

Gregory Mitchell  
University of Virginia School of Law  
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Charlottesville, Virginia 22903-1738  
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### **Academic Appointments**

University of Virginia  
Mortimer M. Caplin Professor of Law, Fall 2010-Present  
Class of 1948 Research Professor, Fall 2010-Present  
Daniel Caplin Professor of Law, 2008-2010  
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, 2002-2006

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**

### **2011**

Gregory Mitchell, Laurens Walker & John Monahan, *Beyond Context: Social Facts as Case-Specific Evidence*, EMORY LAW JOURNAL (forthcoming 2011)

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 2011)

### **2010**

Philip E. Tetlock & Gregory Mitchell, *Situated Identities Constrain Morally-Defensible Choices*, 5 PERSPECTIVES ON PSYCHOLOGICAL SCIENCE 206-208 (2010)

David Klein & Gregory Mitchell, Editors, THE PSYCHOLOGY OF JUDICIAL DECISION MAKING (Oxford University Press, 2010)

Gregory Mitchell, *Evaluating Judges*, in THE PSYCHOLOGY OF JUDICIAL DECISION MAKING (pp. 221-248) (David Klein & Gregory Mitchell eds., 2010)

Gregory Mitchell, *Good Causes and Bad Science*, VANDERBILT LAW REVIEW EN BANC (forthcoming 2010)

Gregory Mitchell, *Good Scholarly Intentions Do Not Guarantee Good Policy*, 95 VIRGINIA LAW REVIEW IN BRIEF 109-115 (2010)

Gregory Mitchell & Philip E. Tetlock, *Cognitive Styles and Judging*, in THE PSYCHOLOGY OF JUDICIAL DECISION MAKING (pp. 279-284) (David Klein & Gregory Mitchell eds., 2010)

### **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 IAT*, 94 JOURNAL OF APPLIED PSYCHOLOGY 567-582 (2009)

Hart Blanton, James Jaccard, Jonathan Klick, Barbara A. Mellers, Gregory Mitchell & Philip E. Tetlock, *Transparency Should Trump Trust: Rejoinder to McConnell and Leibold (2009) and Ziegert and Hanges (2009)*, 94 JOURNAL OF APPLIED PSYCHOLOGY 598-603 (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 (pp. 121-136) (Tom Williamson, Ray Bull & Tim Valentine eds., 2009).

Daniel J. Meador & Gregory Mitchell, AMERICAN COURTS, THIRD EDITION (West Group, 2009).

Gregory Mitchell, *Second Thoughts*, 40 MCGEORGE LAW REVIEW 687-722 (2009) (invited lecture)

Gregory Mitchell & Philip E. Tetlock, *Facts Do Matter: A Reply to Bagenstos*, 37 HOFSTRA LAW REVIEW 737-761 (2009)

Gregory Mitchell & Philip E. Tetlock, *Disentangling Reasons and Rationalizations: Exploring Fairness 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)

John Monahan, Laurens Walker & Gregory Mitchell, *The Limits of Social Framework Evidence*, 8 LAW, PROBABILITY & RISK 307-321 (2009)

Philip E. Tetlock & Gregory Mitchell, *Implicit Bias and Accountability Systems: What Must Organizations Do to Prevent Discrimination?*, 28 RESEARCH IN ORGANIZATIONAL BEHAVIOR 3-38 (Barry Staw & Arthur Brief eds., 2009)

Philip E. Tetlock & Gregory Mitchell, *A Renewed Appeal for Adversarial Collaboration*, 28 RESEARCH IN ORGANIZATIONAL BEHAVIOR 71-72 (Barry Staw & Arthur Brief eds., 2009)

Philip E. Tetlock & Gregory Mitchell, *Adversarial Collaboration Aborted But Our Offer Still Stands*, 28 RESEARCH IN ORGANIZATIONAL BEHAVIOR 77-79 (Barry Staw & Arthur Brief eds., 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)

### **Works in Progress**

Revisiting Truth or Triviality: The External Validity of Research in the Psychological Laboratory

Simulating the Cumulative Impact of Gender Discrimination in Large Organizations (with Fred Oswald, Rice University)

The Inefficiency of Oral Argument (with David E. Klein, Department of Politics, University of Virginia)

Cognitive Reflection and Economic, Legal and Moral Reasoning

What Does  $p < .05$  Mean?

Reassessing the Predictive Validity of the Race IAT: II. Meta-analysis of Race IAT-Behavior Studies (with Hart Blanton, Texas A&M University, Jim Jaccard, Florida International University, and Philip E. Tetlock, Haas School of Business, University of California, Berkeley)

How Prevalent is Implicit Prejudice? (with Hart Blanton, Texas A&M University, Jim

Jaccard, Florida International University, and Philip E. Tetlock, Haas School of Business, University of California, Berkeley)

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)

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

### **Grants**

Co-Principal Investigator, *Peer Review of Social Framework Analysis*, Searle Freedom Trust, \$50,000, May 2010-April 2011 (with Christopher Winship, Department of Sociology, Harvard University)

Co-Principal Investigator, *What Companies Need to Do to Curb Bias in Employment Practices: A Multi-Method Exploration of the Perceived and Actual Efficacy of Process Versus Outcome Accountability*, Society for Human Resource Management Foundation, \$50,000, December 2009-December 2010 (with Philip E. Tetlock, Haas School of Business, University of California, Berkeley)

Co-Principal Investigator, *Taking a Careful Scientific Second Look Before Making a Big Policy Leap: An Epistemic Audit of the Unconscious-Bias Research Program*, Searle Freedom Trust, \$250,000, August 2009-July 2011 (with Philip E. Tetlock, Haas School of Business, University of California, Berkeley)

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**

In Defense of Thinking, Mortimer M. Caplin Chair Lecture, University of Virginia School of Law (October 2010)

Beyond Context: Social Facts as Case-Specific Evidence, Michigan State University College

of Law (February 2010) & Temple University Beasley School of Law (March 2010)

Evaluating Judges, University of Virginia Faculty Workshop (November 2009)

The Legal Relevance of Psychological Research on Memory Validity, 31<sup>st</sup> Congress of the International Academy of Law and Mental Health (July 2009)

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 National Science Foundation and GROUP PROCESSES AND INTERGROUP RELATIONS, JOURNAL OF EMPIRICAL LEGAL STUDIES, JOURNAL OF EXPERIMENTAL SOCIAL PSYCHOLOGY, JOURNAL OF LEGAL EDUCATION, JURIMETRICS, LAW AND HUMAN BEHAVIOR, LAW & SOCIETY REVIEW, SOUTH CAROLINA LAW REVIEW, SOCIAL JUSTICE RESEARCH, university presses, and conference programs

### **University of Virginia**

Courses: Causation in the Law (with Barbara Spellman), Civil Procedure, Class Actions And Public Policy: Mass Torts, Employment Discrimination and Securities Fraud (with Laurens Walker), Employment Discrimination, Evidence, Judgment & Decision-Making, Law & Psychology and Moral Psychology & Law (co-taught with Jonathan Haidt & John Monahan)

Committees: Admissions (2007-2008), Empirical Project Review (2006-2007, 2007-2008, 2010-2011), Junior Faculty Development (2007-2008), Lateral Appointments (2008-2009), Lecturers & Clinics (2010-2011), Student Scholarship (2009-2010), Summer Workshops (2008), Tenure Subcommittee (2007-2008, 2009-1010) and Women's Leadership Council (university committee, 2008-present)

### **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)

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), and U.S. Supreme Court (1999)

### **Associations and Memberships**

American Psychology-Law Society

Association for Psychological Science  
Berkeley Law Foundation  
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