

The **EQUALIZER** **SALT**

Volume 1993, Issue 2

Society of American Law Teachers

April 1993

COVER CONFERENCE SURVIVES THE BLIZZARD OF '93

– Jennifer Brown
3rd Year Student,
Harvard Law School

The highlight of this year's Robert Cover Memorial Public Interest Conference was definitely the weather. Retreat participants stayed warm and dry inside the Sargent Camp in the New Hampshire woods while the blizzard of '93 raged on outdoors. Saturday afternoon, some adventurous souls braved nearly two feet of snow for cross-country skiing, hiking, and even running. The Camp staff did have a captive audience when describing what to do in case of a loss of electricity, heat, and water. Luckily, no major disasters or emergencies unfolded. Aside from the delay of a number of flights, the snow only added to the atmosphere of the weekend.

*"refreshingly optimistic . . .
compared to just one year ago."*

Over 100 law students, practitioners, and law professors from across the country attended this year's Conference. Abbe Smith, Rocky Chin, Linda Yanez, and Henry Schwarzschild began the discussions by introducing themselves and how they came to do the work they do. They each spoke very personally and forcefully about the different paths they have chosen.

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PRESIDENT'S COLUMN

– Sylvia A. Law
New York University
School of Law

SALT Members Honored: Nadine Taub, Elizabeth Schneider and Holly Maguigan

The annual dinner of the New York Chapter of the National Lawyers Guild is the premier public interest event of the greater New York area. This year's dinner honored six women who have done exceptional work on behalf of battered women. Three of the six – Nadine Taub, Liz Schneider and Holly Maguigan – are members of the SALT Board. The life of each is exemplary in integrating activism, teaching and scholarship.

Nadine Taub, Professor of Law and Director of the Women's Rights Litigation Clinic at Rutgers Law School in Newark, N.J., is a pioneer in the battering area, as she is in many other areas involving women's rights and reproductive freedom. In the mid-1970s, she developed pathbreaking ways for battered women to use traditional civil remedies to protect themselves from their attackers. She was an active member of the New Jersey Task Force on Domestic Violence and worked closely with the

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U.S. Civil Rights Commission in creating early and important studies of battered women. She continues to supervise clinic students who help battered women in the New Jersey Battered Women's Service.

Elizabeth Schneider, Professor of Law at Brooklyn Law School and Chair of the Edward V. Sparer Public Interest Program, also is a pioneer in legal work for battered women. She helped to represent Yvonne Wanrow, a Native American woman who won a landmark ruling in the Washington Supreme Court in 1977 on the ground that jury instructions on self-defense failed to incorporate her perspective as a woman. In 1984, her work was instrumental in persuading the New Jersey Supreme Court that it was an error to exclude expert testimony about battering in the trial of a woman convicted of killing her attacker. As a scholar, Liz has authored many articles that provide concrete help to people representing battered women and has produced eminent theoretical work on the connections and tensions between legal theory and practice. She taught one of the first courses on Battered Women and the Law while visiting at Harvard Law School in 1991. She recently advised the Ford Foundation on national law reform and public education efforts for battered women and advised Congressional staffers on the pending Violence Against Women Act.

Holly Maguigan, Clinical Professor of Law at New York University, directs a team-defense program at NYU Law School's Criminal Defense Clinic, the only criminal clinical program in the country that specializes in representing battered women. Holly's early career as a criminal lawyer focused on issues of race and class and the defense of political dissidents. In 1979, a client drew her into battered women's work. Holly's client related that her boyfriend had threatened to kill her and assaulted her in a restaurant. Although she cried for help, no one lifted a finger. She grabbed a knife and stabbed him in the arm. The knife pierced his heart and he died. The witnesses from the restaurant corroborated the defendant's story. When Holly asked why no one had helped, one explained, "We didn't know

they weren't married." Holly realized that, ironically, these attitudes made it impossible to pick a fair jury. With others, she developed a program to question and educate prospective jurors about self-defense claims of battered women. Since that time, she has represented many battered women who fought back and has trained others to do this work. She recently published a comprehensive review of battered women and self-defense law in the *University of Pennsylvania Law Review*.

We are proud of these SALT activists and join the Guild in honoring their work.

Praise for David Swank

Anita Hill has become a household name, and the arresting example of her courage and integrity has precipitated deep changes in our culture – and our Congress. A prior issue of *The Equalizer* recognized the important role many SALT members played to make the Hill/Thomas confrontation an opportunity for enhanced understanding and positive change.

*"He supported Anita
from the very beginning and
never wavered."*

Dean David Swank of the University of Oklahoma Law Center also played an invaluable role in the Hill/Thomas controversy, and that role may not be as well appreciated as it should be. When Anita Hill was thrust into public prominence, Dean Swank was a formidable ally. From the first day the news reported Professor Hill's allegations, David Swank, her dean, stood in support of her. A colleague at the University of Oklahoma Law School says, "He supported Anita from the very beginning and never wavered. He spoke out when state legislators began to rail against her, and he spearheaded the support of the entire law school community. Despite some personal risk, he offered the law school facilities for her initial press conference, knowing that she would need the support of familiar surroundings and colleagues. He devoted untold

ommended that SALT should be putting forward the names of people in legal education for judicial appointments. Stephanie Wildman suggested that SALT should also learn about the various processes invoked in each state by those senators nominating people to the judiciary. Linda Greene spoke on behalf of the Coalition for Women's Appointments, which will be recommending names for judicial appointments to the Clinton Administration. Judith Resnik reminded the Board that SALT should be prepared to support nominees to the judiciary who are being opposed by conservative groups. With so many appointments to be filled, the Board decided to form an ad hoc committee to work on appointments to the judiciary. Sylvia Law will serve as temporary chair of the committee, with Jerome Culp, Margaret Jane Radin, Judith Resnik and Linda Greene serving on the committee.

In another future project, an ad hoc subcommittee was appointed to serve as a liaison to the ABA Commission on Women in the Legal Profession. The Commission is planning the Second National Conference on Bias in the Courts for Sunday, December 19, 1993 in Boston and wants to know how the ABA can help law schools and what courts might learn from law schools. Cynthia Bowman will chair this ad hoc committee, and Judith Resnik and Barbara Babcock will serve as subcommittee members.

The next Board meeting is scheduled for Thursday, May 21st at NYU on the eve of the SALT Teaching Conference. Members are always welcome to attend. ■

TIAA-CREF: ARE WE MAKING SOCIALLY IRRESPONSIBLE INVESTMENTS?

Many of us have been involved in the socially responsible investment movement for many years with respect to whatever resources we manage personally, yet we have tended to overlook our TIAA-CREF accounts. Not SALT activist Arthur Leonard. He writes:

In reviewing the annual report from TIAA-CREF, I discovered that the pension fund holds

over 140,000 shares of stock in Cracker Barrel Old Country Stores, Inc. Cracker Barrel and the gay community are embroiled in a major dispute stemming from adoption by Cracker Barrel of a formal policy of discharging gay and lesbian employees because homosexuality is inconsistent with the restaurant chain's "traditional family" image. Although Cracker Barrel backed down from the formal policy when a national outcry followed the dismissal of dozens of workers around the country, it has refused to rehire the discharged employees or to adopt a non-discrimination policy. Cracker Barrel's refusal to distribute a proposed shareholder resolution on this issue to its shareholders in a proxy mailing has led to litigation between New York City (on behalf of its employee pension funds) and the S.E.C.

Many faculty participants in CREF work for institutions that ban discrimination on the basis of sexual orientation, and many of us do not want to support Cracker Barrel's activities or to be implicated in them through ownership of Cracker Barrel's stock.

"Cracker Barrel's... formal policy of discharging gay and lesbian employees"

SALT members may write to Mr. John Biggs, Chairman and CEO, TIAA-CREF, 730 Third Avenue, New York, NY 10017-3206 to recommend selling this stock or, alternatively, at least supporting the proposed shareholder resolution.

Readers may find other positions in the TIAA-CREF portfolio to be equally problematic; if so, please let us know. Also, let us hear your views as to whether SALT, as an organization, should take a public position on particular TIAA-CREF holdings and on investment criteria generally. ■

PLANS CAREFULLY LAID FOR SALT TEACHING CONFERENCE

— Anne B. Goldstein
Western New England College
School of Law

On Saturday, February 27th, many of the subject-matter coordinators for the May 22-23 SALT Teaching Conference ("Reimagining Traditional Law School Courses: Workshops Integrating Class, Disability, Gender, Race and Sexual Preference into our Teaching and Course Materials") met at Harvard and spent the day planning for the Conference. We were the guests of Gerald Singen, who thoughtfully arranged our meeting space and refreshments, and whose candid photographs accompany this article.



Michael Ariens, Mary Coombs, Stuart Filler, Lucinda Finley, Anne Goldstein, Randy Hertz, Sylvia Law, Beverly Moran, Richard Neumann, Charles Ogletree, Joseph Singer, Avi Soifer, Gerald Singen, Anne Thomas, Hazel Weiser, Zipporah Wiseman, and Rose Zoltek-Jick were present. We had a very productive meeting.



The heart of the Conference will be the nine subject-matter groups. Rose Zoltek-Jick and Michael Ariens made a detailed and creative presentation of their plans for the Evidence group. The planning group then spent a considerable amount of time talking about how each subject matter group's eight hours together can be best spent, and how to involve every participant actively in the work of the conference.



We encourage everyone (including the coordinators) to register early for this conference. To do so, return the registration form on page 8. But first – run copies of the conference announcement (pages 7 and 8) and distribute to all your colleagues. Thanks. ■

Don't Forget . . .

The Southwestern & Southeastern
People of Color
Legal Scholarship Conference
in
Albuquerque, New Mexico
on
April 29th - May 1st, 1993
Call
Prof. Reginald Leamon Robinson
(213) 938-3621
or
(310) 693-6288

1993 SALT TEACHING CONFERENCE

RE-IMAGINING TRADITIONAL LAW SCHOOL COURSES: WORKSHOPS INTEGRATING CLASS, DISABILITY, GENDER, RACE and SEXUAL PREFERENCE INTO OUR TEACHING AND COURSE MATERIALS

May 22 - 23, 1993 - N.Y.U. Law School

This two-day conference will provide an opportunity for experienced and new teachers of nine subjects to work together in small groups. Each group will work intensively on teaching and materials in its subject area, for a total of eight hours over the two days of the conference. Please contact the appropriate planning coordinator if you would like to help plan this work, if you are interested in developing teaching materials, or if you have other suggestions. IF YOU ARE CURRENTLY USING OR WORKING ON RELEVANT MATERIALS IN ANY OF THESE SUBJECTS, THE PLANNING COORDINATORS WOULD LIKE TO SEE THEM, with an eye to distributing or discussing them at the conference.

CIVIL PROCEDURE	--	Theresa Glennon	(410) 706-7214
		Lucie White	(310) 206-1075
CLINICAL/LAWYERING	--	Randy Hertz	(212) 998-6430
		Charles Ogletree	(617) 495-5097
CONTRACTS	--	Carol Sanger	(408) 554-5490
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		Stewart Macaulay	(608) 262-2442
		Sharon Hom	(718) 575-4317
CRIMINAL LAW	--	Mary Coombs	(617) 353-4688
		Angela Harris	(510) 643-6354
		David Rudovsky	(215) 898-3087
EVIDENCE	--	Michael Ariens	(210) 436-3308
		Rose Zoltek-Jick	(011-33-1-64224426)
LEGAL RESEARCH & WRITING	--	Hazel Weiser	(516) 421-2244 x371
		Richard Neumann	(516) 463-5881
PROPERTY	--	Joseph Singer	(617) 496-5292
		Martha Mahoney	(305) 284-2392
TAX	--	Anne Thomas	(212) 475-6958
		Beverly Moran	(608) 263-7736
		Stuart J. Filler	(203) 576-4073
TORTS	--	Okianer Dark	(804) 289-8197
		Phoebe Haddon	(215) 787-8974

The SALT conference will also attempt to explore ways of working with the intense emotional reactions often generated among our students and colleagues when diverse perspectives are integrated into traditional courses.

Gerald Torres (612 - 625-2376), and Lucinda Finley (716 - 645-6152) are coordinating the planning of a skit showing a faculty promotion committee meeting. The skit will place faculty priorities, prejudices and values on the line in a realistically concrete context. If you think you might like to take part, or have ideas or suggestions for this skit, call Gerald or Lucinda!

Conference Planning Committee: Zipporah Batshaw Wiseman and Anne B. Goldstein, Co-Chairs; Stuart Filler, Lucinda Finley, Phoebe Haddon, Angela Harris, Sylvia Law, Alan Macurdy, Nancy Polikoff, Gerald Singen, Aviam Soifer, Gerald Torres and Lucie White.

REGISTRATION FORM ON OTHER SIDE

SCHEDULE

Saturday, May 22, 1993

8:00	-	9:00	REGISTRATION
9:00	-	9:15	Dean Barbara Bader Aldave, "Transformation of a Law School."
9:15	-	10:20	Two teaching demonstrations, with discussion.
10:30	-	12:30	SUBJECT MATTER WORKING GROUP MEETINGS.
12:30	-	1:30	BOX LUNCH
1:30	-	4:30	SUBJECT MATTER WORKING GROUP MEETINGS.
4:45	-	6:00	PLENARY. Faculty meeting skit presenting opposing views of the importance of integrating diversity into curriculum and scholarship, and discussion of strategies for dealing with faculty attitudes and opposition.
6:15	-		COCKTAIL RECEPTION, followed by dinner at a nearby restaurant (at individual expense).

Sunday, May 23, 1993

9:00	-	noon	SUBJECT MATTER WORKING GROUP MEETINGS.
noon	-	1:00	Open discussion of the conference experience.

Registration Form

1993 SALT TEACHING CONFERENCE

May 22 - 23, 1993

CHECK ONE: ☐ SALT member \$90 ☐ non-SALT member \$115
 ☐ Registration fee and SALT membership dues \$125

CHECK ONE: ☐ CIVIL PROCEDURE ☐ CLINICAL/LAWYERING
 ☐ CONTRACTS ☐ CRIMINAL LAW
 ☐ EVIDENCE ☐ LEGAL RESEARCH & WRITING
 ☐ PROPERTY ☐ TAX
 ☐ TORTS

Name _____

Address _____

Office Telephone No. _____ Fax No. _____

☐ Check if you desire information on hotel rooms.

**Send this form with check payable to: SALT to Professor Stuart J. Filler,
 Bridgeport Law School at Quinnipiac College,
 600 University Avenue, Bridgeport, CT 06604-5651**

ANNUAL TEACHING AWARD DINNER A HUGE SUCCESS

Nearly 200 people turned out for SALT's Annual Teaching Award dinner on January 8, 1993 in San Francisco to honor UCLA law professor (and former California Supreme Court Justice) Cruz Reynoso. The audience heard speeches filled with humor and praise from Bob Gnaizda, founding attorney at Public Advocates; Mari Mayeda, former law clerk to Justice Reynoso; Michael Olivas, professor and associate dean at University of Houston Law School; and Rose Elizabeth Bird, former Chief Justice of the California Supreme Court and currently a visiting professor at Golden State University School of Law.

* * * * *

SALT members are encouraged to recommend to the Board individuals thought to be deserving of next year's Annual Teaching Award. ■



Annual SALT Teaching Award honoree Cruz Reynoso chats with former California Chief Justice Rose Bird and Professor Stephanie Wildman, chair of the Teaching Award Dinner held in San Francisco in January.

SOCIETY OF AMERICAN LAW TEACHERS

MEMBERSHIP APPLICATION

- ☐ Enroll/renew me as a regular member. I enclose \$50.00 (\$35.00 for those earning less than \$30,000 per year).
- ☐ Enroll/renew me as a contributing member. I enclose \$100.00.
- ☐ Enroll/renew me as a sustaining member. I enclose \$300.00.

Name _____

School _____

Address _____

_____ Zip Code _____

Make check payable to: Society of American Law Teachers

Mail to: Professor Stuart Filler
Bridgeport Law School at Quinnipiac College
Room 409
600 University Avenue
Bridgeport, Connecticut 06604-5651

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Editor

Shepard Broad Law Center

Nova University

3305 College Avenue

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