

## RECENT FACULTY PUBLICATIONS

Academic articles, book chapters, and books

**APRIL –SEPTEMBER 2019**

# 10

Loyola law faculty members have recently published (or will soon publish) **10 INFLUENTIAL BOOKS** on a variety of legal topics, including competition law, biodiversity, and international law

# 50+

More than **50 ARTICLES** on topics ranging from data privacy, education law and equity, SCOTUS, FDA regulation, and free speech have been published by Loyola faculty in recent months

# 18

Faculty shared their expertise by contributing **18 BOOK CHAPTERS** in cutting-edge areas of law

### **SAMUEL D. BRUNSON**

*Mormon Profit: Brigham Young, Tithing, and the Bureau of Internal Revenue*, 2019 *BYU LAW REVIEW* 41 (2019)

*To Omit Paying Tithing: Brigham Young and the First Federal Income Tax*, in *BUSINESS AND RELIGION: THE INTERSECTION OF FAITH AND FINANCE* 225 (2019)

### **CHRISTINE KEXEL CHABOT**

*Do Justices Time Their Retirements Politically? An Empirical Analysis of the Timing and Outcomes of Supreme Court Retirements in the Modern Era*, 2019 *UTAH L. REV.* 527

### **JAMES GATHII**

*Re-Characterizing Corruption to Include Illicit Financial Flows*, 113 *AMERICAN JOURNAL OF INTERNATIONAL LAW UNBOUND* 336-340 (2019)

*International Decision, Cortec Mining Kenya Limited, Cortec (Pty) Limited and Stirling Capital Limited v. Republic of Kenya*, 113 *AMERICAN JOURNAL OF INTERNATIONAL LAW* 574 (2019) (with Lorenzo Cotula)

### **CARMEN GONZALEZ**

*Climate Justice and Climate Displacement: Evaluating the Emerging Legal and Policy Responses*, 36 *WISCONSIN INTERNATIONAL LAW JOURNAL* 366 (2019).

### **CYNTHIA HO**

*A Dangerous Concoction: Pharmaceutical Marketing, Cognitive Biases, and First Amendment Overprotection*, 94 *INDIANA LAW JOURNAL* 773 (2019)

*Current Controversies Concerning Patent Rights and Public Health in a World of International Norms*, in *RESEARCH HANDBOOK ON PATENT LAW AND THEORY*, (2d ed.) Edward Elgar (2019).

### **MIRANDA JOHNSON**

*Just Another School?: The Need to Strengthen Legal Protections for Students Facing Disciplinary Transfers*, *NOTRE DAME JOURNAL OF LAW, ETHICS AND PUBLIC POLICY* (2019) (with James Naughton)

### **MICHAEL KAUFMAN**

*BADGES AND INCIDENTS: A TRANSDISCIPLINARY HISTORY OF THE RIGHT TO EDUCATION IN AMERICA*, Cambridge University Press (2019)

*RULE 10B-5 PRIVATE SECURITIES-FRAUD LITIGATION* (West 2019) (with J. Wunderlich)

*BLUE SKY LAW* (Thomson Reuters 2019) (Three Volume Treatise) (with J. Wunderlich)

*ILLINOIS CIVIL TRIAL PROCEDURE* (West 2019)

*Securities Litigation: Damages Volume 26* (West 2019)

*Securities Litigation: Damages Volume 26A* (West 2019)

*DEPOSITIONS: LAW, STRATEGY AND TECHNIQUE* (West 2019) (with P. Lisnek)

**CHARLES MURDOCK**

*Fiduciary Duty*, BUSINESS LAW: CHOICE OF ENTITY, IICLE (2019)

*The Future of Insider Trading after Salman*, 70 HASTINGS LAW JOURNAL 1547 (2019)

**JORDAN PARADISE**

*Public Health Preparedness & Response: An Exercise in Administrative Law*, 20 DEPAUL JOURNAL OF HEALTH CARE LAW 1 (2019)(with John Blum).

*Nanomedicine & the FDA*, 21(4) AMA JOURNAL OF ETHICS E347 (2019).

**STACEY PLATT**

*Guidelines for the Use of Social Science Research in Family Law*, 57:2 FAMILY COURT REVIEW 193 (2019) (with Marsha Pruett and William Fee)

**ALAN RAPHAEL**

*The Criminal Law Docket: A Term of Modest Changes*, 46 PREVIEW U.S. SUPREME COURT CASES 7 (2018-2019)

**KALYANI ROBBINS**

THE LAW OF BIODIVERSITY AND ECOSYSTEM MANAGEMENT (4<sup>th</sup> ed.) Foundation Press University (2019) (with John Copeland Nagle and J.B. Ruhl)

**HENRY ROSE**

*Arlington Heights Won in the Supreme Court But the Fair Housing Act's Goal of Promoting Racial Integration Saved the Low-Income Housing*, 35 Touro LAW REVIEW 791 (2019)

**STEPHEN RUSHIN**

*Police Disciplinary Appeals*, 167 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 545 (2019)

*Interrogating Police Officers*, 83 GEORGE WASHINGTON LAW REVIEW 646 (2019) (with Atticus DeProspero)

*Unions and Police Reform*, in THE CAMBRIDGE HANDBOOK ON POLICING IN THE UNITED STATES, Cambridge University Press (2019)

**MATTHEW SAG**

*Taking Laughter Seriously at the Supreme Court*, 72 VANDERBILT LAW REVIEW 1423 (2019) (with Tonja Jacobi)

**NADIA N. SAWICKI**

*Defining the Known Risk: Context-Sensitivity in Tort Law Defenses*, JOURNAL OF TORT LAW (2019)

*Everything in Moderation: Dual Role Consent and State Law Mandates*, AMERICAN JOURNAL OF BIOETHICS (2019) (co-authored with Valerie Gutmann Koch)

*The Dark Side of Childbirth: A Failure of Both Law and Medicine*, JOTWELL (Oct. 1, 2019)

**ALEXANDER TESISIS**

*Data Subjects' Privacy Rights: Regulation of Personal Data Retention and Erasure*, 90 UNIVERSITY OF COLORADO LAW REVIEW 593 (2019).

*Marketplace of Ideas, Privacy, and the Digital Audience*, 94 NOTRE DAME LAW REVIEW 1585 (2019).

*Deliberative Democracy, Truth, and Holmesian Social Darwinism*, 72 SMU LAW REVIEW 495 (2019).

**SARAH WALDECK**

*A Norms-Based Approach to Sustaining Integration*, 9 COLUMBIA JOURNAL OF RACE AND LAW (2019)

**SPENCER WALLER**

ANTITRUST AND AMERICAN BUSINESS ABROAD (2019 edition) (with Andre Fiebig)

*Citizen Fox: The Global Antitrust Vision of Eleanor Fox*, in EQUITY AND EFFICIENCY IN COMPETITION LAW, Cambridge University Press (2019) (with Philip Marsden)

## Forthcoming articles, book chapters, and books accepted for publication

### **JOHN BLUM**

*Tobacco Product Warnings in the Mist of Vaping: A Retrospective on the Public Health Cigarette Smoking Act*, Chapman Law Review (forthcoming 2020)

### **SAMUEL D. BRUNSON**

*"I'd Gladly Pay You Tuesday for a [Tax Deduction] Today": Donor-Advised Funds and the Deferral of Charity*, Wake Forest Law Review, (forthcoming 2020).

*Paying for Gun Violence*, Minnesota Law Review (forthcoming 2020)

### **CHRISTINE CHABOT**

*The Science of Administrative Change*, Connecticut Law Review (forthcoming 2019) (with Barry Sullivan)

### **SACHA COUPET**

*Valuing All Identities Beyond the Schoolhouse Gate: The Case for Inclusivity as a Civic Virtue in K-12*, Michigan Journal of Gender and Law (forthcoming 2020)

### **CARMEN GONZALEZ**

*Presumed Incompetent II: Race, Class, Power and Resistance for Women in Academia*, University Press of Colorado (forthcoming 2020) (with Yolanda Flores Niemann, and Gabriella Gutierrez y Muhs,)

*Environmental Justice, the Cold War, and U.S. Human Rights Exceptionalism*, in INTERNATIONAL LAW AND THE COLD WAR LAW, Cambridge University Press (forthcoming 2020)

*Food Sovereignty and Food Justice*, in ROUTLEDGE HANDBOOK OF LAW AND SOCIETY, Routledge (forthcoming 2020)

### **JOHN DEHN**

*War is More Than a Political Question: Reestablishing Original Constitutional Norms*, Loyola University of Chicago Law Journal (forthcoming 2020)

### **JAMES GATHII**

*Beyond Samuel Moyn's Counter-majoritarian Difficulty as A Model for Global Judicial Review*, Vanderbilt Journal of Transnational Law (forthcoming 2019)

*The Agenda of Third World Approaches to International Law*, in INTERNATIONAL LEGAL THEORY: FOUNDATIONS AND FRONTIERS, Cambridge University Press (forthcoming 2019)

*Implementing a New Constitution in a Competitive Authoritarian Context: The Case of Kenya*, in FROM PARCHMENT TO PRACTICE: IMPLEMENTING NEW CONSTITUTIONS, Cambridge University Press (forthcoming 2019)

*Introductory Note: Agreement Establishing the African Continental Free Trade Area*, in INTERNATIONAL LEGAL MATERIALS (forthcoming 2019)

*Writing Race and Identity in a Global Context: What CRT and TWAIL Can Learn From Each Other*, UCLA Law Review (forthcoming 2020)

RE-ASSESSING THE PERFORMANCE OF AFRICA'S INTERNATIONAL COURTS, Oxford University Press (forthcoming 2020)

*The African Court of Human and Peoples' Rights as an Opportunity Structure*, in RE-ASSESSING THE PERFORMANCE OF AFRICA'S INTERNATIONAL COURTS, Oxford University Press, (forthcoming 2020) (with Jacqueline Wangui Mwangi)

*International Courts as Coordination Devices for Opposition Parties: The Case of the East African Court of Justice*, in RE-ASSESSING THE PERFORMANCE OF AFRICA'S INTERNATIONAL COURTS, Oxford University Press (forthcoming 2020)

*Africa and International Economic Law*, American Journal of International Law (forthcoming 2020)

### **JULIENNE E. GRANT**

*¿Qué Bola?: What's New (and What Isn't) in Cuba*, International Journal of Legal Information (forthcoming 2019)

### **CYNTHIA HO**

*The Intersection of ISDS and TRIPS Flexibilities*, in RESEARCH HANDBOOK ON INTELLECTUAL PROPERTY AND INVESTMENT LAW, Edward Elgar (forthcoming 2019)

### **RON S. HOCHBAUM**

*Bathrooms as a Homeless Rights Issue*, 98 NORTH CAROLINA LAW REVIEW (forthcoming 2019)

### **JEFFREY L. KWALL**

THE FEDERAL INCOME TAXATION OF INDIVIDUALS, AN INTEGRATED LEARNING APPROACH; Foundation Press (forthcoming 2020)

### **JORDAN PARADISE**

*Biopharmaceutical Compliance Trends*, in CAMBRIDGE HANDBOOK OF COMPLIANCE, Cambridge University Press (forthcoming 2020)

**JUAN F. PEREA**

*Immigration Policy as a Defense of White Nationhood*, Georgetown Journal of Modern Critical Race Perspectives (forthcoming 2020)

*On the Management of Nonwhites: Deportation and Exclusion as Techniques of White Supremacy*, in NATIVISM, WHITE POWER, AND ANTI-IMMIGRANT VIOLENCE IN THE UNITED STATES, California University Press (forthcoming 2022)

**STACEY PLATT**

*Gatekeeping by Allegations: An Examination of Verified, Unfounded, and Fabricated Allegations of Child Maltreatment Within the Context of Resist and Refusal Dynamics*, Family Court Review (forthcoming 2020) (with Michael Saini and Taina Laajasalo)

**ANNE-MARIE RHODES**

*UTC's Duty to Inform and Report at 20—How Mandatory is Transparency?*, 45 ACTEC Law Journal (forthcoming 2020) (with Mel M. Justak)

**KALYANI ROBBINS**

*Geoengineering and the Evolution of Dueling Precautions*, in CLIMATE GEOENGINEERING LAW AND GOVERNANCE (forthcoming 2019)

**STEPHEN RUSHIN**

*State Attorney Generals as Agents of Police Reform*, Duke Law Journal (forthcoming 2020) (with Jason Mazzone)

*The Effects of Voluntary and Presumptive Sentencing Guidelines*, Texas Law Review (forthcoming 2019) (with Griffin Edwards and Joseph Colquitt)

*Police Funding*, Florida Law Review (forthcoming 2020) (with Roger Michalski)

*Law Enforcement Agent Defendants*, in OXFORD HANDBOOK OF PROSECUTORS AND PROSECUTION, Oxford University Press (forthcoming 2020)

**MATTHEW SAG**

*The New Legal Landscape for Text Mining and Machine Learning*, Journal of the Copyright Society of the U.S.A (forthcoming 2019)

**NADIA N. SAWICKI**

*The Conscience Defense to Malpractice*, California Law Review (forthcoming 2020)

*Rewritten Opinion: Burton v. State*, in FEMINIST JUDGMENTS: REWRITTEN HEALTH LAW OPINIONS, Cambridge University Press (forthcoming 2020)

**ALLEN SHOENBERGER**

*Defamation Actions as Weapons Against Political Speech in Europe: Weapon of Press Destruction*, Trento Student Law Review (forthcoming 2019)

**BARRY SULLIVAN**

*Democratic Conditions*, Loyola University Chicago Law Journal (forthcoming 2019)

*The Science of Administrative Change*, Connecticut Law Review (forthcoming 2019) (with Christine Chabot)

*Supreme Court Journalism: From Law to Spectacle?*, Washington & Lee Law Review (forthcoming 2020) (with Cristina Tilley)

*John Minor Wisdom: Un Petit Hommage*, in OF COURTIFIERS AND PRINCES: PORTRAITS OF FEDERAL COURT LAW CLERKS AND THEIR JUDGES, University of Virginia Press (forthcoming 2020)

**ALEXANDER TESISIS**

*A Contextual Theory of Free Speech*, Cambridge University Press, (forthcoming 2020)

*Genocide Censorship vs. Genocide Denial Laws* (forthcoming 2020)

*Comparative Hate Speech Studies*, Delaware Lawyer (forthcoming 2019)

*Remembering Charlottesville 2017 and Engaging Black-Jewish Alliances*, Virginia Law Review Online (forthcoming 2019)

**SPENCER WALLER**

*When the Government Sues for Treble Damages, Essays in Honor of Albert A. Foer*, in CONCURRENCES (forthcoming 2020)(with Harry First)

*The Omega Man or The Isolation of U.S. Antitrust Law*, Connecticut Law Review (forthcoming 2020)

*Democracy and Antitrust, Democracy in Antitrust*, Florida State University Law Review (forthcoming 2019)