CUMBERLAND SCHOOL OF LAW FACULTY PUBLICATIONS 2002-2018*

Baggett | Bishop | Carroll | Davis | DeBow | Denning | DiRusso | Evans | Floyd | Goodwin | A. Greene | D. Greene | Hogewood | Kuruk | Langum | Laughlin | Martin | Nelson | Noble | Roberts | Ross | Shaw | Smolin | Snoe | Strickland | Walthall | Young

J. Mark Baggett

"Tumbling out of the Beautiful Dream": "Go Set a Watchman" and Harper Lee's Legacy, 41 CUMB. L. REV. 3 (2016).

T. Brad Bishop

The Continuing Reformation of Alabama's Municipal Courts, 79 ALA. LAWYER 191 (2018) (with Laura E. Yetter).

MUNICIPAL COURTS: PRACTICE AND PROCEDURE IN ALABAMA (4th ed., 2012).

THE ARREST AND PROSECUTION OF DUI CASES: A PRACTITIONER'S HANDBOOK (2010 Supplement).

Municipal Safe Streets Act: To Tow or not To Tow That is the Question, 68 ALABAMA MUNICIPAL JOURNAL 9 (2010).

Emotional Distress Damages in Construction Contract Cases, ALABAMA HOMEBUILDER'S MAGAZINE, 2008.

MUNICIPAL COURTS (3d ed., Supplement 2008).

THE LAW OF SHOPLIFTING: A GUIDE FOR LAWYERS AND RETAIL MERCHANTS (2d ed., 2007).

THE ARREST AND PROSECUTION OF DUI CASES: A PRACTITIONER'S HANDBOOK (2005).

THE PROSECUTION AND DEFENSE OF DUI CASES: A PRACTITIONER'S HANDBOOK (2004).

MUNICIPAL COURTS (3d ed., Supplement 2004).

John L. Carroll

Proportionality in Discovery: A Cautionary Tale, 32 CAMPBELL L. REV. 455 (2009-2010).

Alabama Native becomes Chief Judge of Eleventh Circuit Court of Appeals, 70 ALA. LAW. 296 (2009).

Value-Based Deaning, 40 U. TOL. L. REV. 327 (2009).

Public Service by Law Students, 68 ALA. LAW. 46 (2007) (with Pamela H. Bucy).

Preservation of Documents in the Electronic Age: What Should Courts Do? 2005 FEDERAL COURTS L. REV. 5 (2005).

Words of Wisdom for Deans from Mick Jagger and Others, 36 U.Tol. L. REV. 29 (2004).

Developments in the Law of Electronic Discovery, 27 AM. J. TRIAL ADVOC. 357 (2003).

LaJuana Davis

Emerging School Finance Litigation in Mississippi, 36 MISS. C. L. REV. 245 (2018).

Public Education in Neoliberalism's Second Wave, 2 INDIANA JOURNAL OF LAW AND SOCIAL EQUALITY xiv (2014) (reviewing Alexander J. Means, Schooling in the Age of Austerity: Urban Education and the Struggle for Democratic Life (2013)).

The Fourth Amendment Around the World, in ENCYCLOPEDIA OF THE FOURTH AMENDMENT (John Vile, ed., 2013).

Beyond Xenophobia: The Role of Privilege and Gender Expectation in the LPGA's English Language Policy, 5 WM. MITCHELL L. RAZA J. 1 (2011).

Rock, Powder, Sentencing—Making Disparate Impact Evidence Relevant in Crack Cocaine Sentencing, 14 J. GENDER, RACE & JUST. 376 (2011).

The Legal Implications of the Voting Rights Act Consent Decree on Jefferson County's Government, 40 CUMB. L. REV. 815 (2010).

Reconsidering Remedies for Competent Representation in Removal Proceedings, 58 DRAKE L. REV. 123 (2009).

LaJuana Davis, continued

Overriding Emotion and *The Pernicious Myth of Racial Jury Nullification*, in CRIMINAL LAW CONVERSATIONS (Paul Robinson ed., 2009).

Intelligence Testing and Atkins: Considerations for Appellate Courts and Appellate Lawyers, 5 J. APP. PRAC. & PROCESS 297 (2003).

THE ALABAMA CAPITAL DEFENSE MANUAL, Chps. 3-6, 12-17 (Equal Justice Initiative of Alabama, editions 1-4, 1995-2005).

THE ALABAMA CAPITAL POSTCONVICTION MANUAL, Chps. 2-3, 6, 9-11 (Equal Justice Initiative of Alabama, editions 1-4, 1998-2004).

Michael E. DeBow

Public Policy and the Future of For-Profit Higher Education, in COMPETITION AND CONSUMER PROTECTION IN HIGHER EDUCATION (Neal McCluskey, ed., forthcoming 2018).

Austrian Economics and Tort Law, in RESEARCH HANDBOOK ON AUSTRIAN LAW AND ECONOMICS 267 (Todd J. Zywicki & Peter J. Boettke, eds., 2017).

Williams-Yulee v. The Florida Bar, the First Amendment, and the Continuing Campaign to Delegitimize Judicial Elections, 68 VANDERBILT LAW REVIEW EN BANC, 113 (2015) (with Brannon Denning).

CONSERVATIVE AND LIBERTARIAN LEGAL SCHOLARSHIP: AN ANNOTATED BIBLIOGRAPHY (2d ed., 2011) (with Roger Clegg & John McGinnis).

The Bench, the Bar, and Everyone Else: Some Questions about State Judicial Selection, 74 Mo. L. REV. 777 (2009).

Consent Decrees in Institutional Reform Litigation: Strategies for State Legislatures, ALABAMA POLICY INSTITUTE (September 2008) (with Gary J. Palmer, John J. Park, Jr.).

Michael E. DeBow, continued

State Judicial Selection: Once More Unto the Breach, 9 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 128 (2008).

A Review of Active Liberty: Interpreting Our Democratic Constitution by Stephen Breyer, The Freeman (November 2006).

Happiness and Public Policy: A Partial Dissent or, Why a Department of Homeland Happiness Would Be a Bad Idea, 22 J.L. & POL. 283 (2006) (with Dwight Lee).

A Review of The Second Bill of Rights: FDR's Unfinished Revolution and Why We Need It More Than Ever by Cass Sunstein, The Freeman (December 2005).

HEALTH SAVINGS ACCOUNTS: CONSUMER-DRIVEN HEALTH CARE FOR NORTH CAROLINA PUBLIC EMPLOYEES AND TEACHERS: POLICY REPORT (October 2005).

In the Judgement of Voters, MOBILE REG., Aug. 25, 2004, at 1D.

The Road Back From A Tort Hell: The Alabama Supreme Court, 1994-2004, FEDERALIST SOCIETY FOR LAW AND PUBLIC POLICY, INC. (2004).

State Antitrust Enforcement: Empirical Evidence and A Modest Reform Proposal, in Competition Laws in Conflict: Antitrust Jurisdiction in the Global Economy 267-287, (2004).

The Case for Partisan Judicial Elections, 33 U. TOLEDO L. REV. 393 (2002).

Out-of-Control Ags, NAT'L REV. ONLINE, (May 21, 2002), www.nationalreview/comment/comment-debow052102.asp.

Restraining State Attorney General, Curbing Government Lawsuit Abuse, CATO INSTITUTE, POLICY ANALYSIS, No. 437 (May 2002).

The Supreme Court Limits State Censorship of Judicial Campaign Speech, 3 ENGAGE: THE JOURNAL OF THE FEDERALIST SOCIETY'S PRACTICE GROUPS 123 (Oct. 2002).

Brannon P. Denning

Zone-of-interests Standing in Constitutional Cases After Lexmark, 21 LEWIS & CLARK L. REV. 97 (2017).

GUNNS AND THE LAW: CASES, PROBLEMS AND EXPLANATION. (2016) (with Andrew J. McClurg).

State Legalization of Marijuana as a "Diagonal Federalism" Problem, 11 FIU L. REV. 349 (2016).

GLANNON GUIDE TO CONSTITUTIONAL LAW: INDIVIDUAL RIGHTS AND LIBERTIES: LEARNING CONSTITUTIONAL LAW THROUGH MULTIPLE-CHOICE QUESTIONS AND ANALYSIS (2d ed., 2015).

Judicial Doctrine As Risk Regulation, 82 TENN. L. REV. 405 (2015).

Vertical Federalism, Horizontal Federalism, and Legal Obstacles to State Marijuana Legalization Efforts, 65 CASE W. RES. L. REV. L. REV. 567 (2015).

Anti-anti-evasion in Constitutional Law, 41 FLA. ST. U. L. REV. 397 (2014) (with Michael B. Kent, Jr.).

Anti-evasion Doctrines and the Second Amendment, 81 TENN. L. REV. 551 (2014).

DEVELOPING PROFESSIONAL SKILLS: CONSTITUTIONAL LAW (2014).

Environmental Federalism and State Renewable Portfolio Standards, 64 CASE W. RES. L. REV. L. REV. 1519 (2014).

One Toke Over the (State) Line: Constitutional Limits on "Pot Tourism" Restrictions, 66 FLA. L. REV. 2279 (2014).

BITTKER ON THE REGULATION OF INTERSTATE AND FOREIGN COMMERCE (2d ed., 2013 and Annual Supplements).

Extraterritoriality and the Dormant Commerce Clause: A Doctrinal Post-Mortem, 73 LA. L. REV. 979 (2013).

THE GLANNON GUIDE TO CONSTITUTIONAL LAW: GOVERNMENTAL STRUCTURE AND POWERS (2d ed., 2013).

How to Stop Worrying and Learn to Love the Second Amendment: A Reply to Professor Magarian, 92 TEXAS LAW REVIEW 89 (2013) (with Glenn H. Reynolds).

National Federation of Independent Business v. Sebelius: Five Takes, 40 HASTINGS CONST. L.Q. 807 (2013) (with Glenn H. Reynolds).

Anti-Evasion Doctrines in Constitutional Law, 2012 UTAH L. REV. 1773 (with Michael B. Kent, Jr.).

BITTKER ON THE REGULATION OF INTERSTATE AND FOREIGN COMMERCE (Annual Supplement 2000-2012).

The Case Against Appointing Politicians to the Supreme Court, 64 FLA. L. REV. FORUM 31 (2012).

Due Process and Personal Jurisdiction: Implications for State Taxes, 64 St. TAX NOTES 837 (2012).

THE GLANNON GUIDE TO CONSTITUTIONAL LAW: INDIVIDUAL RIGHTS AND LIBERTIES (2012).

A Review of JUDGEMENT CALLS: PRINCIPLE AND POLITICS IN CONSTITUTIONAL LAW by Daniel A. Farber, Suzanna Sherry, TEXAS L. REV. DICTA (2011).

Common Law Constitutional Interpretation: A Critique, 27 CONST. COMMENTARY 621 (2011) (reviewing DAVID A. STRAUSS, THE LIVING CONSTITUTION (2010)).

Three Cheers for Bob Lloyd, 78 TENN. L. REV. 639 (2011).

Truth-in-Legislation Amendment: An Idea Whose Time Has Come, 78 TENN. L. REV. 831 (2011) (with Brooks R. Smith).

Five Takes on McDonald v. Chicago, 26 J.L. & Pol. 273 (2010-2011) (with Glenn H. Reynolds).

BECOMING A LAW PROFESSOR: A CANDIDATE'S GUIDE (2010) (with Marcia McCormick, Jeffrey Lipshaw).

THE GLANNON GUIDE TO CONSTITUTIONAL LAW: GOVERNMENTAL STRUCTURE AND POWERS (2010).

Locally-Grown Food Laws and Constitutional Limits on State and Local Government: Suggestions for Policymakers and Advocates, 1 J. AGRIC., FOOD SYS & COMMUNITY DEV. 139 (2010) (with Samantha Graff, Heather Wooten).

Parties, Politics, and the Constitution, CONCURRING OPINIONS BLOG (reviewing MARK TUSHNET, WHY THE CONSTITUTION MATTERS (2010)).

New Protectionism and the American Common Market, 85 NOTRE DAME L. REV. 247 (2009-2010) (with Norman R. Williams).

American Insurance Ass'n v. Garamendi; C & A Carbone v. Clarkstown; Cooley v. Board of Wardens; Crosby v. National Foreign Relations Council; Davis v. Bandemer; Katzenbach v. McClung; Vieth v. Jubelirer; MLB v. SLJ; "Progressive Era Commerce Clause Cases"; "The Right to Keep and Bear Arms"; United States v. Lopez; and West Lynn Creamery v. Healy in ENCYCLOPEDIA OF SUPREME COURT OF THE UNITED STATES (2009).

Dormant Commerce Clause Limits on the Regulation of Big Boxes and Chain Stores: An Update, 58 CASE WESTERN RES. L. REV. (2008).

Five Takes on District of Columbia v. Heller, 69 OHIO ST. L.J. 671 (2008) (with Glenn H. Reynolds).

Frederick v. Morse and the Regulation of Student Cyberspeech, 35 HASTINGS CONST. L.Q. 835 (2008) (with Molly C. Taylor).

Heller, High Water (Mark) - Lower Courts and the New Right to Keep and Bear Arms, 60 HASTINGS L.J. 1245 (2008-2009) (with Glenn H. Reynolds).

Heller's Future in the Lower Courts, 102 NORTHWESTERN UNIV. L. REV. 2035 (2008) (with Glenn H. Reynolds).

In Defense of a "Thin" Second Amendment: Culture, the Constitution, and the Gun Control Debate, 1 ALB. GOV'T L. REV. 418 (2008).

The New Doctrinalism in Constitutional Scholarship and District of Columbia v. Heller, 75 TENN. L. REV. 789 (2008).

Reconstructing the Dormant Commerce Clause Doctrine, 50 WM. & MARY L. REV. 417 (2008).

The Year of the Gun: Second Amendment Rights and the Supreme Court, 86 TEXAS LAW REVIEW SEE ALSO 22 (2008) (with Glenn Harlan Reynolds).

Debate, The Future of the Dormant Commerce Clause: Abolishing the Prohibition on Discriminatory Taxation, 155 PEN Numbra 209 (2007) (with Edward A. Zelinsky).

Gonzales v. Carhart: An Alternate Opinion, 2007 CATO SUP. CT. REV. 167.

Is the Dormant Commerce Clause Expendable? A Response to Edward Zelinsky, 77 MISS. L.J. 623 (2007).

Confederation-Era Discrimination Against Interstate Commerce and the Legitimacy of the Dormant Commerce Clause Doctrine, 94 Ky. L.J. 37 (2005-2006).

Daimler Chrysler Corp. v. Cuno, State Investment Incentives, and the Future of the Dormant Commerce Clause Doctrine, 2005-2006 Cato Sup. Ct. Rev. 173.

Cuno and the Court: The Case for Minimalism, 4 Geo. J.L. & Pub. Pol'y 33 (2006).

Retail Store Size-Capping Ordinances and the Dormant Commerce Clause Doctrine, 37 URB. LAW. 907(2005) (with Rachel M. Lary). Shorter version published as Retail Store Size-Capping Ordinances: Legitimate Land Use Regulations or Unconstitutional Economic Protectionism? 20 PROPERTY & PROBATE 8 (July/Aug. 2006).

Crosby v. National Foreign Trade Council and *Norfolk Southern v. Shanklin, in* The Oxford Guide to the United States Supreme Court (2005).

Empirical Measurements of Judicial Performance: Thoughts on Choi and Gulati's Tournament of Judges? 32 FLA. ST. U. L. REV. 1123 (2005).

Gun Litigation and the Constitution, in SUING THE FIREARMS INDUSTRY: A LEGAL BATTLE AT THE CROSSROADS OF GUN CONTROL AND MASS TORTS (2005).

The Import-Export Clause and Article I, §10, cl. 1 in THE HERITAGE GUIDE TO THE CONSTITUTION (2005).

What Hath Raich Wrought? Five Takes, 9 LEWIS & CLARK L. REV. 915 (2005) (with Glenn H. Reynolds).

American Insurance Ass'n v. Garamendi and Executive Preemption in Foreign Affairs, 46 WM. & MARY L. REV. 825 (2004) (with Michael D. Ramsey).

A Review of BROWN V. BOARD OF EDUCATION: CASTE, CULTURE, AND THE CONSTITUTION by Robert J. Cottrol, Raymond T. Diamond, Leland B. Ware, L. LIB. J. 229 (2004).

The Dormant Commerce Clause Doctrine: Prolegomenon to a Defense, 88 MINN. L. REV. 1801 (2004).

Judge Noonan's J'Accuse . . . ! 34 CUMB. L. REV. 477 (2004) (reviewing John T. Noonan, Narrowing the Nation's Power: The Supreme Court Sides with the States (2002)).

Constitutional Incidents: Interpretation in Real Time, 70 TENN. L. REV. 281 (2003) (with Glenn H. Reynolds).

International Decisions, American Insurance Ass'n v. Garamendi and Deutsch v. Turner Corp., 97 Am. J. Int'l L. 950 (2003).

Walter V. Schaefer, in GREAT AMERICAN JUDGES: AN ENCYCLOPEDIA (2003).

Why the Privileges and Immunities Clause of Article IV Cannot Replace the Dormant Commerce Clause Doctrine, 88 MINN. L. REV. 384 (2003).

Rulings and Resistance: The New Commerce Clause Jurisprudence Encounters the Lower Courts, 55 ARK. L. REV. 1253 (2002-2003) (with Glenn H. Reynolds).

The Relevance of Constitutional Amendments: A Reply to David Strauss, 77 TUL. L. REV. 247 (2002) (with John R. Vile).

Smokey and the Bandit in Cyberspace: The Dormant Commerce Clause, the Twenty-first Amendment, and State Regulation of Internet Alcohol Sales, 19 CONST. COMMENTARY 297 (2002).

Telling Miller's Tale: A Reply to David Yassky, 65 LAW & CONTEMP. PROB. 113 (2002) (with Glenn H. Reynolds).

Where Do We Stand Now? Standing in Environmental and Resources Litigation, 17 NAT'L RES. & ENV'T 17 (2002) (with P. Stephen Gidiere, III).

The Yale Law School Divisional Studies Program, 1954-64: An Experiment in Legal Education, 52 J. LEG. ED. 365 (2002).

Against (Constitutional) Settlement, 19 CONST. COMMENTARY 781 (2002) (reviewing LOUIS MICHAEL SEIDMAN, OUR UNSETTLED CONSTITUTION (2001)).

Alyssa DiRusso

Clients Thinking Calexit? Consider Taxexit (Tax Planning to Shift Revenue From Federal to State and Local Government), 31 THE PRAC. TAX LAW. 29 (2017).

Wealth Management Planning to Shift Revenue to State and Local Governments, 31 PROBATE & PROPERTY 46 (2017).

Turn-key T&E: Building a Trusts and Estates Practice, 29 QUINNIPIAC PROB. L.J. (2016).

Euthanizing Small Charities: The Threat of Small Trust Termination Statutes, 45 CUMB. L.REV. 473 (2015).

Charity at Work: Proposing a Charitable Flexible Spending Account, 2014 UTAH LAW REVIEW 281 (2014).

Microlawyering and Simulations in Trusts and Estates Courses, 58 St. LOUIS U. L.J. 739 (2014).

Pro and Con (Law): Considering the Irrevocable Nongrantor Trust Technique, 67 VAND. L.R. 1999 (2014).

Taxes and Brains, JOTWELL: TRUSTS AND ESTATES (2013) (reviewing ADAM CHODOROW, DEATH AND TAXES AND ZOMBIES), available at <u>http://trustest.jotwell.com</u>.

Parental Testamentary Appointments of Guardians for Children, 25 QUINNIPIAC PROB. L.J. 369 (2012) (with S. Kristen Peters).

American Nonprofit Law in Comparative Perspective, 10 WASH. U. GLOBAL STUD. L. REV. 39 (2011).

Law and Literature Junior: Lawyers In Books For Young Children, 11 WHITTIER J. CHILD & FAM. ADVOC. 39 (2011) (with Letitia Van Campen).

Testacy and Intestacy: The Dynamics of Wills and Demographic Status, 23 QUINNIPIAC PROB. L.J. 36 (2009-2010).

Alyssa DiRusso, (continued)

DiRusso on the Power to Adjust under the Principal and Income Act, Lexis Expert Commentary (2008).

DiRusso on Statutory Unitrust Elections, Lexis Expert Commentary (2008).

Marketing Wills, 16 ELDER L. J. 33 (2008) (with Michael R. McCunney).

Prof. Alyssa A. DiRusso on Precatory Language, Lexis Expert Commentary (2008).

He Says, She Asks: Gender, Language, and the Law of Precatory Words in Wills, 22 WIS. WOMEN'S L.J. 1 (2007).

Tactile Learning in the Wills Classroom, 14 THE LAW TEACHER 4 (2007).

Beginner's Mind: Thoughts from a New Law Professor, 13 THE LAW TEACHER 11 (2006).

Law Schools Are Enriched by the Perspectives of New Professors, 34 STUDENT LAWYER 14 (2006).

Supporting the Supporting Organization: The Potential and Exploitation of 509(a)(3) Charities, 39 IND. L. REV. 207 (2006).

Statutory Techniques for Balancing the Financial Interests of Trust Beneficiaries, 39 U.S.F. L. REV. 261 (2005) (with Kathleen M. Sablone).

Tenure-Track Law Professorships, 9 THE YOUNG LAWYER 5 (2005).

The Ultimate Balancing Act: Lawyering and Parenting, 8 THE YOUNG LAWYER 6 (2004).

Jill Elysa Evans

In Search of Paternal Equity: A Father's Right to Pursue a Claim for Wrongful Conception, 36 LOY U. CHI. L. REV. 1045 (2005).

RICO, Securities, Intellectual Property, CERCLA, Employment Discrimination, and *Scientific Evidence, in* MANUAL FOR COMPLEX LITIGATION 4TH (4th ed., 2004).

Michael D. Floyd (*Retired)

The Genius of SEALS: Scholarship, Teaching, Friends, and Family, in Beautiful Places on a Budget, 86 U. Missouri-Kansas City Law Review 511 (2018).

A Brief History of the Jefferson County, Alabama Sewer Financing Crisis, 40 CUMB. L. REV. 691 (2010).

MASTERING NEGOTIABLE INSTRUMENTS (UCC ARTICLES 3 AND 4) AND OTHER PAYMENT SYSTEMS (2008 and 2^{nd} ed, 2018).

Robert J. Goodwin (*Retired)

CRIMINAL AND FORENSIC EVIDENCE: CASES, MATERIALS, PROBLEMS (4th ed, 2014) (with Jimmy Gurule).

GAMBLE'S ALABAMA RULES OF EVIDENCE: A TRIAL MANUAL FOR MAKING AND ANSWERING OBJECTIONS (3rd ed., 2014) (with Charles W. Gamble, Terrence W. McCarthy).

MCELROY'S ALABAMA EVIDENCE (6th ed., Supplement 2012) (with Charles W. Gamble, Terrence McCarthy).

An Overview of Alabama's New Daubert-Based Admissibility Standard, 73 ALA. LAW. 197 (2012).

MCELROY'S ALABAMA EVIDENCE (6th ed., Supplement 2011) (with Charles W. Gamble).

CRIMINAL AND FORENSIC EVIDENCE: CASES, MATERIAL, PROBLEMS, TEACHER'S MANUAL (2010) (with Jimmy Gurule).

MCELROY'S ALABAMA EVIDENCE (6th ed., Supplement 2010) (with Charles W. Gamble).

CRIMINAL AND FORENSIC EVIDENCE: CASES, MATERIALS, PROBLEMS (3d ed, 2009) (with Jimmy Gurule).

MCELROY'S ALABAMA EVIDENCE (6th ed., 2009) (with Charles W. Gamble).

Robert J. Goodwin (*Retired), continued

MCELROY'S ALABAMA EVIDENCE (5th ed., Supplement 2006) (with Charles W. Gamble).

Fifty Years of Frye *in Alabama: The Continuing Debate over Adopting the Test Established in Daubert v. Merrill Dow Pharmaceuticals Inc.*, 35 CUMB. L. REV. 231 (2004-2005).

ALABAMA EVIDENTIARY FOUNDATIONS (Cumulative Supplement 2004) (with Charles W. Gamble, Terry L. Butts, Edward J. Imwinkelreid).

ALABAMA EVIDENTIARY FOUNDATIONS (Cumulative Supplement 2003) (with Charles W. Gamble, Terry L. Butts, Edward J. Imwinkelreid).

CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIAL, PROBLEMS (2d ed., 2002) (with Jimmy Gurule).

CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIAL, PROBLEMS, TEACHER'S MANUAL (2d ed., 2002) (with Jimmy Gurule).

TEACHER'S MANUAL: CRIMINAL AND SCIENTIFIC EVIDENCE: CASES, MATERIAL, PROBLEMS (2d ed., 2002) (with Jimmy Gurule).

Andrew Robert Greene (*Retired)

Square Pegs and Round Holes: Application of the 'Best Scientific Data Available' Standard in the Endangered Species Act, 16 TUL. ENVTL. L.J. 387 (2003).

D. Wendy Greene

To Be Aggrieved by "Misperception Discrimination" in the Workplace, 97 BULLETIN OF COMPARATIVE LABOUR RELATIONS 3, Improving Workplace Quality: New Perspectives and Challenges for Worker Well-Being Edited by William Bromwich & Olga Rymkevich (Kluwer Law International 2017) (Lead Chapter).

Splitting Hairs: The Eleventh Circuit's Take on Workplace Bans Against Black Women's Natural Hair in EEOC v. Catastrophe Management Solutions, 71 U. MIAMI L.REV. 987 (2017).

D. Wendy Greene, continued

All in the Family: Interracial Intimacy, Racial Fictions, and the Law, 4 CAL. L. REV. CIRCUIT 179 (2013) (reviewing Angela Onwuachi-Willig, According to Our HEARTS: RHINELANDER V. RHINELANDER AND THE LAW OF THE MULTIRACIAL FAMILY (2013)).

Categorically Black, White or Wrong: Misperception Discrimination and The State of Title Vii Protection, 47 MICH. J. L. REF. 87 (2013).

A Multidimensional Analysis of What Not to Wear in the Workplace: Hijabs and Natural Hair, 8 FIU L. REV. 333 (2013).

Black Women Can't Have Blonde Hair in the Workplace, 14 J. GENDER RACE & JUST. 405 (2010-2011).

On Race, Nationhood and Citizenship, 34 T. MARSHALL L. REV. 421 (2010) (reviewing LAURA E. GÓMEZ, MANIFEST DESTINIES: THE MAKING OF THE MEXICAN AMERICAN RACE, 2008)).

Pretext without Context, 75 Mo. L. REV. 403 (2010).

Determining the (In)determinable: Race in Brazil and the United States, 14 MICH. J. RACE & L. 143 (2008-2009).

Title VII: What's Hair (and Other Race-Based Characteristics) Got To Do With It? 79 COLO. L. REV. 1356 (2008).

Lynn Hogewood

Ad Valorem Taxation Exemption: An Evaluation of Alabama's Tax Exemption for Property Devoted Exclusively to Charitable Purpose: Comment, 33 CUMB. L. REV. 135 (2002).

Paul Kuruk

The Role of Customary Law Under Sui Generis Frameworks of Intellectual Property Rights in Traditional and Indigenous Knowledge, 17 IND. INT'L & COMP. L. REV. 67 (2007).

Goading a Reluctant Dinosaur: Mutual Recognition Agreements as a Policy Response to the Misappropriation of Foreign Traditional Knowledge in the United States, 34 PEPP. L. REV. 629 (2006-2007).

Bridging the Gap Between Traditional Knowledge and Intellectual Property Rights: Is Reciprocity an Answer? 7 J. WORLD INTELLECTUAL. PROP. 429 (2004).

Cultural Heritage, Traditional Knowledge and Indigenous Rights: An Analysis of the Convention for the Safeguarding of Intangible Cultural Heritage, 1 MACQUARIE J. INT'L COMP. & ENVT'L L. 111 (2004).

Mutual Recognition Agreements and the Protection of Traditional Knowledge, 38 COMMONWEALTH HOT TRADE TOPICS 1 (2004).

David J. Langum

QUITE CONTRARY: THE LITIGIOUS LIFE OF MARY BENNETT LOVE (2014).

Writing Your Law School's History, Remarks at 2008 SEALS Conference, CAMPBELL LAW REVIEW (forthcoming 2010).

ANTÓNIO DE MATTOS: UM PIONEIRO PROTESTANTE (Portuguese language ed. of Antonio de Mattos and the Protestant Portuguese Community) (2009).

Frederic Sandeman de Mattos: Gentle Rogue and Talented Priest. Part Two: Neepawa and Beyond, 78 Anglican and Episcopal History 396 (2009).

William Kunstler, in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (2009).

Frederic Sandeman de Mattos: Gentle Rogue and Talented Priest. Part One: Ritualist Controversy, 77 ANGLICAN AND EPISCOPAL HISTORY 160 (2008).

David J. Langum, continued

Juan Malarin, in Diccionario Critíco de Juristas Españoles, Portugueses y Latinoamericanos, (2008).

American Prostitution: History and Controversies, in Social Issues in America: An Encyclopedia (2006).

ANTONIO DE MATTOS AND THE PROTESTANT PORTUGUESE COMMUNITY IN ANTEBELLUM ILLINOIS (2006).

A Review of This Small City Will BE A MEXICAN PARADISE: EXPLORING THE ORIGINS OF MEXICAN CULTURE IN LOS ANGELES, 1821-1846 by Michael J. Gonzalez, BOLETIN: THE JOURNAL OF THE CALIFORNIA MISSION STUDIES ASSOCIATIONS (2006).

A Review of The Man From the Rio Grande: A Biography of Harry Love, Leader of the California rangers Who Tracked Down Joaquin Murrieta by William B. Secrest, California History (2006)

CROSSING OVER THE LINE: LEGISLATING MORALITY AND THE MANN ACT (Paperback ed., 2006).

LAW AND COMMUNITY ON THE MEXICAN CALIFORNIA FRONTIER (Rev. ed., 2006).

Prostitution, in Social Issues in America: An Encyclopedia (2006).

A Review of White SLAVE CRUSADES: RACE, GENDER AND ANTI-VICE ACTIVISM, 1887-1917 by Brian Donavan, AMERICAN HISTORICAL REVIEW (2005).

Drew Caminetti and Maury Diggs: the Men who Made the Mann Act Apply to Lovers, in AMERICANS MAKING CONSTITUTIONAL HISTORY (2004).

James P. de Mattos: Frontier Lawyer and Master Politician, 16 WESTERN LEGAL HISTORY 1 (Winter/Spring 2003).

David J. Langum, continued

Mann Act, in MAJOR ACTS OF CONGRESS (2003).

RELIGIOUS FREEDOM AND INDIAN RIGHTS: THE CASE OF OREGON V. SMITH by Carolyn Nestor Long, PACIFIC NORTHWEST QUARTERLY (2002).

Jackson, Howell E. and Kunstler, William M. in The Oxford Companion to American Law (2002).

Gregory K. Laughlin

Digitization and Democracy: The Conflict between the Amazon Kindle License Agreement and the Role of Libraries in a Free Society, 40 U. BALT. L. REV. 3 (2010).

Playing Games with the First Amendment: Are Video Games Speech and May Minors' Access to Graphically Violent Video Games be Restricted?, 40 U. RICH. L. REV. 481 (2006).

Sex, Lies, and Library Cards: The First Amendment Implications of the Use of Software Filters to Control Access to Internet Pornography in Public Libraries, 51 DRAKE L. REV. 213 (2003).

Edward C. Martin

MASTERING TORT LAW (2009) (with Russell L. Weaver ... et al.).

PREMISES LIABILITY: LAW AND PRACTICE (2003) (plus Biannual Supplements) (with Norman J. Landau).

TORTS: CASES, PROBLEMS, AND EXERCISES (plus TEACHER'S MANUEL) (3d 2005) (with John Bauman, John Cross, Andrew Klein, Russell Weaver, Paul Zwier).

Leonard J. Nelson III (*Retired)

Medical Liability and Health Care Reform, 21 HEALTH MATRIX 443 (2011) (with Michael A. Morrisey, David J. Becker).

Rationing Health Care in Britain and the United States, 7 J. HEALTH & BIOMEDICAL L. 175 (2011).

Medical Malpractice Reform and Employer-Sponsored Health Insurance Premiums, 43 HEALTH SERVICES J. 2124 (2008) (with Michael Morrisey & Meredith Kilgore).

Medical Malpractice Reform in Three Southern States, 4 J. HEALTH & BIOMED. L. 69 (2008) (with Michael Morrisey & Meredith Kilgore).

Damages Caps in Malpractice Cases, 85 MILBANK Q. 259 (2007) (with Michael Morrisey & Meredith Kilgore).

A Tale of Three Systems: A Comparative Overview of Health Care Reform in the England, Canada, and the United States, 37 CUMB. L. REV. 513 (2007).

Medical Rationalization as a Social Capital Resource for Reducing Fear of Malpractice Litigation (with Ferris Ritchey, Joseph E. Schumacher, Cullen Clark) (Paper presented at the annual meeting of the American Sociological Association, Montreal Convention Center, Montreal, Quebec, Canada, Aug 10, 2006).

Tort Law and Medical Malpractice Insurance Premiums, 43 INQUIRY 255 (2006) (with Meredith L. Kilgore, Michael A. Morrisey).

Catholic Bioethics and the Case of Terri Schiavo, 35 CUMB. L. REV. 543 (2004-2005).

God and Woman in the Catholic Hospital, 31 J. LEGIS. 69 (2004).

Helling v. Carey Revisited: Physician Liability in the Age of Managed Care, 25 SEATTLE U. L. REV. 775 (2002).

Brian O. Noble

Change You Shouldn't Believe In: Why the FRSA Clarification Amendment Doesn't Narrow the Scope of Preemption in State Tort Actions, 40 CUMB. L. REV. 243 (2009).

Relation Back of Amendments-Mackro Capital of Am., Inc. v. UBS Ag 543 F.3d 1254 (11th Circ. 2008), 39 CUMB. L. REV. 840 (2009).

Constitutional Law - Habeas Corpus - Guantanamo Bay Detainees Are Entitled to the Privilege of Habeas Corpus Under the U.S. Constitution, 39 CUMB. L. REV. 341 (2008).

Tracey M. Roberts

Picking Winners and Losers: a Structural Examination of Tax Subsidies to the Energy Industry, 41 COLUM. J. ENVTL. L. 63 (2016).

Brackets: a Historical Perspective, 108 NW. U. L. REV. 925 (2014).

The Rise of Rule Four Institutions: Voluntary Standards, Certification and Labeling Systems, 40 ECOLOGY L.Q. .107 (2013).

Innovations in Governance: a Functional Typology of Private Governance Institutions, 22 DUKE ENVT. LAW & POLICY FORUM 67 (2011).

Mitigating the Distributional Impacts of Climate Change Policy, 67 WASH. & LEE L. REV. 209 (2010).

William G. Ross

CONSTITUTIONAL LAW IN CONTEXT. 4th ed. (2018) (with Michael Kent Curtis ... et al.).

A Review of Law and Religion in American History: Public Values and Private Conscience by Mark Douglas McGarvie, 60 J. Church & St. 153 (2018).

WORLD WAR I AND THE AMERICAN CONSTITUTION (2017).

William G. Ross, continued

Meyer v. Nebraska: A Lutheran Contribution to Constitutional Law, 48 LUTHERAN FORUM 21 (2014).

Brandeis, Gitlow, and the Supreme Court's Transformation During the Interwar Years, 41 REVIEWS IN AMERICAN HISTORY 687 (2013) (reviewing MARC LENDLER, GITLOW V. NEW YORK: EVERY IDEA AN INCITEMENT (2012) and Melvin I. Urofsky. LOUIS D. BRANDEIS: A LIFE (2009)).

Constitutional Issues Involving the Controversy Over American Membership in the League of Nations, 1918-1920, 53 Am. J. LEGAL HIST. 1 (2013).

German Americans, In IMMIGRANT STUGGLES, IMMIGRANT GIFTS 14 (Diane Portnoy, Barry Portnoy, Charlie Riggs, eds., 2012).

The Supreme Court as an Issue in Presidential Campaigns, 37 J. SUP. CT. HIST. 322 (2012).

CONSTITUTIONAL LAW IN CONTEXT. 3rd ed. (2010-2011) (with Michael Kent Curtis ... et al.).

A Model Biography of a Model Jurist, 95 JUDICATURE 237 (2012) (reviewing ANNE EMANUEL, ELBERT PARR TUTTLE: CHIEF JURIST OF THE CIVIL RIGHTS REVOLUTION (2012)).

Presidential Ambitions of U.S. Supreme Court Justices: A History and an Ethical Warning, 38 N. Ky. L. REV. 115 (2011).

A Review of Cross Purposes: Pierce v. Society of Sisters and the Struggle Over Compulsory Public Education by Paula Abrams, 28 Law & Hist. Rev. 1076 (2010).

Equity: United States Law, In The Oxford International Encyclopedia of Legal History (2009).

A Review of *Vanderbilt Law School: Aspirations and Realities* by D. Don Welch, 27 LAW & HIST. REV. 480 (2009).

William G. Ross, continued

Champion v. Ames; Coppage v. Kansas; John W. Davis; Charles Evans Hughes; John J. Parker; George W. Sutherland and Progressive Era Worker Legislation, In ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (2008).

Meyer v. Nebraska, In Praeger Handbook of Religion and Education in the United States (2008).

Meyer v. Nebraska, In THE HISTORY OF NEBRASKA LAW 271 (Alan Gless, ed., 2008).

The Role of Religion in the Defeat of the 1937 Court-Packing Plan, 23 J.L. & REL. 629 (2007-2008).

Abuse of Hourly Billing: Results of a Recent Survey, ACCOUNTING AND FINANCIAL PLANNING FOR LAW FIRMS, October 2007.

The Chief Justiceship of Charles Evans Hughes (2007).

The Ethics of Double Billing, ACCOUNTING AND FINANCIAL PLANNING FOR LAW FIRMS, April 2007.

John Archibald Campbell, In The New Encyclopedia of Southern Culture (2007).

Lutheran Perspectives on the Wealth Gap" and American Tax Policy, J. LUTHERAN ETHICS, (September 2007), <u>http://www.elca.org/jle/article.asp?k=751.</u>

Melville Weston Fuller, In The American Midwest: An Interpretative Encyclopedia, 2007.

Pacifists and Naturalization; Jews and American Civil Liberties; Snake-Handling Cults and the Law; and Sandra Day O'Connor, In ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (2006).

When Did the "Switch in Time" Actually Occur? A Study of the 'Forgotten' Supreme Court Decisions of 1936-37, 37 ARIZ. ST. U. L. REV. 1153 (2006).

William G. Ross, continued

The Hughes Court, In The UNITED STATES SUPREME COURT: THE PURSUIT OF JUSTICE 223 (Christopher Tomlins, ed., 2005).

Public Opinion and First Amendment, In THE OXFORD COMPANION TO THE SUPREME COURT OF THE UNITED STATES (2d ed., 2005).

Keatings-Owen Child Labor Act of 1916, In MAJOR ACTS OF CONGRESS (2004).

Meyer v. Nebraska, In Encyclopedia of the Great Plains (2004).

The Ethics of Billing by the Hour for Re-Cycled Work, ACCOUNTING AND FINANCIAL PLANNING FOR LAW FIRMS, August 2003.

LEGAL FEES: LAW AND PRACTICE (2003) (with John Toothman).

The Resilience of Marbury v. Madison: Why Judicial Review Has Survived So Many Court-Curbing Proposals, 38 WAKE FOREST L. REV. 733 (2003).

Walter Clark, In Great American Judges: An Encyclopedia (2003).

Attacks on the Warren Court by State Officials: A Case Study of Why Court-Curbing Movements Fail, 50 BUFF. L. REV. 483 (2002).

Firms, Law, In Oxford Companion to American Law (2002).

The Role of Ideology in the Federal Judicial Selection Process, 7 NEXUS: A JOURNAL OF OPINION, 39 (2002).

The Role of Judicial Issues in Presidential Campaigns, 42 SANTA CLARA L. REV. 391 (2002).

Andrea L. Shaw

A Dirty Job: How Identifying Hazardous Substance Releases Under "All Appropriate Inquiry" Creates Liability for Environmental Professionals, 40 CUMB. L. REV. 555 (2010).

Constitutional Law - Freedom of Speech - Federal Ban on Pandering of Child Pornography Does Not Infringe upon First Amendment Rights, 39 CUMB. L. REV. 581 (2009).

Last Served Removal Rule-Bailey v. Janssen Pharmaceutica, Inc., 536 F.3d 1202 (11th Circ. 2008), 39 CUMB. L. REV. 833 (2009).

David M. Smolin

Surrogacy As the Sale of Children: Applying Lessons Learned From Adoption to the Regulation of the Surrogacy Industry's Global Marketing of Children, 43 PEPP. L. REV. 265 (2016).

The Corrupting Influence of the United States On a Vulnerable Intercountry Adoption System: A Guide for Stakeholders, Hague and Non-Hague Nations, NGOs, and Concerned Parties, 2013 UTAH L. REV. 1065 (2013).

Of Orphans and Adoption, Parents and the Poor, Exploitaton and Rescue: A Scriptural Critique of the Evangelical Christian Adoption and Orphan Care Movement, 8 REGENT J. INT'L L.267 (2012).

The Tuskegee Syphilis Experiment, Social Change, and the Future of Bioethics, 3 FAULKNER L. REV. 229 (2012).

When the Law Rapes Lady Justice: Can the Law Remedy the Mass injustices Committed By the Law? 1 J. CHRISTIAN LEGAL THOUGHT 31(2011).

The Missing Girls of China: Population, Policy, Culture, Gender, Abortion, Abandonment, and Adoption in East-Asian Perspective, 41 CUMB. L. REV. 1 (2010-2011).

The Paradox of the Future in Contemporary Energy Policy: A Human Rights Analysis, 40 CUMB. L. REV. 135 (2009-2010).

David M. Smolin, continued

The Civil War as a War of Religion: A Cautionary Tale of Enslavement and Emancipation, 39 CUMB. L. REV. 187 (2008-2009).

Child Laundering as Exploitation: Applying Anti-trafficking Norms to Intercountry Adoption under the Coming Hague Regime, 32 VT. L. REV. 1 (2007).

Intercountry Adoption and Poverty: A Human Rights Analysis, 36 CAP. U. L. REV. 413 (2007).

Child Laundering: How the Intercountry Adoption System Legitimizes and Incentivizes the Practices of Buying, Trafficking, Kidnapping, and Stealing Children, 52 WAYNE L. REV. 113 (2006).

Overcoming Religious Objections to the Convention on the Rights of the Child, 20 EMORY INT'L L. REV. 81 (2006).

Religion, Education, and the Theoretically Liberal State: Contrasting Evangelical and Secularist Perspectives, 44 THE JOURNAL OF CATHOLIC LEGAL STUDIES 99 (2005).

The Two Faces of Intercountry Adoption: The Significance of the Indian Adoption Scandals, 35 SETON HALL L. REV. 403 (2005).

Does Bioethics Provide Answers?: Secular and Religious Bioethics and our Procreative Future, 35 CUMB. L. REV. 473 (2004-2005).

Intercountry Adoption and China: Emerging Questions and Developing Chinese Perspectives, 35 CUMB. L. REV. 597 (2004-2005) (with Nili Luo).

Intercountry Adoption as Child Trafficking, 38 VALPARAISO L. REV. 281 (2004).

Nontherapeutic Research with Children: The Virtues and Vices of Legal Uncertainty, 33 CUMB. L. REV. 621 (2003).

A Tale of Two Treaties: Furthering Social Justice Through the Redemptive Myths of Childhood, 17 EMORY INT'L L. REV. 967 (2003).

David M. Smolin, continued

Should a Ban on Reproductive Cloning Include a Ban on Cloning for Purposes of Research or Therapy? 32 CUMB. L. REV. 487 (2001-2002).

Joseph A. Snoe (*Retired)

PROPERTY: EXAMPLES AND EXPLANATIONS (3d ed., 2008) (with Barlow Burke).

ERISA Preemption: A Product Rule and the Neglected Workhorse, 3 J. HEALTH & BIOMEDICAL L. 217 (2007).

PROPERTY: EXAMPLES AND EXPLANATIONS (2d ed., 2004) (with Barlow Burke).

Henry C. Strickland

ADR At Samford University's Cumberland School of Law, 75 ALA. LAWYER 381 (2014).

Howard P. Walthall

The Net Neutrality Debate: An IP Perspective, 3 LANDSLIDE : A PUBLICATION OF THE ABA SECTION OF INTELLECTUAL PROPERTY LAW 21 (2010).

An Alabama Case Study: Reforming Judicial Selection After Butler v. Alabama Judicial Selection Committee (and Republican Party of Minnesota v. White), 55 DRAKE L. REV. 653 (2007).

A Doubtful Mind: Understanding Alabama's State Constitution, 35 CUMB. L. REV. 7 (2004-2005).

State Constitutional Limitations on Taxing and Spending: A Comparison of the Alabama Constitution of 1901 to Its Counterparts, 33 CUMB. L. REV. 463 (2002-2003) (with Bruce P. Ely), reprinted as State Constitutional Limitations on Taxing and Spending: How Alabama Compares, 13 J. MULTISTATE TAX. AND INCENTIVES 24 (October, 2003) and as Alabama's Constitutional Limitations on Taxing and Spending Compared with Other States, 30 ST. TAX NOTES (Oct. 13, 2003).

Howard P. Walthall, continued

Methods of Constitutional Revision in Alabama, 33 CUMB. L. REV. 195 (2002-2003).

Options for Constitutional Reform in Alabama, in A CENTURY OF CONTROVERSY: CONSTITUTIONAL REFORM IN ALABAMA (2002).

Deborah Young

FEDERAL SENTENCING LAW AND PRACTICE (Annual 1994-present) (with Thomas W. Hutchinson, Peter Hoffman, Sigmund Popko).

The Freedom to Sentence: District Courts After Booker, 37 McGeorge L. Rev. 649 (2006).

*Bibliography compiled and edited by: Rebecca Hutto and Jann Hammel