

An interview with Professor J.J. Prescott of the University of Michigan Law School



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Professor J.J. Prescott is a researcher and educator specializing in criminal law, labor and employment law, and the intersection of law and economics. We met with Professor Prescott to learn more about his research and hear how he uses SSRN.



J.J. Prescott is a professor of law and co-director of the Empirical Legal Studies Center and the Program in Law and Economics at the University of Michigan Law School. He also has an appointment in the university's Economics Department. He earned his JD, *magna cum laude*, in 2002 from Harvard Law School and a PhD in economics in 2006 from the Massachusetts Institute of Technology. In addition to his research and education work, he co-founded Court Innovations Inc., which develops and implements online dispute resolution software with the aim of improving access to justice.

“SSRN is important as a place to keep and share my research and as a means to find other relevant research.”

—Professor J.J. Prescott, University of Michigan Law School

Current work

How do you balance your educator and researcher roles?

I try to make them work synergistically. Leavening my research with what I've learned from teaching and vice versa makes both much better. Therefore, wherever possible, I try to find the overlap of the two and explore that space for ways to take my teaching and research to the next level.

Sometimes, of course, some of the hardest problems in research are not “teachable” to new students, but these situations are rare.

What is your main research focus?

My primary research interests revolve around post-release criminal justice reform, for example, the ramifications of post-release sex offender laws and the socio-economic consequences of criminal record expungement.

I'm also very interested in the effects of prosecutorial and judicial discretion and decision-making generally, and especially their effects on short- and long-term defendant outcomes. I also investigate the nature and repercussions of settlement behavior in civil litigation.

I also study issues related to employment law. Most recently, I've focused on the role and effects of non-competition agreements.

What drew you to these topics, which all relate to the longer-term impact of legal decisions?

Some of them are cutting-edge reform issues; others are less so, but involve fundamental questions of human behavior, and so are not only interesting to me, but are important “basic research” topics underlying policy design and implementation.

If someone wanted to get a good sense of your research, which of your papers would you recommend that they read?

A few spring to mind:

1. Co-authored with J.E. Rockoff: [Do sex-offender registration and notification laws affect criminal behavior?](#) 2011. *Journal of Law and Economics* 54(1): 161–206.
2. Co-authored with K.E. Spier: [A comprehensive theory of civil settlement.](#) 2016. *NYU Law Review* 91: 59–143.
3. [Assessing access to justice outreach strategies.](#) 2018. *Journal of Institutional and Theoretical Economics* 174(1): 34–63.
4. Co-authored with S.B. Starr: [Expungement of criminal convictions: an empirical study.](#) *Harvard Law Review* 133 (forthcoming).

Publishing in law

You were an editor for the Harvard Law Review in the early 2000s. Do you have any insight into how publishing has changed since then?

Some things do not change, and publishing in the academic sphere remains first and foremost about reporting research findings.

However, technology has made it much easier to get one's research out in the world, and that means it is being found, read, and discussed more readily.

In particular, the ability to disseminate preliminary research findings for comment has made pre-publishing an increasingly important aspect of publishing activity.

This is mostly a good thing, because it allows for an early conversation, where errors can be caught and corrected. However, there are risks as well, because preliminary findings can always be understood by some readers and the media as final.

This is an inherent trade-off. It is important that researchers and the publishing industry strike the right balance and remain vigilant in the face of evolving technology and shifts in norms.

Using SSRN

Why is SSRN important to you?

It is important to me as a place to keep and share my research and as a means to find other research.

Is SSRN important in education?

I certainly think it could be if there were an interest in identifying papers that might be helpful for students *ex ante*.

Would you like to share any other thoughts on SSRN?

Well, to those of you who work so hard to make SSRN what it is, well done! Ease of use is critical — and SSRN is definitely user-friendly!



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Tel: +31 20 485 3767

NORTH AMERICA, CENTRAL AMERICA AND CANADA

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SOUTH AMERICA

Tel: +55 21 3970 9300

