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Faculty Bibliography

2014-2015

Fordham University School of Law

This is the final version of the 2014-2015 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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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: The Massachusetts General Colored Association and the Park Street Church Pew Controversy of 1830,” ___ *New England Quarterly* ___ (forthcoming).

Book Chapters & Other Writing:

“Awakening the Theologian.” Review of *Jonathan Edwards: Writers from the Great Awakening* by Philip F. Gura. 33 *New Criterion* (December 2014) 80-83.

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

Journal Articles:

“The Political Economy of Regulating Contract,” 62 *American Journal of Comparative Law* 687-738 (2014).

“Other People’s Contracts,” 32 *Yale Journal on Regulation* ___ (2015) (forthcoming).

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Book Chapters & Other Writings:

“Distributive Justice and Contract” in *Philosophical Foundations of Contract Law* (Gregory Klass, George Letsas & Prince Saprai, eds., Oxford: Oxford University Press, 2014).

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“Authority, Intention and Interpretation” in *The Legacy of Ronald Dworkin* (Wil Waluchow & Stefan Sciaraffa, eds., Oxford: Oxford University Press, 2015) (forthcoming).

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

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Journal Articles:

“Turnaround: Reflections on the Present Day Influence of Negotiations on International Bankruptcy at the Fifth Session of the Hague Conference on Private International Law in 1925,” *9 Brooklyn Journal of Commercial & Financial Law* 1-19 (2014).

“Less is More in International Private Law,” *3 Nottingham Insolvency & Business Law e-Journal* 43-57 (2015).

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

Book Chapters & Other Writings:

“Settling and Concordance: Two Case Studies in Global Commercial Law” in *Transnational Legal Orders* (Terence Halliday & Gregory Shaffer, eds., Oxford: Oxford University Press, 2014) [with Terence Halliday].

“Contracts and Private Law in the Emerging Ecology of International Lawmaking” in *A Century of Contracting Beyond Borders: The Law of International Markets in the Twentieth Century* (Gregoire Mallard & Jerome Sgard, eds., Cambridge: Cambridge University Press, 2015) (forthcoming) [with Terence Halliday].

“Cities and Consumer Financial Protection: A Transnational Perspective” in *Law between Buildings: Emergent Global Perspectives in Urban Law* (Nestor Davidson & Nisha Mistry, eds., Farnham, UK: Ashgate, 2016) (forthcoming).

“The Microeconomics and Macropolitics of Systemic Financial Crisis: Bankruptcy as a Point of Reference” in *Sovereign Insolvency: Possible Legal Solutions* (Gerald G. Sander, Jasnica Garašić & Nada Bodiřoga-Vukobrat, eds., New York: Springer, 2016) (forthcoming) [with Terence Halliday].

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

Books:

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:

“Chevron and Skidmore in the Workplace: Unhappy Together,” 83 *Fordham Law Review* 497-526 (2014).

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Books:

Electronic Discovery and Digital Evidence: Cases and Materials, 3d ed. St. Paul, MN: West Academic, 2015 [with Shira A. Scheindlin & Richard L. Marcus].

December 2014 Cumulative Supplement to the Federal Rules of Evidence Manual, 10th ed. San Francisco, CA: LexisNexis, 2014 [with Stephen A. Saltzburg & Michael M. Martin].

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Books:

Law between Buildings: Emergent Global Perspectives in Urban Law. Farnham, UK: Ashgate, 2016 (forthcoming) [edited with Nisha Mistry].

Journal Articles:

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Books:

Changing Law’s Mind: How Neuroscience Can Help Us Punish Criminals More Fairly and Effectively. Oxford: Oxford University Press, 2016 (forthcoming).

Journal Articles:

“The Myth of the Double-Edged Sword: An Empirical Study of Neuroscience Evidence in Criminal Courts,” 56 *Boston College Law Review* 493-551 (2015).

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Book Chapters & Other Writings:

“Genetics: Overview of U.S. Criminal Law” in *Proceedings on Genetics, Robotics, Law, Punishment* (Debra Provolò & Silvio Riondato, eds., Padua, Italy: University of Padova Press, 2014).

“Andrea Yates in Context” in *The Insanity Defense: Multidisciplinary Views on its History, Trends and Controversies* (Mark D. White, ed., New York: Praeger, 2016) (forthcoming).

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

Books:

Complex Litigation: Cases & Materials on Advanced Civil Procedure, 6th ed. St. Paul, MN: West Academic, 2015) [with Richard Marcus & Edward Sherman].

Journal Articles:

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

Book Chapters & Other Writings:

“Beware the Class Action Settlement,” *San Francisco Daily Journal*, November 24, 2014, at 6.

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

Journal Articles:

“The Problem of Presidential Inability—Will Congress Ever Solve It?” 83 *Fordham Law Review* 2891-2952 (2015) [originally published in 32 *Fordham Law Review* 74-134 (1963)].

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Journal Articles:

“The Constitution Follows the Drone: Targeted Killings, Legal Constraints, and Judicial Safeguard,” 2 *Harvard Journal of Law & Public Policy* 21-42 (2015).

“Foreword: History ‘Lite’ Today,” 84 *Fordham Law Review* ____ (2015) (forthcoming).

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Review of *Untrodden Ground: America’s Evolutionary Presidency* by Harold Bruff. 65 *Case Western Law Review* ____ (2015) (forthcoming).

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Journal Articles:

“Comparative Urban Governance for Lawyers,” 42 *Fordham Urban Law Journal* 1-24 (2015) [with Fernanda Nicola].

Book Chapters & Other Writings:

“Human Rights and Climate Change” in *Climate Law Encyclopedia* (Marjan Peeters & Daniel Farber, eds., Northampton, MA: Edward Elgar, 2015) (forthcoming) [with Paolo Galizzi].

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Book Chapters & Other Writings:

“Special Provisions for Immigrant Youth: A Model State Statute,” Ferrick Center for Social Justice: New York, 2015, available at: [https://law.newark.rutgers.edu/files/UICReport\(Final\)uploaded_2-18-2015\(1\).pdf](https://law.newark.rutgers.edu/files/UICReport(Final)uploaded_2-18-2015(1).pdf) [with Olga Byrne, et. al.].

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Book Chapters & Other Writings:

“Human Rights and Climate Change” in *Climate Law Encyclopedia* (Marjan Peeters & Daniel Farber, eds., Northampton, MA: Edward Elgar, 2015) (forthcoming) [with Sheila Foster].

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

“Whose Trojan Horse? The Dynamics of Resistance against IFRS,” *36 University of Pennsylvania Journal of International Law* 89-190 (2014) [with Zehra G. Kavame Eroglu].

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“The Protection of Minority Investors and the Compensation of their Losses” in *General Reports of the XIXth Congress of the International Academy of Comparative Law* (Bea Verschraegen & Martin Schauer, eds., New York: Springer, 2016) (forthcoming).

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Books:

Cases and Materials on European Union Law, 4th ed. St. Paul, MN: West, 2015 [with Eleanor Fox, George Berman, Jeffrey Atik, Frank Emmert & Damien Gerard].

Book Chapters & Other Writings:

“Symposium on EU Law Developments in Honor of Professor Pieter Jan Kuijper,” 38 *Fordham International Law Journal* 953-954 (2015).

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

Book Chapters & Other Writings:

“Global Labor Recruitment in the Supply-Chain Context,” International Labor Organization of the United Nations, Fair Recruitment Initiative (2015), available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_377805.pdf.

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

Journal Articles:

“The Litigator’s Monopoly,” *Litigation*, Summer 2014, at 10-11.

“Legal Discourse and Racial Justice: The Urge to Cry ‘Bias!’,” 28 *Georgetown Journal of Legal Ethics* 177-205 (2015).

Book Chapters & Other Writings:

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

Journal Articles:

“Religious Freedom and (Other) Civil Liberties: Is There a Middle Ground?” 9 *Harvard Law & Policy Review* 161-193 (2015).

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Journal Articles:

“Confronting the Peppercorn Settlement in Merger Litigation: An Empirical Analysis and a Proposal for Reform,” 93 *Texas Law Review* 557-624 (2015) [with Steven Davidoff Solomon & Jill E. Fisch].

“Correcting Corporate Benefit: How to Fix Shareholder Litigation by Shifting the Doctrine on Fees,” 56 *Boston College Law Review* 1-59 (2015).

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“Settlement and Fees in Merger Litigation” in *Research Handbook On Mergers & Acquisitions* (Clare Hill & Steven Davidoff Solomon, eds., Northampton, MA: Edward Elgar, 2015) (forthcoming).

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Books:

New York Intellectual Property Law, 2015 Edition. New Providence, NJ: LexisNexis, 2015 [with Eric E. Bensen].

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Books:

International Antitrust Law & Policy: Fordham Competition Law 2014. Huntington, NY: Juris, 2015.

Law and Commerce in Pre-Industrial Societies. Leiden: Brill, 2015 (forthcoming).

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Journal Articles:

“One Path for ‘Post-Racial’ Employment Discrimination Cases—The Implicit Association Test Research as Social Framework Evidence,” (Symposium: Civil Rights and Civil Justice: 50 Years Later), 32 *Law & Inequality* 309-347 (2014).

“Revealing the Race-Based Realities of Workforce Exclusion,” *NACLA Report on the Americas*, v. 47, issue 1, Winter 2014/2015.

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

Journal Articles:

“Postmarital Family Law: A Legal Structure for Nonmarital Families,” 67 *Stanford Law Review* 167-240 (2015).

“Family Law and Nonmarital Families,” 53 *Family Court Review* 233-245 (2015).

“Children’s Health in a Legal Framework,” 25 *Future of Children* 177-197 (2015) [with Elizabeth Scott].

“*Obergefell’s Conservatism: Reifying Familial Fronts*,” 84 *Fordham Law Review* ____ (2015) (forthcoming).

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“New Knowledge in Child Protection: Neuroscience and its Impact on Practice” in *Beyond the Risk Paradigm: Current Debates and New Directions in Child Protection* (Marie Connolly, ed., New York: Palgrave, 2015).

“Affective Family Law” in *The Emotional Dynamics of Law and Legal Discourse* (John Stannard & Heather Conway, eds., Oxford: Hart, 2016) (forthcoming).

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Books:

American Legal Systems: A Resource and Reference Guide, 2d ed. New Providence, NJ: LexisNexis, 2015.

Book Chapters & Other Writings:

“Essay” in *Constitucionalismo Multinacional* (Guilherme Pena de Moraes, Sao Paulo, Brazil: Atlas, 2015).

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Books:

2015-16 Supplement to *Firearms Law and the Second Amendment*. New York, Wolters Kluwer Law & Business, 2015 [with David B. Kopel, George A. Mocsary & Michael P. O’Shea].

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Journal Articles:

“Tribute to Hon. Joseph M. McLaughlin,” 83 *Fordham Law Review* 1717-1722 (2015).

Book Chapters & Other Writings:

“The Theft of Social Security?” *The Hill* (Washington, DC), April 30, 2015, available at <http://thehill.com/blogs/congress-blog/economy-budget/240546-the-theft-of-social-security>.

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Journal Articles:

“Encouraging Engaged Scholarship: Perspectives from an Associate Dean for Research,” 31 *Touro Law Review* 53-74 (2014).

Book Chapters & Other Writings:

“Cosmopolitanism and the Transnational Trademark” in *The Luxury Economy and Intellectual Property* (Haochen Sun, Barton Beebe & Madhavi Sunder, eds., New York: Oxford University Press, 2015).

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Journal Articles:

“Citizenship and Protection” (Symposium: Citizenship, Immigration, and National Security After 9/11), 82 *Fordham Law Review* 2115-2135 (2014).

“Disappearing Legal Black Holes and Converging Domains: Changing Individual Rights Protection in National Security and Foreign Affairs,” 115 *Columbia Law Review* 1029-1084 (2015).

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Journal Articles:

“Due Process and the Non-Citizen: A Revolution Reconsidered,” 47 *University of Connecticut Law Review* 879-936 (2015).

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

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Journal Articles:

“Double Remedies in Double Courts,” 26 *European Journal of International Law* ____ (2015) (forthcoming) [with Sungjoon Cho].

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Book Chapters & Other Writings:

Review of *Crime and Punishment: A Concise Moral Critique* by Hyman Gross. 12 *Journal of Moral Philosophy* 103-107 (2015).

“What is Philosophy of Criminal Law?” Review of *The Oxford Handbook of Philosophy of Criminal Law* by John Deigh & David Dolinko, eds. 8 *Criminal Law and Philosophy* 671-685 (2014).

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Journal Articles:

“Regleprudence – at OIRA and Beyond,” 103 *Georgetown Law Journal* 259-315 (2015) [with Nestor M. Davidson].

“Local Judges & Local Government,” 18 *New York University Journal of Legislation & Public Policy* ____ (2015) (forthcoming).

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Journal Articles:

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Books:

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Books:

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

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Books:

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Journal Articles:

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Journal Articles:

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Journal Articles:

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Journal Articles:

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Book Chapters & Other Writings:

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

Books:

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Books:

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Journal Articles:

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Books:

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Books:

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Journal Articles:

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Book Chapters & Other Writings:

“Human Rights, Humanitarian Law, and Urban Warfare” in *Humanitarian Response in Urban Settings* (Brendan Cahill, ed., New York: Fordham University Press, 2016 (forthcoming) [with Florian Ratzesberger].

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Journal Articles:

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