

2016-2017 Faculty Scholarship – as of July 5, 2017

Published:

Brian A. Blum, *CONTRACTS: EXAMPLES AND EXPLANATIONS*, Wolters Kluwer (Seventh Edition) (2017)

Brian A. Blum, *CONTRACTS: CASES, DISCUSSION, AND PROBLEMS*, Wolters Kluwer (Fourth Edition) (2017) (co-authored with Amy Bushaw)

Brian A. Blum, *Equity's Leaded Feet in a Contest of Scoundrels: The Assertion of the In Pari Delicto Defense Against a Lawbreaking Plaintiff and Innocent Successors*, 44 HOFSTRA L. REV. 782 (2016)

Michael C. Blumm, *The Public Trust as an Antimonopoly Doctrine*, 44 B.C. ENVTL. AFF. L. REV. 1 (2017) (co-authored with Aurora Paulsen)

Michael C. Blumm, *Indian Treaty Fishing Rights and the Environment: Affirming the Right to Habitat Protection and Restoration*, 92 WASH. L. REV. 1 (2017)

Michael C. Blumm, *The Property Clause and Its Discontents: Lessons from the Malheur Occupation*, 43 ECOLOGY L. Q. 781 (2016) (co-authored with Olivier Jamin)

Michael C. Blumm, *Two Wrongs? Correcting Professor Lazarus's Misunderstanding of the Public Trust Doctrine*, 46 ENVTL. L. 481 (2016)

Michael C. Blumm, *(Ground)Waters of the United States: Unlawfully Excluding Tributary Groundwater from Clean Water Act Jurisdiction*, 46 ENVTL. L. 333 (2016) (co-authored with Steven M. Thiel)

Michael C. Blumm, *Antimonopoly in American Public Land Law*, 28 GEO. ENVTL. L. REV. 155 (2016) (co-authored with Kara Tebeau)

Michael C. Blumm, *Federal Reserved Water Rights as a Rule of Law*, 52 IDAHO L. REV. 371 (2016)

Michael C. Blumm, *Horne v. Dept. of Agriculture: Expanding Per Se Takings While Endorsing State Sovereign Ownership*, 75 MD. L. REV. 657 (2016) (co-authored with John Echeverria)

John A. Bogdanski, *Valuation Penalties and Collections of Assets*, 44 EST. PLAN. 40 (2017)

John A. Bogdanski, *The STARS (Cases) are Back in Alignment*, 44 CORP. TAX. 29 (2017)

John A. Bogdanski, *Proposed Valuation Regulations: Aggressive, Unclear, Questionable*, 43 EST. PLAN. 31 (2016)

John A. Bogdanski, *Darn that “Deem”*: Proposed Rules on Constructive Stock Distributions, 43 CORP. TAX. 45 (2016)

John A. Bogdanski, *Basis Consistency and Value Reporting Are Set to Kick In*, 43 EST. PLAN. 42 (2016)

John A. Bogdanski, *“Net, Net Gifts” and the Enigmatic Section 7520*, 43 EST. PLAN. 38 (2016)

John A. Bogdanski, *Judicial Disarray on Insurance Company Stock*, 43 CORP. TAX. 18 (2016)

Edward Brunet, *ADR: THE ADVOCATE’S PERSPECTIVE*, Lexis Publishing (Sixth Edition) (2017) (co-authored with Charles Craver and Ellen Deason)

Edward Brunet, *SUMMARY JUDGMENT - FEDERAL LAW AND PRACTICE 2016*, Thomson Reuters (2016) (co-authored with John T. Parry and Martin H. Redish)

Amy Bushaw, *CONTRACTS: CASES, DISCUSSION, AND PROBLEMS*, Wolters Kluwer (Fourth Edition) (2017) (co-authored with Brian A. Blum)

William Y. Chin, *Racial Cumulative Disadvantage: The Cumulative Effects of Racial Bias at Multiple Decision Points in the Criminal Justice System*, 6 WAKE FOREST J. L. & POL’Y. 441 (2016)

Pamela Frasch, *ANIMAL LAW IN A NUTSHELL (Second Edition)*, West Publishing (2016) (co-authored with Kathy Hessler and Sonia S. Waisman)

Pamela Frasch, *Implementing Toxicity Testing in the 21st Century: Challenges and Opportunities*, 20 JOURNAL OF TOXICOLOGY AND ENVIRONMENTAL HEALTH 198 (2017) (co-authored with Paul A. Locke, Margit Westphal, Joyce Tischler, Katherine Hessler, Bruce Meyers and Daniel Krewski)

William Funk, *FEDERAL ADMINISTRATIVE PROCEDURE SOURCEBOOK*, American Bar Association Press (Fifth Edition) (2016) (co-authored with Jeffrey Lubbers)

William Funk, *Constitutional Law and Separation of Powers* in *DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2015*, American Bar Association Press (2016)

William Funk, *Make My Day! Dirty Harry and Final Agency Action*, 46 ENVTL. L. 313 (2016)

William Funk, *Response to 'Choosing a Court To Review the Executive'*, 67 ADMIN. L. REV. ACCORD 88 (2016)

H. Tomás Gómez-Arostegui, RESEARCH HANDBOOK ON THE HISTORY OF COPYRIGHT LAW (Isabella Alexander and H. Tomás Gómez-Arostegui, eds.), Edward Elgar Publishing Ltd. (2016)

H. Tomás Gómez-Arostegui, *Equitable Infringement Remedies Before 1800*, in RESEARCH HANDBOOK ON THE HISTORY OF COPYRIGHT LAW (Isabella Alexander and H. Tomás Gómez-Arostegui, eds.), Edward Elgar Publishing Ltd. (2016)

Katherine M. Hessler, ANIMAL LAW IN A NUTSHELL (Second Edition), West Publishing (2016) (co-authored with Pamela Frasch and Sonia S. Waisman)

Katherine M. Hessler, *Implementing Toxicity Testing in the 21st Century: Challenges and Opportunities*, 20 JOURNAL OF TOXICOLOGY AND ENVIRONMENTAL HEALTH 198 (2017) (co-authored with Paul A. Locke, Margit Westphal, Joyce Tischler, Pamela Frasch, Bruce Meyers and Daniel Krewski)

Craig N. Johnston, *Normal Farming and Adjacency: A Last Minute Gift for the Farm Bureau?*, 46 ENVTL. L. 395 (2016) (co-authored with Gerald Torres)

Craig N. Johnston, CONCISE HORNBOOK SERIES: PRINCIPLES OF ENVIRONMENTAL LAW, West Academic Publishing (co-authored with Melissa Powers) (2016)

Aliza Kaplan, *Overturing Apodaca v. Oregon Should Be Easy: Non-Unanimous Jury Verdicts in Criminal Cases Undermines the Credibility of the Justice System*, 95 OR. L. REV. 1 (2017) (co-authored with Amy Saack)

Robert H. Klonoff, INTRODUCTION TO THE STUDY OF U.S. LAW, West Publishing (2016)

Robert H. Klonoff, *Class Actions in the Year 2026: A Prognosis*, 65 EMORY L.J. 1569 (2016)

James M. Oleske, Jr., *A Regrettable Invitation to "Constitutional Resistance," Renewed Confusion Over Religious Exemptions, and the Future of Free Exercise*, 20 LEWIS & CLARK LAW REV. 1317 (2017)

James M. Oleske, Jr., *Grand Theory or Discrete Proposal? Religious Accommodations and Health Related Harms*, 73 WASH. & LEE L. REV. (ONLINE) 387 (2016)

Samir Parikh, *Failing Cities and the Red Queen Phenomenon*, 58 B. C. L. REV. 599 (2017) (co-authored with Zhaochen He)

John T. Parry, *CASES AND PROBLEMS IN CIVIL RIGHTS LITIGATION: STATE, FEDERAL AND INTERNATIONAL PERSPECTIVES*, Semaphore Press (2016)

John T. Parry, *SUMMARY JUDGMENT - FEDERAL LAW AND PRACTICE 2016*, Thomson Reuters (2016) (co-authored with Edward Brunet and Martin H. Redish)

Melissa Powers, *CONCISE HORNBOOK SERIES: PRINCIPLES OF ENVIRONMENTAL LAW*, West Academic Publishing (co-authored with Craig N. Johnston) (2016)

Elaine E. Sutherland, *IMPLEMENTING ARTICLE 3 OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: BEST INTERESTS, WELFARE AND WELL-BEING*, (co-edited with Lesley-Anne Barnes Macfarlane) Cambridge University Press (2016)

Elaine E. Sutherland, *Introduction* in *IMPLEMENTING ARTICLE 3 OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: BEST INTERESTS, WELFARE AND WELL-BEING*, (Elaine E. Sutherland and Lesley-Anne Barnes Macfarlane, eds.) Cambridge University Press (2016) (co-authored with Lesley-Anne Barnes Macfarlane)

Elaine E. Sutherland, *Article 3 of the United Nations Convention on the Rights of the Child: The Challenges of Vagueness and Priorities* in *IMPLEMENTING ARTICLE 3 OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: BEST INTERESTS, WELFARE AND WELL-BEING*, (Elaine E. Sutherland and Lesley-Anne Barnes Macfarlane, eds.) Cambridge University Press (2016)

Elaine E. Sutherland, *Beyond the named person service*, J. LAW SOCIETY OF SCOTLAND (ONLINE) (2016)

Elaine E. Sutherland, *Raising the Minimum Age of Criminal Responsibility in Scotland: Law Reform at Last?*, 67(3) NORTHERN IRELAND L. Q. 387 (2016)

Ozan Varol, *Structural Rights*, 105 GEO. L. J. 1001 (2017)

Ozan O. Varol, *Constitutional Performance in Transitions from Military to Civilian Rule* in *ASSESSING CONSTITUTIONAL PERFORMANCE* (Tom Ginsburg and Aziz Z. Huq, eds.), Cambridge University Press (2016)

Ozan O. Varol, *Constitutional Stickiness*, 49 UC DAVIS L. REV. 899 (2016)

Chris Wold, *Integrating Indigenous Rights into Multilateral Environmental Agreements: The International Whaling Commission and Aboriginal Subsistence Whaling*, 40 BOSTON COLLEGE INT'L & COMP. L. REV. 1 (2017)

Chris Wold, *Bringing Pacific Bluefin Tuna Back From the Brink: Ensuring the Submission of Operational Data to The Western and Central Pacific Fisheries Commissions*, 5 MICH. J. ENVTL & ADMIN. L. 101 (2016) (co-authored with Takahashi, Park, Fernandes, and Butler)

Forthcoming:

Michael C. Blumm, *The Columbia River Basin* in WATERS AND WATER RIGHTS, VOLUME 2, Lexis-Nexis (Third Edition) (forthcoming 2017)

Michael C. Blumm, “No Ordinary Case:” *Climate Change, Due Process, and the Public Trust Doctrine*, 67 AM. U. L. REV. (forthcoming 2017) (co-authored with Mary C. Wood)

Michael C. Blumm, *Still Crying Out For a “Major Overhaul” After All These Years – Salmon and Another Failed Biological Opinion on Columbia Basin Hydroelectric Operations*, 47 ENVTL. L. REV. (forthcoming 2017) (co-authored with Julianne L. Fry and Olivier Jamin)

Michael C. Blumm, “Coordinating” with the Federal Government: *Assessing County Efforts to Control Decisionmaking on Public Lands*, 38 PUBLIC LAND AND RES. L. REV. (forthcoming 2017) (co-authored with James Fraser)

Michael C. Blumm, *The Nation’s First Forester-in-Chief: The Overlooked Role of FDR and the Environment*, 33 J. LAND USE & ENVTL. L. (forthcoming 2017)

John A. Bogdanski, *Nonqualified Preferred Stock and the Participation Paradox*, 44 CORP. TAX. (forthcoming 2017)

William Y. Chin, *War and White Supremacists: How Use of Military in War Overseas Empowers White Supremacists At Home*, S. J. POL’Y & JUSTICE (forthcoming 2017)

George K. Foster, *Community Participation in Development*, VAND. J. TRANSNAT’L L. (forthcoming 2017)

Pamela Frasch, *Gaps in U.S. Animal Welfare Laws for Lab Animals* in INSTITUTE FOR LABORATORY ANIMAL RESEARCH JOURNAL (Dr. Paul Locke, ed.) (forthcoming 2017)

Pamela Frasch, *Implementing Toxicity Testing in the 21st Century: Challenges and Opportunities*, JOURNAL OF TOXICOLOGY AND ENVIRONMENTAL HEALTH, PART B (forthcoming 2017) (co-authored with Paul A. Locke, Margit Westphal, Joyce Tischler, Katherine Hessler, Bruce Meyers and Daniel Krewski)

William Funk, *Final Agency Action After Hawkes*, 11 N.Y.U. J. OF LAW AND LIBERTY (forthcoming 2017)

William Funk, *Constitutional Law and Separation of Powers* in DEVELOPMENTS IN ADMINISTRATIVE LAW AND REGULATORY PRACTICE 2016, American Bar Association Press (forthcoming 2017)

H. Tomás Gómez-Arostegui, *Stationers v Seymour* (1677) in LANDMARK CASES IN INTELLECTUAL PROPERTY LAW (Jose Bellido, ed.), Hart Publishing (forthcoming 2017)

Katherine M. Hessler, ANIMAL LAW – NEW PERSPECTIVES ON TEACHING TRADITIONAL LAW, Carolina Academic Press (forthcoming 2017) (co-authored with Joyce Tischler, Pamela Hart, and Sonia Waisman)

Katherine M. Hessler, *Animal Law and Legal Developments in the First 100 Days of the Trump Administration*, ANIMAL L. (forthcoming 2017)

Katherine M. Hessler, *Animals in Testing: Concerns and Consequences* in ANIMAL LAW AND SCIENTIFIC RESEARCH: ETHICS AND LEGAL ASPECTS OF ANIMAL EXPERIMENTATION IN BRAZIL AND EUA (Heron Gordilho, ed.) (forthcoming 2017)

Jennifer J. Johnson, *LLC Interests as Securities under State and Federal Law* in RESEARCH HANDBOOK ON PARTNERSHIPS, LLCs AND ALTERNATIVE FORMS OF BUSINESS ORGANIZATIONS (Robert W. Hillman and Mark J. Lowenstein, eds.), The London Press of Edward Elgar Publishing Ltd. (forthcoming 2017)

Aliza Kaplan, *Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2016 Innocence Network Conference, San Antonio, Texas*, 45 HOFSTRA L. REV. (forthcoming 2017) (co-authored with Gwen Jordan, Valena Beety, and Keith Findley)

Robert H. Klonoff, *Class Actions in the U.S. and Israel: A Comparative Approach*, 19 THEORETICAL INQUIRIES IN THE LAW (forthcoming 2018) (co-authored with Alon Klement)

Robert H. Klonoff, *Class Actions Part II: A Respite from the Decline*, 92 N.Y.U. L. REV. (forthcoming 2017)

Robert H. Klonoff, FEDERAL APPELLATE PRACTICE AND PROCEDURE IN A NUTSHELL, Thomson West (Second Edition) (forthcoming 2017) (co-authored with Gregory Castanias)

Robert H. Klonoff, CLASS ACTIONS AND OTHER MULTI-PARTY LITIGATION IN A NUTSHELL, West Publishing (Fifth Edition) (forthcoming 2017)

Robert H. Klonoff, CLASS ACTIONS AND OTHER MULTI-PARTY LITIGATION: CASES AND MATERIALS, West Publishing (Fourth Edition) (forthcoming 2017)

Lydia Pallas Loren, *Fixation as Notice in Copyright Law*, 96 BOSTON U. L. REV. (forthcoming 2017)

2017)

Erica J. Lyman, *Achieving Complementarity and Coherence Among UNFCCC Financial Institutions*, KANGWON ENVTL. L. REV. (forthcoming 2017)

Erica J. Lyman, *Rethinking International Environmental Linkages: A Functional Cohesion Agenda for Species Conservation in a Time of Climate Change*, FORDHAM ENVT'L L. REV. (forthcoming 2017)

Susan F. Mandiberg, *Mental State* in COMPLIANCE AND ENFORCEMENT OF ENVIRONMENTAL LAW 189, (LeRoy C. Paddock, David L. Markell, and Nicholas S. Bryner, eds.) Elgar Encyclopedia of Environmental Law (forthcoming 2017)

John A. Parry, *States of Torture: Debating the Future of Coercive Investigations*, TENN. L. REV. (forthcoming 2017)

Sandy Patrick, A LAWYER WRITES, Carolina Academic Press (Third Edition) (forthcoming 2018) (co-authored with Christine Nero Coughlin and Joan Rocklin)

Sandy Patrick, ACADEMIC LEGAL WRITING: TRADITIONAL AND EMERGING FORMS, Carolina Academic Press (forthcoming 2018)

Melissa Powers, *Is That All There Is? The Surprising Value of Unenforceable Local Climate Action Plans* in RETHINKING SUSTAINABLE DEVELOPMENT TO MEET THE CLIMATE CHANGE CHALLENGE (Jessica Owley & Keith Hirokawa, eds.), Environmental Law Reporter (forthcoming 2017)

Melissa Powers, *Lessons from U.S. Biofuels Policy: The Renewable Fuels Standard's Rocky Ride* in THE LAW AND POLICY OF BIOFUELS (Yves Le Bouthillier, Annette Cowie, Paul Martin & Heather McLeod-Kilmurray eds.) (forthcoming 2017)

Melissa Powers, WIND LAW, Lexis Publishing (forthcoming 2017) (co-authored with Ernest E. Smith, Roderick E. Wetsel & Becky H. Diffen)

Melissa Powers, *The Risks of Opting Out of the Clean Power Plan for Western States*, 52 IDAHO L. REV. (forthcoming 2017)

Daniel J. Rohlf, *Connectivity Conservation and Endangered Species Recovery: A Study in the Challenges of Defining Conservation-Reliant Species*, CONSERVATION LETTERS (forthcoming 2017) (co-authored with Dr. Carlos Carroll and Brett Hartl)

Juliet P. Stumpf, IMMIGRATION AND CITIZENSHIP, PROCESS AND POLICY, West Publishing (Ninth Edition) (forthcoming 2017) (co-authored with Aleinikoff, Martin, Motomura and Fullerton)

Elaine E. Sutherland, *Proactive Child Protection: A Step Too Far?* in INTERNATIONAL SURVEY OF FAMILY LAW: 2017 EDITION (Margaret Bring and Bill Atkin, eds.), Jordans Publishing (forthcoming 2017)

Elaine E. Sutherland, *In The Wake of Marriage Equality in Scotland, Whither Civil Partnership?*, 21 EDIN. L. REV. (forthcoming 2017)

Ozan Varol, *Remedying Constitutional Stickiness*, 37 NAT'L J. CONST. L. (forthcoming 2017)

Ozan Varol, *Alien Citizens: Kurds and Citizenship in the Turkish Constitution*, 576 VA. J. INT'L L. (forthcoming 2017)

Ozan Varol, *An Empirical Analysis of Judicial Transformation in Turkey*, AM. J. COMP. L. (forthcoming 2017) (co-authored with Nuno Garoupa & Lucia Dalla Pellegrina)

Ozan Varol, *THE DEMOCRATIC COUP D'ÉTAT* (monograph), Oxford University Press (forthcoming 2017)

Ozan Varol, *COMPARATIVE CONSTITUTIONAL LAW: A GLOBAL AND INTERDISCIPLINARY APPROACH*, Oxford University Press (forthcoming 2018)

Tung Yin, *Justice Scalia as Neither Friend Nor Foe of Criminal Defendants*, 50 AKRON L. REV. (forthcoming 2017)

Tung Yin, *National Security Lies*, 55 HOUS. L. REV. (forthcoming 2018)