

**Emerson H. Tiller**  
Northwestern University School of Law  
357 East Chicago Avenue  
Chicago, Illinois 60611  
Phone: (312) 503-4772; Fax: (312) 503-5950  
Email: tiller@law.northwestern.edu

## ACADEMIC POSITIONS

Fall 2003 - Present    **Northwestern University School of Law**  
Stanford Clinton Sr. Research Professor of Law  
Professor of Business Law (Kellogg School of Management) by courtesy

1994 - 2003            **University of Texas at Austin, School of Business**  
Founder and Director, Center for Business, Technology & Law (1999-2003)  
Associate Professor of Business, Technology and the Law (1999-2003)  
Assistant Professor of Business, Politics and the Law (1994 -99)

## VISTING ACADEMIC POSTITIONS

Spring 2002            **University of California (Berkeley)**  
**Walter A. Haas School of Business**  
Visiting Professor of Business

Spring 1999            **University of Pennsylvania School of Law**  
Visiting Assistant Professor of Law (Administrative Law/Law and Politics)

1997 - 1998            **Yale Law School**  
John M. Olin Faculty Fellow in Law and Economics

## EDUCATION

1989 - 1994            **University of California (Berkeley)**  
Ph.D. (Business)

1984 - 1987            **Indiana University School of Law (Bloomington)**  
J.D. (honors)

1981 - 1984            **Wabash College and Indiana University**  
B.A. from Indiana University (Math, highest distinction)

## PUBLICATIONS

Reviewing the Sentencing Guidelines: Judicial Politics, Empirical Evidence, and Reform, 75  
*University of Chicago Law Review* (with M. Schanzenbach) (forthcoming, 2008).

Modeling Agency/Court Interaction, *Harvard Law Review Forum* (with F. Cross) (forthcoming, 2007).

Legal Doctrine and Political Control, 23(2) *Journal of Law, Economics & Organization* 1-20 (2007) (with T. Jacobi).

Understanding Collegiality on the Court, *University of Pennsylvania Journal of Constitutional Law* (2007) (with F. Cross).

Strategic Judging Under the United States Sentencing Guidelines: Positive Political Theory and Evidence," 23(1) *Journal of Law, Economics & Organization* 24-56 (2007) (with M. Schanzenbach).

What is Legal Doctrine?, 100 *Northwestern Law Review* 517 (2006) (with F. Cross).

The Business Method Patent Myth, 18 *Berkeley Technology Law Journal* 987-1084 (Fall 2003) (with J. Allison).

Regulation and the Internet: Public Choice Insights, 46 *California Management Review* 72-85 (Fall 2003) (with S. Jarvenpaa and R. Simons).

An Empirical Analysis of Internet Business Method Patents, in *Patents in the Knowledge-Based Economy*, eds. W. Cohen and S. Merrill, The National Academies Press (2003) (with J. Allison).

Internet Business Method Patents" *Texas Business Review* 1-5 (October 2002) (with J. Allison).

Resource Based Strategies in Administrative Law: Cost-Benefit Analysis and the Like, 150 *University of Pennsylvania Law Review* 1453 (May 2002).

The Strategy of Judging: Evidence From Administrative Law, 31 *Journal of Legal Studies* 61 (January 2002) (with J. Smith).

The Structure and Conduct of Corporate Lobbying: How Firms Lobby the Federal Communications Commission, 10 *Journal of Economics and Management Strategy* 91 (2001) (with J. de Figueiredo).

Location, Location, Location in Cyberspace: ICANN and the Domain Name System, *Texas Business Review* 1-5 (June 2001).

Trust in Virtual Environments, 81 *Boston University Law Review* 665 (2001) (with S. Jarvenpaa).

The Global Network Organization of the Future, Information Technology and the Future Enterprise, eds. G. Dickson and G. DeSantis, Prentice Hall (2001) (with S. Jarvenpaa and L. Kirsch)

Congress and the Political Expansion of the Federal District Courts, 2 *American Law and Economics Review* 107 (2000) (J. de Figueiredo, G. Gryski, and G. Zuk).

The Three Faces of Federalism, 73(4) *Southern California Law Review* 741-772 (2000) (with F. Cross).

Integrating Market, Technology, and Policy Opportunities in E-Commerce Strategy, 8 *Journal of Strategic Information Systems* 235-249 (2000) (with S. Jarvenpaa).

ICANN's Uniform Domain Name Dispute Resolution Policy: An Overview and Critique, 1 *Internet Law & Business* 589 (2000).

Strategic Instruments: Legal Structure and Political Games in Administrative Law, 15 *Journal of Law, Economics, & Organization* 349 (June 1999) (with P. Spiller).

A Modest Proposal for Improving American Justice, 99 *Columbia Law Review* 215-234 (January 1999) (with F. Cross).

A Modest Reply to Judge Wald, 99 *Columbia Law Review* 262-269 (January 1999) (with F. Cross).

Judicial Partisanship and Obedience to Legal Doctrine: Whistleblowing on the Federal Courts of Appeal, 107 *Yale Law Journal* 2155-2176 (May 1998) (with F. Cross).

Controlling Policy by Controlling Process: Judicial Influence on Regulatory Decision Making, 14 *Journal of Law, Economics, & Organization* 114-135 (April 1998).  
Decision Costs and the Strategic Design of Administrative and Judicial Process, 26 *Journal of Legal Studies* 347-370 (June 1997) (with P. Spiller).  
Congressional Control of the Courts: Analysis of Expansion of the Federal Judiciary, 39(2) *Journal of Law & Economics* 435-462 (October 1996) (with J. de Figueiredo).  
Invitations to Override: Congressional Reversals of Supreme Court Decisions, 16 *International Review of Law and Economics* 503-521 (December 1996) (with P. Spiller).  
Putting Politics into the Positive Theory of Federalism: A Comment on Bednar and Eskridge, 68 *Southern California Law Review* 1493-1502 (Winter 1995).

## **RESEARCH AND TEACHING INTERESTS**

*Administrative Law, Contracts, Positive Political Theory, Judicial Politics, Law and Economics, Intellectual Property, Business Political Strategy*

## **ADMINISTRATIVE EXPERIENCE**

Finalist, Dean Search, University of Southern California (2007).  
Chair, Lateral Appointments Committee, Northwestern University School of Law (2004-2006, member, 2003-2004). Responsible for recruitment of lateral faculty.  
Chair, Promotion and Tenure Committee, Northwestern University School of Law (2004-2006). Responsible for overseeing all promotions to associate professor, and tenure decisions.  
Founder and Director, Center for Business, Technology and Law, University of Texas School of Business (1999-2003). Responsible for fundraising, grant writing, and development of Internet-related research activities.  
Conference Organizer, Northwestern Faculty Research Conference – Legal Doctrine and Political Control (2006).  
Conference Organizer, Business and Nonmarket Strategy (Berkeley, 1998).

## **EXECUTIVE EDUCATION**

Faculty, Northwestern Executive LLM in Europe (Spain) Program -- Contracts (September, 2006)  
Faculty, Kellogg-Law School IRI Program -- Contracts (October 2005, October 2006)  
Faculty, Northwestern LLM in Korea Program – Contracts (April 2005)  
Faculty, Kellogg School of Management, Center for Nonprofit Management (March, 2004, 2005) – Intellectual Property Issues for Nonprofit Organizations  
Faculty, IC<sup>2</sup>, Executive Masters Program in Commercialization of Technology (2002-2003) -- Trademark Branding, Cyberlaw, Intellectual Property Strategies.  
Faculty, UT-Instituto Tecnológico y de Estudios Superiores de Monterrey, Executive MBA Program (Mexico, 1998-2001) – International Law (US-Mexico comparative contracting, torts, and employment laws).  
Faculty, UT-Texas Instruments Executive MBA Program (1999, 2001) – Intellectual Property Strategies.

## FELLOWSHIPS, GRANTS AND AWARDS

- Searle Foundation Research Award (2005-06)
- Dean's Teaching Award (student evaluations) (2004-05)
- Searle Foundation Research Award (2004-05)
- Fellowship, Center for Law, Economics, and Organization, U. Southern California, July, 2002.
- Grant, National Academies of Science, Grant on Internet Business Method Patents, 2000-2001.
- IBM Faculty Partnership Award, 2000-2001.
- Grant, IBM Institute of Knowledge Management Grant, 1999.
- Grant, Society of Information Management Research, 1999.
- Grant, Andersen Consulting Research Grant on Global E-Commerce, 1999.
- Junior Faculty Research Award, University of Texas Graduate School of Business, 1998-1999.
- Grant, Bradley Foundation Conference, August 1998.
- Dean's Fellow, University of Texas at Austin, School of Business, (semester leave) 1997-98.
- Grant, John M. Olin Summer Research Grant, Boalt Hall School of Law, University of California, Berkeley, August 1997.
- Junior Faculty Summer Research Assignment, University of Texas at Austin (university-wide competition for summer support), 1997.
- Fellowship, John M. Olin Student Fellowship in Law and Economics, UC Berkeley, 1991-93.
- Fellowship, Bradley Foundation, University of California, Berkeley, 1989-90.
- American Jurisprudence Prize Award in Legal Ethics, Indiana University, 1987.

## INVITED TALKS

- University of Florida School of Law, "Internet Patents, Policy and Politics" (January 2007)
- Washington University (St. Louis) School of Law, "Private Securities Litigation and the Courts: Positive Political Theory and Evidence" (March 2006)
- University of Virginia School of Law, "Strategic Judging Under the United States Sentencing Guidelines: Positive Political Theory and Evidence" (September 2005)
- UCLA School of Law, "Strategic Judging Under the United States Sentencing Guidelines: Positive Political Theory and Evidence" (September 2005)
- Washington University (St. Louis) School of Law, "Instrument Choice Theory and Criminal Sentencing" (September 27, 2004)
- University of California, Berkeley, Haas School of Business, *Institutional Analysis Workshop*, "A Positive Political Theory of Criminal Sentencing" (April 15, 2004)
- University of Texas Law School, Colloquium "Internet Patents, Policy and Politics" (March 2003)
- University of Chicago Law School, *Law and Economics Workshop*, "Internet Patents, Policy and Politics" (November 2002).
- Northwestern University School of Law, *Law School Faculty Workshop*, "Internet Patents, Policy and Politics" (November 2002).

- University of Southern California Law Center, *Law, Economics and Organization Workshop*, “Internet Patents, Policy and Politics” (July 2002)
- University of California, Berkeley, Haas School of Business, *Institutional Analysis Workshop*, “The Value and Legitimacy of Internet Business Method Patents” (March 2002).
- Ohio State Law School, “The Strategy of Judging,” (December 2001).
- Northwestern University School of Law, *Law School Faculty Workshop*, “The Strategy of Judging,” (November 2001).
- University of Pennsylvania Law School, American Judicature Society and Brennan Justice Center (NYU Law School), “A Managerial Theory of Law” (April 2001)
- Stanford Law School and Electronic Freedom Foundation, ICANN Candidate Debate (final 3 member-nominated candidates), Webcasted internationally (October 5, 2000).
- Harvard Law School, ICANN Candidate Debate (final 7 candidates), Webcasted internationally (October 2, 2000).
- Wharton School of Business, “Closed Competition Systems in Digital Business,” (October 2000)
- University of California Los Angeles (Anderson) and University of Washington School of Business, “Regulation and Strategy in the Global Network Economy: National Competitiveness and New Entrant Power” (May 2000).
- Nanyang Technological University Business School (Singapore), “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (March 2000).
- Hong Kong University of Science and Technology, “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (March 2000)
- University of California, San Diego, “The Strategy of Judging: Evidence From Administrative Law (February 2000)
- Keio Business School (Tokyo, Japan), “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (February 2000).
- Harvard Law School, “The Strategy of Judging” (November 1999).
- Montana State University, Department of Economics, *The Strategy of Judging: Evidence From Administrative Law* (July 1999).
- University of Pennsylvania School of Law, "A Modest Proposal for Improving American Justice" (March 1999).
- University of Chicago School of Law, "The Politics of Administrative Law" (January 1999).
- Harvard Law School, "The Politics of Administrative Law" (December 1998).
- State University of New York (Stony Brook), Political Science Department, “The Strategy of Judging: Evidence From Administrative Law” (April 1998).
- Harvard University, *Colloquium on Positive Political Economy*, "Regulation and Judicial Strategy" (March 1998).
- Yale Law School, *Law, Economics and Organization Seminar*, "The Strategy and Structure of Administrative Law" (February 1998).
- New York University School of Law, *Colloquium on Law, Economics and Politics*, "The Strategy and Structure of Administrative Law" (December 1997).
- Emory University, *Conference on the Scientific Study of Judicial Politics*, “Judicial Partisanship and Obedience to Legal Doctrine” (November 1997).
- California Institute of Technology, “The Strategy of Judging: Evidence From Administrative Law” (February 1997).

- University of Southern California Law Center, *The Olin Lecture Series*, “The Strategy of Judging” (February 1997).
- University of Texas School of Law, “Legal Doctrine as Political Heuristic” (April 1996).
- Stanford University, *Hoover Colloquium on Collective Choice*, “Congressional Control of the Courts” (November 1995).
- University of Southern California Law Center, *Symposium on Law and Positive Political Theory*, “Putting Politics into the Positive Theory of Federalism” (May 1995).
- University of California, Berkeley, Boalt Hall School of Law, *Law and Economics Seminar*, “Strategic Instruments” (April 1995).
- University of California, Berkeley, Haas School of Business, *Workshop on Institutional Analysis*, “Congressional Control of the Courts” (February 1995).
- University of Michigan School of Business, “The Strategy and Structure of Administrative Law” (February 1994).
- Rice University Graduate School of Business, “The Strategy and Structure of Administrative Law” (February 1994).
- University of Wisconsin School of Law, “The Strategy and Structure of Administrative Law” (January 1994).
- Washington University (St. Louis), “The Strategy and Structure of Administrative Law” (November 1993).
- University of California, Davis, “The Strategy and Structure of Administrative Law” (November 1993).
- Northwestern University, Kellogg School of Management, “The Twisted Path of Oil Pipeline Regulation” (February 1993).
- State University of New York (Stony Brook), “Invitations to Override: Congressional Reversals of Supreme Court Decisions” (November 1992).

#### **Presentations at Professional and Annual Association Meetings**

- Empirical Legal Studies Conference, University of Texas (2006)
- Association of American Law Schools, Joint Program of Sections on Administrative Law and Legislation (2004)
- INFORMS 2000, “A Positive Political Theory of ICANN: The Battle Over Domain Names” (November 2000).
- INFORMS 2000, “Controlled Competition Systems in Digital Business” (November 2000).
- Society for Information Management, “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities,” Chicago, IL (September 1999).
- American Law and Economics Association, “The Politics of Administrative Law,” Berkeley, CA (Annual meetings, May 1998).
- American Law and Economics Association, “The Strategy of Judging,” Toronto (Annual meetings, May 1997).
- Midwest Political Science Association, “Decision Costs and the Strategic Design of Administrative Process and Judicial Review,” Chicago, IL (Annual meetings, April 1997).
- American Political Science Association, “Decision Costs and the Strategic Design of Administrative and Judicial Process,” San Francisco, CA (Annual meetings, August 1996).
- Public Choice Society, “Business Political Strategy,” Houston, TX (Annual meetings, March 1996).

- American Political Science Association, “Strategic Instruments,” Chicago, IL (Annual meetings, September 1995).
- Western Economic Association, “Strategic Instruments,” San Diego, CA (Annual meetings, July 1995).
- Public Choice Society, “Congressional Control of the Courts,” Long Beach, CA (Annual meetings, March 1995).
- Midwest Political Science Association, “Congressional Control of the Courts,” Chicago, IL (Annual meetings, April 1995).

## PROFESSIONAL ACTIVITIES

### *Editorships and Occasional Reviewer* (various dates)

Editor, *Business and Politics*, Carfax Publishers (Academic)

Reviewer, *National Science Foundation, Law and Society Program (NSF)*

Reviewer, *Journal of Legal Studies (JLS)*

Reviewer, *Journal of Law, Economics & Organization (JLEO)*

Reviewer, *International Review of Law and Economics (IRLE)*

Reviewer, *American Political Science Review (APSR)*

Reviewer, *American Journal of Political Science (AJPS)*

Reviewer, *Political Research Quarterly (PRQ)*

Reviewer, *Management Science (MS)*

Reviewer, *California Management Review (CMR)*

Reviewer, *Journal of Economic Behavior and Organization (JEBO)*

Reviewer, *Journal of Industrial and Corporate Change (ICC)*

Reviewer, *Contemporary Economic Policy (CEP)*

Reviewer, *Journal of Strategic Information Systems (JSIS)*

Reviewer, *Journal of Information Technology Theory and Application (JITTA)*

### *Professional Society Memberships* (various dates)

American Law and Economics Association, American Political Science Association,  
Academy of Management, INFORMS

## OTHER

Editor, *Internet Law and Business* (practitioner reporter published by Computer Law Reporter, Washington, D.C.) (1999-present).

Law Practice, Bingham, Summers, Welsh, and Spilman (Indianapolis, Indiana) and Tiller and Associates (Merrillville, Indiana) (1987-89).