

JANICE NADLER

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357 E. Chicago Ave., Chicago, IL 60611 (312) 503-3228

American Bar Foundation
750 N. Lakeshore Dr., Chicago, IL 60611(312) 988-6535

jnadler@northwestern.edu

RESEARCH & TEACHING

Criminal Law; Law & Psychology; Food Law & Policy; Negotiation

CURRENT POSITIONS

Since 2017 NORTHWESTERN UNIVERSITY PRITZKER SCHOOL OF LAW
Nathaniel L. Nathanson Professor of Law

Since 2000 AMERICAN BAR FOUNDATION
Research Professor

PRIOR ACADEMIC POSITIONS

2014-2016 NORTHWESTERN UNIVERSITY PRITZKER SCHOOL OF LAW
Associate Dean for Faculty Affairs
2005-present Professor
2003-2005 Associate Professor
2000-2003 Assistant Professor

Winter 2012 UNIVERSITY OF CHICAGO
Visiting Professor of Law

EDUCATION

2000 Ph.D. University of Illinois, Urbana-Champaign
Department of Psychology, Social Psychology
1989 J.D. University of California, Berkeley School of Law
1985 B.A. Cornell University

PUBLICATIONS

[Emotional Evidence in Court](#)

RESEARCH HANDBOOK ON LAW AND EMOTION, Susan Bandes, et al.
(eds.)(forthcoming)(with Hannah J. Phalen and Jessica M. Salerno)

[Regulation, Public Attitudes, and Private Governance](#)

16 JOURNAL OF EMPIRICAL LEGAL STUDIES 69 (2019) (with David A. Dana)

[“Deserve Got Nothin’ to Do with It”: The Value of Homicide Victims in *The Wire*](#)

2018 UNIVERSITY OF CHICAGO LEGAL FORUM 163 (2018)

[The Social Psychology of Property: Looking Beyond Market Exchange](#)

14 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 367 (2018)

[Soda Taxes as a Legal and Social Movement](#)

13 NORTHWESTERN JOURNAL OF LAW & SOCIAL POLICY 84 (2017) (with David A. Dana)

[White Paper of Democratic Criminal Justice](#)

111 NORTHWESTERN UNIVERSITY LAW REVIEW 1693 (2017) (with Joshua Kleinfeld et al.)

[Expressive Law, Social Norms, and Social Groups](#)

42 LAW & SOCIAL INQUIRY 65 (2017)

[Social Psychology and the Law](#)

1 OXFORD HANDBOOK OF LAW AND ECONOMICS 124, Francesco Parisi (ed.) (2017) (with Pam Mueller)

[The Path of Motivated Blame and the Complexities of Intent](#)

25 PSYCHOLOGICAL INQUIRY 222 (2014)

[Law, Moral Attitudes, and Behavioral Change](#)

OXFORD HANDBOOK OF BEHAVIORAL ECONOMICS AND THE LAW 241, Eyal Zamir & Doron Teichman (eds.) (2014) (with Kenworthy Bilz)

[Consent, Dignity, and the Failure of Scattershot Policing](#)

THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA 93, J. Parry & S. Richardson (eds.) Cambridge Univ. Press (2013)

[Blaming as a Social Process: The Influence of Character and Moral Emotion on Blame](#)

75 LAW & CONTEMPORARY PROBLEMS 1 (2012)

[Moral Character, Motive, and the Psychology of Blame](#)

97 CORNELL LAW REVIEW 255 (2012) (with Mary-Hunter McDonnell)

[The Language of Consent in Police Encounters](#)

OXFORD HANDBOOK OF LANGUAGE AND LAW 326, L. Solan, P. Tiersma (eds.) (2012) (with J.D. Trout)

[Law, Psychology & Morality](#)

50 MORAL JUDGMENT AND DECISION MAKING: THE PSYCHOLOGY OF LEARNING AND MOTIVATION 101, D. Bartels, et al. (eds.) (2009) (with Kenworthy Bilz)

[Eminent Domain and the Psychology of Property Rights: Proposed Use, Subjective Attachment, and Taker Identity](#)

5 JOURNAL OF EMPIRICAL LEGAL STUDIES 713 (2008) (with Shari Seidman Diamond)

[Coordinating in the Shadow of the Law: Two Contextualized Tests of the Focal Point Theory of Legal Compliance](#)

42 LAW & SOCIETY REVIEW 865 (2008) (with Richard McAdams)

[Moral Spillovers: The Effect of Moral Mandate Violations on Deviant Behavior](#)

44 JOURNAL OF EXPERIMENTAL SOCIAL PSYCHOLOGY 1239 (2008) (with Elizabeth Mullen)

[Government Takings of Private Property](#)

PUBLIC OPINION AND CONSTITUTIONAL CONTROVERSY 287, N. Persily, J. Citrin & P. Egan (eds.) (2008) (with Shari Seidman Diamond and Matthew M. Patton)

[Constructing Focal Points Through Legal Expression: An Experimental Test](#)

EXPERIMENTS IN CRIMINOLOGY AND LAW: A RESEARCH REVOLUTION 137, C. Horne & M. Lovaglia (eds.) (2007) (with Richard H. McAdams)

[Build Rapport and a Better Deal](#)

10 NEGOTIATION 9, HARVARD LAW SCHOOL PROGRAM ON NEGOTIATION (March 2007)

[The Law and Norms of File Sharing](#)

3 SAN DIEGO LAW REVIEW 577 (2006) (with Yuval Feldman)

[Appropriately Upset? Emotion Norms and Perceptions of Crime Victims](#)

30 LAW & HUMAN BEHAVIOR 203 (2006) (with Mary R. Rose and Jim Clark)

[Judgmental Biases in Conflict Resolution and How to Overcome Them](#)

HANDBOOK OF CONFLICT RESOLUTION: THEORY AND PRACTICE, 2ND ED. 243, M. Deutsch, P. Coleman & E. Marcus (Eds.) (2006) (with Leigh Thompson and Robert Lount)

[Negotiation, Information Technology, and the Problem of the Faceless Other](#)

NEGOTIATION THEORY AND RESEARCH 145, Leigh L. Thompson (Ed.) (2006) (with Donna Shestowsky)

[Flouting the Law](#)

83 TEXAS LAW REVIEW 1399 (2005)

[Testing the Focal Point Theory of Legal Compliance: The Effect of Third-Party Expression in an Experimental Hawk/Dove Game](#)

2 JOURNAL OF EMPIRICAL LEGAL STUDIES 87 (2005) (with Richard McAdams)

[Rapport in Legal Negotiation: How Small Talk Can Facilitate Email Dealmaking](#)

9 HARVARD NEGOTIATION LAW REVIEW 223 (2004)

[Rapport in Negotiation and Conflict Resolution](#)

87 MARQUETTE LAW REVIEW 875 (2004)

[Victim Impact Testimony and the Psychology of Punishment](#)

88 CORNELL LAW REVIEW 419 (2003) (with Mary R. Rose)

[Learning Negotiation Skills: Four Models of Knowledge Creation and Transfer](#)

49 MANAGEMENT SCIENCE 529 (2003) (with Leigh Thompson & Leaf Van Boven)

[No Need to Shout: Bus Sweeps and the Psychology of Coercion](#)

2002 SUPREME COURT REVIEW 153 (2003)

[Schmooze or Lose: Social Friction and Lubrication in E-mail Negotiations](#)

6 GROUP DYNAMICS 89 (2002) (with Michael Morris, Terri Kurtzberg, & Leigh Thompson)

[Negotiating Via Information Technology: Theory and Application](#)

58 JOURNAL OF SOCIAL ISSUES 109 (2002) (with Leigh Thompson)

[Electronically-Mediated Dispute Resolution and E-Commerce](#)

17 NEGOTIATION JOURNAL 333 (2001)

[Order Effects in Individual and Group Policy Allocations](#)

4 GROUP PROCESSES AND INTERGROUP RELATIONS 99 (2001) (with J. Irwin, et al.)

[Procedural Mechanisms and Jury Behavior](#)

BLACKWELL HANDBOOK OF SOCIAL PSYCHOLOGY: GROUP PROCESSES 574, M. Hogg & R. S. Tindale (eds.) (2001) (with Tindale, R. S., Krebel, A. & Davis, J. H.)

[Distributing Adventitious Resources: The Effect of Relationship and Grouping](#)

12 SOCIAL JUSTICE RESEARCH 131 (1999)

[Some Like It Hot: The Case for the Emotional Negotiator](#)

SHARED COGNITION IN ORGANIZATIONS: THE MANAGEMENT OF KNOWLEDGE 139, L. Thompson, J. Levine, & D. Messick (eds.) (1999) (with Leigh Thompson & Peter Kim)

PRESENTATIONS

2019

Moral Psychology and Political Polarization, International Convention of Psychological Science, Paris

The Role of Emotion in Politically Polarized Debates: The Case of Food Policy, Arizona State University Law & Behavioral Science, Phoenix AZ

2018

The Psychological Mechanisms of Legal Blame, Colorado Fellows of the American Bar Foundation, Denver CO

Regulation, Public Attitudes, and Private Governance (with David Dana), Searle/Buffett Research Roundtable on Private Environmental Governance and Climate Change, Northwestern University

2017

Regulation, Public Attitudes, and Private Governance (with David Dana), Conference on Empirical Legal Studies, Cornell Law School

Regulation, Public Attitudes, and Private Governance (with David Dana), Center for the Study of Law & Society, Berkeley Law School

The Politics of Soda Taxes (with David Dana), Research Roundtable on Animal Law and Regulation: Local Food Law, Animal Welfare, and Sustainability, Searle Center, Northwestern Pritzker School of Law

The Psychological Mechanisms of Legal Blame, New York Fellows of the American Bar Foundation, Continuing Legal Education Presentation, New York, NY

Regulation, Public Attitudes, and Private Governance in the Food System (with David Dana), American Bar Foundation Seminar Series, Chicago, IL

The Psychological Mechanisms of Legal Blame, California Fellows of the American Bar Foundation, Continuing Legal Education Presentation, Los Angeles, CA

2016

Corporate Endorsements, Political Polarization, and Cage Free Eggs (with David Dana), Research Roundtable on Animal Law and Regulation: Comparative Perspectives on Administrative and Regulatory Law, Searle Center, Northwestern Pritzker School of Law

Blaming for Unintentional Harms: Motivated Moral Judgment and the Influence of Moral Character, Association for Psychological Science Annual Convention, Chicago IL

McAdams' *Expressive Powers of Law*, Author Meets Reader, Law & Society Association Annual Meeting, New Orleans LA

Culpable Indifference: Criminal Liability for Reckless Offenses, Faculty Workshop, Loyola University

Chicago School of Law

2015

Antibiotics and Public Opinion: The Role of Moral Psychology, Food Law and Policy Conference: Drugs, Animals, and Food: Law & Policy of Antibiotics in the Food System, Harvard Law School

The Promise of Expressive Law, How Law Works: Perspectives from Economics, Psychology, Political Science, and Philosophy Conference, University of Chicago Law School

The Role of Character in Legal Blame and Punishment, Law & Society Association Annual Meeting, Seattle, WA

The Power of Focal Points is Pervasive: An Experimental Study of Strategy Labels in Coordination Games (with Richard McAdams), Experimental Methods in Legal Scholarship Workshop, UCLA Law School

2014

Using Experiments to Examine Legal Compliance, American Society for International Law Mid-Year Meeting, Chicago, IL

The Role of Character in Legal Blame and Punishment, American Bar Foundation Seminar Series, Chicago

The Law of Character Evidence and Its Role in Blame, International Society for Justice Research Conference, New York University

2013

Law, Moral Attitudes, and Behavioral Change (with Kenworthy Bilz), Behavioral Law & Economics: Substance and Methodology, Program on Law & Market Behavior, University of Notre Dame Law School

Consent, Dignity, and the Failure of Scattershot Policing, Law & Society Association 2013 Annual Meeting, Boston

Moral Character, Mental State, and Blame, Colloquium on Law & Psychology, UC Berkeley School of Law

Moral Character, Mental State, and Blame, Faculty Workshop, University of Texas School of Law

2012

Blame, Emotion, & Moral Character. Faculty Workshop, University of Chicago Law School

The Influence of Initial Trust Perceptions on Integrative Negotiation Outcomes. UCLA School of Law Negotiation and Conflict Resolution Colloquium

Punishing Passion: The Psychology of Punishing Hot-State Transgressions (with Mary-Hunter McDonnell) Law, Economics, and Psychology Workshop, University of Pennsylvania Law School

Passion, Character, and the Psychology of Punishment, The Davies Forum at the University of San

Francisco

2011

The Power of Focal Points is Pervasive: An Experimental Study of Strategy Labels in Coordination Games. (with Richard H. McAdams), Conference on Empirical Legal Studies, Northwestern University School of Law

Harm, Character, and Moral Emotion. Symposium on Adjudicating the Guilty Mind, Duke Law School

Moral Character, Motive, and the Psychology of Blame. Faculty Workshop, University of Illinois College of Law

2010

The Psychology of Blame: Criminal Liability and the Role of Moral Character. Conference on Empirical Legal Studies, Yale Law School

Moral Character and Blame. International Society for Justice Research Conference, Banff, Alberta, Canada

The Psychology of Blame. Faculty Workshop, University of Minnesota Law School

The Psychology of Blame. Faculty Workshop, Brooklyn Law School

2009

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Sixth Annual Brigham-Kanner Property Rights Conference, William & Mary Law School.

2008

Moral Spillovers: The Effect of Moral Mandate Violations on Deviant Behavior (with Elizabeth Mullen). Conference on Empirical Legal Studies, Cornell University.

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Dispute Resolution Research Center Works in Progress, Kellogg School of Management, Northwestern University.

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Law, Psychology and Economics Workshop, University of Illinois College of Law, Champaign, IL.

The Psychology of Coercion. University of Chicago Law-Philosophy Workshop.

Schmooze or Lose: How Small Talk Can Facilitate Email Negotiations. Association of American Law Schools Annual Meeting, New York, NY.

2007

Eminent Domain and the Psychology of Property Rights (with Shari Seidman Diamond). Conference on Empirical Legal Studies, NYU Law School.

Psychological Research: Understanding Responses to Law (with Shari Seidman Diamond). Law & Society

Association 2007 Annual Meeting, Berlin.

2006

The Focal Point Theory of Expressive Law: A Contextualized Test. Conference on Empirical Legal Studies, University of Texas Law School.

2005

Flouting the Law. Stanford Law School Faculty Workshop.

Testing the Focal Point Theory of Legal Compliance. Journal of Empirical Legal Studies Young Empirical Scholars Conference, Cornell Law School.

Testing the Focal Point Theory of Legal Compliance. Midwest Law & Economics Association Conference, Chicago, IL.

The Effect of Law on Perceived Consensus About File Sharing Norms (with Yuval Feldman), Law & Society Association 2005 Annual Meeting, Las Vegas.

2004

A Third Model of Legal Compliance: Testing for Expressive Effects in a Hawk/Dove Game (with Richard McAdams). International Association for Conflict Management, 17th Annual Conference, Pittsburgh.

Testing the Focal Point Theory of Legal Compliance: Third Party Expression in An Experimental Hawk/Dove Game (with Richard McAdams). Law & Society Association 2004 Annual Meeting, Chicago.

Panel: Creating a Canon of Negotiation (Andrea Schneider, Chair). Law & Society Association 2004 Annual Meeting, Chicago.

Negotiation, Information Technology, and the Problem of the Faceless Other (with Donna Shestowsky). Frontiers of Negotiation, Dispute Resolution Research Center and Northwestern University School of Law.

The Focal Point Theory of Expressive Law: An Experimental Test of Legal Compliance in a Hawk/Dove Game (with Richard McAdams). American Law & Economics Association, Fourteenth Annual Meeting, Chicago.

2003

Norms of Emotion in Victim Impact Statements. (with Mary R. Rose). Annual Meeting of the Law & Society Association, Pittsburgh.

Conducting Empirical Research in the Negotiation Classroom. Workshop on Dispute Resolution, Annual Meeting of the American Association of Law Schools Annual Conference, Washington, D.C.

2002

Expressive Law: Testing the Effects of Third-Party Recommendations on Behavior in Coordination Games. Northwestern University School of Law Faculty Workshop Series, (with Richard McAdams).

Information Technology and Negotiator Behavior. Negotiation Teaching Workshop, Dispute Resolution Research Center and Northwestern University School of Law.

Legal Negotiation and Communication Technology: How Small Talk Can Facilitate E-mail Dealmaking. Annual Meeting of the Law & Society Association. Vancouver.

Victim Impact Testimony and the Psychology of Punishment. (with Mary R. Rose). Symposium on Victims and the Death Penalty, Inside and Outside the Courtroom, Cornell University.

The Role of Victim Mental Suffering in Judgments About Criminal Punishment. Loyola University, Department of Psychology, Social Psychology Colloquium.

2001

A Test of Four Instructional Methods and Their Effectiveness in Learning Negotiation Skills. (with Leigh Thompson and Leaf Van Boven). Symposium on Managing Knowledge in Organizations: Creating, Retaining, and Transferring Knowledge. Carnegie Mellon University.

The Stability of Just World Beliefs Over Time. (with Mary R. Rose and Marc Musick) Annual Meeting of the Law & Society Association. Budapest.

2000

Information Technology and Negotiation Behavior. (with Leigh Thompson and Michael Morris) Auctions and Negotiations.com: A Conference on Electronic Exchange. Dispute Resolution Research Center, Kellogg School of Management, Northwestern University.

Consequences of Observers' Perceptions of Injustice. Yale School of Management Faculty Workshop.

1999

Moral Authority and Compliance: The Effect of Perceived Injustice on Deference to the Law. (various law schools)

Schmooze or Lose: The Effects of Rapport and Gender in Email Negotiations. (with Leigh Thompson & Michael Morris) Annual Meeting, Academy of Management. Chicago.

Getting to Know You: The Effects of Relationship-Building and Expectations on E-mail Negotiations. (with Kurtzberg, T., Morris, M., & Thompson, L.) Twelfth Conference of the International Association for Conflict Management. San Sebastian, Spain.

The Effects of Perceived Injustice on Deference to the Law. Annual Meeting of the Law & Society Association, Chicago, IL.

1998

Non-Expert Decision Maker's Reactions to Point Versus Range Estimates of Probability. (with Zarnoth, P., Rantilla, A., & Davis, J.) Poster presented at the Annual Meeting, Society for Judgment and Decision Making. Dallas.

Distributing Unexpected Resources: The Effects of Grouping, Relationship, and Self-Interest. Eleventh Annual Conference of the International Association for Conflict Management, College Park, MD.

1997

Reactive Devaluation in Conflict Resolution. Poster presented at the Annual Meeting, Midwestern Psychological Association. Chicago.

Agenda Order in Group Decisions About Embedded Public Hazards. (with Irwin, J. , Davis, J., Au, W. T., Zarnoth, P. & Koesterer, K). Annual Meeting, Midwestern Psychological Association. Chicago.

Effects of Response Format on Group Decision Making. (with Au, W. T., Davis, J. H., Irwin, J. R., Koesterer, K. L., Zarnoth, P., & Rantilla, A. K). Annual Meeting, Midwestern Psychological Association. Chicago.

Procedural Mechanisms, Dread Risk, and Group and Individual Decision Making. (with Rantilla, A. K., Koesterer, K. L., Au, W. T., Zarnoth, P., Spurlock, D. G., & Davis, J. H.) Annual Meeting, Midwestern Psychological Association. Chicago.

1996

Emotion as Knowledge: The Case for the Emotional Negotiator. (with Thompson, L. & Kim, P.) Symposium on Shared Cognition in Organizations: The Management of Knowledge. Dispute Resolution Research Center, Kellogg School of Management, Northwestern University.

FELLOWSHIPS, RESEARCH GRANTS AND HONORS

2016

American Bar Foundation Grant, *Public Opinion, Private Governance, and the Influence of Source Credibility* (with David Dana)

National Science Foundation Award, *The Emotional Influence of Gruesome Photographs in the Courtroom*, SES-1556612 (with Jessica Salerno and Nicholas Schweitzer) 2016-2018.

2015

American Bar Foundation Grant, *The Probative Versus Prejudicial Effect of Gruesome Photographs in Court* (with Jessica Salerno and Susan Bandes)

2011

Dean's Teaching Award, Northwestern University School of Law

2010

American Bar Foundation Grant, *Moral Judgment and the Psychology of Legal Blame*

2006

American Bar Foundation Grant, *The Social Psychological Foundations of the Kelo Backlash* (with Shari Diamond)

Dean's Teaching Award, Honorable Mention, Northwestern University School of Law

2004

National Science Foundation Award, *Expressive Law in Mixed Motive Games* SES-0351530 (with Richard McAdams) 2004-2007.

2002

American Bar Foundation Grant, *Expressive Law: Testing the Effects of Third-Party Recommendations on Behavior in Coordination Games* (with Richard McAdams) 2002-2006.

Dean's Teaching Award, Honorable Mention, Northwestern University School of Law

2001

American Bar Foundation Grant, *The Social Psychological Role of Subjective Harm in Punishment Judgments: Examining Victim Impact Evidence, Emotion, and Retribution*. (with Mary R. Rose) 2001-2005

Dispute Resolution Research Center Grant, Northwestern University, *Expressive Law: An Experimental Test of Recommended Play in a Hawk/Dove Game* (co-PI with Richard McAdams)

1998

American Bar Foundation Doctoral Fellowship (Fall 1998-Spring 2000)

1997

Dispute Resolution Research Center Grant, Northwestern University, *The Role of Learning in Negotiation* (co-PI with Leigh Thompson)

1996

University of Illinois List of Teachers Rated As Excellent by Their Students

COMMENTARY

It's Not Their Cheating Hearts (with Kenworthy Bilz), Chicago Tribune, Dec. 14, 2008, p. 55

Serving Up a Bailout, With a Side of Justice (with Kenworthy Bilz), Chicago Tribune, Oct. 3, 2008, p. 45

PROFESSIONAL SERVICE

Associate Editor: Law & Social Inquiry 2004-2005; 2013-2018

Editorial Board: American Law & Economics Review 2013- present

Referee: American Law & Economics Review, Aspen Law & Business Publishers; Cognitive Science; Emotion Review; European Journal of Law & Economics; Group Decision & Negotiation; Group Processes & Intergroup Relations; International Association for Conflict Management; International Negotiation; Journal of Criminal Law & Criminology; Journal of Empirical Legal Studies; Journal of Experimental Criminology; Journal of Experimental Social Psychology; Journal of Legal Studies; Journal of Personality and Social Psychology; Journal of Public Administration; Judgment and Decision Making; Jurimetrics; Law and Human Behavior; Law & Social Inquiry; National Science Foundation; Organizational Behavior & Human Decision Processes; Personality &

Social Psychology Bulletin; Psychological Science; Psychology, Public Policy, and Law; University of Chicago Press

Professional Memberships: American Bar Association; Society for Empirical Legal Studies; Society for Personality and Social Psychology; International Society for Justice Research; Law and Society Association

PROFESSIONAL LEGAL EXPERIENCE

ARBITRATION PANELIST, Circuit Court of Cook County, IL, 1996-2003

Arbitrator on three-member panel to hear and decide tort and contract cases assigned by the court to mandatory arbitration.

ASSOCIATE, Robinson, Curley & Clayton, Chicago, IL, 1992-1995

Emphasis in employment discrimination litigation and commercial litigation. Responsibilities included drafting pleadings, taking depositions, arguing motions, client counseling, conducting discovery and preparing briefs.

STAFF ATTORNEY, Legal Aid Society, Criminal Defense Division (Public Defender), New York, NY, 1989-1991

Responsible for every aspect of each client's case, from arraignment to trial. Responsibilities included motion practice, suppression hearings, bench and jury trials on misdemeanor and felony cases.

BAR ADMISSIONS

Illinois, New York