

Recent Faculty Scholarship

UCI Law

UNIVERSITY OF CALIFORNIA, IRVINE SCHOOL OF LAW

Leading Faculty

Dear Colleagues,

The University of California, Irvine School of Law is proud to be the home of prominent and comprehensive faculty - extraordinary scholars and thought leaders who continue to influence laws and public policy around the world.

This year, UCI Law celebrates its 10-year anniversary, and I am excited to see where the UCI Law faculty leads us in our next decade.

This brochure features a small sample of the recent scholarship our faculty members have published. We hope this will be a benefit to you in your research.

Warmly,

L. Song Richardson

Dean and Chancellor's Professor of Law

University of California, Irvine School of Law

A 2018 study of Scholarly Impact of Law School Faculties ranked UCI Law **No. 12** in the nation, stating that UCI Law "has maintained its position as a leading scholarly faculty."¹

The following faculty members are recognized in the study as the 10 most-cited scholars at UCI Law:

Dan L. Burk

Victor Fleischer

Bryant Garth

Richard L. Hasen

Christopher R. Leslie

Carrie Menkel-Meadow

Alexandra Natapoff

R. Anthony Reese

L. Song Richardson

Gregory Shaffer

¹Gregory C. Sisk et al., *Scholarly Impact of Law Faculties in 2018: Updating the Leiter Score Ranking for the Top Third* (U. of St. Thomas Legal Studies Research Paper Series, August 14, 2018)

The following **UCI Law faculty** are the **most-cited scholars** in their field in the U.S. for the period 2013-17

Dan Burk – No. 4 in Intellectual Property & Cyberlaw¹

Victor Fleischer – No. 5 in Tax Law²

Michele Goodwin – No. 12 in Health Law³

Richard L. Hasen – No. 3 in Election Law⁴

Christopher Leslie – No. 7 in Antitrust Law⁵

Carrie Menkel-Meadow – recognized for her work in Law & Social Science⁶

Gregory Shaffer – No. 12 in International Law & Security⁷

¹ Brian Leiter, *20 Most-Cited Intellectual Property & Cyberlaw Scholars in the U.S. for the period 2013-2017*, BRIAN LEITER'S LAW SCHOOL REPORTS (Sept. 3, 2018), <http://leiterlawschool.typepad.com/leiter/2018/09/20-most-cited-intellectual-property-cyberlaw-scholars-in-the-us-for-the-period-2013-2017.html>

² Brian Leiter, *10 Most-Cited Tax Faculty in the U.S. for the period 2013-2017*, BRIAN LEITER'S LAW SCHOOL REPORTS (Aug. 27, 2018), <http://leiterlawschool.typepad.com/leiter/2018/08/10-most-cited-tax-faculty-in-the-us-for-the-period-2013-2017.html>

³ Mark A. Hall & I. Glenn Cohen, *Most-Cited Health Law Scholars in WestLaw, 2013-2017*, BILL OF HEALTH (Sept. 17, 2018), <https://blogs.harvard.edu/billofhealth/2018/09/17/most-cited-health-law-scholars-in-westlaw-2013-2017/>

⁴ Brian Leiter, *10 Most-Cited Election Law Scholars in the U.S. for the period 2013-2017*, BRIAN LEITER'S LAW SCHOOL REPORTS (Aug. 22, 2018), <http://leiterlawschool.typepad.com/leiter/2018/08/10-most-cited-election-law-scholars-in-the-us-for-the-period-2013-2017.html>

⁵ Brian Leiter, *10 Most-Cited Antitrust Faculty in the U.S. for the period 2013-2017 (CORRECTED)*, BRIAN LEITER'S LAW SCHOOL REPORTS (Oct. 2, 2018), <http://leiterlawschool.typepad.com/leiter/2018/10/10-most-cited-antitrust-faculty-in-the-us-for-the-period-2013-2017.html>

⁶ Brian Leiter, *15 Most-Cited Law & Social Science (excluding Economics) Faculty in the U.S. for the period 2013-2017 (UPDATED AND CORRECTED)*, BRIAN LEITER'S LAW SCHOOL REPORTS (Aug. 31, 2018), <http://leiterlawschool.typepad.com/leiter/2018/08/15/15-most-cited-law-social-science-excluding-economics-faculty-in-the-us-for-the-period-2013-2017.html>

⁷ Brian Leiter, *20 Most-Cited International Law & Security Scholars in the U.S. for the period 2013-2017*, BRIAN LEITER'S LAW SCHOOL REPORTS (Sept. 14, 2018), <http://leiterlawschool.typepad.com/leiter/2018/09/20-most-cited-international-law-security-scholars-in-the-us-for-the-period-2013-2017.html>



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Areas of Expertise:

Tax Compliance and Administration; Tax Privacy; Taxation of Business Entities

Representative Publications:

- Joshua D. Blank, *The Timing of Tax Transparency*, 90 S. CAL. L. REV. 449 (2017).
- Joshua D. Blank & Leigh Osofsky, *Simplexity: Plain Language and the Tax Law*, 66 EMORY L.J. 189 (2017).
- Joshua D. Blank, *Collateral Compliance*, 162 U. PA. L. REV. 719 (2014).

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Areas of Expertise:

Intellectual Property Law, Patent Law and Cyber Law

Representative Publications:

- Dan L. Burk, *Algorithmic Fair Use*, 86 U. CHI. L. REV. (forthcoming 2019).
- Dan L. Burk, *Patents and the First Amendment*, 95 WASH. U.L. REV. (forthcoming 2018).
- Dan L. Burk, *DNA Copyright in the Administrative State*, 51 U.C. DAVIS L. REV. 1297 (2018).
- Dan L. Burk, *Copyright and Hypernarrative*, 31 LAW & LIT. (May 11, 2018).

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Areas of Expertise:

Environmental and Natural Resources Law, Land Use Regulation, Government Regulation and Policy

Representative Publications:

- ALEJANDRO CAMACHO & ROBERT L. GLICKSMAN, (Re)ORGANIZING GOVERNMENT: THE FUNCTIONS AND DIMENSIONS OF REGULATORY AUTHORITY (forthcoming 2019).
- Alejandro Camacho, Michael Robinson-Dorn, Asena Yildiz & Tara Teegarden, *Assessing State Laws and Resources for Endangered Species Protection*, 47 ENVT. L. REP. 10837 (2017).
- Alejandro Camacho & Robert L. Glicksman, *Legal Adaptive Capacity: How Program Goals and Processes Shape Federal Land Adaptation to Climate Change*, 87 U. COLO. L. REV. 711 (2016).
- Alejandro Camacho, *Going the Way of the Dodo: De-Extinction, Dualisms, and Reframing Conservation*, 92 WASH. U. L. REV. 849 (2015), reprinted in *LAND USE & ENV'T L. REV.* 319-378 (David L. Callies & J.B. Ruhl eds., 2016-2017).



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Areas of Expertise:

Lawyering Skills, Individual Employment Law, Employment Discrimination Law, Persuasion/Rhetoric, Business Drafting

Representative Publication:

- RACHEL CROSKEY-ROBERTS & MARGARET CURTISS HANNON, *FROM THEORY TO PRACTICE: EMPLOYMENT DISCRIMINATION LAW* (2013).



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Areas of Expertise:

Environmental Law, International Public Law and Urban Planning

Representative Publications:

- Joseph F. C. DiMento, Christine Schrottenbaum & Elizabeth Taylor, *Environmental Governance of the Arctic: Next Steps—Diverse, Compatible, Needed*, Y. B. POLAR L. (forthcoming).
- Joseph F. C. DiMento, *Focus North America... Climate Change through Litigation*, in RIVISTA GIURIDICA DELL'AMBIENTE (forthcoming).
- Joseph F. C. DiMento, *Review of Niels Vestergaard, Brooks A. Kaiser, Linda Fernandez, and Joan Nyman Larsen (editors) ARCTIC MARINE RESOURCE GOVERNANCE AND DEVELOPMENT, Springer 2018*, Y. B. POLAR L. (forthcoming).
- DANIEL P. SELMI, JAMES A. KUSHNER, EDWARD H. ZIEGLER, JOSEPH F. C. DiMENTO & JOHN ECHEVERRIA, *LAND USE REGULATION: CASES AND MATERIALS* (5th ed. 2017).



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Areas of Expertise:

Partnership Tax, Federal Taxation, Tax, Private Equity Law, Tax Policy, Corporate Finance, Business and Corporate Law, Corporate Tax, Financial Market Regulation

Representative Publications:

- Victor Fleischer, *The State of America's Tax Institutions*, 81 LAW & CONTEMP. PROBS., no. 2, at 7 (2018).
- Victor Fleischer, *Job Creationism*, 84 FORDHAM L. REV. 2477 (2016).



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Areas of Expertise:

Globalization, Legal Profession

Representative Publications:

- Bryant G. Garth, *Issues of Empire, Contestation, and Hierarchy in the Globalization of Law*, in RESEARCH HANDBOOK ON THE SOCIOLOGY OF INTERNATIONAL LAW (Moshe Hirsch & Andrew Lang eds., forthcoming 2018).
- Bryant G. Garth & Joyce S. Sterling, *Diversity, Hierarchy, and Fit in Legal Careers: Insights from Fifteen Years of Qualitative Interviews*, 31 GEO. J. OF LEGAL ETHICS 123 (2018).
- Bryant G. Garth, *Notes on the Future of the Legal Profession in the United States: The Key Roles of Corporate Law Firms and Urban Law Schools*, 65 BUFF. L. REV. 287 (2017).
- Bryant G. Garth & Yves Desalay, “Legal Theory,” *Strategies of Learned Production, and the Relatively Weak Autonomy of the Subfield of Learned Law*, in SEARCHING FOR CONTEMPORARY LEGAL THOUGHT 137-154 (Justin Desautels-Stein & Christopher Tomlins eds., 2017).



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Areas of Expertise:

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Representative Publications:

- Jonathan D. Glater, *The Narrative and Rhetoric of Student Debt*, 2018 UTAH L. REV. 885 (2018).
- Jonathan D. Glater, *Law and the Conundrum of Higher Education Quality*, 51 U.C. DAVIS L. REV. 1211 (2018).
- Jonathan D. Glater, *The Sequential Move Challenge of Higher Education Access*, 5 BELMONT L. REV. 1 (2018).
- Jonathan D. Glater, *To the Rich Go the Spoils: Merit, Money, and Access to Higher Education*, 43 J.C. & U.L. 195 (2017).



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Areas of Expertise:

Biotechnology, Constitutional Law, Family Law, Health Law, Torts

Representative Publications:

- Michele Goodwin & Erwin Chemerinsky, *Constitutional Gerrymandering Against Abortion Rights: NIFLA v. Becerra*, N.Y.U. L. Rev. (forthcoming 2019).
- Michele Goodwin, *The Thirteenth Amendment: Modern Slavery, Capitalism, and Mass Incarceration*, CORNELL L. REV. (forthcoming 2019).
- Michele Goodwin, *Challenging the Rhetorical Gag and Trap: Reproductive Capacities, Rights, and the Helms Amendment*, 112 Nw. U. L. REV. 1417 (2018).
- Michele Goodwin & Erwin Chemerinsky, *Pregnancy, Poverty, and the State*, 127 YALE L. J. 1270 (2018).

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Areas of Expertise:

Law and Inequality, Empirical Research, Critical Race Theory

Representative Publications:

- Kaaryn Gustafson, *Can We Think About Poverty Without Thinking About Criminality?*, in AMERICA'S GROWING INEQUALITY: THE IMPACT OF POVERTY AND RACE 102 (Chester Hartman ed., 2014).
- Kaaryn Gustafson, *Degradation Ceremonies and the Criminalization of Low-Income Women*, 3 U.C. IRVINE L. REV. 297 (2013).

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Areas of Expertise:

Election Law, Legislation, Supreme Court, Remedies

Representative Publications:

- RICHARD L. HASEN & DOUGLAS LAYCOCK, *MODERN AMERICAN REMEDIES* (5th ed. forthcoming 2019).
- RICHARD L. HASEN, *THE JUSTICE OF CONTRADICTIONS: ANTONIN SCALIA AND THE POLITICS OF DISRUPTION* (2018).
- RICHARD L. HASEN, *PLUTOCRATS UNITED: CAMPAIGN MONEY, THE SUPREME COURT, AND THE DISTORTION OF AMERICAN ELECTIONS* (2016).
- Richard L. Hasen, *Election Law's Path in the Roberts Court's First Decade: A Sharp Right Turn but with Speed Bumps and Surprising Twists*, 68 STAN. L. REV. 1597 (2016).



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Areas of Expertise:

Clinical Education, Community and Economic Development,
Post-Conviction Remedies

Representative Publications:

- Carrie Hempel, *Experiential Learning in the First Year: UC Irvine's Interviewing Project*, in *THE NEW 1L: FIRST-YEAR LAWYERING WITH CLIENTS* 83 (Eduardo R.C. Capulong, Michael A. Millemann, Sara Rankin & Nantiya Ruan eds., 2015).
- Catherine Fisk, Carrie Hempel & Erwin Chemerinsky, *Building an Experiential Law School*, in *THE NEW 1L: FIRST-YEAR LAWYERING WITH CLIENTS* 147 (Eduardo R.C. Capulong, Michael A. Millemann, Sara Rankin & Nantiya Ruan eds., 2015).

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Areas of Expertise:

Bankruptcy and Debtor-Creditor Law, Credit and Debt Collection Markets, Credit Reporting, Student Loans, Access to Civil Justice, Randomized Control Trials in Law

Representative Publications:

- Dalié Jiménez, *Ending Perpetual Debts*, 55 *Hous. L. Rev.* 609 (2018).
- Alexei Alexandrov & Dalié Jiménez, *Lessons from Bankruptcy Reform in the Private Student Loan Market*, 11 *HARV. L. & POL'Y REV.* 175 (2017).
- D. James Greiner, Dalié Jiménez & Lois R. Lupica, *Self-Help, Reimagined*, 92 *IND. L.J.* 1119 (2017).
- Dalié Jiménez, *Dirty Debts Sold Dirt Cheap*, 52 *HARV. J. ON LEGIS.* 41 (2015).

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Areas of Expertise:

Human Rights and International Humanitarian Law, Public International Law, International Criminal Justice

Representative Publications:

- David Kaye, *The Limits of Supply-Side Internet Freedom*, KNIGHT FIRST AMENDMENT INSTITUTE, EMERGING THREATS SERIES (June 2018), <https://knightcolumbia.org/content/limits-supply-side-internet-freedom>.
- David Kaye, *Company Content Moderation and State Regulation*, U.N. Doc. A/HRC/38/35 (April 6, 2018).
- David Kaye & Julia Reda, *Preface*, in *PLATFORM REGULATIONS: HOW PLATFORMS ARE REGULATED AND HOW THEY REGULATE US* (Luca Belli and Nicolo Zingales eds., 2017).
- David Kaye, *The Right to Information in International Organizations*, U.N. Doc. A/72/350 (August 18, 2017).



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Areas of Expertise:

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Representative Publications:

- Sung Eun (Summer) Kim, *De-Democratization of Firms*, HARV. BUS. L. REV. (forthcoming 2019).
- Sung Eun (Summer) Kim, *Corporate Long Arms*, ARIZ. ST. L. J. (forthcoming 2018-2019).
- Sung Eun (Summer) Kim, *Fostering Private Equity Using a Law-First Approach*, 13 AS.J.C.L. 119 (2018).
- Sung Eun (Summer) Kim, *Typology of Public-Private Equity*, 44 FLA. ST. U. L. REV. 1435 (2017).



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Areas of Expertise:

Clinical Education, Immigration Law

Representative Publications:

- Christopher N. Lasch, R. Linus Chan, Ingrid V. Eagly, Dina Francesca Haynes, Annie Lai, Elizabeth M. McCormick & Juliet P. Stumpf, *Understanding “Sanctuary Cities,”* 59 B.C. L. Rev. 1703 (2018).
- Annie Lai & Christopher N. Lasch, *Crimmigration Resistance and the Case of Sanctuary City Defunding,* 57 SANTA CLARA L. REV. 539 (2017).
- Annie Lai, *Confronting Proxy Criminalization,* 92 DENV. U. L. REV. 879 (2015).



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Areas of Expertise:

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Representative Publications:

- Stephen Lee & Sameer M. Ashar, *DACA through the Eyes of Government Lawyers*, FORDHAM L. REV. (forthcoming 2019).
- Stephen Lee, *Remittances as Family Reunification Policy*, 75 WASH. & LEE L. REV. (forthcoming 2018).
- Stephen Lee, *The Food We Eat and the People Who Feed Us*, 94 WASH. U. L. REV. 1249 (2017).
- Stephen Lee, *Growing Up Outside the Law*, 128 HARV. L. REV. 1405 (2015)



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Areas of Expertise:

Intellectual Property, Technology

Representative Publications:

- Jack Lerner, *The Digital Millennium Copyright Act, Secondary Copyright Infringement, and User-Generated Content*, in *THE OXFORD HANDBOOK OF INTERMEDIARY LIABILITY ONLINE* (forthcoming 2019).
- Jack Lerner, Michael Frank, Michelle Lee & Diana Wade, *The Duty of Confidentiality in the Surveillance Age*, 17 *J. INTERNET L.* 1 (2014).

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Areas of Expertise:

Antitrust, Intellectual Property

Representative Publications:

- Christopher R. Leslie, *Hindsight Bias in Antitrust Law*, 71 *VAND. L. REV.* (forthcoming 2018).
- Christopher R. Leslie, *Balancing the Conspiracy's Books: Inter-Competitor Sales and Price-Fixing Cartels*, 96 *WASH. U. L. REV.* (forthcoming 2018).
- Christopher R. Leslie, *Conspiracy to Arbitrate*, 96 *N.C. L. REV.* 381 (2018).
- Christopher R. Leslie, *Foreign Price-Fixing Conspiracies*, 67 *DUKE L.J.* 557 (2017).

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Constitutional Law, Federalism, Federal Post-Conviction Review, Habeas Corpus, Federal Courts

Representative Publications:

- Leah M. Litman, *Legal Innocence and Federal Habeas*, 104 *VA. L. REV.* 417 (2018).
- Leah M. Litman, *Unduly Burdening Women's Health: How Lower Courts Are Undermining Whole Woman's Health v. Hellerstedt*, 116 *MICH. L. REV. ONLINE* 50 (2017).
- Leah M. Litman & Shakeer Rahman, *What Lurks Below Beckles*, 111 *Nw. U. L. REV.* 555 (2017).
- Leah M. Litman, *Debunking Antinovelty*, 66 *DUKE L.J.* 1407 (2017).



Elizabeth Loftus

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Areas of Expertise:
Psychology and Law, Human Memory

Representative Publications:

- Elizabeth F. Loftus, *Eavesdropping on Memory*, 68 ANN. REV. PSYCHOL. 1 (2017).
- Kevin J. Cochran, Rachel L. Greenspan, Daniel F. Bogart & Elizabeth F. Loftus, *Memory Blindness: Altered Memory Reports Lead to Distortion in Eyewitness Memory*, 44 MEMORY & COGNITION 717 (2016).
- Steven J. Frenda, Shari R. Berkowitz, Elizabeth F. Loftus & Kimberly M. Fenn, *Sleep Deprivation and False Confessions*, 113 PROC. NAT'L ACAD. SCI. U.S. 2047 (2016).



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Areas of Expertise:
International Taxation, Comparative Taxation and Taxation of Financial Instruments

Representative Publications:

- Omri Marian, *Is All Corporate Tax Planning Good For Shareholders?*, 52 U.C. DAVIS L. REV. (forthcoming 2018).
- Omri Marian, *EUROPEAN ASS'N OF TAX LAW PROFESSORS, U.S. NATIONAL REPORT ON CORPORATE TAX RESIDENCE AND MOBILITY* (2018).
- Omri Marian, *The State Administration of International Tax Avoidance*, 7 HARV. BUS. L. REV. 1 (2017).



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Areas of Expertise:

International and Comparative Law, Dispute Resolution, Legal Profession and Legal Ethics, Civil Procedure, Law and Society, Legal Education, Feminist Legal Theory and Law, Literature and Popular Culture

Representative Publications:

- Carrie Menkel-Meadow, "Uses and Abuses of Socio-legal Studies," in *ROUTLEDGE HANDBOOK OF SOCIO-LEGAL THEORIES AND METHODS* (N. Creutzfeldt ed., forthcoming).
- Carrie Menkel-Meadow, *Feminist Legal Academics: Changing the Epistemology of American Law Through Conflicts, Controversies and Comparisons*, in *GENDER AND CAREERS IN THE LEGAL ACADEMY* (Ulrike Shultz ed., 2017).
- CARRIE MENKEL-MEADOW, *MEDIATION AND ITS APPLICATIONS FOR GOOD DECISION MAKING AND DISPUTE RESOLUTION* (2016).
- Carrie Menkel-Meadow, *The Evolving Complexity of Dispute Resolution Ethics*, 30 *GEO. J. LEGAL ETHICS* 389 (2017).

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Areas of Expertise:

Lawyering Skills, Experiential Learning, Legal Profession, Client Counseling, Litigation, Appellate Practice, Prison Law, Corrections Policy

Representative Publication:

- Alison M. Mikkor, *Correcting for Bias and Blind Spots in PLRA Exhaustion Law*, 21 *GEO. MASON L. REV.* 573 (2014).

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Areas of Expertise:

Financial Markets Regulation, Financial Institutions Regulation, Corporate Governance, Housing Finance Law, Business Law

Representative Publications:

- David Min, *Corporate Political Activity and Non-Shareholder Agency Costs*, 33 *YALE J. ON REG.* 423 (2016).
- David Min, *Understanding the Failures of Market Discipline*, 92 *WASH. U. L. REV.* 1421 (2015).
- David Min, *How Government Guarantees Promote Housing Finance Stability*, 50 *HARV. J. ON LEGIS.* 437 (2013).



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Areas of Expertise:

Criminal Law, Criminal Procedure, Law and Inequality

Representative Publications:

- ALEXANDRA NATAPOFF, *PUNISHMENT WITHOUT CRIME: HOW OUR MASSIVE MISDEMEANOR SYSTEM TRAPS THE INNOCENT AND MAKES AMERICA MORE UNEQUAL* (forthcoming 2018).
- THE NEW CRIMINAL JUSTICE THINKING (Sharon Dolovich & Alexandra Natapoff eds., 2017).
- Alexandra Natapoff, *A Stop is Just a Stop: Terry's Formalism*, 15 OHIO ST. J. CRIM. L. 113 (2017).

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Areas of Expertise:

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Representative Publications:

- KATHERINE PORTER, *MODERN CONSUMER LAW* (2016).
- Pamela Foohey, Robert M. Lawless, Katherine Porter & Deborah Thorne, *“No Money Down” Bankruptcy*, 90 S. CAL. L. REV. 1055 (2017).
- Sara Greene, Parina Patel & Katherine Porter, *Cracking the Code: An Empirical Analysis of Consumer Bankruptcy Outcomes*, 101 MINN. L. REV. 1031 (2017).

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Areas of Expertise:

Copyright Law, Trademark Law

ALI Associate Reporter, Restatement of the Law, Copyright

Representative Publications:

- ROBERT A. GORMAN, JANE C. GINSBURG & R. ANTHONY REESE, *COPYRIGHT: CASES AND MATERIALS* (9th ed. 2017).
- R. Anthony Reese, *Super Bowl I, Jazz Radio, and The Glass Menagerie: Copyright, Preservation, and Private Copies*, 51 AKRON L. REV. 1025 (2017).
- R. Anthony Reese, *What Should Copyright Protect?*, in *WHAT IF WE COULD REIMAGINE COPYRIGHT?* (Rebecca Giblin & Kimberlee Weatherall eds., 2017).
- R. Anthony Reese, *Termination Formalities and Notice*, 96 B.U. L. REV. 895 (2016).



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Areas of Expertise:

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Representative Publications:

- Devon W. Carbado & L. Song Richardson, *The Black Police: Policing Our Own*, 131 HARV. L. REV. 1979 (2018).
- L. Song Richardson, *Implicit Racial Bias and Racial Anxiety: Implications for Stops and Frisks*, 15 OHIO ST. J. CRIM. L. 73 (2017).
- Rachel D. Godsil & L. Song Richardson, *Racial Anxiety*, 102 IOWA L. REV. 2235 (2017).
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- Shauhin Talesh, *How Legal Intermediaries Facilitate and Inhibit Social Change*, in *STUDIES IN LAW, POLITICS & SOCIETY* (forthcoming 2019).
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- PETER HAY, PATRICK J. BORCHERS, SYMEON C. SYMEONIDES & CHRISTOPHER A. WHYTOCK, *CONFLICT OF LAWS* (6th ed. 2018).
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