

NEWSLETTER

100 years, 100 milestones

February 2009

Criminal Law Scholar George Thomas Named Rutgers Board of Governors Professor

George C. Thomas III, Professor of Law and Judge Alexander P. Waugh, Sr. Distinguished Scholar, is acknowledged by internationally distinguished experts as one of the very top scholars in his field. Rutgers



University has recognized the quality and significance of his contributions to the many areas of criminal procedure by naming Thomas a Board of Governors Professor, one of the university's highest honors.

"In his scholarship, George Thomas demonstrates an expansive curiosity about criminal law and criminal procedure," said Dean Stuart L. Deutsch, "effectively and engagingly exploring some of the most challenging issues in the criminal justice field."

Thomas is the author of *The Supreme Court on Trial: How the American Justice System Sacrifices Innocent Defendants* and *Double Jeopardy: The History, the Law* and the co-author of *The Miranda Debate* (with Richard Leo) and *Criminal Procedure:*

Principles, Policies and Perspectives (with Joshua Dressler). His next book, *The History and Future of Confessions* (with Richard Leo), will be published in 2010 by Oxford University Press. He has also published more than 60 articles, 10 in the last three years alone, in the law reviews of Michigan, Virginia, Texas, UCLA, NYU, California, and Northwestern, among others.

Professor Thomas has a B.S. from the University of Tennessee, an M.F.A. (creative writing) and J.D. from the University of Iowa, and an LL.M. and J.S.D. from Washington University in St. Louis. Prior to joining the faculty in 1986, he practiced law in Tennessee and was a member of the University of Tennessee faculty. He teaches Criminal Law, Criminal Procedure, Criminal Adjudication, and Trusts & Estates.

Symposium Celebrates Role of Women - and the Law School - in Reshaping American Law

As the new book *Equal: Women Reshape American Law* by Yale Professor Fred Strebeigh reveals, the law school has played an integral role in the development of women's rights law. On Feb. 13, more than 225 people attended a symposium at which an exceptionally accomplished group of panelists, many with ties to Rutgers, discussed the significant progress made over the past 40 years in addressing gender discrimination in

the legal system and the profession and in advancing gender equity. "Rutgers School of Law-Newark Celebrates Women Reshaping American Law" is one of a series of events celebrating the school's Centennial and its enduring commitment to teaching, scholarship, service, and opportunity.

U.S. Supreme Court Justice Ruth Bader Ginsburg, who began her legal teaching career at Rutgers, was the scheduled keynote speaker. Unable to attend due to her recent surgery, Justice Ginsburg asked Georgetown Law Professor Wendy Webster Williams to deliver the address she had written, entitled "From *Muller v. Oregon* to the Family and Medical Leave Act: Protective Legislation, Then and Now."



Many of those attending the symposium added their best wishes to those of Rutgers faculty, staff, and students on get-well cards for Justice Ginsburg.



Keynote speaker Wendy Webster Williams (I) of Georgetown University Law Center, who is writing a biography of Justice Ginsburg, and Associate Professor Suzanne Kim, chair of the symposium planning committee, listen as Dean Stuart L. Deutsch reads remarks delivered by Justice Ginsburg at a 1995 program titled "Rutgers Women and Public Policy.

The <u>full-day program</u> included opening remarks by Fred Strebeigh and closing remarks by University of Michigan Law School Professor Catharine A. MacKinnon. The symposium video can be found at http://lawwiki.rutgers.edu/events/women09/.

Slate blogger Emily Bazelon and the Associated Press noted that Justice Ginsburg had been due to give the keynote and that she had sent warm wishes to those attending the symposium.

Professor Joshua Blank Elected to International Organization of Tax Scholars

Joshua D. Blank, Assistant Professor of Law, has been elected a full member of the Academia Tributária das Américas (ATA) – Tax Academy of the Americas. He is one of nine scholars from the United States who are full members. ATA assembles legal scholars from the three Americas at scholarly conferences in Brazil and Latin America.

Professor Blank has also been elected to serve, effective July 2009, as the vice-chair of the Teaching Taxation Committee of the Tax Section of the American Bar Association, a committee consisting of more than 100 U.S. tax professors that regularly meets at ABA Tax Section meetings.

Professor Blank joined the Rutgers faculty in fall 2008 from New York University School of Law where he taught several advanced tax courses in its graduate tax program. Prior to that he was an associate at Wachtell, Lipton, Rosen & Katz, where he advised clients regarding tax aspects of complex public and private company mergers, spin-offs

and hostile takeovers. He holds an LL.M. in Taxation from New York University, a J.D. from Harvard, and a B.A. from New York University.

CLINICAL PROGRAM

Assistant Dean Andy Rothman and Community
Law Clinic 3L students Damian Vargas and Ray
Mateo provided the transactional legal assistance
for setting up the new Community Justice Center.
Located in Trenton, the non-profit law firm will
represent disabled individuals before the Veterans
Administration and the Social Security
Administration. The three CJC principals include C.
Patterson ("Pat") McKenna '04 and Melissa
Gertz '05.

While at Rutgers, McKenna, who is active in the visually impaired community, became interested in Alternative Dispute Resolution. Since 2003 he has worked as either a mediator or arbitrator for the ADR Unit of NJ Consumer Affairs.

Gertz is a recipient of the Equal Justice America Legal Services Fellowship and the Haywood Burns Fellowship. In 2004, to raise funds for public interest scholarships, she created a quilt commemorating the 50th anniversary of *Brown v. Board of Education* and honoring the Rutgers legacy of community lawyering. The quilt is now displayed in the law school's lobby.

Community Law Clinic **3L student Pantea Yazdian** worked with **Dean Rothman** to secure 501(c)(3) status for Dorothy's Place, which will be a drop-in crisis center in Newark to address the legal and other support needs of commercially sexually exploited youths in northern New Jersey. On Wednesday, March 11, the law school will host a Symposium on Commercially Sexually Exploited Youths. The event, co-sponsored by Essex County Women Lawyers and BlueWaveNJ, will include a screening of the documentary film *Very Young Girls*. The symposium is free. A \$100 donation is required to attend the reception. All proceeds will go toward launching the drop-in center. RSVP to CSEC@bluewavenj.org.

Clinical Professor Jack Feinstein, Director of the Urban Legal Clinic, and Mitchell Brown, M.D., '09 have received an Award of Merit from the National Center for Missing and Exploited Children. The client was a woman whose son had not been returned to her following an out-of-state visit with his father in the summer of 2007. The client contacted the clinic last fall after the father had moved without a forwarding address, making

her unable to enforce a court order to return their son to her. Using a detective agency, Dr. Brown located the father and child and convinced a leading matrimonial firm in that state to represent the client pro bono. The out-of-state court ordered the return of the child to the client, and Dr. Brown arranged air transportation to reunite the mother with her son.

FACULTY NOTES

On Nov. 21, **Professor Carlos Ball** spoke to a group of social scientists, lawyers, and activists who gathered in Washington, DC, for a program organized by UCLA's Williams Institute on legal issues related to parenting by LGBT people. On Feb. 13, he presented a paper titled "Martha Nussbaum, Essentialism, and Human Sexuality" at a symposium held at Columbia Law School honoring the work of Martha Nussbaum. The paper will be published later this year in the *Columbia Journal of Gender & the Law*.

Assistant Professor Joshua Blank presented "Overcoming Overdisclosure: Toward Tax Shelter Detection," 56 *UCLA* __ (forthcoming, 2009), at the Southern Methodist University School of Law Tax Policy Colloquium on Jan. 23 and will present this article at the 2009 Tax Law Colloquium at Washburn University School of Law on March 27.

"The Straight Route to Withholding Hand Feeding and Hydration" by **Professor Emeritus Norman Cantor** will be published in the *American Journal of Bioethics* on April 20. The comment is addressed to an article titled "Unnecessary Time Pressure in Refusal of Lifesaving Therapy" that appears in the same volume of *AJOB*. Cantor wrote "Umbrage and Anxiety: Why Israel Tilted Right," published in the Feb. 26 *New Jersey Jewish News*.

Clinical Professor Esther Canty-Barnes, Director of the Special Education Clinic, has been elected to the board of the Clinical Legal Education Association.

"New Hope Found in Practice Standards" by **Clinical Professor Laura Cohen** was published in the winter issue of *Criminal Justice* (23 *Crim. Just.* 49, 2009).

On Dec. 4 **Professor Gary Francione** discussed "Animal Rights vs. Animal Welfare" with the

Animal Ethics Study Group at Yale University's Interdisciplinary Center for Bioethics.

Associate Professor Anna Gelpern has joined the Warwick Commission on International Financial Reform. Coordinated by the University of Warwick (UK), the commission includes economists, political scientists, and lawyers from both the scholarly and policy areas. "Innovation After the Revolution: Foreign Sovereign Bond Contracts Since 2003" by Gelpern (with Mitu Gulati) was published in the January issue of Capital Markets Law Journal. On Dec. 2, Gelpern was a panelist along with U.S. Treasury and IMF officials at the Congressional Research Service seminar on the financial crisis and international financial reform. On Jan. 9, she spoke at the Financial Institutions and Consumer Financial Services Section lunch at the AALS annual meeting in San Diego. She also presented her research on the derivatives industry as a member of the AALS Commercial Law Section panel on institutional pluralism. On Jan. 14 Gelpern participated in a roundtable conference on odious debt at Harvard. She presented her paper on financial crisis containment at the annual convention of the International Studies Association in New York on Feb. 16; the paper will be published in a University of Connecticut Law Review symposium on the financial crisis.

Professor Stuart Green gave lectures on moral ambiguity in white collar crime at Bocconi University, Milan on Nov. 26 and the University of Messina, Sicily on Nov. 27 in connection with publication of the Italian translation of his book, I crimini dei colletti bianchi: Mentire e rubare tra diritto e morale (Lying, Cheating, and Stealing: A Moral Theory of White-Collar Crime). Speaking at the New York Area Criminal Law Theory Workshop, held at the law school on Nov. 7, he presented "Why Theft Is a Crime (And When It Shouldn't Be)." Green has participated in series of roundtables sponsored by the U.S. Chamber of Commerce, Institute for Legal Reform, Working Group on Corporate Criminal Law, most recently this month.

On Feb. 15 Legal Research & Writing Instructor Barbara Hoffman taped a presentation in Savannah, GA to be broadcast in the state on Comcast on the employment and insurance rights of cancer survivors.

Associate Professor Suzanne A. Kim presented her article "What's in a Name? Language and Status in Family Law" on Oct. 30 as part of the Faculty Colloquium Series. On April 3 she will present her article "Marital Naming/Naming Marriage" at the Annual Conference of the Association of Law, Culture, and the Humanities at Suffolk University School of Law. Her presentation will be part of a discussion she will chair titled, "Is Family Law the New Home of Feminist Legal Theory and Queer Theory?"

Associate Dean Greg Mark's Center for Institutional Governance hosted Edward S. Knight, general counsel of NASDAQ Stock Market, on Feb. 5. Knight spoke to Professor Anna Gelpern's International Finance class about the financial crisis and regulatory reform challenges. The Center also hosted Michael F. Silva, chief of staff for the Federal Reserve Bank of New York, who spoke to Professor Gelpern's Feb. 12 class about the Federal Reserve's role in the financial crisis. Dean Mark moderated the AALS annual meeting Section of Legal History session on "Backbone of the Federal Judiciary: The Study and Biography of Federal Appellate Judges."

Professor Carol Roehrenbeck will speak at "Protecting Patron Privacy" programs to be held on March 26 and 27 at the Cherry Hill and Washington public libraries, respectively. The programs are sponsored by the Intellectual Freedom Committee of the New Jersey Library Association.

Roehrenbeck, faculty adviser for the Art Law Society, presented a Feb. 25 program on "The Repatriation of African Art: Art Scholars and Art Lawyers Discuss African Nations' Fight to Retrieve Their Art Treasures." On March 28 the law library will host the annual Bridge the Gap program, which is designed to sharpen research skills for students with summer clerkships.

"The Un-exceptionalism of U.S. Exceptionalism" by **Professor Sabrina Safrin** was published in the November issue of the *Vanderbilt Journal of Transnational Law* (41 *Vand. J. Transnat'l L.* 1307, 2008).

A panelist for the symposium "Rutgers School of Law–Newark Celebrates Women Reshaping American Law," **Associate Professor Diana Sclar** spoke about women in law practice and academia during the late 1960s and early 1970s "Helping Innocent Defendants in High-Stake Cases" by **Board of Governors Professor George Thomas** was published in the *University of Pennsylvania Law Review Pennumbra* (157 *U. Pa. L. Rev. PENNumbra* 58, 2008), responding to Josh Bowers "Punishing the Innocent" (156 *U. Pa. L. Rev.* 1117, 2008).

Professor Paul Tractenberg delivered the keynote address at the Feb. 6 forum "The 'E' in Thorough and Efficient: How Can We Ensure Efficiency in Spending School Tax Dollars?" The event was sponsored by the Woodrow Wilson School of Public and International Affairs' Policy Institute for the Region and the New Jersey School Boards Association. Tractenberg spoke about *Abbott* and school funding reform litigation across the country as guest lecturer in Professor Jack Greenberg's Feb. 23 Civil Rights Seminar at Columbia Law School. His op-ed, "Once again, the court does right by *Abbott* decision," was published in the Dec. 21 *Star-Ledger*.

Professor Mark S. Weiner's book *Americans* without Law: The Racial Boundaries of Citizenship (NYU Press, 2006) has been released in paperback. The book was awarded the President's Book Award from the Social Science History Association.

STAFF & STUDENT NEWS

Sheryl Mintz Goski '85, partner of Herold and Haines and an adjunct professor of International Alternative Dispute Resolution, led a team of

Rutgers law students to the International Chamber of Commerce Mediation Competition, held in mid-February in Paris. Rutgers, participating in the competition for the first time, was one of only 40 law schools worldwide that were invited to the competition and one of eight schools that progressed to the semi-



finals. The team consisted of **2Ls Timothy King** (left) and **Kevin Matha** (right).

Goski notes that what made their accomplishment particularly remarkable was the fact that all other teams had four students who split

the problems/cases. King and Matha prepared all four cases for the preliminary rounds and then the fifth in the final rounds. Goski adds, "Their exemplary skill at mediation was recognized by the international judges and mediators who came from dozens of countries around the world."

The New Jersey Women Lawyers Association has awarded one of its inaugural scholarships to **Juliya Litichevskaya '11**. The award will be presented at the organization's April 2 gala.

At the 50th anniversary of the Jessup International Moot Court Competition, the Rutgers team received an award for the fourth place best memorials in the Northeast Super Regional Rounds (beating Harvard, NYU, and Columbia). The event took



Pictured are (I-r): Suzanne Baidon-Ciobanu, Anna Domyancic, William Schroeder, Rita Turner, Florence Sinofsky, and Emily Anderson.

place at the New York office of competition sponsor Shearman & Sterling LLP. The team included **3Ls Rita Turner** and **Emily Anderson** and **2Ls Suzanne Baidon-Ciobanu, Anna Domyancic**, and **Florence Sinofsky**. The students were assisted by their faculty sponsor **William Schroeder '86**, an adjunct professor and special counsel at Sullivan and Cromwell LLP, and their coaches (and cheerleaders) **3L Kevin Murphy** and alum **Brittany Wilcox '07**.

The Jessup Competition problem dealt with the issue of determining whether, and under what circumstances, unilateral humanitarian intervention is legal under international law, as well as issues relating to the jurisdiction over peace-keeping soldiers.

The team's trophy will be displayed by the library, to which the students also donated the book it received as part of its award, *Taking International Law Seriously*.

ALUMNAE/I HIGHLIGHTS

Flor Bermudez '00 was invited to speak as the issue expert at the session on "Homeless LGBTQ Youth and the Law" during the symposium Celebrating Youth, Inspiring Leadership, and Creating Change. Bermudez is the youth in out-of-home care attorney for Lambda Legal. The Jan. 25 – 28 symposium was sponsored by the National Network for Youth and the ABA.

Jonathan Berschadsky '00 has been elected a partner of Fitzpatrick, Cella, Harper & Scinto. He is engaged in the litigation and prosecution of patents in a variety of technology areas.

Michael J. Blankenship '08, an associate at Shearman & Sterling LLP, has won First Prize in the law school's Nathan Burkan Memorial Competition, which is sponsored by the American Society of Composers, Authors and Publishers. Blankenship's winning essay is titled "Copyrighting an Imagination: Why Reforming Laws in a Virtual World Is Critical Today."

Ericke Cage '07 has joined the Washington, DC, office of Virginia Congressman Tom Perriello as legislative counsel.

Jessica Catlow '03 and David M. Katz '03 have joined the New York office of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. as part of an expansion of the firm's national employment, labor and benefits practice group. Both had been with Dreier LLP.

Rachel B. Coan '84 has joined Katten Muchin Rosenman LLP as a New York-based partner in its financial services practice. She had been a partner in the capital markets group of Morrison & Foerster LLP.

The New Jersey State Bar Association presented **Angela Foster '98** with its Legislative Recognition Award.

Eileen S. Fusco '80 has been appointed to the board of directors of ICT Group, Inc., a global provider of customer management and business process outsourcing solutions. Fusco recently served as senior partner of financial services for Deloitte & Touche.

The *Star-Ledger* profiled the work of **Jane Hanson** '84, executive director of Partners for Women and Justice, in a Feb. 18 column. Hanson founded the group, whose office is in Montclair, almost six years ago.

The **Hon. Betty Lester '71** has retired from the bench. Judge Lester began her career as a jurist in 1977 when she was appointed to the Newark Municipal Court. She was promoted to the Superior Court in 1985.

Hon. La Tia W. Martin '79, New York State Supreme Court, Bronx County, was elected president of the National Association of Women Judges.

Yvonne Nix '02, staff attorney at the Legal Aid Society in New York, was invited to present Fair Trial Initiative's K. Kirk Osborn Award to North Carolina attorney Terry Alford. As a 2002-2004 FTI Fellow, Nix worked with Alford on a capital defense case in which the jury rejected the death penalty.

Richard M. Nugent '95 has been elected a partner of Cadwalader, Wickersham & Taft LLP. His expertise is in the tax aspects of public and private corporate mergers, acquisitions, and spin-offs.

Joseph H. Orlando '89 has been appointed clerk of the Appellate Division of the Superior Court of New Jersey. He will oversee central office operations and support for Appellate Division judges and their staff throughout the state. Orlando joined the judiciary in 2001 as chief of labor and employee relations.

Barnes & Thornburg, Indianapolis, has promoted **Deborah Pollack-Milgate '99** to partner. She is a member of the intellectual property department and focuses on IP litigation, commercial litigation, including antitrust litigation, and appellate matters.

Norris McLaughlin & Marcus, PA has named Karol S. Robinson '95 and Christopher Stevenson '99 members of the firm. Robinson, based in the New York office, devotes her practice to cooperative and condominium law with a focus on affordable housing, non-profit organizations, real estate, and general transaction work. Stevenson focuses his practice on environmental, land use, and real estate law.

Lewis J. Robinson '73 has been appointed chair of the board of directors of the Hartford Foundations for Public Giving. Robinson worked for Travelers Insurance Companies for 26 years, serving as general counsel for the Personal Lines Division prior to his retirement.

Michael Rowe '98 has joined Blank Rome LLP as partner in the commercial litigation group. He was previously with Saul Ewing LLP.

Edward G. Sponzilli '75, a member of Norris McLaughlin & Marcus, received the 2008 Trial Attorneys of New Jersey Professional Lawyer of the Year Award from the New Jersey Commission on Professionalism in the Law.

Toan Tran '06 has joined Blank Rome LLP as an associate in the IP and technology department, based in the firm's Washington, DC office. He had been with Gibbons P.C.

Elizabeth Warren '76, Leo Gottlieb Professor of Law at Harvard Law School, was appointed chair of the Troubled Asset Relief Program (TARP)

Hon. Sue Pai Yang '84, Workers' Compensation Court Judge, received a Diversity Award from the Somerset County Diversity Coalition.

Seyfarth Shaw LLP has named **James S. Yu '00** a partner in its litigation department, specializing in product liability defense, trade secret litigation, and commercial litigation.

R-N LAW IN THE NEWS

The Feb. 4 *Philadelphia Inquirer* reported on the MacArthur Foundation grant to the **Urban Legal Clinic**, Office of the Public Defender, and Rutgers—Camden Urban Law Clinic to begin an initiative designed to improve the juvenile justice system.

WBGO radio interviewed **Professor Frank Askin** for its Feb. 25 report on the New Jersey Supreme Court decision involving warrants and car searches. The *Star-Ledger* interviewed him about an appeals court ruling that campaign funds can't be used by a former state senator to help pay for his defense against corruption charges (Dec. 5).

"Advice for Obama" op-eds by **Professors Frank Askin, Louis Raveson** and **Howard Latin**, and

Paul Tractenberg and Alan Sadovnik (R-N FASN) were published in the Jan. 18 *Record*.

Clinical Professor Laura Cohen was interviewed by the *New York Times* for its Jan. 20 article on the NJ DYFS decision to remove three children with Nazi names from their parents' care.

Professor Gary Francione discussed whether there is a right to have pets on the Feb. 7 Radio Netherlands show "The State We're In." He was guest speaker on "Wake UP America's" Jan. 17 program.

American Public Media's "Marketplace" interviewed **Professor Alan Hyd**e for its Dec. 1 segment titled "Breaking from union arbitration."

The *Star-Ledger* included comments by **Professors Louis Raveson** and **George Thomas** in a Jan. 18 article about disputed testimony in trials in a gangrelated murder.

The Dec. 28 *Record* quoted **Clinical Professor Penny Venetis** about the Constitutional Litigation
Clinic's report recommending changes in military
recruiting practices at public high schools. Venetis
was quoted in several newspaper and wire service
stories about the clinic's lawsuit, now being tried in
Mercer County, challenging the security of
electronic voting machines.

UPCOMING EVENTS

Thursday, March 5: Reception by the Loan Repayment Assistance Program to introduce its top donor to the law school public interest community, 5:30 – 7:30 pm. For information, contact LRAP coordinator Nicky Fornarotto at 973-353-1702.

Friday, March 6: Women's Rights Law Reporter, symposium on "The Gender Dimensions of Terrorism: How Terrorism Impacts the Lives of Women," with keynotes by Susan Herman, president of the ACLU, and Rutgers Professor of Law Karima Bennoune. For more information, see http://www.pegasus.rutgers.edu/~wrlr/Symposium.html.

Thursday, March 12: Annual PILF Auction. See details at http://pilf.newark.rutgers.edu/auction.htm.

Thursday, March 26: "Changing Times, Changing

Minds," sponsored by the New Jersey Supreme Court Committee on Women in the Courts and the law school, 5 – 7 pm. For more information, see http://law.newark.rutgers.edu/032609WomenintheCourts.pdf.

Thursday, April 2: Minority Student Program 41st Anniversary Banquet, the Newark Club, 6 pm.

Friday, April 3: "The Legacy of Arthur Kinoy and the Inspirational and Collaborative Dimensions of Clinical Legal Education: Honoring 40 Years of Clinics at Rutgers-Newark." Conference will examine the service learning/service-inspiring goals of clinical education and examine the role of clinical programs in promoting collaborations with law firm pro bono departments, public interest organizations, and other partners. Luncheon will honor the late Arthur Kinoy and Professor Frank Askin. For more information, see http://law.newark.rutgers.edu/Postcard.pdf

Tuesday, April 7: 2009 David J. Stoffer Lecture, featuring Professor Donna Dennis on "Obscenity Prosecution and the Indecent Print Trade in Nineteenth-Century New York." 6 pm

Friday, April 17: Rutgers Law Review, "Legal Education Prospectus: A Centennial Symposium Exploring the Future of Legal Education." See http://www.pegasus.rutgers.edu/~review/ for more information.

Wednesday, April 22: The Hon. Dickinson R. Debevoise, U.S. Senior District Judge, U.S. District Court for the District of New Jersey, will deliver the 27th Annual Chief Justice Joseph Weintraub Lecture. The lecture, to begin at 6 pm, will be followed by the Alumni Judges' Reunion Dinner.

Thursday, April 23 – Saturday, April 25: Law & Humanities Institute (LHI) Conference Honoring J. Allen Smith. LHI was founded in 1978 by the late J. Allen Smith, who taught at the law school from 1963 – 1984. Keynote will be given by LHI's first president, Professor Richard Weisberg of Benjamin N. Cardozo School of Law and a recent recipient of the French National Legion of Honor. Other founding members who will speak include Judith Koffler, visiting professor at Chapman University School of Law, and Professor Emeritus David Haber. Rutgers Professor Emeritus Saul Mendlovitz, conference co-organizer, has been an LHI board member since 1980.