



THE BALDY CENTER
for LAW & SOCIAL POLICY

CELEBRATING **35** YEARS
of INTERDISCIPLINARY LEGAL SCHOLARSHIP

ANNUAL REPORT: 2015-2016

The Baldy Center for Law & Social Policy
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2015-2016 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 2015-2016

Sharmistha Bagchi-Sen (Geography)
Guyora Binder (Law)
Stephanie Phillips (Law)
Kenneth Shockley (Philosophy)
Matteo Taussig-Rubbo (Law)
Mary Nell Trautner (Sociology)
David Westbrook (Law)

Baldy Center Staff

Errol Meidinger, Director
Laura Wirth, Assistant Director
Amy Hothow, Technical Accounting
Caroline Funk, Research Associate
Veronica Bartikofsky, Events 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

Samantha Barbas, School of Law:

Time v. Hill and America's Search for Privacy

Elizabeth Bowen, Social Work:

Informing Housing and Social Policy through Community-Based Research on Homelessness among Emerging Adults in Erie County

Irus Braverman, School of Law:

The Law of the Land: Nature Reserves in the Occupied Palestinian Territories

Rachael Hinkle, Political Science:

The Role and Impact of Briefs in the U.S. Supreme Court

Chalres Lamb, Political Science:

Presidents, Bureaucracy, and Fair Housing in America

Anthony O'Rourke, School of Law:

Civil Discovery and Criminal Investigation

Jessica Owley, School of Law:

Forest Land Conservation Mechanisms in a Changing World: Climate Resiliency under Varying Property Protection Arrangements in the Northeast Forests

Katja Praznik, Arts Management:

Remuneration of Artistic Labor: A Transcontinental Comparative Analysis

Deborah Reed-Danahay, Anthropology:

Being French in London: Social Space and the Body Politic

Deborah Waldrop, Social Work:

Policy Practice at Life's End: How Advance Directives and Provider Communication Influence Healthcare Decision-Making near Death

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 2015-2016 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 2015-2016 Postdoctoral Fellows were:



Laura Ford, 2014-2016 Postdoctoral Fellow, received a Ph.D. in Sociology from Cornell University, having previously earned an LL.M. in Intellectual Property Law and Policy from University of Washington Law School and a J.D. from Tulane Law School. As a Baldy Fellow, Laura will produce a book manuscript tracing the emergence of intellectual property, a socio-legal development that reveals the continuing relevance of Max Weber's sociology of modernity.



Rebecca Schmidt, 2015-2016 Postdoctoral Fellow, holds a PhD from the European University Institute (Florence, Italy) and has been a visiting fellow at the GlobalTrust Project at Tel Aviv University. At the Baldy Center, her main research focus will be on the interplay between expertise driven private regulation and more traditional political authority in multi-level transnational regulatory networks. Rebecca's fellowship is co-sponsored with York University.



Camilo Arturo Leslie, 2015-17 Postdoctoral Fellow, has a PhD in Sociology from the University of Michigan, where he previously earned a JD. His dissertation research combines legal sociology, economic sociology, and a theoretical focus on trust and trustworthiness. At the Baldy Center, Camilo is revising his dissertation into a book manuscript tentatively titled *Untangling the Knotted Roots of Trust: Trustworthiness and Jurisdiction in the Stanford Financial Group Fraud*.



Justin Simard, 2015-17 Postdoctoral Fellow, earned his JD and his PhD in History at the University of Pennsylvania. His dissertation examines how American lawyers in the 19th century helped build the American economy. At the Baldy Center, Justin continues his research on the work of 19th century American lawyers and published “The Birth of a Legal Economy: Lawyers and the Development of American Commerce,” which appeared in the Buffalo Law Review.

III. Speakers and Visitors

Distinguished Speaker Series

February 26, 2016

Adriaan Lanni, Professor of Law, Harvard Law School.
“*Law and Order in Classical Athens*”

April 15, 2016

Marianne Constable, Professor of Rhetoric, University of California, Berkeley.
“*The Justification was Perfect: Chicago Husband-Killing and the New Unwritten Law*”

April 29, 2016

Douglas Kysar, Joseph M. Field ‘55 Professor of Law, Yale Law School.
“*Living with Owing*”

Co-Sponsored Events

October 8-10, 2015

“**Pain: An Interdisciplinary Conference.**” Co-sponsored by the UB Department of English and a range of UB departments, chairs, and research centers.

November 13, 2015

“**4th Annual Haudenosaunee Symposium.**” Co-sponsored by the Haudenosaunee-Native American Studies Research Workshop and the UB Humanities Institute.

April 4, 2016

Renee Cramer, Associate Professor of Law, Politics, and Society at Drake University. “Pregnant with the Stars: The Celebrity Baby Bump as a Site of Neoliberal Governance.” Co-sponsored by the UB Department of Sociology.

April 26, 2016

Nancy Foner, Distinguished Professor of Sociology at Hunter College and the Graduate Center, City University of New York. “Unpopular Sovereignty.” Co-sponsored by the UB Department of Anthropology and Jean Monnet Chair Deborah Reed-Danahay.

April 27, 2016

Cheng-Yi Huang, Associate Research Professor in the Institutum Iurisprudentiae, Academia Sinica, Taiwan. “Disciplinary Nomadicism: Observations on Researching Messy History, Law, and Society in 20th Century China.” Co-sponsored with the UB Program in Asian Studies.

IV. Conferences and Workshops

March 31-April 1, 2016

“Gender and the Drug War.” Organized by UB Associate Professor of History David Herzberg.

May 12-14, 2016

“Redistribution: Politics, Law, and Policy.” Organized by UB Professor of Law Matthew Dimick.

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.

“Exorcising the Clergy Privilege”

Virginia Law Review, Vol. 103, 2017, *University at Buffalo School of Law Legal Studies Research Paper No. 2016-44*

Christine Bartholomew

“The Failed Superiority Experiment”

Vanderbilt Law Review, *Forthcoming*, *SUNY Buffalo Legal Studies Research Paper No. 2016-016*

Christine Bartholomew

“Penal Incapacitation: A Situationist Critique”

American Criminal Law Review, Vol. 54, No. 1, 2017, *University at Buffalo School of Law Legal Studies Research Paper No. 2016-037*

Guyora Binder

“Why Law Matters for Our Obligations”

Critical Analysis of Law 2:2 (2015), *University at Buffalo School of Law Legal Studies Research Paper No. 2016-032*

Guyora Binder

“What Is Criminal Law About?”

Michigan Law Review, Vol. 114, p. 1173, 2016, *University at Buffalo School of Law Legal Studies Research Paper No. 2016-027*

Guyora Binder and Robert Weisberg

“Capital Punishment of Unintentional Felony Murder”

Notre Dame Law Review, Vol. 92, p. 1141, 2017, University at Buffalo School of Law Legal Studies Research Paper No. 2016-045, Stanford Public Law Working Paper

Guyora Binder, Robert Weisberg and Brenner Fissell

“Is Assisted Procreation an LGBT Right?”

Wisconsin Law Review, Vol. 2016, No. 6, 2016, University at Buffalo School of Law Legal Studies Research Paper No. 2016-42

Michael Boucai

“The Pet Keeping Industry in the American City”

Squaderno 42: 51-55. ISSN 1973-9141 , University at Buffalo School of Law Legal Studies Research Paper No. 2016-035

Irus Braverman

“Anticipating Endangerment: The Biopolitics of Threatened Species Lists”

BioSocieties (2016). DOI: 10.1057/s41292-016-0025-0, University at Buffalo School of Law Legal Studies Research Paper No. 2016-034

Irus Braverman

“Pet Subjects”

Times Literary Supplement, October 6, 2016, University at Buffalo School of Law Legal Studies Research Paper No. 2016-033

Irus Braverman

“Biopolarity: Coral Scientists between Hope and Despair”

Anthropology Now. Volume 8, Issue 2, December 2016 (Forthcoming), University at Buffalo School of Law Legal Studies Research Paper No. 2016-031

Irus Braverman

“Bleached! Managing Coral Catastrophe”

Futures (2016), DOI: 10.1016/j.futures.2016.06.001 , University at Buffalo School of Law Legal Studies Research Paper No. 2016-030

Irus Braverman

“Zootopia: Book review of David Grazian’s ‘American Zoo’”

Times Literary Supplement, May 18, 2016, University at Buffalo School of Law Legal Studies Research Paper. 2016-023

Irus Braverman

“More-than-Human Legalities: Advocating an ‘Animal Turn’ in Law and Society”

Irus Braverman (2015). “More-than-Human Legalities.” In Patricia Ewick and Austin Sarat (eds.), *The Wiley Handbook of Law and Society* (Wiley Press), pp. 307-321., SUNY Buffalo Legal Studies Research Paper No. 2016-022

Irus Braverman

“Wild Life: An Ethnography / Author’s Response to Reviews”

Irus Braverman. 2016. Wild life: An ethnography / Author’s response to reviews. Dialogues in Human Geography, 6(1): 110-112. , SUNY Buffalo Legal Studies Research Paper No. 2016-021

Irus Braverman

“The Regulatory Life of Threatened Species Lists”

Published in Irus Braverman (ed.). 2016. Animals, Biopolitics, Law: Lively Legalities (Routledge), SUNY Buffalo Legal Studies Research Paper No. 2016-020

Irus Braverman

“The Life and Law of Corals: Breathing Meditations”

Forthcoming, Victoria Brooks & Andreas Philippopoulos-Mihalopoulos (eds.), Handbook of Research Methods in Environmental Law (Edward Elgar Publishing) , SUNY Buffalo Legal Studies Research Paper No. 2016-019

Irus Braverman

“Captive: Zoometric Operations in Gaza”

Public Culture (Forthcoming), SUNY Buffalo Legal Studies Research Paper No. 2016-018

Irus Braverman

“Order and Disorder in the Urban Forest: A Foucauldian/Latourian Perspective”

L. Anders Sandberg, Adrina Bardekjian, and Sadia Butt (eds.), Urban Forests, Trees, and Green Space: A Political Ecology Perspective (Routledge/Earthscan), pp. 132-146, 2014, SUNY Buffalo Legal Studies Research Paper No. 2016-006

Irus Braverman

“Who’s Afraid of Methodology? Advocating a Methodological Turn in Legal Geography”

The Expanding Spaces of Law: A Timely Legal Geography, Irus Braverman, Nicholas Blomley, David Delaney & Alexandre (Sandy) Kedar (eds.) (Stanford University Press), pp. 120-141, 2014, SUNY Buffalo Legal Studies Research Paper No. 2016-005

Irus Braverman

“Hyperlegality and Heightened Surveillance: The Case of Threatened Species Lists”

Surveillance & Society 13(2): 310-313, 2015, SUNY Buffalo Legal Studies Research Paper No. 2015-031

Irus Braverman

“Is the Puerto Rican Parrot Worth Saving? The Biopolitics of Endangerment and Grievability”

Economies of Death (ISBN: 978-1-138-80576-7), pp. 73-94; Kathryn Gillespie and Patricia Lopez (eds.), , SUNY Buffalo Legal Studies Research Paper No. 2015-026

Irus Braverman

“Consent, Coercion, and Bankruptcy Administration”

Journal of Business & Technology Law, Vol. 11, 2016, SUNY Buffalo Legal Studies Research Paper No. 2016-010

S. Todd Brown

“Should the Law Do Anything About Economic Inequality?”

SUNY Buffalo Legal Studies Research Paper No. 2016-011, Cornell Journal of Law and Public Policy, Vol. 26, No. 1, 2016

Matthew Dimick

“Patenting the Social: Alice, Abstraction, & Functionalism in Software Patent Claims”

Cardozo Public Law, Policy and Ethics Journal, Vol. 14, No. 2, 2016, University at Buffalo School of Law Legal Studies Research Paper. 2016-026

Laura R. Ford

“Practice-Driven Changes to Constitutional Structures of Governance”

69 Ark. L. Rev. 335 (2016), SUNY Buffalo Legal Studies Research Paper, No. 2016-010

James A. Gardner

“Justice Brennan and the Foundations of Human Rights Federalism”

Ohio State Law Journal, Vol. 77, p. 355, 2016, SUNY Buffalo Legal Studies Research Paper No. 2016-004

James A. Gardner

“When Popular Decisions Rest on Shaky Foundations: Implications of Selected WTO Appellate Body Jurisprudence”

Julien Chaisse and Tsai-yu Lin, eds., International Economic Law and Governance: Essays in Honour of Mitsuo Matsushita (Oxford University Press 2016), University at Buffalo School of Law Legal Studies Research Paper No. 2016-029, Victoria University of Wellington Legal Research Paper No. 114/2017

Meredith Kolsky Lewis

“International Political Economy and the Prisoner’s Dilemma: Compliance with International Law”

Forthcoming in Alberta Fabricotti, (ed.) The Political Economy of International Law: A European Perspective (Edward Elgar 2016), SUNY Buffalo Legal Studies Research Paper No. 2016-015

Meredith Kolsky Lewis

“Secret Law”

106 Georgetown Law Journal 803 (2018)

Jonathan Manes

“Facing the Ghost of Cruikshank in Constitutional Law”

65 J. Legal Education 278 (2015), University at Buffalo School of Law Legal Studies Research Paper. 2016-025

Martha T. McCluskey

“Toward a Fundamental Right to Evade Law? The Rule of Power in Shelby County and State Farm”

17 Berkeley Journal Of African-American Law & Policy 216 (2015), 7 Touro Law Journal Of Race, Gender, & Ethnicity 216 (2014-15), SUNY Buffalo Legal Studies Research Paper No. 2015-033

Martha T. McCluskey

“Personal Responsibility for Systemic Inequality”

Research Handbook on Political Economy and the Law. Ugo Mattei and John D. Haskell, eds., pp. 227-45 (Edward Elgar 2015)., SUNY Buffalo Legal Studies Research Paper No. 2016-009

Martha T. McCluskey

“Law and Economics: Contemporary Approaches”

Yale Law & Policy Review, Forthcoming, U of Maryland Legal Studies Research Paper No. 2016-05, SUNY Buffalo Legal Studies Research Paper No. 2016-014

Martha T. McCluskey, Frank A. Pasquale and Jennifer Taub

“Mega-Regional Trade Agreements and Global Environmental Governance: The Case of the Trans-Pacific Partnership Agreement”

University at Buffalo School of Law Legal Studies Research Paper No. 2016-038

Errol Meidinger

“Textual Vagueness and Institutional Divergence in Constitutional Decisionmaking”

William & Mary Bill of Rights, Forthcoming, University at Buffalo School of Law Legal Studies Research Paper No. 2016-040

Anthony O’Rourke

“Substantive Due Process for Noncitizens: Lessons from Obergefell”

Michigan Law Review First Impressions, 2016, SUNY Buffalo Legal Studies Research Paper No. 2016-007

Anthony O’Rourke

“Cultural Heritage Conservation Easements: The Problem of Using Property Law Tools for Heritage Protection”

Land Use Policy 2015, Forthcoming, SUNY Buffalo Legal Studies Research Paper No. 2015-032

Jessica Owley

“Chapter 4: Flexible Conservation in Uncertain Times”

Contemporary Issues in Climate Change Law and Policy: Essays Inspired by the IPCC, pp. 65-102, April 2016, UC Hastings Research Paper No. 180, University at Buffalo School of Law Legal Studies Research Paper. 2016-028

Jessica Owley and David Takacs

“Public Access to Spatial Data on Private-Land Conservation”

22(2) *Ecology & Society* 24 (2017), University at Buffalo School of Law Legal Studies Research Paper No. 2016-046

Adena R. Rissman, Jessica Owley, Andrew L’Roe, Amy Morris and Chloe Wardropper

“Sez Who? Critical Legal History Without a Privileged Position”

Forthcoming in the Oxford Handbook of Historical Legal Research, Markus D. Dubber and Christopher Tomlins, editors, University at Buffalo School of Law Legal Studies Research Paper No. 2016-039

John Henry Schlegel

“Wesley Newcomb Hohfeld: On the Difficulty of Becoming a Law Professor”

Forthcoming in The Legacy of Wesley Hohfeld: Edited Major Works, Select Personal Papers, and Original Commentaries (Shyam Balganesh, Ted Sichelman & Henry Smith eds., Cambridge University Press, 2018)., University at Buffalo School of Law Legal Studies Research Paper No. 2016-036

John Henry Schlegel

“... and Law”

Forthcoming in Justin Desautels-Stein and Christopher Tomlins (editors), In Search of Contemporary Legal Thought, University at Buffalo School of Law Legal Studies Research Paper. 2016-024

John Henry Schlegel

“The Birth of a Legal Economy: Lawyers and the Development of American Commerce”

Buffalo Law Review Vol. 64 (2016), University at Buffalo School of Law Legal Studies Research Paper No. 2016-041

Justin Simard

“The Josiah Philips Attainder and the Institutional Structure of the American Revolution”

Howard Law Journal, Vol. 60, No. 2, 2017, SUNY Buffalo Legal Studies Research Paper No. 2016-017

Matthew J. Steilen

“Unicorns, Guardians, and the Concentration of the U.S. Equity Markets”

Volume 96:3 of the Nebraska Law Review, Forthcoming, University at Buffalo School of Law Legal Studies Research Paper No. 2016-43

Amy Westbrook and David A. Westbrook

