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Collected Works, December 11, 2015

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To keep you informed of important updates, below is a summary of faculty activities, publications, and news that has been collected in the last two weeks. *Collected Works* comprises information culled from a variety of sources, but most heavily relies on information submitted directly by faculty. If you have information to submit, please email lawcommunications@umich.edu or click the large yellow button below. Thank you!

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Upcoming Events/Faculty Lunches

December 18

Senior Day – Michigan Theater, 1 p.m.

Seating will be reserved in the front of the theater for faculty interested in attending Senior Day. Upon arrival, a staff usher will be happy to show you to the seats. For your convenience, parking has been reserved in the following structures from 11 a.m. to 5 p.m.: Thompson, Fletcher, Thayer, and Hill.

Top 5 Repository Downloads: November 10–December 10

1. **307** downloads. **Sonja Starr**. "[Estimating Gender Disparities in Federal Criminal Cases](#)." (2012) *Law & Economics Working Papers*.
 2. **211** downloads. **Monica Hakimi**. "[Defensive Force against Non-State Actors: The State of Play](#)." *Int'l L. Stud.* 91 (2015): 1-31.
 3. **188** downloads. **Kyle Logue**. "[Understanding Insurance Anti-Discrimination Laws](#)." D.B. Schwarcz and A. Ronen, co-authors. (2013) *Law & Economics Working Papers*.
 4. **167** downloads. **Reuven Avi-Yonah**. "[The Three Goals of Taxation](#)." *Tax L. Rev.* 60, no. 1 (2006): 1-28.
 5. **166** downloads. **James J. White**. "[The Pros and Cons of Getting to YES](#)." Review of *Getting to YES*, by R. Fisher and W. Ury. *J. Legal Educ.* 34 (1984): 115-24.
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SCHOLARSHIP

Published

Michael Bloom, co-author. "Drafting Data Security Provisions: 3 Key Elements." J. Bulaon and M. Steinberg, co-authors. *Corporate Counsel* (November 30, 2015). [Lexis](#)

Vivek Sankaran, co-editor. *Representing Parents in Child Welfare Cases: Advice and Guidance for Family Defenders*. M. Guggenheim, co-editor. American Bar Association, 2015.

Forthcoming

ACTIVITIES

Alicia Alvarez has been nominated to the Association of American Law Schools (AALS) Executive Committee.

Nicholas Howson presented "Regulating China's Capital Markets—A Paradigm Shift?" at the NYU Center on U.S.-China Relations 5th Annual Conference on Chinese Capital Markets in New York City.

David Uhlmann presented the U-M Decision Consortium talk, "The Pendulum Swings: Reconsidering

Kate Andrias. "Separations of Wealth."
J. Const. L. 18 (Forthcoming).

Corporate Criminal Prosecution," on
December 3.

Works in Progress & Working Papers

John Pottow. *Two Cheers for
Universalism: Nortel's Nifty Novelty.* U
of Michigan Public Law & Legal Theory
Research Paper No. 487; U of Michigan
Law & Economics Research Paper No.
15-020. Working Paper. [SSRN](#)

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MEDIA

Reuven Avi-Yonah authored post for Columbia Law School's Blue Sky Blog – [Too Big to tax? Vanguard and the Arm's Length Standard](#); quoted in *Newsweek* – [Vanguard Whistleblower Could Get Billions in Tax Dodge Complaint](#)

Samuel Bagenstos quoted on King 5 News – [Washington 'risking' a lawsuit by segregating disabled](#)

Nicholas Bagley coauthored article in *The New England Journal of Medicine* – [Transparency and the Supreme Court: Can Employers Refuse to Disclose How Much They Pay for Health Care?](#); authored in *The Incidental Economist* – [World on Fire](#), quoted in *Marketplace* – [Supreme Court takes up healthcare price transparency](#), *PolitiFact* – [Rubio says he prevented a \\$2.5 billion taxpayer bailout for Obamacare](#), *FierceEMR* – [All-payer database lawsuit before Supreme Court could hurt HIEs](#), *iHealthBeat* – [High Court Hears Oral Arguments in Health Data Collection Case](#), *The Los Angeles Times* – [No, Marco Rubio didn't score a blow against Obamacare he merely hurt patients](#), *MedPage Today* – [SCOTUS Mulling States' Rules for Health Data Collection](#); mentioned in *Forbes* – [Abby Gluck's Defense of King v. Burwell](#)

[Echoes the Court's Defense of Pretextualism](#), *American Health Line* – [SCOTUS Hears Oral Arguments in Health Data Collection Case](#)

Michael Barr authored op-ed in *American Banker* – [Don't Let Big Banks Sabotage Reg Relief for Small Banks](#); quoted on CSRwire – [Detroit Development Fund, JPMorgan Chase and the W.K. Kellogg Foundation Announce First Loan Recipients of the Entrepreneurs of Color Fund](#)

Michael Bloom quoted in *Xconomy* – [Praktio's Digital Tools Help Students, Attorneys Navigate Legalese](#)

Daniel Crane authored op-ed in the *Lansing State Journal* – [It's Time for Michigan to Say Yes to Tesla](#); quoted in *Michigan Capitol Confidential* – [Want to Buy a Tesla in Michigan? Too Bad, You Can't](#), *Inverse.com* – [Why Can't Elon Musk's Tesla Crack the Home of General Motors?](#); mentioned in *The Detroit News* – [Tesla determined to break into Michigan auto market](#), *Auto World News* – [Tesla Continues to Push to Sell cars in Michigan](#), *mackinac.org* – [Dan Crane Op-ed Published in Lansing State Journal](#)

Richard Friedman quoted in *The Washington Post* – [Experts: Trump's Muslim entry ban idea 'ridiculous,' 'impossible,' and 'blatantly unconstitutional'](#)

Daniel Halberstam quoted on NPR – [Trump's Muslims Plan: Inflammatory? Definitely. Unconstitutional? Maybe](#)

James Hathaway quoted in Griffith University news article – [Refugee rights threatened on both sides of the economic divide](#)

Don Herzog quoted in *U.S. News & World Report* – [Ex-Pastor Faces Felony for Preaching Jury Nullification](#), *MLive.com* – [Free speech or jury tampering? Former pastor goes to court in divisive case](#)

Joshua Kay quoted in *Crain's Detroit Business* – [Bob Woodruff Foundation funds Veterans Legal Clinic at UM](#)

Richard Lempert quoted in *The New York Times* – [Students' Protests May Play Role in Supreme Court Case on Race in Admissions](#), *The Daily Texan Online* – [Professors explain potential outcomes of Fisher v. UT](#), *The Guardian* – [Supreme Court ruling against affirmative action would be 'devastating' – activists](#)

John Pottow quoted in *Law360* – [High Court's Ch. 9 Stance Key to Puerto Rico's Fate](#)

Richard Primus quoted on CBSNews.com – [Would Donald Trump's ban on Muslims](#)

[be legal?](#), *The Wall Street Journal* (video begins at 2:26 mark) – [Would Trump's Proposed Ban on Muslim Entry be Legal?](#), *The Economist* – [The justices appear split on racial preferences in university admissions](#), *Business Insider* – [The US Supreme Court will hear a case this week that could radically change college admissions in America](#), *Politico* – [Why Trump's plan for Muslims is unconstitutional](#), Balkinization Blog – [On Spiro on Trump in the NYT: No, it's unconstitutional](#), *The Grand Traverse Record-Eagle* – [National refugee debate degenerates](#), *Journal Review Online* – [Hoosier hospitality takes another hit](#)

David Uhlmann quoted in *The Wall Street Journal* – [Jury Appears Deadlocked in Trial of Former Massey CEO Blankenship](#), *Bloomberg Business* – [Anadarko Ordered to Pay \\$159.5 Million for 2010 Gulf Spill](#), Associated Press (multiple outlets) – [Manslaughter Charges Dropped for BP Supervisors in Oil Spill](#), *The Advocate* – [By dropping manslaughter charges, government's effort to hold individuals accountable in BP spill ends with whimper](#), *Insurance Journal* – [Anadarko's \\$160 Million Fine for 2010 Gulf Oil Spill Falls Well Below What U.S. Sought](#), *Corporate Crime Reporter* – [Don Blankenship Guilty of Conspiracy in Upper Big Branch Mine Blast That Killed 29 Coal Miners](#), MarketWatch – [Opinion: Why it's hard to hold corporate executives accountable for crime](#); Environmental Crimes Project mentioned in *The New York Times* – [Don't Change the Legal Rule on Intent](#)

