

Empirical Legal Studies in America  
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July 8-10, 2018

Before each class, please:

- A) Do the reading, focusing on the pages indicated below.
- B) For each article (except 2.b.1), think about the following questions:
  - a. What are the strengths and weaknesses of the article?
  - b. Would it be possible and/or helpful to do a similar study in China? Why or why not?
  - c. What is another issue that could be studied using the method in the article using Chinese data or data from somewhere else?

If you have questions, you can email Professor Klerman at [dklerman@law.usc.edu](mailto:dklerman@law.usc.edu).

1. Sunday, July 8
  - a. History of Empirical Legal Studies
    - i. Theodore Eisenberg, The Origins, Nature, and Promise of Empirical Legal Studies and a Response to Concerns (2011)
      1. Focus on pages 1713-20, 1724-26, 1734-38
      2. Pages to focus on are marked with right angles: “┐” and “┌”
    - ii. Field Experiments
      - i. Legal Services
        1. D. James Greiner, Cassandra Wolos Pattanayak, and Jonathan Hennessy, The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future (2013)
          - a. Focus on pages 903-9, 918-28, 932-34
      - ii. Audit studies of Discrimination
        1. Marianne Bertrand & Sendhil Mullainathan, Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Discrimination (2004)
          - a. Focus on pages 991-99
  2. Monday, July 9 (morning)
    - a. Lab Experiments
      - i. Chris Guthrie, Jeffrey J. Rachlinski & Andrew J. Wistrich, Inside the Judicial Mind (2001)
        1. Focus on pages 778-94
    - b. How to Do Empirical Legal Research
      - i. Lee Epstein & Andrew D. Martin, Quantitative Approaches to Empirical Legal Research (2010)
        1. Focus on pages 901-17

- c. Natural Experiments
    - i. Cass R. Sunstein, David Schkade & Lisa Michelle Ellman, Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation (2004)
      - 1. Focus on pages 302-7, 311-20, 325-30
- 3. Monday, July 9 (afternoon)
  - a. Panel data: Crime
    - i. John J. Donohue & Justin Wolfers, Uses and Abuses of Empirical Evidence in the Death Penalty Debate (2005)
      - 1. Focus on pages 791-801, 836, 837-43
  - b. Event studies
    - i. Sanjai Bhagat & Roberta Romano, Event Studies and the Law (2002) (2 Parts)
      - 1. Focus on pages. 141-45, 380-84, 389-91, 394-96, 414-16
  - c. Cross-Country Studies
    - i. Rafael La Porta, Florencio Lopez-de-Silanes & Andrei Shleifer, The Economic Consequences of Legal Origins (2008)
      - 1. Focus on pages 285-300
- 4. Tuesday, July 10
  - a. Contracts
    - i. Florencia Marotta-Wurgler, What's in a Standard Form Contract? An Empirical Analysis of Software License Agreements (2007)
      - 1. Focus on pages 677-91, 695-700, 702-10, 713
  - b. Non-quantitative studies
    - i. Lisa Bernstein, Opting Out of the Legal System: Extralegal Contractual Relations in the Diamond Industry (1992)
      - 1. Focus on pages 115-140
  - c. File reviews
    - i. David Studdert et al., Claims, Errors, and Compensation Payments in Medical Malpractice Litigation (2006)