Recent Scholarship 2014-2015

Innovative and influential, the Loyola faculty had another productive year. Our articles won prizes and prestigious placements. Loyola scholarship shaped legislation and public policy at the national, state, and local levels. The media quoted our professors and their work thousands of times.

LAUREN WILLIS’s most recent article, Performance-Based Consumer Law, 82 U. Chicago L. Rev. [2015], is generating enormous excitement. It received the Best Paper Prize at the Annual Privacy Law Scholar’s Conference at Berkeley. JOTWELL called it “thrilling” and “elegant.” It is the fourth article in Willis’s series of groundbreaking challenges to consumer law, including When Nudges Fail: Slippery Defaults, 80 U. Chicago L. Rev. 1155 [2013].

MICHAEI WATERSTONE’s recent articles, Backlash, Courts, and Disability Rights, 95 Boston U. L. Rev. [2015], and The Costs of Easy Victory, 57 Wm. & Mary L. Rev. [2015], analyze the disability rights movement’s social and political evolution. Waterstone is co-author of a leading disability law casebook; his previous law review articles have appeared in Harvard, Duke, Vanderbilt, Northwestern, Emory, Notre Dame, and Minnesota.

KATHLEEN KIM is an influential voice against human trafficking and other immigration abuses. Her most recent article is entitled Beyond Coercion, 62 UCLA L. Rev. [2015]. In it, she charts the exclusion of immigrants from labor law protections. Author of the first casebook on human trafficking and founder of the Loyola Immigrant Justice Clinic, Kim serves as a consultant on anti-trafficking legislation and advocacy across the country.

JENNIFER ROTHMAN is offering provocative new paradigms for understanding intellectual property. Her book, providing a fresh perspective on the right of publicity, will be published by Harvard University Press. Her latest article, Commercial Speech, Commercial Use and the Intellectual Property Quagmire (forthcoming, Virginia Law Review), challenges the conventional IP approach to defining and disfavoring both commercial speech and uses.

PRISCILLA OCEN’s newest piece, Is Raising Child: Examining the Racialized Construction of Childhood and Innocence in the Treatment of Sexually Exploited Minors, will appear in the UCLA Law Review. She also co-authored with Kimberlé Crenshaw and Jyoti Nanda, both of UCLA, the influential report Black Girls Matter. Ocen’s other work has appeared in the California Law Review, UCLA, Hastings, and the Du Bois Review.

ADAM ZIMMERMAN has received a prestigious grant from the Administrative Conference for the United States to study aggregate adjudication in agencies, building on his work in The Agency Class Action, 112 Colum. L. Rev. 1992 [2012] and Presidential Settlements, 163 U. Pa. L. Rev. 1393 [2015]. His work on mass litigation has also appeared in the NYU, Duke, and Virginia law reviews.
**Recent Scholarship**


**ELIZABETH POLLMAN** is a cross-disciplinary scholar of business law. She is an active member of a top-notch group of scholars rethinking the rights and obligations of corporations, with essays forthcoming from Oxford University Press and in numerous symposia. Her prize-winning work has appeared in the University of Pennsylvania Law Review, Minnesota Law Review, and William & Mary Law Review.

**HIRO ARAGAKI**’s work offers important new frameworks for arbitration jurisprudence. His newest piece is *The Tension Between Autonomy and Freedom of Contract in Modern Arbitration Law*, 91 Indiana L.J. (2015). His work has won numerous accolades, including the Stanford/Yale/Harvard Junior Faculty Forum and Honorable Mention in the AALS Scholarly Papers Competition. His articles appear in the NYU, UCLA, and Pennsylvania law reviews.


**LEE PETHERBRIDGE**’s most recent piece, *Gender Disparity in Law Review Citation Rates*, has generated widespread discussion about the gender dynamics of legal scholarship. A scientist, empiricist, and author of over 30 articles and essays, his other work has appeared in such venues as the Texas Law Review, University of Pennsylvania Law Review, and Cornell Law Review.

Founder of the Loyola Project for the Innocent, LAURIE LEVENSON is a leading expert on the American criminal justice system. She has written numerous law review articles, treatises, and books, including the highly-regarded casebook, Criminal Procedure, co-authored with Erwin Chemerinsky. She was recently appointed to a Task Force advising the National Commission on Forensic Science on creating a code of ethics for forensic science.


AARON CAPLAN does creative work at the intersection of civil procedure and constitutional law. His article, Free Speech and Civil Harassment Orders, 64 Hastings L.J. 781 (2013), has been cited by courts—including the Supreme Court of Wisconsin—on the underappreciated risks that injunctions pose to free speech. His casebook, An Integrated Approach to Constitutional Law, was recently released by Foundation Press.


DANIEL SELMI is a distinguished scholar of land use and environmental law. As a Visiting Scholar at Columbia Law School’s Sabin Center for Climate Change Law, he published a widely-quoted rebuttal to Senate Majority Leader Mitch McConnell and the Federalist Society regarding EPA power plant emission regulations. His most recent article is Takings and Extortion, 67 Florida L. Rev. (2015).

DAVID GLAZIER’s work is influencing the war on terror. The former Naval commander’s paper, A Court Without Jurisdiction: A Critical Assessment of the Military Commission Charges Against Omar Khadr, was relied on by a Canadian court to release Khadr, a child soldier, pending appeal. His most recent publications include Destined for an Epic Fail: The Problematic Guantánamo Military Commissions, 75 Ohio St. L.J. 903 (2014).

CESARE ROMANO is an innovator on international courts and tribunals. Co-editor of the comprehensive Oxford University Press Handbook of International Adjudication (2013), he has created a unique database summarizing the decisions of the Inter-American Court of Human Rights, https://iacr.lls.edu, making these important decisions available to scholars and lawyers around the world. Romano has authored numerous additional books and articles in multiple languages.

GEORGENE VAIRO recently published Is the Class Action Really Dead? Is that Good or Bad for Class Members?, 64 Emory L.J. 477 (2014), and Lessons Learned by the Reporter: Is Disaggregation the Answer to the Asbestos Mess?, 88 Tulane L. Rev. 1039 (2014). Author of countless publications and a long-established expert on federal procedure, Vairo is currently writing a book about the Chevron-Ecuador transnational litigation.
Recent Scholarship

ELIZABETH POLLMAN
Recent Scholarship

YALE LAW & POLICY REVIEW

Decisions, Disasters, and Deference:

Alexandra Natapoff,

Takings and Extortion

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The Limits of Anti-Obesity Public Health Paternalism: Another View

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•  Adam Zimmerman,

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Functionality in Trademark Law

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Nudges Fail: Slippery Defaults


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LAURIE LEVENSON

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Freedom of Contract in Modern Arbitration Law

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Rethinking Agency Experiences After Furloughing,

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