

**CUMBERLAND SCHOOL OF LAW  
FACULTY PUBLICATIONS  
2002-2014**

**T. Brad Bishop**

THE ARREST AND PROSECUTION OF DUI CASES: A PRACTITIONER'S HANDBOOK (2005).

THE ARREST AND PROSECUTION OF DUI CASES: A PRACTITIONER'S HANDBOOK (2010 Supplement).

*Emotional Distress Damages in Construction Contract Cases*, ALABAMA HOMEBUILDER'S MAGAZINE, 2008.

THE LAW OF SHOPLIFTING: A GUIDE FOR LAWYERS AND RETAIL MERCHANTS (2d ed., 2007).

MUNICIPAL COURTS : PRACTICE AND PROCEDURE IN ALABAMA (4th ed., 2012).

*Municipal Safe Streets Act: To Tow or not To Tow That is the Question*, 68 ALABAMA MUNICIPAL JOURNAL 9 (2010).

THE PROSECUTION AND DEFENSE OF DUI CASES: A PRACTITIONER'S HANDBOOK (2004).

MUNICIPAL COURTS (3d ed., Supplement 2008).

MUNICIPAL COURTS (3d ed., Supplement 2004).

**Joseph W. Blackburn (\*Retired)**

*Constitutional Limits on State Taxation of a Nonresident Trustee: Gavin Misinterprets and Misapplies Both Quill and McCulloch*, 76 MISS. L.J. 1 (2006) (reprinted in 20 MULTISTATE TAX COMM'N REV. 5 (2008)).

*Deductibility of Litigation Expenses Paid by Alabama Lawyers*, 67 ALA. LAW. 445 (2006).

*Grantor Trusts, Trust Throwback Rules, and Their Application—or Not—by the States*, 16 J. MULTISTATE TAX. & INCENTIVES 28 (2006).

*Seven Come Eleven: Accrual Formula under Seventh and Eleventh Circuit Injury Discovery Precedent*, 40 CUMB. L. REV. 357 (2010).

**John L. Carroll**

*Alabama Native becomes Chief Judge of Eleventh Circuit Court of Appeals*, 70 ALA. LAW. 296 (2009).

*Developments in the Law of Electronic Discovery*, 27 AM. J. TRIAL ADVOC. 357 (2003).

*Preservation of Documents in the Electronic Age: What Should Courts Do?* 2005 FEDERAL COURTS L. REV. 5 (2005).

*Proportionality in Discovery: A Cautionary Tale*, 32 CAMPBELL L. REV. 455 (2009-2010).

*Public Service by Law Students*, 68 ALA. LAW. 46 (2007) (with Pamela H. Bucy).

*Value-Based Deaning*, 40 U. TOL. L. REV. 327 (2009).

*Words of Wisdom for Deans from Mick Jagger and Others*, 36 U.TOL. L. REV. 29 (2004).

**Michael E. DeBow**

*The Bench, the Bar, and Everyone Else: Some Questions about State Judicial Selection*, 74 MO. L. REV. 777 (2009).

*Book Review*, THE FREEMAN (December 2005) (reviewing CASS SUNSTEIN, THE SECOND BILL OF RIGHTS: FDR'S UNFINISHED REVOLUTION AND WHY WE NEED IT MORE THAN EVER).

*Book Review*, THE FREEMAN (November 2006) (reviewing STEPHEN BREYER, ACTIVE LIBERTY: INTERPRETING OUR DEMOCRATIC CONSTITUTION).

*The Case for Partisan Judicial Elections*, 33 U. TOLEDO L. REV. 393 (2002).

Consent Decrees in Institutional Reform Litigation: Strategies for State Legislatures, ALABAMA POLICY INSTITUTE (September 2008) (with Gary J. Palmer, John J. Park, Jr.).

*Happiness and Public Policy: A Partial Dissent (or, Why a Department of Homeland Happiness Would Be a Bad Idea*, 22 J.L. & POL. 283 (2006) (with Dwight Lee).

HEALTH SAVINGS ACCOUNTS: CONSUMER-DRIVEN HEALTH CARE FOR NORTH CAROLINA PUBLIC EMPLOYEES AND TEACHERS: POLICY REPORT (October 2005).

*In the Judgement of Voters*, MOBILE REG., Aug. 25, 2004, at 1D.

**Michael E. DeBow**, continued

*Out-of-Control Aqs*, NAT'L REV. ONLINE, (May 21, 2002),  
[www.nationalreview.com/comment/comment-debow052102.asp](http://www.nationalreview.com/comment/comment-debow052102.asp).

*Restraining State Attorney General, Curbing Government Lawsuit Abuse*, CATO INSTITUTE, POLICY ANALYSIS, No. 437 (May 2002).

*The Road Back From A Tort Hell: The Alabama Supreme Court, 1994-2004*, FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY, INC. (2004).

*State Antitrust Enforcement: Empirical Evidence and A Modest Reform Proposal*, in COMPETITION LAWS IN CONFLICT: ANTITRUST JURISDICTION IN THE GLOBAL ECONOMY 267-287, (2004).

*State Judicial Selection: Once More Unto the Breach*, 9 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 128 (2008).

*The Supreme Court Limits State Censorship of Judicial Campaign Speech*, 3 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 123 (Oct. 2002).

**Brannon P. Denning**

*Against (Constitutional) Settlement*, 19 CONST. COMMENTARY 781 (2002) (reviewing LOUIS MICHAEL SEIDMAN, OUR UNSETTLED CONSTITUTION).

*American Insurance Ass'n v. Garamendi and Executive Preemption in Foreign Affairs*, 46 WM. & MARY L. REV. 825 (2004) (with Michael D. Ramsey).

*American Insurance Ass'n v. Garamendi; C & A Carbone v. Clarkstown; Cooley v. Board of Wardens; Crosby v. National Foreign Relations Council; Davis v. Bandemer; Katzenbach v. McClung; Vieth v. Jubelirer; MLB v. SLJ; "Progressive Era Commerce Clause Cases"; "The Right to Keep and Bear Arms"; United States v. Lopez; and West Lynn Creamery v. Healy* in ENCYCLOPEDIA OF SUPREME COURT OF THE UNITED STATES (2009).

*Anti-anti-evasion in Constitutional Law*, 41 FLA. ST. U. L. REV. \_\_ (forthcoming 2014) (with Michael B. Kent, Jr.).

*Anti-Evasion Doctrines in Constitutional Law*, 2012 UTAH L. REV. 1773 (with Michael B. Kent, Jr.).

**Brannon P. Denning**, continued

BECOMING A LAW PROFESSOR: A CANDIDATE'S GUIDE (2010) (with Marcia McCormick, Jeffrey Lipshaw).

BITTKER ON THE REGULATION OF INTERSTATE AND FOREIGN COMMERCE (Annual Supplement 2000-2012).

BITTKER ON THE REGULATION OF INTERSTATE AND FOREIGN COMMERCE (2d ed., 2013 and Annual Supplements).

*Book Review*, L. LIB. J. (2004) (reviewing ROBERT J. COTTROL, RAYMOND T. DIAMOND, LELAND B. WARE, BROWN V. BOARD OF EDUCATION: CASTE, CULTURE, AND THE CONSTITUTION).

*Book Review*, TEXAS L. REV. DICTA (2011) (reviewing DANIEL A. FARBER, SUZANNA SHERRY, JUDGEMENT CALLS: PRINCIPLE AND POLITICS IN CONSTITUTIONAL LAW).

*The Case Against Appointing Politicians to the Supreme Court*, 64 FLA. L. REV. FORUM 31 (2012).

*Common Law Constitutional Interpretation: A Critique*, 27 CONST. COMMENTARY 621 (2011) (reviewing DAVID A. STRAUSS, THE LIVING CONSTITUTION).

*Confederation-Era Discrimination Against Interstate Commerce and the Legitimacy of the Dormant Commerce Clause Doctrine*, 94 KY. L.J. 37 (2005-2006).

*Constitutional Incidents: Interpretation in Real Time*, 70 TENN. L. REV. 281 (2003) (with Glenn H. Reynolds).

*Crosby v. National Foreign Trade Council and Norfolk Southern v. Shanklin*, in THE OXFORD GUIDE TO THE UNITED STATES SUPREME COURT (2005).

*Cuno and the Court: The Case for Minimalism*, 4 GEO. J.L. & PUB. POL'Y 33 (2006).

*Daimler Chrysler Corp. v. Cuno, State Investment Incentives, and the Future of the Dormant Commerce Clause Doctrine*, 2005-2006 CATO SUP. CT. REV. 173.

*Debate, The Future of the Dormant Commerce Clause: Abolishing the Prohibition on Discriminatory Taxation*, 155 PEN NUMBRA 209 (2007) (with Edward A. Zelinsky).

**Brannon P. Denning**, continued

DEVELOPING PROFESSIONAL SKILLS: CONSTITUTIONAL LAW (2014).

*The Dormant Commerce Clause Doctrine: Prolegomenon to a Defense*, 88 MINN. L. REV. 1801 (2004).

*Dormant Commerce Clause Limits on the Regulation of Big Boxes and Chain Stores: An Update*, 58 CASE WESTERN RES. L. REV. (2008).

*Due Process and Personal Jurisdiction: Implications for State Taxes*, 64 ST. TAX NOTES 837 (2012).

*Empirical Measurements of Judicial Performance: Thoughts on Choi and Gulati's Tournament of Judges?* 32 FLA. ST. U. L. REV. 1123 (2005).

*Extraterritoriality and the Dormant Commerce Clause: A Doctrinal Post-Mortem*, 73 LA. L. REV. 979 (2013).

*Five Takes on District of Columbia v. Heller*, 69 OHIO ST. L.J. 671 (2008) (with Glenn H. Reynolds).

*Five Takes on McDonald v. Chicago*, 26 J.L. & Pol. 273 (2010-2011) (with Glenn H. Reynolds).

*Frederick v. Morse and the Regulation of Student Cyberspeech*, 35 HASTINGS CONST. L.Q. 835 (2008) (with Molly C. Taylor).

THE GLANNON GUIDE TO CONSTITUTIONAL LAW: GOVERNMENTAL STRUCTURE AND POWERS (2010).

THE GLANNON GUIDE TO CONSTITUTIONAL LAW: GOVERNMENTAL STRUCTURE AND POWERS (2d ed., 2013).

THE GLANNON GUIDE TO CONSTITUTIONAL LAW: INDIVIDUAL RIGHTS AND LIBERTIES (2012).

*Gonzales v. Carhart: An Alternate Opinion*, 2007 CATO SUP. CT. REV. 167.

*Gun Litigation and the Constitution*, in SUING THE FIREARMS INDUSTRY: A LEGAL BATTLE AT THE CROSSROADS OF GUN CONTROL AND MASS TORTS (2005).

**Brannon P. Denning**, continued

*Heller, High Water (Mark) - Lower Courts and the New Right to Keep and Bear Arms*, 60 HASTINGS L.J. 1245 (2008-2009) (with Glenn H. Reynolds).

*Heller's Future in the Lower Courts*, 102 NORTHWESTERN UNIV. L. REV. 2035 (2008) (with Glenn H. Reynolds).

*How to Stop Worrying and Learn to Love the Second Amendment: A Reply to Professor Magarian*, 92 TEXAS LAW REVIEW *SEE ALSO* 89 (2013) (with Glenn H. Reynolds).

*The Import-Export Clause and Article I, §10, cl. 1 in THE HERITAGE GUIDE TO THE CONSTITUTION* (2005).

*In Defense of a "Thin" Second Amendment: Culture, the Constitution, and the Gun Control Debate*, 1 ALB. GOV'T L. REV. 418 (2008).

*International Decisions, American Insurance Ass'n v. Garamendi and Deutsch v. Turner Corp.*, 97 Am. J. Int'l L. 950 (2003).

*Is the Dormant Commerce Clause Expendable? A Response to Edward Zelinsky*, 77 MISS. L.J. 623 (2007).

*Judge Noonan's J'Accuse . . . !* 34 CUMB. L. REV. 477 (2004) (reviewing JOHN T. NOONAN, *NARROWING THE NATION'S POWER: THE SUPREME COURT SIDES WITH THE STATES*).

*Locally-Grown Food Laws and Constitutional Limits on State and Local Government: Suggestions for Policymakers and Advocates*, 1 J. AGRIC., FOOD SYS & COMMUNITY DEV. 139 (2010) (with Samantha Graff, Heather Wooten).

*National Federation of Independent Business v. Sebelius: Five Takes*, 40 HASTINGS CONST. L.Q. 807 (2013) (with Glenn H. Reynolds).

*The New Doctrinalism in Constitutional Scholarship and District of Columbia v. Heller*, 75 TENN. L. REV. 789 (2008).

*New Protectionism and the American Common Market*, 85 NOTRE DAME L. REV. 247 (2009-2010) (with Norman R. Williams).

*Parties, Politics, and the Constitution*, CONCURRING OPINIONS BLOG (reviewing MARK TUSHNET, *WHY THE CONSTITUTION MATTERS*).

**Brannon P. Denning**, continued

*Reconstructing the Dormant Commerce Clause Doctrine*, 50 WM. & MARY L. REV. 417 (2008).

*The Relevance of Constitutional Amendments: A Reply to David Strauss*, 77 TUL. L. REV. 247 (2002) (with John R. Vile).

*Retail Store Size-Capping Ordinances and the Dormant Commerce Clause Doctrine*, 37 URB. LAW. 907(2005) (with Rachel M. Lary). Shorter version published as *Retail Store Size-Capping Ordinances: Legitimate Land Use Regulations or Unconstitutional Economic Protectionism?* 20 PROPERTY & PROBATE 8 (July/Aug. 2006).

*Rulings and Resistance: The New Commerce Clause Jurisprudence Encounters the Lower Courts*, 55 ARK. L. REV. 1253 (2002-2003) (with Glenn H. Reynolds).

*Smokey and the Bandit in Cyberspace: The Dormant Commerce Clause, the Twenty-first Amendment, and State Regulation of Internet Alcohol Sales*, 19 CONST. COMMENTARY 297 (2002).

*Telling Miller's Tale: A Reply to David Yassky*, 65 LAW & CONTEMP. PROB. 113 (2002) (with Glenn H. Reynolds).

*Three Cheers for Bob Lloyd*, 78 TENN. L. REV. 639 (2011).

*Truth-in-Legislation Amendment: An Idea Whose Time Has Come*, 78 TENN. L. REV. 831 (2011) (with Brooks R. Smith).

*Walter V. Schaefer*, in GREAT AMERICAN JUDGES: AN ENCYCLOPEDIA (2003).

*What Hath Raich Wrought? Five Takes*, 9 LEWIS & CLARK L. REV. 915 (2005) (with Glenn H. Reynolds).

*Where Do We Stand Now? Standing in Environmental and Resources Litigation*, 17 NAT'L RES. & ENV'T 17 (2002) (with P. Stephen Gidiere, III).

*Why the Privileges and Immunities Clause of Article IV Cannot Replace the Dormant Commerce Clause Doctrine*, 88 MINN. L. REV. 384 (2003).

*The Yale Law School Divisional Studies Program, 1954-64: An Experiment in Legal Education*, 52 J. LEG. ED. 365 (2002).

**Brannon P. Denning**, continued

*The Year of the Gun: Second Amendment Rights and the Supreme Court*, 86 TEXAS LAW REVIEW SEE ALSO 22 (2008) (with Glenn Harlan Reynolds).

**Alyssa DiRusso**

*American Nonprofit Law in Comparative Perspective*, 10 WASH. U. GLOBAL STUD. L. REV. 39 (2011).

*Beginner's Mind: Thoughts from a New Law Professor*, 13 THE LAW TEACHER 11 (2006).

*Charity at Work: Proposing a Charitable Flexible Spending Account*, 2014 UTAH L. REV. (forthcoming 2014).

*DiRusso on Statutory Unitrust Elections*, Lexis Expert Commentary (2008).

*DiRusso on the Power to Adjust under the Principal and Income Act*, Lexis Expert Commentary (2008).

*He Says, She Asks: Gender, Language, and the Law of Precatory Words in Wills*, 22 WIS. WOMEN'S L.J. 1 (2007).

*Law Schools Are Enriched by the Perspectives of New Professors*, 34 STUDENT LAWYER 14 (2006).

*Marketing Wills*, 16 ELDER L. J. 33 (2008) (with Michael R. McCunney).

*Micro-Lawyering and Practice Simulations in Trusts and Estates Classes*, 58 SLU L. REV. \_\_ (forthcoming 2014).

*Prof. Alyssa A. DiRusso on Precatory Language*, Lexis Expert Commentary (2008).

*Statutory Techniques for Balancing the Financial Interests of Trust Beneficiaries*, 39 U.S.F. L. REV. 261 (2005) (with Kathleen M. Sablone).

*Supporting the Supporting Organization: The Potential and Exploitation of 509(a)(3) Charities*, 39 IND. L. REV. 207 (2006).

*Tactile Learning in the Wills Classroom*, 14 THE LAW TEACHER 4 (2007).



**Alyssa DiRusso, continued**

*Taxes and Brains*, JOTWELL: TRUSTS AND ESTATES (2013) (reviewing ADAM CHODOROW, DEATH AND TAXES AND ZOMBIES), available at <http://trustest.jotwell.com>.

*Tenure-Track Law Professorships*, 9 THE YOUNG LAWYER 5 (2005).

*Testacy and Intestacy: The Dynamics of Wills and Demographic Status*, 23 QUINNIPIAC PROB. L.J. 36 (2009-2010).

*The Ultimate Balancing Act: Lawyering and Parenting*, 8 THE YOUNG LAWYER 6 (2004).

**Jill Elysa Evans**

*In Search of Paternal Equity: A Father's Right to Pursue a Claim for Wrongful Conception*, 36 LOY U. CHI. L. REV. 1045 (2005).

*RICO, Securities, Intellectual Property, CERCLA, Employment Discrimination, and Scientific Evidence*, in MANUAL FOR COMPLEX LITIGATION 4TH (4<sup>th</sup> ed., 2004).

**Michael D. Floyd**

*A Brief History of the Jefferson County, Alabama Sewer Financing Crisis*, 40 CUMB. L. REV. 691 (2009-2010).

MASTERING NEGOTIABLE INSTRUMENTS (2008).

**Robert J. Goodwin**

ALABAMA EVIDENTIARY FOUNDATIONS (Cumulative Supplement 2003) (with Charles W. Gamble, Terry L. Butts, Edward J. Imwinkelreid).

ALABAMA EVIDENTIARY FOUNDATIONS (Cumulative Supplement 2004) (with Charles W. Gamble, Terry L. Butts, Edward J. Imwinkelreid).

CRIMINAL AND FORENSIC EVIDENCE: CASES, MATERIALS, PROBLEMS (3d ed, 2009) (with Jimmy Gurule).

CRIMINAL AND FORENSIC EVIDENCE: CASES, MATERIALS, PROBLEMS (4th ed, 2014) (with Jimmy Gurule).

CRIMINAL AND FORENSIC EVIDENCE: CASES, MATERIAL, PROBLEMS, TEACHER'S MANUAL (2010) (with Jimmy Gurule).

**Robert J. Goodwin**, continued

CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIAL, PROBLEMS (2d ed., 2002) (with Jimmy Gurulee).

CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIAL, PROBLEMS, TEACHER'S MANUAL (2d ed., 2002) (with Jimmy Gurule).

*Fifty Years of Frye in Alabama: The Continuing Debate over Adopting the Test Established in Daubert v. Merrill Dow Pharmaceuticals Inc.*, 35 CUMB. L. REV. 231 (2004-2005).

GAMBLE'S ALABAMA RULES OF EVIDENCE : A TRIAL MANUAL FOR MAKING AND ANSWERING OBJECTIONS (3<sup>rd</sup> ed., 2014) (with Charles W. Gamble, Terrence W. McCarthy).

MCELROY'S ALABAMA EVIDENCE (5<sup>th</sup> ed., Supplement 2006) (with Charles W. Gamble).

MCELROY'S ALABAMA EVIDENCE (6<sup>th</sup> ed., 2009) (with Charles W. Gamble).

MCELROY'S ALABAMA EVIDENCE (6<sup>th</sup> ed., Supplement 2010) (with Charles W. Gamble).

MCELROY'S ALABAMA EVIDENCE (6<sup>th</sup> ed., Supplement 2011) (with Charles W. Gamble).

MCELROY'S ALABAMA EVIDENCE (6<sup>th</sup> ed., Supplement 2012) (with Charles W. Gamble, Terrence McCarthy).

*An Overview of Alabama's New Daubert-Based Admissibility Standard*, 73 ALA. LAW. 197 (2012).

TEACHER'S MANUAL: CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIAL, PROBLEMS (2d ed., 2002) (with Jimmy Gurule).

**D. Wendy Greene**

*Black Women Can't Have Blonde Hair in the Workplace*, 14 J. GENDER RACE & JUST. 405 (2010-2011).

*Categorically Black, White or Wrong: Misperception Discrimination and The State of Title VII Protection*, 47 MICH. J. L. REF. 101 (Forthcoming Fall 2013).

*Determining the (In)determinable: Race in Brazil and the United States*, 14 MICH. J. RACE & L. 143 (2008-2009).

**D. Wendy Greene, continued**

*A Multidimensional Analysis of What Not to Wear in the Workplace: Hijabs and Natural Hair*, 8 FIU L. REV. 333 (2013).

*Pretext without Context*, 75 MO. L. REV. 403 (2010).

*Title VII: What's Hair (and Other Race-Based Characteristics) Got To Do With It?* 79 COLO. L. REV. 1356 (2008).

**Woodrow N. Hartzog**

*About That Fine Print: What Are the Promises to be Kept?* CAROLINA COMMUNICATOR, (2010).

*Beyond Sunglasses and Spray Paint: A Taxonomy of Surveillance Countermeasures*, IEEE INTERNATIONAL SYMPOSIUM ON TECHNOLOGY AND SOCIETY (ISTAS '13), TORONTO, CANADA, JUNE 2013 (with Lisa Shay, Greg Conti, and John Nelson).

*Big Data in Small Hands*, 66 STANFORD LAW REVIEW ONLINE 81 (2013) (with Evan Selinger).

*Book Review, The Fight to Frame Privacy*, 111 MICHIGAN LAW REVIEW 1021 (2013).

*Boundary Regulation in Social Media*, ACM CONFERENCE ON COMPUTER SUPPORTED COOPERATIVE WORK (CSCW '12), SEATTLE, WA, FEBRUARY 2012 (with Fred Stutzman).

*The Case for Online Obscurity*, 101 CALIFORNIA LAW REVIEW 1 (2013) (with Fred Stutzman).

*Chain-Link Confidentiality*, 46 GEORGIA LAW REVIEW 657 (2012) (Symposium).

*Falling on Deaf Ears: Is the Fail-Safe Triennial Exemption Provision in the Digital Millennium Copyright Act Effective in Protecting Fair Use*, 12 J. INTELL. PROP. L. 309 (2004-2005).

*Fighting Facebook, a Campaign for a People's Terms of Service*, THE NATION (2013) (with Ari Melber and Evan Selinger).

*The FTC and the New Common Law of Privacy*, 114 COLUMBIA LAW REVIEW (forthcoming 2014) (with Daniel J. Solove).

**Woodrow N. Hartzog**, continued

*Gaining Momentum: A Review of Recent Developments Surrounding the Expansion of the Copyright Misuse Doctrine and Analysis of the Doctrine in its Current Form*, 10 MICHIGAN TELECOMMUNICATIONS AND TECHNOLOGY LAW REVIEW 373 (2004).

*How to Fight Revenge Porn*, THE ATLANTIC (2013).

*The Magic Lantern Revealed: A Report of the FBI's New 'Key Logging' Trojan and Analysis of its Possible Treatment in a Dynamic Legal Landscape*, 20 JOHN MARSHALL JOURNAL OF COMPUTER & INFORMATION LAW 287 (2002).

*The New Price to Play: Are Passive Online Media Users Bound by Terms of Use?* 15 COMMUNICATION LAW AND POLICY 405 (2010)

*Obscurity: A Better Way to Think About Your Data Than 'Privacy'*, THE ATLANTIC (2013) (with Evan Selinger).

*Obscurity by Design*, 88 WASHINGTON LAW REVIEW 385 (2013) (with Fred Stutzman) (Symposium).

*Privacy*, in OXFORD ENCYCLOPEDIA OF AMERICAN POLITICAL AND LEGAL HISTORY, (2012).

*Privacy & Terms of Use* in SOCIAL MEDIA & THE LAW: A GUIDE FOR PROFESSIONAL COMMUNICATORS (2012).

*The Privacy Box: A Software Proposal*, 14(11) FIRST MONDAY (2009).

*Promises and Privacy: Promissory Estoppel and Confidential Disclosure in Online Communities*, 82 TEMP. L. REV. 891 (2009-2010).

*Promises and Privacy: Promissory Estoppel and Confidential Disclosure in Online Communities*, 82 TEMPLE LAW REVIEW 891 (2009). Excerpted in INFORMATION PRIVACY LAW (4th ed., 2011).

*Quitters Never Win: The Costs of Leaving Social Media*, THE ATLANTIC (2013) (with Evan Selinger).

*Reviving Implied Confidentiality*, 89 INDIANA LAW JOURNAL (forthcoming 2014).

*Social Data*, 74 OHIO STATE LAW JOURNAL (forthcoming 2013) (Symposium).

**Woodrow N. Hartzog**, *continued*

*Website Design as Contract*, 60 AM. U. L. REV. 1635 (2010-2011).

*Website Design as Contract*, 60 AMERICAN UNIVERSITY LAW REVIEW 1635 (2011).  
Excerpted in INFORMATION PRIVACY LAW (4th ed., 2011).

**Herman N. Johnson**

*The Evolving Strong-Basis-in-Evidence Standard*, 32 BERKELEY JOURNAL OF  
EMPLOYMENT AND LABOR LAW 347 (2011).

**Paul Kuruk**

*Bridging the Gap Between Traditional Knowledge and Intellectual Property Rights: Is  
Reciprocity an Answer?* 7 J. WORLD INTELLECTUAL. PROP. 429 (2004).

*Cultural Heritage, Traditional Knowledge and Indigenous Rights: An Analysis of the  
Convention for the Safeguarding of Intangible Cultural Heritage*, 1 MACQUARIE J. INT'L  
COMP. & ENV'T'L L. 111 (2004).

*Goading a Reluctant Dinosaur: Mutual Recognition Agreements as a Policy Response to  
the Misappropriation of Foreign Traditional Knowledge in the United States*, 34 PEPP.  
L. REV. 629 (2006-2007).

*Mutual Recognition Agreements and the Protection of Traditional Knowledge*, 38  
COMMONWEALTH HOT TRADE TOPICS 1 (2004).

*The Role of Customary Law Under Sui Generis Frameworks of Intellectual Property  
Rights in Traditional and Indigenous Knowledge*, 17 IND. INT'L & COMP. L. REV. 67  
(2007).

**David J. Langum**

*American Prostitution: History and Controversies*, in SOCIAL ISSUES IN AMERICA: AN  
ENCYCLOPEDIA (2006).

ANTONIO DE MATTOS AND THE PROTESTANT PORTUGUESE COMMUNITY IN ANTEBELLUM  
ILLINOIS (2006).

ANTÓNIO DE MATTOS: UM PIONEIRO PROTESTANTE (Portuguese language ed. of Antonio  
de Mattos and the Protestant Portuguese Community) (2009).

**David J. Langum, continued**

*Book Review*, AMERICAN HISTORICAL REVIEW (2005) (reviewing DONAVAN, WHITE SLAVE CRUSADES: RACE, GENDER AND ANTI-VICE ACTIVISM, 1887-1917).

*Book Review*, BOLETIN: THE JOURNAL OF THE CALIFORNIA MISSION STUDIES ASS'N (2006) (reviewing GONZALEZ, THIS SMALL CITY WILL BE A MEXICAN PARADISE: EXPLORING THE ORIGINS OF MEXICAN CULTURE IN LOS ANGELES, 1821-1846).

*Book Review*, BOLETIN: THE JOURNAL OF THE CALIFORNIA MISSION STUDIES ASSOCIATIONS GONZALEZ (2006) (reviewing THIS SMALL CITY WILL BE A MEXICAN PARADISE: EXPLORING THE ORIGINS OF MEXICAN CULTURE IN LOS ANGELES, 1821-1846).

*Book Review*, CALIFORNIA HISTORY (2006) (reviewing SECREST, THE MAN FROM THE RIO GRANDE: A BIOGRAPHY OF HARRY LOVE, LEADER OF THE CALIFORNIA RANGERS WHO TRACKED DOWN JOAQUIN MURRIETA).

*Book Review*, PACIFIC NORTHWEST QUARTERLY (2002) (reviewing LONG, RELIGIOUS FREEDOM AND INDIAN RIGHTS: THE CASE OF OREGON V. SMITH).

CROSSING OVER THE LINE: LEGISLATING MORALITY AND THE MANN ACT (Paperback ed., 2006).

*Drew Caminetti and Maury Diggs: the Men who Made the Mann Act Apply to Lovers, in AMERICANS MAKING CONSTITUTIONAL HISTORY* (2004).

*Frederic Sandeman de Mattos: Gentle Rogue and Talented Priest. Part One: Ritualist Controversy*, 77 ANGLICAN AND EPISCOPAL HISTORY 160 (2008).

*Frederic Sandeman de Mattos: Gentle Rogue and Talented Priest. Part Two: Neepawa and Beyond*, 78 Anglican and Episcopal History 396 (2009).

*Jackson, Howell E. and Kunstler, William M. in THE OXFORD COMPANION TO AMERICAN LAW* (2002).

James P. de Mattos: Frontier Lawyer and Master Politician, 16 WESTERN LEGAL HISTORY 1 (Winter/Spring 2003).

*Juan Malarin, in DICCIONARIO CRÍTICO DE JURISTAS ESPAÑOLES, PORTUGUESES Y LATINOAMERICANOS*, (2008).

LAW AND COMMUNITY ON THE MEXICAN CALIFORNIA FRONTIER (Rev. ed., 2006).

**David J. Langum**, continued

*Mann Act*, in ENCYCLOPEDIA OF AFRICAN AMERICAN HISTORY, FACTS ON FILE (Forthcoming).

*Mann Act*, in MAJOR ACTS OF CONGRESS (2003).

*Prostitution*, in SOCIAL ISSUES IN AMERICA: AN ENCYCLOPEDIA (2006).

QUITE CONTRARY : THE LITIGIOUS LIFE OF MARY BENNETT LOVE (2014).

*William Kunstler*, in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (2009).

*Writing Your Law School's History, Remarks at 2008 SEALS Conference*, CAMPBELL LAW REVIEW (forthcoming 2010).

**Gregory K. Laughlin**

*Digitization and Democracy: The Conflict between the Amazon Kindle License Agreement and the Role of Libraries in a Free Society*, 40 U. BALT. L. REV. 3 (2010).

*Playing Games with the First Amendment: Are Video Games Speech and May Minors' Access to Graphically Violent Video Games Be Restricted?*, 40 U. RICH. L. REV. 481 (2006).

*Sex, Lies, and Library Cards: The First Amendment Implications of the Use of Software Filters to Control Access to Internet Pornography in Public Libraries*, 51 DRAKE L. REV. 213 (2003).

**Edward C. Martin**

MASTERING TORT LAW (2009) (with Russell L. Weaver ... et al.)

PREMISES LIABILITY: LAW AND PRACTICE (2003) (plus Biannual Supplements) (with Norman J. Landau).

TORTS: CASES, PROBLEMS, AND EXERCISES (plus TEACHER'S MANUAL) (3d 2005) (with John Bauman, John Cross, Andrew Klein, Russell Weaver, Paul Zwier).

**Tracy T. Miller**

*Ten Basic Rules of Writing for New Lawyers*, 72 ALABAMA LAWYER 407 (2011).

**Leonard J. Nelson III (\*Retired)**

*Catholic Bioethics and the Case of Terri Schiavo*, 35 CUMB. L. REV. 543 (2004-2005).

*Damages Caps in Malpractice Cases*, 85 MILBANK Q. 259 (2007) (with Michael Morrissey & Meredith Kilgore).

**Leonard J. Nelson III, continued**

*God and Woman in the Catholic Hospital*, 31 J. LEGIS. 69 (2004).

*Helling v. Carey Revisited: Physician Liability in the Age of Managed Care*, 25 SEATTLE U. L. REV. 775 (2002).

*Medical Liability and Health Care Reform*, 21 HEALTH MATRIX 443 (2011) (with Michael A. Morrissey, David J. Becker).

*Medical Malpractice Reform and Employer-Sponsored Health Insurance Premiums*, 43 HEALTH SERVICES J. 2124 (2008) (with Michael Morrissey & Meredith Kilgore).

*Medical Malpractice Reform in Three Southern States*, 4 J. HEALTH & BIOMED. L. 69 (2008) (with Michael Morrissey & Meredith Kilgore).

*Medical Rationalization as a Social Capital Resource for Reducing Fear of Malpractice Litigation* (with Ferris Ritchey, Joseph E. Schumacher, Cullen Clark) (Paper presented at the annual meeting of the American Sociological Association, Montreal Convention Center, Montreal, Quebec, Canada, Aug 10, 2006).

*Rationing Health Care in Britain and the United States*, 7 J. HEALTH & BIOMEDICAL L. 175 (2011).

*A Tale of Three Systems: A Comparative Overview of Health Care Reform in the England, Canada, and the United States*, 37 CUMB. L. REV. 513 (2007).

*Tort Law and Medical Malpractice Insurance Premiums*, 43 INQUIRY 255 (2006) (with Meredith L. Kilgore, Michael A. Morrissey).

**William G. Ross**

*Abuse of Hourly Billing: Results of a Recent Survey*, ACCOUNTING AND FINANCIAL PLANNING FOR LAW FIRMS, October 2007.

*Attacks on the Warren Court by State Officials: A Case Study of Why Court-Curbing*



*Movements Fail*, 50 BUFF. L. REV. 483 (2002).

*Champion v. Ames; Coppage v. Kansas; John W. Davis; Charles Evans Hughes; John J. Parker; George W. Sutherland and Progressive Era Worker Legislation*, in ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008).

THE CHIEF JUSTICESHIP OF CHARLES EVANS HUGHES (2007).

**William G. Ross, continued**

*Equity: United States Law*, in THE OXFORD INTERNATIONAL ENCYCLOPEDIA OF LEGAL HISTORY (2009).

*The Ethics of Billing by the Hour for Re-Cycled Work*, ACCOUNTING AND FINANCIAL PLANNING FOR LAW FIRMS, August 2003.

*The Ethics of Double Billing*, ACCOUNTING AND FINANCIAL PLANNING FOR LAW FIRMS, April 2007.

*Firms, Law*, in OXFORD COMPANION TO AMERICAN LAW (2002).

*The Hughes Court*, in THE UNITED STATES SUPREME COURT: THE PURSUIT OF JUSTICE (2005).

*John Archibald Campbell*, in THE NEW ENCYCLOPEDIA OF SOUTHERN CULTURE (2007).

*Keatings-Owen Child Labor Act of 1916*, in MAJOR ACTS OF CONGRESS (2004).

LEGAL FEES: LAW AND PRACTICE (2003) (with John Toothman).

*Lutheran Perspectives on the "Wealth Gap" and American Tax Policy*, J. LUTHERAN ETHICS, (September 2007), <http://www.elca.org/jle/article.asp?k=751>.

*Melville Weston Fuller*, in THE AMERICAN MIDWEST: AN INTERPRETATIVE ENCYCLOPEDIA, 2007.

*Meyer v. Nebraska*, in ENCYCLOPEDIA OF THE GREAT PLAINS (2004).

*Meyer v. Nebraska*, in PRAEGER HANDBOOK OF RELIGION AND EDUCATION IN THE UNITED STATES (2008).

*Meyer v. Nebraska*, in THE HISTORY OF NEBRASKA LAW (2008).

*Pacifists and Naturalization; Jews and American Civil Liberties; Snake-Handling Cults*

*and the Law*; and Sandra Day O'Connor, in *ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES* (2006).

*Presidential Ambitions of U.S. Supreme Court Justices: A History and an Ethical Warning*, 38 N. KY. L. REV. 115 (2011).

### **William G. Ross, continued**

*Public Opinion and First Amendment*, in *THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES* (2d ed., 2005).

*The Resilience of Marbury v. Madison: Why Judicial Review Has Survived So Many Court-Curbing Proposals*, 38 WAKE FOREST L. REV. 733 (2003).

*The Role of Judicial Issues in Presidential Campaigns*, 42 SANTA CLARA L. REV. 391 (2002).

*The Role of Religion in the Defeat of the 1937 Court-Packing Plan*, 23 J.L. & REL. 629 (2007-2008).

*Walter Clark*, in *GREAT AMERICAN JUDGES: AN ENCYCLOPEDIA* (2003).

*When Did the "Switch in Time" Actually Occur? A Study of the 'Forgotten' Supreme Court Decisions of 1936-37*, 37 ARIZ. ST. U. L. REV. 1153 (2006).

### **David M. Smolin**

*Child Laundering as Exploitation: Applying Anti-trafficking Norms to Intercountry Adoption under the Coming Hague Regime*, 32 VT. L. REV. 1 (2007).

*Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children*, 52 WAYNE L. REV. 113 (2006).

*The Civil War as a War of Religion: A Cautionary Tale of Enslavement and Emancipation*, 39 CUMB. L. REV. 187 (2008-2009).

*Does Bioethics Provide Answers?: Secular and Religious Bioethics and our Procreative Future*, 35 CUMB. L. REV. 473 (2004-2005).

*Intercountry Adoption and China: Emerging Questions and Developing Chinese*

*Perspectives*, 35 CUMB. L. REV. 597 (2004-2005) (with Nili Luo).

*Intercountry Adoption and Poverty: A Human Rights Analysis*, 36 CAP. U. L. REV. 413 (2007).

*Intercountry Adoption as Child Trafficking*, 38 VALPARAISO L. REV. 281 (2004).

*Abandonment, and Adoption in East-Asian Perspective*, 41 CUMB. L. REV.

**David M. Smolin**, continued

*The Missing Girls of China: Population, Policy, Culture, Gender, Abortion*, 1 (2010-2011).

*Nontherapeutic Research with Children: The Virtues and Vices of Legal Uncertainty*, 33 CUMB. L. REV. 621 (2003).

*Overcoming Religious Objections to the Convention on the Rights of the Child*, 20 EMORY INT'L L. REV. 81 (2006).

*The Paradox of the Future in Contemporary Energy Policy: A Human Rights Analysis*, 40 CUMB. L. REV. 135 (2009-2010).

*Religion, Education, and the Theoretically Liberal State: Contrasting Evangelical and Secularist Perspectives*, 44 THE JOURNAL OF CATHOLIC LEGAL STUDIES 99 (2005).

*Should a Ban on Reproductive Cloning Include a Ban on Cloning for Purposes of Research or Therapy?* 32 CUMB. L. REV. 487 (2001-2002).

*A Tale of Two Treaties: Furthering Social Justice Through the Redemptive Myths of Childhood*, 17 EMORY INT'L L. REV. 967 (2003).

*The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals*, 35 SETON HALL L. REV. 403 (2005).

**Joseph A. Snoe**

*ERISA Preemption: A Product Rule and the Neglected Workhorse*, 3 J. HEALTH & BIOMEDICAL L. 217 (2007).

PROPERTY: EXAMPLES AND EXPLANATIONS (2d ed., 2004) (with Barlow Burke).

PROPERTY: EXAMPLES AND EXPLANATIONS (3d ed., 2008) (with Barlow Burke).

**Howard P. Walthall**

*An Alabama Case Study: Reforming Judicial Selection After Butler v. Alabama Judicial Selection Committee (and Republican Party of Minnesota v. White)*, 55 DRAKE L. REV. 653 (2007).

*A Doubtful Mind: Understanding Alabama's State Constitution*, 35 CUMB. L. REV. 7 (2004-2005).

**Howard P. Walthall, continued**

*Methods of Constitutional Revision in Alabama*, 33 CUMB. L. REV. 195 (2002-2003).

*Options for Constitutional Reform in Alabama*, in A CENTURY OF CONTROVERSY: CONSTITUTIONAL REFORM IN ALABAMA (2002).

*State Constitutional Limitations on Taxing and Spending: A Comparison of the Alabama Constitution of 1901 to Its Counterparts*, 33 CUMB. L. REV. 463 (2002-2003) (with Bruce P. Ely), reprinted as *State Constitutional Limitations on Taxing and Spending: How Alabama Compares*, 13 J. MULTISTATE TAX. AND INCENTIVES 24 (October, 2003) and as *Alabama's Constitutional Limitations on Taxing and Spending Compared with Other States*, 30 ST. TAX NOTES (Oct. 13, 2003).

**Deborah Young**

FEDERAL SENTENCING LAW AND PRACTICE (Annual 1994-present) (with Thomas W. Hutchinson, Peter Hoffman, Sigmund Popko).

*The Freedom to Sentence: District Courts After Booker*, 37 MCGEORGE L. REV. 649 (2006).