

## FACULTY FOOTNOTES

A NEWSLETTER ABOUT THE FACULTY OF THE UNIVERSITY OF SOUTHERN CALIFORNIA GOULD SCHOOL OF LAW

## Critical race theorist joins USC Law

**D**aria Roithmayr, a nationally recognized critical race theorist, has joined the USC Gould School of Law as a professor.



Daria Roithmayr

Roithmayr, who was recruited from the University of Illinois, specializes in discrimination, immigration, evidence law, civil litigation, and trade and globalization. By exploring similarities between race discrimination and market monopolies, she has developed a theoretical model that explains why racial disparities in jobs, housing and education might persist even if people no longer intentionally discriminate. Roithmayr will publish her findings in her book, *Locked in Inequality: A Market Lock-In Model of Racial Discrimination*, in 2007.

"We are thrilled to have Daria here at USC Law," says Edward J. McCaffery, Dean and Carl M. Franklin Chair in Law. "She is an innovative scholar, an engaging teacher and a wonderful, spirited colleague. Our faculty and students alike look forward to working with and learning from her."

Roithmayr received a B.S. in psychobiology from UCLA and her J.D., *magna cum laude*,

from Georgetown University Law Center, where she was a member of Order of the Coif and served as senior notes editor for the *Georgetown Law Journal*. After graduation she clerked for Judge Marvin J. Garbis, on the United States District Court for the District of Maryland.

USC Law's interdisciplinary scholarship and high-caliber faculty attracted Roithmayr to the school.

"I came to USC because the faculty here is top-notch and because the unique mix of people here — people who do law and economics working together with people who do more law and social science — fits perfectly with my intellectual interests," she says. "The diversity of the law school student population and the vibrant activism of Los Angeles also were very important factors to me."

Before joining the faculty at University of Illinois in 1996, Roithmayr twice served as special counsel for Sen. Edward Kennedy on the Senate Judiciary Committee, advising him on the nominations of Justice David Souter and Justice Clarence Thomas.

"During the Anita Hill hearings, I began to understand how law, politics, race and gender interact in a way that reproduces power, even when the form of power changes," Roithmayr says.

Roithmayr also has worked in private practice in Washington, D.C., and Phoenix, and served as special counsel to the Mississippi Attorney General, litigating the state's lawsuit against tobacco companies. In spring 2007, Roithmayr will participate in a fellowship at the Center for Comparative Study of Race and Ethnicity at Stanford University.



## McCaffery named dean

### Well-known USC Law professor to lead school through June 2007

**U**SC Law Professor Edward McCaffery has been named dean of the University of Southern California Gould School of Law on an interim basis effective July 1, 2006, through June 30, 2007.

McCaffery succeeds Matthew L. Spitzer, who announced earlier this year that he would resign on July 1, 2006. Spitzer, who was dean for six years, will remain on the faculty at USC Law.

"Everyone at the law school is thrilled to welcome Ed as our dean," says Vice Dean Scott Altman. "We all like and admire Ed, having known him for so long as a terrific scholar, a natural leader, and a passionate supporter of USC Law."

Provost C. L. Max Nikias said he is confident that McCaffery and the faculty, staff and students of USC Law will continue the school's momentum toward "even greater academic success."

"The strong support of the Gould School alumni and friends has also been crucial to the school and will play a vital role in its future," he added.

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## Internet study finds questionable use of cease-and-desist notices

**N**early a third of the copyright cease-and-desist notices sent to Google Inc. and other online service providers under the Digital Millennium Copyright Act (DMCA) have significant problems with copyright claims or likely defenses, a joint USC-UC Berkeley study found.

The study, published in Silicon Valley's *Santa Clara Journal of High Tech Law and Technology* in March, found extensive and overbroad applications of the DMCA process, which researchers believe severely threaten Internet speech.

"The results indicate a possibly serious problem for Internet speech because DMCA notices cause online service providers to pull material from the Internet to protect themselves from copyright lawsuits, generally before their users have notice or an opportunity to respond," says

USC Law Clinical Professor Jennifer Urban, director of the USC Intellectual Property Clinic and co-author of the study with Laura Quilter, a UC Berkeley Samuelson Clinic fellow.

"When other legal issues were also counted, a very high percentage of notices inspired questions about the process," Quilter adds. Under Section 512 of the DMCA, passed in 1998 by Congress, copyright holders may ask online service providers to remove content that may infringe upon their copyrights. Because this type of notice is sent with no judicial review of whether a copyright was actually infringed upon, legal researchers have worried that the system is ripe for abuse.

Until this study, however, researchers had no way to know whether Section 512 was working as hoped, or whether people were using it inappropriately. Urban and Quilter studied a group of nearly 900 DMCA notices collected at the Chilling Effects Clearinghouse ([www.chillingeffects.org](http://www.chillingeffects.org)), which for more than three years has been gathering cease-and-desist letters related to online expression. The majority of the notices were sent to Google Inc., which submits all such notices to Chilling Effects in order to create transparency in the process.

Notices were reviewed to see how often the complaint was legally problematic. For example, researchers looked at whether fair use or other defenses were applicable.

"Copyright law gives creators strong rights, an important benefit to society," says Urban. "But it also has important pro-



Jennifer Urban

tections for competitors, other creators and the public. We wondered how strong the legal claims in DMCA 512 notices were, because if the underlying copyright complaints were clear-cut, then the bias toward takedown might be less of a problem."

However, according to the study, 30 percent of cease-and-desist orders involved clear questions about whether the material actually violated a copyright. "These are the kinds of situations where it is very important to have a court hear the dispute before material is removed," Quilter said.

The study highlights other problems as well. For example, many of the Google notices involved groups who were getting competitors' sites pulled out of the search index. Further, some copyright holders who, it was hoped, would benefit from 512 — particularly movie and music companies — do not seem to be helped much, since that traffic has moved to peer-to-peer networks.

### USC | LAW UNIVERSITY OF SOUTHERN CALIFORNIA FACULTY FOOTNOTES

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#### USC LAW FACULTY FOOTNOTES

is published annually by the USC Gould School of Law.

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# Lyon receives \$1.7 million NIH grant to study abused children

**T**homas Lyon, USC professor of law and psychology, has been awarded a \$1.7 million grant from the National Institutes of Health to study why maltreated children are reluctant to disclose their abuse.

The goal of the research, Lyon said, is to find ways to encourage children to reveal truthful information without increasing the risks of suggestibility of influence.

“Most research on child witnesses in the past 15 years has emphasized the risks of false allegations caused by suggestive questioning,” Lyon said. “What has been neglected are problems that come up when truly abused children are reluctant to disclose their abuse. The reasons may be that they are afraid, embarrassed or simply immature.”

Research has found that most adults who disclose childhood abuse never mentioned the incidents to

anyone as a child. Abused children, who later testify, are often discredited in court because of inconsistencies and reticence in talking about the abuse.

Lyon, along with Jodi Quas, an associate professor of psychology at UC Irvine, and Kang Lee, professor of psychology at the University of Toronto, will examine honesty in maltreated children in several phases. The first phase examines maltreated children’s understanding of truth and lies and factors that may influence disclosure. In part, this research will help develop legal methods for determining children’s competency to testify.



Thomas Lyon

The researchers will determine the developmental trajectory of children’s conceptions of the morality and consequences of disclosure and non-disclosure. For

**“The results of this research, in addition to contributing to our understanding of child development and the effects of maltreatment, will have enormous practical value in helping professionals develop the most sensitive means for questioning children.”**

—Professor Lyon

example, the researchers will examine whether and at what age children believe that promises to keep secrets for adults should be kept, even if the secret involves wrongdoing by the adult.

The second phase will examine maltreated children’s truth-telling under various conditions in order to determine what influences children to disclose information. For example, the team of professors will follow up on research they have conducted in which maltreated children were more likely to reveal secrets when they promised to tell the truth and were reassured that telling would not get them into trouble.

The third and fourth phases of the research will examine whether maltreated children’s true and false narratives can be discriminated by analysis of the children’s verbal and nonverbal behavior, including their facial expressions and body language, and whether lay people or professionals can differentiate between children who are disclosing truthfully from children who are either concealing information or providing false information.

In all phases, the performance of abused children will be compared to non-maltreated children to help determine whether the maltreated children’s life experiences lead them to think or behave differently.

The interdisciplinary research program integrates developmental psychology and

the law in order to make recommendations for practice. Lyon is actively engaged in training social workers, attorneys and other professionals on how to interview children using research-based

methods proven to both increase the amount of information children can provide and minimize suggestibility.

“The results of this research, in addition to contributing to our understanding of child development and the effects of maltreatment, will have enormous practical value in helping professionals develop the most sensitive means for questioning children about topics that are usually kept secret, but are of essential value to the law,” Lyon said. “Children are too often silenced by abuse. Our goal is find the safest means for them to speak.”

## Two rising stars join USC Law faculty



Jonathan Barnett

The USC Gould School of Law has recruited two new assistant professors, further enhancing the school's prominence in business and intellectual property law.

Shmuel Leshem specializes in law and economics, focusing on game theory, and Jonathan Barnett is an expert on intellectual property, corporations and business organizations.

"USC Law has a history of hiring excellent young scholars who quickly become national leaders in their fields, and I think we've found two stars in Shmuel and Jon," says Edward J. McCaffery, Dean and Carl Mason Franklin Chair in Law.

Barnett comes to USC Law from Cleary Gottlieb Steen & Hamilton in New York, where he was an associate attorney handling private equity investments, private and public mergers and acquisitions, and a variety of financing transactions. He also taught antitrust and contracts and led an advanced antitrust analysis seminar at Fordham University School of Law in New York.

A *magna cum laude* graduate of the University of Pennsylvania, Barnett received his M.Phil. from Cambridge University and a J.D. from Yale Law School. His publications include "Shopping for Gucci on Canal Street: Status Consumption, Intellectual Property and the Incentive Thesis" (*Virginia Law Review*, 2005);

"Private Protection of Patentable Goods" (*Cardozo Law Review*, 2004); and "The Rational Underenforcement of Vice Laws" (*Rutgers Law Review*, 2002).

Leshem is a recent J.S.D. graduate of the New York University School of Law. He also received a joint degree, *magna cum laude*, in law and economics from the Hebrew University in Jerusalem in 1997. In addition, he has an M.B.A. in finance from the Hebrew University and an LL.M. degree from NYU.

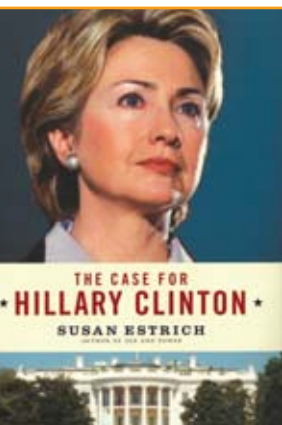
Leshem's current research focuses on a signaling theory of termination fees in mergers. His recent works include "Settlement Authority, Signaling and Contingent Fees," and "Cross Ownership: Control and Competition in the Israeli Media" (with Yaron Ezrahi and Zohar Goshen; The Israel Democracy Institute, 2003).



Shmuel Leshem

Both say they are pleased to be part of a law school faculty that emphasizes interdisciplinary research. "USC has a sterling reputation for combining legal analysis with the best of social science scholarship," says Barnett, "and the faculty has a strong commitment to cultivating young scholars."

## Estrich book makes the case for President Hillary



She is among the nation's most polarizing politicians, but love or hate her, Hillary Clinton may be the only woman with the power and promise needed to win a bid for the White House.

In her book, *The Case for Hillary Clinton* (ReganBooks, 2005), USC Law Professor Susan Estrich makes this argument and provides a detailed analysis of why Clinton should run for president in 2008.

"With the Bush administration now in its final years, all eyes are turning to the 2008 political

season," says Estrich, the Robert Kingsley Professor of Law and Political Science at USC. "Among Democrats, no candidate even approaches Hillary Rodham Clinton."

In *The Case for Hillary Clinton*, Estrich argues that the New York senator would bring vitality and lasting change to the office of the presidency.

"The most important thing was convincing myself that she could win," Estrich says. "I didn't start off being persuaded she could. I was always much closer to her husband and more impressed with his skills than with hers. I looked at what she did in New York and found that she's disciplined, charismatic and a real doer."

# New book questions basic economic assumptions

Some of the government's economic and social programs, crafted with rational participants in mind, may need an overhaul, according to *Behavioral Public Finance*, edited by USC Law Dean Edward J. McCaffery and Joel Slemrod, professor of economics at the University of Michigan.

The volume, released in January by Russell Sage, applies the principles of behavioral economics to the government's role in constructing economic and social policies. In doing so, *Behavioral Public Finance* questions the basic underpinnings of economic theory.

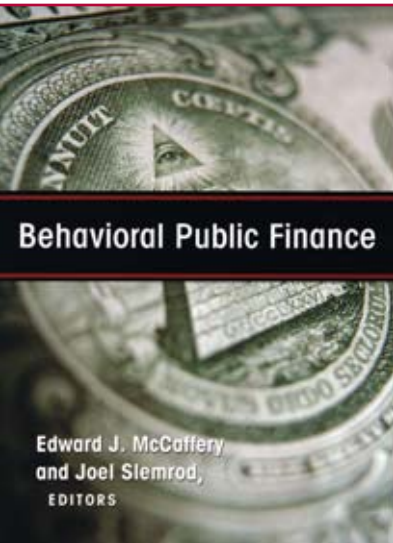
"We know that people often do not act consistently in their own self-interest when making economic decisions," says McCaffery, Dean and Carl Mason Franklin Chair in Law, Economics, and Political Science at USC and a

visiting professor of law and economics at the California Institute of Technology. "This basic fact can have important theoretical implications and provide a new way of examining public policies, including taxation, public spending and the provision of adequate pensions."

Contributors to *Behavioral Public Finance* come from a variety of disciplines — including law, economics, marketing and finance — to study how behavioral research can improve public welfare. One essay found that public support for taxes depends on how the tax is presented. For instance, people tend to prefer corporate taxes to sales taxes because a corporate tax has no readily identifiable "victim" — even though the costs of both taxes are eventually paid by consumers.

Another essay offers new research showing that many people do not underreport their incomes to the I.R.S. — even when the probability of getting caught is 1 percent — because they are not acting under a strict, "rational choice" model of individual behavior.

"Human beings are not always rational, utility-maximizing economic agents," McCaffery says. "Behavioral economics has shown how human behavior departs from the assumptions made by generations of economists. It is time to bring those important insights into the large and growing public sector of tax and spending programs."



## McCaffery named dean

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McCaffery, holder of the Carl M. Franklin Chair in Law, Economics, and Political Science, joined the USC Law faculty in 1989 and is among the school's most prolific and influential faculty members. He is one of the nation's leading scholars in



McCaffery is the father of three girls — Cathleen, 15; Allegra, 13; and Sabrina, 7 months (pictured above) — and is married to Solina Kwan, a Stanford-trained economist and business consultant.

tax law and has testified on tax policy before the U.S. Congress and the President's Advisory Panel on Federal Tax Reform.

McCaffery has served in several leadership roles in the Gould School of Law, including serving as the founding director of the USC-Caltech Center for the Study of Law and Politics. He also served on the school's administration and finance committee; chaired the appointments committee; and oversaw the continuing legal education program, including serving as the executive director of the USC Institute on Federal Taxation.

"Ed already has played a variety of leadership roles within the school," said Elizabeth Garrett, vice president for academic planning and budget at USC and the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, Political Science and Policy, Planning and Development. "I know he'll provide outstanding energy and direction for the school during this period."

He received his B.A., *summa cum laude*, from Yale University, his J.D., *magna cum laude*, from Harvard Law School, and his M.A. in economics from the University of Southern California. He is the author of numerous books, book chapters and articles, including *Fair Not Flat: How to Make the Tax System Better and Simpler* and *Taxing Women*.

McCaffery has served as visiting professor of law and economics at the California Institute of Technology since 1995, and he has been a visiting professor at Yale Law School and UCLA Law School. He consulted with the Russian Federation on its comprehensive tax code, and he is of counsel with Sonnenschein, Nath and Rosenthal, where he advises clients on tax and estate planning.

## Selected USC Law Faculty Activities, 2005-06

**Jody Armour**, Roy P. Crocker Professor of Law, was a featured speaker at the National Bar Association's 17th Annual Wiley A. Branton Issues Symposium. He presented "Michael, Martha and Monica — The Impact of the Media on High-Profile Criminal Cases" with criminal defense attorney Tom Mesereau.

**Alexander M. Capron**, University Professor and Henry W. Bruce Professor of Law, concluded a three-year term as the director of ethics, trade, human rights and health law at the World Health Organization in Geneva. He was appointed to USC's Biomedical Nanoscience Initiative Steering Committee, which will formulate strategy and make recommendations regarding future investments in nanobiomedicine.

**Kareem Crayton**, Assistant Professor of Law and Political Science, is a legal and political consultant for the USC interdisciplinary project "Re-Imagining California," an initiative to use digital games and simulations to encourage greater civic participation. He is involved in designing a video game that simulates the redistricting process and informs the public about the advantages and challenges involved with the current system of drawing legislative districts. At the American Political Science Association annual meeting, Professor Crayton discussed the ways in which the courts have interpreted the Voting Rights Act during the past 40 years. At the Duke Symposium on Voting Rights, he introduced a proposal for states to consider adopting measures to protect minority voting rights, based on the experience of California's adoption of a voting rights act. At the Law & Society Summer Workshop in South Africa, Professor Crayton presented "Importing Democracy from Abroad — South Africa's Lessons on Election Administration," a paper suggesting that aca-

demics and policymakers concerned with reforming the U.S. election administration system should consider importing ideas from South Africa's Independent Election Commission.

**David Cruz**, Professor of Law, was elected to represent the American Civil Liberties Union-Southern California affiliate on the national ACLU board.

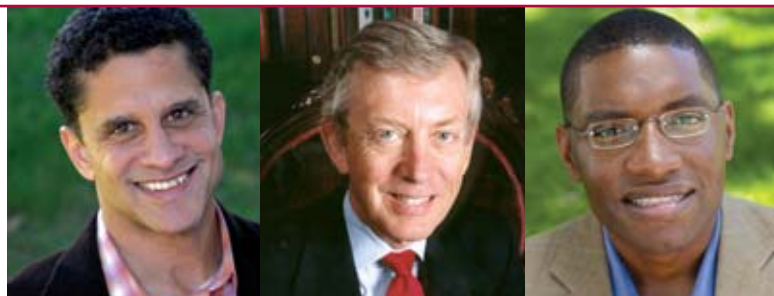
**Mary Dudziak**, Judge Edward J. and Ruey L. Guirado Professor of Law, History and Political Science, was awarded a fellowship by the American Council for Learned Societies for the purpose of completing a book: *Exporting American Dreams: Thurgood Marshall's African Journey*. She presented a paper on the same subject at a faculty workshop at Northeastern Law School and at the Third Annual Harvard Law School Constitutional Law Conference, as well as at a Harvard Law School faculty workshop. She presented a paper on "The Limits of Equality in Thurgood Marshall's Bill of Rights for Kenya," on a panel on "The Most Innocent of Continents': Imagining Africa in the 1960s" at the annual meeting of the Organization of American Historians in Washington, D.C. She also presented a paper, "Rights in the Warrior State," at the "Mobilizing the Movement: The Second World War and the Civil Rights Movement" conference at Oxford University. Professor Dudziak's essay, "Historicizing the War on Terror," was published in *Insights on Law and Society*, an American Bar Association publication. A collection of essays she co-edited, "Legal Borderlands: Law and the Construction of American Borders," was published by Johns Hopkins University Press. The essays first appeared in a special issue of the journal *American Quarterly* she edited in September 2005. She spoke on the same subject as part of

the American Conversations series, co-sponsored by the American Studies Program at Boston University and Boston University Law School. Professor Dudziak also presented a paper, "War Stories and the War Power," at a symposium on "Historical Lessons for a Post 9/11 World: The Impact of Crisis, Terror, and War on Liberal Democracy," at the University of New Hampshire. In addition, Professor Dudziak served as commentator on a panel on "The Morality of Borders" at the annual meeting of the American Society for Legal History, held in Cincinnati, and participated in a roundtable, "Interchange: History in Professional Schools," published in the September issue of the *Journal of American History*, on the nature of history teaching and research by historians with positions in professional schools rather than history departments.

**Susan Estrich**, Robert Kingsley Professor of Law and Political Science, published *The Case for Hillary Clinton* (ReganBooks, 2005) and was a featured speaker at events across the country, one of which was covered by CSPAN.

**Elizabeth Garrett**, Sydney M. Irmas Chair in Public Interest Law, Legal Ethics, Political Science and Policy, Planning and Development, was named University Vice President of Academic Planning and Budget (see story on Page 8). She testified about the final report of the President's Bipartisan Tax Reform Panel, on which she served, before the Finance Committee of the U.S. Senate. She also discussed the recommendations at a conference on tax reform in Washington, D.C., presented by the Center for American Progress; as a luncheon keynote at the USC Tax Institute; and at the UCLA Tax Workshop. Professor Garrett also participated in the planning phase of a project to analyze and

from left to right:  
*Jody Armour, Alexander Capron, Kareem Crayton, David Cruz, Susan Estrich, Elizabeth Garrett and Ariela Gross*



reform the institutional structure of California's political system, as part of a group of 30 that included George Schultz, Pete Wilson, leading journalists and academics. Professor Garrett presented "A Framework Law for Initiatives" at the USC-Caltech Center for the Study of Law and Politics' Participatory Democracy Workshop. The paper is co-authored with Mathew McCubbins, a political scientist at University of California-San Diego and visitor at USC Law during fall 2006. She also presented "The Promise and Perils of Hybrid Democracy" at a faculty workshop at the Pepperdine Law School; at the Southwestern Law School's distinguished speakers series; as the keynote address at the Moritz College of Law's Legislation Clinic Conference; at the Ohio State University Law School's faculty workshop; and in Sacramento at the USC California Policy Institute and for the "USC on the Road" series. She continues to serve on the National Governing Board of Common Cause. The USC-Caltech Center for the Study of Law and Politics, headed by Professor Garrett, hosted a conference on "Fiscal Challenges: An Interdisciplinary Approach to Budget Policy" in the spring. The conference was cosponsored by Harvard Law School and USC's School of Policy, Planning and Development, and the proceedings will be published by Cambridge University Press.

**Ariela Gross**, Professor of Law and History, participated in a roundtable discussion on "New Legal Histories of Race and Nation" at the Organization of American Historians' annual meeting in Washington, D.C. She presented a commentary titled "Slaves, Race, and Color in 18th- and 19th-Century Latin America: Some Comparative Observations" at the "Colloquium: Statutes, Science and the Seas: Slavery and Freedom in the Atlantic World" conference, held

## Dudziak receives ACLS fellowship



Mary Dudziak

**U**SC Law Professor Mary Dudziak received a fellowship from the American Council of Learned Societies for 2006 to support her book project, *Exporting American Dreams: Thurgood Marshall's African Journey*.

Dudziak was one of 60 scholars and the only law professor this year to receive a fellowship from ACLS. The organization made awards totaling just under \$2.3 million to scholars for postdoctoral research in the humanities and humanities-related social sciences. The recipients were selected from 878 applicants.

Dudziak, the Judge Edward J. and Ruey L. Guirado Professor of Law, History and Political Science at USC, is examining the role of law in the transition to independence in Africa, and in the struggle for civil rights in America. At the center of both stories was Thurgood Marshall. The first African American to sit on the U.S. Supreme Court, Marshall aided African nationalists in negotiations on an independence constitution for Kenya when he was a civil rights lawyer in 1960.

"He played an influential role in a conference held by the British government to draft a Kenya constitution, writing a draft bill of rights, and focusing especially on minority rights and property rights," Dudziak said. "Scholars often ignore constitutionalism in Africa, but in the Kenya of 1960, constitutional politics provided an alternative to warfare. Marshall did not simply transplant American norms in this context. Instead, he brought a forward-looking vision of what he hoped someday to achieve in America."

Dudziak added: "I went looking for information on Marshall in the U.S. National Archives, and I found an even bigger story. Groups in Kenya that had been killing each other fought instead with constitutional clauses. Meanwhile, the civil rights struggle at home took a new direction, and the role of law was less clear. In the middle of these dramatic stories was Thurgood Marshall, whose faith in law remained undaunted."

Dudziak's book will be published in 2008, the centennial of Marshall's birth, by Oxford University Press.

at the University of Michigan. She presented a paper titled, "'The Caucasian Cloak': Mexican Americans and the Politics of Whiteness in the 20th-Century Southwest" at the University of Pennsylvania Legal History Workshop. Professor Gross presented her paper, "Slavery and Popular Constitutionalism," at a panel on Courts,

Judicial Review and Popular Constitutionalism in the Antebellum Era, co-sponsored by the American Association of Law Schools executive committee and the Institute of Constitutional Studies, at the AALS annual meeting in Washington, D.C. She chaired a panel on "Judicial Review, Public Opinion and Slavery" at



# >> faculty activities

the American Society for Legal History annual meeting in Cincinnati. She spoke on "Native Identity, Citizenship and Land Allotment in the Early 20th-Century U.S." at the ARENA Conference on Nations and Nationalism in Seville, Spain. She also spoke in a plenary session at "The Politics and History of Slavery in Contemporary Legal Argument" Conference on Race, Law and Equality at the University of Gloucester in Gloucester, England; and at the "Symposium on New World Slavery: History, Memory, Redress," at USC.

**Gillian Hadfield** was named the Richard L. and Antoinette S. Kirtland Professor of Law and Professor of Economics. She traveled extensively this past year discussing her work on legal design, legal institutions and the markets for law and lawyers. She was a keynote speaker at the 3rd International Symposium of the Center for Legal Dynamics in Advanced Societies at Kobe University in Japan, where she spoke on the role of law, lawyers and legal education in a market society, based on her chapter in the *Handbook of New Institutional Economics* titled, "The Many Legal Institutions that Support Contractual

Commitments." She also gave a seminar at Kobe University on "Delivering Legality on the Internet: Developing Principles for the Private Provision of Commercial Law." She participated in a conference on Modeling Law at the New York University School of Law and, also at NYU, presented her paper, "The September 11th Victim Compensation Fund: 'An Unprecedented Experiment in American Democracy'" to the Law and Society Colloquium. Professor Hadfield discussed her work on judicial and lawyer incentives to invest in evidence and innovative legal argument and how institutional differences in

## Professor Garrett named USC Vice President



Elizabeth Garrett

USC Law Professor Elizabeth Garrett has been named vice president for academic planning and budget at USC.

The position is the latest in a string of new opportunities for Garrett since she left the University of Chicago for the USC Law faculty in 2003. After arriving at USC, she became director of the USC-Caltech Center for the Study of Law and Politics and was

instrumental in bringing the nationally-renowned Initiative and Referendum Institute to USC. In 2005, she was tapped to serve as vice provost for the university.

"I turned down the offer initially because I loved what I was doing at the law school," says Garrett, the Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, Political Science, and Policy, Planning and Development. "I had been moving the Center for the Study of Law and Politics into new realms and expanding its influence, and my scholarship was taking fresh directions. But [USC Provost] Max Nikias' energy and enthusiasm are contagious. I realized that the efforts we're undertaking will effect more academic change than I can accomplish as a single

scholar. And I have found that, as an administrator, I do not need to leave my research agenda unfinished."

Her new position will build on the successes of her work as vice provost while also bringing to bear her expertise in budget and planning.

"My scholarship has long focused on budget issues and how revenue and fiscal concerns affect governmental decisions," she says. "This job deals with similar issues in an academic setting."

A former law clerk to U.S. Supreme Court Justice Thurgood Marshall and adviser to U.S. Sen. David Boren, Garrett is a nationally renowned expert on law and politics, direct democracy, and federal budget issues and tax policy. She chairs the finance committee of Common Cause's national governing board and is the board's vice chair, and she recently served on President George W. Bush's bipartisan Tax Advisory Panel.

"We are privileged to be able to call on the expertise of Professor Garrett for this important role," said USC President Steven B. Sample in a memo announcing her appointment. "I believe that our academic mission will be further advanced by bridging various academic, administrative and financial boundaries through this new vice-presidential post."

from left to right:

*Gillian Hadfield, Ehud Kamar, Gregory Keating, Dan Klerman and George Lejcoe*



these incentives contribute to the different rates at which law develops under common and civil law systems (“The Quality of Law in Civil Code and Common Law Regimes: Judicial Incentives, Legal Human Capital and the Evolution of Law”) at several law schools and academic conferences including Yale Law School, the University of Toronto, the University of British Columbia, New York University, and the American Law and Economics Association Annual Meeting. Professor Hadfield participated in a conference on the Law and Economics of Contracting at Columbia Law School and presented a paper on “The Role of Lawyers in the Promotion of the Rule of Law in (Emerging) Market Democracies,” at the 13th Annual Clifford Symposium on The Rule of Law at DePaul Law School. She spoke about “The Vanishing Trial” at a Loyola Law School faculty workshop. She also gave a talk based on her recently published paper (with UC Berkeley Law Professor Eric Talley), “On Public versus Private Provision of Corporate Law” at the University of Toronto Rotman School of Business; the paper explores the differences between law produced by competitive firms and states to govern corporations. Professor Hadfield will be spending the 2006-07 year at the Center for Advanced Study in the Behavioral Sciences at Stanford University, continuing her work on legal design and the role of courts in market democracies.

**Ehud Kamar**, Professor of Law, taught as a visiting professor at the New York University School of Law in spring and fall 2005. He returned to USC Law in spring 2006 and was promoted to Professor of Law. He presented his article “Beyond Competition for Incorporations Law” at the Law and Economics Seminar at the University of California at Berkeley Boalt Hall

School of Law. The article is forthcoming in the *Georgetown Law Journal*. He presented his article “Going-Private Decisions and the Sarbanes-Oxley Act of 2002: A Cross-Country Analysis” (co-authored with Pinar Karaca-Mandic and Eric Talley) at the Law and Economics Workshop at New York University School of Law and at the Blue Sky Lunch at Columbia University School of Law. He presented his article “Does Shareholder Voting on Acquisitions Matter” at the Law and Economics Workshop at Tel Aviv University Faculty of Law; at the Law and Economics Workshop at Hebrew University Faculty of Law; and at the Annual Meeting of the American Law and Economics Association. Professor Kamar presented an invited comment on Augustin Landier, David Sraer, and David Thesmar’s article “Bottom-Up Corporate Governance” at a Conference on Law and Finance organized by University of Pennsylvania and New York University.

**Gregory Keating**, William T. Dalessi Professor of Law and Philosophy, co-moderated a Socrates Seminar on “Personal Roles and Professional Integrity” at the Aspen Institute, along with Dr. Ezekiel Emanuel, director of the Division of Bioethics at the National Institutes of Health. The seminar was held at the institute’s Aspen, Colo., campus. He presented a paper entitled “Strict Liability and the Mitigation of Moral Luck” to the USC Center for Law and Philosophy Conference on “The Morality of Fortune.” He participated in a Virtual Symposium on *Vincent v. Lake Erie* held by *Issues in Legal Scholarship*, an electronic journal edited by the Boalt Hall Faculty. He presented his paper “Property Right and Tortious Wrong in *Vincent v. Lake Erie*” at the USC Law Faculty Workshop.

**Dan Klerman**, Professor of Law and History, presented his paper, “Jurisdictional Competition and the Evolution of the Common Law,” at Columbia Law School’s Law & Economics Workshop and at the 17th British Legal History Conference in London. He delivered the keynote address at a symposium on “Judicial Independence and Legal Infrastructure: Essential Partners for Economic Development.” The symposium took place at the McGeorge School of Law, and participants included Supreme Court judges from China and Rwanda. He presented his paper, “Trademark Dilution after Victor’s Little Secret: Identifying the Harm,” at a symposium on the Jurisprudence of Justice Stevens at Fordham Law School. He presented his paper, “Jurisdictional Competition and the Evolution of the Common Law,” at the USC Economics Department Birnkrant Development Seminar. The seminar was co-sponsored by the USC Institute for Economic Research on Civilizations. He presented the paper again two days later at the University of Colorado Boulder Law School Faculty Workshop. Professor Klerman commented on Mullin & Snyder, “Targeting Employees for Corporate Crime and Forbidding their Indemnification,” at the National Bureau of Economic Research (NBER) Law & Economics Summer Institute, in Cambridge, Mass. He is co-chair of the program committee for the American Society for Legal History 2006 annual meeting.

**George Lefcoe**, Ervin and Florine Yoder Chair in Real Estate Law, twice visited officials and business leaders in Buenos Aires and Rio to prepare for the USC Traveling Land Use Seminar to Buenos Aires, Iguazu Falls, and Rio de Janeiro. He participated on the planning and program



# >> faculty activities

committee of the USC/Los Angeles County Bar Association Real Estate Law and Business Conference.

**Thomas D. Lyon**, Professor of Law and Psychology, was awarded a \$1.7 million 5-year grant from the National Institute of Child Health and Development (part of the National Institutes of Health, or NIH) to study honesty in maltreated and non-maltreated children, and to assess the means by which children can be encouraged to divulge secrets without creating false allegations (see story on Page 3). He worked on a brief submitted by the National Association of Counsel for Children (NACC) to the United States Supreme Court in *Hammon v. Indiana*, addressing the need for admitting hearsay by victims of family violence who do not testify at trial. He also spoke at the annual meeting of the NACC on “Child Development, Competence, and Credibility.” He co-authored research on recantation of child sexual abuse at the annual meeting of the Psychology and Law Society in St. Petersburg, Fla. He presented trainings on interviewing children at the Statewide Judicial Branch Conference in San Diego, the 20th Annual San Diego Conference on Child Maltreatment, the 10th Annual Juvenile Court conference in Los Angeles, and to the Los Angeles District Attorney’s office, the Los Angeles Child Advocate’s Office, and the Los Angeles Department of Children and Family Services. He received funding from the California Endowment to create training CDs on both domestic violence exposure in children and interviewing children.

**Andrei Marmor** was named Maurice Jones Jr.-Class of 1925 Professor of Law and Professor of Philosophy. He is the founding editor and editor-in-chief of the *Journal of Ethics & Social Philosophy*, an online peer-reviewed journal in moral, political and legal philosophy ([www.jesp.org](http://www.jesp.org)). Launched in April 2005, the

journal averages 10 submissions each month and 1,000 downloads per article per year, and has published nine articles and one symposium. The USC Center for Law & Philosophy, directed by Professor Marmor, hosted a conference on The Morality of Fortune. Professor Marmor presented in a plenary session, “The Nature of Legal Positivism,” at the IVR Conference in Granada, Spain. He also presented “Constitutional Interpretation” at the Columbia Law School legal philosophy workshop and “Are Constitutions Legitimate?” at the Legal Philosophy Conference at Universidad Nacional Autonoma de Mexico in Mexico City.

**John Matsusaka**, Professor of Business and Law, and **Elizabeth Garrett**, Sydney M. Irmias Chair in Public Interest Law, Legal Ethics, Political Science and Policy, Planning and Development, hosted a roundtable of journalists and scholars to discuss the progress and direction of their three-year project on direct democracy in cities and counties. The project, sponsored by the Haynes Foundation, the Initiative and Referendum Institute (which Matsusaka directs), and the USC-Caltech Center for the Study of Law and Politics (which Garrett directs), is putting together extensive databases on direct democracy provisions and ballot propositions, a project that will culminate in a two-day conference in Spring 2007.

**Clare Pastore**, Visiting Professor of Law and Senior Counsel at the ACLU Foundation of Southern California, has been named one of Southern California’s “Super Lawyers.” The list of Super Lawyers was published in *Los Angeles* magazine and recognizes the top 5 percent of attorneys through a process of peer nomination. She spoke on a panel regarding developments in access to justice for civil litigants at the annual conference of the National Legal Aid and Defender Association in Orlando, Fla. She described the efforts of California’s Model

Statute Task Force, which she co-chairs, and served as a “Supreme Court Justice” for a mock argument on a right-to-counsel issue. She also gave workshops on “Legal Issues for Teen Parents” at regional meetings of California Adolescent Family Life Program staff.

**Chloe T. Reid**, Associate Dean for Admissions and Student Affairs, was a presenter at the Law School Admission Council Annual Meeting in Toronto, Canada. Her presentation, “Two Years Tops,” explored career options in legal education and law school administration.

**Jean Rosenbluth**, Director of Legal Writing and Advocacy and Adjunct Professor of Law, moderated a panel at the 9th U.S. Circuit Court of Appeals in Pasadena as part of a two-day Appellate Practice Workshop sponsored by the Federal Bar Association. Her panel, which concerned effective brief writing, included 9th U.S. Circuit Judges Pamela Rymer and Richard Paez, as well as several law firm partners and senior government attorneys. Professor Rosenbluth presented a workshop at the Legal Writing Institute Conference on “Using the Media to Promote Our Worth as Practitioners.” She also served on the Los Angeles County Bar Committee’s Judicial Evaluation Committee for California Court of Appeal judges and on the Association of Legal Writing Directors’ Survey Committee.

**Dan Simon**, Professor of Law, received a joint appointment with the USC Department of Psychology and is now Professor of Law and Psychology.

**Matthew L. Spitzer** was named the Robert C. Packard Trustee Chair in Law. He concluded a six-year term as dean of USC Law in July. He was appointed to serve on the Board of Governors of the Beverly Hills Bar Association and on the Law School Council Committee of Bar Examiners of The State Bar of California.



## Law professor appointed to Los Angeles ethics commission



Robert Saltzman

Robert Saltzman, associate dean at USC Gould School of Law, was appointed to the Los Angeles City Ethics Commission by Mayor Antonio Villaraigosa in fall 2005.

As one of five commissioners, Saltzman is charged with administering and enforcing the laws on governmental ethics, campaign finance and lobbyist activities. The commissioners also are responsible for overseeing mandated programs, introducing new ethics reforms, conducting investigations, auditing campaigns, summarizing disclosure reports, providing advice about the law, and meeting with community groups.

Since Saltzman joined the commission, it has levied fines against numerous elected officials and lobbyists, including a fine in excess of \$100,000 against a former City Councilman (as part of a global settlement reached with the L.A. District Attorney and U.S. Attorney), and a fine of nearly \$150,000 levied against a Los Angeles lawyer for assumed-name contributions to

2001 mayoral candidate James Hahn. The commission also has worked closely with several members of the City Council to promote amendments to the City Charter to provide for full public financing of all city campaigns.

“I am enjoying the opportunity to participate in the city’s efforts to promote honesty and transparency in government,” says Saltzman, “while at the same time trying to make sure that the ethics rules are not so onerous that they discourage individuals from seeking public office or keep elected officials from being able to accomplish their goals using legitimate — even creative — means. My first-year students seem to be particularly interested when I am able to use examples from the Ethics Commission in my Legal Profession course.”

Saltzman has a rich background in both government and academics. He has been on the faculty at USC Law for 17 years, specializing in legislation, the political process, and legal and professional ethics. As associate dean, he oversees the academic support program.

**Mark Weinstein**, Associate Professor of Business and Law, presented his paper, “Don’t Leave Home Without It: Limited Liability Comes to American Express,” at the 2006 China International Conference in Finance in Xi’an, China. He was on the program committee for the conference and chaired a session. Professor Weinstein also presented this paper at the Conference in Law and Business at Vanderbilt Law School.

**Charles Whitebread**, George T. and Harriet E. Pfleger Chair in Law, gave his exam-taking lecture at dozens of universities and colleges, including Boston College, Harvard, George Washington, Georgetown, American University, Loyola, Whittier, UCLA, University of San Diego, Rutgers and Duquesne, among others. He spoke on “Recent Decisions of the United States Supreme Court, 2004-2005 term” to the Criminal Advocacy Program of Wayne County in Detroit, Michigan; to Minnesota judges in the Twin Cities; at the Oklahoma Judicial Conference in Oklahoma City; at the annual convention of the American Judges Association in Anchorage; to Arizona judges and prosecutors in Phoenix; to the Washington State Bar Association; and for the Minnesota Criminal Juvenile Conference. Professor Whitebread addressed the Seattle Rotary Club, the world’s largest Rotary Club, on the federal view of the confirmation process.

**Nomi Stolzenberg**, Nathan and Lilly Shapell Chair in Law, spoke on “Gender, Sex, Culture and the Paradox of National Liberation,” a comment on Michael Walzer, at the conference on “The State of Israel: The Theological-Political Predicament,” sponsored by the UCLA Center for Jewish Studies. She presented a talk titled

“Rule Without Others” at the Jewish Law panel at the AALS in Washington, D.C. The topic of the panel was “Rule Over Others.” She participated in a panel discussion on “Creating the Public School Curriculum: Intelligent Design, Intelligent Spaghetti, and the Power of Parody in Public Deliberation,” one of the USC Coffeehouse Discussions in Philosophy and Law.

Images from left to right:

*Thomas Lyon, Andrei Marmor, John Matsusaka, Clare Pastore, Chloe Reid, Jean Rosenbluth, Dan Simon, Matthew Spitzer, Nomi Stolzenberg, Mark Weinstein, Charles Whitebread*



## FACULTY WORKSHOPS

**Madhavi Sunder** (University of California, Davis) "IP3: The Convergence of Intellectual Property, Identity Politics, and the Internet Protocol"

**David Law** (University of San Diego) "The Paradox of Omnipotence: Courts, Constitutions, and Commitments"

**Thomas Lyon** (USC Law) "False Acquittals in Child Sexual Abuse: The Case of Alex Avila"

**Deborah Hensler** (Stanford University) "Asbestos Litigation"

**Martin Stone** (Cardozo Law School; visiting at Harvard Law School) "Positivism as Opposed to What? Law and the Moral Concept of Right"

**Catherine Sharkey** (Columbia Law School) "Crossing the Punitive-Compensatory Divide"

**Christopher Stone** (USC Law) "Hunger and Despair in an Age of Affluence: Are the Rich to Blame?"

**Dan Rodriguez** (University of San Diego; visiting at USC Law) "The Paradox of Expansionist Statutory Interpretations"

**Richard Primus** (University of Michigan Law School; visiting at NYU) "The Riddle of Hiram Revels"

**Daria Roithmayr** (University of Illinois; now at USC Law) "Them That Has Gets: Self-Reinforcing Feedback Loops and Persistent Racial Inequality" from the book, *Locked in Apartheid*

**Gregory Keating** (USC Law) "Property Right and Tortious Wrong in *Vincent v. Lake Erie*"

**Daniel Markovits** (Yale Law School) "Law and Society"

**James Spindler** (USC Law) "Why You Want Your CEO to Lie to You After the Supreme Court's Dura Pharmaceuticals Decision"

**Dan Simon** (USC Law) "Judging Blame: Psychology, Law, and Wrongful Convictions"

**Clifford Ando** (USC Classics Department) "Citizen and Alien in Roman Law"

## CENTER IN LAW, ECONOMICS AND ORGANIZATION

**Keith Hylton** (Boston University Law School) "Information, Litigation, and Common Law Evolution"

**Jean-Laurent Rosenthal** (UCLA) and **Naomi Lamoreaux** (UCLA) "Organizing Middle-Sized Firms in the United States and France, 1830-2000"

**Rebecca Eisenberg** (University of Michigan) "The Role of FDA in Innovation Policy"

**Reinier Kraakman** (Harvard University) "Law and the Rise of the Firm"

**Christopher Leslie** (Chicago Kent Law School) "Antitrust Amnesty and Cartel Distrust"

**William Sage** (Columbia Law School) "Medicare's Role in Medical Malpractice Reform"

**Tonja Jacobi** (Northwestern Law School) "The Dissent Becomes the Majority: Using Federalism to Transform Coalitions in the U.S. Supreme Court"

**Kathryn Elizabeth Spier** (Kellogg School of Management, Northwestern University) "Strategic Judgment Proofing"

**Peter Boettke** (George Mason University) "The Political Economy of Forgiveness: The Necessity of Post-Atrocity Reconciliation"

**Thomas Hubbard** (Kellogg School of Management, Northwestern University) "Managerial Leverage is Limited by the Extent of the Market: Hierarchies, Specialization, and the Utilization of Lawyers' Human Capital"

**Suzanne Scotchmer** (UC Berkeley, School of Public Policy and Department of Economics) "Profit Neutrality in Licensing: The Boundary between Antitrust Law and Patent Law"

**Robert Ahdieh** (Emory Law School) "The Strategy of Boilerplate"

**James Robinson** (Harvard University, Government Department) "The Origins and Persistence of Institutions in Columbia"

**Arthur Lupia** (University of Michigan) "Necessary Conditions for Improving Civic Competence: A Scientific Perspective"

**Roberta Romano** (Yale Law School) "The States as a Laboratory: Legal Innovation and State Competition for Corporate Charters."

## CENTER FOR LAW, HISTORY AND CULTURE

### CONFERENCES

Distinguished Law and Humanities Lecture: Patricia Williams (Columbia Law School)

Symposium on Law, History and Culture of Intellectual Property, co-sponsored by the Annenberg School for Communication

Fourth Annual Law & Humanities Interdisciplinary Junior Scholars Workshop

### WORKSHOPS

**Georgia Warnke** (UC Riverside) "Race, Sex and Interpretation"

**Karen Zivi** (USC) "Making Rights Claims: An Introduction"

**Sarah Barringer Gordon** (University of Pennsylvania Law School and History Department) "The Almighty and the Dollar: Catholics, Protestants, and School Funding at Mid-Century"

**Richard Primus** (University of Michigan Law School; visiting at NYU) "The Riddle of Hiram Revels"

**Daria Roithmayr** (University of Illinois; now at USC Law) "History Matters: Racial Cartels and The Dynamics of Early Advantage," and Book Proposal: *Locked in Discrimination*

**Rebecca Lemon** (USC) "Arms and Laws in Shakespeare's *Coriolanus*"

**Kenji Yoshino** (Yale Law School) "Imagining Utopias" and lecture and book signing, *Covering The Hidden Assault on Our Civil Rights*

**Anders Winroth** (Yale University, History Department) "Origins of Legal Education in Medieval Europe"

**Jennifer Mnookin** (UCLA Law School) "Envisioning Evidence: Expertise and Visual Proof in the American Courtroom"

## CENTER FOR THE STUDY OF LAW AND POLITICS

### CONFERENCES

Direct Democracy on the Brink: The California Special Election

Fiscal Challenges: An Interdisciplinary Approach to Budget Policy

### WORKSHOPS

**Ann Crigler** (USC, Political Science Department), **Juliet Musso** and **Christopher Weare** (USC, School of Policy, Planning and Development) "Networks for Civic Engagement?: Neighborhood Councils and Faith-Based Organizations in Los Angeles"

**David Estlund** (Brown University, Philosophy Department) "Democracy, Deliberation, and the Real Speech Situation"

**Donald Green** (Yale, Department of Political Science) "What Can Be Done To Increase Voter Turnout?" ("Putting the Party Back into Politics: Results of an Experiment Designed to Increase Voter Turnout through Music, Food, and Entertainment" and "The Impact of Radio Advertisements on Voter Turnout and Electoral Competitiveness")

**Archon Fung** (Harvard University, John F. Kennedy School of Government) "Practical Reasoning About Institutions: Governance Innovations in the Development of Democratic Theories"

**Kareem Crayton** (USC Law) "When You Can't Beat Them..."

**Richard Arneson** (University of California, San Diego, Department of Philosophy)

**Elizabeth Garrett** (USC Law) and **Mathew McCubbins** (University of California San Diego, Political Science) "A Framework Law for Initiatives"

## Capitol Hill conference tackles wireless broadband regulation

USC Law brought together key scholars, policy makers and telecommunication industry lawmakers in Washington, D.C., last

fall to examine the state of wireless broadband deployment in the United States.

Held at the Rayburn House Office Building on Capitol Hill, the conference examined a key question facing the industry: Are U.S.-government policies impeding the rollout or

adoption of cutting-edge wireless broadband technologies?

Although new technologies are being developed rapidly, the United States often is perceived to be lagging behind other nations in making these technologies available to the consumer.

"Advances in wireless technology promise new communication possibilities that will profoundly impact consumers, the workplace, social interaction and public safety," said Simon Wilkie,

director of the USC Center for Communication Law and Policy (CCLP). "Our aim was to explore how the different legal and regulatory structures adopted by differing countries have affected the rollout and adoption of these technologies, and to suggest directions for reform."

Andrew Viterbi, co-founder of QUALCOMM, delivered the keynote address, discussing the enormous global impact of wireless technology. Other presenters included senior industry executives, academics and former FCC officials, including Thomas Hazlett of George Mason University, Gerald Faulhaber of the University of Pennsylvania, Simon Wilkie of USC, and Robert Pepper of Cisco Systems.

Spearheaded by CCLP, the conference "helped key lawmakers, industry sources and the public at large understand the state of broadband," said Wilkie. "I look forward to continuing this type of forum in which scholars, policy makers and leaders from the telecommunications industry can gather to exchange ideas, bridge communication and gain perspective from their respective areas."



Former Dean Matthew L. Spitzer, Andrew Viterbi, and Simon Wilkie

## Selected USC Law Faculty Publications, 2005-2006

- Armour, Jody D.** "Toward a Tort-Based Theory of Civil Rights, Civil Liberties, and Racial Justice" (Symposium: Access to Justice: Can Business Co-Exist with the Civil Justice System?). 38 *Loyola of Los Angeles Law Review* 1469 (2005).
- Bennett, Judith M.** *History Matters: Patriarchy and the Challenge of Feminism* (University of Pennsylvania Press, 2006).
- Capron, Alexander M.** "Addressing an Ethical Dilemma Dialogically Rather Than (Merely) Logically." 6 *American Journal of Bioethics* 36 (2006).
- Capron, Alexander M.** "The Dog in the Night-Time: Or, The Curious Relationship of the Belmont Report and the President's Commission." In *Belmont Revisited: Ethical Principles for Research with Human Subjects* (James F. Childress and others, eds.) (Georgetown University Press, 2005).
- Cruz, David B.** "Spinning Lawrence, or *Lawrence v. Texas* and the Promotion of Heterosexuality" (Readings of *Lawrence v. Texas*). 11 *Widener Law Review* 249 (2005).
- Dudziak, Mary L.** "Politics of the 'Least Dangerous Branch': The Court, the Constitution, and Constitutional Politics since 1945." In *A Companion to Post-1945 America* (Jean-Christophe Agnew and Roy Rosenzweig, eds.) (Blackwell, 2006).
- Dudziak, Mary L.** "The 1963 March on Washington, At Home and Abroad." *Revue Francaise d'Etudes Americaines* (special issue on Foreign Policy and Civil Society) (March 2006).
- Dudziak, Mary L.** "Historicizing the War on Terror." 6 *Insights on Law and Society* (March 2006).
- Dudziak, Mary L.** *Legal Borderlands: Law and the Construction of American Borders* (edited with Leti Volpp) (Johns Hopkins University Press, 2005).
- Dudziak, Mary L.** "Interchange: History in Professional Schools." 92 *Journal of American History* 553 (2005).
- Estrich, Susan R.** *The Case for Hillary Clinton* (ReganBooks, 2005).
- Garrett, Elizabeth** *Legislation and Statutory Interpretation*, 2nd ed. (with William N. Eskridge and Philip P. Frickey) (Concepts and Insights Series) (Foundation Press, 2006).
- Garrett, Elizabeth** "Hybrid Democracy" (Law and Democracy: A Symposium on the Law Governing Our Democratic Process). 73 *George Washington Law Review* 1096 (2005).
- Garrett, Elizabeth** "Commentary: Crypto-Initiatives in Hybrid Democracy" (Symposium on the Impact of Direct Democracy). 78 *Southern California Law Review* 985 (2005).
- Garrett, Elizabeth** "The Purposes of Framework Legislation" (Symposium: New Perspectives on Statutory Interpretation). 14 *Journal of Contemporary Legal Issues* 717 (2005).
- Garrett, Elizabeth** "Veiled Political Actors and Campaign Disclosure Laws in Direct Democracy" (with Daniel A. Smith) (Symposium: Campaign Disclosure Project, Part I). 4 *Election Law Journal* 295 (2005).
- Garrett, Elizabeth** "Who Chooses the Rules?" (Forum on Dennis Thompson's Just Elections). 4 *Election Law Journal* 139 (2005).
- Gillman, Howard A.** "Party Politics and Constitutional Change: The Political Origins of Liberal Judicial Activism." In *The Supreme Court and American Political Development* (Ronald Kahn and Kenneth Ira Kersch, eds.) (University Press of Kansas, 2006).
- Gillman, Howard A.** "De-Lochnerizing Lochner" (Lochner Centennial Conference). 85 *Boston University Law Review* 859 (2005).
- Gillman, Howard A.** "Disaster Relief, 'Do Anything' Spending Powers, and the New Deal" (Forum: "Overtaken by a Great Calamity": Disaster Relief and the Origins of the American Welfare State). 23 *Law and History Review* 443 (2005).
- Griffith, Thomas D.** *Federal Income Tax: Examples and Explanations*, 4th ed. (with Joseph Bankman and Katherine Pratt) (Aspen Publishers, 2005).
- Griffith, Thomas D.** "Juvenile Offenders Have Been Unfairly Demonized" (with Linda S. Beres). In *Should Juveniles Be Tried as Adults?* (Judy Layzell, ed.) (Greenhaven Press, 2005).
- Hadfield, Gillian K.** "Judging Science: An Essay on the Unscientific Basis of Beliefs about the Impact of Legal Rules on Science and the Need for Better Data about Law." 14 *Journal of Law and Policy* 137 (2006).
- Hadfield, Gillian K.** "On Public versus Private Provision of Corporate Law" (with Eric L. Talley). *Journal of Law, Economics, and Organization Advance Access* (doi:10.1093/jleo/ewj021, February 15, 2006) (available at <http://jleo.oxfordjournals.org/cgi/reprint/ewj021v2>).
- Hadfield, Gillian K.** "Exploring Economic and Democratic Theories of Civil Litigation: Differences between Individual and Organizational Litigants in the Disposition of Federal Civil Cases" (Symposium: The Civil Trial: Adaptation and Alternatives). 57 *Stanford Law Review* 1275 (2005).
- Keating, Gregory C.** "Abusing 'Duty'" (with Dilan A. Esper). 79 *Southern California Law Review* 265 (2006).
- Keating, Gregory C.** "Property Rights and Tortious Wrong in *Vincent v. Lake Erie*" (Symposium: *Vincent v. Lake Erie Transportation Co.* and the Doctrine of Necessity, Article 6). *Issues in Legal Scholarship* (2005) (available at <http://www.bepress.com/ils/iss7/art6>).
- Keating, Gregory C.** "Pricelessness and Life: An Essay for Guido Calabresi" (Symposium: Calabresi's *The Costs of Accidents: A Generation of Impact on Law and Scholarship*). 64 *Maryland Law Review* 159 (2005).
- Klerman, Daniel M.** "Trademark Dilution, Search Costs, and Naked Licensing" (Symposium: The Jurisprudence of Justice Stevens). 74 *Fordham Law Review* 1759 (2006).
- Klerman, Daniel M.** "Jurisdictional Competition and the Evolution of the Common Law: A Hypothesis." In *Boundaries of the Law: Geography, Gender, and Jurisdiction in Medieval and Early Modern Europe* (Anthony Musson, ed.) (Ashgate, 2005).

- Klerman, Daniel M.** “The Value of Judicial Independence: Evidence from Eighteenth-Century England” (with Paul Mahoney). In *Adventures of the Law: Proceedings of the Sixteenth British Legal History Conference, Dublin, 2003* (Paul Brand, Kevin Costello, and W.N. Osborough, eds.) (Four Courts Press, 2005). [Originally published in 7 *American Law & Economics Review* 1 (2005)].
- Kuran, Timur** “The Logic of Financial Westernization in the Middle East.” 56 *Journal of Economic Behavior & Organization* 593 (2005).
- Lefcoe, George** “The Regulation of Superstores: The Legality of Zoning Ordinances Emerging from the Skirmishes between Wal-Mart and the United Food and Commercial Workers Union.” 58 *Arkansas Law Review* 834 (2006).
- Lyon, Thomas D.** “The Problem of Child Sexual Abuse: Response” (with others). 309 *Science* 1183 (2005).
- Lyon, Thomas D.** “Development of Temporal-Reconstructive Abilities” (with William J. Friedman). 76 *Child Development* 1202 (2005).
- Lyon, Thomas D.** “The Science of Child Sexual Abuse: Reply” (with others). 309 *Science* 1183 (2005).
- Marmor, Andrei** “Should We Value Legislative Integrity?” In *The Least Examined Branch: The Role of Legislatures in the Constitutional State* (Richard W. Bauman and Tsvi Kahana) (Cambridge University Press, 2006).
- Marmor, Andrei** “The Immorality of Textualism” (Symposium: Theories of Statutory Interpretation). 38 *Loyola of Los Angeles Law Review* 2063 (2005).
- Marmor, Andrei** “Authority, Equality and Democracy.” 18 *Ratio Juris* 315 (2005).
- Matsusaka, John G.** “The Eclipse of Legislatures: Direct Democracy in the 21st Century.” 124 *Public Choice* 157 (2005).
- Matsusaka, John G.** “Direct Democracy Works.” 19 *Journal of Economic Perspectives* 185 (2005).
- McCaffery, Edward J.** *Behavioral Public Finance* (with Joel Slemrod) (Russell Sage, 2006).
- McCaffery, Edward J.** “Shakedown at Gucci Gulch: The New Logic of Collective Action” (with Linda R. Cohen). 84 *North Carolina Law Review* 1159 (2006).
- McCaffery, Edward J.** “Thinking about Tax” (with Jonathan Baron). 12 *Psychology, Public Policy, and Law* 106 (2006).
- McCaffery, Edward J.** “The Political Psychology of Redistribution” (Symposium: Rethinking Redistribution: Tax Policy in an Era of Rising Inequality) (with Jonathan Baron). 52 *UCLA Law Review* 1745 (2005).
- McCaffery, Edward J.** “Three Views of Tax.” 18 *Canadian Journal of Law & Jurisprudence* 153 (2005).
- McCaffery, Edward J.** “Introduction” (Special Issue on Taxation). 18 *Canadian Journal of Law & Jurisprudence* 3 (2005).
- Saks, Elyn R.** “Meta-Consent in Research on Decisional Capacity: A ‘Catch 22?’” (with L. B. Dunn and B. W. Palmer). 32 *Schizophrenia Bulletin* 42 (2006).
- Sandler, Todd** *The Political Economy of Terrorism* (with Walter Enders) (Cambridge University Press, 2006).
- Sandler, Todd** “Distribution of Transnational Terrorism among Countries by Income Classes and Geography after 9/11” (with Walter Enders). 50 *International Studies Quarterly* 367 (2006).
- Schor, Hilary M.** “Reading Knowledge: Curiosity in The Golden Bowl.” 26 *Henry James Review* 237 (2005).
- Shapiro, Michael H.** “The Identity of Identity: Moral and Legal Aspects of Technological Self-Transformation” (with John Finnis and Frances M. Kamm). In *Personal Identity* (Ellen Frankel Paul and others, eds.) (Cambridge University Press, 2006). [Originally published in 22 *Journal of Social Philosophy and Policy* 308 (2005).]
- Shapiro, Michael H.** “Individual Rights, Just Access to Health Care, and Public Health Measures in ‘Normal’ Times and in Times of Crisis: Change in Basic Principles, or Changes in Their Application, or Both?” In *Bioterrorism and Human Rights* (Roy Branson, ed.) (Center for Law and Public Policy, Center for Christian Ethics, Loma Linda University, 2005).
- Spindler, James C.** “Corporate Heroin: A Defense of Perks, Executive Loans, and Conspicuous Consumption” (with M. Todd Henderson). 93 *Georgetown Law Journal* 1835 (2005).
- Spindler, James C.** “Communication by Other Means.” 28 *Regulation* 48 (Summer 2005).
- Spitzer, Matthew L.** “Advanced Wireless Technologies and Public Policy” (with Thomas W. Hazlett). 79 *Southern California Law Review* 595 (2006).
- Stolzenberg, Nomi M.** *God, Locke, and Equality*, by Jeremy Waldron (review article, with Gideon Yaffe). 49 *Inquiry-An Interdisciplinary Journal of Philosophy* 186 (2006).
- Stolzenberg, Nomi M.** “Liberals and Libertines: The Marriage Question in the Liberal Political Imagination” (Editors’ Symposium: The Meaning of Marriage). 42 *San Diego Law Review* 949 (2005).
- Urban, Jennifer** “Legal Uncertainty in Free and Open Source Software and the Political Response” (Social Science Research Council Forum: The Politics of Open Source Adoption: A Collaborative Report Wiki) (available at [http://www.ssrc.org/wiki/POSA/index.php?title=Legal\\_Uncertainty\\_in\\_Free\\_and\\_Open\\_Source\\_Software\\_and\\_the\\_Political\\_Response](http://www.ssrc.org/wiki/POSA/index.php?title=Legal_Uncertainty_in_Free_and_Open_Source_Software_and_the_Political_Response)).
- Weinstein, Mark I.** “Limited Liability in California 1928-31: It’s the Lawyers.” 7 *American Law and Economics Review* 439 (2005).
- Whitebread, Charles H.** “Making the Bar Review Fun.” 9 *The Green Bag* 263 (2006).
- Whitebread, Charles H.** “Going Out with a Whimper: A Term of Tinkering and Fine Tuning: The Supreme Court’s 2004-2005 Term.” 27 *Whittier Law Review* 77 (2005).
- Wilkie, Simon** “Endogenous Games and Mechanisms: Side Payments among Players” (with Matthew O. Jackson). 72 *Review of Economic Studies* 544 (2005).
- Wilkie, Simon** “Sequencing Lifeline Repairs after an Earthquake: An Economic Approach” (with Marco Casari). 27 *Journal of Regulatory Economics* 47 (2005).
- Yaffe, Gideon D.** “‘The Government Beguiled Me’: The Entrapment Defense and the Problem of Private Entrapment.” 1 *Journal of Ethics & Social Philosophy* 2 (2005).

## FACULTY FOOTNOTES

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## New law and philosophy class attracts top scholars, explores heady issues



Jeremy Waldron (left) of NYU with USC Law Professor Andrei Marmor.

This fall, USC Law and philosophy students are asking tough questions and providing substantive comments to a string of scholars from around the country who are presenting papers-in-progress as part of Professor **Andrei Marmor's** Law and Philosophy Workshop Seminar.

Co-taught with **Gideon Yaffe**, USC Professor of Law and Philosophy, the course is hosting such law and philosophy luminaries as **Harry Frankfurt** (Princeton); **Jeremy Waldron** (NYU); **Thomas Christiano** (Arizona); **Larry Temkin** (Rutgers); **Peter Railton** (Michigan); **Frances Kamm** (Harvard) and **Thomas Scanlon** (Harvard). The visitors provide their papers in advance; students read them and meet with professors Marmor and Yaffe to discuss questions and comments, which are compiled and presented to the visitor in advance of the workshop. Each workshop is launched with a discussion of the students' questions (although other faculty and guests participate in the discussion as well).

It's a fresh take on USC Law's successful workshop series. The goal of the course, says Marmor, is to engage students in thoughtful and fruitful discussions with the field's most notable scholars. This fall, the discussions center on the broad subject of equality in the moral and political realm, tackling such topics as why people should (or shouldn't) be treated as equals, what kinds of equality are valuable, and what are the moral and political implications of various views about equality.