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University of
Georgia
Law

2006-07

FACULTY

APPOINTMENTS & HONORS



from the dean

At every premier law school in the nation, you will find a talented and dedicated faculty. The University of Georgia School of Law is no exception. We take great pride in the academic rigor found in our classrooms as well as in the level of respect commanded and debate generated by the scholarship of our faculty. While some law schools choose to emphasize either scholarship or teaching, the University of Georgia seeks to balance the two, firmly believing classroom instruction is enhanced by scholarly expertise.

This year, we are delighted our faculty will be enriched by the addition of four professors. These new faculty, two of whom have significant teaching experience, will bolster our curricular offerings in the fields of tax law, criminal law, evidence, constitutional law, media law and the increasingly important area of health law.

Georgia Law's commitment to a strong scholarship agenda is demonstrated by the listing of recently published work found in this brochure. Notable publishers of these completed or forthcoming pieces include: the Oxford University Press, the Harvard University Press, Random House, Aspen Publishers, LexisNexis, Thomson/West and the Foundation Press, among others. Some of the journals carrying recent work of the Georgia Law faculty are affiliated with the law schools at these leading universities and colleges – California at Los Angeles, Duke, Georgetown, Illinois, Michigan, North Carolina at Chapel Hill, Northwestern, Notre Dame, Ohio State, Stanford, Washington, Washington and Lee, William & Mary, Vanderbilt, Virginia and Yale.

Moreover, provocative and innovative scholarship is advanced by the exchange of ideas with academic peers. To facilitate this much-needed and desired dialogue, Georgia Law hosts a Faculty Colloquium Series, an International Law Colloquium Series and the Sibley Lecture Series. All of these bring highly regarded legal scholars and professionals to the campus of one of the nation's top public research institutions – the University of Georgia. The names of these distinguished guests can also be found inside.

It seems that in today's busy world there is not enough time to read everything that comes across your desk. However, I invite you to learn more about the quality legal learning environment at Georgia Law, one of the nation's top public law schools, by turning this page. I am confident you will be impressed.



Sincerely,

A handwritten signature in black ink that reads "Rebecca H. White". The signature is written in a cursive, flowing style.

Rebecca Hanner White
Dean and J. Alton Hosch Professor of Law

new title



Daniel M. Bodansky

Associate Dean for Faculty Development &
Emily and Ernest Woodruff Chair in International Law
A.B., Harvard University
M. Phil., Cambridge University
J.D., Yale University

Daniel M. Bodansky, the holder of the prestigious Emily and Ernest Woodruff Chair in International Law, has been named associate dean for faculty development at Georgia Law. Internationally recognized as one of the premier authorities on global climate change, he joined the University of Georgia faculty in the fall of 2002 and teaches Public International Law, International Environmental Law, and Foreign Affairs and the Constitution.

From 1989 to 2002, Bodansky was a faculty member of the University of Washington School of Law. He has served as the climate change coordinator and attorney-advisor at the U.S. Department of State in addition to consulting for the United Nations in the areas of climate change and tobacco control. He has taught as an adjunct professor at the George Washington School of Law and the Georgetown University Law Center. Bodansky also clerked for Judge Irving Goldberg of the U.S. Court of Appeals for the Fifth Circuit.

His scholarship includes a book, 24 scholarly articles and publications, 10 book chapters, five book reviews and more than 40 papers and presentations. Among Bodansky's most recent work is *The Oxford Handbook of International Environmental Law* to be published by the Oxford University Press in early 2007, which he co-edited with J. Brunnée and E. Hey; a chapter titled "Legitimacy" for the *Oxford Handbook*; "International Law in Black and White" in 34 *Georgia Journal of International and Comparative Law* 285 (2006) and "The International Climate Change Regime" in *Perspectives on Climate Change: Science, Economics, Politics, Ethics* (Elsevier, 2005).

Bodansky earned his Juris Doctor from Yale University, where he was a member of the *Yale Law Journal*. He obtained his master's in the history and philosophy of science from Cambridge University and his bachelor's *magna cum laude* from Harvard University.

“With our very talented group of junior faculty, this is an exciting time to be associate dean for faculty development at Georgia Law. I’m looking forward to serving as a resource for them, as they develop their research agendas, as well for my more senior colleagues.”

new appointment

David A. Brennen

Professor of Law
B.B.A., Florida Atlantic University
J.D., LL.M., University of Florida

David A. Brennen has joined Georgia Law as a professor specializing in tax law.

Brennen has more than 10 years of teaching experience, serving most recently as the Ellison C. Palmer Professor of Tax Law at Mercer University. Prior to joining the teaching academy, he worked as assistant general counsel of Florida's Department of Revenue where his practice areas included tax litigation oversight and tax policy advisory opinions. He also worked as an associate with the law firm Messer, Vickers, Caparello, Madsen, Lewis, Goldman & Metz in Tallahassee where he specialized in tort, tax and environmental litigation.

His research interests lie in the administration of tax law, tax-exempt entities, federal income tax law, state and local tax law and legal education. He is a co-author of one of the first law school casebooks devoted exclusively to tax laws that impact nonprofit organizations – *The Tax Law of Charities and Other Exempt Organizations: Cases, Materials, Questions and Activities* (Thomson/West, 2003). Additionally, Brennen's scholarship includes law review articles published in *Taxation News Quarterly*, the *Mercer Law Review*, the *Journal of Legal Education*, the *University of California at Davis Law Review*, *Florida Tax Review*, the *Kansas Journal of Law and Public Policy* and the *Brigham Young University Law Review*. Additionally, he is the editor of the first electronic abstracting journal on nonprofit law to be published by the Social Science Research Network.

Brennen earned his bachelor's degree from Florida Atlantic University and his Juris Doctor and Master of Laws in Tax from the University of Florida.



“I decided to teach at Georgia Law because of the people, the reputation and the possibilities. During my visit in the fall of 2005, I found that everyone was quite welcoming and supportive. As I traveled across the country and made inquiries about Georgia Law, I consistently heard nothing but positive words about the institution in terms of having top-notch faculty and students. Finally, as I talked with various students and faculty, I discovered that Georgia Law is in the midst of an important growth spurt in terms of adding faculty and programs, and I predict that this growth will further enrich the academic environment at the school.”

new appointment



Julian A. Cook III

Associate Professor of Law
B.A., Duke University
M.P.A., Columbia University
J.D., University of Virginia

Julian A. Cook III has joined Georgia Law as an associate professor specializing in criminal law, criminal procedure and evidence.

He comes to the law school with nearly 10 years of legal teaching experience, most recently at Michigan State University. His other teaching appointments were at Widener University, American University and Texas Southern University. Previously, Cook served for several years as an assistant U.S. attorney in Nevada and the District of Columbia. While a federal prosecutor and a member of the Organized Crime Drug Enforcement

Task Force, he was responsible for handling an array of criminal matters, including felony narcotic, white-collar and various arrest-generated cases during the trial and appellate stages. He also served as a judicial clerk for Judge Philip M. Pro of the U.S. District Court for the District of Nevada.

Cook's scholarship has appeared in the *Notre Dame Law Review*, the *Yale Journal of International Law*, the *Colorado Law Review*, the *Brigham Young University Law Review* and the *Harvard Journal of Law and Public Policy*. His second *Notre Dame Law Review* article, "Crumbs from the Master's Table: The Supreme Court, *Pro Se* Defendants and the Federal Guilty Plea Process," will be published this fall.

He earned his bachelor's degree from Duke University, his Master of Public Administration from Columbia University and his Juris Doctor from the University of Virginia.

“Criminal litigation is exciting and always challenging. Whether individual liberties should be compromised in order to further governmental objectives is a fascinating study because it mandates the consideration of a host of factors that invariably, and sometimes profoundly, affect individuals and institutions.”

new appointment

Fazal Khan

Assistant Professor of Law
B.A., University of Chicago
J.D., M.D., University of Illinois

Fazal Khan has joined Georgia Law as an assistant professor specializing in health law.

He has considerable experience in both the legal and medical fields. As a litigation associate for the Chicago firm Jenner & Block, he conducted a bioethics investigation for a major academic hospital's transplant program, drafted an appellate amicus brief on the epidemiology of Agent Orange exposure and represented hospitals, physicians and pharmaceutical companies in various other legal matters. In addition, he developed a mock trial on scientific evidence for the National Foundation for Judicial Excellence and assisted in the development of the Federal Judicial Center's *Reference Manual on Scientific Evidence*.

Khan has held multiple teaching and research assistantships. These include positions with the University of Illinois' College of Medicine, College of Law and Institute for Government and Public Affairs, as well as the University of Chicago's departments of biological sciences and pharmacology/physiology.

He earned his bachelor's degree with honors from the University of Chicago, where he was a National Merit Scholar. As part of the University of Illinois Medical Scholars Program, he graduated *magna cum laude* from law school in 2000 and earned his M.D. in 2003. He served as book review editor for the *University of Illinois Law Review* and was a Richardson Scholar at the College of Medicine.



“I hope to inspire my students to reach their full intellectual potential and to have them be confident enough not only to take on hypothetical problems in the classroom but real world problems outside of class. If I do my job right, I anticipate my students will learn as much from each other as they will from me.”

new appointment



Sonja R. West

Assistant Professor of Law
B.A., University of Iowa
J.D., University of Chicago

Sonja R. West has joined Georgia Law as an assistant professor specializing in media law and constitutional law.

Previously, West taught as the Hugo Black Faculty Fellow at the University of Alabama School of Law and served as a judicial clerk for U.S. Supreme Court Justice John Paul Stevens and for U.S. Court of Appeals for the Ninth Circuit Judge Dorothy W. Nelson. Her other professional experience includes several years as an associate attorney for the Los Angeles law firms Gibson, Dunn & Crutcher and Davis Wright Tremaine, where she represented media clients on a variety of

First Amendment and intellectual property issues at the trial and appellate levels.

West's scholarship has been published in numerous law reviews and legal journals. Her most recent article, "Concurring in Part & Concurring in the Confusion," was published in the *Michigan Law Review* earlier this year.

After earning a B.A. in journalism and communication studies with honors and distinction from the University of Iowa, West worked as a reporter in Illinois, Iowa and Washington, D.C., before entering law school. She graduated with high honors from the University of Chicago Law School, where she served as executive editor of *The University of Chicago Law Review* and was inducted into the Order of the Coif.

“The easy answer as to why I want to teach is simply that I’ve always loved school. I love the academic environment where people who are intellectually curious come together to learn and to share what they’ve learned with others. I value having the time and the freedom to simply think about complex and interesting issues and to discuss them with my colleagues and my students. It’s a luxury that very few people have. I feel so lucky to be a part of it.”

visiting faculty

Matthew J. Festa

Visiting Assistant Professor of Law
B.A., University of Notre Dame
M.P.A., Murray State University
M.A., J.D., Vanderbilt University

Matthew J. Festa has joined Georgia Law as a visiting assistant professor teaching Civil Procedure and Land Use Planning for the 2006–07 academic year.

He previously practiced in the Houston office of the law firm Locke Liddell & Sapp, specializing in commercial, mass tort and land use litigation. He also served as a judicial clerk for Judge Deborah L. Cook of the U.S. Court of Appeals for the Sixth Circuit and for Judge William O. Bertelsman of the U.S. District Court for the Eastern District of Kentucky.

Festa researches and writes in the areas of property, public law and legal history. His current scholarship explores the interaction of property rights and political theory during the U.S. founding and early national periods. He speaks regularly at conferences and has had articles published in both legal and historical publications, most recently in the *Encyclopedia of the New American Nation* and forthcoming in the *Encyclopedia of the U.S. Constitution*. While studying at Vanderbilt, Festa served as executive editor of the *Vanderbilt Law Review*.

Theodore W. Kassinger

Carl E. Sanders Political Leadership Scholar
B.L.A., J.D., University of Georgia

This fall, former U.S. Department of State Deputy Secretary Theodore W. “Ted” Kassinger is serving as Georgia Law’s Carl E. Sanders Political Leadership Scholar, teaching International Trade Law and Policy.

His impressive record of public service includes more than three years as general counsel and senior advisor at the State Department before being named deputy secretary. Additionally, he held the post of attorney advisor at the department. He has also served at the U.S. International Trade Commission as attorney advisor and with the staff of the U.S. Senate Trade Committee on Finance as international trade counsel.

Kassinger’s private practice experience includes more than 16 years at Vinson & Elkins in Washington, D.C., where he specialized in transnational business transactions, regulatory matters and dispute resolution. Currently, Kassinger is a partner at O’Melveny & Myers.

Recently, he has authored or co-authored articles appearing in the *Canada-United States Law Journal* and the *Georgia Journal of International and Comparative Law*. Kassinger earned his law degree *cum laude* from Georgia Law, where he served as the notes editor of the *Georgia Law Review*.

visiting faculty

Margaret E. McGuinness

Visiting Associate Professor of Law
B.A., American University
J.D., Stanford University

In the spring of 2007, Margaret E. McGuinness, a specialist in international law, will join Georgia Law as a visiting associate professor from the University of Missouri at Columbia School of Law.

Prior to attending law school, McGuinness was a foreign service officer for eight years with the U.S. Department of State, where she served for a year as a special assistant to Secretary of State Warren Christopher. She has since clerked for Judge Colleen McMahon of the U.S. District Court for the Southern District of New York and served as a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison in New York City.

McGuinness' most recent scholarship includes: "Medellin, Norm Portals, and the Horizontal Integration of International Human Rights" in the *Notre Dame Law Review* (forthcoming), "Exploring the Limits of International Human Rights Law" in the *Georgia Journal of International and Comparative Law* and "Multilateralism and War: A Taxonomy of Institutional Functions" in the *Villanova Law Review*. While at Stanford, McGuinness served as an articles editor of the *Stanford Law Review* and graduated with distinction.

Emily H. Mezell

Visiting Assistant Professor of Law
B.S., Virginia Polytechnic Institute and State University
J.D., University of Georgia

Emily Hammond Mezell has joined Georgia Law for the 2006-07 academic year as a visiting assistant professor teaching Property Law, and Law and Science. She occupies a one-year teaching fellowship aimed at assisting superior Georgia Law graduates with the transition into the legal teaching academy.

Previously, Mezell was an associate at the Atlanta law firm Bondurant, Mixson & Elmore, where she worked on all aspects of civil litigation in cases involving intellectual property, constitutional law and complex business disputes. Mezell also served as a judicial clerk for Judge Richard W. Story of the U.S. District Court for the Northern District of Georgia.

A former civil engineer who practiced in the environmental field, Mezell focuses her scholarship on the intersections of science and law. She is currently authoring an article titled "Scientific Avoidance: Confronting Uncertain Science with a Return to First Principles." Her work includes several peer-reviewed scientific publications as well as the first comprehensive empirical study of part-time policies and practices in Atlanta law firms. While studying at Georgia Law, she served as senior notes editor of the *Georgia Law Review* and was inducted into the Order of the Coif.

visiting faculty

Kim Van der Borght

Visiting Professor of Law

LL.B., LL.M., Aggr., Ph.D., Free University of Brussels

Pg.D., University of the West of England

Kim Van der Borght has joined Georgia Law for the fall semester 2006 as a visiting professor from the University of Hull in England. He will teach the classes International Trade Law, and Health and International Trade.

Van der Borght is listed on the governmental roster of panelists of the World Trade Organization. He is an accredited arbitrator (CEPINA) and a legal adviser on issues of international trade, investment and intellectual property rights, affiliated to the dispute settlement program of the United Nations Conference on Trade and Development (UNCTAD). He is an external member of the WTO Law and Dispute Resolution Centre, a fellow of the Centre for Economic Law and a fellow of Georgia's Dean Rusk Center – International, Comparative and Graduate Legal Studies.

His scholarly interests include the law and policy of international and regional organizations dealing with international trade. His latest book, *Reform and Development of the Dispute Settlement Procedures at the WTO*, was published earlier this year by Cameron May Publishers, and his next book, *Legal Nature of the WTO Dispute Settlement System*, will be published by Martinus Nijhoff Publishers later this year.

selected faculty scholarship 2004–present

Peter A. Appel, Associate Professor of Law

Are You Siting Here: Federalism and the Placement of LNG Facilities, Envtl. & Energy L. & Pol'y J. (forthcoming)

The Embarrassing Rule Against Perpetuities, 54 J. Legal Educ. 264 (2004)

The Power of Congress "Without Limitation" in the Twenty-first Century, 24 Pub. Land & Resources L. Rev. 25 (2004)

"The Louisiana Purchase and the Lewis and Clark Expedition: A Constitutional Moment?" in *Lewis and Clark: Legacies, Memories, and New Perspectives* (University of California Press, 2004)

Milner S. Ball, Harmon W. Caldwell Chair in Constitutional Law

"Dietrich Bonhoeffer" in *The Teachings of Modern Christianity on Law, Politics, and Human Nature*, v. 1 (Columbia University Press, 2006)

"Dietrich Bonhoeffer: selected and edited Texts" in *The Teachings of Modern Christianity on Law, Politics, and Human Nature*, v. 2 (Columbia University Press, 2006)

The Failure and Beginnings Again, 26 Cardozo L. Rev. 2263 (2005)

Book review of *Emblems of Pluralism: Cultural Differences and the State* by C. Weisbrod, 23 L. & Hist. Rev. 228 (2005)

"Common Good in Performance" in *In Search of the Common Good* (T&T Clark, 2005)

"Doing Time and Doing It in Style" in *Law and Popular Culture* (Oxford University Press, 2005)

Book review of *Minding the Law* by A. Amsterdam and J. Bruner, 25 Just. Sys. J. 315 (2004)

"A Southern Recipe for Scholarship and Politics" in *Loving God with Our Minds: The Pastor as Theologian* (Eerdmans Publishing, 2004)

selected faculty scholarship

2004–present

Robert P. Bartlett III, Assistant Professor of Law

Managing Risk on a \$25 Million Bet: Venture Capital, Agency Costs, and the False Dichotomy of the Corporation, 54 UCLA L. Rev. (forthcoming)

“The Ancillary Agreements” in *The Acquisition & Sale of the Emerging Growth Company: The M&A Exit* (Glasser LegalWorks, 2004)

J. Randy Beck, Associate Professor of Law

Christian Faith and Political Life: A Dialogue, Ga. L. Rev. (forthcoming) (with J. Carter)

Case Selection in Three Supreme Courts: A Comparative Perspective (International Research & Exchanges Board, forthcoming) (with A. Nagaeva) (White Paper)

Relaciones de medios y fines y el Poder Legislativo: Una perspectiva desde los Estados Unidos, La Ley Suplemento Actualidad 2 (Oct. 7, 2004) (Argentine law journal)

Daniel M. Bodansky, Associate Dean for Faculty Development & Emily and Ernest Woodruff Chair in International Law

The Role and Limits of International Environmental Law (Harvard University Press, in progress)

The Oxford Handbook of International Environmental Law (Oxford University Press, forthcoming) (co-editor with J. Brunnée and E. Hey) (also authoring chapter titled “Legitimacy”)

Does One Need to Be an International Lawyer to Be an International Environmental Lawyer?, Proc. Am. Soc’y Int’l L. (forthcoming)

“Targets and Timetables: Good Policy but Bad Politics?” in *Architectures for Agreement: Addressing Climate Change in the Post-Kyoto World* (Cambridge University Press, forthcoming)

“Non Liquef” in *Max Planck Encyclopedia of Public International Law* (Oxford University Press, forthcoming)

International Law in Black and White, 34 Ga. J. Int’l & Comp. L. 285 (2006)

Book review of *Sharing Transboundary Resources* by E. Benvenisti, 99 Am. J. Int’l L. 280 (2005)

“Potential Subject-Matters and Areas of Non-Treaty Lawmaking” in *Developments of International Law in Treaty-Making* (Springer Publishing, 2005)

“The International Climate Change Regime” in *Perspectives on Climate Change: Science, Economics, Politics, Ethics* (Elsevier, 2005)

International Climate Efforts Beyond 2012: A Survey of Approaches (Pew Center on Global Climate Change, 2004) (with S. Chou and C. Jorge-Tresolini)

Rules vs. Standards in International Environmental Law, 98 Proc. Am. Soc’y Int’l L. 275 (2004)

The Use of International Sources in Constitutional Opinion, 32 Ga. J. Int’l & Comp. L. 421 (2004)

“Deconstructing the Precautionary Principle” in *Bringing New Law to Ocean Waters* (Brill, 2004)

David A. Brennan, Professor of Law

Congress Finally Adopts New UBIT Standards in 512(b)(13) for Controlled Entities, 26:1 News Q. (ABA Sec. Tax’n, Washington, D.C.) (forthcoming)

A Diversity Theory of Charitable Tax Exemption – Beyond Efficiency, Through Critical Race Theory, Toward Diversity, 4 Pitt. Tax Rev. (forthcoming)

Supreme Court Rules That Contingent Attorney Fees Are Gross Income to Client, 25:3 News Q. (ABA Sec. Tax’n, Washington, D.C.), Spring 2005, at 7

Race and Equality Across the Law School Curriculum: The Law of Tax Exemption, 54 J. Legal Educ. 336 (2004)

Lonnie T. Brown, Jr., Associate Professor of Law

A Teacher’s Teacher, 39 Vand. J. Transnat’l L. (forthcoming)

Reconsidering the Corporate Attorney-Client Privilege: A Response to the Compelled-Voluntary Waiver Paradox, 34 Hofstra L. Rev. 3 (2006)

“May It Please the Camera ... , I Mean the Court” – *An Intrajudicial Solution to an Extrajudicial Problem*, 39 Ga. L. Rev. 83 (2004)

Ronald L. Carlson, Fuller E. Callaway Chair of Law Emeritus

Navigating the Nuances of Modern Expert Witness Law: How to Teach About Experts, 50 St. Louis U. L.J. 1115 (2006)

selected faculty scholarship

Gatekeeping After Gilbert: How Lawyers Should Address the Court's New Emphasis, 85 Mich. B.J. 27 (2006) (with B. Benner)

Criminal Justice Procedure, 7th ed. (LexisNexis, 2005)

A Student's Guide to Elements of Proof (Thomson/West, 2004)

Dan T. Coenen, University Professor & J. Alton Hosch Professor of Law

The Story of "The Federalist": How Hamilton and Madison Reconceived America (Twelve Tables Press, forthcoming)

A Rhetoric for Ratification: The Argument of "The Federalist" and Its Impact on Constitutional Interpretation, 56 Duke L.J. (forthcoming)

Constitutional Law: The Commerce Clause (Foundation Press, 2004)

"Socratic Teaching in Constitutional Law and Otherwise" in *Teaching the Law School Curriculum* (Carolina Academic Press, 2004)

Encyclopedia articles on 14 Georgia-related U.S. Supreme Court decisions from 1793 to 1987 in *The New Georgia Encyclopedia* (2004)

Julian A. Cook III, Associate Professor of Law

Crumbs from the Master's Table: The Supreme Court, Pro Se Defendants and the Federal Guilty Plea Process, 81 Notre Dame L. Rev. (forthcoming)

Plea Bargaining at The Hague, 30 Yale J. Int'l L. 473 (2005)

All Aboard! The Supreme Court, Guilty Pleas and the Railroading of Criminal Defendants, 75 Colo. L. Rev. 863 (2004)

Anne Proffitt Dupre, J. Alton Hosch Professor of Law

School Speech (Harvard University Press, in progress)

The Spirit of Serrano: Past, Present, and Future, J. Ed. Finance (forthcoming) (with J. Dayton)

Blood and Turnips in School Funding Litigation, J.L. & Educ. (forthcoming) (with J. Dayton)

Protecting Children from the Dark Side of the Internet, Educ. L. Rep. (forthcoming) (with J. Dayton and C. Kiracofe)

"The Story of Hazelwood School District v. Kuhlmeier: Student Press and the School Censor" in *Education Law Stories* (Foundation Press, forthcoming)

Children and the Law: Cases and Materials, 2d ed. (LexisNexis, 2006) (with M. Gardner)

Grades: Achievement, Attendance or Attitude, 99 Educ. L. Rep. 569 (2005) (with J. Dayton)

School Funding Litigation: Who's Winning the War, 57 Vand. L. Rev. 2351 (2004) (with J. Dayton)

The Future of Education Finance Litigation, 186 Educ. L. Rep. 1 (2004) (with J. Dayton)

Thomas A. Eaton, J. Alton Hosch Professor of Law

Of Frivolous Litigation and Runaway Juries: A View from the Bench, Ga. L. Rev. (forthcoming)

Of Offers Not (Frequently) Made and (Rarely) Accepted: The Mystery of Federal Rule 68, 57 Mercer L. Rev. 723 (2006) (with H. Lewis)

The Effects of Seeking Punitive Damages on the Processing of Tort Claims, 34 J. Legal Stud. 343 (2005) (with D. Mustard and S. Talarico)

Cases and Materials on Workers' Compensation, 5th ed. (Thomson/West, 2004) (with J. Little and G. Smith)

Constitutional Torts, 2d ed. (LexisNexis, 2004) (with S. Nahmod and M. Wells)

Foreword: Scholarship and Service and Report of the Governor's Workers' Compensation Review Commission, 38 Ga. L. Rev. 1241 (2004) (with D. Mustard)

Erica J. Hashimoto, Assistant Professor of Law

The Under-Appreciated Value of Advisory Guidelines, McGeorge L. Rev. (forthcoming)

Defending the Right to Self-Representation: An Empirical Look at the Pro Se Felony Defendant, 85 N.C. L. Rev. (forthcoming)

Paul J. Heald, Allen Post Professor of Law

The Problem of Social Cost in a Genetically Modified Age, 69 Hastings L.J. (forthcoming) (with J. Smith)

"A Skeptical Look at Mansfield's Famous 1994 Survey" in *Intellectual Property Rights: Critical Concepts in Law* (D. Vaver, ed.) (Routledge, forthcoming) (reprinted from 16 Info. Econ. & Pol'y 57 (2004))

A Transaction Costs Theory of Patent Law, 66 Ohio St. L.J. 473 (2005)

selected faculty scholarship

2004–present

American Corporate Copyright: A Brilliant, Uncoordinated Plan, 12 J. Intell. Prop. L. 489 (2005)

“Losing to Disney: The Complex Lesson of *Eldred v. Ashcroft* and the Corporate Control of Copyright” in *New Directions in Copyright Law* (F. MacMillan, ed.) (Edward Elgar Publishing, 2005)

Walter Hellerstein, Francis Shackelford Distinguished Professor of Taxation Law

“Federal Constitutional Restraints on Tax Competition Among the American States” in *Liber Amicorum for Jacques Malherbe* (Éditions Juridiques Bruylant, forthcoming)

Cuno and Congress: An Analysis of Proposed Federal Legislation Authorizing State Economic Development Incentives, 4 Geo. J.L. & Pub. Pol’y 73 (2006)

The Streamlined Sales Tax Project and the Local Sourcing Conundrum, 104 J. Tax’n 230 (2006) (with J. Swain)

“The U.S. Supreme Court’s State Tax Jurisprudence: A Template for Comparison” in *Comparative Fiscal Federalism: Comparing the European Court of Justice and the U.S. Supreme Court’s Tax Jurisprudence* (R. Avi-Yonah, ed.) (Kluwer, 2006)

Revision of “State and Local Property and Production Taxation of Minerals” (chapters 190-194) in *American Law of Mining*, 2d ed. (Matthew Bender, 1988) (2005 & 2006)

State and Local Taxation: Cases and Materials, 8th ed. (Thomson/West, 2005) (with J. Hellerstein and J. Youngman)

Streamlined Sales and Use Tax, 2d ed. (Warren Gorham & Lamont, 2005) (with J. Swain)

Capital Gains and Losses, Allocable and Apportionable Income, and General Electric Co. v. Iowa, St. Tax Notes 865 (Sept. 19, 2005) (with P. Willson Jr.)

Recent Amendments to the Streamlined Sales and Use Tax Agreement: Third-Party Reimbursements and Bundled Transactions, St. Tax Notes 659 (Aug. 25, 2005) (with J. Swain)

Economic Development and the Dormant Commerce Clause: Lessons of Cuno v. DaimlerChrysler and Its Effect on State Taxation Affecting Interstate Commerce, St. Tax Notes 715 (May 30, 2005)

Travels with Charlie: Charles E. McLure Jr.’s Contributions to the Law of Taxation, St. Tax Notes 897 (Jan. 3, 2005)

International Income Allocation in the Twenty-first Century: The Case for Formulary Apportionment, 12 Int’l Transfer Pricing J. 103 (2005)

State Sales Tax Reform in the United States: The Streamlined Sales Tax Project, 59 Bull. Int’l Fiscal Documentation 170 (2005)

The Political Economy of the Streamlined Sales and Use Tax Agreement, 53 Nat’l Tax J. 605 (2005) (with J. Swain)

“Subnational State Tax Incentives in the United States: Constitutional Restraints and Congressional Oversight” in *Direito Tributário Internacional Aplicado* (H. Torres, ed.) (Quartier Latin, 2005)

Congressional Intervention in State Taxation: A Normative Analysis of Three Proposals, 102 Tax Notes 1375 (2004) (with C. McLure Jr.) (also published in St. Tax Notes 721 (Mar. 1, 2004))

Lost in Translation: Contextual Considerations in Evaluating the Relevance of US Experience for the European Commission’s Company Tax Proposals, 58 Bull. Int’l Fiscal Documentation 86 (2004) (with C. McLure Jr.)

The European Commission’s Report on Company Income Taxation: What the EU Can Learn from the Experience of the US States, 11 Int’l Tax & Pub. Fin. 1 (2004) (with C. McLure Jr.)

Fazal Khan, Assistant Professor of Law

“The Use of Toxicology in Tort Litigation in Ohio” in *The Use of Toxicology in Tort Litigation: A Survey of Federal and State Jurisdictions* (American Bar Association, 2004)

Paul M. Kurtz, Associate Dean of Academic and Student Affairs & J. Alton Hosch Professor of Law

Harold G. Maier: A World Class Citizen Indeed, Vand. J. Trans. L. (forthcoming)

On the Passing of My Friend, Dick Wellman, 40 Ga. L. Rev. 1041 (2006)

Family Law: Cases, Text, Problems, 4th ed. (LexisNexis, 2004) (with I. Ellman, E. Scott, L. Weithorn and B. Bix)

Annual Survey of Periodical Literature, 37 Fam. L.Q. 727 (2004)

selected faculty scholarship

Edward J. Larson, Herman E. Talmadge Chair of Law & Richard B. Russell Professor of American History

Evolution: The Remarkable History of a Scientific Theory (Random House, 2004), 2d ed. (Random House, 2005)

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Charles R.T. O'Kelley, M.E. Kilpatrick Chair of Corporate Finance and Securities Law

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E. Ann Puckett, Director of the Law Library & Professor of Law

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