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David A. Logan
Dean and
Professor of Law

A MESSAGE FROM THE DEAN

It was not easy to leave Winston-Salem after 22 wonderful years, but I saw in Roger Williams much of what initially drew me to Wake Forest. First and foremost, there is a similar commitment by a devoted cadre of teacher/scholars to provide students an excellent, personalized legal education. In only our 10th year, a fine faculty now becomes even stronger with the addition of three terrific newcomers – Nancy Cook (a nationally-respected clinician from Cornell), Niki Kuckes (a multi-talented litigator and promising scholar), and George Nnona (a top international business lawyer, who comes to us from Nigeria, via Harvard's S.J.D. program). They are a diverse and engaging group who will enrich the lives of the entire Roger Williams community.

I am also excited to announce the addition of two terrific lawyers to our Legal Method faculty. Cecily Banks earned her J.D. from my alma mater, the University of Virginia, and Jane Rindsberg holds a J.D. from Duke. They join a dedicated cadre of teachers who form the backbone of the 1L experience.

On the administrative end, I am delighted to announce that Kristen Fletcher (J.D. Notre Dame) became the first full-time Director of our Marine Affairs Institute. We lured Kristen from the National Sea Grant Law Center and she has ambitious plans for leveraging our unique location on Narragansett Bay, as well as our collaboration with the Department of Marine Affairs and Sea Grant Program at the University of Rhode Island.

These are just a few of the exciting things going on at the School of Law. As you read along in this and subsequent "eNewsletters," you will be able to keep abreast of the wonderful array of accomplishments and initiatives taking place at this dynamic educational institution on the shore of Mt. Hope Bay.

School of Law Initiates Innovative Medical-Legal Collaborative

Since the summer of 2002, the School of Law has been a key partner in the development of the Rhode Island Family Advocacy Program (RIFAP), a medical-legal collaborative that offers legal services to low-income families in health care settings. It is modeled on the Family Advocacy Program at Boston Medical Center, the first medical-legal collaborative of its kind in the country.

RIFAP partners include Brown Medical School, Hasbro Children's Hospital, the HELP Lead Safe Center, Rhode Island Kids Count, Rhode Island Legal Services, and Roger Williams University School of Law. An attorney from Rhode Island Legal Services spends two days per week at Hasbro Children's Hospital and the HELP Lead Safe Center providing legal assistance in areas of law affecting child health, such as housing, benefits, educational rights, and family law. Attorneys from Rhode Island Legal Services collaborate with staff at the hospital to conduct legal education training for doctors, nurses, and other staff who may refer families for legal help.

What distinguishes RIFAP from other medical-legal collaboratives is the alliance between its academic partners. Roger Williams University School of Law and Brown Medical School are working together to educate the next generation of doctors and

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Rakove Delivers Founding Moments Lecture

Jack N. Rakove, Coe Professor at Stanford, delivered the School of Law's inaugural Founding Moments Lecture. Dr. Rakove, winner of the 1997 Pulitzer Prize for History, discussed the



Founding Fathers theory of separation of powers and then analyzed Rhode Island's distinctive, and ongoing, controversy regarding the appropriate limits of legislative power. The event was co-sponsored by Common Cause of Rhode Island.

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lawyers about the importance of collaboration to promote justice and better health outcomes for disadvantaged families. Each semester, students from the School of Law gain hands-on experience by working at RIFAP as part of the public interest law clerkship program. Under the supervision of the RIFAP director and the staff attorney from Rhode Island Legal Services, law students and Brown Medical students work at RIFAP, learning ways to serve clients and patients by working together.

In addition, in the fall of 2003, **Liz Tobin Tyler**, Associate Director of the Feinstein Institute for Legal Service, began teaching a seminar entitled, "Pursuing Social Justice through Interdisciplinary



Practice: The Medical-Legal Collaborative," for those participating in the RIFAP clerkship as well as other interested students. The seminar explores the ways that lawyers can engage in holistic problem solving to better serve disadvantaged clients, as well as the professional and ethical concerns that arise when lawyers work in an interdisciplinary setting.

During the semester, students attend three joint sessions with Brown Medical School students enrolled in a course taught by Dr. Alicia Monroe and Dr. Jay Baruch entitled, "Crossing Borders: Practicing Socially Responsible Medicine in Complex Communities." At these sessions, law and medical students work together in small groups on a case simulation to identify the medical and legal options and the potential for collaboration to best serve their client/patient. The three joint sessions focus on hunger and public benefits, unsafe housing and lead poisoning, and mandatory reporting and domestic violence.

Through its participation in this innovative partnership, the School of Law is at the forefront of a national movement to use interdisciplinary practice and teaching and community-law school partnerships to improve access to justice for underprivileged populations.

Professor Kunich Testifies Before Congress

By John Kunich, Professor of Law

This April, I received a phone call from a Democratic staffer with the House Committee on Resources, inviting me to be a witness at hearings to be held within three weeks. When I was told the subject matter, I quickly agreed: a Department of Defense proposal to exempt itself from the critical habitat requirements under the Endangered Species Act and a similar provision in the Marine Mammal Protection Act.



I was asked to submit my prepared remarks in advance, along with a disclosure form – all of which had to be in at least seven days prior to the hearing. I was allowed to submit documents for the record, as well, so I included my law review articles dealing with legal protection for the world's biodiversity hotspots. I didn't have much time to get everything together, because there was very little notice as to the specific date of the hearing. Witnesses before Congress must be flexible and ready to travel quickly... at no expense to Congress, of course.

Because I was instructed to have only 5 minutes' worth of actual testimony ready, I faced the lawyer's ultimate nightmare – a strict limit on how long I could speak. This economy of words forced me to fight mightily against my every instinct. This was the greatest challenge I faced, deciding which of my precious words to cut from the few I would be permitted to speak in the hearing room. My only comfort was derived from the option of submitting somewhat lengthier prepared remarks and attachments for the record.

My actual testimony took place on May 6, 2003, before the full House Committee on Resources. I testified in opposition to the proposed exemptions, based in part on my extensive work on biodiversity law, including my recent book, *Ark of the Broken Covenant*.

I was told to be in the hearing room at 1:00 p.m., so, obsessive-compulsive as always, I was there in plenty of time. However, I then discovered that I was to be part of the last panel of witnesses of the day. Before my panel testified, we had to sit in the hearing room and listen to the testimony, followed by questions from the congresspersons, of all the other witnesses. Each representative was allowed time to ask questions, and there was often a second round of questions as well. With some two dozen representatives present from the committee, this was very time-consuming. In fact, my panel did not get sworn in until after 5:00 p.m. A marathon hearing!

The committee, to my surprise and relief, was somewhat lenient and didn't require us to adhere strictly to the 5 minutes we had been authorized for our prepared remarks. This allowed me to have a pleasant exchange with a couple of the members regarding biodiversity hotspots within their home states. The atmosphere was generally collegial, although it was clear that the Chair did not welcome my conclusions as to the proposed exemptions. He did not want to hear about the magnitude of the current biodiversity crisis, but other members did, and during their questions they gave me a good opportunity to put important facts and ideas on the record. My law review articles were also accepted for the official record.

Some of the Congressmen commented favorably on my ideas and mentioned them during floor debate in the House of Representatives the following day. My prepared remarks are available at the following Congressional website:

<http://www.house.gov/resources/108cong/full/2003may06/agenda.htm>

Faculty Briefs



In October, Professor **Carl Bogus** debated Walter K. Olson, Senior Fellow at the Manhattan Institute and author of "The Rule of Lawyers: How the New Litigation Elite Threatens America's Rule of Law," at

Albany Law School. The topic was "Does America Need Tort Reform? Personal Injury Law & Public Policy."



Professor of Law **Edward J. Eberle** received a Fulbright Senior Specialist Grant in Law which he used at the University of Munster, Germany (Westfälische Wilhelms-Universität Munster Rechtswissenschaftliche Fakultät).



Associate Dean and Associate Professor of Law **Diana Hassel** was awarded a Dukeminier Award for her article, "The Use of Criminal Sodomy Laws in Civil Litigation", 79

813 (2001) by the Williams Project of UCLA School of Law. The article was named one of the Best Sexual Orientation Law Review Articles of the year.

The Williams Project on Sexual Orientation Law is a think tank dedicated to research and analysis of sexual orientation law and public policy.

Student Kudos

Andrew Beerworth's ('04) article, "Religion in the Marketplace: Establishments, Pluralisms and the Doctrinal Eclipse of Free Exercise," will be published in the Thomas Jefferson Law Review in April 2004.

Upcoming Events

Annual Law Alumni Holiday Party and Holiday Food & Clothing Drive
Monday, December 8, 2003
6:00 - 9:00 p.m.

Assist us in support of needy families during the holiday season. We will be collecting items to supply families with a holiday dinner and a few presents. Attendees are invited to bring canned food items, toys, hats, mittens, or scarves to the Holiday Party. Any donation would be of great assistance.

Olives Martini Bar
108 North Main Street, Providence, RI

\$20 per person

Reservations are required by December 1, 2003.

Continuing Legal Education Program
Criminal Law Update
Wednesday, December 10, 2003



Associate Professor
Andrew Horwitz

12:00 p.m. Lunch

12:30 p.m.
Program - 1 Hour
CLE Credit

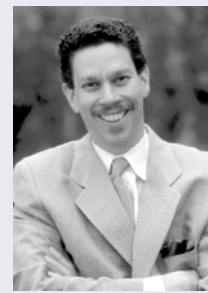
Metropolitan
Center for
Education and Law

150 Washington Street, Providence, RI

Professor Horwitz will summarize the most important developments in criminal law and criminal procedure from the 2002-2003 terms of the United States Supreme Court and the Rhode Island Supreme Court.

\$35. Registration Fee includes lunch.

Registration is required.



Founding Moments Lecture Series

David B. Wilkins
"The New Social Engineers: The Making of the Black Corporate Bar and the Dual Legacy of *Brown v. Board of Education*"

Wednesday, April 14, 2004
2:00 p.m.

School of Law, Bristol Campus

David Wilkins is the Kirkland and Ellis Professor of Law at Harvard Law School and Director of Harvard's Program on the Legal Profession.

To mark the 50th anniversary of *Brown v. Board of Education*, Professor Wilkins and a distinguished panel will discuss what Professor Wilkins has called the "paradox of opportunity" for black lawyers created by *Brown*.

The panelists are:

Honorable O. Rogeriee Thompson
Associate Justice
Rhode Island Supreme Court

Michael Evora
Executive Director, Rhode Island
Commission on Human Rights

Beverly E. Ledbetter
Vice-President and General Counsel
Brown University

Walter R. Stone
Partner, Adler, Pollock & Sheehan

Reservations are required by April 7, 2004.

To make a reservation or to register for an event, please call the Office of Alumni, Programs & Events at (401) 254-4659 or lawevents@rwu.edu.

This fall, Amanda completed a pro bono assignment for Edwards & Angell LLP in Providence, R.I. She wrote a memo filed in its entirety with the Family Court of R.I. The case is a Hague Convention petition for the return of a child to his American father, serving in the armed forces in Germany.