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# Dean Logan's Blog

## Federal Judge Holds Hearing on Constitutional Challenge to “Scarlet Letter Law” at RWU Law

Posted by David Logan on 12/11/2009 at 12:00 AM

I am always happy to spotlight the advantages of being the only law school in the state, and here comes yet another: a top federal judge (who is also a member of our Adjunct Faculty) presided over a constitutional attack on a controversial approach to town/gown frictions. The summary judgment hearing in *University of Rhode Island Students vs. Town of Narragansett* was heard in our courtroom and, to top it off, the judge and the lawyers held a Q&A session afterwards—a rare if not unique opportunity for students to get insiders’ perspective on litigation.

When the bailiff cried “oyez, oyez, oyez,” a crowd of over 200 stood as United States District Judge Will Smith took the bench. Representing the Town of Narragansett, Marc DeSisto (in the last photo below with Mary Sarigumba 3L, who works with him) defended a town ordinance targeted at “unruly gatherings,” which authorized police to “tag” a house with a large orange sticker if anyone associated with the house—including guests--violated any of a list of public order laws (littering, disturbing the peace, public urination, etc.). The plaintiffs, represented by a volunteer lawyer from the American Civil Liberties Union, Jeff Melish, were the URI student government, five individual students, and three landlords. The oral arguments focused on whether the ordinance violated due process guarantees by allowing a posting of the sticker without a hearing, with the alleged result of stigma to the residents and loss of market value and harm to reputation to the landlords. The attorneys also addressed whether the ordinance was void for vagueness and violated the equal protection clause. As is typically the case at the conclusion of oral argument on summary judgment, Judge Smith took the case “under advisement,” promising a written disposition of the case early in 2010.

After the arguments concluded, Judge Smith took off his robe and joined the advocates in a fascinating discussion of judging and lawyering. Judge Smith explained how cases are assigned in the United States District Court and how he collaborates with his law clerks (like Hinna Upal (RWU Law '07) one of his current clerks) to draft and finalize a judicial opinion. The lawyers explained how they came to an agreement on the facts (necessary for a summary judgment disposition) and how they worked with their clients and prepared their arguments.

All-in-all, it was a remarkable evening, and a unique learning opportunity for RWU Law students.