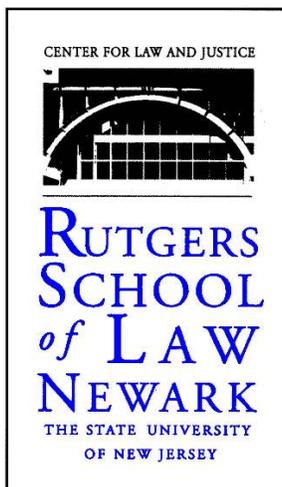


RUTGERS LAW SCHOOL NEWS

January 2004



Law School Mourns the Death of Professor Ruth Blumrosen

Ruth Gerber Blumrosen, who with her husband and fellow Rutgers law professor Alfred W. Blumrosen did landmark research in the field of employment discrimination, died on Jan. 13. Ruth Blumrosen had been an adjunct professor at Rutgers School of Law-Newark since 1980. Prior to that, she was a member of the faculty at Rutgers Business School. Alfred W. Blumrosen is Thomas A. Cowan Distinguished Professor of Law Emeritus.

“Professor Ruth Blumrosen,” said Dean Stuart L. Deutsch, “was not only the beloved spouse of our senior faculty colleague but a distinguished academic in her own right and an equal partner in Al’s professional and intellectual pursuits.” Their 2002 study, “The Reality of Intentional Job Discrimination in Metropolitan America,” is the first to use the U.S.

Supreme Court’s definition of intentional discrimination to analyze reports that employers with 100 or more workers must file each year with the federal government.

Ruth Blumrosen earned her B.A. and J.D. from the University of Michigan. She assisted in the establishment of the U.S. Equal Employment Opportunity Commission, and served as acting director of compliance from 1965-1967. From 1979-1980, she served as a consultant to EEOC chair Eleanor Holmes Norton, and from 1980-1981 as a consultant to the EEOC and to the U.S. Department of Health and Human Services. As an adviser to the New Jersey Commission on Sex Discrimination, she developed an analysis of state pay practices that was the basis for action by the Governor’s Task Force on Equitable Compensation. She later served as a member and hearing officer for the New Jersey Governor’s Committee on minority and female opportunities in state contracting.

In 1993 Ruth and Al spent a year in South Africa as Fulbright Scholars, and in 1995 they were resident scholars at the Rockefeller Institute Conference and Study Center in Bellagio, Italy. Ruth Blumrosen published in the field of wage discrimination, job segregation, and downsizing and employee rights. Her litigation included *Levitt v. New Jersey*, which established the federal constitutionality of state fair housing laws.

Justice Jaynee LaVecchia '79 Swears in '03 Alums to NJ Bar
Members of the Class of 2003 who completed the requirements for admission to the New Jersey Bar were invited to a special ceremony at which the attorney’s oath was administered by Justice Jaynee LaVecchia '79, Associate Justice of the New Jersey Supreme Court. The ceremony, followed by a



Shown at left with the law school’s newest members of the New Jersey Bar are Justice Jaynee LaVecchia and Dean Stuart L. Deutsch. Associate Dean Ronald K. Chen is at right.

reception for the newest members of the New Jersey Bar, their families and friends, took place at the law school on Dec. 14.

“There is no state-wide ceremony to swear in new members of the Bar,” said Dean Stuart L. Deutsch. “Rather than have our newest alums be sworn in privately, we will now have a special swearing-in ceremony every year for the law school community to celebrate a very important day with our most recent graduates.” The event was sponsored by the law school and the 50th reunion Class of 1953. Among the ’53 alums who participated was the Honorable Herman D. Michels, counsel to Gibbons, Del Deo, Dolan, Griffinger & Vecchione and formerly the Presiding Judge for Administration of the Appellate Division, New Jersey Superior Court.

In a Jan. 5 editorial headlined “Well done, Rutgers-Newark,” *New Jersey Lawyer* said the initiative “meets real needs and provides real benefits and should be extended as much as possible.” The *New Jersey Law Journal* (Dec. 29) and *Star-Ledger* (Dec. 25) also reported the event.

Law School Welcomes William Nelson, Adrienne Jennings Lockie

William Nelson is spending the spring semester at the law school as Visiting Assistant Clinical Professor in the Federal Tax Law Clinic. He was previously a staff attorney in the Low-Income Taxpayer Clinic of the Legal Aid Society, New York. Nelson earned his J.D. cum laude from New York University School of Law, where he was staff editor of the *Review of Law and Social Change*. Before attending law school, Nelson worked as a financial and tax accounting manager.

Lockie has been appointed director of the Domestic Violence Advocacy Project. She received her J.D. magna cum laude from Georgetown University Law Center, where she was notes and comments editor for the *Georgetown Law Review*. She served as a judicial clerk to the Honorable Carol Bagley Amon, U.S. District Court for the Eastern District of New York, fellowship attorney for the Center for Reproductive Law and Policy and, most recently, as staff attorney for the Safe Horizon Domestic Violence Law Project, New York.

The Domestic Violence Advocacy Project (DVAP) provides students the opportunity for hands-on experience working with victims of domestic violence. After completing extensive training, Rutgers law students volunteer at the Essex County Superior Court in the Domestic Violence Unit. Students provide domestic violence litigants with an overview of the legal process and assist in obtaining Temporary and Final Restraining Orders. The next all-day training will take place on Feb. 6. For more information, contact Lockie at 973-353-3350 or alockie@kinoy.rutgers.edu.

CLINIC NEWS

At a Jan. 6 press conference held at the law school, the **Constitutional Litigation Clinic** and the ACLU-NJ announced the filing of a lawsuit to restore the right to vote of persons on parole and probation under the New Jersey Constitution. The complaint was filed in the Union County Chancery Division on behalf of the New Jersey State Conference-NAACP, the Latino Leadership Alliance of New Jersey, two members of the Elizabeth City Council, and 10 African-Americans and Latinos currently on parole and probation. Clinic students under the supervision of Professor Frank Askin had worked for a year putting the case together.

The case challenges a New Jersey statute that disenfranchises persons convicted of indictable offenses until they complete their sentences, including any parole or probation. The complaint alleges a denial of equal protection under the State Constitution because of the grossly disparate impact of the law on African-Americans and Latinos. Of the approximately 85,000

parolees and probationers affected by the statute, more than 60 percent are members of minority racial groups. The suit charges that the disparate impact is, in significant part, a result of the discriminatory operation of the state's criminal justice system.

The filing of the lawsuit was covered by the *New Jersey Law Journal* and *New Jersey Lawyer* (Jan. 12), the *New York Times*, Associated Press, *Star-Ledger*, and 1010 WINS (Jan. 7), and the *Record* (Jan. 11).

On Nov. 19 the **Environmental Law Clinic** and the Natural Resources Defense Council, on behalf of the NRDC, the NY/NJ Baykeeper, and the Hackensack Riverkeeper, filed a 90-day notice of intent to sue four chemical companies for polluting Newark Bay with a highly toxic form of dioxin over a period of more than 20 years. The clinic and its clients want the companies to pay for an environmental study and cleanup of the bay. The announcement and comments by Associate Clinical Professor Robin Greenwald, clinic director, were covered by the Associated Press, *New York Times*, *Star-Ledger*, WNBC.com, and Greenwire (Nov. 20).

In a victory for the clinic and the six major environmental organizations that it represented, the Appellate Division has upheld the statutory and regulatory authority of the state Department of Environmental Protection to use wildlife habitat maps in its wetland rules. The decision establishes an important precedent for incorporating wildlife habitat maps throughout DEP regulations. Assistant Clinical Professor Carter Strickland argued the appeal. The *Asbury Park Press* (Dec. 27) reported the decision.

On behalf of several statewide environmental groups, the clinic has filed suit against the Millville Planning Board and a developer over plans to build a housing complex and golf course on land owned by the Atlantic City Electric Co. The suit was reported in the Dec. 1 and Jan. 3 *Press of Atlantic City*.

A Superior Court judge's dismissal of a builder's lawsuit challenging water pollution controls for a Union Township stream was a victory for the effected community, Associate Clinical Professor Tom Borden told the *Star-Ledger*, *Express-Times*, and *Courier-News* (Nov. 21 and 22). The clinic represented Concerned Citizens of Union Township in the Milligan Farm development case. The *Express Times* and *Hunterdon Democrat* cited Borden in articles (Dec. 25) on the dismissal of a lawsuit by the developer seeking sewer capacity for the proposed Windy Acres plan.

The clinic also succeeded in its appeal to stop a Riverdale townhouse development from discharging storm water directly into a Pequannock River tributary. Borden was quoted in a *Record* article (Nov. 21) about the DEP's new storm water management plan for the development.

Three professors from Russia and one from Serbia will visit Rutgers this spring pursuant to the law school's international clinical program grants, reports **Assistant Clinical Professor Jennifer Rosen Valverde**, who administers the ABA-CEELI and State Department grants for those countries. The visiting professors will observe and participate in all aspects of the clinical programs as well as other law school courses and activities.

FACULTY NOTES

Professor Frank Askin wrote an op-ed about *Vieth v. Jubelirer*, entitled "Time for New Standard of Review for Gerrymandering Challenges," that ran in the Nov. 24 *New Jersey Law Journal* and, under the headline "Drawing Over Democracy: By ending unfair partisan

gerrymanders, the Court can restore the power of voting,” was reprinted in the Dec. 1 *Legal Times*.

In December **Assistant Professor Karima Bennoune** attended meetings in London for Amnesty International on the organization’s policy on the use of force. At January’s annual meeting of the Association of American Law Schools (AALS), she presented “As-Salaamu Alaykum?: Humanitarian Law in Islamic Jurisprudence” as part of a workshop on Islamic law, and was on a panel sponsored by the International Law Section on “The New Architecture of International Law After Iraq.” The title of her presentation was “Resurrecting a Human Rights Approach to Armed Conflict: Iraq 2003.”

On Nov. 23, the Sierra Club presented **Associate Clinical Professor Tom Borden** with an award for outstanding achievement for his dedicated advocacy for the protection of the environment.

Professor Emeritus Alfred Blumrosen presented “Civil Rights Groups and the Union Movement – A New Common Ground?” at a Dec. 5 City University of New York conference entitled “Race Matters.” The *Daily Labor Report* covered the presentation.

At the AALS annual meeting, **Assistant Professor Neil Buchanan** spoke as a member of a panel on “Law and Macroeconomics,” which was part of the program held by the Section on Socio-Economics.

“Quality of Life in Legal Perspective” by **Professor Norman Cantor** appears in the third edition of the *Encyclopedia of Bioethics*, Stephen Post, ed. His “model” advance medical directive has been adapted and published in Great Britain in *THE NATURAL DEATH HANDBOOK* (S. Wienrich and J. Speyer, eds., 4th ed., 2003). On Nov. 20, Cantor spoke at Cardozo Law School on “Law and Ethics of Dying” as related to the Schiavo case now pending in Florida.

Clinical Professor Laura Cohen has been appointed co-director of the Northeast Regional Juvenile Defender Center, one of eight regional affiliates of the American Bar Association’s National Juvenile Defender Center. NRJDC is now housed at the law school and at the Philadelphia Defender Association. In October, Cohen co-chaired the Northeast Regional Caucus meeting at the National Juvenile Defender Leadership Summit in Baltimore. This annual conference is co-sponsored by the ABA, the NJDC, the Juvenile Law Center (PA) and the Youth Law Center (CA). In November, she was one of four panelists at the University of Rochester Medical School’s 23rd annual Janice Lynn Cohen Memorial Symposium. The symposium, which honors her younger sister (who died at the age of 9 from cystic fibrosis), is dedicated to promoting interdisciplinary work among the medical, faith, legal, and mental health communities on behalf of chronically ill children and children at risk.

Professor Tanya Hernandez wrote the chapter “The Racism of Sexual Harassment” in the new book from Yale University Press entitled *DIRECTIONS IN SEXUAL HARASSMENT LAW*, Catherine MacKinnon and Reva Siegel, eds. She moderated the Oct. 28 panel discussion on “Making Public Policy: Affirmative Action Post-Michigan,” sponsored by the Institute for Women’s Leadership, Douglass College, and presented “A Comparative Assessment of Racial Harassment in the Americas” at an AALS annual meeting panel on “Global Perspectives on Workplace

Harassment Law.” The panel was sponsored by the Section on Labor Relations and Employment Law.

Barbara Hoffman, legal research and writing instructor, testified in Philadelphia on Jan. 5 before the President’s Cancer Panel on the legal issues confronting cancer survivors. The panel advises the President on how to allocate federal healthcare funding.

Professor Jonathan Hyman presented “Justice and Mediator’s Ethical Responsibilities” at an Oct. 17 meeting in Orlando, FL of the Association for Conflict Resolution. At the 2003 Conference on ADR and Insurance Issues, held in Edison, NJ on Oct. 16, Hyman discussed “Using Dispute Resolution in Medical Malpractice Cases.”

Clinical Professor Randi Mandelbaum, director of the Child Advocacy Clinic, was elected to a three-year term on the executive committee of the Clinical Section of the AALS. Mandelbaum, together with faculty from the Special Education and Urban Legal Clinics and the New Jersey Office of the Public Defender, are planning a statewide summit at the law school in June for juvenile defenders, law guardians, and other attorneys who represent children in New Jersey.

Professor Jim Pope was one of the panelists for “A Review of 25 Years of New Jersey’s Labor Relations” at the Silver Jubilee NLRB Labor Law Conference sponsored by NLRB Region 22, New Jersey ICLE, New Jersey AFL-CIO, and the Rutgers School of Management and Labor Relations on Nov. 21.

At the AALS annual meeting, **Associate Dean Carol Roehrenbeck** was elected chair of the Section on Libraries and moderated a panel on “What Do Faculty and Directors Expect from the Library of the 21st Century.”

“Islands in the Stream of History: An Institutional Archeology of Dual Sovereignty” is the title of **Professor George Thomas’s** article published in the inaugural issue of the *Ohio State Journal of Criminal Law*.

Professor Paul Tractenberg was a panelist for the Dec. 11 discussion on “*Brown v. Board of Education* at 50: A Retrospective Look at Integration and Social Justice in New Jersey Schools.” The event, covered by the *Star-Ledger* on Dec. 12, was sponsored by the Rutgers Graduate School of Education.

The Shark River Cleanup Coalition has honored **Visiting Assistant Clinical Professor Judith Weinstock**, staff attorney in the Environmental Law Clinic, for representing it in a Clean Water Act case. Weinstock filed a citizen suit on behalf of the Coalition against Wal-Mart for discharging large quantities of pollutants from its construction site, in violation of the New Jersey Water Pollution Control Act.

STAFF & STUDENT NEWS

Edna Y. Baugh, Assistant Director for Clinic Administration, was one of the “Women in Real Estate” honored in November at the Women’s Fund of New Jersey’s Ninth Annual Fall

Gala. In addition to her clinical responsibilities, Baugh is managing partner at Stephens & Baugh, East Orange. Her practice areas are real estate property tax appeals and transactional real estate. The event was covered by the *New Jersey Law Journal* (Dec. 22).

Wendi Taylor has joined the Office of Career Services as Recruitment and Events Coordinator. For the past 14 years she had been technical services librarian with the law firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, Newark.

The Eagleton Institute of Politics at Rutgers University has selected **Jody Carbone** and **Joshua Mann**, both Class of '04, for the Governor's Executive Fellowship Program for the spring semester. Carbone is serving her internship in the Governor's Office of Management and Budget and Mann with the Governor's Counsel.

Kristin Mateo '04, **Emile Ivanov '04** and **Richard Bernstein '05** have been selected to participate in a short-term, study-abroad exchange at the Law Faculty at the University of Novi Sad, Serbia, as part of the ABA-CEELI Balkan Law School Linkage Initiative. During the three-week exchange in March, they will work side-by-side with Serbian law professors and students on projects which aim to further develop clinical legal education at the Novi Sad university.

An article in the November *National Jurist* entitled "What rituals do you follow before taking an exam?" included a comment by **Adam Husik '04**.

Julie Fry '04 has received an Equal Justice Fellowship and will work next year at the Center for Constitutional Rights in New York. **Sujatha Vathyam '04** has been selected a Merck Patent Law Fellow.

RUTGERS-NEWARK LAW IN THE NEWS

The *New Jersey Lawyer* (Nov. 24) covered New Jersey Supreme Court Justice Barry T. Albin's Nov. 18 presentation on "Responsibilities of a Lawyer" which he delivered at the law school. The Dec. 2 *Lawyer* published the presentation.

The *New Jersey Law Journal* (Dec. 8) ran a story and photo about the Annual Alumni Recognition Dinner.

The *Star-Ledger* (Nov. 21) reported on the creation by the 25th reunion Class of 1978 of a fund to honor the late C. Willard Heckel, who served as Dean from 1963 until 1970. The fund will support research and teaching in constitutional law and emergency student loans.

A *Chicago Tribune* article (Jan. 11) on homeowners' associations included a comment by **Professor Frank Askin**. Askin was interviewed by the *New York Times* (Nov. 20), *Boston Globe* (Nov. 28), and *Daily Targum* (Nov. 19) on the legal impact in New Jersey of the Massachusetts ruling on gay marriage and by 101.5 AM on Dec. 10 about the U.S. Supreme Court's decision on the Bipartisan Campaign Reform Act. Remarks by Askin at the law school's Oct. 5 tribute to Arthur Kinoy were reprinted in the December issue of the National Lawyer's Guild New York City *Newsletter*.

New Jersey Network interviewed **Associate Clinical Professor Tom Borden** for a report (Jan. 7) on Governor McGreevey's smart growth initiatives.

Associate Dean Fran Bouchoux was interviewed for a *New Jersey Lawyer* article (Dec. 8) on the Class of 2006.

The *New Jersey Law Journal* (Dec. 8) quoted **Associate Dean Ronald Chen** from his amicus argument before the New Jersey Supreme Court on behalf of the ACLU-NJ in *State v. Fuller*.

Professor Claire Dickerson was interviewed for a *Bloomberg News* (Dec. 12) report on the New York Attorney General's investigation of mutual fund trading practices.

The *Christian Science Monitor* (Nov. 26) quoted **Professor Gary Francione** about a lawsuit against the American Kennel Club that is before the New York Court of Appeals. The *Calgary Herald* ran the story on Nov. 29.

The *New York Times*, the *Boston Globe* and the *Daily Targum* (Nov. 19) included comments by **Associate Professor Suzanne Goldberg** on the Massachusetts Supreme Judicial Court decision allowing same-sex marriage. Goldberg was quoted by the *Globe* (Dec. 3) about the ruling's impact on the right of gays to divorce.

An article on **Professor Alan Hyde's** new book, *WORKING IN SILICON VALLEY: ECONOMIC AND LEGAL ANALYSIS OF A HIGH-VELOCITY LABOR MARKET*, was published in the Nov. 17 *Focus*, the Rutgers University newspaper for faculty and staff. Hyde commented on employee background checks for a story in the *Courier News* (Dec. 18).

An article in the *Star-Ledger* (Nov. 26) on changes by the state insurance commissioner in how disputes over medical service payments are resolved included comments by **Professor Jonathan Hyman**. Hyman explained what an "at-will" employee is for a story in the *Asbury Park Press* (Dec. 15) that also ran in other Gannett newspapers in the state.

Professor John Leubsdorf commented for the *New Jersey Law Journal* (Dec. 15) on a state Supreme Court decision regarding how the Disciplinary Review Board should proceed in ethics cases based on criminal acts.

The *Asbury Park Press* (Dec. 2) interviewed **Professor Gregory Mark** about a decision to forgive \$21.6 million in personal loans made to three former executives of Tellium Inc., and the *Record* (Jan. 16) about Merck's plan to switch to annual elections for its board of directors.

The *San Francisco Examiner* (Nov. 17) asked **Professor Saul Mendlovitz** to comment on its survey of President Bush and the Democratic presidential candidates on their views on war, bombing attacks and the use of nuclear weapons.

The *Star-Ledger* (Nov. 30) published an extensive interview with **Professor John Payne** about the Mount Laurel ruling and affordable housing. Other *Ledger* articles quoting Payne on the subject of affordable housing ran Nov. 15 and 25 and Dec. 11. He was cited on the same subject in a Dec. 7 *Record* editorial.

Professor George Thomas's comment on a questionable search for evidence involving a keyless car entry device was used by the *Star-Ledger* (Dec. 22).

EVENTS

On Sunday, Feb. 8, 2004, the law school will host the **Fourth Annual New Jersey Conference on Dominican Affairs**. The theme is "Building Our National Agenda." The event is sponsored by the New Jersey Conference on Dominican Affairs in association with the Institute for Latino Studies, Research and Development.

Several events will be held during the spring semester to commemorate the **50th anniversary of *Brown v. Board of Education***. They include a March 6 presentation during Board of Governors Distinguished Professor Paul Tractenberg's Education Law Seminar by Jack Greenberg, who argued *Brown* before the U.S. Supreme Court.

The law school's Institute on Education Law and Policy, which is headed by Tractenberg and executive director Brenda Liss '84, is one of the co-sponsors of the 24th Marion Thompson Wright Lecture, produced by the Rutgers-Newark Institute on Ethnicity, Culture, and the Modern Experience. The theme of the Feb. 21 lecture is "*Brown v. Board of Education of Topeka, Kansas: A Retrospective*." Keynote speaker will be Roger Wilkins, Clarence J. Robinson Professor of History and Culture at George Mason University.

The Honorable Sylvia B. Pressler '59, Presiding Judge of the Appellate Division, Superior Court of New Jersey, will deliver the **22nd Annual Chief Justice Joseph Weintraub Lecture** on Thursday, March 25. The lecture will be followed by the Annual Alumni Judges Dinner. For more information, contact senior alumni relations officer Evie Task at 973-353-1617 or task@andromeda.rutgers.edu.