NEWSLETTER

Volume XXVIII, Number 1

November, 2017

Section Officers

Professor Matthew J. Parlow, Chair
Professor Ngai Pindell, Chair-Elect
Professor Ashira Perlman Ostrow, Secretary
Professor Kenneth Stahl, Treasurer

Newsletter Editor

Professor Joel A. Mintz

Executive Committee

Professor Jonathan Rosenbloom
Professor Shelley Ross Saxer

Table of Contents

Chair’s Column by Professor Matthew J. Parlow .................................................. 2
Editor’s Note by Professor Joel A. Mintz ................................................................. 3
Bibliography of Recent Section Member Publications by Professor J. Clark Kelso ....... 3
CHAIR’S COLUMN
by
Professor Matthew J. Parlow

November 2017

It’s an exciting time in the field of state and local government law, and the AALS Section dedicated to this field is vibrant and thriving. This fall semester, we convened the 6th annual State and Local Government Law Conference at Golden Gate University School of Law in San Francisco. Scholars from around the country gathered to workshop their latest draft articles on topics such as progressive localism, preemption, mapping, health care, transportation, digital privacy, and hurricanes. This annual event is but one manifestation of the active scholarly community that has been built within the Section over the years.

The field of state and local government law has also taken on a greater importance of late – or at least garnered increased attention – because of how cities and states are now at odds with the federal government on various legal and policy matters. Given the anti-urban message that pervaded Donald Trump’s presidential campaign, sanctuary cities, climate change, policing, and health care are all policy areas in which urban areas may find themselves negatively impacted by new administrative policies. This year’s panel at the 2018 AALS Annual Conference in San Diego will focus on “Intergovernmental Relations During the Trump Administration.” The panel will explore this intergovernmental tension and seek to address a number of pending questions that scholars and local government officials alike face in navigating – or at least making sense of – policy incongruities within our system of federalism.

And we have a terrific group of panelists:

Paul Diller, Willamette University College of Law
Olatunde Johnson, Columbia Law School
Sarah Light, The Wharton School, University of Pennsylvania
Kenneth Stahl, Chapman University Dale E. Fowler School of Law

Our section breakfast will be on Saturday, January 6th from 7-8:30 a.m., followed by our section panel from 8:30-10:15 a.m. Please consult the conference program for exact room locations. We look forward to seeing you all there.

Best,

Matt Parlow
Dean and Donald P. Kennedy Chair in Law
Chapman University Dale E. Fowler School of Law
Editor’s Note
By
Professor Joel A. Mintz
Nova Southeastern University College of Law

As you may know, for the past 28 years it has been my privilege to serve as the editor of this Newsletter. As it happens, however, I plan to retire from law teaching and assume emeritus status at the end of the current academic year. Thus, this will be the last Newsletter issue I will edit on behalf of our Section.

I have observed considerable growth in the AALS Section on State and Local Government Law over the years of my involvement. Scholarly interest in the myriad issues and challenges facing sub-national governments in the United States has expanded significantly over the past several decades, and our Section membership has grown along with it. In my view, the “newcomers” to our field have brought with them a level of intellectual curiosity, insight, and passion that matches that of our State and Local Government Law “veterans,” a healthy trend that augurs well for the future of our common scholarly enterprise.

I want to thank two colleagues whose first rate contributions have contributed enormously to the quality of this Newsletter. For many years, Professor J. Clark Kelso has prepared annual bibliographies of Section member publications that have given the rest of us a comprehensive overview of what our colleagues have been thinking and writing about. And from 1989 through 2014, now retired Professor John Martinez contributed accurate and informative annual summaries of U.S. Supreme Court decisions related to state and local governments. I am deeply indebted to them both.

Finally, though I will be stepping down as our Section’s Newsletter editor, this note is not a farewell. As an emeritus professor, I hope to continue to publish legal scholarship, participate in selected public interest service activities, and attend professional conferences. I look forward to seeing many of you at the latter, and to continue reading your thoughtful publications.

My warm best wishes to you all!
Bibliography of Section Member Law Review Publications
(2015-2016)
by
Professor J. Clark Kelso
Associate Dean for Strategic Initiatives
University of the Pacific, McGeorge School of Law

Please forward any errors or omissions to ckelso@pacific.edu

-A-


-B-


Rabia Belt, Ballots For Bullets?: Disabled Veterans And The Right To Vote, 69 Stan. L. Rev. 435 (February, 2017).


Maureen E. Brady, Penn Central Squared: What The Many Factors Of Murr V.


George D. Brown, The Federal Anti-Corruption Enterprise After Mcdonnell--Lessons From The Symposium, 121 Penn St. L. Rev. 989 (Spring, 2017).


Susan Cunningham, Robert Butkin, Student Editor-in-Chief, Faculty Advisor, Introduction, 2016 ABA Env't Energy, & Resources L.: Year in Rev. xviii (2016).

-A-


Patience A. Crowder, What'S Art Got To Do With It?: A Rebellious Lawyer Mindset In Transactional Practice, 23 Clinical L. Rev. 53 (Fall, 2016).


-D-


Lee Anne Fennell, Searching For Fair Housing, 97 B.U. L. Rev. 349 (March, 2017).

Lee Anne Fennell, Fee Simple Obsolete, 91 N.Y.U. L. Rev. 1457 (December, 2016).


Robert L. Glicksman, Emily Hammond, Agency Behavior And Discretion On Remand, 32 J. Land Use & Envtl. L. 483 (Spring, 2017).


Emily Hammond, Jim Rossi, Stranded Costs And Grid Decarbonization, 82 Brook. L. Rev. 645 (Winter, 2017).


Tim Iglesias, Affordable Housing, Fair Housing And Community Development: Joined At The Hip, We Need To Learn To Walk Together, 25 J. Affordable Housing & Community Dev. L. 195 (2017).


-J-


James B. Jacobs, Zoe Fuhr, The Potential And Limitations Of Universal Background Checking For Gun Purchasers, 7 Wake Forest J.L. & Pol'y 537 (June, 2017).


James B. Jacobs , Alex Haberman, 3D-Printed Firearms, Do-It-Yourself Guns, & The Second Amendment, 80 Law & Contemp. Probs. 129 (2017).


-K-

Eric Kades, Giving Credit Where Credit Is Due: Reducing Inequality With A Progressive State Tax Credit, 77 La. L. Rev. 359 (Winter, 2016).


Douglas W. Kmiec, Failure To Act And The Separation Of Powers--The Vice

-L-


Jennifer Levi, Bullying And The Laws Pertaining To It, 34 No. 1 GPSolo 30 (January/February, 2017).


Michael Lewyn, Zoning And Land Use Planning, 45 Real Est. L.J. 256 (Fall, 2016).
Michael Lewyn, Zoning And Land Use Planning, 46 Real Est. L.J. 92 (Summer, 2017).
Michael Lewyn, Zoning And Land Use Planning, 45 Real Est. L.J. 432 (Winter, 2016).
Michael Lewyn, Zoning And Land Use Planning, 45 Real Est. L.J. 598 (Spring, 2017).


-M-


David L. Markell, Agency Motivations In Exercising Discretion, 32 J. Land Use & Envtl. L. 513 (Spring, 2017).

David L. Markell, Emerging Legal And Institutional Responses To Sea-Level Rise In Florida And Beyond, 42 Colum. J. Envtl. L. 1 (2016).

Andrea McArdle, Local Green Initiatives: What Local Governance Can Contribute To Environmental Defenses Against The Onslaughts Of Climate Change, 28 Fordham Envtl. L. Rev. 102 (Symposium, 2016).


Stephen R. Miller, Decentralized, Disruptive, And On Demand: Opportunities For Local Government In The Sharing Economy, 77 Ohio St. L.J. Furthermore 47 (2016).


-N-

Richard K. Neumann, Jr. , J. Lyn Entrikin , Joan M. Heminway,
Fresh Approaches To Teaching Transactional Drafting, 18 Transactions:

Aaron L. Nielson, Christopher J. Walker, Strategic Immunity, 66
Emory L.J. 55 (2016).

-O-
Andrea B. Carroll, Christopher K. Odinet, Gay Marriage And The Problem Of

Christopher K. Odinet, Bitproperty And Commercial Credit, 94 Wash. U. L. Rev. 649
(2017).

Christopher K. Odinet, Of Progressive Property And Public Debt, 51 Wake Forest L.
Rev. 1101 (Winter 2016).

Christopher K. Odinet, Roederick C. White, Sr., Regulating Debt Collection, 36 Rev.
Banking & Fin. L. 869 (Spring, 2017).

121 (2017).

Myron Orfield, Will Stancil, Why Are The Twin Cities So Segregated?, 43 Mitchell

Ashira Pelman Ostrow, One Person, One Weighted Vote, 68 Fla. L. Rev. 1839
(November, 2016).

-P-
Matthew J. Parlow, The Curious Case Of The Bradley

Matthew J. Parlow, Healthy Zoning, 44 Fordham Urb. L.J.
33 (April, 2017).

-R-
John W. Ragsdale, Jr., The Ozark National Scenic Riverways And The Sagebrush

David Reiss, Accessible Credit, Sustainable Credit And The Federal Housing
Administration, 36 No. 6 Banking & Fin. Services Pol'y Rep. 1 (June, 2017).

Mark D. Rosen, The Judiciary'S Inputs In Constitutional Rights Adjudication, 48 Loy.

Mark D. Rosen, Can Congress Play A Role In Remediying Dysfunctional Political
Partisanship?, 50 Ind. L. Rev. 265 (2016).

Lawrence Rosenthal, Good And Bad Ways To Address Police Violence, 48 Urb. Law. 675 (Fall, 2016).


-S-

Aaron Saiger, Local Government As A Choice Of Agency Form, 77 Ohio St. L.J. 423 (2016).

Aaron Saiger, Agencies' Obligation To Interpret The Statute, 69 Vand. L. Rev. 1231 (October, 2016).


President Michael H. Schill, Foreword On David Frohnmayer, 94 Or. L. Rev. 493 (2016).


Anthony B. Schutz, Article 7: Documents Of Title, 71 Bus. Law. 1307 (Fall, 2016).

Anthony B. Schutz, Article 7: Documents Of Title, 72 Bus. Law. 1129 (Fall, 2017).

Daniel P. Selmi, Negotiations In The Aftermath Of Koontz, 75 Md. L. Rev. 743 (2016).


Jocelyn Simonson, Democratizing Criminal Justice Through Contestation And


Steven H. Steinglass, Constitutional Revision: Ohio Style, 77 Ohio St. L.J. 281 (2016).


Lisa Grow Sun, Brigham Daniels, Externality Entrepreneurism, 50 U.C. Davis L. Rev. 321 (November, 2016).


Christopher J. Walker, Toward A Context-Specific Chevron Deference, 81 Mo. L. Rev. 1095 (Fall, 2016).

Christopher J. Walker, Lawmaking Within Federal Agencies And Without Judicial Review, 32 J. Land Use & Envtl. L. 551 (Spring, 2017).

Christopher J. Walker, Against Remedial Restraint In Administrative Law, 117 Colum. L. Rev. Online 106 (42831).

Christopher J. Walker, Modernizing The Administrative Procedure Act, 69 Admin. L. Rev. 629 (Summer, 2017).


Alan C. Weinstein, Reflections On The Persistence Of Racial Segregation In Housing,


