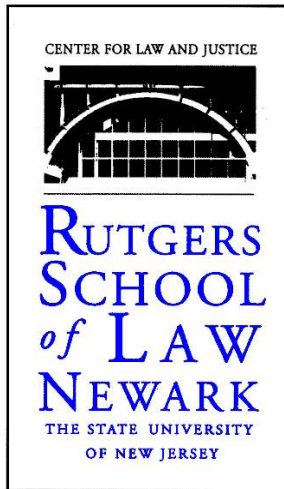


# RUTGERS LAW SCHOOL NEWS

September 2002



## ***Rutgers Welcomes New Full-time and Adjunct Faculty***

Karima Bennoune, Donna Dennis and Sabrina Safrin have joined the faculty as assistant professors of law. Bennoune, most recently a visiting professor at the University of Michigan Law School, is teaching International Law and a Just World Order this fall. Dennis, who taught American legal history at Princeton, and Safrin, previously a visiting scholar at the Environmental Law Institute, will begin teaching in the spring. (*More extensive biographies can be seen on the website at <http://law.newark.rutgers.edu/faculty.html>.)*

Carter Strickland and Judith Weinstock have joined the Environmental Law Clinic as visiting assistant clinical professors. Strickland previously worked on environmental cases in the New York Attorney General's office. Weinstock had been a judicial clerk for New Jersey Supreme Court Justice Gary J. Stein. John Kettle III '85, formerly a visiting professor, has been appointed an associate clinical professor in the Community Law Clinic.

New to the legal research and writing faculty are Amy Bitterman and Kim Guadagno. Bitterman has taught at Rutgers Law School in Camden and practiced in New York and New Jersey. Guadagno, an instructor in the evening program, is now in private practice after serving as deputy director of the New Jersey Attorney General's Division of Criminal Justice. Amy Soled, previously an evening instructor, now teaches day-time students. Before joining the Rutgers faculty, Soled taught legal research and writing at Seton Hall Law School.

New to the adjunct faculty are Frank Emmert, dean of the law school at Concordia University (Estonia), and former Superior Court Judge Douglas K. Wolfson '77, Director of the Division of Law, New Jersey Department of Law & Public Safety. Emmert teaches International Trade Regulation and Wolfson teaches Land Use Controls.

## ***Law School Marks 9/11 With Series of Special Events & Displays***

Members of the law school community were invited to record their thoughts on the first Anniversary of September 11 in a Remembrance Book placed in the lower level atrium. Entries could also be made electronically into a virtual book on the website. Those who wished to renew their commitment to American democracy and the rule of law were able to sign enlarged copies of the Declaration of Independence, the U.S. Constitution and the Bill of Rights placed near the Remembrance Book. In addition, the law library faculty, led by Associate Dean Carol Roehrenbeck, assembled a special exhibit on September 11 and its aftermath for display on the first floor of the Center for Law and Justice.

Opportunities for dialogue among members of the law school community were provided throughout the day. Professor Frank Askin and Clinical Professor Penny Venetis led a discussion about civil liberties aspects of the war on terrorism; Professor Karima Bennoune led a discussion about international issues and national security; and Professor Jon Dubin and Bill Hilger of the Computer Center talked about their experiences near ground zero.

Faculty, staff and students also participated in campus-wide ceremonies to commemorate Rutgers University graduates who died that day and to reaffirm their commitment to the Rutgers-Newark community and its rich diversity.

### ***Exchange Program With “Sister” Schools in Second Year***

For six weeks this fall, the law school will host several international guests in a series of exchanges that are part of the Eric R. Neisser Public Interest Program. The exchanges build on Rutgers “sister” relationships with three law schools in Samara, Russia and with one in Novi Sad, Serbia that are intended to help develop clinical education programs in those countries. The director of law clinics from one of the Samara schools will spend October at Rutgers, reports Eric Neisser Program Director and Clinical Professor Marcia Levy. Six other Russian law professors will visit during the first week of October. The exchanges also involve students, with two from Novi Sad scheduled to spend October at the law school and Rutgers students expected to visit the Novi Sad law school in the spring. Faculty exchanges with Novi Sad are also planned.

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## **FACULTY NOTES**

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**Dean Stuart L. Deutsch** has been appointed chair of the Planning Committee of the Annual Deans’ Conference, to be held in Seattle in February 2003, and vice chair of the Technology Committee, Section of Legal Education and Admissions to the Bar, American Bar Association.

**Professor Frank Askin** and the **Constitutional Litigation Clinic** are litigating a test case on behalf of the ACLU against the Twin Rivers Homeowners Association, located in East Windsor, NJ, on rights of democratic governance in private community associations. Media coverage has included the *New York Times* (Aug. 12), WOR radio (Aug. 14), National Public Radio (Aug. 15) and *New Jersey Lawyer* (Aug. 19). “Community Associations and the Constitution” was the subject of a speech by Askin to the East Windsor League of Women Voters. At the annual meeting of the New Jersey State Bar Association, he participated in a panel on “Individual Rights and the Aftermath of 9/11.”

The New Jersey Institute for Continuing Legal Education presented **Adjunct Professor Marilyn Askin** with a Distinguished Service Award at its 11<sup>th</sup> Annual Award Reception.

**Professor Norman Cantor** delivered a presentation on “Strategies for Improving Results If the Legislation Is Not Adopted” at a conference dealing with proposed legislation to fill gaps in New York law related to medical decision-making for incompetent persons. The conference was sponsored by the Center for Bioethics and the Humanities at SUNY Upstate Medical University. Cantor spoke at a conference in Indianapolis sponsored by the American Society for Law, Medicine, and Ethics. His topic – “Forced Altruism: Why and to What Extent Can Never-competent Persons Be Medically Exploited for Others’ Benefit?” – was drawn from his book in progress entitled “Deciding for the Profoundly Mentally Disabled.”

**Associate Dean Ronald Chen** will receive the Roger N. Baldwin Award from the American Civil Liberties Union of New Jersey Foundation on October 1. Dean Chen, who has served on the national and state affiliate ACLU boards, will be honored “for his outstanding contributions to the protection and preservation of civil liberties principles.” Most recently lead attorney with **Clinical Professor Penny Venetis** for the Constitutional Litigation Clinic lawsuit challenging the secret detention of noncitizens in New Jersey county jails, Chen has appeared before the state Supreme Court and the Third Circuit in cases ranging from the constitutionality of Megan’s

Law, the New Jersey kosher enforcement regulations, the New Jersey hate crimes statute, and government religious displays. He serves as an at-large member on the national board of the ACLU, and is a member of the editorial board of the *New Jersey Law Journal*, the Supreme Court Advisory Committee on Professional Ethics, the Third Circuit Lawyers Advisory Committee, and the NJ Supreme Court Committee on Bar Admissions.

Chen has been selected to receive the 2002 Professional Lawyer of the Year Award by the New Jersey Commission on Professionals in the Law.

**Professor Claire Dickerson** presented “Human Rights: The Emerging Norm of Corporate Social Responsibility” at the Alfred P. Sloan Foundation and George Washington University conference on corporate social responsibility.

**Associate Professor of Law Carlos Gonzalez** is spending the academic year as a visiting professor at the University of Santa Clara Law School.

“The Racialism of Gender Dominance” was the topic of a presentation by **Professor Tanya Hernandez** at a feminist legal theory workshop at Boalt Hall.

**Barbara Hoffman, legal research and writing instructor**, discussed “The Legal Rights of Cancer Survivors” at a conference at the Children’s National Medical Center.

**Professor John Leubsdorf** has been appointed to the Professional & Judicial Ethics Committee of the Association of the Bar of the City of New York.

**Susan Lyons, government documents and reference librarian**, was elected chair of the Government Documents Special Interest Section of the American Association of Law Librarians.

A May 1998 FORDHAM LAW REVIEW article by **Professor Gregory Mark** on “The Vestigial Constitution: The History and Significance of the Right to Petition” was cited by U.S. Supreme Court Justice Stephen Breyer in his dissent to the majority opinion issued in the sovereign immunity case *Federal Maritime Commission v. South Carolina Ports Authority*. Mark served as commentator on a panel entitled “Law, Business, and the Underserved” at the Law and Society Association meeting in Vancouver.

**Professor Saul Mendlovitz** participated in a workshop on “Intervention: Conduct and Capacity: Operational Aspects,” hosted by the Foundation for International Security in Cambridge, Canada, that focused on interaction of military forces and humanitarian organizations in conflict and post-conflict situations. He presented “Structural Reform for the United Nations to Achieve Global Security” at the annual meeting of the Campaign for a United Nations Reform.

**Associate Dean and Law Library Director** Carol Roehrenbeck discussed “Marketing the Academic Law Library” in a speech to the Law Library Association of Greater New York.

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## STAFF & STUDENT NEWS

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**Kenneth Padilla, Assistant Dean and Director of the Minority Student Program & Externships**, delivered the commencement address at Newark's Technology High School. Padilla and **Director of Admissions Anita Walton** participated in the LSAC Annual Meeting and Educational Conference, held in Puerto Rico.

**Information Technology Director Karen Fromkes** was a guest speaker in the New Jersey Institute of Technology's Professional Development Seminar series. Fromkes briefed some 35 adult students participating in the "Bridge the Gap" program at NJIT about the role of IT professionals in various environments.

**Wilfredo Bonilla, Jr. '02** received the Outstanding Clinical Law Student Award from the Clinical Legal Education Association at the Association of American Law Schools' Conference on Clinical Legal Education.

The State Bar Foundation awarded scholarships to the following three law school students: **Jason King, Maxine Londa and James Mathews**. The Garden State Bar Association awarded a scholarship to **Donita Judge**.

The new RUTGERS BANKRUPTCY LAW JOURNAL can be accessed at [www.bankruptcy.rutgers.edu](http://www.bankruptcy.rutgers.edu). **Professor Keith Sharfman** is faculty adviser.

An article on "Medical Standard of Care Jurisprudence as Evolutionary Process: Implications Under Managed Care" by **Charles Markowitz, M.D.**, a fourth-year evening student, was published by the YALE JOURNAL OF HEALTH POLICY, LAW, AND ETHICS.

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### RUTGERS-NEWARK LAW IN THE NEWS

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**Dean Stuart Deutsch** was quoted by the *Star-Ledger* (Aug. 23) in a story about the significant increase in law school applications and in a July 19 article on lawyers disciplined by the state of New Jersey.

New Jersey Network's "Due Process" included **Professor Frank Askin** in its Sept. 11 panel discussion on "National Security vs. Civil Liberties." An op-ed, "Of Siding With 'Big Brother,'" about U.S. Supreme Court Chief Justice William Rehnquist, ran in the *New Jersey Law Journal* (Aug. 19) and *Legal Times* (July 15). Askin was quoted by the *Record* (July 30) on a West Paterson proposal to provide the police department with the names and addresses of all renters; by the *Star-Ledger* and the *Record* (July 18) on the state Supreme Court decision regarding mandatory arbitration agreements; and by the *New Jersey Law Journal* (Aug. 2) and the *New Jersey Lawyer* (Aug. 2) on fee shifting in public litigation. Askin was interviewed by New Jersey Network on June 27 about the 9<sup>th</sup> U.S. Circuit Court Pledge of Allegiance decision. The *Star-Ledger* (June 27) included his comments on a lawsuit challenging the denial of marriage licenses to same-sex couples, and on the state Supreme Court decision in a racial profiling case. On June 13, Askin was quoted by the *New York Times* regarding a settlement in a negligence suit stemming from a priest sex abuse claim, and by the Associated Press concerning New Jersey's high ranking in the number of state-issued wiretaps. He commented for a June 2 *Home News*

*Tribune* article on the expanded powers of the FBI, and discussed the New Jersey primary in a June 3 interview on central New Jersey radio station WCTC.

A study by **Professor Alfred Blumrosen** and **Adjunct Professor Ruth Blumrosen** on employment discrimination was covered by the *New York Times* (July 24), the *San Jose Mercury News* (July 31), Knight Ridder/Tribune Information Services (July 31), the *Star-Ledger* (Aug. 1), Newark's *City News* (Aug. 7), the *Boston Globe* (Aug. 11), and the *New Jersey Law Journal* (Aug. 12),

**Associate Dean Fran Bouchoux** was quoted in an Aug. 12 Associated Press report on the job market for law school graduates. On July 26 Bouchoux was interviewed by radio station 101.5 (central New Jersey) on the rise in law school applications.

**Associate Dean Ronald Chen's** op-ed entitled "Should Hearings on Terror Suspects Be Public? Yes" appeared on Aug. 22 in the *Record*. Comments by Chen during a panel discussion on "Reconsidering Racial Profiling After September 11," sponsored by the New Jersey Chapter of the Federalist Society, were covered by the *New Jersey Lawyer* (July 8). The June 17 *New Jersey Law Journal* quoted him on the Appellate Division's reversal of the finding for the Constitutional Litigation Clinic regarding the secret detention of immigrants in Hudson and Passaic County jails. A June 27 Associated Press report, the June 27 *Home News Tribune*, the June 28 *Asbury Park Press* and the June 28 *Press of Atlantic City* featured Chen comments on the 9<sup>th</sup> U.S. Circuit Court Pledge of Allegiance decision; and a June 29 *Star-Ledger* article on the U.S. Supreme Court's school voucher decision included a quote from Chen. He was interviewed on June 5 by Channel 4 NBC about the Justice Department's proposal to require visa holders from certain countries to register with the government and be fingerprinted.

National Public Radio's "All Things Considered" (Aug. 13) broadcast comments by **Professor Sherry Colb** about the trial of a New Jersey man on manslaughter and vehicular homicide charges for returning car keys to a friend who had been arrested for drunk driving.

**Professor Claire Dickerson** was the author of an op-ed, "A Brief Defense of Shareholders' Suits," that was published in the July 21 *Star-Ledger*. Dickerson commented for Bloomberg News (1130 AM) on Aug. 28 about the indictment of WorldCom senior executives; on June 5 about the borrowings of Tyco's president and potential liability of investment banks for failure of due diligence; on June 6 about the Rigas family and Adelphia Communications' allegedly inaccurate proxy statement; and on June 15 about the verdict against Arthur Anderson. CBS Radio (July 9) ran an interview with Dickerson and **Professor Gregory Mark** about business ethics and investor confidence.

The appointment of **Professor Jon Dubin** as director of clinical programs and **Clinical Professor Robert Holmes** as deputy director was noted in the July 8 *New Jersey Lawyer* and the July 7 *Star-Ledger*.

ABC Radio National, which broadcasts in Australia and southeast Asia, interviewed **Professor Gary Francione** on July 11 about a California animal cruelty case. The Philadelphia weekly *Northeast Times* (July 31) interviewed him about a possible crime involving animal sacrifice.

A *San Jose Mercury News* article (July 15) on job discrimination in Silicon Valley included comments by **Professor Alan Hyde**.

The work of the **Innocence Project for Justice** to free wrongfully convicted inmates was reported in the *Star-Ledger* (July 5 and 27) and *New Jersey Lawyer* (Aug. 12).

The Aug. 30 *Asbury Park Press* quoted **Professor John Leubsdorf** in a story about contributions by the city's attorney to the city manager's legal defense fund. Leubsdorf was quoted in a July 7 *Star-Ledger* article about civil rights cases against government entities.

The *Trenton Times* and the *Princeton Packet* (Aug. 2) quoted **Professor John Payne** on the state Supreme Court's most recent Mt. Laurel decision. Payne commented on a Hillsborough land use case for the *Courier-News* (Aug. 2).

**Professor Gregory Mark** commented on WorldCom layoffs in the July 2 *Home News Tribune*; on prosecutorial discretion for the *Trenton Times* (July 29); on the state's handling of pension funds and other financial obligations for the *Asbury Park Press* (Aug. 4); and on a Commerce Bancorp conflict of interest decision for the *Courier-Post* (Aug. 22). He was interviewed by New Jersey Network on July 1 about the U.S. Supreme Court's random drug testing decision.

The July 29 *Hispanic Outlook in Higher Education* reported on the presentation of a 2002 Rutgers University Human Dignity Award to the **Minority Student Program**.

A July 7 *Star-Ledger* story about the appointment of a new Middlesex County prosecutor included a quote by **Assistant Dean Andy Rothman**.

Comments by **Professor George Thomas** on manslaughter charges against parents whose son died of a drug overdose were featured in Associated Press and *Star-Ledger* articles (Aug. 23), and in an editorial in the *Asbury Park Press* (Aug. 29). Thomas was also interviewed by the *Press* (Sept. 1) about New Jersey's classification of DWI as a motor vehicle offense.

The fact that the New Jersey Dept. of Education's strategy for returning state-operated school districts to local control is modeled on recommendations in a report whose key author is **Professor Paul Tractenberg** was noted by the *New York Times* (June 19, 20), the *Star-Ledger* (June 19, 20), the Associated Press (June 20) and the *Record* (June 20). A June 30 *Record* report on the impact of state control on the Jersey City, Newark and Paterson school districts; a *Star-Ledger* article (July 21) about the impact on Newark schools; and an Associated Press report (Aug. 30) on a potential role for the state in Camden schools included comments by Tractenberg. Selection of Tractenberg as the first Shuchman Fellow was noted by *New Jersey Lawyer* (Aug. 26) and the *Star-Ledger* (Aug. 23).

Articles about the retirement of New Jersey Supreme Court **Justice Gary S. Stein** in the *New Jersey Law Journal* and the *Star-Ledger* (Sept. 2) noted that he will teach a seminar at the law school in the spring on the New Jersey Supreme Court.

The appointment of **Yvonne Smith Segars '84** as New Jersey public defender, the first African-American woman to head the office, was noted by the *Star-Ledger* (Sept. 13).

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## EVENTS

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On September 24, a **panel of the Appellate Division of Superior Court of New Jersey** will hear arguments in the Baker Trial Courtroom. The Honorable Sylvia B. Pressler '59, the court's Presiding Judge for Administration, will preside. The law school will host a panel of the Appellate Division five other times during the academic year: October 22, November 20, January 23, February 20 and March 31.

U.S. District Court Judge Denny Chin of the Southern District of New York will be the guest speaker at the **1<sup>st</sup> Annual APALSA Luau**, to be held from 7-10 pm on September 26 in the atrium. The event will focus on the disparity in the numbers of Asian American judges sitting in New Jersey state courts and in federal courts. New Jersey Superior Court Judges Patricia Medina Talbert '85 and Randolph M. Subryan '80 will be honored for their achievements. For more information, contact Dina Yin at [dinayin@pegasus.rutgers.edu](mailto:dinayin@pegasus.rutgers.edu).

Prominent legal experts and civil rights advocates will take part in the October 7 **First Monday** program on "Civil Liberties in a New America." Sponsors are the law school's Eric R. Neisser Public Interest Program and the Jacob Burns Ethics Center of Benjamin Cardozo School of Law. The Eric Neisser Public Interest Award will be presented to Donna Lieberman '73, executive director of the New York Civil Liberties Union. For more information, contact Clinical Professor Marcia Levy at [mlevy@kinoy.rutgers.edu](mailto:mlevy@kinoy.rutgers.edu).

On October 10 and 11, the law school is co-sponsoring, along with New Jerseyans for a Death Penalty Moratorium, a conference entitled "**Community Speak Out About Death Penalty Study/Moratorium (Legislative Bills A1913 and S1112)**." The conference will feature three panels – religion and the death penalty; community organizing/activism; and a legal panel to be moderated by Dean Stuart L. Deutsch, "The Legal Community Speaks Out," which will take place Oct. 11 from 9 am-noon in the Baker Trial Courtroom. For more information, contact Elizabeth Weill-Greenberg at [eweillgreenberg@yahoo.com](mailto:eweillgreenberg@yahoo.com).

The **Class of '77** will celebrate its 25<sup>th</sup> reunion on October 12-13 with a cocktail reception at the school on Saturday and a brunch on Sunday at a nearby home. Class members will dedicate the law school garden to the memory of classmate A.J. Smaldone, who died in 1980 from long-term complications of polio. During her brief career, Smaldone became one of the country's pioneer advocates for the disabled. For more information, contact [alumnimail@kinoy.rutgers.edu](mailto:alumnimail@kinoy.rutgers.edu).

The Honorable Judith S. Kaye, chief judge of the State of New York, will deliver the inaugural **Paul S. Miller Distinguished Lecture** on November 5. The lecture is made possible by an endowment from Paul S. Miller '62 and his wife, Carol.

The Annual Alumni Recognition Dinner will be held on November 7 at the Hilton at Short Hills. The **Honorable Freda L. Wolfson '79**, a magistrate judge for the U.S. District Court in New Jersey, and **Dean J. Paranicas '76**, vice president of investor relations and public affairs for BD (Becton, Dickinson and Company), will receive Distinguished Alumnus Awards. **Zulima V.**

**Farber '74**, a member of the firm of Lowenstein Sandler PC and former New Jersey public defender and public advocate, will receive the Fannie Bear Besser Award for Public Service. For more information, contact [alumnimail@kinoy.rutgers.edu](mailto:alumnimail@kinoy.rutgers.edu).