

## PUBLICATIONS

**Jerome Barron** and **Tom Dienes** published the 2007 Cumulative Supplement to their casebook *Constitutional Law: Principles and Policy* (7th ed.; LexisNexis, 2006).

**Neil Buchanan** published "Social Security and Government Deficits: When Should We Worry?" in Volume 91 of *Cornell Law Review*, and "Is It Sometimes Good to Run Budget Deficits? If So, Should We Admit It (Out Loud)?" in Volume 26 of *Virginia Tax Review*. His editorial "Is it Really So Tough to Be Rich? The New, Brazen, and Completely Dishonest Attack on Progressive Taxation" was published in April in the online legal periodical Findlaw's Writ. His forthcoming article, "How Realistic is the Supply/Demand Equilibrium Story? A Simple Demonstration of False Trading and its Implications for Market Equilibrium," will appear in *Journal of Socio-Economics*.

**Steve Charnovitz** participated in *Journal of International Economic Law's* ten-year anniversary symposium on the Future of International Economic Law, where he presented his essay "The WTO's Environmental Progress." He also contributed a chapter on two provisions in the Agreement on Sanitary and Phytosanitary Measures for a treatise on WTO law organized by the Max Planck Institute for Comparative Public Law and International Law. Professor Charnovitz also wrote "Fast Track: A Legal, Historical, and Political Analysis," a review of Hal Shapiro's book, which was published in *Journal of International Economic Law*.

**Brad Clark** has a number of forthcoming publications: "Erie, Judicial Lawmaking, and the Constitutional Structure" will appear in volume 96 of *California Law Review*; "The Procedural Safeguards of Federalism" will appear in volume 83 of *Notre Dame Law Review*; and "Process-Based Preemption" will appear as a book

chapter in *Preemption Choice: The Theory, Law and Reality of Federalism's Core Question*, (Cambridge University Press, 2008).

**Robert J. Cottrol** published the essay "Coming Into their Own? The Afro-Latin Struggle for Equality and Recognition: Grassroots Development," in *Journal of the Inter-American Foundation*, Vol. 28 No. 1 (2007). The essay was simultaneously published in a Spanish translation, "La Lucha afrolatina por la equidad y el reconomcimiento Desarrollo de Base" in *Revista de la Fundación Interamericana* Vol. 28 No. 1 (2007).

**Lawrence Cunningham** has three forthcoming articles: "Securitizing Audit Failure Risk: An Alternative to Caps on Damages," in Volume 49 of *William & Mary Law Review*; "Beyond Liability: Rewarding Effective Gatekeepers," in Volume 92 of the *Minnesota Law Review*; and "A Prescription to Retire the Rhetoric of 'Principles-Based Systems' in Corporate Law, Securities Regulation, and Accounting" in Volume 60 of *Vanderbilt Law Review*.

**Roger Fairfax's** article, "Grand Jury Discretion and Constitutional Design," is forthcoming in volume 93 of *Cornell Law Review*. His article, "Harmless Constitutional Error and the Appellate Subversion of the Jury," will be published in volume 76 of the *Fordham Law Review*.

**Phyllis Goldfarb's** article "So Near and Yet So Far: Dreams of Collaboration between Clinical and Legal Writing Programs" will be published in *Journal of the Association of Legal Writing Directors* in December.

**Tanya Hernandez** published "Latino Inter-Ethnic Employment Discrimination and the 'Diversity' Defense" in 42 *Harvard Civil Rights Civil Liberties Law Review*

259 (2007). Her essay "Latino Anti-Black Violence in Los Angeles: Not 'Made in the USA,'" appeared in 13 *Harvard Journal African American Public Policy* (2007).

**Susan Karamanian** published a book review of *India and International Law* in 101 *Am. J. Int'l L.* 538 (2007).

**Laird Kirkpatrick's** six-volume treatise *Federal Evidence 3d* (with Christopher Mueller) was published in June by Thomson/West. The treatise is also available on Westlaw. He and his co-author also completed the sixth edition of their coursebook *Evidence Under the Rules*, which will be published by Aspen in February 2008, as well as a new edition of their *Black Letter Outline on Evidence*, which is published by West. His article "Nontestimonial Hearsay After Crawford, Davis and Bockting" was published in June as part of a symposium on the confrontation clause in *Regent University Law Review*. He also completed the fifth edition of his treatise *Oregon Evidence*, which has just been published by LexisNexis.

**Cynthia Lee's** article, "Cultural Convergence: Interest Convergence Theory Meets the Cultural Defense," will be published in *Arizona Law Review*.

**Chip Lupu** and **Bob Tuttle** published "State of the Law, 2007: Legal Developments Affecting Government Partnerships with Faith-Based Organizations," (Rockefeller Institute of Government, State University of New York). This is their 6th annual report on the subject for the Roundtable on Religion & Social Welfare Policy.

**Gregory E. Maggs** published "A Complaint about Payment Law under the U.C.C.: What You See is Often Not What You Get" in Volume 68 of *Ohio State Law Journal* (2007); "How the United States Might Justify

a Preemptive Strike on a Rogue Nation's Nuclear Weapon Development Facilities under the U.N. Charter" in Volume 57 of *Syracuse Law Review* 465 (2007); "Report Concerning the United States of America," in *La Confiance Légitime et L'Estoppel* (Bénédicte Fauvarque-Cosson, ed., 2007); 2007 Supplement to *Terrorism and the Law: Cases and Materials* (Thomas-West); "A Concise Guide to the Federalist Papers as a Source of the Original Meaning of the United States Constitution, 87 B.U. L. Rev. 801 (2007); and Forward to the Symposium on the New Face of Armed Conflict: Enemy Combatants after Hamdan v. Rumsfeld," 75 Geo. Wash. L. Rev. 971 (2007).

**Michael Matheson's** "The Fifth-Eighth Session of the International Law Commission" appeared in 101 *American Journal of International Law* 407 (2007).

**Larry Mitchell's** book, *The Speculation Economy: How Finance Triumphed Over Industry*, was published by Berrett-Koehler Publishers in October. He also published a chapter, "The Board as a Path to Social Responsibility," in *The New Corporate Social Responsibility* (Cambridge University Press).

**Sean Murphy** published an article on "Evolving Geneva Convention Paradigms in the War on Terrorism" in *George Washington University Law Review*. His casebook (with Thomas Franck and Michael Glennon), *U.S. Foreign Relations and National Security Law*, will be published by Thompson/West in early 2008.

**Richard Pierce** published *Administrative Law: Concepts and Insights; 2008 Supplement to Administrative Law Treatise*; "Regional Electricity Integration: A Comparative Perspective," in *Competition and Regulation in Network Industries*; "Chevron Should Not Be Converted into a Voting Rule," online in *Yale Law Journal Pocket Part*; "Waiting for Vermont Yankee III, IV, and V?," in *George Washington Law Review*; "How Agencies Should Give Meaning to the Statutes They Administer," in *Administrative Law Review*; "Democratizing the Administrative State," in *William & Mary Law Review*; and two versions of "Energy Independence and Global Warming," in *Natural Resources and the Environment* and in *Environmental Law*.

**Arnold Reitze** published "Controlling Greenhouse Gas Emissions from Mobile Sources," *Massachusetts v. E.P.A.* XXXVII *Environmental Law Report* 10535; "Is the Clean Air Act Turning Oil Addicts into Alcoholics?" 24 *Environmental Forum* 4:50; and "Adjacency from Riverside Bayview to Rapanos" 22 *Natural Resources & Environment* 1:17 (with Andrew J. Harrison).

**Michael Selmi** published the supplements for the casebooks *Work Law* (Lexis) and *Civil Rights Litigation* in September. His book chapter, "Contemporary Sex Discrimination: It is Not All Subtle," was published in *Behavioral Analyses of Workplace Discrimination*. His essay "The Work Family Conflict: An Essay on Employers, Men, and Responsibility" appeared in November in a symposium issue of *St. Thomas Law Journal*.

**Jonathan Siegel's** article "A Theory of Justiciability" appeared in the November issue of *Texas Law Review*. His article "Judicial Interpretation in the Cost-Benefit Crucible" will appear in the upcoming December issue of *Minnesota Law Review*. Professor Siegel's review of David L. Hudson, Jr.'s "The Rehnquist Court" will be published in *Political Science Quarterly*. His short piece "Bobblehead Justice" appeared in the spring 2007 issue of *The Green Bag*.

**Daniel Solove's** book, *The Future of Reputation: Gossip, Rumor, and Privacy on the Internet*, was published by Yale University Press in October. He also published "Privacy's Other Path: Recovering the Law of Confidentiality," (with Neil M. Richards) in *Georgetown Law Journal*. Earlier in 2007, Professor Solove published The First Amendment as Criminal Procedure in *New York University Law Review*.

**Andy Spanogle** published *Global Issues in Contract Law*, and the third edition of his casebook, *Consumer Law: Cases and Materials*. He also led a team that published West's *Selected Consumer Statutes*.

**Sonia Suter's** article "A Brave New World of Designer Babies?" was published in *Berkeley Technology Law Journal*.

**Art Wilmarth's** article "Wal-Mart and the Separation of Banking and Commerce" was published in the May issue of *Connecticut Law Review*. His book chapter, "Conflicts of Interest and Corporate Governance Failures at Universal Banks during the Stock Market Boom of the 1990s: The Cases of Enron and WorldCom," was published in Benton E. Gup, ed., *Corporate Governance in Banking: A Global Perspective* (Edward Elgar, 2007). Professor Wilmarth published three op-ed essays on bank regulation, which appeared in the June 1, August 10, and October 12 issues of *American Banker*.

## HONORS

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**Tanya Hernandez** was named one of *Hispanic Business* magazine's "100 Most Influential Hispanics."

**Carol Izumi** was elected to the Consumers Union Board of Directors for a second three-year term. Consumers Union publishes *Consumer Reports* magazine and all subscribers are eligible to vote for board members.

**Maeva Marcus** was inaugurated in October as the president of the American Society for Legal History at the annual conference in Tempe, Arizona. She will serve as president of the society for two years.

**Dalia Tsuk Mitchell** won the American Historical Association's Littleton-Griswold Prize for her book, *Architect of Justice: Felix S. Cohen and the Founding of American Legal Pluralism* (Cornell University Press, 2007). The Littleton-Griswold Prize is awarded annually for the best book on the history of American law and society. The prize will be conferred at the Association's annual meeting in January 2008.

## ACTIVITIES

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**Robert Brauneis** organized, chaired, and delivered a paper at a one-day symposium entitled "Feist, Facts and Functions: IP Protection Beyond Entertainment," held at the Cosmos Club. Ten professors came from all over the US and Canada to

participate in the symposium, which was co-sponsored by the Software and Information Industry Association. The papers from the symposium will be published next year in a book edited by Professor Brauneis.

**Neil Buchanan** presented his forthcoming article, “What Do We Owe Future Generations?” at the Critical Tax Theory conference at UCLA, the Junior Tax Scholars conference at Boston University, the Law & Society Association meetings in Berlin, the Harvard Law School workshop on Current Research in Taxation, the University of Toronto’s Tax Law and Policy workshop, and the GW Works-in-Progress workshop.

**Naomi Cahn** spoke at an Evan Donaldson Adoption Institute conference in October on a panel concerning the relationship between ethical issues in reproductive technology and adoption. She also was invited to participate in a workshop held in conjunction with the annual meeting of the American Society for Reproductive Medicine on Donor Identity Disclosure Issues. Professor Cahn also spoke on a panel concerning law school faculty development associate deans at the Southeastern Association of Law Schools Annual Meeting (SEALS), and she was invited to join the SEALS Program Planning Committee.

**Brad Clark** presented a paper entitled, “The Procedural Safeguards of Federalism,” on October 19 at Notre Dame Law School as part of a symposium examining the implications of his 2001 article, “Separation of Powers as a Safeguard of Federalism.” Other participants included William Eskridge, Elizabeth Garrett, John Manning, Peter Strauss, Carlos Vazquez, and Ernest Young.

**Steve Charnovitz** participated in the Journal of International Economic Law’s ten-year anniversary symposium on the Future of International Economic Law, where he presented his essay “The WTO’s Environmental Progress.” Professor Charnovitz presented his paper on WTO accession at a seminar at Georgetown Law Center in April. In May, he gave a presentation on trade and the environment for the World Bank Institute at Columbia University. In June, he participated in an experts group on the WTO Doha Round

sponsored by the Centre for International Governance Innovation in Waterloo, Canada. In July, he gave a talk on U.S.–Korea trade to a group of visiting judicial trainees at GW Law.

**Robert J. Cottrol** was chair and commentator at the session “Slavery and Freedom in the Antebellum Midwest” at the annual meeting of the Organization of American Historians in April. He also delivered the paper “Tannenbaum and Beyond, New Ways of Thinking About the Comparative Legal History of Slavery in the United States and Latin America” at the Washington Area Legal History Roundtable: Slavery, in April. In June he delivered the paper “La Pena de Muertes en Casos Juveniles en Estados Unidos de Norte America at the conference Las Penas de los Ninos en el Derecho Comparado: Nuevos Horizontes ante los Tratados de Derechos Humanos at the Facultad de Derecho, Universidad de Flores in Buenos Aires, Argentina. In July Professor Cottrol served as chair and discussant for the sessions “Comparative and Historical Perspectives on Law Reform” and “Method in Our Madness: Methodological Issues in Law and Society” at the annual meeting of the Law and Society Association in Berlin, Germany. In September, he was a discussant at the session “Children, Race and Ethnicity in Latin America and Among Latinos in the U.S.” at the annual Meeting of the Latin American Studies Association.

**Lawrence Cunningham** hosted a discussion for students on corporate lawyering at the Law School, sponsored by the Corporate and Business Law Society. Professor Cunningham also presented a paper on international financial accounting standards at a conference at the University of Maryland in October. He also moderated a panel on corporate law and accounting at New York University’s Empirical Legal Studies conference in November.

**Christy DeSanctis** presented her views on the application of cognitive metaphor theory to the law at a conference at American University in November. The conference explored the significance and use of narrative, metaphor, and archetype theory in a variety of legal contexts.

**Roger Fairfax** presented “Procedural Legality and Structural Error” at the Mid-Atlantic Criminal Law Research Collective at Georgetown University Law Center in May, and at the Law & Society Annual Meeting at Humboldt University in Berlin, Germany. He participated in a panel on grand jury reform at the National Association of Criminal Defense Lawyers Annual Executive Committee Retreat in Washington, D.C. Professor Fairfax gave a talk on alternative dispute resolution in criminal cases as part of the “Criminal Procedure: New Challenges, New Ideas” panel at the Southeastern Association of Law Schools Annual Meeting. He presented “Harmless Constitutional Error and the Appellate Subversion of the Jury” at William & Mary School of Law.

**Phyllis Goldfarb’s** interview on “shaming penalties” in American criminal justice was aired on Swiss television. Professor Goldfarb was also interviewed by NPR concerning victim credibility issues in battered women’s self-defense cases. She served on the faculty of an advanced training program for death penalty litigators held at Cornell Law School. She also gave two presentations on “Narrative Strategies for Habeas Corpus Lawyers” at a program sponsored by the federal Office of Defender Services, part of the Administrative Office of the U.S. Courts.

**Jamie A. Grodsky** spent the latter part of summer 2007 as a visiting scholar at the Woods Hole Oceanographic Institution in Woods Hole, Massachusetts, where she conferred with leading climate scientists as part a new project on climate change.

**Tanya Hernandez** spoke on “Black–Latino Relations and the Workplace” at the Latin American Studies Association Conference in Montreal, Canada. Professor Hernandez was the opening roundtable discussant on “Black–Latino Relations in the Florida Employment Context” at the Latino Latina Critical Legal Studies (LatCrit) Conference in Miami, Florida. She was also the keynote speaker at the University of Wisconsin Law School National Latina/Latino Law Student Association Conference in Madison, Wisconsin. In October, Professor Hernandez made a presentation before the U.S. House of Representatives Committee on

Foreign Affairs, Subcommittee on Western Hemisphere, regarding “Discrimination and Education in Latin America.” In November, she made a presentation at Yale Law School on how to enter law teaching.

**Suzanne Jackson** spoke before the National Health Policy Forum on “Medicare Drug Utilization Management: Balancing Cost, Convenience, and Access.”

**Susan Karamanian** spoke on “Commercial Law in the Gulf Arab States: Prospects and Challenges” at the ABA International Law Section Annual Meeting in Washington, D.C. in May. In summer 2007 she served as director of English studies at The Hague Academy of International Law in The Netherlands. Dean Karamanian also provided lectures on international business law to trainees from Korea’s Judicial Research and Training Institute, and at the Center for American and International Law, Academy for American and International Law.

**Laird Kirkpatrick** was appointed by the National Conference of Bar Examiners to serve on the committee that drafts the evidence questions for the multi-state bar examination.

**Sarah Lawsky** presented “Probably? Understanding Statements about Risk and Uncertainty in Tax Law” at the University of Connecticut School of Law Tax Lecture Series in November.

**Cynthia Lee** will become chair of the AALS Criminal Justice Section in January 2008. She served as secretary of the section in 2006 and chair-elect in 2007.

**Renee Lettow Lerner** presented her paper, “The Ideal of the Nonpolitical Judge: Debates About Judicial Elections and the Judicial Role in the Mid-Nineteenth Century,” at the New York University Legal History Colloquium and at the annual meeting of the American Society for Legal History in Tempe, Arizona, both in October.

In October, **Chip Lupu** and **Bob Tuttle** presented a paper at William & Mary on the controversy over the Wren Cross in the University chapel. The paper will appear

in *William & Mary Bill of Rights Journal*. In December, Professors Lupu and Tuttle presented their annual report on legal developments at a conference held by the Roundtable on Religion & Social Welfare Policy.

**Gregory E. Maggs** spoke at the Hudson Institute on “The Recurring Source of Disputes about the Legality of Information Gathering in the War on Terror—and How to Address It.” Professor Maggs, who is a reserve officer in the U.S. Army, will serve on active duty as a military judge on the Army Court of Criminal Appeals from December 2007 until June 2008.

**Michael Matheson** served as director of studies on international humanitarian law at The Hague Academy of International Law. He participated in the semi-annual meeting of the U.S. State Department Advisory Committee on Public International Law, and in a panel at the American Enterprise Institute on American Law and the Decisions of International Tribunals.

**Joan Meier** and GW Law were pleased to announce that their nonprofit, DV LEAP, received a powerful appellate victory in June in the D.C. Court of Appeals in a case concerning child sexual abuse. DV LEAP won the case with the help of current law students and several GW Law alumni who worked on the case pro bono. Professor Meier delivered a presentation at the AALS Family Law Workshop in Vancouver in June on “Defining Domestic Violence: Has Johnson’s Typology Resolved the Gender Debate?”

In October, **Larry Mitchell** spoke about “The Speculation Economy” at Temple University Law School and the University of Toronto Law School. In November, he spoke in the Great Hall of the People and at Peking University as a participant in Beijing Forum 2007. He also delivered lectures at Peking University and at Tsinghua University’s School of Economics and Management. Professor Mitchell has also given talks at bookstores in Cambridge, Philadelphia, and Washington. He will be speaking at McNally Robinson Booksellers in SoHo on January 3, during the AALS Annual Meeting, and at Politics & Prose in Washington on January 5.

**Sean Murphy** traveled to Kiel, Germany, in November 2007 to present a paper entitled “Protean Jus Ad Bellum” at a conference commemorating the 100th anniversary of the 1907 Hague Peace Conference. In May 2008, he will represent Ethiopia at the final hearing of the Eritrea Ethiopia Claims Commission.

**Lee Paddock** presented a paper entitled “Keeping Pace with Nanotechnology: Environmental and Public Health Accountability in a Rapidly Evolving Industry” at the fall meeting of the American Institute of Chemical Engineers on November 5 in Salt Lake City. He also presented a paper on “Approaches to Compliance in the Context of Ecosystem Restoration” at the preparatory Meeting for the 6th IUCN Academy of Environmental Law Colloquium in Mexico City on November 14.

**Richard Pierce** spoke on global warming to the ABA section on Natural Resources and the Environment; on the future of nuclear power to the ABA section on Utility Law; on outsourcing sovereignty and on rulemaking by the Treasury Department to the ABA section on Administrative Law; and on rulemaking by the PTO to a joint meeting of the Washington chapters of the Inns of Courts.

**Arnold Reitze** was interviewed concerning *Massachusetts v. EPA* on the radio program aired at [www.MyTechnologyLawyer.com](http://www.MyTechnologyLawyer.com).

**Joan Schaffner** spoke at an international conference, “The Relationship between Animal Abuse and Human Violence,” at Keble College in Oxford, England, hosted by the Oxford Centre for Animal Ethics.

**Michael Selmi** participated in the annual EEO Conference held jointly by the Cornell School of Hotel Management and Cornell Law School in May. He presented his paper “Downsizing Employment” at the Second Annual Labor and Employment Law Colloquium, held jointly by the University of Denver and University of Colorado Law Schools. In October, Professor Selmi participated as a commentator in the Second Annual Junior Laboe and Employment Law Scholar’s forum held at Seton Hall Law School. In November, he participated in a

conference sponsored by the Poverty Center at the University of North Carolina, where he presented a talk on low-wage workers and the limits of unions.

**Jonathan Siegel** addressed the 2007 Summit of the Appellate Judges Educational Institute on the topic of statutory interpretation in September. Professor Siegel is spending the fall term volunteering as a fellow in the office of U.S. Senator Amy Klobuchar of Minnesota.

**Daniel Solove** presented “‘I’ve Got Nothing to Hide’ and Other Misunderstandings of Privacy” at a conference at University of San Diego Law School in April. In June, He participated in a privacy workshop at U.C. Berkeley Law School, and he presented “Data Mining and the Security–Liberty Debate” at a conference at the University of Chicago Law School.

**Sonia Suter** helped the George Washington University Law Review organize a one-day symposium on advanced reproductive technologies, at which she presented her paper, “Evaluating Advanced Reproductive Technologies through the ‘Repugnance’ Lens of *Gonzales v. Carhart*.”

**Art Wilmarth** testified at a hearing on abusive credit card practices before the House Subcommittee on Financial Institutions and Consumer Credit in April. He testified on issues related to the regulation of industrial banks before the Senate Banking Committee on October 4. Professor Wilmarth presented a paper via webcast on federal preemption to the Legal Seminar sponsored by the Conference of State Bank Supervisors. He also filed a comment letter with the Treasury Department on November 21 in connection with the Treasury’s review of the regulatory structure for financial institutions.

Faculty News Publication Schedule

Spring: May 15

Fall: November 15

Current and archived issues  
are online at:  
[www.law.gwu.edu/facnews](http://www.law.gwu.edu/facnews)

Comments to the editor:  
[ocomm@law.gwu.edu](mailto:ocomm@law.gwu.edu)