

## 2016-2017 Faculty Scholarship – as of May 2, 2017

### Published:

Brian A. Blum, *CONTRACTS: EXAMPLES AND EXPLANATIONS*, Wolters Kluwer (Seventh Edition) (2017)

Brian A. Blum, *CONTRACTS: CASES, DISCUSSION, AND PROBLEMS*, Wolters Kluwer (Fourth Edition) (2017) (co-authored with Amy Bushaw)

Brian A. Blum, *Equity's Leaded Feet in a Contest of Scoundrels: The Assertion of the In Pari Delicto Defense Against a Lawbreaking Plaintiff and Innocent Successors*, 44 HOFSTRA L. REV. 782 (2016)

Michael C. Blumm, *The Public Trust as an Antimonopoly Doctrine*, 44 B.C. ENVTL. AFF. L. REV. 1 (2017) (co-authored with Aurora Paulsen)

Michael C. Blumm, *Indian Treaty Fishing Rights and the Environment: Affirming the Right to Habitat Protection and Restoration*, 92 WASH. L. REV. 1 (2017)

Michael C. Blumm, *The Property Clause and Its Discontents: Lessons from the Malheur Occupation*, 43 ECOLOGY L. Q. 781 (2016) (co-authored with Olivier Jamin)

Michael C. Blumm, *Two Wrongs? Correcting Professor Lazarus's Misunderstanding of the Public Trust Doctrine*, 46 ENVTL. L. 481 (2016)

Michael C. Blumm, *(Ground)Waters of the United States: Unlawfully Excluding Tributary Groundwater from Clean Water Act Jurisdiction*, 46 ENVTL. L. 333 (2016) (co-authored with Steven M. Thiel)

Michael C. Blumm, *Antimonopoly in American Public Land Law*, 28 GEO. ENVTL. L. REV. 155 (2016) (co-authored with Kara Tebeau)

Michael C. Blumm, *Federal Reserved Water Rights as a Rule of Law*, 52 IDAHO L. REV. 371 (2016)

Michael C. Blumm, *Horne v. Dept. of Agriculture: Expanding Per Se Takings While Endorsing State Sovereign Ownership*, 75 MD. L. REV. 657 (2016) (co-authored with John Echeverria)

John A. Bogdanski, *The STARS (Cases) are Back in Alignment*, 44 CORP. TAX. 29 (2017)

John A. Bogdanski, *Proposed Valuation Regulations: Aggressive, Unclear, Questionable*, 43 EST. PLAN. 31 (2016)

John A. Bogdanski, *Darn that “Deem”*: Proposed Rules on Constructive Stock Distributions, 43 CORP. TAX. 45 (2016)

John A. Bogdanski, *Basis Consistency and Value Reporting Are Set to Kick In*, 43 EST. PLAN. 42 (2016)

John A. Bogdanski, *“Net, Net Gifts” and the Enigmatic Section 7520*, 43 EST. PLAN. 38 (2016)

John A. Bogdanski, *Judicial Disarray on Insurance Company Stock*, 43 CORP. TAX. 18 (2016)

Edward Brunet, *ADR: THE ADVOCATE’S PERSPECTIVE*, Lexis Publishing (Sixth Edition) (2017) (co-authored with Charles Craver and Ellen Deason)

Edward Brunet, *SUMMARY JUDGMENT - FEDERAL LAW AND PRACTICE 2016*, Thomson Reuters (2016) (co-authored with John T. Parry and Martin H. Redish)

Amy Bushaw, *CONTRACTS: CASES, DISCUSSION, AND PROBLEMS*, Wolters Kluwer (Fourth Edition) (2017) (co-authored with Brian A. Blum)

William Y. Chin, *Racial Cumulative Disadvantage: The Cumulative Effects of Racial Bias at Multiple Decision Points in the Criminal Justice System*, 6 WAKE FOREST J. L. & POL’Y. 441 (2016)

Pamela Frasch, *ANIMAL LAW IN A NUTSHELL* (Second Edition), West Publishing (2016) (co-authored with Kathy Hessler and Sonia S. Waisman)

Pamela Frasch, *Implementing Toxicity Testing in the 21<sup>st</sup> Century: Challenges and Opportunities*, 20 JOURNAL OF TOXICOLOGY AND ENVIRONMENTAL HEALTH 198 (2017) (co-authored with Paul A. Locke, Margit Westphal, Joyce Tischler, Katherine Hessler, Bruce Meyers and Daniel Krewski)

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H. Tomás Gómez-Arostegui, RESEARCH HANDBOOK ON THE HISTORY OF COPYRIGHT LAW (Isabella Alexander and H. Tomás Gómez-Arostegui, eds.), Edward Elgar Publishing Ltd. (2016)

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Katherine M. Hessler, ANIMAL LAW IN A NUTSHELL (Second Edition), West Publishing (2016) (co-authored with Pamela Frasch and Sonia S. Waisman)

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Craig N. Johnston, *Normal Farming and Adjacency: A Last Minute Gift for the Farm Bureau?*, 46 ENVTL. L. 395 (2016) (co-authored with Gerald Torres)

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James M. Oleske, Jr., *A Regrettable Invitation to "Constitutional Resistance," Renewed Confusion Over Religious Exemptions, and the Future of Free Exercise*, 20 LEWIS & CLARK LAW REV. 1317 (2017)

James M. Oleske, Jr., *Grand Theory or Discrete Proposal? Religious Accommodations and Health Related Harms*, 73 WASH. & LEE L. REV. (ONLINE) 387 (2016)

Samir Parikh, *Failing Cities and the Red Queen Phenomenon*, 58 B. C. L. REV. 599 (2017) (co-authored with Zhaochen He)

John T. Parry, CASES AND PROBLEMS IN CIVIL RIGHTS LITIGATION: STATE, FEDERAL AND INTERNATIONAL PERSPECTIVES, Semaphore Press (2016)

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Melissa Powers, CONCISE HORNBOOK SERIES: PRINCIPLES OF ENVIRONMENTAL LAW, West Academic Publishing (co-authored with Craig N. Johnston) (2016)

Elaine E. Sutherland, IMPLEMENTING ARTICLE 3 OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: BEST INTERESTS, WELFARE AND WELL-BEING, (co-edited with Lesley-Anne Barnes Macfarlane) Cambridge University Press (2016)

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Elaine E. Sutherland, *Raising the Minimum Age of Criminal Responsibility in Scotland: Law Reform at Last?*, 67(3) NORTHERN IRELAND L. Q. 387 (2016)

Ozan O. Varol, *Constitutional Performance in Transitions from Military to Civilian Rule* in ASSESSING CONSTITUTIONAL PERFORMANCE (Tom Ginsburg and Aziz Z. Huq, eds.), Cambridge University Press (2016)

Ozan O. Varol, *Constitutional Stickiness*, 49 UC DAVIS L. REV. 899 (2016)

Chris Wold, *Integrating Indigenous Rights into Multilateral Environmental Agreements: The International Whaling Commission and Aboriginal Subsistence Whaling*, 40 BOSTON COLLEGE INT'L & COMP. L. REV. 1 (2017)

Chris Wold, *Bringing Pacific Bluefin Tuna Back From the Brink: Ensuring the Submission of Operational Data to The Western and Central Pacific Fisheries Commissions*, 5 MICH. J. ENVTL & ADMIN. L. 101 (2016) (co-authored with Takahashi, Park, Fernandes, and Butler)

**Forthcoming:**

Michael C. Blumm, *The Columbia River Basin* in WATERS AND WATER RIGHTS, VOLUME 2, Lexis-Nexis (Third Edition) (forthcoming 2017)

Michael C. Blumm, “*No Ordinary Case: Climate Change, Due Process, and the Public Trust Doctrine*,” 67 AM. U. L. REV. (forthcoming 2017) (co-authored with Mary C. Wood)

Michael C. Blumm, *Still Crying Out For a “Major Overhaul” After All These Years – Salmon and Another Failed Biological Opinion on Columbia Basin Hydroelectric Operations*, 47 ENVTL. L. REV. (forthcoming 2017) (co-authored with Julianne L. Fry and Olivier Jamin)

Michael C. Blumm, “*Coordinating with the Federal Government: Assessing County Efforts to Control Decisionmaking on Public Lands*,” 38 PUBLIC LAND AND RES. L. REV. (forthcoming 2017) (co-authored with James Fraser)

Michael C. Blumm, *The Nation’s First Forester-in-Chief: The Overlooked Role of FDR and the Environment*, 33 J. LAND USE & ENVTL. L. (forthcoming 2017)

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William Y. Chin, *War and White Supremacists: How Use of Military in War Overseas Empowers White Supremacists At Home*, S. J. POL’Y & JUSTICE (forthcoming 2017)

George K. Foster, *Community Participation in Development*, VAND. J. TRANSNAT’L L. (forthcoming 2017)

Pamela Frasch, *Gaps in U.S. Animal Welfare Laws for Lab Animals* in INSTITUTE FOR LABORATORY ANIMAL RESEARCH JOURNAL (Dr. Paul Locke, ed.) (forthcoming 2017)

Pamela Frasch, *Implementing Toxicity Testing in the 21<sup>st</sup> Century: Challenges and Opportunities*, JOURNAL OF TOXICOLOGY AND ENVIRONMENTAL HEALTH, PART B (forthcoming 2017) (co-authored with Paul A. Locke, Margit Westphal, Joyce Tischler, Katherine Hessler, Bruce Meyers and Daniel Krewski)

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Aliza Kaplan, *Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2016 Innocence Network Conference, San Antonio, Texas*, 45 *HOFSTRA L. REV.* (forthcoming 2017) (co-authored with Gwen Jordan, Valena Beety, and Keith Findley)

Robert H. Klonoff, *Class Actions in the U.S. and Israel: A Comparative Approach*, 19 *THEORETICAL INQUIRIES IN THE LAW* (forthcoming 2018) (co-authored with Alon Klement)

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Lydia Pallas Loren, *Fixation as Notice in Copyright Law*, 96 *BOSTON U. L. REV.* (forthcoming 2017)

Erica J. Lyman, *Achieving Complementarity and Coherence Among UNFCCC Financial Institutions*, *KANGWON ENVTL. L. REV.* (forthcoming 2017)

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Sandy Patrick, A LAWYER WRITES, Carolina Academic Press (Third Edition) (forthcoming 2018) (co-authored with Christine Nero Coughlin and Joan Rocklin)

Melissa Powers, *Is That All There Is? The Surprising Value of Unenforceable Local Climate Action Plans* in RETHINKING SUSTAINABLE DEVELOPMENT TO MEET THE CLIMATE CHANGE CHALLENGE (Jessica Owley & Keith Hirokawa, eds.), Environmental Law Reporter (forthcoming 2017)

Melissa Powers, *Lessons from U.S. Biofuels Policy: The Renewable Fuels Standard's Rocky Ride* in THE LAW AND POLICY OF BIOFUELS (Yves Le Bouthillier, Annette Cowie, Paul Martin & Heather McLeod-Kilmurray eds.) (forthcoming 2017)

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Melissa Powers, *The Risks of Opting Out of the Clean Power Plan for Western States*, 52 IDAHO L. REV. (forthcoming 2017)

Daniel J. Rohlf, *Connectivity Conservation and Endangered Species Recovery: A Study in the Challenges of Defining Conservation-Reliant Species*, CONSERVATION LETTERS (forthcoming 2017) (co-authored with Dr. Carlos Carroll and Brett Hartl)

Juliet P. Stumpf, IMMIGRATION AND CITIZENSHIP, PROCESS AND POLICY, West Publishing (Ninth Edition) (forthcoming 2017) (co-authored with Aleinikoff, Martin, Motomura and Fullerton)

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Ozan Varol, *THE DEMOCRATIC COUP D'ÉTAT* (monograph), Oxford University Press (forthcoming 2017)

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