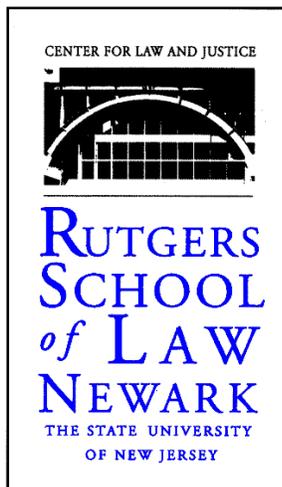


RUTGERS LAW SCHOOL NEWS

November/December 2002



Institute for Education Law and Policy Explores School Choice

Legal and educational experts from around the country explored the subject of school choice at a Nov. 22-23 invitational meeting sponsored by the Rutgers-Newark Institute on Education Law and Policy (IELP). The recent U.S. Supreme Court decision in *Zelman v. Simmons-Harris*, upholding the Cleveland public school district's school voucher program, has brought school choice to the forefront of educational issues. The meeting, entitled "What We Know, and What We Need to Know, About School Choice," was the initial step in an Institute project to establish a framework and a forum for informed and objective consideration of legal, fiscal and educational policy issues.

"Our goal," said Paul L. Tractenberg, Professor of Law and Institute director, "is to make a meaningful contribution to the quality of the school choice debate, not to advocate for any particular conclusion." The Institute, an interdisciplinary, law school-based project, received funding for the meeting from the Prudential Foundation, the Fund for New Jersey, the Geraldine R. Dodge Foundation, the Schumann Fund for New Jersey, and the MCJ Foundation.

Participants discussed the state of the governing law, experience to date, and issues to be considered in formulating school choice policy. That discussion will form the basis of a study that IELP plans to release in late spring 2003. Upon issuance of the study, IELP will begin a multi-faceted communications program, in collaboration with the Public Education Institute, to disseminate the results of the study and engage policy makers and the public in a discussion of school choice issues.

Arthur Kinoy Speaks at Dedication of Public Interest Center

Noted civil rights activist Arthur Kinoy, a Rutgers law professor emeritus and founder of the Center for Constitutional Rights, was the keynote speaker at the Nov. 25 dedication of the law school's new center for its Eric R. Neisser Public Interest Program. The program, an umbrella organization of the school's public interest-related activities, honors the life and work of the late Eric R. Neisser, former acting dean and long-time Rutgers professor. A standing-room only group of students, faculty, staff, and alums filled the Baker Trial Courtroom to hear Kinoy recall some of his early victories as a civil rights lawyer and to encourage the practice of public interest law. The *New Jersey Law Journal* (Dec. 16) ran an article about the dedication.

A room located within the clinical program area, the Neisser center is intended to support student and faculty public service activities in a variety of ways. Beginning in January, the center will sponsor regular "afternoon teas" during which faculty will be available to discuss



From left: Dean Stuart L. Deusch; Arthur Kinoy; Professor Frank Askin; and Clinical Professor Marcia Levy, Director of the Neisser program.

their public interest activities or pro bono service.

LRAP Donor Contributes Additional \$50,000

The Rutgers Law School benefactor who last year made a \$1 million gift to endow the Loan Assistance Repayment Program (LRAP) has pledged an additional \$50,000 this year. LRAP supports graduates who choose public interest work by covering their annual student loan payments. “Without LRAP, public interest work would not be a viable career choice for many of our graduates,” noted Dean Stuart L. Deutsch. Until establishment of the endowment, LRAP had been funded solely through a voluntary student fee of \$25 per semester. The anonymous benefactor was inspired to expand the resources available for the program by the strong student support for LRAP and by the opportunity to advance the school’s commitment to training lawyers who care about public service.

FACULTY NOTES

Professor Frank Askin was the principal speaker at the semi-annual meeting of University Core Faculty, Fairleigh-Dickinson University, Teaneck campus, on Dec. 13. His topic was “Sacrificing Civil Liberties in the Name of National Security.”

Professor Bernard Bell served as moderator of the Dec. 9 program on “The Confirmation Crises: Politics and Ideology in the Appointment of Federal Judges,” sponsored by the Association of the Bar of the City of New York. Bell, a member of the Bar Association’s Federal Courts Committee, also chaired the program subcommittee.

Assistant Professor Karima Bennoune has been invited to serve on Amnesty International’s Standing Committee on the Mandate, one of the group’s highest expert policy bodies at the international level.

Chief Judge Edward Becker of the U.S. Court of Appeals for the Third Circuit has appointed **Associate Dean Ronald Chen** ’83 chair of the Third Circuit Lawyers Advisory Committee.

Professor Sherry Colb’s article, “What Is a Search? Two Conceptual Flaws in Fourth Amendment Doctrine and Some Hints of a Remedy,” was published in the Oct. 1 *Stanford Law Review*. On Oct. 29, Colb delivered the Hoffinger Criminal Law Colloquium Lecture at New York University Law School on the topic of “How Recidivism Feeds Retribution.”

Attending the IRS Low Income Taxpayer Conference held in Los Angeles from Dec. 3-5 were **Professor Charles Davenport** and **Development Assistant Therese Hilger**.

Dean Stuart L. Deutsch is chair of the planning committee of the Annual Dean’s Workshop, held in conjunction with the American Bar Association midyear meeting that will take place Feb. 5-11 in Seattle. Deutsch has also been named chair of the planning committee of the 2004 Environmental Law Conference sponsored by the Association of American Law Schools, and has been appointed to the South Orange, NJ Board of Adjustment.

Professors Claire Dickerson and **Gregory Mark** spoke at the University of Connecticut School of Law’s Nov. 14 symposium on “Corporate Governance and Professional Ethics, Post-Enron.”

Dickerson presented a paper on the comparative law aspects of the scandal and Mark on the historical aspects.

“Animal Rights and Environmentalism” was the topic of featured speaker **Professor Gary Francione** at Georgetown Law School’s Nov. 21 Environmental Research Workshop.

Clinical Professor Sandy Freund, codirector of the **Federal Tax Law Clinic**, will discuss taxpayer advocacy as a panelist at the New Jersey Annual Tax Symposium, to be held Jan. 7-8, 2003 at Rutgers-New Brunswick.

“Parallel Lives: A Critical Comparison of Women’s Rights and Lesbian Rights Jurisprudence” was the topic of a paper presented by **Assistant Professor Suzanne Goldberg** at a Nov. 15 Cornell Law School symposium. The symposium was entitled Sexuality and Feminist Theory: Road Blocks, Detours, and New Directions.

Professor Tanya Hernandez delivered the keynote address at the Nov. 18 opening convocation of Brown University’s Puerto Rican Culture Week. Hernandez has been invited by Brown to participate in a March 2003 conference, organized by its Center for the Study of Race and Ethnicity in America, on “Race, Globalization, and the New Ethnic Studies.” In addition, the University of Puerto Rico has invited her to lecture in March 2003 on cross-cultural approaches to death and the law as part of UPR’s series on Law and Death. Chair-elect of the Association of American Law Schools’ Trusts and Estates Section, Hernandez has organized a panel on cross-cultural approaches to death and inheritance for the 2003 AALS meeting.

The **Community Law Clinic** has agreed to provide legal services to the Institute for Entrepreneurial Leadership, a new business incubator at the New Jersey Institute of Technology with a focus on minority-owned businesses. According to **Clinic Director Robert Holmes**, the arrangement is an outgrowth of the success of the Clinic’s year-old Lautenberg Entrepreneurial Assistance Program, which provides transactional legal assistance to entrepreneurial businesses that participate in an NJIT program designed to support economic development in the region.

On Dec. 7 **Barbara Hoffman, legal research and writing instructor**, discussed “National and Personal Patient Advocacy” at the Life Beyond Cancer III conference in Tucson sponsored by US Oncology.

Emeritus Professor Saul Mendlovitz met this fall with several ambassadors to the United Nations to discuss Global Action to Prevent War, a coalition building effort to stop war, genocide and internal armed conflict. A founding member, Mendlovitz has recently been involved in several speaking engagements on Global Action, including: three presentations in October at the University of Missouri; a November keynote address at the General Assembly meeting of the International Association of Lawyers Against Nuclear Arms, held in Marburg, Germany; and a Dec. 12 presentation before the Center for a United Nations Reform Education.

Associate Dean and Law Library Director Carol Roehrenbeck will serve as moderator for “Law Library Directors of the 21st Century: A Panel of Experts” during the Association of American Law Schools’ annual meeting, to be held in early January in Washington, DC. Later in the month at a program sponsored by the New Jersey Law Libraries Association on “The USA

Patriot Act and Libraries,” Roehrenbeck will speak about the impact of the law on academic libraries.

STAFF & STUDENT NEWS

Marie Melito has been promoted to **Associate Dean for Administration** from Assistant Dean for Administration and Finance.

Students who attended the Nov. 7 program sponsored by the Rutgers **Intellectual Property Law Society** learned about different IP practice areas from attorneys associated with: the Internet Bureau in the New York State Attorney General’s office; the Goldman Sachs E-commerce practice; the Roberts & Mercanti patent law practice; and the Rutgers Office of Corporate Liaison and Technology Transfer.

The Bergen County Bar Foundation has awarded scholarships to **Natalie Corrigan**, **James Mathews** and **Jennifer Sheinfeld**. A photo of Foundation officials and scholarship recipients appeared in the Nov. 18 *New Jersey Law Journal*.

RUTGERS-NEWARK LAW IN THE NEWS

Comments by **Professor Frank Askin** were included in a Dec. 9 *New Jersey Lawyer* article about the arrest of a bus driver who told passengers they were being taken “to the Taliban”; a Dec. 15 *Asbury Park Press* look at religious displays on public property; an Oct. 24 *Record* article on the rights of political candidates to campaign door-to-door in gated communities; and a Nov. 28 *Home News Tribune* story on New Jersey Citizen Action’s lawsuit against an East Brunswick ordinance that limits the canvassing activities of nonprofits.

A *Los Angeles Times* article (Oct. 17) on California gubernatorial candidate William Simon quoted **Professor Bernard Bell**, who worked at the same time that Simon did in the U.S. Attorney’s Office for the Southern District of New York.

Associate Dean Fran Bouchoux ’87 explained how the Loan Repayment Assistance Program works for a Nov. 25 *New Jersey Law Journal* article on the financial burdens that deter many law school graduates from pursuing low-paying public interest jobs.

A Nov. 4 *New Jersey Lawyer* article on a proposal to train and equip the state’s code enforcers to detect terrorist activity during routine inspections noted **Associate Dean Ronald Chen**’s concern about potential constitutional issues. Chen and **Assistant Dean Kenneth Padilla** ’95 were interviewed by the *Home News Tribune* (Dec. 3) on the U.S. Supreme Court’s decision to hear challenges to the University of Michigan’s use of race as a factor in admissions decisions.

A feature in the January 2003 issue of *Marie Claire* magazine on government efforts to protect the unborn which result in discrimination against pregnant women cited a case handled by **Clinical Professor Cynthia Dennis** and the **Women and AIDS Clinic**.

Extensive comments by **Dean Stuart L. Deutsch** on achieving diversity in legal education were included in a Dec. 9 *New Jersey Lawyer* article about the U.S. Supreme Court's decision to hear *Grutter v. Bollinger*. Deutsch was quoted by the *New York Times* (Dec. 16) in an article about a consortium of 10 law schools, including Rutgers, that is trying to help alumni develop small and solo community-based law practices that serve low and moderate income clients; by *New Jersey Law Journal* (Nov. 18) on mentoring programs for minority law students; and by the *Jersey Journal* (Dec. 12) on the counterterrorism efforts of the Hudson County prosecutor's office.

The fall/winter 2002 issue of the Rutgers-Newark newsletter *Connections* features an article about the donation to the law library of several boxes of documents related to Watergate and the resignation of President Richard Nixon. The papers were donated by the family of the late Joseph J. Maraziti, a member of the House Judiciary Committee at the time of the Watergate hearings and a 1937 graduate of New Jersey Law School, the predecessor of Rutgers Law School.

Professor Sherry Colb's Dec. 4 writ.findlaw.com column, "A Question of Diversity: Affirmative Action in Admissions Reaches the Supreme Court," was cited in a Dec. 8 *New York Times* opinion article on the issue.



This photo from the Annual Alumni Recognition Dinner appeared in the Nov. 25 *New Jersey Law Journal*. Shown with Dean Stuart L. Deutsch are (l-r): Zulima Farber, partner at Lowenstein Sandler PC; Dean Paranicas, vice president of investor relations and global affairs at Becton, Dickinson and Co.; and the Honorable Freda Wolfson whose appointment as U.S. District Judge for the District of New Jersey was confirmed a few days after the dinner. Wolfson and Paranicas were Distinguished Alumnus Award recipients, while Farber was honored with the Fannie Bear Besser Award for Public Service.

The Nov. 7 NPR *All Things Considered* program on "Gay Divorce" interviewed **Assistant Professor Suzanne Goldberg**. Goldberg's AALS award for Best Scholarly Paper was reported in the *New Jersey Law Journal* (Nov. 18), the *New Jersey Lawyer* (Nov. 18) and the *Star-Ledger* (Nov. 15). The Dec. 3 *New York Times* coverage of the U.S. Supreme Court's decision to hear a challenge to the Texas sodomy law included a file photo of Goldberg and the plaintiffs in *Lawrence v. Texas*. At the time a senior attorney with Lambda Legal Defense and Educational Fund, Goldberg was part of the team that successfully challenged the law in the Texas Court of Appeals. Goldberg was interviewed for a Bloomberg News report (Nov. 15) on New York City nursery schools.

Professor Alan Hyde commented on legal protection for whistleblowers in the November 2002 issue of *Corporate Governance Fund Report*.

An Oct. 23 *Star-Ledger* article about copyright issues in the digital age quoted **Associate Clinical Professor John Kettle**.

Minnesota Public Radio's "Marketplace" program interviewed **Professor John Leubsdorf** for its Dec. 12 broadcast on asbestos lawsuit settlements. Also interviewed was Stanford's Professor Deborah Hensler, who spoke about mass torts in her 2002 Pfizer Lecture at Rutgers Law School.

Comments by **Clinical Professor Marcia Levy** on public opinion and the death penalty were in a *Star-Ledger* article (Nov. 1) on the death penalty phase of a New Jersey murder trial.

A Dec. 6 *Home News Tribune* article on the impact of affirmative action on Rutgers University included a quote from **Assistant Dean Kenneth Padilla '95** on diversity.

The *Asbury Park Press* (Dec. 7) covered the **Environmental Law Clinic's** motion to intervene on behalf of three environmental groups in a lawsuit over improved beach access. **Visiting Assistant Clinical Professor Carter Strickland Jr.** explained why the clinic asked to intervene.

Professor **Paul Tractenberg** discussed what can be done at the state level to better prepare young people for the future on the Dec. 8 *Caucus: New Jersey* show broadcast by NJN-Public Television. The show was the latest installment of *Caucus's* special series, "Agenda New Jersey."

The *Record* (Dec. 13) reported that the law school's **Federal Tax Clinic** was one of four New Jersey low-income taxpayer clinics to have received a grant from the Internal Revenue Service.

New York Chief Judge Judith Kaye's Nov. 5 **Miller Lecture** on "Pro Bono in a New World" was covered by *New Jersey Lawyer* (Nov. 11).

EVENTS

The RU Foundation is hosting six alumni gatherings in New Jersey to introduce new **Rutgers University President Richard L. McCormick** to alumni and friends. The first will be held in the law school atrium at 6:30 pm on Thursday, Jan.16, 2003. President McCormick will speak briefly and respond to questions beginning at 7 pm.

The **Honorable Julio M. Fuentes**, U.S. Court of Appeals for the Third Circuit, will deliver the 21st Annual Weintraub Lecture on Thursday, April 24, 2003, in the Baker Trial Courtroom. The lecture will be followed by the Alumni Judges Dinner. For more information, contact senior alumni relations officer Evie Task at 973-353-1617 or alumnimail@kinoy.rutgers.edu.