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Faculty Bibliography
2010—2011

Fordham University School of Law

Final Version
November 4, 2011

This is the final version of the 2010-2011 Fordham Law School Faculty Bibliography. We strive to make the bibliography as complete and error free as possible. If you notice any omission or error in this document, please immediately send any additions or corrections to Karin Johnsrud, Head of Reference, at johnsrud@law.fordham.edu

This bibliography represents material published or accepted for publication by Fordham Law School Faculty and senior staff between October 1, 2010 and September 30, 2011. Published items appearing in the previous year's bibliography will not appear in the current year's bibliography. Items that were forthcoming in the 2009-2010 bibliography will appear again only in the bibliography corresponding to the year in which those items appear in print (i.e., a forthcoming item will appear only in one bibliography before the item is published).

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Book Chapters and Other Writings:

“Christian Chronicles.” Review of *Christianity: The First Three Thousand Years* by Diarmaid MacCulloch. *The New Criterion*, March 2011, at 71.

“The Many Roles of Fanny Kemble.” *New Criterion*, November 2010, at 17.

“More Antique Than Rome.” Review of *Washington: A Life* by Ron Chernow. *New Criterion*, January 2011, at 68.

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Books:

Cases and Problems on Contracts, 6th ed. St. Paul, MN: Thomson/West, 2011 [with Joseph M. Perillo & Caroline N. Brown].

Teacher’s Manual for Cases and Problems on Contracts, 6th ed. St. Paul, MN: Thomson/West, 2011 [with Joseph M. Perillo & Caroline N. Brown].

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Journal Articles:

Reforming Regulation of the Market for Home Loans, 38 *Fordham Urban Law Journal* 681-719 (2011) [with Ted Janger].

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Books:

Cumulative Supplement to Federal Rules of Evidence Manual, 9th ed. San Francisco, CA: LexisNexis Matthew Bender, 2011 [with Stephen A. Saltzburg & Michael M. Martin].

Cumulative Supplement to New York Evidence Handbook: Rules, Theory, and Practice, 2nd ed. New York: Aspen Law & Business, 2011 [with Michael M. Martin & Faust F. Rossi].

Evidence: The Objection Method, 4th ed. San Francisco: LexisNexis Matthew Bender, 2011 [with Dennis Prater et al.] (forthcoming).

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Book Chapters & Other Writings:

“Expert Testimony and Confrontation: *Bullcoming v. New Mexico*,” 2011 [Lexis] Emerging Issues 5495 [with Stephen A. Saltzburg].

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“Judicial Conference Privacy Subcommittee Conference on Privacy and Internet Access to Court Files: Opening Remarks,” 79 *Fordham Law Review* 1-24 (2010) [Discussion moderator].

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Journal Articles:

“Taiwan no kokkusaiho jo no chii to niichu kankei (1) [The Status of Taiwan in International Law and Japan-China Relations, part 1],” 44 *Hikakuhō zasshi* [*Comparative Law Review*] 39-81 (2010) [with Kazuomi Ouchi] (in Japanese).

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Book Chapters and Other Writings:

An Analysis of the Economic/Legal Literature on the Effects of IP Rights as a Barrier to Entry. World Intellectual Property Organization: Geneva, Switzerland, 2011, available at

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Books:

Changing Law's Mind: How Neuroscience Can Help Us Punish Criminals More Fairly and Effectively. New York: Oxford University Press (forthcoming).

Journal Articles:

"Behavioral Genetics and the Death Penalty" (symposium in honor of Professor David Baldus), 2011 *Michigan State Law Review* ____ (forthcoming).

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Books:

Inside Civil Procedure: What Matters and Why, 2nd ed. New York: Aspen, 2012 (forthcoming).

Journal Articles:

“Consent versus Closure,” 96 *Cornell Law Review* 265-321 (2011) [with Benjamin Zipursky].

“Debate: The Future of Mass Torts,” 159 *University of Pennsylvania Law Review PENNumbra* 231-251 (2011) [with Sergio J. Campos].

“Foreword: Civil Procedure and the Legal Profession,” 79 *Fordham Law Review* 1827-1832 (2011).

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“Uncertainty and the Advantage of Collective Settlement,” 60 *DePaul Law Review* 627-645 (2011).

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Book Chapters and Other Writings:

Review of *The Oxford Handbook of International Investment Law* by Peter Muchlinski, Frederico Ortino & Christoph Schreuer, eds. 39 *International Journal of Legal Information* 93-96 (2011).

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Journal Articles:

“Judge Denny Chin: A Student of the Law,” 79 *Fordham Law Review*, 1491-1496 (2010).

“Presidential Succession and Inability: Before and After the Twenty-fifth Amendment.” 79 *Fordham Law Review* 907-949 (2010).

“The Problem of Presidential Inability: Will Congress Ever Solve It?” (reprinted from 32 *Fordham Law Review* 73) 79 *Fordham Law Review* 1099-1160 (2010).

Book Chapters and Other Writings:

“Getting to the Heart of the Corporation: Effective Pro Bono Strategies” in *Pro Bono Service by In-House Counsel: Strategies and Perspectives* (New York: Practicing Law Institute, 2010).

“A Modern Father of Our Constitution: An Interview with Former Senator Birch Bayh (Interview),” 79 *Fordham Law Review* 781-821 (2010) [with Deborah R. Eltgroth].

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Books:

The Future of African Customary Law. New York: Cambridge University Press, 2011 [with Paolo Galizzi & Tracy E. Higgins, eds.].

Book Chapters and Other Writings:

“Customary Law, Gender Equality, and the Family: The Promise and Limits of a Choice Paradigm” in *The Future of African Customary Law* (Jeanmarie Fenrich, Paolo Galizzi & Tracy E. Higgins, eds., New York: Cambridge University Press, 2011) [with Tracy E. Higgins].

“Introduction” in *The Future of African Customary Law* (Jeanmarie Fenrich, Paolo Galizzi & Tracy E. Higgins eds., New York: Cambridge University Press, 2011) [with Paolo Galizzi & Tracy E. Higgins].

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Books:

Introdução ao Sistema Jurídico Anglo-Americano. São Paulo, Brazil: WMF Martins Fontes, 2011 (Portuguese translation of *An Introduction to the Anglo-American Legal System*, 2007).

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Journal Articles:

“Judicial Foreign Relations Authority After 9/11” 56 *New York Law Review* 119-164 (2011).

Book Chapters and Other Writings:

“Constitutional Resolve in a World Changed Utterly” in *The U.S. Supreme Court and International Law: Continuity and Change?* (William Dodge, Michael Ramsey & David Sloss, eds., New York: Cambridge University Press, 2011).

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Books:

Comparative Equality Law: Cases, Codes, Constitutions, and Commentary. New York: Foundation Press, 2012 [with David Oppenheimer & Sora Han] (forthcoming).

Journal Articles:

“Collective Action and the Urban Commons,” 87 *Notre Dame Law Review* ____ (2011) (forthcoming).

"Comparative Perspectives on The Social Function of Property (Introduction to Colloquium on the Social Function of Property)," ____ *Fordham Law Review* ____ (2011) [with Daniel Bonilla] (forthcoming).

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Journal Articles:

“Expressive Incentives in Intellectual Property,” 98 *Virginia Law Review* ____ (2012) (forthcoming).

“Patentography,” 85 *New York University Law Review* 1444-1452 (2010).

“A Psychology of Intellectual Property,” 104 *Northwestern University Law Review* 1441-1509 (2010).

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“The Intellectual Property Clause's Preemptive Effect” in *Intellectual Property and the Common Law* (Shyamkrishna Balganesh, ed., New York: Cambridge University Press) (2012) (forthcoming).

“Panel I: The Patent Landscape with Bilski on the Map,” 20 *Fordham Intellectual Property, Media & Entertainment Law Journal* 715-753 (2010).

“Trade Secrecy in Willy Wonka’s Chocolate Factory” in *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Rochelle C. Dreyfuss & Katherine J. Strandburg, eds., Surrey, UK: Edward Elgar Publishing, 2011).

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Book Chapters and Other Writing:

“Giving Tenants Their Due: Housing Court and Post-Foreclosure Procedure,” *New York Law Journal*, March 3, 2011, available at <http://www.law.com/jsp/nylj/PubArticleNY.jsp?id=1202484875066&slreturn=1&hbxlogin=1> [with Kristy Watson Milkov & April Newbauer].

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Books:

The Future of African Customary Law. New York: Cambridge University Press, 2011 [with Jeanmarie Fenrich & Tracy Higgins, eds.].

Book Chapters and Other Writings:

“Environment and Development: Friends or Foes in the 21st Century?” in *Research Handbook on International Environmental Law* (David M.Ong & Malgosia Fitzmaurice, eds., Cheltenham, UK: Edward Elgar Publishing, 2010) [with Alena Herklotz].

“Traditional Leadership and Governance in Modern Ghana: Lessons, Challenges, Problems and Opportunities in the Promotion of Economic and Social Development” in *The Future of African Customary Law* (Jeanmarie Fenrich, Paolo Galizzi, & Tracy Higgins, eds., New York: Cambridge University Press, 2011) [with Ernest K.Abotsi].

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Journal Articles:

“Gibt es im UGB-Bilanzrecht tatsächlich kein “overriding principle?” [Do the accounting rules of the Austrian Business Enterprise Code really not include an “overriding principle”?]” 2011 *Österreichische Zeitschrift für Recht und Rechnungswesen* 152-157 (2011).

“Language, Legal Origins, and Culture before the Courts: Cross-Citations between Supreme Courts in Europe,” 21 *Supreme Court Economic Review* ____ (2013) [with Mathias M. Siems] (forthcoming).

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“Taming or Protecting the Modern Corporation? Shareholder-Stakeholder Debates in a Comparative Light,” 7 *NYU Journal of Law and Business* 641-730 (2011).

“Трансатлантические различия в правовой мысли: американский экономический анализ права против немецкого доктринализма (Transatlanticheskie razlichiya v pravovoy mysli: amerikanskiy ekonomicheskiy analiz prava protiv nemetskogo

doktrinalizma) [The Transatlantic Divergence in Legal Thought: American Law and Economics vs. German Doctrinalism],” 10 *Vestnik Grazhdanskogo Prava* 207-276 (2010) (Russian translation) [with Kristoffel R. Grechenig].

Book Chapters and Other Writings:

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Journal Articles:

“The Market for Odious Debt,” 73 *Law and Contemporary Problems* 151-174 (2010).

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Books:

Cases and Materials on European Union Law. 3rd ed. St Paul, MN: West 2011 [with George A. Bermann, William A. Davey & Eleanor M.Fox].

Journal Articles:

“The European Council After the Treaty of Lisbon,” 34 *Fordham International Law Journal* 1251-1268 (2011).

“From Maastricht to Lisbon: The European Union's Gradual Shift from Intergovernmental to Federal Structures,” ___ *Tulane Journal of International & Comparative Law* ___ (forthcoming).

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Journal Articles:

“People Are Not Bananas: How Immigration Differs from Trade,” 104 *Northwestern University Law Review* 1109-1145 (2010).

“Strengthening Labor Standards Enforcement through Partnerships with Workers’ Organizations,” 38 *Politics & Society* 552-585 (2010) [with Janice Fine].

“Tensions in Rhetoric and Reality at the Intersection of Work and Immigration,” 2 *Irvine Law Review* ____ (2012) (forthcoming).

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“Citizens of the Global Economy,” *New Labor Forum*, Winter 2011, at 57.

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Books:

Professional Responsibility: A Contemporary Perspective. St. Paul, MN: West, 2011 [with Russell G. Pearce & Daniel J. Capra].

Journal Articles:

“Criminal Justice – What’s Ahead? Roadblocks and New Directions,” *Criminal Justice*, Fall 2011, at 1.

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“Thinking About White-Collar Crime and Punishment,” *Criminal Justice*, Winter 2011, at 1.

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Books:

Against Obligation: The Multiple Sources of Authority in a Liberal Democracy. Cambridge: Harvard University Press, 2012 (forthcoming).

Journal Articles:

“Speech Platforms,” 61 *Case Western Reserve Law Review* ____ (2011) (forthcoming).

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Books:

Ensuring Corporate Misconduct: How Liability Insurance Undermines Shareholder Litigation. Chicago: University of Chicago Press, 2010 [with Tom Baker].

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Books:

Intellectual Property Law and Policy, Volume 11. Oxford: Hart, 2010.

New York Intellectual Property Law. New Providence, NJ: LexisNexis Matthew Bender, 2011.

Books Chapters and Other Writings:

“Lecture Introduction: Innovation, Incentives, Competition, and Patent Law Reform: Should Congress Fix the Patent Office and Leave Litigation Management to the Courts?”

20 *Fordham Intellectual Property, Media & Entertainment Law Journal* 1137-1139 (2010).

“Panel III: Trade Secrets and Other Avenues for Protection of Advanced Technology, 20 *Fordham Intellectual Property, Media & Entertainment Law Journal* 875-938 (2010).

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Books:

International Antitrust Law & Policy: Fordham Competition Law 2010. New York: Juris Publishing, 2011.

Book Chapters and Other Writings:

“Change You *Might* Believe In: Antitrust Enforcement in the Obama Administration” in *Antitrust Between EC Law and National Law: IX Conference* (Enrico A. Raffaelli ed.) (2011) [with James Keyte] (forthcoming).

“The Current Debate About Section 2 of the Sherman Act: Judicial Certainty Versus Rule of Reason” in *Competition Law and Economics: Advances in Competition Policy Enforcement in the EU and North America* (Abel Moreira Mateus & Teresa Moreira, eds., Cheltenham, UK: Edward Elgar, 2010).

“Making Sense of the Reactions to the 2010 U.S. Horizontal Merger Guidelines” in *Festschrift for Jacques Bourgeois* (2011) [with James Keyte] (forthcoming).

“Separating the Wheat from the Chaff: How US Courts Analyze Antitrust Evidence” in *European Competition Law Annual 2009* (Claus-Dieter Ehlermann & Mel Marquis, eds., Oxford: Hart, 2011) [with James Keyte].

“A Tale of Two Cities: Brussels and Washington Face the Courts” in *European Competition Law Annual 2010* (Claus-Dieter Ehlermann & Mel Marquis, eds., Oxford: Hart, 2012) (forthcoming).

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Journal Articles:

“Employment Discrimination in the Ethnically Diverse Workplace,” *Judges Journal*, Fall 2010, at 33.

“Hate Speech and the Language of Racism in Latin America: A Lens for Reconsidering Global Hate Speech Restrictions and Legislation Models,” 32 *University of Pennsylvania Journal of International Law* 808-841 (2011).

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Book Chapters and Other Writings:

““What Not to Wear”-- Race and Unwelcomeness in Sexual Harassment Law: The Story of Meritor Savings Bank v. Vinson,” in *Women and the Law: Stories* (Elizabeth M. Schneider & Stephanie M. Wildman eds., New York: Foundation Press, 2011).

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New Jersey State Documents: A Bibliography of Legal Resources, 2nd ed. Chicago, IL: American Association of Law Libraries, 2011 [with Karin Johnsrud].

Book Chapters and Other Writings:

“Learning to Teach Tax Research,” *LLAGNY Law Lines*, Winter 2011, at 24, available at http://www.aallnet.org/chapter/llagny/Law_Lines/LI_Winter2011.pdf.

“Looking Forward: The 25th Anniversary of the Standing Committee on Lesbian and Gay Issues,” *AALL Spectrum*, March 2011, at 14.

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Books:

The Law of Armed Conflict: An Operational Approach, 1st ed. New York: Aspen Publishing, 2011 [with G. Corn, V. Hansen, C. Jenks, R. Jackson, M. Lewis, and J. Schoettler] (forthcoming).

Journal Articles:

“All Human Rights are Equal, But Some are More Equal than Others: The Extraordinary Rendition of a Terror Suspect in Italy, the NATO SOFA, and Human Rights,” 1 *Harvard National Security Journal* 171-202 (2010) [with Chris Jenks].

“Indefinite Detention Under the Laws of War,” 22 *Stanford Law & Policy Review* ____ (2011) [with Chris Jenks] (forthcoming).

“President Obama and the Changing Cyber Paradigm,” 37 *Journal of the National Security Forum* ____ (2011) (forthcoming).

Book Chapters and Other Writings:

“Direct Participation in Hostilities: A Concept Broad Enough for Today’s Targeting Decisions” in *New Battlefields/Old Laws: Critical Debates from the Hague Conventions to Asymmetric Warfare* (William C. Banks, ed., New York: Columbia University Press, 2011) (forthcoming).

“Legal Issues in Peripheral Campaigns” in *Naval Power and Expeditionary Wars: Peripheral Campaigns and New Theatres of Naval Warfare* (Bruce A. Elleman, ed., New York: Routledge, 2011).

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New Jersey State Documents: A Bibliography of Legal Resources, 2nd ed. Chicago, IL: American Association of Law Libraries, 2011 [with Sarah Jaramillo].

Book Chapters and Other Writings:

Review of *Congress Shall Make No Law: The First Amendment, Unprotected Speech, and the U.S. Supreme Court* by David M. O'Brien. 39 *International Journal of Legal Information* 96-98 (2011).

Review of *The Endurance of National Constitutions* by Zachary Elkins, Tom Ginsburg & James Melton. 38 *International Journal of Legal Information* 110-113 (2010).

Review of *Virtual Justice: The New Laws of Online Worlds* by Greg Lastowka. 103 *Law Library Journal* 484-485 (2011).

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Books:

Fordham University School of Law: A History. New York: Fordham University Press, 2011 (forthcoming).

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Journal Articles:

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Journal Articles:

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Journal Articles:

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Books:

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Journal Articles:

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Journal Articles:

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Books:

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Journal Articles:

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