

FOR THE RECORD

Rutgers School of Law - Camden

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JOHAN BECKERMAN, and Beth Stephens, along with 16 other legal scholars, filed an amicus curiae brief in October in support of the Respondent in the United States Supreme Court, in a case captioned: *Bell Atlantic Corp. v. Twombly*, No. 05-1126, in which they urged that claims alleging antitrust conspiracies should not be subject to heightened pleading standards more stringent than “notice pleading” that provides the standard under the Federal Rules of Civil Procedure.

John was a referee recently for two articles for the LAW AND HISTORY REVIEW.

Last spring John served on an ABA re-accreditation site visit inspection team at Sandra Day O’Connor College of Law at Arizona State University in Tempe, Arizona.

John has been coordinating our exchange clerkship program with the Constitutional Court of South Africa, in which we are hosting our second two lawyers from South Africa, Emma Lecheko and Anna Granova.

John also continues to serve as a member of the New Jersey Supreme Court’s Committee on Minority Concerns.

LINDA BOSNIAK’s book, *The Citizen and the Alien: Dilemmas of Contemporary Membership*, was published by PRINCETON UNIVERSITY PRESS in September. She has recently presented her work on immigration, citizenship and nationalism at Fordham Law School, Princeton University, Boalt Hall School of Law, the University of Toronto Law School and the University of Chicago. She has four book chapters forthcoming in 2007.

Linda is currently co-authoring on a report on the civil liberties of immigrants in the U.S. after 9/11 for the Constitution Project, a non-partisan organization that seeks to find consensus on difficult legal and constitutional issues through dialogue, scholarship, activism, and public education efforts.

ROGER CLARK’s knees have been giving him grief but he did manage to win the 65-69 year-old section of the Honolulu Bar’s 4 mile race, organized in conjunction with the ABA Annual Meeting.

In September, Roger joined Justice Richard Goldstone, former Prosecutor for the Tribunals for Yugoslavia and Rwanda, as a talking head at the conclusion of the *off-Broadway* production of a new play by Catherine Filloux, called *Lemkin’s House*. The play is about Raphael Lemkin who coined

the term “genocide” in 1944 and was active in the drafting of the Genocide Convention in 1948.

Roger was also one of the speakers at a conference at Washington University in St. Louis, marking the 60th anniversary of the Judgment at Nuremberg. He spoke about “Nuremberg and the Crime of Aggression.” Three of the surviving American prosecutors gave inspiring addresses on the occasion.

PERRY DANE’s article entitled “A Fountain of Renewal,” appeared in *THE COMMON MAN AS UNCOMMON MAN: REMEMBERING JUSTICE WILLIAM J. BRENNAN, JR.* 71 (E. Joshua Rosenkranz and Thomas M. Jorde, eds., William J. Brennan Center for Justice 2006).

Perry’s correspondence “Jews and the Covenant,” appeared in *FIRST THINGS* in February, 2006 - responding to Cardinal Avery Dulles’s article on a Catholic theology of Judaism.

Perry’s Letter to the Editor, “Enshrining the Names of 911,” appeared in *THE NEW YORK TIMES* in July, 2006 – discussing the controversy regarding the design of the World Trade Center memorial. His Letter to the Editor, “Church and State: Tipping a Delicate Balance?”, appeared in *THE NEW YORK TIMES* in October, 2006 – responding to the Times’s multi-part story on religious accommodations.

On invitation, Perry attended the Oxford Round Table Program on Religion,

Education, and the Role of Government, held at Oriel College, University of Oxford, Oxford, England in August 2005. He presented a paper on “Christmas.” After a rare second invitation, Perry also attended the Oxford Round Table Program on “The Influence of Sir William Blackstone on American Education,” held at Pembroke College, University of Oxford, in August 2006. He presented a paper on “Declaratory Statutes.” On that occasion, Perry was the respondent to a paper presented by Professor Gary Brooks.

Perry gave a presentation entitled “A Wholly Secular Institution? The Church and the Debate on Same-Sex Marriage” to the Annual Consultation of the Association of Conference Attorneys of the United Church of Christ in Cleveland in 2006.

Perry participated in a Panel Discussion entitled “Religion in American Policy – Are We Crossing the Line?” sponsored by the Southwest New Jersey Council of the Anti-Defamation League in Cherry Hill in 2006.

Perry gave a talk entitled “Stand and Pray: Structure and Struggle in the Amidah” at the Shavuot Study Session of Suburban Jewish Community Center – Bnai Aaron in Havertown in 2006. He presented on the topic of “Marriage and the Religious-Secular Encounter” at the annual “Torathon” of Beth Hillel-Beth El in Wynnewood, PA in 2006. Also, he made a presentation on “Separation of Church and State” at the Jewish Community Center of Middlesex County in Edison in 2006.

Perry participated in the Ronald Dworkin Reading Group, sponsored by the Program in Jewish Law & Interdisciplinary Studies at Cardozo Law School in 2006. He also participated in the Fifth Annual Conference of the Program on Philanthropy and Law at New York University Law School, on “Serving Multiple Masters: Jurisdictional and Choice-of-Law Problems Confronting Nonprofit Organizations” in 2006.

JAY FEINMAN's second edition of *Law 101* has been published by OXFORD UNIVERSITY PRESS. The book also has been published in an Arabic edition.

Jay's article entitled “Is an Advertisement an Offer? Why It Is, and Why It Matters” was published in the HASTINGS LAW JOURNAL. The article was co-authored with Steve Brill, JD/MBA '05.

Jay gave a lecture entitled “Bad Faith, Unfairness, Abuse, Outrage: Responding to Insurance Company Settlement Tactics” at the National Academy of Trial Advocacy's Annual Meeting in Seattle, WA in July, 2006.

KIMBERLY FERZAN presented “Personal Identity and Criminal Responsibility,” at the Rutgers – Camden Institute for Law and Philosophy's Conference, *The Boundaries of Rights and Responsibilities*. She co-organized the conference with John Oberdiek.

Kim presented “The Inseparable Effects Enigma,” at the Yale/Stanford Junior Faculty Forum in June. In June, her article entitled “Clarifying Consent: Peter Westen's *The Logic of Consent*,” was published in LAW AND PHILOSOPHY.

Kim, along with Adjunct Professor and Judge, Jack Sabatino, spoke to New Jersey judges about the Supreme Court's Confrontation Clause jurisprudence, during the New Jersey Judicial College.

In November, Kim presented “Holistic Culpability,” at Cardozo Law School's Symposium on George Fletcher's *The Grammar of the Criminal Law: American, Comparative, International*. Her paper will appear in the CARDOZO LAW REVIEW.

Kim is currently planning a panel on “Crafting a Scholarly Persona,” for the Section on Scholarship at the AALS Annual Meeting in January, 2007. The panel will explore the careers of three established scholars (Ian Ayres, Paul Robinson, and Carol Sanger). Kim is chair of the section, and she will moderate the panel.

Kim continues her work on *A Culpability-Based Theory of Criminal Law*, a book she is coauthoring with Larry Alexander and Stephen Morse.

ANN FREEDMAN presented a paper on “Women's Personhood and the Movement for Equally Shared Physical Custody of Children” at a conference on Equality and the State at the University of Kent, UK. The conference was organized by

the Feminist Legal Theory Project and Keele Law School, and sponsored by the British Academy and Emory University Law School Network on Key Concepts in Feminist Legal Theory.

Ann has also served on the Advisory Board of the Domestic Violence Legal Empowerment and Appeals Project at George Washington University Law School, an innovative effort to reform domestic violence law and mobilize the private bar to assist victims of domestic violence at the appellate level.

STEVE FRIEDEL's article, "Medical Malpractice in Jewish Law: Some Parallels to External Norms and Practices," was published by the CHICAGO-KENT JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW.

Steve was elected to membership in the American Law Institute and has joined its Members Consultative Group for Economic Torts and Related Wrongs.

SANDY GAVIN's article, "Managerial Justice in a Post-Daubert World: A Reliability Paradigm" was published in FEDERAL RULES DECISIONS in May, 2006.

Sandy's article, "Unconscionability Found: A Look at Pre-Dispute Mandatory Arbitration Agreements 10 Years after *Doctor's Associates, Inc. v. Casarotto*" appeared in the CLEVELAND STATE LAW REVIEW this fall.

SALLY GOLDFARB delivered a paper on "Disasters, Families, and the Law" at a symposium entitled "Women and Children Last?: Feminist Perspectives on Disaster Recovery and Relief" at Rutgers School of Law – Newark in March, 2006. Sally's paper will be published in a forthcoming issue of WOMEN'S RIGHTS LAW REPORTER.

Sally presented a paper on "Balancing Women's Safety and Autonomy: Reconceiving Domestic Violence Protection Orders" at the Colloquium on Contemporary Issues in Gender, Law, and Public Policy at Hofstra University School of Law in October.

After the New Jersey Supreme Court issued its decision on same-sex marriage in October, 2006, Sally's comments analyzing the decision were quoted in a number of newspapers, including the PHILADELPHIA INQUIRER, STAR-LEDGER, and USA TODAY.

Sally spoke at a symposium on the New Jersey same-sex marriage case at Rutgers School of Law – Newark in November, 2006. Sally's paper entitled "Granting Same-Sex Couples the 'Full Rights and Benefits' of Marriage: Easier Said Than Done," will be published in a forthcoming issue of the RUTGERS LAW REVIEW.

Sally has agreed to serve as an adviser for a project funded by the Ford Foundation to develop a national "bench book" designed to educate judges on issues concerning child sexual abuse. Sally was called upon to share her expertise on the relationship between child abuse and violence against women.

ELLEN GOODMAN is visiting at Penn Law School this semester. She will present her paper, “Media Policy and Free Speech: The First Amendment at War with Itself,” to the Penn faculty. Ellen will also give a talk, “Spectrum Policy and the Wireless Revolution,” at the Annenberg School of Communications.

Ellen spoke earlier this semester at a workshop entitled “The Future of Broadband Video: A U.S. European Comparative Analysis,” sponsored jointly by the Council of Europe’s Audiovisual Observatory and New York Law School.

In November, the TEXAS LAW REVIEW published Ellen’s article “Stealth Marketing and Editorial Integrity.” The article will also be the featured piece in the Law Review’s first online supplement, to be accompanied by commentary from leading media and intellectual property scholars.

Ellen’s chapter, “Proactive Media Policy in an Age of Content Abundance,” was published by LAWRENCE ERLBAUM this fall in *Media Diversity and Localism: Meanings and Metrics*.

BETH HILLMAN worked on chapters for two anthologies over the summer – the first was a new piece on “The Female Shape of the All-Volunteer Force” for *The Lessons of Vietnam for U.S. Foreign Policy* (Marilyn Young and Lloyd Garner, eds., NEW YORK UNIVERSITY PRESS, forthcoming 2007); the second, a revision

of a conference paper from last year entitled “Guarding Women: Abu Ghraib and Military Sexual Culture,” which will appear in *One of the Guys: Women in the U.S. Military* (Brooke Warner, ed., SEAL PRESS, forthcoming 2007).

Beth addressed the grim topic of U.S. war crimes on WHY?’S RADIO TIMES with Marty Moss-Coane in June.

Beth also kept busy writing book reviews – among others, a review of three books on the trials of Nazi saboteurs before a World War II military commission will soon appear in *Law and History* and a review of *Her Best Shot: Women and Guns in America* for the JOURNAL OF INTERDISCIPLINARY HISTORY –and reference volume entries, including two on the history of anti-gay harassment by the U.S. government.

In October, Beth was elected to the American Law Institute.

Also this fall, Beth spoke about the military’s anti-gay policies and law schools’ role in the controversy at Lavender Law in Washington, D.C. and at Yale Law School. In mid-November, Beth attended a conference at American University’s Washington College of Law that she helped to organize for the National Institute of Military Justice entitled “Current Issues in Military Law: A Conference for Teachers.”

Beth presented two chapters of her book about military justice to the Penn legal history forum in November. She discussed the role of JAGs at Guantanamo Bay at Fordham Law School. Also in November, she attended a

workshop on the study of militarization at Brown University.

ARTHUR LABY delivered a paper on “Corporate Governance and The Changing Role of Gatekeepers in The Financial Markets” in Cape Town, South Africa at a conference sponsored by the Center for International Legal Studies.

Arthur also participated in a faculty colloquium at Seton Hall School of Law, presenting a work in progress on the nature of the fiduciary relationship.

GREG LASTOWKA presented drafts of two of his current articles at the Cultural Crossroads Conference in Istanbul, Turkey, and at the Sixth Annual IP Scholars Conference in Berkeley, California in the summer of 2006.

During the fall 2006 semester, Greg was invited to discuss his current research on internet search engines at the University of Michigan School of Law, Fordham Law School, and at the National Communications Association conference in San Antonio, Texas.

Greg’s article entitled “The Laws of the Virtual Worlds” will be reprinted as the leading article in the volume *The State of Play* (NYU Press 2006), edited by professors Jack Balkin and Beth Noveck.

MICHAEL LIVINGSTON spoke at the International Atlantic Economic Society on tax reform in developing

countries and at the Villanova University/Journal of Catholic Social Thought symposium on historical Catholic attitudes toward progressive taxation, both in Philadelphia.

Michael will also be visiting Israel in December to teach a course on Law and the Holocaust at Bar Ilan University; China in March, where he will continue his research on comparative tax progressivity; and Italy during April and May, where he hopes at long last to complete research for his book on the Italian Race Laws.

Michael’s article entitled “From Milan to Mumbai, Changing in Tel Aviv: Reflections on Progressive Taxation and ‘Progressive’ Politics In a Globalized But Still Local World” is being published in Spring, 2007, by the AMERICAN JOURNAL OF COMPARATIVE LAW.

J. C. LORE’s article entitled “Protecting Abused Neglected and Abandoned Children: A Proposal for Provisional Out-of-State Kinship Placements Pursuant to the Interstate Compact on the Placement of Children” was published in the UNIVERSITY OF MICHIGAN LAW JOURNAL.

J. C. gave a lecture on “Developing Cases for Impact Constitutional Litigation” at Richard Stockton College of New Jersey in November.

J. C. created and delivered a training program to teach clinical faculty how to teach trial advocacy skills to their clinic students at Villanova University School of Law in December. He also teaches and trains young

lawyers litigation skills at the National Institute for Trial Advocacy Program. The Midwest Regional Program in which he participates is the largest of the regional programs and attracts young lawyers and faculty from all over the country.

J. C. was appointed as an Advisory Board Member of the Northeast Juvenile Defender Center in September.

CRAIG OREN was a member of a committee of the National Research Council (the operating arm of the National Academy of Sciences) that just issued a report on the effects of the Bush Administration's changes to the New Source Review Program of the Clean Air Act.

DENNIS PATTERSON finished two weeks of teaching at University College London (Laws) where he participated in the teaching of LLM students from 40 countries. In addition to teaching, Dennis gave seminars and lectures to the faculty and a joint UCL/Oxford colloquium.

Dennis has been named General Editor for the Second Edition of the BLACKWELL COMPANION TO THE PHILOSOPHY OF LAW AND LEGAL THEORY. The new edition will be available in both electronic and cloth editions in about two years.

Finally, with Richard Hyland, Dennis has published a new edition of his commercial law casebook.

STANISLAW POMORSKI published an article entitled "Modern Russian Criminal Procedure: The Adversarial Principle and Guilty Plea" in the most recent issue of the CRIMINAL LAW FORUM.

Stash's study about the Nuremberg trial, "Conspiracy and Criminal Organization" (in Ginsburgs and Kudriavtsev, *The Nuremberg Trial and International Law*) was cited in Justice Stevens' plurality opinion in a landmark decision *Hamdan v. Rumsfeld*.

Last October, Stash delivered two lectures at the University of Lodz, Poland.

SARAH RICKS authored "Third Circuit Clarifies Inconsistency in State-Created Danger: Bright is Consistent with Earlier Non-precedential Opinion," in the LEGAL INTELLIGENCER in July (reprinted in THE PENNSYLVANIA LAWYER in August), explaining that the Third Circuit now has corrected one of the doctrinal inconsistencies identified in her article earlier this year, "The Perils of Unpublished Non-precedential Federal Appellate Opinions: A Case Study of the Substantive Due Process State-Created Danger Doctrine in One Circuit," published in the WASHINGTON LAW REVIEW.

Sarah also authored "Effective Brief Writing Despite High Volume Practice: Ten Misconceptions that Result in Bad Briefs" which will be published in the TOLEDO LAW REVIEW in 2007. The article was co-authored with Jane Istvan and will be excerpted in NEW JERSEY LAWYER in December.

To teach One L students about the cultures of different law workplaces, Sarah has drawn on contacts made in 11 years of Philadelphia law practice to organize a series of field trips to meet Philadelphia lawyers in their offices, a practice she describes in "Student to Lawyer: Teaching the Culture(s) of Law Practice," *The Second Draft: Bulletin of the Legal Writing Institute*.

Sarah presented "Persuasive Legal Writing," a Continuing Legal Education seminar for 300 Philadelphia attorneys in July, 2006. Sarah also presented, along with Eve Klothen, "Encouraging Cooperation Between Legal Writing Programs and Pro Bono, Clinical, and Externship Programs," at the Legal Writing Institute in Atlanta, Georgia in June, 2006.

Sarah is on the 2008 Program Committee for the AALS Section on Legal Writing, Reasoning, and Research. Sarah is Chair of the Scholarship Committee for the Association of Legal Writing Directors; and she is also Chair of the Committee on Cooperation Among Pro Bono, Clinical, and Legal Writing Programs for the Legal Writing Institute.

RAND ROSENBLATT attended a Conference on Equality and the State at the University of Kent, Canterbury, UK, during late June and early July. The conference was organized by the Feminist Legal Theory Project and Keele Law School, and sponsored by the British Academy and the Emory University Law

School Network on Key Concepts in Feminist Legal Theory.

SANDRA SIMKINS's article entitled "Road Trip!! A Simple Solution for Protecting Girls From Institutional Abuse" was published in *WOMEN, GIRLS AND CRIMINAL JUSTICE* in November.

Sandra's article entitled "Your Patients in the Juvenile Justice System, and Your Role In Their Care and Well-Being" was published in *CONTEMPORARY PEDIATRICS* in July.

In October, Sandra moderated a panel of Judges and Legislators at the National Juvenile Defender Summit on the topic: "Raising the Bar: Invigorating the Protections of Gault."

Also at the National Juvenile Defender Summit, Sandra presented a workshop called "Strategies to Keep Youth Safe in Juvenile Facilities."

Sandra served as a National juvenile justice consultant to assess the quality of delinquency representation in the State of Illinois in July.

Sandra became a member of the New Jersey Women in the Courts Committee.

ALLAN STEIN delivered a paper on the "Jurisdictional Implications of Charitable Solicitation Over the Internet" at the NYU Conference on Law and Philanthropy in November. The second edition of Allan's Civil Procedure book, coauthored with Linda Silberman and Tobias Wolff, was published by ASPEN this past summer.

RAY SOLOMON attended the American Society of Legal Historians Annual Meeting in Baltimore in November.

Ray was a guest at the New York County Lawyers' Association's 92nd Annual Dinner at the Waldorf Astoria in New York in December.

BETH STEPHENS traveled to England in June to address a workshop organized for the benefit of the United Nations special representative on corporate accountability for human rights violations. She also submitted an "expert" paper for a project on the same topic organized by the International Council of Jurists.

Beth spent the month of July teaching in the Oxford University Human Rights summer program.

In November, she gave a presentation on customary international law at a training program for federal and state judges.

BOB WASHBURN co-authored "Eminent Domain Legislative Strategy Toolkit" published by the National Association of Home Builders in May 2006.

Bob spoke on "Regional Approaches to Water Allocation and Protection" at the Water Environment Association's Groundwater 2006 Conference in New Jersey in June.

BOB WILLIAMS gave the keynote address at a conference in October at Marquette Law School in Milwaukee entitled "Is Wisconsin's Constitution Obsolete?" Bob's paper, "Is the Wisconsin State Constitution Obsolete? Toward a Twenty-First Century, Functionalist Assessment," will be published as the Foreword to the symposium issue in *MARQUETTE LAW REVIEW*.

Later that month, Bob spoke at the California State Bar Association Annual Meeting in Monterrey. He participated in the California Supreme Court Historical Society's program, "California – Laboratory of Legal Innovation." Bob spoke on "The California Roots of the New Judicial Federalism in State Constitutional Law."

Finally, also in October, Bob spoke on "State Constitutions for the Twenty-First Century" at an invitational luncheon sponsored by the Institute of Legal Research and the Institute of Governmental Studies at the University of California, Berkeley.

The Fourth Edition of Bob's *State Constitutional Law: Cases and Materials* was published by LEXISNEXIS in Spring, 2006.

Bob's 1969 student law review note (on the tax provisions of the then-new Florida Constitution) was cited by the Florida Supreme Court as controlling authority in *Florida Department of Revenue v. City of Gainesville*, 918 So.2d 250, 264 (Fla. 2005). Bob wishes his more recent work got this kind of attention.

Bob testified before the New Jersey Legislature's Special Session Joint Committee

on Constitutional Reform and Citizens
Property Tax Constitutional Convention.
He covered the tax provisions in the state
constitution and the processes for calling
a constitutional convention.