

November 2007

Alumni Association Honors Bathgate, Biberman, and Genova at Annual Dinner

The Nov. 1 Annual Alumni Recognition Dinner attracted a record 450 people to the Hilton at Short Hills to honor the accomplishments of Lawrence E. Bathgate, II '64, Angelo J. Genova '78, and Nancy Biberman '73. Bathgate, president and senior partner of Bathgate Wegener & Wolf, P.C., and Genova, senior partner of Genova Burns & Vernoia, each received a Distinguished Alumnus Award. Biberman, founder and president of the New York City-based Women's Housing and Economic Development Corporation (WHEDCo), received the Fannie Bear Besser Award for Public Service.

Gov. Jon Corzine presented the award to Genova and former Gov. Thomas H. Kean presented the award to Bathgate. Daniel L. Greenberg, head of pro bono practice



Bathgate, Biberman, and Genova.

at Schulte Roth & Zabel LLP and former president of the New York Legal Aid Society, presented the award to Biberman.



At the awards dinner are (l-r) Alumni Association president Louis Sapirstein '94, Dun & Bradstreet; honorary dinner co-chairs Marc E. Berson '68, chairman of the Fidelco Group, and Anthony R. Coscia '84, partner at Windels Marx Lane & Mittendorf LLP and chair of the Port Authority of New York and New Jersey; and dinner chair David S. Garber '88, president of Princeton Legal Search Group LLC.

Rutgers Clinic Wins Damages for Political Asylum Seekers Abused in NJ Detention Center

In a Constitutional Litigation Clinic case that established new precedent in the area of international human rights law, a unanimous jury awarded a former political asylum seeker \$100,001 in damages for abuses she suffered at a privately-run detention center in Elizabeth, NJ. Eight of the nine plaintiffs in *Jama et al. v. Esmor Correctional Services, Inc.* settled with the prison company over the course of the six-week trial. The jury, finding the prison company and its officers negligent in hiring, training, supervising, and retaining guards, awarded the remaining defendant \$100,000 in compensatory damages. In the first judgment ever in a Religious Freedom Restoration Act suit, the jury also awarded her \$1 for violation of her rights under the statute.

Interviewed about the verdict by the *Star-Ledger* (Nov. 14), Clinical Professor Penny Venetis, who tried the case, said, "I think it's critical for the public to know that when corporations violate human rights they will be called to task, and we have called them to task." The case has been handled by the Rutgers clinic faculty and students since 1996.

The plaintiffs, political asylum seekers from Africa and Asia, were subjected to severe physical and psychological abuse in the detention center, where they were held while their asylum claims were processed. The jury did not find, however, that the abuses rose to the level of human rights violations under international law. In two earlier opinions in the case, U.S. District

Judge Dickinson R. Debevoise ruled that abuses committed in the U.S. against political asylum seekers detained by the U.S. government and private contractors can be prosecuted as human rights violations under non-treaty-based customary international law and that private corporations doing business with the U.S. can be sued for human rights violations.

Professor Jon Dubin Receives Stanley Van Ness Leadership Award in Public Interest

New Jersey Applesseed Public Interest Law Center presented Professor Jon C. Dubin with the Stanley Van Ness Leadership Award in Public Interest at its Oct. 22 awards gala. “We are very pleased that New Jersey Applesseed selected Jon Dubin to receive this award,” said Dean Stuart L. Deutsch. “As a teacher, attorney, and administrator, Jon is dedicated to fostering our historic commitment to excellence in the profession and public service that inspired Stanley Van Ness when he was a Rutgers law student more than 40 years ago.” The Nov. 2 *Star-Ledger* noted the award.



Dubin, who joined the faculty in 1999, is Professor of Law, Alfred C. Clapp Public Service Scholar, and Director of Clinical Programs. In 2002, the National Equal Justice Library selected his article “Torquemada Meets Kafka: The Misapplication of the Issue Exhaustion Doctrine to Inquisitorial

Administrative Proceedings” as one of the 20th century’s outstanding articles about equal justice for lower-income persons. The U.S. Supreme Court twice cited the article in *Sims v. Apfel* (2000), a case in which Dubin was co-counsel, principal drafter of the petitioner’s main brief, and principal strategist of the petitioner’s position in this successful appeal.

Symposium, Panel Presentation Bring Top Pharmaceutical Patent Law Experts to Rutgers

Some of the leading voices in intellectual property law from the judiciary, academy, private practice, business, and government spoke at the Oct. 16 “Patent Law and Pharmaceuticals Symposium,” the first in a series of annual conferences sponsored by the law school’s new Center for Law, Science, and Technology. Top IP attorneys from private and corporate practice attended the symposium, which was underwritten by Weil, Gotshal & Manges LLP.

Speakers included: the Hon. Timothy B. Dyk, U.S. Court of Appeals for the Federal Circuit; the Hon. Sidney Harris (Ret.), U.S. International Trade Commission; the Hon. John C. Lifland (Ret.), U.S. District Court for the District of New Jersey; attorneys from the pharmaceutical and biotechnology industry; law professors from Georgetown and Duke; and IP and international trade lawyers from private practice. Associate Dean Gregory Mark, Associate Professor Sabrina Safrin, and Adjunct Professor Nicholas Groombridge moderated.

On Nov. 12, Adjunct Professors Groombridge and Sandra Bresnick held their second annual Pharmaceutical Patent Panel. Groombridge, a partner and co-chair of the patent litigation practice at Weil, Gotshal & Manges, and Bresnick, a partner in the intellectual property practice at Sidley Austin LLP, co-teach Pharmaceutical Patent Law.

Pharmaceutical Patent Panel speakers (l-r): Jeffrey Myers, Pfizer Inc.; Michael Davitz, Axinn, Veltrop & Harkrider LLP; Lisa Jakob, Schering-Plough Corp.; Rachel Mears, Forest Laboratories, Inc.; and moderators Sandra Bresnick and Nicholas Groombridge.



Law School Hosts Reception for International Women Judges

More than a dozen women judges from Taiwan, Korea, Nepal, and Ukraine were welcomed by law school faculty, administrators, and students at a special reception on Nov. 6. The international judges were visiting the U.S. in connection with the annual conference of the National Association of Women Judges (NAWJ), held Nov. 7 – 11 in Philadelphia. Each of the visiting judges spoke briefly about her particular judicial perspective and the group presented Dean Stuart L. Deutsch (front row, 3rd from right) with the five volumes of *Republic of China Constitutional Court Reporter*. New Jersey Supreme Court Justice Barry Albin (front row, 2nd from left) also greeted the judges. Others shown include (front row, left) Hon. Sue Pai Yang '84, chair of the International Judges Committee of the NAWJ National Convention; (front row, 3rd from left) Nepal Supreme Court Justice Sharada Shrestha, the first female judge of Nepal; (back front, left) Adjunct Professor Barry Evenchick '63, Walder, Hayden & Brogan; and (back row, 5th from left) Associate Professor Karima Bennoune.



CLINICAL PROGRAM

Environmental Law Clinic Reaches Settlement in Harbor Dredging Project Suit

Advocacy by the Environmental Law Clinic contributed to a court-approved settlement by the U.S. Army Corps of Engineers to adopt strict new environmental safety measures for dredging dioxin-contaminated Newark Bay. Attorneys from the Rutgers clinic represented NY/NJ Baykeeper, one of three plaintiffs in a lawsuit filed against the Corps in January 2005. The settlement is intended to help ensure that the dredging, part of a 10-year project by the Corps and the Port Authority of New York and New Jersey to open the harbor to larger container ships, does not spread the contamination into surrounding waterways and undermine ongoing environmental remediation efforts in and around Newark Bay.

FACULTY NOTES

“Turning back the clock on voting rights,” an op-ed by **Professor Frank Askin**, was published by the *Record* on Sept. 27.

Associate Dean Bernard Bell served as moderator for the Oct. 25 session entitled The Unitary Executive Theory Revisited – The Presidency in Challenging Times, held in Washington, DC at the Administrative Law Conference, ABA Section on Administrative and Regulatory Affairs. At the same conference, he presented “Developments in Constitutional Law” as a part of an Oct. 26 panel on Developments in Administrative Law. On Oct. 18 he was a panelist for “The Model

State Administrative Procedure Act” at the annual conference of the National Association of the Administrative Law Judiciary.

On Oct. 11 **Associate Professor Karima Bennoune** presented her paper “Terror/Torture” to the Human Rights Workshop of the Orville Schell Human Rights Center at Yale Law School. She returned to Yale Law School to participate in an Oct. 31 panel discussion on “Veiling and the Law.” On Nov. 16, Bennoune presented “Terror/Torture” in the seminar series of the certificate program in terrorism studies at the John Jay College of Criminal Justice, Center on Terrorism. Her student note, “As-Salaamu Alaykum?: Humanitarian Law in Islamic Jurisprudence” will be reprinted in *The Library of Essays in International Law – International Law and Islamic Law* (Mashood Baderin, ed., forthcoming 2008).

The Oct. 2 *New York Law Journal* published a letter to the editor entitled “Process of Going to War Needs Review” by **Emeritus Professor Alfred Blumrosen** and Steven M. Blumrosen.

Associate Professor Donna Dennis participated in the law school’s Nov. 13 panel discussion with Ursula Wynhoven of the United Nations Global Compact on the topic “Corporate Social Responsibility: Corporate Behavior Meets Human Rights.” Presented by the Public Interest Fellows Forum, the discussion was co-sponsored by the Eric Neisser Public Interest Program, the Human Rights Forum, and the International Law Society.

Professor Gary Francione’s symposium article “The Use of Nonhuman Animals in Biomedical Research: Necessity and Justification” was published in the summer 2007 issue of the *Journal of Law, Medicine & Ethics* (35 *J.L. Med. & Ethics* 241).

On Nov. 1 **Associate Professor Anna Gelpern** presented her paper “Domestic Bonds, Credit Derivatives, and the Next Transformation of Sovereign Debt” to the University of Pennsylvania Christopher H. Browne Center’s Sovereign Debt Seminar. She delivered her paper “Culture, Identity, and Contract Boilerplate” at the American Society of Comparative Law annual meeting, held at Cornell University Law School on Nov. 9.

Kim Guadagno, Legal Research and Writing Instructor, has been elected Sheriff of Monmouth County, the first woman to hold that position.

Legal Research and Writing Instructor Barbara Hoffman spoke at an online program produced by breastcancer.org and entitled “Ask-the-Expert Online Conference: Working During Treatment.”

On Sept. 30 **Professor Jonathan Hyman** led a panel discussion at the Marie Garibaldi American Inn of Court on the issue of new ethical opinions in New Jersey governing lawyers and mediation. On Oct. 19 he gave a talk entitled “How to Behave in a China Shop: Lawyers’ Work in Mediation” at the 2007 Dispute Resolution Works in Progress Conference, held at Marquette University Law School.

Clinical Professor John Kettle was a panelist for a Nov. 5 program at Seton Hall Law School on “Intellectual Property Law and the Arts.”

“En la tierra del ciego, el tuerco es rey: Problems with Current English-Spanish Legal Dictionaries and Notes Toward a Critical Comparative Legal Lexicography” by **Reference**

Librarian Dennis Kim-Prieto has been accepted for publication in the spring 2008 issue of the *Law Library Journal*.

Professor John Leubsdorf's essay "Preliminary Injunctions: In Defense of the Merits" was published by the *Fordham Law Review* in its October 2007 issue (76 *Fordham L. Rev.* 33).

On Oct. 18 **Professor James Pope** spoke about "Freedom of Labor Under the United States Constitution, 1865-2007" as a panelist at the North American Labor History Conference, held at Wayne State University.

The board of governors of the National Conference of Bankruptcy Judges has appointed **Associate Professor Keith Sharfman** to the editorial advisory board of the *American Bankruptcy Law Journal*.

The October 2007 issue of the *Boston University Law Review* published "Reforming the Gift Tax and Making It Enforceable" (87 *B.U.L. Rev.* 759) by **Adjunct Professor Jay A. Soled** and Mitchell M. Gans.

On Sept. 16 at the Annual Brooklyn Book Festival, **Professor David Troutt** read from his novel "The Importance of Being Dangerous" as part of a panel of new crime novelists. His 2006 book "After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina" is now in paperback.

"Broken ballots: Electronic machines in New Jersey get vote of no confidence" by **Clinical Professor Penny Venetis**, Associate Director of the Constitutional Litigation Clinic, was published by the Sept. 23 *Record*.

STAFF & STUDENT NEWS

Edna Baugh, Assistant Director for Clinical Administration, was elected to the Vermont Law School Alumni Association board.

"Guide to Researching Human Research Subjects Laws in West Africa" by **Laszlo M. Szabo** and **Tamara J. Britt**, evening students in the Class of 2009, has been accepted for publication in the December 2007 issue of the *Journal of Empirical Research on Human Research Ethics* (JERHRE), which is published by the University of California Press. The paper was inspired by the students' Foreign, Comparative, and International Legal Research class, taught by Reference

Librarians **Molly Brownfield** and **Dennis Kim-Prieto** who encouraged the authors to have their work published. Britt is the law school's senior alumni relations officer.



3Ls **Josephine Paltin** (2nd from left) and **Catherine Wilkes** (right), shown with Richard J. Codey, president of the New Jersey Senate, received Graduate Merit Awards from Executive Women of New Jersey in recognition of their leadership talent and executive potential. At left is **Sharon Amobi**, a first-year evening student who received the Ehrlich Award as an outstanding student pursuing a law degree. The awards were presented at EWNJ's Sept. 20 Graduate Merit Awards Dinner. Sen. Codey was the keynote speaker.

The Class of 2009's **Daniel Brintz, Jeffrey Stephens, and Rita Turner** performed with other members of the legal community at the New Jersey Performing Arts Center on Sept. 19 in the *New Jersey Law Journal's* special production of "The Pajama Game." Several law school alums also had roles in the production, proceeds from which benefit the New Jersey Volunteer Lawyers for the Arts. **Michael Vincenti**, Class of 2009, is an NJVLA intern who helped organize the event. **Associate Dean Fran Bouchoux** is a member of the board of NJVLA.

RUTGERS-NEWARK LAW IN THE NEWS

New Jersey Network (NJN) filmed the Oct. 3 presentation by **Eve C. Gartner** entitled "Gonzales v. Carhart: What Does This Ruling Mean for the Future of a Woman's Right to Choose?" Gartner, who argued *Gonzales v. Planned Parenthood* in the U.S. Supreme Court last term, was this year's First Monday/Student Action Campaign speaker. Her presentation will be part of an NJN "Due Process" show to be aired in 2008.

The Oct. 22 *New Jersey Law Journal* published a photo from the **Fourth Annual Golf Outing**, which benefits the Justice Morris Pashman Endowed Scholarship Fund, and the Nov. 19 *Journal* included a photo from the alumni dinner.

Professor Frank Askin was interviewed by the *Star-Ledger* for a Nov. 13 article regarding an anti-Islam group on the social networking website Facebook and a Nov. 15 article about the legality of a leaked private letter sent to the Plainfield board of education, and by the *Jersey Journal* for a Sept. 13 report on Hoboken's special election.

Associate Dean Bernard Bell was quoted by the Nov. 8 *Star-Ledger* about a vehicular homicide trial and the Nov. 9 *Ledger* about a civil case.

An Oct. 14 *Record* article about the use of expert witnesses included a comment from **Professor Carlos Gonzalez**.

The September 2007 *New York County Lawyer* included a photo of **Alycia M. Guichard, Supervising Attorney** of the Street Law program, at the July 13 public forum on Family Court sponsored by NYCLA and Columbia Law School's Multi-Disciplinary Center for Excellence in Child and Family Advocacy. The Sept. 24 *New Jersey Law Journal* ran a photo of New York Chief Judge Judith Kaye with Guichard and Street Law Class of 2008 co-founders Asaf Orr and R. Emily Rodriguez. The occasion was Street Law's Constitution Day program at which Justice Kaye was the principal speaker.

Julia Huff, Visiting Assistant Clinical Professor in the Environmental Law Clinic, talked to the *Star-Ledger* for a Nov. 15 article about a developer's proposed 90-store outlet mall in Frankford. The clinic represents a civic group opposed to the plan.

The October 2007 issue of *Alternatives to the High Cost of Litigation*, published by the International Institute for Conflict Prevention & Resolution, quoted **Professor Jonathan Hyman** in an article on New Jersey legal ethics opinions relating to the appearance of out of state lawyers at arbitrations or mediations in New Jersey.

Associate Dean Gregory Mark commented for a Sept. 11 *Record* article on the impact on employers of new security-oriented regulations since 9/11.

A Sept. 19 *Asbury Park Press* article on affordable housing quoted **Professor John Payne**.

Professor George Thomas spoke to the *Star-Ledger* for Oct. 30 and Nov. 2 articles on the criminal homicide trial of a trucker whose tractor-trailer was involved in a fatal accident.

The Sept. 27 *New Jersey Jewish News* profiled **Professor Paul Tractenberg's** long commitment to quality public education and his hosting of a Sept. 19 forum on educational quality in New Jersey. Panelists were retired New Jersey Supreme Court Chief Justice Deborah Poritz and retired Associate Justices James Coleman, Alan Handler, and Gary Stein.

Litigation by the Constitutional Litigation Clinic over the use of electronic voting machines was covered by several articles during September in the *New York Times*, *Star-Ledger*, *Record*, and *Asbury Park Press*. A Sept. 19 editorial in the *Record* and an Oct. 9 *Philadelphia Inquirer* op-ed cited the lawsuit, which is handled by **Clinical Professor Penny Venetis** and her students.

The Sept. 19 *New York Times*, Sept. 20 *Press of Atlantic City*, and Sept. 25 *Asbury Park Press* quoted Environmental Law Clinic **Staff Attorney Richard Webster** on the issue of whether rusting sustained by the radiation barrier at the Oyster Creek nuclear power plant warrants denying the plant a renewal of its license. The Oct. 16 *Press of Atlantic City* and the Oct. 29 *Asbury Park Press* reported on the New Jersey Department of Environmental Protection's request for real-time monitoring of the barrier. The Sept. 12 and 25 *Home News Tribune* included Webster's comments in stories about setbacks to the clinic's efforts to block the construction of a new high school on Green Acres-protected land in Monroe.

UPCOMING EVENTS

On Sunday, Dec. 2, at 2 pm, the law school will host the **administration of the attorney's oath** to members of the Class of 2007 who passed the New Jersey Bar. The oath will be administered by Jaynee LaVecchia '79, Associate Justice of the Supreme Court of New Jersey. Dona Kahn, Class of 1957, also will speak. A reception with light refreshments will follow. For more information, contact Tamara Britt at email alumnimail@kinoy.rutgers.edu or 973-353-1617.

Clarence B. Jones, who served as speechwriter and counsel to Martin Luther King, Jr., will deliver the **2008 Paul S. Miller Distinguished Lecture** on Tuesday evening, March 4. He is writing a history of the civil rights movement and will focus his lecture on some of the issues raised in his book. Jones is executive advisor to Marks Paneth & Shron, a financial services firm headquartered in New York.