

FOR THE RECORD

Rutgers School of Law - Camden

No. 2

Spring 2004

RANDY ABATE delivered a presentation in March 2004 entitled "Climate Change Litigation: A New Mechanism to Curb Greenhouse Gas Emissions and Enhance Corporate Accountability Within and Outside the United States" at the Ninth Annual Pennsylvania Environmental Law Forum (sponsored by the Pennsylvania Bar Institute) in Harrisburg.

Randy has been appointed to the Sea Grant Law Center Advisory Committee. The Sea Grant Law Center is located at the University of Mississippi Law School. The Advisory Committee consists of 12 ocean and coastal law experts throughout the nation from law schools, federal and state agencies, and industry. The Advisory Committee assists the Law Center with strategic planning, research activities, and outreach initiatives.

LINDA BOSNIAK presented a paper at the conference "Cultural Citizenship: Varieties of Belonging" at Harvard's Radcliffe Institute in February. As Acting Director of Rutgers' Center For the Critical

Analysis of Contemporary Culture in New Brunswick this year, Linda organized an exciting conference on Citizenship and Cultural Difference, held also in February. Participants included historians, sociologists, political scientists, anthropologists, legal scholars and cultural theorists. Linda will serve as a participant in a roundtable on Professor Joel Handler's new book *Social Citizenship and Workfare in the United States and Western Europe: The Paradox of Inclusion* at the Law and Society annual meeting in Chicago. Linda was elected Chair of the Immigration Law Section of the American Association of Law Schools for 2004-2005.

MICHAEL CARRIER presented "Cabining Intellectual Property Through a Property Paradigm" at Villanova Law School and at the First Annual Intellectual Property and Communications Law and Policy Scholars Roundtable held at Michigan State University - DCL College of Law.

ROGER CLARK, along with a record field of 51 runners and one cyclist, competed in a special edition of the Law School Run celebrating Roger's first 50

years running. Roger began competing in high school in 1954 and has run seriously (injuries permitting) ever since. He estimates that he has averaged a thousand miles a year over the whole period, with some highs and lows. Among the field were seven alums who had competitive relationships with Roger in Law School: Peter Reinhart ('75), Marvin Towler ('96), Anthony Pugliese ('84), Jeff Heppard ('81), Mellany Alio ('03), Tom Ehrhardt ('94) and Frank Brennan ('95). Reinhart was the first student to run with Roger at Rutgers, beginning in 1972, and they did two Boston marathons together. Marvin Towler flew in from Santa Barbara especially for the event. Jeff Heppard competed in some of the early Law School Runs which began in the late 1970s (although nobody remembers exactly when). Also in the field were the speedy mother of one student and a ringer from Temple Law School. Judge Joseph Irenas was the official starter. Roger had agreed to pay \$50 to the APIL Scholarship for each runner who beat him. He came in 23rd and described the check he handed over as "the most expensive entry fee in a long, if otherwise undistinguished, running career." Provost Roger Dennis continued his unbeaten streak in the cycling section of the event. The much-sought-after commemorative t-shirt featured a group photo of Roger with members of the Monday running group and Professor Randy Abate who won faculty bragging rights in the race.

PERRY DANE's book review of *Abraham Hirsch Rabinowitz, The Study of Talmud: Understanding the Halakhic Mind* was published in the JOURNAL OF LAW AND RELIGION.

Perry had an article published in the Philadelphia Inquirer last July entitled "O'Connor's Opinions are Her Legacy: Justice Pushes Rest of Supreme Court Toward Her View of Social Solidarity."

Perry's article entitled "Magic and Ritual on Yom Kippur" appeared in KEREM: CREATIVE EXPLORATIONS IN JUDAISM.

Perry presented one of the lead papers during a panel on "Church Autonomy and the Free Exercise of Religion," at a Conference on "Church Autonomy" sponsored by the International Center for Law and Religion Studies and The J. Reuben Clark Law School at Brigham Young University in Utah. The title of the paper is "'Omalous' Autonomy." It will be published in an upcoming issue of BRIGHAM YOUNG LAW REVIEW.

He presented a paper on Jewish Law and Responses to Terrorism and Warfare at the Jewish Law Section of the 2004 Annual Meeting of the American Association of Law Schools in Atlanta.

Perry presented a paper entitled "The Genre Barrier and the Place of Intent" at "Mediating Law: Theory, Production, Culture," the 11th International Conference of the Law and Literature Association of Australia, held in

conjunction with the Association for the Study of Law, Culture, and the Humanities (USA), at the University of Melbourne Law School. He presented this same paper at a Faculty Seminar here at the Law School.

Perry was an official Commentator and participant at the Fourth Conference of the European-American Law and Religion Consortium, held in Dobogókő, Hungary. The topic of this session of the Consortium was “The Permissible Scope of Legal Limitations on Freedom of Religion or Belief: A Comparative Perspective.”

Perry gave a lecture on “Slavery, Race, and the Story of Dred Scott” to an undergraduate Sociology class on “Race and Ethnicity” at the Rutgers–Camden College of Arts and Sciences. He also presented an Adult Learning Mini-Course on “Issues in the Structure of the Halakhah” for Beth Hillel-Beth El Havurah in Wynnewood, Pennsylvania. Also at Beth Hillel-Beth El Havurah, he delivered a D’Var Torah on “Shabbat in Prayer.” Perry also delivered a Yom Kippur D’Var Torah entitled “Avinu Malkeinu, Kin(g) of all the Earth,” at the Merion Tribute House Service in Merion, Pennsylvania.

Perry attended a Policy Research Seminar on Ethnoculture, Racial, Religious and Linguistic Diversity and Identity in Halifax, Nova Scotia. The

event was co-sponsored by the Association for Canadian Studies, the Multiculturalism Program of the Department of Canadian Heritage, and the Metropolis Project Team of Citizenship and Immigration Canada.

JAY FEINMAN is this year’s recipient of the University’s Warren Susman Award for Teaching Excellence which was presented by President McCormick at a ceremony in New Brunswick in May.

KIM FERZAN’s article “Defending Imminence: From Battered Women to Iraq” was accepted by the *ARIZONA LAW REVIEW*. Her article “Some Sound and Fury from Kaplow and Shavell” recently appeared in the January 2004 issue of *LAW & PHILOSOPHY*.

STEVE FRIEDEL’s article, “A Lump of Coal: Behind the Scenes of The Osceola” was published in a symposium in the *RUTGERS LAW JOURNAL*. The article revealed the true facts and corrected several misapprehensions about a Supreme Court case that is a landmark in maritime personal injury law. Steve coached two teams in the John R. Brown Admiralty Moot Court Competition. The team of Stephanie Hunnell and Joseph Kulesa submitted the fourth best brief out of 24 teams. Keith Campbell was the sixth best oralist out of 60 participants.

Steve also chaired the Jewish Law Section of the AALS conference in Atlanta where the topic was “War and Response to Terrorism.” Steve spoke at Mikveh Israel Synagogue on “Some Characteristic Features of Jewish Law.”

Steve has also been the Advisor to the Law School’s chapter of Phi Alpha Delta.

ELLEN GOODMAN’S article “Spectrum Rights in the Telecom to Come” was published in the SAN DIEGO LAW REVIEW in April. Her tribute to Judge Norma Shapiro was published in the UNIVERSITY OF PENNSYLVANIA LAW REVIEW at the beginning of the year.

Ellen was asked to be on an Advisory Committee for the University of Colorado’s NSF-funded interdisciplinary project entitled “Spectrum Management Toward Spectrum Plenty.”

Ellen will deliver her paper “Media Policy Out of the Box” at the Law and Society conference in May. She is also in the process of developing a new course entitled Media Law.

PPETER HUANG’S article “Lawsuit Abandonment Options in Possibly Frivolous Litigation Games” was published in January in REVIEW LITIGATION.

Peter was a panelist on “Decision Making and Risk in Free Enterprise” at the Behavioral Building Blocks of Free Enterprise, at Gruter Institute for Law and Behavioral Research Symposium in Squaw Valley, California in May. Also at the Gruter Institute for Law and Behavioral Research, he participated as a panelist on “Law and Economics: Reports on Current Research,” at the Law, Behavior, and the Brain Conference in May.

Peter presented a paper “Effective Regulation of Affective Investing: Regulating Emotional Investing in Bipolar Securities Markets” at the Law and Emotions panel of the American Psychology - Law Society Annual Conference in Phoenix in March.

At the January AALS Annual Meeting in Atlanta, Peter presented a paper entitled “Unemployment, Health, and Well-Being” at the Law & Macroeconomics panel in the Section on Socio-Economics.

Peter presented a paper entitled “Moody Investing and the Supreme Court: Rethinking the Materiality of Information and the Reasonableness of Investors” at Fordham Law School in January and at the University of Minnesota Law School in February.

HHARRIET KATZ’S article “Confronting Students: Evaluation in the Process of Mentoring Student Professional Development” was published in the CLINICAL LAW REVIEW. The article was

co-authored with Cynthia Batt of Beasley School of Law, Temple University.

Harriet was selected as a Concurrent Session presenter on the topic of methods of clinical supervision at the AALS Conference on Clinical Legal Education in early May in San Diego.

MICHAEL LIVINGSTON visited India where, when not practicing his rather rudimentary Hindi (“ek chai krpayā”), he met with a variety of public and private figures in Indian taxation as part of a project on progressive taxes funded by the American Tax Policy Institute. Mike has now completed two of the three “I’s” (Israel and India) on his itinerary and hopes to visit Italy again shortly. The India trip was also the subject of his presentation to the Critical Tax Conference which was hosted by our sister law school, Rutgers-Newark, in April.

DENNIS PATTERSON completed a two week lecture tour in Genoa, Bologna, Palermo, and Venice, Italy in January. He is currently in Bochum, Germany for a series of lectures.

Dennis was featured in the April 2004 issue of SOUTH JERSEY MAGAZINE as one of the “Fab Four” faculty at Rutgers – Camden campus. The article highlights Dennis’ career

from his entry into law practice to his tenure at the Law School.

Dennis’ latest books are *An Anthology to Legal Theory* published by BLACKWELL and *Wittgenstein and Law* published by ASHGATE.

Dennis is also the European tour guide for Mary’s daughter Pattey.

RAND ROSENBLATT co-authored an *Ramicus* brief to the United States Supreme Court in January 2004. The consolidated cases, *Aetna v. Davila* and *Cigna v. Calad*, are about whether managed health care entities can be sued for damages under state law when they refuse to authorize care requested by physicians for their patients, and the refusal allegedly causes injury. The technical issue is whether the federal ERISA law preempts otherwise applicable state law. The underlying issue is whether HMOs and other managed care entities have tort responsibility for the impact that they are having on the practice of medicine. Aetna and Cigna argued that they only decide about “payment” or “coverage,” and that the nature and quality of care actually delivered is up to the patient and the doctor. Rand’s brief pointed out all the ways that the managed care industry presents itself as and actually is responsible for the nature and quality of care. The case was argued on March 23. Rand also met several times with the newly-revived Rutgers – Camden Health Law Student Society, and supported over

20 Rutgers – Camden law students to attend the Supreme Court argument.

Rand also presented a paper in March 2004 at a symposium sponsored by the Vanderbilt Law Review inspired by the 50th anniversary of *Brown v. Board* on “Lawyers as Activists: Social Change Through Civil Litigation.” Rand’s paper is titled: “Two Dimensions of *Brown v. Board*: Egalitarian Interpretation and the Expansion of Social Citizenship.”

Rand also published an article entitled “The Four Ages of Health Law,” in the HEALTH MATRIX, in an invited symposium issue of The Past and Future of Health Law. Rand also is publishing a book review essay on Timothy Jost’s book *Disentitlement?* in the JOURNAL OF HEALTH POLITICS, POLICY AND LAW.

RUTH ANNE ROBBINS presented a work-in-progress in March to legal writing and clinical faculty attending the Rocky Mountain Regional Legal Writing Conference, entitled “Writing About Our Clients As Heroes: The Implications of Joseph Campbell’s ‘Archetypes’ to Persuasive Legal Writing.” Ruth Anne will also present with other clinicians at the AALS Clinical Conference in May about the new efforts to build meaningful bridges between the disciplines of clinic and legal writing.

Ruth Anne was just elected to the Board of Directors of the Legal Writing Institute and will begin her 4-year term in July.

Ruth Anne also finalized work on the second edition of her book, *New Jersey Domestic Violence Practice and Procedure*, which is scheduled for publication this summer. She was honored on April 21 by the Women’s Law Caucus at their annual Faculty Tea for her work.

RAY SOLOMON participated as a team member of the American Bar Association’s site inspection of Syracuse University College of Law in March.

ALLAN STEIN’s article, “Personal Jurisdiction and the Internet: Seeing Due Process Through the Lens of Regulatory Precision,” was recently published in the NORTHWESTERN LAW REVIEW. Allan is also working with Alice Dueker, Sandy Gavin, and Don Joseph to develop a new six-hour upper-level course in Litigation. Students will learn the law of procedure and ethics by preparing a simulated case for trial. Federal Magistrates Joel Rosen and Ann Donio will teach a lawyering component in which students will interview clients, draft pleadings, take discovery and argue motions. Allan’s *Civil Procedure* casebook (coauthored with Linda Silberman of NYU) has been adopted by 30 teachers, including every Civil

Procedure section at Stanford Law School.

BOB WASHBURN co-authored a paper entitled “Water Wars East of the Mississippi: A Case Study in Southeastern New Jersey.” The paper will be delivered at the Ground Water and Environmental Law Conference sponsored by the National Ground Water Association in Chicago in May.

BOB WILLIAMS received the Judge Alfred Clapp award for outstanding service to the Editorial Board of the New Jersey Law Journal, 2004.

In February, Bob spoke at a conference in New Hampshire on Twenty Years of State Constitutional Law in New Hampshire. His article will be published in the NEW HAMPSHIRE BAR JOURNAL. Also in February, Bob spoke at Valparaiso Law School and moderated a discussion among state supreme court justices concerning state constitutional law.

In March, Bob, together with Dr. Alan Tarr of the Center for State Constitutional Studies, hosted a conference on Comparative Subnational Constitutional Law at the Rockefeller Foundation Conference Center in Bellagio, Italy. The participants at this conference formed

the International Association of Subnational Constitutional Law.

In April, 2004, Bob delivered two lectures on state constitutional law at the University of Minnesota Law School, sponsored by the American Constitution Society.