2013-2014 Annual Report

Baldy Center for Law & Social Policy

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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

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 Treassury 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 (JS), and New York University (Tikvah Scholar), and investigated the role of low 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 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, 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"

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**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”
Christine P. Bartholomew

“Intellectual Property’s Lessons for Information Privacy”
Mark Bartholomew

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

“Foundations of the Legislative Panopticon: Bentham’s Principles of Morals and Legislation”
Guyora Binder

“Zooland: The Institution of Captivity”
Irus Braverman

“Zooveillance: Foucault Goes To The Zoo”
Irus Braverman

“Animal Mobilegalities: The Regulation of Animal Movement in the American City”
Irus Braverman

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

“Good Night, Zoo: A Children’s Guide to Humanimal Spaces”
Irus Braverman

“Captive for Life: Conserving Extinct in the Wild Species Through Ex Situ Breeding”
Irus Braverman
“Governing the Wild: Databases, Algorithms, and Population Management as Biopolitics”
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”
David M. Engel

“Autonomy and Isomorphism: The Unfulfilled Promise of Structural Autonomy in American State Constitutions”
James A. Gardner

“Partitioning and Rights: The U.S. Supreme Court’s Accidental Jurisprudence of Democratic Process”
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”
Alfred S. Konfsky and Barry Sullivan

“The Immigrant and Miranda”
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”
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”
Anthony O'Rourke

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

“Property Constructs and Nature's Challenge to Perpetuity”
Jessica Owley

“The Increasing Privatization of Environmental Permitting”
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”
Jessica Owley

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

“Adapting Conservation Easement to Climate Change”
Adena R. Rissman, Jessica Owley, Barton H. Thompson Jr. & Rebecca Shaw

“Judicial Review and Non-Enforcement at the Founding”
Matthew J. Steilen

“Speech Beyond Borders: Extraterritoriality and the First Amendment”
Anna Su

Anna Su

“Urban Politics and the Assimilation of Immigrant Voters”
Rick Su