

FACULTY

A black and white photograph of the Statue of Lady Justice, seated on a throne. She is blindfolded, holding a scale of justice in her left hand and a sword in her right. The statue is set against a background of vertical wooden planks.

**UVA LAW
FACULTY
LEAD IN
U.S. SUPREME
COURT
CITATIONS**

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UVA LAW FACULTY LEAD IN U.S. SUPREME COURT CITATIONS



The U.S. Supreme Court cited UVA Law professors more than any other school's faculty in the 2016 and 2017 terms, according to a study of academic journal citations released in the fall.

Justices cited UVA Law professors' scholarly work 13 times, according to the blog Empirical SCOTUS. Professor **CALEB NELSON** led all authors with six citations, while Professor **SAIKRISHNA PRAKASH** was cited four times.

Nelson was also one of only two authors with multiple citations in the same case, and one of two authors with multiple citations in multiple cases: *Ortiz v. U.S.* and *Sessions v. Dimaya*, concerning original jurisdiction and criminal procedure, respectively.

Justice Clarence Thomas cited professors from Virginia and Harvard more frequently than those from other schools, while Justice Samuel Alito Jr. cited UVA Law professors most often. Professors **ADITYA BAMZAI**, **JOHN HARRISON** and **ANN WOOLHANDLER** were also cited in the past two terms.

The Virginia Law Review tied for No. 6 in citations among law journals, with 10. Among his colleagues, Justice Stephen Breyer cited the Virginia Law Review the most, and more than any other journal, with four mentions. The Harvard Law Review was the most cited.

Nelson is the Emerson G. Spies Distinguished Professor of Law and Caddell and Chapman Professor of Law. A past winner of UVA's All-University Teaching Award, he teaches civil procedure, federal courts and statutory interpretation. Nelson is also the author of a casebook on statutory interpretation and an elected member of the American Law Institute. He clerked for Thomas.

Prakash is the James Monroe Distinguished Professor of Law and Paul G. Mahoney Research Professor of Law. His scholarship focuses on separation of powers, particularly executive powers, and he is the author of the book "Imperial from the Beginning: The Constitution of the Original Executive." Prakash also clerked for Thomas.

UVA Law faculty have been recognized before for their influence on the judiciary. In a study of U.S. Supreme Court, federal appeals court and state high court decisions from 2005-14, the school ranked No. 3 in the number of professors among the top 100 faculty in the country cited.

—Mike Fox

**KENNETH S. ABRAHAM**

co-authored “Automated Vehicles and Manufacturer Liability for Accidents: A New Legal Regime for a New Era” with Robert Rabin in the *Virginia Law Review* and “The Puzzle of the Dignitary Torts” with **G. EDWARD WHITE** in the *Cornell Law Review*.

**BARBARA ARMACOST '89**

taught in a national education program for law enforcement officers titled “Constitutional Foundations for Law Enforcement, Principles, Theory and Practice,” sponsored by the Robert H. Smith Center for the Constitution at Montpelier in October.

In late January, she presented a paper for a panel, “Law, Religion and Community,” as part of a festschrift for Robert F. Cochran Jr. at Pepperdine Law School. Her paper focuses on Cochran’s work on the legal profession as a Christian calling.

She has also been invited to write a chapter on law and economics perspectives on torts for a book of essays on private law titled “Christianity and Law,” edited by Robert Cochran and Michael Moreland. In July, she will be teaching a weeklong class at Regent College at the University of British Columbia on Christianity and the law.

**MICHAL BARZUZA**

published “NYC Comptroller’s Targeting Strategy” in the *Boston University Law Review* (forthcoming 2019) and “The Private Ordering Paradox in Corporate Law” in the *Harvard Business Law Review*.

She also gave presentations at the TAU/NYU Corporate Law Conference; the TAU Panel on M&A Litigation; the Boston University Law Review symposium; the Corporate Governance Seminar at Tel-Aviv University; the Hebrew University Law & Economics Colloquium; the Columbia-Ono Conference on Corporate Law and Governance; the American Law and Economics Association Annual Conference; and a UVA Law faculty workshop.

**RICHARD BONNIE '69**

chaired a study for the National Academies of Sciences, Engineering and Medicine charged with translating rapidly developing knowledge on adolescent development into policies that will help all adolescents flourish. The underlying premise is that the nation needs to take greater advantage of the second “critical” period of brain plasticity (after early childhood) to create the workforce needed in the 21st century and to assure equal opportunity for all adolescents. A particular emphasis is placed on reconceiving the goals and design of secondary education.

The report also covers the health, justice and child welfare systems. Release of the report, “The Promise of Adolescence,” is expected in April. Bonnie’s leadership of the NASEM adolescence study complements his work as a co-reporter for the American Law Institute’s “Restatement of Children and Law” led by Columbia Law School professor **ELIZABETH S. SCOTT '77**.

Bonnie also continued his work addressing the nation’s opioid problem. He published an invited commentary in the January issue of the *American Journal of Public Health* on the ongoing struggle with the proper prescribing and use of opioids in the United States. He and two anesthesiologists commented on eight articles assembled in a special section of the journal devoted to the continuing challenge of responding to the needs of tens of millions of Americans seeking relief from chronic pain while curtailing the rising toll of addiction and overdose deaths caused, in part, by over-prescribing opioids. Publication of the commentary was accompanied by a podcast hosted by the journal’s editor.

Bonnie is also serving as a core member of an Opioid Action Collaborative headed by the National Academy of Medicine and the Aspen Institute. Members are drawn from all the stakeholder groups in health care and government agencies at all levels. Bonnie is helping develop three-year action plans for expanding services for treatment and recovery from addiction, and for collecting and interpreting the data needed to measure the nation’s progress in curtailing the opioid problem while satisfying needs for pain management. Among Bonnie’s presentations on



BRADY WINS AALS AWARD FOR SCHOLARSHIP

Professor **MAUREEN “MOLLY” BRADY** was named co-winner of the 2019 Scholarly Papers Competition sponsored by the Association of American Law Schools.

Her paper, “The Forgotten History of Metes and Bounds,” forthcoming in the *Yale Law Journal*, explores the social and legal context surrounding earlier metes and bounds systems and the important role that nonstandardized property can play in stimulating growth. Metes and bounds is a method of describing land or real estate that uses physical features of the local geography, along with directions and distances, to define and describe boundaries.

JAMES NELSON '09, an assistant professor of law at the University of Houston Law Center, also won for his paper, “Corporate Disestablishment,” forthcoming in the *Virginia Law Review*.

The competition, in its 34th year, is open to law faculty who have been teaching for five years or fewer. There were 55 entries this year.

The award was presented in January during the AALS Annual Meeting in New Orleans. As winners, Brady and Nelson were invited to present their papers at the conference and serve on the Scholarly Papers selection committee in 2020.

Brady joined the faculty as an associate professor of law in 2016. Her primary teaching and research interests are in property law, land use law, local government law, legal history and intellectual property law. Her scholarship undertakes historical analyses of legal rules and land use policies, using these analyses to account for developments in eminent domain law, to illuminate connections between property and other doctrinal areas, and to explore how different institutions respond to problems in city planning and governance.

—Mike Fox

the opioid problem was participation in a panel on this topic at the Law School's Shaping Justice Conference on Feb. 8.

In collaboration with Professor Jeffrey Swanson at Duke University, Bonnie received a grant in December from the Joyce Foundation and the Fund for a Safer Future (New Venture Fund) to support a multistate comparative research study to evaluate the effectiveness of differing minimum-age standards for firearm purchase and possession by youths who have had justice system involvement as teenagers—18 in North Carolina, 24 in Florida and 29 in Virginia. This research complements Bonnie's ongoing collaboration with Swanson and the Consortium on Risk-Based Firearm Policy on research and policy development on Extreme Risk Protection Orders (also known as "red flag laws") that have received "common ground" support in the nation's ongoing debate about firearm policy.

They published commentaries on these laws in several newspapers and in the winter 2018-19 issue of *Developments in Mental Health Law*.

Bonnie also continued to chair an Expert Advisory Panel for the Virginia General Assembly's ongoing study of mental health services in Virginia. Together with **JOHN E. OLIVER '78**, he led a task force charged with studying a tripling of involuntary admissions to state hospitals in recent years and recommending solutions. The task force issued an interim report in November and will issue a final report in the fall of 2019.



MAUREEN BRADY published two articles this spring: "The Forgotten History of Metes and Bounds," which was published in February in the *Yale Law Journal*, and "Property Convergence in Takings Law," a contribution to a symposium on federalism in the *Pepperdine Law Review*.

Brady has presented her work at numerous conferences and workshops recently, including the Law and Economics Workshop at the NYU School of Law; the Property Works in Progress Conference at the Boston University School of Law; and faculty workshops at both the Washington and Lee University School of Law and St. John's University School of Law.

In February, she gave a lecture on "Markets and the Evolution of Property Law" at the Center for the Study of Law and Markets at William & Mary Law School.

In April, she will take part in a roundtable co-sponsored by the Illinois Program in Constitutional Theory, History and Law, and the Richmond Law School Program on the American Constitution discussing Judge Jeffrey S. Sutton's book, "51 Imperfect Solutions: States and the Making of American Constitutional Law." The papers presented during the roundtable will be published in a forthcoming issue of the *Illinois Law Review*.

Brady was also named this fall to the advisory board of the new Oxford Studies in Private Law

Theory series, which will publish books and edited volumes of scholarship on contracts, property, torts and other areas of private law.



DARRYL BROWN '90 co-edited the "Oxford Handbook of Criminal Process," with Jenia I. Turner & Bettina Weisser, which was published in March. It includes his chapter, "The Law of Criminal Discovery in Common Law Jurisdictions."

He also published "Criminal Enforcement Redundancy: Oversight of Decisions Not to Prosecute" in the December issue of the *Minnesota Law Review*. He will present a work-in-progress at a faculty workshop at the University of Utah School of Law in April.



JONATHAN CANNON will present a draft book chapter on the Clean Water Act for peer review in April.

He presented at a March symposium at the University of Texas Law School on environmental and natural resources law in changing environments, and participated in a March retreat co-sponsored by George Washington Law School and the Environmental Law Institute on "Reimagining Environmental and Natural Resources Law: 2020 and Beyond."

He is also continuing work on the book "Hidden Landscapes."

DUFFY, LIVERMORE APPOINTED TO FEDERAL ADMINISTRATIVE REVIEW AGENCY

Professors **JOHN DUFFY** and **MICHAEL LIVERMORE** have been appointed public members to the Administrative Conference of the United States.

The ACUS is an independent federal agency charged with convening experts to recommend improvements to administrative processes and procedures.

ACUS has adopted more than 250 statements and recommendations—directed to all branches of govern-



ment but largely with federal agencies—to improve agency decision-making, promote regulatory oversight and save costs. ACUS' 150 volunteers are drawn from more than 70 federal agencies, as well as academia and private legal practice. The organization currently has 34 public members.

Duffy is the Samuel H. McCoy II Professor of Law, and Elizabeth D. and Richard A. Merrill Professor of Law. In the field of intellectual property, Duffy has been identified as one of the 25 most influential people in the nation by *The American Lawyer* and one of the 50 most influential people in the world by the U.K. publication *Managing Intellectual Property*. In the field of administrative law, Duffy is a past

recipient the Annual Scholarship Award conferred by the American Bar Association's Section on Administrative Law and Regulatory Practice for the best piece of scholarship in the year (granted for the article "Administrative Common Law in Judicial Review").

Livermore is a professor of law whose research focuses on environmental law, regulation, bureaucratic oversight and the computational analysis of law. He is a leading expert on cost-benefit analysis and regulatory review, and he frequently collaborates on interdisciplinary projects with researchers in other academic fields, including economics, computer science and neurology. Prior to joining the faculty in 2013, Livermore was the founding executive director of the Institute for Policy Integrity at New York University School of Law.

Professor **ANDREW VOLLMER '78**, director of UVA Law's John W. Glynn, Jr. Law & Business Program, is also currently serving as an ACUS public member.

—Mike Fox



KEVIN COPE recently had three articles published in peer-reviewed or refereed journals: “Beyond Physical Integrity” (with Charles Crabtree and Yonatan Lupu) in *Law and Contemporary Problems* (for which he was a co-editor of the special issue); “Patterns of Disagreement in State Repression Measures” (with Charles Crabtree and Christopher J. Fariss) in *Political Science Research & Methods*; and “The Empirical Study of Rights and Institutions” (with Cosette D. Creamer and **MILA VERSTEEG**) in the *Annual Review of Law and Social Science*.

Cope presented four different working papers at 11 workshops and conferences around North America. In the spring, he presented his paper with Charles Crabtree, “Migrant Family Separation and the Backlash to International Law,” at the 77th Annual Midwest Political Science Association Conference in Chicago, and at the University of Michigan Department of Political Science Interdisciplinary Workshop on American Politics. In February, with Charles Crabtree, he co-presented “A Nationalist Backlash to International Refugee Law: Evidence from a Survey Experiment in Turkey” at the NYU Center for Experimental Social Science conference. Last fall, he presented his paper “Estimating Judicial Traits From Text Analysis of Expert Evaluations” at the annual Conference on Empirical Legal Studies in Ann Arbor, Michigan, and at the Online Workshop on the Computational Analysis of Law. Also this past fall and spring, he presented his paper “Making Treaties”

at several conferences and workshops, including the Canadian Law & Economics Association Annual Conference in Toronto, Northwestern University School of Law, and UVA’s Lansing Lee/Bankard Seminar in Global Politics.

This past fall, Cope’s study (with **JOSHUA FISCHMAN**) of then-Judge Brett Kavanaugh’s voting record on the D.C. Circuit was published in *The Washington Post* and cited by U.S. Sen. Mazie Hirono during the Senate Judiciary Committee’s confirmation hearings.



ASHLEY DEEKS published “Predicting Enemies” in the *Virginia Law Review* in December. She gave several talks related to that article, which analyzes the ways in which militaries are likely to employ the kind of predictive algorithms used today in the criminal justice system. She spoke on the topic at the University of Amsterdam Law School, Leiden Law School, the University of Oslo and Ghent University in Belgium, and she participated on a panel on the topic at a workshop on artificial intelligence and law at Harvard Law School.

She also co-authored “Machine Learning, Artificial Intelligence, and the Use of Force by States,” published in January in the *Journal of National Security Law and Policy*. She gave a talk on that subject at NATO, discussing the likely effects that artificial intelligence will have on states’ resort to force and their conduct of hostilities.

Deeks wrote the forward for the *Virginia Law Review*’s online symposium on Digital Democracy

held in January. The piece, titled “Facebook Unbound,” examines the commonalities between the challenges in regulating the executive branch’s national security activities and those of today’s powerful technology companies.

In March, she presented an article on secret reason-giving at Vanderbilt University’s faculty workshop.



KIM FERZAN published “The Means Principle and Optimific Wrongs” in “Moral Puzzles and Legal Perplexities: Essays on the Influence of Larry Alexander,” a book edited by Heidi M. Hurd and published by Cambridge University Press in 2018; “Beyond Defending Honor: Revisiting the Connection between Self-Defense and Success” in the *Journal of Moral Philosophy*; and “Defense and Desert: When Reasons Don’t Share” in the *San Diego Law Review*.

Her paper “Deontological Distinction in War” was accepted by *Ethics*, and her paper “Consent and Coercion” was accepted by the *Arizona State Law Journal*.

She continued her work on self-defense, presenting “Stand Your Ground” at the American Philosophical Association’s Pacific Division meeting in Vancouver and at the Legal Theory Workshop at Toronto Law.

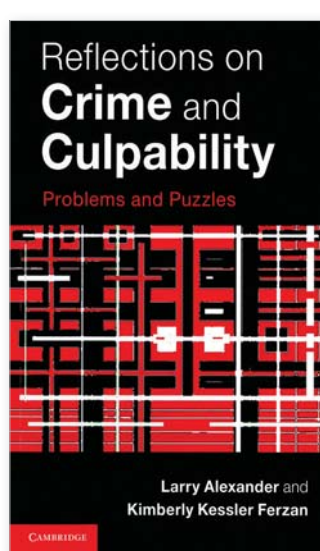
Ferzan also worked on issues in private law. She presented “Losing the Right to Assert You’ve Been Wronged: A Study in Conceptual Chaos?” at the Rutgers Institute for Law and Philosophy’s conference on Civil Wrongs and Justice in Private Law; she participated in a roundtable at

FERZAN’S NEW BOOK TACKLES ‘PROBLEMS AND PUZZLES’ IN CRIMINAL LAW

Professor **KIMBERLY KESSLER FERZAN** has co-authored a new book that explores a series of quandaries that have arisen from her scholarship concerning retribution in criminal law.

“Reflections on Crime and Culpability: Problems and Puzzles,” which Ferzan co-wrote with Professor Larry Alexander of the University of San Diego School of Law, was released in November from Cambridge University Press.

The book builds on the pair’s “Crime and Culpability: A Theory of Criminal Law,” a 2009 book that asked what a retributivist criminal law should look like. They



argued, among other things, that attempts are as culpable as completed crimes and that negligence is not culpable and should not be within the sphere of criminal law.

In the new book, Ferzan and Alexander test the limits of their philosophical premises by discussing questions not contained in their previous collaboration. Ferzan said the “what ifs” came to them over the years as a

result of peer discussions or in everyday thought.

“Problems and Puzzles” presents a wide-ranging series of topics, including how individuals assess risks of other people’s behavior, omission liability, moral ignorance and recidivism, among other questions.

Their questions about how retributive desert is administered aim to confront the issues that arise with distributive inequalities.

“Retributive justice has to come to terms with the fact that the same fine, say \$2,000, will punish a poor person far more than a rich person,” Ferzan said.

Ferzan joined the Law School in 2014 after serving on the faculty of Rutgers Law School at Camden. She is the co-editor-in-chief of the journal *Law and Philosophy*, and is also on the editorial boards of *Legal Theory*, and *Criminal Law and Philosophy*.

Prior to her career in academia, Ferzan was a trial attorney with the U.S. Department of Justice, Criminal Division, and a special assistant U.S. attorney in the District of Columbia.

She teaches criminal law, evidence, advanced criminal law, and advanced law and philosophy seminars. She is also affiliated faculty with the University’s Philosophy Department.

—Eric Williamson

Georgetown Institute for the Study of Markets and Ethics on John Oberdiek's "Imposing Risk"; and she attended the invitation-only North American Workshop in Private Law Theory VI, held at Yale Law School.



An article by **JOE FORE '11**, "Defining Probability Expressions in Predictive Legal Analysis," was accepted by Legal Communication & Rhetoric and will be published in the journal's fall 2019 issue.

He also was appointed to two committees of the Legal Writing Institute: the Standing Committee for All Publications and the Public Relations and Social Media Committee.



GEORGE GEIS recently published "Traceable Shares and Corporate Law" with the Northwestern University Law Review. He also gave talks in March on a forthcoming article, "Information Litigation in Corporate Law" at Wake Forest Law School and Tulane Law School.

Geis has joined the fourth edition of the casebook "Corporate Finance: Principles and Practice" with William Carney and Robert Bartlett, which is expected to be released later this year.

He also recently finished filming an overview class on corporate law with The Great Courses teaching company as part of its "Law School for Everyone Series." The class

should be available to the public in late spring or early summer.



In November, **MICHAEL GILBERT** presented "Insincere Evidence" at the law and economics workshop at the University of Michigan. That paper is co-authored with Professor **SEAN SULLIVAN '13** at the University of Iowa College of Law. Gilbert presented the same paper at Duke Law School in January and the University of Chicago Law School in February. Gilbert's paper "Contributions and Corruption: Restoring Aggregate Limits in the States" was published by Cambridge University Press in an edited volume called "Democracy by the People."

His essay "Transparency and Corruption: A General Analysis" was published in the University of Chicago Legal Forum.

Gilbert also co-authored "Super PACs and the Market for Data" with **SAMIR SHETH '19** for the Harvard Law Review Blog.

Gilbert is continuing to work with Professor Robert Cooter of the University of California, Berkeley on a book on public law and economics.

Along with **DEBORAH HELLMAN** and other faculty from the University, Gilbert co-leads a UVA Democracy Initiative called CLEAR: Corruption Lab for Ethics, Accountability, and the Rule of Law. CLEAR promotes interdisciplinary research and dialogue on corruption.



In the fall, Law & Social Inquiry published a symposium on **RISA GOLUBOFF'S** book "Vagrant Nation," including a response from her, titled "Writing Vagrant Nation."

In November, she spoke at the Hogan Lovell's Global Women's Executive Summit in London.

In March, she delivered the Brian Simpson Lecture at the University of Michigan Law School and led a Dawson Pro-Seminar in the University of Michigan History Department as the 2019 Simpson/Dawson Lecturer.



RACHEL HARMON gave a talk on "Community Policing and the Constitution" in September in celebration of Constitution Day at the Batten School of Leadership at UVA.

She presented at an NYU Policing Project conference on "The Benefits—And Costs—of Policing" in September.

In October, she presented "Public and Private Equitable Suits for Police Reform" at the Criminal Justice Roundtable at Vanderbilt University Law School. The paper is a chapter of Harmon's forthcoming casebook, "The Law of the Police." To be published by Wolters Kluwer in 2020, it will be the first casebook developed to teach policing law and the role law plays in police reform. Harmon also has a chapter, "Justifying Police Practices: The Example of



HELLMAN WINS APA'S FRED BERGER MEMORIAL PRIZE

Professor **DEBORAH HELLMAN** was awarded the 2019 Fred Berger Memorial Prize by the American Philosophical Association for her article, "A Theory of Bribery."

The prize, which was announced in September, is given to an outstanding published article in philosophy of law by a member of the association. The award entails a cash prize and a symposium held in the author's honor.

The paper on bribery grows out of her work on the constitutionality of campaign finance laws and the relationship between money and legal and political rights.

Hellman teaches constitutional law, legal theory, contracts and seminars related to these and other topics.

"This article offers a compelling discussion of a topic that has been under-explored in legal philosophy and that is of current interest," said Robert Hughes, a University of Pennsylvania assistant professor who chairs the APA committee on philosophy and law. "It shows that the concept of bribery is difficult to analyze, it persuasively defends an analysis of that concept, and it nicely explains what makes controversial cases controversial."

Hellman joined the UVA Law faculty in 2012. She serves as both the David Lurton Masee, Jr., Professor of Law, and the Roy L. and Rosamond Woodruff Morgan Professor of Law.

The winning article adds to her growing body of scholarship, which focuses on discrimination and equality, and money and rights. She is the author of the Harvard University Press book "When Is Discrimination Wrong?" and co-editor of the Oxford University Press book "The Philosophical Foundations of Discrimination Law."

—Eric Williamson

Arrests,” coming out in the edited volume, “Cambridge Handbook on Policing in the United States,” in 2019. The chapter, which is closely related to Harmon’s article “Why Arrest?,” which appeared in the *Michigan Law Review* in 2016, argues that the contemporary practice of arresting suspects in the United States is both unnecessary and excessively costly. The chapter goes beyond the 2016 article in arguing that all coercive or intrusive law enforcement practices must be justified by the same measures: They must be legal; they must not impose unfair burdens on groups or individuals; and they should impose costs that are proportional to the importance of the public ends that they serve and how well they serve them.

Harmon also continues to serve as an associate reporter on the American Law Institute’s Principles of Policing Project.



ANDREW HAYASHI presented “Recessionary Property Taxes” at the annual meeting of the National Tax Association in November. The article describes how the system of rotating property assessments in Maryland affects home prices, mortgage defaults and household consumption.

Hayashi also presented his paper “Countercyclical Tax Bases” at Boston College and Indiana University. The paper argues that the composition of local tax bases should consider how resilient they make the local economy during a recession.

In February, Hayashi presented his

papers “Rules and Standards: The Games Lawmakers Play” at Northwestern University and “The Law & Economics of Bad Intentions” at Cardozo Law School. His papers “Consumer Law Myopia” and “Taxes and Mergers” (co-authored with **QUINN CURTIS** and **ALBERT CHO**) are forthcoming.



DEBORAH HELLMAN received the Fred Berger Memorial Prize at a symposium in her honor scheduled at the Pacific Division of the American Philosophical Association meeting in Vancouver in April (see sidebar).

Hellman participated in a symposium on the theme of interactive constitutional rights at William & Mary Law School in March.

She has completed two articles. One is a chapter called “Understanding Bribery,” which will appear in the “Handbook of Applied Ethics and the Criminal Law,” edited by UVA’s **KIMBERLY FERZAN** and Larry Alexander and forthcoming from Palgrave MacMillan Press in 2019. The second, “The Epistemic Commitments of Nondiscrimination” will be included in the “Oxford Studies in Philosophy of Law,” forthcoming in 2020.

She spoke at the UVA Society of Fellows dinner on March 17.

Lastly, Hellman published the op-ed “Bribery, Crowdfunding and the Strange Case of Senator Susan Collins: When Money is Speech it is hard to distinguish legal from illegal political persuasion” (with Stuart Green) in *The Atlantic*.



ORAL ARGUMENT BY KENDRICK '06 PREVAILS AT STATE SUPREME COURT

Vice Dean **LESLIE KENDRICK '06** won her debut argument at the Supreme Court of Virginia, in a case that reshaped state tort law and garnered national attention.

The landmark 4-3 ruling released in October in *Quisenberry v. Huntington Ingalls Inc.* expands corporate liability for damages from asbestos and other potential traveling health hazards.

In the case, a Newport News man representing his mother’s estate filed suit in the U.S. District Court for the Eastern District of Virginia alleging that a shipyard was negligent in her death from mesothelioma in 2016.

The federal lawsuit claimed she had been exposed for years to asbestos from her father’s work clothes; the company hadn’t warned that it would be dangerous to bring them into their home or taken steps to prevent home contamination, the lawsuit said.

The shipyard sought dismissal, arguing that it should only be liable for what happened on site, and that the woman was neither an employee nor ever on the premises.

The District Court asked the state Supreme Court to help clarify state law regarding responsibility and advise on how to proceed with the federal litigation.

“The lawyers for Mrs. Quisenberry reached out to me because the issue was a pure question of law about tort duties in Virginia,” said Kendrick, who served as co-counsel along with four attorneys with Dallas-based Waters Kraus & Paul and presented oral argument in April. She has argued in federal court before in her career, but not the state Supreme Court.

The attorneys had to establish that the company had a “duty of care” in order to proceed with the negligence claim. In this case, a duty of care would place a legal obligation on one party to take reasonable steps to avoid injuring others; the state Supreme Court had never ruled on whether a duty exists in “take-home” asbestos cases.

The court ruled that a company has a duty to prevent “recognizable and foreseeable” risk based on Virginia common law, including for household members exposed to asbestos on employees’ work clothes.

Kendrick said the clarification will help the lawsuit move forward. The plaintiff will still have to prove that the shipyard is responsible for his mother’s death, an issue the justices did not address.

Kendrick is a member of the American Law Institute, as well as past chair of the AALS Section on Torts and Compensation Systems and a member of the Harvard Higher Education Forum. In 2014, she received the Law School’s Carl McFarland Prize for outstanding scholarship by a junior faculty member. In 2017, she received the University of Virginia’s All-University Teaching Award and was named vice dean.

—Mike Fox



JASON JOHNSTON published an article, a short comment and a book chapter: “Regulatory Carrots and Sticks in Climate Policy: Some Political Economic Observations” in the *Texas A&M Law Review*; “Restoring Objectivity and Balance to Regulatory Science: A Comment on Dudley and Peacock” in the *Supreme Court Economic Review* (2016); and “EPA’s Conflicted ‘Science’ on PM 2.5 and Mortality,” a chapter forthcoming in the edited volume “Science and Liberty” in 2019. Johnston also contributed a short essay to the University of Pennsylvania’s online publication *The Regulatory Review*, “Restoring Science and Economics to EPA’s Benefit Calculation,” on Oct. 15.

In August, Johnston served as a Julian Simon Fellow at the Property and Environment Research Center in Bozeman, Montana.



LESLIE KENDRICK '06 co-authored the article, “The Etiquette of Animus,” with **MICAH SCHWARTZMAN '05**. The article appeared in the *Harvard Law Review*. Her article “Another First Amendment” appeared in the *Columbia Law Review*. She presented a paper at the Berkeley Workshop in Law, Philosophy, and Political Theory, and at symposia at Notre Dame and Florida International University. She received a favorable ruling from the Supreme Court of Virginia in a tort case, and

a federal judge issued a preliminary injunction in a challenge to Virginia’s driver’s license suspension law in which she serves as co-counsel along with lawyers from the Legal Aid Justice Center and McGuireWoods, including **ANGELA CIOLFI '03** and **JONATHAN BLANK '95**.



MICHAEL A. LIVERMORE is currently working on a paper, “Administrative Law for an Era of Partisan Volatility,” with **DANIEL RICHARDSON '16** that examines the relationship between administrative law and the structure of partisan politics. The piece looks at how administrative law has adjusted to political realities in the past and argues for reforms to better align contemporary administrative law doctrine with the demands of the current political moment.

This spring, Livermore published an essay, “Environmental Federalism in a Dark Time,” in the *Ohio State Law Journal* with Denise Grab of the Institute for Policy Integrity at New York University. The article discusses the efforts of some states to make progress on pressing environmental issues in the face of federal inaction. With Richard Revesz of NYU, Caroline Cecot of George Mason University and Jayni Hein of the Institute for Policy Integrity, Livermore is editing the fourth edition of the casebook “Environmental Law and Policy,” published by Foundation Press, which is anticipated to be released in the fall.

In March and April, Livermore gave talks at the University of Houston Law Center

and the Legal Analytics Lab at Georgia State University. In June he will co-host a conference on law and data science to be held at ETH Zürich, with support from the Swiss National Science Foundation Scientific Exchanges Program.



PAUL MAHONEY and **JULIA MAHONEY** participated in a joint symposium sponsored by the Law School, Darden School of Business, Miller Center and Brookings Institution. “Ten Years Later: Lessons from the 2008-09 Financial Crisis” was held at Brookings on Jan. 10.

On March 1, Paul Mahoney presented his working paper, “The Regulatory Effect,” at the 2019 Weil, Gotshal & Manges Roundtable “Ten Years after the Global Financial Crisis: An Assessment,” hosted by the Yale Law School Center for the Study of Corporate Law. The paper discusses the possible role of regulatory change in the slow recoveries from the Great Depression and the Great Recession. He previously presented it at William & Mary Law School in August, the Canadian Law & Economics Association annual conference in September and the University of Texas Law School in November.

He is also working on an early-stage project titled “Modeling and Measuring Systemic Risk” with Peter Beling and Faraz Dargostari from the Engineering School and Yael Grushka-Cockayne from Darden. The project has received funding from a University program meant to encourage multidisciplinary research.

LAYCOCK NAMED REPORTER FOR NEW RESTATEMENT ON TORT REMEDIES

Professor **DOUGLAS LAYCOCK**, one of the nation’s leading experts on the law of remedies, will serve as a reporter with the American Law Institute’s new restatement project on torts.

Laycock will examine how torts—negligent or intentional violations of legal duties that injure others—have been compensated or prevented since the last time the



ALI took a close look. His work, along with that of several other reporters, will complete the ALI’s third restatement on the subject.

Restatements are authoritative and influential reference books on judicial decision-making and legal practice. While not carrying the same weight as statutes and legal

precedents, restatements often inform judicial decisions and are compiled by prominent legal scholars working under the ALI’s elaborate processes for collective review of every draft.

“I hope to bring the treatment of tort remedies up to date substantively, addressing the many new developments in the past 40 years,” Laycock said.

He will review the law to identify types of recoverable damages—such as past and future lost wages, medical expenses, disfigurement, pain and suffering, and property damage—and how they’ve been measured.

The ALI announced the new restatement in January. The first project drafts are expected in 2020.

Laycock has testified frequently before Congress and has argued many cases in the courts, including the U.S. Supreme Court, where he has served as lead counsel in six cases and filed many amicus briefs. He is author of the leading casebook “Modern American Remedies,” the award-winning monograph “The Death of the Irreparable Injury Rule,” and many articles in leading law reviews.

Additionally, the final three volumes of Laycock’s “Religious Liberty” were published in November, drawing to a close the five-volume series, which Wm. B. Eerdmans Publishing Co. first began to release in 2010.

Laycock is a fellow of the American Academy of Arts and Sciences. In accordance with ALI rules, he will resign as vice president of the ALI and from its council to become a reporter. He will continue as an emeritus member of the council.

—Mike Fox



RUTH MASON delivered the 2018 Amsterdam Distinguished Lecture in Tax, titled “An American View of State Aid.”

She also published two articles touching on aspects of digital taxation. “The Implications of *Wayfair*,” published in the *International Tax Review*, discussed last year’s Supreme Court decision empowering U.S. states to impose sales-tax-collection obligations on remote sellers. “The Digital Battlefield in the Tax Wars,” published in *Tax Notes* and co-authored with Leopoldo Parada of the International Bureau of Fiscal Documentation and the University of Turin, argued that proposed European digital taxes violate EU laws forbidding nationality discrimination.

Mason was appointed to a six-year term on the Scientific Advisory Board of the Max Planck Institute for Tax Law and Public Economics in Munich. She presented forthcoming papers at the National Tax Association’s annual conference, and Fordham, Georgetown and McGill universities. For the third year in a row, she served as faculty adviser to UVA’s international tax moot court team.



GREG MITCHELL and his former colleague Brandon Garrett continued their work examining how jurors react to forensic evidence. The results of one of these studies were recently published as an article

titled “The Impact of Proficiency Testing Information and Error Aversions on the Weight Given To Fingerprint Evidence” in the journal *Behavioral Sciences & the Law*.

This spring, Mitchell served as a panelist discussing implicit bias research at the 22nd Annual Federal Judicial Center-NYU Workshop on Employment Law for Federal Judges.



JOHN MONAHAN recently co-authored a chapter titled “Clinical and Actuarial Predictions of Violence” in “Modern Scientific Evidence: The Law and Science of Expert Testimony.” He has also co-authored articles titled “Lawyers at the Peak of their Careers: A 30-year Longitudinal Study of Job and Life Satisfaction” in the *Journal of Empirical Legal Studies* (see p. 86); “Predicting Violent Behavior: What Can Neuroscience Add?” in *Trends in Cognitive Sciences*; and “Judicial Appraisals of Risk Assessment in Sentencing” in *Behavioral Sciences and the Law*.

The Pretrial Risk Management Project, which Monahan co-directs, successfully completed its first year of operation. The project, funded by the John D. and Catherine T. MacArthur Foundation, fosters dialogue among behavioral scientists, human rights lawyers and statisticians fluent in machine learning. In addition, the Virginia Criminal Justice Policy Reform Project, which Monahan also co-directs, successfully completed its initial year of operation. That project, funded by the Charles Koch Foundation, focuses on reducing mass incarceration,

particularly of low-risk offenders and of people with mental illness.



The Center for National Security Law co-sponsored the 28th Annual Review of the Field of National Security Law as part of the American Bar Association Standing Committee on Law and National Security on Nov. 1-2. **JOHN NORTON MOORE**, the center’s director, moderated a panel, “The Movement of Individuals Across Borders and National Security,” and David E. Graham, center associate director for programs, moderated the panel “Legal Issues Confronting the Military National Security Law Community.”

In mid-November, a planning group consisting of Professors Yoram Dinstein of Israel, Rein Mullerson of Estonia, Charles Garraway of the United Kingdom, and Graham and Moore met at the center to construct a course of action designed to produce the first definitive statement of the rules applicable to the use of force by states in the 21st century. This will be a three-year center project, beginning this June, involving 16 international law experts, resulting in a manual of *jus ad bellum* law, with commentary.

On Nov. 12, the center sponsored a presentation by Col. Eli Baron, a military attorney with the Israeli Defense Force, who spoke on “The Law of Armed Conflict and Non-State Actors.”

The center co-hosted a panel on the subject of technology, democracy and national security at the Digital Democracy symposium at the Law School on Jan. 25.

The center also co-



NICOLETTI WINS CROMWELL BOOK PRIZE

Professor **CYNTHIA NICOLETTI** won the Cromwell Book Prize for her work “Secession on Trial: The Treason Prosecution of Jefferson Davis.”

The award, announced in November at the annual American Society for Legal History meeting, is given by the William Nelson Cromwell Foundation each year for excellence in scholarship to an early career scholar working in the field of American legal history.

Published by Cambridge University Press in 2017, the book follows why Jefferson Davis, the president of the Confederacy, was never tried for treason after the Civil War. Davis’ trial, which would have served as a test case for the legality of secession, was delayed for four years before ultimately being dropped. Among government officials, there was concern that the prosecution could backfire and prove the legality of secession—something U.S. officials didn’t want to do in the fragile years after the war.

Though there was no doubt Davis levied war against the United States—the definition of treason in the Constitution—it would not have been treason if Davis wasn’t a U.S. citizen at the time he did so.

The South seceded from the Union before officially declaring war. Many in the South, and even some in the North, believed states had the right to leave a union they voluntarily joined.

“The government was faced with a dilemma. They wanted to try him in order to show that secession was illegal and could not be a defense to treason,” Nicoletti said. “A conviction in a court of law could establish the legitimacy of the Union cause in a way that military victory never could. But it quickly became clear that they also ran the risk—a very serious one—of losing the case. And what would that mean? They worried it might undercut the moral weight of the outcome of the Civil War. That was a chilling prospect.”

Nicoletti, who earned her J.D. from Harvard Law School, also holds a B.A., M.A. and Ph.D. in history from the University of Virginia.

Nicoletti previously received a William Nelson Cromwell Foundation Research Fellowship while she was working on the book, and the William Nelson Cromwell Prize for the best dissertation in legal history, awarded by the American Society for Legal History in 2011.

She is now at work on a book about emancipation and land redistribution during the Civil War.

—Mary Wood

sponsored a presentation by Glenn Gerstell, general counsel of the National Security Agency, on March 7. Gerstell provided attendees with a general overview of the NSA, the Office of General Counsel (including their Honors Program) and some of the legal challenges that it faces. Gerstell additionally spoke on issues relating to privacy and advances in digital technology.



During the January term, **TOM NACHBAR** taught a new course—The Firm and Cyberspace—that covered a wide range of issues facing firms whose businesses are dependent on networked information technology. **GAVIN CORN '94** of Facebook and **DAVID HYMAN '93** of Netflix both spoke during the course.

This spring, Nachbar is presenting his paper on state network neutrality regulation at the Yale Information Society Project workshop series, and his paper on fairness in artificial intelligence was selected for the Information Society Project spring conference on “(Im)perfect Enforcement.”

This April, he will host the second annual meeting of the Stanton Series on Liberty and Security at the Law School.



SAIKRISHNA PRAKASH recently published two articles, one in the Harvard Law Review, “Of Synchronicity and Supreme Law,” and

another in the California Law Review, “Why the Military Trials of Soldiers, Civilians, and the Enemy is Constitutional.” He also wrote an essay for the National Constitution Center’s Madisonian Constitution for All initiative on executive power and became a member of the center’s Madisonian Commission.

In January, he gave the keynote address at the Brennan Center for Justice and R Street Institute’s Washington, D.C., conference on Emergency Powers in the Trump Era and Beyond. He participated in a National Constitution Center “We the People” podcast with Mark Tushnet on whether President Donald Trump can reallocate Department of Defense funds to build a wall on the southern border.

In March, he spoke at a conference on the treaty power sponsored by the American Constitution Society.

In April, he presented on the power of the modern presidency at the University of North Carolina.



GEORGE RUTHERGLEN attended the 31st Sokol Colloquium in January to present a paper on the presumption against extraterritorial application of federal statutes.

In February, he hosted a book panel on **CYNTHIA NICOLETTI’S** book, “Secession on Trial: The Treason Prosecution of Jefferson Davis.”

And in March, he appeared at a Duke Law School conference on Reconstruction, where he presented a paper on Reconstruction in legal theory.



FREDERICK SCHAUER is spending the semester at UCLA as visiting professor of law, teaching a seminar on Constitutional Interpretation. He presented a paper on “Rightful Deprivations of Rights” at the Barcelona Colloquium on Legal Theory in February, at UCLA Law School in February and at King’s College London in April. He presented a paper on “Challenging the Interpretation-Construction Distinction” at the University of San Diego Originalism Conference in February. He also gave lectures on comparative jurisprudence in London and freedom of expression in Curitiba, Brazil.



RICHARD SCHRAGGER served as a moderator at a conference for local government attorneys in Phoenix, participated in the State and Local Government Works-in-Progress Conference at Fordham Law School, and participated in local government panels at Yale Law School and at New York University. His article “Jews, Not Pagans,” authored with **MICAH SCHWARTZMAN '05**, was published by the San Diego Law Review. His article “The Costs of Conscience,” co-authored with Schwartzman and Nelson Tebbe, was published in a symposium in the Kentucky Law Review.



SCHRAGGER’S SCHOLARSHIP AMONG BEST ENVIRONMENTAL LAW ARTICLES OF THE YEAR

Professor **RICHARD SCHRAGGER’S** paper “The Attack on American Cities” was named one of the best environmental law articles of the 2017-18 academic year.

The article was selected for inclusion in the next edition of the Environmental Law and Policy Annual Review, a joint publication of the Environmental Law Institute’s Environmental Law Reporter and Vanderbilt University Law School. At a conference held in Washington, D.C., in conjunction with the annual publication, the paper was the subject of a panel.

Schragger’s paper was among five chosen out of a pool of hundreds of law journal articles published between August 2017 and July 2018. An advisory committee of law professors, policymakers and students makes the selections.

Published in the Texas Law Review, Schragger’s paper shows how states are often hostile toward cities’ policies and authority, ranging from anti-bias laws and minimum wages to immigration and funding. He also analyzes how anti-urbanism has been a longstanding feature of American federalism and constitutional law.

“That a paper about cities was included in this year’s honors recognizes that the ‘built’ environment is as important a subject of environmental law as is the ‘natural’ one,” Schragger said. “It also recognizes that environmental law and policy—which has long been preoccupied with federal statutes and regulations—is also appropriately concerned with local law.”

Schragger, who joined the UVA Law faculty in 2001, is the Perre Bowen Professor of Law and Joseph C. Carter, Jr. Research Professor of Law. His scholarship focuses on the intersection of constitutional law and local government law, federalism, urban policy and the constitutional and economic status of cities. He is the author of “City Power: Urban Governance in a Global Age,” published by Oxford University Press in 2016.

—Mike Fox

PROCEDURE TREATISE CO-AUTHORED BY SPENCER PUBLISHED

Co-authored for the first time by Professor **A. BENJAMIN SPENCER**, Volume 5A of Wright & Miller's "Federal Practice and Procedure" was published in November.

Over the past few years, Spencer has taken over responsibilities for updating the discussion of the civil rules of procedure covered in Volumes 5, 5A, 5B and 5C—focused on pleadings—for the massively cited, multivolume reference book series, first published in 1969.

He published his first supplement to Volume 5A in 2016. The previous edition of Volume 5A was published in 2004.

"Since then, the Supreme Court has issued two major decisions affecting pleading doctrine: *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*," Spencer said. "These decisions raised the general pleading standard, which has implications for the pleading standard for fraud."

More recently, Spencer has been given responsibility for updating Volume 14C, which covers removal jurisdiction.

In total, "Federal Practice and Procedure" has 91 volumes, which also cover evidence and judicial review of administrative action.

"Because there are so many decisions issued by the federal courts pertaining to the topics covered by the treatise, practitioners and courts themselves rely heavily on 'Federal Practice and Procedure' to provide a definitive statement of the law with respect to the procedural rules and stat-

utes that it covers," Spencer said. "That results in there being a tremendous responsibility on my part to ensure that I accurately reflect the state of the law rather than my own personal views."

One of the reference's original authors, New York University law professor Arthur Miller, had Spencer as a student at Harvard Law School, where Miller previously taught. He continued to follow Spencer's career and developed an admiration for Spencer's scholarship in the pleadings area, which led to Spencer being approved to co-author the volumes.

Spencer said Miller still edits some civil and jurisdiction volumes himself but has been handing some of those volumes off. The treatise's other primary author, Charles A. Wright, also a prominent legal scholar, died in 2000.

Spencer is the Justice Thurgood Marshall Distinguished Professor of Law. A member of the Law School faculty since 2014, he has authored two other books in the area of civil procedure: "Acing Civil Procedure" and "Civil Procedure: A Contemporary Approach." U.S. Supreme Court Chief Justice John Roberts appointed Spencer to the Advisory Committee on Civil Rules of the U.S. Judicial Conference in 2017. Spencer also serves as a reserve officer in the Judge Advocate General's Corps of the U.S. Army.

—Mike Fox



MICAH SCHWARTZMAN '05

published "The Etiquette of Animus," a comment on *Masterpiece Cakeshop* co-authored with **LESLIE KENDRICK '06**, in the Harvard Law Review; "Jews, Not Pagans," co-authored with **RICHARD SCHRAGGER**, in a symposium issue of the San Diego Law Review; and "Lying as a Political Wrong" in *Law and Philosophy*.

He spoke on varieties of religious anti-liberalism at the University of Minnesota Law School in February and participated in a conference on corporate rights at the University of Houston Law Center in March.



GIL SIEGAL was invited to deliver a special talk on "Genetics, Ethics and the Law—Pre-Implantation Diagnosis" at a conference in Nuremberg, Germany, in May—in the very same hall the Nazis' doctors were tried after World War II.



A. BENJAMIN SPENCER

has published the Fourth Edition of Volume 5A of *Federal Practice & Procedure*, a widely used civil procedure treatise. Also, his article "Substance, Procedure, and the Rules Enabling Act" was published by the *UCLA Law Review*.



PAUL STEPHAN '77

organized a Sokol Colloquium on the recently published fourth restatement of foreign relations law of the United States. Most of the reporters for the restatement participated, as well as advisers to and critics of the project. He is working on a book provisionally titled "Beyond the Restatement: The Past, Present, and Future of Foreign Relations Law," which will reflect the work of the colloquium. His contribution to that project is titled "Foreign Relations Law as Federal Common Law: A Requiem."

He also is participating in a seminar at Columbia Law School and Columbia's School of International and Public Affairs on Russia in the international order.



The third volume of **G. EDWARD WHITE'S** trilogy, "Law in American History: Volume Three, 1930-2000," was published in April by Oxford University Press. The first volume, "From the Colonial Years Through the Civil War" appeared in 2012 and the second, "From Reconstruction Through the 1920s," in 2016.

White gave a talk to a group of federal judges at the National Constitution Center in Philadelphia on Dec. 14. The topic was the internal decision-making process of the Marshall Court.

Over the course of the 2018-19 academic year, White published

“A Lost Search for a Generic Tort Action Protecting ‘Peace of Mind’” in the *Journal of Tort Law*; “Looking Backward and Forward at the Supremacy Clause” in the *Michigan Law Review*; and (with **KENNETH S. ABRAHAM**) “The Puzzle of the Dignitary Torts” in the *Cornell Law Review*.



GEORGE YIN'S article “How Codification of the Tax Statutes and the Emergence of the Staff of the Joint Committee on Taxation Helped Change the Nature of the Legislative Process” was published in the *Tax Law Review*. It detailed the important role that the 1939 enactment of the Internal Revenue Code as positive law—the first title of the U.S. Code to be so enacted—played in the development of the Joint Committee on Taxation staff and the general use by Congress of professional aides in the tax legislative process. Yin presented a draft of this article at law faculty workshops at the University of Pennsylvania and UVA.

Another article, “The Curious Origins of the Major U.S. Tax Incentives for Oil and Gas Producers,” was published in *Tax Law and the Environment*, a volume edited by Roberta F. Mann and Tracey M. Roberts. This article described legislative and administrative misjudgments and confusion that contributed to adoption about 100 years ago of two major tax incentives for oil and gas producers, including the percentage depletion allowance (characterized by one critic as “the special deduction

for imaginary costs”).

Yin presented a draft of his current research project, presently titled “Who Speaks for Tax Equity and Tax Fairness?: Stanley Surrey and the Tax Legislative Process,” to a tax policy workshop at Boston College Law School in March. One of the most influential tax professionals of the 20th century, Surrey was directly involved in the tax legislative process between 1937 and 1947, and again from 1961 to 1968, and remained actively engaged throughout his illustrious academic career. Yin's draft describes and assesses the evolution of Surrey's views on the legislative process.

At the end of 2018, Yin spoke to a group organized by the Senior Statesmen of Virginia in Charlottesville on “The Likely Effects of the 2017 Federal Tax Law Changes on Individuals, Businesses and the Economy.” He also spoke to the Law School student group Food Law at Virginia on “The Taxation of Employer-Provided Meals.”

As part of the Law School's fifth annual Invitational Tax Conference, he commented on Zach Liscow's draft “The Dilemma of Moral Intuitions in Economics, or Democratic Law and Economics.”

Finally, throughout the last few months, Yin has continued to educate legislators, their staffs and the public on the ability of Congress to obtain and potentially disclose the tax return information of any person, including the president. Among the media who have interviewed him on this topic are *The New York Times*, *The Washington Post*, CNN, National Public Radio, Politico, Reuters, Mother Jones, the National Journal, MarketWatch, Bloomberg, Vanity Fair, Politifact, CNBC and Town Hall.



STEPHAN '77, VERDIER, VERSTEEG EDIT, PUBLISH NEW BOOK ON ‘COMPARATIVE INTERNATIONAL LAW’

“Comparative International Law,” edited by professors **PAUL B. STEPHAN '77**, **PIERRE-HUGUES VERDIER** and **MILA VERSTEEG**, along with Australian National University professor Anthea Roberts, was published by Oxford University Press in 2018.

“The premise of the book is that, unlike what many international lawyers and international law scholars assume, international law is not as uniform as people have supposed,” Verdier said.

International law can be created in various ways, but normally, nations have to decide if they agree to be bound.

The United Nations, a body perceived to have wide buy-in on such agreements as the U.N. Convention of the Law of the Sea, has had recent conflicts with one of its signatories to the convention, China, on ocean-territorial rules.

Another nation might interpret a different international treaty through its own lens—which can be formed by culture, legal and legislative history, or current agendas.

In this way, international norms are continually being redefined. But a forum that can have the final say when interpretative conflicts occur doesn't always exist, the professors said.

“Unlike in domestic law, where we have a Supreme Court that has the final

interpretation of what a law means, that's not always true in international law,” Versteeg said. “So there may be additional arbiters in some areas of international law, but not others. And often states subject themselves to that voluntarily, and there might be multiple interpretations out there. It's not always easy to say who is right.”

The book, in demonstrating that international law is “not a monolith,” maps the cross-country similarities and differences in international legal norms in the different subfields.

The authors who contributed to the volume—including Professors **ASHLEY DEEKS** and **KEVIN COPE**, and visiting professor Tomer Broude of Hebrew University, among many others—review the application and interpretation of law, taking into account geographic differences, while also trying to explain why those differences exist.

The professors said they look forward to continuing to build on this largely unexplored area of comparative study in future books and papers.

—Eric Williamson

