

FACULTY PUBLICATIONS 2016-2021
PENN STATE LAW | UNIVERSITY PARK, PA





RESEARCH AT PENN STATE LAW

"Penn State Law in University Park faculty are leading scholars in their fields who are deeply committed to domestic, national, and international issues. Their research and scholarly contributions are an asset to their profession."

James W. Houck

Vice Admiral, Judge Advocate General's Corps, U.S. Navy (Ret.)
Distinguished Scholar in Residence
Interim Dean, Penn State Law and School of International Affairs



LARRY CATÁ BACKER

W. Richard and Mary Eshelman Faculty Scholar and Professor of Law and International Affairs

Professor Backer writes on Chinese constitutionalism, sovereign wealth funds, global business governance structures and finance, transnational legal structures, business and human rights, law and semiotics, and theories of U.S. law and legal systems.



PUBLICATIONS

LAW AND RELIGION: CASES, MATERIALS, AND READINGS (4th ed. 2021) (with Frank S. Ravitch)

HONG KONG BETWEEN 'ONE COUNTRY' AND 'TWO SYSTEMS': ESSAYS FROM THE YEAR THAT TRANSFORMED THE HONG KONG SPECIAL ADMINISTRATIVE REGION (June 2019 – June 2020) (2021)

GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS: A COMMENTARY (forthcoming 2022)

NATURE, LAW AND GOVERNMENT (forthcoming 2022)

GOD(s) OVER CONSTITUTION: TRANSNATIONAL CONSTITUTIONALISM IN THE AGE OF GLOBALIZATION (forthcoming 2021)

ELEMENTS OF LAW AND THE UNITED STATES LEGAL SYSTEM (forthcoming 2021)

Cuba's Caribbean Marxism: Essays on Ideology, Government, Society, and Economy in the Post-Fidel Castro Era (2018)

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The Semiotics of Consent and the American Law Institute's Reform of the Model Penal Code's Sexual Assault Provisions, 1(1) UNDECIDABILITIES AND THE LAW: COIMBRA JOURNAL OF LEGAL STUDIES 49-83 (2021)

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Popular Participation in the Constitution of the Illiberal State — An Empirical Study of Popular Engagement and Constitutional Reform in Cuba and the Contours of Cuban Socialist Democracy 2.0, Vol. 34, EMORY INT'L L. REV. (2019) (with Flora Sapio and James Korman)

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测度、评估和奖励:中国和西方建立社会信用体系的挑战? [Measurement, Assessment and Reward: The Challenges of Establishing a Social Credit System in China and the West?)] ("互联网金融法律评论(jiflsjtu)"微信公众平台. 前沿栏目 • 第三 季 第21篇(总第182篇)[Shanghai Jiaotong University Internet Financial Law Review]

西方反腐领域新举措,从 "各自为政 "到" — 股合力" 58(2):17-30 吉林大学社会科学学报 — [Sword One Thrust Strategy to Combat Criminal Corruption: Corporate Compliance, Prosecutorial Discretion, and Sovereign Investor Oversight, JILIN UNIVERSITY JOURNAL OF SOCIAL SCIENCE] 58(2):17 (2018)

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A Lex Mercatoria for Corporate Social Responsibility Codes without the State?, 24 IND. J. GLOBAL LEG. Stud. 115 (2017)

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Un Somaro Piumato'--Rethinking the Scope and Nature of State Liability for Acts of their Commercial Instrumentalities: State Owned Enterprises and State-Owner Liability in the Post-Global, in THE REGULATION OF STATE-CONTROLLED ENTERPRISES: AN INTERDISCIPLINARY AND COMPARATIVE EXAMINATION (Julien Chaisse, Jędrzej Górski & Dini Sejko eds., forthcoming 2021)

The Problem of the Enterprise and the Enterprise of Law: Multinational Enterprises as Polycentric Transnational Regulatory Spaces, in OXFORD HANDBOOK OF TRANSNATIONAL LAW (Peer Zumbansen, ed., 2021)

Schwarze Listen und Social Credit-Regime in China [Blacklists and Social Credit Regimes in China], in SUPER-SCORING?: DATENGETRIEBENE SOZIALTECHNOLOGIEN ALS NEUE BILDUNGSHERAUS-FORDERUNG [Super-Scoring?: Data-driven societal technologies as a new challenge for education] (2021)

And an Algorithm to Entangle them All? Social Credit, Data Driven Governance, and Legal Entanglement in Post-Law Legal Orders, in Entangled Legalities Beyond the State 79-106 (Nico Kirsch, ed., 2021)

Foreword: Bannermen and Heralds: The Identity of Flags; the Ensigns of Identity, in FLAGS, IDENTITY, MEMORY: CRITIQUING THE PUBLIC NARRATIVE THROUGH COLOR (Anne Wagner & Sarah Marusek, eds., 2020)

Human Rights Responsibilities of State-Owned Enterprises, in Research Handbook on Human Rights and Business 221-242 (Surya Deva & David Birchall eds., 2020)

La debida diligencia en las universidades, in RETOS Y DESAFIOS DE LAS EMPRESAS Y LOS DERECHOS HUMANOS (Carolina Olarte-Báceres, Catalina Irisarri Boada & Laura Arenas Peralta, eds., Oxford U. Press, 2019)

The Cri de Jessup Sixty Years Later: Transnational Law's Intangible Objects and Abstracted Frameworks Beyond Nation, Enterprise, and Law, in JESSUP'S BOLD PROPOSAL: CRITICAL ENGAGEMENTS WITH TRANSNATIONAL LAW 386-418 (Peer Zumbansen ed., 2020)

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Unpacking Accountability in Business and Human Rights: The Multinational Enterprise, the State, and the International Community, in Accountability and International Business Organizations: Providing Justice for Corporate Violations of Human Rights, Labor, and Environmental Standards (Liesbeth Enneking et al. eds., 2020)

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The arc of triumph and transformation of the OECD Guidelines, in OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES: A GLASS HALF FULL (2018) (Liber Amicorum for Dr. Roel Nieuwenkamp, Chair of the OECD Working Party on Responsible Business Conduct 2013-2018)

The Cuban Communist Party at the Cusp of Change, in REFORMING COMMUNISM: CUBA IN A COMPARATIVE PERSPECTIVE (Scott Morgenstern and Jorge Pérez López eds., 2019)

Considering a Treaty on Corporations and Human Rights: Mostly Failures But With a Glimmer of Success, in Treaty or Not? Perspectives on the Proposed UN Treaty on Business and Human Rights (Nicolas Carillo-Santarelli & Jernej Letnar Cernic eds., 2018)

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If One Wants to Change Societal Norms One Must Change Society: Lessons From Michael Olivas and 'Constitutional Criteria' in Managing Higher Education Admissions Decisions, in LAW PROFESSOR AND ACCIDENTAL HISTORIAN: THE SCHOLARSHIP OF MICHAEL A. OLIVAS 201 (Ediberto Román ed., 2017)

The Concept of Constitutionalization and the Multi-Corporate Enterprise in the 21st Century: From Body Corporate to Sovereign Enterprise, in MULTINATIONALS AND THE CONSTITUTIONALIZATION OF THE WORLD POWER SYSTEM 170 (Jean-Phillipe Robé et al. eds., 2016)

ELEANOR MARIE BROWN

Professor of Law and International Affairs, and Senior Scientist, Rock Ethics Institute

Professor Brown is a scholar of property, migration, globalization, development, and the law. Her forthcoming book, to be published by Oxford University Press, roots black West-Indian migrant success in the United States in the early development of property rights among slave communities in the British-colonized Caribbean.



PUBLICATIONS

THE BLACKS WHO 'GOT' THEIR 40 ACRES: A THEORY OF ASSET ACQUISITION (Oxford U. Press, forthcoming 2022)

Why Black Homeowners are More Likely to be Caribbean American than African American in New York: A Theory of How Early West Indian Migrants Broke Racial Cartels in Housing, 61 Am. J. LEGAL HIST. 3 (2021)

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Race, Property and Citizenship, Nw. U. L. Rev. Online 120 (2021) (with June Carbone)



THOMAS E. CARBONNEAU

Samuel P. Orlando Distinguished Professor of Law and Director of the Institute of Arbitration Law and Practice

Professor Carbonneau's research examines the law and practice of international, comparative, and domestic arbitration.



PUBLICATIONS

U.S. Arbitration Law (West) (forthcoming 2021)

MOORE'S ON FEDERAL PRACTICE SECTION ON ARBITRATION, Chaps. 900 et al. (9th ed.) (forthcoming 2021) (with Allen Blair)

Cases and Materials on International Litigation and Arbitration (3rd ed. 2020) (with William E. Butler & Allen Blair)

ARBITRATION LAW AND PRACTICE (8th ed. 2019) (with Allen Blair)

CASES AND MATERIALS ON ARBITRATION AND PRACTICE (8th ed. 2020) (with Allen Blair)

THE LAW AND PRACTICE OF ARBITRATION (6th ed. 2020)

ARBITRATION IN A NUTSHELL (4th ed. 2017)

JAMISON E. COLBURN

Joseph H. Goldstein Faculty Scholar and Professor of Law

Professor Colburn is a leading scholar of environmental and natural resources law. He has published over thirty articles and book chapters focusing on the law of environmental assessment, habitat and at-risk species protections, and the jurisdiction of water disputes. His published work routinely considers the legal system's use (and misuse) of science and scientific information.



PUBLICATIONS

THE SCALES OF WEIGHING REGULATORY COSTS: TECHNOLOGY, GEOGRAPHY & TIME (2018)

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Technology-Based? Cost Factoring in U.S. Environmental Standards, 7 MICH. J. ENVTL. & ADMIN. L. REV. 83 (2017)

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Governing the Gradient: Clarity and Discretion at the Water's Edge, 62 VILL. L. REV. 81 (2017)

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The Risk in Discretion: Substantive NEPA's Significance, 41 COLUM. J. ENVTL. L. 1 (2016)



KATRICE BRIDGES COPELAND

Professor of Law

Professor Copeland specializes in criminal law and writes on white collar crime and health care fraud and abuse.



PUBLICATIONS

THE MUELLER INVESTIGATION AND BEYOND (2019) (with Ellen Podgor, Louis J. Virelli III, Andrew Wright, Ellen C. Yaroshefsky, Michael Domino, & Ruthann Robson)

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The Yates Memo: Looking for "Individual Accountability" in All the Wrong Places, 102 IOWA L. REV. 1897 (2017)

Health Care Fraud and Abuse, in WHITE COLLAR CRIME: CASES, MATERIALS, AND PROBLEMS (4th ed.) (J. Kelly Strader & Sandra D. Jordan eds., forthcoming 2021)

JILL C. ENGLE

Associate Dean for Academic Affairs and Professor of Clinical Law

Professor Engle is a member of an interdisciplinary research team at Penn State called REACH (Research, Engagement, And Community Healing). Her writing examines the rights of domestic violence victims, economic rights of divorced women, international domestic violence issues, and clinical legal education.



PUBLICATIONS

There Isn't Any Dumpster, 27 AM. U. J. GENDER, Soc. Pol'Y & L. 9 (2019)

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Comparing Supreme Court Jurisprudence in Obergefell v. Hodges and Town of Castle Rock v. Gonzales: A Watershed Moment for Due Process Liberty, 17 GEO. J. GENDER & L. 575 (2016)

JEFFREY ERICKSON

Director of the International Sustainable Development Projects Clinic and Clinical Professor of Law

Professor Erickson teaches legal writing and directs the International Sustainable Development Projects Clinic.



PUBLICATIONS

A Case for Legal Due Diligence in Humanitarian Engagement, 9 INT'L IN-HOUSE COUNSEL J. 3926 (2016)

LARA B. FOWLER

Senior Lecturer and Assistant Director for Outreach and Engagement, Penn State Institutes of Energy and the Environment

Senior Lecturer Lara Fowler works on environmental, energy, and natural resource law, with a specific focus on water-related issues.



PUBLICATIONS

FLOOD MITIGATION FOR PENNSYLVANIA'S RURAL COMMUNITIES: COMMUNITY-SCALE IMPACT OF FEDERAL POLICIES. (Center for Rural Pa. Sept. 2017; revised April 2018) (with Ryan Baxter et al.)

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CHRISTOPHER C. FRENCH

Professor of Practice

Professor French's scholarship is focused in the area where insurance law intersects with contract and tort law.



PUBLICATIONS

INSURING NATURAL CATASTROPHES, THE CAMBRIDGE HANDBOOK OF DISASTER LAW: RISK, RECOVERY, AND REDEVELOPENT (Susan Kuo, John Travis Marshall, & Ryan Rowberry, eds., forthcoming 2021)

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MARGARET HU

Associate Dean for Non-JD Programs, Professor of Law and International Affairs, Institute for Computational and Data Sciences Faculty Fellow, Faculty of the Institute for Network and Security Research in the College of Engineering

Professor Margaret Hu's research interests include the intersection of immigration policy, national security, cybersurveillance, and civil rights.



PUBLICATIONS

PANDEMIC SURVEILLANCE: PRIVACY, SECURITY, AND DATA ETHICS (edited volume, forthcoming 2022)

THE BIG DATA CONSTITUTION: CONSTITUTIONAL REFORM IN THE CYBERSURVEILLANCE STATE (forthcoming 2022)

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Cambridge Analytica's Black Box, 7 BIG DATA & SOCIETY 1-6 (2020)

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Digitized Election Administration: Perils and Promise, in America Votes! Challenges to Modern Election Law and Voting Rights (Benjamin E. Griffith & John Hardin Young eds., 4th ed. 2020) (with Rebecca Green)

COVID-19 Surveillance and Brazil's Data Protection Law, in 3RD. Ed. of the International Congress on Fundamental Rights and Criminal Process in the Digital Era (2020)

Metadeath: How Does Metadata Surveillance Inform Lethal Consequences?, in PRIVACY AND POWER: A TRANSATLANTIC DIALOGUE IN THE SHADOW OF THE NSA-AFFAIR (Russell Miller ed., 2017)

Biometric Surveillance and Big Data Governance, in Cambridge Handbook on Surveillance Law (David Gray & Stephen Henderson, eds., 2017)

Digital Internment, 98 TEXAS L. REV. ONLINE (2020)



BEN JOHNSON

Assistant Professor of Law

Professor Johnson's research focuses on how judges make decisions, the consequences of judicial decision making, and the normative implications of judicial processes.



PUBLICATIONS

The Origins of Supreme Court Question-Selection, 122 COLUM. L. REV. (forthcoming 2022)

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Why Does the Supreme Court Uphold So Many Laws?, 2018 U. ILL. L. REV. 1001 (with Keith Whittington)

The Supreme Court's Political Docket: How Ideology and the Chief Justice Control the Court's Agenda and Shape Law, 50 CONN. L. REV. 581 (2018)

Horses & Carts and Justice & Rules: Getting the Order Right, in EXPLORING THE POLITICAL ECONOMY AND SOCIAL PHILOSOPHY OF JAMES BUCHANAN (2018) (Paul Dragos Aligica et al, eds.)

EILEEN KANE

Professor of Law

Professor Kane's research focuses on the legal issues in biotechnology and genetics, including gene patenting, FDA regulation of genetic testing, and the oversight of new genetic technologies, such as the development of CRISPR-based genome editing.



PUBLICATIONS

Human Genome Editing: An Evolving Regulatory Climate, 57 JURIMETRICS J. 301 (2017)

DAVID H. KAYE

Distinguished Professor of Law Emeritus

Professor Kaye writes on the law of evidence, criminal procedure, statistics, forensic science, and genetics. His recent work focuses on problems of interpretation in the production of forensic science evidence and its presentation in court.



PUBLICATIONS

THE NEW WIGMORE, A TREATISE ON EVIDENCE: EXPERT EVIDENCE (3d ed. 2021) (with David E. Bernstein, Andrew Ferguson, Jennifer L. Mnookin, & Maggie Wittlin)

HANDBOOK OF FORENSIC STATISTICS (David L. Banks, Karen L. Kafederer, & David H. Kaye, and Maria Tackett eds., 2021)

MCCORMICK ON EVIDENCE (with Robert Mostellar ed., 8th ed. 2020) (with Kenneth S. Broun, George E. Dix, Edward J. Imwinkelried, and Eleanor Swift)

2018 Supplement to The New Wigmore, A Treatise on Evidence: Expert Evidence (Wolters Kluwer 2018) (with David E. Bernstein & Jennifer L. Mnookin) (earlier editions: 2017, 2016, 2015, 2014, and 2013)

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Privacy and Genetic Genealogy Data, 361 SCIENCE 857 (2018) (letter published in the "Insights" section) (with Ellen M. Greytak et al.)

Digging into the Foundations of Evidence Law, 115 MICH. L. REV. 915 (2017) (Review Essay)

Deadly Statistics: Quantifying an 'Unacceptable Risk' in Capital Punishment, 16 LAW, PROBABILITY & RISK 7 (2017)

A Comment on the PCAST Report: Skip the 'Match'/'Non-Match' Stage, FORENSIC SCI. INT'L. e7 (2017) (letter, with Geoffrey Morrison et al.)

Presenting Quantitative and Qualitative Information on Forensic Science Evidence in the Courtroom, 29 CHANCE 37 (2016) (with Cedric Neumann et al.)

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KIT KINPORTS

Polisher Family Distinguished Faculty Scholar and Professor of Law

Professor Kinports writes primarily in the fields of criminal law and criminal procedure. In criminal law, her work focuses on violence against women; in criminal procedure, she has concentrated on Fourth Amendment issues. In addition, she studies federalism and civil rights (with particular attention to issues surrounding immunity defenses), and, more broadly, feminist jurisprudence.



PUBLICATIONS

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JULIA Y. LEE

Professor of Law

Professor Lee studies the relationship between law and human behavior in the commercial context. Her work addresses the incentive effects of legal and extra-legal rules, the psychological and economic motivations behind different forms of commercial behavior, and the way that the law impacts social cooperation. She is particularly interested in studying how norms influence economic behavior and commercial relationships outside of the formal legal system.



PUBLICATIONS

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JOHN E. LOPATKA

A. Robert Noll Distinguished Professor of Law

Professor Lopatka's research explores antitrust law, regulated industries, and the economic analysis of law.



PUBLICATIONS

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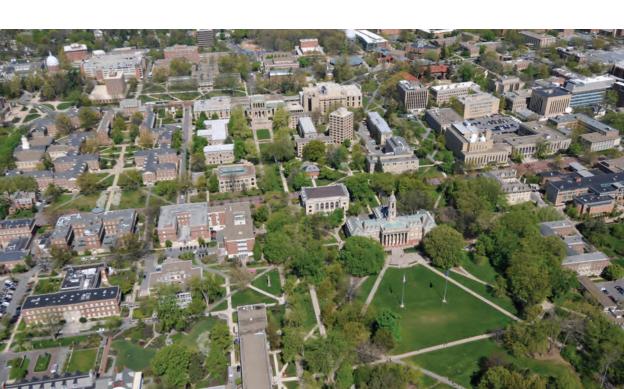
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TIYANJANA MALUWA

H. Laddie Montague Chair in Law and Professor of Law and International Affairs

Professor Maluwa served as associate dean for international affairs at Penn State Law and director of the Penn State School of International Affairs from 2007 to 2015. He writes on international organizations, international dispute settlement, international criminal justice, critical and postcolonial perspectives on international law, and human rights and foreign policy in emerging democracies.



PUBLICATIONS

DUGARD'S INTERNATIONAL LAW - A SOUTH AFRICAN PERSPECTIVE (Cape Town; Juta Publishers, 5th ed., 2018) (with John Dugard, Dire Tladi & Max du Plessis)

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JUD MATHEWS

Professor of Law

Professor Mathews' scholarship brings an interdisciplinary approach to questions of public law. He has written extensively about techniques of constitutional rights adjudication, in the United States and in other jurisdictions, and in particular about proportionality review.



PUBLICATIONS

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Head of Faculty and Research Services and Professor of Legal Research

Professor Mattson provides leadership within the H. Laddie Montague, Jr. Law Library in planning and implementing scholarly support and research services. She manages a robust pool of library research assistants and provides annual training for faculty research assistants.



PUBLICATIONS

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PUBLICATIONS

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Professor Muchmore focuses his research on uncertainty, delegation, and discretion in complex regulatory systems. He is particularly interested in regulatory systems for food, drugs, medical devices, and healthcare delivery. He is also interested in the civil litigation process and in problems that arise in regulating international business.



PUBLICATIONS

FOOD & DRUG REGULATION: A STATUTORY APPROACH (Carolina Academic Press, 2021)

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ROSS PIFER

Director of the Center for Agricultural and Shale Law

Professor Pifer's research examines shale gas development and the interface between agricultural and residential development.



PUBLICATIONS

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JAMES M. PUCKETT

Professor of Law

Professor Puckett's research focuses on tax policy and tax administration. He is especially interested in how the federal tax system addresses income and wealth inequality. His most recent scholarship has explored the unique procedural aspects of tax administration, especially the anti-abuse tools available to the tax administration. His scholarship has also examined the role of personal circumstances and personal expenses on tax liability.



PUBLICATIONS

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DARA E. PURVIS

Associate Dean for Research and Partnerships, and Professor of Law

Dean Purvis' work focuses on family and gender law. Her work examines theories for determining legal parentage, critiques current family law from a feminist perspective, and develops arguments for statutory reform. Her scholarship exposes the problematic influence that unconscious assumptions about gender may have on legal decision-makers, especially when faced with issues relating to legal parentage and assisted reproductive technology.



PUBLICATIONS

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MARIE T. REILLY

Professor of Law

Professor Reilly served as Penn State Law's senior associate dean for academic affairs from 2006 to 2015. Her scholarship offers an economic and historical analysis of banking, bankruptcy and commercial law topics.



PUBLICATIONS

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VICTOR ROMERO

Maureen B. Cavanaugh Distinguished Faculty Scholar and Professor of Law

Professor Romero emphasizes the law's impact on marginalized groups. Especially interested in borders and boundaries—both legal and cultural—he has written on immigration policy and individual rights and analyzed Supreme Court and other federal court opinions through the lens of post-Brown v. Board of Education notions of equality. His inquiries also intersect other disciplines in the social sciences and humanities, including history, social psychology, critical race theory, cultural studies, Christianity, and criminal justice.



PUBLICATIONS

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STEPHEN F. ROSS

Lewis H. Vovakis Distinguished Faculty Scholar, Director of the Institute for Sports Law, Policy, and Research, and Professor of Law

Professor Ross studies differences in constitutional doctrine between the United States and Canada, Australia, Israel, and South Africa. In addition, he works at the intersection of sports and antitrust law, focusing on how governance structures in sporting organizations lead to socially suboptimal results.



PUBLICATIONS

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JACOB SCHUMAN

Assistant Professor of Law, Affiliate Faculty of Penn State's Criminal Justice Research Center, and Affiliate Faculty of Penn State's Consortium to Combat Substance Abuse

Professor Professor Schuman's scholarship focuses on criminal law, criminal procedure, and sentencing.



PUBLICATIONS

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GEOFFREY R. SCOTT

Director of the Arts, Sports and Entertainment Law Clinic and Professor of Law

Professor Scott's research focuses on intellectual property and entertainment law. His intellectual property work emphasizes artistic expression, scientific innovation, and cultural property in the United States, Europe, Asia, and the Australasian region. His entertainment law work addresses issues relevant to musical composers, musical performers, professional athletes, and visual artists.



PUBLICATIONS

ENTERTAINMENT LAW ON A GLOBAL STAGE (West, 2nd Ed.) (forthcoming 2022)

EXPERIENCING INTELLECTUAL PROPERTY (forthcoming 2020) (with Jessica Kiser)

MARK STORSLEE

Assistant Professor of Law

Professor Storslee's scholarship focuses on the First Amendment freedoms of religion and speech, and topics in constitutional law generally.



PUBLICATIONS

COVID-19, Neutrality, and the Free Exercise of Religion, 36 J.L. & RELIG. (forthcoming 2021)

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THERESA K. TARVES

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As Associate Director of the Law Library, Theresa K. Tarves is responsible for the management of day-to-day operations of the Law Library. She assists the associate dean and director of the Law Library with long-range planning and budget administration, as well as project identification and implementation. Additionally, Tarves teaches a section of the 1L Legal Research course and provides general reference and research support to library patrons.



PUBLICATIONS

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SAMUEL C. THOMPSON, JR.

Arthur Weiss Distinguished Faculty Scholar, Director of the Center for the Study of Mergers and Acquisitions, and Professor of Law

Professor Thompson writes on various mergers and acquisitions topics and on the federal income taxation of domestic and international business operations.



PUBLICATIONS

CORPORATE VALUATION IN M&A (forthcoming 2022)

BIDEN VS. TRUMP, VOTER'S GUIDE ON ECONOMICS (2020)

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PANAGIOTIS TAKIS TRIDIMAS

Nancy A. Patterson Distinguished Faculty Scholar and Professor of Law

Professor Tridimas' research interests cover the whole area of European Union law and focus specifically on judicial protection, constitutional remedies, comparative constitutionalism, economic and monetary union, and banking law.



PUBLICATIONS

OXFORD YEARBOOK OF EUROPEAN LAW 2019 (Panagiotis Takis Tridimas et al. eds., 2019)

OXFORD YEARBOOK OF EUROPEAN LAW 2018 (Panagiotis Takis Tridimas et al. eds., 2018)

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The EU Internal Market in Comparative Perspective; Transatlantic Comparisons, in EU LAW THE INTERNAL MARKET (with Robert Schutze & Takis Tridimas eds., forthcoming 2022)

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PUBLICATIONS

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PUBLICATIONS

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