

## Sample of Recent 2007-2008 Capital University Law School Faculty Scholarship

**James R. Beattie, Jr.**, *Re-Conceptualizing the Debate – Evolution and Intelligent Design: From the Micro and Macro to the Metaphysical*, in *Faith, Conscience & the Law* (Augsburg Fortress Press 2007)

**Mark R. Brown**, 2007 Supplement, CONSTITUTIONAL LITIGATION UNDER SECTION 1983 (Lexis 2003), with K. Kinports.

**Regina Burch**, *Unfit to Serve Post-Enron*, Valparaiso Law Review Symposium Issue (forthcoming 2008.)

*The Myth of the Unbiased Director*, 41 Akron L. Rev. (forthcoming 2008)

**Margaret M. Cordray**, *Strategy in Supreme Court Case Selection: The Relationship Between Certiorari and the Merits*, Ohio State Law Journal (2008), with Richard A. Cordray

**Danshera Cords**, *Charitable Contributions for Disaster Relief: Rationalizing Tax Consequences and Victim Benefits*, 57 Catholic Univ. L. Rev. 428 (2008)

*Is Tax Special? Administrative Law and Judicial Review of IRS Collection Decisions*, 52 St. Louis Univ. L.J. 430 (2008)

**Jeffrey T. Ferriell**, UNDERSTANDING BANKRUPTCY (2d ed. Lexis 2007), with Ted Janger.

**Susan R. Gilles**, *From Rehnquist to Roberts: Has Informational Privacy Lost a Friend and Gained a Foe?* 91 Marquette Law Review 453 (2007)

**Joseph K. Grant**, *Shattering and Moving Beyond the Gutenberg Paradigm: The Dawn of the Electronic Will*, 42 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM (Forthcoming Fall 2008).

*Joseph Karl Grant on Irrevocable Life Insurance Trusts* (Lexis/Nexis Expert Commentaries 2008).

*Joseph Karl Grant on Family Limited Partnerships* (Lexis/Nexis Expert Commentaries 2008).

*Joseph Karl Grant on Business Continuity and Succession Planning: The Special Appeal of Limited Liability Companies* (Lexis/Nexis Expert Commentaries 2008).

*Joseph Karl Grant on Knight v. Commissioner: The United States Supreme Court Issues a Critical Ruling on the Taxation of Trusts* (Lexis/Nexis Expert Commentaries 2008).

**Myron C. Grauer**, *Justice O'Connor's Approach to Tax Cases: Could She Have Led the Court Toward a More Collaborative Role for the Judiciary in the Development of Tax Law?*, 39 Ariz. St. L.J. 69-133 (2007).

**Jack A. Guttenberg**, OHIO LAW OF PROFESSIONAL CONDUCT (Lexis Nexis, 2007), with Susan J. Becker and Lloyd B. Snyder.

**Dennis D. Hirsch**, *Ecosystem Services and the Green City*, book chapter to be published in *Growing Greener Cities* (University of Pennsylvania Press) (forthcoming 2008) (peer reviewed and solicited).

*Environmental Trading Programs*, book chapter published in *Environmental Law Practice Guide: State and Federal Law* (M. Gerrard, ed.) (Matthew Bender) (2007).

*Emissions Trading – Practical Aspects*, in *Global Climate Change and U.S. Law* (M. Gerrard, ed., 2007) (co-authored chapter in volume published by the American Bar Association).

*Trading in Ecosystem Services: Carbon Sinks and the Clean Development Mechanism*, 22 *J. Land Use & Env. Law* 623 (2007).

**Rachel Janutis**, *CASES AND PROBLEMS ON REMEDIES*, (4th ed. Foundation Press), W. Shoben, W. Murray Tabb & Rachel M. Janutis, 2008.

Q & A: *REMEDIES* (LexisNexis 2007), Rachel M. Janutis & Tracy A. Thomas.

**Daniel T. Kobil**, *Should Mercy Have a Place in Clemency Decisions*, in *Forgiveness, Mercy, and Clemency*. Sarat and Hussain (Stanford University Press 2007)

**Susan E. Looper-Friedman**, *Thou Shalt Use the Equal Protection Clause, Not Just the Establishment Clause, for Religion Cases*, 10 *University of Pennsylvania Journal of Constitutional Law* (forthcoming 2008), with Susan B. Gellman.

**David P. Mayer**, *The Thomas Jefferson-Sally Hemings Myth and the Politicization of American History*, in *THE JEFFERSON-HEMINGS CONTROVERSY* (Robert F. Turner ed., Durham, N.C.: Carolina Academic Press, 2007).

**Michael Rich**, *Prosecutorial Indiscretion: Encouraging the Department of Justice to Rein in Out-of-Control Qui Tam Litigation under the Civil False Claims Act*, to be published in 76 *U. Cin. L. Rev.* \_\_\_ (forthcoming 2008)

**Susan D. Rozelle**, *The Type of Possession Is Nine-Tenths of the Law: Criminal Responsibility for Acts Performed Under the Influence of Hypnosis or Bewitchment*, in *LAW AND MAGIC* (Carolina Academic Press, forthcoming 2008).

Daubert, *Schmaubert: Criminal Defendants and the Short End of the Science Stick*, 43 *TULSA LAW REVIEW* 597 (2007) (invited contribution to symposium issue).

*Fear and Loathing in Insanity Law: Explaining the Otherwise Inexplicable Clark v. Arizona*, 58 *CASE WESTERN RESERVE LAW REVIEW* 19 (2007).

**Bradley A. Smith**, *McConnell v. FEC: Campaign Speech at the Crossroads*, in "Recent Constitutional Cases," (Edward J. Erler, ed.) (Rowman & Littlefield, forthcoming 2008).

*Vanity of Vanities: National Popular Vote and the Electoral College*, 7 *Election Law Journal* 196 (2008)

*The John Roberts Salvage Company: After McConnell, A New Court Looks to Repair the Constitution*, 68 Ohio St. L. J. 891 (2007)

*Boundary Based Restrictions in Boundless Broadcast Media Markets: McConnell v. FEC's Underinclusive Overbreadth Analysis*, 18 Stanford Law & Policy Review 240 (2007), with Jason R. Owen.

*A Moderate, Modern Campaign Finance Reform Agenda*, 12 Nexus J. Op. 3 (2007).

**Doug Squires**, "Forensic Accounting" in *Scientific Evidence in Civil and Criminal Cases* (5th ed., University Casebook Series August 2007).

**Mark P. Strasser**, *State Funding of Devotional Studies: A Failed Jurisprudence that Has Lost Its Moorings*, [UNIVERSITY OF UTAH] JOURNAL OF LAW AND FAMILY STUDIES (forthcoming)

*Religion in the Schools: On Prayer, Neutrality, and Sectarian Perspectives*, AKRON LAW REVIEW (forthcoming)

*Repudiating Everson: On Buses, Books, and Teaching Articles of Faith*, MISSISSIPPI LAW JOURNAL (forthcoming)

*The Future of Marriage*, 21 JOURNAL OF THE AMERICAN ACADEMY OF MATRIMONIAL LAWYERS (forthcoming)

*Death by a Thousand Cuts: The Illusory Safeguards against Funding Pervasively Sectarian Institutions of Higher Learning*, BUFFALO LAW REVIEW (forthcoming)

*Interstate Recognition of Adoptions: On Jurisdiction, Full Faith and Credit, and Potential, Future Difficulties*, BRIGHAM YOUNG UNIVERSITY LAW REVIEW (forthcoming) (symposium issue)

*Marriage, Free Exercise, and the Constitution*, 26 LAW AND INEQUALITY: A [UNIVERSITY OF MINNESOTA] JOURNAL OF THEORY AND PRACTICE 59-108 (2008)

*Marriage, Same-Sex*, INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES. Ed. William A. Darity, Jr. Vol. 4, 2nd ed. (Detroit: Macmillan Reference USA, 2008) 619-21

*Deliberate Indifference, Professional Judgment, and the Constitution: On Liberty Interests in the Child Placement Context*, DUKE JOURNAL OF GENDER LAW AND POLICY (forthcoming)

*The Often Illusory Protections of "Biology Plus:": On the Supreme Court's Parental Rights Jurisprudence*, 13 TEXAS JOURNAL ON CIVIL LIBERTIES AND CIVIL RIGHTS 31-83 (2007)

*Preaching, Fundraising, and the Constitution: On Proselytizing and the First Amendment*, 85 DENVER UNIVERSITY LAW REVIEW 405-441 (2007)

*Loving Revisionism: On Restricting Marriage and Subverting the Constitution*, 51 HOWARD LAW JOURNAL 75-115 (2007) (symposium issue)

*Establishing the Pledge: On Coercion, Endorsement and the Marsh Wild Card*, 40 INDIANA LAW REVIEW 529-83 (2007) (symposium issue)

*State Marriage Amendments and Overreaching: On Plain Meaning, Good Public Policy, and Constitutional Limitations*, LAW AND INEQUALITY: A JOURNAL OF THEORY AND PRACTICE (2007)

**Daniel C. Turack**, *Zimbabwe's Human Rights Record During The 25th Anniversary Of The Mugabe Regime*, 15 African Journal of International and Comparative Law 153 (2007).

**Angela Upchurch**, *Can Granny Have a New Home?: A Proposal for Determining a Change in an Incompetent's Domicile for Diversity Jurisdiction*, 79 University of Colorado Law Review (forthcoming 2008).

*A Postmodern Deconstruction of Frozen Embryo Disputes*, 39 Connecticut Law Review 2109 (2007)

Book Review, "Legalizing Misandry," by Paul Nathanson and Katherine K. Young, *Family Court Review* (2007).

**Floyd Weatherspoon**, *The Mass Incarceration of African-American Males: A Return to Institutionalized Slavery and Oppression*, 13.2 Texas Wesleyan Law Review 599 (2007) (symposium issue)

**Richard J. Wood**, *Pious Politics: Political Speech Funded Through IRC § 501(c)(3) Organizations Examined Under Tax Fairness Principles*, Volume 39 ARIZONA STATE LAW JOURNAL (2007).