

# Faculty Activities



## left to right

Ian Ayres  
Jack M. Balkin  
Robert A. Burt  
Guido Calabresi

### Ian Ayres

#### Lectures and Addresses

Citicorp and Goldman Sachs, "From Policies to Promises"; Corporate Breakfast, Yale Law School Center for the Study of Corporate Law, New York, "A New Theory of Promissory Fraud"; Different Lights bookstore, San Francisco, Yale Law School Association of New Jersey, and Chicago PFLAG Father's Day Celebration: "New Strategies for Mobilizing Heterosexual Support for Gay Rights"; University of Chicago Conference on Consumer Protection, "Menus Matter"; Out and Equal Conference, "New Strategies to Promote Employment Equality."

#### Publications

STRAIGHTFORWARD: HOW TO MOBILIZE HETEROSEXUAL SUPPORT FOR GAY RIGHTS (with J. Gerarda Brown, 2005); INSINCERE PROMISES: THE LAW OF MISREPRESENTED INTENT (with G. Klass, 2005); OPTIONAL LAW: REAL OPTIONS IN THE STRUCTURE OF LEGAL ENTITLEMENTS (2005); *Does Affirmative Action Reduce the Number of Black Lawyers?*, 57 STAN. L. REV. 1807 (2005) (with R. Brooks); *To Insure Prejudice: Racial Disparities in Taxicab Tipping*, 114 YALE L.J. 1613 (2005) (with F. Vars & N. Zakariya); *A Separate Crime of Reckless Sex*, 72 U. CHI. L. REV. 599 (2005) (with K. Baker); *Institutional and Evolutionary Failure and Economic Development in the Middle East*, 30 YALE J. INT'L L. 397 (2005) (with J. Macey); *Justice Roberts Should Sell His Stock*, Public Radio Commentary for MARKETPLACE (with B. Nalebuff, Sept. 14, 2005); *Opting for Equality*, Public Radio Commentary for MARKETPLACE (with B. Nalebuff, June 30, 2005); *Better Benchmarking*, Public Radio Commentary for MARKETPLACE (with B.

Nalebuff, June 21, 2005); *Promises to Keep*, FORBES 78 (with B. Nalebuff, July 4, 2005); *Just What the Professor Ordered*, N.Y. TIMES, Sept. 16, 2004, at A27; *The Joy of Ambiguity*, THE ADVOCATE, June 29, 2005 (with J. Gerarda Brown); *Privatizing Gay Rights with Non-discrimination Promises Instead of Policies*, THE ECONOMIST'S VOICE, Vol. 2: No. 2, 2005 (with J. Gerarda Brown); *Straight, Not Narrow: How Straight Couples Can Support Gay Marriage*, NEW HAVEN ADVOCATE, June 16, 2005 (with J. Gerarda Brown); *Separate, Unequal: How Civil Unions Fall Short of Marriage*, HARTFORD COURANT, June 10, 2005, at A13; *Warning: We Discriminate*, Alternet, May 17, 2005, available at [www.alternet.org/rights/22030/](http://www.alternet.org/rights/22030/); Guestblogger for a week (with J. Gerarda Brown) at Lessig Blog, available at [www.lessig.org/blog/archives/ba.shtml](http://www.lessig.org/blog/archives/ba.shtml).

### Jack M. Balkin

#### Appointments

Member, American Academy of Arts and Sciences.

#### Lectures and Addresses

Conference on Intellectual Property, Princeton University, "The Growing Conflict Between Freedom of Speech and Intellectual Property"; Law and Society Association, Las Vegas, "Regulating Virtual Worlds"; American Constitution Society Conference, Washington, D.C., "The Future of Reproductive Freedom."

#### Publications

WHAT ROE V. WADE SHOULD HAVE SAID: AMERICA'S TOP LEGAL EXPERTS REWRITE AMERICA'S MOST CONTROVERSIAL DECISION (ed. 2005); *Wrong the Day It Was Decided: Lochner and Constitutional Historicism*, 85 B.U. L. REV. 677 (2005); Plessy, Brown, and

Grutter: *A Play in Three Acts*, 26 CARDOZO L. REV. 1689 (2005); *Alive and Kicking: Why No One Truly Believes in a Dead Constitution*, SLATE, August 29, 2005; *A Nominee After Bush's Own Heart*, NEWSDAY, July 21, 2005; *Justice O'Connor's Final Defense*, HARTFORD COURANT, July 8, 2005.

### Robert A. Burt

#### Appointments

Fellow, Hastings Center.

#### Lectures and Addresses

University of Oklahoma, Tulsa, and Yale Law School Alumni Association, Seattle: "Lessons from Terri Schiavo's Case"; Gardiner Lecture on Psychoanalysis and Humanities, Yale University, "Death as a Right, Death as a Wrong"; Palliative Care Grand Rounds, Harvard Medical School, "Family Conflict in End-of-Life Care"; Faith Middleton Show, Connecticut Public Radio, "The Supreme Court Today."

#### Publications

*An Obligation to Students*, 1 OPENING ARGUMENT 1-2 (2005); *Robert Cover's Passion*, 17 YALE J.L. & HUMAN. 1 (2005); *On Gnats, Camels and Payment to Research Subjects: A Commentary*, 9 J. MED. & L. 25-30, 35-36 (2005).

### Guido Calabresi

#### Awards and Recognition

Honorary degree, LL.D., Fordham University School of Law; Grande Ufficiale al Merito della Repubblica Italiana, Rome.

#### Lectures and Addresses

Fordham University School of Law, commencement speaker; The Constitution in 2020 Conference, Yale Law School, Dialogue with The Honorable Patricia Wald; International Conference on Civil

## ► Faculty Activities



**left to right**  
Dennis E. Curtis  
Mirjan R. Damaška  
Drew S. Days, III  
John J. Donohue III  
Steven B. Duke  
Robert C. Ellickson

and Economic Rights in Times of Crisis, Centro Nazionale di Prevenzione e Difesa Sociale, Stresa, Italy, concluding remarks; Università di Roma Tre, Rome, “The Future of Economic Analysis of Law”; Cambridge Lectures of the Canadian Institute of Advanced Legal Studies, Cambridge, England, “Equality in the American Constitution”; American Constitution Society, Harvard Law School, remarks; John Simon Portrait Unveiling, Yale Law School, remarks; concluding remarks at seminar sponsored by the Consiglio Nazionale Forense and Yale Law School on the contributions of Guido Calabresi to economic analysis of law and to torts.

### **Dennis E. Curtis**

#### ***Lectures and Addresses***

Court Architecture/Judicial Rituals Conference, Paris, France.

### **Mirjan R. Damaška**

#### ***Legal Consultation or Testimony***

Appointed to the Croatian Government’s Council to express its view on the alleged plot to divide Bosnia.

#### ***Publications***

*The Malady of Joint Criminal Enterprise as a Doctrine in International Criminal Law*, 1 CROATIAN ANNUAL OF CRIMINAL LAW AND PRACTICE 3 (2005).

### **Drew S. Days, III**

#### ***Appointments***

Member, Scholarly Advisory Committee, Smithsonian National Museum of African American History and Culture.

#### ***Lectures and Addresses***

Center for First Amendment Rights, Hartford, moderator and discussant, “The First Amendment: Freedom of Expression

in Wartime”; American Constitution Society, Washington, D.C., panelist, “Review of the Supreme Court 2004-2005 Term”; Practising Law Institute, New York, panelist, “Review of the Supreme Court 2004-2005 Term”; American Bar Association Annual Meeting, Chicago, panelist, “Review of the Supreme Court 2004-2005 Term.”

#### ***Publications***

*“Feedback Loop”: The Civil Rights Act of 1964 and Its Progeny*, 49 ST. LOUIS U.L.J. 981 (2005).

### **John J. Donohue III**

#### ***Lectures and Addresses***

Faculty Workshop, Yale School of Management, and Rotary Club, Orange, Connecticut, “Understanding the Surprising Fall in Crime in the 1990s”; The Yale Global Governance Forum, Yale School of Management, panelist, “The Board’s Role in Corporate Strategy.”

#### ***Publications***

EMPLOYMENT DISCRIMINATION: LAW AND THEORY (with G. Rutherglen, 2005); *Does Greater Managerial Freedom to Sacrifice Profits Lead to Higher Social Welfare?* in ENVIRONMENTAL PROTECTION AND THE SOCIAL RESPONSIBILITY OF FIRMS: PERSPECTIVES FROM LAW, ECONOMICS, AND BUSINESS (B. Hay, R. Stavins, & R. Vietor eds., 2005).

### **Steven B. Duke**

#### ***Appointments***

Member, Connecticut Commission on Medicolegal Investigations.

#### ***Awards and Recognition***

Connecticut Secretary of State Public Service Award.

### ***Lectures and Appearances***

History Channel, discussant on history of drug prohibition.

#### ***Legal Consultation or Testimony***

Amicus brief, National Legal Aid and Defender Association in *Maryland v. Blake*, Supreme Court of the U.S., October Term 2005, No. 04-373.

#### ***Publications***

*Issues in Legalization*, in DRUGS AND SOCIETY (J. Fish ed., 2005).

### **Robert C. Ellickson**

#### ***Publications***

LAND USE CONTROLS (3d ed. with V. Been, 2005); *A Private Idaho in Greenwich Village?*, YALE L.J., Oct. 2005 (The Pocket Part), available at <http://www.thepocketpart.org/2005/10/ellickson.html>.

### **Daniel C. Esty**

#### ***Lectures and Addresses***

French Ministry of Economy, Finance, and Industry Conference on Development and Global Public Goods, Paris, “Environment and Development Finance”; Conference Board, New York, “Government, Corporations, and NGOs”; New York University Law School Conference on Global Administrative Law: National and International Accountability Mechanisms for Global Regulatory Governance, “Good Governance at the Global Scale”; Ecologic Workshop on Global Environmental Governance, Berlin, “The Logic of Global Environmental Governance”; University of Rome (“La Sapienza”), Rome, “Toward Good Global Governance: The Role of Administrative Law”; Center for American Progress, Washington, “Data-Driven Policymaking”; Society of Environmental



**left to right**  
*Daniel C. Esty*  
*Owen M. Fiss*  
*Paul Gewirtz*  
*Robert W. Gordon*  
*Henry Hansmann*

Journalists, Austin, "Environmental Enforcement"; "Globalizing Yale: The World Fellows Program" (Presentations in Berlin, Kyiv, Rome, and Athens).

#### **Publications**

*National Environmental Performance: An Empirical Analysis of Policy Results and Determinants*, 10 J. ENV'T & DEV. ECON. 391 (2005) (with M. Porter).

#### **Owen M. Fiss**

##### **Lectures and Addresses**

The H.L.A. Hart Memorial Lecture in Jurisprudence and Moral Philosophy, University College Oxford, "The War Against Terrorism and the Rule of Law"; Lectures in Brazil: Fundaca Getulio Vargas, University of Catolica de Santos, and University of Sao Paulo, "Two Models of Adjudication"; University of Sao Paulo, "The Many Faces of the State"; SELA 2005, Law and Poverty, Rio de Janeiro, co-director.

##### **Publications**

*Not With Our Tears*, IN MEMORIAM, BURKE MARSHALL 1922-2003, Yale Law School (2005); *David Josiah Brewer*, THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES, 2nd edition (2005); THE IRONY OF FREE SPEECH (Chinese edition) (2005); *A Freedom Both Personal and Political*, in THE IRONY OF FREE SPEECH (Chinese edition) 89 (2005).

#### **Paul Gewirtz**

##### **Appointments**

Member, Council of Foreign Relations' Independent Task Force on U.S. Policy toward China; member, Expert Advisory Committee, China Futures Initiative of the Center for Strategic and International Studies (CSIS) and the Institute for International Economics.

##### **Lectures and Addresses**

China-Yale Senior Government Leadership Program, New Haven, Director; Global Constitutionalism Seminar: Nationhood; Same-Sex Marriage, Director; Conference on Rule of Law Developments in China, Washington, D.C., "Enforcing Citizen Rights Through Law and Politics"; China-Yale Advanced Leadership Program in Management, "Legal Environment of Enterprises"; Workshop, Guangzhou, China, "Public Participation in Administrative Rulemaking"; Workshop, Beijing, China, "Amending China's Food Safety Law"; Workshop, Beijing, China, "Constitutional Review and the Future of the Chinese Constitution"; Workshop, Beijing, China, "Protection of Reputation Rights, Privacy Rights, and the Media"; Global Governance Forum, Yale School of Management, panel on "A Comparative View of International Standards"; Panel on "The Roberts Nomination: What's At Stake?," Yale Law School.

##### **Publications**

*So Who Are the Activists?* (with C. Golder), Op-ed, N.Y. TIMES, July 6, 2005; *Legislative Supervision of Court Cases*, in JUDICIAL FAIRNESS AND SUPERVISION (2005); GLOBAL CONSTITUTIONALISM: NATIONHOOD; SAME-SEX MARRIAGE (2005).

#### **Robert W. Gordon**

##### **Appointments**

Co-Director, Hurst Summer Institute for Legal Historians, Madison, Wisconsin.

##### **Lectures and Addresses**

University of Wisconsin-Madison, "Willard Hurst, Chastened Progressive"; Conference in honor of Harry W. Arthurs, York University, Toronto, "Law Schools and 'Humane Professionalism.'"

##### **Legal Consultation or Testimony**

Contributed to amicus brief, U.S. Supreme Court, in *Buckeye Check Cashing, Inc. v. Cardegna*.

##### **Publications**

*Using History in Teaching Contracts: Britton v. Turner as a Case Study*, 26 HAWAII L. REV. 423; The Legal Realists' Defense of the Administrative State, 55 U. TORONTO L. J. 405; Professionalisms Old and New, Good and Bad, 8 LEGAL ETHICS 23 (2005); *Foreword*, LAWYERS' ETHICS AND THE PURSUIT OF SOCIAL JUSTICE (Susan Carle ed., 2005).

#### **Henry Hansmann**

##### **Appointments**

Fellow, Center for Corporate Governance, Copenhagen Business School.

##### **Lectures and Addresses**

Conference on Corporate Governance of Closely Held Firms, Copenhagen Business School, presented paper on "Law and the Rise of the Firm"; Conference in Celebration of Robert Clark, University of Iowa Law School, presented paper on "How Close Is the End of History?"; Annual Meeting of the International Society for the New Institutional Economics, Barcelona, Spain, keynote lecture on "The Role of Law in the Organization of the Firm"; Waterman Lecture, Vermont Law School, "Two Systems of Law for Corporate Governance: Nonprofit Versus For-Profit"; NBER meeting on Corporate Governance, Cambridge, Massachusetts, commentator; Stanford/Yale Junior Faculty Forum, Stanford, commentator; Conference Celebrating Publication of Italian translation of Henry Hansmann, THE OWNERSHIP OF ENTERPRISE, Rome, commentator.

## ► Faculty Activities



### left to right

Oona A. Hathaway

Paul W. Kahn

S. Blair Kauffman

Harold Hongju Koh

### **Publications**

*The New Business Entities in Evolutionary Perspective*, 2005 ILL. L. REV. 5 (2005) (with R. Kraakman & R. Squire).

### **Oona A. Hathaway**

#### **Appointments**

Member, Advisory Committee on International Law for the Legal Advisor, United States Department of State.

#### **Awards and Recognition**

Director's Award, Yale Center for International and Area Studies.

#### **Lectures and Addresses**

University of Virginia School of Law, "Reflections on the Future of the State"; Fletcher School of Law and Diplomacy, guest lecturer in class on international law and politics; Department of Political Science, Columbia University, "Between Power and Principle"; International Law Workshop, Harvard Law School, "Between Power and Principle"; International Law Colloquium, Georgetown Law School, "Between Power and Principle"; Conference on Torture, Princeton University, "The Promise and Limits of the International Law on Torture."

#### **Publications**

*Between Power and Principle: An Integrated Theory of International Law*, 72 U. CHI. L. REV. 469 (2005).

### **Paul W. Kahn**

#### **Lectures and Addresses**

Seminar on Constitutionalism, Beijing, "The Multiple Functions of Judicial Review"; University of Virginia Law School Conference, "The Future of the State (With or Without International Law)."

### **Publications**

*Beyond Reason and Desire: Political Thought and the Problem of Sex*, AMERICAN SEXUALITY MAGAZINE, Vol. 3, No. 4.

### **S. Blair Kauffman**

#### **Appointments**

Chair, Special Committee on Fostering Legal Research, American Association of Law Libraries.

#### **Lectures and Addresses**

AALL Annual Meeting, San Antonio, "The Ethics of Importing MARC Records."

#### **Legal Consultation or Testimony**

University of Chicago Law Site Inspection Team for Re-accreditation; Northwestern University External Library Review Team; University of British Columbia Faculty of Law Library Review.

### **Harold Hongju Koh**

#### **Appointments**

Member: Fund for Independence in Journalism Advisory Council; Board of Advisors, Center for International Business and Trade Law, John Marshall Law School; Security and Peace Initiative Advisory Board; CEELI Institute International Advisory Board; Chair, Brookings Ethics and Professional Responsibility Committee; Asian American Cultural Center of Yale University; James W. Cooper Lifetime Fellow, Connecticut Bar Foundation.

#### **Awards and Recognition**

Honorary D.H.L., University of Hartford; Honorary LL.D., Widener Law School; Louis B. Sohn Award, American Bar Association International Law Section (for lifetime contributions to international law); Named one of Lawdragon's 500 Leading Lawyers in America; Equal Access to Justice Award, New Haven Legal Assistance; Asian

American Law Students Association Award of Distinction, Pace University School of Law; ABA National Lesbian and Gay Law Association 2005 Allies for Justice Award.

#### **Lectures and Addresses**

The Honorable Jon O. Newman Lecture on Law and Justice, University of Hartford, "The Supreme Court and Global Law"; Yale Club of NYC, "Law and Globalization"; Aspen Institute Seminar for Judges: "Historical/Political Background of International Human Rights Law," "The International Standards: Treaties and Customary Law" and "Implementations in National Systems: The United States"; Yale Law School, "How Should I Live My Life as a Lawyer?"; Department of Justice, in celebration of National Asian Pacific American (NAPA) Heritage Month; 2005 11th Circuit Judicial Conference, Hollywood, Florida, panel moderator, "Use of International Law and Foreign Precedent in U.S. Courts"; Commencement Address, Widener University School of Law; Chinese for Affirmative Action 2005 Celebration of Justice, keynote address; Carter Center, Atlanta, panel on "Human Rights and Policymaking: Maximizing Impact"; Association of Yale Alumni, Windsor Castle, United Kingdom, "The Globalization of Freedom After September 11th"; YLS in Paris Alumni Event, "The Role of American Law in the World"; Canadian Institute for Advanced Legal Studies, Queens College, University of Cambridge, "The U.S. Supreme Court Meets the World"; American Constitution Society, Washington, D.C., "The Application of International and Foreign Norms to Domestic Law"; CEELI Award Ceremony and Luncheon honoring Talbot "Sandy" D'Alemberte and the Committee of



left to right  
John H. Langbein  
Jonathan R. Macey

Voters of Ukraine, keynote address; ABA International Awards Reception and Dinner, Chicago, keynote address, "Judge John G. Roberts, Jr. and the New Supreme Court: What Direction Will They Take on International Law Issues"; ABA Section of Rights and Responsibilities, "The Global War on Terror: Conflict or Compatibility with the U.S. Bill of Rights and the International Rule of Law?"; Cleary Gottlieb luncheon address, "Diversity and Legal Education: Today's Challenges"; Global Constitutional Seminar, Yale Law School, "Nationhood and International Law"; "Introduction to Clinical and Human Rights Work: Changing the Law Through Clinical Work," panel moderator; University of Connecticut School of Law, panel on Mark Janis's book, *The American Tradition of International Law*; Yale Journal of International Law Young Scholars Conference Luncheon, welcome and introduction of Judge Christopher Weeramantry; Corporate Law Roundtable, Yale Law School, welcoming remarks; Stanford/Yale Junior Faculty Forum; Chinese ministry delegation, Yale Law School, "Yale Law School's International Activities"; ABA Development Conference, Jackson Hole, "Lifecycle of a Major Gift"; YLS Alumni Association of Washington, D.C., remarks; Women's Campaign School at Yale, welcoming remarks; American Bar Association National Lesbian and Gay Law Association, Chicago, Allies for Justice Award, remarks; Chinese/Yale Leadership Council, Yale Law School, welcoming remarks; Yale Law School, "Why Hurricane Katrina Wreaked Such Havoc and What We Can Do About It," panel moderator; New Haven Jewish Federation and Orville H. Schell, Jr. Center for International

Human Rights, Yale Law School, panelist on "Fighting Terrorism within the Law...Case in Point—Israel"; Corporate Breakfast, Yale Law School Center for the Study of Corporate Law, New York; John Simon portrait unveiling ceremony and dinner, Yale Law School, remarks; Zelia Ruebhausen Student Life Lunch, Yale Law School, remarks; Ruebhausen Fellows Panel, Yale Law School, remarks.

#### **Publications**

Preface to J. Ramji & B. Van Schaack, *BRINGING THE KHMER ROUGE TO JUSTICE: PROSECUTING MASS VIOLENCE BEFORE THE CAMBODIAN COURTS; Captured by Guantanamo*, available at [www.opendemocracy.net](http://www.opendemocracy.net); *Internalization Through Socialization*, 54 DUKE L.J. 795 (2005); *THE NEW GLOBAL SLAVE TRADE*, *The Oxford Amnesty Lectures* (2005); *The Ninth Annual John W. Hager Lecture: The 2004 Term: The Supreme Court Meets International Law*, 12 TULSA J. COMP. & INT'L L. 1 (2005); *Friedmann Essay: A World Without Torture*, 43 COLUMB. J. TRANSNAT'L L. 641 (2005); *Choosing Heroes Carefully*, 57 STAN. L. REV. 723 (2005).

#### **John H. Langbein**

##### **Lectures and Addresses**

Scientific Advisory Board, Wissenschaftskolleg zu Berlin, Germany; Yale Law School Association of Pittsburgh; Joint Committee on Employee Benefits, American Bar Association Annual Meeting, Chicago, "ERISA Remedy Law: The Supreme Court's Four Errors."

##### **Public Service**

National Conference of Commissioners on Uniform State Laws: Member, Drafting Committee to Revise the Uniform Management of Institutional Funds Act

(UMIFA), presentation to Commission's 2005 annual meeting, Pittsburgh. American Law Institute: Associate Reporter, Restatement of Property: Wills and Other Donative Transfers; attended advisors' meeting, Philadelphia.

#### **Publications**

*Questioning the Trust-Law Duty of Loyalty: Sole Interest or Best Interest?* 114 YALE L.J. 929 (2005); *PENSION AND EMPLOYEE BENEFIT LAW: 2005 SUPPLEMENT* (2005) (with B. Wolk); *UNIFORM STATUTES ON TRUSTS AND ESTATES: 2005-06 EDITION* (2005) (with L. Waggoner); *Response*, in *Symposium on Langbein's The Origins of Adversary Criminal Trial*, 26 J. LEGAL HIST. 63, 85 (2005).

#### **Jonathan R. Macey**

##### **Appointments**

Member, Advisory Board, West Law School Publications; Senior Fellow, Jonathan Edwards College, Yale University.

##### **Lectures and Addresses**

Weil, Gotshal & Manges Corporate Law Roundtable, Yale Law School, "Down and Out in the Stock Market: The Law and Economics of the Delisting Process" (co-authored with Maureen O'Hara); Management Program for Lawyers at Yale School of Management, "Sarbanes-Oxley Act and Its Implications for Latin American Corporations"; Social Philosophy and Policy Seminar, La Jolla, California, "The Government as Residual Claimant"; Continuing Legal Education Program, Michigan Supreme Court, "The Law & Economics of Corporate Crime"; Series of five lectures on Banking Law & Regulation to graduate students and junior faculty in the Faculty of Law, University of Siena; Lectures on



## ► Faculty Activities



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Daniel Markovits  
Jerry L. Mashaw  
Robert C. Post  
George L. Priest

Corporate Governance, University of Paris (I), The Sorbonne, Paris (joint Sorbonne Cornell Law School summer program); Conference on Economic Regulation, National Bureau of Economic Research, Cambridge, Massachusetts, commentary on "Financial Regulation in the Aftermath of the Bubble"; Yale Law School Center for the Study of Corporate Law Symposium, Yale Law School, "Reassessing Director Elections," speaker at session on "Federalism and Elections."

### **Legal Consultation or Testimony**

Expert witness, *Sturm v. Citigroup/Grubman et. al.*

### **Publications**

*Institutional and Evolutionary Failure and Economic Development in the Middle East*, 30 YALE J. INT'L L. 397 (2005) (with I. Ayres); *Positive Political Theory and Federal Usurpation of the Regulation of Corporate Governance: The Coming Preemption of the Martin Act*, 80 NOTRE DAME L. REV. 951 (2005); CASES AND MATERIALS ON CORPORATIONS INCLUDING PARTNERSHIPS AND LIMITED LIABILITY COMPANIES, Ninth Edition (2005) (with R. W. Hamilton); MACEY ON CORPORATION LAWS (two-volume treatise), 2005 update; *From Orders to Markets: Who Should Decide What Is 'Best Execution'*, REGULATION, Vol. 28, No. 2, Summer 2005; *A Risky Proposition* (book review), WALL ST. J., March 15, 2005; *A Misguided Proposal to Regulate Risk-Taking* (letter), WALL ST. J., April 5, 2005.

### **Daniel Markovits**

#### **Lectures and Addresses**

Law and Philosophy Roundtable, University of Illinois School of Law, "Contract and Collaboration"; Faculty Workshop, Duke University School of Law, "Democratic

Disobedience"; Morals Seminar, University of Oxford Philosophy Subfaculty, "The Promise Relation."

### **Publications**

*Quarantines and Distributive Justice*, 33 J. L., Med. & Ethics 323 (2005); *Democratic Disobedience*, 114 YALE L.J. 1897 (2005).

### **Jerry L. Mashaw**

#### **Publications**

*Between Facts and Norms: Agency Statutory Interpretation as an Autonomous Enterprise*, 55 U. TORONTO L. J. 497 (2005); *Norms, Practices and the Paradox of Deference: A Preliminary Inquiry Into Agency Statutory Interpretation*, 57 ADMIN. L. REV. 501 (2005).

### **Robert C. Post**

#### **Elections**

Librarian, American Academy of Arts and Sciences.

#### **Lectures and Addresses**

Conference on the Global Evolution of the Rule of Law, Syracuse Law School, presented paper on "The Nature of Constitutional Democracy"; National Endowment for Democracy, Amman, Jordan, seminar on constitutional drafting to the Iraqi political parties; Fourth Interdisciplinary Law & Humanities Junior Scholars Conference, Georgetown, Washington, D.C., commentator; Faculty Workshop, NYU Law School, delivered paper on "The Structure of Academic Freedom"; 2005-06 Cutler Lecture, William and Mary School of Law, "Law and Culture: Prohibition during the Taft Court Era."

### **Publications**

*Who's Afraid of Jurispathic Courts?: Violence and Reason in Nomos and Narrative*, 17 YALE J. L. & HUMAN. 9 (2005); *Democracy*

*and Equality*, 1 LAW, CULTURE AND THE HUMANITIES 142 (2005).

### **George L. Priest**

#### **Lectures and Addresses**

AEI-Brookings Joint Center for Regulatory Studies, Supreme Court Conference, Critical Issues in Toxic Tort Litigation, "The Course of Modern Tort Law"; Yale Law Women Works in Progress Workshop Series, presented response to paper by Erin Morrow, "Agri-Environmentalism, an Oxymoron or the Future of Farm Policy?"; George Mason Law and Economics Center, North Carolina Judicial Conference, Asheville, "The Economics of Tort Law"; George Mason Law and Economics Center, La Jolla, California, Seminar, "The Economics of Tort Law"; SELA 2005, Law and Poverty, Rio de Janeiro, Reduciendo la Pobreza Global: Teoría, Práctica y Reforma (Reducing Global Poverty: Theory, Practice and Reform); American Enterprise Institute 2005 World Forum, Beaver Creek, Colorado, "The Sources of the Asbestos Litigation Crisis"; Common Good Forum, Lawsuits and Liberty Conference, National Constitution Center, Washington, D.C., "The Modern Transformation of Civil Law"; Scholar in Residence, University of Colorado Law School, Boulder, "Buying Democracy: Political Contributions as a Mechanism for Repairing Electoral Failures"; Media Roundtable, "Medical Malpractice Reform," White House Writers Group, Washington, D.C.; Spanish Law and Economics Center, Harvard Law School, "The Economics of Tort Law."

### **Publications**

REDUCIENDO LA POBREZA GLOBAL: TEORÍA, PRÁCTICA Y REFORMA (REDUCING GLOBAL



left to right  
W. Michael Reisman  
Judith Resnik  
Roberta Romano

POVERTY: THEORY, PRACTICE AND REFORM), SELA 2005: Law and Poverty.

#### W. Michael Reisman

##### Appointments

Member, Editorial Board, Stockholm International Arbitration Review.

##### Lectures and Addresses

Discussant and participant, Dag Hammarskjöld Symposium on "Respecting International Law and International Institutions: Careful Reflection, Ideas for Significant Reform and Determined Action," Uppsala Castle, Uppsala, Sweden; Special Rapporteur's Meeting of the Institut de Droit International, Graduate Institute of International Studies, Geneva, Switzerland; 72nd Session of the Institut de Droit International, Kraków, Poland; Foreign Policy Association World Leadership Forum, "Charting the Future in an Era of Uncertainty," PricewaterhouseCoopers, New York, moderator for panel, "The Future of the UN"; International Bar Association 2005 Conference, Prague, Czech Republic, panelist, "Restructuring of the United Nations."

##### Publications

FOREIGN INVESTMENT DISPUTES (with D. Bishop & J. Crawford, 2005); *Unilateral Action in an Imperfect World Order*, in 8 AUSTRIAN REVIEW OF INTERNATIONAL AND EUROPEAN LAW 163 (2003) (with S. Shuchart); and in MULTILATERALISM V. UNILATERALISM: POLICY CHOICES IN A GLOBAL SOCIETY (J. B. Attanasio & J. J. Norton eds., 2004); *The Law-in-Action of the International Criminal Court*, in 99:2 AM. J. INT'L L. 385 (April 2005) (with M. H. Arsanjani); *On Paying the Piper: Financial Responsibility for Security Council Referrals to the International Criminal Court*, in 99:

3 AM. J. INT'L L. 615 (July 2005); *The Question of Unilateral Governmental Statements as Applicable Law in Investment Disputes*, in 19:2 ICSID REV. 328 (Fall 2004) (with M. H. Arsanjani); *Expanding the Security Council: Much Ado*, in JURIST, August 7, 2005, available at <http://jurist.law.pitt.edu/forumy/2005/08/expanding-un-security-council-much-ado.php> and in 36:3 SECURITY DIALOGUE 373-374 (September 2005).

#### Judith Resnik

##### Appointments

Member, International Expert Committee to Review and Assess the Research of the Faculty of Law, University of Helsinki, Finland; member, ABA Section of Litigation Leadership, Civil Justice Initiatives.

##### Lectures and Addresses

The Constitution in 2020, co-sponsored by the American Constitutional Society, the Arthur Liman Public Interest Law Program, and Yale Law School, panelist on "Toward Constitutional Reconstruction"; Alliance for Justice, Federal Judicial Nominations, speaker, "The Nomination Process: What Is At Stake?"; Faculty Tea, Yale Law School, speaker, "Selecting Judges in a Democracy"; "Management for Lawyers," Yale School of Management, lecture, "Dispute Resolution: Adjudication and Its Alternatives"; Human Rights at Home, Columbia Law School, Roundtable Participant; Stanford/Yale Junior Faculty Forum, Stanford, Faculty commentator, "Civil Litigation and Dispute Resolution"; Mass Torts Forum, National Center for State Courts, Philadelphia, conferee; American Constitution Society, Annual Conference, Washington, D.C., speaker on Plenary Panel, "Law or Politics: Is There a Progressive Constitution?"; American Bar Association Annual

Conference, panel moderator, "Continuing the Dialogue: Congress and the Judiciary"; Yale Law School Faculty Workshop, presented paper, "Law's Migration"; World Fellows Program, Yale University, "Justice Systems and Democracy: The Role of Rights and of Courts"; panelist, "Judicial Nominations and the Supreme Court," cosponsored by the American Constitutional Society and the Federalist Society; Court Architecture/ Judicial Rituals, Paris, France, "Striking Images of Justice."

##### Legal Consultation or Testimony

Testimony before the Committee on the Judiciary of the United States Senate at hearing on Judicial Nomination: John G. Roberts, Jr., as Chief Justice of the United States, Washington, D.C.

##### Publications

*Living Their Commitments: Paideic Communities, Courts and Robert Cover* (An Essay on Racial Segregation at Bob Jones University, Patrilineal Membership Rules, Veiling, and Jurisgenerative Practices), 17 YALE J.L. & HUMAN. 17 (2005); Op-Ed: *So Long: Changing the Judicial Pension System Could Keep Judges from Staying on the Bench for Too Many Years*, LEGAL AFFAIRS, July/August 2005 at 20; Op-Ed: *One Robe, Two Hats* (with Theodore Ruger) N.Y. TIMES, July 17, 2005, at Section 4, Page 13.

#### Roberta Romano

##### Appointments

Oscar M. Ruebhausen Professor of Law; Director, Yale Law School Center for the Study of Corporate Law.

##### Lectures and Addresses

National Association of Corporate Directors, Atlanta Chapter, "The Sarbanes-Oxley Act and the Making of Quack

## ► Faculty Activities



### left to right

Carol M. Rose  
Susan Rose-Ackerman  
Peter H. Schuck  
James J. Silk  
Henry E. Smith

Corporate Governance”; University of Hamburg Graduiertenkolleg in Law and Economics, lectures on Corporate Finance; 2005-06 Torts Visiting Professor in Business Law, Dalhousie Law School, Halifax, Nova Scotia; Oscar M. Ruebhausen Inaugural Lecture, Yale Law School, “After the Revolution in Corporate Law.”

#### **Publications**

*The Sarbanes-Oxley Act and the Making of Quack Corporate Governance*, 114 YALE L.J. 1521 (2005); excerpted as *Sarbanes-Oxley: Quack Corporate Governance*, THE CORPORATE BOARD 5 (September/October 2005); *Is Regulatory Competition a Problem or Irrelevant for Corporate Governance?*, 21 OXFORD REVIEW OF ECONOMIC POLICY 212 (2005).

#### **Carol M. Rose**

##### **Lectures and Addresses**

Childress Lecture, University of St. Louis School of Law, St. Louis, Missouri, “Privatization—the Road to Democracy?”; Faculty Workshop, University of St. Louis School of Law, “The Road to *Shelley v. Kraemer*.”

##### **Publications**

*Whither Commodification?* in RETHINKING COMMODIFICATION (2005); *Between Developers and the Deep Blue Sea: The Story of Lucas v. South Carolina Coastal Council*, in ENVIRONMENTAL STORIES (2005).

#### **Susan Rose-Ackerman**

##### **Lectures and Addresses**

International Economics Association Meeting, Marrakech, Morocco, organized panel on “Honesty and Trust in Post-Socialist Societies”; Department of Law and Political Science, University of Tokyo, “Public Participation in Consolidating

Democracies, Hungary and Poland”; Department of Law and Political Science, University of Tokyo, “Political Corruption”; Tsinghua University, Beijing, “Corruption and Government”; University of Political Science and Law, Beijing, “Government Accountability and the Rule of Law.”

##### **Publications**

*Electoral Rules and Constitutional Structures as Constraints on Corruption*, 35:4 BRIT. J. POL. SCI., 573 (October 2005) (with J. Kunicova); *Não basta punir, é preciso reformar* (It is not enough to punish, reform is necessary), interview in weekly *Jornal do Senado*, Brazil.

#### **Peter H. Schuck**

##### **Lectures and Addresses**

University of Toronto Law School, Law & Economics Workshop, paper on reforming social service programs; Maxwell School of Public Affairs, Syracuse University, on managing diversity; University of Georgia, on reforming social service programs; University of Delaware, on managing diversity.

##### **Legal Consultation or Testimony**

Expert witness, Canadian Department of Justice, on citizenship issue; expert witness in Israeli denaturalization case; expert witness in asbestos-related proceeding.

##### **Publications**

MEDITATIONS OF A MILITANT MODERATE: COOL VIEWS ON HOT TOPICS (2005); IMMIGRATION STORIES (ed. with D. A. Martin, 2005); *The Story of Kleindienst v. Mandel: Plenary Power and the Professors*, in IMMIGRATION STORIES, chapter 7; *El poder judicial en una democracia*, in LOS LIMITES DE LA DEMOCRACIA 327 (R. Saba ed., 2005); *Incivility's Virtues*, THE AMERICAN LAWYER, June 2005; *Why Regulating Guns through*

*Litigation Won't Work*, in SUING THE GUN INDUSTRY: A BATTLE AT THE CROSSROADS OF GUN CONTROL AND MASS TORTS (T. D. Lytton ed., 2005); *Just the Verdict, Please*, L.A. TIMES, Aug. 29, 2005, at B11; *Just the Verdict, Please*, NEWSDAY, Aug. 30, 2005, at A11.

#### **James J. Silk**

##### **Lectures and Addresses**

New Haven Jewish Federation and Orville H. Schell, Jr. Center for International Human Rights, Yale Law School, panelist on “Fighting Terrorism within the Law...Case in Point—Israel”; Lecture Series, Office of the Prosecutor, International Criminal Court, The Hague, Netherlands, “International Criminal Justice and the Protection of Human Rights: The Rule of Law or the Hubris of Law?”

#### **Henry E. Smith**

##### **Appointments**

Professor, Cognitive Science Program, Yale University.

##### **Lectures and Addresses**

American Law and Economics Association Annual Meeting, “Self-Help and the Nature of Property”; University of Tokyo, Faculty of Law, “Self-Help and the Nature of Property”; Law and Economics Seminar, University of Tokyo, “What Happened to Property in Law and Economics?”; Conference on “Boilerplate”: Foundations of Market Contracts, University of Michigan Law School, “Modularity in Contracts: Boilerplate and Information Flow”; Law and Economics Workshop, Columbia Law School, “Modularity in Contracts: Boilerplate and Information Flow.”





left to right  
Robert A. Solomon  
Kate Stith  
Ronald S. Sullivan, Jr.  
James Q. Whitman  
Stephen Wizner

### **Publications**

*Self-Help and the Nature of Property*, 1 J. L., ECON. & POL'Y 69 (2005); *Governing the Tele-Semicommons*, 22 YALE J. ON REG. 289 (2005).

### **Robert A. Solomon**

#### **Appointments**

Commissioner of the Housing Authority of the City of New Haven; President, Connecticut Association of Human Services; board member, Calvin Hill Day Care Center.

#### **Legal Consultation or Testimony**

Testified on public housing, New Haven Board of Aldermen; represented Connecticut Coalition for Justice in Education Funding, challenging Connecticut's school finance system; testified to Saint Luke's Development Corporation on developing elderly housing; First City Fund Corporation, on starting a community development bank.

#### **Publications**

Weekly column, *Solomon's Wisdom*, CONNECTICUT LAW TRIBUNE, reprinted on occasion in WESTERN MASSACHUSETTS LAW TRIBUNE and NEW HAVEN ADVOCATE.

### **Kate Stith**

#### **Appointments**

Ad Hoc Advisory Committee on National Security and University Policy, Yale University; Information Technology Services Advisory Committee, Yale University; Faculty of Arts and Sciences Review Committee, Yale University; Committee on Professional Ethics, Connecticut Bar Association; Advisory Committee, Connecticut Lawyer; Executive Committee and Fellows Education Committee, Connecticut Bar Foundation;

Fellow, Whitney Humanities Center, Yale University.

#### **Lectures and Addresses**

Seminar in Forensic Psychiatry, Yale Medical School, "The Shrinking Role of Psychiatric Insight in Federal Criminal Sentencing"; Yale Law School Center for the Study of Corporate Law, New York, "High Crimes or Misdemeanors: The Role of Criminal Law and Civil Enforcement in the Post-Enron Environment."

#### **Legal Consultation or Testimony**

Adviser, American Law Institute, Model Penal Code-Sentencing, San Francisco; Criminal Procedure Reform in China, China Law Center, Yale Law School.

#### **Publications**

*A Second Chance for Sentencing Reform: Establishing a Sentencing Agency in the Judicial Branch*, 58 STAN. L. REV. 101 (2005) (with K. Dunn).

### **Ronald S. Sullivan, Jr.**

#### **Appointments**

Faculty Advisor, *Harvard Blackletter Law Journal*; Co-chair, Criminal Justice Issues Group, American Constitution Society, Constitution in the 21st Century Project; Board of Advisors, National Legal Aid and Defender Association, Appellate Support Network.

#### **Lectures and Addresses**

Sino-U.S.A. Bail Reform Pilot Workshop, Beijing, China, panelist; "Celebrity on Trial: Is it Justice or Just Us," MTV News, New York, moderator; Georgia Public Defender Standards Council, First Annual Trial Skills Workshop, University of Georgia, "The Art and Science of Cross Examination."

### **James Q. Whitman**

#### **Lectures and Addresses**

University of Illinois, Champaign-Urbana, "The Origins of Reasonable Doubt"; Stanford Law School, "The Comparative Paradox of Church and State"; Harvard Law School, "The Origins of Reasonable Doubt"; Harvard Law School, "Comparative Law as the Study of Comparative Value Systems: The Case of Privacy."

#### **Publications**

Book Review, *Making Happy Punishers*, 118 HARV. L. REV. 2698 (2005); 'Human Dignity' in Europe and United States: *The Social Foundations*, in 25 HUM. RTS. L. J. 17 (2004); *Response to Garland*, 7 PUNISHMENT AND SOCIETY 389 (2005).

### **Stephen Wizner**

#### **Appointments**

Reappointed to the Criminal Justice Act Advisory Committee, U.S. Court of Appeals for the Second Circuit; Chair, Planning Committee, Annual Workshop on Clinical Legal Education and Law Clinic Directors Workshop, Association of American Law Schools, Chicago.

#### **Elections**

Re-elected, Board of Directors of the National Board of Trial Advocacy, with continued service as Dean of the Faculty.

#### **Publications**

*Walking the Clinical Tightrope: Between Teaching and Doing*, 4 U. MARYLAND L. J. OF RACE, RELIGION, GENDER AND CLASS 259 (2004). ☞