

PROMOTION RECOMMENDATION
The University of Michigan
Law School

Approved by the Regents
May 15, 2008

Jill R. Horwitz, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic degrees:

Ph.D.	2002	Harvard University, Program in Health Policy
J.D.	1997	Harvard Law School, <i>magna cum laude</i>
M.P.P.	1994	Harvard University, Kennedy School of Government
B.A.	1988	Northwestern University, with honors in History

Professional Record:

2003-	Assistant Professor of Law, Law School
2005-	Faculty Research Fellow, National Bureau of Economic Research
2002-03	Post-doctoral Fellow, National Bureau of Economic Research
1997-98	Law Clerk, Judge Norman Stahl, U.S. Court of Appeals, First Circuit

Summary of Evaluation:

Teaching – Professor Horwitz is a successful and hard-working teacher. Her teaching has been evaluated by CRLT course evaluations, class visits by Tenure Committee members, and interviews with former students. By all of these measures, Professor Horwitz is very clear and engaging in the classroom, with an excellent command of her subject matter. Nearly all the students interviewed placed her in the upper half of law school teachers; a significant number ranked her among the best teachers they have had here. Several students expressed particular appreciation for her accessibility to students outside class and her interest in mentoring their professional development.

Research – Professor Horwitz has already established herself as a leading health policy and empirical researcher, earning national recognition for her empirical work on the behavior of nonprofit hospitals. In the past five years, she has published numerous articles on these issues, all of which show her to be a highly productive scholar. Her most significant scholarly work is embodied in five substantial articles, listed below. In three of the articles, published in different venues, Professor Horwitz contributes an important rejoinder to the widely-held view that nonprofit hospitals are nearly indistinguishable from “for profits,” and thus perhaps undeserving of their current special tax treatment and other legal advantages. She meticulously and thoroughly demonstrates that nonprofit hospitals supply characteristically different, less profitable health care services, compared with those supplied by for-profit hospitals. In a fourth article, Professor Horwitz explores the extent to which nonprofit hospital services are affected by for-profit concentration in the relevant market, adding significantly to the literature on nonprofit organizational behavior. A fifth article examines volunteering rates and the extent to which they are affected by the presence of volunteer tort immunity laws. She concludes, with significant implications both for volunteering and for the theory of tort law, that volunteer immunity laws are correlated with significantly higher volunteering rates. These significant articles and other works have already established Professor Horwitz’s reputation as a leading scholar in the field of health law; they also show her to be a remarkably thorough empirical researcher who leaves no stone unturned in analyzing her subjects.

Recent and Significant Publications –

“What Do Nonprofits Maximize? Nonprofit Hospital Service Provision and Market Ownership Mix,” (under submission 2008) (with Austin Nichols).

“Letting Good Deeds Go Unpunished: Volunteer Immunity Laws and Individual Tort Deterrence,” (under review 2008) (with Joseph Mead).

“Does Corporate Ownership Matter? Service Provision in the Hospital Industry,” *24 Yale Journal on Regulation* 140 (2007).

“Making Profits and Providing Care: Comparing Nonprofit, For-Profit and Government Hospitals,” *24 Health Affairs* 790 (2005).

“Why We Need the Independent Sector: The Behavior, Law, and Ethics of Not-for-Profit Hospitals,” *50 U.C.L.A. Law Review* 1345 (2003).

Service – Professor Horwitz has made significant contributions to the Law School and to the broader community. She has performed important committee service, including on the Law School’s personnel committee, and is currently serving on the University Committee on the Economic Status of the Faculty. Outside the Law School, she serves as a referee for a number of important peer-reviewed journals in her fields, including *Health Affairs* and the *Journal of Health Economics*. She has testified before Congress, is a Faculty Research Fellow of the National Bureau of Economic Research, and serves as a member of the National Academy of Social Insurance.

External Reviewers:

Reviewer (A):

“[Horwitz’s scholarship is] first-rate work . . . [W]ork of this caliber would certainly earn her tenure at my home school . . . and would probably meet the standard at any U.S. law school.”

Reviewer (B):

“[U]ltimately, I think this is an easy case on the scholarship . . . and I am confident that Professor Horwitz’s scholarship would meet [my school]’s tenure standard. . . . [She] has the craft virtues of good scholarship, and every piece I read seemed to me to ‘be work of high quality. . . .’ Her contribution [through her work on hospitals] is both novel and important, for health policy and for the overall theory of the behavior of non-profit organizations.”

Reviewer (C):

“Overall, this is very good sociometric empirical work, especially at an early-career stage. Her strategy of focusing on hospitals’ mix of services is a smart one because this issue has been neglected by other analysts in recent decades, and comprehensive service is one of the core values of community-minded hospital management. Prof. Horwitz’s empirical analysis is thorough and her findings are convincing. Also, she does a good job articulating the potential public policy significance of these findings. . . . [She is an] excellent sociometrician and a good public policy analyst. . . .”

Reviewer (D):

“[*Good Deeds*] is a nicely done study of the empirical effects of volunteer tort immunity statutes. . . . The authors take a commendably nuanced approach to the interpretation of their results, avoiding overly strong conclusions and recognizing the variety of possible interpretations that might be offered.”

Reviewer (E):

“[A]lthough I have various substantive disagreements with Professor Horwitz, I think she is a gifted scholar, eminently deserving of tenure at the University of Michigan. . . . Taken collectively, these articles represent a very important contribution to the debate over the nonprofit form. [*Market Mix*] in particular casts new light on the competing theories of the production function of the nonprofit firm – a subject that has been argued about by economists and law professors for more than thirty years. It also demonstrates the increasing sophistication and depth of Professor Horwitz’s work over time. . . . When I compare the work to your tenure standards, there is no question that it is of ‘high quality’ and ‘it demonstrates the high intelligence, care and perception’ of someone who is already a major figure in the field of nonprofits. It also makes a major ‘contribution to legal scholarship’ because it both provides ‘fresh insights on a significant issue’ and produces ‘new and important data that will contribute to shaping the law.’”

Reviewer (F):

“Jill is and promises to continue to be a health law scholar. . . . Her training in both law and economics has enabled her to take a broad view of policy issues, while at the same time grounding her in the details of markets for health services. She is already expanding her research into new areas. [*Horwitz’s work is*] clearly outstanding [and] both academically influential and policy relevant. . . I expect she will continue to make important contributions and be an excellent colleague. I wholeheartedly recommend her for promotion”

Reviewer (G):

“She occupies a unique niche in the health policy field[;] there’s no one else who has the empirical and statistical knowledge combined with practical ‘gumshoe’ experience and legal skills in studying organizational form and health policy . . . her research sets very high standards for integrity, creativity and statistical validity. I also like the trend in her research productivity and her taste in topics – and so I expect continued high quality research to continue.”

Internal Review:

In keeping with the Law School’s tenure procedures, a Tenure Committee conducted a comprehensive review of Professor Horwitz’s performance. The Committee read all of Professor Horwitz’s publications, solicited and read inside and outside reviews, observed her classes, interviewed students, and prepared a recommendation for the Law School faculty. The Tenure Committee unanimously concluded that Professor Horwitz satisfies the requirements for tenure and promotion. In accordance with Law School procedure, the tenured faculty considered the Committee’s report and recommendation twice. At the second meeting, the tenured faculty voted unanimously to recommend Professor Horwitz for promotion to Professor of Law, with tenure.

Summary of Recommendation:

Professor Horwitz is a valuable teacher and an impressively productive and meticulous empirical researcher. She is already recognized as an important health law scholar and a leading scholar in her work on nonprofit hospitals. It is with the unanimous support of the Law School’s Tenure Committee and the tenured faculty that I recommend her for promotion to professor of law, with tenure, Law School.



Evan Caminker
Dean, Law School

May 2008