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FACULTY NEWSLETTER

Widener University Commonwealth Law School

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WELCOME TO OUR NEWEST FACULTY MEMBER



Michal Buchhandler-Raphael joined Widener University Commonwealth Law School as an Assistant Professor on July 1, 2020. A native of Israel, Prof. Buchhandler-Raphael is a graduate of the Hebrew University in Jerusalem and earned her SJD at the University of Virginia School of Law.

She has extensive practice experience, having served as legal counsel for the Israel National Police, and extensive teaching experience, having taught as a Visiting Assistant Professor at the Washington and Lee University School of Law. Prof. Buchhandler-Raphael will be teaching in the Criminal Law, Evidence, and Family Law areas.

ENGAGED TEACHING IN THE FACE OF COVID-19

As was the case last spring, all of our courses are being offered remotely. After spending time over the summer in faculty development programs to discuss effective ways of presenting course content remotely, our faculty members hit the virtual ground running at the beginning of fall semester. Following are some of the innovative ways that our faculty members have ensured student engagement in the remote environment.

Michal Buchhandler-Raphael used PollEverywhere extensively in her Evidence class. She has observed that requiring all students to vote during class on specific evidentiary questions ensures active class participation by all students, without the stress of "cold calling." Prof. Buchhandler-Raphael feels that polling works particularly well for remote teaching during these pandemic times.

John Dernbach used polling in his Property I class to conduct ungraded multiple-choice quizzes at the beginning of each class period to test the students on material covered in the previous class. The quizzes, delivered using the Zoom polling function, typically contain four questions, and he goes over them with the students in class. To inject a little bit of competition into the class, he also uses a poll to ask everyone how many questions they answered correctly. He then shares the results with the entire class. Prof. Dernbach's students have described the quizzes as educational and motivating.

Anna Hemingway loves hosting student "write-ins" in the face-to-face environment. And she has exported the idea to the

remote environment! For the scheduled write-ins, she opened her Zoom room for any of her students who wanted a quiet place to write with her. The students worked on their Legal Methods papers and Prof. Hemingway was available to answer questions using the Zoom chat function. The write-ins were not mandatory, but students participated and asked lots of questions.

Moving experiential courses to the remote environment poses unique challenges, and our Central Pennsylvania Law Clinics are conquering those challenges under the direction of **Mary Catherine Scott**. Remote learning has forced participants in our clinics to think more carefully about trial strategy and about most effective way to present testimony over video conferencing. Seemingly simple questions like "Where should the client sit?" have different answers in the remote world.

Remote hearings also complicate the presentation of evidence. Students must prepare the documents they plan on entering into evidence and scan them or take high resolution photos to be ready to submit during the hearing. And if the evidence is something that the student does not want the other side to scrutinize before it is admitted into evidence, the student must be prepared to use a split screen when presenting the documents.



IN THE COURTS

Michal Buchhandler-Raphael was cited by three courts in her first two months on our faculty! On July 28, the Court of Appeals of Maryland cited two of her articles, *Fear-Based Provocation*, published in the *American University Law Review*, and *Loss of Self-Control, Dual Process Theories, and Provocation*, published in the *Fordham Law Review*, in *Alcindor v. State*. On July 27, the Court of Appeals of Minnesota cited her article, *The Conundrum of Voluntary Intoxication and Sex*, published in the *Brooklyn Law Review*, in *State v. Khalil*, and on August 28, the Supreme Court of Oregon cited her article *The Failure of Consent: Reconceptualizing Rape as Sexual Abuse of Power*, published in the *Michigan Journal of Gender and Law*, in its opinion in *State v. Haltom*.



MORE #WIDENERCWBOOKS!

In addition to speaking with the media almost every day about election law issues, **Michael Dimino** is writing like crazy. He has two (!) new books in print – *The Best Candidate: Presidential Nomination in Polarized Times* (with Eugene D. Mazo), published by Cambridge University Press, and *Voting Rights and Election Law: Cases, Explanatory Notes and Problems, 3rd Ed.* (with Bradley A. Smith and Michael E. Solimine), published by Carolina Academic Press.

ARTICLES IN PRINT

Michal Buchhandler-Raphael's article, *Compassionate Homicide*, is now in print at 98 *Washington University Law Review* 189.

John Dernbach has a new book chapter, *Natural Resources and the Public Estate; Article I, Section 27*, in *The Pennsylvania Constitution – A Treatise on Rights and Liberties, 2nd ed.*, published by George T. Bisel Company, Inc.

Michael Dimino adds an article to the two books he has in print since May: *Let's Be Reasonable: Thoughts on the Fourth Amendment and Constitutional Interpretation*, 29 *Widener Commonwealth Law Review* 1 (2020). He also published an Op-Ed piece, "Ending lockdowns is a decision for the people, not just the experts" in *The Hill* on May 24, 2020 (with Charlie Gerow).

Congratulations to **Randy Lee**, whose article *Reflections on Jewish and American Disability Law and on the God Who Makes All Things Good*, is in print at 36 *Touro Law Review* 1.

Juliet Moringiello's *Dispossessing Residents: Municipal Receiverships and the Public Trust*, was published in 53 *Michigan Journal of Law Reform* 733.

AND IN VIRTUAL PRINT...

Jill Family's Jotwell contribution, *Rescue Based in Liberty and Dignity* (Nov. 11) reviews Shalini Bhargava Ray's article *The Law of Rescue*.

IN PRINT SOON

John Dernbach has two books and an article in the works! In 2021 the *Widener Commonwealth Law Review* will publish his article *Thinking Anew About the Environmental Rights Amendment: An Analysis of Recent Commonwealth Court Decisions*. Also in print in 2021 will be his two books, *A Leadership Guide to Sustainability in Law Practice* (American Bar Association Press) (with Matthew Bogoshian and Irma Russell) and the 7th edition of his book that has guided thousands of law students through their first year, *A Practical Guide to Legal Writing and Legal Method* (Wolters Kluwer) (with Richard V. Singleton II, Cathleen S. Wharton, & Catherine J. Wasson).

The *Lewis & Clark Law Review* will be publishing **Jill Family**'s article, *An Invisible Wall and the Dangers of Internal Agency Control* in 2021.

Anna Hemingway will be publishing her most recent article, *Intentionally and Systematically Integrating Diversity Discussions in the Law School Classroom in a Race-Conscious Era* this spring in the *Rutgers Law Review*.



APPOINTMENTS

Jill Family becomes the Chair of the American Bar Association Section of Administrative Law and Regulatory Practice in 2022! Why announce it now? Well her first step is to serve as Vice-Chair of the Section, a role to which she was appointed this past September. Prof. Family has also recently been appointed to the Academic Consultative Group to the Administrative Conference of the United States (ACUS) Council on Federal Agency Adjudication. In other news, she has joined the board of The Compass Immigration Legal Services Humanitarian Law Clinic.

Juliet Moringiello has been appointed as a Uniform Law Commission member of the Permanent Editorial Board for the Uniform Commercial Code, which, through its *PEB Commentaries*, furthers the underlying policies of the Uniform Commercial Code by affording guidance in interpreting and resolving issues raised by the Uniform Commercial Code and/or the Official Comments. She has also been appointed as Vice-Chair of the Uniform Law Commission/American Law Institute Study Committee on the Uniform Commercial Code and Emerging Technologies.

No, he's not leaving us, even for the semester (and we're happy about that), but **Chris Robinette** has been appointed as a Visiting Professor at Washington University School of Law, where he will be teaching (via Zoom) a course in Insurance Law next semester.

PRESENTATIONS IN THE VIRTUAL (AND IN SOME CASES PHYSICAL) WORLD

John Dernbach participated in two panels at the virtual meeting of the Southeastern Association of Law Schools in August. He was a commenter for the New Scholars Workshop on Energy, the Environment, and Technology on August 3, and was the moderator for a panel on Teaching Sustainability on July 30, 2020.

Michael Dimino has participated in two Federalist Society Teleforums (Telefora?): On October 5, he spoke about the U.S. Supreme Court's opinion in *Carney v. Adams*, and on July 7, he spoke about *Barr v. American Association of Political Consultants, Inc.* On October 3, he participated in the *Regent Law Review* virtual symposium on a panel entitled "Election Law and COVID-19." Locally, on October 6 he presented "Judicial Activism and its Threat to Representative Democracy" to the Western Cumberland County Republican Club, on September 22, he spoke about the Electoral College for the Dauphin County Bar Association, and on September 10 he hosted a CLE presentation on Qualified Immunity for the DCBA. In the real world, he spoke on Voting by Mail at the Republican National Lawyers Association National Election Law Seminar at the Greenbrier in White Sulphur Springs, WV on July 11 (yes – face to face!)

Jill Family presented *Understanding Administrative Law in Immigration Law* at a Catholic Legal Immigration Network, Inc. (CLINIC) webinar on October 14.

This might be *almost* as good as seeing a Bruce Springsteen concert at the Meadowlands . . . **Randy Lee** presented *The Lawyer as Poet Advocate: Bruce Springsteen and the American Lawyer* as part of the New Jersey Attorney General's Advocacy Institute on November 19. Prof Lee also helped to organize and moderated the Lawyers Concerned for Lawyers Pennsylvania Deans of Students Conference on June 2.

Juliet Moringiello participated on a panel on *State and Federal Responses to Municipalities in Crisis* at the *Fordham Urban Law Journal* Cooper-Walsh (Virtual) Colloquium on October 16. She also participated in the American Bar Association Business Law Section Virtual Annual Meeting on September 25 on the panel "The Uniform Commercial Code and Emerging Technologies: Speak Now or Forever Hold Your Peace."



UPCOMING PRESENTATIONS

At the AALS Virtual Annual Meeting:

- **Michal Buchhandler-Raphael** will be presenting an early-stage article idea on the Criminal Justice Section Works-in-Progress panel on January 8.
- **Jill Family** will be a commenter on the Immigration Law Section Works-in-Progress panel on January 6.
- **Juliet Moringiello** will be a panelist on *Commercial Law in the 21st Century* on January 5.

Jill Family will be a presenter at the annual *Vermont Law Review* symposium in February. The topic of the symposium is Analyzing the Legitimacy, Legality, and Legacy of the 45th Administration of the United States.



LIBRARY FEATURE: DID YOU KNOW?

Here's our periodic reminder from Library Co-Director **Susan Giusti** about how the Library staff can help faculty members promote their scholarship:

The law library helps with all of your scholarly works needs.

- We take care of posting working papers to SSRN, updating your Bepress and HeinOnline profiles, as well as displaying new publications in the library building lobby.
- We can work with you and help you utilize Scholastica and ExpressO to submit new works for publication.

Don't forget to submit your scholarly works, presentations, and activities, so they can be promoted across our social media channels as well.

- The law school can promote and highlight your works on Facebook, Twitter, LinkedIn, and Instagram.
- The Twitter account @WidenerCWProfs is specifically designed to publicize faculty news and achievements.
- And Twitter is also very active with other official school accounts, like @WidenerCWBizLaw, @EnviroLawCenter, @WidenerLG, @LWritingProud, as well as individual faculty and staff handles.