



University at Buffalo

The Baldy Center
for Law & Social Policy

The State University of New York

ANNUAL REPORT: 2018-2019

The Baldy Center for Law & Social Policy
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2018-2019 Annual Report

Baldy Center for Law and Social Policy

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I. Center Overview

History

Created 40 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 2018-2019

Anya Bernstein (Law)
Matthew Dimick (Law)
Trina Hamilton (Geography)
Erin Hatton (Sociology)
Rachael Hinkle (Political Science)
Jonathan Manes (Law)
Matteo Taussig-Rubbo (Law)

Baldy Center Staff

Errol Meidinger, Director
Laura Wirth, Assistant Director
Amy Hothow, Technical Accounting
Caitlin McIntyre, Research Assistant
Matthew McLeskey, Research Assistant
Yaqi Yuan (Sam), Research Assistant

Baldy Center Technical Team

Michael Massett, Print Designer
Debra Kolodczak, Web Designer

II. Research Support and Fellowships

Faculty Research Grants

Ana Mariella Bacigalupo, Anthropology:

Shamanic Justice and International Human Rights in Chile: Judge Karen Atala's Transformative Vision and her LGBT Rights Child Custody Case

Samantha Barbas, School of Law:

A Biography of Morris Ernst, Civil Liberties Pioneer

Ashley Barr and Mary Nell Trautner, Sociology:

Juvenile Offending and Childhood Determinism: A Mixed Methods Approach

Mark Bartholomew, School of Law:

The Law of Advertising Outrage

Irus Braverman, School of Law:

The Nature of Occupation Nature Reserves, Law, and Militarism in the Occupied Palestinian Territories

Hanna Grol-Prokopczyk, Sociology:

Decision-Making in Terrorism Sting Operations

Walter N. Hakala, English and Asian Studies Program:

Imperial Legitimation and the Vernacular Public Text in South Asia

Nicole Hallett, School of Law:

Transnational Education and Organizing in the Context of U.S. Agricultural Guest Worker Programs

Elena McLean, Political Science:

Aid for the Environment: Measuring the Impact of Multilateral Aid on Environmental Policies and Outcomes

Christopher Mele, Sociology:

Art-based Community Development: Challenges to Urban Policy

Jessica Owley, School of Law:

Pesticides and Private Governance

Rebecca Redwood French, School of Law and Anthropology:

The Law Codes of the Dalai Lamas, Annotated and with Cases by a Tibetan Official, Kungo-la Thupten Sangye

Deborah Reed-Danahay, Anthropology:

Ambiguities of Belonging: The French in London Before and After Brexit

Sarah Robert, Learning and Instruction:

School Food Policies=What equity? A Global Critique

Joanne Song McLaughlin, Economics:

Older Women's Intersectional Discrimination and State Employment Discrimination Laws

Jessica Su, Sociology:

Labor Market Conditions and Unintended Pregnancy

Deborah Waldrop, School of Social Work:

Helping Families: Do Facilitated Advanced Care Planning Conversations Make a Difference?

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 2018-2019 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 2018-2019 Senior Fellows were:



[Werner Reutter](#) is a research fellow of political science at the Humboldt-University of Berlin. As a senior fellow at the Baldy Center, he researched how decisions of a German subnational constitutional court and an American state supreme court infringe on the competencies of state legislatures.



[Nancy Marder](#) is Professor of Law at IIT Chicago-Kent College of Law, where she also serves as the Director of the Justice John Paul Stevens Jury Center and Co-Director of the Institute for Law and the Humanities. While at the Baldy Center, she completed revisions on her book, *The Power of the Jury: Transforming Citizens into Jurors*, which examines how every stage of the jury process -- from voir dire to post-verdict interview-- helps to transform ordinary citizens into responsible jurors.

The 2018-2019 Postdoctoral Fellows were:



[Daniel Platt](#), 2018-2020 Fellow, earned his Ph.D. in American Studies at Brown University. His research reconsiders the growth of household credit in the American economy during the late nineteenth and early twentieth centuries by focusing on legal contests over the rights of debtors and creditors. At the Baldy Center, Daniel is revising his book manuscript, tentatively titled *Governing Credit from the Age of Emancipation to the Keynesian Turn*.



[Amanda Hughett](#), 2017-2019 Fellow, completed a PhD in History at Duke University. At the Baldy Center, she has been revising her dissertation into a book manuscript tentatively titled *Silencing the Cell Block: The Making of Modern Prison Policy in North Carolina and the Nation*. Amanda was awarded the 2018 Law and Society Association's Dissertation Prize.



[David McNamee](#), 2017-2019 Fellow, came to the Baldy Center after receiving a J.D. from Yale Law School, and while completing a PhD in Politics at Princeton University. At the Baldy Center, David has continued his research on citizens' responsibility to interpret the Constitution when they occupy the voting booth, the jury box, and other civic roles.

III. Speakers and Visitors

Distinguished Speaker Series

September 28, 2018

[Daniel Markovits](#), Guido Calabresi Professor of Law, Yale Law School.

"The Meritocracy Trap"

October 12, 2018

[Michael Storper](#), Distinguished Professor of Regional and International Development in Urban Planning, and Director of Global Public Affairs, UCLA Luskin School of Public Affairs.

"Regional Innovation Transitions"

November 9, 2018

[John Braithwaite](#), Distinguished Professor, The Australian National University. UB School of Law's annual Mitchell Lecture Series and the Baldy Center's 40th Anniversary Lecture.

"Tempered Power, Variegated Capitalism, Law and Society"

November 30, 2018

[Saule Omarova](#), Professor of Law, Cornell Law School.

“*New Tech v. New Deal: Fintech as a Systemic Phenomenon*”

February 22, 2019

[Catherine Fisk](#), Barbara Nachtrieb Armstrong Professor of Law, Berkeley Law School.

“*Lawyers, Labor Protest, and the First Amendment in the Mid-Twentieth Century*”

March 1, 2019

[András Sajó](#), former Judge on the European Court of Human Rights (2008-2017) and Professor at Central European University.

“*Human Rights in a Closing World*”

March 8, 2019

[Cristina Bicchieri](#), S.J.P. Harvie Professor of Social Thought and Comparative Ethics at the University of Pennsylvania.

“*Social Proximity and the Evolution of Norm Compliance*”

March 29, 2019

[Matthew D. Adler](#), Richard A. Horvitz Professor of Law and Professor of Economics, Philosophy and Public Policy, Duke University.

“*Measuring Social Welfare: Beyond Cost-Benefit Analysis*”

May 3, 2019

[John J. Donohue III](#), C. Wendell and Edith M. Carlsmith Professor of Law, Stanford Law School.

“*Right-to-Carry Laws and Violent Crime*”

Co-Sponsored Events

September 13, 2018

[Heather Ann Thompson](#), Professor of History, University of Michigan. Discussion of her Pulitzer-Prize-winning book, *Blood in the Water: The Attica Prison Uprising of 1971 and its Legacy* (2016).

Co-sponsored with the Robert H. Jackson Center.

November 5, 2018

“[Law and Gender Violence: A Global Perspective.](#)” A mini-conference co-sponsored with the UB Department of Global Gender and Sexuality Studies and the UB Gender Institute.

November 8, 2018

[Nial Diamant](#), Professor of Asian Law and Society, Dickinson College. “Disciplinary Nomadicism: Observations on Researching Messy History, Law, and Society in 20th Century China.” Co-sponsored with the UB Department of History, Center for Disability Studies, and the School of Social Work.

April 10, 2019

[Alison L. Des Forges Memorial Symposium](#): “Climate Change and Africa: Impacts and Responses.”

Co-sponsored with the Alison Des Forges Memorial Committee and UB sponsors.

May 10, 2019

[Steven Boucher](#), Senior Research Fellow at the University of Massachusetts, Amherst. “Financing Legal Education through Student Loans: Implications on Debt and Career Choice.” Co-sponsored with the UB Department of Sociology.

IV. Conferences and Workshops

Book Manuscript Workshops

April 5, 2019

[Laura Ford](#), Assistant Professor of Sociology, Bard College and Baldy Post-Doctoral Fellow, 2014-2016. *The Intellectual Property of Nations: Sociological and Historical Perspectives on a Modern Legal Institution*. Commentators: Philip Gorski (Yale University), Damon Mayrl (Colby College), Mark Bartholomew (UB School of Law).

Conferences

September 21-22, 2018

“[Addiction as a Chronic Illness? Promises and Perils of a New Drug Policy Paradigm.](#)” Organized by UB Associate Professor of History David Herzberg, and Nils Kessel, Professor of History of Life and Health Sciences at the Université de Strasbourg.

November 10, 2018

“[Tempering Power.](#)” Baldy Center’s 40th Anniversary Conference. Papers presented at this conference will be collated in a special issue of *Buffalo Law Review*.

February 7-8, 2019

“[Environmental Justice in the Occupied Palestinian West Bank.](#)” Organized by UB Professor of Law Irus Braverman.

April 11-12, 2019

“[From Protest to Politics: Women’s Movements and Strengthening Democracy.](#)” Organized by UB Associate Professor and Chair of Global Gender and Sexuality Studies, Gwynn Thomas.

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 editor of the series is Errol Meidinger, UB School of Law.

“E-Notice”

Duke Law Journal, Vol. 68, No. 2, 2018, University at Buffalo School of Law Legal Studies Research Paper No. 2018-013

[Christine Bartholomew](#)

“Neuromarks”

University at Buffalo School of Law Legal Studies Research Paper No. 2017-020, *Minnesota Law Review*, vol. 103, pp. 521-585, 2018

[Mark Bartholomew](#)

“Democratizing Interpretation”

William & Mary Law Review, Forthcoming, University at Buffalo School of Law Legal Studies Research Paper No. 2018-021

[Anya Bernstein](#)

“Unusual: The Death Penalty for Inadvertent Killing”

93 Indiana Law Journal 549 (2018), University at Buffalo School of Law Legal Studies Research Paper No. 2018-012

[Guyora Binder](#), [Brenner Fissell](#) and [Robert Weisberg](#)

“The Puzzle of Inciting Suicide”

56 American Criminal Law Review 65 (2019), University at Buffalo School of Law Legal Studies Research Paper No. 2017-025

[Guyora Binder](#) and [Luis E. Chiesa](#)

“Mashber Bi-Tfisat Shimur Ha-Tevah (The Crisis of Conservation)”

Van Leer’s HaZman Ha-Ze Magazine: Haaretz, 2018, University at Buffalo School of Law Legal Studies Research Paper No. 2018-011

[Irus Braverman](#)

“Living on Coral Time: Debating Conservation in the Anthropocene”

Irus Braverman (2019). *Living on Coral Time: Debating Conservation in the Anthropocene*. *Environment & Society Portal*, Arcadia (Spring 2019), No. 1. Rachel Carson Center for Environment and Society., University at Buffalo School of Law Legal Studies Research Paper No. 2018-011

[Irus Braverman](#)

“Introduction: Coral Whisperers”

In Coral Whisperers: Scientists on the Brink. University of California Press, University at Buffalo School of Law Legal Studies Research Paper No. 2018-001

[Irus Braverman](#)

“Trade Unions and the Minimum Wage”

University at Buffalo School of Law Legal Studies Research Paper No. 2017-023

[Matthew Dimick](#) and [Brett Meyer](#)

“Active Judicial Governance”

51 New Eng. L. Rev. 545 (2018), University at Buffalo School of Law Legal Studies Research Paper No. 2018-007

[James A. Gardner](#)

“Presidential Selection: Historical, Institutional, and Democratic Perspectives”

A Better Candidate, Eugene Mazo and Michael Dimino, eds. (Forthcoming), University at Buffalo School of Law Legal Studies Research Paper No. 2018-002

[James A. Gardner](#)

“The Impact of Epic Systems in the Labor and Employment Context”

2019 Journal of Dispute Resolution 115, University at Buffalo School of Law Legal Studies Research Paper No. 2018-014

[Lise Gelernter](#)

“40 Years at the Baldy Center: A Law and Society Hub in Buffalo”

Luke Hammill. *40 Years at the Baldy Center: A Law and Society Hub in Buffalo*. Buffalo: University at Buffalo Baldy Center for Law & Social Policy. 2018, University at Buffalo School of Law Legal Studies Research Paper No. 2018-008

[Luke Hammill](#)

“Secrecy & Evasion in Police Surveillance Technology”

Berkeley Technology Law Journal, Forthcoming, University at Buffalo School of Law Legal Studies Research Paper No. 2018-006

[Jonathan Manes](#)

“Governance Interactions in Sustainable Supply Chain Management”

Transnational Governance Interactions: Enhancing Regulatory Capacity and Empowering marginalized Actors (Stepan Wood, et al., eds, Edward Elgar, 2019, Forthcoming). University at Buffalo School of Law Legal Studies Research Paper No. 2017-024

[Errol Meidinger](#)

“The Trans-Pacific Partnership Agreement and Environmental Regulation”

Megaregulation Contested: Global Economic Ordering After TPP (Benedict Kingsbury, et al., eds., Oxford University Press, 2019 Forthcoming), University at Buffalo School of Law Legal Studies Research Paper No. 2017-022

[Errol Meidinger](#)

“Parallel Enforcement and Agency Interdependence”

Maryland Law Review, Forthcoming, University at Buffalo School of Law Legal Studies Research Paper No. 2017-026

[Anthony O'Rourke](#)

“Taking the Public Out of Public Lands: Shifts in Coal-Extraction Policies in the Trump Administration”

13 FIU L. Rev. 35 (2018), University at Buffalo School of Law Legal Studies Research Paper No. 2018-005

[Jessica Owley](#)

“Climate Change Challenges for Land Conservation: Rethinking Conservation Easements, Strategies, and Tools”

Stanford Public Law Working Paper, *Indiana Legal Studies Research Paper No. 398*, University at Buffalo School of Law Legal Studies Research Paper No. 2018-004

[Jessica Owley](#), [Federico Cheever](#), [Adena R. Rissman](#), [M. Shaw](#), [Barton H. Thompson](#) and [W. William Weeks](#)

“Institutional Economics and Chock-Full Employment: Reclaiming the ‘Right to Work’ as a Cornerstone of Progressive Capitalism”

University at Buffalo School of Law Legal Studies Research Paper No. 2018-009

[Charles J. Whalen](#)

“Snapchat’s Gift: Equity Culture in High-Tech Firms”

University at Buffalo School of Law Legal Studies Research Paper No. 2018-003

[Amy Westbrook and David A. Westbrook](#)

