

### ***Study Conducted for Clinic Shows 10,000 NJ E-Voting Machines Very Vulnerable to Tampering***

A report released in a four-year lawsuit spearheaded by the Constitutional Litigation Clinic shows that approximately 10,000 voting machines used in 18 out of New Jersey's 21 counties can be manipulated to throw an election. The clinic represents voting rights advocacy groups such as the Princeton-based Coalition for Peace Action, as well as a state legislator and a voter who was disenfranchised.

The report was written by computer security expert Andrew Appel, a Princeton University professor. After examining the voting computers for two months, he concluded that vote-stealing software can be easily installed in the Sequoia AVC Advantage in less than eight minutes. The machines also falsely indicate that votes are recorded when they are not. The report is at <http://citp.princeton.edu/voting/advantage>.

"It is most unfortunate that the State continues to defend these insecure voting systems," said Clinical Professor Penny Venetis. The lawsuit asks that the court de-commission the machines and order the State to replace them with more reliable and secure voting systems.

### ***Second-Year Student Receives Fellowship From the American Planning Association***

Philip A. Abramson, a second-year evening student, has been awarded a Daniel J. Curtin, Jr. Fellowship by the Planning and Law Division of the American Planning Association (APA). Abramson is the first New Jerseyan and the first Rutgers student to receive the prestigious fellowship, which is given to only two people each year. "Land use and planning decisions are of critical importance to cities and suburbs across the country," said Dean Stuart L. Deutsch. "Phil Abramson has demonstrated a remarkable commitment to learning the fundamental issues needed to make the right decisions."



Abramson's interest in the juncture of law and planning was stoked as an Honors College student at Rutgers-Newark, where he studied criminal justice. He finished his thesis on the 1967 Newark race riots with the realization that the riots "were not an instance of mass criminality, as I had first thought, but rather an episode in failed planning and civic leadership." That insight led to his postponing law school so he could pursue a master of city and regional planning at Rutgers' Edward J. Bloustein School of Planning and Public Policy. After receiving his degree, he worked as a land use paralegal with Porzio, Bromberg & Newman, P.C. before entering law school.

### ***Alumni Association Honors Coscia, Martini, and Coleman at Annual Recognition Dinner***

The Oct. 22 Annual Alumni Recognition Dinner, held at the Hilton at Short Hills, celebrated the achievements of Anthony R. Coscia '84, the Honorable William J. Martini '72, and the Honorable Rudy N. Coleman '74. More than 300 alumni/ae and friends attended the dinner.

Coscia, a partner and member of the executive committee of



Holding their awards are (l-r) Anthony R. Coscia, Judge Rudy B. Coleman, and Judge William J. Martini. Also shown are (l-r) dinner chair Patrick C. English '78, Dines & English, vice president of the Alumni Association executive board; Robert S. Goldsmith '77, Greenbaum, Rowe, Smith & Davis, president of the Alumni Association board; and Dean Stuart L. Deutsch.

Windels Marx Lane & Mittendorf LLP and chair of the board of commissioners of the Port Authority of New York and New Jersey, and Judge Martini, U.S. District Court Judge for the District of New Jersey, each received a Distinguished Alumnus Award. Judge Coleman, Judge of the Appellate Division, Superior Court of New Jersey, received the Fannie Bear Besser Award for Public Service. The dinner also celebrated the 100th anniversary of the law school and honored Stuart L. Deutsch's final year as Dean.



As part of a series of events marking the law school's 100<sup>th</sup> anniversary, Professor Paul Tractenberg's Centennial Seminar on Oct. 20 hosted a program entitled "Celebrating a 100-Year Tradition of Diversity: Reflections on Its Success." The program featured some of the school's most notable alumni/ae from every sector of the legal profession. Videotaped remarks were provided by former faculty member U.S. Supreme Court Justice Ruth Bader Ginsburg and Wade Henderson '73, president and CEO, Leadership Conference on Civil Rights. Speakers included, above (l-r): Donna Lieberman '73, executive director, NYCLU; Ann Lesk '77, partner, Fried Frank; Hon. Betty Lester '71, Superior Court; Alberto Rivas '85, partner, Lite DePalma; Hon. Barbara Byrd Wecker '74 (Ret.), Appellate Division; Nancy Erika Smith '80, partner, Smith Mullin. In top right photo, Sen. Robert Menendez '79 poses with Tractenberg. Shown at right are (l-r): Yvonne Smith Segars '84, NJ Public Defender; NJ Supreme Court Associate Justice Jaynee LaVecchia '79; and Hubert Williams '74, president, National Police Foundation.




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### CLINICAL PROGRAM

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A report by students in the Constitutional Litigation Clinic has found that many New Jersey schools fail to notify parents of their right to "opt-out" of providing military recruiters with contact information for their children. As a result, teenagers often hear a portrayal of military service that is unrealistic and misleading and that ignores other opportunities for pursuing further education, including participating in a college ROTC program.

The report, "Targeting Youth: What Everyone Should Know About Military Recruiting in Public High Schools," was prepared by 16 law students supervised by Clinical Professor Penny Venetis. It discusses the recruiting efforts and how they are supported by a provision of the No Child Left Behind Act, the actual educational benefits available to new recruits and how they compare to non-military sources of educational financial aid, and the impact of current military action on soldiers and veterans. The full report can be found at

<http://law.newark.rutgers.edu/MilitaryRecruitingReportConLitClinic.pdf>.

The Constitutional Litigation Clinic expanded its long-standing Voter Assistance Project with a drive to help eligible voters held at the Essex County Jail to vote in the general election. Three clinic students under the supervision of Professor Frank Askin enabled some 300 inmates to register to vote and then cast absentee ballots. Under New Jersey law, the inmates were entitled to vote so long as they were not serving a sentence on an indictable offense and were not on parole or probation.

The students spent weeks registering the voters, collecting applications for absentee ballots, delivering ballots to the inmates, and carrying completed ballots to the Board of Elections. They successfully delivered 273 ballots to the Essex County Board of Elections and another dozen to Union County. Other new registrants, released prior to Election Day, were able to vote in person.

On Election Day, 60 student volunteers were at the Essex County Courthouse to assist persons who

had been turned away at the polls go before a judge and get orders to vote. The students helped some 150 applicants obtain orders. Eight faculty members assisted Askin in supervising the program.

For more news about the clinical program, see <http://law.newark.rutgers.edu/Fall08ClinicNewsletter.pdf>.

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### FACULTY NOTES

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*Pace Law Review* has published “Consent to Harm” by **Professor Vera Bergelson** in its symposium volume, 28 *Pace L. Rev.* 683 (2008).

On Nov. 6, **Assistant Professor Joshua Blank** presented “Overcoming Overdisclosure: Toward Tax Shelter Detection,” 56 *UCLA L. Rev.* \_\_\_ (forthcoming, 2009) at the Rutgers Law School Faculty Colloquium. He will present the article at the Tax Policy Colloquium at Southern Methodist University School of Law on Jan. 23.

In October **Clinical Professor Laura Cohen** and several students in the Urban Legal and Child Advocacy Clinics facilitated workshops at the NJ Office of the Public Defender’s inaugural Youth Summit for children in foster care. In November she discussed interviewing and counseling adolescent clients at a conference hosted by the New York Legal Aid Society.

**Associate Professor Anna Gelpern** presented “Choices at the Precipice: Containment and Distribution in Financial Crisis” at the Sept. 26 annual meeting of the Canadian Law and Economics Association; “Choices at the Precipice” at the Sept. 27 Workshop on Crisis and Response: Whither International Financial Regulation? sponsored by the Centre for International Governance Innovation and the University of Waterloo, Ontario; “Financial Crisis Containment” on Oct. 6 at the Global Law Workshop at Duke Law School; and “Innovation After the Revolution” at the Oct. 31 Conference on the Emerging Paradigms of Rationality, held at the University of Minnesota School of Law. Different versions of the last presentation, co-authored by Mitu Gulati, will be published in the *Queen’s Law Journal* (Canada) and *Capital Markets Journal* (Oxford University Press). Gelpern presented “Financial Crisis Containment” for the Business Faculty Workshop at American University Washington College of Law

on Nov. 6 and “Collective Action Problems in Loan Modification” at the University of Connecticut School of Law Nov. 14 symposium, *The Subprime Crisis: Going Forward*. The paper is forthcoming in the *University of Connecticut Law Review*.

The U.S. Environmental Protection Agency awarded **Assistant Professor Steve Gold** a Bronze Medal for Commendable Service “for protecting public health and the environment through the Clean Air Act New Source Review acid plant settlement with E.I. du Pont de Nemours & Company.” Gold was previously a senior attorney with the U.S. Department of Justice and EPA was his client. He was lead negotiating counsel for a group of plaintiffs which reached the 2007 settlement. Gold contributed to comments submitted by a group of law professors to the U.S. Department of the Interior and the National Oceanic and Atmospheric Administration, criticizing their proposed changes to regulations under the Endangered Species Act. The comments argue that the proposal is inconsistent with the statute and would significantly reduce the protection of endangered and threatened species. He submitted separate comments as well.

**Professor Stuart Green** was the lead speaker at the Oct. 14 University of Houston Law Center symposium “White Collar Crime: Issues in Tax Fraud.”

**Professor Jonathan Hyman** was a small group facilitator at the Clinical Law Review Workshop for works in progress, held at NYU Law School on Oct. 18. The workshop, which drew participants from across the country, was designed to assist scholars in the clinical field to develop and refine their thoughts and writing.

On Nov. 7 **Clinical Professor John Kettle** moderated the “Health of Professional Athletes and Obligation to Perform” panel at the *Seton Hall Journal of Sports & Entertainment Law* symposium From the Arena to the Streets – The Pressures Placed on Athletes, Entertainers, and Management. Panelists included **Andrew Bondarowicz ’04**, owner and president of the Aregatta Group.

**Professor Gregory Mark**, who is Associate Dean of Institutional Planning and head of the Centennial planning process, has been appointed acting head of the development office.



On Dec. 4, **Associate Professor Suzanne Kim** will present her article “What’s in a Name? Language and Status in Family Law” to the Greater New York Emerging Scholars Workshop at Cardozo Law School.

**Professor Twila Perry** was a panelist on Nov. 8 for “Engaging the Family,” part of the Feminism and Legal Theory Project’s 25<sup>th</sup> anniversary conference, Transcending the Boundaries of Law. The project is based at Emory Law School.

On Nov. 10 **Professor Sabrina Safrin** presented “The Un-Exceptionalism of U.S. Exceptionalism” at the Georgetown University Law Center International Legal Theory Colloquium.

**Professor Paul Tractenberg’s** article “Beyond Educational Adequacy: Looking Backward and Forward Through the Lens of New Jersey” has been published in the *Stanford Journal of Civil Rights & Civil Liberties* (IV *Stanford J. Civil Rts. & Civil Liberties* 411, 2008).

**Professor David Dante Troutt** wrote “The Divide That United: In This Campaign, Racism Is the Big Loser” for the Oct. 31 *Washington Independent*.

**Professor Mark S. Weiner** presented a paper entitled “Victorian Jurisprudence and the Cultural Foundations of the Rule of Law” on Nov. 16 at the annual meeting of the North American Victorian Studies Association, held at Yale University.

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### STAFF & STUDENT NEWS

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**Associate Dean Fran Bouchoux ’87** has been reappointed to the New Jersey Supreme Court Committee on Women in the Courts for a fifth term and reappointed vice chair of the committee. She also has been reappointed to the board of NJ Volunteer Lawyers for the Arts.

**Senior Assistant Dean Andrew Rothman ’90** has been appointed to the New Jersey Supreme Court’s Civil Practice Committee for the 2008-2010 term.

The Appellate Moot Court Team advanced to the semifinal round of the National Moot Court Competition sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York. Team members **Kelly Targett,**

**Calvin May,** and **Brian Fischkin,** all Class of 2009, presented excellent oral arguments.

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### ALUMNAE/I HIGHLIGHTS

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**Frank T. Araps ’77,** a member of Norris McLaughlin & Marcus, has been appointed to the board of trustees of the Hellenic American Bar Association of New Jersey.

**Marilyn Askin ’70,** chief legislative advocate for New Jersey AARP, has received the Andrus Award for Community Service, the organization’s most prestigious award. Askin, who has taught Elder Law and Social Welfare Legislation at the law school for the past 24 years, served as president of AARP New Jersey from 2000-2005.

The founding partners of the new Finazzo, Cossolini, O’Leary, Meola & Hager LLC, which primarily represents insurers and financial institutions in claims over hurricanes, fires, and floods, include **Christopher Finazzo ’79,** **Cossolini ’83,** and **Rachel Rose Hager ’94.**

**Junie Hahn ’97,** **Donald R. Readlinger ’98,** and **Everett Johnson ’01** are on *New Jersey Law Journal’s* “40 Under 40” list. Hahn is a partner with Wolff & Samson, Readlinger a partner with Pepper Hamilton, and Johnson an associate with Wilentz, Goldman & Spitzer.

Volunteer Lawyers for Justice presented **David L. Harris ’79,** member of Lowenstein Sandler, with the Douglas S. Eakeley Award for outstanding pro bono service.

**Edward G. Sponzilli ’75,** a member of Norris McLaughlin & Marcus, was elected a Fellow of the American Bar Foundation in the NJ Section.

**Karen Thompson ’78** was elected to the board of directors of the New Jersey Audubon Society. She is a member of Norris McLaughlin & Marcus.

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### R-N LAW IN THE NEWS

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The Oct. 25 *Star-Ledger* covered the presentation of Raid Al-Saedi, who presided over the Saddam Hussein trial, at the *Rutgers Law Record* symposium “Iraq at the Crossroads: Protecting Refugees, Rescuing Our Allies, and Empowering Iraqi Law.”

The Oct. 22 *Washington Times* quoted **Professor Frank Askin** on legislators in safe seats who raise large sums of money and the Nov. 9 *Star-Ledger* on the likely impact on the judiciary of the election of Barack Obama.

**Third-year student Randle DeFalco** was interviewed for the Nov. 5 *Star-Ledger* story about the Voter Assistance Project's securing absentee ballots for eligible voters in the Essex County jail.

"Law school curriculum: Winds of change blowing stronger" in the Nov. 10 *New Jersey Lawyer* included comments by **Dean Stuart L. Deutsch**.

The Oct. 26 *New York Times Magazine* article "The Barnyard Strategist" included **Professor Gary Francione's** criticism of California's Proposition 2. <http://www.nytimes.com/2008/10/26/magazine/26animal-t.html?adxnnl=1&adxnnlx=1227715520-ZTxxhVZV9spsScyq5DyF1gg>

**Associate Professor Anna Gelpern** was a guest blogger on Credit Slips, which thanked her for her "linguistic innovation: 'illiquency'." One of her posts was picked up by the blog RealClearMarkets. Gelpern's Sept. 26 *Record* op-ed, "Responding to Crisis," was included in Congressional Research Service's Nov. 18 report on the financial crisis.

**Professor Stuart P. Green** commented for the *Scottsdale Tribune* (Oct. 21) about an election platform promise by the Maricopa County Attorney to prosecute Wall Street executives who may have misled investors in the county.

**Legal Research and Writing Instructor Barbara Hoffman** was quoted in "On-the-Job Treatment: During and after therapy, survivors are navigating a new workplace," an article in the fall 2008 issue of *CR*, the consumer magazine of the American Association for Cancer Research.

NJ Supreme Court **Justice Jaynee LaVecchia's** comment at the Oct. 20 Centennial Seminar program, "I knew I wanted to go to Rutgers Law School. Its reputation had preceded it. A reputation for diversity – but also a reputation for excellence," made, is quoted in the Nov. 10 *Star-Ledger* [http://blog.nj.com/njv\\_bob\\_braun/2008/11/a\\_centurys\\_eccentricity\\_at\\_rut.html#more](http://blog.nj.com/njv_bob_braun/2008/11/a_centurys_eccentricity_at_rut.html#more). *New Jersey Lawyer* (Oct. 13) and the *Star-Ledger* (Oct. 10) quoted **Professor Paul Tractenberg**, in discussing

the program, that the school "has changed the face of the legal profession in New Jersey and beyond."

**Associate Dean Gregory Mark** was interviewed for the Oct. 1 *Washington Independent* piece on the appointment of a Justice Department employee to investigate the firing of nine federal prosecutors.

The Associated Press, CNN, *Star-Ledger*, and Gannett New Jersey were among the media that interviewed **Clinical Professor Penny Venetis** about the Constitutional Litigation Clinic-sponsored study that found major vulnerabilities in the State's e-voting machines. Venetis was quoted in the Oct. 1 *New York Times* about New Jersey's effort to comply with a federal voter registration law and featured in a Nov. 14 *WBGO Journal* segment about military recruiting in high schools.

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### UPCOMING EVENTS

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**Sunday, December 7:** Swearing-in ceremony for the newest members of the NJ Bar.

**Friday, January 30:** Second Annual Pro Bono Day

**Friday, February 13:** "Rutgers School of Law–Newark Celebrates Women Reshaping American Law," a symposium with the keynote address by U.S. Supreme Court Justice Ruth Bader Ginsburg. Speakers include several women who first litigated gender discrimination and those instrumental in promoting legislation to protect women's rights.

**Friday, March 6:** *Women's Rights Law Reporter* Annual Symposium

**Thursday, March 12:** PILF Auction

**Friday, March 27:** *Rutgers Computer & Technology Law Journal* 40<sup>th</sup> Anniversary Alumni Dinner

**Wednesday, April 1:** Minority Student Program 41<sup>st</sup> Anniversary Banquet

**Friday, April 3:** "The Legacy of Arthur Kinoy and the Inspirational and Collaborative Dimensions of Clinical Legal Education: Honoring 40 Years of Clinics at Rutgers-Newark,"

<http://news.rutgers.edu/medrel/news-releases/2008/09/april-2009-conferenc-20080911>

**Friday, April 17:** *Rutgers Law Review*, "Legal Education Prospectus: A Centennial Symposium Exploring the Future of Legal Education"

**Thursday, May 14:** Centennial Gala