



W&L Law Fall Scholarship Celebration

November 14, 2013 ♦ Wilbur C. Hall Law Library ♦ Washington & Lee University School of Law

Books

Christopher M. Bruner, *Corporate Governance in the Common-Law World* (2013).

Nora V. Demleitner, Douglas Berman, Marc L. Miller & Ronald F. Wright, *Sentencing Law and Policy: Cases, Statutes and Guidelines* (2013).

Mark A. Drumbl, *Reimagining Child Soldiers in International Law and Policy* (2012).

Brant J. Hellwig & Robert T. Danforth, *Estate and Gift Taxation* (2d ed. 2013).

American College of Bankruptcy Circuit Review (Margaret Howard ed., 2013).

American College of Bankruptcy Circuit Review of Consumer Cases (Margaret Howard ed., 2013).

Margaret Howard, *Bankruptcy: Cases and Materials* (5th ed. 2012).

Timothy S. Jost, Barry R. Furrow, Thomas L. Greaney, Sandra H. Johnson & Robert L. Schwartz, *Health Law* (7th ed. 2013).

Timothy S. Jost, Barry R. Furrow, Thomas L. Greaney, Sandra H. Johnson & Robert L. Schwartz, *The Law of Health Care Organization and Finance* (7th ed. 2013).

Timothy S. Jost, Barry R. Furrow, Thomas L. Greaney, Sandra H. Johnson & Robert L. Schwartz, *Bioethics: Health Care Law and Ethics* (7th ed. 2013).

Timothy S. Jost, Barry R. Furrow, Thomas L. Greaney, Sandra H. Johnson & Robert L. Schwartz, *Law and Health Care Quality, Patient Safety, and Medical Liability* (7th ed. 2013).

Erik Luna, *The Prosecutor in Transnational Perspective* (2012).

Russell A. Miller & Donald Kommers, *The Constitutional Jurisprudence of the Federal Republic of Germany* (3d ed. 2012).

James E. Moliterno, *Cases and Materials on the Law Governing Lawyers* (4th ed. 2012).

James E. Moliterno, *Experiencing Civil Procedure* (West, 2013).

James E. Moliterno, *Professional Responsibility* (4th ed. 2013).

James E. Moliterno, *The American Legal Profession in Crisis: Resistance and Responses to Change* (2013).

Doug Rendleman, *Enforcement of Judgments and Liens in Virginia* (2d ed. Supp. 2013)

Victoria Shannon & Lisa Bench Nieuwveld, *Third-Party Funding in International Arbitration* (2012).

Howard M. Wellons, *A Sacred Trust: A Biographical History of the United States District Court for the Western District of North Carolina* (2013).

Chapters

Denis J. Brion, *The Criminal Trial as Theater: The Semiotic Power of the Image*, in *Law, Culture and Visual Studies* 329 (Anne Wagner & Richard K. Sherwin eds., 2014).

Nora V. Demleitner, *Unique Disadvantages, Unique Needs: Native American Sex Offenders*, in *The Wiley-Blackwell Handbook of Legal and Ethical Aspects of Sex Offender Treatment and Management* 180 (Karen Harrison & Bernadette Rainey eds., 2013).

Mark A. Drumbl, *Child Soldiers, Transitional Justice, and the Architecture of Post Bellum Settlements*, in *Morality, Jus Post Bellum, and International Law* 139 (Larry May & Andrew T. Forcehimes eds., 2012).

Mark A. Drumbl, *Transcending Victimhood: Child Soldiers and Restorative Justice*, in *Victims of International Crimes: an Interdisciplinary Discourse* 119 (Thorsten Bonacker & Christoph Safferling eds., 2012).

John C. Eller, *Adoption and Termination of Parental Rights*, in *Understanding Family Law* 211 (John DeWitt Gregory et al. eds., 4th ed. 2013).

Susan D. Franck, *Managing Expectations: Beyond Formal Adjudication*, in *Prospects in International Investment Law and Policy: World Trade Forum* 371 (Roberto Echandi & Pierre Sauvé eds., 2013).

Lyman Johnson, Robert Danforth, & David Millon, *Reforming the Third Year of Law School*, in *Reforming Legal Education: Law Schools at the Crossroads* 11 (David M. Moss & Debra Moss Curtis eds., 2012).

Timothy S. Jost, *The Affordable Health Care Act and the Constitution: Beyond National Federation of Independent Business v. Sebelius*, in *The Health Care Case: The Supreme Court's Decision and Its Implications* 315 (Nathaniel Persily et al. eds, 2013).

John D. King, *Procedural Justice, Collateral Consequences, and the Adjudication of Misdemeanors*, in *The Prosecutor in Transnational Perspective* 20 (Erik Luna & Marianne Wade eds., 2012).

Erik Luna, *Psychopathy and Sentencing*, in *Handbook on Psychopathy and Law* 358 (Kent A. Kiehl & Walter P. Sinnott-Armstrong eds., 2012).

Erik Luna, *The Story of Robinson: From Revolutionary Constitutional Doctrine to Modest Ban on Status Crimes*, in *Criminal Law Stories* 47 (Donna Coker & Robert Weisberg eds., 2012).

Brian Murchison, *Anonymous Speech on the Internet*, in *Amateur Media: Social, Cultural and Legal Perspectives* 187 (Dan Hunter et al. eds, 2013).

Doug Rendleman, *Rejecting Property Rules-Liability Rules for Boomer's Nuisance Remedy: The Last Tour You Need of Calabresi and Melamed's Cathedral*, in *Remedies and Property* 43 (Russell Weaver & François Lichère eds., 2013).

Sarah K. Wiant, *Admiralty and Maritime Law*, in *Specialized Legal Research* 7-1 (Penny A. Hazelton general ed., 1987- (2013 supplement)).

Articles

David C. Baluarte, Strategizing for Compliance: The Evolution of a Compliance Phase of Inter-American Court Litigation and the Strategic Imperative for Victims' Representatives, 27 *Am. U. Int'l L. Rev.* 263 (2012).

Johanna E. Bond, A Decade After Abu Ghraib: Lessons in "Softening Up" the Enemy and Sex-Based Humiliation, 31 *Law & Ineq.* 1 (2012).

Johanna E. Bond, Honor as Property, 23 *Colum. J. Gender & L.* 202 (2012).

Johanna E. Bond, Victimization, Mainstreaming, and the Complexity of Gender in Armed Conflict, 11 *Santa Clara J. Int'l L.* 225 (2012).

Christopher M. Bruner, Agency and the Ontology of the Corporation, 69 *Wash. & Lee L. Rev.* 355 (2012).

Christopher M. Bruner, Conceptions of Corporate Purpose in Post-Crisis Financial Firms, 36 *Seattle U. L. Rev.* 527 (2013).

Samuel W. Calhoun & Lucas E. Morel, Abraham Lincoln's Religion: The Case for His Ultimate Belief in a Personal, Sovereign God, 33 *J. Abraham Lincoln Ass'n* 38 (2012).

Samuel W. Calhoun, Stopping Philadelphia Abortion Provider Kermit Gosnell and Preventing Others Like Him: An Outcome that Both Pro-Choicers and Pro-Lifers Should Support, 57 *Vill. L. Rev.* 1 (2012).

Nora V. Demleitner, Can and Should Human Rights Themes Impact Decision-making in a Law School? Reflections from the U.S. Perspective (Mar. 2013) (unpublished paper presented at the Annual Meeting of the International Association of Law Schools Annual Meeting, available at <http://scholarlycommons.law.wlu.edu/wlufac/291/>).

Nora V. Demleitner, The Challenges to Legal Education in 1973 and 2012: An Introduction to the Anniversary Issue of the Hofstra Law Review, 40 *Hofstra L. Rev.* 639 (2012).

Mark A. Drumbl, Child Soldiers and Clicktivism: Justice, Myths, and Prevention, 4 *J. Hum. Rts. Prac.* 1 (2012).

Mark A. Drumbl, From Oblivion to Memory: A Blueprint for the Amnesty, 6 *Crim. L. & Phil.* 467 (2012).

Mark A. Drumbl, Process for the Dispossessed: Procedural Rights from Magna Carta to Modern International Law, *Crim. L. & Phil.* (Online, Oct. 25, 2013) (reviewing Larry May, *Global Justice and Due Process* (2011)).

Mark A. Drumbl, "She Makes Me Ashamed to Be a Woman": The Genocide Conviction of Pauline Nyiramasuhuko, 2011, 34 *Mich. J. Int'l L.* 559 (2013).

Michelle L. Drumbl, Decoupling Taxes and Marriage: Beyond Innocence and Income Splitting, 4 *Colum. J. Tax L.* 94 (2012).

Joshua A.T. Fairfield, Avatar Experimentation: Human Subjects Research in Virtual Worlds, 2 *U.C. Irvine L. Rev.* 695 (2012).

Joshua A.T. Fairfield, "Do-Not-Track" as Contract, 14 *Vand. J. Ent. & Tech. L.* 545 (2012).

Joshua A.T. Fairfield, Do-Not-Track as Default, *Nw. J. Tech. & Intell. Prop.* 575 (2013).

Articles (continued)

- Joshua A.T. Fairfield, *Mixed Reality: How the Laws of Virtual Worlds Govern Everyday Life*, 27 *Berkeley Tech. L. J.* 55 (2012).
- Jill M. Fraley, *Book Review*, 79 *J. South. Hist.* 757 (2013) (reviewing Sara Gregg, *Managing the Mountains: Land Use Planning, the New Deal, and the Creation of a Federal Landscape in Appalachia* (2013)).
- Jill M. Fraley, *Colonial Property, Private Dams, and Climate Change in Virginia*, 5 *Sea Grant L. & Pol. J.* 47 (2013).
- Jill M. Fraley, *Invisible Histories and the Failure of the Protected Classes*, 29 *Harv. J. Racial & Ethnic Just.* 95 (2013).
- Jill M. Fraley, *The Political Rhetoric of Property and Natural Resource Ownership: A Meditation on Chance, Taxation and Appalachia*, 25 *Soc'y & Nat. Resources* 127 (2012).
- Jill M. Fraley, *Scaled Legislation and New Challenges in Statutory Interpretation*, 101 *Ky. L.J.* 233 (2012).
- Jill M. Fraley, *Stealth Constitutional Change and the Geography of Law*, 4 *Drexel L. Rev.* 467 (2012).
- Susan Franck, *Book Review*, 106 *Am. J. Int'l L.* 890 (2012) (reviewing José E. Alvarez, *The Public International Law Regime Governing International Investment* (2011)).
- Brant J. Hellwig & Gregg D. Polsky, *Examining the Tax Advantage of Founders' Stock*, 97 *Iowa L. Rev.* 1085 (2012).
- Margaret Hu, *Biometric ID Cybersurveillance*, 88 *Ind. L.J.* 1475 (2013).
- Margaret Hu, *Reverse-Commandeering*, 46 *U.C. Davis L. Rev.* 535 (2012).
- David A. Hurst, *Conference Report – U.S. & German Bench and Bar Gathering: "A New Bridge Across the Atlantic": The Future of American Patent Litigation*, 14 *German L.J.* 269 (2013).
- Lyman Johnson, *Gender in the Supreme Court: Securities Law*, 33 *Women's Rts. L. Repr.* (2012).
- Lyman Johnson, *Law and Legal Theory in the History of Corporate Responsibility: Corporate Personhood*, 35 *Seattle U. L. Rev.* 1135 (2012).
- Lyman Johnson, *Pluralism in Corporate Form: Corporate Law and Benefit Corps.*, 25 *Regent U. L. Rev.* 269 (2012).
- Lyman Johnson, *Rethinking How Business Purpose Is Taught in Catholic Business Education*, 32 *J. Cath. Higher Ed.* 59 (2013).
- Lyman Johnson, *Why Register Hedge Fund Managers—A Comment*, 70 *Wash. & Lee L. Rev.* 713 (2013).
- Timothy S. Jost, *Eight Decades of Discouragement: The History of Health Care Cost Containment*, 15 *F. Health Econ. & Pol'y* 53 (2012).
- Timothy S. Jost, *A Mutual Aid Society?*, 42 *Hastings Center Rep.* 14 (2012).
- Timothy S. Jost, *Is Medicaid Constitutional?*, 366 *New Eng. J. Med.* 27 (2012).

Articles (continued)

Timothy S. Jost, *Optimizing Qui Tam Litigation and Minimizing Fraud and Abuse: A Comment on Christopher Alexion's Open the Door, Not the Floodgate*, 69 Wash. & Lee L. Rev. 419 (2012).

Timothy S. Jost, *Religious Freedom and Women's Health – The Litigation on Contraception*, 368 New Eng. J. Med. 4 (2013).

Timothy S. Jost, *The Supreme Court and the Future of Medicaid*, 367 New Eng. J. Med 983 (2012).

John D. King, *Beyond "Life and Liberty": The Evolving Right to Counsel*, 48 Harv. C.R.-C.L. L. Rev. 1 (2013).

John D. King, *Coercion, Consent, Compassion*, 70 Wash. & Lee L. Rev. 823 (2013).

John D. King, *Lamentations, Celebrations, Innovations: Gideon at 50*, 70 Wash. & Lee L. Rev. 835 (2013).

Erik Luna, *The Bin Laden Exception*, 106 Nw. U. L. Rev. 1489 (2012).

Erik Luna, *Prosecutorial Decriminalization*, 102 J. Crim. L. & Criminology 785 (2012).

Erik Luna, *Rage Against the Machine: A Reply to Professors Bierschbach and Bibas*, 97 Minn. L. Rev. 2245 (2013).

Timothy C. MacDonnell, *Florida v. Jardines: The Wolf at the Castle Door*, 7 N.Y.U. J.L. & Liberty 1 (2012).

David Millon, *Shareholder Social Responsibility*, 36 Seattle U. L. Rev. 911 (2013).

David Millon, *Shareholder Primacy in the Classroom After the Financial Crisis*, 8 J. Bus. & Tech. L. 191 (2013).

David Millon, *Human Rights and Delaware Corporate Law*, 25 Pac. McGeorge Global Bus. & Dev. L.J. 173 (2012).

David Millon, *Book Review*, 52 Am. J. Legal Hist. 500 (2012) (reviewing *Blackstone in America: Selected Essays of Kathryn Preyer* (Mary Sarah Bilder et al. eds., 2009)).

James E. Moliterno, *Crisis Regulation*, 2012 Mich. St. L. Rev. 307 (2012).

James E. Moliterno, *The Future of Legal Education Reform*, 40 Pepp. L. Rev. 423 (2013).

James E. Moliterno, *The Trouble with Lawyer Regulation*, 62 Emory L.J. 858 (2013).

Caroline L. Osborne, *A Methodical Approach to Legal Research: The Legal Research Plan, an Essential Tool for Today's Law Student and New Attorney*, 32 Legal Ref. Serv. Q. 54 (2013).

Doug Rendleman, *Remedies: A Guide for the Perplexed*, 57 St. Louis L.J. 567 (2013).

Christopher B. Seaman, *Best Mode Trade Secrets*, 15 Yale J.L. & Tech. 1 (2012).

Christopher B. Seaman, *Standards of Proof in Civil Litigation: An Experiment from Patent Law*, 26 Harv. J.L. & Tech. 430 (2013).

Christopher B. Seaman, *Willful Patent Infringement and Enhanced Damages After In re Seagate: An Empirical Study*, 97 Iowa L. Rev. 417 (2012).

Articles (continued)

Victoria Shannon, *Recent Developments in Third-Party Funding*, 30 J. Int'l Arb. 443 (2013).

A. Benjamin Spencer, *Class Actions, Heightened Commonality, and Declining Access to Justice*, 93 B.U. L. Rev. 441 (2013).

A. Benjamin Spencer, *The Law School Critique in Historical Perspective*, 69 Wash. & Lee L. Rev. 1949 (2012).

A. Benjamin Spencer, *Pleading and Access to Civil Justice: A Response to Twiqbal Apologists*, 60 UCLA L. Rev. 1710 (2013).

Kish Vinayagamoorthy, *Contextualizing Legitimacy*, 48 Tex. Int'l L.J. 535 (2013).

Other Publications and Resources

Timothy S. Jost, *Health Affairs Blog*, <http://healthaffairs.org/blog/author/jost>.

The Law News, <http://law.wlu.edu/lawnews>.

Washington and Lee Law Faculty Scholarship Blog, <http://wlulawfaculty.wordpress.com>.

Washington and Lee University School of Law, *Academic Success*, <http://law.wlu.edu/academicsuccess> (administered by Prof. Mary Z. Natkin).

Washington and Lee University School of Law, *Scholarly Commons*, <http://scholarlycommons.law.wlu.edu>.