

**Joni Hersch**  
Curriculum Vitae

Vanderbilt Law School  
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**Current Position**

Vanderbilt Law School, 2006–present  
Cornelius Vanderbilt Professor of Law and Economics  
Co-Founder and Co-Director, Ph.D. Program in Law and Economics  
Secondary appointments in Department of Economics and Owen Graduate School of Management

**Education**

Ph.D., Economics, Northwestern University, Evanston, IL (1981)  
B.A., Mathematics, University of South Florida, Tampa, FL (1977)

**Journal Articles and Book Chapters**

“Gender, Race, and Job Satisfaction of Law Graduates: Intersectional Evidence from the National Survey of College Graduates,” forthcoming *Journal of Empirical Legal Studies*.

“The Charter School Network (Almost) No One Wants: Mobilizing Regulation and Litigation to Serve the Public Interest,” with Colton Cronin, forthcoming *Cardozo Law Review* 44, 2023. Available at SSRN: <https://ssrn.com/abstract=4241256>.

“Economic and Empirical Methods in Labour Law,” forthcoming *Research Methods in Labour Law: A Handbook*, editors Alysia Blackham and Sean Cooney, *Edward Elgar Publishing Ltd*.

“Affirmative Action and the Leadership Pipeline,” *Tulane Law Review* 96(1), November 2021, 1–58.

“Socioeconomic Policies in Public Procurement: What Should We be Asking of Public Procurement Systems?” with Fernando Mendoza Lopez, *University of Memphis Law Review* 52 (1), Fall 2021, 155–198.

“Employment Practices Liability Insurance and Ex Post Moral Hazard,” with Erin E. Meyers, *Cornell Law Review* 106(4), August 2021, 947–985. (Reviewed by Henry L. Chambers, Jr., Should An Employer Be Allowed To Fully Insure Against Employment Discrimination It Facilitated?, JOTWELL, October 31, 2022.)

“Econometrics and Economists in Employment Discrimination,” *Journal of Legal Economics* 26(1-2), September 2020, 5–21. (Keynote address for 2019 annual meeting of the American Academy of Economic and Financial Experts.)

“Gender and the Consulting Academic Economist,” with Alison Del Rossi, *Economic Inquiry* 58(3), July 2020, 1200–1216.

“Estimating Years of Education Using the Current Population Survey after 2014,” with Fernando Mendoza Lopez and Jennifer Bennett Shinall, *Economics Letters* 189, April 2020.

“When Equitable is Not Equal: Experimental Evidence on the Division of Marital Assets in Divorce,” with Jennifer Bennett Shinall, *Review of Economics of the Household* 18(3), September 2020, 655–682.

“Catching Up Is Hard to Do: Undergraduate Prestige, Elite Graduate Programs, and the Earnings Premium,” *Journal of Benefit-Cost Analysis* 10(3), Fall 2019, 503–553.

“Efficient Deterrence of Workplace Sexual Harassment,” *University of Chicago Legal Forum*, 2019, 147–169.

“Why Are Seemingly Satisfied Female Lawyers Running for the Exits? Resolving the Paradox Using National Data,” with Erin E. Meyers, *Marquette Law Review* 102(3), Spring 2019, 915–948.

“The Law and Economics of Employment Discrimination Law,” with Blair Druhan Bullock, *Oxford Research Encyclopedia of Economics and Finance*, Oxford University Press, February 2019. <http://dx.doi.org/10.1093/acrefore/9780190625979.013.374>

“The Gendered Burdens of Conviction and Collateral Consequences on Employment,” with Erin E. Meyers, *Journal of Legislation* 45(2), 2018, 171–193.

“Colorism Against Legal Immigrants to the United States,” *American Behavioral Scientist* 62(14), December 2018, 2217–2132.

“Valuing the Risk of Workplace Sexual Harassment,” *Journal of Risk and Uncertainty* 57(2), October 2018, 111–131.

“Imputation Match Bias in Immigrant Wage Convergence,” with Jennifer Bennett Shinall, *Demography* 55(4), August 2018, 1475–1485.

“Increasing Diversity by a New Master’s Degree in Legal Principles,” *Journal of Legal Education* 67(1), Autumn 2017, 86–117.

“Something to Talk About: Information Exchange Under Employment Law,” with Jennifer Bennett Shinall, *University of Pennsylvania Law Review* 165(1), December 2016, 49–90. (Reviewed by Charles A. Sullivan, *The Unintended Consequences of Putting Family Off-Limits in Job Searches*, JOTWELL, August 16, 2016.)

“The Private and Social Benefits of Double Majors,” with Alison Del Rossi, *Journal of Benefit-Cost Analysis* 7(2), Summer 2016, 292–325.

“Sex, Race, and Job Satisfaction Among Highly Educated Workers,” with Jean Xiao, *Southern Economic Journal* 83(1), July 2016, 1–24.

“Coitus and Consequences in the Legal System: An Experimental Study,” with Beverly Moran, *SMU Law Review* 68(4), Fall 2015, 927–949.

“Sexual Harassment in the Workplace,” *IZA World of Labor* 188, October 2015, 1–10.

“How Opting Out among Women with Elite Education Perpetuates Social Inequality,” *Indiana Journal of Law and Social Equality* 3(2), Spring 2015, 192–215.

“Fifty Years Later: The Legacy of the Civil Rights Act of 1964,” with Jennifer Bennett Shinall, *Journal of Policy Analysis and Management* 34(2), Spring 2015, 424–456.

“The Use and Misuse of Econometric Evidence in Employment Discrimination Cases,” with Blair Druhan Bullock, *Washington and Lee Law Review* 71(4), Fall 2014, 2365–2429.

“Assessing the Insurance Role of Tort Liability after Calabresi,” with W. Kip Viscusi, *Law and Contemporary Problems* 77(2), 2014, 135–163.

“Opting Out among Women with Elite Education,” *Review of Economics of the Household* 11(4), December 2013, 469–506.

“He Said, She Said, Let’s Hear What the Data Say: Sexual Harassment in the Media, Courts, EEOC, and Social Science,” with Beverly Moran, *Kentucky Law Journal* 101(4), 2013, 753–788. (Reviewed by Henry L. Chambers, Jr., Who, What, Why, When and Where: How Well Does the National Media Report on Sexual Harassment?, JOTWELL, February 12, 2014.)

“Law and Economics as a Pillar of Legal Education,” with W. Kip Viscusi, *Review of Law and Economics* 8(2), October 2012, 487–510. (Reprinted in *History of Law and Economics*, Jonathan Klick and Henry N. Butler, eds., Edward Elgar Publishers, 2018.)

“Characteristics of Color Discrimination Charges Filed with the EEOC,” in *The Melanin Millennium: Skin Color as 21st Century International Discourse*, Ronald E. Hall, ed., Springer, 2012, 231–246.

“Skin Color, Physical Appearance, and Perceived Discriminatory Treatment,” *Journal of Socio-Economics* 40(5), October 2011, 671–678. (Journal name now *Journal of Behavioral and Experimental Economics*.)

“The Persistence of Skin Color Discrimination for Immigrants,” *Social Science Research* 40(5), September 2011, 1337–1349.

“Compensating Differentials for Sexual Harassment,” *American Economic Review Papers and Proceedings* 101(3), May 2011, 630–634.

“Tobacco Regulation through Litigation: The Master Settlement Agreement,” with W. Kip Viscusi, in Daniel Kessler, ed., *Regulation versus Litigation: Perspectives from Economics and Law*. Chicago: University of Chicago Press, 2011, 71–101.

“Punitive Damages by Numbers: *Exxon Shipping Co. v. Baker*,” with W. Kip Viscusi, *Supreme Court Economic Review* 18, 2010, 259–280.

“Immigrant Status and the Value of Statistical Life,” with W. Kip Viscusi, *Journal of Human Resources* 45(3), Summer 2010, 749–771.

“Reply to the Effects of ‘Early Offers’ in Medical Malpractice Cases: Evidence from Texas,” with Jeffrey O’Connell and W. Kip Viscusi, *Journal of Empirical Legal Studies* 7(1), March 2010, 164–173.

“Saving Lives through Punitive Damages,” with W. Kip Viscusi, *Southern California Law Review* 83(2), January 2010, 229–262.

“Home Production and Wages: Evidence from the American Time Use Survey,” *Review of Economics of the Household* 7(2), June 2009, 159–178.

“Immigrant Experience: The Relation between Skin Color and Pay,” Federal Reserve Bank of Boston *Communities & Banking*, March 2009.

“Skin Color Discrimination and Immigrant Pay,” *Emory Law Journal* 58(2), December 2008, 357–378.

“Double Your Major, Double Your Return?” with Alison Del Rossi, *Economics of Education Review* 27(4), August 2008, 375–386.

“The Mortality Cost to Smokers,” with W. Kip Viscusi, *Journal of Health Economics* 27(4), July 2008, 943–958.

“Profiling the New Immigrant Worker: The Effects of Skin Color and Height,” *Journal of Labor Economics* 26(2), April 2008, 345–386.

“Skin Color, Immigrant Wages, and Discrimination,” in *Racism in the 21st Century: An Empirical Analysis of Skin Color*, Ronald E. Hall, ed., Springer, 2008, 77–90.

“Tort Liability Litigation Costs for Commercial Claims,” with W. Kip Viscusi, *American Law and Economics Review* 9(2), Fall 2007, 330–369.

“An Empirical Assessment of Early Offer Reform for Medical Malpractice,” with Jeffrey O’Connell and W. Kip Viscusi, *Journal of Legal Studies* 36(s2), June 2007, S231–S259.

“Allocating Responsibility for the Failure of Global Warming Policies,” with W. Kip Viscusi, *University of Pennsylvania Law Review* 155(6), June 2007, 1657–1694.

“Sex Discrimination in the Labor Market,” *Foundations and Trends in Microeconomics* 2(4), December 2006, 281–361.

“The Generational Divide in Support for Environmental Policies: European Evidence,” with W. Kip Viscusi, *Climatic Change* 77(1/2), July 2006, 121–136.

“Skin Tone Effects among African Americans: Perceptions and Reality,” *American Economic Review Papers and Proceedings* 96(2), May 2006, 251–255.

“Demand for a Jury Trial and the Selection of Cases for Trial,” *Journal of Legal Studies* 35(1), January 2006, 119–142.

“Health Insurance Disparities in Traditional and Contingent/Alternative Employment,” with Shelley White-Means, *International Journal of Health Care Finance and Economics* 5(4), December 2005, 351–368.

“Smoking Restrictions as a Self-Control Mechanism,” *Journal of Risk and Uncertainty* 31(1), July 2005, 5–21.

“Influence of Race, Gender, and Socioeconomic Status on Binge Eating Frequency in a Population-Based Sample,” with Patricia Reagan, *International Journal of Eating Disorders* 38(3), November 2005, 252–256.

“A Workers’ Lobby to Provide Portable Benefits,” in *Emerging Labor Market Institutions for the Twenty-First Century*, Richard Freeman, Joni Hersch, and Lawrence Mishel, eds., University of Chicago Press for National Bureau of Economic Research, 2005.

“Introduction,” in *Emerging Labor Market Institutions for the Twenty-First Century*, Richard Freeman, Joni Hersch and Lawrence Mishel, eds., University of Chicago Press for National Bureau of Economic Research, 2005.

“Voter Preferences and State Regulation of Smoking,” with Alison Del Rossi and W. Kip Viscusi, *Economic Inquiry* 42(3), July 2004, 455–468.

“Punitive Damages: How Judges and Juries Perform,” with W. Kip Viscusi, *Journal of Legal Studies* 33(1), January 2004, 1–36. (Excerpted in *Civil Procedure: Doctrine, Practice and Context, 2nd edition*, Stephen Subrin, Martha Minow, Mark Brodin, and Thomas Main, eds., Aspen Law and Business, 2004.)

“The New Labor Market for Lawyers: Will Female Lawyers Still Earn Less?” *Cardozo Women’s Law Journal* 10(1), Fall 2003, 1–59. (Reprinted in Release #18 of *Women and the Law*, Thomson West Publishing Co., September 2004.)

“Marriage, Household Production, and Earnings,” in *Marriage and the Economy: Theory and Evidence from Advanced Industrial Societies*, Shoshana Grossbard-Shechtman, ed., New York and Cambridge: Cambridge University Press, 2003.

- “Employment Discrimination, Economists, and the Law,” in *Women, Family, and Work, Writings on the Economics of Gender*, Karine Moe, ed., Blackwell Publishing, 2003.
- “Housework and Wages,” with Leslie S. Stratton, *Journal of Human Resources* 37(1), Winter 2002, 217–229.
- “Breast Implants: Regulation, Litigation, and Science,” in *Regulation Through Litigation*, W. Kip Viscusi, ed., Washington, DC: Brookings Institution – American Enterprise Institute, 2002.
- “Cigarette Smokers as Job Risk Takers,” with W. Kip Viscusi, *Review of Economics and Statistics* 83(2), May 2001, 269–280. (Reprinted in *Classics in Risk Management*, W. Kip Viscusi and Ted Gayer, eds., Edward Elgar Publishers, 2004.)
- “Gender, Income Levels, and the Demand for Cigarettes,” *Journal of Risk and Uncertainty* 21(2/3), November 2000, 263–282.
- “Household Specialization and the Male Marriage Wage Premium,” with Leslie S. Stratton, *Industrial and Labor Relations Review* 54(1), October 2000, 78–94.
- “Gender Differences in the Demand for Cigarettes,” in *Valuing the Costs of Smoking: Assessment Methods, Risk Perceptions and Policy Options*, Claude Jeanrenaud and Nils Soguel, eds., Kluwer Academic Publishers, 1999.
- “Smoking and Other Risky Behaviors,” with W. Kip Viscusi, *Journal of Drug Issues* 28(3), Summer 1998, 645–661.
- “Compensating Differentials for Gender-Specific Job Injury Risks,” *American Economic Review* 88(3), June 1998, 598–607. (Reprinted in *Classics in Risk Management*, W. Kip Viscusi and Ted Gayer, eds., Edward Elgar Publishers, 2004.)
- “Teen Smoking Behavior and the Regulatory Environment,” *Duke Law Journal* 47(6), Spring 1998, 1143–1170.
- “The Courtroom Comes to the Classroom: Estimating Economic Damages as an Instructional Device,” with W. Kip Viscusi, *Journal of Economic Education* 29(4), Fall 1998, 301–311.
- “Housework, Fixed Effects, and Wages of Married Workers,” with Leslie S. Stratton, *Journal of Human Resources* 32(2), Spring 1997, 285–307.
- “The Economics of Home Production,” *Southern California Review of Law and Women’s Studies* 6(2), Spring 1997, 421–440.
- “Worker Effort Decisions and Efficient Gender-Specific Wage-Tenure Profiles,” with Patricia Reagan, *Economic Inquiry* 35(1), January 1997, 193–207.
- “Smoking, Seat Belts, and Other Risky Consumer Decisions: Differences by Gender and Race,” *Managerial and Decision Economics* 17(5), September-October 1996, 471–481.

“Gender Differences in Promotions and Wages,” with W. Kip Viscusi, *Industrial Relations* 35(4), October 1996, 461–472.

“Economics of Housework,” in *Women and Work: A Handbook*, Paula J. Dubeck and Kathryn Borman, eds., Garland Publishing Inc., 1996, 83–85. (Volume reprinted as *Women and Work: A Reader*, Rutgers University Press, 1997.)

“Risk-Taking Activities and Heterogeneity of Job-Risk Tradeoffs,” with Todd Pickton, *Journal of Risk and Uncertainty* 11(3), December 1995, 205–217.

“Optimal ‘Mismatch’ and Promotions,” *Economic Inquiry* 33(4), October 1995, 611–624.

“Housework, Wages, and the Division of Housework Time for Employed Spouses,” with Leslie S. Stratton, *American Economic Review Papers and Proceedings* 84(2), May 1994, 120–125. (Reprinted in *Women in the Labor Market*. Vol. 2. Marianne A. Ferber, ed., Elgar Reference Collection. International Library of Critical Writings in Economics, vol. 90, 1998.)

“Job Matching and Women’s Wage-Tenure Profile,” with Patricia Reagan, *Applied Economics* 26(3), March 1994, 205–215.

“Employer-Sponsored Health and Pension Benefits and the Gender/Race Wage Gap,” with Shelley White-Means, *Social Science Quarterly* 74(4), December 1993, 851–866.

“Economic Viability among Post-Retirement Aged Women,” with Shelley White-Means, *Journal of Women and Aging* 4(4), Winter 1993, 19–35. (Reprinted in *Women in Mid-Life: Planning for Tomorrow*, Christopher L. Hayes, ed., Haworth Press, 1993.)

“The Impact of Nonmarket Work on Market Wages,” *American Economic Review Papers and Proceedings* 81(2), May 1991, 157–160.

“Male-Female Differences in Hourly Wages: The Role of Human Capital, Working Conditions, and Housework,” *Industrial and Labor Relations Review* 44(4), July 1991, 746–759.

“Education Match and Job Match,” *Review of Economics and Statistics* 73(1), February 1991, 140–144.

“Equal Employment Opportunity Law and Firm Profitability,” *Journal of Human Resources* 26(1), Winter 1991, 139–153.

“Is Union Job Dissatisfaction Real?” with Joe A. Stone, *Journal of Human Resources* 25(4), Fall 1990, 736–751.

“The Market Response to Product Safety Litigation,” with W. Kip Viscusi, *Journal of Regulatory Economics* 2(3), September 1990, 215–230.

“Job Match, Tenure and Wages Paid by Firms,” with Patricia Reagan, *Economic Inquiry* 28(3), July 1990, 488–507.

“Cigarette Smoking, Seatbelt Use, and Differences in Wage-Risk Tradeoffs,” with W. Kip Viscusi, *Journal of Human Resources* 25(2), Spring 1990, 202–227.

“Another Look at Compensating Differentials,” *Journal of Behavioral Economics* 18(1), Spring 1989, 41–50.

“‘New and Improved’ Estimates of Qualification Discrimination,” with Joe A. Stone, *Southern Economic Journal* 52(2), October 1985, 484–491.

“Allocation of Time and Human Energy and Its Effects on Productivity,” *Applied Economics* 17(5), October 1985, 867–884.

“Effect of Housework on Earnings of Husbands and Wives: Evidence from Full-Time Piece Rate Workers,” *Social Science Quarterly* 66(1), March 1985, 210–217.

“Is College a Good Investment? An Application of Human Capital Theory,” *Economic Education Experiences of Enterprising Teachers* 22, 1985, 113–117.

#### **Commentary and Op Ed**

“How to Keep Leadership White: Ban Affirmative Action.” Opinion, *The Hill*, <https://thehill.com/opinion/judiciary/3675384-how-to-keep-leadership-white-ban-affirmative-action/>, October 5, 2022.

“Sexual Harassment in the Post-Covid-19 Work Environment,” *Commentary, IZA World of Labor*, <https://wol.iza.org/opinions/sexual-harassment-in-post-covid-19-work-environment>, December 14, 2020.

“Can the Media Solve the Problem of Sexual Harassment?” *Georgetown Journal of International Affairs*, <https://www.georgetownjournalofinternationalaffairs.org/online-edition/2018/3/1/can-the-media-solve-the-problem-of-sexual-harassment>, March 1, 2018.

“What Can Be Done To Reduce Workplace Sexual Harassment?” *Commentary, IZA World of Labor*, <https://wol.iza.org/opinions/what-can-be-done-to-reduce-workplace-sexual-harassment>, October 10, 2016.

*The New York Times* Opinion Page, Room for Debate, Protecting ‘Employment Status,’ <http://www.nytimes.com/roomfordebate/2011/07/26/the-hiring-bias-against-the-unemployed>, July 26, 2011.



**Edited Book**

*Emerging Labor Market Institutions for the Twenty-First Century*, Richard Freeman, Joni Hersch and Lawrence Mishel, eds., University of Chicago Press for National Bureau of Economic Research, 2004. (Selected for inclusion in Noteworthy Books in Industrial Relations and Labor Economics, 2005, Industrial Relations Section, Princeton University.)

**Other Publications**

***Book reviews***

*Gender and the Labour Market: Econometric Evidence of Obstacles to Achieving Gender Equality*, Siv S. Gustafsson and Daniele E. Meulders, eds., 2000. *Journal of Economic Literature* 40(3), September 2002, 948–949.

*Women’s Work and Wages*, Inga Persson and Christina Jonung, eds., Routledge Research in Gender and Society, 1998. *Journal of Economic Literature* 37(3), September 1999, 1199–1200.

*Markets and Mortality: Economics, Dangerous Work, and the Value of Human Life*, by Peter Dorman, Cambridge University Press, 1996. *Journal of Economic Literature* 35(2), June 1997, 805–806.

***American Economic Association Committee on the Status of Women in the Economics Profession (CSWEP) Newsletters***

“Talking to the Media About Your Academic Research,” CSWEP Newsletter Issue II, 2018.

“Dual Career Job Search Timing and Strategy,” CSWEP Newsletter, 2016 Issue II, with Jennifer Bennett Shinall.

“Top 10 Tips on Hosting a Visiting Speaker,” CSWEP Newsletter, Summer 2013.

“Starting a New Interdisciplinary PhD Program,” CSWEP Newsletter, Summer 2012.

“Sexual Harassment,” CSWEP Newsletter, Spring 2009.

**Vanderbilt Committees and Affiliations (Selected)**

Affiliated Faculty of Department of Gender and Sexuality Studies, 2006–present.

Affiliated Faculty of American Studies, 2015–present.

Affiliated Faculty of Medicine, Health and Society

Vanderbilt American Studies Advisory Board, Fall 2010–present.

Faculty advisor, Women’s Law Student Association, Fall 2010–2019.

Provost’s Women’s Initiative Compensation Equity Subcommittee, Spring 2019.

Chancellor’s Strategic Planning Committee for Mental Health and Wellbeing, 2016–2018.

**Editorial Boards, Professional Service, and Honors (Selected)**

Co-editor, *IZA Journal of Labor Economics*, July 2015–May 2018.

Editorial Board, *Social Science Quarterly*, 2006–present.

Associate Editor, *Review of Economics of the Household*, 2009–present.

Board Member and Western Regional Representative, American Economic Association  
*Committee on the Status of Women in the Economics Profession* (CSWEP), 1994–96.

Institute for Women’s Policy Research, *Status of Women in the U.S. South* Advisory Committee,  
2014–16.

IZA Institute of Labor Economics, Research Fellow, 2015–present.

Vanderbilt Law School, FedEx Research Professor, 2012–13.

Vice-President, Southern Economic Association, 2010–12.

Vanderbilt Margaret Cuninggim Women’s Center Mentoring Award, 2013.

National Science Foundation *Visiting Professorships for Women*, 1992–93.

**Professional Organization Affiliations**

American Economic Association, American Law and Economics Association, Committee on the  
Status of Women in the Economics Profession, Society of Economics of the Household, Society  
of Labor Economists, Southern Economic Association

**Courses Taught (Selected)**

Vanderbilt Law School

*Ph.D. courses:* Econometrics for Legal Research, Research in Law and Economics,  
Labor Markets and Human Resources, Ph.D. Workshop

*J.D. courses:* Economic Evidence Seminar, Empirical Methods for Legal Analysis,  
Treatment of Scientific Evidence in the Courtroom

Vanderbilt University, American Studies program

Economics of Women’s Work Choices (Spring 2015)

Women and Work in the U.S. (Spring 2019)

Harvard Law School

Empirical Methods for Legal Analysis, Empirical Methods Research Seminar

Harvard University

Applied Econometrics

University of Wyoming

Graduate and Undergraduate Econometrics, Principles of Macroeconomics,

Mathematical Economics, Labor Economics

**Vanderbilt Ph.D. in Law and Economics Dissertation Committees**

Jennifer Bennett Shinall (2012), Chair

Caroline Cecot (2014), Committee member

Blair Druhan Bullock (2015), Chair

Danielle Drago Drory (2018), Chair

Erin Meyers (2021), Chair

**Previous Academic Positions**

- 1999–06      Lecturer on Law (1999–04), Adjunct Professor of Law (2004–06),  
Co-Director, Program on Empirical Legal Studies, Harvard Law School
- 1989–99      Associate Professor of Economics (1989–95), Professor of Economics  
(1995–99), University of Wyoming
- 1982–89      Assistant Professor of Economics, University of Oregon

**Visiting Academic Positions**

- Fall 1998      Visiting Professor of Economics, Harvard University
- 1995–96      Visiting Professor of Economics, Duke University
- 1992–93      Visiting Associate Professor of Economics, California Institute of Technology
- 1986–87      Visiting Assistant Professor of Economics, Northwestern University
- 1981–82      Lecturer on Economics, The Ohio State University