

Recent Scholarship 2016-2017

Loyola faculty are at the heart of the conversation, within the academy and beyond. Our scholars marry creativity and rigorous research, and the power of those ideas drives intellectual discourse and institutional change. We are delighted to showcase just a small sample of our recent work and impact.

ELIZABETH POLLMAN is an innovative scholar of corporate law, with recent and forthcoming chapters in books published by Harvard, Chicago, and Cambridge University presses, following recent work in Penn, Vanderbilt, and Minnesota law reviews. Her most recent work, *Regulatory Entrepreneurship*, 90 S. Cal. L. Rev. (2017) (with Jordan Barry), has prompted reactions from leading scholars as close as Columbia and as far as Sydney and Mumbai.



ADAM ZIMMERMAN's theories of mass litigation have expanded access to justice. His recent scholarship includes *Inside the Agency Class Action*, 126 Yale L.J. 1636 (2017) (with Michael Sant'Ambrogio) and *Judging Aggregate Settlement*, 94 Wash. U. L. Rev. 545 (2017) (with David Jaros). His Yale Law Journal proposals for class actions in administrative hearings have been adopted by the Department of Education for students seeking debt relief and by the Federal Circuit for veterans.



JENNIFER ROTHMAN is a leading scholar whose work on intellectual property has appeared in the Georgetown Law Journal, Virginia Law Review, Cornell Law Review, Berkeley Technology Law Journal, and Columbia Journal of Law & the Arts, among others. Her forthcoming book from Harvard University Press offers a ground-breaking analysis of the right of publicity, including its origins, history, challenges, and implications for both creative expression and privacy.



JUSTIN HUGHES's intellectual property and international trade scholarship has appeared in Georgetown, Texas, UCLA, Boston College, USC, and Notre Dame law reviews, among others. His recent publications include *Landmark Trademarks*, 52 Wake Forest L. Rev. (2017), *Fair Use and Its Politics – At Home and Abroad* (book chapter from Cambridge University Press, 2017), and *Non-Traditional Trademarks and the Dilemma of Aesthetic Functionality* (book chapter from Cambridge University Press, 2018).



PRISCILLA OCEN examines the ways in which the criminal system interacts with and burdens the sexuality and parenting choices of women of color. She has pieces forthcoming in the George Washington and UC Davis law reviews. Previous work has appeared in Berkeley and UCLA flagship law reviews and the Du Bois Review; she also co-authored an influential policy report regarding the impact of school discipline policies on Black girls.



LAUREN WILLIS is one of the country's foremost experts on consumer law and policy, including behavioral psychology and market structure. Her scholarship on performance-based consumer law, including a seminal 2015 article in the University of Chicago Law Review and a 2017 piece in the Law and Contemporary Problems journal, has inspired recent efforts by Australian regulators to realize her ideas in practice.



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LEE PETHERBRIDGE is perhaps best known for research concerning the theory and administration of the patent laws; his latest includes several forthcoming book chapters and *Teva and the Process of Claim Construction*, 70 Fla. L. Rev. (2018) (with Polk Wagner). He has also studied the determinants of scholarship citations, including most recently *Gender Disparity in Law Review Citation Rates*, 59 Wm. & Mary L. Rev. (2018) (with Christopher Cotropia).



ERIC MILLER's research grapples with policing, race, criminology, and problem-solving courts; his work includes articles in the California, Irvine, Indiana, Connecticut, and Ohio State law reviews. His most recent scholarship includes a book chapter entitled *A Fair Cop and a Fair Trial*, and he is co-editing a new book on policing in America (forthcoming from Cambridge University Press).



ELLEN APRILL is an award-winning scholar focusing on tax-exempt entities. Her forthcoming work confronts opportunities for regulatory arbitrage regarding fiduciary duties when nonprofit charities make use of single-member limited liability companies; she is also preparing an in-depth study of 501(c)(4) social welfare organizations. Her research has previously appeared in peer-reviewed publications and the flagship law reviews of schools including Duke, Fordham, Boston College, and USC.



DAVID GLAZIER, a former Naval commander, trains his scholarship on international law and military affairs. His chapter on remote unmanned warfare anchors a political science volume on drones, published recently by NYU Press; his comprehensive critique of the 1200-page DOD Law of War Manual will be in *Failing Our Troops*, 42 Yale J. Int'l L. (2017).



BRIETTA CLARK, an expert in healthcare delivery and financing systems, is also Loyola's Associate Dean for Faculty. Her latest scholarship, confronting the unpredictable regulatory landscape and the pedagogical challenges it presents, are *Medicaid Access & State Flexibility: Negotiating Federalism*, 17 Houston J. Health L. & Pol'y (2017), and *Teaching Health Law: A Journey Through the Health Care Safety Net*, 61 St. Louis U. L.J. 437 (2017).



JUSTIN LEVITT recently returned to Loyola from serving as a Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department of Justice. His scholarship on the law of democracy includes peer-reviewed works and pieces in the Yale Law & Policy Journal and Georgetown, UC Davis, and Florida State law reviews; his latest is *Intent is Enough*, 59 Wm. & Mary L. Rev. (2018).



DANIEL SELMI's expertise in land use and environmental regulation is widely recognized; in addition to two treatises and a casebook, his scholarship includes pieces in the Stanford Law Review and Indiana Law Journal. His most recent work includes *Takings and Extortion*, 68 Fla. L. Rev. 323 (2016), and *Federal Implementation Plans and the Path to Clean Power*, 28 Georgetown Env'tl. L. Rev. 637 (2016).



SAMANTHA BUCKINGHAM is a leading figure in juvenile justice and in the design of institutions charged with confronting youthful offenders. Prosecutors, defenders, and judges across the country have invited her to present her research; her latest, in the American Criminal Law Review, critically examines the pervasive and counterproductive failure to recognize and treat the childhood trauma afflicting most juveniles in the justice system.



VICTOR GOLD, former Dean, is one of the country's top evidence scholars, cited twice by the Supreme Court this past Term alone. He has published widely, including in the UCLA, UC Davis, Washington, North Carolina, USC, and Cardozo law reviews; his most recent work is *The Three Commandments of Amending the Federal Rules of Evidence*, 85 Fordham L. Rev. 1615 (2017).



YXTA MAYA MURRAY is a prolific scholar whose writings explore themes of equity and subordination in the law. She has forthcoming pieces in the leading law reviews devoted to the law's interaction with race, gender, and sexuality, including the Columbia Journal of Gender and Law, Michigan Journal of Race & Law, and the Cardozo Journal of Law and Gender.



HIRO ARAGAKI's cutting-edge work on arbitration law has appeared in the NYU, UCLA, and Penn law reviews; his most recent research will appear in a comparative law volume studying arbitration reform in the Asia Pacific region. He recently returned from advising on a World Bank-funded project to design and establish a court-annexed alternative dispute system at the Commercial Court in Monrovia, Liberia.



SIMONA GROSSI's scholarship, fashioned in the mode of Charles Clark, re-examines the design of the litigation unit within modern judicial process. Her forthcoming work includes *Frontloading, Class Actions, and a Proposal for a New Rule 23*, 21 Lewis & Clark L. Rev. (2017) and *The Claim*, 55 Houston L. Rev. (2017); her second book on the implications of federal court procedure is forthcoming from Cambridge University Press.



KIMBERLY WEST-FAULCON's interdisciplinary scholarship investigates intelligence theory, standardized testing, and anti-discrimination. Her latest are *Obscuring Asian Penalty with Illusions of Black Bonus*, 64 UCLA L. Rev. Disc. 61 (2017), and *Reversed Protection*, 6 U.C. Irvine L. Rev. (2017). She has also published in the University of Pennsylvania Journal of Constitutional Law, and flagship law reviews of Yale, Penn, and UCLA.



THEODORE SETO is the tenth most SSRN-downloaded tax scholar in the country; his publications include pieces in the Harvard Law Review, Yale Law Journal, University of Pennsylvania Law Review, and Tax Law Review. His newest work is *Does the Income Tax Cause Parents to Spend Too Much Time with Their Children?: Unpacking Mirrlees*, forthcoming in the Virginia Tax Review.



REBECCA DELFINO's latest scholarship challenges the prevailing jurisprudence of double jeopardy. *Prohibition on Successive Prosecutions for the Same Offense—In Search of the 'Goldilocks Zone': The California Approach to a National Conundrum*, 54 Am. Crim. L. Rev. 423 (2017), probes the development of the law of successive prosecution, finds surprising roots in the doctrinal terrain, and explores a new approach to the legal landscape.



F. JAY DOUGHERTY, a leading scholar in entertainment and intellectual property law, is the editor-in-chief of the leading peer-reviewed law review devoted to copyright. His recent article on motion picture authorship was published in the Columbia Journal of Law & the Arts, and his chapter on magic productions and performances will be published in a forthcoming volume entitled *Unconventional Copyright*.



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