Faculty Scholarship
2012 to 2015
SUNY BUFFALO LAW SCHOOL
THE STATE UNIVERSITY OF NEW YORK
Dear Colleague:

We are pleased to update you on the scholarship produced since 2012 by our tenured and tenure-track faculty. SUNY Buffalo Law School faculty enjoy a well-deserved reputation for cutting-edge ideas and have long been associated with interdisciplinary research and critical approaches to the study of law. Many of our colleagues hold doctorates in areas other than law, and the innovative and thoughtful scholarship catalogued here reflects this rich and diverse background. We hope that you enjoy getting to know their work.

Yours sincerely,

James A. Gardner
Interim Dean
A leader in legal thought since 1887

Below is a list of 10 events and movements that have made a difference — in the Western New York legal community, but also increasingly, as the Law School has gained in regional, national and global reputation, in ways that reached far beyond Buffalo and Amherst.

Of necessity, the list excludes the past decade or so, in which much intellectual ferment has taken place but for which the judgment of history will have to wait. But it includes many developments that continue to resonate today, including the granddaddy of them all...

**ESTABLISHMENT OF THE BUFFALO LAW SCHOOL**
At the time of the school’s founding in 1887, law was very much a craft that aspiring attorneys learned by apprenticing themselves to a practicing member of the bar. The system worked well enough for its time. But a handful of visionaries, seeing the limitations of law office training and acknowledging the presence of rigorous law schools in other cities, set out to change the landscape for legal education in Western New York. A dozen members of the bench and bar are credited as the founders of the Buffalo Law School — and among them, only three had themselves graduated from a law school. In a break with the tradition of the all-male bar, the Class of 1899 included two female graduates.

**DEAN FRANCIS M. SHEA AND HIS HARVARD RECRUITS COME TO BUFFALO**
Shea, the Law School’s fifth dean, served from 1936 to 1939, amid the gathering storm of World War II. Shea hired a contemporary of his from Harvard Law School, Louis L. Jaffe, then added two more Harvard graduates, David Riesman, Jr. and Mark DeWolfe Howe. Some began calling the school “Little Harvard.” This nexus of faculty was familiar with the lessons learned from American Legal Realism — which recognized the sharp moral, political and social conflict that undergirded the creation and administration of the legal system — and the New Deal economics of President Franklin D. Roosevelt. The Law School continues that emphasis on understanding law in the context of its sociopolitical environment.

**ESTABLISHMENT OF THE MITCHELL LECTURE**
The James McCormick Mitchell Lecture is the signature lecture at SUNY Buffalo Law School. Endowed in 1950 by a major gift from Lavinia A. Mitchell in memory of her husband, Class of 1897, the lecture has been a forum for showcasing nationally important legal scholars and ideas in the Buffalo legal community.

**FOUNDING OF THE BUFFALO LAW REVIEW**
The student-edited Law Review published its first issue in the 1950–51 academic year, assembled by five members of the Class of ’51. It featured 18 student case notes and an article by former dean, Louis L. Jaffe, titled “Res Ipsa Loquitur Vindicated.” Today the Law Review staff publishes five issues each year, providing a forum for significant scholarship and affording its student editors valuable learning experiences in legal scholarship.

**ESTABLISHMENT OF THE MUGEL TAX COMPETITION**
SUNY Buffalo Law School has a long history of excellence in tax law, and the Albert R. Mugel National Tax Moot Court Competition — named for the longtime Law School professor — was one of the first specialized national moot court competitions. Each year, law students from across the nation come to Buffalo to present their written and oral arguments on cutting-edge federal tax law issues in this prestigious competition, now more than 30 years old and one of the cornerstones of the Law School’s rigorous tax law curriculum.

**FOUNDING OF THE CLINICAL PROGRAM**
The current emphasis on hands-on learning that produces practice-ready attorneys has a long provenance at SUNY Buffalo Law School, and a special place in that history belongs to the school’s clinical program. One of the first education law clinics in the nation found its home at the Law School, to be followed by other innovative clinics that combined practical education and service to the community. Some of the Law School’s clinics, now numbering more than a dozen, have drawn national and international recognition for their work on, for example, the problem of domestic violence.

Speakers have included Irene Khan, C. Edwin Baker, Derrick Bell, Barry Cushman, Carol Gilligan, Elizabeth Holtzman, Stewart Macaulay, Catharine A. MacKinnon, Carrie Menkel-Meadow, Richard Posner and Clyde Summers.

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LAW AND SOCIETY COMES TO BUFFALO
The Law and Society movement in legal scholarship studies the place of law in social, political, economic and cultural life. Five current or former faculty members have been president of the International Law and Society Association, and three have served as editor in chief of the Law & Society Review. The movement is a key part of the Law School’s focus on interdisciplinary scholarship that incorporates academic expertise beyond black-letter law.

ESTABLISHMENT OF THE BALDY CENTER FOR LAW & SOCIAL POLICY
The Baldy Center was created in 1972 with a generous endowment from the estate of Christopher Baldy, a 1910 graduate of the Law School. The Baldy Center is the Law School’s premier vehicle for fostering interdisciplinary scholarship on law, legal institutions and social policy, including research, teaching and curriculum development. More than 150 UB faculty members from numerous departments participate in Baldy Center research, conferences, working groups and publications. The Baldy Center also hosts distinguished scholars from around the world as visitors, speakers and conference participants.

BIRTH OF THE BUFFALO MODEL LAW SCHOOL
There’s a continuous tension among those who study legal education over the pedagogical methods that make the best lawyers. The so-called Buffalo Model — home-grown at the Law School — has emerged as an innovative and highly effective approach. The model, which began to take form in the mid-1970s under the deanship of Thomas E. Headrick, moved the Law School’s curriculum in directions that took advantage of the multidisciplinary ethos of the school and focused on the increasing complexities of law practice.

CRITICAL LEGAL STUDIES COMES TO BUFFALO
Theorists of the Critical Legal Studies movement apply the methods of semiotic deconstruction to law scholarship. The movement emerged in the late 1970s and has spawned offshoots including critical race theory. Buffalo became one of the first centers for CLS scholarship outside of the two law schools with which this important movement in legal thought was associated.
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Charles P. Norton,
Counselor at Law,
61 Chapin Block,

Buffalo, 71 D. Y. March 25th, 1887

DEAR Judge Sheldon

I send herewith in the form of resolutions such suggestions as occurred to me in reference to a scheme for a law school. They are merely to get things into some shape. Can you read over the same and at a meeting at an early day as is convenient, be ready to reject, prune out, modify, alter or propose new ideas as to you seems fit. I have sent similar copies with other

Yours respectfully,

Charles P. Norton
Americans’ obsession with self-presentation runs deep in our history, Associate Professor Samantha Barbas argues in this far-reaching examination of laws that govern the use of people’s public images. “The more self-focused and image-conscious we become, our law seems to follow in step,” she says. “I tried to reframe the way that legal scholars have been looking at this area of the law.”

In her research, Barbas looked at reported court decisions from the viewpoint of a cultural historian. She also examined publications such as *The New Yorker* and *The New York Times* from the 1920s and ’30s, “to see what kinds of libel and privacy claims were being made and how they were dealt with, what arguments were made.”

The book concludes with a discussion of the myriad privacy questions that arise from the ubiquitous use of social media.

**Areas of Interest**
First Amendment  
Legal History  
Mass Media Law

“My work examines the interconnections between law, social history and the history of mass communications. Drawing on my earlier research in media history, published as *Movie Crazy: Fans, Stars, and the Cult of Celebrity* (Palgrave Macmillan, 2001), and *The First Lady of Hollywood* (University of California Press, 2005), it focuses on the first modern media revolution — the advent of mass-market publishing, radio, film and television in the early to mid-20th century.”

**Books**

- *Time v. Hill and America’s Search for Privacy* (Stanford University Press, forthcoming)

**Articles**


**Chapters**

“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.”

Christine P. Bartholomew
ASSOCIATE PROFESSOR
JD, University at California at Davis
BA, San Francisco State University

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AREAS OF INTEREST
Civil Procedure
Antitrust
Evidence
Consumer Protection
Remedies

ARTICLES
“I am currently working on a book examining 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**
- Intellectual Property
- Cyberlaw
- Legal History
- Advertising Law

**BOOKS**

**ARTICLES**

**CHAPTERS**

**Mark Bartholomew**
**PROFESSOR**
JD, Yale Law School
BA, Cornell University

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**Striking a Balance Between Privacy and Online Commerce, Utah Law Review**

**Trademark Morality, William & Mary Law Review**

**CHAPTERS**
“Through ethnography, interviews, and texts, my work examines how cultural understandings shape legal realities. I have written about how ideas of legitimacy shape the way courts mediate between individuals and governments; how assumptions about the value of information affects the way governments classify individuals; and how the legitimation of law depends on cultural values even in a democratic society. Currently, I am involved in two primary strands of research. One draws on anthropology, linguistics, and philosophy of language to examine aspects of judicial interpretation and meaning-making that go unnoticed in legal theory. The other uses interviews to uncover how legal interpretation works as an everyday practice of administrative agencies.”

**AREAS OF INTEREST**

- Administrative Law
- Asian Legal Cultures
- Federal Jurisdiction
- Law and Society
- Law and the Sociology of Knowledge

**ARTICLES**


**CHAPTERS**

“My recent book defends one of the most criticized features of American criminal law, the felony murder doctrine. I show that, contrary to what lawyers have been taught, the doctrine’s origins are modern, American and legislative rather than medieval, English and judicial; and that its current limits inhered in its original concept. I trace criticisms of the felony murder doctrine to overly cognitive conceptions of criminal culpability and urge that we reconceive culpability as a kind of meaning expressed by acts of wrongdoing. This theory of culpability justifies punishing not only felony murder, but also other crimes of motive such as genocide and terrorism.”

**AREAS OF INTEREST**
- Criminal Law
- Jurisprudence
- Law and Literature

**BOOKS**
- **Felony Murder** (Stanford University Press, 2012)
- **Foundation of the Legislative Panopticon: Bentham’s Principles of Morals and Legislation** in *Foundational Texts in Modern Criminal Law* (Markus Dubber, editor) (Oxford University Press, 2014) (79-101)

**ARTICLES**
- Homicide in *The Oxford Handbook of Criminal Law* (Markus Dubber and Tatjana Hörnle, editors) (Oxford University Press, 2014) (702-726)
“My research examines various intersections of law and sexuality, from obscenity regulation to same-sex marriage. I’m interested in how the law favors, tolerates or disfavors particular expressions of sexuality and intimacy, and how such treatment relates to moral systems, social arrangements and political ideologies. Often I explore these questions from a historical perspective, as in current projects on Anita Bryant’s pivotal 1977 campaign against gay rights and the 1895 trials of Oscar Wilde.”

**AREAS OF INTEREST**
- Criminal Law
- Family Law
- Constitutional Law
- Law and Sexuality
- Legal History

**ARTICLES**

**BOOK REVIEWS**

In Zooland: The Institution of Captivity, Professor Irus Braverman explores the complex web of agreements that govern how zoos manage their animals. In her new book, Wild Life: The Institution of Nature, she looks at the very idea of nature, and the bitter debate among conservationists over whether it’s better to preserve species in the wild or in captivity. “This is a really important question that is very emotional as well,” she says. “Some say we have to give up on this distinction; others say if we do that we’re basically giving up on nature. So there’s a lot at stake.”

Drawing on five years of fieldwork and participatory observations that include interviews with more than 120 conservation scientists from around the world, Braverman asks, for example, “What happens when a species can only exist in captivity.”

“My research focuses on the relationship between law and the physical and natural environment. I have explored Israel’s house demolitions in East Jerusalem, the changes that have occurred in checkpoints on the Israeli/Palestinian border, the war over tree landscapes in this region, and the regulation of public washrooms and animals in North American cities. My study of animals has culminated in Zooland: The Institution of Captivity (IPPY Award Winner). My latest book, Wild Life: The Institution of Nature explores the relationship between captive and wild animal population management. I am currently editing Animals, Biopolitics, Law: Lively Legalities, which brings together anthropologists, geographers, legal scholars and others to consider legalities that move beyond human-centered frameworks.”

**AREAS OF INTEREST**

**BOOKS**

CheckPoint Watch: Reflections on Israel’s Border Administration in the West Bank, Social & Legal Studies vol. 21: 297-320 (2012)

A Tale of Two Zoos, Environment and Planning A vol. 44: 2535-2541 (2012)


CHAPTERS

The Legal Life of Threatened Species Lists in Animals, Biopolitics, Law: Lively Legalities (Iurus Braverman, editor) (Routledge, forthcoming 2016)


Captive for Life: Conserving Extinct Species through Ex S itu Breeding in The Ethics of Captivity (Lori Gruen, editor) (Oxford University Press, 2014) (193-212)

Good Night, Zoo: Human-Animal-City Relations in Children’s Books in Virtual and Ideal Worlds Part II (Ulrich Gehmann and Martin Reiche, editors) (Columbia University Press, 2014) (159-175)


Who’s Afraid of Methodology? Advocating a Reflective Turn in Legal Geography in The Expanding Spaces of Law: A Timely Legal Geography (with Nicholas Blomley, David Delaney and Alexandre (Sandy) Kedar, editors) (Stanford University Press, 2014)

Legal Tails: Policing American Cities through Animals in Urban Policing, Securitization, and Regulation (Randy K. Lippert and Kevin Walby, editors) (Routledge, 2013) (130-144)

“My research currently focuses on the intersection of corporate bankruptcy, bankruptcy trusts and mass tort litigation. Recent articles include a study outlining the performance of 32 bankruptcy trusts and the implications for future asbestos personal injury victims, an analysis of individual plaintiffs’ roles in multidistrict mass tort litigation, and the practices that underlie specious claim patterns in comprehensive settlements and the use of stratified and targeted sampling to address these practices. My next article discusses the use of the debtor’s settlement history in the bankruptcy estimation process in asbestos-related bankruptcies.”

AREAS OF INTEREST
Bankruptcy
Mass Tort and Business Law

ARTICLES
Consent, Coercion and Bankruptcy Administration, JOURNAL OF BUSINESS AND TECHNOLOGY LAW (forthcoming 2015)
How Long is Forever This Time? The Broken Promise of Bankruptcy Trusts, BUFFALO LAW REVIEW vol. 61: 537-605 (2013)
Plaintiff Control and Domination in Multidistrict Mass Torts, CLEVELAND STATE LAW REVIEW vol. 61: 391-442 (2013)
Specious Claims and Global Settlements, UNIVERSITY OF MEMPHIS LAW REVIEW vol. 42: 559-628 (2012)

Luis E. Chiesa
VICE DEAN FOR ACADEMIC AFFAIRS
PROFESSOR
DIRECTOR OF THE BUFFALO CRIMINAL LAW CENTER

“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

BOOKS
In Spanish

ARTICLES
A measure of justice

The New York State courts’ new Pro Bono Scholars Program allows selected law students to spend the last semester of law school working as student attorneys, providing free legal help to low-income New Yorkers.

So how is it working? Professor Kim Diana Connolly and her co-investigators will examine that question in a research project supported by the Clinical Legal Education Section of the American Association of Law Schools. Connolly has been named a 2015–16 Bellow Scholar, in a program that recognizes innovative research projects aimed at improving justice for underserved communities.

The project, for which Connolly is principal investigator, will seek insight into the students who participate in the Professional Bono Scholars Program and the people they serve.

**Areas of Interest**

Administrative Law
Clinical Legal Education
Environmental Law
International Law
Law and Science
Law and Social Science
Legislation
Natural Resources Law

“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 also have 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.”

**Articles**


Is It Time for Real Reform? (with Mary Lynch) *NYSBA Bar Journal* (September 2013)


**Chapters**

Marine Ecosystem Protection in Ocean and Coastal Law (American Bar Association, 2nd edition, forthcoming)
My research across communities and cultures 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 response, turn toward or away from the law. Another line of work explores legal culture and legal consciousness in Southeast Asia, where dramatic social changes have transformed the role of law in everyday life. I am particularly interested in tracing the historical and religious roots of contemporary perceptions of law in Thailand.

**AREAS OF INTEREST**
Corporations
Empirical Legal Studies
Employment Law
Labor Law
Law and Economics

**ARTICLES**

David M. Engel
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MA, University of Michigan
AB, Harvard University

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"My research is located at the intersection of the study of labor markets, firms and states, with a view toward analyzing the distributive fairness and allocative efficiency of the laws, policies and institutions that inhabit these domains. The central question I am interested in is, 'Can distributive equity be achieved without undermining, and perhaps while enhancing, economic efficiency?'"

**AREAS OF INTEREST**
Torts
Law and Society
Asian Legal Cultures
Legal Ethnography
Rights Consciousness

**BOOKS**
The Myth of the Litigious American: Why We Don’t Sue (University of Chicago Press, forthcoming 2016)

**ARTICLES**
Keynote Address: Reimagining Law and Society Research in Southeast Asia, CHIANG MAI UNIVERSITY LAW REVIEW (forthcoming 2015)
State and Personhood in Southeast Asia: The Promise and Potential for Law and Society Research (with Lynette Chua) ASIAN JOURNAL OF LAW AND SOCIETY (2015)
Vertical and Horizontal Perspectives on Rights Consciousness, Indiana Journal of Global Legal Studies vol. 20: 423-455 (2012) (featured article in symposium with responses by Carol Greenhouse, Michael McCann, Duncan McCargo and Arzoo Osanloo)

CHAPTERS
The Uses of Legal Culture in Contemporary Socio-Legal Studies: A Response to Sally Engle Merry in Using Legal Culture (David Nelken, editor) (Wildy, Simmonds & Hill, 2012) (77-85)

“Most of my research deals with the use of psychological, psychiatric and other scientific expertise in the resolution of legal conflicts. Primarily I am interested in the uses and abuses of psychological/psychiatric expert testimony, which plays a key, and sometimes decisive, role in criminal and civil litigation. I also continue to study the etiology of interpersonal violence, a critical concern in both criminal and civil litigation.”

AREAS OF INTEREST
Criminal Law
Forensic Psychology
Violent Behavior
The Role of Mental Health Professionals in National Security and Safety
Professional Ethics

BOOKS
Preventing the Sexual Victimization of Children: Legal, Psychological and Public Policy Perspectives (Oxford University Press, 2014)

ARTICLES
A New Standard for Research on Juvenile Homicide Offenders and Victims, PsychCритIQUE vol. 57(15) (2012)

CHAPTERS
“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.”
New journal for a frontier in law

After publishing *Buddhism and Law: An Introduction*, Professor Rebecca R. French was inundated with responses from scholars intrigued by this little-explored avenue of legal study. In response, she has established the first scholarly journal in the field. *Buddhism, Law and Society*, which French will edit, will be available in print and on the web. “There’s very little out there on Buddhist law in the sense of its influence on secular states,” French says. “But it has had a profound influence on many secular legal systems across the world.”

The journal will include book reviews; reports on historical and modern legal cases; and dispatches from practitioners and scholars around the world on legislation and relevant issues. French also envisions a yearly symposium issue, guest-edited by a respected scholar in Buddhist studies.

“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.”

**Rebecca R. French**

**PROFESSOR**

PhD, Yale University  
LLM, Yale Law School  
JD, University of Washington Law School  
BA, University of Michigan

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**AREAS OF INTEREST**

Anthropology of Law  
Comparative Law  
Law and Religion  
Property Law and Social Science

**BOOKS**

*Buddhism and Law: An Introduction*  
(with Mark Nathan, editors)  
(Cambridge University Press, 2014)

**ARTICLES**


**CHAPTERS**

“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.”

**Areas of Interest**

Constitutional Structure of Politics
Law and Democratic Theory
State Constitutional Law
Federalism

**Books**

Election Law in the American Political System (with Guy-Uriel Charles) (Aspen, 2012)

**Articles**


**Chapters**


**Book Reviews**


Michael Halberstam
ASSOCIATE PROFESSOR
ACTING DIRECTOR OF THE JAECKLE CENTER FOR LAW, DEMOCRACY AND GOVERNANCE
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ARTICLES
Beyond Transparency: Rethinking Election Reform from an Open Government Perspective
Business, Lobbying as an Informational Public Good: Can Tax Deductions for Lobbying Expenses Promote Transparency? (with Stuart Lazar)
Process Failure and Transparency Reform in Local Redistricting, ELECTION LAW JOURNAL vol. 11: 446-471 (2012)

VOLUMES
ELECTION LAW JOURNAL: MAJOR DEVELOPMENTS IN REDISTRICTING (guest co-editor with Paul Gronke and Daniel Tokaji) vol. 11(4): 355-548 (December 2012)

AREAS OF INTEREST
Civil Litigation
Corporations
Comparative Corporate Governance and Civil Procedure
Law of Democracy
Legal Theory
Law and Economics

“My research interests are in governance and institutional development in private and public law. My current focus is on how law affects the way in which governments and private organizations make use of knowledge resources and foster innovation.”

Stuart G. Lazar
PROFESSOR
LLM, New York University School of Law
JD, University of Michigan Law School
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ARTICLES

CHARTERS
Corporate Liquidations in WHITE ON NEW YORK BUSINESS ENTITIES vol. 1 (LexisNexis, forthcoming Fall 2013)
The S Corporation Alternative in WHITE ON NEW YORK BUSINESS ENTITIES vol. 1 (LexisNexis, 2013) (3-1-3-65)

AREAS OF INTEREST
Taxation
Corporation Taxation
Partnership Taxation
Tax Policy

BOOKS
Mastering Partnership Taxation (Carolina Academic Press, 2013)

“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.”
“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. I am currently exploring the implications of plurilateral trade agreements and mega-FTAs such as the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership for the multilateral trading system systemically, and also for developing countries within that system more specifically.”

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

**BOOKS**
- *Trade Agreements at the Crossroads* (with Susy Frankel, editors) (Routledge, 2014)

**ARTICLES**

**CHAPTERS**
- The Australia-New Zealand-ASEAN Free Trade Agreement in Bilateral and Regional Trade Agreements Case Studies (Lorand Bartels, Simon Lester and Bryan Mercurio, editors) (Cambridge University Press, forthcoming 2015)
- The TPP as a Potential New Paradigm for Trade Agreements: Implications and Opportunities in *El TLCAN Frente a Nuevas Negociaciones Comerciales Regionales: el TPP y el TTIP* (María Celia Toro Hernández, editor) (forthcoming 2015) (translated into Spanish)
- The Significance of the Trans-Pacific Partnership for the Asia-Pacific in *El Acuerdo de Asociación Transpacífico (TPP): Bisagra o Confrontación entre el Atlántico y el Pacífico* (Arturo Oropeza García, editor) (National Autonomous University of Mexico, 2014) (95-109)
What to Do When Disagreement Strikes? The Complexity of Dispute Settlement under Trade Agreements (with Peter L.H. Van den Bossche) in *Trade Agreements at the Crossroads* (with Susy Frankel, editors) (Routledge, 2014) (9-25)

The Trans-Pacific Partnership and Development in Trade Liberalisation and International Co-operation: *A Legal Analysis of the Trans-Pacific Partnership Agreement* (Tania Voon, editor) (Edward Elgar, 2013) (28-49)

The Web of Trade Agreements and Alliances and Impacts on Regulatory Autonomy (with Susy Frankel, Chris Nixon and John Yeabsley) in *Recalibrating Behaviour: Smarter Regulation in a Global World* (Susy Frankel and Deborah Ryder, editors) (LexisNexis, 2013) (17-61)


“My research explores immigration law and policy, constitutional law, and international human rights, with a particular focus on substantive theories of equality and access to justice. I link these areas by exploring the manner in which legal doctrine, procedures and institutional arrangements can optimally interact to promote equality and fundamental rights. In asking these questions, I am particularly interested in how legal institutions, legislation and doctrine both regulate and are affected by larger issues of race, ethnicity, citizenship, social and economic class, and other markers of identity and membership.”

**AREAS OF INTEREST**

Immigration Law
Constitutional Law
International Human Rights
Equality and Access to Justice

**ARTICLES**

“My research continues to focus on child welfare financing laws. My research team is disseminating the results of our two-year study funded by the Public Health Law Research Program of the Robert Wood Johnson Foundation. Our results strongly support flexible financing for local child welfare systems to respond to the complex needs of the children and families they serve. Our findings have been published in the Congressional Record as part of Senate hearings on child welfare funding and are being used as part of larger efforts to address the federal/state/local response to child abuse and neglect. I am now focusing on the broader health impacts of childhood trauma reported by the Center for Disease Control’s Adverse Childhood Experiences Study, and how funding strategies may best help local agencies work with the children in their child welfare system to avoid the long-term health effects of child maltreatment.”

**AREAS OF INTEREST**

Children and the Law  
Family Law

**BOOKS**

*Children and the Law in a Nutshell*  
(with Sarah Abrams and Douglas Ramsey)  
(West Publishing, 2015)

*Children and the Law: Doctrine, Policy and Practice*  
(with Sarah Abrams and Douglas Ramsey)  

*Teacher’s Manual to Children and the Law: Doctrine, Policy and Practice*  
(with Sarah Abrams and Douglas Ramsey)  

**ARTICLES**

Intimate Partner Violence: The Ripple Effect of Education, Research and Advocacy  
(with Suzanne Tomkins)  

Using Community Based Participatory Research to Study the Relationship between Sources and Types of Funding and Mental Health Outcomes for Children Served by the Child Welfare System in Ohio  
(with Catherine Cerulli, Gregory Kapcar, Crystal Ward Allen, Hua He and Kim Kaukeinen)  

**CHAPTERS**

Child Welfare Law in *Oxford Bibliographies in Childhood Studies*  
(Heather Montgomery, editor)  
(Oxford University Press, 2015)
“For the past 20 years I have devoted my scholarly, activist and pedagogical attention to human rights issues with particular emphasis on women’s human rights. Much of my lecturing and training and provision of scholarships has been to NGO lawyers focusing on women’s rights in Eastern Europe and the former Soviet Union. More specifically, I have worked with them on violence against women in post-socialist societies. My concerns extend to legal, political and social theory and practice regarding gender, nationalism, civil society, and efforts to develop and implement a rule of law. To supplement my domestic teaching, I teach at universities and consult with NGOs in post-socialist countries on a regular ongoing basis.”

**AREAS OF INTEREST**
- Family Law
- Domestic Violence
- International Human Rights
- International Women’s Human Rights
- Remedies

**ARTICLES**
“My interest is in exploring questions of economic policy and regulation from outside the conventional boundaries of ‘private’ law and neo-classical economics. I am interested in how law and politics shape markets and in how economic policies reflect and reproduce ideas about citizenship and social status. I draw on critical perspectives of legal theory to examine the relationships between questions of economics and questions of race, gender, class, sexuality and disability status. My work challenges the divide between economic and moral or social regulation.”

AREAS OF INTEREST

Law and Economics
Welfare Law
Gender and Law
Critical Legal Studies
Health Law
Employment Law
Family Law
Disability Law
Civil Rights Law
Race and the Law
Insurance and the Law
Occupational Safety and Health
Government Ethics
Regulation
Energy Law

ARTICLES

Toward A Fundamental Right to Evade Law?


CHAPTERS

“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.”

**Areas of Interest**

Administrative Law  
Environmental and Natural Resources Law  
Indigenous Peoples’ Law  
International Business Transactions  
International Environmental Law  
International Trade and Environment Legal Theory  
Property  
Sociology of Law

**Books**

The Big Thaw: Policy, Governance and Climate Change in the Circumpolar North (with Ezra B.W. Zubrow and Kim Diana Connolly, editors) (SUNY Press, forthcoming 2015)

**Articles**

The Business of Human Rights, Annual Review of Law and Social Science (forthcoming 2016)

The Interactive Dynamics of Transnational Business Governance: A Challenge for Transnational Legal Theory (with Kenneth W. Abbott, Julia Black, Burkard Eberlein and Stepan Wood) Transnational Legal Theory vol. 6 (forthcoming 2016)


**Chapters**


“My current scholarship trains a comparative lens on the types, numbers and use patterns of the institutional spaces recognized by national and sub-national communities for deepening domestic engagement with human rights and human rights treaty norms. A mapping of these institutional spaces, particularly with respect to their quality, quantity and accessibility to disaggregated population groups, provides a more accurate and reliable picture of human rights treaty compliance, I contend, than other measures typically espoused in the empirical literature. In particular, my work seeks to describe how these spaces are used by distinct groups to set in motion broader processes of participatory engagement to advance dignitary interests.”

**AREAS OF INTEREST**

- Public International Law
- International Human Rights Law
- Economic, Social and Cultural Rights
- Comparative Constitutional Law
- Comparative Adjudication Standards

**ARTICLES**


**CHAPTERS**

- An Eye Toward Effective Enforcement: A Technical-Comparative Approach to the Drafting Negotiations in Voices from Within: Civil Society’s Involvement in the Drafting of the Convention on the Rights of Persons with Disabilities (Maya Sabatello and Marianne Schulze, editors) (University of Pennsylvania Press, 2013) (70)
Although traditionally viewed as distinct from the criminal justice system, the United States immigration system has adopted many of the techniques and objectives associated with crime control within the War on Drugs. In the wake of the terror attacks of 9/11, the convergence of our civil system of immigration regulation and our failing domestic criminal justice system has intensified. As a scholar, I am committed to documenting the points of convergence between these two systems and underscoring the ironies that cast into doubt the legitimacy of this potent new system of social control.

**AREAS OF INTEREST**
- Criminal Punishment Theory
- Immigration Law
- Prisoner Law
- Criminal Procedure
- Law and Documentary Studies

**ARTICLES**

“My current scholarship focuses on two distinct but related fields: legal ethics and information privacy. In the field of legal ethics, my approach is informed by research on behavioral ethics and cognitive bias. I seek to better understand why lawyers succumb to ethical failures and how they can be better equipped to make good ethical judgments. In the area of information privacy and surveillance, I draw upon my background as a law librarian and my experience with the social aspects of technology. In a world where — whether we realize it or not — we all live online, issues of privacy and surveillance are both practically important and intellectually fascinating.”

**AREAS OF INTEREST**
- Electronic Discovery
- Information Privacy
- Law and Cognitive Science
- Law and Digital Media
- Legal Ethics
- Online Speech

**ARTICLES**
“My current scholarship trains a comparative lens on the types, numbers and use patterns of the institutional spaces recognized by national and sub-national communities for deepening domestic engagement with human rights and human rights treaty norms. A mapping of these institutional spaces, particularly with respect to their quality, quantity and accessibility to disaggregated population groups, provides a more accurate and reliable picture of human rights treaty compliance, I contend, than other measures typically espoused in the empirical literature. In particular, my work seeks to describe how these spaces are used by distinct groups to set in motion broader processes of participatory engagement to advance dignitary interests.”

**AREAS OF INTEREST**
Advanced Constitutional Law: The Fourteenth Amendment
Civil Rights Law
Corporate Law
Critical Race Theory
Feminist Legal Theory and Masculinities Studies
Law, Class and Economic Inequality

**ARTICLES**

**CHAPTERS**
Latino Masculinities in *The Encyclopedia of Latino/a Politics, Law and Social Movements* (Oxford University Press) (forthcoming)
In Pursuit of Academic Excellence: Equity Across Diversity (committee authored, Chair) (University at Buffalo, 2012) (www.buffalo.edu/provost/commission-on-academic-excellence-and-equity.html)
“My scholarship has centered on state legitimacy, post-colonialism, 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 is 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.”

**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

**BOOKS**

**ARTICLES**

**CHAPTERS**
- Why Kenya is a Nation in Embryo in 50 Years Since Independence: Where is Kenya? (Susan Wakhungu-Githuku, editor) (Nairobi: Footprints Press, 2013) (238-245)
“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.”

**AREAS OF INTEREST**
- Criminal Law & Procedure
- Constitutional Law
- Legislation
- Statutory Interpretation
- Legal Theory

**ARTICLES**
“Climate change is a reality that’s here to stay,” writes Associate Professor Jessica Owley in this edited book of essays, “and it’s bigger than we would have imagined even 20 years ago. We need to think about what we are actually working toward and setting clear goals, not just adopting a catch phrase that sounds cool but can be shaped into whatever the listener wants it to be.”

The concept of sustainability, she argues, may have reached the end of its useful life. “To most folks on the street, sustainability just means ‘environmentally friendly,’” Owley says. “When we embrace that definition, sustainability doesn’t give us much to hang our hat on. Just suggesting folks be ‘greener’ isn’t concrete or useful in tackling climate change.”

The essays are by members of the Environmental Law Collaborative, a group of scholars that Owley helped to found.

“My research centers on the evolving meaning of property. I am particularly interested in how shifting meanings and interpretations affect environmental values and regulatory schemes. My recent line of inquiry examines the intersection between ‘public’ and ‘private’ land conservation and how that moving line influences property and environmental law. I am intrigued by our relations to land and decisions about conservation at multiple scales. I have been engaging with individual decisions regarding land use and the emergence of conservation easements as a preferred method of conservation. Where private agreements regarding land use form the backbone of our conservation strategies, we elevate the role of the private landowner over community needs and desires.”

Jessica Owley
ASSOCIATE PROFESSOR
PhD, University of California, Berkeley
JD, University of California, Berkeley School of Law
MS, University of California, Berkeley
MLA, University of California, Berkeley
BA, Wellesley College
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AREAS OF INTEREST
Environmental Law
Property
Natural Resources
Federal Indian Law
Legislation and Statutory Interpretation
Administrative Law
Climate Change

BOOKS
Rethinking Sustainability to Meet the Climate Change Challenge (with Keith Hirokawa) (Environmental Law Institute, 2015)

ARTICLES
Enhancing Conservation Options: An Argument for Statutory Recognition of Options to Purchase Conservation Easements (OPCEs) (with Federico Cheever) HARVARD ENVIRONMENTAL LAW REVIEW vol. 40 (forthcoming 2016)

From Vacant Lots to Full Pantries: Urban Agriculture Programs and the American City (with Tonya Lewis) UNIVERSITY OF DETROIT MERCY LAW REVIEW vol. 91: 233-258 (2015)

Green Siting for Green Energy (with Amy Morris and Emily Capello) Journal of Energy and Environmental Law vol. 5: 17-29 (Spring 2014)


What Exactly are Exactions? New York Environmental Lawyer vol. 33: 30-35 (Spring/Summer 2013)

Exacted Conservation Easements: Emerging Concerns with Enforcement, PROBATE & PROPERTY vol. 51 (January/February 2012)

Exacting Conservation Easements in California, ENVIRONMENTAL LAW NEWS vol. 21: 3-9 (Winter 2012)


Who Should Protect the Forest?: Conservation Easements in the Forest Legacy Program (with Stephen Tulowiecki), PUBLIC LAND AND RESOURCES LAW REVIEW vol. 33: 47-93 (2012)

CHAPTERS

Flexible Land Conservation in Uncertain Times (with David Takacs) in ASSESSING THE FIFTH ASSESSMENT (Robin Craig and Stephen Miller, editors) (ELI Press, forthcoming 2016)

Sustainability Thinking for the Climate Change Generation in RETHINKING SUSTAINABILITY TO MEET THE CLIMATE CHANGE CHALLENGE (with Keith Hirokawa, editors) (ELI Press, 2015) (5-21)

Property Constructs and Nature’s Challenge to Perpetuity in ENVIRONMENTAL LAW AND CONTRASTING IDEAS OF NATURE: A CONSTRUCTIVIST APPROACH (Keith Hirokawa, editor) (Cambridge University Press, 2014) (64-86)


“My current research encompasses three topics. First, along with other innovators in the field of Mindfulness and Law, I have integrated mindfulness meditation into my substantive teaching and plan to collaborate on empirical research into the efficacy of mindfulness techniques for improved cognitive functioning, emotional regulation and stress management. Second, I am co-teaching a series of seminars in African-American legal history, with a related book project. Third, I continue to develop my expertise in theologies of religious pluralism, as applied to the constitutional framework for managing religious diversity.”

AREAS OF INTEREST
Mindfulness and Law
African-American Legal History
Conflict of Laws
Law and Religion
Critical Race Theory

CHAPTERS
John Henry Schlegel
FLOYD H. AND HILDA L. HURST
FACULTY SCHOLAR
UB DISTINGUISHED PROFESSOR
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AREAS OF INTEREST
Legal History of the American Economy
Corporate Finance
Economic Redevelopment of Rust Belt Cities

ARTICLES
On Absences as Material for Historical Study, Buffalo Law Review vol. 64 (forthcoming 2016)

CHAPTERS
Law in Contemporary Legal Thought
(Chris Tomlins and Justin Desutels-Stein, editors) (Cambridge University Press, forthcoming 2016)
Critical Legal Studies in Blackwell Companion on American Legal History

“I am at 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 today’s economy. 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.”

Matthew Steilen
ASSOCIATE PROFESSOR
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PhD, Northwestern University
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AREAS OF INTEREST
Constitutional Law
Separation of Powers
The Presidency
History of the Common Law
Civil Procedure
Complex Litigation
Due Process

ARTICLES

“My current research focuses on the common law and the separation of powers. In particular, my work examines how common law institutions shed light on the interactions of the President and the Supreme Court, as well as the nature of judicial and executive power.”
“My current work focuses on the origins of judicial review during the 1780s. There has been a veritable flood of writing on this subject in recent years, but largely because, in my view, no completely convincing account of the subject has thus far appeared. I argue that the origins of judicial review must be sought simultaneously in the constitutional controversies of the 1770s, and in an older set of assumptions about constitutional change through prescription.”

**Areas of Interest**
- Legal History
- Constitutional History
- Property Law

**Books**
“*To Save the People from Themselves? The Problem of Popular Sovereignty and the Development of Early American Judicial Review* (forthcoming)

**Articles**

**Book Reviews**

“Immigration has long been viewed as a quintessential national issue. At the same time, it is becoming increasingly apparent that the local dimensions of immigration play a significant role in not only the development of our immigration policies, but also how immigrants are perceived in American society. My research aims to bridge this divide by exposing the intricate and complex relationship between immigration and local government law. I am currently examining how local government law’s systematic organization of space and community serves, in many instances, as a ‘second order’ regulatory component of our immigration regime, and questioning the manner in which legal doctrines frame our conceptualization of cities in the immigration context.”

**Areas of Interest**
- Immigration Law
- Local Government Law

**Articles**
“Interweaving my concerns as a legal scholar with my training in cultural anthropology, my work has focused on a set of legal and theoretical challenges posed by changes in the nature of state sovereignty in an era of privatization and globalization. In two geographical areas, I consider these changes by examining both institutional forms (law and policy) and moral, ethical and social values. In my United States-focused work and especially my work on the military, I examine what happens when the logic of market exchange collides with sectors of our society organized around such ideas as service, honor and sacrifice. In more recent work in East Africa, I examine the way that sovereignty is defined through relationships with external actors.”
“Lately I’ve been concerned with the public character of finance in market societies with dematerialized economies, which I think implies a different imaginary of the activity that regulation addresses. In short, social capitalism in economies of money demands custodial regulation. But what might bring about such an imaginative shift, if the global financial crisis has not sufficed?”

**AREAS OF INTEREST**

International Law and Globalization
Corporations and Finance
Political Economy and Social Theory

**ARTICLES**


**CHAPTERS**

Critical Issues for Qualitative Research in *The SAGE Handbook of Qualitative Research* (Norman Denzin and Yvonna Lincoln, editors) (SAGE Publications, 5th edition, forthcoming)


International Law in *Oxford Encyclopedia of Islam and Politics* (Emad El-Din Shahin, editor) (Oxford University Press, 2014)

“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.”

**James A. Wooten**

**PROFESSOR**

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MA, Yale University  
MPhil, Yale University  
JD, Yale Law School  
BA, Rice University

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**AREAS OF INTEREST**

- Employee Benefit Plans
- Legal History
- Legislation
- Retirement Policy
- Taxation

**ARTICLES**

Our 2015–16 Baldy Postdoctoral Fellows

Baldy Postdoctoral Fellows are highly promising scholars from a variety of disciplines who have completed their PhDs and/or JDs at other universities, but have not yet commenced tenure track positions. Chosen in a highly competitive process, they carry out their scholarly projects with the full array of UB research resources and participate regularly in Baldy Center for Law and Social Policy initiatives.

Learn more about our Baldy Postdoctoral Fellows at www.baldycenter.info

Camilo Arturo Leslie
PhD, University of Michigan
JD, University of Michigan

Leslie’s research combines legal sociology, economic sociology, and a theoretical focus on trust and trustworthiness to account for the ruinous “success” of history’s second largest Ponzi scheme: the $5.5 billion Stanford Financial Group fraud. Based on varied documentary data and more than 100 interviews with defrauded investors and former Stanford employees, his work traces the trajectory of the fraud in its two largest markets: the U.S. and Venezuela.

caleslie@buffalo.edu

Rebecca Schmidt
PhD, European University Institute (Florence, Italy)
LLM, New York University

In her research, Schmidt examines a key feature of globalization, the rise of regulation beyond the state. At the Baldy Center, she is part of the Transnational Governance Interaction Network Project. Her main research focus will be on the interplay between expertise driven private regulation and more traditional political authority in multi-level transnational regulatory networks.

rs264@buffalo.edu

Justin L. Simard
PhD, University of Pennsylvania
JD, University of Pennsylvania

Simard’s scholarship examines how American lawyers in the nineteenth century built a capitalist state. Using day books, ledgers, and letters, his dissertation provides a bottom-up history of an elite profession. These sources demonstrate that lawyers contributed to the growth and expansion of American capitalism not with grand gestures, but by solving day-to-day problems on behalf of their clients.

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