

JAMES J. PRESCOTT

University of Michigan Law School
Ann Arbor, MI 48109
(Office: 734-763-2326)
jprescott@umich.edu

EMPLOYMENT

UNIVERSITY OF MICHIGAN LAW SCHOOL, Professor of Law (2011–).
Co-Director, Program in Law and Economics (2012–).
Co-Director, Empirical Legal Studies Center (2014–).
Assistant Professor of Law (2006–11).

Research: Criminal Law
Civil Litigation and Settlement
Empirical Law and Economics
Sentencing and Corrections
Employment Law

Teaching: Criminal Law
Employment Law
Law and Economics Workshop
Negotiation
Economic Analysis of Law
Theory of Criminal Law

EDUCATION

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Ph.D., Economics, 2006

Honors: MIT Department of Economics Fellowship (1997–99)
Jacob K. Javits Fellowship (1998–2002)

Dissertation: *Essays in Empirical Law and Economics*
(Advisers: David Autor, Michael Greenstone, Christine Jolls)

HARVARD LAW SCHOOL, J.D., 2002

Honors: Graduated *magna cum laude*
John M. Olin Fellowship in Law and Economics (1999–2002)
Treasurer (Vol. 115) and Editor, *Harvard Law Review*

Clerkship: Hon. Merrick B. Garland, U.S. Court of Appeals for the D.C. Circuit (2002–03)

STANFORD UNIVERSITY, B.A., Public Policy and Economics, 1996

Honors: Graduated with Honors and Distinction; Phi Beta Kappa (elected in junior year);
Ethics-in-Society Honors Program; Presidential Award for Excellence in the
Freshman Year; Truman Scholar Finalist (CA)

Thesis: *Why Vote? Using Principles to Solve the Paradox of the Irrational Voter*

PUBLICATIONS & MANUSCRIPTS

- Prescott, J.J., and Kathryn E. Spier, “A Comprehensive Theory of Civil Settlement,” *New York University Law Review* (forthcoming, April 2016).
- Gerstein, Charlie, and J.J. Prescott, “Process Costs and Police Discretion,” *Harvard Law Review Forum*, 128 (2015), 268–88.
- Prescott, J.J., Kathryn E. Spier, and Albert H. Yoon, “Trial and Settlement: A Study of High-Low Agreements,” *Journal of Law and Economics*, 57 (2014), 699–746.
- Agan, Amanda Y., and J.J. Prescott, “Sex Offender Law and the Geography of Victimization,” *Journal of Empirical Legal Studies*, 11 (2014), 786–828.
- Prescott, J.J., “Do Sex Offender Registries Make Us Less Safe?” *Regulation*, 35:2 (2012), 48–55.
- Prescott, J.J., “Child Pornography and Community Notification: How an Attempt to Reduce Crime Can Achieve the Opposite,” *Federal Sentencing Reporter*, 24 (2011), 93–101.
- Prescott, J.J., and Jonah E. Rockoff, “Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” *Journal of Law and Economics*, 53 (2011), 161–206.
- Prescott, J.J., “The Challenges of Calculating the Benefits of Providing Access to Legal Services,” *Fordham Urban Law Journal*, 37 (2010), 303–46.
- Prescott, J.J., “Measuring the Consequences of Criminal Jury Trial Protections,” revise and resubmit at *Journal of Legal Studies*.
- Prescott, J.J., and Sonja B. Starr, “Improving Criminal Jury Decision Making After the *Blakely* Revolution,” *University of Illinois Law Review*, 2006, 301–56.
- Jolls, Christine M., and J.J. Prescott, “Disaggregating Employment Protection: The Case of Disability Discrimination,” *NBER Working Paper 10740* (2004).

WORKS IN PROGRESS

- Spier, Kathryn E., and J.J. Prescott, “Contracting on Litigation,” draft available.
- Starr, Evan, Norman Bishara, and J.J. Prescott, “Who Signs Covenants Not to Compete? Evidence from a New Survey,” draft available.
- Prescott, J.J., “Empirical Evidence of Prosecutorial Charging Manipulation: And What It Tells Us about What Prosecutors Are Trying to Do,” draft available.
- Garrett, Brandon L., and J.J. Prescott, “Determinants of Success in Post-Conviction Litigation by the Innocent,” draft available.
- Prescott, J.J., and Sonja Starr, “Evaluating the Impact of Criminal Record Set-Aside Laws on Recidivism and Socioeconomic Outcomes,” 15-page funding narrative available.
- Prescott, J.J., “The Possibilities of Offender Choice in Sentencing: Eliciting Forward-Looking Information,” draft available.
- Klick, Jonathan, and J.J. Prescott, “The Effect of Sex Offender Laws on the Sexual Abuse and Health of Minors,” 25-page funding narrative available.

Prescott, J.J., and Eric B. Laber, “The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes,” 15-page funding narrative available.

Bailey, Martha J., and J.J. Prescott, “The Regulation of Vice in the 1960s: The Case of Contraception as ‘Obscene,’” précis available.

Prescott, J.J., “Data Set: New Orleans District Attorney’s Office Data, 1988-1999,” including arrest, charging, conviction, and sentencing data with judge, prosecutor, and defendant identifiers and over 30,000 defendant observations.

OTHER WRITING & RESEARCH

Prescott, J.J., “In Michigan, Access to Justice a Click Away,” DETROIT NEWS, Mar. 12, 2015, at 3B, available at http://www.detroitnews.com/story/opinion/2015/03/11/prescott-court-innovations/70166738/?fb_ref=Default

Prescott, J.J., “Criminal Sanctions and Deterrence,” forthcoming 2015 in *Encyclopedia of Law and Economics* (Jürgen Backhaus, ed.).

Agan, Amanda Y., and J.J. Prescott, “Sexual Offenses,” forthcoming 2015 in *Encyclopedia of Law and Economics* (Jürgen Backhaus, ed.).

Prescott, J.J., “A Fifty-State Compendium of Sex Offender Regulation” (2010).

Prescott, J.J., “Tort as a Debt Market: Agency Costs, Strategic Debt, and Borrowing against the Future,” *Harvard Law Review*, 115 (2002), 2294–316 (Student Note).

Prescott, J.J., “Prevailing Party—*Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health & Human Resources*, 121 S. Ct. 1835 (2001),” *Harvard Law Review*, 115 (2001), 457–67 (Student Supreme Court Case Comment).

Prescott, J.J., “Second Circuit holds that Punitive Damages are Unavailable against Municipalities—*Ciraolo v. City of New York*, 216 F.3d 236 (2d Cir. 2000),” *Harvard Law Review*, 114 (2000), 666–72 (Student Recent Case Comment).

GRANTS AND AWARDS

University of Michigan, Global Challenges for Third Century Initiative (Phase Two: \$2,767,500) (2014) (“Technology-Aided Access to Courts through Enhanced Online Functionality”)

University of Michigan, Office of the Vice President for Research (\$15,000) (2013) (“A Survey of Employment Non-Competition Agreements: Incidence, Knowledge, Perceptions, and Mobility”)

Distinguished Brief Award, Thomas M. Cooley Law Review (“recognizes the most scholarly brief filed before the Michigan Supreme Court, as determined by a panel of judges”) (2013) (*People v. Cole*, No. 143046, opinion filed May 25, 2012)

University of Michigan, Global Challenges for Third Century Initiative (Phase One: \$275,000) (2013) (“Technology-Aided Access to Courts through Enhanced Online Functionality”)

University of Michigan, Office of the Vice President for Research (\$15,000) (2011) (“The Role of the Prosecutor in Criminal Justice Outcome Disparities”)

Population Studies Center, University of Michigan (\$4,000) (2011) (“The Effects of Sex Offender Laws on Teenage Sexual Health and on the Geography of Crime Commission”)

National Fellow, Hoover Institution, Stanford University, Stanford, CA (2010–11)

National Science Foundation, Law and Social Sciences Program (\$145,000) (2010) (“Evaluating the Impact of Set-Aside Laws on Ex-Offender Recidivism and Socioeconomic Outcomes”) (Co-PI: Sonja Starr)

University of Michigan, Office of the Vice President for Research (\$15,000) (2009) (“Evaluating the Impact of Set-Aside Laws on Ex-Offender Recidivism and Socioeconomic Outcomes”)

National Poverty Center, University of Michigan (\$7,500) (2009) (“Evaluating the Impact of Set-Aside Laws on Ex-Offender Recidivism and Socioeconomic Outcomes”)

ABA Section on Litigation, Litigation Research Fund (\$12,000) (2008) (with Albert Yoon) (“Settlement and Trial? A Study of High-Low Agreements”)

PROFESSIONAL ACTIVITIES

Affiliations: Board of Directors, American Law and Economics Association (2015–18)
Senior Academic Affiliate, Edgeworth Economics, LLC (2012–)
Member, MI Advisory Committee, US Commission on Civil Rights (2013–)
Faculty Affiliate, Population Studies Center, University of Michigan
Member of Editorial Board, *American Law and Economics Review* (2014–)
Associate Editor, *International Review of Law and Economics*
Board of Directors, *Innovations for Poverty Action* (2010–)
Member, State Bar of California (admitted in 2002)
Member, American Bar Association
Member, American Economic Association
Member, American Law and Economics Association

Referee Service: *Journal of Legal Studies*
Journal of Law and Economics
Journal of Law, Economics, and Organization
Journal of Empirical Legal Studies
American Law and Economics Review
International Review of Law and Economics
Review of Law and Economics
Quarterly Journal of Economics
Review of Economics and Statistics
Journal of Labor Economics
American Economic Journal: Applied Economics
Journal of Public Economics
Law and Society Review
Law and Social Inquiry
Crime and Delinquency

UNIVERSITY SERVICE

University of Michigan: Digital Innovation Advisory Group (2014–); Online Course Selection Committee (2013–14); UM Civil Liberties Board (2010–13).

University of Michigan Law School: Founder and Organizer, Student Research Roundtable (2007–); Alumni Survey (2014–); Technology Committee (2010–14); Alumni Academic Placement Committee (2010–14); Institutional Advancement Committee (2009–11; 2012–13); Graduate Programs and Foreign Affiliations (2011–12); Academic Standards and Practices Committee (2009–10); Clinical Committee (2008–09); Student Careers and Professional Affairs Committee (2007–08); Curriculum Committee (2006–07).

OTHER EMPLOYMENT

Academic: Visiting Lecturer, University of Tokyo Faculty of Law (Summer 2009)
Visiting Researcher, Georgetown University Law Center (2004–2006)
Special Guest, Brookings Institution, Economic Studies Program (2004–2005)
Fellow in Law and Economics, Univ. of Michigan Law School (Winter 2005)
Post-Graduate Olin Research Fellow, Harvard Law School (2003–2004)
Research Assistant, Brookings Institution, Economic Studies (1996–1997)

Law Practice: Summer Associate, Gibson, Dunn & Crutcher, LLP, New York, NY (2002)
Summer Associate, Munger, Tolles & Olson, LLP, Los Angeles, CA (2001)
Summer Associate, Morrison & Foerster, LLP, San Francisco, CA (2001)
Summer Associate, Gibson, Dunn & Crutcher, LLP, Los Angeles, CA (2000)

PRESENTATIONS

- 2015:** American Law and Economics Association Annual Meetings (Columbia Law School) (New York, NY) (May) (Discussant on Andrea Cann Chandrasekher, “The Effect of Police Slowdowns on Crime”)
NBER Mid-Year Law and Economics Meetings (Cambridge, MA) (February) (“Tailored Suits: Contracting on Litigation”)
Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (February) (“A Comprehensive Theory of Civil Settlement”)
- 2014:** Third Annual Robina Conference: The Future of Criminal Law? (University of Minnesota Law School) (Minneapolis, MN) (“Policing Public Order without the Criminal Law”)
University of Virginia School of Law (Law and Economics Workshop) (Charlottesville, VA) (March) (“Neighborhood Offending: Is Sex Offense Victimization Risk Higher Where Sex Offenders Reside?”)
- 2013:** Conference on Empirical Legal Studies (University of Pennsylvania Law School) (Philadelphia, PA) (October) (“Neighborhood Offending: Do Sex Offenders Reside and Offend in the Same Places?”)

CELS Meetings (University of Pennsylvania Law School) (Philadelphia, PA) (October) (Discussant on Kuo-Chang Huang, “The Effect of Stakes on Settlement: An Empirical Lesson from Taiwan”)

Tel Aviv Faculty of Law (Law and Economics Workshop) (Tel Aviv, Israel) (May) (“Criminal Choice in Sentencing”)

Cornell-Tel Aviv Conference: Empirical Legal Studies (Tel Aviv, Israel) (May) (Discussant on Michael Frakes, “The Impact of Criminal Law on the Incidence of Crime: Evidence from Expansions in the Scope and Severity and Statutory Rape Laws”)

Notre Dame Law School (Law and Economics Workshop) (South Bend, IN) (March) (“Criminal Choice in Sentencing”)

2012: NBER Law and Economics Meetings (Cambridge, MA) (July) (Discussant on Dara Lee, “The Digital Scarlet Letter: The Effect of Online Criminal Records on Crime and Recidivism”)

American Law and Economics Association Annual Meetings (Stanford Law School) (Palo Alto, CA) (May) (“Criminal Choice in Sentencing”)

University of Toledo College of Law (Faculty Workshop) (Toledo, OH) (March) (“Criminal Choice in Sentencing”)

2011: CELS Meetings (Northwestern Law School) (Chicago, IL) (November) (Discussant on Jonah Gelbach, “The Effects of Heightened Pleading on Motion to Dismiss Adjudication”)

University of Chicago Law School (Law and Economics Workshop) (Chicago, IL) (November) (“Criminal Choice in Sentencing”)

Columbia Law School (Law and Economics Workshop) (New York, NY) (October) (“Settlement and Trial? A Study of High-Low Agreements”)

Stanford Law School (Faculty Workshop) (Palo Alto, CA) (March) (“Settlement and Trial? A Study of High-Low Agreements”)

Cornell Law School (Empirical Colloquium) (Ithaca, NY) (March) (“Settlement and Trial? A Study of High-Low Agreements”)

NBER Mid-Year Law and Economics Meetings (Cambridge, MA) (February) (Discussant on Howard Chang & Hilary Sigman, “An Empirical Analysis of Cost Recovery in Superfund Cases: Implications for Brownfields and Joint and Several Liability”)

2010: Conference on Empirical Legal Studies (Yale Law School) (New Haven, CT) (November) (“Settlement and Trial? A Study of High-Low Agreements”)

CELS Meetings (Yale Law School) (New Haven, CT) (November) (Discussant on Sasha Romanosky, Rahul Telang, and Alessandro Acquisti, “Do Data Breach Disclosure Laws Reduce Identity Theft?”)

American Law and Economics Association Annual Meetings (Woodrow Wilson School of Public Policy) (Princeton, NJ) (May) (“Settlement and Trial? A Study of High-Low Agreements”)

University of Haifa Law School (Law and Economics Workshop) (Haifa, Israel via Internet) (May) (“Settlement and Trial? A Study of High-Low Agreements”)

University of Virginia Law and Economics of Crime Conference (Charlottesville, VA) (March) (“Determinants of Success in Post-Conviction Litigation by the Innocent”)

Rice University and University of Houston (Applied Economics Workshop) (Houston, TX) (March) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

American Economic Association Annual Meetings (Atlanta, GA) (January) (“Empirical Evidence of Prosecutorial Charging Manipulation” and Discussant on Richard Boylan and Naci Mocan, “Intended and Unintended Consequences of Prison Reform”)

2009: Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (October) (“Settlement and Trial? A Study of High-Low Agreements”)

University of Michigan, Population Studies Center (Brown Bag) (Ann Arbor, MI) (October) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

University of Toronto, Faculty of Law (Law and Economics Workshop) (Toronto, ON) (September) (“Settlement and Trial? A Study of High-Low Agreements”)

NBER Law and Economics Summer Institute (Cambridge, MA) (July) (“Settlement and Trial? A Study of High-Low Agreements”)

Hastings Law School Faculty Workshop (San Francisco, CA) (February) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Stanford Law School (Law and Economics Workshop) (Palo Alto, CA) (January) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

American Economic Association Annual Meetings (San Francisco, CA) (January) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” and “The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes”)

2008: American Bar Association Litigation Section Access to Justice Symposium (Atlanta, GA) (December) (“The Challenges of Calculating the Benefits of Providing Access to Legal Services”)

Searle Center Research Symposium on Empirical Studies of Civil Liability (Northwestern Law School) (October) (“Settlement and Trial? A Study of High-Low Agreements”)

Conference on Empirical Legal Studies (Cornell Law School) (October) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

CELS Meetings (October) (Cornell Law School) (Discussant on John F. Pfaff, “The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program on Sentencing Practices”)

Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (September) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Law and Society Annual Meetings (Montreal, Canada) (May) (“The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes”)

American Law and Economics Association Annual Meetings (Columbia Law School) (May) (“The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes”)

University of Chicago Law School (Criminal Law Colloquium) (Chicago, IL) (April) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Brooklyn Law School (Faculty Workshop) (Brooklyn, NY) (April) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

University of Haifa Law School (Law and Economics Workshop) (Haifa, Isreal via Internet) (March) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

University of Virginia School of Law (Law and Economics Workshop) (Charlottesville, VA) (February) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

NBER Mid-Year Law and Economics Meetings (Cambridge, MA) (February) (Discussant on Betsey Stevenson, “Beyond the Classroom: Using Title IX to Measure the Return to High School Sports”)

2007: Northwestern University Law School (Law and Economics Colloquium) (December) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

CELS Meetings (November) (NYU Law School) (Discussant on Stéphane Mechoulan, “The External Effects of Black-Male Incarceration on Black Females”)

NBER Working Group on Crime (Cambridge, MA) (September) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

National Federal Sentencing Guidelines Seminar (Salt Lake City, UT) (May) (“Using U.S. Sentencing Commission Data in Empirical Research”)

American Law and Economics Association Annual Meetings (Harvard Law School) (May) (“The Effects of Sex Offender Notification laws”)

2006: Conference on Empirical Legal Studies (Univ. of Texas Law School) (October) (“Empirical Evidence of Prosecutorial Charging Manipulation”)

CELS Meetings (October) (Univ. of Texas Law School) (Discussant on Brandon Garrett, “Judging Innocence”)

Junior Empirical Legal Scholars Conference (Cornell Law School) (September) (“Empirical Evidence of Prosecutorial Charging Manipulation”)

Law and Society Annual Meetings (Baltimore, MD) (July) (“Measuring the Consequences of Criminal Jury Trial Protections”)

Various Job Talks (January and February) (“Measuring the Consequences of Criminal Jury Trial Protections”) (Michigan; Harvard; Stanford; NYU; Columbia; Univ. of Pennsylvania; UCLA; Georgetown; USC; Washington University; Univ. of Texas)

2005: Various Job Talks (September through December) (“Measuring the Consequences of Criminal Jury Trial Protections”) (Yale; Univ. of Virginia; Duke; Cornell; Boston Univ.; Minnesota; Univ. of Colorado; William and Mary; Univ. of Miami)

MIT Department of Economics Labor Seminar (November) (“Measuring the Consequences of Criminal Jury Trial Protections”)

Florida State College of Law (Faculty Enrichment Series) (June) (“Measuring the Consequences of Criminal Jury Trial Protections”)

Brookings Institution, Economic Studies Program (Brown Bag Lunch Talk) (June) (“Measuring the Consequences of Criminal Jury Trial Protections”)

American Law and Economics Association Meetings (May) (NYU) (“Measuring the Consequences of Criminal Jury Trial Protections”)