

HOFSTRA LAW FACULTY NEWS

Vol. 9, no. 1

September 15, 2009

PUBLICATIONS

Alafair Burke, Domestic Violence Misdemeanor Prosecutions and the New Policing, in *CRIMINAL LAW CONVERSATIONS* (Robinson, Ferzan, and Garvey eds.) (Oxford University Press, 2009); Winning, in *BEST AMERICAN MYSTERY STORIES* (Jeffrey Deaver ed.) (Houghton Mifflin 2009)

Bennett Capers, Notes on Minority Report, 42 *SUFFOLK U. L. REV.* 795 (2009); On Racially-Based Jury Nullification in *CRIMINAL LAW CONVERSATIONS* (Robinson, Ferzan, and Garvey eds.) (Oxford University Press, 2009).

Robin Charlow, Negotiating Sex: Would it Work? and The Effect of Race-Based Jury Nullification on Batson in *CRIMINAL LAW CONVERSATIONS* (Robinson, Ferzan, and Garvey eds.) (Oxford University Press, 2009).

J. Herbie DiFonzo, The End of the Red Queen's Race: Medical Marijuana in the New Century, 27 *QUINNIPIAC L. REV.* 673 (2009) (co-authored with Ruth C. Stern).

Janet Dolgin, Foreword, 37 *HOFSTRA L. REV.* 313 (2008) (co-authored with Joel Weintraub).

Janet Dolgin, Attitudes About Human Embryos, Embryonic Stem Cell Research, and Related Matters, 37 *HOFSTRA L. REV.* 319 (2008) (co-authored with Catherine Fisher and Terri Shapiro).

Eric M. Freedman, Leo Frank, *THE YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW* (Roger K. Newman, ed.); Articles of Confederation, in *OXFORD INTERNATIONAL ENCYCLOPEDIA OF LEGAL HISTORY* (Oxford University Press 2009). Reconstucting

Monroe H. Freedman, Getting Honest About Client Perjury, reprinted in *PROSECUTORIAL MISCONDUCT* (ed., Dr. G. Radha Kalyani forthcoming 2009, India).

Mitchell Gans, Untangling installment payments of estate tax under Section 6166, 36 *EST. PLAN.* 3 (2009).

Elizabeth Glazer, Intersections of Transgender Lives and the Law: Transitional Discrimination, 18 *TEMP. POL. & CIV. RTS. L. REV.* 651 (2009) (co-authored with Zachary Kramer).

Joanna Grossman, Making Pregnancy Work: Overcoming the Pregnancy Discrimination Act's Capacity-Based Model, 21 *YALE J.L. & FEMINISM* 15 (2009) (co-authored with Gillian Thomas).

Grant Hayden, Arrow's Theorem and the Exclusive Shareholder Franchise, 62 *VAND. L. REV.* 1217 (2009) (co-authored with Matthew Bodie).

Holning Lau, Human Rights and Globalization: Putting the Race to the Top in Perspective, 102 *NW. U. L. REV. COLLOQUY* 319 (2008).

Theo Liebmann, Keeping Promises to Immigrant Youth, 29 *PACE L. REV.* 511 (2009).

Camille Nelson, The Radical King: Perspectives of One Born in the Shadow of a King, 32 *N.Y.U. REV. L. & SOC. CHANGE* 485 (2008).

Ashira Ostrow, Minority Interests, Majority Politics: A Comment on Richard Collins' Telluride's Tale of Eminent Domain, Home Rule, and Retroactivity, 86 *DENV. U. L. REV.* 1459 (2009).

Andrew Schepard, Editorial Note, For the Sake of Children: Collaborations Between Law and Social Science to Advance the Field of Family Dispute Resolution, 47 FAM. CT. REV. 360 (2009).

Norman I. Silber, Herbert Wechsler, in THE YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (Roger K. Newman, ed.).

Barbara Stark, Reproductive Rights and the Reproduction of Gender in GENDER EQUALITY: DIMENSIONS OF WOMEN'S EQUAL CITIZENSHIP (Linda McClain & Joanna Grossman eds. Cambridge, 2009).

FAMILY LAW IN THE WORLD COMMUNITY (with Marianne Blair, *et. al.*, 2009).

Rhetoric, Religion, and International Human Rights: "Save the Children!" in Competing Paradigms of Rights and Responsibilities: Children in THE DISCOURSES OF RELIGION AND INTERNATIONAL HUMAN RIGHTS (Martha Fineman ed. 2009).

Women's Rights in THE OXFORD ENCYCLOPEDIA OF HUMAN RIGHTS (2009).

The International Covenant on Economic, Social, and Cultural Rights and Monitoring in THE OXFORD ENCYCLOPEDIA OF HUMAN RIGHTS (2009)

Vern Walker, Emergent Reasoning Structures in Law, in HANDBOOK OF RESEARCH ON AGENT-BASED SOCIETIES: SOCIAL CULTURAL INTERACTIONS (Goran Trajkovski and Samuel G. Collins, eds.) (Idea Group Inc (IGI), 2009).

Joel Weintraub, Foreword, 37 HOFSTRA L. REV. 313 (2008) (co-authored with Janet Dolgin).

COMMENTARY

J. Scott Colesanti, Financial Regulatory Reform and the Retail Investor, NEW YORK LAW JOURNAL (August 18, 2009).

Linda Galler, Does Judge Sotomayor Have a Tax Problem?, Tax Prof Blog (July 8, 2009).

Joanna Grossman, columns in FINDLAW'S WRIT: Unfinished Business: Difference, Leadership, and Women's Equal Citizenship, Parts I-II (August 31, 2009 and September 1, 2009); The State of the Same-Sex Union: Parts I-III (August 4, 2009, July 21, 2009, July 7, 2009); The Supreme Court Curtails Federal Protection Against Age Discrimination □ (June 25, 2009); When Same-Sex Couples Adopt: Problems of Interstate Recognition (June 9, 2009).

Holning Lau, Proposition 8 and its Aftermath: The Silver Lining, The American Constitution Society Blog, June 6, 2009.

Andrew Schepard, Parents' Constitutional Right to Choose to Arbitrate Custody Disputes, NEW YORK LAW JOURNAL, Sept. 9, 2009.

Law and Children: The Uniform Collaborative Law Act: A Milestone, NEW YORK LAW JOURNAL, Sept. 10.

Alan N. Resnick, Coercive Creditor Treated As Insider in Bankruptcy Case, (with Brad Eric Scheler), NEW YORK LAW JOURNAL (June 23, 2009).

PRESENTATIONS

Miriam R. Albert and **Elizabeth M. Glazer** presented "Bridging The Gap: Seamlessly Integrating Doctrinal Learning Into Skills Course," the Institute for Law Teaching and Learning conference at Gonzaga University School of Law on June 23-24, 2009; Professor Albert and Elizabeth M. Glazer also presented at

The Southeastern Association of Law Schools conference in West Palm Beach, Florida on August 5.

Barbara Barron participated in the National Institute of Trial Advocacy's Teacher Training Program from June 11 through 13 in Manhattan. Professor Barron will teach Kosovar attorneys who took the trial advocacy program NITA ran in Kosovo in April. The U.S. Department of Justice is sponsoring their participation.

Hillary Burgess presented at a conference hosted by the Law School Admissions Counsel focused on serving diverse students and using technological innovations in the law school classroom. She also collaborated with Academic Support and Legal Writing professors from South Africa's 17 law schools during the Appeal (Academics Promoting the Pedagogy of Effective Advocacy in Law) conference co-hosted by Seattle Law School and the University of Pretoria. In addition, Professor Burgess presented at the Global Legal Skills IV conference in Washington, DC, hosted by Georgetown Law School. Finally, Professor Burgess presented at the Institute for Law Teaching and Learning conference hosted by Gonzaga Law School.

Ronald Colombo presented his current work-in-progress, "The Role of Trust in Financial Regulation" at the Peter J. Tobin College of Business of St. John's University Annual Financial Services Symposium.

J. Herbie DiFonzo and **Andrew Schepard** made two presentations, "Putting FLER in the Curriculum: The Survey Family Law Skills Course," and "The FLER Project: Genesis, History, Status, and Future of the Family Law Education Reform Movement," at a conference on The Future of Family Law Education at William Mitchell College of Law on June 26.

Grant Hayden presented a paper, Arrow's Theorem and the Exclusive Shareholder Franchise," at the London School of Economics'

Voting Power and Practice Workshop at Warwick University, UK, July 14-16.

Lawrence W. Kessler taught in the Trial Advocacy Program of the Office of the District Attorney of New York County on June 8.

Stefan Krieger presented, "A Tale of Election Day 2008; Teaching Storytelling Through Repeated Experiences", (co-authored with Serge Martinez), at the Applied Legal Storytelling conference at Lewis & Clark Law School in Portland, OR on July 24, 2009; On June 11-12, Professor Krieger taught at the The National Institute of Trial Advocacy's Teacher Training Program in Manhattan. He also served as a panelist at the Federal Bar Council event at Brooklyn Law School on June 3 and 17.

Ashira Ostrow moderated a panel on "Zoning for Wind and Solar Installations" at the Wilbur F. Breslin Center for Real Estate's Annual Municipal Training Conference on June 11.

Alan N. Resnick was the featured guest speaker at the Annual Meeting of the Eastern Bankruptcy Institute, held in Myrtle Beach, South Carolina, May 29.

James Sample spoke on the threats posed to judicial impartiality by campaign spending in judicial elections at conference entitled "American Justice for Sale" at Baruch College's Robert Zicklin Center for Corporate Integrity on September 17.

Norman Silber was selected to speak, consult and teach consumer law in China during July, 2009. The appointment was made by China Law Development (CLD), a Chinese law reform organization located in Beijing, and the China Consumer's Association (CCA), an organization affiliated with China's Bureau of Commerce and Industry.

Andrew Schepard gave two conference presentations at the Association of Family and Conciliation Courts meeting in New Orleans on

May 29, 2009. He moderated a plenary session on "The Evolving family Court System: Progress at a Price?" and participated in an Open Forum on the Uniform Collaborative Law Act.

Professor Schepard, as Reporter, also presented the Uniform Collaborative Law Act to the Uniform Law Commission's Annual Meeting, Santa Fe, New Mexico (July 9-12, 2009). The UCLA was unanimously approved and recommended to the States at the ULC meeting.

Vern Walker conducted two four-day seminar courses in early May 2009, at the Scuola Superiore Sant'Anna in Pisa, Italy. The First course was entitled "Building Legal Reasoning Trees". The second course was entitled "Assessing the Probative Value of Evidence".

BROADCAST APPEARANCES

J. Scott Colesanti had a 90 minute presentation entitled, "The Securities and Exchange Commission: History and Status" posted to LAWLINE's roster of Internet CLE programs.

J. Herbie DiFonzo was interviewed by CBS Radio Network regarding the Michael Jackson story.

Eric M. Freedman was interviewed about Sonia Sotomayor on WRHU radio on July 16 and on NPR on for a report on free speech.

Eric Lane appeared on NY1 News on June 24, 2009 and the June 21 episode of the ABC show "Eyewitness News UpClose," on the Senate deadlock in Albany.

Julian Ku appeared on the News 12 television program "Long Island Talks" to discuss U.S. Supreme Court Nominee judge Sonia Sotomayor on July 13. Professor Ku also appeared on the program to speak about hate crimes in Suffolk County on July 1.

QUOTED IN

Ronald Colombo, LI business bankruptcy filings surpass national rate, *Newsday*, July 16; On Securities Sotomayor Sticks to Nuts and Bolts, *Law360*, June 21.

Nora V. Demleitner, Sex-Registry Flaws Stand out, *The Wall Street Journal*, September 3; Another View: Lock the Law School Doors, *The New York Times*, September 2.

J. Herbie DiFonzo, Detective policy under fire, *Newsday*, September 1; Charges Unlikely for Husband in NY Wrong-Way Crash, *The Associated Press*, August ; A Tort of Adultery, *National Review*, July 16.

Eric Freedman, Judges' Dissents for Death Row Inmates Are Rising, *The New York Times*, August 13; Detentions and the War/use of Military Force Distinction, *The Washington Independent*, July 2.

Monroe Freedman, Israeli Court Gets Orthodox New Yorker, *The Jewish Week*, August 25; The Courthouse Ring: Atticus Finch and the Limits of Southern Liberalism, *The New Yorker*, August 10; Cuomo's Money Manager Received Funds Linked to Pension Scandal, *Bloomberg.com*, June 24; US Attorney nominee won't ID all clients, *The Washington Times*, June 23; Are Jenny Durkan's party ties an ethics issue?, *The Seattle Times*, June 15; GBI files complaint over judge's conduct, *The Atlanta-Journal Constitution*; June 14, 2009.

Stefan Krieger, Lover Not a Landlord, so Court Says Women Must Go, *Newsday*, June 26, 2009.

Eric Lane, Mayor? King? NY's Bloomberg tightens his grip, *Agence France Press*, July 12; Debate over validity of 99 bills voted on by Senate, *Newsday*, June 24; Long Islanders set to vote in unique village elections, *Newsday*, June 21; The 31-31 Question, *New York Daily News*, June 15.

James Sample, Judicial Campaign Speech Case May Be Destined for Supreme Court: Wisconsin justice faces sanctions for ad that may have gone too far, *The National Law Journal*, September 22.

Norman Silber, Chrysler Reverses Stance on Product Liability, *The New York Times*, August 28; ; Meltdown 101: GM's bankruptcy and liability claims, *Associated Press*, July 6, 2009; G.M. and Chrysler Liability Differences, *The New York Times*, July 1; Two Bankruptcies. Now What, *The New York Times*, June 12.

CITATIONS

Miriam Albert: 37 Hofstra L. Rev. 319, 37 Hofstra L. Rev. 599

Alafair Burke: 42 U.C. Davis L. Rev. 1107, 30 Cardozo L. Rev. 2147, 44 Harv. C.R.-C.L. L. Rev. 597, 77 U. Cin. L. Rev. 1499, 19 Ind. Int'l & Comp. L. Rev. 1, 86 Wash. U. L.R. 1053

Baruch Bush: 9 Pepp. Disp. Resol. L.J. 495, 24 Ohio St. J. on Disp. Resol. 1, 22 Geo. J. Legal Ethics 589, 64 J. Disp. Resol. 42, 64 J. Disp. Resol. 62, 35 Rutgers Computer & Tech. L.J. 1

Bennett Capers: 102 Nw. U. L. Rev. Colloquy 319, 21 Nat'l Black L.J. 137, 42 Suffolk U. L. Rev. 795, 42 Suffolk U. L. Rev. 849

Robin Charlow: 11 U. Pa. J. Const. L. 671, 104 Nw. U. L. Rev. Colloquy 95d

Nora Demleitner: 10 Asian-Pac. L. & Pol'y J. 354, 10 Fla. Coastal L. Rev. 361, 22 Geo. Immigr. L.J. 665, 64 Wash. & Lee L. Rev. 469, 57 Drake L. Rev. 693, 37 Hofstra L. Rev. 319, 84 N.Y.U. L. Rev. 791, 13 Berkeley J. Crim. L. 239, 40 U. Miami Inter-Am. L. Rev. 521, 2009 Utah L. Rev. 105, 62 Vand. L. Rev. 1285, 8 Wash. U. Global Stud. L. Rev. 451, 15 Wm. & Mary J. of Women & L. 591, 33 Champion 14

J. Herbie DiFonzo: 25 Touro L. Rev. 307, 37 Cap. U. L. Rev. 411, 47 Fam. Ct. Rev. 371, 47 Fam. Ct. Rev. 468, 10 Geo. J. Gender & L. 457, 60 Hastings L.J. 1063, 61 Rutgers L. Rev. 507, 61 Rutgers L. Rev. 567

Janet Dolgin: 37 Hofstra L. Rev. 313, 373 Hofstra L. Rev. 319, 37 Hofstra L. Rev. 383, 84 Ind. L.J. 331, 24 St. John's J.L. Comm. 113, 21 Yale J.L. & Human. 1, 94 Iowa L. Rev. 1253, 63 U. Miami L. Rev. 905, 70 Ohio St. L.J. 563, 27 Quinnipiac L. Rev. 673, 43 U.S.F. L. Rev. 853

Eric Freedman: 57 Am. J. Comp. L. 531, 15 Buff. Hum. Rts. L. Rev. 41, 27 Yale L. & Pol'y Rev. 459, 50 B.C. L. Rev. 897, 43 Ga. L. Rev. 1285, 34 J. Legis. 190

Monroe Freedman: 83 St. John's L. Rev. 307, 15 Buff. Hum. Rts. L. Rev. 41, 80 U. Colo. L. Rev. 605, 18 S. Cal. Interdisc. L.J. 229, 87 Tex. L. Rev. 1137, 10 Theoretical Inq. L. 423, 66 Wash & Lee L. Rev. 259, 57 Buff. L. Rev. 813, 57 Buff. L. Rev. 959, 30 Cardozo L. Rev. 2897, 22 Geo. J. Legal Ethics 327, 22 Geo. J. Legal Ethics 541, 22 Geo. J. Legal Ethics 589, 40 St. Mary's L.J. 909, 81 Temp. L. Rev. 737, 33 Champion 22

Leon Friedman: 2008 Utah L. Rev. 1493, 50 Harv. Int'l L.J. 365, 17 Am. U.J. Gender Soc. Pol'y & L. 431

Scott Fruehwald: 83 Tul. L. Rev. 1289

Linda Galler: 87 Tex. L. Rev. 1063, 17 Wm. & Mary Bill of Rts. J. 1139

Mitchell Gans: 20 Stan. L. & Pol'y Rev. 153, 28 Va. Tax Rev. 531, 81 Temp. L. Rev. 545

Elizabeth Glazer: 103 Nw. U. L. Rev. Colloquy 72, 102 Nw. U. L. Rev. Colloquy 319, 18 Temp. Pol. & Civ. Rts. L. Rev. 651

Daniel Greenwood: 97 Calif. L. Rev. 433, 34 Brooklyn J. Int'l L. 883, 36 Fordham Urb. L.J. 653, 11 U. Pa. J. Bus. L. 631, 86 Wash. U. L.R. 1273

John Gregory: 34 Brooklyn J. Int'l L. 673, 30 Cardozo L. Rev. 2535

Joanna Grossman: 102 Nw. U. L. Rev. Colloquy 215, 17 J.L. & Pol'y 57, 10 Geo. J. Gender & L. 751, 22 J. Am. Acad. Matrimonial Law. 169, 17 J.L. & Pol'y 57, 33 Rutgers L. Rec. 31, 70 Ohio St. L.J. 563, 42 U.S.F. L. Rev. 799, 39 Seton Hall L. Rev. 1021, 60 S.C. L. Rev. 917, 16 Va. J. Soc. Pol'y & L. 471, 29 Wash. U. J.L. & Pol'y 301, 24 Wis. J.L. Gender & Soc'y 117, 24 Wis. J.L. Gender & Soc'y 145, 21 Yale J.L. & Feminism 15, 21 Yale J.L. & Feminism 161

Grant Hayden: 26 Hofstra Lab. & Emp. L.J. 301, 93 Minn. L. Rev. 1680, 36 Pepp. L. Rev. 935, 62 Vand. L. Rev. 1217

Susan Joffe: 26 Hofstra Lab. & Emp. L.J. 301

Julian Ku: 97 Calif. L. Rev. 301, 39 Rutgers L.J. 801, 2009 Sup. Ct. Rev. 131, 58 Duke L.J. 2277, 17 J.L. & Pol'y 609, 10 Chi. J. Int'l L. 91, 30 Mich. J. Int'l L. 927, 54 Vill. L. Rev. 1

Eric Lane: 87 Tex. L. Rev. 1205, 97 Ky. L.J. 615, 34 Okla. City U. L. Rev. 131

Theo Liebmann: 72 Alb. L. Rev. 497

Camille Nelson: 40 U. Tol. L. Rev. 667

Richard K. Neumann, Jr.: 57 Am. J. Comp. L. 531, 46 U. Louisville L. Rev. 383, 50 B.C. L. Rev. 897, 16 Geo. Mason. L. Rev. 927, 35 Ohio N.U. L. Rev. 829

Ashira Ostrow: 2 Alb. Gov't L. Rev. 437 ; 2 Alb. Gov't L. Rev. 555 , 22-DEC Prob. & Prop. 28

Curtis Pew: 10 Cardozo J. Conflict Resol. 687

Alan Resnick: 30 Cardozo L. Rev. 1977, 57 Drake L. Rev. 729, 40 U. Tol. L. Rev 761

James Sample: 58 DePaul L. Rev. 451, 57 Buff. L. Rev. 813, 59 Syracuse L. Rev. 371, 59 Syracuse L. Rev. 397, 42 U.C. Davis L. Rev. 1375

Andrew Schepard: 47 Fam. Ct. Rev. 360, 47 Fam. Ct. Rev. 363, 47 Fam. Ct. Rev. 371, 47 Fam. Ct. Rev. 493, 47 Fam. Ct. Rev. 523, 47 Fam. Ct. Rev. 552, 47 Fam. Ct. Rev. 570, 47 Fam. Ct. Rev. 586, 18 S. Cal. Interdisc. L.J. 259, 26 Yale J. on Reg. 481

Norman Silber: 11 Duq. Bus. L.J. 217

Ronald Silverman: 17 Am. Bankr. Inst. L. Rev. 105

Roy Simon: 102 Nw. U. L. Rev. Colloquy 319, 83 St. John's L. Rev. 307, 57 Buff. L. Rev. 813, 57 Buff. L. Rev. 959, 30 Cardozo L. Rev. 2897, 36 N. Ky. L. Rev. 251

Barbara Stark: 102 Nw. U. L. Rev. Colloquy 319, 22 J. Am. Acad. Matrimonial Law. 169, 18 S. Cal. Interdisc. L.J. 259, 15 New Eng. J. Int'l & Comp. L. 63, 15 New Eng. J. Int'l & Comp. L. 91

Rose Villazor: 85 Notre Dame L. Rev. 1453, 26 Wis. Int'l L.J. 646, 118 Yale L.J. 1022, 31 U. Ark. Little Rock L. Rev. 579, 77 U. Cin. L. Rev. 1441, 12 Harv. Latino L. Rev. 73, 10 Rutgers Race & L. Rev. 583, 5 Stan. J.C.R. & C.L. 23

Vern Walker: 42 U.C. Davis L. Rev. 1345, 21 Geo. Int'l Env'tl. L. Rev. 615, 11 U. Pa. J. Const. 671

Michelle M. Wu: 37 Hofstra L. Rev. 319

Patrick Young: 22 Geo. Immigr. L.J. 805

HONORS, APPOINTMENTS, AND OTHER ACKNOWLEDGEMENTS

Hillary Burgess was recently selected to become editor of the Learning Curve, the newsletter for the AALS section for Academic Support.

Nora V. Demleitner has been selected as a Fellow of the American Bar Foundation (ABF). Integral support to the ABF is provided by The Fellows of the American Bar Foundation, an honorary organization of lawyers, judges, and legal scholars whose public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principal of the legal profession. The Fellows support the research of the ABF through their annual contributions and sponsor programming of direct relevance to leaders of the legal profession.

Daniel J.H. Greenwood was appointed to the Advisory Committee of the University of the People. Comprised of distinguished academic professionals, humanitarians and other visionaries who reflect the diversity and mission of University of the People, the Advisory Committee will play a key role in evolution of the school.

John DeWitt Gregory has been appointed a member of the Committee on Animals and the Law of the New York State Bar Association, and of the Committee's Dog Breeding Working Group. He is also an active member of the Education subcommittee. He has also been appointed a member of the Family Law Quarterly Board of Directors of the ABA Section of Family Law.

Joanna L. Grossman and Professor Barbara Stark, have been jointly named the John Dewitt Gregory Research Scholars for 2009-10 and 2010-11. Professor Gregory is the Sidney and Walter Siben Distinguished Professor of Family Law.

Richard Neumann is winner of the 2009 Burton Award for Outstanding Contributions to Legal Writing Education. The Burton Award for Legal Achievement is conferred by the Burton Foundation.

Norman Silber has been elected to the board of The Consumers Union Action fund.

Barbara Stark has been appointed Visiting Scholar at Columbia Law School.

Vern Walker joined the Editorial Review Board for the journal International Journal of Agent Technologies and Systems (IJATS), published by IGI Global. IJATS is a journal on applications of artificial intelligence that focuses on all aspects of agents and multi-agent systems, with a particular emphasis on how to modify established learning techniques and create new learning paradigms to address the many challenges presented by complex real-world problems.