

## Dane Thorley

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### ACADEMIC APPOINTMENTS

#### **J. REUBEN CLARK LAW SCHOOL, BRIGHAM YOUNG UNIVERSITY**

*Professor*, 2025-present

*Associate Professor*, 2019-2025

*Francis R. Kirkham Associate Professor*, 2023-2024 (one-year appointment)

*Courses*: Civil Procedure, Criminal Procedure: Adjudication, Empirical Legal Studies I: Methodology, Empirical Studies II: Project Implementation, Professional Responsibility, University 101

#### **COLUMBIA LAW SCHOOL, COLUMBIA UNIVERSITY**

*Postdoctoral Fellow in Empirical Law and Economics*, 2017–2019

#### **YALE LAW SCHOOL, YALE UNIVERSITY**

*Visiting Researcher*, 2017–2018

### EDUCATION

#### **COLUMBIA UNIVERSITY**

Ph.D., Political Science, 2019

*Dissertation*: “Essays on Courts, Randomization, and Experiments”

*Committee*: Donald Green (Chair), Ian Ayres, Shigeo Hirano, Jeffrey Lax, Gregory Wawro

M.Phil., Political Science, 2017

M.A., Political Science, 2015

#### **YALE LAW SCHOOL**

J.D., 2017

#### **BRIGHAM YOUNG UNIVERSITY**

B.A., Political Science and Korean, 2012

### LAW REVIEW PUBLICATIONS & BOOK CHAPTERS

*Unwarranted Warrants? An Empirical Analysis of Judicial Review in Search and Seizure*, 138 HARV. L. REV. 1959 (2025) (with Miguel de Figueiredo and Brett Hashimoto), available [here](#).

*Them’s Fightin’ Words – Maybe: Testing the Application and Boundaries of the “Fighting Words” Doctrine Using a Randomized Survey Experiment*, 50 BYU L. REV. 1667 (2025) (with Erin Cranor), available [here](#).

*The Failure of Judicial Recusal and Disclosure Rules: Evidence from a Field Experiment*, 117 NW. U. L. REV. 1277 (2023) (peer-reviewed issue), available [here](#).

*Pretrial Disparity and the Consequences of Money Bail*, 81 MARYLAND L. REV. 557 (2022) (with Miguel de Figueiredo), available [here](#).

*Compliance Experiments in the Field: Features, Limitations, and Examples*, in CAMBRIDGE HANDBOOK OF COMPLIANCE (Daniel Sokol and Benjamin Van Rooij, eds.) (invited chapter) (2021), available [here](#).

### **PEER-REVIEWED PUBLICATIONS**

*Performative Judging? Measuring the Effect of Video Recording on Judicial Behavior in Circuit Court Oral Arguments*, J. L. & EMP. ANALYSIS (forthcoming 2026) (with Aaron Kaufman and Lucy Williams), pre-publication draft available [here](#).

*Retrospective Analysis of Legal Documents Using Hybrid AI – A Preliminary Empirical Study of Historical Search and Warrant Processing*, Proceedings of the 16<sup>th</sup> International Conference on Digital Forensics & Cyber Crime (forthcoming 2025) (with Ashiqur Rahman, Gokila Dorai, Thomas E. Kadri, John B. Meixner Jr., Miguel de Figueiredo, & Gagan Agrawal), available upon request.

*Campaign Donations, Judicial Recusal, and Disclosure: A Field Experiment*, 83 J. POLITICS 4 (2021) (with Jonathon Krasno, Donald Green, Costas Panagopoulos, and Michael Schwam-Baird), available [here](#).

*Randomness Pre-considered: Recognizing and Accounting for “De-Randomizing” Events When Utilizing Random Judicial Assignment*, 17 J. EMP. LEGAL STUD. 342 (2020), available [here](#).

\* Recipient of the Society for Empirical Legal Studies Theodore Eisenberg Prize, 2015

*Trial by Skype: A Causality-Oriented Replication Exploring the Use of Remote Video Adjudication in Immigration Removal Proceedings*, 59 INT’L REV. L. & ECON. 82 (2019) (with Joshua Mitts), available [here](#).

*Field Experimentation and the Study of Law and Policy*, 10 ANN. REV. L. SOCIAL SCI. 53 (2014) (with Donald Green), available [here](#).

### **SUBMITTED WORKS & WORKING PAPERS**

*Grading Machines: Can AI Exam-Grading Outperform Law Professors?* (with Kevin Cope, Jens Frankenreiter, Scott Hirst, Eric Posner, and Daniel Schwarcz) (under review), draft available upon request.

*Increasing Judicial Compliance: A Randomized Field Experiment on Rule Keeping Among Article III Judges* (with Ben Johnson and Newby Parton), draft available upon request.

*Law as a Matter of Fact: The Inherent Empiricism of Heightened Scrutiny* (with Brady Earley, Tom Lee, and Bradley Rebeiro), draft available upon request.

*Decriminalization and Death: A Retrospective on the Urban Costs and Consequences of Oregon’s Measure 110* (with Cree Jones, Jane Mitchell, and Dylan Thomas), draft available upon request.

*An Experimental Analysis of “Evolving Standards of Decency* (with Mitchell Roundy and Lucy Williams), draft available upon request.

*The Legal and Ethical Challenges of Running Randomized Field Experiments in the Courtroom* (with Jacob Kopas), draft available [here](#).

### **ONGOING EMPIRICAL PROJECTS**

*Using AI to Evaluate Search Warrant Data* (working project) (with Miguel de Figueiredo and Jonathan Choi)

This project builds off the findings in *Unwarranted Warrants?* by further exploring the Utah-based warrant dataset. We better utilize AI to evaluate the content of search warrants, whether the probable cause standard can be quantified, and whether “hit rates” in searches are related to judicial review time, crime type, and/or defendant characteristics.

*Field Experiment on Inducing CCPA Compliance* (working project) (with Jens Frankenreiter, Julian Nyarko, and Alejandro Salinas de Leon)

Using data resulting from a large language model that identifies non-compliance with the CCPA, we field a randomized experiment that tests various models of compliance (information, examples of compliance, threat of reporting, actual reporting) and various subjects (website managers, legal representatives, C-suite executives).

*Evaluating the Scope of Search Warrants of Electronic Data* (working project) (with Gagan Agrawal, Khan Mohammad Al-Farabi, Gokila Dorai, Miguel de Figueiredo, Thomas Kadri, John Meixner, and Ashiqur Rahman)

This project explores over 5,000 electronic search warrants approved via Utah’s e-Warrants system. We explore each stage of the warrant approval process (affidavit submission, warrant approval, and warrant return) to determine the scope of electronic warrants, whether they meet the strict standards for electronic data requests, and how often the warrant returns reflect successful searches exceeded the already broad grant in the approved warrant.

*An RCT Pilot on Increasing Juror Compensation* (working project) (in cooperation with the Utah Administrative Office of the Courts via the Jury Equity Project)

In cooperation with the Utah Administrative Office of the Courts, the Jury Equity Project is conducting a pilot study in which the jury pools for a randomly selected portion of criminal trials in Utah District Courts will be subject to increased juror compensation. The primary outcomes of interest will be the “jury yield” rate in Utah District Court jury pools (i.e., the percentage of persons contacted for jury service who are ultimately qualified and available), particularly among traditionally underrepresented demographic groups.

*Testing the Right to Counsel in Parole Hearings: A Randomized Field Experiment* (working project; in partnership with the Parole Preparation Project) (with Jacob Kopas)

This empirical project arises from an ongoing collaboration with the Parole Preparation Project, a New York-based non-profit that connects volunteer attorneys and law students with individuals who are serving life sentences but are up for parole. To empirically evaluate the efficacy of these services, we randomly assign the project’s volunteers, allowing us to compare the parole hearing outcomes for those who have received assistance against those who have not. The experiment was cut short due to COVID, and we are currently in the analysis stage.

## ACADEMIC CONFERENCES & PRESENTATIONS

*Performative Judging? Measuring the Effect of Video Recording on Oral Arguments in Circuit Courts* (with Aaron Kaufman and Lucy Williams)

Northwestern Law School Empirical Legal Studies Seminar, November 2025

Law and Economics Association Annual Conference, May 2025

Asian Law and Economics Association Annual Conference, July 2024

*Grading Machines: Can AI Exam-Grading Outperform Law Professors?* (with Kevin Cope, Jens Frankenreiter, and Scott Hirst)

Conference on Empirical Legal Studies, October 2025

Law and Economics Association Annual Conference, May 2025

*Decriminalization and Death: A Retrospective on the Urban Costs and Consequences of Oregon's Measure 110* (with Cree Jones, Jane Mitchell, and Dylan Thomas)

Conference on Empirical Legal Studies, October 2025

*A Hybrid Approach to Legal Document Data Extraction: The iDX Framework for Enhanced Search Warrant Analysis* (with Gagan Agrawal, Khan Mohammad Al-Farabi, Gokila Dorai, Miguel de Figueiredo, Thomas Kadri, John Meixner, and Ashiqur Rahman)

Online Workshop on the Computational Analysis of Law, March 2025

*Increasing Judicial Compliance: A Randomized Field Experiment on Rule Keeping Among Article III Judges* (formerly titled, *Nudging Judges*) (with Ben Johnson and Newby Parton)

Asian Law and Economics Association Annual Conference, July 2024

Midwestern Political Science Annual Conference, April 2024

Conference on Empirical Legal Studies, October 2023

George Mason Law & Economics Workshop, October 2023

American Political Science Association Annual Conference, August 2023

American Law and Economics Annual Conference, May 2023

University of Michigan Junior Scholars Conference, April 2023

University of Chicago Law & Economics Workshop, January 2023

Rocky Mountain Junior Scholars Conference, December 2022

International Legal Ethics Conference, August 2022

LDS Scholars Workshop, May 2022

Midwestern Political Science Annual Conference, April 2022

*Unwarranted Warrants? An Empirical Analysis of Judicial Review in Search and Seizure* (with Miguel de Figueiredo and Brett Hashimoto)

Conference on Empirical Legal Studies, October 2024

Annual Meeting of the American Law and Economics Association, May 2024

Duke Law School Law & Social Science Workshop, April 2024

BYU Law Library Faculty Scholarship Series, January 2024

Southern Methodist University Deadman School of Law's Deason Center, November 2022

*Them's Fightin' Words – Maybe: Testing the Application and Boundaries of the “Fighting Words” Doctrine Using a Randomized Survey Experiment* (with Erin Cranor)

Rocky Mountain Junior Scholars Forum, November 2024

Conference on Empirical Legal Studies, November 2022

*The Failure of Judicial Recusal and Disclosure Rules: Evidence from a Field Experiment*

University of Chicago Law & Economics Workshop, January 2023

International Legal Ethics Conference, August 2022

Utah State and Local Government Conference, March 2021

University of Utah Law School Faculty Workshop, January 2021

Rocky Mountain Junior Scholars Forum, November 2020

Conference on Empirical Legal Studies, October 2018

Political Economy and Public Law Conference, June 2018

Notre Dame Law School Workshop for Aspiring Legal Academics, March 2018

Yale Law School, Ethics Bureau, March 2018

*Testing Restorative Justice as an Alternative to Juvenile Prosecution: A Randomized Controlled Trial* (cancelled project)

USC-Michigan-Virginia Law and Economics Workshop, November 2021

Midwestern Law and Economics Conference, October 2021

*Testing Williams-Yulee: An Experiment on Judicial Elections, Institutional Trust, and Tenuous Empirical Claims in the Supreme Court* (working paper)

BYU Political Science Workshop, March 2021

Conference on Empirical Legal Studies, November 2019

Rocky Mountain Junior Scholars Forum, October 2019

*Pretrial Disparity and the Consequences of Money Bail* (with Miguel de Figueiredo)

Pima County Courts Administration Report (venue of study), June 2020

QuantLaw Conference, February 2020

*Trial by Skype: Identifying the Causal Impact of Remote Adjudication* (with Joshua Mitts)

Program on Empirical Legal Studies Replication Conference, April 2018

*Campaign Donations, Judicial Recusal, and Disclosure: A Field Experiment* (with Jonathon Krasno, Donald Green, Costas Panagopoulos, and Michael Schwam-Baird)

Annual Meeting of the American Political Science Association, September 2017

Western Empirical Legal Studies Conference, March 2016

Yale ISPS Experiments Workshop, November 2015

Conference on Empirical Legal Studies, October 2015

Annual Meeting of the American Law and Economics Association, May 2015

Annual Meeting of the American Political Science Association, August 2014

*Randomness Pre-considered: Making Unbiased Causal Inference Through the Random Assignment of Judges*

Annual Meeting of the American Law and Economics Association, May 2017

Midwestern Political Science Association Annual Conference, April 2017

Western Empirical Legal Studies Conference, March 2016

Conference on Empirical Legal Studies, October 2015

Annual Meeting of the American Political Science Association, August 2014

*The Legal and Ethical Challenges of Running Randomized Field Experiments in the Courtroom*  
Yale ISPS Experiments Workshop, November 2015

### **COMMUNITY INVOLVEMENT**

**UTAH ADMINISTRATIVE OFFICE OF THE COURTS JURY EQUITY PROJECT**, *Member*,  
August 2023 – present

**UTAH SUPREME COURT TASKFORCE ON BAR LICENSURE**, *Member*, June 2020 – June 2025

**USGA BYU (LGBTQ+ GROUP)**, *Faculty Board Member* August 2020 – June 2024

**UTAH SUPREME COURT ADVISORY COMMITTEE ON THE RULES OF PROFESSIONAL CONDUCT**, *Member*, July 2020 – July 2024

### **PROFESSIONAL EXPERIENCE**

**HONORABLE ANDREW GORDON**, U.S. District Court for the District of Nevada, *Judicial Clerk*,  
2018–2019

**LATHAM & WATKINS, LLP**, *Summer Associate*, 2016

### **MEMBERSHIPS**

**SOCIETY OF EMPIRICAL LEGAL STUDIES** (since 2013); **AMERICAN POLITICAL SCIENCE ASSOCIATION** (2013); **AMERICAN LAW AND ECONOMICS ASSOCIATION** (2014); **MIDWESTERN POLITICAL SCIENCE ASSOCIATION** (2016); **ASSOCIATION OF AMERICAN LAW SCHOOLS** (2019)

### **REFEREE REQUESTS**

**AMERICAN LAW AND ECONOMICS REVIEW; AMERICAN POLITICS RESEARCH; CAMBRIDGE PRESS; INTERNATIONAL REVIEW OF LAW AND ECONOMICS; JOURNAL OF EMPIRICAL LEGAL STUDIES; JOURNAL OF EXPERIMENTAL CRIMINOLOGY; JOURNAL OF LAW AND COURTS; JOURNAL OF LAW AND ECONOMICS; JOURNAL OF LAW, ECONOMICS, & ORGANIZATION; JOURNAL OF LEGAL STUDIES; LAW & SOCIETY REVIEW; MANAGEMENT SCIENCE**

### **GRANTS AND FELLOWSHIPS**

**LAURA & JOHN ARNOLD FOUNDATION GRANT** (\$500,000), Funding a Restorative Justice RCT, Primary Investigator, 2021 (project cancelled in first year and no further funds distributed)

**LAURA & JOHN ARNOLD FOUNDATION GRANT** (\$80,000), Research on the Effects of Pretrial Detainment and Bail, Primary Investigator, 2016-2022

**TRAC FELLOW**, Research on the Effects of Video Conferencing on Immigration Removal Proceedings, Primary Investigator, 2018-2019

**LAURA & JOHN ARNOLD FOUNDATION GRANT** (\$74,000), Research on the Effects of Criminal Expungement, Primary Investigator, 2016-2019

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