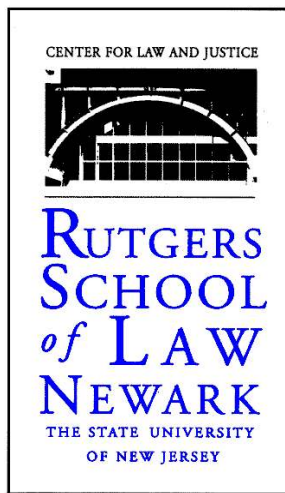


# RUTGERS LAW SCHOOL NEWS

Summer 2003



## *Law School Adds Stempler '01 to Development Staff*

Richard I. Stempler, a 2001 graduate of the law school and a 1996 graduate of Rutgers-Newark College of Arts and Sciences, has been named Senior Associate Director of Development, a new position. In announcing the appointment, Dean Stuart L. Deutsch said: "Rick's fundraising experience and success will enhance our efforts to secure support for our academic mission. We welcome his enthusiastic advocacy of Rutgers and of the City of Newark."

After receiving his undergraduate degree, Stempler launched the Passaic River Field Program and worked for Connection-Newark, a non-profit organization dedicated to improving the quality of life in Newark.

While an evening student at Rutgers Law School, he worked for the New Newark Foundation on real estate and community development matters. Most recently, he was an associate in the real estate department at Cadwalader, Wickersham & Taft LLP, New York.

The law school is in the midst of a highly successful \$28 million capital campaign to increase support for scholarships, faculty chairs and research, clinical and public service programs, the library and technology, and new academic initiatives.

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## CLINIC NEWS

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A proposal first advanced five years ago by the **Constitutional Litigation Clinic** to allow litigants who prevail in state constitutional rights cases to recover legal fees and costs received a formal public hearing on May 13 by the New Jersey Supreme Court's Civil Practice Committee. **Associate Professor Suzanne Goldberg**, a member of the Committee, participated in the hearing. Among those testifying in favor of adopting the fee-shifting rule were **Professor Frank Askin** and **Clinical Professor Penny Venetis**, Director and Associate Director of the Clinic, respectively, and **Professor John Payne**. The hearing was covered by the *New Jersey Law Journal* (May 19) and the *New Jersey Lawyer* (May 19).

Although the rule has been twice rejected by the Civil Practice Committee, the Supreme Court has ordered the Committee to reconsider a modified version of the rule proposed in a minority report. Under the modified version, fees would be available to plaintiffs who bring suits which "result in the establishment, protection or enforcement of a right under the New Jersey Constitution." Fees would be capped at \$150 an hour, without possibility of enhancement, and could be waived where they would impose a substantial and undue hardship upon the party opponent. The Committee must submit a new recommendation to the Supreme Court next year.

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## FACULTY NOTES

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The NAACP National Voter Fund presented a Freedom Fighter Award to **Professor Frank Askin** on June 28 during its "Spirit of Democracy" Awards Luncheon. He was honored for more than 20 years of fighting for justice and civil rights in New Jersey. At the annual meeting of the

New Jersey State Bar Association on May 15, Askin participated in a panel discussion on “Closing the Borders: Immigration After 9/11.”

**Assistant Professor Karima Bennoune** spoke on Religion and Reproductive Rights at a June meeting of the Soros Foundation organized by its Reproductive Rights Project. She subsequently participated in a Columbia University School of Public Health symposium on “Sexual Rights, An Emerging Human Rights Construct.” In mid-July, Bennoune traveled to Oxford, England for two Amnesty International expert meetings: one on the organization’s policy on the use of force and one to help it prepare for its upcoming campaign on violence against women. She is also writing a memorandum for AI on international law’s protections for women in armed conflict. Working with Bennoune on the project is her research assistant, **2L Jillie Richards**.

On August 14 **Professor Emeritus Alfred Blumrosen** and **Adjunct Professor Ruth Blumrosen** are scheduled to speak about their study on intentional job discrimination at the convention of the American GI Forum in Austin, TX. The Blumrosens were interviewed for a June 5 article on the study in *Black Issues in Higher Education*.

**Professor Norman Cantor** contributed a chapter entitled “Death, Dying, and the Law” to a new edition of *Principles and Practice of Forensic Psychiatry* (Richard Rosner, ed. 2003). An essay by Cantor on “Quality of Life in Legal Perspective” is included in the latest edition of the *Encyclopedia of Bioethics* (Stephen Post, ed., 2003).

The June 2003 *NJ Lawyer* magazine edition devoted to special education issues ran an article by **Associate Clinical Professor Esther Canty-Barnes** on “Serving the Needs of Disabled Children: A Look at the Special Education Clinic at Rutgers Law School-Newark.” Canty-Barnes, who is Director of the Special Education Clinic, presented: “What Happens When the Parent and the District Disagree” at the April 29 CASA Education Conference on Children in Out of Home Placements”; “Special Education and Related Services: Meeting the Needs of Children With Educational Disabilities” at the May 2 12<sup>th</sup> Annual Law Related Education Conference, New Jersey Bar Foundation; and “Parental Rights Under IDEA” on May 9 at The Impact of Special Education on All Educators, part of the New Jersey Bar Foundation Conference.

At the New Jersey State Bar Association annual meeting in mid-May, **Associate Dean Ronald Chen** moderated a media law panel and served as a panelist on an affirmative action panel.

**Professor Jon Dubin**, Director of Clinical Programs, was awarded the Haywood Burns/Shanara Gilbert Award at the 7<sup>th</sup> Annual Northeast People of Color Legal Scholarship Conference on April 4. Dubin was recognized for his accomplishments in the area of legal scholarship, clinical teaching, and outside public service. Dubin spoke at the AALS Workshop on Clinical Legal Education, held in Vancouver in mid-May.

On August 2, **Associate Professor Suzanne Goldberg** will participate in a panel on “Progress at Last? Equal Rights for Gay Men and Lesbians” at a conference of the American Constitution Society in Washington, DC.

“Working in Silicon Valley: Economic and Legal Analysis of a High-Velocity Labor Market” (M.E. Sharpe) is the title of a new 328-page book by **Professor Alan Hyde**. He argues that the

experiences of the Silicon Valley labor market offer important insights about the law and economic forces for other industries in which job changes are frequent and the employment relationship is loose. Hyde was interviewed about it by the *San Jose Mercury News* (June 14).

On July 17 and 18 **Associate Clinical Professor John Kettle** lectured on Intellectual Property for the Practising Law Institute. The live lecture was simulcast and web-cast across the country. Kettle also co-authored the course book, “What Every Litigator Must Know About Intellectual Property,” for the two-day seminar.

**Professor John Leubsdorf** spoke on June 20 at a Joint Session of the AALS Conferences on Civil Procedure and Torts in New York. He discussed ethical issues in discovery as part of a panel on Discovery in Products Liability Cases. On July 17, at an Appellate Judges Seminar given by the Institute of Judicial Administration at NYU Law School, Leubsdorf discussed judicial impartiality as part of a panel on Ethical Judging.

**Clinical Professor Randi Mandelbaum**, Director of the Child Advocacy Clinic, spoke at a June 13 conference on “The Changing Face of Kinship Care in New Jersey.” Sponsored by the Salvation Army, the conference was held at Rutgers-Newark.

**Professor Saul Mendlovitz** is co-editor (with Barbara Walker) of “A Reader on Second Assembly & Parliamentary Proposals: Does the UN System Have a ‘Democracy Gap’?,” published in May by the Center for UN Reform Education. Mendlovitz, chair of the International Steering Committee of Global Action to Prevent War and one of the founding members of the organization, has given a series of presentations in recent months in the U.S. and Canada explaining Global Action and recruiting new members. These include a speech at the United Nations on May 19 and in Vancouver in mid-June, where he discussed the establishment of a UN Constabulary and dealing with U.S. hegemony. The *Annals of Earth*, a publication of Ocean Arks International, has reprinted Mendlovitz’s article, “The Prospects for Abolishing War: A Proposal for the 21<sup>st</sup> Century,” which was originally published in the winter 2000 issue of the *Rutgers Law Review*.

The March issue of the *Texas Law Review* published **Professor George Thomas’s** essay entitled “Miranda’s Illusion: Telling Stories in the Police Interrogation Room.” Thomas is the co-author, with Joshua Dressler, of “Criminal Procedure – Principles, Policies and Perspectives, 2<sup>nd</sup> Ed.,” published earlier this year by West Group.

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## STAFF & STUDENT NEWS

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“The Job Search Process Is Not a Simple, Linear Process” is the title of the article written by **Elizabeth Antonakakis**, Director of Career Services, for the “Summer Associates” supplement (June 2) published by the *New Jersey Law Journal*.

**Edna Baugh**, Assistant Director for Clinic Administration, has been appointed vice chair of the Law Office Management Committee of the New Jersey State Bar Association.

**Associate Dean Fran Bouchoux** commented for a *Star-Ledger* article (May 18) on summer hiring by law firms. An article in the May 22 *Home News Tribune* about Rutgers President

Richard L. McCormick noted that Bouchoux was in one of the first classes taught by McCormick at the beginning of his teaching career.

The New Jersey Supreme Court has appointed **Associate Dean Ronald Chen** to a new Ad Hoc Committee on Skills and Methods to consider whether changes are needed in the program that prepares new attorneys for practice.

**Janet Donohue**, Manager of Public Relations, has been elected co-president of the Northern New Jersey Chapter of the Association of Women in Communications.

For the past several months **Assistant Dean Andrew Rothman** has been conducting training workshops in New Jersey practice for the Essex County Civil Court clerks and administrative staff. The program is scheduled to continue in the fall and is expected to be expanded to other Superior Court vicinages. Rothman has also conducted dispute resolution workshops for the Rutgers-Newark staff, under the auspices of the personnel office, and has been asked to conduct a session for the Rutgers-New Brunswick library staff. In addition, he has conducted a workshop in cooperation with the New Jersey Small Business Development Center and the Rutgers School of Management on “Legal Issues Confronting New Businesses and Entrepreneurs.”

Director of Admissions **Anita Walton** represented the law school at the annual Law Services Educational Conference, held in Las Vegas in late May.

**Donita Judge '03** was one the “Great Grads” profiled in the June 2 issue of *Focus*, the newspaper for Rutgers University faculty and staff. Judge was the principal organizer of “Get on the Bus,” which resulted in four buses from Rutgers-Newark traveling on April 1 to Washington, DC where students, faculty and administrators joined the rally in support of affirmative action. Judge was also interviewed for a *Star-Ledger* article (June 24) on the affirmative action decision.

**Kelli M. Lane '04** has been selected a Thurgood Marshall Fellow for the 2003-04 academic year. Lane is one of three students selected for the honor by the Thurgood Marshall Fellowship Program, which is sponsored by the Association of the Bar of the City of New York. The program provides an opportunity for second and third-year minority law students from New York area schools to work with the Association on community service or civil rights projects that are the legacy of Justice Marshall. Students make a commitment to work an average of 10 hours per week and receive a \$3,000 stipend for the year.

**Mona Ressaissi '05** and **Charmaine Bailey '05** have been selected as recipients of the Giles Sutherland Rich Memorial Scholarship. The scholarship is sponsored by the Federal Circuit Bar Association, a national organization interested in all aspects of the jurisdiction of the U.S. Court of Appeals for the Federal Circuit. Each student received a \$5,000 award for the 2003-04 academic year. **Dina Yin '04** has received the John J. Barry Memorial Scholarship from the Association of the Federal Bar of New Jersey.

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### RUTGERS-NEWARK LAW IN THE NEWS

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Law school administrators and faculty received numerous requests for comments by the media in anticipation of and in response to the June 23 U.S. Supreme Court decision in *Grutter v.*

*Bollinger*. **Dean Stuart L. Deutsch, Professor Frank Askin, Professor Tanya Hernandez and Professor Emeritus Alfred Blumrosen** were interviewed by the *New Jersey Law Journal*, the *New Jersey Lawyer*, the Associated Press, the *Boston Globe*, the *Chicago Tribune*, the *Star-Ledger*, the *Record*, the *New York Daily News*, the *Home News Tribune*, the *Daily Record*, the *Courier-News*, the *Hispanic Outlook in Higher Education*, the *Affirmative Action Review*, WCTC-AM, KPSI-AM, and News12 New Jersey. An op-ed entitled “Affirmative Action Lives” by Askin appeared in the June 24 *Star-Ledger*.

In a “Letter to the Editor” published by the *New Jersey Law Journal* on May 5, **Dean Stuart L. Deutsch** and **Associate Dean Fran Bouchoux** corrected the factual inaccuracies about the law school’s admissions program contained in an April 14 letter.

A May 12 *New Jersey Lawyer* editorial entitled “Campus Diversity: Searching for a Solution” commented favorably on the law school’s admissions system, and described it as preferable to “the high school percentage plans whose success, if any, appears to depend upon the existence of largely segregated high school systems.”

The June 21 *AsburyPark.Net* carried a story about the new partnership between Team Rutgers and Asbury Partners LLC and city officials that is designed to help city residents and businesses maximize the benefits of Asbury Park’s pending waterfront redevelopment. Faculty and students in the **Community Law Clinic** will provide transactional legal services to entrepreneurs and established small business owners. Team Rutgers also includes the New Jersey Small Business Development Center, which will provide management consulting services and affordable training opportunities. **Clinical Professor Robert Holmes**, Clinic Director, was quoted in the article.

Editorials in the *Star-Ledger* (May 9) and the *Asbury Park Press* (June 24) endorsed the **Constitutional Litigation Clinic**’s argument in its April 22 class-action suit against municipalities with unconstitutional ordinances that restrict the use of their municipal parks to residents. Numerous other media have reported on the lawsuit, including the *New York Times*, the Associated Press, and the *Record*. The Associated Press (June 6) reported a ruling on June 5 by a Superior Court judge that towns with such bans must repeal them.

The April 29 *NJBIZ* magazine featured a photo taken at the March 30 **Elizabeth Blume-Silverstein Lecture**. Pictured are Dean Deutsch with Senator Hillary Rodham Clinton, who delivered the lecture, together with RU President Richard L. McCormick, Nathan Silverstein and Lawrence Bathgate, both members of the Class of ’64.

The *East Orange Record* (May 8) covered the finalists’ arguments in the Moot Court Competition at East Orange Campus High School. The competition was the result of a partnership between the **Community Law Clinic** and students from the East Orange school’s Law Academy classes. The article noted the participation of **Hillary Jury ’03** and, as judges, **Associate Dean Ronald Chen** and **Clinical Professor Robert Holmes**, Director of the Clinic.

**Professors Frank Askin** was quoted by the *New York Times* (May 25) on the decision by some free-standing retail operations not to allow veterans to distribute poppies in observance of Memorial Day; by the *Star-Ledger* (May 20) about the refusal of the U.S. Supreme Court to

review a lower court's decision in favor of a New Jersey student's challenge to his high school's dress code; by the *Record* (May 29) on the renomination of Chief Justice Deborah Poritz to the state Supreme Court; by the *Star-Ledger* (June 5) on the imposition of a gag order on jurors; by the *Record* (June 5) on the state Supreme Court's refusal to hear an appeal of the decision to allow publication of the name and photo of a 10-year-old accused of murder; by the *New York Times* (June 13) on felony murder charges in a college dorm fire case; by the *New York Times* (July 22) and the *Star-Ledger* on the settlement between a children's advocacy group and the Division of Youth and Family Services; by the *New Jersey Jewish News* (July 15) about the decision by Rutgers University President Richard L. McCormick to allow a conference by New Jersey Solidarity to be held on campus. Gannett New Jersey (July 15) reported on a letter sent by Askin and 13 of his colleagues to McCormick supporting that decision. On May 29 Askin discussed the USA Patriot Act in an interview on radio station WCTC and on June 17 he was interviewed on 101.5 AM about proposals to curb "pay to play" practices.

The *Star-Ledger* (July 10) mentioned **Associate Clinical Professor Tom Borden** and the **Environmental Law Clinic** in an article about a lawsuit filed by clinic client the Sierra Club over a Plainfield park site. The *Courier News* also covered the lawsuit on July 10. A comment by Borden about proposed state legislation related to groundwater cleanup was used by the *Courier-Post* (June 11).

Articles in the *New Jersey Lawyer* (July 21) and the *Star-Ledger* (July 15) on a New Jersey Supreme Court decision involving the visitation rights of grandparents quoted **Associate Dean Ronald Chen**, who represented the defendant on behalf of the ACLU. The *Ledger* also interviewed Chen for a story (July 20) about a Warren County Board of Freeholders' resolution requiring that all county-owned buildings post the motto "In God We Trust."

The Summer issue of the *Millburn/Short Hills Magazine* interviewed **Visiting Clinical Professor Laura Cohen** for an article entitled "How do working moms juggle their work and family lives?"

An interview with **David Condliffe**, Director of Development, appeared in the July 18 *Star-Ledger*.

The *New York Times* interviewed **Associate Professor Suzanne Goldberg** for its June 27 article on the U.S. Supreme Court's decision in *Lawrence v. Texas*. The June 27 *Times Union* (Albany, NY) included a comment by Goldberg and on June 29, the *Houston Chronicle* published her op-ed on the gay rights decision. She also participated as an expert on the subject in a conversation hosted by e-thepeople.org. Goldberg was quoted by the *Star-Ledger* (June 14) on the impact of criminal charges on a previously filed civil lawsuit and on July 11 on the issue of mandating treatment for drug-abusing pregnant women.

The July 18 *New York Times* "Public Lives" column profiled **2L Charlotte Kates** and her work for New Jersey Solidarity.

The June 25 *San Diego Union-Tribune* included a comment by **Professor Howard Latin** in an article about saltwater aquarium fish.

**Brenda Liss**, executive director of the **Institute on Education Law and Policy**, was quoted by the *Record* (June 8) in an article about legal challenges to a school's plan to withdraw from a regional district.

**Professor John Leubsdorf** was quoted in an article about a legal malpractice suit that ran in the July 9 issue of *Registered Rep.* and in a July 3 *Star-Ledger* article about the increasing number of attorney ethics violations in New Jersey.

An article about reporting suspicions of child abuse featured a comment by **Clinical Professor Randi Mandelbaum**, Director of the Child Advocacy Clinic.

The *Star-Ledger* (May 18) included comments by **Professor Gregory Mark** about a lawsuit alleging fraudulent practices at a medical products company. Mark was interviewed by the *Trenton Times* (June 7) on the indictment of Martha Stewart, by the *New Jersey Law Journal* (June 30) on courses designed to help the performance of first-year law students, and by the *Ledger* (July 27) on the history of Chancery Divisions.

Comments about affordable housing by **Professor John Payne** at a workshop on the state's "smart growth" initiative were included in an *Asbury Park Press* article (May 8).

The June 22 *Record* featured comments by **Associate Professor Diana Sclar** in an article about New Jersey's same-sex marriage lawsuit.

The *New Jersey Law Journal* (June 2) quoted **Associate Professor Keith Sharfman** on a May 29 ruling by the Third Circuit Court of Appeals in *Cybergenics Corp. V. Chinery* to allow creditors' committees to pursue derivative avoidance actions. Sharfman was an amicus who opposed the committees' right to sue.

**Professor George Thomas** commented on the indictments in a college dorm fire case (*Star-Ledger*, June 13).

The *Chicago Tribune* (June 14) quoted **2L David Wilbur** in an article about the speech by FBI Director Robert Mueller at the annual meeting of the ACLU.

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## EVENTS

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The following events are planned by the **Alumni Association** for this fall:

- 30<sup>th</sup> Reunion of the Class of '73, Saturday, October 4, 6-9 pm at the law school
  - Annual Alumni Recognition Dinner, Thursday, October 30, 6 pm at the Hilton at Short Hills. Distinguished Alumni Awards will be given to Patricia Nachtigal '76 and Marc Berson '68, and the Fannie Bear Besser Award for Public Service will be awarded posthumously to Roxanne Jones Gregory '79.
  - 25<sup>th</sup> Reunion of the Class of '78, Saturday, November 1, 6-9 pm at the law school
  - Miami area Alumni Gathering, Thursday, November 13, location TBA
- For details, contact Evie Task at [alumnimail@kinoy.rutgers.edu](mailto:alumnimail@kinoy.rutgers.edu) or 973-353-1617.