

**DRAKE LAW SCHOOL
FACULTY PUBLICATIONS**

2006 – 2007

James Adams, Ellis and Nelle Levitt Distinguished Professor of Law

- Vol. 7, Iowa Practice—Evidence 2007 Edition (Thomson/West);
- 2007 Supplement to Pretrial Motions in Criminal Prosecutions (3d ed. Lexis/Nexis);
- 2007 Supplement to Prosecutor’s Manual for Arrest, Search and Seizure Lexis/Nexis).

Jerry Anderson, Richard M. and Anita Calkins Distinguished Professor of Law

- “Britain’s Right to Roam: Redefining the Landowner’s Bundle of Sticks,” 19 *Georgetown International Environmental Law Review* 375 (2007);
- “Comparative Perspectives on the Right to Exclude,” 56 *Journal of Legal Education* 539 (2006).

Martin Begleiter, Ellis and Nelle Levitt Distinguished Professor of Law

- "Serve the Cheerleader - Serve the World: Representation (Including Virtual Representation) In Estate and Trust Proceedings," *publication pending*.

Andrea Charlow, Professor of Law

- “Race, Poverty and Neglect,” 28 *William Mitchell Law Review* 763 (2002), *excerpted and published in Structured Inequality in the United States*, by A. Acuirre, Jr., and D. Baker (2d ed. Prentice Hall) (forthcoming 2008).

Hunter R. Clark, Professor of Law

- “How the *U.S. News* Rankings Affect American Legal Education,” 91 *Judicature* 80 (2007).

Laurie Doré, Ellis and Nelle Levitt Distinguished Professor of Law

- Laurie Doré, Ronald J. Hedges, Kenneth J. Withers, “Best Practices Addressing Protective Orders, Confidentiality & Public Access in Civil Cases,” THE SEDONA GUIDELINES, <http://www.thesedonaconference.org/> (March 2007);

Matthew Doré, Richard M. and Anita Calkins Distinguished Professor of Law

- Vols. 5-6, Iowa Practice—Business Organizations 2007 Edition (Thomson/West).

Jerry R. Foxhoven, Associate Professor of Law and Director, Middleton Children's Rights Center

- "Effective Assistance of Counsel: Quality of Representation for Juveniles Is Still Illusory," 9 *Barry Law Review* __ (2007) (forthcoming);
- "President Bush's Proposal: Flexible Funding for Child Welfare," 6 *Fostering Families Today* (September/October 2006).
- "Preparing a Foster Child for Court," 6 *Fostering Families Today* (March/April 2007).

Sally Frank, Professor of Law

- Briefs on Appeal to Iowa Supreme Court in State of Iowa v. Hutchison.

Neil D. Hamilton, Dwight D. Opperman Distinguished Professor and Director, Agricultural Law Center

- "Emerging Issues of 21st Century Agricultural Law and Rural Practice," 12 *Drake Journal of Agricultural Law* 79 (2007);
- "Food Policy Councils: Access to Healthy Foods as an Element of Smart Growth," 9 *Getting Smart* (Newsletter of the Smart Growth Network) (November 2006), <http://icma.org/sgn/newsdetail.cfm?nfid=2653&id=#autoID%23> .

Mark Kende, James Madison Chair in Constitutional Law and Director, Constitutional Law Center

- "Jah Does Not Rule: Rastafarianism and Freedom of Religion in the South Africa Constitutional Court," Book Chapter in Comparative Constitutionalism and Rights: Global Perspectives (forthcoming 2008);
- "Regulating Internet Porn: A Comparative Constitutional Perspective on Passing The Camel through the Needle's Eye," 2007 *BYU Law Review* __ (2007) (forthcoming);
- "Truth Commissions Versus Prosecutions—An African Perspective," Book Chapter in Security, Reconstruction, and Reconciliation: When the Wars End (University College London Press).

Russell E. Lovell, II, Associate Dean and Professor of Law

- "Trial Practicum Integral to First Year Law School Curriculum," 90 *Judicature* 114 (Nov.-Dec. 2006).

David McCord, Professor of Law

- “Capital Case Data Project” (on-line quarterly publication of summaries of the cases of every defendant sentenced to death in the United States since 2004), http://www.ajs.org.jc/death/jc_death.asp.

Keith Miller, Ellis and Nelle Levitt Distinguished Professor of Law

- “The Iowa Lottery’s TouchPlay Debacle,” 11 *Gaming Law Review* 88 (2007).

Lisa Penland, Associate Professor of Law

- “The Hypothetical Lawyer: Warrior, Wiseman, or Hybrid?,” 6 *Appalachian Journal of Law* 73 (2006);
- “The Real World: Law School, Professionalism in Law School and Beyond,” 21 *Second Draft* 12 (December 2006) (co-authored with Melissa Weresh);
- “The Real World: Teaching Professionalism in Virtual Dialogue to the Google Generation,” *The Law Teacher* 12 (Spring 2007) (co-authored with Melissa Weresh).

Robert R. Rigg, Associate Professor of Law

- Vol. 4, Iowa Practice—Criminal Law 2007 Edition (Thomson/West);
- “The T-Rex Without Teeth: Evolving *Strickland v. Washington* and the Test for Ineffective Assistance of Counsel,” 35 *Pepperdine Law Review* __ (2007).

Danielle M. Shelton, Associate Professor of Law

- “Rewriting Rule 68: Realizing the Benefits of the Federal Settlement Rule by Injecting Certainty into Offers of Judgment,” 91 *Minnesota Law Review* 865 (2007).

Maura I. Strassberg, Professor of Law

- “Privilege Can Be Abused: Exploring the Ethical Obligation to Avoid Frivolous Claims of Attorney-Client Privilege,” 37 *Seton Hall Law Review* 413 (2007).

Deborah Sulzbach, Associate Professor of Law Librarianship

- “DNA Shall Prevail: Postconviction DNA Evidence: An Annotated Bibliography,” 25 *Legal Reference Services Quarterly* 39 (2006).

Julie Thomas, Associate Professor of Law Librarianship

- Articles on “Bifurcated Trial,” “Human Rights Watch,” and “Learned Hand” in *Encyclopedia of American Civil Rights and Liberties* (Greenwood Press 2006).

Karen Wallace, Professor of Law Librarianship

- “Marketing Mindset: Focusing on the Customer from Technical Services to Circulation,” 53 *Feliciter* 126 (2007);
- “Iowa” and “Nebraska” in *State-by-State Report on Authentication of Online Legal Resources* (Chicago: American Association of Law Libraries 2007).
- Throughout the year, she also created or updated nineteen Web-based research guides, available from the Drake Law Library site (<http://www.law.drake.edu/library?pageID=libResearchGuides>),
- the Drake University Human Resources site (http://facstaff.law.drake.edu/karen.wallace/goal_setting/resources.html),
- and the American Judicature Society Jury Center Site (http://www.ajs.org/jc_faq_overview.asp).

Melissa H. Weresh, Professor of Law and Assistant Director of Legal Writing

- “Form and Substance: Standards for Promotion and Retention of Legal Writing Faculty on Clinical Tenure Track,” 37 *Golden Gate Law Review* 281 (2007);
- “The Real World: Law School, Professionalism in Law School and Beyond,” 21 *Second Draft* 12 (December 2006) (co-authored with Lisa Penland);
- “The Real World: Teaching Professionalism in Virtual Dialogue to the Google Generation,” *The Law Teacher* 12 (Spring 2007) (co-authored with Lisa Penland);
- “An Integrated Approach to Teaching Ethics and Professionalism,” 18 *The Professional Lawyer* 25 (2007).

Peter K. Yu, Kern Family Chair in Intellectual Property Law and Director, Intellectual Property Law Center

- “Intellectual Property, Economic Development and The China Puzzle,” 1 *Occasional Papers in Intellectual Property Law* (Drake Law School Intellectual Property Law Center 2007);
- *Intellectual Property, Foreign Direct Investment and the China Exception*, in *THE GLOBAL CHALLENGE OF INTELLECTUAL PROPERTY RIGHTS* (Subhash C. Jain & Robert C. Bird eds., Edward Elgar Publishing, forthcoming 2008);
- *Complex Guoqing and Intellectual Property Reforms in China*, in *INTELLECTUAL PROPERTY AND SUSTAINABLE DEVELOPMENT: SELECTED ISSUES* (ICTSD, forthcoming 2008);
- *A Tale of Two Development Agendas*, 34 *Ohio Northern University Law Review* (forthcoming 2008) (Dean’s Lecture Series);
- *Teaching International Intellectual Property Law*, 52 *ST. LOUIS UNIVERSITY LAW JOURNAL* (forthcoming 2008);
- *Challenges to the Development of a Human Rights Framework for Intellectual Property*, in *INTELLECTUAL PROPERTY AND HUMAN RIGHTS* (Paul L.C. Torremans ed., 2d ed., Kluwer Law International, forthcoming 2008);

- *The Sweet and Sour Story of Chinese Intellectual Property Rights*, in TECHNOLOGY, PROGRESS AND PROSPERITY: A HISTORY OF INTELLECTUAL PROPERTY AND DEVELOPMENT (Graham Dutfield and Uma Suthersanen eds., Palgrave Macmillan, forthcoming 2008);
- *Intellectual Property, Cultural Relics, and Intangible Heritage*, 31 FORDHAM INTERNATIONAL LAW JOURNAL. (forthcoming 2007);
- *Ten Common Questions About Intellectual Property and Human Rights*, 23 GEORGIA STATE UNIVERSITY LAW REVIEW. (forthcoming 2007);
- *Competition Law and Copyright Misuse*, in UN COCKTAIL DE DROIT D’AUTEUR (Ysolde Gendreau ed., Les Éditions Thémis, forthcoming 2007) (with John T. Cross);
- *Intellectual Property, Economic Development, and the China Puzzle*, in INTELLECTUAL PROPERTY, TRADE AND DEVELOPMENT: STRATEGIES TO OPTIMIZE ECONOMIC DEVELOPMENT IN A TRIPS PLUS ERA 173 (Daniel J. Gervais ed., Oxford University Press 2007).

**DRAKE LAW SCHOOL
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2005 – 2006**

James Adams, Ellis and Nelle Levitt Distinguished Professor of Law

- 2006 Supplement to Prosecutor’s Manual for Arrest, Search and Seizure (LexisNexis).
- 2006 Supplement to Pretrial Motions in Criminal Prosecutions (3d ed. Lexis/Nexis).
- Vol. 7, Iowa Practice—Evidence 2006 Edition (Thomson/West).
- Update of *Electronic Surveillance, Commentaries and Statutes* (NITA).

Jerry Anderson, Richard M. and Anita Calkins Distinguished Professor of Law

- “Zoning Bias II: A Study of Oregon’s Zoning Commission Composition Restrictions,” 38 Urban Lawyer 63 (2006) (with Dan Luebbering).
- “Reducing Bias on Zoning Boards,” *Zoning* (American Planning Institute) (with Erin Sass).

Martin Begleiter, Ellis and Nelle Levitt Distinguished Professor of Law

- Scoles, Halbach, Roberts and Begleiter, Problems and Materials on Decedents’ Estates and Trusts (7th ed. 2006 Aspen Pub.)

Kristi Bowman, Assistant Professor of Law

- “Enhancing Democracy by Limiting Direct Representation? Lessons from the Evolution-Intelligent Design Battles About Electing or Appointing State Boards of Education,” Book Chapter in Irreconcilable Differences? Democratic Policy Deliberations in Science, Religion and Politics (forthcoming, Kent State University Press).
- “Seeing Government Purpose Through the Objective Observer’s Eyes: The Evolution-Intelligent Design Debates,” 29 *Harvard Journal of Law & Public Policy* 417 (2006).
- “The Intelligent Design Movement in the United States,” *Counsel* 8-11 (April 2006) (solicited article in the official journal of the Bar of England and Wales).
- “An Empirical Study of Evolution, Creationism and Intelligent Design Instruction in Public Schools.”
- “The Evolution Battles in High School Science Classes: Who is Teaching What?”

Kristi Bowman, Assistant Professor of Law (continued)

- Encyclopedia of the First Amendment, Academic Contributor (author of essays about *Epperson v. Arkansas* (1968); *Marsh v. Chambers* (1946); and *West Virginia v. Barnette* (1943). Congressional Quarterly Press 2007).
- Black’s Law Dictionary, 9th edition, Academic Contributor (edited more than 100 pages of text, modified definitions and suggested new terms and definitions) (Thomson/West 2006).

Andrea Charlow, Professor of Law

- Wrote five Computer Assisted Legal Instruction exercises for publication by the Consortium on Computer-Assisted Legal Instruction.

Laurie Doré, Ellis and Nelle Levitt Distinguished Professor of Law

- “Public Courts vs. Private Justice: It’s Time to Let Some Sun Shine in on Alternative Dispute Resolution, 81 *Chicago-Kent Law Review* 46 (2006).

Matthew Doré, Richard M. and Anita Calkins Distinguished Professor of Law

- Vols. 5-6, Iowa Practice—Business Organizations 2006 Edition (Thomson/West) (including new chapter in limited partnership law and practice under the new Iowa Uniform Limited Partnership Act).

Neil D. Hamilton, Dwight D. Opperman Distinguished Professor and Director, Agricultural Law Center

- A Farmer’s Legal Guide to Producer Marketing Associations (Drake Agricultural Law Center Pub. 2005) (with co-authors Doug O’Brien and Robert Luedeman).

- “Forced Feeding: New Legal Issues in the Biotechnology Policy Debate,” 17 *Washington University Journal of Law and Policy* 37 (2005).
- “Farmers’ Market Policy: An Inventory of Federal, State, Local and Private Policies,” Research Project done for the Project for Public Spaces (PPS) in Washington, D.C., November 2005, available on PPS Web site.

David Hanson, Information Technology Reference Librarian and Associate Professor of Librarianship

- Book Chapter, “Iowa Territory Legal Materials” in Pre-statehood Legal Materials: A Fifty-State Research Guide, Including New York City and the District of Columbia.

Mark Kende, James Madison Chair in Constitutional Law, Constitutional Law Center Director and Professor of Law

- “The Constitutionality of the Death Penalty: South Africa as a Model for the U.S.,” 38 *George Washington International Law Review* 209 (2006).
- “Filtering Out Children: The First Amendment and Internet Porn in the U.S.,” 2005 *Michigan State Law Review* 843 (2005).

Susan Lerdal, Reference Librarian and Associate Professor of Librarianship

- “Evidence-Based Librarianship: Opportunity for Law Librarians,” 98 *Law Library Journal* 33 (2006).

Cathy Lesser Mansfield, Professor of Law

- *The Sparks Fly Upward*: a Holocaust Opera.

David McCord, Professor of Law

- “Lightning Still Strikes: Evidence from the Popular Press that Death Sentencing Continues to Be Unconstitutionally Arbitrary More than Three Decades after *Furman*,” 71 *Brooklyn Law Review* 797-927 (2005).

Keith Miller, Ellis and Nelle Levitt Distinguished Professor of Law

- “Statutes of Repose: The Silent Killer.”
- Revision of the Iowa State Bar Review School Outline—Iowa Tort Law (2007).

Robert R. Rigg, Associate Professor of Law

- Vol. 4, Iowa Practice—Criminal Law 2006 Edition (Thomson/West).

Danielle Shelton, Associate Professor of Law

- “Starting with the Familiar: Using the Desegregation Cases to Learn about Extracting the Law from Cases,” *The Second Draft*, Vol. 20, No. 2.

Karen Wallace, Circulation/reference Librarian and Professor of Librarianship

- Wrote the following new research guides: “Iowa Legislative Information,” “One Test to Go: Preparing for the Bar,” “Cite Checking Tips and Guidelines,” and “Finding Legal Research Guides” (all available via Drake Law Library Web site).
- Updated the following Web publications: “Jury Duty Frequently Asked Questions” (available from the American Judicature Society National Jury Center Web site) and “Goal Setting and Performance Management Resources” (available from the Drake University Human Resources Web site).

Melissa Weresh, Professor of Law and Assistant Director of Legal Writing

- Legal Writing: Ethical and Professional Consideration, (LexisNexis 2006).

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2004 – 2005**

James Adams, Ellis and Nelle Levitt Distinguished Professor of Law

- Pretrial Motions in Criminal Prosecutions (3rd ed. LexisNexis 2005)
- Vol. 7, Iowa Practice –Evidence (New Edition).
- Prosecutors’ Manual for Arrest, Search and Seizure (2nd ed. LexisNexis).
- “Suppressing Evidence Gained by Government Surveillance of Computers”, 19 *Crim. Just.* 46 (Spring 2004) *ABA Criminal Justice* magazine.

Jerry Anderson, Richard M. and Anita Calkins Distinguished Professor of Law

- “Law School Enters the Matrix: Teaching Critical Legal Studies,” 54 *Journal of Legal Education* 201 (2004).
- “Is the Wheel Unbalanced? A Study of Bias on Zoning Boards,” 36 *The Urban Lawyer* 447 (2004) (With Eric Sass).

Martin Begleiter, Ellis and Nelle Levitt Distinguished Professor of Law

- “The Gambler Breaks Even: Legal Malpractice in Complicated Estate Planning Cases,” 20 *Georgia State University Law Review* 277 (2003).

Kristi Bowman, Assistant Professor of Law

- “A Different Shade of *Brown*: Latinos in School Desegregation,” 88 *Judicature* 85 (September/October 2004).

Hunter R. Clark, Professor of Law

- Edited a symposium on *Brown v. Board of Education* for the September-October 2004 *Judicature*, entitled “*Brown* at 50: The Promise and the Reality.”
- “*Brown* at 50: The Road That Lies Behind Us and the Challenges Ahead,” 88 *Judicature* 56 (September/October 2004).
- “Divergence Between the United States and the European Union on Trade and Other Matters,” 10 *ILSA Journal of International and Comparative Law* 459 (2004).

Laurie Doré, Ellis and Nelle Levitt Distinguished Professor of Law

- “Settlement, Secrecy and Judicial Discretion: South Carolina’s New Rules Governing the Sealing of Settlements,” 55 *South Carolina Law Review* 791 (2004).

Matthew Doré, Richard M. and Anita Calkins Distinguished Professor of Law

- “Partnership Law and Practice under the Revised Iowa Uniform Partnership Act,” Business Law Practice Manual (Iowa State Bar Association 3rd ed. 2005).
- Vols. 5-6, Iowa Practice –Business Organizations 2005 Edition (Thomson/West).

Neil D. Hamilton, Dwight D. Opperman Distinguished Professor of Law and Director, Agricultural Law Center

- “Food Democracy II: Revolution or Restoration?” 1 *University of Arkansas Journal of Food, Law and Policy* 13 (2005).

Mark Kende, James Madison Chair in Constitutional Law and Director, Constitutional Law Center

- “The South African Constitutional Court’s Construction of Socioeconomic Rights: A Response to Critics,” 19 *Connecticut International Law Journal* 617 (2004).
- Book Review, “In the Service of Public Values,” 88 *Judicature* (September-October 2004).
- Prepared the 2005 supplement for the casebook he co-authored *Theatre Law*.

David McCord, Professor of Law published an article entitled,

- “Switching Juries in Midstream: The Perplexities of Penalty-Phase-Only Retrials,” 2 *Ohio State Journal of Criminal Law* 215 (2004) (peer reviewed publication).
- “12-member Juries and Unanimous Verdicts: A Debate,” 88 *Judicature* 300 (2005) (with Stephen Landsman).

Robert R. Rigg, Associate Professor of Law and Director of the Criminal Defense Clinic

- “Teaching *Gideon* – The Development and Challenges of a Criminal Defense Program,” 7 *Thomas Cooley Journal of Practical and Clinical Law* 111 (2004).
- “Investigation, Discovery and Disclosure in Criminal Cases,” 53 *Drake Law Review* 739 (2004).
- Vol. 4 Iowa Practice - Criminal Law 2005 Edition (Thomson West).

Melissa Weresh, Assistant Director of the Legal Writing Program and Associate Professor of Law

- “Fostering Respect for Our Students, Our Specialty, and the Legal Profession: Introducing Ethics and Professionalism in Legal Writing,” 21 *Touro Law Review* 427 (2005).

David Walker, Dean and Dwight D. Opperman Distinguished Professor of Law

- “Professor Edward R Hayes – A Tribute,” 53 *Drake Law Review* 1 (2004).
- “Overview of the 2002 Amendments to the Iowa Business Corporation Act,” Business Law Practice Manual (Iowa State Bar Association 3rd ed. 2004).