Widener University School of Law
Faculty Newsletter

February 2008

Ben Barros was elected chair of the Property Law Section of the AALS.

Ann Britton spoke at Osher Lifelong Learning Institute about Elder Law.

John Capowski made a faculty development presentation to the Wilmington faculty on China's current legal system and its efforts to both reform and codify China=s procedure and evidence law.

Ann Conaway=s article ATrenwalla: A Call for Rationalizing Fiduciary Duties to Creditors,@ http://papers.ssrn.com/abstract=991224 is scheduled for distribution in Corporate Governance Law Journal 5/12/08)(Corporate Law, Law and Finance Journal - Law and finance Empirical 4/21/08)(Corporate Securities & Finance Law - 8/16/07)(Corporate Securities & Finance - Corporate Governance - 10/26/07)(LSN Subject Matter Journals - Bankruptcy, Reorganization & Creditors - 8/15/07)(Chinese Journal - China Law and Economic Policy - May, 2008).

The 3d edition of Keatinge and Conaway on Choice of Business Entity (Thomson/West) is published in 2008.

She was a moderator at the Second Annual Delaware Bankers Trust Conference - *Ethics in Trust Law* - Moderated panel with Justice Randy Holland, Delaware=s Bank Commissioner, the Honorable Robert Glen and Professor Robert Sitkoff of Harvard Law, Nov. 2007. She was Speaker/ panelist - ALI-ABA live telecast, *Choice of Business Entity - 2008,* Washington, DC. She was retained as a national expert in the field of LLCs in case of first impression in Hawaii. She continues her work with the ABA and NCCUSL and with the Delaware Legislative Committee. Ann is also organizing a new summer externship opportunity for Widener students at the Inns of Court in London.

John Dernbach, Overcoming the Behavioral Impetus for Greater Energy Consumption, 20 Pac. McGeorge Global Bus. & Dev. L.J. 15 (2007).

John=s presentations include: Achieving Early and Substantial Greenhouse Gas Reductions Under a Post-Kyoto Agreement, symposium sponsored by Georgetown International Environmental Law Review, Georgetown University Law Center, Washington, D.C., Feb. 7, 2008; Bali Highs and Lows, Widener University Law School, Harrisburg, Pennsylvania, Jan. 31, 2008; Energy Efficiency and Conservation as Ethical Responsibilities: Suggestions for Future Work of IPCC Working Group III, in Ethical Dimensions of Climate Change: Looking at the Work of the IPCC, side event to United Nations Climate Conference, Bali, Indonesia, Dec. 14, 2007; Panelist, Going Green: Carrot or Stick? National Building Museum, Washington, D.C., November 19, 2007; Debate with Roger Pilon, Vice President for Legal Affairs, Cato Institute, on the question: AAre property rights opposed to environmental protection?@ Federalist Society, Widener University Law School, Harrisburg, Nov. 1, 2007; Law for Sustainability, First Annual Conference on Law, Ethics & the Life Sciences, University of

Louisville Louis D. Brandeis School of Law, Louisville, Kentucky, Oct. 26, 2007; State and Federal Policy and Law, Religious Perspectives on Climate Change: Turning Faith into Action, Erb Institute for Global Sustainable Enterprise, University of Michigan, Ann Arbor, Michigan, Oct. 19, 2007; Moderator, Is Sprawl Still a Threat to Pennsylvania=s Natural Resources? Pennsylvania Environmental Council et al., Harrisburg, Pennsylvania, Oct. 4, 2007.

Stephen Friedman presented his article "Protecting Consumers from Arbitration Provisions in Cyberspace" at the International Contracts Conference at McGeorge Law School in Sacramento, California. He also presented it in a faculty development program at the Law School.

Alan Garfield published the Op-Ed, Making Money Making Music, in the Sunday News Journal on November 4, 2007. Alan will be speaking about The Role of Judges in Protecting Civil Liberties for a Gratz College CLE program on April 9, 2008, and will speak to the Historical Society of Delaware on May 14, 2008 about Interpreting the First Amendment=s Religion Clauses.

John Gedid, Introduction: Dred Scott After 150 Years: A grievous Wound Remembered, 17 Widener L.J. 1 (2007).

Michael Goldberg presented "In the Cause of Union Democracy" on a panel at the Annual Meeting of the Association of American Law Schools in New York called "The Employment and Labor Law Professor as Public Intellectual." All the papers from the panel will be published in a forthcoming issue of the Suffolk Law Review.

Larry Hamermesh has been busy organizing the ABA Section of Business Law, 2008 Delaware Law Forum, to be held March 8, 2008 at Widener, involving 50-60 transactional business lawyers from all over the U.S., as well as six members of the Delaware Supreme Court and Court of Chancery. He has also presented papers at the ABA Section of Business Law, Federal Regulation of Securities Committee, Fall meeting, panel on AShareholder Access: Where We Stand Now,@ Washington, D.C., Nov. 17, 2007; the Int=l Investor Education Forum, 6th Annual Conference, Global Shareholder Activism, panel on AShareholders or Directors: Who=s In Charge Here?,@ New York, NY, Nov. 30, 2007; and the ALI-ABA , Corporate Governance: The Changing Environment, panel on AThe View from Delaware,@ Washington, D.C., Feb. 21, 2008.

Larry is also organizing the Ruby R. Vale interscholastic competition, which includes drafting the problem and bench brief, recruiting judges (two Delaware Supreme Court Justices and a Vice Chancellor of the Court of Chancery) for the bench for the final round of arguments on March 30, 2008. He also recruited visiting Distinguished Scholar Brian Cartwright, General Counsel of the SEC, as member of the finals bench and lecturer at 4:00 p.m. on Friday, March 28.

Dana Harrington Connor=s article, ADo No Harm: An Analysis of the Legal and Social Consequences of Child Visitation Determinations for Incarcerated Perpetrators of Extreme Acts of Violence Against Women,@ will be published in the Columbia Journal of Gender and Law later this year. In January, as a member of the Family Law Commission, she attended a Public Hearing for a presentation of a 2007 Commission Report and to hear from Delaware residents about their issues and concerns related to the Family Court of the State of Delaware. This month, she was elected to serve on Executive Committee of the Delaware Domestic Violence Coordinating Counsel.

Dana handled a complicated custody and visitation case pro bono for Delaware Volunteer Legal Services from May 2006 through December 2007, seeking the return of a child who was illegally withheld from her mother. After 19 months of litigation, on December 19, 2007, the client, who was originally denied any access to her child, was awarded sole legal custody of the child. This case was not a Delaware Civil Clinic matter.

In calendar year 2007, the Delaware Civil Clinic closed 36 cases and assisted 99 individuals, providing over 1,052 hours of pro bono service to indigent individuals seeking legal assistance in the State of Delaware.

Robert L. Hayman Jr. has been busy organizing the second annual Martin Luther King Jr. Semester of Service. This year, 104 students have signed up to participate (a five-fold increase over last year). Already, as part of their service 23 students visited 67 polling places in Delaware on Super Tuesday to ensure that voters with disabilities were accommodated, as required by the Americans with Disabilities Act.

Bob also organized a trip to Washington D.C. for his seminar in Constitutional Law which he co-teaches with Delaware Senator Joe Biden. Senator Biden met the group for breakfast and lunch, invited them to the Senate Foreign Relations Committee hearings which the Senator chaired and at which Secretary of State Condoleeza Rice testified, organized a tour of the Capitol and a lecture at the Supreme Court. The trip also presaged a visit next week to the Law School by members of the Senator=s Judiciary Committee staff to meet with students and faculty.

Anna Hemingway, The Ethical Obligations of Lawyers, Law Students and Law Professors Telling Stories on Web Logs, 41 Law Tchr. (International Journal of Legal Education) 287 (2007).

Louise Hill has been asked to do a live 90 minute national teleconference on May 8, 2008, sponsored by National Business Institute and the topic is "Changing Technology and Attorney Client Privilege."

David Hodas was elected by the institutional members of the IUCN Academy of Environmental Law (now about 78 worldwide)as the North American member of the Governing Council of the IUCN Academy of Environmental Law. Two Canadians and two other Americans also ran for the position. More information is available at its website, http://www.iucnael.org.

In February, David presented a paper on Post-Kyoto Climate Change Protocol from a least-developed country perspective at faculty workshop at Georgetown. The paper, which I am co-authoring with Prof. Albert Mumma, University of Nairobi, will be published in the Georgetown International Environmental Law Review in a symposium volume dedicated to the theme climate change post-Kyoto. **John Dernbach** also presented a paper; so two of the seven articles are authored by Widener law professors.

Michael J. Hussey, Non-Qualified Deferred Compensation After Section 409A: How to Comply?, Est. Plan., Nov. 2007, at 3.

Randy Lee organized the Martin Luther King Day Program on January 24, which drew over fifty outside attorneys and has been broadcast at least three times on PCN. He also served as chair of the AALS Professional Responsibility Section Executive Committee Nominating Committee. Randy was appointed Chair of the Academic Subcommittee of the

Professionalism Committee of the Pennsylvania Bar Association. My general duties included organizing professionalism programs featuring lawyers and judges for PBI and facilitating award nominations and my specific duty for the Academic Subcommittee involved designing a program to bring Pennsylvania Supreme Court justices to the Commonwealth=s law schools to discuss professionalism. He also coached Widener-Harrisburg=s American Law School First Amendment Competition Moot Court Team (with Professor Kearney) to a quarterfinal finish. Randy currently has five CLEs that PBI offers on-line, and at least six other state bars offer his courses to their attorneys on-line. Wyoming and Rhode Island offer four of his courses each.

Randy presented two CLEs for PBI=s Real Estate Lawyers= Conference in Philadelphia in December on Too Great an Expectation: Does Charles Dickens Demand too Much of Today=s Lawyer; he presented CLEs for PBI in Mechanicsburg, Philadelphia, and Pittsburgh in December on Robert Coles and a Lawyer=s Pursuit of Professionalism: Embracing Wisdom in an Information Age. He also organized CLE panel for PBI and the PBA Professionalism Committee in Mechanicsburg featuring Justice Aiken, Pennsylvania Bar Counsel Patti Bednarik, and Attorney Lacy Hayes. Randy was a luncheon speaker on February 11 at the Harrisburg Rotary Club on Whether the United States Constitution is Out of Date.

Randy and his family again this year provided 300 Christmas bags to area shelters on behalf of the Law School. These included soap, shampoo, toothbrushes, lotion, potato chips, fruit, candy, pens, and cocoa.

Robyn Meadows, et al., Sales (Uniform Commercial Code Annual Survey), 62 Bus. Law. 1559 (2007); et al., Uniform Commercial Code Annual Survey: Introduction, 62 Bus. Law. 1555 (2007).

Juliet Moringiello, Towards a System of Estates in Virtual Property in Sylvia M. Kierkegaard, Cyberlaw, Security & Privacy (Sylvia Mercado Kierkegaard ed., 2007). Also, with William L. Reynolds, Electronic Contracting Cases 2006-2007, 63 Bus. Law. 219 (2007). False Categories in Commercial Law: The (Ir)Relevance of (In)Tangibility, 35 Fla. St. L. Rev. 119 (2007).

Juliet also wrote Cyberspace Law Survey: Introduction, 63 Bus. Law. 217 (2007). Juliet presented her paper, ATowards a System of Estates in Virtual Property,@ at the Second International Conference on Legal, Security and Privacy Issues in IT, in Beijing, China on December 7, 2007.

She was invited to join the planning committee for the Third International Conference on Legal, Security and Privacy Issues in IT. That conference will be held in Prague, Czech Republic, in September, 2008.

Geoff Moulton was invited to join the Board of Trustees of the Natural Lands Trust, the region=s largest land conservation organization.

Wesley Oliver, Dred Scott and the Political Question Doctrine, 17 Widener L.J. 13 (2007); Editorial, Here=s Why I Was a Campaign Volunteer, Patriot News (Harrisburg, PA), Jan. 7, 2008 at A9; Editorial, How Iowa Does It: Caucusing, Unlike Voting Takes TimeCSome Caucuses Continue for Hours, Patriot News (Harrisburg, PA), Dec. 30, 2007 at F3; Editorial, Iowans are Serious About Caucus Process, Patriot News (Harrisburg, PA), Dec. 23, 2007 at F3.

MOOT COURT NEWS

***From Leslie Johnson*:**

The Moot Court Honor Society is pleased to announce its recent participation in two interscholastic competitions.

The Charleston School of Law=s inaugural Constitutional Law Competition was held from February 8 to February 10 in Charleston, SC, and was attended by Sean Riley and Damien Tancredi. Professor Erin Daly served as the coach for this team, with help from Steve Henderson, Geoff Moulton, and Len Sosnov.

The Florida Bar Association=s Tax Law Competition was held from February 7 to February 10 in St. Petersburg, FL, and was attended by Evan Perel and Sylvia Siegel. Professor Roberta Mann served as the coach for this team.

Both teams had a good showing at their competitions, and we would like to congratulate the Constitutional Law team for advancing to the quarterfinal rounds. We would also like to thank the coaches for their support and assistance in preparing our teams for the competition.

Good luck to the upcoming interscholastic teams traveling to Capital University School of Law=s Child Welfare and Adoption Competition and Seton Hall University School of Law=s Criminal Procedure Competition.