



SPRING 2021 | VOL. 3, NO. 2

#ENGAGEDFACULTY NEWSLETTER

Widener University Commonwealth Law School

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COVID-19: TEACHING LESSONS LEARNED

Our faculty worked tirelessly for 14 months to deliver a robust and engaging education without having in-person contact with our students. We look forward to welcoming our students to campus this August and seeing their smiling faces in our building. Our faculty members learned many lessons from our move online and found, sometimes to their surprise, that some of the online learning tools that we used will enhance our face-to-face teaching. Here are some thoughts:

Michal Buchhandler-Raphael intends to export at least three innovations from her online teaching to her physical classroom. In her Evidence course, she asked students to view trial simulation videos online before class. She will continue to incorporate that practice in live teaching.

Another tool that Prof. Buchhandler-Raphael used in online teaching that she will continue to use in the physical classroom is PollEverywhere. She adopted a flipped classroom by telling students at the beginning of the semester that they were required to carefully and thoroughly read the assigned chapters to learn the black letter legal rules. She then provided students short hypothetical problems before class

COVID-19: TEACHING LESSONS LEARNED (CONT'D)

and asked them to reply to a multiple-choice poll about the problems in class. She found that requiring students to vote significantly encouraged students' participation. It also provided an opportunity for the more introverted and quiet students who are often reluctant to participate in a live class, to express their voice.

Teaching in the online environment changed Prof. Buchhandler-Raphael's opinion about providing class recordings to all of her students. She reports that before the pandemic she was reluctant to record all her lectures and provide access to all students out of concern that the practice might decrease class attendance and participation. One lesson that she learned this year is that recorded lectures are used by students not only if they missed class but also when they would like to re-watch to clarify a point that they did not fully grasp when they first participated in class. She plans to continue recording all her classes so that students can later review them on their own, but also let students know in advance that active class participation may be rewarded by bumping up grades.

Jill Family enjoyed using asynchronous learning in her classes. For example, she assigned "quiz assignments" that received participation credit but were not graded based on performance. Prof. Family would end a Zoom session with 15 minutes or so left of class, and the students would work on the quiz assignment. She let the students take the quiz assignments multiple times.

Anna Hemingway will continue to use Zoom for conferences with students because the meetings appear to be more productive. For example, conferences allow students to share their work on the professor's screen, and it allows them to manipulate their work and make changes as the

professor makes suggestions. Prof. Hemingway reports that sharing the material on a screen seems to uniformly focus our attention on the material as we read it together as opposed to when she reads it and they write down suggestions in their notebooks. She finds that everyone seems to be more focused during Zoom conferences because they are less likely to be interrupted by others walking in the halls or stopping by the office. Zoom conferences also allow students to record conferences so that they can rewatch them to review points that they may have initially missed. Finally, Zoom conferences provide scheduling flexibility which is helpful when trying to schedule numerous conferences in one week.

Amanda Sholtis reports that she learned the importance of encouraging students in an online environment. During the pandemic, students often seemed stressed and discouraged. To lift students' spirits, she decided to recognize an MVP (most valuable person) from each zoom-class session. She asked students to pay attention to whom they wanted to nominate as MVP throughout the class. At the end of each class session, Prof. Sholtis sent students a survey link through the chat feature. Students completed the surveys anonymously, nominating one student as the MVP from that session and describing why that student was the MVP. She tallied up the votes each week. Prof. Sholtis found it interesting that she had a different MVP each week in her courses. At the start of each class, she recognized the MVP winner and read the affirming comments of fellow classmates. Students enjoyed the recognition and encouragement. She found students to be more engaged during class because they knew that it played into whether they might be named MVP. When we return to the classroom, Prof. Sholtis will continue to recognize a student-selected MVP each week because it provided encouragement to students and increased students' engagement.



IN PRINT

Michal Buchhandler-Raphael published a book review of *Sexual Citizens: Sex, Power, and Assault on Campus* in the *Law & Society Review*.

John Dernbach has had a productive semester, with several works in print. The *Michigan Journal of Law Reform* published his article, *The Role of Trust Law Principles in Defining Public Trust Duties for Natural Resources*, our own *Widener Commonwealth Law Review* published *Thinking Anew about the Environmental Rights Amendment: An Analysis of Recent Commonwealth Court Decisions* in its Commonwealth Court Symposium issue, and *The Environmental Forum* published *Advocating for the Future*, which Prof. Dernbach wrote with Irma Russell and Matt Bogoshian. And wait, there's more! He edited (with Scott Schang) *Making America a Better Place for All: Sustainable Development Recommendations for the Biden Administration* in the *Environmental Law Reporter*.

John Dernbach has also published another #widenercwbook! The 7th Edition of his *A Practical Guide to Legal Writing and Legal Method* (with Richard Singleton, Cathleen Wharton, and Catherine Wasson) is now in print.

Jill Family's latest article, *An Invisible Border Wall and the Dangers of Internal Agency Control*, is now in print in the *Lewis & Clark Law Review*.

The *Rutgers University Law Review* has published **Anna Hemingway's** most recent article, *Intentionally and Systematically Integrating Diversity Discussions and Lessons in the Law School Classroom During a Race-Conscious Era*.



Christian Johnson recently published two articles: *Sovereign Immunity in Repo and Derivative Documentation*, in the *Futures & Derivatives Law Report*, and *A Modest Proposal for Reviving the Employee Home Office Expense Deduction* in *Tax Notes Federal* (w/ Sam Brunson).

Chris Robinette gave 2021 graduate Shannon Costa the opportunity to co-author an article with him. Their joint work, *Incorporating an Actual Malice Exception to Section 230 of the Communications Decency Act*, is now in print with the *Southwestern Law Review*.



IN THE COURTS

The United States District Court for the Northern District of Texas cited **Christian Johnson's** 2001 *Buffalo Law Review* article, *Banking, Antitrust, and Derivatives: Untying the Antitying Restrictions* on January 13, 2021 in *Truist Bank v. Nephserve, LLC*, 2021 U.S. Dist. LEXIS 10079.

The Massachusetts Supreme Judicial Court cited **Juliet Moringiello's** 2005 *Rutgers Law Review* article, *Signals, Assent, and Internet Contracting*, on January 4, 2021 in *Kauders v. Uber Technologies*, 486 Mass. 557.

SPEAKING OUT

Three Widener Law Commonwealth faculty members spoke at the Association of American Law Schools Virtual Annual Meeting in January. On January 5, **Juliet Moringiello** discussed automated repossession at the Section on Commercial and Consumer Law panel on the Uniform Commercial Code and Emerging Technologies. On January 6, **Jill Family** participated as a commenter at the Section on Immigration Law Works-in-Progress session.

Michal Buchhandler-Raphael presented her paper, *Health-Based Prevention of Intimate Partner Violence in the Non-Carceral State*, on January 8 at the Section on Criminal Justice, Criminal Law, and Criminal Procedure Works-in-Progress Session.

Our faculty members are engaged in the important conversations that emerge from our nation's transition from one Presidential administration to another. **Jill Family** spoke on a panel discussing *Executive Powers* at the Vermont Law Review Symposium on The Legitimacy, Legality, and Legacy of the 45th President of the United States on February 18. **Christian Johnson** discussed the *Legal Impact of the First 100 Days* on February 16 as part of the Central Penn Business Journal/Lehigh Valley Business Journal webinar exploring the legal impact that the Biden Administration will have on business. **John Dernbach** discussed *The Biden Administration and Climate Change* at an event hosted by the Pennsylvania Bar Association on March 12.

Sometimes our colleagues get to travel to exotic places to spread their #widenercwxpertise. This year, they travel by Zoom. On March 10, **Christian Johnson** presented *The Challenges of the LIBOR Transition* at the Stockholm Centre for Commercial Law. On April 17, **John Dernbach** presented *Harnessing Law for the Planet* at an event hosted by the Universiti Teknologi Mara in Malaysia and the Universitas Triksakti in Indonesia.



Michal Buchhandler-Raphael presented *Health Based Prevention of Domestic Violence in the Non-Carceral State* at the Capital Family Law Scholars Workshop on March 12. She also presented this paper on May 28 at the Law & Society Association Virtual Conference as part of its Feminist Legal Theory Collaborative Research Network.

John Dernbach was a panelist on *Pro Bono Opportunities to Address Climate Change*, hosted by the Law Firm Sustainability Network on April 14. He presented *Deep Decarbonization: Pro Bono Opportunities* to the Oregon State Bar Association on April 23. On May 14, he discussed *The Roles of Lawyers and Law Schools in Fostering Sustainable Development* at the Sixth Annual Sustainability Conference of American Legal Educators, hosted (on Zoom) by Arizona State University.

Michael Dimino discussed *Mahanoy Area School District v. B.L.* on a Federalist Society Courthouse Steps Teleforum on April 28. On May 1 & 2 he was an instructor at a seminar concerning political speech hosted by the Institute for Humane Studies.

Jill Family was a panelist on *Whose Judge is it Anyway?: The Crisis of Independence in our Immigration Courts*, hosted by the Hispanic National Bar Association on April 7. She also participated in a panel on *Understanding Immigration Law Challenges* at the ABA Section of Administrative Law and Regulatory Practice Spring Meeting and Homeland Security Institute on May 7.

Anna Hemingway and **Amanda Sholtis** presented *The Big Reveal: Clear, Complete, and Concise Legal Writing* for the Pennsylvania Bar Institute on May 20. On May 13, Professors Hemingway and Sholtis presented *Connecting With Your Students in the Pandemic World* at the Empire State Legal Writing Conference hosted by New York Law School (on Zoom).

Randy Lee continues to use lessons from popular culture to teach legal ethics lessons around the state. He presented *Bob Dylan and the Art of Taking Legal Ethics Seriously* for the Northampton County Bar Association on April 12.

Juliet Moringiello discussed *Electronic Contracts and E-Signatures: The Latest Legal Trends and Developments* at an American Law Institute CLE program on May 12.

APPOINTMENTS

The Uniform Law Commission appointed **Juliet Moringiello** as chair of its Drafting Committee on Tenancy in Common Ownership Default Rules.

Chris Robinette was named a Contributing Editor at JOTWELL (Journal of Things We Like, Lots) Torts. Chris was also appointed to the Academic Advisory Board of the American Museum of Tort Law.

ARTICLES ACCEPTED FOR PUBLICATION

Michal Buchhandler-Raphael will be publishing *Under-Prosecution Too* in the *University of Richmond Law Review*.

Juliet Moringiello will be publishing *Automating Repossession* in the *Nevada Law Journal*.

HONORS

Lawdragon named **John Dernbach** to its list of 500 Leading United States Environmental and Energy Lawyers.

OTHER COOL STUFF

John Dernbach is the primary author of an amicus brief filed on April 15 in the United States District Court for the Eastern District of Pennsylvania in *Yaw v. the Delaware River Basin Commission*.

Jill Family co-organized a blog symposium on *The President and Immigration Law for Notice & Comment*, the *Yale Journal on Regulation* blog.

The American Museum of Tort Law has gone virtual, providing video interviews with scholars about important tort cases. **Chris Robinette** was a key player in this effort, recruiting scholars to discuss particular cases. And you can view his video contribution, discussing *United Novelty Co. v. Daniels*, a/k/a “The Flaming Rat Case” (Torts professors have all the fun), by [clicking here](#).

WHAT WILL OUR FACULTY MEMBERS BE UP TO THIS SUMMER?



Michael Dimino will be traveling for real to Amelia Island, FL to participate in the Southeast Association of Law Schools Annual Conference at the end of July. He will be participating in three (!) panels: on the U.S. Supreme Court’s 2020-21 decisions on individual rights on July 27, on the Supreme Court after Justice Ginsburg’s death on July 27, and on reforms of the federal courts on July 30.

Jill Family will be traveling by Zoom to the UK for the Annual Conference of the Refugee Law Institute, *Ageing Gracefully? The 1951 Refugee Convention at 70* from June 9 to 11. She will be discussing the major themes of how the Refugee Convention has been integrated into United State law and interpreted by various federal administrative agencies with power over immigration.

On June 29, **Juliet Moringiello** will be presenting her work in progress, *The Property Law of the Token* (with Chris Odinet) as part of the University of Iowa School of Law summer workshop series (by Zoom).

A BITTERSWEET NOTE



In this newsletter we bid farewell to two cherished colleagues. **Jim Diehm** is retiring after more than 30 years of service to the law school. He was a frequent recipient of the law school's Outstanding Faculty Award and is also a recipient of Widener University's highest teaching honor, the Lindback Award. Prof. Diehm is an elected member of the American Law Institute and is the third most cited-by-courts member of our faculty. He becomes Emeritus Professor on July 1, 2021.

After more than 15 years of service to the law school, **Chris Robinette** is moving to Southwestern Law School in Los Angeles, CA. Prof. Robinette received both the Douglas E. Ray Award for Excellence in Faculty Scholarship and the Outstanding Faculty Award several times and also received the Lindback Award. He is an elected member of the American Law Institute. We wish him the best in his new position!

