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PERSONAL

B. October 1, 1967. Raised in Northern California (San Francisco Bay Area). Married, one son b. 1998, one daughter b. 2000.

EMPLOYMENT

Gordon Bradford Tweedy Professor of Law and Organization (with tenure), Yale Law School, 2006-present.

Director, Program in Law and Economics, National Bureau of Economic Research, 2003-present.

Professor of Law (with tenure), Harvard Law School, 2001-2006 (Vice-Dean, 2003-2004).

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

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

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

EDUCATION

Massachusetts Institute of Technology, Department of Economics. Ph.D., June 1995.
National Science Foundation Graduate Fellowship.

Harvard Law School. J.D., June 1993.

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

PUBLICATIONS

Monograph

Behavioral Economics and the Law (2011).

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

Bounded Rationality, Behavioral Economics, and the Law, in *The Oxford Handbook of Law and Economics*, Francesco Parisi, ed., Oxford University Press (2017).

Debiasing Through Law and the First Amendment, *Stanford Law Review*, 67:1411-1446 (2015).

PUBLICATIONS (continued)

Articles – Behavioral Law and Economics (continued)

Race Effects on eBay (with Ian Ayres and Mahzarin Banaji), *Rand Journal of Economics*, 46:891-917 (2015).

Product Warnings, Debiasing, and Free Speech: The Case of Tobacco Regulation, *Journal of Institutional and Theoretical Economics*, 169:53-78 (2013).

The George Wythe Lecture: Privacy and Consent Over Time, *William and Mary Law Review*, 54:1693-1714 (2013).

* Behavioral Economics Analysis of Employment Law, in *The Behavioral Foundations of Public Policy*, Eldar Shafir, ed., Princeton University Press, pp. 264-280 (2013).

* Bias and the Law of the Workplace, in *Research Handbook on the Economics of Labor and Employment Law*, Cynthia L. Estlund and Michael L. Wachter, eds., Edward Elgar, pp. 275-295 (2012).

Dworkin's "Living Well" and the Well-Being Revolution, in *Symposium: Ronald Dworkin's Justice for Hedgehogs*, *Boston University Law Review*, 90:641-655 (2010).

Governing America: The Emergence of Behavioral Law and Economics, *Max Weber Lecture*, 2010/03 (2010).

Behavioral Law and Economics, in *Economic Institutions and Behavioral Economics*, Peter Diamond and Hannu Vartiainen, eds., Princeton University Press, pp. 115-143 (2007). (With responses by Ian Ayres and Christoph Engel.) Updated version available at http://www.law.yale.edu/documents/pdf/Faculty/Jolls_BehavioralLawandEconomics.pdf.

* Antidiscrimination Law's Effects on Implicit Bias, in *Behavioral Analyses of Workplace Discrimination*, Mitu Gulati and Michael Yelnosky, eds., Kluwer Academic Publishers (2007).

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*, 94:969-996 (2006) (*Symposium: Behavioral Realism in Law: Implicit Cognition and Social Justice*).

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

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

"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.)

PUBLICATIONS (continued)

Articles – Behavioral Law and Economics (continued)

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, in *Symposium: Behavioral Law and Economics*, *Vanderbilt Law Review*, 51:1653-1677 (1998).

* 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, in *Symposium: The Changing Workplace*, *Texas Law Review*, 74:1813-1846 (1996).

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

Employment Effects of Mandated Medical Leave: Some Evidence from State-Law Variation, in *Paid Leave for Illness, Medical Needs, and Disabilities: Issues and Answers*, AEI-Brookings, pp. 60-82 (2020).

* Behavioral Economics Analysis of Employment Law, in *The Behavioral Foundations of Public Policy*, Eldar Shafir, ed., Princeton University Press, pp. 264-280 (2013).

* Bias and the Law of the Workplace, in *Research Handbook on the Economics of Labor and Employment Law*, Cynthia L. Estlund and Michael L. Wachter, eds., Edward Elgar, pp. 275-295 (2012).

The New Market for Federal Judicial Law Clerks (with Christopher Avery, Richard A. Posner and Alvin E. Roth), *University of Chicago Law Review*, 74:447-86 (2007).

Employment Law, in *The Handbook of Law and Economics*, A. Mitchell Polinsky and Steven Shavell, eds., Elsevier Academic Press, pp. 1349-86 (2007).

* Antidiscrimination Law’s Effects on Implicit Bias, in *Behavioral Analyses of Workplace Discrimination*, Mitu Gulati and Michael Yelnosky, eds., Kluwer Academic Publishers (2007).

* The Law of Implicit Bias (with Cass R. Sunstein), in *Symposium: Behavioral Realism in Law: Implicit Cognition and Social Justice*, *California Law Review*, 94:969-996 (2006).

Law and the Labor Market, *Annual Review of Law and Social Science*, 2:359-385 (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, pp. 141-176 (2004).

PUBLICATIONS (continued)

Articles – Employment Law/Labor Markets (continued)

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

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, in *Symposium: The Changing Workplace*, *Texas Law Review*, 74:1813-1846 (1996).

Articles – 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

Program Report: Law and Economics, *NBER Reporter*, pp. 1-4 (2022, No. 1).

In Memoriam: Antonin Scalia, *Yale Law Journal*, 126:1629-1633 (2017).

Program Report: Law and Economics, *NBER Reporter*, pp. 1-5 (2014, No. 4).

Program Report: Law and Economics, *NBER Reporter*, pp. 1-6 (2008, No. 2).

Anti-Discrimination Law at the Intersection of Economics and Psychology, in *Women's Forum for the Economy and Society* (2008).

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

Behavioral Law and Economics

Behavioral Law and Economics in the Land of Optimism (book).

Time, Rationality, and Consent (book).

WORK IN PROGRESS (continued)

Employment Law/Labor Markets

New Accommodation Concepts.

The Americans with Disabilities Act: A Retrospective (book).

Contract Theory/Incentive Contracts

Managerial Contracts at Regulated Firms (with Richard Holden).

SELECTED REPRINTS OF ARTICLES IN EDITED VOLUMES

Debiasing Through Law, reprinted in *History of Law and Economics*, Jonathan Klick and Henry N. Butler eds., Edward Elgar (2016).

Behavioral Economic Analysis of Redistributive Legal Rules, reprinted in *Fairness in Law and Economics*, Lee Anne Fennell and Richard H. McAdams eds., Edward Elgar (2013).

Antidiscrimination and Accommodation, reprinted in *The Library of Essays on Equality and Anti-Discrimination Law*, Elizabeth F. Emens and Michael Ashley Stein eds., Ashgate Publishing (2013).

Hands-Tying and the Age Discrimination in Employment Act, reprinted in *Age and Equality Law*, Michael Selmi ed., Ashgate Publishing (2012).

A Behavioral Approach to Law and Economics, reprinted in *Foundations of Law and Economics*, Robert D. Cooter and Francesco Parisi eds., Edward Elgar (2009).

Behavioral Law and Economics, reprinted in *Law and Economics*, Alain Marciano ed., Routledge (2009).

A Behavioral Approach to Law and Economics, reprinted in *Behavioral Law and Economics*, Jeffrey J. Rachlinski ed., Edward Elgar (2009).

The Law of Implicit Bias, reprinted in *Psychology, Race, and Law*, Jonathan Cardi, Shayne Jones, and Gregory Parks eds., The New Press (2008).

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).

SELECTED 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).

SELECTED PROFESSIONAL AFFILIATIONS AND HONORS

Sloan Foundation, Economics Advisory Committee, since 2015.

American Academy of Arts and Sciences (elected 2013).

Consumer Financial Protection Bureau, Academic Research Council Member, 2012-2016.

ideas42, Affiliate, since 2011.

Sloan Foundation-Russell Sage Foundation Working Group on Behavioral Research and Consumer Finance, Advisory Board, 2009-2014.

Yale University, Honorary Master of Arts, 2008.

American Law Institute (elected 2008).

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

Justice, Welfare and Economics Program, Harvard University, Faculty Fellow, 2004-2006.

American Law and Economics Association, Nominating Committee, 2004.

American Economics Association, Program Committee, 2003.

American Law and Economics Association, Program Committee, 2002.

Journal of Empirical Legal Studies, Editorial Board, 2002-2007.

Restatement of Employment Law, American Law Institute, Reporter, 2001-2006.

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

Mind/Brain/Behavior Interfaculty Initiative, Harvard University, Faculty Fellow, 2001-2006.

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

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

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

Massachusetts Bar (admitted 1997).

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

Presidential Scholar Award (one of two graduating high school seniors selected from California), 1985.

TEACHING

Courses Taught (selected): Rationality (with Amartya Sen); Administrative Law; Employment and Labor Law; Information Privacy Law; Topics in Behavioral Law and Economics (including with Cass R. Sunstein); The Administrative State; Contracts; Equality (with Cass R. Sunstein).

Teaching Awards: Harvard Law School, Spring 2003 (selected by Dean Robert Clark); Yale Law School, Academic Year 2021-2022.

SELECTED INSTITUTIONAL SERVICE

Harvard-Stanford-Yale Junior Faculty Forum (2014-present); Faculty Workshop (2016-2017); Credit Assessment Committee (2009-2010); Appointments Committee (2007-2008); Faculty Workshop (2006-2007); Vice-Dean for Scholarship and Intellectual Life (2003-2004), Law School Dean Selection Advisory Committee (2002-2003); Lateral Appointments Committee (2002-2003); Academic Development Committee (1999-2000).