

Faculty
Scholarship
2017 to 2020

Message from the Dean

Dear Colleagues,

We are pleased to update you on the scholarship produced by our faculty since 2017. Situated on the flagship campus of a premier, research-intensive public university, University at Buffalo School of Law has long been associated with innovative, interdisciplinary research and critical approaches to the study of law. Many of our faculty members hold doctorates in areas other than law, and the thoughtful scholarship catalogued here reflects this rich and diverse background. We hope you enjoy getting to know their work.

Yours sincerely,



Aviva Abramovsky
Dean



law.buffalo.edu/faculty



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I investigate how the law influences where people live. My research agenda centers on what legal tools exist, or should exist, to reduce racial segregation. My ambition remains practical as well as theoretical—creating a roadmap for litigators and policymakers to leverage existing statutes, administrative regulation, and case law to meaningfully deconstruct the systems that perpetuate racial segregation.”

AREAS OF INTEREST

ADMINISTRATIVE LAW

CLINICAL LEGAL EDUCATION

CIVIC PROCEDURE

CIVIL LIBERTIES

CIVIL RIGHTS

CONSTITUTIONAL LAW

CONTRACTS

DISABILITY RIGHTS

EVIDENCE

ELECTION LAW

FAIR HOUSING

FEDERAL COURTS

FIRST AMENDMENT

FREEDOM OF THE PRESS

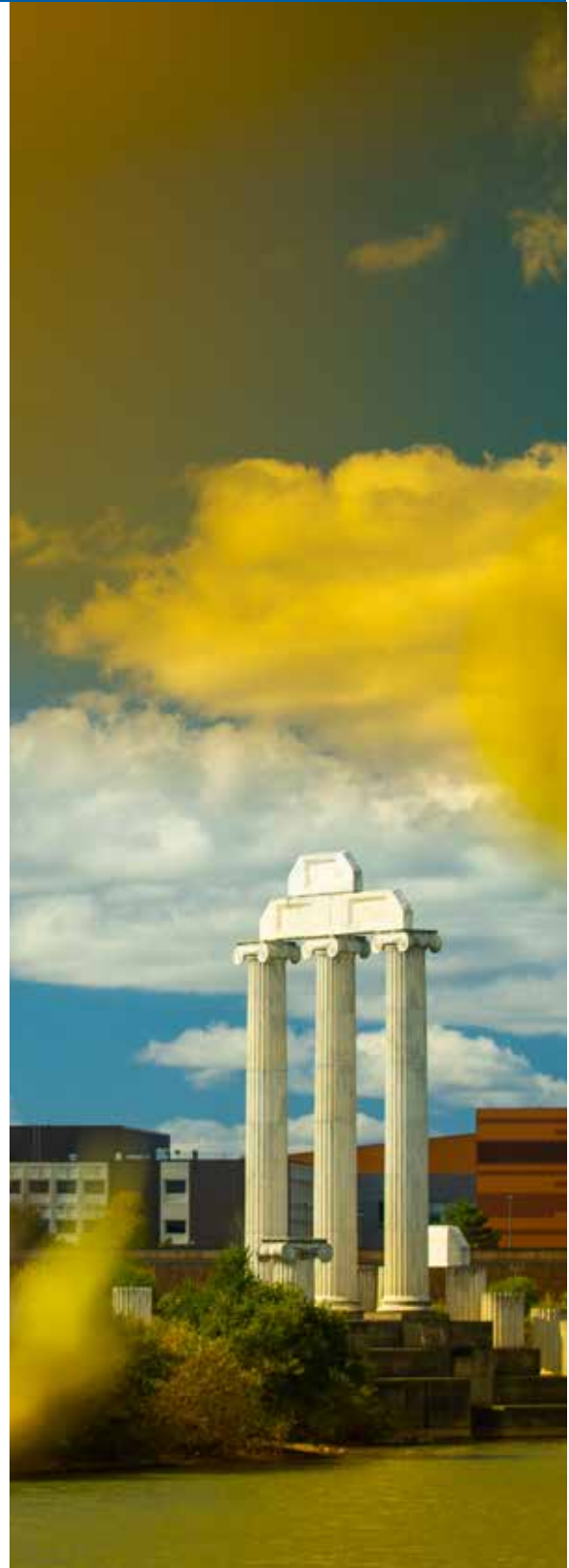
LEGISLATION

PROPERTY

PUBLIC AFFAIRS

ARTICLES

Fair Housing's Third Act: American Tragedy or Triumph?,
39 YALE LAW & POLICY REVIEW
(forthcoming Dec. 2020).



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AREAS OF INTEREST

INSURANCE LAW

COMMERCIAL LAW

REGULATION OF FINANCIAL ENTITIES

LEGAL ETHICS

BOOKS

UNIFORM COMMERCIAL CODE, WEST'S MCKINNEY'S FORMS FOR NEW YORK (the definitive set on the New York Uniform Commercial Code and official companion to MCKINNEY'S CONSOLIDATED LAWS OF NEW YORK ANNOTATED) (Thomson Reuters, 2016-2020) (updated annually).

CHAPTERS

Transparency and the Insurance Contract in the United States (with Peter Kochenburger), in *TRANSPARENCY IN INSURANCE LAW AND REGULATION* 683, 683-703 (Pierpaolo Marano & Kyriaki Noussia, eds., Springer 2020).

“

My research is focused on insurance law with emphasis on re-insurance. I am particularly interested in global insurance products and disaster and catastrophe liability. Insurance is a gatekeeper for all corporate behavior and as such the industry's laws and policies are relevant to every aspect of the world's economy.”



Elizabeth G. Adelman

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The core of my scholarship focuses on the process of conducting legal research effectively. The fourth edition of my book, *New York Legal Research*, highlights the connections between sources, legal research, and analysis. Another area of interest is on the status of the academic law library. My recent scholarship examines the autonomy of academic law libraries, the status of the law library director, and the implications of both in the context of the ABA Standards.”

AREAS OF INTEREST

LEGAL RESEARCH

STATUS OF ACADEMIC LAW LIBRARIES AND LAW LIBRARIANS

BOOKS

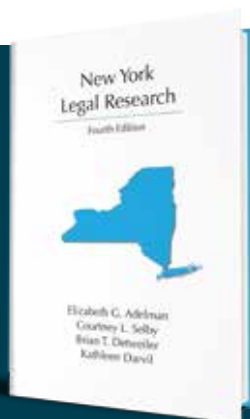
NEW YORK LEGAL RESEARCH (with Courtney L. Selby, Brian T. Detweiler & Kathleen Darbil) (Carolina Academic Press, 4th ed. 2020).

ARTICLES

Academic Law Library Director Status Since the Great Recession: Strengthened, Maintained, or Degraded? (with Karen Shephard, Richard J. Patti & Robert M. Adelman), 112 LAW LIBRARY JOURNAL 117, 117-34 (2020).

CHAPTERS

Centralization of the Academic Law Library: Is It Right For Your Institution?, in ACADEMIC LAW LIBRARIES WITHIN THE CHANGING LANDSCAPE OF LEGAL EDUCATION: A PRIMER FOR DEANS AND PROVOSTS 189, 189-204 (Michelle M. Wu, Scott B. Pagel, Joan S. Howard, eds., William S. Hein & Company 2020).



EXPLORING NEW LEGAL RESEARCH SOURCES

NEW YORK LEGAL RESEARCH (Carolina Academic Press, 4th ed. 2020) provides an alternative to legal research books that take a bibliographic approach to legal research. The fourth edition explores both the sources of New York state law and the process of conducting research using those sources. Elizabeth Adelman and her co-authors include an emphasis on online sources and the online research process. Print sources are discussed as opportunities to enhance the research process or when an online equivalent is not available.

Most chapters contain outlines with step-by-step guidance and short excerpts and screenshots from important sources. Brief discussions of legal analysis are included to show its crucial connection to research. While the focus of NEW YORK LEGAL RESEARCH is state research, concise descriptions of federal resources are included throughout this edition.

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AREAS OF INTEREST

FIRST AMENDMENT

LEGAL HISTORY

MASS MEDIA LAW

BOOKS

THE RISE AND FALL OF MORRIS ERNST:
FREE SPEECH RENEGADE (University
of Chicago Press forthcoming 2021).

CONFIDENTIAL CONFIDENTIAL:
THE INSIDE STORY OF HOLLYWOOD'S
NOTORIOUS SCANDAL MAGAZINE
(Chicago Review Press 2018).

NEWSWORTHY: THE SUPREME
COURT'S BATTLE OVER PRIVACY
AND FREEDOM OF THE PRESS
(Stanford University Press 2017).

ARTICLES

*The Esquire Case: A Lost Free Speech
Landmark*, 27 WILLIAM AND
MARY BILL OF RIGHTS JOURNAL
287, 287-361 (Dec. 2018).

CHAPTERS

*Privacy and the Right to One's Image:
A Cultural and Legal History*, in
INJURY AND INJUSTICE: THE CULTURAL
POLITICS OF HARM AND REDRESS
202, 202-28 (Anne Bloom, David
M. Engel & Michael McCann, eds.,
Cambridge University Press 2018).

“

My work examines the interconnections between law, American social and cultural history, and the history of mass communications. I have focused on the history of privacy, defamation, and free speech law, looking at topics ranging from the 1957 trial of Confidential magazine, to the 1967 Supreme Court case *Time v. Hill*, to the history of the ACLU and the career of famed civil liberties attorney Morris Ernst.”

NATIONAL RECOGNITION AS A PUBLIC SCHOLAR

The National Endowment for the Humanities recognizes *public scholars* - authors writing about important aspects of culture for a wide spectrum of readers. It has bestowed that designation on **Samantha Barbas**, along with a monetary grant to support work on her latest book.

Barbas is one of 25 public scholars nationwide who will share in \$1.4 million in NEH grants. The awards are intended to “support well-researched books in the humanities aimed at a broad public audience.”

Barbas' current project looks at the sociolegal history of *New York Times Co. v. Sullivan*, the U.S. Supreme Court's landmark 1964 ruling that First Amendment protections of free speech limit public officials' ability to win a defamation lawsuit. That decision established the “actual malice” test, under which the plaintiff must prove that the defendant knew the statement in question was false or showed reckless disregard for whether it was true.



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My research is in civil procedure, specifically the tension between class actions' enforcement potential and heightened procedural and evidentiary rules. On the one hand, judicial resources are far from absolute, and such rules can promote judicial efficiency. On the other hand, a raft of new procedural hurdles threaten class actions' potential to regulate corporate behavior. It is now harder to get into court; harder to plead a claim; and harder to certify a class. I analyze how such hurdles impact class actions, and then identify ways to balance efficiency and enforcement goals. Because rule interpretation is primarily left to the judiciary, my work analyzes judicial interpretation and decision making."

AREAS OF INTEREST

CIVIL PROCEDURE

ANTITRUST

EVIDENCE

CONSUMER PROTECTION

REMEDIES

BOOKS

LEGAL ARGUMENT: THE STRUCTURE AND EFFECTIVE LANGUAGE OF EFFECTIVE ADVOCACY (with James A. Gardner) (Carolina Academic Press, 3rd ed. 2020).

ARTICLES

The Venue Shuffle: Forum Selection Clauses & ERISA (with James A. Wooten), 66 *UCLA LAW REVIEW* 862, 862-910 (April 2019).

E-Notice, 68 *DUKE LAW JOURNAL* 217, 217-74 (2018).

Exorcising the Clergy Privilege, 103 *VIRGINIA LAW REVIEW* 1015, 1015-77 (2017).

CHAPTERS

Antitrust Norms in the United States and Financial Corruption, in *XLI JORNADAS INTERNACIONALES DE DERECHO PENAL, CRIMINAL, CONTEMPORÁNEA Y CORRUPCIÓN: ¿EFECTIVIDAD DEL LA PENA PRIVATIVA DE LA LIBERTAD?* (Universidad Externado de Colombia forthcoming 2020) (translated into Spanish).

Motions for Class Certification vs. Proceedings on the Merits, in *ANTITRUST DAUBERT HANDBOOK* (ABA Antitrust Section forthcoming 2020).

Privilege and the Fight Against Corruption in the United States, in *XLI JORNADAS INTERNACIONALES DE DERECHO PENAL, CRIMINAL, CONTEMPORÁNEA Y CORRUPCIÓN: ¿EFECTIVIDAD DEL LA PENA PRIVATIVA DE LA LIBERTAD?* (Universidad Externado de Colombia forthcoming 2020) (translated into Spanish).

AMICUS BRIEFS

Brief of Scholars as Amici Curiae Supporting Petition for Certiorari, *Robertson v. U.S. District Court*, (U.S. 2019) (No. 18-1341) (co-lead author).

Brief of Antitrust Law Professors as Amici Curiae Supporting Petition for Certiorari, *AFMS LLC v. United Parcel Services, Inc. & FedEx Corp.*, 138 S. Ct. 1180 (U.S. 2018) (No. 17-1092) (lead author).

Brief of Law Professors as Amici Curiae Supporting Plaintiff-Appellant's Petition for Rehearing, or In the Alternative, Rehearing *En Banc*, *AFMS LLC v. United Parcel Services, Inc. & FedEx Corp.*, 696 Fed. Appx. 293 (9th Cir. 2017) (No. 15-55778) (contributing author).





Mark Bartholomew

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“

My recent work examines the relationship between law, technology, and advertising.

Through a variety of mechanisms, including intellectual property law, privacy law, contract law, and the First Amendment, the legal system is struggling to set an appropriate balance between commercial freedom and consumer protection in the midst of a modern marketing revolution. Figuring out where this balance should be set is a difficult project. My approach is to mine psychology, which tells us how consumers think, and history, which tells us how lawmakers approached similar questions in the past, to help assess the costs and benefits of advertising in new forms and new spaces.”

AREAS OF INTEREST

INTELLECTUAL PROPERTY

CYBERLAW

LEGAL HISTORY

ADVERTISING LAW

BOOKS

ADCREEP: THE CASE AGAINST MODERN MARKETING (Stanford University Press 2017).

ARTICLES

Copyright and the Brain, 98 WASHINGTON UNIVERSITY LAW REVIEW (forthcoming 2020).

Neuromarks, 103 MINNESOTA LAW REVIEW 521, 521-85 (2018).

The Law of Advertising Outrage, 19 ADVERTISING & SOCIETY QUARTERLY (Sept. 2018).

The Political Economy of Celebrity Rights, 38 WHITTIER LAW REVIEW 1, 1-24 (Spring 2018).



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AREAS OF INTEREST

ADMINISTRATIVE LAW AND
COMPARATIVE ADMINISTRATIVE LAW
JURISDICTION & CIVIL PROCEDURE
LEGISLATION & STATUTORY
INTERPRETATION
LAW AND SOCIETY

ARTICLES

*Legal Corpus Linguistics and the
Half-Empirical Attitude*, 106 CORNELL
LAW REVIEW (forthcoming 2021).

*The Concept of “Data” in Data-Driven
Legal Interpretation*, 86 BROOKLYN
LAW REVIEW (forthcoming 2020).

*Technologies of Language Meet
Ideologies of Law*, 2020 MICHIGAN
LAW REVIEW (forthcoming 2020).

*Porous Bureaucracy: Administrative
Culture in Taiwan*, 45 LAW &
SOCIAL INQUIRY 28, 28-51 (2020).

*Interpenetration of Powers: Channels
and Obstacles for Populist Impulses*,
28 WASHINGTON INTERNATIONAL
LAW JOURNAL 461, 461-86 (2019).

Democratizing Interpretation,
60 WILLIAM AND MARY LAW
REVIEW 435, 435-506 (2018).

Before Interpretation,
84 UNIVERSITY OF CHICAGO LAW
REVIEW 567, 567-645 (2017).

*Bureaucratic Speech: Language Choice
and Democratic Identity in the Taipei
Bureaucracy*, 40 POLAR: POLITICAL AND
LEGAL ANTHROPOLOGY REVIEW
28, 28-51 (2017).

CHAPTERS

Agency in State Agencies, in DISTRIBUTED
AGENCY: THE SHARING OF INTENTION,
CAUSE, AND ACCOUNTABILITY 41, 41-48
(N.J. Enfield & Paul Kockelman, eds.,
Cambridge University Press 2017).

The Songs of Other Birds, in INSIDERS,
OUTSIDERS, INJURIES, AND LAW:
REVISITING THE OVEN BIRD’S SONG
219, 219-236 (Mary Nell Trautner,
ed., Oxford University Press 2017).

“

“We sometimes take the legitimacy of democratic governance for granted, but legitimacy is not something that inheres in a particular political form. It’s a dynamic, culturally specific outcome of continuous work by numerous participants. I’m particularly interested in how bureaucrats and judges in democracies legitimize their actions. I use ethnography, interview, and textual analysis to illuminate how government actors understand, describe, and shape law and governance. My work so far has focused on the United States as well as Taiwan; in the coming year I’ll expand my research to Germany.”



Guyora Binder

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My forthcoming article, *Disbanding Police Agencies*, grew out of conversations with my coauthors Tony O'Rourke and Rick Su, about last summer's tragic and turbulent events. It assesses proposals to disband police forces, like that passed by the Minneapolis City Council, from a democratic and institutionalist perspective. Should localities concerned about discriminatory policing and excessive force disband their police forces? This is a more practical strategy than many readers may imagine, that has been used before in American history to reform policing. One reason in favor of using such a strategy today is that discriminatory police departments are often too insulated from democratic oversight to be meaningfully reformed. Yet these same legal impediments to democratic control will also impede efforts to dissolve police forces and start fresh."

AREAS OF INTEREST

CRIMINAL LAW
JURISPRUDENCE
LAW AND LITERATURE

BOOKS

CRIMINAL LAW: CASES AND MATERIALS (with John Kaplan & Robert Weisberg) (Wolters-Kluwer, 8th ed., 2017) (9th ed., forthcoming 2021).

ARTICLES

Disbanding Police Agencies (with Anthony O'Rourke & Rick Su), 121 COLUMBIA LAW REVIEW (forthcoming 2021).

Judicial Review of Strict Liability Local Ordinances (with Brenner Fissell), 53 ARIZONA STATE UNIVERSITY LAW REVIEW (forthcoming 2021).

A Political Interpretation of Vagueness Doctrine (with Brenner Fissell), 2019 ILLINOIS LAW REVIEW 1527, 1527-88 (2019).

The Puzzle of Inciting Suicide (with Luis Chiesa), 56 AMERICAN CRIMINAL LAW REVIEW 65, 65-135 (Winter 2018).

Unusual: The Death Penalty for Inadvertent Murder (with Brenner Fissell & Robert Weisberg), 93 INDIANA LAW JOURNAL 549, 549-618 (Summer 2018).

Capital Punishment of Unintentional Felony Murder (with Brenner Fissell & Robert Weisberg), 92 NOTRE DAME LAW REVIEW 1141, 1141-1214 (2017).

Penal Incapacitation: A Situationist Critique (with Ben Notterman), 54 AMERICAN CRIMINAL LAW REVIEW 1, 1-56 (2017).

BOOK REVIEWS

Book Review, CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS (Sept. 2020) (reviewing LAWRENCE FRIEDMAN, CRIME WITHOUT PUNISHMENT: ASPECTS OF HISTORY OF HOMICIDE) (2018)).

Law and the Modern Mind: Consciousness and Responsibility in American Legal Culture, 57 AMERICAN JOURNAL OF LEGAL HISTORY 121, 121-22 (2017) (reviewing SUSANNA L. BLUMENTHAL, LAW AND THE MODERN MIND) (2016)).

Michael Boucai

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AREAS OF INTEREST

GENDER, SEXUALITY, & LAW

FAMILY LAW

CONSTITUTIONAL LAW

CRIMINAL LAW

LEGAL HISTORY

ARTICLES

Topology of the Closet, JOURNAL OF
HOMOSEXUALITY (forthcoming 2020).

*Before Loving: The Origins of the
Right to Marry*, 20 UTAH LAW
REVIEW 69, 69-176 (2020).

“

My scholarship lies mainly in two fields. I study the law of marriage, family, gender, and sexuality, and I study queer history. Strongly influenced by critical and sociolegal approaches to law, the first branch of my research traverses multiple bodies of legal doctrine, most prominently constitutional, criminal, and family law. The second branch focuses on queer identities, communities, and politics since the mid-nineteenth century. Research in one area powerfully informs what I do in the other. I see law through a historian's eyes and history through the eyes of a law scholar. At the same time, I welcome frameworks and insights from other disciplines. Hence my scholarship's intense engagements with work in sociology, anthropology, philosophy, critical theory, and literature.”





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My research focuses on the relationship between law, science, and nature. My books include: *Planted Flags: Trees, Land and Law in Israel/Palestine* (2009), *Zooland: The Institution of Captivity* (Independent Publisher Award Winner, 2012), *Wild Life: The Institution of Nature* (2015), and *Coral Whisperers: Scientists on the Brink* (2018). My latest monograph, *Zoo Veterinarians: Governing Care on a Diseased Planet*, highlights the recent transformation that has occurred in the zoo veterinarian profession during a time of ecological crisis, and what this transformation may teach us about caring for a diseased planet. I am working on a book manuscript on the management of national parks and nature reserves in Palestine/Israel. I have also edited several book collections and special issues on legal geography, gene editing and the environment, ocean legalities, and environmental justice in the occupied Palestinian territories.”

AREAS OF INTEREST

- ANIMAL STUDIES
- NATURE AND CONSERVATION BIOLOGY
- ISRAEL/PALESTINE
- LAW AND GEOGRAPHY
- LAW AND GENETICS
- LEGAL ETHNOGRAPHY
- LAW AND SOCIETY
- SCIENCE AND TECHNOLOGY STUDIES

BOOKS

WILD LEGALITIES IN PALESTINE/ISRAEL (University of Minnesota Press forthcoming 2021).

ZOO VETERINARIANS: GOVERNING CARE ON A DISEASED PLANET (Routledge 2021).

BLUE LEGALITIES: THE LIFE AND LAWS OF THE SEA (Irus Braverman & Elizabeth R. Johnson, eds., Duke University Press 2020).

CORAL WHISPERERS: SCIENTISTS ON THE BRINK (The University of California Press 2018).

GENE EDITING, LAW, AND THE ENVIRONMENT: LIFE BEYOND THE HUMAN (Irus Braverman, ed., Routledge 2017).

ARTICLES

Environmental Justice in the Occupied West Bank, NATURE AND SPACE: ENVIRONMENT AND PLANNING E (forthcoming 2020) (Special issue).

Nof Kdumim: Imagining the Ancient Landscape in East Jerusalem's National Parks, NATURE AND SPACE: ENVIRONMENT AND PLANNING E (forthcoming 2020).

Regulating Wild Life in Palestine/Israel, POLAR (forthcoming).

Fleshy Encounters: Meddling in the Life-worlds of Zoo and Aquarium Veterinarians, HUMANIMALIA 11(2): 49-75 (2020).

Shifting Baselines in Coral Conservation, NATURE AND SPACE: ENVIRONMENT AND PLANNING E 3(1): 20-39 (2020) (Special issue).

Corals in the City: Cultivating Ocean Life in the Anthropocene City, CONTEMPORARY SOCIAL SCIENCE: JOURNAL OF THE ACADEMY OF SOCIAL SCIENCES (2019) (Special issue: Urban Animals: Cartographies of Radical Encounters).

Fish Encounters: Aquariums and their Veterinarians on a Rapidly Changing Planet, HUMANIMALIA 11(1): 1-25 (Fall 2019).

Living on Coral Time: Debating Conservation in the Anthropocene, ENVIRONMENT & SOCIETY PORTAL, ARCADIA 1: 1-6 (Spring 2019).

CARING FOR WILD ANIMALS DURING AN ECOLOGICAL CRISIS



Despite their centrality to the operation of contemporary accredited zoo and aquarium institutions, the work of zoo veterinarians has rarely been the focus of a critical analysis in the social sciences and humanities. Drawing on in-depth interviews and observations of zoo and aquarium veterinarians, mainly in Europe and North America, *ZOO VETERINARIANS: GOVERNING CARE ON A DISEASED PLANET* (Routledge, 2021) highlights the recent transformation that has occurred in the zoo veterinarian profession during a time of ecological crisis and what these changes can teach us about our rapidly changing planet. Originally an individual welfare-centered profession, these experts are increasingly concerned with the sustainability of wild animal populations and ecological health.

By exploring the regulatory landscape governing the work of zoo and aquarium veterinarians, author Irus Braverman navigates the gap between the hard and soft sciences as well as the gap between humans and non-humans.

Silent springs: The Nature of Water and Israel's Military Occupation, ENVIRONMENT AND PLANNING E: NATURE AND SPACE 1, 1-25 (June 27, 2019).

Uprooting Identities: The Regulation of Olive Trees in the Occupied West Bank, 71 OPEN ANTHROPOLOGY (March 2019).

Law's Underdog: A Call for Nonhuman Legalities, ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 14: 127-44 (2018).

Renouncing Citizenship as Protest: Reflections by a Jewish Israeli Ethnographer, CRITICAL INQUIRY 44: 379-86 (Winter 2018).

Saving Species One Individual at a Time: Zoo Veterinarians between Welfare and Conservation, HUMANIMALIA 9: 1-27 (Spring 2018).

Captive: Zoometric Operations in Gaza, PUBLIC CULTURE 29: 191-215 (2017).

Nature as Spectacle, TOPOS: THE INTERNATIONAL REVIEW OF LANDSCAPE ARCHITECTURE AND URBAN DESIGN 101: 80-85 (Jan. 2017).

CHAPTERS

Animals, in ROUTLEDGE HANDBOOK FOR LAW AND SOCIETY (Mariana Valverde, ed., forthcoming).

Coral Restoration and Citizen Scientists in the Anthropocene, in THE NATURE OF DATA: INFRASTRUCTURES, ENVIRONMENTS, POLITICS (Jenny E. Goldstein & Eric Nost, eds., Nebraska University Press forthcoming 2020).

Blue Legalities: Governing More Than Human Oceans (with Elizabeth R. Johnson), in BLUE LEGALITIES: THE LAW AND LIFE OF THE SEA 1, 1-24 (Irus Braverman & Elizabeth R. Johnson, eds., Duke University Press 2020).

Oculata a Plena Vista: La Geografía Jurídica Desde Una Perspectiva Visual (with Elizabeth R. Johnson, Richard T. Ford, Mariana Valverde & Maria Victoria Castro Cristancho), in DERECHO Y GEOGRAFÍA: ESPACIO, PODER Y SISTEMA JURÍDICO 251, 251-80 (Bogotá D. C. & Siglo Del Hombre, eds., Universidad de los Andes 2020).

Robotic Life in the Deep Sea, in BLUE LEGALITIES 147, 147-64 (Irus Braverman & Elizabeth R. Johnson, eds., Duke University Press 2020).

Military-to-Wildlife Geographies: Bureaucracies of Cleanup and Conservation in Vieques, in HANDBOOK ON THE GEOGRAPHIES OF REGIONS AND TERRITORIES 268, 268-83 (Anssi Paasi, John Harrison & Martin Jones, eds., Edward Elgar Publishing 2018).

Zooland: The Institution of Captivity, in SURVEILLANCE STUDIES: A READER 59, 59-62 (Torin Monahan & David Murakami Wood, eds., Oxford University Press 2018).

Editing the Environment: Emerging Issues in Genetics and the Law (An Introduction), in GENE EDITING, LAW AND THE ENVIRONMENT: LIFE BEYOND THE HUMAN 1, 1-17 (Irus Braverman, ed., Routledge 2017).

Gene Drives, Nature, and Governance: An Ethnographic Perspective, in GENE EDITING, LAW, AND THE ENVIRONMENT: LIFE BEYOND THE HUMAN 55, 55-73 (Irus Braverman, ed., Routledge 2017).

The Life and Law of Corals: Breathing Meditations, in RESEARCH METHODS IN ENVIRONMENTAL LAW: A HANDBOOK 458, 458-81 (Andreas Philippopoulos-Mihalopoulos & Victoria Brooks, eds., Edward Elgar Publishing 2017).



Luis E. Chiesa

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My research lies at the intersection of criminal law, philosophy, and comparative law. Drawing from my experience teaching and lecturing about criminal law in the United States, Canada, Latin America, Europe, and Asia, my work aims to understand and critique domestic criminal law doctrines by looking at how other countries approach basic concepts of criminal theory.”

AREAS OF INTEREST

ANIMAL CRUELTY LAWS

CRIMINAL LAW

CRIMINAL PROCEDURE

TORTS

JURISPRUDENCE

ARTICLES

Sexual Lynching, CORNELL JOURNAL OF LAW AND PUBLIC POLICY (forthcoming 2020).

Selective Incompatibilism, Free Will, and the (Limited) Role of Retribution in Punishment Theory, 71 RUTGERS LAW REVIEW 977, 977-1001 (2020).

Comparative Analysis as an Antidote to Tunnel Vision in Criminal Law Reform: The Example of Complicity, 70 RUTGERS LAW REVIEW 1117, 1117-41 (2018).

Mens Rea in Comparative Perspective, 102 MARQUETTE LAW REVIEW 575, 575-603 (2018).

The Model Penal Code, Mass Incarceration, and the Racialization of American Criminal Law, 25 GEORGE MASON LAW REVIEW 605, 605-52 (2018).

The Puzzle of Inciting Suicide (with Guyora Binder), 56 AMERICAN CRIMINAL LAW REVIEW 65, 65-135 (2018).

Animal Rights Unraveled: Why Abolitionism Collapses into Welfarism and What it Means for Animal Ethics, 28 GEORGETOWN ENVIRONMENTAL LAW REVIEW 557, 557-87 (2017).

Solving the Riddle of Rape by Deception, 35 YALE LAW & POLICY REVIEW 407, 407-60 (2017).



Kim Diana Connolly

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AREAS OF INTEREST

ADMINISTRATIVE LAW
CLINICAL LEGAL EDUCATION
ENVIRONMENTAL LAW
INTERNATIONAL LAW
LAW AND SCIENCE
LAW AND SOCIAL SCIENCE
LEGAL EDUCATION
LEGISLATION
NATURAL RESOURCES LAW

BOOKS

THE BIG THAW: POLICY, GOVERNANCE AND CLIMATE CHANGE IN THE CIRCUMPOLAR NORTH (Kim Diana Connolly, Errol Meidinger & Ezra B.W. Zubrow, eds., SUNY Press 2019).

CHAPTERS

Arctic Wetlands and Limited International Protections: Can the Ramsar Convention Help Meaningfully Address Climate Change?, in THE BIG THAW: POLICY, GOVERNANCE AND CLIMATE CHANGE IN THE CIRCUMPOLAR NORTH 201, 201-20 (Kim Diana Connolly, Errol Meidinger & Ezra B.W. Zubrow, eds., SUNY Press 2019).

“

My substantive research focuses on a number of related areas, including wetlands law and policy as well as other environmental regulatory and related subjects. More recently I have added an interest in how the mass media covers environmental law and policy matters. I have also conducted research on student learning and andragogical issues, including work on experiential and interdisciplinary learning. In all cases, I seek to bring serious scholarly study to pressing issues facing people and ecosystems on various levels.”

■





Matthew Dimick

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“

My research studies the relationship between law and economic inequality. While we may well condemn inequality as an injustice in itself, it also has many negative side effects: a corrosion of the political process, skewed public policies, and an unstable financial system, to name a few. While the causes of rising income inequality are many and complex, the law undoubtedly plays a role. Traditionally, the economic analysis of law has focused on efficiency—how the law can make society’s economic pie larger. While using many of the same economist-inspired tools, my research uses a more sociologically-inspired set of questions to ask how the law distributes—slices up—the economic pie.”

AREAS OF INTEREST

LABOR AND EMPLOYMENT LAW
CONTRACTS
TAX POLICY
LEGAL THEORY
LAW AND ECONOMICS

BOOKS

THE LAW AND ECONOMICS OF INCOME INEQUALITY (Cambridge University Press forthcoming).

ARTICLES

Counterfeit Liberty, 3 CATALYST 47, 47-88 (2019).

The Law and Economics of Redistribution, 15 ANNUAL REVIEW OF LAW & SOCIAL SCIENCE 559, 559-82 (2019).

Models of Other-Regarding Preferences, Inequality and Redistribution (with David Rueda & Daniel Stegmueller), 21 ANNUAL REVIEW OF POLITICAL SCIENCE 441, 441-60 (May 2018).

Better than Basic Income? Liberty, Equality, and the Regulation of Working Time, 50 INDIANA LAW REVIEW 473, 473-515 (2017).

CHAPTERS

Evgeny Pashukanis’ Commodity-Form Theory of Law, in RESEARCH HANDBOOK ON LAW AND MARXISM (Umut Özsü & Paul O’Connell eds., Edward Elgar Publishing, forthcoming 2021).

David M. Engel

SUNY DISTINGUISHED SERVICE PROFESSOR EMERITUS

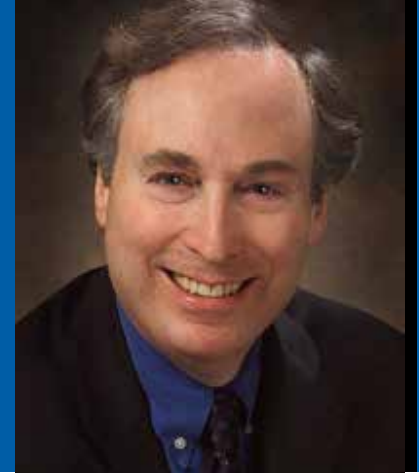
JD, University of Michigan Law School

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AREAS OF INTEREST

TORTS

LAW AND SOCIETY

ASIAN LEGAL CULTURES

LEGAL ETHNOGRAPHY

RIGHTS CONSCIOUSNESS

BOOKS

INJURY AND INJUSTICE: THE CULTURAL POLITICS OF HARM AND REDRESS (Anne Bloom, David M. Engel & Michael McCann, eds., Cambridge University Press 2018).

INSIDERS, OUTSIDERS, INJURIES, AND LAW IN THE 21ST CENTURY: REVISITING "THE OVEN BIRD'S SONG" (Mary Nell Trautner, ed., Cambridge University Press 2017) (Collection of essays commemorating David M. Engel's "The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community" (1984)).

LE DROIT À L'INCLUSION: DROIT ET IDENTITÉ DANS LES RÉCITS DE VIE DES PERSONNES HANDICAPÉES AUX ÉTATS-UNIS, Éditions EHESS (EHESS, May 2017) (French translation by Yohann Aucante & Thomas Cayet of David M. Engel & Frank W. Munger's *RIGHTS OF INCLUSION: LAW AND IDENTITY IN THE LIFE STORIES OF AMERICANS WITH DISABILITIES*).

ARTICLES

Judging and Judgment in Contemporary Asia: Editor's Introduction to Special Issue, 8 *ASIAN JOURNAL OF LAW & SOCIETY* (forthcoming 2021).

States of Uncertainty: The Origins of Law and Community in Three American Towns, *POLAR: POLITICAL AND LEGAL ANTHROPOLOGY REVIEW* (July 2020) (Special issue: *Festschrift for Carol Greenhouse*)

Legal Consciousness Reconsidered (with Lynette Chua), 15 *ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE*, 335-53 (2019).

CHAPTERS

Legal Consciousness (with Lynette Chua), in *ROUTLEDGE HANDBOOK OF LAW AND SOCIETY* (Marianna Valverde, Kamari M. Clarke, Eve Darian Smith & Prabha Kotiswaran, eds., Routledge Press forthcoming 2021).

Chairs, Stairs, and Automobiles: The Cultural Construction of Injuries and the Failed Promise of Law, in *INJURY AND INJUSTICE: THE CULTURAL POLITICS OF HARM AND REDRESS* 117, 117-134 (Anne Bloom & Michael McCann, eds., 2018).

Looking Backward, Looking Forward: Past and Future Lives of "The Oven Bird's Song," in *INSIDERS, OUTSIDERS, INJURIES, AND LAW IN THE 21ST CENTURY: REVISITING "THE OVEN BIRD'S SONG"* 279, 279-294 (Mary Nell Trautner, ed., 2018).

“

My research traces the ways in which rights become active, identities are forged, and law is woven into the fabric of day-to-day experiences. One line of work examines the earliest stages of the tort law system, when individuals suffer traumatic physical harms and, in most cases, refuse to lodge a claim or even consult a lawyer. I explain this overwhelming preference for law avoidance by drawing on interdisciplinary studies of injury and cognition. Another line of work explores recent transformations in law, culture, and society in Southeast Asia, with particular attention to Thailand.”



Lucinda M. Finley

FRANK G. RAICHLER PROFESSOR OF TRIAL AND APPELLATE ADVOCACY
DIRECTOR OF APPELLATE ADVOCACY

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My research focuses on the gender-based impact of seemingly neutral tort doctrines. I am studying caps on non-economic damages to demonstrate that caps have a disparate impact on women, the elderly, and children's death cases. I'm also exploring why non-economic damages are an under-sustained challenge, and why women tend to receive greater proportions of their tort awards in non-economic damages, as well as other important empirical questions about the hidden or unintended consequences of tort reform, including how it will affect lawyers' case selection and settlement strategies. Better understanding of the actual consequences of legal change on the institutional players and the people who seek access to the civil justice system can lead to sounder and more equitable law reform."

AREAS OF INTEREST

- TORT LAW AND GENDER ISSUES
- FEMINIST LEGAL THEORY
- REPRODUCTIVE RIGHTS
- EQUAL PROTECTION LAW AND EQUALITY THEORY
- FIRST AMENDMENT AND LIMITS ON PROTEST ACTIVITY

BOOKS

FEMINIST JUDGMENTS: REWRITTEN TORT OPINIONS (with Martha Chamallas) (Cambridge University Press 2020).

CHAPTERS

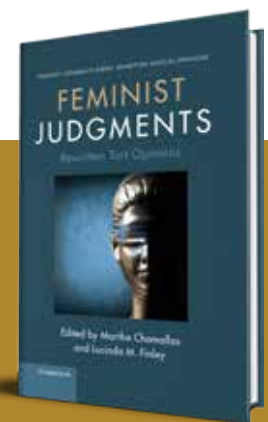
Commentary on Emerson v. Magendantz, in FEMINIST JUDGMENTS: REWRITTEN TORT OPINIONS (Martha Chamallas & Lucinda Finley, eds., Cambridge University Press 2020).

Introduction (with Martha Chamallas), in FEMINIST JUDGMENTS: REWRITTEN TORT OPINIONS (Martha Chamallas & Lucinda Finley, eds., Cambridge University Press 2020).

EXPOSING IMPLICIT BIAS

FEMINIST JUDGMENTS: REWRITTEN TORT OPINIONS (Cambridge University Press, 2020) rewrites both canonical and lesser-known tort cases from the feminine perspective, exposing gender and racial biases in how courts have categorized and evaluated harm stemming from pre-natal malpractice, pregnancy loss, domestic violence, sexual assault and harassment, invasion of privacy, and the award of economic and non-economic damages. The rewritten opinions demonstrate that when confronted with gendered harm to women, courts have often distorted or misapplied conventional legal doctrine to diminish the harm or deny recovery.

Co-edited by Lucinda Finley and Martha Chamallas, this volume shows the way forward to make the basic doctrines of tort law more responsive to the needs and perspectives of traditionally marginalized people in ways that give greater value to harms that they disproportionately experience.



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AREAS OF INTEREST

PROPERTY LAW

BUDDHISM AND LAW

ANTHROPOLOGY OF LAW

COMPARATIVE LAW

LAW AND RELIGION

ARTICLES

How Did Buddhist Law become “Discipline”?, 5 **BUDDHISM, LAW AND SOCIETY** (2020).

The Anthropology of Religion and Law, 45(3) **RELIGIOUS STUDIES REVIEW** 153, 153-61 (2019).

The Integrated Discipline of Buddhism and Law, 4 **BUDDHISM, LAW AND SOCIETY** vii, vii-xiv (2019).

Is Buddhist Law “Sophisticated”? (Introduction), 2 **BUDDHISM, LAW AND SOCIETY** vii, vii-xvii (2018).

CHAPTERS

Is There Such a Thing as a Buddhist Legal Tradition?, in **GROSS NATIONAL HAPPINESS AND THE LAW** (Kristen DeRemer, ed., forthcoming).

“

In the course of my investigation of the Tibetan legal system, I discovered a gaping hole in the substantial discipline of Religious Legal Studies — the study of Buddhist legal systems. Incredibly, almost nothing has been written on the legal systems that were influenced by Buddhism, one of the largest world religions with a 2,500 year history and 500 million followers. My project for the last few years has been to write in this area and to organize a wide array of international scholars to talk, think and write about this exciting new subject matter.”



James A. Gardner

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BRIDGET AND THOMAS BLACK PROFESSOR

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“

Americans have long fretted about the disjunction between our high aspirations for the democratic electoral process and the desultory reality of the modern election campaign. My research examines the role of the law in constituting this disjunction. I am interested in how the law regulating campaigns operates in its actual institutional setting; how the findings of empirical social science determine what kinds of campaigns the law might feasibly aspire to institutionalize; and how democratic theory addresses the normative desirability of these institutional options.”

AREAS OF INTEREST

CONSTITUTIONAL STRUCTURE OF POLITICS

LAW AND DEMOCRATIC THEORY

ELECTION LAW

FEDERALISM

STATE CONSTITUTIONAL LAW

BOOKS

COMPARATIVE ELECTION LAW (Edward Elgar Publishing forthcoming 2021) (edited volume).

LEGAL ARGUMENT: THE STRUCTURE AND EFFECTIVE LANGUAGE OF EFFECTIVE ADVOCACY (with Christine Bartholomew) (Carolina Academic Press, 3rd ed. 2020).

ELECTION LAW IN THE AMERICAN POLITICAL SYSTEM (with Guy-Uriel Charles) (Aspen, 2nd ed. 2018) (1st ed. 2012).

ARTICLES

Illiberalism and Authoritarianism in the American States, 70 AMERICAN UNIVERSITY LAW REVIEW (forthcoming 2021).

Transmission of Mastery, 69 BUFFALO LAW REVIEW 507, 507-46 (forthcoming 2021).

Lessons from a Journey through Subnational Constitutional Law, 72 RUTGERS UNIVERSITY LAW REVIEW (forthcoming 2020).

Democratic Legitimacy under Conditions of Severely Depressed Voter Turnout, UNIVERSITY OF CHICAGO LAW REVIEW Online 24, 24-34 (2020).

Active Judicial Governance, 51 NEW ENGLAND LAW REVIEW 545, 545-54 (2018).

The Theory and Practice of Contestatory Federalism, 60 WILLIAM & MARY LAW REVIEW 507, 507-46 (2018).

Canadian Federalism in Design and Practice: The Mechanics of a Permanently Provisional Constitution, 9 PERSPECTIVES ON FEDERALISM 1, 1-30 (2017).

Claims of Distinctive Identity in Federal Systems: Judicial Policing of the Limits of Subnational Variance (with Antoni Abat i Ninet), 14 INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 378, 378-410 (2016) (Translated into Russian and reprinted, in two parts, as Trebovaniya priznaniya samobytnosti v federativnoiy sisteme: sudebnyi nadzor za regional'noiy svobodoiy, SRAVNITEL'NOE KONSTITUTSIONNOE OBOZRENIE (2017), 4: 69-91; and 5: 48-56).

CHAPTERS

Conceptions of Politics in Comparative Perspective, in COMPARATIVE ELECTION LAW (James A. Gardner, ed., Edward Elgar Publishing forthcoming 2021).



A PRAGMATIC APPROACH TO ADVOCACY

LEGAL ARGUMENT: THE STRUCTURE AND LANGUAGE OF EFFECTIVE ADVOCACY (Carolina Academic Press, 3rd ed. 2020), co-authored by **James Gardner** and **Christine Bartholomew**, is a full-featured guide providing a pragmatic approach to thinking about argument structures. Intended primarily for law students in research, writing, and analysis courses, or trial advocacy classes and moot court programs, the guide is designed to walk the future advocate through the process of crafting a winning argument.

The book includes detailed explanations of how lawyers construct legal arguments and a tutorial on the process of molding raw materials of litigation - cases, statutes, testimony, documents, common sense - into instruments of persuasive advocacy. The third edition offers a vibrant online component featuring exercises professors can assign, online self-evaluation tests for students, and a substantial teacher's manual to accompany the textbook.

Strongmen and Neurotics: Visible Struggle and the Construction of Judicial Ethos, in **JUSTICE ANTHONY M. KENNEDY: THE RHETORIC OF LIBERTY** (David Frank & Francis J. Mootz, eds., Pennsylvania State University Press forthcoming 2021).

Subnational Constitutionalism in the United States, in **SUBNATIONAL CONSTITUTIONS** (Patricia Popelier, Giacomo Delladone & Nicholas Aroney eds., Routledge forthcoming 2020).

El Misterioso Exito de una Democracia Federal, in **DEMOCRACIA Y FORMA CONSTITUCIONAL** (Pablo C. Riberi & Pedro Salazar, eds., Instituto de Investigaciones Juridicas, Universidad Nacional Autónoma de México 2020).

Presidential Selection: Historical, Institutional, and Democratic Perspectives, in **THE BEST CANDIDATE: PRESIDENTIAL NOMINATION IN POLARIZED TIMES** 10, 10-35 (Eugene Mazo & Michael Dimino, eds., Cambridge University Press 2020).

BOOK REVIEWS

Book Review, 48(3) **PUBLIUS: THE JOURNAL OF FEDERALISM** E4 (2018) (reviewing **FRANCESCO PALERMO & KARL KÖSSLER**, **COMPARATIVE FEDERALISM: CONSTITUTIONAL ARRANGEMENTS AND CASE LAW** (Hart Publishing 2017)).





Lise Gelernter

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I have concentrated my research on arbitration, an alternative dispute resolution method. I am particularly interested in the rapidly evolving legal doctrines governing and affecting arbitration in the labor, employment, and commercial arenas. As a labor arbitrator, I have also authored many arbitration awards (decisions) in cases in which the parties have asked me to resolve their disputes under a collective bargaining agreement.”

AREAS OF INTEREST

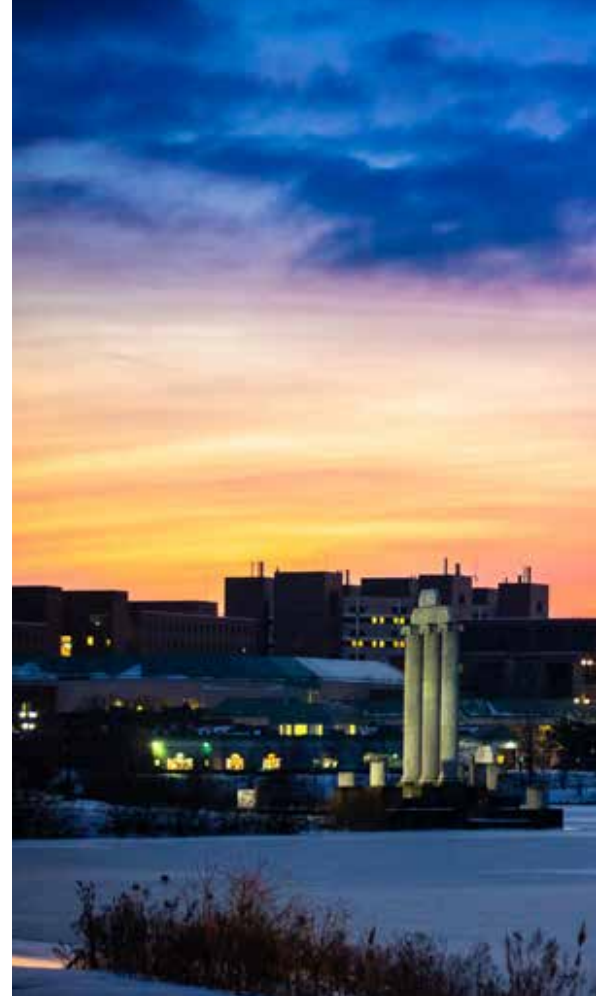
- LABOR AND EMPLOYMENT LAW
- ARBITRATION
- PUBLIC POLICY
- ADMINISTRATIVE LAW

BOOKS

ADR IN THE WORKPLACE (with Laura Cooper, Dennis Nolan, Richard Bales, Stephen Befort & Michael Z. Green) (West Academic Publishing 4th ed. 2020).

ARTICLES

The Impact of Epic Systems in the Labor and Employment Context, 2019 JOURNAL OF DISPUTE RESOLUTION 115, 115-27 (2019).



ADR IN THE WORKPLACE AND IN THE CLASSROOM

Ideal for use in law schools, business schools, and schools of industrial relations, the fourth edition of ADR IN THE WORKPLACE (West Academic Publishing, 2020), part of the American Casebook Series, addresses ADR topics through a wide range of materials, including judicial decisions, arbitration awards, essays, and questions and problems for class discussion. Sections on judicial determinations of arbitrability, judicial review, injunctions, deferral, and the duty of fair representation offer thorough coverage of legal issues.

Lise Gelernter and her co-authors provide extensive treatment of the substance and practice of labor arbitration and material for courses focused on labor arbitration practice. Materials on dispute resolution in the nonunion setting address a broad range of issues including law, theory, practice, and policy.

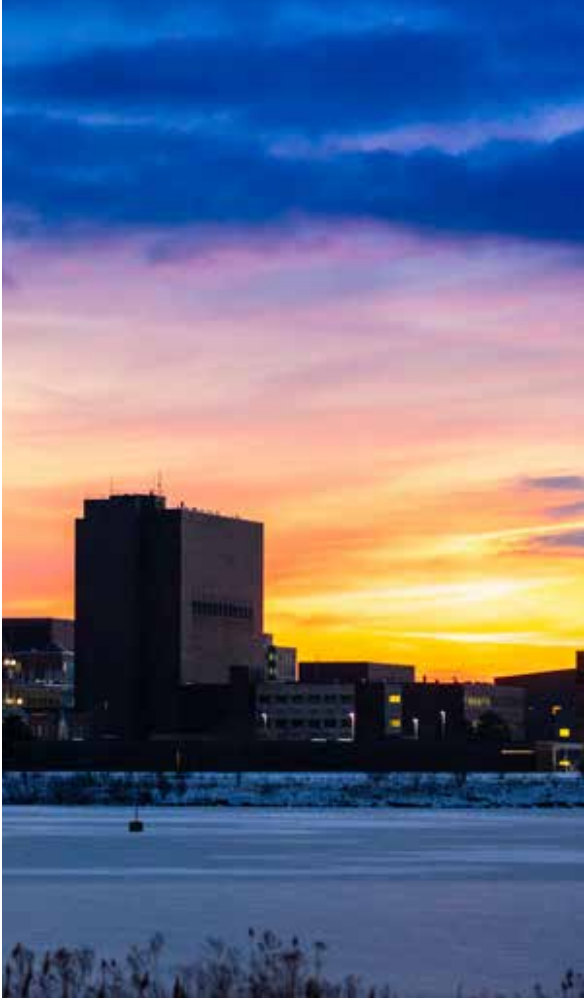
Alexandra Harrington

ASSOCIATE PROFESSOR
DIRECTOR OF THE CRIMINAL JUSTICE
ADVOCACY CLINIC

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BA, Vanderbilt University

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AREAS OF INTEREST

CRIMINAL LAW
CRIMINAL PROCEDURE
CONSTITUTIONAL LAW
JUVENILE JUSTICE
PRISONERS' RIGHTS
SENTENCING & PAROLE

ARTICLES

The Constitutionalization of Parole: Fulfilling the Promise of Meaningful Review, 106 CORNELL LAW REVIEW (forthcoming 2021).

REPORTS

TIME-IN-CELL: A 2019 SNAPSHOT OF RESTRICTIVE HOUSING BASED ON NATIONWIDE SURVEYS OF U.S. CORRECTIONAL FACILITIES (with Judith Resnik, et al.)(2020).

REFORMING RESTRICTIVE HOUSING: THE 2018 ASCA-LIMAN NATIONWIDE SURVEY OF TIME-IN-CELL (with Judith Resnik, et al.)(2018).

“

I am interested in how recent Supreme Court decisions that constitutionally limit sentences for people who were children at the time of the crime might transform our understanding of parole's function. My research explores the constitutional dimensions of parole and the need for judicial oversight of parole board decisions. I seek to understand how our conception of juveniles' culpability and capacity for rehabilitation informs the nature of the parole hearing, not only for people who committed crimes as children, but also, more broadly, for those convicted as adults. My work has drawn from my experience as a public defender representing clients in motions for resentencing and in parole hearings.”



Stuart G. Lazar

PROFESSOR

CO-DIRECTOR, NYC PROGRAM IN FINANCE & LAW

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JD, University of Michigan Law School

AB, University of Michigan

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“

My research interest has focused on federal tax law. While it might seem like an oxymoron to use the terms ‘tax law’ and ‘interest’ in the same sentence, understanding the ‘whats’ and ‘whys’ of a text longer than the Bible has proved fascinating. The term ‘tax simplification’ is often discussed in Washington as being a cure for all our economic ills. However, it is quite clear that our nation’s politicians will never stop using the Internal Revenue Code as a mechanism for instituting social and economic policy. In fact, each change to the tax code made over the last couple of years, while championed as ‘simplification,’ makes it even harder for individuals and businesses to navigate their way through the maze of tax rules and regulations by which they are governed. And no one has reason to believe that additional ‘reforms’ are not just around the corner.”

AREAS OF INTEREST

TAXATION

CORPORATION TAXATION

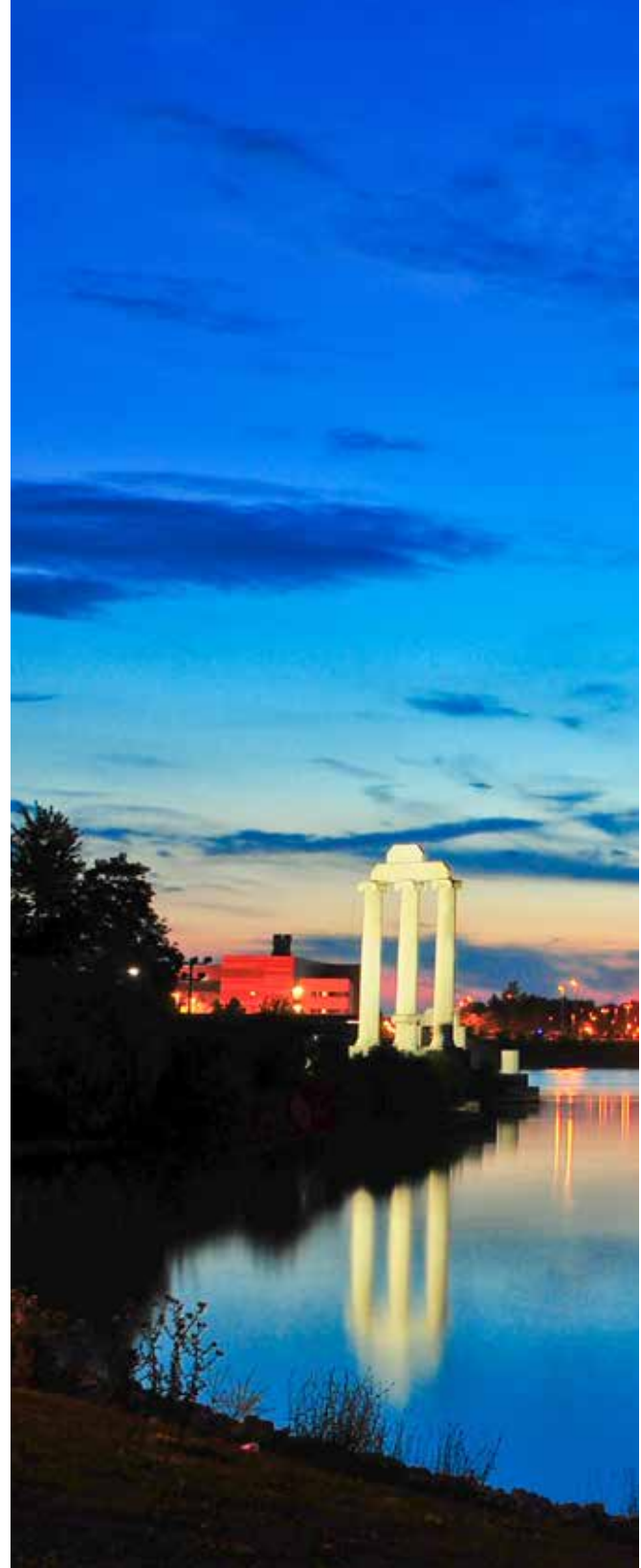
PARTNERSHIP TAXATION

TAX POLICY

BOOKS

MASTERING PARTNERSHIP

TAXATION (Carolina Academic Press, 2d ed. forthcoming 2020).







Meredith Kolsky Lewis

PROFESSOR

VICE DEAN FOR INTERNATIONAL AND GRADUATE PROGRAMS

DIRECTOR OF THE CROSS-BORDER LEGAL STUDIES CENTER

JD, Georgetown University Law Center

MSFS, Georgetown University

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My research focuses on international trade law, particularly issues relating to the World Trade Organization, free trade agreements, dispute settlement and trade policy. My scholarship is influenced by my background in international relations and economics. I also have a strong interest in the Asia-Pacific, a result of having lived and worked in New Zealand and Japan.”

AREAS OF INTEREST

INTERNATIONAL ECONOMIC LAW

INTERNATIONAL TRADE LAW

INTERNATIONAL DISPUTE SETTLEMENT

FREE TRADE AGREEMENTS

WORLD TRADE ORGANIZATION LAW

BOOKS

THE COMPREHENSIVE AND PROGRESSIVE TRANS-PACIFIC PARTNERSHIP AGREEMENT: IMPLICATIONS AND OPPORTUNITIES (Cambridge University Press forthcoming).

A POST-WTO INTERNATIONAL LEGAL ORDER: UTOPIAN, DYSTOPIAN AND OTHER SCENARIOS (Meredith Kolsky Lewis, Junji Nakagawa, Rostam J. Neuwirth, Colin B. Picker & Peter Tobias Stoll, eds., Springer Nature 2020).

ARTICLES

The Origins of Plurilateralism in International Trade Law, 20(5) JOURNAL OF WORLD INVESTMENT & TRADE 633, 633-53 (2019).

CHAPTERS

Dissents, in RESEARCH HANDBOOK ON WTO DISPUTE SETTLEMENT (Simon Lester & Bryan Mercurio, eds., Edward Elgar Publishing forthcoming 2021).

Import and Export Controls, in INTERNATIONAL COMMERCIAL CONTRACTS (Petra Butler, ed., Oxford University Press forthcoming 2021).

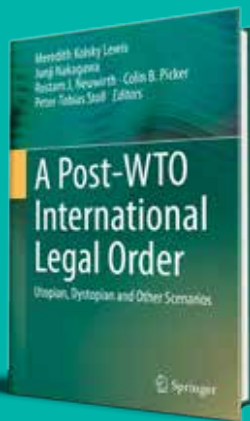
Winning Strategy or Own Goal?

Reflections on the United States Exiting the Trans-Pacific Partnership, in REPACKAGING AND RESCUING WORLD TRADE LAW IN THE POST-PANDEMIC ERA RETHINKING (Amrita Bahri, Daria Boklan & Weihuan Zhou, eds., Hart Publishing forthcoming 2021).

The TPP as a Potential New Paradigm for Trade Agreements: Implications and Opportunities, in EL TLCAN FRENTE A NUEVAS NEGOCIACIONES COMERCIALES REGIONALES: EL TPP Y EL TTIP (María Celia Toro Hernández, ed., 2020) (translated into Spanish).

The Embedded Liberalism Compromise in the Making of the GATT and Uruguay Round Agreements, in THE FUTURE OF INTERNATIONAL ECONOMIC INTEGRATION: THE EMBEDDED LIBERALISM COMPROMISE REVISITED 12, 12-30 (Gillian Moon & Lisa Toohey, eds., Cambridge University Press 2018).

Mega-FTAs and Plurilateral Trade Agreements: Implications for the Asia-Pacific, in THE TRANS-PACIFIC PARTNERSHIP: A PARADIGM SHIFT IN INTERNATIONAL TRADE REGULATION? 419, 419-434 (Julien Chaisse, Henry Gao & Chang-fa Lo, eds., Springer 2017).



AN UNCERTAIN FUTURE FOR THE WTO

A POST-WTO INTERNATIONAL LEGAL ORDER: UTOPIAN, DYSTOPIAN AND OTHER SCENARIOS (Springer International Publishing, 2020) provides readers with a unique opportunity to explore how the international economic legal order may look in a post-World Trade Organization world. The substance of the book presupposes, correct or not, that the WTO either stagnates into the foreseeable future or falls apart completely.

Despite most international economic legal academics' commitment to multilateralism and specifically to a vibrant and dynamic WTO, academics in the field are now beginning to seriously discuss what a post-WTO world could look like. Meredith Lewis and her co-editors present a necessary exploration of the worst-case scenario for the future of the WTO. Accordingly, this projection offers great value to practitioners, governmental and international officials, and scholars in the international economic legal order.

BOOK REVIEWS

Book Review, 112 AMERICAN JOURNAL OF INTERNATIONAL LAW 136, 136-42 (2018) (reviewing A HISTORY OF LAW AND LAWYERS IN THE GATT/WTO (Gabrielle Marceau, ed., Cambridge University Press 2015)).

OTHER

Bilateralism, in ELGAR ENCYCLOPEDIA OF INTERNATIONAL ECONOMIC LAW 32, 32-33 (Thomas Cottier & Krista Nadakavukaren Schefer, eds., Edward Elgar Publishing 2017).

Multilateralism, in ELGAR ENCYCLOPEDIA OF INTERNATIONAL ECONOMIC LAW 33, 33-35 (Thomas Cottier & Krista Nadakavukaren Schefer, eds., Edward Elgar Publishing 2017).

Plurilateralism, in ELGAR ENCYCLOPEDIA OF INTERNATIONAL ECONOMIC LAW 35, 35-36 (Thomas Cottier & Krista Nadakavukaren Schefer, eds., Edward Elgar Publishing 2017).

Voluntary Export Restraints (VERs) and Orderly Marketing Arrangements (OMAs), in ELGAR ENCYCLOPEDIA OF INTERNATIONAL ECONOMIC LAW 366, 366-68 (Thomas Cottier & Krista Nadakavukaren Schefer, eds., Edward Elgar Publishing 2017).





Paul Linden-Retek

LECTURER IN LAW & SOCIETY

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Combining interests in critical political thought with international socio-legal studies, I study transformations of legal and political form under contemporary globalization. My current research examines the legality and democratic legitimacy we find in the overlapping jurisdictions of the European Union—and recommends caution in seeing either commercial integration or human rights as adequate frameworks for justifying and sustaining post-national law. In their place, I develop a critical legal theory centered on narrative—the extended temporal character of political life—as the paradigmatic form in which to reimagine solidarity, legal interpretation and authority, and constituent power beyond the nation-state. Speaking to the EU's enduring challenges, this work devotes particular attention to migration and asylum, where struggles over the meaning of solidarity, law, and political membership are most acute and generative.”

AREAS OF INTEREST

COMPARATIVE CONSTITUTIONAL LAW
CRITICAL POLITICAL AND SOCIAL THEORY
INTERNATIONAL HUMAN RIGHTS
LAW AND LITERATURE
REFUGEE AND ASYLUM LAW
TRANSFORMATIONS OF SOVEREIGNTY

ARTICLES

The Refugees we are: Solidarity, Asylum, and Critique in the European Constitutional Imagination, GERMAN LAW REVIEW (forthcoming).

Our Fleeting Moments: Legal Thought in a Confessional Key, LAW, CULTURE, AND THE HUMANITIES (forthcoming 2020).

History, System, Principle, Analogy: Four Paradigms of Legitimacy in European Law, 26 COLUMBIAN JOURNAL OF EUROPEAN LAW (2020).

The Subjects of Spatial Statism: Reclaiming Politics and Law in International Entanglement, 18(1) INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW 36, 36-44 (2020).

CHAPTERS

Constitutional Patriotism as Europe's Public Philosophy? On Solidarity and Responsiveness in Post-National Law, in EU CONSTITUTIONAL IMAGINATION: BETWEEN IDEOLOGY AND UTOPIA (Jan Komárek, eds., forthcoming).

Judith Shklar's Critique of Legalism (with Seyla Benhabib), in THE CAMBRIDGE COMPANION TO THE RULE OF LAW (Jens Meierhenrich & Martin Loughlin eds., forthcoming).

Martha T. McCluskey

PROFESSOR EMERITUS AND WILLIAM J. MAGAVERN
FACULTY SCHOLAR

JSD, Columbia University School of Law

LLM, Columbia University School of Law

JD, Yale Law School

BA, Colby College

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AREAS OF INTEREST

LAW AND ECONOMICS

CLIMATE JUSTICE

CONSTITUTIONAL LAW

WELFARE LAW

GENDER AND LAW

CRITICAL LEGAL STUDIES

HEALTH LAW

EMPLOYMENT LAW

FAMILY LAW

DISABILITY LAW

CIVIL RIGHTS LAW

RACE AND THE LAW

INSURANCE AND THE LAW

OCCUPATIONAL SAFETY AND HEALTH

GOVERNMENT ETHICS

REGULATION

ENERGY LAW

HIGHER EDUCATION LAW

FINANCE

ARTICLES

Lessons from Law and Economics: Building Institutional Power for Political Economic Change, JOURNAL OF LAW & POLITICAL ECONOMY (forthcoming 2021).

All Costs Have a Right, in *Eleven Things They Don't Tell You About Law and Economics: An Informal Introduction to Political Economy and the Law*, 37 LAW & INEQUALITY: A JOURNAL OF THEORY AND PRACTICE 105, 105-10 (2019).

Are We Economic Engines Too? Precarity, Productivity and Gender, 49 TOLEDO LAW REVIEW 631, 631-56 (Spring 2018) (Symposium Issue, Gender Equality: Progress and Possibilities).

Civil Justice in the United States: How Access to Courts is Essential to a Fair Economy (with Thomas McGarity, Sidney Shapiro, Karen Sokol & James Goodwin), CENTER FOR PROGRESSIVE REFORM (Sep. 2018).

Defining the Economic Pie, Not Dividing or Maximizing It, 5 CRITICAL ANALYSIS OF LAW 77, 77-98 (April 2018).

Following the Money in Public Higher Education Foundations, 103 ACADEME 27, 27-31 (Jan./Feb. 2017).

CHAPTERS

Law and Economics Against Feminism, in OXFORD HANDBOOK ON FEMINISM AND LAW IN THE U.S. (Deborah L. Brake, Martha Chamallas & Verna L. Williams eds., forthcoming 2021).

Big Government Against Social Responsibility: A Vulnerability Critique of Privatization's Public Priorities, in PRIVATIZATION, VULNERABILITY, AND SOCIAL RESPONSIBILITY 24, 24-33 (Martha A. Fineman, Ulrika Andersson & Titti Mattsson, eds., Ashgate/Routledge 2017).

“

My interest is in exploring questions of economic policy and regulation from outside the conventional boundaries and strained assumptions of 'private' law and neo-classical economics. As part of the growing Law and Political Economy movement, I am active in several scholarly organizations focused on developing an affirmative vision of legal economics capable of responding to contemporary crises of climate, health, inequality, and democracy. My work challenges the divide between economics and social justice, and draws on critical legal perspectives to examine the relationships between economics and questions of race, gender, class, sexuality, and disability status.”



Errol Meidinger

SUNY DISTINGUISHED PROFESSOR EMERITUS

MARGARET W. WONG PROFESSOR EMERITUS

HONORARY PROFESSOR, UNIVERSITY OF FREIBURG, GERMANY

PhD, Northwestern University

JD, Northwestern University School of Law

MA, Northwestern University

BA, University of North Dakota

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“My research focuses on how non-governmental actors interact with each other and with governments to establish and maintain transnational regulatory programs in fields where governments have typically been the main regulators – e.g., environmental protection, human rights, and food safety. I am studying how effective, fair, and democratic the emerging governance ecosystems are, and particularly, how competition and cooperation among the different regulators affects the overall system. It is important to understand these processes because the nation states have had great difficulty in creating effective international environmental and social regulatory programs. As non-governmental programs become more important, we may also need to revise some of our main assumptions about what counts as law and how law is made and implemented.”

AREAS OF INTEREST

ADMINISTRATIVE LAW

ENVIRONMENTAL LAW

INDIGENOUS PEOPLES' LAW

INTERNATIONAL BUSINESS TRANSACTIONS

INTERNATIONAL ENVIRONMENTAL LAW

INTERNATIONAL TRADE AND ENVIRONMENT

LEGAL THEORY

SOCIOLOGY OF LAW

BOOKS

TRANSNATIONAL BUSINESS GOVERNANCE INTERACTIONS: ADVANCING MARGINALIZED ACTORS AND ENHANCING REGULATORY QUALITY (Stepan Wood, Rebecca Schmidt, Errol Meidinger, Burkard Eberlein & Kenneth Abbott, eds., Edward Elgar Publishing 2019).

THE BIG THAW: POLICY, GOVERNANCE AND CLIMATE CHANGE IN THE CIRCUMPOLAR NORTH (Ezra B.W. Zubrow, Errol Meidinger & Kim Diana Connolly, eds., SUNY Press 2019).

ARTICLES

Forward: Tempering Power, 67 BUFFALO LAW REVIEW 519, 519-26 (May 2019).

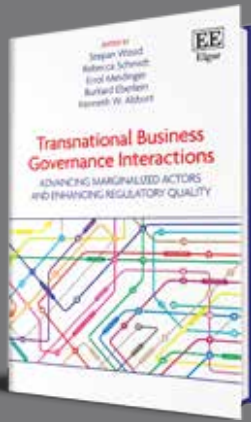
CHAPTERS

Governance Interactions in Sustainable Supply Chains Management, in TRANSNATIONAL BUSINESS GOVERNANCE INTERACTIONS: ADVANCING MARGINALIZED ACTORS AND ENHANCING REGULATORY QUALITY 52, 52-76 (Stepan Wood, Rebecca Schmidt, Errol Meidinger, Burkard Eberlein & Kenneth Abbott, eds., Edward Elgar Publishing 2019).

The Trans-Pacific Partnership Agreement and Environmental Regulation, in MEGAREGULATION CONTESTED: GLOBAL ECONOMIC ORDERING AFTER TTP 175, 175-95 (Benedict Kingsbury, et al., eds., Oxford University Press 2019).

OTHER

Environmental Principles in U.S. and Canadian Law (with Daniel A. Spitzer & Charles W. Malcomb), in ELGAR ENCYCLOPEDIA OF ENVIRONMENTAL LAW 405, 405-23 (Edward Elgar Publishing 2018).



IMPROVING THE SOCIAL IMPACT OF BUSINESSES

From climate change to derivatives trading, and in industry sectors from agriculture to sports, transnational regulatory regimes and actors are multiplying and interacting with poorly understood results. **TRANSNATIONAL BUSINESS GOVERNANCE INTERACTIONS: ADVANCING MARGINALIZED ACTORS AND ENHANCING REGULATORY QUALITY** (Edward Elgar, 2019) investigates whether, how, and by whom transnational business governance interactions (TBGIs) can be harnessed to improve the quality of transnational regulation and advance the interests of marginalized actors.

Understanding and synthesizing studies of 15 different governance arenas by authors coming from a variety of disciplines and perspectives, the book presents new empirical and theoretical research from **Errol Meidinger** and other leading and emerging scholars. It identifies obstacles to, and opportunities for, mobilizing TBGIs to enhance regulatory capacities, outputs, and outcomes and to advance marginalized actors in transnational business governance.





Athena D. Mutua

PROFESSOR AND FLOYD H. AND HILDA L. HURST
FACULTY SCHOLAR

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MA, American University

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My work is inspired by much of the activism (both recent and historical) around the pursuit of human dignity, democracy, justice, and prosperity. My scholarship focuses specifically on issues related to racial, economic, and gender justice. In it, I seek to map the mechanisms by which law, together with other social structures, works to both hinder and support these justice pursuits.”

AREAS OF INTEREST

BUSINESS ASSOCIATIONS

CIVIL RIGHTS LAW

CONSTITUTIONAL LAW

CRITICAL RACE AND FEMINIST
LEGAL THEORY

LAW AND POLITICAL ECONOMY

ARTICLES

A ClassCritic's Time?: Building Institutions, Building Frameworks - Law, Class & Racial Capitalism, JOURNAL OF LAW & POLITICAL ECONOMY (forthcoming 2020).

Liberalism's Identity Politics: A Reply to Fukuyama, 23 UNIVERSITY OF PENNSYLVANIA JOURNAL OF LAW & SOCIAL CHANGE 27, 27-49 (2020).



Makau W. Mutua

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MARGARET W. WONG PROFESSOR

SJD, Harvard Law School

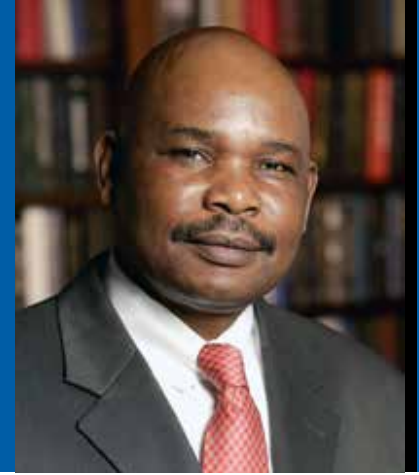
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AREAS OF INTEREST

PUBLIC INTERNATIONAL LAW

HUMAN RIGHTS

INTERNATIONAL BUSINESS TRANSACTIONS

POST-COLONIALISM

THIRD WORLD APPROACHES TO
INTERNATIONAL LAW (TWAIL)

STATE RECONSTRUCTION

POST-CONFLICT SOCIETIES

CONSTITUTION-MAKING

TRANSITIONAL JUSTICE

ARTICLES

*The Richardson Escuela: Law as
Politics*, 31 *TEMPLE INTERNATIONAL
& COMPARATIVE LAW JOURNAL*
247, 247-56 (2017).

CHAPTERS

*The Fraud of John Locke: Subnational
Challenges to Democratic Theory*,
in *COMPARATIVE ELECTION LAW*
(James A. Gardner, ed., Edward Elgar
Publishing forthcoming 2021).

*Illiberalism, Human Rights, and
the Rule of Law: A Kenyan Paradox*,
in *THE PALGRAVE HANDBOOK
OF KENYA AND ITS HISTORY*
(Wanjala Nasong'o, ed., Palgrave
MacMillan forthcoming 2020).

*A Problem of Utopia: Human Rights
and Transitional Justice*, in *THE
OXFORD HANDBOOK OF TRANSITIONAL
JUSTICE* (Jens Meierhenrich &
Alexander Lahan Hinton eds., Oxford
University Press forthcoming 2020).

*Reparations for Slavery: Politics,
Legitimation, and Strategy*, in *TIME
FOR REPARATION?: ADDRESSING STATE
RESPONSIBILITY FOR COLLECTIVE
INJUSTICE* (Jacqueline Bhabha &
Caroline Elkins, eds., University of
Pennsylvania Press forthcoming 2020).

*Die Rolle von
Nichtregierungsorganisationen bei
der Rechtserzeugung [The Role of
NGOs in the Creation of Norms]*, in
*DEKOLONIALE RECHTSKRITIK UND
RECHTSPRAXIS* (Karina Theurer &
Wofgagng Kaleck eds., Nomos 2020).

“

My scholarship has centered on state legitimacy, postcolonialism, constitutionalism, and the critiques of the human rights idiom. In a world that is increasingly defined by relativism — and the expansion of the meaning and content of freedom — shackles of state power are constantly being loosened. Human rights are the medium of choice for this discourse which has become indispensable in post-colonial societies, by far the overwhelming majority of the earth's inhabitants. How societies resolve the questions I tackle may very well determine the pace at which the chasm between power and powerlessness shrinks or grows.”



Tolulope F. Odunsi

LECTURER IN LAW, LEGAL ANALYSIS,
WRITING AND RESEARCH

ASSISTANT DEAN FOR DIVERSITY,
EQUITY AND INCLUSION

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My work focuses on understanding intersectional analysis to address the legal and administrative systems that perpetuate inequality in all facets of society. Since much of the law related to discrimination focuses on single-axis analysis, my work also explores the ways in which legal systems and other institutions have not caught up in recognizing the intersections of race, gender, ethnicity, citizenship, physical ability, and socioeconomic status.”

AREAS OF INTEREST

LEGAL RESEARCH AND WRITING
EMPLOYMENT DISCRIMINATION LAW
CIVIL RIGHTS LAW
CRITICAL RACE THEORY
DIVERSITY IN LEGAL PRACTICE

CHAPTERS

Is Race Really the Issue? Examining the Fallacy of “Black Foreigner Privilege,” in PAN AFRICAN SPACES: ESSAYS ON BLACK TRANSNATIONALISM 31, 31-44 (Msia Kibona Clark, Loy L. Azalia & Phiwokuhle Mnyandu, eds., Rowmun & Littlefield 2018).



Anthony O'Rourke

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AREAS OF INTEREST

CRIMINAL LAW AND PROCEDURE
CONSTITUTIONAL LAW
LEGISLATION
STATUTORY INTERPRETATION
LEGAL THEORY

ARTICLES

Disbanding Police Agencies
(with Guyora Binder & Rick
Su), 121 COLUMBIA LAW REVIEW
(forthcoming 2021).

*Parallel Enforcement and Agency
Interdependence*, 77 MARYLAND
LAW REVIEW 985, 985-1061 (2018).

*Semantic Vagueness and Extrajudicial
Constitutional Decisionmaking*, 25
WILLIAM & MARY BILL OF RIGHTS
JOURNAL 1301, 1301-24 (2017).

*White Paper of Democratic Criminal
Justice* (with Joshua Kleinfeld, et al.),
111 NORTHWESTERN UNIVERSITY
LAW REVIEW 1693, 1693-1706 (2017).

CHAPTERS

*Pretrial Self-Incrimination, Miranda,
and Truth*, in INTERROGATION,
CONFESSION AND TRUTH 29, 29-48
(Lutz Eidam, Michael Lindemann
& Andreas Ransiek, eds., Nomos
Verlagsgesellschaft 2020).

“

Much of my research lies at the intersection of criminal procedure and structural constitutional law. I am currently exploring how political and economic conditions affect the capacity of courts to solve difficult doctrinal problems. Using a methodological approach that integrates doctrinal analysis with legal theory and social science, my work challenges some common assumptions concerning how institutional pressures shape both constitutional and statutory interpretation.”

■



Stephen J. Paskey

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WRITING AND RESEARCH

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“

We tend to think of law as a logical system of rules, but legal rules are ultimately made of words and the relationships between them. My work focuses on the implications of that simple fact, using concepts from rhetorical theory, narrative theory, cognitive linguistics, and other disciplines to question the conventional understanding of what legal rules are, how they work, and how lawyers, judges, and juries reason in real-world cases.”

AREAS OF INTEREST

LAW AND NARRATIVE

LAW AND RHETORIC

REFUGEE AND ASYLUM LAW

ARTICLES

Reframing Law's Domain: Narrative, Rhetoric, and the Forms of Legal Rules, NARRATIVE (forthcoming 2021).

On Justice: An Origin Story, BUFFALO LAW REVIEW (forthcoming 2020).



John Henry Schlegel

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AREAS OF INTEREST

AMERICAN LEGAL REALISM

LEGAL HISTORY OF THE AMERICAN ECONOMY

CORPORATE FINANCE

ECONOMIC REDEVELOPMENT OF RUST BELT CITIES

ARTICLES

If the Music Hadn't Stopped, or Reflections on the Great Kerfuffle: Historicism's Continuing Grasp for Truth, YALE JOURNAL OF LAW AND HUMANITIES (forthcoming).

To Dress for Dinner: Teaching Law in a Bureaucratic Age, 66 BUFFALO LAW REVIEW 435, 435-80 (2018).

CHAPTERS

Sez Who?: Critical Legal History without a Privileged Position, in THE OXFORD HANDBOOK OF HISTORICAL LEGAL RESEARCH 561, 561-76 (Chris Tomlins & M. Dubber, eds., Oxford University Press 2018).

Wesley Newcomb Hohfeld: On the Difficulty of Becoming a Law Professor, in THE LEGACY OF WESLEY HOHFELD: EDITED MAJOR WORKS, SELECT PERSONAL PAPERS, AND ORIGINAL COMMENTARIES (Shyam Balganes, Ted Sichelman & Henry Smith, eds., Cambridge University Press 2018).

... and Law?, in CONTEMPORARY LEGAL THOUGHT 348, 348-62 (Chris Tomlins & Justin Desautels-Stein, eds., Cambridge University Press 2017).

BOOK REVIEWS

Book Review, 105 JOURNAL OF AMERICAN HISTORY 694, 694-95 (2018) (reviewing ANNE FLEMMING, CITY OF DEBTORS: A CENTURY OF FRINGE FINANCE (Harvard University Press 2018)).

“

I continue to work on a book about law and economy in the 1950s. What fascinates about this now long passed time is that its understanding of what makes up a 'good economy' is so unlike our own, and yet, that lost understanding structures so much of the debate about the economy ever since. Such nostalgia for an unrecoverable past is pathological, but there may be a theme here. Most of my earlier work is directed toward recovering pasts that have been pathologically distorted in our presents. And I've begun to return to another such topic – American Legal Realism.”



Amy Semet

ASSOCIATE PROFESSOR

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MPhil, Columbia University
JD, Harvard Law School
MA, Columbia University
BA, Dartmouth College
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My research focuses on studying legal institutions in intellectual property law (particularly patent law) and administrative law from an empirical and statistical perspective. I have created several databases of administrative agency and court decisions in intellectual property law, immigration law, labor law, and environmental law so as to better understand how agencies and courts make decisions. This empirical research then allows me to posit how these institutions can best be reformed.”

AREAS OF INTEREST

ADMINISTRATIVE LAW
CIVIL PROCEDURE
CONSTITUTIONAL LAW
EMPIRICAL LEGAL STUDIES
INTELLECTUAL PROPERTY LAW
LAW AND SOCIAL SCIENCE
LEGISLATION
PATENT LAW
PROPERTY

ARTICLES

An Empirical Study of Political Control Over Immigration Adjudication (with Catherine Y. Kim), 108(2) *GEORGETOWN LAW JOURNAL* 579, 579-647 (2020).

Presidential Control and Immigrant Detention (with Catherine Y. Kim), 69 *DUKE LAW JOURNAL* 1854, 1854-1903 (2020).

An Empirical Examination of Agency Statutory Interpretation, 103(5) *MINNESOTA LAW REVIEW* 101, 101-91 (2019).

Specialized Trial Courts in Patent Litigation: A Review of the Patent Pilot Program's Impact on Appellate Reversal Rates at the Five-Year Mark, 60(2) *BOSTON COLLEGE LAW REVIEW* 519, 519-91 (2019).

Judicial Elections, Public Opinion, and Decisions on Lower Salience Issues (with Brandice Canes-Wrone & Tom Clark), 15(4) *JOURNAL OF EMPIRICAL LEGAL STUDIES* 672, 672-707 (2018).





Matthew Steilen

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AREAS OF INTEREST

CONSTITUTIONAL LAW

LEGAL THEORY

BOOKS

CONSTITUTIONAL LAW: SOURCES AND PROBLEMS (ChartaCourse 2017) (digital casebook).

ARTICLES

Presidential Whim, OHIO NORTHERN UNIVERSITY LAW REVIEW (forthcoming).

The Constitutional Convention and Constitutional Change: A Revisionist History, 24 LEWIS AND CLARK LAW REVIEW 1, 1-51 (2020).

The Legislature at War: Bandits, Runaways and the Emergence of a Virginia Doctrine of Separation of Powers, 37 LAW & HISTORY REVIEW 493, 493-538 (2019).

The Security Court, 78 MARYLAND LAW REVIEW ONLINE 1, 1-13 (Sept. 2018).

How to Think Constitutionally About Prerogative: A Study of Early American Usage, 66 BUFFALO LAW REVIEW 557, 557-668 (May 2018).

The Josiah Philips Attainder and the Institutional Structure of the American Revolution, 60 HOWARD LAW JOURNAL 413, 413-58 (2017).

“

My central research interest is the development of legal institutions and ideas. I am currently at work on an intellectual history of the separation of powers.”

—



David A. Westbrook

LOUIS A. DEL COTTO PROFESSOR

CO-DIRECTOR OF THE NEW YORK CITY PROGRAM
IN FINANCE AND LAW

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The last few years have been especially collaborative, lots of learning from others as I worry the same old questions, and try to make worthy things. Blessed by conversations, I'm obliged to leave out many dear friends and important interlocutors, but for examples, Amy Deen Westbrook and I have written law review articles on the significance of developments in the equity markets and corporate governance for our understanding of this commercial society. Mark Maguire and I just finished a book on counterterrorism, bureaucracy, and "security" as a key to understanding contemporary life, and not incidentally the bureaucratic state. Computer scientist Perry Alexander has introduced me to a bunch of folks who are struggling with what 'computing' means. Economics, politics, and technology all seem to be changing what it means to live now, except when they do not. More available at davidawestbrook.com."

AREAS OF INTEREST

GLOBALIZATION AND THE
CONTEMPORARY

CORPORATIONS AND CAPITAL MARKETS

ENVIRONMENTAL LAW AND TECHNOLOGY

POLITICAL ECONOMY AND SOCIAL
THEORY

BOOKS

GETTING THROUGH SECURITY:
COUNTERTERRORISM, BUREAUCRACY,
AND A SENSE OF THE MODERN (with
Mark Maguire) (Routledge Press 2020).

ARTICLES

*The Public Problem With
Counterterrorism* (with Mark
Maguire), *SAPIENS* (Set. 2020).

*Snapchat's Gift: Equity Culture
in High-Tech Firms* (with Amy
Deen Westbrook), 46 *FLORIDA
STATE UNIVERSITY LAW
REVIEW* 861, 861-909 (2019).

*Those People [May Yet Be] a Kind of
Solution: Late Imperial Thoughts on
the Humanization of Officialdom*
(with Mark Maguire), 67 *BUFFALO
LAW REVIEW* 889, 889-907 (2019).

*Unicorns, Guardians, and the
Concentration of the U.S. Equity
Markets* (with Amy Deen
Westbrook), 96(3) *NEBRASKA LAW
REVIEW* 688, 688-741 (2018).

*The Paradigm Sways: Macroeconomics
Turns to History*, 20 *INTERNATIONAL
FINANCE* 317, 317-24 (2017).

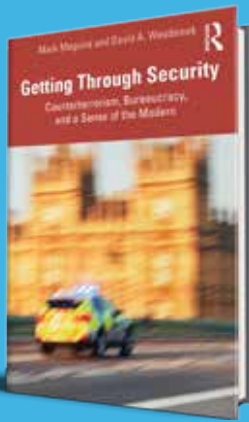
CHAPTERS

*Climbing to 10 to the 11th: Globalization,
Digitization, Shareholder Capitalism
and the Summits of Contemporary
Wealth*, in *THE INEQUALITY CRISIS*
151, 151-66 (Edward Fullbrook
& Jamie Morgan eds., 2020).

*Magical Contracts, Numinous
Capitalism*, in *MAGICAL CAPITALISM*
45, 45-63 (Brian Moeran & Timothy
Malefyt, eds., Palgrave Macmillan 2018)
(substantially revised from the article).

*Leaving Flatland: Planar Discourses
and the Search for the G-Axis*, in *POWER,
POLICY AND PROFIT: CORPORATE
ENGAGEMENT IN POLITICS AND
GOVERNANCE* 208, 208-22 (Christina
Garsten & Adrienne Sörbom, eds.,
Edward Elgar Publishing 2017).

*Prolegomenon to a Defense of the City of
Gold*, in *TRUMPONOMICS: CAUSES AND
CONSEQUENCES* 141, 141-47 (Edward
Fullbrook & Jamie Morgan, eds., 2017).



BEHIND THE SCENES OF COUNTERTERRORISM

GETTING THROUGH SECURITY: COUNTERTERRORISM, BUREAUCRACY, AND A SENSE OF THE MODERN (Routledge, 2020) offers an unprecedented look behind the scenes of global security structures. **David Westbrook** and anthropologist **Mark Maguire** unveil the “secret colleges” of counterterrorism, a world haunted by the knowledge that intelligence will fail and Leviathan will not arrive quickly enough to save everyone.

The book is based on extensive interviews with special forces and other security operators who seek to protect the public, and survivors of terrorist attacks. The subjects range from targeted European airports to African malls and hotels. Maguire and Westbrook reflect on what these practices mean for the bureaucratic state and its violence and offer suggestions for the perennial challenge to secure not just modern life, but humane politics.





James A. Wooten

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PhD, Yale University

MA, Yale University

MPhil, Yale University

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BA, Rice University

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My research focuses on employee-benefits law and policy and, especially, the regulatory regime created by the Employee Retirement Income Security Act of 1974. ERISA is a large and complicated statute that governs private-sector pension and welfare plans. ERISA's sweeping preemption clause has been particularly controversial. I am currently writing a series of articles that explain the political and policy concerns that led lawmakers to include broad preemption language in ERISA."

AREAS OF INTEREST

EMPLOYEE BENEFIT PLANS

LEGAL HISTORY

LEGISLATION

RETIREMENT POLICY

TAXATION

ARTICLES

The Venue Shuffle: Forum Selection Clauses & ERISA (with Christine P. Bartholomew), 66 *UCLA LAW REVIEW* 862, 862-910 (April 2019).





Baldy Center Fellows in Interdisciplinary Legal Studies

The Baldy Center for Law & Social Policy is an endowed academic center for interdisciplinary research on law and legal institutions. The mission of the Baldy Center is to advance interdisciplinary research on law, legal institutions, and social policy. It does so by supporting research projects, conferences, workshops, fellowships, visiting scholars, speakers, grant proposals, and other promising initiatives.



OUR POSTDOCTORAL FELLOW

Baldy Postdoctoral Fellows are highly promising scholars from a variety of disciplines who have completed or are pursuing their PhDs and/or JDs at other universities, but have not yet commenced tenure track positions. Chosen in an extremely competitive process, they carry out their scholarly projects with the full array of UB research resources and participate regularly in Baldy Center talks, discussions, workshops, and conferences.



Sarah Ludin

PHD, UNIVERSITY OF CALIFORNIA
AT BERKELEY
BA, DARTMOUTH COLLEGE

A SOCIO-LEGAL HISTORIAN OF THE EARLY MODERN German-speaking lands, with a special interest in law and religion, secularity and secularism, legal phenomenology and difference, and law and language. Her dissertation, "The Reformation Suits: Litigation as Constitution-Making in a German Imperial Court, 1521-1555" reconsiders the role of civil litigation in the early Reformation in Germany, long regarded as an instance of the instrumentalization of law by "old-faith" authorities against the Protestants. Ludin's research shows how experimental uses of mundane, formulaic legal instruments of Roman law civil procedure fused with the legal culture and legal pluralism of the German lands, such that the litigation context became an unexpected proxy for the most pressing constitutional questions of the early Reformation.

OUR SENIOR FELLOW

Baldy Senior Fellows are accomplished academics and professionals, usually faculty members at other universities, who pursue intensive scholarly projects closely related to the mission of the Baldy Center. They utilize UB's extensive research resources, participate regularly in Baldy Center events, and share their expertise with the larger Baldy community.



Marie Jauffret-Roustide

RESEARCH FELLOW,
FRENCH NATIONAL INSTITUTE
OF HEALTH AND MEDICAL
RESEARCH, FRANCE
PHD, PARIS XI UNIVERSITY
MA, SCIENCES PO, PARIS

JAUFFRET-ROUSTIDE IS THE LEADER OF AN international comparative research project on the history of a harm reduction between France and the United States. Her research focuses on drug policy and a harm-reduction paradigm; ethnicity and gender issues, laws and regulations; structural inequalities in health and social policies; and patient groups' and users' involvement in drug policy changes, including analyses of the biomedicalization process of addiction. As a Senior Baldy Fellow, she is analyzing three representative contemporary drug policy issues affecting both North America (specifically the United States) and partially Europe (France): the history of opioid substitutive treatments, the opioid overdose crisis, and the controversy on drug consumption rooms.

OUR RESEARCH FELLOWS

The Baldy Center is a focal point for the large group of scholars working on law, legal institutions, and social policy in the University at Buffalo community. The Center's scholarly community is closely connected to regional, national, and global sociolegal scholars. The Center seeks to facilitate the work of scholars with law and policy related interests by linking them to the Baldy community and its substantial scholarly resources.

Matthew Bach

PHD CANDIDATE, UNIVERSITY OF FREIBURG

MSC, UNIVERSITY OF FREIBURG
MA, UNIVERSITY OF CAMBRIDGE



Bach is researching the changing role of oil and gas firms in climate change governance with a focus on the factors driving their engagement, the positions that they are taking, and the mechanisms and pathways that they are deploying in relation to climate crisis governance. Since 2017, Bach has been a governance programme officer for ICLEI – Local Governments for Sustainability, a global city network, where he leads a Horizon 2020 grant from the European Commission, which develops solutions for sustainable and just cities.

Daniel Brantes Ferreira

PHD, PONTIFICAL UNIVERSITY OF RIO DE JANEIRO

MA, PONTIFICAL UNIVERSITY OF RIO DE JANEIRO

BA, PONTIFICAL UNIVERSITY OF RIO DE JANEIRO



Brantes Ferreira is a professor at Universidade Cândido Mendes and Vice-President for Academic Affairs at the Brazilian Center of Arbitration and Mediation (CBMA), where he is an arbitrator. He is also a partner at Bruno Freire Law Firm where he practices labor law and torts. Ferreira's main research publications are concentrated in the areas of legal theory, legal history, legal education, comparative studies, and Alternative Dispute Resolution (ADR). At the Baldy Center, he is researching American Legal Realism.

Jennifer L. Gaynor

PHD, UNIVERSITY OF MICHIGAN, ANN ARBOR

MA, UNIVERSITY OF SOUTHERN CALIFORNIA

BA, WESLEYAN UNIVERSITY



Gaynor is an historian and anthropologist of Southeast Asia and its surrounding seas from the seventeenth century to the present. Her current projects assess both historical and contemporary dynamics of how coastal ecotones shape social, economic, and political relations, as well as how humans continue to reshape coasts. Building on her previous research, she is examining the history of capture, slavery, and piracy in maritime Asia, as well as the recent history of global land reclamation.

Rachael K. Hinkle

PHD, WASHINGTON UNIVERSITY, ST. LOUIS

JD, OHIO NORTHERN UNIVERSITY COLLEGE OF LAW

MA, UNIVERSITY OF TOLEDO
BA, HUNTINGTON UNIVERSITY



Hinkle is an associate professor in UB's Department of Political Science. Her research focuses on judicial politics with particular attention to gleaning insights into legal development from the content of judicial opinions through the use of computational text analytic techniques. Her work is informed by her experience clerking for the Honorable David W. McKeague in the U.S. Court of Appeals and the Honorable Robert C. Broomfield in U.S. District Court.

Paul Linden-Retek

PHD, YALE UNIVERSITY

JD, YALE LAW SCHOOL

AB, HARVARD UNIVERSITY



Linden-Retek is a Lecturer in Law & Society at UB School of Law where he teaches in the law school's undergraduate program. His research and teaching interests are in modern and contemporary political theory, international human rights, the study of constitutional democracy, and critical theory: in particular, questions of identity, pluralism, and citizenship; the legitimacy and ethics of borders; comparative constitutional law; the political philosophy of European integration; refugee and asylum law; and law and the humanities.

Charles J. Whalen

PHD, UNIVERSITY OF TEXAS AT AUSTIN

BS, CORNELL UNIVERSITY



Whalen, an economist with a career spanning three decades, has contributed to national economic policy discussions, equitable regional development, and business success based on employee involvement. He has been active—as president, past president, and now trustee—in the Association for Evolutionary Economics, an international group of scholars in the tradition of those who fashioned the New Deal and Great Society. He is currently editing two books that explore the frontiers of that tradition; his own chapters examine the notion of reasonable value and apply institutional law and economics to the problem of worker insecurity.

Areas of Scholarly Interest

Page numbers for faculty profiles by area of interest are indicated by ().

Administrative Law – Abraham (2), Bernstein (9),
Connolly (15), Gelernter (22), Meidinger (30), Semet (38)

Advertising Law – Bartholomew, M. (8)

American Legal Realism – Schlegel (37)

Animal Law/Studies – Braverman (12), Chiesa (14)

Anthropology of Law – French (19)

Antitrust – Bartholomew, C. (6)

Arbitration – Gelernter (22)

Asian Legal Cultures – Engel (17)

Buddhism and Law – French (19)

Business Associations – Mutua, A. (32)

Civil Procedure – Abraham (2), Bartholomew, C. (6),
Bernstein (9), Semet (38)

Civil Liberties – Abraham (2)

Civil Rights Law – Abraham (2), McCluskey (29),
Mutua, A. (32), Odunsi (34)

Climate Justice – McCluskey (29)

Clinical Legal Education – Abraham (2), Connolly (15)

Commercial Law – Abramovsky (3)

Comparative Law – French (19)

Administrative – Bernstein (9)

Constitutional Law – Abraham (2), Boucai (11),
Gardner (20), Harrington (23), McCluskey (29),
Mutua, A. (32), O'Rourke (35), Semet (38), Steilen (39)

Comparative Constitutional Law – Linden-Retek (28)

Constitutional Structure of Politics – Gardner (20)

Constitution-Making – Mutua, M. (33)

First Amendment – Abraham (2), Barbas (5), Finley (18)

State Constitutional Law – Gardner (20)

Consumer Protection – Bartholomew, C. (6)

Contracts – Abraham (2), Dimick (16)

Corporations and Capital Markets – Westbrook (40)

Corporate Finance – Schlegel (37), Westbrook (40)

Criminal Law – Binder (10), Boucai (11), Chiesa (14),
Harrington (23), O'Rourke (35)

Criminal Procedure – Chiesa (14), Harrington (23),
O'Rourke (35)

Critical Legal Studies – McCluskey (29)

Critical Political & Social Theory – Linden-Retek (28)

Critical Race Theory – Mutua, A. (32), Odunsi (34)

Cyberlaw – Bartholomew, M. (8)

Democratic Theory, Law and – Gardner (20)

Disability Law – Abraham (2), McCluskey (29)

Diversity in Legal Practice – Odunsi (34)

Economics, Law and – Dimick (16), McCluskey (29)

Economic Redevelopment – Schlegel (37)

Political Economy and Social Theory –
Mutua, A. (32), Westbrook (40)

Election Law – Abraham (2), Gardner (20)

Empirical Legal Studies – Semet (38)

Employment Law – Dimick (16), Gelernter (22),
McCluskey (29), Odunsi (34)

Retirement Policy – Wooten (42)

Employee Benefit Plans – Wooten (42)

Energy Law – McCluskey (29)

Environmental Law – Connolly (15), Meidinger (30)
Environmental Law and Technology –
Westbrook (40)

Equal Protection Law and Equality Theory – Finley (18)

Ethics

Government Ethics – McCluskey (29)

Legal Ethics – Abramovsky (3)

Evidence – Abraham (2), Bartholomew, C. (6)

Fair Housing – Abraham (2)

Family Law – Boucai (11), McCluskey (29)

Federal Courts – Abraham (2)

Federal Jurisdiction – Bernstein (9)

Federalism – Gardner (20)

Feminist Legal Theory – Finley (18), Mutua, A. (32)

Finance – McCluskey (29)

Free Trade Agreements – Lewis (26)

Freedom of the Press – Abraham (2)

Gender and Law – Boucai (11), Finley (18), McCluskey (29)

Genetics, Law and – Braverman (12)

Geography, Law and – Braverman (12)

Globalization – Westbrook (40)

Health Law – McCluskey (29)

Higher Education Law – McCluskey (29)

Human Rights – Mutua, M. (33)

Indigenous Peoples' Law – Meidinger (30)

Insurance Law – Abramovsky (3), McCluskey (29)

Intellectual Property – Bartholomew, M. (8), Semet (38)

International

- Business Transactions** – Meidinger (30), Mutua, M. (33)
- Dispute Settlement** – Lewis (26)
- Economic Law** – Lewis (26)
- Environmental Law** – Meidinger (30)
- Human Rights** – Linden-Retek (28), Mutua, M. (33)
- Globalization** – Connolly (15), Meidinger (30), Mutua, M. (33), Westbrook (40)
- Public International Law** – Mutua, M. (33)
- Trade Law** – Lewis (26), Meidinger (30)

Israel/Palestine – Braverman (12)

Jurisdiction – Bernstein (9)

Jurisprudence – Binder (10), Chiesa (14)

Juvenile Justice – Harrington (23)

Labor Law – Dimick (16), Gelernter (22)

Law Libraries and Law Librarians – Adelman (4)

Legal Education – Connolly (15)

Legal Ethnography – Braverman (12), Engel (17)

Legal History – Barbas (5), Bartholomew, M. (8), Boucai (11), Wooten (42)

- The American Economy** – Schlegel (37)

Legal Research (and Writing) – Adelman (4), Odunsi (34)

Legal Theory – Dimick (16), Meidinger (30), O'Rourke (35), Steilen (39)

Legislation – Abraham (2), Connolly (15), O'Rourke (35), Semet (38), Wooten (42)

Literature, Law and – Binder (10), Linden-Retek (28)

Mass Media Law – Barbas (5)

Narrative, Law and – Paskey (36)

Natural Resources Law – Braverman (12), Connolly (15)

Occupational Safety and Health – McCluskey (29)

Patent Law – Semet (38)

Post-Colonialism – Mutua, M. (33)

Post-Conflict Societies – Mutua, M. (33)

Prisoners' Rights – Harrington (23)

Property Law – Abraham (2), French (19), Semet (38)

Protest Activity – Finley (18)

Public Affairs – Abraham (2)

Public Policy – Gelernter (22)

Race and the Law – McCluskey (29)

Refugee and Asylum Law – Linden-Retek (28), Paskey (36)

Regulation – Abramovsky (3), McCluskey (29)

Religion, Law and – French (19)

Remedies – Bartholomew, C. (6)

Reproductive Rights – Finley (18)

Rhetoric, Law and – Paskey (36)

Rights Consciousness – Engel (17)

Science, Law and – Braverman (12), Connolly (15)

- Science and Technology** – Braverman (12)

Sentencing & Parole – Harrington (23)

Sexuality, Law and – Boucai (11)

Social Science, Law and – Connolly (15), French (19), Semet (38)

Society, Law and – Bernstein (9), Braverman (12), Engel (17), French (19)

Sociology of Law – Meidinger (30)

State Reconstruction – Mutua, M. (33)

Statutory Interpretation – O'Rourke (35)

Taxation – Dimick (16), Lazar (24), Wooten (42)

- Corporate Tax** – Lazar (24)
- Income Tax** – Dimick (16)
- Partnership Tax** – Lazar (24)

Tax Policy – Dimick (16), Lazar (24)

Third World Approaches to International Law (TWAIL) – Mutua, M. (33)

Tort Law – Chiesa (14), Engel (17), Finley (18)

Transformations of Sovereignty – Linden-Retek (28)

Transitional Justice – Mutua, M. (33)

Welfare Law – McCluskey (29)

World Trade Organization Law – Lewis (26)

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