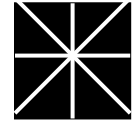




RES IPSA LOQUITUR FACULTY NEWS



Chapman University School of Law Spring 2010 Faculty Update

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

SPRING EDITION

MAY 2010

DEEPA BADRINARYANA published an article in the **WASHINGTON LAW REVIEW** entitled *Global Warming: A Second Coming for International Law?*

Deepa made major presentations this spring at the Annual Meeting of the **American Society of International Law (ASIL)** in Washington D.C. and the Annual Meeting of the **Association of Law, Property, and Society (ALPS)** at the Georgetown University Law Center. Deepa also presented and served as moderator at conferences on, energy, climate change, and India at the **UCLA Law School**, the **Washington and Lee Law School**, and Chapman University's Beyond Copenhagen Conference. Deepa delivered an Earth Day presentation entitled *Copenhagen: Beyond the BASICS of Climate Change* to the **United Nations Association of Orange County**.

MICHAEL BAZYLER spoke before the **World Affairs Council of Orange County** on Genocide Prevention on April 20th. Michael also co-authored an amicus brief filed before the U.S. Supreme Court on behalf of international human rights non-governmental organizations in *Samantar v. Yousuf*. He was also counsel of record on the so-called Nuremberg Scholars amicus brief filed with the U.S. Supreme Court last in *Presbyterian Church of Sudan v. Talisman Energy, Inc.*

TOM BELL delivered a keynote address entitled *Copyright, the First Amendment, and Unoriginal Speech* at the **Liberty Tree/CSUF Comm Week Special Event**, "Censorship at Every Turn," in Fullerton, California on April 30th.

DANIEL B. BOGART co-chaired "**Beyond Copenhagen**," a three-day university-wide conference on climate change in April. The program, which can be viewed online at the Chapman Law School website, brought to campus nationally and internationally known scholars and experts in the areas of science, law, policy and business, and entailed close collaboration with the university's Schmid College of Science.

Danny is on the steering committee for the second biannual **Conference on Transactions held at Emory Law School** on June 4 and 5 where he will participate in a panel presentation on the use of simulations courses in law school curricula, and will describe his commercial leasing course.

Danny continues as a contributing editor for **FRIEDMAN ON LEASES**, the leading national treatise on commercial lease and practice. Beginning June 1st, Danny will step into the role of **Associate Dean for Administration** for Chapman Law School.

TIMOTHY A. CANOVA presented on a **hot topics panel** on “The Constitution and the Economy” at the annual meeting of the **Association of American Law Schools (AALS)** in New Orleans in January.

Tim presented on several plenary panels, including at the **JOURNAL OF CIVIL RIGHTS AND ECONOMIC DEVELOPMENT annual symposium** at St. John’s University School of Law in New York in March; the **Southeast/Southwest People of Color Legal Scholarship Conference** on Equality and Justice in the Obama Era at the University of South Carolina School of Law in March; and at the **ClassCrits Workshop** at the Baldy Center for Law and Social Policy at the University at Buffalo in May.

Tim was a panelist on Bankruptcy and Bailouts at the **Federalist Society 12th Annual Faculty Conference** in New Orleans in January, and took part in a Federalist Society debate on redistribution at the offices of Knobbe Martens, LLP, in Irvine, California in February. Tim also presented at a faculty colloquium at the University of San Diego School of Law in April; and at an interdisciplinary conference on “The Politics of Federal Spending” at the **University of California at Merced** in May, which was followed by Tim’s first trip to Yosemite National Park. Tim also addressed the Democratic Club of West Orange County in April.

At the end of May, Tim will step down as Associate Dean for Academic Affairs at the Law School after three years of service.

JENNY CAREY is presenting a poster with Stephanie Hartley at the **2010 Legal Writing Institute (LWI) Conference** in Marco Island, Florida. The topic is: *Reality Check: Giving Students Real World “Email Memo” Assignments to Make Legal Research and Writing Courses More Practical.*

ANTHONY T. (TOM) CASO published “Drawing a Line in the Sand: *Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection*” in the **American Bar Association, State & Local News**, Vol. 33, No. 2, part of a collection by amici in a case that was argued before the United States Supreme Court this term.

In April, Tom also **argued a case in the Eleventh Circuit** raising administrative law issues that he had previously briefed last fall while teaching Administrative Law at Chapman.

Working with the students in the Constitutional Jurisprudence Clinic, Tom filed **amicus briefs** in the United States Supreme Court in *Doe v. Reed*, and *Christian Legal Society v. Martinez* and an amicus brief in the United States District Court for the District of Montana on behalf of 203 legislators from 18 states in *Montana Shooting Sports Association v. Holder*.

MARISA S. CIANCIARULO presented on a panel at the **WAYNE STATE LAW REVIEW Symposium** in Detroit in February; and a work-in-progress at the **Southwest Junior Faculty Workshop** at the **Arizona State University College of Law** in Tempe, Arizona in February.

Marisa presented on a panel at the **Society of American Law Teachers (SALT) Poverty Law Conference** in San Francisco in March; at the **LaVerne Law School Symposium on Afghanistan and State-Building** in April; and the **Association of American Law Schools (AALS) Conference on Clinical Legal Education** in Baltimore in May, and was a discussion leader and work-in-progress presenter at the **Immigration Professors Conference** in Chicago in May.

Marisa continues to serve on the **Executive Committee of the AALS Section on Clinical Legal Education.**

M. KATHERINE BAIRD DARMER published an article, *Teaching Whren to White Kids*, in the **MICHIGAN JOURNAL OF RACE & LAW**, which will be re-printed in upcoming volume of the **SEARCH AND SEIZURE LAW REPORT** (West Publications).

Katherine published an article entitled, *Reliability, Waterboarded Confessions and Reclaiming the Lessons of 'Brown v. Mississippi' in the Terrorism Cases* in **THE GUILD PRACTITIONER**. Katherine also published "Immutability" and *Stigma: Toward a More Progressive Equal Protection Rights Discourse* in the **AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY, & THE LAW**.

Katherine reviewed Donald Dripps's book, **BENTHAM V. BLACKSTONE: THE NINETEENTH CENTURY TRANSFORMATION OF AMERICAN CRIMINAL JUSTICE** as part of an "Author Meets Reader" panel at the recent **Law and Society Annual Meeting** in Chicago.

Katherine presented, "Rank Has Its Privileges: Using Law and Feminist Theory to Explore Gender-Based and Sexual Orientation-Based Violence Perpetrated by Middle- and Upper Middle-Class Males," at the annual **Society of American Law Teachers (SALT) Conference** at Golden Gate University in San Francisco in March. She was also a guest speaker on "LGBT Rights and the Courts" at a meeting of the Canyon Democrats in Mission Viejo in May.

On March 6th, Katherine received "**The Community Bridge Award**" by Men Alive, Orange County's gay men's chorus, for "entertaining, educating, bringing healing, joy, community and building bridges to the public at large."

Katherine was recently named to the board of directors of the **Lavender Bar Association**, Orange County's new bar association for LGBTQs and straight allies. She continues

to serve on the board of directors and as chair of the Legal Committee for the Orange County Equality Coalition ("OCEC").

BOBBY DEXTER presented a work-in-progress entitled, "Dirty Nails, Unclean Hands, & Filthy Paws: Reparational Exclusion of Damages Received on Account of Race, Sex, or Sexual Orientation Discrimination," at **Arizona State University** in Tempe, Arizona in March. He presented this paper at the **Law & Society Annual Meeting** in Chicago in May.

Bobby presented a paper entitled, "Look Homeward, Angel: Special Rules under Section 121 of the Internal Revenue Code," at the **ABA Section of Taxation Meeting**, in Washington, D.C. in May.

The Board of Trustees of Chapman University formally approved Bobby Dexter's promotion to Professor of Law with tenure.

JOHN HALL has published *A Viable "Sweatshop Free" Model? The ILO's Better Factories Program and Labor Rights in Cambodia's Garment Industry* in the **STANFORD LAW & POLICY REVIEW**.

John spoke about global press rights at **The Center for Cambodian Journalism in Phnom Penh** in April. He also spoke at the Afghanistan and State Reconstruction Symposium at **La Verne University** in April. He was the introductory speaker at the **Viet Tan Digital Activism Symposium** in February, where he spoke about press laws in Vietnam.

John also spoke at the **United Nations Association of Orange County at Soka University** in February; and at the **School of Oriental and Asian Studies at the University of London**.

STEPHANIE HARTLEY is presenting a poster with Jenny Carey at the **2010 Legal Writing Institute (LWI) Conference** in Marco Island, Florida. The topic is: *Reality Check: Giving Students Real World “Email Memo” Assignments to Make Legal Research and Writing Courses More Practical.*

ERNESTO HERNÁNDEZ-LÓPEZ made a **poster presentation**, “Is race implicit in U.S. authority over the base at Guantánamo Bay, Cuba?,” at the **Association of American Law Schools (AALS) 2010 Annual Meeting** in New Orleans in January.

Ernesto recently published *Guantánamo as a “Legal Black Hole”: a Base for Expanding Space, Markets, and Culture* in the **UNIVERSITY OF SAN FRANCISCO LAW REVIEW**. He has published: “*Guantánamo outside and inside the U.S.: why is an American base a legal anomaly?*” in the **AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY, & THE LAW**; and *Guantánamo as Subordination: Detainees as Resisting Empire* in **AMERICAN SOCIETY OF INTERNATIONAL LAW PROCEEDINGS**.

Ernesto presented, “*Loncheros?*” Taco Trucks’ and Regulation: Food Culture between ‘Quality of life,’ ‘unfair competition,’ and identity” at *The Global Politics of Food: Sustainability and Subordination, Universidad Iberoamericana, The South-North Exchange*, in Mexico City in May.

Ernesto chaired a panel, “The Universal and Beyond: The Legal Conditions of Post-Coloniality,” at the **Law and Society Association Annual Meeting**, in Chicago in May, where he also spoke on “Paternalism Dressed in Liberalism’s Legal Clothing: ‘Jurisdiction’ as the Cloth over Cultural Assumptions.”

Ernesto presented on “Bottom-Up Strategies for Survival and Resistance: Examples from

Latin American and Elsewhere,” at the **American Society of International Law (ASIL) Annual Meeting**, Washington, D.C., March 24, 2010. He also presented a work-in-progress, “Guantánamo’s culture: American values frame extraterritorial jurisprudence,” at the **SW/West Junior Faculty Workshop** at the Arizona State University College of Law in March.

In March, Ernesto spoke on “Guantánamo as Subordination: the Intersectionality of Law’s Imperial Objective,” at the **Critical Race Studies Annual Symposium** at the UCLA School of Law. In January, Ernesto helped organize and chaired a panel on “Cross Border Flows: Drugs, People & Trade,” at *Drug War Madness: Policies, Borders & Corruption*, the **CHAPMAN LAW REVIEW annual symposium**.

HUGH HEWITT presented on the Consumer Product Safety Improvement Act with Ann Northrup, Commissioner of the Consumer Products Safety Commission, at the **Sporting Goods Manufacturing Association** in Las Vegas, Nevada in March.

Hugh was the keynote speaker at the Americans for Prosperity Summit in Sacramento in April.

Hugh recently moderated, “Narnia and American Culture: The Voyage of the Dawn Treader,” a day-long panel at **Fox Studios** in Los Angeles.

Hugh was appeared several times recently on the **Sean Hannity Program**, and in May he was on a panel on the 2010 elections with **Sarah Palin and Dennis Prager** at the **Denver University Magness Arena** in May.

Hugh writes a weekly column in the **Washington Examiner** and **Townhall.com**. His radio show, **The Hugh Hewitt Show**, began broadcasting in Washington D.C. on WRC 1260 in May.

DONALD KOCHAN presented on "Corporations and International Law," a panel discussion at the **Santa Clara University School of Law** in March. He moderated a panel on international law at the "Beyond Copenhagen" Climate Change Conference at Chapman University in April. Donald also moderated a panel on "Federal Court Standards for Ripeness in Takings Claims," for a **Federalist Society Podcast** in March; and moderated a Federalist Society debate on the constitutionality of health care reform at Chapman in February.

Donald's article, *On Equality: The Anti-Interference Doctrine*, will be published in the **UNIVERSITY OF RICHMOND LAW REVIEW**.

MICHAEL B. LANG recently published a book, **REGULATION OF TAX PRACTICE** (LexisNexis), with co-author Linda Galler as part of the Graduate Tax Series. Mike also completed the second edition of **FEDERAL TAX ACCOUNTING** (LexisNexis), with co-authors Elliott Manning and Mona Hymel.

Mike chaired and moderated a panel, *LLMs and JDs Together: Synergies and Problems*, for the **Section on Post-Graduate Legal Education** at the **Association of American Law Schools (AALS) 2010 Annual Meeting** in New Orleans in January. He also moderated and spoke on *Preparer Regulation 2010: Section 6694, Circular 230 and the States (!)*, for the Committee on Tax Practice Management at the ABA Section of Taxation 2010 Midyear Meeting in San Antonio.

Mike presented on tax and estate planning career opportunities and the value of a Tax LL.M. at the **University of Arizona James E. Rogers College of Law** and the **Thomas Jefferson School of Law**. He also presented on current home office issues and organized and moderated a panel, *Look Homeward Angel: Hot Issues for Homeowners*, for the **Committee on Individual and Family**

Taxation Low Income Taxpayers at the **ABA Section of Taxation** May 2010 Meeting in Washington, D.C., where he also presented on *Ethics and Circular 230 Issues Encountered in Connection with Tax Patents*, for the ABA Section of Taxation, Task Force on Patenting Tax Strategies. **Mike is serving on the Nominating Committee and the Professional Services Committee of the ABA Section of Taxation.**

FRANCINE LIPMAN recently presented a paper entitled *All the Married Ladies: Adverse Tax Consequences of Married Filing Separately (Or Reasons Not to Put a Ring on It)* at the **Law and Society Annual Meeting** in Chicago, where she also presented and moderated a tax law panel.

Francine presented papers entitled *Taxing Private Ryan* at the **ABA-Tax Section, Low-Income Taxpayers Committee at the ABA Section of Taxation Meeting** in Washington, D.C. in May; and at the Western Decision Sciences Institute annual meeting at Lake Tahoe in April. Francine also presented on *The Power of Numbers: Money Matters*, at the **Vulnerable Populations and Economic Realities Society of American Law Teachers (SALT) Conference** at Golden Gate University in San Francisco in March.

AMY PEIKOFF spoke on "Objective Law" at a "The Philosophic Foundations of Freedom: A Conference on the Principle of Individual Rights" at **UCLA** in January. The conference was co-programmed by the Objectivist Club at UCLA and The Federalist Society. Immediately following her talk, Amy appeared on a **panel that included Alex Kozinski, Chief Judge** of the United States Court of Appeals for the Ninth Circuit.

In March, Amy competed at the AKC Agility National Championships in Oklahoma where she and her dog, Boo, placed 25th in the 16 inch class of about 185 dog/handler teams.

RICHARD REDDING presented on “Youth Waiver into the Adult Criminal Justice System: Review of Research and Defender Responses” at the **National Symposium on Indigent Defense, U.S. Department of Justice**, Washington, D.C. in February. He was also invited to serve as a **grant reviewer for the National Science Foundation**.

After a year as Associate Dean for Administration, Richard will become **Associate Dean for Academic Affairs in June**.

SUSANNA RIPKEN published an article on corporate personhood, *Corporations Are People Too: A Multi-Dimensional Approach to the Corporate Personhood Puzzle*, in the **FORDHAM JOURNAL OF CORPORATE & FINANCIAL LAW**. The article made SSRN's Top Ten download list under four different categories including Corporate Social Responsibility/ Corporate Citizenship, Business Practices & Ethics, and Corporate Governance & Psychology.

Susanna has been invited to appear on “The Corporation as Person” on “**Philosophy Talk,**” a **Stanford University-based radio show** broadcast along the West Coast and hosted by two Stanford philosophy professors.

LARRY ROSENTHAL recently received the **Chapman University Faculty Excellence Award in Scholarly and Creative Activities**.

Larry published a recent article, *Second Thoughts on Damages for Wrongful Convictions*, in the **CHICAGO-KENT LAW REVIEW**. He also presented a paper entitled *Pragmatism, Originalism, Race, and the Case Against Terry v. Ohio* at the **Texas Tech Conference on Criminal Procedure**.

Larry filed an **amicus brief** for the U.S. Conference of Mayors in *McDonald v. City of Chicago*, the case in which the United States Supreme Court will decide whether the Second Amendment's right to keep and bear arms applies to state and local governments.

KYNDRA ROTUNDA presented on a panel, *Is the Global War on Terror Still Relevant? International Implications of the Current Administration's Policies regarding Guantanamo, Enemy Combatants and War*, at a **Michigan State University College of Law Symposium** in February. Kyndra was also a panelist on *Legal Issues Facing Women in the Military* at the **University of Illinois College of Law** in March. She also was a guest speaker on *Guantanamo Bay and Military Commissions: Analysis and Predictions* at the **Temecula Valley Republican Women Federated** in April.

Kyndra has a contract with West Publishing for a casebook, **SERVING THOSE WHO SERVE: CASES AND MATERIALS ON MILITARY AND VETERAN'S LAW**.

Students in the **AMVETS Legal Clinic** helped secure a 100 percent Veterans Administration disability rating for a homeless Vietnam War Veteran suffering from Post Traumatic Stress Disorder. The award will provide him with over \$1 million in benefits over the rest of his life. The AMVETS Legal Clinic was also successful in receiving Traumatic Service Group Life Insurance benefits for a soldier wounded in Iraq. The award is \$50,000.

Kyndra has appeared in several nationally syndicated shows, including *The Danger Zone*, *Interrogation Techniques and Terrorism Trials*, *London & Washington D.C.*, in February; *Dateline Washington*, *Greg Corombos*, *Impact of Zazi Plea*, *Victory or Fortuity?* *Washington, D.C.*, in February; and *The Dennis Miller Show*, *Guantanamo Bay*, *Miranda Rights* and *Elana Kagan* in

May. Her Op-ed, *Kagan's Anti-Military Campaign*," was published in the **WASHINGTON TIMES** (May 19, 2010).

RONALD D. ROTUNDA published an article entitled, *Judicial Disqualification in the Aftermath of 'Caperton v. A.T. Massey Coal Co.'* in the **SYRACUSE LAW REVIEW**.

Ron published several essays, including: *Campaign Disclosure Can Go too Far*, **SACRAMENTO BEE** in February; *The Efforts to Disbar Bush Lawyers*, **NATIONAL REVIEW ON LINE** in March; *Repealing the First Amendment*, **WASHINGTON EXAMINER** in April; and *What Can Congress Make You Do?*, **ORANGE COUNTY REGISTER** in May.

Ron published **CONSTITUTIONAL LAW** (Thomson/West, St. Paul, Minnesota, 7th ed. 2010) (a one volume treatise on Constitutional Law) (with John E. Nowak); the **2010 POCKET PART TO TREATISE ON CONSTITUTIONAL LAW**; and the **2010 SELECTED STANDARDS ON PROFESSIONAL RESPONSIBILITY** (Foundation Press, New York, N.Y. 2010) (with Thomas D. Morgan).

Ron presented on *Judicial Ethics and Accountability: At Home and Abroad* on a panel at a symposium at the **McGeorge School of Law**, University of the Pacific, in April. He also spoke at the **Western Leadership Meeting of the Federalist Society**, in Napa Valley in April.

Ron filed briefs in *County of Santa Clara v. Superior Court of Santa Clara County (Atlantic Richfield Company, et al., Defendants/Real Parties in Interest)*, California Supreme Court; and *In Re: Vickie Lynn Marshall, Debtor (Elaine T. Marshall v. Howard K. Stern)*, 600 F.3d 1037 (9th Cir. 2010) (adopting the view set forth in Ron's "Law Professors' Amicus" brief").

Ron was selected as one of the Best Lawyers in Southern California in 2010 in Ethics and Professional Responsibility

Law by the Los Angeles Times and American Law Media. He was the only academic on the list.

Ron was featured along with 18 others by the American Bar Association in its celebration of **Law Day published on ABAnet**. He also made numerous media appearances, including on radio and TV in Portland, Oregon and Richmond, Indiana.

In January, the **Supreme Court of Pakistan** released its judgment in the National Reconciliation Ordinance case, declaring the NRO null and void, depriving President Asif Ali Zardari of legal immunity from corruption charges. In discussing its power of judicial review, the Court relied on and quoted from Ron's **TREATISE ON CONSTITUTIONAL LAW**.

In just the last six months, Ron's work has been cited over 2,300 times in federal and state courts and law reviews.

NANCY SCHULTZ recently published the fifth edition of her textbook, **LEGAL WRITING AND OTHER LAWYERING SKILLS** (Aspen), co-authored with Lou Sirico of Villanova. Nancy conducted mediation training for students from the US, Germany, India, and the UK in March, in conjunction with the **International Law Student Mediation Tournament, which she chairs**. She was an invited speaker at the **Educating Advocates Conference** at Stetson University School of Law in May, where she spoke about designing skills courses and the place of skills training in legal education.

KENNETH STAHL presented on "The Artifice of Local Growth Politics: At-large Voting, Ballot-Box Zoning and Judicial Review," at several venues including the **Annual Meeting of the Association for Law, Property and Society**; the **Arizona State Junior Scholars' Workshop**; and the **Annual Meeting of the Law & Society**

Association. The article will be published in the **MARQUETTE LAW REVIEW**.

Ken's wife Betty gave birth to their second child, Doron Andrew Stahl on April 15, 2010. Doron joins daughter Marcella Francine who is two years young.

RON STEINER was the **presenter-attorney** at the Chapman University School of Law Fifth Annual Landmark **Case Re-argument: *Fletcher v. Peck***, in April.

Ron was appointed as chair of the Chapman University Graduate Studies Committee.

Ron recently received a Faculty Appreciation Award from the Office of Student Life of Chapman University.

JOHN TEHRANIAN presented on *Visual Rights to the City: Billboards and the First Amendment* at the **MAK Center for Art and Architecture** at the Schindler House and the Library Foundation of Los Angeles on March 24, 2010.

John also spoke at the *Entertainment Law Seminar* at the **American Bar Association, Law Student Division**, 9th Circuit Spring Meeting and Governor Election in February.

John presented on *Fair Use, Lies and Videotape* at the **Southern California Intellectual Property Law Professors Conference** at the University of California at Irvine School of Law in May.

In March, John presented *Locating the User in Copyright's Theoretical Skein* at the Faculty Workshop at the **Arizona State University College of Law**; and *Intersectionality and Intellectual Property: Applying Critical Theory to Copyright* at the **4th Annual Critical Race Studies Symposium**, University of California at Los Angeles.

In February, John spoke at the *United States Census Town Hall Meeting: Stand Up and Be Counted (Los Angeles)*, United States Census 2010, in Los Angeles; and on *Ethnic Politics in the Age of Obama* at the **Iranian American Bar Association**, Annual Fundraiser, in San Diego

MARGARET R. THOMAS co-authored a chapter in a first of its kind desk-book for Law School Military Clinics entitled **DESKTOP GUIDE TO MILITARY SERVICE AND CIVILIAN LAW**.

Margaret conducted outreach presentations at the local **Veterans Affairs and Welcome Home Events**.

Students in the **AMVETS Legal Clinic** helped secure a 100 percent Veterans Administration disability rating for a homeless Vietnam War Veteran suffering from Post Traumatic Stress Disorder. The award will provide him with over \$1 million in benefits over the rest of his life. The AMVETS Legal Clinic was also successful in receiving Traumatic Service Group Life Insurance benefits for a soldier wounded in Iraq. The award is \$50,000.

BART J. WILSON published *More Information, More Ripoffs: Experiments with Public and Private Information in Markets with Asymmetric Information* in **REVIEW OF INDUSTRIAL ORGANIZATION**; and *Social Preferences aren't Preferences* in **JOURNAL OF ECONOMIC BEHAVIOR AND ORGANIZATION**.

Bart presented on *An Experimental Economic History of Whalers' Rules of Capture*, at the Seminar at CERGE-EI in May; at a seminar at the Experimental Economics Center at **Georgia State University** in February; at a seminar at the Department of Economics at **Florida State University** in January; on *Exchange, Theft, and the Social Formation of Property* as a Distinguished Visitor at the Institute for Law & Economics at the

University of Minnesota Law School in March; and at a program of the *Searle Center on Law Regulation, and Economic Growth*, held at Chapman University in March. Bart also took part in a workshop in experimental economics, *Vysoká škola ekonomická v Praze*, in Prague, Czech Republic in May.