

Benjamin J. McMichael

Curriculum Vitae, August 2018

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University of Alabama School of Law
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ACADEMIC APPOINTMENTS

University of Alabama School of Law, Tuscaloosa, Alabama
Assistant Professor of Law, August 2018 – present

Owen Graduate School of Management, Vanderbilt University, Nashville, Tennessee
Postdoctoral Scholar (Health Care Area), August 2016 – August 2018

EDUCATION

Vanderbilt University, Nashville, Tennessee

Doctor of Philosophy in Law and Economics, 2015

University Graduate Fellow

Fields: Industrial Organization; Labor Markets and Human Resources

Doctor of Jurisprudence, 2015

Order of the Coif

Articles Editor, VANDERBILT LAW REVIEW

Wake Forest University, Winston-Salem, North Carolina

Bachelor of Science, *summa cum laude*, in Mathematical Economics, 2009

Phi Beta Kappa (junior election)

Departmental Honors

Wall Street Journal Prize for Top Student in Mathematical Economics

CLERKSHIP

Hon. Carolyn D. King, United States Court of Appeals for the Fifth Circuit, Houston, Texas
August 2015 – August 2016

PUBLICATIONS

Sorry is Never Enough: How State Apology Laws Fail to Reduce Medical Malpractice Liability Risk, 71 STANFORD LAW REVIEW (forthcoming 2019) (with R. Lawrence Van Horn and W. Kip Viscusi).

Taming Blockbuster Punitive Damages Awards, 2019 UNIVERSITY OF ILLINOIS LAW REVIEW (forthcoming) (with W. Kip Viscusi).

Beyond Physicians: The Effect of Licensing and Liability Laws on Nurse Practitioners and Physician Assistants, 15 JOURNAL OF EMPIRICAL LEGAL STUDIES (forthcoming 2018).

The Failure of “Sorry”: An Empirical Evaluation of Apology Laws, Health Care, and Medical Malpractice, 22 LEWIS & CLARK LAW REVIEW (forthcoming 2018).

The Extra-Regulatory Effect of Nurse Practitioner Scope-of-Practice Laws on Physician Malpractice Rates, 75 MEDICAL CARE RESEARCH AND REVIEW 312 (2018) (with Barbara J. Safriet and Peter I. Buerhaus).

The Demand for Healthcare Regulation: The Effect of Political Spending on Occupational Licensing Laws, 84 SOUTHERN ECONOMIC JOURNAL 297 (2017).

The Punitive Damages Calculus: The Differential Incidence of State Punitive Damages Reforms, 84 SOUTHERN ECONOMIC JOURNAL 82 (2017) (with W. Kip Viscusi).

Shifting the Fat-Tailed Distribution of Blockbuster Punitive Damages Awards, 11 JOURNAL OF EMPIRICAL LEGAL STUDIES 350 (2014) (with W. Kip Viscusi).

Constitutional Limitations on Punitive Damages: Ambiguous Effects and Inconsistent Justifications, 66 VANDERBILT LAW REVIEW 961 (2013) (Note).

SHORT ACADEMIC WORKS

The Integrity of MACRA May Be Undermined By “Incident To Billing” Coding, HEALTH AFFAIRS BLOG (Jan. 8, 2018), <https://www.healthaffairs.org/action/showDoPubSecure?doi=10.1377%2Fhblog20180103.135358&format=full> (with Peter Buerhaus, Jonathan Skinner, David Auerbach, Jennifer Perloff, Douglas Staiger, and Lucy Skinner).

Innovating in Health Care Delivery, HEALTH MANAGEMENT, POLICY & INNOVATION (Mar. 27, 2017), <https://hmpi.org/2017/04/03/innovating-in-health-care-delivery/> (with William H. Frist and R. Lawrence Van Horn).

Worried About Malpractice?, 29 JOURNAL OF THE AMERICAN SOCIETY OF ECHOCARDIOGRAPHY 1161 (2016) (with Ben Byrd and Jim Cooper).

PRESENTATIONS AND CONFERENCES

“A Brief History of the Apology/Early Communication Initiative,” PIAA Medical Liability Conference, Orlando, Florida (May 2018).

“The Failure of ‘Sorry’: An Empirical Evaluation of Apology Laws, Health Care, and Medical Malpractice,” Antonin Scalia Law School, George Mason University, Washington, District of Columbia (November 2017).

“The Failure of ‘Sorry’: An Empirical Evaluation of Apology Laws, Health Care, and Medical Malpractice,” University of Alabama School of Law, Tuscaloosa, Alabama (November 2017).

“Beyond Physicians: The Effect of Licensing and Liability Laws on Nurse Practitioners and Physician Assistants,” Conference on Empirical Legal Studies, Ithaca, New York (October 2017).

“Sorry is Never Enough: The Effect of State Apology Laws on Medical Malpractice Liability Risk,” American Law and Economics Association Annual Meeting, New Haven, Connecticut (May 2017).

“Beyond Physicians: The Effect of Licensing and Liability Laws on Nurse Practitioners and Physician Assistants,” American Enterprise Institute Seminar Series, Washington, District of Columbia (November 2016).

“Sorry is Never Enough: The Effect of State Apology Laws on Medical Malpractice Liability Risk,” Southern Economic Association Annual Meeting, Washington, District of Columbia (November 2016).

Discussant, Law and Economics III Panel, Southern Economic Association Annual Meeting, Washington, District of Columbia (November 2016).

“Beyond Physicians: The Effect of Licensing and Liability Laws on Nurse Practitioners and Physician Assistants,” American Law and Economics Association Annual Meeting, New York, New York (May 2015).

“The Demand for Healthcare Regulation: The Effect of Political Pressure on Occupational Licensing Laws,” Wake Forest University Department of Economics Workshop Series, Winston-Salem, North Carolina (November 2014).

“The Incidence of Blockbuster Punitive Damages Awards,” Southern Economic Association Annual Meeting, Atlanta, Georgia (November 2014).

Discussant, Law and Economics II Panel, Southern Economic Association Annual Meeting, Atlanta, Georgia (November 2014).

“Beyond Physicians: The Effect of Licensing and Liability Laws on Nurse Practitioners and Physician Assistants,” American Society of Health Economists Fifth Biennial Conference, Los Angeles, California (June 2014), accepted to conference program.

“Shifting the Fat-Tailed Distribution of Blockbuster Punitive Damages Awards,” Southern Economic Association Annual Meeting, Tampa, Florida (November 2013).

TEACHING

Health Care Law and Regulation: Spring 2017

Managerial Economics: Fall 2017

Torts: Fall 2018

REVIEWER SERVICE

HEALTH AFFAIRS; HEALTH MANAGEMENT, POLICY AND INNOVATION; IZA JOURNAL OF LABOR ECONOMICS; JOURNAL OF EMPIRICAL LEGAL STUDIES; JOURNAL OF HEALTH ECONOMICS; JOURNAL OF RISK AND UNCERTAINTY; MEDICAL CARE RESEARCH AND REVIEW; SOUTHERN ECONOMIC JOURNAL

BAR ADMISSIONS

Georgia, Supreme Court of Georgia, United States Court of Appeals for the Fifth Circuit