

Recent Scholarship 2015-2016

We are proud of the breadth and impact of Loyola's scholarship. This year, faculty published on subjects ranging from philosophy to law and economics, administrative law, intellectual property, and critical race theory. Our scholarship helped drive new federal rules and state legislation as well as grassroots advocacy and public opinion.

MICHAEL WATERSTONE is Loyola's new Dean. An influential scholar of disability rights, Waterstone has worked with foreign governments, NGOs, and academic institutions all over the world, including in China, Japan, Israel, and Bangladesh. Co-author of a leading disability law casebook, his law review articles have appeared in Harvard, Duke, Vanderbilt, Northwestern, Emory, Notre Dame, Boston University, William & Mary, and Minnesota. He has taught at Loyola since 2006.



ELIZABETH POLLMAN is a prolific business law scholar, with book chapters forthcoming from Harvard, Chicago, and Cambridge University presses. Recent articles include *Constitutionalizing Corporate Law*, 69 Vand. L. Rev. 639 (2016), on modern corporate rights doctrine and state corporate law, and *Regulatory Entrepreneurship*, 90 S. Cal. L. Rev. (2017) (with Jordan Barry), offering a provocative new theory of companies that have business models focused on changing the law.



KIMBERLY WEST-FAULCON is an influential voice in the post-*Fisher II* debate over the future of affirmative action. A scholar of constitutional law and anti-discrimination, West-Faulcon's *Fisher II* amicus brief has sparked new interest in the role of intelligence theory, standardized testing, and merit. Her work has appeared in such venues as the Journal of Constitutional Law, University of Pennsylvania Law Review, UCLA Law Review, and Yale Law Journal.



ALEXANDRA NATAPOFF received a 2016 Guggenheim Fellowship for her work on misdemeanors and the American justice system. Natapoff, who is Associate Dean for Research, will use the Fellowship to complete her book on the significance of the petty offense process for the criminal system as a whole. She also is co-editor of *THE NEW CRIMINAL JUSTICE THINKING*, a forthcoming collection of interdisciplinary essays by leading scholars.



CARLOS BERDEJÓ is an economist whose innovative work spans securities regulation and judicial behavior. His forthcoming article, *Small Investments, Big Losses* (Washington Law Review), offers a new theory of small-scale securities fraud, its relationship to federal preemption and enforcement mechanisms, and the potential for increased state involvement. His previous work has appeared in the Review of Economics & Statistics and numerous law reviews.



JUSTIN LEVITT, one of the nation's leading voting rights scholars, is currently serving as Deputy Assistant Attorney General in the Civil Rights Division of the U.S. Department of Justice. His newest piece is entitled *Quick and Dirty: The New Misreading of the Voting Rights Act*, 43 Fla. St. U. L. Rev. (2016); his previous scholarship has appeared in the Harvard Law Review, Yale Law & Policy Journal, and Georgetown Law Journal.



Recent Scholarship

ADAM ZIMMERMAN's innovative theories of mass litigation are expanding access to justice. The federal government adopted Zimmerman's recommendations to permit class actions in administrative hearings based on findings in his forthcoming article, *Inside the Agency Class Action* (with Sant'Ambrogio), in the *Yale Law Journal*. The Supreme Court also adopted positions from his amicus brief (with Campos), finding that plaintiffs may use statistics in class actions to establish corporate wrongdoing.



JUSTIN HUGHES is an intellectual property and international trade expert whose publications this year include *Motion Pictures, Markets, and Copylocks*, 23 *George Mason L. Rev.* (2016), *Copyright and Distributive Justice*, 92 *Notre Dame L. Rev.* (2016) (with Robert Merges), and *The Limited Promise of Geographical Indications for Developing Country Farmers* (book chapter forthcoming from Cambridge University Press, 2016).



PRISCILLA OCEN produces forward-thinking work at the intersection of criminal law, race, and gender scholarship. Her forthcoming pieces *Birthing Injustice* and *Incapacitating Motherhood* explore how the criminal system constructs and burdens the sexuality, pregnancy, and parenting choices of women of color. Her previous work has appeared in the *California Law Review*, *UCLA Law Review* and the *Du Bois Review*.



SAMUEL PILLSBURY is a well-known scholar of criminal justice. Author of the influential book *JUDGING MURDER: RETHINKING THE LAWS OF MURDER AND MANSLAUGHTER*, he has written numerous articles on retributivism, moral responsibility, and forgiveness. A former journalist and federal prosecutor, his most recent piece is *Black Lives Matter: Reviewing Jill Leovy, Ghettside: A True Story of Murder in America*, 13 *Ohio St. J. Crim. L.* 567 (2016).



DAVID GLAZIER's work sits at the leading edge of international law and military affairs. A former Naval commander, his most recent work is a book chapter assessing the legality of U.S. drone warfare and a forthcoming *Yale Journal of International Law* article providing the first comprehensive critical analysis of the Department of Defense's new *Law of War Manual*.



THEODORE SETO is the eighth most SSRN-downloaded tax scholar in the country. His newest piece, *A Forced Labor Theory of Property and Taxation*, in *THE PHILOSOPHY OF TAX LAW* (Oxford, 2016), argues that property, as an institution, forces ordinary people to work and save more than they otherwise would; if so, optimal tax theory and Robert Nozick's critique of tax are both foundationally unsound.



HIRO ARAGAKI's original work on arbitration law has appeared in the *NYU*, *UCLA*, and *University of Pennsylvania* law reviews and has won numerous recognitions, including Honorable Mention in the *AALS Scholarly Papers Competition*. His forthcoming pieces include *Constructions of Arbitration's Informalism: Autonomy, Efficiency, and Justice*, 2016 *J. Disp. Resol.*, and *Arbitration: Creature of Contract, Pillar of Procedure*, 8 *Yearbook Arb. & Mediation*.



ERIC MILLER's most recent piece, *Encountering Resistance: Non-Compliance, Non-Cooperation, and Procedural Justice*, is forthcoming in the *University of Chicago Legal Forum*. Miller takes a new and critical look at procedural justice, arguing that its emphasis on agreement and compliance undervalues the democratic role of dissent and resistance. His previous work includes articles in the *California*, *Irvine*, *Connecticut*, and *Howard* law reviews.



LAURIE LEVENSON is a leading criminal justice expert and founder of the Loyola Project for the Innocent. Her most recent article is *The Problem with Cynical Prosecutor's Syndrome: Rethinking a Prosecutor's Role in Post-Conviction Cases*, 20 Berk. J. Crim. L. 335 (2015). She has authored dozens of law review articles, treatises, and books, including the highly-regarded casebook *Criminal Procedure*, co-authored with Erwin Chemerinsky.



PAUL HAYDEN, former Interim Dean, is a torts scholar. He recently published *HORNBOOK ON TORTS* (2d ed. 2016), with co-authors Dan B. Dobbs & Ellen M. Bublick. Hayden's *LAW OF TORTS* treatise (2d. ed. 2011), written with the same co-authors, was cited this past term by the U.S. Supreme Court in *Universal Health Services, Inc. v. United States*, 136 S. Ct. 1989 (2016).



MICHAEL GUTTENTAG is a business law and economics scholar. His forthcoming articles include *Selective Disclosure and Insider Trading: Tipper Wrongdoing in the 21st Century*, 69 Florida L. Rev. (2017), and *Evolutionary Analysis in Law: On Disclosure Regulation*, 48 Arizona St. L.J. (2017). His prior work has appeared in the *Journal of Empirical Legal Studies*, *Review of Law and Economics*, and *Washington University Law Review*.



KEVIN LAPP is a juvenile justice scholar with special expertise in informational privacy and childhood development. His interdisciplinary work challenges the traditional ways that the criminal law conceptualizes childhood, particularly in light of adolescent developmental science. His recent pieces include *American Criminal Record Exceptionalism*, 14 Ohio St. J. Crim. L. (2016), and *Taking Back Juvenile Confessions*, forthcoming in the *UCLA Law Review*.



JENNIFER ROTHMAN is a prominent intellectual property scholar and expert on the right of publicity. Her forthcoming book from Harvard University Press will be a comprehensive analysis of the right of publicity, its history and origins, the challenges it poses, and its implications for privacy law. She runs the website *Rothman's Roadmap to the Right of Publicity*, which charts important developments in right-of-publicity law among the states.



MAUREEN JOHNSON's most recent piece has garnered significant attention. *You Had Me at Hello: Examining the Impact of Powerful Introductory Emotional Hooks in Appellate Briefs in Hotly-Contested U.S. Supreme Court Decisions*, 49 Indiana L. Rev. 397 (2016), was a top download on multiple platforms and featured on SCOTUSblog, where Johnson analyzed how often a prevailing brief's "hello" ends up featured in Supreme Court opinions.



ELLEN APRILL is an award-winning tax scholar and a nationally-known expert on tax-exempt entities. Her scholarship has appeared in such law reviews as *Duke*, *Fordham*, *Boston College*, and the *University of Southern California*. Her most recent pieces are *The Section 527 Obstacle to Meaningful 501(c)(4) Regulation*, 13 Pitt. Tax. Rev. (2016), and *Charitable Class, Disaster Relief, and First Responders*, forthcoming in *Tax Notes*.



LAUREN WILLIS's scholarship on consumer protection and behavioral psychology, which has received wide acclaim, includes two seminal articles published in the *University of Chicago Law Review*. Her forthcoming pieces include *The Consumer Financial Protection Bureau and the Quest for Consumer Comprehension* (book chapter) and *Customer Confusion & Consequences Audits: 21st Century Remedies for 21st Century Unfairness, Deception & Abuse*, 80 *Law & Contemp. Probs.* (2017).



Recent Scholarship 2015-2016

LOYOLA
LAW SCHOOL | LOS ANGELES
919 Albany Street,
Los Angeles, CA 90015-1211
www.lls.edu

Adam Zimmerman, *Inside the Agency Class Action*, **YALE LAW JOURNAL** • Elizabeth Pollman, *Constitutionalizing Corporate Law*, **VANDERBILT LAW REVIEW** • Eric Miller, *Encountering Resistance: Non-Compliance, Non-Cooperation, and Procedural Justice*, **UNIVERSITY OF CHICAGO LEGAL FORUM** • Justin Hughes, *Copyright and Distributive Justice*, **NOTRE DAME LAW REVIEW** • Michael Guttentag, *Selective Disclosure and Insider Trading: Tipper Wrongdoing in the 21st Century*, **FLORIDA LAW REVIEW** • David Glazier, *A Critical Assessment of the New Department of Defense Law of War Manual*, **YALE JOURNAL OF INTERNATIONAL LAW** • Samuel Pillsbury, *Black Lives Matter: Reviewing Jill Leovy, Ghettside: A True Story of Murder in America*, **OHIO STATE JOURNAL OF CRIMINAL LAW** • Maureen Johnson, *You Had Me at Hello: Examining the Impact of Powerful Introductory Emotional Hooks in Appellate Briefs in Hotly-Contested U.S. Supreme Court Decisions*, **INDIANA LAW REVIEW** • Elizabeth Pollman, *Regulatory Entrepreneurship*, **SOUTHERN CALIFORNIA LAW REVIEW** • Michael Guttentag, *Evolutionary Analysis in Law: On Disclosure Regulation*, **ARIZONA STATE LAW JOURNAL** • Carlos Berdejó, *Small Investments, Big Losses*, **WASHINGTON LAW REVIEW** • Justin Hughes, *Motion Pictures, Markets, and Copylocks*, **GEORGE MASON LAW REVIEW** • Rebecca Delfino, *Prohibition on Successive Prosecutions for the Same Offense—In Search of the “Goldilocks Zone”—The California Approach to a National Conundrum*, **AMERICAN CRIMINAL LAW REVIEW** • Kevin Lapp, *Taking Back Juvenile Confessions*, **UCLA LAW REVIEW** • Lauren Willis, *Customer Confusion & Consequences Audits: 21st Century Remedies for 21st Century Unfairness, Deception & Abuse*, **LAW & CONTEMPORARY PROBLEMS** • Daniel Selmi, *Federal Implementation Plans and the Path to Clean Power*, **GEORGETOWN**