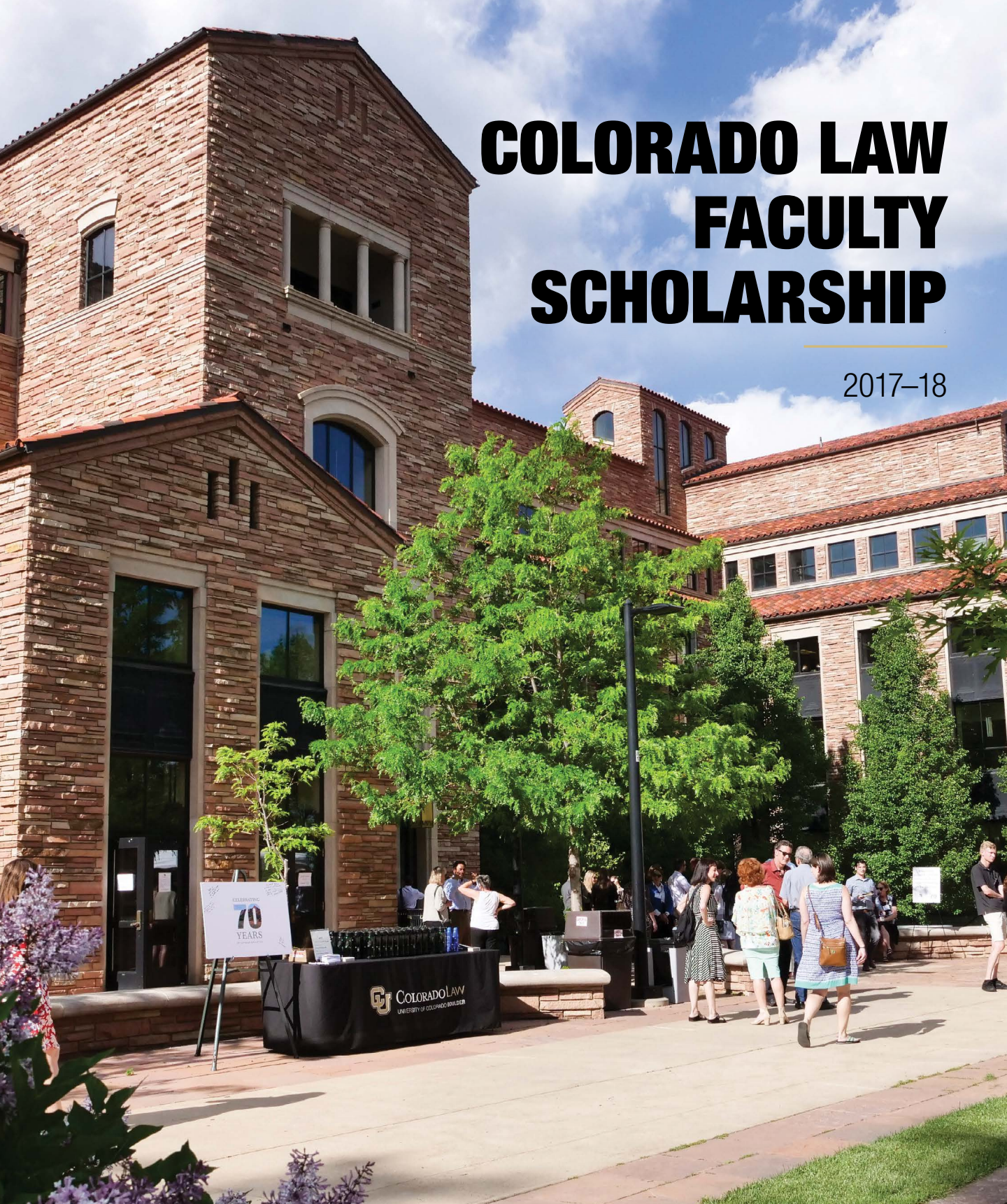


COLORADO LAW FACULTY SCHOLARSHIP

2017-18



COLORADO LAW
UNIVERSITY OF COLORADO **BOULDER**



Scholarship at Colorado Law

The faculty at the University of Colorado Law School are prolific legal scholars and social commentators whose work pushes the boundaries of theory, doctrine, and practice.

At a time when many legal standards and social norms seem to be in flux, scholarship serves as a tool for critical reflection and generation of ideas. Scholarship also allows us to engage with our communities, examine complex and urgent issues, and gain new insights that can benefit society.

Above all, scholarship is an important agent for change. At its core, scholarship helps to ensure that law is proving true to its function to serve society; and, in some cases, it challenges the law to shift as a result of its findings. In the pages that follow, you will see how my colleagues at Colorado Law are producing path-breaking scholarship that is not only shaping local, national, and international conversation but is also helping to develop more creative, informed, and effective lawyers.

S. James Anaya, Dean and University Distinguished Professor

Single-authored books

(published and forthcoming)

MING H. CHEN: *Constructing Citizenship for Noncitizens*
(forthcoming, Stanford University Press)

JUSTIN DESAUTELS-STEIN: *The Jurisprudence of Style: A Structuralist History of American Pragmatism and Liberal Legal Thought*
(Cambridge University Press, 2018)

AYA GRUBER: *The Feminist War on Crime*
(forthcoming, University of California Press)

HELEN NORTON: *The Government's Speech and the Constitution*
(forthcoming, Cambridge University Press)

ANNA SPAIN BRADLEY: *The Impact of One: How Individual Choice Shapes International Law* (forthcoming, Cambridge University Press)

Casebooks and treatises

S. JAMES ANAYA: *International Human Rights: Problems of Law, Policy, and Practice* (with Hurst Hannum, Dinah Shelton, Rosa Celorio).
(Wolters Kluwer/Aspen, 6th ed. 2017)

KRISTEN CARPENTER: *Cohen's Handbook of Federal Indian Law*
(N. Newton et al., eds.) (Lexis supps. 2015 and 2017)

KRISTEN CARPENTER AND CHARLES WILKINSON: *Cases and Materials on Federal Indian Law* (with David H. Getches, Robert A. Williams Jr., and Matthew L.M. Fletcher) (West Academic Publishing, 7th ed. 2017)

LAKSHMAN GURUSWAMY: *Model Laws to Combat Global Energy Poverty*
(Edward Elgar, forthcoming 2019)

LAKSHMAN GURUSWAMY: *International Environmental Law in a Nutshell*
(West Academic Publishing, 5th ed. 2017)

ROBERT LINZ: *Colorado Legal Research* (Carolina Academic Press, 2d ed. 2018)

MARK LOEWENSTEIN: *Agency and Partnership Law* (with Robert W. Hillman)
(Edward Elgar, 2018) (research review)

Casebooks and treatises cont.

SARAH KRAKOFF: *Cohen's Handbook of Federal Indian Law Supplement* (with K.A. Carpenter, N. Newton, R. Anderson, J. Royster, J. Singer, S. Krakoff, A. Riley, S. Davis, and B. Berger) (Lexis/Nexis, 2017)

CHRISTOPHER B. MUELLER: Christopher B. Mueller and Laird C. Kirkpatrick, *Federal Evidence* (5-volume set) (4th ed. 2013, with yearly updates)

CHRISTOPHER B. MUELLER: *Evidence* (with Laird C. Kirkpatrick and Liesa L. Richter) (Wolters Kluwer, 6th ed. 2018)

CHRISTOPHER B. MUELLER: *Evidence Practice Under the Rules* (with Laird C. Kirkpatrick and Liesa L. Richter) (Wolters Kluwer, 5th ed. 2018)

CHRISTOPHER B. MUELLER: *Evidence Under the Rules: Text, Cases, and Problems* (with Laird C. Kirkpatrick and Liesa L. Richter) (Wolters Kluwer, 9th ed. 2018)

CHRISTOPHER B. MUELLER: *Twenty-First Century Procedure* (Wolters Kluwer, 2d ed. 2017)

SCOTT SKINNER-THOMPSON: *AIDS and the Law* (ed.) (Wolters Kluwer, 5th ed. 2015) (2018-1; 2018-2 Supplements)

PHILIP J. WEISER: *Antitrust and Trade Regulation: Cases and Materials* (with A. Douglas Melamed, Randal C. Picker, and Diane P. Wood) (Foundation Press, 7th ed. 2018)

#29 Colorado Law's national ranking
for scholarly impact of law faculties,
2018 Sisk Report

Articles, chapters, and opinion essays



S. James Anaya

Dean and University
Distinguished Professor

International Human Rights
Indigenous Peoples' Law
and Policy
International Law

Articles

*Mitigating State Sovereignty:
The Duty to Consult with
Indigenous Peoples*, (with Sergio
Puig), 67 *University of Toronto
Law Journal* 435 (2017)

Book chapters

"The Making of the United
Nations Declaration on the
Rights of Indigenous Peoples"
(with Luis Rodriguez-Piñero), in
*The UN Declaration on the Rights
of Indigenous Peoples* (Jessie
Hohmann and Marc Weller, eds.,
Oxford University Press, 2018)

Other publications

*The Declaration Needs Greater
Awareness*, *Cultural Survival
Quarterly*, September 2017



Brad Bernthal

Associate Professor and
Director, Silicon Flatirons Center
Entrepreneurship Initiative

Entrepreneurial Law Clinic
Entrepreneurial Law
Venture Capital
Early Stage Finance
Innovation Policy

Articles

*The Evolution of Entrepreneurial
Finance: A New Typology*,
BYU Law Review (forthcoming
October 2018)

*Who Needs Contracts?
Generalized Exchange Within
Investment Accelerators*, 100
Marquette Law Review 997 (2017)



Frederic Bloom

Professor

Civil Procedure
Evidence
Federal Courts

Articles

Character Flaws, 89 *University
of Colorado Law Review*
(forthcoming 2018)



Alexia Brunet Marks

Associate Professor

International Economic Law
Food Law
Civil Litigation

Articles

Feeding the Eco-Consumer,
42 *Vermont Law Review* 3 (2018)

*A Right to Regulate
(Cooperatively)*, 38 *University
of Pennsylvania Journal of
International Law* 1 (2017)



Paul Campos

Professor

Constitutional Law
Legal Philosophy
Legislative Process
Property

Articles

*The Extraordinary Rise and
Sudden Decline of Law School
Tuition: A Case Study of Veblen
Effects in Higher Education*, 48
Seton Hall Law Review 167 (2017)

Opinion essays

*White Economic Privilege Is Alive
and Well*, *The New York Times
Opinion*, July 29, 2017



Deborah Cantrell

Professor and Director of Clinical Education

Sustainable Community Development Clinic
Legal Ethics
Legislation and Regulation

Articles

Celebrating Mundane Conflict, 18 Pepperdine Dispute Resolution Law Journal 139 (2018)



Kristen A. Carpenter

Council Tree Professor

Property
Cultural Property
American Indian Law
Indigenous Peoples in International Law

Book chapters

“Human Rights to Culture, Family, and Self-Determination: The Case of Adoptive Couple v. Baby Girl” (with Lorie M. Graham), in *Indigenous Rights in International Law*, Stefan Kirchner and Joan PolICASTRI, eds. (forthcoming 2018)

Articles

Privatizing the Reservation? (with A. Riley), 71 Stanford Law Review (forthcoming 2019)

Other publications

Good Practices and Challenges, Including Discrimination, in Business and in Access to Financial Services by Indigenous Peoples: Study of the Expert Mechanism on the Rights of Indigenous Peoples, AHRC/36/53, August 8, 2017 (with members of the Expert Mechanism)



Ming H. Chen

Associate Professor and Director, Immigration Law and Policy Program

Immigration Law and Citizenship Law
Administrative Law
Legislation and Regulation
Law and Politics

Book chapters

“Regulatory Rights: Civil Rights Agencies, Courts, and the Entrenchment of Language Rights,” in *The Rights Revolution Revisited: Institutional Perspectives on the Private Enforcement of Civil Rights in the U.S.*, Lynda G. Dodd, ed. (Cambridge University Press, 2018)

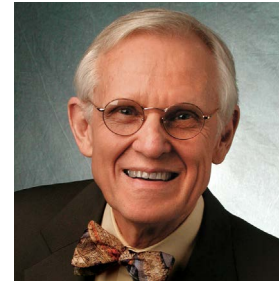
Articles

Leveraging Social Science Expertise in Immigration Policymaking, 112 NWULR Online 281 (2018)

Sanctuary Networks and Integrative Enforcement, 75 Washington and Lee Law Review (forthcoming 2018)

Administrator-in-Chief: President and Executive Action in Immigration Law, 69 Administrative Law Review 347 (2017)

Administrator-in-Chief in the Trump Era of Immigration Enforcement, Yale Journal on Regulation: Notice & Comment (June 21, 2017; updated June 30, 2017)



Richard B. Collins

Professor

Constitutional Law
Indian Law
Property

Articles

Santa Clara Pueblo v. Martinez in the Evolution of Federal Law, The Tribal Law Review at University New Mexico School of Law (forthcoming 2018)

To Sue and Be Sued: Capacity and Immunity of American Indian Nations, 51 Creighton Law Review 391 (2018)

MING H. CHEN

Associate Professor and Director,
Immigration Law and Policy Program

Constructing Citizenship for Noncitizens

Stanford University Press, forthcoming

The U.S. has long taken a laissez-faire approach toward immigrant integration and has focused almost exclusively on enforcement of formal immigration status for the last decade: preventing unlawful entry, detaining those lacking documentation, and deporting for a range of status violations. Based on theoretical, empirical, and normative analysis, Chen finds that the enforcement bias has negative effects for the outcomes and meaning of citizenship. Legal noncitizens with a pathway to citizenship naturalize only half the time, and when they do, they view citizenship as a means to an end. This undermines the pathways to citizenship and stymies the possibilities of integration, even for the select subgroups of vulnerable immigrants where the federal government invests in integration. Undocumented noncitizens who lack a pathway to citizenship are even more negatively



impacted than legal noncitizens. The result of the laissez-faire approach is a socially disintegrated polity rather than a socially cohesive one fueled by shared civic purpose. The book promotes an alternative vision for immigration policy premised on stronger state-sponsored pathways to full citizenship and prescribes affirmative integration for noncitizens seeking to adjust their status at each stage of the journey to full membership: from newcomer to resident to citizen.



Justin Desautels-Stein

Associate Professor

Conflict of Laws
Critical Race Theory
Law and Economic Development
International Law
Jurisprudence

Edited collections

Searching for Contemporary Legal Thought (co-edited with Christopher Tomlins, Cambridge University Press, 2017)

Book chapters

“The Realist and the Visionary: On the Problem of Social Change in the History of International Legal Thought, 1919-2019,” in *Contingency in the Course of International Law: How International Law Could Have Been*, Kevin Jon Heller and Ingo Venzke, eds. (Oxford University Press, forthcoming 2019)

“Structuralist and Poststructuralist Legal History,” in *The Oxford Handbook of Historical Legal Research*, Markus Dubber, ed. (Oxford University Press, forthcoming 2018)

“The Problem with Pragmatism: A History of Contemporary Legal Thought,” in *Searching for Contemporary Legal Thought*, Justin Desautels-Stein and Chris Tomlins, eds. (Cambridge University Press, 2017)

“Introduction: Searching for Contemporary Legal Thought: History, Image, and Structure,” in *Searching for Contemporary Legal Thought*, Justin Desautels-Stein and Christopher Tomlin, eds. (Cambridge University Press, 2017)

“After the End of Legal Thought,” in *Searching for Contemporary Legal Thought*, Justin Desautels-Stein and Christopher Tomlin, eds. (Cambridge University Press, 2017)

“Afterword: Contemporary Legal Thought As...,” in *Searching for Contemporary Legal Thought*, Justin Desautels-Stein and Christopher Tomlin, eds. (Cambridge University Press, 2017)



Carla F. Fredericks

Associate Clinical Professor,
Director of the Indian Law Clinic,
Director of the American Indian
Law Program

American Indian Law

Articles

Responsible Resource Development: A Strategic Plan to Consider Social and Cultural Impacts of Tribal Extractive Industry Development, (with Kathleen Finn, Erica Gjda, and Jesse Heibel,) *Harvard Journal of Law & Gender* (2018).

Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation (with Kathleen Finn, Erica Gadja, and Thomas Perin), *40 Harvard Journal of Law & Gender* 1 (2018)

Standing Rock, the Sioux Treaties, and the Limits of the Supremacy Clause (with Jesse D. Heibel), *89 University of Colorado Law Review* 477 (2018)

Indigenous Rights of Standing Rock: Federal Courts and Beyond (with Rebecca Adamson, Nick Pelosi, and Jesse Heibel), *43 Human Rights*, No. 1 (2017)

Operationalizing Free, Prior, and Informed Consent, *80 Albany Law Review* 429 (2016-2017)



Kristelia A. Garcia

Associate Professor and
Director, Content Initiative,
Silicon Flatirons Center

Copyright
Trademark
Property

Articles

Copyright Arbitrage, *107 California Law Review* (forthcoming 2019)

Improving the Quality & Consistency of Copyright Infringement Analysis in Music, *Berkeley Technology Law Journal Commentaries* (January 23, 2018)

Royalty Securitization, *Harvard Journal of Law & Technology Digest* (October 23, 2017)

Book chapters

“Contracts v. Copyright: Contemporary Musician Income Streams,” in *Oxford Handbook of Music Law & Policy* (Oxford University Press, forthcoming 2019)

JUSTIN DESAUTELS-STEIN

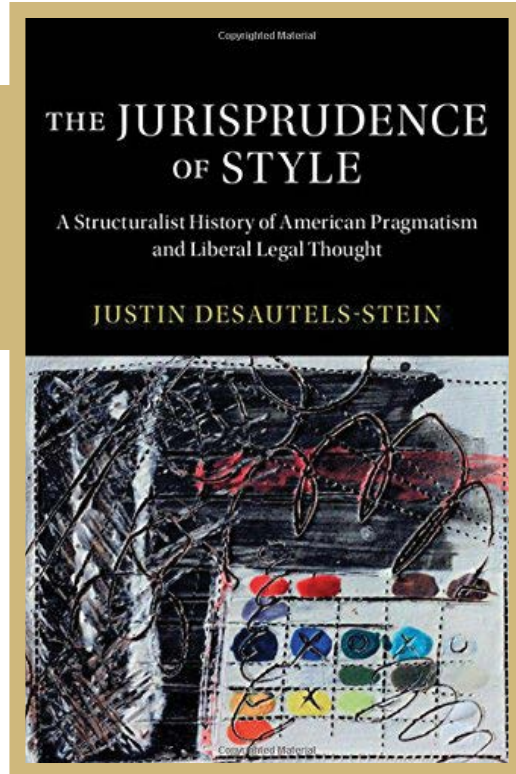
Associate Professor

The Jurisprudence of Style:

A Structuralist History of American Pragmatism and Liberal Legal Thought

Cambridge University Press, 2018

In the contemporary domain of American legal thought, there is a dominant way in which lawyers and judges craft their argumentative practice. More colloquially, this is a dominant conception of what it means to “think like a lawyer.” Despite the widespread popularity of this conception, it is rarely described in detail or given a name. Desautels-Stein tells the story of how and why this happened, and why it matters. Drawing upon and updating the work of Harvard Law School’s first generation of critical legal studies, Desautels-Stein develops what he calls a jurisprudence of style. In doing so, he uncovers the intellectual alliance, first emerging at the end of the 19th century and maturing in the last third of the 20th century, between American



pragmatism and liberal legal thought. Applying the tools of legal structuralism and phenomenology to real-world cases in areas of contemporary legal debate, this book develops a practice-oriented understanding of legal thought.



Erik F. Gerding

Professor and Wolf-Nichol Fellow

Securities
Banking Law
Regulation of Financial Markets,
Products, and Institutions
Payment Systems
Corporate Governance

Other publications

Can Technology Solve Information Overload and Complexity in Securities Disclosure?, The CLS Blue Sky Blog, January 17, 2017



Amy Griffin

Associate Dean for Instructional Development

Legal Writing

Articles

Dethroning the Hierarchy of Authority, 97 Oregon Law Review (forthcoming 2018)

AYA GRUBER

Professor

The Feminist War on Crime

University of California Press, forthcoming

Today's young feminists are preoccupied with men's sexual misbehavior and call for swift reform and punishment. But they also object to racialized mass incarceration and recognize that the U.S. has the ignoble distinction of being the most punitive nation on Earth. The many #MeToo devotees who believe criminal law is racially fraught and know that inequality is caused by larger social forces, not just individual bad actors, are well positioned to end the feminism-criminal law alliance. Gruber speaks to this cohort, explaining how feminists, in their past efforts to secure women's protection from domestic violence and rape, became soldiers in the late-20th-century war on crime and complicit in the rise of mass incarceration. She demonstrates through a



granular analysis of feminist criminal reform over several decades that policing and punishment are dangerous weapons to be used only as a last resort and sketches a way forward.



Aya Gruber

Professor

Criminal Law
Criminal Procedure: Investigation
Criminal Procedure: Adjudication
Criminal Law in Context

Book chapters

"An Accidental Governance Feminist: An Interview with Kate Mogulescu, Director of Legal Aid's Trafficking Victim's Advocacy Project" (with A. Cohen), in *Governance Feminism: A Handbook* (University of Minnesota Press, forthcoming 2018)

"Neofeminism," in *The SAGE Encyclopedia of Psychology and Gender*, Kevin L. Nadal, ed. (Sage Publications, 2017)

"The Duty to Retreat in Self-Defense Law and Violence Against Women," Oxford Handbooks Online (July 2017)

Articles

Equal Protection Under the Carceral State, 112 *Northwestern University Law Review* 1337 (2018)

Consent Confusion, 38 *Cardozo Law Review* 415 (2017)



Lakshman Guruswamy

Nicholas Doman Professor of International Environmental Law & International Energy Programs

International Law
International Environmental Law
International Energy Law

Book chapters

“Women and Energy Justice,” in *Cambridge Handbook of Sustainable Development and Energy Justice* (Cambridge University Press, forthcoming 2019)



Melissa Hart

Professor

Access to Justice
Education and the Constitution
Employment Discrimination
Legal Ethics and Professionalism

Articles

Envisioning 100% Access to Justice in Colorado (with Daniel M. Taubman), *University of Colorado Law Review* (January 2017)

Deep Impact: The Consequences of Defunding LSC, *Colorado Lawyer*, August/September 2017



Jennifer S. Hendricks

Professor and Co-Director of the Juvenile and Family Law Program

Family Law
Feminist Legal Theory
Civil Procedure
Constitutional Law and Theory

Articles

The Rape Survivor Child Custody Act: Wages of Genetic Entitlement, 112 *Northwestern University Law Review Online* 75 (2017)

Essays

The Wages of Genetic Entitlement: The Good, the Bad, and the Ugly in the Rape Survivor Child Custody Act, 112 *Northwestern University Law Review Online* 75 (2017)



Peter H. Huang

DeMuth Chair and Professor

Business Law
Law and Emotions
Law and Neuroscience
Law and Mindfulness
Derivative Securities
Securities Enforcement,
Litigation, and Regulation

Book chapters

“Happiness 101 for Legal Scholars: Applying Happiness Research to Legal Policy, Ethics, Mindfulness, Negotiations, Legal Education, and Legal Practice,” in *Research Handbook on Behavioral Law and Economics*, Joshua C. Teitelbaum and Kathryn Zeiler, eds. (Edward Elgar, 2018)

“Positive Institutions: Organizations, Laws, and Policies” (with Anne M. Brafford, Debra S. Austin, and Martha Knudson), in *The Oxford Handbook of Positive Psychology*, C.R. Snyder, Shane J. Lopez, Lisa M. Edwards, and Susana C. Marques, eds. (Oxford University Press, 3d ed. 2018)

“Subjective Well-Being and the Law,” in *Handbook of Well-Being*, Ed Diener, Shigehiro Oishi, and Louis Tay, eds., (Diener Education Fund Publishers, 2018)

Articles

Adventures in Higher Education, Happiness, and Mindfulness, 7 *British Journal of American Legal Studies* 2 (forthcoming fall 2018)

Boost: Improving Mindfulness, Thinking, and Diversity, 10 *William and Mary Business Law Review* 1 (forthcoming 2018)

Achieving American Retirement Prosperity by Changing Americans’ Thinking About Retirement, 22 *Stanford Journal of Law, Business & Finance* 189 (2017)

Can Practicing Mindfulness Improve Lawyer Decision-Making, Ethics, and Leadership?, 55 *Houston Law Review* 63-154 (2017)



Sharon B. Jacobs
Associate Professor

Administrative Law
Advanced Topics in Energy Law
Energy Law and Regulation
Environmental Law
Legislation and Regulation
Regulation and Innovation

Articles

Administrative Dissents, 59 William and Mary Law Review 541 (2017)

Agency Procedural Innovation in Vermont Yankee’s White Space (with Emily S. Bremer), 32 Journal of Land Use and Environmental Law 523 (2017)

Opinion essays

Saving Coal: A Tale of Two Agencies, Harvard Law Review Blog, January 26, 2018

Advising the EPA: The Insidious Undoing of Expert Government, Harvard Law Review Blog, December 6, 2017



Margot Kaminski
Associate Professor

Privacy, Speech, and
Online Civil Liberties
International Intellectual
Property Law

Book chapters

“Intellectual and Social Freedom,” in *Cambridge Handbook of Surveillance Law*, David Gray and Stephen E. Henderson, eds. (Cambridge University Press, 2017)

Articles

Authorship, Disrupted: AI Authors in Copyright and First Amendment Law, 51 UC Davis Law Review 589 (2017)

Averting Robot Eyes (with Matthew Reuben, William D. Smart, and Cindy M. Grimm), 76 Maryland Law Review 983 (2017)

Copyright’s Framing Problem (with Guy A. Rub), 64 UCLA Law Review 1102 (2017)

Privacy and the Right to Record, 97 Boston University Law Review 167 (2017)

SIRI-OUSLY 2.0: What Free Speech Rights for Artificial Intelligence Reveal About the First Amendment (with Toni Massaro and Helen L. Norton), 101 Minnesota Law Review 2481 (2017)

Standing After Snowden: Lessons on Privacy Harm from National Security Surveillance Litigation, 66 DePaul Law Review 413 (2017)

Opinion essays

Facebook, Free Expression, and the Power of a Leak, The New York Times, June 27, 2017



Craig Konnoth
Associate Professor

Property
Health Care Law
Bioethics
Privacy
Torts

Book chapters

“Reclaiming Biopolitics: Religion and Psychiatry in the Sexual Orientation Change Therapy Cases and the Establishment Clause Defense,” in *Law, Religion, and Health in the United States*, Holly Fernandez Lynch, I. Glenn Cohen, and Elizabeth Sepper, eds. (Cambridge University Press, 2017)

“Religion and Psychiatry in the Sexual Orientation Change Therapy Cases,” in *Law, Religion, and Health in the United States*, Holly Fernandez Lynch, I. Glenn Cohen, and Elizabeth Sepper, eds. (Cambridge University Press, 2017)

Articles

An Expressive Theory of Privacy Intrusions, 102 Iowa Law Rev. 1533 (2017)

Health Information Equity, 165 University of Pennsylvania Law Review 1317 (2017)

Opinion essays

Any FCC Action Against Colbert Would Be Unwise, Huffington Post, May 8, 2017

Colbert May Support Gay Rights, But That Doesn’t Mean He Gets to Make Gay Jokes, The Washington Post, May 3, 2017

No Matter How the Masterpiece Cakeshop Case Is Decided, Gay Rights Win, The Washington Post, December 6, 2017





Class Actions, the Constitution,
and Congress

Civil Procedure
Professor Sarah Keakoff



Sarah Krakoff

Moses Lasky Professor of Law and Associate Dean for Faculty Affairs and Research

American Indian Law
Natural Resources and Public Land Law
Environmental Justice

Articles

Public Lands, Conservation, and the Possibility of Justice, 53 Harvard Civil Rights-Civil Liberties Law Review 213 (2018)

They Were Here First: American Indian Tribes, Race, and the Constitutional Minimum, 69 Stanford Law Review 491 (2017)

Opinion essays and other publications

Just Transitions? Law & Political Economy Blog, January 25, 2018

Deconstructing Zero-Sum Environmental Games: Bears Ears National Monument as Reparations and Reconciliation, 47 Environmental Law Report 10348 (2017)

Environmental Impacts of the Border Wall (with David Roche, Dan Mills, Andy Gordon, and Sarah Burt), 47 Environmental Law Report 10477 (2017)



Benjamin Levin

Associate Professor

Criminal Law
Criminal Procedure:
Adjudicative Process
Advanced Criminal Justice

Articles

The Consensus Myth in Criminal Justice Reform, 117 Michigan Law Review (forthcoming 2018)

Criminal Employment Law, 39 Cardozo Law Review (forthcoming 2018)

Other publications

Rethinking the Boundaries of Criminal Justice, 15 Ohio State Journal of Criminal Law 619 (2018) (reviewing *The New Criminal Justice Thinking*, Sharon Dolovich and Alexandra Natapoff, eds., 2017)



Robert M. Linz

Associate Director and Head of Public Services of the William A. Wise Law Library

Colorado Legal Research



Mark J. Loewenstein

Monfort Professor of Commercial Law and Associate Dean for Curricular Affairs

Business Associations
Agency Law and Securities Law
Corporate Governance

Articles

Agency Law and the New Economy, 72 Business Law 1009 (2017)

Benefit Corporation Law, 85 University of Cincinnati Law Review 381 (2017)



Suzette Malveaux

Provost Professor of Civil Rights Law and Director, Byron R. White Center for the Study of American Constitutional Law

Civil Procedure
Civil Rights

Articles

Class Actions, Civil Rights, and the National Injunction, 131 Harvard Law Review Forum 56 (2017)

The Modern Class Action Rule: Its Civil Rights Roots and Relevance Today, 66 Kansas Law Review 325 (2017)

Opinion essays

Travel Ban Case Reveals Next Battleground—The Fate of National Injunctions, Bloomberg Law, July 24, 2018



Scott A. Moss

Professor and Schaden Chair in Experiential Learning

Federal Litigation
Employment Law
Law and Economics
Constitutional Law

Articles

Judges' Varied Views on Textualism: The Roberts-Alito Schism and the Similar District Judge Divergence that Undercuts the Widely Assumed Textualism-Ideology Correlation, 88 University of Colorado Law Review 1 (2017)

The Value of the Restatement of Employment Law, Based on 50-State Empirical Analyses and the Importance of Clarifying Disputed Issues—But with Caveats About the Restatement's Imperfect Work Product, 21 Employee Rights and Employment Policy Journal 409 (2017)



Christopher B. Mueller

Henry S. Lindsley Professor of Procedure and Advocacy

Evidence
Civil Procedure
Complex Litigation
Class Action

Articles

"Make Him an Offer He Can't Refuse"—Mezzanatto Waivers as Lynchpin of Prosecutorial Overreach, 82 Missouri Law Review 1023 (2017)

Taking a Second Look at MDL Product Liability Settlements: Somebody Needs to Do It, 65 University of Kansas Law Review 531 (2017)



Susan Nevelow Mart

Associate Professor and Director of the William A. Wise Law Library

Legal Information Policy
National Security and Libraries
Access to Information

Book chapters

Foreword, in *Environmental Information: Research, Access, and Environmental Decisionmaking*, Sarah Lamdan (Environmental Law Institute, 2017)

Articles

Results May Vary in Legal Research Databases, ABA Journal (March 2018)

Two Pedagogies in Search of Synergy (with Lisa Schultz), AALL Spectrum (March/April 2018)

The Algorithm as a Human Artifact: Implications for Legal [Re]Search, 109 Law Library Journal 387 (2017)

Every Algorithm Has a POV, AALL Spectrum (September/October 2017)

Research Algorithms Have a Point of View: The Effect of Human Decision Making on Your Search Results, University of Colorado Law Review (November 2017)



Robert F. Nagel

Professor Emeritus, Rothgerber Professor of Constitutional Law

Articles

Conservatives and the Court, National Affairs (Winter 2017)



Helen L. Norton

Professor and Ira C. Rothgerber Jr. Chair in Constitutional Law

HELEN NORTON

Professor and Ira C. Rothgerber Jr. Chair
in Constitutional Law

The Government's Speech and the Constitution

Cambridge University Press, forthcoming

Governments have been speaking for as long as there have been governments. New expressive technologies empower government to speak in new ways through Twitter and other social media postings, webcasts, blogs, wikis, virtual worlds, and more. Through its speech, the government can inform, deceive, shame, inspire, scapegoat, silence, empower, challenge, comfort, distress, and distract. This raises important and interesting questions about the constitutional value and harms posed by the government's speech. Norton's book explores how the government's speech sometimes performs constitutionally valuable functions, as well as examines the dark side of the government's speech by posing questions such as, "Under what circumstances does



the government's speech threaten equality or liberty such that it offends the Equal Protection or Due Process clauses?" and, "Under what circumstances, if any, does the Constitution prohibit our government from lying to us?"

Constitutional law
Civil rights
Employment discrimination law

Book chapters

"Artificial Intelligence and the First Amendment" (with Toni M. Massaro), in *Research Handbook on Law and Artificial Intelligence*, Woodrow Barfield and Ugo Pagallo, eds. (Edward Elgar, forthcoming 2018)

"What's New Is Old Again (and Vice Versa)," in *Robotica*, Ronald Collins and David Skover, eds. (Cambridge University Press, forthcoming 2018)

Articles

Powerful Speakers and Their Listeners, 90 University of Colorado

Law Review (forthcoming 2019)
(At Least) Thirteen Ways of Looking at Election Lies, 71 Oklahoma Law Review (forthcoming 2018)

The Government's Manufacture of Doubt, 16 First Amendment Law Review 342 (2018)

The Government's Lies and the Press Clause, 89 University of Colorado Law Review 453 (2018)

Robotic Speakers and Human Listeners, 41 Seattle University Law Review (forthcoming 2018)

Government Speech and the War on Terror, 86 Fordham Law Review 543 (2017)

SIRI-OUSLY 2.0: What Free Speech Rights for Artificial Intelligence Reveal About the First Amendment (with Margot E. Kaminski and Toni Massaro), 101 Minnesota Law Review 2481 (2017)

Opinion essays and other publications

Gambling with Our Constitution (with David Super), Denver Post, April 20, 2018)

Remedies and the Government's Constitutionally Harmful Speech, 9 ConLawNOW 49 (2018)



Checking the Government's Deception Through Public Employee Speech, JOTWELL, September 25, 2017 (reviewing Heidi Kitrosser, *The Special Value of Public Employee Speech*)

Does Alexa Have Free Speech Rights? (with Toni M. Massaro and Margot E. Kaminski), Slate, March 22, 2017

Employers' Duties of Honesty and Accuracy, 21 Employee Rights and Employment Policy Journal 575 (2017)

What We Learn From Government Speech About Hate (with Danielle Keats Citron), LAWFARE, August 15, 2017



Scott R. Peppet

Professor and Wolf-Getches Fellow

Contracts
Legal Negotiation
Advanced Legal Negotiation
Counseling Family Enterprises



William Pizzi

Professor Emeritus

Criminal Law and Procedure
Comparative Law



Carolyn B. Ramsey

Professor

Criminal Law
Criminal Procedure
Domestic Violence
Legal History
Gender and Criminal Justice
Gender, Law, and Public Policy

Articles

Firearms in the Family, 78 Ohio State Law Journal 1257 (2017) (lead article)



Blake E. Reid

Associate Clinical Professor;
Director, Samuelson-Glushko
Technology Law & Policy Clinic;
Faculty Director, Silicon Flatirons
Center; Faculty Advisor, Colorado
Technology Law Journal

Technology Policy
Telecommunications Law
Intellectual Property
Disability Law

Articles

That Was Close! Reward Reporting of Cybersecurity 'Near Misses' (with Jonathan Bair, Steven M. Bellonin, Andrew Manley, and Adam Shostack) 16 Colorado Technology Law Journal 2 (forthcoming 2018)



Pierre Schlag

University Distinguished Professor
and Byron R. White Professor
of Law

Jurisprudence
Constitutional Law
Legal Philosophy
Tort Law

Book chapters

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"Textualist and Purposivist Interpretation (Challenges and Problems)," in *The Transformation or Reconstitution of Europe: The Critical Legal Studies Perspective on the Role of the Courts in the European Union*, Tamara Persin and Sinisa Rodin, eds. (Bloomsbury, 2018)

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Corporate, Securities,
and Contract Law
Securities Crowdfunding

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Constitutional Law
Civil Rights
LGBTQ Rights
Privacy Law

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International Law
International Human Rights
International Dispute Resolution
Peace and Security
Law and Neuroscience

Book chapters

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The Impact of One: How Individual Choice Shapes International Law

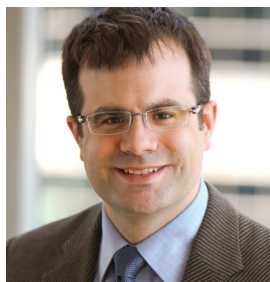
Cambridge University Press, forthcoming

Told through the lens of historical accounts and original interviews, the book charts groundbreaking decision moments in international law—from the bombing of Hiroshima, to the Rwandan genocide, to the intervention into Libya—and reveals how certain people, and their emotions, biases, and beliefs, shaped global outcomes in powerful yet unexamined ways. Drawing upon insights from neuroscience, Spain Bradley offers a theory of how individual choice—involving emotion, empathy, and bias—has affected the development of international law and introduces a novel approach for understanding the role of human cognition and choice in global decision making.



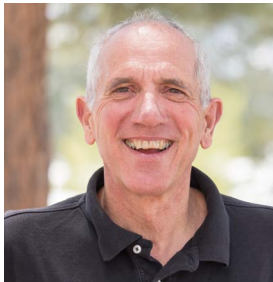
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Natural Resources Law

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Intellectual Property
Privacy Law
Computer Science and Law
Artificial Intelligence and Law

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Telecommunications Law
Internet Law
Antitrust Law
Intellectual Property
Constitutional Law

Articles

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Critical Legal Studies
Marxism and Law

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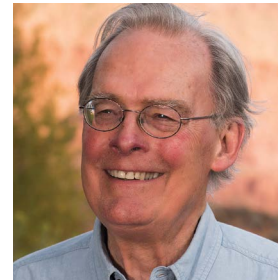
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Indian Law
Public Land Law
Water Law

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