

## **Kathryn Zeiler**

Boston University School of Law  
765 Commonwealth Avenue  
Boston, MA 02215

(e) [kzeiler@bu.edu](mailto:kzeiler@bu.edu) (w) [sites.bu.edu/kzeiler/](https://sites.bu.edu/kzeiler/)  
(o) 617.353.4702 (m) 202.320.4208

### **Academic Appointments**

Boston University School of Law

Nancy Barton Scholar and Professor of Law, 15 - present

Visiting Professor of Law, 13-14 and 14-15

Georgetown University Law Center

Professor of Law, 07-15

Associate Professor of Law, 03-07

Harvard Law School

Visiting Professor of Law, Spring 08

New York University School of Law

Visiting Professor of Law, 06-07

### **Education**

Ph.D., Economics, June 2003, California Institute of Technology

Dissertation: *Medical Malpractice and Contract Disclosure: A Study of the Effects of Legal Rules on Behavior in Health Care Markets*

Advisors: Matthew Jackson (chair), Charles Plott, Jeffrey Dubin, Edward McCaffery  
Everhart Lecture Series Committee, 99-02 (chair, 01-02)

J.D., December 2000, University of Southern California Law School

M.S., Social Sciences, June 2000, California Institute of Technology

M.S., Taxation, December 1995, Golden Gate University

B.S., Business, May 1991, Indiana University

### **Publications**

#### **Edited Volume**

RESEARCH HANDBOOK ON BEHAVIORAL LAW AND ECONOMICS, Edward Elgar Publishing (2018) (ed. with Joshua C. Teitelbaum)

#### **Book Chapters**

What Explains Observed Reluctance to Trade?: A Comprehensive Literature Review (2018), in RESEARCH HANDBOOK ON BEHAVIORAL LAW AND ECONOMICS, Edward Elgar Publishing (ed. Joshua C. Teitelbaum and Kathryn Zeiler) (<https://ssrn.com/abstract=2862021>)

Do Damages Caps Reduce Medical Malpractice Insurance Premiums?: A Systematic Review of Estimates and the Methods Used to Produce Them, in *RESEARCH HANDBOOK ON THE ECONOMICS OF TORTS*, edited by Jennifer Arlen (2013) (with Lorian Hardcastle) (<http://ssrn.com/abstract=2179074>)

## Journal Articles

Replicability in Empirical Legal Research, 17 *Annual Review of Law and Social Science* (2021) (with Jason Chin) (<https://ssrn.com/abstract=3758424>)

Improving the Credibility of Empirical Legal Research: Practical Suggestions for Researchers, Journals, and Law Schools, 3(2) *Law, Technology and Humans* (2021) (with Jason Chin, Crystal Steltenpohl, David Mellor, Alexander DeHaven, Alexander Holcombe, Justin Pickett, Simine Vazire, Tobias Heycke) (<https://ssrn.com/abstract=3703150>)

Law, Technology, and Patient Safety, 68(2) *DePaul Law Review* 459 (2019) (with Gregory Hardy) (<https://ssrn.com/abstract=3257555>)

Mistaken About Mistakes, 48(1) *European Journal of Law and Economics* 9 (2018) (<https://ssrn.com/abstract=3047907>)

The Future of Empirical Legal Scholarship: Where Might We Go From Here?, 66(1) *Journal of Legal Education* 78 (Autumn 2016) (<http://ssrn.com/abstract=2795170>)

Against Endowment Theory: Experimental Economics and Legal Scholarship, 61 *UCLA Law Review* 2 (2013) (with Greg Klass) (<http://ssrn.com/abstract=2224105>)

The Willingness to Pay-Willingness to Accept Gap, the “Endowment Effect,” Subject Misconceptions, and Experimental Procedures for Eliciting Valuations: Reply, 101(2) *American Economic Review* 1012 (April 2011) (with Charles R. Plott) (<http://ssrn.com/abstract=1629950>)

Cautions on the Use of Economics Experiments in Law, 166(1) *Journal of Institutional and Theoretical Economics* 178 (March 2010) (<http://ssrn.com/abstract=2675179>)

Medical Malpractice Liability Crisis or Patient Compensation Crisis? 59 *DePaul Law Review, Rising Stars Symposium* 675 (Winter 2010) (<http://ssrn.com/abstract=2674785>)

Malpractice Payouts and Malpractice Insurance: Evidence from Texas Closed Claims, 1990-2003, 33 *The Geneva Papers on Risk and Insurance: Issues and Practice* 177 (2008) (with Charles Silver, Bernard S. Black, David A. Hyman, and William M. Sage) (<http://ssrn.com/abstract=983199>)

Empirical Health Law Scholarship: The State of the Field, 96 *Georgetown Law Journal* 649 (January 2008) (with Michelle M. Mello) (<http://ssrn.com/abstract=1430932>)

Exchange Asymmetries Incorrectly Interpreted as Evidence of Endowment Effect Theory and Prospect Theory?, 97 *American Economic Review* 1449 (September 2007) (with Charles R. Plott) (<http://ssrn.com/abstract=2675218>)

Physicians' Insurance Limits and Malpractice Payments: Evidence from Texas Closed Claims, 1990-2003, 36 *Journal of Legal Studies* S2 (June 2007) (with Charles Silver, Bernard S. Black, David A. Hyman and William M. Sage) (<http://ssrn.com/abstract=981192>)

**Reprinted in** LAW AND ECONOMICS OF INSURANCE, edited by Daniel Schwarcz (2011)

Do Defendants Pay What Juries Award?: Post-Verdict Haircuts in Texas Medical Malpractice Cases, 1988-2003, 4 *Journal of Empirical Legal Studies* 3 (March 2007) (with David A. Hyman, Bernard S. Black, Charles Silver and William M. Sage) (<http://ssrn.com/abstract=914415>)

Common Law Disclosure Duties and the Sin of Omission: Testing the Meta-theories, 91 *Virginia Law Review* 1795 (December 2005) (with Kimberly Krawiec) (<http://ssrn.com/abstract=614501>)

Turning from Damage Caps to Information Disclosure: A New Approach to Tort Reform, 5 *Yale Journal of Health Policy, Law, and Ethics* 385 (Winter 2005) (<http://ssrn.com/abstract=652401>)

The Willingness to Pay-Willingness to Accept Gap, the "Endowment Effect," Subject Misconceptions, and Experimental Procedures for Eliciting Valuations, 95 *American Economic Review* 530 (June 2005) (with Charles R. Plott) (<http://ssrn.com/abstract=615861>)

**Reprinted in** (1) THE INTERNATIONAL LIBRARY OF CRITICAL WRITINGS IN ECONOMICS, NEW DEVELOPMENTS IN EXPERIMENTAL ECONOMICS, Vol. 1, edited by Enrica Carbone and Chris Starmer (2007); (2) EXPERIMENTAL LAW AND ECONOMICS, edited by Jennifer Arlen and Eric Talley (2008); (3) VALUING ENVIRONMENT AND NATURAL RESOURCES, edited by Kenneth G. Willis and Dr. Guy Garrod (2011)

## Invited Commentary

Investigating the Politics of Legal Empirics: Possible Next Steps: Comment, 174 *Journal of Institutional and Theoretical Economics* 238 (2018) ([https://ideas.repec.org/a/mhr/jinste/urnsici0932-4569\(201803\)1741\\_238itpole\\_2.0.tx\\_2-c.html](https://ideas.repec.org/a/mhr/jinste/urnsici0932-4569(201803)1741_238itpole_2.0.tx_2-c.html))

Communication-and-Resolution Programs: The Jury Is Still Out, 177 *JAMA Internal Medicine* 1603 (October 9, 2017) (<https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2656881>)

## Works in Progress

The Transparency of Quantitative Empirical Legal Research (2018-2020) (with Jason Chin, Natali Dilevski, Alexander O. Holcombe, Rosemary Gatfield-Jeffries, Ruby Bishop, Simine Vazire and Sarah R. Schiavone) (preprint at <https://osf.io/preprints/metaarxiv/43uj8/>)

**Selected for** Conference for Empirical Legal Studies, 2021 (Toronto Law)

Communication-And-Resolution Programs: Protocols v. Practice (employing published empirical studies on medical malpractice rates and payouts to argue that hospitals likely are not implementing CRP programs as claimed)

On Hospital Price Transparency (with Dionne Lomax; exploring possible market effects of recent hospital price transparency regulations)

Does Endowment Theory Explain Valuation Gaps in Lotteries? (using laboratory experiments to test theories that predict valuation gaps in lotteries)

Crime, Punishment and Legal Error: A Review of the Experimental Literature (with Erica Puccetti)

The Impact of Damages Caps on Medical Malpractice Insurance Premiums (with Michael Frakes) (using an original dataset of medical malpractice insurance premiums to estimate the effect of damages caps on premiums)

## **Teaching**

Boston University School of Law: Torts; Health Law: Business, Organization, & Finance; Law and Economics Seminar; Economic Analysis of Health Care Law; Competition Law in Health Care (seminar); The Nature of Inquiry (undergraduate sophomore honors course); Lawyering Lab

Georgetown University Law Center: Torts; Law and Economics Seminar; Economic Analysis of Health Care Law; Behavioral Law and Economics Seminar

Workshop on Advancement of Empirical Legal Research, 2022 Conference on Empirical Legal Studies, University of Virginia School of Law [scheduled November 22]

The Bar Harbor Colloquium (economics seminar for judges) (June 22)

The Naples Colloquium (economics seminar for new Article III judges) (March 21)

Advanced Economics Institute for Judges, Economic Analysis of Health Care Law (June 18)

Advanced Economics Institute for Judges, Behavioral Law and Economics and Experimental Law and Economics (June 17)

Heidelberg University, Introduction to Empirical Legal Studies (Summer 15)

Workshop on Experimental Economics and Legal Research, 2013 Conference on Empirical Legal Studies, Penn School of Law (October 13)

Economics Institute for Law Professors, Behavioral Law and Economics and Experimental Law and Economics (July 12; July 13; June 14; July 15; July 16; July 19)

Gerzensee Study Center, Switzerland: Introduction to Empirical Legal Studies (Summer 10)

Hebrew University, U.S. Approaches to Tort Law (Winter 09-10)

ETH Zurich, Introduction to Empirical Legal Studies (Summer 08)

Harvard Law School, Torts (Spring 08)

New York University School of Law, Torts (Fall 06), Economic Analysis of Health Care Law (Spring 07)

## **Grants, Fellowships and Affiliations**

Fellow of the Society of Empirical Legal Studies, 2015 - present

Mason Law & Economics Center grant for empirical research (\$105,000), 2012

Senior Academic Fellow, Petrie-Flom Center, Harvard Law School, July - December 2010

Affiliate, Georgetown Center for Business and Public Policy, 2010-2011

Georgetown Law Center Empirical Research Grant, Spring 2008  
Georgetown Law Center Empirical Research Grant, Spring 2006  
Visiting Scholar in Residence, Northwestern University School of Law, October 2005  
Visiting Scholar in Residence, University of Texas School of Law, September 2005  
California Institute of Technology Industrial Relations Center Hicks Award, 2002-2003  
Eleanor Searle Memorial Prize, 2001-2002  
Social Science Research Council Program in Applied Economics Fellow, 2001-2002  
USC Center for Communications Law and Policy Student Fellow, 2000-2001  
Olin Student Fellow, Summer 1999, Summer 2000  
Legion Lex Scholarship, 1996-1997, 1997-1998, Fall 2000

## **Presentations**

2022

Conference on Empirical Legal Studies ASIA (Taipei), Keynote Address, December [scheduled]  
U.S. Court of Federal Claims, October [scheduled]  
USC School of Law, Center for Law and Social Science Workshop, August [scheduled]  
American Law and Economics Association Annual Meeting, Keynote Address, August [scheduled]  
Law & Society Conference panel, Law & Society meets Law & Economics, July  
Washington University in St. Louis School of Law, Faculty Workshop, February  
American Association of Law Schools Annual Meeting (remote), Law and Economics Session, January

2021

Hebrew University Faculty of Law (remote), Law and Economics Workshop, December  
Metascience Conference 2021 (panel participant; remote), September  
Virtual Law and Economics Workshop hosted by USC Law, UVA Law, Michigan Law (remote), April

2020

Northwestern University School of Law (remote), Experimental Methods in Legal Scholarship Conference, October  
Boston University School of Law (remote), Summer Faculty Workshop, June  
University of Alabama School of Law (remote), Law & Economics Workshop, April  
University of Arizona School of Law, QuantLaw Conference, February

2019

University of Haifa, Faculty of Law, Aptowitz Workshop on Risk, Liability, and Insurance, March  
Tel Aviv University, Buchmann Faculty of Law, Economic Analysis of Law Workshop, March

ETH Zurich, Center for Law & Economics, Experimental Methods in Legal Scholarship  
Conference, March

2018

DePaul Law School, Clifford Symposium, April

George Mason University School of Law, Roundtable on Legal Error, February

2017

Harvard Law School, Law & Economics Workshop, November

Vanderbilt University School of Law, Conference on Behavioral Law & Economics, October

Vanderbilt University School of Law, Faculty Workshop, October

*Journal of Institutional and Theoretical Economics* Conference, Empirical Methods for the Law  
(comment) (Sicily) June

Boston University School of Law, Future of Law & Economics Conference, May

Harvard Law School, Health Law Policy, Bioethics and Biotechnology Workshop, March

Boston University School of Law, Faculty Workshop, February

2016

Copenhagen Business School, Law & Economics Workshop, December

University of Amsterdam, Empirical Legal Studies Workshop, December

Boston University, Health Law Teachers Conference, June

Northeastern University School of Law, *Journal of Legal Education* Symposium on the Scholarly  
Mission of Law Schools, April

Duke University School of Law, Faculty Workshop, April

New York University School of Law, Law & Economics Colloquium, April

University of Texas - Austin School of Law, Law & Economics Workshop, April

2015

Northeastern University School of Law, Roundtable on Health, Policy & Law, November

Northwestern University, Law & Economics Colloquium, April

University of Virginia School of Law, Faculty Workshop, April

George Mason University School of Law, Levy Workshop, April

University of Toronto Law School, Law & Economics Workshop, March

2014

Boston University School of Law, Faculty Workshop, February

2013

University of Notre Dame School of Law, Law & Economics Workshop, April

Boston College School of Law, March

Emory University School of Law, Thrower Symposium, February

University of Paris, EconomiX, January

2012

University of Baltimore School of Law, Center for Medicine and the Law, November  
Boston University School of Law, Faculty Workshop, October  
George Mason University School of Law, Law & Economics Colloquium, February  
New York University School of Law, Law & Economics Colloquium, January

2011

Southern Economics Association Annual Meeting, November  
USC School of Law, Center in Law, Economics and Organization, September  
University of Bologna, Center on Law and Economics Seminar, May

2010

Emory Law School, Faculty Colloquium, November  
University of Michigan Law School, Louis and Myrtle Moskowitz Workshop on Empirical Health  
Law and Business Research, May  
McDonough Business School, Georgetown Center for Business & Public Policy Law School  
Workshop, April  
Temple Law School, Law and Human Behavior Colloquium, April  
University of Texas Law School (Austin), Law and Economics Workshop, April

2009

27th Seminar on the New Institutional Economics (Eltville, Germany) June  
HEC Montreal, Institute of Applied Economics Workshop, April  
“Rising Stars” Clifford Symposium, DePaul University Law School, April  
Cornell Law School, Law and Economics Workshop, February

2008

Penn Law School, Law and Economics Workshop, November  
Stanford Law School, Faculty Workshop, July  
Searle Center Research Symposium on Insurance Markets and Regulation, Northwestern  
University School of Law, April  
Harvard Law School, Faculty Colloquium, April  
New York University School of Law, Law and Economics Workshop, March  
Yale Law School, Law and Economics Workshop, March  
University of Michigan Law School, Law and Economics Workshop, January  
AALS Annual Meeting, January

2007

Federal Trade Commission, Bureau of Economics Seminar, December  
George Mason School of Law, November  
Harvard Law School, Health Law Policy Workshop, October  
ETH, Zurich, Workshop and Lecture Series in Law and Economics, October 23-24

Duke/UNC, First Annual Triangle Law and Economics Conference, April  
Georgetown Law Center, Conference to launch the O'Neill Institute, April  
University of Illinois College of Law, Law and Economics Colloquium, February  
New York University School of Law, Faculty Colloquium, January

2006

New York University School of Law, Informal Law and Economics Workshop, November  
Conference on Empirical Legal Studies, October  
University of Virginia Law School, Faculty Colloquium, October  
Harvard Law School, Law and Economics Seminar, October  
Brooklyn Law School, Faculty Workshop, September  
American Law and Economics Association Annual Meeting, May  
Fordham Law School, Advanced Business Law Seminar, April  
New York University Law School, Law and Economics Colloquium, March  
University of San Diego Law School, Law and Economics Colloquium, March  
University of California–San Diego, Political Science Faculty Colloquium, March  
George Mason University Law School, Levy Workshop, February  
University of Chicago Law School, Law and Economics Workshop, January  
Washington University Law School, St. Louis, Law and Politics Colloquium, January

2005

Yale Law School, Quinnipiac-Yale Workshop on Dispute Resolution, November  
George Washington School of Law, Law and Economics Colloquium, November  
Northwestern University School of Law, Faculty Workshop, October  
Midwest Law and Economics Association Annual Meeting, October  
National Bureau of Economic Research, Summer Institute Program on Law and Economics, July  
Law and Society Association Annual Meeting, June  
American Law and Economics Association Annual Meeting, May  
University of Virginia Economics Department, Bankard Workshop in Public Economics, April  
University of Virginia Law School, Invited Talk on Health Care Regulation, April  
University of Texas School of Law, Faculty Colloquium, March  
Columbia University Law School, Law and Economics Workshop, February

2004

University of North Carolina - Chapel Hill School of Law, Faculty Colloquium, November  
Northwestern University School of Law, Faculty Colloquium, November  
Florida State University College of Law, Faculty Colloquium, November  
Cornell University Law School, Junior Empirical Legal Scholars Conference, October  
University of Southern California Law Center, Center for Law, Economics and Organization  
Workshop, September



University of Virginia Law School, Faculty Colloquium, July  
Law and Society Association Annual Meeting, May  
American Law and Economics Association Annual Meeting, May

2003

American Enterprise Institute (Event: Is Medical Malpractice Reform Good For Your Health?),  
Washington, D.C., September

2002

Social Science Research Council Fellows' Conference, Virginia, May

## **Committee Service**

Boston University:

University Appointments, Promotion and Tenure Committee (18-19, 19-20 (chair))  
Questrom School of Business Dean Search Committee (17-18)

Boston University School of Law:

Clinical Promotion Standards (Fall 22 (chair))  
Advisory Committee on Strategy (21-23)  
Health Law Program Committee (19-20 (chair), 20-21, 21-22 (co-chair), 22-23))  
*American Journal of Law & Medicine*, Faculty Advisor (16-present)  
Workshops Committee (18-19 (chair), 20-21 (chair), 21-22 (chair))  
Student Well-Being Task Force (21-22)  
Law School Appointments Committee (16-17, 17-18)  
JD Program Committee (Fall 15)  
Lawyering Lab (Fall 15, 16-17 (co-chair))  
Law School Continuation, Promotion and Tenure (Fall 15)

Georgetown University:

University Benefits Committee (10-13)

Georgetown University Law Center:

Institutes and Centers (12-13 (chair))  
Rank & Tenure (09-10 (chair), 11-12, Fall 12)  
Legal Profession and Career Services (11-12, 12-13)  
Faculty Workshop Coordinator (Spring 11)  
Appointments Committee: Entry-Level (Fall 07), Reading & Development (08-09)  
Long-Range Planning Committee (Fall 07, 08-09)  
Library Director Search Committee (Spring 08)  
Technology Long-Range Planning Committee (05-06)  
Technology Committee (04-05)  
Future Law Professors Committee (03-04)  
Task Force on Diversity and Community (03-04)

## Professional Service and Association Membership

Association for Interdisciplinary Meta-Research and Open Science  
Board of Directors (22-24; Vice President 22)

ReplicationWiki  
Member of Advisory Board (21-present)

Massachusetts Supreme Judicial Court Steering Committee on Lawyer Well-Being  
Member of Subcommittee on Law Student Well-Being (20-21)

Society for Empirical Legal Studies  
Board of Directors (Chair-Elect 18-19, Chair 19-22)

Max Planck Institute  
Member, Scientific Advisory Board for Research on Collective Goods (Bonn, Germany), 11-18

American Law and Economics Association  
Board of Directors Secretary-Treasurer (20-21), Vice President (21-22), President (22-23)  
Best *ALER* Article Selection Committee, 21  
Annual Meeting Program Director, 18  
Member of Board of Directors, 10-12  
Torts, Insurance and Health Law Area Co-organizer (11 Annual Meeting)  
Behavioral Law and Economics Area Co-organizer (08 Annual Meeting)

Association of American Law Schools:  
Committee Member of Law and Economics Section, 05-07, 15-19  
Committee Member of Law and Social Sciences Section, 08-09

Editorial Positions: Policy Editor, *Behavioral Science and Policy*, 13-present  
Advisory Board of Editors, *American Law & Economics Review*, 13-present

Referee for: *Academia Sinica Law Journal*; *American Economic Journal: Microeconomics*; *American Economic Review*; *American Journal of Law & Medicine*; *American Law & Economics Review*; *Annals of Internal Medicine* (recognized in 2022 as an “outstanding reviewer”); *Behavioral Science & Policy*; *B.E. Journal of Theoretical Economics*; *Connecticut Insurance Law Journal*; *Econometrica*; *Economic Inquiry*; *Economic Journal*; *Economic Theory*; *Economics Letters*; *European Economic Review*; *European Journal of Law & Economics*; *Experimental Economics*; *Health Affairs*; *International Review of Law & Economics*; *Journal of the American Medical Association*; *Journal of Behavioral Decision Making*; *Journal of Economic Behavior & Organization*; *Journal of Economic Psychology*; *Journal of Empirical Legal Studies*; *Journal of Environmental Economics & Management*; *Journal of Institutional & Theoretical Economics*; *Journal of International Economic Law*; *Journal of Law & Economics*; *Journal of Law, Economics, & Organization*; *Journal of Legal Analysis*; *Journal of Legal Studies*; *Journal of Public Economics*; *Journal of Risk & Uncertainty*; *Law & Social Inquiry*; *Management Science*; *Marketing Science*; *Monash University Law Review*; Oxford University Press; Princeton University Press; *Public Choice*; *Resource & Energy Economics*; *Review of Law & Economics*; *Supreme Court Economic Review*; *University of British Columbia Law Review*; University of Chicago Press; Wolters Kluwer

Grant proposal reviewer for: U.S. National Science Foundation (2008); U.S. Department of Veterans Affairs, Health Services Research & Development Service, Scientific Merit Review Board (2009); Swiss National Science Foundation (2012); George Mason University Law and

Economics Center, Grant Proposal Reviewer (2014, 2015); Israel Science Foundation (2019, 2020)

### **Professional Experience**

Auditor and Tax Consultant, Ernst & Young, LLP, 91-96

Consultant, New York State Department of Insurance, 07-08