Faculty Notes

The following will summarize the scholarly productivity of Georgia Law's distinguished faculty during the calendar year 2012 and year-to-date 2013.

Diane Marie Amann

"International Law and the Future of Peace" in Proceedings of the 107th Annual Meeting of the American Society of International Law (forthcoming 2014); "Children and the First Verdict of the International Criminal Court" in the Washington University Global Studies Law Review (forthcoming 2013); "A Janus Look at International Criminal Justice" in the Northwestern University Journal of International Human Rights (forthcoming 2013); "Responsibility and the International Criminal Court" in The Internalization of Law: Pathology or Metamorphosis of the Legal Order? (M. Delmas-Marty and S. Breyer eds.) (forthcoming 2013); "International Decisions: Prosecutor v. Lubanga" in 106 American Journal of International Law 809 (2012); and "Politics and Prosecutions, From Katherine Fite to Fatou Bensouda" in Proceedings of the Fifth International Humanitarian Law Dialogs (E. Anderson and D. Crane eds.) (American Society of International Law, 2012).

Peter A. Appel

Wilderness Law and Policy: Cases and Materials (Carolina Academic Press, forthcoming 2014); "A Funhouse Mirror of



Law: The Entailment in Jane Austen's *Pride and Prejudice*" in the *Georgia Journal of International and Comparative Law* (forthcoming 2013); and "Public Regulatory Encouragement to the Adoption of Private Ordering Systems to Achieve Environmental Protection Through Sustainable Commerce" in *Corporate Governance After the Financial Crisis* (Edward Elgar Publishing, 2012) (with Dr. T. Rick Irvin (J.D.'08)).

Mehrsa Baradaran

"Banking and the Social Contract" in the *Notre Dame Law Review* (forthcoming 2013); "How the Poor Got Cut Out of

Banking" in 62 Emory Law Journal 483 (2013); and "Reconsidering the Separation of Banking and Commerce" in 80 George Washington Law Review 385 (2012).

Kent Barnett

"Resolving the ALJ Quandary" in 66 Vanderbilt Law Review 797 (2013); and "Avoiding Independent Agency Armageddon" in 87 Notre Dame Law Review 1349 (2012).

Randy Beck

"The Biblical Foundations of Law: Creation, Fall, and the Patriarchs" in *Law and the Bible: Justice, Mercy and Legal Institutions*(D. VanDrunen and



R. Cochran eds.) (InterVarsity Press, forthcoming 2013) (with D. VanDrunen); "State Interests and the Duration of Abortion Rights" in 44 *McGeorge Law Review* 31 (2013) (symposium); and "Transtemporal Separation of Powers in the Law of Precedent" in 87 *Notre Dame Law Review* 1405 (2012).

Lonnie T. Brown Jr.

"Civility and Collegiality – Unreasonable Judicial Expectations for Lawyers as Officers of the Court?" in 2 *St. Mary's Journal on Legal Malpractice & Ethics* 324 (2012) (symposium).

Elizabeth Chamblee Burch

The Law of Class Actions and Other Aggregate Litigation, 2d ed. (Foundation Press, forthcoming 2013) (with R. Nagareda et al.); "Disaggregating" in the Washington University Law Review (forthcoming 2013); "Adequately Representing Groups" in 81 Fordham Law Review 3043 (2013) (symposium); "Financiers as Monitors in Aggregate Litigation" in 87 New York University Law Review 1273 (2012); and "Optimal Lead Plaintiffs" in 53 Corporate Practice Commentator 893 (2012) (reprinted from 64 Vanderbilt Law Review 1109 (2011)).

Ronald L. Carlson

"The Curious Case of Differing Literary Emphases: The Contrast Between the Use of Scientific Publications at Pretrial *Daubert* Hearings and at Trial"



in the Georgia Law Review (forthcoming 2013) (symposium); Carlson on Evidence, 2013–2014 ed. (Institute of Continuing Legal Education in Georgia, 2013) (with M. Carlson); Criminal Justice Procedure, 8th ed. (Anderson Publishing, 2013) (with S. Moak); Objections at Trial, 6th ed. (National Institute for Trial Advocacy, 2013) (with M. Bright and E. Imwinkelried); Evidence: Teaching Materials for an Age of Science and Statutes, 7th ed. (LexisNexis, 2012) (with E. Imwinkelried et al.); and Trial Handbook for Georgia Lawyers, 2012–2013 ed. (West, 2012).

Dan T. Coenen

"Originalism and the 'Individual Mandate': Rounding Out the Government's Case for Constitutionality" in 107 Northwestern University Law Review Colloquy 55 (2012); and "The Originalist Case Against Congressional Supermajority Voting Rules" in 106 Northwestern University Law Review 1091 (2012).

Harlan G. Cohen

"International Law in a Time of Scarcity: An Introduction" in 41 Georgia Journal of International and Comparative Law (forthcoming 2013); "Lawyers, Precedent, and Authority" in 46 Vanderbilt Journal of Transnational Law (forthcoming 2013); Proceedings of the 106th Annual Meeting of the American Society of International Law (2013) (with C. Giorgetti and C. Payne eds.); "International Law's Erie Moment" in 34 Michigan Journal of International Law 249 (2013); "Finding International Law, Part II: Our Fragmenting Legal Community" in 44 New York University Journal of International Law and Politics 1049 (2012); and "From Fragmentation to Constitutionalization" in 25 Pacific McGeorge Global Business & Development Law Journal 381 (2012).

Julian A. Cook III

"Plea Bargaining, Sentence Modifications and the Real World" in the *Wake Forest Law Review* (forthcoming 2013); and

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Inside Investigative Criminal Procedure: What Matters and Why (Aspen Publishers, 2012).

Andrea L. Dennis

"A Snitch in Time: An Historical Sketch of Black Informing During Slavery" in 97 Marquette Law Review (forthcoming 2014).



Jaime L. Dodge

"Disaggregative Mechanisms: The New Frontier of Mass-Claims Resolution Without Class Actions" in the *Emory Law Journal* (forthcoming 2014).

Thomas A. Eaton

"Who Owes How Much? Developments in Apportionment and Joint and Several Liability Under O.C.G.A. § 51-12-33" in 64 Mercer Law Review 15 (2012).



C. Ronald Ellington

Cases and Materials on Georgia Practice and Procedure, 2012 ed. (LAD Custom Publishing, 2012).

Matthew I. Hall

"How Congress Could Defend DOMA in Court (and Why the BLAG Cannot)" in 65 Stanford Law Review Online 92 (2013); and "Standing of Intervenor-Defendants in Public Law Litigation" in 80 Fordham Law Review 1539 (2012).

Erica J. Hashimoto

"The Problem with Misdemeanor Representation" in 70 Washington and Lee Law Review (forthcoming 2013); "Reclaiming the Equitable Heritage of



Habeas" in 108 Northwestern University Law Review (forthcoming 2013); and "Abandoning Misdemeanor Defendants" in 25 Federal Sentencing Reporter 103 (2012).

Walter Hellerstein

Taxing Global Electronic Commerce: A Study in Tax Law and Technology Change (Kluwer Law International, 2013) (with A. Cockfield et al.); "A Unitary Business is the 'Linchpin of Apportionability,' Not Nexus" in 67 State Tax Notes 865 (2013); "Comparing the Treatment of Charities Under Value Added Taxes and Retail Sales Taxes" in VAT Exemptions: Consequences and Design Alternatives (R. de La Feria ed.) (Kluwer Law International, 2013); "Formulary Apportionment in the EU and the US: A Comparative Perspective on the Sharing Mechanism of the Proposed Common Consolidated Corporate Tax Base" in Tax Mobility (A. Dourado ed.) (International Bureau of Fiscal Documentation, 2013); "Reflections of a Third-Country Observer on the Proposed CCCTB CFC Rules" in CCCTB and Third Countries (M. Lang et al. eds.) (Kluwer Law International, 2013); "Tax Coordination Among the US States - The Role of the Courts" in Horizontal Tax Coordination (M. Lang et al. eds.) (International Bureau of Fiscal Documentation, 2013); "Federal-State Coordination: What Congress Should or Should Not Do" in 64 State Tax Notes 453 (2012); "State Taxation of Cloud Computing: A Framework for Analysis" in 117 Journal of Taxation 11 (2012) (with J. Sedon); and "Tax Planning Under the CCCTB's Formulary Apportionment Provisions: The Good, the Bad, and the Ugly" in CCCTB: Some Selected Issues (D. Weber ed.) (Kluwer Law International, 2012).

Fazal Khan

"Genomics Unbound: The Bright Future of Genetic Testing and Therapy in Light of Prometheus" in the Nevada Law Journal (forthcoming 2013) (with L. Kessler); "The Challenge of Incorporating Artificial Intelligence into Medical Practice" in 6 Journal of Health & Life Sciences Law 90 (2012) (with A. Swanson); "Data Bank Information Needs Careful Interpretation" in 55 American Medical News 23 (2012); "Gene Patents No More? Deciphering the Meaning of Prometheus" in 2 Annals of Health Law: Informed Consent 19 (2012) (with L. Kessler); and "Verify, Then Trust: How to Legalize Off-Label Marketing by Drug Companies" in 117 Penn State Law Review 407 (2012) (with J. Holloway).

Amann appointed special adviser to the International Criminal Court

Woodruff Chair in International Law Diane Marie Amann has been appointed by International Criminal Court Prosecutor Fatou Bensouda — who conducts and pursues cases against individuals accused of war crimes, genocide and crimes against humanity — to serve as her special adviser on children in and affected by armed conflict.



"Fatou Bensouda is a talented and dedicated lawyer, and I am honored to be given the opportunity to help her in her work," Amann said.

As a special adviser, Amann will research how children have been affected by armed conflict and what society has done, and has failed to do. She will also work to raise public awareness.

"Children are our future. When they suffer in wartime, those harms live on for generations," Amann said. "It is important to try to break this cycle."

Amann said there are hundreds of thousands of child soldiers throughout the world, and while addressing that issue is a daunting task in and of itself, the problem does not end there.

"The prosecutor has said publicly that, going forward, she would like to focus not only on child soldiering but also on all the other ways that children are affected by war," Amann said. "One area of concern is the sexual and gender-based violence suffered by girls and at times also by boys. Others include the loss of home, family and community as well as deprivations of education and health care."

These and other concerns, along with recommended solutions, will be described in an Office of the Prosecutor policy paper, which Amann is helping to develop.

Several Georgia Law students will assist Amann in this effort.

"I am delighted that five students — Mahdi Abdur-Rahman, Kaitlin Ball, Blake Evans, Erika Furlong and Sarah Hassan have joined me in setting up PACC, the Georgia Law Project on Armed Conflict & Children. Their research and sharing of ideas have been invaluable to my work."

Amann joined the Georgia Law faculty in 2011 from the University of California, Davis, and has received numerous awards and honors for her work in international law throughout her career.

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Recent faculty appointments and honors

Woodruff Chair in International Law **Diane Marie Amann** received the Prominent Woman in International Law Award during the American Society for International Law Annual Meeting. This 20-year-old award honors the "work of outstanding women" in this field.

Assistant Professor **Kent Barnett** was selected to present his article "Structural Improvements to Formal Executive Adjudication" at the 2012 Yale-Stanford-Harvard Junior Faculty Forum. His was one of only 17 submissions by early-career scholars nationwide to earn this recognition.

Cleveland Distinguished Chair of Legal Ethics and Professionalism **Lonnie T. Brown Jr.** was selected by the U.S. District Court for the Northern District of Georgia to serve as the principal substantive consultant for the court's Local Rules Revision Project.

Associate Professor **Elizabeth Chamblee Burch** was elected as a member of the American Law Institute.

Callaway Chair Emeritus **Verner F. Chaffin** (LL.B.'42) received the American Law Institute's 50-year membership medallion at the organization's annual meeting held in Washington, D.C.

Associate Professor **Harlan G. Cohen** won the *New York University Journal of International Law and Politics* Peer Review Award for his article "Finding International Law, Part II: Our Fragmenting Legal Community." The award recognizes the most significant contribution by an emerging scholar published in the journal during the academic year. Additionally, he was nominated to serve as a member of the American Society of International Law's executive council.

Assistant Professor **Timothy Meyer** served as a contributing author for the United Nations Industrial Development Organization's report titled "Networks for Prosperity: Connecting Development Knowledge Beyond 2015." Meyer was one of only approximately 20 academic and practical experts from around the world asked to participate.

Assistant Professor **Logan E. Sawyer III** was appointed to the membership committee of the American Society for Legal History.

David E. Shipley was awarded an Athletic Association Professorship, which is endowed by UGA's athletic program. Additionally, he was recognized by the National Football Foundation for his commitment to the ideals of the scholar-athlete and the leadership building qualities of intercollegiate football.



Three faculty members were honored this year with awards from the Georgia Law student body: (l. to r.) Associate Professor Hillel Levin was named the recipient of the C. Ronald Ellington Award for Excellence in Teaching, Cleveland Distinguished Chair Lonnie Brown was honored with the Student Bar Association Professionalism Award and Assistant Professor Christian Turner received the John C. O'Byrne Memorial Award for Significant Contributions to Furthering Faculty-Student Relations.

Martin Chair **James C. Smith** has been appointed by the National Conference of Commissioners on Uniform State Laws to serve as co-reporter for the drafting committee on the Residential Real Estate Mortgage Foreclosure Process and Protections Act.

Sibley Professor in Corporate and Business Law **Larry D. Thompson** was elected as a counsellor for the American Society of International Law's executive council.

Recently retired Distinguished Research Professor and Rogers Chair **Alan Watson** received the American Society of Comparative Law's Lifetime Achievement Award, which honors "living senior comparatists whose writings have changed the shape or direction of American comparative or private international law."

Director of the Law Library **Carol A. Watson** (J.D.'87) was one of eight academic law librarians selected to serve on the Academic Law Library Advisory Board, which was created by Wolters Kluwer Law & Business to help facilitate dialogue between the company and key decision makers in the academic law community.

Elizabeth Weeks Leonard (J.D.'99)

"Death Panels and the Rhetoric of Rationing" in 12 Nevada Law Journal (forthcoming



of the Affordable Care Act" in 38 Journal of Corporation Law 217 (2013) (with S. Scholz and R. Alexander); "Plunging into Endless Difficulties: Medicaid and Coercion in National Federation of Independent Business v. Sebelius" in 93 Boston University Law Review 1 (2013) (with N. Huberfeld and K. Outterson); "A Response to Beyond Separation: Professor Copeland's Ambitious Proposal for 'Integrative' Federalism" in 15 University of Pennsylvania Journal of Constitutional Law Heightened Scrutiny

29 (2013); "Affordable Care Act Litigation: The Standing Paradox" in 38 American Journal of Law & Medicine 410 (2012); "New Deal Lessons for the Affordable Care Act: The General Welfare Clause" in 14 University of Pennsylvania Journal of Constitutional Law Heightened Scrutiny 5 (2012); and "The Rhetoric Hits the Road: State Challenges to Affordable Care Act Implementation" in 46 University of Richmond Law Review 781 (2012).

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Hillel Y. Levin

"A Reliance Approach to Precedent" in the *Georgia Law Review* (forthcoming 2013); and "Contemporary Meaning and Expectations in Statutory Interpretation" in 2012 *University of Illinois Law Review* 1103 (2012).

Timothy Meyer

"Soft Law" in The Research Handbook on the Economics of Public International Law (E. Kontorovich ed.) (Edward Elgar Publishing, forthcoming 2013) (with A. Guzman); "The Architecture of International Energy Governance" in Proceedings of the 106th Annual Meeting of the American Society of International Law (2013); "Epistemic Institutions and Epistemic Cooperation in International Environmental Governance" in 2 Transnational Environmental Law 15 (2013); "Codifying Custom" in 160 University of Pennsylvania Law Review 995 (2012); "Global Public Goods and Governance Risk" in 22 Duke Journal of Comparative & International Law 319 (2012); "Towards a Communicative Theory of International Law" in 13 Melbourne Journal of International Law 921 (2012); "Independence and Hierarchy in International Scientific Cooperation" in Networks for Prosperity: Connecting Development Knowledge Beyond 2015 (United Nations Industrial Development Organization Report, 2012); and review of International Organizations: Politics, Law, Practice by I. Hurd in 106 American Journal of International Law 415 (2012).

Joseph S. Miller

"Error Costs & IP Law" in the *University* of *Illinois Law Review* (forthcoming 2014); and *Intellectual Property* Law: Cases & Materials,



3d ed. (Semaphore Press, 2012) (with L. Loren).

Lisa Milot

"Illuminating Innumeracy" in 63 Case Western Reserve Law Review 769 (2013); and "Accounting for Time: A Relative-Interest Approach to the Division of Equity in Hybrid-Property Homes Upon Divorce" in 100 Kentucky Law Journal 585 (2012).

Lori A. Ringhand

The Supreme Court Confirmation Process and Constitutional Change (Cambridge University Press, forthcoming 2013) (with P. Collins); Constitutional Law: A Context and Practice Casebook (Carolina Academic Press, 2013) (with D. Schwartz); and "Let's Talk: Judicial Decisions at Supreme Court Confirmation Hearings" in 96 Judicature 7 (2012) (with A. Batta et al.).

Usha Rodrigues

"A Conflict Primacy Model of the Public Board" in the *University of Illinois Law Review* (forthcoming



2013) (symposium); "Exit, Voice, and Reputation: The Evolution of SPACs" in 37 Delaware Journal of Corporate Law 849 (2013); "In Search of Safe Harbor: Suggestions for the New Rule 506(c)" in 66 Vanderbilt Law Review En Banc 29 (2013) (invited); "Securities Law's Dirty Little Secret" in 81 Fordham Law Review 3389 (2013); "Corporate Governance in an Age of Separation of Ownership From Ownership" in 53 Corporate Practice Commentator 745 (2012) (reprinted from 95 Minnesota Law Review 1822 (2011)); and "SPACs and the JOBS Act" in 3 Harvard Business Law Review Online 17 (2012).

Peter B. "Bo" Rutledge

"An Empirical Assessment of Arbitration Clauses in Credit Card Agreements" in Access to Civil Justice (S. Estreicher ed.) (Cambridge University Press, forthcoming 2014); "Forum Shopping in International Arbitration -Personal Jurisdiction and Forum Non Conveniens" in Forum Shopping in International Commercial Arbitration (F. Ferrari ed.) (Sellier European Law Publishers, forthcoming 2014); "From Custom to Cooperative Federalism: The Case of Judicial Assistance Treaties in the United States" in Treaties in American Law (G. Fox and P. Dubinsky eds.) (Cambridge University Press, forthcoming 2014); "Arbitration, the Law Market and the Law of Lawyering" in the International Review of Law and Economics (forthcoming 2013) (with E. O'Hara); "With Apologies to Paxton Blair" in the New York

University Journal of International Law and Politics (forthcoming 2013); "The Proportionality Principles and the (Amount in) Controversy" in American Illness (Yale University Press, forthcoming 2013); "Contract and Choice" in 2013 Brigham Young University Law Review 1 (2013) (with C. Drahozal); "Schiedsgerichte in Nordamerika" in Hamburger Handbuch des Exportwirtschaftsrechts, 2d ed. (2013) (with I. Hanefeld); Arbitration and the Constitution (Cambridge University Press, 2012); "Arbitration Clauses in Credit Card Agreements: An Empirical Study" in 9 Journal of Empirical Legal Studies 536 (2012) (with C. Drahozal); "Convergence and Divergence in International Dispute Resolution" in 19 Journal of Dispute Resolution 49 (2012); "Toward a Functional Approach to the Sovereign Equality of Nations" in 53 Virginia Journal of International Law 181 (2012); "TRIPS and BITS: An Essay on Compulsory Licenses, Expropriation and International Arbitration" in 13 North Carolina Journal of Law & Technology 149 (2012); and "Zugang zum Hoechstgericht aus Sicht der USA" in Zugang zum OGH in Zivil- und Strafsachen (Manz, 2012).

Margaret V. Sachs

"Social Proposals Under Rule 14a-8: A Fall-Back Remedy in an Era of Congressional Inaction" in 2 *UC Irvine Law Review* 931 (2012) (symposium).

Logan E. Sawyer III

"Constitutional Principle, Partisan Calculation, and the Beveridge Child Labor Bill" in 31 *Law* and History Review (forthcoming 2013); and



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"Creating *Hammer v. Dagenhart*" in 21 *William & Mary Bill of Rights Journal* 67 (2012).

Alexander W. Scherr

Green's Georgia Law of Evidence, 2012–2013 ed. (West, 2012).

David E. Shipley

"The Law Professor as Faculty Athletics Representative: Some Random Thoughts After Two Years" in the *Mississippi Sports* Law Review (forthcoming 2013); and "The Chevron Two-Step in Georgia's Administrative Law" in 46 Georgia Law Review 871 (2012).

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James C. Smith

"Property and Sovereign Power" in *Property and Sovereignty* (Ashgate Publishing, forthcoming 2013); "Some Reflections on the Merits of Property Tax" in *Tax Law and*



Policy: Beyond Economic Efficiency (Aspen Publishers, forthcoming 2013); The Law of Property: Cases and Materials, 3d ed. (Aspen Publishers, 2013) (with E. Larson and J. Nagle); Real Estate Transactions: Problems, Cases, and Materials, 4th ed. (Aspen Publishers, 2013) (with R. Malloy); and "Homestead Laws," "Liens," "Subdivision Control" and "Warranties" in Encyclopedia of Housing, 2d ed. (A. Carswell ed.) (Sage Publications, 2012).

Thomas "T.J." Striepe

"Embedded and Beyond: The Collaborative Librarian in the Digital Age" in *Law Libraries in the Digital Age* (E. Kroski ed.) (Scarecrow Press, forthcoming 2013) (with M. Talley).

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

"Environmental Law" in 63 Mercer Law Review 1223 (2012).

Christian Turner

"Origins of the Public/Private Theory of Legal Systems" in *Private Law: Key Encounters with Public Law* (K. Barker and D. Jensen eds.) (Cambridge University Press, forthcoming 2013); "State Action Problems" in 65 *Florida Law Review* 281 (2013); and "Law's Public/Private Structure" in 39 *Florida State University Law Review* 1003 (2012).

Camilla E. Watson

"Reflections on the Life and Times of Alan Watson" in the *Georgia Journal* of *International and Comparative Law* (forthcoming 2013).

Carol A. Watson (J.D.'87)

"Reference Services in a Law Library" in Law Libraries in the Digital Age (E. Kroski ed.) (Scarecrow Press, forthcoming 2013).



Michael L. Wells

"Civil Recourse, Damages-as-Redress, and Constitutional Torts" in 46 *Georgia Law Review* 1003 (2012).

Sonja R. West

"Press Exceptionalism" in 127 Harvard Law Review (forthcoming 2014) (symposium); and "The Monster in the Courtroom" in 2012 Brigham Young University Law Review 1953 (2012) (symposium).

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

A Practical Guide to Legal Writing and Legal Method, 5th ed. (Aspen Publishers, forthcoming 2013) (with J. Dernbach et al.).



Rebecca Hanner White

Cases and Materials on Employment Discrimination, 8th ed. (Aspen Publishers, 2013) (with M. Zimmer and C. Sullivan).

Colloquium series bring notable scholars to campus

Georgia Law hosts two colloquium series each year that provide a forum for provocative and innovative legal scholarship by bringing legal academics from around the globe to Athens to present their latest research to faculty and students. Below is a summary of the 2012–13 presenters.



Bridget J. Crawford, Pace University

Mary L. Dudziak, Emory University

Bruce Green, Fordham University

Jamal Greene, Columbia University

Tom C. W. Lin, University of Florida

Angela Onwuachi-Willig, University of Iowa

Jedediah Purdy, Duke University

Ann Shalleck, American University

Mark Tushnet, Harvard University

David A. Wirth, Boston College

Series

Laurie Blank, Emory University

James Thuo Gathii, Loyola University Chicago

Joost Pauwelyn, Graduate Institute of International and Development Studies, Geneva

Jaya Ramji-Nogales, Temple University

Anthea Roberts, London School of Economics and Political Science

Leila Nadya Sadat, Washington University in St. Louis

William A. Schabas, Middlesex University, London

Julie C. Suk, Yeshiva University

These colloquia are made possible by the Kirbo Trust Endowed Faculty Enhancement Fund and the Talmadge Law Faculty Fund.

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