Message from the Dean

Dear Colleagues,

We are pleased to update you on the scholarship produced by our faculty since 2017. Situated on the flagship campus of a premier, research-intensive public university, University at Buffalo School of Law has long been associated with innovative, interdisciplinary research and critical approaches to the study of law. Many of our faculty members hold doctorates in areas other than law, and the thoughtful scholarship catalogued here reflects this rich and diverse background. We hope you enjoy getting to know their work.

Yours sincerely,

Aviva Abramovsky
Dean

law.buffalo.edu/faculty
I investigate how the law influences where people live. My research agenda centers on what legal tools exist, or should exist, to reduce racial segregation. My ambition remains practical as well as theoretical—creating a roadmap for litigators and policymakers to leverage existing statutes, administrative regulation, and case law to meaningfully deconstruct the systems that perpetuate racial segregation.”

### Articles

AREAS OF INTEREST
INSURANCE LAW
COMMERCIAL LAW
REGULATION OF FINANCIAL ENTITIES
LEGAL ETHICS

BOOKS

CHAPTERS

“...My research is focused on insurance law with emphasis on re-insurance. I am particularly interested in global insurance products and disaster and catastrophe liability. Insurance is a gatekeeper for all corporate behavior and as such the industry’s laws and policies are relevant to every aspect of the world's economy.”
The core of my scholarship focuses on the process of conducting legal research effectively. The fourth edition of my book, *New York Legal Research*, highlights the connections between sources, legal research, and analysis. Another area of interest is on the status of the academic law library. My recent scholarship examines the autonomy of academic law libraries, the status of the law library director, and the implications of both in the context of the ABA Standards.

**NEW YORK LEGAL RESEARCH** (Carolina Academic Press, 4th ed. 2020) provides an alternative to legal research books that take a bibliographic approach to legal research. The fourth edition explores both the sources of New York state law and the process of conducting research using those sources. Elizabeth Adelman and her co-authors include an emphasis on online sources and the online research process. Print sources are discussed as opportunities to enhance the research process or when an online equivalent is not available.

Most chapters contain outlines with step-by-step guidance and short excerpts and screenshots from important sources. Brief discussions of legal analysis are included to show its crucial connection to research. While the focus of *NEW YORK LEGAL RESEARCH* is state research, concise descriptions of federal resources are included throughout this edition.
Samantha Barbas
Professor
Director of The Baldy Center for Law and Social Policy
JD, Stanford Law School
PhD, University of California at Berkeley
BA, Williams College
(716) 645-6216 sbarbas@buffalo.edu

Areas of Interest
First Amendment
Legal History
Mass Media Law

Books


Articles

Chapters

“...My work examines the interconnections between law, American social and cultural history, and the history of mass communications. I have focused on the history of privacy, defamation, and free speech law, looking at topics ranging from the 1957 trial of Confidential magazine, to the 1967 Supreme Court case Time v. Hill, to the history of the ACLU and the career of famed civil liberties attorney Morris Ernst.”

National Recognition as a Public Scholar
The National Endowment for the Humanities recognizes public scholars - authors writing about important aspects of culture for a wide spectrum of readers. It has bestowed that designation on Samantha Barbas, along with a monetary grant to support work on her latest book.

Barbas is one of 25 public scholars nationwide who will share in $1.4 million in NEH grants. The awards are intended to “support well-researched books in the humanities aimed at a broad public audience.”

Barbas’ current project looks at the sociolegal history of New York Times Co. v. Sullivan, the U.S. Supreme Court’s landmark 1964 ruling that First Amendment protections of free speech limit public officials’ ability to win a defamation lawsuit. That decision established the “actual malice” test, under which the plaintiff must prove that the defendant knew the statement in question was false or showed reckless disregard for whether it was true.
AREAS OF INTEREST

CIVIL PROCEDURE
ANTITRUST
EVIDENCE
CONSUMER PROTECTION
REMEDIES

BOOKS

ARTICLES
The Venue Shuffle: Forum Selection Clauses & ERISA (with James A. Wooten), 66 UCLA LAW REVIEW 862, 862-910 (April 2019).


Exorcising the Clergy Privilege, 103 VIRGINIA LAW REVIEW 1015, 1015-77 (2017).

CHAPTERS

Motions for Class Certification vs. Proceedings on the Merits, in ANTITRUST DAUBERT HANDBOOK (ABA Antitrust Section forthcoming 2020).


“My research is in civil procedure, specifically the tension between class actions’ enforcement potential and heightened procedural and evidentiary rules. On the one hand, judicial resources are far from absolute, and such rules can promote judicial efficiency. On the other hand, a raft of new procedural hurdles threaten class actions’ potential to regulate corporate behavior. It is now harder to get into court; harder to plead a claim; and harder to certify a class. I analyze how such hurdles impact class actions, and then identify ways to balance efficiency and enforcement goals. Because rule interpretation is primarily left to the judiciary, my work analyzes judicial interpretation and decision making.”
**AMICUS BRIEFS**


My recent work examines the relationship between law, technology, and advertising. Through a variety of mechanisms, including intellectual property law, privacy law, contract law, and the First Amendment, the legal system is struggling to set an appropriate balance between commercial freedom and consumer protection in the midst of a modern marketing revolution. Figuring out where this balance should be set is a difficult project. My approach is to mine psychology, which tells us how consumers think, and history, which tells us how lawmakers approached similar questions in the past, to help assess the costs and benefits of advertising in new forms and new spaces.”
AREAS OF INTEREST
ADMINISTRATIVE LAW AND COMPARATIVE ADMINISTRATIVE LAW
JURISDICTION & CIVIL PROCEDURE
LEGISLATION & STATUTORY INTERPRETATION
LAW AND SOCIETY

ARTICLES

The Concept of “Data” in Data-Driven Legal Interpretation, 86 BROOKLYN LAW REVIEW (forthcoming 2020).


CHAPTERS


“We sometimes take the legitimacy of democratic governance for granted, but legitimacy is not something that inheres in a particular political form. It’s a dynamic, culturally specific outcome of continuous work by numerous participants. I’m particularly interested in how bureaucrats and judges in democracies legitimize their actions. I use ethnography, interview, and textual analysis to illuminate how government actors understand, describe, and shape law and governance. My work so far has focused on the United States as well as Taiwan; in the coming year I’ll expand my research to Germany.”

Anya Bernstein
PROFESSOR
PhD, University of Chicago
JD, Yale Law School
BA, Columbia College
(716) 645-3683 anyabern@buffalo.edu
My forthcoming article, Disbanding Police Agencies, grew out of conversations with my coauthors Tony O’Rourke and Rick Su, about last summer’s tragic and turbulent events. It assesses proposals to disband police forces, like that passed by the Minneapolis City Council, from a democratic and institutionalist perspective. Should localities concerned about discriminatory policing and excessive force disband their police forces? This is a more practical strategy than many readers may imagine, that has been used before in American history to reform policing. One reason in favor of using such a strategy today is that discriminatory police departments are often too insulated from democratic oversight to be meaningfully reformed. Yet these same legal impediments to democratic control will also impede efforts to dissolve police forces and start fresh.”
My scholarship lies mainly in two fields. I study the law of marriage, family, gender, and sexuality, and I study queer history. Strongly influenced by critical and sociolegal approaches to law, the first branch of my research traverses multiple bodies of legal doctrine, most prominently constitutional, criminal, and family law. The second branch focuses on queer identities, communities, and politics since the mid-nineteenth century. Research in one area powerfully informs what I do in the other. I see law through a historian’s eyes and history through the eyes of a law scholar. At the same time, I welcome frameworks and insights from other disciplines. Hence my scholarship’s intense engagements with work in sociology, anthropology, philosophy, critical theory, and literature.”

My latest monograph, Zoo Veterinarians: Governing Care on a Diseased Planet, highlights the recent transformation that has occurred in the zoo veterinarian profession during a time of ecological crisis, and what this transformation may teach us about caring for a diseased planet. I am working on a book manuscript on the management of national parks and nature reserves in Palestine/Israel. I have also edited several book collections and special issues on legal geography, gene editing and the environment, ocean legalities, and environmental justice in the occupied Palestinian territories.

**Areas of Interest**

ANIMAL STUDIES
NATURE AND CONSERVATION BIOLOGY
ISRAEL/PALESTINE
LAW AND GEOGRAPHY
LAW AND GENETICS
LEGAL ETHNOGRAPHY
LAW AND SOCIETY
SCIENCE AND TECHNOLOGY STUDIES

**Books**

Wild Legalities in Palestine/Israel (University of Minnesota Press forthcoming 2021).

Zoo Veterinarians: Governing Care on a Diseased Planet (Routledge 2021).


Coral Whisperers: Scientists on the Brink (The University of California Press 2018).


**Articles**


Regulating Wild Life in Palestine/Israel, PoLAR (forthcoming).


Caring for Wild Animals During an Ecological Crisis

Despite their centrality to the operation of contemporary accredited zoo and aquarium institutions, the work of zoo veterinarians has rarely been the focus of a critical analysis in the social sciences and humanities. Drawing on in-depth interviews and observations of zoo and aquarium veterinarians, mainly in Europe and North America, Zoo Veterinarians: Governing Care on a Diseased Planet (Routledge, 2021) highlights the recent transformation that has occurred in the zoo veterinarian profession during a time of ecological crisis and what these changes can teach us about our rapidly changing planet. Originally an individual welfare-centered profession, these experts are increasingly concerned with the sustainability of wild animal populations and ecological health.

By exploring the regulatory landscape governing the work of zoo and aquarium veterinarians, author Irus Braverman navigates the gap between the hard and soft sciences as well as the gap between humans and non-humans.


Uprooting Identities: The Regulation of Olive Trees in the Occupied West Bank, 71 Open Anthropology (March 2019).


CHAPTE R S


My research lies at the intersection of criminal law, philosophy, and comparative law. Drawing from my experience teaching and lecturing about criminal law in the United States, Canada, Latin America, Europe, and Asia, my work aims to understand and critique domestic criminal law doctrines by looking at how other countries approach basic concepts of criminal theory.

"Areas of Interest"

Animal Cruelty Laws
Criminal Law
Criminal Procedure
Torts
Jurisprudence

"Articles"


AREAS OF INTEREST
ADMINISTRATIVE LAW
CLINICAL LEGAL EDUCATION
ENVIRONMENTAL LAW
INTERNATIONAL LAW
LAW AND SCIENCE
LAW AND SOCIAL SCIENCE
LEGAL EDUCATION
LEGISLATION
NATURAL RESOURCES LAW

BOOKS
The Big Thaw: Policy, Governance and Climate Change in the Circumpolar North (Kim Diana Connolly, Errol Meidinger & Ezra B.W. Zubrow, eds., SUNY Press 2019).

CHAPTERS

“My substantive research focuses on a number of related areas, including wetlands law and policy as well as other environmental regulatory and related subjects. More recently I have added an interest in how the mass media covers environmental law and policy matters. I have also conducted research on student learning and andragogical issues, including work on experiential and interdisciplinary learning. In all cases, I seek to bring serious scholarly study to pressing issues facing people and ecosystems on various levels.”
My research studies the relationship between law and economic inequality. While we may well condemn inequality as an injustice in itself, it also has many negative side effects: a corrosion of the political process, skewed public policies, and an unstable financial system, to name a few. While the causes of rising income inequality are many and complex, the law undoubtedly plays a role. Traditionally, the economic analysis of law has focused on efficiency—how the law can make society’s economic pie larger. While using many of the same economist-inspired tools, my research uses a more sociologically-inspired set of questions to ask how the law distributes—slices up—the economic pie.

Matthew Dimick
PROFESSOR
PhD, University of Wisconsin-Madison
JD, Cornell Law School
BA, Brigham Young University

(716) 645-7968  mdimick@buffalo.edu

AREAS OF INTEREST
LABOR AND EMPLOYMENT LAW
CONTRACTS
TAX POLICY
LEGAL THEORY
LAW AND ECONOMICS

BOOKS

ARTICLES
Counterfeit Liberty, 3 CATALYST 47, 47-88 (2019).

The Law and Economics of Redistribution, 15 ANNUAL REVIEW OF LAW & SOCIAL SCIENCE 559, 559-82 (2019).

Models of Other-Regarding Preferences, Inequality and Redistribution (with David Rueda & Daniel Stegmueller), 21 ANNUAL REVIEW OF POLITICAL SCIENCE 441, 441-60 (May 2018).


CHAPTERS
My research traces the ways in which rights become active, identities are forged, and law is woven into the fabric of day-to-day experiences. One line of work examines the earliest stages of the tort law system, when individuals suffer traumatic physical harms and, in most cases, refuse to lodge a claim or even consult a lawyer. I explain this overwhelming preference for law avoidance by drawing on interdisciplinary studies of injury and cognition. Another line of work explores recent transformations in law, culture, and society in Southeast Asia, with particular attention to Thailand.”
My research focuses on the gender-based impact of seemingly neutral tort doctrines. I am studying caps on non-economic damages to demonstrate that caps have a disparate impact on women, the elderly, and children’s death cases. I’m also exploring why non-economic damages are an under-sustained challenge, and why women tend to receive greater proportions of their tort awards in non-economic damages, as well as other important empirical questions about the hidden or unintended consequences of tort reform, including how it will affect lawyers’ case selection and settlement strategies. Better understanding of the actual consequences of legal change on the institutional players and the people who seek access to the civil justice system can lead to sounder and more equitable law reform.”

**EXPOSING IMPLICIT BIAS**

Feminist Judgments: Rewritten Tort Opinions (Cambridge University Press, 2020) rewrites both canonical and lesser-known tort cases from the feminine perspective, exposing gender and racial biases in how courts have categorized and evaluated harm stemming from pre-natal malpractice, pregnancy loss, domestic violence, sexual assault and harassment, invasion of privacy, and the award of economic and non-economic damages. The rewritten opinions demonstrate that when confronted with gendered harm to women, courts have often distorted or misapplied conventional legal doctrine to diminish the harm or deny recovery.

Co-edited by Lucinda Finley and Martha Chamallas, this volume shows the way forward to make the basic doctrines of tort law more responsive to the needs and perspectives of traditionally marginalized people in ways that give greater value to harms that they disproportionately experience.
AREAS OF INTEREST
PROPERTY LAW
BUDDHISM AND LAW
ANTHROPOLOGY OF LAW
COMPARATIVE LAW
LAW AND RELIGION

ARTICLES
How Did Buddhist Law become “Discipline”?, 5 BUDDHISM, LAW AND SOCIETY (2020).


CHAPTERS
Is There Such a Thing as a Buddhist Legal Tradition?, in GROSS NATIONAL HAPPINESS AND THE LAW (Kristen DeRemer, ed., forthcoming).

In the course of my investigation of the Tibetan legal system, I discovered a gaping hole in the substantial discipline of Religious Legal Studies — the study of Buddhist legal systems. Incredibly, almost nothing has been written on the legal systems that were influenced by Buddhism, one of the largest world religions with a 2,500 year history and 500 million followers. My project for the last few years has been to write in this area and to organize a wide array of international scholars to talk, think and write about this exciting new subject matter.”
Americans have long fretted about the disjunction between our high aspirations for the democratic electoral process and the desultory reality of the modern election campaign. My research examines the role of the law in constituting this disjunction. I am interested in how the law regulating campaigns operates in its actual institutional setting; how the findings of empirical social science determine what kinds of campaigns the law might feasibly aspire to institutionalize; and how democratic theory addresses the normative desirability of these institutional options.”

Democratic Legitimacy under Conditions of Severely Depressed Voter Turnout, UNIVERSITY OF CHICAGO LAW REVIEW Online 24, 24-34 (2020).

Active Judicial Governance, 51 NEW ENGLAND LAW REVIEW 545, 545-54 (2018).


A Pragmatic Approach to Advocacy

Legal Argument: The Structure and Language of Effective Advocacy (Carolina Academic Press, 3rd ed. 2020), co-authored by James Gardner and Christine Bartholomew, is a full-featured guide providing a pragmatic approach to thinking about argument structures. Intended primarily for law students in research, writing, and analysis courses, or trial advocacy classes and moot court programs, the guide is designed to walk the future advocate through the process of crafting a winning argument.

The book includes detailed explanations of how lawyers construct legal arguments and a tutorial on the process of molding raw materials of litigation - cases, statutes, testimony, documents, common sense - into instruments of persuasive advocacy. The third edition offers a vibrant online component featuring exercises professors can assign, online self-evaluation tests for students, and a substantial teacher’s manual to accompany the textbook.


El Misterioso Exito de una Democracia Federal, in Democracia y Forma Constitucional (Pablo C. Riberi & Pedro Salazar, eds., Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México 2020).


Book Reviews

I have concentrated my research on arbitration, an alternative dispute resolution method. I am particularly interested in the rapidly evolving legal doctrines governing and affecting arbitration in the labor, employment, and commercial arenas. As a labor arbitrator, I have also authored many arbitration awards (decisions) in cases in which the parties have asked me to resolve their disputes under a collective bargaining agreement.”

Lise Gelernter
TEACHING FACULTY
JD, New York University Law School
BA, Harvard Radcliffe College

(716) 645-5540  gelernt@buffalo.edu

AREAS OF INTEREST
LABOR AND EMPLOYMENT LAW
ARBITRATION
PUBLIC POLICY
ADMINISTRATIVE LAW

BOO K S

ARTICLES

ADR in the Workplace and in the Classroom
Ideal for use in law schools, business schools, and schools of industrial relations, the fourth edition of ADR IN THE WORKPLACE (West Academic Publishing, 2020), part of the American Casebook Series, addresses ADR topics through a wide range of materials, including judicial decisions, arbitration awards, essays, and questions and problems for class discussion. Sections on judicial determinations of arbitrability, judicial review, injunctions, deferral, and the duty of fair representation offer thorough coverage of legal issues.

Lise Gelernter and her co-authors provide extensive treatment of the substance and practice of labor arbitration and material for courses focused on labor arbitration practice. Materials on dispute resolution in the nonunion setting address a broad range of issues including law, theory, practice, and policy.
I am interested in how recent Supreme Court decisions that constitutionally limit sentences for people who were children at the time of the crime might transform our understanding of parole’s function. My research explores the constitutional dimensions of parole and the need for judicial oversight of parole board decisions. I seek to understand how our conception of juveniles’ culpability and capacity for rehabilitation informs the nature of the parole hearing, not only for people who committed crimes as children, but also, more broadly, for those convicted as adults. My work has drawn from my experience as a public defender representing clients in motions for resentencing and in parole hearings.”
My research interest has focused on federal tax law. While it might seem like an oxymoron to use the terms ‘tax law’ and ‘interest’ in the same sentence, understanding the ‘whats’ and ‘whys’ of a text longer than the Bible has proved fascinating. The term ‘tax simplification’ is often discussed in Washington as being a cure for all our economic ills. However, it is quite clear that our nation’s politicians will never stop using the Internal Revenue Code as a mechanism for instituting social and economic policy. In fact, each change to the tax code made over the last couple of years, while championed as ‘simplification,’ makes it even harder for individuals and businesses to navigate their way through the maze of tax rules and regulations by which they are governed. And no one has reason to believe that additional ‘reforms’ are not just around the corner.”

The image contains a page with the following text:

Stuart G. Lazar
Professor
Co-Director, NYC Program in Finance & Law
LLM, New York University School of Law
JD, University of Michigan Law School
AB, University of Michigan

(716) 645-2749 slazar@buffalo.edu

Areas of Interest
Taxation
Corporation Taxation
Partnership Taxation
Tax Policy

Books
My research focuses on international trade law, particularly issues relating to the World Trade Organization, free trade agreements, dispute settlement and trade policy. My scholarship is influenced by my background in international relations and economics. I also have a strong interest in the Asia-Pacific, a result of having lived and worked in New Zealand and Japan."

**AREAS OF INTEREST**
- International Economic Law
- International Trade Law
- International Dispute Settlement
- Free Trade Agreements
- World Trade Organization Law

**BOOKS**

**ARTICLES**

**CHAPTERS**


AN UNCERTAIN FUTURE FOR THE WTO

A POST-WTO INTERNATIONAL LEGAL ORDER: UTOPIAN, DYSTOPIAN AND OTHER SCENARIOS (Springer International Publishing, 2020) provides readers with a unique opportunity to explore how the international economic legal order may look in a post-World Trade Organization world. The substance of the book presupposes, correct or not, that the WTO either stagnates into the foreseeable future or falls apart completely.

Despite most international economic legal academics’ commitment to multilateralism and specifically to a vibrant and dynamic WTO, academics in the field are now beginning to seriously discuss what a post-WTO world could look like. Meredith Lewis and her co-editors present a necessary exploration of the worst-case scenario for the future of the WTO. Accordingly, this projection offers great value to practitioners, governmental and international officials, and scholars in the international economic legal order.

BOOK REVIEWS


OTHER


Combining interests in critical political thought with international socio-legal studies, I study transformations of legal and political form under contemporary globalization. My current research examines the legality and democratic legitimacy we find in the overlapping jurisdictions of the European Union—and recommends caution in seeing either commercial integration or human rights as adequate frameworks for justifying and sustaining post-national law. In their place, I develop a critical legal theory centered on narrative—the extended temporal character of political life—as the paradigmatic form in which to reimagine solidarity, legal interpretation, and constituent power beyond the nation-state. Speaking to the EU’s enduring challenges, this work devotes particular attention to migration and asylum, where struggles over the meaning of solidarity, law, and political membership are most acute and generative.”

\[...\]

**CHAPTEARS**


Judith Shklar’s Critique of Legalism (with Seyla Benhabib), in THE CAMBRIDGE COMPANION TO THE RULE OF LAW (Jens Meierhenrich & Martin Loughlin eds., forthcoming).

**AREAS OF INTEREST**

COMPARATIVE CONSTITUTIONAL LAW
CRITICAL POLITICAL AND SOCIAL THEORY
INTERNATIONAL HUMAN RIGHTS
LAW AND LITERATURE
REFUGEE AND ASYLUM LAW
TRANSFORMATIONS OF SOVEREIGNTY

**ARTICLES**

The Refugees we are: Solidarity, Asylum, and Critique in the European Constitutional Imagination, GERMAN LAW REVIEW (forthcoming).

Our Fleeting Moments: Legal Thought in a Confessional Key, LAW, CULTURE, AND THE HUMANITIES (forthcoming 2020).


My interest is in exploring questions of economic policy and regulation from outside the conventional boundaries and strained assumptions of ‘private’ law and neo-classical economics. As part of the growing Law and Political Economy movement, I am active in several scholarly organizations focused on developing an affirmative vision of legal economics capable of responding to contemporary crises of climate, health, inequality, and democracy. My work challenges the divide between economics and social justice, and draws on critical legal perspectives to examine the relationships between economics and questions of race, gender, class, sexuality, and disability status.”
“My research focuses on how non-governmental actors interact with each other and with governments to establish and maintain transnational regulatory programs in fields where governments have typically been the main regulators — e.g., environmental protection, human rights, and food safety. I am studying how effective, fair, and democratic the emerging governance ecosystems are, and particularly, how competition and cooperation among the different regulators affects the overall system. It is important to understand these processes because the nation states have had great difficulty in creating effective international environmental and social regulatory programs. As non-governmental programs become more important, we may also need to revise some of our main assumptions about what counts as law and how law is made and implemented.”
From climate change to derivatives trading, and in industry sectors from agriculture to sports, transnational regulatory regimes and actors are multiplying and interacting with poorly understood results. TRANSNATIONAL BUSINESS GOVERNANCE INTERACTIONS: ADVANCING MARGINALIZED ACTORS AND ENHANCING REGULATORY QUALITY (Edward Elgar, 2019) investigates whether, how, and by whom transnational business governance interactions (TBGIs) can be harnessed to improve the quality of transnational regulation and advance the interests of marginalized actors.

Understanding and synthesizing studies of 15 different governance arenas by authors coming from a variety of disciplines and perspectives, the book presents new empirical and theoretical research from Errol Meidinger and other leading and emerging scholars. It identifies obstacles to, and opportunities for, mobilizing TBGIs to enhance regulatory capacities, outputs, and outcomes and to advance marginalized actors in transnational business governance.
My work is inspired by much of the activism (both recent and historical) around the pursuit of human dignity, democracy, justice, and prosperity. My scholarship focuses specifically on issues related to racial, economic, and gender justice. In it, I seek to map the mechanisms by which law, together with other social structures, works to both hinder and support these justice pursuits.”

**AREAS OF INTEREST**

- BUSINESS ASSOCIATIONS
- CIVIL RIGHTS LAW
- CONSTITUTIONAL LAW
- CRITICAL RACE AND FEMINIST LEGAL THEORY
- LAW AND POLITICAL ECONOMY

**ARTICLES**


Makau W. Mutua  
SUNY DISTINGUISHED PROFESSOR  
MARGARET W. WONG PROFESSOR  
SJD, Harvard Law School  
LLM, Harvard Law School  
LLM, University of Dar-es-Salaam (Tanzania)  
LLB, University of Dar-es-Salaam (Tanzania)  
(716) 645–2311 mutua@buffalo.edu

AREAS OF INTEREST
PUBLIC INTERNATIONAL LAW  
HUMAN RIGHTS  
INTERNATIONAL BUSINESS TRANSACTIONS  
POST–COLONIALISM  
THIRD WORLD APPROACHES TO INTERNATIONAL LAW (TWAIL)  
STATE RECONSTRUCTION  
POST–CONFLICT SOCIETIES  
CONSTITUTION-MAKING  
TRANSITIONAL JUSTICE

ARTICLES

CHAPTERS


Die Rolle von Nichtregierungsorganisationen bei der Rechtserzeugung [The Role of NGOs in the Creation of Norms], in DEKOLONIALE RECHTSKRITIK UND RECHTSPRAXIS (Karina Theurer & Wolfang Kaleck eds., Nomos 2020).

“My scholarship has centered on state legitimacy, postcolonialism, constitutionalism, and the critiques of the human rights idiom. In a world that is increasingly defined by relativism — and the expansion of the meaning and content of freedom — shackles of state power are constantly being loosened. Human rights are the medium of choice for this discourse which has become indispensable in post-colonial societies, by far the overwhelming majority of the earth’s inhabitants. How societies resolve the questions I tackle may very well determine the pace at which the chasm between power and powerlessness shrinks or grows.”
My work focuses on understanding intersectional analysis to address the legal and administrative systems that perpetuate inequality in all facets of society. Since much of the law related to discrimination focuses on single-axis analysis, my work also explores the ways in which legal systems and other institutions have not caught up in recognizing the intersections of race, gender, ethnicity, citizenship, physical ability, and socioeconomic status.”

**AREAS OF INTEREST**

LEGAL RESEARCH AND WRITING
EMPLOYMENT DISCRIMINATION LAW
CIVIL RIGHTS LAW
CRITICAL RACE THEORY
DIVERSITY IN LEGAL PRACTICE

**CHAPTERS**

Much of my research lies at the intersection of criminal procedure and structural constitutional law. I am currently exploring how political and economic conditions affect the capacity of courts to solve difficult doctrinal problems. Using a methodological approach that integrates doctrinal analysis with legal theory and social science, my work challenges some common assumptions concerning how institutional pressures shape both constitutional and statutory interpretation.”
Stephen J. Paskey
LECTURER IN LAW, LEGAL ANALYSIS, WRITING AND RESEARCH
JD, University of Maryland School of Law
BA, Michigan State University

(716) 645-5044 sjpaskey@buffalo.edu

AREAS OF INTEREST
LAW AND NARRATIVE
LAW AND RHETORIC
REFUGEE AND ASYLUM LAW

ARTICLES


We tend to think of law as a logical system of rules, but legal rules are ultimately made of words and the relationships between them. My work focuses on the implications of that simple fact, using concepts from rhetorical theory, narrative theory, cognitive linguistics, and other disciplines to question the conventional understanding of what legal rules are, how they work, and how lawyers, judges, and juries reason in real-world cases.”
John Henry Schlegel
UB DISTINGUISHED PROFESSOR
FLOYD H. AND HILDA L. HURST FACULTY SCHOLAR
JD, University of Chicago Law School
BA, Northwestern University
(716) 645-2746    schlegel@buffalo.edu

AREAS OF INTEREST
AMERICAN LEGAL REALISM
LEGAL HISTORY OF THE AMERICAN ECONOMY
CORPORATE FINANCE
ECONOMIC REDEVELOPMENT OF RUST BELT CITIES

ARTICLES
If the Music Hadn’t Stopped, or Reflections on the Great Kerfuffle: Historicism’s Continuing Grasp for Truth, YALE JOURNAL OF LAW AND HUMANITIES (forthcoming).


CHAPTERS


BOOK REVIEWS

I continue to work on a book about law and economy in the 1950s. What fascinates about this now long passed time is that its understanding of what makes up a ‘good economy’ is so unlike our own, and yet, that lost understanding structures so much of the debate about the economy ever since. Such nostalgia for an unrecoverable past is pathological, but there may be a theme here. Most of my earlier work is directed toward recovering pasts that have been pathologically distorted in our presents. And I’ve begun to return to another such topic – American Legal Realism.”
Amy Semet  
ASSOCIATE PROFESSOR  
PhD, Columbia University  
MPhil, Columbia University  
JD, Harvard Law School  
MA, Columbia University  
BA, Dartmouth College  
(716) 645-8162  amysemet@buffalo.edu

AREAS OF INTEREST
ADMINISTRATIVE LAW  
CIVIL PROCEDURE  
CONSTITUTIONAL LAW  
EMPIRICAL LEGAL STUDIES  
INTELLECTUAL PROPERTY LAW  
LAW AND SOCIAL SCIENCE  
LEGISLATION  
PATENT LAW  
PROPERTY

My research focuses on studying legal institutions in intellectual property law (particularly patent law) and administrative law from an empirical and statistical perspective. I have created several databases of administrative agency and court decisions in intellectual property law, immigration law, labor law, and environmental law so as to better understand how agencies and courts make decisions. This empirical research then allows me to posit how these institutions can best be reformed.

ARTICLES

Presidential Control and Immigrant Detention (with Catherine Y. Kim), 69 DUKE LAW JOURNAL 1854, 1854-1903 (2020).


My central research interest is the development of legal institutions and ideas. I am currently at work on an intellectual history of the separation of powers.”
AREAS OF INTEREST
GLOBALIZATION AND THE CONTEMPORARY CORPORATIONS AND CAPITAL MARKETS ENVIRONMENTAL LAW AND TECHNOLOGY POLITICAL ECONOMY AND SOCIAL THEORY

BOOKS

ARTICLES
The Public Problem With Counterterrorism (with Mark Maguire), SAPIENS (Set. 2020).

Snapchat’s Gift: Equity Culture in High-Tech Firms (with Amy Deen Westbrook), 46 FLORIDA STATE UNIVERSITY LAW REVIEW 861, 861-909 (2019).

Those People [May Yet Be] a Kind of Solution: Late Imperial Thoughts on the Humanization of Officialdom (with Mark Maguire), 67 BUFFALO LAW REVIEW 889, 889-907 (2019).

Unicorns, Guardians, and the Concentration of the U.S. Equity Markets (with Amy Deen Westbrook), 96(3) NEBRASKA LAW REVIEW 688, 688-741 (2018).


CHAPTERS

Magical Contracts, Numinous Capitalism, in MAGICAL CAPITALISM 45, 45-63 (Brian Moeran & Timothy Malefyt, eds., Palgrave Macmillan 2018) (substantially revised from the article).


The last few years have been especially collaborative, lots of learning from others as I worry the same old questions, and try to make worthy things. Blessed by conversations, I’m obliged to leave out many dear friends and important interlocutors, but for examples, Amy Deen Westbrook and I have written law review articles on the significance of developments in the equity markets and corporate governance for our understanding of this commercial society. Mark Maguire and I just finished a book on counterterrorism, bureaucracy, and “security” as a key to understanding contemporary life, and not incidentally the bureaucratic state. Computer scientist Perry Alexander has introduced me to a bunch of folks who are struggling with what ‘computing’ means. Economics, politics, and technology all seem to be changing what it means to live now, except when they do not. More available at davidawestbrook.com.”

David A. Westbrook

LOUIS A. DEL COTTO PROFESSOR
CO-DIRECTOR OF THE NEW YORK CITY PROGRAM IN FINANCE AND LAW

JD, Harvard Law School
BA, Emory University

(716) 645-2490        dwestbro@buffalo.edu
BEHIND THE SCENES OF COUNTERTERRORISM

GETTING THROUGH SECURITY: COUNTERTERRORISM, BUREAUCRACY, AND A SENSE OF THE MODERN (Routledge, 2020) offers an unprecedented look behind the scenes of global security structures. David Westbrook and anthropologist Mark Maguire unveil the “secret colleges” of counterterrorism, a world haunted by the knowledge that intelligence will fail and Leviathan will not arrive quickly enough to save everyone.

The book is based on extensive interviews with special forces and other security operators who seek to protect the public, and survivors of terrorist attacks. The subjects range from targeted European airports to African malls and hotels. Maguire and Westbrook reflect on what these practices mean for the bureaucratic state and its violence and offer suggestions for the perennial challenge to secure not just modern life, but humane politics.
My research focuses on employee-benefits law and policy and, especially, the regulatory regime created by the Employee Retirement Income Security Act of 1974. ERISA is a large and complicated statute that governs private-sector pension and welfare plans. ERISA’s sweeping preemption clause has been particularly controversial. I am currently writing a series of articles that explain the political and policy concerns that led lawmakers to include broad preemption language in ERISA.”
Baldy Center Fellows in Interdisciplinary Legal Studies

The Baldy Center for Law & Social Policy is an endowed academic center for interdisciplinary research on law and legal institutions. The mission of the Baldy Center is to advance interdisciplinary research on law, legal institutions, and social policy. It does so by supporting research projects, conferences, workshops, fellowships, visiting scholars, speakers, grant proposals, and other promising initiatives.

OUR POSTDOCTORAL FELLOW
Baldy Postdoctoral Fellows are highly promising scholars from a variety of disciplines who have completed or are pursuing their PhDs and/or JDs at other universities, but have not yet commenced tenure track positions. Chosen in an extremely competitive process, they carry out their scholarly projects with the full array of UB research resources and participate regularly in Baldy Center talks, discussions, workshops, and conferences.

Sarah Ludin
PHD, UNIVERSITY OF CALIFORNIA AT BERKELEY
BA, DARTMOUTH COLLEGE

A SOCIO-LEGAL HISTORIAN OF THE EARLY MODERN German-speaking lands, with a special interest in law and religion, secularity and secularism, legal phenomenology and difference, and law and language. Her dissertation, “The Reformation Suits: Litigation as Constitution-Making in a German Imperial Court, 1521-1555” reconsiders the role of civil litigation in the early Reformation in Germany, long regarded as an instance of the instrumentalization of law by “old-faith” authorities against the Protestants. Ludin’s research shows how experimental uses of mundane, formulaic legal instruments of Roman law civil procedure fused with the legal culture and legal pluralism of the German lands, such that the litigation context became an unexpected proxy for the most pressing constitutional questions of the early Reformation.

OUR SENIOR FELLOW
Baldy Senior Fellows are accomplished academics and professionals, usually faculty members at other universities, who pursue intensive scholarly projects closely related to the mission of the Baldy Center. They utilize UB’s extensive research resources, participate regularly in Baldy Center events, and share their expertise with the larger Baldy community.

Marie Jauffret-Roustide
RESEARCH FELLOW, FRENCH NATIONAL INSTITUTE OF HEALTH AND MEDICAL RESEARCH, FRANCE
PHD, PARIS XI UNIVERSITY
MA, SCIENCES PO, PARIS

JAUFFRET-ROUSTIDE IS THE LEADER OF AN international comparative research project on the history of a harm reduction between France and the United States. Her research focuses on drug policy and a harm-reduction paradigm; ethnicity and gender issues, laws and regulations; structural inequalities in health and social policies; and patient groups’ and users’ involvement in drug policy changes, including analyses of the biomedicalization process of addiction. As a Senior Baldy Fellow, she is analyzing three representative contemporary drug policy issues affecting both North America (specifically the United States) and partially Europe (France): the history of opioid substitutive treatments, the opioid overdose crisis, and the controversy on drug consumption rooms.
OUR RESEARCH FELLOWS

The Baldy Center is a focal point for the large group of scholars working on law, legal institutions, and social policy in the University at Buffalo community. The Center’s scholarly community is closely connected to regional, national, and global sociolegal scholars. The Center seeks to facilitate the work of scholars with law and policy related interests by linking them to the Baldy community and its substantial scholarly resources.

Matthew Bach
PHD CANDIDATE, UNIVERSITY OF FREIBURG
MSC, UNIVERSITY OF FREIBURG
MA, UNIVERSITY OF CAMBRIDGE

Bach is researching the changing role of oil and gas firms in climate change governance with a focus on the factors driving their engagement, the positions that they are taking, and the mechanisms and pathways that they are deploying in relation to climate crisis governance. Since 2017, Bach has been a governance programme officer for ICLEI – Local Governments for Sustainability, a global city network, where he leads a Horizon 2020 grant from the European Commission, which develops solutions for sustainable and just cities.

Daniel Brantes Ferreira
PHD, PONTIFICIAL UNIVERSITY OF RIO DE JANEIRO
MA, PONTIFICIAL UNIVERSITY OF RIO DE JANEIRO
BA, PONTIFICIAL UNIVERSITY OF RIO DE JANEIRO

Brantes Ferreira is a professor at Universidade Cândido Mendes and Vice-President for Academic Affairs at the Brazilian Center of Arbitration and Mediation (CBMA), where he is an arbitrator. He is also a partner at Bruno Freire Law Firm where he practices labor law and torts. Ferreira’s main research publications are concentrated in the areas of legal theory, legal history, legal education, comparative studies, and Alternative Dispute Resolution (ADR). At the Baldy Center, he is researching American Legal Realism.

Jennifer L. Gaynor
PHD, UNIVERSITY OF MICHIGAN, ANN ARBOR
MA, UNIVERSITY OF SOUTHERN CALIFORNIA
BA, WESLEYAN UNIVERSITY

Gaynor is an historian and anthropologist of Southeast Asia and its surrounding seas from the seventeenth century to the present. Her current projects assess both historical and contemporary dynamics of how coastal ecotones shape social, economic, and political relations, as well as how humans continue to reshape coasts. Building on her previous research, she is examining the history of capture, slavery, and piracy in maritime Asia, as well as the recent history of global land reclamation.

Rachael K. Hinkle
PHD, WASHINGTON UNIVERSITY, ST. LOUIS
JD, OHIO NORTHERN UNIVERSITY COLLEGE OF LAW
MA, UNIVERSITY OF TOLEDO
BA, HUNTINGTON UNIVERSITY

Hinkle is an associate professor in UB’s Department of Political Science. Her research focuses on judicial politics with particular attention to gleaning insights into legal development from the content of judicial opinions through the use of computational text analytic techniques. Her work is informed by her experience clerking for the Honorable David W. McKeague in the U.S. Court of Appeals and the Honorable Robert C. Broomfield in U.S District Court.

Paul Linden-Retek
PHD, YALE UNIVERSITY
JD, YALE LAW SCHOOL
AB, HARVARD UNIVERSITY

Linden-Retek is a Lecturer in Law & Society at UB School of Law where he teaches in the law school’s undergraduate program. His research and teaching interests are in modern and contemporary political theory, international human rights, the study of constitutional democracy, and critical theory; in particular, questions of identity, pluralism, and citizenship; the legitimacy and ethics of borders; comparative constitutional law; the political philosophy of European integration; refugee and asylum law; and law and the humanities.

Charles J. Whalen
PHD, UNIVERSITY OF TEXAS AT AUSTIN
BS, CORNELL UNIVERSITY

Whalen, an economist with a career spanning three decades, has contributed to national economic policy discussions, equitable regional development, and business success based on employee involvement. He has been active—as president, past president, and now trustee—in the Association for Evolutionary Economics, an international group of scholars in the tradition of those who fashioned the New Deal and Great Society. He is currently editing two books that explore the frontiers of that tradition; his own chapters examine the notion of reasonable value and apply institutional law and economics to the problem of worker insecurity.
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<thead>
<tr>
<th>Name</th>
<th>Phone Number</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>HEATHER R. ABRAHAM</td>
<td>(716) 645-2073</td>
<td><a href="mailto:habraham@buffalo.edu">habraham@buffalo.edu</a></td>
</tr>
<tr>
<td>AVIVA ABRAMOVSKY</td>
<td>(716) 645-2052</td>
<td><a href="mailto:aabramov@buffalo.edu">aabramov@buffalo.edu</a></td>
</tr>
<tr>
<td>ELIZABETH ADELMAN</td>
<td>(716) 645-2089</td>
<td><a href="mailto:eadelman@buffalo.edu">eadelman@buffalo.edu</a></td>
</tr>
<tr>
<td>SAMANTHA BARBAS</td>
<td>(716) 645-6216</td>
<td><a href="mailto:sbarbas@buffalo.edu">sbarbas@buffalo.edu</a></td>
</tr>
<tr>
<td>CHRISTINE P. BARTHOLOMEW</td>
<td>(716) 645-7399</td>
<td><a href="mailto:cpb6@buffalo.edu">cpb6@buffalo.edu</a></td>
</tr>
<tr>
<td>MARK BARTHOLOMEW</td>
<td>(716) 645-5959</td>
<td><a href="mailto:bartholo@buffalo.edu">bartholo@buffalo.edu</a></td>
</tr>
<tr>
<td>ANYA BERNSTEIN</td>
<td>(716) 645-3683</td>
<td><a href="mailto:anyabern@buffalo.edu">anyabern@buffalo.edu</a></td>
</tr>
<tr>
<td>GUYORA BINDER</td>
<td>(716) 645-2673</td>
<td><a href="mailto:gbinder@buffalo.edu">gbinder@buffalo.edu</a></td>
</tr>
<tr>
<td>MICHAEL BOUCAI</td>
<td>(716) 645-1743</td>
<td><a href="mailto:mboucai@buffalo.edu">mboucai@buffalo.edu</a></td>
</tr>
<tr>
<td>IRUS BRAVERMAN</td>
<td>(716) 645-3030</td>
<td><a href="mailto:irusb@buffalo.edu">irusb@buffalo.edu</a></td>
</tr>
<tr>
<td>LUIS E. CHIESA</td>
<td>(716) 645-3152</td>
<td><a href="mailto:lechiesa@buffalo.edu">lechiesa@buffalo.edu</a></td>
</tr>
<tr>
<td>KIM DIANA CONNOLLY</td>
<td>(716) 645-2092</td>
<td><a href="mailto:kimconno@buffalo.edu">kimconno@buffalo.edu</a></td>
</tr>
<tr>
<td>MATTHEW DIMICK</td>
<td>(716) 645-7968</td>
<td><a href="mailto:mdimick@buffalo.edu">mdimick@buffalo.edu</a></td>
</tr>
<tr>
<td>DAVID M. ENGEL</td>
<td>(716) 645-2514</td>
<td><a href="mailto:dmenengel@buffalo.edu">dmenengel@buffalo.edu</a></td>
</tr>
<tr>
<td>LUCINDA M. FINLEY</td>
<td>(716) 645-6152</td>
<td><a href="mailto:finleylu@buffalo.edu">finleylu@buffalo.edu</a></td>
</tr>
<tr>
<td>REBECCA R. FRENCH</td>
<td>(716) 645-2159</td>
<td><a href="mailto:rrfrench@buffalo.edu">rrfrench@buffalo.edu</a></td>
</tr>
<tr>
<td>JAMES A. GARDNER</td>
<td>(716) 645-3607</td>
<td><a href="mailto:jgard@buffalo.edu">jgard@buffalo.edu</a></td>
</tr>
<tr>
<td>LISE GELERNTER</td>
<td>(716) 645-5540</td>
<td><a href="mailto:gelernt@buffalo.edu">gelernt@buffalo.edu</a></td>
</tr>
<tr>
<td>ALEXANDRA HARRINGTON</td>
<td>(716) 645-2108</td>
<td><a href="mailto:aharr@buffalo.edu">aharr@buffalo.edu</a></td>
</tr>
<tr>
<td>STUART G. LAZAR</td>
<td>(716) 645-2749</td>
<td><a href="mailto:slazar@buffalo.edu">slazar@buffalo.edu</a></td>
</tr>
<tr>
<td>MEREDITH KOLSKY LEWIS</td>
<td>(716) 645-1631</td>
<td><a href="mailto:mlewis5@buffalo.edu">mlewis5@buffalo.edu</a></td>
</tr>
<tr>
<td>PAUL LINDEN-RETEK</td>
<td>(716) 645-5541</td>
<td><a href="mailto:plinden@buffalo.edu">plinden@buffalo.edu</a></td>
</tr>
<tr>
<td>MARTHA T. MCCLUSKEY</td>
<td>(716) 645-2326</td>
<td><a href="mailto:mcclusk@buffalo.edu">mcclusk@buffalo.edu</a></td>
</tr>
<tr>
<td>ERROL E. MEIDINGER</td>
<td>(716) 645-6692</td>
<td><a href="mailto:eemeid@buffalo.edu">eemeid@buffalo.edu</a></td>
</tr>
<tr>
<td>ATHENA D. MUTUA</td>
<td>(716) 645-2873</td>
<td><a href="mailto:admutua@buffalo.edu">admutua@buffalo.edu</a></td>
</tr>
<tr>
<td>MAKAU W. MUTUA</td>
<td>(716) 645-2311</td>
<td><a href="mailto:mutua@buffalo.edu">mutua@buffalo.edu</a></td>
</tr>
<tr>
<td>TOLULOEPE F. ODUNSI</td>
<td>(716) 645-2354</td>
<td><a href="mailto:tfodunsi@buffalo.edu">tfodunsi@buffalo.edu</a></td>
</tr>
<tr>
<td>ANTHONY O’ROURKE</td>
<td>(716) 645-3097</td>
<td><a href="mailto:aorourke@buffalo.edu">aorourke@buffalo.edu</a></td>
</tr>
<tr>
<td>STEPHEN J. PASKEY</td>
<td>(716) 645-5044</td>
<td><a href="mailto:sjpaskey@buffalo.edu">sjpaskey@buffalo.edu</a></td>
</tr>
<tr>
<td>JOHN HENRY SCHLEGEL</td>
<td>(716) 645-2746</td>
<td><a href="mailto:schlegel@buffalo.edu">schlegel@buffalo.edu</a></td>
</tr>
<tr>
<td>AMY SEMET</td>
<td>(716) 645-8162</td>
<td><a href="mailto:amysemet@buffalo.edu">amysemet@buffalo.edu</a></td>
</tr>
<tr>
<td>MATTHEW STEILEN</td>
<td>(716) 645-8966</td>
<td><a href="mailto:mjsteile@buffalo.edu">mjsteile@buffalo.edu</a></td>
</tr>
<tr>
<td>DAVID A. WESTBROOK</td>
<td>(716) 645-2490</td>
<td><a href="mailto:dwestbro@buffalo.edu">dwestbro@buffalo.edu</a></td>
</tr>
<tr>
<td>JAMES A. WOOTEN</td>
<td>(716) 645-2318</td>
<td><a href="mailto:jwooten@buffalo.edu">jwooten@buffalo.edu</a></td>
</tr>
</tbody>
</table>
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