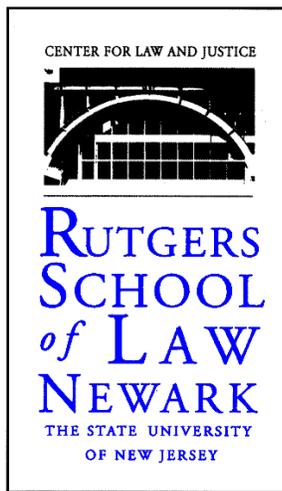


# RUTGERS LAW SCHOOL NEWS

February 2003



## *Acting New Jersey AG Peter Harvey to Receive Pashman Award*

The Honorable Peter C. Harvey, who has been named by Gov. McGreevey as the next New Jersey Attorney General, will receive the first Justice Morris Pashman Award at an April 28 reception to benefit the Pashman Scholarship. Justice Pashman, a 1935 graduate of the law school who served on the New Jersey Supreme Court for 10 years, was revered throughout the legal community for his leadership both on the high court and in the state's judicial administration. The Pashman Award recognizes individuals who exemplify the Justice's view that the law "must reflect a loyalty and reverence for the common man."

Justice Pashman established the scholarship prior to his death in 1999. The Pashman Scholarship provides full tuition and fees to students, preferably in the Minority Student Program, who demonstrate exceptional intellectual promise and financial need. For more information on the Justice Morris Pashman Scholarship Reception, call 973-353-3072.

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## CLINIC NEWS

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The **Constitutional Litigation Clinic**, led by **Professor Frank Askin**, filed a 134-page brief in support of Plaintiffs' Motion for Summary Judgment in the Twin Rivers Homeowners Association case in Mercer County Chancery Division. Twin Rivers is a test case that attempts to bring a private homeowners' association with 10,000 residents under the constraints of the New Jersey Constitution because of the government-like functions that it performs. Askin, lead counsel in the case, explains that the case involves issues of "democratic governance." Among the association rules being challenged are those that restrict the posting of political signs on homeowners' lawns and common areas; excessive fees for rental of the Association Community Room; and a weighted voting system that elects members of the association board based on the value of each member's property. The suit also challenges the use of the monthly community newspaper as a political tool of the association officials, and seeks the promulgation of guidelines which would provide for equal access for all members to express their views.

Located in East Windsor, Twin Rivers is the oldest planned unit development (PUD) in New Jersey.

The *Record* (Feb. 19) reported that the Borough of Ramsey amended its 41-year-old ordinance restricting park access to residents in response to letters from the **Constitutional Litigation Clinic** pointing out that the ordinance was unconstitutional. **Clinical Professor Penny Venetis**, Associate Director of the Clinic, and Clinic students have been working on the issue for nine years. An extensive letter-writing effort notifying municipalities throughout the state of a landmark 1996 Appellate Division ruling that such ordinances are unconstitutional has resulted in their repeal by the vast majority of municipal governments.

The **Environmental Law Clinic** is appealing the state Department of Environmental Protection's approval of a storm water management system for a townhouse development in

Bergen County. The *Record* (Feb. 20) noted that the appeal was filed by **Clinic Acting Director Thomas Borden** on behalf of the Pequannock River Coalition, a Clinic client. Borden was quoted in the *Hunterdon Democrat* (Feb. 20) about the Clinton Township Community Coalition's case against a developer's planned sewage treatment plant. The *Star-Ledger* (Feb. 14) also covered the story. The Clinic is representing Hackensack Riverkeeper in its efforts to protect wetlands in the Meadowlands from development. **Clinical Attorney Susan Kraham** commented on the dispute over the acreage and wetlands laws for the *Record* (Jan. 27). On Feb. 27 NBC Channel 4 included an interview with **Visiting Assistant Clinical Professor Judith Weinstock** in a segment about the cleanup of hazardous waste left by a coal gas manufacturing plant in Long Branch. The Clinic represents the Edison Wetlands Association and the Concerned Citizens Coalition, nearby residents of public housing with health concerns about the remediation efforts.

On Feb. 10, **Jack Feinstein, Associate Clinical Professor and Acting Director of the Urban Legal Clinic**, and **Marisa Slaten '03**, spoke to a group of about 25 homeless veterans at the Veterans Administration hospital in Lyons. They covered issues common to many of the residents, who often face problems related to child support and driver's license suspensions. Some are trying to get back into the work force, but lack of a driver's license is a major impediment to holding onto or even landing a job. After speaking to the group as a whole, Feinstein and Slaten gave brief private consultations to about 10 of the veterans. At the request of the V.A.'s Director of Homeless Services, Urban Legal Clinic representatives will speak to hospital residents on a monthly basis.

The **Women and AIDS Clinic** earlier this month participated as amicus curiae on a U.S. Supreme Court brief on behalf of disability rights groups in *Medical Board of California v. Michael Hason*. The question presented in the *Hason* case is whether Title II of the Americans with Disabilities Act (ADA), subjecting states to damages actions for disability-based discrimination, is a valid exercise of Congress's enforcement powers under the 14th Amendment. **Catherine Hanssens** is **Visiting Assistant Clinical Professor** and the New Jersey Bar Foundation Fellow in the Women and AIDS Clinic for the spring semester.

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## FACULTY NOTES

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The New Jersey General Assembly passed a resolution commending **Adjunct Professor Marilyn Askin**, president of the A.A.R.P. New Jersey, for her "meritorious record of service, leadership, and commitment in behalf of this State's and nation's older citizens." Founder of the New Jersey State Bar's Elder Law Section and its chair for four years, Askin also served as chair of the Elder Law Committee of the Essex County Bar Association for 10 years and as president of the New Jersey Women Lawyers Association.

"International Law and Iraq: Tool for War or Tool for Peace" was the topic of a presentation by **Assistant Professor Karima Bennoune** at Albion College on Feb. 28. She is scheduled to speak about international law at a March 15 event in New York sponsored by Not In Our



Professor Karima Bennoune served as a legal observer for the National Lawyers Guild at the Jan. 15 peace rally in New York. Pictured with her is Rutgers law student James Moore '05.

Name. A member of Amnesty International's Standing Committee on the Mandate, Bennoune is assisting AI by providing legal advice on documents regarding human rights in Lebanon and Tunisia.

**Assistant Professor Suzanne Goldberg** will speak March 4 on "*Lawrence v. Texas: The U.S. Supreme Court Reconsiders the Constitutionality of Sodomy Laws*" at Benjamin Cardozo School of Law. She will participate in a roundtable on "Intimate Affiliation and Democracy: Beyond Marriage" that will take place as part of a March 14-15 conference at Hofstra Law School on "Marriage, Democracy and Families."

The New Jersey Supreme Court has appointed **Clinical Professor Robert Holmes** to the Disciplinary Review Board for a three-year term beginning April 1, 2003. Holmes is director of the Community Law Clinic and Deputy Director of Clinical Programs.

At the Feb. 8 Advanced Civil Mediation Techniques Seminar sponsored by the New Jersey Association of Professional Mediators, **Professor Jonathan Hyman** presented a lecture on the psychology of negotiation and decision-making and led a roundtable discussion of ethics.

**Professor Howard Latin's** "Bad Designs, Lethal Profits: The Duty to Protect Other Motorists Against SUV Collision Risks" was published in the December 2002 *Boston University Law Review*. The article was co-authored by Bobby Kasola '02.

**Professor Jim Pope** was a co-panelist (with Peter Kellman) on "Whatever Happened to Labor," a one-hour call-in segment of the "Homelessness Marathon," broadcast by the Pacifica Network on Feb. 6.

**Carter Strickland Jr. and Judith Weinstock**, both **Visiting Assistant Clinical Professors in the Environmental Law Clinic**, will make presentations at the Land Trust Rally on March 29. The day-long conference is sponsored by the Stony Brook-Millstone Watershed Association. Strickland will discuss the public trust doctrine and Weinstock will talk about brownfields and Superfund.

"Race, Terrorism, and a New Approach to Consent Searches" was the topic of the paper presented by **Professor George Thomas** at the Feb 21 symposium "The Permissibility of Race or Ethnicity as a Factor in Assessing the Reasonableness of a Search or Seizure," sponsored by the National Center for Justice and the Rule of Law, University of Mississippi School of Law. The symposium was part of the Center's Fourth Amendment Initiative.

The **Institute on Education Law & Policy**, headed by **Professor Paul Tractenberg**, has attracted the support of five major New Jersey philanthropic organizations for its research project on school choice. The project, "Setting the Stage for Informed, Objective Deliberation on School Choice," is designed to establish a framework and a forum for informed and objective consideration of the legal, fiscal and educational policy issues related to school choice. The 2002 U.S. Supreme Court decision in *Zelman v. Simmons-Harris*, which upheld the Cleveland public school district's voucher program, has brought school choice to the forefront of educational issues. "Our goal," said Tractenberg, "is to make a meaningful contribution to the quality of the school choice debate, not to advocate for any particular conclusions."

Major funding totaling \$115,000 has been provided by the Prudential Fund, the Fund for New Jersey, and the Schumann Fund. Grants from those three organizations as well as from the Geraldine R. Dodge Foundation and the MCJ Foundation supported an initial meeting on the project held at the law school in November 2002.

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## STAFF & STUDENT NEWS

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**David Condliffe '80, Director of Development**, attended the Executive Management Institute held by the Association of Fundraising Professionals and the District II annual meeting of the Council for Advancement and Support of Education (CASE).

**Marie Melito, Associate Dean for Budget and Administration**, has been elected to the board of directors of the Providence Rest Nursing Home in the Bronx, New York.

The candidacy of **Assistant Dean Kenneth Padilla '95** for a New York City Council seat was noted by the *New York Times* (Jan. 24, Feb. 14 and 26), National Public Radio (Feb. 25), and the *New York Daily News* (Feb. 23).

The law library has extended its hours, reports library director and **Associate Dean Carol Roehrenbeck**, in response to requests for an earlier opening time. The library had conducted an electronic survey of users to assess their needs.

At the invitation of the Civil Division of Essex County Superior Court, **Assistant Dean Andrew Rothman '90** presented a workshop for court employees on New Jersey court rules. The three-hour workshop, "NJ Practice: Analysis of a Case from Start to Conclusion," took place on Feb. 21.

**Evie Task, Senior Alumni Relations Officer**, noted the importance of the receptionist in an alumni relations office for an article in the February 2003 issue of *Currents*, the CASE magazine.

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## RUTGERS-NEWARK LAW IN THE NEWS

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*New Jersey Lawyer* (Feb. 24) reported that an amicus brief filed by the state of New Jersey in the two University of Michigan affirmative action cases cited the various factors considered by the law school in its admissions decisions "for the purposed of selecting a diverse and vibrant student body."

The *Daily Princetonian* (Feb. 6) interviewed **Professor Frank Askin** about an undercover investigation of several eating clubs at Princeton University.

**Professor Sherry Colb's** recent column on cnn.com concerned the conviction of Ed Rosenthal for growing marijuana for medical use in California. The *Cincinnati Enquirer* (Jan. 31) included a comment by Colb on a case in which the plaintiffs had claimed that eating at McDonald's made them obese.

A Feb. 2 article on institutional racism in the *Asbury Park Press* featured several quotes from **Professor Tanya Hernandez**.

Comments by **Professor John Leubsdorf** were included in a Feb. 7 *New Jersey Law Journal* and Feb. 13 *Legal Intelligencer* article about an ABA draft Model Definition of the Practice of Law.

A Jan. 25 article in the *Star-Ledger* and *Home News Tribune* about efforts to have the New Jersey Supreme Court accept a case of possible wrongful conviction noted that **Clinical Professor Marcia Levy** and the Innocence Project at Rutgers were among the groups that had filed papers in the case.

San Francisco radio station KQED had **Professor Gregory Mark** as a guest on its one-hour Jan. 31 “Forum” show devoted to jurisprudence and the corporation.

**Professor Saul Mendlovitz** and **Assistant Professor Karima Bennoune** were interviewed by the *Daily Targum* for a Feb. 21 article on war against Iraq and international law. Bennoune also was interviewed on the same topic by Pacifica Network and the Australian Radio Network.

A Feb. 14 *Daily Targum* article on the impact of Title IX featured comments by **Assistant Professor Suzanne Goldberg**. The article also ran on University Wire.

**Professor George Thomas** commented for an article that ran in the *Asbury Park Press*, *Courier-News* and *Home News Tribune* (Feb. 5) on a procedural move in the Jayson Williams manslaughter case.

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## EVENTS

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The **Association of Black Law Students** (ABLS) held “Jazz for Justice” on Thursday, Feb. 27, at the Van Vleck House & Gardens, Montclair. The charity event raised money to support the ABLS Wanda Green Memorial Scholarship Fund and to fund a book scholarship for two seniors at a Newark high school. The Wanda Green Fund will provide tuition assistance to at least one minority law student per year who lost a parent or was deeply affected by the events of September 11.

Students and faculty have organized several events related to the University of Michigan **affirmative action cases** that will be argued at the U.S. Supreme Court on April 1. Hundreds of law students and others from the Rutgers-Newark campus are expected to “Get on the Bus” before dawn on April 1 and travel to Washington, DC for a rally at the Supreme Court in support of affirmative action. On March 12, Shanta Driver, national director for United for Equality and Affirmative Action Legal Defense Fund, will speak about the national organizing effort behind the March on Washington. On March 13, a debate on affirmative action sponsored by the Federalist Society and the ACLU will feature Roger Pilon of the Cato Institute and Melissa S. Woods of the NAACP Legal Defense and Educational Fund. On March 25 there will be faculty presentations on the topic.

For more information, contact Donita Judge at [djudge@pegasus.rutgers.edu](mailto:djudge@pegasus.rutgers.edu).



**Pnina Lahav** (2<sup>nd</sup> from left), Boston University School of Law, spoke on “Democracy in the Balance: Security and Justice in the Israeli Courts” at a Feb. 21 lecture sponsored by the law school and the Allen and Joan Bildner Center for the Study of Jewish Life. Shown with Professor Lahav are (l-r) Yael Zerubavel, Director of the Bildner Center, Dean Stuart L. Deutsch, and Professor Norman Cantor.

A symposium on “Women’s International Human Rights: Challenges to Physical and Economic Integrity in a Globalized World” will be held from 12:30-5 pm at the law school on Thursday, March 27. The event is organized by the ***Women’s Rights Law Reporter***, which was founded in 1970 as the country’s first feminist legal journal. The program will focus on the intersection between women’s exploitation in the marketplace and their personal safety. Radhika Coomaraswami, Special Rapporteur on Women and Violence for the United Nations, will deliver a keynote address on trafficking in women. Panelists include Assistant Professor Karima Bennoune, Leslie Obiora, Lashawn Jackson, Donna Coker, and Salma Sobhan.

For more information, contact the *Women’s Rights Law Reporter* staff at 973-353-5320.

The **Minority Student Program** will celebrate its 35<sup>th</sup> anniversary and its 2003 graduating class on Thursday, April 10, with a dinner at Mayfair Farms, West Orange. The theme of the event is “35 Years of the Minority Student Program: Progression Not Regression.” The honoree will be Janice S. Robinson, Special Counsel to the President of Columbia Teachers College. Robinson served as Dean of the MSP from 1986-1996 and as Special Counsel to the Dean of the law school from 1996 to 2001. The evening’s keynote speaker will be David Harris ’79, partner at Lowenstein Sandler PC, Roseland. Recognized as one of New Jersey’s top 10 litigators, Harris serves as legal counsel for the law school.

For more information, contact Assistant Dean Kenneth Padilla at 973-353-5644 or [kpadilla@kinoy.rutgers.edu](mailto:kpadilla@kinoy.rutgers.edu).

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, in the school’s Baker Trial Courtroom. Judge Fuentes will speak on “The Emergence of Judicial Review and Its Role in Our System of Government.” The 6 pm 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](mailto:alumnimail@kinoy.rutgers.edu).