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Faculty Bibliography

MARC ARKIN

Professor of Law

OTHER WRITINGS

"Ames, Fisher," in *The Yale Biographical Dictionary of American Law* (Roger K. Newman, ed., New Haven, CT: Yale University Press, 2009).

"Highway to Heaven." Review of *Predestination* by Peter J. Thuesen. *Wall Street Journal*, June 26, 2009, at A13.

"Lincoln Season." Review of *Tried by War* by James M. McPherson. *New Criterion*, January 2009, at 68.

"New World, New Ideas." Review of *The Wordy Shipmates* by Sarah Vowell. *Wall Street Journal*, November 25, 2008, at A13.

Review of *The Reign of Terror in America: Visions of Violence from Anti-Jacobinism to Anti-Slavery* by Rachael Hope Cleves. *114 American Historical Review* ____ (December 2009) (forthcoming).

SUSAN BLOCK-LIEB

Professor of Law

OTHER WRITINGS

"Attaining the Global Standard" in *Bankrupt: Global Lawmaking and Systemic Financial Crisis* (Terence Halliday & Bruce Carruthers, Stanford, CA: Stanford University Press, 2009) [with Terence Halliday & Bruce Carruthers].

"Disclosure as an Imperfect Means for Addressing Overindebtedness: An Empirical Assessment of Comparative Approaches" in *Consumer Credit, Over-Indebtedness and Bankruptcy: National and International Dimensions* (William Whitford, Iain Ramsay & Johanna Niemi-Kiesilainen, eds., Oxford: Hart Publishing, 2009) [with Richard L. Wiener, Jason Cantone & Michael Holtje].

"The Limits of Enhanced Disclosure in Bankruptcy Law: Anticipated and Experienced Emotion" in *A Debtor's World* (Oxford: Oxford University Press, 2009) [with Richard L. Wiener, Jason A. Cantone & Michael Holtje] (forthcoming).

"Missing Debtors: National Lawmaking and Global Norm-Making of Corporate Bankruptcy Regimes" in *A Debtor's World* (Oxford: Oxford University Press, 2009) [with Terence Halliday & Bruce Carruthers] (forthcoming).

"Representing the Interests of Unsecured Creditors: A Comparative Look at UNCITRAL'S Legislative Guide on Insolvency Law" in *International Insolvency Law: Reforms and Challenges* (P.J. Omar, ed., Burlington, VT: Ashgate, 2009) [with Juraj Alexander & Evgeny Kovalenko] (forthcoming).

"Rhetorical Legitimation: Global Norms as Self-Validating Formal Scripts After the Asian Financial Crisis," in *Proceedings of the Conference on Law and Legitimacy in the Governance of Transnational Economic Relations* (Munich: Max Planck Institute, 2009) [with Terence Halliday & Bruce Carruthers] (forthcoming).

DANIEL J. CAPRA

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BOOKS

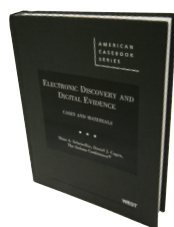
Basic Criminal Procedure, 5th ed. St. Paul, MN: West, 2009 [with Stephen A. Saltzburg & Angela J. Davis].

Cumulative Supplement to American Criminal Procedure: Cases and Commentary, 8th ed. St. Paul, MN: West, 2009 [with Stephen A. Saltzburg].

Cumulative Supplement to American Criminal Procedure: Cases and Commentary, 8th ed. St. Paul, MN: West, 2008 [with Stephen A. Saltzburg].

Cumulative Supplement to Federal Rules of Evidence Manual, 9th ed. San Francisco, CA: LexisNexis Matthew Bender, 2008 [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, 2008 [with Michael M. Martin & Faust F. Rossi].



Electronic Discovery and Digital Evidence in a Nutshell. St. Paul, MN: West, 2009 [with Shira A. Scheindlin & the Sedona Conference].

The Great Fourth Amendment Cases. New York: Ford Foundation, 2009 (in Chinese).

Principles of Evidence, 5th ed. St Paul, MN: West, 2009 [with Graham C. Lilly].

OTHER WRITINGS

Comment on *Melendez-Diaz v. Massachusetts* in 2009 Update to *Evidence: The Objection Method*, 3rd Edition, available at [http://www.lexisnexis.com/lawschool/study/texts/pdf/2009%20Update%20\(3052\).pdf](http://www.lexisnexis.com/lawschool/study/texts/pdf/2009%20Update%20(3052).pdf).

In re: *Bausch & Lomb Contact Lens Solution Product Liability Litigation*, 2008 WL 2338552 (D. S.C.).

In re: *New York Renu With Moistureloc Product Liability Litigation*, 2009 WL 2842745 (D. S.C.).

Committee on Rules of Practice and Procedure, *Judicial Conference Report on Local Rules and Standing Orders*, available at http://www.uscourts.gov/rules/Reports/Combined_ST_Report_Sept_2009.pdf.

Advisory Committee on Evidence Rules, *Note to Federal Rule of Evidence 502*, effective September 19, 2008.

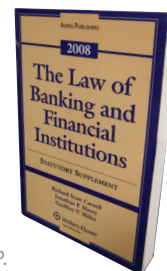
Restyled Federal Rules of Evidence, available at http://www.uscourts.gov/rules/proposed0809/EV_Rules.pdf.

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BOOKS

The Law of Banking and Financial Institutions, 4th ed. New York: Aspen Publishers, 2009 [with Jonathan R. Macey & Geoffrey P. Miller].



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JOURNAL ARTICLES

"Herald of Change? New Jersey's Repeal of the Death Penalty," 33 *Seton Hall Legislative Journal* 21-47 (2009).

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JOURNAL ARTICLES

"The European Courts between Hierarchy and Self-Containment: A Reply to De Sena and Vitucci," 20 *European Journal of International Law* ____ (2009) (forthcoming).

"The Lisbon Treaty No-Vote: An Irish Problem or a European Problem?" 2009 *Irish Yearbook of International Law* ____ (2009) (forthcoming).

OTHER WRITINGS

"The Evolution of EU Human Rights Law and Policy" in *The Evolution of EU Law*, 2nd ed. (Paul Craig & Gráinne de Búrca, eds., Oxford: Oxford University Press, 2010) (forthcoming).

"Reflections on the EU's Path from the Constitutional Treaty to the Lisbon Treaty," in *Preparing the European Union for the Future?: Necessary Revisions of Primary Law after the Non-ratification of the Treaty Establishing a Constitution for Europe* (Heribert F. Koeck & Margit M. Karollus, eds., Baden-Baden: Nomos, 2008), available at <http://www.jeanmonnetprogram.org>.

DEBORAH DENNO

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JOURNAL ARTICLES

"Consciousness and Culpability in American Criminal Law," 12 *Waseda Proceedings of Comparative Law* ____ (2009) (Japanese translation to appear in 43 *Waseda Bulletin of Comparative Law* ____ 2010) (forthcoming).

Symposium Introduction, 8 *Ohio State Journal of Criminal Law* ____ (2010) (forthcoming).

OTHER WRITINGS

"Behavioral Genetics Evidence in Criminal Cases: 1994-2007" in *The Impact of Behavioral Sciences on Criminal Law* (Nita A. Farahany, ed., Oxford: Oxford University Press, 2009).

"For Execution Methods Challenges, the Road to Abolition is Paved with Paradox" in *The Road to Abolition* (Charles J. Ogletree, Jr. & Austin Sarat, eds., New York: New York University Press, 2009) (forthcoming).

"The Future of Execution Methods" in *The Future of America's Death Penalty: An Agenda for the Next Generation of Capital Punishment Research* (Charles S. Lanier, William J. Bowers & James R. Acker, eds., Durham, NC: Carolina Academic Press, 2009).

"Preface" in *Murder and its Consequences: Essays on Capital Punishment in America* (Leigh B. Bienen, Chicago: Northwestern University Press, 2010) (forthcoming).

"When Willie Francis Died: The 'Disturbing' Story Behind One of the Eighth Amendment's Most Enduring Standards of Risk" in *Death Penalty Stories* (John H. Blume & Jordan M. Steiker, eds., New York: Foundation Press, 2009).

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Professor of Law

JOURNAL ARTICLES

"Public and Private Law Perspectives," 37 *Southwestern University Law Review* 665-669 (2008).

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JOURNAL ARTICLES

"Building Public Trust Through Judicial Election Reform: Tribute to Judge Judith Kaye," 10 *NYSBA Government, Law & Policy Journal* 46-50 (2008).

"The Role of Mediation in Dispute Resolution," 16 *ARIAS Quarterly* 24-27 (2009).

"Tribute to Mary Daly," 77 *Fordham Law Review* 1225-1228 (2009).

"Mary Daly—A Life of Devoted Service," 83 *St. John's Law Review* 8-16 (2009).

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JOURNAL ARTICLES

"Introduction: The Antitrust Aspects of Bank Mergers," 13 *Fordham Journal of Corporate & Financial Law* 507-509 (2008).

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JOURNAL ARTICLES

"It's Not OK': New Zealand's Efforts to Eliminate Violence Against Women," 32 *Fordham International Law Journal* ____ (2009) (forthcoming).

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BOOKS

American Legal Systems: A Resource and Reference Guide. Newark, NJ: LexisNexis, 2008.

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JOURNAL ARTICLES

"Organs Misused and Used: A Comment on the Sole Organ Problem," 53 *Saint Louis University Law Journal* 137-144 (2008).

"Surrendering the Rule of Law in Foreign Relations," 32 *Fordham International Law Journal* 1154-1161 (2009).

OTHER WRITINGS

"Separation of Powers, the Rule of Law, and Executive 'Creativity' in *Hamdan v. Rumsfeld*" in *Separation of Powers: The U.S. Perspective* (D. Sujatha, ed., Hyderabad, India: Amicus Books/ICFAI University Press, 2009).

"Story of the Neutrality Controversy: Struggling Over Presidential Power Outside the Courts," in *Presidential Power Stories* (Christopher H. Schroeder & Curtis A. Bradley, eds., New York: Foundation Press, 2009).

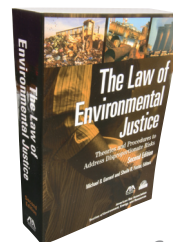
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BOOKS

The Law of Environmental Justice: Theories and Procedures to Address Disproportionate Risks. Chicago, IL: American Bar Association, 2008 [with Michael Gerrard].



JOURNAL ARTICLES

"Environmental Justice and the Constitution," 39 *Environmental Law Reporter News and Analysis* 10247-10351 (2009).

"Urban Informality as a Commons Dilemma," 40 *University of Miami Inter-American Law Review* 261-284 (2009).

OTHER WRITINGS

"The Racial Subject in Legal Theory" in *The Oxford Handbook of Law and Politics* (Keith E. Whittington, R. Daniel Kelemen & Gregory A. Caldeira, eds., Oxford: Oxford University Press, 2008) [with Robin Lenhardt].

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JOURNAL ARTICLES

"Claiming Intellectual Property," 76 *University of Chicago Law Review* 719-796 (2009).

"District Courts as Patent Laboratories," 1 *University of California Irvine Law Review* ____ (2010) (forthcoming).

"The Externet," 78 *Fordham Law Review* ____ (2010) (forthcoming).

Faculty Bibliography (continued)

"The Layers of Obviousness in Patent Law," 22 *Harvard Journal of Law & Technology* 75-101 (2008) (selected for *Intellectual Property Law Review*, 2009 ed. St. Paul, MN: Thomson/West, 2009).

"The Psychology of Intellectual Property," 104 *Northwestern University Law Review* ____ (2010) (forthcoming).

"Panel I: Patent Reform: Can the Law Keep Pace with Technology?" 18 *Fordham Intellectual Property, Media & Entertainment Law Journal* 1025-1077 (2008).

"Patent Disclosure," 94 *Iowa Law Review* 539-606 (2009).

OTHER WRITING

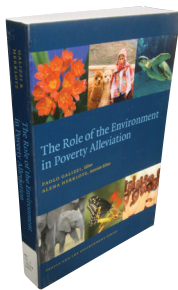
"Trade Secrecy in Willy Wonka's Chocolate Factory" in *The Law and Theory of Trade Secrecy: A Handbook of Contemporary Research* (Rochelle C. Dreyfuss & Katherine J. Strandburg eds., Surrey: Edward Elgar Publishing, 2010) (forthcoming).

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BOOKS

The Role of the Environment in Poverty Alleviation. New York: Fordham University Press, 2008 [editor, with Alena Herklotz (associate editor)].



JOURNAL ARTICLES

"Documents in EC Environmental Law," 8 *Yearbook of European Environmental Law* 645-671 (2008).

"The Year in Review: Reports from International Courts and Tribunals. The International Court of Justice," 2007 *Yearbook of International Environmental Law* (2008).

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., Surrey: Edward Elgar Publishing, 2010) [with Alena Herklotz] (forthcoming).

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Associate Professor of Law

JOURNAL ARTICLES

"Corporate Governance, Corporate and Employment Law, and the Costs of Expropriation," 6 *Review of Law & Economics* ____ (2010) [with Giulio Ecchia & Piero Pasotti] (forthcoming).

"The Dark Side of Shareholder Influence: The Connection between Managerial Autonomy and Stakeholder Orientation in Comparative Corporate Governance," 50 *Harvard International Law Journal* 129-194 (2009).

"Divergente Evolution des Rechtsdenkens—Von amerikanischer Rechtsökonomie und deutscher Dogmatik [Divergent Evolution of Legal Thought—About American Law and Economics and German Doctrinal Scholarship]," 72 *Rabels Zeitschrift für ausländisches und internationales Privatrecht* 513-561 (2008) [with Kristoffel Grechenig].

"Generalunternehmerschaft und Versionsanspruch im vertraglichen Nutzenkalkül [General Contractors and the actio de in rem verso in a Contractual Utility Calculation]," 131 *Juristische Blätter* 541-554 (2009).

"Tilting the Balance between Capital and Labor? The Effects of Regulatory Arbitrage in European Corporate Law on Employees," 33 *Fordham International Law Journal* ____ (2009) (forthcoming).

"The Transatlantic Divergence in Legal Thought: American Law and Economics vs. German Doctrinalism," 31 *Hastings International & Comparative Law Review* 295-360 (2008) [with Kristoffel Grechenig].

OTHER WRITINGS

"Ausschlussgründe in besonderen Fällen [Disqualification of Auditors in Special Cases (§ 271a of the Austrian Business Enterprise Code)]" in *Handbuch zum Rechnungslegungsgesetz, C.III.*, (Romuald Bertl & Dieter Mandl eds., 14th installment (loose-leaf), Vienna: LexisNexis 2009) (forthcoming) [with Robert Reiter].

"Befangenheit und Ausgeschlossenheit (§ 271 UGB) [Disqualification of Auditors (§ 271 of the Austrian Business Enterprise Code)]" in *Handbuch zum Rechnungslegungsgesetz, C.III.*, (Romuald Bertl & Dieter Mandl eds., 14th installment (loose-leaf), Vienna: LexisNexis 2009) (forthcoming).

"Bestellung und Abberufung des Abschlussprüfers (§ 270 UGB) [Appointment and Dismissal of the Auditor (§ 270 of the Austrian Business Enterprise Code)]" in *Handbuch zum Rechnungslegungsgesetz, C.III.*, (Romuald Bertl & Dieter Mandl eds., 14th installment (loose-leaf), Vienna: LexisNexis 2009) (forthcoming).

"Regulatory Competition in European Company Law and Creditor Protection" in *The Law and Economics of Creditor Protection* (Horst Eidenmüller & Wolfgang Schön eds., The Hague: T.M.C. Asser Press, 2008) [with Luca Enriques].

BRIAN GLICK

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JOURNAL ARTICLES

"The Greening of Community Economic Development: Dispatches from New York City," 31 *Western New England Law Review* 645-672 (2009) [with Carmen Huertas-Noble and Jessica Rose].

ROGER GOEBEL

Professor of Law

JOURNAL ARTICLES

"Economic Governance in the European Union: Should Fiscal Stability Outweigh Economic Growth in the Stability and Growth Pact?" 31 *Fordham International Law Journal* 1266-1359 (2008).

"Fifty Years of European Community Law: Introduction," 31 *Fordham International Law Journal* 1097-1103 (2008).

JENNIFER GORDON

Associate Professor of Law

JOURNAL ARTICLES

"Explaining Immigration Unilateralism," 104 *Northwestern University Law Review* ____ (2010) (forthcoming).

"Toward a Freer Flow of Labor (with Rights)," *Americas Quarterly*, Summer 2008, at 56.

OTHER WRITINGS

"Towards Transnational Labor Citizenship: Restructuring Labor Migration to Reinforce Workers' Rights: A Preliminary Report on Emerging Experiments," (University of California-Berkeley Law School's Justice Earl Warren Institute on Race, Ethnicity and Diversity), available at http://www.law.berkeley.edu/files/Gordon_Transnatl_Labor_Final.pdf (2009).

"Workers Without Borders," [Op-Ed], *New York Times*, March 10, 2009, at A27.

BRUCE A. GREEN

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

JOURNAL ARTICLES

"The Duty to Avoid Wrongful Convictions: A Thought Experiment in the Regulation of Prosecutors," 89 Boston University Law Review 1-59 (2009) [with Fred Zacharias].

"Foreword: The Lawyer's Role in a Contemporary Democracy," 77 Fordham Law Review 1229-1243 (2009).

"'Public Service Must Begin at Home': The Lawyer as Civics Teacher in Everyday Practice," 50 William & Mary Law Review 1207-1238 (2009) [with Russell Pearce].

"Rationalizing Judicial Regulation of Lawyers," 70 Ohio State Law Journal 73-141 (2009) [with Fred Zacharias].

"Regulating Discourtesy on the Bench: A Study in the Evolution of Judicial Independence," 64 NYU Annual Survey of American Law 497-557 (2009) [with Rebecca Roiphe].

"Regulating Federal Prosecutors: Let There Be Light," 118 Yale Law Journal Pocket Part 156-160 (2009).

"Remembering Mary C. Daly: A Legal Ethicist Par Excellence," 83 St. John's Law Review 23-29 (2009).

OTHER WRITINGS

"Case Studies in Negotiation Ethics" in *Ethics in Context 2008: Advocacy, Civility and Ethics in the Courtroom* (New York: Practising Law Institute, 2008).

Review of *Do No Wrong: Ethics for Prosecutors and Defenders*, by Peter A. Joy & Kevin C. McMunigal, Champion, February 2009, at 59.

"Ethics in Criminal Advocacy" in *The State of Criminal Justice 2007-2008* (Washington, D.C.: ABA Section on Criminal Justice, 2009) [with Ellen Yaroshefsky].

ABNER S. GREENE

Leonard F. Manning Professor of Law

JOURNAL ARTICLES

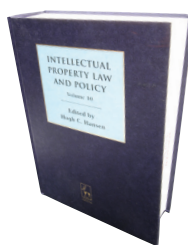
"Three Theories of Religious Equality...and of Exemptions," 87 Texas Law Review 963-1008 (2009).

SEAN J. GRIFFITH

T.J. Maloney Chair in Business Law

JOURNAL ARTICLES

"How the Merits Matter: D&O Insurance and Securities Settlements," 157 University of Pennsylvania Law Review 755-832 (2009) [with Tom Baker].



HUGH HANSEN

Professor of Law

BOOKS

Intellectual Property Law and Policy: The 15th Annual Fordham Conference. Oxford: Hart Publishing, 2008.

TANYA HERNANDEZ

Professor of Law

BOOKS

The Long Lingered Shadow: Law, Liberalism and Cultures of Racial Hierarchy and Identity in the Americas. Chapel Hill, NC: University of North Carolina Press. [with Robert Cottrol] (forthcoming).

OTHER WRITINGS

"Afro-Latin@s and the Latino Workplace" in *Afro-Latin@s in the United States: A Reader* (Juan Flores & Miriam Jimenez Roman, eds., Duke University Press, 2009) (forthcoming).

"European Multiculturalism as Compared to Diversity in the United States: A View from the Employment Discrimination Context" in *Multiculturalisms: Different Meanings and Perspectives of Multiculturalism in a Global Word* (Barbara Pozzo, ed., Bern: Stämpfli) (forthcoming).

"Latinos at Work: When Color Discrimination Involves More Than Color" in *Shades of Difference: Why Skin Color Matters* (Evelyn Nakano Glenn, ed., Stanford University Press, 2009).

"The Story of Meritor Savings Bank v. Vinson: The Racialized Legacy of the Evidentiary Construct for 'Unwelcomeness' Inquiries in Sexual Harassment Claims" in *Women and the Law Stories* (Elizabeth Schneider & Stephanie Wildman, eds., Foundation Press, 2010) (forthcoming).

TRACY HIGGINS

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JOURNAL ARTICLES

"Gender and Nation-Building: Family Law as Legal Architecture," 60 Maine Law Review 375-407 (2008) [with Rachel P. Fink].

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BOOKS

The War on Terror and the Laws of War. New York: Oxford University Press, 2009 [with Geoffrey S. Corn, Victor M. Hansen, Dick Jackson, Michael W. Lewis, & James A. Schoettler, Jr.].

JOURNAL ARTICLES

"Afghanistan Legal Lessons Learned: Army Rule of Law Operations," 85 International Law Studies ____ (2009) (forthcoming) reprinted in 39 Israel Yearbook on Human Rights 261-279 (2009) [with Amy Pomeroy].

"Exercising Passive Personality Jurisdiction Over Combatants: A Theory in Need of a Political Solution," 42 The International Lawyer 1107-1128 (2008).

"Hamdan, Transnational Armed Conflict and the Law of War: Applying the Law of War to Conflicts Between Internal and International Armed Conflict," 42 Israel Law Review ____ (2008) (forthcoming) [with Geoffrey S. Corn].

"Untying the Gordian Knott: A Proposal for Determining Applicability of the Laws of War to the War on Terror," 81 Temple Law Review 787-830 (2008) [with Geoffrey S. Corn].

OTHER WRITINGS

"American Civil-military Relations and Political Leadership," in *The Ashgate Research Companion to Political Leadership*. (Joseph Masciulli, Mikhail A. Molchanov & W. Andy Knight, eds., Burlington, VT: Ashgate, 2009) (forthcoming) [with Geoffrey S. Corn].

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Professor of Law

JOURNAL ARTICLES

"Imagining Gun Control in America: Understanding the Remainder Problem," 43 Wake Forest Law Review 837-891 (2008).

Faculty Bibliography (continued)

OTHER WRITINGS

"Taking This Right Seriously," *National Law Journal*, August 6, 2008, at 26.

ROBERT KACZOROWSKI

Professor of Law

OTHER WRITINGS

"Epilogue: The Enduring Legacy of the Thirteenth Amendment" in *Promises of Liberty: Thirteenth Amendment Abolitionism and Its Contemporary Vitality* (Alexander Tsesis, ed., New York: Columbia University Press, 2010) (forthcoming).

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JOURNAL ARTICLES

"The Case for a Constitutional Definition of Hearsay," 93 *Marquette Law Review* ____ (2010) (forthcoming) [with Carrie A. Tandler].

OTHER WRITINGS

"Home Building and Loan v. Blaisdel!" in *Encyclopedia of the Supreme Court of the United States* (David S. Tanenhaus, ed., New York: Macmillan Reference USA, 2008).

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JOURNAL ARTICLES

"Opening Remarks: The Eighth Annual Albert A. DeStefano Lecture on Corporate, Securities & Financial Law: The Subprime Mortgage Crisis," 14 *Fordham Journal of Corporate & Financial Law* 1-4 (2008).

"Securities Arbitrators Do Not Grow on Trees," 14 *Fordham Journal of Corporate & Financial Law* 49-82 (2008).

OTHER WRITINGS

Interviewed in "A Legal Mind With No Quit in It," *New York Times*, December 12, 2008, at A36.

"Securities ADR," in *American Arbitration: Principals and Practice* (Robert B. von Mehren, Steven J. Burton & George W. Coombe, Jr., eds., New York: Practising Law Institute, 2008).

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Professor of Law

BOOKS

Contraband: Art, Advertising and Property in the Age of Corporate Identity. New Haven: Yale University Press, 2011 (forthcoming).

Property Outlaws: How Squatters, Pirates, and Protesters Improve the Law of Ownership. New Haven: Yale University Press, 2010 (forthcoming) [with Eduardo Moisés Peñalver].

JOURNAL ARTICLES

"Filtering, Piracy Surveillance, and Disobedience," 32 *Columbia Journal of Law & the Arts* 401 (2009).

"In Defense of Property," 118 *Yale Law Journal* 1022-1125 (2009) [with Angela Riley and Kristen Carpenter].

"Introduction: Harmless Use: Gleaning from Fields of Copyrighted Works (keynote address by Wendy Gordon)," 77 *Fordham Law Review* 2411-2436 (2009).

"Panel III: Trademarks v. Free Speech in Cyberspace," 18 *Fordham Intellectual Property Media & Entertainment Law Journal* 1165-1204 (2008).

"Trademark Intersectionality," ____ *UCLA Law Review* ____ (2010) (forthcoming).

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OTHER WRITINGS

"Supreme Court Holds that Noncitizens Detained at Guantanamo Have a Constitutional Right to Habeas Corpus Review by Federal Civilian Courts," *American Society of International Law Insights*, June 20, 2008, available at <http://www.asil.org/insights080620.cfm>.

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JOURNAL ARTICLES

"The Civil War in U.S. Foreign Relations Law: A Dress Rehearsal for Modern Transformations," 53 *Saint Louis Law Journal* 53-71 (2008).

OTHER WRITINGS

"The Prize Cases: Executive Action and Judicial Review in Wartime" in *Presidential Power Stories* (Christopher H. Schroeder & Curtis A. Bradley, eds., New York: Foundation Press, 2009) [with Michael D. Ramsey].

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Associate Professor of Law

JOURNAL ARTICLES

"The Defense of Necessity and Powers of the Government," 3 *Criminal Law and Philosophy* 133-145 (2009).

"Desert and the Eighth Amendment," 11 *University of Pennsylvania Journal of Constitutional Law* 101-114 (2009).

"Desert, Deontology, and Vengeance [comment on Paul H. Robinson, *The Ongoing Revolution in Punishment Theory: Doing Justice as Controlling Crime*]," 42 *Arizona State Law Journal* ____ (2010) (forthcoming).

"Recidivism as Omission: A Relational Account," 87 *Texas Law Review* 571-622 (2009).

OTHER WRITINGS

"Keeping Desert Honest" in *Criminal Law Conversations* (Paul Robinson, Stephen Garvey, & Kimberly Ferzan, eds., Oxford: Oxford University Press, 2009).

"Repeat Offenders and the Question of Desert," in *The Role of Previous Convictions at Sentencing: Theoretical and Applied Perspectives* (Julian V. Roberts & Andrew von Hirsch, eds., 2010) (forthcoming).

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JOURNAL ARTICLES

"Beyond Analogy: *Perez v. Sharp*, Antimiscegenation Law, and the Fight for Same-Sex Marriage," 96 *California Law Review* 839-900 (2008).

OTHER WRITINGS

"The Racial Subject in Legal Theory" in *The Oxford Handbook of Law and Politics* (Keith E. Whittington, R. Daniel Kelemen & Gregory A. Caldeira, eds., Oxford: Oxford University Press, 2008) [with Sheila Foster].

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BOOKS

Sheltering in Place: Negotiating with Irrational Organizations. New York: New York University Press, 2010 (forthcoming).

JOURNAL ARTICLES

"Coasean Blindspots: Charting the Incomplete Institutionalism," 98 *Georgetown Law Journal* ____ (2010) (forthcoming).

"Cooperative Institutions in Cultural Commons," 95 *Cornell Law Review* ____ (2010) (forthcoming).

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Professor of Law

BOOKS

Modern Real Estate Finance and Land Transfer: Transactional Approach, 4th ed. New York: Aspen Publishers, 2008 [with Steven W. Bender].

Updates to The Law of Real Estate Financing: With Tax Analysis, Planning and Forms, Rev. ed., Eagan, MN: Thomson Reuters/West, 2008 [with Jeffrey R. Dwyer & Steven W. Bender].

JOURNAL ARTICLES

"The Enforceability of Default Interest in Real Estate Mortgages," 43 Real Property, Trust & Estate Law Journal 199-223 (2008) [with Steven W. Bender].

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OTHER WRITINGS

"Ethics in the Tax Arena," in *Advocating for Low Income Taxpayers: A Clinical Studies Casebook* (Diana Leyden, ed., Lake Mary, FL: Vandepals Publishing, 2008).

MICHAEL M. MARTIN

Distinguished Professor of Law

BOOKS

Cumulative Supplement to Federal Rules of Evidence Manual, 9th ed. San Francisco, CA: LexisNexis Matthew Bender, December 2008 [with Stephen A. Saltzburg & Daniel J. Capra].

Cumulative Supplement to Federal Rules of Evidence Manual, 9th ed. San Francisco, CA: LexisNexis Matthew Bender, June 2009 [with Stephen A. Saltzburg & Daniel J. Capra].

Cumulative Supplement to New York Evidence Handbook: Rules, Theory, and Practice, 2nd ed., New York: Aspen Law and Business, 2008 [with Daniel J. Capra & Faust F. Rossi].

Cumulative Supplement to New York Evidence Handbook: Rules, Theory, and Practice, 2nd ed., New York: Aspen Law & Business, 2009 [with Daniel J. Capra].

OTHER WRITINGS

"Authenticating Photographs," *New York Law Journal*, February 19, 2009, at 3.



"Confrontation Forfeiture, New Federal Rule," *New York Law Journal*, October 10, 2008, at 3.

"'Infante' Presumption Against Suicide: When Does it Apply?" *New York Law Journal*, December 12, 2008, at 3.

"Other-Crimes Evidence (Yet Again)," *New York Law Journal*, August 8, 2008, at 3.

"Professionally Reliable Material as a Basis for an Expert's Opinion," *New York Law Journal*, Sept. 16, 2009, at 3.

"Updating Some Earlier Discussions," *New York Law Journal*, June 12, 2009, at 3.

CHI MGBAKO

Clinical Associate Professor of Law

JOURNAL ARTICLES

"Forced Eviction and Resettlement in Cambodia: Case Studies from Phnom Penh," 9 *Washington University Global Studies Law Review* ____ (2010) (forthcoming) [with Anna Cave, Ernie Gao, Elizabeth Joynes, & Jessica Mikhailevich].

"Penetrating the Silence in Sierra Leone: A Blueprint for the Eradication of Female Genital Mutilation," 23 *Harvard Human Rights Journal* ____ (2009) (forthcoming) [with Meghna Saxena, Anna Cave, Nasim Farjad, & Helen Shin].

"Silencing the Ethiopian Courts: Non-Judicial Constitutional Review and its Impact on Human Rights," 32 *Fordham International Law Journal* 259-297 (2008) [with Sarah Braasch, Aron Degol, Melisa Morgan, Felice Segura & Teramed Tezera].

JACQUELINE NOLAN-HALEY

Professor of Law

BOOKS

Toolkit Generating Outcomes: Making & Saving Deals Mediation-Negotiation, Int'l ed. The Hague: Sdu Uitgevers, 2009 [contributing editor, with Manon Schonewille (editor) & Laurence Boulle (contributing editor)].

JOURNAL ARTICLES

"Consent in Mediation," 14 *Dispute Resolution Magazine* 4 (Winter 2008).

OTHER WRITINGS

"Culture-The Body/Soul Connector in Negotiation Ethics" in *Rethinking Negotiation Teaching: Innovations for Context and Culture* (Christopher Honeyman, James Coben & Giuseppe De Palo, eds., Madison, WI: DRI Press, 2009) [with Ewa Gmurzynska].

MARK R. PATTERSON

Professor of Law

BOOKS

Antitrust Law: Policy and Practice, 4th ed. Newark, NJ: LexisNexis, 2008 [with C. Paul Rogers, Stephen Calkins, & William R. Andersen].

OTHER WRITINGS

"The Competitive Effects of Patent Field-of-use Licenses" in *Research Handbook on Intellectual Property and Competition Law* (Josef Drexler, ed., Cheltenham, UK: Edward Elgar, 2008).

"Intellectual Property and Sources of Market Power" in *Intellectual Property, Market Power and the Public Interest* (Inge Govaere & Hanns Ullrich, eds., Brussels: PIE-Peter Lang, 2008).

"The Peculiar 'New Product' Requirement in European Refusal to License Cases: A US Perspective" in *European Competition Law Annual 2007: A Reformed Approach to Article 82 EC* (Claus-Dieter Ehlermann & Mel Marquis, eds., Oxford: Hart Publishing, 2008).

KIMANI PAUL-EMILE

Associate Professor of Law

JOURNAL ARTICLES

"Making Sense of Drug Regulation," 19 *Cornell Journal of Law & Public Policy* ____ (2010) (forthcoming).

RUSSELL G. PEARCE

Edward & Marilyn Bellet Chair in Legal Ethics, Morality, & Religion

JOURNAL ARTICLES

"Mary Daly: Living Ethics Seriously," 83 *St. John's Law Review* 30-32 (2009).

"Professional Responsibility for the Age of Obama: An Essay Reviewing David Luban, *Legal Ethics and Human Dignity*," 22 *Georgetown Journal of Legal Ethics* ____ (2009).

"'Public Service Must Begin at Home': The Lawyer as Civics Teacher in Everyday Practice," 50 *William & Mary Law Review* 1207-1238 (2009) [with Bruce A. Green].

"Rethinking the Legal Reform Agenda: Will Raising the Standards for Bar Admission Promote or Undermine Democracy, Human Rights, and Rule of Law?" 77 *Fordham Law Review* 1635-1663 (2009) [with Samuel J. Levine].

Faculty Bibliography (continued)

OTHER WRITINGS

"Religious Lawyering's Second Wave," in *Bench and Bar: Ethics* (P.L. Jayanthi Reddy, Hyderabad, India: Amicus Books/ICFAI University Press, 2008) [with Amelia Uelmen].

"White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law," in *Rule of Law in New Millennium: Changing Scenario* (K. Padmaja, ed., Hyderabad, India: Amicus Books/ICFAI University Press, 2008).

OTHER WORKS

"Red State/Blue State: Lawyers, Politics & Moral Counseling." Videorecording. Produced by Russell G. Pearce, 2009.

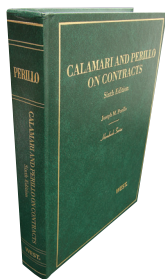
"Viewers Guide to Red State/Blue State: Lawyers, Politics & Moral Counseling," available at <http://law.fordham.edu/assets/SteinCenter/ViewersManualFinal.pdf> (2009) [with Sarah Stevenson, Diana Smithens, Chad Bascombe, Nikos Valance & Chris Newcombe].

JOSEPH M. PERILLO

Distinguished Professor of Law, Emeritus

BOOKS

Calamari & Perillo on Contracts, 6th ed. St. Paul, MN: Thomson/West Group, 2009.



JOURNAL ARTICLES

"The Collateral Source Rule in Contract Cases," 47 *San Diego Law Review* ____ (2009) (forthcoming).

JOHN PFAFF

Associate Professor of Law

JOURNAL ARTICLES

"The Empirics of Prison Growth: A Critical Review and Path Forward," 98 *Journal of Criminal Law & Criminology* 547-619 (2008).

OTHER WRITINGS

"Gary Becker's Contributions to Law and Economics," in *Pioneers of Law and Economics* (Lloyd R. Cohen and Joshua D. Wright, eds., Surrey: Edward Elgar, 2009).

"It's the Media, Not Juveniles Who Are Delinquent: A Panic About Names," *The Huffington Post*, February 3, 2009, available at http://www.huffingtonpost.com/john-pfaff/its-the-media-not-juvenil_b_163642.html.

"Reform School: Five Myths about Prison Growth Dispelled," *Slate*, February 19, 2009, available at <http://www.slate.com/id/2211585>.

CATHERINE POWELL

Associate Professor of Law

JOURNAL ARTICLES

"Human Rights in the United States," 40 *Columbia Human Rights Law Review* 1-6 (2008) [with Sarah Cleveland].

"International Law and the Constitution: Terms of Engagement: Foreword," 77 *Fordham Law Review* 399-410 (2008).

THANE ROSENBAUM

John Whelan Distinguished Lecturer in Law & Director, Forum on Law, Culture & Society

OTHER WRITINGS

"The 100 Days of Swine and Roses," *The Huffington Post*, May 2, 2009, available at http://www.huffingtonpost.com/thane-rosenbaum/the-100-days-of-swine-and_b_195094.html.

"All You Need Is...Hate: The Moral Contradictions Behind the Effort to Pressure Paul McCartney not to Play in Israel," *Jewish Week*, September 24, 2008.

"The Conning of Jewish America: Madoff, Rosenblat and a Communal Trust Betrayed," *Jewish Week*, January 8, 2009.

"Durban the Sequel: Send Out the Clowns," *The Huffington Post*, April 25, 2009, available at http://www.huffingtonpost.com/thane-rosenbaum/durban-the-sequel-send-ou_b_191361.html.

"For Israel, Every Day is Groundhog Day," *Jerusalem Post*, January 15, 2009, at 15.

"He Beat Us To It: Blacks, Jews and the House on Pennsylvania Avenue," *Jewish Week*, November 4, 2008.

"Mazel Tov, Mr. President-Elect! Now Do We Have Some Advice For You..." [Op-Ed] *Forward*, November 6, 2008.

"Mind Games and Memories." Review of *What Can I Do When Everything's on Fire?* by Antonio Lobo Antunes. *Los Angeles Times*, October 5, 2008, at F10.

"Rx for Toxic Economy: Immigrants," *The Huffington Post*, April 16, 2009 available at http://www.huffingtonpost.com/thane-rosenbaum/rx-for-toxic-economy-immi_b_187659.html.

"A Tale of Two Holocaust Travelers," *The Huffington Post*, May 15, 2009, available at http://www.huffingtonpost.com/thane-rosenbaum/a-tale-of-two-holocaust-travelers_b_203800.html.

http://www.huffingtonpost.com/thane-rosenbaum/a-tale-of-two-holocaust-t_b_203800.html.

"Unlike Madoff, European Insurers Remain At Large," *The Huffington Post*, April 7, 2009, available at http://www.huffingtonpost.com/thane-rosenbaum/unlike-madoff-european-in_b_184341.html.

"Victory is an Orphan in Iraq," *Wall Street Journal*, September 18, 2008, at A23.

"The War on Terror Has Not Gone Away: Despite Economic Woes, This is No Time to Let our Guard Down," [Op-Ed] *Wall Street Journal*, December 29, 2008, at A11.

"Will The Real Liberals Please Stand Up?" Review of *The Future of Liberalism* by Alan Wolfe. *Washington Post*, March 1, 2009, at B7.

AARON SAIGER

Associate Professor of Law

JOURNAL ARTICLES

"Local Government without Tiebout," 41 *Urban Lawyer* 93-145 (2009).

DAVID SCHMUDDE

Professor of Law

JOURNAL ARTICLES

"Responding to the Subprime Mess: The New Regulatory Landscape," 14 *Fordham Corporate & Finance Law Review* 709-770 (2009).

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Assistant Director, Intellectual Property Institute

BOOKS

The Invention of the Cookbook. Westport, CT: Greenwood Press, 2010 (forthcoming).

OTHER WRITINGS

"Neural Mechanisms Underlying our Ability to Behave Ethically" in *Law and Neuroscience* (Oxford: Oxford University Press, 2010) (forthcoming) [with Donald Pfaff].

RICHARD SQUIRE

Associate Professor of Law

JOURNAL ARTICLES

"The Case for Symmetry in Creditors' Rights," 118 *Yale Law Journal* 806-867 (2009).

"Shareholder Opportunism in a World of Risky Debt," 123 *Harvard Law Review* ____ (2010) (forthcoming).

OLIVIER SYLVAIN

Visiting Associate Professor of Law

JOURNAL ARTICLES

"Contingency and the 'Networked Information Economy': A Critique of 'the Wealth of Networks,'" 4 *International Journal of Technology* 203-210 (2008).

"Internet Governance and Democratic Legitimacy," 62 *Federal Communications Law Journal* ____ (2010) (forthcoming).

ZEPHYR TEACHOUT

Associate Professor of Law

BOOKS

Corruption, the Constitution and the Courts: The Career of a Concept. Cambridge, MA: Harvard University Press (forthcoming).

JOURNAL ARTICLES

"The Anti-Corruption Principle," 94 *Cornell Law Review* 341-414 (2009).

"Extraterritorial Electioneering and the Globalization of American Elections," 27 *Berkeley Journal of International Law* 162-191 (2009).

"Original Intent: How the Founding Fathers Would Clean Up K Street," *Democracy: A Journal of Ideas*, Winter 2009, at 11.

OTHER WRITINGS

"A Virtual Revolution is Brewing for Colleges," *Washington Post*, September 13, 2009 at G1.

"Making Financial Regulation Work: The Elephants of Banking," *Washington Post*, June 29, 2009, available at http://voices.washingtonpost.com/hearing/2009/06/the_really_big_elephants_in_th.html [with Shawn Bayern].

STEVEN THEL

Wormser Professor of Law

BOOKS

Cumulative Supplement to Contract Enforcement: Specific Performance and Injunctions. New York: Aspen Publishers, 2009.

Cumulative Supplement to Investment Management Law and Regulation, 2nd ed. New York: Aspen Publishers, 2008 [with Harvey E. Bines].

Investment Management Law & Regulation, 3rd ed. New York: Aspen Publishers, 2010 (forthcoming) [with Harvey E. Bines].

JOURNAL ARTICLES

"Free Writing," 33 *Journal of Corporation Law* 941-981 (2008), reprinted in 41 *Securities Law Review* 144 (2009).

"The Role of Disgorgement in Contract Law," *Fordham Law Legal Studies Research Paper No.*

1353402 (2009), available on SSRN: <http://ssrn.com/abstract=1353402> [with Peter Siegelman].

"Willfulness vs. Expectation: A Promise-Based Defense of Willful Breach Doctrine," 107 *Michigan Law Review* 1517-1532 (2009) [with Peter Siegelman].

OTHER WRITINGS

"The Economic Crisis: Wall Street, Main Street, or K Street? (Debate with Richard A. Epstein)," *Engage*, July 2009, at 12.

"Willful Breach: An Efficient Screen for Efficient Breach," in *Fault in American Contract Law*. (Cambridge: Cambridge University Press, 2010) (forthcoming) [with Peter Siegelman].

WILLIAM MICHAEL TREANOR

Dean & Paul Fuller Professor of Law

JOURNAL ARTICLES

"Against Textualism," 103 *Northwestern University Law Review* 983-1006 (2009).

"Dean Mary Daly: A Tribute," 77 *Fordham Law Review* 1221-1224 (2009).

"Introduction to Keynote Address: A Community of Reason and Rights," 77 *Fordham Law Review* 583-585 (2008).

"Take-Ings," 45 *San Diego Law Review* 633-644 (2008).

OTHER WRITINGS

"Federal Courts Stories: Marbury v. Madison" in *Federal Courts Stories* (Vicki Jackson & Judith Resnik, eds., St. Paul, MN: Thomson/West, 2009) (forthcoming).

"Supreme Neglect of Text and History." *Review of How to Revive Constitutional Protection for Private Property*, by Richard A. Epstein. 107 *Michigan Law Review* 1059-1071 (2009).

AMELIA J. UELMEN

Director, Institute on Religion, Law & Lawyer's Work

JOURNAL ARTICLES

"It's Hard Work': Reflections on Conscience and Citizenship in the Catholic Tradition," 47 *Journal of Catholic Legal Studies* 317-342 (2008).

"Sparks and Bridges: Catalysts of a Catholic Higher Education that Works," 26 *Current Issues in Catholic Higher Education* 59-64 (2007).

OTHER WRITINGS

"Dear Mr. President," *America*, January 19, 2009, at 16.

"Get into the Reciprocal," *Living City*, October 2008, at 10.

"Is There a Model for Dialogue?," *Living City*, May 2009, at 18.

"Religious Lawyering's Second Wave" in *Bench and Bar: Ethics* (P.L. Jayanthi Reddy, Hyderabad, India: Amicus Books/ICFAI University Press, 2008) [with Russell G. Pearce].

"A Sacred Turn," *Living City*, May 2008, at 16.

"Walking Together in Jerusalem," *Living City*, May 2009, at 10.

"The Work Goes On," *Living City*, March 2009, at 25.

RACHEL VORSPAN

Professor of Law & Director of Legal Writing

JOURNAL ARTICLES

"Judicial Power and Moral Ideology in Wartime: Shaping the Legal Process in Britain During World War I," 87 *Oregon Law Review* 401-474 (2008).

BELA AUGUST WALKER

Visiting Assistant Professor of Law

JOURNAL ARTICLES

"Fractured Bonds: Policing Whiteness and Womanhood through Race-Based Marriage Annulments," 58 *DePaul Law Review* 1-50 (2008).

OTHER WRITINGS

Education in the 50 States: A Deskbook History of State Constitutions and Laws About Education (Public Interest Law Center of Philadelphia, Washington, D.C.: Institute for Educational Equity and Opportunity, 2008) [contributing author].

"Policing Whiteness and Womanhood through Race-Based Marriage Annulments," in *Feminist Legal History: Women's Agency in Law* (Tracey Jean Boisseau & Tracy A. Thomas, eds.) (forthcoming).

BENJAMIN C. ZIPURSKY

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

JOURNAL ARTICLES

"Coming Clean on Getting Even: Murphy on Hatred and Criminal Justice," 27 *Criminal Justice Ethics* 38-44 (2008).

"Practical Positivism versus Practical Perfectionism: The Hart-Fuller Debate at Fifty," 83 *New York University Law Review* 1170-1212 (2008).