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### FACULTY PUBLICATIONS

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## UPCOMING EVENTS

### Deconstructing Equity: Public Ownership, Agency Costs, and Complete Capital Markets

12:00-1:20 PM, October 3  ■  Weiss Faculty Lounge

Charles K. Whitehead, Associate Professor at Boston University College of Law, will present his paper entitled “Deconstructing Equity: Public Ownership, Agency Costs, and Complete Capital Markets” at a faculty workshop. An RSVP to Heidi Best at shb5@cornell.edu is requested.

### Winning Brief Writing Techniques by Judge Lebovits

4:00-6:00 PM, October 3  ■  Saperston Student Lounge

This talk by Judge Lebovits will focus on how to compose effective components of a brief: questions presented, summaries of arguments, facts, and argument. It will also stress the elements of good legal writing: style, storytelling, organization, and legal method. Gerald Lebovits is a judge of the New York City Civil Court, in Manhattan; an adjunct professor at St. John’s University School of Law; and a faculty member of the New York State Judicial Institute. Judge Lebovits is also the author of the monthly New York State Bar Journal column, “The Legal Writer.”

### LALSA Hispanic Heritage Month Speaker Series

12:30-2:00 PM, October 15  ■  Berger Atrium

Judge Sonia Sotomayor, US 2nd Circuit, will speak on her life, legal career, and experience as a judge for the second circuit.

### The Problem with Land

12:00-1:20 PM, October 19  ■  Weiss Faculty Lounge

Eduardo M. Peñalver, Associate Professor of Law at Cornell Law School, will present a faculty workshop on “The Problem with Land.”

### Cuccia Cup Moot Court Competition

6:00-7:00 PM, October 21  ■  MacDonald Moot Court Room

Final round of the Cuccia Cup Moot Court competition.
Distinguished Jurist in Residence
October 21-23  ■ Myron Taylor Hall and Cornell Campus
Sandra Day O’Connor, retired associate justice of the U.S. Supreme Court, will visit the Law School as a Distinguished Jurist in Residence.

Access to Courts and the Separation of Powers
12:00-1:35 PM, October 26  ■ Weiss Faculty Lounge
Steven I. Vladeck, Associate Professor of Law from American University, Washington College of Law will present his paper entitled “Access to Courts and the Separation of Powers” at a faculty workshop. An RSVP to Heidi Best at shb5@cornell.edu is requested.

Law School Advisory Council Meeting
All Day, November 2-3  ■ Myron Taylor Hall
Advisory Council meetings at Cornell Law School.

Law, Biology, and Property: A New Theory of the Endowment Effect
12:00-1:20 PM, November 2  ■ Weiss Faculty Lounge
Owen D. Jones, FedEx Research Professor and Professor of Law and Professor of Biological Sciences at Vanderbilt University, will make a presentation to the Cornell Law faculty. An RSVP to Heidi Best at shb5@cornell.edu is requested.

Continuity and Change at the Boundaries of Law and Culture
12:00-1:15 PM, November 8  ■ Weiss Faculty Lounge
Professor Elizabeth G. Thornburg from Southern Methodist University’s Dedman School of Law and visiting at West Virginia University, will make a presentation to the Cornell Law faculty. An RSVP to Heidi Best at shb5@cornell.edu is requested.

American Society of Comparative Law Reception
5:30-7:30 PM, November 8  ■ Berger Atrium
Opening reception for the American Society of Comparative Law 2007.

Annual Meeting of the American Society of Comparative Law
All Day, November 9-11  ■ Room G90 Mancuso Amphitheater
The 2007 annual meeting of the American Society of Comparative Law. The topic is “Comparative Law and Culture.” Sunday’s meeting will include a workshop on Chinese, Japanese, and Korean online legal resources, presented by Rob Britt and Bill McCloy from the University of Washington Marian Gould Gallagher Law Library.
Faculty Workshop with Davis M. Douglas
12:00-1:40 PM, November 16  ■  Weiss Faculty Lounge
Davis M. Douglas, Professor of Law from the College of William and Mary, Marshall-Wythe School of Law and currently visiting at Cornell Law School, will make a presentation to the faculty. An RSVP to Heidi Best at shb5@cornell.edu is requested.

Professionals versus Politicians
12:00-1:15 PM, November 30  ■  Weiss Faculty Lounge
G. Mitu Gulati, Professor of Law at Duke University School of Law, will present his paper, “Professionals versus Politicians: The Uncertain Case for an Elected Judiciary over an Appointed One,” to the Law School faculty. An RSVP to Heidi Best at shb5@cornell.edu is requested.

UPCOMING ALUMNI EVENTS

Cornell Law School Washington D.C. Reception
6:30-8:00 PM, October 18  ■  Skadden, Arps, Slate, Meagher & Flom LLP, Washington D.C.
A “First Monday” reception commemorating October Term 2007 of the United States Supreme Court. Special guest Professor Trevor Morrison will speak on “Emerging Trends on the Roberts Courts: The Good, the Bad, and the Ugly.”

The Importance of an Independent Judiciary
4:30-6:00 PM, October 23  ■  Bailey Hall, Cornell Campus
Sandra Day O’Connor, retired associate justice of the U.S. Supreme Court, will give the Konvitz Lecture on “The Importance of an Independent Judiciary.” For information on tickets please contact Alumni Affairs Office at 607.255.5251. Limited seating is available.

Cornell Law School Alumni Reception and CLE Program in New York City
6:30 PM, October 25  ■  McGuire Woods LLP, New York City, NY
“What You Never Learned in Law School: How to Navigate the Hidden Rules of Law Firms” advice, insights, and success stories from alumnae. The reception begins at 6:30 followed by the CLE Program at 7:30.

Cornell Law School Rochester Luncheon
12:30 PM, October 30  ■  Genesee Valley Club, Rochester, NY
Special Guest Professor Claire Germain, Edward Cornell Law Librarian and Professor of Law, will discuss the new partnership between the Court of Cassation, the highest court in the French judiciary, and Cornell Law School as well as provide an overall update on the Law School.
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Cornell Professional Network Dinner in Boston
6:30-9:30 PM, November 1  ■ Goodwin Procter LLP, Boston, MA
“The Law and Business of Sports” with Stephen Lewinstein ’67

Cornell Law School Buffalo Luncheon
11:30 AM, November 6  ■ Buffalo Club, Buffalo, NY
Special Guest Professor Claire Germain, Edward Cornell Law Librarian and Professor of Law, will discuss the new partnership between the Court of Cassation, the highest court in the French judiciary, and Cornell Law School as well as provide an overall update on the Law School.

Emerging Trends on the Roberts Court: The Good, the Bad, and the Ugly
6:30-10:30 PM, November 7  ■ Rye Brook, NY
Presentation by Trevor Morrison, Law School Professor and former Supreme Court clerk to Justice Ruth Bader Ginsburg AB ’54. Co-sponsored with the Cornell Club of Westchester. For more information, please contact Jim Irish at 914.428.7340

Cornell Law School’s 77th Annual Curia Dinner
6:00 PM, November 14  ■ Harmonie Club, New York, NY
Special Guest Barbara Olshansky, Distinguished Professor of Human Rights at Stanford Law School, speaking on “International Human Rights Since September 11th: Has the United States Abandoned It’s Commitments?” The reception begins at 6:00 followed by dinner at 7:00.

Cornell Big Red Men’s Hockey vs. Boston University Terriers
8:00 PM, November 24  ■ Madison Square Garden in New York City
Join fellow alumni and friends for “Red Hot Hockey” at Madison Square Garden in New York City, the renewal of one of the fiercest rivalries in college hockey when the Cornell Big Red men’s hockey team takes on the Boston University Terriers. Face off is at 8:00 p.m. Tickets are now on sale and seating in the Cornell section is available directly through the Cornell Athletics ticket office call 607.254.BEAR (2327).
American Juries: The Verdict
Prometheus Books, 2007
By Valerie Hans and Neil Vidmar

This comprehensive volume reviews over fifty years of empirical research on civil and criminal juries and returns a verdict that strongly supports the jury system. Rather than relying on anecdotes, Vidmar and Hans—renowned scholars of the jury system—place the jury system in its historical and contemporary context, giving the stories behind important trials while providing fact-based answers to critical questions. How do juries make decisions and how do their verdicts compare to those of trial judges and technical experts? What roles do jury consultants play in influencing trial outcomes? Can juries understand complex expert testimony? Under which circumstances do capital juries decide to sentence a defendant to die? Do jurors ignore the law? After briefly comparing the American jury to its counterparts in other nations, they conclude that our jury system, despite occasional problems, is, on balance, fair and democratic, and should remain an indispensable component of the judicial process for the foreseeable future.

The Torts Process
Aspen Publishers, 7th ed. 2007

The Torts Process, seventh edition, offers a student-friendly, procedural approach to tort law. By utilizing a problem-based methodology, students are challenged throughout the text with the use of theoretical and real-life situations. This interactive, well-balanced approach will enable students to grasp the basics of tort law more effectively and efficiently than others of its kind. The latest edition includes a new chapter on the global dimensions of tort law.

The Law Governing Lawyers: National Rules, Standards, and Statutes
Aspen Publishers, 2007
By W. Bradley Wendel, Susan R. Martyn, and Lawrence J. Fox

Providing full coverage of all the national and state rules as well as selected standards and statutes pertaining to the law governing lawyers, this supplement is an ideal reference source for any course on professional responsibility or legal ethics. The complimentary CD includes the text of the supplement as well as the full text of each jurisdiction’s current lawyer code.
International Law: Norms, Actors, Process: A Problem-oriented Approach


By David Wippman, Jeffrey L. Dunoff, and Steven R. Ratner

Illuminate the process of international lawmaking with this timely and practical revision. This book uses compelling problems and an interdisciplinary approach to lead students from fundamental to advanced topics. The second edition presents a wide range of new material: developments, cases, and updated notes and questions relating to the war on terrorism, the Iraq war, global warming/climate change, the law of occupation, international law in U.S. courts, and the International Criminal Court. It also included new cases such as Sosa (the Alien Tort Claims Act), the International Court of Justice (ICJ) and U.S. death penalty and consular notification cases, the ICJ and the Israeli High Court on the separation barrier, and U.S. courts on detainees held at Guantanamo.

FACULTY PUBLICATIONS: Articles

“Law and Philosophy at Odds”

Cornell Legal Studies Research Paper No. 07-007

By Emily L. Sherwin with Larry Alexander

ABSTRACT: This essay, prepared for a symposium on the role of philosophy in law, suggests that philosophical discipline calls into question several features of practical legal decision making.

“Unjust Enrichment and Creditors”

Review of Litigation, 2008
Cornell Legal Studies Research Paper No. 07-008

By Emily L. Sherwin

ABSTRACT: In this article, I examine the notion of equitable title and conclude that it does not support the conclusion that priority for constructive trust claimants is necessary to prevent unjust enrichment of creditors.

“Suspension and the Extrajudicial Constitution”

Columbia Law Review, forthcoming
Cornell Legal Studies Research Paper No. 07-014

By Trevor Morrison

ABSTRACT: Everyone agrees that suspending habeas makes that particular—and particularly important—judicial remedy unavailable for those detained by the government. But does suspension also affect the underlying legality of the detention? Some, including Justice Scalia in the 2004 case Hamdi v. Rumsfeld and Professor David Shapiro in an important recent article, answer yes. This article answers no.
“Maintaining Competition in Copying: Narrowing the Scope of Gene Patents”

*UC Davis Law Review*, forthcoming
Cornell Legal Studies Research Paper No. 07-010

By **Oskar Liivak**

**ABSTRACT:** This article finds that gene discoveries are critically different from traditional inventions and concludes that the patent system cannot treat them as identical.

“The Twenty-First Century Jury: Worst of Times or Best of Times?”

Cornell Legal Studies Research Paper No. 07-009

By **Valerie Hans**

**ABSTRACT:** There is evidence of both the expansion of jury trial rights, yet contraction of jury trials. Research evidence indicates that juries perform well, yet the 21st Century jury confronts more complex decision making tasks and continuing doubts about its fairness and competence.

“Legal Information Management in a Global and Digital Age: Revolution and Tradition”

*35 International Journal of Legal Information* 134
Cornell Legal Studies Research Paper No. 07-005

By **Claire M. Germain**

**ABSTRACT:** This article presents an overview of the public policy issues surrounding digital libraries, and describes some current trends, such as Web 2.0, the social network.

FOR MORE INFORMATION

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