

Dane R. Thorley

CONTACT INFORMATION	7th Floor, IAB, 420 W. 118 St. New York, NY 10027	801-602-1444 drt2121@columbia.edu http://www.danethorley.com
TEACHING & RESEARCH INTERESTS	Civil procedure, criminal procedure, criminal law, professional responsibility, contracts, empirical legal studies, field experimentation, causal inference, judicial behavior	
EDUCATION	Columbia University , New York, NY Ph.D. Candidate, Political Science, expected 2018 <i>Major: American Politics</i> <i>Minor: Law</i> M.Phil., Political Science, 2017 M.A., Political Science, 2015 Yale Law School , New Haven, CT J.D., 2017 Columbia Law School , New York, NY J.D. Candidate, 2012-2015 (transferred candidacy to Yale Law School in Fall 2015) Brigham Young University , Provo, UT B.A., Political Science and Korean, 2012	
HONORS, FELLOWSHIPS, & GRANTS	<i>General</i> Laura & John Arnold Foundation Grant for Research on the Effects of Pretrial Detainment and Bail, 2016-2018 (\$80,107) Laura & John Arnold Foundation Grant for Research on The Effects of Criminal Expungement, 2016-2018 (\$74,096) Theodore Eisenberg Prize, Society for Empirical Legal Studies (SELS), 2015 <i>Columbia Law School</i> Warner W. Gardner Research Fellowship, 2013 Harlan Fisk Stone Scholar, 2012-2013 Lawrence A. Wien Fellowship in Corporate Social Responsibility, 2012 <i>Columbia University</i> Teaching Fellowship, 2014-2019 Dean's Fellowship, 2013-2014 <i>Brigham Young University</i> Dean's List Scholar, 2009-2012 Korean FLAS Fellowship, 2011 Asian and Near Eastern Studies Research Grant, 2011	

PUBLICATIONS

“Field Experimentation and the Study of Law and Policy.” *The Annual Review of Law and Social Science*, 2014 (with Donald P. Green)

Abstract: Field experiments are randomized experiments that take place under naturalistic conditions. This research method is experiencing rapid growth throughout the social sciences and especially in legal studies, where it is used to rigorously evaluate policies and programs. We begin by charting the growth of field experimentation in law and legal studies, describing the statistical properties of experiments and discussing the practical threats that may undermine experiments conducted in field settings. Next, we review the experimental research literature in a variety of domains: legal institutions, including the judiciary, legislature, and legal profession; incentives, especially as they apply to tax compliance and business law; and laws and obligations, including legal code, policy, and legal theory. We conclude by highlighting some of the challenges that the experimental literature must confront if it is to speak convincingly to issues of law and policy.

“Importing Trust: An Experimental Analysis On the Fiscal Behavior of North Korean Refugees and Indian Citizens.” *Harold B. Lee Independent Research Repository*, 2011

Abstract: This paper’s theory posits that nations struggling from chronically low levels of social trust can in some cases, import trust through facilitating investment to domestic business from foreign companies. I hypothesize that this foreign investment to private companies legitimizes those private companies in the eyes of potential domestic investors, thereby increasing domestic fiscal relationships and eventually, general social trust. This study tests this hypothesis with a survey experiment using North Korean refugees living in South Korea and citizens of the Republic of India. Subjects were randomly assigned a hypothetical investment opportunity and asked how much money they would be willing to invest in one of three businesses (one that had received no investment, domestic investment, or foreign investment). Paradoxically, the experimental results, while not statistically significant, suggest that the existence of foreign investment may actually decrease fiscal and social trust under some circumstances.

WORKING PAPERS

“Please Recuse Yourself: A Field Experiment Exploring the Relationship Between Campaign Donations and Judicial Recusal.” (with Donald P. Green, Jonathon S. Krasno, Costas Panagopoulos, and Michael Schwam-Baird)

Abstract: In this paper we present the results of a field experiment that explores one aspect of the relationship between campaign donations and judicial behavior: the propensity and motivation behind judicial recusals. We are able to identify civil cases where one or more of the attorneys involved made financial contributions to the judges previous election campaign. A random selection of judges presiding over cases that match these criteria received letters identifying the potential conflict and requesting recusal. We measure the rate of judicial recusal, in addition to a number of secondary outcomes. We find that sending judges letters no significant impact on a judges propensity for recusing herself but has a substantial and statistically significant impact on disclosure rates. This study provides novel insight into the impartiality of the judicial system and the sensitivity of elected judges to appearance of conflict-of-interest.

“Randomness *Pre*-considered: Making Unbiased Causal Inference Through the Random Assignment of Judges.”

Abstract: This paper contributes to the growing literature challenging the general assumptions of random judicial assignment by identifying a set of common assignment procedures that I call de-randomizing events. These events, which include non-

random assignment itself, should be accounted for in order to make unbiased causal claims but are commonly either ignored or not even recognized by researchers utilizing random judicial assignment. This paper also attempts to fill in what others have noted to be a dearth of information on the assignment protocols of courts other than the U.S. Courts of Appeals by presenting original data from a survey of the 30 largest U.S. state-level criminal courts, outlining their assignment protocols, and identifying the extent to which they feature the de-randomizing events described in the paper.

“The Legal and Ethical Challenges of Running Randomized Field Experiments in the Courtroom.” (with Jacob Kopas)

Abstract: Although legal scholars have been utilizing experimental methodologies for over 60 years, they have only recently begun to design and implement field experiments, an empirical method in which subjects are randomly assigned treatments in natural settings. Field experiments are a powerful tool for identifying causal relationships, but relative to observational studies, where researchers gather data that already exist, field experiments can be problematic because they require the researcher to actively intervene in the subjects’ lives. Because of these interventions, researchers and organizations running experiments must address a number of ethical concerns before they start their study. When field experiments take place in the court context, these ethical concerns become even more salient, and researchers must also take into account the legal implications of randomizing interventions in actual court cases. In this article, we explore the legal and ethical issues surrounding the use of court-based field experiments. It is the only assessment of its kind, and should be a useful tool for researchers and organizations interested in conducting such projects, institutional review boards responsible for approving such studies, judges tasked with evaluating the reliability of data resulting from court-based field experimentation, and individuals considering legal action based on experimental results.

“Testing *Williams-Yulee*: An Experiment on Judicial Elections, Institutional Trust, and Tenuous Empirical Claims in the Supreme Court.”

Abstract: This paper features an online survey experiment that evaluates the empirical assumptions used as a basis for the Supreme Court’s decision in *Williams-Yulee v. The Florida Bar* (2015) and, more generally, the extent to which public confidence in the judicial system is negatively impacted by judicial elections, campaign finance, fundraising, and judicial recusal. The main section of the survey presents subjects with a hypothetical vignette in which a state trial-level judge runs for election and utilizes one of a number of campaign fundraising tactic variations. The survey then present subjects with questions relating to the trust and legitimacy that they associate with both the judicial system presented in the vignette and their actual state- and federal-level government institutions. Although the data is limited by a small sample size, I preliminarily find that the public does not discern any significant difference between direct and indirect judicial solicitation but does see other campaign features (promises of recusal, who the donations are solicited from, and high average donations) as more or less trustworthy and legitimizing. These findings are at odds with the empirical assumptions that the majority relied upon in the *Williams-Yulee* decision.

WORKS IN
PROGRESS

“Testing The Limitations of Procedure: A Randomized Field Experiment on the Efficacy of Judicial Recusal and Disclosure”

“The Effect of Expungement on Recidivism and Employment” (with Miguel de Figueiredo)

“The Hidden Costs of High Bail and Pre-trial Detainment: Utilizing Random Judicial

Assignment to Identify Causal Effects” (with Miguel de Figueiredo)

“Trial By Skype: Identifying the Causal Impact of Remote Adjudication” (with Joshua Mitts)

A Randomized Field Experiment Relating to The Right To Counsel in Parole Hearings [untitled] (with Jacob Kopas)

PRESENTATIONS

“Testing The Limitations of Procedure: A Randomized Field Experiment on the Efficacy of Judicial Recusal and Disclosure”

Yale Law School, Cultural Cognition Project, May 7, 2018

Notre Dame Law School, Workshop on Preparing for the Legal Academy, March 26, 2018

Yale Law School, Ethics Bureau, March 22, 2018

“Trial By Skype: Identifying the Causal Impact of Remote Adjudication” (with Joshua Mitts)

Society for Empirical Legal Studies Replication Conference, April 27, 2018

“Please Recuse Yourself: A Field Experiment Exploring the Relationship Between Campaign Donations and Judicial Recusal.” (with Donald P. Green, Jonathon S. Krasno, Costas Panagopoulos, and Michael Schwam-Baird)

Annual Meeting of the American Political Science Association, September 1, 2017

Harvard Experimental Political Science Graduate Student Conference, March 24-25, 2017

Western Empirical Legal Studies Conference, March 12, 2016

Yale ISPS Experiments Workshop, November 14, 2015

Conference on Empirical Legal Studies, October 30, 2015

Annual Meeting of the American Law and Economics Association, May 15, 2015

Annual Meeting of the American Political Science Association, August 26, 2014

“Randomness *Pre*-Considered: Recognizing and Accounting for “De-Randomizing” Events When Utilizing Random Judicial Assignment”

American Law and Economics Conference (Accepted), May 12-13, 2017

Midwestern Political Science Association Annual Conference, April 8, 2017

Western Empirical Legal Studies Conference, March 12, 2016

Conference on Empirical Legal Studies, October 30, 2015

“Experiments, Courts, and the Legal Process: The Legal Implications of Running Randomized Experiments in the Courtroom” (with Jacob Kopas)

Yale ISPS Experiments Workshop, November 14, 2015

“Importing Trust: An Experimental Analysis On the Fiscal Behavior of North Korean Refugees and Indian Citizens.”

BYU International Studies Inquiry Conference, February 23, 2012

Mary Lou Fulton Research Conference, April 5, 2012

TEACHING
EXPERIENCE

Yale Law School

Organizer

Spring 2016

Law and Field Experiments Working Group

Columbia University

Teaching Fellow

Spring 2015

	Introduction to American Politics (Judith Russell) <i>Organizer</i>	Winter 2014
	Law and Policy Workshop <i>Teaching Fellow</i>	Winter 2014
	Introduction to American Politics (Justin Phillips)	
	Columbia Law School <i>Teaching Assistant</i>	Winter 2013; Winter 2014
	Torts (Benjamin Liebman)	
	Brigham Young University <i>Teaching Assistant</i>	Spring 2011
	Political Inquiry (Daniel Nielson) <i>Teaching Assistant</i>	Winter 2010
	Political Inquiry (Scott Cooper)	
	Language Training Center, Provo, UT <i>Korean Language Instructor</i>	April 2009 - April 2010
WORK EXPERIENCE	U.S. District Court, District of Nevada <i>Judicial Clerk to Judge Andrew Gordon (Las Vegas)</i>	Will begin September 2018
	Columbia Law School <i>Postdoctoral Fellow in Empirical Law and Economics</i>	November 2017 - Current
	Yale Law School <i>Visiting Researcher</i>	August 2017 - Current
	Latham & Watkins, LLP, New York, NY <i>Summer Associate</i>	May 2016 - July 2016
	Yale Law and Policy Review <i>Submissions Editor (Vol. 35) and Lead Editor (Vol. 34)</i>	January 2016 - April 2017
	Columbia University, Political Science <i>Research Assistant for Donald P. Green</i>	April 2013 - April 2016
	Columbia Law School <i>Research Assistant for Robert Scott</i>	April 2014 - July 2015
	<i>Research Assistant for Benjamin Liebman</i>	April 2013 - July 2015
	<i>Research Assistant for Katharina Pistor</i>	April 2013 - April 2014
	Brigham Young University Law School <i>Research Assistant for Shima Baradaran, Daniel Nielson and Mike Findley</i>	December 2010 - April 2012
	Designed and implemented randomized field experiment on international incorporation law; Created and implemented supplementary survey. analyzed data.	
	Brigham Young University Pre-Law Review <i>Editor-in-Chief</i>	April 2010 - April 2012
	Organized and published 2011 <i>Review</i> . Selected and reviewed all articles. Prepared lectures and instructed students on legal research and writing skills, including <i>Bluebook</i> . <i>Managing Editor</i>	
	Edited and supervised half of the articles in the 2010 <i>Review</i> .	
	Political Economy and Development Lab, Uganda <i>Team Leader</i>	June 2011 - August 2011
	Led a research team of 15. Met with local and international organizations, including UNICEF. Designed and conducted field experiments in political economy and development.	
	Saejowi-TOOK, Seoul, South Korea <i>Research and Translation Intern</i>	April 2011 - June 2011
	Helped recently defected North Korean refugees acclimate to South Korean life through instruction on finance, English, and employment. Translated organizational documents from Korean into English. Researched United States policy concerning refugee programs.	
	Rosenau & Rosenau Law Firm, Washington, D.C. <i>Legal Intern</i>	April 2010 - August 2010

Performed legal research on cases involving legal guardianships. Drafted legal documents. Met with clients. Participated in courtroom proceedings.

MEMBERSHIP

Society of Empirical Legal Studies (since 2013)
American Political Science Association (since 2013)
American Law and Economics Association (since 2014)
Midwestern Political Science Association (since 2016)

SKILLS

Software: R, L^AT_EX, Stata, Stan
Methods: Quantitative methods, field experimentation, randomized experimentation, causal inference
Languages: Korean (2012 ACTFL Oral Proficiency Interview Rating: Advanced-Mid; 2012 ACTFL Written Proficiency Rating: Intermediate-High)