

HOFSTRA LAW FACULTY NEWS

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March 15, 2009

PUBLICATIONS

Robert Baruch Bush, Supporting Family Strength: The Use of Transformative Mediation in a PINS Mediation Clinic, 47 FAMILY COURT REVIEW 148 (2009)

Bennett Capers, Policing, Race, and Place, 44 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 43 (2009)

J. Scott Colesanti, The SEC's Comment Policy and the Economic Crisis, NEW YORK LAW JOURNAL (Feb. 20, 2009)

Ronald J. Colombo, Ownership, Limited: Reconciling Traditional and Progressive Corporate Law via an Aristotelian Understanding of Ownership, 34 JOURNAL OF CORPORATE LAW 247 (2008)

Ronald J. Colombo, Where's the Sense of Duty?, NEWSDAY (Feb. 19, 2009)

J. Herbie DiFonzo, Divorce, 2 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 45 (David S. Tanenhaus, ed., 2008)

Eric Freedman, The Effects of AEDPA on Justice, in THE FUTURE OF AMERICA'S DEATH PENALTY: AN AGENDA FOR THE NEXT GENERATION OF CAPITAL PUNISHMENT RESEARCH (Lanier, Bowers & Acker, eds.) (Carolina Academic Press 2009) (with David R. Dow)

Mitchell Gans, Notable Changes Seen with 2008 Amendments to Section 6694 and Treasury's Final Tax Return Preparer Penalty Regulations, THE BUREAU OF NATIONAL AFFAIRS DAILY TAX REPORT, No. 25 at J-1 (February 10, 2009)

Daniel Greenwood, First National Bank v. Bellotti, 435 U.S. 765 (1978), 2 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 230 (David S. Tanenhaus, ed., 2008)

Joanna Grossman, Family and Medical Leave Act, 2 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 174 (David S. Tanenhaus, ed., 2008)

Joanna Grossman, columns in FINDLAW: Adoption Rights for Gays and Lesbians in Florida: A Trial Court Rules That the State's Longstanding Ban Must End (Dec. 9, 2008); Separate is Not Equal, According to the New Jersey Civil Union Review Commission: The Implications of Its Findings that the Civil Union Alternative "Invited and Encourages Unequal Treatment" (Jan. 20, 2009); The Supreme Court Restores Title VII's Protection Against Retaliation, but Employees Still Face Gaps in Retaliation Law (Feb. 3)

Joanna Grossman, Making Pregnancy Work: Overcoming the Pregnancy Discrimination Act's Capacity-Based Model, 19 YALE JOURNAL OF LAW & FEMINISM (2009) (with Gillian Thomas)

Frank Gulino, Taft Court and Twenty-third Amendment, 5 ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES 4, 85 (2008).

Stefan Krieger, The Effect of Clinical Education on Law Student Reasoning: An Empirical Study, 35 William Mitchell Law Review 359 (2008).

Julian Ku, A New World (Court) Order, HOFSTRA HORIZONS.

Eric Lane, THE GENIUS OF AMERICA: HOW THE CONSTITUTION SAVED OUR COUNTRY AND WHY IT CAN AGAIN (Bloomsbury USA 2008) (paperback edition)

Theo Liebmann, Creating An Appropriate Standard for Placing Children in Foster Care, in CHILD INTERESTS: SOCIO-LEGAL

PERSPECTIVES (K. Padjama ed.) (Amicus Books 2008)

Andrew Schepard, Law and Children: Mediation and Family Group Conferencing for Child Protection, NEW YORK LAW JOURNAL (Jan. 15, 2008)

Roy Simon, LAWYERS AND THE LEGAL PROFESSION (Lexis/Nexis 4th ed. 2008) (with Carol Needham and Burnele Powell)

Roy Simon, REGULATION OF LAWYERS: STATUTES AND STANDARDS (20th ed. Aspen 2008) (with Stephen Gillers and Andrew Perlman)

Vern Walker, A Default-Logic Model of Factfinding for United States Regulation of Food Safety, in UNCERTAIN RISKS REGULATED (Ellen Vos and Michelle Everson, eds.) (Routledge-Cavendish Publishing 2008).

PRESENTATIONS

Alafair Burke discussed her fifth novel “Angel’s Tip” at the mid-Manhattan branch of the New York Public Library on January 14 and at the Bookmania Festival in Stuart, Florida on January 24.

Bennett Capers presented a paper on re-imagining the Fourth Amendment at University of Cincinnati Law School on January 26. He presented “Crime Music” at a faculty workshop at University of Virginia Law School on February 16. At the AALS Annual Meeting in San Diego, he presented “Cross Dressing and the Criminal” at the Sexual Orientation and Gender Identity Issues panel and “Notes on Minority Report” at the Legal Outsiders in American Film panel. Finally, he presented “Canaries, the Fourth Amendment, and the Equality Principle” at a faculty workshop at Chapman University Law School, at a faculty workshop at Loyola Law School in Los Angeles on January 29, and at Fordham Law School on February 5.

Ronald Colombo presented “How Did This Happen and Who is at Fault?” at the panel “Implications and Consequences of the Alleged Fraud of Bernard Madoff” sponsored by the accounting firm Holtz Rubenstein Reminick on January 21 in Manhattan.

Nora Demleitner served as a panelist on “The Impact of Sentencing Guidelines on Civil Rights” at the 2009 J. Reuben Clark Law Society’s annual conference at Harvard Law School on February 13. She also presented a paper on the federal Residential Drug Abuse Program at the ABA’s Second Look at Sentencing Reforms conference in Washington, D.C. on December 8.

Eric M. Freedman presented “From Stewartstown to Guantanamo and Beyond” to The New Hampshire Supreme Court Historical Society at the New Hampshire Supreme Court in Concord on Dec. 17.

Monroe Freedman lectured on Lawyers’ Ethics at Harvard Law School on January 13.

Mitchell Gans spoke on ethics in tax practice at the New York County Lawyers’ Association.

Elizabeth Glazer presented “The Awkward Phase of Antidiscrimination Law” on the “Employment Law, Employment Discrimination, and Clinical Legal Education” panel at a meeting of the Section on Sexual Orientation and Gender Identity Issues at the AALS Annual meeting on January 7. She presented her essay “Name-Calling” at St. John’s Law School on January 26, “Transitional Discrimination” at the Touro Journal of Race & Gender’s symposium on transgender rights on February 20, and “Trans Fat” at New York Law School on February 24.

John Gregory presented “A Primer on Companion Animal Law” at a Continuing Legal Education program sponsored by the New York Women’s Bar Association on February 10.

Grant Hayden presented “Race and Voting Rights in the 21st Century” at Civil Rights Day at Hofstra University on February 2.

K. Babe Howell organized and moderated a panel, “Trying Youth as Adults” at the conference on Youth and Violence at Hofstra University on February 27.

Julian Ku participated as a panelist about the Unitary Executive and Inherent Executive Power at the University of Pennsylvania Law School.

Holning Lau presented “Tailoring Equal Protection to Address Today’s Democratic Deficit” at the University of Virginia School of Law on Dec. 1, at Cardozo Law School’s Baum Lecture Series on February 11, and at UCLA School of Law’s Critical Race Studies Colloquium on February 18. He served as a panelist on “Same-sex Marriage and Beyond-Recent Developments in Sexual Orientation and Gender Identity Issues” at a meeting of the Association of American Law Schools’ Section on Sexual Orientation and Gender Identity Issues on January 7. He also co-taught a CLE course offered by UCLA School of Law’s Williams Institute on Sexual Orientation Law & Public Policy at Hunt Slonem in New York City on Dec. 3.

Norman Silber offered an analysis of recent commercial law and UCC decisions in New York State at a luncheon sponsored by the Corporation Banking & Securities Law and Commercial Litigation committees at the Nassau County Bar Association.

Barbara Stark presented “Reproductive Rights and the Reproduction of Gender” at the 16th Annual Feminist Law Teachers Conference on February 7 at the University of Pennsylvania Law School.

QUOTED IN

Barbara Barron, Hofstra Prof Huge in Japan, *Long Island Business News*, December 12; Hofstra Professor Helps Japanese with Jury Trials, *Newsday*, January 4

Ron Colombo, Lifting the Lid-Some Madoff Clients Lay Low to Avoid Lawsuits, *Guardian.co.uk*, January 23; Sticking it to the Madoff Victims, *The Daily Beast*, January 29

Eric M. Freedman, Citing Cost, States Consider End to Death Penalty, *The New York Times*, February 25; Obama’s Choice for Justice Post is Bush Critic, *The Indianapolis Star*, January 30; Obama’s View on Power Over Detainees Will Be Tested Early, *New York Times*, January 2; Supreme Court Rejects Child Online Protection Act, *Newsday*, January 22; Professor Provides Insight Into Terrorist Confessions, *The Hofstra Chronicle*, December 11

Monroe Freedman, ABA Revisits Rule Change on Conflict of Interest, *The National Law Journal*, February 2; Madoff’s Lawyer Sorkin May Have Conflict Over Family Investment, *Bloomberg.com*, February 13

Leon Friedman, US Supreme Court Asked to Keep Open Fernald, *Boston Herald*, February 2

Daniel Greenwood, 5 Ways to Outlast Deflation, *CNBC.com* and *Bankrate.com*, December 23; Pasadena-based Plan for Online University Draws Interest, *Los Angeles Times*, February 25; How a Bank Merger Affects Borrowers: Three Most Common Questions Asked by Buyers About Financial Institutions, *Cyberhomes.com*, December 24

Frank Gulino, Syosset Mall Developer Must Re-Start Approval Process, *Newsday*, January 30

Stefan Krieger, Beyond Reasonable Doubt, *Long Island Business News*, December 3; Paterson Plans to Close Hempstead Office for Tenant Aid, *Newsday*, February 24

Julian Ku, Rockland Ruling on Sex Offenders Could Affect LI, *Newsday*, January 27; Experts: Schools Have Broad Rights to Search Students, *Newsday*, February 16

Katrina Fischer Ku, State Bar Task Force: 22 New York Actions to Address Climate Change, *New York Law Journal*, January 23

Eric Lane, Suburban Democrats Crave State Senate Clout, *The New York Times*, December 12; The Breakdown of the American Conscience, *The Stony Brook Express*,

December 3; The Constitution and Speed's, *Lancaster New Era*, December 1; Ethics Laws, Charges Questioned in Joe Bruno Case, *Spotlight Staff*, February 18

Theo Liebmann, Judge Rejects Foster Care Eligibility for "Adult" 20-Year-Old Immigrant, *New York Law Journal*, December 16; Officials Report Record Number of Child Abuse Cases, *Newsday*, February 11

Norman Silber, Worth the Price? Charities Think Twice About Using Expensive Executive Search Firms, *The Chronicle of Philanthropy*, December 11

Roy D. Simon, N.Y. Adopts New Conduct Rules Aligned with ABA Model, *New York Law Journal*, December 17; NY Rules of Professional Conduct for Attorneys; Ethics Experts Say Former Partners Could Face Liability, *The New York Law Journal*, February 2

BROADCAST APPEARANCES

Ron Colombo was interviewed on Bloomberg.com regarding the Madoff fraud scheme on January 22.

Eric M. Freedman was interviewed on ABC News Radio for a story on President Obama's directive to shut down Guantanamo Bay.

Daniel Greenwood is the subject of the videos "How to Regulate Corporations for CO2" and "A New York Minute with Dan Greenwood: Why the Recession is a Good Time to Invest in Green Infrastructure," posted on SolveClimate.com, a "Daily Climate News and Opinion" website.

CITATIONS

Miriam R. Albert: 57 Emory L.J. 1301, 2008 U. Ill. L. Rev. 557

Alafair Burke: 89 B.U.L. Rev. 1, 15 Cardozo J.L. & Gender 169, 41 Cornell Int'l L.J. 631, 22

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Bennett Capers: 77 Fordham L. Rev. 999, 44 Harv. C.R.-C.L. L. Rev. 43, 4 Am. U. Modern Am. 82, 10 San Diego Int'l L.J. 5

Robin Charlow: 2008 Utah L. Rev. 1019, 47 Am. Jur. 2d, Jury § 244, Donner & Gabriel, Jury Selection Strategy and Science (3d ed.), LaFave, Substantive Criminal Law §§ 5.2, 17.2 (2d ed.).

J. Scott Colesanti: 67 Md. L. Rev. 570

Nora Demleitner: 88 B.U.L. Rev. 1109, 27 Chicano-Latino L. Rev. 203, 15 Clinical L. Rev. 187, 94 Cornell L. Rev. 239, 43 Ga. L. Rev. 263, 17 Law & Sex. 75, 39 U. Mem. L. Rev. 1, 93 Minn. L. Rev. 670, 35 Wm. Mitchell L. Rev. 247, 2008 Wis. L. Rev. 1049, 29 Just. Sys. J. 145

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Janet Dolgin: 41 Akron L. Rev. 347, 58 Am. U.L. Rev. 405, 38 U. Balt. L. Rev. 165, 6

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Monroe Freedman: Excerpt in Cohen, Davis & Ellston, ETHICS AND THE LEGAL PROFESSION (2d ed., 2009); 1 Alb. Gov't L. Rev. 312, 71 Alb. L. Rev. 731, 58 Am. U.L. Rev. 207, 40 Ariz. St. L.J. 951, 45 Hous. L. Rev. 189, 64 N.Y.U. Ann. Surv. Am. L. 37, 52 N.Y.L. Sch. L. Rev. 535, 32 Seattle Univ. L.R. 123, 38 Seton Hall L. Rev. 63, 7 Wash. U. Global Stud. L. Rev. 1, 2008 Prof. Law. 119, 2008 Prof. Law. 235, 18 No. 4 Prof. Law. 4

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HONORS, APPOINTMENTS, AND OTHER ACKNOWLEDGEMENTS

Bennett Capers was recently elected Treasurer of the AALS Section on Law and the Humanities.

Monroe Freedman taught his first Professional Responsibility class of this semester at Georgetown Law Center on January 12.

Frank Gulino has been selected to serve as a Technical Brief Grader and Judge for the National Appellate Advocacy Competition.

Eric Lane and Michael Oreskes' book, THE GENIUS OF AMERICA, was listed as suggested reading in The New York Times Sunday Book Review on January 2, 2009.

Richard Neumann, Jr. received this year's Section of Legal Writing, Reasoning and Research Award for significant lifetime

contributions to the field.

Norman Silber was selected as Chair-Elect for the Section on Nonprofit and Philanthropy Law and continues to serve as secretary and editor of the section's listserv.

PRO BONO SERVICE

Nora Demleitner participated with Jenner & Block attorneys as counsel of record on an amicus brief to the Supreme Court in *Flores-Figueroa v. United States*.

J. Herbie DiFonzo, K. Babe Howell, Theo Leibmann, and Andrew Schepard all volunteered for Lawyers for Children in an interdisciplinary training for staff lawyers and social workers on February 12.

Monroe Freedman participated in the "Voter Protection Boiler Room" project in Columbus, Ohio on Election Day.