

# BEN JOHNSON

309 Village Drive, Gainesville, FL 32611 • benjaminbjohnson@gmail.com • (254) 214-5125

## Academic Employment

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**University of Florida, Levin College of Law** (Gainesville, FL)

Associate Professor (2023 – present)

**Pennsylvania State University Law School** (University Park, PA)

Associate Professor (2022 – 2023)

Assistant Professor (2018 – 2022)

## Education

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**PRINCETON UNIVERSITY**

PhD Politics (2018): Dissertation: *Essays on Supreme Court Agenda-Setting*

**YALE LAW SCHOOL**

JD (2010) Yale Law Revue, director

**BOSTON UNIVERSITY**

MA Economics (2004)

**BAYLOR UNIVERSITY**

BA University Scholars (2003)

## Publications

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### Federal Courts

*The Roberts Court's (Other) Vacatur Revolution*, 135 YALE L.J. (forthcoming)

*May Federal Courts Answer Questions When Not Deciding Cases?*, 100 NOTRE DAME L. REV. 583 (2025)

*The Active Vices*, 74 ALA. L. REV. 917 (2023)

*The Origins of Supreme Court Question Selection*, 122 COLUM. L. REV. 793 (2022) (winner of AALS Federal Courts section award for Best Untenured Article on Federal Jurisdiction)

*Judges Breaking the Law: An Empirical Study of Financially Interested Judges Deciding Cases*, 99 N.C. L. REV. 1 (2020) (with John Newby Parton)

*The Supreme Court's Political Docket: How Ideology and the Chief Justice Control the Court's Agenda and Shape Law*, 50 CONN. L. REV. 581 (2018)

### Other Topics

*Should Like Cases Be Decided Alike?, A Formal Analysis of Formal Equality*, 54 J. LEGAL STUD. 83 (2025) (with Richard Jordan)

*A Theory of Corporate Fiduciary Duties*, 49 BYU L. REV. 1013 (2024)

*The Civil Rights Cases and Black Constitutional Politics*, 65 ARIZ. L. REV. 579 (2023) (with Sean Beienburg)

*The Supreme Court's (Surprising?) Indifference to Public Opinion*, 74 POL. RES. Q. 18 (2020) (with Logan Strother) (Winner of the American Political Science Association's Law & Courts Section 2020 Best Conference Paper Award)

*Why Does the Supreme Court Uphold So Many Laws?*, 2018 U. ILL. L. REV. 1001 (with Keith Whittington)

## Shorter and Invited Pieces

*The Little-Known Rule Change That Made the Supreme Court So Powerful*, THE ATLANTIC (2023)

*What About the Bar?*, 74 FL. L. REV. FORUM 50 (2023)

*The Supreme Court, Question-selection, Legitimacy, and Reform: Three Theorems and One Suggestion*, 67 ST. LOUIS U. L.J. 625 (2023)

Supreme Court of the United States in ELGAR ENCYCLOPEDIA OF COMP. L. (2023)

## Under Review

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THE LEAST RESPONSIVE BRANCH: SUPREME COURT JUSTICES DO NOT RESPOND TO PUBLIC OPINION (book manuscript with Logan Strother) (R&R at Oxford U.P.)

*Social Learning Behind Closed Doors: Evidence from Sequential Voting in the US Supreme Court* (with Gabriel López-Moctezuma) (showing causal effect of learning in Supreme Court voting) (R&R at the Journal of Politics, a top-3 peer reviewed political science journal)

*How the Supreme Court Became Supreme (and Maybe Made Congress Dysfunctional)*

## Working Papers

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*Don't Hate the Player; Hate the Game: Omnicare Turns 20*

*A Structural Model of Supreme Court Agenda-Setting Votes*

*Can Academics Effectively Monitor Judges?: Evidence from a Field Experiment* (with Dane Thorley)

*Shedding Light on the Shadow Docket Reveals the Roberts Court's Active Vices* (with Logan Strother)

*All Contracts Are Inefficient* (a formal model of contracting that shows parties fail to maximize joint or social surplus when negotiating)

## Works-in-Progress

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*A Great Client Knows the Judge: Causal Effects of Financial Links Between Judges and Parties* (with Dane Thorley)

*Prediction as Inference* (with Logan Strother and Jake Trescott)

*Jurisdiction and Discretion . . . and Nondelegation*

*Nondelegation and Presentment*

## Professional Service

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Referee for *American Journal of Political Science*, *Quantitative Economics*, *Political Research Quarterly*, *Journal of Law, Economics, & Organization*, *Journal of Law & Courts*, and *International Review of Law & Economics*

## Professional Experience

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### **HAYNES AND BOONE**

Litigation Associate (2010 - 2012), Dallas, TX

### **KEEFE, BRUYETTE, & WOODS**

Associate – Equity Research (2005 - 2007), Atlanta, GA

## Bar Admissions

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Texas (Inactive), Northern District of Texas