

March 2007

Professor Sabrina Safrin Guest Blogs for The Volokh Conspiracy

Associate Professor Sabrina Safrin was invited by [The Volokh Conspiracy](#) to guest blog for the week of March 5 about her article “Chain Reaction: How Property Begets Property,” which is forthcoming in the *Notre Dame Law Review*. The weblog, which receives more than 20,000 unique visitors each weekday from both within and outside of the legal profession, covers U.S. legal and political issues.



Drawing for her article on contemporary case studies, Safrin argues that property rights evolve in reaction to each other. She believes that the chain reaction theory of the evolution of intellectual and other property rights has considerable implications. Her article anticipates the development of unexpected, extensive, and ultimately undesirable property regimes.

Before joining the Rutgers faculty in September 2002, Safrin was an Open Society Institute Fellow and a visiting scholar at the Environmental Law Institute in Washington, DC. Her publications include “Hyperownership in a Time of Biotechnological Promise: The International Conflict to Control the Building Blocks of Life” (98 *A.J.I.L.* 641, 2004), which was awarded the 2005 American Society of International Law Francis Deak Prize. Safrin earned her J.D. from Boalt Hall School of Law at the University of California at Berkeley, then clerked for Chief Judge Mary M. Schroeder of the U.S. Court of Appeals for the Ninth Circuit. For eight years she was an attorney-adviser at the Office of the Legal Adviser, U.S. Department of State. She teaches Patent Law, Contracts, International Law and Science, and International Law and a Just World Order.

3L Lyle Preslar Wins Grammy Foundation Legal Writing Contest

Lyle Preslar, a third-year law student and a former music industry executive, is one of five winners of the national Grammy Foundation Entertainment Law Initiative Writing Competition. The contest is co-sponsored by the American Bar Association. Preslar’s winning essay concerns the copyright infringement lawsuit filed by the Recording Industry Association of America against XM Satellite Radio.

“Intellectual property is one of the most competitive and vital fields in the law today,” said Dean Stuart L. Deutsch, “and we are very proud that Lyle’s astute consideration of copyright protection has been recognized by the Grammy Foundation. Further, as a law school that is especially welcoming of students with significant work experience, we are delighted to see Lyle successfully apply his Rutgers legal education to his long-time interest in the music business.”

Preslar launched a career in music at the age of 17 as a founder, guitarist, and songwriter for the influential punk band, Minor Threat. The group has sold more than one million records since its breakup in 1983. After receiving his B.A. from Georgetown University, Preslar worked as an artist manager, booking agent, and paralegal in Washington, DC and New York. As a music

industry executive, he was associated with Virgin Records, EMI, Elektra Records, and Sire Records in A&R, marketing, and label management.

The Feb. 19 *New Jersey Lawyer* reported on Preslar's award.

CLINICAL PROGRAM

The **Constitutional Litigation Clinic** continues to press for decommissioning electronic voting machines used in New Jersey that have not been properly tested and that are not equipped with a printer that can produce a voter-verifiable paper ballot. The clinic, representing the Coalition for Peace Action and other plaintiffs, filed its first lawsuit challenging the constitutionality of the machines in 2004. The case, led by Penny Venetis, Associate Director of the clinic, is the only one in the country challenging electronic voting machines to survive a motion to dismiss. In February Venetis filed a lawsuit charging that more than 10,000 machines made by Sequoia had not been properly certified and are highly vulnerable to hackers. A Superior Court judge will hold hearings in May on how the state plans to meet a January 2008 deadline set by the Legislature to equip the machines with paper printers.

On March 8 Venetis was one of the speakers at "Electronic Voting: Will Your Vote Count?", a panel discussion sponsored by the Friends of the Law Library on the vulnerabilities and constitutional concerns with electronic voting machines.

On Jan. 26, **Environmental Law Clinic** students toured the sewage plant operated by the Passaic Valley Sewerage Commissions. The plant is the largest discharger to water in New Jersey. In the past, the clinic has been involved in litigation against the PVSC and commented on its most recent permit renewal.

Acting Clinic Director Carter H. Strickland, Jr. worked with several clinic students on an amicus brief submitted on behalf of environmental groups to the New Jersey Supreme Court in a case involving the constitutionality of the state's redevelopment law. The case, scheduled for argument on March 19, was adjourned for a month to accommodate additional briefs from national groups concerned about eminent domain at the state level after the *Kelo* decision.

Staff Attorney Richard Webster made a presentation on Jan. 18 and Feb. 1 to the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards about the relicensing of the Oyster Creek nuclear power plant. On Jan. 20 and Feb. 28, Webster and Visiting Assistant Clinical Professor Julia Huff spoke about Oyster Creek at public meetings organized by the League of Women Voters.

Staff Attorney Kathleen Jackson Shreckast and clinic students filed a Notice Letter to Covanta Inc., the owner/operator of the Newark Incinerator, on behalf of environmental justice and urban groups. The letter officially notifies Covanta and state and federal officials of the clients' intent to bring a Citizen Suit under the Clean Air Act for the incinerator's on-going violations of its air permits.

In January, Professor John Payne along with clinic faculty obtained an important reversal of the new third round affordable housing rules adopted by the Council on Affordable Housing. Payne and the clinic recently filed a cross-petition for appeal to the state Supreme Court on behalf of clinic client Coalition for Affordable Housing and the Environment. In March, Pulte Homes conceded that an Appellate Division case concerning a proposed development in western New Jersey that was originally in a town's affordable housing plan was moot because the environmental constraints on the site made the development infeasible. The clinic represents a community group that challenged the development.

FACULTY NOTES

“Barred From the Ballot Box,” an op-ed by **Professor Frank Askin** on felon disenfranchisement, was published by the Feb. 26 *Legal Times* and reprinted in the March 5 *Connecticut Law Tribune*.

On Feb. 16 **Associate Professor Karima Bennoune** spoke at “Navigating Between Scylla and Charybdis: Terrorism as a Human Rights Issue,” held at NYU Law School and organized by Amnesty International USA around Bennoune’s writings on terrorism.

Associate Professor Anna Gelpern moderated a panel at the University of North Carolina’s Feb. 10 symposium on “Odious Debt: Exploring the Outer Limits of Sovereign Debt Relief.” Her article “Public Symbol in Private Contract: A Case Study,” co-authored with Professor Mitu Gulati of Duke Law School, will be excerpted in a volume on sovereign debt published by the Initiative for Policy Dialogue at Columbia University. The volume is edited by Joseph Stiglitz, 2001 winner of the Nobel Prize in Economics, and Jose Ocampo. The full article is forthcoming in *Washington University Law Review* and has been selected for presentation on a presidential panel at the Law and Society Association Annual Meeting, which will be held in Berlin in July. On April 13 she will present a paper on domestic debt and credit derivatives at the Chicago-Kent College of Law conference on “Law and Economic Development in Latin America: A Comparative Approach to Legal Reform.” The paper will be published in the *Chicago-Kent Law Review*.

“Latino Inter-Ethnic Employment Discrimination and the ‘Diversity’ Defense” by **Professor Tanya Hernandez** will be published in the spring 2007 issue of the *Harvard Civil Rights Civil Liberties Law Review*.

The Center for Institutional Governance, headed by **Professor Greg Mark**, recently brought Edward S. Knight, executive vice president and general counsel of NASDAQ, and Sean Hagan, general counsel of the International Monetary Fund, to the law school to meet with students and faculty. Knight spoke in **Associate Professor Anna Gelpern’s** International Finance class about stock market competition and the U.S. and U.K. approaches to corporate governance. Hagan addressed Gelpern’s class on International Law and a Just World Order about the changing role of the International Monetary Fund.

“A Brief Guide to Select Databases for Spanish-Speaking Jurisdictions” by **Reference Librarian Dennis Kim-Prieto** has been accepted for publication on the GlobaLex website <http://www.nyulawglobal.org/globalex/index.html>, sponsored by NYU’s Hauser Global Law School Program.

Professor John Leubsdorf spoke at a March 8 conference at Drake Law School on “Collisions of Conscience and Professional Responsibility: When Judges, Pharmacists, Lawyers, and Doctors Choose Not to Serve.” On March 29 he will speak at a conference in New York run by the American Conference Institute and entitled “Resolving Mass Tort Products Liability Claims.” Leubsdorf will be a visiting professor at Columbia Law School for the fall 2007 semester.

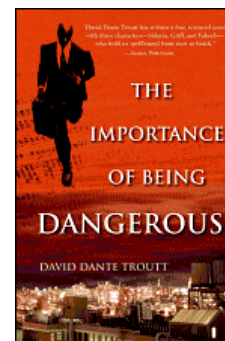
Adjunct Professor Ira Marcus, a member of Marcus, Brody, Ford, Kessler & Sahner, L.L.C., is the author of “New Jersey Limited Liability Companies – Some Keys to Drafting Operating Agreements That Work,” published by *New Jersey Lawyer* magazine. Marcus is chair of the Business Entities Committee of the Business Section of the New Jersey Bar Association.

“Transracial Adoption and Gentrification: Children, Communities, Families and Economic Justice” was the title of the paper delivered by **Professor Twila Perry** at the University of Buffalo Law School’s Feb. 9 Faculty Seminar Series on Women, Families, and Economic Inequality: Critical Perspectives.

On Feb. 12 at an event sponsored by the Rutgers chapters of the American Constitution Society and the Federalist Society **Professor Jim Pope** debated Roger Pilon of the Cato Institute, taking the negative side on the question: “Resolved: Affirmative Action and Equal Protection Cannot Be Squared.”

Professor Paul Tractenberg is dividing his sabbatical leave this semester between Israel and the UK. In Israel he will be a visiting scholar at both the Constantiner School of Education at Tel Aviv University and the NCJW Research Institute on Innovation in Education. In the UK, he will be a visiting scholar at the Institute of Education of the University of London. His activities include a March 19 presentation at Tel Aviv University entitled “Constitutionalizing education in the U.S. and Israel: Can it improve (e)quality?” and a March 21 presentation at Hebrew University entitled “Using Law and the Courts to Eliminate Educational Discrimination: Does the U.S. Experience Translate to Israel?”

“*The Importance of Being Dangerous*,” **Professor David Troutt’s** first novel, will be published next month. He will do a reading at the Brooklyn Heights Barnes & Noble on April 26. Also next month Troutt, the editor of and contributor to “*After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina*,” will participate on two panels to discuss the law and process of rebuilding in New Orleans after Hurricane Katrina. He will speak at Columbia Law School on April 13 and UCLA Law School on April 14.



“Federal Environmental Enforcement: Is Less More?” by Environmental Law Clinic **Staff Attorney Richard Webster** will be published in the spring 2007 *Fordham Environmental Law Journal*.

STAFF & STUDENT NEWS



Tamara Britt is the law school’s new Senior Alumni Relations Officer. She also has responsibility for the School of Criminal Justice’s alumni relations. Britt, a member of the law school’s Class of 2009, was previously a senior associate director of development for the law school and, prior to that, was associate director of corporate and foundation relations for the Rutgers University Foundation. She holds a B.A. from Hampton University and an M.P.A. from George Washington University, where she was a Patricia Roberts Harris Fellow.

Associate Dean Marie Melito and **Professor Frank Askin** were interviewed on March 7 by Georgetown Law professor Wendy Williams for a book she is writing, to be published by Simon & Schuster, on U.S. Supreme Court Justice Ruth Bader Ginsburg, who taught at Rutgers Law School from 1965 until 1973.

The keynote address by **Alycia M. Guichard, Supervising Attorney and New Jersey Bar Fellow** for the Street Law Program, has been published in the report of the spring 2006 conference, "New York City Youth Summit: Engaging Youth in Family Court Proceedings." The conference was hosted by the Interdisciplinary Center for Family and Child Advocacy at Fordham University. On March 8 in New York Guichard was a facilitator for a panel of youth as part of "A Summit on Children: A National Judicial Leadership Summit for the Conference of Chief Justices." On March 20 she will be a keynote speaker at "Multi-Agency Training on Issues in Child Welfare and Delinquency Cases," sponsored by the New Jersey Children in Court Improvement Committee and the New Jersey Office of the Public Defender. On March 28 Guichard, a 1999 graduate of Westchester Community College, will be honored by WCC as part of its Women's History Month celebration. Guichard earned her J.D. at Fordham and her Masters of Law in Advocacy from Georgetown University Law Center.

On March 13, Environmental Law Clinic student **Thomas Slocum '08**, supervised by Acting Clinic Director Carter H. Strickland, Jr., successfully argued a motion before the Superior Court, Monmouth County. The court allowed environmental groups represented by the clinic to intervene in litigation brought by the state to revise its beach replenishment contracts in Sea Bright to allow for more access. The state's action seeks to implement the New Jersey Supreme Court's 2005 *Raleigh Avenue* decision, in which the Clinic participated as an amicus.

Emily Berger '07 was the featured student profile on LawCrossing.com for the week of Feb. 26. Berger and **Alice Rosenthal '07** have been awarded Equal Justice Works Fellowships for post-graduate work with foster youth.

RUTGERS-NEWARK LAW IN THE NEWS

Media including the *New York Times*, the *Star-Ledger*, *Record*, *Asbury Park Press*, *Press of Atlantic City*, and *Ocean County Observer* have recently reported on Environmental Law Clinic activities and quoted clinic faculty **Carter Strickland**, **Julia Huff**, and **Richard Webster**. Clinic clients whose concerns have been covered in the articles include a coalition opposing the relicensing of the Oyster Creek nuclear power plant, environmental organizations seeking to have Toms River listed as a Category I waterway, neighbors concerned about emissions from a paper plant, and community groups seeking relief from Newark Airport noise.

The *Star-Ledger* interviewed **Professor Frank Askin** for a Feb. 11 story about controversial paintings that were temporarily removed from display in the county government building in Morristown. On Feb. 18 the *Star-Ledger* quoted Askin on the legality of some practices by Parsippany in its enforcement of building codes for rental properties. The *Herald News* on Feb. 20 quoted him on the harassment of a Kearny high school student who had objected to a teacher's preaching personal religious beliefs; on Feb. 22 in a story on New Jersey's civil unions; and the March 11 *Herald News* quoted him about Washington Township's code of ethics for school board members. Radio station *1010 WINS* broadcast Askin's comments on a lawsuit by a religious group that was denied approval to hold an event on the South Orange village square.

The Feb. 14 issue of *Physician Law Weekly* noted the appointment of **Clinical Professor Esther Canty-Barnes** to the CVS All Kids Can Advisory Council.

The Jan. 14 *Record* and Jan. 15 *New Jersey Lawyer* carried announcements of Associate **Professor Karima Bennoune's** winning the Derrick A. Bell, Jr. Award from the AALS Section on Minority Groups.

An interview with **Professor Gary Francione** on his theory of animal rights was published in the spring 2007 *Vegan*. *National Jurist* interviewed him for its Feb. 2007 article on the growing interest in animal law.

Associate Professor Anna Gelpert was quoted in a Feb. 18 *Financial Times* article, entitled "‘Vulture Funds’ Circle But Debtors Stay a Moving Target," about debt litigation involving Zambia. She was also quoted in the March 7 *New York Times* article "Venezuela Disavows 1980s-Era Bonds."

New Jersey Lawyer interviewed **Alycia M. Guichard, Supervising Attorney and New Jersey Bar Fellow** for the Street Law Program, for a Feb. 19 article about NJ Bar-supported efforts like the Street Law Program aimed at exposing urban middle and high school students to the dynamics of the law.

"Survivorship Perspectives and Advocacy," written by **Legal Research and Writing Instructor Barbara Hoffman** and Ellen Stovall, president and chief executive officer of the National Coalition for Cancer Survivorship, was published in the Nov. 10, 2006 issue of the *Journal of Clinical Oncology* (*J Clin Oncol* 24: 5154-5159, 2006).

Toronto's *Globe and Mail* contacted **Clinical Professor John Kettle** for comments on a March 1 story about Weblo.com, on which visitors buy virtual property in a fantasy world.

The *Star-Ledger's* Feb. 11 article about the federal subpoena requesting budget-related documents from the New Jersey Legislature quoted **Professor John Leubsdorf**.

Professor John Payne commented for the Feb. 24 *Record* about the Teaneck planning board's delay of a new master plan and for a March 14 *Star-Ledger* report on the state Supreme Court decision allowing first responders to sue if they're hurt answering an emergency call.

The *Star-Ledger* talked to **Professor Louis Raveson** for its Feb. 13 story on the use of a "shadow jury" in one of the Vioxx trials. Newhouse News Service picked up the story.

Comments by **Acting Assistant Dean for Career Services Stephanie Richman** were included in a Feb. 4 *Record* report on law firm hiring trends.

The Associated Press talked to **Professor George Thomas** for a Feb. 7 story on the year that has elapsed since a criminal complaint on gambling charges was brought against former professional hockey coach Rick Tocchet. The *Scottsdale Tribune* also interviewed Thomas.

Professor Paul Tractenberg's op-ed, "Don't Use Audits to Indict the State-Run School Districts," was published by the Feb. 8 *Star-Ledger*.

The Feb. 13 and 17 *New York Times* and Feb. 11, 16, and 17 *Star-Ledger* covered the litigation by **Clinical Professor Penny Venetis** and the Constitutional Litigation Clinic challenging the reliability of electronic voting machines.

The Associated Press and *Asbury Park Press* interviewed **Professor Mark Weiner** for Feb. 4 articles about the law covering the collection of sales tax for cigarettes sold over the Internet.

UPCOMING EVENTS

“Preventing Genocide and Crimes Against Humanity: Diverse Perspectives on a Standing, Rapid-Reaction UN Emergency Peace Service” will be held at the law school on March 29 from 9:30 am to 5 pm. Sponsors are the law school’s Global Legal Studies program and International Law Society and the New York-based organization Global Action to Prevent War. The conference will feature international policy experts led by Sir Brian Urquhart, former UN Under-Secretary-General for Special Political Affairs.

Go to www.globalactionpw.org for more information about the conference.

The Environmental Law Clinic has facilitated two upcoming events at the law school. On March 31, the **Association of New Jersey Environmental Commissions** will hold a workshop on “Eminent Domain in New Jersey” from 8:45 am to 12:30 pm. The **New Jersey Environmental Federation** will hold its 21st Annual Conference on April 14 from 8 am to 5 pm. The environmental justice plenary session will feature Newark Mayor Cory Booker and other urban mayors. Workshops will cover pesticides, energy, children's health, healthy towns/healthy schools, drinking water, site remediation, and clean water regulations.

Lora L. Fong '91, counsel at Greenbaum, Rowe, Smith & Davis LLP, will be the keynote speaker and Associate Professor Charles Jones the special honoree at the **Minority Student Program 39th Anniversary Banquet**. The event will be held from 6 – 10 pm on April 12 at the Newark Museum.

For more information, call 973-353-3382 or email mspinfo@kinoy.rutgers.edu.

Former Chief Justice of the New Jersey Supreme Court Deborah T. Poritz will deliver the **25th Annual Chief Justice Joseph Weintraub Lecture** on April 18. Her topic is “The New Jersey Supreme Court: A Leadership Court in Individual Rights.” A reception is scheduled for 5:30 pm and the lecture in the Baker Trial Courtroom at 6 pm. The Alumni Association will host the Alumni Judges Dinner in the Herbert Ellend Atrium following the Justice Poritz’s lecture.

For more information, contact alumnimail@kinoy.rutgers.edu.

Friends of the Rutgers Law Library will host a presentation entitled “Germany and the European Union in 2007” by Dr. Hans-Jürgen Heimsoeth, Consul General of the Federal Republic of Germany in New York, on April 19 from 6 – 7 pm in the Baker Trial Courtroom.

For more information, contact Associate Dean Carol Roehrenbeck at 973-353-3152 or croehrenbeck@kinoy.rutgers.edu.

A one-day conference on **“The Promise of *In re Gault*: Promoting and Protecting the Right to Counsel in Juvenile Court”** will be held at the law school on April 20. The keynote presentation will be given by Norman Dorsen, Frederick I. and Grace A. Stokes Professor of

Law and counselor to the president of New York University, former president of the ACLU, and counsel for Gerald Gault in the U.S. Supreme Court. The conference is co-sponsored by the *Rutgers Law Review*, the law school's Eric R. Neisser Public Interest Program, the National Juvenile Defender Center, and the Northeast Juvenile Defender Center.

For more information, visit http://law.newark.rutgers.edu/gault_rutgers.pdf or contact Clinical Professor Laura Cohen at lcohen@kinoy.rutgers.edu.

The law school will host a **Reception for Alumnae/i at the NJ State Bar Association Annual Meeting**. The reception will take place on May 17 from 5 - 6:30 pm at the Borgata Hotel & Casino, Atlantic City. RSVP by May 10 to alumnimail@kinoy.rutgers.edu.

New Jersey Supreme Court Chief Justice James R. Zazzali will deliver the convocation address at the **law school commencement**, to be held at 10 am on Friday, May 25, at the New Jersey Performing Arts Center in Newark.