



THE BALDY CENTER  
for LAW & SOCIAL POLICY



# 2012 – 2013

## Annual Report

The Baldy Center for Law & Social Policy  
SUNY Buffalo Law School

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# 2012-2013 Annual Report

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## I. Center Overview

### History

Created 35 years ago under a bequest from Buffalo attorney Christopher Baldy, the Baldy Center for Law & Social Policy supports interdisciplinary research on law, legal institutions and social policy throughout the University at Buffalo. The Center not only engages faculty and students campus-wide, it also has national and international impact through the scholarly publications, conferences, workshops, and other activities described in this report. The center is housed at the SUNY Buffalo Law School.

### Organization and Center Staff

#### Baldy Advisory Council for 2012 - 2013

Sharmistha Bagchi-Sen, Geography  
Guyora Binder, Law  
Stephanie Phillips, Law  
Kenneth Shockley, Philosophy  
Mateo Taussing-Rubbo, Law  
Mary Nell Trautner, Sociology  
David A. Westbrook, Law

#### Baldy Center Staff

Errol Meidinger, Director  
Laura Wirth, Assistant Director  
Caroline Funk, Research Associate  
Ashley White, Events Assistant (until 03/2013)  
Zoe Leach, Research Assistant

#### Student Assistants

Anikroma Bekoe

#### Baldy Center Technical Team

Micheal Masset, Print Designer  
Caryn Sobieski-Vandelinder, Web Designer  
Jeffrey Till, Web Programmer

## II. Research Support and Fellowships

### Faculty Research Grants

**Sharmistha Bagchi-Sen** (Geography) *Biomass Based Bioenergy Production: the Role of Policy, Markets, and Institutions*

**Christina Boyd** (Political Science) *Analyzing Litigation in the Federal District Courts*

**Irus Braverman** (Law) *Globalizing Zoos: The Administration of Saving the Planet*

**Jaume Franquesa** (Anthropology) *Renewable Energy and Energy Transition in the Context of Southern Europe's Fiscal Crisis*

**Jennifer Gaynor** (History) *A "Nasty Pirates' Nest" in the 17th century*

**Erin Hatton** (Sociology) *Working but Not Employed: Work and the Struggle for Worker Rights beyond the Boundaries of the Law*

**Steven G. Hoffman** (Sociology) *Walking the Line: Morality, Social Policy and the White Working Class*

**Charles M. Lamb** (Political Science) *Fair Housing in the Twentieth Century*

**Anthony O'Rourke** (Law) *An Analysis of Supreme Court Attitudinal Voting Across Rights*

**Jessica Owley** (Law) *Sustainability in the Age of Climate Change*

**Gwynn Thomas** (Transnational Studies) *When a Woman Leads: Regendering Political Power and Leadership in Latin America*

**Mary Nell Trautner** (Sociology) *Art v. Science: Cultures of Community and Professionalism in Lawyers' Narratives of Case Screening and Selection*

**Camilo Trumper** (Transnational Studies) *Ephemeral Histories: Public Sphere, Public Space and Political Citizenship in Chile, 1970-1973*

**Deborah Waldrop** (Social Work) *Call 911: How Public Health Policy Influences Emergency Decision-making at Life's End*

## Baldy Fellowships in Interdisciplinary Legal Studies

The Baldy Center inaugurated a new Fellowship program for scholars pursuing important topics in law, legal institutions, and social policy. More than fifty applications were received from junior and senior scholars from law, the humanities, and the social sciences. Four fellowships were awarded for the 2012-2013 academic year.

Fellows are expected to participate regularly in Baldy Center events, but otherwise have no obligations beyond vigorously pursuing their research. Fellows receive standard university research privileges (library, Internet, office space, computer, phone) and are encouraged to develop collaborative research projects with SUNY Buffalo faculty members where appropriate. Those who wish to teach a course to aid their research or gain teaching experience are accommodated on a case-by-case basis.

The three Post-doctoral Fellows were:



**Mireille Abelin**, an anthropologist doing comparative research on perceptions of selfhood, sovereignty, and money as they crystallize in anti-tax movements in the United States and Argentina. Mireille will be teaching at the New School for Social Research in 2013-2014.



**Nimer Sultany**, a scholar of progressive constitutional and political theory, who studies how Islamic sharia law is incorporated into the constitutions of Middle Eastern countries, even as the Arab world moves toward democratization. Nimer will commence a Lectureship in Public Law at the School of Oriental and African Studies, University of London, this fall.



**Julia Tomassetti**, a sociologist examining the legal construction of paid work relations in the United States since the 1970s, particularly categories such as prison labor, workfare, and graduate student teaching. Julia will commence a Research Fellowship in Law at Georgetown University in the fall.

The Senior Fellow was:



**Kathleen Biddick**, a professor of history at Temple University in Philadelphia completing a book-length manuscript titled *Entangled Sovereignty: A Study in Premodern Political Theology*. After a very successful visit at UB, Kathleen returns to her Professorship at Temple.

### III. Speakers and Visitors

#### Distinguished Speaker Series: "Political Economy of Law"

Friday, May 17, 2013

**Kim Lane Scheppele**, Rockefeller Professor and Director, Program in Law and Public Affairs, Princeton University  
*"The International State of Emergency: Constitutional Stress and the Globalization of Public Law"*

Friday, Apr 12, 2013

**David Super**, Professor of Law, Georgetown University  
*"The Modernization of American Public Law: Health Care Reform and Popular Constitutionalism"*

Friday, Feb 22, 2013

**Chantal Thomas**, Professor of Law, Cornell University  
*"What Does the Emerging International Law of Migration Mean for Sovereignty?"*

Tuesday, Oct 2, 2012

**Susan Carle**, Professor of Law, American University Law  
*"Race and Representation: Researching Employment Civil Rights Litigation in the Post Civil Rights United Inventing Civil Rights Lawyering: National Organizing for Racial Justice, 1880-1915"*

#### Cosponsored Speakers

Monday, Apr 15, 2013

**Judge Ricardo Li Rosi**, Argentina National Court of Appeal  
*"Judicial Independence and Constitutional Reform in Latin America"*  
Co-sponsored with SUNY Buffalo Law School

Monday, Mar 25, 2013

**Caroline Nguyen Ticarro-Parker**, Founder and Executive Director, Catalyst Foundation  
*"A Catalyst for Human Rights and Dignity: Protecting Children and Building Communities in the Mekong Delta"*  
Co-sponsored with the UB Asian Studies Program

Monday, Mar 25, 2013

**Marjorie Heins**, Founding Director, Free Expression Policy Project  
*"Priests of Our Democracy: The Supreme Court, Academic Freedom, and the Anti-Communist Purge"*  
Co-hosted with Special Collections for University Libraries

Thursday, Feb 28, 2013

**Tracy Mitrano**, IT Director, Cornell University  
*"The Internet and Privacy in an Information Economy"*  
Co-sponsored by the Law library, and the Teaching and Learning Center

Thursday, Feb 7, 2013

**Kathleen Biddick**, Professor of History, Temple University, and Baldy Fellow  
*"Deciding on the Tree of Life: The Biopolitics of Political Theology"*  
Hosted by the Early Modern Reading Group and co-sponsored with the Ecocritical Studies Research Workshop

Friday, Oct 5, 2012

**Alison Barkoff**, Special Counsel for Olmstead Enforcement, US Department of Justice  
*"The Americans with Disabilities Act and the Supreme Court's Olmstead decision: Where Are We Today?"*  
Co-sponsored with the Center for Disability Studies

Monday, Nov 5, 2012

*"What to Do When the Devil Offers You a Deal"*

**Cary Nelson**, Jubilee Professor of Liberal Arts and Sciences, University of Illinois

Co-sponsored with UB Coalition for Leading Ethically in Academic Research (UB CLEAR), Joint Committee on Research and Scholarship (Chairs, Professor Alexander Cartwright, Vice President for Research and Economic Development; Professor Ezra Zubrow, Chair of the Faculty Senate), United University Professions Buffalo Center Chapter, The Shale Resources and Society Institute (SRSI)

## IV. Workshops and Conferences

### Research Development Workshops

Friday, May 10, 2013

**Irus Braverman**, Professor, SUNY Buffalo Law School

*"Conservation without Nature: The Trouble with In Situ versus Ex Situ Conservation."*

Friday, Mar 29, 2013

**Julia Tomassetti**, Baldy Fellow

*"Who is a Worker? FedEx Home Delivery, the Copyright 'Work-for-Hire' Doctrine, and the Status-Contract Contradiction in Employment"*

Friday, Mar 1, 2013

**Kathleen Biddick**, Professor of History, Temple University, and Baldy Fellow

*"Tears of Reign: Big Sovereigns Do Cry"*

Friday, Feb 15, 2013

**Christina Boyd**, Assistant Professor, UB Political Science

*"She'll Settle it? The Effects of Judge Sex on Case Settlement in Federal District Courts"*

Thursday, Feb 7, 2013

**Kathleen Biddick**, Temple University, Baldy Fellow

*"Undeadness of the Tree of Life: Ecological Thought of Sovereignty"*

Friday, Oct 5, 2012

**Nimer Sultany**, Baldy Fellow

*"The Sharia Clause: Islamic Law, Democracy, and Constitutionalism in the Aftermath of the Arab Spring"*

### Book Manuscript Workshops

Monday, Apr 29, 2013

**Ellen Berrey**, Assistant Professor, UB Sociology

*Bottom Line Diversity: Race and Productive Pluralism in the Post-Civil Rights Era*

Commentators: **Khiara Bridges**, Boston University; **Douglas Hartmann**, University of Minnesota;

**Nancy Maclean**, Duke University

### Conferences

May 2-3, 2013

*"Leading the Way: Moving New York State Towards a Public Health & Safety Approach to Drug Policy"*

Hosted by the Drug Policy Alliance of New York; Co-sponsored by the Baldy Center for Law & Social Policy, the Center for Effective Public Policy, the UB Department of Sociology, the UB School of Public Health and Health Professions, the UB Research Institute on Addictions, and the SUNY Buffalo Law School.

April 18-19, 2013

*"The Big Thaw: Sustainability Policy, Governance, and Climate Change in the Circumpolar North"*

This conference brought together experts in science, law, sociology, and other fields to explore the pressing issue of climate change in the arctic. Conference participants deliberated on international, national, and local perceptions of

environmental, cultural, social and economic change in the arctic, interweaving the contexts of policy, legal, local and scientific models.

April 16, 2013

*“Human Rights in the Middle East and Central Africa: Comparisons and Contrasts Between Rwanda and Israel”*

Sponsored by the Alison L. Des Forges Memorial Committee with co-sponsorship from the Baldy Center for Law & Social Policy, the Buffalo Human Rights Center, the UB Gender Institute, Buffalo State College’s Anne Frank Project, and the Western New York Peace Center.

March 8-9, 2013

*“Under the Influence? Interest Groups, Lobbying, and Campaign Finance”*

This conference investigated several crosscutting themes including, but not limited to: the influence of outside money on state and local election contests and legislatures, the impact of the Supreme Court’s recent First Amendment decisions on state authority to regulate state and local campaign spending and lobbying activity, the incentives provided by the tax code for corporate political spending, and the promise and limits of disclosure.

October 19, 2012

*“Intimate Partner Violence: The Ripple Effect of Education, Research, and Advocacy”*

This conference celebrated the 20th Anniversary of SUNY Buffalo Law School’s Women, Children and Social Justice Clinic, and was followed by a symposium to honor the 50th Anniversary of New York State Family Court. This conference brought together scholars, advocates, and members of the judiciary and bar to discuss the remarkable ripple effect of education, research, and advocacy on intimate partner violence and social justice in the local, national, and international arenas.

## V. Publications

### SSRN Buffalo Legal Studies Research Paper Series

The Baldy Center and the SUNY Buffalo Law School co-sponsor an online series of working papers, called the Buffalo Legal Studies Research Paper Series. It is hosted and distributed by SSRN (Social Science Research Network) and provides an international, interdisciplinary audience for the law-related work of UB faculty and visiting scholars. The editors of the Buffalo series are **Errol Meidinger**, Law School, and **Guyora Binder**, Law School.

“Animal Frontiers: A Tale of Three Zoos in Israel/Palestine”

*Cultural Critique, Issue 85, Fall 2013, SUNY Buffalo Legal Studies Research Paper No. 2013-034*

**Irus Braverman**

“The Expanding Spaces of Law: A Timely Legal Geography: An Introduction”

*I. Braverman, N. Blomley, D. Delaney & A. Kedar, The Expanding Spaces of Law: A Timely Legal Geography, Stanford University Press, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-032*

**Irus Braverman , Nicholas Blomley , David P. Delaney and Alexander (Sandy) Kedar**

“Bankruptcy Trusts and Future Claims”

*SUNY Buffalo Legal Studies Research Paper No. 2013-031*

**S. Todd Brown**

“Trademark Morality”

*William & Mary Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-30*

**Mark Bartholomew**

“Uprooted Justice: Transformations of Law and Everyday Life in Northern Thailand”

*Wisconsin International Law Journal, Vol. 29, 2011, SUNY Buffalo Legal Studies Research Paper No. 2013-029*

**David M. Engel**

“Vertical and Horizontal Perspectives on Rights Consciousness”

*Indiana Journal of Global Legal Studies*, Vol. 19, 2012, SUNY Buffalo Legal Studies Research Paper No. 2013-028

**David M. Engel**

“A Study of Animals and Law in the American City”

Law’s Idea of Nature, Keith H. Hirokawa, ed., Cambridge University Press, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-027

**Irus Braverman**

“Appraising 9/11: Just Compensation Dilemmas from the United Airlines Flight 93 Crash Site”

*SUNY Buffalo Legal Studies Research Paper No. 2013-026*

**Mateo Taussig-Rubbo**

“Law Schools Under Siege: The Challenge to Enhance Knowledge, Creativity, and Skill Training”

*38 Ohio N.U. L. Rev.* 855 (2013), *SUNY Buffalo Legal Studies Research Paper No. 2013-025*

**Robert I. Reis**

“Smoke and Mirrors: America Invents Act 2011: A Chill in the Air”

*6 Akron Intell. Prop. J.* 300 (2012), *SUNY Buffalo Legal Studies Research Paper No. 2013-024*

**Robert I. Reis**

“States of Exemption: The Legal and Animal Geographies of American Zoos”

*Environment and Planning A*, Volume 43, pages 1693-1706, 2011, *SUNY Buffalo Legal Studies Research Paper No. 2011-023*

**Irus Braverman**

“Process Failure and Transparency Reform in Local Redistricting”

*Election Law Journal*, Issue 11, Vol. 4 (2012), *SUNY Buffalo Legal Studies Research Paper No. 2013-022*

**Michael Halberstam**

“The Myth of State Autonomy: Federalism, Political Parties, and the National Colonization of State Politics”

*SUNY Buffalo Legal Studies Research Paper No. 2013-21*

**James A. Gardner**

“The Future of the Past: Historic Preservation Easements”

*35 Zoning Law & Practice Report No.10*, November 2012, *SUNY Buffalo Legal Studies Research Paper No. 2013-20*

**Jessica Owley**

“Seeking Justice in Missouri: The Case of The Honorable Barbara T. Peebles”

*SUNY Buffalo Legal Studies Research Paper No. 2013-19*

**Athena Mutua**

“The Laws of Image”

*New England Law Review*, Forthcoming, *SUNY Buffalo Legal Studies Research Paper No. 2013-018*

**Samantha Barbas**

“Transnational Business Governance Interactions: Conceptualization and Framework for Analysis”

*Regulation & Governance*, Forthcoming, *SUNY Buffalo Legal Studies Research Paper No. 2013-017*, *Osgoode CLPE Research Paper No. 29/2012*

**Burkard Eberlein , Kenneth W. Abbott , Julia Black , Errol Meidinger and Stepan Wood**

“Using Community Based Participatory Research to Study the Relationship between Sources and Types of Funding and Mental Health Outcomes for Children Served by the Child Welfare System in Ohio”

*21 J.L. & Pol’y* 113 (2012), *SUNY Buffalo Legal Studies Research Paper No. 2013-015*

**Susan Vivian Mangold , Catherine Cerulli , Gregory Kapcar , Crystal Ward Allen , Kim Kaukeinen and Hua He**

“Legal Tails: Policing American Cities Through Animals”

*Urban Policing, Securitization, and Regulation*, Randy K. Lippert and Kevin Walby, eds., Routledge, 2012, *SUNY Buffalo Legal Studies*



*Research Paper No. 2013-014*

**Irus Braverman**

“Saving Privacy from History”

*DePaul Law Review, Vol. 61, 2012, SUNY Buffalo Legal Studies Research Paper No. 2013-012*

**Samantha Barbas**

“The Sidis Case and the Origins of Modern Privacy Law”

*Columbia Journal of Law & the Arts, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-011*

**Samantha Barbas**

“Dinner Parties During 'Lost Decades': On the Difficulties of Rethinking Financial Markets, Fostering Elite Consensus, and Renewing Political Economy”

*Seattle University Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-010*

**David A. Westbrook**

“Passing the Sniff Test: Police Dogs as Surveillance Technology”

*Buffalo Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-009*

**Irus Braverman**

“Time: An Empirical Analysis of Law Student Time Management Deficiencies”

*University of Cincinnati Law Review, Vol. 81, No. 3, 2013, SUNY Buffalo Legal Studies Research Paper No. 2013-008*

**Christine Bartholomew**

“Mirror, Mirror on the Wall: Stigma and Denial in Social Security Disability Hearings”

*44 Memphis L. Review, 2013, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-007*

**Chris Pashler**

“Exacting Conservation Easements in California”

*Environmental Law News, Vol. 21, No. 1, Winter 2012, SUNY Buffalo Legal Studies Research Paper No. 2013-006*

**Jessica Owley**

“Collaborative Departmentalism”

*SUNY Buffalo Legal Studies Research Paper No. 2013-005, Buffalo Law Review Forthcoming*

**Matthew Steilen**

“Process Failure and Transparency Reform in Local Redistricting”

*SUNY Buffalo Legal Studies Research Paper No. 2013-004*

**Michael Halberstam**

“Who Should Protect the Forest?: Conservation Easements in the Forest Legacy Program”

*33 Public Land and Resources Law Review 2012, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2013-003*

**Jessica Owley and Stephen J. Tulowiecki**

“Neoliberal Land Conservation and Social Justice”

*International Union for Conservation of Nature Academy of Environmental Law e-Journal, 2012, SUNY Buffalo Legal Studies Research Paper No. 2013-002*

**Jessica Owley**

“Rethinking Sustainability to Meet the Climate Change Challenge”

*43 Environmental Law Reporter 10342-10357, SUNY Buffalo Legal Studies Research Paper No. 2013-023, Hofstra Univ. Legal Studies Research Paper No. 13-05, Lewis & Clark Law School Legal Studies Research Paper No. 2013-1*

**Michael Burger, Elizabeth Burleson, Rebecca M. Bratspies, Robin Kundis Craig, Alexandra R. Harrington, Keith H. Hirokawa, Sarah Krakoff, Katrina Fischer Kuh, Stephen R. Miller, Jessica Owley, Patrick A. Parenteau, Melissa Powers, Shannon Roesler and Jonathan D. Rosenbloom**

“Election Law in the American Political System [Table of Contents and Preface only]”

*James A. Gardner & Guy-Uriel E. Charles, ELECTION LAW IN THE AMERICAN POLITICAL SYSTEM, Aspen Publishers, 2012, SUNY Buffalo Legal Studies Research Paper No. 2012-049*

**James A. Gardner and Guy-Uriel E. Charles**