



recent scholarship

2018-2019

Loyola Law School faculty are at the heart of the conversation, within the academy and beyond. Our scholars marry creativity and rigor, and the power of those ideas drives intellectual discourse and institutional change. In 2018-2019 alone, our faculty published **28 books and 91 articles**, and otherwise offered their efforts in public and private service; our research has been cited in at least 1007 articles, 139 treatises, 241 briefs, 108 decisions, and 7 ALI Restatements. We are delighted to showcase a small sample of our recent research and impact. For more, please see our work at facultyscholarship.lls.edu.



Eric Miller followed up three published pieces in 2018 on criminal procedure and criminal justice with the 2019 release of his co-edited Cambridge University Press volume on policing in the United States. He was also invited to testify this year on reparations and restorative justice, before the House Judiciary Committee and the Inter-American Court of Human Rights, and will be a featured speaker on the topic at the University of Tennessee College of Law in Knoxville.



Laurie Levenson, author or co-author of twelve criminal law casebooks and treatises, also published three recent law review pieces on prosecutorial and judicial ethics. She is also the faculty engine behind Loyola's Project for the Innocent, which for the eighth time this year secured long-delayed justice for an individual unjustly convicted and incarcerated, won a DOJ grant to expand post-conviction DNA testing, and helped California become the first state to offer support and housing for its exonerees.



Yxta Maya Murray, winner of a 2018 Creative Capital | Andy Warhol Foundation Grant, confronts subordination related to ethnicity, gender, migration, and poverty. This year alone, she published a piece on judicial conduct, one on art and reproductive freedom, two on FEMA's lapses, and one examining gentrification and her theory of "community constitutionalism." Forthcoming articles address immigration detention and dislocation after natural disaster, followed by books from the University of Nevada and Northwestern University Presses.



Cesare Romano, an expert on public international law, recently published chapters on international courts in the Arab world (Cambridge Univ. Press), and the right to science (Manchester Univ. Press), and a book (Cambridge) and article (CRISPR Journal) on the regulation of human germline genome modification. He also directs Loyola's International Human Rights Center, which won two communications this year before UN human rights bodies on the rights of refugees, the right to health, and the right to science.

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Elizabeth Pollman

recently published *Corporate Disobedience* and *Startup Governance* in the Duke and Penn flagship law reviews; contributed to symposia at Oxford, Seattle, and Vanderbilt on topics ranging from tech and regulatory arbitration to corporate monitoring of legal risk; and has chapters forthcoming in three different Cambridge books. She also joined a Business Organizations casebook, and was cited in a Delaware case on shareholder access to Facebook's records regarding board oversight of data privacy.



Samuel H. Pillsbury

is a nationally recognized scholar in criminal law and responsibility. His 2019 book, *Imagining a Greater Justice: Criminal Violence, Punishment, and Relational Justice*, develops a relational understanding of justice for violent crime that provides an alternative to the highly punitive approach of many U.S. jurisdictions today. Responses to sexual violence and race discrimination are a particular focus of the book.



Justin Hughes

received the National Federation for the Blind's Global Literacy Award this year for negotiating bipartisan legislation implementing the Marrakesh Treaty for the Blind. His forthcoming article — *Globalization, Revising the Terms of Trade, and the Return of "History"* — and a book chapter entitled *Gorgeous Photograph, Limited Copyright* join recent scholarship on intellectual property in the Wake Forest and Connecticut law reviews as well as in a volume published by Oxford University Press.



Priscilla Ocen

earned a Fulbright Scholarship to research gender-based violence and the incarceration of women in Uganda, taking temporary leave from her post as Vice Chair of LA County's Sheriff Civilian Oversight Commission. Her recent scholarship appears in the UC Davis Law Review and the leading volume examining reproductive justice cases; as an inaugural PEN America Writing for Justice Fellow, she also has forthcoming work interrogating the community supervision of black women as an ostensible antidote for mass incarceration.



Kevin Lapp

's scholarship investigates immigration and criminal justice, with particular focus on the longitudinal impact of both systems on juveniles. His latest piece is *Young Adults and Criminal Jurisdiction*, 56 *Amer. Crim. L. Rev.* 357 (2019), and an article on children's right to counsel is forthcoming. His past research includes pieces in the UCLA, Indiana, and Hastings law reviews, the Ohio State Journal of Criminal Law, and the NYU Review of Law & Social Change.



Paul Hayden

's latest book is the fourth edition of *Ethical Lawyering* (2018), co-authored with Douglas NeJaime of Yale; his torts treatise, co-authored with Dan Dobbs and Ellen Bublick of Arizona, has been cited by each federal court of appeals and state appellate courts in 40 states, including 48 appellate opinions in 2018-19 alone. He also recently became the sole law professor named to the Advisory Committee on Civil Jury Instructions for civil litigation throughout California.



Ellen Aprill

, author of more than 50 articles, published five pieces in 2018-19 alone, including research on 501(c)(4) nonprofits, the taxation of government entities, and the tax legislative process. Articles on private foundations and the tax treatment of political subdivisions are forthcoming in the Pitt Law Review and Florida Tax Review; her prior scholarship has appeared in many tax specialty journals, and the Duke, USC, Arizona State, and BC flagship law reviews, among others.



Jennifer Rothman

's landmark right of publicity book was named by The Green Bag as one of the best of 2018, reviewed in the Michigan Law Review, and cited by the Israeli Supreme Court. She was also cited in a decision about the forfeiture of Mongol Nation trademarks, and published pieces in the Cardozo Arts & Entertainment Law Journal, the Columbia Journal of Law & the Arts, and chapters in Elgar and Cambridge University Press volumes.



Katherine Trisolini is a noted expert on environmental law, climate change, and land use law; her latest piece is *Efficiency Gatekeepers, the Social Cost of Carbon, and Post-Trump Climate Change Regulation*, 91 Temp. L. Rev. 261 (2019). Her previous research has been published in the Stanford and Colorado law reviews, the Yale Law and Policy Review, and leading specialty journals at Stanford, UCLA, San Diego, and Fordham, among others.



Michael Guttentag is an empirical and theoretical scholar whose research focuses on securities regulation. He has published in the peer-reviewed Journal of Empirical Legal Studies and Review of Law and Economics, and in student-edited law reviews at Arizona State, Columbia, Florida, Florida State, Indiana, UC Davis, and Washington University, among others. His latest work, *Law and Surplus: Opportunities Missed*, 607 Utah L. Rev. (2019), exposes the lacuna in research on how legal rules allocate economic surplus.



Rajika Shah, Deputy Director of Loyola's Center for the Study of Law and Genocide, is the co-author of a new book from Oxford University Press entitled *Searching for Justice after the Holocaust: Fulfilling the Terezin Declaration and Immovable Property Restitution*. She also recently published a piece assessing the potential international crimes resulting from the Rohingya crisis, and was invited to the Minerva Center for Human Rights to speak on post-genocide restitution claims in U.S. courts.



Carlos Berdejó conducts empirical analysis on the behavior of judges and prosecutors, and employs economic tools to understand how regulations influence corporate decisionmaking. Building on peer-reviewed work confronting the impact of electoral cycles on judges, his recent scholarship documents racial and gender disparities in plea bargaining. His most recent piece, forthcoming in the Duke Journal of Comparative & International Law, examines the regulation of corporate control in Latin America, complementing his earlier comparative work in the area.



Robert Brain's work revolves in part around the UCC, with a recent piece on Judge Richard Posner's UCC jurisprudence and a forthcoming article on the warranty of fitness for a particular purpose. But his expertise also extends to the \$150 billion gaming industry: he is the author of the nation's lone Videogame Law textbook, was the first law professor elected to membership in the eSports Bar Association, and will headline the eSports program at Technotainment 2019.



Therese Maynard inaugurated the leading national transactional business law curriculum, and **Shannon Treviño** joined her this year as a co-author on the latest edition of the leading business planning casebook, covering the legal regulation of venture capital and finance for startup businesses. They continue to innovate within the classroom and beyond, including a novel modular experiential learning course placing students in the shoes of corporate general counsel.



Justin Levitt, former Deputy Assistant Attorney General for Civil Rights in the DOJ, recently testified before the House Oversight and House Judiciary committees and the U.S. Civil Rights Commission. In 2018-19 alone, his scholarship on the law of democracy was cited in 19 briefs to the Supreme Court; his most recent pieces, in the Columbia and William & Mary law reviews, concern the role of intent in partisan gerrymandering and the controversy over a citizenship question on the census.



Karl Manheim, former co-director of the Program for Law & Technology at Loyola and Caltech, is also an accomplished intellectual property and constitutional law scholar. He was recently invited to testify about sovereign immunity and the American patent system before the U.S. House Judiciary Committee; his latest piece of scholarship is *Artificial Intelligence: Risks to Privacy and Democracy*, published this year in the Yale Journal of Law and Technology.

2018-2019 **faculty** publications



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Levenson *California Criminal Procedure*
Gold *Federal Practice and Procedure*
Pratt *Federal Income Tax: Examples and Explanations*
Brain *Quick Review on Contracts*
Levenson *Complex Criminal Litigation: Prosecuting Drug Enterprises and Organized Crime*
Song *Transnational Intellectual Property Law*
Shah *Searching for Justice after the Holocaust: Fulfilling the Terezin Declaration and Immovable Property Restitution*
Levenson *Criminal Procedure: Adjudication*
Miller *The Cambridge Handbook of Policing in the United States*
Hayden *Ethical Lawyering*
Pillsbury *Imagining a Greater Justice: Criminal Violence, Punishment, and Relational Justice*
Levenson *Criminal Procedure: Investigation*
Goldman *Left to the Mercy of a Rude Stream*
Clark *Health Law*
Levenson *California Criminal Law*
Dudovitz *California Legal Research*
Caplan *An Integrated Approach to Constitutional Law*
Levenson *The Glannon Guide to Criminal Law*
Romano *Human Germline Genome Modification and the Right to Science: A Comparative Study of National Laws and Policies*
Pollman *Business Organizations: A Contemporary Approach*
Song *Entertainment Law*
Levenson *Federal Criminal Rules Handbook*
Maynard, Warren, Treviño *Business Planning: Financing the Start-Up Business and Venture Capital Financing*
Rothman *The Right of Publicity: Privacy Reimagined for a Public World*
Liebert *California Water Law: A Legal Research Guide*
Levenson *California Criminal Jury Instruction Companion Handbook*
Hayden *The Law of Torts*
Levenson *Roadmap of Criminal Law*

Georgia Law Review • **University of Pennsylvania Law Review** •
Duke Journal of Comparative & International Law • Nevada Law
Journal • **Columbia Law Review** • ACS Supreme Court Review •
Foundation Press • **Boston College Law Review** • Edward Elgar
Publishing • Tulsa Law Review • **Duke Law Journal** • Cardozo Arts
& Entertainment Law Journal • Juris Publishing • **NYU Journal of
Legislation & Public Policy** • Fordham International Law Journal
• **Yale Journal of Law & Technology** • Springer Publishing • Idaho
Law Review • **Michigan Journal of Gender & Law** • Connecticut Law
Review • Willamette Law Review • **The CRISPR Journal** • Carolina
Academic Press • **Stanford Journal of Blockchain Law & Policy** •
Routledge • University of Kansas Law Review • Florida Law Review
• Seattle University Law Review • **Harvard University Press** • Utah
Law Review • **William & Mary Law Review** • Manchester University
Press • University of Richmond Law Review • Mercer Law Review
• **Cambridge University Press** • Indiana Law Journal • Temple
Law Review • Tax Notes • **Columbia Journal of Law & the Arts** •
Loyola of Los Angeles International and Comparative Law Review •
University of Chicago Press • American Criminal Law Review • **Saint
Louis University Journal of Health Law and Policy** • University of
the Pacific Law Review • Arkansas Law Review • Loyola University
Chicago Law Journal • **Yale Journal on Regulation** • Commercial
Press • Thomson Reuters • **Law & Contemporary Problems** •
European Business Organization Law Review • West Publishing •
University of Nebraska Press • **NYU Review of Law & Social Change** •
Brooklyn Law Review • **UC Davis Law Review** • University of Illinois
Law Review Online • Southern California Review of Law and Social
Justice • **Oxford University Press** • Aspen Publishing / Wolters Kluwer
• Berkeley Journal of Gender, Law & Justice Online • **Wake Forest
Law Review** • The Ohio State Journal of Criminal Law • **Florida Tax
Review** • Animal Law Review • Loyola of Los Angeles Law Review
• The Ohio State Business Law Journal • Chapman Law Review
• **University of Pittsburgh Law Review** • Texas Hispanic Journal
of Law & Policy • Buffalo Law Review • Dickinson Law Review •
Fordham Law Review •