

## Dane R. Thorley

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<http://www.danethorley.com>

RESEARCH INTERESTS      Empirical legal studies, field experimentation, causal inference,  
law and policy, contracts, court procedure, judicial behavior

EDUCATION      **Yale Law School**, New Haven, CT

J.D. Candidate, expected 2017

**Columbia University**, New York, NY

Ph.D. Candidate, Political Science, expected 2018

*Major:* American Politics

*Minor:* Law

M.Phil., Political Science, expected 2016

M.A., Political Science, 2015

**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 AND AWARDS

*General*

Theodore Eisenberg Prize, 2015 Conference on Empirical Legal Studies

*Columbia Law School*

Warner W. Gardner Research Fellowship, 2013

Harlan Fisk Stone Scholar, 2012-2013

Lawrence A. Wien Fellowship in Corporate Social Responsibility, 2012-2017

*Columbia University*

Teaching Fellowship, 2014-2019

Dean's Fellowship, 2013-2014

*Brigham Young University*

Dean's List Scholar, 2009-2012

Korean FLAS Fellowship, 2011

Asian and Near Eastern Studies Research Grant, 2011

PUBLICATIONS

1. "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.

2. “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

1. “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 preliminary 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 has a moderate, albeit non-statistically significant, effect on recusals but leads to a 22 percentage point increase in the likelihood that a judge will disclose the donation on the court record. This study provides novel insight into the impartiality of the judicial system and the sensitivity of elected judges to appearance of conflict-of-interest.

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

Abstract: This article adds 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 article 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 60 state-level criminal courts, outlining their assignment protocols, and identifying the extent to which they feature the “de-randomizing” events mentioned above.

3. “Experiments, Courts, and the Legal Process: The Legal Implications of Running Randomized 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.

#### EARLY-STAGE PROJECTS

1. Contract Rescission Clause Experiment

I have partnered with a Houston-based pest control company, to test the impact of including a three-day cancellation period in their door-to-door sales pitch. Law and economics literature suggests that these cancellation periods will act as a signal of legitimacy to the potential buyers, thereby increasing total sales. However, this hypothesis has never been empirically tested in a natural setting.

2. Parole Hearing Assistance Experiment (with Jacob Kopas)

We have partnered with the Parole Prep Project, a small non-profit organization working in New York, to evaluate the impact of offering legal assistance to inmates who are up for parole in the New York State Department of Corrections. Unlike many other states, New York does not recognize a right to legal representation during parole hearings. Inmates who have applied for assistance from the Parole Prep Project will be randomly assigned to work with volunteer attorneys to organize their petition and draft their arguments. We will use the experimental results to measure the impact of the advice and advocacy provided by the individual attorneys.

3. Judicial Recusal Project Replication (with Donald P. Green, Jonathon S. Krasno, Costas Panagopoulos, and Michael Schwam-Baird)

We are replicating our recent study, Please Recuse Yourself (see working papers), in additional venues and are including additional treatment arms that will test the effect of social pressure, legal and moral arguments, and upcoming judicial elections.

#### PRESENTATIONS

1. “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)

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

2. "Randomness *Pre*-Considered: Recognizing and Accounting for "De-Randomizing" Events When Utilizing Random Judicial Assignment"

Western Empirical Legal Studies Conference, March 12, 2016

Conference on Empirical Legal Studies, October 30, 2015

3. "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

4. "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

RESEARCH  
EXPERIENCE

**Columbia University, Political Science** April 2013 - present

*Research Assistant for Donald P. Green*

Designing and analyzing field experiments and experimental methods.

**Columbia Law School**

*Research Assistant for Robert Scott*

April 2014 - July 2015

Provided empirical analysis on contractual theories of third-party beneficiary relationships.

*Research Assistant for Benjamin Liebman*

April 2013 - July 2015

Researched US and Chinese court transparency; Researched future of legal education, transparency in authoritarian regimes, and Chinese law.

*Research Assistant for Katharina Pistor*

April 2013 - April 2014

Researched water rights and non-traditional property law regimes in India and East Africa.

**Brigham Young University Law School** December 2010 - April 2012

*Research Assistant for Shima Baradaran, Daniel Nielson and Mike Findley*

Designed and implemented randomized field experiment on international incorporation law; Created and implemented supplementary survey. analyzed data.

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)

*Organizer*

Winter 2014

Law and Policy Workshop

*Teaching Fellow*

Winter 2014

Introduction to American Politics (Justin Phillips)

**Columbia Law School**

Winter 2013; Winter 2014

*Teaching Assistant*

Torts (Benjamin Liebman)

**Brigham Young University**

Spring 2011

*Teaching Assistant*

Political Inquiry (Daniel Nielson)

**Brigham Young University**

Winter 2010

*Teaching Assistant*

	Political Inquiry (Scott Cooper) <b>Language Training Center, Provo, UT</b> <i>Korean Language Instructor</i>	April 2009 - April 2010
WORK EXPERIENCE	<b>Yale Law and Policy Review</b> <i>Submissions Editor</i> (Vol. 35) and <i>Lead Editor</i> (Vol. 34) <b>Brigham Young University Pre-Law Review</b> <i>Editor-in-Chief</i> Organized and published 2011 <i>Review</i> . Selected and reviewed all articles. Prepared lectures and instructed students on legal research and writing skills, including Bluebook citation rules. <i>Managing Editor</i> Edited and supervised half of the articles in the 2010 <i>Review</i> .	January 2016 - Current April 2010 - April 2012
	<b>Political Economy and Development Lab, Uganda</b> <i>Team Leader</i> Led a research team of 15. Met with local and international organizations, including UNICEF. Designed and conducted field experiments in political economy and development. Evaluated data and helped write academic articles.	June 2011 - August 2011
	<b>Saejowi-TOOK, Seoul, South Korea</b> <i>Research and Translation Intern</i> 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.	April 2011 - June 2011
	<b>Rosenau &amp; Rosenau Law Firm, Washington, D.C.</b> <i>Legal Intern</i> Performed legal research on cases involving legal guardianships. Drafted legal documents. Met with clients. Participated in courtroom proceedings.	April 2010 - August 2010
MEMBERSHIP	Society of Empirical Legal Studies (since 2013) American Political Science Association (since 2013) American Law and Economics Association (since 2014)	
SKILLS	<b>Languages:</b> Korean (advanced) <b>Software:</b> R, L <sup>A</sup> T <sub>E</sub> X, Stata, Stan <b>Methods:</b> Quantitative methods, randomized experiments, Bayesian, causal inference	