

PROMOTION RECOMMENDATION
The University of Michigan
Law School

James J. Prescott, assistant professor of law, Law School, is recommended for promotion to professor of law, with tenure, Law School.

Academic degrees

Ph.D.	2006	Massachusetts Institute of Technology (Economics)
J.D.	2002	Harvard Law School
B.A.	1996	Stanford University

Professional Record

2006-present	Assistant Professor of Law, Law School
2009	Visiting Lecturer, University of Tokyo Faculty of Law
2004-2006	Visiting Researcher, Georgetown University Law Center
2004-2006	Special Guest, Brookings Institution, Economic Studies Program
2005	Fellow in Law and Economics, University of Michigan Law School
2002-2003	Clerk, Hon. Merrick B. Garland, U.S. Court of Appeals (D.C. Circ.)

Summary of Evaluation

Teaching – Professor Prescott’s teaching record is strong. His teaching statement contains an honest self-assessment that very much squares with all other evidence as to his teaching; he describes the “hall mark of my teaching style.” “I am open, honest, and available at all times, whether to answer questions about a class or about life. Students quickly learn that they can find me at any time, and I often employ self-deprecating humor about my own experiences in law school to put them at ease.” Both his CRLT evaluations and interviews conducted with students showed that this approach reaped valuable dividends both in first-year and advanced classes: students felt comfortable with his teaching, and their comfort assisted their learning.

Research – Professor Prescott is, and promises to be, a respected voice in important law and economics research. The outside reviewers make clear that Professor Prescott is a rising star in law and economics. He has demonstrated intelligence, creativity, and meticulous attention to detail. He has also demonstrated high-level econometric skills, along with considerable imagination about how to apply those skills to data sets that present significant difficulties for identifying the effects of interest. And there is a very fruitful interaction between Professor Prescott’s econometric skills and his legal acuity; it is an unusual and potent combination. Moreover, he has greatly contributed to the intellectual life of the Law School in general and in specifically in law and economics – an area in which we have not been perceived as particularly strong by the broader legal academy.

Articles by Professor Prescott follow a common line: a problem of considerable significance to the legal academy is identified and fully described; then he addresses the problem by bringing to bear on it a body of empirical evidence that, in most instances, he has himself assembled. Only rarely is this evidence usable in its “raw” form; rather, it must be entered and then homogenized. A good example is Professor Prescott’s paper on *Apprendi v. New Jersey* (2000), a Supreme

Court decision that expanded rights to trial by jury regarding factual issues that cause the penalty for a crime to exceed a prescribed statutory maximum. Professor Prescott took on an important and difficult empirical question: Were criminal defendants, as a group, helped, hurt, or left unaffected by these changes? In the previous scholarly literature, hunches had gone in all three directions; but Professor Prescott was able to show that *Apprendi* reduced average sentence length by more than five percent, or approximately six months. This is a powerful insight into the practical effects of abstract legal decisions. His work in other areas, such as the effect of sex registration and notification laws on both potential and proven criminals, or the incentives that give rise to a decision by litigants to agree to pre-trial upper and lower limits on awards, similarly advances our understanding of important legal phenomenon.

Recent and Significant Publications

“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” *Journal of Law and Economics*, 53 (forthcoming 2011) (with Jonah Rockoff, Associate Professor, Columbia University School of Business).

“The Challenges of Calculating the Benefits of Providing Access to Legal Services,” *Fordham Urban Law Journal*, 37 (2010), 303–46.

“Settlement and Trial? A Study of High-Low Agreements,” (under review at *Journal of Law and Economics*) (with Kathryn E. Spier, Professor of Law, Harvard Law School and Albert H. Yoon, Associate Professor, University of Toronto Faculty of Law).

“Measuring the Consequences of Criminal Jury Trial Protections,” under review at *Journal of Legal Studies*.

Service – Professor Prescott superbly fills great institutional needs. Beyond diligent service within the Law School, he created the Student Research Roundtable, a group that helps law students develop the skills to become legal scholars. Outside the Law School, he is a member of Michigan’s Civil Liberties Board and a faculty affiliate at the Population Studies Center, where he has served on three Ph.D. committees. He is also a frequent presenter and commentator at important law and economics conferences, including the annual American Law and Economics Association and the Conference on Empirical Legal Studies. His high profile in the field is a benefit for Michigan.

External Reviewers:

Reviewer (A):

“Professor Prescott is considered one of the leading [junior] scholars pursuing a law and economics approach to the study of criminal law, procedure and sentencing. ... In sum, I conclude that Professor Prescott has demonstrated ‘significant achievement as a scholar.’ I would support him for tenure either under the standards applied at Michigan, were I on the Michigan faculty, or under the standards that we apply [in my own faculty].”

Reviewer (B):

“I believe that Professor Prescott’s scholarship easily meets the standard for tenure at a fine school like Michigan. Professor Prescott is part of [a] burgeoning new generation of quantitative empirical scholars. He has the econometric chops to do things which I cannot easily do. I am going to have trouble keeping up with him methodologically. He demonstrates creativity in

identifying interesting research questions and creativity in teasing out interesting ways to test policy questions of interest.”

Reviewer (C):

“In terms of comparison with other scholars at a comparable stage, I judge J.J. [Prescott] to be at the upper end of the distribution among people doing empirical legal studies and at the median of those with a PhD in economics/political science doing econometric work in law.”

Reviewer (D):

“You have asked me to review and evaluate a portion of the tenure file for JJ Prescott. This turned out to be a tough assignment because it was not very easy to pick apart Mr. Prescott’s work. It is very thorough and modest (though not falsely or excessively so). While no piece is perfect, I am not sure I could have done better given the data available. More importantly, I don’t know any other leading law & economics scholar that could have done a better job on any of the topic selected.”

Reviewer (E):

“I believe that the work in J.J. [Prescott]’s file demonstrates significant scholarly achievement and shows promise of future achievement. Although I have some criticisms of J.J.’s papers, no scholarship is above critique, and the many virtues of his work far exceed any of its limitations. I believe that the work J.J. has already produced places him in the very top ranks of the rising generation of empirically-oriented law & economics scholars. J.J.’s scholarship shows intelligence, care, and perception, and I believe it makes an easy case for tenure at virtually any elite law school.”

Reviewer (F):

“J.J. Prescott’s papers prove him to [be] a talented and thoughtful contributor to the empirical law and social science literature. A first-rate empirical scholar should exhibit thorough knowledge of the dataset with which he or she is working, sensitivity to many of the potential pitfalls, a sufficiently broad skill set to work around those pitfalls, and a sense of humility with respect to the conclusions that are reached, given the difficult nature of the work. J.J. Prescott’s work strongly suggests that he fits that description.”

Reviewer (G):

“The nature of his work – often collecting, coding, and cleaning new data sets, and the[n] submitting to peer-review journals with long delay times – can present a significant hazard to an untenured faculty member when the proverbial tenure clock is ticking. Original data sets often take years to build, and few initial publications emerge from them right away. However, now having done considerable work in developing these sources, Prescott is beginning to cash in on his efforts with a rapid succession of working papers and submitted articles. Consequently, viewed from 20,000 feet, the single attribute of Professor Prescott’s scholarship that makes me most optimistic is its (and his) trajectory.”

Reviewer (H):

“Law and economics is a relatively new field, but to my mind there have already been three generations of scholars in the field. ... I view Prescott as part of a third wave of empiricists ...

who bring not only empiricism but also the sensibility of empirical economics to scholarship on legal questions. [W]hat the new wave of law and economics empiricists brings is an interest in economic analysis, along with real care about trying to make causal inferences from non-experimental data. This requires designing empirical studies in which (relatively) simple statistical approaches can uncover causal effects.”

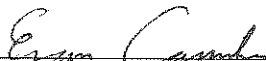
Reviewer (I):

“In terms of quality, James [Prescott]’s work is fine. It falls squarely within the subfield of Law and Economics. He was obviously well trained at MIT. Both his theoretical and empirical analysis are at a level that one would require in a top 20 economics department.”

Internal Review: In keeping with the Law School’s tenure procedure, the Standing Tenure Committee conducted a comprehensive review of Professor Prescott’s performance. The Committee read all of the work that Professor Prescott had submitted for publication since joining the Law School, solicited and read inside and outside reviews, observed his classes, interviewed students, and prepared a recommendation for the Law School faculty. The Tenure Committee concluded that Professor Prescott satisfies the requirements for tenure and promotion. In accordance with law School procedure, the tenured faculty considered the Committee’s report and recommendation at two meetings. At the second meeting, the tenured faculty voted to recommend Professor Prescott for promotion to professor of law, with tenure.

Summary of Recommendation:

Professor Prescott is a valuable teacher both in traditional core areas of the Law School curriculum and in law and economics, a subject of ever increasing importance. He brings incomparable resources to the study of law through econometric methods, and his ongoing work has already placed him in the front rank of American scholars working in law and economics. It is with the widespread support of the Law School’s Tenure Committee and the tenured faculty that I recommend him for promotion to professor of law, with tenure, Law School.


Evan Caminker
Dean, Law School

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