Syracuse University
COLLEGE OF LAW

FACULTY PUBLICATIONS

FALL 2026

Compiled and edited by the

SYRACUSE UNIVERSITY COLLEGE OF LAW LIBRARY

September 2026

Alia Al-Khatib 1
Rakesh K. Anand 2
Robert Ashford 3
Hon. James E. Baker 7
Kristen Barnes 13
Todd A. Berger 14
Peter D. Blanck 16
Craig M. Boise 33
Jennifer S. Breen 35
Keith J. Bybee 37
Sanjay K. Chhablani 42
Johanna K.P. Dennis 43
Lisa A. Dolak 45
Jan Fleckenstein 50
Gregory L. Germain 51
Shubha Ghosh 53
Antonio Gidi 68
Lauryn P. Gouldin 76
Jack M. Graves 78
Roy Gutterman 80
Margaret M. Harding 87
Laurie Hobart 88
Fitore Hyseni 89
Paula C. Johnson 91
Andrew T. Kim 94
Nina A. Kohn 95
Elizabeth G. Kubala 102
Laura G. Lape 103
Terence J. Lau 104
Monica M. Luna 106
Katherine A. Macfarlane 107
Kevin Noble Maillard 112
Robin Paul Malloy 117
Eugene F. McCarthy 124
Suzette M. Melendez 125
Jessica R. Murray 126
Gaurav Mukherjee 127
Robert G. Nassau 131
Addison O'Donnell 134
Grace W. Orsatti 135

Keli Perrin **136**
Blakely Evanthia Simoneau **137**
Brian M. Sirman **138**
Mary Szto **139**
C. Cora True-Frost **141**
Kristin L. Walker **143**
A. Joseph Warburton **144**

Alia Al-Khatib
Associate Professor of Law

Law Review and Other Scholarly Articles

More Harm Than Good: Criminal Penalties for Wage Theft, 60 U. RICH. L. REV. 579 (2026).

Equity in Contemporary Immigration Enforcement: Defining Contributions and Countering Criminalization (*with* Jayesh Rathod), 66 KAN. L. REV. 951 (2018).

Putting a Hold on ICE: Why Law Enforcement Should Refuse to Honor Immigration Detainers, 64 AM. U. L. REV. 109 (2014).

Reports to Governmental Bodies and Professional Associations

Brief of Amici Curiae Law and Labor Professors in Support of Plaintiff-Petitioner Sergio Lopez, *Lopez v. Marmic, L.L.C.*, No. A-27-24 (N.J. Apr. 21, 2025).

Reports, News, and Commentary

Lowering the Bar for Employees with Title VII Discrimination Claims, REGULATORY REV. (July 16, 2024). https://www.theregreview.org/2024/07/16/lowering-the-bar-for-employees-with-title-vii-discrimination-claims/.

Rakesh K. Anand
Professor of Law

Forthcoming

A Question for the Originalists, 21 FIU L. REV. (2027).

Law Review and Other Scholarly Articles

A Professionally Responsible Supreme Court?, 74 CASE W. RES. L. REV. 903 (2024).

Reasoning About Faith: On the Religious Lawyer, 16 FIU L. REV. 259 (2022).

Resisting Commercialism, 40 FORDHAM URB. L.J. 369 (2012). Conference on The Law: Business or Profession: The Continuing Relevance of Julius Henry Cohen for the Practice of Law in the Twenty-First Century.

Advancing the Cultural Study of the Lawyer: Developing Three Philosophical Claims and Introducing a New Comparative Normative Inquiry, 3 WASH. U. JURIS. REV. 107 (2010). Selected for presentation, 3rd Annual Washington University Jurisprudence Review Colloquium.

The Role of the Lawyer in the American Democracy, 77 FORDHAM L. REV. 1611 (2009).

Legal Ethics, Jurisprudence, and the Cultural Study of the Lawyer, 81 TEMP. L. REV. 737 (2008). Alternate, 2008 AALS Section on New Law Professors' Call for Papers.

Toward an Interpretive Theory of Legal Ethics, 58 RUTGERS L. REV. 653 (2006).

Contemporary Civil Litigation and the Problem of Professional Meaning: A Jurisprudential Inquiry, 13 GEO. J. LEGAL ETHICS 75 (1999).

Robert Ashford
Research Professor

Forthcoming

INCLUSIVE CAPITALISM AND FREEDOM (forthcoming).

Inclusive Capitalism, in TOWARD A MORE SCIENTIFIC ECONOMICS (forthcoming).

Books

TECHNOLOGY, GLOBALIZATION, AND SUSTAINABLE DEVELOPMENT (*Contributing author, with* NICHOLAS A. ASHFORD & RALPH P. HALL) (2018).

HISTORY OF ECONOMIC THOUGHT: A CONCISE TREATISE FOR BUSINESS, LAW, AND PUBLIC POLICY, VOLUME 1: FROM THE ANCIENTS THROUGH KEYNES (*with* STEFAN PADFIELD) (2017).

HISTORY OF ECONOMIC THOUGHT: A CONCISE TREATISE FOR BUSINESS, LAW, AND PUBLIC POLICY VOLUME 2: AFTER KEYNES, THROUGH THE GREAT RECESSION AND BEYOND (*with* STEFAN PADFIELD) (2017).

BINARY ECONOMICS: THE NEW PARADIGM (*with* RODNEY SHAKESPEARE) (1999).

Law Review and Other Scholarly Articles

The Case for a More Inclusive Capitalism by Democratizing the Institutions of Corporate Finance with the Future Earnings of Capital, 53 U. PAC. L. REV. 9 (2021).

Universal Basic Income and Inclusive Capitalism: Consequences for Sustainability (with Ralph P. Hall, Nicholas A. Ashford & Johan Arango-Quiroga), 11 SUSTAINABILITY 4481 (2019), https://www.mdpi.com/2071-1050/11/16/4481.

Introduction to Socio-Economics: An Ethical Foundation for Law-Related Economic Analysis, 49 AKRON L. REV. 287 (2016).

The General Theory of Second Best – An Overview, 49 AKRON L. REV. 433 (2016).

Why Working But Poor? The Need for Inclusive Capitalism, 49 AKRON L. REV. 507 (2016).

Enhancing Poor and Middle Class Earning Capacity with Stock Acquisition Mortgage Loans, (with Demetri Kantarelis), 11 ECON. MGMT. & FIN. MKTS. 11 (2016).

Unutilized Productive Capacity, Binary Economics and the Case for Broadening Capital Ownership, 10 ECON. MGMT. & FIN. MKTS 11 (2015).

Beyond Austerity and Stimulus: Democratizing Capital Acquisition with the Earnings of Capital as a Means to Sustainable Growth, 36 J. OF POST-KEYNESIAN ECON. 179 (2013).

The Crisis in Employment and Consumer Demand: Reconciliation with Environmental Sustainability (*with* Nicholas A. Ashford and Ralph P. Hall), 2 ENVTL. INNOVATION & SOCIETAL TRANSITIONS 1 (2012).

Economics, Democracy, and the Distribution of Capital Ownership, 40 F. SOC. ECON. 361 (2011).

Milton Friedman's Capitalism and Freedom: A Binary Economic Critique, 44 J. ECON. ISSUES 533 (2010).

Using Socio-Economics and Binary Economics to Serve the Interests of Poor and Working People: What Critical Schools Can Do to Help, 8 SEATTLE J. SOC. JUST. 173 (2010).

Broadening the Right to Acquire Capital with the Earnings of Capital: the Missing Link to Sustainable Economic Recovery and Growth, 39 F. SOC. ECON. 89 (2010).

Empowering People with the Right to Acquire Capital with the Earnings of Capital: A Binary Approach to the Economic Empowerment of Subordinated People, 20 ST. THOMAS L. REV. 538 (2008).

Capital Democratization (*with* Demetri Kantarelis), 37 J. SOCIO-ECONOMICS 1624 (2008).

Universalizing the Right to Acquire Capital with the Earnings of Capital: Binary Economic Strategies for Empowering Poor and Working People and Achieving More Sustainable Growth, 1 GLOBAL BUS. & ECON. ANTHOLOGY 235 (2007).

Memo On Binary Economics to Attorneys for Women and People of Color Re: What Else Can Public Corporations Do For Your Clients?, 79 ST. JOHN'S L. REV. 1221 (2005).

What is Socio-Economics?, 41 SAN DIEGO L. REV. 5 (2004)

Socio-Economics and Professional Responsibility in Teaching Law-Related Economic Issues, 41 SAN DIEGO L. REV. 133 (2004).

The Socio-Economic Foundation of Corporate Law and Corporate Social Responsibility, 76 TUL. L. REV. 1187 (2002).

Binary Economics, Fiduciary Duties and Corporate Social Responsibility: Comprehending Corporate Wealth Maximization for Stockholders, Stakeholders, and Society, 76 TUL. L. REV. 1531 (2002).

A New Market Paradigm for Sustainable Growth: Financing Broader Capital Ownership with Louis Kelso's Binary Economics, 14 PRAXIS 25 (1998).

Socio-Economics: What Is Its Place in Law Practice?, 1997 WIS. L. REV. 611 (1997).

Louis Kelso's Binary Economy, 25 J. SOCIO-ECONOMICS 1 (1996).

The Binary Economics of Louis Kelso: The Promise of Universal Capitalism, 22 RUTGERS L. J. 3 (1990).

Take What You Have Gathered From Coincidence: The Importance of Uncertainty Analysis, 66 B.U. L. REV. 943 (1986).

Implied Causes of Action Under Federal Laws: Calling the Court Back to Borak, 79 NW. U. L. REV. 227 (1984).

Evaluating the Potential Use of a Consumer Stock Ownership Plan for Financing the Capital Requirements of Public Utilities, PROCEEDINGS OF FOURTH NARUC BIENNIAL REGULATORY INFORMATION CONFERENCE, Ohio State University (1984).

Negligence vs. No-Fault Liability: An Analysis of the Workers' Compensation Example, (*with* William G. Johnson) 12 SETON HALL L. REV. 725 (1982).

Presumptions, Assumptions and Due Process in Criminal Cases: A Theoretical Overview (with D. Michael Risinger) 79 YALE L.J. 165 (1969).

Book Chapters

Financing Development (*with* Nicholas A. Ashford and Ralph P. Hall) *in* TECHNOLOGY, GLOBALIZATION, AND SUSTAINABLE DEVELOPMENT: TRANSFORMING THE INDUSTRIAL STATE (Nicholas A. Ashford and Ralph P. Hall eds. 2011).

Binary Economics, in ENCYCLOPEDIA OF LAW AND SOCIETY (David S. Clark ed. 2007).

Socioeconomics, in ENCYCLOPEDIA OF LAW AND SOCIETY (David S. Clark ed. 2007).

The Binary Economics of Louis Kelso: A Democratic Private Property System for Growth and Justice, in CURING WORLD POVERTY: THE NEW ROLE OF PROPERTY, (John H. Miller ed. 1994).

Banks and Securities Regulation Supplement, in BANKING LAW (1993).

Residential Property Used for Business and Vacation Home, in CCH FEDERAL TAX SERVICE (1989).

Reports to Governmental Bodies and Professional Associations

Report to the Ozarks Regional Commission, Department of Commerce, and the Governor of the State of Louisiana on Increasing Economic Development Activity through the Broadening of Capital Ownership: A six-month study of the laws, institutions, policies, public and private, in Louisiana areas including banking, insurance, industrial inducement bonding, taxation, public utilities and resource development (1977).

Reports, News, and Commentary

Broadening Capital Acquisition with the Earnings of Capital as a Means of Sustainable Growth and Environmental Sustainability (*with* Nicholas A. Ashford and Ralph P. Hall), EUR. FIN. REV. (Oct. – Nov. 2012) http://www.europeanfinancialreview.com/?p=1321 (last visited Sept. 4, 2017).

Addressing the Crisis in Employment and Consumer Demand: Reconciliation with Environmental and Financial Sustainability (*with* Nicholas A. Ashford and Ralph P. Hall), EUR. FIN. REV. (Oct. – Nov. 2012) http://www.europeanfinancialreview.com/?p=1317 (last visited Sept. 4, 2017).

Binary Economics: The Economic Theory That Gave Rise to ESOPs 19 OWNERS AT WORK 12 (2007).

ESOP: What It Can Do For You? AMERICAN AUTOMATIC MERCHANDISER (1977).

Book Reviews

A Socio-Economic Approach to Control Fraud and the Assumption of Capital Market Efficiency, 36 J. SOCIO-ECONOMICS 978 (2007) (reviewing WILLIAM K. BLACK, THE BEST WAY TO ROB A BANK IS TO OWN ONE: HOW CORPORATE EXECUTIVES AND POLITICIANS LOOTED THE S&L INDUSTRY (2005)).

Points of Rebellion – A Systemic Analysis, BRIEF/CASE 1 (1970) (reviewing WILLIAM O. DOUGLAS, POINTS OF REBELLION (1969)).

Hon. James E. Baker
Professor of Law
Director, Institute for Security Policy and Law
Professor of Public Administration, Maxwell School of Citizenship and Public Affairs (by courtesy appointment)

Forthcoming

AI and the Future of Power, AM. REV. PUB. ADMIN. (reviewing DARRELL M. WEST & JOHN R. ALLEN, TURNING POINT: POLICY MAKING IN THE ERA OF ARTIFICIAL INTELLIGENCE).

Books

NATIONAL SECURITY LAW IN THE FRONTLINE STATES: THE EASTERN SHADOW, Edward Elgar (Baker and Szymanski, Eds., and contributors (forthcoming 2026).

AN INTRODUCTION TO ARTIFICIAL INTELLIGENCE FOR FEDERAL JUDGES (*with* LAURIE N. HOBART & MATTHEW MITTELSTEADT) (2023).

THE CENTAUR'S DILEMMA: NATIONAL SECURITY LAW FOR THE COMING AI REVOLUTION (2020).

IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES (2007).

REGULATING COVERT ACTION: PRACTICES, CONTEXTS, AND POLICIES OF COVERT COERCION ABROAD IN INTERNATIONAL AND AMERICAN LAW (*with* W. MICHAEL REISMAN) (1992).

Law Review and Other Scholarly Articles

The Role of the Judge Advocates General and Judge Advocates: A Primer, Baker with McPherson, Altenburg, and Graham, Standing Committee on Law and National Security, ABA (2025).

Two Terribles: A Day Without Space and AI Enabled Synthetic Biological Weapons – A Warning Order, 26 CHI. J. INT'L L. 329 (2025).

The Duties of a National Security Educator: Lessons in Ethics, Collective Security, and Teaching to the 21st Century, Ukrainian Catholic University Press (2025).

Stepladders and Pole Vaults: A Guide to National Security Legal Positions and Careers (Open Philanthropy 2022).

Staying Left of Boom: The Central and Essential Role of the NSC, 12 J. NAT'L SECURITY L. & POL'Y 15 (2021).

From Shortages to Stockpiles: How the Defense Production Act Can Be Used to Save Lives, Make America the Global Arsenal of Public Health, and Address the Security Challenges Ahead, 11 J. NAT'L SECURITY L. & POL'Y 157 (2020).

Leadership in a Time of Pandemic: Act Well the Given Part, 11 J. NAT'L SECURITY L. & POL'Y 1 (2020).

National Security Law & Emerging Technologies: Toward a Decisional Framework – Key Takeaways from the ABA-OSU Symposium and Jirga, 15 I/S: J.L. & POL'Y FOR INFO. SOC'Y 65 (2019).

What Process is Due? The Role of Judging in National Security, 67 RUTGERS U. L. REV. 1523 (2015).

Is Military Justice Sentencing on the March? Should it be? And, if so, Where Should it Head? Court-Martial Sentencing Process, Practice, and Issues, 27 FED. SENT'G REP. 72 (2014).

The Importance of Building Fires: Lessons Learned as a Judge on the United States Court of Appeals for the Armed Forces, 15 J. APP. PRAC. & PROCESS 201 (2014).

Process, Practice, and Principle: Teaching National Security Law and the Knowledge that Matters Most, 27 GEO. J. LEGAL ETHICS 163 (2014).

The Master Mason: How Professor Baldus Built a Bridge from Learning to Law and the Legacy of Equal Justice He Leaves Behind, 97 IOWA L. REV. 1871 (2012).

Jupiter as Everyman: Michael Reisman and the Scholar as Teacher, 34 YALE J. INT'L L. 553 (2009).

What's International Law Got to Do With It? Transnational Law and the Intelligence Mission, 28 MICH. J. INT'L L. 639 (2007).

Internet Pandemic? The Not-So-Secret and Expanding World of Child Pornography (with Melanie Krebs-Pilotti), FED. LAW., June 2006, at 50.

Letter of Appreciation: Peter Murphy Retires After a Lifetime of Dedication as Counsel to the Commandant of the Marine Corps, FED. LAW., May 2005, at 46.

LBJ's Ghost: A Contextual Approach to Targeting Decisions and the Commander in Chief, 4 CHI. J. INT'L L. 407 (2003).

Constitutional Dignity and the Criminal Law, 174 MIL. L. REV. 125 (2002).

National Security Process and a Lawyer's Duty: Remarks to the Senior Judge Advocate Symposium, 173 MIL. L. REV. 124 (2002).

When Lawyers Advise Presidents in Wartime: Kosovo and the Law of Armed Conflict, 55 NAVAL WAR C. REV. 11 (2002).

Book Chapters

Reference Guide on Artificial Intelligence (*with* Laurie Hobart), *in* REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (4th ed. 2024).

Practicing at the Speed of Relevance: Emerging Technologies and the Changing Nature of National Security Law, *in* INTERNATIONAL SECURITY STUDIES AND TECHNOLOGY: APPROACHES, ASSESSMENTS, AND FRONTIERS (Tobias T. Gibson & Kurt W. Jefferson eds., 2024).

Promise and Peril: The Next Ten Years of National Security AI and Its Regulation, in INTERNATIONAL SECURITY STUDIES AND TECHNOLOGY: APPROACHES, ASSESSMENTS AND FRONTIERS (Tobias T. Gibson & Kurt W. Jefferson eds., 2024).

Leadership in a Time of Pandemic: Act Well the Given Part, in COVID-19: THE LEGAL CHALLENGES (Stephen Dycus & Eugene R. Fidell eds., 2021).

From Shortages to Stockpiles: How the Defense Production Act Can be Used to Save Lives, Make America a Global Arsenal of Public Health, and Address the Security Challenges Ahead, in COVID-19: THE LEGAL CHALLENGES (Stephen Dycus & Eugene R. Fidell eds., 2021).

Are We Ready: Regulating Military Uses of AI, in THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES: UNDERSTANDING A.I. AND THE LEGAL IMPACT (Theodore F. Claypoole ed., 2019).

The Perfect Sentinel: AI Military Applications and Implications, *in* THE LAW OF ARTIFICIAL INTELLIGENCE AND SMART MACHINES: UNDERSTANDING A.I. AND THE LEGAL IMPACT (Theodore F. Claypoole ed., 2019).

Preface, *From Horses to Hammers: Homeland Security in Law, Doctrine, and Text* (*with* Harvey Rishikof), *Preface* to THE SOURCEBOOK OF PUBLIC-PRIVATE PARTNERSHIPS FOR SECURITY AND RESILIENCE: A COMPENDIUM OF LAWS AND POLICY DOCUMENTS (Susan Ginsburg et al. eds., 2018).

Foreword to THE U.S. INTELLIGENCE COMMUNITY LAW SOURCEBOOK (Andrew Borene et al. eds., 6th ed. 2017).

From Cold War to Long War to Gray War: Covert Action in U.S. Legal Context, in ESSENTIALS OF STRATEGIC INTELLIGENCE (Loch K. Johnson ed., 2015).

Foreword to MILITARY RULES OF EVIDENCE MANUAL (STEPHEN A. SALZBURG, LEE D. SCHINASI, DAVID A. SCHLUETER & VICTOR M. HANSEN) (2015) (8th ed. 2015).

National Security Process: Constitutional Context, Presidential Process, and the Role of the Lawyer, in NATIONAL SECURITY LAW & POLICY (John Norton Moore et al. eds., 3rd ed. 2015).

Fair Justice – Fair Order: The Why, the What, the How, and Maybe even the Whether of Military Justice, Foreword to COURT-MARTIAL PROCEDURE (FRANCIS A. GILLIGAN & FREDERIC I. LEDERER) (4th ed. 2015).

Foreword to ANTICIPATIVE CRIMINAL INVESTIGATION: THEORY AND COUNTERTERRORISM PRACTICE IN THE NETHERLANDS AND THE UNITED STATES (MARIANNE F.H. HIRSCH BALLIN) (2012).

Exercising Discretion in the Middle Grey: Model Rules and Role Models in the Ethical Practice of National Security Law, in U.S. INTELLIGENCE COMMUNITY LAW SOURCEBOOK (Andrew M. Borene ed., 3rd ed. 2012).

Prelude to Decision: Michael Reisman, the Intelligence Function, and a Scholar's Study of Intelligence in Law, Process, and Values, in LOOKING TO THE FUTURE: ESSAYS ON INTERNATIONAL LAW IN HONOR OF W. MICHAEL REISMAN (Mahnoush H. Arsanjani et al. eds., 2011).

Covert Action: United States Law in Substance, Process, and Practice, in THE OXFORD HANDBOOK OF NATIONAL SECURITY INTELLIGENCE (Loch K. Johnson ed., 2010).

From Cold War to Long War: Covert Action in U.S. Legal Context, in 3 STRATEGIC INTELLIGENCE (Loch K. Johnson ed., 2007).

National Security Process: Process, Decision, and the Role of the Lawyer, in NATIONAL SECURITY LAW (John Norton Moore & Robert F. Turner eds., 2nd ed. 2005.)

Reports, News, and Commentary

Reisman's Rules: Placing Intelligence and Collective Security in Contest Two Years After Russia's Full-scale Invasion of Ukraine, YALE J. INT'L L. (Jul. 14, 2024). https://yjil.yale.edu/posts/2024-07-14-reismans-rules-placing-intelligence-and-collective-security-in-context-two-years [https://perma.cc/FSY3-YVQW].

AI for Judges: A Framework (*with* Laurie N. Hobart & Matthew G. Mittelsteadt), CSET POLICY BRIEF (Ctr. for Security & Emerging Tech., Walsh Sch. of Foreign Service., Geo. U.), Dec. 2021, https://cset.georgetown.edu/publication/ai-for-judges/.

National Security Law and the Coming AI Revolution: Observations from a Symposium Hosted by Syracuse University Institute for Security Policy and Law and Georgetown Center for Security and Emerging Technology, Oct. 29, 2020 (with Laurie Hobart, Matt Mittelsteadt, and John Cherry) (2021), https://cset.georgetown.edu/wp-content/uploads/Symposium-Report-National-Security-Law-and-the-Coming-AI-Revolution.pdf.

Ethics and Artificial Intelligence: A Policymaker's Introduction, CSET POLICY BRIEF (Ctr. for Security & Emerging Tech., Walsh Sch. of Foreign Service, Geo. U.), Apr. 2021, https://cset.georgetown.edu/publication/ethics-and-artificial-intelligence/.

A DPA for the 21st Century: Securing America's AI National Security Innovation Base, CSET POLICY BRIEF (Ctr.for Sec. & Emerging Tech, Walsh Sch. of Foreign Serv., Georgetown Univ.), Apr. 2021, https://cset.georgetown.edu/publication/a-dpa-for-the-21st-century/.

Good Governance Paper No. 21: Obedience to Orders, Lawful Orders, and the Military's Constitutional Compact, JUST SECURITY, Nov. 2, 2020, https://www.justsecurity.org/73221/good-governance-paper-no-21-obedience-to-orders-lawful-orders-and-the-militarys-constitutional-compact/.

Opinion*, It's High Time We Fought This Virus the American Way*, N.Y. TIMES, Apr. 3, 2020, https://www.nytimes.com/2020/04/03/opinion/defense-protection-act-covid.html.

Use the Defense Production Act to Flatten the Curve, JUST SECURITY, Mar. 20, 2020, https://www.justsecurity.org/69275/use-the-defense-production-act-to-flatten-the-curve/

Between Hacks and Hostilities: Are the US Government and Private Sector Ready for Persistent Engagement?, A.B.A. J., May 9, 2019, https://www.abajournal.com/news/article/between-hacks-and-hostilities-are-the-us-government-and-private-sector-ready-for-persistent-engagement.

Artificial Intelligence and National Security Law: A Dangerous Nonchalance, STARR FORUM REP. (MIT Center for Int'l Stud.), May 25, 2018, https://cis.mit.edu/publications/starr-forum-report/18-01-report.

The Future of the U.S. Military Commissions: Legal and Policy Issues (*with* Laura Dickinson*),* JUST SECURITY, May 8, 2018, https://www.justsecurity.org/55865/future-u-s-military-commissions-legal-policy-issues/.

The U.S. Military Commissions: Looking Forward (*with* Laura Dickinson), Report, ABA, Standing Committee on L. & Nat'l Security (2018), available at: https://www.americanbar.org/content/dam/aba/administrative/law_national_security/ABAMilitaryCommissionsWorkshopFINAL.pdf.

The NSC in Transition: Organizing the National Security Council, Process, and Staff in the Next Administration, 1 GOVERNMENT, PROCESS & STRUCTURE PROJECT (ABA, Standing Committee on L. & Nat'l Security) 5 (2017), available at: https://www.americanbar.org/groups/public_services/law_national_security/resources/gov_process_structure.html (last visited April 22, 2019).

The Twenty Year Test: Principles for an Enduring Counterterrorism Legal Architecture, 2 ADVANCE: J. OF THE ACS ISSUE GROUPS (Am. Const. Soc'y for L. & Pol'y), Fall 2008, at 21, available at: https://www.acslaw.org/journal/advance-fall-2008/ (last visited April 22, 2019).

A Running Start: Getting "Law Ready" During a Presidential Transition, ABA NAT'L SECURITY L. REP. (Sept./Oct. 2008) at 2.

National Security Presidency in Constitutional Context: Reflections on Terrorism and the Presidency from the last Ten Years, 19 MILLER CENTER REP. 12 (2003).

The Constitutional Duty of a National Security Lawyer in a Time of Terror, 10 PUB. LAW. 3 (2002).

Ordered Liberty and the Homeland Security Mission, 11 PUB. LAW. 6 (2003).

Kristen Barnes
Professor of Law
Board of Advisors Research Fellow

Forthcoming

Taking the Beach, *in* UNSETTLING: GLOBAL ESSAYS ON COMPARATIVE SYSTEMIC RACISM AND LAW (Kristen Barnes et al. eds., Springer forthcoming 2027).

Law Review and Other Scholarly Articles

Reframing Housing: Incorporating Public Law Principles into Private Law, 31 DUKE J. COMP. & INT'L L. 91 (2020).

The Pieces of Housing Integration, 70 CASE W. RES. L. R. 717 (2020).

Adjudicating Equality: Antidiscrimination Education Jurisprudence in the European Court of Human Rights, 33 HARV. J. RACIAL & ETHNIC JUST. 201 (2018).

Breaking the Cycle: Countering Voter Initiatives and the Underrepresentation of Racial Minorities in the Political Process, 12 DUKE J. CONST. L. & PUB. POL'Y 123 (2017).

The Public Pension Crisis Through the Lens of State Constitutions and Statutory Law, 92 CHI-KENT L. REV. 393 (2017).

Recognition and Reflection, 2 TEX. A&M J. REAL PROP. L. 187 (2015).

Pennies on the Dollar: Reallocating Risk and Deficiency Judgment Liability, 66 S.C. L. REV. 243 (2014).

Riding into the Sunset in a "Post-Racial" World: Lessons in Equal Educational Opportunity and College Admissions Schemes in France and the United States, 22 TEMP. POL. & CIV. RTS. L. REV. 95 (2012).

Book Reviews

Reconfiguring Property Theory and Legal Rules in the Sharing Economy, JOTWELL *(Oct. 26, 2016)* (reviewing Shelly Kreiczer-Levy, *Consumption Property in the Sharing Economy*, 43 PEPP. L. REV. 61 (2015)), https://property.jotwell.com/reconfiguring-property-theory-and-legal-rules-in-the-sharing-economy/.

Todd A. Berger
Bond, Schoeneck and King Distinguished Professor of Law
Director, Advocacy Programs

Forthcoming

Ending Political Prosecutions: Criminalizing Vindictive Federal Charging, B.U. PUB. INT. L.J. (forthcoming 2026).

Books

ADJUDICATIVE CRIMINAL PROCEDURE IN FOCUS (1st ed. Aspen Publishing 2025).

COMPREHENSIVE CRIMINAL PROCEDURE IN FOCUS (1st ed. Aspen Publishing 2025).

INVESTIGATIVE CRIMINAL PROCEDURE IN FOCUS (1st ed. Aspen Publishing 2025).

INVESTIGATIVE CRIMINAL PROCEDURE IN FOCUS (N.Y. Wolters Kluwer 2020).

LEXISNEXIS PRACTICE GUIDE: NEW JERSEY COLLATERAL CONSEQUENCES (*with* J.C. LORE) (2019).

LEXISNEXIS PRACTICE GUIDE: NEW JERSEY COLLATERAL CONSEQUENCES (*with* J.C. LORE) (2017).

LEXISNEXIS PRACTICE GUIDE: NEW JERSEY COLLATERAL CONSEQUENCES (*with* J.C. LORE) (2016).

LEXISNEXIS PRACTICE GUIDE: NEW JERSEY COLLATERAL CONSEQUENCES (*with* J.C. LORE) (2015).

LEXISNEXIS PRACTICE GUIDE: NEW JERSEY COLLATERAL CONSEQUENCES (*with* J.C. LORE) (2014).

Law Review and Other Scholarly Articles

"This One Time at Band Camp": Reexamining the Use of "War Stories" in Trial Advocacy Pedagogy, 130 DICK. L. REV. 221 (2025).

Problematic Problems: The Case Against Mock Trial Problems Involving Racist Speech, 94 TEMP. L. REV. ONLINE 1 (2022), https://www.templelawreview.org/lawreview/assets/uploads/2022/05/Berger_For-Publish.pdf.

Male Legal Educators Cannot Teach Women how to Practice "Gender Judo": The Need to Critically Re-Assess Current Pedagogical Approaches for Teaching Trial Advocacy, 45 J. LEGAL PROFESSION 1 (2020).

Professional Responsibility of the Criminal Defense Lawyer Redux: the New Three Hardest Questions, 7 ST. MARY'S J. LEGAL MALPRACTICE & ETHICS 96 (2017).

The Aftermath of Indiana v. Edwards*: Re-evaluating the Standard of Competency Needed for Pro Se Representation*, 68 BAYLOR L. REV. 680 (2016).

The Constitutional Limits of Client-Centered Decision-Making, 50 U. RICH. L. REV. 1089 (2016).

The Ethical Limits of Discrediting the Truthful Witness: How Modern Ethics Rules Fail to Prevent Truthful Witnesses from Being Discredited Through Unethical Means, 99 MARQ. L. REV. 283 (2015).

After Frye and Lafler: The Constitutional Right to Defense Counsel Who Plea Bargains, 38 AM. J. TRIAL ADVOC. 121 (2014).

Criminal Law (*with* Jason Hoge), 64 SYRACUSE. L. REV. 651 (2014).

2011-2012, Survey of New York Criminal Law (*with* Kelly Gonzalez)*,* 63 SYRACUSE L. REV. 645 (2013).

Overcoming Legal Barriers to Reentry: A Law School-Based Approach to Providing Legal Services to the Reentry Community (*with* Joseph A. DaGrossa)*,* 77 FED. PROB. 3 (2013).

Three Generations and Two Tiers: How Participation in Law School Clinics and the Demand for "Practice-Ready" Graduates Will Impact the Faculty Status of Clinical Law Professors, 43 WASH. U. J.L. & POL'Y 129 (2013).

A Trial Attorney's Dilemma: How Storytelling as a Trial Strategy Can Impact a Criminal Defendant's Successful Appellate Review, 4 DREXEL L. REV. 297 (2012).

Jimmy Carter's "Malaise" Speech, Social Desirability Bias, and the Yuppie Nuremberg Defense: The Real Reason Why Law Students Say they Want to Practice Public Interest Law, Yet so Few Actually Do, 22 KAN. J.L. & PUB. POL'Y 139 (2012).

Politics, Psychology, and the Law: Why Modern Psychology Dictates an Overhaul of Federal Rule of Evidence 609, 13 J.L. & SOC. CHANGE 203-18 (2009-2010).

Reports, News, and Commentary

"How Far is too Far?: The Ethical Dilemmas Posed by the Criminal Defense Attorneys use of a False Narrative at Trial", 4th Biennial Applied Legal Storytelling Conference, Gray's Inn and Inn of Court at City Law School, London England (July 24, 2013).

Book Reviews

Book Review, 60 CHAMPION 62 (2016) (reviewing JILL PAPERNO, REPRESENTING THE ACCUSED: A PRACTICAL GUIDE TO CRIMINAL DEFENSE (2012)).

Peter D. Blanck
University Professor
Chairman, Burton Blatt Institute

Forthcoming

DISABILITY CIVIL RIGHTS LAW AND POLICY: CASES AND MATERIALS (*with* K. Macfarlane, M. Waterstone & E. Hill) (4th ed. West Publishers forthcoming 2027).

DISABILITY LAW AND POLICY (3d ed. Foundation Press forthcoming 2027).

Empirical Study of Self Accommodations (*with* K. Macfarlane & F. Hyseni) (forthcoming 2027).

Supported Decision-Making Theory, Research, and Practice: The Next Five to Seven Years, in ROUTLEDGE HANDBOOK OF INTERNATIONAL DISABILITY LAW (Janet Lord & Rosemary Kayess eds.) (Routledge, forthcoming 2026).

Exploratory Evaluation of a Supported Decision-Making Intervention for Adults with Intellectual and Developmental Disabilities (*with* F. Hyseni, J. Martinez, E. Shehu & M. Damian), J. INTELLECT. DISABIL. (forthcoming 2026).

The Legal Profession: Discrimination and Bias over Time as Reported by Lawyers and Paralegals with Disabilities (*with* F. Hyseni) (forthcoming 2026).

Understanding Challenges Experienced by Lawyers with Disabilities When Transitioning to Telework Arrangements (*with* S. Lawson, S. Deane, F. Hyseni & E. Shehu) (forthcoming 2026).

Using Participatory Action Research (PAR) to Examine the Employment Experiences of Multiply Marginalized People with Disabilities (*with* F. Hyseni, B. Whaley, P. Williamson, G. Pagano, J. Enders, K. Baker & S. Kellampalli) (forthcoming 2026).

Introduction to the Volume: The Future of Disability Employment Law and Practice (*with* D. Kruse, L. Schur, F. Hyseni & M. Ameri), J. OCCUPATIONAL REHAB. (forthcoming 2026).

Books

DISABILITY LAW AND POLICY (2d ed. 2024).

ADVANCED INTRODUCTION TO U.S. DISABILITY LAW (2023).

DISABILITY LAW AND POLICY (2020).

SUPPORTED DECISION-MAKING: FROM JUSTICE FOR JENNY TO JUSTICE FOR ALL (*with* JONATHAN MARTINIS) (2019).

SUPPORTED DECISION-MAKING: THEORY, RESEARCH, AND PRACTICE TO ENHANCE SELF-DETERMINATION AND QUALITY OF LIFE (*with* KARRIE A. SHOGREN, MICHAEL L. WEHMEYER & JONATHAN MARTINIS) (2018).

HEAVY LADEN : UNION VETERANS, PSYCHOLOGICAL ILLNESS, AND SUICIDE (*with* LARRY M. LOGUE) (2018).

DECENT WORK FOR PERSONS WITH DISABILITIES: PROMOTING RIGHTS IN THE GLOBAL DEVELOPMENT AGENDA, *(with* B. MURRAY, W. MYHILL & A. O'REILLY) (3rd ed. 2015).

EQUALITY: THE STRUGGLE FOR WEB ACCESSIBILITY BY PERSONS WITH COGNITIVE DISABILITIES (2014).

DISABILITY CIVIL RIGHTS LAW AND POLICY: CASES AND MATERIALS (*with* MICHAEL WATERSTONE, WILLIAM N. MYHILL & CHARLES D. SIEGAL) (3rd ed. 2014).

PEOPLE WITH DISABILITIES: SIDELINED OR MAINSTREAMED? (*with* LISA SCHUR & DOUGLAS KRUSE) (2013).

LEGAL RIGHTS OF PERSONS WITH DISABILITIES, AN ANALYSIS OF FEDERAL LAW (*with* BRUCE A. GOLDSTEIN, ESQ. & WILLIAM N. MYHILL) (2nd ed. 2013).

RACE, ETHNICITY, AND DISABILITY: VETERANS AND BENEFITS IN POST-CIVIL WAR AMERICA (*with* LARRY M. LOGUE) (2010).

DISABILITY, CIVIL RIGHTS LAW, AND POLICY: CASES AND MATERIALS (*with* EVE HILL, CHARLES D. SIEGAL, & MICHAEL WATERSTONE) (2nd ed. 2009).

DISABILITY, CIVIL RIGHTS LAW, AND POLICY (*with* EVE HILL, CHARLES D. SIEGAL, & MICHAEL WATERSTONE) (2004).

CHEVRON V. ECHAZABAL: THE ADA'S "DIRECT THREAT TO SELF" DEFENSE (2003).

THE AMERICANS WITH DISABILITIES ACT AND THE EMERGING WORKFORCE: EMPLOYMENT OF PEOPLE WITH MENTAL RETARDATION (*with* DAVID L. BRADDOCK) (1998).

DISASTER MITIGATION FOR PERSONS WITH DISABILITIES: FOSTERING A NEW DIALOGUE (1995).

COMMUNICATIONS TECHNOLOGY FOR EVERYONE: IMPLICATIONS FOR THE CLASSROOM AND BEYOND (1994).

Books, Edited

ROUTLEDGE HANDBOOK OF DISABILITY LAW AND HUMAN RIGHTS (*with* EILIONIR FLYNN, 2017).

GENETIC DISCRIMINATION – TRANSATLANTIC PERSPECTIVES ON THE CASE FOR A EUROPEAN LEVEL LEGAL RESPONSE (*with* GERARD QUINN & AISLING DE PAOR, 2014).

DISABILITY RIGHTS (2005).

EMPLOYMENT, DISABILITY, AND THE AMERICANS WITH DISABILITIES ACT: ISSUES IN LAW, PUBLIC POLICY, AND RESEARCH (2000).

INTERPERSONAL EXPECTATIONS: THEORY, RESEARCH, AND APPLICATIONS (1993).

NONVERBAL COMMUNICATION IN THE CLINICAL CONTEXT (*with* ROSS BUCK & ROBERT ROSENTHAL 1986).

Law Review and Other Scholarly Articles

"I Want to Be Interdependent": An Exploratory Study on the Use of Supported Decision-Making for People with Serious Mental Illness (*with* F. Hyseni, J.G.. Martinis, F. Altunkol Wise, N. Goodman & E. Saks), J.L. MED. & ETHICS, FIRST VIEW (2026), doi:10.1017/jme.2025.10189.

Introduction: Shaping the Future of Work for People with Disabilities (*with* Fitore Hyseni, Lisa Schur & Douglas Kruse), *in* 16 DISABILITY AND THE FUTURE OF WORK 1 (Peter Blanck et al. eds., Emerald Publishing Limited 2025).

Dismantling Barriers: How Intersectionality Between Race, Disability, and Other Characteristics Affect Employment Outcomes (*with* Fitore Hyseni, Montserrat Avila-Acosta, Nanette Goodman, Giuseppe F. Pagano, Schuyler Lawson, Barry Whaley & Pamela Williamson), 1 BURTON BLATT INST. RES. BRIEF (2025).

Exploring Disparities in Poverty Rates Among People with Disabilities (*with* Montserrat Avila-Acosta, Fitore Hyseni, Giuseppe Pagano, Schuyler Lawson, Barry Whaley & Pamela Williamson), 2 BURTON BLATT INST. RES. BRIEF (2025).

Lingering Inequalities in the Information Age: An Examination of Disparities in Internet Access Among People with Disabilities (*with* Schuyler Lawson, Montserrat Avila-Acosta, Fitore Hyseni, Barry Whaley & Pamela Williamson), 3 BURTON BLATT INST. RES. BRIEF (2025).

Who Requests and Receives Workplace Accommodations? An Intersectional Analysis (*with* Fitore Hyseni & Nanette Goodman), 34 J. OCCUPATIONAL REHAB. 283 (2024).

Pre- and Post-Covid-19 Outcomes for Israelis With Intellectual and Developmental Disabilities in the Community (*with* Ayelet Gur, Arie Rimmerman, Michal Soffer & Gerard Quinn) 61 INTELL. & DEV. DISABILITIES 454 (2023).

Disability, Workplace Inclusion and Organizational Citizenship Behavior: An Exploratory Study of the Legal Profession (*with* Fitore Hyseni, Douglas Kruse & Lisa Schur), 6 J. PARTICIPATION & EMP. OWNERSHIP 31 (2023).

Disability Reparations and the Modernization of the Community Reinvestment Act of 1977 (with G. Klein, M. Morris & G. Nanette), 24 N.Y.U. J. LEGIS. & PUB. POL'Y, 375 (2022)

Disability Inclusive Employment, Cancer Survivorship, and the American with Disabilities Act, 16 J. CANCER SURVIVORSHIP, 142 (2022). https://doi.org/10.1007/s11764-021-01141-4.

Diversity and Inclusion in the Legal Profession: Disclosure of Cancer and Other Conditions by Lawyers with Disabilities and Lawyers Who identify as LGBTQ+ (*with* Fitore Hyseni & Arzana Myderrizi), 16 J. CANCER SURVIVORSHIP, 165 (2022). https://doi.org/10.1007/s11764-021-01143-2.

Workplace health surveillance and COVID-19: Algorithmic Health Discrimination and Cancer Survivors (*with* Paul Harpur & Fitore Hyseni), 16 J. CANCER SURVIVORSHIP, 200 (2022). https://doi.org/10.1007/s11764-021-01144-1.

Diversity and Inclusion in the Legal Profession: Discrimination and Bias Reported by Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+ (*with* Fatma Altunkol Wise & Fitore Hyseni), 47 AM. J. L. & MED. 9 (2021).

Supported Decision-Making: Emerging Paradigm in Research, Law, and Policy, 34 J. DISABILITY POL'Y STUD. 3 (2021), https://doi/10.1177/10442073211023168.

State Guardianship Laws and Supported Decision- Making in the United States: Analysis and Implications for Research, Education, and Advocacy (*with* D. Fox, J. Harris & J. G. Martinis), J. DISABILITY POL'Y STUD. (2021), https://doi.org/10.1177/10442073211028586.

On the Importance of the Americans with Disabilities Act at Thirty, J. OF DISABILITY POL'Y STUD. (2021), https://doi.org/10.1177/10442073211036900.

Thirty Years of the Americans with Disabilities Act: Law Students and Lawyers as Plaintiffs and Advocates , 45 N.Y.U. REV. LAW & SOC. CHANGE / THE HARBINGER 8 (2021), Available at https://socialchangenyu.com/harbinger/thirty-years-of-the-americans-with-disabilities-act/.

Disability Inclusive Employment and the Accommodation Principle: Emerging Issues in Research, Policy, and Law, 30 J. OCCUPATIONAL REHAB. 505 (2020).

Gig Workers with Disabilities: Opportunities, Challenges, and Regulatory Response (with Paul Harpur), 30 J. OCCUPATIONAL REHAB. 511, (2020).

Diversity and Inclusion in the American Legal Profession: Workplace Accommodations for Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+ (with Fitore Hysein & Fatma Altunkol Wise), 30 J. OCCUPATIONAL REHAB. 537 (2020).

Before the Accommodation Principle: Disability and Employment Among Union Army Veterans (with Larry Logue), 30 J. OCCUPATIONAL REHAB. 565 (2020).

California's Response to the Status of Gig Workers with Disabilities: An Update (with Paul Harpur), 30 J. OCCUPATIONAL REHAB. 689 (2020).

Diversity and Inclusion in the American Legal Profession: First Phase Findings from a National Study of Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+, (with Ynesse Abdul-Malak, Meera Adya, Fitore Hyseni, Mary Killeen, and Fatma Altunkol Wise) 23 UDC/DCSL L. REV. 23 (2020).

Closing the Disability Gap: Reforming the Community Reinvestment Act Regulatory Framework, (with Michael Morris, Nanette Goodman, Angel Baker, and Kyle Palmore) 26 GEO. J. ON POVERTY L. & POL'Y 355 (2019).

Why America is better off Because of the Americans with Disabilities Act and the Individuals with Disabilities Education Act, 35 TOURO L. REV. 605 (2019).

Supported Decision Making in Serious Mental Illness (with Dilip V. Jeste, Graham M. L. Eglit, Barton W. Palmer, Jonathan G. Martinis & Elyn R. Saks) 81 PSYCHIATRY 28 (2018).

Web Accessibility and Technology Protection Measures: Harmonizing the Rights of Persons with Cognitive Disabilities and Copyright Protections on the Web, CYBERPSYCHOLOGY: J. OF PSYCHOSOCIAL RES. ON CYBERSPACE (2017), doi: 10.5817/CP2017-1-5.

Universal Design's Positive Return on Investment and Social Impact: The Mary Free Bed YMCA Living Laboratory and Study (with M. Rotella), NUMBERS MAGAZINE, Nov. 3, 2017, at 22.

Universal Design and People with Disabilities: "Destiny Arms," a Global Universal Design Commission Living Laboratory (with M. Rotella), NUMBERS MAGAZINE, March 21, 2017, at 19.

Future Directions in Employment, Occupational Rehabilitation, and Disability: Introduction to the Special Section (with M. Adya), 27 J. OCCUPATIONAL REHAB. 481 (2017).

Disability at Work: A Look Back and Forward (*with* L. Schur, K. Han, A. Kim, M. Ameri, M. Adya & D. Kruse), 27 J. OCCUPATIONAL REHAB. 482 (2017).

Supported Decision-Making: Implications from Positive Psychology for Assessment and Intervention in Rehabilitation and Employment (*with* H. Uyanik & K. Shogren), 27 J. OCCUPATIONAL REHAB. 498 (2017).

Hierarchies of Impairments at Work in Australian and Irish Workers Access to Compensation for Injuries (with P. Harpur & U. Connolly), 27 J. OCCUPATIONAL REHAB. 507 (2017).

Disability in Prison, 26 S. CAL. INTERDISC. L.J. 309 (2017).

Future Directions in Supported Decision-Making (*with* Anna Arstein-Kerslake Melbourne et al.), 37 DISABILITY STUD. Q. 5 (2017).

ABLE Accounts: A Down Payment on Freedom (with Michael Morris & Christopher Rodriguez), 4 INCLUSION 21 (2016).

The First "A" in the ADA: And 25 More "A"s Toward Equality for Americans With Disabilities, 4 INCLUSION 46 (2016)*, reprinted in* THE FUTURE OF DISABILITY LAW: PRESENTATIONS FROM THE 2015 JACOBUS TENBROEK DISABILITY LAW SYMPOSIUM (2016).

Introduction to the Special Issue: ADA at 25 and People With Cognitive Disabilities: From Action to Inclusion, 4 INCLUSION 1 (2016).

New Business Structures Creating Organizational Opportunities and Challenges for Work Disability Prevention (*with* Kerstin Ekberg *et al.*), 26 J. OCCUPATIONAL REHAB. 480 (2016).

Sustaining Work Participation Across the Life Course (with Glenn S. Pransky *et al.*)*,* 26 J. OCCUPATIONAL REHAB. 465 (2016).

Precision Medicine and Advancing Genetic Technologies – Disability and Human Rights Perspectives (*with* Aisling de Paor), 5 LAWS 36, Multidisciplinary Digital Publishing Institute, http://www.mdpi.com/2075-471X/5/3/36 (2016).

eQuality: Web Accessibility by People With Cognitive Disabilities, 3 INCLUSION 75 (2015).

ADA at 25 and People With Cognitive Disabilities: From Voice to Action, 3 INCLUSION 46 (2015).

The March Goes On: Community Access for People with Disabilities (*with* Katherine E. McDonald et al.), 43 J. OF COMMUNITY PSYCHOL. 348 (2015).

"The Right to Make Choices": National Resource Center for Supported Decision-Making (*with* Johnathan G. Martinis), 3 INCLUSION 24 (2015).

Introduction: Disability, Law and Public Policy, and the World Wide Web, 32 BEHAV. SCI. & L. 1 (2014).

The Struggle for Web eQuality by Persons with Cognitive Disabilities, 32 BEHAV. SCI. & L. 4 (2014).

Accommodating Employees With and Without Disabilities (*with* Lisa Nishii et al.), 53 HUM. RESOURCE MGMT. 593 (2014).

Beyond the Orthodoxy of Rule of Law and Justice Sector Reform: A Framework for Legal Empowerment and Innovation through the Convention on the Rights of Persons with Disabilities (*with* Janet Lord & Deepti Samant Raja), 4 WORLD BANK LEGAL REV. 45 (2013).

What Types of Jobs Do People with Disabilities Want? (*with* Mohammad Ali & Lisa Schur), 21 J. OCCUPATIONAL REHAB. 199 (2011).

Future Disability Law in Japan: Employment and Accommodation (*with* Jun Nakagawa), 33 LOY. L.A. INT'L & COMP. L. REV. 173 (2010).

Media and the Israeli Disability Rights Legislation: Progress or Mixed and Contradictory Images? (*with* Michal Soffer, Arie Rimmerman, & Eve Hill), 25 DISABILITY & SOC'Y 687 (2010).

Poverty Among Adults with Disabilities: Barriers to Promoting Asset Accumulation in Individual Development Accounts (*with* Michal Soffer & Katherine E. McDonald), 46 AM. J. COMMUNITY PSYCHOL. 376 (2010).

Future of Disability Rights Advocacy and "The Right to Live in the World" (*with* Eve Hill), 15 TEX. J. ON C.L. & C.R. 1 (2009).

Future of Disability Rights: Part Three – Statutes of Limitations in Americans with Disabilities Act "Design and Construction Cases" (*with* Eve Hill), 60 SYRACUSE L. REV. 125 (2009).

Disability and Aging: Historical and Contemporary Challenges (*with* William N. Myhill), 11 MARQ. ELDER'S ADVISOR 47 (2009).

Corporate Culture and Employment of People With Disabilities: Role of Social Workers and Service Provider Organizations (*with* Deepti Samant et al.), 8 J. SOCIAL WORK IN DISABILITY & REHABILITATION 171 (2009).

Workplace Accommodations: Occupational Therapists as Mediators in the Interactive Process (*with* Naomi Schreuer et al.), 34 WORK: J. OF PREVENTION, ASSESSMENT, & REHABILITATION 149 (2009).

Is Disability Disabling in All Workplaces? Workplace Disparities and Corporate Culture (*with* Lisa Schur, Doug Kruse & Joseph Blasi), 48 INDUS. REL. 381 (2009).

"Benefit of the Doubt": African-American Civil War Veterans and Pensions (*with* Larry M. Logue), 38 J. INTERDISC. HIST. 377 (2008).

Developing Accessible Cyberinfrastructure-Enabled Knowledge Communities in the National Disability Community: Theory, Practice, and Policy (*with* William Myhill et. al.), 20 ASSISTIVE TECH. J. – TESNA 157 (2008).

Flattening the (Inaccessible) Cyberworld for People with Disabilities, 20 ASSISTIVE TECH. J. – TESNA 175 (2008).

"The Right to Live in the World": Disability Yesterday, Today and Tomorrow,
13 TEX. J. C.L. & C.R. 367 (2008).

Defying Double Discrimination (*with* Meera Adya, and Maria Veronica Reina), 8 GEO. J. OF INT'L AFF. 95 (2007).

Employment of People with Disabilities: Twenty-Five Years Back and Ahead, 25 LAW & INEQ. 323 (2007).

Americans with Disabilities and their Civil Rights: Past, Present, and Future, 66 U. PITT. L. REV. 687 (2005).

Breaking the Cycle of Poverty: Asset Accumulation by People with Disabilities (with Phoebe Ball, Michael Morris & Johnette Hartnette), 26 DISABILITY STUD. Q. (Winter 2006), http://www.dsq-sds.org/article/view/652/829 (last visited Sept. 8, 2017).

The Burton Blatt Institute: Centers of Innovation on Disability at Syracuse University, 56 SYRACUSE L. REV. 201 (2006).

Introduction, *Emerging Issues in the Study of Disability Policy & Law, Part 2* (*with* Helen Schartz), 26 DISABILITY STUD. Q. (Winter 2006), http://www.dsq-sds.org/_articles_html/2005/fall/intro-blanck.asp (last visited Sept. 8, 2017).

Tax Credits and Asset Accumulation: Findings from the 2004 N.O.D./Harris Survey of Americans with Disabilities (*with* James Schmeling, Helen A. Schartz & Michael Morris), 26 DISABILITY STUD. Q. (Winter 2006), http://www.dsq-sds.org/article/view/654/831 (last visited Sept. 8, 2017).

Workplace Accommodations: Empirical Study of Current Employees (with Helen A. Schartz, Kevin M. Schartz & D. J. Hendricks), 75 MISS. L.J. 917 (2006).

Corporate Culture and the Employment of Persons with Disabilities (*with* Lisa Schur & Douglas Kruse), 23 BEHAV. SCI. & L. 3 (2005).

Cost and Effectiveness of Accommodations in the Workplace: Preliminary Results of a Nationwide Study (with D.J. Hendricks et al.), 25 DISABILITY STUD. Q. (Fall 2005).

Disability as Diversity in Fortune 100 Companies (*with* Phoebe Ball et al.), 23 BEHAV. SCI. & L. 97 (2005), http://www.dsq-sds.org/article/view/623/800 (last visited Sept. 8, 2017).

Emerging Technologies and Corporate Culture at Microsoft: A Methodological Note (*with* David Klein & James Schmeling), 23 BEHAV. SCI. & L. 65 (2005).

Introduction, *Emerging Issues in the Study of Disability Policy & Law, Part 1,* 25 DISABILITY STUD. Q. (Fall 2005), http://dsq-sds.org/issue/view/31 (last visited Sept. 8, 2017).

The Quest to Make Accessibility a Corporate Article of Faith at Microsoft: Case Study of Corporate Culture and Human Resource Dimensions (*with* Leonard A. Sandler), 23 BEHAV. SCI. & L. 39 (2005).

Special Issue: Corporate Culture and Disability (*with* Helen Schartz), 23 BEHAV. SCI. & L. 1 (2005).

'There is Nothing That Promotes Longevity Like a Pension:' Disability Policy and Mortality of Civil War Union Army Veterans (*with* Larry M. Logue), 39 W. FOREST L. REV. 49 (2004).

Justice for All? Stories about Americans with Disabilities and their Civil Rights, 8 J. GENDER, RACE & JUST. 1 (2004).

Disability Civil Rights Law and Policy: Accessible Courtroom Technology (*with* Ann Wilichowski & James Schmeling), 12 W. & M. BILL OF RTS J. 825 (2004).

Hearing Loss in Union Army Veterans from 1862 to 1920 (*with* Ryan K. Sewell et al.), 114 THE LARYNGOSCOPE 2147 (2004).

Technology for Independence: A Community-Based Resource Center (*with* Heather Ritchie & James Schmeling), 21 BEHAV. SCI. & L. 51 (2003).

The Promise of the Internet for Disability: A Study of On-line Services and Web Site Accessibility at Centers for Independent Living (*with* Heather Ritchie), 21 BEHAV. SCI. & L. 5 (2003).

Introduction to this Issue: Disability, Public Policy, and Technology, (*with* Helen A. Schartz & Bonnie O'Day), 21 BEHAV. SCI. & L. 1 (2003).

'Never Forget What They Did Here': Civil War Pensions for Gettysburg Union Army Veterans and Disability in Nineteenth-Century America (*with* Chen Song), 44 W. & M. L. REV. 1109 (2003).

Labor Force Participation and Income of Individuals with Disabilities in Sheltered and Competitive Employment: Cross-Sectional and Longitudinal Analyses of Seven States during the 1980's and 1990's (*with* Helen A. Schartz & Kevin M. Schartz), 44 W. & M. L. REV. 1029 (2003).

Electronic Doors to Education: Study of High School Web Site Accessibility in Iowa (*with* David Klein et al.), 21 BEHAV. SCI. & L. 27 (2003).

Symposium on Disability and Employment*, Does the ADA Disable the Disabled? – More Comments* (*with* Susan Schwochau), 42 INDUS. REL. 67 (2003).

Calibrating the Impact of the ADA's Employment Provisions, 14 STAN. L. & POL'Y REV. 267 (2003).

Workforce Participation by Persons with Disabilities: The National Health Interview Survey Disability Supplement, 1994 to 1995 (*with* Craig Zwerling et al.), 44 J. OCCUPATIONAL & ENVT'L MED. 358 (2002).

Evolution of Disability in Late 19th Century America: Civil War Pensions for Union Army Veterans with Musculoskeletal Conditions (*with* Claudia Linares & Chen Song), 20 BEHAV. SCI. & L. 681 (2002).

Employment of Persons with Disabilities in Information Technology Jobs: Literature Review for 'IT Works' (*with* Kevin Schartz & Helen A. Schartz), 20 BEHAV. SCI. & L. 637 (2002).

Applicability of the ADA to 'Ticket to Work' Employment Networks (*with* Lisa Clay et al.), 20 BEHAV. SCI. & L. 621 (2002).

Introduction to this Issue: Disability, Public Policy, and Employment (with Bonnie O'Day & Helen A. Schartz), 20 BEHAV. SCI. & L. 537 (2002*).*

Civil War Pension Attorneys and Disability Politics (*with* Chen Song), 35 MICH. J. L. REFORM 137 (2002).

Americans with Disabilities Act: Recent and Pending U.S. Supreme Court Decisions and Implications for Spine Professionals (*with* James L. Schmeling), 27 SPINE 439 (2002).

Labor and Employment Decisions of the Supreme Court's 2001 Term: Experts Comment (with Charles Craver, et. al.), 53 LAB. L.J. 206 (2002).

'With Malice Toward None; With Charity Toward All': Civil War Pensions for Native and Foreign-Born Union Army Veterans (*with* Chen Song), 11 TRANSN'L L. & CONTEMP. PROBS. 1 (2001).

Introduction to the Conceptions of Disability in War and Society, 11 TRANSN'L L. & CONTEMP. PROBS. i (2001).

Debate: The Unintended Consequences of the Americans with Disabilities Act (*with* Walter Olson), 85 IOWA L. REV. 1811 (2001).

Civil War Pensions and Disability, 62 OHIO ST. L.J. 109 (2001).

The Emerging Workforce of Entrepreneurs with Disabilities: Preliminary Study of Entrepreneurship in Iowa (*with* Leonard A. Sandler, James L. Schmeling & Helen A. Schartz), 85 IOWA L. REV. 1583 (2000).

The Economics of the Americans with Disabilities Act: Part III – Does the ADA Disable the Disabled? (*with* Susan Schwochau), 21 BERKELEY J. EMP. & LABOR L. 271 (2000).

Before Disability Civil Rights: Civil War Pensions and the Politics of Disability in America (*with* Michael Millender), 52 ALA. L. REV. 1 (2000).

ADA Title III and the Internet: Technology and Civil Rights (*with* Leonard A. Sandler), 24 MENTAL & PHYSICAL DISABILITY L. REP. 855 (2000).

Workers with Disabilities (*with* G. Pransky), 14 STATE OF THE ART REVIEWS: OCCUPATIONAL MEDICINE: SPECIAL POPULATIONS & OCCUPATIONAL HEALTH 581 (1999).

Introduction to the Special Section: Employment and the Americans with Disabilities Act, 17 BEHAV. SCI. & L. 3 (1999).

Evidence of Disability after Daubert (*with* Heidi M. Berven), 5 PSYCHOL., PUB. POL'Y & L. 16 (1999).

Empirical Study of Disability, Employment Policy, and the ADA, 23 MENTAL & PHYSICAL DISAB'L L. REP. 275 (1999).

Assistive Technology Patenting Trends and the Americans with Disabilities Act (*with* Heidi M. Berven), 17 BEHAV. SCI. & L. 47 (1999).

Pregnancy-Related Impairments and the Americans with Disabilities Act (*with* C. Butkowski), 25 OBSTETRICS & GYNECOLOGY CLINICS OF N. AM. 435 (1998).

Patents and Innovations in Assistive Technology (*with* Heidi M. Berven), 12 NOTRE DAME J.L. ETHICS & PUB. POL'Y 9 (1998).

Job Placement for Employee with Disabilities: Manpower Leads the Way, 25 EMP. REL. TODAY 57 (1998).

Socially Assisted Dying: Media, Money and Meaning, Panel, 7 CORNELL J. L. & PUB. POL'Y 267 (1998).

Introduction to Conference Transcript (*with* Kristi Kirschner & Leigh B. Bienen), 7 CORNELL J. L. & PUB. POL'Y 255 (1998).

Commentary: Civil Rights, Learning Disability, and Academic Standards, 2 J. GENDER, RACE & JUST. 33 (1998).

Students with Learning Disabilities, Reasonable Accommodations, and the Rights of Colleges and Universities to Establish and Enforce Academic Standards: Guckenberger v. Boston University, 21 MENTAL & PHYSICAL DISABILITY L. REP. 679 (1997).

Socially-Assisted Dying and People with Disabilities: Some Emerging Legal, Medical and Policy Implications (*with* Kristi Kirschner & Leigh Beinen), 21 MENTAL & PHYSICAL DISABILITY L. REP. 538 (1997).

The Economics of the Employment Provisions of the Americans with Disabilities Act: Part 1 – Workplace Accommodations, 46 DEPAUL L. REV. 877 (1997).

Attitudes, Behavior and the Employment Provisions of the Americans with Disabilities Act (*with* Mollie Weighner Marti), 42 VILL. L. REV. 345 (1997).

Transcending Title I of the Americans with Disabilities Act: A Case Report on Sears, Roebuck and Co., 20 MENTAL & PHYSICAL DISABILITY L. REP. 278 (1996).

Implementing the Americans with Disabilities Act: 1996 Follow-Up Report on Sears, Roebuck and Co., 21 SPINE 1602 (1996).

Hospital Privileges and the Americans with Disabilities Act (*with* P. L. Moseley & R. Merritt), 21 SPINE 2288 (1996).

Genetic Discrimination and the Employment Provisions of the Americans with Disabilities Act: Emerging Legal, Empirical, and Policy Implications (*with* Mollie Weighner Marti), 14 BEHAV. SCI. & L. 411 (1996).

Empirical Study of the Americans with Disabilities Act: Employment Issues from 1990-1994, 14 BEHAV. SCI. & L. 5 (1996).

The Appearance of Justice Revisited, 86 J. CRIM. L. & CRIMINOLOGY 887 (1996).

Supervisor Personal Liability for ADA Discrimination: Emerging Issues for Physicians (*with* Eric J. Wallach & James T. Tenney), 20 SPINE 1528 (1995).

Resolving Disputes under the Americans with Disabilities Act: A Case Example of an Employee with a Back Impairment, 20 SPINE 853 (1995).

Implementing the Americans with Disabilities Act: A Case Report on Sears, Roebuck and Co., 20 SPINE 2161 (1995).

Assessing Five Years of Employment Integration and Economic Opportunity under the Americans with Disabilities Act, 19 MENTAL & PHYSICAL DISABILITY L. REP. 384 (1995).

Recent Developments in ADA Case Law and Implications for Spine Professionals, 20 SPINE 116 (1994).

Implementing Reasonable Accommodations Using ADR under the ADA: A Case of a White Collar Employee with Bipolar Mental Illness (*with* Jill H. Andersen, Eric J. Wallach, & James P. Tenney, 18 MENTAL & PHYSICAL DISABILITY L. REP. 458 (1994).

Employment Integration, Economic Opportunity and the Americans with Disabilities Act: Empirical Study from 1990 to 1993, 79 IOWA L. REV. 853 (1994).

Empirical Study of the Americans with Disabilities Act (1990-1993), 4 J. VOCAT.'L REHAB. 211 (1994).

Celebrating Communications Technology for Everyone, 47 FED. COMM. L. J. 185 (1994).

The Americans with Disabilities Act: Issues for Back- and Spine-Related Disability, 19 SPINE 103 (1994).

The Americans with Disabilities Act: Emerging Issues for Ophthalmologists (*with* R. Folberg), 101 OPHTHALMOLOGY 1635 (1994).

Science and Ethics in Conducting, Analyzing, and Reporting Social Science Research: Implications for Social Scientists, Judges, and Lawyers (*with* Robert Rosenthal), 68 IND. L. J. 1209 (1993).

The Institutional Review Board as a Mirror of Scientific and Ethical Standards (*with* Ralph L. Rosnow, Mary J. Rotheram-Borus & Stephen J. Ceci), 48 AM. PSYCHOL. 821 (1993).

Calibrating the Scales of Justice: Studying Judges' Behavior in Bench Trials, 68 IND. L.J. 1119 (1993).

Welcoming Remarks and Statement of the Issues: Proceedings: Communicating with Juries (with Newton N. Minow), 68 IND. L.J. 1033 (1993).

Scientific Rewards and Conflicts of Ethical Choices in Human Subject Research (*with* Alan S. Bellack, Mary J. Rotheram-Borus & Ralph L. Rosnow), 47 AM. PSYCHOLOGIST 959 (1992).

On Integrating Persons with Mental Retardation: The ADA and ADR, 22 N.M. L. REV. 259 (1992).

Justice Improved: The Unrecognized Benefits of Aggregation and Sampling in the Trial of Mass Torts (*with* Michael J. Saks), 44 STAN. L. REV. 815 (1992).

Empirical Study of the Employment Provisions of the Americans with Disabilities Act: Methods, Preliminary Findings and Implications, 22 N. M. L. REV. 119 (1992).

The Emerging Work Force: Empirical Study of the Americans with Disabilities Act, 16 J. CORP. L. 693 (1991).

What Empirical Research Tells Us: Studying Judges' and Juries' Behavior, 40 AM. U. L. REV. 775 (1991).

Standards in Research: APA's Mechanism for Monitoring the Challenges, 46 AM. PSYCHOLOGIST 758 (1991).

The Measure of the Judge: An Empirically-Based Framework for Exploring Trial Judges' Behavior (*with* Robert Rosenthal et al.), 75 IOWA L. REV. 653 (1990).

The 'Process' of Field Research in the Courtroom: A Descriptive Analysis, 11 LAW & HUM. BEHAV. 337 (1987).

Off the Record: It's What the Judge Doesn't Say in Court that Defendants Have to Worry About, 16 STUDENT LAW. 8 (December 1987).

Therapists' Tone of Voice: Descriptive, Psychometric, Interactional, and Competence Analyses (*with* Robert Rosenthal, Marsha Vannicelli & Tanna Lee), 4 J. SOC'L & CLINICAL PSYCH. 154 (1986).

Book Chapters

Foreword to DISMANTLING BARRIERS AND ADVANCING THE RIGHT OF PERSONS WITH DISABILITIES TO PARTICIPATE IN CULTURAL LIFE: A SOCIO-LEGAL ANALYSIS (Delia Ferri & Ann Leahy eds., Routledge 2025).

Economic Inclusion and Empowerment of People with Disabilities (*with* Fitore Hyseni & Nanette Goodman), *in* HANDBOOK OF DISABILITY (Marcia H. Rioux, Alexis Buettgen, Ezra Zubrow & José Viera. eds., 2024).

Supported Decision Making (with E. Dean, B. Linnenkamp, J. Martinis, S. Raley, & K.A. Shogren) *in* DECISION MAKING BY INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES: INTEGRATING RESEARCH INTO PRACTICE (L. Hickson & I. Khemka ed., 2021).

The Americans with Disabilities Act at Thirty Years, *in* CRITICAL ESSAYS ON DISABILITY RIGHTS: COMBATING EXCLUSION, EMBRACING INCLUSION (Sanjay Jain ed., 2021).

Psychiatric Advanced Directives and Supported Decision-Making: Preliminary Developments and Pilot Studies in California (*with* J. Martinis, S. Saks & C. Schnieders), *in* MENTAL HEALTH, HUMAN RIGHTS, AND LEGAL CAPACITY (F. Mahomed, V. Patel, M. Stein & C. Sunkel ed., 2021).

"The Right to Make Choices": Supported Decision-Making Activities in the United States (*with* J. Martinis), *in* THE WILL OF THE PROTECTED PERSON: OPPORTUNITIES, RISKS AND SAFEGUARDS 27 (Montserrat Pereña Vicente ed., 2019).

Supported Decision Making as an Alternative to Guardianship and Means of Increasing Self-Determination for People with Intellectual and Developmental Disabilities (*with* J. Martinis, T. Campanella, M. Wehmeyer& K. Shogren)*, in* HANDBOOK OF POSITIVE PSYCHOLOGY IN INTELLECTUAL AND DEVELOPMENTAL DISABILITIES: TRANSLATING RESEARCH INTO PRACTICE (K. Shogren, M. Wehmeyer, & N. Singh eds., 2017).

Web Accessibility for People with Cognitive Impairments: A Legal Right?, in DISABILITY, HUMAN RIGHTS, AND INFORMATION TECHNOLOGY 41 (M. Stein & J. Lazar eds., 2017).

eQuality: The Right to the Web, in ROUTLEDGE HANDBOOK OF DISABILITY LAW AND HUMAN RIGHTS 166 (Flynn E. & Blanck, P. ed., 2017).

Advocacy and Legal Considerations to Ensure Civil Rights, in A COMPREHENSIVE GUIDE TO INTELLECTUAL AND DEVELOPMENTAL DISABILITIES 79 (Michael Wehmeyer ed., 2d ed., 2017).

Law and People with Disabilities, (*with* J.E. Lord & D. Raja Samant) *in* 13 INTERNATIONAL ENCYCLOPEDIA OF SOCIAL & BEHAVIORAL SCIENCES 497 (J. Wright ed., 2d ed., 2015).

Introduction, in GENETIC DISCRIMINATION: TRANSATLANTIC PERSPECTIVES ON THE CASE FOR A EUROPEAN LEVEL LEGAL RESPONSE 1 (A. de Paor, G. Quinn, & P. Blanck eds., 2015).

Conclusion, *in* GENETIC DISCRIMINATION: TRANSATLANTIC PERSPECTIVES ON THE CASE FOR A EUROPEAN LEVEL LEGAL RESPONSE 269 (A. de Paor, G. Quinn, & P. Blanck eds., 2015).

U.S. Legislative and Policy Response – Some Historical Context to GINA, *in* GENETIC DISCRIMINATION: TRANSATLANTIC PERSPECTIVES ON THE CASE FOR A EUROPEAN LEVEL LEGAL RESPONSE 97 (A. de Paor, G. Quinn, & P. Blanck eds., 2015).

Disability and Diversity: Historical and Contemporary Influences, Workplace Inclusion of Employees with Disabilities, *in* MANAGING DIVERSITY IN TODAY'S WORKPLACE: STRATEGIES FOR EMPLOYEES AND EMPLOYERS (Michele A. Paludi ed., 2012).

Disability and Aging: Historical and Contemporary Views, *in* DISABILITY AND AGING DISCRIMINATION: PERSPECTIVES IN LAW AND PSYCHOLOGY (Richard L. Wiener & Steven L. Willborn eds., 2011).

Employment of People with Disabilities (*with* Aaron Gottlieb & William N. Myhill)*, in* INTERNATIONAL ENCYCLOPEDIA OF REHABILITATION (2010).

Employment and Labor (with Tal Araten-Bergman, Janikke Solstad Vedeler & William N. Myhill)*, in* ENCYCLOPEDIA OF AMERICAN DISABILITY HISTORY 321 (2009).

Civil War (with Larry M. Logue)*, in* ENCYCLOPEDIA OF AMERICAN DISABILITY HISTORY 131 (2009).

George Lemon (*with* Larry M. Logue)*, in* ENCYCLOPEDIA OF AMERICAN DISABILITY HISTORY 559 (2009).

Disability (with Michael A. Stein & Penelope J.S. Stein), *in* LEGAL HISTORY ENCYCLOPEDIA 334 (2009).

Individuals with Cancer in the Workforce and Their Federal Rights (*with* William N. Myhill, Janikke Solstad Vedeler, Joanna Morales and Paula Pearlman)*, in* WORK AND CANCER SURVIVORS 255 (2009).

The Care of Children with Disabilities: Legal and Public-policy Perspectives (*with* William N. Myhill)*, in* THE CHILD: AN ENCYCLOPEDIC COMPANION 275 (2009).

*Enforcing ICT Accessibility Rules***,** *in* THE ACCESSIBILITY IMPERATIVE 186 (2007).

Distance Education Initiatives and Their Early 21st Century Role in the Lives of People with Disabilities (*with* William N. Myhill, Deepti Samant, David Klein, Shelley Kaplan, and María Verónica Reina), *in* FOCUS ON DISTANCE EDUCATION DEVELOPMENTS (Edward P. Bailey ed., 2007).

The New Disability Law and Policy Framework: Implications for Case Managers (*with* James Schmeling & Helen A. Schartz), *in* CASE MANAGEMENT FOR REHABILITATION HEALTH PROFESSIONALS 88 (2nd ed., Fong Chan, et. al. eds., 2005).

Country Reports: United States of America (*with* James Schmeling & Helen A. Schartz), *in* INTERNATIONAL DISABILITY RIGHTS MONITOR 349 (2004).

Is It Time to Declare the ADA a Failed Law? (*with* Susan Schwochau & Chen Song), *in* THE DECLINE IN EMPLOYMENT OF PEOPLE WITH DISABILITIES: A POLICY PUZZLE 301 (David C. Stapleton & Richard V. Burkhauser eds., 2003).

Studying the Emerging Workforce (*with* Helen A. Schartz), *in* THE HUMAN RIGHTS OF PERSONS WITH INTELLECTUAL DISABILITIES: DIFFERENT BUT EQUAL 347 (Stanley S. Herr et al. eds., 2003).

Towards Researching a National Employment Policy for Persons with Disabilities (*with* Helen A. Schwartz), *in* EMERGING WORKFORCE ISSUES: WIA, TICKET TO WORK, AND PARTNERSHIPS (R. McConnell ed., 2001).

Attitudes, Behavior, and the ADA (*with* Mollie Weighner Marti), *in* EMPLOYMENT, DISABILITY, AND THE AMERICANS WITH DISABILITIES ACT: ISSUES IN LAW, PUBLIC POLICY, AND RESEARCH 356 (Peter D. Blanck ed., 2000).

The Economics of the ADA, in EMPLOYMENT, DISABILITY, AND THE AMERICANS WITH DISABILITIES ACT: ISSUES IN LAW, PUBLIC POLICY, AND RESEARCH 201, (Peter D. Blanck ed., 2000).

Studying Disability, Employment Policy, and the ADA), *in* AMERICANS WITH DISABILITIES 209 (Leslie Pickering Francis & Anita Silvers eds., 2000).

Unanticipated Economic Gains and the ADA: Assistive Technology Patent Trends (*with* Heidi M. Berven), *in* EMPLOYMENT, DISABILITY, AND THE AMERICANS WITH DISABILITIES ACT: ISSUES IN LAW, PUBLIC POLICY, AND RESEARCH 329 (Peter D. Blanck ed., 2000).

Studying the Employment Provisions of the Americans with Disabilities Act, *in* ENCYCLOPEDIA BRITANNICA: 1997 MEDICAL AND HEALTH ANNUAL 215 (1997).

Assessing Employment Integration Under Title I of the Americans with Disabilities Act, in THE CONTINUING STRUGGLE: CIVIL RIGHTS AND THE CLINTON ADMINISTRATION 169 (Corrine M. Yu & William L. Taylor eds., 1997).

Reflections on the Law and Ethics of the Human Genome Initiative, *in* GENES AND HUMAN SELF-KNOWLEDGE: HISTORICAL AND PHILOSOPHICAL REFLECTIONS ON MODERN GENETICS (Robert F. Weir et al. eds., 1994).

Interpersonal Expectations in the Courtroom, *in* INTERPERSONAL EXPECTATIONS: THEORY, RESEARCH, AND APPLICATIONS 64 (Peter D. Blanck ed., 1993).

Nonverbal Behavior in the Courtroom (*with* Robert Rosenthal), *in* APPLICATIONS OF NONVERBAL BEHAVIORAL THEORIES AND RESEARCH (Robert S. Feldman ed., 1992).

Gestalt Research: Clinical Field Research Approaches to Studying Organizations (*with* A. N. Turner), *in* THE HANDBOOK OF ORGANIZATIONAL BEHAVIOR (Jay W. Lorsch ed., 1987).

General Introduction: Nonverbal Communication in the Clinical Context (*with* Ross Buck & Robert Rosenthal), *in* NONVERBAL COMMUNICATION IN THE CLINICAL CONTEXT (Peter D. Blank, et al. eds., 1986).

Talking To and About Patients: The Therapist's Tone of Voice (*with* Robert Rosenthal and M. Vannicelli), *in* NONVERBAL COMMUNICATION IN THE CLINICAL CONTEXT (Peter D. Blank et al. eds. 1986).

Patrick J. J. Rich (*with* J. J. Dowd & Jeffrey A. Sonnenfeld), *in* MANAGING CAREER SYSTEMS: CHANNELING OF EXECUTIVE CAREERS (Jeffrey A. Sonnenfeld ed., 1984).

The Wane Division of the American Instruments Corporation (B) (*with* Jeffrey A. Sonnenfeld), *in* MANAGING CAREER SYSTEMS: CHANNELING OF EXECUTIVE CAREERS (Jeffrey A. Sonnefeld ed., 1984).

The Wane Division of the American Instruments Corporation (A) (*with* Jeffrey A. Sonnenfeld), *in* MANAGING CAREER SYSTEMS: CHANNELING OF EXECUTIVE CAREERS (Jeffrey A. Sonnefeld ed., 1984).

Developing Strategies for Decoding 'Leaky' Messages: On Learning How and When to Decode Discrepant and Consistent Social Communications (*with* Robert Rosenthal), *in* DEVELOPMENT OF NONVERBAL BEHAVIOR IN CHILDREN (Roberts S. Feldman ed., 1982).

Reports, News and Commentary

Disability as A Critical Element in Exploring the Racial Wealth Gap (*with* Nanette Goodman, Montserrat Avila-Acosta & Fitore Hyseni), 2025 BURTON BLATT INST. 1.

Destiny Arms: A Global Universal Design Commission Living Laboratory, 18 NUMBERS MAGAZINE 46 (2017).

Universal Architectural Design and People with Disabilities, 14 NUMBERS 64 (2016).

Using ADR to Resolve ADA Disputes: A White Collar Case Study (w/ Jill H. Andersen, Eric J. Wallach, and James P. Tenney), 3 DISP. RESOL. MAG. 20 (1997) *reprinted in* 2 BEST ABA SEC.: GEN. PRAC., SOLO & SMALL FIRM SEC. 34 (1998).

Book Reviews

Book Review, 63 INT'L J. COMP. SOCIOLOGY 1 (2022) (reviewing THE LEGACIES OF INSTITUTIONALISATION: DISABILITY, LAW AND POLICY IN THE "DEINSTITUTIONALISED" COMMUNITY (Claire Spivakovsky, Linda Steele, & Penelope Weller eds., 2022)), https://doi.org/10.1177/00207152211069586.

Craig M. Boise
Dean Emeritus and Professor of Law
Co-Director, LondonEx Program

Law Review and Other Scholarly Articles

Optimal Tax Treaty Administrative Guidance, 88 TEX. L. REV. 175 (2009).

Change, Dependency, and Regime Plasticity in Offshore Financial Intermediation: The Saga of the Netherlands Antilles (*with* Andrew P. Morriss), 45 TEX. INT'L L.J. 377 (2009).

Breaking Open Offshore Piggybanks: Deferral and the Utility of Amnesty, 14 GEO. MASON L. REV. 667 (2007).

Playing With Monopoly Money: Phony Profits, Fraud Penalties and Equity, 90 MINN. L. REV. 144 (2005).

Tax Fraud and Inflated Corporate Earnings: Is There an Alternative to the Missing Legislative Fix?, 106 TAX NOTES 191 (2005).

Book Chapters

Regulating Tax Competition in Offshore Financial Centers, *in* OFFSHORE FINANCIAL CENTERS AND REGULATORY COMPETITION (Andrew P. Morriss ed., 2010).

Reports to Governmental Bodies and Professional Associations

Amicus Brief in Support of Appellant Richard A. Levin, Tax Commissioner of Ohio, HealthSouth v. Levin, 903 N.E.2d 1179 (2009) (No. 2007-2281), 2008 WL 1927262.

Amicus Briefs in Support of Appellee Richard A. Levin, Tax Commissioner of Ohio, MCI Metro Access Transmission Services, LLC v. Levin, 2008-Ohio-5057 (2008) (Nos. 07AP-398, 07AP-399), 2008 WL 4416665.

Amicus Briefs in Support of Appellee Richard A. Levin, Tax Commissioner of Ohio, MCI Metro Access Transmission Services, LLC v. Levin (2007) (No. 2004-K-749).

Reports, News, and Commentary

A Tightened Bar Passage Standard Is Needed (*with* Daniel Rodriguez), NAT'L. L.J. Sept. 19, 2016, http://www.nationallawjournal.com/id=1202767658112.

Practical and Policy Considerations in Corporate Inversion Transactions (*with* James C. Koenig), 3 CORP. BUS. TAX'N MONTHLY 3 (Sept. 2002).

Contingent Consideration: The Taxation of Earnouts and Escrows (*with* James C. Koenig), 2 MERGERS & ACQUISITIONS: MONTHLY TAX J. 3 (July 2001).

Book Reviews

Slicing the Global Tax Pie, JOTWELL (June 28, 2010) (reviewing M. F. de Wilde, SOME THOUGHTS ON A FAIR ALLOCATION OF CORPORATE TAX IN A GLOBALIZING ECONOMY, 38 Intertax 281 (2010)), https://tax.jotwell.com/slicing-the-global-tax-pie/.

Jennifer S. Breen
Associate Professor of Law
Board of Advisors Research Fellow
Senior Research Associate, Campbell Public Affairs Institute

Forthcoming

Democracy Talk: The Roberts Court on Democratic Ideas and Practice, 78 S.C. L. REV. (2026).

Law Review and Other Scholarly Articles

Fighting to Survive: Collective Action, Trusted Messengers, and UNITE HERE's Response to the COVID-19 Pandemic (*with* Gretchen Purser), 51 LAB. STUD. J. 27 (2026).

Democracy's Fundamentals: Efficacy, Equality, and the Supreme Court, 104 NEB. L. REV. 33 (2025).

Democratic Erosion and the United States Supreme Court, 2024 UTAH L. REV. 341.

Open for Business: The Supreme Court Curbs Federal Regulatory Power, 32 NEW LAB. F. (2023).

Caring Work, Women's Work, Essential Work: Reconsidering Comparable Worth as an Approach to Pay Equity for Care Workers, 43 BERKELEY J. EMP. & LAB. L. 311 (2022).

Labor, Law Enforcement, and "Normal Times"; The Origins of Immigration's Home Within the Department of Justice and the Evolution of Attorney General Control Over Immigration Adjudications, 42 U. HAW. L. REV. 1 (2019), *reprinted in* IMMIGRATION BRIEFINGS (Oct. 2020).

Left Alone and Left Behind: Policy Responses to the "Displaced Homemaker" in the 1970s, 29 J. POL'Y HIST. 569 (2017).

Mandating Discretion: Juvenile Sentencing Schemes after Miller v. Alabama (with John R. Mills), 52 AM. CRIM. L. REV. 293 (2015).

Reinstatement of Removal: New Developments in a Growing Form of Removal (with Stephen Yale-Loehr), 19-8 BENDER'S IMMIGR. BULL. 2 (April 15, 2014).

Dissertation

Capitalizing Labor: What Work is Worth and Why, From the New Deal to the New Economy (2011) (Ph.D. dissertation, Univ. Pa.) (ProQuest).

Book Reviews

Book Review, *Banned: Immigration Enforcement in the Time of Trump*, 55 INT'L IMMIGR. REV. 954 (2020) (reviewing SHOBA SIVRAPRASAD WADHIA, BANNED: IMMIGRATION ENFORCEMENT IN THE TIME OF TRUMP (2019)).

Book Review, 18 J. CHILD. & POVERTY 164 (2012) (reviewing CHARLES MURRAY, COMING APART: THE STATE OF WHITE AMERICA, 1960-2010 (2012)).

Working through the Seventies: Culture, Class, and Capital in the Era of Deindustrialization, 32 NEW POL. SCI. 609 (2010) (reviewing JEFFERSON COWIE, STAYIN' ALIVE: THE 1970S AND THE LAST DAYS OF THE WORKING CLASS (2010) and JUDITH STEIN, PIVOTAL DECADE: HOW THE UNITED STATES TRADED FACTORIES FOR FINANCE IN THE SEVENTIES (2010)).

Book Review, 72 J. POLITICS 601(2010) (reviewing SCOTT W. ALLARD, OUT OF REACH: PLACE, POVERTY, AND THE NEW AMERICAN WELFARE STATE (2009)).

Reports, News and Commentary

Delegitimizing the Administrative State, NONSITE.ORG (July 2, 2022). https://nonsite.org/delegitimizing-the-administrative-state/

Right-Wing Supreme Court Imperils Democratic Self-Governance, COMMON DREAMS (July 1, 2022). https://www.commondreams.org/views/2022/07/01/right-wing-supreme-court-imperils-democratic-self-governance

The 'Raw Judicial Power' of Samuel Alito Is an Attack on Dignity, Autonomy, and Progress, COMMON DREAMS (May 5, 2022). https://www.commondreams.org/views/2022/05/05/raw-judicial-power-samuel-alito-attack-dignity-autonomy-and-progress

The US Supreme Court's Latest Anti-Labor Ruling Goes Far Beyond Farm Workers, COMMON DREAMS (June 24, 2021). https://www.commondreams.org/views/2021/06/24/us-supreme-courts-latest-anti-labor-ruling-goes-far-beyond-farm-workers

Abramski v. U.S. (with L. Alyssa Chen), LII SUPREME COURT BULLETIN (2013-2014). https://www.law.cornell.edu/supct/cert/12-1493

Atlantic Marine Constr. Co. v. U.S. D.Ct. W.D. Tex. (with L. Alyssa Chen), LII SUPREME COURT BULLETIN (2013-2014). https://www.law.cornell.edu/supct/cert/12-929

Sandifer v. U.S. Steel Corp. (with L. Alyssa Chen), LII SUPREME COURT BULLETIN (2013-2014). https://www.law.cornell.edu/supct/cert/12-417

White v. Woodall (with L. Alyssa Chen), LII SUPREME COURT BULLETIN (2013-2014). https://www.law.cornell.edu/supct/cert/12-794

Keith J. Bybee

Paul E. and Honorable Joanne F. Alper '72 Judiciary Studies Professor
Professor of Law
Professor of Political Science
Director, Institute for the Study of the Judiciary, Politics, and the Media
Senior Research Associate, Campbell Public Affairs Institute

Books

WHAT WOULD GEORGE WASHINGTON DO? THE FORGOTTEN PAST AND PROMISING FUTURE OF AMERICAN CIVILITY (Stanford University Press, forthcoming 2027).

HOW CIVILITY WORKS (2016).

ALL JUDGES ARE POLITICAL—EXCEPT WHEN THEY ARE NOT: ACCEPTABLE HYPOCRISIES AND THE RULE OF LAW (2010).

MISTAKEN IDENTITY: THE SUPREME COURT AND THE POLITICS OF MINORITY REPRESENTATION (1998).

Books, Edited

STANFORD STUDIES IN LAW AND POLITICS (series editor) (2012-).

LAW, POLITICS, AND THE MEDIA (Social Science Research Network subject matter e-journal) (editor) (2009-), https://www.ssrn.com/link/Law-Politics-Media.html.

LAW, POLITICS, AND THE MEDIA (series editor) (2007-2011).

BENCH PRESS: THE COLLISION OF COURTS, POLITICS, AND THE MEDIA (2007).

Law Review and Other Scholarly Articles

Law and/or/as Civility, 17 ANN. REV. L. & SOC. SCI. 1 (2021). *https://www.annualreviews.org/doi/full/10.1146/annurev-lawsocsci-120920-084221*.

The Rise of Trump and the Death of Civility, LAW, CULTURE AND THE HUMANITIES, June 28, 2018, at 00, doi.org/10.1177/1743872118785956.

Muckraking: The Case of the United States Supreme Court, 4 OÑATI SOCIO-LEGAL SERIES 597 (2014).

Symposium, *Law in the Age of Media Logic,* 4 OÑATI SOCIO-LEGAL SERIES 593 (2014).

The Supreme Court: An Autobiography (with Angela G. Narasimhan*),* 61 STUD. L. POL. & SOC'Y 179 (2013).

Open Secret: Why the Supreme Court has Nothing to Fear from the Internet, 88 CHI.-KENT L. REV. 309 (2013).

All Judges Are Political – Except When They Are Not: A Response, 38 LAW & SOC. INQUIRY 215 (2013).

The Limits of Debate or What We Talk About When We Talk About Gender Imbalance on the Bench, 2012 MICH. ST. L. REV. 1481 (2012).

Judging in Place: Architecture, Design, and the Operation of Courts, 37 LAW & SOC. INQUIRY 1014 (2012).

Paying Attention to What Judges Say: New Directions in the Study of Judicial Decision Making, 8 ANN. REV. L. & SOC. SCI. 69 (2012).

Will the Real Elena Kagan Please Stand Up? Conflicting Public Images in the Supreme Court Confirmation Process, 1 WAKE FOREST J. L. & POL'Y 137 (2011).

Efficient, Fair, and Incomprehensible: How the State "Sells" its Judiciary (*with* Heather Pincock), 33 LAW & POL'Y 1 (2011).

Symposium, *The Importance of Judicial Appearances: A Symposium on Law, Politics and the Media,* 59 SYRACUSE L. REV. 361 (2009).

Legalizing Public Reason: The American Dream, Same-Sex Marriage, and the Management of Radical Disputes (with Cyril Ghosh), 49 STUD. L. POL. & SOC'Y 125 (2009).

Symposium, *Creators vs. Consumers: The Rhetoric, Reality and Reformation of Intellectual Property Law and Policy,* 58 SYRACUSE L. REV. 427 (2008).

How Would You Know a Virtuous Citizen if You Saw One?, 30 INT'L J. PUB. ADMIN. 683 (2007).

Symposium, *Law in Action: Commentary on Article by Susan Burgess*, 59 POL. RES. Q. 415 (2006).

Legal Realism, Common Courtesy, and Hypocrisy, 1 LAW, CULTURE & HUMAN. 75 (2005).

The Forum, *Citizenship At Home and Abroad, Editor's Note*, 7 INT'L STUD. REV. 503 (2005).

The Political Significance of Legal Ambiguity: The Case of Affirmative Action, 34 LAW & SOC'Y REV. 263 (2000).

Essentially Contested Membership: Racial Minorities and the Politics of Inclusion, 21 LEGAL STUD. F. 469 (1997).

Book Chapters

Does the Constitution Protect the Right to Lie? in THE U.S. CONSTITUTION IN FIVE MINUTES (Joseph L. Smith & David E. Klein eds., 2023).

Free Speech, Free Press and Fake News: What if the Marketplace of Ideas Isn't About Identifying the Truth? (*with* Laura Jenkins), *in* FREE SPEECH THEORY: UNDERSTANDING THE CONTROVERSIES (Helen J. Knowles & Brandon T. Metroka eds., 2020).

Courts and Judges: The Legitimacy Imperative and the Importance of Appearances (*with* Angela G. Narasimhan), *in* THE HANDBOOK OF LAW AND SOCIETY (Austin Sarat & Patricia Ewick eds., 2015).

Potter Stewart Meets the Press, in JUDGING FREE SPEECH: FIRST AMENDMENT JURISPRUDENCE OF U.S. SUPREME COURT JUSTICES (Helen J. Knowles & Steven B. Lichtman eds., 2015).

The Rule of Law is Dead! Long Live the Rule of Law!, in WHAT'S LAW GOT TO DO WITH IT? WHAT JUDGES DO, WHY THEY DO IT, AND WHAT'S AT STAKE (Charles Gardner Geyh ed., 2011).

The Polite Thing to Do, *in* THE FUTURE OF GAY RIGHTS IN AMERICA (H. N. Hirsch ed., 2005).

The Liberal Arts, Legal Scholarship, and the Democratic Critique of Judicial Power, *in* LAW IN THE LIBERAL ARTS (Austin Sarat ed., 2004).

Democratic Theory and Race-Conscious Redistricting: The Supreme Court Constructs the American Voter, *in* THE SUPREME COURT IN AMERICAN POLITICS: NEW INSTITUTIONALIST APPROACHES (Howard Gillman & Cornell Clayton eds., 1999).

Reports, News, and Commentary

So You Read That Scandalous Report About Donald Trump and Russia – Now What?, TEEN VOGUE (Jan. 11, 2017), http://www.teenvogue.com/story/russia-trump-report-unverified-buzzfeed-cnn-what-to-take-away-ethics (last visited Sept. 13, 2017).

How Should We Understand Trump's "Uncivil" Behaviour, OPEN DEMOCRACY (Sept. 27, 2016), https://www.opendemocracy.net/keith-j-bybee/how-should-we-understand-trump-s-uncivil-behaviour (last visited Sept. 13, 2017).

Why Manners Matter, STAN. U. PRESS: BLOG (Aug. 23, 2016), http://stanfordpress.typepad.com/blog/2016/08/why-manners-matter.html (last visited Sept. 13, 2017).

Professor Bybee Discusses Supreme Court's New Term: What Will the Justice's Decide? And How Will They Look Doing It?, SYRACUSE UNIV. COLL. OF L.: NEWS & EVENTS (Sept. 28, 2015), http://law.syr.edu/news_events/news/professor-bybee-discusses-supreme-courts-new-term (last visited Sept. 13, 2017).

U.S. Public Perception of the Judiciary: Mixed Law and Politics, JURIST (Apr. 10, 2011), http://jurist.org/forum/2011/04/us-public-perception-of-the-judiciary-mixed-law-and-politics.php (last visited Sept. 13, 2017).

Politics or Impartiality in the Courtroom?, WASH. POST: POLITICAL BOOKWORM (Jan. 3, 2011), http://voices.washingtonpost.com/political- bookworm/2011/01/politics_or_ impartiality_in_th.html (last visited Sept. 13, 2017).

Judicial Ethics: Appearances Still Matter, JURIST (Oct. 18, 2010), http://jurist.org/forum/2010/10/judicial-ethics-appearances-still-matter.php (last visited Sept. 13, 2017).

Kagan Delay Hypocrisy, WASH. POST: POLITICAL BOOKWORM (July 14, 2010), http://voices.washingtonpost.com/political-bookworm/2010/07/kagan_delay_hypocrisy.html (last visited Sept. 13, 2017).

Kagan's Confirmation: Conflicting Imagery, JURIST (June 28, 2010), http://jurist.org/forum/2010/06/kagans-confirmation-conflicting-imagery.php (last visited Sept. 13, 2017).

The Media's Role in Selecting Impartial Justices, CBSNEWS (Oct. 27, 2006), http://www.cbsnews.com/8301-500486_162-2130543-500486.html (last visited Sept. 13, 2017).

Op-Ed., *All Judges Are Political Actors – Except When They Aren't (with* Jeffrey Stonecash), KNIGHT-RIDDER, Dec. 14, 2005, *available at* http://www.maxwell.syr.edu/campbell/ programs/The_Maxwell_Poll (last visited Sept. 13, 2017).

Book Reviews

Book Review, 9 AM. POL. THOUGHT 173 (2020) (reviewing LESLIE F. GOLDSTEIN, THE U.S. SUPREME COURT AND RACIAL MINORITIES: TWO CENTURIES OF JUDICIAL REVIEW ON TRIAL (2017)).

Book Review, 26 LAW & POL. BOOK REV. 78 (2016) (reviewing JASON E. WHITEHEAD, JUDGING JUDGES: VALUES AND THE RULE OF LAW (2014)).

Book Review, 22 LAW & POL. BOOK REV. 477 (2012) (reviewing JAMES L. GIBSON, ELECTING JUDGES: THE SURPRISING EFFECTS OF CAMPAIGNING ON JUDICIAL LEGITIMACY (2012)).

Book Review, 21 LAW & POL. BOOK REV. 214 (2011) (reviewing PAUL CANE, THE HART-FULLER DEBATE IN THE TWENTY-FIRST CENTURY (2010)).

Book Review, 17 LAW & POL. BOOK REV. 659 (2007) (reviewing RISA L. GOLUBOFF, THE LOST PROMISE OF CIVIL RIGHTS (2007)).

Book Review, 16 LAW & POL. BOOK REV. 608 (2006) (reviewing ROGER BERKOWITZ, THE GIFT OF SCIENCE: LEIBNIZ AND THE MODERN LEGAL TRADITION (2005)).

Book Review, 14 LAW & POL. BOOK REV. 393 (2004) (reviewing RICHARD A. PRIDE, THE POLITICAL USE OF RACIAL NARRATIVES: SCHOOL DESEGREGATION IN MOBILE ALABAMA, 1954-97 (2002)).

Book Review, 13 LAW & POL. BOOK REV. (2003) (reviewing TINSLEY E. YARBROUGH, RACE AND REDISTRICTING: THE SHAW-CROMARTIE CASES (2002)).

Book Review, 64 J. POL. 270 (2002) (reviewing JED RUBENFELD, FREEDOM AND TIME: A THEORY OF CONSTITUTIONAL SELF-GOVERNMENT (2001)).

The Jurisprudence of Uncertainty, 35 LAW & SOC'Y REV. 943 (2001) (reviewing CASS R. SUNSTEIN, ONE CASE AT A TIME: JUDICIAL MINIMALISM ON THE SUPREME COURT (1999)).

Book Review, 10 LAW & POL. BOOK REV. 287 (2000) (reviewing STEPHEN M. FELDMAN, AMERICAN LEGAL THOUGHT FROM PREMODERNISM TO POSTMODERNISM (2000)).

Book Review, 9 LAW & POL. BOOK REV. 236 (1999) (reviewing RACE AND REDISTRICTING IN THE 1990S (Bernard Grofman ed., 1998)).

Splitting the Difference: The Representation of Ideas and Identities in Modern Democracy, 22 LAW & SOC. INQUIRY 389 (1997) (reviewing ANNE PHILLIPS, THE POLITICS OF PRESENCE (1995)).

Book Review, 111 POL. SCI. Q. 375 (1996) (reviewing SCOTT DOUGLAS GERBER, TO SERVE THESE RIGHTS: THE DECLARATION OF INDEPENDENCE AND CONSTITUTIONAL INTERPRETATION (1995)).

Book Review, 4 LAW & POL. BOOK REV. 68 (1996) (reviewing PATRICIA J. WILLIAMS, THE ROOSTER'S EGG: ON THE PERSISTENCE OF PREJUDICE (1996)).

Sanjay K. Chhablani

Laura J. & L. Douglas Meredith Professor of Teaching Excellence 2017-2020
Professor of Law
Adjunct Professor, Forensic and National Security Sciences Institute, College of Arts & Sciences

Books

MASTERING CRIMINAL LAW (*with* ELLEN S. PODGOR, CYNTHIA E. JONES, PETER J. HENNING & NEIL P. COHEN) (3d ed. 2025).

MASTERING CRIMINAL PROCEDURE (*with* PETER J. HENNING, CYNTHIA E. JONES, ELLEN S. PODGOR, & KAREN MCDONALD HENNING) (3d ed. 2020).

Law Review and Other Scholarly Articles

Chapman V. California: Harmless Error and the Warren Court's Progressive Legacy, 49 STETSON L. REV. 375 (2020).

Legitimate Justice: Using Clemency to Address Mass Incarceration, 16 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 48 (2016).

Beyond Brady: An Eighth Amendment Right to Discovery in Capital Cases, 38 N.Y.U. REV. L. & SOC. CHANGE 423 (2014).

Bad Moon Rising: The Execution of Wallace Fugate, 1 PENN. UNDERGRADUATE L. J. 1 (Spring 2014).

An Exercise Exploring the Rationales for Punishment, 10 OHIO ST. J. CRIM. L. 613 (2013).

The Sixth Amendment's Textual Core, SURFACE (2012), https://surface.syr.edu/cgi/viewcontent.cgi?article=1063&context=lawpub.

Re-framing the 'Fair Cross-Section' Requirement, 13 U. PA. J. CONST. L. 931 (2011).

Chronically Stricken: A Continuing Legacy of Ineffective Assistance of Counsel, 28 ST. LOUIS U. PUB. L. REV. 351 (2009).

Disentangling the Right to Effective Assistance of Counsel, 60 SYRACUSE L. REV. 1 (2009).

Disentangling the Sixth Amendment, 11 U. PA. J. CONST. L. 487 (2009).

Johanna K.P. Dennis
Associate Teaching Professor

Law Review Articles

Temperamental or Transient as a Tesseract? Analyzing Process Patent Eligibility Post-Alice, 14 FIU L. Rev. 233 (2020).

Just Beyond Reach: A Study on Access to In-State Tuition and Enrollment After Deferred Action for Childhood Arrivals, Part I-Individually Reported Hispanic Non-Citizen Enrollment & Part II-Institutionally Reported Hispanic Student and Non-Resident Alien Student Enrollment, 20 J.L. SOC'Y 1 (2020).

Just Beyond Reach: A Study on Access to In-State Tuition and Enrollment After Deferred Action for Childhood Arrivals, Part III – Individually Reported Hispanic Non-Citizen Student Persistence, 20 J.L. SOC'Y 103 (2020).

What's Mine is Mine and What's Yours is Mine Too: Converging U.S. Intellectual Property Exhaustion Doctrines, 30 COMPUT. L. & SEC. REV. 55 (2014).

"Mommy, Where is Home?": Imputing Parental Immigration Status and Residency for Undocumented Immigrant Children, 45 J. MARSHALL L. REV. 1022 (2012).

International Legal Developments in Review: 2011 - Immigration and Nationality Law (Johanna K.P. Dennis et al.), 46 INT'L LAW. 335 (2012).

The Renaissance Road: Redesigning the Legal Writing Instructional Model, 38 S. UNIV. L. REV. 111 (2010).

Ensuring a Multicultural Educational Experience in Legal Education: Start with the Legal Writing Classroom, 16 TEXAS WESLEYAN L. REV. 613 (2010).

International Legal Developments in Review: 2009 - Immigration and Nationality Law (Johanna K.P. Dennis et al.), 44 INT'L LAW. 435 (2010).

Redux on the "Process" of Patenting and the U.S. Supreme Court's Consideration of Bilski*?,* Greening of Intellectual Property Symposium Booklet, TEMP. J. SCI. TECH. & ENV'T. L. (2010).

The "Process" of Patenting: Why Should We Care About a Potential U.S. Supreme Court Decision in Bilski v. Doll*?* 25 COMPUT. L. & SEC. REV. 543 (2009). *Reprinted in* Proceedings from 4th International Conference on Legal, Security and Privacy Issues in IT Law, International Association of IT Lawyers, LEGAL DISCOURSE IN CYBERLAW AND TRADE (Sylvia Kierkegaard ed. 2009).

Book Chapters

Owning Methods of Doing Business in Cyberspace, in CYBERSPACE LAW: CENSORSHIP AND REGULATION OF THE INTERNET (Hannibal Travis ed., 2013).

Reports, News, and Commentary

Allowing Judicial Review of Motions to Reopen: Kucana v. Holder, AMERICAN BAR ASSOCIATION SECTION ON INTERNATIONAL L., IMMIGR. & NATURALIZATION COMM. NEWSL., Fall 2009 at 1.

Assessing Student Learning Through PowerPoint "Games", 23 SECOND DRAFT, Spring 2009 at 16.

Divergence in Patent Systems: A Discussion of Biotechnology Transgenic Animal Patentability and U.S. Patent System Reform, 1 INT. J. PRIV. L. 268 (2008).

Lisa A. Dolak
Angela S. Cooney Professor of Law 2009-2022
Professor of Law

Law Review and Other Scholarly Articles

Patent Office Contested Proceedings and the Duty of Candor, 22 J. INTELL. PROP. L. 1 (2014).

Trial Lawyers in Trouble: Litigation Misconduct and Its Ethics Fallout, 52 U. LOUISVILLE L. REV. 225 (2014).

Litigating Inequitable Conduct After Therasense, Exergen, and the AIA: Lessons for Litigants, Options for Owners, 13 CHI.-KENT J. INTELL. PROP. 51 (2013).

America Invents the Supplemental Examination But Retains the Duty of Candor: Questions and Implications, 6 AKRON INTELL. PROP. J. 147 (2012).

Ethics in Intellectual Property Negotiations: Issues and Illustrations, 40 AIPLA Q.J. 197 (2012).

The America Invents Act: Target, the Eastern District of Texas, Panel, 15 SMU SCI. & TECH. L. REV. 471 (2012).

One Patent, Two Paths: Federal Circuit Review of Divergent USPTO and District Court Decisions, 4 LANDSLIDE 22 (Nov. – Dec. 2011).

Inequitable Conduct: A Flawed Doctrine Worth Saving, 11 WAKE FOREST J. OF BUS. & INTELL. PROP. L. 1 (2010–2011).

The Inequitable Conduct Gyre Widens, 50 IDEA 215 (2010).

Beware the Inequitable Conduct Charge! (Why Practitioners Submit What They Submit), 91 J. PAT. & TRADEMARK OFF. SOC'Y 558 (2009), *reprinted in* PATENT LAW INSTITUTE 2010 (4TH ANNUAL), at 895 (PLI Pat. Copyrights, Trademarks & Literary Prop., Course Handbook Series No. 997, 2010).

The United States Patent System in the Media Mirror (*with* Blaine T. Bettinger), 58 SYRACUSE L. REV. 459 (2008).

EBay and the BlackBerry®: A Media Coverage Case Study, 2 AKRON INTELL. PROP. J. 1 (2008).

Power or Prudence: Toward a Better Standard for Evaluating Patent Litigants' Access to the Declaratory Judgment Remedy, 41 U.S.F. L. REV. 407 (2007).

The Ethics of Delaying Prosecution, 53 AM. U. L. REV. 739 (2004).

Risky Business: The Perils of Representing Competitors, 30 AIPLA Q.J. 413 (2002).

The Inequitable Conduct Doctrine: Lessons from Recent Cases, 84 J. PAT. & TRADEMARK OFF. SOC'Y 719 (2002).

Recognizing and Resolving Conflicts of Interest in Intellectual Property Matters, 42 IDEA 453 (2002).

Clients, Their Confidences, and Internet Communications, 36 TORT & INS. L.J. 829 (2001).

Responding to Prior Art Rejections—An Analytical Framework (*with* Michael L. Goldman), 83 J. PAT. & TRADEMARK OFF. SOC'Y 5 (2001).

As If You Didn't Have Enough to Worry About: Current Ethics Issues for Intellectual Property Practitioners, 82 J. PAT. & TRADEMARK OFF. SOC'Y 235 (2000).

Patents Without Paper: Proving a Date of Invention with Electronic Evidence, 36 HOUS. L. REV. 471 (1999).

Conflicts of Interest: Guidance for the Intellectual Property Practitioner, 39 IDEA 267 (1999).

Declaratory Judgment Jurisdiction in Patent Cases: Restoring the Balance Between the Patentee and the Accused Infringer, 38 B.C. L. REV. 903 (1997).

Riding the Rapids: Financing the Leveraged Transaction Without Getting Wet (*with* Christian C. Day & Michael P. Walls), 41 SYRACUSE L. REV. 661 (1990).

Book Chapters

The Ethics of Patent Assertion: Does "Purpose" Matter?, in IP MONETIZATION AND INVESTMENT 2017: MAXIMIZE YOUR FINANCIAL AND STRATEGIC OPTIONS (2017).

Negotiation Ethics: Guidance for the Intellectual Property Practitioner, in IP MONETIZATION AND INVESTMENT 2017: MAXIMIZE YOUR FINANCIAL AND STRATEGIC OPTIONS (2017).

Don't Check Your Ethics at the Door: The Ethical Implications of Legal Service Outsourcing, (*with* Tyler Maulsby & Michael E. McCabe), *in* PATENT LAW INSTITUTE 2016 (10TH ANNUAL) (PLI Intellectual Property Course Handbook Series No. G-1268, 2016) and PATENT LAW INSTITUTE 2018: CRITICAL ISSUES & BEST PRACTICES (PLI Intellectual Property Course Handbook Series No. G-1362, 2018).

Patent Office Post-Grant Trials and the Duty of Candor, *in* USPTO POST-GRANT PATENT TRIALS 2013, at 465 (PLI USPTO Post-Grant Patent Trials Course Handbook Series No. G-1130, 2013).

Innovation & Intellectual Property Rights in China and India: Prospects and Strategies (with Bernard Arogyaswamy), *in* INTELLECTUAL PROPERTY, INNOVATION AND MANAGEMENT IN EMERGING ECONOMIES (Ruth Taplin & Alojzy Z. Nowak eds. 2010).

Inequitable Conduct: A Flawed Doctrine Worth Saving, in PATENT LAW INSTITUTE 2010 (4TH ANNUAL), at 877 (PLI Pat. Copyrights, Trademarks & Literary Prop., Course Handbook Series No. 997, 2010).

Ethical Intellectual Property Opinions (and it's all legal!), in PREPARING PATENT LEGAL OPINIONS 2004, at 519 (PLI Pat. Copyrights, Trademarks & Literary Prop., Course Handbook Series No. 802, 2004) *reprinted in* PREPARING PATENT LEGAL OPINIONS 2005, at 217 (PLI Pat. Copyrights, Trademarks & Literary Prop., Course Handbook Series No. 843, 2005).

Federal Circuit Treatment of the Inequitable Conduct Defense (*with* Steven C. Becker), *in* 16 SELECTED LEGAL PAPERS: A COLLECTION OF PAPERS BASED ON PRESENTATIONS AT AIPLA FUNCTIONS 175 (Thomas E. Smith ed., 1997).

Inequitable Conduct in the Presentation of Affidavits to the U.S. Patent and Trademark Office (*with* Michael L. Goldman), *in* AM. INT. PROP. L. ASS'N BASIC CHEMICAL AND BIOTECHNOLOGY PATENT PRACTICE SEMINAR COURSE BOOK (1996).

Prosecuting Patent Applications in the Face of Prior Art Rejections (*with* Michael L. Goldman), *in* AM. INT. PROP. L. ASS'N BASIC CHEMICAL AND BIOTECHNOLOGY PATENT PRACTICE SEMINAR COURSE BOOK (1994).

Reports, News, and Commentary

USPTO Post-Grant Proceedings and the Duty of Candor, KOR. BAR ASS'N NEWS (December 2013), available at http://news.koreanbar.or.kr/news/articleView.html?idxno=10152.

USPTO Contested Proceedings: New Challenges, New Opportunities, KOR. BAR ASS'N NEWS (September 2013) available at: http://news.koreanbar.or.kr/news/articleView.html?idxno=9543.

Ideology in the Supreme Court, THE WCNY MAGAZINE, at 8 (September/October 2013).

New USPTO Professional Conduct Rules Will Take Effect on May 3, Guest Post, Patently-O (April 3, 2013). Available at http://www.patentlyo.com/patent/2013/04/guest-post-new-uspto-professional-conduct-rules-will-take-effect-on-may-3.html.

Major Shift for U.S. Patent System, KOR. BAR ASS'N NEWS (March 2013).

USPTO Contested Proceedings: New Challenges, New Opportunities, KOR. BAR ASS'N NEWS (September 2013) Available at: http://news.koreanbar.or.kr/news/articleView.html?idxno=9543.

New USPTO Proposed Ethics Rules, Guest Post, Patently-O (Oct. 18, 2012). Available at http://www.patentlyo.com/patent/2012/10/guest-post-new-uspto-proposed-ethics-rules-part-i.html.

Supplemental Examination in Context: Risks, Alternatives and Opportunities (June 27, 2012), available at SSRN: http://ssrn.com/abstract=2094497.

Supplemental Examinations and the Client-Practitioner Relationship, Guest Post, Patently-O (Dec. 30, 2011). Available at http://www.patentlyo.com/patent/2011/12/guest-post-supplemental-examinations-and-the-client-practitioner-relationship-.html.

Ivory Tower at Westcott Center, SYRACUSE POST STANDARD, Nov. 1, 2012, at A4.

Misrepresenting the Client's "Bottom Line": Permitted Puffery? Or Prohibited Deceit?, PLI Patent Law Practice Center (Oct. 17, 2011). Available at http://patentlawcenter.pli.edu/2011/10/17/misrepresenting-the-clients-bottom-line-permitted-puffery-or-prohibited-deceit/.

Resolving Differences: How the Federal Circuit Treats Divergent USPTO and District Court Rulings, PLI Patent Law Practice Center (July 19, 2011). Available at http://patentlawcenter.pli.edu/2011/07/19/resolving-differences-how-the-federal-circuit-treats-divergent-uspto-and-district-court-rulings/.

Whose Rules Rule? Federal Circuit Review of Divergent USPTO and District Court Decisions (Feb. 23, 2011). Available at SSRN: http://ssrn.com/abstract=1776189.

Supplemental Examinations to Consider, Reconsider, or Correct Patent-Related Information, PLI Patent Law Practice Center (Jan. 3, 2011). Available at http://patentlawcenter.pli.edu/2011/01/03/supplemental-examinations-to-consider-reconsider-or-correct-patent-related-information/.

In the Wake of MedImmune: What We Have Learned, PLI Patent Law Practice Center (Sept. 14, 2010). Available at http://patentlawcenter.pli.edu/2010/09/14/in-the-wake-of-medimmune-what-we-have-learned/.

Lawyers Acting Badly, or Not? Misconduct in IP Litigation: Recent Examples and the Questions They Raise, PLI Patent Law Practice Center (July 14, 2010). Available at http://patentlawcenter.pli.edu/2010/07/14/lawyers-acting-badly-or-not-misconduct-in-ip-litigation-recent-examples-and-the-questions-they-raise/.

Recent and Proposed Patent System Reforms: Implications for Technology Commercialization (March 19 2009). Available at SSRN: http://ssrn.com/abstract=1365439.

Patent Reform: A Necessary Evil?, INNOVATION: AM. J. TECH. COMMERCIALIZATION, Feb.-Mar. 2008, at 9.

Professionalism: What's In It For In-House Counsel?, INSIDE (Corp. Couns. Sec. N.Y. St. B.A.), Summer 2003, at 9.

Negotiation Ethics: Not an Oxymoron, IPL NEWSL. (A.B.A. Sec. Intell. Prop. L.), Fall 2003, at 16.

Judges Increasingly Criticize Patent Counsel, PAT. STRATEGY & MGMT., Dec. 2002, at 5.

Pre-File Investigations: Look Before You Leap, PAT. STRATEGY & MGMT., March 2002, at 1.
E-Evidence: Proving Invention Dates with Electronic Records, PAT. STRATEGY & MGMT., Aug. 2001, at 1.

How to Educate Inventors about Inequitable Conduct, INTELL. PROP. STRATEGIST, Aug. 2000, at 1.

Evaluating Conflicts of Interest: Are You Cavalier, Confident, Cautious or Clueless? (A Quiz for the Intellectual Property Law Specialist), IPL NEWSL. (A.B.A. Sec. Intell. Prop. L.), Fall 1999, at 16.

The Inequitable Conduct Defense: Down, But Not Out (*with* Steven C. Becker), IPL NEWSL. (A.B.A. Sec. Intell. Prop. L.), Summer 1997, at 1.

Jan Fleckenstein
Teaching Professor
Director of the Law Library

Book Chapter

Navigating the First Year as a Semiautonomous Law Library, *in* ORGANIZATIONAL STRUCTURES OF ACADEMIC LAW LIBRARIES: PAST, PRESENT, AND FUTURE, VOL.TWO (Elizabeth Adelman & Jessica de Perio Wittman eds., 2024).

Law Review and Other Scholarly Articles

Does Being at War Make Them All Warriors? Categorization of Persons Involved in an Armed Conflict and Whether a Different Categorization Would Yield a Different Result in the Conflicts in Iraq and Afghanistan, 2 IMPUNITY WATCH ANN. REV. 22 (2011-2012).

Reports, News and Commentary

Creating New Spaces out of Old, AALL SPECTRUM, May 2007, at 24.

Report, Traditions for Tomorrow, CALL/ACBD Conference, ALLUNY NEWSLETTER, Summer 2002, at 5.

Gregory L. Germain
Professor of Law

Books

BANKRUPTCY LAW AND PRACTICE, A CASEBOOK DESIGNED TO TRAIN LAWYERS FOR THE PRACTICE OF BANKRUPTCY LAW (CALI, 5th. ed. & Teachers Manual, 2024).

BANKRUPTCY LAW AND PRACTICE, A CASEBOOK DESIGNED TO TRAIN LAWYERS FOR THE PRACTICE OF BANKRUPTCY LAW (CALI, 4th. ed. & Teachers Manual 2021).

BANKRUPTCY LAW AND PRACTICE, A CASEBOOK DESIGNED TO TRAIN LAWYERS FOR THE PRACTICE OF BANKRUPTCY LAW (CALI, 3d. ed. 2018).

BANKRUPTCY LAW AND PRACTICE, A CASEBOOK DESIGNED TO TRAIN LAWYERS FOR THE PRACTICE OF BANKRUPTCY LAW (CALI, 2d. ed. 2017).

BANKRUPTCY LAW AND PRACTICE, A CASEBOOK DESIGNED TO TRAIN LAWYERS FOR THE PRACTICE OF BANKRUPTCY LAW (CALI, 2016).

Law Review and Other Scholarly Articles

Bankruptcy Symposium 2020-2021, Introduction, 71 SYR. L. REV. 415 (2021).

From Classroom to Courtroom: A Doctrinal Teacher Supervises Pro Bono Bankruptcy Cases, 62 J. LEGAL EDUC. 612 (2013).

Due Process in Bankruptcy: Are the New Automatic Dismissal Rules Constitutional? 13 U. PA. J. BUS. L. 547 (2011).

Discharging Income Tax Liabilities In Bankruptcy: A Challenge to the New Theory of Strict Construction for Scrivener's Errors, 75 UMKC L. REV. 741 (2007).

Taxing Emotional Injury Recoveries: A Critical Analysis of Murphy v. Internal Revenue Service, 60 ARK. L. REV. 186 (2007).

Income Tax Claims In The Year Of Bankruptcy: A Congressionally Created Quagmire, 59 TAX L. 329 (2006).

Discharging Their Duty: A Critical Assessment of the Tax Court's Refusal to Consider Bankruptcy Discharge Questions, 23 VA. TAX REV. 531 (2004).

Avoiding Phantom Income in Bankruptcy: A Proposal for Reform, 5 FLA. TAX. REV. 249 (2001).

Reports, News and Commentary

2 Options for Sackler Family After High Court Purdue Ruling, LAW360 (Jul. 8, 2024), https://www.law360.com/articles/1855181/2-options-for-sackler-family-after-high-court-purdue-ruling.

What Happens If High Court Rejects Releases in Purdue Ch. 11, LAW360 (Dec. 15, 2023), https://www.law360.com/articles/1777123.

Donald Trump has Survived the Legal Cases that Threatened His Campaign, SYRACUSE UNIVERSITY NEWS. (Sep. 10, 2024). https://news.syr.edu/blog/2024/09/10/donald-trump-has-survived-the-legal-cases-that-threatened-his-campaign/.

The Trump Documents Case Should Not Have Been Dismissed, says law prof, SYRACUSE UNIVERSITY NEWS. (Jul. 16, 2024). https://news.syr.edu/blog/2024/07/16/the-trump-documents-case-should-not-have-been-dismissed-says-law-prof/.

Law Professor: The Manhattan District Attorney's Convoluted Legal Case Against Donald Trump Gets More Convoluted, SYRACUSE UNIVERSITY NEWS (May 7, 2024). https://news.syr.edu/blog/2024/05/07/law-professor-the-manhattan-district-attorneys-convoluted-legal-case-against-donald-trump-gets-more-convoluted/.

What Happens If High Court Rejects Releases in Purdue Ch. 11, LAW360 (Dec. 15, 2023), https://www.law360.com/articles/1777123

Carpenter Says Individuals Cannot Discharge Vicarious Tax Liabilities in Bankruptcy, 35 ABA TAX TIMES 14 (2016).

A Constitutional Challenge to the Automatic-Dismissal Rules, AM. BANKR. INST. J., Mar. 2013, at 22.

Solid Waste, Kentucky Exemption Cases Could be Market-Movers, BOND BUYER, Jan. 29, 2007, at 34.

Taxing Income in the Year of Bankruptcy under BAPCPA, AM. BANKR. INST. J., Dec. 2005–Jan. 2006, at 14.

Shubha Ghosh
Crandall Melvin Professor of Law
Director, Syracuse Intellectual Property Law Institute

Forthcoming

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* TYLER T. OCHOA & MARY LAFRANCE) (5th ed. forthcoming).

Books

EXHAUSTION OF INTELLECTUAL PROPERTY RIGHTS: DOCTRINES, POLICIES, REFORMS (2025).

QUESTIONS AND ANSWERS: ANTITRUST (2d ed. 2024).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* TYLER T. OCHOA & MARY LAFRANCE) (5th ed. 2024).

ACING TORT LAW: A CHECKLIST APPROACH TO TORT LAW (4th ed. 2022).

ADVANCED INTRODUCTION TO LAW AND ENTREPRENEURSHIP (2021).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* TYLER T. OCHOA & MARY LAFRANCE) (4th ed. 2020).

EXHAUSTING INTELLECTUAL PROPERTY RIGHTS: A COMPARATIVE LAW AND POLICY ANALYSIS (*with* Irene Calboli) (2018).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES: A SUCCESSOR TO INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS (*with* RICHARD GRUNER & JAY KESAN) (4th ed. 2018)**.**

ACING TORT LAW (3rd ed. 2017).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (3rd ed. 2016).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES: A SUCCESSOR TO INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS (*with* RICHARD GRUNER & JAY KESAN) (3rd ed. 2015).

UNDERSTANDING INTELLECTUAL PROPERTY LAW (*with* DONALD CHISUM, MARY LAFRANCE & TYLER OCHOA) (3rd ed. 2015).

THE IMPLEMENTATION OF EXHAUSTION POLICIES: LESSONS FROM NATIONAL EXPERIENCES (2013). Available at http://www.ictsd.org/themes/innovation-and-ip/research/the-implementation-of-exhaustion-policies-lessons-from-national.

QUESTIONS & ANSWERS: ANTITRUST (2013).

TRANSACTIONAL INTELLECTUAL PROPERTY: FROM STARTUPS TO PUBLIC COMPANIES (*with* RICHARD GRUNER & JAY KESAN) (2nd ed. 2012, *of* INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS, 2006).

IDENTITY, INVENTION, AND THE CULTURE OF PERSONALIZED MEDICINE PATENTING (2012).

ACING TORT LAW (2nd ed. 2012).

GLOBAL ISSUES IN PATENT LAW (*with* MARTIN ADELMAN, AMY LANDERS & TOSHIKP TAKENAKA, 2011).

UNDERSTANDING INTELLECTUAL PROPERTY (*with* DONALD CHISUM, MARY LAFRANCE & TYLER OCHOA) (2nd ed. 2011).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (2nd ed. 2011).

ACING TORT LAW: A CHECKLIST APPROACH TO TORT LAW (2009).

INTELLECTUAL PROPERTY: PRIVATE RIGHTS, THE PUBLIC INTEREST, AND THE REGULATION OF CREATIVE ACTIVITY: CASES AND MATERIALS (*with* RICHARD GRUNER, JAY KESAN & ROBERT REIS) (2007).

INTELLECTUAL PROPERTY IN BUSINESS ORGANIZATIONS: CASES AND MATERIALS, (*with* RICHARD GRUNER & JAY KESAN) (2006).

THEATER LAW: CASES AND MATERIALS (*with* STEVEN E. CHAIKELSON ET AL.) (2004).

Books, Edited

FORGOTTEN INTELLECTUAL PROPERTY LORE: CREATIVITY, ENTREPRENEURSHIP AND INTELLECTUAL PROPERTY (2020).

INTELLECTUAL PROPERTY AND INNOVATION (2017).

CREATIVITY, LAW AND ENTREPRENEURSHIP (*with* Robin Paul Malloy 2011).

Law Review and Other Scholarly Articles

Efficient Expressions, 31 HIST. ECON. IDEAS 369 (2023).

Beyond AI Ownership, or the Continuing Problem of Software Patenting in the AI Landscape, 33 AUSTL. INTELL. PROP. J. 59 (2023).

A Consumer Divided Cannot Stand, 68 ANTITRUST BULL. 307 (2023).

The Continuing Right to Repair, 37 BERKELEY TECH. L.J. 1096 (2022).

A La Recherche De Breyer Perdu, 21 UNIV. ILL. CHI. REV. INTELL. PROP. L. 38 (2022).

Time, Scarcity, and Abundance, 7 FRONTIERS IN RES. METRICS AND ANALYTICS 1 (2022).

Universities as Engines of Development, 14 LAW & DEV. REV. 723 (2021).

Myriad post-Myriad, 47 SCI. & PUB. POL'Y 638 (2021).

Do the Games Never End? 71 FLA. L. REV. F. 76 (2020).

The Elusive Quest for Digital Exhaustion in the US and the EU: The CJEU's Tom Kabinet Ruling a Milestone or Millstone for Legal Evolution?, 8 HUNG. YB INT'L L. & EUR. L. 249 (2020).

A Revolution Ignored?, 65 ANTITRUST BULL. 606 (2020).

The Antitrust Logic of Biologics, 2018 U. ILL. L. REV. ONLINE 46 (2018), https://illinoislawreview.org/online/the-antitrust-logic-of-biologics/.

Jurisdiction Stripping of the Federal Circuit?, 52 AKRON L. REV. 391 (2018).

Free Speech, Free Markets and the Death of Trademark Law, 5 J. NAT'L L. U. DELHI 61 (2018).

Eli Lilly and the International Investment Law Challenge to a Neo-Federal IP Regime (*with* Jason Yackee), 21 VAND. J. ENT. & TECH. L. 517 (2018).

Introduction, *A Duty to Remember*, 68 SYRACUSE L. REV. 1 (2018).

A Court Divided, 17 CHI.-KENT J. INTELL. PROP. 346 (2018).

Remapping Copyright Functionality: The Quixotic Search for a Unified Test for Severability for PGS Works, 39 EUR. INTELL. PROP. REV. 90 (2017).

Entrepreneurship and Antitrust Enforcement, 61 ANTITRUST BULL. 595 (2016).

Are Universities Special?, 49 AKRON L. REV. 671 (2016).

Asking the Nearest Hippie, 22 MICH. TELECOMM. & TECH. L. REV. 135 (2015).

Beyond Hatch-Waxman, 67 RUTGERS U. L. REV. 779 (2015).

Decentering the Consuming Self: Personalized Medicine, Science, and the Market for Lemons, 5 WAKE FOREST J. L. & POL'Y 299 (2015).

Against Contractual Authoritarianism, 44 SW. L. REV. 239 (2014–2015).

Short-Circuiting Contract Law: The Federal Circuit's Contract Law Jurisprudence and IP Federalism, 96 J. PAT. & TRADEMARK OFF. SOC'Y 536 (2014).

Convergence?, 15 MINN. J. L. SCI. & TECH. 95 (2014).

The Implementation of Exhaustion Policies: Lessons from National Experiences (February 3, 2014). Univ. of Wisconsin Legal Studies Research Paper No. 1248. Available at https://ssrn.com/abstract=2390232 (2014).https://dx.doi.org/10.2139/ssrn.2390232

Introduction, *Legal Education and Legal Reform in South Asia*, 63 J. LEGAL EDUC. 497 (2013–2014).

Reforming Software Claiming, 2013 WIS. L. REV. ONLINE 63 (2013).

Komesar's Razor: Comparative Institutional Analysis in a World of Networks, 2013 WIS. L. REV. 455 (2013).

Duty, Consequences, & Intellectual Property, 10 U. ST. THOMAS L.J. 801 (2012–2013).

Cultivating Intellectual Property, 4 WIPO J. 28 (2012-13).

Managing the Intellectual Property Sprawl, 49 SAN DIEGO L. REV. 979 (2012).

Informing and Reforming the Marketplace of Ideas: The Public-Private Model for Data Production and the First Amendment, 2012 UTAH L. REV. 653 (2012).

Razing the Funhouse? 64 FLA. L. REV. F. 23 (2012).

The Quest for Effective Traditional Knowledge Protection: Some Reflections on WIPO's Recent IGC Discussions, 6 BIORES (18 June 2012). Available at http://www.ictsd.org/bridges-news/biores/news/the-quest-for-effective-traditional-knowledge-protection-some-reflections.

Commercializing Data, 3 ELON L. REV. 195 (2011–2012).

Peace Song for the Tiger Mother, 17 UCLA ASIAN PAC. AM. L.J. 45 (2011–2012).

CSI: Aoki, 45 U.C. DAVIS. L. REV. 1889 (2011–2012).

Why Intergenerational Equity, 2011 WIS. L. REV. 103 (2011).

FDA Preemption of Drug and Device Labeling: Who Should Decide What Goes on a Drug Label? (with Tamsen Valoir*)*, 21 HEALTH MATRIX 555 (2011).

The Sale of Patented Methods: Reconciling on-Sale Bar & Patent Exhaustion Doctrines in Light of In Re Kollar & Quanta v. LG *(with* Lucas Divine), 39 AIPLA Q. J. 295 (2011).

A Roadmap for TRIPS: Copyright and Film in Colonial and Independent India, 1 QUEEN MARY J. INTELL. PROP. 146 (2011).

Open Borders, the US Economic Espionage Act of 1996, and the Global Movement of Knowledge and People, 21 K. L.J. 1 (2010).

Open Borders, Intellectual Property & Federal Criminal Trade Secret Law, 9 J. MARSHALL REV. INTELL. PROP. L. i (2009–2010).

The Transactional Turn in Intellectual Property, 35 U. DAYTON L. REV. 329 (2009–2010).

Carte Blanche, Quanta, and Competition Policy, 34 J. CORP. L. 1209 (2008–2009).

Patenting Games: Baker v. Selden *Revisited*, 11 VAND. J. ENT. & TECH. L. 871 (2008–2009).

Predatory Conduct and Predatory Legislation: Exclusionary Tactics in Airline Markets (with Darren Bush), 45 HOUS. L. REV. 343 (2008–2009).

Protection and Enforcement of Well-known Mark Rights in China: History, Theory and Future, (*with* Jing "Brad" Luo), 7 NW. J. TECH. & INTELL. PROP. 119 (2008–2009).

Intellectual Property Rights : The View from Competition Policy, 103 NW. U. L. REV. COLLOQUY 344 (2008-2009).

Decoding and Recoding Natural Monopoly, Deregulation, and Intellectual Property, 2008 U. ILL. L. REV. 1125 (2008).

Intellectual Property: American Exceptionalism or International Harmonization (*with* F. Scott Kieff, et al.), 3 N.Y.U. J. L. & LIBERTY 448 (2008)

Race-Specific Patents, Commercialization, and Intellectual Property Policy, 56 BUFF. L. REV. 409 (2008).

Dilution and Competition Norms: The Case of Federal Trademark Dilution Claims Against Direct Competitors, 24 SANTA CLARA COMPUTER & HIGH TECH. L.J. 571 (2007–2008).

Who Doesn't Own Culture – Two Books on Law's Role in Shaping Culture, 8 STUD. INT'L FIN. ECON. & TECH. L. 135 (2007).

Belief: An Essay in Understanding, 54 BUFF. L. REV. 807 (2006).

What Is the Legal Standard for Determining When Bidding Is Predatory?, 34 PREVIEW U.S. SUP. CT. CASES 138 (2006).

How Specifically Must an Antitrust Plaintiff Plead a Conspiracy in Order to State a Claim?, 34 PREVIEW U.S. SUP. CT. CASES 134 (2006).

The Fable of the Commons: Exclusivity and the Construction of Intellectual Property Markets, 40 U.C. DAVIS L. REV. 855 (2006–2007).

The Market As Instrument, 59 S.M.U. L. Rev. 1717 (2006).

The Intellectual Property Incentive: Not So Natural as to Warrant Strong Exclusivity, 3 SCRIPTed 96 (2006).

Exclusivity: The Roadblock to Democracy?, 50 ST. LOUIS U. L.J. 799 (2005–2006).

Can a Business Collude with Itself?, 2005–2006 PREVIEW U.S. SUP. CT. CASES 182 (2005-2006).

When Exclusionary Conduct Meets the Exclusive Rights of Intellectual Property: Morris v. PGA Tour *and the Limits of Free Riding As An Antitrust Business Justification*, 37 LOY. U. CHI. L.J. 723 (2005–2006).

Market Entry and the Proper Scope of Copyright, 12 INT'L J. ECON. OF BUS. 347 (2005).

Law, Technology, and Development: Policy Debates in the New Millennium, 27 LAW & POL'Y 1 (2005).

Patent Law and the Assurance Game: Refitting Intellectual Property in the Box of Regulation, 18 CAN. J. L. & JURIS. 307 (2005).

The Functions of Transaction Costs: Rethinking Transaction Cost Minimization in a World of Friction (with David Driesen), 47 ARIZ. L. REV. 61 (2005).

On Bobbling Heads, Paparazzi, and Justice Hugo Black, 45 SANTA CLARA L. REV. 617 (2004–2005).

Patents and the Regulatory State: Rethinking the Patent Bargain Metaphor After Eldred**,** 19 BERKELEY TECH. L.J. 1315 (2004).

A Rose Is a Rose Is: The Thorny Case of Morris Communications Corp. v. Professional Golf Association Tour, Inc., 1 ERASMUS L. & ECON. REV. 287 (2004), *reprinted in* 3 BUFF. INTELL. PROP. L.J. 1 (2005–2006).

Globalization, Patents, and Traditional Knowledge, 17 COLUM. J. ASIAN L. 73 (2003–2004), reprinted as *Traditional Knowledge, Patents and the New Mechanisms*, 85 J. PAT. & TRADEMARK OFF. SOC'Y 828, 885 (2003).

What Do Patents Purchase?: In Search of Optimal Ignorance in the Patent Office (*with* Jay Kesan), 40 Hous. L. Rev. 1219 (2003–2004).

Copyright as Privatization: The Case of Model Codes, 78 TUL. L. REV. 653 (2003–2004).

Reflections on the Traditional Knowledge Debate, 11 CARDOZO J. INT'L & COMP. L. 497 (2003–2004).

Deprivatizing Copyright, 54 CASE W. RES. L. REV. 387 (2003–2004).

Gandhi & the Life of the Law, 53 SYRACUSE L. REV. 1273 (2003).

Traditional Knowledge, Patents and the New Mercantilism (Part II), 85 J. PAT. & TRADEMARK OFF. SOC'Y 885 (2003).

Traditional Knowledge, Patents and the New Mechanisms (Part I), 85 J. PAT. & TRADEMARK OFF. SOC'Y 828 (2003).

The Traditional Terms of the Traditional Knowledge Debate, 23 NW. J. INT'L L. & BUS. 589 (2002–2003).

Legal Code and the Need for a Broader Functionality Doctrine in Copyright, 50 J. COPYRIGHT SOC'Y U.S.A. 71 (2002–2003).

Pills, Patents, and Power: State Creation of Gray Markets as a Limit on Patent Rights, 53 FLA. L. REV. 789 (2001), *reprinted in* 14 FLA. J. INT'L L. 217 (2001–2002).

The Merits of Ownership; or, How I Learned to Stop Worrying and Love Intellectual Property, 15 HARV. J. L. TECH 453 (2001–2002).

Turning Gray into Green: Some Comments on Napster, 23 HASTINGS COMM. & ENT. L.J. 563 (2000–2001).

Colloquium on Privacy and Security (*with* Gary M. Schober et al.,)**,** 50 BUFF. L. REV. 703 (2002).

Relaxing Antitrust during Economic Downturns: A Real Options Analysis of Appalachian Coals *and the Failing Firm Defense,* 68 ANTITRUST L.J. 111 (2000–2001).

Panel One, *The Road to Napster: Internet Technology & Digital Content,* 50 AM. U. L. REV. 363 (2000–2001).

Toward a Theory of Regulatory Takings for Intellectual Property: The Path Left Open after College Savings v. Florida Prepaid, 37 SAN DIEGO L. REV. 637 (2000).

Methods, Conclusions, and the Search for Scientific Validity in Economics and Other Social Sciences, 8 DIGEST: THE NAT'L ITALIAN-AMERICAN B. ASS'N L.J. 1 (2000).

Where's the Sense in Hill v. Gateway *2000?: Reflections on the Visible Hand of Norm Creation*, 16 TOURO L. REV. 1125 (1999–2000).

Gray Markets in Cyberspace, 7 J. INTELL. PROP. L. 1 (1999–2000).

Reconciling Property Rights and States' Rights in the Information Age: Federalism, the Sovereign's Prerogative and Takings after College Savings*,* 31 U. TOL. L. REV. 17 (1999–2000).

Whistling Dixie: The Invalidity and Unconstitutionality of Covenants Against Yankees (with Alfred Brophy), 10 VILL. ENVTL. L.J. 57 (1999).

Fragmenting Knowledge, Misconstruing Rule 702: How Lower Courts Have Resolved the Problem of Technical and Other Specialized Knowledge in Daubert v. Merrell Dow Pharmaceuticals, Inc., 1 CHI.-KENT J. INTELL. PROP. 1 (1999).

Casting Light on Originalism, 24 OKLA. CITY U. L. REV. 431 (1999).

W[h]ither Daubert? What Courts Mean by "Scientific" Evidence, 29 TRIAL LAW. Q. 9 (1999).

Federal and State Resolutions of the Problem of Daubert and "Technical or Other Specialized Knowledge," 22 AM. J. TRIAL ADVOC. 237 (1998–1999).

The Legal, Economic, and Policy Roles of Immigrant Entrepreneurs in the Immigration Debate, 5 UCLA ASIAN PAC. AM. L.J. 15 (1998).

The Morphing of Property Rules and Liability Rules: An Intellectual Property Optimist Examines Article 9 and Bankruptcy, 8 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 99 (1997–1998).

Takings, the Exit Option, and Just Compensation, 17 INT'L REV. L. & ECON. 157 (1997).

Property Rules, Liability Rules, and Termination Rights: A Fresh Look at the Employment at Will Debate with Applications to Franchising and Family Law, 75 OR. L. REV. 969 (1996).

An Economic Analysis of the Common Control Exception to Gray Market Exclusion, 15 U. PA. J. INT'L BUS. L. 373 (1994–1995).

Book Chapters

The Indian Patent Office 1911 – 1950: Colonized as Administrator of Technology Transfer Précis, in INTELLECTUAL PROPERTY DEBATES IN SOUTH ASIA: LAW, DEVELOPMENT AND PRACTICE (Pratyush Nath Upreti ed., 2025).

Redesigning Design Protection: The Problem of Overlap, *in* DESIGN LAW: GLOBAL LAW AND PRACTICE (Dana Beldiman ed., 2024).

Crisis, Invention, & Innovation, in INTELLECTUAL PROPERTY RIGHTS IN THE POST-PANDEMIC WORLD (Tania Pihlajarinne et al. eds., 2023).

Protecting Custom Fit, Aspiring for Social Justice, in CAMBRIDGE HANDBOOK ON INTELLECTUAL PROPERTY AND SOCIAL JJUSTICE (Lateef Mtima & Steve Jamar eds., 2023).

Make Without Take, *in* RELEVANCE OF DUTIES IN THE CONTEMPORARY WORLD (Raman Mittal & Kshitij Kuman Singh eds., 2022).

Ain't It Just Software?, *in* RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND ARTIFICIAL INTELLIGENCE (Ryan Abbott ed., 2022).

Consequentialist Thinking and Economic Analysis in Intellectual Property, HANDBOOK OF INTELLECTUAL PROPERTY RESEARCH: LENSES, METHODS, AND PERSPECTIVES (Irene Calboli & Maria Lillà Montagnani eds., 2021).

"If Music Did Not Pay": The State Court Roots of Justice Holmes' Intellectual Property Jurisprudence, in FORGOTTEN INTELLECTUAL PROPERTY LORE (2020).

Competition in Digital Markets, Research Handbook on Intellectual Property and Digital Technologies (Tanya Aplin ed., 2020).

Bayh-Dole Beyond Patents, RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER (Jacob H. Rooksby ed., 2020).

Intellectual Property and Economic Development: a Guide for Scholarly and Policy Research, RESEARCH HANDBOOK ON THE ECONOMICS OF INTELLECTUAL PROPERTY LAW (Ben Depoorter & Peter S. Menel eds., 2019).

Contemporary Views on the Economics of Patents, OXFORD RESEARCH ENCYCLOPEDIA OF ECONOMICS AND FINANCE ONLINE (2018).

The Mirror, the Lamp, and Public Performances, OXFORD HANDBOOKS ONLINE (2017).

Injunctive Relief and Compulsory Licensing under Indian Patent Law, in ANNOTATED LEADING PATENT CASES IN MAJOR ASIAN JURISDICTIONS (Kung-Chung Liu ed., 2017).

Patent Exhaustion on Trial in the United States, in GLOBAL GOVERNANCE OF INTELLECTUAL PROPERTY IN THE 21ST CENTURY: REFLECTING POLICY THROUGH CHANGE (Mark Perry ed., 2016).

Competition, Markets, and Trademark Transactions, in THE LAW AND PRACTICE OF TRADEMARK TRANSACTIONS (Irene Calboli & Jacques de Werra eds., 2016).

Incentives, Contracts, and Intellectual Property Exhaustion, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY EXHAUSTION AND PARALLEL IMPORTS (Irene Calboli & Edward Lee eds., 2016).

FRAND in India (*with* D. Daniel Sokol), University of Florida Levin College of Law, Legal Studies Research Paper No. 16-46 (2016.)

The Colorblind Marketplace?, *in* INTELLECTUAL PROPERTY, ENTREPRENEURSHIP AND SOCIAL JUSTICE: FROM SWORDS TO PLOUGHSHARES (Lateef Mtima ed., 2015).

Genetic Identity and Personalized Medicine Patenting: An Update on Myriad's Patents Related to Ashkenazim Jewish Ancestry, *in* DIVERSITY IN INTELLECTUAL PROPERTY: IDENTITIES, INTERESTS, AND IINTERSECTIONS (Irene Calboli & Srividhya Ragavan eds., 2015).

The Idea of International Intellectual Property, in THE SAGE HANDBOOK OF INTELLECTUAL PROPERTY (Matthew David & Debora J. Halbert eds., 2015).

What the Treatment of Covenants not to Compete Teaches About Intellectual Property and Competition Norms, *in* INTELLECTUAL PROPERTY IN COMMON LAW AND CIVIL LAW (Toshiko Takenaka ed., 2013).

The Movement of Skilled Labor and Knowledge Across Borders, *in* THE ASHGATE RESEARCH COMPANION TO MIGRATION LAW, THEORY AND POLICY. (Satvinder Juss ed., 2013).

Propriedade Intelectuel no novo Projeto de Direito e Desenvolvimento, in DIREITO E DESENVOLVIMENTO: UM DIALOGO ENTRE OS BRICS (Mario G. Schapiro & David M. Trubek eds., 2012).

The Strategic Lawyer, in ENTREPRENEURSHIP AND INNOVATION IN EVOLVING ECONOMIES: THE ROLE OF LAW (Megan M. Carpenter ed., 2012).

Vertical Restraints, Competition, and the Rule of Reason, *in* ANTITRUST LAW AND ECONOMICS (Keith Hylton ed., 2010).

When Property is Something Else: Understanding Intellectual Property Through the Lens of Regulatory Justice, *in* INTELLECTUAL PROPERTY AND THEORIES OF JUSTICE (Alain Marciano et al. eds., 2008).

Who Doesn't Own Culture? Two Books on Law's Role in Shaping Culture, *in* LAW, CULTURE, AND ECONOMIC DEVELOPMENT: A LIBER AMERICORUM FOR PROFESSOR ROBERTO MCLEAN (Joseph J. Norton & C. Paul Rogers eds., 2007).

Recognizing Authority in the Marketplace: *The Curious and Ubiquitous Problem of Gray Markets, in* INTELLECTUAL PROPERTY AND INFORMATION WEALTH, vol. 4: INTERNATIONAL INTELLECTUAL PROPERTY LAW AND POLICY (Peter Yu ed., 2007).

How to Build a Commons: Is Intellectual Property Constrictive, Facilitating, or Irrelevant? in UNDERSTANDING KNOWLEDGE AS A COMMONS: FROM THEORY TO PRACTICE (Elinor Ostrom & Charlotte Hess eds., 2007).

The Importance of Patents, Trade-marks and Copyright for Innovation and Economic Performance: Developing a Research Agenda for Canadian Policy, (*with* Dr. Mohammed Rafiquzzaman) *in* INTELLECTUAL PROPERTY AND INNOVATION IN THE KNOWLEDGE-BASED ECONOMY (Jonathan D. Putnam ed., 2006).

Competitive Baselines for Intellectual Property Systems, *in* INTERNATIONAL PUBLIC GOODS AND TECHNOLOGY TRANSFER (Keith Maskus & Jerome Reichmann eds., 2005).

Copyright Act of 1790, MAJOR ACTS OF CONGRESS, vol. 1, at 181 (Brian K. Landsberg ed., 2004).

Copyright Act of 1976, MAJOR ACTS OF CONGRESS, vol. 1, at 185 (Brian K. Landsberg ed., 2004).

Patent Acts, MAJOR ACTS OF CONGRESS, vol. 3, at 116 (Brian K. Landsberg ed., 2004).

Understanding Immigrant Entrepreneurs: Theoretical and Empirical Issues, in THE STATE OF ASIAN PACIFIC AMERICA: REFRAMING THE IMMIGRATION DEBATE: A PUBLIC POLICY REPORT (Bill Hing & Ronald Lee eds., 1996).

Reports to Governmental Bodies and Professional Associations

Brief of Amici Curiae US Inventor, Inc. et al., *Retractable Technologies, Inc. and Thomas J. Shaw v. Becton, Dickinson & Co.,* No. 16-953 (5th Cir. 2017).

Reports, News, and Commentary

Deere Settlement Fixes Repair Ecosystem—No Trial Required, NAT'L L.J. (Aug. 4, 2026), https://www.law.com/nationallawjournal/2026/08/04/deere-settlement-fixes-repair-ecosystemno-trial-required/.

Paramount-WBD Deal Would Widen Net for Antitrust Scrutiny, LAW360: EXPERT ANALYSIS (Feb. 27, 2026), https://www.law360.com/articles/2446135?from_lnh=true [https://perma.cc/U992-PVGA]

Meta Monopoly Ruling Highlights Limits of Market Definition, LAW360: EXPERT ANALYSIS (Dec. 2, 2025), https://www.law360.com/articles/2417037/meta-monopoly-ruling-highlights-limits-of-market-definition [https://perma.cc/YEB6-JCFX].

FTC, CoStar Cases Against Zillow May Have Broad Impact, LAW360: EXPERT ANALYSIS (Sep. 8, 2025), https://www.law360.com/articles/2382168/ftc-costar-cases-against-zillow-may-have-broad-impact [https://perma.cc/6QJM-7ZMC].

The Rent IS Too High: Blame Zoning and Supply Caps Not Rental Apps, AM. INST. FOR ECON. RSCH. (AIER): DAILY ECONOMY (June 4, 2025), https://thedailyeconomy.org/article/zoning-and-supply-caps-not-rental-apps-broke-the-housing-market/ [https://perma.cc/2RSV-2RF3].

In Visa Case, DOJ Continues to Misapply The Sherman Act," LAW360 (Nov. 7, 2024), https://www.law360.com/articles/2255233/in-visa-case-doj-continues-to-misapply-the-sherman-act-.

Opinion: *The DOJ Shouldn't Re-Write Antitrust Law Out of AI Fears*, LEGAL DIVE, July 8, 2024, https://www.legaldive.com/news/the-doj-shouldnt-re-write-antitrust-law-out-of-ai-fears/720708/

Fuck the Draft ®: Notes on the First Amendment and Trademark Law (February 24, 2016), https://ssrn.com/abstract=2737220

Patent Exhaustion and Self-Replicating Technologies: Amicus Brief in Support of Bowman by the American Antitrust Institute (*with* Peter C. Carstensen & Randy Stutz) UNIV. WIS. LEGAL STUDIES RES. PAPER NO. 1213 (Dec. 12, 2012), https://ssrn.com/abstract=2188618

RAND Patents and Exclusion Orders: Submission of 19 Economics and Law Professors to the International Trade Commission (with Colleen V. Chien et al.) SANTA CLARA U. LEGAL STUD. RES. PAPER NO. 07-12; UC BERKELEY PUB. L. RES. PAPER NO. 2102865 (July 9, 2012). https://ssrn.com/abstract=2102865

Transparent and Commercialized?: Managing the Public-Private Model for Data Production and Use, UNIV. WIS. LEGAL STUD. RES. PAPER NO. 1155 (Mar. 7, 2011), https://ssrn.com/abstract=1780486

Life in the Anticommons, criticism of CURB YOUR ENTHUSIASM, published on the PICTURING JUSTICE website, www.usfca.edu/pj (2005).

Myriad Troubles Facing Gene Patents, 2 PRECLINICA 300 (2004) (discussion of cancellation of patent on breast cancer gene sequence in Europe).

Intellectual Property in Bankruptcy, 2 PRECLINICA 239 (2004) (presentation to general audience on bankruptcy and intellectual property).

The Bayh-Dole Act Under Fire, 2 PRECLINICA 13 (2004) (commentary on Bayh-Dole Act and recent claims of conflict of interest at the National Institute of Health).

Shooting Gus van Sant's Elephant, film criticism of ELEPHANT**,** published on the PICTURING JUSTICE web site, www.usfca.edu/pj (2004).

A Social Insurance Perspective on Security and Privacy (*with* Vikram Mangalmurti) (July 26, 2004), https://ssrn.com/abstract=569643,

Leaving the Friedmans Alone, film criticism of CAPTURING THE FRIEDMANS, published on the PICTURING JUSTICE web site, www.usfca.edu/pj (2003).

The Relationship Between Antitrust and Intellectual Property Laws, published at www.gigalaw.com (December 2000).

The Legal Importance of Defining Markets on the Internet, published at www.gigalaw.com (November 2000).

Antitrust Scrutiny of Business to Business Websites, published at www.gigalaw.com (October 2000).

The Antitrust Implications of B2B Electronic Marketplaces, published at www.gigalaw.com (September 2000).

MP3 v. the Law: How the Internet Could (But Won't) Become Your Personal Jukebox, published at www.gigalaw.com (July 2000).

Unscrambling Free Speech Law for Cable...and the Internet?, published at www.gigalaw.com (June 2000).

Deciphering Free Speech and the Encryption Debate, published at www.gigalaw.com (May 2000).

Source Code as Free Speech in Encryption Cases, published at www.gigalaw.com (April 2000).

Analyzing Fair Use and the First Amendment on the Internet, published at www.gigalaw.com (March 2000).

Limiting Speech: The Consequences of Quashing Cybersquatting, published at www.gigalaw.com (February 2000).

Revealing the Microsoft Windows Source Code, published at www.gigalaw.com (January 2000).

Book Reviews

Comparing Health Care Markets, JOTWELL (June 13, 2025) (reviewing THEODOSIA STAVROULAKI, HEALTHCARE, QUALITY CONCERNS AND COMPETITION LAW: A SYSTEMATIC APPROACH (2023)).

Competing Competition Laws: What the United States Can Learn from the European Union, JOTWELL (Sep. 2, 2024) (reviewing PABLO IBÁÑEZ COLOMO, THE NEW EU COMPETITION LAW (2023)).

War by Some Other Name, JOTWELL (Oct. 17, 2023) (reviewing SCOTT J. SHAPIRO, FANCY BEAR GOES PHISHING: THE DARK HISTORY OF THE INFORMATION AGE, IN FIVE EXTRAORDINARY HACKS (2023)).

Artificial Intelligence, Human Rights, & Legal Judgment, JOTWELL (Apr. 4, 2023) (reviewing Malcolm Langford, *Taming the Digital Leviathan: Automated Decision-Making and International Human Rights*, 114 AM. J. OF INT'L L. UNBOUND 141 (2020) and Daragh Murray, *Using Human Rights Law to Inform States' Decisions to Deploy AI*, 114 AM. J. OF INT'L L. UNBOUND 158 (2020)).

A Tribute That Turns One Inside-Out, JOTWELL (Feb. 15, 2022) (reviewing FEI-HSIEN WANG, PIRATES AND PUBLISHERS: A SOCIAL HISTORY OF COPYRIGHT IN MODERN CHINA (2019)).

Book Review, 10 IP L. Book Rev. 11 (2020) (reviewing CHRIS SAGERS, UNITED STATES V. APPLE: COMPETITION IN AMERICA (2019)).

Recognizing and Correcting a Discrepancy, JOTWELL (September 21, 2020) (reviewing MARKETA TRIMBLE, THE TERRITORIAL DISCREPANCY BETWEEN INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT CLAIMS AND REMEDIES, 23 LEWIS & CLARK L. REV. 501 (2019)).

Layering Property, Disseminating Knowledge, JOTWELL (July 19, 2019) (reviewing RUTH L. OKEDIJI, A TIERED APPROACH TO TRADITIONAL KNOWLEDGE, 58 WASHBURN L.J. 271 (2019)).

All's Well That Ends Well, Sort of, JOTWELL (October 1, 2018) (reviewing OONA A. HATHAWAY & SCOTT J. SHAPIRO, THE INTERNATIONALISTS: HOW A RADICAL PLAN TO OUTLAW WAR REMADE THE WORLD (2018)).

A Blueprint for the Global Microbial Commons, JOTWELL (September 29, 2017) (reviewing JEROME REICHMAN, PAUL F. UHLIR, AND TOM DEDEURWAERDERE, GOVERNING DIGITALLY INTEGRATED GENETIC RESOURCES, DATA, AND LITERATURE: GLOBAL INTELLECTUAL PROPERTY STRATEGIES FOR A REDESIGNED MICROBIAL RESEARCH COMMONS (2016)).

Sheltering the Public from Intellectual Property, JOTWELL (October 19, 2016) (reviewing Sam Halabi, *International Intellectual Property Shelters*, 90 TUL. L. REV. 903 (2016)).

Reviving the Original Scope of Intellectual Property, Internationally, JOTWELL (Jan. 12, 2016) (reviewing Rochelle Dreyfuss & Susy Frankel, *FROM INCENTIVE TO COMMODITY TO ASSET: HOW INTERNATIONAL LAW IS RECONCEPTUALIZING INTELLECTUAL PROPERTY,* 36 MICH. J. INTL. L**.** 4 (2015)).

Marks on Markets and Competition, JOTWELL (March 22, 2013) (reviewing Mark A. Lemley & Mark P. McKenna, *Is Pepsi Really a Substitute for Coke? Market Definition in Antitrust and IP*, 100 GEO. L.J. 2055 (2012)).

Rationalizing Heuristics, JOTWELL (May 18, 2012) (reviewing MARK KELMAN, THE HEURISTICS DEBATE (2011)).

Book review, IP L. BOOK REV., June 2010, at 8 (reviewing DAN L. BURK & MARK A. LEMLEY, THE PATENT CRISIS AND HOW THE COURTS CAN SOLVE IT (2009)), available at http://gguiplc.com/the_ip_law_book_review/archive_-_vol_1_no_1_june_2010.

Modeling Globalization from the Bottom Up: A Review Essay of John Braithwaite and Peter Drahos, GLOBAL BUSINESS REGULATION*,* 39 L. & SOC'Y REV. 965 (2005).

Belling the Cat, Virtually, Review of Stuart Biegel's, BEYOND OUR CONTROL?, 1 BUFF. INTELL. PROP. L.J. 240 (2002).

Enlightening Identity and Copyright, (reviewing Emma Rothschild, ECONOMIC SENTIMENTS, 49 BUFF. L. REV. 1315 (2001)).

Book Review 23 LEGAL STUD. F. 599 (reviewing 1999 LAW AND ECONOMICS ANTHOLOGY (Kenneth G. Dau-Schmidt & Thomas S. Ulen eds.), and FOUNDATIONS OF THE ECONOMICS APPROACH TO LAW (Avery Katz ed.)).

Book Review: 13 STAN. ENVTL. L.J. 251 (1994) (reviewing Jamie Cassels, THE UNCERTAIN PROMISE OF LAW: LESSONS FROM BHOPAL (Univ. of Toronto Press, 1993)).

Antonio Gidi
Teaching Professor

Books

REDAÇÃO JURÍDICA: ESTILO ACADÊMICO: FORMA, ESTRUTURA, COESÃO E VOZ (2024).

REDAÇÃO JURÍDICA: ESTILO PROFISSIONAL (3d ed. 2024).

REDAÇÃO JURÍDICA: ESTILO PROFISSIONAL (2d ed. 2023).

LEGAL WRITING STYLE (3d ed. 2018).

SCHLESINGER'S COMPARATIVE LAW (*with* UGO A. MATTEI & TEEMU RUSKOLA) (2009).

RUMO A UM CÓDIGO DE PROCESSO CIVIL COLETIVO (2008).

A CLASS ACTION COMO INSTRUMENTO DE TUTELA COLETIVA DOS DIREITOS. AS AÇÕES COLETIVAS EM UMA PERSPECTIVA COMPARADA (2007).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2006).

LAS ACCIONES COLECTIVAS Y LA TUTELA DE LOS DERECHOS DIFUSOS, COLECTIVOS INDIVIDUALES EN BRASIL: UN MODELO PARA PAÍSES DE DERECHO CIVIL (2004).

COISA JULGADA E LITISPENDÊNCIA EM AÇÕES COLECTIVAS (1995).

ANOTAÇÕES PARA UMA HISTÓRIA DA FACULDADE DE DIREITO DA BAHIA (1991).

Books, Edited

DERECHO CONSTITUCIONAL Y DERECHOS HUMANOS EN DEMOCRACIAS EN CENTRO Y SUDAMERICA (*with* Edgar Alan Arroyo Cisneros, Rodolfo Vega Hernandez & Sergio Arturo Guerrero Olvera) (2026)(ebook).

AÇÃO CIVIL PÚBLICA E AÇÕES COLETIVAS (*with* José Maria Tesheiner e Tereza Cristina Sorice Baracho Thibau) (2015).

SÉRIE PROCESSO COLETIVO, COMPARADO E INTERNACIONAL (5 vols.) (2012).

COMENTÁRIOS AO CÓDIGO MODELO DE PROCESSOS COLETIVOS (*with* Eduardo Ferrer Mac-Gregor, 2009).

CÓDIGO MODELO O DE PROCESOS COLECTIVOS. UN DIÁLOGO IBEROAMERICANO (*with* Eduardo Ferrer Mac-Gregor, 2009).

PROCESOS COLECTIVOS (*with* Eduardo Ferrer Mac-Gregor, 2nd ed. 2004).

LA TUTELA DE LOS DERECHOS DIFUSOS, COLECTIVOS E INDIVIDUALES HOMOGÉNEOS (*with* Eduardo Ferrer Mac-Gregor, 2nd ed. 2004)

Law Review and Other Scholarly Articles

Attorney Fees in Union Class Actions (Honorários Advocatícios Contratuais em Processos Coletivos Sindicais), 347 REVISTA DE PROCESSO 175 (2024).

Las Acciones Colectivas y el Arbitraje, 99 PAUTA – ARBITRAJE Y MEDIOS ALTERNATIVOS DE SOLUCIÓN DE CONTROVERSIAS 4 (2022).

The Cost of Access to Justice Revisited—The 'Age of Austerity' in Brazilian Civil Procedure Five Years Later. Winds of Change? (*with* Hermes Zaneti, Jr.), 52 U. MIAMI INTER-AM. L. REV. 49 (2021).

Amicus Curiae Presentado a la Suprema Corte de Justicia de la Nación (México): Opt In vs. Opt Out, Cosa Juzgada, Notificación, Ejecuciónde la Condena, Gastos y Costas, 16 REVISTA PRIMERA INSTANCIA 139 (2021).

O Projeto CNJ de Lei de Ação Civil Pública. Avanços, inutilidades, imprecisões e retrocessos: a decadência das ações coletivas no Brasil, 18 REVISTA BRASILEIRA DE DIREITO PÚBLICO 9 (2021), *reprinted at*: 12 CIV. PROC. REV. 25 (2021).

Civil Justice: a European Perspective (*with* Lea Querzola), 46 REVISTA DE PROCESSO 359 (2021).

Aplicação Retrospectiva e Prospectiva de Precedentes em Lei Federal dos Estados Unidos (*Retrospective and Prospective Application of Precedents in United States Federal Law*), 296 REVISTA DE PROCESSO 303 (2019).

Incorporation by Reference: Requiem for a Useless Tradition, 70 HASTINGS L.J. 989 (2019).

O Processo Civil Brasileiro na "Era da Austeridade"? Efetividade, Celeridade e Segurança Jurídica: PequenasCcausas, Causas Não Contestadas e Outras Matérias de Simplificação das Decisões Judiciais e dos Procedimentos (*with* Hermes Zaneti, Jr.), 44 REVISTA DE PROCESSO 41 (2019), *trans. & reprinted in* TENDENCIAS ACTUALES DEL DERECHO PROCESAL 231 (2019).

قانون دعوای جمعی الگویی برای کشورها ی سیستم سیویل لا (Majid Pourostad, trans.), 31 JOURNAL OF LEGAL RESEARCH (SDIL) [Iran] (2017).

Brazilian Civil Procedure in the "Age of Austerity"? Effectiveness, Speed, and Legal Certainty: Small Claims, Uncontested Claims, and Simplification of Judicial Decisions and Proceedings (*with* Hermes Zaneti, Jr.), 8 ERASMUS L. REV. (2015).

Civil Procedure in Cross-Cultural Dialogue: Eurasia Context (*with* Stefaan Voet), 2 RUSS. L.J. 125 (2014).

Loneliness in the Crowd: Why Nobody Wants Opt-Out Class Members to Assert Offensive Issue Preclusion Against a Class Defendant, 66 SMU L. REV. 1 (2013).

The Recognition of U.S. Class Action Judgments Abroad: The Case of Latin America, 37 BROOK. J. INT'L L. 893 (2012).

Issue Preclusion Effect of Class Certification Orders, 63 HASTINGS L.J. 1023 (2012).

Limites Objetivos da Coisa Julgada no Projeto de Código de Processo Civil: Reflexões Inspiradas na Experiência Norte-Americana (*with* José Maria Rosa Tesheiner & Marília Zanella Prates), 194 REVISTA DE PROCESSO 101 (2011).

Twombly e Iqbal: Il Ruolo Della Civil Procedure Nello Scontro Politico-Ideologico Della Società Statunitense, INT'L LIS. 104 (2010).

Кодекс Группового Судопроизводства: Модель Для Стран Континентального Права, 11 ZAKON 151 (Grigiri Arziani & Dmitry Maleshin trans., 2013).

El Concepto de Accion Colectiva y los Derechos Difusos, Colectivos e Individuales Homogeneos, 126 REVISTA JURIDICA DEL PERU 49 (2011).

Διδάσκοντας Συγκριτική Πολιτική Δικονομία, 64 HARMENOPOULOS L. REV. 1637 (Anastasia Vezyrtzi trans., 2010).

Teaching Comparative Civil Procedure, 56 J. LEGAL EDUC. 502 (2007).

The Class Action Code: A Model for Civil-Law Countries, 23 ARIZ J. INT'L COMP. L. 37 (2005), *reprinted as A Csoportperes Törvénykönyv: Minta a Polgárjogi Államoknak* (Noémi Suri trans., 2013).

Anteprojeto de Código Modelo de Procesos Coletivos para Ibero-América (*with* Ada Grinover & Kazuo Watanabe), 5 REVISTA IBERAMERCIANA DE DERECH PROCESAL 36 (2004), *reprinted in* XXVI CONGRESO COLOMBIANO DE DERECHO PROCESAL 1093 (2005). .

Class Actions in Brazil – A Model for Civil Law Countries, 51 AM. J. COMP. L. 311 (2003).

ブラジルのクラスアクション制度—シビルロー国へのモデル, 34 J. JAPANESE INST. INT'L BUS. L. 997 (2006).

Código de Processo Civil Coletivo. Um Modelo Para Países de Direito Escrito, 111 REPRO 192 (2003).

Código de Proceso Civil Colectivo. Un Modelo Para Países de Derecho Civil, 11 REVISTA PRÁCTICA DE DERECHO DE DAÑOS 56 (Adriana León & Joaquín Silguero Estagnan trans., 2003),

reprinted in REVISTA DE DERECHO PROCESAL (2004), *and in* 16 REVISTA VASCA DE DERECHO PROCESAL Y ARBITRAJE 753 (2004), *and in* XXVI CONGRESSO COLOMBIANO DE DERECHO PROCESAL, UNIV. LIBRE 601 (2005), *and in* 59 RIVISTA TRIMESTRALE DI DIRITTO E PROCEDURA CIVILE 697 (Alessandro Barzaghi trans., 2005).

Enseñando Derecho Procesal Civil Comparado, 2 REVISTA URUGUAYA DE DERECHO PROCESAL 241 (2003).

Iniciativas para la Formulación de Normas Uniformes en el Ámbito del Derecho Procesal Civil Internacional, 11 TRIBUNALES DE JUSTICIA 21 (2002), *reprinted in* 54 DERECHO L. REV. 245 (2002).

Principios Fundamentales de Proceso Civil Transnacional (with Geoffrey C. Hazard Jr., Rolf Stürner, & Michele Taruffo), 11 TRIBUNALES DE JUSTICIA 27 (2002), *reprinted in* 54 DERECHO L. REV. 253 (2002).

Normas de Proceso Civil Transnacional (with Geoffrey C. Hazard Jr., Rolf Stürner, & Michele Taruffo), 11 TRIBUNALES DE JUSTICIA 31 (2002), *reprinted in* 54 DERECHO L. REV. 263 (2002).

Adequacy of Representation in Class Actions: A Proposal, 108 REVISTA DE PROCESSO 61 (2002).

Notes on Criticizing the Proposed ALI/Unidroit Principles and Rules of Transnational Civil Procedure, 6 UNIFORM L. REV. 819 (2001).

Introduction to the Principles and Rules of Transnational Civil Procedure (with Geoffrey C. Hazard Jr., Rolf Stürner, & Michele Taruffo), 33 N.Y.U. J. INT'L L. & POL. 769 (2001).

Fundamental Principles of Transnational Civil Procedure (with Geoffrey C. Hazard Jr., Rolf Stürner, & Michele Taruffo), 33 N.Y.U. J. INT'L L. & POL. 785 (2001).

Rules of Transnational Civil Procedure (with Geoffrey C. Hazard Jr., Rolf Stürner, & Michele Taruffo), 33 N.Y.U. J. INT'L L. & POL. 793 (2001).

Colóquio Internacional de Direito Processual Civil, 102 REVISTA DE PROCESSO 403 (2001).

Colóquio Internacional de Direito Processual Civil em Thesaloniki, REVISTA DE PROCESSO.

Apresentação às Normas Transnacionais de Processo Civil, 52 DERECHO L. REV. 593 (1998), *reprinted in* ROMA E AMERICA 335 (2000).

Notas Esparsas Sobre o Processo Civil nos Estados Unidos, 6 REV. DIR. PROC. CIV. 851 (1997).

Aspectos da Inversão do Ônus da Prova no Código do Consumidor. 13 REVISTA DOS TRIBUNAIS, Jan/Mar 1995, at 32.

Book Chapters

Effectividad, Celeridad y Seguridad Jurídica: Pequeñas Causas, Causas No Impugnadas y Otras Materias de Simplificación de las Decisiones Judiciales y de los Procedimientos (Effectiveness, Speed, and Legal Certainty: Small Claims, Uncontested Claims, and Simplification of Judicial Decisions and Proceedings) (*with* Hermes Zaneti, Jr.), *in* TENDENCIAS ACTUALES DEL DERECHO PROCESAL (2019).

Brazilian Civil Procedure in the "Age of Austerity"?, *in* EPPUR SI MUOVE: THE AGE OF UNIFORM LAW – FESTSCHRIFT (Michael Joachim Bonell ed., 2016).

Patrocinio de Intereses Difusos (Art. 82), *in* CÓDIGO PROCESAL CIVIL COMENTADO POR LOS MEJORES ESPECIALISTAS 361 (Johan S. Camargo ed., 2010).

Iniciativa de Reforma al Código Federal de Procedimientos Civiles (*with* A. Benítez & Eduardo Ferrer Mac-Gregor), *in* CÓDIGO MODELO DE PROCESOS COLECTIVOS: UN DIÁLOGO IMBEROAMERICANO 447 (2008).

Le Code de L'Action Collective: Un Modéle Pour les Pays de Droit Civil, *in* VERS UNE "CLASS ACTION" EN DROIT BELGE? 147 (Closset-Marchal & Compernolle eds., M. Guy Sohou & Caroline Gilbert trans., 2008).

Enseigner la Procédure Civile Comparée, STUDIA IN HONOREM PELAYIA YESSIOU-FALTSI 201 (Guy Sohou, Muriel Fourrier & Caroline Gilbert trans., 2007).

Legitimación Para Demandar en las Acciones Colectivas, *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS 107 (2004).

Diffuse, Collective, and Homogeneous Individual Rights (*Derechos Difusos, Colectivos e Individuales Homogéneos*)(with Eduardo Ferrer Mac-Gregor), *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS, 2nd ed. (2004).

Res Judicata in Class Actions (Cosa Juzgada en Acciones Colectivas)(with Eduardo Ferrer Mac-Gregor), *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS, 2nd ed. (2004).

El Concepto de Acción Colectiva (The Definition of Class Actions)(with Eduardo Ferrer Mac-Gregor), *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS, 2nd ed. (2004).

La Representación Adecuada en las Acciones Colectivas Brasileñas y el Avance del Código Modelo, *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS 142 (2004).

Cosa Juzgada en las Acciones Colectivas, *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS 261 (2004).

Litispendencia en las Acciones Colectivas, *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS 314 (2004).

Notas Críticas al Anteproyecto de Código Modelo de Procesos Colectivos del Instituto Iberoamericano de Derecho Procesal, *in* LA TUTELA DE LOS DERECHOS DIFUSOS, COLETIVOS E INDIVIDUALES HOMOGÉNEOS 405 (2004).

Las Acciones Colectivas en Estados Unidos, *in* PROCESSOS COLECTIVOS 1 ((Antonio Gidi & Eduardo Ferrer Mac-Gregor eds., 2nd ed. 2004), *reprinted in* ESTUDIOS IBERAMERCANOS DE DERECHO PROCESAL 239 (2005).

Towards a Transnational Civil Procedure. A Brief Response to Comments and Criticisms, *in VERS UN PROCÉS CIVIL UNIVERSEL?* (Phillipe Fouchard ed., 2001), *reprinted in VERS UN PROCÉS CIVIL UNIVERSEL?* (Phillipe Fouchard ed., G. Mecarelli trans., 2001).

Acciones de Grupo y "Amparo Colectivo" en Brasil. La Protección de Derechos Difusos, Colectivos e Individuales Homogéneos, *in* DERECHO PROCESAL CONSTITUTIONAL (2001).

Prefaces

Preface to JOAO PAULO LORDELO, A CERTIFICAÇÃO COLETIVA (2020).

Preface to GREGÓRIO ASSAGRA DE ALMEIDA & RAFAEL DE OLIVEIRA COSTA, DIREITO PROCESSUAL PENAL COLETIVO (2019).

Preface to FELIPE NOYA, REPRESENTATIVIDADE E ATUAÇÃO ADEQUADAS NAS AÇÕES COLETIVAS (2014).

Preface in JUAN CARLOS GUAYACAN, LAS ACCIONES POPULARES Y DE GRUPO FRENTE A LAS ACCIONES COLECTIVAS (2014).

Preface in MARCELO HOLANDA, AÇÕES COLETIVAS – LEGITIMIDADE E CONTROLE JUDICIAL DA ADEQUAÇÃO DO AUTOR COLETIVO (2012).

Preface in JORDÃO VIOLIN, PROCESSO COLETIVO E PROTAGONISMO JUDICIÁRIO (2012).

Preface in MARÍLIA PRATES, A COISA JULGADA NO DIREITO COMPRADO: BRASIL E ESTADOS UNIDOS (2012).

Preface in EDUARDO CÂNDIA, LEGITIMIDADE ATIVA NO AÇÃO CIVIL PÚBLICA (2012).

Preface in ELPÍDIO DONIZETTI & MARCELO MALHEIROS, CURSO DE PROCESSO COLETIVO (2010).

Preface in ANTONIO ARAÚJO, DIREITO DA PROPRIEDADE INDUSTRIAL E O MÉTODO PIPA (2009).

Preface in FREDIE DIDIER JR. & HERMES ZANETI JR., CURSO DE DIREITO PROCESSUAL CIVIL (2007).

Preface in 52 DERECHO L. REV. 1 (1998).

Reports to Governmental Bodies and Professional Associations

Study LXXVI – Secretary's Report, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2004).

Proposed Final Draft, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2003).

Study LXXVI – Doc. 10, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2003).

Study LXXVI – Secretary's Report, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2002).

Study LXXVI – Doc. 9, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2002).

Study LXXVI – Doc. 5, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2002).

Study LXXVI – Secretary's Report, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2001).

Study LXXVI – Doc. 4, PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE (INT'L INST. FOR UNIFICATION OF PRIV. L. 2001).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, PROPOSED FINAL DRAFT (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2004).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, COUNCIL DRAFT NO. 2 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2003).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, DISCUSSION DRAFT NO. 4 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2003).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, PRELIMINARY DRAFT NO. 3 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2002).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, COUNCIL DRAFT NO. 1 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2001).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, DISCUSSION DRAFT NO. 2 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2001).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, PRELIMINARY DRAFT NO. 2 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 2000).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, DISCUSSION DRAFT NO. 1 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 1999).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, INTERIM REVISION (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 1998).

PRINCIPLES OF TRANSNATIONAL CIVIL PROCEDURE, PRELIMINARY DRAFT NO. 1 (*with* GEOFFREY C. HAZARD, JR., ROLF STÜRNER, & MICHELE TARUFFO) (AM. LAW. INST. & INT'L INST. FOR UNIFICATION OF PRIV. L. 1998).

Lauryn P. Gouldin

Associate Dean for Research and Faculty Affairs

Laura J. & L. Douglas Meredith Professor of Teaching Excellence 2022-2025

Crandall Melvin Professor of Law

Director, Syracuse Civics Initiative

Forthcoming

Crime-Specific Searches, 95 GEO. WASH. L. REV. (forthcoming 2027).

Handcuffing Children (*with* Jocelyn Anctil, Nicholas Marasco, Bess Murad & Molly Smith), GEORGETOWN L.J. ONLINE (forthcoming 2027).

Law Review and Other Scholarly Articles

Keeping Up Appearances, 58 U.C. DAVIS L. REV. 1019 (2024).

Crimes of Suspicion, 72 EMORY L.J. 1429 (2023).

The Language of Reform: Reflections on Karakatsanis' Usual Cruelty, 55 NEW ENG. L. REV. 1 (2020-21).

Reforming Pretrial Decision-making, 55 WAKE FOREST L. REV. 857 (2020).

Defining Flight Risk, 85 U. CHI. L. REV. 677 (2018).

Disentangling Flight Risk from Dangerousness, 2016 BYU L. REV. 837 (2016).

Redefining Reasonable Seizures, 93 DENV. L. REV. 53 (2015), *reprinted as Redefining Reasonable Seizures in the Twenty-First Century*, SEARCH AND SEIZURE LAW REPORT, Vol. 44, No. 4 (2017).

Criminal Records and Immigration: Comparing the United States and the European Union (*with* Dimitra Blitsa, James B. Jacobs & Elena Larrauri), 39 FORD. INT'L L.J. 205 (2015), *reprinted in* 36 IMMIGR. & NAT'LITY L. REV. 813 (2015).

When Deference is Dangerous: The Judicial Role in Material-Witness Detentions, 49 AM. CRIM. L. REV. 1333 (2012).

Cosa Nostra: The Final Chapter? (*with* James B. Jacobs), 25 CRIME & JUST. 129 (1999).

Cannabis, Compassionate Use and the Commerce Clause: Why Developments in California May Limit the Constitutional Reach of the Federal Drug Laws, 1999 ANN. SURV. AM. L. 471 (1999).

Book Chapters

New Perspectives on Pretrial Nonappearance, in HANDBOOK ON PRETRIAL JUSTICE (Christine S. Scott-Hayward, Jennifer E. Copp & Stephen Demuth eds., 2021).

Reports, News and Commentary

Legal Analysis and Recommendations to Revise the Handcuffing Policy of the Onondaga County Sheriff's Office (*with* Jocelyn N. Anctil, Lauryn P. Gouldin, Bess A. Murad) (Feb. 2026) (report submitted to the Onondaga County Sheriff).

Opinion, *Automatically Handcuffing People During Police Stops Violates the Constitution* (*with* Martin Feinman, Jocelyn Anctil, Megan Hartman & Nicholas Marasco), SYRACUSE POST-STANDARD (Feb. 24, 2025), https://www.syracuse.com/opinion/2025/02/su-law-experts-automatically-handcuffing-people-during-police-stops-violates-the-constitution-guest-opinion.html.

Opinion, *Why is There Over-Policing for Low-Level Offenses?*, The Hill (Apr. 23, 2021), https://thehill.com/opinion/criminal-justice/549902-why-is-there-over-policing-for-low-level-offenses.

Opinion, *Don't Let Fearmongering Sabotage Criminal Justice Reforms: Senate Proposal for Judicial Discretion Open Door To Racial Bias*, TIMES UNION, Feb. 20, 2020. https://www.timesunion.com/opinion/article/Don-t-let-fear-mongering-sabotage-criminal-15067584.php

Miller v. Alabama (*with* Rachel A. Campbell), *in* ENCYCLOPEDIA OF CRIMINAL JUSTICE ETHICS (Bruce A. Arrigo ed., 2014).

Jack M. Graves
Teaching Professor

Books

LEARNING CONTRACTS (3d ed. 2022).

LEARNING CONTRACTS (2d ed. 2019).

THE ABCS OF THE CISG (2013).

INTERNATIONAL SALES LAW & ARBITRATION: PROBLEMS, CASES & COMMENTARY (*with* J. Morrissey) (2008).

Law Review and Other Scholarly Articles

Leveraging Technology for More Cost-Effective Arbitration of Cross-Border Commercial Disputes: An Introduction to the Range of Possibilities with a Focus on MSMEs, 1 J. TECH. INT'L ARB. 35 (2015).

Fiduciary Duties of LLC Managers: Are They Subject to Prospective Waiver under the New York LLC Statute? (*with* Yelena Davydan), 31 TOURO L. REV. 439 (2015).

Penalty Clauses as Remedies: Exploring Comparative Approaches to Enforceability, 29 TOURO L. REV. 681 (2013).

An Essay on Rebuilding and Renewal in American Legal Education, 29 TOURO L. REV. 375 (2013).

Penalty Clauses and the CISG, 30 J. L. & COMM. 153 (2012).

Court Litigation over Arbitration Agreements: Is it Time for a New Default Rule? 23 AM. REV. INT'L ARB. 113 (2012).

CISG Article 6 and Issues of Formation: The Problem of Circularity, 2011 ANNALS FAC. L. BELGRADE INT'L ED. 124 (2011), *reprinted* in 15 VINDOBONA J. INT'L COM. L & ARB. 105 (2011).

Arbitration as Contract: The Need for a Fully Developed and Comprehensive Set of Statutory Default Legal Rules, 2 WM. & MARY BUS. L. REV. 225 (2011).

ICA and the Writing Requirement: Following Modern Trends Towards Liberalization or Are We Stuck in 1958? 2009 ANNALS FAC. L. BELGRADE INT'L ED. 36 (2009).

The Willem C. Vis International Commercial Arbitration Moot: Making the Most of an Extraordinary Educational Opportunity (*with* Stephanie Vaughan), 10 VINDOBONA J. INT'L COM. L. & ARB. 173 (2006).

Party Autonomy in Choice of Commercial Law: The Failure of Revised U.C.C. § 1-301 and a Proposal for Broader Reform, 36 SETON HALL L. REV. 59 (2005).

Course of Performance as Evidence of Intent or Waiver: A Meaningful Preference for the Latter and Implications for Newly Broadened Use under Revised U.C.C. § 1-303, 52 DRAKE L. REV. 235 (2004).

Book Chapters

Court Litigation over Arbitration Agreements: Is it Time for a New Default Rule? in, INTERACTION BETWEEN INTERNATIONAL ARBITRATION AND NATIONAL COURTS (2015).

Competence-Competence and Separability: American Style (*with* Yelena Davydan) *in*, INTERNATIONAL ARBITRATION AND INTERNATIONAL COMMERCIAL LAW: SYNERGY, CONVERGENCE AND EVOLUTION (2011).

Reports, News, and Commentary

Law and Crypto—An Oxymoron?, SYR. L. MAG. Y.B. 2022, at 5. https://law.syr.edu/publication/magazine/law-crypto-an-oxymoron

Educating Tomorrow's Lawyer for Digital Success (*with* Patricia Salkin), N.Y.L.J., (August 17, 2015) https://www.law.com//newyorklawjournal/almID/1202734593391/Educating-Tomorrows-Lawyer-for-Digital-Success/?slreturn=20150907161336

A More Cost-Effective Model for Legal Education, 85 N.Y. ST. B.A.J. 17 (2013).

Roy Gutterman
Director, Tully Center for Free Speech
Professor, Newhouse School
Professor of Law, College of Law (by courtesy appointment)

Books

L. REV.: THE LAW REVIEW EXPERIENCE IN AMERICAN LEGAL EDUCATION: A PERSONAL MEMOIR (2003).

Law Review and Other Scholarly Articles

"Diss," That, and the Other: The Legal Implications of 'Diss Tracks', 46 LOY. L.A. ENT. L. REV. 1 (2025).

Blue Ribbon for Free Speech: Balancing First Amendment Rights and State Action at the Great American State Fair, 18 ALB. GOV'T L. REV. 1 (2025).

New York: The Media and Media Law Capital, 75 SYRACUSE L. REV. 765 (2025).

Media Law (2024-2025 Survey of New York Law), 75 SYRACUSE L. REV. 521 (2025).

Media Law (2023-2024 Survey of New York Law), 74 SYRACUSE L. REV. 779 (2024).

Repeal, Replace, and Expose: A Case Study and Call for Public Records Transparency with Police Records in New York, 52 HOFSTRA L. REV. 677 (2024).

Hexing, Vexing, and Flexing: A Look at the Legal and First Amendment Implications of Curses, Spells, and Witchcraft, 75 RUTGERS L. REV. 897 (2023).

Media Law (2022-2023 Survey of New York Law), 73 SYRACUSE L. REV. 849 (2023).

Media Law (2020-2021 Survey of New York Law), 72 SYRACUSE L. REV. 959 (2022).

Masking Free Speech: The First Amendment Implications of Masks, Clothing and Public Health, 53 LOY. U. CHI. L. J. 475 (2022).

Liable, Naaaht: The Mockumentary: Litigation, Liability and the First Amendment in the works of Sacha Baron Cohen, 13 HARV. J. SPORTS & ENT. L. 141 (2022).

Media Law (2019-2020 Survey of New York Law), 71 SYRACUSE L. REV. 301 (2021).

New Voices, New Rights, New York: A Case Study and a Call for Student Journalist Protections in New York, 83 ALBANY L. REV. 1115 (2020), https://www.albanylawreview.org/article/55636-

new-voices-new-rights-new-york-a-case-study-and-a-call-for-student-journalist-protections-in-new-york.

Media Law (2018-2019 Survey of New York Law), 70 SYRACUSE L. REV. 535 (2020).

Feiner and the Heckler's Veto, ASS'N FOR EDUC. JOURNALISM & MASS COMM.: JOURNALISM HISTORY FIRST AMENDMENT HISTORY SPECIAL, (August 2019). https://journalism-history.org/2019/08/06/gutterman-essay-feiner-and-the-hecklers-veto/

Media Law (2017-2018 Survey of New York Law), 69 SYRACUSE L. REV. 937 (2019).

Media Law (2016-2017 Survey of New York Law), 68 SYRACUSE L. REV. 1011 (2018).

Actually … A Renewed Stand for the First Amendment Actual Malice Defense, 68 SYRACUSE L. REV. 579 (2018).

The Heat is On: Thermal Sensing and Newsgathering – A Look at the Legal Implications of Modern Newsgathering, (with Angela Rulffes), 23 COMM. L. & POL'Y 21 (2018).

Ballot Selfies: New Political Speech in Search of First Amendment Protection in Social Media, 8 WAKE FOREST J. L. & POL'Y 211 (2018).

Liar! Liar? The Defamatory Impact of 'Liar' in the Modern World, 27 FORDHAM INTELL. PROP. MEDIA & ENT. L. J. 253 (2017).

Media Law (2015-2016 Survey of New York Law), 67 SYRACUSE L. REV. 1127 (2017).

Media Law (2014-2015 Survey of New York Law), 66 SYRACUSE L. REV. 1075 (2016).

Media Law (2013-2014 Survey of New York Law), 65 SYRACUSE L. REV. 865 (2015).

Media Law (2012-2013 Survey of New York Law), 64 SYRACUSE L. REV. 867 (2014).

New York Times Co. v. Sullivan: No Joking Matter – 50 Years of Protecting Humor, Satire and Jokers, 12 FIRST AMEND. L. REV. 497 (2014).

Media Law (2011-2012 Survey of New York Law), 63 SYRACUSE L. REV. 865 (2013).

Media Law (2010-2011 Survey of New York Law), 62 SYRACUSE L. REV. 739 (2012).

Media Law (2009-2010 Survey of New York Law), 61 SYRACUSE L. REV. 879 (2011).

Media Law (2008-2009 Survey of New York Law), 60 SYRACUSE L. REV. 1041 (2010).

Media Law (2007-2008 Survey of New York Law), 59 SYRACUSE L. REV. 953 (2009).

Media Law (2006-2007 Survey of New York Law), 58 SYRACUSE L. REV. 1075 (2008).

Chilled Bananas: Why Newsgathering Demands More First Amendment Protection, 50 SYRACUSE L. REV. 197 (2000).

Book Chapters

Student Press Law, in SCHOLASTIC JOURNALISM (C. Dow Tate & Sherri A. Taylor eds., 2013).

Ethics for Student Journalists, in SCHOLASTIC JOURNALISM (C. Dow Tate & Sherri A. Taylor eds., 2013).

Reports, News and Commentary

State fairs are becoming a free speech battleground, Aug 17, 2025, https://www.syracuse.com/opinion/2025/08/state-fairs-are-becoming-a-free-speech-battleground-guest-opinion-by-roy-s-gutterman.html

AP's return to the White House is a win for the American public, Apr 10, 2025, https://www.syracuse.com/opinion/2025/04/aps-return-to-the-white-house-is-a-win-for-the-american-public-guest-opinion-by-roy-s-gutterman.html

Spectacle of O.J. trial is one reason we won't get to see Trump's syracuse.com, April 18, 2024, https://www.syracuse.com/opinion/2024/04/spectacle-of-oj-trial-is-one-reason-we-wont-get-to-see-trumps-guest-column-by-roy-s-gutterman.html.

Order Denouncing Possibly the 'Most Massive Attack Against Free Speech' is Full of Hyperbole and Short on Specifics, cnn.com, July 10, 2023, https://www.cnn.com/2023/07/10/opinions/social-media-ruling-biden-administration-gutterman/index.html.

TikTok Ban Tests Limits of Law and Social Media, syracuse.com, May 24, 2023, https://www.syracuse.com/opinion/2023/05/law-struggles-to-keep-up-with-challenges-raised-by-social-media-guest-opinion-by-roy-s-gutterman.html, SYRACUSE POST-STANDARD, May 28, 2023 at F1.

NY Court Agrees: You Have the Right to see Police Disciplinary Records, SYRACUSE POST-STANDARD, February 3, 2023, https://www.syracuse.com/opinion/2023/02/ny-court-agrees-you-have-the-right-to-see-police-disciplinary-records-guest-opinion-by-roy-s-gutterman.html.

Prince, Syracuse University Football and Justice Clarence Thomas, SYRACUSE POST-STANDARD, October 21, 2022, https://www.syracuse.com/opinion/2022/10/prince-syracuse-university-football-and-justice-clarence-thomas-guest-opinion-by-roy-s-gutterman.html.

Depp v. Heard Portends More Defamation Lawsuits, Less Free Speech, SYRACUSE POST-STANDARD, JUNE 10, 2022, https://www.syracuse.com/opinion/2022/06/depp-v-heard-portends-more-defamation-lawsuits-less-free-speech-guest-opinion-by-roy-s-gutterman.html.

Censorship of Tully Student Offers an Inadvertent Civics Lesson, SYRACUSE POST-STANDARD, February 4, 2022, https://www.syracuse.com/opinion/2022/02/censorship-of-tully-student-offers-an-inadvertent-civics-lesson-guest-opinion-by-roy-s-gutterman.html.

Harry Rosenfeld, Editor Behind Watergate, Knew How Fragile the World Is, SYRACUSE POST-STANDARD, August 8, 2021 at E1, https://www.syracuse.com/opinion/2021/08/harry-rosenfeld-editor-behind-watergate-knew-how-fragile-the-world-is-guest-opinion-by-roy-gutterman.html.

Supreme Court Boosts More Than Just a Cheerleader's Free Speech, SYRACUSE POST-STANDARD, July 2, 2021, https://www.syracuse.com/opinion/2021/07/supreme-court-boosts-more-than-just-a-cheerleaders-free-speech-guest-opinion-by-roy-gutterman.html.

"Or of the Press": A Deeper Look into the History of the Free Press, DIVIDED WE FALL, June 17, 2021. https://dividedwefall.com/2021/06/17/history-of-the-free-press/.

Assaults on Press Freedom, Here and Abroad, Endanger Democracy, SYRACUSE POST-STANDARD, April 30, 2021, https://www.syracuse.com/opinion/2021/04/assaults-on-press-freedom-here-and-abroad-endanger-democracy-guest-opinion-by-roy-gutterman.html.

Is Election Disinformation Free Speech or Defamation? Courts will Decide, SYRACUSE POST-STANDARD, February 26, 2021 at E1, https://www.syracuse.com/opinion/2021/02/is-election-disinformation-free-speech-or-defamation-courts-will-decide-roy-s-gutterman.html.

Biden Must Swiftly Restore Press Freedom, SYRACUSE POST-STANDARD, December 13, 2020 at E1, https://www.syracuse.com/opinion/2020/12/after-4-damaging-years-biden-must-restore-press-freedom-roy-s-gutterman.html.

The Right to Vote is 'the Essence of a Democratic Society.' Exercise it., SYRACUSE POST-STANDARD, October 25, 2020 at E1, https://www.syracuse.com/opinion/2020/10/the-right-to-vote-is-the-essence-of-a-democratic-society-exercise-it-roy-s-gutterman.html.

Trump, Twitter and the Distraction of Censorship Order Likely Violates First Amendment and Contradicts His New Neutrality Policy, SYRACUSE POST-STANDARD, May 31, 2020 at E3.

The Public Needs Information during a Public Health Crisis, SYRACUSE POST-STANDARD, March 29, 2020 at E1, https://www.syracuse.com/opinion/2020/03/the-public-needs-information-during-a-public-health-crisis-commentary-by-roy-s-gutterman.html.

The Answer to Hate Speech is More Speech to Expose it, Fuel Change. Hate Speech: Social Media Gives Global Platform to Speakers, SYRACUSE POST-STANDARD, December 29, 2019 at E1, https://www.syracuse.com/opinion/2019/12/answer-to-hate-speech-is-more-speech-roy-s-gutterman.html.

You Have a First Amendment Right to Follow Trump on Twitter, SYRACUSE POST-STANDARD, September 8, 2019 at E1, https://www.syracuse.com/opinion/2019/09/you-have-a-first-amendment-right-to-follow-trump-on-twitter-roy-s-gutterman.html.

Villainous Hacker or Journalistic Informer? Julian Assange It's too Early to Tell which Assange is. But His Case Threatens All Newsgathering., SYRACUSE POST-STANDARD, June 16, 2019 at E1, https://www.syracuse.com/opinion/2019/06/assange-case-could-make-news-reporting-a-crime-roy-s-gutterman.html.

NY's Mug Shot Ban Clouds Government Transparency, SYRACUSE POST-STANDARD, April 27, 2019 at E1.

The Heckler's Veto, SYRACUSE POST-STANDARD, March 10, 2019 at E1.

News Story Errors: There's a Difference Between Fakes, Mistakes, SYRACUSE POST-STANDARD, January 27, 2019 at E1.

World Taking Cues from White House Media Bashing, SYRACUSE POST-STANDARD (November 30, 2018), https://www.syracuse.com/opinion/2018/11/world_taking_cues_from_white_house_media_bashing_roy_s_gutterman.html.

It's Not a Crime to Mock the President, SYRACUSE POST-STANDARD (September 28, 2018), https://www.syracuse.com/opinion/2018/09/trump_woodward_book_op-ed_protect_confidential_sources_roy_s_gutterman.html.

Alex Jones, Facebook and Free Speech, SYRACUSE POST-STANDARD (August 16, 2018), https://www.syracuse.com/politics/2018/08/alex_jones_facebook_and_free_speech_roy_s_gutterman.html

Clothing is protected under the First Amendment, SYRACUSE POST-STANDARD (July 19, 2018), https://www.syracuse.com/opinion/2018/07/clothing_protected_by_first_amendment_too_commentary_roy_s_gutterman.html

Journalists in Jeopardy, SYRACUSE POST-STANDARD, June 10, 2018 at E1.

Lampooning Leaders as American as Apple Pie, SYRACUSE POST-STANDARD, May 6, 2018 at S1.

Whistleblowers and Reporters: Trust, THE SOCIETY OF PROFESSIONAL JOURNALISTS WHISTLEBLOWER PROJECT (March 12, 2018), https://www.spj.org/whistleblower/whistleblowers-and-reporters-trust.asp.

NY Should Join Other States in Extending Free Press Rights, SYRACUSE POST-STANDARD, February 18, 2018 at S1.

A Matter of Malice, SYRACUSE POST-STANDARD, January 21, 2018 at S1.

Backing Free Speech on Campus is Always Right, SYRACUSE POST-STANDARD, October 29, 2017 at E1.

Devolution in Charlottesville, SYRACUSE POST-STANDARD, August 20, 2017 at E1.

What's in a Name? The Right to Free Speech, SYRACUSE POST-STANDARD, July 9, 2017 at E1.

Sedition Laws and Free Speech, JURIST, (May 14, 2005) https://www.jurist.org/commentary/2015/05/roy-gutterman-sedition-laws/.

Media Can't Hack, But Can Publish Leaked Data, SYRACUSE POST-STANDARD, December 21, 2014 at E1.

Why Do We Care?, SYRACUSE POST-STANDARD, December 29, 2013 at E3.

Even Unpalatable Speech Nourishes Freedom, SYRACUSE POST-STANDARD, October 7, 2012 at E1.

On This Night At The Dome, Free Speech Won, SYRACUSE POST-STANDARD, December 11, 2011 at E1.

The Pentagon Papers Declassified, SYRACUSE POST-STANDARD, June 26, 2011 at E1.

Cheer Ruling on Hate Speech, SYRACUSE POST-STANDARD, March 20, 2011 at E1.

Does Free Speech End at School Entrance?, SYRACUSE POS-STANDARD, September 9, 2007 at E1.

Chill Wind Blows on SU's Hill, SYRACUSE POST-STANDARD, November 6, 2005 at D1.

Book Reviews

Book Review, JOURNALISM & MASS COMM. EDUCATOR (2022). (reviewing Ian Rosenberg, THE FIGHT FOR FREE SPEECH: TEN CASES THAT DEFINE OUR FIRST AMENDMENT FREEDOMS (NYU Press, 2021)).

Advice for Individuals, Not Governments, to Safeguard Free Speech, WASHINGTON POST, August 2, 2020 at B6, (reviewing Suzanne Nossel, DEFENDING FREE SPEECH FOR ALL, Harper Collins (2020)) https://www.washingtonpost.com/outlook/why-individuals-not-governments-should-safeguard-free-speech/2020/07/30/6859e90e-cab2-11ea-91f1-28aca4d833a0_story.html, reprinted at The Oregonian (August 30, 2020), The Huntsville Times (August 30, 2020).

Book Review, 25 COMM. L. & POL'Y 418 (2020) (reviewing Larissa Lidsky, *Prying, Spying, and Lying: Intrusive Newsgathering and What the Law Should Do about It*, 73 TUL. L.REV. 173 1998).

Book Review, 96 JOURNALISM & MASS COMM. Q. 635 (2019) (reviewing Rodney Sieh, JOURNALIST ON TRIAL: FIGHTING CORRUPTION, MEDIA MUZZLING AND A 5,000-YEAR PRISON SENTENCE IN LIBERIA (Manor House, 2018)).

Book Review, 95 JOURNALISM & MASS COMM. Q. 551 (2018) (reviewing Kim McNamara,

PAPARAZZI: MEDIA PRACTICES AND CELEBRITY CULTURE (Polity Press, 2016)).

First Amendment: Often Challenged But Consistently Enduring, WASH. POST, May 19, 2017 (reviewing Floyd Abrams, THE SOUL OF THE FIRST AMENDMENT, Yale University Press (2017)) https://www.washingtonpost.com/opinions/first-amendment-often-challenged-but-consistently-enduring/2017/05/19/92b271ea-18a8-11e7-bcc2-7d1a0973e7b2_story.html?noredirect=on&utm_term=.ac04c4c9d8fa.

Book Review, 94 JOURNALISM & MASS COMM. Q. 379 (2017) (reviewing Victoria Smith Ekstrand, HOT NEWS IN THE AGE OF BIG DATA (LFB Scholarly Publishing LLC, 2015)).

Book Review, 93 JOURNALISM & MASS COMM. Q. 450 (2016) (reviewing Michael Schudon, THE RISE OF THE RIGHT TO KNOW (Harvard University Press, 2015)).

Book Review, 92 JOURNALISM & MASS COMM. Q. 992 (2015) (reviewing Dana D. Bagwell, AN OPEN INTERNET FOR ALL: FREE SPEECH AND NETWORK NEUTRALITY (LFB Scholarly Publishing, 2012)).

Book Review, 91 JOURNALISM & MASS COMM. Q. 853 (2014) (reviewing E. Gabriella Coleman, CODING FREEDOM: THE ETHICS AND AESTHETICS OF HACKING (Princeton University Press, 2013)).

Book Review, 91 JOURNALISM & MASS COMM. Q. 398 (2014) (reviewing Erin K. Coyle, THE PRESS AND RIGHTS TO PRIVACY: FIRST AMENDMENT FREEDOMS VS. INVASION OF PRIVACY CLAIMS (LFB Scholarly Publishing, 2012)).

Book Review, WASH. POST, September 6, 2013 (reviewing Thomas Healy, THE GREAT DISSENT – HOW OLIVER WENDELL HOLMES CHANGED HIS MIND AND CHANGED THE HISTORY OF FREE SPEECH IN AMERICA, Metropolitan Books (2013)) https://www.washingtonpost.com/opinions/2013/09/06/24750fd2-fabe-11e2-8752-b41d7ed1f685_story.html?_=ddid-5-1554126180&utm_term=.6315f5a99853.

Book Review, 90 JOURNALISM & MASS COMM. Q. 804 (2013) (reviewing James C. Goodale, Fighting for the Press (CUNY Journalism Press, 2013)).

Book review, 12 J. MEDIA & RELIGION 94 (2013) (reviewing Clifford G. Christians, Mark Fackler & John P. Ferre, ETHICS FOR PUBLIC COMMUNICATION (Oxford University Press, 2011).

Margaret M. Harding
Professor of Law

Law Review and Other Scholarly Articles

The Limits of the Due Process Protocols, 19 OHIO ST. J. ON DISP. RESOL. 369 (2004).

The Redefinition of Arbitration by Those with Superior Bargaining Power, 1999 UTAH L. REV. 857 (2000).

The Clash Between Federal and State Arbitration Law and the Appropriateness of Arbitration as a Dispute Resolution Process, 77 NEB. L. REV. 397 (1998).

The Cause and Effect of the Eligibility Rule in Securities Arbitration: The Further Aggravation of Unequal Bargaining Power, 46 DEPAUL L. REV. 109 (1996).

Environmental Crimes, 23 AM. CRIM. L. REV. 268 (1986).

Reports to Governmental Bodies and Professional Associations

REPORT OF THE ABA SECTION OF DISPUTE RESOLUTION TASK FORCE ON CONSUMER ARBITRATION (2001).

Laurie Hobart
Teaching Professor

Book

AN INTRODUCTION TO ARTIFICIAL INTELLIGENCE FOR FEDERAL JUDGES (*with* JAMES E. BAKER & MATTHEW MITTELSTEADT) (2023).

Book Chapter

Reference Guide on Artificial Intelligence (*with* James E. Baker), *in* REFERENCE MANUAL ON SCIENTIFIC EVIDENCE (4th ed. 2024).

Law Review Articles

AI, Bias, and National Security Profiling, 40 BERKELEY TECH. L.J. 165 (2025).

Reports, News, and Commentary

AI for Judges: A Framework (*with* James E. Baker & Matthew G. Mittelsteadt), CSET POLICY BRIEF (Ctr. for Security & Emerging Tech., Walsh Sch. of Foreign Service., Geo. U.), Dec. 2021.

National Security Law and the Coming AI Revolution: Observations from a Symposium Hosted by Syracuse University Institute for Security Policy and Law and Georgetown Center for Security and Emerging Technology, Oct. 29, 2020 (with Jamie Baker, Matt Mittelsteadt, and John Cherry) (2021), https://cset.georgetown.edu/wp-content/uploads/Symposium-Report-National-Security-Law-and-the-Coming-AI-Revolution.pdf.

Workshop Report: UAS Law and Policy: Toward a Framework for State and Local Governments (Syracuse U. Inst. Nat'l Security & Counterterrorism) (2017), https://securitypolicylaw.syr.edu/wp-content/uploads/2017/05/UAS_Workshop_Report_INSCT-061217.pdf.

Fitore Hyseni
Research Assistant Professor
Director of Research, Burton Blatt Institute

Book

RESEARCH IN SOCIAL SCIENCE AND DISABILITY: DISABILITY AND THE FUTURE OF WORK (*with* Lisa Schur, Douglas Kruse & Peter Blanck eds., 2025).

Law Review and Other Scholarly Articles

"I Want to Be Interdependent": An Exploratory Study on the Use of Supported Decision Making for People with Serious Mental Illness (*with* Jonathan G. Martinis, Fatma Altunkol Wise, Nanette J. Goodman, Elyn R. Saks & Peter Blanck), 54 J. LAW, MED. & ETHICS 74 (2026).

Who Requests and Receives Workplace Accommodations? An Intersectional Analysis (with Nanette J. Goodman & Peter Blanck), 34 J. OCCUPATIONAL REHAB. 283 (2024).

Disability Inclusion in Corporate Supplier Diversity Initiatives (*with* Nanette J. Goodman, Fatma Altunkol Wise, Fitore Hyseni, Laura Gilbert, & Peter Blanck), 34 J. OCCUPATIONAL REHAB. 373 (2024).

Perceptions and Bias of Small Business Leaders in Employing People with Different Types of Disabilities (*with* Nanette J. Goodman, Sarah Deane, Melissa Soffer, Gary Shaheen, & Peter Blanck), *in* 34 J. OCCUPATIONAL REHAB. 359 (2024).

Disability, Workplace Inclusion, and Organizational Citizenship Behavior: An Exploratory Study of the Legal Profession (*with* Douglas Kruse & Lisa Schur), 6 J. PARTICIPATION & EMP. OWNERSHIP 31 (2023).

Workplace Health Surveillance and COVID-19: Algorithmic Health Discrimination and Cancer Survivors (*with* Paul Harpur & Peter Blanck), 16 J. CANCER SURVIVORSHIP 200 (2022).

Diversity and Inclusion in the Legal Profession: Disclosure of Cancer and Other Health Conditions by Lawyers with Disabilities and Lawyers who Identify As LGBTQ+ (*with* Arzana Myderrizi & Peter Blanck), 16 J. CANCER SURVIVORSHIP 165 (2022).

Diversity And Inclusion in The American Legal Profession: Discrimination and Bias Reported by Lawyers with Disabilities and Lawyers Who Identify As LGBTQ+ (*with* Peter Blanck & Fatma Altunkol Wise), 47 AM. J.L. & MED. 9 (2021).

Diversity and Inclusion in the American Legal Profession: Workplace Accommodations for Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+ (*with* Peter Blanck & Fatma Altunkol Wise), 30 J. OCCUPATIONAL REHAB. 537 (2020).

Diversity and Inclusion in The American Legal Profession: First Phase Findings from a National Study of Lawyers with Disabilities and Lawyers Who Identify as LGBTQ (*with* Peter Blanck, Ynesse Abdul-Malak, Meera Adya, Mary Killeen, & Fatma Altunkol Wise), 23 UDC/DCSL L. REV. 23 (2020).

Usage of Demographical Population Trends and Statistics in Public Policy in Kosovo (2013) (Bachelor Thesis, Rochester Institute of Technology).

Book Chapters

Introduction, *Shaping the Future of Work for People with Disabilities* (*with* Schur, L., Kruse, D., & Blanck, P.), *in* DISABILITY AND THE FUTURE OF WORK (2025).

Economic Inclusion and Empowerment of People with Disabilities (*with* P. Blanck & N. Goodman), *in* HANDBOOK OF DISABILITY (2024).

Reports to Governmental Bodies and Professional Associations

Implementation Assessment of Executive Order 13518—The Veterans Employment Initiative (*with* Nicholas J. Armstrong, Zachary S. Huitink, Matthew A. Hidek, Rosalinda V. Maury, Rachel Linsner Uveges, & Nathaniel Birnbaum), Institute for Veterans and Military Families, Syracuse University (2017). OPM-REPORT_Veterans-Employment-InitiativeFINAL-DIGITAL12.13.17-4.pdf.

Reports, News, and Commentary

Disability as a Critical Element in Exploring the Racial Wealth Gap (*with* Nanette Goodman, Montserrat Avila-Acosta & Peter Blanck), Lender Center, BBI Research Brief Series (2026).

Lingering Inequalities in the Information Age: An Examination of Disparities in Internet Access Among People with Disabilities (*with* Schuyler Lawson, Montserrat Avila-Acosta, Barry Whaley, Pamela Williamson, & Peter D. Blanck), BBI Research Brief Series (2025).

Dismantling Barriers: How Disability, Race, and Other Characteristics Affect Employment Outcomes (*with* Montserrat Avila-Acosta, Nanette Goodman, Giuseppe F. Pagano, Schuyler Lawson, Barry Whaley, Pamela Williamson, & Peter D. Blanck), BBI Research Brief Series (2025).

Exploring Disparities in Poverty Rates Among People with Disabilities (*with* Montserrat Avila-Acosta, Giuseppe Pagano, Schuyler Lawson, Barry Whaley, Pamela Williamson, & Peter D. Blanck), BBI Research Brief Series (2025).

Paula C. Johnson
Professor of Law
Director, Cold Case Justice Initiative

Forthcoming

No Two Seats: 250 Years of Black Women and the Struggle for Voting Rights in America, 77 SYRACUSE L. REV. (2027).

Books

INNER LIVES: PROFILES OF AFRICAN AMERICAN WOMEN IN PRISON (2002).

Books, Edited

INTERRUPTED LIFE: EXPERIENCES OF INCARCERATED WOMEN IN THE UNITED STATES (with Rickie Solinger et al., 2010).

Law Review and Other Scholarly Articles

Education Access & Opportunity: An Introduction, 74 SYRACUSE L. REV. 885 (2024).

Tribute to Professor Deborah Waire Post, 8 TOURO L. J. RACE GENDER & ETHNICITY 14 (2019).

Voting Rights and Civil Rights Era Cold Cases: Section Five and the Five Cities Project, 7 TOURO L. J. RACE GENDER & ETHNICITY 377 (2014-2015), *reprinted in* 16 BERKELEY J. AFR.-AM. L. & POL'Y 377 (2015).

Honoring William H. Johnson, Class of 1903: The First African American Graduate of Syracuse University College of Law, 55 SYRACUSE L. REV. 429 (2005).

Ad-In/Ad-Out: Deciding Victory and Defeat in Affirmative Action Legal Contestations, 66 ALB. L. REV. 433 (2003).

Jam Tomorrow, Jam Today: Reflections on Grutter, Gratz *and The Future of Affirmative Action,* JURIST: THE LEGAL EDUC. NETWORK ONLINE J., (Summer 2003).

Panel on Plea Bargaining and Witness Immunity (*with* Thomas J. Maroney, Stephen C. Thaman, Hans-Heiner Kuhne, & James W. Diehm), 27 SYRACUSE J. INT'L L. & COM. 4 (2000).

How Does the Universal Declaration of Human Rights Protect African Women, 26 SYRACUSE J. INT'L L. & COM. 195 (1999).

Danger in the Diaspora: Law, Culture and Violence against Women of African Descent in the United States and South Africa, 1 J. GENDER RACE & JUST. 471 (1998).

The Social Construction of Identity in Criminal Cases: Cinema Verité and the Pedagogy of Vincent Chin, 1 MICH. J. RACE & L. 347 (1996).

At the Intersection of Injustice: Experiences of African American Women in Crime and Sentencing, 4 AM U. J. GENDER & L. 1 (1995).

Silence Equals Death: The Response to AIDS Within Communities of Color, 1992 U. ILL. L. REV. 1075 (1992).

The Role of Minority Faculty in the Recruitment and Retention of Students of Color, 12 N. ILL. U. L. REV. 313 (1992).

Regulation, Remedy, and Exported Tobacco Products: The Need for A Response from the United States Government, 25 SUFFOLK U.L. REV. 1 (1991).

Book Chapters

Sandra's Sisters: Black Women in the U.S. Criminal Justice System and Critical Resistance to Injustice, in GENDER, SEXUALITY AND RIGHT: DISSENT AND RESISTANCE (Luisa Santos Paulo and Leticia Leite Vieira trans., 2020).

Keynote Address, in IRMÃS DE SANDRA: MULHERES NEGRAS NO SISTEMA DE JUSTIÇA CRIMINAL DOS EUA E RESISTÊNCIA CRITICA Á INJUSTIÇA, GENERO, SEXUALIDADE E DIREITO: DISSIDÊNCIAS E DIREITO; DISSIDÊNCIAS E RESISTÊNCIAS, at the III CONGRESS OF SEXUAL AND GENDER DIVERSITY, OURO PRETO, BRAZIL (Alexandre de Moraes Bahia, et al., eds., 2019).

Beyond Displacement: Gentrification of Racialized Spaces as Violence – Harlem, New York and New Orleans, Louisiana, *in* ACCUMULATING INSECURITY: VIOLENCE AND DISPOSSESSION IN THE MAKING OF EVERYDAY LIFE (Shelley Feldman, Charles Geisler, & Gayatri A. Menon eds., 2011).

At the Intersection of Injustice: Experiences of African American Women in Crime and Sentencing, in CRITICAL RACE FEMINISM (Adrien K. Wing ed., 2nd. ed. 2003).

Reports, News, and Commentary

Guest Opinion, *Supreme Court's Voting Rights Decision Silences Black Voters***,** SYRACUSE POST-STANDARD, May 17, 2026, at F1. https://www.syracuse.com/opinion/2026/05/supreme-courts-voting-rights-decision-silences-black-voters-guest-opinion-by-paula-c-johnson.html

It's Time to Replace 'Replacement Theory', SYRACUSE POST-STANDARD, May 23, 2022. https://www.syracuse.com/opinion/2022/05/its-time-to-replace-replacement-theory-guest-opinion-by-paula-c-johnson.html

Supreme Court Nominee Speaks for Americans Unheard by the Law, SYRACUSE POST-STANDARD, April 03, 2022, at I1. https://www.syracuse.com/opinion/2022/03/supreme-court-nominee-speaks-for-americans-unheard-by-the-law-guest-opinion-by-paula-c-johnson.html.

John Lewis and C.T. Vivian Made an Impact on SU, too, SYRACUSE POST-STANDARD, July 19, 2020 at B4. https://www.syracuse.com/opinion/2020/07/rep-john-lewis-rev-ct-vivian-men-of-principle-and-sacrifice-commentary.html?_ga=2.137879671.618294868.1596462440-1273672772.1576701847

Bar Finally Admits SU's First Black Law Graduate, THE POST-STANDARD (Syracuse, NY), Oct. 17, 2019, at A23; SYRACUSE.COM (Oct. 16, 2019), https://www.syracuse.com/opinion/2019/10/nys-bar-to-admit-syracuses-first-black-law-graduate-correcting-century-old-injustice-commentary.html.

Opinion*, Plaintiff in* Brown v. Board *Never Stopped Fighting for Equality (with Linda Carty),* THE POST-STANDARD, Apr. 8, 2018, at E1; SYRACUSE.COM (Apr. 3, 2018), http://www.syracuse.com/opinion/index.ssf/2018/04/plaintiff_in_brown_v_board_never_stopped_fighting_for_equality_commentary.html.

Maintaining the Audacity of Hope, HUFFINGTON POST (Jan. 17, 2017), http://www.huffingtonpost.com/entry/587eca36e4b06a0baf64916f?timestamp=1484708120017.

When Lawyers and Journalists Share Common Cause (*with* Janis L. McDonald), 65 NIEMAN REPS. (Harvard Univ, Nieman Foundation), Sep. 9, 2011.

Book Review

Book Review, 83 J. OF S. HIST. 1001 (2017) (reviewing PIPPA HOLLOWAY, LIVING IN INFAMY: FELON DISFRANCHISEMENT AND THE HISTORY OF AMERICAN CITIZENSHIP (2014)).

Andrew T. Kim
Professor of Law

Law Review and Other Scholarly Articles

Immigrant Torts, 57 U.C. DAVIS L. REV. 1059 (2023).

Penalizing Presence, 88 GEO. WASH. L. REV. 76 (2020), *reprinted in* 41 IMMIGR. & NAT'LITY L. REV. 211 (2020).

Deportation Deadline, 95 WASH. U. L. REV. 531 (2017).

Immigrant Passing, 105 KY. L.J. 95 (2016).

Rethinking Review Standards in Asylum, 55 WM. & MARY L. REV. 581 (2013).

Culture Matters: Cultural Differences in the Reporting of Employment Discrimination Claims, 20 WM. & MARY BILL RTS. J. 405 (2011).

Nina A. Kohn
Board of Advisors Distinguished Professor of Law
Distinguished Professor of Law

Forthcoming

LAW, HEALTH CARE, AND THE AGING BRAIN AND BODY (*with* I. GLENN COHEN, FRANCIS SHEN, & SUSANNAH BARUCH eds., forthcoming 2027).

TORTS: CASES, PROBLEMS, AND EXERCISES (7th ed. forthcoming 2026).

AGING WHILE FEMALE: THE UNTOLD STORY OF GROWING OLDER, GENDER, AND LAW IN AMERICA (*with* NAOMI CAHN) (forthcoming 2026).

Decontractualizing Assisted Living (*with* Jeremy Pilaar), OHIO ST. L.J. (2027).

Long-Term Care Finance, N.Y.U. L. REV. ONLINE (2026).

Assisted Living Regulation, 87 OHIO ST. L.J. ONLINE (2026).

Books

ELDER LAW: PRACTICE, POLICY, AND PROBLEMS (3d ed. 2025).

ELDER LAW: PRACTICE, POLICY, AND PROBLEMS (2d ed. 2020).

ELDER LAW: PRACTICE, POLICY, AND PROBLEMS (2014).

Law Review and Other Scholarly Articles

The Legal Landscape for Supported Decision-Making in the United States and its Application to Clinical Research (*with* Megan S. Wright & Robert D. Dinerstein), 54 J.L. MED. & ETHICS 4 (2026).

Ageless Law, 104 N.C. L. REV. 955 (2026).

Mandated Reporting of Elder Abuse: An Evaluation and Call to Action, (*with* Wendy Jiang et al.) 33 ELDER L.J. 167 (2025).

Top Ten Tips Palliative Care Clinicians Should Know About Caring for Patients Under Guardianships (*with* Dhrity Bhowmik et al.), 27 J. PALLIATIVE MED. 104 (2024). https://www.liebertpub.com/doi/epub/10.1089/jpm.2024.0318

Informed Consent in the New Restatement on Medical Malpractice: A Friendly Critique, 52 SW. L. REV. 478 (2024).

Using What We Have: How Existing Legal Authorities Can Fix America's Nursing Home Crisis (*with* Adrianna Duggan, Justin Cole, & Nada Aljassar), 65 WM & MARY L. REV. 127 (2023).

Defending Voting Rights in Long-Term Care Institutions (*with* Casey Smith), 103 B.U. L. REV. 1025 (2023).

Malpractice Litigation in Elective Lumbar Spinal Fusion: a Comprehensive Review of Reported Legal Claims in the U.S. in the Past 50 Years (with Justin K. Zhang, et al), 22 SPINE J. 1254 (2022).

Protective Orders & Limited Guardianships: Legal Tools for Sidelining Plenary Guardianship (*with* David A. English), 72 SYR. L. REV. 225 (2022).

Teaching Law Online: A Guide for Faculty, 70 J. LEGAL EDUC. 230 (2021).

Realizing Supported Decision-Making: What it Does – and Does Not – Require, 21 AM. J. BIOETHICS 37 (2021).

Legislating Supported Decision-Making, 58 HARV. J. LEGIS. 313 (2021).

Nursing Homes, COVID-19, and the Consequences of Regulatory Failure, 110 GEO. L.J. ONLINE 1 (2021).

How the Guardianship System Can Help Address Gun Violence, 48 Supp. J.L. MED. & ETHICS 133 (2020).

Online Learning and the Future of Legal Education, 70 SYRACUSE L. REV. 1 (2020).

A Framework for Theoretical Inquiry Into law and Aging, 21 THEORETICAL INQUIRIES IN L. 187 (2020).

For Love and Affection: Elder Care and the Law's Denial of Intra-Family Contracts, 54 HARV. C.R.-C.L. L. REV. 211 (2019).

Building Bridges between Gerontology and Elder Law (*with* Maria Brown & Israel A. Doron), 65 GERONTOLOGY 98 (2018).

Whom Do You Represent?: The Role of Attorneys Representing Individuals with Surrogate Decision Makers, 53 CT. REV. 64 (2017).

Introduction to Special Issue, 53 CT. REV. 53 (2017).

Identifying Connections Between Elder Law and Gerontology: Implications for Teaching, Research, and Practice (*with* Maria T. Brown & Israel Doron), 25 ELDER L.J. 69 (2017).

Lawyers for Legal Ghosts: The Legality and Ethics of Representing Persons Subject to Guardianship (*with* Catheryn Koss), 91 WASH. L. REV. 581 (2016).

Matched Preferences and Values: A New Approach to Selecting Legal Surrogates, 52 SAN DIEGO L. REV. 399 (2015).

The Nasty Business of Aging, 40 LAW & SOC. INQUIRY 506 (2015).

A Call to Expand Elder Law Education (*with* Edward D. Spurgeon), 35 BIFOCAL 123 (2014).

Vulnerability Theory and the Role of Government, 26 YALE J. L. & FEMINISM 1 (2014).

A Call to Action on Elder Law Education: An Assessment and Recommendations Based on National Survey (*with* Edward D. Spurgeon), 21 ELDER L.J. 345 (2014).

A Critical Assessment of Supported Decision-Making for Persons Aging with Intellectual Disabilities (*with* Jeremy A. Blumenthal), 7 DISABILITY & HEALTH J. S40 (2014).

Supported Decision-Making: A Viable Alternative to Guardianship (*with* Jeremy A. Blumenthal & Amy T. Campbell), 117 PENN ST. L. REV. 1111 (2013).

Elder (In)Justice: A Critique of the Criminalization of Elder Abuse, 49 AM. CRIM. L. REV. 1 (2012).

Elder Rights: The Next Civil Rights Movement, Keynote Address at the Temple Political & Civil Rights Law Review Symposium: Aging in the U.S.: The Next Civil Rights Movement? (Oct. 22, 2011), 21 TEMP. POL. & CIV. RTS. L. REV. 321 (2012).

Elder Law Teaching and Scholarship: An Empirical Analysis of an Evolving Field (*with* Edward D. Spurgeon), 59 J. LEGAL EDUC. 414 (2010).

Rethinking the Constitutionality of Age Discrimination: A Challenge to a Decade-Old Consensus, 44 U.C. DAVIS L. REV. 213 (2010).

The Lawyer's Role in Fostering an Elder Rights Movement, 37 WM. MITCHELL L. REV. 49 (2010).

Outliving Civil Rights, 86 WASH. U. L. REV. 1053 (2009).

Cognitive Impairment and the Right to Vote: Rethinking the Meaning of Accessible Elections, 1 CAN. J. OF ELDER L. 28 (2008).

Designating Health Care Decisionmakers for Patients without Advance Directives: a Psychological Critique (with Jeremy A. Blumenthal), 42 GA. L. REV. 979 (2008).

Preserving Voting Rights in Long-Term Care Institutions: Facilitating Resident Voting While Maintaining Election Integrity, 38 MCGEORGE L. REV. 1065 (2007).

Elder Empowerment as a Strategy for Curbing the Hidden Abuses of Durable Powers of Attorney, 59 RUTGERS L. REV. 1 (2006).

Cambridge Law School for Women: The Evolution and Legacy of the Nation's First Graduate Law School Exclusively for Women, 12 MICH. J. GENDER & L. 119 (2005).

Second Childhood: What Child Protection Systems Can Teach Elder Protection Systems, 14 STAN. L. & POL'Y REV. 175 (2003).

Book Chapters

Age-Based Classifications in an Age of Centenarians, in LAW AND THE 100-YEAR LIFE (Anne Alstott & Abbe Gluck eds., 2025).

Humane and Resilient Long-Term Care: A Post-COVID Vision, *in* COVID-19 AND THE LAW: DISRUPTION, IMPACT, AND LEGACY (I. Glenn Cohen et al. eds, 2023).

Fiduciary Principles in Surrogate Decision-Making, in OXFORD HANDBOOK OF FIDUCIARY LAW (R. Sitkoff et al. eds., 2019).

Improving Health Care Decision-Making Through a Shared Values and Shared Preferences Approach to Surrogate Selection, *in* NUDGING HEALTH: HEALTH LAW AND BEHAVIORAL ECONOMICS (I. Glenn Cohen et al. eds., 2016).

Voting & Political Participation, in THE LAW AND ETHICS OF DEMENTIA (Charles Foster et al. eds., 2014).

Legal Gerontology: How a Legal Perspective Can Contribute to the Gerontological Imagination, in GERONTOLOGY: PERSPECTIVES AND ISSUES (Kenneth F. Ferraro & Janet M. Wilmoth eds., 4th ed. 2013).

A Civil Rights Approach to Elder Law, *in* BEYOND ELDER LAW: NEW DIRECTIONS IN LAW AND AGING (Israel Doron & Ann M. Soden eds., 2012).

Aging and Law: Using a Multi-Dimensional Model to Understand the Legal Response to Aging (with Israel Doron*), in* AGING IN PERSPECTIVE AND THE CASE OF CHINA: ISSUES AND APPROACHES (Sheying Chen & Jason L. Powell eds., 2010).

Reports, News and Commentary

Why Many Older Americans Are Losing Ground Even with an 80-Year-Old President (*with* Naomi Cahn), CONVERSATION (June 22, 2026), https://theconversation.com/why-truemany-older-americans-are-losing-ground-even-with-an-80-year-old-president-285221, *reprinted in* Commentary, *Older Americans Face Cuts to Safety Net Programs Under a President Who is 80* (*with* Naomi Cahn), CHI. SUN-TIMES (Jul. 10, 2026), https://chicago.suntimes.com/other-views/2026/07/10/older-americans-losing-ground-under-president-donald-trump-80-years-old-nina-kohn-naomi-cahn.

Legal Leaders Take Historic Step to Protect Americans Under Guardianship, Convservatorship, FORBES.COM (Feb. 17, 2026), https://www.forbes.com/sites/ninakohn/2026/02/17/legal-leaders-take-historic-step-to-protect-americans-under-guardianship-conservatorship/ [https://perma.cc/5CAL-956A].

ABA Considers Important Changes to Its Ethics Rule Governing Representation of Clients with Decision-Making Limitations (*with* Charlie Sabatino), 47(1) BIFOCAL (Feb. 9, 2026), https://www.americanbar.org/groups/law_aging/publications/bifocal/vol47/vol47issue1/changestomrpc1-14/ (on file with Syracuse University College of Law Library).

One Conversation Every Family Should Have This Thanksgiving, FORBES.COM (Nov. 21, 2025), https://www.forbes.com/sites/ninakohn/2025/11/21/one-conversation-every-family-should-have-this-thanksgiving/?ctpv=searchpage [https://perma.cc/5B5V-CPXX].

Why American Leaders Are Rethinking the Fight Against Elder Abuse, FORBES.COM (Sep. 18, 2025), http://www.forbes.com/sites/ninakohn/2025/09/18/why-american-leaders-are-rethinking-the-fight-against-elder-abuse/?ctpv=searchpage [https://perma.cc/4F4T-FH8K].

AgeTech is Transforming Eldercare but Risks Abusive Surveillance, FORBES.COM (Sep. 2, 2025), http://www.forbes.com/sites/ninakohn/2025/09/02/agetech-is-transforming-eldercare-but-risks-abusive-surveillance/?ctpv=searchpage [https://perma.cc/R2MM-BXQW].

States Must Step Up After Federal Court Tosses Key Protection for Nursing Home Residents, BILL OF HEALTH (Harvard Law Petrie-Flom Center, Apr. 16, 2025). https://petrieflom.law.harvard.edu/2025/04/16/states-must-step-up-after-federal-court-tosses-key-protection-for-nursing-home-residents/ [https://perma.cc/7EF4-Z7YE].

The New Uniform Health Care Decisions Act: An Overview, 45(1) BIFOCAL (Sept. 10, 2023), https://www.americanbar.org/groups/law_aging/publications/bifocal/vol45/vol45issue1/new-health-care-decisions-act/.

Voters Live Here: Understanding the Voting Rights and Needs of Long-Term Care Residents, Generations Today March-April 2023 (American Society on Aging) (Mar. 15, 2023) https://generations.asaging.org/voting-rights-and-needs-ltc-residents

Opinion, *Modern Laws and Out-of-Court Solutions Can Advance Guardianship – Expert Views on Adult Guardianship* (*with* Robert Dinerstein, Deborah Enix-Ross & Ellie Lanier), U.S.L.W. (Mar. 9, 2023).

Hospitals That Ditch Masks Risk Exposure (*with* Irina D. Manta), BILL OF HEALTH (Harvard Law Petrie-Flom Center, Feb. 20, 2023). https://blog.petrieflom.law.harvard.edu/2023/02/20/hospital-liability-covid-infection/

COVID-19 and the Problem of Multiple Sufficient Causes, BILL OF HEALTH (Harvard Law Petrie-Flom Center, Oct. 12, 2022), https://petrieflom.law.harvard.edu/2022/10/12/covid-multiple-sufficient-causes/ [https://perma.cc/HMG3-GXJT].

Opinion, *Britney Spears' Case Has Shown Why Guardianship Laws Need to Change*, THE GUARDIAN (Online) (Aug. 19, 2021), https://www.theguardian.com/commentisfree/2021/aug/18/britney-spears-case-guardianship-laws

Long-Term Care After Covid: A Roadmap for Reform, BILL OF HEALTH (Harvard Law Petrie-Flom Canter, June 2, 2021), https://blog.petrieflom.law.harvard.edu/2021/06/02/long-term-care-covid-reform/.

It's Time to Care About Home Care, THE HILL (May 31, 2021), https://thehill.com/opinion/healthcare/556178-its-time-to-care-about-home-care.

COVID Awakened Americans to a Nursing Home Crisis. Now Comes the Hard Part, WASH. POST (Apr. 28, 2021), https://www.washingtonpost.com/outlook/2021/04/28/nursing-homes-covid-pandemic-reform-staffing/ (featured in the SUNDAY OUTLOOK section, May 9, 2020 and *reprinted* in NEWSDAY, Aug. 29, 2021, https://www.newsday.com/opinion/coronavirus/covid-19-pandemic-nursing-home-crisis-elder-care-solutions-america-staffing-funds-1.50232965).

Netflix's "I Care a Lot" Should Worry You (*with* David M. English), THE HILL (Feb. 24, 2021), https://thehill.com/opinion/civil-rights/540212-netflixs-i-care-a-lot-should-worry-you.

When it Comes to Healthy Aging: Location, Location, Location (*with* Jennifer Goldberg), THE HILL (Oct. 15, 2020), https://thehill.com/opinion/civil-rights/521267-when-it-comes-to-healthy-aging-location-location-location.

Coronavirus Isolated Nursing Home Residents. Now it Might Keep Them From Voting: States Can Step In to Help, But Many Aren't, WASH. POST (Oct. 14, 2020), https://www.washingtonpost.com/outlook/2020/10/14/nursing-homes-voting-covid-discrimination/.

Older Adults are Feeling the Heat, Literally (*with* Karl Pillemer), THE HILL (Aug. 29, 2020), https://thehill.com/opinion/civil-rights/514236-older-adults-are-feeling-the-heat-literally.

Come Fall, Universities Must Expand Vision: Traditional Learning Can be Replicated Online, ALBANY TIMES UNION (June 6, 2020), https://www.timesunion.com/opinion/article/Come-fall-universities-must-expand-vision-15322062.php.

Nursing Homes Need Increased Staffing, not Legal Immunity (with Jessica L. Roberts), THE HILL (May 23, 2020), https://thehill.com/opinion/healthcare/499286-nursing-homes-need-increased-staffing-not-legal-immunity.

The Pandemic Exposed a Painful Truth: America Doesn't Care About Old People, THE WASHINGTON POST, May 10, 2020 at B4 (*reprinted as Not Enough Care About Old People*, THE POST-STANDARD, May 10, 2020 at E5).

Addressing the Crisis in Long-Term Care Facilities, THE HILL (Apr. 23, 2020), https://thehill.com/opinion/civil-rights/494337-addressing-the-crisis-in-long-term-care-facilities?rnd=1587666321

Move Class Online ... But Do It Right, SYRACUSE.COM (Mar. 19, 2020), https://www.syracuse.com/opinion/2020/03/syracuse-law-prof-move-class-online-but-do-it-right-commentary.html.

JDinteractive: An Online Law Degree Program Designed to Expand Access to Justice, N.Y. ST. B.A. J., Sept. 2018, at 30.

Legal Update Column, *The Criminal Justice System's Response to Elder Abuse: Law-Psychology Research to the Rescue?,* AMERICAN PSYCHOLOGY LAW SOCIETY NEWSLETTER (Spring 2010).

Book Review

Old Age in an Era of Migrant Elder Care, 15 INT'L J. OF LAW IN CONTEXT 234 (2019) (reviewing DAPHNA HACKER, LEGALIZED FAMILIES IN THE ERA OF BORDERED GLOBALIZATION (2017)).

Elizabeth G. Kubala
Teaching Professor
Executive Director, Office of Clinical Legal Education
Director, Betty and Michael D. Wohl Veterans Legal Clinic
Director, Veteran and Military Affairs for the College of Law

Forthcoming

"Out of Step": How Executive Departments Must March Together in Recognizing "Honorable" Service (*with* Brent G. Filbert & Seth Owens) 11 VETERANS L. REV. (forthcoming 2026).
Feb. 4, 2026 https://ssrn.com/abstract=6178245.

Law Review and Other Scholarly Articles

"Band-Aids Don't Fix Bullet Holes": The Veterans Who Are Not "Veterans," The Unique Crises They Face, and Why Proactive Interagency Collaboration is Key (*with* Seth M. Owens), 76 SYR. L. REV. 73 (2026).

Preventing the Erosion of the Law of Armed Conflict: Our Moral Obligation to Uphold and Apply the Law of War amidst a Rogue State's Actions, 73 SYR. L. REV. 521 (2023).

Book Chapters

Deploying Justice, A HANDBOOK FOR THE CHIEF OF MILITARY JUSTICE, OFFICE OF THE JUDGE ADVOCATE GENERAL – CRIMINAL LAW DIVISION, U.S. ARMY. (2008).

Reports to Governmental Bodies and Professional Associations

Brief of the Betty and Michael D. Wohl Veterans Legal Clinic at Syracuse University College of Law as Amicus Curiae in Support of Petitioner, Van Dermark v. McDonough, 144 S.Ct. 549 (2024) (No. 23-178).

Laura G. Lape
Associate Professor of Law

Law Review and Other Scholarly Articles

A Narrow View of Creative Cooperation: The Current State of Joint Work Doctrine, 61 ALB. L. REV. 43 (1997).

Transforming Fair Use: The Productive Use Factor in Fair Use Doctrine, 58 ALB. L. REV. 677 (1995).

The Metaphysics of the Law: Bringing Substantial Similarity Down to Earth, 98 DICK. L. REV. 181 (1994), *reprinted in* 27 INTELL. PROP. L. REV. 425 (1995).

Ownership of Copyrightable Works of University Professors: The Interplay Between the Copyright Act and University Copyright Policies, 37 VILL. L. REV. 223 (1992).

Mayer v. Mayer: Estoppel and Foreign Divorce, 63 N.C. L. REV. 1189 (1985).

Book Chapters

A Balancing Act: Copyright in the Electronic Network Environment, in SAFEGUARDING ELECTRONIC INFORMATION (Jana Varlejs ed., 1996).

Terence J. Lau
Dean and Professor of Law

Books

THE LEGAL AND ETHICAL ENVIRONMENT OF BUSINESS (*with* LISA JOHNSON) (Version 5.0 2023).

THE LEGAL AND ETHICAL ENVIRONMENT OF BUSINESS (*with* LISA JOHNSON) (Version 4.0 2019).

THE LEGAL AND ETHICAL ENVIRONMENT OF BUSINESS (*with* LISA JOHNSON) (Version 3.0 2017).

THE LEGAL AND ETHICAL ENVIRONMENT OF BUSINESS (*with* LISA JOHNSON) (Version 2.0 2014).

THE LEGAL AND ETHICAL ENVIRONMENT OF BUSINESS (*with* LISA JOHNSON) (2013).

THE LEGAL AND ETHICAL ENVIRONMENT OF BUSINESS (*with* LISA JOHNSON) (2011).

Law Review and Other Scholarly Articles

Dormant No More: How the Supreme Court's Sharpened Pike *in* NPCC v. Ross *Signals a Path to Overturning State Dealer Franchise Laws*, 57 TEX. TECH. L. REV. 343 (2025).

Mistakes, Airfares, and Consumers, 34 QUINNIPIAC. L. REV. 372 (2015).

Drawing Lessons from the U.K. Constitutional Reform Act of 2005, 40 FORDHAM URB. L.J. CITY SQUARE 68 (2013).

Attitudes Toward and Behavioral Intentions to Adopt Mobile Marketing: Comparisons of Gen Y in the United States, France and China, (*with* R. Wells & C. Kleshinski), 7 INT'L J. MOBILE MARKETING. 5 (2012).

Executive Noncompetes: Keeping Talent in House or at Bay?, 25 ACAD. MGMT. PERSP. 87 (2011).

Towards Zero Net Presence, 25 NOTRE DAME J.L. ETHICS. & PUB. POL'Y 237 (2011).

Do Rigid Labor Laws Mean Higher Unemployment in Developing Countries? 23 ACAD. MGMT. PERSP. 95 (2009).

Take Two Tablets and Do Not Call for Judicial Review until Our Heads Clear: The Supreme Court Prepares to Demolish the "Wall of Separation" Between Church and State, (*with* William Wines), 43 VAL. U. L. REV. 595 (2009).

Judicial Independence: A Call for Reform, 9 NEV. L.J. 79 (2008).

Courting Success: The Supreme Court Fellows Program at 35, (*with* Jon B. Gould, Lauren C. Bell & John M. Domurad), 41 PS: POL. SCI. & POL. 839 (2008).

Observations on the Folly of Using Student Evaluations of College Teaching for Faculty Evaluation, Pay, and Retention Decisions and Its Implications for Academic Freedom, (*with* William Wines)*,* 13 WM. & MARY J. RACE, GENDER, & SOC. JUST. 167 (2006).

Management and Market Reactions to Litigation: Do Shareholders Win When the Company Loses?, 20 ACAD. MGMT. PERSP. 72 (2006).

Distinguishing Fiction from Reality: The ASEAN Free Trade Area and Implications for the Global Auto Industry, 31 DAYTON L. REV. 453 (2006).

Can You Hear Me Now? Corporate Censorship and Its Troubling Implications for the First Amendment, (*with* William Wines), 55 DEPAUL L. REV. 119 (2005).

Triggering Parent Company Liability Under United States Sanctions Regimes, 41 AM. BUS. L.J. 413 (2004).

A Brief History of Western Attitudes Toward Work and a Preliminary Inquiry into the Attitudes Towards Work That Should be Fostered by Socially Responsible Employers, (*with* William Wines), 55 LAB. L.J. 248 (2004).

Caveat Emptor: Lessons from Volkswagen's Lemon Purchase, 12 CURRENTS INT'L TRADE L.J. 3 (2003).

Monica M. Luna
Teaching Professor
Co-Director, LondonEx Program

Law Review and Other Scholarly Articles

Let's Be Honest about Law School Cheating: A Low-Tech Solution to a High-Tech Problem (*with* Lori Roberts), 52 AKRON L REV. 1155 (2019).

Matchmaking in Law School: Practical Skills and Doctrine in Family Law Course Design, 46 W. ST. U. L. REV. 127 (2019).

Katherine A. Macfarlane
Professor of Law
Board of Advisors Research Fellow
Director, Disability Law and Policy Program

Forthcoming

Letter to A Law School Accommodations Officer in Lawyers, Lead on II (ABA forthcoming 2026).

Gender, Status & Legal Academia (*with* Tiffany Graham), 106 B.U. L. REV. (forthcoming 2026) (symposium).

*Anti-bureaucratic Accommodation*s, 88 OHIO ST. L.J. (forthcoming 2026) (symposium).

When Disability Is Different: Reasonable Accommodations and Higher Education DEI, 76 CASE W. RES. L. REV. (forthcoming 2026) (symposium).

Law Review and Other Scholarly Articles

Disability Documentation and Disability Discrimination, 50 Hum. Rts. , July 2025, at 4.

Disability and Constitutional Legitimacy, 101 WASH. L. REV. 529 (2026).

The Higher Education Accommodation Mistake, 114 GEO L.J. 219 (2025).

Ben Crump and Racialized Professionalism, 98 ST. JOHN'S L. REV. 1189 (2025).

Constitutional Case Assignment, 102 N.C. L. REV. 977 (2024), *reviewed in* Brooke Coleman, *Case Assignment & Its Constitutional Implications*, JOTWELL (Oct. 4, 2024). https://courtslaw.jotwell.com/case-assignment-its-constitutional-implications/.

Accommodation Discrimination, 72 AM. U. L. REV. 1971 (2023)

Section 1983 Dealmaking, 97 TUL. L. REV. 1 (2022), *reprinted in* NLG Civil Rights Litigation and Attorneys Fees Handbook (2023).

Disability Without Documentation, 90 FORDHAM L. REV. 59 (2021).

Procedural Animus, 71 ALA. L. REV. 1185 (2020).

Foreseeable Police Shootings, 119 COLUM. L. REV. FORUM 283 (2019), https://columbialawreview.org/content/foreseeable-police-shootings/.

Accelerated Civil Rights Settlements in the Shadow of Section 1983, 2018 UTAH L. REV. 639 (2018).

Los Angeles v. Mendez: Proximate Cause Promise for Police Shooting Victims, 118 COLUM. L. REV. ONLINE 48 (2018), https://columbialawreview.org/content/los-angeles-v-mendez-proximate-cause-promise-for-police-shooting-victims/.

The New Jim Crow's Equal Protection Potential, 27 WM. & MARY BILL RTS. J. 61 (2018).

Posner Tackles the Pro Se Prisoner Problem: A Book Review of Reforming the Federal Judiciary, 83 MO. L. REV. 113 (2018).

Introduction, Symposium, *Terry v. Ohio: Considering The Past, Present, & Future of Stop And Frisk*, 54 IDAHO L. REV. 279 (2018).

Camouflaging State Biosimilar Laws as Pro-Patient Legislation, 26 ANNALS HEALTH L. 52 (2017).

Shadow Judges: Staff Attorney Adjudication of Prisoner Claims, 95 OR. L. REV. 97 (2016).

Predicting Utah v. Strieff's Civil Rights Impact, 126 YALE L.J. F. 139 (2016), https://www.yalelawjournal.org/forum/predicting-utah-v-streiffs-civil-rights-impact.

A New Approach to Local Rules, 11 STAN. J. C.R. & C.L. 121 (2015).

Analyzing the Southern District of New York's Amended "Related Cases" Rule: The Process For Challenging Nonrandom Case Assignment Remains Inadequate, 69 N.Y.U. ANN. SURV. AM. L. 699 (2015).

The Danger of Nonrandom Case Assignment: How the Southern District of New York's "Related Cases" Rule Shaped Stop-and-Frisk Rulings, 19 Mich. J. Race & L. 199 (2014).

Adversarial No More: How Sua Sponte Assertion of Affirmative Defenses to Habeas Wreaks Havoc on the Rules of Civil Procedure, 91 Or. L. Rev. 177 (2012).

The Improper Dismissal of Title VII Claims on "Jurisdictional" Exhaustion Grounds: How Federal Courts Require that Allegations be Presented to an Agency Without the Resources to Consider Them, 21 Geo. Mason Univ. C.R. L.J. 213 (2011).

Note, *Derungs v. Wal-Mart Stores: A Federal Interpretation Excluding Breast-Feeding from a State's Sex Discrimination Protection*, 38 LOY. L.A. L. REV. 2319 (2005).

Book Chapters

Self-Accommodation, *in* THE LEGAL DETERMINANTS OF HEALTH: FROM INCARCERATION TO ACCESSIBILITY 150 (Brian Dolan & Juliet McMullin et al. eds., Univ. Cal. Health Humanities Press 2025).

Teaching the Americans with Disabilities Act's Constitutionality Without Othering People with Disabilities, *in* INTEGRATING DOCTRINE AND DIVERSITY: BEYOND THE FIRST YEAR (Nicole P. Dyszlewski et al. eds., 2024).

Prisoner Procedure, *in* A GUIDE TO CIVIL PROCEDURE: INTEGRATING CRITICAL LEGAL PERSPECTIVES (Brooke Coleman et al. eds., 2022).

Commentary on Kulko v. Superior Court of California (*with* Mary-Beth Moylan), *in* FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN (Rachel Rebouché ed., 2020).

Reports to Governmental Bodies and Professional Associations

Brief of Amicus Curiae Supporting Plaintiffs-Appellants, *Boe v. Marshall*, U.S. Co (11th Cir. 2025) (No. 25-10973).

Brief of Amici Curiae Law Professors in Support of Plaintiff-Appellees, *E.T. v. Paxton*, (5th Cir. 2022) (No. 21-51083).

Reports, News, and Commentary

Disability Documentation and Disability Discrimination, 50 HUM. RTS. MAG., July 2025, at 4. https://www.americanbar.org/groups/crsj/resources/human-rights/2025-july/disability-documentation-discrimination/.

When the System Fails: Why Disabled People Self-Accommodate, ABA COMMISSION ON DISABILITY RIGHTS NEWS (May 28, 2025), https://www.americanbar.org/groups/diversity/disabilityrights/news/why-disabled-people-self-accommodate/.

Disability Documentation, Disability Discrimination, HUM. RTS. MAG. (July 2025). https://www.americanbar.org/groups/crsj/resources/human-rights/2025-july/disability-documentation-discrimination/

When the System Fails: Why Disabled People Self-Accommodate, ABA COMMISSION ON DISABILITY RIGHTS NEWS (May 28, 2025).

A Categorical No to Categorical Accommodation Denials Related to COVID-19? (with Irina D. Manta), BILL OF HEALTH (Harvard Law Petrie-Flom Center, Sept. 11, 2023), https://blog.petrieflom.law.harvard.edu/2023/09/11/a-categorical-no-to-categorical-accommodation-denials-related-to-covid-19/.

A Patient's Right to Masked Health Care Providers, BILL OF HEALTH (Harvard Law Petrie-Flom Center, July 20, 2023). https://blog.petrieflom.law.harvard.edu/2023/07/20/a-patients-right-to-masked-health-care-providers/.

Personal Crusades for Public Health, BILL OF HEALTH (Harvard Law Petrie-Flom Center, Feb. 14, 2023), https://blog.petrieflom.law.harvard.edu/2023/02/14/personal-crusades-for-public-health/.

Negotiating Masks in the Workplace When the ADA Does and Does Not Apply, BILL OF HEALTH (Harvard Law Petrie-Flom Center, March 8, 2022), https://blog.petrieflom.law.harvard.edu/2022/03/08/masks-workplace-ada-reasonable-accomodation/.

Using Health Justice to Identify Inequities Experienced by Employees with Disabilities, BILL OF HEALTH (Harvard Law Petrie-Flom Center, Oct. 4, 2021). https://blog.petrieflom.law.harvard.edu/2021/10/04/health-justice-disability/

So Sorry to Bother You, But I Might Die If You Don't Wear a Mask, INTIMA: A JOURNAL OF NARRATIVE MEDICINE (Fall 2020), https://static1.squarespace.com/static/54bc1287e4b09cb81d8d8439/t/5f9cdafb98f8bd6abc712ecf/1604115198866/So+Sorry+to+Bother+You%2C+But+I+Might+Die+If+You+Don%27t+Wear+a+Mask.pdf.

Employers Have the Power to Make Workplaces More Accessible, BLOOMBERG LAW: DAILY LABOR REPORT (Oct. 22, 2021), https://news.bloomberglaw.com/daily-labor-report/employers-have-the-power-to-make-workplaces-more-accessible.

Vaccinate High-Risk People with Disabilities. Now, MS. MAGAZINE (Mar. 4, 2021), https://msmagazine.com/2021/03/04/vaccinate-high-risk-disabilities-priority/.

Testing Accommodations are not a Gift of Extra Time, MS. JD (Jan. 10, 2019), https://ms-jd.org/blog/article/testing-accommodations-are-not-a-gift-of-extra-time.

Surviving Inaccessible Work Retreats, MS. JD (Dec. 16, 2018), https://ms-jd.org/blog/article/surviving-inaccessible-work-retreats.

What does it mean to be a lawyer? Navigating disability and unexpected physical demands, MS. JD (Nov. 10, 2019), https://ms-jd.org/blog/article/what-does-it-mean-to-be-a-lawyer-navigating-disability-and-unexpected-physi.

Pushed & Pulled: The Kavanaugh Effect, MS. JD (Sept. 30, 2018), https://ms-jd.org/blog/article/pushed-pulled-the-kavanaugh-effect.

Owning Up to My Reality: I'm Disabled, and I Always Will Be, MS. JD (Aug. 27, 2018), https://ms-jd.org/blog/article/owning-up-to-my-reality-im-disabled-and-i-always-will-be.

Obtaining Accommodations at Your New Law Job, MS. JD (July 29, 2018), https://ms-jd.org/blog/article/obtaining-accommodations-at-your-new-law-job.
Doctors v. Lawyers, MS. JD (June 25, 2018), https://ms-jd.org/blog/article/doctors-v.-lawyers.

Disability & the Summer Associate Gig: To Disclose or Not to Disclose?, MS. JD (June 3, 2018), https://ms-jd.org/blog/article/disability-the-summer-associate-gig-to-disclose-or-not-to-disclose.

When the Law Empowers: Learning Disability Advocacy by Helping Yourself, MS. JD (May 3, 2018), https://ms-jd.org/blog/article/when-the-law-empowers-learning-disability-advocacy-by-helping-yourself.

Controlling the Conversation About (Your) Disability, MS. JD (March 28, 2018), https://ms-jd.org/blog/article/controlling-the-conversation-about-your-disability.

Can a Disabled Lawyer Achieve Work-Life Balance?, MS. JD (Feb. 28, 2018), https://ms-jd.org/blog/article/is-it-possible-for-a-disabled-lawyer-to-achieve-work-life-balance.

Making Peace with Testing Accommodations, MS. JD (Jan. 28, 2018), https://ms-jd.org/blog/article/making-peace-with-testing-accommodations.

Do What You Love, But Be Open to Doing It Anywhere, MS. JD (Nov. 10, 2017), https://ms-jd.org/blog/article/do-what-you-love-but-be-open-to-doing-it-anywhere.

Opinion: Trump Wrong But Stop-And-Frisk Still Constitutional, LAW360 (Sept. 22, 2016), https://www.law360.com/articles/843445/opinion-trump-wrong-but-stop-and-frisk-still-constitutional.

When I'm 'Stalled' by Someone Without a Disability in the Accessible Bathroom, THE MIGHTY (Jun. 20, 2016), https://themighty.com/topic/disability/why-people-without-disabilities-shouldnt-use-the-accessible-bathroom/.

Uterus Transplants and the Social Pressures of Biological Motherhood, MS. MAGAZINE (Nov. 20, 2015), BLOG (Nov. 2015), https://msmagazine.com/2015/11/20/uterus-transplants-and-the-social-pressures-of-biological-motherhood/.

Procedure Takes Center Stage in Stop-and-Frisk Litigation, SUMMARY JUDGEMENTS, THE LMU LOYOLA LAW SCHOOL FACULTY BLOG (Nov. 18, 2013), http://summaryjudgments.lls.edu/2013/11/procedure-takes-center-stage-in-stop.html?m=1.

New York City's Stop-and-Frisk Appeals are Still Alive, BROOKLYN LAW SCHOOL PRACTICUM (Dec. 20, 2013), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2370556.

Motion to Dismiss: From Catcalls to Kisses, Gender Bias in the Courtroom, OBSERVER (Jul. 10, 2013), https://observer.com/2013/07/women-lawyers-sexism-nyc/.

Kevin Noble Maillard
Professor of Law

Books, Edited

LOVING V. VIRGINIA IN A POST-RACIAL WORLD: RETHINKING RACE, SEX, AND MARRIAGE (*with* Rose Cuison Villazor ed. 2012).

Law Review and Other Scholarly Articles

Hollywood Loving, 86 FORDHAM L. REV. 2647 (2018).

Other Mothers, 85 FORDHAM L. REV. 2629 (2017).

Serial Paternity, 2013 MICH. ST. L. REV. 1369 (2013).

Rethinking Children as Property: The Transitive Family, 32 CARDOZO L. REV. 225 (2010).

The Color of Testamentary Freedom, 62 SMU L. REV. 1783 (2009).

Miscegenation – An American Leviathan, 36 HUM. RTS. 15 (2009).

Redwashing History: Tribal Anachronisms in the Seminole Nation Cases, 1 FREEDOM CTR. J. 96 (2008), *reprinted in* THE INDIAN CIVIL RIGHTS ACT AT FORTY (Kristen A. Carpenter, Matthew L.M. Fletcher, & Angela R. Riley eds., 2012).

The Anatomy of Grey: A Theory of Interracial Convergence (*with* Janis L. McDonald), 26 LAW & INEQ. 305 (2008).

The Multiracial Epiphany of Loving, 76 FORDHAM L. REV. 2709 (2008).

The Pocahontas Exception: The Exemption of the American Indian Ancestry from Racial Purity Law, 12 MICH. J. RACE & L. 351 (2007).

Parental Ratification: Legal Manifestations of Cultural Authenticity in Cross-Racial Adoption, 28 AM. INDIAN L. REV. 107 (2003).

Foreword: *Native Americans and the Constitution,* 5 U. PA. J. CONST. L. 219 (2003).

Student and Faculty Perspectives on Black Americans' Success in the White Academy (*with* Anita L. Allen-Castellito), 52 NEGRO EDUC. REV. 89 (July 2001).

Book Chapters

Commentary: Reber v. Reiss, 42 A.3d 1131 (2012), in FEMINIST JUDGMENTS: REPRODUCTIVE JUSTICE REWRITTEN (Kimberly Mutcherson ed. 2020).

A View of a Will: Miscegenation, Inheritance, and Family in Civil War Era Charleston, in FAMILY VALUES IN THE OLD SOUTH, (Craig T. Friend & Anya Jabour eds., 2009).

Many Nations, Under Glass, with Nostalgia and Romance for All, *in* NATIVE AMERICAN VOICES ON IDENTITY, ART, AND CULTURE: OBJECTS OF EVERLASTING ESTEEM (Lucy Fowler Williams & William Wierzbowski eds., 2005).

Just Trees: Reflections on Ancestry among Black Indians, in MULTIRACIAL CHILD RESOURCE BOOK, (Maria P. Root & Matt Kelley eds., 2003).

Reports, News and Commentary

A Renovation Turns Out to Be an Artist's 'Healing Medicine,' N.Y. TIMES, June 1, 2025, at RE6. https://www.nytimes.com/2025/05/09/realestate/house-renovation-hudson-valley-artist.html.

Tequila? Well, Technically, No., N.Y. TIMES, May 28, 2025, at D8. https://www.nytimes.com/2025/04/23/dining/california-agave-spirits.html

Pack a School Lunch Your Child Will Actually Eat, N.Y. TIMES, August 21, 2024, at D6. https://www.nytimes.com/article/school-lunch-ideas.html?searchResultPosition=6

Wild Rice: More Than Just Sustenance, N.Y. TIMES, May 22, 2024, at D7. https://www.nytimes.com/2024/05/15/dining/wild-rice-climate-change.html?searchResultPosition=7

Want a Foolproof Way to Cook Fish?, N.Y. TIMES, Jan. 31, 2024, at D2. https://www.nytimes.com/2024/01/26/dining/how-to-cook-salmon-in-microwave.html?searchResultPosition=5

Native American Movement Grows, N.Y. TIMES, Aug. 31, 2022, at D7. https://www.nytimes.com/2022/08/26/dining/native-american-agriculture.html

The Beauty of Grape Dumplings, N.Y. TIMES, April 20, 2022 at D7. https://www.nytimes.com/2022/04/18/dining/native-american-grape-dumplings.html?searchResultPosition=1

Fry Bread is Beloved, but Also Divisive, N.Y. TIMES, November 3, 2021. https://www.nytimes.com/2021/11/01/dining/indigenous-people-fry-bread.html?searchResultPosition=1

Parenting by FaceTime in Coronavirus Quarantine, N.Y. TIMES, March 20, 2020. https://www.nytimes.com/2020/03/20/well/family/parenting-by-facetime-in-coronavirus-quarantine.html?searchResultPosition=2

Giving In to 'Let It Go', N.Y. TIMES, November 20, 2019 at C1.
https://www.nytimes.com/2019/11/19/movies/frozen-let-it-go-families.html?searchResultPosition=11

Beyond a Mother and Wife, N.Y. TIMES, July 15, 2019 at C1.
https://www.nytimes.com/2019/07/04/arts/television/stranger-things-mrs-wheeler-and-billy.html?searchResultPosition=10

When Being a Good 'Dad' Gets You Promoted to 'Mommy,' N.Y. TIMES, July 27, 2018.
https://www.nytimes.com/2018/07/27/well/when-being-a-good-dad-gets-you-promoted-to-mommy.html

I Took 7th Graders to See "Black Panther." Here's What They Said, N.Y. TIMES, Feb. 18, 2018.
https://www.nytimes.com/2018/02/18/movies/black-panther-challenge-students.html

What's So Hard About Casting Indian Actors in Indian Roles?, N.Y. TIMES, Aug. 1, 2017.
https://www.nytimes.com/2017/08/01/movies/wind-river-native-american-actors-casting.html

Erased Onscreen: Where are All the Interracial Couples?, N.Y. TIMES, Mar. 3, 2017.
https://www.nytimes.com/2017/03/03/movies/interracial-couples-onscreen-loving-get-out.html

A Cough Is No Longer Just a Cough, N.Y. TIMES, Aug. 29, 2016.
https://www.nytimes.com/roomfordebate/2016/08/29/are-medical-websites-like-webmd-healthful/with-medical-websites-a-cough-is-no-longer-just-a-cough

A Father's Struggle to Stop His Daughter's Adoption, Cont'd, ATLANTIC, Aug. 4, 2016.
https://www.theatlantic.com/national/archive/2016/08/a-fathers-struggle-to-stop-his-daughters-adoption-contd/623424/

A Father's Struggle to Stop His Daughter's Adoption, ATLANTIC, July 7, 2015.
https://www.theatlantic.com/national/archive/2016/08/a-fathers-struggle-to-stop-his-daughters-adoption-contd/623424/

Why We Should Embrace the Racial Chaos, N.Y. TIMES, June 16, 2015.
https://www.nytimes.com/roomfordebate/2015/06/16/how-fluid-is-racial-identity/why-we-should-embrace-the-racial-chaos

Fatherhood is One Area Where Men Are Unequal, N.Y. TIMES, June 13, 2014.
https://www.nytimes.com/roomfordebate/2014/06/13/fathers-rights-and-womens-equality/fatherhood-is-one-area-where-men-are-unequal

Sex and the Single Man: What If Your Partner Has a Kid?, ATLANTIC, Apr. 21, 2014.
https://www.theatlantic.com/national/archive/2014/04/sex-and-the-single-man/360979/

In Adoption, Does Race Matter?, N.Y. TIMES, Feb. 2, 2014.

Not Cutting Ties, but Adding Them, N.Y. TIMES, Dec. 3, 2013.
https://www.nytimes.com/roomfordebate/2013/12/03/life-in-a-mobile-nation/mobility-doesnt-sever-ties-it-adds-new-ones

Biracial Cool: Bill de Blasio's Fresh Electoral Asset, ATLANTIC, Nov. 6, 2013.
https://www.theatlantic.com/politics/archive/2013/11/biracial-cool-bill-de-blasios-fresh-electoral-asset/281173/

Racially Profiled in Palm Beach, ATLANTIC, July 23, 2013.
https://www.theatlantic.com/national/archive/2013/07/racially-profiled-in-palm-beach/278047/

Incorporate and Change, N.Y. TIMES, June 27, 2013.
https://www.nytimes.com/roomfordebate/2013/06/26/is-the-civil-rights-era-over/the-civil-rights-movement-must-incorporate-and-change

The Myth of Rarity, N.Y. TIMES, June 14, 2013.
https://www.nytimes.com/roomfordebate/2013/06/13/is-interracial-marriage-still-scandalous/interracial-couples-are-still-seen-as-rare

The Right to Police Indifference, WEEK MAG., May 17, 2013.

Split the Baby With an Open Adoption, N.Y. TIMES, Jan. 24, 2013.
https://www.nytimes.com/roomfordebate/2013/01/24/adoptive-parents-vs-tribal-rights/splitting-the-indian-baby-by-law-and-tradition

Of Human Binders, N.Y. TIMES, Oct. 17, 2012.
https://campaignstops.blogs.nytimes.com/2012/10/16/debating-points-obama-vs-romney-round-two/#Maillard

Not Married, Not Single, ESSENCE MAG., Oct. 10, 2012,
https://www.essence.com/love/relationships/not-married-not-single/

Modern Parenting: Scary! Read This Now!, N.Y. TIMES, Aug. 28, 2012.
https://www.nytimes.com/roomfordebate/2012/08/27/are-modern-parents-self-absorbed/modern-parenting-scary-read-this-now

Playing the Interracial Card, N.Y. TIMES, July 12, 2012.
https://campaignstops.blogs.nytimes.com/2012/07/12/playing-the-interracial-card/?ref=opinion, *reprinted at* CAMBRIDGE UNIV. PRESS BLOG, Aug. 8, 2012,
http://www.cambridgeblog.org/2012/08/interracial-relationship/

Where is the Dad in Parenting?, N.Y. TIMES, June 15, 2012.
https://www.nytimes.com/roomfordebate/2012/06/15/what-about-dad/where-is-the-dad-in-parenting

The Mysterious Age of Consent in Establishing Who Is an Adult, N.Y. TIMES, May, 28, 2012, https://www.nytimes.com/roomfordebate/2012/05/28/do-we-need-to-redefine-adulthood/the-mysterious-age-of-consent-in-establishing-who-is-an-adult

Elizabeth Warren's Birther Moment, N.Y. TIMES, May 4, 2012, https://campaignstops.blogs.nytimes.com/2012/05/04/elizabeth-warrens-birther-moment/?ref=opinion

The Myth of the Traditional Family, N.Y. TIMES, April 24, 2012, https://www.nytimes.com/roomfordebate/2012/04/24/are-family-values-outdated/the-myth-of-the-traditional-family

Beyond Marriage, Blood or Adoption, N.Y. TIMES, Feb. 13, 2012, https://www.nytimes.com/roomfordebate/2012/02/13/family-ties-without-tying-the-knot/beyond-marriage-blood-or-adoption

We Are Family: A Tale of Racial Identity, N.Y. TIMES, Oct. 20, 2011, https://www.nytimes.com/2011/10/21/opinion/we-are-family-a-tale-of-racial-identity.html?_r=1&scp=1&sq=maillard&st=cse

Define 'Real Indians', N.Y. TIMES, Sept. 15, 2011, https://www.nytimes.com/roomfordebate/2011/09/15/tribal-sovereignty-vs-racial-justice/define-real-indians

The Right Preparation for Lawyer-Citizens, N.Y. TIMES, July, 21, 2011, https://www.nytimes.com/roomfordebate/2011/07/21/the-case-against-law-school/the-right-preparation-for-lawyer-citizens

Same-Sex Marriage: Rejecting the 'Real Family', N.Y. TIMES, June 29, 2011, https://www.nytimes.com/roomfordebate/2011/06/29/are-religion-and-marriage-indivisible/same-sex-marriage-rejecting-the-real-family

The T'aint of Taint: Memory and the Denial of Mixed Race in the U.S. (2004) (Ph.D. Dissertation, Univ. Michigan).

Book Reviews

Book Review, 52 AM. J. LEGAL HIST. 395 (2012) (Reviewing BERNIE D. JONES, FATHERS OF CONSCIENCE: MIXED-RACE INHERITANCE IN THE ANTEBELLUM SOUTH (2009)).

Book Review, 25 LAW & HIST. REV. 443 (2007) (Reviewing ROBERT A. WILLIAMS, JR., LIKE A LOADED WEAPON: THE REHNQUIST COURT, INDIAN RIGHTS, AND THE LEGAL THEORY OF RACISM IN AMERICA (2005)).

Robin Paul Malloy

Ernest I. White Chair and Distinguished Professor of Law
Senior Fellow, Burton Blatt Institute for Disability Law and Policy
Kauffman Professor of Entrepreneurship and Innovation
Professor of Economics,
Maxwell School of Citizenship and Public Affairs (by courtesy appointment)

Books

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES AND MATERIALS (*with* JAMES C. SMITH, ANDREA J. BOYACK, JAMES J. KELLY, JR.) (6th ed. 2023).

LAND USE AND ZONING LAW: PLANNING FOR ACCESSIBLE COMMUNITIES (*with* DYLAN OLIVER MALAGRINÒ) (2d ed., 2022 & Teacher's Manual 2022).

LAW AND THE INVISIBLE HAND: A THEORY OF ADAM SMITH JURISPRUDENCE (2021).

REAL ESTATE (*with* JAMES C. SMITH) (4th ed. 2021).

DISABILITY LAW FOR PROPERTY, LAND USE, AND ZONING LAWYERS (2020).

LAW AND ECONOMICS: AN INTRODUCTORY TOOLKIT FOR LAWYERS (2019).

LAND USE AND ZONING LAW: PLANNING FOR ACCESSIBLE COMMUNITIES (2018 & TEACHER'S MANUAL 2018).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES AND MATERIALS, (*with* JAMES C. SMITH) (5th ed. 2017).

LAND USE LAW AND DISABILITY: PLANNING AND ZONING FOR ACCESSIBLE COMMUNITIES (2015).

REAL ESTATE (*with* JAMES C. SMITH) (3d ed. 2014).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES, AND MATERIALS, (*with* JAMES C. SMITH) (4th ed. 2013).

REAL ESTATE (*with* JAMES C. SMITH) (2d ed. 2010).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES, AND MATERIALS (*with* JAMES C. SMITH) (3rd ed. 2007 & Transactional Problems and Document Supp. on CD-Rom 2007).

REAL ESTATE (*with* JAMES C. SMITH) (2006).

LAW IN A MARKET CONTEXT: AN INTRODUCTION TO MARKET CONCEPTS IN LEGAL REASONING

(2004).

LAW AND MARKET ECONOMY: REINTERPRETING THE VALUES OF LAW AND ECONOMICS (2000).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES & MATERIALS (*with* JAMES C. SMITH) (2nd ed. 2002 & TEACHER'S MANUAL, TRANSACTIONAL PROBLEMS AND DOCUMENT SUPP. 2002).

REAL ESTATE TRANSACTIONS: ROAD MAP SERIES, (*with* JAMES C. SMITH) (2000).

REAL ESTATE TRANSACTIONS: PROBLEMS, CASES & MATERIALS, (*with* JAMES C. SMITH) (1998 & TEACHER'S MANUAL, TRANSACTIONAL PROBLEMS AND DOCUMENT SUPP. 1998).

PLANNING FOR SERFDOM: LEGAL ECONOMICS DISCOURSE AND DOWNTOWN DEVELOPMENT (1991).

LAW AND ECONOMICS: A COMPARATIVE APPROACH TO THEORY AND PRACTICE (1990).

Books, Edited

ADAM SMITH AND LAW (2017).

THE PUBLIC NATURE OF PRIVATE PROPERTY (*with* MICHAEL DIAMOND 2011).

CREATIVITY, LAW AND ENTREPRENEURSHIP (with SHUBHA GHOSH 2011).

AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (with NESTOR M. DAVIDSON, 2009). Chinese language translation by China Architecture & Building Press, 2012.

LAW AND RECOVERY FROM DISASTER: HURRICANE KATRINA (2009).

PRIVATE PROPERTY, COMMUNITY DEVELOPMENT, AND EMINENT DOMAIN (2008, Kindle edition 2013).

LAW, PROPERTY, AND SOCIETY (series editor) (2008-).

LAW AND ECONOMICS: NEW AND CRITICAL PERSPECTIVES (*with* CHRISTOPHER K. BRAUN 1995).

ADAM SMITH AND THE PHILOSOPHY OF LAW AND ECONOMICS (*with* Jerry Evensky, 1994), *Reviewed at* 30:1 History of Political Economy 166 (1998).

Law Review and Other Scholarly Articles

Network Capabilities in Land Use and Disability Law, 74 AM. U. L. REV. 461 (2024).

Adam Smith's Market Jurisprudence: An Introduction to – Law and the Invisible Hand: A Theory of Adam Smith's Jurisprudence*,* 73 SYRACUSE L. REV. 159 (2023).

Advancing Accessible Communities, 27 VA. J. SOC. POL'Y & L. 233 (2020).

Sidewalks and the Americans With Disabilities Act (with Sarah K. Spencer), ZONING & PLAN. L. REP., April 2018, at 1.

A Primer on Disability for Land Use and Zoning Law, 4 J.L. PROP. & SOC'Y 1 (2018).

Land Use Regulation, Disability, and Aging in Place, 9 CONTEMP. READINGS L. & SOC. JUST. 198 (2017).

Land Use Law and Sidewalk Requirements under the Americans with Disabilities Act (with Sarah Spencer & Shannon Crane), 51 REAL PROP. TR. & EST. L.J. 403 (2017).

Law, Markets, and Marketization, 1 U. BOLOGNA L. REV. 166 (2016).

Celebrating a Wonderful Life: Robert C.L. Moffat, 63 FLA. L. REV. x (2011).

U.S. Mortgages and Global Financial Markets: A Need for Better Authentication, 19 DIGEST: THE NAT'L ITALIAN-AMERICAN B. ASS'N L.J. 13 (2011).

Adam Smith in the Courts of the United States, 56 LOY. L. REV. 33 (2010) (Italian translation 2012).

Real Estate Transactions and Entrepreneurship: Transforming Value through Exchange, 43 IND. L. REV. 1105 (2010).

Place, Space, and Time in the Sign of Property, 22 INT'L J. FOR THE SEMIOTICS OF L. 265 (2009).

Mortgage Market Reform and the Fallacy of Self-Correcting Markets, 30 PACE L. REV. 79 (2009).

Inclusion by Design: Accessible Housing and Mobility Impairment, 60 HASTINGS L.J. 699 (2009).

Real Estate Transactions: Policy Considerations for Law, Technology and Globalization, 27 L. & POL. 81 (2005).

Framing the Market: Representations of Meaning and Value in Law, Markets, and Culture, 51 BUFF. L. REV. 1 (2003).

Using Title Insurance to Avoid Malpractice and Protect Clients in a Changing Marketplace, 11 DIGEST: THE NAT'L ITALIAN-AMERICAN B. ASS'N L.J. 51 (2003).

Law and Humanities: Symposium on the Image of Law(yers) in Popular Culture. *Introduction to the Symposium*, 53 SYRACUSE L. REV. 1161 (2003)

The Public Prosecutor as Representational Image: Introduction, 34 U. TOL. L. REV. 749 (2003).

Advertising and the Commodification of Law(yers), 14 CARDOZO STUD. L. & LIT. 197 (2002).

Law and The Color of Markets, 9 DIGEST: THE NAT'L ITALIAN-AMERICAN B. ASS'N L.J. 65 (2001).

Attorney Malpractice for Failure to Require Fee Owner's Title Insurance in a Residential Real Estate Transaction (with Mark Klapow), 74 ST. JOHN'S REV. 407 (2000).

Law and Market Economy: The Triadic Linking of Law, Economics, and Semiotics, 12 INT'L J. FOR THE SEMIOTICS OF L. 285 (1999).

China's Market Economy: A Semiosis of Cross Boundary Discourse Between Law and Economics and Feminist Jurisprudence, (*with* Sharon Hom), 45 SYRACUSE L. REV. 815 (1994).

Letters from the Longhouse: Law, Economics and Native American Values, 1992 WIS. L. REV. 1569 (1992).

Planning for Serfdom – An Introduction to a New Theory of Law and Economics, 25 IND. L. REV. 621 (1991).

Planning for Serfdom – An Epilogue on Law, Economics and Values, 25 IND. L. REV. 825 (1991).

If Pigs Could Fly Where Would They Go? A Reply to Professor Posin, 38 WAYNE L. REV. 83 (1991).

Toward A New Discourse of Law and Economics, 42 SYRACUSE L. REV. 27 (1991).

Law and Economics and the Semiotic Process: *Introduction to the Symposium*, 42 SYRACUSE L. REV. 1 (1991).

Debate, *Is Law and Economics Moral?: Humanistic Economics and a Classical Liberal Critique of Posner's Economic Analysis*, 24 VAL. U. L. REV. 147 (1990).

Debate, *Is Law and Economics Moral?: The Limits of "Science" in Legal Discourse - A Reply to Posner*, 24 VAL. U. L. REV. 175 (1990).

Equity Participations and Lender Liability Under CERCLA, 15 COLUM. J. ENVTL. L. 63 (1990).

Market Philosophy in the Legal Tension Between Children's Autonomy and Parental Authority, 21 IND. L. REV. 889 (1988), *reprinted in* PERSPECTIVES ON THE FAMILY (R. Moffat, J. Grcic, & M. Bayles eds., 1990).

Invisible Hand or Sleight of Hand? Adam Smith, Richard Posner, and the Philosophy of Law and Economics, 36 U. KAN. L. REV. 209 (1988).

The Merits of the Smithian Critique: A Final Word on Smith and Posner, 36 U. KAN. L. REV. 267 (1988).

The Political Economy of Co-Financing America's Urban Renaissance, 40 VAND. L. REV. 67 (1987).

Mortgage Insurers Should Be the Risk Takers, 17 REAL ESTATE REV. 94 (1987).

Equating Human Rights and Property Rights – The Need for Moral Judgment in an Economic Analysis of Law and Social Policy, 47 OHIO ST. L. J. 163 (1986).

The Secondary Mortgage Market: A Catalyst for Change in Real Estate Transactions, 39 SW. L. J. 991 (1986).

The Economics of Rent Control – A Texas Perspective, 17 TEX. TECH. L. REV. 797 (1986).

The Shattered Dream of American Housing Policy – The Need for Reform, (with Michael Hoeflich), 26 B.C. L. REV. 655 (1985).

Creative Financing Exposes Lenders to Developers' Liabilities, 15 REAL ESTATE REV. 60 (1985).

Lender Liability for Negligent Real Estate Appraisals, 1984 U. ILL. L. REV. 53 (1984).

The Interstate Land Sales Full Disclosure Act: Its Requirements, Consequences, and Implications for Persons Participating in Real Estate Development, 24 B.C. L. REV. 1187 (1983).

Book Chapters

The Praxis of Real Estate Law: More Than Scriveners of the Deal, in RESEARCH HANDBOOK ON PROPERTY, LAW AND THEORY (Chris Bevan ed. 2024).

Critiques of Law and Economics (with David Driesen), in THE OXFORD HANDBOOK OF LAW AND ECONOMICS (Francesco Parisi ed., 2017).

Opening Neighborhoods to People with Mobility Impairment: Property, Disability and Inclusive Design Housing, in THE PUBLIC NATURE OF PRIVATE PROPERTY (Robin Paul Malloy & Michael Diamond eds., 2011).

Real Estate Transactions and Entrepreneurship, in CREATIVITY, LAW AND ENTREPRENEURSHIP (Shubha Ghosh & Robin Paul Malloy eds., 2011).

A Need for Better Authentication, in LAW AND ECONOMICS OF GLOBAL FINANCIAL INSTITUTIONS (Peter Nobel, Katrin Krehan & Anne-Cathrine Tanner eds., 2010).

U.S. Mortgage Markets: A Tale of Self-correcting Markets, Parallel Lives and Other People's Money, in THE FUTURE OF FINANCIAL REGULATION (Iain G. MacNeil & Justin O'Brien eds., 2010).

Accessible Housing and Affordability, in AFFORDABLE HOUSING AND PUBLIC-PRIVATE PARTNERSHIPS (Robin Paul Malloy & Nestor M. Davidson eds., 2009).

Economics as a Map in Law and Market Economy, in LAW AND ECONOMICS: TOWARD SOCIAL JUSTICE (Dana L. Gold ed., 2009).

Private Property, Community Development, and Eminent Domain (*with* James C. Smith), *in* PRIVATE PROPERTY, COMMUNITY DEVELOPMENT, AND EMINENT DOMAIN (Robin Paul Malloy ed., 2008).

Law in a Market Context, in NEW FRONTIERS OF LAW AND ECONOMICS (2006).

Law, Economics and the Encounter with Strangers, in IX SEMIOTICS AND THE HUMAN SCIENCES (R. Kevelson ed., 1996).

Impressions of a Market Economy in China, *in* IX SEMIOTICS AND THE HUMAN SCIENCES (R. Kevelson ed., 1996).

A New Law and Economics, *in* I CRITIC OF INSTITUTIONS: CODE AND CUSTOMS 213 (R. Kevelson ed., 1994).

A Law and Economics Perspective on Politically Correct Thinking, *in* IX SEMIOTICS AND THE HUMAN SCIENCES (R. Kevelson ed., 1993).

A Classical Liberal Critique of Takings Law, in TAKING PROPERTY AND JUST COMPENSATION: LAW AND ECONOMICS PERSPECTIVES OF THE TAKINGS ISSUE (N. Mercurio ed., 1992).

Expanding Boundaries: Law and Economics as Creative Discourse, *in* III SEMIOTICS AND THE HUMAN SCIENCES (R. Kevelson ed., 1992).

Individualist and Communitarian Norms in Takings Law – An Introductory Framework, *in* LIBERALISM AND COMMUNITY (R. Moffat ed., 1992).

Freedom From Authority – Discovering "The Discovery of Freedom" by Rose Wilder Lane, *in* III SEMIOTICS AND THE HUMAN SCIENCES: ACTION AND AGENCY (R. Kevelson ed., 1991).

Of Icons, Metaphors, and Private Property – The Recognition of "Welfare" Claims in the Philosophy of Adam Smith, *in* III LAW AND SEMIOTICS (R. Kevelson ed., 1989).

Adam Smith's Conception of Individual Liberty, *in* LAW AND ENLIGHTENMENT IN BRITAIN 82 (T. Campbell & N. MacCormick eds., 1990).

Book Reviews

Book Review, 27 EUR. J. HIST. ECON. THOUGHT 467 (2020), (reviewing ERIC SCHLIESSER, ADAM SMITH: SYSTEMATIC PHILOSOPHER AND PUBLIC THINKER (2017)), May 6, 2020, DOI: 10.1080/09672567.2020.1761666.

Book Review, 42 J. OF ECON. LITERATURE 185 (2004) (reviewing PETER SINGER, ONE WORLD: THE ETHICS OF GLOBALIZATION (2002)).

Book Review, 8 DIGEST: THE NAT'L ITALIAN-AMERICAN B. ASS'N L.J. 37 (2000) (reviewing KENNETH G. DAU-SCHMIDT & THOMAS S. ULEN, LAW AND ECONOMICS ANTHOLOGY (1998) and

NICHOLAS MERCURO & STEVEN G. MEDEMA, ECONOMICS AND THE LAW: FROM POSNER TO POST-MODERNISM (1998)).

Book Review, 42 J. LEGAL EDUC. 324 (1992) (reviewing DONALD N. MCCLOSKEY, IF YOU'RE SO SMART: THE NARRATIVE OF ECONOMIC EXPERTISE (1990)).

A Sign of the Times – Law and Semiotics, 65 TUL. L. REV. 211 (1990) (reviewing R. KEVELSON, THE LAW AS A SYSTEM OF SIGNS (1988)).

Eugene F. McCarthy
Associate Professor of Law

Forthcoming

The Corporate Consiglieri, J. CRIM. L. & CRIMINOLOGY (forthcoming 2027).

Law Review and Other Scholarly Articles

A Modest Proposal to End Congressional Insider Trading (with Corbin Fox), 76 RUTGERS U.L. REV. 131 (2023).

Corporate Law, Business Schools, and White-Collar Crime, 67 ST. LOUIS U. L.J. 245 (2023).

The Commercial Determinants of U.S. Public Health Law, 74 RUTGERS U.L. REV. 55 (2021).

Corporate Law, Misdirection, and the Obesity Epidemic, 60 WASHBURN L.J. 197 (2021), *reprinted in* 71, DEF. L.J. 115-169 (2022).

The Regulatory Production of Vaccine Hesitancy, 86 BROOK. L. REV. 81 (2020).

A Call to Prosecute Drug Company Fraud as Organized Crime, 69 SYRACUSE L. REV. 439 (2019).

The Pharma Barons: Corporate Law's Dangerous New Race to the Bottom in the Pharmaceutical Industry, 8 MICH. BUS. & ENTREPRENEURIAL L. REV. 29 (2018).

In Defense of Griswold v. Connecticut: Privacy, Originalism, and the Iceberg Theory of Omission, 54 WILLAMETTE L. REV. 335 (2018).

Book Reviews

Critical Review Essay of Fictions Inc.: The Corporation in Postmodern Fiction, Film, and Popular Culture, 13 LAW, CULTURE, AND THE HUMANITIES 173 (2017) (book review).

Suzette M. Melendez
Teaching Professor
Director, Syracuse Medical Legal Partnership

Law Review and Other Scholarly Articles

Medical-Legal Partnership: Evolution or Revolution, 45 CLEARINGHOUSE Rev. 124 (2011-2012)

Jessica R. Murray
Associate Teaching Professor
Director, Transactional Law Clinic

Reports, News and Commentary

Protecting Trademarks Around the World, ROCHESTER BUS. J. GUIDE TO BUSINESS AND ACCOUNTING, May, 2010.

A Prescription for Noncompete Agreements, WESTERN NY/ROCHESTER M.D. NEWS, Oct. 2009.

Gaurav Mukherjee
Associate Professor of Law

Forthcoming

Symposium, *Anti-Democratic Harm in Constitutional Law*, 33 IND. J. GLOBAL LEGAL STUD. (forthcoming 2026).

Religious Freedom in an Era of Democratic Backsliding, *in* OXFORD HANDBOOK ON COMPARATIVE HUMAN RIGHTS LAW (Mila Versteeg & Neha Jain eds., forthcoming 2026).

Social Rights in India & Asia (*with* Arun Thiruvengadam), *in* OXFORD HANDBOOK ON COMPARATIVE HUMAN RIGHTS LAW (Mila Versteeg & Neha Jain eds., forthcoming 2026).

Book

ACCESS TO SOCIAL JUSTICE: EFFECTIVE REMEDIES FOR SOCIAL RIGHTS (*with* Katie Boyle, Diana Camps, Kirstie English, Jo Ferrie, & Aidan Flegg) (2024).

Law Review and Other Scholarly Articles

Private Disestablishment, 51 B.Y.U. L. REV. 1569 (2026).

The New Homelessness (*with* Mila Versteeg & Kevin L. Cope), 113 CALIF. L. REV. 433 (2025).

Shaping Sovereignties: The Role of International Financial Institutions in Constitution-Making, 117 AM. J. INT'L L.: UNBOUND 251 (2023).

The Political Economy of Effective Judicial Remedies, 21 INT'L J. CONST. L. 921 (2023). https://doi.org/10.1093/icon/moad061

Designing Remedies for a Recalcitrant Administration (with Juha Tuovinen), 37 S. AFR. J. HUM. RTS. 1 (2021).

The Supreme Court of India and The Inter-Institutional Dynamics of Legislated Social Rights, 53 VERFASSUNG UND RECHT IN ÜBERSEE / WORLD COMPARATIVE LAW 411 (2021).

Evictions, Vulnerability and Responsive Constitutionalism in the Covid-19 Lockdown in Cape Town, 29 REVISTA GENERAL DE DERECHO PÚBLICO COMPARADO 1 (2021).

Democratic Experimentalism in Comparative Constitutional Social Rights Remedies, 2 MILAN L. REV. 75 (2020).

Reinvigorating Bicameralism in India (*with* Malavika Prasad), 3 U. OX. HUM. RTS. HUB J. 96 (2020).

The Supreme Court and Executive Law-Making: the afterlife of failed ordinances in Krishna Kumar Singh II, 2 INDIAN L. REV. 1 (2018).

What is the Confusion Over Dilution?: Towards a Meaningful Understanding of Section 29(4) of the Trademarks Act, 1999, 4 INDIAN J. INTELL. PROP. L. 139 (2011).

Book Chapters

The Right to Education: Reconciling Liberty & Equality, *in* OXFORD HANDBOOK ON ECONOMIC & SOCIAL RIGHTS (Katharine Young & Malcolm Langford eds., 2026).

Transformative Constitutionalism, *in* MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW (Rainer Grote, Frauke Lachenmann & Rüdiger Wolfrum eds., 2024).

Designing Remedies for a Recalcitrant Administration, in SEPARATION OF POWERS, THE JUDICIARY AND THE POLITICS OF CONSTITUTIONAL ADJUDICATION (Sanele Sibanda ed., 2023).

Local Governments, Federalism, and the Governance of Public Health in India, in LOCAL GOVERNANCE IN MULTI-LAYERED SYSTEMS (*with* Mathew Idiculla) (Matteo Nicolini & Alice Valdesalici eds., 2023).

The Case Against Excluding Minority Institutions from the Right to Education Act, *in* THE SUPREME COURT AND THE CONSTITUTION: AN INDIAN DISCOURSE (Salman Khurshid, Lokendra Malik, & Yogesh Pratap Singh eds., 2020).

Reports, News, and Commentary

Structural Preferentialism for Majoritarian Religions in Liberal Democracies, LAW & OTHER THINGS (June 17, 2025). https://lawandotherthings.com/structural-preferentialism-for-majoritarian-religions-in-liberal-democracies/#:~:text=This%20process%20reflects%20a%20broader,and%20institutional%20dominance%20of%20majority.

America's First Religious Public School?, LAW AND POLITICAL ECONOMY BLOG (January 27, 2025). https://lpeproject.org/blog/americas-first-religious-public-school/.

A Setback for Homeless Rights in the United States: On Grants Pass v. Johnson, VERFASSUNGSBLOG, August 6, 2024.

How Hindutva is Reshaping India's Classrooms, SCROLL, May 1, 2024.

The Right to Education and Democratic Backsliding in India, VERFASSUNGSBLOG, April 19, 2024.

The American Right to Sleep Under Bridges (*with* Mila Versteeg & Kevin Cope), LAW AND POLITICAL ECONOMY BLOG, April 1, 2024.

Effective Remedies & Structural Orders for Social Rights Violations, ACCESS TO JUSTICE FOR SOCIAL RIGHTS: ADDRESSING THE ACCOUNTABILITY GAP (Nuffield Foundation 2022).

Social Rights and Covid-19: Guest Editor's Introduction, INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW BLOG, May 12, 2020.

Bicameralism and the Rule of Law: Reining in the Abuse of Money Bills in Legislative Procedure, IACL DEMOCRACY 2020 BLOG, November 25, 2020.

Constitutional Resistance and Resilience, FIRST POST, December 25, 2019.

Miller/Cherry 2 Goes to Kashmir: Using the Effects Test in the Judicial Review of Executive Decisions to Halt Legislative Consideration, VERFASSUNGSBLOG, October 11, 2019.

By Threatening Kerala's Government for Enforcing the Sabarimala Order, Amit Shah Breached His Oath as MP (*with* Malavika Prasad), SCROLL, November 17, 2018.

Symposium: A Moment of Self-Reckoning for the Supreme Court of India? Reflections on the Judges' Press Conference, INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW BLOG, May 17, 2018.

Waning Legislative Influence, Lack of Clear Mission Flags Need to Redefine Rajya Sabha's Functioning, FIRST POST, May 14, 2018.

Bărbulescu v. Romania: *The Next Step in the Continuing Struggle for Standards for Workplace Communication Monitoring*, OXFORD HUMAN RIGHTS HUB BLOG, October 31, 2017.

Resuscitating Workplace Privacy? A Brief Account of the Grand Chamber Hearing in Bărbulescu v. Romania (with James Patrick Wookey), STRASBOURG OBSERVER, December 20, 2016.

Who Benefits From India's Move to Ban Commercial Surrogacy?, OXFORD HUMAN RIGHTS HUB BLOG, September 23, 2016.

The SC Must End Partisan Federalism (*with* Sudhir Krishnaswamy), THE HINDU, February 10, 2016.

The Out of School Children Case: A Model for Court-Facilitated Dialogue? (with Jayna Kothari), OXFORD HUMAN RIGHTS HUB BLOG, September 18, 2015.

Ideology is Not a Crime, Kerala High Court Makes It Clear, THE WIRE, June 8, 2015.

The Prior Sanction Requirement Under Indian Public Law, OXFORD HUMAN RIGHTS HUB BLOG, May 18, 2015.

Grey Areas in Recovering Black Money Stashed in Foreign Banks, HINDUSTAN TIMES, October 17, 2014.

Back to the Drawing Board, THE INDIAN EXPRESS, June 4, 2014.

Whittling Away the Right to Education, LAW AND OTHER THINGS, May 30, 2014.

Deciding the Delhi Assembly Question, Justly (*with* Sudhir Krishnaswamy), THE HINDU, May 8, 2014.

Land Governance Assessment in Karnataka State: Background Reports and Analysis of Indicators, LAND GOVERNANCE ASSESSMENT FRAMEWORK (World Bank 2014).

Poised for Change: First Country Report of India Submitted in Pursuance of Article 35 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (Ministry of Social Justice and Empowerment, Government of India, New Delhi 2012).

Robert G. Nassau
Teaching Professor
Director, Sherman F. Levy ’57, L’59 Low Income Taxpayer Clinic

Forthcoming

Claims and Suits for Refunds of Overpayments, *in* EFFECTIVELY REPRESENTING YOUR CLIENT BEFORE THE IRS: A PRACTICAL MANUAL FOR THE PAX PRACTITIONER WITH SAMPLE CORRESPONDENCE AND FORMS (9th ed., forthcoming 2026).

Book

TAX ISSUES FOR IMMIGRANTS (*with* SARAH LORA & SAM ROCK) (2022).

Law Review and Other Scholarly Articles

An Introduction to District Court Income Tax Jurisdiction, PRAC. TAX L., Summer 2017, at 27.

An Introduction to Tax Court Litigation, PRAC. TAX L., Winter 2017, at 36.

Generosity is Not Subject to Income Tax, KOREAN B. ASS’N NEWS, Mar. 17, 2014.

United States Income Taxation of Korean Gamblers, KOREAN B. ASS’N NEWS, Nov. 5, 2013.

Avoiding the United States Worldwide Tax Regime, KOREAN B. ASS’N NEWS, July 8, 2013.

United States Tax Classification of Korean Business Entities, KOREAN B. ASS’N NEWS, Feb. 25, 2013.

Tax Humor: An Ad for TaxHarmony.com, 134 TAX NOTES 895 (2012).

The Undead Tax Recognition Act of 2011, 133 TAX NOTES 641 (2011).

Baseball, Taxes, and TRA 1986, 133 TAX NOTES 367 (2011).

Fixing a Tax ‘Orphan’: An Unintended Disallowance of EITC, (*with* Megan Michaloski), 132 TAX NOTES 623 (2011).

April Madness: We Have a Champion!, 131 TAX NOTES 93 (2011).

April Madness: The Final Four, 130 TAX NOTES 1613 (2011).

April Madness: The Sweet Sixteen, 130 TAX NOTES 1489 (2011).

April Madness, 130 TAX NOTES 1351 (2011).

How to Split the Tax Baby: What Would Solomon Do?, 61 SYRACUSE L. REV. 83 (2010).

Da Vinci and the Code, 109 TAX NOTES 843 (2005).

Update on Issues Regarding Worker Classification (co-author), NYSBA Tax Section Report, 98 TAX NOTES TODAY 39–36 (1998).

Report on Revisions to Nonresident Audit Guidelines (co-author), NYSBA Tax Section Report, 12 ST. TAX NOTES 445 (1997).

Report on Nexus Standards for Out-of-State Vendors (*with* Robert E. Brown), NYSBA Tax Section Report, 10 ST. TAX NOTES 982 (1996).

Green Eggs and Sham, 71 TAX NOTES 137 (1996).

Report on Proposed Reforms to Administration and Enforcement of Employment Tax and Income Taxes on Individual Workers (co-author), NYSBA Tax Section Report, 95 TAX NOTES TODAY 208 (1995).

Cancellation of Gambling Income and Not-So-Phantom Income, 50 TAX NOTES 188 (1991).

New Foreign Currency Regulations Provide Guidance Under Section 988 (*with* Randall M. Wilson), 72 J. TAX'N 96 (1990).

Report on Regulations Relating to the Definitions of a Controlled Foreign Corporation, Foreign Base Company Income, and Foreign Personal Holding Company Income (co-author), NYSBA Tax Section Report, 89 TAX NOTES TODAY 41 (1989).

Frequent Flyer Bonuses: A Tax Compliance Dilemma, 31 TAX NOTES 1345 (1986).

Book Chapters

Claims and Suits for Refunds of Overpayments, *in* EFFECTIVELY REPRESENTING YOUR CLIENT BEFORE THE IRS: A PRACTICAL MANUAL FOR THE TAX PRACTITIONER WITH SAMPLE CORRESPONDENCE AND FORMS (8th ed., 2021).

Claims and Suits for Refunds of Overpayments, *in* EFFECTIVELY REPRESENTING YOUR CLIENT BEFORE THE IRS: A PRACTICAL MANUAL FOR THE TAX PRACTITIONER WITH SAMPLE CORRESPONDENCE AND FORMS (7th ed., 2018).

Claims and Suits for Refunds of Overpayments, *in* EFFECTIVELY REPRESENTING YOUR CLIENT BEFORE THE IRS: A PRACTICAL MANUAL FOR THE TAX PRACTITIONER WITH SAMPLE CORRESPONDENCE AND FORMS (6th ed., 2015).

Taxation of For-Profit Business Entities, *in* COMMUNITY ECONOMIC DEVELOPMENT LAW: A TEXT FOR ENGAGED LEARNING (2012).

Claims and Suits for Refunds of Overpayments, in EFFECTIVELY REPRESENTING YOUR CLIENT BEFORE THE IRS; A PRACTICAL MANUAL FOR THE TAX PRACTITIONER WITH SAMPLE CORRESPONDENCE AND FORMS (5th ed., 2011).

Claims and Suits for Refund of Overpayments, *in* EFFECTIVELY REPRESENTING YOUR CLIENT BEFORE THE IRS: A PRACTICAL MANUAL FOR THE TAX PRACTITIONER WITH SAMPLE CORRESPONDENCE AND FORMS (4th ed., 2009).

Litigation of Tax Matters of Low-Income Taxpayers, in ADVOCATING FOR LOW INCOME TAXPAYERS: A CLINICAL STUDIES CASEBOOK (2008).

Reports, News, and Commentary

Are Nonresident Aliens Exempt from the Loss of Personal Exemptions?, PROCEDURALLY TAXING (Jan. 29, 2019), https://procedurallytaxing.com/are-nonresident-aliens-exempt-from-the-loss-of-personal-exemptions/.

Using a Refund Suit to Remedy Identity Theft or Return Preparer Fraud, PROCEDURALLY TAXING (Mar. 16, 2017), available at http://procedurallytaxing.com/using-a-refund-suit-to-remedy-identity-theft-of-return-preparer-fraud/.

Addison O'Donnell
Associate Teaching Professor

Law Reviews and Other Scholarly Articles

The New Red Tape: Agency Value Matching in a Post-Chevron World (*with* Zachary Curinga), 57 ADMIN. & SOC. 876 (2025).

Mixed Messages: How the Free Press Has a Responsibility to We the People at the Marketplace of Ideas (*with* Zachary Curinga), 41 HASTINGS COMM. & ENT. L.J. 35 (2019).

Reports, News, and Commentary

Legal Writing and Stephen Sondheim, PERSPECTIVES, Spring 2025, at 7.

Writing Musicals Makes Me a Better Lawyer, LAW 360, EXPERT ANALYSIS (Sept. 18, 2025).

Grace W. Orsatti
Associate Professor of Law

Law Review and Other Scholarly Articles

Education in Advance Care Planning: A Novel Equity-Based, Interprofessional Service-Learning Approach (with Dorothy Yam, Sriya Kudaravalli, Elizabeth A. Mulvaney & Leslie Scheunemann), 2 J. INNOVATION HEALTH SCI. EDUC. 30 (2025).

Accompany the Dying, Comfort the Grieving: Counseling Clients About Organ Donation Decision, 16 NE. U. L. REV. 129 (2024).

Attorneys as Healthcare Advocates: The Argument for Attorney-Prepared Advance Healthcare Directives, 50 J.L. MED. & ETHICS 157 (2022).

Sibling Conflict Over a Parent's End-of-Life Care: A Legal Perspective (*with* Alison M Colbert), 50 NURS. 17 (2020).

Reports, News, and Commentary

Restoring Rights A Path Towards Guardianship Reform, THE HILL (Oct. 11, 2023, at 2:30 PM ET), https://thehill.com/opinion/congress-blog/4249229-restoring-rights-a-path-towards-guardianship-reform/ [https://perma.cc/C2ND-9D74].

Revised ACBA/ACMS Advance Directive Now Available on ACBA Website, 24 LAWS. J. 5 (2022).

Permanent Legal Custodianship: A Valuable Permanency Option in Kinship Care: Legal Applications, Policy and Practice: Post-Permanency Lessons Learned, and Practice and Policy Recommendations for Future Growth and Improvement (*with* Judge Cheryl Lynn Allen & Dr. Sharon L. McDaniel), (A Second Chance Inc & Kinship Insight Solutions, LLC, White Paper 2019) https://asecondchance-kinship.com/wp-content/uploads/2019/12/5-8_final-revisions_PLC-Practitioner-Paper.pdf [https://perma.cc/9YD3-Q9E9].

Keli Perrin
Teaching Professor
Managing Director, Institute for Security Policy and Law

Law Review and Other Scholarly Articles

Assessing Cyber Attacks on Local Electricity Markets Using Simulation Analysis: Impacts and Possible Mitigations (*with* Jason Dedrick, Ehsan Sabaghian, & Peter J. Wilcoxen), 34 SUSTAINABLE ENERGY, GRIDS & NETWORKS 1 (2023), https://doi.org/10.1016/j.segan.2023.100993.

Building Resilient Communities: A Preliminary Framework for Assessment (*with* Patricia H. Longstaff, Nicholas J. Armstrong, Whitney May Parker & Matthew A. Hidek), 6 HOMELAND SECURITY AFF. No. 3 (2010), https://www.hsaj.org/articles/81.

Blakely Evanthia Simoneau
Associate Professor of Law

Forthcoming

Speaking Out of Turn: In Loco Parentis and the Future of Student Speech, 91 MO. L. REV. ___ (forthcoming 2027).

UNDERSTANDING SPECIAL EDUCATION LAW (*with* Richard Marsico) (Carolina Academic Press, forthcoming 2026).

Law Review and Other Scholarly Articles

Technology, Tinker*, and the Digital Schoolhouse*, 23 SANTA CLARA L. REV. 431 (2024).

Overrepresented, Under Protected: Discipline and the Constitutional Rights of Students with Disabilities, 54 SUFFOLK U. L. REV. 439 (2021).

Symposium, *The Right to Special Education: Undocumented Children and the Promise of* Plyler, 30 BERKELEY LA RAZA L.J. 1 (2020).

Special Education in American Prisons: Risks, Recidivism, and the Revolving Door, 15 STAN. J. C.R. & C.L. 87 (2019).

Stay Put and the Individuals with Disabilities Education Act: A Proposal for Clarity and Change, 21 U. PA. J.L. & SOC. CHANGE 153 (2018).

Reports to Governmental Bodies and Professional Associations

Navigating Pendency: Challenges, Misconceptions, and Unresolved Issues (National Academy for IDEA Administrative Law Judges and Impartial Hearing Officers, July 2025).

Brian M. Sirman
Associate Professor of Law

Books

CONCRETE CHANGES: ARCHITECTURE, POLITICS, AND THE DESIGN OF BOSTON CITY HALL. (Uni. Mass. Press 1st ed. 2018).

Law Review and Other Scholarly Articles

Loophole Entrepreneurship, 29 FORDHAM J. CORP. & FIN. L. 33 (2023).

Yankee Brutalism: Concrete Architecture in New England, 1957-1977, 44 HIST. J. MASS. 2 (2016).

Mary Szto
Teaching Professor

Books, Edited

MEIGUO CAI CHAN FA (*with* Chen Huiping, 2006).

Law Review and Other Scholarly Articles

The Rule of Virtue, Ancestor Worship, and Chinese Inheritance Law, 33 QUADERNI DI DIRITTO E POLITICA ECCLESIASTICA 157 (2025).

Barring Diversity? The American Bar Exam as Initiation Rite and Its Eugenics Origin, 21 CONN. PUB. INT. L.J. 38 (2022).

Chinese Gift-Giving, Anti-Corruption Law, and the Rule of Law and Virtue, 39 FORDHAM INT'L. L.J. 591 (2016).

From Exclusion to Exclusivity: Chinese American Property Ownership and Discrimination in Historical Perspective, 25 J. TRANSNAT'L. L. & POL'Y 33 (2015-2016).

Representing Chinese Real Estate Investors in the US, 23 MINN. J. INT'L. L. 173 (2014).

Chinese Ritual and the Practice of Law, 30 TOURO L. REV. 103 (2014).

Real Estate Agents as Agents of Social Change: Redlining, Reverse Redlining and Greenlining, 11 SEATTLE J. FOR SOC. JUST. 1 (2013).

Contract in My Soup: Chinese Contract Formation and Ritual Eating and Drunkenness, 25 PACE INT'L L. REV. 1 (2013).

Dual Real Estate Agents and the Double Duty of Loyalty, 41 REAL ESTATE L.J. 22 (2012).

Strengthening the Rule of Virtue and Finding Chinese Law in 'Other' Places: Gods, Kin, Guilds, and Gifts, 35 SUFFOLK TRANSNAT'L L. REV. 1 (2012), *reprinted in* THE CHINESE LEGAL SYSTEM (2014).

Gender and the Chinese Legal Profession: From Heaven and Earth to Rule of Woman?, 18 TEX. J. WOMEN & L.195 (2009).

Towards a Global Bar: A Look at China, Germany, England and the United States, 14 IND. INT'L & COMP. L. REV. 585 (2004).

Limited Liability Company Morality: Fiduciary Duties in Historical Context, 23 QUINN. L. REV. 61 (2004).

Strategic Alliances: Legal and Ethical Challenges, 16 REGENT U. L. REV. 351 (2004).

Lawyers as Hired Doves: Lessons from the Sermon on the Mount, 31 CUMB. L. REV. 27 (2000-2001).

"Family" Law: Multigenerational, 11 LAW TCHR. 6 (2003).

Book Chapters

The Dao of Dow Jones: The Confucian Analects, Virtue, and Markets, *in* 44 IN SEARCH OF THE SPIRITS OF CAPITALISM: WORLD RELIGIONS ON MARKETS & MORALITY 95 (Jordan J. Ballor & Govert J. Buijs eds., Springer 2026).

Chinese Women Lawyers and Judges as Priests, *in* FEMINISM, LAW AND RELIGION (Marie Failinger, Elizabeth Schiltz & Susan Stabile eds., 2013).

Towards a Global Bar: A Look at China, Germany, England and the United States, in GREAT LEGAL TRADITIONS: CIVIL LAW, COMMON LAW, AND CHINESE LAW IN HISTORICAL AND OPERATIONAL PERSPECTIVE, (John Head, ed., 2012).

Reports, News, and Commentary

Businesses Must Act to Stop COVID-19 Anti-Asian Racism, SYRACUSE POST-STANDARD, April 19, 2020, at E4. https://www.syracuse.com/opinion/2020/04/su-law-professor-businesses-must-act-to-stop-covid-19-anti-asian-racism-commentary.html.

The Advocate: A Biblical Approach to Legal Ethics, Christian Legal Society (1995), available at https://www.clsnet.org/document.doc?id=68.

Book Reviews

Book Review, 11 J.L. & RELIGION 449 (1994) (reviewing STEPHEN L. CARTER, THE CULTURE OF DISBELIEF: HOW AMERICAN LAW AND POLITICS TRIVIALIZE RELIGIOUS DEVOTION (1993)).

C. Cora True-Frost

Laura J. and L. Douglas Meredith Professor of Teaching Excellence 2024-2027
Professor of Law
Board of Advisors Research Fellow

Forthcoming

Accommodating Equality in the Skies: The Difference Disability Makes, *in* DISABILITY AND INTERNATIONAL LAW: PROMISE AND LIMITS (Neha Jain & Sarah M.H. Nouwen eds., 2026).

Books, Edited

THE FIRST GLOBAL PROSECUTOR: PROMISE AND CONSTRAINTS (*with* MARTHA MINOW & ALEX WHITING eds., 2015).

Law Review and Other Scholarly Articles

The Americans with Disabilities Act and Universal Design: Global Legacy and Potential in Higher Education, 16 J. GLOB. RTS. & ORG. 88 (2025-2026).

Why Travel Inequality Matters, 5 AM. J.L. & EQUALITY 150 (2025).

Listening to Dissonance at the Intersections of International Human Rights Law, 43 MICH. J. INT'L L. 361 (2022).

Can International Criminal Law Help Express the Unrealized Value of Disabled Lives? 116 AJIL UNBOUND 79 (2022).

International Disability Law and the Experience of Marginality: Introductory Remarks, 113 AM. SOC'Y INT'L L. PROC. 287 (2019).

American Law, Global Norms: The Challenge of Enforcing Children with Disabilities' Right to a Free and Appropriate Education, 23 BIALOSTOCKIE STUDIA PRAWNICZE 87 (2018).

When the UN Addresses the Conditions Conducive to Terrorism, What Happens to Human Rights?, 2017 MICH. ST. L. REV. 805 (2017).

Weapons of the Weak: The Prosecutor of the ICC's Power to Engage in the UN Security Council, 44 FLA. ST. U. L. REV. 261 (2016).

The Development of Individual Standing in International Security, 32 CARDOZO L. REV. 1183 (2011).

The Security Council and Norm Consumption, 40 N.Y.U. J. INT'L L. & POL. 115 (2007).

Beyond Levittown *Towards a Quality Education for All Children: Litigating High Minimum Standards for Public Education: The* CFE *case*, 51 SYRACUSE L. REV. 1015 (2001).

Fighting the Gender Gap in Education in Sub-Saharan Africa: Ghana's Efforts and Malawi's Success, 9 MAXWELL REV. 44 (Spring 2001).

Book Chapters

Power Politics v. the Rule of Law in the United States: a Case Study, *in* THE RULE OF LAW IN RETREAT: CHALLENGES TO JUSTICE IN THE UNITED NATIONS WORLD (Slawomir Redo ed., 2022).

The International Civil Servant: How the First Prosecutor Engaged the U.N. Security Council, in THE FIRST GLOBAL PROSECUTOR: PROMISE AND CONSTRAINTS (Martha Minow, C. Cora True-Frost, & Alex Whiting eds., 2015).

Reports, News, and Commentary

Letter to the Editor, *We're Still Fighting for Transit Equity – Just as Rosa Parks Did Now the Battle Lines Are Inaccessible Stations, Unreliable Service and Funding Cuts That Harm the Same Marginalized Communities*, SYRACUSE POST-STANDARD, Feb. 8, 2026, at F3.

Parenting in the Shadow of Scarce Ventilators, NEWSDAY (March 28, 2020), https://www.newsday.com/opinion/commentary/coronavirus-covid-19-ventilators-parenting-cora-true-frost-children-disabilities-1.43479261

Commentary, *What Have We Learned from the Rwandan Genocide?*, U.S. News & World Report (April 5, 2019, 4:52pm), https://www.usnews.com/news/best-countries/articles/2019-04-05/commentary-25-years-after-rwanda-genocide-words-matter (last visited May 3, 2019).

The UN Security Council Marks Seventh Anniversary of Resolution 1325 on Women, Peace and Security with Open Debate, 11 ASIL INSIGHT No. 29 (Dec. 17, 2007).

Book Reviews

Book Review, 123 POL. SCI. Q. 356 (Summer 2008) (reviewing IAN HURD, AFTER ANARCHY: LEGITIMACY & POWER IN THE UNITED NATIONS SECURITY COUNCIL (2007)).

Kristin L. Walker
Professor of Practice
Faculty Director of Internships

Book

CASE CLOSED: A PRACTICAL GUIDE TO MASTERING PRETRIAL ADVOCACY (*with* VERONICA J. FINKELSTEIN) (2025).

A. Joseph Warburton
Professor of Law
Professor of Finance, Whitman School of Management

Forthcoming

Moving Money and Undoing It: The Architecture of ACH, 81 BUS. LAW. (forthcoming 2026).

Law Review and Other Scholarly Articles

Business Development Companies: Venture Capital for Retail Investors, 76 BUSINESS LAWYER 59 (2021).

Mutual Funds that Borrow, (*with* Michael Simkovic) 16 J. EMPIRICAL LEGAL STUD. 767 (2019).

Mutual Fund Capital Structure, 100 MARQ. L. REV. 671 (2017).

The Chrysler Effect: The Impact of Government Intervention on Borrowing Costs (*with* Deniz Anginer), 40 J. OF BANKING & FIN. 62 (2014).

Competition in Financial Services: Evidence from British Mutual Funds, 9 J. EMPIRICAL LEGAL STUD. 827 (2012).

Do Fiduciary Duties Matter? 11 CORP. GOVERNANCE 541 (2011).

Trusts Versus Corporations: An Empirical Analysis Of Competing Organizational Forms, 36 J. CORP. L. 183 (2010).

Understanding the Bankruptcies of Chrysler and General Motors: A Primer, 60 SYRACUSE L. REV. 531 (2010).

Should Mutual Funds Be Corporations? A Legal & Econometric Analysis, 33 J. CORP. L. 745 (2008).

Book Chapter

Firm Reputation and the Cost of Debt Capital (*with* Deniz Anginer, Sattar Mansi and Çelim Yildizhan), *in* CURRENT TOPICS IN FINANCE: INSIGHTS ON EVOLVING MARKETS AND PRACTICES (2025).

Working Papers

The End of Market Discipline? Investor Expectations of Implicit Government Guarantees (*with* Acharya and Anginer) (2016), https://ssrn.com/abstract=1961656.

Firm Reputation and the Cost of Debt Capital (*with* D. Anginer, S. Mansi, C. Yildizhan).

Labor Unions and the Cost of Debt.

Reports, News, and Commentary

The Chrysler Effect: The Impact of the Chrysler Bailout on Borrowing Costs (*with* Anginer) (The World Bank Dev. Res. Grp., Fin. & Private Sector Dev. Team, Working Paper 5462, Oct. 2010). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1699612.