

JOANNA M. SHEPHERD
Emory University School of Law
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ACADEMIC EMPLOYMENT:

Professor of Law, Emory University School of Law, 2014 – present

Adjunct Professor of Economics, Emory University, 2014 – present

Associate Professor of Law with Tenure, Emory University School of Law, 2010 – 2014

Associate Professor of Law, Emory University School of Law, 2008 –2010

Assistant Professor of Law, Emory University School of Law, 2005 –2008

Visiting Assistant Professor, Emory University University, Department of Economics, 2004-2005.

Assistant Professor of Economics, Clemson University, 2002 - 2004.

PUBLICATIONS:

Articles

- *The Long Shadow of Bush v. Gore: An Empirical Analysis of Judicial Partisanship in Election Cases*, with Michael Kang, STANFORD LAW REVIEW (forthcoming, 2016).
- *Attacking Judicial Elections: How Campaign Advertising Influences State Supreme Court Elections*, with Michael Kang, MICHIGAN LAW REVIEW (forthcoming, 2016).
- *The Prescription for Rising Drug Prices: Competition or Price Controls?*, HEALTH MATRIX: JOURNAL OF LAW AND MEDICINE (forthcoming, 2016).
- *State Consumer Protection Acts: An Economic and Empirical Analysis*, with James Cooper, ANTITRUST LAW JOURNAL (forthcoming, 2016).
- *Deterring Innovation: NY v. Actavis and the Duty to Subsidize Competitors' Market Entry*, MINNESOTA JOURNAL OF LAW, SCIENCE, AND TECHNOLOGY (forthcoming, 2016).
- *Partisanship in State Supreme Courts: The Empirical Relationship between Party Campaign Contributions and Judicial Decisionmaking*, with Michael Kang, 44 JOURNAL OF LEGAL STUDIES 161 (2015).

- *Biologic Drugs, Biosimilars, and Barriers to Entry*, 25 HEALTH MATRIX: JOURNAL OF LAW AND MEDICINE 139 (2015).
- *Economic Conundrums in Search of a Solution: The Functions of Third-Party Litigation Finance*, with Jud Stone, ARIZONA STATE LAW JOURNAL (forthcoming, 2015).
- *Uncovering the Silent Victims of the American Medical Liability System*, 67 VANDERBILT LAW REVIEW 151 (2014)
- *The Partisan Foundations of Judicial Campaign Finance*, with Michael Kang, 86 SOUTHERN CALIFORNIA LAW REVIEW 1239 (2014)
- *Combatting the Prescription Painkiller Epidemic: A National Prescription Drug Reporting Program*, 40 AMERICAN JOURNAL OF LAW AND MEDICINE 85 (2014)
- *Selective Contracting in Prescription Drugs: The Benefits of Pharmacy Networks*, 15 MINNESOTA JOURNAL OF LAW, SCIENCE & TECHNOLOGY 1027 (2014)
- *Products Liability and Economic Activity: An Empirical Analysis of Tort Reform's Impact on Businesses, Employment, and Production*, 66 VANDERBILT LAW REVIEW 257 (2013)
- *Is More Information Always Better? Mandatory Disclosure Regulations in the Prescription Drug Market*, 99 CORNELL LAW REVIEW ONLINE (2013)
- *The Fox Guarding the Henhouse: The Regulation of Pharmacy Benefit Managers by a Market Adversary*, 9 NORTHWESTERN JOURNAL OF LAW AND SOCIAL POLICY 1 (2013)
- *Ideal versus Reality in Third-Party Litigation Financing*, 8 JOURNAL OF LAW, ECONOMICS, & POLICY 593 (2012).
- *Lawyers, Ignorance, and the Dominance of Delaware Corporate Law*, with William Carney and George Shepherd, 2 HARVARD BUSINESS LAW REVIEW 123 (2012)
- *The Partisan Price of Justice: An Empirical Analysis of Campaign Contributions and Judicial Decisions*, with Michael Kang, 86 NEW YORK UNIVERSITY LAW REVIEW 69 (2011).
- *Measuring Maximizing Judges: Empirical Legal Studies, Public Choice Theory, and Judicial Behavior*, 2011 UNIVERSITY OF ILLINOIS LAW REVIEW 101 (2011).
- *Baseball's Accidental Racism: The Draft, African-American Players, and the Law*, with George Shepherd, 44 CONNECTICUT LAW REVIEW 197 (2011)
- *Legislatures, Judges, and Parole Boards: The Allocation of Discretion Under Determinate Sentencing*, with Nuno Garoupa and Dhammika Dharmapala, 62 FLORIDA LAW REVIEW 1037 (2010).
- *Judicial Opposition as Politics*, 166 JOURNAL OF INSTITUTIONAL AND THEORETICAL ECONOMICS 88 (2010).

- *The Economics of Capital Punishment*, in CRIMINAL LAW AND ECONOMICS 207 (Nuno Garoupa ed., 2010)
- *Delaware Corporate Law: Failing Law, Failing Markets*, with William J. Carney & George B. Shepherd in THE LAW AND ECONOMICS OF CORPORATE GOVERNANCE: CHANGING PERSPECTIVES (Alessio M. Paces, ed., 2010)
- *Are Appointed Judges Strategic Too?* 58 DUKE LAW JOURNAL 1589 (2009).
- *Money, Politics, and Impartial Justice*, 58 DUKE LAW JOURNAL 623 (2009).
- *The Influence of Retention Politics on Judges' Voting*, 38 THE JOURNAL OF LEGAL STUDIES 169 (2009).
- *Tort Reform's Winners and Losers: The Competing Effects of Care and Activity Levels*, 55 UCLA LAW REVIEW 905 (2008).
 - reprinted in TORT REFORM: ESSAYS, NARRATIVES, AND OTHER MATERIALS (2010, FORTHCOMING)
- *What Else Matters for Corporate Governance?: The Case of Bank Monitoring*, with Frederick Tung and Albert Yoon, 88 BOSTON UNIVERSITY LAW REVIEW 991 (2008).
- *The Demographics of Tort Reform*, with Paul H. Rubin. 4 THE REVIEW OF LAW & ECONOMICS 591 (2008).
- *Blakely's Silver Lining: Sentencing Guidelines, Judicial Discretion, and Crime* 58 HASTINGS LAW JOURNAL 533 (2007).
- *Tort Reform and Accidental Deaths*, with Paul H. Rubin. 50 THE JOURNAL OF LAW & ECONOMICS 221 (2007).
 - reprinted in ROUNDTABLE VIEWPOINTS: BUSINESS LAW (2008)
 - subject of Op-Ed, *Tort Reform Saves Lives*, WALL STREET JOURNAL by Rubin, Oct. 8, 2005.
- *The Economics of Crime*, with Erling Eide and Paul H. Rubin, 2 FOUNDATIONS AND TRENDS IN MICROECONOMICS 291 (2006).
- *The Relationship between Prison Populations and Crime: Causes and Impacts*, 5 CRIMINOLOGY AND PUBLIC POLICY 285 (2006).
- *Deterrence versus Brutalization: Capital Punishment's Differing Impacts Among States*, 104 MICHIGAN LAW REVIEW 203 (2005).
 - Featured in front page article: Adam Liptak, *Does Death Penalty Save Lives? A New Debate*, THE NEW YORK TIMES, November 18, 2007.
 - subject of Op-Ed, *Why Not All Executions Deter Murder*, THE CHRISTIAN SCIENCE MONITOR, Dec. 14, 2005.
- *An Empirical Study of Public Defender Effectiveness: Self-Selection by the Marginally Indigent*, with Judge Morris B. Hoffman and Paul H. Rubin. 3 OHIO STATE JOURNAL OF CRIMINAL LAW 223 (2005).
 - subject of Op-Ed, *Free-Market Justice*, THE NEW YORK TIMES, by Hoffman, Jan. 8, 2007.

- *Murders of Passion, Execution Delays, and the Deterrence of Capital Punishment*, 33 THE JOURNAL OF LEGAL STUDIES 283 (2004).
- *The Deterrent Effect of Capital Punishment: Evidence from a Judicial Experiment*, with Hashem Dezhbakhsh, 44 ECONOMIC INQUIRY 512 (2004).
- *Does Capital Punishment Have a Deterrent Effect? New Evidence from Postmoratorium Panel Data*, with Paul Rubin and Hashem Dezhbakhsh. 5 AMERICAN LAW AND ECONOMICS REVIEW 344 (2003)
 - reprinted in BEZPIECZNE PANSTWO. NOWE TRENDY W POLITYCE KARN (2006).
 - reprinted in ECONOMICS, LAW AND INDIVIDUAL RIGHTS (2008)
- *Police, Prosecutors, Criminals, and Determinate Sentencing: The Truth about Truth-in-Sentencing Laws*, 45 THE JOURNAL OF LAW & ECONOMICS 505 (2002).
- *Antitrust and Market Dominance*, with William G. Shepherd and George B. Shepherd, 46 THE ANTITRUST BULLETIN 835 (2002).
- *Fear of the First Strike: The Full Deterrent Effect of California's Two- and Three-Strikes Legislation*, 31 THE JOURNAL OF LEGAL STUDIES 159 (2002).
 - reprinted in BEZPIECZNE PANSTWO. NOWE TRENDY W POLITYCE KARNEJ (2006)

Books

- ECONOMIC ANALYSIS FOR LAWYERS, with Henry N. Butler and Christopher Drahozal (forthcoming 2014)
- THE ECONOMICS OF INDUSTRIAL ORGANIZATION, with William G. Shepherd (2003).

Other Publications

- ESTIMATING THE IMPACT OF A MINIMAL DIVERSITY STANDARD ON FEDERAL COURT CASELOADS, National Association of Manufacturers (2015)
- SKEWED JUSTICE: CITIZENS UNITED, TELEVISION ADVERTISING AND STATE SUPREME COURT JUSTICES' DECISIONS IN CRIMINAL CASES, with Michael Kang, American Constitution Society for Law and Policy (2014)
- CONSUMER PROTECTION ACTS OR CONSUMER LITIGATION ACTS: A HISTORICAL AND EMPIRICAL EXAMINATION OF STATE CPAS, American Tort Reform Foundation (2014)
- THE PERILS OF STATE-SANCTIONED PRIVATE REGULATION: A CASE STUDY FROM THE HEALTHCARE MARKETPLACE, Washington Legal Foundation (2014)
- THE EXPANSION OF NEW JERSEY'S CONSUMER FRAUD ACT: CAUSES AND CONSEQUENCES, American Tort Reform Foundation (2014)
- The EXPANDING MISSOURI MERCHANDISING PRACTICES ACT, American Tort Reform Foundation (2014)
- WHAT DO WE KNOW ABOUT PUNITIVE DAMAGE CAPS? A Review of the Empirical Literature, Searle Civil Justice Institute (2013)

- JUSTICE AT RISK: AN EMPIRICAL ANALYSIS OF CAMPAIGN CONTRIBUTIONS AND JUDICIAL DECISIONS, American Constitution Society for Law and Policy (2013)

CONGRESSIONAL TESTIMONY:

- *Testimony on Crime and Deterrence: Hearing on H.R. 2934, The Terrorist Penalties Enhancement Act of 2003. Before the House Judiciary Committee; Subcommittee on Crime, Terrorism, and Homeland Security, 108th Cong. (2004).*

EDUCATION:

- Emory University, Atlanta, GA, Ph.D. in Economics; Fields of Specialization: Law & Economics & Econometrics/Statistics (study at Emory School of Law), 2002. Woodruff Scholar.
- Baylor University, Waco, TX, BBA in Economics and International Business, 1997 (GPA: 4.0; Summa Cum Laude)

TEACHING EXPERIENCE:

- Torts; Law and Economics; Analytical Methods for Lawyers; Statistics for Lawyers; Legal and Economic Issues in Health Policy, Economics and Public Policy; Econometrics; Statistics; Accounting for Lawyers, Finance for Lawyers, Advanced Microeconomics; Introduction to Microeconomics

UNIVERSITY SERVICE:

- Appointments Committee (2010-2011; 2013-present; Committee Chair in 2015-2017)
- Faculty Admissions Committee (2009-present)
- Colloquium and Scholarship Committee (2006-2007; 2011-2012; 2014-present)
- Woodruff Scholar Selection Committee (2010-present)
- Curriculum Committee (2007-2010)
- Academic Standings Committee (2005-2006)

SELECTED SCHOLARLY PRESENTATIONS:

University Presentations

- University of Virginia School of Law, Law & Economics Colloquium (2015)
Partisanship in State Supreme Courts: The Empirical Relationship between Party Campaign Contributions and Judicial Decisionmaking
- University of Toronto Faculty of Law, Law & Economics Workshop (2015)
Partisanship in State Supreme Courts: The Empirical Relationship between Party Campaign Contributions and Judicial Decisionmaking
- Vanderbilt Law School, Justice at Risk Conference (2014)
An Empirical Analysis of Campaign Contributions and Judicial Decisions
- University of Georgia, Legal Ethics Symposium (2014)
An Empirical Analysis of Campaign Contributions and Judicial Decisions
- Harvard Law School, Law & Economics Colloquium (2013)

Infusing Politics into the Law: An Empirical Analysis of Ideology, Party Campaign Finance, and Partisan Voting

- University of Chicago Law School, Conference on Judicial Behavior (2013)
Infusing Politics into the Law: An Empirical Analysis of Ideology, Party Campaign Finance, and Partisan Voting
- Korea Economic Research Institute (2013)
Overcriminalization in U.S. Corporate Law
- University of Texas School of Law, Center for Law, Business, and Economics (2012)
The Partisan Foundations of Judicial Campaign Finance
- ETH Zurich, the University of Zurich, the University of St. Gallen and the University of Lucerne (2012)
Products Liability and Economic Activity
Partisan Differences: How and Why Democratic and Republican Judges Differ in Party Loyalty
- George Mason School of Law, Law & Economics Colloquium (2012)
Products Liability and Economic Activity
- University of Chicago Law School, Law & Economics Faculty Workshop (2011)
Products Liability and Economic Activity
- University of Texas School of Law, Center for Law, Business, and Economics (2011)
Products Liability and Economic Activity
- Northwestern University School of Law, Searle Center Policy Roundtable (2010)
Offer-of-Judgment Rules and Civil Litigation
- Economics Institute of the Academy of Sciences of the Czech Republic and Charles University Dept. of Economics, Prague (2010)
The Partisan Price of Justice
- University of Illinois College of Law, Conference to Honor Tom Ulen (2010)
Measuring Maximizing Judges
- George Mason Robert A. Levy Fellows Workshop in Law & Liberty (2010)
The Partisan Price of Justice
- University of Chicago Law School, Law & Economics Faculty Workshop (2009)
The Business of Judicial Elections
- Northwestern University School of Law, Law & Political Economy Colloquium (2009)
The Business of Judicial Elections
- Georgetown University Law School, Law & Economics Faculty Workshop (2009)
The Business of Judicial Elections
- Northwestern University School of Law, Judicial Behavior Workshop (2009)
Are Appointed Judges Strategic Too?
- Duke Law School, Workshop on Judicial Behavior (2009)
Are Appointed Judges Strategic Too?
- University of Southern California School of Law, CLEO Faculty Workshop (2007)
The Influence of Retention Politics on Judges' Decisions
- University of North Carolina School of Law, Faculty Colloquium (2007)
The Influence of Retention Politics on Judges' Decisions
- NYU School of Law, Comparative Law & Economics Forum (2007)
The Influence of Retention Politics on Judges' Decisions
- University of Michigan School of Law, Law & Econ Colloquium (2007)
The Demographics of Tort Reform
- Northwestern University School of Law, Law & Econ Colloquium (2006)
The Demographics of Tort Reform
- Florida State University School of Law, Law & Econ Colloquium (2006)
Cross-Monitoring and Corporate Governance
- Stanford Law School, Law & Econ Colloquium (2006)

- *Tort Reform and Accidental Deaths*
Univ. of Illinois College of Law, Comparative Law & Economics Forum (2005)
- *Tort Reform and Accidental Deaths*
George Mason University, Law & Econ Colloquium (2005)
- *Tort Reform and Accidental Deaths*
University of Georgia, Law & Econ Colloquium (2005)
Deterrence versus Brutalization: Capital Punishment's Differing Impacts Among States
- University of Alabama, Department of Economics Faculty Colloquium (2004)
Diversity, Segregation, and Crime: An Industrial Organization Analysis of Competition
- University of Toronto School of Law, Law & Economics Colloquium (2004)
Deterrence versus Brutalization: Capital Punishment's Differing Impacts Among States
- Georgetown University Law School, Olin Law & Economics Workshop (2004)
Capital Punishment and Deterrence: Evidence from a Judicial Experiment
- Georgia Tech University, Department of Economics Faculty Colloquium (2001)
Police, Prosecutors, Criminals, and Determinate Sentencing

Conferences and Meetings

- Annual Meeting of the American College of Business Court Judges (2015)
Minimal Diversity Jurisdiction Reform
- Korean Law and Economics Association, Seoul, Korea (2013)
Panel Effects on State Courts
- American Law & Economics Association Annual Meetings, Nashville, TN (2013)
The Partisan Foundations of Judicial Campaign Finance
- Canadian Law & Economics Association Annual Meetings, Toronto, CA (2012)
The Partisan Foundations of Judicial Campaign Finance
- American Law & Economics Association Annual Meetings, Palo Alto, CA (2012)
Products Liability and Economic Activity
- American Law & Economics Association Annual Meetings, New York, NY (2011)
The Partisan Price of Justice
- Mason Judicial Education Program 6th Annual Judicial Symposium on Civil Justice Issues, Fairfax, VA (2011)
Ideal versus Reality in Third-Party Litigation Financing
- Global Conference on Third-Party Financing of Litigation hosted by the Searle Civil Justice Institute, Brussels, Belgium (2011)
Ideal versus Reality in Third-Party Litigation Financing
- Global Conference on Third-Party Financing of Litigation hosted by the Searle Civil Justice Institute, New York, NY (2011)
Ideal versus Reality in Third-Party Litigation Financing
- Southeastern Association of Law Schools Annual Meetings, Hilton Head, SC (2011)
Teaching Empirical Methods to Law Students
- American Law & Economics Association Annual Meetings, Princeton, NJ (2010)
The Business of Judicial Elections
- American Law & Economics Association Annual Meetings, San Diego, CA (2009)
Are Appointed Judges Strategic Too?
- Conference on New Institutional Economics, Max Planck Institute, Germany (2009)
Judicial Opposition as Politics
- Conference on Empirical Legal Studies, New York, NY (2007)
Tort Reform's Unintended Consequences
- American Law & Economics Association Annual Meetings, Boston, MA (2007)

- *The Demographics of Tort Reform*
- European Association of Law and Economics Annual Conference, Madrid (2007)
The Demographics of Tort Reform
- Law and Society Association Annual Meetings, Baltimore, MD (2006)
Cross-Monitoring and Corporate Governance
- Canadian Law and Economics Association Annual Meetings, Toronto, CA (2006)
Cross-Monitoring and Corporate Governance
- American Law & Economics Assoc. Annual Meetings, New York, NY (2005)
Blakely's Silver Lining: Sentencing Guidelines, Judicial Discretion, and Crime
- American Economics Association Annual Meetings, Washington, D.C. (2005)
Blakely's Silver Lining: Sentencing Guidelines, Judicial Discretion, and Crime
- National Academy of Sciences, National Research Council Semi-Annual Meeting, Washington, D.C. (2004)
Capital Punishment and Deterrence
- American Law & Economics Assoc. Annual Meetings, New York, NY (2005)
Deterrence versus Brutalization: Capital Punishment's Differing Impacts Among States
- American Law & Economics Assoc. Annual Meetings, Chicago, IL (2004)
Capital Punishment and Deterrence
- American Law & Economics Assoc. Annual Meetings, Toronto, CA (2003)
Major League Baseball, Market Regulations, and the Export of Employment
- American Law & Economics Assoc. Annual Meetings, Washington, D.C. (2001)
The Deterrent Effect of California's Two- and Three-Strikes Legislation

OTHER PROFESSIONAL ACTIVITIES:

- Supreme Court Citations: *Glossip et al. v. Gross et al.* (2015) and *Williams-Yulee v. Florida Bar* (2015)
- Associate Editor of the INTERNATIONAL REVIEW OF LAW & ECONOMICS (2011- present)
- Peer-Reviewer (Referee) for: JOURNAL OF LEGAL STUDIES, JOURNAL OF LAW, ECONOMICS AND ORGANIZATION, AMERICAN POLITICAL SCIENCE REVIEW, PUBLIC CHOICE, JOURNAL OF EMPIRICAL LEGAL STUDIES, JOURNAL OF HEALTH ECONOMICS, REVIEW OF LAW & ECONOMICS, INTERNATIONAL REVIEW OF LAW & ECONOMICS, SUPREME COURT ECONOMIC REVIEW, ECONOMICA, JOURNAL OF INDUSTRIAL ORGANIZATION, MANAGERIAL & DECISION ECONOMICS, CONTEMPORARY ECONOMIC POLICY, PUBLIC FINANCE REVIEW.
- I teach various Law & Economics classes at the annual Economics Institute for Judges and the annual Economics Institute for Law Professors.
- Other Professional Recognition for my research includes:
 - Television interviews on CNN Sunday; National Fox News; The O'Reilly Factor on the National Fox News Network; and CBS, ABC, and FOX local affiliates.
 - Op-Eds in *The Wall Street Journal*, *The New York Times*, and *The Christian Science Monitor*, *The Atlanta Journal Constitution*, *Fulton Daily Report*
 - Print interviews include the *The New York Times*, *The Wall Street Journal*, *Chronicle of Higher Education*, *The Atlanta Business Chronicle*, *The Washington Post*.
 - Radio interviews include ReachMD, BBC: Five Alive; WJR in Detroit, MI; KRLD in Arlington, TX; WLW in Cincinnati, OH; KTSA in San Antonio, TX; CHED in Edmonton, Canada; WRVA in Richmond, VA; CJME in Saskatoon, Canada; NTR in Saskatoon, Canada; WMVZ in Detroit, MI; KXNT in Las Vegas, NV; and KRLA in Los Angeles, CA.

- Research also cited in the National Center for Policy Analysis: Executive Alert; The Atlantic, The Weekly Standard; and The National Journal.
- Research also requested for use by the Senate Judiciary Committee; U.S. Naval Academy; House of Representatives (Rep. Bob Goodlatt); Attorney General of Alabama; Georgia Senate Health and Human Services Committee, Florida House of Representatives Health and Human Services Committee; New York State Assembly (Stephen Kaufman); among others.