

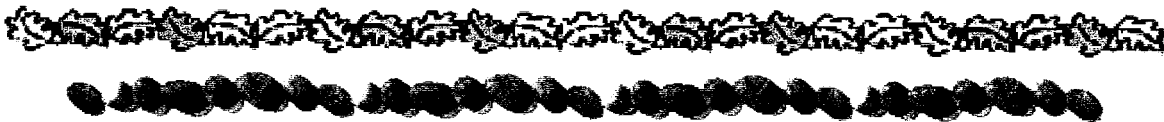
AALS MINORITY GROUPS SECTION NEWSLETTER



NOVEMBER 2004

SECTION ON MINORITY GROUPS WEB SITE
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November 2004



2004

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AND EXECUTIVE
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**MESSAGE
FROM THE CHAIR:**

I have enjoyed serving as the 2005 Chair of the Minority Law Section. It has been a great opportunity for me to work more closely with the members of the 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 held a very successful Workshop on Racial Justice in the New Millennium in Portland, Oregon. The feedback from the Workshop was overwhelmingly positive. Over one-hundred-fifty individuals attended. Several conference papers will be published in the *Notre Dame Law Review*, *AALS Journal of Legal Education*, *St. John's Journal of Legal Commentary*, and *Florida Coastal Law Review*.

Kevin Johnson of UC Davis and Rob Correales of Nevada-Las Vegas have revitalized the mentorship program. If you are interested being either a mentor or mentee, you should contact Kevin Johnson

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directly at krjohnson@ucdavis.edu or Rob Correales at correalesr@cmail.nevada.edu.

The program at the annual meeting will be devoted to a discussion of the LSAT and its effect on minority admissions. The panel is entitled: The LSAT, U.S News & World Report and Minority Admissions. The following individuals have agreed to serve as panelists: (1) Janice Austin (Assistant Dean of Admissions, Penn State – Dickinson); (2) Vernellia R. Randall (Professor, University of Dayton); (3) Brian Kelly (Executive Editor, U.S. News); (4) Philip Shelton (Executive Director, LSAC); (5) Pamela Edwards (Professor, CUNY). The *St. John's Law Review* will publish the papers presented at this panel. The panel is scheduled for Friday, January 7, 2004 from 4PM-5:45PM.

We are also co-sponsoring a panel with the AALS Committee on Recruitment and Retention of Minority Law Teachers. It is scheduled for Friday, January 7, 2005 at 10:30AM-12:15PM. This particular panel will explore the differences in tenure rates of law faculty of color as compared to others.

Lastly, our minority lunch is scheduled for Saturday, January 8, 2004 from 12:15PM—1:30PM. At this lunch, the Clyde Ferguson Award and Derrick Bell Awards will be awarded to accomplished senior and junior faculty, respectively. In addition, Judge Roger L. Gregory, the first African American to serve on the Fourth Circuit, will be the luncheon keynote speaker. Please make sure that you attend these important events.

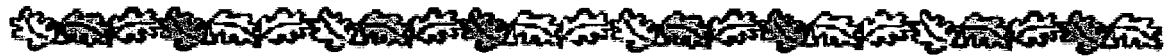
Acknowledgment

I would like to thank my predecessor the 2004 Section Chair, Beverly Moran of Vanderbilt Law School, for her wonderful work. Under Beverly's watch, we had many wonderful panels at the 2004 annual meeting. We had a ground breaking

program on Race and Corporate Law entitled: "Enron, WorldCom and You: The Impact of Corporate Scandals on Communities of Color) that featured several minority section members: Dorothy Brown (Washington & Lee), Lisa Fairfax (Maryland), Thomas Joo (UC Davis), Stephen Ramirez (Washburn), and Cheryl L. Wade (St. John's). We also co-sponsored several other panels. With the section on Employment Discrimination, Labor Relations and Employment Law, we cosponsored a panel on "The Effect of the University of Michigan Cases on Affirmative Action in Employment." Our member, Robert Belton (Vanderbilt) was on the panel. With the Section on Clinical Education and Litigation, we co-sponsored a panel entitled: "Theory Meets Praxis: The Impact of Critical Legal Theory on Lawyering Strategies and Experiential Learning." Our members: Sherrilyn Ifill (Maryland), Rashmi Goel (Denver), John O. Calmore (North Carolina), and Darren Lenard Hutchinson (American) served on this panel. With the Sections on Africa, Law, Medicine and Health Care, and Intellectual Property, we co-sponsored a panel entitled: "HIV AIDS in Africa." Two of our members served on the panel, Adrien Wing (Iowa) and Arti Kaur Rai (Yale). We also co-sponsored a panel with the Section on Africa entitled "Getting Involved in Africa." Our member, Muna B. Ndulo (Cornell), participated in the panel. Lastly, Beverly and our co-executive board member, David Brennen were the creative geniuses, who developed the initial proposal for the Racial Justice Workshop.

Beverly presided over the minority law luncheon where we awarded the Clyde Ferguson Award to Kevin Johnson (UC Davis) and the Derrick Bell Award to Spencer Overton (George Washington). We also heard a very inspirational keynote speech by former Civil Rights leader and Congressman John Lewis of Georgia.

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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.

Faculty Recruitment Conference

Special kudos to Lisa H. Nicholson of Louisville for consistently doing a great job of organizing the Minority Groups Section Hospitality Suite at the annual 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.

List Serve

Special thanks to Odeana Neal of Baltimore for providing section members a means of communication through maintaining the list serve. Please contact Odeana, if you are not part of the list serve. You can reach her at oneal@Umail.ubalt.edu. The list serve address is AALSMIN-L@ube.ubalt.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.

Nominations to the Executive Committee

If you are interested in serving on the AALS Minority Law Section Executive Committee, please contact me as soon as possible at baynesl@stjohns.edu. The duties

include: (1) approving annual meeting panels; (2) selecting the Clyde Ferguson and the Derrick Bell awards; (3) selecting new members of the Executive Committee; (4) coordinating with the newsletter staff to get the newsletter out in a timely fashion; and (5) should the need arise, changing the Section's bylaws.

Nominations for Clyde Ferguson and Derrick Bell Awards

We are requesting nominations by **December 10, 2004** for two awards that will be announced at our Annual Meeting luncheon. Nominations should be sent to the Committee Chair, Len Baynes at Baynesl@stjohns.edu or at St. Johns University School of Law, 8000 Utopia Parkway, Jamaica, NY 11439 or by phone: (718) 990-6032.

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

The former winners are: Michael Olivas (1992), Jim Jones (1993), Paulette Caldwell (1994), Richard Delgado (1995), Taunya Banks (1996), Neil Gotanda (1997), Jerome Culp & Margaret Montoya (1999), Joyce Hughes (2000), Ken Nunn (2001), Frank Valdes (2002), Robert Belton (2003), and Kevin Johnson (2004).

The *Derrick A. Bell Jr. Award* is named in honor of Derrick A. Bell, Jr. of New York

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University Law School. The award 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.

All professional legal educators are eligible (Same categories as the Clyde Ferguson Award), so long as they have not received tenure, and have served seven years or less, at the time of the Award.

Former winners are: Sumi Cho and Peter Kwan (2000), Christine Zuni (2001), Devon Carbado (2002), Leti Volpp (2003), and Spencer Overton (2004).

No one currently on the Executive Committee may be nominated. Current members are: Leonard M. Baynes (Chair), Gabriel Jackson Chin (Chair-Elect), Susan Akram, Larry Cata Backer, David Brennen, Henry Lawrence Chambers, Jr., Cynthia Hawkins-Leon, and Sylvia Lazos.

Tributes and Transitions

The Section lost two of its most valuable members Jerome Culp (Duke) and Marilyn Yarborough (UNC). Through their steadfastness and hard work, they were role models for members of the Section. By touching our lives, we were all better off for knowing them personally, and their lives were gleaming examples of how to live a life committed to racial justice. They will be missed, but not forgotten.

Chris Iijima (Hawaii) has suffered from a rare blood disorder and was hospitalized at Cedars Sinai in Los Angeles. As of September 9, he was out of the hospital and staying in an apartment while undergoing physical therapy. His spirits appear to be good. He wrote on the "Friends of Chris Iijima website" that "I know the power of collective action fueled by

kindness and love. It produces miracles. It seems so sentimental and simplistic to say that love produces miracles but I know; I've been a part of one. Thank you, thank you, thank you." Please keep Chris and his family in your thoughts and prayers.

Final Thanks

The members of the 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: Susan Akram (Boston University), Larry Cata Backer (Penn State-Dickinson), David Brennen (Mercer), Henry Lawrence Chambers, Jr. (Richmond), Gabriel Jackson Chin (Arizona), Cynthia Hawkins-Leon (Stetson), and Sylvia Lazos (Nevada Las Vegas). Best wishes to Gabriel Jackson Chin the 2006 Chair, who will succeed me. I know that he will do a fabulous job.

Leonard M. Baynes

Professor of Law

St. John's University School of Law
Chair, AALS Minority Law Section



LETTER FROM THE 2005-06 CHAIR:

The Section has accomplished so much during the ten years I have been in teaching. It has been a presence in the AALS Annual Meeting and in the AALS workshops and conferences, and has provided virtually all of us with formal and informal information and support, through the newsletter and website, and in a host of other ways. Members of the Section have also paid a lot of attention to the "pipeline,"

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encouraging a diverse pool of attorneys to consider teaching, and giving them advice about how to succeed once they get a foot in the door.

During my year as the Chair, I propose that the Section have a conversation about what we can and should do to generate and promote scholarship on issues of concern to people in the Section. I suspect many will agree that the scholarship produced by members of the Section does not always get the attention it merits. Recall the well-publicized remarks of Harvard Law Professor David Rosenberg, who in a 2002 torts class, criticized "strands of Black scholarship including critical race theory and various other areas such as environmental racism. I said that this scholarship does not enhance understanding of tort theory and I stand fully behind my criticism." Professor Rosenberg is certainly entitled to his opinion. But because I reject it, it makes me think that there is more work to be done in getting the high quality, relevant scholarship produced by Section members studied and considered in the academy and the legal community.

There are some things the Section might consider doing, some of which other sections already do, that could contribute to this goal. What about:

- Establishing prizes for excellent student notes on issues of race, discrimination and equality to reward, encourage and recruit students interested in those areas.
- Discussing in some forum how well-known scholars have gotten their work into the hands of other academics and policymakers.
- Creating a race and law syllabus bank to make it easier for faculty to teach courses in this area.

- Extending the already excellent mentoring program to include assisting junior faculty with scholarship.
- Extending the mentoring program to include attorneys who are considering entering the teaching market.

In the upcoming year, I hope that the members of the Section will give serious thought to whether we are doing enough to make sure our work is part of the debate, and if not, what we can do about it.

Jack Chin

University of Arizona,
James E. Rogers College of Law

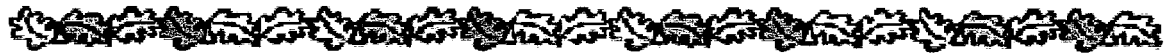


TRIBUTE: MARILYN YARBOROUGH

This is not a eulogy for Marilyn Yarbrough as much as it is a meditation on what it means to be part of a community. When Marilyn Yarbrough died unexpectedly last year, I tried to remember when and where I had last seen her. It was June 2003 at the AALS midyear conference, Women of All Colors in the Law, in New York City. Marilyn was walking with a cane. We chatted briefly and she made some vague reference to health issues she had the year before, but said she was feeling much better. I hadn't seen Marilyn in a while and I was glad to see she her out and about again. Even though this brief encounter might have prepared me, it didn't. I was as shocked as everyone else when I heard that she had passed.

Given the infrequent glimpses I had of Marilyn in recent years, I have to concede that it may have been possible for a young

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person of color to begin his or her teaching career, even to get tenure, without ever meeting Marilyn Yarbrough. A few years ago there was a thread on the Minority Law Professors listserv in which we explored our own history. People wrote in to add to the list of early minority faculty in majority white institutions. If Marilyn was not on that list, she should have been along with Joyce Ann Hughes, Pat King, and Ginger Patterson, to name some of the people in that first wave of black women who began teaching in the 1970s. How could the history of the struggle for inclusion be so immediate, so much a part of the recent past, and yet be unknown? How tragic to lose someone from this generation prematurely.

When I was a new law teacher, in the early 1980s, Marilyn Yarbrough was one of the first black woman law professors I met. In 1984, at the workshop on the professional development for women in law teaching in New Orleans, Marilyn was on a panel "Dealing with the Special Demands on Women Law Teachers." I don't remember what she said. I just remember that she was there. Of course, it would have been hard to miss her. Marilyn was an imposing woman, almost regal in her bearing. Perhaps it was a function of her height. I don't know exactly how tall she was, but from my perspective (5'2") she was very, very tall. Marilyn's eyes were sharp and bright and sometimes it felt like she could see right through you. She was smart, accomplished, funny and she was grounded – in that no nonsense speak your mind kind of way black women sometimes have.

Her accomplishments are staggering. She was the first woman of color to be a dean at a majority white institution – the University of Tennessee. She taught at Boston College, Kansas, and University of North Carolina at Chapel Hill and Tennessee, of course, but she also visited at Duke, South Carolina, Washington University in Missouri, and West Virginia

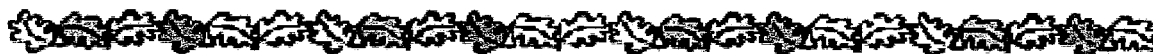
University. She was President of the Law School Admissions Council, a member of the Council on Legal Education of the American Bar Association, and the Pulitzer Prize Board. She administered the CLEO program for several years. She was a member of the MacCrate Commission and wrote the initial draft of Chapter 7 of the MacCrate Report dealing with skills and values.¹

That is quite a list, and an incomplete list at that, but we all know that lists don't tell you anything about the real contributions that people make. The best way to honor Marilyn is by remembering some of the ways she made a difference. One of the ways she made a difference was that she promoted community. Herma Hill Kay described Marilyn's efforts and her success in this respect.

In 1989, Dean Marilyn Yarbrough of Tennessee decided that the women deans should have a retreat. She invited the women deans then in office, together with the two women then serving as President and Executive Director of the A.A.L.S., to join her. This event was the first formal weekend retreat attended by the women deans. Looking back, the significance of Dean Yarbrough's retreat is clear. Prior to that time, there was scant evidence that the few women deans who held office contemporaneously had bonded together either socially or to achieve common goals. At most, some women deans had spontaneous dinners together at various deans' meetings, and a few became friends. In the main, however, they were seen by others and perhaps even by themselves as exceptional women whose accomplishments were

¹ Marilyn Yarbrough, Closing Remarks, 15 St. John's Journal of Legal Commentary 349, 350, Spring 2001.

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unique. By contrast, at the retreat, the women deans began to perceive themselves as a stable group.²

Marilyn's sensibility on issues of importance to women, particularly black women, also was expressed in her scholarship. She was an acknowledged expert on Title IX. She wrote about women athletes and coaches. She also served on the NCAA Committee on infractions and on its board of appeals. But when she wrote about the status of black women in sports, she wrote from her heart with a passion informed by personal knowledge and experience. She began her article *If You Let Me Play Sports*,³ with a poem from a Nike commercial.

If you let me play, if you let me play sports. I will like myself more; I will have more self-confidence. If you let me play sports. If you let me play, I will be 60 percent less likely to get breast cancer; I will suffer less depression. If you let me play sports, I will be more likely to leave a man who beats me. If you let me play, I will be less likely to get pregnant before I want to. I will learn what it means to be strong, if you let me play ...⁴

Marilyn then proceeded to comment on the poem from the perspective of "an African American mother of daughters."⁵ And she then reported what the Women's Sports Foundation research told us about black women: that black women suffer more from hypertension, heart disease, and diabetes than white women. And so, she argued, even if the data describing the

benefits of women's participation were "optimistic and reductionist", the exclusion of black women from activities that might reduce the risks to their health and safety was "unconscionable."⁶

Marilyn also had the ability to be very honest and to pierce to the heart of what she saw as our own hypocrisy. She wrote an article on plagiarism in law school, *Do As I Say, Not As I Do: Mixed Messages for Law Students*.⁷ This article was not a lament about the diminished ethical sensibility of law students. She asked instead whether "the issue was a simple one involving integrity and competence.." or whether it is a more complex issue. The controversy over the work of Martin Luther King was a starting point but not the end of her discussion. Instead, she examines the customs in the practice of law, the "circulation and borrowing of documents and forms" and the various forms of "borrowing" that exist among legal academics. Her piece is and was both provocative and relevant to legal education.

You can't sum up the career of someone like Marilyn Yarbrough in one essay and it is extremely difficult to chose a place to end any discussion of her career in legal education. Perhaps the best place would be with the stand that she took as one of the Law School Five at University of North Carolina. The Law School Five were pilloried in the press and called names for boycotting the events organized around a visit by Justice Clarence Thomas to the law school. I am sure Marilyn took it all in stride. It was all about taking a principled stand as a leader in a community that has been injured by one of its own. It was an act of solidarity with the other black faculty,

² Herma Hill Kaye, *Women, Justice and Authority: Women Law School Deans*, 14 *Yale J. Law and Feminism* at 232 (2002)

³ Marilyn V. Yarbrough, *If You Let Me Play Sports*, 6 *Marq. Sports L. J.* 229 (Spring 1996).

⁴ *Id.* at

⁵ *Id.* at 230

⁶ *Id.* at 231.

⁷ Marilyn Yarbrough, *Do As I Say, Not As I Do: Mixed Messages for Law Students*, 100 *Dick. L. Rev.* 677 (1996)

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with the students of color and with the wider community of African Americans.⁸

I have no special standing to write about Marilyn Yarbrough. I am simply a black woman who appreciated what she did and who feels that her presence in the legal academy was important to me. She was important to us all.

Professor Deborah Waire Post

Touro College

Jacob D. Fuchsberg Law Center



TRIBUTE: JEROME CULP

Good afternoon, Everyone. I am grateful for the opportunity to speak about our brother, Jerome Culp, who recently made his transition on February 5th of this year. We miss him dearly. I especially welcome the chance to share this time of remembering our friends and colleagues with my good

⁸ Justice Thomas is not just another Supreme Court Justice with whom we disagree. Rather, as a justice, he not only engages in acts that harm other African Americans like himself but also gives aid, comfort, and racial legitimacy to acts and doctrines of others that harm African Americans unlike himself – that is those who have not reaped the benefits of civil rights laws, including affirmative action, and who have not yet received the benefits of the white conservative sponsorships that now empower him.”

Excerpt from the Statement by the African American Faculty of the University of North Carolina School of Law Regarding the Visit of Justice Clarence Thomas, February 28, 2002 reprinted in John O. Calmore, Symposium: Critical Race Practice Part II: Airing Dirty Laundry: Disputes Among Privileged Blacks – From Clarence Thomas to the ‘The Law School Five’, 2003 Howard L. J. 175 (Winter 2003)

friend, Deborah Post, who will also help us remember Marilyn Yarbrough.

These occasions when we gather become increasingly important to me as I remain in law teaching for more and more years. What I, and all of us, I think, come to realize is that for us, nothing can be taken for granted. What this really means is that we cannot take each other for granted.

This is basically so due to the heavy toll that we so often pay to try to right the wrongs that we know from our existence. The work that we do emanates from our deep well of resistance to tyranny, oppression and erasure. All that we do, and all that we are, reflects our unfailing commitment to freedom. That freedom for us has been largely elusive, but eminently attainable, spurs us on to continue to struggle.

JEROME knew this. He had a deep sense of social responsibility and justice and joined the quest for freedom for *all* communities – communities of color, LGBT communities, and working class communities. He was a “union man” and a little “d” and a big “D” democrat. Jerome stood for and stood with all those who have been shunted to the side and not allowed to rise, shine, prosper and grow.

A few words about Jerome’s background: He was born in 1950 in Clarksville, PA, in a small coal mining town near West Virginia. His father and grandfather were coal miners, and his mother worked as a domestic and house parent for delinquent children. Jerome attended the University of Chicago where he played varsity football, enjoyed the intellectual atmosphere, and studied economics. After graduating from Chicago in 1972, he studied economics at Harvard University and earned an M.A. in 1974. He subsequently completed his degree at Harvard Law School in 1978. He clerked for the Honorable Nathaniel R. Jones, of the

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United States Court of Appeals for the Sixth Circuit.

After visiting in 1984, Jerome permanently joined the faculty at Duke in 1985. He had been a visiting Professor of Law at the University of Michigan, New York University School of Law, and the University of California, Berkeley School of Law.

Jerome began his career with the Rockefeller Foundation on youth employment and affirmative action issues; he also worked in the Carter Administration as an economist. At Duke, Jerome served as Director of the John M. Olin Program in Law and Economics from 1989 to 1993.

Jerome testified as an expert in *Evans v. Romer* and *Equality Foundation for Greater Cincinnati, Inc. v. City of Cincinnati* – two cases challenging state constitutional and city charter amendments that sought to eliminate civil right protections for gays, lesbians and bisexuals. He was a member of the national board of Parents, Family and Friends of Lesbians and Gays (PFLAG).

Jerome was a gifted and generous teacher. His subjects included Torts, Law and Economics, Employment Discrimination, Sexuality and the Law, Labor Law, Narratives and the Law, and of course, Critical Race Theory.

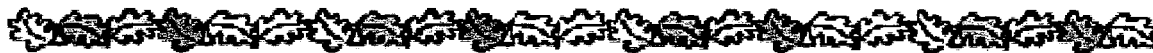
As we all know, Critical Race Theory challenges mainstream analyses of law as neutral, rather than as yet another quiver in the arsenal against minority – soon to be majority – people's rights. The CRT movement has been criticized as "anecdotal," "subjective" and "anti-intellectual." There was no better practitioner or more ardent defender of CRT than Jerome. So you should hear him in his own words. Just listen to some of the intriguing titles of his work:

"Response: Telling a Black Legal Story: Privilege, Authenticity, "Blunders", and Transformation in Outsider Narratives;" "The Michael Jackson Pill: Equality, Race, and Culture;" "Reply: Real Men and History;" and "Water Buffalo and Diversity: Naming Names and Reclaiming the Racial Discourse." Let me read for you an excerpt from Jerome's 1999 article, "To the Bone: Race and White Privilege," in which he responds to the criticisms that CRT itself contains discriminatory, even hateful messages. Jerome concludes:

Ten years after its formal beginning, critical race theory is under assault by those inside and outside the legal academy for supposed ugly contained within the texts that make up the body of its work. . . . In making this charge the critics of critical race theory have failed to acknowledge the deeply embedded message of critical race theory. That message is that race is only skin deep, but white supremacy runs to the bone.

Our racial past haunts our law and legal scholarship not unlike the baby ghost in *Beloved*. In the law, it is represented not by the incorporeal body of disembodied ghosts but instead by unacknowledgeable privileges buried in the law and in our scholarship. The privileges are buried in our supposed neutrality, objectivity, and merit. It is only the privilege of the largely white majority that allows us to see affirmative action as the greatest privilege in admissions to higher education, including law schools. The evidence is quite clear that the mainly white privilege that exists for alumni children is numerically more important than any racially sensitive concern embedded in affirmative action admissions

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programs. . . The truth is that merit is neither required by law, mandated by customs, nor embedded in our history. Those who have ended affirmative action in California by administrative fiat and state referendum did not require that all decisions for admissions be done based on merit. Instead, merit has become ignoring race and gender in coming to a decision.

* * *

Critical race theory has, in my view, missed that trap of victimhood. Though many may see critical race theorists in the role of victims, I never have. What I read in the pages of the long story we are telling about race is a claim of the right to demand change and to highlight problems in a common society. We may have been victims of some racial crimes, but we are not seeking primarily either victim status or an effort to punish an incorporeal devil, but to deal directly with the reality of white supremacy in our midst. We demand the right to participate in the discourse about this society not as the image of us in the white mind, but in all our reality. The question is do we sit and weep about the privileges lost or hide behind protective legal covers from the ghost of our racial past. It is the job of critical race theory to remind us that that is the choice we are making.

Just let me conclude, then, with some personal reflections. I first met Jerome in 1990, when I entered law teaching full time. I was a newcomer then and he was seasoned. Over the years that we knew each other, I never saw Jerome treat anyone differently. He was as warm and giving to the novice as to the longtime colleague. I always enjoyed his bear hug and infectious

laughter. He had presence and clarity of mind.

As the excerpt I just read reveals, Jerome knew why we were here to do our work. But his ready laughter also reminds us that we must not be consumed by work. The *reason* for our struggle is because there is beauty in the world, and we must enjoy our share of it.

It is such a gift to express the love and comradeship that I felt for Jerome and feel for each of you. Let us never forget our need for each other. Let us remember Jerome . . . and Denise, and Trina, and Shanara, and Dwight, and Kellis, and Haywood, and now Marilyn, too.

To Jerome, and to all of you, I wish you Peace. . . Peace be with you.

Your Sister,
Paula

Professor Paula C. Johnson
Syracuse University
College of Law

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MENTORSHIP PROGRAM

Due to popular demand, Len Baynes, chair of the Minority Groups Section, decided to bring back the mentorship Program. This year,

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.



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NEWS AND PUBLICATIONS:

Raquel Aldana (Nevada —Las Vegas) published *An Emerging Universality of Justiciable Victims' Rights in the Criminal Process to Curtail Impunity for State-Sponsored Crimes* in 26 HUMAN RIGHTS Q. 605 (2004) and has the following three forthcoming articles: *A Victim-Centered Reflection on Truth Commissions and Prosecutions as a Response to Mass Atrocities*, ___ J. OF HUMAN RIGHTS ___ (2004); *Derogation is Not the Norm!: Regulating the September 11 Detention*, ___ J. OF CRIMINAL LAW AND CRIMINOLOGY ___ (2004); and *The September 11 Immigration Detentions and Unconstitutional Executive Legislation*, ___ SIU L. J. ___ (2004). Prof. Aldana also commented on three Papers on Immigration and Federalism Strands at the Immigration Law Teachers Workshop 2004, University of Maryland School of Law, Baltimore, MD, June 2004 and presented her paper "Executive Unconstitutional Legislation: The September 11 Immigration Detentions" at the Immigration Matters Symposium at Southern Illinois School of Law in March 2004.

Peter Alexander (Southern Illinois) has published two recent articles: *Identity Theft and Bankruptcy Expungement*, 77 AMERICAN BANKRUPTCY L. J. 409 (2004) and *From Topeka to Brown to the Future*, 96 LAW LIBRARY J. 219 (2004). Dean Alexander has a third piece which will appear in the annual Deans' issue at the University of Toledo.

Larry Catá Backer (Penn State) published *Surveillance and Control: Internal, External and Governmental Monitoring of Corporate Insiders After Sarbanes-Oxley*, 2004 MICHIGAN STATE DCL L. REV. 327 (2004); *The Duty to Monitor:*

Emerging Obligations of Outside Lawyers and Auditors to Detect and Report Corporate Wrongdoing Beyond the Federal Securities Laws, 77 ST. JOHN'S L. REV. 919 (2003), reprinted 53(4) DEFENSE L.J. — (forthcoming 2004); *Corporate Surveillance After Sarbanes-Oxley*, 26(1) THE COMPANY LAWYER 3 (Eng.) (2005); *Restraining Power From Below: The European Constitution's Text and the Effectiveness of Protection of Member State Power Within the EU Framework*, The Federal Trust for Education and Research Online Paper No. 15/04 (July, 2004) available at http://www.fedtrust.co.uk/eu_constitution; and *A New Constitution For Europe — Symposium Transcript (Major Innovations of the Proposed New European Constitution Treaty)*, 23 PENN STATE INT'L L. REV. 1, 28-31 (2004) ((Louis F. Del Duca, ed.)). He will be publishing the following: *GLOBALIZATION LAW: CONVERGENCE AND RESISTANCE* (Durham, N.C.: Carolina Academic Press, forthcoming 2005) (editor and contributor); *Emasculated Men, Effeminate Law in the United States, Zimbabwe and Malaysia*, 17(1) YALE J. L. & FEMINISM — (forthcoming 2005); *Cuba and the IMF: Conflicting Visions of Globalized Capital Flows and Sovereign Debt*, -- LOY. N.O. J. PUB. INTEREST L. — (forthcoming 2005); and *Multinational Corporations, Transnational Law: Corporate Social Responsibility as International Law*, BUFF. PUB. INT. L.J. — (forthcoming 2005). He made the following presentations: *Rethinking Individual Responsibility and Collective Guilt Under National and International Human Rights Regimes: The Trials of Slobodan Milosevich and the Responsibility of Serbia*. Conference: Delaware Valley International Law Day II, Temple University Beasley School of Law, Philadelphia, Pennsylvania, October 30, 2004; *Cuba and the IMF: Conflicting Visions of Globalized Capital Flows and Sovereign Debt. And Corporations, Transnational Law: Corporate Social Responsibility as*

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International Law. Second National People of Color Legal Scholarship Conference, *America, Race and Law at the Crossroads*, The George Washington University School of Law, Washington, D.C. (held Oct. 7-10, 2004); *Restraining Power From Below: Protecting the Residuary Powers of the Member States Within A European Constitutional Framework*. Conference: Towards A European Constitution, The Federal Trust for Education and Research, Goodenough College, London, England, July 2, 2004; *Cosmopolitan Judicial Constitutionalism and the E.U.* Conference: Cosmopolitanism and Europe, Royal Holloway, University of London, Egham, England, April 23, 2004; *Cuban Marxism, Chinese Maoism and Free Market Globalism: Can Cuba Embrace the Global Community on Its Own Terms*. Symposium: Whither Goes Cuba? Prospect for Economic & Social Development, University of Iowa College of Law, Iowa City, Iowa, Feb. 6, 2004; and *European Constitutionalism and the European Judiciary*. Institute of Advanced Legal Studies, School of Advanced Study, University of London (England), Jan. 14, 2004. Professor Backer has also been invited to provide evidence to the European Scrutiny Committee of the U.K. House of Commons on the draft European Constitution.

Carlos Ball (Penn State) published the following in 2004: *The Positive in the Fundamental Right to Marry: Same-Sex Marriage in the Aftermath of Lawrence v. Texas*, 84 MINN. L. REV. 1184 (2004); *Preferential Treatment and Reasonable Accommodation under the Americans with Disabilities Act*, 55 ALA. L. REV. 951 (2004). He will be publishing the following in early 2005: "What Does Sex Have To Do With It? Disability and Sexual Orientation in Family Law and Policy," in CHOOSING OFF THE MENU: PHILOSOPHICAL REFLECTIONS ON DISABILITY AND THE CREATION OF NON-STANDARD FAMILIES (Sara Goering,

editor, forthcoming 2005); *Looking for Theory in all the Right Places: Feminist and Communitarian Elements of Disability Discrimination Law*, 59 OHIO ST. L. J. ___ (2005, forthcoming); *This is Not Your Father's Autonomy: Lesbian and Gay Rights from a Feminist Perspective*, 28 HARVARD WOMEN'S L. J. ___ (2005, forthcoming). He presented the following papers in 2004: *Looking for Theory in all the Right Places: Feminist and Communitarian Elements of Disability Discrimination Law*, Feminism and Legal Theory Workshop, Emory University School of Law; *This is Not Your Father's Autonomy: Lesbian and Gay Rights from a Feminist Perspective*, "Emotion and the Law" Conference, Harvard Law School; *The Positive in the Fundamental Right to Marry: Same-Sex Marriage in the Aftermath of Lawrence v. Texas*, AALS Annual Meeting, Atlanta, Georgia. He will be presenting the following in early 2005: *Exactions and the Distribution of Burdens in Takings Law*, "State and Local Government Law" Conference, University of Virginia School of Law; *Setbacks and Backlashes: What the Gay Rights Movement Can Learn from the Civil Rights Movement*, "Legal Rights in Historical Perspective" Conference, William and Mary Law School. In addition, the editors of the UCLA Law Review gave his article *Lesbian and Gay Families: Gender Nonconformity and the Implications of Difference*, 31 CAP. U. L. REV. 691 (2003) a Dukeminier Award as one of the best law review articles published in 2003 on sexual orientation and the law issues. The article will be re-published next year in the Dukeminier Awards Journal. He has also been invited to present the paper by the organizers of UCLA's Williams Project's annual conference on sexual orientation and the law.

Taunya Lovell Banks (Maryland), published two articles last spring: *Exploring White Resistance to Racial Reconciliation in the United States*, 55

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RUTGERS L. REV. 903 (2003) and *Why a Feminist Law Journal?* (with Penelope Andrews), 12 COLUM. J. GENDER & L. 498 (2003). In April she was the University of Minnesota Law Library Distinguished Lecturer. Her lecture focused on a seventeenth-century freedom suit by a mixed-race woman. She spoke on the same topic earlier that month at Vanderbilt University Law School. Professor Banks chaired two panels at the Law & Society Association's annual meeting in May, and also served as the commentator on the panel entitled *Race and Rights 1414*.

Leonard M. Baynes (St. John's) served as an expert witness at the Federal Communications Commission Federal Advisory Committee for Diversity in broadcast ownership established by Chairman Michael Powell in January, 2004. His most recent articles include: *Making the Case for a Compelling Governmental Interest and Re-Establishing FCC Affirmative Action for Broadcast Licensing*, RUTGERS L. REV. (forthcoming); *Deregulatory Injustice and Electronic Redlining: the Color of Access to Telecommunications*, 56 ADM. L. REV. 263 (2004); *WHITEOUT: The Absence and Stereotyping of People of Color by the Broadcast Networks in Prime Time Entertainment Programming*, 45 ARIZ. L. REV. 293 (2003); *Falling Through the Cracks: Race and Corporate Law Firms*, St. John's L. Rev. 785 (2003). Professor Baynes received a seed grant from St. John's University to conduct a study of the Queens business community. This study will be conducted through the Ronald H. Brown Center for Civil Right and Economic Development. In this study, Professor Baynes intends to identify the largest minority and majority-owned businesses operating in Queens, New York. Professor Baynes has also served as the 2004 Chair of

the AALS Minority Law Section and the Chair of the Planning Committee of the AALS Midyear Workshop, Racial Justice in the New Millennium, which took place in Portland, Oregon.

Jeannine Bell (Indiana – Bloomington) was tenured and promoted to full professor. This summer she published *O Say, Can you See: Free Expression by the Light of Fiery Crosses* in volume 39 of the HARV. C. R.-C.L.L. REV. The article contextualizes cross burning both historically and doctrinally and analyzes the Court's decision in *Virginia v. Black*.

David A. Brennen (Mercer) In July 2004, Mercer University named Professor Brennen the Ellison C. Palmer Professor of Tax Law. Brennen is the first African American to hold a named professorship in law at Mercer. During spring 2004 semester, Professor Brennen was visiting professor of law at Temple Law School. During the 2003-2004 academic year, Professor Brennen published the following: *THE TAX LAW OF CHARITIES AND OTHER EXEMPT ORGANIZATIONS* (with Jones, Willis and Moran) (West) (2003) [plus 2003 statutory supplement]; *Race and Equality Across the Law School Curriculum: The Law of Tax Exemption*, (Journal of Legal Education 2004); *Race Conscious Affirmative Action by Tax Exempt 501(c)(3) Corporations After Grutter and Gratz*, 77 ST. JOHN'S L. REV. 711 (2003); *Advising Tax-Exempt Organizations in Georgia* (CLE materials) (available at Mercer Law library) (2003). During 2003-2004 academic year, Professor Brennen made the following presentations: *Race and Equality Across the Curriculum: Tax Law*, Association of American Law Schools Racial Justice Workshop, Portland, OR, June 15, 2004; *A Normative Rationale for the Charitable Tax Exemption*, Critical Tax Theory Conference, Rutgers University School of Law - Newark, Newark, NJ, April 3, 2004; *Theory of the*

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Charitable Tax Exemption, at Syracuse Law school and St. Louis University Law School; *The Intersection of Race and Tax*, American Bar Association Section of Taxation Meeting; and *From Penn Central to Pensacola: New Perspectives on Historic Preservation (Tax and Ethical Considerations)*, Richard E. Nelson Symposium at University of Florida College of Law. During 2003-2004 academic year, Professor Brennen began service on the Board of Governors for the Society of American Law Teachers and as American Bar Association Law School Site Evaluation Committee Member.

Dorothy Brown (Washington and Lee) published *CRITICAL RACE THEORY: CASES, MATERIALS AND PROBLEMS* (Thomson West 2003). Her other publications include: *Social Security and Marriage in Black and White*, 65 OHIO ST. L. J. 111 (2004) (symposium); *Pensions, Risk, and Race*, 61 WASH. & LEE L. REV. ____ (forthcoming 2005) (symposium). She also had her op-ed published in the New York Times. *In Sickness, in Health and in the Tax Code*, N.Y. Times, Jan. 25, 2004, Sec. 4, at 15. She was a visiting professor at the University of Virginia School of Law and taught a short course in Critical Race Theory in the Spring 2004. She organized a Critical Race Theory symposium at Washington and Lee in March 2004. She also presented papers at faculty workshops at Indiana University-Indianapolis, Michigan, Penn State Dickinson, Roger Williams, and Temple Law Schools. She guest lectured at a tax policy class at the University of Pennsylvania Law School in the Fall 2004. She was a panelist at the AALS annual meeting's Minority Law Teachers' section program in Atlanta, Georgia entitled "Enron, Worldcom, and You: The Impact of Corporate Scandals on Communities of Color." She received a research award and was named an Alumni Faculty Fellow.

Sherri Burr (University of New Mexico) published three books this summer. Her "Entertainment Law: Cases and Materials in Film, Television, and Music" (co-authored with William Henslee) was published by THOMSON-WEST in June 2004 and is available at www.thomsonwest.com. The same company also published Burr's "Entertainment Law in a Nutshell" in September 2004. In August 2004, William S. Hein & Company published "Art Law: Cases and Materials" (co-authored with Leonard DuBoff and Michael Murray). It is available at www.wshein.com. Burr was also selected to attend the May 2004 AALS conference on "Educating Lawyers for Transnational Challenges" in Honolulu, Hawaii. Burr was joined by over 100 lawyers and law professors from around the world.

John O. Calmore (UNC) published the following: (1) Teacher's Manual (2004) (257 pp.) to accompany MAHONEY, CALMORE & WILDMAN, *SOCIAL JUSTICE: PROFESSIONALS, COMMUNITIES AND LAW* (Thompson-West 2003). You can get it by calling 1 800 328 9352; (2) A book review of (2003). *Displacing the Common Sense Intrusion of Whiteness from Within and Without: The Chicano Fight for Justice in East L.A.*" 92 CAL. L. REV. 1517 (October 2004) (reviewing IAN HANEY LOPEZ'S *RACISM ON TRIAL: THE CHICANO FIGHT FOR JUSTICE*).

Gabriel "Jack" Chin (Arizona) was named the Chester H. Smith Professor of Law in July 2004. He published *Reconstruction, Felon Disenfranchisement and the Right to Vote: Did the Fifteenth Amendment Repeal Section 2 of the Fourteenth?*, GEORGETOWN L.J., and *The "Voting Rights Act of 1867:" The Constitutionality of Federal Regulation of Suffrage During Reconstruction*, N.C. L. REV. For the 50th Anniversary of *Brown v. Board of Education*, he and his students

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wrote a report on segregation laws still on the books, which led to legislation in Louisiana and Missouri, and is available on line at <http://www.law.arizona.edu/jimcrow/>.

Danielle Conway-Jones (Hawai'i) was presented with with the 2004 Regents' Medal for Excellence in Teaching. The Board of Regents of the University of Hawai'i awards the Regents' Medal for Excellence in Teaching as tribute to faculty members who exhibit an extraordinary level of subject mastery and scholarship, teaching effectiveness and creativity and personal values that benefit students. Professor Conway-Jones has been successful in establishing the Hawai'i Procurement Institute (www.uhhpi.org) at the law school; as well, she has augmented the law school curriculum by teaching courses and publishing articles dealing with the New Economy. She has recently completed two articles entitled Safeguarding Hawaiian Traditional Knowledge and Cultural Heritage: Supporting the Right to Self-Determination and Preventing the Commodification of Culture, HOWARD L. J. (Special Symposium Edition) (forthcoming 2004) and Research and Development Deliverables under Government Contracts, Grants, Cooperative Agreements and CRADAs: University Roles, Government Responsibilities, and Contractor Rights, COMPUTER L. REV. & TECH. J. (forthcoming 2004). She is also coordinating the First Annual Winter Institute for Black Studies, University of Hawai'i System, "Lifestyle Changes: Keys to Reducing Health Disparities among People of Color," Hawai'i Imin International Conference Center, East-West Center, University of Hawai'i at Mānoa, January 18-19, 2005. Please contact Professor Conway-Jones if you are interested in attending this historic event.

Frank Rudy Cooper (Suffolk) recently joined Suffolk University Law School as an Associate professor. He previously served as an Assistant professor at Villanova University School of Law. Professor Cooper also published his second substantial article, *Cultural Context Matters: Terry's "Seesaw Effect,"* 56 OKLA. L. REV. 833 (2003). Professor Cooper co-chaired the LatCrit conference in April 2004. He will also co-chair the Latcrit Symposium, forthcoming in Seton Hall and Villanova Law Reviews in 2005. Most importantly, Frank and Daniella welcomed their son, Thelonious Abraham Cooper April 3, 2004.

Jane E. Cross (Nova Southeastern) was promoted to Associate Professor in 2004. In summer 2004, she worked with Norman Manley Law School in Jamaica to coordinate the first conference of the American and Caribbean Law Initiative ("ACLI") in Ocho Rios, Jamaica from July 23-24, 2004. She was also selected to chair the planning committee for the next ACLI conference in summer 2005. During the fall of 2004, she is serving as faculty chair for the Goodwin Seminar. The topic of this seminar series is "Trade Winds in Caribbean Law: Evolution of Legal Norms and Quest for Independent Justice."

Marcella David (Iowa) is completing her second year serving the Iowa College of Law as Associate Dean of Admissions. In addition, I was appointed by the University of Iowa's new Provost, Mike Hogan, to serve as Interim Associate Provost for Diversity, a position which includes serving as Director of the Office of Opportunity at Iowa, an office that coordinates the university's outreach to minority pre-college students.

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Mechele Dickerson (William & Mary) was named the 2004-2005 Cabell Research Professor of Law. She published *The Many Faces of Chapter 11: A Reply to Professor Baird*, 12 ABI L. REV. 109 (2004). She also completed *A Politically Viable Approach to Sovereign Debt Restructuring*, which will be published in the EMORY L. REV., *Caught in the Trap: Pricing Racial Housing Preferences*, which will be published in the MICH. L. REV., *Race Matters in Bankruptcy*, which will be published in the WASH. & LEE L. REV., and *Bankruptcy and Mortgage Lending: The Homeowner Dilemma* which will be published in the JOHN MARSHALL L. REV. She also became a co-author of THE LAW OF DEBTORS AND CREDITORS (Thompson West).

Maurice Dyson (S.M.U.) has published *The Death of Robin Hood? Proposals To Overhaul Public School Finance*, 11 GEO. J. ON POVERTY L. & POL'Y 1 (2004); *Safe Rules Or Gay Schools: The Dilemma of Sexual Orientation Segregation In Public Education*, 7 U. PA. J. CONST. L. 1 (2004); *Multiracial Identity, Monoracial Authenticity & Racial Privacy: Towards An Adequate Theory of Multiracial Resistance*, 9 MICH. J. RACE & L. 387 (2004); *In Search of the Talented Tenth Diversity, Affirmative Access, and University-Driven Reform*, 6 HARV. LATINO L. REV. 41 (2003). He will be publishing the following works: *Towards An Establishment Clause Theory of Race-Based Allocation: Administering Race-Conscious Financial Aid After Grutter and Zelman*, -- S. CAL. INTERDISC. L.J. --; *Racial Free-Riding The Coattails of A Dream Deferred: Can I Borrow Your Social Capital?* -- WM. & MARY BILL RTS. J. --; *Playing Games With Equality: A Game-Theoretic Critique of Educational Sanctions, Remedies and Strategic Noncompliance*, -- TEMPLE L. REV. -- ; *Putting Quality Back Into Equality: The Constitutionality of*

Charter School Enabling Legislation In A Post-Grutter Era, -- RUTGERS L.J. -- .

Kim Forde-Mazrui (Virginia) recently published *Taking Conservatives Seriously: A Moral Justification for Affirmative Action and Reparations*, 92 CAL L. REV. 683 (2004), and "Live and Let Love: Self-Determination in Matters of Intimacy and Identity" 101 MICH. L. REV. 2185 (2003) (reviewing RANDALL KENNEDY, *INTERRACIAL INTIMACIES: SEX, MARRIAGE, IDENTITY AND ADOPTION* (2003)). He was also honored by the University of Virginia Law School in two ways: Professor Forde-Mazrui was appointed (in 2003) the Director of the Center for the Study of Race and Law, and in mid-2004, he was appointed the inaugural Justice Thurgood Marshall Research Professor.

Shubha Ghosh (Buffalo) is spending the 2004-2005 academic year as a visiting professor at SMU Dedman School of Law. In addition to teaching torts and patent law, he is working on a casebook for Lexis-Nexis with Richard Gruner and Jay Kesan on INTELLECTUAL PROPERTY AND BUSINESS LAW. He spent part of the summer lecturing at the University of Siena and will be a visiting scholar at The University of Edinburgh for part of the Academic Year 2005-2006. His article *Patents and the Regulatory State* is forthcoming in BERKELEY TECH. L. J. He is currently working on an article for a symposium on the right of publicity and the Governor Schwarzenegger bobble-head dispute and a piece on security and tort law, which he presented last Spring at the Stanford Law School Cybersecurity conference and this Fall at a joint Carnegie Mellon-OSU Moritz School of Law symposium on Cybersecurity.

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Michael Green (Texas Wesleyan) completed the Article *Finding Lawyers for Employees in Discrimination Disputes as a Critical Prescription for Unions to Embrace Racial Justice*, which has been accepted for publication in the U. PA. J. LAB. & EMP. L. Volume 7, Fall 2004 issue. This paper resulted from Michael's presentation on race and unions at the AALS Conference on Racial Justice held this past June in Portland, Oregon. In August, he spoke at the Labor and Employment Section of the ABA's annual meeting in Atlanta on the topic of "Using Criminal Prosecutions as a Bargaining Chip in Employment Mediation: A Potential Ethical Trap for Unwary Lawyers in Some Jurisdictions." In October, Michael presented "Tackling Employment Discrimination with ADR: A Shield for the Haves or Real Opportunity for the Have Nots?" at the 2nd National People of Color Legal Scholarship Conference at George Washington University Law School. He will be speaking there on a panel titled, "Upcoming Challenges in Employment Discrimination Law." In November, Michael will speak on a panel at the First Annual Wiley Branton Symposium at Howard University Law School which will commemorate the 40th Anniversary of Title VII of the Civil Rights Act of 1964.

Tanya K. Hernández (Rutgers-Newark) has recently written the following: "To Be Brown in Brazil: Education & Segregation Latin American Style," 29 NYU REV. L. & SOC. CHANGE (forthcoming 2004); Afro-Mexicans and the Chicano Movement: The Unknown Story, 92 CAL. L. REV. -- (2004) Reviewing IAN F. HANEY LOPEZ'S "RACISM ON TRIAL: THE CHICANO FIGHT FOR JUSTICE); *La Buena Fe Legislativa y la Herencia Angloamericana, en TRATADO DE LA BUENA FE EN EL DERECHO*, TOMO II, 327-335 (Marcos M. Córdoba, et al. eds., 2004) [Book chapter, "Legislative Good Faith and Anglo-American Inheritance Law," in GOOD FAITH

IN THE LAW TREATISE, vol. II (La Ley Argentina pub.)]. She is also the recipient of a Faculty Research Fellowship, Rutgers University Institute for Research on Women, New Brunswick, New Jersey, 2004-05 Seminar "Diversity: Expanding Theory and Practice," and was voted by the law school's graduating class as the Faculty Speaker for Commencement 2004.

Kevin Johnson (U.C. Davis) was named the Mabie/Apallas Professor of Public Interest Law at U.C. Davis. His book THE "HUDDLED MSSES" MYTH: IMMIGRATION AND CIVIL RIGHTS was published this year.

Hope Lewis (Northeastern) co-edited, with Professor Jeanne M. Woods of Loyola, a new textbook on international human rights: HUMAN RIGHTS AND THE GLOBAL MARKETPLACE: ECONOMIC, SOCIAL, AND CULTURAL DIMENSIONS (Jeanne M. Woods and Hope Lewis, eds., Transnational Publishers, Inc. forthcoming 2004). She was one of the plenary speakers at Northeastern's conference on "Rethinking Ideology and Strategy: Progressive Lawyering, Globalization, and Markets" last Fall. This summer, she gave the commencement address at the Perkins School for the Blind in Watertown, Massachusetts in June and lectured in the "American Empire and Its Discontents" series at the John F. Kennedy Memorial Library in Boston.

Solangel Maldonado (Seton Hall) had her article *Beyond Economic Fatherhood: Encouraging Divorced Fathers to Parent*, accepted for publication in the University of Pennsylvania Law Review. She was also appointed to the New Jersey Commission on Higher Education in January 2004.

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Suzette M. Malveaux (Alabama) joined the faculty in the fall of 2003 where she teaches Complex Litigation, Civil Procedure, Public International Law and Employment Discrimination. Professor Malveaux published *Arbitration and the Supreme Court: A Critique from Plaintiff's Counsel in Green Tree v. Randolph* (THE ADVOCATE, Winter 2003) and will be publishing *Exploring the Fate of Employment Discrimination Class Actions* in the Berkeley Journal of Employment and Labor Law in the spring, 2005. Professor Malveaux is also counsel for the victims of the Tulsa Race Riot of 1921 (*Alexander v. The State of Oklahoma*) and presented her work-in-progress, "Statutes of Limitations: A Policy Analysis in the Context of Reparations Litigation" at the National People of Color Legal Scholarship Conference. She is also the Faculty Advisor of the Jessup International Moot Court Team, for which she received the Bradley, Arant, Rose & White Award and the Adams and Reese Jessup Moot Court Award. Professor Malveaux also moderated "Disability Law: Equality and Difference," a symposium on American Disability Law and the Civil Rights Model in the fall, 2003, and was recently featured in the magazine TUSCALOOSA.

Margaret Montoya (New Mexico) continues to serve as Interim Director of the Southwest Hispanic Research Institute. In September, she was honored by the New Mexico Hispanic Bar Association with its Liberty and Justice Award.

Camille Nelson (St. Louis) was voted Faculty of the Year by the Student Bar Foundation. RACISM EH? A CRITICAL INTER-DISCIPLINARY ANTHOLOGY OF RACE AND RACISM IN CANADA, which was co-edited with her sister, Charmaine, was published in April with an official book launch in September at Librairie Paragraphe Bookstore in Montreal.

<http://www.captus.com/Information/racism-flyer.htm> Camille has been selected to teach in the 2005 Saint Louis University, School of Law summer program in Madrid. She was recently selected to be part of the First Annual Winter Institute for Black Studies to be held at the University of Hawai'i in January 2005.

Xuan-Thao Nguyen (SMU) published a treatise on *Intellectual Property Taxation* (BNA 2004) (with Jeff Maine); a casebook, CASES PROBLEMS AND MATERIALS ON INTELLECTUAL PROPERTY TAXATION (Carolina Academic Press 2004); *Collateralizing Privacy*, 78 TULANE L. REV. 553 (2004) (Lead article); *Bankrupting Trademarks*, 37 U.C. DAVIS L. REV. 1269 (2004). Completed works include *Taxing the New Intellectual Property Rights*, — HASTINGS L. J., — (2005) (with Jeff Maine) (Lead article); *Nationalizing Trademarks: A New International Trademark Jurisprudence*, 39 WAKE FOREST L. REV. (2005) (Lead article). Currently working on a multi-volume treatise on Licensing Law (to be published by BNA) with Robert Gomulkiewicz and Danielle Conway-Jones. Chaired and organized a conference on Intellectual Property and E-commerce at SMU. Presented at University of Washington School of Law, Boston University School of Law, INTA's 126 Annual Conference, Vietnam National University Law Faculty in Hanoi, Vietnam National University Faculty in Dalat, and various bar associations in the United States and abroad. Provided technical expertise to Vietnam government and other foreign countries' high-level delegations. Participated in the Constitutional Courts Summit held at Oxford University, Summer 2004.

Angela Onwuachi-Willig (U.C. Davis) will publish her article, "Just Another Brother on the SCT? What Justice Clarence Thomas Teaches Us About the Influence of

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Racial Identity," in the February 2005 issue of the IOWA L. REV. Additionally, her article on Justice Thomas and affirmative action will appear in the Spring issue of the *Arizona Law Review*. Finally, Professor Onwuachi-Willig's review of Derrick Bell's book SILENT COVENANTS, "FOR WHOM DOES THE BELL TOLL: THE BELL TOLLS FOR BROWN?" will be published in the May 2005 issue of the MICHIGAN L. REV..

Spencer Overton (George Washington) discussed this term's cases at the American Constitution Society's 2004 Supreme Court Round-Up at the National Press Club along with Berkeley Law Professor Goodwin Liu, Cardozo Law Professor Marci Hamilton, Stanford Law Professor Jenny Martinez, and Yale Law Professors Akhil Amar and Drew Days. Professor Overton gave presentations on reauthorization of the Voting Rights Act at the National LatCrit Conference, the NAACP Annual Convention, the National Bar Association Annual Convention, and the Northeastern People of Color Conference. Along with other national voting rights experts, he also participated in a roundtable discussion on reauthorization of the Voting Rights Act at Harvard Law School. Professor Overton teamed with UNC Law Dean Gene Nichol to debate Federal Election Commission Chair Bradley Smith and ACLU President Nadine Strossen on the merits of campaign finance reform at the American Constitution Society National Convention. He also spoke on campaign finance issues as the keynote speaker at a dinner honoring the three African-American Justices who have served on the North Carolina Supreme Court. Professor Overton also wrote *The Donor Class: Campaign Finance, Democracy, and Participation*, which will appear in the U. PA. L. REV. The article can be downloaded at <http://ssrn.com/abstract=569021>

Maria Pabon Lopez (Indiana – Indianapolis) presented "More Than a License to Drive: State Restrictions on the Use of Driver's Licenses by Noncitizens" at the Immigration Matters symposium at Southern Illinois School of Law in March 2004. The article is forthcoming in the S. ILL. U. L. J.. She also presented "Reflections On Educating Latino/a Undocumented Children : Beyond *Plyler v. Doe* " at the Latcrit IX conference hosted by Villanova University School of Law in May 2004. That article is forthcoming in the Latcrit IX symposium. She was also part of a panel of presenters at the Immigration Law Teachers Workshop, held in Baltimore, in June 2004. She served on the Steering Committee for the Second National People of Color Scholarship Conference, which was held in October 2004 in Washington, D.C.

Leroy Pernell (Northern Illinois). Dean Pernell reports that the NIU College of Law has been ranked number three in the nation by Princeton Review for diversity of faculty (and number four in the nation for welcoming environment for older students).

Huyen Pham (Missouri-Columbia) published an article, *Inherent Flaws in the Inherent Authority Doctrine: Why Inviting Local Enforcement of Immigration Law Violates the Constitution*, 31 FLA. ST. U. L. REV. 965 (2004)). She also spoke on the issue of local enforcement of immigration laws at the March 2004 *Cambio de Colores* conference in St. Louis.

Lydie Nadia Pierre-Louis (St. John's University) has recently been appointed as an Assistant Professor of Law where she teaches in the areas of securities law, corporate law, commercial law and arbitration and is the Director of the Securities Arbitration Clinic. Prior to joining the law faculty in 2004, Professor Pierre-Louis was as an Assistant Attorney General in the Investment Protection Bureau

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of the New York State Office of the Attorney General enforcing securities and franchise laws in state and federal courts. Professor Pierre-Louis has taught for several years in the Executive M.B.A. programs at Columbia University and New York University. She has taught in the areas of commercial law, securities law, corporate law and arbitration.

Reggie Robinson (Howard) has a forthcoming article entitled, "Human Agency, Negated Subjectivity, and White Structural Oppression: An Analysis of Critical Race Practice/Praxis" to be published in vol. 53, page 101, of the *American University Law Review*.

Victor Romero (Penn State) continues to write and comment on race relations and immigration issues. This past spring 2004, he presented papers at symposia at the law schools of the University of Pennsylvania, the University of Baltimore, St. John's University, and at LatCrit IX hosted by Villanova University. He also conceived of and moderated at the "Immigration Matters" symposium hosted by the Southern Illinois University law school. This fall 2004, he will be a featured speaker in the "Vocations in Law & Social Justice" series at Mount St. Mary's College, and will participate on an immigration panel at the Second National People of Color Legal Scholarship Conference at George Washington University. His book, *ALIENATED: IMMIGRANT RIGHTS, THE CONSTITUTION, AND EQUALITY IN AMERICA* will be published in late 2004 or early 2005 by NYU Press. Finally, Professor Romero is grateful to the Minority Law Students Association of Penn State for presenting him with a Certificate of Appreciation for his devotion to diversity issues and to the NAACP of the Greater Carlisle Area for recognizing his contributions to the community by conferring upon him its

President's Award for Excellence; both honors were awarded in April 2004.

A. Benjamin Spencer (Richmond) has just published a piece in a British treatise on certain types of provisional relief. The piece, *Obtaining Mareva-type Provisional Relief in New York State and Federal Courts* appears as an Appendix in a book entitled *Commercial Injunctions* (Steven Gee Q.C. ed., 5th ed. 2004). The Appendix examines the way in which litigants in New York and U.S. federal courts can obtain provisional relief similar to that obtainable via Mareva Injunctions, an injunction available in the English system that permits parties seeking money damages to preliminarily freeze the assets of a defendant. Under *Grupo Mexicano De Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308 (1999), federal courts in the U.S. are not authorized to grant such relief in money damage actions. Courts of New York are similarly constrained. However, the Appendix details the available provisional remedies in New York and the federal system that enable plaintiffs to approximate the relief obtainable in a Mareva Injunction, thus providing those plaintiffs with a means of achieving similar degrees of protection for prospective money damage awards. Contact aspencer@richmond.edu if you would like to receive a copy.

Yvonne Tamayo (Willamette) received tenure in 2003. Among her recent publications are *Catch Me if You Can: Serving United States Process on an Elusive Defendant Abroad*, *HARV. J.L. & TECH.*, and *Doing Good While Doing Well in the 21st Century: One Cuban's Perspective*, *FORDHAM L. REV.* Recently, she was appointed to the ABA Standing Committee on Professionalism, and the LSAC Subcommittee on Misconduct and Irregularities.

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Brian Tamanaha (St. John's) has a new book, *ON THE RULE OF LAW: HISTORY, POLITICS, THEORY* (Cambridge University Press 2004) that will be out this November. It is an accessible exploration of the origins, elements, and implications of the "rule of law" ideal, written for legal theorists as well as for a general audience.

Tony Torain (Baltimore) has been promoted from Associate Dean for Student Affairs to Associate Dean for Law Enrollment and Student Services.

Floyd D. Weatherspoon (Capital) published an article entitled: *Ending Racial Profiling of African-Americans in the Selective Enforcement of Laws: In Search of Viable Remedies*, published by the University of Pittsburgh Law Review, Volume 65, Summer 2004, Issue 4. His most recent article entitled: *Racial Profiling of African-American Males: Stopped, Searched, and Stripped of Constitutional Protection*, has been accepted for publication by John Marshall Law Review. He also contributed to Elkouri & Elkouri, *HOW ARBITRATION WORKS*, 6th ed. Professor Weatherspoon organized a National Training Conference for Minorities in the field of ADR in May of 2004 at Capital University Law School. Because of the success of the last conference he is presently organizing the 2005 conference which will be held May 19-21, 2005 in Columbus, Ohio. He has presented several presentations including: Effective Representation in Mediation, EEOC Excel Conference in Las Vegas, July 2004 ; An Introduction to ADR Processes: Mediation and Arbitration, Blacks in Government National Conference in Washington, D.C., August 2004; and How to Become a Successful Labor Arbitrator, National Bar Association National Conference, Charlotte, NC, August 2004.

John Valery White (Louisiana State) was a panelist for conferences at Tulane Law School (Affirmative Action and Higher Education in the South) and the UNLV, Boyd School of Law (Pursuing Equal Justice in the West) during this past year. His articles from these conferences are just about both available: John Valery White, What is Affirmative Action? Why Grutter Won't Stem the Tide of Affirmative Action Challenges, 78 Tul. L. Rev. 2117 (2004); John Valery White, The Turner Thesis, Black Migration, and the (Misapplied) Immigrant Explanation of Black Poverty, 5 Nevada L. J. (forthcoming 2004). Additionally, his book chapter on employment discrimination implications of August Wilson's infamous 1996 LORT speech also came out this year: John Valery White, Just 'Cause (or Just Cause): On August Wilson's Case for a Black Theater, in August Wilson, Black Aesthetics, and the New Black Arts Movement (Sandra G. Shannon, Dana A. Williams, eds., 2004). Professor White was a symposium participant at the Federalism and Sub-National Constitutionalism Conference at Bellagio, Italy in March, was a guest lecturer on American civil rights law at Universita' di Brescia, Brescia, Italy, in April, presented a version of the UNLV paper to the Temple Faculty Workshop, and taught in the summer schools of LSU (in Lyon, France), and Universita Delgi Suti Sell'Insubria (in Como, Italy). He was recently a panelist at a conference commemorating the 50th anniversary of the desegregation of Southwestern Louisiana Institute (the first deep south university to be desegregated).

Evelyn L. Wilson (Southern) recently published *Laws, Customs and Rights*, a book about Charles Hatfield, who brought suit to gain admission to the state-supported law school in Louisiana in 1946, the same year in which Sweatt in Texas, Wrighten in South Carolina, and Sipeul in Oklahoma

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brought suit for law school admission in their respective states. The book traces Hatfield's family history against a background of Louisiana's laws and history from 1817 to 2002 and is available from Heritage Books for \$27.50.

Frank H. Wu (Wayne State) became the ninth Dean of Wayne State University Law School in his hometown of Detroit in July 2004. He has become the Wayne State faculty representative to the NCAA, a member of the Wayne State University Press Board, and been named as one of *Crain's* magazine's "40 under 40."

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GOODWIN SEMINAR ANNOUNCEMENT

This fall 2004, Nova Southeastern University Law Center will be hosting a Goodwin Seminar entitled "Trade Winds in Caribbean Law: Evolution of Legal Norms and Quest for Independent Justice."

This Goodwin Seminar will focus on emerging legal trends in the Caribbean region and will seek to explore ongoing legal reform and change within the region. In particular, these developments seek to address contemporary national, regional and international concerns by advancing Caribbean law and legal institutions. These innovations include historical undertakings such as the inauguration of the Caribbean Court of Justice in November 2004 and the establishment of the Caribbean Single Market and Economy.

The speakers for the Goodwin Seminar will address current legal developments in the Caribbean from a variety of perspectives including the legal academic community, government, judiciary and the legal profession. The confirmed speakers for this Goodwin Seminar are:

- The Honorable Dr Kenny Anthony, Prime Minister of St. Lucia;
- Dr. Rose-Marie Belle Antoine, Director of the Master of Law Program at the University of the West Indies and a Senior Lecturer in Law;
- C. Dennis Morrison, Q.C., Partner, DunnCox Law Firm, Kingston, Jamaica
- The Honorable Mia Amor Mottley, Q.C., M.P., Deputy Prime Minister, Attorney General and Minister of Home Affairs, Barbados; and
- Sir David A. C. Simmons, K.A., A.C.H., Chief Justice of the Supreme Court of Barbados.

For a schedule of events and more information, please contact Jane E. Cross at crossj@nsu.law.nova.edu or (954) 262-6014.

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NATIONAL INSTITUTE FOR MINORITY PROFESSIONALS IN ALTERNATIVE DISPUTE RESOLUTION ANNOUNCEMENT

Last May, 2004, Capital University Law School, Columbus, Ohio, hosted the National Training Institute for Minority Professionals in Alternative Dispute Resolution: Eliminating the Barriers for Minorities in the Field of ADR. Training was provided in family, divorce and custody mediation; minority labor arbitration development; environmental and public policy dispute resolution; and transformative mediation skills, principles and practice. Additional training was provided through a Practitioners' Research and Scholarship Institution Symposium and Writing Retreat.

The training programs were designed to enhance the skills of minority ADR professionals, meet roster specifications, and

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create networking and mentoring opportunities. These programs were undertaken under the direction of Professor Floyd Weatherspoon, Professor of Law and Director of Minority ADR Initiatives at Capital University Law School.



TEXAS WESLEYAN UNIVERSITY SCHOOL OF LAW invites applications for permanent and visiting faculty positions. We are interested in both entry-level and experienced candidates. Our curricular needs may vary, but, at a minimum, will include Estates & Trusts and related courses, such as Estate & Gift Taxation and Estate Planning.

Texas Wesleyan University School of Law, now in its fifteenth year, has seen tremendous growth in the quality of its students and the interests of its faculty. Located in downtown Fort Worth, the law school recently announced a major capital campaign to expand the school's facilities to meet its growth. The law school's location is in close proximity to the city's legal and judicial communities. Downtown Fort Worth and the immediate vicinity provide a vibrant atmosphere with an attractive combination of cultural, shopping, residential, dining, and entertainment options. Dallas is less than thirty miles away. The Fort Worth/Dallas "metroplex," with a total population in excess of five million people, offers a relatively low cost of living and an expanding economy.

Texas Wesleyan University School of Law values faculty diversity. Interested persons should send a resume to Chair, Faculty Recruitment Committee, Texas Wesleyan University School of Law, 1515 Commerce Street, Fort Worth, Texas 76102-6509.



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We are grateful for the opportunity to put this newsletter together. This is really a labor of love. Mamny thanks for your patience. Especial thanks to our law school at Penn State and its Dean, Phil McConaughay, 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 for next year's newsletter!