

JODI L. SHORT

Mary Kay Kane Professor of Law
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UC Law, San Francisco (formerly UC Hastings)

Professor of Law, 2012-present
Hastings Chair, 2013-2015
Bion M. Gregory Chair in Business Law, 2015-2017
The Hon. Roger J. Traynor Chair, 2017-2023
Inaugural holder of the Mary Kay Kane Chair, 2023-present

Georgetown University Law Center

Associate Professor of Law, 2008-2012

Center for the Study of Law and Society, University of California, Berkeley

Visiting Scholar, Summer 2009/Fall 2010

PUBLICATIONS

Articles, Essays and Book Chapters

[*Major Questions About Presidentialism: Untangling the “Chain of Dependence” Across Administrative Law*](#), 65 B.C. L. REV. 511 (2024) (with Jed H. Shugerman).

- ❖ Reviewed by Ed Rubin at [Jotwell](#)

[*In Search of the Public Interest*](#), 40 YALE J. REG. 759 (2023).

- ❖ Reviewed by Emily Bremer at [Jotwell](#)
- ❖ Recommended in [Ad Law Reading Room](#) at *Notice & Comment Blog*
- ❖ Featured as “highly recommended” at [Legal Theory Blog](#)

[*Regulatory Managerialism as Gaslighting Government*](#), 86 L. & CONTEMP. PROBS. 1 (2023).

[*The Dog that Didn’t Bark: Looking for Techno-Libertarian Ideology in a Decade of Public Discourse About Big Tech Regulation*](#), 19 OH. ST. TECH. L. J. 1 (2022) (with Reuel Schiller, Susan Silbey, Noah Jones, Babak Hemmatian, and LeeAnna Bowman-Carpio).

[*Editors’ Introduction: Has Regulation & Governance Made a Difference?*](#), 15TH ANNIVERSARY ISSUE OF REGULATION & GOVERNANCE (2021) (with David Levi-Faur, Benjamin Van Rooij, Eva Thomann, and Sally Simpson).

[*The Politics of Regulatory Enforcement and Compliance: Theorizing and Operationalizing Political Influences*](#), 15 REGULATION & GOVERNANCE 653 (2021).

- ❖ Presented at 5th Annual Robert A. Kagan Lecture in Law & Regulation, Berkeley Law

[*Improving Working Conditions in Global Supply Chains: The Role of Institutional Environments and Monitoring Program Design*](#), 73 IND. & LAB. REL. REV. 873 (2020) (with Michael W. Toffel and Andrea Hugill).

[*Coupling Labor Codes of Conduct and Supplier Labor Practices: The Role of Internal Structural Conditions*](#), 30 ORGANIZATION SCIENCE 847 (2019) (with Yanhua Bird and Michael W. Toffel).

- ❖ Winner, 2019 ComplianceNet Outstanding Publication Award.

[What's Reasonable Now? Sexual Harassment Law after the Norm Cascade](#), 2019 MICH. ST. L. REV. 139 (2019) (with Joan C. Williams, Margot Brooks, Hilary Hardcastle, Tiffanie Ellis & Rayna Saron).

[The Trouble with Counting: Cutting through the Rhetoric of Red Tape Cutting](#), 103 MINNESOTA LAW REVIEW 93 (2018).

Festschrift in Honor of Professor Lesley McAllister, 41 ENVIRONS ENVTL. L. & POL'Y J. 155 (2018).

[Monitoring Global Supply Chains](#), 37 STRATEGIC MANAGEMENT JOURNAL 1878 (2016) (with Michael W. Toffel and Andrea Hugill).

- ❖ Winner, 2015 ARCS Outstanding Paper Award, awarded by the Alliance for Research on Corporate Sustainability.
- ❖ Cited and linked in *The New York Times*: "[They're Paid Billions to Root Out Child Labor in the U.S. Why Do They Fail?](#)"

Going Private: Transplanting Law in a Globalized World, in COMPARATIVE LAW AND REGULATION: UNDERSTANDING THE GLOBAL REGULATORY PROCESS, Francesca Bignami and David Zaring, eds. (2016).

[Codes in Context: How States, Markets, and Civil Society Shape Adherence to Global Labor Standards](#), 9 REGULATION & GOVERNANCE 205 (2015) (with Michael W. Toffel and Melissa Ouellett).

Self-Regulation in the Regulatory Void: "Blue Moon" or "Bad Moon"? 649 THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE 22 (2013).

Competing Normative Frameworks and the Limits of Deterrence Theory: Comments on Baker and Griffith's Ensuring Corporate Misconduct, 38 LAW & SOC. INQUIRY 493 (2013).

[The Political Turn in American Administrative Law: Power Rationality and Reasons](#), 42nd Annual Administrative Law Symposium, 61 DUKE L. J. 1811 (2012).

[The Paranoid Style in Regulatory Reform](#), 63 HASTINGS L. J. 633 (2012).

[Coming Clean and Cleaning Up: Does Voluntary Self-Reporting Indicate Effective Self-Policing?](#), 54 JOURNAL OF LAW AND ECONOMICS 609 (2011) (with Michael W. Toffel).

[Making Self-Regulation More than Merely Symbolic: The Critical Role of the Legal Environment](#), 55 ADMINISTRATIVE SCIENCE QUARTERLY 361 (2010) (with Michael W. Toffel).

Coerced Confessions: Self-Policing in the Shadow of the Regulator, 24 JOURNAL OF LAW, ECONOMICS, AND ORGANIZATION 45 (2008) (with Michael W. Toffel).

[Creating Peer Sexual Harassment: Mobilizing Schools to Throw the Book at Themselves](#), 28 LAW & POLICY 31 (2006).

[Killing the Messenger: The Use of Nondisclosure Agreements to Silence Whistleblowers](#), 60 PITT. LAW REV. 1207 (1999).

Other Writing

[Supporting Market Accountability, Workplace Equity, and Fair Competition by Reining in NDAs](#), FEDERATION OF AMERICAN SCIENTISTS, DAY ONE PROJECT (2022) (with Rachel Arnow-Richman, Gretchen Carlson, Orly Lobel, Julie Roginsky, and Evan Starr).

❖ Cited in FTC final [Noncompete Rule](#)

[Manage the Suppliers That Could Harm Your Brand: Know When to Avoid, Engage, or Drop Them](#), HARVARD BUSINESS REVIEW (March-April 2021) (with Michael W. Toffel).

[The Politics of Regulatory Compliance and Enforcement](#), CLS BLUE SKY BLOG: Columbia Law School's Blog on Corporations and the Capital Markets (2020).

[Facile Formalism: Counting the Ways the Court's Removal Jurisprudence Has Failed](#), YALE J. REG. NOTICE AND COMMENT BLOG (2020).

[Global Supply Chain Factories Improve Working Conditions More When They Are Unionized, Certified, and Avoid Piece-Rate Pay](#), WORK IN PROGRESS BLOG of the American Sociological Association (2020) (with Yanhua Bird and Michael W. Toffel).

[Employment Law: Sexual Harassment Law After the Norm Cascade](#), THE JUDGES' BOOK: Vol. 4, Article 10 (2020) (with Joan Williams).

[Administrative Law: The Trouble with Counting](#), THE JUDGES' BOOK: Vol. 3, Article 4 (2019).

[Cutting through the Rhetoric of Cutting Red Tape](#), REGULATORY REVIEW (July 31, 2018).

[The Integrity of Private Third-Party Compliance Monitoring](#), 42 ADMINISTRATIVE & REGULATORY LAW NEWS 22 (2017) (with Michael W. Toffel).

EDUCATION

PhD **University of California, Berkeley**

Sociology, May 2008

National Science Foundation Graduate Research Fellowship

Berkeley Fellowship for Graduate Research Study

Center for Responsible Business (Haas) Small Grant

Dean's Normative Time Fellowship

Academy of Management Best Paper Award

Herbert Blumer Paper Prize, Berkeley Sociology Department

JD **Georgetown University Law Center**, *magna cum laude*

Juris Doctor, 1995

The Georgetown Law Journal, Primary Articles Editor

Order of the Coif

Policy Fellow, National Academy of Sciences

BA **Duke University**, *cum laude*

History and Economics with a Certificate in Women's Studies, 1992

SELECTED TALKS AND WORKSHOPS

Presented *In Search of the Public Interest*

- Law & Society Annual Meeting, Denver, CO (June 7, 2024)
- Regulation and the Common Good Workshop, University of Sheffield (October 18, 2023)
- Legislation Roundtable, Georgetown Law (March 10, 2023)
- National Conference of Constitutional Law Scholars, Tucson, AZ (March 24, 2023)

Presented *The Dog that Didn't Bark: Looking for Techno-libertarian Ideology in a Decade of Public Discourse about Big Tech Regulation,* at A Conference in Honor of Susan S. Silbey, MIT Sloan School of Business (June 3-4, 2024).

Invited participant in a workshop on "Policy Mechanisms for Regulating Emerging Technologies," part of the Redesigning the Governance Stack Project at Georgetown Law (May 2-3, 2024).

Presented *Major Questions About Presidentialism: Unraveling the 'Chain of Dependence' Across Administrative Law* (with Jed Shugerman)

- National Conference of Constitutional Law Scholars, Tucson, AZ (February 24, 2024)
- Virtual Power in the Administrative State Workshop (September 15, 2023)

Presented *Coupling and Coupling Compromises in Company Responses to Activist Pressure*

- American Bar Foundation Fall 2022 Speaker Series (September 14, 2022)
- Closing Plenary, ComplianceNet Conference, University of Amsterdam (July 8, 2022)
- Business and Human Rights Workshop, University of Connecticut (March 31, 2022)
- Law & Society Association Annual Meetings, Lisbon, Portugal (July 13, 2022)
- Annual Meeting of the Labor & Employment Relations Association (June 5, 2021)

Presented *Regulatory Managerialism as Gaslighting Government* at a Symposium on Regulatory Managerialism and the Rule of Law, Georgetown Law (September 23, 2022).

Delivered Closing Plenary Panel talk, "[ESG Goes to Work](#)" at the *ComplianceNet Virtual Conference* (June 30, 2021).

Delivered virtual lecture on *The Paranoid Style in Regulatory Policymaking* in the Theories of Regulation Series, Hebrew University (June 3, 2021).

Presented *Auditor Independence and Outsourcing: Aligning Incentives to Mitigate Shilling and Shirking*

- ComplianceNet Virtual Conference (June 28, 2021)
- AALS Open Source Program on "The Power of Supply Chains" (January 5, 2021)
- Law & Society Association Annual Meetings (May 2020)
- Annual Meeting of the Labor & Employment Relations Association (June 2020)

Presented "Monitoring: A Review of Research on Inspection and Compliance for Regulators" at a webinar for officials at the Environmental Protection Agency (May 14, 2020).

Presented Hon. Roger J. Traynor Chairholder Lecture, "Coupling Labor Codes of Conduct and Supplier Labor Practices: The Role of Internal Structural Conditions," UC Hastings Law (September 3, 2019).

Presented comments on “Private Politics beyond the Targeted Firm” at the Strategy and the Business Environment Conference, Stanford Business School (April 26, 2019).

Delivered the 5th Annual Robert A. Kagan Lecture in Law & Regulation, Berkeley Law (March 20, 2019).

Delivered Plenary Talk, *Coupling Labor Codes of Conduct and Supplier Labor Practices: The Role of Internal Structural Conditions* at 2nd Annual ComplianceNet Conference, Villanova University Law School (June 4, 2019).

Presented talk on New Governance Strategies at Berkeley Law’s Public Law and Policy Workshop (January 28, 2019).

Invited participant in the Research Roundtable on Private Environmental Governance and Climate Change, Northwestern Pritzker School of Law, Searle Center on Law, Regulation, and Economic Growth (April 30-May 1, 2018).

Presented *The Trouble with Counting*, Deregulatory Frontiers Conference, UC Hastings Law (November 17, 2017).

Presented a talk on the relationship between regulatory structures, assumptions, and effectiveness at: *Toward a Progressive Politics of Financial Regulation*, Allard School of Law, University of British Columbia (February 23-24, 2017).

Presented *Monitoring: A Review of Relevant Research for Regulators*, at the Research on Effective Government: A Workshop on Evaluating Innovative Approaches to Foster Environmental Compliance, Washington, DC (January 27, 2017).

Presented *Moving the Dial: Can Codes and Monitoring Improve Labor Standards in Global Supply Chains?*

- Business and Human Rights Workshop, University of Washington (September 16, 2016)
- UC Irvine, Long US-China Institute (October 2, 2015)
- Tulane Law School, Murphy Institute Workshop Series (September 16, 2015)

Presented *Enforcement Assumptions: The Unspoken and the Unspeakable*, at the Whither Enforcement Workshop, London School of Economics (June 25, 2015).

Presented *Inspection as a Social Process*, at the Research on Effective Government: Workshop on Inspection and Compliance, Resources for the Future, Washington, DC (June 1, 2015).

Presented *Reinstating the State* at the Law & Society Association Annual Meetings, Washington, DC (May 31, 2019).

Presented *Whither Politics? Operationalizing Political Influences in Empirical Studies of Compliance and Enforcement* at the Law & Society Association Annual Meetings, Toronto, Canada (June 6-10, 2018).

Presented *Organizational Structures and the Improvement of Working Conditions in Global Supply Chains: Legalization, Participation, and Economic Incentives*, at the Law & Society Association Annual Meetings, Mexico City (June 20-23, 2017).

Presented *Barbarians at the Gate? The Regulatory Role of Private Gatekeepers*, at the Law and Society Association Annual Meetings, Seattle, WA (May 28-31, 2015).

Presented *Monitoring the Monitors: How Social Factors Influence Supply Chain Auditors*

- INFORMS, San Francisco, CA (November 10, 2014)
- Conference on Empirical Legal Studies, Berkeley, CA (November 7, 2014)
- Law & Society Association Annual Meetings, Minneapolis, MN (May 29-June 1, 2014)

PROFESSIONAL ACTIVITIES

Editor, REGULATION & GOVERNANCE

2015-2020

Executive Board Member, Regulation & Governance

2015-present

Contributing Editor, JOTWELL, 2017-present

Member, EPA Workgroup on Evidence-based Compliance Assurance, 2017-2022

Consulting Reviewer, UK Better Regulation Executive, 2019

Senior Policy Fellow, Georgetown Center for Business & Public Policy, McDonogh School of Business, 2009-2012

Established website, [Working Conditions in Supply Chains](#) at Harvard Business School, collecting research that provides managerial insights on assessing and improving working conditions in supply chains (with Michael W. Toffel).