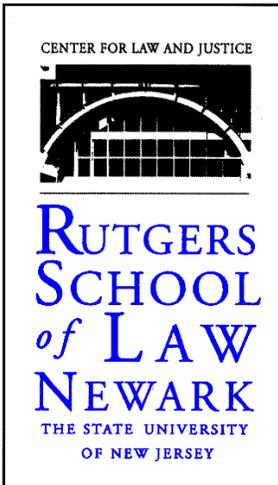


RUTGERS LAW SCHOOL NEWS

September 2006



Law School Welcomes New Class, Faculty, & Staff

One hundred and eighty-four full-time and 69 part-time students began their classes on August 21 after three days of orientation led by Dean Stuart L. Deutsch, faculty, and administrators. A richly promising and diverse group of students, they come from 24 states, 31 countries, and 146 undergraduate institutions, and speak 20 foreign languages. Twenty per cent of the entering class holds a graduate degree and several have come to law school from careers in business and industry, law enforcement, government, social work, the health professions, teaching, or the military.

First-year students aren't the only new faces at the Center for Law and Justice. **Suzanne A. Kim**, newly appointed Associate Professor of Law, is teaching Family Law this semester and will teach

Civil Procedure in the spring. Previously a lecturer-in-law at Stanford Law School, she focuses her scholarship on the ways in which law shapes and is shaped by evolving social understandings of family, gender, race, and ethnicity. She has written in the areas of family law, violence against women, and critical theory regarding race and gender. Her most recent article, "Reconstructing Family Privacy," was published in the February 2006 *Hastings Law Journal*.

Kim earned a B.A. with distinction from Yale, where she was a Bouchet Fellow and received the Meeker Writing Prize, and a J.D., cum laude, from Georgetown University Law Center, where she was the senior articles editor of the *Georgetown Journal of Gender and the Law*. After law school, she was a litigation associate with Weil, Gotshal and Manges in New York and received the firm's Pro Bono Service Award. She also clerked for the Hon. Denny Chin, U.S. District Court for the Southern District of New York.



Pascale Charlot Walker joined the law school in July as Assistant Dean for the Minority Student Program and Externships. She had been Associate Director of the Public Interest Law Center at NYU School of Law, where she advised students about public interest careers, administered the summer funding program, and developed the peer mentor program. Dean Walker earned her B.A. from Duke University and her J.D. from the University of Michigan Law School, where she was a Dean's Scholar, Bates International Fellow, and note editor of the *Michigan Journal of Race and Law*. She has also been an assistant district attorney in Kings County (Brooklyn), attorney with a solo practitioner in

Brooklyn, and manager of a program that sought to develop computer learning centers in more than 100 townships in South Africa.

Kathleen Jackson Shrekgast is a new staff attorney at the Environmental Law Clinic, working with the clinic students on Clean Air Act and environmental justice cases. She previously practiced in the Trial Department of McDermott, Will & Emery in Chicago and was a



member of the white collar/government enforcement group at Ballard Spahr Andrews & Ingersoll in Philadelphia. Shreckgast graduated from the University of Notre Dame and Georgetown University Law Center, where she took part in the Family Advocacy Clinic, served as a U.S. Legal Discourse Law Fellow, and was a staff member of the *Legal Ethics Journal*. She interned in the Criminal Division of the Eastern District of Pennsylvania U.S. Attorney’s Office.

Molly Brownfield, Wei Fang, and Stanislaw (Stan)

Sniecikowski are the new faces in the law library. Brownfield, a Reference Librarian, received her M.S.I.S. from the University of Texas School of Information and worked as a reference librarian at UT’s Tarlton Law Library. She is a graduate of the University of Minnesota Law School and clerked at the Minnesota Attorney General’s office while attending law school. Her scholarly interests include foreign, international, and comparative law.



Fang, Digital Services Librarian, holds a B.S. in computer science from Kean University and a M.L.I.S. from Rutgers, where he specialized in digital libraries and information retrieval theory. While in graduate school, he received a grant to design and build a high resolution scanner for digitizing books and microform images and worked as a programmer for

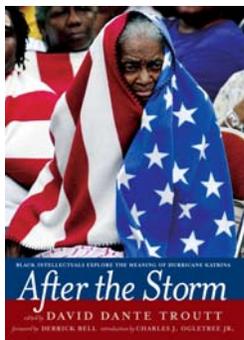


the Rutgers Center for Molecular and Behavioral Science.

Sniecikowski, Evening and Weekend Library Circulation Assistant, is a graduate of the University of Science and Technology in Cracow, Poland, where he majored in economics. His professional career in Europe focused mainly on international trade and cooperation. Before joining Rutgers, he worked for seven year as a paralegal at a U.S. law firm specializing in intellectual property law.

Prof. David Troutt Edits “After the Storm,” Essays on Issues Raised by Hurricane Katrina

In his scholarship and teaching, Professor David Dante Troutt has long explored how racial and economic segregation have perpetuated inner-city poverty. But the extent of the Katrina

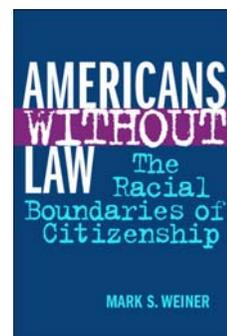


devastation demanded a fresh examination of the national significance of the poverty and inequality revealed by the storm. The result is a book of wide-ranging essays, “*After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina*,” edited by Troutt and published in August by the New Press.

“What the nation saw in New Orleans,” he said, “is the result of a decades-long effort to ensure the stability of middle-class communities by excluding the urban poor from the American dream.” Besides serving as editor, Troutt contributed “Many Thousands Gone, Again,” which deals with historical facts that made the poor neighborhoods of New Orleans vulnerable to sudden devastation in the same way that ghettos across America fall prey to slow deaths. Other contributors include Michael Eric Dyson of the University of Pennsylvania, Sheryll Cashin of Georgetown Law Center, Devon Carbado and Cheryl Harris of UCLA Law School, and Clement Price of Rutgers-Newark. Derrick Bell and Charles J. Ogletree Jr. wrote the foreword and introduction, respectively.

Troutt teaches Torts; Business Torts and Intellectual Property; Community Economic Development; and Race, Literature, and Critical Theory. He is the author of the forthcoming novel, *“The Importance of Being Dangerous.”*

New Book by Prof. Mark Weiner on Racial Minorities’ Legal Status in 19th, 20th Centuries
“Juridical racialism,” a public language that characterized racial minorities in terms of their inherent ability to uphold legal norms, shaped many of the court decisions that limited the civic participation of certain minority groups in the late 19th and early 20th centuries. So argues Professor Mark S. Weiner in his new book, *“Americans Without Law: The Racial Boundaries of Citizenship,”* published in June by NYU Press. As a manuscript, the book received the 2001 President’s Book Award from the Social Science History Association.



Weiner considers the impact of “juridical racialism,” a term he coined, on political debates and U.S. Supreme Court decisions about the legal status of five minority groups – American Indians in the 1880s, Puerto Ricans and Filipinos in the 1900s, Asian immigrants in the 1920s, and African-Americans in the 1940s and 1950s. He argues that, through its close connection with anthropology and related fields in the social sciences that examine human difference, juridical racialism played a significant role in helping the U.S. to manage its civic boundaries in ways that furthered national economic growth.

Weiner is also the author of *“Black Trials: Citizenship from the Beginnings of Slavery to the End of Caste,”* winner of a 2005 Silver Gavel Award from the American Bar Association. He teaches Constitutional Law, Professional Responsibility, and Legal History.

CLINICAL PROGRAM

Constitutional Litigation Clinic Active on Voting Rights, Human Rights Issues

On Sept. 14, the Constitutional Litigation Clinic and the ACLU petitioned the Inter-American Commission on Human Rights (IACHR) to rule that New Jersey’s refusal to grant the right to vote to people on parole and probation violates universal human rights principles and the American Declaration of the Rights and Duties of Man. The lead petitioners are the New Jersey State Conference of the NAACP and the Latino Leadership Alliance of New Jersey. The IACHR, headquartered in Washington, DC, is a body of the Organization of American States that investigates human rights complaints and issues non-binding decisions.

The petition argues that because more than 60 percent of those on probation or parole in New Jersey are African-American or Latino, barring their voting violates universally accepted human rights standards. “The high percentage of African-Americans and Latinos is in large measure a consequence of racial profiling in the criminal justice system,” said Professor Frank Askin, clinic director and one of the lead attorneys. “By denying probationers and parolees the right to vote, New Jersey is disproportionately excluding its major racial minority groups from the basic exercise of participatory democracy.” A challenge under the New Jersey Constitution to the felon disfranchisement law was rejected by the Superior Court Appellate Division and review was denied in March by the New Jersey Supreme Court.

The Associated Press and *Asbury Park Press* covered the story.

In June the clinic, working with approximately 30 human rights groups, submitted a “shadow report” to the United Nations Human Rights Committee in Geneva outlining the United

States' failure to comply with its obligations under the International Covenant on Civil and Political Rights, a human rights treaty that it ratified in 1992. The U.S. is required to report periodically to the UN on its compliance but only did so in 2005, seven years late. In its report, the U.S. gave itself high marks on its human rights record, glossing over such violations as the detention of "enemy combatants" at Guantanamo Bay.

In writing the introductory section to the group report, Clinical Professor Penny Venetis discussed U.S. exceptionalism, i.e., the failure to acknowledge the binding nature of the treaty, and the country's insistence that it is exempt from certain mandatory treaty obligations. The report was used by the UN Human Rights Committee to evaluate the U.S.'s human rights record. The UN committee issued its report in July and found that the U.S. was in violation of the treaty in many respects. The committee also commented negatively on U.S. exceptionalism.

The clinic scored a major victory in July, when the Appellate Division of New Jersey fully reinstated its constitutional challenge to electronic voting machines. The case was reinstated after an emergency trial revealed that the machines used in New Jersey could not be updated to produce a voter verified paper ballot. The Appellate Division found merit in the constitutional claims raised by Clinical Professor Penny Venetis and ordered a series of hearings on the merits. The case is the only one in the country challenging electronic voting machines to survive a motion to dismiss. A series of hearings will be held for plaintiffs to present evidence on the unreliability and insecurity of the voting machines. Both the trial court and the Appellate Division have indicated their willingness to enjoin the use of the electronic voting machines if the state does not upgrade them to produce a voter verified paper ballot by Jan.1, 2008.

An article on electronic voting machines in the August issue of *Trial* magazine cited the lawsuit and included comments by Venetis.

Court Finds for Environmental Law Clinic on Preemption Claim

In a precedent-setting decision and a significant victory for the Environmental Law Clinic, U.S. District Court Judge Dickinson R. Debevoise on Sept. 12 rejected the argument that federal law takes precedence over New Jersey's efforts to regulate railroads' trash transfer facilities. The clinic represented NY/NJ Baykeeper and Hackensack Riverkeeper in the lawsuit against the owners and/or operators of five transloading facilities in North Bergen. The defendants had argued that local and state environmental laws are preempted under the Interstate Commerce Commission Termination Act. Judge Debevoise rejected the preemption argument, holding that "environmental regulation of transloading of construction and demolition waste for shipment by railroad is not preempted by ICCTA."

The Sept. 15 *Jersey Journal* quoted Associate Clinical Professor Carter Strickland, acting director of the clinic, on the decision and the *Star-Ledger* published an editorial applauding it.

The clinic continues to represent several local environmental groups challenging AmerGen Energy Co.'s application to obtain a 20-year renewal license to run the Oyster Creek nuclear power plant. The groups assert that plans for ensuring the safety of the plant are inadequate. The Oyster Creek license renewal dispute and the clinic's role have been covered by several media, including the *New York Times*, *Inside NRC*, *Asbury Park Press*, and the *Press of Atlantic City*. In addition, the Aug. 6 *Asbury Park Press* published an op-ed piece by clinic Staff Attorney Richard Webster.

The clinic is also representing:

- Several environmental groups seeking to have the red knot shorebird placed on the federal endangered list. The U.S. Fish and Wildlife Service, citing higher priorities, has put the birds on a waiting list for protection under the Endangered Species Act.

- Groups opposed to the development of an outlet mall at Ross's Corner, a crossroads in Sussex County. The July 23 *New York Times* quoted Julia Huff, Visiting Assistant Clinical Professor, on the dispute. The *New Jersey Herald* has also covered the clinic's role.
- Local and state environmental groups opposed to the construction of a school on parkland in Monroe.

FACULTY NOTES

Professor Bernard Bell, Associate Dean for Academic Affairs and Faculty, authored "Legislatively Revising *Kelo v. City of New London*: Eminent Domain, Federalism, and Congressional Powers, published in the *Journal of Legislation* (32 *J. Legis.* 165, 2006).

Associate Professor Karima Bennoune will present her forthcoming article "Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression and Women's Equality Under International Law" in October at the Thomas Jefferson School of Law in San Diego. She will speak on the same topic at the interdisciplinary conference, Dimensions of Women's Equal Citizenship, to be held at Hofstra School of Law on Nov. 3 and 4.

Professor Sherry Colb's position on the use of laptops in her classes was the subject of her Sept. 6 column for FindLaw. Other recent columns considered the difference between "pro-choice" and "pro-abortion"; criminalizing interstate abortion travel; and stem cells and President Bush's first veto.

This past summer, **Professor Claire Dickerson** was invited by Ethiopia's Ministry of Justice to deliver a presentation on the country's corporate law and bankruptcy law and, in particular, a comparison with West and Central Africa's OHADA law and with U.S. law. In Cameroon, she presented at a series of colloquia under the auspices of the U.S. Embassy, including one (in French) at the University of Yaoundé for law students and at a non-governmental organization for several dozen senior women entrepreneurs, and (in English) at the University of Buea. She also spoke at a number of conferences in the U.S. about doing business in an environment in which formal law is applied unpredictably.

Professor Jon Dubin was a group leader and scholarship facilitator at the national Clinical Writers' Workshop held at NYU Law School in April. Dubin, who is Director of Clinical Programs, was a speaker/panelist at the plenary session entitled "Skills and Values of Clinical Education: What Do We Teach" as well as a small group facilitator at the June 24-25 AALS Workshop for New Clinical Teachers.

On Sept. 30 **Associate Professor Anna Gelpern** will present her paper on debt contracts at the annual meeting of the Canadian Law and Economics Association. The article is forthcoming in the *Washington University Law Review*.

Professor Tanya Hernandez will present "Latino Inter-Ethnic Employment Discrimination and the 'Diversity' Defense" before the University of Minnesota Law School faculty colloquium on Sept. 21.

"Presuppositions of Evidence Law" by **Professor John Leubsdorf** was published in the May Iowa Law Review (91 *Iowa L. Rev.* 1209).

“Preserving Electronic Government Information: Looking Back and Looking Forward” by **Sue Lyons, Government Documents and Reference Librarian**, appears in the fall issue of *The Reference Librarian* (45 *The Reference Librarian* 207, 2006).

Professor Jim Pope will be a panelist at “A New Birth of Freedom: The 13th Amendment – Past, Present and Future,” to be held on Oct. 13 at the University of Toledo College of Law.

Professor Emeritus Alfred Slocum has been appointed a part-time judge in the East Orange Municipal Court. A 1970 graduate of the law school, Slocum served as both New Jersey Public Advocate and Public Defender from 1986 to 1990. An article about his new position ran in the July 19 *Star-Ledger*.

“Colonial Criminal Law and Procedure: The Royal Colony of New Jersey, 1749-57” by **Professor George Thomas** was published in the *New York University Journal of Law and Liberty* (2005).

RUTGERS-NEWARK LAW IN THE NEWS

The Sept. 11 *Philadelphia Inquirer* interviewed **Professor Frank Askin** for an article about restrictions imposed by a Pennsylvania homeowners’ association. A Sept. 11 *Star-Ledger* article on the major cases before the New Jersey Supreme Court included a comment by Askin about the Constitutional Litigation Clinic’s Twin Rivers homeowners associations’ case. The *New York Times* contacted Askin for a July 23 article on whether the State Constitution provides a mechanism for removing the attorney general. He commented for an Aug. 15 *Asbury Park Press* report on the Long Branch City Council’s time limit on remarks during public comment sessions; July 24 *New Jersey Lawyer* articles on the freedom of speech issues raised by the Committee on Attorney Advertising’s opinion that it’s inappropriate for lawyers to complete surveys used for ranking lawyers; and a July 7 *Herald News* report on the *Lewis v. Harris* case now before the state Supreme Court.

New Jersey Network interviewed **Professor Bernard Bell**, Associate Dean for Academic Affairs and Faculty, for its Aug. 8 report on the New Jersey Supreme Court decision that the Charitable Immunity Act does not protect charities from grossly negligent conduct. The Aug. 9 *Press of Atlantic City* also quoted Bell on the decision.

Professor Jon Dubin was quoted by the *New Jersey Law Journal* in its Sept. 11 story on the appointment of Kenneth Zimmerman as new chief counsel to Gov. Jon Corzine.

WWOR-TV interviewed **Professor Tanya Hernandez** for a July 25 report on an absentee father who was awarded half the estate of his disabled daughter. The July 27 *Jersey Journal* quoted her on the same case.

Professor Alan Hyde commented for an Aug. 8 *Courier-Post* article on a severance pay agreement between the Camden Board of Education and the city’s former school superintendent.

The Aug. 3 *Record* quoted **Professor Howard Latin** on the addition of the National Football League to a lawsuit brought by the parents of a girl paralyzed by a drunk driver who had attended a New York Giants game.

The *Asbury Park Press* sought a comment from **Professor John Leubsdorf** for a Sept. 15 article on a conflict of interest controversy.

New Jersey Lawyer included comments by **Stephanie Richman, Associate Director of Career Services**, in its Aug. 15 article on the employment figures for 2005 graduates.

USA Today (July 26) cited **Professor George Thomas** in reporting on the arrest of more than 60 gang members around the state. The Aug. 9 *Star-Ledger* included his perspective on delays in the case of a Somerset County police chief indicted more than 18 months ago on official misconduct.

The *Press of Atlantic City* interviewed **Associate Professor Keith Sharfman** for an Aug. 16 article on a bankruptcy proceeding.

A July 12 report on *1010 WINS* and the Aug. 13 *Courier-Post* quoted **Professor Paul Tractenberg**, founding director of the Institute on Education Law and Policy, on the lawsuit by a group of New Jersey parents seeking the availability of vouchers that would pay for students in low-performing districts to attend more successful public or private schools.

On Aug. 24 ABCNews.com published an opinion piece by **Professor David Troutt** entitled “Katrina Is What Happens When You Segregate People by Race and Class.” On Aug. 28 Troutt participated in an extensive Minnesota Public Radio program on “Exploring the lessons of Katrina.” The *Washington Post*, *Financial Times*, *Atlanta Journal-Constitution*, *Times-Picayune*, and *Star-Ledger* were among the publications that covered his new book, “*After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina.*”

Gene Racz’s Sept. 13 column in the *Homes News Tribune Online* saluted **Clinical Professor Penny Venetis** and the Constitutional Litigation Clinic for challenging electronic voting machines that can’t produce a voter-verifiable paper record.

EVENTS

On Oct. 5, the International Law Society will host a broadcast live from the Washington, DC headquarters of the Securities and Exchange Commission. “**A Review of Recent Developments in International Securities Regulation and Enforcement**” will cover such subjects as the status of recent rulemaking and enforcement actions under Sarbanes-Oxley (including certifications under Section 404); deregistration; International Financial Reporting Standards proposals; the impact of securities act reform; and regulation of hedge funds.

Open to students and alums, the broadcast will be shown from noon to 2:30 pm in the Baker Trial Courtroom.

Ambassador Joseph A. Mussomeli, U.S. Ambassador to Cambodia, is scheduled to speak at 5 pm on Monday, Oct. 9, in the Baker Trial Courtroom. His topic will be “American Foreign Policy, Globalization, and International Law.” Sponsors of his appearance include the law

school, the Global Legal Studies Program and its student-run International Law Society, Rutgers-Newark Division of Global Affairs, and the Documentation Center of Cambodia's branch on the R-N campus.

The Association of Black Law Students (ABLS) will hold its annual **Jazz for Justice** on Oct. 26 at the IDT building in Newark. The event is a fundraiser for the Wanda Green Memorial Endowed Scholarship, which will benefit a Rutgers Law student who was affected by the events of 9/11. The honoree is Clinical Professor Robert Holmes, Director of the Community Law Clinic, and the keynote speaker is Robert Pickett, former judge with the Administrative Court of New Jersey and host of "Open Line" and "Week in Review" on WRKS-FM.

On Oct. 28 the law school, in conjunction with the World Policy Institute at the New School, will host the **National Summit on Cuba: New Jersey, 2006**. The day-long event will provide diverse, expert opinions and an open forum for understanding the current state of the Cuban economy, the rationale behind U.S. policy toward the island, race in Cuba, and human rights perspectives as well as points of view from the Cuban American community and key New Jersey elected officials who help shape national policy toward the island.

For registration information, contact Ryan Barnhart at 212-229-5805, ext. 4268 or njsummit@gmail.com.

The **Annual Alumni Recognition Dinner** will be held on Nov. 2 at the Hilton at Short Hills. Distinguished Alumna Awards will be presented to the Hon. Sybil R. Moses '74, Superior Court of New Jersey Assignment Judge, Bergen County; the Hon. Barbara Byrd Wecker '74, Appellate Division, Superior Court of New Jersey; and Jeffrey Fogel '69, Senior Staff Attorney, New York Civil Liberties Union. For more information, contact task@rutgers.edu.

Raymond W. Kelly, Police Commissioner of the City of New York, will deliver the **2006 Paul S. Miller Distinguished Lecture** on Nov. 15 at 6:30 pm in the Baker Trial Courtroom. His topic will be protecting security while maintaining civil liberties in New York City. The annual Miller Lecture is made possible by an endowment established by Paul S. Miller '62 and his wife, Carol. Miller is special counsel at Kaye Scholer LLP and former executive vice president and general counsel of Pfizer Inc.