

Emerson H. Tiller
Professor of Law

Northwestern University School of Law
357 East Chicago Avenue
Chicago, IL 60610
312.503.4772 (phone); 312.503.5950 (fax)
tiller@law.northwestern.edu

ACADEMIC POSITIONS

2003 – present

Northwestern University School of Law
Professor of Law (2003 – present)
Visiting Professor of Law (Fall 2002)

1994 - 2003

University of Texas at Austin, McCombs School of Business
Co-Director, Center for Business, Technology and Law (1999 - 2003).
Associate Professor of Business, Technology and the Law (1999 - 2003).
Assistant Professor of Business, Politics and the Law (1994 -1999).

Spring 2002

University of California (Berkeley)
Walter A. Haas School of Business
Visiting Professor of Business and Public Policy.

Spring 1999

University of Pennsylvania School of Law
Visiting Assistant Professor of Law (Administrative Law/Law and Politics)

1997 - 1998

Yale Law School
John M. Olin Faculty Fellow in Law and Economics.

EDUCATION

1989 - 1994

University of California (Berkeley)
Ph.D. in Business and Public Policy

1984 - 1987

Indiana University School of Law (Bloomington)
J.D. (honors).

1981 - 1984

Wabash College and Indiana University
B.A. from Indiana University (Math, highest distinction).

PUBLICATIONS

John R. Allison and Emerson H. Tiller, "The Business Method Patent Myth," **Berkeley Technology Law Journal** (forthcoming, Fall 2003).

John R. Allison and Emerson H. Tiller, "An Empirical Analysis of Internet Business Method Patents," **Patents in the Knowledge-Based Economy, National Academy of Sciences** (forthcoming, 2003).

John R. Allison and Emerson H. Tiller, "Internet Business Method Patents" **Texas Business Review** (October 2002).

Emerson H. Tiller, "Resource Based Strategies in Administrative Law: Cost-Benefit Analysis and the Like," **150 University of Pennsylvania Law Review** 1453 (May 2002).

Joseph L. Smith and Emerson H. Tiller, "The Strategy of Judging: Evidence From Administrative Law," **31 Journal of Legal Studies** 61 (January 2002).

John de Figueiredo and Emerson H. Tiller, "The Structure and Conduct of Corporate Lobbying: How Firms Lobby the Federal Communications Commission," **10 Journal of Economics and Management Strategy** 91 (2001).

Sirkka L. Jarvenpaa and Emerson H. Tiller, "Trust in Virtual Environments," **81 Boston University Law Review** 665 (2001).

Emerson H. Tiller, "Location, Location, Location: ICANN and the Domain Name System," **Texas Business Review** (Spring 2001).

John de Figueiredo, Gerry Gyski, Emerson H. Tiller and Gary Zuk, "Congress and the Political Expansion of the Federal District Courts," **2 American Law and Economics Review** 107 (2000).

Frank B. Cross and Emerson H. Tiller, "The Three Faces of Federalism," **73(4) Southern California Law Review** 741-772 (2000).

Sirkka L. Jarvenpaa and Emerson H. Tiller, "Integrating Market, Technology, and Policy Opportunities in E-Commerce Strategy," **8 Journal of Strategic Information Systems** 235-249 (2000).

Emerson H. Tiller, "ICANN's Uniform Domain Name Dispute Resolution Policy: An Overview and Critique," **1 Internet Law & Business** 589 (2000).

Emerson H. Tiller and Pablo T. Spiller, "Strategic Instruments: Legal Structure and Political Games in Administrative Law," **15 Journal of Law, Economics, & Organization** 349 (June 1999).

Emerson H. Tiller and Frank B. Cross, "A Modest Proposal for Improving American Justice," **99 Columbia Law Review 215-234 (January 1999).**

Emerson H. Tiller and Frank B. Cross, "A Modest Reply to Judge Wald," **99 Columbia Law Review 262-269 (January 1999).**

Frank B. Cross and Emerson H. Tiller, "Judicial Partisanship and Obedience to Legal Doctrine: Whistleblowing on the Federal Courts of Appeal," **107 Yale Law Journal 2155-2176 (May 1998).**

Emerson H. Tiller, "Controlling Policy by Controlling Process: Judicial Influence on Regulatory Decision Making," **14 Journal of Law, Economics, & Organization 114-135 (April 1998).**

Pablo T. Spiller and Emerson H. Tiller, "Decision Costs and the Strategic Design of Administrative and Judicial Process," **26 Journal of Legal Studies 347-370 (June 1997).**

John de Figuieredo and Emerson H. Tiller, "Congressional Control of the Courts: Analysis of Expansion of the Federal Judiciary," **39(2) Journal of Law & Economics 435-462 (October 1996).**

Pablo T. Spiller and Emerson H. Tiller, "Invitations to Override: Congressional Reversals of Supreme Court Decisions," **16 International Review of Law and Economics 503-521 (December 1996).**

Emerson H. Tiller, "Putting Politics into the Positive Theory of Federalism: A Comment on Bednar and Eskridge," **68 Southern California Law Review 1493-1502 (Winter 1995).**

RESEARCH AND TEACHING INTERESTS

Law and Positive Political Theory, Judicial Politics, Administrative Law, Contracts, Law and Economics, Intellectual Property, Business Political Strategy

EXECUTIVE EDUCATION

Faculty, IC2, University of Texas, Executive Masters Program in Commercialization of Technology (2002-2003) -- Trademark Brandinig, Cyberlaw, Intellectual Property Strategies.

Faculty, UT- Instituto Tecnologico y de Estudios Superiours de Monterrey, Executive MBA Program (Mexico, 1998-2001) – International Law (US-Mexico comparative contracting, torts, and employment laws).

Faculty, UT-Texas Instruments Executive MBA Program (1999, 2001) – Intellectual Property Strategies.

FELLOWSHIPS, GRANTS AND AWARDS

Fellowship, Center for Law, Economics, and Organization, U. Southern California, July, 2002.
Grant, National Academies of Science, Grant on Internet Business Method Patents, 2000-2001.
IBM Faculty Partnership Award, 2000-2001.

Grant, IBM Institute of Knowledge Management Grant, 1999.
Grant, Society of Information Management Research, 1999.
Grant, Andersen Consulting Research Grant on Global E-Commerce, 1999.
Junior Faculty Research Award, University of Texas Graduate School of Business, 1998-1999.
Grant, Bradley Foundation Conference, August 1998.
Dean's Fellow, University of Texas at Austin, School of Business, (semester leave) 1997-98.
Grant, John M. Olin Summer Research Grant, Boalt Hall School of Law, University of California, Berkeley (\$3000), August 1997.
Junior Faculty Summer Research Assignment, University of Texas at Austin (university-wide competition for summer support), 1997.
Fellowship, John M. Olin Student Fellowship in Law and Economics, UC Berkeley, 1991-93.
Fellowship, Bradley Foundation, University of California, Berkeley, 1989-90.
American Jurisprudence Prize Award in Legal Ethics, Indiana University, 1987.

INVITED TALKS

University of Texas Law School, Colloquium ““Internet Patents, Policy and Politics” (March 2003)

University of Chicago, *Law and Economics Workshop*, “Internet Patents, Policy and Politics” (November 2002).

Northwestern University, *Law School Faculty Workshop*, “Internet Patents, Policy and Politics” (November 2002).

University of Southern California, *Law, Economics and Organization Workshop*, “Internet Patents, Policy and Politics” (July 2002)

University of California, Berkeley, Haas School of Business, *Institutional Analysis Workshop*, “The Value and Legitimacy of Internet Business Method Patents” (March 2002).

Ohio State Law School, “The Strategy of Judging,” (December 2001).

Northwestern University, *Law School Faculty Workshop*, “The Strategy of Judging,” (November 2001).

American Judicature Society and Brennan Justice Center (NYU Law School), “A Managerial Theory of Law” (April 2001)

Stanford Law School and Electronic Freedom Foundation, ICANN Candidate Debate (final 3 member-nominated candidates), Webcasted internationally (October 5, 2000).

Harvard Law School, ICANN Candidate Debate (final 7 candidates), Webcasted internationally (October 2, 2000).

Wharton School of Business, “Closed Competition Systems in Digital Business,” (October 2000)

University of California Los Angeles (Anderson) and University of Washington School of Business, “Regulation and Strategy in the Global Network Economy: National Competitiveness and New Entrant Power” (May 2000).

Nanyang Technological University Business School (Singapore), “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (March 2000).

Hong Kong University of Science and Technology, “Tomorrow’s E-Business Models: Integrating Market, Technology and Policy Opportunities” (March 2000)

University of California, San Diego, “The Strategy of Judging: Evidence From Administrative Law (February 2000)

Keio Business School (Tokyo, Japan), “Tomorrow’s E-Business Models: Integrating Market,

Technology and Policy Opportunities" (February 2000).

Harvard Law School, "The Strategy of Judging" (November 1999).

Montana State University, Department of Economics, *The Strategy of Judging: Evidence From Administrative Law* (July 1999).

University of Pennsylvania School of Law, "A Modest Proposal for Improving American Justice " (March 1999).

University of Chicago School of Law, "The Politics of Administrative Law" (January 1999).

Harvard Law School, "The Politics of Administrative Law" (December 1998).

State University of New York (Stony Brook), Political Science Department, "The Strategy of Judging: Evidence From Administrative Law" (April 1998).

Harvard University, *Colloquium on Positive Political Economy*, "Regulation and Judicial Strategy" (March 1998).

Yale Law School, *Law, Economics and Organization Seminar*, "The Strategy and Structure of Administrative Law" (February 1998).

New York University School of Law, *Colloquium on Law, Economics and Politics*, "The Strategy and Structure of Administrative Law" (December 1997).

Emory University, *Conference on the Scientific Study of Judicial Politics*, "Judicial Partisanship and Obedience to Legal Doctrine" (November 1997).

California Institute of Technology, "The Strategy of Judging: Evidence From Administrative Law" (February 1997).

University of Southern California Law Center, *The Olin Lecture Series*, "The Strategy of Judging" (February 1997).

University of Texas School of Law, "Legal Doctrine as Political Heuristic" (April 1996).

Stanford University, *Hoover Colloquium on Collective Choice*, "Congressional Control of the Courts" (November 1995).

University of Southern California Law Center, *Symposium on Law and Positive Political Theory*, "Putting Politics into the Positive Theory of Federalism" (May 1995).

University of California, Berkeley, Boalt Hall School of Law, *Law and Economics Seminar*, "Strategic Instruments" (April 1995).

University of California, Berkeley, Haas School of Business, *Workshop on Institutional Analysis*, "Congressional Control of the Courts" (February 1995).

University of Michigan School of Business, "The Strategy and Structure of Administrative Law" (February 1994).

Rice University Graduate School of Business, "The Strategy and Structure of Administrative Law" (February 1994).

University of Wisconsin School of Law, "The Strategy and Structure of Administrative Law" (January 1994).

Washington University (St. Louis), "The Strategy and Structure of Administrative Law" (November 1993).

University of California, Davis, "The Strategy and Structure of Administrative Law" (November 1993).

Northwestern University, Kellogg School of Management, "The Twisted Path of Oil Pipeline Regulation" (February 1993).

State University of New York (Stony Brook), "Invitations to Override: Congressional Reversals of Supreme Court Decisions" (November 1992).

Presentations at Professional and Annual Association Meetings

INFORMS 2000, "A Positive Political Theory of ICANN: The Battle Over Domain Names" (November 2000).

INFORMS 2000, "Controlled Competition Systems in Digital Business" (November 2000).

Society for Information Management, "Tomorrow's E-Business Models: Integrating Market, Technology and Policy Opportunities," Chicago, IL (September 1999).

American Law and Economics Association, "The Politics of Administrative Law," Berkeley, CA (Annual meetings, May 1998).

American Law and Economics Association, "The Strategy of Judging," Toronto (Annual meetings, May 1997).

Midwest Political Science Association, "Decision Costs and the Strategic Design of Administrative Process and Judicial Review," Chicago, IL (Annual meetings, April 1997).

American Political Science Association, "Decision Costs and the Strategic Design of Administrative and Judicial Process," San Francisco, CA (Annual meetings, August 1996).

Public Choice Society, "Business Political Strategy," Houston, TX (Annual meetings, March 1996).

American Political Science Association, "Strategic Instruments," Chicago, IL (Annual meetings, September 1995).

Western Economic Association, "Strategic Instruments," San Diego, CA (Annual meetings, July 1995).

Public Choice Society, "Congressional Control of the Courts," Long Beach, CA (Annual meetings, March 1995).

Midwest Political Science Association, "Congressional Control of the Courts," Chicago, IL (Annual meetings, April 1995).

PROFESSIONAL ACTIVITIES

Editorships and Occasional Reviewer

Editor, *Business and Politics*, Carfax Publishers (Academic)

Reviewer, *National Science Foundation, Law and Society Program* (NSF)

Reviewer, *Journal of Legal Studies* (JLS)

Reviewer, *Journal of Law, Economics & Organization* (JLEO)

Reviewer, *International Review of Law and Economics* (IRLE)

Reviewer, *American Political Science Review* (APSR)

Reviewer, *American Journal of Political Science* (AJPS)

Reviewer, *Political Research Quarterly* (PRQ)

Reviewer, *Management Science* (MS)

Reviewer, *California Management Review* (CMR)

Reviewer, *Journal of Economic Behavior and Organization* (JEBO)

Reviewer, *Journal of Industrial and Corporate Change* (ICC)

Reviewer, *Contemporary Economic Policy* (CEP)

Reviewer, *Journal of Strategic Information Systems* (JSIS)

Reviewer, *Journal of Information Technology Theory and Application* (JITTA)

Professional Society Memberships (various dates)

American Law and Economics Association, American Political Science Association, Academy of Management

OTHER

Editor, *Internet Law and Business* (published by Computer Law Reporter, Washington, D.C.) (1999-present).

Editor, *EPA Administrative Law Reporter*, (published by Computer Law Reporter, Washington, D.C.) (2003 – present)

Law Practice, Bingham, Summers, Welsh, and Spilman (Indianapolis, Indiana) and Tiller and Associates (Merrillville, Indiana) (1987-89).