

FOR THE RECORD

Rutgers School of Law - Camden

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ARI AFILALO is returning to Camden after a one-year visitorship at Fordham Law School, where he taught contracts, EU law and international trade, and spending one year as Emile Noel Fellow at NYU Law School's Jean Monnet Center. As an Emile Noel Fellow, Ari developed three articles related to the tension between international trade and investment law, the transformation of the foundational principles of the global regulatory trading system, and recommendations for overhauling international economic institutions. These articles will be published as Jean Monnet working papers. While at NYU, Ari continued to teach at Fordham on an academic adjunct basis, participated in multiple activities of the Jean Monnet Center, including workshops and seminars involving the former President of the European Commission, the President of Italy, and numerous European think-tanks and officials.

MICHAEL CARRIER's (edited) book, *Critical Concepts in Intellectual Property Law: Competition*, was published by EDWARD ELGAR PUBLISHING.

Michael published a book chapter, "Standard-Setting Analysis Under U.S. Law," in *INTELLECTUAL PROPERTY AND COMPETITION LAW: NEW FRONTIERS* (Ariel Ezrachi and Steve Andermans

eds., OXFORD 2010). He also published two symposium articles: "Solving the Drug Settlement Problem: The Legislative Approach" in the *RUTGERS LAW JOURNAL* and "2025: Reverse-Payment Settlements Unleashed," in *COMPETITION POLICY INTERNATIONAL ANTITRUST JOURNAL*.

In addition, Michael wrote three amicus briefs: the first, in the U.S. Supreme Court on behalf of consumer organizations in the Cipro (drug patent settlement) case, the second, in the Third Circuit on behalf of the American Antitrust Institute and a group of law professors in *K-Dur* (same), and the third, in the Second Circuit on behalf of himself in *Viacom v. YouTube* (copyright).

In January, Michael spoke at a panel of the AALS Antitrust and Economic Regulation section on the pharmaceutical industry with commenters that included Richard Epstein. He also became Chair-Elect of the AALS Antitrust and Economic Regulation section.

Michael spoke at a Philadelphia Bar Association event in March on the Combating Online Infringement and Counterfeits Act. He debated the senior director of Internet Counterfeiting and Piracy at the U.S. Chamber of

Commerce. In April, Michael presented legislative proposals for “Increasing Innovation by Reining in Copyright” at the Cardozo “Modest Proposals” conference. Academics and Senate Judiciary Committee counsel responded to the proposals. He also discussed copyright and innovation issues at a talk at Google. Finally, Michael had a book signing at Head House Books in Philadelphia.

Michael was featured in an April BUSINESS NEWS DAILY column: “iPod, TiVo Would Never Make it To Market in 2011.” He was quoted several times in an AMERICAN LAWYER column on drug patent settlements.

ROGER CLARK spent a weekend in New Zealand in February to attend the Centenary celebrations of his high school, Wanganui Technical College. His most recent publications are a chapter in a book project aimed at drafting a United Nations treaty on crimes against humanity, and another book chapter entitled “Complementarity and the Crime of Aggression,” the latter deals with the relationship between the International Criminal Court and domestic courts in prosecuting those responsible for the crime of aggression. He is lying low in Camden this summer, working on a supplement to the casebook he and Ellen Podgor edited on International Criminal Law and on various other editing and writing enterprises.

PERRY DANE’s “Review of Abdullahi Ahmed An-Na’im, Islam and the Secular State: Negotiating the Future of Shari’A” published by HARVARD UNIVERSITY PRESS, in *Ancient Traditions: New Conversations*, the Blog of the Center for Jewish Law and Contemporary Civilization at Cardozo Law School, available at <http://blogs.yu.edu/cjl/2011/03/08/islam-and-the-secular-state/>.

Perry continues to be a full-time resident Fellow at the Tikvah Center for Law & Jewish Civilization at New York University School of Law. His year-long project is titled “‘Hanging By a Thread’: Toward a Jurisprudence of Jewish Law.” He presented a portion of this project at the Fellows’ Workshop of the Tikvah Center for Law & Jewish Civilization at New York University School of Law. His presentation focused on the Introduction to the project and on the chapter on “The Challenge of Jewish Legal Change.”

Perry presented his paper entitled “Nature, Equality, and Same-Sex Marriage” to a Faculty Seminar here at Rutgers School of Law – Camden.

He was an invited presenter at the 30th Limmud Conference, held at the University of Warwick, in Coventry, United Kingdom. (The UK Limmud Conference is an annual week-long learning fest that attracts more than 2000 participants from around the world.) He presented sessions on the following topics: “The Covenants of Faith and Fate: Of Subbotniks, Sambatianer, Lemba, and other Non-Jewish Jews” (a

podcast of this talk is available at <http://tinyurl.com/dane-limmud> ; “Marriage: Natural, Civil, and Religious;” “Stand & Pray: Structure & Struggle in the Amidah;” “Another Look at the *JFS* Case.”

Perry was appointed a Co-Book Review Editor at the JOURNAL OF LAW AND RELIGION affiliated with the Hamline University School of Law.

He also supervised a couple of directed research papers and an LL.M. thesis at NYU Law School.

JAY FEINMAN presented a workshop in February on institutional bad faith at the national law firm Anderson Kill & Olick.

In March, Dr. Robert Hartwig, president of the Insurance Information Institute and principal spokesperson for the insurance industry, debated Jay about his book *Delay Deny Defend*; the debate was held at the annual meeting of the Council on Litigation Management, an organization for insurance companies and their lawyers. Podcasts and articles about the book are on www.delaydenydefend.com.

Jay will present a CLE program and be the keynote speaker in June at the annual meeting of the New Hampshire Association for Justice.

Jay is teaching in Graz, Austria, in May and June.

JOEL FORKOSCH, former faculty member in the seventies and early eighties, died early in January after a long battle with pervasive cancer. Joel taught Labor Law and Civil Procedure at Rutgers. A demanding teacher, he had a strong student following. His Labor Moot Court team won the Robert F. Wagner national competition held at New York Law School. A graduate of the City College of New York and of New York Law School, Forkosch clerked for Judge Simon Sobeloff on the Fourth Circuit Court of Appeals, then practiced with the Proskauer, Rose firm in New York before entering the teaching profession. Professor Forkosch returned to practice in Philadelphia in 1984. He suffered massive brain trauma early in 1985. He was struck in the back of the head by a mirror protruding from a truck while he was running along Columbus Boulevard in Philadelphia. While he was never able to return completely to practice or teaching, he made a remarkable recovery and enrolled as a graduate student at the University of Pennsylvania. There, he successfully completed a beautifully-written interdisciplinary Ph.D. dissertation on the treatment of brain-injured people. He returned to the roads and was often seen running in Camden and Philadelphia in the company of Board of Governors Professor Roger Clark and former Dean Roger Dennis.

DAVID FRANKFORD completed an invited essay entitled “Dehumanizing A Most Human Practice” to be published in 2011 in the JOURNAL OF HEALTH POLITICS, POLICY AND LAW (JHPPL) as a

commentary on an article in which the authors propose use of an administered market to increase the number of live-donor kidneys for transplantation. His first Special Section, “Behind the Jargon” in JHPPL, has gone to press; and the work with co-authors Sara Rosenbaum, Rand Rosenblatt and Sylvia Law on a revision of the textbook, *Law and the American Health Care System*, continues apace.

STEVE FRIEDEL taught three Continuing Legal Education courses on Jewish Law at Congregation Mikveh Israel. The first was on medical malpractice, and the second was on the use of Jewish law in Israel’s secular courts. The final lecture was about liability for indirect harm with particular emphasis on a case that arose out of the Venetian Inquisition in the late 16th century.

Steve also published a commentary for LEXIS on *Luera v. M/V Alberta*, a recent Fifth Circuit case where the court changed course and allowed an *in rem* claim to be tried by a jury as long as the claim was joined with another claim that was supported only by diversity jurisdiction.

JOHN GIORDANO, Adjunct Professor of Law, has been named by Pennsylvania Governor Tom Corbett as Deputy Secretary for Administration at the Department of Conservation and Natural Resources. In this capacity, John will serve as the Department’s Chief Administrative and Fiscal Officer, with responsibility for all administrative,

management, and information technology operations. John will also continue to teach at the Law School.

SALLY GOLDFARB’s article “Viewing the Violence Against Women Act Through the Lenses of Feminist Legal Theory” has been published in *WOMEN’S RIGHTS LAW REPORTER*.

In April, Sally gave a presentation to the Women’s Law Caucus and Law Students for Reproductive Justice on the changing legal response to violence against women.

ELLEN GOODMAN’s article, co-authored with Anne Chen, “Modeling New Public Media Policy” was published in the *HARVARD JOURNAL OF LAW AND TECHNOLOGY* in early spring.

The FCC is about to release the massive report on the “Future of Media” that Ellen has been working on under a Ford Foundation grant this spring.

Ellen served as an expert consultant in a consumer class action suit against a company for false advertising of “green” products (known as “greenwashing”). She co-produced an animated video depicting new public media networks based on her recent scholarship and work in the field.

Over the spring, Ellen was involved in beating back Congressional attempts to defund public broadcasting and in shaping the State of New Jersey’s sale of its public broadcasting stations. She participated in a panel at NYU on

“Public Media and Political Influence: Lessons for the Future of Journalism from Around the World” in February 2011, participated in panels on spectrum policy in the fall of 2010 at the Information Technology and Innovation Foundation, the Brookings Institute and the New America Foundation.

Ellen lectured on new public media networks at Hebrew University, Ben Gurion University, and Haifa University. In the fall of 2010, she co-organized a conference on public media and public diplomacy at the New America Foundation, which was the first official Rutgers Institute of Information Policy and Law event.

JOANNE GOTTESMAN presented on the immigration consequences of crimes at the Criminal Law Bench-Bar Conference at the Annual Meeting of the New Jersey State Bar Association in May, as well as at a CLE program for the Morris County Bar Association.

In March, Joanne spoke on a panel on the history of comprehensive immigration reform at NJICLE’s 11th Annual New Jersey Immigration Conference at Seton Hall Law School. Also in March, along with Victoria Chase and Don Joseph, she presented a CLE program entitled “Hot Topics in Ethics” at the Law School.

STACY HAWKINS presented Work in Progress “A Deliberative Defense of Diversity: Moving Beyond the Affirmative Action Debate to Embrace a 21st Century View of Equality” at the

SE/SW/MW People of Color Conference in Ft. Lauderdale, FL in March.

Stacy served on the panel “Tiptoeing Around Landmines: Diversity-Related Employment Law” at the Annual NALP Education Conference in Palm Springs, CA in April.

Stacy was recently appointed to serve an inaugural term on the Pennsylvania Bar Association Diversity Team. She was also recently elected to serve as a Special Member of the Board of the Philadelphia Diversity Law Group. She was reappointed to a second term on the Board of the Public Interest Law Center of Philadelphia.

PAM JENOFF’s article entitled “Going Native: Incentive, Identity and the Inherent Ethical Problem of In-House Counsel” was accepted for publication in November in the WEST VIRGINIA LAW REVIEW.

Pam received a legal writing scholarship grant from the Association of Legal Writing Directors (ALWD).

HARRIET KATZ’s article entitled “Stories and Students: Mentoring Professional Development” was published in the JOURNAL OF LEGAL EDUCATION in May.

EVE KLOTEN and Joanne Gottesman, along with Professor Christine Brenner from Public Policy and Administration, accompanied seventeen trained Rutgers – Camden law students to New Brunswick to participate

in the first Citizenship Rutgers drive, which was co-sponsored with the Eagleton Institute of Politics and Rutgers Law - Newark along with Rutgers Law - Camden. Students from all three campuses worked together to assist nearly 100 Rutgers faculty, staff and students from countries around the world who were eligible to apply for US citizenship to complete their forms, and provided review by pro bono immigration attorneys as well.

Eve was honored with the 2011 Outstanding Service Award from Philadelphia VIP, an organization committed to providing community access to justice and legal services. She received the award during a 30th anniversary celebration for Philadelphia VIP on March 19.

A RTHUR LABY's essay, "Implementing Regulatory Harmonization at the SEC," was published in the ANNUAL REVIEW OF BANKING & FINANCIAL LAW. He also completed work on a symposium contribution entitled *SEC v. Capital Gains Research Bureau* and the Investment Advisers Act of 1940, to be published in the BOSTON UNIVERSITY LAW REVIEW. He is continuing work on a book chapter on the liability of asset managers to be published in a collection of comparative materials by OXFORD UNIVERSITY PRESS.

In May, Arthur participated in a Roundtable discussion in Washington, DC, sponsored by the American Law Institute, on the extraterritorial application of the federal securities laws

after the Supreme Court decision in *Morrison v. National Australia Bank*.

Earlier in the spring, he spoke on an ALI-ABA panel on the topic of changing fiduciary obligations for investment advisers.

GREG LASTOWKA has been fairly busy this year promoting his new book, *Virtual Justice*. He has been talking with reporters from newspapers and radio stations, giving presentations at bar association groups and law enforcement training programs, and guest-lecturing (primarily in Second Life) to various groups, including graduate classes at USC, Penn, and Arizona State. Greg even managed to chat with Thomas Drayton on Fox 29 in February.

In April, he gave the keynote address in New Brunswick at the first annual "Game Behind the Game" conference, hosted by the School of Communication and Information. He also presented the book to a slightly smaller crowd at his local library.

In the non-virtual world, he has been doing his standard scholarship, including speaking on IP and Internet Law panels at Fordham and Temple, publishing two book reviews: one in the MICHIGAN LAW REVIEW (reviewing Mike Carrier's *Innovation for the 21st Century*) and one in the CORNELL JOURNAL OF LAW & PUBLIC POLICY (reviewing *Property Outlaws*). He has also been helping with the launch of RIPL, the law school's new Institute for Information Policy and Law. RIPL hosted the annual Philly

Cyberlaw Colloquium this year and Greg enjoyed co-coordinating the event with Ellen Goodman. (The highlight of the event was an acoustic guitar jam by three distinguished copyright professors.)

Greg is currently working on various writing projects in the area of intellectual property. He is particularly excited about a new book project exploring the relationship between intellectual property and “amateur” creativity online, which will undoubtedly require expanding his already substantial expertise in the field of “lolcats.”

CRAIG OREN’s article entitled “Is the Clean Air Act at a Crossroads?,” an expanded version of a talk he gave at a conference last spring, was published in ENVIRONMENTAL LAW at the end of 2010. He just spoke at a conference at UCLA entitled Perspectives on Climate Change, Pollution, and the Clean Air Act.

DENNIS PATTERSON gave lectures in Copenhagen, Girona and Bologna last term for a variety of conferences on legal theory. His edited book *Blackwell Companion to Philosophy of Law and Legal Theory* received positive notices and his book with Ari Afilalo, *The New Global Trading Order* has been issued in paperback with a new Preface by CAMBRIDGE.

SARA RICKS, Commissioner on the Philadelphia Commission on Human Relations, helped draft the Commission’s Report on intergroup

conflict in the City’s public schools, the culmination of 11 public hearings, and spoke at the March City Hall press conference releasing the report. Sarah helped draft the first overhaul of the city’s antidiscrimination law in 60 years, expanding both the plaintiff and defendant classes and increasing the penalties, and was invited to be present when Mayor Nutter signed the bill in March.

Sarah’s *Teacher’s Manual for Current Issues in Constitutional Litigation* was published in 2011 by CAROLINA ACADEMIC PRESS. Her book chapter, “Constitutional Research,” to be included in *Suzanne Rowe*, editor FEDERAL LEGAL RESEARCH, by CAROLINA ACADEMIC PRESS is forthcoming in 2011.

Sarah contributed eight short pieces to Steven Friedland & Gerald Hess, editors, *Teaching the Law School Curriculum*, which are also forthcoming in 2011 by CAROLINA ACADEMIC PRESS. She also presented CLE on *Effective Brief Writing Despite High Volume Practice* to the Philadelphia District Attorney’s Office in February; *Effective Commenting and Grading Final Drafts*, Panel at Legal Writing Institute Regional Conference at Charleston School of Law, Charleston, SC in December.

Sarah was recently appointed to the Executive Committee of the AALS Section on Legal Writing, Reasoning, and Research.

RUTH ANNE ROBBINS, has been elected to a three-year term on the board of directors of ALWD, the

Association of Legal Writing Directors (a school need not have a director in order to be represented in ALWD). ALWD uses proceeds from its citation manual to fund scholarship and teaching grants, to produce scholarship workshops and to sponsor conferences. It is also the affiliate organization representing legal writing professors at ABA proceedings.

SHEILA RODRIGUEZ authored an article entitled “The Morally Informed Consumer: Examining Animal Welfare Claims on Egg Labels,” which will be published in the *TEMPLE JOURNAL OF SCIENCE, TECHNOLOGY & ENVIRONMENTAL LAW*. She also contributed to a book: *Teaching a Legal Research “Laboratory Class,”* in *Techniques for Teaching Law II* (Steven Friedland, Gerald Hess, Michael Hunter Schwartz & Sophie Sparrow eds., forthcoming 2011).

RAND ROSENBLATT participated in three scholarly debates this spring. On February 21, before an overflow Law School audience, Rand debated Professor Sai Prakash of the University of Virginia Law School on whether “strict originalism” is the only legitimate method of interpreting the constitution. The event was sponsored by the Rutgers – Camden student chapters of the Federalist Society and the American Constitution Society. On March 23, at the invitation of the Philadelphia Lawyers Chapter of the Federalist Society, Rand defended the constitutionality of the health reform

individual mandate against David Rivkin, Esquire, one of the lead lawyers for the challengers in the Florida case. The event took place before a large audience at Villanova Law School. On April 13, Rand and Earl Maltz debated the constitutionality of the individual mandate for the Rutgers – Camden Law Faculty Workshop. Rand also gave a presentation on the constitutional issues of health care reform at the March 24 Health Law Symposium sponsored by the Rutgers-Camden Health Law Society.

BETH STEPHENS continues to write and speak about the foreign sovereign immunity issues raised by *Samantar v. Yousuf*, the 2010 Supreme Court case on which she was co-counsel. Beth spoke on a *Samantar* panel at the fall 2010 International Law Association meeting, as well as at Fordham and Vanderbilt Law Schools in early 2011. Her article, “The New Common Law of Foreign Official Immunity,” was published this month in *FORDHAM LAW REVIEW*. A second article addressing the scope of foreign official immunity will be published by *VANDERBILT LAW REVIEW* in the fall. In addition, Beth is working on litigation of the immunity issues raised by the *Samantar* case on remand.

Beth also continues address efforts to hold corporations accountable for international human rights violations. She spoke at an International Law Association meeting in The Hague last year and at a conference in Toronto this

past winter. Her chapter on U.S. human rights litigation against corporations will be published next year as part of an ABA book on corporations and human rights.

During the 2010 fall semester, Beth taught a new clinic-course in which the students drafted a petition to the Inter-American Commission on Human Rights and conducted research for two federal court cases. The course will be offered again in the fall of 2011.

RAYMAN SOLOMON co-chaired, along with Dr. Mary Bravo (professor, psychology), the Dean Search Committee for a new dean of the Faculty of Arts and Sciences.

Ray attended the ABA Legal Education and Admissions to the Bar Deans' Workshop (LEAB) in San Diego in March.

In May, he was a panelist in the Philadelphia Bar Association presentation on changes in legal education

RICK SWEDLOFF's article entitled "Uncompensated Torts," was accepted for publication by the GEORGIA STATE LAW REVIEW.

After Rick spoke about his research related to Medicare and tort claims at two conferences, the Rand Institute for Civil Justice asked Rick to be a peer

reviewer for an empirical study about the impact of new Medicare reporting requirements.

ALEC WALEN's following articles are all forthcoming soon: "Agents, Impartiality, and the Priority of Claims over Duties: Diagnosing Why Thomson Still Gets the Trolley Problem Wrong by Appeal to the 'Mechanics of Claims,'" in the JOURNAL OF MORAL PHILOSOPHY; "Criminalizing Statements of Terrorist Intent: How to Understand the Law Governing Terrorist Threats, and Why It Should be Used Instead of Long-Term Preventive Detention," in the JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY; and "A Unified Theory of Detention, with Application to Preventive Detention for Suspected Terrorists," in the MARYLAND LAW REVIEW.

Alec presented "A Moral Ground for the Means Principle," at the London School of Economics, Choice Group in October.

Alec organized and chaired the meeting of the Law and Philosophy section at the Eastern Division meeting of the American Philosophical Association in December. The topic was "Retributive and Preventive Detention in the Criminal Justice System - Can They Be Reconciled?"

Alec presented "Transcending the Distinction Between the Law of War and the Law of Peace," at a Symposium on

Law after 9/11 at Rutgers School of Law
- Newark in February. He also chaired a
session of the Symposium on Amartya
Sen's *The Idea of Justice* in April. He
presented "A Punitive Precondition for
Preventive Detention: Lost Status as an
Element of a Just Punishment," at San
Diego School of Law in April