

# JOURNALS REVIEW

## U.S. LAW REVIEWS: A FOCUS ON ADMINISTRATIVE LAW

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From this issue on, the present review, aimed at conducting an inspection of U.S. law reviews and journals from an administrative law perspective, will be following a new approach. Instead of analyzing in detail some essays, previously singled out, it will mention – as if they were included in a footnote – as many administrative law articles published in most law reviews and journals throughout the United States as are deemed significant. Since the number of essays and notes identified in the way just described will be large, they will be divided into classes, ordered by subject. The purpose is to provide the reader with a global overview of the main administrative law issues, as well as of some topics strictly related to administrative law, which U.S. law reviews and journals addressed after the last review came out in the Italian Journal of Public Law.

### **Major Questions Doctrine**

*Administrative Law – Major Questions Doctrine – Eleventh Circuit Applies the Major Questions Doctrine to a Delegation to the President. – Georgia v. President of the United States, 46 F.4th 1283 (11th Cir. 2022), 136 Harv. L. Rev. 2020 (2023)*

*Administrative Law – Federal Reserve – U.S. Monetary Policy Shows the Major Issues With the Major Questions Doctrine. – Federal Reserve Interest Rate Hike on March 22, 2023, 136 Harv. L. Rev. 2028 (2023)*

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*Clean Water Act – «Waters of the United States» – Sackett v. EPA*, 137 Harv. L. Rev. 390 (2023)

Daniel T. Deacon, Leah M. Litman, *The New Major Questions Doctrine*, 109 Va. L. Rev. 1009 (2023)

Evan C. Zoldan, *The Major Questions Doctrine in the States*, 101 Wash. U. L. Rev. 359 (2023)

Louis J. Capozzi III, *The Past and Future of the Major Questions Doctrine*, 84 Ohio St. L. J. 191 (2023)

Curtis A. Bradley, Eric A. Posner, *The Real Political Question Doctrine*, 75 Stan. L. Rev. 1031 (2023)

Timothy Meyer, Ganesh Sitaraman, *The National Security Consequences of the Major Questions Doctrine*, 122 Mich. L. Rev. 55 (2023)

Matt Donovan, *Ripple Effect: The SEC's Major Questions Doctrine Problem*, 91 Fordham L. Rev. 2309 (2023)

Samantha Jumper, *Fair Questions, Major Answers: Rooting Fair Housing in an Incentive-Based Approach to Avoid Major Questions Concerns*, 50 Fordham Urb. L. J. 505 (2023)

Kyle Pasucci, *Drawing a Line: How Energy Law Can Provide a Practical Boundary for the Rapidly Expanding Major Questions Doctrine*, 91 Geo. Wash. L. Rev. 1360 (2023)

*Environmental Law – Climate Change – Fourth Circuit Holds Bycatch Regulation Would Be Major Question. Held v. State*, No. CDV-2020-307 (Mont. Dist. Ct. Aug. 14, 2023), 137 Harv. L. Rev. 1491 (2024)

Ling Ritter, *Elephants in Mouseholes: The Major Questions Doctrine in the Lower Courts*, 76 Stan. L. Rev. 1382 (2024)

Ronald M. Levin, *The Major Questions Doctrine: Unfounded, Unbounded, and Confounded*, 112 Cal. L. Rev. 899 (2024)

Cass R. Sunstein, *Two Justifications for the Major Questions Doctrine*, 76 Fla. L. Rev. 251 (2024)

Michaela Gines, *Hostility Against the Administrative State: What the New “Major Questions Doctrine” Means for SEC Climate Reform*, 57 U.C. Davis L. Rev. 3133 (2024)

David M. Driesen, *Does the Separation of Powers Justify the Major Questions Doctrine?*, 2024 U. Ill. L. Rev. 1177 (2024)

Curtis Bradley, Jack Goldsmith, *Foreign Affairs, Nondelegation, and the Major Questions Doctrine*, 172 U. Pa. L. Rev. 1743 (2024)

Jack M. Beermann, *The Anti-Innovation Supreme Court: Major Questions, Delegation, Chevron, and More*, 65 Wm. & Mary L. Rev. 1265 (2024)

Sarah A. Schmoyer, *“Major” Challenges for Lower Courts: Inconsistent Applications of the Major Questions Doctrine in Lower Courts After West Virginia v. Environmental Protection Agency*, 92 Fordham L. Rev. 1659 (2024)

Anita S. Krishnakumar, *What the New Major Questions Doctrine Is Not*, 92 Geo. Wash. L. Rev. 1117 (2024)

Nathaniel Schwamm, *The Mathematical Question: Defining “Relatively Easy” Political Questions*, 92 Geo. Wash. L. Rev. 1182 (2024)

Brian Chen, Samuel Estreicher, *The New Nondelegation*, 102 Texas L. Rev. 539 (2024)

### **Administrative Discretion, Technical Assessments and Expertise In Agency Action, Legitimation of Agencies**

Gary Lawson, *The Ghosts of Chevron Present and Future*, 103 B.U. L. Rev. 1647 (2023)

Thomas W. Merrill, *Response: Chevron’s Ghost Rides Again*, 103 B.U. L. Rev. 1717 (2023)

Philip Hamburger, *Nondelegation Blues*, 91 Geo. Wash. L. Rev. 1083 (2023)

Thomas W. Merrill, *The Demise of Deference – And the Rise of Delegation to Interpret?*, 138 Harv. L. Rev. 227 (2024)

Christopher J. Walker, Neena Menon, *Chevron's 51 Imperfect Solutions*, 2024 Wis. L. Rev. 1585 (2024)

Brian D. Feinstein, *Legitimizing Agencies*, 91 U. Chi. L. Rev. 919 (2024)

Bijal Shah, *Administrative Subordination*, 91 U. Chi. L. Rev. 1603 (2024)

Lisa Schultz Bressman, *The Ordinary Questions Doctrine*, 92 Geo. Wash. L. Rev. 985 (2024)

Gabriel Scheffler, Daniel E. Walters, *The Submerged Administrative State*, 2024 Wis. L. Rev. 789 (2024)

Stavros Gadinis, Chris Havasy, *The Quest for Legitimacy: A Public Law Blueprint for Corporate Governance*, 57 U.C. Davis L. Rev. 1581 (2024)

Sharon Jacobs, *The Challenges of Participatory Administration*, 58 U.C. Davis L. Rev. 323 (2024)

*Administrative Law – Deference – First Circuit Deems Agency Action Not an Interpretation of Law. – Melone v. Coit*, 100 F.4th 21 (1st Cir. 2024), 138 Harv. L. Rev. 883 (2025)

### **Rulemaking, Rules, Policymaking, and Policies**

Bridget A. Fahey, *Coordinated Rulemaking and Cooperative Federalism's Administrative Law*, 132 Yale L. J. 1320 (2023)

Caroline Cecot, *Efficiency and Equity in Regulation*, 76 Vand. L. Rev. 361 (2023)

Yoon-Ho Alex Lee, *Beyond APA Section 553: Hayek's Two Problems and Rulemaking Innovations*, 91 *Geo. Wash. L. Rev.* 1215 (2023)

Ming Hsu Chen, Daimeon Shanks, *The New Normal: Regulatory Dysfunction as Policymaking*, 82 *Md. L. Rev.* 300 (2023)

Quinn Yeargain, *Administrative Capacity in Direct Democracy*, 57 *U.C. Davis L. Rev.* 1347 (2023)

Anthony M. Ciolli, *Needful Rules and Regulations: Originalist Reflections on the Territorial Clause*, 77 *Vand. L. Rev.* 1263 (2024)

Christopher S. Havasy, *Radical Administrative Law*, 77 *Vand. L. Rev.* 647 (2024)

Joshua D. Blank, Leigh Osofsky, *Democratizing Administrative Law*, 74 *Duke L. J.* 1615 (2024)

Abe Eichner, *Agency Use of Indirect Benefits to Justify Regulation*, 122 *Mich. L. Rev.* 1687 (2024)

Rachel E. Sachs, W. Nicholson Price II, Patricia J. Zettler, *Rethinking Innovation at FDA*, 104 *B.U. L. Rev.* 513 (2024)

### **Due Process, Adjudication, and Administrative Procedure in General**

Christopher S. Havasy, *Relational Fairness in the Administrative State*, 109 *Va. L. Rev.* 749 (2023)

Richard Lorren Jolly, *The Administrative State's Jury Problem*, 98 *Wash. L. Rev.* 1187 (2023)

Jack May, *Wrong or (Fundamental) Right?: Substantive Due Process and the Right to Exclude*, 98 *Wash. L. Rev.* 1355 (2023)

John M. Golden, Thomas H. Lee, *Congressional Power, Public Rights, and Non-Article III Adjudication*, 98 *Notre Dame L. Rev.* 1113 (2023)

Christopher J. Walker, Scott T. MacGuidwin, *Interpreting the Administrative Procedure Act: A Literature Review*, 98 Notre Dame L. Rev. 1963 (2023)

Ronald M. Levin, *Vacatur, Nationwide Injunctions, and the Evolving APA*, 98 Notre Dame L. Rev. 1997 (2023)

Kristin E. Hickman, Mark R. Thomson, *Textualism and the Administrative Procedure Act*, 98 Notre Dame L. Rev. 2071 (2023)

Jill E. Family, *A Lack of Uniformity, Compounded, in Immigration Law*, 98 Notre Dame L. Rev. 2115 (2023)

Noah A. Rosenblum, *Making Sense of Absence: Interpreting the APA's Failure to Provide for Court Review of Presidential Administration*, 98 Notre Dame L. Rev. 2143 (2023)

Evan D. Bernick, *Movement Administrative Procedure*, 98 Notre Dame L. Rev. 2177 (2023)

William N. Eskridge Jr., John Ferejohn, *The APA as a Super-Statute: Deep Compromise and Judicial Review of Notice-and-Comment Rulemaking*, 98 Notre Dame L. Rev. 1893 (2023)

Emily S. Bremer, *The Administrative Procedure Act: Failures, Successes, and Danger Ahead*, 98 Notre Dame L. Rev. 1873 (2023)

Diana Newmark, *The Illusion of Due Process in School Discipline*, 32 Wm. & Mary Bill Rts. J. 343 (2023)

Angélica Cházaro, *Due Process Deportations*, 98 N.Y.U. L. Rev. 407 (2023)

Max McCullough, *Quick Hearings as a Strike Against Bureaucratic Delay: An Alternative Administration Procedure for 10(j) Cases Before the NLRB*, 98 N.Y.U. L. Rev. 1406 (2023)

Gary S. Lawson, Joseph Postell, *Against the Chenery II "Doctrine"*, 99 Notre Dame L. Rev. 47 (2023)

Daniel T. Deacon, *Chenery II Revisited*, 92 *Geo. Wash. L. Rev.* 1050 (2024)

Haiyun Damon-Feng, *Administrative Reliance*, 73 *Duke L. J.* 1743 (2024)

Christopher J. Walker, David Zaring, *The Right to Remove in Agency Adjudication*, 85 *Ohio St. L. J.* 1 (2024)

### **Judicial Review of Administrative Action**

Matthew B. Lawrence, *Second-Class Administrative Law: Lincoln v. Vigil's Puzzling Presumption of Unreviewability*, 101 *Wash. U. L. Rev.* 1029 (2023)

Aditya Bamzai, *The Path of Administrative Law Remedies*, 98 *Notre Dame L. Rev.* 2037 (2023)

Natalie R. Schmidt, *Chaney Step Zero: Judicial Review of FEC Deadlock Dismissals*, 85 *Ohio St. L. J.* 307 (2024)

Hunter Dominick, *Nondelegation and the Legislative Versus Administrative Exactions Divide: Why Legislatively Imposed Exactions Do Not Require a More Searching Standard of Review*, 92 *Fordham L. Rev.* 2195 (2024)

Eitan Sirkovich, *Judicial Review of Agency Noncompliance with Presidential Administrative Orders and OMB Circular A-4*, 92 *Geo. Wash. L. Rev.* 1163 (2024)

*Halting Administrative Action in the Supreme Court*, 137 *Harv. L. Rev.* 2016 (2024)

### **Access to Agency Records, Transparency, and Secrecy**

Cat Reid, *Shading Sunshine: The Proliferation of Exemptions to State Open Records Laws*, 73 *Duke L. J.* 425 (2023)

Katrina Hauprich, *The "Sole Shareholder" Shield: How the Supreme Court of North Carolina Narrowed the Scope of the Public Records Act and Limited Government Accountability*, 101 *N.C.L. Rev.* 1245 (2023)

Camilla A. Hrdy, Christopher B. Seaman, *Beyond Trade Secrecy: Confidentiality Agreements that Act Like Noncompetes*, 133 Yale L. J. 669 (2024)

Nora Freeman Engstrom, David Freeman Engstrom, Jonah B. Gelbach, Austin Peters, Aaron Schaffer-Neitz, *Secrecy by Stipulation*, 74 Duke L. J. 99 (2024)

Michael Fussell, *"Heads Up": Combating Government Secrecy and Corporate Meddling in the Public's Right to Know*, 85 Ohio St. L. J. 81 (2024)

Rebecca Green, *FOIA-Flooded Elections*, 85 Ohio St. L. J. 255 (2024)

David L. Schwartz, Kat M. Albrecht, Adam R. Pah, Christopher A. Cotropia, Amy Kristin Sanders, Sarath Sanga, Charlotte S. Alexander, Luís A.N. Amaral, Zachary D. Clopton, Anne M. Tucker, Thomas W. Gaylord, Scott G. Daniel, Nathan Dahlberg, *The SCALES Project: Making Federal Court Records Free*, 119 Nw. U. L. Rev. 23 (2024)

Caitlin Glass, Kat M. Albrecht, Perry Moriearty, *Prosecutorial Data Transparency and Data Justice*, 119 Nw. U. L. Rev. 193 (2024)

Reagan Leverett, *Is Sunlight the Best Disinfectant? The Role of Regulation in Addressing Cybersecurity Concerns*, 77 Vand. L. Rev. 1935 (2024)

Ryan W. Miller, *Ending Exemption 5 Expansion: Toward a Narrower Interpretation of FOIA's Exemption for Inter- and Intra-agency Memorandums*, 92 Fordham L. Rev. 1613 (2024)

### **First Amendment**

Helen Norton, *What Twenty-First-Century Free Speech Law Means for Securities Regulation*, 99 Notre Dame L. Rev. 97 (2023)

Bryan Y. Baniaga, *Congress Shall Make No Law, so Someone Else Should: Why the First Amendment's "Free Speech" Promise Does Not*



*(and Should Not) Extend to Social Media Companies*, 57 U.C. Davis L. Rev. 2869 (2024)

Paul Gowder, *Standpoint Epistemology, the First Amendment, and University Affirmative Action*, 32 Wm. & Mary Bill Rts. J. 979 (2024)

Lucy Williams, Mason Spedding, *The First Amendment and Constitutive Rhetoric: A Policy Proposal*, 99 N.Y.U. L. Rev. 1338 (2024)

Matthew D. Weiner, *Destined to Deceive: The Need to Regulate Deepfakes with a Foreseeable Harm Standard*, 122 Mich. L. Rev. 771 (2024)

Mackenzie Austin, Max Levy, *Speech Certainty: Algorithmic Speech and the Limits of the First Amendment*, 77 Stan. L. Rev. 1 (2025)

### **Big Data, Algorithms and AI In Administrative Action**

Ifeoma Ajunwa, *Automated Governance*, 101 N.C.L. Rev. 355 (2023)

Ari Ezra Waldman, *Gender Data In the Automated Administrative State*, 123 Colum. L. Rev. 2249 (2023)

Ngozi Okidegbe, *To Democratize Algorithms*, 69 UCLA L. Rev. 1688 (2023)

Joshua D. Blank, Leigh Osofsky, *Automated Agencies*, 107 Minn. L. Rev. 2115 (2023)

Benedict Sheehy, Yee-Fui Ng, *The Challenges of AI Decision-Making in Government and Administrative Law: A Proposal for Regulatory Design*, 57 Ind. L. Rev. 665 (2024)

Brian Chen, *Big Data and Brady Disclosures*, 99 N.Y.U. L. Rev. 1754 (2024)

Matthew Sag, *Fairness and Fair Use in Generative AI*, 92 Fordham L. Rev. 1887 (2024)

Talin Ghazarian, *We Built This City: Generative AI, Copyright, and the Built Environment*, 51 Fordham Urb. L. J. 1227 (2024)

**Executive Power**

Aditya Bamzai, Saikrishna Bangalore Prakash, *The Executive Power of Removal*, 136 Harv. L. Rev. 1756 (2023)

Saikrishna Bangalore Prakash, *Deciphering the Commander-in-Chief Clause*, 133 Yale L. J. 1 (2023)

Alan Z. Rozenshtein, *The Virtuous Executive*, 108 Minn. L. Rev. 605 (2023)

Shalev Gad Roisman, *The President's Subjective and Objective Legal Obligations*, 91 Fordham L. Rev. 2195 (2023)

Andrea L.R. Pillai, *Hawks and Doves: Evaluating Presidential Powers and Duties Against Congress's Power to Declare War*, 73 Duke L. J. 389 (2023)

Andrea Scoseria Katz, Noah A. Rosenblum, *Becoming the Administrator-In-Chief: Myers and the Progressive Presidency*, 123 Colum. L. Rev. 2153 (2023)

Dan Maurer, *Congress and the Operational Disciplining of the Use of Armed Force: Are Rules of Engagement Within the Preclusive Core of the President's War Powers?*, 84 Ohio St. L. J. 1393 (2024)

Nick Candido, *"Facet" or "Facets" of Executive Privilege in Oklahoma? Vandelay's Unclear Outcome*, 76 Okla. L. Rev. 837 (2024)

Cristina Rodríguez, *Presidential Authority to Decline to Follow Supreme Court Opinions*, 102 N.C.L. Rev. 1411 (2024)

Tucker Ring, *Presidential Power Over Defense Contracts: How an Existing Statute Authorizes the Executive Branch to Recoup Profits from Defense Contractors*, 99 N.Y.U. L. Rev. 405 (2024)

Chris Mirasola, *Appropriations Law and the Statutory Foreign Affairs Presidency*, 172 U. Pa. L. Rev. Online 105 (2024)

Ashraf Ahmed, Lev Menand, Noah A. Rosenblum, *The Making of Presidential Administration*, 137 Harv. L. Rev. 2131 (2024)

Scott Bloomberg, Alexandra Harriman, Shane Pennington, *Re/Descheduling Marijuana Through Administrative Action*, 76 Okla. L. Rev. 517 (2024)

Jed Handelsman Shugerman, *Venality: A Strangely Practical History of Unremovable Offices and Limited Executive Power*, 100 Notre Dame L. Rev. 213 (2024)

### **Administrative Organization, Agency Internal Action, and Independent Agencies**

David T. Zaring, Jeffery Y. Zhang, *The Federal Reserve's Mandate*, 108 Minn. L. Rev. 333 (2023)

Gabriel L. Levine, *Beyond "Big Government": Toward New Legal Histories of the New Deal Order's End*, 121 Mich. L. Rev. 1003 (2023)

Anya Bernstein, Cristina Rodríguez, *The Accountable Bureaucrat*, 132 Yale L. J. 1600 (2023)

Adam B. Cox, Emma Kaufman, *The Adjudicative State*, 132 Yale L. J. 1769 (2023)

Andrew T. Levin, Christina Parajon Skinner, *Central Bank Undersight: Assessing the Fed's Accountability to Congress*, 77 Vand. L. Rev. 1769 (2024)

Catherine M. Sharkey, Daniel J. Kenny, *FDA Leads, States Must Follow*, 102 Wash. U. L. Rev. 155 (2024)

Jean Galbraith, *The Organs of U.S. Foreign Affairs*, 172 U. Pa. L. Rev. 1893 (2024)

James J. Park, *The SEC as an Entrepreneurial Enforcer*, 119 Nw. U. L. Rev. 689 (2024)

### **Emergency Powers**

David Landau, *Rethinking the Federal Emergency Powers Regime*, 84 Ohio St. L. J. 603 (2023)

Amanda L. Tyler, *Judicial Review in Times of Emergency: From the Founding Through the Covid-19 Pandemic*, 109 Va. L. Rev. 489 (2023)

Paul A. Diller, *Emergency Rule: A New Paradigm for State and Local Governance?*, 50 Fordham Urb. L. J. 723 (2023)

Elena Chachko, Katerina Linos, *Emergency Powers for Good*, 66 Wm. & Mary L. Rev. 1 (2024)

Aditya Bamzai, *Sanctions and the Emergency Constitution*, 172 U. Pa. L. Rev. 1917 (2024)

Christine N. Coughlin, Ana S. Iltis, *Declaring and Terminating Public Health Emergencies: Performative Utterances That Can Change the World*, 83 Md. L. Rev. 402 (2024)

### **Land Use, Cities, Housing, and Property**

Emma Sargent, *Boulder is for People: Zoning Reform and the Fight for Affordable Housing*, 94 U. Colo. L. Rev. 857 (2023)

Aziz Z. Huq, *Property against Legality: Takings after Cedar Point*, 109 Va. L. Rev. 233 (2023)

Lee Anne Fennell, *Residents Against Housing: A Response to Professor Infranca's 'Differentiating Exclusionary Tendencies'*, 72 Fla. L. Rev. F. 171 (2023)

Ken Stahl, *Reparations for Gentrification?: A Response to Professor Infranca's 'Differentiating Exclusionary Tendencies'*, 72 Fla. L. Rev. F. 190 (2023)

Sarah L. Swan, *Public Duties for the New City*, 122 Mich. L. Rev. 309 (2023)

Douglas A. Pinheiro, *Monogamy Zoning: Single-Family Zoning and the Exclusion of Polyamorous Relationship Groups*, 2023 U. Ill. L. Rev. 279 (2023)

Felipe Ford Cole, *Unshackling Cities*, 90 U. Chi. L. Rev. 1365 (2023)

Kate Gehling, *The Fair Housing Act After Inclusive Communities: Why One-Time Land-Use Decisions Can Still Establish a Disparate Impact*, 90 U. Chi. L. Rev. 1471 (2023)

Sam Kalen, *Public Land Management's Future Place: Envisioning a Paradigm Shift*, 82 Md. L. Rev. 240 (2023)

Nestor M. Davidson, Alan R. Romero, *Law in Place: Reflections on Rural and Urban Legal Paradigms*, 50 Fordham Urb. L. J. 201 (2023)

Nicholas Blomley, Alexandra Flynn, Marie-Ève Sylvestre, Nicholas Olson, *Law, Urban Space, and Precarious Property: The Governance of Poor People's Possessions*, 50 Fordham Urb. L. J. 201 (2023)

Egor Shakhnovskiy, *Reimagining Community Input: Past, Present and Future of New York City Community Boards*, 50 Fordham Urb. L. J. 557 (2023)

Claire Johnson Raba, *Forfeiting Due Process: How Adjudicative Reform Fails Property Owners*, 51 Fordham Urb. L. J. 299 (2023)

Sam Spiegelman, *Rent Controls and the Erosion of Takings-Clause Protections: A Sordid History with Recent Cause for Optimism*, 51 Fordham Urb. L. J. 357 (2023)

Michael Fine, *Climate Adaptation and the Need for a National Land Use Policy*, 103 B.U. L. Rev. 1843 (2023)

Michael Allan Wolf, *Superfluous Judicial Activism: The Takings Gloss*, 91 Geo. Wash. L. Rev. 287 (2023)

Joshua Braver, Ilya Somin, *The Constitutional Case Against Exclusionary Zoning*, 103 Texas L. Rev. 1 (2024)

Armen H. Merjian, *Housing Discrimination Is as Dangerous as Defective Stairs: The Nondelegable Duty to Obey State and Local Housing Discrimination Laws*, 85 Ohio St. L. J. 145 (2024)

Patrick E. Reidy, *Churching NIMBYs: Creating Affordable Housing on Church Property*, 133 Yale L. J. 1254 (2024)

Clayton P. Gillette, *The Subdivided City*, 133 Yale L. J. 2701 (2024)  
Gillette

Noah Austin, *Resolving Land Use Conflicts Without Zoning*, 99 Notre Dame L. Rev. Reflection 349 (2024)

Adam Cowing, *Equity and Ownership in Affordable Housing*, 2024 U. Ill. L. Rev. 399 (2024)

Jessica A. Shoemaker, *Re-Placing Property*, 91 U. Chi. L. Rev. 811 (2024)

Jonathan Sarnoff, *The Information Costs of Exclusion*, 91 U. Chi. L. Rev. 1021 (2024)

Christopher Serkin, *Climate Zoning*, 99 Notre Dame L. Rev. 1093 (2024)

Maria Ponomarenko, *The Small Agency Problem in American Policing*, 99 N.Y.U. L. Rev. 202 (2024)

Andrew Darcy, *New York City's Public Housing Preservation Trust: The Case for Cautious Optimism, Necessity, and Racial Justice*, 51 Fordham Urb. L. J. 745 (2024)

David Dante Troutt, *Urban Renewal's Grandchildren: Remediating the Persistent Effects of Post-War Race Planning*, 52 Fordham Urb. L. J. 91 (2024)

Albert C. Lin, *Rationing Public Lands*, 104 B.U. L. Rev. 345 (2024)

Robert B. Keiter, *Response: Law, Politics, and Outdoor Recreation on Public Lands: An Addendum to Professor Lin's Access Analysis*, 104 B.U. L. Rev. 421 (2024)

Lydia Culp, *Education from Condemnations: Learning from State and Federal Reforms for a More Efficient and Just Eminent Domain*, 73 Duke L. J. 905 (2024)

Eric T. Freyfogle, *Public Rights in Illinois Waterways Under Federal and State Law*, 2024 U. Ill. L. Rev. 229 (2024)

### **Cultural Heritage**

Zoe Creamer, *Decommodifying Cultural Heritage: A Linguistic Unpacking of "Cultural Property"*, 65 Wm. & Mary L. Rev. 1203 (2024)

Troy A. Rule, *Preserving Sacred Sites and Property Law*, 2024 Wis. L. Rev. 129 (2024)

Elena Baylis, *Looted Cultural Objects*, 124 Colum. L. Rev. Forum 183 (2024)

### **Environment and Climate Change**

Allegra M. McLeod, *Abolition and Environmental Justice*, 69 UCLA L. Rev. 1536 (2023)

Seema Kakade, *Environmental Evidence*, 94 U. Colo. L. Rev. 757 (2023)

Bronson J. Pace, Barbara A. Cosens, *Environmental Assessment in a Time of Rapid Change and High Uncertainty: The Addition of Resilience Assessment to NEPA*, 47 Wm & Mary Env't'l L. & Pol'y Rev. 317 (2023)

Jon Paul Suttile, *SEParating Litigation: How SEPs Demonstrate the Need for Centralized Environmental Civil Litigation*, 47 Wm & Mary Env't'l L. & Pol'y Rev. 317 (2023)

Cameron Krause, *Foreword to International Environmentalism: A Global Approach to Global Challenges*, 47 Wm & Mary Env't'l L. & Pol'y Rev. 589 (2023)

Randall S. Abate, Nadine Nadow, Hayley-Bo Dorrian-Bak, *Litigation to Protect the Marine Environment: Parallels and Synergies with Climate Litigation*, 47 Wm & Mary Env't'l L. & Pol'y Rev. 595 (2023)

Rebecca J. Davis, Justin Blount, *Regulating CO2 Emissions Post-West Virginia v. Environmental Protection Agency*, 48 Wm & Mary Env'tl L. & Pol'y Rev. 29 (2023)

J. Gray Whitsett, *Disaster Districts: Mid-Decade Redistricting in the Face of Climate Change*, 48 Wm & Mary Env'tl L. & Pol'y Rev. 151 (2023)

M. Logan Campbell, Board of County Commissioners of Boulder County v. Suncor Energy (USA) Inc.: *A Future for Climate Litigation?*, 47 Harv. Env'tl L. Rev. 605 (2023)

Maxine Sugarman, *Following the Science: Judicial Review of Climate Science*, 98 Wash. L. Rev. 1405 (2023)

Danielle Spiegel-Feld, Katrina M. Wyman, *Local Action, Global Problem: Why and How New York City Is Tackling Climate Change*, 50 Fordham Urb. L. J. 1187 (2023)

Amy E. Turner, *The Legal Case for Equity in Local Climate Action Planning*, 50 Fordham Urb. L. J. 1245 (2023)

Rachel Rothschild, *Unreasonable Risk: The Failure to Ban Asbestos and The Future of Toxic Substances Regulation*, 47 Harv. Env'tl L. Rev. 407 (2023)

Anthony Moffa, *From Comprehensive Liability to Climate Liability: The Case for a Climate Adaptation Resilience and Liability Act*, 47 Harv. Env'tl L. Rev. 473 (2023)

Evan Matsuda, *Incorporating the Social Cost of Greenhouse Gases into the Federal Procurement Lifecycle*, 91 Geo. Wash. L. Rev. 224 (2023)

Sara A. Colangelo, *Bridging Silos: Environmental and Reproductive Justice in the Climate Crisis*, 112 Cal. L. Rev. 1255 (2024)

Annie Brett, *Rethinking Environmental Disclosure*, 112 Cal. L. Rev. 1535 (2024)

Alyse Bertenthal, *Toxic Narratives, Toxic Communities, and Enforcement of Environmental (In)justice*, 99 Wash. L. Rev. 1053 (2024)



Benjamin G. Manahan, *An Elephant Too Big to Hide: Why SEC Environmental Disclosures Will Not Survive a Legal Challenge*, 57 Ind. L. Rev. 701 (2024)

Lev E. Breydo, *Inequitable Infrastructure: An Empirical Assessment of Federalism, Climate Change, and Environmental Racism*, 102 N.C.L. Rev. 1035 (2024)

Samantha Bingaman, *Nothing at Stake but Life's Essentials: How Sole Reliance on New Textualism Endangers Clean Water, Environmental Justice Communities, and Environmental Law (and a Judicial Framework to Fix It)*, 83 Md. L. Rev. 1313 (2024)

David M. Driesen, Michael A. Mehling, *Pricing, Decarbonization, and Green New Deals*, 48 Wm & Mary Env't L. & Pol'y Rev. 211 (2024)

Craig Anthony (Tony) Arnold, Resilience Justice Project Researchers, *Environmental Justice, Resilience Justice, and Watershed Planning*, 48 Wm & Mary Env't L. & Pol'y Rev. 553 (2024)

Mark Nevitt, *The Legal Crisis Within the Climate Crisis*, 76 Stan. L. Rev. 1051 (2024)

Michael Pappas, *The Structure of U.S. Climate Policy*, 83 Md. L. Rev. 347 (2024)

Dulaney Marsh, *Sackett v. EPA and the Future of Wetland Protections*, 66 Wm. & Mary L. Rev. 215 (2024)

Olivia Venus, *TransUnion LCC v. Ramirez and the Fight to Protect Climate Change Standing*, 92 Geo. Wash. L. Rev. 949 (2024)

Paul Blakeslee, *"Certain Remedy Afforded for Every Wrong": State Constitutional Right-to-Remedy Provisions as a Vehicle for Climate Litigation*, 104 B.U. L. Rev. 1829 (2024)

Isaac Lunt, *Toward Distributed Nature: The Afforestation Easement and a Regenerative Land Ethic*, 124 Colum. L. Rev. 993 (2024)

**Law Enforcement, Police and Public Safety**

Zoë Robinson, Stephen Rushin, *The Law Enforcement Lobby*, 107 Minn. L. Rev. 1965 (2023)

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