

Recent Scholarship 2017-2018

Loyola faculty are at the heart of the conversation, within the academy and beyond. Our scholars marry creativity and rigor, and the power of those ideas drives intellectual discourse and institutional change. In 2017-2018 alone, our research has been cited in 946 articles, 114 treatises, 165 briefs, and 89 decisions; Loyola faculty have worked on or were cited in 6 ALI Restatements and otherwise offered their efforts in public and private service. We are delighted to showcase a small sample of our recent work and impact.

JENNIFER ROTHMAN's latest is a 2018 book from Harvard University Press entitled *The Right of Publicity: Privacy Reimagined for a Public World*; she was also invited to argue as an amicus in a California Court of Appeal case involving Olivia de Havilland's right of publicity lawsuit against FX Networks. Her previous scholarship includes pieces in the Georgetown Law Journal, Virginia Law Review, Cornell Law Review, Columbia Journal of Law & the Arts, and the Harvard Journal of Law & Public Policy.



ELIZABETH POLLMAN's scholarship on corporate law continues to draw accolades, including a co-authored 2017 piece selected by peers as one of the top ten corporate and securities articles of the year. She has recent and forthcoming chapters in books published by Harvard, Chicago, and Cambridge University presses, and a forthcoming article on corporate disobedience in the Duke Law Journal. She was also invited to join the ABA's Corporate Laws Committee, which revises and annotates the Model Business Corporation Act.



JUSTIN HUGHES, a prolific scholar in intellectual property and international trade, helped this year to negotiate bipartisan legislation implementing the Marrakesh Treaty on access to copyrighted works for the blind. His forthcoming work includes a chapter on trademark in a book by Cambridge University Press and an article on copyright in the Connecticut Law Review; his past research includes pieces in the Georgetown, Texas, UCLA, BC, USC, and Notre Dame law reviews.



SEAN SCOTT has been called to serve for a two-year appointment as the Associate Director of AALS. At Loyola, we have relied on her expertise and passion for innovation in legal education; now law schools nationwide will benefit. She also maintains a significant scholarly agenda related to diversity: her latest is *Deconstructing Disability: Mental Incapacity and the Americans with Disabilities Act*.



JEFFERY ATIK is an expert on innovation and technology transfer; his most recent work, a co-authored piece on Bitcoin governance, appears in the inaugural issue of the Stanford Journal of Blockchain Law and Policy. Before that, *The Social Experience of the Euro*, 32 Conn J. Int'l L. 267 (2017), joined his scholarship in the Georgetown Law Journal and international, transnational, or comparative law reviews including Virginia, Penn, Columbia, and Boston College.



ELLEN APRILL's remarkable scholarship earned her the ABA Business Law Section's 2018 award for distinguished academic achievement in the nonprofit sector. She published five new pieces in 2017-18 alone, including analysis of state government charities, 501(c)(3) LLCs, exemptions for religious institutions, rules on political engagement, and the procedure of the tax legislative process. And that does not include her study of 501(c)(4) organizations, forthcoming in the NYU Journal of Legislation and Public Policy.



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VICTOR GOLD completed his fifth volume of Federal Practice and Procedure, the treatise Justice Ruth Bader Ginsburg recognized as “the procedural bible for federal judges.” Gold’s scholarship on evidence has been cited in over 900 judicial opinions, including opinions of the Supreme Court, every federal appellate court, and over 40 state supreme courts. His latest volume includes, *inter alia*, a reassessment of rules governing evidence of prior conduct in cases involving sex crimes.



KATIE PRATT, the fourth-most downloaded female tax scholar on SSRN, was recently elected a Fellow of the American College of Tax Counsel. She is on the Program Committee for the 2018 NTA Annual Meeting, where she will present her new piece on the 2017 tax legislation; her feminist take on fertility treatment deductions was just published by Cambridge University Press, and the eighth edition of her co-authored Federal Income Tax book is forthcoming.



LAURIE LEVENSON, author or co-author of ten criminal law casebooks and treatises, has forthcoming pieces on prosecutorial and judicial ethics in the Ohio State, Loyola-Chicago, and Mercer law reviews, and yet another book on the way — *Complex Criminal Litigation: Prosecuting Drug Enterprises and Organized Crime*. She is also the faculty engine behind Loyola’s Project for the Innocent, which for the seventh time this year secured long-delayed justice for an individual unjustly convicted and incarcerated.



JUSTIN LEVITT, Loyola’s Associate Dean for Research, published *Intent is Enough: Invidious Partisanship in Redistricting*, 59 Wm. & Mary L. Rev. 1993 (2018), on his return from helping to lead the Civil Rights Division of the U.S. Department of Justice through the 2016 election. He was also invited to testify before the U.S. House Oversight Committee and the U.S. Civil Rights Commission, and his scholarship related to the law of democracy was cited to the Supreme Court at least sixteen times in 2017-18 alone.



YXTA MAYA MURRAY’s research confronts themes of equity and subordination in the law. Her recent pieces have been featured in the leading law reviews devoted to the law’s interaction with race, gender, sexuality, and poverty, including journals at Michigan, Columbia, Georgetown, Fordham, and Cardozo. Her latest scholarship, *The Takings Clause of Boyle Heights*, 43 NYU Rev. L. & Social Change (forthcoming 2018), concerns the upending of investment-backed expectations by gentrification.



ADAM ZIMMERMAN’s 2017 Yale Law Journal proposal recommending class actions outside of Article III courts has been embraced by the Federal Circuit, the Department of Education, and the Court of Appeals for Veterans Claims, and is currently under consideration by the Federal Maritime Commission. His other articles on mass litigation have been published in Columbia, NYU, Penn, Virginia, and Duke law reviews, among others.



PRISCILLA OCEN, the Vice Chair of the L.A. County Sheriff Civilian Oversight Commission and a member of its Blue Ribbon Commission on Public Safety, interrogates the criminal system’s regulation of sexuality, pregnancy, and parenting choices of women of color in her scholarship. Her recent works include *Birthing Injustice: Pregnancy as a Status Offense*, 85 Geo. Wash. L. Rev. 1163 (2017), *Incapacitating Motherhood*, 51 UC Davis L. Rev. 2191 (2018), and a forthcoming book chapter on *Ferguson v. City of Charleston*.



CESARE ROMANO, an international law expert, is leading Loyola students to litigate cases of human rights violations before international human rights bodies and to produce the world’s most complete and accessible database of case summaries on the Inter-American Court of Human Rights. He is currently writing two books: one on the human right to science and another on the legal aspects of the modification of the genome of human germline cells.



BRIETTA CLARK, Loyola's Associate Dean for Faculty, is also an expert in healthcare delivery and financing systems, and the regulation of those systems by state and federal government. In 2017-18, she joined the field's leading casebook — *Health Law: Cases, Materials and Problems* — and published pieces on the regulatory landscape in the *Houston Journal of Health Law & Policy* and the *Saint Louis University Law Journal*.



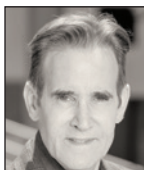
SANDE BUHAI, Director of Loyola's Public Interest Department, is also an active scholar of the civil litigation process. Her latest work is *Statutory Damages*, 66 U. Kan. L. Rev. 523 (2018); she also has a forthcoming piece in the *Georgia Law Review* examining the implications of attorney-client privilege for minors, and the extension of the privilege to parents.



CARLOS BERDEJÓ employs economic tools to understand how regulations influence corporations' financing decisions and how judicial institutions affect the behavior of judges and prosecutors; he has previously published in the peer-reviewed *Journal of Law & Economics* and *Review of Economics & Statistics*, among others. His most recent pieces, in the *Boston College* and *Indiana law reviews*, document racial and gender disparities in plea bargaining, particularly in cases involving misdemeanors and defendants without prior convictions.



STAN GOLDMAN, an expert in criminal procedure and evidence, is also the Director of the Center for the Study of Law and Genocide. His forthcoming book, *Left to the Mercy of a Rude Stream*, published by University of Nebraska Press and Recorded Books, chronicles a secret negotiation between a Swedish team and Heinrich Himmler, leading to a dramatic release of Jewish prisoners from Ravensbruck's death camp as World War II was drawing to a close.



LEE PETHERBRIDGE's teaching and research concentrates on two areas: evolutionary biology and the law of innovation, particularly patent law. He has authored over 35 articles and essays on topics ranging from the empirical analysis of judicial decision-making in patent law to his latest, a 2018 *William & Mary* piece on gender disparity in law review citation rates. His previous scholarship includes work published in the *Penn*, *Texas*, *Cornell*, *Northwestern*, and *USC law reviews*, among others.



HIRO ARAGAKI is a distinguished scholar of alternative dispute resolution. His most recent publication, *The Metaphysics of Arbitration*, 18 Nev. L.J. 541 (2018), engages Prof. Deborah Hensler's new work on arbitration's "reinvention." His previous work on ADR has appeared in flagship law reviews at NYU, UCLA, and Penn, won Honorable Mention at the AALS Scholarly Papers Competition, and was presented at the Stanford/Yale Junior Faculty Forum.



ERIC MILLER published pieces in 2018 entitled *Policing On Behalf of the Community* and *Breaking Windows as Corrective Justice: Impure Resistance in Urban Ghettos*; given his expertise in policing and problem-solving courts, he was also invited to speak to the Federal Judicial Center's National Workshop for Magistrate Judges. This year, his research includes several articles on the landmark *Terry v. Ohio* case, and a new co-edited book on policing in America, forthcoming from Cambridge University Press.



LAUREN WILLIS has been bringing policymakers the performance-based approach to consumer law she developed in pieces in, e.g., the *Chicago Law Review* and *Law & Contemporary Problems*. She has been helping Australia implement customer confusion audits to assess financial services firms' compliance with consumer protection and fair competition law; her proposals have also reached the UK. Domestically, she has been advising the ALI's Consumer Contracts project and the CFPB's consumer disclosure research program.



Productive Faculty 2017-2018

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