UMKC LAW FACULTY

Cumulative Scholarship 2007 - Present

Summary and Overview

Our faculty are very productive. Our 38 book and 60 book chapters have been published by prominent university, academic, and trade presses, including Aspen, CALI, Cambridge University Press, Carolina Academic Press, Edward Elgar, Matthew Bender, Prentice Hall, NYU Press, Oxford University Press, Thomson West, and the University of Chicago Press. Our law review articles have appeared in nationally renowned law reviews, as well as some of the best specialty publications, including Boston College, Boston University, Catholic, Cincinnati, Duke, European Human Rights, Family Law Quarterly, Fordham, George Washington, Harvard Law & Policy, Hofstra, Lewis & Clark, Michigan, the National Law Journal, Northwestern, Pittsburgh, Probate & Property, Science, Seattle, Syracuse, Temple, Trusts & Estates, the Urban Lawyer, and Washington University. A number of us have developed particular expertise and are often invited to be symposia participants. The above tallies do not include the wealth of additional electronic publications, blog columns, bar journal and newspaper articles, congressional testimony, digitization projects, and amicus briefs we produce.

The numbers do not tell the full story of the reach of our scholarship. Several faculty members have their own blogs and websites that offer a depth of substance and exceptional access to carefully collected resources. Professor Chris Holman hosts his own Biotechnology and Intellectual Property blog, http://holmansbiotechipblog.blogspot.com/, Professor Bill Black is a frequent contributor to the most widely read economics and law blogs, the Economonitor, http://www.economonitor.com/blog/author/wblack/, the New Economic Perspectives Blog, http://neweconomicperspectives.org/category/william-k-black, the Alternet, http://www.alternet.org/authors/william-k-black, and the Financial Sense Blog, http://www.financialsense.com/contributors/william-k-black-phd, with more than 290 distinct electronic articles and short article length blog entries since 2011.

Professor David Achtenberg has created a Petition to Decision website, a comprehensive digital archive of all the available papers of the Supreme Court Justices dealing with selected Supreme Court cases with regard to 42 U.S.C. § 1983. It traces the behind-the-scenes progress of cases in the Court’s chambers—from the filing of the petition until the day the decision is handed down—and provides a unique opportunity to see how the justices actually decide cases and write their opinions. Professor Doug Linder’s Famous Trials website, http://law2.umkc.edu/faculty/projects/ftrials/ftrials.htm, is a collection of original materials and commentary for more than fifty trials (from the Salem Witch Trials to the Scopes Monkey Trial, from the “Mississippi Burning” trial to the Nuremberg Trials). It is considered the top website in the world related
to famous trials and receives between six to nine million hits per month. Prof. Tony Luppino was a principal organizer and serves as the lead editor of the Ewing Marion Kauffman Foundation’s Entrepreneurship Law website,1 which provides a wealth of materials and resource links for entrepreneurs and educator.


We have written at the cutting edge of practical and timely work, such as new areas of entrepreneurship, see, e.g., Professor Tony Luppino’s book chapter, The Value of Lawyers as Members of Entrepreneurial Teams, in Handbook on Law, Innovation and Growth. (Robert Litan ed., Edgar Elgar Pub. 2011), executive compensation, see, e.g., Professor Robert Down’s recent article, Executive Compensation: In a Culture of Greed and Selfishness Is There Room for a Theory of “Enough”? 4 Faulkner L. Rev. 35 (2012), and insurance, see, e.g., Associate Dean Jeffrey Thomas’s New Appleman Insurance Law Practice Guide, Volumes 1-8 (LexisNexis/Matthew Bender & Co.: Newark) (2007-2012) (Editor-in-Chief). A number of us are doing important work at the intersection of law and other disciplines. See, for example, Professor Chris Holman’s articles on biotechnology and law, Gene Patents Under Fire: Weighing the Costs and Benefits, in Biotechnology and Software Patent Law: A Comparative Review on New Developments, (Emanuela Arezzo & Gustavo Ghidini eds., Edward Elgar Publishing, 2011); Advances in DNA Sequencing Lead To Patent Disputes, 30 Nature Biotechnology 1054 (2012).

Our expertise has drawn national recognition. For instance, Professor Dan Weddle is at the forefront of theorizing about bullying in education. See Our Promise: Achieving Educational Equality for America’s Children (Maurice Dyson & Daniel B. Weddle, eds.) (2009); Holding Schools Accountable When Children Bully Children, in Viewpoint: Understanding The Issues That Shape Education Today (James V. Freemyer & Nancy Saunders, eds.) (2008); Grads Behaving Badly: A Study of Bullying and Peer Mistreatment in a Graduate Professional School, __ Temple L. Rev. __ (forthcoming 2013); Still Disconnected: Current Failures of Statutory Approaches to Bullying Prevention in Schools, __ Mo. L. Rev. __ (forthcoming 2013) (with Jeff Traiger); You’d Be Okay if You Weren’t So Gay: Ending the Special Treatment of LGBT Students Under Title IX, __ W. New Eng. L. Rev. __ (forthcoming 2013). Professor Mary Kay Kisthardt is a national leader in the development of uniform family laws and forms, authoring, for example, a Model Parenting Plan, Spousal Support Guidelines (which have been adopted in a number of jurisdictions) and a Model Cohabitation Agreement. She also authored a widely used manual for the American Academy of Matrimonial Lawyers, What Should We Tell the Children? A

Parent’s Guide for Talking About Separation and Divorce (Chicago: 2009), and is the regular family law columnist for the National Law Journal. Professor Sean O’Brien has provided leadership and expertise on the issues of capital punishment, providing ground-breaking research on mitigation in capital defense and related issues. Professor Chris Hoyt is one of the nation’s leading experts on the intersections of ERISA and nonprofit organizations and serves as chair of the American Bar Association’s Committee on Lifetime and Testamentary Charitable Gift Planning (Section of Probate and Trust) and serves on the editorial board of Trusts and Estates magazine.

In short, the vast majority of the our tenured and tenure-track faculty are engaged and productive scholars, as are a number of contract faculty whose duties do not expressly include published scholarship.

The Law School is also committed to participating in national scholarly conversations by producing three quality journals: the Journal of the American Academy of Matrimonial Lawyers (Editor-in-Chief: Professor Mary Kay Kisthardt), the Urban Lawyer (Editor-in-Chief: Professor Julie Cheslik), and the UMKC Law Review (faculty advisors: Professors Nancy Levit and Allen Rostron), with its recent on-line edition, De Jure. These journals offer students valuable opportunities for participation and for writing their own case notes and comments. In recent years, all three journals have published exciting symposia. Recently, the Journal of the American Academy of Matrimonial Lawyers produced an issue on Child Custody Evaluations including new standards for evaluators and featuring several inter-disciplinary pieces by mental health professionals. Another recent issue highlighted property issues including valuation of marital assets, bankruptcy following divorce and the IRS’ innocent spouse rules. Celebrating fifty years of the AAML, the Journal published a series of articles focusing on the many changes in family law practice since the Academy’s inception. The Journal attracts as authors nationally known experts who are practitioners, law professors and professionals from related fields. The Law Review produces significant symposia and devotes one issue annually to its innovative Law Stories section, with peer-solicited and peer-reviewed contributions. The 2010 Law Stories section was entitled One L Revisited (with an Introduction by Scott Turow), and it brought together a high-powered collection of authors (including Ian Ayres, Pamela Bridgewater, Alafair Burke, Stephen Carter, Marc Poirier, Deborah Post, Lisa Pruitt, Saira Rao, Rob Verchick and Adrien Wing), all writing about their One L experiences. The 2012 Law Stories section, Reflections of Women in Legal Education: Stories from Four Decades of Section Chairs, contained contributions by twenty-two Chairs of the AALS Section of Women in Legal Education, including Justice Ruth Bader Ginsburg, who told stories of their year as chair and tied those experiences to broader currents regarding gender in legal education.

UMKC Faculty Scholarship, 2007-2013

Jasmine Abdel-Khalik http://ssrn.com/author=541216

Transforming Art: Copyright’s Fair Use in Visual Art (in progress).

Fairness in Pre-Acceptance Behavior: Equity Based Option Contracts (in progress).
Disparaging Trademarks as a Federal Trademark Registration Regulation of Commercial Speech (in progress).

The Myths of Dilution: Appropriately Restricting the Extraordinary Trademarks (in progress).

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To Live In In-“Fame”-y: Reconceiving Scandalous Marks as Analogous to Famous Marks, 25 CARDOZO ARTS & ENT. L. J. 173 (2007).

David Jacks Achtenberg http://ssrn.com/author=83670

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Venue in Missouri After Tort Reform, 75 UMKC L. REV. 593 (2007).

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[The Petition to Decision Website is a comprehensive digital archive of all the available papers of the Supreme Court Justices dealing with selected Supreme Court cases dealing with 42 U.S.C. § 1983. It traces the behind-the-scenes progress of cases in the Court’s chambers—from the filing of the petition until the day the decision is handed down— and provides a unique opportunity to see how the justices actually decide cases and write their opinions.]

http://www1.law.umkc.edu/justicepapers/MonellDocs/MonellMainPage.htm

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City of Newport v. Fact Concerts (2010)
http://www1.law.umkc.edu/justicepapers/NewportDocs/NewportMainPage.htm

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Burrell v. McCray (Powell Papers Only) (2011)
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Collins v. City of Harker Heights (2013)
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Mark Berger  http://ssrn.com/author=85423

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Jeffrey B. Berman

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William K. Black

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Cette Finance Frauduleuse Que l'on ne Veut pas Voir, L'ÉCONOMIE POLITIQUE. n° 42 –2009/2: 52-58.

Those Who Forget the Regulatory Successes of the Past Are Condemned to Failure, XLIV ECON. & POL. WK. 80 (Mar. 28, 2009).


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Epidemics of ‘Control Fraud’ Lead to Recurrent, Intensifying Bubbles and Crises (2010),

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‘Nobody in Europe’ Sees a ‘Contradiction’ Between Austerity and Growth, Apr. 11, 2013.
The Latest Failed Effort to Blame the Community Reinvestment Act for Accounting Control Fraud, Mar. 6, 2013.
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Obama Commits Unilateral Disarmament as a Debt-Ceiling Negotiator, Jan. 16, 2013.
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Rajan Calls Krugman “Paranoid” for Criticizing Reinhart and Rogoff’s Research, Aug. 1, 2013.


Is It Legal Malpractice to Fail to Get Holder to Promise Not to Torture Your Client?, July 16, 2013.

The Fraud Shotgun: The Overlapping Fields of Fraudulent Fire that Drove the Crisis, July 17, 2013.
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Justice Scalia's Despairing Effort to Disguise DOMA's "Badge of Inferiority" of Gays, June 27, 2013.
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Myerson's Misses the Miasma that is Modern Executive Compensation, June 17, 2013.
Roger Myerson Updated Paean to Plutocrats as Capitalism's Greatest Treasure, June 13, 2013.
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The NY Times Calls Third Way "Center-Left" and Turns a Study on its Head, Mar. 21, 2013.
Yglesias Cheers a Double Betrayal of Cyprus, Mar. 20, 2013.
The EU Needs a Bill Seidman to Save It from Itself: Cyprus and the “Reverse Toaster Theory,” Mar. 18, 2013.
Slate Agrees that Obama’s Vanity Drives the Grand Betrayal – and Praises the Betrayal, Mar. 14, 2013.
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Note to Italy: Please Send Us More Saracenios, Dec. 6, 2012.
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The WSJ Conflates Lending to Blacks with Imprudent Lending, Sept. 19, 2012.
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Romney Takes His Political Inspiration from Europe’s Worst Mistakes, Aug. 15, 2012.
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The Silver Anniversary of the “Keating Five” Meeting – Citizens United’s Precursor, Apr. 9, 2012.
We Were Regulators Once: Ed Gray’s Finest Hour, Apr. 2, 2012.
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Microcredit Accounting Control Fraud Deepens Bosnia’s Nightmare, Mar. 11, 2012.
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Senator McCain’s Economist Warns: If You Criticize Banksters They Will Prolong Recessions, Nov. 29, 2011.
Germany Puts the EU Through the Wood Chipper – and Theocrats Cheer, Nov. 20, 2011.
Best Satire of Faux Austrian Economics Ever, Nov. 15, 2011.
The Virgin Crisis: Systematically Ignoring Fraud as a Systemic Risk, Nov. 8, 2011.
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The Anti-Regulators are the “Job Killers”, Oct. 22, 2011.
US Senator Bernie Sanders; Dream Team Includes Deficit Owls and Elite Fraud Fighters, Oct. 21, 2011.
Two Billion Dollars Lost Because the FDIC Ignored United Commercial Bank’s Frauds, Oct. 17, 2011.
A Suggested Theme for the Occupation of Wall Street, Oct. 4, 2011.
Lenders Put the Lies in Liar’s Loans and Bear the Principal Moral Culpability, Oct. 2, 2011.
The Solyndra Loans as Liar’s Loans, Sept. 26, 2011.
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Fannie and Freddie’s Confused Futures, Feb. 16, 2011.


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The Disastrous Unexpected Consequences of Private Compensation Reforms – Testimony to the House Committee on Oversight and Government Reform Hearing: ‘Executive Compensation: How Much is Too Much?’, Testimony to the House Committee on Oversight and Government Reform (Oct. 28, 2009).

Paul D. Callister http://ssrn.com/author=347799

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http://libguides.library.umkc.edu/FCIL

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Knowledge, Information & Technology Resources for Small Firm (2009),
http://www1.law.umkc.edu/faculty/callister/SmallFirm/

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Contributions to Digitization Projects


Missouri Constitutional Debates. See http://digital.library.umsystem.edu/cgi/t/text/text-idx?page=home;c=mdc. From an idea originating with Professor David Achtenberg, helped initiate and
coordinated a project with the Missouri Supreme Court Library and University of Missouri Library Systems Digital Library, which when completed will provide searchable access on the Web to the 7,763 transcribed pages of the 1943-1944 Missouri Constitutional Convention Debates.

Carthage Conspiracy Trial. See http://law2.umkc.edu/faculty/projects/ftrials/carthage/carthagetestimony.html. Located the “Minutes of the Carthage Conspiracy Trial.” For the first time they have been transcribed and made available to the public at Doug Linder’s Famous Trials web site.

Edward Cantu

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Posner’s Pragmatism and the Turn Toward Fidelity, 16 LEWIS & CLARK L. REV. 69 (2011)


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FAMILY CLASSES: WHAT IS REALLY HAPPENING TO THE AMERICAN FAMILY (Oxford University Press forthcoming 2013).

RED FAMILIES V. BLUE FAMILIES (Oxford University Press, 2009) (with Naomi Cahn).

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S. Rafe Foreman

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