Reforming the United Nations

WITHIN THE LAST DECADE, the events of 9/11 and the 2003 invasion of Iraq have led to the formation of competing visions of world order, argues Professor Peter Danchin. He is co-editor of United Nations Reform and the New Collective Security (Cambridge University Press, 2010) with Horst Fischer.

They report that one view embraces the traditional ideal of multilateral cooperation and collective security. According to the other view, the world’s undisputed military and economic superpower (the United States) projects an imperial political morality based on a good/evil dichotomy; this pigeonholes the world as a “Great Power” safeguarding a civilized core of democratic nations against a periphery of rogue states and non-state outlaws. These opposing ideals, Danchin contends, have resulted in the need for reform within the UN.

The book taps the multidisciplinary collaboration of 18 distinguished authors from Europe and the U.S. Each chapter unveils the responsibilities, commitments, strategies, and institutions necessary for collective security to function both in practice and as a normative ideal in international law and in relations between state and non-state actors.

Looking in the Right Places to Curb Public Health Hazards

Donald Gifford’s new book Suing the Tobacco and Lead Pigment Industries: Government Litigation as Public Health Prescription (University of Michigan Press, 2010) calls attention to the government’s expectation of the court system when states and municipalities file lawsuits against product manufacturers in an attempt to solve public health problems caused by products such as cigarettes and lead paint.

Gifford proposes that governments address public health matters directly through legislation and regulation rather than through the courts. Citing numerous cases that take the form of parens patriae litigation, Gifford argues that for decades, litigation has been driven by mass plaintiffs’ attorneys who often profit up to thousands of dollars per hour when state governments prevail. Perhaps even more troubling, according to Gifford, parens patriae cases distort the constitutional allocation of powers by allowing state attorneys general to pursue solutions in court—even though state constitutions allocate such powers to legislatures.

Exploring Increased Regulatory Failure

Reasonable people disagree about the reach of the federal government, but there is near-universal consensus that it should protect us from such dangers as bacteria-infested food, harmful drugs, toxic pollution, crumbling bridges, and unsafe toys. And yet, the agencies that shoulder these responsibilities are in shambles; if they continue to decline, lives will be lost and natural resources will be squandered. In their book, The People’s Agents and the Battle to Protect the American Public (University of Chicago Press) Professor Rena Steinzor and co-author Sidney Shapiro look at the tangled web of problems that have led to this dire state of affairs.

It turns out that the agencies are not primarily to blame and that regulatory failure actually stems from a host of overlooked causes. Steinzor discovers that unrelenting funding cuts, a breakdown of the legislative process, an increase in the number of political appointees, a concurrent loss of experienced personnel, and political attacks on the bureaucracy all have contributed to the broken system. But while the news is troubling, the authors also propose a host of reforms, including a new model for measuring the success of the agencies and a revitalization of the civil service.
PROFESSOR JANE BARRETT, Director of the Environmental Law Clinic, was presented with the 2010 Clinical Legal Education Association (CLEA) Outstanding Clinical Teachers Award. The CLEA Award for Outstanding Advocacy is presented to individuals who demonstrate: commitment to the field of clinical legal education; advancement of the field including work within organizations that affect the contours of legal education, writing and speaking about the field, or by serving as a spokesperson for the field in the litigative, legislative, administrative, and other arenas; and for fostering a spirit of community. Under Barrett’s leadership, the purview of the Environmental Law Clinic’s extensive docket has included large and complex cases with a wide array of clients—all aimed at improving the environment in our state, region, and nation as well as the system of law and policy that protects it, while providing experiential learning to future environmental lawyers. A 1976 graduate of the University of Maryland School of Law, Barrett has served as the Director of the Environmental Law Clinic since 2007.

OSCAR GRAY, JACOB A FRANCE PROFESSOR EMERITUS OF TORTS, was recognized for his outstanding lifetime contributions to Torts with the 2009 William Lloyd Prosser Award from the American Association of Law Schools (AALS) Torts and Compensation Systems Section. The Prosser Award is the highest honor that the AALS presents to Torts law professors for outstanding contributions to scholarship, teaching, and service in torts and compensation systems. Gray, who joined the University of Maryland School of Law faculty in 1971, was praised by the award selection committee for meeting its high standards as “a master of tort law.” Gray is recognized nationally for his work as editor of the definitive, six-volume tort treatise, Harper, James and Gray on the Law of Torts. The fifth edition of his torts casebook, Cases and Materials on the Law of Torts, which he is co-authoring with Don Gifford, the Edward M. Robertson Research Professor, is forthcoming.

PROFESSOR BRENDA BRATTON BLOM, Co-Director of the Clinical Law Program, received the 2010 Faculty Award for Public Service from the University System of Maryland (USM) Board of Regents. The Regents’ Award is the highest honor presented to faculty members who have achieved excellence in one of five areas: teaching; scholarship, research or creative activities; public service; mentoring; and collaboration. Blom is cited as “a tireless advocate for justice for the state’s most vulnerable citizens.” Under her leadership, nearly 50 regional and national partner organizations have come together to develop strategies that utilize effective alternatives to the traditional criminal justice system to help curtail crime and improve quality of life. Blom has led the Clinical Law Program at the School of Law since 2003 and currently teaches the Community Justice Clinic and a Professional Responsibility Class in addition to supervising Clinic II students engaged in community justice work.

ASSOCIATE DEAN JOSÉ BAHAMONDE-GONZÁLEZ was selected to receive the National Association for Law Placement, Inc. (NALP) 2010 Award of Distinction for Leadership in Diversity, the highest honor presented by the NALP to individuals, organizations, and programs that represent best practices in eight individual categories. Recognized for his abiding commitment to advancing the diversity pipeline into law school and the legal profession, he has been widely involved with LatinoJustice PRLDEF pipeline programming for more than 15 years. He has held numerous leadership positions within NALP, including Vice President, and has served as Director and Chair of the NALP Leadership/Membership Diversity Task Force since 1992. He is also an active member of the Association of American Law Schools Student Services Section and Section on Legal Education and Admissions to the Bar, as well as the National Association for College and University Business Officers. Since joining the School of Law in 1997 he has served as the faculty adviser of the Law School’s Latino/a Law Students Association.
Promotions

The rise of outstanding scholars at the School of Law further strengthens programs and enhances the school’s outstanding academic reputation.

RENÉE HUTCHINS was promoted to Associate Professor and tenured. She brings more than a decade of experience in legal practice to the classroom, including serving as federal prosecutor with the Tax Division of the United States Department of Justice; Special Assistant U.S. Attorney in the District of Columbia; and as a criminal defense attorney with the Southern Center for Human Rights in Atlanta and for the Office of the Appellate Defender in New York City. Her research and writing seeks to provide analysis and thoughtful commentary on questions with practical relevance to the field of criminal procedure, and her expertise in this area has been quoted widely in national and regional media including The New York Times, Associated Press, TIME magazine, and The Baltimore Sun.

Promoted to Professor and tenured, ROBERT RHEE was also named Co-Director of the Business Law Program. His deep knowledge in the areas of public and private M&A assignments, private equity funding, debt and equity issuances, and scholarly pursuits—including risk-focused economic analyses of legal and social problems in the context of torts, insurance, corporations, bargaining, and procedure—are widely published and frequently cited. His articles have also been cited by the U.S. President’s Working Group on Financial Markets (a joint report of Treasury, Federal Reserve, SEC and CFTC); RAND Corporation; American Law Institute's Restatement (Third) of Torts; several law school casebooks; and in appellate judicial opinions.

MICHAEL PINARD was appointed as Co-Director of the Clinical Law Program. He teaches Criminal Procedure and Legal Profession at the Law School as well as the Reentry of Ex-Offender Clinic, which he co-founded with Professor Sherrilyn Ifill. Pinard’s scholarship and research interests focus on the criminal process, criminal defense lawyering, and issues related to the interconnections between the reentry of individuals with criminal records and the collateral consequences of criminal convictions. He has been widely published in the nation’s leading law journals, is co-editor-in-chief of the Clinical Law Review, serves on the ABA’s Clinical Skills Committee, and is a former president of the Clinical Legal Education Association.

SHRUTI RANA was promoted to Associate Professor. In the Spring 2010 semester, she helped launch and co-teach the Law School’s International and Comparative Law Clinic, which included serving as the co-supervisor of the Clinic’s China project that analyzed the developing legal framework in China for microcredit lending to Chinese rural citizens. Her research focuses on the intersection of administrative law and immigration policy; international and comparative commercial law; business and technology; and international women’s rights issues.

Associate Professor of Law MICHELLE HARNER has been named Co-Director of the Business Law Program. Professor Harner is widely published and lectures frequently on various topics involving financially distressed entities and related legal issues. Before joining the UMDLaw faculty in 2009, Harner was in private practice in the business restructuring, insolvency, bankruptcy and related transactional fields, most recently as a partner at the Chicago office of the international law firm Jones Day.

Associate Professor of Law PETER DANCHIN was named Director of the International Law Program. Before joining the faculty at UMDLaw, he was lecturer and director of the human rights program at Columbia University’s School of International and Public Affairs. He has served as a foreign law clerk to Chief Justice Arthur Chaskalson of the Constitutional Court of South Africa, and worked as a foreign associate at the New York law firm of Skadden, Arps, Slate, Meagher and Flom. His areas of interest are international law, human rights law, and comparative constitutionalism.

MARK GRABER was appointed Associate Dean for Research and Faculty Development. He is recognized as one of the leading scholars in the country on constitutional law and politics. He is the author of scores of articles, and his most recent book is Dred Scott and the Problem of Constitutional Evil. He has held a faculty position in the Department of Government and Politics at the University of Maryland, College Park since 1993 and has taught at UMDLaw since 2002.
The School of Law’s faculty has a well-deserved reputation for producing outstanding legal scholarship, as evidenced by the rich array of books, articles, working papers, and conference presentations they complete each year. The entries on the following pages represent only a sampling of the diverse scholarly activities of our academic community. For a more complete listing and actual links to articles, visit www.law.umaryland.edu/scholarship.


Brenda Bratton Blom moderated the panel “What Does the Future Hold for Problem Solving Courts?” at the Journal of Race, Religion, Gender and Class Symposium, University of Maryland School of Law, Baltimore (Nov. 6, 2009).


Kathleen Dachille presented “Flavored Tobacco Products: Legislative Activity and Options and Fire-Safe Cigarettes: How This Legislation Swept the Country Like Wildfire” at the National Conference on Tobacco or Health, Phoenix, Ariz. (June 10, 2009).

Peter Danchin edited the book UNITED NATIONS REFORM AND THE NEW COLLECTIVE SECURITY (with Horst Fischer)
Mindless Deregulation, AALS Annual Meeting, New Orleans (Jan. 7, 2010).

Donald Gifford published the books Suing the Tobacco and Lead Pigment Industries: Government Litigation as Public Health Prescription (University of Michigan, 2010), Cases and Materials on the Law of Torts, Shulman, James, Gray & Gifford (with Oscar Gray) (5th ed., Foundation Press 2010), and presented “Climate Change: The New Mass Tort for the 21st Century?” at the U.S. Chamber of Commerce Institute for Legal Reform, 10th Annual Legal Reform Summit (with two others), Washington (Oct. 28, 2009).


Phoebe Haddon presented “Thinking About Issues Facing Legal Educators in 2010” at the Duquesne University School of Law Faculty Luncheon Presentation, Duquesne University School of Law, Pittsburgh, PA (April 19, 2010), and “A Public Calling: Lessons from the Lives of Judges of Color in Pennsylvania” at the Clifford Scott Green Lecture, Temple University School of Law, Philadelphia (April 12, 2010). She served on the ABA Council of Legal Education and Admissions to the Bar’s Special Committee on the U.S. News & World Report Rankings.


Leslie Meltzer Henry published the article “Deciphering Dignity” in the American Journal of Bioethics. She presented “Spheres of Dignity: Conceptions and Functions in American Constitutional Law” at the Case Western University School of Law, Cleveland, Ohio (April 15, 2010) and “The Ethics and Regulation of Human Stem Cell Research” at the Maryland Stem Cell Research Fund Greater Baltimore Committee, Baltimore (September 15, 2009).


Sherrilyn Ifill was in residence at Washington College as the Frederick Douglass Visiting Fellow at the C.V. Starr Venter for the Study of the American Society’s Lecture Series, Village Learning Place, Baltimore (Feb. 18, 2010).


Robert Rheo published the articles “The Decline of Investment Banking:...


Rena Steinzor published The People’s Agents and the Battle to Protect the American Public: Special Interests and Threats to Health, Safety, and the Environment (with Sidney Shapiro) (University of Chicago Press, 2010), and served as a panelist for “In Search of Impartial Science,” “An Agenda for the New EPA” at the ELI Presentation, Environmental Law Institute, Washington (Oct. 6, 2009), and “Obama’s Regulatory Agenda: A One-Year Retrospective,” Penn Program on Regulation, University of Pennsylvania Law School, Philadelphia (Jan. 26, 2010).


Deborah Weimer presented “Advocacy and Policy Change” at the Interdisciplinary Collaborative Education Conference: Partnerships Between Law Schools and Health Professions, Georgia State University College of Law, Atlanta (Sept. 24-25, 2009).