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## **ACADEMIC APPOINTMENTS**

### **Northwestern University Pritzker School of Law**

J. Landis Martin Professor of Law and Business, 2008-present.  
Associate/Senior Associate Dean for Academic Initiatives, 2007-2008, 2012-2014.  
Stanford Clinton Sr. Research Professor of Law, 2005-2007.  
Professor of Law, 2003-2005.

### **Kellogg School of Management, Northwestern University**

Professor of Business Law, Management & Strategy (courtesy), 2003-present

### **University of Texas at Austin, McCombs School of Business**

Associate Professor of Business (tenured), 1999-2003.  
Assistant Professor of Business, 1994-1999.

### **University of Southern California, Gould School of Law**

Visiting Professor of Law, Fall 2011.

### **University of California, Berkeley, Haas School of Business**

Visiting Professor of Business, Spring 2002.

### **University of Pennsylvania School of Law**

Visiting Assistant Professor of Law, Spring 1999.

### **Yale Law School**

John M. Olin Faculty Fellow in Law and Economics, 1997-1998.

## **EDUCATION**

**University of California, Berkeley**, Haas School of Business, Ph.D., Dissertation: The Strategy and Structure of Administrative Law (Co-Chairs, Oliver Williamson and Pablo Spiller), 1994.

**Indiana University School of Law, Bloomington**, J.D., 1987.

**Indiana University**, B.A. (Mathematics), 1984.

## **ADMINISTRATIVE EXPERIENCE**

Law Director, San Francisco Immersion Program (2019-present)

Associate Dean for Academic Initiatives, Northwestern University School of Law (2007—2008; 2012—2014).

Director, Online and Distance Education, Northwestern University School of Law (2010—2012).

Director, Accelerated LLM Program, Northwestern University School of Law (2010 – 2015).

Chair, Personnel Committee (Appointments and Promotion Committee), Northwestern University School of Law (2004-2006, 2009-2011).

Member, Personnel Committee (Lateral Appointments Committee), Northwestern University School of Law (2003-2006; 2009-2013).

Chair, Subcommittee of Personnel Committee on Lateral Hiring, Northwestern University Pritzker School of Law (2015, 2016).

Member, Faculty Advisory Committee, Northwestern University (2016-2018).

Member, Law-Tech Committee, Northwestern University Pritzker School of Law (2016-2018).

Director, Center for Business, Technology and Law, University of Texas School of Business (1999-2003). Responsible for fundraising, grant writing, and development of Internet-related research activities.

Architect and Co-Founder, Master of Science in Law (MSL) for STEM Professionals, Northwestern University School of Law (2014).

## **EXECUTIVE EDUCATION**

Academic Director, Kellogg Law Firm Leadership Program (2013—2016).

Faculty, Kellogg School of Management, Executive MBA (Fall 2012, 2013, 2014; Spring 2015, 2016).

Faculty, Northwestern University Searle Center, Judicial Education Program (2008, 2009, 2010 various dates).

Faculty, Northwestern Executive LLM in Europe (Spain) Program -- Contracts (September, 2006).

Faculty, Kellogg-Law School IRI Program -- Contracts (October 2005, October 2006).

Faculty, Northwestern LLM Korea Program – Contracts (2005); Contracts II (2012, 2017).

Faculty, Kellogg School of Management, Center for Nonprofit Management (March, 2004, 2005) – Intellectual Property Issues for Nonprofit Organizations.

Faculty, UT-Instituto Tecnológico y de Estudios Superiores de Monterrey, Executive MBA Program (Mexico, 1998-2001) – International Law (US-Mexico comparative contracting, torts, and employment laws).

## **SELECTED PUBLICATIONS**

Panel Effects in Administrative Law: A Study of Rules, Standards, and Judicial Whistleblowing, 71 SMU LAW REVIEW 445 (Fall, 2018) (with K. Hickman and M. Hazelton).

The Law and Economics of Judicial Decision Making: A Positive Political Theory Perspective, OXFORD HANDBOOK OF LAW AND ECONOMICS (Volume 1, 2017).

The Law and Positive Political Theory of Panel Effects, 44(S1) JOURNAL OF LEGAL STUDIES S35 (2015).

Introduction to 25 Years of Law and Positive Political Theory, 31(4) JOURNAL OF LAW, ECONOMICS & ORGANIZATION 752 (2015) (with D. Rodriguez).

A Positive Theory and Empirical Analysis of Strategic Word Choice in District Court Opinions, 4(2) JOURNAL OF LEGAL ANALYSIS 407-444 (Winter, 2012) (with J. Shaub, R. Hinkle, and A. Martin).

Federal Circuit Patent Precedent: An Empirical Study of Institutional Authority and Intellectual Property Ideology, 2012 WISCONSIN LAW REVIEW 1177 (2012) (with D. Pekarek-Krohn).

Patent Litigation and the Internet, 2012 STANFORD TECHNOLOGY LAW JOURNAL 1 (2012) (with J. Allison, S. Zyontz, and T. Bligh).

A Positive Political Theory of Rules and Standards, 2012 ILLINOIS LAW REVIEW 1 (2012) (with F. Cross and T. Jacobi).

Citation to Legislative History: Empirical Evidence on Positive Political and Contextual Theories of Judicial Decisionmaking, 38 JOURNAL OF LEGAL STUDIES 419 (2009) (with M. Abramowicz).

Policing Politics at Sentencing, 103 NORTHWESTERN UNIVERSITY LAW REVIEW 1371-1398 (2009) (with S. Bibas and M. Schanzenbach).

Reviewing the Sentencing Guidelines: Judicial Politics, Empirical Evidence, and Reform, 75 UNIVERSITY OF CHICAGO LAW REVIEW 715 (2008) (with M. Schanzenbach).

Legal Doctrine and Political Control, 23(2) JOURNAL OF LAW, ECONOMICS & ORGANIZATION 326-345 (2007) (with T. Jacobi).

Strategic Judging Under the United States Sentencing Guidelines: Positive Political Theory and Evidence,” 23(1) JOURNAL OF LAW, ECONOMICS & ORGANIZATION 24-56 (2007) (with M. Schanzenbach).

Modeling Agency/Court Interaction, 121 HARVARD LAW REVIEW FORUM 13 (2007) (with F. Cross).

Understanding Collegiality on the Court, 10 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 257 (2007) (with F. Cross).

What is Legal Doctrine?, 100 NORTHWESTERN UNIVERSITY LAW REVIEW 517-534 (2006) (with F. Cross).

The Business Method Patent Myth, 18 BERKELEY TECHNOLOGY LAW JOURNAL 987-1084 (Fall 2003) (with J. Allison).

Resource Based Strategies in Administrative Law: Cost-Benefit Analysis and the Like, 150 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1453 (May 2002).

The Strategy of Judging: Evidence From Administrative Law, 31 JOURNAL OF LEGAL STUDIES 61-82 (January 2002) (with J. Smith).

The Structure and Conduct of Corporate Lobbying: How Firms Lobby the Federal Communications Commission, 10 JOURNAL OF ECONOMICS AND MANAGEMENT STRATEGY 91 (2001) (with J. de Figueiredo).

Trust in Virtual Environments, 81 BOSTON UNIVERSITY LAW REVIEW 665 (2001) (with S. Jarvenpaa).

Congress and the Political Expansion of the Federal District Courts, 2 AMERICAN LAW AND ECONOMICS REVIEW 107 (2000) (J. de Figueiredo, G. Gryski, and G. Zuk).

The Three Faces of Federalism, 73(4) SOUTHERN CALIFORNIA LAW REVIEW 741-772 (2000) (with F. Cross).

Integrating Market, Technology, and Policy Opportunities in E-Commerce Strategy, 8 JOURNAL OF STRATEGIC INFORMATION SYSTEMS 235-249 (2000) (with S. Jarvenpaa).

Strategic Instruments: Legal Structure and Political Games in Administrative Law, 15 JOURNAL OF LAW, ECONOMICS, & ORGANIZATION 349-377 (June 1999) (with P. Spiller).

A Modest Proposal for Improving American Justice, 99 COLUMBIA LAW REVIEW 215 (January 1999) (with F. Cross).

A Modest Reply to Judge Wald, 99 COLUMBIA LAW REVIEW 262-269 (January 1999) (with F. Cross).

Judicial Partisanship and Obedience to Legal Doctrine: Whistleblowing on the Federal Courts of Appeal, 107 YALE LAW JOURNAL 2155 (May 1998) (with F. Cross).

Controlling Policy by Controlling Process: Judicial Influence on Regulatory Decision Making, 14 JOURNAL OF LAW, ECONOMICS, & ORGANIZATION 114 (April 1998).

Decision Costs and the Strategic Design of Administrative and Judicial Process, 26 JOURNAL OF LEGAL STUDIES 347 (June 1997) (with P. Spiller).

Congressional Control of the Courts: Analysis of Expansion of the Federal Judiciary, 39(2) JOURNAL OF LAW & ECONOMICS 435 (October 1996) (with J. de Figueiredo).

Invitations to Override: Congressional Reversals of Supreme Court Decisions, 16  
INTERNATIONAL REVIEW OF LAW AND ECONOMICS 503 (December 1996) (with P. Spiller).  
Putting Politics into the Positive Theory of Federalism: A Comment on Bednar and Eskridge,  
68 SOUTHERN CALIFORNIA LAW REVIEW 1493 (Winter 1995).

## **WORKING PAPERS AND WORKS IN PROGRESS**

The Political Economy of Promissory Estoppel, 2019 (with M. Nelson and M. Anderson).  
Authorial Control of the Supreme Court: Chief Justice Roberts and the Obamacare Surprise,  
2019 (with Alvaro Bustos).  
Linguistic Choice and Judicial Compromise, 2019 (with Jonathan Shaub and Rachael Hinkle).  
Narrative Strategy and the Structure of Judicial Decision Making, 2018.

## **RESEARCH AND TEACHING INTERESTS**

*Positive Political Theory, Non-market Strategy, Contracts, Administrative Law, Intellectual Property*

## **INVITED TALKS AND CONFERENCE PRESENTATIONS**

- Northwestern University, Kellogg Ford Center and Pritzker School of Law, *Text Analysis and Law*, “Linguistic Choice and Judicial Compromise” (April 2019)
- University of Brasilia, *Latino-American Workshop in Law and Economics*, “Authorial Control of the Supreme Court” (November 2017).
- Tel Aviv University School of Law, Israel Law and Economics Meetings, “The Political Economy of Promissory Estoppel” (March 2017).
- University of Texas at Austin, McCombs School of Business, “The Political Economy of Promissory Estoppel” (October 2016).
- Kellogg School of Management, The Political Economy of the American Judiciary, “The Political Economy of Promissory Estoppel” (September 2016).
- Northwestern University Pritzker School of Law, 10/10 Series Workshop, “The Political Economy of Promissory Estoppel” (March 2016).
- Cornell Law School, JELS Junior Workshop, Senior Commentator on Edward Stiglich’s “Legislative Dysfunction and Political Accountability” (September 2015).
- Northwestern University School of Law, Faculty Workshop, “Narrative Strategy and Structure in Judicial Decision Making” (April 2015).
- University of Texas at Austin, McCombs School of Business, “Narrative Strategy and Structure in Judicial Decision Making” (March 2015).
- Pontificia Universidad Católica de Chile, *Latino-American Workshop in Law and Economics* (main speaker), “The Law and Economics of Judicial Decision Making: A Positive Political Theory Perspective” (November 2014).
- East China University of Political Science and Law, “A Positive Political Theory of Three Judge Panels” (December 2013).
- Fundação Getulio Vargas Law School (Rio de Janeiro, Brazil), “A Positive Political Theory of Three Judge Panels” (October 2013).
- University of Chicago Law School, “A Positive Political Theory of Three Judge Panels” (October 2013).
- University of California, Berkeley, The Williamson Seminar (April 2013).
- Emory University School of Law, Legal Workshop Series, “Panel Effects in Administrative Law: A Study of Rules, Standards and Judicial Whistleblowing” (February 2012).

- Northwestern University School of Law, Internal Speakers Series, “Panel Effects in Administrative Law: A Study of Rules, Standards and Judicial Whistleblowing,” (February 2012).
- University of Southern California School of Law, “Panel Effects in Administrative Law: A Study of Rules, Standards and Judicial Whistleblowing” (November 2011).
- University of Southern California School of Law, “The Execution of Judicial Discourse: : A Positive Theory and Empirical Analysis of Strategic Word Choice in District Court Opinions” (November 2011).
- University of California at Irvine, School of Law “The Execution of Judicial Discourse: A Positive Theory and Empirical Analysis of Strategic Word Choice in District Court Opinions” (October 2011).
- Pacific Southwest Academy of Legal Studies in Business, Annual Conference, “District Court Citations to Patent Precedent: An Empirical Study of Institutional Authority and IP Ideology” (February 2010).
- Northwestern University, *Conference on Empirical Patent Litigation*, “District Court Citations to Patent Precedent: An Empirical Study of Institutional Authority and IP Ideology” (November 2009).
- University of Southern California Law School, “A Positive Political Theory of Legal Doctrine” (January 2009).
- Northwestern University Searle Center, *Civil Liability Conference*, “The Political Evolution of Contract Law: A Theoretical and Empirical Analysis of Promissory Estoppel” (October 2008).
- Harvard Law School, Default Rules Conference (March 2008).
- University of Florida School of Law, “Internet Patents, Policy and Politics” (January 2007).
- Washington University (St. Louis) School of Law, “Private Securities Litigation and the Courts: Positive Political Theory and Evidence” (March 2006).
- Empirical Legal Studies Conference, University of Texas (2006).
- University of Virginia School of Law, “Strategic Judging Under the United States Sentencing Guidelines: Positive Political Theory and Evidence” (September 2005).
- UCLA School of Law, “Strategic Judging Under the United States Sentencing Guidelines: Positive Political Theory and Evidence” (September 2005).
- Washington University (St. Louis) School of Law, “Instrument Choice Theory and Criminal Sentencing” (September 27, 2004)
- University of California, Berkeley, Haas School of Business, *Institutional Analysis Workshop*, “A Positive Political Theory of Criminal Sentencing” (April 15, 2004).
- Association of American Law Schools, Joint Program of Sections on Administrative Law and Legislation (2004).
- University of Texas Law School, Colloquium “Internet Patents, Policy and Politics” (March 2003).
- University of Chicago Law School, *Law and Economics Workshop*, “Internet Patents, Policy and Politics” (November 2002).
- Northwestern University School of Law, *Law School Faculty Workshop*, “Internet Patents, Policy and Politics” (November 2002).
- University of Southern California Law Center, *Law, Economics and Organization Workshop*, “Internet Patents, Policy and Politics” (July 2002).
- University of California, Berkeley, Haas School of Business, *Institutional Analysis Workshop*, “The Value and Legitimacy of Internet Business Method Patents” (March 2002).
- Ohio State Law School, “The Strategy of Judging,” (December 2001).
- Northwestern University School of Law, *Law School Faculty Workshop*, “The Strategy of Judging,” (November 2001).

- University of Pennsylvania Law School, American Judicature Society and Brennan Justice Center (NYU Law School), “A Managerial Theory of Law” (April 2001).
- Stanford Law School and Electronic Freedom Foundation, ICANN Candidate Debate (final 3 member-nominated candidates), Webcasted internationally (October 5, 2000).
- Harvard Law School, ICANN Candidate Debate (final 7 candidates), Webcasted internationally (October 2, 2000).
- Wharton School of Business, “Closed Competition Systems in Digital Business,” (October 2000).
- University of California Los Angeles (Anderson) and University of Washington School of Business, “Regulation and Strategy in the Global Network Economy: National Competitiveness and New Entrant Power” (May 2000).
- Nanyang Technological University Business School (Singapore), “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (March 2000).
- Hong Kong University of Science and Technology, “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (March 2000).
- University of California, San Diego, “The Strategy of Judging: Evidence From Administrative Law (February 2000).
- Keio Business School (Tokyo, Japan), “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (February 2000).
- Harvard Law School, “The Strategy of Judging” (November 1999).
- Montana State University, Department of Economics, The Strategy of Judging: Evidence From Administrative Law (July 1999).
- University of Pennsylvania School of Law, "A Modest Proposal for Improving American Justice" (March 1999).
- University of Chicago School of Law, "The Politics of Administrative Law" (January 1999).
- Harvard Law School, "The Politics of Administrative Law" (December 1998).
- State University of New York (Stony Brook), Political Science Department, “The Strategy of Judging: Evidence From Administrative Law” (April 1998).
- Harvard University, *Colloquium on Positive Political Economy*, "Regulation and Judicial Strategy" (March 1998).
- Yale Law School, *Law, Economics and Organization Seminar*, "The Strategy and Structure of Administrative Law" (February 1998).
- American Law and Economics Association, “The Politics of Administrative Law,” Berkeley, CA (Annual meetings, May 1998).
- New York University School of Law, *Colloquium on Law, Economics and Politics*, "The Strategy and Structure of Administrative Law" (December 1997).
- Emory University, *Conference on the Scientific Study of Judicial Politics*, “Judicial Partisanship and Obedience to Legal Doctrine” (November 1997).
- American Law and Economics Association, “The Strategy of Judging,” Toronto (Annual meetings, May 1997).
- California Institute of Technology, “The Strategy of Judging: Evidence From Administrative Law” (February 1997).
- University of Southern California Law Center, *The Olin Lecture Series*, “The Strategy of Judging” (February 1997).
- Midwest Political Science Association, "Decision Costs and the Strategic Design of Administrative Process and Judicial Review," Chicago, IL (Annual meetings, April 1997).
- American Political Science Association, “Decision Costs and the Strategic Design of Administrative and Judicial Process,” San Francisco, CA (Annual meetings, August 1996).
- Public Choice Society, “Business Political Strategy,” Houston, TX (Annual meetings, March 1996).

- American Political Science Association, “Strategic Instruments,” Chicago, IL (Annual meetings, September 1995).
- University of Texas School of Law, “Legal Doctrine as Political Heuristic” (April 1996).
- Stanford University, *Hoover Colloquium on Collective Choice*, “Congressional Control of the Courts” (November 1995).
- University of Southern California Law Center, *Symposium on Law and Positive Political Theory*, “Putting Politics into the Positive Theory of Federalism” (May 1995).
- University of California, Berkeley, Boalt Hall School of Law, *Law and Economics Seminar*, “Strategic Instruments” (April 1995).
- University of California, Berkeley, Haas School of Business, *Workshop on Institutional Analysis*, “Congressional Control of the Courts” (February 1995).
- American Political Science Association, “Strategic Instruments,” Chicago, IL (Annual meetings, September 1995).
- Public Choice Society, “Congressional Control of the Courts,” Long Beach, CA (Annual meetings, March 1995).
- Midwest Political Science Association, “Congressional Control of the Courts,” Chicago, IL (Annual meetings, April 1995).
- University of Michigan School of Business, “The Strategy and Structure of Administrative Law” (February 1994).
- Rice University Graduate School of Business, “The Strategy and Structure of Administrative Law” (February 1994).
- University of Wisconsin School of Law, “The Strategy and Structure of Administrative Law” (January 1994).
- Washington University (St. Louis), “The Strategy and Structure of Administrative Law” (November 1993).
- University of California, Davis, “The Strategy and Structure of Administrative Law” (November 1993).
- Northwestern University, Kellogg School of Management, “The Twisted Path of Oil Pipeline Regulation” (February 1993).
- State University of New York (Stony Brook), “Invitations to Override: Congressional Reversals of Supreme Court Decisions” (November 1992).

## **FELLOWSHIPS, GRANTS AND AWARDS**

- Fellow, Society for Empirical Legal Studies, 2015-2019.
- Distinguished Visitor, Center for the Study of Law and Politics, USC Law, January 2009.
- Distinguished Faculty Scholar, University of Texas Business School, May 2009.
- Kauffman Foundation Research Grant, 2008-09.
- Searle Foundation Research Grant, 2008-09.
- Searle Foundation Research Award, 2005-06.
- Dean’s Teaching Award (student evaluations), 2004-05.
- Searle Foundation Research Award, 2004-05.
- Fellowship, Center for Law, Economics, and Organization, U. Southern California, July, 2002
- Grant, National Academies of Science, Grant on Internet Business Method Patents, 2000-2001.
- IBM Faculty Partnership Award, 2000-2001.
- Grant, IBM Institute of Knowledge Management Grant, 1999.
- Grant, Society of Information Management Research, 1999.
- Grant, Andersen Consulting Research Grant on Global E-Commerce, 1999.

- Junior Faculty Research Award, University of Texas Graduate School of Business, 1998-1999.
- Grant, Bradley Foundation Conference, August 1998.
- Dean's Fellow, University of Texas at Austin, School of Business, (semester leave) 1997-98.
- Grant, John M. Olin Summer Research Grant, Boalt Hall School of Law, University of California, Berkeley, August 1997.
- Junior Faculty Summer Research Assignment, University of Texas at Austin (university-wide competition for summer support), 1997.
- Fellowship, John M. Olin Student Fellowship in Law and Economics, UC Berkeley, 1991-93.
- Fellowship, Bradley Foundation, University of California, Berkeley, 1989-90.
- American Jurisprudence Prize Award in Legal Ethics, Indiana University, 1987.

## PROFESSIONAL ACTIVITIES

### *Editorships and Occasional Reviewer* (various dates)

Editor, *Law and Positive Political Theory Abstract Journal* (SSRN) (2011-present)

Editor, *Business and Politics (BAP)* (2002-2007)

Program Reviewer, *Wharton School (U.Penn), Legal Studies Department* (2017)

Reviewer, *National Science Foundation, Law and Society Program (NSF)*

Reviewer, *Israel Research Foundation*

Reviewer, *Journal of Legal Studies (JLS)*

Reviewer, *Journal of Law, Economics & Organization (JLEO)*

Reviewer, *International Review of Law and Economics (IRLE)*

Reviewer, *American Political Science Review (APSR)*

Reviewer, *American Journal of Political Science (AJPS)*

Reviewer, *Political Research Quarterly (PRO)*

Reviewer, *Journal of Economic Behavior and Organization (JEBO)*

Reviewer, *Journal of Politics (JOP)*

### *Conference Organization*

Conference Organizer, Kellogg/Pritzker Law, Northwestern University – Textual Analysis and the Law (2019).

Conference Organizer, Kellogg/Pritzker Law, Northwestern University – The Political Economy of the American Judiciary (2016).

Co-President, Conference on Empirical Legal Studies, Northwestern University (2011).

Conference Organizer, University of Southern California School of Law – Conference on Judicial Collegiality (2011).

Conference Organizer, Northwestern University, Searle Center – Empirical Studies of Patent Litigation (2010).

Conference Organizer, Northwestern University School of Law, Searle Center – Law and Positive Political Theory (2010).

Conference Organizer, Northwestern University School of Law, Searle Center – Empirical Studies of Patent Litigation (2009).

Conference Organizer, Northwestern University School of Law Faculty Research Conference – Legal Doctrine and Political Control (2006).

Conference Organizer, Business and Nonmarket Strategy (Berkeley, 1998).



***Professional Society Memberships*** (various dates)

American Law and Economics Association, American Political Science Association,  
Academy of Management, INFORMS, Society for Empirical Legal Studies (SELS).