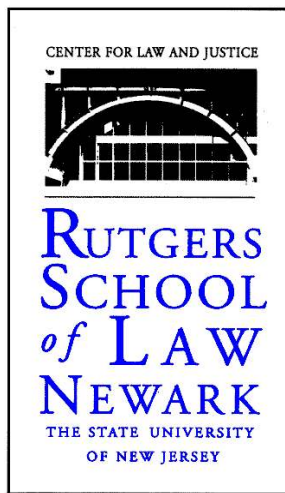


# RUTGERS LAW SCHOOL NEWS

March/April 2003



## ***Senator Hillary Rodham Clinton Inaugurates Elizabeth Blume-Silverstein Lecture Series***

More than 300 invited guests were at the law school on March 30 to hear the Honorable Hillary Rodham Clinton, United State Senator from New York, deliver the Inaugural Elizabeth Blume-Silverstein Lecture. Given her leadership role in women's issues, Senator Clinton was an inspired choice to present the first lecture in a series that honors a woman who was a pioneer in the legal profession.

A member of the law school's first graduating class in 1911 and the first woman graduate, Elizabeth Blume-Silverstein was also the first woman to practice law in Essex County and one of the first women to practice in New Jersey. Her accomplishments were described by Lawrence E. Bathgate, II, a member of Bathgate, Wegener & Wolf, P.C., who endowed the lecture. Bathgate '64 is a Rutgers Law School classmate and longtime friend of Nathan Silverstein, son of Elizabeth Blume-Silverstein and Max Silverstein.



Senator Hillary Rodham Clinton

Senator Clinton devoted most of her 45-minute lecture, entitled "Women in the Law, Affirmative Action & the Judicial Selection Process," to the threats to a host of civil rights advances should the U.S. Supreme Court come out against affirmative action in the University of Michigan cases. The court's decision, she said, "is truly the beginning of a legal struggle over our nation's values when it comes to diversity."

## ***Law School Hosts Celebration of Rutgers Role in Downtown Newark Revitalization***



Participants in the March 10 event were (l-r): Dean Stuart L. Deutsch; Rutgers University President Richard L. McCormick; Rutgers-Newark Provost Steven J. Diner; Raymond G. Chambers, the Amelior Foundation; Marc E. Berson, Fidelco Group; Kevin Collins, Chair, Rutgers Board of Overseers; Lawrence E. Bathgate II, Bathgate, Wegener & Wolf; and Newark Mayor Sharpe James.

A March 10 program entitled "Growing Together: The Law School, the University and the City" celebrated the special relationship between the law school, Rutgers-Newark, and the City of Newark, and marked the dedication of the Berson Board Room. The Center for Law and Justice, in which the law school is located, is one of most visible symbols of the Newark Renaissance. The program honored Marc E. Berson '68, chairman of the Fidelco Group, and the vision of other key business and political figures as well as Rutgers University administrators in the continuing revitalization of downtown Newark.

The event was noted by the *New Jersey Lawyer* (April 14) and the *New Jersey Law Journal* (April 21).

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## CLINIC NEWS

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Under the guidance of **Clinical Professor Randi Mandelbaum** and **Visiting Clinical Professor Laura Cohen**, students in the **Child Advocacy** and **Urban Legal Clinics** conducted three “Know Your Rights” workshops in April for children confined in the Essex County Juvenile Detention Center. Mandelbaum is Director of the Child Advocacy Clinic. The workshops were the result of a year-long effort that began with a visit to the detention center. During that visit, students spoke with the young people about issues and problems confronting them, including youth-police relations, the court process, education, foster care, and public benefits. The Rutgers students then researched these topics and designed three interactive workshops covering them. Two of the sessions took the form of game shows, while the third involved the young people in a series of skits. Both the children and the law students were very engaged and enthusiastic about the sessions.

On May 1, three of Professor Cohen’s Urban Legal Clinic criminal defense students participated in a Law Day program at Barringer High School in Newark. They accompanied Judge Anthony J. Frasca of the Essex County Special Remand Court, who presided over a mock trial at the school.

FM jazz station WBGO has become the newest client of the **Community Law Clinic**, which provides corporate and transactional legal services to nonprofit and for-profit businesses, charter schools and community organizations in the Greater Newark area.

As the result of a collaboration with the Clinic, 80 students from the Law Academy classes at East Orange Campus High School competed in their first annual Moot Court Competition. The competition gave the high school sophomores, juniors and seniors an opportunity to learn some of the skills needed to advance in a law career and, at the same time, gave them a chance to interact with law school students and faculty from the. Students from the Rutgers Clinic worked with the East Orange teachers to develop the problem, and coached the high school students in the art of issue spotting, persuasive argument and oral advocacy. On April 22, the finalists presented their arguments to the judges, who included **Clinical Professor Robert C. Holmes**, Director of the Clinic.

The **Constitutional Litigation Clinic** filed a class-action suit on April 22 against municipalities with unconstitutional ordinances that restrict the use of their municipal parks to residents. The lawsuit comes after repeated attempts by the Clinic to have municipalities comply with the landmark 1999 decision (*Barkawi v. Borough of Haledon*) that declared such residents-only ordinances to be unconstitutional. “Dozens of municipalities have taken steps to repeal these ordinances as the result of Clinic efforts to inform them that it is unconstitutional to restrict park use to residents,” said **Clinical Professor Penny Venetis**, Associate Director of the Clinic. Only 13 municipalities in the State have refused to repeal their ordinances, and only two have not responded to numerous letters asking whether they have residents-only ordinances. Venetis, who represented Barkawi, and Clinic students have been working on the issue for nine years.

Media reports on the lawsuit included *New Jersey Lawyer* in its April 28 issue, the *Record* on April 24, the *Star-Ledger* on May 2, and the *New York Times* on May 4.

The **Environmental Law Clinic** is representing the New Jersey Coalition Against Aircraft Noise during the environmental process of the Federal Aviation Administration's redesign of air traffic in New Jersey and New York. The April 1 *Noise Regulation Report* noted that the Coalition had asked for the Clinic's help. Comments by **Visiting Assistant Clinical Professor Carter Strickland, Jr.** on the Clinic's representation appeared in the *Star-Ledger* (March 27), the *Record* (March 28), the *Courier News* (March 28), the *Asbury Park Press* (March 29) and the *Home News Tribune* (March 29 and 30). The Environmental Clinic also has petitioned the New Jersey Supreme Court on behalf of environmentalists who believe that a settlement between a developer and the Pinelands Commission is inadequate to protect an endangered species of snake. The *Philadelphia Inquirer* (April 9) reported the action. **Associate Clinical Professor Tom Borden**, Acting Director of the Clinic, was interviewed by the *Inquirer* (April 26) about the disposition of a related lawsuit. Proposed upgrades of 15 waterbodies to high level water quality protection, a move encouraged for more than two years by the Clinic as a way of curtailing sprawl development, were announced by Governor McGreevey on April 22. The *Star-Ledger* (April 27) included Borden's comments on the proposal.

Students in the **Federal Tax Clinic** made several presentations to low-income African and Central American immigrant communities in Newark and Jersey City regarding federal income tax issues that are frequently encountered by low-income immigrants. The presentations were made through the American Friends Immigration Service Committee, which often refers cases to the Rutgers clinic. **Clinical Professor Sandy Freund**, Clinic Co-Director, will conduct a session on Client Interviewing Skills at the May 8 Fifth Annual Workshop on Low Income Taxpayer Clinics in Washington, DC. The conference is sponsored by American University's Washington College of Law and the ABA Section of Taxation.

**Associate Clinical Professor Esther Canty-Barnes** and **Staff Attorney Jennifer Rosen Valverde** participated in an April 22 attorney training program to broaden the number of attorneys practicing in the area of special education law. Canty-Barnes is Director of the **Special Education Clinic**.

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## FACULTY NOTES

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An op-ed by **Professor Frank Askin** charging that legal protections against the unwarranted surveillance of domestic groups or U.S. citizens who disagree with government policy are being ignored under the pretext of protecting against international terrorism was published by the *New Jersey Law Journal* (April 28). The article is entitled "Back to [J. Edgar] Hooverism." Askin, Director of the Constitutional Litigation Clinic, was counsel for the plaintiffs in *Anderson v. Sills*. In that 1969 case, a New Jersey Superior Court judge held that it violated the First Amendment for local police agencies to collect information and maintain dossiers on political activists without reason to believe they had or threatened to violate any laws.

Askin will lecture on "Constitutional Developments" at the May 7 annual meeting of Legal Services of New Jersey, and will participate in a panel discussion on "Closing the Borders in the Aftermath of 9/11: Legitimate Immigration Reform or Racism," at the New Jersey State Bar Association annual meeting in Atlantic City on May 15.

**Professor Bernard Bell** presented "Theatrical Investigation: White-Collar Crime, Undercover

Operations, and Privacy” and was a panelist for “Searches in Bankruptcy Proceedings” at a March 21 conference on “Prosecuting White Collar Crime.” The conference was sponsored by the Institute of Bill of Rights Law at William & Mary School of Law. “*Marbury v. Madison* and the Madisonian Vision” was the topic of Bell’s paper at “*Marbury* and Its Legacy: A Symposium to Mark the 200<sup>th</sup> Anniversary of *Marbury v. Madison*.” The April 10-11 event was held at George Washington University Law School.

The *U.C. Davis Law Review* has accepted for publication **Assistant Professor Vera Bergelson’s** article entitled “It’s Personal But Is It Mine? Toward Property Rights in Personal Information.” The article will be published in the fall.

“Making the World Safe for the Dallas Cowboy Cheerleaders” is the topic of **Assistant Professor Karima Bennoune’s** publication in the current issue of the *Michigan Journal of International Law*. It was the keynote address at the *Journal’s* April 2002 conference on “Dueling Fates: Should the International Legal Regime Accept a Collective or Individual Paradigm to Protect Women’s Rights.” Her interview with Dr. Mahfoud Bennoune, entitled “‘A Disease Masquerading as a Cure’: Women and Fundamentalism in Algeria,” has been published in the new book “Nothing Sacred: Women Respond to Religious Fundamentalism in Algeria.” In March Bennoune traveled to London for a meeting of Amnesty International’s Standing Committee on the Mandate, which looked at a range of policy issues, including the organization’s approach to the use of force and hunger strikes. In early April she presented “To Respect and To Ensure: Human Rights Law, Terrorism and Conflicting State Obligations,” before the annual meeting of the American Society of International Law, held in Washington, DC. She presented an excerpt from the paper at the April 29 “Provost’s Annual Research Day,” which focused on the scholarship of new Rutgers-Newark faculty.

On April 10 **Professor Alfred Blumrosen** and **Adjunct Professor Ruth Blumrosen** presented a computerized framework for understanding their study, “The Reality of Intentional Job Discrimination in Metropolitan America – 1999,” at the American Association for Affirmative Action in Atlanta. They will discuss the study on July 21 at the annual convention of the International Organization of Human Rights Agencies, to be held in Fort Worth, and on Aug. 10 in San Francisco at the Labor and Employment Law Section of the American Bar Association.

**Tom Borden, Carter Strickland, Jr.** and **Judith Weinstock** of the Environmental Law Clinic were presenters at the 7<sup>th</sup> Annual New Jersey Land Conservation Rally on March 29 in Trenton. Borden discussed the loss of parkland protected under the Green Acres statute, Strickland gave an overview of the Public Trust Doctrine, and Weinstock talked about hazardous waste and brownfields. Strickland addressed a March 15 public meeting concerning a Ringwood neighborhood whose wells are possibly contaminated with the gasoline additive MTBE. The *Record* (March 9) reported the event.

**Assistant Professor Suzanne Goldberg** was the guest speaker at an April 9 event at Boston College Law School that was sponsored by the Task Force on Military Recruiting and Nondiscrimination Policies and the school’s American Constitution Society. She discussed *Lawrence v. Texas* and her paper “Equality Without Tiers,” which last year won the American Association of Law Schools’ Scholarly Paper Competition. Goldberg was one of the guest speakers at a March 26 roundtable discussion on *Lawrence v. Texas* sponsored by the American Constitution Society at Georgetown University Law Center. On April 4, Goldberg and **Professor**

**Twila Perry** were among the speakers at a symposium on “Why a Feminist Journal?” sponsored by the *Columbia Journal of Gender and Law* and held at Columbia Law School.

Her research into the connection between gender, race and class in sexual harassment lawsuits was discussed by **Professor Tanya Hernandez** at an April 8 Rutgers-Newark faculty colloquium to celebrate the inauguration of Dr. Richard L. McCormick as President of Rutgers University. Hernandez was scheduled participate on behalf of the International Law Group in the UN Workshop on Strategies for Adoption and Implementation of Policies of Affirmative Action for People of African-American Descent of Latin America, held May 5-9 in Uruguay.

On July 17 **Associate Clinical Professor John Kettle** will lecture on “Fundamentals: Patents, Copyrights, Trademarks and Trade Secrets” as part of the Practising Law Institute program entitled “What Every Litigator Must Know About Intellectual Property.” The program will take place in New York and be webcast nationwide.

**Professor Twila Perry** participated in two panels at a March 1 conference at the University of North Carolina-Chapel Hill School of Law entitled “Adoption in the 21<sup>st</sup> Century: Redefining the Nuclear Family.” The panels were “The Intersection of Transracial and International Adoption” and “Transracial Adoption: Opposing Perspectives on the Best Interests of the Child: A Conversation Between Professor Twila Perry and Professor Elizabeth Bartholet.” On April 4, she spoke at a conference at Hofstra University School of Law entitled “A Conference on Marriage, Democracy and Families.” Her topic was “Current Policy Initiatives to Promote Marriage.” Perry presented “The Transracial Adoption of Black Children and the International Adoption of Asian Children” at a conference on “Blacks and Asians in the Making of the Modern World: A Conversation Across Fields,” held at Boston University on April 11.

**Professor Jim Pope** spoke on “Workers’ Rights From Below” to the plenary session of the New Jersey Industrial Council annual meeting, held on March 20 in Atlantic City.

“The Global Conflict Over Genetic Resources” was the topic of **Assistant Professor Sabrina Safrin’s** April 3 address at the annual meeting of the American Society of International Law, held in Washington, DC.

Law library director and **Associate Dean Carol Roehrenbeck** reports that the library has opened the New Jersey Digital Legal Library at <http://njlegallib.rutgers.edu>. The first two collections available on the site are the New Jersey Administrative Reports (first series, 1979-1991) and the Governors’ Executive Orders from 1941 to January 1990.

The library hosted the Bridge the Gap program for the New Jersey Law Library Association. The program, which is geared for law students who will be clerking or interning during the summer, attracted approximately 75 students from several law schools.

**Assistant Professor Mark Weiner** gave a talk in German on cultural aspects of the Civil Rights Act of 1964 at a legal-cultural studies conference at the Center for Interdisciplinary Research in Bielefeld, Germany. On May 5 he will speak at Cardozo School of Law on “The Scourge of Smallpox, A Gift of Ribbon, a Purple Coat: Moments From the Cultural History of Black Trials.” His presentation is part of the Burns Seminar series.

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## STAFF & STUDENT NEWS

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**Susana Camargo-Pohl** has been appointed **Coordinator of User Services**. She had been performing those functions on a temporary basis since Jan. 1. Camargo-Pohl, who joined Rutgers Law Library as a reference librarian in 1998, holds a J.D. from Dickinson School of Law and an M.L.S. from Rutgers University.

Pashman Scholars **Terry Johnson '04** and **Heather Moore '05** spoke at the April 28 Pashman Scholarship & Award Reception. The event was held to raise money for the Justice Morris Pashman Scholarship and to honor Acting New Jersey Attorney General Peter C. Harvey as the first recipient of the Justice Morris Pashman Award. Justice Pashman, a 1935 graduate of the law school, was an Associate Justice of the New Jersey Supreme Court from 1973-1982. He established the Justice Morris Pashman Scholarship to support students primarily in the Minority Student Program, who demonstrate exceptional talent and financial need.

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## RUTGERS-NEWARK LAW IN THE NEWS

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The law school was cited in several media reports related to the University of Michigan affirmative action cases argued before the U.S. Supreme Court on April 1. The *Daily Targum* story (March 26), headlined "Rutgers University: Affirmative action remains tradition at Rutgers Law School," quoted **Dean Stuart L. Deutsch**, **Assistant Dean Kenneth Padilla**, and **Professor Frank Askin**. The *Star-Ledger*, in a March 30 article about the potential impact on New Jersey colleges, quoted Askin and **Donita Judge '03**, student organizer of the "Get on the Bus" campaign that resulted in four buses of Rutgers law students and faculty traveling to Washington, DC on April 1 to demonstrate their support for affirmative action. Judge was interviewed by WBGO, WBAI, and WFUV about the rally. A picture of **Clinical Professor Robert Holmes** and **Associate Clinical Professor Jack Feinstein** at the Washington rally ran on the front page of the *Washington Post* on April 2. The law school's admissions program was the focus of a March 31 *Star-Ledger* article, in which Deutsch and **Associate Dean Ronald Chen** were quoted. That same day, the *Ledger* ran an article about the Minority Student Program that featured comments from several members of the Class of 1982. Articles in the April 1 *Allentown Morning Call* quoted Chen and the April 5 *Courier-News* included comments by Padilla and Judge.

**Professors Frank Askin** and **John Leubsdorf** commented for a *New Jersey Lawyer* (March 3) article on the decision in *Spargo v. New York State Commission on Judicial Conduct*. Askin was quoted in a *Star-Ledger* article (March 9) about a lawsuit brought by Stevens Institute of Technology against a citizens group opposed to one of the university's building projects, by the *New York Times* (March 16) in an article about country clubs, by the *Trenton Times* (April 29) about the renomination of Chief Justice Deborah Poritz, and by the *Star-Ledger* (April 26) about a Family Court judge's barring of the media in a juvenile homicide case. **Visiting Clinical Professor Laura Cohen** was quoted in the *Record* (April 26) about the same case.

A March 24 article in the *Daily Targum* about the war in Iraq included comments by **Assistant Professor Karima Bennoune**.

The *Asbury Park Press* (April 21) quoted **Environmental Law Clinic Acting Director Tom Borden** in an article about enforcement efforts by the state Department of Environmental Protection.

**Associate Clinical Professor Esther Canty-Barnes** was one of three panelists on NJN's *Due Process* show entitled "Taking on Truancy," which aired March 19 and 23. The panelists discussed the role of schools, parents, law enforcement and the courts, as well as issues associated with high truancy and dropout rates in urban school districts.

**Associate Dean Ronald Chen** was interviewed by the *Courier-Post* (March 3) on the likely impact on the city of Camden of a New Jersey Supreme Court decision in a public financing case.

The March 16 *St. Paul Pioneer Press* quoted **Barbara Hoffman, Legal Research and Writing Instructor**, in an article on laws that prohibit employment discrimination against cancer survivors.

The participation of **Professor Jon Hyman** and the Constitutional Litigation Clinic as the plaintiffs' attorney in two almost 30-year-old lawsuits concerning bias in the hiring of police and firefighters was noted by the *New Jersey Law Journal* (April 14).

Comments by **Professor John Leubsdorf** were included in a *New York Law Journal* story (April 21) about steps that lawyers can take to protect themselves from dishonest clients. Leubsdorf's 1987 *NYU Law Review* article, "Theories of Judging and Judge Disqualification," was cited in a letter to the editor published in the April 7 edition of the *National Law Journal*.

**Sue Lyons, Government Documents and Reference Librarian** and a member of the Class of '04, was quoted in a *Star-Ledger* article (March 5) about law libraries.

**Professor Gregory Mark** commented for an *Asbury Park Press* article (April 18) about Commerce Bancorp's use of a design firm owned by the wife of the bank's founder and chairman. He was interviewed by Bloomberg Radio on March 5 about the resignation of Frank Quattrone of Credit Suisse First Boston.

**Professor John Payne** was interviewed by the *Asbury Park Press* for two articles (April 13 and 14) about "smart growth" and proposed changes to the municipal Land Use Law.

The March 6 *Courier News* story on the Jayson Williams manslaughter case included a comment by **Professor George Thomas**.

In an article about potential changes to the law that allows the state to take over troubled schools, the *Star-Ledger* (April 18) cited the report released a year ago by a Rutgers-Newark team headed by **Professor Paul Tractenberg**. That report described the takeover law as "ill-conceived and poorly executed."

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## EVENTS

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**Acting Attorney General Peter C. Harvey** will deliver the keynote address at commencement exercises on May 30. The ceremony will begin at 10 am at the New Jersey Performing Arts Center following a three-block procession of more than 200 graduates as well as administrators, faculty and staff from the law school to NJPAC.

The **Alumni Association** will host a cocktail reception on May 15 in Atlantic City during the New Jersey State Bar Association annual meeting. For more information, contact [alumnimail@kinoy.rutgers.edu](mailto:alumnimail@kinoy.rutgers.edu).

On April 30 the **Eric Neisser Public Interest Program** marked the 40<sup>th</sup> anniversary of *Gideon v. Wainwright* with a program on the right to counsel. Featured speakers included Donna Newman and Andrew Patel, attorneys for alleged “dirty bomber” Jose Padilla, and Barbara Olshansky of the Center for Constitutional Rights.

A dedication of the installation of *Matrix Red-Matrix Blue* by renowned artist **Sam Gilliam** was held on April 1. Created specifically for the law school building, the work is displayed in the second floor atrium. Tom Moran of the New Jersey State Council on the Arts was among those who spoke at the dedication. Gilliam paintings hang in museums ranging from the National Gallery of Art in Washington to the Tate Gallery in London.