

**FACULTY  
SCHOLARSHIP  
2015-16**

As the proud bearer of the name of one of our country's greatest legal minds, the Louis D. Brandeis School of Law carries a deep legacy of important scholarship. Whether it's an in-depth understanding of constitutional law or an emphasis on interdisciplinary research, our faculty members' work offers significant and innovative contributions to today's legal education landscape. Take a look at their most recent work.

**JAMIE ABRAMS'** research focuses on reproductive and birthing decision-making, gendered citizenship, legal protections for immigrant victims of domestic violence, and legal education pedagogy. In 2015-16, she published articles in the *Michigan Journal of Law Reform*, the *Yale Journal of Law & Feminism*, the *Journal of Legal Education*, and the *Florida State University Law Review*. She also recently published a book chapter with Cambridge University Press and a Kentucky Torts Practice Series Supplement. She has a forthcoming (2017) article in the *Florida State University Law Review*. Abrams co-directs the Brandeis Human Rights Advocacy Program.



**LES ABRAMSON'S** research is known nationally in the areas of judicial ethics. He has authored many law review articles and books, including several law school casebooks and multiple volumes in the Kentucky Practice series for practicing attorneys. In 2015, he published three books, including the first edition of *Short and Happy Guide to Criminal Procedure*. In 2016, his article "Judicial Ethics and the Appearance of Impartiality: What Every Judge Should Know" was accepted for publication by the *Albany Law Review's* annual issue on state constitutional law. In addition, he published three new editions of study aids for law students.



**CRAIG ANTHONY "TONY" ARNOLD** is an internationally recognized scholar at the intersection of land use, water, property, and the environment. His interdisciplinary publications have been extensively discussed and cited by policy makers, NGOs, and scholars. The IUCN Academy of Environmental Law selected his 2013 article on adaptive law as one of "12 Essential Readings in Resilience and Environmental Law." He has recently published in high-impact journals like *Ecology and Society*, *Frontiers in Ecology and the Environment*, and *Annual Review of Environment and Resources*. In Fall 2016, he was a visiting scholar at the UCLA School of Law, working on a grant-funded field-research project on resilience justice in low-income communities of color in Los Angeles.



**JOHN CROSS** is Grosscurth Professor of Law. He focuses his scholarship efforts in two broad areas: intellectual property law (both domestic and international) and the law governing court systems (civil procedure, conflicts, federal jurisdiction, and comparative systems). His most recent work is as co-author of a chapter in the book *Remuneration of Copyright Owners — Regulatory Challenges of New Business Models*, forthcoming from Springer in 2017. He has a forthcoming article about intellectual property issues related to digital flavors.



**SUSAN DUNCAN** is dean of Brandeis Law. Her scholarship has focused primarily on the issues surrounding children, including the need for anti-bullying laws and laws protecting children from pornography on the Internet. Her recent scholarship focuses on use of restorative practices in schools, universities and in the workplace. Her latest publication is "Cyberbullying and Restorative Justice," a chapter in the 2015 book *Cyberbullying Across the Globe*.



**DAVID ENSIGN** is director of the Law Library. His areas of expertise are intellectual property and legal research. He writes a regular column, "Copyright Corner," for *Kentucky Libraries*, a journal of the Kentucky Library Association.



**GRACE GIESEL** is the Bernard Flexner Professor and Distinguished Teaching Professor. Her scholarly interests include contract and professional responsibility issues with particular focus on the nature of the relationship of attorney and client, in-house and corporate representation in general, the attorney-client privilege, contracts and public policy, and areas in which professional responsibility and contract law intersect. In 2015, she published the second edition of her book, *Mastering Professional Responsibility*. Giesel has authored numerous articles on issues of professional responsibility and also on contract law matters. Her recent work has appeared in the *Denver University Law Review* and the *Wake Forest Law Review*.



**JAMES JONES'** research and teaching interests include domestic violence, with an emphasis on professional liability; torts; decedents' estates; legal writing; written advocacy; and mental illness among professionals. He has written a number of articles, including seven on the use of tort law to enforce the legal rights of domestic violence victims. His most recent work was published in *International and Comparative Law on the Rights of Older Persons* and the *Duke Forum for Law & Social Change*. Jones is co-author of a 2016 article in the *American Journal of Orthopsychiatry*.



**KAREN JORDAN'S** scholarship tends to focus on regulatory law and policy issues, especially relating to the allocation of power between federal and state systems. Recent articles have appeared in the *University of Pennsylvania Journal of Constitutional Law*, the *Journal of Legal Medicine*, the *Notre Dame Journal of Legislation*, and the *Tennessee Journal of Law and Policy*. Jordan's work also is driven by teaching and service responsibilities. She co-authors an administrative law study aid, and her most recent article, which appears in the *Clinical Law Review*, explores issues relating to hybrid field placement-law clinic courses.



**ARIANA LEVINSON** is a nationally acclaimed and internationally recognized labor and employment law scholar, particularly on the topics of labor arbitration, worker-owned cooperatives, and technology and the workplace. She has often presented her research, including at Berkeley Law School, Fordham Law School, University of Leeds, Universidad Carlos III de Madrid, and Vanderbilt Law School. Levinson's work has been published in the *Columbia Business Law Review*, the *Michigan Journal of Law Reform*, and the *Cornell Journal of Law and Public Policy*. She has received several awards for her scholarship including the Michael W. Huber Research Fellowship from the Rutgers School of Management and Labor Relations. She has a forthcoming article in the *Harvard Journal on Legislation* and is working on a hornbook on arbitration.



**GOLDBURN MAYNARD JR.'s** research focuses on issues of wealth distribution and inequality, tax policy and America's aging population. He has been published in the *Denver Law Review* and the *Fordham Law Review*. His most recent article, "Perpetuating Inequality by Taxing Wealth," examines the role of narrative and psychology in the battle over the estate tax.



**LAURA MCNEAL** has contributed to the national debate on law, policy, and education through op-eds and national television news features. Her research examines issues of access and equity in employment and education law, with a particular emphasis on institutional barriers for individuals from traditionally marginalized populations. Her most recent work was published in 2016 in the *Arizona State Law Journal* entitled, "Managing Our Blind Spot: The Role of Bias in the School-to-Prison Pipeline." Another piece was published in the *Harvard Journal of Racial and Ethnic Justice*, entitled, "The Milliken Effect: Moral Exclusion Under the Guise of Equity." She was also invited to write an article in the ABA Magazine *Insights on Law & Society*, entitled "The School-to-Prison Pipeline: Redirecting Our Future." Dr. McNeal serves as a senior researcher at the Charles Hamilton Houston Institute at Harvard Law School.



**KURT METZMEIER** has published widely in library, legal, and historical journals. His primary research areas are legal research methods and the history of state courts and other legal institutions. In June 2016, he published the fourth edition of the *Kentucky Legal Research Manual*. In December 2016, the University Press of Kentucky published his book *Writing the Legal Record: Law Reporters in Nineteenth-Century Kentucky*. He is an active member of several legal and scholarly organizations, including the American Association of Law Libraries, Kentucky Bar Association, the Louisville Bar Association, and the Kentucky Historical Society.



**LUKE MILLIGAN's** scholarship centers on constitutional law, privacy, and theories of judging. Milligan is currently working to develop an alternative framework for the law of search and seizure, rooted in the original meaning of the Fourth Amendment's right "to be secure." Recent articles by Milligan have appeared in the *Boston University Law Review*, *Emory Law Journal*, *Georgia Law Review*, *Hastings Law Journal*, and *Washington and Lee Law Review*. His most recent article, "The Right to Be Secure": *Los Angeles v. Patel*" was published in the *Cato Supreme Court Review*.



**CEDRIC MERLIN POWELL** has written on a broad range of topics including affirmative action and Critical Race Theory, the First Amendment and hate speech, and the Fourteenth Amendment and structural inequality. All of his scholarship critiques neutrality as a means of preserving structural inequality and advances theories of substantive equality which reject colorblindness and post-racialism as normative principles in constitutional analysis. His most recent article was published in the *Harvard Journal on Racial & Ethnic Justice*, and he is working on an article examining the political process theory and what that means for race-conscious remedies.



**LAURA ROTHSTEIN** is a Distinguished University Scholar who has written 15 books and dozens of book chapters, articles, and other works on disability discrimination, with an emphasis on disability discrimination in higher education. In addition to her work in disability law, she has worked to promote racial and gender diversity within legal education and the legal profession. Her most recent work highlights the interdisciplinary nature of her work, relating to education issues and health law, and has been published by Carolina Academic Press; the *Journal of Law & Education*; the *Journal of Law, Medicine and Ethics*; the *Journal of College and University Law*; and the *Journal of the American Medical Association*. A new edition of her disability law casebook is forthcoming in 2017 from Carolina Academic Press.



**MARK ROTHSTEIN** has a joint appointment at the Brandeis School of Law and the School of Medicine. He holds the Herbert F. Boehl Chair of Law and Medicine and is the founding director of the Institute for Bioethics, Health Policy and Law at the University of Louisville School of Medicine. He has concentrated his research on bioethics, genetics, health privacy, public health law and employment law. Thanks to a \$612,000 grant from the National Institutes of Health, Rothstein researched ways to foster international collaboration on genetic research while maintaining human rights and privacy. His team's findings were published in two special issues of the *Journal of Law, Medicine and Ethics* in 2016.



**JOANNE SWEENEY's** scholarly interests include comparative constitutional law, freedom of expression, law and gender, and legal history. Some of her most recent research has focused on the present and historical criminalization of consensual sex, such as the prosecution of teenagers under child pornography laws because they have "sexted" each other. Her comparative work focuses on the United Kingdom's Human Rights Act and the European Convention on Human Rights. She has been published in the *Loyola University Chicago Law Journal*, *Michigan Journal of International Law*, *Kentucky Law Journal* and others. Her most recent article was published in the fall 2016 issue of *The Second Draft*, a peer-reviewed publication of the Legal Writing Institute.



**ENID TRUCIOS-HAYNES** is a nationally recognized scholar in immigration law. Her teaching focus is in constitutional law, immigration law, international law, and race and the law with an emphasis on issues affecting Latin@s. She directs the Muhammad Ali Institute of Peace and Justice and co-directs the Brandeis Human Rights Advocacy Program, which works to advance the human rights of immigrants, noncitizens, and refugees in Louisville and Kentucky. She is co-PI on a grant to create a new Collaborative Consortium for Transdisciplinary Social Justice Research at the university. Trucios-Haynes is the author of the forthcoming Carolina Academic Press book *Mastering Equal Protection* and a forthcoming chapter in *Latino Words*, a New York University press book, "Latin@s – The Racialized, Foreign and Undocumented "Other."



**JUSTIN WALKER's** scholastic interests include the separation of powers, national security law, and the U.S. Supreme Court. His article "The Execution of the Innocent in Military Tribunals: Problems from the Past and Solutions for the Future" was recently published in the *West Virginia Law Review*. His article "What Will Guard the Guardians?: Combating Threats to an Independent Judiciary Through Lessons Learned from Theories of Inherent Executive Power" will be published in 2017 by the *University of Cincinnati Law Review*. As a follow-up to that article, he recently accepted an invitation to participate in a national symposium on judicial independence at the University of Memphis Cecil C. Humphreys School of Law.



**RUSSELL WEAVER** is a Distinguished University Scholar. He is a prolific author who has written dozens of books and articles. He is particularly noted for his work in the constitutional area, especially his writings on free speech. He has also authored a Constitutional Law casebook (with Aspen Publishing), a First Amendment casebook (with LexisNexis), *Understanding the First Amendment* (LexisNexis), a Criminal Procedure casebook (West), a Criminal Law casebook (West), an Administrative Law casebook (West) and a tort casebook (LexisNexis). In 2015, he published "Advice and Consent" in *Historical Context* in the *Duke Law Journal* and "Governmental Cyber-Surveillance in a Democratic Society" in the *Washington and Lee Law Review*.

