

FACULTY PUBLICATIONS

2017-2022

PENN STATE LAW UNIVERSITY PARK



RESEARCH AT PENN STATE LAW

"Penn State Law in University Park faculty are leading scholars in their fields who are deeply committed to domestic, national, and international issues. Their research and scholarly contributions are an asset to their profession."

James W. Houck

Vice Admiral, Judge Advocate General's Corps, U.S. Navy (Ret.) Distinguished Scholar in Residence Interim Dean, Penn State Law and School of International Affairs



LARRY CATÁ BACKER

W. Richard and Mary Eshelman Faculty Scholar and Professor of Law and International Affairs

Professor Backer writes on Chinese constitutionalism, sovereign wealth funds, global business governance structures and finance, transnational legal structures, business and human rights, law and semiotics, and theories of U.S. law and legal systems.



PUBLICATIONS

THE UNITED NATIONS GUIDING PRINCIPLES FOR BUSINESS AND HUMAN RIGHTS: A COMMENTARY (Oxford Commentaries in International Law) (Oxford University Press, forthcoming 2023)

THE SELF-REFLEXIVE IMAGINARIES OF LAW: ESSAYS ON CONTEMPORARY LEGALIZATION IN AN AGE OF ALGORITHMIC LAW AND PLATFORM GOVERNANCE, EMANCIPATING THE MIND IN THE NEW ERA: BULLETIN OF THE COALITION FOR PEACE & ETHICS 16 (1) (Summer 2021) (Larry Catá Backer and Matthew McQuilla, eds., 2022)

ESSAYS ON CONTEMPORARY CHINA-HEARTLAND, PERIPHERY, AND SILK ROADS, EMANCIPATING THE MIND IN THE NEW ERA: BULLETIN OF THE COALITION FOR PEACE & ETHICS 16(1) (Summer 2021) (Larry Catá Backer and Matthew McQuilla, eds., 2022)

Hong Kong Between 'One Country' and 'Two Systems': Essays from the Year that Transformed The Hong Kong Special Administrative Region (June 2019 – June 2020) (Little Sir Press, 2021)

ELEMENTS OF LAW AND THE UNITED STATES LEGAL SYSTEM (Carolina Academic Press, 2021)

LAW AND RELIGION: CASES AND MATERIALS (4th ed., West Academic, 2021) (with Frank S. Ravitch)

CUBA'S CARIBBEAN MARXISM: ESSAYS ON IDEOLOGY, GOVERNMENT, SOCIETY, AND ECONOMY IN THE POST FIDEL CASTRO ERA (Little Sir Press, 2018)

Robert Cover and International Law—Narrative Nudges and Nomadic Nomos, 37 (4) TOURO LAW REVIEW 2315-2364 (2022)

Lawyers Are Not Algorithms: Sustainability, Corruption, and the Role of the Lawyer in Institutional Frameworks and Corporate Transactions, 23 LEGAL ETHICS 4 (2021)

The Semiotics of Consent and the American Law Institute's Reform of the Model Penal Code's Sexual Assault Provisions, 1(1) Undecidabilities and the Law: COIMBRA JOURNAL OF LEGAL STUDIES 49-83 (2021)

Aligning Emerging Global Strategies to Combat Corporate Corruption: From a "Two Thrust Approach" to a "Two Swords One Thrust Strategy" of Compliance, Prosecutorial Discretion, and Sovereign Investor Oversight in China, 52 INT'L L. (2019) Next Generation Law: Data-Driven Governance and Accountability-Based Regulatory Systems in the West, and Social Credit Regimes in China, 28 USC INTERDISC. L.J. 123 (2019)

Popular Consultation and Referendum in the Making of Contemporary Cuban Socialist Democracy Practice and Constitutional Theory, 27 U. MIA. INT'L L. REV. 37 (2019) (with Flora Sapio)

Popular Participation in the Constitution of the Illiberal State — An Empirical Study of Popular Engagement and Constitutional Reform in Cuba and the Contours of Cuban Socialist Democracy 2.0, Vol. 34, EMORY INT'L L. REV. (2019) (with Flora Sapio and James Korman)

Chinese Strategies to Combat Corporate Corruption: From a "Two Thrust Approach" to a "Two Swords One Thrust Strategy" of Compliance, Prosecutorial Discretion, and Sovereign Investor Oversight in China, 52 INT'L L. 1 (2019)

Between the Judge and the Law—Judicial Independence and Authority with Chinese Characteristics, 33 CONN. J. INT'L L. 1 (2017); Chinese language version, 17 BEIJING POLITICS AND LAW REVIEW (2018)

Chinese Constitutionalism in the 'New Era': The Constitution in Emerging Idea and Practice, 33 CONN. J. INT'L L. 163 (2018)

测度、评估和奖励:中国和西方建立社会信用体系的挑战? [Measurement, Assessment and Reward: The Challenges of Establishing a Social Credit System in China and the West?)] ("互联网金融法律 评论)(jiflsjtu)"微信公众平台.前沿栏目•第三季第21篇(总第182篇)[SHANGHAI JIAOTONG UNIVERSITY INTERNET FINANCIAL LAW REVIEW]

西方反腐领域新举措,从 "各自为政 "到"一股合力" 58(2):17-30 吉林大学社会科学学报 — [Sword One Thrust Strategy to Combat Criminal Corruption: Corporate Compliance, Prosecutorial Discretion, and Sovereign Investor Oversight, JILIN UNIVERSITY JOURNAL OF SOCIAL SCIENCE] 58(2):17 (2018)

Theorizing Regulatory Governance Within its Ecology: The Structure of Management in an Age of Globalization, 24 CONTEMP. POLITICS 607 (2018)

A Lex Mercatoria for Corporate Social Responsibility Codes without the State?, 24 IND. J. GLOBAL LEG. STUD. 115 (2017)

The Human Rights Obligations of State-Owned Enterprises: Emerging Conceptual Structures and Principles in National and International Law and Policy, 50 VAND. J. TRANSNAT'L L. 827 (2017)

The Corporate Social Responsibilities of Financial Institutions for the Conduct of their Borrowers: The View from International Law and Standards, 21 LEWIS & CLARK L. REV. 881 (2017)

Sovereign Wealth Funds, Capacity Building, Development, and Governance, 52 WAKE FOREST L. Rev. 735 (2017)

通过集体组织的社会主义现代化评《中华人民共和国慈善法》《中国非营利评论》,第19卷,社会科 学文献出版社2017年版,第35 [Commentary on the New Charity Undertakings Law: Socialist Modernization Through Collective Organizations, 9 CHINA NONPROFIT REV. 35 (2017)] (English language version: Commentary on the New Charity Undertakings Law: Socialist Modernization Through Collective Organizations, 9 CHINA NONPROFIT REV. 273 (2017)) Principle 4: The Obligations of States in Markets With Respect to Enterprises Owned, Controlled, or Supported by the State, in ELGAR COMMENTARIES ON THE UNITED NATIONS PRINCIPLES OF BUSINESS AND HUMAN RIGHTS (Barnali Choudhury, ed., Edward Elgar, forthcoming 2022)

'By Dred Things I am Compelled': China and the Challenge to International Human Rights Law, in TIPPING POINTS IN INTERNATIONAL LAW: CRITIQUE AND COMMITMENT (John Haskell and Jean d'Aspremont, eds., 2021)

Un Somaro Piumato'--Rethinking the Scope and Nature of State Liability for Acts of their Commercial Instrumentalities: State Owned Enterprises and State-Owner Liability in the Post-Global, in THE REGULATION OF STATE-CONTROLLED ENTERPRISES: AN INTERDISCIPLINARY AND COMPARATIVE EXAMINATION (Julien Chaisse, Jędrzej Górski & Dini Sejko eds., 2021)

The Problem of the Enterprise and the Enterprise of Law: Multinational Enterprises as Polycentric Transnational Regulatory Spaces, in OXFORD HANDBOOK OF TRANSNATIONAL LAW (Peer Zumbansen, ed., 2021)

Schwarze Listen und Social Credit-Regime in China [Blacklists and Social Credit Regimes in China], in SUPER-SCORING?: DATENGETRIEBENE SOZIALTECHNOLOGIEN ALS NEUE BILDUNGSHERAUS-FORDERUNG [Super-Scoring?: Data-driven societal technologies as a new challenge for education] (2021)

And an Algorithm to Entangle them All? Social Credit, Data Driven Governance, and Legal Entanglement in Post-Law Legal Orders, in ENTANGLED LEGALITIES BEYOND THE STATE 79-106 (Nico Kirsch, ed., 2021)

Foreword: Bannermen and Heralds: The Identity of Flags; the Ensigns of Identity, in FLAGS, IDENTITY, MEMORY: CRITIQUING THE PUBLIC NARRATIVE THROUGH COLOR (Anne Wagner & Sarah Marusek, eds., 2020)

Human Rights Responsibilities of State-Owned Enterprises, in RESEARCH HANDBOOK ON HUMAN RIGHTS AND BUSINESS 221-242 (Surya Deva & David Birchall eds., 2020)

La debida diligencia en las universidades, in RETOS Y DESAFIOS DE LAS EMPRESAS Y LOS DERECHOS HUMANOS (Carolina Olarte-Báceres, Catalina Irisarri Boada & Laura Arenas Peralta, eds., Oxford U. Press, 2019)

The Cri de Jessup Sixty Years Later: Transnational Law's Intangible Objects and Abstracted Frameworks Beyond Nation, Enterprise, and Law, in JESSUP'S BOLD PROPOSAL: CRITICAL ENGAGEMENTS WITH TRANSNATIONAL LAW 386-418 (Peer Zumbansen ed., 2020)

The Problem of the Enterprise and the Enterprise of Law: Multinational Enterprises as Polycentric Transnational Regulatory Spaces, in OXFORD HANDBOOK OF TRANSNATIONAL LAW (2020)

Unpacking Accountability in Business and Human Rights: The Multinational Enterprise, the State, and the International Community, in ACCOUNTABILITY AND INTERNATIONAL BUSINESS ORGANIZATIONS: PROVIDING JUSTICE FOR CORPORATE VIOLATIONS OF HUMAN RIGHTS, LABOR, AND ENVIRONMENTAL STANDARDS (Liesbeth Enneking et al. eds., 2020)

From the Social to the Human Rights of Labor: Reflections on the Universal Declaration of Human Rights Art. 23, the ILO, and Working Rights Principles, in COALITION FOR PEACE AND ETHICS, Working Paper No. 2/1 (2019)

The Global Economy and Cuba: Stasis and Hard Choices, in ANNUAL PROCEEDINGS, THE ASSOCIATION FOR THE STUDY OF THE CUBAN ECONOMY, vol. 28 (2018)

Reintegrating Cuba into the Global Economy: Stasis and the European Alternative, in THE CUBA-U.S. BILATERAL RELATIONSHIP: NEW PATHWAYS AND POLICY CHOICES (Michael J. Kelly et al. eds., 2019)

The arc of triumph and transformation of the OECD Guidelines, in OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES: A GLASS HALF FULL (2018) (Liber Amicorum for Dr. Roel Nieuwenkamp, Chair of the OECD Working Party on Responsible Business Conduct 2013-2018)

The Cuban Communist Party at the Cusp of Change, in REFORMING COMMUNISM: CUBA IN A COMPARATIVE PERSPECTIVE (Scott Morgenstern and Jorge Pérez López eds., 2019)

Considering a Treaty on Corporations and Human Rights: Mostly Failures But With a Glimmer of Success, in TREATY OR NOT? PERSPECTIVES ON THE PROPOSED UN TREATY ON BUSINESS AND HUMAN RIGHTS (Nicolas Carillo-Santarelli & Jernej Letnar Cernic eds., 2018)

From Guiding Principles to Interpretive Organizations: Developing a Framework for Applying the UNGPs to Disputes that Institutionalizes the Advocacy Role of Civil Society, in BUSINESS AND HUMAN RIGHTS: BEYOND THE END OF THE BEGINNING 97 (C.R. Garavito ed., 2017)

Pragmatism Without Principle?: How a Comprehensive Treaty on Business and Human Rights Ought to be Framed, Why It Can't, and the Dangers of the Pragmatic Turn in Treaty Crafting, in BUILDING A TREATY ON BUSINESS AND HUMAN RIGHTS: CONTEXT AND CONTOURS (Surya Deva & David Bilchitz eds., 2017)

The Evolving Relationship Between TNCs and Political Actors and Governments, in RESEARCH HANDBOOK ON TRANSNATIONAL CORPORATIONS 82 (Alice de Jonge & Roman Tomasic eds., 2017)

If One Wants to Change Societal Norms One Must Change Society: Lessons From Michael Olivas and 'Constitutional Criteria' in Managing Higher Education Admissions Decisions, in LAW PROFESSOR AND ACCIDENTAL HISTORIAN: THE SCHOLARSHIP OF MICHAEL A. OLIVAS 201 (Ediberto Román ed., 2017)

ELEANOR MARIE BROWN

Professor of Law and International Affairs, and Senior Scientist, Rock Ethics Institute

Professor Brown is a scholar of property, migration, globalization, development, and the law. Her forthcoming book, to be published by Oxford University Press, roots black West-Indian migrant success in the United States in the early development of property rights among slave communities in the British-colonized Caribbean.



PUBLICATIONS

THE BLACKS WHO 'GOT' THEIR 40 ACRES: A THEORY OF ASSET ACQUISITION (Oxford U. Press, forthcoming 2022)

Fertility, Immigration, and Public Support for Parenting, 90 FORDHAM L. REV. 2485 (2022) (with Naomi Cahn & June Carbone)

Why Black Homeowners are More Likely to be Caribbean American than African American in New York: A Theory of How Early West Indian Migrants Broke Racial Cartels in Housing, 61 Am. J. LEGAL HIST. 3 (2021)

Race, Property and Citizenship, Nw. U. L. REV. ONLINE 120 (2021) (with June Carbone)



THOMAS E. CARBONNEAU

Samuel P. Orlando Distinguished Professor of Law and Director of the Institute of Arbitration Law and Practice

Professor Carbonneau's research examines the law and practice of international, comparative, and domestic arbitration.

PUBLICATIONS

U.S. ARBITRATION LAW (9th ed., West) (forthcoming 2022)

CASES AND MATERIALS ON INTERNATIONAL LITIGATION AND ARBITRATION (3rd ed. 2020) (with William E. Butler & Allen Blair)

ARBITRATION LAW AND PRACTICE (8th ed. 2019) (with Allen Blair)

CASES AND MATERIALS ON ARBITRATION AND PRACTICE (8th ed. 2020) (with Allen Blair)

THE LAW AND PRACTICE OF ARBITRATION (6th ed. 2020)

ARBITRATION IN A NUTSHELL (4th ed. 2017)

Arbitration, in MOORE'S ON FEDERAL PRACTICE, (3d ed., 2021) (with Henry Allen Blair)

JAMISON E. COLBURN

Joseph H. Goldstein Faculty Scholar and Professor of Law

Professor Colburn is a leading scholar of environmental and natural resources law. He has published over thirty articles and book chapters focusing on the law of environmental assessment, habitat and at-risk species protections, and the jurisdiction of water disputes. His published work routinely considers the legal system's use (and misuse) of science and scientific information.



PUBLICATIONS

THE SCALES OF WEIGHING REGULATORY COSTS: TECHNOLOGY, GEOGRAPHY & TIME (2018)

Composition Over Division: The Statutes of the National Forest System, 11 MICH. J.ENVT'L & ADMIN. L. 125 (2021)



Rethinking the Supreme Court's Interstate Waters Jurisprudence, 33 GEO. ENVT'L. L. REV. 233 (2021)

Time to Rethink the Supreme Court's Interstate Waters Jurisprudence, 50 ENVT'L. L. RPTR. 10840 (2020)

Don't Go in the Water: On Pathological Jurisdiction Splitting, 39 STAN. ENVT'L L. J. 3 (2020)

A Future for Paris? Federalism, the Law of Nations, and U.S. Courts, 34 MD. J. INT'L L. 181 (2019)

Retreat Alternatives in NEPA—A Tool for the Perplexed, 33 J. ENVTL. L. & LITIG. 3 (2018)

The National Park System and NEPA: Nonimpairment in an Age of Disruption, 50 AKRON L. REV. 81 (2017)

Technology-Based? Cost Factoring in U.S. Environmental Standards, 7 MICH. J. ENVTL. & ADMIN. L. REV. 83 (2017)

A Climate-Constrained NEPA, 2017 ILL. L. REV. 1091

Governing the Gradient: Clarity and Discretion at the Water's Edge, 62 VILL. L. REV. 81 (2017)



KATRICE BRIDGES COPELAND

Professor of Law

Professor Copeland specializes in criminal law and writes on white collar crime and health care fraud and abuse.

PUBLICATIONS

THE MUELLER INVESTIGATION AND BEYOND (2019) (with Ellen Podgor, Louis J. Virelli III, Andrew Wright, Ellen C. Yaroshefsky, Michael Domino, & Ruthann Robson)

Health Care Fraud Enforcement: Past, Present, and Future, 117 Nw. U.L. REV. (forthcoming 2023) (invited submission)

Telemedicine Scams, 108 IOWA L. REV. (forthcoming 2022)

Liquid Gold, 97 WASH. L. REV. 1451 (2020)

The Yates Memo: Looking for "Individual Accountability" in All the Wrong Places, 102 IOWA L. REV. 1897 (2017)

Health Care Fraud and Abuse, in WHITE COLLAR CRIME: CASES, MATERIALS, AND PROBLEMS (J. Kelly Strader & Sandra D. Jordan eds., 4th ed. 2021)

JILL C. ENGLE

Associate Dean for Academic Affairs and Professor of Clinical Law

Professor Engle is a member of an interdisciplinary research team at Penn State called REACH (Research, Engagement, And Community Healing). Her writing examines the rights of domestic violence victims, economic rights of divorced women, international domestic violence issues, and clinical legal education.



PUBLICATIONS

Reimagining the Classroom Hierarchy, in BUILDING AN ANTIRACIST LAW SCHOOL, LEGAL ACADEMY, AND LEGAL PROFESSION BOOK FIVE: ANTIRACIST TEACHING AND LEARNING (D. Conway ed.) (forthcoming UC Press)

Sexual Violence, Intangible Harm, and Transformative Remedies, 79 WASH. & LEE L. REV. 3 (forthcoming 2022)

There Isn't Any Dumpster, 27 AM. U. J. GENDER, SOC. POLY & L. 9 (2019)



Improving Outcomes in Child Poverty and Wellness in Appalachia in the "New Normal" Era: Infusing Empathy Into Law, 120 W. VA. L. REV. 100 (2018)

LARA B. FOWLER

Teaching Professor; Interim Director, Sustainability Institute; University Chief Sustainability Officer; and Assistant Director, Institutes of Energy and the Environment

Teaching Professor Lara Fowler works on environmental, energy, and natural resource law, with a specific focus on water-related issues.



PUBLICATIONS

FLOOD MITIGATION FOR PENNSYLVANIA'S RURAL COMMUNITIES: COMMUNITY-SCALE IMPACT OF FEDERAL POLICIES (Center for Rural Pa. Sept. 2017; revised April 2018) (with Ryan Baxter et al.)

Addressing Climate Impacts in Alaska Native Tribes: Legal Barriers for the Community Relocation Due to Thawing Permafrost and Coastal Erosion, 40 UCLA J. ENVTL. L & POL'Y (forthcoming 2022) (with E. Korkut)

Reasonable Use?: The Challenges of Riparianism on Transboundary Groundwater Regulation in the Eastern United States, JOURNAL OF AMERICAN WATER RESOURCES ASSOCIATION (April 2020) (with R.T. Caccese)

Come Hell or High-Water: Challenges for Adapting Pacific Northwest Water Law, 37 PACE ENV'L L. REV. 319 (2020) (with R.T. Caccese)

Melting Ice and Deep Waters: the U.S. and Deep Seabed Mining in the Arctic, AMERICAN BAR ASSOCIATION NATURAL RESOURCES AND THE ENVIRONMENT (2019) (with E. Korkut)

An Overview of Arctic Legal Regime Regarding the Protection of the Marine Environment and Some Suggestions, 64 VILLANOVA L. REV. 25 (2019)

Implications of Sea-Level Rise for the Law of the Sea, KMI INT'L J. MAR. AFFRS. (2018)

Integrating Law, Science and a Way Forward: Opportunities for Collective Action in a Time of Change, WATER RESOURCES IMPACT (Nov. 2018) (with R.T. Caccese)

International Joint Commissions for the Settlement of Water Disputes, in MAX PLANCK ENCYCLOPEDIA OF INTERNATIONAL PROCEDURAL LAW (2021) (with A. Swain)

Managing Human Conflicts, in INTRODUCTION TO THE FOOD-ENERGY-WATER NEXUS (2019) (with R.T. Caccese)

Establishment of Multifunctional Riparian Buffers, STAC Publication Number 19-008 (Dec. 2019) (with S. Herbstritt et al)

Environmental and Human Health Impacts of Spreading Oil and Gas Wastewater on Roads, 6 J. ENVT'L STUD. & SCI. 104 (2018) (with Travis L. Tasker et al.)

New special master finds for Georgia in most recent round of water dispute, SCOTUSBLOG (Jan. 9, 2020)

Water-rights dispute Florida v. Georgia seems to have stalled, SCOTUSBLOG (July 2019)

Floods, Fires, Drought and More: The Climate is Changing and Dispute Resolution Tools are Needed (Now!), Indisputably Blog (January 19, 2019)

CHRISTOPHER C. FRENCH, IN MEMORIAM

Professor of Practice and Director, Trial Advocacy Program

Professor French's scholarship focuses in the area where insurance law intersects with contract and tort law.



PUBLICATIONS

NEW APPLEMAN PENNSYLVANIA INSURANCE LAW PRACTICE GUIDE (General Editor, eds. 2019-21)

INSURANCE LAW IN A NUTSHELL (6th ed. 2021) (with John F. Dobbyn)



INSURANCE LAW AND PRACTICE: CASES, MATERIALS & EXERCISES (2nd ed., 2020)

INSURANCE LAW AND PRACTICE: CASES, MATERIALS & EXERCISES (2018) (with Robert H. Jerry, II)

INSURING INTENTIONAL TORTS, 83 Ohio St. L. J. (forthcoming 2022)

Five Approaches to Insuring Cyber Risks, 81 MD. L. REV. (2021)

America on Fire: Wildfires, Climate Change & Insuring Natural Catastrophes, 54 U.C. DAVIS L. REV. 817 (2020)

Forum Shopping COVID-19 Business Interruption Insurance Claims, 2020 U. ILL. L. REV. ONLINE 187 (2020)

COVID-19 Business Interruption Insurance Losses: The Cases For and Against Coverage, 27 CONN. INS. L. J. 1 (2020)

The Butterfly Effect in Interpreting Insurance Policies, 82 LAW & CONTEMP. PROBS. 47 (2020)

The Big Data Revolution and Its Impact on the Law, 123 PENN ST. L. REV. 585 (2019) (Symposium Introduction)

Dual Regulation of Insurance, 64 VILL. L. REV. 25 (2019)

Insuring Against Cyber Risk: The Evolution of an Industry, 122 PENN ST. L. REV. 607 (2018) (Symposium Introduction)

Insuring Natural Catastrophes, in THE CAMBRIDGE HANDBOOK OF DISASTER LAW: RISK, RECOVERY, AND REDEVELOPMENT (Susan Kuo, John Travis Marshall, & Ryan Rowberry, eds. 2022)

Federal Courts' Recalcitrance in Refusing to Certify State Law Covid-19 Business Interruption Insurance Issues, 100 TEX. L. REV. ONLINE 152 (2022)

English Justice for an American Company?, 67 TEX. L. REV. ONLINE (2018)

Insurance Policies: The Grandparents of Contractual Black Holes, 67 DUKE L.J. ONLINE 40 (2017)

Understanding Insurance Policies as NonContracts: An Alternative Approach to Drafting and Construing These Unique Financial Instruments, 89 TEMP. L. REV. 535 (2017)

Hurricanes, Fraud And Insurance: The Supreme Court Weighs In But Does Not Wade Into The Concurrent Causation Conundrum, in State Farm Fire And Casualty Company v. Rigsby, 165 U. PA. L. REV. ONLINE 99 (2017)

Managing Losses Caused by Climate Change-Fueled Natural Disasters, BLOOMBERG L. (Sep. 22, 2021)

BEN JOHNSON

Assistant Professor of Law

Professor Johnson's research focuses on how judges make decisions, the consequences of judicial decision making, and the normative implications of judicial processes.



The Active Vices, 74 ALABAMA L. REV. (forthcoming 2022)

The Origins of Supreme Court Question-Selection, 122 COLUM. L. REV. 793 (2022)

The Supreme Court's (Surprising?) Indifference to Public Opinion, 74 POL RES. Q. 18 (2020) (with Logan Strother)

Judges Breaking the Law: An Empirical Analysis of Financially Interested Judges Deciding Cases, 99 N.C. L. REV. 1 (2020) (with John Newby Parton)

Why Does the Supreme Court Uphold So Many Laws?, 2018 U. ILL. L. REV. 1001 (with Keith Whittington)

The Supreme Court's Political Docket: How Ideology and the Chief Justice Control the Court's Agenda and Shape Law, 50 CONN. L. REV. 581 (2018)

Horses & Carts and Justice & Rules: Getting the Order Right, in EXPLORING THE POLITICAL ECONOMY AND SOCIAL PHILOSOPHY OF JAMES BUCHANAN (2018) (Paul Dragos Aligica et al, eds.)

EILEEN KANE

Professor of Law

Professor Kane's research focuses on the legal issues in biotechnology and genetics, including gene patenting, FDA regulation of genetic testing, and the oversight of new genetic technologies, such as the development of CRISPR-based genome editing.



PUBLICATIONS

Human Genome Editing: An Evolving Regulatory Climate, 57 JURIMETRICS J. 301 (2017)



DAVID H. KAYE

Distinguished Professor of Law Emeritus

Professor Kaye writes on the law of evidence, criminal procedure, statistics, forensic science, and genetics. His recent work focuses on problems of interpretation in the production of forensic science evidence and its presentation in court.



PUBLICATIONS

THE NEW WIGMORE, A TREATISE ON EVIDENCE: EXPERT EVIDENCE (3d ed. 2021) (with David E. Bernstein, Andrew Ferguson, Jennifer L. Mnookin, & Maggie Wittlin)

2022 Supplement to THE NEW WIGMORE, A TREATISE ON EVIDENCE: EXPERT EVIDENCE (3d ed. 2021) (with Andrew Ferguson & Maggie Wittlin)

2017, 2018, and 2019 Cumulative Supplements to THE NEW WIGMORE, A TREATISE ON EVIDENCE: EXPERT EVIDENCE (2d ed. 2011) (with David E. Bernstein & Jennifer L. Mnookin)

HANDBOOK ON FORENSIC STATISTICS (2021) (editor with David L. Banks, Karen L. Kafederer, & Maria Tackett eds., 2021)

Frequentist Statistical Inference, in HANDBOOK OF FORENSIC STATISTICS 39 (David Banks et al, eds. 2021)

Forensic Statistics in the Courtroom, in HANDBOOK OF FORENSIC STATISTICS 225 (Banks et al. eds., 2021)

MCCORMICK ON EVIDENCE (with Robert Mostellar ed., 8th ed. 2020) (with Kenneth S. Broun, George E. Dix, Edward J. Imwinkelried, and Eleanor Swift)

The Ultimate Opinion Rule and Forensic Science Identification, 60 JURIMETRICS J. 75 (2020)



Firearm-Mark Evidence: Looking Back and Looking Ahead, 68 CASE W. RES. L. REV. 723 (2018)

How Daubert and Its Progeny Have Failed Criminalistics Evidence and a Few Things the Judiciary Could Do About It, 86 FORDHAM L. REV. 1639 (2018)

The Nikumaroro Bones: How Can Forensic Scientists Assist Factfinders?, 6 VA. J. CRIM. L. 101 (2018)

Privacy and Genetic Genealogy Data, 361 SCIENCE 857 (2018) (letter published in the "Insights" section) (with Ellen M. Greytak et al.)

Digging into the Foundations of Evidence Law, 115 MICH. L. REV. 915 (2017) (Review Essay)

Deadly Statistics: Quantifying an 'Unacceptable Risk' in Capital Punishment, 16 LAW, PROBABILITY & RISK 7 (2017)

A Comment on the PCAST Report: Skip the 'Match'/'Non-Match' Stage, FORENSIC SCI. INT'L. e7 (2017) (letter, with Geoffrey Morrison et al.)

Reliability and Validity of Forensic Science Evidence, SIGNIFICANCE (Apr. 2019) (with Hal Stern et al.)

Statistical Hypothesis Testing in Law and Forensic Science: A Memorandum, 130 HARV. L. REV. F. 127 (2017)

KIT KINPORTS

Polisher Family Distinguished Faculty Scholar and Professor of Law

Professor Kinports writes primarily in the fields of criminal law and criminal procedure. In criminal law, her work focuses on violence against women; in criminal procedure, she has concentrated on Fourth Amendment issues. In addition, she studies federalism and civil rights (with particular attention to issues surrounding immunity defenses), and, more broadly, feminist jurisprudence.



PUBLICATIONS

CRIMINAL LAW: CASES AND MATERIALS (Carolina Academic Press, 4th ed. 2017) (with Stephen A. Saltzburg et al.)

Pretrial Custody and Miranda, 78 WASH. & LEE L. REV. 725 (2021)

The Origins and Legacy of the Fourth Amendment Reasonableness Balancing Model, 70 CASE W. L. REV. 157 (2020)

The Quantum of Suspicion Needed for an Exigent Circumstances Search, 52 U. MICH. J. L. REFORM 616 (2019) (excerpted in 47 THOMAS REUTERS' SEARCH AND SEIZURE LAW REPORT 73 (2020))

Illegal Predicate Searches and Tainted Warrants After Heien and Strieff, 92 TUL. L. REV. 837 (2018) (excerpted in 45 THOMAS REUTERS' SEARCH AND SEIZURE LAW REPORT (2018)

Questions for The Questionable Objectivity of Fourth Amendment Law, 99 TEX. L. REV. ONLINE 142 (2021)

JULIA Y. LEE

Professor of Law

Professor Lee studies the relationship between law and human behavior in the commercial context. Her work addresses the incentive effects of legal and extra-legal rules, the psychological and economic motivations behind different forms of commercial behavior, and the way that the law impacts social cooperation. She is particularly interested in studying how norms influence



economic behavior and commercial relationships outside of the formal legal system.

PUBLICATIONS

Prosocial Fraud, 52 SETON HALL L. REV. (2021)

Money Norms, 49 LOY. U. CHI. L.J. (2017)

JOHN E. LOPATKA

A. Robert Noll Distinguished Professor of Law

Professor Lopatka's research explores antitrust law, regulated industries, and the economic analysis of law.



PUBLICATIONS

FEDERAL ANTITRUST LAW (2021) (with Page & Huffman) Annual Supplements to Volumes 4, 5, 10, and 11

Peeling Apple: Antitrust Standing and Intermediary Defendants, 71 SYRACUSE L. REV. (2021)

Res Ipsa Loquitur: Reducing Confusion or Creating Bias?, 108 KENTUCKY L. REV. 239 (2020) (with Jeffrey H. Kahn)

Parker v. Brown, the Eleventh Amendment, and Anticompetitive State Regulation, 60 WM. & MARY L. REV.1465 (2019) (with William H. Page)

Rethinking Hybrid Restraints, in HERBERT HOVENKAMP LIBER AMERICORUM (Concurrences 2021) (with William H. Page)

TIYANJANA MALUWA

H. Laddie Montague Chair in Law and Professor of Law and International Affairs

Professor Maluwa served as associate dean for international affairs at Penn State Law and director of the Penn State School of International Affairs from 2007 to 2015. He writes on international organizations, international dispute settlement, international criminal justice, critical and postcolonial perspectives on international law, and human rights and foreign policy in emerging democracies.



PUBLICATIONS

DUGARD'S INTERNATIONAL LAW - A SOUTH AFRICAN PERSPECTIVE (Cape Town; Juta Publishers, 5th ed., 2018) (with John Dugard, Dire Tladi & Max du Plessis)

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JUD MATHEWS

Professor of Law

Professor Mathews' scholarship brings an interdisciplinary approach to questions of public law. He has written extensively about techniques of constitutional rights adjudication, in the United States and in other jurisdictions, and in particular about proportionality review.



PUBLICATIONS

RIGHTS, PROPORTIONALITY, AND CONSTITUTIONAL GOVERNANCE: A COMPARATIVE AND GLOBAL APPROACH (2019) (with Alec Stone Sweet)

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REBECCA A. MATTSON

Head of Faculty and Research Services and Professor of Legal Research

Professor Mattson provides leadership within the H. Laddie Montague, Jr. Law Library in planning and implementing scholarly support and research services. She manages a robust pool of library research assistants and provides annual training for faculty research assistants.

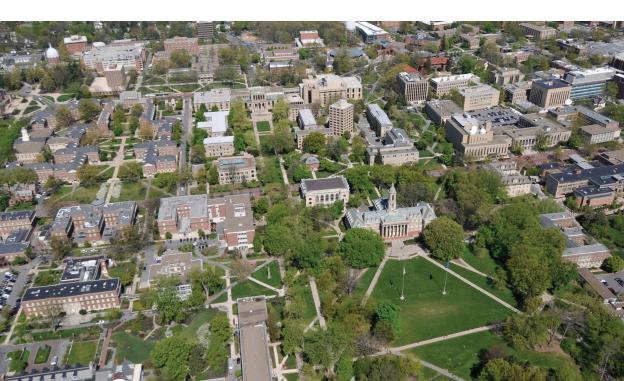


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ANDREA M. MATWYSHYN

Associate Dean for Innovation and Technology; Founding Director, Penn State PILOT Lab; Founding Faculty Director, Manglona Lab for Gender and Economic Equity; Professor of Law and Engineering Policy; and Affiliate Faculty, Bioethics Program, College of the Liberal Arts



Dean Matwyshyn's work focuses on technology and information policy and law, particularly information security/"cybersecurity," artificial intelligence, consumer privacy, intellectual property, health technology, and technology workforce pipeline policy.

PUBLICATIONS

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ADAM I. MUCHMORE

Professor of Law

Professor Muchmore focuses his research on uncertainty, delegation, and discretion in complex regulatory systems. He is particularly interested in regulatory systems for food, drugs, medical devices, and healthcare delivery. He is also interested in the civil litigation process and in problems that arise in regulating international business.

PUBLICATIONS

FOOD & DRUG REGULATION: STATUTORY AND REGULATORY SUPPLEMENT (Carolina Academic Press, 2022 Edition)

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ROSS PIFER

Director, Center for Agricultural and Shale Law; and Director, Rural Economic Development Clinic

Professor Pifer's research examines shale gas development and the interface between agricultural and residential development.

PUBLICATIONS

Appalachian Basin—Pennsylvania, West Virginia, and Ohio—Oil and Gas Law Developments, 8 TEX. A&M J. PROP. L. 255 (2022) (with Chloe Marie)

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Pennsylvania Senate Passes Proposed Oil and Gas Lease Protection Package, PA. BAR ASSOCIATION SHALE ENERGY LAW COMM. NEWSL., Spring 2017 (with Chloe J. Marie)



JAMES M. PUCKETT

Professor of Law

Professor Puckett's research focuses on tax policy and tax administration. He is especially interested in how the federal tax system addresses income and wealth inequality. His most recent scholarship has explored the unique procedural aspects of tax administration, especially the anti-abuse tools available to the tax administration. His scholarship has also examined the role of personal circumstances and personal expenses on tax liability.

PUBLICATIONS

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DARA E. PURVIS

Associate Dean for Research and Partnerships, and Professor of Law

Dean Purvis' work focuses on family and gender law. Her work examines theories for determining legal parentage, critiques current family law from a feminist perspective, and develops arguments for statutory reform. Her scholarship exposes the problematic influence that unconscious assumptions about gender may have on legal decision-makers, especially when faced with issues relating to legal parentage and assisted reproductive technology.



PUBLICATIONS

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MARIE T. REILLY

Professor of Law

Professor Reilly served as Penn State Law's senior associate dean

for academic affairs from 2006 to 2015. Her scholarship offers an economic and historical analysis of banking, bankruptcy and commercial law topics.



PUBLICATIONS

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VICTOR ROMERO

Maureen B. Cavanaugh Distinguished Faculty Scholar and Professor of Law

Professor Romero emphasizes the law's impact on marginalized groups. Especially interested in borders and boundaries—both legal and cultural—he has written on immigration policy and individual rights and analyzed Supreme Court and other federal court opinions through the lens of post-Brown v. Board of Education



notions of equality. His inquiries also intersect other disciplines in the social sciences and humanities, including history, social psychology, critical race theory, cultural studies, Christianity, criminal justice.

PUBLICATIONS

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STEPHEN F. ROSS

Lewis H. Vovakis Distinguished Faculty Scholar; Director of the Institute for Sports Law, Policy, and Research; and Professor of Law



Professor Ross studies differences in constitutional doctrine between the United States and Canada, Australia, Israel, and South Africa. In addition, he works at the intersection of sports and antitrust law, focusing on how governance structures in sporting organizations lead to

socially suboptimal results.

PUBLICATIONS

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JACOB SCHUMAN

Assistant Professor of Law; Affiliate Faculty of Penn State's Criminal Justice Research Center; and Affiliate Faculty of Penn State's Consortium to Combat Substance Abuse

Professor Schuman's scholarship focuses on criminal law, criminal procedure, and sentencing.

PUBLICATIONS

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GEOFFREY R. SCOTT

Director of the Arts, Sports and Entertainment Law Clinic and Professor of Law

Professor Scott's research focuses on intellectual property and

entertainment law. His intellectual property work emphasizes artistic expression, scientific innovation, and cultural property in the United States, Europe, Asia, and the Australasian region.

His entertainment law work addresses issues relevant to musical composers, musical performers, professional athletes, and visual artists.





PUBLICATIONS

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MARK STORSLEE

Assistant Professor of Law

Professor Storslee's scholarship focuses on the First Amendment freedoms of religion and speech, and topics in constitutional law generally.



PUBLICATIONS

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THERESA K. TARVES

Associate Director of the H. Laddie Montague Law Library and Professor of Legal Research

As Associate Director of the Law Library, Theresa K. Tarves is responsible for the management of day-to-day operations of the Law Library. She assists the associate dean and director of the Law Library with long-range planning and budget administration, as well as project identification and implementation. Additionally, Tarves

teaches a section of the 1L Legal Research course and provides general reference and research support to library patrons.



PUBLICATIONS

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SAMUEL C. THOMPSON, JR.

Arthur Weiss Distinguished Faculty Scholar; Director of the Center for the Study of Mergers and Acquisitions; and Professor of Law

Professor Thompson writes on various mergers and acquisitions topics and on the federal income taxation of domestic and international business operations.

PUBLICATIONS

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PANAGIOTIS TAKIS TRIDIMAS

Nancy A. Patterson Distinguished Faculty Scholar and Professor of Law

Professor Tridimas' research interests cover the whole area of

European Union law and focus specifically on judicial protection, constitutional remedies, comparative constitutionalism, economic and monetary union, and banking law.



PUBLICATIONS

THE FOUNDATIONS OF EUROPEAN UNION LAW (9th ed., forthcoming September 2023) (with T.C. Hartley)

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MICHELE VOLLMER

Associate Dean of Clinics and Experiential Learning; Director of the Veterans and Servicemembers Legal Clinic; and Clinical Professor of Law

Professor Vollmer teaches Veterans Law and directs Penn State's Veterans and Servicemembers Legal Clinic.



PUBLICATIONS

Veterans Advocacy in Pennsylvania: Basic Veterans Law (PBI 2022), Chapters 3 and 4 (addressing appeals before the Board of Veterans Appeals and U.S. Court of Appeals for Veterans Claims)

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SHOBA SIVAPRASAD WADHIA

Associate Dean for Diversity, Equity, and Inclusion; Samuel Weiss Faculty Scholar; Director of the Center for Immigrants' Rights Clinic; and Clinical Professor of Law

Professor Wadhia focuses her research on the role of prosecutorial discretion in immigration law. Her work explores the intersections of race, national security and immigration. She is also deeply engaged in current political debates on immigration policy.

PUBLICATIONS

BANNED: IMMIGRATION ENFORCEMENT IN THE TIME OF TRUMP (2019) (paperback, 2021)

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HANNAH WISEMAN

Professor of Law; Professor and Wilson Faculty Fellow in the College of Earth and Mineral Sciences; Institutes of Energy and the Environment Co-funded Faculty

Professor Wiseman teaches and writes in the areas of Energy Law, Oil & Gas Law, Land Use Regulation, Environmental Law, and Administrative Law. Her work focuses on the mechanics and design of regulation and governance in these areas, including the



challenges of determining appropriate governance levels, fostering effective experimentation, and addressing expansions in the scale of regulated activities.

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SAMUEL WISEMAN

Professor of Law

Professor Samuel Wiseman teaches and writes in the areas of Criminal Procedure, Criminal Law, Constitutional Law, and Food Law, and has been published extensively in these areas.



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MEGAN WRIGHT

Assistant Professor of Law, Medicine, and Sociology

Professor Wright's research interests include bioethics and

law, disability law, empirical legal studies, health law, law and sociology, private law, and public health law.



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