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 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
   Lafayette S. Foster Professor of Law, 1930–38

5 THURMAN W. ARNOLD
   Sterling Professor of Law, 1935–39, 1947–70

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, 1920–1939

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 – 4:15 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

Main Courtyard

Dining Hall

Faculty Dining

Levinson Auditorium

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

Restrooms

Stairs

Session Rooms

Registration

Stairs to Faculty Lounge & Restrooms (second floor)

Registration table

Restrooms downstairs

Main Entrance

127 Wall Street

Grove Street

To University Commons

Session Rooms - Registration
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

Florence Marotta-Wurgler

Does Disclosure Matter?
Discussant: Albert Choi
### Session I: Corporate Governance I: Governance and Performance

**Chair:** Rick Antle

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<tr>
<th>Speaker</th>
<th>Title</th>
<th>Discussant</th>
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<tbody>
<tr>
<td>Assaf Hamdani</td>
<td>Institutional Investors as Minority Shareholders</td>
<td>Discussant: Brian Bolton</td>
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<td>Yishay Yafeh</td>
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<td>Henry Hansmann</td>
<td>Virtual Ownership and Managerial Distance: The Governance of Industrial Foundations</td>
<td>Discussant: Kenneth M. Lehn</td>
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<td>Steen Thomsen</td>
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<td>Jarrad Harford</td>
<td>The Sources of Value Destruction in Acquisitions by Entrenched Managers</td>
<td>Discussant: Guhan Subramanian</td>
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<td>Mark Humphery-Jenner</td>
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<td>Ronan Powell</td>
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### Session I: Courts I: Federal Appeals Courts

**Chair:** Bert I. Huang

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<tr>
<td>Carlos Berdejo</td>
<td>It's the Journey, Not the Destination: Judicial Preferences and Decision-Making in the Ninth Circuit</td>
<td>Discussant: Jeff L. Yates</td>
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<td>Joshua B. Fischman</td>
<td>Understanding Voting Behavior in Circuit Court Panels</td>
<td>Discussant: Chad Westerland</td>
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### Session I: Health Care I: Physicians and Hospitals

**Chair:** Jill R. Horwitz

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<th>Speaker</th>
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<tr>
<td>Katie Elkin</td>
<td>An Analysis of Disciplinary Cases Against Doctors in Australia and New Zealand: Characteristics of Doctors and Cases, and Predictors of Removal from Practice</td>
<td>Discussant: Michelle Mello</td>
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<td>David M. Studdert</td>
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<td>David Elkin</td>
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<td>Matthew J. Spittal</td>
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<td>Hyun K. Kim</td>
<td>Does Hospital Infection Reporting Affect Infection Rates: A Case Study of Pennsylvania</td>
<td>Discussant: Kristin Madison</td>
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<td>Bernard S. Black</td>
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<td>Susanne C. Monahan</td>
<td>Does HIPAA Hinder Provider-Patient Communication?</td>
<td>Discussant: Griffin Sims Edwards</td>
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<td>Mark C. Suchman</td>
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### SESSION I: 12:30 – 2:30 PM • ROOM 121

**Intellectual Property I**

**Chair:** Henry E. Smith

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<th>Speaker/Sponsor</th>
<th>Topic</th>
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<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>Speaker/Institution</th>
<th>Topic</th>
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<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?</td>
<td>Stephen J. Choi</td>
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<td>Some Preliminary Evidence</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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<th>Speaker/Sponsor</th>
<th>Topic</th>
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<tr>
<td>Christopher R. Berry</td>
<td>Agency Spending and Political Control of the Bureacracy</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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</table>
**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
  - *Discussant: C. Scott Hemphill*

- **Lilia Zhurakhovska**
  - 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
  - *Discussant: Ryan Bubb*

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

- **John D. Knopf**
  - *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
  - *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*
Friday, November 5, 2010

SESSION II: 2:45 – 4:45 PM • ROOM 127
Corporate and Securities Litigation
Chair: Henry Hansmann

John Armour Is Delaware Losing its Cases?
Bernard S. Black Discussant: Jill E. Fisch
Brian R. Cheffins

Stephen J. Choi The Price of Pay to Play in Securities Class Actions
Drew T. Johnson-Skinner Discussant: David Webber
Adam C. Pritchard

Quinn Curtis An Empirical Study of Mutual Fund Excessive Fee Litigation: Do the Merits Matter?
John D. Morley 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 Judicial Independence: Evidence from a Natural Experiment
Robert Matthew Howard Discussant: D. James Greiner
Pamela C. Corley

J.J. Prescott Trial and Settlement: A Study of High-Low Agreements
Kathryn E. Spier Discussant: George L. Priest
Albert Yoon

SESSION II: 2:45 – 4:45 PM • ROOM 122
Criminal Justice I: Prisons and Plea Bargains
Chair: Peter Grabosky

Shawn D. Bushway The Role of Evidence in the Value of Plea Bargains
Allison D. Redlich 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
George F. Loewenstein
Daylian M. Cain

Discussant: John M. Darley

Sunita Sah
The Burden of Disclosure
*Discussant: Dan Simon*

Dan Simon
Lay Judgments of Legal Decisions
*Discussant: Janice Nadler*

Nicholas Scurich

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 Squeeze-Out Regulation in Germany
Olaf Ehrhardt
Eric Nowak
Amedeo De Cesari
Nicholas L. Georgakopoulos
Susanne Espenlaub
Arif Khurshed
Michael Simkovic

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

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

James J. Park
Securities Class Actions Against Bankrupt Companies
## POSTER SESSION: COURTS I: CIVIL LITIGATION

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<th>Name</th>
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<tbody>
<tr>
<td>Yonatan A. Arbel</td>
<td>The Impact and Functions of Specific Performance Litigation</td>
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<td>Herbert M. Kritzer</td>
<td>A Portrait of Local News Reporting of Civil Litigation</td>
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<td>Robert E. Drechsel</td>
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<td>Margaret S. Williams</td>
<td>Who Will Manage Complex Civil Litigation? The Decision to Transfer</td>
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<td>Tracey E. George</td>
<td>and Consolidate Multidistrict Litigation</td>
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## POSTER SESSION: COURTS II: CRIMINAL JUSTICE

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<tbody>
<tr>
<td>Ashley T. Aubuchon-Rubin</td>
<td>The Effect of County Demographics on Sentencing Outcomes: A Quasi-Experiment</td>
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<td>Paula Hannaford-Agor</td>
<td>Safe Harbors from Fair Cross Section Challenges? The Practical Limitations of</td>
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<td>Nicole L. Waters</td>
<td>Measuring Representation in the Jury Pool</td>
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<td>Ronen Perry</td>
<td>Stealing Sunshine</td>
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<td>Dana Weimann-Saks</td>
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## POSTER SESSION: COURTS III: JUDICIAL BEHAVIOR

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<tr>
<td>Denise Keele</td>
<td>A Strategic Model of Judicial Behavior in the Lower Federal Courts</td>
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<td>Robert W. Malmsheimer</td>
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<td>Mehmet K. Konar-Steenberg</td>
<td>Judicial Behavior and the Dormant Commerce Clause Doctrine: An Empirical Study</td>
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<td>Anne Peterson</td>
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<td>David L. Schwartz</td>
<td>The Use of Legal Scholarship by the Federal Courts of Appeals: An Empirical Study</td>
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<td>Lee Petherbridge</td>
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## POSTER SESSION: COURTS IV: SUPREME COURTS

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<th>Name</th>
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<tr>
<td>Jeffrey Budziak</td>
<td>Legal Argumentation and Case Quality at the U.S. Supreme Court</td>
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<td>Daniel Lempert</td>
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<td>Theodore Eisenberg</td>
<td>Israel's Supreme Court Appellate Jurisdiction: An Empirical Study</td>
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<td>Talia Fisher</td>
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<td>Issachar Rosen-Zvi</td>
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<td>Kuo-Chang Huang</td>
<td>An Empirical Lesson from Taiwan Supreme Court</td>
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<td>Kong-Pin Chen</td>
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## POSTER SESSION: EXPERIMENTAL LEGAL STUDIES: NORMS

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<tbody>
<tr>
<td>Ian Ayres</td>
<td>Evidence from Two Large Field Experiments that Peer Comparison Feedback</td>
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<td>Sophie Raseman</td>
<td>Can Reduce Residential Energy Usage</td>
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<td>Alice Shih</td>
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<td>Peter G. Lewisch</td>
<td>Free-Riding on Altruistic Punishment? An Experimental Comparison of Third-Party-Punishment in a Stand-Alone and in an In-Group Environment</td>
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<td>Ferruccio Ponzano</td>
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<td>Gijs van Dijck</td>
<td>When Do Individuals Participate in Class Actions?</td>
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POSTER SESSION: INTELLECTUAL PROPERTY
Christopher J. Buccafusco
Christopher Jon Sprigman

Giuseppe Di Vita
The Creativity Effect

John Hagedoorn
Bart Dormans
Geerte Hesen

The Trips Agreement and Technological Innovation

Andrew W. Torrance
Bill M. Tomlinson

The Allocation of Intellectual Property Control Rights In R&D Alliances

POSTER SESSION: LAW AND FINANCE
Thomas J. Brennan
Stephen F. Diamond
Jennifer W. Kuan
Lei Ding
Carolina Reid
Roberto G. Quercia
Alan White
Luca Dalla Pellegrina
Donato Masciandaro
Rosaria Vega Pansini

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

Institutional Heterogeneity Among Stock Exchanges: Implications for Market Efficiency

The Impact of State Anti-Predatory Lending Laws on the Foreclosure Crisis

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

POSTER SESSION: LAW FIRMS
Carolyn Dubay
Samuel Estreicher
Michael Heise
Jonathan Nash
Richard H. Sander
Jane Yakowitz

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

Examining the Instrumental Use of Pro Bono Projects by Law Firms: Preliminary Evidence

The Secret of My Success: How Status, Prestige and School Performance Shape Legal Careers

POSTER SESSION: NONJUDICIAL DISPUTE RESOLUTION
Yun-chien Chang
Leslie Sherida Ferraz
Alicia Summers
Steve Wood
Jesse Russell

Exhaustion of Administrative Remedies or Exhausting Appellants? An Empirical Study of Administrative Appeal

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

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
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
Discussant: Michael Simkovic

Steven M. Davidoff
Discussant: Holger Spamann

Jerry Cao
Creditor Rights and LBOs

Douglas J. Cumming
Discussant: Michael Simkovic

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

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

David Carl Smith
**SESSION III: Civil Litigation Process**

Chair: Margaret Williams

**Thomas H. Cohen**

Expeditiousnesses 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: 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: 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: Experimental Legal Studies**

Chair: Ronan Perry

**Kenworthey 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

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

Dov Cohen
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
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<td>Internal Financial Expertise on the Board: Implications for Corporate Financial Policy</td>
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<td>Corporate Financial and Investment Policies in the Presence of a Blockholder on the Board</td>
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<td>Colin Mayer</td>
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<td>Andrea Polo</td>
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<td>Measuring Reputational Penalties – The Case of US Illegal Insider Trading</td>
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<td>Reputation Penalties for Poor Monitoring of Executive Pay: Evidence from Fabrizio Ferri Option Backdating</td>
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<td>Lydia Brashear Tiede</td>
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<td>Peter Grajzl</td>
<td>The Reality of EU-Conformity Review in France</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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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
Discussant: Kenneth Ayotte

Frederick Tung
A. Joseph Warburton
Bank CEOs, Inside Debt Compensation, and the Global Financial Crisis
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
Michael J. Kurschilgen
Fairness Ex Ante & Ex Post - The Benefits of Renegotiation in Media Markets
Discussant: Shyam Sunder

Alan C. Marco
Ted M. Sichelman
Do Economic Downturns Dampen Patent Litigation?
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
Cherie Metcalf
Property Rights, Resource Access and Long Run Growth
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
Douglas Rice
Jeff L. Yates
Brian Levey
Justin Moeller

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

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. Lande

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
Discussant: Theodore Eisenberg

Shari Seidman Diamond
Beth Murphy
Mary R. Rose
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
Discussant: Corey Yung

James L. Gibson
Gregory A. Caldeira
Discussant: Sanford C. Gordon

Fabiana Luci Oliveira
Luciana Gross Cunha
Rodrigo De Losso da Silveira Bueno
Rubens Morita
Silvia Pupo
Discussant: Tom R. Tyler

SESSION V: 1:15 – 3:15 PM • ROOM 122
Insider Trading
Chair: James J. Park

Anup Agrawal
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

Amy E. Coren
Bridging the WTA-WTP Gap: Ownership, Bargaining, and the Endowment Effect
*Discussant: Shane Frederick*

Dena M. Gromet
John M. Darley
Tyler G. Okimoto
Michael Wenzel
N.T. Feather
Gut Reactions to Criminal Wrongdoing: The Role of Political Ideology
*Discussant: Tamar Gendler*

SESSION V: 1:15 – 3:15 PM • FACULTY LOUNGE
Law Firms
Chair: Noah Messing

Flóra Felsö
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*

Christopher J. Mayer
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
David J. Pedersen
Natalie Bucciarelli Pedersen
Using Anti-Takeover Provisions to Ameliorate Managerial Risk Aversion and Generate Value

Discussant: H. Shawn Mobbs

Karl S. Okamoto
The Price Effects of Event Risk Protection: The Results from a Natural Experiment

Discussant: Annette B. Poulsen
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SESSION VI: 3:15 – 4:35 PM • ROOM 120
Courts VII: Judical 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
Discussant: Edward R. Morrison

Rafael I. Pardo

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
The 2010 Conference on Empirical Legal Studies gratefully acknowledges the support of the Oscar M. Ruebhausen Fund at Yale Law School.
5TH Annual Conference on Empirical Legal Studies

Society for Empirical Legal Studies

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The Board Members and the CELS 2010 Organizing Committee gratefully acknowledge the support of the Oscar M. Ruebhausen Fund at Yale Law School. We would also like to thank Yale Law School Dean Robert Post, Associate Dean Mike Thompson, Jan Conroy and the staff of the Public Affairs Office and Susan Monsen and the IT staff for their invaluable assistance in organizing the Conference. Finally, we thank the other many individuals who have contributed to the conference and without whom the conference could not have taken place: the paper reviewers, presenters, discussants, chairs and attendees.