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By

Sonia H. Moss

Research Paper No. 3

January 2004

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**Book:**

William B. Gould, IV, Editor.  
International Labor Standards: Globalization, Trade, and Public Policy.  
Stanford, CA: Stanford University Press, 2003. 275 pages.

Pamela S. Karlan  
2003 Supplement to Constitutional Law. 4<sup>th</sup> edition. Geoffrey R. Stone, Editor.  
Gaithersburg, MD: Aspen Law & Business, 2003. 247 pages.

Robert L. Rabin  
Torts Stories.  
New York, NY: Foundation Press, 2003. 290 pages.

**Book Chapter:**

Deborah L. Rhode  
Sex in Schools: Who's Minding the Adults?, in,  
Directions in Sexual Harassment Law, Catherine A. MacKinnon and Reva B. Siegel,  
Editors.  
New Haven, CT: Yale University Press, 2004. p. 290-306.

William B. Gould, IV  
Introduction, in,  
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William B. Gould, IV  
Labor Law for a Global Economy: The Uneasy Case for International Labor  
Standards, in,  
International Labor Standards: Globalization, Trade, and Public Policy.  
Stanford, CA: Stanford University Press, 2003. p. 81-128.

## **Journal Article:**

Lawrence Lessig  
Stop Making Pills Political Prisoners.  
12.02 Wired Magazine, 83 (February 2004).

Larry D. Kramer  
Popular Constitutionalism.  
92 California Law Review 959-1012 (2004).

## **Newspaper Article:**

Jenny S. Martinez  
Liberties and Limits in the War on Terrorism.  
Washington Post, (January 6, 2004). p. A16.

David Mills and Robert Weisberg  
Flunking the Martha Test.  
The Wall Street Journal, (January 16, 2004). p. A10.

Allen S. Weiner  
The Case for International Justice: The World's Concern with War Crimes is Not Merely Ethical.  
San Jose Mercury News, [Op-Ed] (December 24, 2003). p. 9B.

## **Other:**

William B. Gould, IV  
In the Matter of 2003 WGAw Election Protest: Report and Recommendations.  
Los Angeles, CA. (January 5, 2004). 35 pages.

Kathleen M. Sullivan  
The Power of One: The O'Connor Court?  
NewsHour with Jim Lehrer (January 12, 2004).

## **Working Paper:**

Mariano-Florentino Cuellar  
Rethinking Public Engagement in the Administrative State.  
Stanford Law School, Public Law Working Paper No. 76 (January 2004). 88 pages.

Michele Landis Dauber

The Sympathetic State.

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Pamela S. Karlan

Convictions and Doubts: Retribution, Representation, and the Debate Over Felon  
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**Book:**

Richard T. Ford  
Racial Culture: A Critique.  
Princeton, NJ: Princeton University Press, *forthcoming*, 2004.

Lawrence Lessig  
Free Culture: How Big Media Uses Technology and the Law to Lock Down  
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New York: Penguin Press, 2004. 368 pages.

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Richard T. Ford  
Against Cyberspace, in,  
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Henry T. Greely  
Prediction, Litigation, Privacy, and Property: Some Possible Legal and Social  
Implications of Advances in Neuroscience, in,  
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Lawrence Lessig  
The Place of Cyberlaw, in,  
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John Henry Merryman  
A Licit International Trade, in,  
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Helvoirt, Netherlands: The European Fine Art Foundation, 2004. p. 13-36.

Deborah L. Rhode  
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New York, NY: Foundation Press, 2004. p. 625-657.

## **Journal Article:**

R. Richard Banks  
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56 Stanford Law Review 571-603 (December 2003).

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Brown v. Board of Education: 50 Years Later [Panel discussion].  
38 Stanford Lawyer 20-25 (Spring 2004).

Richard T. Ford  
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Michelle Friedland  
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Ronald J. Gilson  
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William B. Gould IV  
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150 Congressional Record E97-E98 (Extensions of Remarks), February 3, 2004.

Henry T. Greely  
Defining Chimeras – And Chimeric Concerns.  
3 American Journal of Bioethics 17-20 (2003).

Michael Klausner  
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the IPO Stage.  
152 University of Pennsylvania Law Review 755-784 (December 2003).

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Kenneth E. Scott  
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Internet Providers Must Not Dictate Content.  
Financial Times, p. 13, (February 20, 2004).

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R. Richard Banks  
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Henry T. Greely  
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Henry T. Greely  
Prediction, Litigation, Privacy, and Property: Some Possible Legal and  
Social Implications of Advances in Neuroscience.  
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Procedures for EPA Review of Intentional Human Dosing Studies, in,  
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Washington, D.C.: National Academies Press, (2004). p. 113-122.

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3 Legal Affairs 57-63 (March/April 2004).

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Barbara Allen Babcock  
Hiibel Revisited: Apocalyptic Constitutional Moment Ahead.  
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Deborah L. Rhode  
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## **Other:**

Pamela S. Karlan  
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R. Richard Banks, Marcus Cole  
Blacks and conservatism.  
Black Law Student Association Forum, C-SPAN (February 24, 2004).

## **Working Paper:**

Joseph Bankman  
Who Should Bear Tax Compliance Costs?  
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(March 10, 2004). 28 pages.

Ronald J. Gilson  
The Poison Pill in Japan: The Missing Infrastructure.  
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(January 2004). 22 pages.

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Understanding MACs: Moral Hazard in Acquisitions.  
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The People Themselves: Popular Constitutionalism and Judicial Review.  
New York, NY: Oxford University Press, 2004. 352 pages.

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Enforcing Virtue: Social Norms and Self-Interest in an Eighteenth Century Merchant Court.  
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In Memoriam: John Ely Hart.  
117 Harvard Law Review 1758-1759 (April 2004).

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Pamela Karlan  
Critics of Gay Unions Can Look at the Stats.  
(New Orleans) Times Picayune (April 1, 2004). p. 7.

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No. 03-5554, Supreme Court of the United States, December 15, 2003.

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March 2004. 28 pages.

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Federal Income Tax: Examples and Explanations. 4<sup>th</sup> edition.  
New York, NY: Aspen Law and Business, (*forthcoming* 2004).

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The First Amendment: Constitutional Protection of Expression and Conscience.  
New York: NY: Foundation Press, 2003. 610 pages.

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New York: NY: Foundation Press, 2002. 1316 pages.

Barbara H. Fried and Mark G. Kelman

Pragmatic Consequences of Foundational Principles. (*Forthcoming* 2004).

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An Academic's View of the Tax Shelter Battle, in,  
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New International Arrangements in Intellectual Property and Competition Law, in,  
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John Henry Merryman

A Licit International Trade in Cultural Objects, in,  
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Helvoirt: The European Fine Art Foundation, 2004. p. 13-36.

Lawrence Lessig  
Open Source Baselines: Compared to What?, in,  
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Jenny S. Martinez  
Gender Considerations in Interpreting Elements of Crimes in International Law, in,  
4 Women and International Human Rights Law, Kelly D. Askin, Editor.  
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Information Tangibility, in,  
Economics, Law and Intellectual Property: Seeking Strategies for Research and Teaching  
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Boston, MA: Kluwer Academic Publishers, 2003. p. 395-418.

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Janet Cooper Alexander  
Procedural Design and Terror Victim Compensation.  
53 DePaul Law Review 627-718 (Winter 2003).

John J. Donohue, III  
Further Evidence that Legalized Abortion Lowered Crime.  
39 Journal of Human Resources 29-49 (Winter 2004).

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Begging the Question with Style: Anarchy, State and Utopia at Thrity Years.  
Social Philosophy and Policy (*Forthcoming* 2005).

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Introduction (Symposium: Sports and the Law).  
15 Stanford Law and Policy Review 1-6 (2004).

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Labor Issues in Professional Sports: Reflections on Baseball, Labor, and Antitrust Law.  
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Money Talks: Searching for Justice Through Compensation for Personal Injury and Death.  
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Michelle Friedland  
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104 Columbia Law Review 563-632 (April 2004).

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Convictions and Doubts: Retribution, Representation, and the Debate Over Felon Disenfranchisement.  
56 Stanford Law Review 1147-1170 (April 2004).

Michele Landis Dauber  
The War of 1812, September 11<sup>th</sup> and the Politics of Compensation.  
53 DePaul Law Review 289-354 (Winter 2003).

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Protectionism Will Kill Recovery.  
12.05 Wired (May 2004).

Robert L. Rabin  
The September 11<sup>th</sup> Victim Compensation Fund: A Circumscribed Response or an Auspicious Model?  
53 DePaul Law Review 769-803 (Winter 2003).

Margaret Jane Radin  
Regime Change in Intellectual Property: Superseding the Law of State with the Law of the Firm.  
University of Ottawa Law and Technology Journal (*forthcoming* 2004).

Deborah L. Rhode  
Midcourse Corrections: Women in Legal Education.  
53 Journal of Legal Education 475-488 (December 2003).

## **Working Paper:**

Mark A. Lemley  
Ex Ante Versus Ex Post Justifications for Intellectual Property.  
UC Berkeley Public Law Research Paper no. 144 (2004). 67 pages.

Margaret Jane Radin

Regime Change in Intellectual Property: Superseding the Law of State with the Law of the Firm.

Stanford Law School, Stanford Public Law Working Paper No. 91 (2004). 26 pages.

Ronald J. Gilson

Choice as Regulatory Reform: The Case of Japanese Corporate Governance.

Stanford Law School, Stanford Law and Economics Olin Working Paper 252.

(April 2004). 48 pages.

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**Book Chapter:**

William H. Simon

The Ideology of Advocacy: Procedural Justice and Professional Ethics, in,  
Foundations of the Law and Ethics of Lawyering. George M. Cohen and Susan P.  
Koniak, Editors.  
New York, NY: Foundation Press, 2004. p. 306-311.

Ronald J. Gilson

Disputing Through Agents: Cooperation and Conflict Between Lawyers in Litigation,  
in, Foundations of the Law and Ethics of Lawyering. George M. Cohen and Susan P.  
Koniak, Editors.  
New York, NY: Foundation Press, 2004. p. 417-436.

Deborah L. Rhode

Moral Character as a Professional Credential, in,  
Foundations of the Law and Ethics of Lawyering. George M. Cohen and Susan P.  
Koniak, Editors.  
New York, NY: Foundation Press, 2004. p. 437-447.

**Journal Article:**

Richard T. Ford

Courting Trouble: A story of love, marriage, and litigation strategy.  
Slate (June 1, 2004).

Barbara H. Fried

Left-Libertarianism: A Review Essay.  
32 Philosophy and Public Affairs 66-92 (2004).

Joseph A. Grundfest

Stock Price Response to News of Securities Fraud Litigation: An Analysis of Sequential  
and Conditional Information.  
40 Abacus 21-48 (2004).

Larry D. Kramer  
We the People: Who Has the Last Word on the Constitution?  
29 Boston Review 15-19 (February/March 2004).

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Antitrust Smackdown.  
12.06 Wired (June 2004).

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Stamping Out Good Science.  
12.07 Wired 99 (July 2004).

Margaret Jane Radin  
Property and Precision.  
39 Tulsa Law Review 639-648 (2004).

Jack N. Rakove  
Presidential Selection: Electoral Fallacies.  
119 Political Science Quarterly 21-37 (Spring 2004).

### **Newspaper Article:**

Joseph A. Grundfest  
How Much is Too Much?  
New York Times (May 28, 2004). p. A21.

Allen S. Weiner  
It's the Law Even in War.  
Los Angeles Times (June 9, 2004). p. B13.

### **Working Paper:**

Barbara H. Fried  
Proportionate Taxation as a Fair Division of the Social Surplus: The Strange Career  
of an Idea.  
Stanford Law School, Stanford Public Law Working Paper No. 78 (January 2004).  
47 pages.

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**July 2004**

**Book:**

Miguel A. Mendez  
Evidence: the California Evidence Code & the Federal Rules – A Problem Approach, 3<sup>rd</sup> edition.  
St. Paul, MN: Thomson/West, 2004. 896 pages.

Deborah L. Rhode  
Legal Ethics, 4<sup>th</sup> edition.  
New York, NY: Foundation Press, 2004. 1044 pages.

**Book Chapter:**

Helen M. Stacy  
Equality and Difference: Regional Courts and Women's Human Rights, in, Feminism, Multiculturalism, and Group Rights. Deen Chatterjee, Editor.  
Cambridge University Press, forthcoming, 2004.

**Journal Article:**

Mariano-Florentino Cuellar  
Reflections on Sovereignty and Collective Security.  
40 Stanford Journal of International Law 211 (2004).

Deborah R. Hensler  
Choosing Arbitration: What Consumer Contracts Tell the Average Joe About His Options.  
67 Law & Contemporary Problems (*forthcoming* Winter/Spring 2004).

Deborah R. Hensler  
Two Takes on the Civil Litigation Wars: Book Review of *The Rule of Lawyers: How the New Litigation Elite Threatens America's Rule of Law*, by Walter K. Olson, and *Laywers, Lawsuits, and Legal Rights: The Battle Over Litigation in American Society*, by Thomas F. Burke.  
87 Judicature 83-85 (2003).

Mark A. Lemley  
Reducing Digital Copyright Infringement Without Restricting Innovation.  
56 Stanford Law Review 1345-1434 (2004).

John Henry Merryman  
The Commodification of Art.  
160 Apollo 26-27 (July 2004).

John Henry Merryman  
Ma la Tutela non Vuol Dire per Forza Divieto di Esportazione.  
21 Giornale dell'Arte, Il Rapporto Antiquariato 8-10 (June 2004).

Margaret Jane Radin  
Regime Change in Intellectual Property: Superseding the Law of State with the Law  
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University of Ottawa Law and Technology Journal (*forthcoming* 2004).

Margaret Jane Radin  
Regulation by Contract, Regulation by Machine.  
160 Journal of Institutional and Theoretical Economics 1-15 (2004).

Jenik Radon  
Sovereignty: a Political Emotion, Not a Concept.  
40 Stanford Journal of International Law 195-209 (2004).

Anthony Reese  
Reducing Digital Copyright Infringement Without Restricting Innovation.  
56 Stanford Law Review 1345-1434 (2004).

## **Working Paper:**

Cary Coglianese  
Securing Truth for Power: Informational Strategy and Regulatory Policy Making.  
(*forthcoming* 2004).

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**August 2004**

**Book:**

Deborah L. Rhode  
Brown at Fifty: The Unfinished Legacy.  
Chicago, IL: American Bar Association, 2004.

**Book Chapter:**

Amalia D. Kessler  
"A Question of Name": Merchant-Court Jurisdiction and the Origins of the Noblesse  
Commerçante", in,  
A Vast and Useful Art: The Gustave Gimon Collection on French Political Economy.  
Stanford, CA: Stanford University Libraries, 2004. pp. 49-65.

Miguel A. Mendez  
Prueba Pericial en los Estados Unidos de America, in,  
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R. Richard Banks  
Racial Profiling and Antiterrorism Efforts.  
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Issues Posed by a World Patent System.  
7 Journal of International Economic Law 341-357 (June 2004).

John H. Barton  
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23 Health Affairs 146-154 (2004).

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148 Proceedings of the American Philosophical Society 14-26 (March 2004).

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Hearsay and Its Exceptions: Conforming the Evidence Code to the Federal Rules.  
37 University of San Francisco Law Review 351-410 (2003).

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Presumptions and Burden of Proof: Conforming the California Evidence Code to the  
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38 University of San Francisco Law Review 139-166 (2003).

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Access to Justice: Connecting Principles to Practice.  
17 Georgetown Journal of Legal Ethics 369-422 (2004).

### **Newspaper Article:**

William Gould, IV  
What Works in the Rest of the World. (Op-Ed)  
New York Times (July 26, 2004), p. A17.

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**September 2004**

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Ronald J. Gilson

The Law and Finance of Corporate Acquisitions, 2003-2004 Supplement. 2<sup>nd</sup> edition.  
New York, NY: Foundation Press, 2003.

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The Benign-Invidious Asymmetry in Equal Protection Analysis.  
31 *Hastings Constitutional Law Quarterly* 573-586 (2003).

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The Mechanisms of Market Efficiency Twenty Years Later: The Hindsight Bias.  
28 *Journal of Corporation Law* 715-742 (2003).

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292 *Journal of the American Medical Association* 1374-1375 (September 2004).

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Addressing the Ethical, Legal, and Social Issues Raised by Voting Persons with Dementia.  
292 *Journal of the American Medical Association* 1345-1350 (2004).

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The Constitution in Crisis Times.  
2 *Cardozo Public Law, Policy & Ethics Journal* 11-20 (2003).

Kathleen M. Sullivan

What Happened to 'Brown'? Book Reviews of *Silent Covenants: Brown Board of Education and the Unfulfilled Hopes for Racial Reform* by Derrick Bell, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* by Richard Kluger, and, *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education* by Charles J. Ogletree Jr.).  
51 New York Review of Books (September 23, 2004).

## **Newspaper Article:**

Jack N. Rakove

Why This Election is Critical.  
San Francisco Chronicle (September 5, 2004) p. E6.

## **Other:**

Michele Landis Dauber

The Hazards and Vicissitudes of Social Security Privatization.  
Center for American Progress. Progress Report. (September 3, 2004).

G. Marcus Cole

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Erik Jensen

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## **Working Paper:**

Joseph A. Grundfest

The Unexpected Value of Litigation.  
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Michael D. Klausner

Liability Risk for Outside Directors: a Cross-Border Analysis.  
Stanford Law School, Stanford Law and Economics Olin Working Paper, no. 285  
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Michael D. Klausner.  
Outside Directors and Lawsuits: What are the Real Risks?  
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James (Jeff ) F. Strnad  
Conceptualizing the ‘Fat Tax’: the Role of Food Taxes in Developed Economies.  
Stanford Law School, Stanford Law and Economics Olin Working Paper no. 286  
(July 2004). 102 pages.

James (Jeff ) F. Strnad  
The Progressivity Puzzle: the Key Role of Personal Attributes.  
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Mark A. Lemley  
Trademarks and Consumer Search Costs on the Internet.  
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(August 2004). 72 pages.

Mark A. Lemley  
Probabilistic Patents.  
Stanford Law School, Stanford Law and Economics Olin Working Paper no. 288  
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Mark A. Lemley  
Property, Intellectual Property, and Free Riding.  
Stanford Law School, Stanford Law and Economics Olin Working Paper no. 291  
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A. Mitchell Polinsky  
Optimal Fines and Auditing When Wealth is Costly to Observe.  
Stanford Law School, Stanford Law and Economics Olin Working Paper no. 289  
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A. Mitchell Polinsky  
The Optimal Use of Fines and Imprisonment When Wealth is Unobservable.  
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**October 2004**

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Mark A. Lemley  
Intellectual Property in the New Technological Age: 2004 Case and Statutory Supplement.  
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Deborah L. Rhode  
Brown at 50: The Unfinished Legacy. A Collection of Essays.  
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Margaret Jane Radin  
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