

**ERIN O'HARA O'CONNOR**

Vanderbilt University Law School  
131 21<sup>st</sup> Avenue South  
Nashville, TN 37203-1181  
(615) 322-3025

**SELECTED PUBLICATIONS:**

**Books:**

CONFLICT OF LAWS: CASES AND MATERIALS (6<sup>th</sup> ed. 2011) (with Lea Brilmayer & Jack Goldsmith).

THE LAW MARKET (Oxford University Press 2009) (with Larry Ribstein).

THE ECONOMICS OF CONFLICT OF LAWS (2-volume edited work Elgar Publishing 2007).

**Articles, etc.:**

*Organizational Apologies: BP as Case Study*, \_\_\_ VANDERBILT L. REV. \_\_\_ (forthcoming 2012).

*Exit and the American Illness* in *The American Illness* (Yale Univ. Press, Frank Buckley ed., forthcoming 2011) (with Larry Ribstein).

*Outsourcing, Modularity and the Theory of the Firm*, \_\_\_ B.Y.U. L. Rev. \_\_\_ (forthcoming 2011) (with Margaret Blair).

*The Limits of Contract Law Harmonization*, \_\_\_ EUROPEAN J. OF L. & ECON. \_\_\_ (forthcoming 2011).

*Economics, Behavioral Biology, and Law*, \_\_\_ S. Ct. Econ. Rev. \_\_\_ (forthcoming 2011) (with Owen Jones and Jeffrey Stake).

*Choice of Law/Conflict of Laws*, in GHENT ENCYCLOPEDIA OF LAW AND ECONOMICS (2011) (forthcoming) (with Larry Ribstein).

*Arbitration Clauses in CEO Employment Contracts: An Empirical and Theoretical Analysis*, 63 VANDERBILT L. REV. 959 (2010) (with Randall Thomas & Ken Martin).

*Symposium Introduction: Group Conflict Resolution: Sources of Resistance to Reconciliation*, 72 LAW AND CONTEMPORARY PROBLEMS i (Spring 2009).

*Using Criminal Punishment to Serve Both Victim and Social Needs*, 72 LAW AND CONTEMPORARY PROBLEMS 199 (Spring 2009) (with Maria Mayo Robbins).

*Rules and Institutions in Developing a Law Market: Views From the U.S. and Europe*, 82 TULANE L. REV. 2147 (2008) (with Larry Ribstein).

*Corporations and the Market for Law*, 2008 ILL. L. REV. 661 (with Larry Ribstein).  
Reprinted in *Corporate Practice Commentator* (2008).

*A Cognitive Theory of Trust*, 84 WASH. U. L. REV. 1717 (2006) (with Claire Hill).

*Trustworthiness and Contract* in MORAL MARKETS, (Princeton Univ. Press, Paul Zak ed., 2007).

*Victims and Prison Release: A Modest Proposal*, 19 FED. SENTENCING RPTR. 130 (2006).

*Choice of Law for Internet Transactions: The Uneasy Case for Online Consumer Protection*, 153 U. PENN. L. REV. 1883 (2005).

*Victim Participation in the Criminal Process*, 13 J. LAW & POL'Y 229 (2005).

*Full Faith and Credit*, in HERITAGE DICTIONARY OF THE CONSTITUTION (2005).

*Apology and Thick Trust: What Spouse Abusers and Negligent Doctors Have in Common*, 79 CHI.-KENT L. REV. 1055 (2004).

*How Neuroscience Might Advance the Law*, 359 THE PHILOSOPHICAL TRANSACTIONS OF THE ROYAL SOCIETY 1677 (2004).  
Reprinted in LAW AND THE BRAIN 21 (Semir Zeki & Oliver Goodenough eds., Oxford University Press 2006).

*On Apology and Consilience*, 77 WASH. L. REV. 1121 (2002) (with Douglas Yarn).

*The Jurisprudence and Politics of Forum Selection Clauses*, 3 CHI. J. INT'L. L. 301 (2002).

*Economics, Public Choice, and the Perennial Conflict of Laws*, 90 GEO. L.J. 941 (2002).

- Brain Plasticity and Spanish Moss in Biolegal Analysis*, 53 FLA. L. REV. 905 (2001).
- From Politics to Efficiency in Choice of Law*, 67 U. CHI. L. REV. 1151 (2000) (with Larry Ribstein).
- Opting Out of Regulation: A Public Choice Analysis of Contractual Choice of Law*, 53 VAND. L. REV. 1551 (2000).
- Second Generation Law and Economics of Conflict of Laws: Baxter's Comparative Impairment and Beyond*, (with William Allen), 51 STAN. L. REV. 1011 (1999).
- Choice of Law/Conflict of Laws*, in GHENT ENCYCLOPEDIA OF LAW AND ECONOMICS (2000) (with Larry Ribstein).
- Conflict of Laws*, in 1 THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW 387-96 (1998) (with Francesco Parisi).
- Redistribution Through Discriminatory Taxes: A Contractarian Explanation of the Role of the Courts*, (with William Dougan), 6 GEO. MASON L. REV. 869 (1998).
- Interest Groups, Contracts, and Interest Analysis*, (with Larry Ribstein), 48 MERCER L. REV. 765 (1997).
- Mistake of Federal Criminal Law: A Study of Coalitions and Costly Information*, (with Richard Murphy), 5 SUPREME. CT. ECON. REV. 217 (1997).
- Regulatory Takings: An Oxymoron?*, in LAND RIGHTS: THE 1990'S PROPERTY RIGHTS REBELLION, 31-65 (Bruce Yandle, ed., Rowman & Littlefield, 1995).
- Social Constraint or Implicit Collusion?: Toward A Game Theoretic Analysis of Stare Decisis*, 24 SETON HALL L. REV. 736 (1993).  
Reprinted in MAXWELL STEARNS, PUBLIC CHOICE AND PUBLIC LAW: READINGS AND COMMENTARY 479 (Anderson Publishing Co. 1997).
- Hedonic Damages for Wrongful Death: Are Tortfeasors Getting Away With Murder?*, 78 GEO. L.J. 1687 (1990).
- Parole*, in *Eighteenth Annual Review of Criminal Procedure: United States Supreme Court and Courts of Appeals, 1987-88*, 77 GEO. L.J. 1231 (1989).  
Reprinted in *Nineteenth Annual Review of Criminal Procedure: United States Supreme Court and Courts of Appeals, 1988-89*, 78 GEO. L.J. 1329 (1990).

Reprinted in *Twentieth Annual Review of Criminal Procedure: United States Supreme Court and Courts of Appeals, 1989-90*, 79 GEO. L.J. 1162 (1991).

## **EMPLOYMENT:**

### **Vanderbilt University Law School, Fall 2001 to present**

Professor of Law,

Director of Graduate Studies, PhD Program in Law and Economics (2011-present)

FedEx Professor of Law (2010-2011)

Associate Dean for Academic Affairs (2008-2010),

Director, Law and Human Behavior Center (2007-2010)

Teaching Subjects: Contracts; Conflict of Laws; Arbitration; Choosing Legal Regimes; The Life of the Law; Local Government Law; Public Choice and Public Law; Law and Positive Political Theory

Committee Service: Chair, Faculty Appointments Committee; Entry-Level Faculty Appointments Committee; Curriculum Committee; Ad Hoc Faculty Promotion and Renewal Committee; Ad Hoc Faculty-Student Relations Committee; Mentoring Committee; Law and Economics Faculty Appointments Committee; Law and Economics PhD Program Advisory Group; University Faculty Awards Committee; University Electronic Submission Task Force; PhD dissertation committee member (Department of Religion).

### **Northwestern University School of Law, Fall 2005**

Visiting Professor

Teaching Subject: Contracts

### **Georgetown University Law Center, Spring 1999- Spring 2000**

Visiting Associate Professor

Teaching Subjects: Criminal Law; Conflict of Laws; Law and Economics Workshop

Co-Director: Olin Faculty Workshop in Law and Economics, 1999-2000

### **George Mason University School of Law, Spring 1995 to Spring 2001**

Associate Professor, Fall 1998 to Spring 2001

Assistant Professor, Spring 1995-Spring 1998.

Teaching Subjects: Federal Courts; Conflict of Laws; Criminal Law; Criminal Law and White Collar Crime; Federal Criminal Law and Sentencing; International Protection of Intellectual Property; and Public Choice and Public Law

Awards: Richard S. Murphy Award For Excellence In Law Teaching, 1998, first runner-up

Committee Service: Faculty Selection; Faculty Workshop Series; ABA/AALS Site Evaluation; Law School Self Study; Library; Clerkship & Placement; and Faculty Senate (1996-99).

**Clemson University**, Fall 1992 through Fall 1994

Visiting Assistant Professor, Departments of Legal Studies, Economics, and Finance

**University of Chicago Law School**, 1991-92

Bigelow Teaching Fellow and Lecturer in Law

**Chief Judge Dolores K. Sloviter**, U.S. Court of Appeals for the Third Circuit, 1990-91

Law Clerk

## **EDUCATION:**

**Georgetown University Law Center**, J.D., *magna cum laude*, May 1990

Senior Board Member, GEORGETOWN LAW JOURNAL

Senior Articles Selection Editor, Volume 78

John M. Olin Fellow, Law and Economics Program

Honors: Elected to Order of the Coif

Tamm Memorial Award for outstanding legal scholarship

**University of Rochester**, B.A., *cum laude*, May 1987

Majors: Economics, Political Science

Honors: John H. Berman Memorial Award (scholarship to outstanding pre-law student)

## **WORKS IN PROGRESS**

Arbitration Clauses in CEO Contracts: Features that Matter, with Randall Thomas and Ken Martin.

Preemption and Regulatory Coordination, with Larry Ribstein

The Importance of Sophisticated Court Systems for International Commerce.

## **PAPER PRESENTATIONS:**

*Exit and the American Illness*, George Mason University Law and Economics Center, Roundtable on the American Illness, December 2010.

*Preemption and Regulatory Coordination*, Searle Civil Justice Institute Public Policy Roundtable, conference on Preemption Policy, November 2010.

*Why Efficient Contract Law Harmonization Can Fail*, Tilburg University conference on Behavioral Approaches to Contract Law Harmonization, March 2010.

*Modularization and Outsourcing Contracts*, McGeorge School of Law Faculty Workshop, February 2010.

*Jurisdictional Competition for the Law Governing On-Line Companies*, Berkman Center for the Internet and Society Conference, September 2009.

*Outsourcing, Modularity, and the Theory of the Firm*, AALS Workshop on Transactional Law, June 2009

*Law, Neuroscience and the Emotions: State of Play*, Gruter Institute for Law and Behavioral Research, Annual Meeting, May 2009.

*Outsourcing, Modularity, and the Theory of the Firm*, University of Virginia Law School, Faculty Workshop, March 2009.

*Arbitration Clauses in CEO Employment Contracts*, Vanderbilt University Law School, Faculty Workshop, February 2009.

*This is Your Brain on Law*, Salk Institute Conference: Beyond Belief: Candles in the Dark, October 2008.

*State of Play: Law, Behavioral Biology and Neuroscience*, Gruter Institute for Law and Behavioral Research, Conference: Law, Biology and the Brain, May 2008.

*Rules and Institutions Promoting Law Markets in the European Union*, Duke Law School Conference: The New European Choice of Law: Lessons for the U.S.?, February 2008.

*The Law Market*, Florida State University College of Law Faculty Workshop, October 2007.

*Trustworthiness and Contract*, Gruter Institute for Law and Behavioral Research Conference: Law, Biology, and the Brain, May 2007.

*Victim Emotions and Criminal Punishment*, Vanderbilt University Law School Conference: Group Conflict Resolution, March 2007.

*Rethinking Democratic Accountability in the Age of Globalization*, Georgia State College of Law, Faculty Workshop, November 2006

*Trustworthiness and Contract*, Harvard Business School  
Conference: “Free Enterprise: Values in Action,” June 2006

*Precontractual Expenditures as Trust-Substitutes*, Cambridge University, England  
Conference: “Free Enterprise: Values in Action,” March 2006

*A Cognitive Theory of Trust*, Washington University Law School  
Conference: “Law and Business: Beyond the Doctrine,” February 2006

*Optimal Trust and Specific Performance*, Georgetown University Law Center  
Conference: “Free Enterprise: Values in Action,” January 2006

*A Cognitive Theory of Trust*, faculty workshops at Northwestern Law School (Nov. 2005); University of Minnesota Law School (Dec. 2005); and University of Illinois College of Law (Dec. 2005).

*Interpersonal Trust and Optimal Contract Damages*, UCLA Law School Conference Center  
Conference: “Free Enterprise: Values in Action, September 2005

*How Neuroscience Might Advance the Law*, University of Minnesota Law School,  
Conference: “Law, Ethics and the Life Sciences,” May 2005

*Contract Law and Interpersonal Trust*, Gruter Institute for Law and Behavioral Research,  
Conference: “Free Enterprise: Values in Action,” May 2005.

*Trust, Choice of Law, and Internet Transactions*, University of Pennsylvania Law School,  
Symposium: “Current Topics in International Jurisdiction, November 2004.

*Optimal Trust*, Law and Society Association Annual Meetings, May 2004; Southeastern AALS Annual Meeting, August 2004.

*The Biological Roots of Apology and its Implications for Civil Law and Criminal Justice*, National Judicial College, Conference on Biology in the Courts, July 2004.

*From the Victim’s Point of View—Punishment or Forgiveness?* panel discussion on Perspectives on Criminal Justice, Center for the Study of Law, Language and Cognition, Brooklyn Law School, January 2004.

*Apology in the Criminal Process*, Chicago-Kent Law School, Symposium: “Philosophical, Psychological, Linguistic and Biological Perspectives on Legal Scholarship,” October 2003; Gruter Institute for Law and Behavioral Research, June 2003.

*An Evolutionary Psychological Theory of Trust*, Society for the Evolutionary Analysis of Law, Bloomington, Indiana, October 2003

*Apology and Dispute Resolution*, Georgetown University Law Center, February 2002; American Law and Economics Association, May 2001; Gruter Institute for Law and Behavioral Research, June 2001; Conflict Resolution Conference, University of Tubingen, Germany, May 2001; Law, Biology, and Economics Conference, George Mason University, March 2001; Society for the Evolutionary Analysis of Law, October 2000.

*Choice-of-Law Clauses in Franchise Contracts*, Midwest Law and Economics Association, October 2001.

*From Politics to Efficiency in Choice of Law*, Vanderbilt University Law School, November 2000.

*Choice of Law in the UCC*, ABA Annual Meetings, Business Law Section, July 2000.

*Neurobiology and the Deterrent Effect of Criminal Law*, Gruter Institute for Law and Behavioral Research, June 2000.

*Opting Out of Regulation: A Public Choice Analysis of Contractual Choice of Law*, American Law and Economics Association Meetings, May 2000; Public Choice Society Meetings, March 2000.

*Possible Neurobiological Roots of the Moral Educative Effect of Criminal Law*, Society for the Evolutionary Analysis of Law, September 1999.

*A Public Choice Analysis of Contractual Choice of Law*, Georgetown University Law Center, August 1999.

*Opting Out of Regulation*, Southeastern AALS Annual Meeting, July 1999.

*Modern Women with Cave Men*, Conference on Law and Biology, George Mason University Law Center, November 1998.

*William Baxter, Law and Economics, and Comparative Impairment*, Symposium Honoring William Baxter, Stanford Law School, November 1998.

*Choice of Law, Jurisdictional Competition, and the Role of the Federal Government*, Donner Conference on the Rise and Fall of Freedom of Contract, Alexandria Virginia, November 1997.

*Mistake of Law and the Economics of Information*, University of Virginia Law School, December 1996.

*Coalitions, Costly Information, and Mistake of Law*, Georgetown University Law Center, October 1996.

*Mistake of Federal Criminal Law*, George Mason University School of Law, September 1996.

*Redistribution Through Discriminatory Taxes*, George Mason University School of Law, November 1995.

*A Contractarian Explanation of Wealth Redistribution*, Clemson University, Department of Economics, August 1995.

*A Game Theoretic Analysis of Stare Decisis*, Western Economics Association Annual Meeting, July 1992.

#### **OTHER SYMPOSIA, COLLOQUIA, AND EDUCATIONAL CONFERENCES:**

Is Law and Economics a Useful Paradigm for Conflict of Laws  
AALS Section on Conflict of Laws, January 2010.

Legal Issues in the Governance of Supply Chains,  
Vanderbilt University Law School, October 2008.

Arbitration and Regulation,  
Vanderbilt University Law School, February 2008.

Contract and Promise,  
Georgetown University Law Center, September 2007.

Law and Rationality Conference,  
University of Minnesota Law School, April 2007.

Empirical Methods Workshop,  
Vanderbilt University Law Center, May 2005.

The Political Economy of Constitutions  
Liberty Fund, April 2005

Executive Powers During Wartime,  
Liberty Fund, January 2005.

Must We Choose Between Rationality and Irrationality?  
Chicago-Kent Law School, November 2004.

Sensory Systems and Judgment in Law,  
Gruter Institute for Law and Behavioral Research, June 2003.

Investigating Justice: Applying Evolutionary Biology to Right and Wrong in the Law,  
Gruter Institute for Law and Behavioral Research, June 2002.

Neurobiology and the Sense of Justice,  
University of California, San Francisco, November 2001.

Law, Economics and Biology,  
Gruter Institute for Law and Behavioral Research, June 2001.

Conflict Resolution Conference,  
University of Tübingen, Germany, May 2001.

Law, Biology and Economics,  
George Mason University, March 2001.

Beliefs, Institutions, and Social Change,  
Washington University, December 2000.

Law, Biology and Behavioral Economics,  
Arizona State University, November 2000.

The Sense of Justice,  
Gruter Institute for Law and Behavioral Research, June 2000.

Law, Biology, Business and Economics,  
Gruter Institute for Law and Behavioral Research, June 2000.

The Olin Foundation Conference on Evolution and Legal Theory,  
Georgetown University Law Center, April 1999.

Free Market Environmentalism in Theory and Practice  
Liberty Fund and Political Economy Research Center, June 1999.

Law, Liberty and the State: The Philosophical Writings of Humboldt and Godwin  
Liberty Fund, March 1998.

Neurobiology, Human Behavior and the Law  
Gruter Institute for Law and Behavioral Research, June 1998.

Human Behavior and Evolution Society, Annual Conference  
University of California, Davis, July 1998.

International Society for Human Ethology, Biennial Conference  
Simon Fraser University, August 1998.

Society for the Evolutionary Analysis of Law, Annual Conference  
October 1998; October 1999; October 2000; October 2002; October 2004

The Place of Liberty in the Writings of Armen Alchian, Yorum Barzel, and Gordon Tullock  
Liberty Fund and Political Economy Research Center, July 1997.

Congressional Investigations Conference, Reporter and Participant  
Charles Lamb Foundation and Law and Economics Center, GMU, October 1997.

Donner Conference on Freedom of Contract  
Law and Economics Center, George Mason University, November 1996 and November 1997.

Economics for Law Professors, Summer Programs I and II  
Law and Economics Center, Dartmouth University, July 1994 and July 1995.

## **PROFESSIONAL MEMBERSHIP AND OTHER ACTIVITIES**

American Association of Law Schools,  
Chair-Elect, Section on Conflict of Laws, 2008-09;  
Chair, Section on Conflict of Laws, 2009-2010  
American Law and Economics Association  
American Political Science Association  
Gruter Institute for Law and Behavioral Research,  
Research Associate

Planning and Programming Committee  
Human Behavior and Evolution Society  
MacArthur Foundation Law and Neuroscience Project,  
Network Member, 2007 to 2009  
Public Choice Society  
Society for the Evolutionary Analysis of Law  
Treasurer  
Board Member  
Co-host, 2002 Annual Meetings  
Jurimetrics: Journal of Law, Science and Technology, reviewer  
Journal of Legal Education, reviewer  
Journal of Politics, reviewer  
Supreme Court Economic Review, reviewer  
Aspen Publishing, reviewer  
Law and Contemporary Problems, Co-Special Editor, Spring 2009 Issue  
Metro Ethics Task Force, Nashville, TN, member, 2004-05  
Metro Charter Revision Commission, legal adviser, Nashville, TN, 2002  
SSRN Advisory Board Member, Law and Prosociality  
SSRN Advisory Board Member, Law and Evolution  
Florida State University Law School, Scholar in Residence, Summer 2008  
Ludwig Maximilians Universität München, Center for Advanced Studies, Fellow, Fall 2011.