CURRICULUM VITAE AUGUST 2025

JOANNA M. SHEPHERD

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ACADEMIC EMPLOYMENT:

- Vice Dean, Emory University School of Law, 2020 – 2023; 2024 – present
- Thomas Simmons Professor of Law, Emory University School of Law, 2019 – present
- Affiliated Professor of Economics, Emory University, 2014 – present
- Professor of Law, Emory University School of Law, 2014 – 2019
- 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:

Books

- FREE TO JUDGE?: THE POWER OF CAMPAIGN MONEY IN JUDICIAL ELECTIONS, with Michael Kang (Stanford University Press, 2023).
    - Finalist for the American Bar Association's Silver Gavel Award

- ECONOMIC ANALYSIS FOR LAWYERS, with Henry N. Butler and Christopher Drahozal (2014, 2024)

- THE ECONOMICS OF INDUSTRIAL ORGANIZATION, with William G. Shepherd (2003).

Articles

- *Free to Judge Revisited,* with Michael Kang, 86 OHIO STATE LAW JOURNAL 1263 (2025).
- *The Whac-a-Mole Game: An Empirical Analysis of the Regulation of Litigant Third Party Financing,* with Ronen Avraham and Anthony Sebok, 25 THEORETICAL INQUIRIES IN LAW 117 (2024).
- *Judicial Campaign Finance and Election Timing*, with Michael Kang, 2021 WISCONSIN LAW REVIEW 1487 (2021).
- *Filibuster Change and Judicial Appointments,* with Jonathan Nash, 17 JOURNAL OF EMPIRICAL LEGAL STUDIES 646 (2021).

- *Pharmacy Benefit Managers, Rebates, and Drug Prices: Conflicts of Interest in the Market for Prescription Drugs*, 38 YALE LAW & POLICY REVIEW 360 (2020)

- *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. Pacces, 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)

CONGRESSIONAL TESTIMONY:

- Testimony in *Profits over Consumers: Exposing how Pharmaceutical Companies Game the System*. BEFORE THE HOUSE ENERGY AND COMMERCE COMMITTEE; SUBCOMMITTEE ON CONSUMER PROTECTION AND COMMERCE, 116th Cong. (2019)

- 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).

U.S. SUPREME COURT CITATIONS:

- *Glossip et al. v. Gross et al.*, 576 U.S. 863 (2015)
- *Williams-Yulee v. Florida Bar*, 575 U.S. 433 (2015)

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 UNIVERSITY SERVICE:

- Vice Dean (2020-2023; 2024-present)
- Emory University Provost Search Committee (2024-2025)
- Emory Law Dean Search Committee (Co-Chair 2023-2024)

- Strategic Planning Committee (Committee Chair 2020-present)
- Appointments Committee (2013-present; Committee Chair 2015-2019; 2022-2023; 2024-2025)
- Admissions Committee (2009-present; Committee Chair 2010-present)
- Dean's Advisory Committee (2018-2020)
- Rankings and Impact Committee (2012-2016; Committee Chair 2019-2020)
- Colloquium and Scholarship Committee (2006-2007; 2011-2012; 2014-16)

RECENT SELECTED UNIVERSITY PRESENTATIONS:

- DePaul University, Clifford Symposium on Civil Justice (2025)
  Free to Judge Revisited
- Northwestern University School of Law, Buffet Institute for Global Affairs (2024)
  Free to Judge: The Power of Campaign Money in Judicial Elections
- Washington University in St. Louis School of Law, Election Law Conference (2024)
  Keynote: Free to Judge: The Power of Campaign Money in Judicial Elections
- Notre Dame Law School, American Constitution Society (2024)
  Free to Judge: The Power of Campaign Money in Judicial Elections
- Tel Aviv University School of Law, Third Party Litigation Funding Conference (2023)
  The Whac-a-Mole Game: An Empirical Analysis of the Regulation of Litigant Third Party Financing
- University of Wisconsin Law School, Public Law in the States Conference (2021)
  Free to Judge: The Power of Campaign Money in Judicial Elections
- Northwestern University School of Law, Faculty Colloquium (2020)
  Free to Judge: The Power of Campaign Money in Judicial Elections
- University of Texas School of Law, Faculty Colloquium (2020)
  Free to Judge: The Power of Campaign Money in Judicial Elections
- 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 in St. Louis School of Law,, 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 Worshop (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

GRANTS AND PROFESSIONAL ACTIVITIES:

- Co-President of the 2024 Conference on Empirical Legal Studies
- Society for Empirical Legal Studies Board of Directors (2024-present)
- 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, PUBIC 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.
- Regular teaching at Economics Institutes for Federal Judges and Economics Institutes for Law Professors.

MEDIA:

- Print interviews: *Wall Street Journal*, *New York Times*, *Washington Post*, *The Atlantic, Chronicle of Higher Education*, *Politico, Bloomberg News, Christian Science Monitor, Atlanta Journal Constitution, Atlanta Business Chronicle*, *The Weekly Standard, The National Journal, Fulton Daily Report*
- Television interviews: CNN Sunday, Last Week Tonight (John Oliver), National Fox News, and CBS, ABC, and FOX local affiliates.
- Radio interviews: NPR, BBC, ReachMD, many local stations.
- Podcast interviews: NPR Democracy Optimist, ACS Broken Law, Emory 2036 The Podcast