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## 2017-2018 Fordham Law School Faculty Bibliography

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FORDHAM UNIVERSITY  
THE SCHOOL OF LAW

## *Faculty Bibliography*

2017-2018

Fordham University School of Law

This is the final version of the 2017-2018 Fordham Law School Faculty Bibliography. We strive to make the bibliography as complete and error-free as possible. If you notice any omission or error in this document, please immediately send any additions or corrections to Michelle Penn, Faculty Services Librarian, at mpenn6@law.fordham.edu.

This bibliography represents books, journal articles, book chapters and other scholarly writings published or accepted for publication by Fordham Law School Faculty and senior staff between **July 1, 2017** and **December 31, 2018**. Published items appearing in the previous year's bibliography will not appear in the current year's bibliography. Items that were forthcoming in the 2016-2017 bibliography will appear again only in the bibliography corresponding to the year in which those items appear in print (i.e., a forthcoming item will appear only in one bibliography before the item is published).

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***Book Chapters & Other Writings:***

“Chaplains at War in ‘Enlisting Faith.’” Review of *Enlisting Faith* by Ronit Y. Stahl. *Wall Street Journal*, January 23, 2018, at A17.

“‘Elizabeth Seton’ Review: the Widow Who Mothered the American Church.” Review of *Elizabeth Seton: American Saint* by Catherine O’Connell. *Wall Street Journal*, October 26, 2018, at C6.

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"Maine" in *Disestablishment and Religious Dissent: Church-State Relations in the New American States* (Carl Esbeck & Jonathan Den Hartog, eds., Columbia, MO: University of Missouri Press, 2020) (forthcoming).

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***Journal Articles:***

“The Political Morality of Convergence in Contract,” 24 *European Law Journal* 35-56 (2018).

“Contract and the Problem of Fickle People,” 53 *Wake Forest Law Review* 1-36 (2018).

“How Well Do We Treat Each Other in Contract?” 9 *William & Mary Business Law Review* 351-372 (2018).

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***Book Chapters & Other Writings:***

“Public Justice and Private Consent” in *Research Handbook on Private Law Theories* (Benjamin Zipursky & Hanoch Dagan, eds., Northampton, MA: Edward Elgar Publishing Ltd., 2020) (forthcoming).

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*Associate Professor of Law*

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***Books:***

Cases and Problems on Contracts, 7th ed. St. Paul, MN: West Academic Publishing, 2018 [with John D. Calamari, et al.].

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***Books:***

Global Lawmakers: International Organizations in the Crafting of World Markets. Cambridge: Cambridge University Press, 2017 [with Terence C. Halliday].

***Journal Articles:***

“The UK and EU Cross-Border Insolvency Recognition: From Empire to Europe to ‘Going It Alone’,” 40 *Fordham International Law Journal* 1373-1412 (2017).

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“Soft and Hard Strategies: The Role of Business in the Crafting of International Commercial Law,” \_\_\_ *Michigan Journal of International Law* \_\_\_ (2019) (forthcoming).

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B.A., Amherst College, 1971; B.A., M.A., Oxford University, 1973; J.D., Yale Law School, 1979

***Books:***

2018 Supplement, *Cases and Materials on Legislation and Regulation: Statutes and the Creation of Public Policy*, 5th ed. St. Paul, MN: West Academic Publishing, 2014 [with William N. Eskridge, Jr. & Josh Chafetz].

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A.B., Rockhurst University, 1974; J.D., University of California-Berkeley School of Law, 1977

***Books:***

*American Criminal Procedure: Cases and Commentary*, 11th ed. St. Paul, MN: West Academic Publishing, 2018 [with Stephen A. Saltzburg].

American Criminal Procedure, Adjudicative: Cases and Commentary, 11th ed. St. Paul, MN: West Academic Publishing, 2018 [with Stephen A. Saltzburg].

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“Foreword: Symposium on Forensic Expert Testimony, *Daubert*, and Rule 702,” 86 *Fordham Law Review* 1459-1461 (2018).

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*Associate Professor of Law*

B.A., Yale University, 1975; J.D., Harvard Law School, 1982

***Books:***

2018 Statutory Supplement to The Law of Financial Institutions, 6th ed. New York: Wolters Kluwer Law & Business/Aspen Publishers, 2018 [with Jonathan R. Macey & Geoffrey P. Miller].

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National Taiwan University, LL.B., 1958; Northwestern University, LL.M., 1962; University of Chicago, J.D., 1965

***Books:***

The One-China Policy: State, Sovereignty, and Taiwan’s International Legal Status. Cambridge: Elsevier, 2017.

***Book Chapters & Other Writings:***

“Commentary: The U.N. Convention on Contract for International Sale of Goods (CISG) and the Uniform Commercial Code (UCC),” Symposium publication: Beyond Globalization: Future of Comparative Law in Asia/Pacific (2019) (forthcoming).

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***Journal Articles:***

“Deadly Dust: Occupational Health and Safety as a Driving Force in Workers’ Compensation Law and the Development of Tort Doctrine and Practice,” 70 *Rutgers Law Review* 1139-1171 (2017).



***Book Chapters & Other Writings:***

Brief of Amici Curiae of New Jersey State Bar Association, *Kernahan v. Home Warranty Administrators*, \_\_\_ N.J. \_\_\_ (2019) (No. A-15) (argued September 10, 2018).

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B.A. *summa cum laude*, Yale University, 1983; J.D., Yale Law School, 1987; M.L.T., Georgetown University, 1993

***Journal Articles:***

“The Great ETF Tax Swindle: The Taxation of In-Kind Redemptions,” 122 *Penn State Law Review* 1-68 (2017).

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B.A., University of Pennsylvania, 1983; J.D., New York University, 1988

***Journal Articles:***

“The Appearance of Professionalism,” 71 *Florida Law Review* \_\_\_ (2019) (forthcoming).

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***Books:***

*Global Perspectives in Urban Law: The Legal Power of Cities*. New York: Routledge, 2018 [ed. with Geeta Tewari].

*The Cambridge Handbook of the Law of the Sharing Economy*. Cambridge: Cambridge University Press, 2018 [ed. with John Infranca & Michèle Finck].

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B.A., University of Virginia, 1974; M.A., University of Toronto, 1975; Ph.D., University of Pennsylvania, 1982; J.D., University of Pennsylvania Law School, 1989

***Journal Articles:***

“Changing Law’s Mind,” 26 *Perspectives* 3 (2018).

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“Back to the Future with Execution Methods” in *The Eighth Amendment and its Future in a New Age of Punishment* (William W. Berry III & Meghan Ryan, eds., Cambridge: Cambridge University Press, 2020) (forthcoming).

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A.B. *magna cum laude*, Harvard University, 1981; J.D. *magna cum laude*, Harvard University, 1985

***Book Chapters & Other Writings:***

“Symposium: Continuity in the Presidency: Gaps and Solutions: Foreword,” 86 *Fordham Law Review* 911-915 (2017).

“Symposium: Legal Education in Twentieth-Century America: Foreword,” 87 *Fordham Law Review* 859-860 (2018).

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***Books:***

Inside Civil Procedure: What Matters and Why, 3d ed. New York: Wolters Kluwer, 2017.

***Journal Articles:***

“Searching for Salvageable Ideas in FICALA,” 87 *Fordham Law Review* 19-34 (2018).

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B.A., Fordham University, 1958; LL.B., Fordham Law School, 1961; LL.D. (Honorary), Fordham Law School, 2002

***Books:***

From their Hands. New York: Fordham University Press, 2019 (forthcoming).

***Journal Articles:***

“Dedication to Senator Birch E. Bayh,” 86 *Fordham Law Review* 907-910 (2017).

“Report: Fifty Years After the Twenty-Fifth Amendment: Recommendations for Improving the Presidential Succession System,” 86 *Fordham Law Review* 917-1026 (2017) [with John Rogan, et al.].

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“The Underutilization of Mediation in New York and What Should Be Done About It?” *New York Dispute Resolution Lawyer*, Fall 2018, at 23 [with Linda Gerstel].

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*Leitner Family Professor of International Human Rights & Co-Director, Leitner Center for International Law and Justice*

B.A., Princeton University, 1981; M.A., Yale University, 1982; M. Phil., Yale University, 1987; J.D., Columbia University, 1988

***Journal Articles:***

“Facing the Unravelling of Reform: Domestic and International Perspectives on the Changing Role of China's Rights Lawyers,” 41 *Fordham International Law Journal* 1091-1110 (2018).

***Book Chapters & Other Writings:***

Response to *The Spiritual Sources of Legal Creativity* by Richard Falk, The Inaugural Father Miguel D’Escoto Lecture, *Institute of International Humanitarian Law Occasional Papers Series No. 10* (2017).

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**JANET FREILICH**

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B.S. *summa cum laude*, Cornell University, 2009; J.D. *magna cum laude*, Harvard Law School, 2012

***Journal Articles:***

“Patent Clutter,” 103 *Iowa Law Review* 925-984 (2017-2018).

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Laurea in Giurisprudenza, University of Milan; LL.M., University of London, 1995; Ph.D.,  
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### ***Book Chapters & Other Writings:***

“Regulatory Strategies, CSR and Resource Protection” in *International Natural Resources Law, Investment and Sustainability* (Skawjat Alam, Jahid Hossain Bhuiyan & Jona Razzaque, eds., New York: Routledge, 2017) [with Emily Smith Ewing].

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Mag.iur. [Law], University of Vienna, 1998; Mag.rer.soc.oec. [Business administration], WU Vienna University of Economics, 1998; Dr.iur., University of Vienna, 2001; Dr.rer.soc.oec., WU Vienna University of Economics, 2003; LL.M. (waived for fellowship), Harvard Law School, 2003; S.J.D., Harvard Law School, 2009; M.A., Columbia University, 2018

### ***Books:***

Global Securities Litigation and Enforcement. New York: Cambridge University Press, 2019 (forthcoming) [ed. with Pierre-Henri Conac].

### ***Journal Articles:***

“Symposium: EU Law with the UK - EU Law without the UK: Introduction,” 40 *Fordham International Law Journal* 1327-1333 (2017).

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“British Home Stores Collapse: The case for an employee derivative claim,” \_\_\_ *Journal of Corporate Law Studies* \_\_\_ (2019) (forthcoming) [with Neshat Safari].

### ***Book Chapters & Other Writings:***

“Comparative Corporate Governance: Old and New” in *Understanding the Company: Corporate Governance and Theory* (Barnali Choudhury & Martin Petrin, eds., Cambridge: Cambridge University Press, 2017).

“Duties of Nominee Directors” and U.S. law commentary in other chapters in *Comparative Company Law: A Case-Based Approach*, 2d ed. (Mathias Siems & David Cabrelli, eds., New York: Hart, 2018) [with Nemika Jha & D. Gordon Smith].

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“Mapping types of shareholder lawsuits across jurisdictions” in *Research Handbook on Representative Shareholder Litigation* (Sean Griffith, Jessica Erickson, David H. Webber & Verity Winship, eds., Northampton, MA: Edward Elgar, 2018).

“Corporate Opportunities in the US and in the UK: how differences in enforcement explain differences in substantive fiduciary duties” in *Research Handbook on Fiduciary Law* (Andrew Gold & D. Gordon Smith, eds., Northampton, MA: Edward Elgar, 2018) [with Geneviève Helleringer].

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“Die Unabhängigkeit des Jahresabschlussprüfers [Auditor Independence]” in *Handbuch Wirtschaftsprüfung [Handbook on Auditing]* (Romuald Bertl, Ewald Aschauer & Klaus Hirschler, eds., Vienna: Linde, 2019) (forthcoming) [with Robert Reiter].

Review of *Ökonomische Methoden im Recht. Eine Einführung für Juristen [Economic Methods in Law: An introduction for lawyers]* by Emanuel V. Towfigh & Niels Petersen. \_\_\_\_ *Rabels Zeitschrift für Ausländisches und Internationales Privatrecht [The Rabel Journal of Comparative and International Private Law]* \_\_\_\_ (2019) (forthcoming).

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B.A. *magna cum laude*, Radcliffe College, 1987; J.D. *magna cum laude*, Harvard Law School, 1992

***Journal Articles:***

“Immigration as Commerce: A New Look at the Federal Immigration Power and the Constitution,” 93 *Indiana Law Journal* 653-712 (2018).

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B.S. *magna cum laude*, Wake Forest University, 1996; M.S., Wake Forest University, 1997; J.D., Harvard Law School, 2003; LL.M., New York University School of Law, 2011

***Journal Articles:***

“Democratizing Entrepreneurship: Online Documents, Tools, and Startup Know-How,” 26 *Journal of Affordable Housing & Community Development Law* 193-224 (2017) [with Praveen Kosuri & Jeff Thomas].

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***Journal Articles:***

“Prosecutorial Ethics in Retrospect,” 30 *Georgetown Journal of Legal Ethics* 461-483 (2017).

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#### ***Book Chapters & Other Writings:***

“Balancing Act,” 103 *ABA Journal* 24-25 (2017).

“Threatening Litigation,” 44 *Litigation* 13-14 (2017).

“The Challenges and Rewards of Teaching Legal Ethics,” 25 *The Professional Lawyer* 3-7 (2018).

“May Lawyers Assist Clients in Some Unlawful Conduct? A Response to Paul Tremblay,” 70 *Florida Law Review Forum* 1-6 (2018).

“Foreword: Can a Good Person be a Good Prosecutor in 2018?,” 87 *Fordham Law Review Online* 1-2 (2018).

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#### ***Journal Articles:***

“Cutting Through: Thirteen Ways of Looking at Justice Stevens,” 94 *Washington University Law Review* 1429-1440 (2017).

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“*Barnette and Masterpiece Cakeshop*: Some Unanswered Questions,” 13 *Florida International University Law Review* \_\_\_\_ (2019) (forthcoming).

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***Books:***

Research Handbook on Representative Shareholder Litigation. Northampton, MA: Edward Elgar, 2018 [ed. with Jessica Erickson, David H. Webber & Verity Winship].

***Journal Articles:***

“Dead Hand Proxy Puts and Shareholder Value,” 84 *University of Chicago Law Review* 1027-1089 (2017) [with Natalia Reisel].

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***Book Chapters & Other Writings:***

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“Who Collects the Deal Tax, Where, and What Delaware Can Do About It” in *Handbook on Shareholder Litigation* (Sean Griffith, Jessica Erickson, David H. Webber & Verity Winship, eds., Northampton, MA: Edward Elgar, 2018) [with Anthony A. Rickey].

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***Journal Articles:***

“Attempt to Monopolize: An American Anomaly,” 62 *Antitrust Bulletin* 815-844 (2017).

“Antitrust in History,” 63 *Antitrust Bulletin* 275-282 (2018).

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