

Gregory Mitchell
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903-1738
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Academic Appointments

University of Virginia
Daniel Caplin Professor of Law
E. James Kelly, Jr.-Class of 1965 Research Professor, 2006-2009
Visiting Associate Professor of Law, Spring 2005
May 2006 to present

Florida State University
Sheila M. McDevitt Professor of Law, 2005-2006
Associate Professor of Law, 2004-Present
Assistant Professor of Law, 2002-2004
Courtesy Professor of Psychology, 2002-Present
2002-Spring 2006

Vanderbilt University
Visiting Associate Professor of Law
Fall 2004

Michigan State University
Adjunct Professor of Psychology, 2001-2002
Assistant Professor of Law, 2000-2002
2000-2002

Education

Boalt Hall School of Law
University of California, Berkeley
J.D., 1993
Executive Editor, CALIFORNIA LAW REVIEW
Member, INDUSTRIAL RELATIONS LAW JOURNAL, Spring 1991

Graduate Program in Psychology
University of California, Berkeley
Ph.D., 1994, M.A., 1990 - Emphasis in Social Psychology (Dissertation Committee: Philip E. Tetlock, Tom R. Tyler and Franklin Zimring)
Jacob K. Javits Fellow, 1988-1992
MacArthur Foundation Fellow in Political Psychology, 1988-1989
Teaching Assistant, Course on Attitudes and Persuasion, Spring 1990

University of Arkansas
B.A., 1988 - Psychology, magna cum laude
Phi Beta Kappa

Publications

2009

Hart Blanton, James Jaccard, Jonathan Klick, Barbara A. Mellers, Gregory Mitchell & Philip E. Tetlock, *Strong Claims & Weak Evidence: Reassessing the Predictive Validity of the Race IAT*, JOURNAL OF APPLIED PSYCHOLOGY (forthcoming 2009)

Hart Blanton, James Jaccard, Jonathan Klick, Barbara A. Mellers, Gregory Mitchell & Philip E. Tetlock, *Transparency Should Trump Trust*, JOURNAL OF APPLIED PSYCHOLOGY (forthcoming 2009)

Ronald Fisher, Neil Brewer & Gregory Mitchell, *The Relation Between Consistency and Accuracy of Witness Testimony*, in HANDBOOK OF PSYCHOLOGY OF INVESTIGATIVE INTERVIEWING: CURRENT DEVELOPMENTS AND FUTURE DIRECTIONS (Tom Williamson, Ray Bull & Tim Valentine eds., forthcoming 2009).

David Klein & Gregory Mitchell, Editors, THE PSYCHOLOGY OF JUDICIAL DECISION MAKING (Oxford University Press, forthcoming 2009)

Gregory Mitchell, *Evaluating Judges*, in THE PSYCHOLOGY OF JUDICIAL DECISION MAKING (David Klein & Gregory Mitchell eds., forthcoming 2009)

Gregory Mitchell, *Second Thoughts*, MCGEORGE LAW REVIEW (forthcoming 2009) (invited lecture)

Gregory Mitchell & Philip E. Tetlock, *Cognitive Styles and Judging*, in THE PSYCHOLOGY OF JUDICIAL DECISION MAKING (David Klein & Gregory Mitchell eds., forthcoming 2009)

Gregory Mitchell & Philip E. Tetlock, *Facts Do Matter: A Reply to Bagenstos*, 37 HOFSTRA LAW REVIEW (forthcoming 2009)

Gregory Mitchell & Philip E. Tetlock, *Experimental Political Philosophy: Justice Judgments in the Hypothetical Society Paradigm*, in NEW EXPLORATIONS IN POLITICAL PSYCHOLOGY (Jon A. Krosnick & I-Chant A. Chiang eds., forthcoming 2009)

Gregory Mitchell & Philip E. Tetlock, *Disentangling Reasons and Rationalizations: Exploring Moral Intuitions in Hypothetical Societies*, in SOCIAL AND PSYCHOLOGICAL BASES OF IDEOLOGY AND SYSTEM JUSTIFICATION (pp.126-157) (John Jost, A.C. Kay & H. Thorisdottir eds., 2009)

Philip E. Tetlock & Gregory Mitchell, *Implicit Bias and Accountability Systems: What Must Organizations Do to prevent Discrimination?*, 28 RESEARCH IN ORGANIZATIONAL BEHAVIOR (Barry Staw & Arthur Brief eds., forthcoming 2009)

Philip E. Tetlock & Gregory Mitchell, *A Renewed Appeal for Adversarial Collaboration*, 28 RESEARCH IN ORGANIZATIONAL BEHAVIOR (Barry Staw & Arthur Brief eds., forthcoming 2009)

Philip E. Tetlock & Gregory Mitchell, *Adversarial Collaboration Aborted But Our Offer Still Stands*, 28 RESEARCH IN ORGANIZATIONAL BEHAVIOR (Barry Staw & Arthur Brief eds., forthcoming 2009)

2008

Adam J. Hirsch & Gregory Mitchell, *Law & Proximity*, 2008 UNIVERSITY OF ILLINOIS LAW REVIEW 557-598.

John Monahan, Laurens Walker & Gregory Mitchell, *Contextual Evidence of Gender Discrimination: The Ascendance of "Social Frameworks"*, 94 VIRGINIA LAW REVIEW 1705-1739 (2008)

Philip E. Tetlock & Gregory Mitchell, *Calibrating Prejudice in Milliseconds*, 71 SOCIAL PSYCHOLOGY QUARTERLY 12-16 (2008)

Philip E. Tetlock, Gregory Mitchell & Terry L. Murray, *The Challenge of Debiasing Personnel Decisions: Avoiding Both Under- and Over-Correction*, 1 INDUSTRIAL AND ORGANIZATIONAL PSYCHOLOGY: PERSPECTIVES ON SCIENCE AND PRACTICE 439-443 (2008)

2006

Gregory Mitchell & Philip E. Tetlock, *Antidiscrimination Law and the Perils of Mindreading*, 67 OHIO STATE LAW JOURNAL 1023-1121 (2006)

Gregory Mitchell & Philip E. Tetlock, *An Empirical Inquiry into the Relation of Corrective Justice to Distributive Justice*, 3 JOURNAL OF EMPIRICAL LEGAL STUDIES 421-466 (2006)

Jonathan Klick & Gregory Mitchell, *Government Regulation of Irrationality: Moral and Cognitive Hazards*, 90 MINNESOTA LAW REVIEW 1620-1663 (2006)

2005

Gregory Mitchell, *Libertarian Paternalism Is an Oxymoron*, 99 NORTHWESTERN UNIVERSITY LAW REVIEW 1245-1277 (2005)

Gregory Mitchell, *Empirical Legal Scholarship as Scientific Dialogue*, 83 NORTH CAROLINA LAW REVIEW 167-204 (2005)

Gregory Mitchell, *Beyond Fireside Inductions*, 32 FLORIDA STATE UNIVERSITY LAW REVIEW 315-321 (2005) (Symposium: The Behavioral Analysis of Legal Institutions)

Gregory Mitchell, *Asking the Right Questions About Judge and Jury Competence*, 32 FLORIDA STATE UNIVERSITY LAW REVIEW 519-527 (2005) (Symposium: The Behavioral Analysis of Legal Institutions)

2004

Gregory Mitchell, *Case Studies, Counterfactuals, and Causal Explanations*, 152 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1517-1608 (2004)

2003

Gregory Mitchell, *Tendencies Versus Boundaries: Levels of Generality in Behavioral Law and Economics*, 56 VANDERBILT LAW REVIEW 1781-1812 (2003)

Gregory Mitchell, *Mapping Evidence Law*, 2003 MICHIGAN STATE LAW REVIEW 1065-1148 (Symposium: Visions of Rationality in Evidence Law)

Gregory Mitchell, Philip E. Tetlock, Daniel G. Newman & Jennifer S. Lerner, *Experiments Behind the Veil: Structural Influences on Judgments of Social Justice*, 24 POLITICAL PSYCHOLOGY 519-547 (2003)

2002

Gregory Mitchell, *Why Law and Economics' Perfect Rationality Should Not Be Traded for Behavioral Law and Economics' Equal Incompetence*, 91 GEORGETOWN LAW JOURNAL 67-167 (2002)

Gregory Mitchell, *Taking Behavioralism Too Seriously? The Unwarranted Pessimism of the New Behavioral Analysis of Law*, 43 WILLIAM AND MARY LAW REVIEW 1907-2021 (2002)

Pre-2000

Tom R. Tyler & Gregory Mitchell, *Legitimacy and the Empowerment of Discretionary Legal Authority: Abortion and the United States Supreme Court*, 43 DUKE LAW JOURNAL 703-815 (1994)

Gregory Mitchell, Comment, *Against "Overwhelming" Appellate Activism: Constraining Harmless Error Review*, 82 CALIFORNIA LAW REVIEW 1335-1369 (1994)

Gregory Mitchell, Philip E. Tetlock, Barbara Mellers & Lisa Ordóñez, *Judgments of Social Justice: Compromises Between Equality and Efficiency*, 65 JOURNAL OF PERSONALITY AND SOCIAL PSYCHOLOGY 629-639 (1993)

Philip E. Tetlock & Gregory Mitchell, *Liberal and Conservative Approaches to Justice: Conflicting Psychopolitical Portraits*, in PSYCHOLOGICAL PERSPECTIVES ON JUSTICE 234-255 (Barbara Mellers & Jonathon Baron eds., 1993)

Philip E. Tetlock, Charles McGuire, Jr. & Gregory Mitchell, *Psychological Perspectives on Nuclear Deterrence*, 42 ANNUAL REVIEW OF PSYCHOLOGY 239-276 (1991)

Work in Progress

The Limits of Social Framework Evidence: A Response to Hart and Secunda (with John Monahan and Laurens Walker)

Processing Fluency and Conditional Reasoning

What Does $p < .05$ Mean?

Using Conjoint Analysis to Examine the Categorical-Individuating Information Continuum (with Barbara Mellers and Philip E. Tetlock)

How Prevalent is Implicit Prejudice? Some Psychometric Procedures (with Hart Blanton, Texas A&M University, Jim Jaccard, Florida International University, and Philip E. Tetlock, Haas School of Business, University of California, Berkeley)

The Inconsistent, Yet Reliable Witness (with Ronald Fisher, Department of Psychology, Florida International University, and Neil Brewer, Flinders University)

Scoring of the Implicit Association Test: Psychometric Considerations (with Hart Blanton, Texas A&M University, Jim Jaccard, Florida International University, and Philip E. Tetlock, Haas School of Business, University of California, Berkeley)

A Cross-Sectional Study of Cognitive and Non-Cognitive Predictors of Legal Reasoning and Law School Performance (with David Z. Hambrick, Michigan State University Department of Psychology)

The Perils of Prejudging Prejudice: Avoiding Under- and Over-correction of Intergroup Bias (book manuscript under preparation with Philip E. Tetlock)

Grants

Funding for conference on "The Psychology of Judging," National Science Foundation, \$32,781, March, 2007 (with David E. Klein, University of Virginia Department of Politics; peer-reviewed)

Co-Principal Investigator, *The Development and Maintenance of Legal Reasoning*, Michigan State University Intramural Research Grant Program New Faculty Grant, \$50,000, January 2002-June 2003 (with David Z. Hambrick, Michigan State University Department of Psychology, Principal Investigator; competitively awarded grant)

Presentations and Panels

Social Framework Evidence, Olin Conference on Combating Workplace Discrimination (conference presenter, moderator and organizer, April 2009)

Metacognition and Rationality, Seminar on Law and Economics, University of Illinois School of Law (March 2009)

Commenter, Law & Psychology Roundtable, Washington University at St. Louis (March 2008)

Second Thoughts, Distinguished Speaker Lecture, McGeorge School of Law (February 2008)

The Ascendance of Social Frameworks, University of Virginia Faculty Retreat (January 2008) & St. Louis University School of Law (March 2008)

Reassessing the Predictive Validity of the Race IAT, Ohio State University Psychology Department (November 2007)

What Must Organizations Do to Check Implicit Bias?, University of Pennsylvania School of Law Law and Economics Workshop (March 2007) & Ohio State University Moritz College of Law (November 2007)

Panelist, The Hows and Whys of Empirical Legal Scholarship, Southeastern Association of Law Schools (SEALS) Conference (July 2005)

Government Regulation of Irrationality: Moral and Cognitive Hazards, University of Virginia Faculty Workshop (March 2005)

An Empirical Inquiry into the Relation of Corrective Justice to Distributive Justice, Vanderbilt University Law School Dean's Lunch (November 2004)

Libertarian Paternalism Is an Oxymoron, New York University, Department of Economics, Colloquium on Market Institutions and Economic Processes (November 2004)

Unconfounding Intuitions About Corrective and Distributive Justice, Florida State University College of Law Faculty Workshop (June 2004)

Case Studies, Counterfactuals, and Causal Explanations, Southeastern Association of Law Schools (SEALS) Conference, Young Scholars Workshop (July 2003)

Panelist, Construing Science in Context: What Do Judges Need to Know?, Southeastern Association of Law Schools (SEALS) Conference (July 2003)

Mapping Evidence Law, University of Florida Levin School of Law Faculty Workshop (March 2003) & Michigan State University DCL College of Law Conference on Visions of Rationality in Evidence Law (April 2003)

An Idiosyncratic View of Psychological Theory in the Law, MSU Clinical Psychology Group (April 2001)

Judicial Accountability and Public Perceptions of the Judicial System, MSU-DCL Law Review

Forum on the Impact of the 2000 Elections on the Future of Our Courts (November 2000)

Legitimacy and Discretionary Legal Authority, Federal Judicial Center, Washington, DC (January 1994)

Teaching and Service

Associate Editor, JOURNAL OF EMPIRICAL LEGAL STUDIES

Occasional Referee for GROUP PROCESSES AND INTERGROUP RELATIONS, JOURNAL OF EXPERIMENTAL SOCIAL PSYCHOLOGY, JOURNAL OF LEGAL EDUCATION, LAW AND HUMAN BEHAVIOR, LAW & SOCIETY REVIEW, SOUTH CAROLINA LAW REVIEW and SOCIAL JUSTICE RESEARCH

University of Virginia

Courses: Civil Procedure, Employment Discrimination, Evidence, Law & Psychology, Moral Psychology and Law (co-taught with Jonathan Haidt & John Monahan) and Judgment & Decision-making

Committees: Admissions (2007-2008); Empirical Project Review (2006-2007, 2007-2008); Junior Faculty Development (2007-2008); Lateral Appointments (2008-2009); Summer Workshops (2008); Tenure Subcommittee (2007-2008)

Florida State University

Courses: Civil Procedure, Complex Civil Litigation, Contracts II, Evidence, and Employment Discrimination

Committees: Academic Enrichment (2002-2003), Academic Waivers (2002-2003), Appointments (2003-2004, 2005-2006), University Library Committee (2002-2004), Library Steering Subcommittee (2003-2004), Library Patrons Subcommittee (2002-2003) and Library Resources Subcommittee (Chair, 2003-2004); Junior Faculty Development (2007-2008); Tenure Subcommittee (2007-2008)

Faculty Advisor to Dispute Resolution Society and Mock Trial Team (2002-2005)

First Year Class Teacher of the Year and Co-Teacher of the Year 2003-2004; Second Year Class Teacher of the Year 2005-2006

Michigan State University

Courses: Civil Procedure I, Civil Procedure II, Complex Civil Litigation and Evidence

Selected Teacher of the Year for Academic Years 2000-2001 and 2001-2002

Committees: Faculty Appointments (2000-2002), Faculty-Student Liaison (2000-2002)

and Writing Skills (2000-2001)

Faculty Advisor to Public Interest Law Society and Trial Practice Program

External Examiner for Psychology Dissertation Committees

Vanderbilt University

Course: Evidence

Other Legal Experience

Doramus, Trauger & Ney
Associate
Nashville, Tennessee
June 1994-June 2000

U.S. District Judge Thomas A. Wiseman, Jr.
Judicial Clerk
Middle District of Tennessee, Nashville, Tennessee
June 1993-June 1994

Expert Consulting
LASSC, LLC
Charlottesville, Virginia
2006-present

Bar Admissions

Tennessee (1994), Middle District of Tennessee (1994), U.S. Court of Appeals for the Sixth Circuit (1996), Eastern District of Tennessee (1997), U.S. Supreme Court (1999) and Michigan (2001)

Associations and Memberships

American Psychology-Law Society
Association for Psychological Science
Berkeley Law Foundation
Law and Society Association
Behavioral & Brain Sciences Associate
NBSA Thurgood Marshall Mock Trial Competition Review Board, 2005-2006
Harry Phillips American Inn of Court, 1997-1998
Board of Directors, Hands On Nashville, 1999-2000