

## JON C. DUBIN

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### LAW TEACHING POSITIONS (Full-time):

**RUTGERS SCHOOL OF LAW, NEWARK CAMPUS**, 123 Washington St., Newark, NJ 07102

**Board of Governors (BOG) Distinguished Service Professor, Distinguished Professor of Law, Paul Robeson Scholar, and Director, Economic Justice & Public Benefits Clinic:** July 1999-Pres. Appointed Rutgers' first-ever overall Clinic Director in 2002; reclassified as Associate Dean and served in top clinic leadership role, 2002-22; program was ranked # 8 in the nation in participatory (non-boycotted) national peer review rankings when stepped down. Timeline: 1999-23: Professor of Law (Prof. I); 2000-22: Alfred Clapp Scholar; 2002-22: Associate Dean for Clinical Education/Director of Clinical Education; 2019-Pres.: BOG Distinguished Service Professor; 2022-Pres.: Director, Economic Justice & Public Benefits Clinic; 2023-Pres.: Distinguished Professor of Law (Prof. II), Paul Robeson Scholar.

Classroom Teaching: Administrative Law; Social Security Law; Poverty, Race & Economic Justice.

Clinical Teaching: Economic Justice & Public Benefits Clinic (Director)/Civil Justice/Urban Legal (8-cred./term, live-client clinic on civil legal problems of low-income persons; social welfare case focus (SS/SSI disability, public housing/land use equity, excessive fines/fees); Co-taught Child Advocacy Clinic and assumed CAC children's SSI docket during CAC Director's sabbatical in Spring 2009.

Administrative Duties as Associate Dean/Director of Clinical Education: creation /maintenance of law office systems; personnel decisions; grant conceptualization/management; ABA accreditation; public relations; designing first ABA 405(c)-compliant clinical scholarship track with "good cause" job security, voting rights and scholarship support for NTT clinical faculty; curricular issues; and enrollment management in clinical program with up to 12 clinics, 20 faculty and 110 students/term; oversight of select opportunity programs including street law and pipeline initiatives. *See* PAUL TRACTENBERG, A CENTENNIAL HISTORY OF RUTGERS LAW SCHOOL IN NEWARK: OPENING A THOUSAND DOORS 89-90 (2010) (describing role and accomplishments as first ever overall Clinic Director/Dean in Rutgers history).

**ST. MARY'S UNIVERSITY SCHOOL OF LAW**, 1 Camino Santa Maria, San Antonio, TX 78228

**Professor of Law and Coordinator/Director of Clinical Programs:** June 1994-June 1999. Responsible for management of all 5 clinics in addition to duties below (after 6/94 tenure award).

**Associate Professor of Law and Director, Civil Justice Clinic:** Aug. 1990-May 1994. Founded the school's first "live-client, in-house" clinic. Managed 5-person legal staff, prepared and managed grants, and supervised a 40-case clinical docket in clinic focused on legal rights of homeless persons. *See* Sue T. Bentsch, *A History of the Law Clinics at St. Mary's University Law School*, 46 ST. MARY'S L.J. 285, 288-89 (2015) (describing role in establishing first live-client clinic and as overall clinic program director).

Classroom Teaching: Administrative Law; Civil Rights Law; Constitutional Law (first-year, 4-credit required course); Poverty Law; and World Hunger and International Law (seminar).

Clinical Teaching: Civil Justice Clinic (8-credit F/S, 3-credit Summer, live-client civil litigation clinic).

Select Service: Founding faculty advisor to Black Allied Law Students Association; coach of Frederick Douglass Moot Court Team; faculty leader of St. Mary's component of Open Society Institute-funded 4-school, Law School Consortium Project with CUNY, Maryland and Northeastern to create alumni networks of community based and low bono practice groups from San Antonio to border *colonias*.

## ADJUNCT LAW TEACHING

- NYU Law School, Law of the Welfare State (sem); Social Security Disability Law (sem).
- Fordham Law School, Administrative Law.

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## SCHOLARSHIP/PUBLICATIONS / WRITINGS

### Books:

THE COLOR OF SOCIAL SECURITY: RACE, DISABILITY, AND INCOME SECURITY IN THE CROWN JEWEL OF THE AMERICAN WELFARE STATE (CAMBRIDGE UNIVERSITY PRESS, UNDER CONTRACT-FORTHCOMING 2026)

SOCIAL SECURITY DISABILITY LAW AND THE AMERICAN LABOR MARKET (NYU PRESS, 2021) [280 pgs] (reviewed by Penn State-Dickinson Professor of Law Robert E. Rains, *An Attempt to Bring Modern Workplace Realities to the Social Security Disability Adjudication System*, 126 DICK. L. REV. 585 (2022)). (“Through [this book], Jon C. Dubin has made a significant contribution to the field of disability law.”).

“This is an excellent, long-term overview of the social security disability programs that comes to grips with the current challenges and offers recommendations for ongoing reform. I don’t know of any project that’s assembled the history of these programs as comprehensively as Dubin has done. An excellent history by an extremely careful and well-known scholar.”

—Matthew Diller, Dean and Paul Fuller Professor of Law, Fordham Law School.

SOCIAL SECURITY LAW AND PRACTICE IN A NUTSHELL (CO-AUTHORED WITH FRANK S. BLOCH, WEST ACADEMIC PUBLISHING CO., NUTSHELL SERIES) (2022) [425 pgs].

SOCIAL SECURITY DISABILITY LAW AND PROCEDURE IN FEDERAL COURT (CO-AUTHORED WITH CAROLYN A. KUBITSCHKEK, THOMSON REUTERS CO.) (2025- 2011; **fifteen annual treatise editions**) [1,862 pgs] cited by the Supreme Court in *Biestek v. Berryhill*, 139 S.Ct. 1148, 1152 (2019); by several U.S. Courts of Appeals, see *Kilpatrick v. Kijakazi*, 35 F.4th 1187, 1190-92 (9th Cir. 2022); *Brown v. Kijakazi*, 11 F.4th 1008, 1009 (9th Cir. 2021); *Goode v. Comm’r of Soc. Sec.*, 966 F.3d 1277, 1282 (11th Cir. 2020); *Lee v. Berryhill*, 721 Fed. App’x 601, 606 (9th Cir. 2017); *Yates v. Colvin*, 606 Fed. App’x 225, 228 (5th Cir. 2015); *Copeland v. Colvin*, 771 F.3d 920, 925 (5th Cir. 2014); and in **200+** U.S. District Court decisions.

“It is an excellent treatise, one that strikes just the right balance between readability and detail and between conveying information and providing useful critique. I love the Wright & Miller treatise on Federal Practice and Procedure and always think of it as setting the standard. But [Social Security Disability Law & Procedure in Federal Court] is every bit as good.”

—David Marcus, Professor of Law and Vice Dean, UCLA School of Law.

SOCIAL SECURITY LAW, POLICY AND PRACTICE: CASES AND MATERIALS (CO-AUTHORED WITH FRANK S. BLOCH, WEST ACADEMIC PUB. CO.) (2016) [1,112 pgs]. [First hardcover Social Security law casebook].

"Social Security Law, Policy, and Practice, . . . provides a rich set of materials on the law and practice of social security law, The book makes complex material clear and accessible Students and new lawyers will get a thorough exposure not only to the theoretical, policy, and doctrinal underpinnings of the law but also on how advocacy can translate these principles into action.

—Robert Dinerstein, Professor of Law, American University, Washington College of Law.

SUPPLEMENT TO SOCIAL SECURITY LAW, POLICY AND PRACTICE: CASES AND MATERIALS (CO-AUTHORED WITH FRANK S. BLOCH, WEST ACADEMIC PUBLISHING CO.) (2024-2017; **8 separate editions**) [**87 pgs**].

TEACHER'S MANUAL TO SOCIAL SECURITY LAW, POLICY AND PRACTICE: CASES AND MATERIALS (CO-AUTHORED WITH FRANK S. BLOCH) (WEST ACADEMIC PUB. CO.) (2016) (Updated Edition 2023) [**148 pgs**].

CLINICAL EDUCATION FOR THIS MILLENNIUM: THE THIRD WAVE (AYUMI MICHE KODAMA & ERI OSAKA TRANS. (in Japanese) 2005) (co-authored with Margaret M. Barry & Peter A. Joy)) [**204 pgs**].

### **Articles:**

*The Color of Social Security: Race and Unequal Protection in the Crown Jewel of the American Welfare State*, 35 STAN. L. & POL'Y REV. 104 (2024). Included in 23 different SSRN Top ten download lists since November 22, 2023, for: Race & Social Inequity eJournal; Economic Inequality & the Law eJournal; LSN: Due Process & Equal Protection (Topic); Social Stratification, Social Mobility & Inequality eJournal; Law & Society: Private Law - Discrimination Law eJournal; Discrimination, Law & Justice eJournal; Poverty, Income Distribution & Income Assistance eJournal; Legislation & Statutory Interpretation eJournal; U.S. Administrative Law eJournal; Administrative Law eJournals; History Research Network; North American History eJournal; History RN Subject Matter eJournals; SORN Subject Matter eJournals; SORN: Determination of Benefits (Sub-Topic); SORN: Low Income Elderly (Topic); SORN: Low Income Persons with Disabilities (Topic); SORN: SSI (Elderly, Sub-Topic); SORN: SSI (Persons with Disabilities, Sub-Topic); SORN: Social Security (Elderly, Sub-Topic); Disability Income & Work Injury Compensation eJournal; SORN: Social Security Disability Insurance (Topic); and SORN: The Intersection of Social Welfare & Social Insurance (Topic), Social Insurance Research Network.

*Why Carr v. Saul Should Signal the End of Common Law Issue Exhaustion in Inquisitorial Proceedings*, 29 GEO. MASON L. REV. 627 (2022) (lead article). Included in the Administrative Law eJournal SSRN Top ten most-downloaded articles list, December 11, 2021.

*A Modest Albeit Heavily Tested Social Security Disability Reform Proposal: Streamlining the Adjudicative Process by Eliminating Reconsideration and Enhancing Initial Stage Development*, 23 GEO. J. OF POVERTY. L. & POL'Y 203 (2016) (lead article). Solicited by the non-partisan Committee for a Responsible Federal Budget to be presented to the U.S. House Ways & Means Comm., Subcomm. on Social Security and excerpted as written testimony, in U.S. HOUSE OF REPRESENTATIVES, WAYS & MEANS COMM., SUBCOMM. ON SOCIAL SECURITY, HEARING ON EXAMINING CHANGES TO SOCIAL SECURITY'S DISABILITY APPEALS PROCESS, SERIAL NO. 115-SS11, 115<sup>TH</sup> CONG., 2D SESS. 177-86 (July 15, 2018).

*The Rutgers Cases and the State of the Law of State Law School Clinical Programs*, 65 RUTGERS L. REV. 817 (2013).

*Scapegoating Social Security Disability Claimants (and The Judges Who Evaluate Them)*, 6 ADVANCE: J. AM. CONST. SOC. ISSUE GROUPS 109 (2012) (co-authored with Robert Rains). JOTWELL selected this article as "one of the best works of recent scholarship relating to Administrative Law," initially prepared as an American Constitution Society (ACS) Issue Brief and rapid response to Distinguished Professor Richard J. Pierce's Cato Institute article (REGULATION, Fall 2011 Issue, at 34) advocating abolition of ALJ hearings in SSA adjudication to remedy Social Security trust fund depletion and reviewed by Distinguished Professor William Funk, in, *Dueling Visions of the Social Security Disability Adjudicatory System*, www.Jotwell.com (March 21, 2012). Included in the ACS Law Journal "ADVANCE" comprised of the year's best Issue Briefs. Cited multiple times in U.S. HOUSE OF REP., WAYS & MEANS COMM., SUBCOMM. ON SOCIAL SECURITY, FOURTH IN A SERIES HEARING ON SECURING THE FUTURE OF THE SOCIAL SECURITY DISABILITY INSURANCE PROGRAM, 112<sup>TH</sup> CONG., 2D SESS. *passim* (June 27, 2012);

*The Labor Market Side of Disability Benefits Policy and Law*, 20 S. CAL. REV. L. & SOC. JUST. 1 (2011) (lead article) (cited by N.J. Supreme Court in *Grande v. St. Claire's Health System*, 164 A.2d 1030, 1034 n.2 (N.J. 2017)).

*Overcoming Gridlock: Campbell after a Quarter-Century and Bureaucratically Rational Gap-Filling in Mass Justice Adjudication in the Social Security Administration's Disability Programs*, 62 ADMIN. L. REV. 937 (2010) (lead article). Cited by the U.S. Supreme Court and in seven U.S. Court of Appeals decisions: *Biestek v. Berryhill*, 139 S.Ct. 1148, 1162 (2019) (Gorsuch, joined by Ginsburg, dissenting); *Forsythe v. Colvin*, 813 F.3d 677, 680-81 (7th Cir. 2016); *Hill v. Colvin*, 807 F.3d 862, 870 (7th Cir. 2015); *Alaura v. Colvin*, 797 F.3d 503, 507 (7th Cir. 2015); *Voight v. Colvin*, 781 F.3d 871, 879 (7th Cir. 2015); *Herrmann v. Colvin*, 772 F.3d 110, 1113-14 (7th Cir. 2014); *Guiton v. Colvin*, 546 Fed. Appx. 137, 145 (4th Cir. 2013); *Smith v. Shinseki*, 647 F.3d 1380, 1383 (Fed. Cir. 2011). Also cited and referenced in Administrative Law casebooks, treatises, and other books. See, e.g., RONALD A. CASS, & COLIN DIVER, et al, ADMINISTRATIVE LAW: CASES AND MATERIALS 449, 983 (8TH ED. 2020); RICHARD A. POSNER, DIVERGENT PATHS: THE ACADEMY AND THE JUDICIARY 136 (2016) (cited positively in book otherwise castigating the legal academy for scholarship of little relevance to federal judiciary); WILLIAM F. FOX, UNDERSTANDING ADMINISTRATIVE LAW n.33 (6TH ED. 2012).

*Faculty Diversity as a Clinical Legal Education Imperative*, 51 HASTINGS L.J. 445 (2000). Cited/quoted in the Briefs *Amicus Curiae* in *Grutter v. Bollinger*, 539 U.S. 306 (2003), of the American Bar Association (ABA), 2001 WL 34624916, at 16, 17 and n.14 (2001) (6<sup>th</sup> Cir.). and Clinical Legal Education Ass'n (CLEA) 2003 WL 536754, \*24 (2003) (U.S. Sup. Court). The article served as impetus for creation of CLEA's Committee on Faculty Equity & Inclusion and a report by the committee based on an assessment of the article's conclusions 20 years later. See CLEA Committee on Faculty Equity & Inclusion, *The Diversity Imperative Revisited: Racial and Gender Inclusion in Clinical Law Faculty*, 27 CLINICAL L. REV. 126 n.a1 (2019) ("Jon Dubin's work inspired much of this Essay.").

*Clinical Education for This Millennium: The Third Wave*, 7 CLINICAL L. REV. 1 (2000) (co-authored with Margaret M. Barry & Peter A. Joy)). Anthologized, cited or referenced in multiple books on clinical education both domestically and internationally. See, e.g., ALEX HURDER, ET AL, CLINICAL ANTHOLOGY: READINGS FOR LIVE CLIENT CLINICS 24-32 (2D ED. 2011); SHUVRO P. SARKER, CLINICAL LEGAL EDUCATION IN ASIA: ACCESSING JUSTICE FOR THE UNDERPRIVILEGED *passim* (2015); ADRIAN EVANS, ET AL, AUSTRALIAN CLINICAL EDUCATION 75 n.33 (2017).

*Torquemada Meets Kafka: The Misapplication of the Issue Exhaustion Doctrine to Inquisitorial Administrative Proceedings*, 97 COLUM. L. REV. 1289 (1997) (lead article) cited by the U.S. Supreme Court in *Sims v. Apfel*, 530 U.S. 103, 111-12 (2000) and U.S. Courts of Appeals for the Third, Seventh, Eighth, Tenth and Eleventh Circuits in *Cirko v. Comm'r of Soc. Sec.*, 948 F.3d 148, 156 (3rd Cir. 2020); *Forest Guardians v. USFS*, 641 F.3d 423, 431 n.6 (10th Cir. 2011); *Crawford & Co. v. Apfel*, 235 F.3d 1298, 1304 (11th Cir. 2000); *Johnson v. Apfel*, 189 F.3d 561, 562-64 (7th Cir. 1999) (Posner, C.J.) (reversing six earlier decisions based on the article and inviting *en banc* consideration); and *Harwood v. Apfel*, 186 F.3d 1039, 1042-43 (8th Cir. 1999). The leading Administrative Law treatise observed that "[t]he [*Sims*] plurality apparently found persuasive th[is] thoughtful and well-researched article." KRISTIN E. HICKMAN & RICHARD J. PIERCE, JR., ADMINISTRATIVE LAW TREATISE § 17.8, at 1535 (6th Ed. 2019). Cited in international/comparative administrative law contexts, see, e.g., ROBERTO CARRANTA & ANNA GERBRANDY, TRADITIONS AND CHANGE IN EUROPEAN ADMINISTRATIVE LAW 331 (2011), and in administrative law casebooks. See, e.g., PETER L. STRAUSS, TODD D. RAKOFF & CYNTHIA R. FARINA, GELLHORN & BYSE'S ADMINISTRATIVE LAW: CASES AND COMMENTS 385 (REV. 10TH ED. 2003).

*Clinical Design for Social Justice Imperatives*, 55 S.M.U. L. REV. 1461 (1998). Cited in CHRIS ASHFORD & PAUL MCKEOWN, SOCIAL JUSTICE AND LEGAL EDUCATION 35, 104, 290-91 (2018); ADRIAN EVANS, ET AL, AUSTRALIAN CLINICAL EDUCATION 75 n.33 (2017); SHUVRO P. SARKER, CLINICAL LEGAL EDUCATION IN ASIA: ACCESSING JUSTICE FOR THE UNDERPRIVILEGED 5, 14 n.40 (2015).

*Developments in the Law of Government Benefit Programs*, 42 LOY. L. REV. 33 (1996).

*Social Security Law*, 26 TX. TECH L. REV. 763 (1995).

*From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color*, 77 MINN. L. REV. 739 (1993) (lead article). Anthologized in multiple collections, see, e.g., JON W. BRUCE, A LAND USE ANTHOLOGY 299-312 (1998); 25 LAND USE & ENVIRONMENT L. REV. 89 (1994) (anthology), and cited, excerpted, or referenced in multiple Civil Rights, Property, Land Use Planning, Environmental Law and Contracts casebooks/coursebooks, see, e.g., JESSE DUKEMINIER, PAUL E. KRIER, ET AL, PROPERTY 966 (10TH ED. 2022); DANIEL R. MANDELKER, ET AL, PLANNING AND CONTROL OF LAND DEVELOPMENT: CASES AND MATERIALS CH.1A (8<sup>TH</sup> ED. 2011); ROBERT H. FREILICH, ROBERT J. SITKOWSKI, & SETH MENNILLO, FROM SPRAWL TO SUSTAINABILITY: SMART GROWTH, NEW URBANISM, GREEN DEVELOPMENT AND RENEWABLE ENERGY 250 (2D ED. 2010); MICHAEL GERRARD & SHEILA FOSTER, THE LAW OF ENVIRONMENTAL JUSTICE 86-98 (3D. ED. 2008); ROY L. BROOKS, GILBERT P. CARRASCO, & MICHAEL SELMI, CIVIL RIGHTS LITIGATION: CASES AND PERSPECTIVES 348-49 (3D ED. 2005); ROBERT ELLICKSON & VICKI BEEN, LAND USE CONTROLS: CASES AND MATERIALS 702 (3D. ED. 2005); AMY KASTELY, DEBORAH W. POST & SHARON K. HOM, CONTRACTING LAW 977-86 (2D ED. 2000). Cited and quoted in United States Supreme Court Brief *Amicus Curiae* of Sociologists, Social and Organizational Psychologists, and Legal Scholars in Support of Respondent, in *Township of Mt. Holly, N.J. v. Mt. Holly Gardens Citizens in Action*, No. 11-1507, 2013 WL 5883306, \*14 (Oct. 2013).

*Poverty, Pain, and Precedent: The Fifth Circuit's Social Security Jurisprudence*, 25 ST. MARY'S L.J. 81 (1993). Cited in KEITH WAILOO, PAIN: A POLITICAL HISTORY 245 (2014); LINDA G. MILLS, A PENCHANT FOR PREJUDICE: UNRAVELING BIAS IN JUDICIAL DECISIONMAKING 167 n.3 (1999); ADMINISTRATIVE CONFERENCE OF THE UNITED STATES (ACUS), EVALUATION OF SUBJECTION SYMPTOMS IN DISABILITY CLAIMS NN. 39, 41 (FINAL REPORT, MARCH 12, 2015).

### **Book Chapters:**

*Social Security Adjudicative Reform: Ending the Reconsideration Stage of SSDI Adjudication After Sixteen Years of Testing and Enhancing Initial Stage Development*, in SSDI SOLUTIONS: IDEAS TO STRENGTHEN THE SOCIAL SECURITY DISABILITY INSURANCE PROGRAM (COMMITTEE FOR A RESPONSIBLE FEDERAL BUDGET ED. 2016).

LEGAL EDUCATION “BEST PRACTICES” REPORT, UNITED STATES (PUBLIC INTEREST LAW INSTITUTE, AUGUST, 2010) (CO-AUTHORED WITH MARGARET M. BARRY AND PETER A. JOY).

*Protecting Newark’s Public Housing from Elimination* (Ch.17), in “YOU CAN TELL IT TO THE JUDGE” AND OTHER TRUE TALES OF LAW SCHOOL LAWYERING (F. ASKIN ED. VANDEPLAS PUBLISHING, 2009).

*Taking the Fight for Disability Benefits to the High Court(s)* (Ch. 11), in “YOU CAN TELL IT TO THE JUDGE” AND OTHER TRUE TALES OF LAW SCHOOL LAWYERING (F. ASKIN ED. VANDEPLAS PUB., 2009).

## AWARDS / SPECIAL RECOGNITION

- The National Equal Justice Library selected the article, *Torquemada Meets Kafka: The Misapplication of the Issue Exhaustion Doctrine to Inquisitorial Administrative Proceedings*, 97 COLUM. L. REV. 1289 (1997) (lead article) in 2002 for the second biennial Edgar and Jean Cahn Award as one of three outstanding articles about equal justice for lower income persons published during the entire 20<sup>th</sup> century. The U.S. Supreme Court twice cited the article, followed its reasoning and adopted the article's doctrinal label, "issue exhaustion," in the text of *Sims v. Apfel*, 530 U.S. 103, 111-12 (2000). The U.S. Courts of Appeals for the Seventh and Eighth Circuits cited and followed the article's reasoning a year earlier in *Johnson v. Apfel*, 189 F.3d 561, 562-64 (7th Cir. 1999) (Posner, C.J.) (reversing 6 earlier decisions based on the article's position and inviting *en banc* review); and *Harwood v. Apfel*, 186 F.3d 1039, 1042-43 (8th Cir. 1999), which created the conflict with other circuits, justifying *certiorari*.
- Awarded the Association of American Law Schools (AALS) 2024 William Pincus Award for Outstanding Accomplishments in Clinical Education--the AALS Clinical Section's highest honor.
- Awarded the National Organization of Social Security Claimant Representatives' (NOSSCR) 2014 Eileen P. Sweeney Award for advancing the quality and availability of advocacy for disability claimants and improving the adjudicatory process—NOSSCR's highest honor.
- One of only fourteen Rutgers University Faculty in the University's history and third from the law faculty ever to be awarded the designation of Board of Governors Distinguished Service Professor.
- A committee of 50 law professors and practitioners selected the article, *From Junkyards To Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color*, 77 MINN. L. REV. 739 (1993) (lead article) for inclusion in an anthology issue of Clark-Boardman's LAND USE AND ENVIRONMENT LAW REVIEW, as one of the 5 "best" land use articles of the year. Reprinted at 25 LAND USE & ENVIRONMENT L. REV. 89 (1994).
- Recipient of the 2003 Haywood Burns/Shanara Gilbert Award from the Northeast People of Color Legal Scholarship Conference for scholarship and action "that advances the legal, social and economic position of persons of color in this society."
- Elected into the National Academy of Social Insurance in 2016, comprised of the nation's top scholars and "leading experts in social insurance." "Academy membership recognizes those who have made distinguished and continuing achievements in the field" and is "one of the highest honors that can be accorded a social insurance professional."
- Awarded the 2014 Clinical Legal Education Association's national award for advancing the cause of clinical faculty and clinical legal education.
- Awarded the 2010 Oliver Randolph Award for Civil Rights Advocacy on behalf of African Americans by the Garden State Bar Association (NJ's African American Bar Ass'n).
- Awarded the 2007 Stanley Van Ness Leadership Award for Career Contributions to Public Interest Law by New Jersey Appleseed/New Jersey Public Interest Law Center.
- Awarded the St. Mary's 1993 Distinguished Faculty Award for Excellence in Teaching (requiring student evaluations in top quartile of faculty and other indicia of teaching innovation/excellence).

- Accepted the 2010 Rutgers University-Newark's Community Engagement Award on behalf of the Law School's Clinical Program as Director (based on the program's work and accomplishments).

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## **LAW SCHOOL SERVICE (RUTGERS)**

[Chaired and/or served on all of the law school's most important and time-consuming committees]:

- Chairperson, Appointments Comm. (15-16;17-18 (ntt); Sp.22; Member (00-01;10-11;16-17; 20-21 (ntt)).
- Chairperson, Budget & Planning Comm. (09-10); Member (00-01; 02-04; 06-08; 12-14).
- Chairperson, Tenure & Promotion Comm. (Co-Ch 00-01; Ch 21-22); Member (13-14;16-17; 18-19; 23-24).
- Chairperson, Clinical Promotions Comm. (00-01; 02-04;12-13; 20-21); Member (06-10).
- Chairperson, Law School Merit Raise Comm. (09-10); Member (02-04; 06-08; 12-14).
- Chairperson, Assistant Dean for Career Services, Search Comm. (19-20); Member (02-03).
- Member, Dean Search Comm. (08-09;17-18).
- Member, ABA Self-Study Comm. (05-06; 12-13).
- Member, Assistant Dean for the Minority Student Program (MSP), Search Committee (05-06; 07-08).

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## **UNIVERSITY SERVICE (RUTGERS)**

- Member, University Promotion and Review Committee (23-present). The University's most time-consuming committee; reviews all applications for tenure and promotion at university units from every location including from each of the Rutgers campuses in New Brunswick, Newark and Camden.
- Member, University Seed Grant Selection Committee (15-17).
- Member, University Community Engagement Awards Selection Committee (10; 11).
- Member, University Interdisciplinary Cluster Hire Committee (07-08).

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## **SELECT PUBLIC SERVICE/PROFESSIONAL ACTIVITIES**

- American Bar Association (ABA), Commission on Homelessness and Poverty, Member (2001-03).
- Association of American Law Schools: Appointments: Poverty Law Section, Chairperson (2001), Executive Committee (1998-2003); Clinical Section, Executive Committee (1997-2000), Nominations Committee, Co-Chair (2013-16), Awards Committee (2017-20); Standing Committee on Clinical Education (2006-09); Speaker/Moderator: Poverty Law Section, Annual Meeting (1997, 2001); Clinical Section, Annual Meeting (1998); Annual Clinical Conference (1995, 1998, 2000, 2001, 2003, 2004; 2019, 2021); Clinical Directors' Workshop (2007, 2011, 2015); New Clinical Professors' Workshop (2010); Planning Committee: Poverty Law Section, Annual Meeting (2001); Clinical Section, Annual Clinical Conference (2012).

- ABA, Accreditation Site Inspection Teams: UC Davis Law School (2017); Inter-American Law School (2015); Pontifical Catholic University of Puerto Rico (2013); University of Puerto Rico (2010); Harvard Law School (2005); University of New Hampshire/Franklin Pierce (2001).
- Administrative Conference of United States (ACUS), Social Security Disability Adjudication Working Group (2012-15).
- Center on Social Welfare Policy & Law/National Center for Law & Economic Justice, Board of Directors (1992- 2000).
- City Univ. of New York, Urban Legal Studies Program/Revson Fellowship, Board of Directors (1990).
- CLINICAL LAW REVIEW (CLR), Board of Editors (1997-2003) peer reviewed journal at N.Y.U. in lawyering and clinical theory. CLR/NYU, Clinical Writer's Conference, Facilitator (2006, 2008).
- Clinical Legal Education Association (CLEA), Board of Directors (1998-01); Best Practices Project (2001-04); Taskforce on Faculty Diversity/Committee on Faculty Equity & Inclusion (2008-18).
- Community Legal Resource Network, Central Consortium, Board of Directors (2001-03).
- Fair Housing Council of San Antonio, TX., Board of Directors (1996-99).
- Institute on World Legal Problems, Innsbruck, Austria, Faculty (Sum. 1994, 95) (World Hunger).
- Mutual Redevelopment Houses, Inc., Penn South Subsidized ("Limited Equity") Housing Cooperative Development, Board of Directors (2011-14).
- NAACP Legal Defense and Educational Fund, *Pro Bono* Consultant (2017-19) (prepared reports at request of President/Director-Counsel Sherrilyn Ifill on potential LDF directions and initiatives).
- National Academy of Social Insurance, Elected Member (2016-present).
- National Black Law Students Ass'n, Regional Convention, San Antonio, TX Speaker (1996, 2000).
- National Conference of Black Lawyers, Racially Motivated Violence Committee (1983-87) (principal author of NCBL *amicus* brief in racially motivated police shooting case *Bell v. City of Milwaukee*, 746 F.2d 1205 (7th Cir. 1984)).
- National Legal Aid & Defender Ass'n, Trainer, Housing and Zoning Discrimination Law, National Training Session, Berkeley CA (1990, 1991); Senior Litigators' Training, New Orleans, LA (1991).
- National Organization of Social Security Claimants Representatives (NOSSCR), U.S. Supreme Court Amicus Committee (2020-present).
- New Jersey Institute for Social Justice, Board of Trustees (2001-2011).
- N.Y.U. Public Interest Law Foundation, Board of Directors (1982-83).
- Promotion, Tenure and Re-appointment Faculty Reviews: (2000-present): Columbia Law School; Washington University Law School; CUNY Law School; Seton Hall Law School; Howard Law School; Catholic Law School.



- Rutgers Honors Living-Learning Community (HLLC), Admissions Process Evaluator (2020).

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## **SELECT RECENT PRESENTATIONS, TESTIMONY AND TRAININGS**

Pennsylvania Legal Aid Network, Statewide Legal Training, *Advanced Federal Appellate Practice in SSI Cases: Third Circuit Appeals, Motions, and Equal Access to Justice Act Litigation*, Nov.2024.

National Organization of Social Security Claimant Representatives (NOSSCR), Eighth Circuit Conference, Book Talk, SOCIAL SECURITY DISABILITY AND THE AMERICAN LABOR MARKET, Nov. 2024.

Pennsylvania Legal Aid Network, Statewide Legal Training, *Basic Federal District Court Appellate Practice in SSI Disability Cases*, Oct. 2024.

New York State Bar Association Partnership Conference, *The Color of Social Security*, Sept. 2024.

NOSSCR, National Conference, *Developments in the U.S. Supreme Court and the Circuits in Social Security Disability Law*, May 2024.

NOSSCR, *Developments in the U.S. Supreme Court and the Circuits in Social Security Disability Law*, May 2023.

NOSSCR, *Social Security History, Policy and Major Issues from New Deal to Present: Training for New Policy and Legal Staff*, Feb. 2023.

NOSSCR, *Answering the Supreme Court's Footnote 5 in Carr v. Saul: Avoiding the Issue Exhaustion Doctrine on Routine Issues and Reviving Cases with Structural Constitutional Issues*, May 2022.

NOSSCR, *Developments in the U.S. Supreme Court and the Circuits in Social Security Disability Law*, May 2022.

Legal Services of New Jersey, *Litigating SSI Disability Cases in the U.S. Court of Appeals for the Third Circuit and U.S. District Courts*, Dec. 2021.

NOSSCR, Webinar and Book Talk on book, JON C. DUBIN, SOCIAL SECURITY DISABILITY LAW AND THE AMERICAN LABOR MARKET (2021), Oct. 2021.

NOSSCR, Panel, *Art. II Challenges to ALJs and the Issue Exhaustion Doctrine in Carr v. Saul*, May 2021.

NOSSCR, *Developments in the U.S. Supreme Court and the Circuits in Social Security Disability Law*, May 2021.

NOSSCR, *So You Want to Teach? Teaching a Law School Course in Social Security Law*, May 2021.

Association of American Law Schools, Clinical Section, Annual Conference, Plenary Session, "Are We (Almost) There Yet?: Clinical Programs and the Academy as Anti-Racist Institutions," April 2021.

NOSSCR, *Developments/Trends in U.S. Supreme Court and Circuits in Social Security Disability Law*, Oct. 2020.

Legal Services of New Jersey, *Litigating SSI Disability Cases in the U.S. Court of Appeals for the Third Circuit and U.S. District Courts*, Oct. 2019.

NOSSCR, *Developments/Trends in U.S. Supreme Court and Circuits in Social Security Disability Law*, Sept. 2019.

AALS Clinical Section, Annual Conference, Panel Session, “*Creating Safe Spaces for Teaching About Disorienting Moments*,” May 2019.

Rutgers Inst. for Prof. Educ., *Federal Court Social Security Disability Practice: From Soup to Nuts*, June 2018.

U.S. House of Representatives, Ways & Means Comm., Subcomm. on Social Security, Hearing on Examining Changes to SSA Disability Appeals Process, “*Streamlining the SSA Adjudicative Process by Eliminating Reconsideration and Enhancing Initial Stage Development*,” July 2018 (written testimony).

NOSSCR, *Developments in the U.S. Supreme Court and the Circuits in Social Security Disability Law*, April 2018.

Legal Services of New Jersey, *Litigating SSI Disability Cases in the U.S. Court of Appeals for the Third Circuit and U.S. District Courts*, March 2017.

Rutgers Inst. for Prof. Education, *Federal Court Social Security Disability Practice: From Soup to Nuts*, Dec. 2016.

Committee for a Responsible Federal Budget, SSDI Solutions Conference: Ideas to Strengthen the Social Security Disability Insurance Program, “*Abolishing the Reconsideration Stage of SSDI Adjudication and Enhancing Initial Stage Development*,” August 2015.

AALS Clinical Directors’ Conference, Plenary, “*The New Normal in Clinical Programs*,” May 2015.

Rutgers Center on Law, Inequality and Metropolitan Equity (CLiME), “*Fair Housing and Structural Inequality*,” Nov. 2014.

Rutgers Institute for Prof. Educ., *Federal Court Social Security Disability Practice: From Soup to Nuts*, June 2014.

NOSSCR, *The American Labor Market Side of Social Security Disability Law and Policy*, May 2014.

Maryland Law School, National Clinical Conference for 40<sup>th</sup> Anniversary, “*The Future of Public Law School Clinical Programs*,” April 2014.

Northeast Clinical and Lawyering Theory Workshop, New York Law School, “*The State of the Law of State Law School Clinical Programs*,” March 2013.

New Jersey Assembly, Judiciary Committee, live testimony, *Filling the Gaps in Civil Legal Services for the Poor in New Jersey: The Role of Law School Clinical Programs*,” July 2012.

NOSSCR, “*Overcoming Gridlock: The Administrative Notice Doctrine in Social Security Cases, Sykes v. Apfel, and the Sykes Acquiescence Ruling*,” Oct. 2011.

AALS Clinical Directors’ Conference, Plenary, “*Fostering Intellectual Space for Clinical Scholarship*,” June 2011.

AALS New Clinical Teacher’s Workshop, “*Getting Started as a Clinical Teacher*,” June 2010.

NOSSCR, *Developments in the U.S. Supreme Court and the Circuits in Social Security Disability Law*, April 2010.

Maryland Law School, National Clinical Conference for 35<sup>th</sup> Anniversary, *“The Imperatives of Diversity and Inclusion in Law School Clinical Programs,”* March 2010.

National Lawyers Guild, Rutgers-Newark Chapter, *“Poverty as a Suspect Class,”* March 2010.

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## **SELECT SIGNIFICANT LAW SCHOOL/CLINICAL LITIGATION**

### **I. U.S. SUPREME COURT**

- *Sims v. Apfel*, 530 U.S. 103 (2000) (Co-counsel, principal author of Petitioner’s Brief, and principal strategist of the Petitioner’s position in the U.S. Supreme Court in successful challenge to application of the newly labelled “issue exhaustion” doctrine applied to the SSA Appeals Council stage, to preclude access to justice in federal court and meaningful court review of SSA administrative decisions).
- *Carr v. Saul*, 141 S. Ct. 1352 (2021) (Counsel of record and principal author of *Amici Curiae* brief on behalf of 56 Law Professors from 40 Law Schools (including Yale, Harvard, Stanford, Columbia, N.Y.U., U.C. Berkeley and Duke), in case successfully arguing for extension of *Sims v. Apfel* to reject issue exhaustion doctrine as applied to structural constitutional issues in SSA ALJ hearing proceedings).

### **II. NEW JERSEY SUPREME COURT**

- *Sussex Commons Assocs., LLC v. Rutgers Env. Law Clinic*, 46 A.3d 537 (N.J. 2012) (successful challenge to application of N.J. Open Public Records Act and common law access right to public law school clinical program’s case files and faculty and student notes; co-counsel with several Rutgers clinics as *Amici* and coordinated national *Amici* and Rutgers positions from trial court (2006)-NJ Supreme Court (2012)).

### **III. U.S. COURT OF APPEALS**

- *Nazario v. Comm’r of Soc. Sec.*, 794 Fed. Appx. 204 (3d Cir. 2019) (first full reversal and immediate award of social security disability benefits by the Third Circuit in 11 years; clinic was sole counsel).
- *Sykes v. Apfel*, 228 F.3d 259 (3d Cir. 2000) (rejecting SSA’s reliance on its exertional (strength-limiting)-impairment-based, medical-vocational guidelines or “grid” framework to misapply the administrative notice doctrine and deny benefits without additional vocational evidence of performable jobs for claimants with non-exertional (i.e. mental, postural/manipulative, visual/auditory, sensory) limitations and resulting in rare “Acquiescence Ruling” (AR) and policy change for thousands of claimants in the Third Circuit region under SSA’s “Sykes” ruling-AR 01-1(3), 66 F.R. 7829 (2001); clinic was sole counsel).
- *Thomas v. Comm’r of Soc. Sec.*, 625 F.3d 798 (3d Cir. 2010) (Co-counsel, in Child Advocacy Clinic’s (lead counsel), very first Third Circuit appeal in an SSI children’s disability case; establishing the remedial principle that court remands due to inadequately reasoned or articulated ALJ decisions, require notice and meaningful opportunity to be heard on remand and for additional record development; not simply more or better articulation and reasoning by the ALJ).
- *McCauley v. Barnhart*, 95 Fed. Appx. 452 (3d Cir. 2004) (clarifying requirements for evaluation of obesity and step-2 slighness medical threshold and remanding SSA decision; clinic was sole counsel).

- *Rodriguez v. Shalala*, 35 F.3d 560 (5th Cir. 1994) (Table) (establishing standard for evaluation of the disabling side-effects of prescribed medication and remanding SSA decision; clinic was sole counsel).

#### IV. U.S. DISTRICT COURT—CLASS ACTION

- *Newark Coalition for Low-Income Housing v. Newark Housing Authority & U.S. Dept. of Housing and Urban Devel.*, 89-1303 (DRD) (D.N.J. Feb. 22, 2005) (order in class action rejecting counting privatized Newark public housing units as replacement, permanent low-income public housing under consent decree requiring replacement of 2000 demolished units; ordering privatized units replaced; clinic was lead counsel in this historic 20-year class action from 2003-08 and co-counsel from 1999-03).

#### V. U.S. DISTRICT COURT—INDIVIDUAL CASE OF FIRST IMPRESSION

- *Gonzalez v. Astrue*, 564 F. Supp.2d 317 (D.N.J. 2008) (first successful challenge to government’s Equal Access to Justice Act attorney fee accrual and debt offset policy applied to *pro bono* counsel; awarding \$30,217 in fees directly to Rutgers Clinic for successful Third Circuit litigation and averting offsets under the Federal Debt Collection Act; clinic was sole counsel).

#### VI. OTHER CLINICAL LITIGATION

- Supervised law student representation in approximately 200 federal evidentiary hearings for clinic clients, often involving cross-examination of expert vocational and medical witnesses, client interviewing, counseling, testimonial preparation, direct examination, fact investigation and extensive pre-hearing briefing, and in significant federal court appellate advocacy including a dozen successful circuit appeals; recovered over \$350,000 in attorney’s fees under the Equal Access to Justice Act (EAJA) for the Rutgers Clinical Program through successful federal court litigation on behalf of indigent clients in clinic cases, including the largest reported EAJA fee award in an individual client’s SSDI/SSI federal court appeal in the history of the Act in *Maria T.N. v. Comm’r of Soc. Sec.*, 2022 WL 17221409 (D.N.J. 2022) (awarding \$48,680 to the Rutgers Clinical Program).

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#### GRANTS (where principal or secondary/co-participant in conceptualization and drafting of grants)

2021-22 State of New Jersey \$1,150,000 (Housing Eviction Diversion Program) (Co-Princ. Inv.)

2012-14 U.S. Dist. Ct. (DNJ), Attorney Admission Fund, \$200,000 (Youth Advocacy/Immigrant Rights)

2008 Victoria Foundation \$25,000 (Environmental Justice) (Co-PI)

2005-12 New Jersey Bar Foundation -- \$700,000 total (Youth Advocacy/Covenant House) (Co-PI)

1997-98 Open Society Institute (Soros) \$500,000 (Community Legal Resource Network in four law school consortium with St. Mary’s, Maryland, CUNY and Northeastern) (Co-PI)

1994-99 U.S. Dept. of Housing and Urban Development --\$500,000 total (5 years) (Homelessness)

1994-97 U.S. Dept. of Education Title IX Clinical Legal Experience Program \$300,000 (3-year) (Co-PI)

1994-95 Legal Services Corporation (LSC) Civil Clinic Program \$75,000

1993-96 U.S. Dept. of Educ. Title IX Clinical Legal Exp. Prog. \$300,000 (3-year grant) (Co-PI)

1992-93 Texas Equal Access to Justice Foundation \$75,000 (Co-PI)

1991-94 U.S. Dept. of Education Title IX Clinical Legal Experience Program \$300,000 (3-year grant)

1991 LSC Civil Clinic Program \$50,000; Texas Equal Access to Justice Foundation \$75,000 (Co-PI)

**Other:** Significant work on management, reporting, and/or grantor relations on several other grants where not involved as principal or secondary/co-participant in initial grant conceptualization/drafting.

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## EDUCATION

**NEW YORK UNIVERSITY SCHOOL OF LAW**, New York, New York.

J.D. Awarded Arthur Garfield Hays Civil Rights/Civil Liberties Fellowship.

**DARTMOUTH COLLEGE**, Hanover, New Hampshire.

A.B. Awarded Distinction in Major: Government. Completed degree in three years.

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## OTHER LEGAL EMPLOYMENT

### NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., NATIONAL OFFICE

**Assistant Counsel:** Duties included litigation of civil rights class action cases primarily in the areas of land use and fair housing law including: *Houston v. City of Cocoa*, 1 Fair Housing-Fair Lending (P-H) ¶ 11.3 (M.D. Fla. May 1, 1991) (consent decree enjoining plan to displace historic, blighted African-American community for luxury condos, awarding \$750,000 damages, and requiring inclusionary, protective rezoning and phase-out of locally undesirable land uses); *Newark Coalition For Low-Income Housing v. NHA & HUD*, 1 FH-FL (P-H) ¶ 6.14 (D.N.J., Aug. 17, 1989) (consent decree limiting plan to demolish 5,700 public housing units; requiring renting of over 2,000 vacant units; voiding sale of desirable public land to developers; and remedying racial steering).

### NEW YORK STATE ATTORNEY GENERAL'S OFFICE, CIVIL RIGHTS BUREAU

**Assistant Attorney General:** Drafting civil rights legislation and litigating civil rights cases including *People by Abrams v. Hamilton*, 511 N.Y.S. 2d 190 (4th Dept. 1986) (upholding judgment of vicarious liability against employer for sexual harassment of women employees by independent polygraph operator); drafting the coalition of State Attorneys' General *Amicus* Brief before the U.S. Supreme Court on legality of court-mandated remedial affirmative action hiring goals for public safety employees in *United States v. Paradise*, 480 U.S. 149 (1987); and continued litigation to achieve Supreme Court-approved, remedial race-based hiring goals in *Local 28 Sheet Metal Workers v. E.E.O.C.*

### THE LEGAL AID SOCIETY, CIVIL DIVISION, HARLEM NEIGHBORHOOD OFFICE

**Director of Litigation:** Coordination and leadership of law reform litigation, development of grants, and supervision and training of attorneys in 15-lawyer office.

**Staff Attorney:** Specialist in social welfare benefits litigation including social security/SSI disability, welfare, food stamps, medicaid, unemployment insurance, and public and subsidized housing cases.

## **AMERICAN CIVIL LIBERTIES UNION, NATIONAL OFFICE**

**Karpatkin Fellow:** One-year staff attorney position on ACLU National Staff. Duties included the continuing historic school desegregation litigation in *Brown v. Board of Education, Topeka, KS* (to implement the *Brown II* “deliberate speed” mandate) and U.S. Supreme Court *amicus* brief writing on issues of affirmative action and interpretation of reconstruction-era civil rights statutes.

## **THE HONORABLE JOHN L. KANE JR., UNITED STATES DISTRICT JUDGE (D. Colo.)**

**Law Clerk:** One-year clerkship; duties included drafting opinions and advisory memoranda for Judge Kane including drafts of thirty opinions published in West’s Federal Supplement, Federal Rules Decisions or Bankruptcy Reporter.

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## **BAR ADMISSIONS**

New Jersey State Courts (active)

United States District Court for the District of New Jersey (DNJ) (active)

New York State Courts (active)

United States District Court for the Southern and Eastern Districts of New York (SDNY; EDNY) (active)

United States Court of Appeals for the Third Circuit (active)

United States Supreme Court (active)

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals for the Seventh Circuit

United States District Court for the Western District of Texas (WDTx)