

## FOREWORD: CELEBRATING TEMPLE LAW'S DEDICATION TO LEGAL EXCELLENCE, PRACTICAL EDUCATION, AND PUBLIC SERVICE

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During the 2020–2021 academic year, Temple University Beasley School of Law (formerly known as Temple Law School) celebrated its 125th anniversary.<sup>1</sup> For 125 years, Temple Law has provided a legal education that reflects its dedication to excellence, skills-based learning, and public service.<sup>2</sup> This effort has not been in vain. Consistent with its tradition of excellence, Temple produced more students who passed the Pennsylvania bar exam than any other law school in 2020.<sup>3</sup> In 2021, U.S. News & World Report ranked Temple's trial advocacy program the best in the country<sup>4</sup> and its legal writing program climbed to number seven in the country<sup>5</sup>—affirming the law school's presence as a practical education powerhouse. Additionally, the part-time program ranked number six in the country, a recognition of the law school's commitment to providing an exemplary legal education for non-traditional students.<sup>6</sup> In furtherance of the law school's devotion to public service, Temple's Sheller Center for Social Justice continues to provide students the opportunity to seek justice for the Commonwealth's most vulnerable populations.<sup>7</sup>

As a tribute to Temple's success in practical education and public service, *Temple Law Review* dedicates this Issue to highlighting a group of legal professionals whose perspectives are often underrepresented in law reviews: Pennsylvania practitioners. From fighting for fair elections to advocating for incarcerated youth during a global pandemic,

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1. *Celebrating 125 Years of Legal Excellence*, TEMP. U. BEASLEY SCH. L., [http://125years.law.temple.edu/?\\_ga=2.264138316.1904092629.1617423046-1318129537.1533578974](http://125years.law.temple.edu/?_ga=2.264138316.1904092629.1617423046-1318129537.1533578974) [<https://perma.cc/S6QM-TXBH>] (last visited Apr. 1, 2021).

2. *Id.*

3. *Readying the Future: Our Students and Our Mission*, TEMP. U. BEASLEY SCH. L., <http://125years.law.temple.edu/flipbooks/125-flipbook/#page=4> [<https://perma.cc/HZ3S-LT8J>] (last visited Apr. 1, 2021).

4. *Best Trial Advocacy Programs*, U.S. NEWS & WORLD REP., <http://www.usnews.com/best-graduate-schools/top-law-schools/trial-advocacy-rankings> [<https://perma.cc/27FN-DTVW>] (last visited Apr. 1, 2021).

5. *Best Legal Writing Programs*, U.S. NEWS & WORLD REP., <http://www.usnews.com/best-graduate-schools/top-law-schools/legal-writing-rankings> [<https://perma.cc/PW76-2UE2>] (last visited Apr. 1, 2021).

6. *2022 Best Part-Time Law Programs*, U.S. NEWS & WORLD REP., <http://www.usnews.com/best-graduate-schools/top-law-schools/part-time-law-rankings> [<https://perma.cc/C6UJ-NHRE>] (last visited Apr. 1, 2021).

7. *The Stephen and Sandra Sheller Center for Social Justice*, TEMP. U. BEASLEY SCH. L., [http://www2.law.temple.edu/csji/?\\_ga=2.135621489.1904092629.1617423046-1318129537.1533578974](http://www2.law.temple.edu/csji/?_ga=2.135621489.1904092629.1617423046-1318129537.1533578974) [<https://perma.cc/4L9W-RQYX>] (last visited Apr. 1, 2021).

these practitioners and their work demonstrate the importance of “real life lawyering.”<sup>8</sup> This Issue also highlights the work of two esteemed professors, in honor of the legacy of the late Edward D. Ohlbaum and in recognition of the importance of centering legal scholarship on systemic issues like environmental injustice. In what follows, this Foreword introduces this Issue’s authors and their scholarship.

Marsha Levick, Esq. is a graduate of Temple Law School and is nationally recognized for her work in juvenile law.<sup>9</sup> Ms. Levick is a co-founder and the Chief Legal Officer of Juvenile Law Center, “the first non-profit, public interest law firm for children in the country.”<sup>10</sup> Ms. Levick has represented the interests of incarcerated youth in both state and federal courts and has successfully challenged laws and practices that negatively impacted children in the juvenile justice and child welfare systems.<sup>11</sup> In her Essay, *No Exit: How Litigation Failed Incarcerated Youth During the COVID-19 Pandemic*, Ms. Levick details how incarcerated youth were affected by the spread of COVID-19 and confronts “the limitations of current constitutional jurisprudence to protect these vulnerable populations during a public health emergency.”<sup>12</sup>

Samantha K. Harris, Esq. is a founding partner of Allen Harris PLLC and focuses her practice on protecting free speech and civil rights on college campuses.<sup>13</sup> Prior to founding Allen Harris, Ms. Harris practiced at the Foundation for Individual Rights in Education, where she challenged university practices and policies that denied students, faculty, and administrators their individual rights.<sup>14</sup> In *Have a Little (Good) Faith: Towards a Better Balance in the Qualified Immunity Doctrine*, Ms. Harris argues that qualified immunity has “served as a significant impediment to recovery for students and faculty” whose rights have been threatened on college campuses.<sup>15</sup> She further explores how the doctrine can be reformed to “better promote justice not only for students and faculty but also for anyone deprived of their constitutional rights by public officials.”<sup>16</sup>

Brian Gordon, Esq. is the founder of Concerned Citizens for Democracy (CCFD),<sup>17</sup> a nonprofit dedicated to “fighting to end partisan gerrymandering in Pennsylvania.”<sup>18</sup>

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8. *Experiential Learning: Skills-Based Learning—Real Life Lawyering*, TEMP. U. BEASLEY SCH. L., <http://www.law.temple.edu/academics/experiential/> [<https://perma.cc/WM57-FNVQ>] (last visited Apr. 1, 2021) (describing Temple’s experiential learning programs as “[r]eal [l]ife [l]awyering”).

9. *Marsha Levick, Esq.*, JUV. L. CTR., <http://jlc.org/staff/marsha-levick-esq> [<https://perma.cc/T7CA-GG8M>] (last visited Apr. 1, 2021).

10. *About: Our Mission*, JUV. L. CTR., <https://jlc.org/about> [<https://perma.cc/F6A9-WRLT>] (last visited Apr. 1, 2021).

11. *Marsha Levick, Esq.*, *supra* note 9.

12. Marsha Levick, *No Exit: How Litigation Failed Incarcerated Youth During the COVID-19 Pandemic*, 93 TEMP. L. REV. 489, 489 (2021).

13. *Samantha Harris*, ALLEN HARRIS L., <http://allenharrislaw.com/about-the-firm/samantha-harris-2/> [<https://perma.cc/KZ6D-6UY5>] (last visited Apr. 1, 2021).

14. *Id.*

15. Samantha K Harris, *Have a Little (Good) Faith: Towards a Better Balance in the Qualified Immunity Doctrine*, 93 TEMP. L. REV. 511, 511 (2021).

16. *Id.*

17. Brian Gordon, *An End to Gerrymandering: How Rigorous and Neutral Design Criteria Can Restrain or End Partisan Redistricting*, 93 TEMP. L. REV. 533, 533 (2021).

18. CONCERNED CITIZENS FOR DEMOCRACY, <http://concernedcitizensfordemocracy.org> [<https://perma.cc/4LSU-JEJN>] (last visited Apr. 1, 2021).

CCFD developed a methodology for “fair redistricting,” which was incorporated into Governor Tom Wolf’s Redistricting Reform Commission’s final report.<sup>19</sup> In his personal capacity, Mr. Gordon has challenged partisan redistricting in federal court.<sup>20</sup> Mr. Gordon draws upon these experiences in *An End to Gerrymandering: How Rigorous and Neutral Design Criteria Can Restrain or End Partisan Redistricting*, where he proposes “a method of neutral redistricting to end partisan gerrymandering in Pennsylvania and other states.”<sup>21</sup>

Roberta D. Liebenberg, Esq. and Ellen Meriwether, Esq. are the authors of *Antitrust Class Certification: The Use of Statistical and Representative Evidence to Establish Predominance of Common Proof*.<sup>22</sup> In this Essay, Ms. Liebenberg and Ms. Meriwether defend the use of regression analyses, “which calculate industry-wide overcharges and detect the probability that the overcharges were widespread,” as an appropriate statistical tool during class certification proceedings in antitrust cases.<sup>23</sup>

Ms. Liebenberg is a partner at Fine, Kaplan and Black, R.P.C., where she concentrates her practice in civil and criminal antitrust matters, complex commercial litigation, and class actions.<sup>24</sup> Ms. Liebenberg has also been appointed by courts to represent plaintiff classes in a number of significant antitrust class actions.<sup>25</sup> Ms. Liebenberg is a member of the Board of the American Antitrust Institute, was inducted into its Private Enforcement Hall of Fame, and has received several awards for her work as a leading antitrust lawyer in the country.<sup>26</sup> She served as vice chair of the American Bar Association Antitrust Section’s Cartel and Criminal Practice Committee and co-chaired the Section’s Trial Practice Committee when it prepared the second edition of the *Model Jury Instructions in Civil Antitrust Cases*.<sup>27</sup>

Ms. Meriwether is a partner at Cafferty Clobes Meriwether & Sprengel, LLP.<sup>28</sup> She concentrates her practice in antitrust class action litigation and has been appointed, along with her firm, to leadership positions in numerous antitrust actions.<sup>29</sup> Ms. Meriwether serves as a director of the American Antitrust Institute and as editorial board co-chair of *Antitrust*, a publication by the Antitrust Section of the American Bar Association.<sup>30</sup> Ms. Meriwether is a frequent presenter and lecturer on topics relating to complex class actions and antitrust litigation and has published a number of articles on those subjects.<sup>31</sup> Ms.

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19. *Id.*

20. Gordon, *supra* note 17, at 533–34.

21. *Id.* at 533.

22. Roberta D. Liebenberg & Ellen Meriwether, *Antitrust Class Certification: The Use of Statistical and Representative Evidence to Establish Predominance of Common Proof*, 93 TEMP. L. REV. 553 (2021).

23. *Id.* at 553.

24. Roberta D. Liebenberg, FINE, KAPLAN & BLACK, R.P.C., <http://www.finekaplan.com/attorneys/rliebenberg.asp> [<https://perma.cc/U4AH-3V9K>] (last visited Apr. 1, 2021).

25. *Id.*

26. *Id.*

27. *Id.*

28. Ellen Meriwether, CAFFERTY CLOBES MERIWETHER & SPRENGEL, LLP, <http://www.caffertyclobes.com/attorneys/ellen-meriwether/> [<https://perma.cc/866F-4JN2>] (last visited Apr. 1, 2021).

29. *Id.*

30. *Id.*

31. *Id.*

Meriwether is also active in the Philadelphia legal community, serving as board chair of the Public Interest Law Center.<sup>32</sup>

Professor Catherine Ross Dunham's Essay, *Reputation Evidence in the Age of Instagram*, was selected as the Annual Edward D. Ohlbaum Paper in Advocacy.<sup>33</sup> *Temple Law Review* publishes the Ohlbaum Paper in honor of the late Professor Ohlbaum—a scholar on evidence law, leader in trial advocacy education, and director of Trial Advocacy Programs at Temple Law prior to his death in 2014.<sup>34</sup> In her Essay, Professor Dunham “questions the Federal Rules of Evidence’s rationale that reputation evidence is relevant and reliable evidence of character.”<sup>35</sup> She argues that, because social media communities have become a means of modern interaction, courts must either admit reputation evidence from members of a social media community or reconsider admitting reputation evidence from members of an in-person community.<sup>36</sup> Professor Dunham is a Professor of Law at Elon University School of Law and teaches in the areas of civil procedure, evidence, and trial practice.<sup>37</sup>

Lastly, in *The (De)Mystification of Environmental Injustice: A Dramatistic Analysis of the Law*, Professor Jeff Todd demonstrates how rhetorician Kenneth Burke’s critical dramatism method applies to the social issue of environmental injustice.<sup>38</sup> This interdisciplinary Article posits that, “[t]o the extent that the law perpetuates or creates environmental injustice, dramatism could provide a theoretical foundation for corrective justice.”<sup>39</sup> Because this is the first piece to apply dramatism to environmental justice, Professor Todd concludes with suggestions for further research.<sup>40</sup> Professor Todd is an Associate Professor of Business Law at Texas State University.<sup>41</sup> He teaches about and publishes articles relating to business law, international law and transnational litigation, and environmental law.<sup>42</sup>

*Temple Law Review* is proud to highlight these legal professionals and their scholarship. Each author underscores the need for practical solutions to systemic problems and warns that without such solutions, injustice will prevail. Temple University Beasley School of Law has demonstrated that it prepares lawyers who can rise to the occasion. In the words of Dean Gregory Mandel, at Temple Law, “we believe that the law fulfills its highest purpose when it is responsive to the needs of the people it was

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32. *Id.*

33. Catherine Ross Dunham, *Reputation Evidence in the Age of Instagram*, 93 TEMP. L. REV. 575, 575 (2021).

34. *The Annual Edward D. Ohlbaum Paper in Advocacy*, TEMP. L. REV., <https://www.templelawreview.org/the-annual-edward-d-ohlbaum-paper-in-advocacy/> [<https://perma.cc/NLJ9-VMLC>] (last visited Apr. 1, 2021).

35. Dunham, *supra* note 33, at 575.

36. *Id.*

37. *Faculty Director Profile*, ELON L., <http://www.elon.edu/u/law/academics/faculty/directory/profile/?user=cdunham> [<https://perma.cc/HA57-XES2>] (last visited Apr. 1, 2021).

38. Jeff Todd, *The (De)Mystification of Environmental Injustice: A Dramatistic Analysis of the Law*, 93 TEMP. L. REV. 597, 597 (2021).

39. *Id.*

40. *Se id.* at 639–41.

41. *Faculty Profiles*, TEX. ST. U., <http://faculty.txstate.edu/profile/1637038> [<https://perma.cc/N8M3-8VGG>] (last visited Apr. 1, 2021).

42. *Id.*

created to serve.”<sup>43</sup> This belief resounds throughout this Issue. *Temple Law Review* is thrilled to share the work of such influential legal professionals, paying homage to the spirit of Temple Law.

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43. Gregory N. Mandel, *Welcome Message from Dean Mandel*, TEMP. U. BEASLEY SCH. OF L., <http://www.law.temple.edu/about/deans-welcome/> [<https://perma.cc/X662-NSMP>] (last visited Apr. 1, 2021).