



THE BALDY CENTER
for LAW & SOCIAL POLICY



2013 – 2014

Annual Report

The Baldy Center for Law & Social Policy
SUNY Buffalo Law School
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2013-2014 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 2013 - 2014

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
Veronica Bartikofsky, Events Assistant
Zoë Leach, Research Assistant (until 01/2014)

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

Robert Granfield, “The Meaning of and Challenges to Pro Bono Work in Chinese Lawyering: A Sociological Analysis”

Remla Parthasarathy and **Suzanne Tomkins**, “Identifying and Depicting the Impact of Culture in Intimate Partner Violence Cases”

Jessica Castner, “Complaint-Specific Protocols: Layers of Regulation and Emergency Nurse Scope of Practice”

Samantha Barbas, “The Laws of Image”

Jessica Owley, “Collaborative Conservation Easement Research”

Harvey D. Palmer, “University Affiliations of Supreme Court Justices and Attorneys: How Educational Networks Influence Court Decisions”

Irus Braverman, “Occupying Nature: The Project of Colonial Conservation in Israel/Palestine”

Eiichiro Kazumori, “US Treasury Auctions after the Financial Crisis”

Baldy Fellowships in Interdisciplinary Legal Studies

The Baldy Center continued its fellowship program for scholars pursuing important topics in law, legal institutions, and social policy during the 2013-2014 academic year; four fellowships were awarded.

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 2013-2014 Post-doctoral Fellows were:



Or Bassok studied law at Hebrew University, Yale (JSD), and New York University (Tikvah Scholar), and investigated the role of law politics in constitutional thinking as a Baldy fellow.



Jesse Norris studied sociology at the University of Wisconsin-Madison (Ph.D.), and law at the University of Wisconsin (JD), and investigated alleged entrapment in domestic terrorism prosecutions.



Anna Su obtained a BA from the Ateneo de Manila University, a JD, LLM and SJD from Harvard, and researched international religious law and examining the extraterritoriality of the First Amendment as a Baldy Fellow.



Kaja Tretjak, holds a law degree from the University of California, Berkeley, a B.A. from Columbia University, a Ph.D. in anthropology at the City University of New York, and researched the contemporary resurgence of libertarianism in the U.S.

III. Speakers and Visitors

Distinguished Speaker Series:

Friday, September 20, 2013

Nancy Denton, Professor of Sociology, University at Albany
"Race and Segregation in America: Continuities and Changes"

Friday, October 11, 2013

Randolph Roth, Professor of History and Director of Undergraduate Studies, Ohio State University
"Biology, Psychology, and the Deep History of Homicide"

Wednesday, October 16, 2013

Masayuki Murayama, Leading Japanese Sociologist of Law, Meiji University
"An Informal Conversation with Masayuki Murayama"

Friday, November 8, 2013

Joyce Sterling, Professor of Law, University of Denver, and **Bryant Garth**, Chancellor's Professor of Law, University of California, Irvine

"Data, Polemics, and Panics: The After the JD Project and Legal Education Reform."

Friday, December 6, 2013

Christine Farley, Professor of Law, American University College of Law

"Furthering Interests Abroad: Advancing Trademark Rights in the Americas in the First Decades of the Twentieth Century"

Friday, December 13, 2013

Paul Williams, Haudenosaunee Lawyer

"Understanding the Great Law."

Friday, February 7, 2014

Serena Mayeri, Professor of Law and History, University of Pennsylvania Law School *"Stuck with the Result": Feminist "Stuck with the Result": Feminist Challenges to Illegitimacy Penalties, 1972-1979*

Friday, March 7, 2014

Amy Kapczynski, Associate Professor of Law and Director, Global Health Justice Partnership, Yale Law School

"Order Without Intellectual Property Law? A Case Study in Influenza" Friday, Mar 14, 2014

Friday, March 14, 2014

Eduardo Penalver, Professor of Law, University of Chicago

"Exactions Creep"

Friday, March 28, 2014

David Kennedy, Professor, Harvard Law School

"Law and Global Political Economy"

Wednesday, April 2, 2014

Annelise Riles, Cornell University Law School

"From Comparison to Collaboration: A New Paradigm for Comparative Law and the Anthropology of Law"

Friday, April 11, 2014

Aziz Rana, Associate Professor of Law, Cornell University Law School

"Constitutionalism and the Foundations of the Security State"

Wednesday, April 16, 2014

Guy-Uriel Charles, Charles S. Rhyne Professor of Law, Duke University Law School

"State's Rights, Last Rights, and Voting Rights"

Cosponsored Speakers

Thursday, September 12, 2013

Patrick Bellegarde-Smith, Professor Emeritus, Department of Africology, University of Wisconsin Milwaukee

"Entwined Spirits, Cosmological Truths, and Natural Order: Ideas of the 'Feminine' in Vodou and Cultural Erasures"

Monday, February 19, 2014

Ann Morning, Associate Professor of Sociology, New York University

"The Nature of Race: Investigating Concepts of Human Difference"

Monday, March 31, 2014

Kidada Williams, Department of History, Wayne State University

"If You can, the Colored People Need Help': African Americans and the Vernacular History of Racial Violence"

Thursday, April 3 & Friday, April 4, 2014

Lauren Benton, Silver Professor, Professor of History, Affiliate Professor of Law, New York University
"The Promise of Protection: The Imperial Origins of an International Law Doctrine"

Monday, April 21 & Tuesday, April 22, 2014

Helga Leitner & Eric Sheppard, Professor Geography Department, University of California Los Angeles
Workshop based on *"Provincializing Global Urbanism: A Manifesto"*

IV. Workshops and Conferences

Law Faculty Workshops

Friday, April 4, 2014

Kaja Tretjak, Baldy Center Post-Doctoral Fellow, SUNY Buffalo Law School
"Mobilization Beyond the State: Bitcoin, the P2P Revolution, and the Anti-politics of Intellectual Property"

Friday, April 25, 2014

Anthony O'Rourke, Associate Professor of Law, SUNY Buffalo Law School

Research Development Workshops

Friday, October 18, 2013

Or Bassok, Baldy Center Post-Doctoral Fellow, SUNY Buffalo Law School
"The Court Cannot Hold"

Book Manuscript Workshops

Friday, September 13, 2013 **Toni Pressley-Sanon**, Transnational Studies

Istwa: Haitian History, Memory, and the Cultural Imagination

Commentators: Patrick Bellegarde Smith, LeGrace Benson

Friday, December 6, 2013 **Irus Braverman**, Law

*Wild Life: The Nature of *In Situ *and *Ex Situ* Conservation*

Commentators: Carrie Friese, Jame Igoe, Jamie Lorimer, Michael Smith

Conferences

September 19-20, 2013

"Workshop on Race, Space, and Exclusion"

This workshop focused on persistent and more recent, innovative spatial forms of racial exclusion in contemporary metropolises. The purpose of the workshop was to examine the connections between longstanding spatial mechanisms of racial exclusion and indirect, elusive spatial practices that have emerged in recent decades. The organizers plan to produce a publication that examines how different theoretical assumptions, approaches, and methods intersect, overlap and feed into each other to advance the understanding of racial exclusion and the consequences for urban minorities.

October 3-4, 2013

"The Great Lakes Futures Project: Policy Pathways Toward a Socio-Ecologically Sustainable Future for the Great Lakes-St. Lawrence River Basin"

This conference reviewed the policy and governance implications of recommendations developed by an international, interdisciplinary research network of 16 Canadian and U.S. institutions. The goal of the project is to clarify the key drivers and threats to long term flourishing in the Great Lakes Region.

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.

“Death by Daubert: The Continued Attack on Private Antitrust”

35 Cardozo Law Review 2147 (2014), *SUNY Buffalo Legal Studies Research Paper No. 2014-002*

Christine P. Bartholomew

“Intellectual Property’s Lessons for Information Privacy”

Nebraska Law Review, Vol. 92, pp. 746-798, 2014, *SUNY Buffalo Legal Studies Research Paper No. 2014-029*

Mark Bartholomew

“The Israeli Supreme Court’s Mythical Image – A Death of a Thousand Sound Bites”

23 Michigan State University Journal of International Law 39 (2014), *SUNY Buffalo Legal Studies Research Paper No. 2014-030*

Or Bassok

“Constitutional Law: A Language of Expertise?”

Georgetown Law Journal Online (Forthcoming), *SUNY Buffalo Legal Studies Research Paper No. 2014-026*

Or Bassok

“The Court Cannot Hold”

Journal of Law and Politics, Vol. 30, 2014, *SUNY Buffalo Legal Studies Research Paper No. 2014-023*

Or Bassok

“Foundations of the Legislative Panopticon: Bentham's Principles of Morals and Legislation”

SUNY Buffalo Legal Studies Research Paper No. 2014-011

Guyora Binder

“Zooland: The Institution of Captivity”

Zooland: The Institution of Captivity, Stanford University Press, 2012, *SUNY Buffalo Legal Studies Research Paper No. 2013-038*

Irus Braverman

“Zooveillance: Foucault Goes To The Zoo”

Surveillance & Society 10(2): 119-133, *SUNY Buffalo Legal Studies Research Paper No. 2013-047*

Irus Braverman

“Animal Mobilelegalities: The Regulation of Animal Movement in the American City”

Humanimalia 5(1): 104-135, *SUNY Buffalo Legal Studies Research Paper No. 2014-001*

Irus Braverman

“Conservation without Nature: The Trouble with In Situ versus Ex Situ Conservation”

Geoforum 51 (2014) 47–57, *Forthcoming*, *SUNY Buffalo Legal Studies Research Paper No. 2014-005*,

Irus Braverman

“Good Night, Zoo: A Children's Guide to Humanimal Spaces”

Virtual and Ideal Worlds Part II, Ulrich Gehmann and Martin Reiche (eds.), Columbia University Press, *Forthcoming*, *SUNY Buffalo Legal Studies Research Paper No. 2014-012*

Irus Braverman

“Captive for Life: Conserving Extinct in the Wild Species Through Ex Situ Breeding”

The Ethics of Captivity, Lori Gruen (ed.), ISBN: 9780199978007 (Oxford University Press 2014), pp. 132-212, *SUNY Buffalo Legal Studies Research Paper No. 2014-028*

Irus Braverman

“Governing the Wild: Databases, Algorithms, and Population Management as Biopolitics”
Surveillance & Society 12(1): 15-37, 2014, *SUNY Buffalo Legal Studies Research Paper No. 2014-019*
Irus Braverman

“Wage-Setting Institutions and Corporate Governance”
SUNY Buffalo Legal Studies Research Paper No. 2014-017
Matthew Dimick and Neel Rao

“Perception and Decision at the Threshold of Tort Law: Explaining the Infrequency of Claims”
62 DePaul L. Rev. 187 (2012) , *SUNY Buffalo Legal Studies Research Paper No. 2013-045*
David M. Engel

“Autonomy and Isomorphism: The Unfulfilled Promise of Structural Autonomy in American State Constitutions”
60 Wayne Law Review 31, *SUNY Buffalo Legal Studies Research Paper No. 2014-016*
James A. Gardner

“Partitioning and Rights: The U.S. Supreme Court’s Accidental Jurisprudence of Democratic Process”
SUNY Buffalo Legal Studies Research Paper No. 2014-013
James A. Gardner

“Business Lobbying as an Informational Public Good: Can Tax Deductions for Lobbying Expenses Promote Transparency?”
13 Election Law Journal 91 (2014)
Michael Halberstam and Stuart Lazar

“In This, the Winter of Our Discontent: Legal Practice, Legal Education, and the Culture of Distrust”
62 Buf. L. Rev. 659 (2014). , *SUNY Buffalo Legal Studies Research Paper No. 2014-004, Loyola University Chicago School of Law Research Paper No. 2013-020*
Alfred S. Konefsky and Barry Sullivan

“The Immigrant and Miranda”
Southern Methodist University Law Review, Vol. 66, No. 277, 2013, *SUNY Buffalo Legal Studies Research Paper No. 2014-021*
Anjana Malhotra

“Flexibility Matters: The Impact of Title IV-E Waivers and Local Levies on Outcomes for Children in Foster Care”
SUNY Buffalo Law School and Public Children Services Association of Ohio (PCSAO)
Susan Vivian Mangold and Crystal Ward Allen

“How Money for Legal Scholarship Disadvantages Feminism”
SUNY Buffalo Legal Studies Research Paper No. 2014-014
Martha T. McCluskey

“Legal Education in Crisis, and Why Law Libraries are Doomed”
SUNY Buffalo Legal Studies Research Paper No. 2014-015
James G. Milles

“Mitigating the Impacts of the Renewable Energy Gold Rush”
Minnesota Journal of Law, Science & Technology, *Forthcoming*, *SUNY Buffalo Legal Studies Research Paper No. 2014-008*
Amy Wilson Morris and Jessica Owley

“Green Siting for Green Energy”
5 J. Energy & Envtl L. 17, *SUNY Buffalo Legal Studies Research Paper No. 2014-007*
Amy Wilson Morris , Jessica Owley and Emily Capello

“Distinctive Identity Claims in Federal Systems: Judicial Policing of Subnational Variance”
SUNY Buffalo Legal Studies Paper No. 2014-018
Antoni Abat i Ninet & James A. Gardner

“Extrajudicial Detentions and the Speedy Trial Right: Reflections on the United States v. Ghailani”

SUNY Buffalo Legal Studies Research Paper No. 2014-027

Anthony O'Rourke

“Windsor Beyond Marriage: Due Process, Equality, and Undocumented Immigration”

William & Mary Law Review, Vol. 55, 2014, SUNY Buffalo Legal Studies Research Paper No. 2014-010

Anthony O'Rourke

“From Citizen Suits to Conservation Easements: The Increasing Private Role in Public Permit Enforcement”

43 Envtl L. Rep. News & Analysis 10406 (2013), SUNY Buffalo Legal Studies Research Paper No. 2013-042

Jessica Owley

“Property Constructs and Nature's Challenge to Perpetuity”

Environmental Law and Contrasting Ideas of Nature: A Constructivist Approach (Keith Hirokawa ed.) Cambridge University Press, 2013, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2014-006

Jessica Owley

“The Increasing Privatization of Environmental Permitting”

Akron Law Review, Vol. 46, p. 1091, 2013, SUNY Buffalo Legal Studies Research Paper No. 2014-009

Jessica Owley

“What Exactly are Exactions?”

New York Environmental Lawyer (Spring 2013), SUNY Buffalo Legal Studies Research Paper No. 2014-003

Jessica Owley

“Sustainability Thinking for the Climate Change Generation”

Rethinking Sustainability to Meet the Climate Change Challenge, (K. Hirokawa & J. Owley eds., ELI Press 2015, forthcoming), SUNY Buffalo Legal Studies Research Paper No. 2014-033

Jessica Owley

“The Law is Made of Stories: Erasing the False Dichotomy between Stories and Legal Rules”

Legal Comm. & Rhetoric: JALWD, vol. 11 (Fall 2014, forthcoming), SUNY Buffalo Legal Studies Research Paper No. 2014-31

Stephen Paskey

“Adapting Conservation Easement to Climate Change”

Conservation Letters, 2014, SUNY Buffalo Legal Studies Research Paper No. 2014-022

Adena R. Rissman, Jessica Owley, Barton H. Thompson Jr. & Rebecca Shaw

“Judicial Review and Non-Enforcement at the Founding”

University of Pennsylvania Journal of Constitutional Law, vol. 17, p. 479, November 2014, SUNY Buffalo Legal Studies Research Paper No. 2014-020

Matthew J. Steilen

“Speech Beyond Borders: Extraterritoriality and the First Amendment”

67 Vanderbilt Law Review 1373 (2014), SUNY Buffalo Legal Studies Research Paper No. 2014-025

Anna Su

“Book Review: Separation Anxiety: The End of American Religious Freedom?”

Constitutional Commentary, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2014-018

Anna Su

“Urban Politics and the Assimilation of Immigrant Voters”

William & Mary Bill of Rights, Vol. 21, No. 2, 2012, SUNY Buffalo Legal Studies Research Paper No. 2013-049

Rick Su