

Christopher Brett Jaeger

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ACADEMIC APPOINTMENTS

Baylor Law School, Waco, Texas

Assistant Professor of Law, May 2021–present

Teaching: Contracts I, Contracts II, Alternative Dispute Resolution, LARC 3: Persuasive Communication

Service: Faculty Scholarship and Collaboration Committee (2022-), Law Review Advisory Committee (2022-), Survey Committee Co-Chair (2022-), Long Range Planning Committee (2022-), Visitorship Study Committee (2022-), Admissions and Recruitment Committee (2023-), Law School Dean Search Committee (2023), Student Relations Committee (2022-23), Faculty Advisor to Sports Law Society (2022-), Faculty Advisor to Aggie Bar Association (2023-), Faculty Advisor for students' directed research and law review notes

NYU School of Law, New York, New York

Acting Assistant Professor of Lawyering, June 2019–April 2021

Teaching: Lawyering (full-year course on legal writing, research, and lawyering skills)

Service: Co-Chair, Lawyering Scholarship Colloquium (2020-21), Orientation Committee (2020-21), Negotiation Exercise Committee (2019-2021)

EDUCATION

Vanderbilt University, Ph.D., Psychological Sciences, January 2015–January 2020

Dissertation: *Thinking About Other Minds*

Selected Honors: University Graduate Fellowship; Peabody Dean's Fellowship; Research Achievement Fellowship

Vanderbilt Law School, J.D., August 2006–May 2009

Articles Editor, VANDERBILT LAW REVIEW

Selected Honors: Order of the Coif; Vanderbilt Legal Academy Scholar; Chancellor's Scholar; Research Assistant, Owen D. Jones and Mark E. Brandon

University of Missouri, B.A., Psychology, *summa cum laude*, August 2002–May 2006

Selected Honors: Phi Beta Kappa; Hank Waters Scholarship; Hocks Scholarship in the Humanities; Honors College; Departmental Honors in Psychology; Psi Chi

SCHOLARSHIP

Law Review Papers

Katz's Imperfect Circle: An Empirical Study of Reasonable Expectations of Privacy, 77 FLORIDA LAW REVIEW ___ (forthcoming) (with Tonja Jacobi)

- Investigates the claim that Fourth Amendment analysis under *United States v. Katz* is circular and identifies six potential forms of circularity, reports two empirical studies examining risks of circularity, and contends that social science evidence could usefully anchor Fourth Amendment analysis.

The Empirical Reasonable Person, 72 ALABAMA LAW REVIEW 887 (2021)

- Demonstrates, through original experiments, that lay judgments about whether conduct is reasonable are influenced by information about community customs but not by information about whether the conduct is cost-justified under the Hand Formula. Argues that tort law's reasonable person standard does, and should, reflect this lay understanding.
- Featured as "Download of the Week" on Professor Larry Solum's Legal Theory Blog.
- Featured on the Persuasive Litigator Blog.

Thinking Quantum: A New Perspective on Decision Making in Law, 46 FLORIDA STATE UNIVERSITY LAW REVIEW 733 (2019) (with Jennifer S. Trueblood) (first author)

- Argues that the emerging psychological theory of quantum decision making usefully complements behavioral law and economics, uses the theory to emphasize the importance of sequence in law's choice architecture, and identifies testable predictions derived from the theory about a variety of law-related decisions.

Defending a Social Learning Explanation: A Comment on the Origins of Shared Intuitions of Justice, 62 VANDERBILT LAW REVIEW EN BANC 25 (2009)

- Contends that widespread cross-cultural similarities in intuitions about justice and punishment are better explained by a psychological theory called social learning theory than by an evolved mechanism in the human brain.

"Does That Sound Familiar?": Creators' Liability for Unconscious Copyright Infringement, 61 VANDERBILT LAW REVIEW 1903 (2008) (Note)

- Argues that the "subconscious copying doctrine" (which holds copiers liable regardless of whether their copying was conscious) is at odds with copyright law's twin objectives of incentivizing creative expression and protecting authors' moral rights. Proposes an alternative approach in which the lack of conscious copying provides a defense, but the defendant must overcome a rebuttable presumption that any copying was conscious.

Peer-Reviewed Papers

Representing Technological “Minds”: How Anthropomorphic Inferences Influence Legal Judgments and Policy Opinions (in review) (with Daniel T. Levin)

- Reports three empirical studies documenting relations between anthropomorphic inferences about autonomous technologies, on one hand, and their legal judgments and policy opinions about such technologies, on the other.

Cognitive Dissonance and Counter-Normative Reasoning Increases Attributions of Agency to Robots (in review) (with Lewis J. Baker, Hongyue Li, Hugo Hammond, Anne Havard, Jonathan D. Lane, Caroline Harriott, & Daniel T. Levin)

- Presents two experiments finding significant positive associations between participants’ experience of cognitive dissonance and their tendency to draw anthropomorphic inferences about robots. Discusses the theoretical relevance of these findings for selective and promiscuous theories of anthropomorphic inference.

Remembering Conversation in Group Settings (in review) (with Sarah Brown-Schmidt, Kaitlin Lord, & Aaron S. Benjamin)

- Provides experimental evidence that overhearers (as opposed to active participants) in a group conversation remember less about the content of the conversation and that the information they do recall is less accurately sourced to its actual contributor. Discusses implications for legal settings.

Law and Order: The Timing of Mitigating Evidence Affects Punishment Decisions, *THINKING & REASONING* __ (forthcoming 2024) (with Jonathan D. Lane, Emily B. Conder)

- In two studies, participants judged the appropriate punishment for various transgressions. Participants learned about transgressors’ mitigating circumstances either *before* or *after* learning the details of the transgression. Evidence of mitigating circumstances reduced punishment *only* when presented *before* evidence of the transgression. Implications for both moral psychology and law are discussed.

Memcons: How Contemporaneous Note-Taking Shapes Memory for Conversations, 47 *COGNITIVE SCIENCE* e13271 (2023) (with Sarah Brown-Schmidt, Melissa J. Evans, & Aaron S. Benjamin)

- Reports the first experiment evaluating the effect of written memoranda of conversations (“memcons”) on memory for unscripted conversations, which found that generating a memcon increased the amount of information recalled by participants one week later but did not increase the accuracy of their recall. Discusses legal and political implications.

When Searching Helps You See: Bridging the Gap Between Incidental and Intentional Change Detection, 49 JOURNAL OF EXPERIMENTAL PSYCHOLOGY: HUMAN PERCEPTION AND PERFORMANCE 1158 (2023) (with Madison Lee & Daniel T. Levin)

- Across four experiments, participants exhibited remarkable change blindness to an actor substitution, even when prompted to engage in tasks that required them to process actor identity (e.g., count the number of actors in the movie; memorize the actor's face for a recognition test). These findings suggest that the representation and comparison processes necessary to detect large visual changes in attended objects do not occur by default but are elicited by specific functional needs.

Video Speeding Can Be Efficient and Speeding-Induced Preference Cost Can Be Lessened by Selective Speeding, 28 JOURNAL OF EXPERIMENTAL PSYCHOLOGY: APPLIED 916 (2022) (with Anna M. Wright, Kelly E. Carter, Sarah A. Bibyk, Duane G. Watson, & Daniel T. Levin)

- Three experiments indicate that participants' learning from screen-captured instructional videos was minimally affected by global speed increases up to 200%, but even more modest 150% speed increases substantially increased perceived workload and reduced viewer preferences. Selectively-speeded videos—videos speeded at points of low information transfer but not points of high information transfer—achieved time efficient learning without negative effect on viewer preferences.

Perceiving Versus Scrutinizing: Viewers Do Not Default to Awareness of Small Spatiotemporal Inconsistencies in Movie Edits, PSYCHOLOGY OF AESTHETICS, CREATIVITY, & THE ARTS (2022) (with Daniel T. Levin, Lewis J. Baker, Anna M. Wright, & Joshua W. Little)

- Reports a series of studies in which participants' judgments of the continuity of films they viewed did not vary based on temporal mismatches across cuts (ranging from 400-millisecond overlaps to 400-millisecond ellipses) unless the mismatches were quite large (1 second). Argues that participants can discriminate between these finer mismatches but do not do so unless specifically instructed, suggesting the importance of precise temporal matching may be overstated in film and in psychological study of event perception.

The Prevalence and Utility of Formal Features in Screen-Capture Tutorial Videos, 68 TECHNICAL COMMUNICATION 56 (2021) (with Joshua Little & Daniel T. Levin)

- Provides a catalog of formal features that creators of screen-capture tutorial videos use to convey information to viewers and demonstrates that these features are predictive of video viewership.

Predicting Variation in Endowment Effect Magnitudes, 41 EVOLUTION & HUMAN BEHAVIOR 253 (2020) (with Owen D. Jones, Sarah F. Brosnan, & Daniel T. Levin) (first author)

- Shows that the endowment effect—the tendency of people to value an item they have just acquired at a much higher price than the maximum they would have paid to acquire it—tends to be larger for items that are more evolutionarily relevant, suggesting that it (and similar documented 'irrationalities' studies by psychologists, economists, and legal scholars) may be best understood from an evolutionary perspective.

The Interrelationship Between Concepts About Agency and Students' Use of Teachable-Agent Learning Technology, 4 COGNITIVE RESEARCH: PRINCIPLES AND IMPLICATIONS 1 (2019) (with Alicia M. Hymel, Daniel T. Levin, Gautam Biswas, Natalie Paul, & John Kinnebrew)

- Reports three experiments from middle school classrooms finding a reciprocal relationship between students' agency concepts and their success learning from teachable-agent-based educational software.

Justice is (Change) Blind: Applying Research on Visual Metacognition in Legal Settings, 23 PSYCHOLOGY, PUBLIC POLICY, & LAW 259 (2017) (with Daniel T. Levin & Evan Porter) (first author)

- Presents a series of experiments demonstrating that people routinely overestimate others' visual abilities, that this overestimation persists when people judge what others *should* see, and that this may lead decision makers to find tort defendants negligent for failing to see things that most people would not see.

If Asimo Thinks, Does Roomba Feel?: The Legal Implications of Attributing Agency to Technology, 5 J. HUMAN-ROBOT INTERACTION 3 (2016) (with Daniel T. Levin) (Symposium on Robotics Law and Policy, Ryan Calo & Kate Darling eds.) (first author)

- Explores how the well-documented human tendency to conceive of technology in anthropomorphic terms might shape law and policy, focusing on tort, copyright, Fourth Amendment, and statutory interpretation contexts.

Book Chapters

Reasonableness from an Experimental Jurisprudence Perspective, in CAMBRIDGE HANDBOOK OF EXPERIMENTAL JURISPRUDENCE (Kevin Tobia ed., Cambridge University Press) (forthcoming 2024)

- Reviews prominent theories of “reasonableness” in legal scholarship and identifies empirically testable implications of each. Discusses recent research in the field of experimental jurisprudence that has tested some of these theories and identifies avenues for future research.
- “Highly Recommended” on Professor Larry Solum’s Legal Theory Blog.

The Power of Sequence: A Quantum Perspective on Legal Decision Making, in THEORIES OF CHOICE: THE SOCIAL SCIENCE AND THE LAW OF DECISION MAKING (Stefan Grundmann & Philipp Hacker eds., Oxford University Press 2021) (with Jennifer S. Trueblood) (first author)

- Provides an overview of the psychological theory of quantum decision making for a legal audience, contrasts it with other theories of choice that have influenced law, and identifies legal contexts (e.g., restrictions on character evidence; harmless error doctrine) in which a quantum perspective may be useful for law.

PRESENTATIONS

Mapping Reasonableness

- New Scholars Workshop, Southeastern Association of Law Schools Annual Meeting, Fort Lauderdale, Florida, upcoming July 2024

- Law and Society Annual Meeting, Denver, Colorado, upcoming June 2024 (accepted)
- Baylor Scholarship Colloquium, Baylor Law School, Waco, Texas, December 2023

Katz's Imperfect Circle: An Empirical Study of Reasonable Expectations of Privacy (with Tonja Jacobi)

- AALS Criminal Procedure Works in Progress Session, Washington DC, January 2024
- 17th Annual Conference on Empirical Legal Studies, University of Chicago, Chicago, Illinois, October 2023 (selected)

Remembering Conversation in Group Settings

- 37th Annual Conference on Human Sentence Processing, University of Michigan, Ann Arbor, Michigan, May 2024 (accepted)
- 60th Annual Conference of the American Psychology-Law Society, Los Angeles, California, March 2024 (accepted)

Reasonableness from an Experimental Jurisprudence Perspective

- 114th Annual Meeting of the Southern Society for Philosophy and Psychology, Louisville, Kentucky, March 2023 (invited)

Memcons: How Contemporaneous Note-Taking Shapes Memory for Conversations (with Sarah Brown-Schmidt, Melissa J. Evans, & Aaron S. Benjamin)

- 16th Annual Conference on Empirical Legal Studies, Cornell Law School, Ithaca, New York, November 2022 (selected)
- 63rd Meeting of the Psychonomic Society, Boston, Massachusetts, November 2022 (selected)
- American Association for the Advancement of Science, Seattle, Washington, February 2020 (invited)

Law & Psychology Symposium (Chair)

- 113th Annual Meeting of the Southern Society for Philosophy and Psychology, Mobile, Alabama, March 2022 (invited)

The Empirical Reasonable Person

- Prospective Law Teachers Workshop, Southeastern Association of Law Schools Annual Conference, Fort Lauderdale, Florida, July 2020 (selected)
- Academic Careers Program Scholarship Clinic, NYU School of Law, New York, New York, April 2020 (selected)
- Lawyering Scholarship Colloquium, NYU School of Law, New York, New York, November 2019
- 13th Annual Conference on Empirical Legal Studies, Michigan Law School, Ann Arbor, Michigan, November 2018 (selected)

The Car Wrecked Me: How Concepts of Agency Affect Negligence Decisions

- American Psychological Association Technology, Mind, and Society Conference, Washington, D.C., April 2018 (selected)

- 12th Annual Conference on Empirical Legal Studies, Cornell Law School, Ithaca, New York, October 2017 (selected)

Discussant, *The Lay of the Law: Misunderstanding and Bias in Psychological Constructions of Criminality* (article by Avani Mehta Sood)

- 12th Annual Conference on Empirical Legal Studies, Cornell Law School, Ithaca, New York, October 2017 (invited)

Change Blindness for Person Substitutions Persists When Participants Process Identity

- 58th Meeting of the Psychonomic Society, Vancouver, Canada, October 2017 (with Daniel T. Levin)

PROFESSIONAL EXPERIENCE

Trust Tree Legal, P.C., Nashville, Tennessee
Consultant, Summers 2015–2019

Stites & Harbison, PLLC, Nashville, Tennessee
Associate, September 2010–December 2014

United States Court of Appeals for the Eighth Circuit, Kansas City, Missouri
Law Clerk to the Honorable Duane Benton, August 2009–August 2010

SERVICE

Ad Hoc Referee / Peer Reviewer

- NORTHWESTERN UNIVERSITY LAW REVIEW (empirical issue)
- LAW & HUMAN BEHAVIOR
- JOURNAL OF EXPERIMENTAL PSYCHOLOGY: GENERAL
- APPLIED COGNITIVE PSYCHOLOGY
- JOURNAL OF APPLIED RESEARCH IN MEMORY AND COGNITION
- PSYCHOLOGY, PUBLIC POLICY, & LAW

Board of Directors, McLennan County Dispute Resolution Center, January 2022-present

Secretary, McLennan County Dispute Resolution Center, September 2022-present

Girls' Soccer Coach, Heart of Texas Soccer Association, March 2022-present

Girls' Futsal Coach, City of Waco Parks & Recreation, June-August 2022, 2023

Girls' Indoor Soccer Coach, SoCo Soccer, January-February 2023, 2024

OTHER INTERESTS

Soccer, Tennis, Pickleball, Podcasts, Board Games, Fantasy Football