

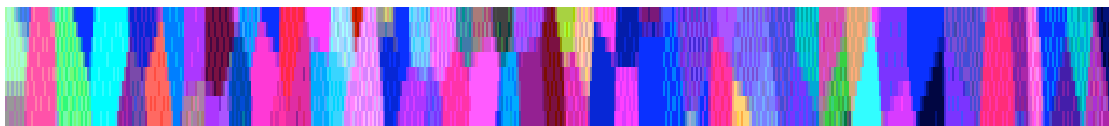
# AALS MINORITY GROUPS SECTION NEWSLETTER



*DECEMBER 2006*

Section on Minority Groups Web site  
<http://www2.hawaii.edu/~dcjones/AALS/>

Listserv: E-mail  
[oneal@ubmail.ubalt.edu](mailto:oneal@ubmail.ubalt.edu) to subscribe



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AND EXECUTIVE  
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**MESSAGE  
FROM THE 2006-07  
OUTGOING CHAIR:**

Thank you for allowing me to serve you as Chair of the AALS Minority Groups Section this past year. The experience has been a great opportunity for me to work more closely with the members of the section executive committee and individual section members. It has allowed me to develop deeper bonds with you. More importantly, it has been important to put together programs that have been important and instrumental to our community. During the past year, we have planned a number of exciting events for the AALS meeting in Washington, D.C. which are described elsewhere in the newsletter.

## ***Acknowledgment***

I would like to thank my predecessor, the 2005-06 Section Chair, Gabriel "Jack" Chin of University of Arizona College of Law, for his excellent work. During Jack's term, the section sponsored and co-sponsored several terrific panels at the 2006 annual meeting in Washington, DC. Of particular note are the sections two main programs that it sponsored in 2006: (1) *The Fate of Minority Inter-Group Collaboration, Conflict and Coalition Formation: A Critical Dialogue about Minority to Minority Race Relations* and (2) *The Reauthorization of the Voting Rights Act*. The section also co-sponsored many great programs in 2006, including: *Race, Markets and the Future of Pharmaceutical Development* and *Socio-Economics: A Distinct School of Thought* (with Socio-Economics); *Gender, Race and Decisionmaking: New Perspectives on Summary Judgment and Damages* (with Women in Legal Education); *Litigation Campaigns: Friend or Foe of Coherent Judicial Decisionmaking?* (with Civil Rights); *Law and Policy Affecting Immigrant and Refugee Children* (with Immigration Law); and *Contemporary Issues in Race and Crime* (with Criminal Justice). Lastly, Jack presided over the Minority Groups Section luncheon where we awarded the Clyde Ferguson Award to Stacy Leeds (Kansas) and the Derrick Bell, Jr., Award to Angela Onwuachi-Willig (formerly UC Davis, now Iowa).

## ***Newsletter***

Four members of the Penn State-Dickinson Law School faculty continue to do a terrific job with the newsletter. Special thanks to Carlos Ball, Larry Catá Backer, Victor Romero and Carla Pratt. Turning the pages of this issue evidences the quality of the newsletter. A special thank you to the Dean of Penn State – Dickinson Law School,

Philip McConnaughay, for once again agreeing to absorb the cost of this newsletter on behalf of the section.

## ***Faculty Recruitment Conference and New Law Teachers Workshop***

The Section extends special kudos to Lisa H. Nicholson (Louisville) for consistently doing a great job of organizing the Minority Groups Section Hospitality Suite at the annual AALS Faculty Recruitment conference. The Hospitality Suite is a place that candidates can feel comfortable and safe. I would like to thank Lisa and the others who participated in staffing the suite. Also, a special thanks to Dorothy Brown (Washington & Lee) and Margaret Barry (Catholic) for hosting the hospitality suite at the AALS New Law Teachers Workshop this past summer.

## ***List Serve***

Special thanks to Odeana Neal (Baltimore), Bill Chin (Lewis & Clark), and Vernellia Randall (Dayton) for providing section members a means of communication through maintaining the section's two list serves – a *Discussion* listserv housed at Baltimore and a new *Announcements Only* listserv housed at Dayton. Please contact Odeana, if you are not part of the discussion list serve. You can reach her at [oneal@ubmail.ubalt.edu](mailto:oneal@ubmail.ubalt.edu). The discussion list serve address is [aalsmin-1@lists.ubalt.edu](mailto:aalsmin-1@lists.ubalt.edu). Please contact Bill if you are not part of the announcements list serve and want to be. You can reach him at [chin@lclark.edu](mailto:chin@lclark.edu). The announcement listserv address is [AALSMIN-Announce@lists.udayton.edu](mailto:AALSMIN-Announce@lists.udayton.edu).

## ***Website***

Special thanks to Danielle Conway-Jones in making our website available at <http://www2.hawaii.edu/~dcjones/AALS>.

Check out the site, and you will see a list of faculty publications, course offerings, the newsletter and a list of section officers. Please look for anticipated changes to the section website in the near future.

### ***Nominations to the Executive Committee***

If you are interested in serving on the Section Executive Committee beginning in January 2008 (the year after next), please let next year's chair, Larry Cata Backer, know by e-mail at [lcb11@psu.edu](mailto:lcb11@psu.edu). The duties include: (1) approving annual meeting panels; (2) selecting the Clyde Ferguson and the Derrick A. Bell, Jr. award winners; (3) selecting new members of the Executive Committee; (4) coordinating with the newsletter staff to get the newsletter out in a timely fashion; (5) managing the section's webpage; (5) organizing the section luncheon; (6) overseeing the section mentorship program; (7) overseeing the staffing of the section suites at the New Law Teachers Workshop and at the Faculty Recruitment Conference; and (8) should the need arise, changing the Section's bylaws.

### ***Nominations for Clyde Ferguson and Derrick A. Bell, Jr. Awards***

The Executive Committee for the AALS Minority Groups Section seeks your input. We would like to receive nominations for the Clyde Ferguson Award and the Derrick A. Bell, Jr. Award. The awards and nomination procedures are described below. The deadline for submitting nominations is December 1, 2006. The recipients of the two awards will be announced at our Annual Meeting luncheon and on the AALS Minority Groups section listserv.

Nominations should be made in writing in the form of a short letter or e-mail message describing why the nominee should win the award. Nominations should be sent to the Committee Chair, David A. Brennen, Professor of Law, University of Georgia School of Law, 311 Hirsch Hall, Athens, GA 30602 or by e-mail at [brennend@uga.edu](mailto:brennend@uga.edu).

The Clyde Ferguson Award, named in honor Professor C. Clyde Ferguson, Jr. - the second tenured African American on the Harvard Law School 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 life and work of Professor Ferguson are eulogized in *A. Leon Higginbotham, Jr., C. Clyde Ferguson, Jr. - An Irreplaceable Scholar and Friend*, 97 Harv L. Rev. 1272-1275 (1984). Biographical archives can be found on-line at

<http://oasis.harvard.edu:10080/oasis/deliver/~law00139>. The Award is particularly aimed at law teachers who have provided support, encouragement and mentoring to colleagues, students and aspiring legal educators. All current and former professional legal educators are eligible including administrators, librarians, clinical faculty, legal writing teachers, tenure track and tenured faculty, as long as they served more than seven years in legal academia at the time of the Award.

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), Robert Belton (2003), Kevin Johnson (2004), Emma Coleman Jordan (2005), and Stacy Leeds (2006).

The Derrick A. Bell, Jr. Award, named in honor of Professor Derrick A. Bell, Jr. - the first tenured African-American on the Harvard Law School faculty (now at New York University Law School) - honors a junior faculty member who, through activism, mentoring, collegueship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice. More information about Professor Bell can be found on-line at <http://its.law.nyu.edu/faculty/profiles/index.cfm?fuseaction=cv.main&personID=19776>.

All current professional legal educators are eligible including administrators, librarians, clinical faculty, legal writing teachers and tenure track faculty, so long as they have not received tenure, and have served seven years or less in legal academia, at the time of the Award.

Former winners are: Sumi Cho and Peter Kwan (2000), Christine Zuni (2001), Devon Carbado (2002), Leti Volpp (2003), Spencer Overton (2004), Camille Nelson (2005) and Angela Onwuachi-Willig (2006).

No one currently on the AALS Minority Groups Section Executive Committee may be nominated. Current members are: David A. Brennen (Georgia; Chair), Larry Catá Backer (Penn State; Chair-Elect), Carol N. Brown (Alabama), Bill Y. Chin (Lewis & Clark), Margaret Chon (Seattle), Maurice Dyson (SMU), Darryll K. Jones (Pittsburgh), and Tanya K. Hernandez (Rutgers-Newark).

### ***Clyde Ferguson and Derrick A. Bell, Jr. Award Recipients 2006***

On December 6, 2006, the Executive for the AALS Section on Minority Groups, by consensus, awarded the Derrick A. Bell, Jr. award to Karima Bennoune (Rutgers - Newark)

([http://www.law.newark.rutgers.edu/facbio/](http://www.law.newark.rutgers.edu/facbio/bennoune.html)

[bennoune.html](http://www.law.newark.rutgers.edu/facbio/bennoune.html)). The committee, also by consensus, awarded the Clyde Ferguson Award to two people - John O. Calmore (UNC) (<http://64.245.255.159/FSDetails.aspx?ID=15>) and Ralph Smith (U Penn - retired) (<http://vppartners.org/about/people/bbios/rsmith.html>). Please join us in congratulating the winners.

### ***Final Thanks***

The members of the Minority Groups Section Executive Committee have been great to work with, and we have worked together as a team to create the programs and events to serve our community. They are: Carol Brown (Alabama), Bill Chin (Lewis & Clark), Margaret Chon (Seattle), Maurice Dyson (SMU), Tanya K. Hernandez (Rutgers-Newark) and Darryll Jones (Pittsburgh). Best wishes to Larry Catá Backer (Penn State-Dickinson) the 2007-08 Chair, who will succeed me. I know that he will do a great job.

### **David A. Brennen**

Professor of Law

University of Georgia


School of Law

2006-07 Chair, AALS Minority Groups Section



### **MESSAGE FROM THE 2007-08 INCOMING CHAIR:**

The Minority Groups Section remains one of the most vital sections in the Association of American Law Schools. Its institutional presence serves as a constant reminder of the progress that traditionally disadvantaged groups have made within the legal academy



in the United States, as well as the progress that remains to be made. But that task, and those accomplishments provide a deeper insight we might do well to consider more fully. Like many of us in our other relationships with the community at large, the Section stands both apart from and comfortably, perhaps too comfortably, within the community of academics in the United States the AALS seeks to serve. And that brings me to the point of this short message to you at the start of my stewardship of this great Section: the Section must, in its programs and actions, remember that while *it is a part* of this great organization, it ought to always *stand apart* from it as well.

One of the great tasks of this Section has been to naturalize the contributions of its members to the academy. That remains a difficult task, requiring some of our colleagues, and the institutions in whose governance they participate, to abandon systems of judging that supposed many of our members to be invisible or required them to mimic some imposed model of academic perfection, a model our members had little hand in creating, for a chance at continuing appointment. For everything from challenging assumptions of what constituted scholarship worthy of the name, to who might produce these works (and in what forms), to issues of educating students to overcome their own personal and cultural prejudices, this Section has lent its hand whenever it could. Its greatest activity may be to provide refuge.

This Section opens its institutional home to the marginalized, to those who have been demonized, to those who might be cast away. This Section also serves to amplify the many voices that together make up a mellifluously dissonant chorus that can only better serve to move us closer to the ideals that help shape our political society. But perhaps the greater task for this Section has

been to develop behaviors that demonstrate that, at least at an institutional level, individuals can participate in as equals within an environment respectful of difference but united within a community of shared values. Not political or economic values, to be sure (that would be dreadful indeed), but of ethical values springing most assuredly from a heightened understanding of human dignity in all of its complexities and contingencies.

I hope to continue in the footsteps of the previous extraordinary stewards of this Section, to help us more effectively stand as part and apart from our colleagues within this illustrious organization. In seeking to serve, I hope I can continue to serve as a voice for the collective will of this Section and its members, to undertake those tasks that further embed us as individuals within the fabric of academic life on terms of equality, mutual respect and dignity. I hope to hear from you, individually or collectively, throughout the year.

One of our great tasks next year is to spread word of the great work of the members of this Section. Many of its members have already achieved well-deserved national and international prominence. The Section has an obligation to ensure that other voices within the Section are also provided with greater opportunities to let the world know what they are doing and what they are thinking. Our members are at their best when they seek to serve each other. We hope to work on easier ways to share our accumulated knowledge of teaching and the techniques of service and the production of knowledge. The incoming Executive Board encourages anyone with ideas to communicate these to us. If something else requires attention, we hope you will also let us know.

The work of this Section would be impossible without the tireless efforts of all



of its members. Several members come to mind for work this year behind the scenes (and many more deserve mention; the shortcomings of my memory must serve as the sole excuse for the many omissions from this list): Lisa Nicholson (Section hospitality suite at AALS Faculty Recruitment Conference); Carla Pratt (Section Newsletter); Danielle Conway-Jones (Section website); Odeana Neal (Section listserve); and all members of the Section's Executive Committee (everything else).

But every member of this Section provides it invaluable assistance every time they stand up for the Section's values in any venue and in the face of great, and sometimes senseless power. I look forward to an exciting and productive year.

### Larry Catá Backer

Professor of Law  
 Pennsylvania State University  
 Dickinson School of Law  
 University Park Campus  
 2007-08 Chair, Minority Groups Section



## SCHEDULE OF MINORITY GROUPS SECTION EVENTS AT THE 2007 AALS CONFERENCE:

This year the Section will be sponsoring a number of excellent programs, including the following:

### MINORITY GROUPS SECTION PROGRAMS:

**Panel #1** (to be published in book by academic press)

**Title:** *Katrina and Race - The Multiple Dimensions*

**Date/Time:** Friday, January 5, 2007 at 1:30 – 3:15 pm

**Moderator:** Professor David Troutt, Rutgers Newark

**Panelists:** Sheryl Cashins (Georgetown); Anthony Farley (Boston College); Ruben Garcia (Cal Western); Cheryl Harris (UCLA); Tom Joo (UC Davis); John White (LSU); and Adrien Wing (Iowa).

**Description:** Katrina and Race panelists will discuss the class and race dimensions of the ongoing tragedy and how those dimensions impact legal rules and paradigms brought to bear on and in response to the tragedy. The themes range from the structural vulnerability of black urban communities in ghetto poverty to the role of faith in recovery; the "framing" of victim status and re-assessments of cognizable harms endured by the displaced; the racial politics of post-millennial urban America to insights about rights gleaned from international law; the interaction of labor, immigration and race in the reconstruction; and finally a consideration of Louisiana's complex racial landscape and the way in which the race issue in Katrina has been portrayed as only as a "black and white" issue.

**Panel #2** (to be published in Memphis Law Review)

**Title:** *Membership, Citizenship and Race* (co-sponsored - Section on Immigration Law)

**Date/Time:** Saturday, January 6, 2007 at 9:00 – 12:00 pm

**Moderator:** Kevin Johnson (UC Davis)

**Panelists:** Alex Aleinikoff (Georgetown); Charles Ogletree (Harvard); Ediberto Roman (FIU); Leti Volpp (UC Berkley); Adrien Wing (Iowa).

**Description:** Many recent domestic and global events in the areas of immigration, citizenship, and race have touched on the intersections between democratic order and identity constructs. Recent examples include the uprisings by Muslims, as well as the responses, in France, the treatment of "refugees" in the wake of Hurricane Katrina, special security procedures directed at Arabs and Muslims after September 11, 2001, and the disputes over the legal rights to citizenship of immigrants serving in the U.S. military in Iraq and Afghanistan. This panel explores these controversies as well as more generally attempts to offer explanations for the recurring global phenomena. The hope is to encourage interdisciplinary conversations between citizenship studies, immigrant, and civil rights scholars. This panel will engage in using contemporary and controversial events and the theoretical justifications for immigration/citizenship studies and race discourse.

### MINORITY GROUPS SECTION CO-SPONSORED PROGRAMS:

#### PROGRAM #1:

**Title:** *New Law & Humanities Approaches to Identity*

**Main Sponsor:** Law & Humanities Section

**Date/Time:** Thursday, January 4, 2007 at 8:30 – 10:15 am

**Moderator:** Professor Frank Rudy Cooper (Suffolk)

**Panel Members:** Reginald Oh (Texas Wesleyan); Lolita Buckner Innis (Cleveland State); Margaret Montoya (New Mexico); Christine Zuni Cruz (New Mexico); Kate Nace Day (Suffolk).

**Description:** This panel explores recent approaches to identity that are being explored in the humanities and are applicable to law. Reginald Oh of Texas Wesleyan will utilize a Critical Geography approach to examine the spatial dimensions of identity and identity construction. Lolita

Buckner Innis of Cleveland State will utilize a Critical Legal Rhetoric approach in order to analyze the recent *In re African-American Slave Descendants Litigation* decision on reparations. Margaret Montoya and Christine Zuni Cruz of New Mexico will discuss a variety of methodologies behind their performance piece on the history of treatment of indigenous women and Chicanas in the Southwest. Kate Nace Day of Suffolk University will discuss her use of Law & Literature methodologies to engender empathy with outsiders in her feminist theory class.

#### PROGRAM #2

**Title:** *Prosecution and Racial Justice: An Attempt to Measure, Understand, Confront and Manage the Problem*

**Main Sponsor:** Section on Criminal Justice

**Additional Cosponsor:** Section on Professional Responsibility

**Date/Time:** Saturday, January 6, 2007 at 9:00 – 10:45 am

**Moderator:** Fred Zacharias (San Diego)

**Panel Members:** Wayne S. McKenzie (Proj. Dir. Prosecution and Racial Justice, Vera Institute of Justice; on leave, Kings County (N.Y.) District Attorney's Office); Peter Gilchrist, III, District Attorney, Mecklenberg County, N.C.); David A. Harris (Toledo); Angela Davis (American WCL).

**Description:** Scholars have long studied prosecutorial discretion; in recent years, some have paid particular attention to how prosecutorial discretion intersects with issues of racial disparity in the criminal justice system. While there is widespread agreement that systemic racial bias exists and merits attention, little empirical work has been done to assess its extent and nature, and even less consideration has been dedicated to ameliorative strategies. All lawyers involved in the criminal justice system, particularly prosecutors, have a professional responsibility to assure that charging decisions are based on factors



relevant to the case at hand, and not irrelevant matters; this obligation only becomes stronger when the irrelevant issue may be racial bias. This is true whether bias plays a conscious or unconscious role in decision making. Given the outsized impact of criminal justice policies on African Americans, Latinos, and other minority groups in the U.S., the issue could not be more important. The Vera Institute of Justice of New York began a project to address these issues in 2005. Vera's Prosecution and Racial Justice Project sprang from the thought that, by taking a pro-active stance on how issues of racial disparity may impact prosecutors' decisions, prosecutors might find a way to deal with some of the problems that police have been forced to confront in recent years concerning racial profiling – before those issues explode into headlines. Vera has spent more than a year working with the prosecutors in several major U.S. jurisdictions to design a data management system that can help prosecutors spot potential racial biases in the decisions made in their offices. The progress of the Project so far, the many challenges it has faced, as well as some preliminary results, show that this Vera's work has the potential to alter the landscape of how prosecution decisions are made – and to create methods with which prosecutors can change the way that race has played a role in these decisions in the past.

### **PROGRAM #3**

**Title:** *The Assault On Academic Freedom In the Academy: Exploring the Intersectionalities of Race, Gender and the Role of Controversial Political Thought In Academia*

**Main Sponsor:** Education Law Section

**Date/Time:** Thursday, January 4, 2007 at 4:00 – 5:45 pm

**Panelists/Speakers:** Roger W. Bowen (Gen. Sec., AAUP); Risa L. Lieberwitz (Chair, Dept. Collective Bargaining, Labor Law, and Labor History, ILR School,

Cornell); Deborah Post (Touro); Michael Olivas (Houston).

**Description:** This panel will explore threats to academic freedom and the tenure process in higher education for diverse faculty and scholars of color. From a series of threatened lawsuits directly against professors defending scholarly ideas (without the assistance of university counsel or indemnification funds), controversies relating to Cornel West, Ward Churchill, Derrick Bell, and most recently a Palestinian scholar in Florida, increasing threats to scholars of color and progressive scholarship remains not only always a timely subject, but it is one of increasingly critical import for our Section members to deliberate and participate in shaping this important discourse. Proceedings of this program will be published in the Loyola Law Review.

**PROGRAM #4** (papers presented at this workshop will be published in the Law, Property, and Society series from Ashgate Publishing (Robin Paul Malloy Series editor, John Lovett & James C. Smith, volume editors).)

**Title:** *The Katrina Workshop: Redeveloping a Region after a Mega Disaster*

**Main Sponsors:** Property Law, State and Local Government Law and Real Estate Transactions Sections

**Date/Time:** Wednesday, January 3, 2007 at 2:00 – 5:00 pm

**Moderators:** Robin Paul Malloy (Syracuse); John Lovett (Loyola); Janice Griffith (Georgia State).

**Panelists:** Frank Alexander (Emory); Peter Blanck (Syracuse); Carol Brown (Alabama); Daniel Mandelker (Washington University St. Louis); Wendell Pritchett (Penn); James C. Smith (Georgia); Michael Morris (Managing Dir., Burton Blatt Institute, Washington, DC).

**Description:** This half-day workshop will focus on the complex and seemingly overwhelming task of rebuilding the

metropolitan New Orleans region after Hurricane Katrina killed more than a 1000 people, flooded 80% of the City of New Orleans, dislocated more than a half million people, flooded or destroyed over 200,000 homes, and completely wiped out communities in places like St. Bernard Parish. Our panelists will focus on several interrelated topics. One group of panelists will focus on a series of questions related to housing needs. One panelist in particular will assess federal and state and local government's administrative responses (including those of HUD and FEMA) to the immediate short term housing crisis created by Katrina, both in the impacted region and in the rest of the country where displaced persons found themselves after the storm. Another panelist will address the merits of any buy-out or rebuilding grant plan that emerges for homeowners and rental property owners, the long term problem of rebuilding affordable housing for displaced residents who seek to return and how to tackle the inevitable problem of extensive urban blight by using creative government strategies such as land banks. A third panelist will specifically address housing and redevelopment efforts in the region from the perspective of an important but overlooked group—persons with disabilities. Another group of panelists will address the crucial urban planning problem of determining whether and how to shrink the geographic footprint of the City of New Orleans. These panelists will consider the justifications offered for shrinkage (environmental unsustainability and flooding risk in some parts of the City, the need to conserve scarce municipal resources and utility services, and finally the social costs of potential scatter shot, “jack-o-lantern” redevelopment) and the arguments against a top-down shrinkage strategy (the potential for disproportionately dislocating African-Americans and the concern that it will supplant more efficient processes of the free market). They will also consider the structure of the planning

processes and how to insure meaningful participation from all stakeholders in light of the unprecedented diaspora of the city's poor and working class residents. Finally, they will consider potential outcomes of such a shrinkage strategy if it is implemented (including gentrification by disaster) and planning tools and remedies (including eminent domain and compensation alternatives) that might be used in the shrinkage and planning process both to reorganize the city's landscape and to compensate for dislocation and economic losses that may be suffered if a shrinkage plan is adopted.

#### **PROGRAM #5**

**Title:** *Empiricism and Civil Rights Litigation in Practice: When Theory Meets the Real World*

**Main Sponsor:** Civil Rights Section

**Date/Time:** Friday, January 5, 2007 at 1:30 – 3:15 pm

**Moderator:** Richard Delgado (Pittsburgh)

**Panelists:** Tom Eaton (Georgia); Lee Epstein (Northwestern); Hal Lewis (Mercer); Ted Eisenberg (Cornell).

**Description:** Civil rights law, like other areas, often is predicated on predictions about how a given rule will effect human and institutional behavior. These predictions are grounded in assumptions about behavior that are empirical in nature, though rarely backed up by actual empirical observations. Even less common, are efforts to determine whether actual behavior squares with the prediction. The Section on Civil Rights' program will explore the extent to which qualitative and quantitative empirical research may shed light on the real-world impact of civil rights doctrine on individual and institutional behavior. For example, Professors Lewis & Eaton employ the qualitative technique of the structured interview to explore the impact of Rule 68 offers of judgment on civil rights and employment discrimination litigation in the wake of the Supreme Court's 1985 decision

of Marek v. Chesny. This study finds that contrary to the near universal predictions, Rule 68 offers are rarely made and do not put undue pressure on plaintiffs in fee shifting cases to resolve their disputes or risk recovery of their attorney's fees.



## TRIBUTE: JOHN O. CALMORE

Professor John Calmore has and continues to have a profound impact on both the practice and understanding of social justice and race in our society. This is well known and I assume that many of you will be talking and writing about that. This after all is what the public persona of Professor Calmore has been about creeping up on five decades. I will take the next two paragraphs to say a little about the non-public Professor Calmore. I say a little because of space and respect for the sensibility that the private Professor Calmore is indeed private. First I will share with you Professor Calmore's name to those of us who have known him for at least forty years and are part of his extended family and posse. It is not Professor Calmore or even John Otis Calmore. It is simply Calmore or Cal. Many of you may or may not know me in my public space, which I frequently share with Professor Calmore. My name, title in public is Professor Powell. But in our posse, it is Calmore. But if you did already know this, Professor Calmore is not Calmore to you and I am not Powell. We all have multiple selves. Not just multiple roles. Some scholars are increasingly starting to play with this reality. Toni Morrison has suggested that since race is socially constructed that we in the U.S. of A are all African-American. So one might say that it is not just Gemini that all of us have multiple selves. And I have had the fortune of knowing many parts of Calmore.

I met the Calmore on one of my early adventures that has refused to end. I left Detroit in 1965 headed for Stanford University. I was part of a small but growing number of African Americans venturing into elite universities in America. It is hard to convey how strange and discombobulating Stanford was for the 23 black students that were part of the class of 1969. It was so white and so wealthy. Not always hostile, but inevitable other. In all of its difference, there were pockets of the familiar and a few people who gave a hint of home and belonging in this alien environment. Calmore was one of the anchors. As I have traveled through the last 40 plus years, at times still experiencing the strangeness of life in America, I have increasingly come to appreciate those islands of home. Little did I know in 1969 that Calmore would be one of the islands. He would help me negotiate a strange world with grounding, insight, fun and a place/space to belong---a home. When I think/feel Calmore, he slips into my auditory consciousness. I hear him saying, "powell;" and which Powell he is calling depends on where we are and which Calmore is present. I not only survived at Stanford, but in some way thrived. Calmore had much to do with this. Sharing his home in Pasadena and East Palo Alto. Sharing his insight, opinion and advice, sometimes unsolicited. But that is what being part of a family/posse means.

Calmore's influence has been through law, music, drinking and . . . Well maybe that is enough private stuff. At least for now. Maybe one more thing. In public, we seldom talk about our love for each other. So to state the obvious. Our posse is a family of love between black men that passed fifty many years ago and continues to make the world a little less strange and a little more joyful for all.

**john a. powell**

**Gregory H. Williams Chair in Civil Rights and Civil Liberties; Executive Director, Kirwan Institute for the Study of Race and Ethnicity  
Ohio State University  
Moritz College of Law**

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John Calmore is someone I have learned a lot from - from his scholarship before I knew him, from his presentations at conferences, and from working with him on the Social Justice casebook that Marnie Mahoney, he, and I coauthored.

Marnie reminded me when we began discussing the idea of a book and thinking about possible co-authors, that I asked whether there was one perfect person in the whole United States to do this casebook on Social Justice. And Marnie said, that's easy, there \*is\* one perfect person --it's John Calmore. She wanted him as a coauthor for the depth of his practice experience as a poverty lawyer, for his remarkable intellect and his work on critical race theory, poverty and equality, and also for his kindness, which would be wonderful for collaboration.

Most recently we all had a chance to learn from John at the last SALT Teaching conference, where he was part of the plenary session on class in the classroom.

I first met John when he went on the teaching market and I followed with interest his work on housing, class, and the provision of legal services. John brings a vision to the academy that truly joins theory and practice.

Read his *Integration Warrior* essay (in Minnesota) where he describes his own experience with the Huxtable family syndrome (after Bill Cosby's TV show family - the black family that all whites think is so nice) and the black costs of

admission to the white world. John's mother died when he was two and he lived with an aunt and uncle who worked at a Stanford fraternity. He writes: Although no one in my extended family had gone to college, everybody worked hard. My father worked at Lockheed Aircraft for more than 20 years . . . My grandmother taught adult education, teaching the art of hooked-rug making at Pasadena City College. We all prized education. Each generation was highly intelligent and worked hard, but only I, he writes, had the opportunity to win out. John goes on to discuss his stint as a Reginald Heber Smith Fellow with legal services in Roxbury and the Western Center on Law and Poverty, and as a staff attorney in the Watts office of the Legal Aid Foundation of Los Angeles and the National Housing Law Project.

Read his description of the post 2000 United States, heading for 9/11 in *Race-Conscious Voting Rights and The New Demography in a Multiracing America*, 79 N.C. L. Rev. 1253 (2001) where he describes his own race consciousness in a world that mandates colorblindness. He explains the nation is divided between "gateway" areas that have a highly diverse population, largely due to immigration, and other areas that remain mostly white, or mostly black and white, such as the South. He contrasts California, where non-Hispanic whites only constitute 49.9 percent of the thirty-three million residents and no racial or ethnic group constitutes a majority, so the social relations, politics, and evolving culture have already moved beyond the black-white paradigm in dramatic ways, with the South, a designation that transcends its regional border. The South is a metaphor for the purest expression of conservative values and politics. John writes: Indeed, at present the United States is more the South than it is California, though John notes - there is plenty of South in California too.

We have lots of work to do and we can follow John's example of not sugar coating the message or its importance.

I want to send special greetings to Alyce, Jonathan and Canai - John's family. I know you are providing him constant love and support.

John, I appreciate you in ways I don't get to tell you often enough and many other people feel the same way. So big hugs from all of us.

**STEPHANIE M. WILDMAN**  
**Professor of Law**  
**Director, Center for Social Justice and Public Service**  
**Santa Clara University**  
**School of Law**

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It's an honor for me to talk about John Calmore, who's been a dear friend, revered mentor, and treasured colleague for some thirty years. Our careers intersected when we both were legal services lawyers focusing on housing, and then again as we both have been law professors concentrating on race and poverty.

Four words that seem to me to characterize John's life and work are compassionate, faithful, prophetic, and honest.

His compassion for feeling with - others is evident from his entire career. As a litigator, a teacher, a scholar, and a human being active in the world, his concern has been to make the world better for other human beings, particularly for those who have been despised. He has identified himself with the plea of the late, great judge (and, as John wrote, humanitarian) Aloysius Leon Higginbotham, jr., who said:

"I will make two requests of you.

They are that you always attempt to see those human beings who become invisible to most people, and that you always try to hear the pleas of those persons who, despite their pain and suffering, have become voiceless and forgotten."


John's faithfulness is evident in his relationships with his friends and family. John kept and nurtured his friends from his old neighborhood, from Stanford, from Harvard law school, and I can testify, from legal services. His attachment to his family is deep and powerful. I don't think that I ever had a conversation with John, and I'm inclined to doubt if anyone ever had a conversation with John, in which John did not talk, with glowing pride, about Alyce, Jonathan, and Canai. John's faithfulness is evident also in his consistent attention to the issues he sees at the heart of human life: justice, fairness, and love.

John is prophetic in two senses. First, he often foresees the future - for example, in an article published in 1995, he warned that all segments of the community must fight against xenophobia and scapegoating, most particularly with respect to immigrants. Second, he is prophetic in the sense that he, like the biblical prophets, voices the passion and deep morality of a visionary leader.

The fourth word I think of in connection with John is honesty. It's particularly appropriate that we're honoring John at a conference on academic freedom because John's career shows why academic freedom is essential. The necessity of honesty is the reason for protecting academic freedom to assure that all ideas will be heard and discussed. John is a living exemplar of this value.

John calls them the way he sees them. He has nothing to do with cant, with political correctness, with received opinions. He thinks through the problems he considers





important, and says what he has to say about them. Often, what he has to say doesn't please his audience or his friends. (I'm not sure what his family thinks.) But John knows that his function is to express his considered views and invite contradiction and discussion.

In anticipation of talking about John today, and for other reasons, I decided to read and re-read all of his work. That's not a small task, and I haven't come close to completing it. But I plan to do so. I recommend to all of you, whether or not you now know John or his work, that you read and think about what he's written. I suspect that this is the tribute he would most appreciate. And I also recommend that, if you possibly can, you join me in going to New York on November 6<sup>th</sup> to hear John give the Derrick Bell lecture at NYU law school.

Based on my not-yet-complete review of John's work, I'd say that it falls into three broad categories, with considerable overlap among them. The categories are: housing, social justice lawyering, and race. All of his work is characterized by a unique and invaluable combination of deep learning in law, history, philosophy, and social science, combining critical analysis and theory with a practical, on-the-ground perspective and personal references to John's own life. And all of it is glowingly honest.


In his work on housing, John has countered the traditional, liberal emphasis on achieving racial desegregation. Arguing [as he says] for a blended approach that incorporates both integration and community enrichment, but emphasizing the latter—drawing on the work of Iris Young and others, John has criticized the integration imperative that many of us have adopted. Writing about American apartheid, the important book by Douglas Massey and Nancy Denton, John said that

The distributive paradigm that

drives [the] integration imperative to dismantle the ghetto barely touches marginalization and simply does not at all reach cultural imperialism. The distributive paradigm's liberal bias toward the individual and his cultural [assimilation to dominant norms, which masquerade as universal standards, only reinforces the oppression of cultural imperialism. This paradigm fails to embrace group rights. It sets the stage to legitimate racialized colorblindness. It extends to anti-discrimination remedy, but stops short of anti-subordination redress. It values individualism but not group diversity. It cannot effectively deal with aspirations of group equality and inclusion. It cannot make up for the past.

In his work on race, John has drawn from and contributed to critical race theory and urged the development of critical race practice. He and four of his African-American colleagues at UNC offended many of their colleagues and neighbors, and many in the national black community when they boycotted the visit to UNC law school of Justice Clarence Thomas. (some people thought the UNC five had violated what professor Emma Coleman Jordan had called one of the ironclad conventions of black cultural life: don't air our dirty laundry in public. Although John and his colleagues explained in detail why they were protesting, and participated in a teach-in to explore the differences between them and Justice Thomas with respect to issues of race, the protesting five were attacked and derided by many people. John drew from this experience a lesson we all need to remember. Referring to the axiom attributed to Woody Allen, that ninety percent of life is showing up, John said: "I think the other ten percent is standing up, standing up for what you believe and standing up to do the right thing."





This painful experience also reinforced another theme in John's work and life. Reflecting his own faithfulness and loyalty, John often has expressed a sense of appreciation for the home space, the sense of comfort accorded by those who are faithful to one, supportive of one. In his 1995 Pennsylvania law review article, he wrote that when there is nowhere to run and nowhere to hide, people must make a stand in place, at one's home base. He said that he was glad to publish his 2003 dirty laundry article in the Howard law journal, a scholarly homeplace, referencing professor Charles Lawrence's observation that in hard times, it is especially important to create homeplaces: safe places among trusted friends to seek refuge and dress the wounds of battle and places for hard conversations, where differences can be aired and strategy mapped, where we can struggle with and affirm one another.

I'm proud to say that part of John's homeplace has been SALT. In the wake of the attack on the UNC five, he and his colleagues were he wrote profoundly moved by the support they received from members of the AALS minority group section and from SALT, which sent to the Durham Herald-Sun newspaper a strong letter signed by co-presidents Paul Johnson and Michael Rooke-Ley and eighteen members of the SALT board of governors.

John and I had very different perspectives on the chances of significant improvement in the world. I'm an incorrigible optimist, and believe that we, the forces of social justice, are on the right side of history. John's often taken me to task for that, pointing to the multitude of evils that point to the contrary. Given his professed pessimism, his commitment to working for justice is all the more impressive. It's easy to work when you think you're on the side that will win eventually. In that light, it's

particularly important to note that John has always urged himself and the rest of us to keep on fighting.

In his 2004 essay, he wrote, he said: "with the conviction that it is important to develop, quite conscientiously, a progressive agenda that makes social justice the center of our work." he ended his 2005 article, whiteness as audition, with this quotation from Patricia Williams:

"I am certain that the solution to racism lies in our ability to see its ubiquity but not to concede its inevitability. It lies in the collective and institutional power to make change, at least as much with the individual will to change. It also lies in the absolute moral imperative to break the childish, deadly circularity of centuries of blindness to the shimmering brilliance of our common, ordinary humanity."

He concluded his University of Pennsylvania article as I want to conclude now: he quoted Vaclav Havel, saying that "hope . . . is . . . an ability to work for something because it is good, not just because it stands a chance to succeed . . . it is also this hope . . . which gives us the strength to live and continually to try things, even in conditions that seem as hopeless as ours do here and now." and then John added, as his message from him to all of us:

"It is this hope that must be kept alive, maintained, and expanded. It is with this hope that concretely better days ahead must be established. It is the hope of justice. It is mine and I hope yours."

**FLORENCE WAGMAN ROISMAN**  
**William F. Harvey Professor of Law**  
**Indiana University School of Law**  
**Indianapolis**





## **PASSINGS: JAMES THOMAS**

James Thomas was a wonderful, compassionate, dedicated admissions officer and university administrator, who passed away in Iowa City after a brief illness. He was 55. A native of Florida, he earned his Bachelors degree at Florida A & M, and his law degree from the University of Iowa. He succeeded Dennis Shields as Admissions Director at Iowa, and then became University of Wisconsin Admissions Director. Subsequently, he was named special assistant and consultant to the Vice Chancellor for student affairs at Wisconsin. He leaves behind his wife Sandra, who is a nurse at the Iowa City VA hospital and two grown daughters Maya and Adrienne, who are graduates of the University of Iowa.

**Adrien Wing**  
**Bessie Dutton Murray Professor of Law**  
**Associate Dean for Faculty Development**  
**University of Iowa Law School**

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It is so sad to report the untimely death of James Thomas who contributed more to the diversity of the legal profession than any other individual I know. I had the privilege to know and work with James Thomas before and during his time at Wisconsin where he served as Director of Admissions and later as Special Assistant and Consultant to the Vice Chancellor for Student Affairs. He was an expert in student diversity and a consummate admissions professional. At Iowa and later at Wisconsin, he spent so many hours recruiting, admitting, nurturing, and graduating thousands of students. He is

most responsible for the reputation of our law school as a model for student diversity with entering classes of 25% to 30 % students of color. He often chose to sacrifice his health rather than forgo his passion for his work. He was as successful in the recruitment of students from historically white schools as he was in the recruitment of students from historically Black schools. In particular, the pipelines he established with schools such as Morehouse, Hampton, Spelman, and FAMU continue to pour African- American law students into the University of Wisconsin Law School. He not only admitted the students, but played an important role in their lives as anyone in the law school. No effort was too great for James as he took a passionate interest in every law student. He referred to them as "his babies", and he guided them with love and respect before, during, and after their time at the law school. There will never be another James Thomas!

**Linda S. Greene**  
**Evjue-Bascom Professor of Law**  
**University of Wisconsin Law School**



## **MENTORSHIP PROGRAM**

Our Mentorship Program is up and running. Kevin Johnson (UC Davis) and Rob Correales (UNLV) worked to revive the program. Mentors and mentees were solicited and a mentor was assigned to each mentee. Letters went out about the assignments in the fall and the relationships (hopefully) are flourishing. The Executive Committee is eager to make the program as responsive as possible. If you have any comments or suggestions, please e-mail the Section Chair. We urge our younger members to take advantage of this program.

In addition, Section members are glad to help with any problem through our discussion listserv.



## POC SCHOLARSHIP CONFERENCE CYCLE 2007-08

As of the publication date of this Newsletter we have the following information about the upcoming cycle of POC conferences and related events:

Mid-Atlantic, Jan. 26-27, Richmond, VA

SE/SW, March 15-18, Orlando, FL

Midwestern, April 12-15 St. Louis, MO

Northeastern, late June or early July, North  
Dartmouth, MA

Western, TBA

CAPALF, conference of Asian Pacific  
American law faculty will be held April 26-  
28 in St. Paul, Minnesota.




## ACCOLADES: SECTION MEMBER NEWS, PUBLICATIONS AND ACCOMPLISHMENTS.

The Newsletter editors are proud this year to bring what is deservedly the most

popular section of this publication—a listing of the accomplishments of our members. This year we are focusing on our newer members. We follow this focus with news from our more seasoned colleagues.

### FOCUS ON NEW FACULTY:

**Fabio Arcila, Jr.** (Touro Law Center) B.A., 1991, with distinction, University of Michigan; J.D., 1994, University of California at Berkeley, Boalt Hall Law School. Professor Arcila teaches Administrative Law, Civil Procedure, Federal Courts, and Poverty Law. Professor Arcila's scholarly interest is in exploring the implications that the modern regulatory state has on Fourth Amendment jurisprudence, with an emphasis upon civil searches. He has recently completed a manuscript entitled *Searches And The Misunderstood History Of Suspicion And Probable Cause: Part One*, which conducts an historical analysis of probable cause under the common law and argues that, even after the Fourth Amendment's adoption, many judges believed they could issue search warrants without independently assessing the adequacy of probable cause. He also is the author of *Special Needs & Special Deference: Suspicionless Civil Searches In The Modern Regulatory State*, 56 ADMIN. L. REV. 1223 (2004). He is admitted to the New York bar and is a former member of the Michigan bar. During law school, Professor Arcila was an associate editor of *La Raza Law Journal* and a member of the *California Law Review*. Upon graduation, he worked for three years as a staff attorney for Legal Services, and then clerked in the federal district court in the Eastern District of Michigan and in the federal court of appeals in the Third Circuit. From 2001 to 2004, he was a litigation associate at Fried, Frank, Harris, Shriver & Jacobson in New York City.



**Roy Balleste** (University of the District of Columbia, David A. Clarke School of Law) is the Director of the Law Library and is an Assistant Professor of Law. Prof. Balleste received his B.A. in Political Science from Jacksonville University, a J.D. from St. Thomas University School of Law, Miami, the M.A. in Library Science from the University of South Florida, and the LL.M. in Intercultural Human Rights from St. Thomas University School of Law. He is a 2007 candidate for a J.S.D. in Intercultural Human Rights from St. Thomas University. Prof. Balleste will teach Advance Legal Research. He has written in the areas of Web design technologies, artificial intelligence, electronic reference services and its connection with law libraries. He has written a law review article about the Middle East Peace Process and is currently working on an article about Internet Governance. He is interested in Internet governance and its connection with human rights. His teaching experience includes such courses as Computers and the Law and Law Librarianship.

**Dr. Gavin Clarkson** (University of Michigan School of Law) is an enrolled member of the Choctaw Nation of Oklahoma. Prof. Clarkson has consulted, written, and published extensively on tribal sovereignty, tribal governance systems, tribal economic development, and tribal asset management, and has conducted research on the empirical data underlying the American Indian mascot controversy. Dr. Clarkson was also a contributing author for the most recent edition *Felix Cohen's Handbook of Federal Indian Law*, providing material on tribal finance, tribal corporations, economic development, and intellectual property. Dr. Clarkson holds the Series 7, Series 24, and Series 66 Securities licenses from the National Association of Securities Dealers (NASD). In May of 2006 he testified before the Senate Finance

Committee regarding discriminatory impediments to tribal access of the capital markets, and he was recently awarded a grant from the National Science Foundation to study tribal finance information systems. In the non-Indian arena, Dr. Clarkson's principal research interest is intellectual property strategy. A major area of current focus involves the identification and analysis of patent thickets—dense webs of overlapping intellectual property rights that an organization must “hack” its way through in order to commercialize new technology. In industries characterized by cumulative innovations and multiple blocking patents, the existence of densely concentrated patent rights can have the perverse effect of stifling innovation rather than encouraging it. Dr. Clarkson's research is developing fundamental insights into the interrelationships between multiple technologies, particularly in the case of patent pools (an organizational structure where multiple firms aggregate patent rights into a package for licensing), which are a potential solution to the problem of patent thickets. Dr. Clarkson was recently awarded a grant from the National Science Foundation for his Patent Cartography project, which is examining ways to simplify the process of searching through the patent space.

**Juscelino F. Colares** (Syracuse University College of Law) teaches Int'l Trade Law & Policy (US/NAFTA/WTO) /Civil Procedure/Int'l Bus and Transactions/Law & Economics. Prof. Colares is interested in investigating issues related to the operation of international dispute settlement systems currently deployed in the international trade area. Specifically, his current focus is on empirical research on patterns of adjudication outcomes issuing from parallel systems, such as NAFTA Chapter 19, WTO Dispute Settlement Body, and U.S. judicial review of administrative action in the area of trade remedies (antidumping and

countervailing duty law). Prof. Colares also has a general interest on the issue of corruption in the conduct of international business transactions, with a particular focus on ancillary jurisdictional and prudential limitations.

**Helene Davis** (University of Kentucky College of Law) is the Director of the University of Kentucky Alvin E. Evans Law Library, joined the College of Law in February 2005 as the law library's Associate Director and Head of Public Services. She was appointed to the Director's position in July 2006. Prior to coming to the University of Kentucky Professor Davis was a librarian at Seattle University School of Law and Howard University School of Law. Professor Davis teaches Basic and Advanced Legal Research. Her scholarship and teaching interests include traditional and online legal research and legal bibliography. Professor Davis has presented on these topics in various settings. She received her J.D. from the University of Iowa in 1985, and her M.L.I.S. from the University of Washington in 2004. Professor Davis is originally from the Chicago, Illinois area and received a B.A. in Sociology and Urban Studies from Northwestern University in 1982.

**Andrea Dennis** (University of Kentucky College of Law) Assistant Professor of Law, joined the College of Law faculty in 2006. She teaches criminal law, criminal trial process, children and the law, and family law. Her research interests currently focus on criminal law and justice, and popular culture. Before turning to academia, Professor Dennis spent three years as an Assistant Federal Public Defender for the District of Maryland. Prior to that, she was a litigation associate at Covington & Burling in Washington, D.C. Professor Dennis also has professional experience civilly prosecuting child abuse and neglect cases in

D.C. Superior Court, teaching legal analysis and writing at the University of Maryland School of Law, and developing national policies and programs for at-risk youth enrolled in Job Corps. Professor Dennis earned her J.D. in 1997 from New York University School of Law, where she was an editor for the *Annual Survey of American Law* and published *Because I am Black, Because I am Woman: Remediating the Sexual Harassment Experience of Black Women*. Immediately following graduation from law school, she served as a judicial law clerk for The Honorable Raymond A. Jackson of the United States District Court for the Eastern District of Virginia. A Maryland native, Professor Dennis completed her B.S. in Engineering at the University of Maryland at College Park.

**Rashmi Dyal-Chand** (Northeastern University) teaches property, intellectual property, and modern real estate transactions. Her scholarship focuses broadly on strategies for economic development, both in the US and in developing countries. Specifically, she has written about credit (including micro-credit, credit card lending, and mortgage lending) as a means of wealth formation. She is also currently writing about property formalization as a tool for economic development in the United States.

**Ernesto Hernández López** (Chapman University School of Law) is in his second year as an Assistant Professor of Law teaching contracts, corporations, and immigration. His current research covers three areas: international migration and sovereignty in US and Mexican law, Latin American cultural studies and law, and labor and gender history in early twentieth century México. The sovereignty research has been presented in different formats at the Pacific Coast Council on Latin American Studies Annual Conference 2006 California State University-Dominguez Hills; RLCUIII



*Política, Economía y Desarrollo: América Latina entre la gobernabilidad democrática y la inclusión social*, Universidad de Ibagué, Ibagué, Colombia; Biennial Immigration Law Teachers Workshop, William S. Boyd School of Law, University of Nevada Las Vegas; Western Law Professors of Color Conference 2006, California Western School of Law; and will be submitted to law reviews in the Spring of 2007. The cultural studies project, initially exploring Colombian slang/*dichos* and Spanish language radio in the US, was presented at LatCrit's Free-Market Fundamentalism: The South-North Exchange on Theory, Culture and Law, at the Universidad de Los Andes, Santafé de Bogotá, Colombia. Before law school Ernesto taught international relations at the Universidad Javeriana and Universidad del Rosario both in Santafé de Bogotá, Colombia. His prior publications in the *Fordham Journal of Corporate & Financial Law*, *Journal of World Intellectual Property*, *Journal of World Trade*, *Butterworths International Banking and Financial Law Journal*, *Revista del Rosario*, and *Revista Javeriana* have focused on European corporate governance, dispute settlement and e-commerce in the WTO, Brazilian financial regulation, US-Colombia foreign policy, and Mexican history

**Suzanne A. Kim** (Rutgers School of Law) joined the Rutgers faculty in 2006. Her scholarship addresses the interaction between law and evolving social understandings of family, gender, race, and ethnicity. She has written in the areas of family law, violence against women, and critical theory. Her article, "Reconstructing Family Privacy," was recently published in *Hastings Law Journal*. Her work has also appeared in *Boalt Hall's Asian Law Journal*, the *Cardozo Women's Law Journal*, and the *Georgetown Journal of Gender and the Law*.


**Reginald Mombrun** (Florida A&M College

of Law) teaches Income Tax I, Corporate Tax, Contracts, Sales. Prof. Mombrun used to write primarily on technical issues but now she is switching more to tax policy issues.

**Huyen Pham** (Texas Wesleyan University School of Law) is teaching immigration and criminal law. Her article, "*The Constitutional Right Not to Cooperate? Local Sovereignty and the Federal Immigration Power*," was published in the *Cincinnati Law Review* (Summer 2006). The article considers whether the federal government may constitutionally require local governments to cooperate with the enforcement of immigration law. In April, she was an invited speaker at Merging Immigration and Crime Control: An Interdisciplinary Workshop, at the University at Buffalo Law School (organized by Professors Teresa Miller & Nora Demleitner).

**Melynda Price** (University of Kentucky College of Law) Assistant Professor of Law, joined the College of Law faculty in 2006. She teaches Torts, Immigration Law, and Law and Social Science. Her research interests are race and citizenship, the politics of crime and punishment and the role of law in the politics of race and ethnicity in the United States and its borders. Her dissertation entitled, *At the Cross: Race and Religion in the Politics of the Death Penalty Among African Americans*, analyzes the impact of race and religion on African American attitudes on the death penalty. Professor Price's most recent article, *Litigating Salvation: Race, Religion, and Innocence in the Cases of Karla Faye Tucker and Gary Graham*, was published in the Spring 2006 issue of the *University of Southern California Review of Law and Social Justice*. Professor Price earned her J.D. in 2002 from the University of Texas School of Law and her PhD in Political Science from the University of Michigan in





2006. She received a B.S. in Physics from Prairie A & M University in 1995. Professor Price is a native of Texas. On November 1, 2006 Professor Price gave a lecture on “*Litigating Salvation: Race, Religion and Innocence in the Cases of Karla Faye Tucker and Gary Graham*” at the Carter G. Woodson Lecture Series. Her talk is sponsored by the African American Studies Department and the Research and Gender and Women’s Studies Department at the University of Kentucky.

**Gowri Ramachandran** (Southwestern Law School) is new to the faculty and currently teaches Employment Law and Constitutional Law, and has also recently taught Feminist Legal Theory, Federal Courts, and Antidiscrimination Law. Her scholarly interests include employment discrimination and employment law, federal courts, constitutional law, and queer theory.

**Rachael Salcido** (Pacific McGeorge School of Law) was recently promoted to Associate Professor. Her article *Enduring Optimism, Examining the Rig-to-Reef Bargain* appeared in the winter 2005 edition of the Ecology Law Quarterly. She presented *Public Lands Access: Everything Old is New Again* at the 52<sup>nd</sup> Annual Rocky Mountain Mineral Law Institute in Santa Fe, New Mexico in July 2006. Her current research involves analyzing offshore federalism in light of increasing development in the exclusive economic zone. As part of a working group organized by Stanford Law School and the Resources Legacy Fund, Professor Salcido will help to guide an analysis of area-based ocean management in California.

**Kami Chavis Simmons** (Wake Forest University School of Law). Professor Simmons received a B.A. with *Highest Honors* from the University of North Carolina at Chapel Hill in 1996, where she was a member of Phi Beta Kappa. She then

attended Harvard Law School, as an Earl Warren Scholar. After receiving her J.D. from Harvard in 1999, Professor Simmons worked as an associate at private law firms in Washington, D.C., where she participated in various aspects of civil litigation, white-collar criminal defense, and internal investigations. In 2003, she became an Assistant United States Attorney for the District of Columbia. She has represented the United States in a wide range of criminal prosecutions and has argued and briefed appeals before the District of Columbia Court of Appeals. Professor Simmons was also an adjunct lecturer at American University, Washington College of Law. Professor Simmons will be teaching *Criminal Procedure* and *Professional Responsibility*.

**Omari Scott Simmons** (Wake Forest University School of Law) graduated *magna cum laude* from Wake Forest University in 1996. He then attended the University of Pennsylvania School of Law and received his J.D. in 1999. At Penn, he was the recipient of the Sadie T.M. Alexander Distinguished Graduate Award, the Thouron Award, and the Fontaine Fellowship. After receiving his J.D., Professor Simmons clerked for the Honorable Chief Justice E. Norman Veasey of the Delaware Supreme Court. After his clerkship, he attended the University of Cambridge, Pembroke College, in the United Kingdom where he received an LL.M. in International Commercial Law in 2001. Professor Simmons has worked as in-house corporate counsel for two multinational corporations and worked for a private law firm in Washington, D.C. He is also the president of the Simmons Memorial Foundation, Inc., a nonprofit organization, which provides college consulting services to vulnerable students. Professor Simmons will be teaching *Sales and Contracts*.

**Tania Tetlow** (Tulane Law School) began

teaching in the fall of 2005, experienced a forced Katrina sabbatical, and then started again last spring. She is the director of a Domestic Violence clinic and works with students to represent clients and to repair the New Orleans domestic violence services infrastructure. This has allowed her clinic to teach students about systemic change through methods other than litigation.

Before Tulane, she was an AUSA in the Eastern District of Louisiana specializing in violent crimes. Prof Tetlow has a J.D. from Harvard, '95 and a B.A. from Tulane. She just co-authored an article with Brandon Garrett at UVA about the shattered New Orleans criminal justice system to be published by Duke Law Journal in the fall. She is also interested in race and constitutional law, particularly comparisons of *Batson* and *Shaw v. Reno*. Right now her surreal hobby is to serve as the chair of the New Orleans Public Library board, where she is working hard to raise the tens of millions needed to redesign and rebuild the flooded libraries.

**Robert Thompson** (Florida A&M University College of Law) teaches Contracts, Patent Law, Intellectual Property, Business Organizations, Health Law, Law Science & Medicine. Professor Thompson's scholarly interests include: Patent Law, Intellectual Property, The intersection of Law, Science, the Environment and Technology. Recently he published "*Radioactive Warfare: Depleted Uranium Weapons, the Environment, and International Law*", 36 ELR 10474, June 2006.

#### NEWS FROM OUR MORE SEASONED COLLEAGUES:

**Penelope E. Andrews** (City University of New York) has recently become the honoree of the *Penelope E. Andrews Human Rights Award*. This award is in honour of Professor

Penelope E Andrews who is a past graduate of the Law Faculty and current President of the Friends of UKZN. Professor Andrews is also currently a Professor of Law at CUNY and is well known for her commitment to Human Rights and other social issues. Law students at the Howard College campus who exhibit excellent performance in Clinical Law and a commitment to furthering of Human Rights and Poverty Alleviation and Community Service, may be eligible for this award.

**Larry Catá Backer** (Penn State University-University Park Campus) was a founding member of a non-governmental organization—the Coalition for Peace and Ethics. He was elected to the European Corporate Governance Institute. He published the following articles *Economic Globalization and the Rise of Efficient Systems of Global Private Lawmaking: Wal-Mart as Global Legislator*, 39(4) UNIVERSITY OF CONNECTICUT LAW REVIEW – (forthcoming 2007); *The Rule of Law, The Chinese Communist Party, and Ideological Campaigns: Sange Daibiao (the "Three Represents")*, *Socialist Rule of Law, and Modern Chinese Constitutionalism*, 16(1) JOURNAL OF TRANSNATIONAL LAW & CONTEMPORARY PROBLEMS (forthcoming 2006); *Ideologies of Globalization and Sovereign Debt: Cuba and the IMF*, 24 PENN STATE INTERNATIONAL LAW REVIEW 497 (2006); *Multinational Corporations, Transnational Law: The United Nation's Norms on the Responsibilities of Transnational Corporations as a Harbinger of Corporate Social Responsibility as International Law*, 37 COLUMBIA HUMAN RIGHTS LAW REVIEW 287 (2006); *Director Independence and the Duty of Care: Race, Gender, Class and the Disney-Ovitz Litigation*, 79 ST. JOHN'S LAW REVIEW 1011 (2005); *China: Law, Economy and Foreign Relations—A Symposium Introduction*, 16(1) JOURNAL OF TRANSNATIONAL LAW & CONTEMPORARY

PROBLEMS (forthcoming 2006); *Private Law Making and Global Enforcement: Multinational Corporations, Supply Chain Management and the Construction of Global Systems of Private Law*, 28(1) THE COMPANY LAWYER -- (Eng.) (forthcoming 2007); *Direct Shareholder Democracy: Reflections on Lucian Bebchuk*, 2 THE CORPORATE GOVERNANCE LAW REVIEW (Australia) – (forthcoming 2007); *Chinese Constitutionalism, Sange Daibiao (the “Three Represents”), and the Rule of Law*, FOREIGN THEORETICAL TRENDS (forthcoming 2006) (in Mandarin); *The Autonomous Global Corporation: On the Role of Organizational Law Beyond Asset Partitioning and Legal Personality*, 41(4) TULSA LAW JOURNAL – (forthcoming 2006); *Economic Globalization Ascendant: Four Perspectives on the Emerging Ideology of the State in the New Global Order*, 16 BERKELEY LA RAZA LAW JOURNAL – (forthcoming 2006); *Globalização Econômica e Crise do Estado: um estudo em quatro perspectivas*, SEQUENCIA No. 51: 255-276(December 2005). He delivered papers this year at the University of London, The University of Barcelona, Cambridge University (Jesus College), the University of Connecticut, the University of Iowa, American University, and at the EIDAS Conference (Florianópolis, Brazil), Law & Society Association Conference, Law Culture & Humanities Conference. Shorter essays may be found at <http://lcbackerblog.blogspot.com>.

**Taunya Lovell Banks** (University of Maryland) published SCREENING JUSTICE- THE CINEMA OF LAW: FILMS OF LAW, ORDER, AND SOCIAL JUSTICE, Rennard Strickland, Teree Foster & Taunya Banks, editors (William S. Hein & Co. 2006); *Unreconstructed Mestizaje and the Mexican Mestizo Self: No Hay Sangre Negra, So There is No Blackness*, 15 Southern California Interdisciplinary Law Journal 199 (2006); *To Kill A Mocking Bird: Lawyering*

*In An Unjust Society* in SCREENING JUSTICE- THE CINEMA OF LAW: FILMS OF LAW, ORDER, AND SOCIAL JUSTICE, Strickland, Foster & Banks, editors (William S. Hein & Co. 2006). Prof. Banks' presentations and talks included: Paper: *Black and White Justice: Courts' Continued Resistance to Colorism Claims*, the Center for Race and Gender *Hierarchies of Color* conference, University of California at Berkeley, Dec. 2005; Opening Plenary Panel: *Balancing Competing Individual Constitutional Rights: An Impossible Task?*, Conference on Comparative Constitutionalism and Rights sponsored by the University of KwaZulu-Natal in Durban, South Africa, Dec., 2005; Keynote Luncheon Speech *Why We Must Move Away from Black Mono-racialism in American Antidiscrimination Law*, the Mid Atlantic People of Color Conference, American University, Washington, D.C., January , 2006; Afternoon Plenary Speaker: *Caught in the Middle: Coy T. Chin, Chinese Interpreter*, Conference of Asia Pacific Law Faculty, Wayne State University School of Law, Detroit, Michigan, April, 2006. Prof. Banks also organized several programs: Two-day symposium: *The Impact of Film on Law, Lawyers and Legal Institutions* with participants from across the U.S., South Africa and Israel, March 2006; half day program, *The CSI Effect on Criminal Prosecutions: Truth or Fiction?* Sept. 2006.

**Leonard M. Baynes** (St. John's University) has many recent publications, including: *Race, Media Consolidation, and Online Content: The Lack of Substitutes Available to Media Consumers of Color*, was published at 39 Michigan Journal of Law Reform 199; *The Q-626 Report: A Study Analyzing the Diversity of the 626 Largest Businesses, and the 105 Largest Minority-Owned Businesses in Queens*, is currently being circulated in the Queens business community and will be published in a forthcoming the St. John's Law Review;

*The Mercedes Divide?:” American Segregation Shapes the Color of Electronic Commerce*, forthcoming in *Western New England Law Review*; *The FCC and the Media One Year after Katrina*, *Jurist* September 8, 2006. In July 2006, Professor Baynes was inducted into the Hall of Fame of the Minority Media & Telecommunication Council (“MMTC”). The MMTC is a national nonprofit organization, which advocates for equal opportunity and civil rights in the mass media and telecommunications industries. Each year, the MMTC inducts several leading communications practitioners, advocates and scholars into its Hall of Fame. The Hall of Fame inductees have rendered exceptional contributions to diversity and inclusion in the media and telecommunications industries. Past inductees have included: Rep. John Conyers, Hon. Percy E. Sutton, former Rep. William Gray, former FCC Chairman William Kennard, former NAACP Chairman Benjamin Hooks, and Johnnie L. Cochran (posthumously). Professor Baynes’ recent presentations include: Panelist at the National Bar Association session on Access to law schools, Detroit, MI, August 9, 2006; Panelist, on Affirmative Action after Grutter, SALT Conference at Suffolk Law School, Sept. 9, 2006. Previously selected to serve on Common Cause’s Board of Directors, Professor Baynes has been selected as Vice Chairman of its Nominating Committee and a member its Executive Committee and Policy Committees. Professor Baynes is the Director of The Ronald H. Brown Center. In this role he recently helped to organize an important conference. On July 6-8, 2006, The Ronald H. Brown Center collaborated with the American and Caribbean Law Initiative, the Northeast People of Color Legal Scholarship Conference and the Eugene Dupuch Law School to hold a conference on trade and legal aid in Nassau, Bahamas. The conference explored the recurrent tensions

between and among sovereignty, trade, economic development and the challenge of delivering legal services to the poor and marginalized. In addition, the conference considered how trade and economic development affected the achievement of equality and justice for all developing nations. Over 100 academics, lawyers, and activists attended the conference with equal representation from both sides of the Caribbean Sea. The conference speakers included several prominent Caribbean government officials: James Smith, The Bahamian Minister of Finance, Allyson Maynard-Gibson, the Bahamian Attorney General and Minister of Legal Affairs, Honorable Burton Hall, the Bahamian Chief Justice of the Supreme Court, and the Honorable Vashist Kokaram, Justice of the High Court of Trinidad and Tobago. Professor Elaine M. Chiu was one of the chief organizers of the conference and also presented a paper entitled *Culture and Parental Autonomy*, and Professor Akilah Folami delivered a presentation on *Deliberative Democracy and Hip-Hop*.

**Karen E. Bravo** (Indiana University School of Law). In Fall 2006, *CARICOM, The Myth of Sovereignty and Aspirational Economic Integration* was published by the University of North Carolina Journal of International Law and Commercial Regulation (31 N.C. J. Int’l L & Comm. Reg. 145 (2005)). In January 2006 Professor Bravo was appointed to the AALS Committee on Recruitment and Retention of Minority Law Teachers. She was a panelist on the panel “Domestic Politics in the South Caucasus” at the 2006 Annual Conference of the Central Eurasian Studies Society (CESS) held at the University of Michigan, September 28 – October 30, 2006. Her presentation addressed democratic and rule of law reform in the Republic of Armenia. In October 2006 she presented her current project: “Modern Trafficking in Humans and the Trans-Atlantic Slave Trade: Exploration of an Analogy” during a Work



in Progress session at LatCrit XI, held October 5 – 8<sup>th</sup> at the University of Nevada, Law Vegas. Professor Bravo has been appointed co-Rapporteur for the Workshop on the Future of Teaching International Economic Law, which will take place during the Annual Conference of the American Society of International Law's Interest Group on International Economic Law, November 2006, Bretton Woods, New Hampshire. *Smoke, Mirrors and the Joker in the Pack? On Transitioning to Democracy and the Rule of Law in Post-Soviet Armenia* will be published by the Houston Journal of International Law in Spring 2007.

**David A. Brennen** (University of Georgia) joined the faculty of University of Georgia School of Law in the fall semester of 2006 as a tenured Professor. Professor Brennen's recent publications include: *A Diversity Theory of Charitable Tax Exemption - Beyond Efficiency, Through Critical Race Theory, Toward Diversity*, 4 PITT. TAX REV. \_\_\_\_ (forthcoming Fall 2006) and *Congress Finally Adopts New UBIT Standards in 512(b)(13) for Controlled Entities*, 26:1 NEWS QUARTERLY (ABA Sec. Tax'n, Washington, D.C.), at 9 (Fall 2006). On November 18, 2006, Professor Brennen will present "A Diversity Theory of Charitable Tax-Exemption" as part of a panel at the 2006 Association for Research on Nonprofit Organizations and Voluntary Action ("ARNOVA") Conference. Professor Brennen's service for 2006 includes serving on an ABA law school site inspection team. Also, during 2006, Professor Brennen served as Chair of the AALS Minority Groups Section, as Chair-elect of the AALS Taxation Section and as Chair-elect of the newly-established AALS Nonprofit Law & Philanthropy Section.

**Kevin Brown** (Indiana University-Bloomington) had his book entitled "Race, Law and Education in the Post-Desegregation Era: Four Perspectives On

Desegregation And Resegregation" published by Carolina Academic Press in 2005. He also published an article entitled *The Supreme Court's Role in the Growing School Choice Movement*, 67 Ohio St. L.J. 37 (2006) as part of that publication's symposium issue entitled "Meeting the Challenge of Grutter-Affirmative Action in Twenty-Five Years." Prof. Brown delivered a number of papers and lectures both nationally and internationally including the following: *The African-American Perspective on the Benefits of Diversity* delivered at the National Law School of India University in Bangalore, India in May 19, 2006; *The Contrasting Treatment of Affirmative Action in India and the United States* delivered at the Forum for Dalit Literature sponsored by the Centre for Dalit Studies in Hyderabad, India in May 17, 2006; *Why is School Choice Expanding?: The Constitutional Inevitability* delivered at the Conference entitled "Meeting the Challenge of Grutter: Affirmative Action in Twenty-Five Years" held at Moritz College of Law, The Ohio State University in Columbus, Ohio in February 6, 2005. Prof. Brown also appeared on a number of panels including the following: United States Congressman Alexander Green's sponsored Brain Trust titled, "Is There a Rebirth of Lawful Racial Segregation" as part of the Congressional Black Caucus Foundation, Inc., Annual Legislative Conference, titled "*Changing Course, Confronting Crises, Continuing the Legacy*", held at the Washington Convention Center, Washington, D.C. on September 8, 2006; Debates on Reservations in the Indian Context" at the National Law School of India University organized by the Center for the Study of Casteism, Communalism and Law, May, 2006 in Bangalore, India; "From Dred Scott to Rosa Parks and Hurricane Katrina: Where Do We Go From Here?" at the 2006 American Bar Association Midyear Meeting in Chicago, Illinois in February, 2006; and "Human Rights" at the Mid-

Atlantic People of Color Legal Scholarship Conference held at Brandeis School of Law at the University of Louisville in Louisville, Kentucky in February 2005.

**Richard Boswell** (University of California, Hastings) has recently published the book *Essentials of Immigration Law* (2006) published by the American Immigration Lawyers Association 2006 Supplement to *Immigration and Nationality Law: Cases and Materials* (2006)


**Sherri Burr** (University of New Mexico). Since 2004, Professor Sherri Burr has published five books: *Quick Review of International Law* (Thomson West, 2006); *Sum and Substance (audio book) of International Law* (Thomson West, 2006); *Art Law: Cases & Materials* (with Duboff and Murray) (William S. Hein & Co. 2004); *Entertainment Law: Cases & Materials* (with Henslee) (Thomson West 2004); *Entertainment Law in a Nutshell* (Thomson West 2004). In 2006, she also published the chapter "Screening Group Rape in The Accused" in the book *Screening Justice* (Rennard Strickland, Teree Foster, and Taunya Banks, eds., William S. Hein & Co. 2006). Her unpublished manuscript, *Living with Nephew*, won Second Place in the 2006 Southwest Writers nonfiction book contest. The overall Southwest Writers contest received over 560 submissions from throughout the United States in 20 categories. Professor Burr gave eleven lectures in the last academic year. She was a Distinguished Speaker at St. Thomas University School of Law on March 30, 2006. After her talk on "Globalization of the Entertainment Industry," she received a plaque recognizing her "for outstanding contributions to the development of law and legal scholarship and to the pursuit of justice. As the Felice Hills Gaines Lecturer at Central Missouri State University, Burr presented a "Workshop on Art Law," a lecture on "Race and Racism in the New

Millennium: The Role of Unconscious Bias," and a lecture on "The Immortal Hattie McDaniel" for the unveiling of the 39 cent postage stamp in the actress's honor on February 16-17, 2006.

**Charles Calleros** (Sandra Day O'Connor College of Law at Arizona State University) recently published the fifth edition of his popular textbook, *Legal Method and Writing* (2006), which contains numerous examples and problems raising issues of diversity. He has completed several articles that will soon appear in print: *Patching Leaks in the Diversity Pipeline to Law School and the Bar*, vol. 43, No. 1 of the *California Western Law Review* (forthcoming Fall 2006); *Law, Policy, and Strategies for Affirmative Action Admissions in Higher Education*, vol. 43, No. 1 of the *California Western Law Review* (forthcoming Fall 2006); *Punitive Damages, Liquidated Damages, and Clauses Pénales in Contract Actions: A Comparative Analysis of the American Common Law and the French Civil Code* (forthcoming in *Brooklyn J. Int'l L.*, Fall 2006); *Speech and Education*, and *Student speech in Public Schools*, articles for the *ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES* (forthcoming Fall 2006). Professor Calleros has been active in outreach to diverse students in prelaw and mentoring programs. He has organized them at his own institution, is a member of the Hispanic National Bar Assoc.'s Committee on mentoring programs, was a member of the planning committee for the ABA/LSAC Conference on Diversity Pipeline Programs (2005), and has presented his views on the need for pipeline program to three national conferences in 2006.

**Bennett Capers** (Hofstra Law School) was chosen to deliver the Fall 2006 Distinguished Lecture at Hofstra University based on his paper "*Justitia, Race, Gender, and Blindness*." His essay by the same title will be published this fall in *12 Mich. J. of Race and Law* (2006). In addition, his





article “*The Trial of Bigger Thomas: Race, Gender, and Trespass*” will appear this fall in 31 NYU Rev. of Law & Social Change (2006).

**Gilbert Paul Carrasco** (Willamette University) announces the publication of *Sexuality and Discrimination: A Rights and Liberties Perspective* (Carolina Academic Press 2005, with Teacher’s Manual), a casebook focusing on discrimination based on sexual orientation, the civil rights of people with AIDS, and discrimination against pregnant women; and *Civil Rights Litigation: Cases and Perspectives*, with co-authors Roy L. Brooks and Michael Selmi (Carolina Academic Press, 3d ed. 2005, with 2006 Supplement and Teacher’s Manual), which has an introduction to the American race problem and chapters on the right to equal educational opportunity, public accommodations and housing, employment discrimination, the right to vote, administration of justice, constitutional torts, the rights of language minorities, the rights of people with disabilities, and affirmative action.

**Robert S. Chang** (University of Denver Sturm College of Law) is serving this year as the Sturm Distinguished Visiting Professor. He and Adrienne Davis recently published *The Adventure(s) of Blackness in Western Culture: An Epistolary Exchange on Old and New Identity Wars*, 39 U.C. Davis L. Rev. 1189 (2006). Their new project, *Making Up Is Hard to Do Race/Gender/Sexual Orientation in the Law School Classroom*, is part of a symposium on Makeup, Identity Performance, and Discrimination that is going to be published by the Duke Journal of Gender, Law & Policy.

**Margaret Chon** joined the executive committee of the AALS Section on Minority Groups in January. In July, she became director of the Seattle University Center for

the Study of Justice in Society, which promotes interdisciplinary faculty analysis, dialogue, research and scholarship examining the theoretical and practical roots of justice (see <http://www.seattleu.edu/csjs/>). In her scholarship, she is exploring how the domain of intellectual property is encountering the domain of development, and why a substantive equality principle is now needed within global intellectual property (see *Intellectual Property and the Development Divide*, 27 Cardozo L. Rev. 2821 (2006); available at SSRN: <http://ssrn.com/abstract=894162>).

**Danielle Conway-Jones** (University of Hawai’i, William S. Richardson School of Law) received post-tenure promotion to Full in August 2006. Professor Conway-Jones was named a 2006-2007 Fulbright Senior Scholar to Australia and will research and lecture on the recognition and protection of Indigenous Peoples’ rights in their traditional knowledge, cultural heritage, and genetic resources at La Trobe University in Melbourne commencing January 2007. While at La Trobe, she will teach two short courses, U.S. Federal Government Contract Law and U.S. Intellectual Property Law, in the Global Business Law Studies Graduate Program. Professor Conway-Jones recently completed a treatise for BNA Books, Inc. titled *Intellectual Property, Software, and Information Licensing: Law and Practice* (with Professors Xuan-Thao Ngyuen (SMU) and Robert Gomulkiewicz (U. of Wash., forthcoming 2006). She completed a casebook for Aspen Publishers titled *Licensing Law: Theory and Application* (same co-authors, forthcoming 2006). She contributed a book chapter titled *Being All Things to All People: Expectations of and Demands on Women of Color in the Legal Academy* in FROM OPPRESSION TO GRACE: WOMEN OF COLOR AND THEIR DILEMMAS WITHIN THE ACADEMY (Stylus Publishing 2006). Professor Conway-Jones wrote and presented several papers this year, including

*Technology Transfer Agreements: Licensing of Trade Secrets and Works in Development*, ALI-ABA SM049, for the October 2006 ALI-ABA Course of Study titled *Intellectual Property Licensing Today* held in Chicago, Illinois and *Views of and Academic on the state of the U.S. Court of Federal Claims and the Boards of Contract Appeals for the 2006 Federal Circuit Judicial Conference* held in Washington, D.C.

**Frank Rudy Cooper** (Suffolk University Law School) presented his work-in-progress, *"Who's the Man?": Performing Masculinity in Terry v. Ohio*, at the AALS Criminal Justice section meeting.

**Mitchell Ferdinand Crusto** (Washington University, St. Louis) is teaching two sections of Property (Fall); Corporations and a seminar on Corporate Social Responsibility (Spring). Professor Crusto has recently published (or will soon publish): *Blackness as Property: Sex, Race, Status, and Wealth*, 1 STAN. J. C. R. & C.L.L. REV. 51- 169 (April 2005); *Endangered Green Reports: 'Cumulative Materiality' in Corporate Environmental Disclosure after Sarbanes-Oxley?* 42 HARV. J. LEG. 483-509 (2005), reprinted 35 ELR 10666 (Oct. 2005); *The Katrina Fund: Repairing Breaches in Gulf Coast Insurance Levees*, 43 HARV. J. LEG. 329-373 (2006); *The Little Engine That Could: Stoking the Law of Sole Proprietorship*, scheduled completion date October 2006; *Louisiana's Valued Policy Law: Total Loss Equals Total Payment?*, scheduled completion date October 2006 (Louisiana Bar Journal?). Professor Crusto is also scheduled to present "Hurricane Katrina and America's Historical Doctrine of People as Property," AALS Annual Meeting, Washington D.C., January 3-6, 2007. Professor Crusto has recently presented "Hurricane Katrina's Second Wave: Should the Federal Government Create a Katrina Survivors' Compensation Fund Modeled After the 911 Fund?", the

Southeastern Association of Law Schools (SEALS), 2006 Annual Meeting, panel entitled "Sorting Through the Wreckage of Katrina," Palm Beach, Florida, July 17, 2006; "Hurricane Katrina's Second Coming: Insurance Legislative and Judicial Challenges in the Wake of Hurricane Katrina," Louisiana Judicial Council, Jamaica Sunset CLE, Negril, Jamaica, July 8, 2006; "People as Property: the Historical Root and the Cancerous Shoots of the Government's Victimization of Hurricane Katrina Survivors and of Undocumented Americans," Southeast/Southwest People of Color Legal Scholarship Conference, Santa Fe, New Mexico, April 7, 2006; Interlocutor, "Corporate Governance & Environmental Best Practices," William and Mary Environmental Policy Review Symposium, William and Mary School of Law, Williamsburg, Virginia, February 4, 2006; "Hurricane Katrina, America's Dirty Secret, Binary Economics, and Reparations," American Association of Law Schools, Washington D.C., January 4, 2006; "Hurricane Katrina, Reparations, and Blackness as Property: Sex, Race, Status, and Wealth," Georgetown University Law School, Washington D.C., January 3, 2006; "Hurricane Katrina, Reparations, and Blackness as Property: Sex, Race, Status, and Wealth," presentation on panel "Socio-Economic Perspectives on Black Reparations, Conference on Socio-Economics, Georgetown University Law School, January 3, 2006.

**Benjamin G. Davis** (University of Toledo College of Law) led the adoption of the American Society of International Law (ASIL) Centennial Resolution on the laws of war, only the eighth resolution in the 100 year history of the organization. He organized an International Symposium "Enhancing Worldwide Understanding through Online Dispute Resolution," the papers of which including his essay "Walking Along in the Mission" will be

published in the Fall 2006 University of Toledo Law Review. His essay "When Harry Met Martin: Imagery, Imagination and the Color Line" will be published in *Harry Potter and the Law* (F. Snyder ed) later this year. He organized the fifth year of the International Competitions for Online Dispute Resolution (ICODR) – teaching law students worldwide about online negotiation, mediation, arbitration, and litigation. He helped organize the international interdisciplinary conference "The Nuremberg Trial and its Policy Consequences Today" held on October 5-7, 2006 in Bowling Green, Ohio in honor of the 60<sup>th</sup> anniversary of the Nuremberg judgments. He spoke on "Liability Limitation and Dispute Resolution: ADR Institutions, the Color Line, and Online" at the International Law Students Association Fall Conference at Hamline University School of Law on October 14, 2006. He was appointed Co-Chair of the Teaching International Law Interest Group (TILIG) of the ASIL. He was appointed a member of the Arbitration Subcommittee of the Competitions Committee of the American Bar Association Law School Division. He is Chair of the "Meaning of the Historic ASIL Centennial Resolution" panel at the International Law Weekend of the Associated Bar of the City of New York in New York City on October 28, 2006. He is organizing a panel on teaching the ASIL Centennial Resolution and other topics during the American Association of Law Schools Annual Meeting in early January 2007. He is a regular contributor on Jurist.

**Timothy Davis** (Wake Forest) published *Regulating Sports Agents: Intended and Unintended Consequences*, 42 WILLAMETTE LAW REV. 781 (2006) (sports law symposium). He was also selected by the 3L class as teacher of the year for 2005-06.

**Richard Delgado** (University of Pittsburgh School of Law) has published the following

books: "The Derrick Bell Reader" (NYU Press 2005) (with Jean Stefancic); "How Lawyers Lose Their Way: A Profession Fails Its Creative Minds" (Duke University Press 2005) (with Jean Stefancic); and "The Politics of Fear" (Paradigm Publishers 2006) (with Manuel Gonzales). Prof. Delgado has also published the following articles: *The Current Landscape of Race: Old Targets, New Opportunities*, 104 Mich. L. Rev. 1269 (2006); *Rodrigo's Roundelay: Hernandez v. Texas and the Interest-Convergence Dilemma*, 41 Harv. C.R.-C.L. L. Rev. 23 (2006); *Race and Redemption: Relearning the Lessons of History*, 99 Nw. U. L. Rev. 805 (2005); *Locating Latinos in the Field of Civil Rights: Assessing the Neoliberal Case for Radical Exclusion*, 83 Tex. L. Rev. 489 (2005); *A Skewed View of Free Speech* (book review), 92 Academe, Jul./Aug. 2006, at 69; *The Case for Latino Immigration*, Pitt. Econ. Q. 1 (March 2006); and *Race Trials* (book reviews), California History (Spring 2006).

**Fred Galves** (Pacific McGeorge School of Law) is a national leader in the use of technology in the classroom and in the practice of law and received two faculty awards from the University of the Pacific in May. See [http://www.mcgeorge.edu/newsandevents/news/2006\\_05\\_31\\_galves.htm](http://www.mcgeorge.edu/newsandevents/news/2006_05_31_galves.htm). He was one of eight recipients of a 2006 Faculty Innovation Award for his creating on-line learning modules for his Computer-Assisted Litigation class, a popular elective that he developed and has taught here and at Southwestern University School of Law and University of Denver College of Law. He also received an Eberhardt Faculty Scholar Award for articles and presentations on technology and for developing the new Street Law International class that will enable Pacific McGeorge law students to interact with and inspire local high school students interested in the law. Professor Galves' article, "Objection! Irrelevant and

*Unrealistic: It's Time for Evidence Exams to Evolve,*” was recently published in the Saint Louis University Law Journal (50 ST. LOUIS. U. L. J. 1223, Summer 2006) in a special symposium issue where various evidence professors across the country were invited to write articles on Teaching Evidence. Last year, his article on using technology in the classroom was published, “*Will Video Kill The Radio Star? Visual Learning and the Use of Display Technology in the Law School Classroom,*” 2004 U. ILL. J. L. TECH. POL’Y 195 [peer-reviewed, cross-disciplinary journal] (exploring learning theory and addressing the pedagogical benefits and common critiques of teaching with display technology) . Professor Galves has signed a book contract with Lexis/Nexis Publishing Co. to be a co-author on the second edition of a book entitled, THE ART AND SCIENCE OF TRIAL ADVOCACY. The book will feature the modern technological changes that have affected modern courtroom practice (visual advocacy as well as oral advocacy). The book will also feature a special web-site that will be hosted by Fred. The site will contain demonstration courtroom presentation software and exhibits for readers to practice using, as well as streaming video of various courtroom illustrations referred to in the book.

**Ruben Garcia** (California Western School of Law) spoke on "Making the Connection Between Workers and Union Campaigns in Las Vegas" at Lat Crit XI, Las Vegas, NV, October 5-8, 2006. Ruben Garcia will present "Social Movement Tactics: Labor's Use of Amicus Participation" at a Colloquium highlighting Current Scholarship on Labor & Employment Law, Milwaukee, WI, October 27-28, 2006. Ruben Garcia's presentation "New Orleans: Ground Zero for a Neoliberal Labor Policy?" is part of a panel of the Section on Minority Groups at the Annual Meeting of the Association of American Law Schools,

Washington, DC, January 3-6, 2007.

**Carmen G. Gonzalez** (Cambridge University) was tenured at Seattle University School of Law in 2005 and is currently a Visiting Scholar at Cambridge University in the United Kingdom. Her recent and forthcoming publications include a critical review of the World Bank’s publication *Global Agricultural Trade and Developing Countries*, in 5 World Trade Review 308 (2006); *Markets, Monocultures and Malnutrition: Agricultural Trade Policy through an Environmental Justice Lens*, Mich. St. J. Int’l L. (2006) and *Deconstructing the Mythology of Free Trade: Critical Reflections on Comparative Advantage*, Berkeley La Raza L.J. (2006). She was also one of the co-authors of the Center for Progressive Reform’s publication on Hurricane Katrina ([http://www.progressivereform.org/Unnatural\\_Disaster\\_512.pdf](http://www.progressivereform.org/Unnatural_Disaster_512.pdf)), contributing to the portion of the report focusing on race, class and justice. Professor Gonzalez was one of the organizers of the May 2006 LatCrit South-North Exchange in Bogota, Colombia. This conference brought together an interdisciplinary group of scholars from the western hemisphere to critique the theoretical underpinnings and practical consequences of free market fundamentalism in the Americas and elsewhere. The conference papers will be published in the Seattle Journal for Social Justice. In October, 2006, Professor Gonzalez gave a presentation at the University of the Western Cape in Cape Town, South Africa, on the implications for developing countries of the World Trade Organization’s recent decision in the EC-Biotech case. During Spring 2007, she will be teaching torts and international environmental law in China under the auspices of the Hopkins-Nanjing Center for Chinese and American Studies, a joint venture of Nanjing University and Johns Hopkins University.




**Michael Green** (Texas Wesleyan) recently completed the following publications: "Ethical Incentives for Employers in Adopting Legal Service Plans to Handle Employment Disputes," 44 *Brandeis L.J.* 395 (2006); "Understanding the Ex Parte Communications Ban in Employment Disputes, 'I shouldn't be talking about this, but...,'" 17 No. 2 *The Practical Litigator* 25 (ALI-ABA) (Mar. 2006); and "Race and Neutrality in the ADR of Employment Discrimination Claims: Are They Divergent Interests? An Interview With Michael Z. Green," 4 *J. of Amer. Arb.* 311 (2005). Last March, he spoke at the ABA Labor & Employment Section Committee on Ethics and Professional Responsibility Midwinter Meeting about "Bias and Ethical Dilemmas for Black Attorneys." In April, he spoke at the Southwest/Southeast People of Color Conference on "The State of Affairs for Black Workers in the Twenty-First Century: Black Males Need Not Apply?" In July, he spoke at the SEALS Law, Economics, and Race Panel on "Black Workers and Employment Discrimination Regulation." In August, he spoke at the ABA annual meeting regarding "Bias in the Selection of Arbitrators." Also, in August, he spoke at the FMCS National Labor Management Conference on the "Roles for Unions in Employment Discrimination Arbitration." In October, he participated as a panelist for the ABA's Best of the Midwinter Meetings Teleconference Series on "Bias in the Legal Profession." Additionally, in October, he presented at the First Annual Colloquium on Current Labor and Employment Scholarship at Marquette Law School regarding "Negotiating A Call to Action for Selection of Diverse Arbitrators in Employment Matters."

**Vivian Hamilton** (West Virginia University College of Law). Professor Hamilton's most recent article, *Principles of U.S. Family Law*, will be published this October in the

*Fordham Law Review*. She presented early drafts of the article at the Potomac Valley Workshop, Valparaiso University School of Law, and at Oxford University. Last spring, Washington University's *Journal of Law & Policy* invited her to contribute to a symposium entitled *Following Marriage*, and her essay—*The "Marriage Effect", Children, and Law*—will be published in that journal. This October, she participated in a symposium entitled *Welfare Reform in Contemporary America* at Iowa University's College of Law, with an essay—*Will Marriage Promotion Work?*—to be published in the *Iowa Journal of Gender, Race and Justice*. Professor Hamilton is co-organizing a conference on the Religion Clauses in the 21<sup>st</sup> Century at WVU (co-sponsored by the American Constitution Society), to be held April 12-13, and is on the planning committee for the upcoming Northeast People of Color Conference. She is currently serving as the Parliamentarian of the West Virginia University Faculty Senate and last February was elected to the board of the ACLU-West Virginia.

**Roberta M. Harding** (Willburt Ham Professor of Law at the University of Kentucky College of Law). Prof. Harding's article "Celluloid Death: Cinematic Depictions of Capital Punishment" was included in Professor Austin Sarat's book "The Death Penalty, Vol. I" that was published in 2005. Prof. Harding authored two entries, one about capital punishment and race and the other about methods of execution, for the forthcoming *Encyclopedia of American Civil Liberties*. She recently completed an article titled "Rubbing the Rabbit's Foot: The Death Penalty and Gallows Superstitions in England During the Eighteenth and Nineteenth Centuries." The article examines the unique connection between capital punishment and public health care in the eighteenth and nineteenth centuries. She is working on an article that reexamines the constitutionality of the death



penalty. Professor Harding also worked on two death penalty trials during 2005 and 2006. In the spring of 2006, the President of the university appointed her to the Task Force on Racial Equality and Diversity at the University of Kentucky. She also was elected to the College of Law's Executive Committee for 2005-2006. Lastly, Professor Harding continues to run the art program at a Kentucky correctional facility.

**Tanya Hernandez** (Rutgers University School of Law) has written the article *Latino Inter-ethnic Employment Discrimination and the 'Diversity' Defense*, which will be published in volume 42 of the Harvard Civil Rights Civil Liberties Law Review.

**Steven H. Hobbs** (Univ. of AL.) continues to explore the interrelationship between storytelling and law. Remarks from an AALS panel on "Developing the 5<sup>th</sup> MacCrate Skill – The Art of Storytelling," are published in 26 *Pace Law Review* 501 (2006). Last spring he presented a workshop on "When the Hero Gets the Blues: Lesson From Bluesman Willie King," at a leadership workshop hosted by Georgia College and State University. This past fall he spoke at Stetson University College of Law on the use of oral storytelling in law teaching. He has twice presented a workshop on Quilts, Stories and the Underground Railroad, including at the 2006 National Asso. of Black Storytellers Conference. His article, "Tending to the Spirit: A Proposal for Healing the Hearts of Black Children in Poverty," is in 26 *Boston College Third World Law Journal* 107 (2006) (with Shenavia Baity).

**Marina Hsieh** (Santa Clara University School of Law) is entering her second year as Assistant Dean for Student Academic & Professional Development. She oversees Externships, Academic Success, Bar Preparation, and various curricular offerings for academic and professional skills during

and after law school. Accordingly, her research interests concentrate on pedagogy and how law students best learn. She also continues to teach Civil Procedure and Constitutional Law as a Senior Fellow.

**Tim Iglesias** (University of San Francisco School of Law) is an Associate Professor. He co-edited and contributed a chapter to a new book on affordable housing development called *THE LEGAL GUIDE TO AFFORDABLE HOUSING DEVELOPMENT* (American Bar Association, 2005). The book is intended for lawyers, government officials and affordable housing developers. The following link includes a summary of the book and a link to the table of contents: <http://abanet.org/abapubs/books/5330087>.

**Lolita Buckner Inniss** (Cleveland Marshall College of Law, Cleveland State University) has just completed a sabbatical during the 2005-2006 school year. During that time she was a student in the Graduate Law Program at Osgoode Hall Law School, York University in Toronto, Canada where she continues as a PhD candidate. Her areas of research at Osgoode are Comparative Race and Racism, Feminist Legal Studies and the African Diaspora and Law in the Western Hemisphere. Lolita has three articles forthcoming: *Back to the Future: Is Form-Based Code an Efficacious Tool for Shaping Modern Civic Life?* 34 *Fordham Urban Law Journal* (Spring 2007); *A Domestic Right of Return? Race, Rights and Residency in New Orleans in the Aftermath of Hurricane Katrina*, 27 *Boston College Third World Law Journal* (Spring 2007); and *Toward a Sui Generis View of Black Rights in Canada? Overcoming the Difference-Denial Model of Countering Anti-Black Racism*, 7 *Berkeley Journal of African-American Law and Policy* (Spring 2007).

**Creola Johnson** (Ohio State University Moritz College of Law) has recently published the following articles: *Degrees of*



*Deception: Are Consumers and Employers Being Duped by Online Universities and Diploma Mills?*, 32 J.C. & U.L.412 (2006) and *Credentialism and the Proliferation of Fake Degrees: The Employer Pretends to Need a Degree; The Employee Pretends to Have One*, 23 HOFSTRA LAB. & EMP. L.J.269 (2006). Creola, along with five other OSU professors, are recipients of an OSU Cares research grant to study the extent to which financial literacy education is provided in Ohio. Creola's current work-in-progress related to this grant is entitled: Reading, Writing, and Financial Literacy: Legislative Efforts to Get Mandatory Financial Education in America's School System.


**Danné L. Johnson** (Oklahoma City University School of Law). After articles appeared in Harvard alumni magazine and the New York Times discussing obstacles to women in the profession the female faculty at Oklahoma City University School of Law decided to respond. The female faculty, supported by Dean Lawrence Hellman, and Gina Rowsam, Associate Dean of Career Planning and Placement, organized a networking event for women in the 1L class: *Oklahoma City University School of Law's Female Faculty Respond*. These women were invited to a faculty member's home to socialize with several prominent women from the profession. In attendance were a federal judge, several professors, general practitioners, Public Defenders, and District Attorneys. The concept was to have students engage in networking, mentoring, and role modeling. It was a great success. This is a link to the web site that was set up for the event <http://www.okcu.edu/law/PCDC/womenstea/index.php>.

**Kevin Johnson** (University of California – Davis) was named 2006 Professor of the Year by the Hispanic National Bar Association and was honored at a dinner at

the HNBA Annual Conference in San Francisco. He also was elected to the Board of Directors of the Mexican American legal defense and Education Fund. Kevin's book on open borders will soon be published by NYU Press as part of the Critical America series.

**Thomas Joo** (UC Davis) published *Corporate Hierarchy and Racial Justice*, 79 St. John's L. Rev. 955, as part of a symposium put together by Cheryl Wade. He also presented papers at the International Contracts Conference at Texas Wesleyan, the "Understanding Corporate Law through History" symposium at Washington and Lee, the "Law and Economics: Toward Social Justice" conference at Seattle University. Tom also spoke at the "Shaking the Foundations" public-interest law conference at Stanford and commented on papers at the Western Law Professors of Color Conference at California Western. He was quoted in the Sacramento *Bee* on the Hewlett-Packard board controversy and in the Fort Worth *Star-Telegram* on the Enron criminal verdicts, and was also a "guest blogger" on TheConglomerate.org corporate law blog. Tom's article, *Legislation and Legitimation: Congress and Insider Trading in the 1980s*, will appear in the Indiana Law Journal in the spring.

**Nancy Levit** (University of Missouri-Kansas City) was awarded a Curators' Professorship. She published *Embracing Segregation: The End of Racial Desegregation and the Beginning of Government-Sponsored Sex Segregation in Schools*, 2005 U. ILL. L. REV. 455. She and co-author Robert R.M. Verchick published *FEMINIST LEGAL THEORY: A PRIMER* (New York University Press 2006). Her article, *Confronting Conventional Thinking: The Problems Heuristics Pose for Feminist Legal Theory*, 28 CARDOZO L. REV. \_\_\_\_, will be forthcoming this winter.



**Stacy Leeds** (University of Kansas) received tenure and was promoted to full professor. This year she published “*By Eminent Domain or Some Other Name: A Tribal Perspective on Taking Land*,” in the *Tulsa Law Review* and “*Toward an Exclusive Tribal Land Trust*” in the *Natural Resources Journal*. She was also a contributing author to the leading treatise in her field, Felix Cohen’s *Handbook on Federal Indian Law* (Newton ed. 2005). Professor Leeds has been named Chair of the ABA Judicial Division’s Tribal Courts Council.

**Browne Lewis** (University of Detroit Mercy School of Law) was recently promoted from assistant to associate professor. In addition, Professor Lewis recently had the following two articles published: *What You Don’t Know Can Hurt You: The Importance Of Information In The Battle Against Environmental Class And Racial Discrimination*, 29 *Wm & Mary Law & Pol’y Review* 327 (Winter 2005) and *Changing The Bathwater And Keeping The Baby: Exploring New Ways Of Evaluating Intent In Environmental Discrimination Cases*, 50 *St. Louis U. L. J.* 469 (Winter 2006).

**Hope Lewis** (Northeastern University School of Law) co-author of *HUMAN RIGHTS & THE GLOBAL MARKETPLACE: ECONOMIC, SOCIAL, AND CULTURAL DIMENSIONS* (Woods & Lewis, Transnational 2005) and is currently working on a book project on race, migration, and human rights. As founding Faculty Director of the Program on Human Rights & the Global Economy, she helped organize and moderate a commemoration of the Rwanda genocide attended by survivors living in New England, took part in a digital video roundtable with women’s organizations in Liberia, and helped organize a judicial seminar on children’s rights as economic, social, and cultural

rights for Massachusetts judges that was attended by Pius Langa, Chief Justice of South Africa. She was also guest contributor for the month of September for the blog “blackprof.com”, where she contributed posts on the race and class implications of Katrina in human rights perspective. Professor Lewis also participated in a plenary on “Race, Class, and Katrina” at the SALT Annual Teaching Conference in September. She is a member of the National Women’s Caucus for the US Social Forum which will take place in Atlanta in July 2007.

**María Pabón López** (Indiana University School of Law) was promoted to Associate Professor this year and is currently serving on Dean Search Committee. She participated in two panels in “Access and Invisibility: Undocumented Immigrants in America” conference held at New York University School of Law, March 2006. She presented “Que viva la regularización: What the United States can learn from the recent undocumented worker amnesty in Spain” at the Immigration Law Teachers Workshop and at Latcrit IX, both held at the William S. Boyd School of Law at University of Nevada Las Vegas this year; and “Undocumented Workers in the U.S. and Spain: The Quest for Freedom, Justice and Equality” at the Too Pure an Air: Law and the Quest for Freedom, Justice, and Equality conference in Gloucester, England in June 2006. Professor López was a speaker at a Constitution Café, part of the “My Daily Constitution” events held in Indianapolis, IN during September 2006. The café discussion was conducted in English and Spanish and addressed the question “Do U.S. Constitutional Rights Extend to Non Citizens?” The South Bend, IN Tribune published her op-ed “The Constitution Can Help Guide Us In Immigration Debate.” She has completed a chapter on “Immigration and Naturalization Law” for *ANNUAL DEVELOPMENTS IN ADMINISTRATIVE LAW*

AND REGULATORY PRACTICE 2005-2006, published by ABA Administrative Law Section, of which she is Chair this year of the Immigration and Naturalization Committee. She published "*The Intersection of Immigration Law and Civil Rights law: Noncitizen Workers and the Human Rights Paradigm*," 44 BRAND. L. J.611 (2006).

**Solangel Maldonado** (Seton Hall) was awarded tenure and promotion to full professor in 2006. She published *Discouraging Racial Preferences in Adoptions*, 39 U.C. DAVIS L. REV. 1415 (2006); *Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers*, 39 U.C. DAVIS L. REV. 991 (2006) and has two articles forthcoming: *Recidivism and Paternal Disengagement*, 40 FAM. L.Q. 191 (2006) and *The Story of the Holyfield Twins: Mississippi Band of Choctaw Indians v. Holyfield*, in FAMILY LAW STORIES (Carol Sanger, ed. forthcoming 2007).

**Audrey McFarlane** (University of Baltimore). During the Spring 2006, she was a Visiting Professor at Seattle University School of Law. Her most recent publications are: *Who Fits the Profile: Thoughts on Race and Class in Urban Redevelopment* 23 GA. ST. UNIV. L. REV. 877 (Summer 2006); *Redevelopment and The Four Dimensions of Class in Land Use*, 22 JOURNAL OF LAW & POLITICS (UNIV. OF VIRGINIA) 33 (SPRING 2006); *The New Inner City: Class Transformation, Concentrated Affluence and the Obligations of the Police Power*, 8 UNIV. PENN. J. CONST. L. (Nov. 2005) (lead article). Audrey was one of three keynote speakers at a daylong workshop on Overcoming Racial Discrimination in Housing, Credit, and Urban Policy, University of Buffalo School of Law, Baldy Center in April 2006 where she discussed the recent trend in upscale urban development as a reflection of a deliberate policy of class transformation and the need

to develop explicit "general welfare" standards for exercise of the police power when local governments facilitate redevelopment. She was also a panelist at a Symposium: *What Kinds of Metropolitan Areas Do We Want?: Challenges, Promises and Pitfalls in Redevelopment*, held at Georgia State University Law School in February 2006. where she discussed the race and class exclusionary implications of geo-demographic, lifestyle cluster/segmentation marketing techniques used to design retail shopping components of urban redevelopment projects.

**Camille Nelson** (Saint Louis University School of Law) published "*Multicultural Feminism: Assessing Systemic Fault in a Provocative Context*" in 17 University of Florida Journal of Law and Public Policy 263 (2006). Her chapter entitled "The Conflicting and Contradictory Dance: The Essential Management of Identity for Women of Colour in the Legal Academy" was published in *Calling for Change: Women, Law and the Legal Profession Ten Years After Touchstones* (University of Ottawa Press 2006). Her article "*Considering Tortious Racism*," was published in 9 DePaul Journal of Health Care Law 905 (2006) as part of a symposium on Health Care as a civil rights issue. Camille's article "*Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women*" appeared in 29, Issue 2 The International Journal of Law & Psychiatry, March-April 2006. In August, Camille co-organized a panel at the ABA Annual Meeting in Honolulu for the ABA Commission on Racial and Ethnic Diversity in the Legal Profession and presented a paper entitled "*Racial Crusades at a Gendered Intersection*." Camille served as co-chair for the SALT Teaching Conference Planning Committee that organized a conference entitled "Academic Freedom and Teaching Activism in the Post-9/11 World"

held in September at Suffolk University School of Law. In October, Camille presented "Racialized Disability Issues" and "On Professionalism: Service and Balance in Constructing Life as a Law Professor" at LatCrit XI in Las Vegas and was an organizer of the LatCrit-SALT Faculty Development Workshop.

**Eboni S. Nelson** (Thurgood Marshall School of Law) completed her recent article, *Parents Involved & Meredith: A Prediction Regarding the (Un)Constitutionality of Race-Conscious Student Assignment Plans*, 84 DENV. U. L. REV. (forthcoming 2006), which will appear as the lead article in the forthcoming issue of the Denver University Law Review. The article analyzes the resegregation trend currently plaguing American educational institutions and identifies two causes for the occurrence: (1) the shift in the Supreme Court's jurisprudence regarding desegregation and (2) school officials' adherence to the "neighborhood school concept" when making student assignment decisions. The article then examines the challenged plans' attempts to combat de facto segregation through the use of racial tiebreakers and guidelines. After considering the Court's jurisprudence regarding the use of race in education, the article predicts that the Court will strike down both plans as unconstitutional. In light of this probable outcome, the article urges school officials to consider race-neutral methods to achieve diversity and to improve the quality of education provided to disadvantaged, minority students. Professor Nelson's previous article, *What Price Grutter? We May Have Won the Battle, But Are We Losing the War?*, 32 J. C. & U.L. 1 (2005), appeared as the lead article in the Journal of College and University Law, which is a refereed journal at the University of Notre Dame Law School. The article criticizes the usefulness of traditional race-based

admissions procedures for providing minority students access to educational opportunities and proposes an expansion of contemporary concepts of affirmative action to address potentially defeating challenges confronting disadvantaged, minority students.

**Xuan-Thao Nguyen** (SMU Dedman School of Law). Professor Nguyen's recent publications include *Giving Intellectual Property*, 39 U.C. Davis Law Review 1721 (2006) (Lead Article) (with Professor Jeff Maine); *Holding Intellectual Property*, 39 Georgia Law Review 1155 (Lead Article) (2005). Both articles were selected and featured in the TaxProf blog hosted by Professor Paul L. Caron. She also published the 2006 Supplement to Intellectual Property Taxation (co-author with Professor Jeff Maine) (BNA 2006) (660 pages). She is currently writing a treatise on Licensing Law to be published by BNA and a case book for Aspen on the same subject. Her co-authors for the new treatise and case book are Professor Robert Gomulkiewicz and Professor Danielle Conway-Jones. In addition to her publications, Professor Nguyen spoke at numerous symposia: *Collateralizing Creativity*, Center for Technology & Information Research, University of Florida, School of Law, October 4, 2006; *Beyond Patent Prosecutions*, High Technology Summit, University of Washington School of Law, July 20-21, 2006; *A Critique of the Creative Commons*. University of Texas School of Law's Faculty Workshop on Open Source Movement, May 2, 2006; *TRIPS and TRADE: A Tale of Sardine, Catfish, Contents and Tax*. Michigan State University School of Law's International Intellectual Property Law Symposium, April 7-8, 2006; *Patent Politics: Blame It on Marshall, Texas, How Patent Law Reforms Focus on the Wrong Venue*. ABA's Annual Intellectual Property Conference, April 5-6, 2006; *Conflicts and Challenges of the*



*Intellectual Property Collateral in International Law for Secured Transactions*, Vanderbilt U. School of Law Roundtable, March 24-25, 2006; *It is a Different World: Intellectual Property, Security Interest and Bankruptcy*. Texas Bar Intellectual Property Conference, March 2-3, 2006; *U.S. v. UK approaches in Trademark Licenses in Bankruptcy*. INTA's Emerging Trademark Law Symposium, February 3-4, 2006.

**Michael A. Olivas** (University of Houston Law Center) has published in a multitude of venues: *Books and Chapters*: "The Story of Plyler v. Doe, The Education of Undocumented Children, and the Polity," in David A. Martin and Peter H. Schuck, eds. *Immigration Law Stories* (NY: Foundation Press, 2005), 197-220; "Colored Men" and "Hombres Aqui": *Hernandez v. Texas* and the Emergence of Mexican American Lawyering (Arte Publico Press, 2006); "Hernandez v. Texas: Jim Crow, Mexican Americans, and the Anti-Subordination Constitution," w/Ian Haney Lopez in Rachel Moran and Devon Carbado, *RACE AND LAW STORIES* (Foundation Press, forthcoming); "El Norte," in *SCREENING JUSTICE: SIGNIFICANT FILMS OF LAW, ORDER AND SOCIAL JUSTICE*, ed. R. Strickland, T. Banks (NY: Hein, 2006). *EDUCATION STORIES*: (Foundation Press, forthcoming) with R. G. Schneider; Undocumented College Student Admissions, in B. Lauren ed., *The College Admissions Officer's Guide* (DC: AACRAO, forthcoming); Sec. 529 Prepaid Tuition Plans, in B. Lauren ed., *The College Admissions Officer's Guide* (DC: AACRAO, forthcoming); What the War on Terrorism Has Meant for US Colleges and Universities, in R. Ehrenberg, ed., *Doctoral Education and the Faculty of the Future* (Ithaca: Cornell University Press, forthcoming); The "Trial of the Century" that Never Was: Staff Sgt. Macario Garcia, the Congressional Medal of Honor, and the Oasis Café, in M. Rivas-Rodriguez, ed. *WWII Latina/o Cultural Citizenship* (Austin:

University of Texas Press, forthcoming); *Hernandez v. Texas*, in *SAGE Encyclopedia of Race, Ethnicity, and Society* (forthcoming). *Articles*: "Brown and the Desegregative Ideal: Higher Education, Location, and Racial College Identity," *Cornell Law Review*, 90 (No. 2), (2005), 101-127; reprinted in *Review of Higher Education*, Vol. 28, No. 2 (2005), 169-189; "Law School Admissions After Grutter: Student Bodies, Pipeline Theory, and the River", 55 *Journal of Legal Education*, 16-28 (2005); "Foreword," in M.A. Olivas, ed. "*Colored Men and Hombres Aqui*": *Hernandez v. Texas* and the Emergence of Mexican American Lawyering", (Houston: Arte Publico Press, 2006); reprinted in *UCLA Chicano-Latino Law Review*, Vol. 25 (2005), 1-8; "Reflections on Academic Merit Badges and Becoming An Eagle Scout," 43 *Houston Law Review*, 81-124 (2006); "Immigration-Related State and Local Ordinances: Preemption, Prejudice, and the Proper Role for Enforcement," *University of Chicago Law Forum* (forthcoming).

**Ngai Pindell** (Boyd School of Law (UNLV)) completed the following articles over the last year: *Fear and Loathing: Combating Speculation in Local Communities*, 39 *U. MICH. J.L. REFORM* 543 (2006); *Finding a Right to the City: Exploring Property and Community in Brazil and in the United States*, 39 *VAND. J. TRANSNAT'L L.* 435 (2006); *Community Economic Development Under Protest*, 32 *W.M. MITCHELL L. REV.* 1719 (2006) (reviewing, ANNE LISE ORLICK, *STORMING CAESARS PALACE: HOW BLACK MOTHERS FOUGHT THEIR OWN WAR ON POVERTY* (2005)); *Planning for Housing Requirements*, in *THE LEGAL GUIDE TO AFFORDABLE HOUSING 3* (Tim Iglesias and Rochelle Lento eds., 2005).

**Tom I. Romero** (Hamline University



School of Law) is an Assistant Professor of Law teaching and researching in the areas of Legal History, Race and Law, and Property. Dr. Romero is also faculty advisor for Hamline's interdisciplinary Journal of Public Law Policy as well as the school's Latino Law Student Association. Romero's recent work includes: "Colorado's Centennial Constitution and the Ambivalent Promise of Human Rights and Social Equality," 69 Albany Law Review 101 (2006). "War of a Much Different Kind: Poverty and the Possessive Investment in Color in the 1960s United States," 26 UCLA Chicano-Latino Law Review xxxx (forthcoming 2006). ¿La Raza Latino?: Multiracial Ambivalence, Color Denial, and the Emergence of a Tri-Ethnic Jurisprudence at the End of the 20th Century, 37 New Mexico L. Rev. (forthcoming 2007)

**Victor C. Romero** (Penn State) was appointed Associate Dean for Academic Affairs at the law school's new University Park location, effective July 1st. This summer, Dean Romero was asked to moderate a panel on "Citizenship, Culture, and Immigration" at the biennial Immigration Law Teachers Workshop at UNLV. He was recently interviewed by TIME Magazine and the local CBS-TV affiliate on the growing controversy over the anti-immigration bill passed by the Hazleton, PA city council. His recent book, "Alienated: Immigrant Rights, the Constitution, and Equality in America" (NYU Press, 2005) was favorably reviewed in the March 2006 issue of the American Political Science Association's peer-reviewed journal, "Perspectives on Politics." He is currently at work on his next book, "Everyday Law for Immigrants and Foreign Nationals," part of the "Everyday Law" book series from Paradigm Publishers, edited by Richard Delgado and Jean Stefancic. In recognition of his scholarship, Dean Romero was elected to

the American Law Institute (ALI) this summer.

**Sharon E. Rush** (University of Florida Levin College of Law) is the Irving Cypen Professor of Law and published *HUCK FINN'S "HIDDEN" LESSONS: TEACHING AND LEARNING ACROSS THE COLOR LINE* (Rowman and Littlefield Press 2006).

**A. Benjamin Spencer** (University of Richmond School of Law) is an Assistant Professor. Professor Spencer published three law review articles this year. The first piece, *Jurisdiction and the Internet: Returning to Traditional Principles to Analyze Network-Mediated Contacts*, appeared in 2006 U. Ill. L. Rev. 71. The second article, *Jurisdiction to Adjudicate: A Revised Analysis*, appears at 73 U. of Chi. L. Rev. 617 (2006). Finally, his most recently published article, *Due Process and Punitive Damages: The Error of Federal Excessiveness Jurisprudence*, can be found at 79 S. Cal. L. Rev. 1085 (2006).

**Robert Suggs** (Univ. of Maryland School of Law) recently wrote *Poisoning the Well: Law & Economics and Racial Inequality*, 57 Hastings L. J. 255 (2005).

**Suja A. Thomas** (University of Cincinnati College of Law) has published "Why Summary Judgment is Unconstitutional," 93 Va. L. Rev. \_\_ (2007), available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=886363](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=886363).

**Ronald Turner** (University of Houston Law Center) recently visited at the College of William & Mary School of Law and, as a visiting professor of history, at Rice University. His recent publications include *Cross Burnings and the Harm-Valuation Analytic: A Tale of Two Cases*, Berkeley Journal of African-American Law and Policy (forthcoming); *On Palliative, Palatable, and Paralytic Affirmative Action*, *Grutter-Style*, *Africana Studies*

(forthcoming); *Ideological Voting on the National Labor Relations Board*, 8 Univ. of Pennsylvania Journal of Labor and Employment Law 707 (2006); *Making Title VII Law and Policy: The Supreme Court's Sexual Harassment Jurisprudence*, 22 Hofstra Labor and Employment Law Journal 575 (2005); *Grutter and the Passion of Justice Thomas: A Response to Professor Kearney*, 13 William & Mary Bill of Rights Journal 821 (2005); *Title VII and the Inequality-Enhancing Effects of the Bisexual and Equal Employment Opportunity Harasser Defenses*, 7 Univ. of Pennsylvania Journal of Labor and Employment Law 341 (2005); *Grutter, the Diversity Justification, and Workplace Affirmative Action*, 43 Brandeis Law Journal 199 (2004-05); *Traditionalism, Majoritarian Morality, and the Homosexual Sodomy Issue: The Journey from Bowers to Lawrence*, 53 Kansas Law Review 1 (2004); and *The Too-Many-Minorities and Racegoating Dynamics of the Anti-Affirmative-Action Position: From Bakke to Grutter and Beyond*, 30 Hastings Constitutional Law Quarterly 445 (2003).

**Connie de la Vega** (University of San Francisco) took on teaching and administering the LLM program at USF, in addition to continuing with teaching International Human Rights and the International Human Rights Clinic, and administering the summer programs. Her new title is Professor of Law and Academic Director of International Programs. She has recently published: de la Vega and HaleyNelson, "*Women in Peacekeeping and Peacemaking*," 12 William and Mary Journal of Women and the Law 437 (2006); de la Vega and Lozano-Batista, "*Advocates Should Use Applicable International Standards to Address Violations of Undocumented Migrant Workers in the United States*," in "Human Rights and Refugees, Internally Displaced Persons and Migrant Workers: Essays in Honor of Joan Fitzpatrick and Arthur Helton," Anne

Bayefsky, ed. (2005), Ch.21; reprinted in 3 Hastings Race and Poverty Law Journal 35 (2005); de la Vega, "*Human Rights and Trade: Inconsistent Application of Treaty Law in the United States*," 9 UCLA Journal of International Law and Foreign Affairs 1 (2004). Professor de la Vega has also been involved in these recent presentations: "Juvenile Sentencing and the UN System for Protecting International Human Rights, With a Look at Potential Changes that will result from the Newly Created Human Rights Council," Human Rights Centre, University of Pretoria, South Africa, June 2006; "The UN System for Protecting International Human Rights and Changes that will be Brought about by the Creation of the new Human Rights Council," University of Cape Town, South Africa, June 2006; "Civil Representation in Cross Cultural Contexts," Northern California Clinical Conference, Stanford, California, February 2006.

**Floyd D. Weatherspoon** (Capital University Law School) *Presentations*: "Intersectional Basis of Discrimination: Expanding Protection to Multiple Combinations of Discrimination, U.S. Equal Employment Opportunity Commission, National EXCEL Training Conference, July, 2006, Las Vegas; "What's Fair in ADR Through The Lens of Diversity: An Assessment and Discussion of Best Practices, National Bar Association National Conference, August, 2006, Detroit, Michigan. *Articles*: "Racial Justice and Equity For African-American Males In The American Educational System: A Dream Forever Deferred," North Carolina Central Law Review (forthcoming fall 2006); "The Mass Incarceration of African-American Males: A Return To Institutionalized Slavery and Oppression, and Disenfranchisement of Constitutional Rights," Texas Wesleyan Law School (forthcoming Spring 2007); "Eliminating Barriers For Minority ADR Neutrals," AC

Resolution Magazine, Summer 2006. *Activities:* Organized the 2<sup>nd</sup> National Training Institute for Minority ADR Professionals, June 6-9, 2006, Columbus, Ohio (more than 130 minorities were trained in mediation and arbitration).

**Mary Jo Wiggins** (San Diego School of Law) has been appointed Associate Dean. She recently published in the *Journal Theoretical Inquiries in Law* an article entitled, "Conservative Economics and Optimal Consumer Bankruptcy Policy." The article explores the relationship between conservative economic theories and recently enacted bankruptcy legislation. She is at work on an article entitled "Rethinking Plain Meaning: Statutory Interpretation, Textualism and the 'New' Bankruptcy Code." This article considers the implications of the new bankruptcy bill for debates on the proper role of textualism in bankruptcy jurisprudence.

**Angela Onwuachi-Willig** (University of Iowa College of Law) presented a paper on affirmative action at a Faculty Workshop at Stanford Law School, the Midwest People of Color Conference, and the University of Virginia School of Law. This paper was recently accepted for publication by the *Vanderbilt Law Review*. Her essay "Volunteer Discrimination" will be published in Issue 5 of the *U.C. Davis Law Review*. Angela appeared as a guest on a radio show concerning interracial relationships on October 4, 2006, "The Santita Jackson Show" at WVON 1690 AM. Her opinion-editorial on the controversial *Survivor* season appeared in the *Philadelphia Inquirer* on October 5, 2006. Angela served as a co-organizer of the Junior Faculty Development Workshop for the Latina/o Critical Theory Conference at the UNLV School of Law and gave a presentation during the "Scholarship" session of the workshop. Angela presented a paper at the Make-up Identity Performance

and Discrimination Conference at Duke University School of Law on October 20, 2006. Angela will present her paper "There's Just One Hitch, Will Smith: Title VII, Race, and Casting Discrimination" at the 40<sup>th</sup> Anniversary Symposium for *Loving v. Virginia* at Wisconsin Law School on November 10-11, 2006. The papers for the conference will be published in the *Wisconsin Law Review*. She will also present a paper at "Loving by Law," a conference that celebrates the 40<sup>th</sup> anniversary of *Loving v. Virginia*, at Center for Social Justice, the University of California-Berkeley School of Law, on November 16-17, 2006.

**Adrien Wing** (Bessie Dutton Murray Professor at Iowa) has been promoted to Associate Dean for Faculty Development. Her recent publications include: *Critical Race Feminism Lifting the Veil?: Muslim Women, France and the Headscarf Ban*, 39 UC Davis L Rev. 743 (2006)(with Monica Nigh Smith); *Constitutionalism, Legal Reform, and the Economic Development of Palestinian Women*, 15 Transnat'l L. & Contemp. Prob. 655 (2006); *From Wrongs to Rights: Hurricane Katrina from a Global Perspective*, After the Storm: Black Intellectuals Explore the Meaning of Hurricane Katrina 127 (David Troutt ed., New Press, 2006); and *Work Ethic*, The African American Law School Survival Guide 406 (Evangeline Mitchell ed., Hope Publishing, 2006). Prof. Wing received the Gertrude Rush Award from the Iowa National Bar Association and the Iowa Organization of Women Attorneys in recognition of her concern for human and civil rights. She will be an ABA site inspector for the University of Pennsylvania in 2007, and is Chair of Iowa's Law School's Self-Study committee. Prof. Wing was also Chair of the University's Gender Equity Task Force Chair 2005-2006. She was named to the American Society of International Law (ASIL) Honors

Committee and the Annual Meeting Committee and she served on panels at AALS, ASIL, University of Missouri, and LATCRIT this year. Outside the US, she spoke at panels in Bethlehem, Pales September 8, 2006.

**David Yamada** (Suffolk University Law School) is the current Chair-Elect, Section on Labor Relations and Employment Law, and is building on his continuing interests in workplace bullying and emotionally abusive work environments by creating the New Workplace Institute, an independent, non-profit education and research center devoted healthy, productive, socially responsible workplaces. Scheduled to launch in late 2006 or early 2007, the New Workplace Institute will initially consist of three projects: (1) Healthy Workplace Initiative, dedicated to identifying best practices and policies for creating healthy workplaces; (2) Workplace Bullying Project, emphasizing the role of public education, public and private policies, and legal protections in preventing and responding to workplace bullying; and (3) Safety Net Project, providing education and, eventually, direct assistance to psychologically abused workers who are navigating the bewildering array of benefit programs such as workers' compensation, unemployment insurance, disability benefits, and health coverage.



### NEWSLETTER EDITORS:

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We are grateful for the opportunity to put this newsletter together. This is really a labor of love. Many thanks for your patience. Especial thanks to our law school

at Penn State and its Dean, Phil McConnaughay, whose financial contributions to the Newsletter and enthusiastic support are gratefully acknowledged.

***We want to make this newsletter better each year. Please let us know if you have suggestions!***



### PICTURES OF OUR SECTION AWARD WINNERS:



The 2006 Bell Award recipient, Angela Onwuachi-Willig (U.C.Davis) and nominator (Kevin Johnson (U.S. Davis) (and family supporters!)





The 2006 Ferguson Award recipient,  
Stacy Leeds (Kansas) and nominator  
Melissa Tatum (Tulsa).



## BY-LAW Amendments:

Reminder to all Section members—The Section Executive Committee has proposed the following changes to the by-laws. Section members will be asked to vote on these proposed changes at the business meeting of the Section during the AALS Meeting.

### CURRENT BY-LAWS

Revised January 2003

#### ASSOCIATION OF AMERICAN LAW SCHOOLS

##### BYLAWS OF THE SECTION ON Minority Groups

###### Article I. Name and Purpose

This Section of the Association of American Law Schools, created by the Executive Committee of the Association of American Law Schools, shall carry forward the work of the Association by providing a common meeting ground as a means of effecting communication and collaborative action among law teachers and administrators interested in problems and programs relating to minority persons in the legal profession and also by formulating and submitting to the members of the Section, the Association, and other appropriate groups, such reports, recommendations and publications as may be deemed useful to effectuate specific policies and programs of the Section.

###### ARTICLE II. MEMBERSHIP

Section 1. Regular membership in the Section includes the right to participate in its activities, vote, and hold office. Regular membership is automatically open to all persons who belong to the faculties of AALS law schools.

Section 2. Associate membership in the Section includes the right to participate in all of its activities except voting or holding office.

Associate membership is automatically open to the following:

- (a) Members of law faculties of non-member AALS law schools;
- (b) Lawyers and other persons whose general professional skills, knowledge, and abilities make appropriate their participation in the affairs of the Section;
- (c) Law Students with exceptions qualifications and interests in the work of the Section.

Section 3. Dues may be assessed from members of the Section when so determined by the Executive Committee of the Section.


###### Article III. Officers and Executive Committee

Section 1. The officers of this Section shall be the Chairperson and Secretary – Chairperson Elect.

Section 2. In addition to the officers of the Section, there shall also be an Executive Committee consisting of the two officers of the Section plus six additional persons.

Section 3. The Chairperson shall be elected at the Annual Meeting in which these Bylaws are adopted for a term of one year beginning with the adjournment of the Annual Meeting of the AALS during which he or she is elected and ending with the adjournment of such Annual Meeting one year thereafter. The Secretary – Chairperson Elect shall be elected for a term of one year beginning with the adjournment of the annual meeting of the AALS during which he or she is elected and ending with the adjournment of such Annual Meeting one year thereafter at which time, the Secretary – Chairperson Elect shall become the Chairperson.

Section 4. The remaining Six (non-officer) members of the Executive Committee shall be elected to annual terms. Upon election, each non-officer member or the Executive



Committee shall serve for a term of one year beginning with the adjournment of the annual meeting of the AALS during which he or she is elected and ending with the adjournment of such annual meeting one year thereafter. The Secretary-Chairperson Elect may select a slate of candidates for the Executive Committee, but members may nominate additional candidates from the floor. These six candidates receiving the most votes will be deemed elected.

Section 5. Any officer or other member of the Executive Committee may be removed for cause by a vote of a majority of the members of the Executive Committee at a special meeting which may be called by the Chairperson or any two members of the Executive Committee. Such vote shall be taken only after the person or persons to be removed have been notified of the reason for such removal and given opportunity to be heard.

#### Article IV. Duties of Officers and Executive Committee Members

Section 1. The Chairperson shall preside at all meetings of the Section and of the Executive Committee. He or she shall formulate and present at each annual meeting of the Section a report of the work of the Section for the past year. He or she shall perform such other duties and acts as usually pertain to this office.

Section 2. The Secretary – Chairperson Elect of the Sections shall assist the Chairperson, as the Chairperson may request, and shall perform the duties of the Chairperson during absence or disability of the Chairperson. If the office of the Chairperson becomes vacant, the Secretary – Chairperson Elect shall succeed to the office of Chairperson.

Section 3. The Secretary – Chairperson Elect of the Section shall keep the minutes of the proceedings of the Section, the Executive Committee and shall perform such other duties as the Chairperson may request.

Section 4. The Executive Committee shall have general supervision and control of the affairs of the Section subject to the provisions of

these Bylaws. It shall especially authorize all commitments or contracts which shall entail the payment of money, and no monies appropriated for the use or benefit of the Section shall be expended without such authorization.

Section 5. The Executive Committee may authorize the Chairperson to appoint committees from Section members to perform such duties and exercise such powers as the Executive Committee may direct, subject to the limitations of these Bylaws.

Section 6. The Executive Committee during the interim between annual meetings of the Section, may fill vacancies in its own membership.

Section 7. All binding action of the Executive Committee shall be by a majority vote of the whole Executive Committee.

Section 8. Members of the Executive Committee when personally present at a meeting of the Executive Committee shall vote in person, but when absent may communicate their vote in writing upon any proposition, to the Secretary – Chairperson Elect and have it counted with the same effect as if cast personally at such meeting. Such communication may be before, during or after such meeting.

Section 9. The Chairperson of the Section may, and upon request of any member of the Executive Committee shall, submit, or cause to be submitted to each of the members of the Executive Committee, any proposition upon which the Executive Committee may be authorized to act, and the members of the Executive committee may vote upon such proposition so submitted by communicating their vote thereon in writing over their respective signatures, to the Secretary, who shall record upon his or her minutes each proposition so submitted, when, how, at whose request same were submitted and the vote of each member of the Executive Committee, thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Executive Committee shall be in favor of such proposition, or if the majority shall be against such proposition, such majority vote shall constitute binding action of the Executive Committee. The

term "majority vote of the whole Executive Committee," and the term "votes of a majority of the members of the Executive Committee," shall mean the votes of a majority of those persons then holding the position of voting member of the Executive Committee.

Section 10. In lieu of the procedures outlined in Sections 8 & 9 above, the Executive Committee may authorize the Chairperson to act on behalf of the Executive Committee and/or the Section with respect to matters which are subject to the general supervision and control of the Executive Committee.

#### Article V. Meetings

Section 1. The Section shall meet annually in connection with the annual meeting of the Association of American Law Schools and immediately preceding or during the period of such annual meeting. The program and order of business shall be as or arranged by the Chairperson of the Section.

Section 2. Special meetings of the Section may be called by the Chairperson upon approval of the Executive Committee, to be held at such time and place as the Executive Committee may determine. Notice of any such special meetings shall be mailed by the Secretary to each member of the Section at least thirty days prior to such meeting with a statement of its objects.

Section 3. The members of the Section present at any meeting shall constitute a quorum of the transaction of business.

Section 4. Except as otherwise indicated in these Bylaws, all binding action of the Section shall be by a majority vote of the members present and voting.

Section 5. Regular meetings of the Executive Committee shall be held immediately preceding and immediately following each annual meeting of the Section. Each such meeting shall be held at such hour and at such place in the city or locality where such annual meeting is held as may be designated by the Chairperson. No formal notice of any such regular meeting need be given, but it shall be the

duty of the Chairperson to make available at or near the Convention registration desks information as to the hour and place of such Executive Committee meetings.

Section 6. Special meetings of the Executive Committee may be called by a notice in writing, stating the time and place of the meeting, signed by the Chairperson, at least two weeks prior to such meeting.

#### Article VI. Amendments

Section 1. These Bylaws may be amended, or new Bylaws may be adopted, at any annual or special meeting of the Section, by a majority vote of the members of the Section present and voting; provided, first, that such proposed amendment, or proposed new Bylaws, shall have first been approved by a majority of the Executive Committee; and provided, second, that no such amendment or new Bylaws shall be adopted at any special meeting of the Section unless the notice of such meeting shall have stated that the object, or one of the objects, of such meeting will be the amendment of the Bylaws of the Section or the adoption of new Bylaws for the Section as the case may be.

Section 2. Authorized Expenditures of Section Dues and Other Section Income. In addition to the purposes described in Association Executive Committee Regulation 12.6 (d), section dues and other section income may be spent for a reception for Section members at an Association annual meeting, workshop, or teaching conference, deficiency in a meal guarantee made to a hotel, section survey, section directory, or enhanced newsletter. Before the activity is undertaken, the Section's Executive Committee must authorize the expenditure of dues or other income for the activity. In approving payment of an expenditure, the Section chair must determine that the particular expenditure is for the activity authorized by the Executive Committee of the Section and is consistent with the Section's bylaws and Associations policies. The Section's Executive Committee must approve the expenditure at least six weeks prior to the activity for which the expenditure is authorized;

the chair shall notify the Association's National Office no later than one month before the occurrence of the activity.

#### **Article VII. Awards**

##### PROCEDURES FOR MAKING THE CLYDE FERGUSON AWARD

1. The Clyde Ferguson Award may be granted by the Section 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.
2. All professional legal educators are eligible for the Award, including those holding professional rank, administrators, librarians, and clinical or writing instructors. However, no serving member of the Executive Committee is eligible to receive the Award.
3. Nominations may be made by any member of the Section at any time to the Chair of the Section. Each year, the Chair should announce the existence of the Award and solicit nominations widely through e-mail listservs, the Section newsletter, and by other means in the discretion of the Chair. Nominations should be made in writing, in the form of a 1-2 page letter describing why the nominee should be considered for the Award.
4. The Chair shall call a meeting of the Executive Committee to consider the nominees in advance of the Annual Meeting of the

AALS. All nominations which were received after the Executive Committee last met to consider the Award shall be considered at the meeting. Copies of written nominations shall be distributed to the members of the executive committee in advance of the meeting.

5. The recipient shall be selected by consensus of the Executive Committee after discussion, or, if no consensus is reached, by majority vote of the Executive Committee. The Executive Committee may vote not to grant the Award in any given year. The Executive Committee may vote not to grant the Award in any given year. The Executive Committee may vote to delegate initial consideration of nominees to a subcommittee, which may make a recommendation to the full committee, but no Award shall be made without approval of the full committee.

The Award shall ordinarily be presented at the Minority Luncheon at the Annual Meeting of the AALS.

##### THE DERRICK BELL AWARD

1. The Minority Law Teacher's Section of the Association of American Law Schools hereby establishes the Derrick Bell Award to honor a junior faculty member who, through activism, mentoring, collegueship, teaching or scholarship, has made an extraordinary contribution to legal education, the legal system, or social justice.
2. All professional legal educators are eligible for the Award, including those holding professional rank, administrators, librarians, and clinical or writing instructors, so long as they have not received tenure, and have



served for seven years or less, at the time of the Award. However, no serving member of the Executive Committee is eligible to receive the Award.

3. Nominations may be made by any member of the Section at any time to the Chair of the Section. Each year, the Chair should announce the existence of the Award and solicit nominations widely through e-mail listservs, the Section newsletter, and by other means in the discretion of the Chair. Nominations should be made in writing, in the form of 1-2 page letter describing why the nominee should be considered for the Award.
4. The Chair shall call a meeting of the Executive Committee to consider the nominees in advance of the Annual Meeting of the AALS. All nominations which were received after the Executive Committee last met to consider the Award shall be considered at the meeting. Copies of written nominations shall be distributed to the members of the executive committee in advance of the meeting.

## PROPOSED BY-LAWS

Revised January 2006

### ASSOCIATION OF AMERICAN LAW SCHOOLS

#### BYLAWS OF THE SECTION ON Minority Groups

##### Article I. Name and Purpose

This Section of the Association of American Law Schools, created by the Executive Committee of the Association of American Law Schools, shall carry forward the work of the Association by providing a common

meeting ground as a means of effecting communication and collaborative action among law teachers and administrators interested in problems and programs relating to minority persons in the legal profession and also by formulating and submitting to the members of the Section, the Association, and other appropriate groups, such reports, recommendations and publications as may be deemed useful to effectuate specific policies and programs of the Section.

#### ARTICLE II. MEMBERSHIP


Section 1. Regular membership in the Section includes the right to participate in its activities, vote, and hold office. Regular membership is automatically open to all persons who belong to the faculties of AALS law schools.

Section 2. Associate membership in the Section includes the right to participate in all of its activities except voting or holding office. Associate membership is automatically open to the following:

- (d) Members of law faculties of non-member AALS law schools;
- (e) Lawyers and other persons whose general professional skills, knowledge, and abilities make appropriate their participation in the affairs of the Section;
- (f) Law Students with exceptional qualifications and interests in the work of the Section.

Section 3. Dues may be assessed from members of the Section when so determined by the Executive Committee of the Section.





Article III. Officers and Executive Committee

Section 1. The officers of this Section shall be the Chair and Chair Elect.

Section 2. In addition to the officers of the Section, there shall also be an Executive Committee consisting of the two officers of the Section plus seven additional persons (one of whom shall be the immediate past chair of the section).

Section 3. The Chair shall be elected at the Annual Meeting in which these Bylaws are adopted for a term of one year beginning with the adjournment of the Annual Meeting of the AALS during which he or she is elected and ending with the adjournment of such Annual Meeting one year thereafter. The Chair Elect shall be elected for a term of one year beginning with the adjournment of the annual meeting of the AALS during which he or she is elected and ending with the adjournment of such Annual Meeting one year thereafter at which time, the Chair Elect shall become the Chair.

Section 4. One member (non-officer) of the Executive Committee shall be the immediate past chair of the section, who shall serve for one year immediately following his or her term as chair of the section.

Section 5. The remaining Six (non-officer) members of the Executive Committee shall be elected to annual terms. Upon election, each of these Six non-officer members of the Executive Committee shall serve for a term of one year beginning with the adjournment of the annual meeting of the AALS during which he or she is elected and ending with the adjournment of such annual meeting one year thereafter. The Chair Elect may select a slate of candidates for the Executive Committee, but Section members may nominate additional

candidates from the floor. The six candidates receiving the most votes will be deemed elected.

Section 6. Any officer or other member of the Executive Committee may be removed for cause by a vote of a majority of the members of the Executive Committee at a special meeting which may be called by the Chair or any two members of the Executive Committee. Such vote shall be taken only after the person or persons to be removed have been notified of the reason for such removal and given opportunity to be heard.


Article IV. Duties of Officers and Executive Committee Members; Executive Committee Meetings

Section 1. The Chair shall preside at all meetings of the Section and of the Executive Committee. He or she shall formulate and present at each annual meeting of the Section a report of the work of the Section for the past year. He or she shall perform such other duties and acts as usually pertain to this office.

Section 2. The Chair Elect of the Sections shall assist the Chair, as the Chair may request, and shall perform the duties of the Chair during absence or disability of the Chair. If the office of the Chair becomes vacant, the Chair Elect shall succeed to the office of Chair.

Section 3. The Chair Elect of the Section shall keep the minutes of the proceedings of the Section and the Executive Committee and shall perform such other duties as the Chair may request.

Section 4. The immediate past chair shall serve in the same manner as other non-



officer members of the Executive Committee.

Section 5. The Executive Committee shall have general supervision and control of the affairs of the Section subject to the provisions of these Bylaws. It shall especially authorize all commitments or contracts which shall entail the payment of money, and no monies appropriated for the use or benefit of the Section shall be expended without such authorization.

Section 6. The Executive Committee may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Executive Committee may direct, subject to the limitations of these Bylaws.

Section 7. The Executive Committee during the interim between annual meetings of the Section, may fill vacancies in its own membership.

Section 8. A meeting of the Executive Committee may be held in conjunction with the AALS annual meeting. Each such meeting shall be held at such hour and at such place in the city or locality where such annual meeting is held as may be designated by the Chair. No formal notice of any such regular meeting need be given, but it shall be the duty of the Chair to make reasonably available to the members of the Executive Committee information as to the hour and place of such Executive Committee meetings.


Section 9. Special meetings of the Executive Committee may be called by delivering notice thereof to each member of the Executive Committee within a reasonable time before such meeting. The notice shall include the time and place of the meeting and the objectives of the meeting. Meeting may be held in any form that

permits all of the members of the Executive Committee to participate prior to a vote on any matter considered, including in person, via telephone, Internet, Listserv, e-mail or other means of communication.

Section 10. All binding action of the Executive Committee shall be by a majority vote of the whole Executive Committee. The term "majority vote of the whole Executive Committee," and the term "votes of a majority of the members of the Executive Committee," shall mean the votes of a majority of those persons then holding the position of voting member of the Executive Committee.

Section 11. Members of the Executive Committee when personally present at a meeting of the Executive Committee shall vote in person, but otherwise may communicate their vote to the Chair Elect in writing or by other recordable means (including via e-mail, fax or other means of delivering written communications) and have it counted with the same effect as if cast personally at such meeting. Such communication may be made before, during or after such meeting.

Section 12. The Chair of the Section may, and upon request of any member of the Executive Committee shall, submit, or cause to be submitted to each of the members of the Executive Committee, any proposition upon which the Executive Committee may be authorized to act, and the members of the Executive committee may vote upon such proposition so submitted by communicating their vote thereon in writing over their respective signatures, to the Chair Elect, who shall record upon his or her minutes each proposition so submitted, when, how, at whose request same were submitted and the vote of each member of the Executive Committee, thereon, and keep on file such written and signed votes. If the votes of a



majority of the members of the Executive Committee shall be in favor of such proposition, or if the majority shall be against such proposition, such majority vote shall constitute binding action of the Executive Committee.

Section 13. In lieu of the procedures outlined above, the Executive Committee may authorize the Chair to act on behalf of the Executive Committee and/or the Section with respect to matters which are subject to the general supervision and control of the Executive Committee.

#### Article V. Section Meetings

Section 1. The Section shall meet annually in connection with the annual meeting of the Association of American Law Schools and immediately preceding or during the period of such annual meeting. The program and order of business shall be arranged by the Chair of the Section.

Section 2. Special meetings of the Section may be called by the Chair upon approval of the Executive Committee, to be held at such time and place as the Executive Committee may determine. Notice of any such special meetings shall be mailed by the Chair Elect to each member of the Section within a reasonable time prior to such meeting with a statement of its objects. In lieu of mailing, such notice may be communicated through the Section's announcements Listserv or by other means capable of delivering notice to Section Members.

Section 3. The members of the Section present at any meeting shall constitute a quorum of the transaction of business.

Section 4. Except as otherwise indicated in these Bylaws, all binding action of the Section shall be by a majority vote of the members present and voting.

#### Article VI. Amendments

Section 1. These Bylaws may be amended, or new Bylaws may be adopted, at any annual or special meeting of the Section, by a majority vote of the members of the Section present and voting; provided, first, that such proposed amendment, or proposed new Bylaws, shall have first been approved by a majority of the Executive Committee; and provided, second, that no such amendment or new Bylaws shall be adopted at any special meeting of the Section unless the notice of such meeting shall have stated that the object, or one of the objects, of such meeting will be the amendment of the Bylaws of the Section or the adoption of new Bylaws for the Section as the case may be.

Section 2. Authorized Expenditures of Section Dues and Other Section Income. In addition to the purposes described in Association Executive Committee Regulation 1.6 (d), section dues and other section income may be spent for a reception for Section members at an Association annual meeting, workshop, or teaching conference, deficiency in a meal guarantee made to a hotel, section survey, section directory, or enhanced newsletter. Before the activity is undertaken, the Section's Executive Committee must authorize the expenditure of dues or other income for the activity. In approving payment of an expenditure, the Section chair must determine that the particular expenditure is for the activity authorized by the Executive Committee of the Section and is consistent with the Section's bylaws and Associations policies. The Section's Executive Committee must approve the expenditure at least six weeks prior to the activity for which the expenditure is authorized; the chair shall notify the Association's National

Office no later than one month before the occurrence of the activity.

## Article VII. Awards

### SECTION 1. THE CLYDE FERGUSON AWARD.

6. The Minority Groups Section of the Association of American Law Schools hereby establishes the Clyde Ferguson Award, named in honor of the second tenured African American on the Harvard Law School faculty. The Award may be granted by the Minority Groups Section 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.
7. All current and former professional legal educators are eligible for the Award, including administrators, librarians, clinical faculty, legal writing teachers, and tenure track and tenured faculty, as long as they served more than seven years at the time of the Award. However, no serving member of the Executive Committee is eligible to receive the Award.
8. Nominations may be made at any time to the Chair of the

Section. Each year, the Chair should announce the existence of the Award and solicit nominations widely through e-mail listserves, the Section newsletter, and by other means in the discretion of the Chair. Nominations should be made in written form, describing why the nominee should be considered for the Award. Where possible, the nomination should include the nominee's CV or other similar information

9. The Chair shall call a meeting of the Executive Committee to consider the nominees in advance of the Annual Meeting of the AALS. All nominations which were received after the Executive Committee last met to consider the Award shall be considered at the meeting. Copies of materials submitted in support of the nomination shall be distributed to the members of the executive committee in advance of the meeting.
10. The recipient shall be selected by consensus of the Executive Committee after discussion, or, if no consensus is reached, by majority vote of the Executive Committee. The Executive Committee may vote not to grant the Award in any given year. The Executive Committee may vote to delegate initial consideration of nominees to a subcommittee, which may make a recommendation to the full committee, but no Award shall be made without approval of the full committee.

11. The Award shall ordinarily be presented at the Minority Groups Section Luncheon at the Annual Meeting of the AALS.

#### SECTION 2. THE DERRICK BELL AWARD.

5. The Minority Groups Section of the Association of American Law Schools hereby establishes the Derrick A. Bell, Jr. Award, named in honor of Derrick A. Bell, Jr. of New York University Law School, the first tenured African-American on the Harvard Law School faculty. The award honors a junior faculty member who, through activism, mentoring, collegueship, teaching or scholarship, has made an extraordinary contribution to legal education, the legal system, or social justice.
6. All current professional legal educators are eligible for the Award, including administrators, librarians, clinical faculty, legal writing teachers, and tenure track faculty, so long as they have not received tenure, and have served for seven years or less, at the time of the Award. However, no serving member of the Executive Committee is eligible to receive the Award.
7. Nominations may be made at any time to the Chair of the Section. Each year, the Chair should announce the existence of the Award and solicit nominations widely through e-mail listserves, the Section newsletter, and by other means in the discretion of the Chair. Nominations should be made in written form, describing why the

nominee should be considered for the Award. Where possible, the nomination should include the nominee's CV or other similar information.

8. The Chair shall call a meeting of the Executive Committee to consider the nominees in advance of the Annual Meeting of the AALS. All nominations which were received after the Executive Committee last met to consider the Award shall be considered at the meeting. Copies of materials submitted in support of the nomination shall be distributed to the members of the executive committee in advance of the meeting.
9. The recipient shall be selected by consensus of the Executive Committee after discussion, or, if no consensus is reached, by majority vote of the Executive Committee. The Executive Committee may vote not to grant the Award in any given year. The Executive Committee may vote to delegate initial consideration of nominees to a subcommittee, which may make a recommendation to the full committee, by no Award shall be made without approval of the full committee.
10. The Award shall ordinarily be presented at the Minority Groups Section Luncheon at the Annual Meeting of the AALS.





11. The recipient shall be selected by consensus of the Executive Committee after discussion, or, if no consensus is reached, by majority vote of the Executive Committee. The Executive Committee may vote not to grant the Award in any given year. The Executive Committee may vote to delegate initial consideration of nominees to a subcommittee, which may make a recommendation to the full committee, by no Award shall be made without approval of the full committee.
  
12. The Award shall ordinarily be presented at the Minority Luncheon at the Annual Meeting of the AALS.