

LOUISE HALPER

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Professor of Law
Property, Environmental Law, Land Use
Jurisprudence, Critical Legal Theory:
American Legal History I & II
Gender, Law & Culture in the Middle East

PUBLICATIONS

Law, Authority and Gender in Post-Revolutionary Iran, 54 BUFFALO L. REV. ____ (forthcoming 2007)

Legal Realism in Tehran: Law and Gender in the Transformative State in ESSAYS IN HONOR OF FRANK VOGEL (Peri Bearman, ed., forthcoming, Harvard University Press 2007)

Editor's Foreword, (special issue, Gender-Relevant Legislative Change in Muslim and non-Muslim Countries) (forthcoming, HAWWA, THE JOURNAL OF WOMEN IN THE MIDDLE EAST AND THE ISLAMIC WORLD, 2007)

Disrupted Societies, Transformative States: Law and Gender in Early Republican Turkey and Iran, (special issue, Gender-Relevant Legislative Change in Muslim and non-Muslim Countries) ((forthcoming, HAWWA, THE JOURNAL OF WOMEN IN THE MIDDLE EAST AND THE ISLAMIC WORLD, 2007)

Book Review [Lynn Welchman, *Women's Rights and Islamic Family Law: Perspectives on Reform*] 2 J. MID. EAST WOMEN'S STUD. 102 (2006)

Law and Women's Agency in Post-Revolutionary Iran, 28 HARVARD J. L. & GENDER 85 (2005)

Measure for Measure: Law, Prerogative, Subversion, 13 CARDOZO STUD. L. & LIT. 221 (2001)

Christopher Tiedemann, in YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW (Roger K. Newman, ed., forthcoming 2007)

California Coastal Comm'n v. Granite Rock, in LAW IN THE WESTERN UNITED STATES (Gordon Bakken, ed.) (Oklahoma State University Press, 2000)

Q. Why is this Course Different from Other Courses? A. Maybe It Isn't. Book Review [JOHN DWYER & PETER MENELL, *Property Law and Policy*], in Annual Casebook Review: Property, 22 SEATTLE U.L. REV. 101 (1999)

Government and Property, Democracy and Markets, in THE FUNDAMENTAL INTERRELATIONSHIPS BETWEEN GOVERNMENT AND PROPERTY (Warren Samuels & Nicholas Mercuro eds.) (JAI Press, 1999)

Untangling the Nuisance Knot, 26 BOSTON COLLEGE ENVTL. AFF. L. REV. 89 (1998)

Tropes of Anxiety and Desire: Metaphor and Metonymy in the Law of Takings, 8 YALE J.L. & HUMAN. 31 (1996)

Why the Nuisance Knot Can't Undo the Takings Muddle, in Centennial Symposium: Then, Now and Into the Future, 27 INDIANA L. REV. 325 (1995)

The Adirondack Park and the Northern Forest: An Essay on Preservation and Conservation in Symposium: The Northern Forest Lands and the Law, 19 VERMONT. L. REV. 332 (1995)

Constitutionalizing Wilderness: Preservation in the Gilded Age, in CELEBRATING THE CONSTITUTIONAL PROTECTION OF THE FOREST PRESERVE 1894-1994 at 11. (Papers Presented at the Silver Bay Symposium of the Association for the Preservation of the Adirondacks (1994).

A New View of Regulatory Takings?, 36 ENVIRONMENT 2 (Jan/Feb 1994)

Parables of Exchange: Foundations of Public Choice Theory and the Market Formalism of James Buchanan, 2 CORNELL J.L. & PUB. POL'Y. 229 (1993)

[A Rich Man's Paradise]: Constitutional Preservation of New York State's Adirondack Forest, A Centenary Consideration, 19 ECOLOGY L.Q. 193 (1992)

Book Review [ROBERT PAEHLKE, *Environmentalism and the Future of Progressive Politics*], 15 ENVTL. HIST. REV. 94 (1991)

Christopher G. Tiedeman, "Laissez-Faire Constitutionalism," and the Dilemmas of Small-Scale Property in the Gilded Age, 51 OHIO ST. L.J. 1349 (1990)

Nuisance, Courts and Markets in the New York Court of Appeals, 1850-1915, in Symposium: Twenty Years After *Boomer v. Atlantic Cement*, 54 ALBANY L. REV. 301 (1990)

Toxic Air Pollution Across a State Line, 10 J. PUB. HEALTH POL'Y. 309 (1989). Dr. Philip Landrigan and Dr. Ellen Silbergeld, co-authors.

Public Nuisance, Public Plaintiffs (Part II): Landownership, Use and Causation, 11 ENVTL. L. RPTR. 10044 (1987)

Public Nuisance, Public Plaintiffs (Part I): Rediscovering the Common Law, 10 ENVTL. L. RPTR. 10292 (1986)

ACADEMIC APPOINTMENTS

Visiting Professor, Harvard Law School, 2004-2005

Visiting Scholar, Koc University, Istanbul, Fall 2002

Professor, Seton Hall Law School Semester in Cairo, American University in Cairo, Egypt, Summer 2000

Visiting Professor, Seton Hall Law School, 1998-99

Professor of Law, Washington & Lee University School of Law, 1998- Present

Associate Professor, Washington & Lee University School of Law, 1996-98

Assistant Professor, Washington & Lee University School of Law, 1991-96

Coordinator (1990-91) and Instructor (1988-91), Lawyering Program, New York University School of Law

EDUCATION

New York University, LL.M., 1991. 3.8/4.0 GPA.

Rutgers University, J.D., 1973. Reginald Heber Smith Fellow.

Brandeis University, B.A., 1967. With Honors.

HONORS AND AWARDS

Law Alumni Association Fellow in Teaching Excellence, Washington & Lee University School of Law, 2006-2007
Fulbright Fellow, Senior Lecturer in Law, Marmara University, Istanbul, Spring 1997
Samuel I. Golieb Fellow in Legal History, New York University School of Law, Fall 1996
Professor of the Year, Phi Delta Phi Award, Washington & Lee University, 1992-93
Professor of the Year, First-Year Students Award, Washington & Lee University, 1991-92

SYMPOSIA, PRESENTATIONS AND WORKSHOPS

Organizer, Panelist and Chair, Symposium on Comparative Gender-Relevant Legislative Change, jointly sponsored by the Frances Lewis Law Center, Washington & Lee University School of Law, and the Islamic Legal Studies Program, Harvard Law School. Lexington, VA, March 2007.

Organizer and Panelist, Gender-Relevant Legislative Change in Muslim and non—Muslim Countries, Middle East Studies Assn (MESA) Annual Meeting, Boston, November 2006

Law, Republicanism and The Advancement of Women, Workshop in Change in Gender-Relevant Law in Muslim and non-Muslim Countries, Islamic Legal Studies Program, Harvard Law School, October 2005

Panel Chair and Commentator, *Religion, the Strength of the Nation State, and Assimilation: A Contextual Analysis of the Integration of Muslims in Four Western Societies*, Law & Society Assn' Annual Meeting, Las Vegas, June 2005

Iranian Women and Islamic Law, International Law Society, Harvard University, March 2005

Legal Realism in Tehran, Panel on Law and Family, Middle East Studies Assn (MESA) Annual Meeting, San Francisco, November 2004

Race, Class and Automobiles: The Historical Antecedents of the Smart Growth Movement, Gallivan Conference on Smart Growth, University of Connecticut School of Law, November 2003

Negotiations of Law and Gender, NYU Law & History Colloquium, September 2003

The Legal and Social Status of Women in Iran,
University Lecture, Washington & Lee University, November 2003
Law & Society Ass'n Annual Meeting, Pittsburgh, June 2003
Faculty Workshop, Seton Hall University, April 2003
Law & Politics Seminar, Columbia University, March 2003

Law and Republicanism in Turkey and Iran, Social Science Colloquium, Koc University, Istanbul, December 2002.

Women's Political Participation, Republicanism and Law, Conference on Women's Political Participation, Allomeh Tabatabai'i University, Tehran, October 2002.

Rights of the Public to be Free of Dangerous Uses of Property, Association of American Law Schools Annual Conference, Property Section, Private Property and Public Rights, New Orleans, January 2002

James the First, Eugene Debs and the Superfund Act of 1980, American Society for Environmental History Annual Meeting, Durham NC, March 2001

The Injustice of Law: Measure for Measure in Historical Context, Panel: Law, Learning and Judgment in Early Stuart England Reading “Measure for Measure” American Society for Legal History Annual Meeting, Princeton, October 2000

Litigating the Environment in a Common Law Framework: Private Property And Development in The Law of Nuisance, Panel: Constructing Environmental Law, American Society for Environmental History Annual Meeting, Tacoma, March 2000

Justice and Mercy, Law and Equity in Shakespeare’s Measure for Measure, Law and Literature Conference, Washington & Lee University, October 1999

Preserving Nature by Protecting Property: Constitutionalism and Environmentalism in 19th-Century New York, Panel: Law & Environmental Change, American Society for Environmental History Annual Meeting, Tucson, April 1999

Litigating Love Canal, Symposium on The Twentieth Anniversary of Love Canal: Lessons Learned, State University of New York – Buffalo, October 1998

Nuisance and the Common Law Heritage, Panel: *Lucas* and the Background Principles of the Law of Property, Association of American Law Schools Property Conference, Washington, DC, June 1997

Current Issues in American Environmental Law, Comparative Environmental Law Conference, Co-sponsored by Marmara University Faculties of Law and Environmental Engineering; and Istanbul Metropolitan Bureau of Water Supply and Diffusion, Istanbul, Turkey, June 1997

The Background Principles of the Common Law of Nuisance, NYU Law & History Colloquium, November 1996

Property Rights and Environmental Policy, Yale University Center for Environmental Law and Policy, Next Generation Project, May 1996

Metaphor and Metonymy in the Law of Takings, Legal Theory Workshop, Seton Hall University School of Law, October 1995

The Adirondack Park and the Northern Forest, Symposium on the Northern Forest Lands Study, Vermont Law School, October 1994

How Lucas Misunderstands Nuisance and Why, Centennial Symposium, Indiana University School of Law-Indianapolis, September 1994

One Hundred Years of Wilderness: Forest Protection in the New York State Constitution, Keynote Address , Centennial Conference of the Association for the Protection of the Adirondacks, Silver Bay, NY, September 1994

Late Nineteenth-Century Nuisance Law, Environmental Law Session, American Society for Environmental History Annual Meeting, Pittsburgh, March 1993

Constitutionalizing the Environment in the Gilded Age, Panel on Late 19th-Century American Legal History, American Society for Legal History Annual Meeting, San Francisco, November 1991

Constitutionalizing the Environment in the Gilded Age, NYU Law & History Colloquium, April 1991

Boomer Remedies for Nuisance in Nineteenth-Century New York, NYU Law & History Colloquium, April 1990

Christopher Tiedeman and Laissez-Faire Constitutionalism, NYU Law & History Colloquium, October 1989

OTHER PROFESSIONAL EMPLOYMENT

1984-88 Assistant Attorney General, Environmental Protection Bureau, New York State Dep't of Law
1981-84 Senior Attorney/Special Projects, Essex-Newark Legal Services, Newark, NJ
1978-81 Project Director, American Civil Liberties Union, Newark, NJ
1975-78 Associate, Morton Stavis, Esq., Newark, NJ
1973-75 Staff Attorney, Essex County Legal Services, Orange, NJ

MAJOR LITIGATION

Garden State Bar Ass'n v. Middlesex County Ethics Comm., 457 U.S. 423 (1982) - First Amendment challenge to ethics prosecution of civil attorney for comment on client's criminal trial. Of counsel and on the briefs.

United States v. Helstoski, 442 U.S. 477 (1979) - Prosecution of Member of Congress on indictment citing legislative acts as overt acts of conspiracy violates Speech or Debate Clause. Of counsel and second chair.

Helstoski v. Meanor, 442 U.S. 500 (1979) - Interlocutory appeal regarding defects in indictment of Member of Congress is available to preserve separation of powers. Of counsel and second chair.

Lair v. Fauver, 595 F.2d 911 (3rd Cir. 1979) - First reported case in Third Circuit upholding inmate's right to claim that Eighth Amendment requires treatment for mental illness. Lead counsel.

State of New York v. Hooker Chemical Co. (Love Canal), 722 F. Supp. 960 (W.D.N.Y. 1989) - Developed theory of strict liability to public for common law nuisance on which summary judgment granted for actual damages.

In re Mattiace Industries, 76 Bankr. 44 (E.D.N.Y. 1987) - First reported case holding Chap. 11 debtor can be dismissed from bankruptcy due to continuing environmental pollution; debtor enjoined from continued operation. Lead counsel.

State of New York v. US Metals Refining Co., No. 83-850 (D.N.J. June 30, 1986)(consent order) - Clean Air Act/common law suit against U.S. largest secondary smelter settled by defendant closing smelter, paying for cleanup. Lead counsel.

Calloway v. Fauver, 544 F. Supp. 584 (D.N.J. 1982) - Due process challenge to punitive custody for protective custody inmates. Preliminary injunction granted, modification of custody conditions granted at trial. Lead counsel.

United States ex rel. Merritt v. Hicks, 492 F. Supp. 99 (D.N.J. 1980) - *Habeas* granted thrice-convicted inmate after discovery of twelve-year police suppression of exculpatory evidence. Of counsel and second chair.

Williams v. Civil Service Comm'n, 66 N.J. 152 (1974) - Established due process right of provisional civil service employee to hearing before firing. Case brought under student practice rule, argued in New Jersey Supreme Court in first year of practice.

Edgerton v. Public Service Electric & Gas Co., Pet. No. 103-1983 (N.J. Bd. of Pub. Utils. 1983) - Petition granted for rule barring utility from billing customers for service diverted by others, codified as N.J.A.C. 14:3 - 7.16. Lead counsel.

BAR ADMISSIONS

New Jersey, New York, Supreme Court of the United States

LANGUAGES

French, good; Turkish, intermediate; Farsi, beginner