Faculty Notes

The following will summarize the scholarly productivity of Georgia Law's distinguished faculty during calendar year 2007 and year-to-date 2008.

Peter A. Appel

"Are You Siting Here: Federalism and the Placement of LNG Facilities" in the *Environmental & Energy Law & Policy Journal* (forthcoming); "Intellectual Property and Corporate Legal Structures to Promote the U.S. Environmental Management and Technology Systems Industry" in 35 *Boston College Environmental Affairs Law Review* (forthcoming) (with T.R. Irvin); "Kyoto Comes to Georgia: How International Environmental Initiatives Foster Sustainable Commerce in Small Town America" in 36 *Georgia Journal of International and Comparative Law* (forthcoming) (with T.R. Irvin, J. McEntire and J. Rabon); and "*Hawaii Housing Authority v. Midkiff*" and "Public Lands" in the *Encyclopedia of the Supreme Court of the United States* (Macmillian Reference USA, forthcoming).

Robert P. Bartlett III

"Going Private But Staying Public: Reexamining the Effect of Sarbanes-Oxley on Firms' Going-Private Decisions" in the *University of Chicago Law Review* (forthcoming); "Taking Finance Seriously: How Debt-Financing Distorts Bidding Outcomes in Corporate Takeovers" in 76 *Fordham Law Review* 1975 (2008); and "Venture Capital, Agency Costs, and the False Dichotomy of the Corporation" in 49 *Corporate Practice Commentator* 183 (2007) (reprinted from 54 *UCLA Law Review* 37 (2006)).

J. Randy Beck

"Gonzales, Casey and the Viability Rule" in 103 *Northwestern University Law Review* (forthcoming); and "The Essential Holding of Casey: Rethinking Viability" in 75 *UMKC Law Review* 713 (2007).

Daniel M. Bodansky

The Role and Limits of International

Students recognize top professors

Student Bar Association President Brendan Murphy (second from left) and third-year Class President Allie Scott (right) presented this year's teaching awards to professors Jason Solomon (left), Lonnie Brown (center) and Dan Coenen.

The student body at Georgia Law has selected professors Lonnie T. Brown, Jr., Dan T. Coenen and Jason M. Solomon for faculty awards this year.

The Student Bar Association Professionalism Award, which recognizes the professor who best succeeds in the teaching of professional responsibility and service to the community, was given to Brown, an associate professor. This is the third time he has received this award since joining the Georgia Law faculty in 2002. Brown teaches courses on civil procedure, legal profession and conflict of laws.

Coenen, University Professor and Hosch Professor, was honored with the C. Ronald Ellington Award for Excellence in Teaching, previously known as the Student Bar Association Faculty Book Award for Excellence in Teaching. He has led courses at Georgia Law on contracts and sales, constitutional law and torts for more than 20 years and has been honored with this award on five other occasions. The award is given to faculty who students feel most effectively conveys the knowledge and understanding of what the law is and inspires students to think analytically and critically about what the law can become.

The John C. O'Byrne Memorial Award for Furthering Faculty-Student Relations was presented to Solomon, who joined the law faculty in 2005, in appreciation of his significant contributions to enhancing faculty and student interactions. He is an assistant professor and teaches courses on torts, complex litigation and employment law.

Environmental Law (Harvard University Press, forthcoming); "Non Liquet" in the *Max Planck Encyclopedia of Public International Law* (Oxford University Press, forthcoming); "The OSPAR Arbitration of the MOX Plant Dispute" in *The OSPAR Arbitration Award of 2003* (Asser Institute/ Cambridge University Press, forthcoming); "Trade and Environment" in the *Oxford Handbook of International Trade Law* (Oxford University Press, forthcoming); "The Concept of Legitimacy in International Law" in *Legitimacy in International Law* (R. Wolfrum and V. Roben, eds.) (Springer, 2008); *The Oxford Handbook of International Environmental Law* (Oxford University Press, 2007) (co-edited with J. Brunnée and E. Hey); *An Integrated Multi-Track Framework Approach to Post-2012 Climate Policy* (Pew Center on Global Climate Change, 2007) (with E. Diringer); *International Sectoral Agreement in a Post-2012 Climate Framework* (Pew Center on Global Climate Change, 2007); and "Targets and Timetables: Good Policy but Bad Politics?" in *Architectures for Agreement: Addressing Climate Change in the Post-Kyoto World* (J. Aldy and R. Stavins, eds.) (Cambridge University Press, 2007).

David A. Brennen

"Succeeding in the Candidate Pool: Resources Available at Association of American Law Schools for Persons Interested in Becoming a Law School Dean" in the *Seattle University Law Review* (forthcoming); "*Bob Jones University v. U.S.*, 408 U.S. 564 (1983)" in the *Encyclopedia of the Supreme Court of the United States* (Macmillian Reference USA, forthcoming); 2008 statutory supplement to *The Tax Law of Charities and Other Exempt Organizations: Cases, Materials, Questions and Activities,* 2d ed. (Thomson/West, 2008) (with D. Jones, S. Willis and B. Moran); *The Tax Law of Charities and Other Exempt Organizations: Cases, Materials, Questions and Activities*, 2d ed. (Thomson/West, 2007) (with D. Jones, S. Willis and B. Moran); "The Charitable Tax Exemption is About Much More Than Efficiency" in 14:3 *Nonprofit Quarterly Magazine* 67 (2007); "The Commerciality Doctrine and 'Charitable' Homes for the Aged – State and Local Tax Perspectives" in 75 *Fordham Law Review* 833 (2007) (symposium issue); and "Introducing the Law of Nonprofit Organizations and Philanthropy" in 41 *Georgia Law Review* 1099 (2007) (symposium issue).

Lonnie T. Brown, Jr.

"Ramsey Clark" in the *Yale Biographical Dictionary of American Law* (R. Newman, ed.) (Yale University Press, forthcoming 2008); "'Lawyers' not 'Liars': A Modified Traditionalist Approach to Teaching Legal Ethics" in 51 *Saint Louis University Law Journal* 1119 (2007) (symposium issue); "Representing Saddam Hussein: The Importance of Being Ramsey Clark" in 42 *Georgia Law Review* 47 (2007); and "Reconsidering the Corporate Attorney-Client Privilege: A Response to the Compelled-Voluntary Waiver Paradox" in the *Corporate Practice Commentator* (R. Thompson, ed.) (Thomson/West, 2007) (reprinted from 34 *Hofstra Law Review* 897 (2006)).

Ronald L. Carlson

"Distorting Due Process for Noble Purposes: The Emasculation of America's Material Witness Laws" in 42 *Georgia Law Review* (forthcoming); *Objections at Trial* (NITA Publishers, 2008) (with M. Bright and E. Imwinkelried); *Adjudication of Criminal Justice,* 2d ed. (Thomson/West, 2007) (with D. Brown and S. Crump); *Evidence: Teaching Materials for an Age of Science and Statues*, 6th ed. (LexisNexis, 2007) (with E. Imwinkelried, E. Kionka and K. Strachan); and "Don't Ask and Don't Tell the Jury: The Georgia Law of Pre-Arrest Silence, Evasion and Flight" and "Roll Out Diogenes' Barrel: Impeachment of State Witnesses With Uncharged Acts of Dishonesty in Georgia" in *The Prosecutor* (2007) (with M. Carlson) (*www.pacga.org/pubs/carlsons_corner.shtml*).

Dan T. Coenen

The Story of The Federalist: *How Hamilton and Madison Reconceived America* (Twelve Tables Press, 2007); "The Future of Footnote Four" in 41 *Georgia Law Review* 797 (2007) (symposium issue); and "Holding" and "Implied Powers" in the *Encyclopedia of the Supreme Court of the United States* (Macmillian Reference USA, forthcoming).

Harlan G. Cohen

"Finding International Law: Rethinking the Doctrine of Sources" in 93 *Iowa Law Review* 65 (2007).

James M. Donovan

Legal Anthropology: An Introduction (AltaMira Press, 2008); *Behind a Law School's Decision to Implement an Institutional Repository* (University of Georgia School of Law, 2008) (with C. Watson) (white paper) (*http://digitalcommons.law.uga.edu/law_lib_artchop/15*); *Sexual Orientation and the Law: A Research Bibliography Selectively Annotating Legal Literature through 2005* (Hein, 2007); and "Delimiting the Culture Defense" in 26 *Quinnipiac Law Review* 109 (2007) (with J. Garth).

Anne Proffitt Dupre (J.D.'88)

"The Story of *Hazelwood School District v. Kuhlmeier*: Student Press and the School Censor" in *Education Law Stories* (Foundation Press, 2008); "Blood and Turnips in School Funding Litigation" in 36 *Journal of Law and Education* 481 (2007) (with J. Dayton); and *Speaking Up: The Unintended Costs of Free Speech in Public Schools* (Harvard University Press, forthcoming).

Thomas A. Eaton

"Of Frivolous Litigation and Runaway Juries: A View from the Bench" in 41 *Georgia Law Review* 431 (2007); "Rule 68 Offers of Judgment: The Practices and Opinions of Experienced Civil Rights and Employment Discrimination Attorneys" in 241 *Federal Rules Decisions* 332 (2007) (with H. Lewis);

and 2007 supplement to *Constitutional Torts*, 2d ed. (LexisNexis, 2004) (with S. Nahmod and M. Wells).

C. Ronald Ellington

"Milner Ball: My Student, My Teacher" in 41 *Georgia Law Review* 749 (2007) (symposium issue).

Erica J. Hashimoto

"Defending the Right of Self-Representation: An Empirical Look at the Pro Se Felony Defendant" in 85 *North Carolina Law Review* 423 (2007); "The Price of Misdemeanor Representation" in 49 *William and Mary Law Review* 461 (2007); and "Reflections On Hope" in 41 *Georgia Law Review* 843 (2007) (symposium issue).

Paul J. Heald

"Optimal Remedies for Patent Infringement: A Transactions Cost Approach" in 45 *Houston Law Review* (forthcoming); "Property Rights and the Efficient Exploitation of Copyrighted Works: An Empirical Analysis of Public Domain and Copyrighted Fiction Bestsellers" in 93 *Minnesota Law Review* (forthcoming) (also printed in Japanese in the *I.P. Annual Report* (Waseda University, Tokyo, 2007) and in *New Directions in Copyright Law*, 4th ed. (F. MacMillan, ed.) (Edward Elgar Publishing, 2008)); "Pollen Drift and the Bystanding Farmer: Harmonizing Patent Law and Common Law on the Technological Frontier" in *Seeds of Resistance; Seeds of Hope* (University of Arizona Press, forthcoming) (with J. Smith); "A Skeptical Look at Mansfield's Famous 1994 Survey" in *Intellectual Property Rights: Critical Concepts in Law* (D. Vaver, ed.) (Routledge, forthcoming) (reprinted from 16 *Information Economics and Policy* 57 (2004)); "Meeting of the Minds, Part II: A Dark and Angry God Arises" in 41 *Georgia Law Review* 849 (2007); and "Transaction Costs and Patent Reform" in 23 *Santa Clara Computer and High Technology Law Journal* 447 (2007).

Walter Hellerstein

"Constitutional Restraints on Corporate Tax Integration in the EU and the US" in the *Tax Law Review* (forthcoming) (symposium issue) (with R. Mason and G. Kofler); "Consumption Taxation of Cross-Border Trade in Services in an Age of Globalization" (forthcoming) (symposium issue); "Lessons of the US Subnational Experience for EU CCCTB Initiative" (forthcoming) (symposium issue); "Recent Developments in U.S. Subnational State Taxation with International Implications" in 61 *Bulletin for International Taxation* 77 (2008); *Streamlined Sales and Use Tax* (Warren Gorham & Lamont, 2007/2008) (with J. Swain); "Federal Constitutional Restraints on Property Tax Assessment Limitations: An Analysis of Florida's 'Portability' Proposals" in *State Tax Notes* 789 (June 11, 2007); "Is 'Internal Consistency' Dead?: Reflections on an Evolving Commerce Clause Restraint on State Taxation" in 61 *Tax Law Review* 1 (2007); "The U.S. Supreme Court's State Tax Jurisprudence: A Template for Comparison" in *Comparative Fiscal Federalism: Comparing the European Court of Justice and the U.S. Supreme Court's Tax Jurisprudence* (R. Avi-Yonah et al. eds.) (Kluwer, 2007); and 2007 supplements to *State Taxation,* 3d ed. (Warren Gorham & Lamont, 1998).

Fazal Khan

"The Human Factor: Globalizing Ethical Standards in Drug Trials Through Market Exclusion" in the *DePaul Law Review* (forthcoming); and "International Human Rights and Clinical Drug Development" in the *Dean Rusk Center Newsletter* (Winter/Spring 2008).

Julian B. McDonnell

Revisions of *Commercial & Consumer Warranties* (Matthew Bender, 2007); and *Secured Transactions Under the Uniform Commercial Code* (Matthew Bender, 2007).

James F. Ponsoldt

"A Comparison Between U.S. and E.U. Antitrust Treatment of Tying Claims Against Microsoft: When Should the Bundling of Computer Software be Permitted" in 27 *Northwestern Journal of International Law & Business* 421 (2007) (with C. David).

E. Ann Puckett

"How Potential Employers Approach Disability: A Survey of Law Students in Georgia" in the *University of Pittsburgh Law Review* (forthcoming); *Bibliography of Law Review Articles on Disability Law* (updated continuously) (*www.law.uga.edu/cgi-bin/faculty/new_disdb/dynddb.pl*); *Searchable Bibliography of Law Review Articles on Disability Law* (updated continuously) (*www.law.uga.edu/cgi-bin/faculty/new_disdb/searchddb.pl*); and *Staffing for Law School Computing Services* (annual survey) (*www.law.uga.edu/cgi-bin/library/staffcomp.pl*).

Usha Rodrigues

"From Loyalty to Conflict: Addressing Fiduciary Duty at the Officer Level" in the *Florida Law Review* (forthcoming); "The Fetishization of Independence" in 33 *Journal of Corporation Law* 447 (2008); "An Inconsistency in SEC Disclosure Requirements? The Case of the 'Insignificant' Private Target" in 13 *Journal of Corporate Finance* 251 (2007) (with M. Stegemoller); and "The Seductive Comparison of Shareholder and Civic Democracy" in 63 *Washington & Lee Law Review* 1389 (2007).

Jamie Baker Roskie (J.D.'01)

"Adequate Public Facilities Ordinances: A Comparison of Their Use in Georgia and North Carolina" in 15 *Southeastern Environmental Law Journal* 345 (2007) (with J. Blasingame Custer).

International Law Colloquium Series

The International Law Colloquium Series brings leading international law scholars to the University of Georgia School of Law to present substantial works-in-progress to upper-level students and faculty. Those students then write papers on each of the manuscripts presented for course credit. This year's featured international scholars, their home institution and paper title are listed below.

Paul Schiff Berman, University of Connecticut, "Global Legal Pluralism"

Nadia Bernaz, National University of Ireland at Galway, "The Caribbean Court of Justice: One Court with Two Jurisdictions – A Unique Judicial Institution?"

David D. Caron, University of California at Berkeley, "Towards a Political Theory of International Courts and Tribunals"

Frédéric Mégret, McGill University, "Civil Disobedience in Defense of International Law"

Tonya L. Putnam, Columbia University, "Beyond Presumption?: Explaining Extraterritorial Variation over Civil Claims"

Gregory C. Schaffer, Loyola University at Chicago, "A Structural Theory of WTO Dispute Settlement: Why Institutional Choice Lies at the Center of the GMO Case"

Beth A. Simmons, Harvard University, "Theories of Commitment"

Ingrid Brunk Wuerth, Vanderbilt University, "An Originalism for Foreign Affairs?"

Margaret V. Sachs

Securities Litigation and Enforcement: Cases and Materials, 2d ed. (Thomson/West, 2007) (with D. Nagy and R. Painter); and Teacher's Manual to Accompany *Securities Litigation and Enforcement: Cases and Materials*, 2d ed. (Thomson/West 2008) (with D. Nagy and R. Painter).

R. Perry Sentell Jr. (LL.B.'58)

"Local Government Law" in 59 *Mercer Law Review* 285 (2007); and "Towns and the Law" in *Georgia's Cities* (monthly features).

David E. Shipley

"Congressional Authority over Intellectual Property Policy After *Eldred v. Ashcroft*: Deference, Empty Limitations and Risks to the Public Domain" in 70 *Albany Law Review* 1255 (2007) (symposium issue); "Milner S. Ball: Proof That One Professor Can Make a Difference" in 41 *Georgia Law Review* 753 (2007) (symposium issue); and "Thin But Not Anorexic: Copyright Protection for Compilations and Other Fact Works" in 15 *Journal of Intellectual Property Law* 91 (2007).

James C. Smith

"Private Property, Community Development, and Eminent Domain" in *Private Property, Community Development, and Eminent Domain* (Ashgate Press, forthcoming) (with R. Malloy); "Pollen Drift and the Bystanding Farmer: Harmonizing Patent Law and Common Law on the Technological Frontier" in *Seeds of Resistance; Seeds of Hope* (University of Arizona Press, forthcoming) (with P. Heald); and *Real Estate Transactions: Problems, Cases, and Materials*, 3d ed. (Aspen Publishers, 2007) (with R. Malloy).

Jason M. Solomon

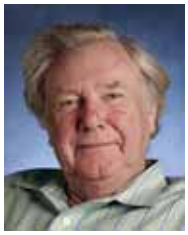
"Law and Governance in the 21st Century Regulatory State" in 86 *Texas Law Review* 819 (2008) (review essay); and "Judging Plaintiffs" in 60 *Vanderbilt Law Review* 1749 (2007).

Erwin C. Surrency (J.D.'48)

"A Brief History of the Invention of Printing" in 14 *Legal History & Rare Books Newsletter* (forthcoming 2008); and "Justice Campbell," "The Legal Ramifications of the Election of 1876" and "Prize Cases and Presidential Powers (Abe Lincoln)" in the *Encyclopedia of the Supreme Court of the United States* (Macmillian Reference USA, forthcoming).

Travis M. Trimble (J.D.'93)

"Environmental Law, Eleventh Circuit Survey" in 58 *Mercer Law Review* 1203 (2007).



Alan Watson

Comparative Law: Law, Reality and Society (Vandeplas Publishing, 2007); and "Law and Society" in *Beyond Dogmatics: Law and Society in the Roman World* (J. Cairns and P. du Plessis, eds.) (Edinburgh University Press, 2007).

Carol Watson

Behind a Law School's Decision to Implement an Institutional Repository (University of Georgia School of Law, 2008) (with J.

Donovan) (white paper) (*http://digitalcommons.law.uga.edu/law_lib_artchop/15*); and *Carpe Diem: Establish an Institutional Repository for Your Organization* (LLRX.com, 2007) (*http://www.llrx.xom/features/institutionalrepository.htm*).

Michael L. Wells

"The Order of Battle in Constitutional Litigation" in 60 *Southern Methodist University Law Review* 1539 (2007); "Sociological Legitimacy in Supreme Court Opinions" in 64 *Washington & Lee Law Review* 1011 (2007); 2007 supplement to *Federal Courts: Cases and Materials* (Thomson/West, 2006) (with W. Marshall and L. Yackle); and 2007 supplement to *Constitutional Torts*, 2d ed. (LexisNexis, 2004) (with S. Nahmod and T. Eaton).

Sonja R. West

Book review of *The Day Freedom Died* by C. Lane in the *Green Bag* (forthcoming); "Sanctionable Conduct: How the Supreme Court Stealthily Opened the Schoolhouse Gate" in 12 *Lewis & Clark Law Review* 27 (2008); and "A Conservative Shift" in 29 *National Law Journal* 9 (Aug. 1, 2007).

Cathleen S. Wharton (J.D.'83)

A Practical Guide to Legal Writing and Legal Method, 3d ed. (Aspen Publishers, 2007) (with J. Dernbach, R. Singleton, J. Ruhtenberg and C. Wasson).

Rebecca H. White

Cases and Materials on Employment Discrimination, 7th ed. (Aspen Publishers, 2008) (with M. Zimmer and C. Sullivan); "Milner Ball: Mentor, Teacher, and Friend" in 41 *Georgia Law Review* 743 (2007) (symposium issue); and 2007 supplement to *Employment Discrimination: Law & Practice*, 3d ed. (Aspen Publishers, 2002) (with M. Zimmer and C. Sullivan).

Donald E. Wilkes, Jr.

Federal Postconviction Remedies and Relief Handbook, 6th ed. (Thomson/West, forthcoming 2008), 5th ed. (Thomson/West, 2007-08); *State Postconviction Remedies and Relief Handbook,* 3d ed. (Thomson/West, 2007-08); and "The Writ of Habeas Corpus in Georgia" in 12 *Georgia Bar Journal* 20 (Feb. 2007).

Faculty scholarship e-alerts

Select Georgia Law faculty scholarly works can now be found at *SSRN.com*. If you would like to receive periodic e-mail announcements with the abstracts of the latest research written by the faculty and links to the full text papers, please register at *SSRN.com*.

Giménez receives Gold Medal of Merit

Members of the Pernambuco judiciary recently honored Dean Rusk Center Associate Director María Eugenia Giménez (LL.M.'89) with a Gold Medal of Merit for her work as co-director of the International Judicial Training Program.

The Brazilian judiciary has been participating in the IJTP every year since the program's inception 10 years ago. During a recent visit, the Brazilians recognized the long-standing relationship by presenting a total of five Gold Medals of Merit to individuals who have worked with and supported the IJTP.

Honorees included: Georgia Supreme Court Chief Justice Leah W. Sears and Presiding Justice Carol W. Hunstein; State Court of Clarke County Chief Judge N. Kent Lawrence; Co-director of the IJTP and Director of the Institute of Continuing Judicial Education of Georgia Richard D. Reaves; and Giménez.

Since 1998, foreign judges and court personnel from around the world have come to Georgia Law through the IJTP to study the workings of the U.S. judicial system and to gain ideas and insights they can then implement in their own country, according to Giménez.

More than 200 people, from nations such as Armenia, Brazil, the Czech Republic, Egypt and Ghana, have participated in the program.