

JONAH B. GELBACH
CURRICULUM VITAE
MARCH 7, 2024
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CURRENT APPOINTMENT

UNIVERSITY OF CALIFORNIA AT BERKELEY LAW SCHOOL	
Herman F. Selvin Professor of Law	2022-present
Professor of Law	2019-2022

PAST TENURE-LINE APPOINTMENTS

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL	
Professor of Law	2016-2019
Associate Professor of Law (untenured)	2013-2016
UNIVERSITY OF ARIZONA, ELLER COLLEGE OF MANAGEMENT	
Associate Professor of Economics (tenured)	2007-2010
UNIVERSITY OF MARYLAND AT COLLEGE PARK	
Associate Professor of Economics (tenured)	2005-2007
Assistant Professor of Economics (untenured)	1998-2005

VISITING APPOINTMENTS

NYU SCHOOL OF LAW	
Visiting Professor of Law	2021-2022
FLORIDA STATE UNIVERSITY COLLEGE OF LAW	
Visiting Professor of Law and Economics	2006-2007

EDUCATION

YALE LAW SCHOOL, J.D.	2013
MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Ph.D. (Economics)	1998
UNIVERSITY OF MASSACHUSETTS AT AMHERST, B.A. (Major: Economics)	1993

EDITORSHIPS & BOARD MEMBERSHIPS

CO-EDITOR, JOURNAL OF LAW, ECONOMICS, AND ORGANIZATION	2016-2021
MEMBER, BOARD OF DIRECTORS, AMERICAN LAW AND ECONOMICS ASSOCIATION	2017-2020
SECTION CHAIR, AALS SECTION ON LAW AND ECONOMICS	2017-2018

PUBLISHED OR FORTHCOMING ACADEMIC ARTICLES AND BOOK CHAPTERS

1. *Shedding Light on Secret Settlements: An Empirical Study of California's STAND Act*, 92 **UNIVERSITY OF CHICAGO LAW REVIEW** ____ (forthcoming) (with Nora Freeman Engstrom, David Freeman Engstrom, Austin Peters, & Garrett Wen)
2. *Secrecy by Stipulation*, 74 **DUKE LAW JOURNAL** ____ (forthcoming 2024) (with Nora Freeman Engstrom, David Freeman Engstrom, Austin Peters, & Aaron Schaffer-Neitz)
3. *Beyond Transsubstantivity*, 26 **N.Y.U. JOURNAL OF LEGISLATION AND PUBLIC POLICY** ____ (forthcoming)
4. *The Dynamic Dilemma: Dynamics and Disuniformity in Statutory Interpretation*, in **RESEARCH HANDBOOK ON LAW AND TIME**, edited by Frank Fagan & Saul Levmore, Edward Elgar Ltd. (forthcoming 2024)
5. *Free PACER*, in **LEGAL TECH AND THE FUTURE OF CIVIL JUSTICE**, edited by David Engstrom, Cambridge University Press (2023)
6. *Power and Statistical Significance in Securities Fraud Litigation*, 11 **HARVARD BUSINESS LAW REVIEW** 55 (2021) (with Jill E. Fisch)
7. *Legal Tech, Civil Procedure, and the Future of American Adversarialism*, 169 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** 1001 (2021) (with David F. Engstrom)
8. *Machine Learning and Predicted Returns for Event Studies in Securities Litigation*, 5 **JOURNAL OF LAW, FINANCE, AND ACCOUNTING** 231 (2020) (with Andrew Baker)
9. *Estimation Evidence*, 168 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** 549 (2020)
10. *A Bayesian Approach to Event Studies for Securities Litigation*, 176 **JOURNAL OF INSTITUTIONAL & THEORETICAL ECONOMICS** 86 (2020) (with Jenny Rae Hawkins)
11. *It's all relative: Explanationism and Probabilistic Evidence Theory*. 23 **International Journal of Evidence & Proof** 168-175 (2019).
12. *The Reduced Form of Litigation Selection Models and the Plaintiff's Win Rate*, 61 **JOURNAL OF LAW AND ECONOMICS** 125 (2018)
13. *Rethinking Judicial Review of High Volume Agency Adjudication*, 96 **TEXAS LAW REVIEW** 1097 (2018) (with David Marcus)
14. *What We Don't Know About Class Actions but Hope to Know Soon*, 87 **Fordham L. Rev.** 65 (2018) (with Deborah R. Hensler).
15. *Error Costs, Legal Standards of Proof and Statistical Significance*, 25 **SUPREME COURT ECONOMIC REVIEW** 1 (2017) (with Michelle M. Burtis and Bruce H. Kobayashi)
16. *The Logic and Limits of Event Studies in Securities Fraud Litigation*, 96 **TEXAS LAW REVIEW** 553 (2018) (with Jill E. Fisch and Jon Klick)
17. *American Pipe Tolling, Statutes of Repose, and Protective Filings: An Empirical Study*, 69 **STANFORD LAW REVIEW ONLINE** 92 (2017) (with David Freeman Engstrom)
18. *Crushed: Social Security Litigation in the Federal Courts*, 101 **JUDICATURE** 65 (2017) (with David Marcus)
19. *The Triangle of Law and The Role of Evidence in Class Action Litigation*, 165 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** 1807 (2017)
20. *Can Variation in Subgroups' Average Treatment Effects Explain Treatment Effect Heterogeneity? Evidence from a Social Experiment*, 99 **REVIEW OF ECONOMICS & STATISTICS** 683 (2017) (with Marianne Bitler and Hilary Hoynes)

21. *Empirical Law and Economics*, **OXFORD HANDBOOK** series, edited by Francesco Parisi (2017) (with Jonathan Klick)
22. *The Law and Economics of Proportionality in Discovery*, 50 **GEORGIA LAW REVIEW** 1093 (2016) (with Bruce Kobayashi)
23. *Can Simple Mechanism Design Results be Used to Implement the Proportionality Standard in Discovery?* 172 **JOURNAL OF INSTITUTIONAL & THEORETICAL ECONOMICS** 200 (2016)
24. *Material Facts in the Debate over Twombly and Iqbal*, 68 **STANFORD LAW REVIEW** 369 (2016)
25. *When Do Covariates Matter? And Which Ones, and How Much?* 34 **JOURNAL OF LABOR ECONOMICS** 509 (2016)
26. *Uncontrolled Experiments From the Laboratories of Democracy: Traditional Cash Welfare, Federalism, and Welfare Reform*, **The Law and Economics of Federalism**, edited by Jonathan Klick, Edward Elgar Publishing Ltd. (2017)
27. *Can We Learn Anything About Pleading Changes from Existing Data?*, 44 **INTERNATIONAL REVIEW OF LAW & ECONOMICS** 72 (2015)
28. *Can the Dark Arts of the Dismal Science Shed Light on the Empirical Reality of Civil Procedure?* 2 **STANFORD JOURNAL OF COMPLEX LITIGATION** 223 (2014)
29. *Rethinking Summary Judgment Empirics: The Life of the Parties*, 162 **UNIVERSITY OF PENNSYLVANIA LAW REVIEW** 1663 (2014)
30. *Expert Mining and Required Disclosure*, 81 **UNIVERSITY OF CHICAGO LAW REVIEW** 131 (2014)
31. *Valid Inference in Single-Firm, Single-Event Studies*, 15 **AMERICAN LAW & ECONOMICS REVIEW** 495 (2013) (with Eric Helland and Jonathan Klick)
32. Note, *Locking the Doors to Discovery? Assessing the Effects of Twombly and Iqbal on Access to Discovery*, 121 **YALE LAW JOURNAL** 2270 (2012)
33. *Robust Inference with Multiway Clustering*, 29 **JOURNAL OF BUSINESS & ECONOMIC STATISTICS** 238 (2011) (with A. Colin Cameron and Douglas L. Miller)
34. *Passive Discrimination: When Does It Make Sense to Pay Too Little?* 76 **UNIVERSITY OF CHICAGO LAW REVIEW** 797 (2009) (with Jonathan Klick and Lesley Wexler)
35. *Bootstrap-Based Improvements for Inference with Clustered Errors*, 90 **REVIEW OF ECONOMICS & STATISTICS** 414 (2008) (with A. Colin Cameron and Douglas L. Miller)
36. *Distributional Impacts of the Self-Sufficiency Project*, 92 **JOURNAL OF PUBLIC ECONOMICS** 748 (2008) (with Marianne Bitler and Hilary Hoynes)
37. *Welfare Reform and Children's Living Arrangements*, 41 **JOURNAL OF HUMAN RESOURCES** 1 (2006) (with Marianne Bitler and Hilary Hoynes)
38. *What mean impacts miss: Distributional effects of welfare reform experiments*, 96 **AMERICAN ECONOMIC REVIEW** 988 (2006) (with Marianne Bitler and Hilary Hoynes)
39. *Are Less-Educated Women Crowding Less-Educated Men Out of the Labor Market?* in **BLACK MALES LEFT BEHIND**, 87 (Ronald B. Mincy, ed., 2006) (with Rebecca Blank)
40. *Welfare Reform and Health*, 40 **JOURNAL OF HUMAN RESOURCES** 309 (2005) (with Marianne Bitler and Hilary Hoynes)
41. *Migration, the Life Cycle, and State Benefits: How Low Is the Bottom?*, 112 **JOURNAL OF POLITICAL ECONOMY** 1091 (2004)
42. *The Impact of Welfare Reform on Marriage and Divorce*, 41 **DEMOGRAPHY** 213 (2004) (with Marianne Bitler, Hilary Hoynes, and Madeline Zavodny)

43. *Some Evidence on Race, Welfare Reform, and Household Income*, 93 **AMERICAN ECONOMIC REVIEW, PAPERS AND PROCEEDINGS OF THE ONE HUNDRED FIFTEENTH ANNUAL MEETING OF THE AMERICAN ECONOMIC ASSOCIATION, WASHINGTON, DC** 293 (2003) (with Marianne Bitler and Hilary Hoynes)
44. *Public Schooling for Young Children and Maternal Labor Supply*, 92 **AMERICAN ECONOMIC REVIEW** 307 (2002)
45. *Is More for the Poor Less for the Poor? The Politics of Means-Tested Targeting*, 2 **TOPICS IN ECONOMIC ANALYSIS & POLICY** (2002) (with Lant Pritchett)
46. *Indicator Targeting in a Political Economy: Leakier Can Be Better*, 4 **JOURNAL OF POLICY REFORM** 113 (with Lant Pritchett)

BOOK REVIEWS AND OTHER COMMENTS

1. *Comment* to Chapter 3, "Improving the Use of Demonstrations," by Robert R. Weathers II and Austin Nichols, in **LESSONS FROM SSA DEMONSTRATIONS FOR DISABILITY POLICY AND FUTURE RESEARCH**, Austin Nichols, Jeffrey Hemmeter, and Debra Goetz Engler, eds. (2021).
2. *Maybe there Is No Bias in the Selection of Disputes for Litigation: Comment*, 174 **JOURNAL OF INSTITUTIONAL & THEORETICAL ECONOMICS** 171 (2018)
3. *Debunking the Myth of the Copyright Troll Apocalypse*, 101 **IOWA LAW REVIEW BULLETIN** 43 (2016) (with Shyamkrishna Balganesh)
4. *The Sheriff of Nottingham Hypothesis: A Tribute to Theodore Eisenberg: Comment*, 171 **JOURNAL OF INSTITUTIONAL & THEORETICAL ECONOMICS** 141 (2015)
5. *Welfare Reform: Effects of a Decade of Change*, 44 **JOURNAL OF ECONOMIC LITERATURE** 1056 (2006)

LITIGATION WRITINGS

LEAD AMICUS CURIAE/PRINCIPAL AUTHOR

Brief for *Amicus Curiae* Jonah B. Gelbach in Support of Plaintiffs-Appellants, *In Re: Lipitor (Atorvastatin calcium) Marketing, Sales Practices and Products Liability Litigation*, Nos. 17-1140(L), 17-1136, 17-1137, 17-1189 (CA4, April 28, 2017)

Brief of *Amici Curiae* Civil Procedure Professors in Support of Respondents, *Tyson Foods, Inc. v. Bouaphakeo*, No. 14-1446 (U.S. Sept. 29, 2015), 2015 WL 5719742

SIGNATORY TO AMICUS BRIEFS

Motion for Leave to File and Brief of *Amici Curiae* Professors of Civil Procedure in Support of Petitioners, *Morrissey v. Mayorkas*, No. 22-235 (U.S., October 13, 2022)

Brief *Amicus Curiae* of Professors of Civil Procedure in Support of Appellant Paul S. Morrissey and Reversal, *Morrissey v. Mayorkas*, No. 20-5024 (CADCA, May 22, 2020)

Brief of 44 Election Law, Scientific Evidence, and Empirical Legal Scholars as *Amici Curiae* in support of Appellees, No. 16-1161 (U.S., September 1, 2017), 2017 WL 3948430

Brief for Civil Procedure and Securities Law Professors as *Amici Curiae* in Support of Petitioner, *California Public Employees' Retirement System v. ANZ Securities, Inc., et al.*, No. 16-373 (U.S., March 6, 2017), 2017 WL 929693

Brief for Civil Procedure and Securities Law Professors as *Amici Curiae* in Support of Petition for a Writ of Certiorari, *DeKalb County Pension Fund v. Transocean Ltd., Robert L. Long, Jon A. Marshall, and Transocean Inc.*, No. 16-206 (U.S., September 14, 2016)

Brief of *Amici Curiae* Civil Procedure Scholars in Support of Petitioner on Petition for a Writ of Certiorari, *Kosilek v. O'Brien*, No. 14-1120 (U.S., April 15, 2015), 2015 WL 1776459

Brief of Civil Procedure and Securities Law Professors as *Amici Curiae* in Support of Petitioner, *Public Employees' Ret. Sys. of Mississippi v. IndyMac MBS, Inc., et al.*, No. 13-640 (U.S., May 28, 2014), 2014 WL 2361893

GOVERNMENT CONSULTING

SOCIAL SECURITY ADMINISTRATION

Member, Technical Expert Panel for the Claimant Representative Demonstration (April 2019)

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

A Study of Social Security Litigation in the Federal Courts, Final Report (July 28, 2016) (with David Marcus) (led to formal ACUS recommendation to the Judicial Conference of the United States to develop special procedural rules for review of final administrative decisions taken pursuant to 42 U.S.C. § 405(g)), available at <https://www.acus.gov/report/report-study-social-security-litigation-federal-courts>

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Provided pro bono consulting services to the District Court's Jury Committee for purposes of improving the racial representativeness of the qualified jury wheel (2016-2019)

PRIVATE CONSULTING

Consultant to Arnold Ventures related to criminal justice research, September-December, 2023.

[Racial Justice Act challenge to a California defendant's death penalty sentence]: Currently providing pro bono advice on statutory interpretation and statistical issues.

In re Alphabet, Inc. Securities Litigation, No. 4:18-cv-06245-JSW (N.D.C.A.): Expert witness for Lead Plaintiff State of Rhode Island, Office of the Rhode Island Treasurer on behalf of the Employees' Retirement System of Rhode Island.

Publicly filed reports:

- Rebuttal Expert Report of Professor Jonah B. Gelbach, August 14, 2023, Exhibit 1 to Declaration of Jason A. Forge in Support of Reply in Support of Lead Plaintiff's Motion to Certify Class, Appoint Class Counsel, and Appoint Class Counsel, ECF 199, No. 3:18-cv-06245-TLT (N.D. Cal. August 14, 2023)
- Rebuttal Expert Report of Professor Jonah B. Gelbach, October 6, 2022, Exhibit C to Reply in Support of Lead Plaintiff's Motion to Certify Class, Appoint Class Representative, and Appoint Class Counsel, ECF 145-2, No. 4:18-cv-06245-JSW (N.D. Cal. October 6, 2022)

Tavres v. Barnes & Noble, Inc., No. 3:19-cv-07655 (N.D.CA.): Served as expert witness for statistical analysis on behalf of plaintiff. Deposed in April 2021.

[Global Trade Secrets Misappropriation Litigation]: Provided advice on legal arguments and analysis.

ATA Airlines, Inc., v. Federal Express Corporation

Provided economic and statistical advice to Haynes and Boone LLP (petitioner's counsel) for preparation of petition for rehearing *en banc* by the United States Court of Appeals for the Seventh Circuit. The petition appealed a three-judge panel's reversal of the \$66 million damage award petitioner won at a jury trial (2012).

Baker McKenzie: Provided event study analysis related to a U.S. pharmaceutical firm (2012).

International Center for Law & Economics:

Provided survey of statistical research on sugar-sweetened beverages (2010).

COURSES TAUGHT

UNIVERSITY OF CALIFORNIA AT BERKELEY SCHOOL OF LAW (2019-present)

Doctrinal classes: Civil Procedure; Legislation & Statutory Interpretation; Evidence

Seminar/workshop: Public Access to Court Electronic Records; Law, Economics & Business Workshop;
Statutory Interpretation Theory; Civil Procedure Stories; Interpretation in
Constitutional and Statutory Law

NYU LAW (2021-2022)

Doctrinal class: Procedure (Fall 2021)

Seminar: Statutory Interpretation (Spring 2022)

UNIVERSITY OF PENNSYLVANIA LAW SCHOOL (2013-2019)

Doctrinal classes: Civil Procedure; Legislation; Evidence

Seminars: Theories of Statutory Interpretation; Advanced Topics in Procedure and Litigation;
Law, Economics & Psychology; Statutory Interpretation and Legislation; Public Law

UNIVERSITY OF PENNSYLVANIA FELS INSTITUTE OF GOVERNMENT (2018)

Executive MPA: Economic Principles of Public Policy

UNIVERSITY OF ARIZONA (2007-2010)

Doctoral: Linear Econometrics, Nonlinear Econometrics

Undergraduate: Law & Economics; Individuals & Society (basic microeconomics)

Executive MBA: Selected lectures in Strategy courses

FLORIDA STATE UNIVERSITY COLLEGE OF LAW (2006-2007)

Law and Statistics; Law and Economics; Social Insurance;

Writing Workshop in Empirical Law and Economics

UNIVERSITY OF MARYLAND (1998-2006)

Doctoral: Empirical Microeconomics; Public Economics (both tax and social
insurance programs)

Undergraduate: Introductory Microeconomics; Economics of the Gambling Industry

REFEREEING AND PEER REVIEW SERVICE (SELECTED JOURNALS)

American Economic Journal: Applied Economics

American Economic Journal: Economic Policy

American Economic Review

American Journal of Political Science

American Law and Economics Review

Demography

Harvard Law Review

Journal of the American Statistical Association

Journal of Econometrics

Journal of Law and Economics

Journal of Law, Economics and Organization

Journal of Legal Studies

Journal of Political Economy

Quarterly Journal of Economics

Review of Economic Studies

Review of Economics and Statistics

Science

Stanford Law Review

University of Pennsylvania Law Review

Yale Law Journal