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## *Faculty Bibliography*

2015-2016

Fordham University School of Law

This is the final version of the 2015-2016 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 Alison Shea, Head of Reference, at [aashea@law.fordham.edu](mailto:aashea@law.fordham.edu).

This bibliography represents material published or accepted for publication by Fordham Law School Faculty and senior staff between July 1, 2015 and June 30, 2016. Published items appearing in the previous year's bibliography will not appear in the current year's bibliography. Items that were forthcoming in the 2014-2015 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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**MARC ARKIN***Professor of Law*

A.B., Oberlin College, 1973; M.A., Yale University, 1975; M.Phil., Yale University, 1976; J.D., Yale Law School, 1982; Ph.D., Yale University, 1983

***Journal Articles:***

“A Convenient Seat in God’s Temple,” 89 *New England Quarterly* 6-53 (2016).

“*OBB Personenverkehr A.G. v. Sachs*: Continuity and Unanswered Questions for Foreign Sovereign Immunity in the United States,” 17 *Yearbook of International Law* 217-247 (2015-2016).

***Book Chapters & Other Writings:***

“A Man Well Worth Knowing.” Review of *Augustine: Conversions to Confessions* by Robin Lane Fox. 34(6) *New Criterion* 68-71 (2016).

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Review of *Unfreedom: Slavery and Dependence in Eighteenth Century Boston* by Jared Ross Hardesty. \_\_\_\_ *The New England Quarterly* \_\_\_\_ (forthcoming).

**ADITI BAGCHI***Professor of Law*

A.B. *magna cum laude*, Harvard College, 1999; M.Sc., University of Oxford, 2000; J.D., Yale Law School, 2003

***Journal Articles:***

“Other People’s Contracts,” 32 *Yale Journal on Regulation* 211-256 (2015).

“Contract as Procedural Justice,” 7 *Jurisprudence* 47-84 (2016).

“On the Very Idea of Legal Methodology,” \_\_\_\_ *Rabels Zeitschrift fur Auslandsches und Internationales Privatrecht* \_\_\_\_ (2016) (forthcoming).

***Book Chapters & Other Writings:***

“At the Limits of Adjudication: Standard Terms in Consumer Contracts” in *Comparative Contract Law: British and American Perspectives* (Larry DiMatteo & Martin Hogg, eds., Oxford: Oxford University Press, 2015).

“Authority, Intention and Interpretation” in *The Legacy of Ronald Dworkin* (Wil Waluchow & Stefan Sciaraffa, eds., Oxford: Oxford University Press, 2016).

“Exit, Choice, and Employee Loyalty” in *Contract, Status, and Fiduciary Law* (Paul B. Miller & Andrew S. Gold, eds., Oxford: Oxford University Press, 2016) (forthcoming).

**SUSAN BLOCK-LIEB**

*Professor of Law, Cooper Family Chair of Urban Legal Studies*

B.A. with honors, University of Michigan, 1979; J.D. *cum laude*, University of Michigan Law School, 1982

***Books:***

*Global Legislators: How International Organizations Produce Trade and Commercial Law for World Markets* (Cambridge: Cambridge Univ. Press, 2017) (forthcoming) [with Terence C. Halliday].

***Journal Articles:***

“Austerity, Debt Overhang and the Design of International Standards on Sovereign, Corporate and Consumer Debt Restructuring,” *22 Indiana Journal of Global Legal Studies* 487-541 (2015).

***Book Chapters & Other Writings:***

“Contracts and Private Law in the Emerging Ecology of International Lawmaking” in *Contractual Knowledge: One Hundred Years of Legal Experimentation in Global Markets* (Gregoire Mallard & Jerome Sgard, eds., Cambridge: Cambridge University Press, 2016) [with Terence Halliday].

**JAMES J. BRUDNEY***Professor of Law*

B.A., Amherst College, 1971; B.A., M.A., Oxford University, 1973; J.D., Yale Law School, 1979

***Books:***

2016 Supplement: Cases and Materials on Legislation and Regulation: Statutes and the Creation of Public Policy, 5th ed. St. Paul, MN: West Academic Publishing, 2014 [with William N. Eskridge, Jr. & Elizabeth Garrett].

***Journal Articles:***

“Legislation and Regulation in the Core Curriculum: A Virtue or a Necessity?” 65 *Journal of Legal Education* 3-44 (2015-2016).

“Protean Statutory Interpretation in the Court of Appeals,” 58 *William & Mary Law Review* \_\_\_\_ (2017) (forthcoming) [with Lawrence Baum].

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“Recollections of a Supreme Court Community” in *Of Courtiers and Kings: More Stories of Supreme Court Law Clerks and Their Justices* (Todd C. Peppers & Clare Cushman, eds., Charlottesville: University of Virginia Press, 2015) [with Victor Brudney].

“Dictionaries 2.0: Exploring the Gap Between the Supreme Court and the Courts of Appeals,” 125 *Yale Law Journal Forum* 104-120 (2015) [with Lawrence Baum].

**DANIEL J. CAPRA***Reed Professor of Law*

A.B., Rockhurst University, 1974; J.D., Boalt Hall School of Law, University of California-Berkeley, 1977

**Books:**

Federal Rules of Evidence Manual, 11th ed. New Providence, NJ: LexisNexis, 2015 [with Stephen A. Saltzburg & Michael M. Martin].

2015 Cumulative Supplement to New York Evidence Handbook: Rules, Theory, and Practice, 2d ed. New York: Aspen Law & Business, 2002 [with Michael M. Martin & Faust F. Rossi].

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**Journal Articles:**

“Autopsy Reports and the Confrontation Clause,” 99 *Judicature* 61-71 (2015) [with Joseph Tartakovsky].

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**RICHARD S. CARNELL**

*Associate Professor of Law*

B.A., Yale University, 1975; J.D., Harvard Law School, 1982

**Books:**

The Law of Financial Institutions, 6th ed. New York: Wolters Kluwer Law & Business/Aspen Publishers, 2017 (forthcoming) [with Jonathan R. Macey & Geoffrey P. Miller].

**JEFFREY COLÓN**

*Professor of Law*

B.A. *summa cum laude*, Yale University, 1983; J.D., Yale Law School, 1987; M.L.T., Georgetown University, 1993

**Journal Articles:**

“Foreign Investors in U.S. Mutual Funds: The Trouble with Treaties,” 35 *Virginia Tax Review* 483-551 (2016).

**Book Chapters & Other Writings:**

“Prejudgment Interest” in *Litigation Services Handbook: The Role of the Financial Expert* (Roman Weil et al., eds., Hoboken, NJ: John Wiley & Sons, 2017) (forthcoming) [with Michael Knoll].

**ELIZABETH COOPER**

*Associate Professor of Law & Faculty Director, Feerick Center for Social Justice*  
B.A., University of Pennsylvania, 1983; J.D., New York University School of Law, 1988

**Book Chapters & Other Writings:**

“The Power of Dignity,” 84 *Fordham Law Review* 3-22 (2015).

**NESTOR M. DAVIDSON**

*Associate Dean for Academic Affairs, Professor of Law & Faculty Co-Director, Fordham Urban Law Center*  
A.B. *magna cum laude*, Harvard College, 1990; J.D., Columbia University, 1997

**Journal Articles:**

“Resetting the Baseline of Ownership: Takings and Investor Expectations After the Bailouts,” 75 *Maryland Law Review* 722-742 (2016).

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“The Place of Flourishing Families,” 43 *Fordham Urban Law Journal* \_\_ (2017) (forthcoming) [with Clare Huntington].

**MATTHEW DILLER**

*Dean and Paul Fuller Professor of Law*

A.B., *magna cum laude*, Harvard University, 1981; J.D., *magna cum laude*, Harvard University, 1985

***Journal Articles:***

“The Second Circuit and Social Justice,” 85 *Fordham Law Review* \_\_\_\_ (2016) (forthcoming) [with Alexander Reinert].

**DEBORAH DENNO**

*Arthur A. McGivney Professor of Law*

B.A., University of Virginia, 1974; M.A., University of Toronto, 1975; Ph.D., University of Pennsylvania, 1982; J.D., University of Pennsylvania Law School, 1989

***Journal Articles:***

“The Firing Squad as ‘A Known and Available Alternative Method of Execution’ Post-*Glossip*,” 49 *University of Michigan Journal of Law Reform* 749-793 (2016).

“How Prosecutors and Defense Attorneys Use Neuroscience Differently,” 85 *Fordham Law Review* \_\_ (2016) (forthcoming).

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**HOWARD M. ERICHSON**

*Professor of Law*

A.B., Harvard University, 1985; J.D., New York University School of Law, 1990

***Journal Articles:***

“Judge Jack Weinstein and the Allure of Antiproceduralism,” 64 *DePaul Law Review* 393-420 (2015).

“Aggregation as Disempowerment: Red Flags in Class Action Settlements,” 92 *Notre Dame Law Review* \_\_ (2017) (forthcoming).

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**VICTOR ESSIEN**

*Foreign & International Law Librarian & Adjunct Professor of Law*

LL.B. with honors, University of Ghana, 1973; LL.M., University of Ghana, 1976; B.L., University of Ghana, 1976; LL.M., New York University School of Law, 1982; J.S.D., New York University School of Law, 1985

***Book Chapters & Other Writings:***

“Regulating Transnational Corporations: An Unending Quest for Global Economic Justice” in *A Commitment to Law: Essays in Honor of Nana Samuel Kwadwo Boateng Asante* (Richard Frimpong Oppong & William Kissi Agyebeng, eds. London: Wildy & Sons, 2016) (forthcoming).

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**JOHN FEERICK**

*Norris Professor of Law*

B.A., Fordham University, 1958; LL.B., Fordham Law School, 1961; LL.D. (Honorary), Fordham Law School, 2002

***Book Chapters & Other Writings:***

"Preface" in Fordham Law School's John Sonnett Lectures. New York: Fordham University Press, 2016 (forthcoming).

"Pro-Bono for Corporate Lawyers," NYSBA Corporate Section Newsletter (October, 2016) (forthcoming).

**MARTIN S. FLAHERTY**

*Leitner Family Professor of International Human Rights & Co-Director, Leitner Center for International Law and Justice*

B.A., Princeton University, 1981; M.A., Yale University, 1982; M. Phil., Yale University, 1987; J.D., Columbia University, 1988

**Books:**

*Constitutions and International Law*. Northampton, MA: Edward Elgar, 2016 (forthcoming).

**Journal Articles:**

“Foreword: Forum: Historians and the New Originalism: Constitutionalism, Historicism and Constitutional Meaning,” 84 *Fordham Law Review* 905-914 (2015).

**Book Chapters & Other Writings:**

Review of *Untrodden Ground: America’s Evolutionary Presidency* by Harold Bruff. 65 *Case Western Reserve Law Review* 881-887 (2015).

**SHEILA R. FOSTER**

*Albert A. Walsh Professor of Law & Faculty Co-Director, Fordham Urban Law Center*

B.A. with honors, University of Michigan, 1985; J.D., Boalt Hall School of Law, University of California-Berkeley, 1988

**Journal Articles:**

“The City as a Commons,” 34 *Yale Law & Policy Review* 281-349 (2016) [with Christian Iaione].

**Book Chapters & Other Writings:**

“Human Rights and Climate Change: Building Synergies for a Common Future” in *Climate Change Law* (Daniel Farber & Marjan Peeters, eds., Northampton, MA: Edward Elgar, 2016) [with Paolo Galizzi].

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**PAOLO GALIZZI**

*Clinical Associate Professor of Law & Director, Sustainable Development Legal Initiative*  
 Laurea in Giurisprudenza *magna cum laude*, University of Milan, 1993; LL.M, University of London, 1995; Ph.D., University of Milan, 1998

***Journal Articles:***

“Wildlife Crime and Degradation in Africa: An Analysis of the Current Crisis and Prospects for a Secure Future,” *27 Fordham Environmental Law Review* 394-441 (2016) [with Kofi Ernest Abotsi & Alena Herklotz].

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“The Year in Review: Reports from International Courts and Tribunals--The International Court of Justice,” *25 Yearbook of International Environmental Law* 487-497 (2015).

**MARTIN GELTER**

*Associate Professor of Law*

Mag.iur. [Law], University of Vienna, 1998; Mag.rer.soc.oec. [Business administration], WU Vienna University of Economics, 1998; Dr.iur., University of Vienna, 2001; Dr.rer.soc.oec., WU Vienna University of Economics, 2003; LL.M. (waived for fellowship), Harvard Law School, 2003; S.J.D., Harvard Law School, 2009

***Book Chapters & Other Writings:***

“Funktionen des gesellschaftsrechtlichen Kapitalschutzes – Rechtspolitische und rechtsvergleichende Aspekte [Functions of Legal Capital – Policy and Comparative Perspectives]” in *Festschrift Christian Nowotny Zum 65. Geburtstag [Essays in Honor of Christian Nowotny for his 65th birthday]* (Walter Blocher, Martin Gelter & Michael Pucher, eds., Vienna: Manz, 2015).

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“Employee Participation in Corporate Governance and Corporate Social Responsibility” in *Handbook on the Economics of Social Responsibility* (Lorenzo Sacconi & Giacomo Degli Antoni, eds., Northampton, MA: Edward Elgar, 2017) (forthcoming).

## **BRIAN GLICK**

*Clinical Associate Professor of Law*

B.A., University of Michigan, 1962; MA, Yale University, 1966; LL.B., Yale University, 1966

### ***Book Chapters & Other Writings:***

“How Worker Centers Can Keep 501c3 Status” in *The Worker Center Handbook: A Practical Guide to Starting and Building the New Labor Movement* (Kim Bobo & Marien Cassillas-Pabellon, eds., Ithaca: ILR Press, 2016).

## **ROGER GOEBEL**

*Alpin J. Cameron Professor of Law & Director of the Fordham Center of European Union Law*

B.A., Manhattan College, 1957; LL.B., New York University, 1960; LL.M., New York University, 1961

**Books:**

Documents Supplement to Cases and Materials on European Union Law 2016. St. Paul, MN: West Academic, 2016 [with Eleanor Fox, George Bermann, Jeffery Atik & Frank Emmert].

**Journal Articles:**

“Adding a Little Gold to the Golden Years: Should the European Union Prohibit Compulsory Retirement As Age-based Discrimination in Employment?” *23 Columbia Journal of European Law* \_\_\_\_ (2016) (forthcoming).

**Book Chapters & Other Writings:**

“From the Initial European Economic Community to the Contemporary European Union: Historical Perspectives” in *The Oxford Principles of European Union Law* (T. Tridimas & R. Schuetze, eds., London: Oxford University Press, 2018) (forthcoming).

**JENNIFER GORDON**

*Professor of Law*

B.A. *magna cum laude*, Radcliffe College, 1987; J.D. *magna cum laude*, Harvard Law School, 1992

**Journal Articles:**

“Regulating the Human Supply Chain,” *102 Iowa Law Review* \_\_\_\_ (2016-2017) (forthcoming).

**BRUCE A. GREEN**

*Louis Stein Professor & Director, Stein Center for Law & Ethics*

A.B. *summa cum laude*, Princeton University, 1978; J.D., Columbia Law School, 1981

**Journal Articles:**

“Access to Criminal Justice: Where Are the Prosecutors?” *3 Texas A & M Law Review* 515-536 (2016).

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“The Flood of U.S. Lawyers: Natural Fluctuation Or Professional Climate Change?” in *Too Many Lawyers? The Future of the Legal Profession* (Eyal Katvan et al., eds., New York: Routledge, 2017) (forthcoming).

**KAREN J. GREENBERG**

*Director, Fordham Center on National Security*  
B.A., Cornell University; Ph.D., Yale University

***Books:***

Rogue Justice: The Making of the Security State. New York: Crown Publishing, 2016.

***Journal Articles:***

“Convicted Terrorists: Sentencing Considerations and Their Policy Implications,” 8 *Journal of National Security Law & Policy* 347-376 (2016) [with Joanna Baltes, Gerald Bruce Lee, Robert Timothy Reagan & Stephen I. Vladeck].

**ABNER GREENE**

*Leonard F. Manning Professor of Law*

B.A. *magna cum laude*, Yale University, 1982; J.D. *summa cum laude*, University of Michigan Law School, 1986



***Journal Articles:***

“The Concept of the Speech Platform: *Walker v. Texas Division*,” 68 *Alabama Law Review* \_\_\_\_ (2016) (forthcoming).

***Book Chapters & Other Writings:***

“A Secular Test for a Secular Statute,” 2016 *University of Illinois Law Review Slip Opinions* 34-42.

**SEAN J. GRIFFITH**

*T.J. Maloney Professor of Business Law & Director, Fordham Corporate Law Center*  
B.A., Sarah Lawrence College, 1996; J.D. *magna cum laude*, Harvard Law School, 2000

***Journal Articles:***

“How Corporate Governance Is Made: The Case of the Golden Leash,” 164 *University of Pennsylvania Law Review* 649-702 (2016) [with Matthew D. Cain, Jill E. Fisch & Steven Davidoff Solomon].

“Corporate Governance in an Era of Compliance,” 57 *William & Mary Law Review* 2075-2140 (2016).

“Settlement and Fees in Merger Litigation” in *Research Handbook on Mergers & Acquisitions* (Claire A. Hill & Steven Davidoff Solomon, eds., Northampton, MA: Edward Elgar, 2016).

**TANYA KATERÍ HERNANDEZ**

*Professor of Law*  
B.A., Brown University, 1986; J.D., Yale Law School, 1990

***Journal Articles:***

“Envisioning the United States in the Latin American Myth of ‘Racial Democracy Mestizaje,’” 11 *Latin American and Caribbean Ethnic Studies* 189-205 (2016).

***Book Chapters & Other Writings:***

“Colorism and the Law in Latin America—Global Perspectives on Colorism Conference Remarks,” 14 *Washington University Global Studies Law Review* 683-693 (2015).

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**CLARE HUNTINGTON**

*Associate Dean for Research & Professor of Law*

B.A., Oberlin College, 1990; J.D., Columbia Law School, 1996

**Journal Articles:**

“Institutional Failures and Nonmarital Families,” *50 Family Law Quarterly* \_\_\_\_ (2016) (forthcoming).

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“The Place of Flourishing Families,” *43 Fordham Urban Law Journal* \_\_\_\_ (2017) (forthcoming) [with Nestor Davidson].

**TONI JAEGER-FINE**

*Assistant Dean for International & Non-JD Programs*

B.A., S.U.N.Y. Binghamton, 1983; J.D., Duke, 1986

**Journal Articles:**

"Marriage Equality in the United States: A Look at *Obergefell* and Beyond," *3 Revista de Investigações Constitucionais [Journal of Constitutional Research]* 7-41 (2016).

**NICHOLAS JOHNSON**

*Professor of Law*

B.S.B.A., West Virginia University, 1981; J.D., Harvard Law School, 1984

**Books:**

*Firearms Law and the Second Amendment: Regulation, Rights, and Policy*. New York: Aspen Law & Business, 2d ed., 2017 (forthcoming) [with David B. Kopel, George A. Mocsary & Michael P. O'Shea].

Teachers Manual, *Firearms Law and the Second Amendment: Regulation, Rights, and Policy*. New York: Aspen Law & Business, 2d ed., 2017 (forthcoming) [with David B. Kopel, George A. Mocsary & Michael P. O'Shea].

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***Book Chapters & Other Writings:***

“*Heller as Miller?* Lower Court Defiance of *D.C. v. Heller*” in *Guns and Contemporary Society* (Glenn H. Utter, ed., Santa Barbara: Praeger, 2015).

**ROBERT KACZOROWSKI**

*Professor of Law*

B.S.C., Loyola University; M.A., DePaul University; Ph.D., University of Minnesota; J.D., New York University School of Law

***Journal Articles:***

“Inherent National Sovereignty Constitutionalism: An Original Understanding of the US Constitution,” 101 *Minnesota Law Review* \_\_\_ (2016).

**ANDREW KENT**

*Professor of Law*

A.B., Harvard College, 1993; J.D., Yale Law School, 1999

***Journal Articles:***

“The Rebel Soldier Who Became Chief Justice of the United States: The Civil War and its Legacy for Edward Douglass White of Louisiana,” 56 *American Journal of Legal History* 209-264 (2016).

***Book Chapters & Other Writings:***

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**JOSEPH LANDAU**

*Associate Professor of Law*

B.A., Duke University, 1995; J.D., Yale Law School, 2002

***Journal Articles:***

“Bureaucratic Administration: Experimentation and Immigration Law,” 65 *Duke Law Journal* 1173-1240 (2016).

***Book Chapters & Other Writings:***

“Roberts, Kennedy, and the Subtle Differences that Matter in *Obergefell*,” 84 *Fordham Law Review* 33-40 (2015).

**THOMAS H. LEE**

*Leitner Family Professor of Law & Director of Graduate and International Studies*

A.B., 1991; A.M., 1991; J.D., 2000; Ph.D. candidate (Political Science), Harvard University

***Journal Articles:***

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**YOUNGJAE LEE**

*Professor of Law*

B.A., Swarthmore College, 1995; J.D. *magna cum laude*, Harvard University, 1999

***Journal Articles:***

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**ETHAN J. LEIB**

*Professor of Law*

B.A., Yale University, 1997; M.Phil, University of Cambridge, 1998; J.D., Yale Law School, 2003; Ph.D., Yale University, 2004

***Journal Articles:***

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### **ROBIN A. LENHARDT**

*Professor of Law & Faculty Director, Center on Race, Law & Justice*

A.B., Brown University, 1989; M.P.A., Harvard University, JFK School of Government, 1995; J.D., Harvard University, 1995; L.L.M., Georgetown University Law Center, 2004

#### ***Books:***

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### **MICHAEL M. MARTIN**

*Distinguished Professor of Law*

B.A. with High Distinction with honors, University of Iowa, 1963; J.D., University of Iowa College of Law, 1966; B.Litt. (Law), Oxford University, 1968; M.Litt., Oxford University, 1979.

#### ***Books:***

*Federal Rules of Evidence Manual*, 11th ed. San Francisco: LexisNexis 2015 [with Stephen A. Saltzburg & Daniel J. Capra].

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### **CHI ADANNA MGBAKO**

*Clinical Professor of Law & Director, Leitner International Human Rights Clinic*  
B.A. *magna cum laude*, Columbia University, 2001; J.D., Harvard University, 2005

#### ***Books:***

To Live Freely in this World: Sex Worker Activism in Africa. New York: New York University Press, 2016.

### **CARL MINZNER**

*Professor of Law*  
B.A., Stanford University, 1994; M.I.A., Columbia University, 2000; J.D., Columbia Law School, 2000

#### ***Books:***

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### **JACQUELINE NOLAN-HALEY**

*Professor of Law*  
A.B., Emmanuel College, 1971; J.D. *cum laude*, Suffolk University Law School, 1975; LL.M., New York University School of Law, 1981

#### ***Journal Articles:***

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**MARK R. PATTERSON**

*Professor of Law*

B.S.E.E. *summa cum laude*, Ohio State University, 1978; M.S., Ohio State University, 1980; J.D., Stanford Law School, 1991

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**KIMANI PAUL-EMILE**

*Associate Professor of Law*

B.A. with honors, Brown University; J.D., Georgetown University Law Center; Ph.D., New York University

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**RUSSELL G. PEARCE**

*Edward & Marilyn Bellet Professor of Legal Ethics, Morality & Religion*  
 B.A., Yale University, 1978; J.D., Yale Law School, 1981

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**JOHN PFAFF**

*Professor of Law*

B.A., University of Chicago, 1997; J.D., University of Chicago School of Law, 2003; Ph.D., University of Chicago, 2005

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**CATHERINE POWELL***Associate Professor of Law*

B.A., Yale College; M.P.A., Princeton University (International Development Concentration) Woodrow Wilson School of Public and International Affairs; J.D., Yale Law School, Earl Warren Scholar.

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**PAUL RADVANY***Clinical Associate Professor of Law*

B.A., Columbia University, 1989; J.D., Columbia Law School, 1993

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**MARTHA RAYNER**

*Clinical Associate Professor of Law*

B.A., Clark University, 1980; J.D., City University School of Law, 1986

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**JOEL R. REIDENBERG**

*Stanley D. and Nikki Waxberg Professor of Law & Director, Fordham Center on Law & Information Policy*

A.B. *magna cum laude*, Dartmouth College, 1983; J.D., Columbia Law School, 1986; D.E.A., Université de Paris I-Sorbonne, 1987; Ph.D. (Law), Université de Paris I-Sorbonne, 2003

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**N. CAMERON RUSSELL**

*Executive Director, Center for Law and Information Policy and Adjunct Professor of Law* BSBA, UNC-Chapel Hill, Flagler Business School, 2002; J.D., University of Denver, Sturm College of Law, 2006; LL.M, *magna cum laude*, Fordham University School of Law, 2013

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**AARON SAIGER**

*Professor of Law*

A.B., Harvard College, 1988; J.D., Columbia Law School, 2000; Ph.D., Princeton University, 2004

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**ALISON A. SHEA**

*Head of Reference and Adjunct Professor of Law*

B.A., Boston University, 2004; J.D., M.S.L.S., Catholic University of America, 2007

***Journal Articles:***

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**JED HANDELSMAN SHUGERMAN**

*Associate Professor of Law*

B.A., Yale University, 1996; J.D., Yale Law School, 2002; Ph.D., Yale University, 2008

***Journal Articles:***

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**RICHARD SQUIRE**

*Professor of Law*

B.A. *summa cum laude*, Bowdoin College, 1993; M.B.A., Harvard University, 2001; J.D. *magna cum laude*, Harvard Law School, 2001

***Book Chapters & Other Writings:***

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**LINDA SUGIN**

*Professor of Law*

B.A., Harvard University, 1984; J.D., New York University School of Law, 1988

***Books:***

Cumulative Supplement to *The Individual Tax Base: Cases, Problems and Policies in Federal Taxation*, 2d ed. St. Paul, MN: Thomson Reuters/West, 2015 [with Laurie L. Malman].

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**OLIVIER SYLVAIN**

*Associate Professor of Law*

B.A., Williams College, 1995; J.D., Georgetown University Law Center, 1999; M.Phil, Columbia University, 2005; Ph.D., Columbia University, 2010

***Journal Articles:***

“Network Equality,” 67 *Hastings Law Journal* 443-497 (2016).

**STEVE THEL**

*Wormser Professor of Law*

B.A., North Texas State University, 1976; J.D., Harvard Law School, 1979

***Books:***

2016 Cumulative Supplement, *Investment Management Law & Regulation*, 3d ed. New York: Wolters Kluwer, 2015 [with Harvey Bines].

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**IAN WEINSTEIN**



*Professor of Law*

B.A., Reed College, 1981; J.D. *cum laude*, New York University School of Law, Order of the *Coif*, 1986; LL.M., Georgetown University Law Center, 1990

***Book Chapters & Other Writings:***

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**BENJAMIN ZIPURSKY***Professor of Law & James H. Quinn '49 Chair in Legal Ethics*

B.A., Swarthmore College, 1982; M.A., University of Pittsburgh, 1985; Ph.D., University of Pittsburgh, 1987; J.D. *magna cum laude*, New York University School of Law, 1991

***Books:***

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