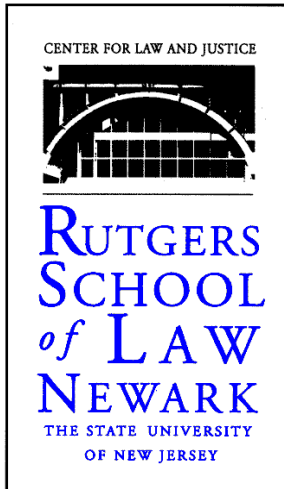


# RUTGERS LAW SCHOOL NEWS

October 2005



## *Law School Welcomes New Faculty*

Anna Gelpern, Julia LeMense Huff, Marvin Chirelstein, and Richard Webster have joined the faculty this fall.

Gelpern, associate professor of law, will teach International Law, International Finance, and Commercial Law. She also is a member of the faculty at the Rutgers-Newark Center for Global Change and Governance. Gelpern had most recently been a visiting fellow at the Institute for International Economics and an international affairs fellow at the Council on Foreign Relations. She previously served in legal and policy positions at the U.S. Treasury Department and practiced with Cleary Gottlieb



Anna Gelpern

Steen & Hamilton LLP in New York and London. She holds a J.D. from Harvard and a M.Sc. from the London School of Economics and Political Science.

Huff, visiting assistant clinical professor of law in the Environmental Law Clinic,



Julia Huff

specializes in environmental law and environmental litigation. She also has expertise in land use and real estate law. Huff received a J.D. from the University of Iowa and an LL.M. in environmental law from Vermont Law School. She practiced at a large law firm in St. Paul and Minneapolis, working primarily in the areas of real estate development and finance. In 2003, she joined the Vermont Law School faculty as an assistant professor and as the first assistant director of the Environmental and Natural Resources Law Clinic.

Chirelstein, a visiting professor, was a member of the Rutgers Law School faculty from 1960 until 1965 when he left for Yale Law School, where he remained until 1981. He then taught at Columbia Law School from 1984 until his retirement in 2004. Chirelstein, who holds a J.D. from the University of Chicago, is a nationally recognized expert in the areas of Contracts, Federal Taxation, and Corporate Finance.

Richard Webster, a staff attorney in the Environmental Law Clinic, had been an associate in the environmental practice group at Arnold & Porter LLP in New York, where he represented non-profit, municipal, and private clients on a wide range of litigation matters, including landfill matters, control of waste transfer operations, and contaminated site remediation. He has a masters in engineering hydrology from Imperial College, London, and a J.D. from Columbia.



Marvin Chirelstein

### 3L Saingchin Wins National Award for Asian American Legal Project

Alexander Saingchin '06 has won the 2005 Martindale-Hubbell Exemplary Public Service Award from Equal Justice Works for his work founding the Asian American Legal Project (AALP). He was selected from a group of nominees submitted by law schools across the country. The project's initial "Know Your Rights" clinics, featuring bilingual law students working together with volunteer immigration attorneys, helped numerous members of the Filipino community with their legal concerns. Saingchin is now focused on establishing AALP as an independent non-profit organization that will offer services by law students and volunteer attorneys to additional Asian Pacific American communities. The Oct. 17 *New Jersey Lawyer* carried an article on the award.

Saingchin has also won a NAPABA Law Foundation Presidential Scholarship, given by the National Asian Pacific American Bar Association for demonstrating outstanding leadership potential to serve the Asian Pacific American community.



Alexander Saingchin accepts the 2005 Martindale-Hubbell Exemplary Public Service Award from Equal Justice Works board member Andrea "Andy" Zopp, senior vice president and general counsel at Sears, Roebuck & Co.

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## CLINIC NEWS

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By 2008 all electronic voting machines used in New Jersey will produce a paper record that will be available for immediate verification by each voter and preserved for later use in any manual audit. Legislation signed into law in July that provides new protections against the shortcomings of unauditible electronic voting machines was the result of judicial and legislative efforts led by the **Constitutional Litigation Clinic**.

In a lawsuit, currently on appeal, filed last October, Clinical Professor Penny Venetis, associate director of the clinic, argued that electronic voting machines cannot be relied on to count votes accurately. The plaintiffs included Assemblyman Reed Gusciora (D-15), a co-sponsor of the bill. Nia H. Gill (D-34), a 1975 graduate of the law school, was one of the Senate co-sponsors. In addition to clinic faculty and students, the advocacy team included the New Jersey Coalition for Peace Action, other public interest organizations, and leading computer security experts. The July 15 *Computerworld* and I-Newswire carried stories about the new law.

In *NRDC v. Army Corps*, the Federal District Court for the Southern District of New York upheld a challenge to a major dredging project by the U.S. Army Corps of Engineers in the Port of New York and New Jersey. The Newark Bay/NY Harbor Area is contaminated with dioxin that, without proper protections, would spread into surrounding waterways. Advocacy in 2003 by the **Environmental Law Clinic** forced the EPA to include Newark Bay as part of the 17-mile long Passaic River Superfund site. The Army Corps ignored the impact of dredging on the EPA's efforts to study and clean up the Superfund site. In this follow-up suit, the court ruled in August that the omission violated the National Environmental Policy Act. Assistant Clinical

Professor Lisa Garcia represented NY/NJ Baykeeper and GreenFaith and co-counsel represented the Natural Resources Defense Council.

In July the New Jersey Supreme Court upheld beach access rights under the Public Trust Doctrine in *Raleigh Avenue Beach Ass'n v. Atlantis Beach Club, Inc.* The court held that the public has a historic right dating back to Roman law to use land covered by tidal waters. The ruling also gave the Department of Environmental Protection the authority to set fees that private owners can charge for beach access. Assistant Clinical Professor Carter H. Strickland, Jr., acting director of the clinic, represented a citizens access group before the Supreme Court, as he had before the Appellate Division. WPIX-TV, the *Record*, and the *Asbury Park Press* were among the media that interviewed Strickland on the July 26 decision.

The Appellate Division upheld efforts to protect timber rattlesnakes in the Pinelands in *In re Third Party Appeal of Wetlands General Permit*. The appeal, the latest round in the clinic's decade-long fight to protect endangered species on the site, involved an agreement between the State and a private developer to implement experimental fences and tunnels to direct snakes away from roads and houses. Later surveys showed that the methods did not work. Associate Clinical Professor Tom Borden, who currently is chief counsel to the Highlands Commission, represented a coalition of national and state environmental groups.

A challenge to water quality protection measures advocated by the clinic was rejected by the Appellate Division in *K. Hovnanian v. NJDEP*. The property in question is bordered by some of the highest quality waters in the state and provides habitat for endangered wood and bog turtles. Borden and Strickland represented environmental groups on behalf of the clinic.

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## FACULTY NOTES

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**Professor Bernard Bell**, Associate Dean for Faculty, will participate as a panelist for the "Annual Review of Developments in Administrative Law" at the ABA Section of Administrative Law and Regulatory Practice's Administrative Law Conference on Nov. 18 and will moderate "The Structure of Statutory Interpretation Within the Executive Branch" at the conference on Nov. 17.

The American Society of International Law appointed **Associate Professor Karima Bennoun**e to the program committee for its 2006 centennial conference. This fall she led discussions on international law and women in armed conflict following performances at New York's Jean Cocteau Theater of Brecht's *Mother Courage*. On Oct. 21 she was a panel member for "Compliance with the Prohibition Against Torture" at International Law Weekend sponsored by the American branch of the International Law Association.

**Emeritus Professor Alfred Blumrosen** spoke on July 21 at New York's Fraunces Tavern Museum about the new book *Slave Nation: How Slavery United the Colonies and Sparked the American Revolution*, which he co-authored with the late Ruth Blumrosen.

**Assistant Professor Neil Buchanan's** "Shooting From the Hip, or Taking Careful Aim: How Should People Make Decisions," a review of the books *Blink* and *Freakonomics*, was published on FindLaw.com on Oct. 7. Forthcoming this fall are "Social Security, Generational Justice, and Long-Term Deficits" in *Tax Law Review* and "Income Averaging and the Ability to Pay" in the *Virginia Tax Review*. On Nov. 18 he will be the chair and discussant at a National Tax Association annual meeting panel on Legal Perspectives on Tax Policy Issues.

The relation between federal antidiscrimination laws protecting the disabled and end-of-life medical decision-making was discussed by **Emeritus Professor Norman Cantor** at the September conference, *The Changing Healthcare Landscape: Ethical Choices, Scientific Promises, and the Quality of Life*, organized by New Jersey Health Decisions, the Center for Bioethics of the University of Pennsylvania, and the Medical Society of New Jersey. On Aug. 3 he conducted a Pennsylvania CLE program on *Body and Soul: End-of-Life Issues in Jewish and American Law*. His scholarship was cited by *WorldNetDaily* (Oct. 6).

**Associate Professor Donna Dennis** received her Ph.D. from Princeton in September. She is currently working on a book about the same topic as her dissertation, *“Obscenity Regulation, New York City, and the Creation of American Erotica, 1820-1880.”*

“One right for all” by **Professor Gary Francione** was published in the Oct. 8 *New Scientist*.

**Associate Professor Anna Gelpert** authored “What Iraq and Argentina Might Learn from Each Other,” 6 *Chi. J. Int’l L.* 391 (2005); “After Argentina,” an Institute for International Economics Policy Brief, published at <http://www.iie.com/publications/pb/pb05-2.pdf>; and “Pathways through Financial Crises: Argentina” (with Brad Setser), forthcoming in October as a publication of the Global Economic Governance Program, Oxford University and University College, Oxford. Her Oct. 21 presentation at the International Law Weekend conference sponsored by the American branch of the International Law Association was on “Debt Restructuring in the Wake of Argentina.”

**Associate Professor Suzanne Goldberg** presented her current research, entitled “Constitutional Adjudication and Social Change,” at a Fordham Law School faculty workshop on Oct. 6.

Recent scholarship by **Professor Carlos Gonzalez** includes “Representational Structures Through Which We the People Ratify Constitutions: The Troubling Original Understanding of the Constitution’s Ratification Clauses” in 38 *U.C. Davis L. Rev.* 1373 (2005) and “Trumps, Inversions, Balancing, Presumptions, Institution Prompting and Interpretive Canons: New Ways for Adjudicating Conflicts Between Legal Norms” in 45 *Santa Clara L. Rev.* 233 (2005).

**Professor Tanya Hernandez** was a senior editor of *The Oxford Encyclopedia of Latinos and Latinas in the United States*, published in September by Oxford University Press. On Oct. 14, she presented “Latino Inter-Ethnic Discrimination Cases: All People of Color Are the Same and Bias-Free in the Eyes of the Law” before the Penn State Dickinson School of Law faculty.

**Legal research and writing instructor Barbara Hoffman** published “Cancer Survivors at Work: A Generation of Progress” in 55 *CA – A Cancer Journal for Clinicians* 271-280 (2005). The *Richmond Times-Dispatch* (Oct. 14) and HealthDay News, a consumer health news service, reported on the conclusions of Hoffman’s research.

**Professor Jon Hyman** received a Special Recognition Award from the Dispute Resolution Section of the New Jersey State Bar Association for “extraordinary service to the dispute resolution community in the passage of the Uniform Mediation Act.” On Oct. 29 Hyman was a panelist for “Thinking About Supervision” at the UCLA/IALS Sixth International Clinical Conference.

**Clinical Professor John Kettle** spoke at the Aug. 12 panel on “The Business of Music,” sponsored by ICLE in cooperation with the Entertainment, Arts & Sports Law Section of the New Jersey State Bar Association. The Aug. 17 *Star-Ledger* quoted from his remarks.

“A Portrait of the Trademark as a Black Man: Intellectual Property, Commodification, and Redescription” by **Professor David Troutt** was published in 38 *U.C. Davis L. Rev.* 1141 (2005).

*Black Trials: Citizenship From the Beginnings of Slavery to the End of Caste* (Knopf, 2004) by **Associate Professor Mark Weiner**, winner of a 2005 Silver Gavel Award from the American Bar Association, has been selected as a finalist for the Connecticut Book Award. Weiner was the keynote speaker at the Rutgers-Newark Sept. 21 Constitution Day forum on “Conversations on Citizenship: Tensions Between the First Amendment and Religion in Higher Education.” In July he presented “Neutrality Between Church and State: Mission Impossible” at a joint German-Israeli conference on Religious Symbols, Constitutional Law and Human Rights. Held at the Internationales Wissenschaftsforum in Heidelberg, the event was co-sponsored by the Minerva Center for Human Rights.

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### STAFF & STUDENT NEWS

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**Edna Baugh, Assistant Director for Clinical Administration** and an attorney with Stephens & Baugh, was elected president of the Garden State Bar Association. The Oct. 21 *Star-Ledger* noted the honor.

On Sept. 28 **Assistant Dean of Admissions Anita Walton** spoke on “Beyond the Numbers: Personal Statements and Letters of Recommendation” as a Law Day panelist at SUNY/Binghamton. Walton and two students displaced from their New Orleans law schools by Hurricane Katrina – **3Ls Sarah Marcus and John Sobala** – were featured in a *New Jersey Law Journal* article (Sept. 14).

The August issue of *New Jersey Lawyer Magazine* included “Animal Law: Yesterday and Today” by **Robin Bernstein ’06**.

**Nicole Crifo 3L** and **Janet Lee 2L** have been awarded Graduate Merit Scholarships from Executive Women of New Jersey.

The John J. Barry Scholarship, given by the Association of the Federal Bar of the State of New Jersey, has been awarded to **David M. Reiner 3L**.

The Marlboro Township Council presented **Jack Zatz**, a first-year evening student, with a proclamation honoring his service to the town as a member of the Planning Board and Zoning Board of Adjustment. The *Asbury Park Press* (Aug. 25) reported the honor.

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### RUTGERS-NEWARK LAW IN THE NEWS

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The Associated Press (Oct. 26), *Daily Record* and New York 1 were among the media that interviewed **Professor Frank Askin** about a Catholic high school’s banning its students from having personal blogs on the Internet. On Sept. 12 he provided commentary on Court TV about



the John Roberts confirmation hearings. The *Legal Intelligencer* (Oct. 7), *New Jersey Law Journal* (Oct. 3) and *Home News Tribune* (Sept. 28) reported on the Sept. 27 appeal he argued of *NAACP v. Harvey*. The Constitutional Litigation Clinic and the ACLU-NJ represent the NAACP in challenging the ban against voting by people on parole or probation. The *Asbury Park Press* (Oct. 21) quoted Askin on the free speech protection of tattoos; the *Record* (Oct. 21) on a fake absentee ballot; the *Courier News* (Sept. 19) on the law precluding a candidate from changing parties after a primary and running in the general election as the candidate of another party; the *Record* (Sept. 22) on a dispute involving a group of homeowners and their homeowners association; and the *Asbury Park Press* (Aug. 12) on police brutality allegations in Seaside Park.

The June 27 *New Jersey Law Journal* noted the recent publication of **Professor Norman Cantor's** book *Making Medical Decisions for the Profoundly Mentally Disabled*. The *Star-Ledger* (Sept. 6) quoted Cantor in an article about decisions by Chief Justice William Rehnquist that had a direct impact on New Jersey and the *Daily Record* (July 1) on the Karen Ann Quinlan case.

The Associated Press interviewed **Associate Dean Ronald Chen** about the Parole Board's Halloween curfew for sex offenders and the *Philadelphia Inquirer* (Oct. 26) about a Pennsylvania township's restrictions on where sex offenders can live. *New Jersey Law Journal* (Sept. 19) quoted Chen about the Rutgers-Newark observance of Constitution Day and on Aug. 8 about a notice published by the Advisory Committee on Professional Ethics reiterating that town counsel cannot represent private clients in municipal court. Chen is vice chairman of the committee. A *Star-Ledger* story (Sept. 20) on the Appellate Division's new listing of its "unpublished" opinions on the judiciary's website included a comment by Chen.

**Dean Stuart L. Deutsch** was interviewed for a CNN report (Nov. 3) and a *Jersey Journal* (Sept. 20) article on eminent domain and the takings of a Jersey City property for redevelopment by a Catholic high school, and by the *Star-Ledger* (Sept. 15) on the state judiciary's new "Guide to the Civil Courts."

The *Star-Ledger* (July 15) featured an interview with **Professor Gary Francione** about his experience as a clerk for U.S. Supreme Court Justice Sandra Day O'Connor. MSNBC, several radio stations, and the *Daily Record* and *Easton Express Times* interviewed Francione about Justice O'Connor. Francione and Professor Frank Askin also were interviewed by print and broadcast media on the death of Chief Justice William Rehnquist and the nomination of John Roberts.

**Associate Professor Suzanne Goldberg** presented her current research, entitled "Constitutional Adjudication and Social Change," at a Fordham Law School faculty workshop on Oct. 6.

The *New Jersey Law Journal* talked to **Professor Jon Hyman** for an Aug. 22 report on a proposal to pay court-referred mediators.

A *Record* article (Aug. 31) about a lawsuit involving two companies in the same business with very similar names included a quote from **Clinical Professor John Kettle**. The article was distributed by Knight-Ridder Tribune Business News.

A Sept. 6 Dow Jones wire article on the Vioxx trial in Atlantic City carried a comment by **Professor Howard Latin**.

The article “The \$8.78 Million Maneuver” in the July 31 Education Life magazine of the *New York Times* featured a quote by **Professor Gregory Mark**. He commented for WCBS Radio on the Vioxx litigation (Sept. 12) and for the *Star-Ledger* (June 29) on the Sarbanes-Oxley Act

**Assistant Clinical Professor Carter Strickland Jr.** talked to the *Philadelphia Inquirer* (Oct. 26) about the Environmental Law Clinic’s involvement in a lawsuit challenging the proposed New Jersey Motorsports Park; the *Record* (Oct. 3) about environmental problems at a dumpsite where Ford Motor Co. disposed of hazardous industrial waste; and the Oct. 14 and July 14 *Herald News* on the storage of hazardous materials at transfer stations near railroad lines.

The *Daily Journal* interviewed **Professor George Thomas** for an Aug. 15 article on juries in death penalty cases.

The July 21 *Record* interviews **Clinical Professor Penny Venetis** about the nomination of John Roberts to the U.S. Supreme Court.

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## EVENTS

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Geoffrey R. Stone, a prolific scholar in the area of constitutional law, will deliver the **2005 Paul S. Miller Distinguished Lecture** on November 16. Stone, the Harry Kalven, Jr. Distinguished Service Professor of Law at the University of Chicago Law School, will speak on the issues raised in his most recent book, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. The widely praised book received the Robert F. Kennedy Book Award for 2005, the *Los Angeles Times* Book Prize for 2004 as the Best Book in History, and was a finalist for the American Bar Association’s 2005 Silver Gavel Award.

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.

To reserve a seat at the 6 pm lecture, call 973-353-3043.

The **Minority Student Program** Alumni/Student Networking Reception will be held on December 1. For more information, contact the MSP office at 973-353-5644.

December 11 will feature a brunch marking the **50<sup>th</sup> Reunion of the Class of 1955** followed by the **3<sup>rd</sup> Annual New Jersey Bar Swearing-in Ceremony**. More information is available by calling 973-353-1617.