

Faculty Achievements: Spring 2015

Our faculty continues to demonstrate its deep commitment to scholarship and public service. The diversity and impact of our scholarly activities is remarkable, and a significant asset to our law school as we strategically position ourselves to be a leader in this new era of legal education. Please take a moment to celebrate the following Spring achievements of our friends and colleagues!

Professor Brescia and **Professor Chung** both unanimously received tenure by the faculty this Spring! Congratulations Ray and Christine!

Penelope Andrews. President Andrews presented a talk, *From Selma to Soweto: The American and South African Journey to Freedom and Democracy*, at a lunch hosted by the U.S. Attorney's Office and the U.S. District Court Clerk's Office, as part of African-American History Month celebrations.

President Andrews participated in a Rensselaer County Regional Chamber of Commerce event, during which she was interviewed on stage. Her comments were included in a Troy Record article, published on April 22nd, which covered the event.

Rosemary Queenan. Dean Queenan presented her paper, *The Private School Advantage: Examining the Myth about Private Placement*, during the Workshop on Vulnerability and Education event held at Amherst College on April 25th.

Melissa Breger. Professor Breger accepted an offer to publish her article, *Healing Trafficked Children: A Domestic Family Law Approach to an International Epidemic*, in the West Virginia Law Review. Her article will be published in the Spring 2016 edition of the journal.

Professor Breger's article, *Transforming Cultural Norms of Sexual Violence Against Women*, was listed this February on SSRN's Top Ten download list for the LAW & SOCIETY: PRIVATE LAW - DISCRIMINATION LAW EJOURNAL.

Professor Breger's casebook, *NEW YORK LAW OF DOMESTIC VIOLENCE* (3D. ED.), was selected this February to be released as an e-Book by Thomson Reuters.

Ray Brescia. Professor Brescia organized the Edwin L. Crawford Memorial Lecture through the Government Law Center, which took place on April 23rd and featured the Honorable Sterling Johnson, Jr. (E.D.N.Y) as the keynote speaker.

Professor Brescia participated on a panel at the national conference of the National Community Reinvestment Coalition in Washington, D.C. on March 27th. The audience included national, state and local advocates; policy makers; academics; elected officials; and bank representatives. Professor Brescia discussed his scholarship related to the creation of local financial institution scorecards that measure those institutions' responsiveness to community needs.

Bridgit Burke. Professor Burke submitted an article in February to the Social Sciences Research Network ("SSRN"), titled "*A Case Study on Inclusive Disaster Preparedness Planning in Upstate New York*," which was based on a project she led through our Civil Rights and Disabilities Clinic.

Christine Chung. Professor Chung published an article this April in the Widener Law Journal, titled *Municipal Bankruptcy, Essential Municipal Services and Taxpayer's Voice* and located at 24 Widener L.J. 43 (April 2015).

Professor Chung's article, *Zombieland/ the Detroit Bankruptcy: Why Debts Associated with Pensions, Benefits, and Municipal Securities Never Die... and How They are Killing Cities Like Detroit*, 41 Fordham Urban Law Journal 771 (2014), was listed this Spring as one of the ten most notable employee benefits articles in 2014 by Tax Notes.

Stephen Clark. Professor Clark, along with a small group of other scholars, filed an *amicus* brief in the U.S. Supreme Court concerning pending marriage equality challenges this semester. His same group has also filed a similar *amicus* brief this Spring in the 8th Circuit's pending appeal of same-sex marriage decisions in Missouri and South Dakota. Their *amicus* brief was featured by the New York Times on April 29th, in an article entitled "*Gender Bias Issue Could Tip Chief Justice Roberts into Ruling for Gay Marriage.*"

Professor Clark placed the following article for publication later this year: *Conflicts Originalism: The 'Original Content' of the Full Faith and Credit Clause and the Choice of Marriage Law*, 118 W. Va. L. Rev., No. 2 (forthcoming Nov. 2015).

Professor Clark has also accepted an offer to publish an essay in the South Dakota Law Review, titled "*But for Sex: Equal Protection and the Individual Opportunity to Marry One's Chosen Partner Without Regard to Sex.*"

Professor Clark presented a paper, *Conflicts Originalism: The 'Original Content' of the Full Faith and Credit Clause and the Choice of Marriage Law*, at the weekly James T. Gathii Faculty Workshop Series on April 22, 2015.

On April 6th, Professor Clark presented his scholarship as part of our faculty workshop exchange at Western New England University School of Law.

Professor Clark presented a talk as part of a symposium sponsored by the South Dakota Law Review. The symposium was titled "*Many Voices: A Discussion of LGBTQ Marriage Rights and Transgender Rights*" and took place on March 27th.

Pat Connors. Professor Connors will serve as a *Visiting Scholar* in residence at Touro College, Jacob D. Fuchsberg Law Center for the Fall 2015 semester.

On March 18th, Professor Patrick Connors presented a program on "*Recent Developments in Civil Practice and Procedure*" at the New York State Bar Association's ("NYSBA") Bridge the Gap Program

in New York City. The program was attended by 375 young lawyers in New York City at the live location, with another 105 attending via video sites at Albany and Niagara Falls.

On March 4th, Professor Patrick Connors presented a program at the CUNY Law School Faculty Scholarship Exchange titled "*Strange but True Stories from the World of New York Civil Practice.*"

Professor Connors's Practice Commentaries (McKinney's Consolidated Laws of New York) was cited in 30 reported decisions in New York State and Federal Courts during 2014.

Danshera Cords. Professor Cords continues to serve as a Visiting Professor of Law at the University of Pittsburgh, School of Law, but intends to return to the law school for the 2016-17 academic year.

Professor Cords, on behalf of her American Bar Association ("ABA") Tax Section committee, submitted comments on Notice 2014-21. These comments focused on the appropriate mechanism for taxing virtual currency.

Anthony Farley. Professor Farley finished his visits this academic year at the University of Kentucky, College of Law as the Lassiter Distinguished Visitor Professor (Fall 2014) and at Texas Southern University, Thurgood Marshall School of Law as the Andrew Jefferson Endowed Chair in Trial Advocacy (Spring 2015). Welcome back Anthony!

Professor Farley's foreword to the symposium he organized at Touro Law School last Spring, titled "*Jackals, Tall Ships and the Endless Forest of Lies,*" was jointly published by the Touro Journal of Race, Gender & Ethnicity and the Berkeley Journal of African American Law & Policy in April. Professors Halewood and Sundquist also published essays through this symposium.

Professor Farley published the article, *Must Have Been Love: The Non-Aligned Future of a 'Warm December,'* in the forthcoming book BANDUNG AND THE GLOBAL SOUTH: 60 YEARS OF TRANSFORMATIVE INTERNATIONAL LAW.

Professor Farley delivered the keynote address at the *Freedom from Fear: Black Childhood & Other Dangers II* conference held at Lewis & Clark Law School on April 17th. The conference, which he also co-organized, was a continuation of the first *Freedom from Fear: Black Childhood and Other Dangers* conference held at the University of Kentucky, College of Law this academic year. A third conference on the same issue is in the planning stage.

Professor Farley delivered a public lecture on “*Child Rights*” at the Thurgood Marshall School of Law, Texas Southern University on April 20th.

Professor Farley presented a talk on “*An Informal Discussion on Child Rights*” for the Civil Rights Law Society at the Thurgood Marshall School of Law, Texas Southern University on April 10th.

The previous day, on April 9th, Professor Farley participated on a panel titled “*Thoughts on Prison*,” with U.S. Representative Shirley Jackson Lee and Charles Samuels (Director of the Federal Bureau of Prisons).

On April 8th, Professor Farley presented a talk titled “*A Vision for Trial Advocacy*,” at the Thurgood Marshall School of Law, Texas Southern University.

Professor Farley presented a talk on “*Scholarly Impact and How to Get it*” on February 25th, at the Thurgood Marshall School of Law, Texas Southern University.

Professor Farley presented a talk titled “*Politics and Race*” for the Cypress Tomball Democrats in Cypress, Texas on February 17th.

Professor Farley participated on a panel titled “*The Crisis: Criminal Justice 2015*” at Thurgood Marshall School of Law this Spring.

Professor Farley, along with Professors Halewood and Young, will present an article on a panel titled, “*Never Let a Good Crisis Go to Waste: Austerity, Academic Freedom, and Diversity in Legal Academy*” at the American Association of University Professors (“AAUP”) on June 11th in Washington, D.C.

Professor Farley accepted an offer to publish through an upcoming symposium, titled *Undersight and Anonymous Power*, in the Journal of Legal Education.

Professor Farley's forthcoming article, *Critical Race Theory Now*, will be published this year in the Florida A&M University Law Review.

Professor Farley's forthcoming article, *Race and the Unreality of Time*, will be published this year in the book RACE, LAW AND THE POSTCOLONIAL (eds. Mark Harris & Denise Ferreira da Silva) (Routledge).

Professor Farley's forthcoming article, *On Haunting*, will be published this year in the Law and Inequality journal.

Stephen Gottlieb. Professor Gottlieb's casebook, co-authored in part with Professor Lytton and titled JURISPRUDENCE: CASES AND MATERIALS (Third Edition), was listed as a "Featured Title" by LexisNexis.

Peter Halewood. Professor Halewood was on the organizing committee for the 40th Annual New York African Studies Association Conference, held on April 3rd and 4th. He also served as a speaker for the opening Plenary session and chaired a panel which focused on "*African Nations and Laws*." Professor Halewood arranged for one of our students, Eno-Obong Essien (Class of 2017) to present a talk titled "*The Boko Haram Dilemma: Sharia law and the Nigerian Constitution*" during the presentation.

Professor Halewood's essay, *Any is Too Much: Shelby County v. Holder and Diminished Citizenship*, was jointly published this April by the Touro Journal of Race, Gender & Ethnicity and the University of California, Berkeley Journal of African American Law & Policy.

Professor Halewood, along with Professors Farley and Young, will present an article on a panel titled, "*Never Let a Good Crisis Go to Waste: Austerity, Academic Freedom, and Diversity in Legal Academy*" at the American Association of University Professors ("AAUP") on June 11th in Washington, D.C.

Robert Heverly. Professor Heverly published an article, titled “*The State of Drones: State Authority to Regulate Drones*,” in the Albany Government Law Review this February.

Professor Heverly presented a talk on “*Social Media and its Effect on the Law*” to a meeting of judges from New York’s Sixth Judicial District on February 27, 2015.

Professor Heverly published an essay this Winter, titled “*Telemedicine, Telehealth, and Cybersecurity*,” in the Health Law Journal published by the New York State Bar Association.

Professor Heverly presented a talk titled “*Incentives and Competition in Innovation Markets: A Study of the FAA Drone Test Sites Competition*” at the Beyond IP 2 Conference, held at Yale Law School on March 29, 2015.

Michael Hutter. Professor Hutter was appointed to the Commission on Judicial Nomination, the entity that selects a list of nominees from which the Governor must choose for appointments to the Court of Appeals. Congratulations Mike!

Professor Hutter presented a 2014 CPLR Update to the Academy of Trial Lawyers this February. The materials he prepared for the presentation were distributed statewide to the Academy's membership.

Professor Hutter also presented a 2014 No Fault/Serious Injury Update to the Capital District Trial Lawyers Association at its annual meeting in February.

Professor Hutter presented a talk titled “*Memorial to Professor Siegel*,” at the New York State Bar Association’s annual meeting, before its House of Delegates.

Professor Hutter published his bi-monthly Evidence column on February 4, 2015 in the New York Law Journal. This column addressed and criticized the recent First Department decision in *Ambac v. Countrywide* which recognized a broad new exception to NY's waiver by disclosure rule.

Two of Professor Hutter’s prior Evidence columns in the New York Law Journal were the basis of evidence legislative proposals, which were part of the Office of Court Administration's 2015

Legislative Program. One proposed bill proposes for New York a new hearsay exception for agent/employee admissions, which tracks Professor Hutter's call for legislative action to do away with New York's present archaic law on the subject. The other proposed bill proposes an amendment to New York's attorney-client privilege dealing with waiver by disclosure, intentional or inadvertent disclosure, which tracks Federal Rules of Evidence 502.

Professor Hutter's article, *The Case for Adoption of the Uniform Trade Secrets Act*, 10 ALB. L.J. TECH AND SCIENCE 1, was cited favorably in the Wright Miller Federal Practice and Procedure Treatise.

Professor Hutter was appointed the Chair of a subcommittee of the New York State Bar's CPLR Committee to study and report on a legislative proposal to change or modify New York's common law rules governing the proper foundation for an expert's opinion.

Prof. Hutter was appointed to the Advisory Group (Members Consultative Group) for the new Restatement (Third) of Conflicts of Law.

Professor Hutter published his bi-weekly Evidence column in the New York Law Journal on April 2, 2015, titled *Proposed Evidence Rules Cover Privilege, Experts, Hearsay*. This article incorporated some of Professor Connor's prior columns and commentary on the ethical issues dealing with inadvertent disclosure.

Professor Michael J. Hutter participated in a conference sponsored by the Reform Alliance of New York, titled "*The Daubert Dilemma: Cutting Edge Science and Law in the 21st Century*," which was held in New York City on April 29th. He presented the opening paper discussing the relative pros and cons of the competing Frye and Daubert standards, which was followed by a panel discussion comprised of attorneys and judges who debated the issues raised in his paper.

On April 25, Prof. Hutter presented a paper discussing developments in NY's tort law as part of several presentations at the Annual Meeting of the Federated Bar Associations of the Fourth Judicial District in Montreal. Also making presentations were Prof. Patrick Connors, the Hon. Victoria Graffeo '77, and Hon. Thomas Mercure.

Prof. Hutter's June 6, 2014 NYLJ Evidence column was favorably cited by NY Supreme Court Judge Barbara Jaffe recently in *Juni v. A.O.Smith Water Products*, reported at 2015 WL 184006.

Deborah Kearns. Professor Kearns left Albany Law School this semester to become the Chief Clerk of the Albany County Surrogate's Court. We will miss you Debbie!

Mary Lynch. Professor Lynch's paper, "*The Importance of Experiential Learning for Development of Essential Skills in Cross-Cultural and Intercultural Effectiveness*," was listed this May on SSRN's Top Ten download list for the Anthropology of Education eJournal.

Professor Lynch participated on a panel, "*Counseling Students in the New Normal*," at the American Association of Law School's annual clinical conference on May 6th. This panel focused on the role of the law professor as a counselor in the "new normal," and explored and modeled how to use lessons from organizational culture experts to assist the development of teachers in their "outside the classroom" teaching and advising roles.

Timothy Lytton. Professor Lytton will be leaving Albany Law School at the end of the academic year to join the faculty of Georgia State University, College of Law as the Distinguished University Professor of Law. We will miss you Tim!

Professor Lytton was quoted regarding food safety issues in a news article titled "*FSMA Readiness: Litigation, Insurance and Safeguards*," published by the Food Safety News publication on May 11, 2015.

Professor Lytton was quoted regarding clergy sex abuse litigation in a news article titled "*Insurance Plays Major Role in Archdiocese Bankruptcy*," published on February 25, 2015 by the Star Tribune newspaper.

Professor Lytton was also quoted on gun safety issues in a news article titled "*Sandy Hook Families Want Gun Safety Lawsuit Moved Back to State Court*," published by the Hartford Courant newspaper on February 17, 2015.

Professor Lytton was extensively quoted on the regulation of gun ownership in a news article titled “*In California, Handguns Enter 2nd Decade of Rising Sales*,” published on February 10, 2015 by Reveal: The Center for Investigative Reporting.

James Redwood. Professor Redwood published a fictional short essay this semester. The essay, titled “*When the War Ended*,” was accepted for publication by the *Notre Dame Review* and will issue in Volume 40 of that journal in June 2015.

Sarah Rogerson. Professor Rogerson remarkably has established a brand new Immigration Law and Mediation clinic for the law school! Spearheading the successful effort to receive funding in the recently enacted New York state budget, Professor Rogerson will also direct the Immigration Clinic this coming Fall semester. Congratulations Sarah!

Professor Rogerson presented at an invite-only workshop on “*Innovations in State Government Immigrant Policy*,” on April 29th at the Rockefeller Institute of Government Policy.

Professor Rogerson’s Immigration Clinic was featured in an April 22nd article in the New York Law Journal, titled “*Law Schools Ramp up Efforts to Aid Immigrants*.”

Professor Rogerson was quoted in a Business Review article titled “*Albany Law Expanding Clinics to Give Students Hands-on Experience*” on April 22nd.

Professor Rogerson spoke about the Law School’s new Immigration Clinic during a broadcast on WAMC on April 21st.

Professor Rogerson appeared on the statewide radio show the Capitol Pressroom to talk with host Susan Arbetter about New York State's role in immigration assistance. This followed Professor Rogerson’s talk at the GLC program in the Capitol Building.

Professor Rogerson chaired a panel called “*Coming to America: Borders and Identity*,” at the 40th Annual New York African Studies Association Conference on April 3rd.

Professor Rogerson served as a Speaker on February 24th for the annual Warren M. Anderson Legislative Breakfast Series (sponsored by our Government Law Center). Her remarks focused on the topic of “*Emerging Issues in State-Based Immigration Reform.*”

Laurie Shanks. Professor Emeritus Shanks presented a talk on “*How to Acknowledge Our Bias, Address Our Differences and Avoid Discrimination in the Workplace to Enable Us to Become Better Attorneys*” at a program on diversity and implicit bias sponsored by the Capital District Women’s Bar Association.

Christian Sundquist. Professor Sundquist served as a *Visiting Scholar* in residence at the prestigious Institute for Research on Poverty at the University of Wisconsin-Madison (“IRP”) this Spring. Professor Sundquist conducted interdisciplinary research with faculty from the Bioethics, Medical History, Education, Sociology, IRP, History and Law departments on issues of social inequality during his stay. He also “workshopped” his scholarly projects on education federalism and racial genetics with students and faculty.

Professor Sundquist served as the moderator for a panel discussion entitled “*Moving Forward: Police-Community Relations,*” which took place during the annual Edwin L. Crawford Memorial Lecture (sponsored by the GLC) on April 23rd.

Professor Sundquist’s symposium essay, titled “*Post Oppression,*” was jointly published by the Touro Journal of Race, Gender & Ethnicity and the Berkeley Journal of African American Law & Policy this April.

Evelyn Tenenbaum. Professor Tenenbaum was interviewed on April 22nd by Ina Jaffee on NPR’s “All Things Considered” on the issue of whether a person with dementia can consent to sex. The interview related to a case in Iowa in which a man was found not guilty of raping his wife who had Alzheimer’s Disease.

On April 8th, Evelyn presented a faculty workshop at Albany Law School entitled “*Integrating Doctrine and Introductions to Skills*” with Sarah Ricks from Rutgers School of Law. The workshop included a discussion of the second edition of their context and practice casebook *CURRENT ISSUES IN CONSTITUTIONAL LITIGATION*, which is scheduled for publication in June.

Professor Tenenbaum participated in a panel discussion at Albany Medical College on March 25th, following a screening of the Frontline Documentary “*Being Mortal*.” The panel explored the relationships that doctors have with patients who are nearing the end of life and discussed crucial issues related to caring for the dying.

Evelyn Tenenbaum presented a talk on “*Legal and Ethical Issues Related to Paired Kidney Donation and Kidney Chains*” at Touro Law School on March 11th as part of the Faculty Scholarship Exchange.

Donna Young. Professor Young will be returning to the law school following her service as a Senior Program Officer with the American Association of University Professors this past academic year. Welcome back Professor Young!

Professor Young's chapter, “*Domains of Policy: Law and Society Perspectives on Antidiscrimination Law*,” was published this April in the Wiley Handbook of Law and Society.

Professor Young, with Hans Joerg Tiede, conducted a webinar titled “*Faculty Handbooks: How to Read a Faculty Handbook*,” on April 14th.

Professor Young chaired a panel titled “*Justice and Gender in Africa and Beyond*” at the 40th Annual New York African Studies Association Conference on April 3-4, 2015.

Professor Young delivered a presentation on “*University Governance*” to members of the faculty and administration of Suffolk University, School of Law on April 1st.

Professor Young, along with Professors Halewood and Farley, will present an article on a panel titled “*Never Let a Good Crisis Go to Waste: Austerity, Academic Freedom and Diversity in the Legal Academy*” at the AAUP annual conference in Washington D.C. on June 10th.