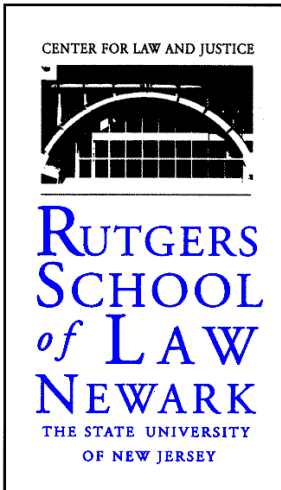


RUTGERS LAW SCHOOL NEWS

February 2006



Prominent Government Appointments for Law School Alums

Several members of the Rutgers Law community, including Associate Dean for Academic Affairs Ronald K. Chen '83, have been appointed to top government positions by Gov. Jon Corzine.

U.S. Congressman Robert Menendez '79 was sworn in on Jan. 18 to serve out Gov. Corzine's term as U.S. Senator from New Jersey. He is the state's first Hispanic member of the Senate and one of only three Hispanics in the

Senate. As chair of the House Democratic Caucus, he had been the third-ranking Democrat in the House, the highest ranking Hispanic in Congressional history, and the only Hispanic ever elected to a leadership position in either chamber. While

in law school, Sen. Menendez participated in the Minority Student Program (MSP), which he has credited with contributing to his own personal success and with opening doors for others.

Zulima V. Farber '74, who also participated in the MSP, is the state's new Attorney General. She was previously at Lowenstein Sandler PC, where she had the distinction of being the firm's first female partner and the first woman to serve on its executive and strategic planning committees. Before that, Farber was Public Advocate and Public Defender in the Florio administration.

Associate Dean Ron Chen has been appointed Public Advocate of New Jersey. Another MSP participant, Chen clerked for the Honorable Leonard I. Garth, U.S. Court of Appeals for the Third Circuit. He was associated with the New York law firm of Cravath, Swaine & Moore before joining the Rutgers faculty in 1987. He has been Associate Dean since 1995. Chen, whom Dean Stuart L. Deutsch described as "an inspiring teacher, a first-rate administrator, and a wonderful colleague," will deliver the convocation address at the May 26 graduation ceremony.

Two other graduates of the law school who were appointed by Acting-Gov. Richard Codey and continue to serve in the Corzine administration are Rolando Torres, Jr. '82, Commissioner of the Department of Personnel, and Fred M. Jacobs '90, Commissioner of the Department of Health and Senior Services.

"We are enormously proud of these alums," said Dean Deutsch. "Their appointments attest to both the law school's reputation for producing lawyers dedicated to social justice and excellence in the profession and the unique contribution of our Minority Student Program in diversifying the legal profession."



Greeting Sen. Menendez (2nd from left) after his swearing-in ceremony are (l-r) Dean Stuart L. Deutsch, Associate Dean Fran Bouchoux '87, and Assistant Dean Ken Padilla '95.

Assistant Dean Ken Padilla to Leave for Dept. of Homeland Security Position

Ken Padilla '95, Assistant Dean for the Minority Student Program and Externships, has accepted a position as Assistant Chief Counsel for the U.S. Department of Homeland Security, Immigration & Custom Enforcement, and will be leaving the law school in mid-April. In announcing the departure, Dean Stuart L. Deutsch said, "Ken has done a tremendous job with the students and alumnae/i of the MSP and with his other responsibilities at the law school. We wish Ken and his family the best and look forward to his continued participation as an alumnus of the MSP and the law school."

The search process for a new Assistant Dean for the MSP and externships will begin soon.

Administrative Changes Follow Associate Dean Chen's Appointment as Public Advocate

The departure of Associate Dean Ron Chen, who is taking a leave of absence to become New Jersey Public Advocate, has led to several administrative changes at the law school. Professor Bernard Bell, who had been Associate Dean for Faculty, is now Associate Dean for Academic Affairs and Faculty. He has added curricular planning and scheduling to his portfolio of faculty planning and mentoring. The Associate Dean for Academic Affairs and Faculty is a rotating position, with each holder serving a term of two to three years.

Professor Gregory Mark has been appointed Associate Dean for Institutional Affairs, a newly-created position. His responsibilities for long-range institutional planning include implementation of the Clinical Scholar Series, leading the planning for our Centennial celebrations, which will span the 2008-2011 academic years; and oversight of adjunct faculty, the Legal Research and Writing Program, and the Leiden study abroad program. This associate deanship also is a rotating position, with each holder serving a term of two to three years.

Associate Dean Fran Bouchoux, who had been Associate Dean for Admissions, Career Services, and Institutional Advancement, has a new title – Associate Dean for Student and Academic Affairs and an expanded portfolio of responsibilities. In addition to Admissions, Career Services, Financial Aid, and the Minority Student Program, the Registrar's office and the Student Services Offices also now report to her.

Karen Fromkes has been promoted to Assistant Dean for Technology, in charge of furthering the efficient and effective use of technology at the law school.

CLINICAL PROGRAM

The **Community Law Clinic** has begun a collaboration with Covenant House New Jersey (CHNJ) that will increase direct legal assistance for clients at Covenant House Newark and help CHNJ to enhance its capacity to serve homeless and at-risk youth throughout the state. The collaboration, called the Youth Advocacy Project, is funded by a grant from the New Jersey State Bar Foundation.

"This initiative brings the considerable experience of our clinical program in successfully assisting both at-risk young people and non-profits to the state's largest non-profit provider of care and services for vulnerable young adults," said Professor Jon C. Dubin, Director of Clinical Programs. "Because Covenant House is a 24/7 facility," he added, "the Youth Advocacy Project also provides evening law students with an opportunity for hands-on, intensely supervised legal training." Faculty and students in the Community Law Clinic, the **Child Advocacy Clinic**, and the **Urban Legal Clinic** will participate in the project.

The grant provides for a Youth Advocacy Project Bar Fellow, administrative oversight and corporate legal assistance by the Community Law Clinic, and legal services by the Child

Advocacy Clinic and the Urban Legal Clinic in areas of representation most needed by Covenant House clients, such as SSI disability hearings and appeals, foster care transition, housing issues, and special education. Steve Hockaday, Class of 2004, has been named the first Youth Advocacy Project Bar Fellow.

The Superior Court of New Jersey Appellate Division, in a landmark ruling with national significance, affirmed the argument by the **Constitutional Litigation Clinic** that the more than one million New Jerseyans who live in private communities governed by homeowner associations have fundamental free speech rights under the State Constitution. Originally filed in December 2000, *Committee for a Better Twin Rivers v. Twin Rivers Homeowners' Association* was handled by the clinic on behalf of the ACLU-NJ. Dozens of Rutgers law students assisted in the case over the years.

The plaintiffs, home owners in the 10,000-resident community of Twin Rivers in East Windsor, won the right to post political signs on lawns, have equal access to the community newspaper, and have equitable access to the community room for meetings for dissident members of the homeowner association.

Professor Frank Askin, clinic Director, commented, "For the first time anywhere in the United States, an appellate court has ruled that such private communities are 'constitutional actors' and must therefore respect their members' freedom of speech. The Court recognized that, just as shopping malls are the new public square, these associations have become and act, for all practical purposes, like municipal entities unto themselves." The Associated Press, *Star-Ledger*, *Record*, *Trenton Times*, NJN, NY1, News 12 NJ, and 101.5 AM covered the Feb. 7 announcement of the decision.

The Appellate Division on Feb. 9 announced its agreement with concerns raised by the **Constitutional Litigation Clinic** that all electronic voting machines used in the state may violate New Jersey's Constitution and election laws. The Court reinstated a lawsuit filed by the clinic in 2004 that challenges the ability of the electronic voting machines to count votes accurately, in compliance with voting rights laws. The Court reinstated the lawsuit even though all voting machines in the state must be equipped with a voter verified paper ballot component by 2008. The Court was concerned with protecting the hundreds of millions of votes that would be cast on the machines between now and 2008. The Court also expressed concern that the Attorney General's office would use a loophole in the statute and issue waivers to the voter verified paper ballot requirement – further jeopardizing the franchise.

The lawsuit is the first in the nation to successfully challenge electronic voting machines, said Clinical Professor Penny Venetis, Associate Director of the clinic. "This shows that our courts take very seriously their role in protecting our most fundamental of all rights – the right to vote," she said. "Despite clear evidence that New Jersey's voting machines are insecure, the other branches of government failed to take appropriate action." She noted that the same machines used by almost all of the state's five million registered voters have been found too insecure and have been de-commissioned by California, Ohio, Nevada, and New York City. Air America's "Radio Nation with Laura Flanders" featured Venetis and a discussion of the case in its Feb. 11 program on voting rights.

ERIC R. NEISSER PUBLIC INTEREST PROGRAM

Nine students traveled to Gulfport, MI and New Orleans over the winter break as part of the **Student Hurricane Network**, a nationwide mobilization of law students, to assist survivors of

hurricanes Katrina and Rita and support legal organizations working on behalf of individuals and communities. The students are 1Ls Daniel J. Louis and Cynthia Zhang; 2Ls Katy Graham, Hyun (Joey) Oh, Robert Ulon, Allen Wan, and Tara Zurheide; and 3Ls Mariam Manichaikkul and April Roman. Their trip was supported by Martin Klepper '73, a partner at Skadden, Arps, Slate, Meagher & Flom LLP, as well as Dean Deutsch, Provost Steve Diner, and the Student Bar Association.

On Feb. 7, Neisser Program Director Madeleine Kurtz moderated "Reporting back from the Gulf Coast," during which the students talked about their work and shared photos of what they saw. They also described opportunities for joining the Student Hurricane Network and traveling to the Gulf Coast over spring break. The participation of Rutgers students was noted in the Nov. 25 *New York Law Journal* and Jan. 28 *Clarion-Ledger* (MS)

More than 30 students received two days of training by the **Domestic Violence Advocacy Project** to assist victims of domestic violence. Joining DVAP Director Adrienne Lockie and former volunteers for the sessions were the domestic violence unit team leader and hearing officer in Essex County, an attorney from Legal Services of New Jersey, and Dr. Sujata Warrior of the New York State Office of the Prevention of Domestic Violence, who discussed domestic violence and cultural competency. The students, who receive pro bono credit for their work, are in the plaintiffs' waiting room in the courthouse four mornings each week to assist victims.

The Eric Neisser Public Interest Program is sponsoring a **Street Law in the Schools** program this semester. Students who participated in two training sessions will be partnered with local high school teachers who teach "street law" as part of their civics course. The Street Law curriculum teaches high school students the practical application of the law to their lives as well as citizenship and civic engagement skills.

The Neisser Program is hosting a Feb. 27 talk with students by Martin Guggenheim, Fiorello LaGuardia Professor of Clinical Law of NYU School of Law, who will present a chapter from his 2005 book "*What's Wrong With Children's Rights.*"

FACULTY NOTES

Dean Stuart L. Deutsch was a breakout session group leader at the ABA's Annual Deans Workshop, held Feb. 9-10 in Chicago.

"No 'Inherent Authority' Justifies Warrantless Wiretaps of Citizens," an op-ed by **Professor Frank Askin**, was published in the Jan. 2 *New Jersey Law Journal*. He wrote "An Affirmative Legacy at Rutgers Law," about the origins of the Minority Student Program and the role of the late Dean Willard Heckel in establishing the MSP, for the Jan. 22 *Star-Ledger's* "Perspectives" section.

Assistant Professor Neil H. Buchanan is a Scholar in Residence at NYU School of Law this semester. On Jan. 26 he presented "Should We Adopt William Vickrey's Cumulative Averaging Income Tax System? Progressivity and Simplicity in Tax Reform" at the NYU Law Colloquium on Tax Policy and Public Finance.

Professor Cynthia Blum's "The Flat Tax: A Panacea for Privacy Concerns?" was published in the June 2005 *American University Law Review*.

“Déjà vu All Over Again: The False Dichotomy Between Sanctity of Life and Quality of Life” by **Professor Norman Cantor** was published in the Fall 2005 *Stetson Law Review*. The article is an adaptation of a talk presented at Stetson in Spring 2005 as part of a symposium on the Terri Schiavo case.

Clinical Professors Laura Cohen and **Randi Mandelbaum** will present a paper on March 17 at the Symposium on Law and Adolescence, co-sponsored by the *Temple Law Review* and the Juvenile Center of Philadelphia. The symposium will consider “The Legal Status, Rights, and Responsibilities of Adolescents in the Child Welfare, Juvenile, and Criminal Justice Systems.”

Associate Professor Donna Dennis presented “Anthony Comstock and Obscenity Prosecutions in Reconstruction Era New York” at Yale Law School on Feb. 14.

“Animals: Our Moral Schizophrenia” is the title of a university-wide lecture to be delivered by **Professor Gary Francione** at Bucknell on March 7.

Associate Professor Suzanne Goldberg will present “Constitutional Adjudication, Civil Rights, and Social Change” on Feb. 27 at Hofstra Law School as part of its spring faculty workshop series, and “A Historical Guide to the Future of Marriage for Same-Sex Couples” at the *Columbia Journal of Gender and Law*’s Feb. 24 symposium on Sexuality and the Law.

Professor Jon Hyman spoke about the Uniform Mediation Act in New Jersey at the Feb. 1 “Hot Topics in ADR” symposium sponsored by the *Conflict Resolution Law Journal*.

Clinical Professor Randi Mandelbaum has been elected to a three-year term as board member of the Clinical Legal Education Association. Mandelbaum, director of the Child Advocacy Clinic, is coach of a team of students who will participate in the first national moot court competition in the area of Child Welfare and Adoption Law, scheduled for March 10-11 at Capital University Law School, Columbus, OH.

The law library recently hosted a conference on the benefits of radio frequency identification (RFID) as well as privacy issues raised by the new technology. **Associate Dean Carol Roehrenbeck** moderated and spoke at the conference, which was co-sponsored by the New Jersey Library Association, the ACLU, and the New Jersey State Bar Association. Other speakers were Grayson Barber ’91 – First Amendment litigator and chair of the Individual Rights Section of the State Bar; Leslie Burger – president-elect of the American Library Association and director of the Princeton Public Library; Chris Calabreze – director of the ACLU’s Program on Technology and Liberty in New York; and Lee Tien – senior staff attorney with the Electronic Frontier Foundation.

On Jan. 10, the Institute on Education Law and Policy, headed by **Professor Paul Tractenberg**, convened a meeting of education policy experts to preview and discuss the Institute’s draft report, *Don’t Forget the Schools: Education Funding Considerations for Tax Reform*. The forthcoming report will examine the legal, fiscal, and historical dimensions of education funding and state tax policy; the impact of tax policy on education; and how to balance demands for education reform and tax reform. The meeting not only provided helpful comments on the draft, but also furthered the Institute’s mission to mobilize lawyers, scholars, and education practitioners to address complex and controversial issues on education law and policy.

“Juridical Racism: Culture, Citizenship, and American Constitutional Law” was presented by **Associate Professor Mark S. Weiner** at the University of Connecticut Law School on Feb. 13. On Feb. 22 he will discuss his book “*Black Trials: Citizenship From the Beginnings of Slavery to the End of Caste*” at New York City’s 92nd Street Y.

STAFF & STUDENT NEWS

Edna Baugh, Assistant Director for Clinical Administration and president of the Garden State Bar Association, was honored on Jan. 18 by the Black Law Students Association at Rutgers School of Law-Camden as a Rev. Dr. Martin Luther King, Jr. Champion for Social Justice and Equality.

“We Will All Be the Solution” by **Dennis Kim-Prieto, Reference Librarian**, has been published in the February issue of *Spectrum*, the monthly magazine of the American Association of Law Libraries.

RUTGERS-NEWARK LAW IN THE NEWS

Professor Frank Askin commented for several media about the confirmation hearings and Senate vote on Judge Samuel Alito, including Court TV’s “Nancy Grace Show,” NBC Channel 4, and UPN Channel 9. Askin was interviewed for a Dec. 29 Associated Press story on upcoming vacancies on the New Jersey Supreme Court, for a Jan. 10 *Star-Ledger* story about legal ethics, for a Dec. 12 *New Jersey Lawyer* article about pending legislation to ban SLAPP suits (Strategic Lawsuits Against Public Participation), and by the *Star-Ledger* and WPIX Channel 11 (Feb. 9) about a police officer suspended for comments made during his off-duty, stand-up comic routine.

The Associated Press contacted **Associate Dean Bernard Bell** for a Feb. 12 story on the prospects for legalized sports betting in New Jersey.

New Jersey Lawyer interviewed **Professor Jon Dubin** for a Jan. 30 article on diversity among New Jersey judges.

The Jan. 19 *USA Today* included a comment by **Associate Professor Anna Gelpert** in an article about Iraq’s restructuring of its foreign debt.

Comments by **Associate Professor Suzanne Goldberg** were included in Jan. 13 Arkansas News Bureau and Jan. 14 *Arkansas Democrat-Gazette* stories about an ACLU petition before the Arkansas Supreme Court to uphold its ruling to allow gays to serve as foster parents. Goldberg wrote an amicus brief supporting the petition.

Legal research and writing instructor Barbara Hoffman was quoted in an Associated Press Feb. 7 story on the employment rights of cancer survivors and on the American Cancer Society website on the same topic.

Visiting Assistant Clinical Professor Julia Huff commented for a Jan. 22 *Record* story about the state’s plan to sue Ford Motor Co. over toxic dumping at its Mahwah assembly plant.

Professor John Payne commented for a Feb. 10 *Star-Ledger* article on a developer's housing plan that involves affordable housing units and a Feb. 12 *Record* story on the siting of cellular towers.

Professor Jim Pope was interviewed about the New York City transit strike by several media including the Voice of America and 101.5 AM.

Associate Professor Sabrina Safrin commented for the Jan. 24 *Star-Ledger* about the patent infringement suit against the maker of BlackBerry wireless service.

The *Star-Ledger* (Dec. 16) talked to **Associate Professor Diana Sclar** about a dispute concerning part of an island in Lake Hopatcong.

The *Star-Ledger's* Jan. 12 coverage of the New Jersey Supreme Court ruling that a group of Livingston residents challenging wetlands development on neighboring property do not have the right to a hearing before an administrative law judge included a comment by **Assistant Clinical Professor Carter Strickland**. Strickland is Acting Director of the clinic, which represented the residents.

Richard Webster, staff attorney with the Environmental Law Clinic, commented for a Dec. 5 *Hazardous Waste Superfund Alert* report on the clinic's intent to sue six companies under the Resource Conservation and Recovery Act. The clinic is representing New York/New Jersey Baykeeper and Hackensack Riverkeeper. Other media include Feb. 14 *Home News Tribune* and Feb. 12 *Cranbury Press* reports on the clinic's filing of an appeal on behalf of three environmental groups opposed to an approved land swap in Monroe; Jan. 6 *Home News Tribune* and *Cranbury Press* and Jan. 12 *Sentinel* articles on the land-swap proposal; a Jan. 25 *Herald News* article on a New Jersey Supreme Court decision favoring a citizen who sued his municipality over the regular flooding of his property; and a Feb. 10 Gannett story on the licensing of the Oyster Creek nuclear power plant.

EVENTS

The law school is a co-sponsor of "**The Face of Justice: 60th Anniversary of the Nuremberg,**" a Feb. 23 symposium at the Alan and Joan Bildner Center for the Study of Jewish Life at Rutgers University in New Brunswick. For more information, contact csjl@rci.rutgers.edu.

The annual **PILF** (Public Interest Law Foundation) auction will be held on March 2. Proceeds go towards grants for students who work in public interest jobs during the summer. Contact pilf@pegasus.rutgers.edu to learn how to donate an item for the auction or make a cash donation.

The annual symposium of the **Women's Rights Law Reporter** will be held on Wednesday, March 8, which is International's Women's Day. The theme is "Women and Children Last? Feminist Perspectives on Disaster Relief & Recovery" and the keynote address will be delivered by Dr. Elaine Enarson of Brandon University in Manitoba. Following the keynote, Associate Professor Suzanne Goldberg will moderate a panel on "Lessons Learned: Gender Analyses of Past Policies and Practices." That will be followed by a panel entitled "Looking Ahead:

Advocating for Marginalized Communities in Times of Crisis,” moderated by Professor Twila Perry. For more information, contact: wrlr@pegasus.rutgers.edu.

The Alumni Association’s **Wine Tasting of South African Wines** will take place on Saturday, April 8. For more information, contact: task@andromeda.rutgers.edu.

On April 18 New Jersey Supreme Court Associate Justice Virginia A. Long ’66 will deliver the **24th 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.

On April 27 from 6 – 8 pm, the library will hold a **Friends of the Law Library** panel discussion on “After *Kelo*: Eminent Domain in Urban New Jersey.” Public Advocate Ronald Chen ’83, State Senator Nia Gill ’75 and Professors Bernard Bell and John Payne will participate. For more information, contact Associate Dean Carol Roehrenbeck at 973-353-3152 or croehrenbeck@kinoy.rutgers.edu.