

## D. James Greiner<sup>1</sup>

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### Experience

Harvard Law School, Professor and Assistant Professor of Law (2007-present): member, Harvard University Behavioral Insights Group

Jenner & Block, Associate (1999-2002): litigated cases involving federal and state redistricting, government contracts, and telecommunications law

U.S. Department of Justice, Federal Programs Branch, Trial Attorney (1996-1999): litigated employment discrimination class actions, cases involving the use of sampling in the Decennial Census, and structural injunction matters

The Honorable Patrick E. Higginbotham, U.S. Ct. App., Fifth Circuit, Clerk (1995-1996): assisted federal judge in all aspects of deciding cases appealed from federal trial courts

### Publications And Software

- *Improving the Lives of Individuals in Financial Distress Using a Randomized Control Trial: A Research and Clinical Approach*, 20 GEO. J. POV. L. & POL. 449 (2013) (with Dalíe Jiménez and Lois Lupica): describing the planned Financial Distress Research Project
- *The Limits of Unbundled Legal Assistance: a Randomized Study In A Massachusetts District Court and Prospects for the Future*, 126 HARV. L. REV. 901 (2013) (with Cassandra Wolos Pattanayak and Jonathan Hennessy): reporting and assessing the results of a randomized control trial in a Massachusetts District Court, which showed that an offer of full representation (as opposed to limited assistance in an instructional clinic) to defendants facing eviction caused massive changes in legal and socioeconomic outcomes, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1948286](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1948286)  
-- Discussed in an editorial in THE NEW YORK TIMES, see [http://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html?emc=eta1&\\_r=1&](http://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html?emc=eta1&_r=1&)
- *Randomized Evaluation in Legal Assistance: What Difference Does Representation (Offer and Actual Use) Make?*, 121 YALE L.J. 2118 (2012) (with Cassandra Wolos Pattanayak): Describing the results, and discussing the implications, of a randomized control trial demonstrating that an offer of representation by a legal services provider in unemployment benefits litigation had no statistically significant effect on the probability of a favorable outcome but did inflict a delay harm on unemployment claimants (available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1708664](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1708664))  
-- Was the subject of a web symposium on a legal blog (under the name *What Difference Representation? Offers, Actual Use, and the Need for Randomization*), see <http://www.concurringopinions.com/archives/category/representation-symposium>

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<sup>1</sup> Profiled in THE BOSTON GLOBE, see <http://bostonglobe.com/ideas/2012/12/23/free-legal-advice-but-does-work/GUoKaBqK068IhaZt5BjqKI/story.html>.

- Featured in blogs hosted by THE NEW YORK TIMES, THE WASHINGTON POST, and THE WALL STREET JOURNAL, including freakeconomics.blog, as well as numerous other legal and scientific blogs
- *Can Voter ID Laws Be Administered In a Race-Neutral Manner? Evidence from the City of Boston*, 7 QUART. J. POL. SCI. 1 (2012) (peer reviewed) (with Rachael Cobb and Kevin Quinn): Providing the first reliable evidence, using a credible (exit poll) field operation and state-of-the-art statistical techniques, that poll workers request IDs from Hispanic and black voters at a higher rate than they do white voters (available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1625041](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1625041))
  - *Winner, 2011 Robert H. Durr Award*: Given for the best paper applying quantitative methods to a substantive problem in political science presented at the Midwest Political Science Association's annual conference
- *Potential Outcomes and Causal Effects of Immutable Characteristics*, 93 REVIEW ECON. STAT. 775 (2011) (peer reviewed) (with Don Rubin): Articulating a technical framework for drawing inferences of causation with respect to immutable characteristics (or perceptions thereof)
- *Re-solidifying Racial Bloc Voting*, 86 IND. L. J. 448 (2011): Analyzing and recommending alterations to doctrine and empirics on the issue of racially polarized voting
- *Exit Polling and Racial Bloc Voting: Combining Individual-Level and R x C Ecological Data*, 4 ANN. APP. STAT. 1774 (2010) (peer reviewed) (with Kevin Quinn): addressing estimation of voting patterns by race via incorporation of exit poll, precinct-level vote counts, and Census information into a single model, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1945007](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1945007)
- *R x C Ecological Inference*, 172 J. ROY. STAT. SOC. (A) 67 (2009) (peer reviewed) (with Kevin Quinn): Proposing a new model for conducting ecological inference, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1945005](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1945005)
- *Causal Inference in Civil Rights Litigation*, 122 HARV. L. REV. 533 (2008): Advocating a shift in thinking in anti-discrimination litigation from a focus on regression coefficients to the potential outcomes framework, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1944984](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1944984)
  - *Reprinted in*, 25 CIVIL RIGHTS LITIGATION & ATTORNEYS FEES ANNUAL HANDBOOK 190 (West 2009)
- *Ecological Inference in Voting Rights Act Disputes*, 47 JURIMETRICS J. 115 (2007) (peer reviewed): Reviewing both commonly used and state of the art techniques for analyzing data in redistricting litigation, and proposing changes in court doctrine and statistical techniques, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1944983](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1944983)
  - *Winner, 2007 Loevinger Prize*: Given occasionally for the best article published in Jurimetrics Journal that year, see <http://www.law.asu.edu/?id=262>
- *RxCeolInf* (with Kevin Quinn and Paul Baines): Software package (in the statistical language R) useful for analyzing voting data, see <http://www.r-project.org/>

## Working Papers

- *How Effective Are Limited Legal Assistance Programs? A Randomized Experiment in a Massachusetts Housing Court* (revise and resubmit) (with Cassandra Wolos Pattanayak and Jonathan Hennessy): reporting and assessing the results of a randomized control trial in a

Massachusetts Housing Court's showing that an offer of full representation to occupants (as opposed to limited assistance in a lawyer for the day program) facing eviction caused no change in any measured outcome, substantially complicating the picture for provider- and court-based access to justice efforts, available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1880078](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1880078)

- *The Problem of Default, Part I*: reporting and assessing the result of a randomized control trial showing that a cartoon-based outreach letters, along with other materials, more than doubles the rate at which debt collection defendants appear in court (with Andrea Matthews) (current draft on file with authors)
- *Lay Deployment of Professional Legal Knowledge*: proposing a new method of approaching the creation of self-help materials for self-represented litigants, a method centering on the psychological and cognitive barriers that prevent such litigants from deploying legal and quasi-legal knowledge effectively (with Dalié Jiménez and Lois Lupica), available at <http://ssrn.com/abstract=2633032>

## Essays

- *The Possibilities of Self-Affirmation Theory in Civil Justice*, CLEARINGHOUSE REV. (Nov.-Dec., 2014) (with Zack Hill)
- *The Evolution of Unbundling in Litigation Matters: Three Case Studies and a Literature Review*, 89 DEN. UNIV. L. REV. 825 (2013) (with Molly Jennings): Tracing the evolution of the so-called “unbundled” practice of law in three case study states and providing a comprehensive bibliography of scholarly works on the subject
- *Research And Legal Services Programs Serving Low Income Clients: Reconstituting a Capacity And Addressing Some Apprehensions*, 26 MAN. INF. EXCH. J. 12 (2012): Addressing apprehensions among legal services providers and others regarding research in general and randomized control trials in particular
- *Long Live the Exit Poll*, 141 DAEDALUS 1 (2012) (with Kevin Quinn): Discussing the history and future of the exit poll
- *The Quantitative Empirics of Redistricting Litigation: Knowledge, Threats to Knowledge, and the Need for Less Districting*, 29 YALE L. & POL. REV. 527 (2011): Arguing that the empirical issues associated with redistricting in an increasingly multi-racial polity constitute a reason for a renewed exploration of alternative vote aggregation schemes
- *Engaging Financially Distressed Consumers*, Federal Reserve Bank of Boston Communities & Banking (Summer, 2015), available at <http://bostonfed.org/commdev/c&b/2015/summer/greiner-jimenez-lupica-engaging-financially-distressed-consumers.htm> (with Dalié Jiménez and Lois Lupica)

## Shorter Works

- *Not All Statistics Are Created Equal*, 122 HARV. L. REV. F. 533 (2010), replying to a response to *Causal Inference in Civil Rights Litigation*
- *Access to Justice in a Recession: It's Time To Try Some Unorthodox Approaches*, making policy recommendations regarding access to justice efforts, available at

<http://www.commonwealthmagazine.org/Voices/Advice-to-the-Governor/2010/Fall/Access-to-justice-in-a-recession.aspx>

### **Ongoing Projects, Studies, and Papers**

- *Consumer Financial Distress Research Project* (2011 to present): Planning a 1200-subject field operation to assess the effectiveness of innovative self-help materials (combining insights from public health, psychology, sociology, behavioral economics, adult education, and statistics) on the medium- and long-term financial health of individuals and families in severe financial distress (in planning) (with Dalíe Jiménez and Lois Lupica)
  - Subject of grants from the National Science Foundation, the National Conference of Bankruptcy Judges Endowment for Education, the American Bankruptcy Institute
- *Intimate Partner Violence Triage Study* (2014 to present): Planning a 1000-subject field operation to assess the effectiveness of human triage decision making in the context of survivors of intimate partner violence and stalking who seek civil protection orders (in planning) (with Marie Curry and David Yokum)
- *Does Mediating Prisoners' Complaints Work? A Randomized Control Trial* (2011 to present): Conducting a randomized evaluation of a federal court (D. Nevada) mediation program for inmate section 1983 cases, including surveys of inmates/plaintiffs as well as tracking of organization expenditures (355 cases randomized, intake closed, collecting outcome data)
  - Subject of a \$10,000.00 grant from the Harvard Program on Negotiation
- *Representing the Indigent: Randomized Study on the Effect of Legal Assistance in Divorce* (2011 to present): Conducting randomized trial to measure the effect of offering legal assistance to indigent clients in divorce cases (with Cassandra Wolos Pattanayak) (368 cases randomized, intake closed, collecting outcome data)
- *Representing the Indigent: Randomized Study on the Effect of Legal Assistance in Disability* (2007 to present): Conducting randomized trial to measure the effect of offering legal assistance to indigent clients in disability cases (with Cassandra Wolos Pattanayak) (approximately 280 cases randomized., ongoing)

### **Ongoing Working Group Participation**

- *Access to Justice Informal Planning Group*, assembled by the ABF to chart research and advocacy to improve access to justice
- *Access to Justice Consortium*, assembled by Stanford Center on the Legal Profession to promote research and law school initiatives on access to justice

### **Grants Received**

- National Science Foundation (2014), to support the Consumer Financial Distress Research Project (with Dalíe Jiménez and Lois Lupica)
- National Conference of Bankruptcy Judges Endowment for Education (2014), to support the Consumer Financial Distress Research Project (with Dalíe Jiménez and Lois Lupica)
- American Bankruptcy Institute (2014), to support the Consumer Financial Distress Research Project (with Dalíe Jiménez and Lois Lupica)

- Edmond J. Safra Center for Ethics (2013), to support the Consumer Financial Distress Research Project
- Harvard Program on Negotiation Next Generation Research Grant (2011), to support randomized evaluation of United States District Court for the District of Nevada's Inmate Early Mediation Program
- American Bar Association Litigation Research Fund Grant (2008), to support randomized control trials on the effect of offering legal services to the indigent
- JEHT Foundation (2008), to support Boston Area Colleges Election Project
- Boston Foundation (2008), to support Boston Area Colleges Election Project
- Rappaport Institute for Greater Boston (2008), to support Boston Area Colleges Election Project
- Provost Fund for Interfaculty Cooperation (2008), to support Boston Area Colleges Election Project
- Provost Fund for Interfaculty Cooperation (2006), to allow development of Expert Witnesses, Statistics, and Litigation (with Matthew Stephenson and Don Rubin)
- Provost Fund for Instructional Technology, to allow creation of causal inference teaching materials (with Don Rubin)

### **Referee Reports**

- *Statistical Science*
- *Annals of Applied Statistics*
- *Statistics, Politics, and Policy*
- *American Political Science Review*
- *Journal of Politics*
- *Political Analysis*
- *National Research Council (reviewing portions of the Reference Manual on Scientific Evidence, Third Edition)*
- *Sociological Methods and Research*
- *Jurimetrics Journal*
- *Review of Economics and Statistics*
- *Journal of Legal Studies*
- *Journal of Empirical Legal Studies*
- *Harvard Law Review (informal)*
- *Yale Law Journal (informal)*

### **Teaching**

#### **Harvard Law School:**

- Access to Civil Justice (2014)
- Expert Witnesses, Statistics, and Litigation (2006, 2008, 2010): Created unique course pairing law students (acting as attorneys) with quantitative students (acting as expert witnesses) in simulated civil rights litigation (including transcribed depositions)
- Practical and Theoretical Regulation of Voting (2008): Co-created joint law and political science course using cases studies to illustrate voting regulation concepts (with Kevin Quinn)
- Civil Procedure (2007-2015)

Statistics Department (Teaching Assistant): Causal Inference in the Biomedical and Social Sciences; Design and Analysis of Sample Surveys; Incomplete Multivariate Data; Introduction to Probability & Theoretical Statistics

## **Education**

Harvard University, Department of Statistics, Ph.D. (2007):

- Dissertation: *Contributions to Law And Empirical Methods*
- Chair's Award for Services to the Department, 2005

University of Michigan Law School, J.D. (1995):

- Bates Memorial Scholar (top three all-around graduates)
- Magna Cum Laude
- Articles Editor, MICH. L. REV.
- Co-winner, Henry M. Campbell Moot Court
- Clarence Darrow Scholar (full scholarship)

University of Virginia, B.A. with High Honors (1991):

- Phi Beta Kappa
- Stevenson Prize (top Government Honors Program graduate)
- Jefferson Scholar (full scholarship); Echols Scholar (academic scholarship)