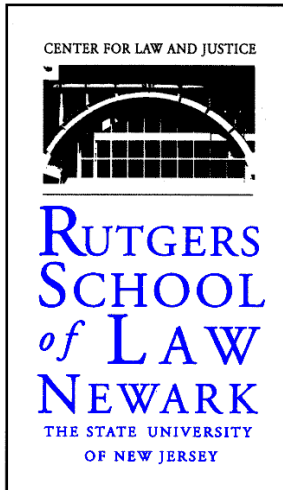


# RUTGERS LAW SCHOOL NEWS

December 2005



## ***Marvin Chirelstein Appointed First Lowenstein Professor***

Marvin Chirelstein has been appointed the first Visiting Alan V. Lowenstein Professor in Corporate and Business Law. Lowenstein, founder of Lowenstein Sandler PC and a major figure in New Jersey legal and nonprofit communities, donated \$2 million to support the Lowenstein Chair. "Alan Lowenstein's gift," said Dean Stuart L. Deutsch, "is the perfect reflection of the extraordinary vision and leadership of the founder of one of the most respected law firms in New Jersey, and also of his generosity and service to the community."

Professor Chirelstein will hold the chair during the 2006-07 academic year. A nationally recognized expert in Federal Taxation and Corporate Finance, he was a member of the Rutgers faculty from 1960-1965 and later taught at Yale and Columbia Law Schools. His publications include *Federal Income Taxation: A Law Student's Guide*; *Cases and Materials on*

*Corporate Finance*; and *Concepts and Case Analysis in the Law of Contracts*. His article "Tax Shelters and the Search for a Silver Bullet" (with Lawrence A. Zelenak) was published in the October 2005 *Columbia Law Review*.

## ***Law Library Welcomes New Staff***

The library has added Dennis C. Kim-Prieto, Fay Austin, and Yu-Hui Chuang. Kim-Prieto, a reference librarian, holds a master of science in library and information sciences from the University of Illinois at Urbana-Champaign, a J.D. from the University of Iowa, and a master of fine arts in English from the Writers' Workshop at the University of Iowa. His scholarly interests include foreign, international, and comparative law. Kim-Prieto is vice chair/chair-elect of the Latino Caucus of the American Association of Law Libraries

Austin, a cataloger in the technical services department, was previously president and principal librarian of Phoenix Information Services, Inc., which provided information support services to corporate and academic libraries. Austin has an M.L.S. from Kent State and a post-graduate diploma in library science from the University of the West Indies. She is president of the Central New Jersey Chapter of the United Nations Association (UNA-USA) and a member of the education committee of the national UNA-USA and World Federation of UNAs.

Yu-Hui, serials and technology librarian, earned an M.L.I.S. from Syracuse University, a law degree in Taiwan, and an L.L.M. from the University of Missouri. Her scholarly interests are foreign, international, and comparative law and she recently completed a "pathfinder," or guide to resources, on Chinese and Taiwanese legal research.

## ***3L Saingchin Named Equal Justice Works Fellow***

Alexander Saingchin '06 has received a 2006 Equal Justice Works Fellowship to continue his work with the Asian American Legal Project after graduation. Saingchin worked with other students during his second year to create AALP with the goal of applying their legal training to benefit local Asian American communities. The Equal Justice Works Fellowship will enable him to serve as director of the project under the supervision of the Asian American Legal Defense Fund. In addition to maintaining the work currently being done by Saingchin and other Rutgers-

Newark law students, the project plans to create a workers' rights center to address the specific needs of Asian immigrant workers in New Jersey.

In October Saingchin received the 2005 Martindale-Hubbell Exemplary Public Service Award for his work founding the project. He also has 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. Saingchin is the subject of an article in the Dec. 12 *Rutgers Focus* (<http://ur.rutgers.edu/focus/>).

Geoffrey R. Stone (c), shown here with Paul S. Miller '62 (r) and Dean Stuart L. Deutsch, delivered the **2005 Paul S. Miller Distinguished Lecture** on Nov. 16. Stone, the Harry Kalven, Jr. Distinguished Service Professor of Law at the University of Chicago Law School, discussed periods in U.S. history during which civil liberties have been threatened, which is the subject of his most recent book, *Perilous Times: Free Speech in Wartime from the Sedition Act of 1798 to the War on Terrorism*. A podcast of the lecture is at <http://law-library.rutgers.edu/feeds/podcast.php>.

The annual lecture is made possible by an endowment established by Paul Miller and his wife, Carol. Miller is special counsel at Kaye Scholer LLP and retired executive vice president and general counsel of Pfizer Inc.



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## CLINIC NEWS

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The **Community Law Clinic**, together with the Eric R. Neisser Public Interest Program, organized a Nov. 17 panel discussion on the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. Speakers were the Hon. Morris Stern, U.S. Bankruptcy Court for the District of New Jersey; John Scura, former Chapter 13 standing trustee; Sharon Henderson, Legal Services; and Scott Sherman of Minion and Sherman. On Nov. 23 clinic faculty and students worked with eight families displaced by Hurricane Katrina and now living in Newark to assess their legal needs. The clinic also developed for the families a referral list for the delivery of legal assistance.

The **Constitutional Litigation Clinic** successfully challenged an attempt by Jersey City to use its eminent domain powers to transfer property from a local business owner to a private religious school. Associate Dean Ronald Chen, who handled the case for the clinic on behalf of the ACLU-NJ, was quoted by the *North Country Gazette* (Oct. 24) and the *Jersey Journal* (Nov. 22). The Oct. 28 *Star-Ledger* and the Oct. 29 *New York Times* also noted the clinic's representation.

In October, the **Environmental Law Clinic** settled a case against the City of Millville and a private developer who proposed a motor-sports complex on habitat used by several protected grassland birds, and directly adjoining a State Wildlife Management Area that is home to other threatened and endangered species. The clinic submitted extensive expert testimony on the lack of meaningful noise controls and projected adverse impacts on wildlife and public lands, and filed suit in March 2005. After lengthy negotiations, the developer agreed to mitigate the noise and adopt time and season restrictions, and the City agreed to provide 100 acres of grasslands for

wildlife habitat. The *Philadelphia Inquirer* (Nov. 2), *Bridgeton News* (Nov. 3), the *Press of Atlantic City* (Nov. 4), and the *Daily Journal* (Nov. 4) cited the clinic and Acting Director Carter Strickland in articles about the settlement.

The Environmental Law Clinic continued its involvement in objecting to the proposed Windy Acres housing development in Clinton Township on a site that is very environmentally constrained. Arguments made by the clinic during a series of public meetings in October were instrumental in persuading the Township Council to reject a settlement agreement with the developer that would have allowed nearly all the site to be developed. In addition, on Dec. 8 the clinic argued a case at the Appellate Division brought by the developer about sewage disposal. Furthermore, the clinic is actively participating in mediation on the issues raised by the site at the Council for Affordable Housing.

In November, the clinic, representing Hackensack Riverkeeper and Raritan Baykeeper, notified six companies of its intent to sue over pollution discharges at a former industrial site on the Hackensack River in Kearny. The notice states that a lawsuit will be filed shortly after the 90-day notice period expires unless one or more of the notified companies takes action to clean up the hazardous materials.

Clinic staff attorney Richard Webster spoke at two public hearings opposing a proposal by Monroe Township to build a school on existing park land. The Dec. 1 *Suburban* and Oct. 14 *Cranbury Press* noted the clinic's representation of the New Jersey Chapter of the Sierra Club and Monroe-based Park Savers.

On behalf of the Shark River Cleanup Coalition, the clinic filed a motion to intervene at the Appellate Division in an appeal by a developer of a Department of Environmental Protection (DEP) decision to upgrade protection for certain parts of the Shark River.

The clinic filed comments on behalf of a number of clients on DEP's draft proposals for public participation in decisions about how to clean up contaminated sites. The comments called for a significant expansion of public participation and suggested ways to implement the proposals without the need for legislative change.

Clinical Professor Laura Cohen of the **Urban Legal Clinic** and Clinical Professor Randi Mandelbaum, Director of the **Child Advocacy Clinic**, have developed a project with the New Jersey Child Welfare Panel. Clinic students have taken on discrete pieces of work, primarily involving interviews and file reviews, to assist the panel in its monitoring efforts. The project introduces law students to the complexities of institutional reform litigation and enables clinic faculty and students to help the panel in its important tasks. On Nov. 19, which was National Adoption Day, the Child Advocacy Clinic co-sponsored an event at the law school with New Jersey's Division of Youth and Family Services to help families who had completed adoption proceedings that day to celebrate the finalized adoption of 103 children.

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## FACULTY NOTES

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Among those on Governor-elect Jon Corzine's Transition Advisory Council are **Associate Dean Ronald Chen '83** and **Zulima Farber '74**, a member of Lowenstein Sandler PC and former New Jersey Public Advocate. In addition, **Professor David Troutt** serves on the transitional Revitalizing and Investing in Communities Policy Group and **Adjunct Professor Marilyn Askin '70** is co-chair of the Advisory Task Force on Property Tax Reform.

**Professor Frank Askin** spoke on Oct. 14 at the Newark Branch of the NAACP "Commemorates the 40<sup>th</sup> Anniversary of the Voting Rights Act," and discussed "Constitutional Developments" at

the Nov. 21 annual conference of Legal Services of New Jersey.

**Professor Bernard Bell, Associate Dean for Faculty**, will moderate “Enacting and Interpreting Statutes in the Constitution’s Shadows” at the AALS Section on Legislation’s annual meeting program scheduled for Jan. 6.

**Associate Professor Karima Bennoune** was elected to the board of trustees of the Center for Constitutional Rights. In her capacity as an Amnesty International USA board member, Bennoune is in Afghanistan this month to monitor human rights conditions. She was a panelist at the Rutgers Center for the Study of Public Security’s Nov. 7 discussion on “International Law and the Struggle Against Terrorism: How Is It Applicable ‘On the Ground’?”

Stanford University Press has accepted a proposal by **Associate Professor Vera Bergelson** for a book tentatively titled *Victims’ Rights, Victims’ Responsibilities: Comparative Liability in Criminal Law*. At the AALS annual meeting in January, Bergelson will speak on “Personal Information Under the Property and Privacy Regimes” at the Section of Defamation and Privacy session on Tracked, Profiled, and Identified: Privacy and the Linkage of Data to Individuals.

The September Internet Bookwatch published by the Midwest Book Review described *Slave Nation: How Slavery United the Colonies and Sparked the American Revolution*, written by **Emeritus Professor Alfred Blumrosen** and the late Ruth Blumrosen, as “a work of painstakingly thorough scholarship combined with a thoroughly ‘reader friendly’ text.”

“Social Security, Generational Justice, and Long-Term Deficits” by **Assistant Professor Neil H. Buchanan** was published in the fall 2005 *Tax Law Review*.

At the National Juvenile Defender Leadership Summit, held in Los Angeles on Oct. 21-23, **Clinical Professor Laura Cohen** co-chaired both the national Working Group on Law School-Juvenile Defender Collaborations and the Northeast Regional Caucus. The Working Group will soon publish a report on law school/defender partnerships. Two Urban Legal Clinic students are working on the report’s set of guiding principles for successful collaborations. Cohen also moderated the closing plenary session.

**Professor Sherry Colb** has signed a contract with Rowman & Littlefield for a book tentatively titled *Pregnant or Not Pregnant: Law and the Essential Woman*. The book, scheduled for release in March 2007, will explore the way in which the law disparately affects women’s lives because of the female’s distinct contribution to reproducing the species.

A proposal by **Professor Gary Francione** for a book on animal rights was accepted by Columbia University Press. He is the author of four books and numerous articles on animals and the law. On Oct. 28 Francione participated on a panel on “Defining Legal Life: Animal Rights” at the *University of Chicago Legal Forum’s* 20<sup>th</sup> annual symposium. His paper will be published this summer as part of the *Legal Forum’s* 2006 volume on “Life and the Law.”

**Associate Professor Anna Gelpern** authored “Argentina’s Pathways Through Financial Crises” (with Brad Setser), published in September by the Global Economic Governance Programme, Oxford University and University College, Oxford.

**Associate Professor Suzanne Goldberg** received a Dukeminier Award, which recognizes the Best Sexual Orientation Law Review Articles of 2004, for “Morals-Based Justifications for Lawmaking: Before and After *Lawrence v. Texas*” (88 *Minn. L. Rev.* 1233). Her article will appear in a special journal published by the Williams Project at UCLA Law School. The Feb. 2006 *Columbia Gender and Law Journal* plans to publish her article “A Historical Guide to Marriage for Same-Sex Couples.” On Nov. 15 Goldberg was a panelist at “What’s the Future of the Supreme Court?” an “Issues of the Times” public event moderated by *New York Times* U.S. Supreme Court reporter Linda Greenhouse. She has recently presented “Constitutional Adjudication, Civil Rights, and Social Change” at the faculty workshops of Columbia, Fordham, and Brooklyn Law Schools, and at the Harvard Law School Constitutional Law Workshop. Goldberg also has filed briefs in marriage challenges in the New Jersey Supreme Court and the New York Court of Appeals on behalf of professors of history and family law.

On Nov. 28 and 29 **Professor Tanya Hernandez** appeared before a special meeting held by the Organization of American States to discuss “The Nature of a Future Inter-American Convention Against Racism, Discrimination, and Intolerance.” On Dec. 3 she presented “Latinos at Work: Employment Discrimination and the New Agents of Color Bias in the Workplace” at Hierarchies of Color, a conference sponsored by the Center for Race and Gender at UC-Berkeley.

**Professor Jon Hyman** presented a paper entitled “Advocacy in Mediation: What Is a Lawyer to Do?” on Oct. 29 at the UCLA/IALS Sixth International Clinical Conference, held in Lake Arrowhead, CA.

On Oct. 31 Georgetown University Law Center featured a discussion with **Professor Howard Latin** entitled “Saving Nature Despite Fools, Felons, and Experts: Conservation Stories from the Front Lines.”

**Emeritus Professor Saul Mendlovitz** is a member of the national steering committee of Global Action to Prevent War (GAPW), a transnational coalition of organizations and activists from around the world. He frequently speaks on GAPW’s program to reduce war, genocide, and internal armed conflict over a three to four-decade period.

On Sept. 12 he addressed the annual meeting in New York of Global Education Associates on the development of an independent rapid response force, United Nations Emergency Peace Service (UNEPS), to deal with genocide and crimes against humanity. He delivered a presentation on UNEPS in his Nov. 7 keynote address at Citizens for Global Solutions in Santa Fe, and on Oct. 21 as a keynote speaker at the 25th anniversary of the Nuclear Freeze Campaign of the Institute of Defense and Disarmament in Cambridge, MA On Sept. 28, he was on a panel of civil society organizations at the United Nations. The panel was chaired by the Hon. Jan Eliason, the 60th president of the General Assembly of the U.N. On Oct. 6, he was on a panel at the John Jay School of Criminal Justice with Sir Brian Urquhart, former Under Secretary for the U.N. for Peace Keeping Operations, and Dr. Juan Mendez, Special Assistant to the Secretary General of the U.N. for the study and prevention of genocide.

Global Action to Prevent War has been invited to participate in the World Peace Forum, which will be held in Vancouver, B.C., from June 23-28, 2006.

On Nov. 11 **Professor Twila Perry** was a speaker on a panel entitled “The Right to Be a Mother” at a conference held at Smith College. The title of the conference was Reproductive Justice for All.

On Sept. 19 **Professor Jim Pope** presented “How American workers lost the right to strike and how they will win it back” at the University of Toledo College of Law Distinguished Speaker Series. On Nov. 14 he discussed “The Authority of Social Movements to Interpret the Constitution” at the Washington University School of Law Faculty Workshop.

**Associate Professor Keith Sharfman** authored “Judicial Valuation Behavior: Some Evidence From Bankruptcy,” 32 *Fla. St. U.L. Rev.* 387 (2005).

**Professor George Thomas** was the symposium organizer of *The Warren Court Criminal Justice Revolution: Reflections a Generation Later*, which was published in the *Ohio State Journal of Criminal Law* with Thomas serving as guest editor. The journal contains articles from top criminal justice scholars from around the country, including Thomas’s “The Criminal Procedure Road Not Taken: Due Process and the Protection of Innocence.” He also contributed an editor’s introduction entitled “Through a Glass Darkly: Seeing the Real Warren Court Criminal Justice Legacy.”

Research by **Professor Paul Tractenberg** that compares New Jersey’s and California’s experiences with school finance reform was selected to be a major paper presentation at the first symposium of the Chief Justice Earl Warren Institute on Race, Ethnicity, and Diversity at Boalt Hall School of Law, to be held in late April 2006. The Rutgers-Newark Institute on Education Law and Policy, of which Tractenberg is the founding director, has a new website <http://ielp.rutgers.edu>.

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### STAFF & STUDENT NEWS

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**Paul Axel-Lute, Deputy Director of the Law Library**, contributed introductions to reprints of two historic New Jersey statutory compilations published this fall by the Lawbook Exchange Ltd. – *Revision of the Statutes of New Jersey (1877)* and *General Statutes of New Jersey (1895)*.

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### RUTGERS-NEWARK LAW IN THE NEWS

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**Professor Frank Askin** was interviewed on Dec. 9 by ABC Channel 7 on the appointment of Rep. Robert Menendez ’79 to fill Governor-elect Jon Corzine’s Senate seat; commented on the nomination of Judge Samuel Alito to the U.S. Supreme Court for WNYC’s “Brian Lehrer Show” (Oct. 31), the *New York Law Journal* (Nov. 1), and *New Jersey Lawyer* (Nov. 7); and for the *New Jersey Law Journal* (Nov. 7) and the Associated Press (Nov. 2) on the Appellate Division ruling against the Constitutional Litigation Clinic lawsuit challenging the disenfranchisement of felons and parolees. He was interviewed by the *Home News Tribune* for a Dec. 11 article on what separates political access from corruption, by the Associated Press (Oct. 27) about the banning of student blogs by a Catholic high school, and on Oct. 27 by NY1 about a proposed local ordinance restricting where convicted sex offenders can live.

The Oct. 31 *New Jersey Lawyer* featured an interview with **Edna Baugh, Assistant Director for Clinical Administration**, about her plans as the newly installed president of the Garden State Bar Association.



**Associate Dean Fran Bouchoux** was interviewed for a *Record* article (Dec. 5) on *FAIR v. Rumsfeld*.

Print and broadcast media outlets that interviewed **Associate Dean Ronald Chen** about the nomination of Judge Samuel Alito to the U.S. Supreme Court included the *Los Angeles Times* (Nov. 1), *Star-Ledger* (Nov. 1), *Record* (Nov. 1), *Globe and Mail* (Nov. 1), *New York Times* (Nov. 3), *Washington Post* (Nov. 9), Newhouse News Service (Nov. 11), National Public Radio's *All Things Considered* (Nov. 17), *New Jersey Jewish News* (Nov. 3), and Channels 2, 7 and 9. Chen also commented on the use of zoning laws to restrict where sex offenders can live (*New Jersey Law Journal*, Nov. 21) and on towns' broadcasting of holiday music (*Star-Ledger*, Dec. 14).

The *Asbury Park Press* talked to **Clinical Professor Laura Cohen** for its Dec. 18 report on the new state mandate regarding station-house adjustments for minor crimes by juveniles.

**Dean Stuart L. Deutsch** commented for a Nov. 3 *Star-Ledger* article on the nomination to the U.S. Supreme Court of Judge Samuel Alito.

On Oct. 31 Breeze Radio interviewed **Professor Gary Francione** about the nomination of Judge Samuel Alito to the U.S. Supreme Court.

Reuters turned to **Associate Professor Anna Gelpern** for Nov. 17 and Dec. 16 reports on Argentina's dealings with the International Monetary Fund to pay off its debt.

**Associate Professor Suzanne Goldberg** commented for the Associated Press (Nov. 3) and *Workforce Management* magazine (Nov. 2) on the nomination of Judge Samuel Alito to the U.S. Supreme Court. She was interviewed on Dec. 5 by 101.5 AM radio and by the *Daily Record* (Dec. 7) on the *FAIR v. Rumsfeld*.

**Professor Carlos Gonzalez** commented for the *Record* (Nov. 4) on the verdict in the New Jersey Vioxx trial. He was interviewed on Nov. 2 by NJN for its *Due Process* show on "The Port Authority: Paying the Price for Terrorism."

**Professor Tanya Hernandez** was interviewed on Nov. 30 by Pacifica Radio's "Against the Grain" program on the topic of hierarchies of skin color. She commented for a Nov. 20 *Asbury Park Press* article on the misappropriation of funds from a special-needs trust.

**Legal Research and Writing Instructor Barbara Hoffman** was quoted in the October issue of *Self* magazine in an article on the employment consequences of breast cancer.

Numerous media have interviewed **Professor Howard Latin** on the Merck Vioxx case, including the Dec. 9 Dow Jones Newswires.

*Lawyers Weekly USA* (Nov. 21) quoted **Professor John Leubsdorf** in an article about jurors in the first Vioxx trial receiving payments to discuss their views on the arguments used by plaintiff and defense attorneys. A Nov. 29 *Star-Ledger* story on attorney disciplinary cases included a comment by Leubsdorf.

A Dec. 18 *New York Times* article on the New Jersey Assembly's vote to change the charitable immunity law included a quote from **Assistant Dean Andy Rothman**.

**Associate Professor Sabrina Safrin** spoke to the *Star-Ledger* (Nov. 20) about the issues in an Italian trial in which an American museum curator is charged with trafficking in stolen antiquities.

WCBS radio interviewed **Associate Professor Keith Sharfman** on Oct. 17 about the new bankruptcy law.

**Assistant Clinical Professor Carter Strickland** was interviewed by the real estate news service Inman News for a Nov. 7 report about two wetlands cases to be heard by the U.S. Supreme Court.

A Nov. 28 *Asbury Park Press* article on a technicality that on appeal may free a convicted killer included a comment by **Professor George Thomas**.

The Oct. 17 *New Jersey Law Journal* ran a photo of **Associate Professor Mark S. Weiner** accepting an ABA Silver Gavel Award for his book *Black Trials: Citizenship from the Beginning of Slavery to the End of Caste*. Weiner's book also was a finalist for a Connecticut Book Award.

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## EVENTS

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The **Alumni Association** will host a January 4 event in Washington, DC and a wine tasting at the law school on April 8. The January gathering, to be held at the MCI Center, will feature a dinner followed by a game between the Washington Capitals and the Ottawa Senators. George McPhee '92 is vice president and general manager of the Washington hockey team. The wine tasting will be conducted by Ted Task, a member of the Society of Wine Educators.

For information about both events, contact Evie Task at 973-353-1617 or [alumnimail@kinoy.rutgers.edu](mailto:alumnimail@kinoy.rutgers.edu).

Professor Carlos Gonzalez will deliver the **2005 David J. Stouffer Lecture** on Jan. 25. His lecture is entitled "Legal Interpretation." The Stouffer Lecture provides a major opportunity for a faculty member to give a public lecture presenting his or her work.

The annual **PILF** (Public Interest Law Foundation) auction will be held on March 2.

On April 27 the library will hold a "**Friends of the Law Library**" panel discussion on the issues raised by *Kelo v. New London*. Contact Associate Dean Carol Roehrenbeck 973-353-3152 or [croehrenbeck@kinoy.rutgers.edu](mailto:croehrenbeck@kinoy.rutgers.edu) for more information.

On April 18 New Jersey Supreme Court Associate Justice Virginia A. Long '66 will deliver the **24<sup>th</sup> Annual Chief Justice Joseph Weintraub Lecture**. She will discuss the legacy of Chief Justice Deborah Poritz, who will retire at the end of the Court's current term. The Annual Alumni Judges Dinner will follow the lecture.