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Faculty Bibliography
2011—2012

Fordham University School of Law

This is the final version of the 2011-2012 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 Alissa Black-Dorward, Head of Reference, at blackdorward@law.fordham.edu.

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Materials for the Faculty Bibliography were gathered by all the Library Liaisons. Compiling and editing were done by Larry Abraham, Alissa Black-Dorward, Sarah Jaramillo and Alison Shea. The Law Library would like to thank everyone for their efforts in putting together this year's Faculty Bibliography.

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Book Chapters and Other Writings:

"Fuller House." Review of *The Lives of Margaret Fuller: a Biography* by John Matteson. *The New Criterion*, February 2012, at 71.

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Journal Articles:

"Accountability and the New Bureau of Consumer Financial Protection," ___ *Brooklyn Journal of Corporate & Financial Law* ___ (2012) (forthcoming).

"What Congress Had to Say: Legislative History as a Rehearsal of Congressional Response to *Stern v. Marshall*," 86 *American Bankruptcy Law Journal* 55-119 (2012).

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Book Chapters & Other Writings:

"A Conversation on Financial Literacy," 80 *Fordham Law Review Res Gestae* 89-103 (2012) [with Andrea Boyack].

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"Settling" in *Transnational Legal Orders* (Terence Halliday & Gregory Shaffer, eds., 2013) [with Terence Halliday] (forthcoming).

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Books:

Documents Supplement, Cases and Materials on Legislation: Statutes and the Creation of Public Policy. St. Paul, MN: Thomson Reuters, 2011 [with William N. Eskridge, Jr.].

Supplement to Cases and Materials on Legislation: Statutes and the Creation of Public Policy. St. Paul, MN: Thomson Reuters, 2012 [with William N. Eskridge, Jr. & Elizabeth Garrett].

Journal Articles:

“Envisioning Enforcement of Freedom of Association Standards in Corporate Codes: A Journey for Sinbad or Sisyphus?,” 33 *Comparative Labor Law & Policy Journal* 555-603 (2012).

Book Chapters and Other Writings:

“Distrust and Clarify: Appreciating Congressional Overrides,” 90 *Texas Law Review* See Also 205-221 (2012).

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Books:

Federal Rules of Evidence Manual, 10th ed. San Francisco, CA: LexisNexis Matthew Bender, 2011 [with Michael M. Martin and Stephen A. Saltzburg].

Restyled Federal Rules of Evidence. New Providence, NJ: LexisNexis, 2011.

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

Principles of Evidence, 6th ed. St. Paul, MN: West, 2012 [with Graham C. Lilly & Stephen A. Saltzburg].

Electronic Discovery and Digital Evidence, 2nd ed. St. Paul, MN: West, 2012 [with Shira A. Scheindlin & Richard L. Marcus].

Federal Rules of Evidence 2012-13. St. Paul, MN: West, 2012.

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Cumulative Supplement to the Federal Rules of Evidence Manual, 10th ed. San Francisco, CA: LexisNexis Matthew Bender, 2012 [with Michael M. Martin and Stephen A. Saltzburg].

2012 Cumulative Supplement to the New York Evidence Handbook, 2nd ed. New York: Aspen Law & Business [with Michael M. Martin].

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Journal Articles:

“The State Secrets Privilege and Access to Justice: What is the Proper Balance?” 80 *Fordham Law Review* 1-29 (2011) (moderator).

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Book Chapters & Other Writings:

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B.A., Long Island University, 1972; J.D., Syracuse University College of Law, 1975

Journal Articles:

“Lawyering in a Vacuum,” 41 *Seton Hall Law Review* 1427-1450 (2011).

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Book Chapters and Other Writings:

“Prejudgment Interest” in *Litigation Services Handbook* (Roman L. Weil, Daniel G. Lentz, David P. Hoffman, eds., Hoboken, NJ: John Wiley & Sons, 2012) [with Michael Knoll].

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Journal Articles:

“Diving Into the Wreck: BP and Kenneth Feinberg's Gulf Coast Gambit,” 17 *Roger Williams University Law Review* 137-183 (2012).

“People’s Electric: Engaged Legal Education at Rutgers-Newark in the 1960s and 1970s,” 40 *Fordham Urban Law Journal* ____ (2012) [forthcoming].

Book Chapters and Other Writings:

“We’re all Virtual Lawyers Now,” *New Jersey Lawyer*, December, 2011 at 13.

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Books:

Property Law: Rules, Policies and Practices, 6th ed. New York: Aspen, 2014 [with Joseph W. Singer, Eduardo M. Peñalver and Bethany Berger] (forthcoming).

Journal Articles:

“Property’s Morale,” 110 *Michigan Law Review* 437-487 (2011).

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“Property and Identity: Vulnerability and Insecurity in the Housing Crisis,” 47 *Harvard Civil Rights-Civil Liberties Law Review* 119-140 (2012).

Book Chapters and Other Writings:

“Crisis and the Public-Private Divide in Property” in *The Public Nature of Private Property* (Robin Paul Malloy and Michael Diamond, eds., Burlington, VT: Ashgate, 2011) [with Rashmi Dyal-Chand].

“Notaries and Legal Professionals,” in *The International Encyclopedia of Housing and Home* (Susan J. Smith, ed., Amsterdam: Elsevier, 2012).

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Book Chapters and Other Writings:

“Section 230 of the Communications Decency Act: A Survey of the Legal Literature and Reform Proposals.” Fordham Law Legal Studies Research Paper no. 2046230, available

at <http://ssrn.com/abstract=2046230> (April 25, 2012) [with Joel Reidenberg, Jordan Kovnot, & Tiffany Miao].

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Journal Articles:

“How Many Lives Has Victor Streib Saved? A Tribute,” 38 *Ohio Northern University Law Review* ____ (2012) (forthcoming).

“Genetics, the Death Penalty, and Danger” (symposium on “From Bench to Society: Law & Ethics at the Frontier of Genetic Technology”), 64 *Hastings Law Journal* __ (2013) (forthcoming).

Book Chapters and Other Writings:

“Neuroscience and the Shifting Psychology of Criminal Justice” in *Law and Neuroscience* (Dennis Patterson and Michael Pardo, eds., New York: Oxford University Press, 2013) (forthcoming).

“The Lethal Injection Debacle” 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, 2013) (forthcoming).

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Books:

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

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Book Chapters and Other Writings:

"Update: Researching Ghanaian Law" *Globalex*, January 2012, available at <http://www.nyulawglobal.org/globalex/Ghana1.htm>.

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Books:

The Twenty-fifth Amendment: Its Complete History and Applications, 3rd edition. New York: Fordham University Press, 2013 (forthcoming).

Journal Articles:

"Ensuring the Stability of Presidential Succession in the Modern Era: Report of the Fordham University School of Law Clinic on Presidential Succession," 81 *Fordham Law Review* __ (2012) (forthcoming).

Book Chapters and Other Writings:

"Sports in America (Keynote Speech)," 2 *Pace I.P. Sports & Entertainment Law Forum* 119 (2012).

"U.S. Arbitration Law in the Wake of AT&T Mobility v. Concepcion (Keynote Remarks)," 4 *Yearbook on Arbitration and Mediation* __ (forthcoming).

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A.B., Dartmouth University, 1948; M.S., Columbia University, 1950; J.D., Columbia Law School, 1954

Books:

Banking Regulation in the United States, 3rd ed. Huntington, NY: Juris Publishing, 2011 [with David L Glass].

International Banking Regulation, 3rd ed. Huntington, NY: Juris Publishing 2011.

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J.D., Duke, 1986

Books:

An Introduction to Anglo-American Legal Systems, Korean Language Edition. Seoul, South Korea: Jinwonsa, 2011 (translated into Korean by Seonhwa Kim).

Il Diritto Americano: Un'introduzione Completa al Sistema Giuridico Anglo-Americano. Rome: XL edizioni, 2011 (translated into Italian by Anna Maria de Giacomo and Alessandra Pera).

Book Chapters and Other Writings:

“Fuentes Del Derecho En El Sistema Jurídico De Estados Unidos” in *La Crisis de las Fuentes del Derecho en la Globalización* (Bogota, Columbia: Editorial Legis, 2011).

“The American Legal System” in *Jurisprudence: Western Research in the Humanities and Social Sciences. Vol 11*. (Bin Liang & Hong Lu, eds., Beijing, China: Renmin University Press, 2011).

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Journal Articles:

“Human Rights Law, American Justice, and the ‘War on Terror’,” 25 *OAH Magazine of History* 35-40 (2011).

“Judicial Foreign Relations Authority After 9/11,” 56 *New York Law School Law Review* 120-164 (2012).

“Restoring Separation of Powers in Foreign Affairs,” 2 *St. John’s Journal of International and Comparative Law* ____ (2012) (forthcoming).

Book Chapters and Other Writings:

Review of *The Language of Law and the Foundations of American Constitutionalism* by Gary McDowell. 98 *Journal of American History* 494-495 (2011).

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Books:

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

Articles:

“Collective Action and the Urban Commons,” 87 *Notre Dame Law Review* 57-133 (2011).

“Comparative Perspectives on the Social Function of Property (Introduction to Colloquium on the Social Function of Property)”, 80 *Fordham Law Review* 1003-1015 (2011) [with Daniel Bonilla].

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Journal Articles:

“The Intellectual Property Clause's External Limitations,” 61 *Duke Law Journal* 1329-1414 (2012).

“The Role of Creativity in Trademark Law,” 86 *Notre Dame Law Review* 1885-1920 (2011).

Book Chapters and Other Writings:

“District Courts as Patent Laboratories.” Review of *The Patent Crisis and How the Courts Can Solve It* by Dan L. Burk & Mark A. Lemley. 1 *University of California Irvine Law Review* 307-322 (2011).

“A Legal Tangle of Secrets and Disclosures in Trade: *Tabor v. Hoffman* and Beyond” in *Intellectual Property at the Edge: The Contested Contours of IP* (Rochelle C. Dreyfuss & Jane C. Ginsburg, eds., New York: Cambridge University Press, 2013) (forthcoming).

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Book Chapters and Other Writings:

Profiteering From Financial Distress: An Examination of the Debt Settlement Industry. New York: Association of the Bar of the City of New York (2012), available at <http://www2.nycbar.org/pdf/report/uploads/DebtSettlementWhitePaperCivilCtConsumerAffairsReportFINAL5.11.12.pdf> [with the New York City Bar Civil Court Committee & Consumer Affairs Committee].

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University of Milan, 1993; LL.M, University of London, 1995; Ph.D., University of Milan, 1998.

Journal Articles:

“The Year in Review: Reports from International Courts and Tribunals. The International Court of Justice” 22 *Yearbook of International Environmental Law* ____ (forthcoming).

Book Chapters and Other Writings:

“International Environmental Law and Multinational Corporations” in *La Responsabilita Sociale d’Impresa in Tema di Diritti Umane e Protezione dell’Ambiente: Il Caso dell’India* (Marianosa Cutillo, Rebecca Faugno & Tullio Scovazzi, eds., Milan, Italy: Giuffre, 2012).

“Air, Atmosphere and Climate Change” in *Routledge Handbook of International Environmental Law* (Shawkat Alam, Jahid H. Bhuiyan, Tareq M.R. Chowdhury & Erika J. Techera, eds., New York: Routledge) (forthcoming).

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“Missing in Action: Gender in International Environmental Law” in *2012 Earth Summit in Rio de Janeiro* (New York: United Nations Development Program) [with Alena Herklotz] (forthcoming).

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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

Journal Articles:

“Networks, Dialogue or One-Way Traffic? An Empirical Analysis of Cross-Citations between Ten European Supreme Courts,” 8(2) *Utrecht Law Review* 88-99 (2012) [with Mathias M. Siems].

“Why Do Shareholder Derivative Suits Remain Rare in Continental Europe?” 37 *Brooklyn Journal of International Law* 843-892 (2012).

“Corporate Governance, Corporate and Employment Law, and the Costs of Expropriation,” 8 *Review of Law and Economics* _____ (2012) [with Giulio Ecchia & Piero Pasotti] (forthcoming).

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B.S., Ohio State University, 1987; J.D., Yale Law School, 1993

Journal Articles:

“Symposium Introduction: Irreconcilable Differences: Director, Manager and Shareholder Conflicts in Takeover Transactions,” 36 *Delaware Journal of Corporate Law* vii-xi (2011) [with Steven M. Davidoff & Paul L. Regan].

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Journal Articles:

“Witchcraft Accusations and Human Rights: Case Studies from Malawi,” 43 *George Washington International Law Review* 389-417 (2012) [with Chi Mgbako].

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

Journal Articles:

“Tensions in Rhetoric and Reality at the Intersection of Work and Immigration,” 2 *University of California Irvine Law Review* 125-146 (2012).

Book Chapters and Other Writings:

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"Misconceptions about Labor and Migration" in *Global Migration: Myths and Realities* (Anja Weisbrock and Diego Acosta, eds., Santa Barbara, CA: Praeger International, 2014) (forthcoming).

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Journal Articles:

“The Community Prosecutor: Questions of Professional Discretion and Role,” 47 *Wake Forest Law Review* 285-317 (2012) [with Alafair S. Burke].

“Prosecutors and Professional Regulation,” 25 *Georgetown Journal of Legal Ethics* __ (2012) (forthcoming).

“Foreword, Globalization and the Legal Profession,” 81 *Fordham Law Review* __ (2012) (forthcoming).

“Rehabilitating Lawyers: Perceptions of Deviance and its Cures in the Lawyer Reinstatement Process,” 39 *Fordham Urban Law Journal* __ (2012) [with Jane Moriarty] (forthcoming).

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Book Chapters and Other Writings:

“How Ensuring National Security Became an Obsession,” *Washington Post*, May 27, 2012 at B06.

“The Takeaway from the Yemeni 'Underwear Bomber' Plot,” *Guardian Unlimited*, May 9, 2012, available at <http://www.guardian.co.uk/commentisfree/cifamerica/2012/may/09/takeaway-yemeni-underwear-bomber-plot>.

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Books:

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

Journal Articles:

“Speech Platforms,” 61 *Case Western Reserve Law Review* 1253-1263 (2011).

“Interpretive Schizophrenia: How Congressional Standing Can Solve the Enforce-but-Not-Defend Problem,” 81 *Fordham Law Review* ____ (2012) (forthcoming).

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Journal Articles:

“Governing Systemic Risk: Towards a Governance Structure for Derivatives Clearinghouses,” 61 *Emory Law Journal* 1153-1240 (2012).

“Predicting Securities Fraud Settlements and Amounts: A Hierarchical Bayesian Model of Federal Securities Class Action Lawsuits,” 9 *Journal of Empirical Legal Studies* 482-510 (2012) [with Blakely B. McShane, Oliver P. Watson & Tom Baker].

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Books:

Intellectual Property Law and Policy, Volume 12. Oxford: Hart, 2013 (forthcoming).

New York Intellectual Property Law. New Providence, NJ: LexisNexis Matthew Bender, 2012.

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Books:

International Antitrust Law & Policy: Fordham Competition Law 2011. New York: Juris Publishing, 2012.

Book Chapters and Other Writings:

“Making Sense of the Reactions to the 2010 U.S. Horizontal Merger Guidelines” in *Trade and Competition Law in the EU and Beyond* (Inge Govaere and Einhard Quick, eds., Cheltenham, UK: Edward Elgar, 2011) [with James Keyte].

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Books:

Racial Subordination in Latin America: The Role of the State, Customary Law and the New Civil Rights Response. New York: Cambridge University Press, 2012 (forthcoming).

La subordinación racial en Latinoamérica: El papel del Estado, el derecho consuetudinario y la nueva respuesta de los derechos civiles. Bogotá, Colombia: Siglo del Hombre Editores, 2012 (Spanish translation of *Racial Subordination in Latin America: The Role of the State, Customary Law and the New Civil Rights Response*, 2012 (forthcoming)) (forthcoming).

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“The Value of Intersectional Comparative Analysis to the ‘Post-Racial’ Future of Critical Race Theory: A Brazil – U.S. Comparative Case Study,” 43 *Connecticut Law Review* 1407-1437 (2011).

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 Schneider & Stephanie Wildman, eds., New York: Foundation Press/Thomson Reuters, 2011).

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Books:

Flourishing Families: Harnessing Law to Foster Strong, Stable, Positive Relationships. New York: Oxford University Press, 2013 (forthcoming).

Journal Articles:

“Feminism’s Family,” 9 *Issues in Legal Scholarship: Legal Feminism Now* Article 7 (2011).

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Books:

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Books:

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Journal Articles:

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Books:

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Journal Articles:

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Cumulative Supplement to *Contract Enforcement: Specific Performance and Injunctions*, 2nd ed. New York: Aspen, 2011 [with Edward Yorio].

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