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AMICUS

THE MAGAZINE OF ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW

SUMMER 2008

A SUPREME SEMESTER



RWU Law brings the
U.S. Supreme Court
to Rhode Island





David A. Logan
Dean and Professor of Law

A Truly 'Supreme Semester'

Friends,

For years now, Roger Williams students have had unparalleled access to the state and local courts of Rhode Island. From the first day of orientation – when the Chief Justice leads new 1Ls in an oath of professionalism – through visits by the entire Rhode Island Supreme Court (for the finals round of our flagship intramural Clark Moot Court Competition), as well as courses and externships, RWU students learn from terrific judges, both inside and outside of the classroom. In recent years, leading federal judges (Bruce Selya from the First Circuit, and Ernest Torres and Will Smith from the Federal District Court) have joined our adjunct faculty; Judge Selya's "The Lessons of Litigation" is especially popular.

This year the focus shifted to the United States Supreme Court, as RWU students enjoyed a series of truly one-of-a-kind opportunities to learn from the experts about all aspects of the Court – from its increasingly partisan confirmation processes to the tough issues populating its docket (and the nation's headlines). Undoubtedly topping the list were three unique opportunities to interact with sitting justices – Associate Justices Samuel Alito and Antonin Scalia, and Chief Justice John Roberts. For many in the Roger Williams community, these heady encounters were matched by the deeply emotional experience of spending time with Mrs. Thurgood Marshall. When you add to this a series of debates between leading academic lawyers and public intellectuals and several talks by award-winning Court-watchers, the result was truly "A Supreme Semester."

David A Logan

AMICUS

Vol. 7 No. 1 Summer 2008

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Spring Break on the Mississippi Gulf Coast

In March, six first-year law students traveled to Biloxi, Miss., to spend their spring break assisting recovery efforts in towns still reeling from the effects of Hurricane Katrina.

Under the guidance of **Liz Tobin Tyler**, RWU Law's director of public service and community partnerships, the students received a full day of training by Mississippi Center for Justice (MCJ) attorneys, then split into two groups to work on various projects headed by the MCJ.

Dawn Euer, Hala Furst, Jessica Grimes and **Alan Lapre** spent the week with the North Gulfport Community Land Trust, canvassing North Gulfport. They met with community members to inform them of a 170-acre inland port facility that Mississippi's Port Authority plans to build next to a residential neighborhood using \$600 million dollars of diverted FEMA housing money.

"CNN has covered this – some \$650 million federal dollars were diverted from housing development for the project," said Tobin Tyler. "There are all sorts of environmental ramifications as well as quality of life issues."

Students **David Rozen** and **Hillory White** interviewed clients and set up files for contractor fraud cases. They also helped people with the application process for various recovery grants by clearing title for residents who were trying to apply for state or federal aid.

"There was a steady stream of people with unbelievable stories," Tobin Tyler said. "Many are still living in FEMA trailers after two and a half years. We focused on appeals for FEMA and for the MS Development Authority grant program – many people are



Spring break in Biloxi: (l-r) Hala Furst, Dawn Euer, Jessica Grimes, attorneys Reilly Morse and John Jopling of the MCJ, David Rozen, Hillory White, Alan Lapre.

getting shut out of these programs. We also worked on contractor fraud, which is rampant, and other issues as they arose.

"The MCJ attorneys were fabulous – very organized and inspiring," Tobin Tyler commented. "One of them took us out for a crawfish dinner at a local hole-in-the-wall. Someone in the restaurant found out we were volunteering for the week and paid \$10 on everyone's meal."

Expenses for the trip were offset by funds raised by the students and a generous contribution from the law school.

"The RWU students were great," said Tobin Tyler. "They worked hard and were thoughtful about what they were doing. They represented us well."

Crime Novelist and Judge Discuss 'Breaking the Molds'

A husband-and-wife team of legal experts, crime novelist and attorney **Stephanie Kane** and federal judge **John L. Kane**, visited the School of Law to discuss "Breaking the Molds" – how people with learning disabilities routinely transcend society's expectations.

Part of the school's fourth annual "Women in Law Day," Stephanie Kane's presentation first focused on Jackie Flowers, the fictional dyslexic heroine of her award-winning novels, which include *Blind Spot*, *Quiet Time*, *Extreme Indifference*, and *Seeds of Doubt*.

"Jackie taught me that our limitations are not chiefly external," said Kane. "We create them in our own heads."

Kane then discussed several famous people who suffered learning disabilities, but who ultimately succeeded by finding

new ways to process information. Albert Einstein, for example, "focused on underlying patterns and universal truths." Winston Churchill developed a prodigious memory of texts and a quick wit, becoming "master of the surprise attack." And groundbreaking physicist Nikola Tesla was "an extraordinary visual thinker."

For his portion of the presentation, Judge Kane, U.S. Senior District Judge for the District of Colorado, commented on how his 30 years on the bench have taught him to "judge individuals and not cases; specifics and not categories." He urged law students to remain focused on maintaining ethical and civil behavior in an increasingly cutthroat legal environment – an environment he



called "a microcosm of our society" rather than the fault of the legal profession specifically.

"If you can't be civil and ethical as a lawyer because it is the right thing to do, then do it because it builds character and ultimately leads to success," he said. "Also, it surprises the hell out of your opponent!"

Bridging Classroom and Visual Arts in Post-Katrina New Orleans



Professor **Nancy Cook** led an innovative, six-week Perspectives class this semester that was featured at a national meeting of progressive law professors.

Built around the book *After the Storm: Black Intellectuals Explore the Meaning of Katrina*, a

symposium edited by David Dante Troutt, the course included a March trip to New Orleans in which students met with visual artists trying to recover financially and emotionally from the aftermath of Katrina.

They discussed how law students and artists (most from the city's now-homeless Neighborhood Gallery) could work together to meet the artists' legal needs. Talks also focused on how the arts community could be part of national efforts to focus on the ongoing recovery in the

gulf coast, as well as on how the artists themselves might participate as partners in service-learning programs.

"Everyone had a story, some harrowing, and all reflecting loss," Cook recounted. "In addition to artwork lost – by water and wind damage when galleries were abandoned, because agents and gallery owners disappeared – people were left without homes and studios, waited weeks or months to learn the fate of loved ones, went without essential medical care and struggled to produce an income."

Most artists insist, however, that Katrina was in some ways a blessing in disguise.

"Most of our host artists recalled acts of kindness and generosity in the days and months after the storms," said Cook. "To a person, they expressed hope for the future. There is a shared belief that the Gulf Coast story is our story, too, and that in the country's redemption of the Gulf Coast there is the potential for national renaissance."

Same-Sex Marriage Symposium

The student LGBT Alliance at RWU Law and the Massachusetts Lesbian and Gay Bar Association co-sponsored a symposium on “The Culture of Same-Sex Marriage in New England,” focusing on the nature of that debate in Rhode Island, state and federal constitutional challenges, case law and recent court battles, and in arguments for and against civil unions versus marriage in New England generally.

The keynote speaker was **David Wilson**, a plaintiff in *Goodridge v. Dept. of Public Health*, the landmark case in which the Massachusetts Supreme Judicial Court found that the state may not “deny the protections, benefits and obligations conferred by civil marriage to two individuals of the same sex who wish to marry.”

Two panels followed, moderated by RWU professors **Diana Hassel** and **Courtney Cahill**. The panels advanced, and critiqued, the arguments regarding same-sex marriage and the arguments for and against civil unions.

“We’re really digging in on issues of inclusion,” said RWU Law **Dean David Logan**, introducing the symposium. “This conference represents a unique opportunity for the law school to play a part in this very important debate.”

The Alliance is a student organization created to serve the academic, professional, and extracurricular interests of the lesbian, gay, bisexual, and transgender (LGBT) community.



Participants in the conference included (l-r) Deb Conry, 3L; Courtney Cahill, RWU law professor; Jass Stewart; Jess Maskell, 3L; Reverend Rick Taylor; Kim Ahern, 2L; Paula Ettelbrick; Tom Anderhalt, 2L; Karen Loewy; Jenn Steinfeld; Brad Pelletier, alumnus.

Nathan J. Schuldheiss '05 Remembered



Nathan's parents, Jeff Schuldheiss and Dr. Sarah Conlon

Walt Whitman wrote, “When I give, I give myself.” RWU Law alumnus **Nathan J. Schuldheiss '05**, Special Agent for the United States Air Force Office of Special Investigations, gave his all when he lost his life in Iraq this past November.

A champion of RWU's commitment to public service, Nathan chose to serve his country as a counterintelligence specialist, helping to protect military men and women from the threat of insurgent violence.

“A man of character, a leader, confident and driven, Nathan's unwavering principles positioned him as a trusted friend, outstanding representative of justice and role model to all,” said **Dean David Logan**.

Nathan's parents and friends gathered with members of the law school community on May 1 for a ceremony in which memories were shared and a tree was planted near the law school, together with a plaque memorializing Nathan's life and the sacrifice he made.

The law school has also established the **Nathan J. Schuldheiss Memorial Fund**, which will support a scholarship for a deserving law student with a military background in his or her pursuit to learn, support and defend justice and equality.

Donations may be sent to

RWU School of Law
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Ten Metacom Avenue, Bristol, RI 02809

Ahern is Law Review Editor – And Obama Delegate

The Roger Williams University Law Review has announced its Editorial Board for the 2008-09 academic year, and topping the masthead will be 2L **Kim Ahern**, who graduated from Providence College in 2006.

Kim is a member of RWU Law's Honors Program as well as a Public Interest Scholar, reflecting her dedication to public service both before and during law school.

"It is a rare law student who has the time, energy, and focus to successfully balance a demanding educational program while working tirelessly in public service," said **Dean David Logan**. "But Kim has managed to perform at remarkably high levels in both her studies and in public service."

In addition, Kim was elected to serve as a delegate to the Democratic National Convention, pledged to Barack Obama. She campaigned hard for the slot, winning the most votes in Rhode Island's Second Congressional District.

"She now has a chance to participate in making history, regardless of who is elected President," Logan noted.



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1L Receives Environmental Scholarship

Dawn Euer '10 recently attended a major environmental law conference in Washington, D.C., on a scholarship from the American Law Institute and the American Bar Association.

As a 1L, Euer attended the event – billed as the “preeminent annual opportunity for environmental lawyers and other professionals to learn from one another and from a faculty of leading practitioners, scholars, and governmental officials” – primarily to take the introductory courses, covering the Clean Air Act, Clean Water Act, Superfund and the Resource Conservation and Recovery Act, but the courses also served as a review of the year's developments in environmental law for practitioners.

"It was an amazing opportunity to learn some fundamentals about environmental law, as well as meet people in the environmental law field," Euer said. "Attending this conference reminded me of all the reasons that I wanted to attend law school."

The event was co-sponsored by the Smithsonian Institution and the Environmental Law Institute.



Multiple Moot Court Victories for RWU Oralists

Over the spring 2008 semester, Roger Williams' top student advocates turned in phenomenal performances at the National Constitutional Law Moot Court Competition, the Philip C. Jessup International Moot Court Competition and the National Environmental Law Moot Court Competition.

"It's been a great semester for RWU Moot Court – maybe the best ever," observed Dean David Logan.

At February's Constitutional Law Moot Court Competition, sponsored by Regent University, RWU's team – comprised of 3L **Aaron Frey**, 3L **Teresa Giusti** and 2L **Tyler Smith** – bested William & Mary in the finals to take top honors, with Smith winning recognition as one of the top oralists.

The team was coached by Professor **Jon Shelburne**, director of competitions at the School of Law, and Moot Court Board president **Krystal Bubnick**. Professors **Diana Hassel**, **Tim Kuhner**, **Anne Lawton**, **Tony Simpson** and associate dean **David Zlotnick** helped the team prepare by judging the numerous practice rounds necessary to win a national competition.

Meanwhile, RWU Law's Jessup team – 2L **Jennifer Mota**, 2L **Megan Kilsy**, 2L **Catherine Lemery**, 2L **Jonathan Sussman** and editor 2L **Heath Hixson** – made an outstanding showing at the Super Regionals in New York City, competing against teams from Harvard, Cornell and Columbia, among others, to win three out of four oral rounds.

Lemery and Sussman collected two out of 10 awards given for "Best Oralist"; for her part, Kilsy received a rare "100 percent" rating from one of her judges – out of only three perfect scores awarded in the entire competition. No other school had more than a single competitor in the Top Ten.



Jessup Cup winners Catherine Lemery, Jonathan Sussman, Heath Hixson, Megan Kilsy and Jennifer Mota.



Environmental law winners Ashley Medeiros, Greg Klipp and Jeannine Casselman.

Eden Vinyarszky and Commander **Sean Henseler**, an international law instructor at the Naval War College, served as coaches for the team, while **Shirley Staskiewicz** handled administrative details. Professors **Tim Kuhner**, **Peter Marguiles**, **Jared Goldstein** and **Kathryn Green** were all instrumental in mootting the team, and **Jackie Mouquin**, a 2007 RWU alum and member of last year's team, was a huge help in preparations.

Yet another RWU Moot Court team – consisting of 3L **Jeannine Casselman** and 2Ls **Ashley Medeiros** and **Greg Klipp** – recently scored "Best Oralist" honors in all three preliminary rounds of the National Environmental Law Moot Court Competition in White Plains, N.Y.

A number of area attorneys and faculty members – **Jared Goldstein**, **Bruce Kogan**, **David Zlotnick** and **David Logan** – assisted the team in preparing their oral arguments. Goldstein was especially helpful to the team due to his familiarity with one of the seminal cases (*Headwaters v. Talent Irrigation District*), having argued it during his tenure with the Department of Justice.



Constitutional Law winners Tyler Smith, Teresa Giusti and Aaron Frey

1L Alexander Selected as NAACP Fellow

Angela Alexander, who completed her first year at RWU Law in May, was recently named a National Association for the Advancement of Colored People/Kellogg's Law Fellow for the summer of 2008.

As a Fellow, Angela will work in the NAACP's headquarters on a range of civil rights issues, including voting rights and environmental justice. She will also work on legislative matters at the NAACP Washington Bureau, and moderate a panel at the organization's Continuing Legal Education Seminar in Cincinnati.

Fellows are selected on the basis of a commitment to civil rights, academic record and recommendations – and Angela got a glowing one from her Civil Procedure teacher, Professor **Colleen Murphy**.



School of Law's Writer Published

Kim M. Baker, the School of Law's popular writing specialist, recently published three poems in *The Literary Spirituality Review*, an online publication, and *Ascent Aspirations*, a Canadian online magazine of short fiction and poetry.

"Through writing, I discover myself, and I try to help others discover themselves," Baker said. "The best road to discovery is paved with spirituality and with humor."

Baker's position at RWU Law is relatively rare in legal education. This summer, she will address the 13th Biennial 2008 Conference of the Legal Writing Institute at the Indiana University School of Law in Indianapolis on the role of writing specialists in a law school setting, including anecdotal accounts of the difference that a writing specialist can make in the success of a law student.



Selya Tapped to Head Top Terror Court

For the last few years, RWU Law students have had the unique opportunity of learning "The Lessons of Litigation" from a master in the field – the **Honorable Bruce Selya** of the United States Court of Appeals for the First Circuit, a member of the School of Law's Board of Directors.

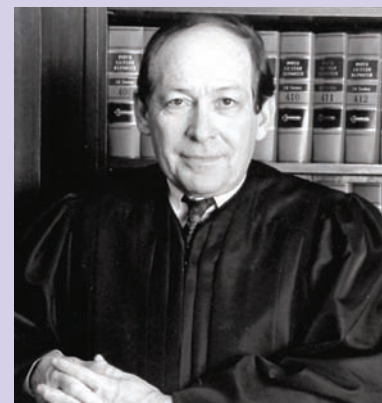
In April, Selya earned another important responsibility: he has been named Chief Judge of the U.S. Foreign Intelligence Surveillance Court of Review by **Chief Justice John Roberts**. The Court handles government requests for wiretaps and other electronic surveillance of suspected spies and terrorists.

"I consider it an honor and a responsibility that I will take seriously," Selya told the *Providence Journal*.

"I certainly appreciate the confidence that it reflects [Roberts] has in me, and I will do everything in my power to make sure I will justify that confidence."

Selya's appointment comes at a time when wiretaps are a hot topic of public and political debate. In 2005 the *New York Times* revealed that, shortly after the terrorist attacks of Sept. 11, 2001, **President George W. Bush** secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to search for evidence of terrorist activity, without the court-approved warrants ordinarily required for domestic spying. Congress and the White House have since been wrangling over legislation that would overhaul the nation's spying laws.

Said Selya, "In my line of work, you learn you are there to do the job as it



presents itself. In my regular work, I never know when I decide a case if it will only be of importance to the parties or of national or historic significance. And you have to handle them all the same way – to be fair and to approach the problem as intelligently as you can and get the right answers."

Yelnosky Addresses Federal Judges on Racial Bias

Professor **Michael Yelnosky** recently addressed some 50 federal judges from across the country on the emerging body of social science evidence demonstrating that many whites harbor unconscious or implicit bias in favor of whites and against blacks.

The research into this phenomenon and the relationship between these implicit biases and actual discriminatory behavior is in its infancy – but Yelnosky argues that it has the potential to shake the foundation of Title VII doctrine, which requires a plaintiff to show the employer engaged in intentional discrimination.

Professor Yelnosky's interest in this research is part of his longstanding scholarly interest in the limits of, and alternatives to, traditional Title VII enforcement. For example, he explored the use of “testers” – matched

pairs of applicants for employment distinguishable only by their race or sex – to uncover discriminatory hiring practices, in a study published by *University of Michigan Law Reform*.

In a subsequent article in the *Illinois Law Review*, he explored the possible benefits of mediation in Title VII cases – a process that could both reduce the high cost of litigation and free the parties from the doctrinal rigidity of Title VII law.

His most recent piece in this area, “The Prevention Justification for Affirmative Action,” argues that employers should be permitted to take steps to increase the number of blacks or women in their workplaces in order to prevent discrimination – a justification that breaks out of the two most common justifications for Title VII affirmative action: the remedial and the diversity justifications. The article appeared in the



Ohio State Law Journal.

Yelnosky's work on other employment discrimination topics draws interest as well. Last year he was asked to participate in a symposium at Duke Law School on “Makeup, Identity Performance, and Discrimination.” His contribution to that symposium – “What Do Unions Do about Appearance Codes?” – appeared in the *Duke Journal of Gender Law & Policy*.

The Student Bar Association rolls out the red carpet for annual Barrister's Ball



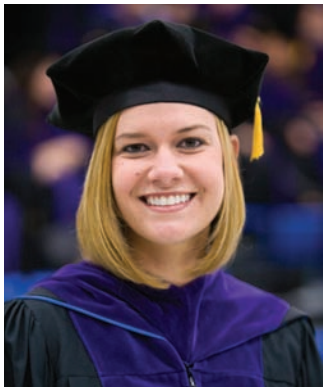
The Student Bar Association rolled out the red carpet in February for the annual Barrister's Ball. Students, faculty, and staff, dressed “to the nines,” enjoyed the fine food and service at the Westin Hotel in downtown Providence, and saluted the winners of two important awards: Best Student Organization, which went to the LGBT Alliance, while the award for top organizational president went to 3L Matt Jerzyk for his work with the American Constitution Society.

Commencement 2008

By David A. Logan, Dean, Roger Williams University School of Law

Commencement is a special time in the life of a university, and especially for its graduates, their family and friends, and Commencement 2008 was another memorable event – actually, a memorable series of events.

The semester wind-up began with a program sponsored by the Feinstein Institute for Legal Service, which recognizes students who have displayed leadership in an area at the very heart of our mission: public service. One highlight of this program is an award given to the graduating student who displayed the greatest devotion to public service. This year's winner, **Wendy Andre**, has a passion for defending the rights of immigrants. She helped develop a project with the International Institute of Rhode Island for law students to offer rights education and individual counseling to immigrants held at the Wyatt Detention Center in



Allyson L. Picard



Robert Douglas Coulter

Central Falls, R.I. In addition, **Michelle Gobin** was awarded the Pro Bono Collaborative Award for her dedication to the Affording Housing project, and **Laura Corbin** received the Clinical Legal Education Association Award for her commitment to the clinics and public service.

Next up was an elegant affair at the Glen Manor in Portsmouth, R.I., a stunningly beautiful waterfront estate where a range of graduates were recognized. These included the winners of the Dean's Award, which goes to those students with the most improved grades in their second and third years. This year's winners were **Jillian Beth Carpenter** (Day Division) and **Susan G. Pegden** (Extended Division).

The capstone, of course, was the Commencement Ceremony itself. The tradition of having our "Professor of the Year" lead the faculty procession continued with Professor **Keeva Terry** carrying the ceremonial mace. Highlights of the ceremony included comments from the valedictorians, **Allyson L. Picard** (Day Division) and **Robert Douglas Coulter** (Extended Division).

Another important tradition is that of awarding honorary Doctor of Laws degrees to leaders whose careers reflect dedication to public service, and who thus are excellent role models for our graduates. This year the School of Law wrapped up its "Supreme Semester" by recognizing **Linda Greenhouse**, who won a Pulitzer Prize for her coverage of the U.S. Supreme Court for *The New York Times*, and who delivered the Commencement keynote on "A Lawyer's Choice." (See p. 25) Also receiving an honorary degree was the **Honorable Phillip Rapoza**, Chief Justice of the Massachusetts Appeals Court and a leading jurist and proponent of international human rights.



Professor Keeva Terry



Linda Greenhouse



The Honorable Phillip Rapoza



Changes at the Helm of the Marine Affairs Institute

In January, **Kristen M. Fletcher**, who served as director of RWU Law's Marine Affairs Institute and the Rhode Island Sea Grant program from 2003 to 2007, was named executive director of the Coastal States Organization in Washington,

D.C., an organization that focuses on state coastal zone management programs and their federal partners. RWU Law recognizes Kristen for the expertise and leadership she displayed during her four-and-a-half-year tenure here.

Professor **William J. Coffey** assumed her duties as interim director while a national search for the director position was conducted. This fall, **Susan Farady**, New England regional director of the Ocean Conservancy, will take the helm of the Institute.

Thanks go out to Professor Coffey, who is a familiar face here at the law school as well as at the University of Rhode Island, where he served as an adjunct professor of ports and shipping.

A native Rhode Islander, Professor Coffey received his B.S. from Holy Cross and his J.D. from Georgetown. He formerly served as an advisor to the Office of the Governor of Rhode Island and as president of R.K. Johns & Associates, Inc., a New York-based consulting firm. He was secretary and counsel to Sea-Land Service, Inc., an international containership line, and also has years of maritime regulatory, public affairs, and legislative experience in Washington, D.C.

2008 Marine Law Summer Program

Students enrolled in the 2008 Marine Law Summer Program have an opportunity to take courses not offered during the academic year. The Summer Program comprises a suite of maritime and ocean and coastal law courses taught by faculty members recognized in these fields, as well as guest lectures and marine-related field trips (visiting a commercial fishing trawl and a port, among others).

Summer Program attendees have included RWU School of Law J.D. and J.D./MMA candidates, J.D. candidates from other law schools, non-law graduate students, teachers, citizen advocates, practicing attorneys, planners and state and federal agency personnel.

Classes offered this summer will include: Energy, Development and Climate Change, Law of the Sea, Marine Biodiversity Law, Marine Salvage Law, Maritime Legislation & Regulatory Law, and Mediation Skills.

More information is available at <http://law.rwu.edu/sites/marineaffairs/summerprg/>



Save the Date!

7th Marine Law Symposium

A Viable Marine Renewable Energy Industry:

Solutions to Legal, Economic, and Policy Challenges

October 23-24, 2008 Roger Williams University School of Law, Bristol, Rhode Island

The emerging field of marine renewable-energy technologies in the United States is hindered by a variety of permitting and siting factors that do not exist elsewhere. Thus technologies developed in the U.S. are being used more successfully in European markets, where the permitting process for offshore wind projects is streamlined, governments provide incentives, community acceptance is prevalent, and research and development monies are allocated for offshore as well as wave and tidal projects.

This two-day symposium will explore means to achieve a viable marine renewable-energy industry for the United States, with a focus on offshore wind, hydrokinetics (wave, current and tidal) and ocean thermal-energy conversion. Leading lawyers, policymakers, researchers and scholars will discuss possible solutions for the nascent U.S. marine renewable-energy sector's current legal, economic, policy and technical challenges. These include jurisdictional issues, permitting and licensing challenges, research and development, economic/financial incentives, and the role of the public and non-governmental organizations in these areas. *See page 33 for further information.*

Pro Bono Collaborative News

Last fall, the Pro Bono Collaborative held an event celebrating the Project's success and the wonderful contributions made by participating law firms, community-based organizations and law students. The event was held at the Rhode Island Foundation.

Many thanks go out to the Rhode Island Foundation for its continuing support of the Pro Bono Collaborative, including a generous \$75,000 grant announced last December. The PBC would not exist without the Foundation's financial support and dedication to our mission.

Thanks also go to the members of our newly created Pro Bono Collaborative Advisory Board (see partial listing at right). The Advisory Board will help ensure the Pro Bono Collaborative's continued success and financial sustainability.



Anmed Sirleaf from Advocates For Human Rights, RWU Law student Tom Rider, and Liz Tobin Tyler of the Feinstein Institute.

Students and Attorneys take Statements for the Liberian Truth and Reconciliation Commission

This spring, eleven RWU law students partnered with attorneys from top firms Dechert, LLP; Edwards Angell Palmer and Dodge; and DLA Piper to take statements from Liberian refugees living in Rhode Island and Massachusetts, about their experiences during

their home country's tumultuous civil war.

The law students and attorneys were trained by Advocates for Human Rights, the group organizing the statement-taking project in the U.S., and members of the Liberian Community Association of Rhode Island. The statements will be provided to the Liberian Truth and Reconciliation Commission to help the country deal with its past, bring perpetrators to justice and heal the wounds caused by decades of unrest. Students and attorneys from Edwards Angell Palmer and Dodge participated in the project as part of the Feinstein Institute's Pro Bono Collaborative.

2008 APIL Student Auction

A great time was had by all at the Association for Public Interest Law (APIL)'s student auction event held at Jacky's Galaxie in Bristol. Seventeen packages were auctioned off live by **Dean David Logan**, **Associate Dean David Zlotnick** and Professor **Courtney Cahill**. In addition, 79 silent auction items/packages as well as a raffle, afforded everyone a chance to get a prize. Close to \$20,000 was raised to support students who have been selected for the summer stipend program in public interest law positions.



Mat Manne '10 was the high bidder for Dean Logan's parking spot, which he enjoyed for the month of March.

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Roger Williams University School of Law

Teny Gross
Institute for the Study & Practice of Non-Violence

Andrew Horwitz
Roger Williams University School of Law

Linda Katz
The Poverty Institute, RIC

David Logan
Dean, Roger Williams University School of Law

Kris Lyons
Women's Center of RI

Robert McConnell
Motley Rice, LLC

Margaret Neubauer
Meeting Street School

Beth "Stump" Olsen
Youth Pride, Inc.

Paul Pasaba
Providence Youth Student Movement

Stephen M. Prignano
Edwards Angell Palmer & Dodge LLP

John M. Roney
Roney & Labinger

Henry Shelton
The George Wiley Center

Walter Stone
Adler Pollock & Sheehan P.C.

Liz Tobin Tyler
Roger Williams University School of Law

Eliza Vorenberg
Roger Williams University School of Law

Joseph D. Whelan
Hinckley Allen Snyder LLP

David Zlotnick
Roger Williams University School of Law

Judicial Advisors:

Chief Justice Frank J. Williams
The Honorable Edward C. Clifton,
The Honorable George E. Healy, Jr.
The Honorable Jeanne E. LaFazia
The Honorable Howard I. Lipsey
The Honorable O. Rogerice Thompson

**Carl Bogus****The Washington Times** (March 18, 2008)*An Inalienable Right*

“When someday the history of the John Roberts era of the Supreme Court is written, no case may loom larger than *District of Columbia v. Heller*. That case, now before the court, concerns the Second Amendment. It is the first time in nearly 70 years that the Court has had the courage, or foolhardiness, to take up the provision. Perhaps that’s because to decide the Second Amendment means the justices must make a fundamental choice about what America means.”

**Jared Goldstein****Rhode Island Bar Journal** (January/February 2008)*Habeas Is About Power, Not Rights*

“The habeas corpus litigation over the detentions at Guantanamo Bay has been stalled for almost six years because the courts have been asking the wrong question: Do the detainees possess any legally cognizable rights? However, throughout most of the long history of habeas corpus, petitioners seeking habeas relief did not need to establish that imprisonment violated their rights, or even that they possessed legal rights. Under English common law, courts freed wrongfully detained prisoners whenever they concluded that a jailer lacked authority to imprison them. If the government cannot establish its legal authority to hold the detainees, the courts have a duty to order them released. The writ of habeas corpus, embodying our longstanding commitment to the rule of law, requires nothing less.”

**Andrew Horwitz****The Providence Journal** (January 23, 2008)*Roger Williams Hospital Officials To Be Retried*

Horwitz views “the First Circuit opinion ‘as more or less neutral’ and does not believe it will prod either side into plea negotiations unless prosecutors were to offer the defendants a deal that would not require them to serve any time in prison.”

**Peter Margulies****The New York Times** (January 13, 2008)*A Terror Threat in the Courts*

The conspiracy charge of which Mr. Padilla was convicted is also a novel application of the law. The prosecution used the charge for a new purpose: preventive detention. As Margulies perceptively told *The Times* after Mr. Padilla’s conviction, the way the statute is being interpreted “basically allows someone to be found guilty for something that is one step away from a thought crime.”



Larry Ritchie

The Providence Journal (December 28, 2007)

Corrente battles for city pension

Larry Ritchie was retained as hearing officer by the Providence Retirement Board with the “assigned task to give [Frank E. Corrente, former director of administration for Providence Mayor Vincent A. Cianci Jr., convicted on corruption charges in 2004] an opportunity to contest the prospective permanent loss of all or part of his pension, to collect evidence of Corrente’s dishonorable service, and to make a report to the board and a recommendation of what the board should do with the pension. [...] ‘Twenty-six out of twenty-nine is a good record,’ lawyer John B. Harwood said yesterday of [Corrente’s] years of service to the City of Providence. ‘A couple of those years were bad years,’ acknowledged Harwood in a hearing conducted by Ritchie.”



Emily Sack

Seattle Post-Intelligencer (November 14, 2007)

Guns Seized in Few Abuse Cases

“Since 1993, anyone convicted of a misdemeanor domestic violence offense has been barred by federal law from possessing a gun, a restriction otherwise reserved for felons. The restriction also applies to those who are the subject of protection orders, often issued in the run-up to trial. [...] The city of Seattle followed suit two years later, creating a similar system by which officers could remove guns at a domestic violence crime scene and offenders could turn in their guns as ordered by the court. [...] Nationally, though such programs are the exception rather than the rule, said Emily Sack, a professor of criminal law at Roger Williams University in Rhode Island who’s written extensively on gun seizure programs. [...] ‘The reality is that if you want to deal with domestic violence, you have to deal with the gun issue,’ Sack said. ‘Having access to a weapon is a huge risk factor’”



Louise Ellen Teitz

ABA Journal (December 2007)

Convention Inches Ahead

In reference to the Hague Convention on Choice of Court Agreements, “the convention is not merely about litigation. It needs to be thought of as transactional planning as well. It’s really about increasing certainty and predictability in cross-border agreements [...]. This might be step one, and we can add pieces.”



David Zlotnick

The Providence Journal (December 19, 2007)

Plea Deal Likely in Smoke-Shop Raid

“The Supreme Court’s apparent urgency to settle the cases probably stems from the politically potent nature of the case, said David M. Zlotnick, a professor at Roger Williams University School of Law. ‘Those in power think it makes sense to resolve the case,’ he said. The attorney general, in this instance, he said, is weighing the political calculus differently from the governor’s office.’ [He] couldn’t criticize the court for trying to reach a resolution, but he cautioned that all the parties should be on board. ‘When you have a politically charged case and it’s resolved short of a trial, it’s important that all agree,’ he said. ‘These are the cases on which the public judges the criminal justice system. If we can’t have agreement, then we should have a trial.’”



SEMESTER

by Michael M. Bowden

Law students expect to study constitutional law and U.S. Supreme Court decisions as a routine part of their education. There was nothing routine, however, about the array of extracurricular events on offer at RWU Law this spring.

Students enjoyed:

- Three opportunities to meet and interact with sitting Supreme Court Justices – Chief Justice John G. Roberts Jr., and Associate Justices Antonin G. Scalia and Samuel A. Alito Jr.
- Two presentations by Pulitzer Prize-winning journalists who cover the Supreme Court
- Several forums on vital issues impacting the Court and its work, including the confirmation process, free speech, gun control and Indian law, and
- A special lecture by a top civil rights scholar, attended and introduced by the widow of the late Justice Thurgood Marshall.

“It truly was a Supreme Semester, with something for everybody,” said Dean David Logan. “While the three justices who spent time with our students represent the more conservative wing of the Court, we also heard from distinctly liberal and moderate voices in other events. Ultimately, I think we achieved a well-rounded balance of ideas and viewpoints, which is really the best sort of legal education.”

The entire School of Law community came together to make the Supreme Semester happen: the Honorable Bruce Selya of the First Circuit and former Boston University law dean Ronald Cass, both members of the law school’s board of

directors, were instrumental in bringing Justices Roberts and Scalia to Rhode Island. Faculty members such as Carl Bogus and Diana Hassel actively participated in discussion forums, while students including Kim Ahern and Matthew Fabisch (incoming and outgoing editors-in-chief of the law review) played central roles in bringing other events to fruition.

Despite the wide array of sensitive and divisive issues under discussion, the entire Supreme Semester was notable for the civility and respect with which it was conducted. For example, 2L Katherine Sulentic noted how surprised she was to see her classmates of every political stripe arrive in business attire for a constitutional law class taught by Justice Scalia.

“Nobody told us that suits were required, no one told us what we were expected to wear,” Sulentic said. “Yet somehow, as a collective consciousness, we all arrived at this dress code. It was pretty impressive in a way, and it made me proud of my classmates and my school.”

As Dean Logan noted, “It’s the law school community as a whole that made the Supreme Semester such a resounding success. And considering the caliber of students, faculty, staff, alums and supporters we have on board here at RWU Law, I’m certain it’s just one of many extraordinary semesters yet to come.”

Hail to the Chief!

RWU Students Get a Private Audience with the Chief Justice of the United States

by Michael M. Bowden

The granite façade of Providence’s federal courthouse looked deceptively abandoned as several busloads of RWU Law students rolled up early one February morning for a meeting with the Chief Justice of the United States, John G. Roberts Jr.

The anti-Guantanamo protesters had not yet arrived, nor had the A-list roster of Rhode Island VIPs who would attend the formal launch of the courthouse’s centennial celebrations later in the day. However, federal marshals and plain-clothes Secret Service agents were already lurking discretely near building entrances and adjacent street corners.

It was the first official visit of a sitting Supreme Court chief justice to Rhode Island in more than two centuries, and the first item on the agenda was a conversation with the 130 RWU Law students, selected by lottery from all three class years. Later in the day, the Chief would swear in 111 new members of the federal bar in Rhode Island – 43 of them Roger Williams Law graduates (*see photo, back cover*).

The anticipation was palpable as the students and a handful of faculty members were ushered through security into a juror waiting room, which was “locked down” shortly before the Chief Justice’s arrival.

“It’s such a huge honor,” said 3L Matthew Fabisch in the moments before the event. “For the Chief Justice to visit a relatively young school like Roger Williams – especially when he’s just one of three Supreme Court justices meeting with our students in a single semester – that’s nothing short of amazing.”

“I think we’re all excited,” added 2L Stephanie Bowser. “Meeting the Chief Justice of the United States is not an opportunity many practicing attorneys ever get, let alone a bunch of law students!”

The Honorable Bruce M. Selya of the U.S. Court of Appeals for the First Circuit – a popular adjunct professor and member of the board of directors at RWU Law, who arranged the meeting – warmed up the crowd with personal anecdotes about his friendship with the Chief Justice. And then, with little fanfare, the Chief himself appeared, low-key and smiling, and welcomed the students.



Chief Justice John G. Roberts Jr. arrives for the Q&A with RWU Law students in Providence. (Photo by EG Photo.)

‘I Don’t Have an Agenda’

The Chief Justice opened the conversation with a few words about Abraham Lincoln (it was February 12, Lincoln’s birthday) and the value of “hanging out at the courthouse” as a way of learning about law practice. Then A.J. Evans, a 3L, asked the first question of the day: whether, given the specialized nature of certain kinds of law (for example, maritime law), it might not be a good idea to establish specialized courts to hear such matters.

The Chief Justice said no, declaring himself “totally opposed” to specialty courts, such as the constitutional courts of Europe. “I think it’s very good that we get used to acting as a Court together on these mundane matters,” he explained, noting that – while the media and public tend to focus on 5-4 decisions on divisive social issues – the vast majority of Supreme Court’s work involves narrow, technical legal matters that would “bore you to tears,” but yield 9-0 decisions that help build camaraderie on the Court.

Jillian Carpenter, 3L, pressed the Chief Justice on this point, asking whether such unanimous decisions really help or hurt constitutional issues, considering the amount of compromise involved. He responded that unanimity is ideally reached not by compromising legal principles, but by finding “that very narrow ground that everyone can agree on.” He said broad, divisive 5-4 decisions could thus be avoided, allowing hot-button issues to “percolate” until a more balanced and unified, less emotional approach is possible.

1L Hala Furst asked what the Chief Justice hoped would be the legacy of the “Roberts Court.” After joking that it is “a little early” in his tenure to be thinking about legacy, he

replied that the question itself “presupposes a forward-looking agenda,” adding that “I don’t have an agenda.”

Describing the Court as primarily a “passive” and “generalist” institution, he explained that it’s not a forum conducive to pushing agendas in any event. “We just sit and wait for the next case,” he said, reiterating that the vast majority of those cases are narrow, esoteric matters of law, and not socially divisive headline grabbers. From his perspective, he said, it’s “enough of an accomplishment just to uphold the rule of law.”

Kim Ahern, a 2L, asked the Chief whether – in light of the political turmoil surrounding his and other Supreme Court nomination battles in recent decades – he felt the process should change. The Chief Justice said he adhered to his liberal colleague Ruth Bader Ginsburg’s 1993 formula that she would give “no hints, no forecasts, no previews” of her personal feelings about social issues or how she might vote on issues that might come before the Court. He said such matters are not an “appropriate” topic for Senators to ask about, and added that “judges should have the strength not to answer.”

Other questions were in a decidedly lighter vein, as when 1L David Rozen asked if Chief Justice Roberts would continue his predecessor Chief Justice Rehnquist’s habit of adding four Gilbert & Sullivan-inspired gold stripes to the sleeves of his robes (he won’t).

Asked by another student for his views on lifetime tenure, the Chief Justice quipped that he used to question it, but that since being appointed himself, “my views have changed.” After the laughter quieted, he added seriously that term limits might encourage litigants to plan and time their appeals to avoid certain justices, resulting in “a legal-realism model that I like to resist at every turn.”

Similarly, while arguing for the importance of “depoliticizing the judicial branch to that greatest extent possible,” the Chief admitted that the Court had

always had a political element from its earliest beginnings. To illustrate, he offered students an impromptu, entertaining political history of the seminal *Marbury v. Madison* decision, in which Federalist Chief Justice John Marshall handed Democratic-Republican President Thomas Jefferson a nominal victory – and substantive defeat – that seized control of the interpretation of the Constitution for the judicial branch he led.

‘Once In a Lifetime’

After formally inaugurating the courthouse’s centennial celebrations, the Chief wrapped up a busy day by swearing in a roomful of lawyers to the Federal Bar, 43 of them RWU graduates, who had the unique experience of, as Dean Logan expressed it, “being welcomed to a high rung of the professional ladder by the person at the top of the ladder.”

Before the swearing-in, the Chief Justice told the assembled lawyers that, in meeting jurists from other countries, he was often struck by how difficult it can be “to establish an independent judiciary.” That task, he said, is made “impossible without an independent bar,” and lawyers “carry a special obligation as officers of the court to uphold the rule of law.”

At a reception following the ceremony, RWU alums were uniformly ecstatic about the experience.

“Getting sworn in by the Chief Justice of the United States is something lawyers anywhere would be honored by,” said Mel Topf ’07, an RWU English professor and one of the School of Law’s older graduates.

“The ability of Roger Williams School of Law to bring in such a renowned figure is a great testimony to how much the school has achieved so far – and, I believe, an real indication of where it’s going,” added Joshua Glass ’07.

“Being a Roger Williams Law alum is always full of surprises,” noted Margreta Vellucci ’07. “From day one, so many aspects of the school have involved this sort of mutual embrace with the larger legal community of Rhode Island. But an event of this magnitude is so unexpected, and so exciting!”

“In a very short time, Dean Logan and the rest of the RWU faculty and staff have taken this school far beyond what anyone could have expected,” said Eric Brainsky ’05. “For the Chief Justice to make an appearance in Rhode Island is an honor in itself. For him to take the time to meet with Roger Williams law students and swear in Roger Williams graduates – that’s the kind of honor that comes only once in a lifetime.”



An audience of 130 RWU Law students quizzed the Chief Justice at Providence Federal Courthouse. (Photo by EG Photo.)



A True Original(ist)

Justice Antonin Scalia Spends a Day at RWU Law

by Michael M. Bowden

It started at breakfast. After being glowingly introduced to assembled members of the Rhode Island bench and bar, Justice Antonin Scalia, the iconic conservative anchor of the U.S. Supreme Court for the past two decades, paused, surveyed the assembled luminaries and deadpanned, “I’m tired already.”

Tireless might have been a better word. Before the meal was over, the 72-year-old Justice had already ejected a photographer from the room and commenced the drumbeat of two themes he would return to throughout the day: first, that he is an “originalist,” a believer that the U.S. Constitution should be interpreted according to the “original intent” of the Framers; and second, that the competing interpretational model of a “living Constitution,” evolving with the society it governs, is just so much “nonsense.”

Asked by a state judge about the politically superheated state of the Supreme Court confirmation process in recent years, Justice Scalia – who was appointed by President Ronald Reagan in 1986 – replied, “I was predicting it 22 years ago. I said, ‘the Supreme Court is refashioning the Constitution. It has created some new rights and eliminated some old ones.’ And what happened in the interim is that the American people figured it out – that this body of nine people is revising the Constitution from year to year.

“So now they’re asking, ‘Are they going to write the Constitution I want?’ That’s what’s going on. It’s like having a mini constitutional convention every time you select a new justice. It’s crazy.”

‘Scalia’s Handcuffed’

Justice Scalia would expand upon that topic at a public lecture later in the day, but his next order of business was to teach a Constitutional Law II class to a packed house of 2Ls. His lecture began with a discussion of the separation of federal power into three branches of government – “one of my favorite topics,” he said, “because it was one of the Founders’ favorites.”

The former University of Virginia law professor began the lesson in classic Socratic fashion, picking three students at random and asking each to read a passage from the Constitution – respectively, Article I, Section 1 (vesting legislative power in Congress), Article II, Section 1 (vesting executive power in

President), and Article III, Section 1 (vesting judicial power in U.S. Supreme Court).

“It’s all in there,” he said when they’d finished. “Lean and mean, the way everything is in there.”

Congress, he said, is supposed to be the “900-pound gorilla who determines how things get done,” while the Court simply determines whether the laws created by Congress minimally satisfy the criteria of the Constitution. But over the past 50 years, he complained, an activist Court has “fiddled” with the Founders’ system of checks and balances, and is now taking a results-oriented, “whatever-it-takes” approach, creating law rather than interpreting it.

“When the Court fiddles with the Constitution, it does so at *your* risk,” Justice Scalia said. “‘Whatever it takes’ is great if you want a monarchy. But it is not a good prescription for democratic self-governance. There are some things courts just can’t do. And so be it!”

In a Q & A after the lecture, one student asked the Justice for his views on flag-burning, and he returned to the theme of monarchy vs. self-governance.

“I hate people who burn the flag,” he said. “And if I were king, I would not allow it.” Then he stretched his hands out and clasped his wrists together, adding with a wry grin, “But Scalia’s handcuffed. He cannot do all these mean, conservative things to society.”

“The Bill of Rights, you see, is a guarantee *against* the people,” Justice Scalia continued. “It is a self-limitation of the majority. It says, ‘the majority shall *not* rule’ with regard to, for example, religion or free expression. One of the most important things I do is telling ‘the people’ to go take a walk.”

Asked by another student about *Bush v. Gore*, the Court’s controversial decision in the presidential election of 2000, Justice Scalia said, “You’re talking as though we were the Apex Court” – a reference to India’s supreme court, which Scalia recently visited and which has the power to summon parties on its own initiative.

“It was Al Gore who wanted to bring that [case] into the courts,” he said, adding that it was proper for the Supreme Court to grant certiorari because otherwise the Florida Supreme Court would have decided the election. He noted that the lingering uncertainty about the voting results had made the U.S. the “laughingstock of the world,” and that “most of the American people” were probably satisfied with the Court’s decision.

Baseball and Bobbleheads

A more personal interlude followed when Scalia entered a smaller classroom to meet with a few dozen leaders of School of Law student groups.

The Justice was visibly more relaxed and casual in the intimate setting, and Dean David Logan coaxed a appreciative laugh when he produced a limited-edition Justice Scalia bobblehead to sit by the actual Justice's side during the session.

One student asked about the Justice's practice in hiring clerks, and Justice Scalia replied that he hires four per year, all from the top-tier schools. Acknowledging that there are "diamonds in the rough at every law school," he said, "all things being equal, I'd rather not have all these spoiled brats from the top-tier law schools – but I can't afford a single dud."

Speaking to another student about his early law career, the Justice said he'd

started in Cleveland, Ohio, because – even in those days – big-city, big-firm life was "not a humane existence."

"Life is so much more than that," he said. "You have a responsibility to your family, to your community, to your church. So take my advice, and don't get yourself into a sweatshop" – adding with a smile, "even if you have to go to Cleveland."

Explaining his longstanding objection to allowing cameras in the Supreme Court, Justice Scalia reasoned that "for every one person who would indeed watch our proceedings from gavel to gavel, 100,000 more would see only a 15-second clip on the evening news" – and even that only when the Court heard controversial, socially divisive or otherwise "sexy" cases.

"In fact, the vast majority of what we do is *real* law – the IRS Code, the Bankruptcy Code, ERISA," the Justice said. "Why should I participate in the miseducation of the American people?"

While admittedly "not much of a sports fan," the Brooklyn-bred jurist said the Yankees are his favorite baseball team. However, he now prefers hunting, which he "learned from the good ol' boys on the Fifth Circuit."

Asked who he'd consider the greatest American, the Justice replied without hesitation, "George Washington. He was not the sharpest pencil in the box intellectually, and he was not even that great a general." Rather, Scalia offered, the first president's legendary charisma must have lain in his "very sound judgment and impeccable character. I would love to have met him."

'Stupid But Constitutional'

After a leisurely lunch with faculty members, the former academic took the podium and acknowledged the emphasis placed on faculty publishing top-quality scholarship at RWU and other law schools. However, he noted,



Justice Scalia takes a moment to pose with RWU Law students during his day-long visit to campus.

“the influence you have in the classroom is far greater than the influence you have in publication – that’s where you’re passing on the most.”

Soon after, Professor Jared Goldstein asked how it was possible to avoid injecting one’s personal values into judicial decisions, notwithstanding the Justice’s preference for originalist interpretation.

“It’s impossible not to inject your own values *unless* you’re an originalist, Scalia replied. “It’s easy for an originalist to look at what the Founders meant. But once you depart from that standard and move into what it ‘ought to be today’ you *have* to inject your own values. Then you’re subjecting yourself to nine unelected judges, nine oligarchs who are going to create the Constitution they think is good for you.”

Professor Tim Kuhner asked Justice Scalia’s views on the constitutionality of torture, and he replied, “If they decided to notch ears, I’d have to say it’s stupid but not unconstitutional. I often wish I could give all of my colleagues on the Supreme Court a rubber stamp that says ‘Stupid But Constitutional.’”

Professor Tony Simpson, a specialist in English legal history, closed the session with a complex question on Sir Edward Coke’s theory of “artificial reason.” Scalia, obviously stumped, comically stammered, “Whoa! uh ... No?” before conceding his unfamiliarity with the topic.

‘I’m Not a Nut’

That afternoon, Justice Scalia opened his main event of the day – attended by law students from all classes, as well as faculty members and local and national media – by again describing himself as part of “a small and hardy band of originalists.” When he first began describing himself this way, he joked, people acted as though it were “some weird affliction – like, ‘when did you start eating human flesh?’”



Justice Scalia (with bobblehead) addressing student leaders during one of the day’s more laid-back exchanges.

But “whatever else you think of us [originalists], don’t call us new,” he added. “It was orthodoxy until about 50 years ago.” The new orthodoxy, he said, is the idea that “the Constitution is a living organism” that must evolve with the society’s maturing “standards of decency – as if societies only mature, never rot.”

The Justice said originalists take the opposite position. “The Constitution is *not* a living organism,” he asserted. “It’s dead. It’s a legal document. It’s not *supposed* to be flexible. It’s rigid. That’s the purpose of a constitution: to impart rigidity.”

So if you want a “right” to suicide, abortion or homosexual sodomy, he said, then you should “create it the way most rights are created in a democracy: persuade your fellow citizens it’s a good idea and pass a law. But don’t bother me with it. It’s not in the Constitution.”

He said, “I am a textualist. I am

an originalist. I am not a nut.” As the crowd roared with laughter, he added, “Non-originalism is not a valid theory of constitutional interpretation – it just means you don’t agree with Scalia!”

During questions following the lecture, one student asked how the Justice’s originalist position squared with the Fourth Amendment right “to be secure against unreasonable searches and seizures” in an age when the government spies on its own citizens in their homes using state-of-the-art surveillance technology the Framers could never have imagined.

“Sometimes you have to figure out the trajectory” of the original intent in such cases, Scalia said. But when the student pressed him on whether his personal and political values entered the process at that point, he cut off the question saying, “I don’t have to defend originalism. It ain’t perfect, but it’s the best thing around.”

Behind the Scenes With Justice Alito

Justice, Senator, Lawyers, Clerk Offer RWU Law Students a 360° view of SCOTUS Practice

by Michael M. Bowden

Each year thousands of tourists visit the U.S. Supreme Court to watch cases being argued – but few arrive with the depth and breadth of perspective that Professor Diana Hassel’s students bring to the experience.

For the second year running, 2L honors students from Hassel’s perspectives class, “Supreme Court Litigation,” enjoyed an opportunity to spend some time with Associate Justice Samuel A. Alito himself, discussing the day’s cases.

In preparation for the trip, the students read Associate Justice Stephen Breyer’s *Active Liberty* and Associate Justice Antonin Scalia’s *A Matter of Interpretation* to learn “how the Justices approach issues, their interpretive theories,” while also studying the briefs and lower court decisions for specific cases slated to be argued on the day of their visit.

After watching oral arguments, the students were ushered into the Lawyer’s Lounge to meet and discuss the cases in person with Justice Alito.

“He was very engaging and very responsive to the students’ questions,” Hassel said.

“You hear he’s not very personable,” added Kim Ahern, one of Hassel’s students. “But in fact, he was very open and candid, and much more laid back than I expected.”

In some ways, Ahern said, meeting afterward with one of the Justice’s clerks, Geoffrey Michael of Yale Law, was an even more enlightening experience.

“He was extremely interesting to talk to,” Ahern said. “He shared all kinds

of behind-the-scenes stories that really brought the Court to life.”

Later in the day, the class met one of the lawyers from the Solicitor General’s office who had appeared before the Court that day, to add his perspective to the mix. That portion of the trip was arranged by Professor Jared Goldstein, a

Rhode Island talked about his own appearances before the Supreme Court, recalling “how much work he put into it and what a treasured opportunity it was,” Hassel said.

Ahern, a Democratic activist in Rhode Island who knew Whitehouse in his political capacity, said it was



The RWU delegation poses with Justice Samuel A. Alito (center) at the U.S. Supreme Court in Washington.

veteran of the Solicitor General’s office and co-director of the trip with Hassel.

“My hope was that the students could see all sides of Supreme Court practice,” Goldstein said. “We wanted to give them a sense of the many different players involved in a Supreme Court case, and how all of these perspectives fit together.”

Before heading back to RWU the next day, the students enjoyed a Q & A with Senator Sheldon Whitehouse (D-RI), in which the former United States Attorney for

fascinating to get a glimpse of the lawyer behind the politician.

“The entire experience was incredibly rewarding,” added student Phil Robinson. “It was a great enhancement to an already excellent classroom experience. The quality of the trip as an educational experience really speaks for itself.”



‘Freedom For the Thought We Hate’

Anthony Lewis and the First Amendment

by Michael M. Bowden

It’s been almost a half century since the publication of Anthony Lewis’s classic *Gideon’s Trumpet* – a powerful history of *Gideon v. Wainwright*, the landmark case that established an indigent criminal defendant’s right to counsel – first began luring young men and women to law school on the purest of motives: idealism, service, fighting the good fight, changing the world.

Now 81, Lewis, a two-time Pulitzer winner and columnist with the *New York Times* for nearly five decades, visited RWU Law as part of the Supreme Semester, speaking about his latest book, *Freedom for the Thought That We Hate: A Biography of the First Amendment* (2008), a meditation on how the U.S. arrived at the remarkable freedom of speech and expression it enjoys today.

“I think most of us regard the First Amendment free-expression clause as something that came down from the top of Mount Sinai,” Lewis told a crowd of students and faculty. “There it was and that was it: we had the freedom of speech and press and the courts enforced it and we all lived happily ever

after. Not so.”

Lewis argued that the Supreme Court has been the real champion of the First Amendment, particularly in the 20th century, handing down “bold judicial decisions that have made the country what it is,” and thus deserving “credit for many of the great advances in the quality – and decency – of American society.”

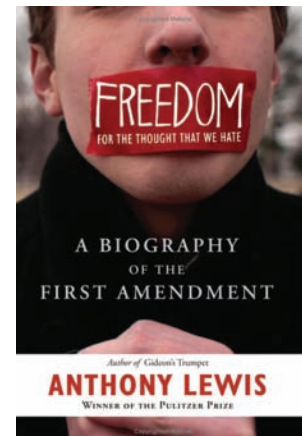
From the 1798 Sedition Act, which criminalized criticism of the president, to the WWI-era Sedition Act, which led to a minister being sentenced to 15 years in prison for telling his Bible class that “a Christian can take no part in the war,” Lewis demonstrated that our modern understanding of “free speech” is precisely that – modern.

It was already well into the 20th century when the Court began taking up issues of freedom of speech and the press in earnest. During the 1920s, a series of dissenting opinions by Justices Oliver Wendell Holmes Jr. and Louis D. Brandeis sparked what Lewis called “a legal revolution.” They “had only two votes of nine,” he said. “But their rhetoric was so powerful, so convincing, that it changed the attitude of the

country and the Court.”

One of the most powerful passages of that era – from Justice Holmes’ dissent in *United States v. Schwimmer* (1929)– provided Lewis with the title of his book: “If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought – not free thought for those who agree with us but freedom for the thought that we hate.”

Lewis said he disagrees with some of the Court’s First Amendment rulings in recent years. But he added “the important thing is that the concept of freedom of expression now has support across the spectrum on the court and in the country – right to left. It has been a drama since 1791, and it still is today. A



tale without end.”

At one point in his presentation, Lewis read from *New York Times v. U.S.* (the “Pentagon Papers” case of 1971), in which the Court ruled unconstitutional attempts by the Nixon administration to stop publication of secret documents about the Vietnam War. In his concurring opinion, Justice Hugo Black wrote, “Paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die of foreign fevers and foreign shot and shell.”

Lewis looked up and observed, “It’s not altogether distant from where we are today, is it?”

What Exactly is Discrimination on the Basis of Race?

Renowned Justice's Widow Attends Thurgood Marshall Memorial Lecture

by Michael M. Bowden



Mrs. Cecilia Marshall joins Professor Devon Carbado following his lecture.

For many employers in the United States today, the ideal African-American employee is one who “looks black” but does not “act black.”

That was the provocative assertion put forward by UCLA Law professor and leading civil rights scholar Devon Carbado when he visited RWU Law in April to speak on the subtle – and not-so-subtle – persistence of racial discrimination in the American workplace.

As the School of Law’s fourth Thurgood Marshall Memorial Lecture, the event was attended by a full house of students and faculty, as well as guest of honor Mrs. Cecilia Marshall, widow of the late U.S. Supreme Court justice, who warmly introduced the event.

In a lecture titled “What Exactly is Discrimination on the Basis of Race?” Carbado argued that “integration and inequality can coexist, particularly within contexts that are hierarchically organized, such as the workplace.”

“This kind of inequality derives not simply from the fact that employers judge employees by the color of their

skin,” he added. “It derives as well from the fact that employers judge employees by the content of their ‘racial performance’” – in other words, by how “black” they act.

In a lighthearted introduction, Carbado showed a “Saturday Night Live” clip in which actors portraying black activists Jesse Jackson and Al Sharpton debated where presidential contender Barack Obama falls on a “Blackness Scale” – finally placing him somewhere above President Bill Clinton (who was in turn rated as “blacker” than actor Will Smith), but still well below O.J. Simpson.

Taking a more serious tone, Carbado said Obama’s presidential campaign is bringing the “‘too black’ or ‘not black enough’ dichotomy” into the center of the national dialogue. Obama faced the dilemma when his old friend and pastor, the Reverend Jeremiah Wright Jr., made remarks that were widely construed as “anti-white” and “unpatriotic.” If Obama had failed to distance himself sufficiently from Wright’s remarks, white voters might have begun to fear he was “too black.” However, if he repudiated Wright too strongly and too quickly, black Americans might have perceived him as being “not black enough.”

Later, Carbado showed a national magazine cover portraying a black college student wearing tie, sweater vest and neatly pressed dress shirt to illustrate an article about minorities and higher education.

These details of appearance, Carbado noted, did not change the student’s racial “phenotype” or his ancestry, but they did make him more acceptable to

mainstream white culture, using class indicators such as dress (business casual rather than hip-hop or rap-inspired street wear), demeanor (a higher level of education indicated by his holding books and writing utensils) and, presumably, a standard-English accent (rather than the black-identified English known as Ebonics, Carbado said).

Likewise, discrimination in the American workplace is best understood as a parallel to the U.S. military’s “don’t ask, don’t tell” policy on homosexuals, Carbado said. Just as gay people are exempted from discrimination in the military as long as they tacitly agree not to “act gay,” black people are exempted from discrimination in the workplace as long as they tacitly agree not to “act black.”

“This is a real phenomenon,” Carbado asserted. “Looking black and acting black are socially produced distinctions. It’s about class advantage, not racial advantage.”

Carbado graduated from Harvard Law School in 1994. He writes and teaches in the areas of critical race theory, employment discrimination, criminal procedure and constitutional law. He is currently working on a book on employment discrimination, tentatively titled *Acting White*. A former director of the Critical Race Studies Program at UCLA Law, Carbado was elected “Professor of the Year” by the UCLA School of Law classes of 2000 and 2006. His visit was sponsored by RWU Law’s Feinstein Institute and supported once again by a generous grant from the law firm of Hinckley, Allen & Snyder LLP.

A Supreme Conclusion

Veteran New York Times Reporter Linda Greenhouse Closes Supreme Semester with Commencement Keynote

by Michael M. Bowden

*L*he Supreme Semester ended on a high note at Commencement 2008, with a keynote address by Linda Greenhouse, Supreme Court correspondent for *The New York Times* for three decades and one of the best known reporters covering the Court, who spoke on “A Lawyer’s Choice.”

Greenhouse began by quoting Charles Hamilton Houston, the late Justice Thurgood Marshall’s mentor and a “great theoretician of the civil rights movement,” who said that a lawyer can choose to be a “social engineer” and “use the Constitution as an engine of progress,” or a “parasite on society” who manipulates the law for personal gain.



RWU Law Honorary Doctor of Law recipient Linda Greenhouse delivers her keynote at Commencement 2008.

Greenhouse suggested that in today’s world a third choice had emerged for lawyers – to be an “enabler,” one who contorts the spirit of the law for short-term political advantage.

“We’ve seen recently the dismaying spectacle of lawyers who have provided top officials in the Executive Branch with the covers they sought and the answers they wanted,” she said. Their memos “offered interrogators the ability to ignore statutory and constitutional constraints in the name of presidential

authority, [and] accomplished what the White House wanted in the short run.

“But in the longer run, these ambitious young legal enablers did a serious disservice to their masters, let alone to the country, in providing a roadmap for the betrayal of our nation’s commitment to the rule of law,” Greenhouse said.

Urging graduates to aspire toward higher legal goals, she concluded, “You are entering into a high calling on which the future of our society depends. There has never been a more important time to be a lawyer.”

Greenhouse graduated from Radcliffe College at Harvard in 1968, where she served as an editor of the *Harvard Crimson* and was elected to Phi Beta Kappa. She began covering the Court in 1978, after earning a Master of Studies in Law at Yale Law School, where she attended on a Ford Foundation fellowship – making her career at the Court longer than that of any current justices except John Paul Stevens, who came on in 1975.

RWU Law’s honorary Doctor of Laws degree recognized Greenhouse’s “extraordinary contributions to public understanding of the law and the American legal system,” which “have enriched and inspired lawyers and non-lawyers alike.”

In addition to her journalism, Greenhouse has also written several law review articles as well as a book, *Becoming Justice Blackmun: Harry Blackmun’s Supreme Court Journey*. In 1998 she won the Pulitzer Prize, journalism’s highest honor, for her coverage of the Court. In January 2009, she will return to Yale as the Knight Distinguished Journalist-in-Residence and Joseph M. Goldstein Senior Fellow.

Greenhouse has a number of academic writing and speaking commitments lined up for the year ahead, and plans to remain “actively engaged in thinking and writing about the Court,” she has said, adding, “I don’t feel like I’m leaving anything undone after 30 years on this beat.”

Vintage Greenhouse

(An excerpt from the conclusion of Greenhouse’s first dispatch on the Supreme Court’s decision in the presidential election of 2000, which she produced on a ten-minute deadline.)

Nothing about this case, *Bush v. Gore*, No. 00-949, was ordinary: not its context, not its acceptance over the weekend, not the enormously accelerated schedule with argument on Monday, and not the way the decision was released to the public tonight.

When the court issues an opinion, the justices ordinarily take the bench and the justice who has written for the majority gives a brief oral description of the case and the holding.

Today, after darkness fell and their work was done, the justices left the Supreme Court building individually from the underground garage, with no word to dozens of journalists from around the world who were waiting in the crowded pressroom for word as to when, or whether, a decision might come. By the time the pressroom staff passed out copies of the decision, the justices were gone.

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Supreme Debates

by Michael Bowden

Rounding out a semester of exciting visits and presentations were a series of discussions that brought top experts to RWU Law for a closer examination of some critical issues facing the Court today.

'How Conservative Should the U.S. Supreme Court Be?'

The inaugural event of the Supreme Semester was a debate on the long-term implications of an increasingly conservative Supreme Court.

The forum pitted conservative Ronald A. Cass, an RWU Law board member and former Boston University law school dean, against Nan Aron, president of the liberal Alliance for Justice, which has led opposition to conservative Court nominees.

Aron began by showing a short film that criticized the first term of the Roberts court, presenting views expressed by Chief Justice Roberts and Justice Alito during Senate confirmation hearings, and then juxtaposing actual Court decisions that appeared to contradict the earlier statements.

Cass dismissed the film's accusations. "They *have* lived up to what they said," he asserted. "They *have* obeyed the precedents. They just haven't extended the precedents the way some people want them to. We now have a situation where there are political campaigns to see who ought to sit on the court, where the senators ask people to take positions, to swear allegiance to certain types of outcomes. That is the antithesis of the rule of law."

Cass added, "If it's going to be a political contest, we may as well just vote on the outcomes rather than have the court do it. We need courts to protect us. We need stable rules to protect us."

Aron agreed that the country needs a stable, reliable legal system.

But, she said, "I think we've seen anything but reliability or stability from the Roberts court. When you juxtapose their testimony at their hearings with actually how they ruled it's almost like two very different people."

Aron recalled arguing her first civil-rights case in 1973, before a judge in Detroit. She said she stayed up late, rehearsing her argument and rewriting her legal brief, and truly believed she "had a fighting chance" even though the judge was appointed by a Republican president.



Ronald Cass and Nan Aron

Today, however, Aron said, "when you enter a District Court or Court of Appeals, you know what the result will be before you even open your mouth because of the unrelenting campaign by [Republican administrations] to pack the courts with judges hostile to the environment, hostile to consumer protections, hostile to reproductive rights and hostile to civil rights."

Cass disagreed, saying, "Regardless of who sits on the court, in virtually any court in America, you will get a fair shake before that judge."

Gun Control and the Second Amendment

In February, a packed house of students and faculty was treated to a debate on the meaning of the Second Amendment, featuring Mark Tushnet, Cromwell Professor at Harvard Law, and RWU Law's own Carl Bogus.

It was no purely academic matter. A month later the U.S. Supreme Court would hear arguments in



A full house of students attend the 2nd Amendment debate.

D.C. v. Heller, its first case construing the Second Amendment since 1939. In that case, the Court will decide whether the amendment should be read as providing the ultimate protection for individuals against a "tyrannical" federal government – or merely as a provision intended to block federal efforts to disarm state militias.

The amendment's language is ambiguous: "*A well-regulated Militia, being necessary for the security of a free state, the right of the people to keep and bear Arms, shall not be infringed.*" Were the Framers focusing on "the people" (the individual-rights position) or on "the Militia" (the position of gun-control advocates)?

For decades, courts and commentators rejected the individual-rights model. But in recent years the question has been revisited in a new round of scholarship, exemplified by Professor Tushnet and his book *Out of Range: Why the Constitution Can't End the Battle over Guns* (2007).

Bogus – author of many law review articles on the issue and editor of the book *The Second Amendment in Law and History: Historians and*



Harvard Law's Mark Tushnet with RWU Law's Carl Bogus (R) and moderator Jared Goldstein (Center)

Constitutional Scholars on the Right to Bear Arms (2001) – argued that “it would be implausible and disastrous” to interpret the amendment as a right to take up arms against the government if it is perceived by the citizen as “tyrannical.” Quoting Justice Robert Jackson’s famous statement that “the Bill of Rights cannot be a suicide pact,” Bogus argued that guaranteeing a right to take up arms against a democratic government would have been inconceivable to the Framers.

“The idea that the ultimate check on governmental tyranny is the barrel of a gun is not the philosophy of George Washington, John Adams and James Madison,” he argued. “It’s the philosophy of John Wilkes Booth, the Ku Klux Klan, Timothy McVeigh and Robespierre.”

Tushnet didn’t totally disagree; he noted the individual vs. collectivist debate is of very recent vintage. Partisans in the debate “have converted a very minor theme of the Founding Era into a major theme that it was not,” he said. However, in his view, other evidence from the framing period and later the Civil War era (including some little-known dicta in the nefarious *Dred Scott* decision) tips the scales in favor of the individual-rights model.

A spirited round of student questions followed. The RWU American Constitution Society and the ACLU organized and sponsored the event, and Professor Jared Goldstein moderated.

R.I. Indian Law Case Heads to U.S. Supreme Court

When the Supreme Court recently granted cert in *Carcieri v. Kempthorne* – a case addressing whether Rhode Island’s Narragansett Indians should be permitted to shield some of their land from state and local laws – the RWU Law community took notice.

Interest was high, with several student groups coming together to sponsor a screening of “Incident at Oglala,” a compelling 1992 documentary about a confrontation in which two FBI agents were killed during a shootout with a group of Native Americans at the Pine Ridge reservation in South Dakota in 1975.

A few days later, Kevin K. Washburn – Oneida Indian

Indian Gaming Commission – the independent body that oversees Indian gaming nationally – made him ideally suited to discuss the *Carcieri* case and Indian gaming more generally. Further enhancing the program were two lawyers who have been intimately involved in the case – Clare Richards, special counsel to Rhode Island Governor Donald Carcieri, and Joseph Larisa, solicitor for the Town of Charlestown, R.I.

A few days later, 2L Micah Thomas announced that an RWU chapter of the Native American Law Student Association (NALSA) had been added to the Multi-Cultural Law Student Association (MCLSA). Dean David Logan, who represented Indian tribes while in private practice, will serve as advisor. The National



Joseph Larisa, Clare Richards, and Kevin Washburn

Nation visiting professor of law at Harvard Law School – joined two other experts for a discussion on the restoration of Indian lands in general. It was a serendipitous opportunity: Washburn had already scheduled a visit to Roger Williams to discuss grand juries in a faculty workshop.

However, he is also a nationally-known expert on a range of issues facing American Indians. Casino gambling has been a hot issue in Rhode Island, as it now is in Massachusetts, and Washburn’s service in the Clinton administration as general counsel to the National

Native American Law Student Association was founded in 1970 to promote the study of Federal Indian Law, Tribal Law and traditional forms of governance, and to support Native Americans in law school. Its goals are to reach out to Native communities, encourage Native People to pursue legal education, and educate the legal community about Native issues. Interested students can contact Micah at: mthomas104@barrister.rwu.edu.



Joel J. Votolato '03
President
Law Alumni Association

A Decade of Alumni Involvement

As my term as President of the Law Alumni Association draws to an end, I find myself reflecting upon the Board of Directors. Its members span the School of Law's existence, from 1997 to the class of 2007. Only at an institution like Roger Williams could your alumni association's board of directors contain members from the first graduating classes right on up to the latest graduates – while providing those new graduates with real chances to get involved. This sort of involvement, in my opinion, shows the strength of both our association and our law school community. I encourage all alumni, regardless of when you graduated, to get involved with the Law Alumni Association, or any of its projects or programs.

Yours Truly,

—Joel J. Votolato '03
President, 2007-08



U.S. Supreme Court Bar Admission

The Roger Williams University School of Law is proud to announce its inaugural United States Supreme Court swearing-in ceremony on Tuesday, January 13, 2009.

Dean David A. Logan and Professor Larry Ritchie will invite the candidates for admission

to join them for breakfast the morning of their swearing-in ceremony. The breakfast will be held at 8:00 a.m. at the Supreme Court of the United States. Supreme Court oral arguments will take place after the ceremony.

Space is limited this year to twelve (12) attorney admissions, and priority will be given to RWU Law graduates from the classes of 1996-1998. You are allowed only one guest inside the courtroom. If you plan to participate, please indicate your intent as soon as possible, and no later than August 1, 2008, to Chelsie Horne at chorne@rwu.edu. Once you receive confirmation from the School of Law, you must follow the steps below to complete the application process:

The following criteria must be met for admission of U.S. Supreme Court Bar:

- Be a member in good standing of the highest court of your jurisdiction for the past three years.
- Present a certificate of good standing from that court.
- Be sponsored by two current members of the U.S. Supreme Court Bar (if you think you may need assistance identifying sponsors, please contact us).
- Pay the \$200 fee.
- Complete the admission application.

For complete admission information and forms, visit the U.S. Supreme Court Bar Admission website (<http://www.supremecourtus.gov/bar/baradmissions.html>)

The deadline for registration is Wednesday, September 3, 2008. The application, a certificate of good standing, and a \$200 check made out to the "U.S. Supreme Court" must be sent to the School of Law at the following address:

Chelsie Horne, CMP
Director of Alumni & Events
Roger Williams University School of Law
Ten Metacom Avenue, Bristol, Rhode Island 02809

Extended Library Privileges for Alumni

Qualified alumni borrowers may request extended borrowing privileges from the School of Law library if they are working on an article, book or similar work for scholarly publication. When granted, the extended-borrowing terms are as follows:

- Stack materials which circulate may be borrowed for a period of 21 days, subject to recall.
- The maximum number of items which may be borrowed is 10 per patron.
- Extended borrowing privileges will be granted for a maximum period of six months.

Requests for extended borrowing privileges should be directed to the Associate Law Librarian, Lucinda Harrison-Cox, at 401-254-4533 or lharrison-cox@rwu.edu.

Save the Date!

Sunday, August 24, 2008
**9th Annual Law Alumni Association
Golf Tournament**
Cranston Country Club

Registration details can be found at
<http://law.rwu.edu/news/events>



8th Annual Golf Tournament Raises \$12K

The Eighth Annual Law Alumni Association Golf Tournament raised more than \$12,000 for the Law Alumni Association Scholarship Fund. Support of this fundraising event has enabled us to award our annual Law Alumni Association scholarship to outstanding law students. The 2008 scholarships were awarded to Dawn Euer '10 and Christina Hoefsmit '10.

"Each year the Law Alumni Golf Tournament serves as the largest single fundraiser for our Law Alumni Scholarship," said Anthony R. Leone II '97, who chaired the event. "It is

always a great day to see old friends, have a fun day on the golf course and raise scholarship funds for our law school students. I look forward to another great day in 2008."

The continued growth of the golf tournament and scholarship fund depends on your generous support. If you wish to become involved in the planning of the 2008 golf tournament, please contact us at lawevents@rwu.edu

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Roger Williams University Law Bookstore
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RWU Student Bar Association
Professor Anthony J. Santoro
Simon Chevrolet Buick, Joe Simon '97
Sleprow, Sleprow & Associates, Matt Sleprow '97
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Tim Cohane '06
Stephen Cooney '02
Kevin Hagan '01
Chelsie Horne
Deborah Kennedy '97
Eric Miller '01
Robert Palmer '02
Joel Votolato '03

1996

Jeffrey L. Eger has relocated his law practice, "All Your Legal Needs," to Warwick, R.I. Jeffrey focuses his practice in consumer law, including family court matters, bankruptcy and debt relief, criminal matters, estate planning and personal injury.

Jennifer Samolyk and her husband John Romney are the proud parents of twin girls, Summer Amanda and Capri Elizabeth Romney, born on April 1, 2007. Jennifer and her family reside on Capitol Hill in Washington. She is a senior staff attorney at Howrey LLP in D.C.

Gregory S. Schultz completed 7 1/2 years as legal counsel with the Rhode Island Department of Environmental Management, representing the DEM in all areas of environmental enforcement and permitting matters. Greg joined the law firm of Merrolla and Accetturo in Warwick, R.I. He will continue to practice in the areas of environmental, land use, real estate and administrative law, as well as related litigation. Greg is licensed to practice law in R.I. and Mass., as well as in the U.S. District Court of Rhode Island, and First Circuit and D.C. Circuit Court of Appeals.

1996



Ulrick Gaillard founded the Batey Relief Alliance (BRA) in 1997 to deliver humanitarian health services to children and their families severely affected by poverty, disease and hunger in the Caribbean. He also founded the BRA Dominicana in 2000 to provide critical health and HIV/AIDS care, as well as essential medicines to Haitian and Dominican families living inside the bateys (sugar-worker settlements) of the Dominican Republic. BRA Haiti was founded in 2007 to address socio-economic and health needs of Haitians living in rural border areas within the Dominican Republic.

1997

Joy Bianco and Jay Bianco '97 welcomed their fourth daughter, Madison Joy, on March 5, 2008.

Laura Gottlieb Feldman and her husband, Kenneth Feldman, welcomed their daughter, Isabelle Hazen Gottlieb Feldman (Zaz for short), on May 4, 2007. Isabelle joins older brother Max, 4. Laura is a staff attorney at Willkie Farr & Gallagher LLP, New York, N.Y., where the family resides.

1998

Michele (Vignola) Cinque opened a law office in Glen Burnie, Md. Her practice focuses on criminal law. Prior to opening her office, Michele spent seven years as an assistant public defender. Michele, her husband Cory and son Jonathan, 2, reside in Annapolis.

Cynthia M. Fogarty, of Fogarty Law Office, Providence, is on the Cranston Chamber of Commerce Board of Directors. Cindy is responsible for legislative initiatives, primarily advocating for legislation at the state and local levels of government for the benefit of the Cranston Chamber business community.

1998



Peter T. Clark, a member of the United States Supreme Court Bar since 2002, addressed the Court as the sponsoring attorney for ten new members of the Bar on October 9, 2007. The group of attorneys was from the American Bar Association's Section of Small Firms and Solo Practitioners, of which Clark is a member. He is also a member of the Board of Directors of Nations Heritage Federal Credit Union, a director of the Tri-town Chamber of Commerce, and he continues his hobby of real-estate development. He is the principal of the Law Office of Peter T. Clark, a two-attorney firm in Mansfield, Mass.

John T. Gaskell and Andrew M. Giovannini have formed the law firm of Gaskell & Giovannini, LLC, located in Cranston, R.I.

Sheila A. Harrington is a partner with the law offices of Harrington & Rhodes, Ltd. The firm has opened a satellite office in Narragansett, R.I., where clients from R.I., Mass., Conn., and Vt. will still be represented.

Lisa M. Kolb and husband Marc, along with their three children – Matthew, 6, Hannah, 4, and William, 3 – have relocated to Greenville, Tenn., where Marc is the OC/QB football coach at Tusculum College.

Joseph R. Marion III joined the law firm of Burns & Levinson, Providence.

Dean Mastrangelo has been operating his law practice in Garden City, N.Y., since 2002. He was named president of Platinum Home Finance, Inc., in Garden City. Platinum Home Finance is a New York State-licensed mortgage broker with a special incentive program for any Roger Williams alumnus seeking a mortgage in New York State.

Sean O'Leary, after practicing in New York City for the past nine years, has returned to Rhode Island to practice with his father at

O'Leary & Associates, West Warwick. He concentrates in commercial litigation and appellate practice.

Tom Shaffer is director of admissions at Roger Williams University School of Law. He was a career law clerk at the United States District Court since 2000. Tom is an active member of the Federal Court Local Rules Committee and the Federal Court Bench/Bar Committee. He is also on the Rhode Island Bar Association's LGBT Committee.

1999

Paul A. Doughty was accepted into the 2008 Leadership Rhode Island program. Leadership Rhode Island is a nationally recognized community leadership-development foundation, active for more than 25 years in Rhode Island. Its mission is to provide leaders and emerging leaders with knowledge and access to resources which will enable them to positively affect their communities.

Lori Norris has been elected a regional vice-chair of American Mensa, Ltd., the high-IQ society. During her two-year term, she will represent Region 1 (N.Y., Conn., Mass., R.I., N.H., Maine, Vt. and N.J.) on

American Mensa's Board of Directors. She is employed at Tillinghast Licht, LLP.

2000

Susanne Kidd is a career law clerk to The Hon. Ernest C. Torres, Senior District Judge for the District of Rhode Island. She married Robert Bruce Kidd on October 27, 2006, in Inverness, Scotland. Also, Susanne's daughter, Christina Ann-elena Payne, married **Nathaniel Cabot Earle, Jr. '06** on November 3, 2007. Nathaniel is general counsel at Microbac Laboratories, Inc., in Wexford, Penn. Christina is pursuing a master's degree at Carnegie Mellon School of Design.

Mark E. Tetreault is a partner with the Providence law firm of Barlow, Josephs & Holmes, Ltd., an intellectual property law firm specializing in patent, trademark and copyright prosecution.

2001

Christian Bruun and his wife, Laurie, welcomed the addition of their second son, Matthew Thomas, on October 10, 2007. Christian is an associate with the law firm of Gold, Albanese & Barletti in Morristown, N.J., and practices insurance defense.

Anne Sheppard Mores married Frank Mores on October 21, 2006. They are both employed with the FBI in Washington, D.C. Frank is a Naval Reservist on active duty in Iraq; he was expected to be home by press time.

LeeAnn (Araskiewicz) Ryder is an associate attorney with Green & Greenburg, Providence.

2002

Cristina A. Azzinaro and **Felicia A. Manni-Paquette '03** have joined their practices together to create the firm, Azzinaro, Manni-Paquette in Pawtucket, R.I. The firm practices in R.I., Mass., and Conn., concentrating in the areas of family law, bankruptcy, real estate, civil litigation, and personal injury.

Lin M. Eleoff is Of Counsel with the law firm of Azzinaro, Manni-Paquette in Pawtucket, R.I.

Tiffanay Antoch Emery is the managing attorney at the Housing Law Center, Rhode Island Legal Services, Providence. She and her husband Kevin have a daughter, Olivia, who is in the fifth grade.

Jacques J. LeMarier is the managing attorney for Macey & Aleman, LLP, located in Dallas and Fort Worth, Texas. He practices consumer bankruptcy law, specializing in the representation of debtors under Chapters 7 and 13 of the Bankruptcy Code. He is engaged to be married to Malinda Templeton on June 21, 2008 in Lewisville, Texas. They were engaged on October 5, 2007 at the season opener for the NHL Dallas Stars.

Lawrence J. Signore has joined the partnership of Sullivan Signore Whitehead & DeLuca, LLP, Providence. The law firm concentrates in civil litigation, family law and white-collar criminal defense.

2003

Debra A. Dunleavy, with her husband Mark and daughter Olivia, welcomed the newest member of their family, Deanna Rose Dunleavy, on January 20, 2007.

Rebecca MacGregor and Thomas Long are proud to announce the birth of their daughter, Meadow Long, on January 16, 2008. Rebecca is employed with Charmoy, Stolzberg & Holian, LLP in Boston, Mass.

Kelly Lynn Swan Taylor is an associate with Shoffner & Associates, Boston. She specializes in business and intellectual property law.

2004

Andrew A. Beerworth has recently published three articles, including "Work Product and Witness Statements: Revisiting the Categorical Approach," *Rhode Island Bar Journal*, Nov/Dec 2007. He works for a personal-injury firm in Providence. He and his wife Julia have two children.

Athena Cicero is employed as an attorney with the Administration of Children Services (ACS) in its Family Court Legal Services Division (FCLS) in New York City.

Chad Edgar will serve as law clerk for Judge William Smith of the United States District Court for the District of Rhode Island, beginning in August.

Chandra L. Forshey has started a solo practitioner law practice in Cambridge, Ohio.

Josh Kaufman is chief compliance officer at Symmetry Partners, an investment advisory firm in Glastonbury, Conn. John married Laurie Steinberg in May 2006 and they reside in West Hartford, Conn. He is admitted to the Conn. Bar.

Joseph McDonald has opened his own firm in New Britain, Conn., on January 1, 2008. McDonald Law Associates, LLC, currently employs two full-time paralegals and one associate lawyer, specializing in real estate law and personal injury law.

Amy Puccio Minchillo and her husband Jason announce the birth of their son, Chase Albert Minchillo, on January 3, 2008. Amy is employed with Inman, Tourgee & Williamson, in Coventry, R.I.

Gina Ramacciotti and **Jason Iannone** were married on September 29, 2007, in Santa Fe, N.M. **Sharon Marchbanks '04** was the maid of honor. **Professor Jon Shelburne** and **Andrew Malone '04** were in attendance.

2005

Kathleen M. Connell is an associate at Regan Law, P.C., in Newport, R.I.

2004



Eric Troels Wiberg '04, a specialized shipping industry recruiter in Norwalk, Conn., was recently featured in the publication *American Shipper* for the launch of his firm, Ketch Recruiting.

Ketch Recruiting provides "executive searches for the shipping, asset finance, logistics, and commodities sectors on contingency and retained bases." His clients include European and Asian banks, top-three cruise and liner companies, as well as mid-size ship owners and operators. The firm's searches have varied from CEO-level placement in the Middle East to management and a CFO assignment in Latin America, to bankers in New York and logistics roles in the U.S. and France.

"I am indebted to Roger Williams Law for their support and flexibility and for offering a unique opportunity of maritime study options to students who show initiative," Wiberg said.

Eric and his wife Alex welcomed a son, Felix Perkin Dunmore Wiberg, on April 17, 2007. The family resides in Norwalk.

Joel K. Curelo and his wife, Johanna, welcomed their first child, a baby boy, Devin Sage, on October 17, 2007. Joel opened his own law firm, Joel K. Curelo, Attorney at Law, in Coos County, Ore. He handles indigent defense cases on appointment by the courts in criminal, delinquency and dependency cases. He also has a private practice focusing on domestic, criminal, real estate and estate planning. The family resides in North Bend, Ore.

Jonathan D. Francis is a general practitioner with the law firm of Wright Law Associates, Inc., Warren, R.I. He concentrates on consumer debt relief, real estate, estate planning and administration, corporate formation and contracts.

Jerry Godding is founder of Tamesis Law Offices, LLC, of Gales Ferry, Conn., which has relocated to Tarpon Springs, Fla., in the Tampa Bay area.

Ronald J. Grant is vice president of Service and Fulfillment Operations

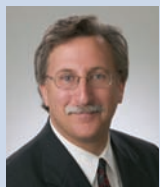
Sourcing with Bank of America Corporation in its headquarters city of Charlotte, N.C. He handles contract negotiations in the bank's image and electronic payment group.

Jacqueline M. Marro is engaged to be married on October 12, 2008. She practices with the family law firm of Amendola & Amendola, LLC, in Fairfield, Conn.

Alan F.F. Medeiros and Sharon Blatt were married on August 4, 2007, in Taunton, Mass. **Ronald Grant '05** served as a groomsman, and **Eric Brainsky '05**, **Randy Levesque '05**, and **Chris Murphy '05** were in attendance. Alan was recently admitted to the Florida Bar and is an associate with the law offices of Brennan, Medeiros & Brennan in Taunton, Mass., where the couple resides.

Aperna M. Sherman graduated from Library School at the University of North Carolina in May and is currently a law librarian at Texas Tech University.

2000



Leonard Katzman is the director of technology commercialization for Brown University. He works in the technology partnerships office, which is responsible for the identification, protection, licensing and market commercialization of the inventions and other intellectual

properties created by the Brown University research faculty. Prior to this, he was an attorney with the Partridge Snow & Hahn LLP, Providence. He is also an elected member of the Town Council of Portsmouth, R.I. serving his second term.

Steven R. Striffler

announces the opening of the law office of Steven R. Striffler, located in Boston. The office will concentrate in construction law. Steven has also been appointed to the Conservation Commission for the City of Quincy, Mass.

Ami Jayne Wilson is an associate with the Law Offices of Kevin F. Collins in Stamford, Conn. She practices family law.

Susan Wilson and Jim Forcier '03 were married on September 9, 2007, at The Village Inn in Narragansett, R.I. She is an attorney for the R.I. Department of Environmental Management. Jim received his LLM in taxation from Boston University in 2006 and is an attorney for the Law Offices of Brown, Sherry & Geller, in Providence and Raynham, Mass.

2006

Aaron Baker and Bridget Longridge were married in May 2007, in St. Augustine, Fla. Aaron graduated from the University of Florida after earning a Master of Laws Degree in Taxation, and now works in private practice. Bridget works as a staff attorney for Florida's Eighth Judicial Circuit Court. The couple resides in Gainesville, Fla.

Ben Bartolotta was appointed chairperson of the Young Lawyers Section of the Brooklyn Bar Association. He is employed with Bamundo, Zwal & Schermerhorn, LLP, in New York City.

Alexandra Capachietti is an assistant district attorney with the Essex County

District Attorney's Office in Mass. She prosecutes criminal cases in the District Court and is a member of the domestic violence unit.

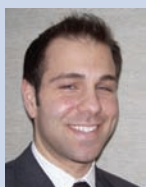
Campbell D. Field opened his own law office in Westerly, R.I., in October 2007. He practices estate planning.

Jacqueline J. Costanza Fillmore, RN taught the adult civic education class, "Your Government and You," for the Connecticut Bar Association in February of 2008. She operates her own law firm, the Law Office of Jacqueline Fillmore, LLC, in East Berlin, Conn.

Tamar Jaffe is engaged to be married to Joshua Blazer on May 3, 2008 in Venice, Fla. He is an attorney who graduated from New York Law School.

Tracie C. Kosakowski is employed with Bank of America's Global Wealth and Investment Management Division. The Association of Certified Anti-Money Laundering Specialists (A-CAMS) recently issued her the widely recognized CAMS credential, awarded to professionals who successfully complete a rigorous examination demonstrating their aptitude and expertise

2007



John N. Mansella is an associate at Marasco & Nesselbush, LLP, in Providence, practicing social security disability law. John is admitted in the Commonwealth of Massachusetts.

in anti-money laundering detection and enforcement. Tracie and her husband Peter also welcomed a son, Bennett Evan, on October 19, 2007, who joined sister Cassandra, 3.

John Lockwood is employed with the Schenectady County Public Defender's Office. He is working in the family court unit, focusing on custody, visitation, child support and child-protective cases.

2007

Russell Farbiarz and Alexa Antanavage '08 were engaged in February 2008. Russell will be completing his clerkship in Vermont in August 2008. He was admitted to the New York and New Jersey bars in January 2008.

Ashley Lauren Farnschlager has relocated to center-city Philadelphia and is a litigation associate for the Law Offices of Thomas J. Wagner.

Marcus Jones is an assistant district attorney for the Bristol County District Attorney's Office in Mass.

Christine List is an attorney with the New Hampshire Public Defender's Office. She was previously an associate with the law firm of Brown Rudnick, Boston.

Melissa M. Malloy is serving as appellate law clerk to the Honorable Rhys S. Hodge, Chief Justice of the Supreme Court of the Virgin Islands, St. Thomas, V.I.

LTJG Brandi Wright graduated from the Naval Justice School in March 2008. She is stationed at NLSO Northeast in Brunswick, Maine, and is engaged to be married in Utah in September 2008.

New Job? Promotion?
Award Recipient? New child?
Recently married?

Share your news with the Roger Williams University School of Law community.

E-mail your Class Notes to:
lawalumni@rwu.edu

Professional head shot photographs are welcome.

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Alumni Chapter List Serves

Interested in joining any of the Roger Williams University alumni list serve areas?

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lawny@rwu.edu

or Email your request to:

lawalumni@rwu.edu

You must become a member in order to receive or send correspondence through the list serve to other alumni members.

Friday, August 1, 2008**10th Annual Open Government Summit**

Co-sponsored by the Roger Williams University Law Alumni Association.

Time: 8:30 a.m. Registration
9:00 a.m. Summit

Location: School of Law
Appellate Court Room 283
Bristol, Rhode Island

**Rhode Island Attorney General**

Patrick C. Lynch will host the state-wide Open Government Summit. To reserve seating, e-mail agsummit@riag.ri.gov or contact (401) 274-4400, Ext. 2101. Seating in the main lecture hall may be limited.

Sunday, August 24, 2008**9th Annual Law Alumni Association Golf Tournament**

All proceeds benefit the Law Alumni Association Scholarship Fund.

Location: Cranston Country Club
69 Burlingame Road
Cranston, Rhode Island

Join us for a day of golf, fun, and prizes. Tournament Co-Chairs are Anthony R. Leone, II '97 and Kimberly Tracey '07. Registration forms can be found on-line:

<http://law.rwu.edu/news/events>

RSVP to the Office of Alumni, Programs & Events at lawevents@rwu.edu or 401-254-4659.


**Thursday and Friday
October 23-24, 2008**
7th Marine Law Symposium


Location: School of Law
Appellate Court Room 283
Bristol, Rhode Island

Please plan to join leading practitioners, policymakers, researchers and scholars to discuss the current state of affairs regarding the legal, economic and policy challenges – as well as related technological constraints – of marine renewable-energy projects.

Expert panels will discuss a range of topics including:

- Jurisdictional and permitting/licensing challenges
- Developing strategies for marine renewable-energy regulation
- Financing and economic issues
- Renewable-energy integration (engineering, market and policy)
- Human-dimension issues
- International perspectives on offshore energy projects
- Research and development funding for offshore energy projects

Co-sponsored by Roger Williams University School of Law, University of Rhode Island & Sea Grant Rhode Island.

Registration information can be found on-line:

<http://law.rwu.edu/sites/marineaffairs/symposia/seventhMLS.aspx>

**For additional details on upcoming
School of Law events, please visit:
<http://law.rwu.edu/news/events>**



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Dean David Logan poses with RWU Law alumni at the Federal Courthouse in Providence, R.I., following a ceremony in which 43 Roger Williams graduates were sworn in as new members of the federal bar in Rhode Island by Chief Justice of the United States John G. Roberts Jr. Full story inside.



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