

Faculty Publications

Scholarship Published Since July 2020 &
Scholarship To Be Published By June 2022

This report is based on information available as of April 2022



Carolina Law

Where Research and Scholarship Flourish

Carolina Law has learned many things during the pandemic—better ways to communicate, learn, teach, and research. Our dynamic faculty has continued to ask questions, investigate trends, dig deeper into policies, search for solutions to challenging issues in the legal landscape and find ways to better understand and apply the law.

Through our faculty's research, we are advancing conversations about such topics as artificial intelligence and race, the spread of mis- and disinformation online, corporate board diversity, legal writing, bioethics and health decision-making, forum selection clauses, student debt, gender and race in trademarking cases, qualified immunity, plea bargaining, employment law, obstacles for racial justice and LGBTQ equality, bankruptcy, race and politics, automated legal guidance, immigration and more.

As a top ranked public law school, our mission is to look at our community, state and nation to see where the legal needs are and find ways to address them through research, legislative and regulatory reform and public policy guidance. I'm inspired by the thoughtful and measured scholarship produced by our faculty and look forward to sharing more with you in the future.



Martin H. Brinkley

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Dean and William Rand Kenan Jr.

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Research is creating new knowledge.



NEIL ARMSTRONG





Ifeoma Ajunwa

Associate Professor of Law and Director of Artificial Intelligence and the Decision-Making Research Program

BOOKS AND BOOK CHAPTERS

Ifeoma Ajunwa, *Race, Labor, and the Future of Work*, in OXFORD HANDBOOK OF RACE AND LAW IN THE UNITED STATES (Devon Carbado et al. eds., 2022).

ARTICLES AND POLICY PAPERS

Ifeoma Ajunwa, *An Auditing Imperative for Automated Hiring*, 34 HARV. J.L. & TECH. 621 (2021).

Ifeoma Ajunwa, *The Paradox of Automation as Anti-Bias Intervention*, 41 CARDOZO L. REV. 1671 (2020).



David S. Ardia

Reef C. Ivey II Excellence Fund Term Professor of Law, Co-Director of the Center for Media Law and Policy, and Associate Professor of Law

ARTICLES AND POLICY PAPERS

David S. Ardia, *Beyond The Marketplace Of Ideas: Bridging Theory And Doctrine To Promote Self-Governance*, 15 HARV. L. & POL'Y REV. (forthcoming 2022).

DAVID S. ARDIA ET AL., STATE REGULATION OF ELECTION-RELATED SPEECH IN THE U.S.: AN OVERVIEW AND COMPARATIVE ANALYSIS (2021).

DAVID S. ARDIA ET AL., ADDRESSING THE DECLINE OF LOCAL NEWS, RISE OF PLATFORMS, AND SPREAD OF MIS- AND DISINFORMATION ONLINE: A SUMMARY OF CURRENT RESEARCH AND POLICY PROPOSALS (2020).



Kevin Bennardo

Clinical Professor of Law

BOOKS AND BOOK CHAPTERS

KEVIN BENNARDO, THINKING AND WRITING ABOUT LAW (2021).

ARTICLES AND POLICY PAPERS

Kevin Bennardo & Kaity Emerson, *Unleashing Pets from Dead-Hand Control*, 22 NEV. L.J. 349 (2022).

Kevin Bennardo & Tara N. Summerville, *The Fantasy of the Unchaste Mentality: North Carolina's Illusory Exception to the Rape-Shield Rule*, 45 N.Y.U. REV. L. & SOC. CHANGE 310 (2021).

Kevin Bennardo, *Legal Writing's Harmful Psyche*, 105 MINN. L. REV. HEADNOTES 111 (2020).



Kaci Bishop

Clinical Professor of Law

ARTICLES AND POLICY PAPERS

Kaci Bishop & Alexa Z. Chew, *Turducken™ Legal Writing: Deconstructing the Multi-State Performance Test Genre*, 22 *LEGAL WRITING* (forthcoming 2022).



Martin H. Brinkley

Dean and William Rand Kenan Jr. Distinguished Professor of Law

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Martin H. Brinkley, *Teaching Leadership in American Law Schools: Why the Pushback?*, 73 *BAYLOR L. REV.* 194 (2021).



Lissa Lamkin Broome

Burton Craige Distinguished Professor and Director of the Center for Banking and Finance

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LISSA LAMKIN BROOME ET AL., *REGULATION OF BANK FINANCIAL SERVICE ACTIVITIES* (6th ed. 2022).

Lissa Lamkin Broome, *United States of America*, in *LIABILITY OF FINANCIAL SUPERVISORS AND RESOLUTION AUTHORITIES* (Danny Busch et al. eds., 2022).

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Lissa Lamkin Broome & John M. Conley, *Diversity From The Perspective Of Corporate Boards and Lawyer Disciplinary Boards*, 15 *ST. LOUIS U. J. HEALTH L. & POL'Y* 121 (2021).



Patricia L. Bryan

Henry P. Brandis Distinguished Professor of Law

BOOKS AND BOOK CHAPTERS

Patricia L. Bryan, *The Hossack Murder and the Genesis of "Trifles"*, in *SUSAN GLASPELL IN CONTEXT* (J. Ellen Gainor ed., forthcoming 2022).



Ellie Campbell

Clinical Assistant Professor of Law and Reference Librarian

ARTICLES AND POLICY PAPERS

Ellie Campbell & Antonia Eliason, *Teaching Law and Science Fiction at the University of Mississippi*, 52 SFRA REV. 165 (2022).

Ellie Campbell, *Breakthrough Verdict?*, ACTIVIST HIST. REV., Aug. 2020.



Alexa Z. Chew

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BOOKS AND BOOK CHAPTERS

ALEXA Z. CHEW & KATIE ROSE GUEST PRYAL, *THE COMPLETE BAR WRITER* (2020).

ALEXA Z. CHEW & KATIE ROSE GUEST PRYAL, *THE COMPLETE LEGAL WRITER* (2d ed. 2020).

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Alexa Z. Chew & Aaron S. Kirschenfeld, *Citation Stickiness, Computer-Assisted Legal Research, and the Universe of Thinkable Thoughts*, 19 LEGAL COMM. & RHETORIC (forthcoming 2022).

Alexa Z. Chew & Kaci Bishop, *Turducken™ Legal Writing: Deconstructing the Multi-State Performance Test Genre*, 22 LEGAL WRITING (forthcoming 2022).

Alexa Z. Chew & Rachel Gurvich, *Saying the Quiet Parts Out Loud: Teaching Students How Law School Works*, 100 NEB. L. REV. (forthcoming 2022).



Andrew Chin

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BOOKS AND BOOK CHAPTERS

Andrew Chin, *Software Patenting and Section 101's Gatekeeping Function*, in CAMBRIDGE HANDBOOK OF LAW AND ALGORITHMS (Woodrow Barfield ed., 2021).



John M. Conley

William Rand Kenan Jr. Distinguished Professor of Law

BOOKS AND BOOK CHAPTERS

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John M. Conley & Arlene Davis, *The Role of Bioethics in Public Health Decision-Making: Evidence from the Pandemic*, N.C. J.L. & TECH. (forthcoming 2022).

John M. Conley & Lissa Lamkin Broome, *Diversity from the Perspective of Corporate Boards and Lawyer Disciplinary Boards*, 15 ST. LOUIS U. J. HEALTH L. & POL'Y 121 (2021).

John M. Conley et al., *The View from the Benches: Scientists' Perspectives on the Uses and Governance of Human Gene Editing Research*, 4 CRISPR J. 609 (2021).

John M. Conley et al., *A New Governance Approach to Human Genome Editing*, 22 N.C. J.L. & TECH. 107 (2020).



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Arch T. Allen Distinguished Professor of Law Emeritus

BOOKS AND BOOK CHAPTERS

Michael L. Corrado, *The Takings Doctrine and the Principle of Legality*, in *THE ROUTLEDGE HANDBOOK OF THE PHILOSOPHY AND SCIENCE OF PUNISHMENT* (Farah Focquaert, Elizabeth Shaw & Bruce Waller eds., 2021).

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Michael L. Corrado, *The Limits of the State's Power to Control Crime*, J. LEGAL PHIL. (forthcoming 2022).



John F. Coyle

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BOOKS AND BOOK CHAPTERS

JOHN F. COYLE ET AL., *CORPORATIONS AND OTHER BUSINESS ENTERPRISES, CASES AND MATERIALS* (5th ed. 2021).

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John F. Coyle & Robin J. Effron, *Forum Selection Clauses, Non-Signatories, and Personal Jurisdiction*, 97 NOTRE DAME L. REV. 187 (2021).

John F. Coyle, *Boilerterms*, 16 CAP. MKTS. L.J. 432 (2021).

John F. Coyle & Katherine Richardson, *Enforcing Inbound Forum Selection Clauses in State Court*, 53 ARIZ. ST. L.J. 65 (2021).

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John F. Coyle, *Cruise Contracts, Public Policy, and Foreign Forum Selection Clauses*, 75 U. MIAMI L. REV. 1087 (2021).



Maxine Eichner

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BOOKS AND BOOK CHAPTERS

Maxine Eichner, *The Free-Market Family: Liberalism, Families, and Government's Responsibility to Regulate the Market*, in *CARING FOR LIBERALISM: DEPENDENCY AND LIBERAL POLITICAL THEORY* (Asha Bhandary & Amy Baehr eds., 2021).

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Maxine Eichner, *COVID-19 and the Perils of Free-Market Parenting*, *FORDHAM L. REV.* (forthcoming 2022).

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KATE SABLOSKY ELENGOLD ET AL., DREAMS INTERRUPTED: A MIXED-METHODS RESEARCH PROJECT EXPLORING LATINO COLLEGE COMPLETION (2021), <https://law.unc.edu/wp-content/uploads/2021/09/Dreams-Interrupted-Latino-College-Report.pdf>.

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Barbara A. Fedders, *The Anti-Parent Juvenile Court*, UCLA L. REV. (forthcoming 2022).

Barbara A. Fedders, *The End of School Policing*, 109 CALIF. L. REV. 1443 (2021).



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Deborah R. Gerhardt, *Law in the Shadows of Confederate Monuments*, 27 MICH. J. RACE & L. (forthcoming 2022).

Deborah R. Gerhardt, *The Last Breakfast with Aunt Jemima and its Impact on Trademark Theory*, 45 COLUM. J.L. & ARTS 231 (2022).

Deborah R. Gerhardt et al., *An Empirical Study of Gender and Race in Trademark Prosecution*, 94 S. CAL. L. REV. 1407 (2021).

Deborah R. Gerhardt & David Thaw, *Bot Contracts*, 62 ARIZ. L. REV. 877 (2020).



Michael J. Gerhardt

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MICHAEL J. GERHARDT, *LINCOLN'S MENTORS: THE EDUCATION OF A LEADER* (2021).

Michael J. Gerhardt, *Martin Van Buren*, in *MY FELLOW AMERICANS: THE INAUGURAL ADDRESSES OF THE PRESIDENTS OF THE UNITED STATES* (Singh ed., 2021).

Michael J. Gerhardt, *Constitutional Law*, in *ACCESSLEX BAR REVIEW OUTLINES* (2021).

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Michael J. Gerhardt, *Commentary on Akhil Amar's The Words that Made Us*, 2022 ILL. L. REV. (forthcoming).



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ARTICLES AND POLICY PAPERS

Rachel Gurvich & Alexa Z. Chew, *Saying the Quiet Parts Out Loud: Teaching Students How Law School Works*, 100 NEB. L. REV. (forthcoming 2022).



Thomas Lee Hazen

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BOOKS AND BOOK CHAPTERS

THOMAS LEE HAZEN ET AL., *CORPORATIONS AND OTHER BUSINESS ENTERPRISES, CASES AND MATERIALS* (5th ed. 2021).

THOMAS LEE HAZEN, *BROKER-DEALER REGULATION IN A NUTSHELL* (4th ed. 2021).

THOMAS LEE HAZEN, *THE LAW OF SECURITIES REGULATION* (8th ed. 2021).

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Thomas Lee Hazen, *Corporate Securities Law Impact on Social Responsibility and Corporate Purpose*, 62 B.C. L. REV. 851 (2021).

Thomas Lee Hazen, *Social Issues in the Spotlight: The Increasing Need to Improve Publicly-Held Companies' CSR and ESG Disclosures*, 23 U. PA. J. BUS. L. 740 (2021).



F. Andrew Hessick

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ARTICLES AND POLICY PAPERS

F. Andrew Hessick & Carissa Byrne Hessick, *Constraining Criminal Law*, MINN. L. REV. (forthcoming 2022).

F. Andrew Hessick & Michael Morley, *Interpreting Injunctions*, 107 VA. L. REV. 1059 (2021).

F. Andrew Hessick & Carissa Byrne Hessick, *Nondelegation and Criminal Law*, 107 VA. L. REV. 281 (2021).

F. Andrew Hessick, *Standing and Contracts*, 89 GEO. WASH. L. REV. 298 (2021).

F. Andrew Hessick & Katherine C. Richardson, *Qualified Immunity Laid Bare*, 56 WAKE FOREST L. REV. 501 (2021).



Carissa Byrne Hessick

Anne Shea Ransdell and William Garland "Buck" Ransdell, Jr. Distinguished Professor of Law

BOOKS AND BOOK CHAPTERS

CARISSA BYRNE HESSICK, *PUNISHMENT WITHOUT TRIAL: WHY PLEA BARGAINING IS A BAD DEAL* (2021).

Carissa Byrne Hessick, *Prosecutors and Voters*, in *THE OXFORD HANDBOOK ON PROSECUTORS AND PROSECUTION* (Ronald F. Wright et al. eds., 2021).

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Carissa Byrne Hessick et al., *Electoral Change and Progressive Prosecutors*, 19 OHIO ST. J. CRIM. L. 125 (2021).

Carissa Byrne Hessick & Nathan Pinnell, *Special Interests in Prosecutor Elections*, 19 OHIO ST. J. CRIM. L. 39 (2021).

Carissa Byrne Hessick, *Separation of Powers Versus Checks and Balances in the Criminal Justice System: A Response to Professor Epps*, 74 VAND. L. REV. EN BANC 159 (2021).

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Jeffrey M. Hirsch

Geneva Yeargan Rand Distinguished Professor of Law

ARTICLES AND POLICY PAPERS

Jeffrey M. Hirsch, *War Powers Abrogation*, 89 GEO. WASH. L. REV. 593 (2021).

Jeffrey M. Hirsch, *Joint Employment in the United States*, 13 IT. LAB. L. E-JOURNAL 55 (2020).



Donald Hornstein

Aubrey L. Brooks Distinguished Professor of Law

ARTICLES AND POLICY PAPERS

Donald Hornstein, *Resiliency Rising: Lessons from the Law and Economics of Natural Disasters*, ENVTL. L.Q. (forthcoming 2022).



Melissa B. Jacoby

Graham Kenan Distinguished Professor of Law

BOOKS AND BOOK CHAPTERS

Melissa B. Jacoby & Edward J. Janger, *Bankruptcy Sales*, in RESEARCH HANDBOOK ON CORPORATE BANKRUPTCY LAW (Barry Adler ed., 2020).

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Melissa B. Jacoby, *Other Judges' Cases*, 72 N.Y.U. ANN. SURV. AM. L. (forthcoming 2022).

Melissa B. Jacoby, *Shocking Business Bankruptcy Law*, 131 YALE L.J. F. 409 (2021).

Melissa B. Jacoby, *Transcript of Symposium on "Equity in the Bankruptcy Courts,"* 94 AM. BANKR. L.J. 327 (2020).



Eisha Jain

Assistant Professor of Law

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Eisha Jain, *Policing and the Polity*, YALE L.J. (forthcoming 2022).

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Eisha Jain, *The Mark of Policing: Race and Criminal Records*, 73 STAN. L. REV. ONLINE 162 (2021).



Osamudia James

Professor of Law

ARTICLES AND POLICY PAPERS

Osamudia James, *Superior Status: Relational Obstacles in the Law to Racial Justice and LGBTQ Equality*, 63 B.C. L. REV. 199 (2022).

Osamudia James, *The “Innocence” of Bias*, 119 MICH. L. REV. 1345 (2021).

Osamudia James, *Risky Education*, 89 GEO. WASH. L. REV. 667 (2021).

Osamudia James, *The Political Economy of Pandemic Pods*, 96 N.Y.U. L. REV. ONLINE 89 (2021).



Joseph E. Kennedy

Martha Brandis Term Professor of Law

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JOSEPH E. KENNEDY, *CRIMINAL LAW: CASES, CONTROVERSIES AND PROBLEMS* (2d ed. 2021).

JOSEPH E. KENNEDY, *A SHORT & HAPPY GUIDE TO CRIMINAL LAW* (2d ed. 2020).



Aaron S. Kirschenfeld

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BOOKS AND BOOK CHAPTERS

AARON S. KIRSCHENFELD ET AL., *PRINCIPLES OF LEGAL RESEARCH* (3d ed. 2020).

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Aaron S. Kirschenfeld & Alexa Chew, *Citation Stickiness, Computer-Assisted Legal Research, and the Universe of Thinkable Thoughts*, 19 LEGAL COMM. & RHETORIC (forthcoming 2022).



Anne Klinefelter

Henry P. Brandis Distinguished Professor of Law and Director of the Law Library

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Sam Wrigley & Anne Klinefelter, *Google LLC v. CNIL: The Location-Based Limits of the EU Right to Erasure and Lessons for U.S. Privacy Law*, 22 N.C. J.L. & TECH. 681 (2021).

Anne Klinefelter, *Leadership... From A to Z*, AALL SPECTRUM, Jan./Feb. 2021, at 16.



Joan H. Krause

Dan K. Moore Distinguished Professor of Jurisprudence and Ethics

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JOAN H. KRAUSE & LESLIE C. GRIFFIN, *PRACTICING BIOETHICS LAW* (2d ed. 2021).

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Joan H. Krause, *Revisiting Health Care Fraud in the Biden Administration*, 15 *ST. LOUIS U. J. HEALTH L. & POL'Y* (forthcoming 2022).



Holning Lau

Willie Person Mangum Distinguished Professor of Law

BOOKS AND BOOK CHAPTERS

Holning Lau (劉浩寧), *Jinzhì Tongxín Hunyín Pèi'ou Gongtóng Shouyang: Yì Bǐjiào Shìyè Lùn Táiwan Fǎzhì* (禁止同性配偶共同收養: 以比較視野論臺灣法制) [Barring Married Same-Sex Couples from Joint Adoption: Comparative Perspectives and the Case of Taiwan], in *CHAOYUE QISIBA: TONGXING HUNYIN YU JIATING DE GUOQU, XIANZAI YU WEILAI* (超越七四八: 同性婚姻與家庭的過去、現在與未來) [Beyond 748: The Past, Present and Future of Same Sex Marriage and Family] (forthcoming 2022).

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William P. Marshall

William Rand Kenan Jr Distinguished Professor of Law

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Eric L. Muller, *The Nazi Analogy in Japanese American Civil Rights Discourse*, 1 *N.C. CVL. RTS. L. REV.* 94 (2021).

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BOOKS AND BOOK CHAPTERS

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John V. Orth

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John V. Orth, *Easements: Creation, Location, Overburden* (noting *Gribble v. Bostian*, 2021 WL 3625357 (N.C. App. 2021)), AUSTL. PROP. L.J. (forthcoming 2022).

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