

PUBLICATIONS

Laura Appleman, The Ethics of Indigent Criminal Defense Representation: Has New York Failed the Promise of Gideon?, 16:4 THE PROFESSIONAL LAWYER (Fall 2005)

Robert A. Baruch Bush, The Knowledge Gaps Study: Unfinished Work, Open Questions, 23 CONFLICT RESOLUTION QUARTERLY 99 (2005) (with Lisa Blomgren Binham)

Robert A. Baruch Bush, A Response to Gaynier's 'Transformative Mediation: In Search of a Theory of Practice,' 23 CONFLICT RESOLUTION QUARTERLY 123 (2005) (with Joseph P. Folger)

Robert A. Baruch Bush, Resolving Conflicts: The Rabbi as Mediator, *in* Y.N. LEVITZ & A.J. TWERSKI, A PRACTICAL GUIDE TO RABBINIC COUNSELING (2005)

Robert A. Baruch Bush, The Fatal Blame Game, PHILADELPHIA DAILY NEWS, September 16, 2005 (editorial) (with Joseph P. Folger)

Miriam A. Cherry, How to Succeed in Business Without Really Trying (Cases): Gender Stereotypes and Sexual Harassment Since the Passage of Title VII, 22 HOFSTRA LABOR & EMPLOYMENT LAW JOURNAL 533 (2005)

Miriam A. Cherry, Reality at Work, LEGAL TIMES (October 31, 2005)

Nora Demleitner, Smart Public Policy: Replacing Imprisonment with Targeted Nonprison Sentences and Collateral Sanctions, 58 STANFORD LAW REVIEW 339 (2005)

Nora Demleitner, Why Feminists and Liberals Have Nothing to Fear from Judge Alito, JURIST (November 2005) (editorial)

Janet Dolgin, Method, Mediation and the Moral Dimensions of Preimplantation Diagnosis, 35 CUMBERLAND LAW REVIEW 291 (2005) (symposium)

Eric Freedman, Review of Douglas G. Morris, *Justice Imperiled: The Anti-Nazi Lawyer Max Hirsberg in Weimar Germany*, *in* THE CHAMPION (November 2005)

Eric Freedman, Senate Must Shed Light on Detainees' Rights Bill, NEWSDAY (November 18, 2005) (editorial)

Eric Freedman, The Senate Speaks Out on Torture, THE NEW YORK TIMES (October 11, 2005) (letter to the editor)

Monroe Freedman, An Ethical Manifesto for Public Defenders, 39 VALPARAISO LAW REVIEW 911 (2005)

Mitchell M. Gans, Quadpartite Will Redux: Coping with the Effects of Decoupling, 32 ESTATE PLANNING 15 (2005)

Mitchell M. Gans, Making Spousal Estate Tax Exemptions Transferable, 19 PROBATE & PROPERTY 10 (2005)

Joanna L. Grossman, columns in FINDLAW'S WRIT: A Victory for Grandparents, November 15; The Kansas Supreme Court Rights a Wrong, November 1; The Difference Between Recognizing a Same-Sex Marriage and Authorizing One, October 20; Does Gender Matter?, October 10; When a Supervisor Bullies Only Women, Is it Sex-Based Harassment?, September 20; A Child Can

Have Two Mothers, September 6

Joanna L. Grossman, Seeking Equality in the Legal System, *NEWSDAY* (October 12, 2005) (editorial)

Grant Hayden, Refocusing on Race, 73 *GEORGE WASHINGTON LAW REVIEW* 1254 (2005)

Andrew Schepard, columns in *NEW YORK LAW JOURNAL: The Family Law Education Reform Project*, November 1; Statutes to Prevent Child Abduction, September 14

Norman Silber, Legal Education in the Nonprofit Studies Curriculum, in *EDUCATION FOR A CIVIL SOCIETY: A SUMMARY OF THE 2004 CONFERENCE* (David C. Hammack and Dwight Burlingame, eds., 2005)

Roy D. Simon, *REGULATION OF LAWYERS: STATUTES AND STANDARDS* (Aspen 17th ed. 2006)

Roy D. Simon, columns in *NEW YORK PROFESSIONAL RESPONSIBILITY REPORT: Threatening to File a Grievance Against Opposing Counsel* (November 2005); Chief Justice Rehnquist and the Attorney-Client Privilege (October 2005); Reporting Your Adversary's Misconduct During Litigation (September 2005)

Barbara Stark, *INTERNATIONAL FAMILY LAW: AN INTRODUCTION* (Ashgate 2005)

Barbara Stark, Women, Globalization and Law: 'A Change of World', 16 *PACE INTERNATIONAL LAW REVIEW* 333 (2004)

Aaron Twerski, Uncertainty and Informed Choice: Unmasking *Daubert*, 105 *MICHIGAN LAW REVIEW* 257 (2005) (with Margaret Berger)

PRESENTATIONS

Laura Appleman participated in an online debate for *Legal Affairs* magazine in September about the necessity of the third year of law school.

Alafair Burke gave a faculty workshop at Villanova Law School on September 21 on "Prosecutorial Decision Making: Bad Ethics or Cognitive Bias?" She also gave a lecture, entitled "High-Profile Trials, the Lawyers Who Try Them, and the Reporters Who Cover Them: Finding Common Ground," at the Judges/Journalists Workshop sponsored by the National Center for Courts and Media in the National Judicial College in Cambridge, Massachusetts on November 15.

Baruch Bush presented "A Short History of Transformative Mediation" at the 2005 National Conference of the Association for Conflict Resolution in September, 2005. He also presented "New Dimensions of Transformative Practice" at the 2005 National Conference of the Association for Conflict Resolution, also in September.

Bennett Capers participated in a panel discussion entitled "An Inside Look at the U.S. Criminal Justice System" at Bestseller Bookstore in Hempstead on November 15.

Miriam Cherry gave a faculty workshop at St. Louis University Law School entitled "Markets for Markets: Origins and Subjects of Information Markets" on October 18.

Herbie DiFonzo gave Hofstra University's Distinguished Faculty Lecture entitled "The Surprising Unreliability of DNA Evidence: A Tale of Bad Labs and Good Statutes of Limitations," on October 19. He also made a presentation on reforming family law education at the Forum on Children and Families in Court, sponsored by the National Council of

Juvenile and Family Court Judges, in Cleveland, Ohio on October 18.

Janet Dolgin gave a lecture on jurisprudence in health care law in September and another on embryo research in November, both at the Nassau University Medical Center.

Eric Freedman gave a CLE presentation on September 20 to clerks for the Second Circuit Court of Appeals on habeas corpus. On September 23, he lectured to a group of federal public defenders on litigation involving Guantanamo detainees and on November 4 he led a “talkback” session with an audience following the showing of a movie on criminal exonerees, *After Innocence*. On November 11, Freedman moderated a panel on “The Courts: The Politics and Principles of Judicial Appointments” at the University’s Presidential Conference on William Jefferson Clinton.

Monroe Freedman gave a keynote address, entitled “Judicial Impartiality: The Troubling Case of Justice Stephen Breyer,” at the Kansas City LS Centennial Symposium on September 23. He also gave the banquet address at the Hofstra Ethics Conference, entitled “In Praise of Overzealous Representations: Lying to Judges, Deceiving Third Parties, and Other Ethical Conduct,” on October 30.

Leon Friedman participated in an ALI-ABA program on employment discrimination in Chicago in September. He also participated in a National Association of Former U.S. Attorneys program on Supreme Court decisions on criminal procedure issues in Boston and a PLI program on civil rights in New York, both in October.

Mitchell Gans gave a lecture on September 8 for ALI-ABA in Boston on the recent amendments to Circular 230. On September 27, he lectured IRS Chief Counsel on family limited partnerships. He also lectured on Circular 230 for the law firm of Meyer English

Suozzi and Klein on October 14.

John Gregory presented a paper “Termination of Parental Rights Under the Adoption and Safe Families Act: Hitting the Poor Where it Hurts the Most” at Hofstra University’s Presidential Conference on William Jefferson Clinton.

Joanna Grossman presented a paper “Same-Sex Marriage: Some Lessons from the History of Marriage and Divorce” at a conference to celebrate the work of Lawrence M. Friedman, held at Stanford Law School on October 1.

Grant Hayden participated on a panel, entitled “The Supreme Court’s Approach to Voting Rights,” at a conference on the 40th Anniversary of the Voting Rights Act, which took place at the University of South Carolina Law School on October 21. He also served as a discussant on a panel titled “More People to Vote: Expanding the Franchise in the Twentieth Century” at the Social Science History Association Conference in Portland, Oregon on November 4.

Julian Ku gave a faculty workshop on “International Delegations” at the University of San Diego School of Law on September 8. He participated in an online symposium on *Hamdan v. Rumsfeld*, sponsored by New York University School of Law’s Journal of Law and Liberty on September 16. Ku also gave a presentation at the “Torture and the War on Terror” at Case Western University School of Law on October 7. Finally, he participated in a conference at Rutgers University School of Law at Camden commemorating the twenty-fifth anniversary of *Filartiga v. Pena-Irala*, 442 U.S. 901 (1979).

Theo Liebmann served as lead presenter on the role of the law guardian at the Court Appointed Special Advocates Training in Hempstead in October.

Linda McClain presented a paper, “‘God’s Created Order’, Gender Complementarity, and the Federal Marriage Amendment,” at a symposium at Brigham Young University’s Law School on September 9. On October 28, she co-presented a faculty workshop with Jim Fleming on “Constitutionalism, Judicial Review, and Progressive Social Change” at Fordham Law School.

Alan Resnick spoke on “Jurisdiction, Venue and Appeals in Bankruptcy Cases” and on “Trustee’s Avoiding Powers” at the New York University Bankruptcy & Reorganization Workshop on September 14. He also made a presentation on “Implementation of the 2005 Bankruptcy Legislation Throughout the Federal Rulemaking Process” to the National Bankruptcy Conference in Washington, D.C. on October 27. In addition, Resnick spoke to an audience of over 2000 people, including most U.S. bankruptcy judges, at the National Conference of Bankruptcy Judges in San Antonio on November 3. Finally, he made a presentation on implementing the new bankruptcy legislation at the University of Texas Bankruptcy Conference in Austin on November 10.

Andrew Schepard made a presentation on the American judicial system at a professional training for judges from the Hashemite Kingdom of Jordan in New York on September 23. He also made a presentation on reforming family law education at the Forum on Children and Families in Court, sponsored by the National Council of Juvenile and Family Court Judges, in Cleveland, Ohio, on October 18. At the same forum, Schepard made a presentation entitled “Triage in Child Custody Cases: Matching Appropriate Services with Family Needs.” Schepard made a presentation “On the Road to Best Practice: Custody, Access, Conflict and Interventions” at the University of Buffalo School of Social Work on October 20. Finally, he made a presentation, entitled “*Kramer v. Kramer*

Revisited: The Evolving Ethical Responsibilities of Divorce Lawyers to Children,” at the Circuit Court for Baltimore County in Towson, Maryland on October 28.

Norman Silber made a presentation on September 27 about “The Consumer Movement and the Law Regarding Consumer Fraud” to the Judges of the New York State Civil Court, Annual Retreat in Montauk, New York. On October 21, he presented a paper, “The Development of a Transplanted and Amplified Interviewer’s Voice in With All Deliberate Speed,” at the Annual Meeting of the Oral History Association in Providence, Rhode Island. Finally, he served as a moderator and commentator for a panel on antitrust and business regulation at Hofstra University’s Presidential Conference on William Jefferson Clinton.

Ronald Silverman presented a paper, “The *Kelo* Opinion and the Controversy,” at a conference on “Condemnation for Private Development? The Future of Economic Development Takings After the *Kelo* Case,” held at Hofstra on September 30.

Roy Simon served as director and presented a paper at Hofstra’s 2005 Conference on Legal Ethics, entitled “Lawyers’ Ethics in an Adversary System,” which took place October 30 - November 1.

Aaron Twerski gave a speech on November 15 to the New York Trial Lawyers Association on “Vioxx and Beyond: Two Top Voices on Drug Liability.” On December 1, he participated in a debate about “Uncertainty and Informed Choice,” in a program sponsored by the Association of the Bar of the City of New York.

BROADCAST APPEARANCES

Alafair Burke appeared on FOX News Live! on November 27 to discuss the clemency petition of Stanley “Tookie” Williams.

Bennett Capers appeared on FOX News Live! on November 23 to discuss a teen shooting case.

Robin Charlow appeared on News 12 on November 4 to discuss SUNY-Stonybrook’s exercise of eminent domain over land to build new dormitories.

Nora Demleitner appeared on Bloomberg Radio, WMET 1160 (Washington, D.C.), WKXW-AM (Atlantic City, N.J.), and WRHL (Rochelle, IL), all in November, to discuss the nomination of Third Circuit Judge Samuel Alito to the U.S. Supreme Court.

Eric Freedman appeared on WRHU Radio on November 18 to discuss Guantanamo detainees and terrorism issues.

QUOTED IN

Barbara Barron: Apology’s Sway on Death Penalty Case, *Newsday*, August 27

Alafair Burke: Students’ New Test Subject: Their Breath, *The New York Times*, September 4; All Her Life Has Been a Mystery, *The New York Times*, September 4

Robin Charlow: Religious Disputes Heat Up in the Workplace, *Corporate Legal Times*, October 5

Nora Demleitner: Alito Ruling Gave Women Grounds for Asylum, *The San Francisco Chronicle*, November 20; Alito’s Record has Feminists Ready for Battle, *The San Francisco Chronicle*, November 20; Alito Favors Authority, *Pittsburgh Tribune Review*, November 5; Bush Taps Third Circuit Judge to

Replace Justice O’Connor, *New York Law Journal*, November 1; Alito on the Issues, *Time*, November 1; Bush Answers Cry for Experience with Alito, *The Recorder*, November 1

Eric Freedman: In Terror Cases, Administration Sets Own Rules, *The New York Times*, November 27; Still Searching for a Strategy, *The New York Times*, November 23

Monroe Freedman: Critics Seek More Scrutiny of Records, *Legal Times*, November 21

Leon Friedman: Bush Refuses to Hand Over Miers Documents, *The San Francisco Chronicle*, October 25; The Right, on Fire Over Miers, *The Washington Post*, October 8

Bernard Jacob: Brookhaven Loses Land Lawsuit, *Newsday*, November 29

Julian Ku: An American Gulag?, *The Weekly Standard*, June 13, Crimes of War Project, CBSNews.com, June 5

Eric Lane: DA Rice Offers Flavor After 30 Yrs., *Daily News*, November 10; Despite War Chest, Their Pitch Failed, *Newsday*, November 10

Mark Movsesian: Support for Alito in Region, *Newsday*, November 1; Rehnquist Dies, What’s Next?, *Newsday*, September 5

Alan Resnick: Bankruptcy Law Changes Could Swamp Small Gulf Coast Firms, *Daily Bankruptcy Review*, September 16; Bankruptcy Bar Braces for Impact of New Code, *The National Law Journal*, September 5;

Roy Simon: Long Island Tops the Docket for Dishonesty in Lawyers, *The New York Times*, June 16

Andrew Schepard: Taking Combat Out of

Custody, *The National Law Journal*, November 21; Hofstra Univ. Professor Discusses a New Way of Handling High-Conflict Custody Cases, *The Daily Record*, October 31; Courts Fight Over Authority, *Newsday*, October 11; Wide Range of Queries for High Court Nominee, *New York Law Journal*, September 6

Amy Stein: Web Surfing Through Torts, *National Law Journal*, September 12

Marshall Tracht: Nassau Lawyers Search for More Diversity, *Long Island Business News*, November 4

Aaron D. Twerski: Hofstra's New Law Dean: Belief in a Higher Court, *Newsday*, October 16; Hofstra's Law Dean Stands Out, but Still Fits In, *The New York Times*, September 18; Alternatives Drive Drop Off in Tort Trials, *Long Island Business News*, September 2

CITATIONS

Alafair Burke: 58 *Stan. L. Rev.* 175; 29 *N.Y.U. Rev. L. & Soc. Change* 641; 30 *N.Y.U. Rev. L. & Soc. Change* 1

Baruch Bush: 27 *Cardozo L. Rev.* 1; 46 *N.H.B.J.* 38; 46 *N.H.B.J.* 60; 30 *T. Marshall L. Rev.* 347; 68 *Sask. L. Rev.* 313; 7 *J. L. Fam. Stud.* 217

Robin Charlow: 10 *Fordham J. Corp. & Fin. L.* 225

Miriam A. Cherry: 30 *Iowa J. Corp. L.* 445

Nora Demleitner: 58 *Stan. L. Rev.* 1; 58 *Stan. L. Rev.* 119; 58 *Stan. L. Rev.* 175; 58 *Stan. L. Rev.* 293; 58 *Stan. L. Rev.* 309; 58 *Stan. L. Rev.* 361; 90 *Cornell L. Rev.* 1411; 11 *Tex. Hisp. J. L. & Pol'y* 45; 14 *Colum. J. Gender &*

L. 114; 10 *L. & Bus. Rev. Am.* 669; 105 *Colum. L. Rev.* 1863; 80 *N.Y.U.L. Rev.* 1237; 12 *Geo. J. Poverty Law & Pol'y* 299; 73 *UMKC L. Rev.* 797

Herbie DiFonzo: Andrew Shepard, The Family Law Education Reform Project, *New York Law Journal* (November 1); 47 *Ariz. L. Rev.* 655; 14 *Colum. J. Gender & L.* 1; 7 *J. L. Fam. Stud.* 1; 7 *J. L. Fam. Stud.* 135

Janet Dolgin: 47 *Wm. & Mary L. Rev.* 1; 14 *Cornell J. L. & Pub. Pol'y* 251; 35 *Cumb. L. Rev.* 575; 78 *S. Cal. L. Rev.* 1529

Eric Freedman: 78 *S. Cal. L. Rev.* 1125; 10 *Fordham J. Corp. & Fin. L.* 225; 93 *Ky. L.J.* 659

Monroe Freedman: *Pennsylvania Law Weekly* (October 10); 7 *J. L. & Soc. Challenges* 233; *Pennsylvania Law Weekly* (September 26); 93 *Calif. L. Rev.* 1051; 65 *La. L. Rev.* 535; 76 *U. Colo. L. Rev.* 1057; 39 *Val. U.L. Rev.* 925; 84 *Neb. L. Rev.* 247; 50 *Wayne L. Rev.* 1115; 27 *Dalhousie L.J.* 379; 14 *Temp. Pol. & Civ. Rts. L. Rev.* 143

Leon Friedman: 16 *J. Law & Pub. Pol'y* 267; 68 *Law & Contemp. Prob.* 57; 32 *Fla. St. U.L. Rev.* 323; 60 *CBA Record* 343; 29 *N.Y.U. Rev. L. & Soc. Change* 719

Scott Fruehwald: 3 *Ave Maria L. Rev.* 393; 78 *S. Cal. L. Rev.* 1371

John Gregory: 33 *Hofstra L. Rev.* 1305; 7 *J. L. Fam. Stud.* 135; 17 *Regent U.L. Rev.* 243; 105 *Colum. L. Rev.* 2097

Joanna Grossman: 49 *St. Louis L.J.* 1007; 12 *Duke J. Gender L. & Pol'y* 81

Grant Hayden: 25 *N. Ill. U. L. Rev.* 185; 9 *Empl. Rts. & Employ. Pol'y J.* 51

Stefan H. Krieger: 79 *Fla. Bar J.* 1; 10

Fordham J. Corp. & Fin. L. 225

Julian Ku: 93 Geo. L.J. 1213; 45 Santa Clara L. Rev. 807

Eric Lane: Jay Gallagher, *The Politics of Decline* (Whitson 2005); 10 Fordham J. Corp. & Fin. L. 225; 2005 U. Ill. L. Rev. 1257

Linda McClain: 93 Calif. L. Rev. 1285; 9 UCLA J. Int'l L. & For. Aff. 163

Mark Movsesian: 104 Mich. L. Rev. 1; 83 Tex. L. Rev. 2109; 93 Geo. L.J. 1167; 73 U. Cin. L. Rev. 1243; 37 N.Y.U. J. Int'l L. & Pol. 303; 38 Cornell Int'l L.J. 459; 29 Vt. L. Rev. 1067

Richard K. Neumann, Jr.: 39 U.S.F. L. Rev. 873; 12 Clinical L. Rev. 1; 13 Am. U.J. Gender Soc. Pol'y & L. 511; 21 Touro L. Rev. 349; 21 Touro L. Rev. 506; 40 Gonz. L. Rev. 427

Alan Resnick: 24-6 ABIJ 44; 79 Am. Bankr. L.J. 485; 79 Am. Bankr. L.J. 603; 47 Wm. & Mary L. Rev. 347

Andrew Schepard: *Termination of Support, Maintenance for Mother's Interference with Father's Visitations is Denied*, *New York Law Journal* (October 6); *LS v. LF*, N.Y.L.J. (Oct. 6, 2005) (Sup. Ct. Kings County); 39 Fam. L.Q. 53; 7 J. L. Fam. Stud. 217; 93 Ky. L.J. 613; 43 Fam. Ct. Rev. 511; 43 Fam. Ct. Rev. 612; 2005 U. Ill. L. Rev. 573

Norman Silber: 16 J. Law. & Pub. Pol'y 267; 68 Law & Contemp. Prob. 29; 72 Antitrust L.J. 761; 72 Antitrust L.J. 871; 72 Antitrust L.J. 899; 72 Antitrust L.J. 911; 72 Antitrust L.J. 943; 72 Antitrust L.J. 1183

Ronald Silverman: 79 Am. Bankr. L.J. 713; 19 St. John's J.L. Comm. 673

Roy Simon: 60 CBA Record 466; 60 CBA Record 474; 14 Temp. Pol. & Civ. Rts. L. Rev. 143

Barbara Stark: Jeanne Woods & Hope Lewis, *Human Rights and the Global Marketplace* (2005); 65 La. L. Rev. 605; 42 San Diego L. Rev. 847; 23 Penn St. Int'l L. Rev. 809; 72 Tenn. L. Rev. 697; 20 Wis. Women's L.J. 137; 35 Cumb. L. Rev. 597

Aaron Twerski: 55 Vand. L. Rev. 387; 15 Health Matrix 149; 80 Ind. L. J. 987; 38 Loy. L.A. L. Rev. 1093; 40 Tort & Ins. L.J. 997; 72 Tenn. L. Rev. 833; 107 W. Va. L. Rev. 847; 8 J. Health Care L. & Pol'y 71; 32 N. Ky. L. Rev. 617; 2005 U. Ill. L. Rev. 929; 2005 Wis. L. Rev. 747; 93 Ky. L.J. 377

Vern Walker: 104 Mich. L. Rev. 257

HONORS, APPOINTMENTS AND OTHER ACKNOWLEDGMENTS

Baruch Bush was selected as co-recipient, with Joseph P. Folger, of the annual Peace Builder Award from the New York State Association for Dispute Resolution.

Eric Freedman twice submitted testimony on behalf of the ABA to the Senate Judiciary Committee in opposition to proposed cutbacks in habeas corpus.

Monroe Freedman was given the New York State Bar Association's Sanford Levy Award for Outstanding Contributions to Professional Responsibility. In addition, his book *Understanding Lawyers' Ethics* was translated into Japanese for sale in Japan.