Why should law professors write books and articles?

Why is this regarded as an integral part of our jobs? There is no single answer to these questions and perhaps each professor would answer in a somewhat different way. I believe that we write to educate, to influence the development of the law, and to advance ideas and knowledge. All of these goals are reflected in the many publications by Berkeley Law faculty described in these pages.

Many of our faculty are authors of leading casebooks and treatises in a wide variety of different areas of law. This is a way in which we teach students outside our own law school and even help to educate other professors and lawyers and judges about the law.

There is no doubt that legal scholarship helps to shape the law. Sometimes legal scholarship is descriptive, illuminating problems and helping to inform decisions. Sometimes it is normative, evaluating the law. Sometimes it is prescriptive, suggesting a better path for the future. Lawyers and legislators and judges constantly use legal scholarship in dealing with the most difficult issues that face them.

I worry, though, that this makes scholarship sound too instrumental. Universities exist to advance knowledge and understanding. Often that is what legal scholarship is about: exploring ideas about law and the legal system. Some legal scholarship is the equivalent to basic science in the foundation that it provides for knowledge.

As these pages indicate, my colleagues at Berkeley Law are prolific and outstanding scholars in all of these ways. Every measure shows them to be among the most frequently cited and the most respected in their fields.

This pamphlet lists what our faculty members have written in the last year. I hope you will enjoy seeing this and hope that you read and benefit from their scholarship. I think you’ll see why I so am proud to be dean of Berkeley Law.

Erwin Chemerinsky
New Faculty

Tech-law Maven and Race Scholar Join a Rapidly Rising Faculty

BY ANDREW COHEN

Berkeley Law’s two newest professors are hardly fresh faces at the school: Chris Hoofnagle has strengthened its top-ranked intellectual property law program since 2006, and Asad Rahim earned his Ph.D. last year in its Jurisprudence and Social Policy Program.

Both relish Berkeley Law’s unique boundary-free learning environment.

“It’s a visionary institution,” says Hoofnagle, a faculty co-director of the school’s renowned Berkeley Center for Law & Technology. “In my years here, I have only found encouragement to do new things.”

Rahim, a race scholar and recent Chancellor’s Postdoctoral Fellow at UCLA Law, says the JSP Program carved out important space.

“The academy is generally marked by disciplinary boundaries: You’re either a historian or a sociologist or an economist … but being a good race scholar requires you to look across disciplines for insights,” he says. “The JSP Program gave me a range of tools to study the questions I found most interesting without forcing me to adhere to set boundaries.”

Hoofnagle and Rahim join a stellar faculty that’s been on a hiring spree, adding 19 scholars since 2017.

A former American Bar Foundation Law and Inequality Doctoral Fellow and associate editor of the journal Law & Social Inquiry, Rahim writes on constitutional law, critical race theory, and employment discrimination. His current research explores racism in the adult film industry. He will teach Anti-Blackness and the Law and Race and the Law this year, and later Contracts and undergraduate legal studies classes.

Raised in a working class Chicago community and named the most outstanding student of his
Babson College class, Rahim moved to Hong Kong after graduating to work at JPMorgan Chase as an equity derivatives specialist. He had made it — just not to where he truly wanted to be.

“Whenever I had downtime at my desk, I’d pull up articles about race and gender discrimination because those were the topics I was actually interested in,” he says.

UCLA Law Professor Devon Carbado credits Rahim’s “distinctive and bold scholarly voice” and calls him “precisely the kind of legal scholar the moment demands — a person who mobilizes interdisciplinarity to engage pressing matters of public concern.”

Hoofnagle’s appointment to the faculty with security of employment brings a renewed focus on teaching. This year, his courses include Cybersecurity in Context with Professor Jennifer Urban ’00, Torts, and a new class to help students better grasp software and computer decision-making.

“An understanding of information and software will be relevant to all practice areas,” he says, in particular “how the transition from a world of information scarcity to one of information glut affects decision-making processes.”

Author of the 2016 book Federal Trade Commission Privacy Law and Policy, Hoofnagle is writing a new book on quantum technologies with computer scientist Simson Garfinkel. His research on platform transaction costs has notable implications for consumer and antitrust law.

“Chris is a privacy rock star,” says Boston University law professor Danielle Citron. “He has made an indelible mark on our thinking, legislating, and law enforcement about information privacy.”

In March, when COVID-19 forced all Berkeley Law classes to be taught online, Hoofnagle’s tech savvy helped smooth the transition for his students. He breaks down lesson plans into small modules and uses Zoom tools such as polls, small discussion groups, and chat to spark engagement and interaction.

“Teaching online has made me realize how much wisdom is just beneath the surface of the class conversation and to recognize the need to draw it out in welcoming ways,” he says.
Bookshelf

Berkeley Law faculty are prolific authors. Here’s a sampling of their many recent or forthcoming books.

ALAN AUERBACH [CO-EDITOR WITH MICHAEL DEVEREUX, MICHAEL KEEN, PAUL OOSTERHUIS, WOLFGANG SCHÖN, AND JOHN VELLA]

Taxing Profit in a Global Economy
OXFORD UNIVERSITY PRESS, FORTHCOMING 2020

This book addresses fundamental issues of principle and practice involving the taxation of business profit as well as the allocation of taxing rights over such profit among countries. It also considers more radical methods of taxing rights — including those based on residence, destination, and formula apportionment — and evaluates potential reforms, particularly whether they are justifiable on a clear conceptual basis.

ANDREW BRADT [CO-AUTHOR WITH GEOFFREY C. HAZARD JR., WILLIAM A. FLETCHER, AND STEPHEN MCG. BUNDY]

Pleading and Procedure — Cases and Materials, 12th Edition
FOUNDATION PRESS, 2020

This edition thoroughly updates a classic casebook for today’s students and faculty, keeping its perennially popular attributes while making it current. The book teaches students how to read cases while learning doctrine through lightly-edited cases supplemented with extensive notes. The new edition also has a trove of new material on personal jurisdiction, multidistrict litigation, the amended discovery rules, and mandatory arbitration.

ROBERT BARTLETT [CO-AUTHOR WITH WILLIAM J. CARNEY AND GEORGE S. GEIS]

Corporate Finance, Principles and Practice, 4th Edition
FOUNDATION PRESS, 2020

This casebook provides a finance-oriented approach to corporate law, focusing on what students will need to know in corporate practice. Students learn financial fundamentals, such as balance sheets, income, and cash flow, as well as more complex topics, such as corporate debt and convertible securities.
ERWIN CHEMERINSKY [CO-AUTHOR WITH HOWARD GILLMAN]

The Religion Clauses: The Case for Separating Church and State
OXFORD UNIVERSITY PRESS, 2020

Views on the proper balance between the state and religion have been sharply divided throughout this nation’s history — and recent appointments to the Supreme Court suggest changes are coming to First Amendment law concerning religion. This book offers a primer on the meaning of the Constitution’s religion clauses and a critique of the Court’s interpretation of them recently, and argues a separationist approach is most in keeping with the intentions of the founders and the needs of a 21st century society that welcomes multiple religions.

AARON EDLIN [CO-AUTHOR WITH PHILLIP AREEDA, LOUIS KAPLOW, AND SCOTT HEMPHILL]

2019 Professor’s Update to Antitrust Analysis: Problems, Text, and Cases
WOLTERS KLUWER, 2019

This update continues the evolution of this casebook, originally written by the leading antitrust commentator of the 20th century, now continuing to be revised by some of the top lawyer economists of the early 21st century. The update adds new cases across a range of topics, including vertical and horizontal mergers, bundled restraints, and the reach of antitrust laws.

CHRISTOPHER EDLEY, JR. [CO-EDITOR WITH JUDITH KOENIG, NATALIE NIELSEN, AND CONSTANCE CITRO]

Monitoring Educational Equity
THE NATIONAL ACADEMIES PRESS, 2019

Education is sometimes characterized as the “great equalizer,” but to date, the country has not found ways to successfully address the adverse effects of socioeconomic circumstances, prejudice, and discrimination that suppress performance for some groups. This report proposes a system of indicators of educational equity and presents recommendations for implementation, and serves as a framework to help policy makers better understand and combat inequity in the United States’ education system.
**DANIEL A. FARBER**

*Environmental Law in a Nutshell (Japanese translation), 10th Edition*

WEST ACADEMIC PUBLISHING, 2020

This book offers an up-to-date foundation for studying environmental law. It includes comprehensive coverage of a wide variety of environmental issues, from climate change to waste disposal to wetlands. It incorporates and explains both statutory and common-law regulations that shape the global application of environmental standards.

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**IAN HANEY LÓPEZ**

*Merge Left: Fusing Race and Class, Winning Elections, and Saving America*

THE NEW PRESS, 2019

*Merge Left* offers an evidence-based approach to defeating political appeals rooted in racism. Building on his previous book, *Dog Whistle Politics*, Haney López shows how to inoculate the public against manufactured racial divisions and to build support for class-conscious, cross-racial alliances.

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**LAURENT MAYALI [CO-EDITOR WITH EMANUELE CONTE]**

*A Cultural History of Law in the Middle Ages*

BLOOMSBURY ACADEMIC, 2019

Medieval law came to define an order that promoted new forms of individual and social representation, fostered the political renewal that heralded the transition from feudalism to the Early Modern state and contributed to the diffusion of a common legal language. Drawing upon a wealth of textual and visual sources, this book presents essays that examine key cultural case studies of the period on the themes of justice, constitution, codes, agreements, arguments, property and possession, wrongs, and the legal profession.
PETER MENELL [CO-AUTHOR WITH MARK A. LEMLEY, ROBERT MERGES, AND SHYAMKRISHNA BALGANESH]

Intellectual Property Statutes: 2020
CLAUSE 8 PUBLISHING, 2020
This just-updated version covers the principal U.S. property statutes and treaties. It’s ideal used in conjunction with traditional casebooks as well as for IP practitioners and covers everything from copyright to trade secrets.

Intellectual Property in the New Technological Age: 2020
Volume I – Perspectives, Trade Secrets, and Patents and Volume II – Copyrights, Trademarks, and State IP Protections
CLAUSE 8 PUBLISHING, 2020
Offering an in-depth study of the fast-moving evolution of intellectual property law, Intellectual Property in the New Technological Age consists of two volumes meant to be used together in a fundamentals course. Volume I covers philosophical perspectives, trade secret law, and patent law; Volume II covers copyright law, trademark law, and state intellectual property law protections. As professors and practitioners in this field know all too well, Congress and the courts continue to develop intellectual property law and jurisprudence at a rapid pace, so these editions are significantly augmented and revised.

PETER MENELL [VOLUME I, CO-EDITOR WITH BEN DEPOORTER; VOLUME II, CO-EDITOR WITH DAVID L. SCHWARTZ]

EDWARD ELGAR PUBLISHING, 2019
Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades. This field-defining two-volume handbook, featuring the leading legal, empirical, and law and economics scholars studying intellectual property rights, provides wide-ranging and in-depth analysis both of the economic theory underpinning intellectual property law, and the use of analytical methods to study it.
PETER MENELL [CO-AUTHOR WITH KATHI VIDAL, LEERON G. KALAY, MATTHEW POWERS, AND SARITA VENKAT]

Patent Mediation Guide
FEDERAL JUDICIAL CENTER, 2019
This stage-by-stage, issue-by-issue guide to the mediation of patent disputes supplements the Patent Case Management Judicial Guide, a comprehensive treatise developed for the federal judiciary. This book provides analogous guidance to patent mediators (magistrate judges and private mediators), in-house counsel, and litigation counsel.

ROBERT P. MERGES

CAMBRIDGE UNIVERSITY PRESS, FORTHCOMING 2021
This book is a comprehensive history of the U.S. patent system from 1790, with an emphasis on how patents have been used by private enterprise for the pursuit of business goals. It highlights how Congress and the courts have adapted patent rules to support socially beneficial business practices, and tried (at times successfully) to modify those rules to re-channel investment and effort away from socially harmful practices, such as extortionate litigation.

ROBERT P. MERGES [CO-AUTHOR WITH FANG LIU]

Intellectual Property Strategy for Business
CHINA LEGAL PUBLISHING HOUSE, 2020
While China has been making rapid progress in giving out and enforcing IP rights, and the tactics of the practice are becoming well-known, the idea of putting tactics into service of a business goal — such as entering a new market — is mostly under the radar. This primer is written in English and Chinese, and is designed to help corporate lawyers understand the tools and tactics that constitute an effective IP strategy, and to put them into action.
**SAIRA MOHAMED [EDITOR]**

*Rules for Wrongdoers: Law, Morality, War*

*Arthur Ripstein*

**Oxford University Press, Forthcoming 2021**

This volume collects lectures given by Ripstein, a professor at the University of Toronto, at Berkeley in 2019. Arguing that the central wrong of war is that war is the condition which force decides, Ripstein contends that the rules governing the conduct of hostilities must apply equally to aggressor and defender in an armed conflict. Mohamed wrote the introduction, and the book also features commentaries, including by Berkeley Law Professor Christopher Kutz, and a reply by Ripstein.

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**DAVID B. OPPENHEIMER [CO-EDITOR WITH ANN NOEL]**

*The Global #MeToo Movement: How Social Media Propelled a Historic Movement and the Law Responded*

**Full Court Press, 2020**

Forty-eight authors from 28 countries spanning every continent but Antarctica tell the story of how social media has driven a social movement against sexual harassment, and how the law has responded, often by helping men to push back. Twenty-two of the 48 authors are women of color, and many are part of a new generation of young women bringing new insights to the fight against discrimination and harassment. The authors also include leading university professors, NGO activists, and government officials.

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**DAVID B. OPPENHEIMER [CO-AUTHOR WITH FRED MOSS]**

*Rowe v. Pacific Quad: Problems, Teaching Notes and Casefile, 6th Edition*

**Wolters Kluwer, 2020**

This updated volume brings this practice case on sexual harassment into the current environment, including tweets referencing the #MeToo movement and text messages between the parties.
DAVID B. OPPENHEIMER [CO-AUTHOR WITH SHEILA FOSTER, SORA HAN, AND RICHARD FORD]

Comparative Equality & Anti-Discrimination Law: Cases, Codes, Constitutions & Commentary, 3rd Edition
EDWARD ELGAR PUBLISHING (UK), 2020

This revised and updated casebook comprehensively compares the U.S. legal approach to problems of inequality and discrimination with the approaches of a variety of other legal systems around the world, including those in Europe, South Africa, China, Colombia, India, and Brazil. It provides an introduction to theories of equality and sources of equality law, and examines inequality and discrimination based on gender, race, ethnicity, sexual orientation and identity, religion, and disability.

DAVID B. OPPENHEIMER

The Ubiquity of Positive Measures for Addressing Systemic Discrimination and Inequality: A Comparative Global Perspective
BRILL, 2019

Positive measures to prevent and remedy discrimination have been adopted in many parts of the world. By comparing the scope and form of such measures in different legal systems, we can gain a better perspective on our own system, and appreciate possible new approaches. This book compares positive anti-discrimination measures in the United States, India, Brazil, South Africa, Canada, the United Kingdom, and the European Union.

DANIEL L. RUBINFELD [CO-AUTHOR WITH ROBERT INMAN]

Democratic Federalism: The Economics, Politics, and Law of Federal Governance
PRINCETON UNIVERSITY PRESS, 2020

Around the world, federalism has emerged as the system of choice for nascent republics and established nations alike. In this book, Inman and Rubinfeld consider the most promising forms of federal governance and the most effective path to enacting federal policies. Drawing on the latest work from economics, political science, and law, they assess different models of federalism and their relative abilities to promote economic efficiency, encourage the participation of citizens, and protect individual liberties.
ANDREA ROTH [CO-AUTHOR WITH JANE MORIARTY, EDWARD IMWINKELRIED, AND VALENA BEETY]

Scientific Evidence, 6th Edition
LEXISNEXIS, FORTHCOMING 2020

This new update of a pathbreaking casebook is organized and written clearly to help prosecutors, defense attorneys, civil litigators, and judges keep abreast of scientific techniques to demonstrate or disprove a connection between forensic evidence and an individual. It covers rules and precedents, then analyzes the most frequently encountered scientific evidence and the latest developments in scientific evidence.

ANDREA ROTH [CO-AUTHOR WITH DAVID A. SKLANSKY]

Evidence: Cases, Commentary, and Problems, 5th Edition
WOLTERS KLUWER, 2020

This flexible and engaging casebook focuses on core concepts and central controversies in evidence law, presented through tightly edited cases, stimulating commentary from a wide range of perspectives, and carefully crafted problems. The latest edition includes excerpts from more than 50 new cases and 20 new articles, fresh problems and enhanced editorial material, and three entirely new sections: one on machine-generated proof, one on digital forensics, and one on authenticating electronic evidence.

PAUL M. SCHWARTZ [CO-AUTHOR WITH DAN SOLOVE]

Principles of the Law, Data Privacy
AMERICAN LAW INSTITUTE, FORTHCOMING 2020

Information privacy is more important than ever, with new concerns about digital data collection emerging almost daily. A significant debate is raging at the state and federal levels about the need for comprehensive data privacy laws. This volume lays out a framework for regulating data privacy, spells out best practices for entities that process personal data, and offers helpful guidance to legislators, judges, and policymakers.
JEFFREY SELBIN [CO-AUTHOR WITH JULIET BRODIE, CLARE PASTORE, AND EZRA ROSSER]

Poverty Law, Policy and Practice, 2nd Edition
WOLTERS KLUWER, FORTHCOMING 2021

When the first edition was published in 2014, it was the first poverty law textbook to be published in 15 years. With updated literature from multiple viewpoints, the new edition provides an overview of the field, including cases, data and major government programs that map onto important theoretical, doctrinal, policy and practice questions.

ERIC STOVER [CO-EDITOR WITH HENRY ERLICH AND THOMAS J. WHITE]

Silent Witness: Forensic DNA Analysis in Criminal Investigations and Humanitarian Disasters
OXFORD UNIVERSITY PRESS, 2020

Since its introduction in the late 1980s, DNA analysis has revolutionized the forensic sciences. Yet many of the scientific, legal, societal, and ethical concepts that underpin forensic DNA analysis remain poorly understood, and their application often controversial. Told by over 20 experts in genetics, law, and social science, Silent Witness relates the history and development of modern DNA forensics and its application in both the courtroom and humanitarian settings.

CHRISTOPHER TOMLINS

In the Matter of Nat Turner: A Speculative History
PRINCETON UNIVERSITY PRESS, 2020

This book is a spiritual biography of the Virginia slave Nat Turner, a critical examination of his rebellion, and an analysis of the rebellion’s impact on antebellum Virginia, on the American South, and on the nation. Tomlins also turns a diagnostic eye on The Confessions of Nat Turner — both Thomas Ruffin Gray’s hastily-compiled pamphlet issued a few days after Turner’s execution, and William Styron’s 1967 novel which borrows its title and narrative outline from Gray’s pamphlet.
AMANDA TYLER [CO-AUTHOR WITH RICHARD H. FALLON, JR., JACK L. GOLDSMITH, JOHN F. MANNING, AND DAVID L. SHAPIRO]

FOUNDATION PRESS, 2020

This supplement makes the casebook, which last had a full update in 2015, current to recent developments in the law.

JOHN YOO

Defender-in-Chief: Donald Trump’s Fight for Presidential Power
ALL POINTS BOOKS, 2020

Yoo argues that charges that President Trump is a threat to the rule of law and the Constitution has things exactly backwards. Instead, Yoo asserts, Washington, Jefferson, Madison and Hamilton would have seen Trump as returning to their vision of presidential power, even at his most controversial, and that unseating Trump would inflict permanent damage on the office of the presidency, the most important office in our constitutional system and the world.

FRANKLIN ZIMRING

The Insidious Momentum of American Mass Incarceration
OXFORD UNIVERSITY PRESS, 2020

This book challenges the conventional ways we consider the issue of mass incarceration in the United States and how we can combat the rising numbers, arguing that the most powerful enemy to reducing excess incarceration is simply the mundane features of state and local government, such as elections of prosecutors and state support for prison budgets. Zimring seeks a comprehensive understanding of when, how, and why the United States became the world leader in incarceration to further determine how the use of confinement can realistically be reduced.
CATHERINE ALBISTON
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B.A., Stanford University (1987)
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Ph.D., UC Berkeley (2001)
What’s so New about the #MeToo Movement?
Albiston, Catherine in Trumpism and its Discontents (2020) Forthcoming
Paid Leave for Precarious Workers During COVID-19
Albiston, Catherine in Contexts (2020)
Covid-19 Reveals Gaping Holes in the U.S. Social Safety Net
Fisk, Catherine; Albiston, Catherine, Calif. L. Rev. Online (2020-05)
Making Public Interest Lawyers in a Time of Crisis:
An Evidence Based Approach
Albiston, Catherine; Cummings, Scott L; Abel, Richard, 34 Geo. J. Legal Ethics (2021) Forthcoming
Albiston, Catherine; Fisk, Catherine, 42 Berkeley J. Emp. & Lab. L. (2021) Forthcoming

TY ALPER
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J.D., New York University School of Law (1998)
LL.M., Georgetown University (2004)
Third-Party Sexual Harassment: The Challenge of Title IX Obligations for Law School Clinics
Alper, Ty, Wash. L. Rev. (2021) Forthcoming
ROXANNA ALTHOLZ
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Co-Director, International Human Rights Law Clinic
J.D., UC Berkeley School of Law (1999)
Living with Impunity: Unsolved Murders in Oakland and the Human Rights Impact on Victims’ Family Members
Altholz, Roxanna (2020)
Altholz, Roxanna (2019)

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B.A., UC Berkeley (1997)
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Borrowing Equality
Atkinson, Abbye, Colum. L. Rev. (2020) Forthcoming

ALAN AUERBACH
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B.A., Yale University (1974)
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Taxing Profit in a Global Economy
Auerbach, Alan J.; Devereux, Michael; Keen, Michael; Oosterhuis, Paul; Schön, Wolfgang; Vella, John (2021) Forthcoming
Did the 2017 Tax Reform Discriminate against Blue State Voters?
Auerbach, Alan J.; Altig, David; Higgins, Patrick; Koehler, Darryl; Kotlikoff, Laurence; Terry, Ellyn; Ye, Victor, Nat’l Tax J. (2020) Forthcoming
Effects of Fiscal Policy on Credit Markets
Auerbach, Alan J.; Gorodnichenko, Yuriy; Murphy, Daniel
110 AEA Papers & Proc. 119 (2020)
Local Fiscal Multipliers and Fiscal Spillovers in the United States
Auerbach, Alan J.; Gorodnichenko, Yuriy; Murphy, Daniel
68 IMF Econ. Rev. 195 (2020)
KENNETH A. BAMBERGER
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B.A., Harvard University (1990)
Henry Fellow, Cambridge University (1991)

Lex Algorithmica: Humans and Systems in Content Governance
Bamberger, Kenneth A.; Mulligan, Deirdre K.
Berkeley Tech. L.J. (2021) Forthcoming

The Price is (Not) Right: Comparing Privacy in Free and Paid Apps
Han, Catherine; Reyes, Irwin; Feal, Álvaro; Reardon, Joel; Wijesekera, Primal; Vallina-Rodriguez, Narseo; Elazar, Amit; Bamberger, Kenneth A.; Egelman, Serge

Can You Pay for Privacy? Consumer Expectations and the Behavior of Free and Paid Apps
Bamberger, Kenneth A.; Egelman, Serge; Han, Catherine; Bar On, Amit Elazar; Reyes, Irwin, 35 Berkeley Tech. L.J. 327 (2020)

Procurement as Policy: Administrative Process for Machine Learning

ROBERT BARTLETT
I. Michael Heyman Professor of Law
Faculty Director, Berkeley Center for Law, Business and the Economy
B.A., Harvard University (1996)

Subsidizing Liquidity with Wider Ticks: Evidence from the Tick Size Pilot Study
Bartlett, Robert P. Ill, McCrary, Justin, 17 J. Empirical Legal Stud. 262 (2020)

The Misuse of Tobin’s q
Bartlett, Robert P.; Partnoy, Frank, 73 Vand. L. Rev. 353 (2020)

Dark Trading at the Midpoint: Does SEC Enforcement Policy Encourage Latency Arbitrage?
Bartlett, Robert; McCrary, Justin, 4 J. L. Fin. & Acct. 291 (2019)

The Myth of Morrison: Securities Fraud Litigation against Foreign Issuers
Bartlett, Robert; Cain, Matthew D.; Fisch, Jill E.; Davidoff Solomon, Steven, 74 Bus. Law. 967 (2019)
ERIC BIBER
Edward C. Halbach Jr. Professor of Law
J.D., Yale Law School (2001)
M.S., Yale School of Forestry & Environmental Studies (2001)
Making It Work: Legal Foundations for Administrative Reform of California’s Housing Framework
Biber, Eric; Elmendorf, Chris; O’Neill, Moira; Monkkonen, Paavo
Ecology L. Q. (2021) Forthcoming
Sustainable Communities or the New Urban Renewal?
Biber, Eric; O’Neill, Moira; Gualco-Nelson, Giulia
Ecology L. Q. (2021) Forthcoming
A Survey of State Wildlife and Endangered Species Protections
Protected Area Stewardship in the Anthropocene: Integrating Science, Law, and Ethics to Evaluate Proposals for Ecological Restoration in Wilderness
Biber, Eric; Hahn, Beth; Landres, Peter; Spencer, Daniel, 28 Restoration Ecology 315 (2020)

ANDREW D. BRADT
Professor of Law
Pleading and Procedure — Cases and Materials
Bradt, Andrew D.; Hazard, Geoffrey; Fletcher, William; Bundy, Stephen (12th ed. 2020)
Multidistrict Litigation and Adversarial Legalism
Party Preferences in Multidistrict Litigation
Bradt, Andrew D.; Clopton, Zachary D., 107 Calif. L. Rev. 1713 (2019)
It’s Good to Have the ‘Haves’ on Your Side: A Defense of Repeat Players in Multidistrict Litigation

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B.A., Spelman College (1999)
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Beyond Torts: Reproductive Wrongs and the State
Bridges, Khiara M., Colum. L. Rev. (2021) Forthcoming
Race and Culture in the Criminalization of Motherhood
Racial Disparities in Maternal Mortality

Race, Pregnancy, and the Opioid Epidemic: White Privilege and the Criminalization of Opioid Use During Pregnancy
Bridges, Khiara M., 133 Harv. L. Rev. 770 (2020)

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A.B., Cornell University (1950)
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LL.M., UC Berkeley School of Law (1953)
National Implementation of the Cape Town Convention: Of Bankruptcy and Civil Procedure
Buxbaum, Richard in Festschrift Herbert Kronke (2020)
The Long Life of Property Through War and Revolution
Buxbaum, Richard in Festschrift Christine Windbichler (2020)

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LL.M., UC Berkeley School of Law (2007)
J.S.D., UC Berkeley School of Law (2011)
Partisan Voting on the California Supreme Court
Gergen, Mark P.; Carrillo, David A.; Chen, Benjamin Minhao; Quinn, Kevin M., S. Cal. L. Rev. (2020) Forthcoming

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B.S., Northwestern University (1975)
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The Religion Clauses: The Case for Separating Church and State
Chemerinsky, Erwin; Gillman, Howard (2020)
The Court Should Not Let Politically Divided Times Affect Its Choices and Decisions
Chemerinsky, Erwin, 61 Wm. & Mary L. Rev. 971 (2020)
Constitutional Law
Chemerinsky, Erwin (6th ed. 2020)
Justice Kennedy: A Free Speech Justice: Only Sometimes
Chemerinsky, Erwin, 70 Hastings L.J. 1193 (2019)
The Transgender Military Ban: Preservation of Discrimination Through
Transformation
Goodwin, Michelle; Chemerinsky, Erwin, 114 Nw. U. L. Rev. 751 (2019)

The Supreme Court and Public Schools

Eviscerating a Healthy Church-State Separation
Chemerinsky, Erwin; McDonald, Barry P., 96 Wash. U. L. Rev. 1009 (2019)

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B.S., Wilkes University (1957)
LL.B., University of Pennsylvania (1960)
D.Hu. Litt., Wilkes University (1967)
Leading Cases in Constitutional Law: A Compact Casebook for a Short Course
Choper, Jesse H.; Fallon, Richard H.; Kamisar, Yale; Shiffrin, Steven H. (2019)

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B.A., Swarthmore College (1967)
M.A., Oxford University (1969)
Ph.D., Harvard University (1975)
Torts and Restitution: Legal Divergence and Economic Convergence
Cooter, Robert; Porat, Ariel, 92 S. Cal. L. Rev. 897 (2019)

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B.A., Stanford University (2000)
Tracking the Trackers: An Examination of Electronic Monitoring of Youth in Practice
Crump, Catherine, 53 U.C. Davis L. Rev. 795 (2019)
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B.A., Davidson College (2002)
MSc, The London School of Economics and Political Science (2003)
J.D., Columbia University (2008)

**Percolation’s Value**  
*Davis, Seth; Coenen, Michael*  
Stan. L. Rev. (2021) Forthcoming

**Tribalism and Democracy**  
*Davis, Seth, Wm. & Mary L. Rev. (2020) Forthcoming

**Theorizing Transnational Fiduciary Law**  
*Davis, Seth; Shaffer, Gregory,* 5 U.C. Irvine J. Int’l Transnat’l & Comp. L. 1 (2020)

**The New Public Standing**  
*Davis, Seth,* 71 Stan. L. Rev.1229 (2019)

**The Private Rights of Public Governments**  
*Davis, Seth,* 94 Notre Dame L. Rev. 2091 (2019)

**2019 Supplement to Cohen’s Handbook of Federal Indian Law**  
*(Davis, Seth ed., 2019)*

**The Thirteenth Amendment and Self-Determination**  

**Introduction: Global Dimensions of Indigenous Self-Determination**  
*Davis, Seth,* 5 Indigenous Peoples’ J.L. Culture & Resistance 1 (2019)

---

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**Sociology of Law and New Legal Realism**  
*Morrill, Calvin; Edelman, Lauren B.* in *Research Handbook on Modern Legal Realism* (Talesh, Shauhin; Klug, Heinz; Mertz, Elizabeth eds., 2020) Forthcoming

**Conversations in Law and Society: Oral Histories of the Emergence and Transformation of the Movement**  
*Morrill, Calvin; Edelman, Lauren B.; Fang, Yan; Greenspan, Rosann*  

**Sex-Based Harassment and Symbolic Compliance**  
*Edelman, Lauren B.; Cabrera, Jessica*  

**The #MeToo Movement, Symbolic Structures, and the Limits of the Law**  
*Edelman, Lauren B.* in *The Global #MeToo Movement,* (Noel, Ann M.; Oppenheimer, David B. eds., 2020)

**Foreword**  
CHRISTOPHER EDLEY, JR.
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B.A., Swarthmore College (1973)
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Monitoring Educational Equity
Edley, Christopher Jr.; Koenig, Judith; Nielsen, Natalie; Citro, Constance, eds. (2019)

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A.B., Princeton University (1988)
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2019 Professor’s Update to Antitrust Analysis: Problems, Text, and Cases
Edlin, Aaron S.; Areeda, Phillip; Kaplow, Louis; Hemphill, Scott (2019)
Hunting Unicorns? Experimental Evidence on Exclusionary Pricing Policies
Edlin, Aaron S.; Roux, Catherine; Schmutzler, Armin; Thoeni, Christian,
62 J.L. & Econ. 457 (2019)

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B.A., University of Illinois (1971)
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Environmental Law in a Nutshell (Japanese translation)
Farber, Daniel A. (10th ed. 2020)
Exceptional Circumstances: Immigration, Imports, the Coronavirus,
and Climate Change as Emergencies
Farber, Daniel A., 71 Hastings L.J. 1143 (2020)
Climate Change Litigation in the United States
Farber, Daniel A. in Handbook of Climate Change Litigation
(Kohl, Wolfgang; Weller, Marc-Phillippe eds., 2020)
Continuity and Transformation in Environmental Regulation
SEAN FARHANG
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B.A., UC Berkeley (1990)
J.D., New York University School of Law (1993)
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A New (Republican) Litigation State?
Farhang, Sean; Burbank, Stephen, U.C. Irvine L. Rev. (2021) Forthcoming

Legislative Capacity and Administrative Power Under Divided Polarization
Farhang, Sean, Daedalus (2021) Forthcoming

Politics, Identity, and Class Certification on the U.S. Courts of Appeals

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B.A., Austin College (1964)
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Book Review - Geoffroy de Lagasnerie, Judge & Punish: The Penal State on Trial, trans. Lara Vergnaud

Book Review - Rachel Barkow, Prisoner of Politics: Breaking the Cycle of Mass Imprisonment

Criminal Justice as Regulation
Feeley, Malcolm M., 23 New Crim. L. Rev. 113 (2020)

Private Alternatives to Criminal Courts: The Future Is All around Us

CATHERINE FISK
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A.B., Princeton University (1983)
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Protection by Law, Repression by Law: Bringing Labor Back into Law and Social Movement Studies
Fisk, Catherine; Reddy, Diana S., Emory L. J. (2020) Forthcoming

The Once and Future Countervailing Power of Labor
Fisk, Catherine, Yale L. J. F. (2020) Forthcoming

Reforming Law Enforcement Labor Relations
Fisk, Catherine; Grodin, Joseph; Henderson, Thelton; True, John; Winograd, Barry; Yank, Ronald, Calif. L. Rev. Online (2020-08)

Covid-19 Reveals Gaping Holes in the U.S. Social Safety Net
Fisk, Catherine; Albiston, Catherine, Calif. L. Rev. Online (2020-05)
Nondisclosure Agreements and Sexual Harassment: #MeToo and the Change in American Law of Hush Contracts
Fisk, Catherine in The Global #MeToo Movement (Oppenheimer David; Noel, Ann eds, 2020)

Sustainable Alt-Labor
Fisk, Catherine L., 95 Chi.-Kent L. Rev. 7 (2020)

Democratic Norms and Governance Experimentalism in Worker Centers
Ashar, Sameer M.; Fisk, Catherine L., 82 Law & Contemp. Probs. 141 (2019)

After Janus
Fisk, Catherine L.; Malin, Martin H., 107 Calif. L. Rev. 1821 (2019)

Albiston, Catherine; Fisk, Catherine, 42 Berkeley J. Emp. & Lab. L. (2021) Forthcoming

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Let’s Talk about the Boteros: Law, Memory, and the Torture Memos at Berkeley Law

Opening Reflection: The Elegance of International Law

What Can International Transitional Justice Offer U.S. Social Justice Movements?
Fletcher, Laurel E., 46 N. Ky. L. Rev. 132 (2019)

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Professor of Law
B.A., University of Massachusetts at Amherst (1993)
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Legal Tech, Civil Procedure, and the Future of American Adversarialism

Power and Statistical Significance in Securities Fraud Litigation

A Bayesian Approach to Event Studies for Securities Litigation
Gelbach, Jonah B.; Hawkins, Jenny Rae, 176 J. Inst. & Theoretical Econ. 86 (2020)

Estimation Evidence
MARK P. GERGEN
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**Privity**

**Partisan Voting on the California Supreme Court**
Gergen, Mark P.; Carrillo, David A.; Chen, Benjamin Minhao; Quinn, Kevin M.,
S. Cal. L. Rev. (2020) Forthcoming

**Recalibrating the Disgorgement Remedy in Intellectual Property Cases**
Samuelson, Pamela; Golden, John; Gergen, Mark P.,

**The Disgorgement Remedy of Design Patent Law**
Samuelson, Pamela; Gergen, Mark, 108 Calif. L. Rev. 183 (2020)

---

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Assistant Professor of Law
Ph.D., Harvard Graduate School of Arts and Sciences (2019)

**Exploitative Revenues, Law Enforcement, and the Quality of Government Service**
Goldstein, Rebecca; Sances, Michael; You, Hye Young, 61 Urban Aff. Rev. 5 (2020)

**The Politics of Decarceration**
Goldstein, Rebecca, 129 Yale L.J. 446 (2019)

---

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Assistant Professor of Law
A.B., Harvard College (2010)
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**Rethinking Swing Voters**

**Codifying Constitutional Norms**

**The Law of Legislative Representation**

**Law Within Congress**
DAVID SINGH GREWAL
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From State of Nature to State of Economy: Pufendorf on Natural Law

Sovereignty in its Economic Dimensions: In Search of a Usable Legal History
Grewal, David Singh; Somos, Mark, J. Hist. Int’l L. (2020) Forthcoming

Building a Law-and-Political-Economy Framework: Beyond the Twentieth Century Synthesis
Grewal, David Singh; Britton-Purdy, Jedediah; Kapczynski, Amy; Rahman, Sabeel,
129 Yale L.J. 1784 (2020)

A Research Agenda for Trade Policy in the Trump Era

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Latino Voter Outreach that Mobilizes White Voters, Too
Haney López, Ian in Turnout: Mobilizing Voters in an Emergency
(Derber, Charles; Moodliar, Suren; Nelson, Matt eds., 2020)

Averting Climate Collapse Requires Confronting Racism
Haney López, Ian in Winning the Green New Deal: Why We Must, How We Can
(Prakash, Varshini; Girgenti, Guido eds., 2020)

Merge Left: Fusing Race and Class, Winning Elections, and Saving America
Haney López, Ian (2019)

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Thucydides in the Renaissance and Reformation
Hoekstra, Kinch; Matsubara, Kentaro, Jurisuto (2019)

Introduction
Hoekstra, Kinch; Johnston, David in Norton Library edition of Thomas Hobbes,
Leviathan (2021) Forthcoming
Prudent Realism Against War: Hobbes and Thucydides
Hoekstra, Kinch; Matsuba, Kentaro, Jurisuto (2019)

Hobbes and Aristotle on the Foundation of Political Science

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B.A., University of Georgia (1996)
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The Tethered Economy
Hoofnagle, Chris Jay; Kesari, Aniket; Perzanowski, Aaron, 87 Geo. Wash. L. Rev. 783 (2019)

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From Trade Secrecy to Seclusion
Katyal, Sonia K.; Graves, Charles Tait, Geo. L.J. (2021) Forthcoming

Private Accountability in an Age of Artificial Intelligence

The Gender Panopticon: Artificial Intelligence and Design Justice

Trademarks, Artificial Intelligence, and the Role of the Private Sector

Brands Behaving Badly

The Paradox of Source Code Secrecy
Katyal, Sonia K., 104 Cornell L. Rev. 1183 (2019)
ORIN KERR  
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B.S.E., Princeton University (1993)  
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The Questionable Objectivity of Fourth Amendment Law  
Kerr, Orin, Tex. L. Rev. (2020) Forthcoming  

Decryption Originalism: The Lessons of Burr  
Kerr, Orin, Harv. L. Rev. (2020) Forthcoming  

Brief of Professor Orin S. Kerr as Amicus Curiae Supporting Petitioner, Nathan Van Buren v. United States, U.S. Supreme Court, No. 18-956.  
Kerr, Orin (2020)

CHRISTOPHER KUTZ  
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Ph.D., UC Berkeley (1996)  
J.D., Yale Law School (1997)  

Comment  
Kutz, Christopher in Rules for Wrongdoers: Law, Morality, War, Ripstein, Arthur (Mohamed, Saira, ed., 2021) Forthcoming  

Shared Criminal Responsibility  
Kutz, Christopher in Routledge Handbook of Collective Responsibility (Barzagan-Forward, Saba; Tollefson, Deborah eds., 2019)

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Fake News is Real. The Significance and Sources of Disbelief in Mainstream Media in Trump’s America  

The Art of the Shitty Deal: Media Frames and Public Opinion on Financial Regulation in the United States  
Lee, Taeku; Culpepper, Pepper, Socioeconomic Rev. (2020) Forthcoming  

Framing the Bankers: Media and Public Attitudes on the Australian Banking Scandal  

When Deliberation Produces Persuasion rather than Polarization: Measuring and Modeling Small Group Dynamics in a Field Experiment  
DAVID LIEBERMAN
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Krygier and Selznic and the Rule of Law

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Ph.D., Harvard University (2007)
Fundraising for Stigmatized Groups: A Text Message Donation Experiment
Introduction to the Symposium on Authoritarian International Law: Is Authoritarian International Law Inevitable?
The Global Dominance of European Competition Law over American Antitrust Law
Bradford, Anu; Chilton, Adam; Linos, Katerina; Weaver, Alexander, 16 J. Empirical Legal Stud. 731 (2019)

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La Faiblesse et le droit (Weakness and Law)
Mayali, Laurent in La Faiblesse en Droit (Kapiekaki, M. K.; Gakis, S.; Okyay, K.; Place, R.; Perrin, M. eds., 2020)
Fasting in Medieval Canon Law
Mayali, Laurent (de Francheschi, Sylvio; Benkheira, Hocine eds., 2020)
Mulier in Genere
Mayali, Laurent in La Femme au Moyen Age
(Poirel, D.; Bermon, P. eds., 2020)

A Cultural History of Law in the Middle Ages
Mayali, Laurent; Conte, Emanuele (2019)

Inquisitione
Mayali, Laurent in Lessico di Storia della Chiesa (Ardura, Bernard ed., 2019)

Lotta per le Investiture
Mayali, Laurent in Lessico di Storia della Chiesa (Ardura, Bernard ed., 2019)

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The Use of Technical Experts in Software Copyright Cases: Rectifying the Ninth Circuit’s “Nutty” Rule
Menell, Peter; Balganesh, Shyamkrishna, Berkeley Tech. L.J. (2021) Forthcoming

Intellectual Property and Social Justice: Mapping the Next Frontier

A Remix Compulsory Licensing Regime for Music Mashups
Menell, Peter in Focal Press Companion to Copyright and Creativity in the 21st Century
(Borge, Michelle; Wolff, Nancy eds., 2020) Forthcoming

Revisiting and Confronting the Federal Judiciary Capacity “Crisis”: Charting a Path for Federal Judiciary Reform

Menell, Peter; Nimmer, David; Balganesh, Shyamkrishna (2020)

Intellectual Property Statutes: 2020
Menell, Peter; Lemley, M.; Merges, Robert; Balganesh, Shyamkrishna (2020)

Menell, Peter; Lemley, M.; Merges, Robert; Balganesh, Shyamkrishna (2020)

Menell, Peter; Lemley, M.; Merges, Robert; Balganesh, Shyamkrishna (2020)

Menell, Peter; Balganesh, Shyamkrishna; Nimmer, David (2019)


Balganesh, Shyamkrishna; Menell, Peter (2019)

Brief of Professors Jeffrey A. Lefstin and Peter S. Menell as Amici Curiae Supporting Petition for a Writ of Certiorari, Athena Diagnostics, Inc. v. Mayo Collaborative Services, LLC, U.S. Supreme Court No.19-430.

Lefstin, Jeffrey A.; Menell, Peter (2019)

3D Printing and US Copyright Law

Menell, Peter; Vacca, Ryan G.in 3D Printing and Beyond: The Intellectual Property and Legal and Implications Surrounding 3d Printing and Emerging Technologies, (Lemley, Mark; Mendis, Dinusha; Rimmer; Matthew eds., 2019)

Empirical Studies of Claim Construction


Economic Models of Innovation: Stand-alone and Cumulative Creativity


Economic Analysis of Network Effects and Intellectual Property


Economic Analysis of Intellectual Property Notice and Disclosure


(Menell, Peter; Schwartz, David L. eds., 2019)


(Menell, Peter; Depoorter, Ben eds., 2019)

Patent Mediation Guide

Menell, Peter; Vidal, Kathi; Kalay, Leeron G.; Powers, Matthew; Venkat, Sarita (2019)

Patent Showdown at the N.D. C(orr)al

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J.D., Yale Law School (1985)
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Merges, Robert P. (2021) Forthcoming
Intellectual Property Strategy for Business
Merges, Robert P.; Liu, Fang (Helen) (2020)
Patent Markets and Innovation in the Era of Big Platform Companies
National Sovereignty and International Patent Law

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Plessy Preserved: Agencies and the Effective Constitution
Milligan, Joy, 129 Yale L.J. 924 (2020)

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Introduction
Mohamed, Saira in Ripstein, Arthur, Rules for Wrongdoers: Law, Morality, War
(Mohamed, Saira, ed., 2021) Forthcoming
Contestation and Inevitability in the Crimes of the International Criminal Court
Mohamed, Saira in Elgar Companion to the International Criminal Court
(deGuzman, Margaret M.; Oosterveld, Valerie eds., 2020) Forthcoming
Legitimacy in International Law and Institutions: Carrying Forward the Work of David D. Caron
Engaging Accountability Mechanisms: Innovative or Ineffective: Introductory Remarks

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Sociology of Law and New Legal Realism
Morrill, Calvin; Edelman, Lauren B. in Research Handbook on Modern Legal Realism (Talesh, Shauhin; Klug, Heinz; Mertz, Elizabeth eds., 2020) Forthcoming
Conversations in Law and Society: Oral Histories of the Emergence and Transformation of the Movement
A Multi-Field Logics Approach to Theorizing Relationships among Healthcare and Criminal Justice
Morrill, Calvin; Chiarello, Elizabeth in Research Handbook on Socio-legal Studies of Health and Medicine (Jacob, Marie-Andree; Kirkland, Anna eds., 2020)
Social Control in Organizations
Morrill, Calvin; Arsiniega, Brittany in The Handbook of Social Control (Deflem, Mathieu ed., 2019)

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Lex Algorithmica: Humans and Systems in Content Governance
Procurement as Policy: Administrative Process for Machine Learning
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Secret Life of a Text Message
Interbranch Information Sharing: Examining the Statutory Opinion Transmission Project
Defective Patent Deference
Narechania, Tejas N., 95 Wash. L. Rev. 869 (2020)

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What is “Systemic Racism”? How is it Different From Racist Acts Caused by Bigotry, Prejudice or Bias?
Oppenheimer, David B., SSRN (2020)
Rowe v Pacific Quad - Problems, Teaching Notes and Casefile
Oppenheimer, David B.; Moss, Fred (6th ed. 2020)
Comparative Equality & Anti-Discrimination Law: Cases, Codes, Constitutions & Commentary
Oppenheimer, David B.; Foster, Sheila R.; Han, Sora; Ford, Richard (3rd ed. 2020)
The Global #MeToo Movement
(Oppenheimer, David B.; Noel, Ann eds. 2020)
The Ubiquity of Positive Measures for Addressing Systemic Discrimination and Inequality: A Comparative Global Perspective
Oppenheimer, David B. (2019)

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Contractual Inequality
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**Negative Activism**
Partnoy, Frank; Bliss, Barbara; Molk, Peter, 97 Wash. U. L. Rev. 1333 (2020)
**The Misuse of Tobin’s q**
Bartlett, Robert P.; Partnoy, Frank, 73 Vand. L. Rev. 353 (2020)
**Institutional Investors as Short Sellers**
Partnoy, Frank; Molk, Peter, 99 B.U. L. Rev. 837 (2019)
**Introduction: Professor Randall Thomas’s Depolarizing and Neutral Approach to Shareholder Rights**
Cox, James D.; Partnoy, Frank, 72 Vand. L. Rev. 1755 (2019)

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**Double Isolation: Identity Expression Threat Predicts Greater Gender Disparities in Computer Science**
Cheryan, S.; Lombard, E.J.; Hudson, L.; Louis, K.; Plaut, Victoria; Murphy, M.C., 19 Self & Identity 412 (2020)
**Diversity Resistance Redux: The Nature and Implications of Dominant Group Threat for Diversity and Inclusion**
Plaut, Victoria; Romano, C.A.; Hurd, K.; Goldstein, E. in Diversity Resistance in Organizations (Thomas, K.M. ed., 2020)

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**The Hidden Success of a Conspicuous Law: Proposition 65 and the Reduction of Toxic Chemical Exposures**
Polsky, Claudia; Schwarzman, Meg, MD, Ecology L. Q. (2021) Forthcoming
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The Legacy of ‘Separate but Equal’: Policy Implications for the 21st Century
(powell, john a. ed., 2021) Forthcoming

The 125th Anniversary of Plessy v. Ferguson

Health Equity and the Circle of Human Concern

On Bridging: Evidence and Guidance from Real World Cases
powell, john a.; Heydemann, Rachel, Othering and Belonging Institute
(2020) Forthcoming

Foreword
powell, john a. in Trumpism and the Crisis of the American Liberal Order
(2020) Forthcoming

Uprooting Authoritarianism: Deconstructing the Stories behind Narrow Identities and Building a Society of Belonging
powell, john a., Colum. J. Race & L. (2020) Forthcoming

Bridging or Breaking? The Stories We Tell Will Create the Future We Inhabit
powell, john a., Nonprofit Q. (2020)

Foreword
powell, john a. in Brief History of the Subordination of African Americans in the U.S.: Of Handcuffs and Bootstraps (2020)

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B.S., Babson College (2007)
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Race as Unintellectual
Rahim, Asad, UCLA L. Rev. (2020) Forthcoming

Diversity to Deradicalize
Rahim, Asad, Calif. L. Rev. (2020) Forthcoming
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*Justice Kennedy’s White Nationalism*

---

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*Fair Elections During a Crisis: Urgent Recommendations in Law, Media, Politics and Tech to Advance the Legitimacy of, and the Public’s Confidence in, the November 2020 U.S. Elections*
Ross, Bertrall; et al. (2020)

---

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*Admissibility of DNA Evidence in Court*
Roth, Andrea in *Silent Witness: Applying Forensic DNA Evidence in Criminal Investigations and Humanitarian Disasters* (Erlich, Henry; Stover, Eric eds., 2020)

*The Use of Algorithms in Criminal Adjudication*

*Scientific Evidence*
Roth, Andrea; Moriarty, Jane; Imwinkelried, Edward; Beety, Valena
(6th ed. 2020) Forthcoming

*Evidence: Cases, Commentary, and Problems*
Roth, Andrea; Sklansky, David A. (5th ed. 2020)
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A Retrospective on U.S. v. Microsoft: Why Does It Resonate Today
Rubinfeld, Daniel L., Antitrust Source (2020) Forthcoming
Merger Policy for Developing Countries: Is There a Special Role for the BRICS Countries?
Rubinfeld, Daniel L., Concurrences 22 (2020)
Common Ownership and Coordinated Effects
Rubinfeld, Daniel L.; Rock, Edward B., 83 Antitrust L.J. 201 (2020)
Democratic Federalism: The Economics, Politics, and Law of Federal Governance
Inman, Robert P.; Rubinfeld, Daniel L. (2020)
Antitrust Enforcement in the U.S. and the EU: A Comparison of the Two Federal Systems
Rubinfeld, Daniel L. in Reconciling Efficiency and Equity: A Global Challenge for Competition Policy (Gerard, Damien; Lianos, Ioannis eds., 2019)
Data Standardization

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Pushing Back on Stricter Copyright ISP Liability Rules
Recalibrating the Disgorgement Remedy in Intellectual Property Cases
Regulating Technology Through Copyright Law: A Comparative Perspective
AI Authorship
Samuelson, Pamela, 63 Comm. ACM 24 (2020)
The Disgorgement Remedy of Design Patent Law
Samuelson, Pamela; Gergen, Mark, 108 Calif. L. Rev. 183 (2020)
Europe's Controversial Digital Single Market Copyright Directive Finalized
API Copyrights Revisited
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ALI Data Privacy: Overview and Black Letter Text
Principles of the Law, Data Privacy
Schwartz, Paul M.; Solove, Dan (2020) Forthcoming
Protecting Privacy on COVID-19 Surveillance Apps
Schwartz, Paul M., IAPP Privacy Perspectives (2020)
Illusions of Consent and COVID-19 Tracking Apps
Schwartz, Paul M., IAPP Privacy Perspectives (2020)
Global Data Privacy: The EU Way

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B.A., University of Michigan (1983)
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Poverty Law, Policy and Practice
Brodie, Juliet; Pastore, Clare; Rosser, Ezra; Selbin, Jeffrey (2d ed. 2021) Forthcoming
Juvenile Fee Abolition in California: Early Lessons and Challenges for the Debt-Free Justice Movement
Selbin, Jeffrey, 98 N.C. L. Rev. 401 (2020)
The Diversity Imperative Revisited: Racial and Gender Inclusion in Clinical Law Faculty
Archer, Deborah N.; Barry, Caitlin; Hans, G.S.; Howard, Derrick; Karteron, Alexis; Mahadev, Shobha; Selbin, Jeffrey, 26 Clinical L. Rev. 127 (2019)
Fee Abolition and the Promise of Debt-Free Justice for Young People and Their Families in California
Campos-Bui, Stephanie; Selbin, Jeffrey (2019)

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B.A., Bard College (1972)
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Batson and the Discriminatory Use of Peremptory Challenges in the 21st Century
Semel, Elisabeth in Jurywork: Systematic Techniques (2020)
Whitewashing the Jury Box: How California Perpetuates the Discriminatory Exclusion of Black and Latinx Jurors
Semel, Elisabeth; Downard, Dagen; Tolman, Emma; Weis, Anne; Craig, Danielle; Hanlock, Chelsea (2020)

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A.B., UC Berkeley (1981)
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Millennials and the New Penology: Will Generational Change in the U.S. Facilitate the Triumph of Risk Rationality in Criminal Justice
Simon, Jonathan S. in Criminal Justice, Risk and the Revolt against Uncertainty (Pratt, John; Anderson, Jordan eds., 2020)
‘The Criminal Is to Go Free’: The Legacy of Eugenic Thought in Contemporary Judicial Realism about American Criminal Justice
Simon, Jonathan, 100 B.U. L. Rev. 787 (2020)
Criminal Law in an Age of Mass Incarceration
Simon, Jonathan, 70 U. Toronto L.J. 177 (2020)
Police Abolitionist Discourse? Why It has been Missing (and Why it Matters)
Simon, Jonathan S.; Duran, Eduardo Bautista; Lave, Tamara Rice in The Cambridge Handbook of Policing in the United States (Miller, Eric J.; eds., 2019)
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Placement Agents and Private Equity: Information Production or Influence Peddling?
Davidoff Solomon, Steven; Cain, Matt D.; McKeon, Stephen, J., Fin. & Quantitative Analysis (2020) Forthcoming
The Future or Fancy? An Empirical Study of Public Benefit Corporations
Davidoff Solomon, Steven; Dorff, Michael; Hicks, James, Harv. Bus. L. Rev. (2020) Forthcoming
Does Revlon Matter: An Empirical and Theoretical Analysis
Davidoff Solomon, Steven; Cain, Matt D.; Griffith, Sean; Jackson, Jr., Robert, Calif. L. Rev. (2020) Forthcoming
How Do Legal Standards Matter? An Empirical Study of Special Litigation Committees
Davidoff Solomon, Steven; Krishnan, CV; Thomas, Randall, 60 J. Corp. Fin. 101543 (2020)
Centros, California’s “Women on Boards” Statute and the Scope of the Internal Affairs Doctrine
Is the Staggered Board Debate Really Settled?: A Coda
Amihud, Yakov; Schmid, Markus; Davidoff Solomon, Steven, 168 U. Pa. L. Rev. Online 113 (2020)
The Problem of Sunsets
The Myth of Morrison: Securities Fraud Litigation against Foreign Issuers
Bartlett, Robert; Cain, Matthew D.; Fisch, Jill E.; Davidoff Solomon, Steven, 74 Bus. Law. 967 (2019)
Mootness Fees
Cain, Matthew D.; Fisch, Jill E.; Davidoff Solomon, Steven; Thomas, Randall S., 72 Vand. L. Rev. 1777 (2019)
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The Ethics of Migration
Song, Sarah in Introduction to International Migration: Population Movements in the 21st Century (Lockhart, Sarah; Money, Jeannette eds., 2020) Forthcoming

Migration
Song, Sarah in The Cambridge Handbook of Constitutional Theory (Bellamy, Richard; King, Jeff eds., 2020) Forthcoming

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A.B., Princeton University (1999)
J.D., Yale Law School (2003)
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What's So Special about General Verdicts? Empirically Unexplored Questions about Verdict Format in Criminal Law

The “Murder Scene Exception” - Myth or Reality: Empirically Testing the Influence of Crime Severity in Federal Search-and-Seizure Cases
Segal, Jeffrey A; Sood, Avani Mehta; Woodson, Benjamin, 105 Va. L. Rev.543 (2019)

Attempted Justice: Misunderstanding and Bias in Psychological Constructions of Criminal Attempt

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State Adjacent Professionals: How Chinese Lawyers Participate in Political Life

Mass Digitization of Chinese Court Decisions: How to Use Text as Data in the Field of Chinese Law
Liebman, Benjamin L., Roberts, Margaret; Stern, Rachel E.; Wang, Alice, J. L. & Courts (2020) Forthcoming

The Good Lawyer: State-Led Professional Socialization in Contemporary China
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Silent Witness: Forensic DNA Analysis in Criminal Investigations and Humanitarian Disasters
(Stover, Eric; Erlich, Henry; White, Thomas J. eds., 2020)

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Justice Roger J. Traynor, Pragmatism, and the Current California Supreme Court
Sugarman, Stephen D., 71 Hastings L.J. 975 (2020)

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Comparative Legal History: A Research Review
Tomlins, Christopher in The International Library of Comparative Law (2020) Forthcoming
A Poetics for Spatial Justice: Gaston Bachelard, Walter Benjamin, and the Return to Historical Materialism
Tomlins, Christopher, 32 L. & Lit. 1 (2020)
In the Matter of Nat Turner: A Speculative History
Tomlins, Christopher (Princeton University Press, 2020)
AMANDA L. TYLER
Shannon C. Turner Professor of Law
Tyler, Amanda; Fallon, Jr., Richard H.; Goldsmith, Jack L.; Manning, John F.; Shapiro, David L. (2020)
In Memoriam: Professor David L. Shapiro
Tyler, Amanda, 133 Harv. L. Rev. 2454 (2020)

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The Right of Contestation
Urban, Jennifer M.; Stallman, Erik (2019)

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The New Private Law and Intellectual Property
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Climate Study of Undocumented Students at UC Berkeley
Bedolla, Lisa Garcia; Volpp, Leti; Ortega, Martha; Bautista, Eduardo (2020)
Pushing Out and Bleeding In: On the Mobility of Borders
The Citizen and the Terrorist
Volpp, Leti in Islamophobia and the Law (Beydoun, Khaled; Chowdhury, Cyra eds., 2019)
DACA, DAPA, and Discretionary Executive Power: Immigrants Outside the Law

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M.Phil., Cambridge University (2006)
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Privacy as Privilege: The Stored Communications Act and Internet Evidence,
Wexler, Rebecca, Harv. L. Rev. (2021) Forthcoming
The Law and Political Economy of Privacy Asymmetries
Wexler, Rebecca in Data & Democracy Symposium, Knight Institute (2021) Forthcoming
Privacy Asymmetries: Access to Data in the Criminal Justice System
Wexler, Rebecca, UCLA L. Rev. (2021) Forthcoming

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Socialism vs. the American Constitutional Structure: The Advantages of
Decentralization and Federalism
Yoo, John in Socialism and Free Market Capitalism: The Human Prosperity Project (2020)

Defender-in-Chief: Donald Trump’s Fight for Presidential Power
Yoo, John (2020)

Rules for the Heavens: The Coming Revolution in Space and the Laws of War
Yoo, John, 2020 U. Ill. L. Rev. 123 (2020)

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The Insidious Momentum of American Mass Incarceration
Zimring, Franklin (2020) Forthcoming

Police Killings as a Problem of Governance

Economic Development, Political Democracy, and Leadership on Human Rights in East Asia—The Parallel Progress of South Korea and Taiwan
Zimring, Franklin; Johnson, David, 300 Taiwan L. Rev. 1a (2020)

Frank Zimring Responds
Zimring, Franklin, 104 Minn. L. Rev. 2805 (2020)


Foreword: Mass Shootings and the Paradoxical Politics of State-Level Gun Control
Zimring, Franklin in The Toughest Gun Control Laws in the Nation: The Unfulfilled Promise of New York’s SAFE Act (Jacobs, James B.; Fuhr, Zoe eds., 2019)

The Death of the Unarmed Assailant
Zimring, Franklin in The Lives of Guns (Obert, Jonathan; Poe, Andrew; Sarat, Austin eds., 2019)

Busca por Compreender as Origens e os Fundamentos da Justiça Juvenil Global (The Search for Understanding the Origins and Foundations of Global Juvenile Justice
Zimring, Franklin; Langer, Maximo, 158 Revista Brasileira de Ciências Criminais 1 (2019)

What Drives Variation in Killings by Urban Police in the United States: Two Empirical Puzzles
Zimring, Franklin in The Cambridge Handbook of Policing in the United States
(Lave, Tamara Rice; Miller, Eric J. eds., 2019)

The Death Penalty’s Continued Decline
Johnson, David T.; Zimring, Franklin, 118 Current Hist. 316 (2019)
As these pages indicate, my colleagues at Berkeley Law are prolific and outstanding scholars ... Every measure shows them to be among the most frequently cited and the most respected in their fields.

—DEAN ERWIN CHEMERINSKY