

# Faculty News

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## Publications

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**Steve Charnovitz** contributed a chapter on the accountability of NGOs to the new volume *NGO Accountability: Politics, Principles and Innovations* (Earthscan, 2006). Another article by Steve, "Taiwan's WTO Membership and its International Implications," was published in the *Asian Journal of the WTO and International Health Law & Policy*, September 2006.

**Bradford Clark** has two forthcoming articles, "Erie's Constitutional Source," which will be published in Volume 95 of the *California Law Review*, and "Domesticating Sole Executive Agreements," which will be published in Volume 93 of the *Virginia Law Review*.

**Robert J. Cottrol's** essay, "The Fifth Auxiliary Right," 104 *Yale Law Journal* 995 (1995) was cited by the majority opinion in *Parker et. al. v. District of Columbia*, a landmark case declaring the District of Columbia's ban on handguns unconstitutional on grounds that it violated the Second Amendment. Professor Cottrol's lecture, "Civil Rights E Acao Afirmativa Nos Estados Unidos: Uma Visao Geral," was published in the Brazilian law journal *Revista de Direito do Estado* (2006). His essay, "Beyond Invisibility: Afro-Argentines in their Nation's

Culture and Memory," was published in the *Latin American Research Review* Vol. 42 Number 1 (2007). He published the essay, "Normative Nominalism: The Paradox of Egalitarian Law in Inegalitarian Cultures — Some Lessons from Recent Latin American Historiography," in 81 *Tulane Law Review*.

**Roger Fairfax's** article, "The Jurisdictional Heritage of the Grand Jury Clause," was published in the *Minnesota Law Review* in December 2006. His entry, "Grand Jury Investigation and Indictment," was published in *Routledge's Encyclopedia of American Civil Liberties* in 2006.

**Jamie Grodsky** will present her article, "Genomics and Toxic Torts: Dismantling the Risk-Injury Divide," in May, to the faculty of the Vanderbilt Law School. The article is forthcoming in the *Stanford Law Review*.

**Fred Lawrence** published the book chapter, "The Protocols of the Elders of Zion: Group Defamation Trials in Civil Courts and the 'Court' of Public Opinion," in *From the Protocols of the Elders of Zion to the Holocaust Denial Trials: Challenging the Media, Law and the Academy* (2007).

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

**Gregory E. Maggs** has published the Rehnquist Court's Noninterference with the Guardians of National Security, 74, *George Washington Law Review* 1122 (2006).

**Michael Matheson's** "The Amendment of the War Crimes Act" will appear in 101 *American Journal of International Law* (2007).

**Sean Murphy** and Professor Emeritus Judge **Thomas Buergenthal** published *Public International Law in a Nutshell* (4th ed. 2007). Professor Murphy also published, "Interim Measures of Relief," in *The Iran-United States Claims Tribunal at 25: The Cases Everyone Needs to Know for Investor-State & International Arbitration* (2007). His book review of Shabtai Rosenne, *The Law and Practice of the International Court, 1920-2005* (4th ed. 2006), appeared in 100 *American Journal of International Law* 963.

**Dawn Nunziato's** article "Technology and Pornography" will be published by the *Brigham Young University Law Review* as

part of their symposium *Warning! Kids Online: Pornography, Free Speech, and Technology*.

**Joan Schaffner** and **Alexandra Freidberg** (3L) published articles in the Fall 2006 ABA–TIPS Animal Law Committee Newsletter entitled, respectively: “Linking Domestic Violence, Child Abuse, and Animal Cruelty,” and “Animal Law Continues Growth in American Law Schools.”

**Jonathan Siegel’s** book chapter, “Political Questions and Political Remedies,” appeared in the *The Political Question Doctrine and the Supreme Court of the United States* (Lexington Books, N. Mourtada-Sabbah & B. Cain, eds. 2007).

**Peter Smith’s** article, “New Legal Fictions,” will be published this spring in the *Georgetown Law Journal*.

**Daniel J. Solove’s** books, *The Future of Reputation: Gossip, Rumor, and Privacy on the Internet*, and *The Meanings of Privacy* (title to be finalized) will be published in 2007 and 2008, respectively. He has published the following items: “Data Mining, Privacy, and the Constitution,” forthcoming in the *University of Chicago Law Review*; “I’ve Got Nothing to Hide and Other Misunderstandings of Privacy,” (forthcoming) in the *San Diego Law Review*; “Privacy’s Other Path: Recovering the Law of Confidentiality,” in the *Georgetown Law Journal* (2007); “The First Amendment as Criminal Procedure,” in the *New York University Law Review* (2007); “A

Tale of Two Bloggers: Free Speech and Privacy in the Blogosphere,” in the *Washington University Law Review* (2007); “The New Vulnerability: Personal Information and Data Security,” will appear in the forthcoming book *Securing Privacy in the Information Age*, in the *Stanford University Press* (2007).

**Amanda Tyler** published “Is Suspension a Political Question?” in the November issue of the *Stanford Law Review*.

**Art Wilmarth’s** article, “Conflicts of Interest and Corporate Governance Failures at Universal Banks during the Stock Market Boom of the 1990s: The Cases of Enron and WorldCom,” will be published in *Corporate Governance in Banking: A Global Perspective* (Benton E. Gup, ed. 2007).

### Honors

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**Jeffrey Gutman** has been appointed to serve as a complaint examiner by the District of Columbia Office of Police Complaints.

**Gregory E. Maggs** has been elected a member of the American Law Institute.

### Activities

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**Jerrone Barron** was the luncheon speaker at a conference at Hofstra Law School on “Reclaiming the First Amendment: Constitutional Theories for Media Reform.” He spoke on the topic, “Access to the

Media - A Contemporary Appraisal.” The conference was held to commemorate the 40th anniversary of his *Harvard Law Review* article, “Access to the Press—A New First Amendment Right.”

**Steve Charnovitz** gave a talk on the accountability of nongovernmental organizations at a panel discussion at the United Nations. The panel session is webcast at [www.un.org/webcast/2007.html](http://www.un.org/webcast/2007.html). In December 2006, he presented a paper on labor and trade linkage at the Yale Law School Seminar on Law and Globalization. In January 2007, Steve made presentations at the United Nations and at the NYU Wagner School in conjunction with the book launch of *NGO Accountability*.

**Robert J. Cottrol** delivered the lecture, “Legal and Constitutional Accomplishments of the Civil Rights Movement,” via television to the U.S. Embassy in Tunis, Tunisia (2007). He delivered the lecture, “Logros Legales y Constitucionales del Movimiento Norteamericano Contra Discriminación Racial” via teleconference to the U.S. Interest Section of the Swiss Embassy, Havana, Cuba, in February. Professor Cottrol spoke on American Civil Rights Law to secondary school and university students in Croatia and Hungary. Robert J. Cottrol chaired and was a commentator at a session “Slavery and Freedom in the Antebellum Midwest” at the annual meeting of the Organization of American Historians” (April 1, 2007).

**Roger Fairfax** presented a paper, "Procedural Legality and Structural Error," at the MAPOC Legal Scholarship Conference in January 2007. Professor Fairfax presented a paper, "Grand Jury Nullification and Constitutional Design," at the Washington & Lee School of Law in October 2006. Professor Fairfax was recently named to the advisory board of the White Collar Crime Report. In December 2006, he was appointed to the public safety workgroup of the Maryland gubernatorial transition team, which advises the new administration on public safety and crime control and prevention issues.

**Jaime Grodsky** discussed regulatory and toxic tort implications of new genomic technologies at a conference sponsored by the University of Washington Law School. She recently served as a faculty advisor and participant in the National Association of Environmental Law Societies (NAELS) conference at GW Law, in which students, academicians, and public policymakers convened to discuss "The Future of Environmental Protection."

**Michael Matheson** participated in the semi-annual meeting of the U.S. State Department Advisory Committee on Public International Law, and led a group of law students in a visit to the Legal Adviser's Office at State.

**Lawrence Mitchell** spoke about his forthcoming book, *The Speculation Economy: How Finance Triumphed Over Industry*,

at Georgetown University Law Center, at McMaster University School of Business, at New York Law School, at the University of Illinois, to the Harvard Law School Chapter of the American Constitution Society, and as part of the University of Pennsylvania Economic History Colloquium. He also presented his paper, "The Anti-Semitic Roots of Restrictions on Stockholder Litigation," at a conference on Jews and the Law held at Cardozo Law School. Professor Mitchell presented a paper on the history of the board of directors at a conference at Columbia Law School honoring Melvin Eisenberg on the 30th anniversary of the publication of Eisenberg's *Structure of Corporate Law*. In April, he will present "The Trouble with Boards" at a conference at New York Law School. In addition, he will talk about the ethical obligations of corporations at a conference on bioethics sponsored by the Keck Graduate Institute of Applied Life Sciences in Claremont, California.

**Sean Murphy** presented his paper, "Evolving Geneva Convention Paradigms in the 'War on Terrorism': Applying the Core Rules to the Release of Persons Deemed 'Unprivileged Combatants,'" at a symposium organized by *The George Washington Law Review*. He also attended a legal experts workshop held at the Naval War College in Rhode Island to assist in the development of a new U.S. naval strategy. In December 2006, Professor Murphy represented Suriname in the Dispute Concerning the

Maritime Boundary between Guyana and Suriname before a Law of the Sea Convention Annex VII Arbitral Tribunal, sitting at the OAS headquarters in Washington, D.C.,. In January 2007, Professor Murphy attended a meeting of the Department of State's Advisory Committee on Public International Law. In February, he presented a paper on the International Court of Justice at the Georgetown University's Law Center Colloquium on International Legal Theory.

**Dawn Nunziato** delivered her paper, in February, on the constitutionality of legislation restricting minors' access to sexually themed expression on the Internet at Brigham Young University's J. Reuben Clark Law School Symposium, "Warning! Kids Online: Pornography, Free Speech, and Technology."

**Scott Pagel** delivered the lecture, "The Literature of the Witchcraft Trials", at the University of Texas School of Law's Third Annual Rare Book Lecture in 2007.

**Arnold Reitze** spoke at a debate on the topic, "Solving Global Warming: Should We Regulate?" at the University of Utah S.J. Quinney College of Law's annual Jefferson Fordham debate in February.

**Joan Schaffner** and **Mary Cheh** originally established the Animal Welfare Pro Bono Project in 2003, expecting it to last one year. Instead, the Project led to the creation of the GW Animal Law Program, which in addition to hosting the

Animal Law Summit II in February 2007, boasts the following recent achievements: helped establish a D.C. committee that focuses on the link between domestic violence and animal abuse to educate the community regarding this connection and implement legal reform; drafted a D.C. animal law pamphlet for 2007 publication by the Animal Law Committee of the D.C. Bar; sent students to teach humane education to sixth graders at a local elementary school in coordination with the Washington Humane Society; hosted the 2007 National Animal Law Legislative Drafting and Lobbying Competition; and fielded the semi-finalist team at the 2007 Animal Law Moot Court Competition at Harvard Law School.

**Steven Schooner** delivered the keynote presentation at the Organisation for Economic Co-operation and Development (OECD) Symposium, "Mapping Out Good Practices for Integrity and Corruption Resistance in Procurement," in Paris, France. In December, he discussed procurement trends at the 2006 Government Contract and Fiscal Law Symposium at the Judge Advocate Generals School in Charlottesville, Virginia. In January, with GW colleague Christopher Yukins, he presented the paper, "Incremental Globalization: Chipping Away At the Barriers to an International Procurement Market," at the Georgetown Journal of International Law 2007 Symposium. He also discussed privatized military operations at

the National Defense University's Industrial College of the Armed Forces. In February, he discussed, "Emerging Policy and Practice Issues," at the West Government Contracts Year in Review Conference in Washington, D.C., and "Acquisition Leadership Today," at the National Contract Management Association (NCMA) Mid-Year Leadership Conference in Annapolis, Maryland.

**Jonathan Siegel** returned to GW Law following a semester's visit to Cornell Law School.

**Daniel J. Solove** moderated and organized the Panel AALS Annual Meeting, "Information, Technology, and Privacy: What's Next?" in Washington, D.C., AALS Section Chair, Defamation & Privacy (Jan. 5, 2007).

**James Starrs**, acting as the chairman of the American Academy of Forensic Sciences' Last Word Society, moderated its program in San Antonio, Texas, at the Academy's annual meeting in February 2007. He delivered the lecture, "Hollyweirds: Forensic Science on the Silver Screen," at the West Virginia Medical School in April, 2007.

**Bob Tuttle** presented a paper on the Establishment Clause and the military chaplaincy, written with GW colleague Chip Lupu, at the annual meeting of the International Society of Military Ethics and also to the faculty of The University of St. Thomas School of Law.

**Art Wilmarth** presented a paper entitled, "Wal-Mart and the Separation of Banking and Commerce," during the "Wal-Mart Matters" Symposium at the University of Connecticut School of Law on October 20th. Art's paper will be published in the University of Connecticut Law Review.

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