Faculty Highlights

Full-Time Faculty

❖ Professor Elizabeth DeCoux

Professor Elizabeth L. DeCoux’s essay, *Human Law, as Seen Through the Lens of Animal Suffering*, appears in the proceedings of the First International Conference on Animal Law, edited by Martine LaChance and entitled “The Animal, Within the Sphere of Humans’ Needs.” Published by ÉDITIONS YVON BLAIS in English and French, the proceedings are available in the United States through Thomson-Reuters.

❖ Professor Scott DeVito

Professor DeVito’s paper, “*Experimenting on Law Students*” was accepted for publication at *Southwestern Law Review*.

❖ Professor Cleveland Ferguson

In July, Professor Cleveland Ferguson III represented the United States at the Colloque: La Coutume Dans Tous Ses Etats (Custom in All of its Forms/States). The conference celebrated 500 years of Roman law and spoken custom in the Auvergne Region of France and was held at the Universite d’Auvergne in Clermont-Ferrand, France. Professor Ferguson presented: *Reimagining Common Law as a Form of Custom: A Comparative Approach between the UCC, the Common Law Judge, and La Doctrine*. The talk focused on the controversial American contracts case, *Hill v. Gateway 2000, Inc.*, and its progeny in the wake of the attempted revisions of custom in U.S. commercial law in UCC sections 2-206 and 2-207, and the impact American scholars have on the development of contracts law in relation to French scholars. Professor Ferguson’s paper will be published in French and English at the Universite d’Auvergne later this year.

He has published *International Human Rights*, with The International Lawyer at 44 INT’L LAW 473 (2010). He served as general editor for the ABA Committee for International Human Rights. He was reappointed as Chair of Publications for the Committee for 2010-2011.

His work on election law has been cited by LOCAL GOVERNMENT LAW as a practice aid at 4 LOCAL GOVERNMENT LAW s. 28:12 (2010). He appeared on the WJXT-Channel 4 Morning
Show to discuss the implications of Gov. Charlie Crist running without a party affiliation in the U.S. Senate race in Florida.

Professor Ferguson was reappointed to the board of directors of Florida Legal Services, Inc., by the Florida Bar Board of Governors. He will chair the Personnel Committee again this year, which provides guidance on employment contracts, pension plan, and workplace rules changes. He was also appointed to serve on the Editorial Board of the *Journal of Kappa Alpha Psi* representing Alabama, Florida, the Bahamas, the Virgin Islands, and the Republic of Panama.

Professor Ferguson was elected to the Board of Directors of the Jacksonville Urban League and class representative to the Board of Directors of Leadership Jacksonville, Class of 2010.

**Professor Brian Foley**

Professor Foley, along with The Defender Association of Philadelphia, The Juvenile Law Center, and professors from University of San Francisco School of Law and Temple University School of Law, wrote three amicus briefs that were filed in the Pennsylvania Supreme Court, the Pennsylvania Superior Court, and the Pennsylvania Court of Common Pleas, Criminal Trial Division, on behalf of people serving sentences of life-without-possibility-of-parole for crimes they committed as juveniles. The briefs contain an updated 50-state survey of juvenile sentencing law that initially was researched and written by Professor Foley and a group of FCSL students in 2005-06.

**Professor Mary Margaret Giannini**

Professor Mary Margaret Giannini and Professor Jana McCreary presented at the Institute for Law Teaching and Learning’s June conference at Washburn University School of Law in Topeka, Kansas. In their session, “Beyond the Black Letter: Promoting the Learning Process through Continual Assessment in the First-Year Curriculum,” Professors Giannini and McCreary discussed ways instructors can efficiently integrate continual assessment learning tools into first-year courses which help students master the law as well as enhance the students’ individual learning styles.

Professor Mary Margaret Giannini presented her paper “Redeeming and Empty Promise: Procedural Justice, the Crime Victims’ Rights Act, and the Victim’s Right to be Reasonably Protected from the Accused” at the National Crime Victim Law Institute’s June 2010 conference in Portland, Oregon. She discussed the difficulties inherent in enforcing state and federal laws which afford crime victims the right to be reasonably protected from the accused. By invoking procedural justice theory, she suggested ways
in which the protection right can become more enforceable and provide a meaningful and tangible right to crime victims.

❖ **Professor Roger Groves**

Professor Roger Groves has received an offer to publish his most recent law review article from the *GEORGE MASON JOURNAL OF LAW, ECONOMICS, AND POLICY*, a peer-reviewed journal with a prestigious board of advisors that include Richard Epstein, Judge Richard Posner, Judge Calabresi, (former Dean of Yale Law School and co-founder of the Law and Economics movement) and Henry Manne. The article is entitled "*A Radical Route to Funding Urban Revitalization: Profitable Philanthropy Through Limited Liability Companies and a Market-Based Return on Investments*".

❖ **Professor Susan Harthill**

In June, Professor Harthill presented her most recent article, *Workplace Bullying as an Occupational Safety and Health Concern: A Comparative Analysis*, at the Seventh Annual International Conference on Workplace Bullying and Harassment, in Cardiff, Wales. In August she submitted this article to law reviews for publication.

Professor Harthill’s article, *The Need for a Revitalized Regulatory Scheme to Address Workplace Bullying in the United States: Harnessing the Federal Occupational Safety and Health Act*, was published this summer, at 78 U. CINN. L. REV. 1250 (2010).

In July, Professor Harthill was a panelist at the Southeastern Association of Law Schools annual conference in West Palm Beach, Florida; the panel was entitled *Beyond the Job Talk: Maneuvering Presentation Formats*. Earlier in the summer, Professor Harthill was appointed by the Jacksonville City Council as a Commissioner of the Jacksonville Human Rights Commission.

❖ **Professor Richard Karcher**

Professor Karcher’s article, *Rethinking Damages for Lost Earning Capacity in a Professional Sports Career: How to Translate Today’s Athletic Potential into Tomorrow’s Dollars*, was accepted for publication by *CHAPMAN LAW REVIEW* and will be published in the Fall 2010 issue.
**Professor Michael Lewyn**

Michael Lewyn published two articles recently:

“Character Counts: The ‘Character of the Government Action’ in Regulatory Takings Actions”, 40 SETON HALL L. REV. 597; and

“Why Pedestrian-Friendly Street Design is Not Negligent”, 47 UNIVERSITY OF LOUISVILLE LAW REVIEW 339.

In addition, he is currently participating in the Congress for the New Urbanism task force on sustainable street networks.

**Professor Andrew Long**

This summer, Professor Long accepted an appointment to serve as a Vice Chair on the Intellectual Property Law Committee of the Tort Trial & Insurance Practice Section of the American Bar Association. Over the coming year, the Committee will focus on programs related to “Clean, Green, & Humane IP.” Professor Long was appointed to the committee based on his work related to international technology transfer and the role of intellectual property rights in supporting climate change mitigation and adaptation in developing countries.

In June, Professor Long presented his research on the emerging “reduced emissions from deforestation and degradation” (REDD) mechanism of the climate regime on a panel of the 2010 Association for Environmental Studies & Sciences Annual Conference, held at Lewis & Clark College in Portland, Oregon. Professor Long also discussed lessons that international policymakers can draw from experience with REDD to create more effective international environmental programs in other areas, such as agricultural policy.

In July, Professor Long spoke on a panel addressing climate change adaptation law, which he organized for the 2010 Southeast Association of Law Schools meeting in Palm Beach. Professor Long’s presentation focused on state and local law approaches to facilitating the preservation of Florida’s biodiversity and ecosystems in the face of anticipated climate change impacts. He emphasized the need for greater attention to adaptation in land use decision-making throughout the state, including a closer dialogue between Florida’s Fish & Wildlife Conservation Commission and local land use authorities.
**Professor Jana McCreary**

Professor Jana R. McCreary presented her most recent article, *Tell Me No Secrets: Sharing, Discipline, and the Clash of Ecclesiastical Abstention and Psychotherapeutic Confidentiality*, at the Southeast Association of Law Schools annual meeting this summer in Palm Beach, Florida as part of a New Scholars panel addressing regulation. Her article explains why ecclesiastical abstention, which prevents courts from deciding matters of church doctrine, should not apply in a therapist/minister situation if the client/congregant has voluntarily left the church before a breach of confidentiality occurs, thus allowing a private tort action to proceed. The article is being published this fall by the *Quinnipiac Law Review*.

Additionally, Professor Jana R. McCreary, along with Professor Mary Margaret Giannini, presented at the Institute for Law Teaching and Learning’s June conference at Washburn University School of Law. In their session, *Beyond the Black Letter: Promoting the Learning Process Through Continual Assessment in the First-Year Curriculum*, they discussed ways professors can efficiently integrate continual assessment learning tools into first-year courses to help students not only master the law but also to help them evaluate and enhance their learning efficiency.

**Professor David Pimentel**

Professor David Pimentel presented his paper on *Legal Pluralism in Post-Colonial Africa* in Maputo, Mozambique last spring. The conference, on “State and Non-State Justice Provision Conference,” was sponsored by the Danish Institute of International Studies. The paper has now been accepted for publication in the *Yale Human Rights and Development Law Review*.

While in Kathmandu, Nepal, in July, as a pro bono Legal Specialist for the American Bar Association Rule of Law Initiative (funded by the Open Society Institute), Professor Pimentel was asked by the United Nations Development Programme to speak at the Centre for Constitutional Dialogue on “How to Ensure and Strengthen Access to Justice in the Federal System.” His standing-room only audience included 22 members of the Nepali Constituent Assembly (i.e. its Parliament). Later that week, he appeared on a panel, alongside the Chief Justice of the Nepal Supreme Court and the Chair of Nepal’s Constitutional Drafting Committee, hosted by the UN Office of the High Commissioner on Human Rights and the Constitutional Lawyers’ Forum. The topic of this panel was “The Independence of the Judiciary and Constitutional Courts.” Finally, the Supreme Court Bar Association of Nepal asked him to speak on “Judicial Independence and Accountability in the Post-conflict State.”
Professor Pimentel appeared on a panel on “Rehabilitation and Restoration in Criminal Punishment: Dead End or Realistic Imperative?” at the Southeastern Association of Law Schools conference in Palm Beach, Florida. He presented an unpublished essay entitled *From Crow Dog to Ted Bundy: Restorative and Retributive Justice as a Cultural Divide.*

Professor Pimentel has accepted an invitation to co-chair a conference at the University of Washington in 2011 on Customary Justice and the Rule of Law in Post-conflict Afghanistan.


Professor Pimentel commenced his year as a Fulbright Scholar at the “Pravni Fakultet” (Faculty of Law) at University of Sarajevo in September.

**Professor Lucille Ponte**

Prof. Lucille Ponte’s article, *Getting a Bad Rap? Unconscionability in Clickwrap Dispute Resolution Clauses and a Proposal for Improving the Quality of These Online Consumer “Products”* was accepted for publication by the *Ohio State Journal on Dispute Resolution* (co-sponsored by the American Bar Association’s Section on Dispute Resolution and Ohio State University’s Moritz College of Law).

As a member of Coastal Law’s Education Technology Committee and SEALS Distance Education Committee, Prof. Ponte made panel presentations on incorporating distance education techniques into standard face-to-face classes this summer. She organized and presented as a panelist on, *Not Ready for the Full Monte? Getting Started on Using Distance Education Techniques in Traditional Face-to-Face Classrooms,* at CaliCon 2010: Rebooting Legal Education at the Rutgers School of Law in Camden, NJ in July. She also served as a Coastal Law exhibitor (with Susie Pontiff-Stringer) at the SEALS Distance Education Expo and in the session, *Deconstructing the Distance Education Expo,* at the SEALS Annual Conference at the Breakers Hotel in West Palm Beach, FL in August.

**Professor Annette Ritter**

Professor Ritter was nominated to become a Fellow in the American Bar Foundation. Nomination to this honorary organization is recognition of a lawyer as one whose professional, public and private career has demonstrated outstanding dedication to the welfare of the community, the traditions of the profession and the maintenance and
advancement of the objectives of the American Bar Association. One-third of one percent of lawyers in each state are asked to become members of the ABF.

❖ **Professor Bradley Shannon**

Professor Shannon served as the moderator for the panel “Obtaining and Executing Casebook Contracts” at the 2010 SEALS conference in Palm Beach.

Professor Shannon’s draft article, “I Have Federal Pleading All Figured Out,” is currently on the Top Ten download list for several SSRN topical journals, including “TRIAL PRACTICE,” “PROCEDURE (COURTS),” and “LAW & SOCIETY: COURTS.”

❖ **Professor David Simon**

Professor David Simon served as a panelist and presenter for a TeachingLaw.com roundtable at the Legal Writing Institute’s Biennial Conference this June in Marco Island, Florida. Professor Diana Donahoe of Georgetown Law and Aspen Publishers invited Professor Simon, as an early adopter of the TeachingLaw.com e-book and course management system, to discuss innovative ways to use this resource and other technology throughout legal skills teaching.

❖ **Professor Rod Sullivan**

Professor Sullivan was quoted in the MIAMI DAILY BUSINESS REVIEW in an article entitled “It’s Buyer Beware in Unregulated World of Used Yacht Sales,” (May 7, 2010).

Professor Sullivan was appointed to the Florida Bar Association's Admiralty & Maritime Law Board Certification Committee. The Committee reviews and considers applications from members of the Florida Bar who wish to be designated as Board Certified in Admiralty and Maritime Law.

Professor Sullivan was a guest on The Morning Show on WJXT in Jacksonville. The discussion focused on the WikiLeaks disclosure of secret documents, prior restraint, and the potential responsibility of publishers of secret documents.

Professor Sullivan was a guest on The Morning Show on WJXT in Jacksonville to discuss the confirmation of Elena Kagan as a justice to the United States Supreme Court.
Professor Sullivan was quoted in an article entitled "Silencing Dissent" published in the August 2010 issue of "904", a publication of Jacksonville Magazine.

Professor Sullivan was appointed by the Tax Section of the Florida Bar as its liaison to Florida Coastal School of Law.

❖ **Professor Morse Tan**

Prof. Tan received very favorable feedback from law professors from around the world for his presentation regarding human rights in North Korea held in Athens, Greece in July. He has been asked to submit a book chapter based on this scholarly presentation.

His favorable review in refereeing a scholarly article in June on the Inter-American system of human rights led in part to its acceptance to be published in the HUMAN RIGHTS JOURNAL.

Prof. Tan’s TEXAS INTERNATIONAL LAW JOURNAL article on the Inter-American Court of Human Rights was cited in the 4th edition of an International Human Rights text edited by Thomas Buergenthal, Dinah Shelton and David P. Stewart.

On a personal note, Prof. Tan devoted a large portion of the last seven years to supporting his wife Sarah’s completion of her Ph.D. in Cell Biology, which she finished this August.

❖ **Professor Alan G. Williams**

Professor Williams served as a medical malpractice law expert for Sermo--an association of 115,000 physicians worldwide--lecturing online and responding to physician questions the week of August 30th; over 5,000 physicians accessed Professor Williams’ lecture and posts. Professor Williams was interviewed and quoted in the Florida Times-Union regarding a potential medical malpractice case at the Mayo Clinic resulting from a Hepatitis-C infected employee.

❖ **Professor James Woodruff**

Prof. Woodruff is now a Florida Supreme Court Certified Circuit Mediator.