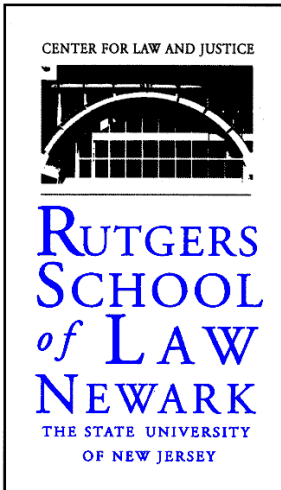


RUTGERS LAW SCHOOL NEWS

April 2006



Faculty Promotions, Appointments

Suzanne Goldberg and Mark S. Weiner have been granted tenure and promoted from Associate Professor of Law to Professor of Law. Susan Lyons '04, a member of the library faculty, has been granted tenure and promoted from Librarian III/Assistant Professor to Librarian II/Associate Professor.

Goldberg teaches Civil Procedure, Jurisprudence: Sexuality and Law, and Employment Discrimination. During the next academic year, she will be at Columbia Law School where she will direct the new Sexuality and Gender Law Clinic.

Weiner teaches Constitutional Law, Professional Responsibility, and Legal History. He won a 2005 Silver Gavel Award from the ABA for his book "*Black Trials: Citizenship From the Beginnings of Slavery to the End of Caste.*" His second book, "*Americans Without Law: The Racial*

Boundaries of Citizenship," will be published in June by NYU Press. Weiner was recently awarded a Rutgers Board of Trustees Research Fellowship for Scholarly Excellence. He is the first faculty member outside the arts and sciences to receive the award.

Lyons oversees the library's federal and state depository collections. She currently serves as president of the executive board of the New Jersey Law Librarians Association.

The faculty has approved the appointment of Clinical Professors Randi Mandelbaum and Penny Venetis to the Clinical Scholar Series. The newly-developed series is designed to promote scholarship by clinical faculty, encourage their teaching of classroom courses, and provide them with a greater role in governance of the law school. Mandelbaum is Director of the Child Advocacy Clinic and Venetis is Associate Director of the Constitutional Litigation Clinic.

Connell Foley, Sills Cummis Establish Scholarships

Connell Foley LLP and Sills Cummis Epstein & Gross P.C. have created new scholarships at the law school. The Connell Foley initiative, which has been established to demonstrate the firm's commitment to diversity in the legal profession, supports at least one scholarship and one summer internship for a Connell Foley Scholar each year. 1L Rafael Triunfel has been named the first Connell Foley Scholar.

Sills Cummis Epstein & Gross created the Charles J. Walsh Scholar Fund on behalf of the family, friends, and colleagues of the late Judge Walsh. Before his appointment to the bench, Judge Walsh was a member of the firm for 17 years. He had also been an adjunct professor at the law school. The Sills Cummis initiative supports at least one scholarship and one summer internship for a Charles J. Walsh Scholar each year.

New Report from the Institute on Education Law and Policy Addresses Tax Reform Issues

The Institute on Education Law and Policy has released *Don't Forget the Schools: Fiscal, Budget and Policy Considerations for Tax Reform*, authored by Professor Paul Tractenberg, founding director. The report is the first in a three-part series entitled *Don't Forget the Schools* that focuses on the interplay between education funding and state tax reform. The second report will focus on legal considerations for tax reform and the third on education funding

considerations for tax reform. Co-authors include Brenda Liss, executive director of the Institute; Ruth Moscovitch, consultant to the Institute and former general counsel for the Chicago Public Schools; and Alan Sadovnik, Professor of Urban Education and Public Administration, Rutgers-Newark College of Arts and Sciences, and associate director of the Institute.

In other news, the Institute is co-sponsoring a May 23 panel discussion at Educational Testing Service entitled “A Conversation on New Jersey School Funding: Past, Present and Future.” Professor Tractenberg will be one of the panelists, as will be former Gov. James Florio and former Associate Justice Gary Stein. An article by Brenda Liss entitled “Defining T & E” appeared in the January/February issue of *School Leader*, published by the New Jersey School Boards Association.

Virginia A. Long '66 (seated, right), Associate Justice of the Supreme Court of New Jersey, delivered the 24th Annual Chief Justice Joseph Weintraub Lecture on April 18. Her topic was “The Purple Thread: Social Justice as a Recurring Theme in the Decisions of the Poritz Court.” Chief Justice Deborah Poritz (seated, left) will step down from the Court later this year when she reaches the mandatory retirement age of 70. Four Associate Justices joined Dean Stuart L. Deutsch after the lecture for this photo. Left to right are: Justice James R. Zazzali; Justice Roberto A. Rivera-Soto; Justice Jaynee LaVecchia '79; and Justice Barry T. Albin.



CLINICAL PROGRAM

The **Child Advocacy Clinic** sponsored an all-day conference in Paterson for kinship caregivers on April 26. Clinic students along with students from the **Special Education Clinic** presented a workshop. On May 1 the Child Advocacy Clinic and the **Urban Legal Clinic** hosted students from Newark’s Barringer High School who participated in a Law Day mock trial in the law school’s Baker Trial Courtroom. As they have for the past several years, clinic faculty and students worked for several months with the high school students to prepare them for their appearance before Judge Anthony J. Frasca of Essex County and Newark Municipal Court.

On April 19 a trial court judge found in favor of the **Constitutional Litigation Clinic’s** argument that the electronic voting machines used in New Jersey cannot be upgraded by Jan. 1, 2008 to produce a voter-verified paper ballot, as is required by state law. On May 24 Clinical Professor Penny Venetis will ask the Appellate Division to de-commission the machines. The April 21 *Star-Ledger* and March 17 *Ledger* and *Trenton Times* covered the case.

The clinic’s Feb. 7 Appellate Division victory establishing the free speech rights of residents of private communities governed by homeowner associations continued to receive media attention. Media that interviewed Professor Frank Askin about the case included National Public Radio (Feb. 25), the *New York Times* (March 12), and the *Tampa Tribune* (March 14).

A citizens' coalition represented by the **Environmental Law Clinic** successfully petitioned the Atomic Safety and Licensing Board to participate in the relicensing proceedings for the Oyster Creek nuclear power plant. The ASLB agreed to a hearing on the coalition's concern that corrosion of the plant's radiation containment system represents a threat to the community in case of an accident. The Nuclear Regulatory Commission has yet to schedule the hearing. The clinic also has joined the State of New Jersey Department of Environmental Protection in arguing that the design of Oyster Creek, the country's oldest nuclear power plant, makes it vulnerable to attack by terrorists. Richard Webster, clinic staff attorney who is handling the Oyster Creek case, was quoted in the *Christian Science Monitor* (April 19), *Inside N.R.C.* (March 20), as well as several times in the *Asbury Park Press* and the *Record*.

The clinic has filed an appeal of the New Jersey Statehouse Commission's approval of Monroe Township's request to build a high school on county-owned park land. The appeal was filed on behalf of Park Savers, the New Jersey Conservation Foundation, and the New Jersey Public Interest Research Group. The *Star-Ledger*, *Home News Tribune*, and *Sentinel* have covered the appeal and interviewed Richard Webster for their articles.

On Feb. 28 the New Jersey Supreme Court upheld the Department of Environmental Protection's standards for cleaning up groundwater and surface water at contaminated industrial sites, rejecting a challenge by industry groups. The clinic had filed an amicus brief in support of the DEP standards, and Acting Clinic Director Carter Strickland was quoted in the *Star-Ledger* and *Record*. On April 12 the Appellate Division upheld the state's strict water protection regulations. Strickland, who represented 11 conservation and environmental groups admitted as amici curiae, was interviewed by the *Record*.

FACULTY NOTES

Professor Frank Askin received a Rutgers University Human Dignity Award for his work in establishing the Minority Student Program and helping to foster its mission for almost 40 years. On March 14 Askin discussed "Government Spying" before an audience of 200 senior citizens at the Institute of New Dimensions in Paramus. He was a panelist at the April 6 conference entitled "Every Vote Counts," which was held at Princeton University.

Clinical Professor Esther Canty-Barnes '81, Director of the Special Education Clinic, was honored by the National Association of Women Judges (District III) at its April 30 Luncheon in Celebration of the Accomplishments of Women in the Legal Profession.

On March 4 **Associate Dean and Professor Bernard W. Bell** presented "Constitutional Limitations and the Economic Torts" as a panelist for "Integration and Completion – The Torts Restatement Whole" at the University of Arizona College of Law's Economic Torts Conference.

Associate Professor Karima Bennoune has been elected to the American Society of International Law's nominating committee that will choose its new leaders. She served on the program committee for the ASIL's recent Centennial Conference, held in Washington, DC, and chaired a panel on Human Rights and Fundamentalism. Seven Rutgers law students attended the conference. On April 19 she moderated a panel at the New York Society for Ethical Culture entitled "The Best Hope for Peace in Darfur."

"The Right to Be Hurt: Testing the Boundaries of Consent" by **Associate Professor Vera Bergelson** has been accepted for publication in Vol. 75 of the *George Washington Law Review*.

Professor Emeritus Alfred Blumrosen will speak at “‘Too Pure an Air’: Law and the Quest for Freedom, Justice, and Equality,” a conference to be held June 18-20 in Gloucester, England, to mark the 250th anniversary of Justice Mansfield’s appointment as Chief Justice of England. Blumrosen will discuss the impact of Mansfield’s decision in *Somerset v. Stuart*.

Assistant Professor Neil H. Buchanan will be a visiting professor at NYU School of Law for the 2006-07 academic year. He presented papers at the 2006 Critical Tax Conference, held at Mercer University School of Law on April 7 and 8. His upcoming presentations include the Junior Tax Scholars’ Forum to be held at the University of Colorado (Boulder) in June and the Law & Society Conference in Baltimore in July. Buchanan has been invited to contribute a paper to a symposium on Social Security to be published by the *Cornell Law Review*.

“On Hastening Death Without Violating Legal and Moral Prohibitions” by **Professor Emeritus Norman Cantor** was published in the Winter 2006 issue of the *Loyola University Chicago Law Journal*. On April 25, Cantor presented argument before the First Department of the New York State Appellate Division in the Matter of Chantel R. In cooperation with the New York Association for Retarded Children, he was defending the constitutionality of the New York Health Care Decisions Act which permits guardians to make end-of-life medical decisions on behalf of mentally incapacitated retarded persons. Those medical decisions would be made according to strict standards and procedures.

Professor Claire Moore Dickerson’s article “Harmonizing Business Laws in Africa: OHADA Calls the Tune” appears in the current issue of the *Columbia Journal of Transnational Law* (44 *Colum. J. Transnat’l L.* 17). Her article “Sex and Capital: What They Tell Us About Ourselves” was published in the Fall 2005 *St. John’s Law Review*.

Professor Gary Francione was the keynote speaker at an April 7 conference on “Animals and the Law” held at Duke University Law School. His paper will be the lead article in an issue of *Law and Contemporary Problems* dedicated to animal rights and the law. On April 30 he spoke on the topic “Animals: Our Moral Schizophrenia” at the Philadelphia Ethical Society. On May 15, he will deliver the opening talk at a conference on animals and the law at the University of Valencia in Spain. On May 17, Francione will present a talk to the law faculty at the University of Madrid, and on May 18 to the law faculty at the University of Murcia.

On April 13 and 14 **Associate Professor Anna Gelpern** participated in a conference at Washington University on Government Regulation of Business. Her paper, entitled “Political Economy of Altering Standard Form Contracts: A Case Study” and co-authored with G. Mitu Gulati, will be published next fall in the *Washington University Law Review*. On March 23 Gelpern hosted a special presentation for students by Sean Hagan, general counsel for the International Monetary Fund, on “The IMF’s Role in Sovereign Debt Restructuring.” Students from the law school’s International Finance and International Business Transactions classes and from the Rutgers-Newark Division of Global Affairs attended the presentation.

“A Historical Guide to the Future of Marriage for Same-Sex Couples” by **Professor Suzanne Goldberg** was published in the Jan. 1 issue of the *Columbia Journal of Gender and Law* (15 *Colum. J. Gender & L.* 249).

The University of North Carolina Press has accepted a book proposal, entitled “*The Long*

Lingering Shadow: Law, Liberalism, and Cultures of Racial Hierarchy and Identity in the Americas,” co-authored by **Professor Tanya Hernandez** and Professor Robert Cottrol of George Washington University Law School. On April 2, Hernandez delivered a presentation at American University Law School on “Race: Law, Culture and Policy” as a panelist for “Social Justice Movements, Legal Change, and the Complexity of Subordination.” On March 31, she spoke at Columbia Law School’s conference on “Perspectives on Critical Race Theory”; on March 16 at the Latin American Studies Association conference panel on “Racism Within U.S. Latino Communities”; and on March 1 at the Law School Teaching Workshop at Yale Law School.

For the Spring 2006 semester **Professor Howard Latin** is serving as Lewis & Clark Law School’s Distinguished Environmental Law Scholar.

At a national conference held at Montclair State University on March 21, **Clinical Professor Randi Mandelbaum**, together with psychologists Susan Esquilin and Christine Baker, presented “Responding to the Impact of Complex Trauma on Children and Adolescents: An Interdisciplinary Approach.” The conference was entitled Child Maltreatment and Beyond: New Approaches and Initiatives.

Professor John Payne’s “The Paradox of Progress: Three Decades of the Mount Laurel Doctrine” was published in *5 J. Planning History* 126 (2006).

Professor Twila Perry, a member of the faculty since 1984, has been appointed Acting Director of the Minority Student Program. She teaches Torts, Family Law, and Children & Law, and writes in the area of family law with a particular interest in the intersection of critical race theory and feminist legal theory.

Professor Jim Pope is the author of “Worker Lawmaking, Sit-Down Strikes, and the Shaping of American Industrial Relations, 1935-1958,” published in the Spring 2006 *Law and History Review* (24 *Law & History Rev.* 45-113). His article “The Transit Strikers Violated No Law” is on-line at www.labor.net.org/news/0306/twulaw.htm and was also published in several union newspapers. On March 27 Pope was part of a panel of commentators at Rutgers Business School who responded to a talk on “Global Labor in the 21st Century” by Andy Stern, president of the Service Employees International Union.

On April 18 and 19 **Associate Dean and Library Director Carol Roehrenbeck** participated in the Law Library Microform Consortium executive board meeting. The topic of the meeting, held at the University of Michigan, was digital conversion projects. On April 24 she presented a program on “Privacy Issues for Library Staff” at the New Jersey Library Association annual meeting. **Reference Librarian Dennis Kim-Prieto** participated in a mentoring project with the Newark school system and sponsored by Rutgers-Newark. The library hosted more than 75 students for the March 25 Bridge the Gap program, organized by **Marjorie Crawford, head of technical and automated services**. The program, presented by the New Jersey Law Librarians Association, helps to prepare law students to make the transition from law school to practice.

Associate Dean Carol Roehrenbeck and **Professor Paul Tractenberg** have received Academic Excellence Fund awards from Rutgers University. Roehrenbeck’s award will support the development of a digital archive of affordable housing and exclusionary zoning materials from

cases that helped establish the policy in New Jersey. Tractenberg's grant will support the Institute on Education Law and Policy's study of New Jersey school finance laws and policy on school district accountability.

Findings presented by **Associate Professor Keith Sharfman** in "Judicial Valuation Behavior: Some Evidence from Bankruptcy," published by the *Florida State University Law Review* in 2005, were the cover story in the March 7 issue of *Bankruptcy Court Decisions*. The March 16 *Consumer Bankruptcy News* also reported on his research.

Professor Paul Tractenberg authored the chapter "Education" in the new book "*State Constitutions for the 21st Century: The Agenda of State Constitutional Reform*," F. Alan Tarr and Robert F. Williams, eds. (SUNY Press 206). He has received a book contract from Peter Lang Publishing Group for "*A Tale of Two States: School Finance and Educational Reform in California and New Jersey*." On April 27 Tractenberg presented a paper at the Boalt Hall School of Law symposium, "Rethinking *Rodriguez*: Education as a Fundamental Right." His symposium paper, "The Refusal to Federalize the Quest for Equal Educational Opportunity, the Role of State Courts and the Impact of Different Constitutional Theories: A Tale of Two States" has been published online by the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity at Boalt Hall. On May 16 he will make a presentation to Leadership New Jersey and on May 19 he will be inducted by the Rutgers-Newark Graduate Department of Public Administration as an honorary member of Pi Alpha Alpha, the national society for public affairs and administration.

On April 23 **Clinical Professor Penny Venetis** was honored by the Coalition for Peace Action for her work on electronic voting machines. In addition, she won an appeal in the Third Circuit permitting the *Jama* lawsuit to continue. Venetis and students in the Constitutional Litigation Clinic have represented the plaintiffs in the international human rights case since 1996. In a landmark 2004 decision, U.S. Senior District Judge Dickinson R. Debevoise ruled that abuses committed in the U.S. against the *Jama* plaintiffs, political asylum seekers detained by the U.S. and private contractors, can be prosecuted as human rights violations under customary international law.

STAFF & STUDENT NEWS

Edna Baugh, Assistant Director for Clinical Administration, has been appointed to the statewide Disciplinary Review Board for a three-year term.

Josephine Nagle has joined the development office as Development Assistant. A graduate of the University of Pennsylvania with a bachelor's degree in international relations, she had previously served as a development assistant and fund-raising volunteer in Monmouth County. Nagle also has 10 years of financial experience with leading Wall Street investment firms.

2Ls **Emily Berger, Katy Graham, and Alice Rosenthal** have been chosen for the Bergstrom Child Welfare Law Summer Fellowship program at the University of Michigan Law School. The three fellows will participate in a three-day training at the end of May at the University of Michigan Law School followed by their summer internships.

3L **Robin Bernstein** won the National Animal Law Legislative Drafting and Lobbying Competition, held on April 1-2 at George Washington University Law School. The competition

is sponsored by the Center for Animal Law, which is based at Lewis and Clark Law School. Students from across the country participated in the competition. Competitors were required to draft an amendment to the Animal Welfare Act that would ban foie gras. Rep. Jim Moran (D-VA) served as judge for the final round. Bernstein has a fellowship in the fall with the Physician's Committee for Responsible Medicine.

"Buying Cigarettes On Line Should Become More Expensive and Difficult" by 2LE **Kwangyol Bak** was published by *Pascack Valley Community Life* in its Dec. 7, 2005 issue. Bak wrote the article as one of the projects for his Internet Law class.

1L **Robbie James Vargo** has been awarded a Minority Fellow Scholarship by Lowenstein Sandler PC. In addition to a scholarship, the award includes a paid summer associate clerkship with Lowenstein Sandler. 3L **Precious Williams** has been awarded a scholarship by the Association of Black Women Lawyers of New Jersey. 3L **Christine Boyle** has received a New Jersey Association of Student Financial Aid Advisors Scholarship. 2Ls **Katy Graham** and **Emily Burger** have been awarded Jean Robertson Scholarships. 2L **LaTanya Harry** has been awarded the National Association of Women Judges (District III) Scholarship.

Five students with a demonstrated interest in developing a career in public interest law have been selected public interest fellows for the Class of 2008. **Zoraida Najarro**, **Asaf Orr**, and **Joyce Song** are the new Kinoy-Stavis Fellows. **Debra Boar** and **Sarah Wolf** were selected Wenk Fellows. Kinoy-Stavis Fellows are guaranteed enrollment in the Constitutional Litigation Clinic during their second year and an opportunity for a summer internship with the Center for Constitutional Rights. Wenk Fellows intern part-time at the ACLU of New Jersey for one semester. Both groups of fellows serve on the Public Interest Committee and help develop and promote public interest activities at the law school.

Elizabeth Kunkel, a Class of 2007 evening student, won second place for the paper she submitted to the Chief Justice John B. Doolin Writing Competition sponsored by the Supreme Court of Oklahoma, the Oklahoma Indian Affairs Commission, the Sovereignty Symposium, and the Oklahoma Arts Council.

2L **Megan Halverson** was awarded the Raymond R. Trambadore Scholarship by the Somerset County Bar Foundation.

2L **Ericke S. Cage** was elected Governor of the Third Circuit of the ABA's Law Student Division. The Third Circuit encompasses law schools in New Jersey, Pennsylvania, Maryland, and Delaware. As Governor, he will lead the implementation of all ABA/LSD's programs and initiatives within the Third Circuit. The March 13 *New Jersey Lawyer* noted the honor.

In its "Your Views" section, the April 24 *Record* published 1L **Risha Foulkes'** letter on the potential impact of proposed budget cuts on the law school.

RUTGERS-NEWARK LAW IN THE NEWS

The March 27 ceremonial swearing-in at the law school of former Associate Dean Ronald Chen as New Jersey Public Advocate and his announcement that the Public Advocate's office would focus initially on the issue of eminent domain were covered by the *New York Times*,

Philadelphia Inquirer, Star-Ledger, Asbury Park Press, Home News Tribune, Daily Record, and NJ Biz.

“Can Arabs Be Pro-Israel?” a program sponsored by the Jewish Law Students Association and other groups, was covered by the April 7 *New Jersey Jewish News*.

The **Global Legal Studies Program**, headed by Professor Emeritus Saul Mendlovitz and Professor Claire Moore Dickerson, was profiled in the Feb. 6 *Rutgers Focus*.

The *Chicago Tribune* interviewed **Professor Frank Askin** for a Feb. 20 article about a local ordinance requiring homeowners who hold private fundraisers in their homes to pay for the security costs; the *Herald News* for a Feb. 19 article on Voting Rights Act provisions that will expire next year; and the *Courier-Post* for a March 1 article on the 25th Amendment.

NJBiz interviewed **Professor Charles Davenport** for its Feb. 20 article about the Supreme Court’s upcoming decision in *DaimlerChrysler Corp. v. Charlotte Cuno et al.*, which challenges Ohio’s program of investment tax credits for companies that build capital intensive projects.

Dean Stuart L. Deutsch was interviewed for a Feb. 27 *Asbury Park Press* story about a zoning board conflict, a March 17 *Jersey Journal* article on a Hoboken eminent domain situation, and an April 28 *Star-Ledger* article about a request by the board of the American Law Deans Association to the ABA.

The *Record’s* April 12 personal finance column included a comment by **Clinical Professor Sandy Freund** about tougher IRS enforcement of low-income individuals.

The March 20 *New Jersey Lawyer* and March 27 *New Jersey Law Journal* noted that **Professor Suzanne Goldberg** authored a minority report on the state Supreme Court’s Civil Practice Committee’s decision not to eliminate the offer of judgment rule. Goldberg was quoted in March 7 *Star-Ledger* and *Record* articles about the Supreme Court decision in *Rumsfeld v. FAIR*. **Assistant Dean Elizabeth Beebe** was also quoted in the *Record* article.

The March 1 *Miami Herald* quoted legal research and writing instructor **Barbara Hoffman** in an article entitled “Grappling with Disclosure of Medical Information: Cancer Patients Face Dilemma of Sharing Medical Information at Work.”

The Feb. 19 *Herald* included a comment by **Visiting Assistant Clinical Professor Julia Huff** in writing about a ruling concerning a proposed Frankford Township outlet mall opposed by a citizens group. The Environmental Law Clinic is representing the citizens’ group.

Professor John Leubsdorf was interviewed by *Fortune* for an April 25 article about Merck’s legal strategy in defending against Vioxx suits; by the *New Jersey Law Journal* for its Feb. 27 article on a retiring judge who ruled on a case in which the plaintiff was represented by the firm he was about to join; and by the *Sentinel* (Feb. 15) on the subject of attorneys’ fees.

Professor John Payne participated in NJN’s February *Due Process* show entitled “U.S. Supreme Court: What’s Next?”

The Associated Press (March 9) contacted **Carter Strickland, Acting Director of the Environmental Law Clinic**, for a comment on a ruling on the U.S. Army Corps of Engineers' progress in assessing environmental threats posed by its project to dredge the Newark Bay/NY Harbor area. The clinic represents the Raritan Baykeeper.

The April 6 *Star-Ledger* included comments by **Professor George Thomas** on a state Supreme Court ruling that *Miranda* doesn't apply in certain emergency situations, and the March 31 *Record* on a surprise courtroom confession.

An April 8 *New York Times* article on Gov. Corzine's decision to seek a freeze in funding Abbott district schools included a comment by **Professor Paul Tractenberg**, and the *Times* quoted him on the subject of school vouchers and the Newark mayoralty race. On April 30 the *Wall Street Journal* published his letter to the editor regarding an editorial-page essay on the role of state courts in school funding issues.

Clinical Professor Penny Venetis was quoted in the April 6 *Star-Ledger* on the constitutionality of requiring residents of public housing to be fingerprinted for a security system.

EVENTS

Upcoming **Alumni Association** events include:

- May 6, 10th Reunion for the Classes of 1995 and 1996, 6:30 pm at the law school
- May 18, Alumni Reception at the NJ State Bar Association annual meeting, 5-6:30 pm at Bally's, Atlantic City
- Sept. 25, 3rd Annual Golf Outing at Baltusrol Golf Club. For details, contact senior associate director of development Rick Stempler at 973-353-3066 or golf@kinoy.rutgers.edu.

New Jersey Public Advocate and former Associate Dean Ronald K. Chen '83 will deliver the convocation address at the law school's **commencement**, to be held May 26 at the New Jersey Performing Arts Center.