

# CALIFORNIA WESTERN SCHOOL OF LAW

## *Faculty Publications from 2004 – Present*

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### **Professor William J. Aceves**

#### **(Books)**

*Human Rights Law and the Use of Incapacitating Biochemical Weapons, in PROMISE OR PERIL? INCAPACITATING BIOCHMICAL WEAPONS* (Alan M. Pearson et al. eds., 2007)

THE ANATOMY OF TORTURE: A DOCUMENTARY HISTORY OF FILARTIGA V. PENA-IRALA (2007).

#### **(Book Chapters)**

*Protecting the Right to Family Life in U.S. Immigration Proceedings: A Fundamental Right with a Limited Remedy, in HUMAN RIGHTS AND REFUGEES, INTERNALLY DISPLACED PERSONS AND MIGRANT WORKERS* 349 (Anne F. Bayefsky ed., 2006).

#### **(Law Review Articles)**

with Vienna Colucci, *Symposium Introduction: Amnesty International USA, Fulfilling the Legacy: International Justice 60 Years after Nuremberg*, 10 GONZ. J. INT(L L. 2 (2006-2007).

with James Cooper, Alejandro Gonzalez, and Pedro Egana Marshall, *The Orthodoxy of Format: Some Sketches on Legal Scholarship*, 56 J. LEGAL EDUC. 656 (2006)

*Predicting Chaos? Using Global Scenarios to Inform Theory and Guide Practice*, 45 VA. J. INT(L L. 585 (2005).

with Hari M. Osofsky, *Symposium Introduction: The Boundaries of International Law*, 26 WHITTIER L. REV. 997 (2005).

*Transcript: Doing Business in the Middle East: A Guide for U.S. Companies*, 34 CAL W. INT(L L. J. 282 (2005).

*Scholarship as Evidence of International Law*, 26 LOY. L.A. INT'L & COMP. L. REV. 1 (2003).

*Actio Popularis: The Class Action in International Law*, 2003 U. CHI. LEGAL F. 353 (2003).

*International Decisions: Avena*, 97 AM.J. INT'L L. 923 (2003).

*Human Rights Litigation in U.S. Courts: Affirming Justice and the Rule of Law*, 60 GUILD PRACTITIONER 129 (2003).

*The Tattered Tapestry of International Law*, 29 PEPP. L.REV 1 (2002).

*Relative Normativity: Challenging the Sovereignty Norm Through Human rights Litigation*, 25 HASTINGS INT'L & COMP. L. REV. 261 (2002).

*Using Immigration Law to Protect Human Rights: A critique of Recent Legislative Proposals*, 23 MICH. J. INT'L & COMP. L. REV. 261 (2002) (with Paul L. Hoffman).

*International Decisions: LaGrand Case*, 96 AM.J. INT'L L. 210 (2002).

*Critical Jurisprudence and International Legal Scholarship*, 39 COLUM. J. TRANSNAT'L L. 299 (2001).

*Canto para Latinoamerica*, 30 CAL. W. INT'L L. J. 441 (2000).

*International Decisions: Advisory Opinion of the Inter-American Court of Human rights*, 94 AM.J. INT'L L. 555 (2000).

*Liberalism and International Legal Scholarship: The Pinochet Case and the Move Toward a Universal System of Transnational Law Litigation*, 41 HARV. INT'L L. J. 129 (2000).

*Using Immigration Law to Protect Human Rights: A Legislative Proposal*, 20 MICH. J. INT'L L. 658 (1999) (with Paul L. Hoffman). Reprinted in 20 IMMIG. & NATIONALITY L. REV. 157 (2000)

*International Decisions: Case Concerning the Vienna Convention on Consular Relations*, 93 AM. J. INT'L L. 924 (1999).

*Institutionalist Theory and International Legal Scholarship*, 12 AM. U. J. INT'L L. & POL'Y 227 (1997).

*The Economic Analysis of International Law: Transaction Cost Economics and the Concept of State Practice*, 17 U. PA. J. INT'L ECON. L. 995 (1997).

*Affirming the Law of Nations in U.S. Courts: The Karadzic Litigation and the Yugoslav Conflict*, 14 BERKELEY J. INT'L L. 137 (1996).

*The Legality of Transborder Abductions: A Study of United States v. Alvarez-Machain*, 3 SW. J. L. & TRADE 101 (1996).

*The Freedom of Navigation Program: A Study of the Relationship Between Law and Politics*, 19 HASTINGS INT'L & COMP. L. REV. 259 (1996).

*Ambiguities in Plurilingual Treaties: A Case Study of Article 22 of the 1982 Law of the Sea Convention*, 27 OCEAN DEV. & INT'L L. 187 (1996).

*Lost Sovereignty? The Implications of the Uruguay Round Agreements*, 19 FORDHAM INT'L L. J. 427 (1995).

*Diplomacy at Sea: U.S. Freedom of Navigation Operations in the Black Sea*, 46 NAVAL WAR C. REV. 59 (1993). Reprinted in Readings on International Law (John Norton Moore and Robert Turner eds., 1995).

### **(Short Scholarly Essays)**

*Asylum*, in 1 ENCYCLOPEDIA LATINA 160 (Ilan Stavans ed., 2005).

*Deportation*, in 2 ENCYCLOPEDIA LATINA 75 (Ilan Stavans ed., 2005).

*Consular Notification and the Death Penalty: The ICJ's Judgment in Avena*, ASIL INSIGHTS, Apr. 15, 2004.

### **(Amicus Briefs)**

*Khulumani v. Barclay National Bank Ltd.*, Brief of Amici Curiae International Human Rights Organizations and Bar Associations (Amnesty International USA, Bar Association of San Francisco, Center for Human Rights and Global Justice, Center for Justice & Accountability, Centre on Housing Rights and Evictions, Due Process of Law Foundation, Human Rights Advocates, Human Rights Watch, International League for Human Rights, JUSTICE, Allard K. Lowenstein International Human Rights Clinic, Minnesota Advocates for Human Rights, National Economic and Social Rights Initiative, Odhikar, Robert F. Kennedy Memorial, United Electrical, Radio and Machine Workers of America) in Support of Plaintiffs-Appellants (Second Circuit Court of Appeals 2006) (Co-Counsel).

*Mujica v. Occidental Petroleum Corp.*, Amicus Brief of Constitutional and International Law Professors in Support of Petitioners (Ninth Circuit Court of Appeals 2006) (Counsel of Record).

*Sanchez-Llamas v. State of Oregon*, Amicus Brief of Bar Associations, Human Rights Organizations, and Other Legal Groups (Amnesty International USA, Bar Human Rights Committee of England & Wales, Center for Justice & Accountability, The Constitution Project, Hispanic National Bar Association, Human Rights Advocates, Human Rights First, Human Rights

- Watch, League of United Latin American Citizens, Mexican American Bar Association, Mexican American Legal Defense and Educational Fund, Minnesota Advocates for Human Rights, and the Robert F. Kennedy Memorial Center for Human Rights) in Support of Petitioners (U.S. Supreme Court 2005) (Co-Counsel).
- Acree v. Republic of Iraq*, Amicus Brief of the Center for Justice & Accountability and International Law Scholars in Support of Petitioners (U.S. Supreme Court 2005) (Counsel of Record).
- Turkmen v. Ashcroft*, Declaration of International Law Scholars in Support of Plaintiffs (E.D.N.Y. 2005) (Principal Author).
- Medellin v. Dretke*, Brief of *Amici Curiae* Bar Associations and Human Rights Organizations (Amnesty International, Association of the Bar of the City of New York, Bar Human Rights Committee of England & Wales, Center for Justice & Accountability, Global Rights, Hispanic National Bar Association, Human Rights First, Human Rights Watch, International League of Human Rights, Jacob Blaustein Institute for the Advancement of Human Rights, League of United Latin American Citizens, Mexican American Legal Defense & Educational Fund, Minnesota Advocates for Human Rights, National Association of Criminal Defense Lawyers, Robert F. Kennedy Memorial Center for Human Rights, and The Washington Office on Latin America) in Support of Petitioner (U.S. Supreme Court 2005) (Co-Counsel).
- Medellin v. Dretke*, Amicus Brief of Human Rights and Bar Associations (Amnesty International, Association of the Bar of the City of New York, Hispanic National Bar Association, Human Rights First, Human Rights Watch, League of United Latin American Citizens, Mexican American Bar Association, Mexican American Legal Defense and Educational Fund, Minnesota Advocates for Human Rights, and National Association of Criminal Defense Lawyers) in Support of Petition for Writ of Certiorari (U.S. Supreme Court 2004) (Co-Counsel).
- Sosa v. Alvarez*, Amicus Brief of National and Foreign Legal Scholars in Support of Respondents (U.S. Supreme Court 2004) (Counsel of Record).

**(Op-Ed Pieces)**

- History(s Judgment of Saddam(s Trial*, SAN DIEGO UNION-TRIB., Jan. 1, 2007, at B7.
- A Spot of Britain(s Torture Philosophy Would Do U.S. Good*, LOS ANGELES DAILY J., Dec. 22, 2005, at 6.
- Court Must Not Let Bush Eviscerate the Alien Tort Claims Act*, LOS ANGELES DAILY J., Apr. 7, 2004, at 6.
- Should U.S. Courts Be Open to Torture Victims?* SAN DIEGO UNION-TRIB., Mar. 31, 2004, at B7.
- with Larry Cox, *Don(t Silence the Laws of War*, SAN DIEGO UNION-TRIB., Sep. 21, 2004, at B7.
- The President's Roman Holiday*, SAN DIEGO UNION-TRIB., SEPT. 5, 2002, at B7.
- U.S. Becoming a Haven for Torturers*, SAN DIEGO UNION-TRIB., APR. 10, 2002, at B7.
- The Cost of American Virtue, Arrogance*, SAN DIEGO UNION-TRIB., MAY 11, 2001, at B11.
- Is it Time to Abandon Constructive Disengagement as U.S. FOREIGN POLICY?*, SAN DIEGO UNION-TRIB., JAN. 5, 2001, at B7.
- Is Torture Worth the Price?*, SAN DIEGO UNION-TRIB., NOV. 21, 2001, at B7.

*Military May Win the Battle, But Lose the War*, SAN DIEGO UNION-TRIB., SEPT. 26, 2001, at B7.

*Pinochet Decision Affirms the Rule of Law*, NEWSDAY, JAN. 20, 2000, at A45.

*The End of Sovereignty*, SAN DIEGO UNION-TRIB., MAY 24, 1999, at B7.

*Investigating War Crimes*, SAN DIEGO UNION-TRIB., NOV. 4, 1999, at B13.

*Universal Justice in the Pinochet Case*, SAN DIEGO UNION-TRIB., DEC. 4, 1998, at B9.

### **(Other Publications)**

*Interview with Justice Richard Goldstone*, in RICHARD J. GOLDSTONE: PREVENTING DEADLY CONFLICT: THE ROLE OF INTERNATIONAL LAW 10 (Joan B. Kroc Distinguished Lecture Series, 2005).

*The Vienna Convention on Consular Relations: Recent Developments*, ACLU INT'L CIV. LIBERTIES REP. 65 (2003).

*Arbitrary Detention in the United States and the United Kingdom – Some Post 9/11 Developments*, ACLU INT'L CIV. LIBERTIES REP. 10 (2003).

*Affirming the Law of Nations in U.S. Courts*, 49 THE FED LAW. 33 (JUNE 2002)

*The Vienna Convention on Consular Relations: Recent Developments*, ACLU INT'L CIV. LIBERTIES REP. 44 (2002).

*Was John Walker Lindh a Victim of Torture?*, ACLU INT'L CIV. LIBERTIES REP. 11 (2002).

*The LaGrand Decision: Affirming the Status of Consular Assistance*, ACLU INT'L CIV. LIBERTIES REP. 117 (2001).

*Litigating the Vienna Convention on Consular Relations: Two Approaches*, ACLU INT'L CIV. LIBERTIES REP. 77 (2001)

*Advisory Opinion of the Inter-American Court of Human Rights*, ACLU INT'L CIV. LIBERTIES REP. 72 (2000).

*The INS and Prolonged Arbitrary Detention*, ACLU INT'L CIV. LIBERTIES REP. 1 (2000).

*The Vienna Convention on Consular Relations*, ACLU INT'L CIV. LIBERTIES REP. 34 (2000).

*The Pinochet Litigation*, ACLU INT'L CIV. LIBERTIES REP. 9 (1999)

*The Vienna Convention on Consular Relations: A Litigation Update*, ACLU INT'L CIV. LIBERTIES REP. 53 (1999).

*Litigation Under the Vienna Convention*, ACLU INT'L CIV. LIBERTIES REP. 6 (1998).

### **Professor Thomas D. Barton**

#### **(Book Chapters)**

*Como disenar un sistema procesal civil*, 7 Derecho Mayor 171 (2008)

*The Rule and Non-Rule of Law*, translated as *El Estado de Derecho y Su Ausencia*, in ESTADO DE DERECHO Y REFORMAS A LA JUSTICIA 215 (James M. Cooper, Rainer Grote, Maria Inés Horvitz & Jörg Stippel eds., 2005) (translated by Marlene Riethmuller).

#### **(Law Review Articles)**

*The Modes and Tenses of Legal Problem Solving (and What to Do About Them in Legal Education)*, 43 CAL. W. L. REV. (forthcoming 2007).

*Thinking Preventively and Proactively*, 49 SCAND. STUD. L. 71 (2006).

*Practicing Law Preventively and Proactively*, 23 EUROLAW. 12 (2005).

#### **(Short Scholarly Essays)**

*Feathered and Unfeathered Hope: The Legal Fiction of Lowell B. Komie*, 31 LEGAL STUD. F. (forthcoming 2006).

## **Professor Michal R. Belknap**

### **(Books)**

*Why Dennis v. United States is a Landmark Case*, 34 J.SUPREME COURT HISTORY 289 (2009).

with Laurence Benner, *MIRANDA V. ARIZONA: PROLOGUE AND PROGENY* (University of Kansas Press, forthcoming).

*THE SUPREME COURT UNDER EARL WARREN* (University of South Carolina Press, 2005).

*THE VINSON COURT: JUSTICES, RULINGS, AND LEGACY* (ABC-CLIO, 2004).

### **(Law Review Articles)**

*The Real Significance of Brown v. Board of Education: The Genesis of the Warren Court(s Quest for Equality*, 50 WAYNE L. REV. 863 (2004).

### **(Short Scholarly Essays)**

*Mahlon Pitney*, in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (Roger Newman ed., forthcoming).

*Civil Rights*, in ENCYCLOPEDIA OF AFRICAN AMERICAN HISTORY (Paul Finkelman et al. eds., forthcoming).

### **(Book Reviews)**

Book Review, 37 J. INTERDISC. HIST. 297 (reviewing LOUIS FISHER, *AMERICAN MILITARY TRIBUNALS & PRESIDENTIAL POWER: AMERICAN REVOLUTION TO THE WAR ON TERROR* (2005)).

Book Review, H-Net (forthcoming 2006) (reviewing MICHAEL S. FOLEY, *CONFRONTING THE WAR MACHINE: DRAFT RESISTANCE DURING THE VIETNAM WAR* (2003)).

Book Review, 111 AM. HIST. REV. 1210 (2005) (reviewing ROBERT M. LICHTMAN & RONALD D. COHEN, *DEADLY FARCE: HARVEY MATUSOW AND THE INFORMER SYSTEM IN THE MCCARTHY ERA* (2004)).

Book Review, 46 AM. J. LEG. HIST. 345 (2004) (reviewing ERIC L. MULLER, *FREE TO DIE FOR THEIR COUNTRY: THE STORY OF THE JAPANESE AMERICAN DRAFT RESISTERS IN WORLD WAR II* (2003)).

## **Professor Laurence A. Benner**

### **(Books)**

*Supreme Court Watch: Redrawing the Boundary Lines for Ineffective Assistance of Counsel?*, 31 CORNERSTONE 2 (2010) with Marshall Hartman

*The Presumption of Guilt: Systemic Factors That Contribute to Ineffective Assistance of Counsel in California*, 45 CAL. W.L. REV. 263 (2009).

Highlights of the United States Supreme Court(s Criminal Justice Decisions 2006-2007 Term, Paper Presented Before the 2007 Annual Convention of the National Legal Aid & Defender Association (November 2007).

with Michal Belknap, *MIRANDA V. ARIZONA: PROLOGUE AND PROGENY* (University of Kansas Press, forthcoming).

### **(Book Chapters)**

with Michal Belknap, *Police Practices and the Bill of Rights*, in *THE BILL OF RIGHTS IN MODERN AMERICA* (Indiana University Press, David Bodenhamer & James Ely eds., forthcoming Fall 2006).

with Marshall J. Hartman, et.al., *The Impact of United States Supreme Court Cases on Illinois Law*, in *DEFENDING ILLINOIS CASES, VOL. II* ( Illinois Institute for Continuing Legal Education, forthcoming Jan. 2007).

### **(Law Review Articles)**

*The Role of Public Institutions and Legal Culture: The Ombudsman Commission of Papua New Guinea*, Symposium on Legal Reform, 35 CAL. W. INT(L L. J. 258 (2005).

**(Bar & CLE Publications)**

with Marshall J. Hartman, *Panetti v. Quarterman: Demons, Habeas and Competency for Death*, CORNERSTONE, Sept. ( Dec. 2007, at 6.  
with Marshall J. Hartman, *Supreme Court Watch: Reflections on the Roberts( Court*, 29 NLADA CORNERSTONE (forthcoming Fall 2006).  
with Marshall J. Hartman, *Supreme Court Watch: Sanchez-Llamas v. Oregon & Georgia v. Randolph*, 28 NLADA CORNERSTONE 6 (Summer 2006).  
with Marshall J. Hartman, *Supreme Court Watch: House v. Bell and Hudson v. Michigan*, 27 NLADA CORNERSTONE 5 (Fall 2005).  
with Marshall J. Hartman, *Criminal Law Update IX* (Nebraska Criminal Defense Attorneys Association, CLE Materials, June 2005).  
*Maintaining the Rule of Law: The Detainee Cases (Part II)*, SAN DIEGO LAW., Nov.-Dec. 2004, at 28.  
*Maintaining the Rule of Law: The Detainee Cases (Part I)*, SAN DIEGO LAW., Sept.-Oct. 2004, at 28.  
*Federal Sentencing in a Post-Booker World*, SAN DIEGO LAW., May/June 2005, at 16.

**(Op-Ed Pieces)**

*Federal Sentencing Guidelines: A Return to the Rule of Reason*, SAN DIEGO UNION-TRIB., Jan. 26, 2005, at B7.  
*A Downward Spiral Toward Injustice*, SAN DIEGO UNION-TRIB., May 25, 2004, at B7.

**(Other Publications)**

with Marshall J. Hartman, *Defining the Future: A Review of Criminal and Habeas Decisions of the United States Supreme Court: 2004-2005 Term*, 83 PROC. ANN CONF. NAT.'L LEGAL AID & DEFENDER ASS'N. (2005).  
with Marshall J. Hartman, *Barriers to Equal Justice: A Review of Criminal and Habeas Decisions of the United States Supreme Court: 2003-2004 Term*, 82 PROC. ANN. CONF. NAT(L LEGAL AID & DEFENDERS ASS(N (2004).

**Professor Robert A. Bohrer**

**(Books)**

A GUIDE TO BIOTECHNOLOGY LAW AND BUSINESS (2007)

**(Law Review Articles)**

*Between a Rock and a Hard Place: University Research After Merck and Madey and the University of Rochester*, 24 BIOTECHNOLOGY L. REP. 713 (2005).  
*Perspective: Longevity Research and Bioethics*, 23 BIOTECHNOLOGY L. REP. 542 (2004).

**Professor Arthur W. Campbell**

**(Books)**

TRIAL & ERROR: THE EDUCATION OF A FREEDOM LAWYER (2007)

**(Book Supplements)**

LAW OF SENTENCING (Thomson/West, 3d ed. Supp. 2006).  
LAW OF SENTENCING (Thomson/West, 3d ed. Supp. 2005).  
LAW OF SENTENCING (Thomson/West, 3d ed. Supp. 2004)

**Professor Allison D. Cato**

*Critical Success Factors: Control and Thorough Preparation, in INSIDE THE MINDS, COURTROOM STRATEGIES: LEADING LAWYERS ON PREPARING FOR A CASE, ARGUING BEFORE A JURY AND DQUESTIONING WITNESSES (2008).*

**Professor Susan A. Channick**

*Will Americans Embrace Single-Payer Health Insurance: The Intractable Barriers of Inertia, Free Market and Culture, 28 L. & INEQUALITY 1 (2010).*

*The Medicare Prescription Drug Improvement & Modernization Act of 2003: Will It Be Good Medicine for U.S. Health Policy?, 14 ELDER L.J. (forthcoming 2006).*

**Professor James Cooper**

**(Book Chapters)**

*The Complicated Relationship: A Snapshot of the U.S.-Mexico Border (2010) [reprint]*

*Competing Legal Cultures and Legal Reform: The Battle of Chile, 29 MICH. J. INT'L L. 501 (2008)*

*Proyecto ACCESO: Using Popular Culture to build the Rule of Law in Latin America, 5 RUTGERS J.L. & PUB. POL'Y 378 (2008).*

*Introduccion a la reforma procesal civil: lecciones acerca de la reforma juridica, 7 Derecho Mayor 161 (2008).*

*Drug Treatment Courts: A Problem Solving Mechanism to Address the Demand Side of the War on Drugs, in JUSTICIA PENAL Y ADICCIONES (Paula Hurtada & Angel Valencia eds., 2008).*

*Seen and Not Seen: System Friction and the Battle over Corporate Governance, in TRENDS IN WORLD TRADE: ESSAYS IN HONOR OF SLIVIA OSTRY 67 (Alan S. Alexandroff ed., 2007).*

with William Aceves, Alejandro Gonzales, and Pedro Egana Marshall, *The Orthodoxy of Forma: Some Sketches on Legal Scholarship, 56 J. LEGAL EDUC. 656 (2006)*

**Professor Barbara J. Cox**

**(Book Chapters)**

*"Same Sex Couples Seek Federal Benefits and Interstate Recognition of Their Relationships," in the INTERNATIONAL SURVEY OF FAMILY LAW 401 (Bill Atkin ed., 2010).*

*"A Painful Process of Waiting." The New York, Washington, New Jersey, and Maryland Dissenting Justices Understand the "Same-Sex Marriage" Is Not What Same-Sex Couples are Seeking, 45 CAL. WESTERN L.J. 139 (forthcoming 2008).*

*Proposition 8 Eliminates Marriage Rights for Same-Sex Couples, SAN DIEGO LAWYER\_ (forthcoming 2008).*

*Book Review: Same Sex, Different States: When Same Sex Marriages Cross State Lines 5 SEXUALITY RESEARCH & SOC. POL'Y 106 (2008)*

*Interstate Recognition of Same-Sex Couples( Relationships in the United States, in MARRIAGE, PARTNERSHIP, AND PARENTING IN THE 21ST CENTURY (Stefano Fabeni & Helmut Graupner eds., forthcoming 2006)*

**(Law Review Articles)**

*AALS as Creative Problem Solver: Implementing Bylaw 6-4(a) to Prohibit Discrimination on the Basis of Sexual Orientation in Legal Education*, 56 J. LEGAL EDUC. 22 (2006).

*Using an (Incidents of Marriage( Analysis When Considering Interstate Recognition of Same-Sex Couples( Marriages, Civil Unions, and Domestic Partnerships*, 13 WIDENER L.J. 699 (2004).

**(Bar & CLE Publications)**

*California Tracks National Discussion on Interstate Recognition of Same-Sex Couples( Legal Relationships*, 18 CAL. LITIG. 27 (2005).

*Seeking the Freedom to Marry: Same-Sex Couples and the Law*, SAN DIEGO LAW., May-June 2005, at 30.

**(Amicus Briefs)**

*Cote Whiteacre v. Department of Public Health*, Brief of Amicus Curiae on behalf of Conflict of Law and Family Law Professors in Support of Plaintiff(s) Appellants (Massachusetts Supreme Judicial Court 2005) (Principal Author), available at [http://www.glad.org/marriage/Cote-Whitacre/conflict\\_of\\_laws\\_brief.pdf](http://www.glad.org/marriage/Cote-Whitacre/conflict_of_laws_brief.pdf).

**Legal Writing Professor Robert R. DeKoven**

**(Bar & CLE Publications)**

*Bias on the Basis of Marriage*, SAN DIEGO LAW., Nov.-Dec. 2004, at 42.

**(Op-Ed Pieces)**

*High Court Needs to Overturn Ban on Suspicionless School Searches*, LOS ANGELES DAILY J., Oct. 6, 2004, at 6.

*Real Men Knit, Real Women Lead Universities*, SAN DIEGO UNION-TRIB., Apr. 23, 2004, at B8.

**(Other Publications)**

*Legal Briefs: Paper Can(t Fire Columnist for Political Views; Court Gives Freelancers Some Clout, but at the Expense of Their Employers*, PRESS PASS Q, Apr. 2004, available at <http://www.presspassq.com/detail.cfm?id=35#Commentary>.

*Courts Debating Whether Revealing Gayness is Highly Offensive*, PRESS PASS Q, Feb. 2004, available at <http://www.presspassq.com/detail.cfm?id=33#Commentary>.

Column on legal issues affecting the GLBT community published weekly in GAY & LESBIAN TIMES, Oct. 2002 to present (not included in tabulation of publications).

**Professor Michael H. Dessent**

**(Books)**

*So You've Passed the Bar – Now What (2010)*

ENTERPRISE LAW CASEBOOK (Christensen Press, 3d ed. 2006).

ENTERPRISE LAW CASEBOOK (Christensen Press, 2d ed. 2005).

FIRST YEAR CONTRACT LAW (INCLUDING LEGAL HISTORY AND PHILOSOPHY): CASES, QUESTIONS AND NOTES (Christensen Press, 3d ed. 2005).

**Professor Jessica Fink**

**(Books)**

*Unintended Consequences: How Antidiscrimination Litigation Increases Group Bias in Employer-Defendants*, 38 NEW MEXICO L. REV. 333 (2008)

**Professor Richard Finkmoore**

**(Books)**

ENVIRONMENTAL LAW AND THE VALUES OF NATURE (2010)

**Professor Scott B. Ehrlich**

**(Books)**

BUSINESS PLANNING (Lexis/Nexis, forthcoming 2007).

**(Bar Association Publications)**

*The Worst of Times: City Finances and a Tale of Two Firms*, SAN DIEGO LAW., May/Jun. 2005, at 12.

**Professor Floralynn Einesman**

**(Book Chapters)**

*Cultural Issues in Motions to Suppress Statements*, in CULTURAL ISSUES IN CRIMINAL DEFENSE 347 (Linda Friedman Ramirez, ed., 2007).

**(Law Review Articles)**

with Dr. Howard Taras, *Drug Testing of Students: A Legal and Public Health Perspective* 23 J. CONTEMP. HEALTH L. & POL(Y) 231 (2007).

**Professor Richard J. Finkmoore**

**(Books)**

ENVIRONMENTAL LAW AND THE VALUES OF NATURE (Carolina Academic Press, forthcoming 2007).

**(Law Review Articles)**

*The State of the Natural Resources Literature, Recent Books on the National Wildlife Refuge System and Its Uncertain Future*, 44 NAT. RESOURCES J. 1239 (2004).

**Associate Professor Ruben J. Garcia**

**(Law Review Articles)**

*Toward Fundamental Change for the Protection of Low Wage Workers: The "Workers Rights are Human Rights" Debate in the Obama Era*, 1 U.CHI.L.F. 421 (2009).

*Teaching Preventive Law and Problem-Solving Skills Trough International Labour and Employment Law*, 7 FIRST AMENDMENT L. REV. 22 (2008)

*Against Legislation: Garcetti v. Celballos and the Paradox of Statutory Protection for Public Employees*, 7 FIRST AMENDMENT L. REV. 22 (2008)

*A Democratic Theory of Amicus Advocacy*, 35 FL. ST. UNIV. L. REV. 315 (2008)

*Foreword: Confronting the Rights Deficit*, 43 CAL. W. L. REV. 1 (2006).

*From North to South Country: Race, Gender and Immigration in the New Workplace*, 29 T. JEFFERSON L. REV. (forthcoming).

*Labor as Property: Guestworkers, International Trade and the Democracy Deficit*, 10 J. GENDER RACE & JUSTICE. 27 (2006).

*Labor's Fragile Freedom of Association Post-9/11*, 8 U. PA. J. LAB. & EMP. L. 283 (2006), reprinted in PROCEEDINGS OF NEW YORK UNIVERSITY 55TH ANNUAL CONFERENCE ON LABOR: WORKPLACE DISCRIMINATION, PRIVACY, AND SECURITY AFTER 9/11 (Matthew Bodie & Samuel Estreicher eds., 2007).

*Legal Reform: The Role of Public Institutions and Legal Culture*, 35 CAL. W. INT'L L.J. 266 (2005).

### **Professor Ruth Hargrove**

#### **(Book Chapters)**

*Writing for Real*, AALS Teaching Methods Section Newsletter 6 (Winter 2007)

*The Rock and Roll of Legal Writing*, THE SECOND DRAFT (2008).

### **Professor Marilyn J. Ireland**

#### **(Bar & CLE Publications)**

Editorial consultant and contributor, AMERICAN BAR ASSOCIATION LEGAL GUIDE FOR WOMEN (2004) (contributions at pages 92-93, 103-04, 141, 145, 152, 161, 187, 191, 218, 226, 232-33).

### **Professor Andrea L. Johnson**

#### **(Law Review Articles)**

*Reconciling Ownership Policies for Faculty-Authors in Distance Education*, 33 J.L. & EDUC. 431 (2004).

*Evaluating Privatization of Telecommunications to Foster Economic Growth: Argentina Revisited*, 36 L./TECH. 1 (2004).

#### **(Short Scholarly Essays)**

*Computer Fraud and Abuse Act of 1986*, in 1 ENCYCLOPEDIA OF PRIVACY 107 (William G. Staples ed., 2007).

*Wiretapping*, in 1 ENCYCLOPEDIA OF PRIVACY 609 (William G. Staples ed., 2007).

### **Assistant Professor Nancy S. Kim**

#### **(Law Review Articles)**

*Clicking and Cringing*, reprinted in E-CONTRACTS: CONCEPTS AND CONVENTIONS (L. Padmavathi ed., 2009)

*Web Site Proprietorship and Online Harassment*, 2009 UTAH L. REV. 993

*Bargaining Power and Background Law*, 12 VAND. J. ENT. & TECH. L. 93 (2009)

*Imposing Tort Liability on Websites for Cyber-Harassment*, 118 YALE L.J.

POCKET PART 115 (2008), available at

<http://thepocketpart.org/2008/12/15/kim.html>.

*The Software Licensing Dilemma*, 2008 BYU L. REV. 101.

*Clicking and Cringing*, 86 OREGON L. REV. 797 (2008).

*Mistakes, Changed Circumstances, and Intent*, 56 KANSAS L. REV. 473 (2008).

*Martha Graham, Professor Miller and the Work for Hire Doctrine: Undoing the Judicial Bind Created by the Legislature*, 13 J. INTELL. PROP. L. 337 (2006), reprinted in ENTERTAINMENT, PUBLISHING AND THE ARTS HANDBOOK 2007-2008 (Karen Tripp ed. 2007)

*Blameworthiness, Intent and Cultural Dissonance: The Unequal Treatment of Cultural Defense Defendants*, 17 FLA. J. LAW & PUB. POL(Y 199 (2006).

*Evolving Business and Social Norms and Interpretation Rules: The Need for a Dynamic Approach to Contract Disputes*, 84 NEB. L. REV. 506 (2005).

**Professor Kenneth Klein**  
**(Law Review Articles)**

*Following the Money – The Chaotic Kerfuffle When Insurance Proceeds Simultaneously are the Only Mortgage Collateral*, 46 CAL. W.L. REV. 305 (2010).

*Ashcroft v. Iqbal Crashes Rule 8 Pleading Standards on to Unconstitutional Shores*, 88 NEBRASKA L. REV. 261 (2009).

**Professor Bryan A. Liang**  
**(Book Chapters)**

*How College Health Plans Fail Students*, CHRONICLE OF HIGHER EDUCATION, May 16, 2010.

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**Professor Mark I. Weinstein**

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