Faculty Scholarship
2019 to 2022

Celebrating 135 Years of Innovation in Scholarship
Dear Colleagues,

We are pleased to update you on the scholarship produced by our faculty since 2019. 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 and Professor of Law

law.buffalo.edu/faculty
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Heather R. Abraham  
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JD, University of Minnesota  
MPP, University of Minnesota  
BA, Kalamazoo College  
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AREAS OF INTEREST  
ADMINISTRATIVE LAW  
CLINICAL LEGAL EDUCATION  
CIVIC PROCEDURE  
CIVIL LIBERTIES  
CIVIL RIGHTS  
CONSTITUTIONAL LAW  
DISABILITY RIGHTS  
FAIR HOUSING  
FEDERAL COURTS  
LEGISLATION  
PROPERTY  
RACE AND THE LAW  

“”  
I investigate how the law influences where people live. My research 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 laws to meaningfully deconstruct the systems that perpetuate racial segregation.”

ARTICLES  

Just a “Planning Rule”: Enforcing the Duty to Affirmatively Further Fair Housing (with Jason Knight, Russell Weaver & Christopher Holtkamp), 31(2) JOURNAL OF AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW 203 (2022).  


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

BOOKS/EDITED VOLUMES

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.”
AREAS OF INTEREST

LEGAL RESEARCH
STATUS OF ACADEMIC LAW LIBRARIES AND LAW LIBRARIANS

BOOKS/EDITED VOLUMES


ARTICLES

CHAPTERS

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.”
My research focuses on property rules and social practices to analyze the distributive outcomes for various social groups in different settings. I have written, drawing on ethnography, about rural land registration and distributive outcomes for women, smallholders, and pastoralists; conflicts connected to law and land inequality in emerging market economies; and immigrant tenants and housing law in major U.S. cities. My ongoing research considers the steadily intensifying China-Africa ties in relation to land, labor, and the legal profession.”
Samantha Barbas  
**Professor**  
**Director of the Baldy Center for Law and Social Policy**  
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PhD, University of California at Berkeley  
BA, Williams College

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**Areas of Interest**

First Amendment  
Legal History  
Mass Media Law

**Books**


**Articles**


“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.”
My recent scholarship focuses on the intersection of antitrust, civil procedure, and evidence, specifically private enforcement of antitrust laws through class actions. On the one hand, judicial resources are far from absolute, and procedural rules restricting antitrust class actions can promote judicial efficiency. On the other hand, a raft of new procedural hurdles threatens 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 private antitrust enforcement, 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.”
My current research explores the implications of neuroscientific discoveries for intellectual property law. As a tool meant to improve our understanding of human behavior, brain science has the potential to transform our flawed regimes for regulating creative conduct and commercial communications. But it needs to be applied with careful attention to the reasons our system of intellectual property law exists in the first place. My work utilizes prior collisions between law and science to help diagnose the potential benefits and pitfalls in using neuroscience to recalibrate the balance of power between artists and copyists, businesses and consumers.”

For too long, argues Mark Bartholomew, judicial decisions in copyright, patent and trademark cases have been unpredictable and varied—dependent on a judge’s perception of whether a brand, artistic work, or commercial design appears too similar to another. In INTELLECTUAL PROPERTY AND THE BRAIN (Cambridge University Press, 2022), Bartholomew points to a more rigorous approach: using the tools of neuroscience to define the terms of the legal tests that apply in IP disputes.

Scholars and practitioners have made use of advances in neuroscience—the study of the brain and nervous system—in the criminal justice system, but Bartholomew’s book is the first to bring the exciting insights of brain scans and MRI imaging to intellectual property law. “Recent advances in the measurement of human thought,” he writes, “promise a dose of clarity for the uncertainty that has paralyzed the law of intellectual property for decades.”
AREAS OF INTEREST
LEGAL RESEARCH
LEGAL SCHOLARSHIP
LEGAL TECHNOLOGY

ARTICLES
Citation Sources for Legal Scholarship, 39 LEGAL REFERENCE SERVICES QUARTERLY, 56 (2020).

Revisiting the Open Access Citation Advantage for Legal Scholarship, 111 LAW LIBRARY JOURNAL 573 (2019).

CHAPTERS

My research is focused on the scholarly communication infrastructure as it applies to legal scholarship and on the role of citation. I am interested in expanding the audience for legal scholarship by making it more accessible through open access and other avenues. I have also explored the uses and misuses of citation in assessing the quality of legal scholarship and law faculties. My ongoing work is investigating the role of persuasive authority in law practice through citation analysis.”
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; and recently I’ve expanded my research to Germany.”

**Areas of Interest**

Administrative Law and Comparative Administrative Law
Jurisdiction & Civil Procedure
Legislation & Statutory Interpretation
Law and Society

**Articles**


Police Killings as Felony Murder considers how the double-edged sword of felony murder applies to unjustified killings by police. Observing that prosecutors relied on felony murder charges in prosecuting the officers who killed George Floyd and Rayshard Brooks, we show that limitations on felony murder liability and an absence of civil rights felonies preclude such felony murder prosecutions of police in most states. We also show that in a substantial minority of states, felony murder laws are used to shift blame for police violence onto its targets, by prosecuting surviving arrestees for felony murder. We show that the expansion of felony murder to permit such prosecutions is a recent legacy of the War on Crime, and that defendants in such cases are often Black. Noting data showing dramatic racial disparities in felony murder prosecution, we propose a racial justice frame for efforts to reform or abolish felony murder.”
My research takes a bottom-up view of law. In my published work I have focused on the ways that social practices structure legal relationships involving belonging, dependency, immorality, and exclusion. It is in this vein that my current book project, GEOGRAPHIES OF RACE, examines how non-planners have shaped cities and, in the process, generated and reinforced legal commitments to segregation."

"A R E A S  O F  I N T E R E S T"

LEGAL HISTORY
LAW AND INEQUALITY
COMMON LAW
LEGAL REASONING

"B O O K S"

STRUCTURING POVERTY IN THE WINDY CITY: AUTONOMY, VIRTUE, AND ISOLATION IN POST-FIRE CHICAGO (University Press of Kansas, 2019).

"A R T I C L E S"


Healing the Sick City: Local Guides, Visiting Nurses, and Vernaculars of Pain on New York’s Lower East Side (with Erin Cunningham), 48(2) JOURNAL OF URBAN HISTORY (2022).

"R E V I E W S"

My scholarship lies mainly in two fields. I study the law of marriage, family, gender, and sexuality, and I study queer history. The first branch of my research traverses multiple bodies of legal doctrine, including constitutional, criminal, and family law, and is strongly influenced by critical and sociolegal scholarly traditions. The second branch of my research focuses on queer identities, communities, and politics since the mid-nineteenth century.

The two branches of my scholarship are substantively and methodologically intertwined. I see law through a historian’s eyes and history through the eyes of a legal scholar. In both guises I welcome frameworks and insights from other disciplines. Hence my scholarship’s intense engagements with work in sociology, anthropology, philosophy, critical theory, and literature.”
Irus Braverman  
PROFESSOR AND WILLIAM J. MAGAVERN  
FACULTY SCHOLAR  
SJD, University of Toronto  
MA, The Hebrew University of Jerusalem  
LLB, The Hebrew University of Jerusalem

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AREAS OF INTEREST

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

BOOKS/EDITED VOLUMES


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


ARTICLES

Coralations: Back to the Breath, 28(2) Queensland Review 94 (2022).


Corals in the City: Cultivating Ocean Life in the Anthropocene, 16(1) Contemporary Social Science 96 (2021).


Fleshy Encounters: Meddling in the Lifeworlds of Zoo and Aquarium Veterinarians, 11(2) Humanimalia 49 (2020).


Fish Encounters: Aquariums and their Veterinarians on a Rapidly Changing Planet, 11 Humanimalia 1 (Fall 2019).


ARTICLES

Coralations: Back to the Breath, 28(2) Queensland Review 94 (2022).


Corals in the City: Cultivating Ocean Life in the Anthropocene, 16(1) Contemporary Social Science 96 (2021).


Fleshy Encounters: Meddling in the Lifeworlds of Zoo and Aquarium Veterinarians, 11(2) Humanimalia 49 (2020).


Fish Encounters: Aquariums and their Veterinarians on a Rapidly Changing Planet, 11 Humanimalia 1 (Fall 2019).


ARTICLES

Coralations: Back to the Breath, 28(2) Queensland Review 94 (2022).


Corals in the City: Cultivating Ocean Life in the Anthropocene, 16(1) Contemporary Social Science 96 (2021).


Fleshy Encounters: Meddling in the Lifeworlds of Zoo and Aquarium Veterinarians, 11(2) Humanimalia 49 (2020).


Fish Encounters: Aquariums and their Veterinarians on a Rapidly Changing Planet, 11 Humanimalia 1 (Fall 2019).


ARTICLES

Coralations: Back to the Breath, 28(2) Queensland Review 94 (2022).


Corals in the City: Cultivating Ocean Life in the Anthropocene, 16(1) Contemporary Social Science 96 (2021).


Fleshy Encounters: Meddling in the Lifeworlds of Zoo and Aquarium Veterinarians, 11(2) Humanimalia 49 (2020).


Fish Encounters: Aquariums and their Veterinarians on a Rapidly Changing Planet, 11 Humanimalia 1 (Fall 2019).

Engaging critically with the “One Health” movement—which sees human health as intertwined with the welfare of animals and the environment—the book highlights the structural biases and power dynamics that underlie many One Health practices.

Exploring topics as diverse as Inuit sled dogs in the Arctic, rock hyraxes in Jerusalem, black-faced spoonbills in Taiwan, and street dogs in India, the volume calls for a more transparent, plural, and just understanding of global health and our shared responsibility for building it.

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Living on Coral Time: Debating Conservation in the Anthropocene, 1 Environment and Society Portal, Arcadia 1 (Spring 2019).


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The law is meant to be for the people and accessible to the people. We take that very seriously, and as part of my work, I seek to empower everyone in the law. The law should be easy to find, easy to understand, and easy to navigate. That is where librarians can help. We dedicate ourselves to the principle that the law should be available to everyone. Our teaching, our trainings, our work is dedicated to information literacy and empowering all students to grow and advance in these skills.”

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**Law Library Journal Article of the Year Award**

Before she pivoted to law librarianship, Rebecca Chapman spent 16 years as a legal practitioner specializing in Indian law and Native American rights. In Western New York, home to the Seneca Nation, her research has found a wealth of materials on the fraught relationship between tribal governments, state governments, and the federal government. The American Association of Law Libraries has recognized Chapman’s scholarship with the Law Library Journal Article of the Year Award. The award recognizes the article—“Protecting Our Spaces of Memory: Rediscovering the Seneca Nation Settlement Act through Archives,” published in the journal’s summer 2021 issue—for its outstanding scholarship and its contribution to law librarianship.

Beyond a thoroughgoing history of the evolution of land leases and the settlement act, Chapman’s article explores the idea of archives as spaces for maintaining and expanding historical memory, arguing that they can give voice to often overlooked players in that history.
AREAS OF INTEREST
ANIMAL CRUELTY LAWS
CRIMINAL LAW
CRIMINAL PROCEDURE
TORTS
JURISPRUDENCE
MINDFULNESS AND LAW

ARTICLES


The Puzzle of Inciting Suicide (with Guyora Binder), 56 American Criminal Law Review 65 (2019).

“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.”

OUR INAUGURAL DR. TERESA A. MILLER PROFESSOR OF LAW
BUILDING ON AN INSPIRING LEGACY

When Luis Chiesa came to UB School of Law in 2013, Professor Teresa Miller was among the first of his new faculty colleagues to welcome him aboard. Now that collegial relationship has come full circle, as Chiesa has been named the inaugural Dr. Teresa A. Miller Professor of Law.

The named professorship honors the memory of Professor Miller, who taught at UB Law from 1995 to 2014 and at the time of her death in 2021 was the State University of New York’s senior vice chancellor for strategic initiatives and chief diversity officer.

The designation comes with funding for special projects that Chiesa will use to send instructors into New York State prisons—including Attica, about which Miller made two documentaries—to teach meditation practices to inmates and corrections officers.
Kim Diana Connolly

**Professor**

**Vice Dean for Advocacy and Experiential Education**

**Director of Clinical Legal Education**

LLM, George Washington University Law School
JD, Georgetown University Law Center
AB, University of North Carolina at Chapel Hill

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**Areas of Interest**

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

**Books/Edited Volumes**

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).

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My substantive research focuses on a number of related areas, including both international wetlands law and policy as well as other environmental regulatory and related subjects. Another area in which I am active as a scholar is access to justice. Finally, I also conduct research and write on student learning and andragogical issues, including work on experiential and interdisciplinary learning. In all cases, I seek to bring serious and practical scholarly study to pressing issues facing people and ecosystems on various levels.”

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**Articles**


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**Chapters**

Arctic Wetlands and Limited International Protections: Can the Ramsar Convention Help Meaningfully Address Climate Change?, in The Big Thaw: Policy, Governance and Climate Change in the Circumpolar North 201 (Kim Diana Connolly, Errol Meidinger & Ezra B.W. Zubrow, eds., SUNY Press, 2019).
Brian Detweiler
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MLS, University at Buffalo
BA, SUNY College at Brockport

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Areas of Interest
Legal Research
Legal Technology

Books
New York Legal Research

Articles
May It Please the Court: A Longitudinal Study of Judicial Citation to Academic Legal Periodicals, 39 Legal Reference Services Quarterly 87 (2020).

Chapters
May It Please the Court: A Longitudinal Study of Judicial Citation to Academic Legal Periodicals, in The Role of Citation in the Law: A Yale Law School Symposium (Michael Chiorazzi, ed., William S. Hein & Co., Inc., 2022).

My scholarship centers on practical research skills as well as the scholarly discussion currently taking place at the intersection of legal technology and legal practice. I am interested in exploring the many ways that changes in technology have impacted the practice of law, and how we can use that knowledge to provide our students with the practical skills they will need to be successful as they embark on their careers.”
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.”

**AREAS OF INTEREST**
- Labor and Employment Law
- Contracts
- Tax Policy
- Legal Theory
- Law and Economics

**ARTICLES**
*Counterfeit Liberty*, 3(1) **Catalyst** 47 (2019).

*The Law and Economics of Redistribution*, 15 **Annual Review of Law and Social Science** 559 (2019).

**CHAPTERS**

**REVIEWS**


AREAS OF INTEREST
TORTS
LAW AND SOCIETY
ASIAN LEGAL CULTURES
LEGAL ETHNOGRAPHY
RIGHTS CONSCIOUSNESS

BOOKS

ARTICLES
Judging and Judgment in Contemporary Asia: Editor’s Introduction to Special Issue, 8 ASIAN JOURNAL OF LAW AND SOCIETY 1 (2020).

Legal Consciousness Reconsidered (with Lynette Chua), 15 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE, 335 (2020).


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.”
Jorge Luis Fabra-Zamora  
ASSOCIATE PROFESSOR  
PhD, McMaster University, Canada  
MA, McMaster University, Canada  
LLB, Universidad de Cartagena, Colombia  

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AREAS OF INTEREST  
LEGAL THEORY  
JURISPRUDENCE  
TORTS  
GLOBALIZATION  
INTERNATIONAL HUMAN RIGHTS LAW  
TRANSITIONAL JUSTICE

BOOKS/EDITED VOLUMES  


ARTICLES  


The Theoretical Puzzles of Non-State Legal Phenomena, 12 (1) TRANSNATIONAL LEGAL THEORY 110 (2021).


CHAPTERS  

My primary research project develops a unified theory of state and non-state legal phenomena (i.e., intra-state, international, transnational, supranational, and global law). This theoretical framework seeks to resolve vexing questions concerning the nature and legal character of non-state legal phenomena and establish a firmer ground for doctrinal and politico-moral inquiries regarding state and non-state law.

My secondary research project explores theoretical questions at the intersection between torts, administrative law, and political philosophy. I aim to develop a theory of collective responsibility for wrongs committed by state officials derived from a politico-moral account of the duties of liberal states. I am also interested in compensation systems for human rights infringements.”
Pinning down the role of objectivity in law

What does it mean to say the law is, or should be, objective? A new volume co-edited by Jorge Fabra-Zamora wrestles with that foundational question. *Objectivity in Jurisprudence, Legal Interpretation and Practical Reasoning* (Edward Elgar Publishing) collects 13 essays by global legal philosophers.

In their introduction, Fabra-Zamora and a co-editor note that objectivity is presumed in a wide range of professional pursuits. “We trust judges, medical doctors, teachers, and professionals of all kinds because they take part in practices that we assume ought to be objective,” they write. “Without the quest for objectivity, neither our contemporary understanding of key legal concepts nor our current jurisprudence would be possible. … But at the same time, objectivity in law raises several questions.”
Areas of Interest

International/Comparative Law
Administrative Law
Legal Writing
Public Law
History of Law
Constitutional Law

Books


Articles


The ’New’ Insular Cases and the Territorial Clause: From Temporary Incorporation to Permanent Unincorporation, 34 Centro Journal 37 (2022).

Writing a Modern Constitution: Democratic Process and Substantive Content, 17 Inter American University of Puerto Rico Critical Legal Studies Journal 199 (2022).


Law is a double-edged sword. It can perpetuate injustice or facilitate transformation. I choose to explore the latter, to see the Law as an important tool to reach a just end. This means we should neither romanticize the Law nor underestimate its potential. In the end, the struggle for a fairer world is up to us. Our job is to turn the Law from obstacle to ally.”
Puerto Rican Bar Association’s 2022 Best Legal Work Award

**Enumerating Rights in Puerto Rico**

Jorge Farinacci-Fernós, a native of Puerto Rico, has published widely on constitutional law and the role of intent and history in the interpretation of modern constitutions. And his fellow scholars have taken notice.

Farinacci-Fernós received the Puerto Rican Bar Association’s 2022 Best Legal Work Award for his book, *La Carta de Derechos* (The Bill of Rights) (Editorial de la Universidad Interamericana de Puerto Rico, 2022), which analyzes each of the more than 50 individual rights recognized by the Puerto Rico Constitution.


**Chapters**


Puerto Rican Bar Association’s 2022 Best Legal Work Award

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**Chapters**


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**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. And I am investigating 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.”
In the course of my investigation of the Tibetan legal system, I discovered a hole in the substantial discipline of Religious Legal Studies — the study of Buddhist Legal Systems. Very little 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 several years has been to write books and articles in this area, to edit a journal called Buddhism, Law & Society available through Hein Publishing, and to organize conferences with international scholars to talk, think and write in this exciting new subject matter.”
The Trump presidency, and the social and political movements it summoned forth, have drastically altered the constitutional, democratic, and political landscapes. My most recent work, drawing heavily on comparative sources tracing the rise of authoritarianism around the globe, focuses on the impact that American populism and authoritarianism have had, and are having, on the U.S. system of constitutional democracy. The questions I seek to address are basic, and alarming: Will American democracy survive? Will Americans continue to enjoy the liberties to which they have become accustomed? Will the long American project to perfect a liberal democracy of equal citizens continue in any form, or will it be abandoned?”


REVIEWS

DEMOCRACY’S WORLD OF CHALLENGES

James A. Gardner’s extensive edited volume COMPARATIVE ELECTION LAW (Edward Elgar Publishing, 2022) offers 24 essays on election laws in democratic nations. It’s an ambitious and far-reaching roundup of current thought on the state of the world’s democracies and the struggle to make self-governance work, one nation at a time.

“My aim was to do more than a book that just says in chapter after chapter, here’s how we do it in State A, State B, State C,” Gardner says. “That’s part of what comparative law is about, but I asked the authors to dig a little deeper and address the question of why one society would choose to do things one way and another would choose to do them another way. What kind of values do they reflect? The ultimate goal is to explore the variety and forms of human flourishing. People don’t have to live the same way, and they don’t.”
My research addresses business law, employment law, criminal law and racial justice issues, with a primary focus on the intersectionality of these areas of law. For example, my published research in 2020 dealt with the intersection of securities regulation and criminal law, specifically, the use of misappropriation theory to regulate insider trading. Another example is my forthcoming research in 2023, which will concentrate on the marginalization of black women in the workplace through family responsibilities discrimination.”
AREAS OF INTEREST
CRIMINAL LAW
CRIMINAL PROCEDURE
CONSTITUTIONAL LAW
JUVENILE JUSTICE
PRISONERS’ RIGHTS
SENTENCING & PAROLE

ARTICLES

REPORTS

“...My research explores the aims of sentencing and how these goals influence opportunities for back-end sentence review or ‘second-looks.’ Whether we aim, in incarcerating someone, to rehabilitate, to incapacitate, to deter, or to punish informs how we view the sentence and any later efforts to modify it.

My research and writing has developed from my own practice representing individuals post-conviction at parole and resentencing hearings, in clemency proceedings, and in lawsuits against prison systems. I run a clinic that allows me to select cases from legal areas ripe for reform and development, so my scholarly interests have developed in tandem with my legal practice. My hope in writing is that the pieces will both contribute to the academic discourse about the issues they center, but also assist attorneys on the ground representing real clients.”
Alfred S. Konefsky, a UB Distinguished Professor, joined the University at Buffalo School of Law faculty in 1977 after serving as the Charles Warren Fellow in American Legal History at Harvard Law School and as editor of Legal Papers of Daniel Webster at Dartmouth College. He taught contracts and a variety of courses in American legal history, including the subject areas of the 19th century (from the Revolution to the Civil War), the colonial period, law and American labor history, American constitutional history, and Melville and the law.”

ALFRED OF INTEREST
AMERICAN LEGAL HISTORY
AMERICAN CONSTITUTIONAL HISTORY
CONTRACTS
MELVILLE AND THE LAW

ARTICLES
Meredith Kolsky Lewis  
**PROFESSOR**  
**VICE DEAN FOR INTERNATIONAL AND GRADUATE PROGRAMS**  
**DIRECTOR OF THE CROSS-BORDER LEGAL STUDIES CENTER**  
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**AREAS OF INTEREST**

INTERNATIONAL ECONOMIC LAW  
INTERNATIONAL TRADE LAW  
INTERNATIONAL DISPUTE SETTLEMENT  
FREE TRADE AGREEMENTS  
WORLD TRADE ORGANIZATION LAW

**BOOKS/EDITED VOLUMES**


**ARTICLES**

Trade Regionalism: Laboratories of Innovation or Propellers of Fragmentation? 26 JOURNAL OF INTERNATIONAL ECONOMIC LAW (forthcoming 2023).

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.”


**CHAPTERS**


**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.”
What influences lawyers in their decisions at work and how do those factors vary in different fields of legal practice? My research has explored these questions empirically in studies of lawyers working in different areas. Also, what values do bar associations pursue through lawyer regulation and other efforts to influence law? My recent work involves comparative studies of international lawyer organizations and of lawyer organizations in different countries. The role of courts in conflict resolution and policy-making constitutes another central research area for me. What is a ‘case’? The concept of a case in court involves multiple perspectives, from the litigants’ interest in filing a claim to the governments’ interest in designating certain conduct as ‘illegal.’
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.”

### Articles


### Chapters

Errol Meidinger
**SUNY DISTINGUISHED PROFESSOR EMERITUS**
**MARGARET W. WONG PROFESSOR EMERITUS**
**HONORARY PROFESSOR, UNIVERSITY OF FREIBURG, GERMANY**
PhD, Northwestern University
JD, Northwestern University School of Law
MA, Northwestern University
BA, University of North Dakota
eemeid@buffalo.edu

**AREAS OF INTEREST**
- Administrative Law
- Environmental Law
- Indigenous Peoples’ Law
- International Business Transactions
- International Environmental Law
- International Trade and Environment
- Legal Theory
- Sociology of Law

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


The Trans-Pacific Partnership Agreement and Environmental Regulation, in Megaregulation Contested: Global Economic Ordering After TTP 175 (Benedict Kingsbury, et al., eds., Oxford University Press, 2019).

**ARTICLES**

**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.”
AR EAS OF INTEREST

CONTRACTS
SALES
CONFLICT OF LAWS
TRANSNATIONAL LITIGATION

B O O K S

Sh*t No One Tells You About Law School (Carolina Academic Press, 2022).

A R T I C L E S


A M I C U S B R I E F S

Brief of Professor Tanya Monestier as Amicus Curiae in Support of Respondent, Mallory v. Norfolk Southern Railway Co. (U.S. Supreme Court, 2022) (No. 21-1168).

M y general research is in the areas of conflict of laws, transnational litigation and contract law. Private law operates within a procedural framework. The content of that procedure—often dismissed as mere ‘rules’—actually has tremendous importance for the parties and defines the contours of whether, and how, parties can obtain redress for civil wrongs. I look at how these rules are best calibrated to balance the interests involved: that of the plaintiff in access to justice; that of the defendant in predictability and finality; and that of society in institutional efficiency.”

L E S S O N S O U T S I D E T H E C L A S S R O O M

In language that many law students may recognize, and with the wisdom of her own experience on both sides of the lectern, Tanya Monestier lays out a litany of no-nonsense guidance on how to thrive in law school in SH*T NO ONE TELLS YOU ABOUT LAW SCHOOL (Carolina Academic Publishing, 2022). Sample chapters: “Your Professor Is Not Your Mom,” “Almost Everyone Has Imposter Syndrome,” “Case Briefs Are Overhyped” and “Don’t Be a Tool.”

“I didn’t want to take the approach, ‘I’m the professor and let me tell you what to do,’” she says. “I wanted to write it in a way that was entertaining and would relate to students through stories and my own personal experience. Sometimes you get through to students better when you’re not lecturing them.”
Athena D. Mutua

PROFESSOR AND FLOYD H. AND HILDA L. HURST FACULTY SCHOLAR

LLM, Harvard Law School
MA, American University
JD, American University Washington College of Law
BA, Earlham College

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AREAS OF INTEREST
BUSINESS ASSOCIATIONS
CIVIL RIGHTS LAW
CONSTITUTIONAL LAW
CRITICAL RACE AND FEMINIST LEGAL THEORY
LAW AND POLITICAL ECONOMY

ARTICLES


ClassCrits Time?: Building Institutions, Building Frameworks, 1 JOURNAL OF LAW AND POLITICAL ECONOMY 333 (2021).


“...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.”
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

“...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.”

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/EDITED VOLUMES

CHAPTERS


Die Rolle von Nichtregierungsorganisationen bei der Rechtserzeugung [The Role of NGOs in the Creation of Norms], in DEKOLONIALE RECHTSKRITIK UND RECHTSPRAXIS (Karina Theurer & Wolfgang Kaleck eds., Nomos, 2020) (in German).
Examining Africa’s uneasy transition

drawing on his deep familiarity with African political life, makau w. mutua invites new perspectives on democratic governance and justice on the continent in his co-edited volume, the palgrave handbook of democracy, governance and justice in africa (palgrave macmillan, 2022).

taking stock of african nations’ move toward self-governance in the post-colonial era, the volume argues for a “recalibration” of the assumed relationships among the rule of law, political equality, political culture and a free press. if africa is to succeed in moving fully into an era of self-rule, the volume argues, the transition must forthrightly examine some of the issues that continue to complicate that transition.
I am interested in recognizing the systemic racism in our criminal justice system. I would like to pinpoint the areas where simple improvements can be made, while acknowledging that most areas need a comprehensive overhaul, and discussing what that may look like. While working on UNDERSTANDING CRIMINAL PROCEDURE, a digital publication, I was able to input videos and interactive exercises that discuss the difficult topics and more! Accordingly, students will receive instruction from several points of view and learn that criminal law and procedure is not black and white.”

AREAS OF INTEREST
LEGAL ANALYSIS, WRITING, AND RESEARCH
CRIMINAL LAW
CRIMINAL PROCEDURE
EVIDENCE
JUVENILE JUSTICE

BOOKS/EDITED VOLUMES
UNDERSTANDING CRIMINAL PROCEDURE
(Great River Learning, 2022).


ARTICLES
Crime Labs Should Be Privatized,
1(5) GLOBAL JOURNAL OF FORENSIC SCIENCE & MEDICINE (2019).
AREAS OF INTEREST
CRIMINAL LAW AND PROCEDURE
CONSTITUTIONAL LAW
LEGISLATION
STATUTORY INTERPRETATION
LEGAL THEORY

ARTICLES
Defunding Police Agencies (with Guyora Binder & Rick Su) 71 EMORY LAW JOURNAL 1197 (2022).

Disbanding Police Agencies (with Guyora Binder & Rick Su), 121 COLUMBIA LAW REVIEW 1327 (2021).

The Ostensible (and, at times, Actual) Virtue of Deference, 131 YALE LAW JOURNAL FORUM 65 (2021).

CHAPTERS

“Much of my research lies at the intersection of criminal procedure and institutional design. I am currently exploring how political and economic conditions affect the capacity of courts to solve difficult doctrinal problems as well as how these conditions help structure policing and the criminal legal system more broadly. 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 policing, constitutional doctrine, and statutory interpretation.”
Stephen J. Paskey
COORDINATOR OF THE LAWR PROGRAM
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.”
Saying Thanks with Some Self-Reflection, 69 BUFFALO LAW REVIEW 201 (2021).

CHAPTERS

REVIEWS


REVIEWS

A WIDE-RANGING TOUR THROUGH LAW AND ECONOMY
How can a city reinvent itself without getting stuck in nostalgia for its boom times of the 1950s? John Henry Schlegel takes up that question in thinking about Buffalo’s past and future—and by extension, the larger economic trends that have shaped the U.S. economy—in WHILE WAITING FOR RAIN: COMMUNITY, ECONOMY, AND LAW IN A TIME OF CHANGE (University of Michigan Press, 2022).

At once highly personal and far-reaching in its scope, the book covers a wide range of law and economy topics, reviewing the nation’s economic history and looking at Buffalo as an example of how a city devastated by the loss of its manufacturing base might find a brighter future.

Having finally published my book about community, economy and law since the Civil War, I have turned my attention to an area of inquiry that completely occupied me for the first 22 years of my academic life – American Legal Realism. I have begun this new work with a little-known member of the group, the historian, Walter Nelles. Next, I will attend to Thurman Arnold and Walton Hale Hamilton. The work of this group expressed a social scientific understanding of law in society that might be called anthropological, in contrast to that of the work of the scholars in my earlier work whose sensibility was quantitative.”
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**


**Areas of Interest**

Legal History
Constitutional Law
Legal Theory

**Articles**

Life and Afterlife in the Steel Seizure Case, 70(2) Buffalo Law Review 875 (2022).

Normativity and Objectivity in Historical Writing (My Dinner with Schlegel), 69(1) Buffalo Law Review 133 (2021).


**Reviews**


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 many conversations, I’m obliged to leave out 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. Computer scientist Perry Alexander and philosopher John Symons have introduced me to a bunch of folks who are struggling with what ‘computing,’ ‘data’ and ‘technology’ mean. Mark Maguire and I are struggling with a book exploring the possibilities for humanizing bureaucracy, as a political matter, and the life of the mind, as a personal one, once the university no longer enchants. Some of my more literary work is reappearing as audiobooks or podcasts. More information on my podcast and newsletter is available at davidawestbrook.com.”
A R E A S  O F  I N T E R E S T
EMPLOYEE BENEFIT PLANS
LEGAL HISTORY
LEGISLATION
RETIREMENT POLICY
TAXATION

J A M E S  A .  W O O T E N
P R O F E S S O R
V I C E  D E A N  F O R  R E S E A R C H  A N D  F A C U L T Y  D E V E L O P M E N T
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A R T I C L E S
The Venue Shuffle: Forum Selection Clauses & ERISA (with Christine P. Bartholomew), 66 UCLA LAW REVIEW 862 (April 2019).

“
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. I am currently at work on a project examining ERISA’s fiduciary rules, which regulate the conduct of people who manage or administer plans.”
The 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 2022-2023 Postdoctoral Fellows**

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 The Baldy Center talks, discussions, workshops, and conferences.

**Celene Reynolds**

PHD, YALE UNIVERSITY  
MA, YALE UNIVERSITY  
MA, UNIVERSITY OF CHICAGO  
BA, WELLESLEY COLLEGE

Celene Reynolds studies gender inequality in organizations and the laws designed to reduce it. Her current work focuses on Title IX, the US civil rights law that prohibits sexual discrimination in education. She is also examining the experiences of and institutional responses to sexual discrimination in the American Academy. Using an original dataset based on letters from the US Department of Education to colleges and universities that have allegedly violated Title IX, the project illuminates a common—but often veiled—mechanism of inequality.

Before joining The Baldy Center, Reynolds was a presidential postdoctoral fellow at Cornell University. Her award-winning research has appeared in the *American Journal of Sociology*, *Organization, Qualitative Sociology*, *Social Problems* and *Socius*. She has also received support from the National Science Foundation, the National Academy of Education/Spencer Foundation, and the Horowitz Foundation for Social Policy.

**Tian Xu**

PHD, THE CATHOLIC UNIVERSITY OF AMERICA  
MA, THE CATHOLIC UNIVERSITY OF AMERICA  
BA, NANKAI UNIVERSITY, CHINA


Drawing from government and private collections in America and China, Xu’s research also sheds new light on the history of the legal profession. It recovers many lawyers’ unintended involvement in civil liberties while investigating the heavily racialized marketplace of interracial legal services. His work seeks to historicize both minority agency and white privilege in an age of pervasive racism and inequality.
**OUR 2022–2023 SENIOR FELLOWS**

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 The Baldy Center events, and share their expertise with the larger Baldy community.

**Nick Cheesman**

PHD, AUSTRALIAN NATIONAL UNIVERSITY
MED, UNIVERSITY OF WESTERN AUSTRALIA
BCOM, UNIVERSITY OF MELBOURNE, AUSTRALIA

Nick Cheesman is a fellow in the Department of Political & Social Change in the Coral Bell School of Asia Pacific Affairs at Australian National University in Canberra, Australia. He currently is a series co-editor for the ASAA Southeast Asian Publications Series and holds an Australian Research Council grant to study the relation of torture to political order in mainland Southeast Asia.

Cheesman’s areas of expertise include law and society, government and politics of Asia and the Pacific, and political theory and political philosophy. His current major project is entitled Rules of Law in Thailand and Myanmar in Comparative Historic Perspective. At The Baldy Center, Cheesman is analyzing interdisciplinary legal studies on torture, law, and politics. His research seeks to develop an interpretation of how torture is made possible in the contemporary world through a variety of juridical and political arrangements.

**Miriam Driessen**

PHD, UNIVERSITY OF OXFORD
MPHIL, BERLIN INSTITUTE OF TECHNOLOGY
BSC, UNIVERSITY OF AMSTERDAM

Miriam Driessen is an anthropologist trained at Oxford whose work explores local courts as global actors. Based on more than a decade of research on Ethiopian–Chinese interactions, she examines the role of lower courts in Ethiopia in disciplining Chinese capital and containing its excesses. At The Baldy Center, she is also working on a collaborative project that examines the transnational reach of China’s courts through the analysis of cross-border labor disputes.

Driessen is the author of *Tales of Hope, Tastes of Bitterness: Chinese Road Builders in Ethiopia*, a book which examines Chinese–led development in Ethiopia from below, revealing its social, legal, and racial tensions. She also authored the essay, *The Restless Earth: Rural China in Transition*, runner-up of the 2018 Bodley Head/Financial Times Essay Prize.

**OUR RESEARCH FELLOWS**

The Baldy Center’s scholarly community is closely connected to regional, national, and global sociolegal scholars. The Baldy Center seeks to facilitate the work of scholars with law and policy related interests by linking them to The Baldy Center community and its substantial scholarly resources.

**Daniel B. Ferreira**

PHD, PONTIFICAL UNIVERSITY OF RIO DE JANEIRO
MA, PONTIFICAL UNIVERSITY OF RIO DE JANEIRO
BA, PONTIFICAL 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.

**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.
Areas of Scholarly Interest

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