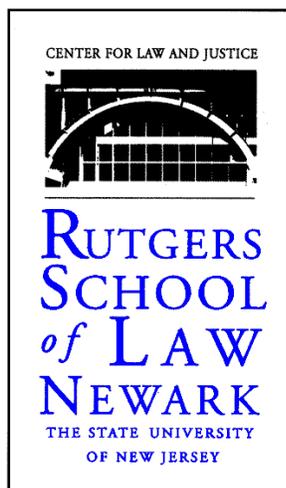


RUTGERS LAW SCHOOL NEWS

September 2003



ARTHUR KINOY, 1920-2003

Professor Emeritus Arthur Kinoy, a prominent civil rights attorney for more than 50 years and a member of the faculty since 1964, died on September 19 at the age of 82.

“Arthur Kinoy’s lifelong commitment to equality and social justice enriched the lives of colleagues and students alike,” said Dean Stuart L. Deutsch. “He was involved in the struggle for civil rights for his entire adult life and worked with or trained many of the most prominent civil rights attorneys in the country. Even after his retirement, Arthur returned regularly to Rutgers to inspire each new generation of students. We will miss him.”

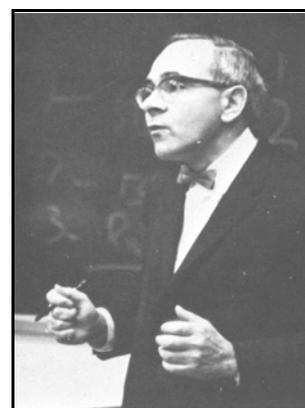
Professor Frank Askin ’66, director of the Constitutional Litigation Clinic, which Kinoy helped to establish, was a student and then a colleague of Arthur Kinoy for many years. “Arthur inspired a generation of law students at Rutgers and around the country to become what he liked to call ‘people’s lawyers.’” In many ways, he was the guru of the public interest legal community that grew out of the civil rights and antiwar movements of the 1960s and ’70s. Because of his example, young men and women came out of law school more interested in a career dedicated to advancing public interest than to pursuing private gain.”

In 1992 Rutgers Law School established the Kinoy Fellowship program to honor Professor Kinoy. The program provides essential support for the training of future public interest lawyers.

An October 5 tribute to Kinoy was attended by more than 200 people. In addition to Dean Deutsch and Professor Askin, speakers included Professor Emeritus Alfred Slocum ’70; Lennox Hinds ’72, professor at Rutgers Graduate School of Social Work; Peter Weiss, vice president of the Center for Constitutional Rights, which was co-founded by Kinoy; Wade Henderson ’73, executive director of the Leadership Conference on Civil Rights; Donna Lieberman ’73, executive director, New York ACLU; Martin Perez ’86, president of the Latino Leadership Alliance of New Jersey; and Vincent Warren ’93, first Kinoy Fellow and staff attorney, ACLU. Music was provided by the Solidarity Singers of the New Jersey Industrial Union Council with Bennet Zurofsky ’79, director.

During 2004, Rutgers Law School will commemorate in several ways Arthur Kinoy’s extraordinary contributions to the struggle for civil rights and to the school’s reputation as a center for public interest law.

The Law Library has created a display on the first floor of the Center for Law and Justice highlighting Professor’s Kinoy’s career. More about his life and contributions to the advance of constitutional rights, including three landmark cases he successfully litigated before the U.S. Supreme Court, can be found at <http://law-library.rutgers.edu/kinoy/kinoy.html>.



Arthur Kinoy, 1969

Neil Buchanan, Robin Greenwald Join Faculty

New to the faculty this academic year are Neil Buchanan, assistant professor of law, and Robin Greenwald, associate clinical professor of law and director of the Environmental Law Clinic.



Buchanan will teach Contracts, Federal Income Tax, and Law and Economics. He is a 2002 *magna cum laude* graduate of the University of Michigan Law School, where he was elected to the Order of the Coif. Most recently, he had been a judicial clerk for Judge Robert H. Henry, U.S. Court of Appeals for the Tenth Circuit, Oklahoma City. Buchanan also earned a Ph.D. and A.M. in economics from Harvard and an A.B. in economics from Vassar. He has taught economics at Harvard, Wellesley, Goucher, Barnard, Wisconsin, and Michigan, and has published extensively on tax law and policy, law and economics, and law and social science.

Greenwald holds a B.A. from the University of Illinois and a J.D. from the University of Illinois College of Law, where she was editor of the *Law Review*. Before coming to Rutgers, she had been executive director of the Waterkeeper Alliance. Prior to that, she was general counsel of the Department of Interior Office of the Inspector General, assistant chief of the Environmental Crimes Section of the U.S. Department of Justice, chief environmental attorney and an assistant U.S. attorney in the Eastern District of New York, and an associate at the Chicago law firm of Schiff, Hardin & Waite.



Hernandez Named Shuchman Fellow

Tanya K. Hernandez, professor of law and Justice Frederick Hall Scholar, has been named the second Shuchman Fellow by the Philip Shuchman Fund for Empirical Research. Her research project addresses the impact of racial stereotypes in the workplace and the relationship between stereotypes and sexual harassment. The Shuchman Fund honors Philip Shuchman, the Justice Joseph Weintraub Professor of Law Emeritus and a nationally recognized expert on the use of empirical research in legal studies. The first Shuchman Fellow, Board of Governors Distinguished Professor Paul L. Tractenberg, is a Visiting Fellow at the University of London's Institute of Education this calendar year.

CLINIC NEWS

Professor Frank Askin, director of the **Constitutional Litigation Clinic**, argued in Superior Court on Sept. 30 that the Twin Rivers Homeowners Association has taken away the right of residents to self-governance and is unconstitutional. The clinic, which is representing a group of Twin Rivers residents, sees Twin Rivers as a test case that seeks 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.

The *Trenton Times* (Oct. 1) covered the argument.

The **Environmental Law Clinic's** Tom Borden, Associate Clinical Professor, argued before the New Jersey Supreme Court on Sept. 8 in a challenge to the diminished scope of protection afforded to wetlands in the New Jersey Pinelands National Reserve with respect to Freshwater

Wetlands Protection Act rules. The clinic represents the Sierra Club, National Wildlife Federation, Environmental Defense, American Littoral Society and five New Jersey environmental organizations. The appeal challenges a state Department of Environmental Protection permit authorizing the wetlands in the Pinelands to be regulated less stringently than wetlands in the remainder of the state. The Appellate Division had upheld the legality of the agency's permit, concluding that wetlands in the Pinelands are only entitled to the minimum protections of the Federal Clean Water Act rather than more stringent state requirements.

The *Philadelphia Inquirer* and *Asbury Park Press* (Sept. 9) covered the argument.

On Sept. 17 the clinic's Carter Strickland, Jr. argued before the Appellate Division in a challenge to state agency approvals of a diversion of parkland to build a county community college. Assistant Clinical Professor Strickland argued that the county did not properly consider alternative sites, as it is required to do when building on parkland.

FACULTY NOTES

Professor Bernard Bell is spending the academic year as a Visiting Professor at Columbia Law School. He was a speaker at the Westchester Women's Bar Association Sept. 17 program on "Beyond *Roe v. Wade*."

Assistant Professor Karima Bennoune will be one of the speakers at Case Western Reserve University Law School's Oct. 10 symposium on "Sexual Assaults of International Consequence: A Symposium on the Suppression of International Crimes Against Women." On Oct. 24 she will speak about the war in Iraq at the National Lawyers Guild national conference in Minneapolis.

Assistant Professor Neil Buchanan wrote "Proof Through Repetition and the 'Liberal Bias' of the U.S. Media," a review of Eric Alterman's *WHAT LIBERAL MEDIA?* for FindLaw. It was posted on June 20. At the Law and Society Association Annual Meeting in Pittsburgh in June, Buchanan chaired a panel that explored the ramifications for workers and citizens of the privatization of government services.

During the 2003-04 academic year, **Professor Tanya Hernandez** is a Scholar-in-Residence at the Schomburg Center for Research in Black Culture, New York. On Sept. 5 Hernandez delivered a paper entitled "The Salience of Intersectionality Analysis for Women of All Colors" at Cornell Law School's Feminism and Legal Theory Workshop. On Sept. 25 she spoke at Duke University on "Race and Racism in Latin America and the Struggle for Civil Rights." Her Oct. 10 lecture at Hartwick College is entitled "Latino Racism and Barriers to Civil Rights Progress."

Clinical Professor Marcia Levy is spending the 2003-04 academic year as Director of Clinics at the University of Denver Law School.

"The Western Pennsylvania Coal Strike of 1933, Part II: Lawmaking From Above and the Demise of Democracy in the United Mine Workers" by **Professor James Pope** was published in the May issue of *Labor History*. On June 4 in Pittsburgh, Pope discussed "Toward a New Labor Law" on a panel at the Law and Society Association Annual Meeting. On June 5 in New York, he presented "Public Workers' Constitutional Right to Strike" at a forum on public workers' right to strike sponsored by the New York City Central Labor Union and Progressive Trade Unionists.

Associate Dean Carol Roehrenbeck, Director of the Law Library, hosted the 10th Annual Law Library Faculty Tea on Sept. 25 to update users on services and introduce new staff members.

A July 31 roundtable conference entitled “Natural Resource Damage Assessments” featured **Assistant Clinical Professor Carter Strickland, Jr.** as one of the speakers.

Assistant Clinical Professor Jennifer Valverde spent more than two weeks in September in Samara, Russia. The law school has an exchange program with three “sister” schools in Samara.

Clinical Professor Penny Venetis will speak on Oct. 11 at a national conference on “Human Rights at Home: International Law in U.S. Courts.” The conference, sponsored by the ACLU, will be held in Atlanta.

STAFF & STUDENT NEWS

Renee Cullmann and **Kevin Reiss** have joined the staff of the Law Library. Cullmann, a reference librarian, received her J.D. from Rutgers-Camden. She clerked for the Honorable Lawrence D. Smith, New Jersey Superior Court, Civil Division, Bergen County, and also has civil litigation experience. Most recently, she worked in resource development for Habitat for Humanity International’s Paterson affiliate. She is currently enrolled in the Master’s Degree in Library and Information Science (MLIS) program at Rutgers.

Reiss, new digital services librarian, holds an MLIS from the University of Illinois in Urbana-Champaign, where he is in the process of completing a Certificate of Advanced Study in library and information science. His main areas of concentration at the graduate level were information processing standards, document processing, and Internet technologies.

Susan Lyons ’04, documents and reference librarian, has been elected a 2003-04 member-at-large by the New Jersey Law Librarians Association.

Director of Admissions Anita Walton was one of seven “faculty” at the annual Law Services Newcomers Workshop in Philadelphia from Sept. 13-17. Newcomers is a training program sponsored by the Law School Admissions Council for new admissions personnel and faculty members of Admissions Committees to provide them with tools and information needed to do their jobs. Together with other seasoned admissions professionals, Walton participated in panels and workshops on the admissions decision making process, report writing, and standards for good admissions practices, among others.

Jose Almonte ’04 has accepted an offer to clerk for Chief Justice Deborah Poritz of the New Jersey Supreme Court for the 2004-2005 term.

Ryan Clark ’06 was certified as a CLEO/Thurgood Marshall Fellow following his successful completion of the Council on Legal Education Opportunity (CLEO) Summer Institute Program.

Terry Johnson ’04, a Pashman Scholar, has been chosen as the first intern for Judge Michael Chertoff of the U.S. Court of Appeals for the Third Circuit.

RUTGERS-NEWARK LAW IN THE NEWS

The death of **Professor Emeritus Arthur Kinoy** received extensive media coverage, including front-page articles in the *Star-Ledger* and *Montclair Times*, his local paper. The *New York Times*, Associated Press, *London Times*, *Guardian* (UK), *Los Angeles Times*, *Chicago Sun-Times*, *Houston Chronicle*, *Cleveland Plain Dealer*, *Baltimore Sun*, and *Boston Globe*, as well as the *New Jersey Law Journal* and the *New Jersey Lawyer*, were among those carrying a story.

The death on Sept. 8 of retired **Professor John Lowenthal** was reported by the *New York Times* (Sept. 21) and the *London Times* (Oct. 2). Lowenthal, who taught tax and contracts while at Rutgers, retired in 1978. Among other accomplishments, he was the producer of a widely acclaimed documentary on the Alger Hiss case.

An article in the spring 2002 *Rutgers Magazine*, the Rutgers University alumni magazine, about the successful lawsuit brought by **Brendon Leydon '95** to force the town of Greenwich, CT to open its beach to non-residents won the 2002 first place profile award from the New Jersey Chapter of the Society of Professional Journalists. News of the award is in the magazine's fall issue, which also includes a full-page article, including comments by **Clinical Professor Penny Venetis**, on the Constitutional Litigation Clinic's lawsuit against municipalities that maintain illegal restrictions on the use of their municipal parks by non-residents; a photo of a participant in the "Get on the Bus" effort organized by students at the law school to show support for affirmative action on the day of oral argument in *Grutter* and *Gratz*; and a comment by **Dean Stuart L. Deutsch** on the Supreme Court decisions in those cases.

Sept. 8 *Star-Ledger* articles on cases before the New Jersey Supreme Court this term and on the special U.S. Supreme Court hearing on the McCain-Feingold bill included comments by **Professor Frank Askin**. The September *National Jurist* quoted Askin on the *Grutter* and *Gratz* decisions. Other media citations include the *Jersey Journal* (Sept. 8) on a dispute over the financing of a Hudson County primary; the *New York Times* and the *Ledger* (Oct. 1) on the announcement by New Jersey Supreme Court Justice Peter Verniero that he would retire next year; and the *Ledger* (Oct. 1) on replacing state senator Joseph Suliga on the November ballot.

The *New York Times* quoted **Associate Clinical Professor Tom Borden** regarding redrafted New Jersey regulations on stormwater runoffs from new developments (Sept. 6) and plans by the state to begin requiring polluters to pay the costs of reversing the effects of pollution (Sept. 10).

The *New Jersey Lawyer* quoted **Associate Dean Fran Bouchoux** in an article (Sept. 15) on the increasing number of applicants to law schools. The summer issue of *PreLaw* featured an article on the law school's admissions process. Comments by Bouchoux and a photo of several students were included in the article, which highlighted the diversity of Rutgers students.

The *New York Times* (July 29) published a letter to the editor by **Clinical Professor Laura Cohen**.

On Sept. 14 WNYC's "The Next Big Thing" featured an interview with **Professor John Payne** and his wife, Superior Court Judge Edith Payne '76, about their Frank Lloyd Wright home. A *New York Times* (Sept. 21) article on Wright's Usonian homes included the Payne home.

Associate Dean Ronald Chen was quoted on Justice Verniero's announcement that he would retire from the New Jersey Supreme Court (*Star-Ledger* and *Courier-News*, Oct. 1).

An Aug. 26 *New York Times* article about an attorney cleared in an ethics case quoted **Professor Sherry Colb's** comment on the case in one of her FindLaw online columns, which are regularly featured on CNN.com. Colb was quoted by the *Star-Ledger* (Sept. 21) about the issue of publishing the names of rape victims.

The *Philadelphia Inquirer* interviewed **Associate Clinical Professor Robin Greenwald**, director of the Environmental Law Clinic, for a Sept. 25 article about the launch of a New Jersey program that requires businesses to pay legal damages as well as cleanup fees to restore polluted sites.

Barbara Hoffman, legal research and writing instructor, spoke on Sept. 16 before 800 public health officials at the Centers for Disease Control and Prevention's 2003 Cancer Conference in Atlanta. Her plenary session address was entitled "Survivorship and Comprehensive Cancer Control."

A *New York Law Journal* article (Sept. 8) on the pitfalls of lawyers talking to the media about their cases included a comment by **Professor John Leubsdorf**. The *Star-Ledger* (Oct. 5) interviewed Leubsdorf for an article on a law firm with close ties to the New Jersey governor's office.

Professor Gregory Mark was interviewed by the *Star-Ledger* for an article (Sept. 21) on the leadership of the New York Stock Exchange.

The *Asbury Park Press* (Aug. 3) talked to **Assistant Clinical Professor Carter Strickland, Jr.** about agreements to provide public access to three private beaches in Point Pleasant.

Visiting Assistant Clinical Professor Judith Weinstock was interviewed by the *Asbury Park Press* (Aug. 14) about the intent of a clinic client, the Shark River Cleanup Coalition, to file a lawsuit against Wal-Mart.

The *Record* interviewed **Professor George Thomas** about the factors involved in deciding between careless parenting vs. criminal negligence charges in a child's death (Aug. 20) and about a pro se case (Sept. 11). Thomas was quoted by the *Daily Journal* (July 31) regarding a prosecutor's appeal of a judge's decision to permit pro se representation in a robbery case; and by the *Star-Ledger* (Sept. 24) about Attorney General John Ashcroft's new policy on pleas and sentencing in criminal cases.

EVENTS

On Oct. 13 the Eric R. Neisser Public Interest Program will present "**The Threat to Justice: Packing the Federal Courts.**" Speakers will include U.S. Senator Jon Corzine of New Jersey and Professor Michael Gerhardt of William & Mary Law School. Gerhardt will discuss "The

Advice and Consent Clause.” They will be followed by two panel discussions. The first, moderated by Professor Frank Askin, will feature Senior U.S. District Judge Dickinson R. Debevoise; retired New Jersey Supreme Court Justice Alan Handler; former mayor of Jersey City and 2001 gubernatorial candidate Brett Schundler; Ted Wells, partner at Paul, Weiss, Rifkind, Wharton & Garrison; and Nancy Smith ’80, partner at Smith Mullin. Participants in the second panel, moderated by Associate Dean Ronald Chen, will be: Juan Cartagena, Community Service Society of New York; Carl Herman, death penalty litigator; Emily Martin, ACLU Women’s Rights Project; Omar Jadwat, ACLU Immigration Project; Reginald Shuford, ACLU national legal staff.

The event will conclude with a reception and presentation of the **Eric Neisser Public Interest Outstanding Alumni Award** to King Downing ’92, director of the ACLU racial profiling campaign.

The Honorable Michael Chertoff, Judge of the U.S. Court of Appeals for the Third Circuit, will deliver the **2003 Paul S. Miller Distinguished Lecture** on Oct. 20. Judge Chertoff’s topic is “The Relationship Between Security and Individual Rights in Today’s Society.” The lecture is made possible by an endowment established by Paul S. Miller ’62 and his wife, Carol. Miller is special counsel at Kaye Scholer LLP and retired executive vice president and general counsel of Pfizer Inc.

The **Alumni Association** is sponsoring the following upcoming events:

- Annual Alumni Recognition Dinner, Thursday, Oct. 30, 6 pm at the Hilton at Short Hills. Distinguished Alumni Awards will be given to Patricia Nachtigal ’76 and Marc Berson ’68, and the Fannie Bear Besser Award for Public Service will be awarded posthumously to Roxanne Jones Gregory ’79.
- 25th Reunion of the Class of ’78, Saturday, Nov. 1, 6-9 pm at the law school.
- Swearing-in ceremony for the Class of ’03, Sunday, Dec. 14, 2 pm at the law school.

Contact Evie Task at alumnimail@kinoy.rutgers.edu or 973-353-1617 for more information..