
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<td>Andrea Polo</td>
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<td>Peter-Jan Engelen</td>
<td>Measuring Reputational Penalties – The Case of US Illegal Insider Trading</td>
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<td>Peter-Jan Engelen</td>
<td>Discussant: Jonathan R. Macey</td>
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<td>Yonca Ertimur</td>
<td>Reputation Penalties for Poor Monitoring of Executive Pay: Evidence from Option Backdating</td>
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<td>Yonca Ertimur</td>
<td>Discussant: Jay Cai</td>
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### Session IV: 10:15 AM – 12:15 PM • Room 121

**Courts IV: International Courts**  
**Chair:** Oana Andreea Stefan

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<th>Speaker</th>
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<tr>
<td>Royce Carroll</td>
<td>Conflict on Chile’s Constitutional Tribunal</td>
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<td>Lydia Brashear Tiede</td>
<td>Discussant: Jeffrey K. Staton</td>
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<td>Juscelino F. Colares</td>
<td>The Reality of EU-Conformity Review in France</td>
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<td>Juscelino F. Colares</td>
<td>Discussant: Mitchel Lasser</td>
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<td>Valentina P. Dimitrova-Grajzl</td>
<td>Court Output, Judicial Staffing, and the Demand for Court Services: Evidence from Slovenian Courts of First Instance</td>
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<td>Peter Grajzl</td>
<td>Discussant: Leslie Ferraz</td>
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<td>Janez Sustersic</td>
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<td>Katarina Zajc</td>
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</table>
### Financial Crisis: Financial Institutions and Bankruptcy

**Session IV: 10:15 AM – 12:15 PM • Room 120**

**Chair:** Michael Simkovic

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<thead>
<tr>
<th>Speaker</th>
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<tr>
<td>Deniz Anginer</td>
<td>The Chrysler Effect: The Impact of the Chrysler Bailout on Borrowing Costs</td>
<td><em>Kenneth Ayotte</em></td>
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<td>A. Joseph Warburton</td>
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<td>Frederick Tung</td>
<td>Bank CEOs, Inside Debt Compensation, and the Global Financial Crisis</td>
<td><em>John D. Morley</em></td>
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<td>Xue Wang</td>
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<td>Sarah P. Woo</td>
<td>Micro-Prudence, Macro-Risk: Where Financial Regulation Meets Bankruptcy</td>
<td><em>Frederick Tung</em></td>
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### Intellectual Property II

**Session IV: 10:15 AM – 12:15 PM • Room 129**

**Chair:** Alvin K. Klevorick

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<th>Speaker</th>
<th>Title</th>
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<tr>
<td>Christoph Engel</td>
<td>Fairness Ex Ante &amp; Ex Post - The Benefits of Renegotiation in Media Markets</td>
<td><em>Shyam Sunder</em></td>
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<td>Michael J. Kurschilgen</td>
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<td>Alan C. Marco</td>
<td>Do Economic Downturns Dampen Patent Litigation?</td>
<td><em>Edmund W. Kitch</em></td>
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<td>Ted M. Sichelman</td>
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<td>David S. Olson</td>
<td>Empirical Study of Dissemination of Invention Information in the Patent System</td>
<td><em>John R. Allison</em></td>
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### Property

**Session IV: 10:15 AM – 12:15 PM • Room 124**

**Chair:** Robert C. Ellickson

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<th>Speaker</th>
<th>Title</th>
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<tr>
<td>Ian Keay</td>
<td>Property Rights, Resource Access and Long Run Growth</td>
<td><em>Katrina M. Wyman</em></td>
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<td>Cherie Metcalf</td>
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<tr>
<td>Terra Lawson-Remer</td>
<td>Do Stronger Collective Property Rights Increase Household Income? Evidence from a Field Study in Fiji</td>
<td><em>Cherie Metcalf</em></td>
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SESSION IV: 10:15 AM – 12:15 PM • FACULTY LOUNGE
U.S. Supreme Court
Chair: Charles Cameron

Stefanie A. Lindquist
Jeffrey Segal
Chad Westerland
Douglas Rice

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

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
Zev J. Eigen
Tess Wilkinson-Ryan

Markets and Morality: How Does Competition Affect Moral Judgment?
Discussant: Kory Kroft

When and Why Individuals Obey Form-Adhesive Contracts: Experimental Evidence of Consent, Compliance, Promise and Performance
Discussant: 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
Yasushi Hamao
Kenji Kutsuna
Pedro Matos
April Klein
Emanuel Zur

Uncovering Hedge Fund Skill from the Portfolio Holdings They Hide
Discussant: Cindy R. Alexander

U.S.-Style Investor Activism in Japan: The First Ten Years
Discussant: Robin Marc Greenwood

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  
**Litigating Toward Settlement**

David A. Hoffman  
*Discussant: Theodore Eisenberg*

Shari Seidman Diamond  
The ‘Kettleful of Law’ in Real Jury Deliberations: Successes and Failures

Beth Murphy

Mary R. Rose

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  
Policy and Disposition Coalitions on the Supreme Court of the United States

Charles M. Cameron  
*Discussant: Corey Yung*

Lewis A. Kornhauser

James L. Gibson  
Judicial Impartiality, Campaign Contributions, and Recusals: Results from a National Survey

Gregory A. Caldeira  
*Discussant: Sanford C. Gordon*

Fabiana Luci Oliveira  
Building a Confidence Index for Brazil’s Judicial System

Luciana Gross Cunha

Rodrigo De Losso da Silveira Bueno

Rubens Morita

Silvia Pupo

**SESSION V: 1:15 – 3:15 PM • ROOM 122**

**Insider Trading**

**Chair: James J. Park**

Anup Agrawal  
Insider Trading in Takeover Targets

Tareque Nasser  
*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

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<th>Topic</th>
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<tbody>
<tr>
<td>Amy E. Coren</td>
<td>Bridging the WTA-WTP Gap: Ownership, Bargaining, and the Endowment Effect</td>
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<td><em>Discussant: Shane Frederick</em></td>
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<tr>
<td>Dena M. Gromet</td>
<td>Gut Reactions to Criminal Wrongdoing: The Role of Political Ideology</td>
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<td>John M. Darley</td>
<td><em>Discussant: Tamar Gendler</em></td>
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<td>Tyler G. Okimoto</td>
<td>Conceptualizing Retributive and Restorative Justice</td>
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<td>Michael Wenzel</td>
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<td>N.T. Feather</td>
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### Session V: 1:15 – 3:15 PM • Faculty Lounge

#### Law Firms
**Chair:** Noah Messing

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<tbody>
<tr>
<td>Flóra Felsö</td>
<td>When Would a Lawyer Work for a Fixed Fee?</td>
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<tr>
<td>Sander Onderstal</td>
<td><em>Discussant: Noah Messing</em></td>
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<td>Jo Seldeslachts</td>
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<td>Mark C. Weidemaier</td>
<td>Origin Myths, Contracts, and the Hunt for Pari Passu</td>
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<td>Robert E. Scott</td>
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<td>G. Mitu Gulati</td>
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<td>Charles D. Weisselberg</td>
<td>Big Law’s Sixth Amendment: The Development of White-Collar Practices</td>
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<td>Su Li</td>
<td>in the Large U.S. Law Firms</td>
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<td><em>Discussant: Herbert M. Kritzer</em></td>
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### Session V: 1:15 – 3:15 PM • Auditorium

#### Mortgage Foreclosure Policy
**Chair:** Patricia Ann McCoy

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<tr>
<th>Speaker</th>
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<tbody>
<tr>
<td>Neil Bhutta</td>
<td>Consumer Ruthlessness and Strategic Default During the 2007–2009 Housing Bust</td>
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<tr>
<td>Jane K. Dokko</td>
<td><em>Discussant: Mark A. Willis</em></td>
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<td>Hui Shan</td>
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<tr>
<td>Quinn Curtis</td>
<td>Foreclosure Law and Mortgage Risk in the Subprime Era: An Empirical Examination</td>
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<td><em>Discussant: Christopher L. Griffin</em></td>
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<tr>
<td>Christopher J. Mayer</td>
<td>Mortgage Modification and Strategic Default: Evidence from a Legal</td>
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<td>Edward R. Morrison</td>
<td>Settlement with Countrywide</td>
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<td>Tomasz Piskorski</td>
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<td>Arpit Gupta</td>
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**SESSION V: 1:15 – 3:15 PM • ROOM 124**

**Tax**

Chair: Thomas J. Brennan

- **Dhammika Dharmapala**  
  Earnings Shocks and Tax-Motivated Income-Shifting: Evidence from European Multinationals  
  *Discussant: Thomas J. Brennan*

- **Murray Z. Frank**  
  Personal Income Tax and Corporate Investment  
  *Discussant: Dhammika Dharmapala*

- **Tracy Yue Wang**

- **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**  
  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*

- **Joseph W. Doherty**  
  Profiling and Consent: Stops, Searches and Seizures after *Soto*  
  *Discussant: Emily Owens*

- **Jeffrey Fagan**  
  Amanda B. Geller

**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

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

Abhay Aneja

Alexandria Zhang

Sasha Romanosky
Do Data Breach Disclosure Laws Reduce Identity Theft?
Discussant: J.J. Prescott

Rahul Telang
Alessandro Acquisti

SESSION VI: 3:15 – 4:35 PM • ROOM 128
Criminal Justice IV: Psychology of Crime
Chair: Hadar Aviram

Janice Nadler
The Psychology of Blame: Criminal Liability and the Role of Moral Character
Discussant: Jed Rubenfeld

Mary-Hunter Morris

Avani Mehta Sood
The Plasticity of Harm: An Experimental Demonstration of the Malleability
of Judgments in the Service of Criminalization
Discussant: Donald Braman

John M. Darley

SESSION VI: 3:15 – 4:35 PM • ROOM 122
Law and Politics
Chair: Denise Keele

Jordi Blanes i Vida
Revolving Door Lobbyists
Discussant: Andrew C. Eggers

Mirko Draca

Christian Fons-Rosen

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.
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