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PERSONAL

Born October 1, 1967. Raised in Northern California (San Francisco Bay Area).

EMPLOYMENT

Professor of Law, Harvard Law School, 2001-present. (Assistant Professor, January-June 1995 and July 1997-December 2000.)

Co-Director (with Steven Shavell), Program in Law and Economics, National Bureau of Economic Research, 2003-present.

Law Clerk to Justice Antonin Scalia, Supreme Court of the United States, August 1996-July 1997.

Law Clerk to Judge Stephen F. Williams, United States Court of Appeals for the District of Columbia Circuit, August 1995-July 1996.

EDUCATION

Massachusetts Institute of Technology, Department of Economics. Ph.D., June 1995.
National Science Foundation Graduate Fellowship. Advisers: Paul Joskow and James Poterba.

Harvard Law School. J.D., *magna cum laude*, June 1993. John M. Olin Prize in Law and Economics for third-year written work.

Stanford University. B.A. with distinction in Economics and English, June 1989. Phi Beta Kappa (chosen in the sophomore year). Robert M. Golden Medal for senior honors thesis.

PUBLICATIONS

Employment Law/Labor Markets (“*” indicates that a publication appears under another heading as well as this one)

* The Law of Implicit Bias (with Cass R. Sunstein), *California Law Review*, forthcoming 2006 (*Symposium: Behavioral Realism in Law: Implicit Cognition and Social Justice*).

PUBLICATIONS (continued)

Employment Law/Labor Markets (continued)

Employment Law, in *The Handbook of Law and Economics*, A. Mitchell Polinsky and Steven Shavell, eds., Elsevier Academic Press, forthcoming 2006.

* Antidiscrimination Law's Effects on Implicit Bias, in *Behavioral Analyses of Workplace Discrimination*, Mitu Gulati and Michael Yelnosky, eds., Kluwer Academic Publishers, forthcoming 2006.

Law and the Labor Market, *Annual Review of Law and Social Science*, forthcoming 2006.

Identifying the Effects of the Americans with Disabilities Act Using State-Law Variation: Preliminary Evidence on Educational Participation Effects, *American Economic Review*, 94:447-453 (2004).

The Role and Functioning of Public-Interest Legal Organizations in the Enforcement of the Employment Laws, in *Emerging Labor Market Institutions for the 21st Century*, Richard Freeman et al., eds., University of Chicago Press (2004), pp. 141-176.

* Fairness, Minimum Wages, and Employee Benefits, *New York University Law Review*, 77:47-70 (2002) (*Symposium: Behavioral Law and Economics in the Workplace*).

Antidiscrimination and Accommodation, *Harvard Law Review*, 115:642-699 (2001).

The Market for Federal Judicial Law Clerks (with Christopher Avery, Richard A. Posner, and Alvin E. Roth), *University of Chicago Law Review*, 68:793-902 (2001).

Accommodation Mandates, *Stanford Law Review*, 53:223-306 (2000). (With response by John Donohue.)

* Hands-Tying and the Age Discrimination in Employment Act, *Texas Law Review*, 74:1813-1846 (1996) (*Symposium: The Changing Workplace*).

Behavioral Law and Economics (“*” indicates that a publication appears under another heading as well as this one)

Behavioral Law and Economics, in *Economic Institutions and Behavioral Economics*, Peter Diamond, ed., Princeton University Press, forthcoming 2006. (With responses by Ian Ayres and Christoph Engel.)

Debiasing Through Law (with Cass R. Sunstein), *Journal of Legal Studies*, 35:199-241 (2006).

* The Law of Implicit Bias (with Cass R. Sunstein), *California Law Review*, forthcoming 2006 (*Symposium: Behavioral Realism in Law: Implicit Cognition and Social Justice*).

PUBLICATIONS (continued)

Behavioral Law and Economics (continued)

* Antidiscrimination Law's Effects on Implicit Bias, in *Behavioral Analyses of Workplace Discrimination*, Mitu Gulati and Michael Yelnosky, eds., Kluwer Academic Publishers, forthcoming 2006.

On Law Enforcement with Boundedly Rational Agents, in *The Law and Economics of Irrational Behavior*, Francesco Parisi and Vernon Smith, eds., Stanford University Press, (2004), pp. 268-286.

* Fairness, Minimum Wages, and Employee Benefits, *New York University Law Review*, 77:47-70 (2002) (*Symposium: Behavioral Law and Economics in the Workplace*).

“Social-Behavioral” Economics, *The Green Bag*, 5:321-328 (2002).

A Behavioral Approach to Law and Economics (with Cass R. Sunstein and Richard Thaler), *Stanford Law Review*, 50:1471-1550 (1998). (With responses by Mark Kelman and Richard A. Posner.)

Theories and Tropes: A Reply to Posner and Kelman (with Cass R. Sunstein and Richard Thaler), *Stanford Law Review*, 50:1593-1608 (1998).

Behavioral Economic Analysis of Redistributive Legal Rules, *Vanderbilt Law Review*, 51:1653-1677 (1998) (*Symposium: Behavioral Law and Economics*).

* Contracts as Bilateral Commitments: A New Perspective on Contract Modification, *Journal of Legal Studies*, 26:203-237 (1997).

* Hands-Tying and the Age Discrimination in Employment Act, *Texas Law Review*, 74:1813-1846 (1996) (*Symposium: The Changing Workplace*).

Contract Theory/Incentive Contracts (“*” indicates that a publication appears under another heading as well as this one)

Managerial Value Diversion and Shareholder Wealth (with Lucian Arye Bebchuk), *Journal of Law, Economics, and Organization*, 15:487-502 (1999).

* Contracts as Bilateral Commitments: A New Perspective on Contract Modification, *Journal of Legal Studies*, 26:203-237 (1997).

Occasional Pieces

Is There a Glass Ceiling? *Harvard Women's Law Journal*, 25:1-18 (2002).

In Memoriam: David Charny, *Harvard Law Review*, 114:2234-2244 (2001).

WORK IN PROGRESS

Employment Law/Labor Markets

Disaggregating Employment Protection: The Case of Disability Discrimination (with J.J. Prescott) (see <http://www.law.harvard.edu/faculty/jolls/>).

Disability Civil Rights and Workplace Leave Mandates.

The New Market for Federal Judicial Law Clerks (with Christopher Avery, Richard A. Posner and Alvin E. Roth) (see <http://www.law.harvard.edu/faculty/jolls/>).

Equality's Tools (article and book).

Behavioral Law and Economics

The Predictive Validity of the Implicit Association Test for Economic Outcomes: Evidence from Ebay (with Ian Ayres and Mahzarin Banaji).

Contract Theory/Incentive Contracts

Managerial Contracts at Regulated Firms (with Richard Holden) (see <http://www.law.harvard.edu/faculty/jolls/>).

REPRINTS OF ARTICLES IN EDITED VOLUMES

Antidiscrimination and Accommodation, reprinted in *Selected Papers: New York University Center for Labor and Employment Law*, Michael Yelnosky, ed., Kluwer Academic Publishers, forthcoming 2006.

Antidiscrimination and Accommodation, reprinted in *The International Library of Essays in Law and Legal Theory: Anti-Discrimination Law*, Christopher McGrudden, ed., Ashgate Publishing (2004).

Hands-Tying and the Age Discrimination in Employment Act, reprinted in *Global Competition and the American Employment Landscape—As We Enter the 21st Century*, Samuel Estreicher, ed., Kluwer Academic Publishers (2001).

A Behavioral Approach to Law and Economics (with Cass R. Sunstein and Richard Thaler), reprinted in *The International Library of Essays in Law and Legal Theory, 2nd Series*, Eric A. Posner, ed., Ashgate Publishing (2000).

A Behavioral Approach to Law and Economics (with Cass R. Sunstein and Richard Thaler), reprinted in *Behavioral Law and Economics*, Cass R. Sunstein, ed., Cambridge University Press (2000).

REPRINTS OF ARTICLES IN EDITED VOLUMES (continued)

Hands-Tying and the Age Discrimination in Employment Act, reprinted in part in *Aging and the Law: An Interdisciplinary Reader*, Lawrence A. Frolik, ed., Temple University Press (1999).

TEACHING

Courses Taught: Rationality (with Amartya Sen); Equality (with Cass R. Sunstein); Employment Law; Contracts; various topics seminars in employment law.

Teaching Award: Harvard Law School, Spring 2003 (selected by Dean Robert Clark).

PROFESSIONAL AFFILIATIONS

Faculty Fellow, Behavioral Economics Roundtable of the Russell Sage Foundation, since 2005.

Faculty Fellow, Justice, Welfare and Economics Program, Harvard University, since 2004.

Editorial Board, *Journal of Empirical Legal Studies*, since 2002.

Reporter, Restatement of Employment Law, American Law Institute, since 2001.

Research Associate, National Bureau of Economic Research, since 2001.

Faculty Fellow, Mind/Brain/Behavior Interfaculty Initiative, Harvard University, since 2001.

Editorial Board, *American Law and Economics Review*, since 1999.

Member, Massachusetts Bar, since 1997.

Program Committee, American Economics Association, 2003.

Program Committee, American Law and Economics Association, 2002.

Board of Directors, American Law and Economics Association, 2001-2004.

National Fellow, National Bureau of Economic Research, 2001-2002.

Faculty Research Fellow, National Bureau of Economic Research, 1997-2000.

Referee for *American Law and Economics Review*; *Journal of Law and Economics*; *Journal of Law, Economics, and Organization*; *Journal of Legal Studies*; *Journal of Political Economy*; *Quarterly Journal of Economics*; *Rand Journal of Economics*; University of Chicago Press; Yale University Press.

ACADEMIC PRESENTATIONS

- 2005-2006 “Disability Civil Rights and Workplace Leave Mandates” at the American Law and Economics Association Annual Meeting and the Americans with Disabilities Act Conference at New York University School of Law.
- “Managerial Contracts at Regulated Firms,” at the Columbia University Economics Department.
- “The New Market for Federal Judicial Law Clerks,” at the Law and Economics Workshop at New York University School of Law.
- “Disaggregating Employment Protection: The Case of Disability Discrimination,” at the Association for Public Policy Analysis and Management Fall Conference.
- 2004-2005 “The Market for Federal Judicial Law Clerks Revisited” (later retitled “The New Market for Federal Judicial Law Clerks”) at the Law and Economics Workshop at Harvard Law School.
- “Managerial Contracts at Regulated Firms,” at the Society of Labor Economists Annual Meeting.
- “Employee Privacy,” at the Meeting of the Restatement of Employment Law Advisers and Members’ Consultative Group, American Law Institute.
- “Law’s Transformative Effects on Unconscious Bias” (later retitled “Antidiscrimination Law’s Effects on Implicit Bias”) at the Distributive Justice Colloquium at Stanford Law School and the American Law and Economics Association Annual Meeting.
- “Debiasing Through Law,” at the Law and Economics Workshop at Columbia Law School, the Law and Economics Workshop at Stanford Law School, and the Faculty Workshop at Harvard Law School.
- 2003-2004 “Identifying the Effects of the Americans with Disabilities Act Using State-Law Variation,” at the American Economics Association Annual Meeting.
- “Identifying the Effects of the Americans with Disabilities Act Using State-Law Variation: Preliminary Evidence on Educational Participation Effects,” at the American Law and Economics Association Annual Meeting.
- “The Economics of Employment Law,” at the *Handbook of Law and Economics* Conference.

ACADEMIC PRESENTATIONS (continued)

2003-2004
(continued) “Debiasing Through Law,” at the Legal Theory Workshop at Yale Law School, the Regulatory Policy Program at the Kennedy School of Government at Harvard University, and the Law and Economics Workshop at Boston University School of Law.

“Behavioral Law and Economics,” at the Economic Institutions and Behavioral Economics Conference in Helsinki, Finland.

“Disability Discrimination Law, Disabled Employment, and the Relative Role of ‘Reasonable Accommodations’ Requirements and Firing Costs” (later retitled “Disaggregating Employment Protection: The Case of Disability Discrimination”) at the Society of Labor Economists Annual Meeting.

“Employee Privacy,” at the Meeting of the Restatement of Employment Law Advisers and Members’ Consultative Group, American Law Institute.

2002-2003 “Achieving Employment Equality for Disadvantaged Workers” (later retitled “Equality’s Tools”), at the Taxation Colloquium at New York University School of Law and the Faculty Workshop at Harvard Law School.

“Debiasing Through Law,” at the Faculty Workshop at Fordham University School of Law and the Law and Economics Workshop at Harvard Law School.

“Disability Discrimination Law, Disabled Employment, and the Relative Role of ‘Reasonable Accommodations’ Requirements and Firing Costs” (later retitled “Disaggregating Employment Protection: The Case of Disability Discrimination”) at the Faculty Workshop at Harvard Law School.

2001-2002 “Antidiscrimination and Accommodation,” at the Law and Public Affairs Seminar at Princeton University and the Faculty Workshop at Harvard Law School.

“Disability Discrimination Law, Disabled Employment, and the Relative Role of ‘Reasonable Accommodations’ Requirements and Firing Costs” (later retitled “Disaggregating Employment Protection: The Case of Disability Discrimination”) at the Labor Economics Seminar at Harvard University; the American Law and Economics Association Annual Meeting; the National Bureau of Economic Research Summer Institute; and the Law and Economics Workshop at Harvard Law School.

“Employee Privacy,” at the Meeting of the Restatement of Employment Law Advisers, American Law Institute.

ACADEMIC PRESENTATIONS (continued)

- 2001-2002
(continued) “Some Thoughts on Aging, Saving, and Age Discrimination from a Behavioral Economics Perspective,” at the NYU/Charny Conference on Antidiscrimination Law.
- 2000-2001 “Antidiscrimination and Accommodation,” at the Labor and Employment Law Workshop at New York University School of Law and the Law and Economics Workshop at Harvard Law School.
- “The Market for Federal Judicial Law Clerks,” at the American Law and Economics Association Annual Meeting.
- “Fairness, Minimum Wages, and Employee Benefits,” at the Symposium on Behavioral Law and Economics in the Workplace at New York University School of Law.
- 1999-2000 “Accommodation Mandates,” at the Distributive Justice Colloquium at Stanford Law School; the Faculty Workshop at the University of Virginia School of Law; the American Law and Economics Association Annual Meeting; the Americans with Disabilities Act Conference at the University of Virginia School of Law; the National Bureau of Economic Research Summer Institute; and Law and Economics Workshops at Boalt Hall, Georgetown University Law Center, Harvard Law School, and Yale Law School.
- “The Market for Federal Judicial Law Clerks,” at the National Bureau of Economic Research Spring 2000 Labor Studies Meeting; and Law and Economics Workshops at Harvard Law School, Stanford Law School, the University of Chicago Law School, and the University of Michigan Law School.
- 1998-1999 “The Role and Functioning of Public-Interest Legal Organizations in the Enforcement of the Employment Laws,” at the Spring 1999 National Bureau of Economic Research/MacArthur Conference on Emerging Labor Market Institutions.
- “Stock Repurchases and Incentive Compensation,” at the Law and Economics Workshop at the University of Southern California Law School.
- 1997-1998 “A Behavioral Approach to Law and Economics,” at the Rationality Colloquium at New York University School of Law; the Faculty Workshop at Boston University School of Law; the National Bureau of Economic Research Fall Behavioral Economics Meeting; and Law and Economics Workshops at Columbia University School of Law, Harvard Law School, and the University of Chicago Law School.

ACADEMIC PRESENTATIONS (continued)

- 1997-1998
(continued) “Behavioral Economic Analysis of Redistributive Legal Rules,” at the Behavioral Law and Economics Symposium at Vanderbilt University Law School and the National Bureau of Economic Research Summer Law and Economics Meeting.
- 1995-1996 “Hands-Tying and the Age Discrimination in Employment Act,” at the Changing Workplace Symposium at the University of Texas School of Law; and Law and Economics Workshops at George Mason University School of Law, Georgetown University Law Center, and the University of Toronto Faculty of Law.
- 1994-1995 “A Behavioral Approach to Law and Economics,” at the American Law and Economics Association Annual Meeting.
- “Stock Repurchases and Incentive Compensation,” at the Industrial Organization Workshop at the Massachusetts Institute of Technology; and Law and Economics Workshops at Boalt Hall and Harvard Law School.

INSTITUTIONAL SERVICE AT HARVARD LAW SCHOOL

Law School Dean Selection Advisory Committee; Lateral Appointments Committee; Vice-Dean for Scholarship and Intellectual Life, Academic Development Committee.