

## **ERIN O'HARA O'CONNOR**

Dean and McKenzie Professor  
Florida State University College of Law  
425 West Jefferson Street  
Tallahassee, FL 32306-1601

### **EMPLOYMENT:**

#### **Florida State University College of Law (July 2016 to present)**

Dean and McKenzie Professor

Service: Co-Chair, FSU Academic Strategy Committee; Deans' Development Committee, member; Deans Research and Creative Activities Committee, member; Deans' Personnel and Mentoring Committee, member; Florida Supreme Court Commission on Professionalism, member; ABA 2019 Summer Deans' Conference Planning Committee, member

Decanal Accomplishments: see accompanying sheet

#### **Vanderbilt University Law School, Fall 2001 to July 2016**

Milton R. Underwood Professor of Law (2012 to July 2016)

Director of Graduate Studies, PhD Program in Law and Economics (2011 to July 2016)

FedEx Professor of Law (2010-2011)

Associate Dean for Academic Affairs (2008-2010)

Director, Law and Human Behavior Program (2007-2010)

Chair-Elect, Vanderbilt University Faculty Senate (2015-2016)

Teaching Subjects: Contracts; Conflict of Laws; Arbitration Law; Choosing Legal Regimes; The Life of the Law; Local Government Law; Public Choice and Public Law; Law and Positive Political Theory; Vanderbilt in Venice Program

Service, Law School: Associate Dean for Academic Affairs; Director, Law and Human Behavior Program; Director of Graduate Studies, Law and Economics PhD Program; Chair, Faculty Appointments Committee; Chair, Lateral Faculty Appointments Committee; Chair, Curriculum Committee; Chair, Ad Hoc Tenure Review Committee; Chair, Ad Hoc Good Moral Character Committee; Entry-Level Faculty Appointments Committee (multiple); Curriculum Committee; Ad Hoc Faculty Promotion and Renewal Committee (multiple); Lateral Faculty Appointments Committee (multiple); Ad Hoc Faculty-Student Relations Committee; Ad Hoc Good Moral Character Committee; Mentoring Committee; Law and Economics Faculty Appointments Committee; Law and Economics PhD Program Advisory Group; Law and Economics PhD Dissertation Committee (multiple); Faculty Advisor, Phi Delta Phi; Faculty Advisor, Labor and Employment Law Society; Faculty Advisor, International Arbitration Society.

Service, University: Chair-elect, Vanderbilt University Faculty Senate; University Faculty Senate delegate; Faculty Senate Executive Committee; Faculty Senate Consultative Committee; Faculty Senate Strategic Planning and Academic Freedom Committee; Faculty Senate Affairs Committee; Faculty Senate Academic Policies and Services Committee; Faculty Senate Faculty Manual Committee; Provost Search Committee for Vice-Provost of Research and International Affairs; University Faculty Awards Committee; University Graduate Fellowship Committee; Nashville Studies Program Task Force; University Electronic Submission Task Force; PhD dissertation committee member (Department of Religious Studies; Law and Economics (multiple)).

**Northwestern University School of Law, Fall 2005**

Visiting Professor

Teaching Subject: Contracts

**Georgetown University Law Center, Spring 1999- Spring 2000**

Visiting Associate Professor

Teaching Subjects: Criminal Law; Conflict of Laws; Law and Economics Workshop

Co-Director: Olin Faculty Workshop in Law and Economics, 1999-2000

**George Mason University School of Law, Spring 1995 to Spring 2001**

Associate Professor, Fall 1998 to Spring 2001

Assistant Professor, Spring 1995-Spring 1998.

Teaching Subjects: Federal Courts; Conflict of Laws; Criminal Law; Criminal Law and White Collar Crime; Federal Criminal Law and Sentencing; International Protection of Intellectual Property; and Public Choice and Public Law

Awards: Richard S. Murphy Award For Excellence In Law Teaching, 1998, first runner-up

Committee Service: Faculty Selection; Faculty Workshop Series; ABA/AALS Site Evaluation; Law School Self Study; Library; Clerkship & Placement; and Faculty Senate (1996-99).

**Clemson University, Fall 1992 through Fall 1994**

Visiting Assistant Professor, Departments of Legal Studies, Economics, and Finance

**University of Chicago Law School, 1991-92**

Bigelow Teaching Fellow and Lecturer in Law

**Chief Judge Dolores K. Sloviter, U.S. Court of Appeals for the Third Circuit, 1990-91**

Law Clerk

**SELECTED PUBLICATIONS:**

**Books:**

CONFLICT OF LAWS: CASES AND MATERIALS (8<sup>th</sup> ed. 2019, forthcoming) (with Lea Brilmayer, Jack Goldsmith, and Carlos Vazquez).

CONFLICT OF LAWS: CASES AND MATERIALS (7<sup>th</sup> ed. 2015) (with Lea Brilmayer and Jack Goldsmith).

CONFLICT OF LAWS: CASES AND MATERIALS (6<sup>th</sup> ed. 2011) (with Lea Brilmayer & Jack Goldsmith).

THE LAW MARKET (Oxford University Press 2009) (with Larry Ribstein).

THE ECONOMICS OF CONFLICT OF LAWS (2-volume edited work Elgar Publishing 2007).

**Articles, etc.:**

*Is Labor Arbitration Lawless?*, 48 FLA. ST. UNIV. L. REV. \_\_\_\_ (forthcoming 2021) (with Ariana Levinson and Paige Marta Skiba).

*Predictability of Arbitrators' Reliance on External Authority?*, 69 AMER. UNIV. L. REV. 1827 (2020) (with Ariana Levinson and Paige Marta Skiba).

*Conflict of Laws: A Recipe for Transformative Contributions*, in RESOLVING CONFLICTS IN THE LAW: ESSAYS IN HONOUR OF LEA BRILMAYER 403 (Chiara Giorgetti and Natalie Klein, eds. 2019).

*Protecting Consumer Data Privacy with Arbitration*, 96 N.C. L. REV. 711 (2018).

*Choice of Law and Conflict of Laws*, in 3 OXFORD HANDBOOK OF LAW AND ECONOMICS ch. 25 (Francesco Parisi, ed., 2017).

*The Role of the CISG in Promoting Healthy Jurisdictional Competition*, 21(1) UNIFORM L. REV. 41 (2016) (symposium issue).

*The Essential Role of Courts in Supporting Innovation*, 92 TEX. L. REV. 2177 (2014) (with Chris Drahozal).

*Foreign Investments and the Market for Law*, 2014 ILL. L. REV. 1617 (with Susan Franck).

- Unbundling Procedure: Carve-Outs From Arbitration Clauses*, 66 FLA. L. REV. 1945 (2014) (with Chris Drahozal).
- Arbitration, the law market, and the law of lawyering*, 38 INT'L REV. L. & ECON. 87 (June 2014) (with Peter B. Rutledge).
- Full Faith and Credit*, in HERITAGE DICTIONARY OF THE CONSTITUTION (2014).
- Preemption and Choice-of-Law Coordination*, 111 MICH. L. REV. 647 (2013) (with Larry Ribstein).
- Jurisdictional Competition for Dispute Resolution: Courts versus Arbitration*, in REGULATORY COMPETITION IN CONTRACT LAW AND DISPUTE RESOLUTION (Beck/Hart/Nomos, Horst Eidenmuller, ed., 2013).
- How Modern Choice of Law Helped Kill the Private Attorney General*, 64 MERCER L. REV. 1023 (2013) (Brainerd Currie lecture).
- Exit and the American Illness* in THE AMERICAN ILLNESS (Yale Univ. Press, Frank Buckley ed., 2013) (with Larry Ribstein).
- Customizing Employment Arbitration*, 98 IOWA L. REV. 133 (2012) (with Randall Thomas and Ken Martin).
- Organizational Apologies: BP as Case Study*, 64 VANDERBILT L. REV. 1959 (2012).
- Choice of Law/Conflict of Laws*, in PROCEDURAL LAW AND ECONOMICS, VOL. X, ENCYCLOPEDIA OF LAW AND ECONOMICS (2d ed. 2012, Chris William Sanchirico, ed.) (with Larry Ribstein).
- Outsourcing, Modularity and the Theory of the Firm*, 2011 B.Y.U. L. REV. 263 (with Margaret Blair and Gregg Kirchhoefer).
- The Limits of Contract Law Harmonization*, EUROPEAN J. OF L. & ECON. (Nov. 2011), available at <http://www.springerlink.com/content/1358826650357510/fulltext.pdf>.
- Economics, Behavioral Biology, and Law*, 19 S. Ct. Econ. Rev. 103 (2011) (with Owen Jones and Jeffrey Stake).
- Arbitration Clauses in CEO Employment Contracts: An Empirical and Theoretical Analysis*, 63 VANDERBILT L. REV. 959 (2010) (with Randall Thomas & Ken Martin).
- Symposium Introduction: Group Conflict Resolution: Sources of Resistance to*

*Reconciliation*, 72 LAW AND CONTEMPORARY PROBLEMS i (Spring 2009).

*Using Criminal Punishment to Serve Both Victim and Social Needs*, 72 LAW AND CONTEMPORARY PROBLEMS 199 (Spring 2009) (with Maria Mayo Robbins).

*Rules and Institutions in Developing a Law Market: Views From the U.S. and Europe*, 82 TULANE L. REV. 2147 (2008) (with Larry Ribstein).

*Corporations and the Market for Law*, 2008 ILL. L. REV. 661 (with Larry Ribstein).  
Reprinted in *Corporate Practice Commentator* (2008).

*Trustworthiness and Contract* in MORAL MARKETS, (Princeton Univ. Press, Paul Zak ed., 2007).

*A Cognitive Theory of Trust*, 84 WASH. U. L. REV. 1717 (2006) (with Claire Hill).

*Victims and Prison Release: A Modest Proposal*, 19 FED. SENTENCING RPTR. 130 (2006).

*Choice of Law for Internet Transactions: The Uneasy Case for Online Consumer Protection*, 153 U. PENN. L. REV. 1883 (2005).

*Victim Participation in the Criminal Process*, 13 J. LAW & POL'Y 229 (2005).

*Full Faith and Credit*, in HERITAGE DICTIONARY OF THE CONSTITUTION (2005).

*Apology and Thick Trust: What Spouse Abusers and Negligent Doctors Have in Common*, 79 CHI.-KENT L. REV. 1055 (2004).

*How Neuroscience Might Advance the Law*, 359 THE PHILOSOPHICAL TRANSACTIONS OF THE ROYAL SOCIETY 1677 (2004).  
Reprinted in LAW AND THE BRAIN 21 (Semir Zeki & Oliver Goodenough eds., Oxford University Press 2006).

*On Apology and Consilience*, 77 WASH. L. REV. 1121 (2002) (with Douglas Yarn).

*The Jurisprudence and Politics of Forum Selection Clauses*, 3 CHI. J. INT'L. L. 301 (2002).

*Economics, Public Choice, and the Perennial Conflict of Laws*, 90 GEO. L.J. 941 (2002).

*Brain Plasticity and Spanish Moss in Biolegal Analysis*, 53 FLA. L. REV. 905 (2001).

*From Politics to Efficiency in Choice of Law*, 67 U. CHI. L. REV. 1151 (2000) (with Larry

Ribstein).

*Opting Out of Regulation: A Public Choice Analysis of Contractual Choice of Law*, 53 VAND. L. REV. 1551 (2000).

*Choice of Law/Conflict of Laws*, in GHENT ENCYCLOPEDIA OF LAW AND ECONOMICS (2000) (with Larry Ribstein).

*Second Generation Law and Economics of Conflict of Laws: Baxter's Comparative Impairment and Beyond*, (with William Allen), 51 STAN. L. REV. 1011 (1999).

96 *Conflict of Laws*, in 1 THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW 387- (1998) (with Francesco Parisi).

*Redistribution Through Discriminatory Taxes: A Contractarian Explanation of the Role of the Courts*, (with William Dougan), 6 GEO. MASON L. REV. 869 (1998).

*Interest Groups, Contracts, and Interest Analysis*, (with Larry Ribstein), 48 MERCER L. REV. 765 (1997).

*Mistake of Federal Criminal Law: A Study of Coalitions and Costly Information*, (with Richard Murphy), 5 SUPREME. CT. ECON. REV. 217 (1997).

*Regulatory Takings: An Oxymoron?*, in LAND RIGHTS: THE 1990'S PROPERTY RIGHTS REBELLION, 31-65 (Bruce Yandle, ed., Rowman & Littlefield, 1995).

*Social Constraint or Implicit Collusion?: Toward A Game Theoretic Analysis of Stare Decisis*, 24 SETON HALL L. REV. 736 (1993).

Reprinted in MAXWELL STEARNS, PUBLIC CHOICE AND PUBLIC LAW: READINGS AND COMMENTARY 479 (Anderson Publishing Co. 1997).

*Hedonic Damages for Wrongful Death: Are Tortfeasors Getting Away With Murder?*, 78 GEO. L.J. 1687 (1990).

*Parole*, in *Eighteenth Annual Review of Criminal Procedure: United States Supreme Court and Courts of Appeals, 1987-88*, 77 GEO. L.J. 1231 (1989).

Reprinted in *Nineteenth Annual Review of Criminal Procedure: United States Supreme Court and Courts of Appeals, 1988-89*, 78 GEO. L.J. 1329 (1990).

Reprinted in *Twentieth Annual Review of Criminal Procedure: United States Supreme Court and Courts of Appeals, 1989-90*, 79 GEO. L.J. 1162 (1991).

## WORKS IN PROGRESS

FOSTERING HEALTHY JURISDICTIONAL COMPETITION

*Optimal Bundling in Choice of Law*

*Pluralism-Enhancing Rules*

*Post-Arbitration Litigation in Employment and Labor Disputes*

**EDUCATION:**

**Georgetown University Law Center, J.D., *magna cum laude*, May 1990**

Senior Board Member, GEORGETOWN LAW JOURNAL

Senior Articles Selection Editor, Volume 78

John M. Olin Fellow, Law and Economics Program

Honors: Elected to Order of the Coif

Tamm Memorial Award for outstanding legal scholarship

**University of Rochester, B.A., *cum laude*, May 1987**

Majors: Economics, Political Science

Honors: John H. Berman Memorial Award (scholarship to outstanding pre-law student)

**PROFESSIONAL MEMBERSHIP AND OTHER ACTIVITIES**

American Law Institute,

Member (2018 to present)

Adviser, Restatement (Third) of Conflict of Laws (2016 to present)

American Association of Law Schools,

Chair-Elect, Section on Conflict of Laws, 2008-09;

Chair, Section on Conflict of Laws, 2009-2010

Gruter Institute for Law and Behavioral Research,

Research Associate

Planning and Programming Committee

MacArthur Foundation Law and Neuroscience Project,

Network Member, 2007 to 2009

Society for the Evolutionary Analysis of Law

Treasurer

Board Member

Co-host, 2002 Annual Meetings

Journal of Law, Board Member 2010 to present

Law and Contemporary Problems, Co-Special Editor, Spring 2009 Issue

Florida Supreme Court, Commission on Professionalism  
Metro Ethics Task Force, Nashville, TN, member, 2004-05  
Metro Charter Revision Commission, legal adviser, Nashville, TN, 2002  
Institute for Transnational Arbitration, Advisory Board Member, 2014-2016; Academic  
Council, 2014-2016; co-host, ITA/ASIL annual conference 2016  
SSRN Advisory Board Member, Law and Prosociality  
SSRN Advisory Board Member, Law and Evolution  
Florida State University Law School, Scholar in Residence, Summer 2008  
Ludwig Maximilians Universität München, Center for Advanced Studies, Fellow, Fall 2011  
ZenTra, Center for Transnational Law, University of Bremen, Distinguished Visiting Scholar,  
Summer 2014  
Jurimetrics: Journal of Law, Science and Technology, reviewer  
Journal of Legal Education, reviewer  
Journal of Politics, reviewer  
Law and Society Review, reviewer  
Supreme Court Economic Review, reviewer  
Aspen Publishing, reviewer  
Cambridge University Press, reviewer  
European Association of Law and Economics, reviewer  
American Law and Economics Association  
American Political Science Association  
European Association of Law and Economics  
Human Behavior and Evolution Society  
International Society for New Institutional Economics  
Public Choice Society