



THE BALDY CENTER
for LAW & SOCIAL POLICY



2014 – 2015

Annual Report

The Baldy Center for Law & Social Policy
SUNY Buffalo Law School
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2014-2015 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 2014 - 2015

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
Candace Morrison, Research Assistant

Baldy Center Technical Team

Micheal Masset, Print Designer
Jeffrey Till, Web Programmer

II. Research Support and Fellowships

Baldy Center Research Grants

Sharmistha Bagchi-Sen, “University-Industry-Government Interaction in Bioenergy Translational Research”
Anya Bernstein, “Agency Statutory Interpretation: Preliminary Research”
Michael Boucai, “Glorious Precedents: When Gay Marriage Was Radical”
Irus Braverman, “Corals and Bombs: Military-to-Wildlife in Vieques, Puerto Rico”
Matthew Dimick, “Law, Labor, and the Politics of Inequality”
Sarah M. Elder, “Surviving Arctic Climate Change”, Film Editing Phase to Secure External funding”
Jaume Franquesa, “Energy policy, sustainability and austerity: Renewable energy and energy transition in Spain”
James A. Gardner, “Intergovernmental Contestation in Federal Systems”
Christopher Mele, “Implications of Neoliberal Urban Policy to Environmental Justice”
Kelly Patterson (PI); Robert Silverman and Li Yin (co-PIs), “Anchor Institutions and Neighborhood Revitalization Policy: The Use of Linked Development Agreements (DAs) and Community Benefit Agreements (CBAs) in Shrinking Cities”
Deborah Waldrop, “Policy Practice at Life's End: Exploring the Outcomes of Advance Care Planning”

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 2014-2015 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:



Yun-Ru Chen is a 2013 graduate of Harvard Law School's Doctor of Juridical Science (SJD) program and a Research Fellow (2013-2014) of the Institute for Global Law and Policy, her research focuses on the construction of family law and market law starting from 19th century Germany and Japan, and all the way to early 20th century Taiwan.



Laura R. Ford completed a PhD in Sociology at Cornell University (2014), earned an LLM in Intellectual Property Law and Policy from University of Washington Law School (2006), and a JD from Tulane Law School (2000). Her historical and comparative dissertation traces the emergence and expansion of intellectual property.



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.



Natasha Tusikov received her Ph.D. in Sociology from the Regulatory Institutions Network at the Australian National University. Her research examines the power of corporate actors to shape norms toward and the use of particular technologies, and control over essential Internet services

III. Speakers and Visitors

Distinguished Speaker Series:

Friday, September 5, 2014

Aziz Huq, Professor of Law and Herbert and Marjorie Fried Teaching Scholar
University of Chicago
"The Architecture of Constitutional Remedies"

Friday, October 17, 2014

Greg Shaffer, Law School, University of California Irvine School of Law
"The World Trade Organization and India: State Transformation and the Role and Relative Rise of Lawyers ... Or?"

Friday, November 7, 2014

Simon Singer, Professor of Criminology and Criminal Justice, Northeastern University
"America's Safest City"

Friday, February 13, 2015

Bernard Harcourt, Professor of Law, Columbia Law School
"The Expository Society: Spectacle, Surveillance, and Exhibition in the Digital Age"

Friday, April 17, 2015

Leti Volpp, Robert D. and Leslie Kay Raven Professor of Law in Access to Justice, UC Berkeley Law
"The Indigenous as Alien"

Monday, May 11, 2015

Carol Greenhouse, Arthur W. Marks Professor and Chair, Department of Anthropology, Princeton University
"Citizens United, Citizens Divided"

Cosponsored Speakers

Monday, September 29, 2014

Luc Foisneau, Director of Research French National Center for Scientific Research (CNRS)
"Against Reason of State and Political Theology: Early Modern Arguments"

Tuesday, September 30, 2014

Julia Minich, Assistant Professor of English University of Texas at Austin
"Aztlán Unprotected: Reading Gil Cuadros in the Aftermath of a Pandemic"

Wednesday, November 5, 2014

Osagie Obasogie, Professor of Law University of California, Hastings
"Blinded by Sight: Seeing Race Through the Eyes of the Blind"

Friday, April 10, 2015

Joseph W. Belluck, SUNY Trustee, Belluck & Fox
"Making the Mindful Citizen: Higher Education's Role in Cultivating the Essential Values for 21st-Century Citizenship"

Wednesday, April 15, 2015

Joy Calico, Associate Professor of Musicology; Director, Max Kade Center for European and German Studies, Vanderbilt University
"Cultural Mobility, Music, and Holocaust Commemoration: Arnold Schoenberg's 'A Survivor from Warsaw' in Postwar Europe"

Friday, April 24, 2015

John Osburg, Assistant Professor, Department of Anthropology, University of Rochester
"Elite Networks and the Moral Economy of Corruption in Contemporary China"

Work in Progress Speaker

Wednesday, November 12, 2014

Gywnn Thomas, Associate Professor, Department of Transnational Studies, University at Buffalo Department of Transnational Studies

"Challenging Gender Inequality within the State: Policy Agencies and Quota Laws in Latin America"

Monday, December 8, 2014

Errol Meidinger, Margaret W. Wong Professor; Director, Baldy Center for Law and Social Policy, SUNY Buffalo Law School

"The Changing Roles of Corporations in Global Human Rights Governance"

IV. Workshops and Conferences

Book Launch

Tuesday, September 16, 2014

Rebecca Redwood French & Mark Nathan

"Buddhism and Law: An Introduction"

Book Manuscript Workshops

Friday, December 6, 2013

Jennifer Gaynor, UB Department of History

"Intertidal History, Submerged Genealogy, and the Legacy of Coastal Capture in Island Southeast Asia"

Commentators: Barbara Watson Andaya (University of Hawaii), Eric Tagliacozzo (Cornell University), Kerry Ward (Rice University)

Conferences

June 13-24, 2014

"Vulnerability, Resilience, and Public Responsibility for Social and Economic Justice"

This workshop sought to use the vulnerability lens to explore insights and create opportunities that might develop the concepts and vocabulary to allow us to confront foundational neoliberal assumptions and move to a paradigm that emphasizes the universality, constancy, and inevitability of human dependency and vulnerability.

September 11-12, 2014

"More-than-Human Legalities: Advocating an Animal Turn in Law"

While nonhuman forms of life render many legal operations—in fact, law's very existence as such—possible, legal norms and systems also constitute nonhuman life and render it meaningful in a variety of ways. Up until now, however, scholars have relegated the legal investigation of nonhuman life, and of the animal question in particular, to the typically reformist discourse of animal rights. Within this discourse, legal rights extend to certain nonhuman animals through the same liberal framework that has afforded human rights before it. This interdisciplinary workshop proposed a new subject of inquiry: more-than-human legalities. It urged scholars from a variety of backgrounds and disciplinary orientations to envision what legal frameworks that move beyond the humanistic perspective might look like.

October 10-11, 2014

"Opportunities for Law's Intellectual History"

The goal of this conference was to explore the possibility that methods and materials of intellectual history might be used to shed light on topics related to law that are not traditionally associated with the field of intellectual history. We chose four topics for discussion: bureaucracy, capitalism and risk, doctrine, and popular culture. These topics were not been selected because they are matters of current academic concern on the part of legal historians; rather, we chose them in large part because they are not.

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.

“A Response to the IPCC Fifth Assessment”

Environmental Law Reporter, Vol. 45, No. 1, 2015

Sarah Adams-Schoen, **Deepa Badrinarayana**, **Cinnamon Piñon Carlarne**, **Robin Kundis Craig**, **John C. Dernbach**, **Keith H. Hirokawa**, **Alexandra B. Klass**, **Katrina Fischer Kuh**, **Stephen R. Miller**, **Jessica Owley**, **Shannon Roesler**, **Jonathan D. Rosenbloom**, **Inara K. Scott** and **David Takacs**

“When Privacy Almost Won: *Time, Inc. v. Hill* (1967)”

University of Pennsylvania Journal of Constitutional Law, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2015-025

Samantha Barbas

“Saving Charitable Settlements”

Fordham Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2014-037

Christine P. Bartholomew

“Redefining Prey and Predator in Class Actions”

Brooklyn Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper Paper No. 2014-038

Christine P. Bartholomew

“On Hegel, on Slavery, But Not on My Head”

Cardozo Law Review, Vol. 11, p. 563, 1989-1990, SUNY Buffalo Legal Studies Research Paper No. 1989-103

Guyora Binder

“Homicide”

Chapter 31 in *The Oxford Handbook of Criminal Law*, Marcus Dubber and Tatjana Hörnle Eds., ISBN 978-0-19-967359-9, SUNY Buffalo Legal Studies Research Paper No. 2015-012,

Guyora Binder

“Glorious Precedents: When Gay Marriage Was Radical”

Yale Journal of Law & the Humanities -- 27 *Yale J. L. & Hum.* 1 (2015), SUNY Buffalo Legal Studies Research Paper No. 2015-014

Michael Boucai

“Sexual Liberty and Same-Sex Marriage: An Argument from Bisexuality”

San Diego Law Review, Vol. 49, No. 2, 2012, SUNY Buffalo Legal Studies Research Paper No. 2012-052

Michael Boucai

“Balancing Your Strengths Against Your Felonies: Considerations for Military Recruitment of Ex-Offenders”

University of Miami Law Review, Vol. 61, No. 4, 2007, SUNY Buffalo Legal Studies Research Paper No. 2007-101

Michael Boucai

“The Story of Prudential Standing”

Hastings Constitutional Law Quarterly, Vol. 42, No. 1, 2014, SUNY Buffalo Legal Studies Research Paper No. 2015-10

S. Todd Brown

“En-Listing Life: Red is the Color of the Threatened Species List”

"Critical Animal Geographies", Routledge/Earthscan; Rosemarie Collard and Kathryn Gillespie (eds.) (Forthcoming), SUNY Buffalo Legal Studies Research Paper No. 2015-001

Irus Braverman

“Rights of Passage: On Doors, Technology, and the Fourth Amendment”

Law, Culture and the Humanities, 2015, DOI: 10.1177/1743872114520893 , SUNY Buffalo Legal Studies Research Paper No. 2015-017

Irus Braverman

“Introduction to 'Wild Life: The Institution of Nature”

Introduction to "Wild Life: The Institution of Nature," Stanford University Press, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2015-018

Irus Braverman

“The Altruistic Rich? Inequality and Other-Regarding Preferences for Redistribution”

APSA 2014 Annual Meeting Paper, SUNY Buffalo Legal Studies Research Paper No. 2014-034

Matthew Dimick , David Rueda and Daniel Stegmuller

“Prerogative, Nationalized: The Social Formation of Intellectual Property”

Forthcoming in The Journal of the Patent and Trademark Office Society, Volume 97, Issue 2 (June 2015) , SUNY Buffalo Legal Studies Research Paper No. 2015-023

Laura R. Ford

“What Is Buddhist Law?”

Buffalo Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2015-022

Rebecca French

“Beyond Transparency: Rethinking Election Reform from an Open Government Perspective”

39 Seattle University Law Review (March 2015, Forthcoming), SUNY Buffalo Legal Studies Research Paper No. 2015-021

Michael Halberstam

“The American Advantage in Civil Procedure? An Autopsy of the Deutsche Telekom Litigation”

SUNY Buffalo Legal Studies Research Paper No. 2015-021, Connecticut Law Review, Forthcoming

Michael Halberstam

“End the Popularity Contest: A Proposal for Second Amendment 'Type of Weapon' Analysis”

Tennessee Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2015-005

Cody James Jacobs

“If Corporations Are People, Why Can't They Play 'Tag'?”

New Mexico Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2015-015

Cody James Jacobs

“Putting 'Human Rights' Back into the UN Guiding Principles on Business and Human Rights: Shifting Frames and Embedding Participation Rights”

Business and Human Rights: Beyond the Beginning (Cesar Rodriguez-Garavito ed. 2014), SUNY Buffalo Legal Studies Research Paper No. 2014-032

Tara J. Melish

“Foreword - Stuck: Fictions, Failures and Market Talk as Race Talk”

45 Sw. L. Rev. (2014 Forthcoming) , ClassCrits VI Symposium: Stuck in Forward: Debt, Austerity and the Possibilities of the Political., SUNY Buffalo Legal Studies Research Paper No. 2015-004

Athena Mutua

“Disparity in Judicial Misconduct Cases: Color-Blind Diversity?”

American University Journal of Gender, Social Policy & the Law, Vol. 23, No. 1, 2014, SUNY Buffalo Legal Studies Research Paper No. 2015-011

Athena Mutua

“What is the Future of Transitional Justice?”

International Journal of Transitional Justice, 2015, 9, 1-9, SUNY Buffalo Legal Studies Research Paper No. 2015-016

Makau W. Mutua

“Statutory Constraints and Constitutional Decisionmaking”

Wisconsin Law Review, Vol. 2015, No. 1, 2015, SUNY Buffalo Legal Studies Research Paper No. 2015-006

Anthony O'Rourke

“Preservation Is a Flawed Mitigation Strategy”

42 Ecology Law Currents 2015, SUNY Buffalo Legal Studies Research Paper No. 2015-008

Jessica Owley

“From Vacant Lots to Full Pantries: Urban Agriculture Programs and the American City”

University of Detroit Mercy Law Review, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2014-035

Jessica Owley and Tonya Lewis

“Symbolic Politics for Disempowered Communities: State Environmental Justice Policies”

Brigham Young University Journal of Public Law, 2014, SUNY Buffalo Legal Studies Research Paper No. 2014-036

Tonya Lewis and Jessica Owley

“Bills of Attainder”

SUNY Buffalo Legal Studies Research Paper No. 2015-024

Matthew J. Steilen

“A Legislative and Political History of ERISA Preemption, Part 4: The 'Deemer' Clause”

Journal of Pension Benefits, Vol. 22, No. 1, Autumn 2014, SUNY Buffalo Legal Studies Research Paper No. 2015-019

James A. Wooten

“Reflection on ERISA Claims Administration and the Exhaustion Requirement”

6 Drexel L. Rev. 573 (2013-2014) [Published Fall 2014], SUNY Buffalo Legal Studies Research Paper No. 2015-020

James A. Wooten