We are proud of the breadth and impact of Loyola’s scholarship. This year, faculty published on subjects ranging from philosophy to law and economics, administrative law, intellectual property, and critical race theory. Our scholarship helped drive new federal rules and state legislation as well as grassroots advocacy and public opinion.

**Recent Scholarship**

**2015-2016**

**MICHAEL WATERSTONE** is Loyola’s new Dean. An influential scholar of disability rights, Waterstone has worked with foreign governments, NGOs, and academic institutions all over the world, including in China, Japan, Israel, and Bangladesh. Co-author of a leading disability law casebook, his law review articles have appeared in Harvard, Duke, Vanderbilt, Northwestern, Emory, Notre Dame, Boston University, William & Mary, and Minnesota. He has taught at Loyola since 2006.

**ELIZABETH POLLMAN** is a prolific business law scholar, with book chapters forthcoming from Harvard, Chicago, and Cambridge University presses. Recent articles include *Constitutionalizing Corporate Law*, 69 Vand. L. Rev. 639 (2016), on modern corporate rights doctrine and state corporate law, and *Regulatory Entrepreneurship*, 90 S. Cal. L. Rev. (2017) [with Jordan Barry], offering a provocative new theory of companies that have business models focused on changing the law.

**KIMBERLY WEST-FAULCON** is an influential voice in the post-*Fisher II* debate over the future of affirmative action. A scholar of constitutional law and anti-discrimination, West-Faulcon’s *Fisher II* amicus brief has sparked new interest in the role of intelligence theory, standardized testing, and merit. Her work has appeared in such venues as the Journal of Constitutional Law, University of Pennsylvania Law Review, UCLA Law Review, and Yale Law Journal.

**ALEXANDRA NATAPOFF** received a 2016 Guggenheim Fellowship for her work on misdemeanors and the American justice system. Natapoff, who is Associate Dean for Research, will use the Fellowship to complete her book on the significance of the petty offense process for the criminal system as a whole. She also is co-editor of *The New Criminal Justice Thinking*, a forthcoming collection of interdisciplinary essays by leading scholars.

**CARLOS BERDEJÓ** is an economist whose innovative work spans securities regulation and judicial behavior. His forthcoming article, *Small Investments, Big Losses* (Washington Law Review), offers a new theory of small-scale securities fraud, its relationship to federal preemption and enforcement mechanisms, and the potential for increased state involvement. His previous work has appeared in the Review of Economics & Statistics and numerous law reviews.


**ALEXANDRA NATAPOFF** received a 2016 Guggenheim Fellowship for her work on misdemeanors and the American justice system. Natapoff, who is Associate Dean for Research, will use the Fellowship to complete her book on the significance of the petty offense process for the criminal system as a whole. She also is co-editor of *The New Criminal Justice Thinking*, a forthcoming collection of interdisciplinary essays by leading scholars.
ADAM ZIMMERMAN’s innovative theories of mass litigation are expanding access to justice. The federal government adopted Zimmerman’s recommendations to permit class actions in administrative hearings based on findings in his forthcoming article, *Inside the Agency Class Action* [with Sant’Ambrogio], in the Yale Law Journal. The Supreme Court also adopted positions from his amicus brief [with Campos], finding that plaintiffs may use statistics in class actions to establish corporate wrongdoing.

HIRO ARAGAKI’s original work on arbitration law has appeared in the NYU, UCLA, and University of Pennsylvania law reviews and has won numerous recognitions, including Honorable Mention in the AALS Scholarly Papers Competition. His forthcoming pieces include *Constructions of Arbitration’s Informalism: Autonomy, Efficiency, and Justice*, 2016 J. Disp. Resol., and *Arbitration: Creature of Contract, Pillar of Procedure*, 8 Yearbook Arb. & Mediation.

JUSTIN HUGHES is an intellectual property and international trade expert whose publications this year include *Motion Pictures, Markets, and Copylocks*, 23 George Mason L. Rev. (2016), *Copyright and Distributive Justice*, 92 Notre Dame L. Rev. (2016) [with Robert Merges], and *The Limited Promise of Geographical Indications for Developing Country Farmers* [book chapter forthcoming from Cambridge University Press, 2016].

THEODORE SETO is the eighth most SSRN-downloaded tax scholar in the country. His newest piece, *A Forced Labor Theory of Property and Taxation*, in *The Philosophy of Tax Law* (Oxford, 2016), argues that property, as an institution, forces ordinary people to work and save more than they otherwise would; if so, optimal tax theory and Robert Nozick’s critique of tax are both foundationally unsound.


PRISCILLA OCEN produces forward-thinking work at the intersection of criminal law, race, and gender scholarship. Her forthcoming pieces *Birthning Injustice and Incapacitating Motherhood* explore how the criminal system constructs and burdens the sexuality, pregnancy, and parenting choices of women of color. Her previous work has appeared in the California Law Review, UCLA Law Review and the Du Bois Review.

PRISCILLA OCEN produces forward-thinking work at the intersection of criminal law, race, and gender scholarship. Her forthcoming pieces *Birthning Injustice and Incapacitating Motherhood* explore how the criminal system constructs and burdens the sexuality, pregnancy, and parenting choices of women of color. Her previous work has appeared in the California Law Review, UCLA Law Review and the Du Bois Review.

DAVID GLAZIER’s work sits at the leading edge of international law and military affairs. A former Naval commander, his most recent work is a book chapter assessing the legality of U.S. drone warfare and a forthcoming Yale Journal of International Law article providing the first comprehensive critical analysis of the Department of Defense’s new Law of War Manual.

ERIC MILLER’s most recent piece, *Encountering Resistance: Non-Compliance, Non-Cooperation, and Procedural Justice*, is forthcoming in the University of Chicago Legal Forum. Miller takes a new and critical look at procedural justice, arguing that its emphasis on agreement and compliance undervalues the democratic role of dissent and resistance. His previous work includes articles in the California, Irvine, Connecticut, and Howard law reviews.
LOYOLA LAW SCHOOL | LOS ANGELES

LAURIE LEVENSON is a leading criminal justice expert and founder of the Loyola Project for the Innocent. Her most recent article is The Problem with Cynical Prosecutor’s Syndrome: Rethinking a Prosecutor’s Role in Post-Conviction Cases, 20 Berk. J. Crim. L. 335 (2015). She has authored dozens of law review articles, treatises, and books, including the highly-regarded casebook Criminal Procedure, co-authored with Erwin Chemerinsky.

JENNIFER ROTHMAN is a prominent intellectual property scholar and expert on the right of publicity. Her forthcoming book from Harvard University Press will be a comprehensive analysis of the right of publicity, its history and origins, the challenges it poses, and its implications for privacy law. She runs the website Rothman’s Roadmap to the Right of Publicity, which charts important developments in right-of-publicity law among the states.

PAUL HAYDEN, former Interim Dean, is a torts scholar. He recently published Hornbook On Torts (2d ed. 2016), with co-authors Dan B. Dobbs & Ellen M. Bublick. Hayden’s Law Of Torts treatise (2d. ed. 2011), written with the same co-authors, was cited this past term by the U.S. Supreme Court in Universal Health Services, Inc. v. United States, 136 S. Ct. 1989 (2016).

MAUREEN JOHNSON’s most recent piece has garnered significant attention. You Had Me at Hello: Examining the Impact of Powerful Introductory Emotional Hooks in Appellate Briefs in Hotly-Contested U.S. Supreme Court Decisions, 49 Indiana L. Rev. 397 (2016), was a top download on multiple platforms and featured on SCOTUSBlog, where Johnson analyzed how often a prevailing brief’s “hello” ends up featured in Supreme Court opinions.


ELLEN APRILL is an award-winning tax scholar and a nationally-known expert on tax-exempt entities. Her scholarship has appeared in such law reviews as Duke, Fordham, Boston College, and the University of Southern California. Her most recent pieces are The Section 527 Obstacle to Meaningful 501(c)(4) Regulation, 13 Pitt. Tax. Rev. (2016), and Charitable Class, Disaster Relief, and First Responders, forthcoming in Tax Notes.

KEVIN LAPP is a juvenile justice scholar with special expertise in informational privacy and childhood development. His interdisciplinary work challenges the traditional ways that the criminal law conceptualizes childhood, particularly in light of adolescent developmental science. His recent pieces include American Criminal Record Exceptionalism, 14 Ohio St. J. Crim. L. (2016), and Taking Back Juvenile Confessions, forthcoming in the UCLA Law Review.

MAUREEN JOHNSON’s most recent piece has garnered significant attention. You Had Me at Hello: Examining the Impact of Powerful Introductory Emotional Hooks in Appellate Briefs in Hotly-Contested U.S. Supreme Court Decisions, 49 Indiana L. Rev. 397 (2016), was a top download on multiple platforms and featured on SCOTUSBlog, where Johnson analyzed how often a prevailing brief’s “hello” ends up featured in Supreme Court opinions.

Adam Zimmerman, *Inside the Agency Class Action*, **YALE LAW JOURNAL**

Elizabeth Pollman, *Constitutionalizing Corporate Law*, **VANDERBILT LAW REVIEW**


Justin Hughes, *Copyright and Distributive Justice*, **NOTRE DAME LAW REVIEW**


Maureen Johnson, *You Had Me at Hello: Examining the Impact of Powerful Introductory Emotional Hooks in Appellate Briefs in Hotly-Contested U.S. Supreme Court Decisions*, **INDIANA LAW REVIEW**

Elizabeth Pollman, *Regulatory Entrepreneurship*, **SOUTHERN CALIFORNIA LAW REVIEW**

Michael Guttentag, *Evolutionary Analysis in Law: On Disclosure Regulation*, **ARIZONA STATE LAW JOURNAL**

Carlos Berdejó, *Small Investments, Big Losses*, **WASHINGTON LAW REVIEW**

Justin Hughes, *Motion Pictures, Markets, and Copylocks*, **GEORGE MASON LAW REVIEW**

Rebecca Delfino, *Prohibition on Successive Prosecutions for the Same Offense—In Search of the “Goldilocks Zone”—The California Approach to a National Conundrum*, **AMERICAN CRIMINAL LAW REVIEW**

Kevin Lapp, *Taking Back Juvenile Confessions*, **UCLA LAW REVIEW**


Daniel Selmi, *Federal Implementation Plans and the Path to Clean Power*, **GEORGETOWN INTERNATIONAL ENVIRONMENTAL LAW REVIEW**