

DANIEL M. KLERMAN

www.klerman.com

USC Law School
University Park, MC-0071
Los Angeles, CA 90089-0071

dklerman@law.usc.edu
Phone: (213) 740-7973
Fax: (213) 740-5502

Employment

Charles L. and Ramona I. Hilliard Professor of Law and History, USC law School, 2007-present
Visiting Professor, California Institute of Technology, Winter 2003, 2005, 2006, 2007, 2008
Professor of Law and History, USC Law School, 2001-6
Associate Professor, USC Law School, 1998-2001
Visiting Assistant Professor, Stanford Law School, 1997-1998
Assistant Professor, University of Chicago Law School, 1995-1998
Law Clerk, Justice Stevens, U.S. Supreme Court, 1993-94
Law Clerk, Judge Posner, Seventh Circuit Court of Appeals, 1992-93

Education

University of Chicago Department of History, Ph.D. 1998
Dissertation: Private Prosecution of Crime in Thirteenth-Century England
University of Chicago Law School, J.D. 1991
High Honors, Order of the Coif
Staff, *University of Chicago Law Review*
Yale University, B.A. 1988
summa cum laude, Phi Beta Kappa
Distinction in two majors: History; Mathematics and Philosophy

Fellowships, Grants, Honors, and Prizes

USC Advancing Scholarship in the Humanities and Social Sciences Initiative grant, 2007-8
Gabriel and Matilda Barnett Summer Professorship, USC Law and Business Schools, 2006, for support of research in law & economics
Sutherland Prize, American Society for Legal History, 2004, for the best article in English legal history
David Yale Prize, Selden Society, 2001, for distinguished contribution to the history of the laws and legal institutions of England and Wales
Olin Fellow, USC Law School, January 1998
Fulbright Fellow, London, England, 1994-95
National Science Foundation, Law and Social Science Program, Doctoral Dissertation Research Grant, 1994-95

Social Science Research Council, International Doctoral Research Fellowship, 1994-95
Caspar Platt Award, University of Chicago Law School, 1991, for the outstanding paper written by a law student
Bradley Fellowship in Legal History, University of Chicago Law School, 1989-90
Century Fellowship, University of Chicago, Division of Social Sciences, 1988-92
Andrew D. White Prize, Yale University, 1988, for the best senior essay in European history

Publications (major articles marked with an asterisk)

Legal Origin or Colonial History?, forthcoming in *Journal of Legal Analysis* (with Paul Mahoney, Holger Spamann, and Mark Weinstein)
Corruption and Private Law Enforcement: Theory and History, 6 *Review of Law & Economics* 75-96 (2010) (with Nuno Garoupa)
Review of *Trial by Jury: The Seventh Amendment and Anglo-American Special Juries*, by James Oldham, 27 *Law and History Review* 215 (2009)
Review of *A Revolution in Commerce: The Parisian Merchant Court and the Rise of Commercial Society in Eighteenth-Century France*, by Amalia Kessler, 69 *Journal of Economic History* 601-2 (2009)
The Emergence of English Commercial Law: Analysis Inspired by the Ottoman Experience, 71 *Journal of Economic Behavior and Organization* 638-646 (2009)
Rape: English Common Law, 5 *Encyclopedia of Legal History* 67-69 (Oxford University Press 2009)
Review of *Law Courts and Lawyers in the City of London, 1300-1550*, by Penny Tucker, 26 *Law and History Review* 738 (2008)
**Jurisdictional Competition and the Evolution of the Common Law*, 74 *University of Chicago Law Review* 1179 (2007)
Legal Origin?, 35 *Journal of Comparative Economics* 278-293 (2007) (with Paul Mahoney)
Legal Infrastructure, Judicial Independence, and Economic Development, 19 *Pacific McGeorge Global Business & Development Law Journal* 427-34 (2007)
Chinese translation in E. Xiang Wan and Jing Liu, eds.,
《国家民商审判评论》(人民法院出版社), 由最高人民法院万鄂湘副院长担任主编, 我担任执行主编。(*Review of Chinese Civil and Commercial Adjudication*) 404-12 (People's Court Press, 2006)
Reprinted in *Judicial Independence and Accountability: A Debate*, ed. P. Sabiha Khanum (Amicus Books 2008)
Trademark Dilution, Search Costs, and Naked Licensing, 74 *Fordham Law Review* 1759-73 (2006)

reprinted in *Trademark Dilution: Applications and Implications*, ed. A.V. Narsimha Rao (Amicus Books, 2008)

**The Value of Judicial Independence: Evidence from Eighteenth-Century England*, 7 *American Law & Economics Review* 1-27 (2005) (with Paul Mahoney)
condensed and reprinted in Paul Brand, Kevin Costello & W.N. Osborough eds. *Adventures of the Law: Proceedings of the Sixteenth British Legal History Conference, Dublin 2003* (Four Courts Press, 2005), 139-60.

And Wretches Hang? Review of *Law, Crime and English Society, 1660-1830*, ed. Norma Landau, 16 *Yale Journal of Law and Humanities* 405 (2004)

Review of *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseilles, 1264-1423*, by Daniel Lord Smail, 22 *Law and History Review* 645 (2004)

Corruption and the Optimal Use of Nonmonetary Sanctions, 24 *International Review of Law & Economics* 219-25 (2004) (with Nuno Garoupa)

Jurisdictional Competition and the Evolution of the Common Law: A Hypothesis, 77 *Australian Journal of Legal History* 1-19 (2004)
revised and reprinted in Anthony Musson, ed., *Boundaries of the Law: Geography, Gender and Jurisdiction in Medieval and Early Modern Europe* (Ashgate Publishing, 2005), 149-68.

Review of *Medieval Law in Context: The Growth of Legal Consciousness from Magna Carta to the Peasants' Revolt*, by Anthony Musson, 78 *Speculum* 442 (2003)

Review of *The Fee Tail and the Common Recovery in Medieval England, 1176-1502*, by Joseph Biancalana, 35 *Albion* 271 (2003)

**Was the Jury Ever Self-Informing?*, in Maureen Mulholland and Brian Pullan, eds., *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History*, vol. 1 (Manchester University Press, 2003)
revised and reprinted in 77 *Southern California Law Review* 123-50 (2003)

Statistical and Economic Approaches to Legal History, 2002 *University of Illinois Law Review* 1167

**Women Prosecutors in Thirteenth-Century England*, 14 *Yale Journal of Law and Humanities* 271 (2002)

A Look at California Juries: Participation, Shortcomings, and Recommendations (ATRA 2002)

Optimal Law Enforcement with a Rent-Seeking Government (with Nuno Garoupa), 4 *American Law and Economics Review* 116 (2002)

Review of *The Common Law Mind*, by J.W. Tubbs, 33 *Albion* 276 (2001)

**Settlement and the Decline of Private Prosecution in Thirteenth-Century England*, 19 *Law and History Review* 1 (2001)

Review of *Women Waging Law in Elizabethan England*, by Tim Stretton, 27 *Ius Commune* 502 (2000)

Review of *The Criminal Trial in Later Medieval England*, by J.G. Bellamy, 31 *Albion* 273 (1999)

Non-Promotion and Judicial Independence, 72 *Southern California Law Review* 455

(1999)

Review of *Courts, Counties, and the Capital in the Later Middle Ages*, ed. Diana E.S. Dunn, 17 *Law and History Review* 173 (1999)

Review of *The Earliest English Law Reports*, by Paul Brand, 16 *Law and History Review* 595 (1998)

**Settling Multidefendant Lawsuits: The Advantage of Conditional Setoff Rules*, 25 *Journal of Legal Studies* 445 (1996)

An Economic Analysis of Mary Carter Settlement Agreements, 83 *Georgetown Law Journal* 2215 (1995) (with Lisa Bernstein)

Earth First? CERCLA Reimbursement Claims and Bankruptcy, 58 *University of Chicago Law Review* 795 (1991)

Select Recent Presentations

“Legal Origin or Colonial History?” Conference on The Legacy and Work of Douglass C. North: Understanding Institutions and Development Economics, Center for New Institutional Social Sciences, Washington University, November 5, 2010

“Legal Origin or Colonial History?” Law & Economics Workshop, University of Toronto Law School, September 21, 2010

“Measuring Law,” International Financial Institutions Colloquium, Washington, D.C., March 23, 2010

"Legal Fictions as Strategic Instruments," American Society for Legal History annual meeting, November 14, 2009

Panel Discussant of Douglass North, John Wallis & Barry Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, Social Science History Association annual meeting, November 13, 2009

“Legal Origin and Economic Growth,” Von Grep Economic History Workshop, UCLA Economics Department, October 7, 2009.

"Legal Fictions as Strategic Instruments," Law & Economics Workshop, University of California Berkeley, August 31, 2009

Comment on Claire Lim, “Turnover & Accountability of Appointed and Elected Judges,” National Bureau of Economic Research (NBER) Law & Economics Summer Institute, July 23, 2009

"Legal Fictions as Strategic Instruments," International Society for New Institutional Economics annual meeting, University of California Berkeley, June 19, 2009

“Legal Fictions as Strategic Instruments,” Early Modern Group, Caltech, May 22, 2009

“Legal Origin and Economic Growth,” American Law & Economics Association Annual Meeting, May 15, 2009

“Torts, Innovation and Growth,” Kauffman Foundation Workshop on Law & Economics of Innovation and Growth. University California Berkeley, April 24, 2009

- “Jurisdictional Competition and the Evolution of the Common Law,”
Workshop on Evolution, Complexity and the Law, Santa Fe Institute,
March 19, 2009
- “Legal Origin and Economic Growth,” Faculty Workshop, Whittier Law
School, March 12, 2009
- “Legal Fictions as Strategic Instruments,” Conference on Positive Political
Theory of Law, USC-Caltech Center for the Study of Law & Politics,
January 15, 2009
- “Legal Origin and Economic Growth,” Theory, History & Development
Seminar, University of California Irvine Economics Department,
December 8, 2008
- “Legal Origin and Economic Growth,” Faculty Workshop, USC Law School,
December 5, 2008
- “Legal Origin and Economic Growth,” Law & Economics Workshop, UCLA,
November 4, 2008
- “Legal Origin and Economic Growth,” Law & Economics Workshop,
University of Michigan Law School, October 30, 2008
- Comment on Rohan Pitchford and Mark Wright, "Holdout Creditors in
Sovereign Debt Restructuring: A Theoretical Analysis," National
Bureau of Economic Research (NBER) Law & Economics Summer
Institute on July 25, 2008
- “Interpreting Medieval Legal Texts,” Disciplining Texts, University of
California, Santa Barbara, Medieval Studies Winter Colloquium,
February 9, 2008
- “Jurisdictional Competition and the Evolution of the Common Law:
Appellate Courts,” Symposium on Positive Political Theory and the
Law, USC Law School, September 12, 2007
- Comment on Kastellec & Lax, “Case Selection and the Study of Judicial
Politics,” Conference on Empirical Legal Studies, November 17, 2007
- Comment on Bentley MacLeod, "Employment Protection, Bonus Pay, and
Labor Market Performance," National Bureau of Economic Research
(NBER), Law & Economics Summer Institute, July 27, 2007
- "Jurisdictional Competition and the Evolution of the Common Law," Legal
History Workshop, University of Illinois Urbana-Champaign, March 26,
2007
- "Jurisdictional Competition and the Evolution of the Common Law," Law &
Economics Seminar, Harvard Law School, March 13, 2007
- "The Emergence of English Commercial Law," Conference on Economic
Performance of Civilizations: Roles of Culture, Religion, and the Law,
USC Institute for Economic Research on Civilizations, February 24,
2007
- "English Legal Exceptionalism," Conference on Empirical Studies of Courts
and Judges, Harvard Law School, November 10, 2006
- "Jurisdictional Competition and the Evolution of the Common Law," Law &

- Economics Workshop, University of Chicago Law School, October 17, 2006
- "Jurisdictional Competition and the Evolution of the Common Law," Law & Economics Workshop, Northwestern Law School, October 16, 2006
- "Jurisdictional Competition and the Evolution of the Common Law," Faculty Workshop, USC Law School, September 6, 2006
- "Jurisdictional Competition and the Evolution of the Common Law," National Bureau of Economic Research (NBER), Law & Economics Summer Institute, July 28, 2006
- "Jurisdictional Competition and the Evolution of the Common Law," American Law & Economics Association annual meeting, May 6, 2006
- "Jurisdictional Competition and the Evolution of the Common Law," Law & Economics Workshop, Columbia Law School, April 24, 2006
- "Judicial Independence and Economic Development," Keynote Address, McGeorge School of Law, October 28, 2005
- "Trademark Dilution after *Victor's Little Secret*: Identifying the Harm," Jurisprudence of Justice Stevens Conference, Fordham Law School, September 30, 2005
- "Jurisdictional Competition and the Evolution of the Common Law," University of Colorado Boulder Law School Faculty Workshop, September 16, 2005
- "Jurisdictional Competition and the Evolution of the Common Law," USC Economics Department Birnkrant Development Seminar and Institute for Economic Research on Civilizations, September 14, 2005
- Comment on Mullin & Snyder, "Targeting Employees for Corporate Crime and Forbidding their Indemnification," National Bureau of Economic Research (NBER), Law & Economics Summer Institute, July 27, 2005
- "Jurisdictional Competition and the Evolution of the Common Law," British Legal History Conference, London, July 6, 2005
- "Jurisdictional Competition and the Evolution of the Common Law," Economic History Workshop, UCLA, April 29, 2005
- "Jurisdictional Competition and the Evolution of the Common Law: A Hypothesis," Legal History Workshop, Washington & Lee Law School, February 25, 2005
- "The Value of Judicial Independence: Evidence from Eighteenth-Century England," American Law and Economics Association Annual Meeting, May 7, 2004
- "Jurisdictional Competition and the Evolution of the Common Law: A Hypothesis," Faculty Workshop, Chapman Law School, March 23, 2004
- "The Value of Judicial Independence: Evidence from Eighteenth-Century England," History of Capitalism seminar, Harvard Law School, February 26, 2004
- "The Value of Judicial Independence: Evidence from Eighteenth-Century

England," Legal History Workshop, UCLA Law School, January 15, 2004

Courses Taught

Civil Procedure
Intellectual Property
Law and Economics
English Legal History
Law, Language & Values
Anglo-American Legal History
High Technology Law
Trademarks and Unfair Competition
Class Actions (seminar)

USC Administration and Committee Service (recent only)

Associate Dean for Academic Affairs, 2009-11
University Strategic Planning Committee, 2009-
University Faculty Tenure and Privileges Appeals Committee, 2009-10
Administration and Finance Committee, Law School, 2006-9
Academic Affairs, Law School, 2008-11
Appointments Committee, Law School, 2001-8, Chair 2006-8, 2008-
Co-Director, Center for Law, Economics & Organization (CLEO), 2006-7
Dean Search Committee, Law School, 2005-6
University Committee on Appointments, Promotion, and Tenure, 2004-6
Internal Review Committee for Department of History, 2005-6
Steering Committee, Center for Law History and Culture (CLHC), 2005-6
Information Technology Committee, Law School, 1999-2009
Clerkship Committee, Law School, 2006

Other

Admitted to Illinois Bar 1991
Member, American Law Institute, 2008-
Co-President, Society for Empirical Legal Studies, 2008-9
Board of Directors, American Law & Economics Association, 2009-12
Editorial Board, Law and History Review, 2005-2013
Editorial Board, Journal of Legal Analysis, 2010-
Editorial Board, *Studies in Economics, Cognition and Society* book series,
Cambridge University Press, 2009-12
Referee for American Law and Economics Review; American Political
Science Review; Economic Journal; *Economica*; International Review of
Law and Economics; Journal of Economic History; Journal of Law and
Economics; Journal of Law, Economics and Organization; Journal of
Legal Analysis; Journal of Legal Studies; Law and History Review;

RAND Journal of Economics; Review of Economics and Statistics,
Studies in Law, Politics and Society
Associate editor, Economics, Cognition and Society book series, University
of Michigan Press, 2007-9
Co-Chair, Program Committee, American Society for Legal History, 2006
Annual Meeting
Program Committee, American Society for Legal History, 2001 Annual
Meeting
Area Organizer for the American Law and Economics Association Annual
Meeting, Legal Process (2008), Legal History/Comparative Law (2001),
Procedure (1998), Torts (1996)
State Correspondent, Selden Society, 2010-
Member American Society for Legal History, American Law and Economics
Association, Selden Society, Society for Empirical Legal Studies
Visiting Professor, Interdisciplinary Center Herzliya, Israel, May-June 2000
and December 2000-January 2001