UPCOMING EVENTS

76th Annual Curia Society Dinner
6:00 P.M., November 9 ▪ Harmonie Club, 4 East 60th Street, New York, New York
“Good Sports Make Bad Law” presented by Robert DuPuy ’73, president and chief operating officer of Major League Baseball.

“After the Bomb in Korea”
12:30 P.M. - 1:30 P.M., November 9 ▪ 273 Myron Taylor Hall
A Clarke Program in East Asian Law and Culture Colloquium Series presentation by Mark Selden, East Asia Program, Cornell University.

Cornell’s Chen Jian on China’s Dilemmas
12:00 P.M. - 1:30 P.M., November 16 ▪ 273 Myron Taylor Hall
A Clarke Program in East Asian Law and Culture Colloquium Series presentation by Chen Jian, Department of History, Cornell University.

Hartford Area Alumni Reception & Dinner
6:00 P.M., November 16 ▪ Marriott Hartford Downtown, 200 Columbus Boulevard, Hartford, Connecticut

Transboundary Indigenous Water Program Conference
November 17 - 18 ▪ G85 & MacDonald Moot Court Room, Myron Taylor Hall
A conference sponsored by the Journal of Law & Public Policy, the American Indian Program, and the Water Resource Institute.

Cuccia Cup Moot Court Final Competition
5:00 P.M., November 18 ▪ MacDonald Moot Court Room, Myron Taylor Hall
NEW FACULTY BOOKS

The Global Debate Over Constitutional Property: Lessons For American Takings Jurisprudence

University of Chicago Press

by Gregory S. Alexander

ABSTRACT: This book examines the questions of whether and why property should be made the matter of constitutional protection from a comparative perspective.

The Jury System: Contemporary Scholarship

Ashgate Press

Edited by Valerie P. Hans

ABSTRACT: This volume collects new, high-quality scholarship on the perennially controversial institution of trial by jury. The book provides accounts of the jury’s historical development and contemporary use, as well as empirical work on jury selection, jury decision making, and jury reform. Part of the Ashgate series: “The International Library of Essays in Law and Society.”

Democratic Reform in Africa: Its Impact on Governance and Poverty Alleviation

James Currey Publishers and Ohio University Press

Edited by Muna Ndulo

ABSTRACT: This work examines the interrelationship between governance and poverty alleviation in Africa and the impact of democratic reform on this relationship. Economic aid and other forms of financial assistance are progressively conditional on good governance. African states within the New Partnership for African Development (NEPAD) have recognized good governance as a precondition to development and have devised standards for economic and political governance. The contributors assess what progress, if any, Africa has made in addressing the need for the consolidation of democratic reform and the resolution of considerable developmental challenges.
Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes


by Sheri Lynn Johnson, Cornell Law School; Jennifer L. Eberhardt, Stanford University; Paul G. Davies, University Of California, Los Angeles Department Of Psychology and Valerie J. Purdie-Vaughns, Yale University, Department Of Psychology

**ABSTRACT:** In the present study, we examine whether the likelihood of being sentenced to death is influenced by the degree to which a black defendant is perceived to have a stereotypically black appearance. Controlling for a wide array of factors, we found that in cases involving a white victim, the more stereotypically black a defendant is perceived to be, the more likely that person is to be sentenced to death.

Forty Years of Codification of Estates and Trusts Law: Lessons for The Next Generation


by Gregory S. Alexander, Cornell Law School and Mary Louise Fellows, University of Minnesota School of Law

**ABSTRACT:** In this paper we develop two theses. First, we argue that uniform law proposals that ask courts and practitioners to abandon revered legal traditions and ways of thinking about estates and trusts, even when they are intent-furthering proposals, face resistance until in time the glories of the past and the risks of a new legal regime fade in importance in legal thought. Second, we argue that, especially within an environment in which states seek to gain competitive advantage over their counterparts in other states, the glories of the past and the risks of a new legal regime fade fastest when a uniform law proposal limits the effect of intent-defeating rules.

Beyond Interstate Recognition in the Same-Sex Marriage Debate


by Gary J. Simson, Cornell Law School Professor of Law, Emeritus; Dean and Joseph C. Hostetler-Baker and Hostetler Professor, Case Western Reserve University School of Law

**ABSTRACT:** The national same-sex marriage debate has been dominated for the past decade by the interstate recognition issue. This article seeks to shift the focus of the debate to same-sex marriage prohibitions themselves and their incompatibility with several limitations of federal constitutional law.
What is Labor Law?

*Boundaries And Frontiers Of Labour Laws: Goals And Means In The Regulation Of Work*

Guy Davidov and Brian Langille, Eds.,

by Alan Hyde

**ABSTRACT:** Labor law should instead be understood as the set of techniques and practices for intervention into particular kinds of markets, specifically, markets that will reach suboptimum results without such interventions, because individuated actors cannot overcome collective action problems.

New Institutions For Worker Representation In The United States: Some Theoretical Issues


by Alan Hyde

**ABSTRACT:** Experience to date does not suggest that alternative worker organizations (AWOs) experience distinctive difficulty in mobilizing for action, overcoming collective action problems, projecting power, or attaining results. They are probably superior to traditional unions on all these grounds. The chief observable impediment to their growth is the necessity of alliances with groups with different agendas. The legal framework concerning AWOs is sufficiently accommodating to permit future experimentation.

First National Maintenance Corp. V. National Labor Relations Board: Eliminating Bargaining for Low-Wage Service Workers

*Labor Law Stories*

Laura Cooper and Catherine Fisk, Eds., pp. 281-314
Foundation Press, 2005

by Alan Hyde

**ABSTRACT:** The Supreme Court decision finds an employer privileged not to bargain with the union over a decision to eliminate a portion of operations (by not renewing a contract with a particular customer), undertaken entirely for economic reasons turning not at all on labor costs, and without animus to the union. The case was a carefully-constructed hypothetical that omitted key facts. The drafting of the opinion is traced through Supreme Court memos and drafts and reveals no clear decision on the issues that actually arise.
A Stag Hunt Account and Defense of Transnational Labor Standards - A Preliminary Look at the Problem

Globalization And The Future Of The Labour Law

John D.R. Craig and S. Myles Lynk, Eds.,
Cambridge University Press, 2006

by Alan Hyde

ABSTRACT: Labor standards with transnational application may be modeled as agreements among developing countries to overcome collective action problems, although this has not previously been done. This paper argues that there is no conflict between transnational labor standards, and the theory of comparative advantage, since countries adopt only labor standards that are in their interest.

FOR MORE INFORMATION

Cornell Law School
Myron Taylor Hall • Ithaca, NY 14853-4901 • Phone (607) 255-7477
Fax (607) 255-7193 • www.lawschool.cornell.edu

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General comments may be sent to Kathleen E. Rourke, editor.