

May 2007

Chief Justice Zazzali Delivers Convocation Address at May 25 Commencement

The Juris Doctor degree was conferred on 258 graduates at the May 25 commencement, held at the New Jersey Performing Arts Center. The ceremony followed a bagpiper-led procession from the Center for Law and Justice to NJPAC of the graduating students, university dignitaries, faculty, and administrators.

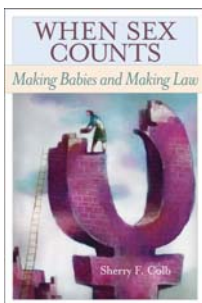
In his convocation address, the Honorable James R. Zazzali, Chief Justice of the Supreme Court of New Jersey, spoke of the “unique bond and mutual respect” between the law school and the Supreme Court due to their shared commitment to the principles of social justice. “Home to many, many brilliant legal minds and the source of many great attorneys, Rutgers is a special place,” said the Chief Justice. “I admire this school for the great job it does in preparing attorneys to enter the profession. Just as important, however, I admire Rutgers for advancing the causes that determine our worth as a society, such as civil rights, free speech, anti-discrimination, and equal employment opportunity, to name a few.”



Marvin Chirelstein, Visiting Alan V. Lowenstein Professor in Corporate and Business Law, was the faculty speaker and Antonio Gutiérrez, Class of 2007, was the student speaker.

New Book by Prof. Sherry Colb Explores Hidden Legal Issues Behind Racy Headlines

For Professor Sherry Colb, such talk-show topics as fertility clinic mix-ups and frozen embryo adoption provide an opportunity to reflect on some of the thornier issues that arise when intimate aspects of our lives intersect with the law. In her new book “*When Sex Counts: Making Babies and Making Law*” (Rowman & Littlefield), Colb dissects some of the most complicated, headline-grabbing cases and identifies reproduction and a woman’s capacity for pregnancy as central to many of them.



Colb earned her J.D. from Harvard, and clerked for Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit and for Associate Justice Harry A. Blackmun of the U.S. Supreme Court. A regular columnist for FindLaw’s Writ, she joined the faculty in 1995. Colb teaches Criminal Law, Criminal Procedure, Evidence, and Mental Health Law. *New Jersey Lawyer* (April 23) noted the book’s publication.

Prof. Anna Gelpern Presents Research at Stanford/Yale Junior Faculty Forum

Anna Gelpern, Associate Professor of Law, presented “Public Symbol in Private Contract: A Case Study,” co-authored with G. Mitu Gulati of Duke Law School, at the eighth annual Stanford/Yale Junior Faculty Forum, held at Stanford Law School on May 18-19. The paper,

which will be published this summer in the *Washington University Law Review*, was among 20 chosen on a blind basis from submissions by tenure-track faculty across the country.

“Public Symbol in Private Contract: A Case Study” explores a recent high-profile initiative to change standard form government bond contracts entered into by developing countries. Major media characterized the contract reform as a milestone in fighting international financial crises. The authors, based on interviews with more than 100 participants in the initiative, argue that the private contract form was used in this case to achieve political and reputational goals apart from the technical function of the contract term.



Gelpern is scheduled to present the same paper on July 14 at the University of Warwick Centre for the Study of Globalization and Regionalization Summer Workshop and Conference in Warwick, England, and on July 26 at the annual meeting of the Law and Society Association in Berlin, Germany, as part of the Presidential Panel on Empirical Research on Contracts.

Besides teaching at the law school, Gelpern is part of the core faculty of the Rutgers-Newark Division of Global Affairs and a visiting fellow at the Peter G. Peterson Institute for International Economics. Before joining Rutgers in the fall of 2005, she was an international affairs fellow at the Council on Foreign Relations, served in legal and policy positions at the U.S. Treasury Department, and practiced with Cleary, Gottlieb, Steen & Hamilton in New York and London.

Gelpern holds a J.D. from Harvard and a M.Sc. from the London School of Economics and Political Science. She teaches International Law, International Finance, and Commercial Law.

Prof. Jonathan Hyman Honored as ADR Practitioner of the Year by NJSBA

Professor Jonathan M. Hyman has received the 2007 James B. Boskey – ADR Practitioner of the Year Award from the Dispute Resolution Section of the New Jersey State Bar Association and was named by the section as one of New Jersey’s “Legends of ADR.” An arbitrator and mediator who specializes in litigation and alternative dispute resolution, Hyman has lectured and written extensively in the field of alternative dispute resolution. He was actively involved in the recent adoption of the Uniform Mediation Act in New Jersey.



Hyman received his LL.B. from Yale. Before joining the Rutgers faculty, he was co-director of the legal clinic at Northwestern Law School. He teaches in the Constitutional Litigation Clinic, and courses in Negotiation, Mediation, Alternative Dispute Resolution, and Contracts.

The following Rutgers-Newark law graduates also were honored as “Legends of ADR”: Hon. Herman D. Michels (Ret.) ’53, founder of the ADR Inn of Court; Bonnie Blume Goldsamt ’79, former chair of the NJSBA Dispute Resolution Section; and Samuel L. Margulies ’78, one of three founders of the Academy of Family Mediators. The May 14 *New Jersey Lawyer* ran a story on Hyman’s receiving the Boskey Award.

Prof. Robert Holmes Receives Oliver Randolph Award From Garden State Bar Association

The Garden State Bar Association will present the Oliver Randolph Award to Clinical Professor Robert Holmes, Director of the Community Law Clinic, at its 32nd Anniversary Scholarship & Awards Gala, to be held on June 2 in New Brunswick. In 1914 Randolph became the first African American admitted to the practice of law in New Jersey. He also was the first African-American assistant U.S. attorney in New Jersey and the only African American to attend the State’s 1947 Constitutional Convention.



Holmes joined Rutgers in 1997 as founding director of the Community

Law Clinic following extensive experience in private practice and public service. After receiving his J.D. from Harvard, he served as executive director of the Newark Housing Development and Rehabilitation Corporation; assistant commissioner and acting commissioner of the New Jersey Department of Community Affairs; and chief executive of the Newark Watershed Conservation and Development Corporation. In 1987 he became a partner at Wilentz, Goldman & Spitzer P.A., where he practiced corporate transactions, real estate and development, sports and entertainment law, and municipal law. He became of counsel to Medvin & Elberg in 1995.

The Garden State Bar also honored Marisa Slaten '03, an associate at Riker Danzig Scherer Hyland Perretti LLP, with its first Young Lawyer Award.

CLINICAL PROGRAM

Clinical Professor Randi Mandelbaum and students from the **Child Advocacy Clinic**, which she directs, held workshops to distribute the clinic's new manual, *Aging Out: Don't Miss Out*, to foster youth on April 16 at Stockton College and April 23 at CPC Behavioral Healthcare in Morganville. The 28-page publication covers education, health, housing, job, and other information to help foster youth successfully transition to independence. Mandelbaum recently presented the manual to professional audiences as well, including the Children in the Court Improvement Committee, Legal Services, the Model Court in Essex County, and CASA (Court Appointed Special Advocates).

The **Environmental Law Clinic** continues its efforts to oppose unpermitted solid waste stations that operate solely as a result of preemption arguments. On April 19, Associate Clinical Professor Carter Strickland, Jr. testified on the issue before the Surface Transportation Board in Washington, D.C., in hearings that included testimony from New Jersey U.S. Senator Frank Lautenberg, other public officials, railroads, and other interested parties. On May 1, Strickland filed an amicus brief on the subject in a fast-tracked litigation before the Third Circuit. As an outgrowth of the litigation and reflections on broader trends, Strickland has written "Revitalizing the Presumption Against Preemption to Prevent Regulatory Gaps: A Case Study of Judicial Tolerance of Illegal Railroad Waste Transfer Stations," which has been accepted for publication by the *Ecology Law Quarterly* of Boalt Hall School of Law, University of California, Berkeley.

The clinic successfully intervened in pending beach access litigation brought by the State against beach clubs and the Borough of Sea Bright. The motion was argued by clinic student Thomas Slocum '07 under the supervision of Strickland.

In response to a rulemaking petition filed by Strickland and clinic students on behalf of a coalition of environmental groups, the NJ Department of Environmental Protection has proposed to protect the Toms River and other rivers in the state by imposing 300-foot riparian buffers.

FACULTY NOTES

The April 13 *New Jersey Law Journal* published the op-ed "Rehnquist's Legacy" by **Professor Frank Askin**.

On March 22 **Associate Dean Bernard Bell** presented "The Five Conceptions of Privacy" at Brigham Young Law School.

Professor Cynthia Blum hosted a visit by Les Samuels, a partner at Cleary Gottlieb Steen & Hamilton LLP, to her March 21 Tax Policy class. Samuels was Assistant Secretary for Tax

Policy of the U.S. Treasury Department in 1993, and from 1994 to 1996 served as vice chairman of the committee of fiscal affairs in the Organization for Economic Cooperation and Development. He talked about his experience as assistant secretary, the tax legislative process, and the politics involved in tax policy development.

Associate Professor Donna Dennis will present a paper entitled “Free Speech and Civil Liberties in 19th-Century America: Lessons from the History of Obscenity” at the annual meeting of the Law and Society Association. The meeting will take place July 25-28 in Berlin. Dennis is a member of the program committee for the conference.

The Feb. 22 issue of *Recueil Dalloz* featured a conversation between journal editors and **Professor Claire Dickerson** on the subject of OHADA laws. The Organization for the Harmonization of Business Laws in Africa was created to unify business laws in the 16 largely French-speaking OHADA countries. Dalloz is the principal French legal publisher.

Associate Professor Anna Gelpern is scheduled to present her paper, “Odious, Not Debt,” at the Mellon Sawyer Seminar on Debt, Sovereignty and Power at the University of Cambridge, England, on Sept. 19-21. The paper will be published this summer as part of the Law & Contemporary Problems symposium on Odious Debt. Her article, “Wal-Mart Bank in Mexico: Money to the Masses and the Home-Host Hole,” was published in May in a symposium issue of the *University of Connecticut Law Review*.

“Latino, African-American Violence on Rise Since riots” was the topic of **Professor Tanya Hernandez’s** April 29 op-ed in the *Los Angeles Daily News*. Hernandez participated in an April 26 panel discussion on “15 Years After the L.A. Civil Unrest: Lessons Learned?” which was held in New York and sponsored by Korean Americans for Political Advancement and the Asian American Alliance of Columbia University. At Santa Clara University School of Law’s April 20 Gender and Law Conference, she presented “The Stories in Numbers: Sexual Harassment and Statistical Racial Disparity.” In May, she delivered a paper presentation on “Racial Segregation and Affirmative Action Litigation in Brazil” at the Federal University of Rio de Janeiro; “Latin Americanization of U.S. Race Relations” at Pontificia Catholic University of Rio de Janeiro; and “Color Discrimination in the U.S. Labor Market” at the Lat-Crit South-North Exchange on Theory, Culture and Law Conference on Race & Color Across the Americas: Comparative Constructions of Racial and Ethnic Subjugation.

Clinical Professor John Kettle was a panelist on a program at Seton Hall Law School about changes in the music industry over the last 30 years and the impact of digital technologies on the future of the music and recording industry. Kettle also served as moderator for “A Day in the Life of an Entertainment and Sports Law Professional,” co-sponsored by the New Jersey State Bar Entertainment & Sports Law Section, Lowenstein Sandler PC, and the Seton Hall Entertainment & Sports Law Society.

“The Roles of Procedure” was the title of **Professor John Leubsdorf’s** May 21 keynote address at a conference on The Role of Procedure in Applying Justice. The conference was hosted by the University of Haifa and the Institute of Advanced Judicial Studies in Israel.

“Free Labor Today,” written by **Professor James Gray Pope**, Peter Kellman and Ed Bruno, has been published in the spring issue of *New Labor Forum* (16 *New Labor Forum* 8, 2007).

On April 16 **Associate Professor Diana Sclar** spoke on “The Role of Federal Judges in Interpreting the Constitution” as part of the South Orange-Maplewood Adult School’s Eva Samo Lecture series.

Associate Professor Keith Sharfman has published two new articles – “Contractual Valuation Mechanisms and Corporate Law” in the *Virginia Law & Business Review* (2 *Va. L. & Bus. Rev.* 53, 2007) and “The Law and Economics of Hoarding” in the *Loyola Consumer Law Review* (19 *Loy. Consumer L. Rev.* 179, 2006).

Emeritus Professor Alfred Slocum, Class of 1970, will receive the Excellence in Education Award from Babyland Family Services, Inc. at its Seventh Annual Gala Dinner, to be held on June 14. U.S. Senator from New Jersey Robert Menendez, Class of 1979, will receive Babyland’s Change the World Leadership Award.

Carter Strickland, Jr., Associate Clinical Professor and Acting Director of the Environmental Law Clinic, served on a moot court panel along with former New Jersey Supreme Court Justices Alan Handler and James Coleman that prepared New Jersey Public Advocate Ronald Chen for an eminent domain argument before the Supreme Court on April 26. Strickland and **Staff Attorney Richard Webster** spoke about “Legal Approaches to Open Space Preservation” as part of a program at the 11th Annual Land Conservation Rally, held in New Brunswick on April 28.

On April 6, **Professor George Thomas** presented a paper on police deception during interrogation at the first annual Criminal Procedure symposium at Texas Tech University School of Law. Thomas and co-author **Mark Greenbaum ’05** published “Justice Story Cuts the Gordian Knot of Hung Jury Instructions” in the *William & Mary Bill of Rights Journal* (15 *Wm. & Mary Bill of Rts. J.* 927, 2007). Thomas and Richard Leo of the University of San Francisco School of Law received a contract from Oxford University Press to publish a book on the history, present, and future of the law of confessions.

STAFF & STUDENT NEWS

On March 29 **Alycia M. Guichard, Supervising Attorney and New Jersey Bar Fellow** for the Street Law Program, discussed her success in the legal profession at the 25th anniversary celebration of the communications and media arts curriculum at Westchester Community College. On May 4 she served as faculty for the Street Law Program training sponsored by the Baltimore City Taskforce on the Needs of Girls. The New York State Judicial Institute has invited Guichard to speak and to put together a panel of former foster youth for a regional Summit on Children that it will conduct on five dates this summer. At a July 13 conference on the New York City Family Court, she will participate in a roundtable discussion on recommendations to the Family Court from a national perspective.

Reference Librarian Dennis Kim-Prieto received the Minority Leadership Development Award for 2007 from the American Association of Law Libraries. The award will fund his travel to the AALL Annual Meeting, to be held July 11-14 in New Orleans, where he will co-ordinate a program entitled “A Closer Look: Uncovering the Spanish Roots of Louisiana Civil Law.” Also at the meeting Kim-Prieto, who will step down as chair of the Latino Caucus, will become a member of the AALL Copyright Committee.

First-year student **Asha Abraham** was selected by Sills Cummis Epstein & Gross P.C. as the first Charles J. Walsh Scholar. The law firm established the Scholar Fund on behalf of the family, friends, and colleagues of the late Judge Charles J. Walsh who, prior to his appointment to the Superior Court of New Jersey, Bergen County, was a member of the firm for 17 years. Judge Walsh was also an adjunct professor at the law school. Abraham was chosen for her academic promise, leadership qualities, interest in pursuing a career in complex litigation, and long-standing desire to be a lawyer.

Steven E. Gross, managing partner of Sills Cummis Epstein & Gross, stated: “We take great pride in honoring Chuck Walsh by creating this scholarship fund and encouraging and supporting Rutgers School of Law by assisting and mentoring students such as Ms. Abraham. Chuck was a mentor to many young lawyers and we feel that through this scholarship fund, we are continuing his legacy.”



Asha Abraham, recipient of the Charles J. Walsh Scholar award, with (l-r) Thomas Demski, Margaret Black, and James Hirschhorn, all members of the firm at Sills Cummis Epstein & Gross.

The New Jersey Law Journal (April 23) and *New Jersey Lawyer* (April 30) reported on the scholarship.

“Atlantic Recording Corporation v. XM Satellite Radio: A Brief Analysis of the Case and Its Implications for U.S. Copyright Law” by **Lyle Preslar '07** has been published by the *Vanderbilt Journal of Entertainment and Technology Law* (9 *Vand. J. Ent. & Tech. L.* 541, 2007). The paper was one of the top winners in the Grammy Foundation Entertainment Law Initiative 2007 Writing Competition.

The *Albany Law Journal of Science & Technology* (17 *Alb. L.J. Sci. & Tech.* 213, 2007) published a comment by **Linda A. Rushnak '07** entitled “Is Voice Over Internet Protocol (VOIP) Subject to Regulation Under the Telecommunications Act of 1996?”

Ron White, a medical doctor and a member of the Class of '07, was profiled by the *Star-Ledger* (April 26) and the *Northern Valley Suburbanite* (April 18).

RUTGERS-NEWARK LAW IN THE NEWS

The April 23 *New Jersey Lawyer* ran an article about the 25th Annual Chief Justice Joseph Weintraub Lecture, delivered on April 18 by retired Chief Justice Deborah T. Poritz. Her topic was “The New Jersey Supreme Court: A Leadership Court in Individual Rights.”

The April 27 *New Jersey Law Journal* published a photo of Chief Justice Poritz accepting a commemorative plaque from Dean Stuart L. Deutsch. The May 26 *Star-Ledger* included a quote from Chief Justice James R. Zazzali’s convocation address and the May 29 *New Jersey Law Journal* ran a photo of Justice Zazzali in the graduation procession.

The *Asbury Park Press* quoted **Professor Frank Askin** in its May 12 editorial calling for the Ocean Grove Camp Meeting Association to reverse its ban on same-sex civil unions at the town's boardwalk pavilion. He was quoted by the May 2 *Home News Tribune* about a proposed South Amboy ordinance directed at underage drinking on private property; by the April 1 *Star-Ledger* about Morristown's plan to deputize some of its police officers as federal immigration officers; by the *Record* and *1010 WINS* on March 29 about a public apology required as part of a defamation lawsuit settlement; and by the March 20 *Star-Ledger* about an indictment brought against an "electronic Peeping Tom." The *Courier-Post*, *101.5 FM*, and *Manchester Times* covered the May 21 Trenton conference he organized on homeowner associations. Askin and **Professor Louis Raveson** were interviewed for a May 6 *Star-Ledger* article about unconstitutional statutes that remain in law books or online because they have not been repealed by the legislature.

Associate Dean Bernard Bell talked to the *New York Times* for a May 5 article about the disclosure by the head of the New Jersey state troopers union of personal information about *101.5 FM's* "Jersey Guys." An article in the April 7 *Guam Pacific Daily News* about banning Guam public school system employees from visiting an online news forum cited his March 2001 *Federal Communications Law Journal* article "Filth, Filtering, and the First Amendment: Ruminations on Public Libraries' Use of Internet Filtering Software."

Associate Dean Fran Bouchoux discussed diversity at the law school in the *Star-Ledger's* April 22 report on the purchase by McElroy, Deutsch of an equity stake in the Hispanic-owned law firm Espinosa & Espinosa.

Clinical Professor Laura Cohen commented for the *Star-Ledger's* May 31 article about a lawsuit charging Target with illegally sharing information with a data broker about a former employee's arrest when she was a juvenile.

101.5 FM interviewed **Professor Sherry Colb** on April 5 about the possible impact on drunk driving convictions if the New Jersey Supreme Court finds that the Alcotest is unreliable. *Fox News* included her comments in an April 13 broadcast about a controversial child molestation conviction in Georgia.

The May 30 *Cameroon Tribune* reported on the visit of **Professor Claire Moore Dickerson** to a meeting of the Douala council. Douala is the largest city in Cameroon. Dickerson is a permanent visiting professor at Cameroon's University of Buea.

An April 22 *Philadelphia Inquirer* story about pet owners seeking damages for emotional distress after their pets died from contaminated food included a comment by **Professor Gary Francione**.

Associate Professor Anna Gelpern was interviewed about "vulture funds" by the Seton Hall radio station 89.5 FM WSOU for its international news show "Global Current."

The issue of whether English should be the official language of the U.S. was discussed by **Professor Tanya Hernandez** on the March 27 Santita Jackson Show (*WVON 1690 AM*).

Legal Research and Writing Instructor Barbara Hoffman was quoted in the May 20 *Boston Globe* in an article entitled "Working Your Way Through Cancer."

A May 31 *Record* article about the U.S. Supreme Court decision upholding a time limit in which employees can sue for employment discrimination included comments by **Professor Jonathan Hyman**.

A May 29 *New Jersey Law Journal* article about a dispute between the New Jersey Turnpike Authority and video-sharing websites over a surveillance video from a Garden State Parkway tollbooth included a comment by **Clinical Professor John Kettle**.

A May 12 *Star-Ledger* article about an ethics complaint filed against New Jersey Supreme Court Justice Roberto Rivera-Soto included a comment by **Professor John Leubsdorf**.

Professor John Payne commented for the May 17 *Star-Ledger* about the rejection by a municipal board of a Hindu temple's expansion plans; for the March 14 *Star-Ledger* on the state Supreme Court decision allowing first responders to sue if they've been injured answering an emergency call; and for the May 22 *Herald News* about an appellate ruling regarding the affordable housing responsibility of the New Jersey Meadowlands Commission.

The *Star-Ledger* interviewed **Professor Louis Raveson** for a March 26 article on the evidence presented in a murder trial.

New Jersey Lawyer talked to **Assistant Dean Andy Rothman** for a May 14 article about the ethical issues of a lawyer's help-wanted ad.

Associate Professor Keith Sharfman talked to the *Press of Atlantic City* for an April 28 story about a bankruptcy case.

Staff Attorney Kathleen Shrekgast of the Environmental Law Clinic commented for a May 13 *New York Times* article on plans to widen the Garden State Parkway. The clinic is representing the Tri-State Transportation Campaign, a transportation advocacy group, in its discussions with the State over the proposed project.

Associate Clinical Professor Carter Strickland Jr., Acting Director of the Environmental Law Clinic, was interviewed for the April 9 *New Jersey Lawyer* about the impact of the U.S. Supreme Court decisions in *Environmental Defense v. Duke Energy* and *Massachusetts v. EPA*. He commented for the April 25 *Ocean County Observer* about the New Jersey Department of Environmental Protection's proposal, in response to a clinic petition, to increase clean water protections for the Toms River and other waterways. The *Courier-Post* interviewed Strickland for a March 19 report on federal preemption of state and local regulation of rail transfer facilities.

The *Star-Ledger* (May 20) included comments by **Professor George Thomas** about a case in which charges of a violation of attorney-client privilege have been raised and the *Home News Tribune* (April 25) a possible appeal in a murder case.

In an article entitled "Wonder Woman: Crusading lawyer fights for the underdog," the *Star-Ledger* profiled **Clinical Professor Penny Venetis** as its May 6 "I am New Jersey" feature. Venetis was quoted in *New York Times*, *Star-Ledger*, and *Asbury Park Press* articles about the Constitutional Litigation Clinic's lawsuit calling on the State to decommission New Jersey's electronic voting machines.

The May issue of *New Jersey Monthly*, in a major feature on the controversy surrounding the relicensing application for the Oyster Creek nuclear power plant, noted the role of the Environmental Law Clinic in representing opponents of the relicensing. The article included several comments by clinic **Staff Attorney Richard Webster**. Webster also was quoted in the *Asbury Park Press* and *Press of Atlantic City* about the clinic's Oyster Creek work, and by the *Cranbury Press* about the clinic's appeal of decision approving a land swap in Monroe Township.

UPCOMING EVENTS

The law school will host an Alumni Weekend on June 9 and 10. The Class of 1997 is invited to a 6:30 – 9:30 pm cocktail reception on Saturday, June 9, at the law school. The following day the Class of 1957 will gather for an 11:30 am brunch to celebrate its 50th reunion. A tour of the law school is scheduled one hour before each of the events. For more information, contact Tamara Britt, senior alumni relations officer, at alumnimail@kinoy.rutgers.edu or 973-353-3043.

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 or golf@kinoy.rutgers.edu.