

February 2008

Risha Foulkes '08 Wins Skadden Fellowship to Work With Immigrant Women

Third-year student Risha Foulkes has been named a Skadden Fellow by the Skadden Fellowship Foundation. Foulkes is one of only 35 law students from across the country selected as a Class of 2008 Fellow and the only one from a New Jersey law school. She will work with the ACLU Women's Rights Project for two years to improve workplace health and safety protections for low-income immigrant women working in agricultural and nail salon jobs in New York and New Jersey.

"We are incredibly proud of Risha and thrilled that her profound dedication to public interest law and outstanding academic performance have been recognized by one of the country's most competitive public interest fellowship programs," said Dean Stuart L. Deutsch.

Foulkes received her B.A. from the University of Chicago and her master's degree from the University of Cambridge, England. She has been an editor of the *Rutgers Race and the Law Review*, president of Law Students for Choice, and is co-founder of the Human Rights Forum.

Proskauer Rose LLP Establishes Public Interest Fellowships for Rutgers Law Students

The Newark office of Proskauer Rose LLP, an international law firm with more than 750 lawyers worldwide, has created a public interest fellowship program for students at the law school. The Proskauer initiative complements the school's Public Interest Law Foundation (PILF) summer grant program, which provides a stipend to students who forgo paid summer employment to pursue community-based work.

Proskauer will support two fellowships this summer and four fellowships for the summer of 2009. This year, the application process is open to first and second-year law students with strong academic performance and a demonstrated commitment to public service. The students will work full-time for a minimum of 10 weeks at one of the three agencies funded by Essex County Legal Services Foundation: Essex-Newark Legal Services, the Education Law Center, and Volunteer Lawyers for Justice. The recipients will also be invited to participate in the Proskauer in-house training programs offered to the firm's regular summer associates.

"Each year we have more students than we can support who would like to accept a public interest internship opportunity," said Dean Stuart L. Deutsch. "We are very grateful that, because of Proskauer's generous fellowship program, more of our students will now be able to work during the summer in the public interest legal field."

Five New Faculty Members to Join the Law School Next Academic Year

The law school's roster of nationally prominent scholars and teachers will be augmented by five new members – some already celebrated, others rising stars -- for the 2008-09 academic year.

Stuart P. Green, Louis B. Porterie Professor of Law at Louisiana State University Law Center, has published widely on topics such as corporate and white collar crime, criminal law codification, comparative criminal law, victims' rights, strict liability, justified homicide, plagiarism, and the criminal law's Special Part. One of his current projects is a monograph tentatively titled "*Property, Crime, and Morals: Theft Law in the Information Age*" (under contract with Harvard University Press). He is a member of the editorial boards of *Criminal Law and Philosophy* and the *New Criminal Law Review*.

Carlos A. Ball is currently Weiss Family Distinguished Faculty Scholar and Professor of Law at the Dickinson School of Law, Penn State University. He writes in the areas of gay rights, disability law, and property law and teaches teaches property, land use controls, the theory of property rights, and sexual

orientation and the law. He is the author of *"The Morality of Gay Rights: An Exploration in Political Philosophy"* (Routledge, 2003) and the co-editor of *"Cases and Materials on Sexual Orientation and the Law"* (with W. Rubenstein and J. Schacter) (West, 2007).

Joshua D. Blank is Acting Assistant Professor of Tax Law at New York University School of Law, where he teaches corporate tax, tax policy, survey of tax procedure, and timing issues and the income tax. His scholarship focuses on tax compliance, corporate taxation, and tax policy. In "What's Wrong With Shaming Corporate Tax Abuse," forthcoming in *Tax Law Review*, he considers the merits of proposals to apply shaming sanctions against corporations that pursue abusive tax shelters. He has authored several other articles that have appeared in journals such as *Columbia Business Law Review*, *Penn State Law Review*, and *Tax Notes*.

Adil Ahmad Haque is an associate at Debevoise & Plimpton LLP, where his work in the litigation department focuses on white-collar criminal investigations and prisoners' rights litigation. His teaching and research interests are criminal law, criminal procedure, international criminal law, sentencing law and policy, torts, First Amendment, federal jurisdiction, and Islamic legal theory. Recent publications include "Lawrence v. Texas and the Limits of the Criminal Law," 42 *Harv. C.R.-C.L. L. Rev.* 1 (2007) and "A Duty to Do Wrong? Torture, Terror, and the Inversion of Moral Principle," 10 *New Crim. L. Rev.* ____ (forthcoming, 2008).

Brandon L. Paradise is an associate in the Los Angeles office of Sidley Austin LLP, where he practices in all areas of general litigation. Previously, he was a litigation associate with Wachtell, Lipton, Rosen & Katz in New York. His primary teaching interests are civil procedure, contracts, business associations, and professional responsibility. His research interests are the relationship between legal and personal ethics, legal education, law and religion, race and the law, and the relationship between the legal profession and democracy when law becomes business.

Law School Welcomes Calvin Sharpe and Allegra di Bonaventura as Visiting Faculty

Calvin W. Sharpe and Allegra di Bonaventura have joined Rutgers as Visiting Professors of Law for the spring semester. Sharpe teaches Evidence and di Bonaventura teaches Trusts & Estates.

Sharpe is John Deaver Drinko Baker & Hostetler Professor of Law and Director of the Center for the Interdisciplinary Study of Conflict and Dispute Resolution at Case Western Reserve University School of Law. After receiving his J.D. from Northwestern, he clerked for U.S. District Judge Hubert L. Will of the Northern District of Illinois, practiced law in Chicago, and spent four years as a trial attorney with the National Labor Relations Board. He began his teaching career at the University of Virginia School of Law. Since joining the law faculty at Case Western Reserve in 1984, he has taught Evidence, Trial Tactics, Alternative Dispute Resolution, and courses in labor and employment law, and has published in all four areas. His most recent book, co-authored with other labor law professors, is *"International Labor Law"* (West, 2008).



Di Bonaventura received her J.D. from Yale Law School, where she was an editor of the *Yale International Human Rights and Development Journal*. She is currently a doctoral candidate in history at Yale University, where she was awarded a University Fellowship, Sterling Prize, and a Pew Foundation Fellowship in Religion and American History. Before law school, she was a financial analyst with Brundage, Story and Rose in New York. Her publications include "Beating the Bounds: Property and Perambulation in Early New England" in the *Yale Journal of Law & the Humanities* (19 *Yale J.L. & Human.* 115, 2007) and the book *"About Home: Master and Slave in Old New England,"* to be published by W.W. Norton & Company.

Institute on Education Law and Policy Releases Study on Shared School Services

A study by the Rutgers-Newark Institute on Education Law and Policy has found that New Jersey makes it difficult for school districts to collaborate across school and town borders. Shared-service arrangements have been promoted by legislators as critical to saving money and reducing property taxes. Numerous school districts already engage in shared services regarding administrative functions, purchasing, and

educational programming. However, the study discovered a number of impediments and disincentives to expanded cooperation, including ones in recent laws meant to encourage consolidation of services. Strong state-level leadership on the issue and minor legislative and regulatory changes to remove barriers to collaboration are recommended by the study's authors.

"Shared Services in School Districts: Policies, Practices, and Recommendations" was sponsored by the New Jersey School Boards Association. The study looked at cooperative activities among school districts, municipalities, and county governments in four counties – Bergen, Burlington, Essex, and Somerset. The Associated Press, *Star-Ledger*, and Gannett newspapers were among media that reported on the study.

The Institute, founded in 2000 by law Professor Paul Tractenberg, has also published extensive policy analyses of school funding, accountability, school choice, and other education law and policy issues.

NEISSER PUBLIC INTEREST PROGRAM

One hundred and twenty-four students and faculty made the Eric R. Neisser Program's First Annual Pro Bono Day, held on Feb. 1, a rousing success. After a breakfast supplied by Coughlin Duffy LLP, volunteers worked at organizations in Newark and surrounding communities, including Habitat for Humanity, Goodwill Mission, University High School, the William Brown Academy, the Essex County Juvenile Detention Center, the American Friends Service Committee, and Isaiah House. Students also conducted a school supplies' drive for children in foster care, a food drive, and voters' rights information leafleting. The day was organized by pro bono coordinators **Emily Rodriguez '08** and **Stephanie Scannell '09** and supervised by **Clinical Professor Laura Cohen** and **Domestic Violence Advocacy Project director Jessica Kitson**, Neisser Program co-directors.

The Class of 2010 won the inter-class contest. Competition between the Civil Procedure classes of Professor Carlos Gonzalez and Visiting Professor Gary Spring ended in a draw, with each having 45 students volunteer. The efforts of all volunteers will be celebrated this spring at a special "Rutgers Pro Bono Day" at Riverfront Stadium, courtesy of the Newark Bears.

FACULTY NOTES

Several faculty were panelists at the Annual Northeast Regional Convention of the Black Law Students Association, held in Newark Feb. 13 – 17. **Professor Twila Perry** was on the "What Else Can I Do With My J.D.?" panel; **Professors Jon Dubin** and **David Troutt** discussed "Turning Down the Big Money to Help the

Underserved"; and **Associate Dean Bernard Bell** talked about "The Art of Litigation."

Professor Cynthia Blum's article "Rethinking Tax Compliance of Unauthorized Workers After Immigration Reform" was published in the summer 2007 *Georgetown Immigration Law Journal* (21 *Geo. Immigr. L.J.* 595).

Associate Professor Karima Bennoune presented her paper "Terror/Torture" at Washington & Lee School of Law's Feb. 4 faculty colloquium. "Terror/Torture" is to be published as the lead article in the next issue of the *Berkeley Journal of International Law*. Bennoune was invited by the International Council on Human Rights Policy to serve as an expert at the Feb. 22-23 meeting in Geneva, Switzerland, on human rights and legal pluralism, and by the University of California at Berkeley School of Law/Boalt Hall to be a keynote speaker at the Feb. 29 conference, "2048: Drafting the Future of Human Rights."

The law library has posted audio and video podcasts of **Professor Vera Bergelson's** 2008 David J. Stoffer Lecture on "Autonomy, Dignity, and Consent to Harm." A reception recognizing other faculty who also are accomplished criminal law and juvenile justice scholars followed the Jan. 29 lecture.

At the January annual meeting of the Association of American Law Schools, **Associate Dean Bernard Bell** served as moderator for the Section on Administrative Law session entitled "The Administrative State and the Supremacy Clause: Federal Agency Preemption of State Tort Law." Bell is chair of the AALS section. **Professor**

Alan Hyde was a panelist for the Section on Law and Economics' discussion on "Economic Analysis of Labor and Employment Law in the New Economy" and **Associate Professor Karima Bennoune** presented the gender-related aspects of her article "Terror/Torture" at the "Gender, Class, and National Security" panel organized by the Section on Women in Legal Education.

"The Profound Influence in America of Lord Mansfield's Decision in *Somerset v. Stuart*" by **Emeritus Professor Alfred Blumrosen** was published in the 2007 symposium issue of the *Texas Wesleyan Law Review* (13 *Tex. Wesleyan L. Rev.* 645).

Reference Librarians Molly Brownfield and Dennis Kim-Prieto will present the results of their research applying Information Literacy assessments to law student populations on July 13 at the American Association of Law Libraries annual meeting in Portland, OR.

New Jersey Public Advocate Ronald Chen '83, who is on leave as Associate Dean, was named Lawyer of the Year by the *New Jersey Law Journal* (Dec. 31). A Jan. 15 *Star-Ledger* editorial called the salute "a well-deserved honor."

The U.S. Department of Justice Environment and Natural Resources Division has awarded **Assistant Professor Steve Gold** a Special Commendation for Outstanding Service in recognition of several major settlements under CERCLA and the Clean Air Act that he concluded in 2006-07. Gold was senior attorney in the division's Environmental Enforcement Section before joining the law school faculty last summer.

Associate Professor Anna Gelpern's article "Public Symbol in Private Contract: A Case Study," co-authored with G. Mitu Gulati, came out in November in the *Washington University Law Review* (84 *Wash. U. L. Rev.* 1627). *Law and Contemporary Problems* published "Odious, Not Debt" in December (70 *Law & Contemp. Prob.* 81). Gelpern presented her research on sovereign debt contracts to a corporate governance seminar

at the University of Minnesota on Feb. 6. On Feb. 16, she led the discussion on sovereign wealth funds at a colloquium, Financial Globalization and Human Rights: Defining the Research Agenda, co-sponsored by the University of Chicago, the American Bar Foundation, and the University of Illinois Center on Law and Globalization.

On Nov. 29 **Legal Research and Writing Instructor Barbara Hoffman** led a workshop on "Working Smarter with Breast Cancer" that was sponsored by Living Beyond Breast Cancer, Philadelphia.

Associate Professor Suzanne Kim will present her article entitled "Toward a Contextual Approach to Label Disputes in Family Law" at the Emerging Family Law Scholars Conference at Cardozo Law School in June. Kim was recently appointed to the New Jersey Supreme Court Committee on Minority Concerns, which addresses issues pertaining to minority access to the court system.

Adjunct Professor David Klingsberg of Kaye Scholer LLP was the counsel of record for *Warner-Lambert v. Kent*, which was argued before the U.S. Supreme Court on Feb. 25. This is one of a series of cases the Court has heard over the past few years regarding federal preemption of state common law tort law claims. The case also involves the state's regulatory compliance defense, which immunized companies that comply with statutory requirements from liability, except when they have obtained regulatory action by means of misrepresentation.

A review by **Professor Greg Mark** of Lawrence Mitchell's "*The Speculation Economy: How Finance Triumphed Over Industry*" was posted on the Dec. 16 Conglomerate blog.

Emeritus Saul Mendlovitz traveled to the University of Brisbane, Queensland, for the Feb. 8 – 11 annual meeting of Global Action to Prevent War and Armed Conflict, of which he is a founding member, and the United Nations Emergency Peace Service (UNEPS). He gave presentations on various issues related to arms

control. In March 2007, the law school hosted policy experts from around the world at a conference on establishing a standing, rapid-reaction UNEPS to help prevent genocide and crimes against humanity.

Professor George Thomas published “The Riddle of the Fourteenth Amendment: A Response to Professor Wildenthal” in the *Ohio State Law Journal* (68 *Ohio St. L.J.* 1627) and “Bigotry, Jury Failures, and the Supreme Court’s Feeble Response” in the December 2007 *Buffalo Law Review* (55 *Buffalo L. Rev.* 947). His symposium commentary “‘Truth Machines’ and Confessions Law in the Year 2046” was published in the fall 2007 *Ohio State Journal of Criminal Law* (5 *Ohio St. J. Crim. L.* 215). On Nov. 16 Thomas presented a paper entitled “When Lawyers Fail Innocent Defendants: Exorcising the Ghosts That Haunt the Criminal Justice Systems” at the S.J. Quinney College of Law, University of Utah.

Professor Paul Tractenberg has received a grant from the Rutgers Academic Excellence Fund and from the Victoria Foundation for his Institute on Education Law and Policy Project, “Reestablishing Local Control of the Newark Public Schools.” His op-eds on New Jersey fiscal problems and school funding were published by the *Star-Ledger* – “Why the rush on school aid bill?” (Dec. 30), “Reject suspect school funding bill” (Jan. 7), and “An alternative to Corzine’s dying fiscal plan” (Feb. 19). Tractenberg was a panelist at Stanford Law School’s Feb. 2 Symposium on Education as a Civil Right.

The article “Katrina’s Window: Location, Resegregation, and Equitable Regionalism” by **Professor David Troutt** was published in the January 2008 *Buffalo Law Review* (55 *Buffalo L. Rev.* 1109).

In an editorial entitled “A Tribute to Our Profession,” the *New Jersey Law Journal* (Dec. 21) praised the work of **Clinical Professor Penny Venetis** and her current and former students who successfully litigated *Jama v. Correctional Services Corp.* Venetis has been selected by the alumni association and board of trustees of Boston College Law School to receive

the David Nelson Public Interest Award. Venetis, Class of 1989, will receive the award on April 29.

STUDENT NEWS

Bertram Okpokwasili '08, president of the Student Bar Association, has been awarded the Trial Attorneys of New Jersey Scholarship for his demonstrated interest in pursuing a career as a trial attorney. The award also includes a 10-week internship designed to expose the recipient to all aspects of trial work. This year’s sponsoring firm is Sedgwick Detert Moran & Arnold LLP.

Second-year students **Andrew Englander**, **Neal Kronley**, and **Andrew Olesnycky** were semi-finalists in the regional rounds of the National Mock Trial Competition, sponsored by the Texas Young Lawyers Association, on Feb. 15-17. The students survived the three-round preliminaries to win the right to continue in the semi-final rounds. The Rutgers team ultimately was defeated in a match in which the judges hailed all participants for their excellent performance. A second Rutgers team, comprised of 3Ls **Carolyn Chu** and **Justin Schmidt** and 2L **Michael Roberts**, was narrowly eliminated in the preliminary rounds. Eighteen teams from 10 law schools took part in the regional competition, held each February in Philadelphia.

R-N LAW IN THE NEWS

The Dec. 5 *New Jersey Lawyer* included coverage of the law school’s Nov. 28 panel on the progress of women in the legal profession. The Feb. 25 issue of the magazine *Hispanic Outlook in Higher Education* featured a three-page article on the event, which was sponsored by the Women’s Law Forum. Professor Twila Perry, Associate Dean Fran Bouchoux, 3L Maritza Dominguez-Braswell, and Juilliard School general counsel Laurie Carter ’93 were among the participants quoted in the article.

Professor Frank Askin discussed “Voting Power & the Prison Nation” on the Jan. 5 internet talk radio program *Prison Nation Radio*. Askin is one of the lead attorneys in a petition urging the Inter-American Commission on Human Rights to rule that denying New Jersey citizens on parole

and probation the right to vote violates universal human rights principles. The petition by the Constitutional Litigation Clinic, which Askin directs, and the ACLU, was filed after the New Jersey Supreme Court refused to hear the case. A Jan. 17 *Star-Ledger* article about a possible violation of the Hatch Act by the City of Newark and a Feb. 5 report on a police action targeting underage drinking quoted Askin. He was also quoted in the Jan. 18 *Asbury Park Press* and other Gannett newspapers about a state Supreme Court decision regarding legally insane defendants.

The Feb. 24 *Star-Ledger* quoted **Associate Clinical Professor Charles Auffant** on Fidel Castro's resignation.

WBGO interviewed **Clinical Professor Laura Cohen** for its Dec. 21 *WBGO Journal* broadcast on the national implications of New Jersey's repeal of the death penalty. A Dec. 3 *Record* article about a possible change in juvenile laws to address growing gang violence included comments by Cohen.

Dean Stuart L. Deutsch was interviewed for a Nov. 26 *New Jersey Lawyer* article about tuition increases at law schools in the region.

Comments by **Financial Aid Coordinator Nicky Fornarotto** were included in the *National Law Journal's* Nov. 20 article about the College Cost Reduction and Access Act.

Professor Gary Francione is profiled in the article "Are We Michael Vick?" published in the winter 2008 issues of *Rutgers* magazine. The *Record* talked to him for a Dec. 15 article on the increase in veterinary malpractice complaints.

The swearing-in of **Legal Research and Writing Instructor Kim Guadagno** as the first woman sheriff of Monmouth County was covered by the *Star-Ledger* (Jan. 4).

WBGO interviewed **Clinical Professor John Kettle** regarding the lawsuit by a former prosecutor and Municipal Court judge seeking compensation from *Sopranos'* producer David Chase. He was quoted in a Feb. 15 *Asbury Park*

Press article about a small businessman's efforts to obtain a patent.

Professor Greg Mark was interviewed by the *New Jersey Law Journal* for a Jan. 15 report on the settling of a shareholders' derivative suit against Schering-Plough.

The *Star-Ledger's* Jan. 29 coverage of a proposed settlement in a federal religious discrimination lawsuit quoted **Professor John Payne**.

Professor James Pope was quoted by the *Nation* in the Jan. 21 article "Beyond the Labor Board."

Comments by **Professor Louis Raveson** were included in *Star-Ledger* articles on Dec. 14 about the reckless manslaughter retrial of former New Jersey Net Jayson Williams; on Jan. 24 about a defendant's absence during jury deliberations; and on Feb. 8 about the decision to dismiss an official misconduct case because of the precarious health of the defendant.

The *Star-Ledger* interviewed **Professor George Thomas** for a Feb. 10 article on the offering of a plea agreement to multiple defendants and a Feb. 20 article about a vehicular homicide case.

Professor Paul Tractenberg was interviewed for *Star-Ledger* (Dec. 22), *Philadelphia Inquirer* (Jan. 4), and other media coverage of New Jersey's new school funding program.

Clinical Professor Penny Venetis was featured in numerous print and broadcast stories about problems with electronic voting machines and other voting issues. Since 2004, the Constitutional Litigation Clinic, of which Venetis is associate director, has led judicial and legislative efforts to require the electronic machines used in New Jersey to produce a verifiable paper ballot. Media that interviewed Venetis include the Associated Press, WNYC radio, *New York Times*, *Star-Ledger*, and Gannett newspapers.

UPCOMING EVENTS

Clarence B. Jones, speechwriter, attorney, and confidante of Martin Luther King, Jr., as well as

an accomplished businessman and author, will deliver the **2008 Paul S. Miller Distinguished Lecture** at 6:30 pm on Tuesday, March 4. As he does in his new book, *“What Would Martin Say?”* Jones will present some current civil rights issues and, based on his unique perspective, offer what Dr. King’s responses would be.

The **Minority Student Program** will hold its 11th annual Alumni Connection Reception from 6 – 8:30 pm on Wednesday, March 5. RSVP to 973-353-5644 or egallashaw@kinoy.rutgers.edu.

March 6 is the date of the **annual auction** sponsored by the **Public Interest Law Foundation**. The auction accounts for most of the money raised each year to support students who take unpaid summer jobs in the public sector. Information about the auction schedule, grant sponsors, how to make a donation, donation items, and the dinner can be found at the PILF Auction website <http://pilf.newark.rutgers.edu/index.html>.

“Legal Gender? The Limitations of a Male/Female Binary” is the topic of the *Women’s Rights Law Reporter* March 28 symposium. Dean Spade, a visiting lecturer at Harvard Law School, will be the keynote speaker.

On April 4, the *Rutgers Law Review*, in conjunction with the Rutgers Center for the Study of Genocide and Human Rights, will hold **“The United Nations Genocide Convention: A 60th Anniversary Celebration.”** Dr. Juan Mendez, director of the International Center for Transnational Justice, will be the keynote speaker. Symposium speakers will be human

rights experts from around the world.

The **40th Anniversary Banquet** of the **Minority Student Program** will be held on Wednesday, April 9, at Nanina’s in the Park, Belleville. “Honoring Our Past to Enlighten Our Future” is the theme. Keynote speaker will be Wade Henderson ’73, executive director of the Leadership Conference on Civil Rights. In addition, there will be a special presentation to MSP’s founders and former deans. For more information, contact Elvirra Gallashaw at egallashaw@kinoy.rutgers.edu or 973-353-5644.

The Hon. Edwin H. Stern, presiding judge, Appellate Division of Superior Court, will deliver the **26th Annual Chief Justice Joseph Weintraub Lecture** at 6 pm on Wednesday, April 16. His topic will be “Frustrations of an Intermediate Appellate Judge (and the Benefits of Being One in New Jersey).” The Annual Alumni Judges’ Dinner will follow. RSVP to 973-353-1617 or tbritt@kinoy.rutgers.edu.

The Alumni Association will honor **Barry M. Kamins ’68**, president of the Association of the Bar of the City of New, and **Ann Berger Lesk ’77**, president-elect of the New York County Lawyers’ Association, on Tuesday, April 22, from 6 – 8 pm. The New York Alumni Cocktail Reception will be hosted by Debevoise & Plimpton LLP. Kamins is a partner in Flamhaft Levy Kamins Hirsch & Rendeiro. Lesk is a partner in Fried, Frank, Harris, Shriver & Jacobson LLP and head of the trusts and estates department. RSVP to 973-353-3043 or alumnimail@kinoy.rutgers.edu.