

# Faculty With Impact

Recent Publications by Cardozo Law Professors



## CHRISTOPHER BUCCAFUSCO

### Disability and Design

New York University Law Review

“Two of the most important drivers of innovation for accessible design have been social welfare laws and antidiscrimination laws. Both were responsible, in part, for the revolution in accessibility that occurred in the second half of the twentieth century.”



## MYRIAM GILLES

### The Issue Class Revolution

Boston University Law Review

“As litigants have been denied a right to proceed collectively, defendants have escaped liability for even the most apparent wrongdoing. The legal system cannot long sustain such imbalance without corrective measures. In our view, the issue class provides just such a palliative.”



## DEBORAH PEARLSTEIN

### The Executive Branch Anticanon

Fordham Law Review

“The existence of an executive branch anticanon demonstrates the importance of reading presidential practice—whether for purposes of constitutional interpretation or otherwise—not as a fixed reality constitutional life, but as a barometer of the present status of constitutional meaning and norms.”



## JESSICA ROTH

### Prosecutorial Declination Statements

Journal of Criminal Law & Criminology

“As important as prosecutors’ decisions to bring criminal charges are prosecutors’ decisions not to charge. But historically prosecutors have not talked much about this critical part of their role.”



## SAM WEINSTEIN

### Blockchain Neutrality

Georgia Law Review

“Unlike the FCC, which generally has employed a steady hand in guiding competition policy for the Internet, the SEC and CFTC historically have been indifferent stewards of competition. This indifference may prove problematic as blockchain restructures financial-services markets.”

## JOCELYN GETGEN KESTENBAUM

### Missing in Action:

### The International Crime of the Slave Trade

Journal of International Criminal Justice

“The slave trade’s prohibition remains a stalwart legal means to eradicate human bondage as envisioned by the 1926 Slavery Convention and the 1956 Supplementary Slavery Convention. The legal neglect of the slave trade exacted upon the ‘Comfort Women,’ and the potential denial of redress for enslaved Yazidis are compounded by the failure to refurbish this peremptory norm.”



## KYRON HUIGENS

### Majestic Law and the Subjective Stop

Seton Hall Law Review

“If legal agents of all kinds—students, lawyers, scholars, and judges—were to abjure the subjective stop, this would open the way for the recovery of majestic law. This path will have to be trod carefully, but to insist that it is a dead end unjustifiably empties the law of a wide range of moral commitments: not only integrity, dignity, decency, autonomy, freedom of conscience, freedom from cruelty, and moral proportionality in punishment, but ultimately justice and fairness.”



## MICHAEL POLLACK

### Courts Beyond Judging

BYU Law Review

“Reorienting our thinking about state courts around their more complicated reality means paying far more careful attention to which hat a state court is wearing in a particular context. It means shaping the architecture of decisionmaking one function at a time, taking concerted steps to guide, review, or limit the court in the ways that will best reflect the most desirable decisionmaking processes in each arena and that will best respect the values and rights at stake.”



## KATE SHAW

### Impeachable Speech

Emory Law Journal

“The rise over the last century of the ‘rhetorical presidency,’ in which presidents are expected to take their messages directly to the American people—a trend that has accelerated dramatically in the age of Trump—may mean thinking in new ways about the relationship between speech and impeachment.”



## ED ZELINSKY

### Coronavirus, Telecommuting, and the ‘Employer Convenience’ Rule

State Tax Notes

“Cuomo is right to mandate telecommuting. He should reinforce his own message by announcing that, retroactive to the beginning of this year, New York will cease taxing income earned at home by out-of-state telecommuters.”



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