# AALS MINORITY GROUPS SECTION NEWSLETTER



DECEMBER 2009

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

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#### 2009-10 OFFICERS AND EXECUTIVE COMMITTEE

#### **CHAIR**

ANGELA ONWUACHI-WILLIG

University of Iowa College of Law Ph: (319) 335-9043

Email: angela-onwuachi@uiowa.edu

#### **CHAIR ELECT**

LLEW J. GIBBONS

University of Toledo School of Law

Ph: (419) 530-4175

Email: <u>llew.gibbons2@utoledo.edu</u>

#### **EXECUTIVE COMMITTEE:**

Above Officers and:

#### PENELOPE ANDREWS

Valparaiso University Ph: (219) 465-7847

Email: Penelope.Andrews@valpo.edu

#### FABIO ARCILA, JR.

Touro College Ph: (631) 761-7111

Email: FArcila@tourolaw.edu

#### **KEVIN JOHNSON**

U.C. Davis

Ph: (530) 752-0243

Email: krjohnson@ucdavis.edu

#### **AUDREY MCFARLANE**

University of Baltimore

Ph: (410) 837-6678

Email: amcfarlane@ubalt.edu

#### SANDRA MADRID

University of Washington School of Law

Ph: (206) 543-0199

Email: smadrid@u.washington.edu

#### IMMEDIATE PAST CHAIR

MICHELE ALEXANDRE

University of Mississippi

School of Law

Phone: (662) 915-6858

E-mail: malexand@olemiss.edu

#### MESSAGE FROM THE 2009-10 OUTGOING CHAIR:

Dear Section Members:

Thank you very much for allowing me the honor of serving as the Chair of the AALS Section on Minority Groups this year. It has been a pleasure.

I would like to give special thanks to a few people before I begin my remarks about the year 2009. First, I would like to thank the members of the AALS Section on Minority Groups Executive Committee for their hard work and support throughout the year. They are as follows: Llew Gibbons (Toledo), incoming Chair; Michele Alexandre Penelope Andrews (Mississippi); (Valparaiso); Fabio Arcila (Touro); Thalia Gonzalez (Denver); Dean Kevin Johnson (UC Davis); Sandra Madrid (Washington, Seattle): Audrev McFarlane and (Baltimore).

I also give great thanks to Odeana Neal (Baltimore) for supervising and maintaining our listsery, which is the central means by which we communicate our ideas, passions, programs, and good news to each other. Much thanks also to Dean Veryl Miles (Catholic) for organizing our section's program for the AALS New Teachers Program in the summer of 2009, Fabio Arcila (Touro) for supervising our section's suite at the AALS Recruitment Conference in the fall of 2009, and Regina Burch (Capital) for supervising our section's mentorship program. Thanks also to Penny Andrews (Valparaiso), Jay Stewart (Howard), Len Baynes (St. John's), and all who have passed on announcements for our members to send to their students and graduates, especially in these tough economic times. Finally I give tremendous thanks to Larry Catá Backer for creating a fabulous newsletter for us every vear! We are grateful.

This year has been a historic and transformative one for minority intellectuals. Throughout this year, our section members have played a crucial role in making history happen and in continuing important dialogues about race and equality.

First, on August 8, 2009, Sotomayor was sworn in as the first Latina/o justice on the United States Supreme Court and only the third woman in the Court's 200-year history, following her nomination by our nation's first black President, Barack Obama. Many of our section members rallied around and against conservative Sotomayor resistance to her nomination confirmation. To name just a few, Jenny Rivera (CUNY) (a former clerk) lead a team of professors and community members, including professors such as Solangel Maldonado (Seton Hall) and Catherine Sandoval (Santa Clara), that wrote an extensive report that analyzed and provided

evidence of Justice Sotomayor's tremendous qualifications for the position. Darren Hutchison (American) responded swiftly and intelligently on his blog to critics, including early critic Gerald Rosen, who soon abandoned his early remarks against Justice Sotomayor's confirmation. Sherrilyn Ifill (Maryland) enriched us with her scholarship about the importance of diversity on the bench, and Justice Sotomayor in particular, through many media interviews. Professors such as Sylvia Lazos Vargos (UNLV), Melissa Murray (Berkeley) (a former clerk), and Dean Kevin Johnson (UC Davis) also engaged in the media circuit, providing comments and analysis to support Justice Sotomayor's confirmation.

Also, after witnessing Obama's historic swearing in during January of 2009, we began life under a "new American regime," to borrow from Tony Varona (American). Many minority faculty members have joined Obama's administrative and legal staff, including Marcilynn Burke (Houston), Tino Cuellar (Stanford), Larry Echohawk (BYU), Henry Hu (Texas), Neal Katval (Georgetown), Harold Koh (Yale), Spencer Overton (George Washington), Tom Perez (Maryland), Damon Smith (Rutgers-Camden), and Gloria Valencia-Weber (New Mexico). Along those same lines, section members, Tony Varona (Chair), Angela Davis, Mary Fan and Dean Claudio Grossman of American University, Washington College of Law led us in discussions about many issues concerning race and justice with our new leadership at this year's LatCrit conference, Outsiders Inside: Critical Outsider Theory and Praxis in the Policymaking of the New American Regime. On January 9, 2010, please attend our section panel at AALS, "Black Leadership in the Wake of the Obama Election," which will continue to engage these issues.

Members of our section also organized a celebration of Critical Race Theory and its founding members in its twentieth year at the University of Iowa College of Law in April of 2009. Those section members included Mario Barnes (UCI), Jennifer Chacón (UCI), Kaaryn Gustafson (Connecticut), Rose Cusion Villazor (SMU/Hofstra), Melissa Murray (Berkeley), Camille Nelson (St. Louis/Hofstra), Angela Onwuachi-Willig (Iowa), and Catherine Smith (Denver). Our community is grateful to the pathbreaking scholars who founded the CRT Movement—in particular, the organizers of the first CRT meeting, Kimberlé Crenshaw, Neil Gotanda, and Stephanie Phillips—for their leadership in beginning this scholarly dialogue.

Race scholarship continues to thrive as seen through new race centers that are sprouting up at law schools, even in these hard economic times. These centers include the Fred T. Korematsu Center for the Study of Law and Equality at Seattle University, which is directed by Bob Chang, and the new Race, Law, and Politics Center at Duke University School of Law, which is directed by Guy Uriel Charles.

We also welcomed several new minority deans this academic year. Congratulations and thanks to Deans Alex Acosta (FIU), David Brennen (Kentucky), Phoebe Haddon George Johnson (Maryland), Jennifer Rosato (Northern Illinois), and Kevin Washburn (New Mexico). Thanks, also, to departing Deans who served our community verv well during their leadership, such as Beto Juarez (Denver). Congratulations also to Leroy Pernell and FAMU for becoming fully accredited this year! The leadership of our Deans inspires and encourages us.

Through it all, I have been very proud of the many ways in which our section's members consistently have raised important issues

affecting disadvantaged people, especially people of color, around the world. I also have been proud of the ways in which members have challenged each other on positions, whether popular their community unpopular, within the mainstream or on the margins. As a section, we have the obligation to be critical of ourselves and our profession as well as of the policies and decisions that affect underprivileged people, domestically and internationally. I look forward to many years of watching our section and its members remain true to this mission.

I am also grateful and proud of each of our members, who have taken the time to reach back and assist untenured faculty, especially those who have only recently joined us. Mentoring is key to our survival as a community. Please keep this tradition alive in our community, and please reach out to others if you are need of help and if we fail to reach out to you.

In keeping with this goal, we have planned a program for the 2010 Annual Meeting that looks to issues that affect our pipeline into the academy and greater legal profession. Please attend our section program "U.S. News, the Economy, and the Incredibly Shrinking Minority Law Student Population," on Sunday January 10, 2010.

As usual, we anticipate that both of our panels will generate thought-provoking and energizing intellectual debates. These panels are fitting openings for what promises to be an exciting new year. The panels and luncheon would not be possible without the help of the members of the Executive Committee, especially this year's program chair, Penny Andrews.

I look forward to more innovation from the AALS Section on Minority Groups under the leadership of the incoming Chair, Llew Gibbons (University of Toledo).

Yours in the struggle,

#### Angela Onwuachi-Willig

Professor of Law Charles M. & Marion J. Kierscht Scholar University of Iowa College of Law 2009-2010 Minority Section Chair

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#### MESSAGE FROM THE 2010-11 INCOMING CHAIR:

In Roman mythology, Janus was the god of gates, doors, beginnings, and endings. I have always thought that it was fitting that the Association of American Law Schools Annual Meeting was held in January. As the incoming chair, I am required in my message to acknowledge the past, comment on the present, and suggest concrete plans for the future. I regret that I lack the eloquence of my predecessors so I will just offer some minor musings.

To paraphrase the lyrics of an old song, what a difference a year makes. Last year, we met with joyful anticipation of the inauguration of Barack Obama, the first President of the United States who was also a person of color and a minority law professor. Either through serendipity or as a homage to President Obama's achievements, there will be a 2010 Mid Year Meeting Workshop on Post Racial Civil Rights Law, Politics, and Legal Education: New and Old Colorlines in the Age of Obama. I encourage all of you to attend.

Today, we are entering a new decade facing fiscal crisis within many of our academic institutions, persistent challenges in the courts and at the polling booths to our agenda of promoting inclusion, equality, and diversity. Yet, other than the sentence

referring to President Obama, any of my predecessors could have written about the challenges facing faculty of color in the academy and in our larger, now-global, society. As I write this, I am reminded of a sign I saw in a restaurant warning "two way door." The door to go backwards or to failure still remains open. But, our future in the next decade is bright. We face constant challenges with a courage that is measure of our individual and collective strength. We persevere -- opening new doors and facing new beginnings, constantly striving to leave the things a bit better for those who follow us, and always with humility, we remember and honor the sacrifices of those who led the wav.

I cannot summarize a decade of achievement by our section either collectively as a section or as individuals. But, if you have a moment of doubt as to the eventual success of our enterprise or if someone, who is a product of hereditary affirmative action and privilege denigrates a person of color serving in the administration, on the faculty, as a faculty candidate, or students or prospective students by referring to them as products of affirmative action, I would challenge you to read the section newsletters for an impressive although incomplete record of our contributions. To prepare to write this short message, I reread the last three years of the section newsletter. I was awed and impressed by the quantity and quality of relevant scholarship. The scholarship by members of this section is diverse. It articulates unheard or underappreciated perspectives not only in areas that are stereotypically ours such as race, gender, sexual orientation, or immigration, but the scholarship of our section members also permeates the core traditional doctrinal topics with a wealth of personal experience expressed in a strong persuasive voice that is often absent from the academy and judicial forma.

To continue on the theme of experience, Associate Justice Oliver Wendell Holmes observed that "The life of the law has not been logic, but experience." Yet, the words of our new Latina Associate Justice Sonia Sotomayor that "I would hope that a wise Latina woman with the richness of her experiences would, more often than not. reach a better conclusion" valuing the uniqueness of her life experience were the strongest facts in the arsenal of arguments against her. We should proudly follow her example and bring to all aspects of our professional lives those experiences that allow us to voice to the daily reality of those otherwise marginalized in our society.

The most humbling moments for me as a member of the Executive Committee has been our annual discussion of the Clyde Ferguson and Derrick A. Bell, Jr. Awards. It is never an easy choice since almost everyone nominated in my opinion clearly meets the criteria for the award. It is a discussion that sometimes starts "they are all excellent teachers." It is an honor to be in a section where excellence at our chosen profession is the norm, and it is the duty of the Executive Committee to recognize truly exceptional achievement and service. We have many unsung heroes in our section. If you know such a person, I would like to encourage you to nominate him or her for an award. If you have nominated someone in the past, and they have not been selected, please continue to re-nominate them as long as they meet the criteria for the award. Each person eligible for either of these awards has touched many lives. If possible, please consider submitting letters of support from different individuals who have a personal story to tell of how the nominee made a difference as a leader, teacher, a colleague, a mentor, or through service to others.

Each year at the annual luncheon we celebrate how far we have come and a few old timers tell stories about their first AALS

Annual Meeting where the section could have (and sometimes in these stories did) meet in a cloakroom. As we look around and rejoice on our progress, let us not forget how far we have still to go. People of color are still underrepresented in the judiciary, in the legal profession, on law school faculties, in law school or university administration. Last year our Chair, Angela Onwuachi-Willig, used her message to remind us that our voice is more critical than ever. She reminded us of the challenges in recruiting and retaining law professors of color, and she challenged us to make our voice heard. I would like to renew her challenge.

I challenge each of you over the next decade to mentor *into* the professoriate at least one new law professor of color. Each of us is here because of at least one mentor. For me that mentor was Professor Denise Carty-Bennia. In Civil Procedure, Denise taught me that just because the rules were followed and the process was correct does not mean that the end result was just. I challenge you to be that mentor, to identify the best and the brightest, and encourage them to go into law school teaching. At times, this may be a sacrifice; you may have to tell an excellent student that some law schools are only open to faculty candidates with a brand name degree and encourage them to transfer. Sometimes, it will be a quiet word of advice at a turning point in a former student's career. You may have to tell a recent graduate to consider a judicial clerkship, or a young associate, government, or public interest lawyer, to think about returning to school and doing a teaching fellowship or an LL.M. It requires that we stay in touch with former students and tell them about the joys and rewards of teaching to make a difference. But mentoring our own is not enough; we need to the mentor anyone that we believe will make a difference in the academy.

Over the years, I have noticed that successful faculty candidates could talk the talk and walk the walk in the recruitment process. Someone had taken the candidate under his or her wing, and helped them write and place an article, mooted their job talk, or helped them get invited to speak at symposia or conferences so that their curriculum vitae stood out from all the others. I commend the Fred T. Korematsu Center for Law and Equality (Seattle University) and the Society of American Law Teachers (SALT) for offering a biennial program to assist members of underrepresented groups to pursue leadership roles in legal education and university administration. While AALS offers a program for pre-tenured people of color to help them remain successful members of the academy, and, as a section, we have a hospitality suite during the AALS Faculty Recruitment Conference, we lack a program to identify and assist individuals to prepare for the AALS hiring process. I would like to institutionalize some process to support prospective faculty candidates before they arrive at the AALS Faculty Recruitment Conference. As a start, I would like to increase the information on our website regarding the faculty recruitment process, and then I would also like to identify those of you who are willing to mentor someone through the AALS Recruitment process. Ten years from today, I want my successor to apologize to all of us because the AALS could not find a room big enough to hold our annual luncheon.

In my year as Chair, I hope to follow in the esteemed footsteps of my predecessors. I ask all of you to communicate with me and other members of the Executive Committee, please tell us how we can improve the section. I would like to thank personally and on behalf of the section our out-going Chair Angela Onwuachi-Willig for her leadership, patience, equanimity, and quiet good humor as a member of the Executive Committee and for her outstanding service

as section Chair. I would like to thank Danielle Conway Jones for her work on the section website. Finally, I would like to thank all of the Executive Committee members for their service this year and continued service next year: Fabio Arcila for his hard work in organizing the Section's Hospitality Suite at the AALS Faculty Recruitment Conference, Larry Catá Backer for his tireless dedication to this Section in general and especially the Section's Newsletter, and Regina Burch and Fabio Arcila for working incredibly hard to get the Section's Mentor Program up and running at full speed. Our Section could not survive and thrive without the hard work of all of its members. I look forward to another productive year with you all. Happy New Year!

#### LLEWELLYN JOSEPH GIBBONS

Associate Professor of Law University of Toledo School of Law 2010-2011 Minority Section Chair



#### NOMINATIONS FOR CLYDE FERGUSON AND DERRICK A. BELL, JR. AWARDS

The Executive Committee for the AALS Minority Groups Section sought your input. The Section received nominations for the Clyde Ferguson Award and the Derrick A. Bell, Jr. Award. Nominations were received through November 2009. After consideration of a number of excellent nominees, on November 24, 2009, on behalf of the Section Executive Committee, the Section Chair, Professor Onwuachi-Willig announced the recipients of the awards for 2010:

# Clyde Ferguson Award: Angela Davis, American University Washington College of Law

# Derrick Bell Award: Melissa Murray, University of California, Berkeley School of Law

The awards and nomination procedures are described below:

The deadline for submitting nominations is November 14, 2009. The recipients of the two awards will be announced at our Annual Meeting luncheon in New Orleans, Louisiana and on the AALS Minority Groups section listsery. 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 Angela Onwuachi-Willig, Visiting Professor of Law, University Michigan Law School, 625 S. State Street, Ann Arbor, MI 48109, or by email at angela-onwuachi@uiowa.edu or onwuachi@umich.edu.

#### Clyde Ferguson Award.

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 eligible including educators are administrators, librarians, clinical faculty, legal writing teachers, tenure track and tenured faculty, as long as they have served more than seven years in legal academia at time of the 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 and Margaret Montoya (1999), Joyce Hughes (2000), Ken Nunn (2001), Frank Valdes (2002), Robert Belton (2003), Kevin Johnson (2004), Emma Coleman Jordan (2005), Stacy Leeds (2006), John O. Calmore and Ralph Smith (2007), Angela Harris and Berta Hernández Truyol (2008), and Adrien Wing and Bob Chang (2009).

#### Derrick A. Bell Award.

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, colleagueship, 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 the following website: <a href="http://its.law.nyu.edu/faculty/profiles/index.cfm?fuseaction=cv.main&personID=19776">http://its.law.nyu.edu/faculty/profiles/index.cfm?fuseaction=cv.main&personID=19776</a>. 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), Angela Onwuachi-Willig (2006), Karima Bennoune (2007), Mario L. Barnes (2008), and Kaaryn Gustafson (2009).

No one currently on the AALS Minority Groups Section Executive Committee may be nominated. Current members are as follows: Angela Onwuachi-Willig (Iowa), Chair (angela-onwuachi@uiowa.edu); Llew Gibbons (Toledo), Chair-Elect (LGibbon@utnet.utoledo.edu); Michele Alexandre (Mississippi), Immediate Past Chair (malexand@olemiss.edu, michelealexandre2005@gmail.com);

Penelope Andrews (Valparaiso) (Penelope.Andrews@valpo.edu); Fabio Arcila (Touro) (farcila@tourolaw.edu); Thalia Gonzalez (Denver) (tgonzalez@law.du.edu); Kevin Johnson (UC Davis) (krjohnson@ucdavis.edu); Sandra Madrid (Washington, Seattle) (smadrid@u.washington.edu); and Audrey McFarlane (Baltimore) (amcfarlane@ubalt.edu).

# NOMINATIONS TO THE EXECUTIVE COMMITTEE

The Executive Committee for the AALS Minority Groups Section sought nominations for new members. Nominations were received through

November 2009. The nomination procedures are described below:

If you are interested in serving on the Section Executive Committee beginning in January 2010, please let the incoming chair, Llew Gibbons, know by e-mail at <a href="mailto:lew.gibbons2@utoledo.edu">lew.gibbons2@utoledo.edu</a>.

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.

#### SCHEDULE OF MINORITY GROUPS SECTION EVENTS AT THE 2010 AALS CONFERENCE:

This year the Section will be sponsoring three excellent programs in New Orleans:

#### MINORITY SECTION PROGRAMS AALS 2010

#### Friday, January 8, 2010 8:30-10:15 a.m.

Section on Africa Co-Sponsored by Section on Minority Groups

Topic: Food Security, the Financial Crisis, and International

Regulation: Perspectives from Africa

### <u>Saturday, January 9, 2010</u> 12:15-1:30 p.m.

#### Section on Minority Groups Luncheon

Advance ticket purchase is recommended. Tickets may be purchased on-site until 12:00 noon on Friday, January 8.

#### 1:30 p.m.-2:45 p.m.

#### Section on Minority Groups Progam

Topic: Black Leadership in the Wake of the Obama Election

#### 2:45 p.m.-3:15 p.m.

Section on Minority Groups Business Meeting

#### Sunday, January 10, 2010 9:00-10:45 a.m.

Section on Minority Groups Program

Topic: US News, the Economy, and the Incredibly Shrinking Minority Law Student Population

#### **PROGRAM DETAILS**

#### Friday, January 8, 2010 8:30-10:15 a.m.

Section on Africa Co-Sponsored by Section on Minority Groups

Topic: Food Security, the Financial Crisis, and International Regulation: Perspectives from Africa

#### Moderator:

• Penelope Andrews, Valparaiso University School of Law

#### Speakers:

 Waheeda Amien, Lecturer in Law, University of Cape Town, Rondebosch, South Africa

- Daniel D. Bradlow, American University Washington College of Law
- Erika George, University of Utah S.
   J. Quinney College of Law
- Carmen G. Gonzalez, Seattle University School of Law
- Lisa R. Pruitt, University of California, Davis, School of Law

This panel will consider the issue of food security as outlined in several international documents, and the impact of the financial crisis on the promise to provide food security for the world's poorest, who are mostly in Africa. Although the promise of food security was barely fulfilled before this current financial crisis, there is no doubt that the crisis has exacerbated the problem. The panel will therefore consider steps that the global community should take to ensure that the promise of food security is pursued through international law and international regulation. The panel will consider these issues in the context of economic development, particularly rural economic development, in Africa. The panel will focus on several regions in Africa, including the Horn of Africa, West and Southern Africa. It will also focus on women's roles as the architects of food security and in particular social, political, and cultural constraints that deny women access to resources such as credit, marketing and other services.

### Saturday, January 9, 2010 1:30 p.m.-2:45 p.m.

Section on Minority Groups Progam

### Black Leadership in the Wake of the Obama Election

Moderator

• Guy Uriel E. Charles, Duke University School of Law

#### Speakers

 Heinz J. Klug, University of Wisconsin Law School

- Sylvia Lazos, University of Nevada, Las Vegas William S. Boyd School of Law
- Terry Smith, DePaul University College of Law

This panel explores the impact of the Obama Presidency on black leadership and examines the possibilities for racial, ethnic, class, and other coalitions of politically marginalized communities. This panel also provides a comparative perspective by reference to the Southern Africa experience. Professor Smith analyzes the moderation of black politics and evaluates the impact of the Obama presidency on the discourse of race and class in the United States. Professor Lazos considers whether Obama's election signals a move beyond identity politics. She argues that, while his election may represent a generational shift in racial attitudes, it does not represent a solution to the cultural divide and more importantly, to how we talk about race. Professor Klug discusses the relationship between the politics and rhetoric of law articulated by various Black Southern African leaders over the last twenty five year—including Mandela, Mbeki, Zums—and analyzes how this relationship interacts with the issue of trust, by their political supporters and opponents, local and international markets, and the international media.

#### Sunday, January 10, 2010 9:00–10:45 a.m. Section on Minority Groups Program

### U.S. News, the Economy, and the Incredibly Shrinking Minority Law Student Population

Moderator

• Eboni S. Nelson, University of South Carolina School of Law

#### **Speakers**

• William D. Henderson, Indiana University Maurer School of Law

- Conrad Johnson, Columbia University School of Law
- Jenny Rivera, City University of New York School of Law
- Ediberto Roman, American University Washington College of Law

This panel focuses on the declining minority law student enrollment and includes a review of the effects of the economy, the success of President Obama, and the U.S. News and World Report rankings on minority law student enrollment. Drawing upon social intelligence and organizational psychology literature, Professor Henderson presents evidence that legal education places disproportionate weight on relatively small differences in analytical ability and virtually no weight on the non-analytical abilities required for long-term professional success and the health and vitality of legal service organizations. Professor Henderson argues that there are enormous institutional rewards for law schools that align admissions and curricular decisions with the skills and associated attributes with effective, innovative and ethical lawyering; under such a system, diversity is a source of competitive advantage. Professor Johnson will discuss his work in collecting data regarding minority student enrollment, disputing the notion that the low enrollment numbers among blacks and Latinos are due to dwindling applications from those groups. Professor Rivera analyzes trends in Latina/o enrollment and the implications of these trends on the legal profession and legal education and describes how programs can improve individual student success in admissions and retention. Professor Roman examines the relationship between faculty diversity and declining minority law student enrollment.

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#### MINORITY SECTION BUSINESS MEETING AGENDA

#### **Please Participate**

The Business Meeting will take place right after our first panel on Black Leadership in an Obama Era, which is scheduled for Saturday from 1:30-3:15 p.m. We will end this panel earlier than usual—around 2:45 p.m. or so to have a longer Business Meeting. That meeting should run from 2:45 p.m. until 3:30 p.m.

The incoming Chair, Llew Gibbons (Toledo), will run this meeting. The slate for election at the meeting include Penelope Andrews (Valparaiso) who is the incoming Chair-Elect. Slated Incoming Executive Committee members are Xuan-Thao Nguyen (SMU) and Eboni Nelson (South Carolina).

This year, the Minority Groups Section Executive Committee members have identified several important issues for community discussion. The agenda is below. We look forward to your joining us for this meeting.

### MINORITY GROUPS SECTION EXECUTIVE COMMITTEE BUSINESS MEETING AGENDA:

- 1. Election and confirmation of new Executive Committee members
- 2. Election and confirmation of new Chair and Chair-Elect
- 3. Discussion regarding panels for 2011
- 4. Discussion of AALS plan to alternate Minority Groups Luncheon/Section on Women in Legal Education luncheons
- 5. Discussion regarding greater inclusiveness of award nominations

- of faculty at third and fourth tier law school
- 6. Discussion regarding proposal for new Section Award



#### **ESSAY:**

#### A FEW THOUGHTS ABOUT MOVING FROM FULL-TIME TEACHING TO FULL-TIME DEANING

On July 1, 2009, I became the Dean at University of Kentucky College of Law. Kentucky is a great place to be Dean because of its status - a flagship state law school with a high employment rate for graduates, demanding entrance standards for students, a commitment to diversity, an accomplished group of alumni and an outstanding faculty. I became Dean after being a faculty member at several law schools for nearly 15 years. As a faculty member, my work in academia was typically limited to certain aspects of legal education - teaching, writing and serving in the tax law arena. Thus, my take on what was "right" and what was "wrong" in academic terms was generally pretty clear. However, as Dean, I am often presented with multiple intersecting circumstances in which decisions are rarely clear. In fact, a Dean's clouded decisions are often circumstances that make choices anything but "clear" or "obvious." Nevertheless, I hope that I will be guided as Dean by many of the same principles that have always directed my actions as professor compassion, empathy and a quest for justice.

Life is very different these days. First, instead of being primarily concerned about just one class of students and whether they learned anything in my tax class, my concern as a Dean is with dozens of classes

on a range of subjects and whether hundreds of students learned enough to prepare themselves to become competent, ethical and engaged lawyers. So, while I no longer have seventy-five or a hundred blue books to grade over Christmas, I do have to make certain that the grading of several hundred blue books is completed on time so that students know about things like class rank and graduation eligibility in a timely manner.

Second, instead of being concerned with one draft article about the constitutionality of a particular tax law provision, the concern is with whether two dozen faculty members are fully supported in their collective efforts to advance the law through scholarship. While it is impossible to predict when the next "sexual harassment" article will be written, it is clear that such groundbreaking scholarship more readily occurs environments that are both supportive of academic freedom and that provide the many resources necessary to produce top quality scholarship.

Third, instead of being concerned about a single presentation to the local state bar about a particular piece of state tax legislation, the concern is with whether dozens of faculty members have the tools that they need to be able to prepare for (and travel to) any multitude of conferences worldwide. The point is, whereas the concern as a faculty member was with teaching a good class, producing good scholarship and serving my local legal community, the concern as Dean is with ensuring a proper environment that makes all of this happen effectively and efficiently.

I don't expect that I will always make decisions as a Dean that are the same as those I would have made as a faculty member. But I fully expect that I will always, as Dean, abide by the same guiding principles that guided me as a professor.

Hence, I hope that, as Dean, I will always advocate for diversity, strive for excellence, and not settle for mediocrity.

#### David A. Brennen

Dean and W.T. Lafferty Professor of Law University of Kentucky College of Law



## ESSAY: THE VALUE OF THE PEOPLE OF COLOR LEGAL SCHOLARSHIP

**CONFERENCES** 

Most of you have probably heard that the Third National People of Color Legal Scholarship Conference will take place September 9-12, 2010 at Seton Hall Law School in Newark, NJ. This is the national meeting of the six regional People of Color Conferences--the Mid-Atlantic, Midwestern, Southeast, Northeast. Southwest. Western—that takes place approximately every five years. Many of us are overwhelmed by the number of conferences and pressures to participate in numerous programs both inside and outside our respective institutions. Given all of these demands, I sometimes wonder why I agreed (okay volunteered and submitted a proposal) to host this conference. Then I quickly remember how the People of Color Conferences, both national and regional, have been instrumental to my development as a teacher, scholar, and mentor.

The First National People of Color Conference at John Marshall Law School in Chicago in 1999 was the first academic conference I ever attended. At the time, I was finishing up a clerkship and heading to a firm, and had never published, but my friend and mentor, David Troutt (Rutgers-

Newark), encouraged me to attend. I did not know anyone there other than David, and I was not sure that I was qualified or wanted to enter law teaching. However, it was at this conference that I met Deborah Post (Touro) who, although I have never formally thanked her (thank you Deborah), has been a wonderful mentor. I also met Frank Valdes (Miami), Leonard Baynes (St. Johns), Antoinette Sedillo Lopez (New Mexico), Ian Haney Lopez (Berkeley), and many others whose work I admired, but did not believe would take an interest in someone like me. who had not yet published. I could not have been more wrong. They welcomed me into their community and seemed to believe that I had the ability to become a successful teacher and scholar. I will never forget how minutes after meeting me, Frank Valdes introduced me to a group of law profs as a "future member of the academy." I had no idea what academy he was talking about (since I was not yet familiar with the law prof lingo) and Frank could not have known if I had "potential," but it was the nicest and most encouraging thing he could have said at that moment.

I did enter legal academia a year later and it was at a regional People of Color Conference that I learned that I should create a "tenure file" and include in it anything that could help my tenure application. It was at a NEPOC conference that I presented my first work-in-progress and gained the confidence to present my work in other. not-so-nurturing environments. **NEPOC** provided supportive academic community close to home.

The Second National POC, which took place at George Washington University School of Law in 2004, provided all of this on a much larger scale over a four-day period and much needed encouragement and constructive criticism as I prepared my last pre-tenure article. When I realized that it was time for the Third National POC, I welcomed the opportunity to give back to this community that has supported me unconditionally.

The theme of the conference is Our Country, Our World in a "Post-Racial" Era. The celebrated Mayor of Newark, Cory A. Booker, will deliver opening remarks, and Keith Harper, Chair of the Domestic American Policy Native Committee during the Obama presidential campaign, will deliver a keynote address on how the Obama administration will impact policies involving Native Americans. The Program Committee is seeking proposals for panels on a wide range of topics, including the "war of terror," corporate responsibility and regulatory reform, the role of conservative intellectuals in the legal academy, urban revitalization, health care, human trafficking, voting rights, judicial nominations. criminal law and justice (including felon disenfranchisement, privatization of prisons, the death penalty, juvenile justice, and pipeline issues), cyberspace and internet issues, disability law (including genetic discrimination), environmental justice (including climate change and energy issues), family law (including disproportionate representation of children of color in foster care, international and transracial adoption, and the role of fathers), housing, immigration (including medical repatriation), communication and intellectual property, international comparative law (including the global dimensions of race and racial subordination). property and identity. sexuality and the law, tax policy, and the U.S. Census and redistricting, among others. These topics share one thing in common they all have a disparate impact on subordinated communities. We encourage all of you to submit panel proposals to Kamille Wolff (kwolff@tmslaw.tsu.edu) or conference webpage on the http://law.shu.edu/About/News Events/third

<u>nationalpoc/call-for-papers.cfm</u> by February 12, 2010.

We are also planning numerous panels for junior scholars, including a junior faculty scholarship competition, to ensure their success as they approach promotion and tenure. We will also facilitate workshops for students and practitioners who, like me ten years ago, are considering joining legal academia, but may benefit immensely from the guidance of our more senior colleagues, and others who were in their shoes not too long ago.

I am looking forward to seeing all of you in Newark, September 9-12, 2010.

#### SOLANGEL MALDONADO

Joseph M. Lynch Professor of Law, Seton Hall Law School Chair, Third National People of Color Legal Scholarship Conference

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

Among the many traditions shared by the members of our Section is the gift we give each other in sharing our achievements with each other. Our collective accomplishments serve as a testament to the extent and depth of the extraordinary achievements of the people who make this one of the most dynamic and vibrant sections in the AALS.

The Section is proud this year to bring what is deservedly the most popular section of this publication—a listing of the accomplishments of our members.

**Peter C. Alexander** (Southern Illinois) is visiting at Notre Dame Law School for the Fall 2009 Term. He published the following article: *The Six-Year Honeymo*on," 40 U. TOLEDO L. REV. 273 (2008).

Rachel J. Anderson (UNLV) published the following articles: (1) From Imperial Scholar to Imperial Student: Minimizing Bias in Article Evaluation by Law Reviews, HASTINGS WOMEN'S LAW JOURNAL 197 (2009);and (2) Toward Global Corporate Citizenship: Reframing Foreign Direct Investment Law, Michigan STATE JOURNAL INTERNATIONAL LAW (forthcoming 2009) (invited). She has the following article accepted for publication: Gender, Foreign Direct Investment, and Global Corporate Citizenship, Women's Rights Law Reporter (forthcoming 2010) (invited). She will be co-chairing the LatCrit-SALT Faculty Development Workshop this year.

Fabio Arcila, Jr. (Touro) who first entered academia when he joined Touro Law Center in 2004, was promoted to Associate Professor and received a favorable tenure vote in May 2009. His fourth article, The Death of Suspicion, is forthcoming in the William & Mary Law Review. Professor Arcila continues to serve as a planning committee member for the Northeast People of Color Scholarship Conference, and is also on the planning committee for the Third National People of Color Scholarship Conference, which is scheduled for 2010. He is on the Executive Board of the AALS Minority Groups Section, and is active in the Hispanic National Bar Association's New York Region. His papers can be accessed at: http://ssrn.com/author=399048.

Larry Catá Backer (Penn State) is now also Affiliate Professor, School of International Affairs at Penn State University. He published the following book chapters: (1) Internationalizing the American Law School Curriculum (in Light of the Carnegie Foundation's Report), in The Internalization of LAW AND LEGAL EDUCATION 49-112 (Jan Klabbers and Mortimer Sellers, Dordrecht, The Netherlands: Springer Science + Business Media B.V., 2008) Ius Gentium: Comparative Perspectives on Law and Justice (Mortimer Sellers series ed.); (2) The Mechanics of Perfection: Philosophy, Theology and the Foundations of American Law, in On Philosophy in American Law 44-52 (Francis J. Mootz, Jr.. ed.. Cambridge: Cambridge University Press, 2009). He published the following articles: (1) Case Note: Rights And Accountability Development (Raid) V Das Air (21 July 2008) And Global Witness V Afrimex (28 August 2008); Small Steps Toward an Autonomous Transnational Legal System for the Regulation of Multinational Corporations, 10(1) **MELBOURNE** JOURNAL OF INTERNATIONAL LAW 258 (2009); (2) From Constitution to Constitutionalism: A Global Framework for Legitimate Public Power Systems, 113(3) PENN STATE LAW REVIEW 671 (2009);(3) **Theocratic** Constitutionalism: An Introduction to a New Legal Global Ordering, 16(1) Indiana Journal of Global Legal STUDIES 85 (2009); (4) The Private Law

of Public Law: Public Authorities As Shareholders, Golden Shares, Sovereign Wealth Funds, And The Public Law Element In Private Choice of Law, 82(5) TULANE LAW REVIEW 1801 (2008); (5) From Moral Obligation to International Law: Disclosure Systems, Markets and the Regulation of Multinational Corporations, 39 GEORGETOWN JOURNAL OF INTERNATIONAL LAW 591 (2008); (6) *From Hatuey to Che:* Indigenous Cuba Without Indians and the U.N. Declaration on the Rights of Indigenous Peoples, 33(1) AMERICAN Indian Law Review 201 (2008-2009). He published the following Conference Proceedings: Globalizing Cuba: ALBA and the Construction of Socialist Global Trade Systems, Proceedings of the 19<sup>th</sup> Annual Conference of the Association for the Study of the Cuban Economy (2009). He continues to publish E-Essays: LAW AT THE END OF THE DAY; http://www.lcbackerblog.blogspot.com.

Taunya Lovell Banks (Maryland) published the following book chapters: (1) Judging the Judges – Daytime Television's Integrated Reality Court Bench in Lawyers In Your Living ROOM: LAW ON TELEVISION (Michael Asimow, ed., ABA Press 2009); (2) Multi-Lavered Racism: Courts' Continued Resistance to Colorism Claims in Shades Of Difference Why SKIN COLOR MATTERS (Evelyn Nakano Glenn, editor, Stanford U. Press 2009); (3) Equality and Sorority during the Decade after Brown in LAW TOUCHED Our HEARTS: Α GENERATION REMEMBERS BROWN V. BOARD OF **EDUCATION** (Robinson & Bonnie, 2009). Vanderbilt Press editors. Professor Banks published the following articles: (1) Outsider Citizens: Film Narratives about the Internment of Japanese Americans, 42 SUFFOLK UNIVERSITY LAW JOURNAL 169 (2009); (2) A Few Random Thoughts about Socio-Economic "Rights" in the United States in Light of the 2008 Financial Meltdown, 24 MARYLAND JOURNAL OF INTERNATIONAL LAW 169 (2009); (3) Here Comes The Judge! Gender Distortion on TV Reality Court Shows, 39 UNIVERSITY OF BALTIMORE LAW FORUM 38 (2008).

Jeannine Bell (Indiana-Bloomington) published the following book chapter: (1) Policing and Surveillance, in (Fredrick Lawrence, (ed) Hate Crime Issues and Perspectives, Praeger, 2009). She also published the following articles: (1) The Hangman's Noose and the Lynch Mob: Hate Speech and the Jena 6. 44 HARVARD CIVIL RIGHTS & CIVIL LIBERTIES LAW REVIEW 329 (2009); (2) Restraining the Heartless: Racist Speech and Minority Rights, 84 INDIANA LAW JOURNAL 963 (Summer 2009). Professor Bell was also selected as a 2009-10 Visiting Scholar in Princeton University's Program in Law and Public Affairs.

Ε. Karen Bravo (Indiana-Indianapolis) published the following pieces in 2009: (1) Free Labor! Toward a Labor Liberalization Solution for the Modern *Traffic* in Humans, Transnat'l L. & Contemp. Probs. 545 (2009); (2) Follow the Money?: Does the International Fight Against Money Laundering Provide a Model for International Anti-Human Trafficking Efforts?, 6 U. St. Thomas L. J. 138 (2008) (symposium issue); (3) Regional Trade Arrangements and Labor Liberalization: (Lost) Opportunities for Experimentation?, 28 St. L. Pub. L. Rev. 71 (2008) (symposium issue); and (4) Transborder Labour Liberalization: A Path to Enforcement of the Global Social Contract for Labour, The Foundation for Law Justice and Society Policy Brief (2009) (available at <a href="http://www.fljs.org/uploads/documents/Bravo.pdf">http://www.fljs.org/uploads/documents/Bravo.pdf</a>).

**David A. Brennen** (Kentucky) was appointed Dean & W.T. Lafferty Professor of Law at University of Kentucky College of Law, July 2009 present. He is a member of the Law School Admission Council, Finance and Legal Affairs Committee, August 2009 -August 2011. His editorial activities include the following: (1) Co-Editor, Nonprofit Law Prof Blog (with Darryll K. Jones), December 2007 – present (http://lawprofessors.typepad.com/nonpr ofit): (2) Editor. Nonprofit and Philanthropy Law Abstracts, August 2006 present (http://www.ssrn.com/link/nonprofitphilanthropy-law.html); (3) Associate Editor, Taxation News Quarterly, July 1999 – present (published by American Bar Association Tax Section). published the following book chapters: (1) Race and Equality Across the Law School Curriculum: The Law of Tax Exemption (reprinted in Ch. 5), Critical Theory: Introduction Tax An (Cambridge) (2009); (2) Property Tax Exemptions (Ch. 22), Bender's State Taxation: Principles and Practice (Matthew Bender) (with Darryll K. Jones) (2009); (3) Bob Jones University v. U. S., 408 U.S. 564 (1983), Encyclopedia of the Supreme Court of

United States (Thomson/West) He published the following (2008).article: Succeeding in the Candidate Pool: Resources Available Association of American Law Schools for Persons Interested in Becoming a Law School Dean, 31 SEATTLE UNIV. L. REV. 791 (2008). He participated in the following panels: (1) Commentator, The Law of Philanthropy in the 21<sup>st</sup> Century - Tax Law, American College of Trust and Estate Counsel Foundation, Chicago, IL, October 23, 2009; (2) Speech, Diverging Perspectives of "Charitable": Federal Income Tax Versus State Property Tax Exemptions for Hospitals and Homes for the Elderly, Health Law Institute at Hamline University School of Law, St. Paul, MN, February 23, 2009; (3) Panel Organizer and Presenter, AALS Site Evaluators Workshop, Association of American Law Schools Annual Meeting, January 4, 2008 (NY) and January 9, 2009 (CA); (4) Presentation, AALSRole Amelioration, AALS Section on Sexual Orientation and Gender Identity Issues Workshop "Solomon entitled Amendment and Beyond: Does Ameliorate?." Amelioration AALS Annual Meeting, San Diego, CA January 7, 2009; (5) Presentation, Serving as an ABA AALS Site Evaluator, Evaluator's Workshop, Chicago, IL, February 16 and November 15, 2008; (6) Presentation, AALS Role in the Joint Sabbatical Site Evaluation Process. ABA Site Evaluator Chair Workshop, Chicago, IL, September 12, 2008; (7) Presentation, State and Local Tax Perspectives of the Federal "Homes for the Aged" Charitable Tax Exemption, Property Transactions and Transitions in an Age of Globalization, Conference of

the Center on Property, Citizenship and Social Entrepreneurism, Orange, CA February 15, 2008; (8) Panelist, Understanding the Charitable Tax Exemption in Terms Other Than Efficiency, Interdisciplinary Reasons to Equity/Efficiency Recalibrate the Balance in Tax Analysis, Association of American Law Schools Annual Meeting. New York, NY January 4, 2008; (9) Presentation, Living in the Black: Barriers to Wealth Creation in the African American Community (Racial *Inequality* in the Tax Exemption Context), Congressional Black Caucus Foundation, Annual Legislative Conference - Issues Forum, Washington, DC, September 26, 2008.

**Dorothy Brown** (Emory) published the following articles: (1) *Teaching Civil Rights through the Basic Tax Course*, 54 ST. LOUIS L. REV. \_\_ (forthcoming 2010) (casebook symposium series); (2) *Shades of the American Dream*, 87 WASH. U. L. REV. \_\_ (forthcoming 2010); (3) *Race, Class and the Obama Tax Plan*, 86 DENV. L. REV. 575 (2009) (symposium). Professor Brown was also voted "Outstanding Professor of the Year" by Emory's graduating class of 2009.

Frank Rudy Cooper (Suffolk) published the following articles: (1) Surveillance and Identity Performance: Some Thoughts Inspired by Martin Luther King, 32 NYU REV. L. & SOCIAL CHANGE 517 (2008)); (2) Race and Essentialism in Gloria Steinem, 11 BERKELEY J. AF.-AM. L. & POL'Y 36 (2009); and (3) Our First Unisex President?: Black Masculinity and

Obama's Feminine Side, 86 DENV. U. L. REV. 633 (2009).

andré douglas pond cummings (West Virginia) will be a Visiting Professor of Law at the University of Utah S.J. Quinney College of Law in the fall semester (2009). He will be a Visiting Professor of Law at the University of Iowa College of Law in the spring semester (2010). In 2009 he was appointed by Governor Joe Manchin (West Virginia) to the Board of Trustees of the State 529 College Savings Plan. He will be publishing the following book: REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR GENDER AND RACE IN 21ST CENTURY SPORTS LAW (West Virginia University Press) (With Anne Marie Lofaso). He will be publishing the following articles: Thug Life: Hip Hop's Curious Relationship with Criminal Justice. SANTA CLARA LAW REVIEW (2010); (2) The Associated Dangers of "Brilliant Disguises," Colorblind Constitutionalism and Post-Racial Rhetoric. Indiana Law Journal (2010); (3) A Furious Kinship: Critical Race Theory and the Hip Hop Nation, LOUISVILLE (BRANDEIS) LAW REVIEW (2010).

Christopher David Ruiz Cameron (Southwestern) published the following books: (1) LABOR LAW IN THE CONTEMPORARY WORKPLACE (with Kenneth G. Dau-Schmidt, Martin H. Malin, Roberto Corrada & Catherine Fisk; West Academic Publishing, 2009) (Chapter 2: The Borders of Collective Representation; Chapter 4 A-D: Regulation of Conduct and Speech – Representation Campaigns; Chapter 9F:

Collective Bargaining Agreements in Bankruptcy; Chapter 10: Preemption); (2) TEACHER'S MANUAL FOR LABOR Law THE CONTEMPORARY ΙN WORKPLACE (WITH Kenneth G. Dau-Schmidt, Martin H. Malin, Roberto Corrada & Catherine Fisk: West Academic Publishing, 2009) (Chapter 2: Borders Collective of Representation: Chapter A-D: Regulation of Conduct and Speech -Representation Campaigns; Chapter 9F: Collective Bargaining Agreements in Bankruptcy: Chapter 10: Preemption): (3) SUPPLEMENT: LABOR-MANAGEMENT RELATIONS: STRIKES, LOCKOUTS AND BOYCOTTS (Thomsen West 2009-10, forthcoming 2009). He published the following article: The Borders of Collective Representation: Comparing the Right of Undocumented Workers to Form or Join Labor Unions Under U.S. Law and International Labor Standards, USF LAW REVIEW (forthcoming 2009). He made the following presentations: (1) Moderator, "Immigrant Workers and the Practice of Traditional Labor Law," Symposium: The Evolving Definition of the Immigrant Worker: The Intersection Between Employment, Labor, Human Rights Law," University of San Francisco School of Law, February 27, 2009; (2) Speaker, "Is 'Necessary' Still the Mother of Rejection? A Look at the Treatment of Collective Bargaining Agreements in Chapter 11 on the 25th Anniversary of Section 1113," Mid-Meeting, Section Winter on Developing Labor Law, ABA Section of Labor & Employment Law, San Diego, March 2, 2009; (3) Speaker, "Interpreter and Cultural Bias Issues in the Courts," Symposium: Justice for All: Perceptions of Racial and Ethnic Bias in our Courts,

Dedman School of Law, Southern Methodist University, Dallas, April 7, 2009; (4) Speaker, "The Road to Representation Under the National Labor Relations Act," 47th Annual Short Course on Labor Law and Labor Arbitration, Center for American and International Law, Plano, Texas, April 21, 2009; (5) Speaker, "Immigrant Workers and the Rise of National Origin Discrimination," Panel on National Origin and Immigration, Workshop on Work Law, AALS Mid-Year Meeting, Long Beach, June 11, 2009.

Bennett Capers (Hofstra) awarded the Lawrence A. Stessin Prize for Outstanding Scholarly Publication, and published articles in the Yale Journal of Law and the Humanities, and the Harvard Civil Rights-Civil Liberties Law Review, and a symposium essay in the Suffolk Law Review. Other pieces are forthcoming in the Ohio State Journal of Criminal Law and the Washington University Law Review. Professor Capers was also elected Treasurer of the AALS Law and Humanities Section.

Benjamin G. Davis (Toledo) was named Outstanding Faculty Member 2009 by the University of Toledo College of Law Alumni Association. He was also awarded the Community Service Award of the United Muslims Association of Toledo. He published the following book chapter: When Harry Met Martin, in The Law and Harry Potter (Carolina, forthcoming). He published the following article: Online Influence Spaces and Digital Influence Waves, In Honor of Charles B. Gittings, Jr., Ohio State Journal on Dispute

RESOLUTION (forthcoming). He was Council of the elected Member American Bar Association Section on Dispute Resolution, Board Member of the Society of American Law Teachers, and appointed Chair of the Arbitration Subcommittee of the American Bar School Division Association Law Committee. Competitions He was interviewed numerous times television and radio over the years on variety of matters relating to the War on Terror and the confirmation of Justice Sonia Sotomayor.

**Timothy Davis** (Wake Forest), published the following book: (1) SPORTS LAW AND REGULATION: CASES, MATERIALS, AND PROBLEMS (Aspen 2d ed. 2009) (with Matthew Mitten, Rodney Smith & Robert Berry). He published the following articles: (1) *UCC Breach of Warranty and Contract Claims: Clarifying the Distinction*, 61 BAYLOR L. REV. 783 (2009); (2) *Athlete Eligibility Requirements and Legal Protections of Sports Participation Opportunities*, 7 VA. SPORTS & ENTER. L. J. 71 (2008) (with Matthew Mitten).

Uche Ewelukwa (Arkansas, Little Rock) was the winner of the International Human Rights Essay Award. Professor Ewelukwa organized conference on Human Trafficking and opened Fourth Annual Trade Conference organized by the Trade Policy Training Centre in East Africa, Tanzania.

Michael Z. Green (Texas Wesleyan) published Divided Supreme Court Allows Union Waiver of Judicial Forum, American Bar Association's Labor and

Employment Section Spring 2009 Newsletter (discussing the Supreme Court's April 1, 2009 decision in 14 Penn Plaza v. Pvett). Professor Green's comments that criticize the Supreme Court's June 29, 2009 decision in Ricci v. DeStefano were quoted in the American Bar Association's Labor and Employment Section Summer 2009 Newsletter article by Steven Moore and Mark Risk, "Firefighter Plaintiffs Prevail Court Landmark Supreme Case." Professor Green has made several presentations at workshops and conferences since November 2008 as follows in chronological order: AALS Annual Meeting, Evidence Section Poster Presentation, "No Strict Evidence Rules in Labor Employment Arbitration," San Diego, California (January 9, 2009); (2) Texas Weslevan Law Review Symposium, Alternative Dispute Resolution: Exploring the new standard of diligent settlement advocacy facing litigator, "Why today's Advocates Should Not Expect Strict Adherence to the Rules of Evidence in Labor and **Employment** Arbitration," Texas Wesleyan University School of Law, Fort Worth, Texas (February 13, 2009); (3) Littler Mendelson Employment & Labor Law Lecture, "Where are We Going With the Merger of Employment Discrimination Claims and Alternative Resolution?," Cleveland-Dispute Marshall College of Law, Cleveland, Ohio (March 12, 2009); (4) American Bar Association, Section of Labor and Employment, Ethics & Professional Responsibility Committee Midwinter Meeting, panel on Issue Conflicts, Positional Conflicts, and Business Conflicts, "Another Matter to Address in

the Mandatory Arbitration Debate: Which Side are You on Regarding Positional Conflicts of Interest?," Key West, Florida (March 27, 2009); (5) American Bar Association, Section of Labor and Employment, Employment Rights and Responsibilities Committee Midwinter Meeting, panel on "Sexual Harassment in the Union and Non-Union Setting," in which arbitrators and advocates discussed the key differences in union labor arbitration and non-union employment arbitration, Key Florida (March 28, 2009); (6) American Bar Association, Section of Dispute Conference. Resolution,11th Annual "Collective Bargaining Waivers to Process Statutory Discrimination Claims Through Grievance Arbitration," as part of a panel entitled, "Whither Gilmer and Gardner-Denver?: 14 Penn Plaza v. Pvett as a New Fountainhead Case in Labor Law," New York, New York (April 16, 2009); (7) The Center for American and International Law, 47th Annual Course on Labor Law and Labor Arbitration, "Negotiation of Collective Bargaining Agreements," Plano, Texas (April 23, 2009); (8) Law and Society Meeting, "Doubting Annual the Thomases: Is Black-on-Black Sexual Harassment in the Workplace a Matter of Sex or Race or Both?" as part of a panel entitled. "Employment Discrimination in a Non-Binary World: Worker Identity, Intersectionality, and Institutional Responsibility, Denver, 2009): Colorado (May 28, Association of American Law Schools' 2009 Midyear Meeting Workshop on Work Law, "Thoughts on the Wright and the Wrong of the Supreme Court's Pyett Decision," Long Beach, California (June 12, 2009); (10)American

Association's Annual Meeting, "Mandatory Bargaining Over Requiring Employees to Arbitrate?" as part of a Dispute Resolution Section panel on Union "Negotiating Waivers for Statutory Discrimination Claims in Arbitration and Related Issues of Advocacy After 14 Penn Plaza LLC v. Pyett" Chicago, Illinois (July 30, 2009); (11) Southeastern Association of Law Schools (SEALS) annual conference, "What Actions Will Employers, Arbitrators, and Neutral Service Providers Take in Response to the Supreme Court's Pyett Decision?" as part of a panel on "Union Negotiated Arbitration of Statutory Discrimination Claims after 14 Penn Plaza v. Pyett," Palm Beach, Florida (August 6, 2009); (12) Fourth Annual Colloquium on Current Scholarship in Labor and Employment Law, "Furloughs, Reduced Workweeks and Other Efforts Aimed at Reducing Employees' Work Hours While Still Offering Job Stability," Seton Hall University School of Law, Newark, New Jersey (September 25, 2009); (13) University of Connecticut Law Review Symposium: Redefining Work: Implications of the Four-Day Work Week, "Four-Day Weeks and Efforts Aimed at Reducing Work Time: Employer Sympathy or Circumventing Unions and Wage Hour Laws?," Hartford, Connecticut (October 30, 2009); (14) Third Annual Dispute Resolution Works in **Progress** Conference. "Employment Discrimination after the Supreme Court's 2009 Term: A Retaliatory Check on Employers and the Arbitration Monster," Harvard Law School. Cambridge, Massachusetts (November 14, 2009).

**D.** Wendy Greene (Cumberland) received the 2009 Lightfoot, Franklin & White Best Junior Faculty Scholarship Award for her article, Title VII: What's Hair (And Other Race-Based Characteristics) Got To Do With It?, 79 U. COLO. L. REV. 1355 (2008), and was cited in Employment Discrimination: Selected Cases & Statutes, Eds., Michael Zimmer, Charles Sullivan, and Rebecca Hanner White (Aspen Publishers 2009). Her published and forthcoming articles include: Determining (1) (In)Determinable: Race in Brazil and the United States, 14 MICH. J. RACE & L. 143 (2009): (2) On Race, Nationhood Citizenship, 34 THURGOOD and MARSHALL L. REV. \_\_\_ (forthcoming 2009) (reviewing LAURA E. GÓMEZ, MANIFEST DESTINIES: THE MAKING OF THE MEXICAN AMERICAN RACE); and (3) Pretext without Context, 75 Mo. L. REV. (forthcoming Spring Professor Greene made the following representative presentations: (1) Racial Equality at a Crossroads: Redressing Race Discrimination in the Workplace during a "Post-Racial" Moment at the Fourth Annual Colloquium on Current Scholarship in Labor and Employment Law, Seton Hall University Law School; (2) On Law and Literature: George Schuyler's BLACK NO MORE at the 2009 Southeastern Association of Law Schools Law and Society and Association Annual Meetings and the Southeast/Southwest People of Color Legal Scholarship Conference, Phoenix School of Law; (3) Putting It in Context: Words, Race, and Title VII at CRT 20: Honoring Our Past, Charting Our Future Conference; and (4) served as a panelist for the 5th Annual Fred Gray, Sr. Civil Rights Symposium: The Obama-Effect on the Legal Profession, held at Faulkner University—Thomas Goode Jones School of Law.

Tanya K. Hernández (Fordham) was elected to the American Law Institute, and was appointed as a member of the New Jersey Law Revision Commission Commenter on the Durable Power of Attorney Project. She published the following book chapter, Latinos at Work: When Color Discrimination Involves More Than Color, in Shades of Difference: Why Skin Color Matters (Stanford Univ. Press 2009).

Ernesto Hernández-López (Chapman) published the article Boumediene v. Bush and Guantánamo, Cuba: does the "Empire Strike Back"?" SMU LAW REVIEW (2009). He made the following presentations: (1) GTMO, borders, and films "Harold & Kumar Escape from Guantanamo Bay" (2008) and "A Few Good Men" (1992)" at the LatCrit XIV Annual Convention at American University Washington College of Law and the Law and Society Annual Meeting in Denver; (2) GTMO and racialized space at the Law and Society Association Annual Meeting, Diversity and Inequality in World Politics conference of the International Studies Assoc. in Rio de Janeiro, Brazil, Chapman University Faculty Forum, and International Studies Assoc. annual convention in New York City; (3) overseas detention GTMO. and international law at the International Law Weekend at Fordham University Law School; (4) the Application of International Law in the Domestic

Context conference at the Valparaiso University School of Law; and (5) the international norm of non-intervention and GTMO at XXVIII International Congress of the Latin American Studies Assoc. at the Pontificial University in Rio de Janeiro. He was a featured speaker on "Immigration and the 14<sup>th</sup> Amendment" for high school student audiences during the Constitutional Rights Foundation Constitution Day at Chapman University.

Berta Hernández-Truyol (Florida) in addition to a number of articles, Professor Hernández-Truyol published the following book: JUST TRADE: A NEW COVENANT LINKING TRADE AND HUMAN RIGHTS (with Stephen J. Powell; New York: NYU Press, 2009).

Kevin Johnson (U.C.-Davis) continues as dean at UC Davis School of Law and recently published UNDERSTANDING IMMIGRATION LAW (LexisNexis, 2009), with Raquel Aldana, Bill Ong Hing, Leticia Saucedo, and Enid F. Trucios-Haynes.

**Stacy** Leeds (Kansas) delivered "Sovereignty Consequences: and Cherokee Legal History and Freedmen Citizenship," at Harvard University on May 11, 2009, as part of the 2008-2009 Alphonse Fletcher, Sr. Fellowship. Her book by the same title will be published in 2010. Her book "American Indian Property" will be published by Carolina Academic Press in the Spring 2010. During the Summer 2009, she directed KU's Study Abroad in Ireland. She is currently serving as Chief Justice for the Kaw Nation Supreme Court, Chief Justice for the Supreme Court of the Kickapoo Tribe of Oklahoma and as District Judge for the Prairie Band Potawatomi Judicial Council. She was also contributing author and served on the editorial advisory board for the publication Encyclopedia of American Indian Policy, Relations, and Law (Finkelman and Garrison ed. 2009)(Editorial Advisory Board and contributing author)(CQ Press).

Hope Lewis (Northeastern) elected to the Executive Committee of the AALS Section on International Law. to the Program Committee for the American Society of International Law (ASIL) 104<sup>th</sup> Annual Meeting, and to the Teaching International Law Committee of the American Branch-International Association (AB-ILA). Law presented papers for events sponsored by the W.E.B. DuBois Institute for African African-American Research (Harvard). the Caribbean **Studies** Association, and the University of Connecticut. Recent publications include Female Genital Mutilation and Female Genital Cutting, in ENCYCLOPEDIA OF HUMAN RIGHTS, vol. 2, 200-213 (David P. Forsythe, et al, eds.) (Oxford University Press, 2009) http://ssrn.com/abstract=1480323. Race, Class, and Katrina: Human Rights and (Un)Natural Disaster in ENVIRONMENTAL JUSTICE IN THE NEW MILLENNIUM: GLOBAL PERSPECTIVES ON RACE, ETHNICITY, AND HUMAN RIGHTS 233-251 (Filomina Chioma Steady, ed.) (Palgrave-Macmillan, 2009) http://papers.ssrn.com/sol3/cf\_dev/AbsB yAuth.cfm?per id=56058,

Transnational Dimensions of Racial Identity: Reflecting on Race, the Global

the Human Rights Economy, and Movement at 60, 24 MARYLAND JOURNAL OF INTERNATIONAL LAW 296-308 (2009),http://ssrn.com/abstract=1446815, and Transnational Blackness: Race and Human Rights in a Complex World, ALBANY LAW REVIEW & ALBANY JOURNAL OF SCIENCE & TECHNOLOGY (forthcoming 2009).

Suzette Malveaux (Catholic) was selected to present at AALS Annual Conference on Civil Procedure Section's "Revisiting Discovery," response to nationwide call for papers. She published the following article: Is it the "Real Thing"? How Coke's One-Way Binding Arbitration May Bridge the Divide Between Litigation Arbitration, 2009 J. DISP. RESOL. 77, listed on SSRN's Top Ten download lists for Employment Contract Law; Personnel Labor Economics: Discrimination Law. She was interviewed: (1) on LAWCAST (audio legal news show) on the impact of the Supreme Court case, Ricci v. DeStefano; (2) on BET NEWS on Inauguration Day, regarding significance of President Obama's election; and (3) on MSNBC about potential composition of Supreme Court under President Obama.

Cynthia Nance (Arkansas, Little Rock), Dean and Professor of Law gave several presentations in Ukraine as week-long guest of the U.S. Embassy. Dean Nance was appointed to ABA Law School Administration Committee and was named to the Audit Committee of Law School Admissions Council. She was also named to Arizona State University Sandra Day O'Connor

College of Law Washington Legal Externship Program's Advisory Council. She was the recipient of T.E. Patterson Education Award from Arkansas Democratic Black Caucus and was named one of *Arkansas Business*' 25 Minority Trailblazers.

Camille Nelson (Hofstra) served as the Dean's Scholar in Residence at Washington University in St. Louis after completing a year long visit. She has also joined the faculty of Hofstra Law School as a Full Professor. She recently published the following articles: (1) The Radical King: Perspectives of One Born in the Shadow of a King, NEW YORK University Review of Law and SOCIAL CHANGE (2009); (2) Racial Paradox and Eclipse: Obama as Balm for What Ails Us, DENVER LAW REVIEW (2009); AND (3) O.J., Batson and Snyder: Lessons from an Intersecting Trilogy, IOWA LAW REVIEW 1687 (2008). Her article Racializing Disability, Disabling Race: Policing Race and Mental Status is forthcoming with BERKELEY JOURNAL OF CRIMINAL LAW.

**Eboni S. Nelson** (South Carolina) has been selected to chair the South Carolina State Advisory Committee to the United States Commission on Civil Rights, a commission of the US federal government charged with the responsibility for investigating, reporting and making recommendations concerning civil rights issues that face the nation.

**Xuan-Thao Nguyen** (SMU) was served as a Senior Fulbright Scholar

2009, Vietnam National University, Faculty of Law, Hanoi. She published the Casebook, LICENSING INTELLECTUAL PROPERTY: LAW AND APPLICATIONS (Aspen 2008) (co-author with Robert Gomulkiewicz & Danielle Conway). She published the following law review articles: (1) Dynamic Federalism and Patent Law Reform, INDIANA LAW Journal (forthcoming 2010); (2) Justice Scalia's Renegade Jurisdiction: Lessons for Patent Law Reform, 83 TULANE LAW REVIEW 111 (2008); (3) Selling It First, Stealing It Later: The Trouble with Trademarks in Corporate **Transactions** in Bankruptcy, GONZAGA LAW REVIEW 1 (2008) (Lead Article; Invited Symposium Issue on **PROPERTY** INTELLECTUAL AND BANKRUPTCY): **(4)** Acquiring Innovation, 57 AMERICAN UNIVERSITY LAW REVIEW 775 (Lead Article) (2008) (with Professor Jeff Maine); (5) The Other Famous Marks Doctrine, 17 TRANSNATIONAL LAW And CONTEMPORARY PROBLEMS JOURNAL 757 (2008) (Invited Symposium Issue on TRADEMARK DILUTION LAW). presented the following topics: (1) Owners of Intellectual China as Property: An Emerging View of the New University of Washington, School of Law, October 19, 2009; (2) Shifting the Intellectual Property Paradigm: Stronger in China and Weaker in the United States? Intellectual Property Symposium, Seton September 4-5, 2009; (3) Comments on United Nations' UNCTRAL Model Legislative Guide on Security Interest in Intellectual Property Assets, Experts Meetings at UNCITRAL, Vienna, Austria, June 4-5, 2009; (4) A U.S. Perspective on Cross-border Education

Program Higher Programs, on Education as Service in Cross-border Economy. Center for Educational Testing, Quality, and Assurance; (5) VNU - Ho Chi Minh City, May 14-16, 20009; From Barack Obama, to My Tam and Trinh Cong Son: Right of Publicity, Faculty of Law, VNU, May 9, 2009; (6) Intellectual Property Assets in Corporate Transactions. Faculty of Law. VNU, April 25, 2009; (7) The Economic Crisis: A Commercial Law Professor's Perspective, Economic Law Department, Faculty of Law, VNU, March 27, 2009; (8) Globalization in Higher Education: Localizing and Addressing Challenges. Program on Globalization in Higher Education. Center for Educational Testing, Quality, and Assurance; VNU – Ho Chi Minh City, March 28, 20009; (9) Valuation of Intellectual Property and Financing, Faculty of Law, VNU, April 25, 2009.

Angela Onwuachi-Willig (Iowa) is a Visiting Professor of Law at the University of Michigan Law School during the fall of 2009. Angela recently received a contract with Yale University Press for her book project "According to Our Hearts: Lessons on Race, Family, Rhinelander and Law from Rhinelander." Angela has several forthcoming publications: (1) Another Hair Piece: Intersectional Race and GenderDiiscrimination under Title VII, forthcoming in the Georgetown Law Journal; (2) *Complimentary* and Complementary Discrimination in Faculty Hiring, forthcoming in the Washington University Law Review; (3) The Declining Significance Presidential Races? (with Osamudia James), forthcoming in Law

Contemporary Problems; (4) Teaching Employment Discrimination, forthcoming in the annual teaching issue of the Saint Louis Law Journal; and (5) a book chapter Silence of the Lambs, is forthcoming PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA (eds. Carmen G. González. Mary Romero, and Angela Harris). Angela and her husband published two opinion-editorials regarding the Iowa same-sex marriage case, Varnum, in the Des Moines Register and the Iowa City Press Citizen. Angela also chaired the planning committee for CRT20: Honoring Our Past, Charting Our Future, which took place at the University of Iowa College of Law in April of 2009 and participated in Frontier of Social Justice Lawyering, a CRT conference at Yale Law School. Angela is the Chair of the AALS Section on Minority Groups and Chair-Elect of the Section on Law and Humanities.

Deborah Ware Post (Touro) published two articles: (1) Cultural Inversion and the One-Drop Rule: An Essay on Biology, Racial Classification, and the Rhetoric of Racial Transcendence, 72 ALBANY L. REV. 101 ( 2009); and (2) Symposium: One L Law Stories: Revisited Contested Meanings: Achievement and Ambition at an Elite Law School, UMKC L. REV. This year Professor Post and Margaret Barry end their terms as SALT Co-Presidents. Steve Bender and Raquel Aldana succeed them.

**Sudha Setty** (Western New England) published *Litigating Secrets:* Comparative Perspectives on the State

Secrets Privilege, Brooklyn Law Review (forthcoming). Professor Setty was received the following award: Professor of the Year Award at Western New England College School of Law. Professor Setty was promoted from Assistant to Associate Professor of Law.

Sean B. Seymore (Washington & Lee) published the following articles: (1) The Teaching Function of Patents, 85 NOTRE DAME L. REV. (forthcoming 2010); (2) Serendipity, 88 N.C. L. REV. (forthcoming 2009); and (3) Heightened Enablement in the Unpredictable Arts, 56 UCLA L. REV. 127 (2008). He received the following award: Alumni Faculty Fellowship, 2009- (for excellence in scholarship).

Iyiola Solanke (East Anglia, Eng.) will be publishing the following book: MAKING ANTI-RACIAL DISCRIMINATION LAW: A COMPARATIVE HISTORY OF SOCIAL ACTION AND ANTI-RACIAL DISCRIMINATION LAW (Routledge 2009). She published the following article: Putting Race and Gender Together: A New Approach to Intersectionality, MODERN LAW REVIEW (2009).

A. Benjamin Spencer (Washington & Lee) published *Understanding Pleading Doctrine*, 108 MICH. L. REV. 1 (2009) (lead article). He also received an appointment as a Special Assistant U.S. Attorney in the Western District of Virginia. In this capacity I handle appeals on behalf of the Government.

**Yvonne A. Tamayo** (Willamette) published *Rhymes With Rich: Power*,

Law, and the Bitch, 21 ST. THOMAS LAW REVIEW 2 (Winter 2009), which also appeared in WOMEN AND THE LAW (Jane Campbell Moriarty ed., West, 2009).

Lea B. Vaughn (University of Washington) presented two papers: Technological Developments, the Board and the NLRA (1 May 2009) for the American Bar Association, Section of Labor & Employment Law (Seattle University), and Feeling at Home: Learning, Law and Narrative (23 July 2009) for The Conference on Applied Storytelling (Lewis & Clark Law School; Portland, OR). This latter paper is now in draft article form. Her article. A Few Inconvenient Truths About Michael Crichton's "State Of Fear: Lawyers, Causes And Science" will be published soon in the Seton Hall J. of Sports & Entertainment Law. She has been invited international to an conference in Germany on bullying (mobbing), the subject of her book on the abusive workplace (a work in progress). To her teaching of labor law, employment law and civil procedure, she has added courses in legislation and administrative law. Finally, she has rejoined the Board of Trustees of the Seattle Girls' School, a middle school that stresses science, leadership, and an anti-bias curriculum; one-third of its students are young women of color.

**Evelyn L. Wilson** (Southern) was appointed Director of the Institute for Civil Rights and Justice at the Southern University Law Center in Baton Rouge, LA. The Institute has planned a symposium on Health Care for April 8, 2010, at the Law Center.

Adrien Katherine Wing (Iowa) was co-winner of the Minority Section Clyde Ferguson award in January 2009. She completed two years as Vice President of the American Society of International Law in March. She finished three years as associate dean of faculty development in June. She is currently the Chair of the Membership Review Committee for AALS. In January 2010, she will be the on site director for the London Law consortium semester abroad program in London. She has been director of Iowa's summer program in Arcachon, France for ten years and taught Law in Egypt in Cairo. Among her many lectures were ones in Australia, New Zealand, and Indonesia. Professor Wing has topped the 100 mark in number of publications.

Frank Wu (Howard) was appointed by the Defense Department to the Congressionally-mandated Military Leadership Diversity Commission. headed by General Lester L. Lyles (Ret.). He was re-elected Vice-Chair of the Board of Trustees of Gallaudet University, the unique institution serving primarily deaf and hard-of-hearing, and he participated in the selection of its 10th president as a member of the search committee. In addition to returning as a full Professor at Howard, he served as a Visiting Professor at Johns Hopkins and as an Adjunct Professor at George Washington.

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#### **NEWSLETTER EDITOR:**

Larry Catá Backer (lcb11@psu.edu)

I am grateful for the opportunity to put this newsletter together. This is really a labor of love. Many thanks for your patience should this Newsletter come out later than you would like to see it. Many hands are needed to make this effort a success. I am grateful to all of them.

Please help make this newsletter better each year. Please send an e-mail with your suggestions!

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