

2019

## Appendix: Notable Faculty Scholarship in 2018

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***Appendix:***  
*Notable Faculty Scholarship in 2018*

**Scholarly Books**

Scott Dodson, editor, *THE JUDGES' BOOK Volume 2* (University of California, Hastings College of the Law 2018).

JOHN D. LESHY, *DEBUNKING CREATION MYTHS ABOUT AMERICA'S PUBLIC LANDS* (University of Utah Press 2018).

Ugo Mattei, general series editor, *THE COMMON CORE OF EUROPEAN PRIVATE LAW* (Cambridge 2018) (with Mauro Bussani).

UGO MATTEI, *THE TURNING POINT IN PRIVATE LAW: ECOLOGY, TECHNOLOGY AND THE COMMONS* (Edward Elgar 2018) (with Alessandra Quarta).

Ugo Mattei et al., editor, *ROUTLEDGE HANDBOOK OF FOOD AS A COMMONS* (Routledge 2018).

Setsuo Miyazawa, editor, *CRIME AND JUSTICE IN CONTEMPORARY JAPAN* (Springer 2018) (with Jianhong Liu).

JOEL PAUL, *WITHOUT PRECEDENT: JOHN MARSHALL AND HIS TIMES* (Penguin Random House/Riverhead Books 2018).

JOAN C. WILLIAMS ET AL., *WHAT WORKS FOR WOMEN AT WORK: A WORKBOOK* (N.Y.U. Press 2018).

**Textbooks/Treatises**

RICHARD BOSWELL, *IMMIGRATION & NATIONALITY LAW: CASES AND MATERIALS* (5th ed. 2018).

JO CARRILLO, *COMMUNITY PROPERTY IN A NUTSHELL* (4th ed. 2018).

JOHN DIAMOND ET AL., *UNDERSTANDING TORTS* (6th ed. 2018).

SCOTT DODSON, *THE BLACK BOOK OF FEDERAL COURTS* (2018).

MARY KAY KANE, *CIVIL PROCEDURE IN A NUTSHELL* (8th ed. 2018).

JAIME KING, THOMAS GREANEY, ROBERT SCHWARTZ, ET AL., *THE LAW OF HEALTH CARE ORGANIZATION AND FINANCE* (8th ed. 2018).

JAIME KING, THOMAS GREANEY, ROBERT SCHWARTZ, ET AL., *HEALTH LAW: CASES, MATERIALS AND PROBLEMS* (8th ed. 2018).

DANIEL LATHROPE, *SELECTED FEDERAL TAXATION STATUTES AND REGULATIONS* (2018).

DANIEL LATHROPE, *UNITED STATES INTERNATIONAL TAXATION* (2018).

JOHN D. LESHY ET AL., *LEGAL CONTROL OF WATER RESOURCES* (6th ed. 2018).

DAVID I. LEVINE, *CIVIL PROCEDURE IN CALIFORNIA: STATE AND FEDERAL* (2018).

DAVID I. LEVINE ET AL., *O'CONNOR'S CALIFORNIA PRACTICE: CIVIL PRETRIAL* (2018).

STEPHEN LIND ET AL., *FEDERAL INCOME TAXATION* (2018).

RICHARD MARCUS ET AL., *CIVIL PROCEDURE: A MODERN APPROACH* (7th ed. 2018).

RICHARD MARCUS ET AL., *WRIGHT & MILLER'S FEDERAL PRACTICE & PROCEDURE* (2018 pocket parts to volumes 8, 8A, 8B, and 12).

LEO P. MARTINEZ ET AL., *NEW APPLEMAN INSURANCE LAW AND PRACTICE GUIDE Volumes 1-4* (2018).

LEO P. MARTINEZ, *INSURANCE LAW* (8th ed. 2018) (with Douglas Richmond).

UGO MATTEI, *IL MODELLO DI COMMON LAW* (5th ed. 2018) (with Emanuele Ariano).

KAREN MUSALO, RICHARD BOSWELL, ET AL., *REFUGEE LAW AND POLICY: AN INTERNATIONAL AND COMPARATIVE APPROACH* (5th ed. 2018).

ROGER PARK ET AL., *EVIDENCE LAW: A STUDENT'S GUIDE TO THE LAW OF EVIDENCE AS APPLIED IN AMERICAN TRIALS* (4th ed. 2018).

ROBERT SCHWARTZ ET AL., *HEALTH LAW: CASES, MATERIALS, AND PROBLEMS* (8th ed. 2018).

STEPHEN SCHWARZ & DANIEL LATHROPE, *PARTNERSHIP TAXATION* (2018) (with Brant Hellwig).

D. KELLY WEISBERG, *DOMESTIC VIOLENCE LAW* (2018).

D. KELLY WEISBERG, *DOMESTIC VIOLENCE LAW: LEGAL AND SOCIAL REALITY* (2nd ed. 2018).

#### **Peer-Reviewed Journal Articles**

George Bisharat, *Apersistência das desigualdades raciais no sistema de justiça criminal dos EUA*, 21 JURIS POIESIS 256 (2018).

George Bisharat et al., *Mobilizing International Law in the Palestinian Struggle for Justice*, 18 GLOBAL JURIST (2018).

Richard Boswell, *The Global Evolution of Clinical Education*, 67 JOURNAL OF LEGAL EDUCATION 1081 (2018).

Binyamin Blum, *Convicting Bases on Circumstantial Evidence: Psychological Insights Regarding the Appropriate Decision-making Model in Light of the Kriaf Case*, 11 DIN UDVARIM 161 (2018) (with Elisha Harlev).

Marsha Cohen et al., *Current Regulation of Mobile Mental Health Applications*, 46 JOURNAL OF THE AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW 204 (2018).

Scott Dodson, *Leading Cases, Legislation*, 8 INTERNATIONAL JOURNAL OF PROCEDURAL LAW 165, 314, 352 (2018).

Scott Dodson, *A Model Code of Conduct for Student-Edited Law-Journal Submissions*, 67 JOURNAL OF LEGAL EDUCATION (2018) (with Jacob Hirsch).

Veena B. Dubal et al., *Disrupting Regulation, Regulating Disruption: The Politics of Uber in the United States*, 16 PERSPECTIVES ON POLITICS 919 (2018).

Jared Ellias, *What Drives Bankruptcy Forum Shopping? Evidence from Market Data*, 47 JOURNAL OF LEGAL STUDIES 119 (2018).

Jared Ellias, *Bankruptcy Claims Trading*, 15 JOURNAL OF EMPIRICAL LEGAL STUDIES 772 (2018).

Jared Ellias, *What Is Bankruptcy Claims Trading? Evidence from Bond Trading*, 37 AMERICAN BANKRUPTCY INSTITUTE JOURNAL 28 (2018).

David Faigman et al., *Intellectual Disability, The Death Penalty, and Jurors*, 58 JURIMETRICS JOURNAL 437 (2018).

David Faigman et al., *Predicting Violent Behavior: What Can Neuroscience Add?*, 22 TRENDS IN COGNITIVE SCIENCE 111 (2018).

Robin Feldman, *Artificial Intelligence: The Importance of Trust & Distrust*, 21 GREEN BAG 2D 201 (2018).

Robin Feldman et al., *Empirical Evidence of Drug Companies Using Citizen Petitions to Hold Off Competition*, 27 JOURNAL OF ANTITRUST, UCL, AND PRIVACY 1 (2018).

Robin Feldman, *May Your Drug Price Be Evergreen*, OXFORD JOURNAL OF LAW AND THE BIOSCIENCES (2018).

Debra Gerardi, *Partnering Strategies for Clinical Executives – Leading Together and Not Just Side-by-Side*, 16 NURSE LEADER 215 (2018).

Jaime King, *California's Drug Transparency Law: Navigating the Boundaries of State Authority on Drug Pricing*, 37 HEALTH AFFAIRS 1503 (2018).

Richard Marcus, *Multiple Sources of Procedural Change in America*, 22 ZZPINT 269 (2018).

Ugo Mattei, *Comparative Law, Geopolitics, and the Conflict in Palestine: Disciplined Disengagement and the Commons Solution*, GLOBAL JURIST (2018).

Ugo Mattei, *Diritto, Capitale e Limiti*, 26 PAROLECHIAVE 115 (2018).

Dave Owen et al., *The Trump Administration's ESA Regulations*, 48 ENVIRONMENTAL LAW REPORTER 10953 (2018).

Aaron Rappaport et al., *Association of Legal Intervention Injuries With Race and Ethnicity Among Patients Treated in Emergency Departments in California*, 1 JAMA NETWORK OPEN (2018).

Dorit Rubenstein Reiss & Veena B. Dubal, *Influenza Mandates and Religious Accommodation: Avoiding Legal Pitfalls*, 46 JOURNAL OF LAW, MEDICINE & ETHICS 756 (2018).

Dorit Rubenstein Reiss, *French Mandatory Vaccine Policy*, 36 VACCINE 1323 (2018) (with Tony Yang).

Dorit Rubenstein Reiss & Lois A. Weithorn, *Legal Approaches to Promoting Parental Compliance with Childhood Immunization Recommendations*, 14 HUMAN VACCINES & IMMUNOTHERAPEUTICS 1610 (2018).

Dorit Rubenstein Reiss, *Commentary: Vaccine Medical Exemptions Are a Delegated Public Health Authority*, 142 PEDIATRICS (2018) (with Richard J. Pan).

Reuel Schiller, *Mourning King: The Civil Rights Movement and the Fight for Economic Justice*, 27 NEW LABOR FORUM 12 (2018).

Manoj Viswanathan et al., *Caveat IRS: Problems with Abandoning the Full Deduction Rule*, 88 STATE TAX NOTES 547 (2018).

Manoj Viswanathan et al., *State Responses to Federal Tax Reform: Charitable Tax Credits*, 87 STATE TAX NOTES 433 (2018).

Joanna K. Weinberg, *The Dilemma of the "Doctor in the Family"*, 8 NARRATIVE INQUIRY IN BIOETHICS 47 (2018).

D. Kelly Weisberg & Anne Perry, *First Tribal Court Convicts Non-Native Abuser under VAWA*, 23 DOMESTIC VIOLENCE REPORT 17 (December/January 2018).

D. Kelly Weisberg, *Children's Perspectives of Mothering in the Context of Domestic Violence: Recent Research Findings*, 10 FAMILY & INTIMATE PARTNER VIOLENCE QUARTERLY 43 (2018).

D. Kelly Weisberg, *State Firearm Surrender Laws Lower Risk of Death*, 23 DOMESTIC VIOLENCE REPORT 24 (December/January 2018).

Joan C. Williams et al., *Work as a Masculinity Contest*, 74 JOURNAL OF SOCIAL ISSUES 422 (2018).

Frank Wu, *The New Chinese Diaspora: Embracing the Model Minority and Perpetual Foreigner?*, 2018 CHINESE AMERICA: HISTORY & PERSPECTIVES 99.

#### **Law Journal Articles**

Alina Ball, *Contextualizing the Corporate Rights Movement in Transactional Clinics*, 7 TENNESSEE JOURNAL OF RACE, GENDER, & SOCIAL JUSTICE 5 (2018).

Dana Beldiman, *From Bits to Atoms: Does the Open Source Software Model Translate to Open Source Hardware*, 35 SANTA CLARA HIGH TECHNOLOGY LAW JOURNAL 23 (2018).

John Crawford, *Resolution Triggers for Systemically Important Financial Institutions*, 97 NEBRASKA LAW REVIEW 65 (2018).

Scott Dodson, *Personal Jurisdiction and Aggregation*, 113 NORTHWESTERN UNIVERSITY LAW REVIEW 1 (2018).

Scott Dodson, *Personal Jurisdiction and Aliens*, 116 MICHIGAN LAW REVIEW 1205 (2018) (with Bill Dodge).

Scott Dodson, *Should the Rules Committees Have an Advocacy Role?*, 104 VIRGINIA LAW REVIEW 1 (2018).

Scott Dodson, *Jurisdiction in the Trump Era*, 87 FORDHAM LAW REVIEW 73 (2018).

Scott Dodson, *Defending Jurisdiction*, 59 WILLIAM & MARY LAW REVIEW ONLINE 85 (2018).

Robin Feldman, *Is Patent Enforcement Efficient?*, 98 BOSTON UNIVERSITY LAW REVIEW 649 (2018) (with Mark A. Lemley).

Heather M. Field, *A Taxonomy for Tax Loopholes*, 55 HOUSTON LAW REVIEW 545 (2018).

Heather M. Field, *Offshoring Tax Ethics: The Panama Papers, Seeking Refuge from Tax, and Tax Lawyer Referrals*, 62 ST. LOUIS UNIVERSITY LAW JOURNAL 35 (2018).

Heather M. Field, *Complicity by Referral*, 31 GEORGETOWN JOURNAL OF LEGAL ETHICS 77 (2018).

Eumi Lee, *Monetizing Shame: Mugshots, Privacy, and the Right to Access*, 70 RUTGERS UNIVERSITY LAW REVIEW 557 (2018).

Jeffrey Lefstin et al., *Addressing Patent Eligibility Challenges*, 33 BERKELEY TECHNOLOGY LAW JOURNAL 551 (2018).

John D. Leshy, *Are U.S. Public Lands Unconstitutional?*, 69 HASTINGS LAW JOURNAL 499 (2018).

Rory K. Little, *Hating Hate Speech*, 45 HASTINGS CONSTITUTIONAL LAW QUARTERLY 577 (2018).

Richard Marcus, *Revolution v. Evolution in Class Action Reforms*, 96 NORTH CAROLINA LAW REVIEW 903 (2018).

Leo P. Martinez, *A Critique of Critical Tax Policy Critiques (Or, You've Got to Speak Out Against the Madness)*, 28 BERKELEY LA RAZA LAW JOURNAL 49 (2018).

Setsuo Miyazawa, *Globalization of Japanese Lawyers: Achievements, Challenges, and Expectations of American Law Schools*, 41 HASTINGS INTERNATIONAL & COMPARATIVE LAW REVIEW 123 (2018).

Karen Musalo, *El Salvador—A Peace Worse than War: Violence, Gender and a Failed Legal Response*, 30 YALE JOURNAL OF LAW & FEMINISM 3 (2018).

Dave Owen, *Cooperative Subfederalism*, 9 U.C. IRVINE LAW REVIEW 177 (2018).



Dave Owen, *Federal Laboratories of Democracy*, 52 U.C. DAVIS LAW REVIEW 1119 (2018) (with Hannah Jacobs Wiseman).

Dave Owen, *The Conservative Turn Against Compensatory Mitigation*, 48 ENVIRONMENTAL LAW 265 (2018).

Zachary Price, *Funding Restrictions and Separation of Powers*, 71 VANDERBILT LAW REVIEW 357 (2018).

Zachary Price, *Our Imperiled Absolutist First Amendment*, 20 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 821 (2018).

Zachary Price, *Precedent in a Polarized Era*, 94 NOTRE DAME LAW REVIEW 433 (2018).

Aaron Rappaport, *The Institutional Design of Punishment*, 60 ARIZONA LAW REVIEW 913 (2018).

Morris Ratner, “MDL Problems” – *A Brief Introduction and Summary*, 37 REVIEW OF LITIGATION 123 (2018).

Dorit Rubenstein Reiss, *Litigating Alternative Facts: School Mandates in the Courts*, 21 UNIVERSITY OF PENNSYLVANIA JOURNAL OF CONSTITUTIONAL LAW 207 (2018).

Dorit Rubenstein Reiss, *Regulating in the Era of Fake News: Anti-Vaccine Activists Respond to the CDC Quarantine Rule*, 79 UNIVERSITY OF PITTSBURGH LAW REVIEW 676 (2018).

Naomi Roht-Arriaza, *Safeguarding Development: Risk Reduction in U.S. Government Foreign Aid and Investment Facilitation Beyond the Current Patchwork*, 24 HASTINGS ENVIRONMENTAL LAW JOURNAL 311 (2018).

Stephen Schwarz, *Grantmaking Advice for Mega-Donors: A Second Opinion*, 21 N.Y.U. JOURNAL OF LEGISLATION & PUBLIC POLICY 583 (2018).

Jodi Short, *Private Regulation and Third-Party Auditing*, 41 ENVIRONS 183 (2018).

Jodi Short, *The Trouble with Counting: Cutting through the Rhetoric of Red Tape Cutting*, 103 MINNESOTA LAW REVIEW 93 (2018).

Gail Silverstein, *Developing Lawyers: EBCLC's Impact on Law Students' Professional Identity Formation*, 9 CALIFORNIA LAW REVIEW ONLINE 5 (2018).

David Takacs, *Are Koalas Fungible? Biodiversity Offsetting and the Law*, 26 N.Y.U. ENVIRONMENTAL LAW JOURNAL 161 (2018).

### Chapters In Books

Dana Beldiman, *Navigating Patents in an Open Hardware Environment*, in CO-CREATION: RESHAPING BUSINESS AND SOCIETY IN THE ERA OF BOTTOM-UP ECONOMICS 177 (2018).

Blaine Bookey, *Applying the Refugee Definition to Child-specific Forms of Persecution*, in RESEARCH HANDBOOK ON CHILD MIGRATION 187 (2018) (with Lisa Frydman).

Richard Boswell, *Removal Proceedings: Making a Record for Discovery*, in IMMIGRATION & NATIONALITY LAW HANDBOOK (2018).

Jo Carrillo, *Borelli v. Brusseau*, in FEMINIST JUDGMENTS: FAMILY LAW OPINIONS REWRITTEN (2018).

Ben Depoorter, *The Rise, Fall and Rise of Law & Economics in Europe*, in DON'T TAKE IT SERIOUSLY: ESSAYS IN HONOUR OF ROGER VAN DEN BERGH 427 (2018).

Robin Feldman, *Learning from Past Mistakes – The US Patent System and International Trade Agreements*, in MEGAREGIONALISM 2.0: TRADE AND INNOVATION WITHIN GLOBAL NETWORKS 145 (2018).

Rory K. Little, *Review of the Supreme Court's Term, Criminal Cases*, in THE STATE OF CRIMINAL JUSTICE (2018).

Richard Marcus, *La Experiencia Estadounidense al Reformar las Instituciones de su Justicia Civil*, in XXI SENDAS DE LA REFORMA DE LA JUSTICIA A PRINCIPIOS DE SIGLO 311 (2018).

Richard Marcus, *Reassessing the Essential Role of Public Courts: Learning from the American Experience*, in TRANSFORMATION OF CIVIL JUSTICE: UNITY & DIVERSITY 173 (2018).

Ugo Mattei, *Having, Being and the Commons*, in CODESIGNING ECONOMIES IN TRANSITION: RADICAL APPROACHES IN DIALOGUE WITH CONTEMPLATIVE SOCIAL SCIENCES 63 (2018).

Ugo Mattei, *Il poliamore e I beni comuni*, in PIÙ CUORI E UNA CAPANNA: IL POLIAMORE COME ISTITUZIONE 225 (2018).

Ugo Mattei et al., *Introduction: The Food Commons are Coming*, in ROUTLEDGE HANDBOOK OF FOOD AS A COMMONS 1 (2018).

Ugo Mattei et al., *Food as Commons: Towards a New Relationship Between the Public, the Civic and the Private*, in ROUTLEDGE HANDBOOK OF FOOD AS A COMMONS 373 (2018).

Ugo Mattei, *The Ecology of International Law: Towards an International Legal System in Tune with Nature and Community?*, in THE COMMONS AND A NEW GLOBAL GOVERNANCE 212 (2018).

Dorit Rubenstein Reiss, *The Anti-Vaccine Movement: A Litany of Fallacy and Errors*, in PSEUDOSCIENCE: THE CONSPIRACY AGAINST SCIENCE 195 (2018).

Dorit Rubenstein Reiss, *When Children Pay the Price of Freedom of Religion*, in RELIGIOUS FREEDOM IN AMERICA: A REFERENCE BOOK 125 (2018).

Naomi Roht-Arriaza, *Principle 1. General Obligations of States to Take Effective Action to Combat Impunity*, in THE UNITED NATIONS PRINCIPLES TO COMBAT IMPUNITY: A COMMENTARY 47 (2018).

Manoj Viswanathan, *Tax Compliance and the Sharing Economy*, in CAMBRIDGE HANDBOOK OF THE LAW OF THE SHARING ECONOMY 357 (2018).

### **Testimony/Reports/White Papers**

Robin Feldman, National Academies of Sciences, Government-University-Industry Research Roundtable (February 2018).

Robin Feldman, GAO (March 28, 2018).

Robin Feldman, Appearance before Federal Trade Commission and Health and Human Services staff, on the topic of pharmaceutical competition (2018).

Robin Feldman et al., *States' Rights: A Patent Law Analysis of NASHP Rate-Setting Model Act*, National Association of State Health Policy White Paper (March 2018).

Robin Feldman et al., *Identifying Extensions of Protection in Prescription Drugs: Navigating the Data Landscape for Large-Scale Analysis* (2018).

Jaime King, *Technical Expertise Panelist, Price Transparency in Healthcare*, Department of Health and Human Services and RAND (June 18, 2018).

Jaime King, *Examining State Efforts to Improve Transparency in Healthcare Costs for Consumers*, Testimony before the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce of the U.S. House of Representatives (July 17, 2018).

Jaime King et al., *The Legal Dimensions of Genomic Sequencing in Newborn Screening*, 48 Hastings Center Special Report S39 (2018).

Dave Owen et al., *Navigating Groundwater-Surface Water Interactions Under the Sustainable Groundwater Management Act*, Wheeler Water Institute: Center for Law, Energy & the Environment (March 2018).

Dave Owen et al., *California's Stream Flow Monitoring System is Essential for Water Decision Making*, Wheeler Water Institute: Center for Law, Energy & the Environment Issue Brief (April 2018).

Dave Owen et al., *Addressing Institutional Vulnerabilities in California's Drought Water Allocation, Part 1: Water Rights Administration and Oversight During Major Statewide Droughts, 1976-2016*, Wheeler Water Institute: Center for Law, Energy & the Environment Report (August 2018).

Dave Owen et al., *Addressing Institutional Vulnerabilities in California's Drought Water Allocation, Part 2: Improving Water*

*Rights Administration and Oversight for Future Droughts*, Wheeler Water Institute: Center for Law, Energy & the Environment Report (August 2018).

Dave Owen et al., *When Is Groundwater Recharge a Beneficial Use of Surface Water in California?*, Wheeler Water Institute: Center for Law, Energy & the Environment Issue Brief (August 2018).

Jessica Vapnek, *Food safety policy and legislation in the newly decentralized Federal Democratic Republic of Nepal* (FAO 2018).

Jessica Vapnek et al., *Veterinary Legislation Identification Mission Report: Myanmar* (OIE 2018).

Jessica Vapnek, *Assessment of Bhutan Veterinary Legislation* (OIE 2018).

Manoj Viswanathan et al., *Federal Income Tax Treatment of Charitable Contributions Entitling Donor to a State Tax Credit* (2018).

Manoj Viswanathan et al., *The Games They Will Play: Tax Games, Roadblocks, and Glitches Under the New Legislation* (2018).

Joan C. Williams et al., *Stable Scheduling Increases Productivity and Sales: The Stable Scheduling Study*, WORKLIFE LAW (March 2018).

Joan C. Williams et al., *You Can't Change What You Can't See: Gender and Racial Bias in the Legal Profession*, American Bar Association Commission on Women in the Profession and the Minority Corporate Counsel Association (2018).

Joan C. Williams et al., *Walking the Tightrope: An Examination of Bias in India's Engineering Workplaces* (2018).