

ROBIN CHARLOW

Hofstra University School of Law
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EDUCATION:

CORNELL LAW SCHOOL

Doctor of Law, *Magna Cum Laude*, May 1981
Order of the Coif

VASSAR COLLEGE

A.B., Psychology, *Cum Laude Generale*, May 1971

LEGAL EXPERIENCE:

Professor of Law - HOFSTRA UNIVERSITY SCHOOL OF LAW (1998-present)

Associate Professor (1995-1998); Assistant Professor (1988-1995)

Courses taught: Constitutional Law I and II; Criminal Law; Constitutional Theory; Religion and the Constitution; Equal Protection Seminar; Sex-based Discrimination; Mass Media and the First Amendment; Advanced Appellate Advocacy.

Full-time Consultant - NATIONAL ADVISORY COMMITTEE OF THE FEDERAL DEFENDERS, LEGISLATIVE SUBCOMMITTEE (1986-1987)

Represented the Federal Defenders in initial formulation of the Federal Sentencing Guidelines, pursuant to statutorily mandated role, including: researching sentencing policy, drafting position papers on guideline sentencing issues, commenting on proposed guidelines structures, preparing witnesses for and attending Sentencing Commission hearings, representing the Federal Defenders at Sentencing Commission workshops on guideline formulation, meeting with Sentencing Commissioners and their staff to discuss positions of the Federal Defenders, and lecturing on guideline formation developments at national conferences of the Federal Defenders. Funded through the Administrative Office of the United States Courts.

Senior Legislative Analyst - NEW YORK CITY OFFICE OF MANAGEMENT & BUDGET (1986)

Evaluated the effects of proposed and adopted federal, state and local legislation on the City of New York, recommended positions to be advocated by City lobbyists, and drafted legislation proposed by the City, in the following areas: capital spending (construction and infrastructure), energy, environment (including public water, sewer, and sanitation services), elections, and municipal tort liability.

Appellate Counsel - FEDERAL DEFENDER SERVICES (1983-1986)

Briefed and argued appeals for indigent criminal defendants in the United States Court of Appeals for the Second Circuit, and prepared and conducted proceedings on remanded cases.

Law Clerk - HONORABLE RICHARD J. CARDAMONE, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT (1981-1983)

PUBLICATIONS:

Batson “*Blame*” and Its Implications for Equal Protection Analysis, 97 IOWA L. REV. 102 (2012).

America’s Constitutional Rule of Law: Structure and Symbol, Chapter 7 in THE RULE OF LAW IN COMPARATIVE PERSPECTIVE, Volume 3, IUS GENTIUM: COMPARATIVE PERSPECTIVES ON LAW AND JUSTICE (M. Sellers & T. Tomaszewski eds., Springer Science and Business Media 2010).

The Effect of Race-based Jury Nullification on Batson, in PAUL H. ROBINSON, STEPHEN P. GARVEY & KIMBERLY K. FERZAN, CRIMINAL LAW CONVERSATIONS 572 (Oxford University Press 2009).

Negotiating Sex: Would it Work?, in PAUL H. ROBINSON, STEPHEN P. GARVEY & KIMBERLY K. FERZAN, CRIMINAL LAW CONVERSATIONS 310 (Oxford University Press 2009).

The Elusive Meaning of Religious Equality, 83 WASH. U. L.Q. 1529 (2005).

Bad Acts in Search of a Mens Rea: Anatomy of a Rape, 71 FORDHAM L. REV. 263 (2002).

Free Speech in the Sky, NEWSDAY (August 2002); reprinted in JEANNE FAHNESTOCK and MARIE SECON, A RHETORIC OF ARGUMENT (3d ed. McGraw-Hill Cos., Inc.).

Tolerating Deception and Discrimination After Batson, 50 STANFORD L. REV. 9 (1997).

Judicial Review, Equal Protection, and the Problem with Plebiscites, 79 CORNELL L. REV. 527 (1994).

Wilful Ignorance and Criminal Culpability, 70 TEXAS L. REV. 1351 (1992); reprinted in full in CRIMINAL PRACTICE LAW REVIEW (Summer 1993).

International Legal, Political and Military Questions, in ELECTRIC POWER FROM ORBIT: A CRITIQUE OF A SATELLITE POWER SYSTEM, 1981 Report of the National Academy of Sciences Committee on Solar Power Satellite Systems, Chapter 5.

LAW PARTNERSHIPS AND CORPORATIONS, materials published by the New York State Bar Association's Continuing Legal Education Division (1979-1980).

PROFESSIONAL ACTIVITIES:

Presentations

Free Speech and Association Issues at the Occupy Wall Street Protest, “Teach-In” at Hofstra Law School, October 2011 (commentator).

“*Blame*” Under Batson and Its Relationship to Equal Protection Analysis, Symposium, *Batson at Twenty-Five: Perspectives on the Landmark, Reflections on Its Legacy*, University of Iowa, October 2011 (presenter).

Equal Protection Theory and the Law of Discriminatory Peremptory Challenges, Hofstra Summer Workshop Series, July 2011 (presenter).

Aggression and Genocide: Focus on Definitions of Offenses, 10th Annual EACLE Research Conference, May 2011 (commentator).

Should Good People Be Prosecutors?: The Defense Perspective, Hofstra Law School debate featuring Visiting Scholar in Residence Paul Butler, March 2011 (debater).

Constitutional and Statutory Issues in the "Ground Zero Mosque" Controversy, Park51 Panel, Hofstra APALSA and Muslim Students Association program, November 2010 (presenter).

The History of Free Exercise Interpretation, Hofstra Law School Faculty Workshop Series, March 2009 (commentator on article and presentation by Professor Christopher Lombardi).

Punishment and Responsibility, Association for the Study of Law, Culture and the Humanities annual conference, April 2009 (commentator on three panel papers and panel moderator).

The Advisability of Openness in the Judicial Confirmation Process, at "The Supreme Court at a Turning Point?: Challenges for the Next President," Hofstra University Educate '08 program, Fall 2008 (presenter).

Theoretical Implications of Heller v. Doe, "Whither the Court" program, Hofstra Law School, Fall 2008 (presenter).

The American Constitutional Rule of Law, presented at the European-American Consortium on Legal Education (EACLE)'s Rule of Law conference, University of Warsaw, Poland, May 2008 (presenter).

Presidential Power in the Age of Terror, Hofstra Law School, Fall 2007 (presenter).

Affirmative Action in the Supreme Court, "Whither the Court" program, Hofstra Law School, Fall 2007

The Constitutionality of Affirmative Action in Higher Education, co-sponsored by Hofstra's Black Law Students Association and Democratic Law Society, Fall 2006 (presenter).

Defining Religious Equality, Hofstra Law School Faculty Workshop, Fall 2005 (presenter).

Theoretical Confusions in Equal Protection Affirmative Action Doctrine, Erasmus University, Rotterdam, The Netherlands, May 2005 (presented day-long seminar for graduate faculty and students).

The Elusive Meaning of Equality for Religion, Association for the Study of Law, Culture, and the Humanities annual conference, University of Texas, March 11, 2005 (presenter).

Constitutional Issues in Gay Marriage and the Effect of Recent Supreme Court Decisions, Nassau County Bar Association, April 22, 2004 (lecturer and panelist).

Public Displays of the Ten Commandments, sponsored by Public Justice Foundation, Hofstra Law School, November 20, 2003 (panelist).

Theoretical Currents Underlying Issues in Equal Protection Affirmative Action Litigation, Department of Law, University of Helsinki, Finland, May 2003 (visiting lecturer for graduate faculty and students).

The Interaction of United States Constitutional and Statutory Law in Safeguarding Religious Liberty, Department of Law, University of Helsinki, Finland, May 2003 (visiting lecturer for graduate faculty and students).

Constitutional Considerations in Racial Profiling and Public Safety, program on Legal Issues in Reactions to the Terrorist Attacks of September 11, 2001, sponsored by the International Law Society and the International Law Digest, Hofstra Law School, September 17, 2001 (lecturer and panelist).

Future Legal Issues in Employment for Women, New York State Convention of the American Association of University Women, 1994 (lecturer).

Public Interest Law, Conference on *The Legal Profession in the 1990s*, Hofstra Law School, Spring 1991 (panelist).

Policy Issues in the Formulation of Federal Sentencing Guidelines, National Conference of Federal Defenders, 1987 (lecturer).

Constitutionality of the Bail Reform Act of 1984, sponsored by the Federal Judicial Center and the Administrative Office of the United States Courts, 1985 (lecturer).

Media Appearances and Contributions

NEWSDAY, *Record Exec Pleads Not Guilty in Mall Fiasco*, regarding criminal liability for failing to

LYNBROOK/EAST ROCKAWAY HERALD, regarding constitutionality of proposed ordinance giving local executive officials wide discretion to administer freedom of information law, Fall 2008 (quoted).

WCBS Radio, regarding Nassau County Executive's controversial "Hall of Shame" program of publicizing the identity of DWI arrestees, May 2008 (interviewed).

NEWSDAY, *Mixed Response to "Shame" Strategy*, May 2008 (quoted).

NEWSDAY, *Suozzi Plans to Release Holiday DWI Arrest Records*, May 2008 (quoted).

LONG ISLAND BUSINESS NEWS, *Suffolk County Legislature Passes Social Host Law*, December 2007 (quoted).

TV 55, Evening News, regarding New York State's Habitual Offender law applied in the shooting of NYC police officers, July 2007 (commentator).

RADIO FREE EUROPE, regarding Separation of Powers and Presidential Power under the United States Constitution as related to a constitutional crisis in Romania, for the "American Perspectives" program of the Romania/Moldavia Service, March 2007 (full program interview).

NEWS 12, regarding "three strikes" habitual offender rules and capital punishment under New York law, January 2007 (commentator).

TV 55, Evening News, regarding juror misconduct in Long Island limousine homicide case, January 2007 (commentator).

NEWSDAY, *Legal Doubts on Sex Offender Limits*, December 2006 (quoted), article later syndicated by the McClatchy-Tribune Business News.

LONG ISLAND PRESS, *Jurors' Misconduct May Mean New Trial for Heidgen*, December 2006 (quoted).

VALLEY STREAM HERALD, drunk driving Long Island limousine homicide case, September 2006 (commentator).

NEWS 12, eminent domain valuation of commercial property seized by State University at Stony Brook for a new dormitories, November 2005 (interviewed).

MALVERNE-WEST HEMPSTEAD HERALD, *Eminent Domain condemnation of West Hempstead hotel used for illegal activities*, November 2005 (quoted).

CORPORATE LEGAL TIMES, *Religious Disputes Heat Up in the Workplace*, October 2005 (quoted).

LONG ISLAND BUSINESS NEWS, *New York Considers Giving Jurors a More Active Role*, 2005 (quoted).

LONG ISLAND BUSINESS NEWS, *Stressed-out, Overworked Lawyers Lead to Disciplinary Actions by State Bar*, 2005 (quoted).

NEWS 12, regarding Taser gun use by police resulting in death, July 29, 2005 (commentator).

NEWSDAY, *Suspect in Deadly DWI: "I'm Sorry, I'm Sorry"*, July 8, 2005 (quoted).

LOUISVILLE COURIER-JOURNAL, *5-4 Rulings Cite Displays' Intent: Analysts: Issue Far From Settled* (Ten Commandments case), June 27, 2005 (interview).

TV 55, Evening News, Terry Schiavo right to die case, March 24-25, 2005 (commentator).

WRIV Radio, Morning Show, Terry Schiavo right to die case, March 23, 2005 (commentator).

LONG BEACH HERALD, Extreme Emotional Distress defense to homicide, March 22, 2005 (interview).

NEWSDAY, *Awaiting a Judge's Ruling: A Federal Court Hears Arguments but Delays Making a Decision on Whether Feeding Will Resume for Schiavo*, March 22, 2005 (quoted).

NEWSDAY, *Clergy Tax Exemption Law Defined*, December 3, 2004 (quoted).

THE NEW YORK TIMES, *"Wilkommen! Bienvenue! Mind If We Smoke?"*, September 19, 2004 (quoted).

NEWSDAY, Supreme Court decision in *Elk Grove v. Newdow* (Pledge of Allegiance case), June 14, 2004 (interview).

NEWS 12, Supreme Court decision in *Elk Grove v. Newdow* (Pledge of Allegiance case), June 14, 2004 (commentator).

THE NEW YORK TIMES, *In Tyco Trial, An Apparent Gesture Has Many Meanings*, March 29, 2004 (interview and quote).

NEWSDAY, *Nassau Seeks Confidentiality Pacts for Employees*, January 17, 2004 (interview and quote).

LONG ISLAND PRESS, *Challenge to Nassau County law allowing seizure of vehicles in DWI cases*, November 3, 2003 (interview and citation).

ABC Channel 7 Eyewitness News, regarding potential criminal charges in high school hazing case, September 30, 2003 (commentator).

NEWS 12, re grand jury proceedings in high school hazing case, September 29, 2003 (commentator).

NEWS 12, regarding Mephram High School football camp hazing incident, September 26, 2003 (commentator).

TV 55, Evening News, regarding Do Not Call registry, September 26, 2003 (interview).

NEWSDAY, *The Pastor's Champions*, September 14, 2003 (interview and quote).

TV55, Evening News, regarding Supreme Court affirmative action decisions in *Grutter v. Bollinger* and *Gratz v. Bollinger*, June 2003 (commentator).

COURT TV, "Face-Off" program, *Sultana Freeman v. Florida DMV* trial, regarding right to a religious exemption from state driver's license photo requirement, May 2003 (guest legal expert, providing live commentary during court proceedings).

COURT TV, "Face-Off" program, *California v. Scott Peterson* murder case preliminary hearing seeking media access to court proceedings and sealed documents, May 2003 (guest legal expert, providing live commentary during court proceedings).

LONG ISLAND PRESS, *Smoking Semantics, Nassau Legislators Hope to Tie Up Loophole*, April 23, 2003, (interview and mention).

CBS Channel 2 Eyewitness News, surreptitious videotaping and the New York State eavesdropping statute, January 30, 2003 (commentator).

WLIE Radio, Mike Siegal Show, regarding Augusta Golf Club (Majors Golf Tournament host) exclusion of women, December 9, 2002 (guest legal expert).

NEWSDAY, *Manslaughter Charge in Crash*, September 24, 2002 (interview).

THE NEW YORK TIMES, Week in Review section, *The Nation: Civil Liberties; Behind the Legal and Private Worlds of the Veil*, August 11, 2002 (interview and quote).

WLUX 540 AM, "Legally Yours" program, *Constitutional Issues in Airport Security*, September 13, 2001 (guest legal expert).

NEW YORK LAW JOURNAL, *Religious Zoning Disputes Proliferate on Long Island With Influx of Minorities*, April 17, 2001 (interview and mention).

NEW YORK LAW JOURNAL, *Wide Impact Expected For Discrimination Law*, December 2000 (interview and mention).

NEW YORK LAW JOURNAL, *Cemetery OK'd as a Religious Use*, November 30, 2000 (interview and mention).

NEWS 12, Bush v. Gore Election of 2000, November 2000 (several appearances as commentator).

Various local television stations, OJ Simpson trial, 1995 (several appearances as commentator).

NEWS 12, Trial of Colin Fergusson for Long Island Railroad shootings, 1994-1995 (several appearances as commentator).

Long Island Cable Television, "Meet Your Neighbors" program, *Supreme Court Rulings on Abortion*, May 1989 (legal expert panelist).

Other Professional Activities

Co-taught Comparative Constitutional Law: Separation of Powers, with Justice Antonin Scalia, Hofstra Law School Summer Abroad program, Sorrento, Italy, July-August, 2006.

Visiting Faculty Member, European-American Consortium on Legal Education (EACLE) exchange, Erasmus University School of Law, Rotterdam, The Netherlands, 2005.

Visiting Faculty Member, EACLE exchange, Department of Law, University of Helsinki, Finland, 2003.

Member, Ad Hoc Committee on Fourth Amendment Searches in Public Places, American Civil Liberties Union, 1996-2005.

Member, Executive Committee of the Criminal Justice Section of the American Association of Law School, 1995-2003.

Member, Due Process Committee of the National Board of the American Civil Liberties Union, 1989-1996.

Advised on the brief and argument for the Petitioner in *LaBonte v. United States* in the United States Supreme Court, 1996.

Advised on the argument for the Petitioner in *Lewis v. United States* in the United States Supreme Court, 1995-1996 term.

Editor, Brief for Amicus Curiae Military Women in *United States v. Virginia (VMI)* in the United States Supreme Court, 1995-1996 term.

Commentator, Statement on Federalism and the Environment in the Ukraine, relating to issues of governmental structure and decision making, 1994.

Assisted in preparing "Gender Bias on Trial," a program on gender bias in the courts sponsored by the Nassau County Judicial Committee on Women in the Courts, formed under direction of the New York State Judicial Committee on Women in the Courts, 1993.

Drafted Congressional testimony on ocean dumping of radioactive waste, Fall 1980.

Prepared briefs for International Trade Commission hearings on restricting Japanese auto imports, Fall 1980.

Professional Public Service

Appointed to the Legislative Action Committee of the North Shore School District's Board of Education, to analyze and address issues of State and local governance that materially impact the School District, Fall 2011-present.

Guest lecturer for Mock Trial class, discussing job responsibilities in the three branches of government and conducting mock appellate decision-making session, North Shore Middle School, Fall 2012.

Served on the North Shore School District's Diversity Advisory Committee, and Subcommittee on Defining Diversity, to produce a statement of diversity principles and policy and to launch a comprehensive diversity education plan for a Long Island school system, 2008-2009.

Assisted with a participatory program on the Bill of Rights, and conducted a class in lawmaking and separation of powers, as part of New York State's required fifth grade social studies curriculum, Glen Head Elementary School, Fall 2008.

Current Constitutional Controversies in Religion, Elmont Jewish Center, June 8, 2004 (lecturer).

Separation of Church and State: Historical Evidence and Current Interpretations, Great Neck Synagogue Continuing Adult Education Program, 1995 (lecturer).

Separation of Church and State: Historical Evidence and Current Interpretations, Temple Judea Enrichment Program, 1994 (lecturer).

Hate Speech, Great Neck High School Enrichment Program, February 1993 (lecturer).

HOFSTRA UNIVERSITY ACTIVITIES AND HONORS:

Award

Professor of the Year, from the Hofstra Law Review (1993).

Service

Law School Faculty Committees: (*served as Chair for all or part of terms indicated)

*Ad Hoc Committee on a Third Student Journal (1993-1994)

*Ad Hoc Committee on Enhancement of the Physical Facilities (1999-2000)

*Ad Hoc Committee on Readmissions and Special Admissions Applications (2010-2012)

Ad Hoc Committee on Renovation of the Faculty Lounge (1999-2000)

*Ad Hoc Committee on Student Retention (2005-2008)

Ad Hoc Committee to Draft Policy Under ABA Standard 404 (1997-2000)

Ad Hoc Committee to Draft a New Student Code of Conduct (1989-1994)

Ad Hoc Committee to Draft Standards for Skills Instructors (2004-2006)

Ad Hoc Committee to Review the Clinical Programs (2010-2011)

Ad Hoc Committee to Review the Curriculum (2001-2003)

Ad Hoc Committee to Review the Grading Curve (2010-2011)

Ad Hoc Committee to Study Gender Issues (1996)

Ad Hoc Committee to Study the Skills Curriculum (2004-2006)

*Admissions and Academic Standing (1988-1989, 2002-2003, 2004-2006, 2008-2011)

Advisory Committee to the Board of Trustees on the Law School Dean Search (1999-2001)

*Curriculum and Academic Standards (1988-1993, 2002-2003, 2006-2008)

Dean's Advisory Committee (elected by the Faculty) (2008-2009)

Faculty Appointments (1994-1996, 1997-1998, 2000-2001, 2003-2004, 2005-2006, 2011-2012)

Faculty Board of Advisors to the Labor Law Journal (1997-1999)

Faculty Board of Advisors to the Law Review (2003-2005)

John Gregory Research Chair, Selection Committee (2006-2007)

*Legal Writing and Appellate Advocacy (1996, 2002-2004)

*Library (1995-1996)

Placement and Clerkships (1991-1992)

Reappointment and Tenure (1997-present) + *various subcommittees on particular candidates

*Stessin Prize, Articles Selection (2000-2001, 2008-2009)

Upper Class Moot Court (1989-1990)

Visiting Scholars and Speakers (1991-1994, 1997-2003).

Board Member, Hofstra University's Center for Civic Engagement; served on subcommittees on Civic Engagement Curriculum (2011-present), Media (2006-2011), and Diversity Education (2006-2011); participated in reevaluating and redrafting the Center's Governance Instrument, Mission Statement and Five Year Plan (2010-2011); organized a Law School compliment of panels for the University-wide Day of Dialogue program (2010-2012); organized a full day of Law School activities for the Day of Dialogue program (2008).

Served on committees to select various Law School personnel, including Clinical Instructors, Writing Instructors, Skills Director, Associate Dean for Career Services, and Dean of Students.

Member, University Faculty Affairs Committee (2008-2009).

Faculty Advisor, Hofstra Law Women (1991-1994, 2008-2010).

Faculty Advisor, American Constitution Society (2007-2010).

Faculty Mentor, to new University and Law School faculty members (2003-2006, 2008-2011).

Faculty Advisor, Hofstra Law moot court teams for National Moot Court Competition and Long Island Moot Court Competition (1988-1990); National and Long Island Moot Court Competitions practice judge (1988-1999, 2004-2005); Wagner Moot Court Competition (labor law) practice judge (1994-1995); judge for Hofstra Law School's intramural moot court finals (2004, 2008); coach for Law and Gender moot court competition oral argument (2010).

Participant, Recruitment Program for accepted law students, conducting orientations, mock classes, and question and answer sessions (1992-1995, 2003-2007, 2011-2012).

Participant, Ethics Program for first year law students (2006).

Participant, Family Court Review note selection and advisement program (2006).

Judge, Law School Disciplinary Committee (2004-2006).

Faculty Advisor, to students writing notes for Hofstra's Law Review, Labor and Employment Law Journal, Journal of International Business and Law, and Family Court Review (annually).

Faculty Advisor, to students doing concentrations in Criminal Law and Constitutional Law (2006-2012).

University Task Force on the Libraries (1995-1997)

Represented the Law Library in the President's study of University Library services and needs into the future, including delivering a presentation and tour on the organization, holdings, functions, and needs of the Law Library, and serving on the Law Library Subcommittee.

Faculty Advisor, "Coming Out: For Civil Rights", Law School's first LGBT student organization (1992-1994).

University Task Force on Discrimination in the ROTC Program (1989-1991)

Investigated alleged sex-based discrimination in Hofstra's ROTC program, including gathering information, questioning witnesses, and drafting findings and a proposal for remedial action later adopted by the University Senate.

Representative of Hofstra Law School at the New York State Bar Association's Forum on Women in Legal Education (November 1989).

Appearances

Speaker, Hofstra Law Women luncheon (2004, 2005, 2009, 2011).

Speaker, APLSA (Asian and Pacific Law Students Association) program on *How to Take Law School Exams* (Fall 2009).

Speaker, Advisement Session for First Year Students (March 2005).

Speaker, *How to Balance Law School and Family Responsibilities*, OWLS (Older and Wiser Law Students) reception at Orientation (August 2002).

Speaker, Law School Academic Success Lectures, *How to Get the Most Out of Class* (September 2001).

Speaker, Law School Orientation (1995, 1996, 2006).

Panelist, discussing Law School's new Student Code of Conduct (1994).

Lecturer, Minority Students Orientation, case-analysis training session (1994).

Lecturer, Minority Students Orientation, conducting Constitutional Law class (August 1992).

BAR ADMISSIONS:

New York State, January 14, 1982

United States Supreme Court, February 25, 1985

United States Court of Appeals, Second Circuit, March 23, 1984

United States District Court, S.D.N.Y., August 21, 1984

United States District Court, N.D.N.Y., November 1, 1982