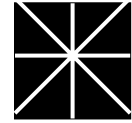




RES IPSA LOQUITUR FACULTY NEWS



Chapman University School of Law
Fall 2007 Faculty Update

Compiled by the Office of the Associate Dean for Academic Affairs
Available online at: www.chapman.edu/law/news/resipsa.asp

FALL EDITION

SEPTEMBER 2007

TOM W. BELL recently published an article, *Prediction Markets for Promoting the Progress of Science and the Useful Arts*, in the **George Mason Law Review**.

Tom has written two articles on copyright law that will soon be published in the **Utah Law Review** and the **Syracuse Law Review**. He will present *Outgrowing Copyright: The Effect of Market Size on Copyright Policy* to the Fifth Annual Works in Progress **Intellectual Property Colloquium** at the American University Washington College of Law on September 28-29; and *Copyright as Privilege* to a **conference on Creators vs. Consumers: The Rhetoric, Reality, and Reformation of Intellectual Property Law and Policy** at the Syracuse University School of Law on October 26.

MELISSA M. BERRY

Melissa Berry's article, *Beyond Chevron's Domain: Agency Interpretations of Statutory Procedural Provisions*, was recently published in the **Seattle University Law Review**.

Congratulations to Melissa and her husband Steve **on the birth of their son Rory** on August 23, 2007! Rory joins sister Isabella who is now two years old.

DENIS BINDER recently published an article entitled, *The Changing Paradigm in Public Legal Education*, in the **Loyola Journal of Public International Law**. Denis also published a book review of Steve Lerner's *Diamond: A Struggle for Justice in Louisiana's Chemical Corridor* in the **Criminal Justice Review**.

Denis was a panelist at a recent conference, **Pandemic Preparedness from an HR/Legal Perspective**, BARC first, in San Francisco.

DANIEL B. BOGART co-authored a book, **Commercial Leasing: A Transactional Primer**, that is hot off the Carolina Academic Press and the first law school text devoted to commercial leasing practice. Danny has also published the 5th edition of another co-authored book, **Estates in Land and Future Interests: Problems and Answers** (Aspen).

Danny will be the keynote speaker at the annual **Kratovil Real Estate Lecture** and Conference on October 19, 2007 at the John Marshall Law School in Chicago. His lecture, *The Right Doctrine in the Wrong Transaction: Good Faith and Fair Dealing in Commercial Leasing*, will be published as an article in the **John Marshall Law Review**.

Danny Bogart was recently named as a **Fellow of the American Bar Foundation**, and was also named as **Chair Elect of the Real Estate Transactions Section** of the Association of American Law Schools at the 2007 annual AALS meeting.

TIMOTHY A. CANOVA recently published an article, *Closing the Border and Opening the Door: Mobility, Adjustment, and the Sequencing of Reform*, in the **Georgetown Journal of Law & Public Policy**. He also published an article on wartime finance in the **ILSA Journal of International & Comparative Law**.

Tim will present *Global Trade, Endangered Species, and the New Protectionism* at the **15th Annual Animal Law Conference** at Lewis & Clark Law School in Portland, Oregon on September 28, 2007. He will participate on a plenary panel at the **12th Annual LatCrit conference** hosted by Florida International University in Miami on October 6, 2007. Tim will also travel to Israel to present a paper on *The Washington Consensus and the Limits of Citizen Participation in Wartime* at a conference on Citizenship in Wartime hosted by **Tel Aviv University**, December 27-31, 2007.

MARISA S. CIANCIARULO has recently published an article, *Counterproductive and Counterintuitive Counterterrorism: The Post-September 11 Treatment of Refugees and Asylum Seeker*, in the **Denver University Law Review**.

Marisa's article, *Modern-Day Slavery and Cultural Bias: Proposals for Reforming the U.S. Visa System for Victims of International Human Trafficking*, was published in the **Nevada Law Journal**.

Marisa recently presented *Incorporating a 'Challenging Assumptions' Component into Staple Clinical Exercises* at the **AALS Workshop on Clinical Education** in New Orleans.

Special thanks and congratulations to Marisa for launching the law school's new **Family Violence Clinic** which is now up and running.

M. KATHERINE B. DARMER has co-edited a book, **Morality, Justice and the Law** (Prometheus Books) with Robert M. Baird, Professor and Chair of Philosophy at Baylor University and her father.

Katherine's article, *Miranda Warnings, Torture, the Right to Counsel and the War on Terror*, was recently published in the **Chapman Law Review**, in the annual symposium issue that marked the fortieth anniversary of *Miranda v. Arizona*.

BOBBY L. DEXTER article, *Shock, Awe, & Expropriation: Casualty Loss Deductions and the Act of State Doctrine*, will soon be published in the **Tulane Law Review**.

FRANK J. DOTI recently published a new book with Thomson-West, **Contract Law Flowcharts & Cases**, for use by students in contract law.

Frank's law review article, *Personal Injury Income Tax Exclusion: An Analysis and Update*, University of Denver Law Review (1997), was **cited in the body of a recent U.S. Supreme Court brief** filed in *Comm. v. Centekla*, No. 2006-15.

JOHN C. EASTMAN recently published an article, *Politics and the Court: Did the Supreme Court Really Move Left Because of Embarrassment Over Bush v. Gore?*, in the **Georgetown Law Journal**.

John also published an article on wartime surveillance in the **ILSA Journal of International & Comparative Law**. His most recent work on birthright citizenship will soon be published by the **Administrative Law Section of the ABA**. On January 25, 2008, the **University of Oregon School of Law** will host a conference devoted specifically to John's work on birthright citizenship.

John has published a chapter in *School Money Trials: The Legal Pursuit of Educational Adequacy* (Martin R. West and Paul E. Peterson, eds., Brookings). He also published articles in the **Brigham Young University Journal of Public Law** and the **Drake Law Review**.

John spoke on a panel on "War Powers" at the **Loyola University Chicago Law Journal Conference on Checks and Balances Today: The Reality of Separation of Powers**. Other participants included Duke Law Professor and UC Irvine Law School Founding Dean Erwin Chemerinsky, Georgetown Law Professors Randy Barnett and Neal Kathyal, and University of Virginia Law Professor Robert Turner.

John's works have been **cited in more than two dozen recent journal and law review articles**, including in the *Georgetown Law Journal*, *Arizona Law Review*, *Florida Law Review*, *Fordham Law Review*, *Utah Law Review*, *University of Michigan Journal of Law Reform*, *Georgetown Immigration Law Journal*, *Duke Journal of Gender Law and Policy*, *Cato Supreme Court Review*, and the *Journal of Law and Politics*.

KURT EGGERT is completing his term as a member of the **Federal Reserve Board's Consumer Advisory Council**. He has testified before the **U.S. Senate Subcommittee on Securities, Insurance, and Investment** on *Subprime Mortgage Market Turmoil: Examining the Role of Securitization*, and he was a panelist at the National Association of Consumer Advocates' *2007 Mortgage Lending Litigation Conference* in St. Louis. Kurt will speak at the Canadian Conference on Elder Law on November 9, 2007 in Vancouver, Canada, to present a paper entitled, *This Old House: Predatory Lending and the Elderly*.

Kurt has been **widely quoted** on the subprime mortgage meltdown **in major news wires, newspapers and magazines**, including the *New York Times*, *Los Angeles Times*, *Associated Press*, *Reuters*, *Forbes*, *Bloomberg*, *Economic Times of India*, and the Working Paper Series of the Federal Reserve Bank of St. Louis.

Kurt's *Comment: What Prevents Loan Modifications?* will soon be published in **Housing Policy Debate**.

JOHN A. HALL spent several weeks this past summer **in Phnom Penh** engaged in research on the United Nations-backed tribunal on the Khmer Rouge in Cambodia. John was able to uncover a special audit of the tribunal that was commissioned by the United Nations Development Program and later suppressed because of its conclusions about corruption and incompetence in the tribunal. John published such findings in a major commentary entitled, *Courting Disaster*, in the **Wall Street Journal Asia** on Sept. 21, 2007, and republished in revised form as *Yet Another U.N. Scandal* on the Opinion page of the **Wall Street Journal** and **Wall Street Journal Online** the same day.

John Hall's article on the Khmer Rouge Tribunal, originally published in the **Columbia Journal of Asian Law**, was recently reprinted in an attorney-reviewed and -edited law journal, **The Law and Practice of International Courts and Tribunals: A Practitioners' Journal**.

John also presented his research on the Khmer Rouge Tribunal to the **Fourth Annual Gloucester Summer Legal Conference on Law and Justice in the Age of Globalization** at Gloucester University in England, July 19-21, 2007.

ERNESTO HERNÁNDEZ-LÓPEZ will soon publish an article on *Law and Popular Culture* in the **Berkeley La Raza Law Journal**.

Ernesto's article on sovereignty in U.S. and Mexican law will soon be published in the **Vanderbilt Journal of Transnational Law**.

Ernesto has presented his work on migration, reinterpreted sovereignty, and U.S. immigration law at several highly visible conferences, including: the **Third World and International Law (TMAIL)** conference at Albany Law School; the **annual conference of the Law and Society Association** at Humboldt University, Berlin, Germany, July 25-28, 2007; the 4th Annual Gloucester Summer Legal Conference at the **University of Gloucester**, England; the **AALS-ASIL Joint Conference** *What is Wrong with the Way We Teach and Write International Law?* June 17-20, 2007, Vancouver, British Columbia, Canada; and to a **Harvard Law School Workshop**, in Cambridge, Massachusetts.

Ernesto will present on NAFTA's zero-tariff for corn and Mexican food identity at the **LatCrit XII Critical Localities conference**, Florida International University in Miami, October 5-6, 2007.

LUZ HERRERA will soon publish *Reflections of a Community Lawyer* in **The Modern American** (American University Press).

Luz will present her work on access to justice at the Bellow Scholar Gathering sponsored by the **AALS Clinical Section on Lawyering in the Public Interest**, at the University of Maryland School of Law on September 27-28, 2007.

Luz will also present her work on community entrepreneurship and accessible legal services for small businesses as a tool for economic development at the **11th Annual National Latina/o Law Student Association Conference** at the University of Wisconsin Law School on October 13, 2007.

HUGH HEWITT has published a new book on presidential candidate Mitt Romney entitled, **A Mormon In The White House?** This is Hugh's second New York Times Best-Seller in the past three years, and follows another book of his published by Regnery entitled, **Painting The Map Red**.

Hugh will lecture at the **United States Air Force Academy** on October 5, 2007.

Hugh is Executive Editor of **Townhall.com**, a member of the Board of Advisors of the **Heritage Foundation Center for New Media**, and Blog World and New Media Expo to be held in Las Vegas, Nevada in November. Hugh is also a member of the Children & Families Commission of Orange County.

SCOTT W. HOWE recently published an article on capital sentencing law, *Furman's Mythical Mandate*, in the **University of Michigan Journal of Law Reform**.

DONALD J. KOCHAN will soon publish an article, *The Soft Power and Persuasion of Translations in the War on Terror: Words and Wisdom in the Transformation of Legal Systems*, in the **West Virginia Law Review**. He recently published an article in the **Chapman Law Review**'s annual symposium issue on the fortieth anniversary of *Miranda v. Arizona*. Donald also co-authored an article on geothermal resources and biodiversity in the **Hastings West-Northwest Journal of Environmental Law & Policy**.

Donald was a panelist at a **Federalist Society Audio Webcast Teleconference** entitled, *How Should the Courts Interpret Split Decisions?*, held in Washington, D.C. on June 21, 2007.

This past summer, Donald was a **visiting professor at the University of Houston Law Center** where he taught property law.

Donald has also organized and directed the so-called **Back Patio Lecture Series**, and he is leading four of the six discussions of the series.

JUDITH KOFFLER presented on *Kafka and Penal Colonies: Reflections on Torture in the Imagination and at Guantanamo* at a Conference on Literature, Law and Human Rights, held at the **Swansea University School of Law in Wales, UK**, July 3-5, 2007. In August, Judy was awarded the **ABA/CEELI Rule of Law Award** at the American Bar Association conference in San Francisco.

MICHAEL B. LANG spoke on *Ethical Issues Arising out of the Patenting of Tax Strategies* to the Exempt Organizations Committee at the May Meeting of the ABA Section of Taxation. A transcript appeared in **Tax Notes Today** and in the **Exempt Organizations Tax Review**.

Mike moderated several programs at the May Meeting of the **ABA Section on Taxation**, and he presented at the Fall Joint Meeting of the ABA Section of Taxation and the Section of Real Property, Probate and Trust Law in September in Vancouver. He also presented a paper on *The Optimal Structure of Anti-Avoidance Rules* at a **symposium hosted by the George Mason University School of Law**.

Mike recently completed his term as **Chair of the ABA Tax Section's Committee on Teaching Taxation**. He is also on the Section's Professional Services Committee.

Mike continues to complete quarterly supplements to the **Index to Federal Tax Articles** with Isa Lang.

FRANCINE LIPMAN will soon publish an article, *Bearing Witness to Economic Injustices for Undocumented Immigrant Families: A New Class of "Undeserving" Working Poor*, in the **Nevada Law Journal**. Her article on *Taxing Undocumented Immigrants*, originally published in *The Tax Law and the Harvard Latino Law Review*, was republished in **Bender's Immigration Bulletin**.

Francine's article, *Shrinking Boomer Social Security Benefits*, will soon be published in the **ABA Section of Taxation, News Quarterly**. Another News Quarterly article of hers, *Celebrating Life and Taxes*, was selected as a **"best of ABA Sections" article** and republished in September 2007 issue of **GPSOLO MAGAZINE**.

Francine has spoken on *Representing Undocumented Workers and Low-Income Taxpayer Committee* at several recent conferences, including the **ABA Joint Sections of Taxation and Real Property, Probate and Trust Law**, Vancouver, Canada, September 29, 2007, and the **Southeastern Association of Law Schools (SEALS) Annual 2007 Meeting**, Amelia Island, Florida, July-August 2007. She will present

her paper, *Tenemos Sesenta Cuatro Años: Latinos/as and Social Security Reform?*, at the **LatCrit XII conference** hosted by Florida International University in Miami, on October 4, 2007.

Francine Lipman remains in the top 10 for new **Social Science Research Network (SSRN)** downloads and 17th in all time downloads out of 432 law faculties and 1500 law professors. She is the number 2 ranked tax professor for all law schools, and number 1 ranked for all tier 3 and 4 law schools.

CELESTINE RICHARDS McCONVILLE presented her work on the death penalty at a **University of Tulsa symposium**, and her article was recently published as *The Meaninglessness of Delayed Appointments and Discretionary Grants of Capital Postconviction Counsel*, in the **Tulsa Law Review**.

JEREMY M. MILLER has a casebook in the pipeline with Carolina Academic Press entitled, **Criminal Law: An Historical, Case and Problem Approach**, which takes a novel criminal law common law approach with an emphasis on history. Jeremy recently published an article in the **Chapman Law Review's** symposium issue on the fortieth anniversary of *Miranda v. Arizona*. His soon-to-be-published article in the **Trinity Law Review** suggests a spiritual dimension of law as including a Platonic core set of values such as truth, liberty, equality, dignity. Jeremy's natural law argument leads to a greater respect for the environment, human life, and pacifism.

HENRY S. NOYES recently published an article, *If You (re)Build It They Will Come: Contracts To Remake The Rules Of Litigation In Arbitration's Image*, in the **Harvard Journal of Law & Public Policy**. This article was required reading in the year-long seminar on Innovative Contracting taught by Professor

George Triantis (Harvard Law School). It has also been cited by Professor Kevin Clermont (Cornell Law School) in the most recent edition of his leading casebook, *Civil Procedure: Materials for a Basic Course*. It has also been cited in articles appearing in the *DePaul Law Review* and the *Journal of Dispute Resolution*; in *Work Law: Cases and Materials*; and by the New England Legal Foundation in an Amicus Curiae Brief filed with the United States Supreme Court in *Hall Street Associates, LLC v. Mattell, Inc.*.

Henry will soon publish an article, *Good Cause Is Bad Medicine for the New E-Discovery Rules*, in the **Harvard Journal of Law & Technology**.

Henry will teach a course on The Internet and Emerging Jurisdictional Issues at the Judicial Council Education and Research's Trial Court Judicial Attorney's Institute on Nov. 6, 2007.

MATTHEW PARLOW recently published an article, *Civic Republicanism, Public Choice Theory, and Neighborhood Councils: A New Model for Civic Engagement*, in the **University of Colorado Law Review**. Matt also recently published *A Localist's Case for Decentralizing Immigration Policy* in the **Denver University Law Review**.

Matt will soon present at the **Boston College Environmental Law Review Symposium on "Greening the Corporation,"** on October 25, 2007. He will also present on a panel, "Federalism and the Powers of the State and Federal Government" at the **Temple Political & Civil Rights Law Review Symposium on "States as Laboratories for Social Change"** on October 20, 2007.

Matt was recently appointed to a second three-year term on the Alumni Board of Directors for Loyola Marymount University. He is also serving as a **Commissioner on the Local Government Services Commission for the County of Los Angeles**.

LAWRENCE ROSENTHAL recently published an article, *A Theory of Damages Against the Government: Torts, Constitutional Torts, and Takings*, in the **University of Pennsylvania Journal of Constitutional Law**.

Larry recently published an article in the **Chapman Law Review**'s annual symposium issue on the fortieth anniversary of *Miranda v. Arizona*.

Larry will soon publish an article on due process and constitutional interpretation in the **Oklahoma Law Review**. He will present a work in progress, *Garcetti v. Ceballos and the Emerging First Amendment Law of Managerial Prerogative: Of Pro-Defense Prosecutors, Workplace Harassment, and "Academic Freedom" to Write About "Little Eichmanns*, at the **University of Colorado annual Symposium on Current Scholarship in Employment Law**.

Larry spoke at this summer's **Southeastern Association of Law Schools (SEALS) conference** on a panel on the upcoming Term of the United States Supreme Court.

ROBIN S. WELLFORD SLOCUM recently presented on effectiveness in teaching at the **bi-annual conference of the Association of Legal Writing Directors** at the University of Denver College of Law.

Robin's article on *The Law School Student-Faculty Conference: Towards a Transformative Learning Experience*, 45 S. Texas L. Rev. 255 (2004), was **cited by the ABA Skills Committee** in its most recent ABA Sourcebook on Legal Writing Programs (2d ed. 2007).

RONALD STEINER will soon publish an article, *Policy Oscillations in California's Law of Premises Liability*, in the **McGeorge Law Review**.

Ron is a **contributing author** of *Homosexual Marriage*, soon to be published in the Encyclopedia of Sex, Love and Culture; of *Community Standards, Political Questions, and Amicus Curiae* in the Encyclopedia of American Government and Civics; and of *Chicago v. Morales, Compelling State Interest, Denver Area ETC v. FCC, Gravity of Evil Test, Paul Lloyd Murphy, and Renton v. Playtime Theaters*, in the Encyclopedia of the First Amendment (Congressional Quarterly Press).

Ron was awarded the **American Political Science Association Award for Outstanding Teaching** in Political Science, 2007, and he was named to *Marquis' Who's Who in American Law*, 2007.

CAROLYN YOUNG will soon publish a co-authored article, *What Students Don't Know Will Hurt Them: A Frank View from the Field on How to Better Prepare our Clinic and Externship Student*, in the **Clinical Law Review**.

Carolyn recently filed an **Amicus Brief** with the U.S. Court of Appeals for the Ninth Circuit in the case of *Miller v. California Speedway*, arguing that the DOJ's "standing spectator" guidelines were valid under the "harmless error" exception to the APA despite DOJ's failure to seek notice and comment. Carolyn and a co-author are writing a law review article on this issue.

ADMINISTRATORS, STAFF & LAW LIBRARIANS

LORIN GEITNER will soon publish *The “Next Friends” Suit: Mary Baker Eddy and the Church of Christian Science on Trial* in **Sacred History Magazine**. He was recently interviewed on “Worldview” on WBEZ, the Chicago public radio station, on the conception of end-times in Hinduism and Jainism.

Lorin has recently published two articles, *Pub Fiction* and *The Science of Brewing*, in the magazine **Pub & Ale**. He is also the U.S. managing editor for **Pub & Ale**.

Lorin reports that he recently experienced some loss of balance and hearing while surviving spinal meningitis. He has not let this stop him, has learned to walk without a cane and has received a cochlear implant which may in time restore at least a significant part of his hearing.

Special thanks to Lorin, and to Dave Finley, our two **Law School Webmasters**, for all of their time, attention and continuing hard work on the extreme makeover for the Law School website.

PATRICIA HART recently published an article, *New Tools for Reference: Law librarians look into the future of public services*, in the **AALL Spectrum**.

MARYAM ISLES will present on *Law School Academic Advising* at the upcoming **conference of the Pacific Association for Collegiate Registrar’s and Admissions Officers** on November 6 in Utah.

ISA LANG will soon publish a book review of Marsha Baum’s *When Nature Strikes: Weather Disasters and the Law* in the **Law Library Journal**. Isa has also published continuing supplements of **Index to Federal Tax Articles** with Michael Lang, published by Thomson RIA, and the section on “Maine” in **Pre-Statehood Legal Materials**.