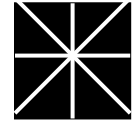




RES IPSA LOQUITUR FACULTY NEWS



Chapman University School of Law Fall 2008 Faculty Update

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FALL EDITION

NOVEMBER 2008

DEEPA BADRINARAYANA spoke to the International Law Section of the Orange County Bar Association about **the Kyoto Protocol** and the role of business. She presented a paper on climate change to a Conference on Climate Change and Developing Countries organized by the **Academy of Environmental Law of the World Conservation Union** at the Faculty of Law of the **University of Ottawa**.

MICHAEL BAZYLER organized and moderated “The Road to Munich,” a panel discussion marking the 70th anniversary of the 1938 Munich Conference hosted by the Law School and the American Freedom Alliance. Michael was also quoted in a **New York Times** article discussing the possible sale and naming rights of a football stadium to Allianz, a Munich-based insurance company with ties to the Nazi regime.

TOM W. BELL will soon publish an article, *Private Prediction Markets and the Law*, in the **Journal of Prediction Markets**. He recently published an article, *The Specter of Copyism v. Blockheaded Authors: How User-Generated Content Affects Copyright Policy*, in the **Vanderbilt Journal of Entertainment and Technology**.

Tom had a busy summer and fall of presentations, including: *The Political Economy of Intellectual Property* to the Liberty Fund in Indianapolis; and *What is*

Intellectual Property? to the Federalist Society in Woodinville, Washington. In June, Tom also taught undergraduate and graduate students in the *Koch Summer Fellow Program Seminar* at the Institute for Humane Studies at James Madison University in Virginia. More recently, Tom delivered a presentation combining lecture and some of his original songs at the West Coast Conference of Students for Liberty at Stanford University.

Tom’s research on Law School rankings was recently discussed in the pages of the **Wall Street Journal** and the **ABA Journal**, and his work on prediction markets was discussed in **Business Week** and led to his submission, co-signed by 19 academics and professional traders of a **joint comment to the Commodity Futures Trading Commission** on Concept Release on Appropriate Regulatory Treatment of Event Contracts.

DANIEL BOGART, as director of the law school’s Center for Land Resources, organized and hosted an invitation-only **commercial leasing program for In-House Counsel** that was jointly sponsored by First American Title Insurance Company. Speakers included leading scholars in the fields of commercial and residential leasing, and ethics. Attendees included prominent lawyers including counsel for the Irvine Company, L.A. Fitness, South Coast Plaza, First American Title Insurance Company, CVS Drugstores, and Mimi’s Café.

TIMOTHY CANOVA published an article, *Legacy of the Clinton Bubble*, in the summer issue of **Dissent**, a quarterly journal of politics and culture. He has spoken frequently on the global financial crisis, including addresses to the International Law Section of the Orange County Bar Association and the William B. Enright Inn of Court of San Diego. Tim has been interviewed on numerous radio programs and internet TV, and quoted in many newspapers and magazines throughout the U.S. and overseas. He was recently elected as a Trustee and Executive Board member of the **World Affairs Council** of Orange County.

MARISA CIANCIARULO will soon publish an article, *What is Choice? Examining Sex Trafficking Legislation through the Lenses of Rape Law and Prostitution*, in the 2009 symposium issue of the **St. Thomas University Law Journal**.

Marisa's work has been cited by leading scholars in such journals as the U.C. Davis Law Review, Houston Law Review, Notre Dame Law Review, and the University of Michigan Journal of Law Reform, as well as decisions by several courts, including California courts.

KATHERINE DARMER served as moderator for a panel on A Retrospective on Justice O'Connor's Legacy at the annual **Southeastern Association of Law Schools (SEALS)** conference in Palm Beach, Florida in July. She was a speaker and co-organizer of the recent Dean's Dialogue on Proposition 8 that was co-sponsored by the law school and the Brigham Young University Law School. Katherine published an op-ed in the **Orange County Register** in opposition to Prop 8 and in support of same sex marriage in California, along with other Chapman law faculty, Deepa Badrinarayana, Marisa Cianciarulo, Jayne Kacer, and Francine Lipman.

Katherine published an article, *Roger Dodger*, in the **Los Angeles Daily Journal** on possible perjury charges against Roger Clemens, and she was quoted on this issue in **Los Angeles Times**, **abc.news.com**, **mlb.com**, and the **Seattle Times**. She also appeared on numerous radio and television shows in interviews on Guantanamo Bay and the War on Terror, and the trial of former Orange County Sheriff Mike Carona.

FRANK DOTI recently published *Contract Law Flowcharts & Cases*, a book featured in the fall 2008 issue of Publications for First-Year Courses. Frank was recently invited by the California Board of Legal Specialization to serve as a member of the **Tax Law Specialty Advisory Commission**.

JOHN EASTMAN recently published **The American Constitutional Order: History, Cases, and Philosophy** (2d ed., with co-editors, LexisNexis 2008 supplement).

John has delivered several major addresses, including: "Supreme Court Review" before the **California Appellate Judges Association** in San Diego; "To What End Government?" to the annual local government conference of the Claremont Institute; and "Judicial Independence" to the Nevada Republican Assembly in Reno.

John spoke on a panel following the world premier of "**A Forgotten Injustice**," a documentary film about the 1930s "repatriation" to Mexico of Mexican nationals and Americans of Mexican descent in the wake of the Great Depression, presented by **Instituto Cervantes** of Chicago.

John presented a paper on *The Moral Foundations of Liberty* at the Freedom and the Law Conference at **Utah State University**. He also took part in various debates, including: "The Faith Factor: Does

Religion Too Greatly Influence Presidential Elections,” hosted by the Law School and sponsored by the Anti-Defamation League of Orange County; and debates against Dean Erwin Chemerinsky on “Judicial Independence” and “The Roberts Court,” sponsored by The League of Women Voters, California State University at Fullerton, and the Association of Business Trial Lawyers of San Diego.

RICHARD FALK published an article along with Hilal Elver entitled, *Abusing the Rule of Law in Turkey*. He also published an essay, *Assessing the Georgian Crisis* (18 VIII 08), and a feature review of *The Collapse of Globalism and the Reinvention of the World* by John Ralston Saul, in vol. 13 of **New Political Economy**.

In August, Richard was presented with the **Distinguished Scholar Award of the Human Rights Section of the American Political Science Association**.

JOHN HALL took a group of law, film and humanities students to Cambodia for three weeks this summer to make a documentary film about human rights, as the first project in Chapman’s new multidisciplinary program focusing on issues of international social justice. John has also published op-eds on Cambodia and the Khmer Rouge Tribunal in the **Wall Street Journal (Asia)**, **International Herald Tribune**, **Los Angeles Daily Journal**, and **Cambodia Daily**.

ERENSTO HERNÁNDEZ-LÓPEZ will present on “The United States and Guantánamo, Cuba: racial constructs in imperial relations and ‘War on Terror’ detention” at Re-Orienting Whiteness Conference at **Monash University in Melbourne, Australia** in early December.

Ernesto recently presented his work on

Guantánamo as Imperial Legal Construct to the **13th annual LatCrit Conference held at Seattle University School of Law**; the *Midwest Law and Society Retreat* at the **University of Wisconsin-Madison School of Law**; the European Law Research Center at Harvard Law School; and the Faculty of Law at **the Universidad de Los Andes in Bogota**.

Ernesto was also included in the top 50 list of Colombian scholars at U.S. universities by Poder-Dinero, a leading business magazine for the US and Latin America. He was recently a panelist on “How to Become a Law Professor” at the *Hispanic National Bar Association Annual Convention* in Hollywood, California.

HUGH HEWITT published a Forward to *The New Media Frontier: Blogging, Vlogging and Podcasting for Christ* (Crossways, 2008), and Letter to a Young Obama Supporter in The Pamphleteer Press in July. He continues to write a weekly column for Townhall.com. Hugh delivered a lecture on “Washington, Lincoln and the Founders Integrity” at **The Union League of Philadelphia** in August.

SCOTT HOWE published a book chapter, “*Roper v. Simmons: Abolishing the Death Penalty for Juvenile Offenders in the Wake of International Consensus*,” in **Capital Punishment Stories** (Foundation Press, 2008). He also published an op-ed, *Harsh Prison Terms Might Work Better than Painless Executions*, in the July 16, 2008, edition of the **Los Angeles Daily Journal**.

Scott recently gave a talk, entitled *Innocence on Death Row*, to the **World President’s Organization** in Santa Ana, California, in connection with the appearance of Kerry Max Cook, his former death-row client from Texas who was later found to have been wrongly convicted.

Scott has been appointed by the Western Association of Schools and Colleges to serve as an evaluator on an inspection team that recently visited Golden Gate University in San Francisco.

MIKE LANG has presented guest lectures on tax strategies and tax and estate planning opportunities at Golden Gate University School of Law and at University of California Hastings College of Law, in San Francisco. He spoke on *Patented Tax Strategies – Ethical Concerns for the Tax Lawyer and Estate Planner*, at the **American Bar Association 2008 Joint Fall CLE Meeting**.

Mike also took chief responsibility for drafting comments to the Commissioner of the Internal Revenue Service on a range of issues involving patented tax strategies.

FRANCINE LIPMAN published a chapter on “The Undocumented Immigrant Tax” in **Undocumented Hispanic Immigrants in the United States** (Northern Texas University 2008). She also published an article, “Time is of the Essence: Seize the Opportunity for Fulfillment in 2009,” **ABA Tax Section, News Quarterly** (Fall 2008).

Francine recently presented on “The Undocumented Immigrant Tax: Enriching Americans from Sea to Shining Sea” at **Northeastern People of Color (NEPOC) Conference on Education and the Economy: The Real Lives of People of Color** at Boston University. She also served as a moderator and panelist on “Rising Economic Inequality and the Role of Law” at the recent **Southeastern Association of Law Schools (SEALS) Annual Meeting**.

Francine was recently invited to serve on the governing board of Athena International. She has been serving as a member of the **Tax Policy Committee for Senator Barack Obama’s Presidential Campaign**.

Francine recently accepted an appointment as an Associate Editor on the ABA Section of Taxation/NewsQuarterly.

CELESTINE McCONVILLE recently participated in a Federalist Society debate on the legal aspects of the California Supreme Court’s opinion in *In re Marriage Cases*, as well as Proposition 8. Celestine argued in favor of the California Supreme Court decision and against Proposition 8.

HENRY NOYES will soon publish his article, *Federal Rule of Evidence 502: Stirring The State Law Of Privilege And Professional Responsibility With a Federal Stick*, in the **Washington & Lee Law Review**. The article was also selected through a blind review process by the **Association of American Law Schools (AALS) Section on Litigation** for discussion by a distinguished panel of the section at the Annual AALS Meeting in San Diego.

RICHARD REDDING published a research monograph, commissioned by the U.S. Department of Justice, entitled *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* in the **Juvenile Justice Bulletin** (Aug. 2008). This research monograph was the subject of a recent New York Times editorial, *The Case for Juvenile Courts*.

Richard will soon publish a chapter, *The President’s Brain (No, Not Karl Rove): How Bush’s Psyche Shaped his Presidency*, in **Judging Bush** (forthcoming Stanford University Press) (with R. Maranto).

SUSANNA RIPKEN presented her research project, *Multiple Personalities Incorporated: Accepting the Multi-Dimensional Personhood of the Modern Corporation*, at the **Pepperdine University Law School**.

LARRY ROSENTHAL recently published an article, *The Emerging First Amendment Law of Managerial Prerogative*, in the **Fordham Law Review**. He presented this as a paper at the annual conference of the **Southeastern Association of Law Schools (SEALS)** in August, where it received the **Call for Papers Award**.

Larry will soon publish another article, *Second Amendment Plumbing after Heller: Of Standards of Scrutiny, Incorporation, Well-Regulated Militias and Criminal Street Gangs*, in the Winter 2009 issue of **The Urban Lawyer**, a publication of the American Bar Association.

Larry was one of twenty scholars on criminal procedure from throughout the country invited to exchange ideas at the **Criminal Procedure Discussion Forum at Emory University School of Law** in Atlanta in December. This year's conference will focus on the Roberts Court and wrongful convictions.

KYNDRA ROTUNDA will soon publish *The Origins and Original Meaning of the Spending Clause* in the **Encyclopedia of the Supreme Court of the United States** (forthcoming December 2008). She has also co-authored a book and instructional DVDs about military disability benefits with lawyers from the **National Veteran's Legal Services Program (NVLSP)** (forthcoming LexisNexis).

Kyndra has published numerous op-eds related to her recently published book, *Honor Bound: Inside the Guantanamo Trials*, including in the **Washington Times**, the **Chicago Tribune**, the **New York Sun**, and **Marineparents.com**. She has also spoken on these issues at numerous venues, including the Republican National Lawyers Association Annual Convention, the Morton Blackwell Leadership Institute, the Heritage Society, the Inland Empire Federalist

Society, Mason Republicans/Federalist Society, Los Angeles Federalist Society, George Washington University School of Law, and University of Wyoming School of Law.

Kyndra recently provided testimony before the **U.S. Senate Judiciary Committee** regarding *Restoring the Rule of Law*. She has also been interviewed on numerous radio and television programs, including nationally syndicated talk radio shows around the country. She has appeared on such diverse programs as *The Riz Khan Show* on Al Jazeera, *Hannity's America* on Fox News, and Wyoming Public Radio. She has been quoted in a great many newspapers, magazines, and online publications, including the Washington Post, USA Today, the Virginia Lawyer, NewsBusters, National Review Online, the Orange County Register, National Security, and CNS News.com.

RONALD ROTUNDA published a chapter, *Teaching Professional Responsibility and Ethics*, in **Bench and Bar Ethics 3** (Amicus Books, Icfai University Press, Hyderabad, India 2007-2008). He also published a *Foreword*, in **Abortion Under State Constitutions: A State-By-State Analysis** (Carolina Academic Press, Durham, N.C., 2008); and *Impact*, in **Diversity at Mason** (George Mason U. 2008).

Ron published several op-eds, including *Simplify, Simply: A Mantra for Transcendentalists and Tax Reformers Alike*, in the **Los Angeles Daily Journal**; and *Age Has Not Withered Him* in **The Legal Times**.

Ron's work has been cited by several courts, including the United States Court of Appeals for the 5th Circuit, Federal District Court (Eastern District of Michigan), and the Tennessee Court of Appeals.

ROBIN WELFORD SLOCUM is visiting this semester at the **Marquette University Law School** in Milwaukee, Wisconsin, where she is the **Boden Visiting Professor of Law**. She presented on excellence in teaching at the **Bi-Annual Legal Writing Institute Conference in LRW and Lawyering Skills** in Indianapolis this past summer.

VERNON SMITH co-authored a chapter, *Exogenous Uncertainty Increases the Bid-Ask Spread in the Continuous Double Auction*, in the **Handbook of Experimental Economics Results**, vol. 1 (which he co-edited). He also co-authored a chapter, *Building a Market: From Personal to Impersonal Exchange*, in **Moral Markets: The Critical Role of Values in the Economy**.

Vernon has published several recent op-eds, including *There's No Easy Way Out of the Bubble* and *Don't Let Google Freeze the Airways* in the **Wall Street Journal online**, and other essays in **Forbes.com** and the **Wall Street Journal**.

JOHN TEHRANIAN's new book **Whitewashed: America's Invisible Middle Eastern Minority** (New York University Press) will be released on December 1, 2008. He also appeared recently in "Sometimes White," in the **Chronicle of Higher Education's** special supplement on "Diversity in Academe."

BART WILSON recently published several co-authored articles, including: *Experimental Gasoline Markets*, in the **Journal of Economic Behavior and Organization**; *Fixed Revenue Auctions*, in **Economic Inquiry**; *Historical Property Rights, Sociality, and the Emergence of Impersonal Exchange in Long-distance Trade*, in the **American Economic Review** (with Vernon Smith); and two articles, *An Experimental*

Investigation of Hobbesian Jungles, and *Language Games of Reciprocity* in the **Journal of Economic Behavior and Organization**; and in the *Journal of Economic Behavior and Organization*.

Bart served as a Fulbright Senior Specialist, at the **University of Economics in Bratislava, Slovakia** for two weeks in October. He was also the featured scholar (for lectures and experiments) for high school, community college, and university teachers of economics for seminar entitled, *Understanding Choice and Liberty: The Contributions of Experimental Economics*, sponsored by the Foundation for Teaching Economics and the Liberty Fund.

CAROLYN YOUNG recently presented on *How to Effectively Critique Externs' Written Work* to more than 70 local attorneys and judges at the **3rd Regional Supervision Forum** hosted by the **Greater Los Angeles Consortium on Externships (GLACE)**.

Carolyn also wrote the amicus brief in the case of *Miller v. California Speedway Corporation*, __F.3d__ (9th Cir., Aug. 8, 2008), 2008 WL 3169130, which achieved a reversal in favor of the plaintiff, a wheelchair user who could not see the car races he attended at the Speedway when fans stood up in front of him. The Ninth Circuit became only the second Circuit Court to hold that stadiums and concert halls where patrons are expected to stand during the event must design their facilities so that patrons who use wheelchairs can still see the event over the heads of standing spectators.

ADMINISTRATORS, STAFF & LAW LIBRARIANS

ISA LANG has recently published
“Wrestling with an Elephant: A Selected
Bibliography and Resource Guide on Global
Climate Change” in the **Law Library
Journal**.

GEORGE WILLIS recently served as
moderator for a panel, “Tax Aspects of
Identity Theft,” at the **American Bar
Association Section of Taxation** meeting in
San Francisco.