

# faculty activities



Bruce Ackerman

## Bruce Ackerman

### PUBLICATIONS

- *Interview with Bruce Ackerman*, in James R. Hackney, *LEGAL INTELLECTUALS IN CONVERSATION* (NYU Press), 189 (2012)
- *How to Make a European Constitution for the 21st Century* (with Miguel Maduro), *GUARDIAN*, Oct. 3, 2012
- *How Obama Might Still Inspire*, *HUFFINGTON POST*, Sept. 27, 2012
- *Broken Bond* (with Miguel Maduro), *FOREIGN POLICY*, Sept. 17, 2012
- *Secret Laws Are Oxymorons*, *THE ECONOMIST*, July 24, 2012, available at <http://www.economist.com/blogs/democracyinamerica/2012/07/bruce-ackerman-presidential-power>
- *Texas' Poll Tax in Disguise* (with Jennifer Nou), *L.A. TIMES*, July 16, 2012
- *Roberts Raises the Election Years Stakes*, *HUFFINGTON POST*, June 29, 2012
- *Protect, Don't Prosecute, Leakers Who Defend Our Constitution*, *N.Y. TIMES*, June 13, 2012
- *We the People Rise Again*, *SLATE*, June 4, 2012
- *Eduardo Saverin Controversy: Slam the Door on Tax Refugees*, *L.A. TIMES*, May 18, 2012
- *Payback for a Facebook Tax Refugee*, *L.A. TIMES*, May 16, 2012
- *Elect-Your-Match: Computer Dating Hits the Presidential Race!* (with Danieli Evans), *HUFFINGTON POST*, May 3, 2012
- *President Obama: Don't Go There*, *WASH. POST*, April 20, 2012

## Ian Ayres

### LECTURES AND ADDRESSES

- "Information Escrow," American Law and Economics Conference, May 19, 2012
- "Regulating Opt Out," American Law and Economics Association Conference, May 19, 2012
- "Super Crunchers Revisited," ABAI Convention, May 26, 2012, and IBM users conference in Toronto and New York, NY
- "Teaching Creativity," Lecture to Visiting Chinese Business Executives, Yale Law School
- "Managing Social Anxiety," Yale Law School Orientation
- "Data-Driven Decisionmaking," JMP Users Conference, SAS Campus, Raleigh Durham, NC

### PUBLICATIONS

- *Regulating Opt Out: An Economic Theory of Altering Rules*, 121 *YALE L.J.* 2032 (2012)
- *STUDIES IN CONTRACT LAW* (8th edition, Foundation Press, 2012) (with G. Klass)
- *Anti-Incentives: The Power of Resisted Temptation*, *EUROPEAN FINANCIAL REVIEW* 40 (Feb.–Mar. 2012)
- *Commitment Bonds*, 100 *GEO L.J.* 605 (2012) (with M. Abramowicz)
- *Optimal Voting Rules for Two-member Tenure Committees*, 36 *SOCIAL CHOICE & WELFARE* 323 (2011) (with C. Rowat and N. Zakariya)

## Jack M. Balkin

### LECTURES AND ADDRESSES

- "Originalism and the Living Constitution," Conference on Living Originalism, Yale Law School, April 28, 2012
- "Room for Maneuver: Julie Cohen's Theory of Freedom in the Information State," Conference on Configuring the Networked Self, Hebrew University, May 11, 2012
- "Techniques of Digital Censorship," Conference on Intermediary Liability, Haifa University School of Law, May 15, 2012
- "Constitutional Redemption and Originalism," Conference on Living Originalism, Hebrew University, May 18, 2012
- Panel and Discussion, "The Health Care Cases," National Constitutional Center, Philadelphia, PA, June 6, 2012
- "Digital Censorship," Yale Publishing Course, July 24, 2012
- "Living Originalism," Southeastern Law Schools Conference, Amelia Island, FL, July 30, 2012

### PUBLICATIONS

- *Nine Perspectives on Living Originalism*, 2012 *UNIV. ILL. L. REV.* 815
- *The Distribution of Political Faith*, 71 *MD. L. REV.* 1144 (2012)
- *The Roots of the Living Constitution*, 92 *B.U. L. REV.* 1129 (2012)
- *The Small Chance the Supreme Court Will Overturn the Health Care Act*, *THE ATLANTIC ONLINE*, Mar. 21, 2012
- *How Obama Can Challenge the Supreme Court—and Win*, *THE ATLANTIC ONLINE*, April 12, 2012
- *The Health-Care Mandate Is Clearly a Tax—and Therefore Constitutional*, *THE ATLANTIC ONLINE*, May 4, 2012

- *From Off the Wall to On the Wall: How the Mandate Challenge Went Mainstream*, *THE ATLANTIC ONLINE*, June 4, 2012
- *Tax Power: The Little Argument That Could*, *CNN.COM*, June 28, 2012
- *That Boring Old Tax Argument Was Always a Winner*, *SLATE*, June 28, 2012
- *The Court Affirms Our Social Contract*, *THE ATLANTIC ONLINE*, June 29, 2012
- *The Not-So-Happy Anniversary of the Debt-Ceiling Crisis*, *THE ATLANTIC ONLINE*, July 31, 2012
- *The Right Strikes Back: A New Legal Challenge for Obamacare*, *THE ATLANTIC ONLINE*, Sept. 17, 2012

## Guido Calabresi

### LECTURES AND ADDRESSES

- Recipient of The Ronald H. Coase Medal; presentation of the Medal to the Honorable Guido Calabresi, followed by his talk, "Of Tastes and Values," Plenary Session, American Law and Economics Association Meeting, Stanford Law School, Stanford, CA, May 18–19, 2012
- Delivered Closing Remarks at the 17th International Conference of the Jewish Law Association, "Comparative Analysis of Calabresi's and Maimonides's Theory of Law of Torts," presented by Yuval Sinai and Benjamin Shmueli, Yale Law School, New Haven, CT, Aug. 1, 2012
- Delivered Welcome Orientation Talk to Graduate Students, Yale Law School, New Haven, CT, Aug. 29, 2012
- Presided at Bainbridge Moot Court Competition, with The Honorable Robert D. Sack, U.S. Court of Appeals, Second Circuit; The Honorable Joseph Bianco, U.S. District Court, EDNY; The Honorable Richard Sullivan, U.S. District Court, SDNY; and Patricia E. Salkin, Dean, Touro College Fuchsberg Law Center, Touro Law Center, Central Islip, NY, Sept. 19, 2012
- Delivered Mentorship Lecture to The Italian Society of Yale Students and Affiliates and Young ISSNAF, Yale University, New Haven, CT, Sept. 27, 2012
- Delivered Remarks at the Special Session of the Court in memory of Judge Louis H. Pollak, United States Courthouse, Eastern District of Pennsylvania, Philadelphia, PA, Sept. 28, 2012

- Keynote Speaker, Federal Bar Council, Connecticut Committee Law Clerk Annual Dinner, attended by district judges, clerks, and federal practitioners, Milford, CT, Oct. 11, 2012

## Dennis E. Curtis

### LECTURES AND ADDRESSES

- Speaker: "Re-Presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts," Volunteer Lawyers for the Arts, Morrison Foerster, New York, NY, April 19, 2012 (with Judith Resnik)
- Lecture: "Inventing Democratic Courts: The Supreme Court Building as an Icon of Government," Annual Lecture of the Supreme Court Historical Society, Washington, DC, June 4, 2012 (with Judith Resnik)

### PUBLICATIONS

- *Re-Presenting Justice: Visual Narratives of Judgment & the Invention of Democratic Courts*, 24 *YALE J.L. & HUMAN.* 19 (2012) (with Judith Resnik)
- 2012 *SCRIBES* Award (with Judith Resnik) from the American Society of Legal Writers for the book *REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS*, presented at the ABA annual meeting in Chicago, Aug. 2012

## Mirjan R. Damaška

### PUBLICATIONS

- *Reflections on Fairness in International Criminal Justice*, 10 *J. INT'L CRIM. JUST.*, 611–620 (2012)
- *The Quest for Due Process in the Age of Inquisition*, 60 *AM. J. COMP. L.*, 919–954 (2012)
- *Neuvazene Prisutnosti u Medjunarodnim Kaznenim Predmetima (Unacknowledged Presences in International Criminal Cases)*, 19 *HRVATSKI LIETOPIS ZA KAZNENO PRAVO I PRAKSU (CROATIAN ANNUAL OF CRIMINAL LAW AND PRACTICE)*, 3–14 (2012)

### OTHER PROFESSIONAL HIGHLIGHTS

- Honorary doctorate, University of Zagreb
- Activity in the genocide case currently before the International Court of Justice



Guido Calabresi



Dennis E. Curtis



Mirjan R. Damaška



Fiona M. Doherty

**Fiona M. Doherty**

**LECTURES AND ADDRESSES**

- “The Return of Indeterminate Sentencing,” ACS Workshop, Yale Law School, Sept. 25, 2012
- Primer on Criminal Law, ACS Progressive Primer Series, Yale Law School, Oct. 11, 2012
- American Bar Association, Fall Institute: Sentencing, Reentry, Juvenile Justice, and Legal Education, Panel Member on “U.S. Prosecutions of Foreign Crimes: Challenges and Debates,” Oct. 26, 2012

**Robert C. Ellickson**

**LECTURES AND ADDRESSES**

- “The Nine Squares Layout: A Mistake from the Start?” Benchers, New Haven, CT, April 26, 2012
- “Stone-Age Property Rights: A Tribute to Jim Krier,” and “Roundtable: How Fundamental Are Property Rights?,” both at the Brigham-Kanner Property Rights Conference, William & Mary Law School, Oct. 12, 2012

**PUBLICATIONS**

- *How Norm Entrepreneurs and Membership Associations Contribute to Private Ordering: A Response to Fagundes*, 90 TEX. L. REV. See Also 247 (April 27, 2012), available at <http://texasrev.com/seealso/archive>
- *Legal Sources of Residential Lock-Ins: Why French Households Move Half as Often as U.S. Households*, 2012 U. ILL. L. REV. 373

**William N. Eskridge, Jr.**

**LECTURES AND ADDRESSES**

- “Gay Marriage: An Idea Whose Time Is Coming More Quickly Than (Almost) Anyone Predicted,” The Justice Anthony Kennedy Lecture, Lewis & Clark School of Law, Sept. 27, 2012
- “Nino’s Nightmare: Norms and Purposes in Legisprudence,” The Childress Lecture, University of St. Louis School of Law, Oct. 12, 2012

**PUBLICATIONS**

- *Family Law Pluralism: The Guided Choice Regime of Menus, Default Rules, and Override Rules*, 100 GEO. L.J. 1881 (2012)

**Daniel C. Esty**

**LECTURES AND ADDRESSES**

- “Protecting Our Environment in Turbulent Times,” 10th Annual Shasha Seminar for Human Concerns, Wesleyan University, Middletown, CT, April 19, 2012
- “Our Fragile Earth...Looking for Answers to Sustain the Planet,” Connecticut Forum, Hartford, CT, May 5, 2012
- “New Directions in Corporate Sustainability,” Alliance for Research on Corporate Sustainability, New Haven, CT, May 17, 2012
- “Road to Rio +20,” Georgetown University Law Center, Washington, DC, May 23, 2012



Robert C. Ellickson



William N. Eskridge, Jr.



Daniel C. Esty



Owen M. Fiss

- “Connecticut’s Energy Strategy: Innovations in Policies and Programs,” Yale Environment and Sustainable Development Leadership Program, Hartford, CT, June 14, 2012
- “Innovations in Financing: The Key to Renewable Energy Deployment,” Renewable Energy Finance Forum, New York, NY, June 19, 2012
- “Corporate Environmental Strategy: A Key to Bottom Line Success,” Conservation International Business & Sustainability Council, New York, NY, June 27, 2012
- “Toward Vision 2050: Challenges and Opportunities,” U.S. Business Council for Sustainable Development and World Business Council for Sustainable Development, New Haven, CT, June 27, 2012
- “Innovation and Convergence in Renewable Energy Markets,” Aspen Institute, Aspen, CO, July 13, 2012
- “Transformation in State Regulatory Agencies,” U.S. EPA Budget Forum, Washington, DC, July 17, 2012
- “Energy Efficient Recovery: How Taking the Next Steps Toward Energy Efficiency Can Fuel the Economic Recovery,” EnergySMART Conference, Boston, MA, Oct. 1, 2012

**PUBLICATIONS**

- *Why Climate Change Collective Action Has Failed and What Needs to be Done within and without the Trade Regime*, J. INT’L ECON. L. (with A. Moffa, 2012)

**Owen M. Fiss**

**PUBLICATIONS**

- *Imprisonment Without Trial*, 47 TULSA L. REV. 347 (2011)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Faculty co-director of the Latin American Legal Studies Program (LALS) and the Middle East Legal Studies Seminar (MELSS) at Yale Law School
- Board member of the Iran Human Rights Documentation Center (New Haven) and the Iraqi Refugee Assistance Project (New York)
- Member of Advisory Selection Committee, Fellowship Program, Open Society Institute, NYC
- Scientific Committee of DERECHO Y HUMANIDADES, an academic journal of the Universidad de Chile

**Heather K. Gerken**

**LECTURES AND ADDRESSES**

- Keynote Address, “Campaign Finance and Shadow Parties: The Future of American Politics,” The 2012 Election in Comparative and Historical Perspective, The Clough Center for the Study of Constitutional Democracy, Boston College, MA, Oct. 2012
- Order of the Coif Lecture, “Not Your Father’s Federalism,” Moritz College of Law, Ohio State University, Oct. 2012
- “Not Your Father’s Federalism,” Tulsa Law Review Legal Scholarship Symposium to Honor the Work of Heather Gerken, University of Tulsa College of Law, Oct. 2012
- Insight Lecture, “Race, Dissent, and Decentralization,” Rockefeller University, Oct. 2012
- “The Political Safeguards of Horizontal Federalism,” University of Iowa Law School Faculty Workshop, Sept. 2012
- Order of the Coif Lecture, “Presidential Politics,” University of Iowa Law School, Sept. 2012
- Comment on Ned Foley’s “Virtue over Party” Address, Symposium, Foxes, Henhouses, and Commissions: Assessing the Nonpartisan Model in Election Administration, Redistricting, and Campaign Finance, University of Irvine Law School, Sept. 2012
- Closing Roundtable, HAVA@10, Moritz College of Law, Ohio State University, May 2012
- Duke Law School Culp Colloquium, Duke Center on Law, Race, and Politics, Duke Law School, May 2012

**PUBLICATIONS**

- *Federalism(s)*, 53 WM. & MARY L. REV. 1549 (2012)

**Henry Hansmann**

**LECTURES AND ADDRESSES**

- Presented paper on “Virtual Ownership and Managerial Distance: The Governance of Industrial Foundations” at the Toulouse School of Economics, April 19, 2012; the University of Amsterdam, May 7, 2012; Laboratory of Excellence on Financial Regulation, Paris; and ECH Zurich, May 23, 2012

**PUBLICATIONS**

- *The Evolving Economic Structure of Higher Education*, 79 U. CHI. L. REV. 161-85 (2012)
- *Reflections on the End of History for Corporate Law*, in Abdul Rasheed and Toru Yoshikawa eds., CONVERGENCE OF CORPORATE GOVERNANCE: PROMISE AND PROSPECTS (Palgrave Macmillan, 2012) (with Reinier Kraakman)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Visiting Scholar, Institute for Advanced Studies, Toulouse School of Economics, April 2012
- Visiting Scholar, ECH Zurich, May 2012

**Oona A. Hathaway**

**LECTURES AND ADDRESSES**

- Cyber-War Conference, University of Pennsylvania School of Law, “The Law of Cyber Attack,” Oct. 2012
- American University, “Presidential Power Over International Law: Restoring the Balance,” Oct. 2012
- Vanderbilt Law School, International Law Scholarship Roundtable, Sept. 2012
- Rule of Law Institute, Berlin, Germany, “The Law of the World,” July 2012
- American Law Institute, Revisions to the Restatement (Third) of Foreign Relations Law, Washington, DC, June 2012
- U.S. Embassy, Luxembourg, Founders Conference, May 2012
- George Washington School of Law, Conference on Cyberwar, “The Law of Cyber Attack,” April 2012
- Harvard National Security Journal Symposium, Harvard Law School, “International Law & Covert Operations,” April 2012
- Yale Journal of International Affairs, Yale University, “International Law at a Crossroads: The Paradox in International Law and U.S. Courts,” April 2012

**PUBLICATIONS**

- *The Treaty Power: Its History, Scope, and Limits*, CORNELL L. REV. (2012) (with Spencer Amdur, Celia Choy, Samir Deger-Sen, Haley Nix, John Paredes, and Sally Pei)
- *Tortured Reasoning: The Intent to Torture Under International and Domestic Law*, 52 VA. J. INT’L L. 791 (2012) (with Aileen Nowlan & Julia Spiegel)
- *Between Power and Principle*, in THE ROLE OF ETHICS IN INTERNATIONAL LAW (Donald Earl Childress III ed.) (Cambridge University Press, 2012)
- *The Law of Cyber-Attack*, CAL. L. REV. (2012) (with Rebecca Crootof, Philip Levitz, Haley Nix, Aileen Nowlan, William Perdue, Julia Spiegel)
- *The Relationship Between International Humanitarian Law and Human Rights Law in Armed Conflict*, MINN. L. REV. (2012) (with Rebecca Crootof, Philip Levitz, Haley Nix, William Purdue, Chelsea Purvis, Julia Speigel)
- *International Law at Home*, YALE J. INT’L L. (2012) (with Sara Solow & Sabria McElroy) (examines the enforcement of international treaties in U.S. courts in light of the U.S. Supreme Court’s decision in *Medellin v. Texas*)
- *International Law at a Crossroads*, YALE J. INT’L LAW (2012) (with Sara Solow & Sabria McElroy)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Counsel of Record, Amicus Brief for Yale Law School Center for Global Legal Challenges, *U.S. v. Bond*, U.S. Supreme Court, Oct. 2012



Heather K. Gerken



Henry Hansmann



Oona A. Hathaway





Dan M. Kahan

**Dan M. Kahan**

**PUBLICATIONS**

- *Why We Are Poles Apart on Climate Change*, 488 NATURE 255 (2012)
- *The Polarizing Impact of Science Literacy and Numeracy on Perceived Climate Change Risks*, 2 NATURE CLIMATE CHANGE 732 (2012) (with Ellen Peters, Maggie Wittlin, Paul Slovic, Lisa Larrimore Ouellette, Donald Braman & Gregory Mandel)
- “*They Saw a Protest*”: *Cognitive Illiberalism and the Speech-Conduct Distinction*, 64 STAN. L. REV. 851 (2012) (with David Hoffman, Daniel Evans, Donald Braman & Jeff Rachlinski)

**Paul W. Kahn**

**LECTURES AND ADDRESSES**

- “On Humanities and Human Rights,” Symposium: The Humanities in the Public Sphere, Princeton, April 2012
- “Evil, Not Injustice,” University of Copenhagen, Faculty of Law, May 2012
- “Sacrifice and Conscriptio,” Danish Institute for International Studies, Copenhagen, May 2012
- “Two Forms of Biopolitics,” Institute of Jewish Studies and Centre for Law and Cosmopolitan Values, University of Antwerp, May 2012
- “The Definition of ‘Sovereignty’: What is at Stake,” Hartman Institute, Jerusalem, June 2012
- Address to seminar on Law and Jewish Studies, Van Leer Institute, Jerusalem, June 2012

**PUBLICATIONS**

- TEOLÓGIA POLÍTICA: CUATRO NUEVOS CAPÍTULOS SOBRE EL CONCEPTO DE SOBERANÍA (Spanish translation of POLITICAL THEOLOGY: FOUR NEW CHAPTERS ON THE CONCEPT OF SOVEREIGNTY)

**Douglas Kysar**

**LECTURES AND ADDRESSES**

- Panelist, New Directions in Political Philosophy, New York University, New York, NY, Oct. 13, 2012
- Panelist, Global Environmental Constitutionalism, The Clough Center for the Study of Constitutional Democracy, Boston College, Boston, MA, Sept. 25, 2012

**PUBLICATIONS**

- *Law, Environment, and the ‘Non-Dismal’ Social Sciences*, 8 ANN. REV. L. & SOC. SCI. 12.1 (2012) (with William Boyd & Jeffrey J. Rachlinski)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Kysar, *What Climate Change Can Do About Tort Law*, was selected for inclusion in the ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW as one of the top articles published in the field last year



Paul W. Kahn



Douglas Kysar



John H. Langbein



Yair Listokin

**John H. Langbein**

**LECTURES AND ADDRESSES**

- Peking University School of Transnational Law, Shenzehn, China, lecture on “The Convergence of Civil and Criminal Procedure in Anglo-American and European-Derived Legal Systems,” May 17, 2012
- Attended Congress of the International Academy of Comparative Law, Taipei, Taiwan. Chaired session on “The Codification of Human Rights at the National and International Levels,” and lectured at session on “Criminal Law Codification Beyond the Nation State,” May 24–26, 2012
- Fudan University, Shanghai, China, lecture on “The World-Wide Spread and Simultaneous Decline of Jury-Type Criminal Procedure,” May 30, 2012

**PUBLIC SERVICE**

- Connecticut Commissioner of the National Conference of Commissioners on Uniform State Laws
- HONORS**
- Elected corresponding fellow of The British Academy, London, July 19, 2012

**Yair Listokin**

**LECTURES AND ADDRESSES**

- “Taxation and Marriage: A Reappraisal,” American Law and Economics Association Annual Meeting, Palo Alto, CA
- “Tax Expenditure Saliency,” American Law and Economics Association Annual Meeting, Palo Alto, CA
- “I Like To Pay Taxes: Taxpayer Support for Government Spending and the Efficiency of the Tax System,” Columbia Tax Conference, New York, NY
- “Bounded and Absolute Institutional Structures,” USC Law and Economics Workshop, Los Angeles, CA

**PUBLICATIONS**

- *Equity, Efficiency, and Stability: The Importance of Macroeconomics for Evaluating Income Tax Policy*, 29 YALE J. ON REG. 45 (2012)

**Jonathan R. Macey**

**LECTURES AND ADDRESSES**

- Hugo Black Lecture, the University of Alabama Law School, “The Real Cause of the Financial Crisis,” Oct. 16, 2011
- Financial Industry Regulatory Authority, Economics Advisory Board, Roundtable discussion, Dec. 1, 2011
- Presentation to Public Meeting hosted by the Yale Advisory Committee on Investor Responsibility, Jan. 24, 2012
- Hoover Institution, Stanford University, Property Rights Task Force, Jan. 27, 2012

**PUBLICATIONS**

- *Reducing Systemic Risk: The Role of Money Market Mutual Funds as Substitutes for Federally Insured Bank Deposits*, 4 STANFORD J. L., BUS. & FIN. 130 (2012)
- *Congress’s Phony Insider-Trading Reform*, WALL ST. J., Dec. 13, 2011
- *How Private Equity Works*, WALL ST. J., Jan. 13, 2012
- *An End to the Regulatory State*, POLITICO, Mar. 22, 2012

**OTHER MEDIA**

- Dec. 31, 2011, Radio Interview, nationally-syndicated John Batchelor Show (including WABC-AM 770 New York / KSFO San Francisco), available at <http://www.wabcradio.com/FlashPlayer/default.asp?SPID=33447&ID=2363813>
- Jan. 20, 2012, Radio Interview, John Batchelor Show (WABC-AM 770 New York / KSFO San Francisco), available at <http://www.wabcradio.com/FlashPlayer/default.asp?SPID=33447&ID=2377440>
- Jan. 31, 2012, Television Appearance, Comedy Central, “The Daily Show with Jon Stewart,” available at <http://www.thedailyshow.com/watch/tue-Jan.-31-2012/jonathan-macey>
- Feb. 16, 2012, “Looking Closely at Dodd-Frank,” available at <http://www.economist.com/blogs/schumpeter/2012/02/looking-closely-dodd-frank>

**OTHER PROFESSIONAL HIGHLIGHTS**

- Economic Advisory Board, Financial Industry Regulatory Authority (FINRA)
- Hoover Institution, Stanford University, Visiting Fellow and Member, Task Force on Property Rights
- Chair, Yale University Advisory Committee on Investor Responsibility

**Daniel Markovits**

**LECTURES AND ADDRESSES**

- Faculty Workshop, Yale Law School, “Market Solidarity Part 2: Solidarity in the Age of Mass Contract,” April 2012
- American Constitution Society Core Event, “What Does a Progressive Tax Policy Look Like?,” April 2012



Jonathan R. Macey



Daniel Markovits



Jerry L. Mashaw

- SELA (Seminario en Latinoamerica de Teoria Constitucional y Politica ), Mexico, Moderator on “Liberalism and the Limits of State Regulation,” June 2012
- EUI Global Governance Programme Executive Education Seminar, “Proportional Representation and the Crisis of Democratic Legitimacy,” June 2012
- American Constitution Society Progressive Legal Scholarship Series, “Snowball Inequality and the Crisis of Capitalism,” Oct. 2012
- Yale Law Journal Panel Discussion, Commentator on Porat and Posner, *Aggregation and Law*, Oct. 2012
- Money, Power, and Politics Speaker Series, “The Snowball of Inequality,” Oct. 2012

**PUBLICATIONS**

- CONTRACT LAW AND LEGAL METHODS (Foundation Press, 2012)
- *The Expectation Remedy and the Promissory Basis of Contract*, 45 SUFFOLK L. REV. 799 (2012) (symposium in honor of the 30th anniversary of the publication of *Contract as Promise*) (with Alan Schwartz)
- *The Expectation Remedy Revisited*, 98 VA. L. REV. 1093 (2012) (with Alan Schwartz)
- *A Problem Concerning Proportional Representation: Constitutional Politics and the Crisis of Democratic Legitimacy*, EUI WORKING PAPER 2012/55 (2012)

**Jerry L. Mashaw**

**LECTURES AND ADDRESSES**

- “Who is Responsible for Intergenerational Equity: Reflections on Accountability and Time,” 2012 Gibson Memorial Lecture, Queens University, Kingston, ON, Canada

**PUBLICATIONS**

- CREATING THE ADMINISTRATIVE CONSTITUTION: THE LOST 100 YEARS OF AMERICAN ADMINISTRATIVE LAW, Yale University Press, New Haven & London, 2012
- *Bureaucracy, Democracy and Judicial Review*, in Robert Durant ed., THE OXFORD HANDBOOK OF AMERICAN BUREAUCRACY, 2012
- *Explaining Administrative Law: American Administrative Law in the 19th Century*, in Peter Lindseth and Susan Rose-Ackerman eds., COMPARATIVE ADMINISTRATIVE LAW, Elgar, 2010



Robert C. Post

**Robert C. Post**

**LECTURES AND ADDRESSES**

- “Academic Freedom—Future Promise and Perils,” University of Kentucky College of Education, Lexington, KY, April 12, 2012
- Delivered the Roy R. and Virginia F. Ray Distinguished Lecture, on “Academic Freedom,” University of Kentucky College of Law, April 13, 2012
- Keynote address at the Connecticut Conference of the AAUP: “The Nature of Academic Freedom,” May 10, 2012
- Address at École normale supérieure Paris on “Constructing the Boundary between Law and Politics,” June 1, 2012
- Address at Paris II, Paris, “Academic Freedom and Freedom of Speech,” June 4, 2012

**PUBLICATIONS**

- *Discipline and Freedom in the Academy*, 65 ARK. L. REV. 203 (2012)
- *Understanding the First Amendment*, 87 WASH. L. REV. 549 (2012)
- *Interview with Peter Molnar*, in THE CONTENT AND CONTEXT OF HATE SPEECH (Michael Herz and Peter Molnar eds., Cambridge University Press, 2012)
- *Campaign Finance Regulations and First Amendment Fundamentals*, in MONEY, POLITICS, AND THE CONSTITUTION 9 (Monica Youn ed., Century Foundation Press, 2011)
- *Why Race Matters in School Admissions* (with Martha Minow), WASH. POST, Oct. 5, 2012, available at [http://www.washingtonpost.com/opinions/why-race-matters-in-college-admissions/2012/10/05/4ae02056-0f0c-11e2-bb5e-492cod30bfff\\_story.html](http://www.washingtonpost.com/opinions/why-race-matters-in-college-admissions/2012/10/05/4ae02056-0f0c-11e2-bb5e-492cod30bfff_story.html)
- *Free Speech in the Age of YouTube: Barack Obama Couldn't Censor That Anti-Islam Film—Even If He Wanted To*, FOREIGN POLICY, Sept. 17, 2012, available at [http://www.foreignpolicy.com/articles/2012/09/17/free\\_speech\\_in\\_the\\_age\\_of\\_youtube?page=0,0](http://www.foreignpolicy.com/articles/2012/09/17/free_speech_in_the_age_of_youtube?page=0,0)

**George L. Priest**

**LECTURES AND ADDRESSES**

- American Enterprise Institute Annual Meeting, Washington, DC, hosted and presented the Irving Kristol Award to Leon Kass
- American Law and Economics Association Annual Meeting, San Francisco, CA
- Seminario en Lationamérica de Teoría Constitucional y Política (SELA) Conference, Mexico City, Mexico, “Violence, Legitimacy, and Public Order”
- American Enterprise Institute Council of Academic Advisers Meeting, Washington, DC
- George Mason University, Legal Institute for Economists, Lectures on Tort Law; Products Liability Law; and Antitrust Law, Estes Park, CO

- Mont Pelerin Society General Meeting 2012 Prague, Czechoslovakia, “Rise of New-Isms and Classical Liberalism”
- Yale Law School Faculty Chair, Fall 2012 Moot Camp
- Panelist on “Google and Anti-Trust: The New Debate Over Internet Search,” American Enterprise Institute, Washington, DC

**PUBLICATIONS**

- *Rethinking the Economic Basis of the Standard Oil Refining Monopoly: Dominance Against Competing Cartels*, 85 SO. CAL. L. REV. 499 (2012)
- *Standard Oil, The Origins of Dual Antitrust Jurisdiction in the U.S., and the Modern Justification for Unified Enforcement*, forthcoming in CONCURRENCES (2012)
- *Competition Law in Developing Nations: The Absolutist's View*, forthcoming in GLOBAL COMPETITION LAW AND ECONOMICS (Sokol & Lianos eds., 2012)

**W. Michael Reisman**

**PUBLICATIONS**

- THE QUEST FOR WORLD ORDER AND HUMAN DIGNITY IN THE TWENTY-FIRST CENTURY: CONSTITUTIVE PROCESS AND INDIVIDUAL COMMITMENT: GENERAL COURSE ON PUBLIC INTERNATIONAL LAW (Hague Academy of International Law) (Martinus Nijhoff Publishers, 2012)
- *Tribunals and Courts: An Interpretation of the Architecture of International Commercial Arbitration*, with Brian Richardson, in ARBITRATION—THE NEXT FIFTY YEARS: 50TH ANNIVERSARY CONFERENCE, GENEVA 2011, (ICCA Congress Series No. 16) (van den Berg (gen. ed.)), pages 17–65 (2012)
- *Book Review: Selecting International Judges: Principle, Process and Politics* (with Ramanujan Nadadur), in 106 AM. J. INT'L LAW 704 (2012)
- *The Diversity of Contemporary International Dispute Resolution: Functions and Policies*, in J. INT'L DISPUTE SETTLEMENT, doi: 10.1093/jnlids/idso15, pp. 1-17 (2012)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Awarded the Foreign Policy Association Medal, 2012

**OTHER ACTIVITIES**

- Attended the Foreign Policy Association Board Meeting, May 15, 2012
- Lectured to law students of Seoul National University School of Law on “Two Modes of Principled Decision Making” at Seoul National University School of Law, May 21, 2012
- Spoke to the Investment Treaty Arbitration Forum at Office of Korea Arbitration Board at Trade Tower, Seoul, Korea on May 21, 2012
- Keynote Speech entitled, “International Investment Law Amidst Global Change” at a Conference sponsored by the Korean Ministry of Justice and the Korean Arbitration Center, “The Future of Investment Treaty Arbitration: Challenges and Response,” Seoul National University School of Law, Seoul, Korea, May 25, 2012

- Attended the American Law Institute Meeting on Foreign Relations Law of the United States on June 12, 2012 in Washington, DC
- Attended the Department of State Advisory Committee on International Law Meeting on June 13, 2012 in Washington, DC
- Attended a conference on “Contemporary Challenges to the Law of Armed Conflict: An International Workshop” sponsored by Radzyner School of Law, The Interdisciplinary Center Herzliya, Radzyner School of Law, Herzliya, Israel, on June 17–19, 2012
- Lectured a Special Course on “International Investment Law Amidst Global Change” at the Arbitration Academy Summer Courses of International Arbitration, Second Edition, from July 2–6, 2012 in Paris, France
- Delivered a paper entitled “International Investment Law and Arbitration,” at Yale’s Global Constitutionalism Seminar convening at The Hague, Aug. 29–Sept. 1, 2012
- Attended the FPA World Leadership Forum Dinner, Sept. 26, 2012
- Delivered The James G. McDonald Lecture on Humanitarian Intervention, Foreign Policy Association (at New York University School of Law), Sept. 27, 2012
- Attended and gave the Inaugural Address and delivered a paper entitled “Text-Based and Policy-Based-Decision” at the 4th International Conference on “Contemporary Legal Problems: The New Haven School of Thought from a Comparative Perspective” at the City University of Hong Kong, Hong Kong, on Oct. 5–6, 2012
- Fall 2012 Distinguished Speaker at St. Thomas University School of Law, “Compensating for Collateral Damage in Elective International Conflict,” Oct. 11, 2012
- Discussant at ASIL Roundable on International Law and Security, “Discussion of Principles of Self-Defense,” ASIL Tillar House, Washington, DC, Oct. 12, 2012
- Attended the AJIL Fall Board of Editors Meeting, Washington, DC, Oct. 12, 2012

**Judith Resnik**

**LECTURES AND ADDRESSES**

- Speaker: “Re-Presenting Justice: Visual Narratives of Judgment and the Invention of Democratic Courts,” Volunteer Lawyers for the Arts, Morrison Foerster, New York, NY, April 19, 2012 (with Dennis Curtis)
- Chair: “Opening Plenary Session: Judicial Leadership,” Women Leading Court Systems Around the World, International Association of Women’s Judge’s 11th Biennial Conference, London, England, May 2, 2012

- Speaker: “Understanding Democratic Adjudication through the Iconography of Pre-Democratic Courts,” for Conference, The Iconography of Justice: From Renaissance Town Halls to 21st Century Courts, The Warburg Institute, University of London, London, England, May 8, 2012
- Speaker: “Representing Justice,” Justices, Images, Languages, Cultures Séminaire at Maison des Sciences de la Communication et de l’Interdisciplinarité, Paris, France, May 11, 2012
- Lecture: “Inventing Democratic Courts: The Supreme Court Building as an Icon of Government,” Annual Lecture of the Supreme Court Historical Society, Washington, DC, June 4, 2012 (with Dennis Curtis)
- Yale Global Constitutional Seminar, editor, LAW’S BORDERS, and co-chair of sessions, “(Dis) Uniformity of Rights in Federations and Unions,” and of “Law’s Future(s): The Sustainability of Transnational, International, and National Courts,” The Hague, Aug. 29–Sept. 2, 2012

**PUBLICATIONS**

- *The Harris Lecture: Building the Federal Judiciary (Literally and Legally): The Monuments of Chief Justices Taft, Warren, and Rehnquist*, 87 IND. L.J. 823 (2012)
- *Re-Presenting Justice: Visual Narratives of Judgment & the Invention of Democratic Courts*, 24 YALE J. L. & HUMAN. 19 (2012) (with Dennis Curtis)
- *A Collective Collage: Women, the Structure of American Legal Education, and Histories Yet To Be Written*, in THE SYMPOSIUM STORIES: REFLECTIONS OF WOMEN IN LEGAL EDUCATION: STORIES FROM FOUR DECADES OF SECTION CHAIRS, 80 U. MISSOURI-KANSAS CITY L. REV. 737 (2012)

**OTHER PROFESSIONAL HIGHLIGHTS**

- 2012 SCRIBES Award (with Dennis Curtis) from the American Society of Legal Writers for the book REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS, presented at the ABA annual meeting in Chicago, Aug. 2012
- New York University Alumna of the Month Award, June 2012
- Co-chair, Judicial Academic Network of the National Association of Women Judges



Judith Resnik





Roberta Romano

**Roberta Romano**

**LECTURES AND ADDRESSES**

- Notre Dame Law & Economics Symposium on Markets & Regulation in the 21st Century, “For Diversity in the International Regulation of Financial Institutions: Rethinking the Basel Architecture”
- Shanghai Jiao Tong University KoGuan Law School Public Decision-Making and Management Lecture, “Reforming Compensation in a World of Government Bailouts: Properly Incentivizing Financial Institutions’ Executives”
- Shanghai Jiao Tong University Shanghai Advanced Institute of Finance, “For Diversity in the International Regulation of Financial Institutions: Rethinking the Basel Architecture”
- East China University of Political Science and Law, “Regulating in the Dark”
- University of Hong Kong Faculty of Law Asian Institute of International Financial Law 11th Distinguished Public Lecture, “For Diversity in the International Regulation of Financial Institutions: Rethinking the Basel Architecture”
- Joint Penn/Wharton Financial Institutions Center & Stanford/Hoover Resolution Project Workshop on Cross-Border Resolution Policy: Issues & Options, “Choice of Resolution Procedures & Mutual Recognition” Panel
- University of Virginia School of Law Faculty Workshop, “For Diversity in the International Regulation of Financial Institutions: Redesigning the Basel Architecture”
- EALE 2012, 29th Annual Conference, Stockholm, Keynote Lecture, “Regulating in the Dark”
- Center for Corporate Governance, Copenhagen Business School & The Forum for Company Law and Financial Market Law, KU Seminar on Financial Regulation, Presentation: “For Diversity in International Financial Regulation” and Panel Discussion: “Where Are We Now in Financial Regulation?”
- UNI Zurich Law and Finance Lecture Series, “Regulating in the Dark”
- ETH Zurich Law & Finance Workshop, “Rethinking the Basel Architecture”
- University of Western Ontario Faculty of Law Torys LLP Business and Law Pre-eminent Scholars Series, “Regulating in the Dark”

**PUBLICATIONS**

- *Reforming Financial Executives’ Compensation for the Long Term* (with Sanjai Bhagat), in J. Hill and R. Thomas eds., THE RESEARCH HANDBOOK ON EXECUTIVE PAY (Edward Elgar, 2012)

- *Regulating in the Dark*, in C. Coglianese ed., REGULATORY BREAKDOWN: THE CRISIS OF CONFIDENCE IN U.S. REGULATION (University of Pennsylvania Press, 2012)

**APPOINTED**

- Honorary Professor of Law, Shanghai Jiao Tong University KoGuan Law School
- Member, Academic Advisory Board, Asian Institute of International Financial Law, University of Hong Kong Faculty of Law
- Member, Editorial Board, Journal of Financial Perspectives
- Member, Editorial Board, Journal of Financial Regulation

**Carol M. Rose**

**LECTURES AND ADDRESSES**

- Presented “Psychologies of Property,” Conference on the Philosophical Foundations of Property Law, Society of Legal Scholars Annual Conference, University College, London, May 11, 2012
- Presented “Nuevas Perspectivas de la Propiedad (New Perspectives on Property),” Conference on Debates Contemporáneos sobre Propiedad (Contemporary Debates over Property), Universidad de los Andes, Bogota, Colombia, Sept. 12, 2012
- Presented “Environment and Evolution in the work of James Krier,” William and Mary Law School, Williamsburg, Virginia, Oct. 12, 2012
- Attended: Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), Mexico City, Mexico, June 8–10, 2012
- Attended: Board of Editors of Foundation Press meeting, Boston, Massachusetts, Sept. 29, 2012

**PUBLICATIONS**

- *Property and Emerging Environmental Issues—The Optimists vs. The Pessimists*, 1 BRIGHAM-KANNER PROPERTY RIGHTS CONFERENCE JOURNAL 405 (2012)

**Susan Rose-Ackerman**

**LECTURES AND ADDRESSES**

- “Due Process of Lawmaking,” presented at Comparative Administrative Law Forum, Luxembourg, June 5, 2012, and in the Hague, Aug. 30, 2012
- “Best of Susan Rose-Ackerman’s Work on Corruption,” short course at International Anti-Corruption Academy, Laxenburg, Austria, June, 7–8, 2012
- “Corruption and Policy Reform,” keynote speech, Regulatory Uncertainty and Reason, Institutum Iurisprudentiae, Academia Sinica, Taipei, Taiwan, Aug. 8, 2012, and keynote speech, Conference on Interdisciplinary Insights on Fraud and Corruption, University of Porto, Porto Portugal, Sept. 14, 2012



Carol M. Rose



Susan Rose-Ackerman

**PUBLICATIONS**

- With Sinéad Hunt, *Transparency and Business Advantage: The Impact of International Anti-Corruption Policies on the United States National Interest*, NEW YORK UNIVERSITY LAW SCHOOL ANNUAL SURVEY OF AMERICAN LAW, 2011 67: 433–466 (2012)
- *The Regulatory State*, in Michel Rosenfeld & Andrés Sajó eds., THE OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW (Oxford, Oxford University Press, 2012) 671–685

**Peter H. Schuck**

**LECTURES AND ADDRESSES**

- Oasis Group, NYU, immigration and citizenship issues
- Kenan Institute for Ethics, Duke University, citizenship and loyalty
- American Association of Law Schools, Berkeley, teaching catastrophes in torts
- University of Chicago Law School, Symposium on Immigration, accelerated deportation of criminal immigrants
- College of Charleston, Constitution Day lecture, immigration policy: myths and realities
- William & Mary Law School, lectures on affirmative action and immigration policy
- Yale Law School, Federalist Society, on *Arizona v. United States*

**PUBLICATIONS**

- *What Happens to the ‘Bad Apples’: An Empirical Study of Suspensions in New York City Schools*, 87 NOTRE DAME L. REV. 2063–2086 (2012) (with Matthew Matera & David I. Noah)
- *The Paradoxical Relation between Religion and Liberal Democracy in the United States*, in El Constitucionalismo en transición (SELA, 2012), pp. 309–334
- *Professor Rabin and the Administrative State*, 61 DEPAUL L. REV. 595–614 (2012)
- *Immigration Policy: Myths, Realities, and Reforms*, 51 WASHBURN L. REV. 189–200 (2012)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Expert witness for Canadian Department of Justice in *Benatta* case

**Vicki Schultz**

**LECTURES AND ADDRESSES**

- Presenter, “Will Marriage Make Gay and Lesbian Couples Less Egalitarian? A Cautionary Tale,” Yale Law School Faculty Workshop, April 9, 2012
- Discussant, panel on Interrogating Sexual Harassment, 2012 Annual Law & Society Conference, Honolulu, HI, June 5, 2012
- Discussant, panel on the movie “Separation,” Debating Law and Religion Series, Yale Law School, Oct. 9, 2012

**OTHER ACTIVITIES**

- Hosted swimming and dessert party for Yale Law School Public Interest auction students, April 29, 2012

**Reva Siegel**

**LECTURES AND ADDRESSES**

- “Before (and After) *Roe v. Wade*: New Questions about Backlash,” American Constitution Society, Yale Law School, Oct. 25, 2011
- “The Law and Politics of Disparate Impact,” American Constitution Society, Harvard Law School, Oct. 27, 2011
- Introduction, American Constitution Society Conference on the Violence Against Women Act, Yale Law School, Oct. 28, 2011
- Panel on “Constitutional Rights/Human Rights: Analogues, Intersections, and Differences.” Alumni Weekend, Yale Law School, Nov. 5, 2011
- “Before (and After) *Roe v. Wade*: New Questions about Backlash,” Program in Law and Public Affairs, Princeton University, Nov. 10, 2011
- “Before (and After) *Roe v. Wade*: New Questions about Backlash,” American Constitution Society, University of Chicago Law School, Nov. 30, 2011
- Presented manuscript of “Dignity and Sexuality: Claims on Dignity in Transnational Debates Over Abortion and Same-Sex Marriage,” Faculty Workshop, University of Chicago Law School, Dec. 1, 2011
- Presented manuscript of “Before (and After) *Roe v. Wade*: New Questions about Backlash,” Yale Law Journal Reading Group, Yale Law School, Dec. 8, 2011
- Presented “From Colorblindness to Antibalkanization: An Emerging Ground of Decision in Race Equality Cases” on Panel on “Solidarity: The New Antidiscrimination Law?,” Section on Employment Discrimination, American Association of Law Schools Annual Meeting, Jan. 5, 2012
- Presented “From Colorblindness to Antibalkanization: An Emerging Ground of Decision in Race Equality Cases” on Panel on “The Antibalkanization Turn in Antidiscrimination Law and Theory,” American Association of Law Schools Annual Meeting, Jan. 5, 2012
- “Movements, Parties, and Polarization around Abortion in the Decades Before and After *Roe*,” Abortion Debates in the United States and Europe, 1960-1990: Problematizing the Standard Narrative. American Historical Association Annual Meeting, Chicago, IL, Jan. 7, 2012
- “The Woman Question: From Suffrage To Abortion and Beyond,” Pomona College, Jan. 19, 2012
- “Equality and Choice: Sex Equality Perspectives on Reproductive Rights in the Work of Ruth Bader Ginsburg,” Conference Honoring Justice Ginsburg, Columbia Law School, Feb. 10, 2012



Peter H. Schuck



Vicki Schultz



Reva Siegel



James J. Silk

- Presented manuscript of “The Law and Politics of Disparate Impact,” Faculty Workshop, University of California-Berkeley Law School, Mar. 13, 2012
- Presented manuscript of “The Law and Politics of Disparate Impact,” Constitutional Theory Workshop, University of Texas School of Law, Mar. 22, 2012
- Opening Plenary, Women’s Faculty Forum Conference, “Parity as Practice: The Politics of Equality,” Mar. 30, 2012



Kate Stith

- “Why Originalism? Which Originalism? A Political History,” Conference on Jack Balkin’s Living Originalism 2012, Yale Law School, April 27, 2012
- “The Constitutionalization of Abortion,” Comparative Constitutional Law Workshop on Shifting Paradigms in Abortion Law, University of Toronto Law School, May 14, 2012
- Plenary on Race in the Roberts Court, American Constitution Society Annual Convention, Washington, DC, June 16, 2012



Alec Stone Sweet

- Presented manuscript of “Dignity and the Duty to Protect Unborn Life,” Understanding Human Dignity: An Interdisciplinary Conference, Oxford University, June 28, 2012
- Presented manuscript of “The Law and Politics of Disparate Impact,” American Constitution Society, Yale Law School, Sept. 11, 2012



Tom R. Tyler

- Opening Remarks: “Finding a Path in Law Teaching,” Moot Camp, Yale Law School, Sept. 14, 2012
- Presented manuscript of “The Law and Politics of Disparate Impact,” Faculty Workshop, Cornell Law School, Sept. 21, 2012
- “The Woman Question: From Suffrage To Abortion and Beyond,” Harris Lecture, Indiana Law School, Sept. 27, 2012
- “Backlash,” Making Constitutional Change: the Past, Present, and Future Role of *Perry v. Brown*, New York University Law School, Oct. 5, 2012

**SERVICE**

- American Association of Law Schools, completed three-year term on Committee on Professional Development
- American Society for Legal History, completed three-year term on John Philip Reid Book Award Committee
- National Board, American Constitution Society

**PUBLICATIONS**

- *The Constitutionalization of Abortion*, in Michel Rosenfeld and Andras Sajo eds., THE OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW 1057 (Oxford: Oxford University Press 2012)
- *Dignity and Sexuality: Claims on Dignity in Transnational Debates Over Abortion and Same-Sex Marriage*, 10 INTL. J. CON. L. 335 (2012)

**James J. Silk**

**LECTURES AND ADDRESSES**

- Presenter, “From Empire to Empathy? Clinical Collaboration Between the Global North and the Global South,” panel, “North-South Dynamics in Legal Education,” conference, Violence, Legitimacy, and Public Order, Seminario en Latinoamérica de Teoría Constitucional y Política (SELA), Mexico City, Mexico, June 2012
- Taught International Human Rights, Tulane Center for International Human Rights and International Criminal Law, Summer Study Abroad Program, Amsterdam, The Netherlands, July 2012

**Kate Stith**

**LECTURES AND ADDRESSES**

- “Federal Sentencing: The One-Way Ratchet,” New York City Bar Association First Annual Conference on White Collar Crime, May 14, 2012
- Panelist, Criminal Law Roundtable, Columbia Law School, May 4, 2012
- “Corporate Criminal Liability,” Yale Law School Federalist Society (with U.S. Attorney Preet Bharara and Judge Richard Sullivan), Sept. 20, 2012

**PUBLICATIONS**

- *Booker Rules*, 160 U. PA. LAW. REV. 631 (2012) (with A. Baron-Evans)

**OTHER PROFESSIONAL ACTIVITIES**

- Yale University Press Board of Governors
- Women’s Campaign School at Yale, June 11–15, 2012
- Yale Law School Moot Camp, Sept. 14, 2012
- Vice-Chair, Committee on Professional Ethics, Connecticut Bar Association
- ALI Young Scholars Committee

**Alec Stone Sweet**

**PUBLICATIONS**

- *The European Convention on Human Rights and National Constitutional Reordering*, CARDOZO L. REV. 33 (5): 101–10

**Tom R. Tyler**

**LECTURES AND ADDRESSES**

- “New Approaches to Criminal Justice,” “New Frontiers in Race and Criminal Justice,” New York University Law School, April 17, 2012
- “Procedural Justice and the Exercise of Legal Authority,” Marquette Law School, Milwaukee, April 18, 2012
- “Future Challenges in the Study of Legitimacy,” Legitimacy and Criminal Justice: An International Symposium, Institute of Criminology, Cambridge University, Cambridge, UK, May 4, 2012
- Keynote address, “Legitimacy and Social Order,” SELA Conference on Law in Latin America, Mexico City, June 7, 2012

- “Police Practices and Police Legitimacy,” Police Executive Research Forum meeting on training for police superintendents, Minneapolis, MN (delivered via videoconference), June 18, 2012
- “Police Legitimacy and Procedural Justice,” Annual Conference of the National Institute of Justice, Washington, DC, June 19, 2012
- “Procedural Justice and Policing,” Attorney General’s Law Enforcement Executives Summit, Washington, DC, June 27, 2012
- “Procedural Justice and Policing,” Annual Conference of Community Oriented Policing Solutions (COPS), Washington, DC, Aug. 2, 2012
- “Justice and Effective Cooperation,” International Society of Justice Research, Israel (delivered via DVD), Sept. 10, 2012
- “Fairness vs. Toughness: How Should We Police Against Terrorism,” Vera Institute, New York, NY, Oct. 11, 2012

**PUBLICATIONS**

- *Legitimacy and Compliance: The Virtues of Self-Regulation*, in Adam Crawford & Anthea Hucklesby eds., LEGITIMACY AND COMPLIANCE IN CRIMINAL JUSTICE, Cullompton, Devon, UK: Willan Publishing (2012)
- *What Has Love Got to Do With It? Sentimental Attachments and Legal Decision-making* (with Markell, D. & Brosnon, S.), VILL. L. REV., 62, 101–148 (2012)
- *The Paradox of Law Enforcement of Immigrant Communities: Does Tough Immigration Enforcement Undermine Public Safety?* (with Kirk, D.S., Papachristos, A.V., & Fagan, J.), ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, 641, 79–98 (2012)
- *Review of Justice in America: The Separate Realities of Blacks and Whites*, LAW & SOC’Y REV., 46, 456–457 (2012)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Lifetime achievement award from the International Society for Justice Research, presented at the biannual meeting in Israel, Sept. 10, 2012

**James Q. Whitman**

**LECTURES AND ADDRESSES**

- “The Just Division of the Spoils,” Catholic University of Louvain, May 2012
- “The Verdict of Battle,” University of Kortrijk, May 2012
- “The Verdict of Battle,” University of Lille, May, 2012
- “What is Kantorowicz to Us?,” Washington and Lee University, Sept. 2012
- “The Verdict of Battle,” Columbia Law School, Oct. 2012

**PUBLICATIONS**

- THE VERDICT OF BATTLE, Harvard University Press
- HELI HUAYI DE QIYUAN—XINGSHI SHENPAN DE SHENXUE GENJI (Zhongguo Zhengfa Univ. [Univ. of Chinese Law and Politics] 2012) (Chinese of translation of THE ORIGINS OF REASONABLE DOUBT)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Elected Titular Member, Académie Internationale de Droit Comparé

**Michael J. Wishnie**

**LECTURES AND ADDRESSES**

- “Models for Organizing a National Litigation Strategy,” 2012 AIC National Immigration Litigation Strategy Meeting, Washington, DC, July 2012
- “Resistance and Re-Creation: Immigration Politics in Danbury, New Haven, Hartford, and East Haven,” Bi-Annual Immigration Law Professors Conference, Hofstra Law School, Hempstead, NY, May 2012
- “Military Sexual Assault and the U.S. Department of Veterans Affairs,” Service Women’s Action Network (SWAN) Summit, Washington, DC, May 2012
- “Proportionality: The Struggle for Balance in Immigration Law,” The Ohio State University, Columbus, OH, May 2012

**PUBLICATION**

- *Immigration Law and the Proportionality Requirement*, 2 U.C. IRV. L. REV. 415 (2012)

**OTHER PROFESSIONAL HIGHLIGHTS**

- Conn. Public Act No. 12–42, An Act Concerning Services for Veterans in Pretrial Diversionary Programs (clinic students represented Connecticut Veterans Legal Center in researching, drafting, and advocating successful enactment of bill to expand access to pre-trial diversionary programs for veterans)
- *Al-Kidd v. Gonzales*, 2012 WL 4470776 (D.Idaho Sept. 27, 2012) (granting summary judgment to plaintiff on Bivens Fourth Amendment claim against FBI agent that arrested plaintiff as material witness)
- *Al-Kidd v. United States*, 2012 WL 4470782 (D.Idaho Sept. 27, 2012) (granting summary judgment to plaintiff on FTCA false arrest claim and denying cross-motions for summary judgment as to FTCA abuse of process claim, arising from post-Sept. 11 arrest of material witness)
- *Service Women’s Action Network v. Department of Defense*, \_\_\_ F.Supp.2d \_\_\_, 2012 WL 3683399 (D.Conn. May 14, 2012) (in Freedom of Information Act suit for records regarding sexual assault and harassment in the military, ordering that defendants grant public interest fee waiver to requesters)
- *Cardona v. Shinseki*, 2012 WL 3264497 (Vet.App. Aug 12, 2012) (holding intervenor U.S. House of Representatives Bipartisan Legal Advisory Group not entitled to private medical records in claims file of disabled veteran seeking dependency benefits for same-sex spouse)
- *Commissioner of Correction v. Freedom of Info. Com’n*, 307 Conn. 53 (2012) (in state open records case, holding that federal regulation preempts release of prison records to former immigration detainee)



James Q. Whitman



Michael Wishnie





John F. Witt

- *Lin v. Brennan*, 3:08-cv-1658 (D.Conn.) (obtained settlement of \$50,000 in action for unpaid minimum wages and overtime pay by former restaurant employees)

**John F. Witt**

**LECTURES AND ADDRESSES**

- Society for Historians of American Foreign Relations, “Connecting Foreign Relations and Domestic Law in the Early Republic,” Hartford, CT, June 29, 2012
- Yale Law School, “The Great Playground Debate: Tort Law and the American Playground,” New Haven, CT, Sept. 21, 2012
- Columbia Law School, “The Health Care Case: The Supreme Court’s Decision and its Implications,” New York, NY, Sept. 28, 2012
- University of Texas School of Law, Sealy Lecture, “Lincoln in Afghanistan: The Laws of War and Emancipation’s Global Legacy,” Austin, TX, Oct. 1, 2012
- Columbia Law School, International Criminal Law Colloquium, “Lincoln’s Code,” New York, NY, Oct. 5, 2012
- Duke Law School, Center for International & Comparative Law / Center for Law, Ethics, and National Security Lecture, “Lincoln’s Code,” Durham, NC, Oct. 9, 2012



Stephen Wizner

**PUBLICATIONS**

- LINCOLN’S CODE: THE LAWS OF WAR IN AMERICAN HISTORY (Free Press / Simon & Schuster, 2012)
- *Debunking a Progressive Constitutional Myth; or, How Corporations Became People, Too*, Balkinization Blog, Oct. 15, 2012
- *Freedom and Restraint*, N.Y. TIMES, Sept. 21, 2012
- *The Secret History of the Chief Justice’s Obamacare Decision*, Balkinization Blog, June 29, 2012
- *The Legal Fog Between War and Peace*, N.Y. TIMES, June 10, 2012

**OTHER PROFESSIONAL HIGHLIGHTS**

- Profiled in Jennifer Schuessler, *Trying to Set Rules for War*, N.Y. TIMES, Oct. 11, 2012

**Stephen Wizner**

**LECTURES AND ADDRESSES**

- Faculty Colloquium, Touro Law School, “Clinical Legal Education,” April 18, 2012
- Forum, New Haven Jewish Federation Community Relations Council, “Immigrants’ Rights,” May 16, 2012
- Society of American Law Teachers (SALT) Teaching Conference, “Teaching Social Justice, Expanding Access to Justice,” University of Maryland School of Law, Oct. 5, 2012

**PUBLICATIONS**

- “Is Social Justice Still Relevant?,” 32 BOSTON COLL. J. L. & SOCIAL JUSTICE 345 (2012)
- *Service Delivery, Resource Allocation, and Access to Justice: Greiner and Pattanyak and the Research Imperative*, 122 YALE L.J. ONLINE 45 (2012) (with Jeffrey Selbin, Jeanne Charn, and Anthony Alfieri)

# faculty in the news

Local, national, and international media frequently call on Yale Law School faculty to comment on the legal, political, and economic issues of the day. Faculty observations can be found regularly in print and online newspapers, blogs, television, and radio. You can find a comprehensive list of faculty media appearances on the Law School website ([www.law.yale.edu/faculty/facultyinthenews.htm](http://www.law.yale.edu/faculty/facultyinthenews.htm)). Below are some recent examples. To read the full articles, use a QR code reader on your smart phone and scan the codes below.

“What the Constitution says repeatedly is once you’re in (as a state), you’re in. If people want to secede, they are allowed to leave, they just can’t take the land and the water with them. There is a lawful way to secede—it’s called emigration. They can move to Canada.”



Sterling Professor of Law **Akhil Amar** ’84 is quoted in an article about the legalities of seceding from the United States. (McClatchy Newspapers, November 26, 2012)

“One of the things that you learn about the election system is that there are a lot of places that are extremely well run, and there are a lot that are not. When the elections are close and the margins are close, you get to see which is which.”



J. Skelly Wright Professor of Law **Heather Gerken** is interviewed about ways to improve America’s election system. (WGBH/Boston Public Radio, October 30, 2012)



Sterling Professor of Law and Political Science **Bruce Ackerman** ’67 is quoted in an article about scrutiny of the lame-duck Congress to see how it will deal with the so-called “fiscal cliff.” (*Washington Post*, November 27, 2012)

“Two years is forever in American politics. Two years before the voters come back to [the polls], they strike a deal. To say that this is good is to say that democracy is bad. ... It’s as simple as that.”

“The election of 2012, demonstrating that it is safe for most politicians to support complete equality for sexual and gender minorities, finds a parallel in the election of 1964, which demonstrated that it was safe for most politicians to support complete equality for racial minorities. Three years after 1964, the Supreme Court in *Loving v. Virginia* swept away all state laws denying marriage equality to interracial couples. Will the Court now follow *Loving* to sweep away all state as well as federal laws denying marriage equality to lesbian and gay couples?”



John A. Garver Professor of Jurisprudence **William Eskridge** ’78 in a commentary on SCOTUSblog (December 9, 2012)

“It turns out that what really matters to people is really how they are treated more than the particular outcome of an interaction with a police officer ... racial profiling—in the eyes of people who are stopped—is often a function of how that person is treated by the police officer, whether or not what the police officer did is inconsistent with the Constitution.”



Walton Hale Hamilton Professor of Law **Tracey Meares** is interviewed about crime fighting strategies in Chicago. (WBEZ Radio/Afternoon Shift with Steve Edwards, July 16, 2012)

Yale Law School has published memorial booklets containing remembrances of Sterling Professor Emeritus and Former Dean **Harry H. Wellington**.

Copies of these booklets are available from the Yale Law School Office of Public Affairs  
P.O. Box 208215, New Haven, CT 06520-8215.  
203 432-8464  
[publicaffairs.law@yale.edu](mailto:publicaffairs.law@yale.edu)

