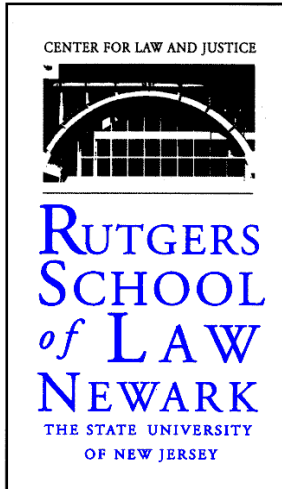


RUTGERS LAW SCHOOL NEWS

April 2005



NJ Supreme Court Oral Arguments Viewable on Rutgers Law Web Site

A collaboration between the law school and the New Jersey Judiciary has made webcasts of New Jersey Supreme Court oral arguments permanently available on the Rutgers web site. The oral arguments archive, part of Rutgers Law Library's New Jersey Digital Legal Library (NJDLL) project, was initiated by Carol A. Roehrenbeck, Associate Dean for Library and Information Services.

Webcasting of Supreme Court arguments, which began in January 2005, enables members of the public, students, attorneys, reporters, and other interested viewers to watch the oral arguments live on the New Jersey Judiciary's web site at www.njcourtsonline.com. Once each day's arguments are completed, they remain viewable for 30 days on the Judiciary web page. With the new agreement between the Judiciary and Rutgers-Newark, at the end of 30 days the webcasts are transferred to the

Rutgers-Newark law school archives.

"Our webcasts have given the public unprecedented access to Supreme Court sessions," said Stephen W. Townsend, Clerk of the New Jersey Supreme Court. "Preservation of oral arguments on the Rutgers-Newark law school web site will provide significant additional benefits to lawyers, litigants, students, and legal scholars well into the future."

To access the digital collection, which includes New Jersey Administrative Reports, Attorney General Opinions, Executive Orders, Council on Affordable Housing Decisions, and other items, visit <http://njlegallib.rutgers.edu/>. The *Star-Ledger* (April 1) reported the news.

CLINIC NEWS

A recent settlement between the Bayhead Point Homeowners Association and the state over the public's right to ocean beach access was a victory for the **Environmental Law Clinic**. The clinic represented the NY/NJ Baykeeper, American Littoral Society and Citizens Right to Access Beaches (CRAB) in the lawsuit. Assistant Clinical Professor Carter Strickland commented on the case for the *Asbury Park Press* (March 31).

The **Urban Legal Clinic**, representing tenants and community groups in Newark, has successfully blocked efforts by the Newark Housing Authority and the U.S. Department of Housing and Urban Development to count homeownership units as replacement public housing under a prior settlement agreement and thereby avoid its obligations to construct public housing townhouse apartments for low income families to replace demolished high rise units. Professor Jon Dubin, Director of Clinical Programs, commented: "In light of the federal government's increasing abandonment of support for the public housing program and the increase in housing demolition plans across the country, U.S. District Judge Dickenson Debevoise's Jan. 22, 2005 ruling could serve as a significant precedent to benefit those in other cities with settlement agreements requiring replacement of demolished units where the public housing authorities have pursued similar practices."

FACULTY NOTES

Professor Frank Askin and his wife, **Adjunct Professor Marilyn Askin**, are co-editors of the April issue of *New Jersey Lawyer* magazine, entitled “Civil Liberties/New Jersey Style.” Frank Askin also contributed an article on the constitutional rights of residents of property owners associations. On March 27 the Askins delivered a joint presentation on New Jersey election law before the Essex County Ethical Culture Society.

The National Association for Equal Opportunity in Higher Education will honor **Associate Clinical Professor Esther Canty-Barnes** as a distinguished graduate of an historically black college or university. The ceremony will take at NAFEO’s Leadership Summit on Blacks in Higher Education, scheduled for April 20-23 in Washington, DC. On Jan. 25, Canty-Barnes, Director of the Special Education Clinic, and Assistant Clinical Professor Jennifer Rosen Valverde presented a workshop for managers from the Essex County Division of Welfare on “Early Intervention and Special Education Barriers to Welfare-to-Work Requirements.”

At the June 2-5 annual meetings of the Law & Society Association in Las Vegas, **Assistant Professor Neil H. Buchanan** will chair a panel on labor law issues entitled “Data on the Workplace,” and will present a paper on a panel entitled “Changing Society Through Large-Scale Redistribution: Political Economy in the Second Bush Administration.”

Professor Charles Davenport spoke on Feb. 28 at the University of Washington School of Law as part of the school’s Distinguished Scholar Series. His topic was “How Secure Is Social Security? Is There Really a Crisis?”

Professor Claire Moore Dickerson was a featured speaker at a March 18 panel discussion on “Gender and the Public Corporation” at St. John’s University School of Law. The panel was part of the Conference on Racial and Gender Equity in the Business Setting.

On April 5 **Associate Professor Suzanne Goldberg** participated in a forum at Columbia Law School, where she is a visiting professor, on the military on campus. On March 17 she was a panelist for “Living With *Lawrence*,” part of the Georgetown University Law Center forum on Sex, Gender and Crime: The Politics of the State as Protector and Punisher.

On March 10 **Professor Tanya Hernandez** presented “The Salience of Intersectionality Theory Analysis for Women of All Colors” before the Rutgers University Institute for Research on Women.

Professor Alan Hyde’s article “Who Speaks for the Working Poor? A Preliminary Look at the Emerging Tetralogy of Representation of Low-Wage Service Workers” was published in the summer 2004 issue of the *Cornell Journal of Law and Public Policy*.

In early February **Professor Emeritus Saul Mendlovitz** led two major conferences at Spain’s Cuenca University. The first was a meeting of the International Steering Committee of Global

Action to Prevent War. The law school's Global Legal Studies program and the Ford Foundation are among the sponsors of the committee, which consists of diplomats, distinguished scholar/activists, and leaders of peace, justice and environmental organizations. The second conference involved many of the same individuals and organizations as well as others involved in establishing the International Criminal Court. The objective was to promote the development of a UN Emergency Peace Service (UNEPS) for dealing with genocide and crimes against humanity. Mendlovitz also met with some major foundations in Italy to encourage their support of UNEPS and, prior to the Cuenca University conference, delivered a series of talks in the U.S. on the proposed UN entity. On April 13 Mendlovitz will be the featured speaker at the 2005 Rutgers-Newark lecture series on security. His topic was "Security for the Global Polity."

Professor Twila Perry was the lead panelist at Boston College Law School's March 11 panel discussion on "Issues in Transracial Adoption." The panel was part of the symposium on Black Children and Their Families in the 21st Century.

The December 2004 *Michigan Law Review* published "How American Workers Lost the Right to Strike, and Other Tales" by **Professor James Pope**. Pope presented "Next-Wave Organizing: A New Paradigm?" at the Jan. 28 Conference on Next-Wave Organizing at New York Law School, and the panel presentation "Using Constitutional Law to Revive the Labor Movement" at the Labor and Employment Relations Association Annual Meeting, Philadelphia, on Jan. 28.

At its annual meeting this April, the American Society of International Law awarded **Assistant Professor Sabrina Safrin** the Deak Prize for her article "Hyperownership in a Time of Biotechnological Promise: The International Conflict to Control the Building Blocks of Life." The article, which was published in the October 2004 *American Journal of International Law*, was recognized for its contribution to the field of international law, the novelty of its subject matter and the difficulty of the issues that it tackled.

The article "Derivative Suits in Bankruptcy" by **Associate Professor Keith Sharfman** was published in the autumn 2004 *Stanford Journal of Law, Business & Finance*.

The number three issue of the 2004 *University of Illinois Law Review* included "History's Lesson for the Right to Counsel" by **Professor George Thomas**.

In February **Professor Paul Tractenberg** made a presentation at a national conference of the Council of Chief State School Officers in Tempe, AZ on New Jersey's new unified accountability system. His presentation was requested by NJ Commissioner of Education William Librera, with whom Tractenberg shared the podium during a segment devoted to New Jersey as a national model. The Institute on Education Law and Policy (IELP), of which Tractenberg is the founding director, has received a \$70,000 Academic Excellence Fund award from the university for its project on the relationship between property tax reform and a "thorough and efficient" education. IELP also has joined with the NJ Principal and Supervisors Association in a School Law Institute, which will present a year-long course, starting in Sept. 2005, on education law and policy to principals, supervisors, school counselors and those aspiring to such positions.

On March 31 **Associate Professor Mark S. Weiner** gave the keynote address at a graduate student conference at NYU Law School's Institute for Law and Society. His presentation was entitled "Domingo Sarmiento and the Cultural History of Law in the Americas." In February, Weiner's recent book, *Black Trials: Citizenship from the End of Slavery to the Beginning of Caste*, was featured at the New Haven Public Library's public noon hour lecture and discussion series entitled Books Sandwiched In,

STAFF & STUDENT NEWS

The annual **PILF** auction, organized by the student-run Public Interest Law Foundation, was a great success, raising more than \$30,000 from bidders of live and silent auction items. The money, along with generous contributions from the Alumni Association and Pledge-A-Day donors, will enable many students to take advantage of PILF grants this summer and work in non-paying or low-paying public interest legal internships.

Syrion Anthony Jack and **Danielle Carmona**, both 1Ls, have been selected as the first two recipients of the Lowenstein Sandler Fellowship Scholarship Program. Jack and Carmona were among 35 applicants from Rutgers-Newark and Seton Hall law schools. In its statement announcing the scholarship winners, Lowenstein Sandler said, "This program is an important component of our firm's goal to foster diversity in the legal profession and to provide deserving minority students with financial resources that facilitate obtaining a career in law" (the *Star-Ledger*, March 3). The *Record* (March 31) also reported on the Lowenstein Fellowship recipients.

3L Elizabeth Harris has received the 2005 Martin Luther King Jr. Leader of Tomorrow Award from the New Jersey Division of the Ratepayer Advocate. Ratepayer Advocate Seema M. Singh presented the award to Harris in recognition of her work in advancing Dr. King's legacy of promoting social justice and equal opportunity. A former high school teacher, Harris is active in the Association of Black Law Students at Rutgers-Newark and a member of the board of directors of Brainstorm After-School, Inc. As part of the celebration honoring the legacy of Dr. King, Professor Twila Perry delivered the keynote address.



Seema M. Singh, NJ Ratepayer Advocate (2nd from left), presents the Ratepayer Advocate's 2005 Martin Luther King Jr. Leader of Tomorrow Award to 3L Elizabeth Harris. Also shown are Ken Padilla, Assistant Dean for the Minority Student Program and Externships, and Professor Twila Perry.

2L Robin Bernstein participated in the Animal Rights Moot Court competition held at Harvard Law School in late February. Bernstein was mentioned in the first sentence of a *Boston Globe* article (March 3) about the competition and the growing animal rights law field.

The Environmental Law Moot Court Team of **2L Uzoamakan Okoye** and **3Ls Adam Phelps** and **Gary Reilly** advanced to the quarter final round and won best oral advocate in two of the

three preliminary rounds at the 17th Annual National Environmental Law Moot Court Competition, held at Pace Law School. This is only the second year that the law school has participated in the competition and the school's showing is a testament to the hard work of the team.



(l-r) **Brian Burlew, Pieter Droppert and Chehrazade Chemchan**, all from the Class of 2006, and **Andrew Lettington** '05 represented Rutgers in the 2005 Philip C. Jessup International Law Moot Court Competition. The team, which advanced to the second round, also participated in a special competition with the team from Osaka University.

Members of the Rutgers Asian Pacific American Law Students Association have launched the Asian American Legal Project to address the legal needs of Asian Americans in New Jersey. Working with the United Community Development Corporation of New Jersey and the Asian-American Legal Defense and Education Fund, the project began with a series of "Know Your Rights" clinics on immigration issues for the Filipino community in Jersey City. Clinics for additional Asian American communities in the state are planned. The clinics are staffed by bilingual Rutgers law students and volunteer lawyers. **2Ls Alex Saingchin and Deric Wu**, who initiated the project, and **Jay Cho and Shola Akinrolabu**, who are active in the project, were quoted in articles in the *New Jersey Law Journal* (Feb. 14), *New Jersey Lawyer* (March 21), the *Record* (March 19), *Jersey Journal* (March 8) and *Pacific New Service* (Feb. 24).

The *Women's Rights Law Reporter* was among the winners of the 2005 Essex County Althea Gibson Spirit Award, given by Essex County Executive Joseph N. DiVincenzo, Jr. and the Essex County Advisory Board on the Status of Women. The award was presented during the county's March 22 Women's History Month Celebration. Founded in New York City in 1970 by feminist activists, legal workers and law students, the *Reporter* is the oldest legal periodical in the U.S. that focuses exclusively on women's rights issues.

RUTGERS-NEWARK LAW IN THE NEWS

A *Houston Chronicle* article (Feb. 13) on same-sex marriage credited the law school with providing information on some milestones in the move to legalize same-sex marriage.

The *Jersey Journal* (Feb. 17) noted that the **Environmental Law Clinic** is part of a coalition that has sought an injunction against the Army Corps of Engineers' plan to dredge Newark Bay. The lawsuit was also reported in the *Hazardous Waste Superfund Report* (Jan. 24).

The March 21 issue of *Rutgers Focus* highlighted the law school's **Loan Repayment Assistance Program** and its recent recognition by Equal Justice Works as one of the most successful programs of its kind in the country.

Associate Dean Bernard Bell participated in the NJN "Due Process" show devoted to charitable immunity. The broadcast aired on March 20 and 22.

Associated Press (March 3) and *Star-Ledger* (March 1) articles on the two U.S. Supreme Court cases challenging the display of the Ten Commandments on government property quoted **Professor Frank Askin** and **Associate Dean Ronald Chen**, respectively. Askin commented for a *Jersey Journal* (March 30) article on a bill that would allow the confiscation of a home or car in which an illegal gun is found.

The *Dallas Morning News*, *St. Louis Post Dispatch*, the *Library Journal* and *Booklist* have favorably reviewed *Slave Nation: How Slavery United the Colonies and Sparked the American Revolution* by **Professors Alfred and Ruth Blumrosen**. Professor Emeritus Alfred Blumrosen has given several radio interviews about the 384-page book, published in February by Sourcebooks.

Several media sought comments by **Professor Norman Cantor** on the Terri Schiavo case, including *USA Today* (March 21), the *Philadelphia Inquirer*, *Home News Tribune* and *Press of Atlantic City* (March 22), and the *Home News Tribune* and *Asbury Park Press* (April 1). Cantor also participated in a debate on the case on Mitch Albom's nationally syndicated ABC radio program out of Detroit and was interviewed at length by WBAI.

On March 29 **Associate Dean Ronald Chen** was interviewed by National Public Radio's "Here and Now" about the Colorado Supreme Court decision throwing out a death penalty sentence due to jurors' discussion of Bible verses. *Time* magazine (April 11) and the *Denver Post* (March 30) quoted him on the decision and the *Asbury Park Press* (March 27) on a nighttime curfew in Jersey City.

Clinical Professor Jack Feinstein was quoted by the *New York Times* (Feb. 20) in an article about a squatters' encampment in Woodbridge Township.

An interview with **Professor Gary Francione** on an animal rights issue was broadcast by the Australian Broadcasting Corporation on March 26.

Professor Howard Latin was quoted by the *Star-Ledger* (Feb. 23) about an FDA panel's recommendation concerning the Merck drug, Vioxx.

The *Trenton Times* (Feb. 24) interviewed **Professor John Payne** about proposed legislation to require a regional economic impact study for any application to build a store larger than 130,000 square feet.

The March 4 “Industry Insider: Business of Law” column in the *Star-Ledger* featured a Q&A with **Assistant Dean Andy Rothman** on the Community Law Clinic.

A *Herald News* article (March 5) on a proposed law on state takeover of failing school districts included a comment by **Professor Paul Tractenberg**.

EVENTS

King Downing '92, national coordinator for the ACLU's Campaign Against Racial Profiling, will deliver the keynote address at the 37th anniversary banquet of the **Minority Student Program** on April 7. The theme of the banquet is “Cultivating and Empowering the Next Generation of Civil Rights Leaders.”

Justice Roberto A. Rivera-Soto, Associate Justice of the New Jersey Supreme Court, will present the 23rd Annual Chief Justice Joseph Weintraub Lecture on Tuesday, April 12. His topic is “Reflections of a Newly Minted Justice.” The 6 pm lecture will be followed by the Annual Alumni Judges Dinner. For more information, contact Evie Task at 973-353-1617 or alumnimail@kinoy.rutgers.edu.

On April 28 Associate Professor Mark S. Weiner will read from his critically acclaimed new book, *Black Trials: Citizenship from the Beginnings of Slavery to the End of Caste*, as part of a special event sponsored by the Law Library. Originally set for Feb. 24, this event was rescheduled because of a snow storm. The 6 pm reading and book signing followed by a cocktail reception will help launch the **Friends of the Law Library** program. Associate Dean Carol A. Roehrenbeck will describe the benefits of membership in the new program, which is offered at a variety of participation levels. Roman Mitchell of the Rutgers-Newark music department will play several selections, including an original composition.

To RSVP for the event, contact Elaine Giordano at 973-353-3121.

The law school will dedicate the **Samuel J. Foosaner Reading Gallery of the Rutgers Law Library** on Friday, May 20. Foosaner, a member of the class of 1934 who died in 1988, was a prominent tax and estate planning attorney and businessman for more than 50 years. In January 2004, the Foosaner Foundation, headed by his daughter Dione L. (“Dee”) Negroni-Hendrick, awarded a \$500,000 challenge grant to the Rutgers Law Library as a memorial to Samuel Foosaner. Among the distinguished guests who will join the Foosaner family and Dean Stuart L. Deutsch for the dedication are NJ Attorney General Peter C. Harvey, Rutgers University President Richard L. McCormick, Rutgers-Newark Provost Steven J. Diner and Marc E. Berson '68, Chairman of the Fidelco Group.

U.S. Congressman Robert Menendez '79 will deliver the convocation address at the law school's commencement, which will be held at 10 am on Friday, May 27, at the New Jersey Performing Arts Center.