

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

- *Pharmacy Benefit Managers, Rebates, and Drug Prices: Conflicts of Interest in the Market for Prescription Drugs*, YALE LAW & POLICY REVIEW (forthcoming, 2019)
- *Regulatory Gaps in Drug Compounding: Implications for Patient Safety, Innovation, and Fraud*, 68 DEPAUL LAW REVIEW 385 (2019)
- *Discovery Cost Allocation, Incentives, and Signaling*, with Jonathan Nash, 71 VANDERBILT LAW REVIEW 2015 (2018).
- *Consolidation and Innovation in the Pharmaceutical Industry: The Role of Mergers and Acquisitions in the Current Innovation Ecosystem*, 21 JOURNAL OF HEALTH CARE LAW AND POLICY 1 (2018).
- *Judging Law in Election Cases*, with Michael Kang, 70 VANDERBILT LAW REVIEW 1755 (2017).
- *The Prescription for Rising Drug Prices: Competition or Price Controls?*, 27 HEALTH MATRIX: JOURNAL OF LAW AND MEDICINE 315 (2017).

- *State Consumer Protection Acts: An Economic and Empirical Analysis*, with James Cooper, 81 ANTITRUST LAW JOURNAL 947 (2017).
- *The Long Shadow of Bush v. Gore: An Empirical Analysis of Judicial Partisanship in Election Cases*, with Michael Kang, 68 STANFORD LAW REVIEW 1411 (2016).
- *Judging Judicial Elections*, with Michael Kang, 114 MICHIGAN LAW REVIEW 929 (2016).
- *Disrupting the Balance: The Conflict between Hatch-Waxman and Inter Partes Review*, 6 NYU JOURNAL OF INTELLECTUAL PROPERTY AND ENTERTAINMENT LAW (2016).
- *Deterring Innovation: NY v. Actavis and the Duty to Subsidize Competitors' Market Entry*, 17 MINNESOTA JOURNAL OF LAW, SCIENCE, AND TECHNOLOGY 663 (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 Judd Stone, 47 ARIZONA STATE LAW JOURNAL 919 (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 (2014)
- THE ECONOMICS OF INDUSTRIAL ORGANIZATION, with William G. Shepherd (2003).

CONGRESSIONAL TESTIMONY:

- Testimony in *Hearing Exploring Federal Diversity Jurisdiction*. BEFORE THE HOUSE JUDICIARY COMMITTEE; SUBCOMMITTEE ON THE CONSTITUTION AND CIVIL JUSTICE, 114th Cong. (2016)
- Testimony in *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, and Industrial Organization (with a focus on Healthcare), 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; Judicial Behavior; Legal and Economic Issues in Health Policy, Economics and Public Policy; Statistics for Lawyers; Accounting for Lawyers, Finance for Lawyers, Advanced Microeconomics; Introduction to Microeconomics

RECENT SELECTED LAW SCHOOL SERVICE:

- Appointments Committee (2010-2011; 2013-present; Committee Chair 2015-present)
- Admissions Committee (2009-present; Committee Chair 2010-present)
- Dean's Advisory Committee (2018-present)
- Rankings and Impact Committee (2014-2017; Committee Chair 2019-present)
- Colloquium and Scholarship Committee (2006-2007; 2011-2012; 2014-16)

RECENT SELECTED UNIVERSITY PRESENTATIONS:

- University of Toronto Faculty of Law, Faculty Colloquium (2019)
Filibuster Change and Judicial Appointments
- University of Florida College of Law, Faculty Colloquium (2019)
Filibuster Change and Judicial Appointments
- George Mason Law School, Law & Economics Colloquium (2019)
Filibuster Change and Judicial Appointments
- Johns Hopkins Business School, Drug Accessibility and Pricing Symposium (2018)
- DePaul Law Review, Law Review Symposium (2018)
Regulatory Gaps in Drug Compounding

- Vanderbilt Law School, Law Review Symposium (2017)
Discovery Cost Allocation, Incentives, and Signaling
- Vanderbilt Law School, Law Review Symposium (2017)
Judging Law in Election Cases
- Emory University School of Law, Emory-Vanderbilt Roundtable on State Courts Empirical Projects (2016)
- Northwestern University School of Law, Law and Political Economy Conference (2016)
Partisan Loyalty, Case Strength, and Judicial Decisionmaking
- Washington University at St. Louis, Faculty Colloquium (2016)
The Long Shadow of Bush v. Gore: An Empirical Analysis of Judicial Partisanship in Election Cases
- University of Kansas, Faculty Colloquium (2016)
The Long Shadow of Bush v. Gore: An Empirical Analysis of Judicial Partisanship in Election Cases
- Emory University, Faculty Colloquium (2016)
The Long Shadow of Bush v. Gore: An Empirical Analysis of Judicial Partisanship in Election Cases
- 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

OTHER PROFESSIONAL ACTIVITIES:

- Supreme Court Citations: *Glossip et al. v. Gross et al.* (2015) and *Williams-Yulee v. Florida Bar* (2015)
- Obtained \$100,000 grant for Emory from the American Constitution Society for research on judicial behavior

- Adviser for the American Law Institute’s Restatement of the Law Third, Torts.
- Associate Editor of the INTERNATIONAL REVIEW OF LAW & ECONOMICS (2011- 2016)
- 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’ve taught 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 NPR, 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 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; House Judiciary Committee; and various State legislative committees (available on request)