

**J. H. Verkerke**  
University of Virginia  
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## **Employment History**

1991- present University of Virginia School of Law

- Currently Professor of Law and Director, Program for Employment and Labor Law Studies
- *Classes taught include:* Contracts, Employment Law: Contracts, Torts & Statutes, Employment Law: Health & Safety, Behavioral Economic Analysis of Law, Employment Discrimination Law, Workplace Norms and the Law, Employment Law: Principles & Practice, Employment Law Clinic, and Employment & Labor Law: A Global Perspective.
- *Awards include:* Hybrid Challenge Grant Recipient (2012), inaugural member of the University Academy of Teaching, 2006-2007 All-University Teaching Award, competitive research grants from the Academic Enhancement Program, the Fund for Labor Relations Studies, the Bankard Fund for Political Economy, and the Scholarly Activities Fund.
- *Law School service includes:* Entry-Level Appointments Committee (Chair 2000-01, 2006-07), Junior Faculty Development Committee (Chair 2001-02, 2008-09), Sponsor to Junior Faculty Colleagues, Academic Technology Committee (Chair 2002-03), Admissions Committee, Career Services Committee (Chair 2007-08), Curriculum Committee, Student Recruitment Committee, Disability Accommodation Committee (Chair 2003-06, 2008-12), Faculty Retreat Committee (Chair 1994-96), Public Service Committee (Chair 2003-04), Empirical Studies Committee (Chair 2015-16), Workshops and Retreat Committee, Student Scholarly Lunches Organizer, Honor Scholar Selection Committee, Building Committee, Ad Hoc Classroom Renovation, Ad Hoc Building Review, Ad Hoc Committee to Study the Banking System, Ad Hoc Self-Study, Library Web Task Force, Faculty Liaison to Law School Alumni Council, and Faculty Advisor to Foundation Budget and Finance Subcommittee.
- *University service includes:* University Committee on Information Technology (chair 2013-present), Search Committee –Vice President for IT Strategy (2014), President’s Information Technology Advisory Group (2013), Provost’s Faculty Salary Study Task Force (2013-14), University Academy of Teaching Faculty Partnership (2011-12), Faculty Senate Executive Council (2002-03), Faculty Senate (2000-03), Technology Working Group for University Strategic Planning Process (2012-13), inaugural member of the University Academy of Teaching, Faculty Senate Online Learning Task Force, CASTL-HE Advisory Council, Academic Computing Advisory Council, Bankard Fund for Political Economy Grant Selection Committee, Salary Equity Committee for Health Sciences Center.

June 2006 Visiting Professor, University of Muenster, Law Faculty

- Taught short course on *US Company Law* to students in foreign language law program.

March 2006 & April 2008 Visiting Professor, University of Melbourne, Law Faculty

- Taught intensive course *New Directions in Law and Economics*.

Fall 1997 Visiting Professor, University of Texas School of Law

1990-91 Law Clerk, U.S. Circuit Judge Ralph K. Winter

1990 Teaching Assistant, Yale Law School

- Co-taught employment discrimination class with Drew Days and James Heckman

1989 Consultant, Yale University, Department of Economics

- Collaborated with James Heckman as an economic consultant on employment discrimination litigation.

1987 Research Associate, Civil Liability Program, Yale Law School

1986 John M. Olin Summer Research Fellow, Yale Law School

1984 Economist, Office of the Secretary, U.S. Department of the Interior

## **Education**

Yale University, New Haven, Connecticut

- J.D. 1990. M.Phil. in Economics, 1988. Ph.D. candidate.
- Bradley Foundation Fellow, 1989-90; John M. Olin Fellow in Law, Economics, and Public Policy, 1985-89; Nathan E. Mag Scholar, 1987-89; Falk Foundation Fellow, 1986-87; University Fellow, 1984-85.
- Articles Editor and Articles Administrator, Yale Law Journal, 1988-89.
- Distinction on Economic Theory Comprehensive Exam.

Loyola College, Baltimore, Maryland

- B.A. 1983, magna cum laude, double major in English and economics.
- Elected to Omicron Delta Epsilon Honor Society in Economics.

## Publications

- Economic Analysis of Employment Discharge Regulation*, COMPARATIVE STUDIES (forthcoming 2016).
- Employment Regulation and Youth Employment: A Critical Perspective*, 38 HARV. J.L. & PUB. POL'Y 803 (2015).
- Legal Ignorance and Information-Forcing Rules*, 56 WM. & MARY L. REV. 899 (2015).
- What We Know (and Don't Know) About Employment Protection Law* in ENTERPRISE LAW: CONTRACTS, MARKETS, AND LAWS IN THE US AND JAPAN (Zenichi Shishido ed. 2014).
- COLLABORATIVE TEACHING MATERIALS FOR CONTRACTS (CALI eLangdell Press 2012) (available under a Creative Commons BY-NC-SA 3.0 License).
- Discharge* in LABOR AND EMPLOYMENT LAW AND ECONOMICS (Kenneth G. Dau-Schmidt, Seth Harris & Orly Lobel, eds. 2009).
- The Story of Woolley v. Hoffmann-La Roche: Finding a Way to Enforce Employee Handbook Promises*, in EMPLOYMENT LAW STORIES (Samuel Estreicher & Gillian Lester, eds. 2007).
- Is the ADA Efficient?* 50 U.C.L.A. L. Rev. 903 (2003).
- Disaggregating Antidiscrimination and Accommodation*, 44 WM. & MARY L. REV. 1385 (2003).
- Towards an Economic Theory of Disability Discrimination Law*, New York University Working Papers on Labor and Employment Law: 1998-1999 (Michael Yelnosky, ed. 2001).
- The Triumph of Formalism in the Supreme Court's Recent Employer Liability Decisions*, in SEXUAL HARASSMENT IN THE WORKPLACE: PROCEEDINGS OF NEW YORK UNIVERSITY 51ST ANNUAL CONFERENCE ON LABOR (Samuel Estreicher, ed. 1999).
- Un Approccio di Law and Economics alla Questione della Libertá di Licenziamento Negli Stati Uniti*, 17 REVISTA ITALIANA DI DIRITTO DEL LAVORO 293-315 (1998) (Italian translation of "Employment Contract Law" essay).
- Employment Contract Law*, in THE NEW PALGRAVE DICTIONARY OF ECONOMICS AND THE LAW (1998).
- Legal Regulation of Employment Reference Practices*, 65 CHI. L. REV. 115 (1998).

*An Empirical Perspective on Indefinite Term Employment Contracts: Resolving the Just Cause Debate*, 1995 WISC. L. REV. 837.

*Notice Liability in Employment Discrimination Law*, 81 VA. L. REV. 201 (1995).

*Free to Search*, 105 HARV. L. REV. 2080 (1992) (reviewing Richard A. Epstein, FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS).

*Racial Disparity and Employment Discrimination Law: An Economic Perspective*, 8 YALE L. & POL'Y REV. 276 (1990) [co-author James Heckman].

*Compensating Victims of Preferential Employment Discrimination Remedies*, 98 YALE L.J. 1481 (1989).

*Open Questions in Defense Economics and Economic Warfare*, 33 J. CONFLICT RESOLUTION 480 (1989) [co-author Martin Shubik].

## **Works in Progress**

“Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style” (forthcoming in 2016 as an ILO Working Paper)

“Active Learning Teaching Methods for the Law School Classroom”

"Rethinking Vicarious Liability: Labor Market Dynamics and Optimal Employer Incentives for Care"

“Gender and the Socratic Method: A Preliminary Investigation”

“Collaborative Teaching Materials for Employment Law”

“An Online Library for Collaborative Teaching Materials”

“Behavioral Perspectives on Employment Law”

"A Model of Employee Turnover with Applications to Employment Regulation"

## **Presentations**

“Mapping Employment Dismissal Law: A Leximetric Investigation of EPL Stringency and Regulatory Style,” University of Virginia School of Law, December 4, 2015.

“Is the ADA Efficient?” International Conference on Challenges and Responses in Labor Law under the New Normal Economy, Renmin University of China Law School, Beijing, China, October 23, 2015.

“Economic Analysis of Employment Law,” The Grand Forums of the Most Honorable Jurists, Renmin University of China Law School, Beijing, China, October 21, 2015.

“Economic Analysis of Employment Law,” Nankai University Law School, Tianjin, China, October 19, 2015.

“Employment Regulation and Youth Employment: A Critical Perspective,” Showcase Panel on Youth, Employment, and the Law, Federalist Society National Lawyers Convention, Washington, DC, November 13, 2014.

“Is There a War on Women?” Panel Discussion jointly sponsored by the Federalist Society and Virginia Law Women, University of Virginia School of Law, October 28, 2014.

“Comments on Drahozal,” Conference on Does Disclosure Have a Future? at the University of Virginia School of Law, October 17, 2014.

“What We Know (and Don’t Know) About How Employment Protection Law Affects Employment,” Enterprise Law Conference, Hitotsubashi University, Tokyo, January 10-11, 2014.

“What’s Wrong and What’s Right with Instructional Technology?” Keynote Speech, Teaching with Technology Fair, University of Virginia, Charlottesville, Virginia, August 22, 2013.

“The Law and Economics of Discharge,” Research Institute of Economy, Trade and Industry (RIETI), Tokyo, July 15, 2008.

“Wrongful Dismissal Law: Where Have We Been and Where Are We Going?” Utrecht School of Economics, June 23, 2006.

“Legal Ignorance and Information-Forcing Rules,” Centre for Employment and Labour Relations Law, Melbourne Law School, March 23, 2006.

“Legal Ignorance and Information-Forcing Rules,” American Law & Economics Association Annual Meeting, Northwestern University Law School, May 7, 2004.

“Legal Ignorance and Information-Forcing Rules,” Utrecht School of Economics, April 26, 2004.

“Legal Ignorance and Information-Forcing Rules,” University of Virginia School of Law, July 15, 2003.

“Legal Ignorance and Information-Forcing Rules,” William & Mary Law School, April 17, 2003.

"Disaggregating Antidiscrimination and Accommodation," Conference on Disability and Identity, William & Mary Law School, October 27, 2001.

Organizer, Conference on the Americans with Disabilities Act, Program for Employment and Labor Law Studies, University of Virginia School of Law, April 7-8, 2000.

Co-Organizer, Olin Conference on The Legal Construction of Norms, University of Virginia School of Law, February 25-26, 2000.

"An Economic Defense of Disability Discrimination Law," Georgetown University School of Law

"Towards an Economic Theory of Disability Discrimination Law," New York University School of Law

"An Economic Defense of Disability Discrimination Law," University of San Diego Law School

"An Economic Defense of Disability Discrimination Law," Stanford Law School

"An Economic Defense of Disability Discrimination Law," American Law and Economics Association Annual Meeting

"The Supreme Court on Sexual Harassment," Industrial and Labor Relations Research Association, Baltimore, Maryland Chapter, September 23, 1998

"An Economic Defense of Disability Discrimination Law," University of Texas, Faculty Colloquium, December 1997.

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Virginia School of Law, February 1996.

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Virginia Department of Economics

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Pennsylvania School of Law, February 15, 1996.

"Squeezing Lemons in the Labor Market: Market Dynamics, Asymmetric Information, and the Law," University of Michigan School of Law, March 1996.

"Thinking Empirically About Employment Contracts," Texas Law Review Symposium on Employment Law, University of Texas, November 9-10, 1995.

"Law and Economics," Panel Discussion on Diversity, University of Virginia School of Law, April 22, 1993.

Debate with Clint Bolick on Disparate Impact and the Civil Right Act of 1991, Federalist Society, University of Virginia School of Law, September 30, 1992.

### **Other Professional Activities**

Appointed as Diversity Monitor in *Amochaev v. Smith Barney* (pursuant to settlement agreement in class action suit alleging sex discrimination in compensation against Citigroup's Global Markets division).

Appointed Master in *Robinson-Smith v. GEICO* (overtime pay collective action brought under the FLSA).

Appointed to Steering Committee, The National Academies, Committee on National Statistics, Workshop on the Utilization of Women-Owned Small Businesses in Federal Contracting (4/1/2004 to 2/1/2005) (report published as National Research Council, *Analyzing Information on Women-Owned Small Businesses in Federal Contracting* (The National Academies Press 2005))

Appointed to arbitration panel in *Abdallah et al. v. The Coca-Cola Company* (No. 1-98-CV-3679 (RWS) N.D. Ga. 2000) (race discrimination class action settled for total of \$192.5 million).

### **Professional Affiliations**

American Law and Economics Association

International Society for Labor and Social Security Law