

Seattle University School of Law Digital Commons

Faculty Scholarship

2017

Faculty Scholarship Brochure 2017

Seattle University School of Law

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/faculty>

Recommended Citation

Seattle University School of Law, Faculty Scholarship Brochure 2017 (2017).
<https://digitalcommons.law.seattleu.edu/faculty/796>

This Article is brought to you for free and open access by Seattle University School of Law Digital Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Seattle University School of Law Digital Commons. For more information, please contact coteconor@seattleu.edu.

SEATTLEU

SCHOOL OF LAW

Our Scholars

Seattle University School of Law is home to an outstanding faculty of **committed teacher-scholars**. This is a collection of selected scholarship from some of our **inspiring thought leaders**.





FEATURED BOOK

Thomas Antkowiak

**THE AMERICAN CONVENTION ON
HUMAN RIGHTS: ESSENTIAL RIGHTS**
(Oxford Univ. Press 2017)

Professor Antkowiak and co-author Alejandra Gonza offer a thorough and critical analysis of the American Convention on Human Rights. They closely examine the jurisprudence of the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights, the two institutions that interpret the Convention, and develop alternative conceptual approaches to that jurisprudence.

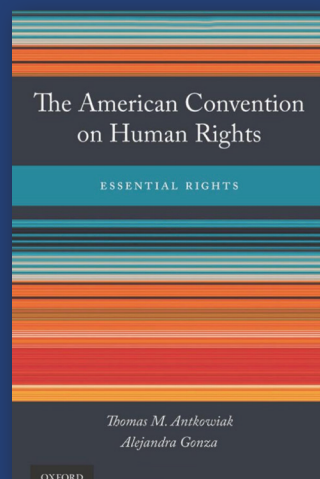


Photo by Yosef Chaim Kalinko



Anna Roberts

Reclaiming the Importance of the Defendant's Testimony: Prior Conviction Impeachment and the Fight Against Implicit Stereotyping

83 U. CHI. L. REV. 835 (2016)

The “importance of the defendant’s testimony” factor used in prior conviction impeachment analysis should be reclaimed as a means for defendants to argue that the individuating information that their testimony offers can count against permitting this kind of impeachment. When the defendant’s race risks triggering stereotypes that threaten the presumption of innocence, individuation represents a crucial part of the struggle for a fair trial.



Lily Kahng

Who Owns Human Capital?

94 WASH. U. L. REV. 607

Professor Kahng analyzes how the tax law subsidizes business owners’ ability to appropriate the returns on their workers’ labor through the expansive use of legal mechanisms, thereby contributing to the widening inequality between business owners and workers. Furthermore, her analysis calls into question the tax law’s fundamental capital-labor distinction, which has profound implications for the tax law.



Charlotte Garden

The Deregulatory First Amendment at Work

51 HARV. C.R.-C.L. L. REV. 323 (2016)

This article discusses a new generation of deregulatory First Amendment theories, and their potentially calamitous effects on workers if courts accept them. It urges that, while these theories may be a stretch for now, individual deregulatory First Amendment cases should not be viewed as outliers, because the outward push is occurring simultaneously on multiple fronts.



Robert Chang

The Great White Hope: Social Control and the Psychological Wages of Whiteness

Law, Culture & the Humanities (forthcoming 2017)

In the run-up to and aftermath of the 2016 U.S. presidential election, much has been made of the so-called “white working class.” There appears to be an intensification of racial identity among a segment of America’s white population. In this article, Professor Chang explores the dynamics of racial identity and what they might presage for the possibility of achieving racial justice.



Diane Lourdes Dick

The Bearish Bankruptcy

GA. L. REV. (forthcoming 2018)

Modern commercial bankruptcy practice under Chapter 11 fails to protect an important asset: the right to the debtor's unlimited upside potential. This asset is largely unaccounted for in traditional corporate valuation analyses, leaving it especially vulnerable to exploitation. Reforms are needed to restore the fairness and integrity of the commercial bankruptcy process.



Bryan Adamson

Reconsidering Pretrial Media Publicity: Racialized Crime News, Grand Juries and Tamir Rice

8 ALA. CIV. RTS. & CIV. LIBERTIES L. REV. 1 (2017)

Professor Adamson analyses the media coverage surrounding Tamir Rice's shooting death, the ensuing protests, and the grand jury's decision not to indict the Cleveland police officers for his death. He discusses, from a legal and policy perspective, what should be done to safeguard the integrity of the grand jury process in racially charged cases where jurors have unfettered access to media stories.



Brooke D. Coleman

Legal Fempire: Women in Complex Litigation

IND. L. J. (forthcoming 2017)

Gender equity is important to the functioning and legitimacy of our legal system. In this article, Professor Coleman reflects on the gender bias task force movement that began almost four decades ago, updates that work by examining the role of women in multidistrict litigation, and closes with a set of proposals for how to move toward gender equality.



Janet Ainsworth

Procedural Justice and the Discursive Construction of Narratives at Trial

4 LINGUE CULTURE MEDIAZIONI/LANGUAGES CULTURES MEDIATION
(forthcoming 2017)

Procedural justice research confirms that the legitimacy of a legal system is linked to the degree to which parties feel listened to and respected. In theory, adversarial systems provide a greater role for witnesses and parties to be heard than inquisitorial systems, but that advantage is blunted by American-style witness examination, which makes it difficult for witnesses to tell their stories.



FEATURED BOOK



Steven Bender

**COMPASSIONATE MIGRATION
AND REGIONAL POLICY IN THE AMERICAS**
(Palgrave Macmillan 2017)

Compassionate migration can play a fundamental role in responding to the hardships that many migrants suffer before, during, and after their journeys. Professor Bender and the contributors to this co-edited volume explore the notion of compassionate migration in the context of today's migration patterns within the Americas from legal, political, philosophical, and interdisciplinary perspectives.

Photo by Matt Hagen



FEATURED BOOK

Robert S. Chang

**MINORITY RELATIONS:
INTERGROUP CONFLICT AND COOPERATION**
(Univ. Press of Miss. 2017)

Coalition building offers a pathway to addressing economic discrimination. This collection addresses the issues involved in intergroup cooperation and coalition building for marginalized groups. The need for coalitions recognizes a democratic process in which marginalized groups face significant difficulty gaining real political power, despite such legislation as the Voting Rights Act.

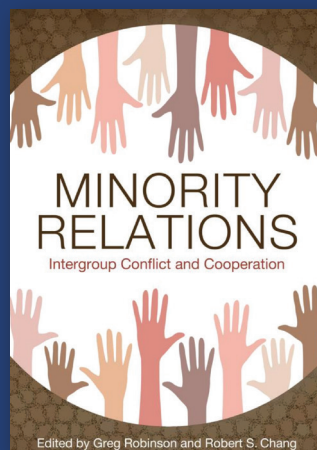


Photo by Matt Hagen



Carmen Gonzalez

The Environmental Justice Implications of Biofuels

20 UCLA J. INT'L L. & FOREIGN AFF. 229 (2016)

This article fills the gap in the existing literature by evaluating biofuels through the lens of environmental justice – including climate justice and food justice. In this article, Professor Gonzalez examines the impact of biofuels on the global food system and on the planet's most food-insecure populations.



Won Kidane

China's Bilateral Investment Treaties with African States in Comparative Context

50 CORNELL INT'L L.J. (forthcoming 2017)

Professor Kidane outlines the evolution of three prior China-Africa BIT generations, and assesses the implications of the China-Canada BIT for future China-Africa BITs. The text of the BIT— as well as the debate surrounding its ratification— provide contemporary context for the assessment of the nature, the stages of development, and the general state of the China-Africa BITs regime.



Margaret Chon

Trademark Goodwill as a Public Good: Brands and Innovations in Corporate Social Responsibility

21 LEWIS & CLARK L. REV. 277 (2017)

In this article, Professor Chon focuses on the role of trademark goodwill in signaling sustainability standards as key informational components of corporate social responsibility. In short, trademark goodwill performs a critical public, communicative function and therefore is a key public good within a regulatory governance framework.

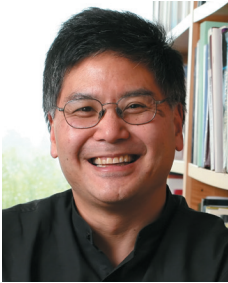


Chris Rideout

Ethos, Character, and Discoursal Self in Persuasive Legal Writing

21 LEGAL WRITING: J. LEGAL WRITING INST. 19 (2016)

Professor Rideout examines the concept of ethos and its application in contemporary persuasive legal writing. He looks at a dichotomy in the concept of ethos that originates in classical Greek rhetoric. The dichotomy persists today: to present a persuasive persona, must a modern-day lawyer actually be honest and trustworthy, or only appear to be honest and trustworthy? The answer may lie in the concept of a discoursal self.



Mark Chinen

The Co-Evolution of Autonomous Machines and Legal Responsibility
20 VA. J. OF L. AND TECH. 338 (2016)

Professor Chinen sets out a possible trajectory for the co-evolution of legal responsibility and autonomous machines. In this article, he argues that deep-seated attitudes towards legal and moral responsibility could make it difficult to address situations that will arise when autonomous machines become more prevalent, thus reinforcing efforts to design machines that are pro-social.



Steven Bender

The Colors of Cannabis: Reflections on the Racial Justice Implications of California's Proposition 64
50 UC DAVIS L. REV. ONLINE 11 (2017)

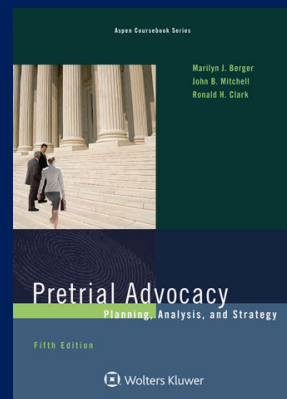
In 2016, four more states legalized recreational marijuana. In this article, Professor Bender focuses on the California experience where the fruits of legalization are likely to be enjoyed by white entrepreneurs who dominate the industry in other legalization states, while racial minorities remain disproportionately vulnerable to criminal enforcement in the vestiges of enforcement that survive legalization.

FEATURED BOOK

Marilyn J. Berger, John B. Mitchell, and Ronald H. Clark

**PRETRIAL ADVOCACY:
PLANNING, ANALYSIS, AND STRATEGY**
(Wolters Kluwer 5th ed. 2017)

Today's attorneys need both a conceptual and practical foundation to be successful pretrial advocates. Covering both criminal and civil pretrial practice, the authors utilize examples of successful advocacy practiced in federal and state litigation.





FEATURED BOOK



Laurel Currie Oates and Anne M. Enquist

JUST RESEARCH: PREPARING FOR PRACTICE
(Wolters Kluwer 5th ed. 2017)

Just Research provides students with the information and skills that will enable them to do thorough and cost-effective research when they enter practice. Offering a fully integrated approach, Professors Oates and Enquist describe the sources that can be used to research the most common types of legal issues.

Photo by Mia McNeal

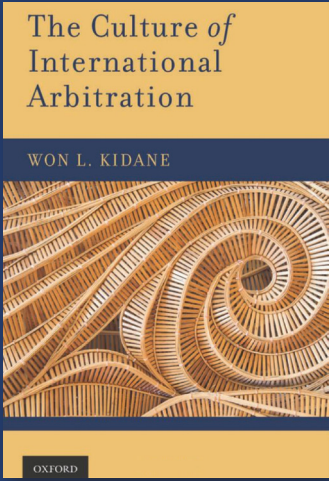


FEATURED BOOK

Won Kidane

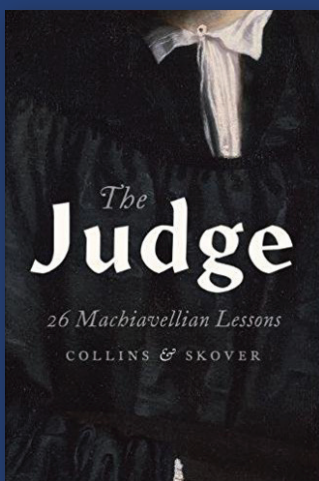
THE CULTURE OF INTERNATIONAL ARBITRATION
(Oxford Univ. Press 2017)

Cultural miscommunication can affect the efficiency, fairness, and accuracy of the outcome of a case in international arbitration. Professor Kidane provides an in-depth study of the role of culture in modern day arbitral proceedings. He demonstrates the need for increasing cultural diversity and cultural competence among arbitrators and counsel.





FEATURED BOOK



David M. Skover

THE JUDGE: 26 MACHIAVELLIAN LESSONS
(Oxford Univ. Press 2017)

In a provocative examination of judicial history, Professor Skover and co-author Professor Ronald Collins explore the proposition that law is politics. No book of political strategy is more canonical than Niccolò Machiavelli's *The Prince*. Much of Machiavelli's spirit inspires *The Judge*, but the political strategies are not applied to appellate judging. The authors argue that Machiavelli can indeed speak to judges.

Photos by Caroline Daniel

SEATTLEU

SCHOOL OF LAW

Seattle University

School of Law

901 12th Avenue, Sullivan Hall

P.O. Box 222000

Seattle, WA 98122-1090

First Class
U.S. Postage
PAID
Seattle WA
Permit No. 2783

Follow our **Scholars**



twitter.com/seattleulaw



digitalcommons.law.seattleu.edu/faculty



EDUCATING POWERFUL ADVOCATES FOR JUSTICE