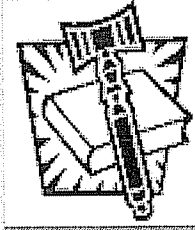


# AALS MINORITY GROUPS SECTION NEWSLETTER



November 2002

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Pennsylvania State University  
⇒Please let us know if you have suggestions for  
next year's newsletter!⇐

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### ▣ MESSAGE FROM THE CHAIR

I am enjoying my year serving as Chair of the Minority Section. I had not realized the degree to which the position would permit me to be a conduit for information of all types to and from section members as well as between members and the AALS. I am impressed by the vitality and dedication of our group, especially as expressed

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though the activities mentioned on our list serve. A year after the horrific events of September 11, 2001, the pain of loss is still great, and the U.S. may be on the brink of war with Iraq. Within the U.S., countless people of color, noncitizens and citizens, have lost or are in danger of losing their civil liberties in the war against terrorism. I gain some solace from knowing that section members wear many hats and are involved in addressing these issues along with our traditional concerns.

## ❖TRIBUTE❖

I would like to formally thank my predecessor the 2001 Section Chair, **KEVIN JOHNSON** of UC Davis, for his wonderful work. Under Kevin's direction, we had a great array of panels at the 2002 annual meeting. Our program on reparations was incredibly well attended, and featured members Charles Ogletree, Rebecca Tsosie, and myself. We also cosponsored with the Section on Labor Relations, a panel on "Labor and Employment Laws in the Academy: A Critical Look at Work in the 'Ivory' Tower," featuring members Elizabeth Iglesias, Devon Carbado, Margaret Montoya, and Michael Olivas. A joint program was held with the Africa Section and Constitutional Law Section on the "Fifth Anniversary of the South African Constitution," and I was one of the speakers. We also did a Joint Section with the Section on Alternative Dispute Resolution on Mandatory ADR: Impacts on Minority Groups and the Quest for Justice," which featured Arturo Gandara, Michael Green, and Robin Magee. Finally, Kevin presided over a Minority Section Luncheon, in which we chose to start a new tradition of highlighting our honorees, instead of having an outside speaker. We awarded **FRANK VALDES** the Clyde Ferguson Award and **DEVON CARBADO** the Young Scholar Award. Kevin is also to be commended for doing the thankless task of putting together the Section Newsletter for several years, finally stepping down this year. We look forward to Kevin's continued participation in the section. He is a great example and

mentor to us all.

## ❖NEWSLETTER❖

I am very grateful that four members of the Penn State-Dickinson Law School faculty agreed to take over for Kevin Johnson as Newsletter editor. Many thanks to **LARRY CATÁ BACKER**, **PETER ALEXANDER**, **VICTOR ROMERO**, and **CARLA PRATT**. This edition is evidence of their great efforts.

## ❖FACULTY RECRUITMENT CONFERENCE❖

**LISA H. NICHOLSON** of Louisville did a fabulous job, following in the footsteps of **LEONARD BAYNES** as organizer of the Minority Groups Section Hospitality Suite. A number of candidates told me that this safe space was much appreciated. Thanks Lisa and all those who assisted her by participating in the panel and sitting in the suite.

## ❖LIST SERVE❖

Thanks to **ODEANA NEAL** for maintaining our main way of communication. If you aren't on line yet, please contact her at [oneal@UBmail.ubalt.edu](mailto:oneal@UBmail.ubalt.edu). The list serve address is [AALSMIN-L@ube.ubalt.edu](mailto:AALSMIN-L@ube.ubalt.edu).

## ❖WEBSITE❖

Thanks to **DANIELLE CONWAY-JONES** for hosting our website at <http://www2.hawaii.edu/~dcjones/AALS>. It contains faculty publications, course offerings, the newsletter, and list of officers. Visit it and check us out.

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## ❖AWARDS❖

It's that time of the year when the Section Executive Committee is seeking nominations for our two Awards which will be announced at the Annual Meeting luncheon:

The **CLYDE FERGUSON AWARD**, named in honor of the first tenured African American on the Harvard faculty, is granted to an outstanding law teacher, who, in the course of his or her career, has achieved excellence in the areas of public service, teaching, and scholarship. The Award is particularly aimed at law teachers who, have provided support, encouragement and mentoring to colleagues, students and aspiring legal educators. All professional legal educators are eligible including administrators, librarians, clinical faculty, writing instructors, tenure track and tenured faculty.

The former winners are: Michael Olivas (1992), Jim Jones (1993), Paulette Caldwell (1994), Richard Delgado (1995), Taunya Banks (1996), Neil Gotanda (1997), Jerome Culp & Margaret Montoya (1999), Joyce Hughes (2000), Ken Nunn (2001), Frank Valdes (2002).

The **JUNIOR FACULTY AWARD** honors a junior faculty member who, through activism, mentoring, colleague ship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system, or social justice. All professional legal educators are eligible (same categories as the Ferguson Award), so long as they have not received tenure, and have served seven years or less, at the time of the Award.

The former winners are: Sumi Cho & Peter Kwan (2000), Christine Zuni (2001), Devon Carbado (2002).

No one currently on the Executive Committee may be nominated. Nominations should be made in writing in the form of a 1-2 page letter describing why the nominee should win the award.

Please get these nominations to me as soon as possible at [wing@umich.edu](mailto:wing@umich.edu).

## ❖NOMINATIONS TO THE EXECUTIVE COMMITTEE❖

Anyone interested in serving on the Executive Committee, please contact me ASAP at [wing@umich.edu](mailto:wing@umich.edu). The duties are not time consuming, and include: approving annual meeting panels, selecting award winners, selecting new members of the Executive Committee, liaising with the newsletter staff, changing the bylaws, miscellaneous matters etc.

## ❖FINAL THANKS❖

I'd like to thank all the members of the Executive Committee for their work: **SUSAN AKRAM, LEONARD BAYNES, GABRIEL JACKSON CHIN, PETER ALEXANDER. DAVID BRENNEN, CYNTHIA HAWKINS-LEON, and GEORGE A. MARTINEZ.** Special best wishes to **BEVERLY MORAN**, who succeeds me as Chair. I know she will continue to move us forward as a Section in 2003.

## ADRIEN KATHERINE WING

Bessie Dutton Murray Distinguished Professor of Law at the University of Iowa/  
Visiting Professor of Law at the University of Michigan  
Chair, AALS Minority Groups Section

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## AALS Minority Groups Section ARTICLE

**On Diversity:  
A Partial and Incomplete Wish List**

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By Larry Catá Backer

The business of 'diversity' has become quite a complicated thing, and frustrating, too, I am sometimes told. When in the company of those who don't know me, these complications and frustrations are reduced to hurt – hurt at the betrayal by those for whom enough has been done. Where, I am asked, is that glow of perpetual gratitude that is supposed to shine off the sweat of our happy brows as we work the fields of academic life. We have been rewarded with entree into the now diverse academy. Equilibrium has been achieved. Why can't we act the part and just quiet down?

Sigh. I keep forgetting how important it is to play the role of the grateful on the stage of academic opportunity. Especially for the well meaning majority folks who in their own well intentioned way are always trying to help. . . in my case with my spoken English, my expectations, my understanding of how things work. . . . for everybody . . . all alike, all the same. . . that is until it's time to bring out the usual motley cast of diverse characters to perform for the institution's well meaning hosts. Even that is well intentioned. . . . Who knew that as part of our duties in academia we were to meant to serve as resident members of our institution's 'ballet folklorico.'

So, for this holiday season, I have decided to take to heart the message of the man who currently occupies the Presidency of the United States. He recently urged all of us to make the holidays a 'season of service.' My service: a partial and incomplete list of instructions for our 'mentors,' 'sponsors,' 'liberators,' 'helpers,' 'counselors,' and 'friends' who identify as members of groups who 'open' the 'door' to 'diversity' 'for' us:

– 'diversity' is not a task one completes with the hire of a few darker complected faces or off-accented voices; don't expect ever to finish the job;

– the task of 'diversity' is not yours to control; it is all

of ours to share; please don't dictate terms to me or anyone;

– diversity is not limited to those communities favored or known by you; yesterday's slogans or political set speeches are not enough; there are a large number of vibrant, growing, different and important communities now all part of the American family, all of whom must be acknowledged;

– don't try to get into my head and on that basis make decisions as if you know what's in there; you do not know what I am thinking, what my ancestors went through, what I went through; however, you may listen;

– don't ignore me; I am not an organ grinder's monkey hired to perform for you or for the entertainment of your friends, clients and customers;

– don't presume that your language, cultural, educational or life skills are better; they are different;

– I am not a 'but for' – but for 'diversity I would not be here; 'but for' lack of diversity you might not be here;

– reciting the appropriate mantras of diversity is not enough; if you tell me of your concern about the lack of sensitivity to issues of race, gender, ethnicity, religion, sexual orientation, etc. in (a) casebooks, (b) teaching, (c) writing, (d) whatever, and do nothing to change things, even only the things you control, what do you expect me to think? And don't be surprised if I think it out loud;

– gender matters; numbers matter; especially where historical patterns suggest that what you say and what you are doing are not the same; if they didn't you wouldn't spend so much time counting

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us; the 'laws' of 'tipping' have been repealed;

– look deep in your heart and stare at your face when you say things like “I apply the same standards to all my colleagues;” if you don't believe it don't expect us to;

– recite often: “this is not my father's law school;” we may not write what you want to read, say things the way you want to hear them, teach things the way you were taught them, harvest knowledge in those fields you and your ancestors thought defined the entire universe of the possible; difference is not a proxy for lack of quality or merit;

– help us teach our students the sort of mutual respect you insist is the basis of your relationship with us;

– diversity is not merely our task, it is yours as well; don't run away when things happen or someone has been targeted on the basis of their race, sex, ethnicity, or it is time to volunteer for some activity tinged with diversity 'issues;'

– we are eager to share; don't you be greedy; don't think to play one of us against another;

– all of us must be willing to practice what we preach; we want you to, just as we embrace this responsibility willingly, too;

– be aware: judging and evaluating is a two way street; we have been judging you, too.

Sigh, sigh, sigh, sigh. . . . I know I've missed something. Maybe you can help. Send me your suggestions and I will add them to the list. Share these with your friends. If these simple rules were even partially internalized by our friends, there would be more progress made than possible in a whole book of reported cases and a mountain of judicial orders and legislative acts.

Here is something we can all do to serve our

friends in a more useful way: let's all vow that, starting with the new year, we will designate one or more days a month as “Take A Colleague to Lunch Day.” On those days, and in a spirit far more charitable than those in which such lunches were sometimes spread for many of us, we could offer to help our friends become all that they can be. . . . starting with the items on this list.

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## ▣ 2003 AALS ANNUAL MEETING EVENTS

We hope to see as many of you as possible at the annual meeting. We are sponsoring or cosponsoring 6 events!

Please consider attending our **annual luncheon** on **Friday Jan 3 at 12:15-1:30pm**, where we will honor our awardees. It's a great place to network and catch up as well.

Our **main panel** will be held **Sat. Jan 4 at 8:30-10:15am** on “Minority (Dis)empowerment: Hate Crimes, Violence and Bias Crime Law.” Featured panelists are **JEANNINE BELL** (Indiana-Bloomington), **DARREN HUTCHINSON** (American), **VICTOR ROMERO** (Penn State), **LU-IN WANG** (Pittsburgh), and **ADRIEN WING** (Iowa)(moderator).

On **Thursday Jan 2 at 2-3:45pm**, we will **cosponsor with the Africa Section** a panel on “The New African Union and Africa's Relationship to the US.” The panelists are **MUNA NDULO** (Cornell), **FRANCIS DENG** (Johns Hopkins), **ROBERT KENT** ( Roger Williams), **DAN NGWEPE** (South Africa embassy), **BERNARD FREAMON** (Seton Hall) (moderator)

On **Friday**, we will do a **joint extended program**

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at 2-5pm with the Sections on Indian Nations and Indigenous Peoples, Sexual Orientation, and Women in Legal Education on "Diversity and Inclusion: Handling Challenges in Learning, Teaching and Working."

On Sunday Jan 5 at 10:30am-12:15pm, we will cosponsor with the Sections on Donative Transfers, and Indian Nations and Indigenous Peoples a panel on "The Casebook and Beyond: Incorporating Pluralistic Visions of Trusts and Estates." The speakers are HON PATRICIA MCDONALD (ALJ US Dept of Interior), JO CARILLO (UC Hastings), BURLETTE CARTER (GW), ADRIENNE DAVIS (Visiting Chicago), BRANT LEE (Akron), MARGARET MONTOYA (New Mexico), and TANYA HERNANDEZ (Rutgers-Newark)(moderator).

Finally, on Sunday at 3:30-5:15pm, we will cosponsor with the Sections on Employment Discrimination, and Immigration Law, a panel on "Undocumented Immigrant Workers in the Global Economy: The Case of Hoffman Plastics." Panelists are CHRISTOPHER DAVID RUIZ (Southwestern), RUBEN GARCIA (Visiting UC Davis), ISABEL MEDINA (Loyola-New Orleans), LORI NESSEL (Seton Hall), and KEVIN JOHNSON (UC Davis)(moderator).

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## ▣ NEWS AND PUBLICATIONS

RAQUEL ALDANA PINDELL (UNLV) has had her article "The 9/11 'National Security' Cases: Three Principles Guiding Judges' Decision-Making," accepted for publication in the **Oregon Law Review** as part of the Seventh Annual LatCrit Symposium. At the May 2002 LatCrit Symposium in Portland, Oregon, Raquel presented another paper, "In Vindication of Victims' Rights in the Criminal

Process for State-Sponsored Crimes" which has been accepted for publication in the **Vanderbilt Journal of Transnational Law**. Raquel has two additional articles forthcoming in the **Human Rights Quarterly** "An Emerging Universality of Victims' Rights in the Criminal Process for State-Sponsored Crimes" and a review of MARGARET POPKIN, PEACE WITHOUT JUSTICE OBSTACLES TO BUILDING THE RULE OF LAW IN EL SALVADOR (2000). In April 2002, Raquel presented "The Civil Rights Concerns of 9/11 Detainees in U.S. Prisons" at the 2002 District Conference of the United States District Court for the District of Nevada, in Reno.

PETER ALEXANDER (Penn. State) was inducted into the American College of Bankruptcy in March, 2002 and is helping to organize the Mid-Atlantic People of Color Scholarship Conference. Peter is also publishing "Congress Builds A 'Dollhouse': A Feminist Analysis of Divorce and Bankruptcy," **Villanova Law Review** (forthcoming 2003).

LARRY CATÁ BACKER (Penn. State) has published his casebook, **COMPARATIVE CORPORATE LAW: UNITED STATES, EUROPEAN UNION, CHINA AND JAPAN** (Carolina Academic Press, 2002), and is publishing the following articles: "The Euro and the European Demos: A Reconstitution," 21 **Yearbook of European Law** (Oxford U. Press) (forthcoming 2003); "Defining, Measuring and Judging Scholarly Productivity: Working Toward a Rigorous and Flexible Approach," 52 **Journal of Legal Education** (forthcoming Sept., 2002); "Race, 'The Race,' and the Republic: Reconceiving Judicial Authority After Bush v. Gore," 51 **Catholic University Law Review** (forthcoming 2002); "The Sarbanes-Oxley Act: Federalizing Norms for Officers, Lawyer and Accountant Behavior," 76 **St. John's Law Review** (forthcoming 2002); "Human Rights and Legal Education in the Western Hemisphere: Legal

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Parochialism and Hollow Universalism," 21 **Penn State International Law Review** (forthcoming 2002); "Forward: Constituting Nations – Veils, Disguises, Masquerades," 20 **Penn State International Law Review** 329 (2002); "Religion and the Discursive Language of Same Sex Marriage," 30 **Capital Law Review** 221 (2002); "General Principles of Academic Specialization By Means of Certificate or Concentration Programs: Creating a Certificate Program in International, Comparative and Foreign Law at Penn State," 20 **Penn. State International Law Review** 67 (2001); and "The Extra-National State: American Confederate Federalism and the European Union," 7 **Columbia Journal of European Law** 173 (2001). Larry made presentations at the Feminist Legal Conference at the University of Texas, the Post-Enron conference at St. John's University, the British Critical Legal Conference at University of North London, the LatCrit Conference sponsored by the University of Oregon, the 2002 Law & Society Association Conference, the 2002 Law, Culture and Humanities Conference at the University of Pennsylvania, the Mid-Atlantic People of Color Scholarship Conference, and the 2002 AALS Conference. He is serving as works in progress chair for the Mid-Atlantic People of Color Scholarship Conference.

**LEN BAYNES** (St. Johns) is publishing the following articles: "Racial Stereotypes, Broadcast Corporations, and the Business Judgment Rule" (presented in 2002 at the Sloan Institute, George Washington University School of Law) and published in the **University of Richmond Law Review** (forthcoming 2003); "The Wireless Auction: The Other Digital Divide," **Catholic University Law Review** (forthcoming 2003); "Whiteout: The Absence and Stereotyping of People of Color by the Modern Media," **Arizona Law Review** (forthcoming 2003); "Just Pucker and Blow?, An Analysis of Corporate Whistle Blowers, The Duty of Care and the Sarbanes-Oxley Act," **St. John's Law Review** (forthcoming 2003); "Racial Profiling, 9/11, the Media and

Society," **Virginia Journal of Entertainment and Sports Law** (forthcoming 2002); and "Life After Adarand: What Happened to the Metro Broadcasting Diversity Rationale for Minority Telecommunications Ownership?," 33 **University of Michigan Journal of Law Reform** 87 (1999/2000). In addition, Len was a moderator at St. John's conference entitled Enron and its Aftermath, and he was a facilitator on Corporate Social responsibility at the SALT conference at Fordham University Law School. He was a presenter at the Sloan Institute Summer Retreat on Corporate law. The N/E People of Color Conference was at the University of West Indies in Barbados from June 13-15, 2002. Over fifty people attended. There were panels on Reparations, September 11th, and a developmental seminar. In addition, there was a tour of the island by Professor Trevor Marshall of Barbados Community College who was an expert of slavery in Barbados. In addition, Barbados Attorney General Mia Mottley was the Kellis Parker keynote speaker.

**JEANNINE BELL** (Indiana University-Bloomington) has published her book **POLICING HATRED LAW ENFORCEMENT, CIVIL RIGHTS AND HATE CRIME** (NYU Press 2002) (part of the Critical America Series). In addition, Jeannine has published the article "Deciding When Hate is a Crime: The First Amendment, Police Detectives, and the Identification of Hate Crime," 4 **Rutgers Race & the Law Review** (2002).

**David A. Brennen** (Mercer) was granted tenure at Mercer University School of Law and elected to membership in the American Law Institute. He serves as an "Adviser" to the ALI's new project on Principles of the Law of Nonprofits, on the Editorial Advisory Board of Community Tax Law Report in January 2002 and on the Executive Committee of the Minority Section of the Association of American Law Schools since

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January 2002. David has entered into a contract for a casebook on nonprofit tax law **THE TAX LAW OF CHARITIES AND OTHER EXEMPT ORGANIZATIONS CASES, MATERIALS, QUESTIONS AND ACTIVITIES** (with Jones, Willis and Moran) (West) (forthcoming, 2003) and has published the following: "Charities and the Constitution: Evaluating the Role of Constitutional Principles in Determining the Scope of Tax Law's Public Policy Limitation for Charities," 5 **Florida Tax Review** (2002); and "The Service Renews its Crackdown on Taxpayers Who Make Tax Refund Claims Based on Entitlement to Slavery Reparations," 213 **American Bar Association Section of Taxation Newsletter** (Spring 2002). David presented papers and participated in a conference sponsored by the Center for the Study of Race and Race Relations at the University of Florida, and the Law, Culture and Humanities Conference at the University of Pennsylvania.

**John O. Calmore** (North Carolina) recently joined the Board of Directors of Oxfam America in Boston. In the Spring 2003, West Group will publish Martha R. Mahoney, John O. Calmore & Stephanie M. Wildman, **SOCIAL JUSTICE PROFESSIONALS, COMMUNITIES, AND LAW**. John's other prospective publications include "The Law and Cultural Shift: Race and the Warren Court Legacy," 59 **Washington & Lee Law Review** (forthcoming 2002), and "Airing Dirty Laundry Disputes Among Privileged Blacks--From Clarence Thomas to the Law School Five," 46 **Howard Law Journal** (forthcoming 2003).

**Henry Chambers, Jr.** (Missouri-Columbia) was promoted to full professor and names James S. Rollins Professor of Law. He was elected to the American Law Institute in May, 2002. He is publishing two articles: "Colorblindness, Race Neutrality and Voting Rights," 51 **Emory Law Journal** (forthcoming 2002); and "(Un)Welcome Conduct and the Sexually Hostile Environment," 53 **Alabama Law Review** 733 (2002).

**Robert Chang** (Loyola L.A.) published the following: "Closing Essay: Developing a Collective Memory to Imagine a Better Future," 49 **UCLA Law Review** 1601 (2002) (Symposium: Critical Race Studies); "Critiquing 'Race' and Its Uses: Critical Race Theory's Uncompleted Argument," in **CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY** 87 (Francisco Valdes, Jerome Culp, & Angela Harris eds., Temple University Press, 2002); and "When Interests Diverge," 100 **Michigan Law Review** 1532 (2002) (reviewing MARY L. DUDZIAK, **COLD WAR CIVIL RIGHTS** (Princeton University Press, 2001)) (with Peter Kwan).

**Jack Chin** (Cincinnati) recently published "Twenty Years on Trial: Takuji Yamashita's Struggle for Citizenship" in **RACE ON TRIAL LAW AND JUSTICE IN AMERICAN HISTORY** (Annette Gordon-Reed, Oxford University Press). Denise C. Morgan and Jack also published the fourth edition of "The Guide for Aspiring Law Professors" in the **Michigan Journal of Race and Law**. It is available on line (<http://teachlaw.law.uc.edu>).

**Danielle Conway-Jones** (Hawai'i) presented a paper ("Law and the Most Recent Era of Globalization Mongolia Steps Forward to Address Issues of Globalization and Law Convergence") to the Academy of Management, the equivalent of a law school and Ph.D. institution, at the Parliament House in Ulaanbaatar, Mongolia. The paper will be published in both English and Mongolian. Danielle made several conference presentations over the last year regarding Intellectual Property Protection for Indigenous Peoples' Rights in Cultural Heritage and Traditional Knowledge. She has also published the following: "The Perpetuation of Privilege and Anti-Affirmative Action Sentiment in *Rice v. Cayetano*," 3 **Asian-**



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**Pacific Law & Policy Journal** 370 (2002) (an Internet publication); "Remedying Trademark Infringement: The Role of Bad Faith in Awarding an Accounting of Defendant's Profits," 42 **University of Santa Clara Law Review** 863 (2002); "Factual Causation in Toxic Tort Litigation: A Philosophical View of Proof and Certainty in Uncertain Disciplines," 35 **University of Richmond Law Review** 875 (2002); "A Recruit's Guide to the On-Campus Interview Process and the Job Talk," 7 **Michigan Journal of Race & Law** 523 (2002) (included in the collection "Breaking into the Academy, The Michigan Journal of Race & Law Guide for Aspiring Law Professors," edited by Gabriel J. Chin and Denise C. Morgan).

**Frank Rudy Cooper** (Villanova) published "The Un-Balanced Fourth Amendment: A Cultural Study of the Drug War, Racial Profiling and Arvizu," 47 **Villanova Law Review** 851 (2002) (using cultural studies to analyze how drug war led Court to un-balance fourth amendment in favor of law enforcement). Frank is also on the planning committees for the Northeast People of Color Legal Scholarship and LatCrit conferences.

**David Cruz** (USC) published "Disestablishing Sex and Gender," 90 **California Law Review** 997-1086 (July 2002); and "The New 'Marital Property' Civil Marriage and the Right to Exclude?," 30 **Capital University Law Review** 279-313 (2002). David spoke at the conference "Not for Transsexuals Only The Civil Rights of Transgendered Persons and Why They Matter For All Of Us" at American University, Washington College of Law on October 9; and at Lavender Law 2002, the annual conference of the National Lesbian and Gay Law Association on October 12. He will be the first semester-long Visiting Scholar for the Charles R. Williams Project on Sexual Orientation Law ("The Williams Project") at UCLA Law School during the spring semester of 2003.

**Timothy Davis** (Wake Forest) was appointed as the John W. & Ruth H. Turnage Professor of Law at Wake Forest. In Oct. 2002, his book, **THE BUSINESS OF SPORTS AGENTS** (with Kenneth Shropshire, Univ. of Pennsylvania Press) was published.

**Mechele Dickerson** (William & Mary) became a member of the American Law Institute. She was elected Secretary of the Board of Governors of the Bankruptcy Law Section, Virginia State Bar and was appointed a member of the Minority Affairs Committee of the Law School Admission Council.

**John Dubin** (Rutgers-Newark) was appointed the first overall Director of Clinical Programs at Rutgers School of Law--Newark.

**Anthony Paul Farley** (Boston College) published the following: "Amusing Monsters," 23 **Cardozo Law Review** 1493 (2002); and "The Poetics of Colorlined Space," in **CRITICAL RACE THEORY: HISTORIES, CROSSROADS, DIRECTIONS** (Jerome McCristal Culp Jr., Angela P. Harris, and Francisco Valdes, eds., Temple University Press, 2002).

**Shubha Ghosh** (Buffalo) published the following: "The Importance of Patent, Trademark, and Copyright for Innovation and Economic Performance," in **INTELLECTUAL PROPERTY AND INNOVATION IN THE KNOWLEDGE-BASED ECONOMY** (Jonathan Putnam, ed.) (with Mohammed Rafiqzaman, Industry Canada); "The Traditional Terms of the Traditional Knowledge Debate," **Cardozo Journal of International and Comparative Law**; "An Idea By Any Other Name," **Journal of the Copyright Society of the USA**; "Audiences," in **THEATER**

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**LAW CASEBOOK** (Chapter Nine, Carolina Academic Press, 2003); "Belling the Cat, Virtually" (*Book Review of Stuart Biegel's Beyond Our Control?*), **Buffalo Intellectual Property Law Journal** (2002); "The Merits of Ownership; or, How I Learned to Stop Worrying and Love Intellectual Property," (*Review Essay of LAWRENCE LESSIG, THE FUTURE OF IDEAS AND SIVA VAIDHYANATHAN, COPYRIGHTS AND COPYWRONGS*), 15 **Harvard Journal of Law and Technology** 453-496 (2002); "Turning Gray Into Green: Some Comments on Napster," 23 **Hastings COMMENT** 563-586 (2002).

**Michael Green** (Florida Coastal) spoke on "Regulation of Labor Campaign Promises" at the Southeastern Conference of the Association of American Law School (SEAALS). He also was an invited faculty fellow at Pepperdine Law School's Straus Institute for Dispute Resolution for three weeks in July 2002, where he participated in a course in Mediation and a workshop in Employment Arbitration.

**Lenese Herbert** (Western New England; visiting at Albany) was promoted from an Assistant to an Associate Professor of Law. Her inaugural article was published: "Can't You See What I'm Saying?: Making Expressive Conduct a Crime in High-Crime Areas," 9 **Georgetown Journal of Poverty Law and Policy** 135 (Winter 2002). In July 2002, Lenese served as a lecturer in the St. Joseph College 2002 CREC Summer Institute on Political Studies, in Hartford, Connecticut. Lenese spoke as a guest lecturer at the Albany Law School Faculty Forum Speaker Workshop Series and discussed the subject of my current work-in-progress, "Bête Noire: How Race-Based Policing Threatens National Security."

**Tanya K. Hernandez** (Rutgers-Newark) was selected as a Senior Editor of Oxford University Press Encyclopedia of Latinos and Latinas in the United

States, and appointed to the Editorial Board of the Latino Studies Journal, peer reviewed scholarly journal published by Palgrave-Macmillian Press. Tanya has published the following: "Multiracial Matrix: The Role of Race Ideology in the Enforcement of Antidiscrimination Laws, a United States -- Latin America Comparison," 87 **Cornell Law Review** 1093 (2002); and "Pioneering the Lens of Comparative Race Relations in Law: A. Leon Higginbotham, Jr. as a Model of Scholarly Activism," 20 **Yale Law and Policy Review** 331 (2002).

**Joyce Hughes** (Northwestern) received an Honorary Doctorate of Laws, Carleton College, June 2001. Joyce also received the Lena O. Smith Award for Courage and Achievement from Minnesota Black Women Lawyers Network- May 2002.

**Darren Hutchinson** (American) played a role in organizing the AU transgender law conference and participated in a conference on Progressive Black Masculinities at the University of Buffalo.

**Cheyanna Jaffke** (Western State) was recently appointed to serve as a member of the National Taxpayer Advocacy Panel where she will serve on the committee that represents California and on the committee that will focus on improving taxpayer access and use of the Earned Income Tax Credit. Cheyanna has published: "Stock Redemptions in the Marital Corporation: What Happens When the Love is Gone?," 54 **Rutgers Law Review** 487 (2002); "Sleeping With the Enemy: The IRS's Regulations Regarding Capitalization," **University of Baltimore Law Review** (forthcoming 2003).

**Kevin Johnson** (U.C. Davis) will publish is anthology **Mixed Race America: A Reader** as

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part of Richard Delgado & Jean Stefancic's Critical America Series for NYU Press. In addition to other articles, Kevin published "The End of 'Civil Rights' as We Know It?: Immigration and the New Civil Rights Law," 49 **UCLA Law Review** 1481 (2002) and "On the Appointment of a Latina/o to the Supreme Court," 5 **Harvard Latino Law Review** 1 (2002). Last year, he received the UC Davis First Annual Chancellor's Achievement Award for Diversity and Community.

**Beto Juarez** (St. Matys) was elected to serve on the board of the **Society of American Law Teachers** (SALT), and was named to the board of the **Journal of Law and Religion**.

**Stacey Leeds** (N. Dakota/visiting University of Kansas Fall 2002) was appointed as the first female justice on the Cherokee Nation Supreme Court. She is publishing "The More Things Stay the Same: Waiting on Indian Law's *Brown v. Board of Education*," **Tulsa Law Review** (forthcoming 2002). Stacey is serving as Chair, AALS Section on Indian Nations and Indigenous Peoples. She also got a second dog this year.

**Pedro Malavet** (Florida) is currently living in Puerto Rico during his sabbatical where he is working on a book project tentatively titled "**Puerto Rico: Cultural Nation, American Colony**," to be published by NYU Press in 2004. During the Spring of 2002 he served on the hiring committee for the positions of Director of the Institute of Hispanic and Latino Cultures and the Assistant Director of the Center for the Study of Race and Relations at the University of Florida. Where he will return to teaching in the Spring of 2003. Pedro is publishing the following: "The Accidental Crit II: Culture and the Looking Glass of Exile, 78 **D.U. Law Review** 753 (2001); "Introduction: LatCritical Encounters with Culture, in North-South Frameworks," **Florida Law**

**Review** (forthcoming 2003); "Reparations Theory and Postcolonial Puerto Rico: Some Preliminary Thoughts," **La Raza Law Journal** (forthcoming 2003).

**Solangel Maldonado** (Seton Hall) has published: "When Father (or Mother) Doesn't Know Best: Quasi-Parents and Parental Deference After *Troxel v. Granville*," **Iowa Law Review** (2003). He spoke at the XII International Congress on Family Law, held in Havana, Cuba (discussing third party visitation rights in the United States) and taught a LatCrit seminar for the first time last semester (Spring 2002).

**Leo Martinez** (UC Hastings) and **Miguel Mendez** (Stanford) have published "Toward a Statistical Profile of Latina/os in the Legal Profession," in 13 **Berkeley La Raza Law Journal** 59 (2002).

**Margaret Montoya** (New Mexico) has published the following: "Un/Braiding Stories about Law, Sexuality and Morality," **UCLA Chicano/Latino Law Review** (forthcoming 2002); "Seeking Educational Self-Determination: Raza Studies for Revolution (with Marcos Pizarro) in **EQUITY AND EXCELLENCE IN EDUCATION** (Dolores Delgado Bernal and Cluadia Ramirez Wiedeman, Eds., forthcoming 2002); "Symposium Forward: Class in LatCrit Theory and Praxis in a World of Economic Inequality, 78 **University of Denver Law Review** 467 (2001); "Celebrating Racialized Narratives in Crossroads, **TRAJECTORIES AND A NEW CRITICAL RACE THEORY** (Frank Valdes, Angela Harris and Jerome Culp, eds., 2002); "The Future of Civil Rights: A Dialogue" **XVII FOCUS ON LAW STUDIES**1 (Spring 2002); and "A Brief History of Chicana/o School Segregation: One Rationale for Affirmative Action," **XX Berkeley La Raza Law Journal** (2002).

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**Denise C. Morgan** (New York Law School) and Jack Chin published the fourth edition of "The Guide for Aspiring Law Professors" in the **Michigan Journal of Race and Law**. It is available on line (<http://teachlaw.law.uc.edu>).

**Beverly I. Moran** (Vanderbilt) has received a grant from the Ford Foundation to conduct an interdisciplinary research circle on race and wealth disparities in the United States. Beverly is an interim director of African American Studies at Vanderbilt and is working on a casebook with David Brennen, Daryll Jones and Steven Willis on **TAXATION OF NON PROFITS** for West Publishing. She has also had articles or essays come out in **Fordham International Law Journal**, the **Journal of Contemporary Legal Issues** and the **Southern California Review of Law and Women's Studies**.

**Camille Nelson** (St. Louis) reported that her best and most important achievement was the birth of her second son (third child) Julien Avery Nelson-Rowntree in November 2001. Camille also had time to publish the following: "Micro and Macro Economic Effects: Secreting Assets to Evade Non-Business (Private) Obligations and Responsibilities," **Journal of Financial Crime**, volume 10, number 2, October 2002, a co-authored article with Ellen Harshman, Ph.D., Assistant to the Provost and Professor of Decisional Sciences, Muhammed Islam, Ph.D., Professor of Economics and Henry M. Ordower, J.D., Professor of Law; "(En)Raged or (En)Gaged: The Implications of Racial Context to the Provocation Defense," 35 **University of Richmond Law Review** 1007 (January 2002); "Towards a Bridge: The Role of Legal Academics in the Culture of Private Practice" 10 **Journal of Law & Policy** 97 (2002); "Adrift in the Diaspora: Reflections on Loss of Home and Self," **University of Florida Law Review** (forthcoming 2003); and "Racism Eh?: A Critical Inter-Disciplinary Anthology on Race in the Canadian Context" (Captus Press, Toronto, Canada,

co-edited with Dr. Charmaine Nelson) (forthcoming 2003). Camille delivered presentations of her work at the North Eastern People of Color Legal Scholarship Conference, University of the West Indies, Barbados; and at the conference "Urban Health & Race Law Weekend: A Global Dialogue", DePaul University College of Law and Loyola Law School.

**Xuan-Thao Nguyen** (Texas Wesleyan) published "Commercial Law Collides with Cyberspace: The Trouble with Perfection - Insecurity Interest in the New Corporate Asset," 59 **Washington & Lee Law Review** 37 (2002); "Cyberproperty and Judicial Dissonance," 10 **George Mason Law Review** 183 (2002); and "The Digital Trademark Right," 81 **North Carolina Law Review** (forthcoming 2003). Two books are also forthcoming: **INTELLECTUAL PROPERTY TAXATION** (BNA 2003)(w/Jeff Maine); **CASES AND MATERIALS ON INTELLECTUAL PROPERTY TAXATION** (Carolina Academic Press 2003)(w/Jeff Maine). He was selected as Professor of the Year by BLSA (2002) and became the first U.S. law professor to lecture at Vietnam National University Faculty of Law in Hanoi, Vietnam (May, 2002). The U.S. Court of Appeals for the Ninth Circuit has recently cited his article, "Shifting the Paradigm in E-commerce," 50 **American University Law Review** 954 (2001), in the case *Interstellar Starship Services, Ltd. v. Epix, Inc.*, 304 F.3d 936, n.3 & n.5 (9th Cir. 2002).

**Spencer Overton** (George Washington University) joined the faculty at George Washington University Law School in July 2002. Spencer recently published "Racial Disparities and the Political Function of Property," 49 **U.C.L.A. Law Review** 1553 (2002) and "But Some Are More Equal: Race, Exclusion, and Campaign Finance," 80 **Texas Law Review** 987 (2002).

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**Carla Pratt** (Penn State) will be publishing: "Should Klansmen Be Lawyers?": Racism As An Ethical Barrier To The Legal Profession, **Florida State Law Review** (forthcoming 2003).

**Jenny Rivera** (CUNY) received tenure and has been promoted to full professor. She reports that it is really wonderful to be tenured at CUNY and to have had the support of so many wonderful colleagues throughout the process. Jenny has also published: "Extra! Extra! Read All About It: What A Plaintiff Knows or Should Know' Based on Officials' Statements and Media Coverage of Police Misconduct for Notice of a 1983 Municipal Liability Claim," 28 **Fordham Urban Law Journal** 505 (2000).

**Victor Romero** (Penn. State) will be publishing the following articles and essays "Decoupling 'Terrorist' from 'Immigrant': An Enhanced Role for the Federal Courts Post-9/11," **Iowa Journal of Gender, Race & Justice** (forthcoming 2003); "Critical Race Theory in Three Acts: Racial Profiling, Affirmative Action, and the Diversity Visa Lottery," **Albany Law Review** (forthcoming 2003); "Proxies for Loyalty in Constitutional Immigration Law: Citizenship and Race After September 11," **De Paul Law Review** (forthcoming 2003); "The Child Citizenship Act and the Family Reunification Act: Valuing the Citizen Child as Well as the Citizen Parent," **Florida Law Review** (forthcoming 2003); and "Devolution and Discrimination," 58 **NYU Annual Survey of American Law** (forthcoming 2002); and has published the following "The Selective Deportation of Same-Gender Partners: In Search of the 'Rara Avis,'" 56 **Univ. of Miami Law Review** 537 (2002); "Post-secondary School Education Benefits for Undocumented Immigrants: Promises and Pitfalls," 27 **North Carolina Journal of International Law and Commercial Regulation** 393 (Spring 2002); "Restricting the Hate Speech of 'Public Figures': Lessons in Censorship from Defamation Law," 33 **Columbia Human Rights Law Review** 1 (Fall 2001)

(which was selected to be reprinted in **Swanson, The First Amendment Law Handbook** (West 2002)); and "On Elián and Aliens: A Political Solution to the Plenary Power Problem," 4 **NYU Journal of Legislation and Public Policy** 343 (2000-2001). Since the fall of 2001, Victor has made presentations at the NYU, University of North Carolina, University of Iowa, DePaul, and Albany law schools. He will also speak on two panels at the AALS conference in January 2003 for the Section on Minority Groups and the Immigration Law Section, respectively.

**Antoinette Sedillo Lopez** (New Mexico) published "Teaching a Professional Responsibility Course: Lessons Learned from the Clinic," 26 **Journal of the Legal Profession**. This was part of a Symposium organized by Steven Hobbs, University of Alabama.

**Reynaldo Anaya Valencia** (St. Marys) was appointed Chair of the AALS Committee on Government Relations.

**Cheryl Wade** (St. Johns) moved from Hofstra University School of Law in August 2002, to join the faculty of St. John's University School of Law as the Harold F. McNiece Professor of Law. Among her other activities she delivered a paper at the Post Enron Conference organized by St. John's Law School.

**Leland Ware** (Delaware) prepared "The State of People Of Color in Delaware: A Comparative Analysis of Racial Disparities in Education, Employment, Income, Home Ownership, Business Ownership and Involvement with the Criminal Justice System." containing extensive data and analysis which will be published and released by the Urban League. In 2002 Leland published his

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book **BROWN V. BOARD OF EDUCATION**, (co-authored with Raymond Diamond and Robert Cottrel) University of Kansas Press [in press]). He also published an article, "Race, Place and Urban Space: Hypersegregation and the Failure of School Desegregation," **Widener Symposium Law Journal** (in press). He served as the Keynote Speaker, Mid-Atlantic People of Color Legal Scholarship Conference, Georgetown Law School Washington, D.C. February 2, 2002; as a panelist at the Symposium "Police Accountability," St. Louis University School of Law, St. Louis, MO, April 5, 2002; as the Keynote Speaker, District of Columbia Fair Housing Symposium, Washington D.C. April 2002; and as a presenter at the U.S. Department of Housing and Urban Development National Fair Housing Policy Conference, Orlando Fla. June, 2002. Leland was awarded a \$10,000 grant from MBNA Foundation to support Redding Jr. Scholars Activity. The Louis L. Redding Junior Scholars is a program involving 10 high school students in Wilmington and New Castle County for the purpose of exposing disadvantaged, inner city and other students to Delaware's legal community and to encourage them to pursue careers in law and social justice.. The students are involved in a series of law related activities over a one-year period and are mentored by the Delaware State Bar, and Americorps. He served in 2002 as an active member of the American Bar Association's Site Evaluation Team and as Vice Chair, Delaware State Bar Association, Diversity Committee to evaluate the Bar Association's to promote Delaware law practice by minority lawyers.

**L. Darnell Weeden** (Texas Southern) published an article on HMOs and External Review of Medical Necessity in the **Journal of Health Care Law** (2002).

**Tseming Yang** (Vermont) published the following: "Melding Civil Rights and Environmentalism:

Finding Environmental Justice's Place in Environmental Regulation," 26 **Harvard Environmental Law Review** 1 (2002); "The Form and Substance of Environmental Justice: The Challenge of Title VI of the Civil Rights Act of 1964 for Environmental Regulation," 29 **Boston College Environmental Affairs Law Review** 143 (2002); and "Environmental Regulation, Tort Law and Environmental Justice: What Could Have Been," 41 **Washburn Law Journal** 607 (2002). He had the following book chapter published: "Public Environmental Law in the United States," in **PUBLIC ENVIRONMENTAL LAW IN THE EUROPEAN UNION AND THE UNITED STATES: A COMPARATIVE ANALYSIS** (René Seerden, Michiel Heldeweg and Kurt Deketelaere eds., Kluwer Law International 2002). In addition Tseming spoke at the Georgetown Law School's Environmental Research Workshop (Sept. 2002), participated in panels on "Environmental Justice" and "Trade and Environment" at 2002 Annual Meeting of Environmental Journalists (Oct. 2002), and served as a commentator for Northeast People of Color Conference. In addition, he was reappointed by EPA Administrator Whitman as member of EPA National Environmental Justice Advisory Council (NEJAC) and as chair of the International Subcommittee. He completed a Draft Report for NEJAC on "Overlooked Voices from the Border Environmental Justice in the U.S.-Mexico Border Region A Report on 'The International Roundtable on Environmental Justice on the U.S./Mexico Border (August 19-21, 1999, National City, CA)."

**Fred Yen** (Boston University) completed his term of service as Associate Dean for Academic Affairs and has returned to the faculty at Boston College Law School. He has published "Western Frontier or Feudal Society?: Metaphors and Perceptions of Cyberspace," **Berkeley Law & Technology Journal** (forthcoming December 2002). Fred presented "Cyberspace and Feudalism," as part of the Boston University Intellectual Property Lecture

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Series, April 8, 2002. He spoke on the responsibility of technology providers for user copyright infringement, at the conference at the Heinz School of Public Policy, Carnegie-Mellon University, February 8, 2002, at the AALS 2002 Annual Meeting ("How the DMCA Might be Improved by Studying Gun Control," and "Teaching Fair Use with Technology and Popular Culture") and on "Cyberspace and Feudalism, at the Association of Internet Researchers Conference, October 12, 2001, University of Minnesota. Fred served a 1-year term on the Nominating Committee, Association of American Law Schools, was appointed a Member, Legal Expert Network at the Institute for the Study of Information Technology and Society, H. John Heinz III School of Public Policy and Management, Carnegie Mellon University and is serving a 3 year term on the Editorial Board, Journal of Legal Education.

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## ▣ JOB ANNOUNCEMENTS

**Villanova University School of Law** seeks applicants for full-time tenure-track faculty positions beginning in Fall 2003. Applications will be considered for most areas in the standard law school curriculum. The Law School is especially interested in the areas of administrative law, antitrust, constitutional law and jurisprudence. Candidates should have distinguished academic and professional records, and superior scholarly and teaching promise are necessary. The Law School values diversity in its faculty and encourages applicants whose backgrounds would enrich the School. Contact Professor John Y. Gotanda, Chair, Faculty Appointments Committee, Villanova University School of Law, 299N. Spring Mill Road, Villanova, PA 19085.

**St. John's University School of Law** seeks entry-level and experienced applicants for faculty positions for the 2003-2004 academic year. Opportunities exist

for teaching in the following areas: Commercial Transactions, Contracts, and Professional Responsibility. Applicants should have excellent academic records (including a J.D. or its equivalent) and a strong commitment to scholarship. The School of Law is part of St. John's University, a Catholic and Vincentian institution of higher education committed to academic excellence and the pursuit of wisdom and truth. As an Equal Opportunity Employer, St. John's encourages applications from women and minorities. The University is located in the New York metropolitan area and is accessible by highways and public transportation to NYC. Applicants should submit a cover letter, *curriculum vitae*, a writing sample, the names of three references, and teaching evaluations (if available). **Contact:** Dean Joseph W. Bellacosa, St. John's University School of Law, 8000 Utopia Parkway, Jamaica, NY 11439.

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## ▣ CONFERENCES

The Seventh Annual LatCrit Conference with the theme – Coalitional Theory and Praxis: Social Justice Movements and LatCrit Community was held in Portland, Oregon, May 2-5, 2000. For conference materials and other information about the Latcrit project, please browse their web site: <http://www.latcrit.org>.

**LATCRIT VIII** will be held in Cleveland, Ohio on May 1-4, 2003, sponsored by the Cleveland Marshall Law School. Information about the conference is available at [www.latcrit.org](http://www.latcrit.org).

## **CONFERENCE: AFRICAN UNION AND THE NEW PAN-AFRICANISM: RUSHING TO ORGANIZE?**

Sponsored by the Institute for International and

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Immigration Law of the Thurgood Marshall School of Law and the Africa Interest Group of the American Society of International Law will be held this February 21 and 22, 2003 in Houston, Texas. Formal announcements will be sent out within the next few weeks. Please contact **Craig Jackson** for details ([cjackson@TSULAW.EDU](mailto:cjackson@TSULAW.EDU)).

**CONFERENCE: RACE AS PROXY IN LAW & SOCIETY** sponsored by the DePaul University Law School Law Review will be held on March 8, 2003, in Chicago, Illinois. The symposium will involve panels addressing race in different contexts (from health discrimination to land loss and reparations). For more details please contact **Michelle Goodwin** (312.362.8127) or [mgoodwin@depaul.edu](mailto:mgoodwin@depaul.edu)

## THE NORTHEAST PEOPLE OF COLOR LEGAL SCHOLARSHIP

**CONFERENCE** The N/E People of Color conference will be co-hosted by St. John's University Ron Brown Center for Civil Rights and economic Development. The Conference will take place from April 3-April 6, 2003 at St. John's University Manhattan campus. The theme of the conference will revolve around Race, Corporate Law, and Economic Development. Richard Delgado will be our opening speaker for the conference. For more details please contact **Len Baynes** (718) 990-6032, or [baynesl@stjohns.edu](mailto:baynesl@stjohns.edu)

## THE MID-ATLANTIC PEOPLE OF COLOR LEGAL SCHOLARSHIP

**CONFERENCE.** This year's conference will be hosted by Washington & Lee Law School and will be held January 31-February 2, 2003. For more information please contact **Peter Alexander** 717-240-5244, [pxa10@psu.edu](mailto:pxa10@psu.edu).

**THE WESTERN LAW TEACHERS OF COLOR CONFERENCE** will be held in March. Details will be forthcoming.

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## ▣ LIST SERVES

There are two listservs that may be of particular interest to the section. Please advise us of any additional listservs that may serve the members of this section.

## ▣ MINORITY LAW PROFESSORS LIST SERVE

AALSMIN-L, the listserv for Minority Groups Section members, has been a wonderful vehicle of communication between Section members. To join, send a message to: [listserv@ube.ubalt.edu](mailto:listserv@ube.ubalt.edu). The message should read:

subscribe AALSMIN-L your first name, last name (your institution)

Example: subscribe AALSMIN-L  
Odeana Neal (Baltimore)

## ▣ LATINA/O LAW PROFESSORS LIST SERVE

To subscribe to this listserv (open to all law professors), please:

1. Send a message to [listproc@ucdavis.edu](mailto:listproc@ucdavis.edu)
2. Do not list a subject for the message.
3. In the body of the message, state:  
subscribe latino-law-profs <first name> <last name>.

To avoid spam, only members of the list can post messages to the list.

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## ▣ SECTION WEB SITE

Earlier this year, Danielle Conway-Jones announced the start of the section web site. The site can be accessed at:

<http://www2.hawaii.edu/~dcjones/AALS>

Among the items maintained on the web site are faculty publications and course offerings, the newsletter, and lists of officers and executive committee members.

If you haven't already done so, **please submit your publications for the website.** It is easy to do!

Don' forget to update regularly.

Thanks again to **DANIELLE CONWAY-JONES** (Hawai'i) for making this important new resource available to section members and for maintaining it as well.