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Five New Faculty are Hired

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LAW LIBRARY ADDS

ELECTRONIC
INSTRUCTION ROOMS

The Charles B. Sears Law Library now provides students with two new instruction rooms where they can learn to use the Internet and other electronic sources of legal information. The Electronic Information Services Room is on the main floor and is designed for personalized instruction and reference work. Students can search the Internet using Netscape, or they can search for information on CD-ROMs such as Law Desk, EPA DOC (Environmental Protection Agency documents), and IRIS PRO (Immigration and Research Information Service). The reference librarian works with students to search online databases such as LRS (New York's legislative database) and QL (the Canadian equivalent of Lexis or Westlaw).

Law students receive group instruction in electronic sources in the new Electronic Classroom, located on the Law Library's sixth floor. The classroom features twelve student stations, one instructor station, and an overhead video projector. The classroom is used for 1L training in LEXIS and WESTLAW and in searching the UB library catalog, called BISON. Drop-in clinics on advanced searching techniques are regularly scheduled, and specialized sessions tailored to particular courses are also held there. Some faculty members have developed heavily computer-dependent courses and use this classroom as their regular meeting place.

Students are encouraged to take advantage of these opportunities while in law school. "Few people, if any, will have free access to such training and information after graduation," says Amy DuVall, a first-year student who also works as the student consultant in the instruction rooms. "Everyone should learn how to utilize these services while they can do so easily and without being charged. With the increasing dependence on electronic information, most graduates will eventually be faced with the need for these skills. Taking the time to learn them now can only save time and money once they begin practicing."

Conducting a job search is one example of how the Internet can be helpful to both law students and practicing attorneys. "More and more law firms are beginning to show up on the World Wide Web," notes DuVall. "Their home pages provide a personalized look at the dynamics of the firm, some even using photographs to accompany biographical sketches of each partner and associate.

"Not only is this information right at your fingertips through the Internet, but it's also available on a round-the-clock basis—no more waiting for certain offices to open before your research can be conducted."

The electronic instruction rooms were funded through a combination of alumni donations, benchmark funds designed to support the New Curriculum, and funds from the University Library system.

SUE MANGOLD
Fighting Family Violence

Among the several new faces joining the UB Law School faculty this year, Susan Vivian Mangold's is the most familiar.

Mangold has been an adjunct assistant professor at UB Law since the spring of 1993, becoming active in the School's Family Violence Program and teaching two courses she developed—Child Advocacy and the Law, and Evidence and the Child Victim.

Now, having joined the faculty full time this academic year, Mangold is continuing to develop her research and teaching in the areas of family violence and children and the law.

A particular interest, she says, is studying the interrelationship between domestic violence (between adults) and child abuse.

The legal system, she says, is fraught with difficulties in dealing with the 40 to 60 percent of domestic violence cases that also include child abuse. According to one estimate, there are 810,000 families nationally in which there is a concurrence of spousal and child abuse.

"The child protective system has always trumped the domestic violence system," Mangold says, "and this can lead to unfortunate circumstances." As an example, she cites New York State judges who have ruled that, in cases where a man batter's both his wife and his child, the woman is culpable because she didn't protect the child from the abuse.

"That creates a disincentive to bring charges against the abuser that is very hard to remove," Mangold says. And there are many instances of families in which the cycle of abuse plays itself out in another tragic scenario: Dad hits Mom, and Mom abuses the kids.

The point, Mangold says, is not to just blame...
forms of family violence. Working through different approaches to the coordination problem, they aspired to establish better ways to deal with the tangle of both spousal and child violence.

Agreeing to collaborate, Mangold says, was only the beginning. Implementing coordination strategies would mean county-wide commitments and training for social workers, shelter workers, police and others; establishing better communications among various agencies; addressing legal issues such as confidentiality; and facilitating information exchange at the family court level.

Mangold, the mother of two young sons, says her interest in children’s issues was forged after her graduation from Harvard University in 1982, where she studied Chinese language as an East Asian Studies major and graduated Phi Beta Kappa. While in college, Mangold started a summer program for children in public housing projects, in Cambridge, Massachusetts.

After college, “I took a job running an after-school program in Holyoke,” says Mangold, who grew up in Springfield. She served as Program Director for two years for a Girls’ Club which served over 500 girls, many from families that had been involved with that state’s Department of Social Services.

“When I was working with the kids, I thought I knew them better than the lawyers who were working on their cases.” Though she had thought about a number of options — studying psychology, social work, even considering divinity school — she knew that she wanted to become an advocate for these defenseless citizens.

She returned to Harvard for law school, earning a J.D. degree in 1987. While there, she co-founded the Children’s Rights Project in Cambridge, which grew out of a reading group with several students who were interested in children’s issues. “It was a street law project,” Mangold explains.

“We would go out and work with the kids, and they would end up putting on a skit about whatever legal issue they were thinking about — searching lockers, say, or truancy.” She also worked on custody and juvenile court cases as executive director of Harvard Legal Aid.

For five years Mangold worked as a staff attorney for the Juvenile Law Center in Philadelphia. She also taught part-time for two years at Haverford College. Then it was off to Buffalo.

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caretakers — usually mothers — for child abuse, but to figure out strategies to address all forms of family violence so children and adults can live safely in families. Despite New York State’s new domestic violence law, which took effect last January, that has been difficult to accomplish.

“The child protection laws don’t sufficiently address domestic violence,” Mangold says, “and the domestic violence laws don’t adequately address child protection. There’s little coordination.”

Seeking to solve that problem, some of Mangold’s students earned clinical credit in the fall when they joined the Regional Office of the New York State Department of Social Services to hold a conference on domestic violence and child protective services. Entitled “Regional Response to Family Violence: Collaborative Interventions,” the conference was held at UB Law School on October 27, underwritten by a grant from the Baldy Center for Law and Social Policy.

Commissioners and policymakers from the eight counties in Western New York gathered to develop strategies to address all
MARTHA McCLUSKEY
Scholarship With a Social Conscience

Martha T. McCluskey wants to be involved in the community.

McCluskey — who comes to UB from Columbia Law School, where she both taught first-year legal writing and research, and also worked for the J.S.D. and LL.M. degrees — says she is determined to embrace both the ivory tower and the nitty-gritty work of getting things done in the outside world.

“I have always been interested in intellectual work and scholarship, reading and writing,” McCluskey says. “But I also like to be involved in the issues of the day — in the community.

“I think it is important to try to make the world a better place.”

That double emphasis began in her undergraduate career at Maine’s Colby College, where she earned a bachelor’s in human development — a discipline that combined sociology, philosophy, psychology and biology.

“At Colby, I was interested in the relationships between individuals and communities, and how society affects individual development,” she says. “Intellectually, those are the same sorts of questions that concern me in the law.”

That interdisciplinary spirit was reflected by McCluskey’s work after her graduation in 1988 from Yale Law School, where she was editor of the Yale Law Journal in her final year.

Her scholarly interests center on workers’ compensation and other issues in insurance law. Her fall semester course, Selected Issues in Insurance, focused on public policy questions as well as on insurance law.

“I worked for several years in Maine state government, in an office that represented public utility and insurance ratepayers,” she says. “Out of that work, I became interested in the government regulation of insurance. I began to realize that insurance is at the center of so many different things that are going on in society today. There is a lot of money at stake, and it affects many people. It is truly important and exciting.”

For example, McCluskey says, in some states insurers have largely stopped writing workers’ compensation policies except through assigned risk pools, which are often structured
in ways that raise benefit costs to employers while also increasing the risks to workers of career-ending injury.

Her dissertation project at Columbia Law School surveys "a major movement across the United States to reform, at the state level, workers' compensation statutes in ways that cut benefits to injured workers." McCluskey is looking at the reasons behind those cuts, and rethinking some alternatives — including a renewed emphasis on worker safety, and the challenge of finding new employment for injured workers.

The problem is not just a labor-management conflict, she says, but rather a matter of public policy in which the insurance industry has taken an active role.

This spring she is teaching Constitutional Law, a subject she explored with gusto at Yale. The current squabbles in Congress over social services reforms — returning responsibility for many programs to the states — provide the perfect backdrop for a new look at the constitutional questions involved.

She is also co-editing a forthcoming book from Oxford University Press, *Feminism, Law and the Media*, to which she has contributed a chapter, "Fear of Feminism: The Media Debate About Victims and Violence on College Campuses."

McCluskey is enthusiastic about Buffalo. "When I started to think about teaching law, the first thing that jumped to mind was that UB Law would be a great place to teach. I had heard a number of the faculty speak at various forums" — she mentions Lucinda Finley, from whom she took several courses at Yale, as well as Judy Scales-Trent and Isabel Marcus — "and it seemed that everywhere I went, the most interesting people were from Buffalo."

"The school values both scholarship and teaching. It also seems to value innovation — not just looking at what everyone else is doing but trying to be creative."

"I am also looking forward to getting to know Buffalo as a community. I think of it as an exciting adventure."

And if you think it's cold in Buffalo, you haven't lived in Maine, as McCluskey (who grew up in central Connecticut) did in college and for some years thereafter.

"I like snowy climates," she says. "I love to cross-country ski, so I'm used to the snow. And I own many pairs of long underwear."
Embracing Change

MICHAEL MEURER
Applying Economic Analysis to the Law

Here's a statement you don't hear every day: "Since I was about 13, I wanted to be an economics professor."

That's Michael J. Meurer, who was appointed to the UB Law faculty in January 1995. His early interest in economics may not be unusual, considering that he is the son of an economist, Meurer's father teaches at the University of New Orleans, and Meurer recalls seeing economics texts lying around the house. The first time he picked one up, he says, "I was hooked."

That early fascination eventually led to the Massachusetts Institute of Technology, from which he graduated in 1980 with a double major in interdisciplinary science and economics. It was then, Meurer says, that he realized, "To understand policy, you really need to understand institutions and the law." He decided to "work on the boundary" between law and economics, and set off for the University of Minnesota to earn a J.D. degree in 1985 and a Ph.D. in economics in 1986.

"In law school, I could be close to people who were in policy-making institutions," he explains.

Before coming to UB Law, Meurer taught at Duke University, in both the economics department and the law school. And he brings with him scholarly interests that are translating into challenging course offerings.

In the fall semester, Meurer taught a class in Law and Economics, where students learned to examine legal decisions based on economic analysis. "We were looking at the content of contract law," he says. "And asking: Is this contract going to result in the efficient allocation of resources?"

As an example, he points to a case called Hadley v. Baxendale, in which a shipper failed to deliver a part to a manufacturing plant on time, and the plant was forced to shut down for a week. Damages were massive, but was the shipper liable for those damages if it didn't know that the part was crucial to the plant's operation?

The courts, Meurer says, ruled that the shipper wasn't entirely liable. "From an economic efficiency perspective," he says, "that makes sense. It gives an economic incentive to the party with the private information (in this case the plant owner) to reveal that information if they want the full protection of contract law." The court's ruling, he says, encourages efficient sharing of information.

"It's not a nuts-and-bolts class," Meurer notes. "It's very methodological." But anyone pursuing anti-trust, corporate law, securities law, or especially environmental law should find the analysis useful, he says.

He also taught a seminar, Public Policy Toward High-Tech Industries, that discussed anti-trust and intellectual property and administrative law, seeking to understand this law in the context of burgeoning high-tech industries: computers, software, biotechnology and telecommunications. Also covered: the hot-button issue of whether genetically engineered organisms can be patented.

Last winter, Meurer did consulting work for the Federal Trade Commission on a merger between two manufacturers of biomedical instruments. The two companies held all the patents for a particular device, called intervascular ultrasound, and the FTC was concerned about a monopoly should the agency approve the merger.

He is also studying the issue of how the federal government buys its goods and services, with an eye toward how that process can be made more cost-efficient. A new program in purchasing computers and telecommunications equipment, he says, allows a successful bidder's competitors to review the selection process — making for a motivated reviewer, of course, and perhaps a more closely controlled spending of tax dollars.

A new topic is a survey of a large corporation, unnamed, to discover "the policies that govern intra-business transactions within this company's 50 different business units." The study, Meurer says, is intended to define the "contract law" that exists within the company.

"We're looking at how this contract law is formulated, and how it's enforced," he says. "I view this as a little economy in itself."

Meurer says he is still looking for a good pickup game of basketball, his first love in sports. He also plays racquetball and tennis, lifts weights — and in his spare time, is studying Japanese.
Subtests of Nonobv

1) Commercial Success
2) Long Felt Unmet Need
3) Failure by Others
TERI MILLER  
Making the Law Make a Difference  

Joining the UB Law School faculty this academic year, Teresa “Teri” Miller brings to Buffalo nine years of legal experience in the private sector, public interest and social application of law.

A 1986 graduate of Harvard Law School, she became an attorney because “I wanted to acquire a useful, versatile skill that I could put to use immediately to make a difference in people’s lives.”

Most recently Miller worked in Miami as a program coordinator and grant writer at an urban juvenile crime prevention project known simply as “the Barnyard.” There she worked with over 400 kids, 5 to 15-years-old, who lived in Coconut Grove’s west side, an “economically marginal community being gentrified by an expanding waterfront resort and tourism district only a stone’s throw away,” Miller explains.

Economic disparity between the two areas has fueled racial tensions and given rise to riot violence. The latest incident occurred in late July when, as the New York Times reported—80 police officers were needed to quell a disturbance sparked by the shooting of an unarmed black teen from the neighborhood.

Miller worked at the Barnyard “to decrease the likelihood that young people from the West Grove would become either victims or participants in violence and crime.” Writing grant applications to cover the center’s operating costs was an important priority.

“My challenge,” Miller says, “was to secure funding, design and implement programs that increase self-reliance, enhance self-esteem, build academic and employability skills, encourage healthy family dynamics, and comprehensively intervene in the lives of families—and ultimately, in the life of the community.”

A psychology major at Duke University, Miller’s involvement in a study of peer rejected, aggressive youth qualified her to work with at-risk children. But it was her two years of experience as an associate at a New York-based commercial litigation firm that helped her make the decision.

“I wanted to use the writing skills and business acumen I gained as a commercial litigator to benefit young people whose access to the mainstream commercial world was remote,” Miller says.

She took a break from her work at the Barnyard to coordinate the Volunteer Lawyers Project for the Southern District of Florida, the same federal court where she clerked a few years earlier. There she coordinated attorneys who volunteered to represent indigent litigants, the vast majority of whom were incarcerated persons alleging civil rights violations.

She said the national crisis in health care costs has had an acute impact on prisons, prompting wardens on limited budgets to redefine which ailments are treated as well as the scope of treatment. “As the cost of health care has risen, more and more health care services are being denied to prisoners,” Miller says.

“When prison administrators ignore or decline the recommendations of private health care providers practicing in state-operated prisons, a constitutional claim arises.” She worked in the public interest to ensure that meritorious claims were not lost due to the limitations on prisoners’ liberty, financial resources and English language skills, as well as the large volume of prisoner litigation in the federal courts.

Partly out of that experience Miller developed the Prisoner Law course that she taught during the fall which explored the pressing issues in New York State regarding the legal rights of prisoners and pre-trial detainees. Students looked at both procedural and substantial civil rights issues, including the constitutional prohibition on cruel and unusual punishment, and how that translates into care and services prisons are required to provide. For example, to what extent is a prison obligated to protect inmates against sexual assault by other inmates? Theories of incarceration and issues unique to incarcerated women were on the syllabus, as was the hottest issue in New York State today: the death penalty.

After Harvard Law, Miller earned an LL.M. in 1989 from the University of Wisconsin School of Law, where she was a Hastie Fellow. In between coursework in Cambridge and Madison, she taught law at the University of Miami as an instructor.

“I was originally destined for a Ph.D. program in
Embracing Change
TERI MILLER

Continued

years, she has wrestled with the political and legal viability of educational institutions segregated by gender, religion, race and/or class with an eye toward reforming anti-discrimination laws that discourage self-reliance in historically marginalized groups, and dismantle critical cultural institutions.

However, her most recent passion is studying the transatlantic slave trade of the 18th and 19th centuries. Of particular interest is the famous Amistad case decided by the U.S. Supreme Court in 1841.

The case centered around a ship carrying 53 African captives illegally trafficked as slaves from West Africa to Cuba. The captives mutinied off the coast of Cuba. Lacking the necessary navigational skills to return the ship to Africa, they were challenged to keep their captors alive, yet prevent them from piloting the vessel into slaveholding territory. Eventually seized after 8 weeks adrift in the Gulf Stream, the ship became the subject of the admiralty jurisdiction of the federal court of Connecticut.

At issue: were these people to be considered “cargo” (within the meaning of an applicable treaty) which the United States had a duty to return to Spain, to await certain execution? Or were they to be declared “free” in a nation quite literally divided by the issue of the legal status of blacks? The Court ruled in favor of freedom, and the Africans were eventually returned home.

This spring, in addition to teaching Contracts to first-year students, she is teaching an upperclass seminar on “Comparative Racism: South Africa and the United States.”

Miller contends that the decisive factor in choosing UB Law was the character of the people she met on her interview visit. “I spoke to diverse groups of students who were extremely satisfied with the legal education they were receiving at UB Law.” Miller added that the UB Law faculty and staff were particularly impressive. “I got the sense that people enjoy working here and think highly of the students.” Collegiality is important to her. “Faculty members seemed secure here. They were invested in the law school, and didn’t think of it merely as a stepping stone to some other opportunity. I also thought the clinic opportunities were unparalleled.”

Miller lived in the historically preserved Art Deco District of Miami Beach before relocating to Buffalo. She enjoyed spending the summer in Allentown in weather she describes as “not that different at all” from tropical, humid South Florida.

When asked how she would adjust to snowy Buffalo? "Electric blankets, layers of them."
Embracing Change

JIM WOOTEN
Unraveling ERISA

Sometimes scholars owe their research interests more to personal experience than to subjects they studied in school.

James A. Wooten, a new UB Law faculty member this academic year, owes his interest in the private pension system to experience rather than to law school coursework.

Wooten grew up in a small steel town in northeast Texas. At one time or another both of his parents worked at the local mill, his father as a pipe inspector, his mother as an administrative assistant.

As he tells it:

"In the mid-1980s, a lot of firms that had overfunded pension plans took reversions of the excess funds. In order to do that, they had to terminate their plans. My mother happened to participate in one of these plans. I had never thought twice about private pensions until then."

It was this personal experience that piqued Wooten's interest in the private pension system. The more he looked into pension issues, the more intrigued he became. Eventually, employee benefits became his major research interest and the focus of much of his work at the Washington, D.C., labor law firm of Beddohoff & Kaiser. He is teaching a course in Pension and Employee Benefit Law this semester.

For a Ph.D. dissertation at Yale University, where he earned a J.D. degree in 1989 and a master's degree in American Studies in 1993, Wooten is writing a political history of the Employee Retirement Income Security Act, ERISA, the major piece of federal legislation to address pension plans, which was enacted in 1974.

"I like codes," Wooten says, "and ERISA is a giant statute that imposes all kinds of regulatory requirements on pension plans and the
Embracing Change

JIM WOOTEN Continued

Firms that sponsor them. In my research I have found it very challenging and interesting to figure out how everything relates to everything else in the code.”

Researching the history of ERISA, he has examined the presidential papers of Presidents Kennedy, Johnson, Nixon, and Ford, the personal papers of Sen. Jacob Javits of New York and Sen. Harrison Williams of New Jersey, and archival materials from the Departments of Labor and Commerce, and the United Auto Workers and the United Steelworkers unions.

“You can’t make sense of politics without understanding the values and ideas of the people who make it happen,” Wooten says, reflecting a philosophy he developed as an anthropology major at Rice University and a graduate student in cultural anthropology at the University of Chicago.

“People act on the basis of what they know and value. I investigate these values and interests in my research on ERISA by looking at original documents to see how the people who fought over pension reform thought about what they were doing.”

As an offshoot of his work in private pension benefits, Wooten also has developed an interest in “the welfare state.” “ERISA is the law of private retirement income, private health benefits,” he says. “Compared to other industrialized countries, the United States relies heavily on private employers to provide these benefits. You have to understand the development of this ‘private welfare state’ to understand the distinctive characteristics of our public welfare state.”

As for Buffalo, Wooten says he’s drawn by the interdisciplinary nature of the faculty’s research.

“It’s an exciting place to be in terms of scholarship,” he says. “The faculty here do research that is a lot more far-ranging than most legal scholarship. For me, it will be a very comfortable place intellectually. I’m really excited to be coming to Buffalo and look forward to contributing to the Law School community.”

His appointment to the UB Law faculty, Wooten says, was “something I’ve been working for; it seems like forever now. I’m really excited to be coming to Buffalo. It’s a great faculty and they’ve been wonderful to me so far. I’m looking forward to being able to contribute to the Law School community.”