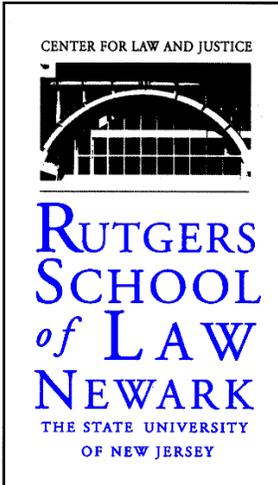


RUTGERS LAW SCHOOL NEWS

January 2007



Karima Bennoune Wins Derrick Bell Award from AALS Section

Associate Professor Karima Bennoune was selected by the Association of American Law Schools' Section on Minority Groups as the winner of the 2006 Derrick A. Bell, Jr. Award. The award, presented on Jan. 5 at the AALS annual meeting, recognizes a junior faculty member who, through activism, mentoring, collegueship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice.

"Through her teaching, scholarship, and advocacy, Karima Bennoune has advanced understanding of issues of concern to Arabs and Muslims and furthered the inclusion of more diverse voices in international justice forums," said Dean Stuart L. Deutsch.

"Karima's selection for the Derrick Bell Award is a testament to the significance of her academic, research, and activist pursuits and to the talent and diversity of the Rutgers-Newark law faculty."

Bennoune writes and speaks in the areas of human rights, women's rights, and international law and terrorism. Her article "Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression and Women's Equality under International Law" is forthcoming in the *Columbia Journal of Transnational Law*. Her human rights field missions have included Afghanistan, Bangladesh, Lebanon, Pakistan, South Korea, southern Thailand, and Tunisia. She serves on the board of directors of Amnesty International – USA and the board of trustees of the Center for Constitutional Rights.

Bennoune graduated from a joint program in law and Middle Eastern and North African studies at the University of Michigan, earning a J.D. from the law school and an M.A. from the Rackham Graduate School. She teaches International Law and a Just World Order, International Human Rights, International Law & Terrorism, and International Women's Human Rights.



Karima Bennoune with Dean Deutsch after the award presentation.

Stephen Rich Joins the Faculty as Assistant Professor of Law

Spring semester has brought the addition of Stephen M. Rich to the faculty as Assistant Professor of Law. He had most recently been associated with Cleary Gottlieb Steen & Hamilton LLP in New York, where his practice focused on securities fraud litigation, commercial torts, the First Amendment, and pro bono appellate litigation. He teaches Civil Procedure.

Rich received a J.D. from Yale Law School, where he was a senior editor of the *Yale Law Journal*. After law school, he was a Reginald F. Lewis Fellow at Harvard Law. He then served as law clerk to the Hon. Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit. His research areas include constitutional law, law and democracy, and employment discrimination.



Two Students Win Equal Justice Works Fellowships for Projects with Foster Youth

Emily K. Berger '07 and Alice Rosenthal '07 have each been awarded an Equal Justice Works Fellowship for proposing sustainable, community-based projects designed to help adolescents successfully transition from foster care. Their projects – one of which will be carried out in Los Angeles and the other in New York City – combine legal representation, advocacy, and community education efforts to address the needs of youth who have aged out or are about to age out of the foster care system.

The EJW Fellowship program, the nation's largest postgraduate legal fellowship program, places new lawyers from law schools across the country in two-year assignments at public interest organizations. Starting next September, Berger will implement her project as a Fellow at the Alliance for Children's Rights in Los Angeles and Rosenthal as a Fellow at Advocates for Children of New York.

"Educating lawyers committed to advocating on behalf of the underrepresented is an integral part of the history and mission of Rutgers School of Law-Newark," said Dean Stuart L. Deutsch. "Emily Berger and Alice Rosenthal – as students in our Child Advocacy Clinic (CAC), during internships, and through numerous volunteer activities – have clearly shown their dedication to serving the public interest."

The two students credit their Fellowships to the strong Rutgers commitment to both academic excellence and public service. According to Berger, "Rutgers-Newark law school has provided not only a tremendous opportunity to gain real-world legal experience in the Child Advocacy Clinic, but also two inspiring faculty mentors in CAC Director Randi Mandelbaum and Professor Twila Perry."

Alycia Guichard Hired as New Head of Street Law Program

Alycia M. Guichard has joined Rutgers as Supervising Attorney and New Jersey Bar Fellow for the student-initiated Street Law Program. The law school was awarded a grant by the New Jersey Bar Association to fund the position.

Guichard comes to Rutgers from Georgetown University Law Center, where, as a teaching fellow and summer law faculty member in the Street Law Clinic for two years, her responsibilities included administering and co-teaching the seminar component of the Street Law Clinic. She earned her J.D. at Fordham and her Masters of Law in Advocacy from Georgetown.



A project of the Eric Neisser Public Interest Program, Street Law was founded in the spring of 2005 by Asaf Orr and R. Emily Rodriguez, at the time first-year law students. Each week the program sends law students into Newark middle and high schools with the goals of helping them to become proficient in practical law and to become more active citizens. Supervised by Guichard, students develop lesson plans and teach classes

designed to provide knowledge of every day legal problems, and develop problem-solving skills necessary for dealing with everyday legal issues.

Generous Donors Boost Scholarship Funds

Thanks to the generosity of several alums and other friends of the law school, there are several new scholarships available to Rutgers students, including:

– ABLS Wanda Green Memorial Scholarship. Established by the Association of Black Law Students (ABLS), the annual scholarship will be awarded to full-time students with demonstrated financial need who have overcome extraordinary circumstances, including but not limited to the September 11, 2001 terrorist attacks and to Hurricane Katrina. The scholarship was

created by Donita Judge '03 in memory of her good friend, Wanda Green, a flight attendant on the United Flight 93 that crashed in Pennsylvania on 9/11.

– Elizabeth Benjamin Scholarship. Established by the Elizabeth and Baretts O. Benjamin Charitable Foundation, Inc., this scholarship will be awarded to full-time students based on significant financial need, with a preference given to female students. It is the second scholarship created by the Lasser family, which has long-standing ties to the law school.

– Ralph and Blanche Del Deo Scholarship. This endowed scholarship, established by Ralph and Blanche Del Deo, will be awarded to full-time students in their 2nd or 3rd year of law school based on academic merit. If the recipient's academic merit and financial need continue, the scholarship may be renewed for up to one year. Ralph Del Deo, Class of 1951, is a director and one of the founding partners of Gibbons, Del Deo, Griffinger & Vecchione.

– Gugig Family Scholarship. This annual scholarship was established by Michael S. Gugig '98 for part-time/evening students at the law school. It will be awarded to evening students in their 2nd, 3rd or 4th year based primarily on academic merit and secondarily on financial need.

– Martin B. Unger Scholarship. Established by Martin B. Unger '73, this annual scholarship will be awarded to full-time law students based on a combination of strong credentials and a sincere interest in becoming a trial attorney. Preference will be given to a student who is the first member of his/her family to obtain a professional school education and who hopes to enter public service, such as service in the U.S. military, a prosecutor's office, or as a public defender.

CLINICAL PROGRAM & ERIC R. NEISSER PUBLIC INTEREST PROGRAM

The **Constitutional Litigation Clinic's** lawsuit challenging free speech limitations on the residents of homeowner associations was argued by Professor Frank Askin, Director of the clinic, before the New Jersey Supreme Court on Jan. 4. Media coverage of oral arguments in *Committee for a Better Twin Rivers v. Twin Rivers Homeowners Association* included National Public Radio, the Associated Press, *Star-Ledger*, *Record*, and *Asbury Park Press*. The Jan. 3 *Record* carried an opinion piece by Askin entitled "Key free speech case hinges on New Jersey ruling," concerning the rights of residents of property owners association.

The **Environmental Law Clinic**, representing the coalition Stop Relicensing of Oyster Creek, continues to draw the attention of regulators and the public to safety, health, and environmental threats posed by the Oyster Creek nuclear power plant, the country's oldest. The clinic effort, led by Staff Attorney Richard Webster, and Visiting Assistant Clinical Professor Julia Huff, have included challenges to the Nuclear Regulatory Commission, community meetings, and a Dec. 8 symposium at the law school moderated by actor Alec Baldwin. Opposition to the relicensing of Oyster Creek, located in Lacey Township, and the clinic's representation of opponents have received coverage by, among other media, the Associated Press, the newsletters *Inside NRC* and *Nuclear News*, the *Star-Ledger*, and *Asbury Park Press*.

On January 25, 2007, a panel of the Appellate Division unanimously invalidated the Third Round fair share regulations promulgated by the Council on Affordable Housing (COAH) as inconsistent with New Jersey's *Mount Laurel* doctrine, a result that one news article described as a "stunning" reversal for COAH. The Environmental Litigation Clinic argued for invalidation on behalf of the Coalition for Affordable Housing and the Environment, the lead appellant in the case. The clinic's brief was written by Professor John Payne and former clinic attorney Susan Kraham.

In other activities, the clinic prepared a petition on behalf of the Sierra Club and other

environmental groups calling for the state to designate Toms River and its feeder streams as Category I. The petition, filed with the New Jersey Department of Environmental Protection on Nov. 1, seeks to create a wider buffer zone along those waterways in order to protect against further development. The *Asbury Park Press* and the *Press of Atlantic City* carried articles about the petition. The clinic also continues to represent conservationists opposed to Monroe Township's plan to build a high school on county-owned parkland protected by the Green Acres program. The protected land would be acquired in an exchange for township land. In the latest development, the Monroe Township board of education voted to develop a plan for an alternative site. The *Home News Tribune* is among the newspapers that have followed the issue.

The **Immigrant Workers' Rights Initiative** has been launched by the Neisser Program's Pro Bono Service Program, coordinated by Magdalena Barbarosa '07. The goal of the initiative is to educate immigrant workers about their workplace rights and provide them with the means to represent themselves in small claims court. After training by representatives from the American Friends Service Committee (AFSC) and Legal Services of New Jersey, law students will hold "Know Your Rights" clinics at AFSC in Newark for immigrant workers in northern New Jersey.

FACULTY NOTES

Reference librarians Molly Brownfield and Dennis Kim-Prieto have been awarded a grant from the American Association of Law Libraries and Aspen Publishers to study Information Literacy (IL) assessment among law students. IL measures facility with research tasks, research skills, and research documents. The grant will fund the very first project to determine whether the new Standardized Assessment of Information Literacy Skills (SAILS) is a suitable measure of IL among law student populations. Brownfield and Kim-Prieto will administer the test to 70 Rutgers-Newark law students. The grant is the first step toward their goal of designing a stand-alone IL assessment to measure research skills and abilities in law students across the nation.

On Jan. 18, **Professor Emeritus Norman Cantor** made a presentation at the Department of Ethics of St. Vincent's Medical Center, New York. The talk focused on medical decision-making for profoundly mentally disabled persons, and especially on a recent case in which parents approved growth limiting hormones and a hysterectomy for a 9 1/2 year old, profoundly mentally disabled child.

Clinical Professor Esther Canty-Barnes has been appointed to the CVS All Kids Can Advisory Council. Canty-Barnes is Director of the Special Education Clinic. The retail pharmacy formed the Advisory Council, a group of national educators and disability experts, to help guide its CVS All Kids Can program to support children with disabilities.

Associate Professor Donna Dennis has been invited to present a paper at UCLA's Legal History Workshop, to be held on Feb. 28. The title of her paper is "Flash Weeklies and the Origins of Obscenity."

Dean Stuart L. Deutsch was one of the invited honorees at the Dec. 12 92nd annual New York County Lawyers Association dinner. "Honoring Law Schools" was the dinner theme.

Associate Professor Anna Gelpern presented a paper at a Jan. 26 conference on Odious Debts & State Corruption, which was held at Duke Law School. Her paper, “Odious, Not Debt,” will be published in the *Journal of Law & Contemporary Problems*.

Professor Tanya Hernandez presented “The Law of Trusts and Critical Race Theory” at the recent annual meeting of the AALS Section on Donative Transfers, Fiduciaries, and Estate Planning.

On Jan. 18 **Legal Research and Writing Instructor Barbara Hoffman** spoke on “Cancer, Work, and Health Insurance” at a symposium sponsored by the Massey Cancer Center in Richmond, VA, for webcast through the Susan G. Komen Foundation at Komen.org. Hoffman worked with Amgen and Fleishman-Hillard Research, as part of their “Breakaway from Cancer Initiative,” to create and analyze a survey of 504 cancer survivors and 500 caregivers on their experiences with employment issues, such as the legal, financial, and emotional consequences of cancer.

“Designing a Digital Library” was the presentation given by **Associate Dean Carol Roehrenbeck** at the recent AALS annual meeting.

Associate Professor Diana Sclar spoke about “Same-Sex Relationships and the Conflict of Laws” at the *Rutgers Law Review* November symposium entitled “Same Sex Couples and ‘The Exclusive Commitment’: Untangling the Issues and Consequences.”

Professor Paul Tractenberg, founding director of the Institute on Education Law and Policy (IELP), is a frequent speaker and commentator on legal and other issues related to school funding policy. Recent activities include: a presentation with retired New Jersey Supreme Court Justice Gary Stein to State Assembly members on school funding and *Abbott v. Burke*; a lecture on the history and current status of school funding reform and school desegregation at the New Jersey Principals and Supervisors/IELP year-long certificate program; participation in the Newark Education Leaders Roundtable, a program of the R-N Institute on Ethnicity, Culture and the Modern Experience; presentation at the Madison YMCA on school funding reform and the state’s fiscal crisis; testimony at a state Department of Education hearing on its new “Report on the Cost of Education”; and a panel presentation at “Separate and Unequal: The Past, Present and Future of Segregation in New Jersey Public Schools,” a conference sponsored by the Black Ministers’ Council of New Jersey, the Center for Education Justice, and Excellent Education for Everyone.

At the recent AALS annual meeting, **Professor David Troutt** moderated the Section on Minority Groups’ panel “Hurricane Katrina: The Multiple Dimensions of Race.” He was a panel presenter at DePaul College of Law’s Jan. 15 Martin Luther King Day reflection and commemoration luncheon entitled “Unnatural Disaster: What Would Dr. King Do About Katrina?” On Feb. 5 Troutt will speak at New York University Gallatin School’s black history month program, “Stranded by Katrina: Race, Class and Vulnerability,” and on Feb. 6 he will deliver the Bergen Community College Black History Month keynote address entitled “Bridge Over Troubled Waters: Continuing America’s Dialogue on Race.”

“A New IDEA for Improving Education of Children with Disabilities in Foster Care: Applying Social Work Principles to the Problem Definition Process,” written by **Associate Clinical**

Professor Jennifer Rosen Valverde, was published in the fall 2006 issue of the *Children's Legal Rights Journal* (26 *Children's L. Rights J.* 14, 2006).

STAFF & STUDENT NEWS

Assistant Dean for Development David Condliffe is chair-elect of the AALS Institutional Advancement Section. At the section's annual meeting earlier this month, Condliffe led a panel on "Prior to the Capital Campaign – Benchmarking, Who, What, Where, When, Why, and How."

Jack Kent Cooke Scholar **Alnisa Bell '09** was pictured in an ad for the Jack Kent Cooke Foundation that ran in the Nov. 10 issue of the *Chronicle of Higher Ed.* Bell was nominated for this prestigious scholarship for high-achieving students by her alma mater, Bryn Mawr College.

Randall Brett '07 was featured in a Nov. 13 *New Jersey Lawyer* report about older law students. The article noted Brett and others had formed OWLS (Older and Wiser Law Students).

Justin Schmidt '08 is one of the Iraq war veterans profiled in the article "In Harm's Way" <http://urwebsrv.rutgers.edu/magazine/article/In%20Harm%27s%20Way/52/>, published in the winter 2007 issue of *Rutgers Magazine*.

The *Jewish Standard* interviewed **Dr. Ronald White '07** for a Jan. 18 article entitled "Profiles in courage: Striking out in a new direction." He spoke of hoping to combine his interest in both medicine and the law in his next career.

RUTGERS-NEWARK LAW IN THE NEWS

The Jan. 12 *New York Times* quoted **Professor Frank Askin** on the issue of whether New Jersey clergy members are required to perform civil unions for same-sex couples. Askin also commented for a Jan. 24 *New Jersey Law Journal* article on the state Supreme Court's upholding of a law requiring DNA samples of criminal convicts; Jan. 18 *Home News Tribune* article on whether a school board violates the Open Public Meetings Act with its frequent use of a resolution to go into a closed session; and for a Dec. 28 *Daily Record* article about President Gerald Ford's appointment of John Paul Stevens to the U.S. Supreme Court.

Associate Dean Bernard Bell was interviewed by *New Jersey Lawyer* for a Jan. 15 article on recent curriculum changes announced by Harvard Law and Stanford Law Schools.

Associate Professor Vera Bergelson and **Professor George Thomas** were quoted in the Jan. 21 *New York Times*' article "Bills Would Track Sex Offenders' Web Use." Thomas talked to the *Herald News* for a Dec. 4 article on sentencing policy and a Jan. 25 story about a Supreme Court decision regarding court-ordered DNA sampling of defendants.

Dean Stuart L. Deutsch was co-author with the deans of New Jersey's two other law schools of an opinion piece entitled "Attacks on the judiciary strike at the rule of law" that was published in the Dec. 14 *Star-Ledger*. The Jan. 18 *New Jersey Law Journal* noted that he was one of the signatories to a letter from law professors and deans criticizing the U.S. Defense Department lawyer who suggested that corporations not use law firms that represent Guantanamo Bay

detainees. The *Courier News* interviewed Deutsch for a Jan. 28 article on ordinances under consideration in several towns regarding overcrowding in rental properties.

Professor Gary Francione was interviewed for a Nov. 30 report by *National Review Online* entitled “The Animal House Falls Apart.”

A Dec. 10 *New York Times* article on changes in New Jersey divorce laws quoted **Clinical Professor Jack Feinstein**. A Jan. 21 *Herald News* story about a tenant-landlord dispute included a comment by Feinstein, Director of the Urban Legal Clinic.

Professor Tanya Hernandez wrote “Roots of Latino/black anger: Longtime prejudices, not economic rivalry, fuel tensions,” an opinion piece published in the Jan. 7 *Los Angeles Times*. The article generated interest among other media, including CNN, blackpolicy.org, KABC in Los Angeles, and WVON in Chicago.

A Dec. 17 *Star-Ledger* article included **Clinical Professor John Kettle’s** comments on trademark issues raised by an online game that lets players buy and sell fantasy versions of real places. The *Daily Record* interviewed him for a Dec. 18 story about what’s copyrighted on a municipal website.

The *Star-Ledger* covered the Dec. 4 information session held by the Child Advocacy Clinic at the Bonnie Brae residential treatment facility in Bernards Township to distribute the clinic’s new, comic book-format brochure for foster youth, “Aging Out, Don’t Miss Out.” The article quoted **Clinical Professor Randi Mandelbaum**, Director of the clinic. The Nov. 8 *Newark Targum* ran an interview with Mandelbaum about the brochure.

“Integration could get harder,” an opinion article by **Brenda Liss**, Executive Director of the Institute on Education Law and Policy, was published by the Dec. 10 *Record*.

Professor John Payne was interviewed on the subjects of affordable housing and zoning policies by NJN on Dec. 8 and the *Herald News* on Jan. 26.

A Dec. 3 *New York Times* article on proposed regulations that would increase public access to beaches included a comment by **Associate Clinical Professor Carter Strickland Jr.** The *Herald News* contacted Strickland, Acting Director of the Environmental Litigation Clinic, for a Nov. 21 story about the state’s black bear hunt policy.

Professor Paul Tractenberg was the sole guest on a Dec. 5 program on Wisconsin Public Radio about the previous day’s oral arguments before the U.S. Supreme Court regarding challenges to voluntary school desegregation programs. His comments on school aid funding and public education costs were included in a Jan. 23 *Star-Ledger* report. The Jan. 25 *New Jersey Law Journal* published his letter about its editorial “Promoting Diversity on Public Schools.” The Associated Press (Jan. 19) and *Fox 29 News* reported on a new study from the Institute on Education Law and Policy, founded by Tractenberg, concerning how the failure to increase public school funding has led to higher property taxes around the state.

The Jan. 16 *R-N Observer* featured an interview with **Professor David Troutt**
<http://www.rutgersobserver.com/media/storage/paper822/news/2007/01/16/news/2007/01/16/Ne>

[ws/Prof-Speaks.On.Race.Relations-2651747.shtml](http://www.rutgers.edu/~prof-speaks-on-race-relations-2651747.shtml) about his book, “*After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina*,” and his proposal for a more integrated approach to urban planning that would address the kind of poverty exposed by the hurricane. The book was reviewed in the Jan. 1 *Colorlines* magazine. Troutt was interviewed by Tomas Brown for radio station KGNU Colorado about Katrina and New Orleans’ continuing recovery.

Hispanic Outlook in Higher Education ran a two-page profile of **Professor Mark S. Weiner** in its Dec. 4 issue. His award-winning book, “*Black Trials: Citizenship from the Beginnings of Slavery to the End of Caste*,” was reviewed in the fall 2006 issue of the *Philadelphia Lawyer*, the quarterly magazine of the Philadelphia Bar Association. He was quoted by the Dec. 21 *Herald News* about the use by the first Muslim elected to the U.S. Congress of a Quran instead of a Bible for his swearing in, and by the Jan. 9 *Herald News* about the history of the use of “John Doe” as a placeholder in lawsuits.

EVENTS

The Hon. Esther Salas ’94, U.S. Magistrate Judge, U.S. District Court for the District of New Jersey, will be the keynote speaker and honoree at **Fiesta Con Sabor** on Thursday, Feb. 22. Sponsored by the Association of Latin American Law students, the event will be held in the Herbert Ellend Atrium beginning at 6 pm. For details, contact alals.rutgers@gmail.com.

Friends of the Rutgers Law Library will host a panel discussion on “Electronic Voting: Will Your Vote Count?” on Thursday, March 8, at 7 pm. Panelists will be Clinical Professor Penny Venetis of the Constitutional Litigation Clinic; Edward Felten, professor of computer science and public affairs at Princeton University; and Michelle Mulder, counsel to New Jersey Congressman Rush Holt. A Friends of the Rutgers Law Library reception will be held before the program at 6 pm. For more information, contact Associate Dean Carol Roehrenbeck at 973-353-3152 or croehrenbeck@kinoy.rutgers.edu.

“Behind Bars: The Impact of Incarceration on Women and Their Families” is the theme of the *Women’s Rights Law Reporter’s* annual symposium, to be held on Thursday, March 7, from 12:30 – 4 pm. The symposium will coincide with the *Reporter’s* 35th anniversary at the law school. For details, visit <http://www.pegasus.rutgers.edu/~wrlr/index.html>.

The annual **Public Interest Law Foundation Auction** will be held on Thursday, March 1, in the Herbert Ellend Atrium. This year’s event will feature silent and live auctions, as well as a sit-down dinner. All money raised through the Auction is used to fund the PILF Summer Grant program, which provides stipends to students who work unpaid public interest jobs, both domestically and globally. Information about the Auction, including how to make a donation, can be found at <http://www.pegasus.rutgers.edu/~pilf/2007auction.htm>.

New Jersey Supreme Court Chief Justice James R. Zazzali will deliver the convocation address at the law school **commencement**, to be held at 10 am on Friday, May 25, at the New Jersey Performing Arts Center in Newark.

The law school’s **Fourth Annual Golf Outing** will take place at Baltusrol Golf Club on Monday, Sept. 24. Proceeds benefit the Justice Morris Pashman Scholarship. For information about the event, contact the development office at 973-353-5094.