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EMPLOYMENT

Pace University School of Law, White Plains, NY (May 1986-June 1990; August 1990-Present)

Luk-Cummngs Family Faculty Scholar (2021-present); **James D. Hopkins Professor of Law** (2019-2021) **Professor of Law** (1998–2019; **Director, Legal Analysis and Writing Program** (2006-2010); **Editorial Director, Journal of Court Innovation** (2008–2010); **Associate Professor** (1991-2002); **Director, Academic Support Program** (1990- 2004); **Assistant Professor of Law** (1990-1991); **Lecturer of Law** (1985-1986)

Teaching fields include Torts, Commercial Law Article 2, Constitutional Law, Contracts, Criminal Law, Entertainment Law and Social Media Law

Scholarly interests include Criminal Punishment for Emotional Harm, Social Media Law and Affirmative Action Regulation

Administrative responsibilities include coordinating external recruitment and hiring for faculty and associate deans, directing legal analysis and writing program including supervision of eight adjunct faculty and coordination of school-wide oral argument competition, creating and directing Pace Academic Support Program and school-wide efforts to assure academic retention of at-risk law students

Awards & Honors

Winner, Outstanding Professor of the Year, 2014 (voted by graduating class).

Winner, Goettel Prize for Faculty Scholarship, 2012, 2020 (external peer reviewer)

Winner, Ottinger Prize for Faculty Achievement, 2012-2013; 2003-2004 (chosen by faculty peers for service to law school and outside communities)

Law to Fact Podcast, White Plains, NY (2017-present)

Host/Producer Podcasts for future, current and past law students. (available on iTunes, Spotify, Stitcher & Google Play and all major platforms. Also available at www.lawtofact.com) over 280,000+ downloads as of June 21, 2021. Listed in Top 50 Law Podcasts you Must Follow in 2020, Feedspot.com. 4.8 rating.

Social Media Legality, White Plains, NY (2016, 2021- present)

Editor, Contributor. Responsible for hosting a blog for Pace Law Students. Available at

<https://socialmediablwg.blogs.pace.edu/>

Council of the City of New York, New York, NY, Legislative Attorney (August 1986-June 1990)
Counsel to Committees on Governmental Operations, Economic Development
Responsible for drafting legislation, organizing public hearings, coordinating with city agencies and interest groups and all other tasks relevant to the city's legislative process

SCHOLARSHIP

A Legal Emoji Dictionary (forthcoming)

A Period Fail Emoji, *Colum. J. Gender & L.* (2021), available at <https://journals.library.columbia.edu/index.php/cjgl/blog/view/337> (2021).

The GenZ Juror, 88 *Tenn. L. Rev.* 173 (2020)

Social Media, Venue, and the Right to a Fair Trial, 71 *BAYLOR L. REV.* 421 (2019) (awarded Goetell Prize)

#MeToo, Statutory Rape and the Persistence of Gendered Stereotypes 2019 *UTAH L. REV.* 117 (2019)

A Call to Respect Pre-Trial Social Media Publicity, with Richard Montalvo, NYU Civil Jury Project (May 2019)

Ratings Fetishism, 39 *N.Y.U. REV. L. & SOC. CHANGE* 409 (2015)

The Paradox of Race-Conscious Labels, 79 *BROOK. L. REV.* 1523 (Fall 2014)

Affirmative Action: 1996-Present and Beyond, *CONTEMPORARY PERSPECTIVES ON AFFIRMATIVE ACTION* (J. Beckman ed. Praeger Press 2013)

The Inevitable Irrelevance of Affirmative Action, 39 *J.C. & U. L. REV.* 1 (Winter 2013)

The Death of Slander, 35 *COLUM. J. L. & ARTS* 17 (2011)(awarded Goetell Prize)

The Case for a Criminal Law Theory of Intentional Infliction of Emotional Distress, 4 *CRIM. L. BRIEF* 33 (2010)

Don't Count Them Out Just Yet: Toward the Plausible Use of Race-Preference Student Assignment Plans, 10 *RUTG. RACE & L. REV.* 340 (2008)

Envisioning the Glass Half Full: The Future of Race Preference Policies, 63 *N.Y.U. ANNUAL SURVEY OF THE LAW* 385 (2008)

Adding Colors to the Chameleon: Why the Supreme Court May Adopt a New Compelling Governmental Interest Test for Race-Preference Student Assignment Plans, 56 *KAN. L. REV.* 101 (2008)

The Cost of Good Intentions: Why the Supreme Court's Decision Upholding Affirmative Action Admission Programs is Detrimental to the Cause, 27 *PACE L. REV.* 15 (Fall 2006)

Back to Bakke: Defining the Strict Scrutiny Test for Affirmative Action Policies Aimed at Achieving Diversity in the Classroom, 83 NEB. L. REV. 631 (Winter 2005)

Finding Success in the Cauldron of Competition: The Effectiveness of Academic Support Programs, 2004 BYU LAW & EDUC. J. 1 (2004) (with Kelly Levi)

Back to the Future: Does Apprendi Bar the Legislature's Power to Shift the Burden of Proving Affirmative Defenses?, 35 CONN. L. REV. 1351 (Spring 2003)

The Academic Support Student in the Year 2010, 69 U.M.K.C. L. Rev 491 (Spring 2001)

Editor, *AALS Section on Academic Support Symposium Edition*, 69 U.M.K.C. LAW REV. 491 (Spring 2001)

A More Principled Approach to Criminalizing Carelessness: A Prescription for the Legislature, 65 TENN. L. REV. 875 (1989)

Hopwood v. Texas: Strict in Theory or Fatal in Fact, 34 SAN DIEGO L. REV. 992 (1997)

Squaring Affirmative Action Admissions Policies With Federal Judicial Guidelines: A Model for the Twenty-First Century, 22 J.C.&U.L. 895 (1996) (reprinted on the Higher Education Extension Service, www.review.org)

Teaching Skills Through the Substantive Law: Integration of the Principles of the MacCrate Report, report prepared with the support of the Institute for Law School Teaching, Gonzaga University School of Law (1992-1993) (with Michelle Simon)

Curtailment of Early Election Predictions: Can We Predict the Outcome?, 36 FLA. L. REV 489 (1984)

Book Chapter Updates

Co-Editor, CRIMINAL DEFENSE TECHNIQUES (Matthew Bender Pub. 2008-present)

SCHOLARLY SPEAKING ENGAGEMENTS

Legal Commentator, *The Jenny Hutt Show*, Sirius XM109, Recurring.

Presenter, *A Period Emoji Fail*, Symposium, Are You There Law, It's Me Menstruation, Colum. J. Gender & L., on Zoom, (April 2021)

Moderator, Symposium, Are You There Law, It's Me Menstruation, Colum. J. Gender & L., on Zoom, (April 2021)

Presenter, Legal Ethics of Social Media, Second Circuit Committee on Civic Education, Second Circuit (March 2020)

Presenter, Social Media and the Federal Bar, Federal Bar Council of Westchester (January 2020)

Guest, *#Me Too and the Law*, Federalist Society, Pace Law School (October 2019)

Guest, Ipse Dixit, *Social Media, Venue, and the Right to a Fair Trial* (January 2019)

Guest, Hashing Out the Law, *The Court of Law v. The Court of Public Opinion* (November 2018)

Teaching Academic Support Without Stigma, AALS Annual Meeting, San Diego, Cal. (Jan. 2018)

The Reality of Gender Neutrality, Faculty Colloquium, Pace Law School, White Plains, NY (August 2017)

The Violent Ends of Violent Delights: Punishing Teens for Consensual Sex, Law and Society Annual Meeting, New Orleans, La. (June 2016)

Social Media Wrongs, Pace Law School Women's Law Association, White Plains, NY (March 2015)

"*Ratings Fetishism*," N.Y.U. Review of Law and Social Change Symposium on Diversity in Education and the Future of Affirmative Action, N.Y., N.Y. (April 2014)

Social Media & Social Justice, (Introductory Remarks), Pace Law Review, White Plains, N.Y. (March 2013)

"*The Paradox of Affirmative Action Alternatives?*" Law and Society, Boston, MA (June 2013)

"*140 Character Assassination*," Law and Society, Honolulu, HI (June 2012)

"*Social Media and Punishment*," Faculty Colloquium, Pace Law School, White Plains, NY (May 2012)

"*The Death of Slander*," Faculty Colloquium, Pace Law School, White Plains, NY (July 2012)

"*The Death of Slander*," Faculty Colloquium, Albany Law School, Albany NY (March 2011)

"*The Case for a Criminal Law Theory of Intentional Infliction of Emotional Distress*," Faculty Colloquium, Pace Law School, White Plains, NY (June 2009)

"*Sticks and Stones Can Break Your Bones but Names Can Really Hurt You: Justifying the Use of Force as a Defense Against Mere Words*" Law and Society, Montreal, Can. (May 2008)

"*Don't Count Them Out Just Yet: Toward the Plausible Use of Race-Preference Student Assignment Plans*," Newark NJ (May 2008)

"*It Takes a Village: Issues Concerning Improving School Bar Pass Rates*," AALS Joint Section Meeting for The Sections on Student Services and Academic Support, AALS National Convention, San Francisco, CA (Jan 2005)

"*Back to Bakke: Defining the Strict Scrutiny Test for Affirmative Action Policies Aimed at Achieving Diversity in the Classroom*," New York State Conference of Guidance Counselors and Admissions Officials, Tarrytown, NY (Feb. 2004)

"*Developing Scholarship on Academic Support*," AALS Section on Academic Support, AALS National Convention, Atlanta, GA (Jan. 2004)

"*What Lies in the Future for Admissions Officials?*" Regional Conference of Guidance Counselors, Pace University, Briarcliff Manor, NY (Mar. 2003)

Keynote Speaker, Law School Admissions Council National Academic Support Workshop, Seattle, WA (June 2002)

Law School Admissions Council Academic Support Workshop: *“Tell Us What You Want to Hear: Issues for New Academic Support Professionals,”* Brooklyn, NY (July 2001)

“Educating the At-Risk Student,” Touro School of Law Faculty Colloquium, Hempstead, NY (Dec. 1998)

“Enhancing Student Bar Passage Rate,” Law School Admissions Council Academic Support Workshop, Denver, CO (Jun. 1998)

“Academic Support in the New Millennium,” Law School Admissions Council Academic Support Workshop, White Plains, NY (Jun. 1997)

“Starting an Academic Support Program on Campus,” Law School Admissions Council Academic Support Workshop, New York, NY (Jun. 1996)

“Stimulating Campus-Wide Discussion to Encourage Diverse Viewpoints Inside the Classroom,” Pace University Colloquium on Diversity, White Plains, NY (Feb. 1996)

“Presenting a Diversity Training Program to Incoming First-Year Students,” American Association of Law Schools Joint Program of Sections on Administration in Law Schools and Student Services, San Antonio, TX (Jan. 1996)

Round Table on Race & Diversity, Pace University School of Law Brown Bag Colloquium, White Plains, NY (Nov. 1995)

“Squaring Affirmative Action Admissions Policy With Federal Judicial Guidelines: A Model for the Twenty First Century,” National Conference on Race and Ethnicity in Higher Education, Santa Fe, NM (June 1995)

“Methodology for Teaching Academic Support Students,” Law School Admissions Council Academic Support Workshop, Los Angeles, CA (June 1994)

“Encouraging Discussion on Diversity Among University Students,” Brooklyn Law School Symposium on Academic Support, Brooklyn NY (Sept. 1994)

Pace University Diversity Training Workshops, Pleasantville, NY (Sept. 1993)

“Providing Academic Assistance to At-Risk Students,” Law School Admissions Council Academic Support Workshop, Boulder, CO (Jun. 1992)

PROFESSIONAL SPEAKING ENGAGEMENTS

N.Y. LEO Program, a six-week educational initiative created by Chief Judge Judith Kaye to support minority law students attending N.Y. area law schools (Summers 2007 -2010; 2016- present)

Lawyering for Non-Lawyers, New York State Office of the Attorney General, Brooklyn, NY (March 2015)

Bar Review

Themis Bar Review, Newark, N.J. (2017- present)
Contract Law, Torts

Kaplan Bar Review, Nationwide (2008 – 2013; 2014-2017)
Criminal Law, Criminal Procedure, Contracts, Torts

LLM Bar Review, New York, N.Y. 2013-2014)
Contracts Law

BarBri Bar Review, Nationwide (2002 – 2006))
Essay Writing Skills

New Directions, a legal skills program for lawyers returning to the workforce after 5+ years, White Plains, NY (June 2008, January 2009, June 2010, October 2011, October 2012)

Law Preview, a program for entering law students, “Constitutional Law,” New York, NY (July 2008, July 2009)

Chadbourne & Parke, LLP, “On Becoming a Summer Associate,” New York, NY (Jan. 2009)

BarBri/NILE First Year Law Program, “Criminal law,” “Constitutional law,” “Law School Skills,” “Legal Research, Analysis and Writing” (Summers 2000 - 2003)

RECENT PRESS

Quoted in, Brent Lang, Why Movie Theaters Decided to Sue New Jersey for the Right to Reopen, Variety, July 7, 2020, available at <https://variety.com/2020/film/news/movie-theaters-new-jersey-reopening-lawsuits-1234700344/>

Interviewed on All Things Considered, “Wisconsin Court Rules Judges Social Media Connection Can Create Appearance of Bias,” All Things Considered, Wisconsin Public Radio February 20, 2019 available at <https://www.wpr.org/wisconsin-court-rules-judges-social-media-connection-can-create-appearance-bias>;

Westchester Rising, “Pace Law Professor’s Podcast a Big Hit” (January 18, 2019)

Cited in Jessica Gilgor, Technology for studying: How to use it to your advantage, September 1, 2018, Before the Bar available at <https://abaforlawstudents.com/2018/09/01/technology-for-studying-how-to-use-it-to-your-advantage/>

Quoted in, Brianna Sacks, This Behavior is Sexually Abusive, But No One Talks About it, April 24, 2017, BuzzFeed.com https://www.buzzfeed.com/briannasacks/men-are-secretly-removing-condoms-during-sex-and-this-woman?utm_term=.gvy3W116#.bWR8znPPN

Quoted in, Steve Nelson, Trump’s Defamation Lawsuit Threat Could Boomerang, October 14, 2016, U.S.

News, available at <http://www.usnews.com/news/articles/2016-10-14/trumps-defamation-lawsuit-threat-could-boomerang>

Quoted in, Steven Nelson, “Trump, Handsy Aide Still Could Lose Defamation Law suit if Reporter Sues, US News.com, April 14, 2016, available at <http://www.usnews.com/news/articles/2016-04-14/trump-handsy-aide-still-could-lose-defamation-lawsuit-if-michelle-fields-sues>

Quoted in, Rachel Kramer Bussel, School slut-shames teacher, Slate.com, March 3, 2016, available at http://www.salon.com/2016/03/02/school_slut_shames_teacher_forced_to_resign_after_student_leaks_private_photos_off_her_phone/

Blog Post, Parents Beware: 5 Smart Phone Uses That Could Get Your Kids Convicted, published on Better After 50, available at <http://betterafter50.com/2016/01/parents-beware-5-smart-phone-uses-that-could-get-your-kids-convicted/>

Quoted in NPR The Two Way, The Two Way, N.Y. Attorney General Investigates Whether Exxon Mobil Lied On Climate Change, Nov. 5, 2015 available at n.pr/1RZqTwy

Profiled in THE N.Y. TIMES, Alina Tugend, Before Starting as a Coach, It Helps to Go Into Training, March 6, 2015 available at http://www.nytimes.com/2015/03/07/your-money/training-to-become-a-life-coach.html?_r=0

Quoted in U.S. NEWS & WORLD REPORT; Lohans Likely to Lose Lawsuit Against Fox News Over Cocaine Claim, February 4, 2015 available at <http://www.usnews.com/news/articles/2015/02/04/lindsay-lohan-fox-news-lawsuit-cocaine>

Commentator, BLOOMBERG LAW RADIO, “Victim Can Sue Modeling Site,” September 14, 2014

SERVICE

LAW SCHOOL

Faculty Convener Social Media & Social Justice, Pace Law Review Symposium (March 2014)

Chair Career Development Committee (2014 – 2016) Appointments Committee (2004-2007; 2009-2011); Chair, Environmental Director Appointment (2011); Chair, Admissions Committee (2016-2017; 2000-2001); Chair, Equal Opportunity Committee (1995-1996); Self-Study subcommittee on Curriculum; Ad-hoc Committee on Bar Pass Rate, Ad-hoc committee on Law Reviews, Self-study subcommittee on curriculum

Member Strategic Planning Committee (2016-present); Nominating Committee, Appointments Committee, Faculty Development Committee (2012-2013) Academic Standing Committee; Curriculum Committee (1996-1999); Self-Study Committee (1997, 2004); Working Group on the Bar Passage Rate (200-2005); Ad-Hoc Committee on Law Reviews (1999-2003)

Faculty Advisor Pace Law Review (2017 – present; 2000- 2004); Pace Environmental Law Review (200-2004); Pace International Law Review (200-2004); Latin American Law Students Association (1995-2000); Sports and Entertainment Law Society (2006-2008); Hearsay(1996-2000); Democratic Students Association (2012-2013);

Mentor Judicial Honors Program

NATIONAL

Chair Planning Committee, American Association of Law Schools 2000 Section Meeting (Sept. 2000)
American Association of Law Schools Section on Academic Support (Jan. 1999)
American Association of Law Schools Section on Academic Support (Jan. 1997-Jan. 1998)
(Chair elect) Program Co-Chair, Law School Admissions Council Regional Planning Committee,
Regional Academic Support Workshop (Jun. 1996);
American Association of Law Schools Provisional Section (Jan. 1995-May 1995);
Committee to Form a New AALS Section on Academic Support;
Section granted provisional status May 1995. (June 1994- May 1995)(Co-Chair)

Member Executive Board American Association of Law Schools Section on Academic Support (Jan. 2000-2007)

Convener Law School Admissions Council National Academic Support Workshop (Jun. 1997);

Member Executive Committee AALS Section on Criminal Justice (Jan. 2008-Jan. 2010);
AALS Section on Academic Support; AALS Section on Criminal Justice (Jan. 2001-Present)
LSAC Subcommittee for Academic Support Workshops (Jan. 2001-June 2002)
American Bar Association (1990-present)
AALS Section on Academic Support (1995-present)
AALS Section on Criminal Justice (1996-present)
Member of the Legal Writing Institute (1985-2000)
Member of the New York Bar Association (1986-present)

Mentor Her Honor Mentoring, mentoring program for college bound minority students (2009-present)

Community

Board Member, The Graham Foundation (2014- 2019)
Mentor/Facilitator, Her Honor (2008 – present)
Mamaroneck Public Schools, various positions, including President, Mamaroneck Pre-School
Westchester Jewish Center, Trustee, President of the Board of Education

BAR MEMBERSHIPS

State of New York
State of Florida

EDUCATION

University of Florida College of Law, Gainesville, FL, J.D.

Law Review: Senior Articles Editor; Board Member

University of Florida, Gainesville, FL, School of Liberal Arts and Sciences, B.A. in Political Science with High Honors.

REFERENCES

Dean Jill Gross
Associate Dean for Academic Affairs and Professor of Law
Elisabeth Haub School of Law at Pace University
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