Features

An Interview with Shlomo Avineri
On the Middle East Peace Process ........ 12
David Rudenstine interviews this visiting professor of
political science, who offers fascinating insights on the
current issues facing Israel.

The Heyman Center:
At the Confluence of Business and Law .... 17
Vision and forethought have been the components that
make the Heyman Center successful in bringing issues
of corporate governance and new ideas about business
to Cardozo. Founders, faculty, alumni, and students alike
offer opinions on the reasons for its success.

BY ALICE WEIL

Preventive Corporate Lawyering:
Averting Accounting Scandals .......... 22
Too often corporate lawyers are either not on the scene
or are ill-equipped to advise on accounting matters.
Can a basic accounting course in law school provide
lawyers with the foundation they need to help avert
future scandals?

BY LAWRENCE A. CUNNINGHAM
PROFESSOR OF LAW AND DIRECTOR OF THE SAMUEL AND
RONNIE HEYMAN CENTER ON CORPORATE GOVERNANCE

New York, New York ................. 26
New York is back and more polished than ever.

BY PAULETTE CROWTHER

Training Lawyers in the Academy .......... 29
For years, there has been wailing and lamentation about
the "gap" between legal education and legal practice.
Cardozo's lawyering curriculum may be the solution.

BY MICHAEL HERZ
ASSOCIATE DEAN FOR ACADEMIC AFFAIRS
From the Dean

As Cardozo's new dean and one who years ago remembers Monrad Paulsen as his new dean (at the University of Virginia), I am pleased both to be here and to make the connection back to our joint beginnings in the law. Much has happened in the 20 years since this Law School's founding, but early connections remain meaningful and worthy of acknowledgement. I mark-it a propitious coincidence that my new assignment evokes earlier relationships and I hope you do as well.

Cardozo presents a fascinating professional opportunity and raises for me a challenging question: How can a law school that has been so successful in its first 20 years top that performance in its next 20 (or even 5)? The many ways to answer that question exceed my word limits here; let's just say my commitment is to help make the answers clear and broadly acknowledged.

Law schools are measured in a variety of ways. By books in the library, LSAT scores, faculty who publish prominently, and graduates who are employed by the leading law firms. But the best measure of a law school, in my experience, is how much it takes hold in the hearts and minds of its alumni. Some schools matter to those who went there because they mark a significant professional and personal turning point. Cardozo is clearly in that category. Why this should be so for a young institution is an intriguing proposition. For one thing, the School's ambition from the onset was to matter. It was structured that way by a founding dean and faculty and that spirit has been handed down through subsequent deans and faculties. It was also fortuitously placed under the aegis of an understanding and principled university. For another thing, the students who were initially attracted here were talented and adventurous risk takers; their spirit has helped make the institution what it is today.

The overriding impression of Cardozo in the legal community is of a serious institution that explores law to the fullest and is committed to transmitting that knowledge to the next generation of lawyers. Seriousness may sound like a vague standard, but I can assure you that a good number of American law schools fail to achieve it. At places like Cardozo, thousands of endless conversations about the law are started during the academic year by the faculty with students who internalize them and then go on to teach others as practitioners. In a sense we are replicating ourselves by creating perpetual students. Indeed, the word practice itself captures this spirit.

There are of course many things for a law school dean to do. Budgets and resources are usually at the top of the list, but mastering them does not really ensure success. Unless a school matters to its community—unless people care about it—all the resources in the world can't make it succeed. We have already passed the first test; now we can move on to the many other tasks that await us. I look forward to making this a collaborative venture.

Paul R. Verti

CARDozo LIFE
Paul Verkuil Appointed Dean

Paul R. Verkuil, a former college president and law school dean who has published widely in the area of administrative and regulatory law, has been named dean of Benjamin N. Cardozo School of Law, Yeshiva University President Norman Lamm announced in March.

Verkuil, dean of Tulane University Law School from 1978 to 1985 and president of the College of William and Mary from 1985 to 1992, will succeed Frank J. Macchiarola, who became president of St. Francis College last spring. Since then, Prof. David Rudenstine has served as dean \textit{ad interim}.

“Paul Verkuil was chosen after an extensive nationwide search that involved university officials and members of the Cardozo faculty and Board of Directors,” said Lamm. “He is a distinguished legal scholar and seasoned administrator who will bring to the deanship a wealth of talent, experience, and energy.”

“We are delighted to welcome Mr. Verkuil into the Cardozo-Yeshiva family,” said Earle I. Mack, chairman of the Cardozo Board of Directors. “At the same time, as he prepares to return to the classroom, we extend to David Rudenstine our deep appreciation and thanks for the outstanding job he has done this past year as interim dean.”

A 1961 graduate of William and Mary, Verkuil earned his law degree at the University of Virginia Law School. He also holds other advanced degrees from New York University and the New School of Social Research.

After graduating from law school in 1967, Verkuil worked as an associate at the law firms of Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison and Cravath, Swaine & Moore. From 1971 to 1978, he was a member of the law faculty at the University of North Carolina. He also taught law at Duke University and Indiana University.

In 1992, after serving a total of 14 years as Tulane's law school dean and William and Mary's president, Verkuil took a three-year assignment as president and CEO of the 38-million member American Automobile Association.

Since then, Verkuil has held visiting law school appointments at the University of Pennsylvania and Columbia University, and served as a special master to the US Supreme Court in a case involving the long-standing dispute between the states of New York and New Jersey over sovereignty of Ellis Island.

Four Professors Visit this Semester

Shlomo Avineri, Herbert Samuel Professor of Political Science at the Hebrew University of Jerusalem, is well-known to the Cardozo community. He has attended a number of conferences at the Law School and most recently played a key role in Cardozo's 1995 international constitutional law conference, "Justices at Work: An International Exchange." He is a graduate of the Hebrew University and the London School of Economics.

Avineri has five books to his credit and served 20 years ago as Director-General of Israel's Ministry of Foreign Affairs and as head of the Israeli Delegation to the UNESCO General Assembly in Nairobi. This semester marks the first time he is teaching at a law school. He has previously visited at Yale, Cornell, the University of California, the City University of New York, the Australian National University, and Oxford. In addition, he has been a visiting fellow at the Wilson Center, the Brookings Institute, and

**AELJ Named an “In Site”**

In “Finding the in sites,” a recent article published in both the \textit{San Francisco} and \textit{Los Angeles Daily Journal}, CSL's \textit{Arts & Entertainment Law Journal} was named one of three publications on the Internet where experienced lawyers as well as neophytes in the entertainment law field “can call up the latest academic articles...that focus on entertainment law.”

Find the AELJ at: http://yu1.yu.edu/cs/journal/aelj/
the Institute of World Economy and International Relations at the Russian Academy of Sciences.

His course, Politics, Society and Ideology in Israel, covers the general history, politics, and ideology of Israel and specific constitutional issues like church and state and human rights. It includes a discussion of the peace process in light of international politics.

While in New York, Avineri is working on two projects. The first concerns the democratization process in Eastern Europe, which is of special interest, he notes, with the reemergence of nationalism in these new democracies. From 1990 to 1992, he was an observer of the first post-communist elections in Czechoslovakia, Hungary, and Estonia. Now he is part of a study mission sponsored by the National Democratic Institute in Washington, DC, which will send a group to Serbia to ensure an open election process.

The second project is somewhat closer to home. Avineri is taking part in studying the developments in Israel during the peace process, including its impact on the political, economic, and attitudinal changes in his home country. "Peace creates a completely different environment that has a ripple effect on your daily life, your relationships, and your future interactions," he explains. "We have to look at our international relationships, too, including the restructuring of the one between America and Israel. Previously it was based on security concerns. Now we have to see what this relationship will become as Israelis experience a more 'normal' life." (see interview p. 12)

Kathleen Neal Cleaver claims that her career as a law professor, now in its third year, found her. Currently she is on leave from Emory Law School. "I wanted to be a trial lawyer..."
and quickly found out that not only did I need the energy of a champion tennis player—which I did not have—but I lacked the 'killer instinct.' Both are prerequisites to success. I wanted to be a kinder, gentler lawyer," offers Cleaver, who holds a B.A. and J.D. from Yale University.

During three consecutive fellowships—a Bunting Fellowship at Radcliffe, a semester as a visiting scholar at the W.E.B. Du Bois Institute at Harvard, and one at the New York Public Library's Schomburg Center for Research in Black Culture—she worked to complete her memoir, Memories of Love and War, to be published by Random House.

Professor Cleaver has been deeply involved in the struggle for human rights since the 1960s, when she joined the civil rights movement. Through her work with the Student Nonviolent Coordinating Committee (SNCC), she met Eldridge Cleaver, whom she married in 1967. She was a member of the Central Committee of the Black Panther Party from 1967 to 1971. When her husband went into exile in Algeria she joined him, and together they founded the International Section of the Black Panther Party.

It was upon their return that she left her husband and went back to school. She graduated summa cum laude, was elected to Phi Beta Kappa, and raised their two children.

At Cardozo she is teaching Pre-trial Practice and another course, Slavery and Anti-Slavery. It is an outgrowth of a paper that she wrote at Yale Law School, which looked anew at the Dred Scott Case. "The case is really about this man's personal effort to be free," she says. "He didn't go to court to change the law."

After her graduation in 1989, Cleaver was an associate at Cravath, Swaine & Moore in New York and later spent a year clerking for the Honorable A. Leon Higginbotham, senior judge of the US Court of Appeals for the Third Circuit.

"I am most interested in the law's ambiguities. While we believe that most laws are created to favor liberty, historically many perpetuate archaic notions about women and peculiar notions regarding family structure, particularly laws once applied to slaves." She further explains, "Sometimes bizarre, off-key decisions resonate long after the conditions that gave rise to them have vanished. When our Supreme Court makes these decisions, it does not create hope for a democratic society." She sees the FBI as antithetical to the idea of liberty. "What kind of democratic order allows surveillance and restrictions of its citizens by a political police force?" she queries.

When asked about the impact of the 1960s on our lives today, Cleaver postulates, "The '60s were a time when the unresolved issues of the Civil War were picked up again and revisited by a whole generation, creating an enormous amount of turmoil." She also points out very interesting societal parallels between the two centuries: "In both the 1890s and 1990s, you see a conservative reaction to the intense radical period of change experienced 30 years previously. Terrific strides were made by the '60s generation, but there are still failures: Newt Gingrich is also a product of this generation."

Anthony Sebok, an associate professor at Brooklyn Law School, lives a few short blocks from Cardozo and brings to the campus his enthusiasm for teaching first-year Torts and a seminar, Advanced Topics in Tort Law. Sebok holds a B.A. in philosophy from Cornell University, a Masters of Philosophy in politics from Oxford, a J.D.
The Fifth Annual Goods and Services Auction raised more than $10,500 for public interest summer stipends. Hundreds of students bid on items that included tickets to the Knicks, Rangers, Mets, Yankees, Jets, and Giants; and one set of Knicks tickets to attend a game with Prof. Barry Scheck. The highest bid? More than $1,000 for dinner at the home of Prof. John Beckerman.

The Ninth Annual International Law Careers Day drew a larger audience than in any previous year. More than 300 students from Cardozo and other law schools in the area attended to hear a variety of speakers in the areas of international law and organizations; as well as international business, trade, customs, and intellectual property law. Lee Stuart Sporn of Polo Ralph Lauren, L.P. addressed the issue of combating international intellectual property piracy in his keynote address. Panelists came from major law firms and accounting firms; and from organizations such as the World Bank, the United Nations, and the US State Department. The event sponsored by the International Law Society and the Center for Professional Development is held each year on President's Day. Edward Fagan '80 (above) was a panelist and shared his experience working on the Swiss Bank case. (See p. 34)

from Yale, and a doctorate in politics from Princeton. 
"When I became a law professor five years ago, I thought that I would teach jurisprudence and constitutional law. After teaching a first-year Torts class, I found that I loved teaching the subject. So much of torts is really applied legal and political philosophy," he explains. He believes that he has been able to get students to share his enthusiasm by illustrating the impact tort law has on people's lives, and by emphasizing the impact a lawyer can have on society and public policy, as well as on the lives of his or her clients.

As he puts the finishing touches on his new book, Legal Positivism and Modern American Jurisprudence, which will be published later this year by Cambridge University Press, he is doing extensive research in the area of punitive damages. This will lead to a law review article and his increased involvement in new legislation that is being proposed by the National Conference of Commissioners on Uniform State Law. At the invitation of the commissioners, he has already commented on the Model Punitive Damages Act. He spoke in March at the Association of the Bar of the City of New York, and is looking carefully at what happens to the legislation in Albany.

"This is a leading example of how tort law and public policy intersect and brings into play all of my academic interests. I hope
that it will help illustrate to my students the range of roles a lawyer can play."

Andras Sajo has had a relationship with Cardozo since 1990, when Prof. Michel Rosenfeld invited him to give a faculty workshop. Now he is in the middle of a five-year arrangement to visit regularly and teach courses like International Environmental Law, the European Union, and Comparative Free Speech—one of his own personal favorites. "The issue of free speech takes on a new international and continental perspective with the Internet and satellites," claims Sajo, who is head of constitutional law studies at Central European University and a scientific counsellor at the Institute for Legal and Political Sciences, Hungarian Academy of Sciences. "As a result, cases take on interesting international components and result in a real clash of cultures."

This semester, his class is looking at a hate speech case resulting from a home page produced in Canada that is filled with Nazi propaganda. The page has been censored in Germany. However, the issues of under whose jurisdiction the case falls and who will enforce the Court's decision remain very large questions.

In the next few months, Sajo intends to finalize the manuscript of his book, *The Self-Limiting Power: An Introduction to Constitutionalism*, to be published by the Central European University Press and distributed in the US by Cornell University Press. Sajo has a J.D. from Lorand School of Law and both a Ph.D. and a doctorate of Legal Sciences from the Hungarian Academy of Sciences.

Sajo sees a very interesting distinction between students here and in Europe: "American students are sometimes more ready to voice their opinions, even if they are not prepared. Then at the end of the semester, they turn in terrific papers." He credits the American educational system, which somehow allows and encourages incredible improvement. "In Europe, students seem much better prepared in class, but American students are able to write better." Or, he adds, "maybe it's the final packaging that is better."

---

**Single-Sex High School is Topic of Panel**

The Young Women's Leadership School in East Harlem, an all-girls public school, has drawn praise as well as provoked controversy since its founding this fall. *Cardozo Women's Law Journal* focused attention on the issue of single-sex schools with a panel discussion featuring the two opposing camps.

In support of the school were Ann Rubenstein Tisch, the school's founder; Coleman Genn of the Center for Educational Innovation; and Julia Cohen, the attorney for the Tischs. Michael Meyers of the NY Civil Rights Coalition and Ann Conners of the National Organization for Women represented groups opposed to the school. Former Dean Frank J. Macchiarola, who was NYC chancellor of schools, moderated the discussion, which centered on single-sex education and the question of whether this school is constitutional.

Located on East 106th Street, The Leadership School is the first public single-sex school in New York since the late 1980s, when Washington Irving High School became co-educational. It is in a district known for its diversified and innovative educational program, but one where large junior high schools have failed in providing strong academic programs.

Advocates for the school cited discrimination in the classroom and lower achievement by girls as the best argument on behalf of the school. According to Genn, girls in the district schools are treated poorly and are not called on as frequently as boys.

Conners, who fears that single-sex schools uphold traditional female stereotypes and exclude girls from opportunities available to boys in coeducational or all-male programs, suggested that instead of segregating the sexes, teacher training should be provided to ensure a more equal system of treatment. Meyers likened the concept of single-sex public schooling to racial segregation and indicated that his opposition was based on the fact that with the founding of the school, boys were experiencing discrimination.
Students Meet Eminent Professionals at Dean's Lunch

José Maldonado, commissioner of the NYC Department of Consumer Affairs, was among this year’s visitors to the Dean’s Lunch series, which brings to Cardozo leaders of New York’s legal and other professional communities. Discussions usually focus on the role of the lawyer in different contexts, and provide an informal way for 20 to 30 students to meet these guests.

The spring schedule includes Linda Fairstein, deputy chief, Trial Division, Sex Crimes Unit, Manhattan District Attorney’s Office; Catherine Samuels, president of the board, NOW Legal Defense and Education Fund; and Chauncey Parker, Assistant US Attorney. During the fall, Stephen J. Schulte, a partner at Schulte, Roth & Zabel; Susan Bernstein ’94, an associate at the same firm; Paul Crotty, Corporation Counsel, NYC; and Brooklyn District Attorney Charles J. Hynes visited.

The Latin-American Law Students Association sponsored “Justice Through the Eyes of Children,” an exhibit of inner-city children’s art that reflects their interpretation of the American legal system. The show was curated by two NYC community service organizations, City Arts and El Puente. According to LALSA president Elizabeth Franqui, “This exhibition gives us the opportunity to see how children picture justice, and gives them the chance to see us and know that the legal profession is open to people of color.” The mural pictured above is on Bushwick High School and is the work of participants in El Puente.

New Externship Opportunities Announced

A Family Court Clinic, an International Law Practicum, and a full-time externship at the US Attorney’s Office for the Southern District of New York have all been added to the Cardozo lawyering curriculum this semester. According to Michael Herz, associate dean for academic affairs, “These diverse offerings both typify and expand the range of opportunities available to our students outside of the walls of the Law School.”

The Family Court Clinic combines a seminar focusing on public policy, and the special jurisprudential and practical considerations of representing children, poor people, and families; and a clinical placement with attorneys who are representing clients in family court or with a family court judge.

The International Law Practicum places students with one of the departments of the United Nations Secretariat; a U.N.-related agency based in New York; a nongovernmental organization accredited to the U.N.; or, whenever possible, with U.N. Observer Missions like the European Union. Students spend 10 to 15 hours a week in the office and meet together weekly with Yassin El-Ayouby ’94, who oversees the program. Students get an intensive look at the law pertaining to these international organizations, the structure of the U.N., and the role of regional organizations.

At the US Attorney’s Office, students work closely with Assistant US Attorneys (AUSA) in the criminal division who are engaged primarily in white-collar prosecutions. They assist the AUSAs in trial preparation; accompany them to court and trial; participate in strategy sessions with law enforcement agents; and research and draft briefs, memoranda of law, and jury instructions.

“This is a wonderful opportunity for our students to do real work in the most high-powered and talented prosecutor’s office in the nation,” says Herz.
Hamilton Argues Before the US Supreme Court

This February, Professor Marci Hamilton fulfilled her dream of doing what her grandfather had done 50 years before her. In what Hamilton describes as “the most exciting day of my life,” she argued a case of religious freedom before the US Supreme Court.

Hamilton is the counsel of record for the city of Boerne, Texas, in its lawsuit against P.F. Flores, Archbishop of San Antonio, and the US. The Archbishop is represented by Douglas Laycock, a University of Texas law professor.

The case arose in 1993, when the Archbishop applied for a building permit from the city to enlarge a Catholic Church there. The city’s Landmark Commission recommended denial of the application based on a historical preservation ordinance enacted in 1991. After filing an appeal, which was denied by the Boerne City Council, the church filed suit, alleging that the historic preservation ordinance violated the 1993 Religious Freedom Restoration Act (RFRA). The case has brought up broader questions, such as whether Congress, in enacting the Religious Freedom Restoration Act, had violated the principle that the legislature may not alter the Constitution. Hamilton’s line of argument questions the constitutionality of RFRA and examines the power of Congress, specifically if “Congress has the right to redefine the meaning of the Constitution instead of enforcing it.” The case, which, because of its wider implications, has received extensive media attention, will be decided in June.

“The Court seemed receptive to our position,” said Hamilton, who added that “it was fascinating and educational to participate in the dynamic of the Court and to witness firsthand the personalities of the justices.” In 1989-90, Hamilton clerked with Associate Justice Sandra Day O’Connor, who posed the first question to Hamilton at the proceedings.

A week prior to the real event, Cardozo students and faculty packed the Moot Court Room to hear a mock presentation of Hamilton’s argument with Dean David Rudenstine, Associate Dean Michael Herz, and Professor Stewart Sterk acting as justices.

Several students helped Hamilton in the preparation of her brief. They were Steven Sparling ’98, Andrew Sacher ’97, Harley Goldstein ’98, Jonathan Bayer ’98, and Mark Oh ’98.

Sparling said, “It was incredibly rewarding to work on a case of such weight, to participate in making constitutional law, and to think that what we had worked on will form future laws.” He was proud to be associated with Hamilton, whom he describes as a perfectionist, a professional, and a great role model. “Her performance was splendid!” he said.

Sacher echoes Sparling’s praise of Hamilton. “Marci was far and away the most competent lawyer arguing before the court,” he said. “She never lost her rhythm and didn’t back down.”

After arguing a case before the Supreme Court, Marci Hamilton was mobbed by the press. She then enjoyed the moment with her research assistants (from left) Steven Sparling ’98, Harley Goldstein ’98, Mark Oh ’98, Andrew Sacher ’97, and Jonathan Bayer ’98.
and city of Washington took on a new resonance for him. "Seeing the statue of Jefferson, imagining what he had envisioned 200 years ago, and having participated in that process endowed this climactic day with a deep significance."

**PROFESSIONAL HONORS**

Marci Hamilton was invited to serve as an advisor to members of the Senate on the Congressional Responsibility Act, designed to reduce the power of the executive bureaucracy and place constitutional responsibility back in the hands of members of Congress.

John O. McGinnis received the 1997 Paul M. Bator Award from the Federalist Society, the largest group of conservative and libertarian lawyers in the country. The award given each year to an outstanding young legal scholar has in the past gone to Professors Akhil Amar and Stephen Carter of Yale Law School, among others. McGinnis' recent articles include "The Once and Future Property Based Vision of the First Amendment," in which he argues that free speech is best understood as a property right; and "The Decline of the Nation State and the Rise of the International Federalism," arguing that the world trading system is creating a new form of federalism.

Monroe Price won a Rockefeller Foundation Fellowship to spend a month this summer at the Bellagio Conference Center in Italy, where he will be working on a book on media globalization. He is editing a book sponsored by the Canadian Radio and Television Commission on the V-chip, a subject on which he has spoken and written widely, including a recent talk at the Media Studies Center of the Freedom Forum. He is currently editing a volume of essays on media policy in honor of the retirement of Lloyd Morrisett, President of the Markle Foundation.

**SPEECHES - PANELS - PAPERS**

John Duffy and Professor Price participated in a conference at Columbia University on the new Telecommunications Act and are writing an essay for the *Columbia Law Review* based on their presentation.

Paris Baldacci trained more than 50 legal services attorneys in how to litigate apartment succession rights cases for nontraditionally recognized families. The session was sponsored by Legal Services of New York. He is on the planning committee of the Society of Law Teachers conference, "Bridging the Classroom and the Clinic," to be held September 26-28 at American University Law School.

E. Nathaniel Gates completed the editing of a four-volume series of books, *Critical Race Theory: Essays on the Social Construction and Reproduction of “Race”* (Garland Publications). For each 400-page volume he wrote a thematic introductory essay corresponding with the title of the book: *The Concept of “Race” in Natural Science and Social Science; Cultural and Literary Critiques of the Concept of “Race”*; *Racialized History; and Judicial Isolation of the ‘Racially’ Oppressed*. Gates delivered a paper, "Fully Funding Family Values: Children, AIDS, and the Case for Law Reform," at the "It Takes a Village" conference held in Atlanta in April under the auspices of the National Black Leadership Commission on AIDS.

Malvina Halberstam was a panelist on "Legal Aspects of Post-Cold War National Security Threats: Controlling Terrorism" at the ABA's Conference on "National Security Law in a Changing World." Her paper was entitled "Playing Politics with Terrorism: US Opposition to International Criminal Court Jurisdiction Over Terrorist Offenses and the Failure to Prosecute Politically Prominent Terrorists in the US."

In addition to preparing and arguing a case before the Supreme Court in February, Professor Hamilton continued to participate in conferences around the country. In January, she spoke at the AALS Annual Meeting on "Why Moral Rights Do Not Fit Within the Constitution's Copyright
Clause/First Amendment Matrix; and was a panelist on “The Religious Freedom Restoration Act and the Workplace Religious Freedom Act in the 21st Century: Supreme Court and Congressional Action and Reaction” at the annual meeting of the International Association of Jewish Lawyers and Jurists, American Section. In February, she was a panelist at the annual Religion and Politics Symposium at DePaul University College of Law. In early April she was a commentator at the Fifth Annual Conference on International Intellectual Property Law and Policy at Fordham University.

Arthur Jacobson participated in a conference at the Shalom Hartman Institute in Jerusalem on “The Interpretive Traditions of Halakha and American Law,” which compared the internal logic of Jewish law and American law by analyzing their treatment of two difficult legal issues: how the legal system handles an error made by a court, and physician assistant


During the fall semester, Lela Love made several presentations on Alternative Dispute Resolution at the New York State National Conference on Dispute Resolution, the Association of the Bar of the City of New York’s Basic Skills Mediation Training Program, and Harvard Law School’s World of Law Panel on Careers in ADR. She conducted mediation skills programs for the CUNY faculty and for Hamline University School of Law Dispute Resolution Institute.

Michel Rosenfeld was in Paris in February to give a paper at the Programme Du Colloque International Constitution et Bioethique. Other participants included Constitutional and Supreme Court justices, including Associate Justice Stephen Breyer of the US Supreme Court.

Paul Shupack was a co-author of “Rethinking the Role of Recourse in the Sale of Financial Receivables” in The Business Lawyer. He remains deeply involved in the efforts to have New York adopt UCC Revised Article 8.

Ellen Yaroshefsky addressed the annual seminar of the Women Defenders Organization in San Francisco. After former Chief Justice Rose Bird addressed the assembly of more than 250 lawyers, Yaroshefsky spoke on “Ethical Issues for Women Defendants and Women Lawyers.” She is featured in a film about women defenders now in production.

Rudenstine among Finalists for Prestigious Book Award

The recently published book, The Day the Presses Stopped: A History of the Pentagon Papers, by David Rudenstine, has been named one of 24 finalists in the 17th Annual Robert F. Kennedy Book Awards. The winner will be named in the spring.

The annual contest awards a cash prize to the book that "most faithfully and forcefully reflects Robert Kennedy's purposes—his concern for the poor and powerless, his struggle for honest and evenhanded justice, his conviction that a decent society must assure all young people a fair chance, and his faith that a free democracy can act to remedy disparities of power and opportunity."

Some past winners are Toni Morrison for Beloved; Vice President Al Gore for Earth in the Balance: Ecology and the Human Spirit; and Neil Sheehan for A Bright Shining Lie.


John Beckerman is a newly appointed visiting lecturer at Yale Law School, teaching Complex Civil Litigation.

Barry Scheck signed an exclusive deal to work with NBC News. He provided commentary on O.J. Simpson's civil trial for The Today Show and MSNBC's Internight. In addition, The Innocence Project is being featured on Dateline NBC in segments called "Falsely Accused/Wrongly Convicted," focusing on clients assisted by Scheck and his students through the Project. Sheldon Silver, speaker of the New York Assembly, appointed Scheck a commissioner of the Forensic Science Review Board, a group that regulates crime labs throughout New York State.
RUDENSTINE: Let's begin with a look at the course of events since the election and the assumption of office by the Likud government in Israel. As an outsider living in New York, I have to confess surprise, given the rhetoric of the election, that the new government seems to be going ahead with the implementation of the Oslo agreement. What accounts for this apparently radical shift in attitude?

AVINERI: There certainly is something surprising here. I would say that there is something at work called the logic of events, or the logic of the situation. According to Likud, the election campaign was an anti-Oslo campaign in the sense that Oslo said Israel should give up part of its history, which we shouldn't do. We're negotiating with the PLO (which shouldn't be our partner), and we're not getting adequate quid pro quo for Israeli concessions.

But once in power, the Netanyahu government found itself in a dilemma, and the dilemma is a serious one. There is an agreement. The agreement was signed by an Israeli government. There is an American guarantee or underpinning to that agreement—after all, the agreement was signed on the White House lawn.

There is also a new reality. Arafat has been in control of Gaza for more than two years and most of the urban areas in the West Bank are controlled by the PLO, so it is impossible to roll back Oslo.

One of the great things about Oslo is that it's not just an agreement, however. It was portrayed and presented by both sides as an historical compromise. It developed a kind of relationship between the leaders of both sides— erstwhile enemies are becoming allies in a common enterprise. Both sides are trying to overcome decades of enmity and politicalization and hate. Since Oslo, they have gone through a very agonizing, difficult process of de-escalation, going back on what they have preached for many, many decades.

However, the relationship Oslo has created since Netanyahu came to power is minimal and quite formal. So perhaps the spirit of the agreement is missing. This government is carrying out the agreement, but sometimes with bad grace by saying, "We have no choice, we have to do it."

RUDENSTINE: What do you think about the government's decision to build housing in East Jerusalem and what will be its likely impact on the course of future events?

AVINERI: This is certainly one of the more controversial decisions of the Netanyahu government, not only in regard to the Israeli/Palestinian relationship, but to the internal Israeli debate.

One should make a distinction, however. The question is not whether Israel has a right to build in East Jerusalem—the point is that Jerusalem is the most sensitive issue in the whole peace process. Everything that has to do with Jerusalem creates waves and there is a lot of attention paid to it.

RUDENSTINE: Since the government seems to be implementing the Oslo agreement, one would think that they would want to do so with as little difficulty on the home front politically as they could. Why then would it go ahead and make a decision to build the housing, knowing that it would ignite tensions and make further implementation much harder?

AVINERI: It's a good question. If I could, I would ask the Prime Minister that question. I see a certain lack of political wisdom in the decision. These issues are very
emotional; and certainly anything that has to do with Jerusalem is highly emotional for all sides: Jewish, Arab, Moslem, and Christian. We will have an agreement on Jerusalem only when each side is willing to accept the sensitivities and the sensibilities of the others, and does not do things that may exacerbate a complicated situation.

At the moment, the Palestinian authority is doing everything possible—and this is publicly acknowledged even by the Israeli government, despite some criticism after the Tel Aviv Café bombing—to have the Palestinian protests against the decision navigated in a peaceful way.

**RUDENSTINE:** What should Israel do to reduce tensions between Palestinians and Jews? Especially to foster regional trust and friendship. How long would you guess it would take for there to be some mutual achievement and success towards these goals?

**AVINERI:** I would try to do two or three things on the Israeli side that are very important, because they are symbolic. Language is first. It is very important for an Israeli leader to address the Palestinians the way in which Yitzhak Rabin did several times on television. When speaking to the joint session of the American Congress, he said about the Arab people, “We have fought against each other. The time has now come to put this war to rest.”

Now this is not a political concession. This is language; and it’s very important to the other side. Arafat should do similar things, which may be difficult for him, given his past. I mean, he’s not exactly a conciliator.

We also must realize that we are dealing with an historical process, and this has to be done very carefully. You have to defuse it like a bomb, layer by layer, realizing that at the core are a lot of issues, which at the moment cannot be resolved. Jerusalem is one.

I would advise every leader on the Israeli and the Palestinian side not to bring up issues connected with Jerusalem. Don’t focus on Jerusalem, because if you do, you run the risk of undermining the many other issues where you may have a lot of agreement.

And the last thing I might call a perceptual issue. There is daily coordination and cooperation on the operational level between Israel and the Palestinians. The Oslo agreement has stipulated that Israeli and Palestinian commanders have a joint operation, run joint patrols, and jointly try to carry out an agreement, which is very complicated because of the gerrymandering of the territory and the provisional quality of some of it.

However, I would like to see on TV two jeeps—an Israeli and a Palestinian—jointly patrolling the border in order to see the give and take that is happening in reality between Israelis and Palestinians on a daily basis.

A few months ago an Israeli soldier started shooting in the marketplace in Hebron and was immediately overpowered by his Israeli commander. The atmosphere was very, very tense and some people were injured. Israeli TV immediately switched to live coverage. The Israeli public saw the Israeli Chief of Staff and Minister of Defense with very worried faces. Then the head of Palestinian security—who is known to Israeli viewers because he spent more than 15 years in Israeli jails as a terrorist and speaks perfect Hebrew—was seen on Israeli TV. He looks at the camera and says in perfect Hebrew, “We’re doing our job; the Israelis are doing their job. Don’t worry, it will be okay. Now, get off my back.” He was very low-key, very non-confrontational; and strangely enough, it was the head of Palestinian security who was able to reassure the Israelis that we’re going to work it out.

**RUDENSTINE:** I realize that events of the last two to three years already constitute a major departure from things that had happened before. Can we look forward to a time
The Gulf War had a dampening effect on the dream of Arab unity.

10 or 15 or 20 years from now when trust and confidence won't be so dependent on the sudden emergence of a leader who happens to speak Hebrew? And what does it take to get there?

AVINERI: We are in the current situation not just because of the goodness of Rabin and Peres and Arafat and Netanyahu, but because structural things have changed in the Middle East. Perhaps the most important is the end of the Cold War, and with it the disappearance of the Soviet Union and the strategic umbrella it gave to the Arabs, offering them the hope that they could continue with a policy of nonacceptance of Israel and that one day, with Soviet help, the Arab nations could push Israel back to the '67 borders if not into the sea.

The Gulf War had a dampening effect on the dream of Arab unity. It was a great trauma to the Arab side—something not totally appreciated in the West. One Arab country attacked another Arab country, occupied it, abolished its sovereignty; and then the attacked country called the Americans to intervene. An Arab intellectual told me, "To us, the Gulf War was as traumatic as the Civil War was to Americans."

If you look at the 1970s, the Arabs had the Soviet bloc and the Third World on one hand and Saudi money on the other. This is a very powerful combination. Now Communism isn't here anymore, and it's not going to be resuscitated. The power of oil and oil money have been greatly diminished. So the strategic balance in the area has changed, giving the peace option a chance—something the Arabs did not even want to entertain for many years.

Now we need to work out the building blocks of peace and, therefore, trust.

RUDENSTINE: What about Syria? Syria has its own relationship now not only with Israel, but with the rest of the Arab world.

AVINERI: Here I'm a little bit less optimistic. If you ask me if there is going to be a war with Syria, then I would say no, highly unlikely. And the main reason is that Syria does not have a Soviet umbrella. In previous wars, Syria and Egypt knew that if they lost a war and hundreds of tanks and planes, they would be resupplied immediately by the Soviet Union: as happened in '67 and '73.

Now Syria knows if it gets involved in a shooting war with Israel, regardless of the casualties it may inflict on Israel, hundreds of Syrian planes and tanks will be lost and there will be no resupply—a net loss that may bring down the regime.

So, no, I do not think there is a danger of war. However, I do not see the Syrian leadership moving towards accommodation with Israel more than it already has. The Labor government did make a very generous offer to the Syrians: full diplomatic recognition, full normalization, open borders, full peace. In exchange, we were ready to give up practically all of the Golan Heights.

It was an offer that many Israelis thought the Syrians would not be able to refuse. Yet the Syrians refused. So certainly this government is going to offer them less. How much less we do not know, but certainly less.

One of the most astute Middle East commentators, Bernard Lewis, said a few months ago in regards to this offer that the Israelis sometimes don't understand the minds of the Syrians. Israel asked Syria for normalization, which, according to Lewis, is a kind of relationship that Syria does not have with any of its other neighbors: not with Turkey, Iraq, Jordan, or even Lebanon, which Syria has not recognized despite the fact that it controls the country. So what Israel asked the Syrians under the rubric of normalization is something abnormal to the Syrians.

Now things may change in Syria. Every leader is mortal. Assad has been in power a long time. He has been rumored to be very ill for many years, yet survives. But one day there will be a change. Things can go in at least three directions. There can be more of the same. You
could have a new Syrian leader who will find it easier than Assad to follow in the way of Egypt and Jordan and the Palestinians towards a more accommodating attitude.

The third alternative is that there will be a period of instability in Syria. Syria had decades of instability before the 1970s. This instability could lead to an attempted confrontation with Israel. I don't think it's very likely, but it is not something we should rule out.

If I had to put money on it, I would say to expect more of the same. The status quo is bearable for Syrians; it's bearable for the Israelis.

RUDENSTINE: Short of political instability or a change of power, are there any other developments that might make the Syrian government change its relations with Israel?

AVINERI: There is a cost to Syria's present position. Syria is not exactly a pariah state, but it is on the borderline. It is in the doghouse internationally. It is blacklisted by the United States. There are economic consequences. This is not something people would choose if they had an option. Of course, this has been Assad's policy for 20 years, but I could see a new leadership reassessing the plusses and minuses and seeing that they are on the losing side of a lot of things that are happening.

Many smaller countries, like Jordan, are experiencing enormous economic booms, partly as a result of the peace process, and partly because of the liaison with the United States. The same applies to Egypt. It is a very different country economically compared to 10 years ago, and the Syrians are left out.

RUDENSTINE: What about Islamic fundamentalism as a force that may create instability in different governments in the Mediterranean area? Might this have a ripple effect on Israel and Israel's relationship with its neighbors?

AVINERI: Again there is a nuance here. There is a tendency to equate fundamentalism, terrorism, and an extreme anti-Western position with any attempt to return to Islam as a belief system. For the last 150 years, Arabs and Arab Muslims have tried to adopt western culture, philosophy, modes of dress—to assimilate. And it didn't work. Now some people are saying, let us go back to our own culture, which is not dangerous to the West or even to Israel. The danger is really to the moderate Arab regimes—since it may have a consolidating effect in the Middle East.

You have on one hand those countries and unions interested in moderation, stability, and reconciliation: Israel, Egypt, Jordan, the PLO, and Turkey, which has a moderating element. On the other hand, you have those countries that would like to see destabilization: Iran, Iraq, Syria. This means Israel is no longer alone: We have allies. There is a new emerging strategic alliance between Israel, Egypt, Jordan and the PLO, and some elements in Turkey against fundamentalism.

RUDENSTINE: What about the role of the United States? Especially since the collapse of the Soviet Union. What is the new role of the United States?

AVINERI: In a paradoxical way, not much. You have one superpower remaining, and you imagine that it is all powerful; but it's not, as seen in Bosnia.

And if I would look for formulas, I would say the United States can be a great facilitator, but not an initiator. It cannot force the political will of the local people. The United States did not initiate Oslo. However, it facilitated it politically, by financially helping the weaker side (the Palestinians), and by ensuring Israel's security.

When the United States tried to be the initiator, as in the Israeli-Syrian talks, Secretary of State Warren Christopher visited Damascus 24 times, at least 10 more times than he visited Beijing. He was able to occasionally achieve a ceasefire, which was very important on Hezbollah issues, but he wasn't able to achieve a breakthrough. Why? The political will on both sides wasn't yet ripe. My guess is that the new Secretary of State will learn from this story. The US should be ready when both sides are ready, but only as a facilitator.

RUDENSTINE: As the Soviet Union has vanished from the scene, one might have expected that the US, as the only remaining superpower, would have more influence than it does. But in your view, its role as a superpower has been greatly diminished.

AVINERI: You can have many superpowers, but you need a minimum of two. You cannot have one. If there are two, they are sort of mirror images of each other in terms of mobilization, resources, ideology, commitment. The whole might of one is there to stop the huge power of the other. When this disappears, the commitment to send American troops abroad is different: It's not there.

It was an unwritten American foreign policy for 30 years that the American people were ready to "nuke" the Soviets under certain conditions. But they're not ready to put soldiers in harm's way against a bunch of Serbian bandits in Bosnia, because they are not directly threatened as they were by "World Communism."

So you turn inward, toward your own domestic affairs. Some are meaningful and others more trivial, like certain events that made headline news in the past three years—certain trials that I'm not going to mention, which might not have made the news had there been a Berlin Wall or a confrontation with the Soviet Union or a Cuban missile crisis. When you're the only superpower remaining, you're not one anymore. You need two. It is paradoxical and counterintuitive—but in a way, logical.
Ten years ago—during one of the century’s most tumultuous financial decades—GAF Corporation Chairman and Chief Executive Officer Samuel J. Heyman and his wife, Ronnie, made a generous gift to Cardozo. Several years earlier Mr. Heyman had won a landmark proxy contest to acquire control of GAF, and Mr. and Mrs. Heyman shared a strong conviction at the time that American corporations were neither sufficiently responsive to the interests of their shareholders nor bottom-line oriented enough to be fully competitive in the worldwide economy.

And so as the 1980s drew to a close, they established the Samuel and Ronnie Heyman Center on Corporate Governance with a $1 million lead gift. In so doing the Heymans—both of whom were trained as lawyers—created a think tank for scholars, executives, attorneys, and outstanding students. It enabled Cardozo to become a center for the study of business and its relationship to law and the role of business in modern American life.

Now the views of the Heymans have proven quite prescient. American corporations have become decidedly more shareholder oriented (sometimes with the prodding of more demanding shareholders); and in the course of things, American industry has become the most competitive in the world today.

Under the auspices of the Samuel and Ronnie Heyman Center on Corporate Governance, students, faculty, and guests have been invited to hear lectures by everyone from Carl C. Icahn to T. Boone Pickens and US Senator Frank R. Lautenberg lecturing on “The Socially Responsible Corporation.” Conferences have also been held on environmental preservation; and this fall the legendary investor Warren Buffett drew a record crowd when he attended a two-day symposium on his annual letters to shareholders of Berkshire Hathaway Inc. Mr. Buffett’s philosophy is one of patient investment for the long term, and he shared his views on the proper role of shareholders as suppliers of capital.
"The Buffett Symposium is certainly a significant demonstration of the Heyman Center's resources and our ability to lead the way," says Prof. Lawrence Cunningham, who organized the conference and has been named director of the Heyman Center beginning in September. Professors Charles Yablon and John O. McGinnis, both of whom teach corporate law, have been influential in the success of the Center as well.

"There is another important aspect of the Center," explains McGinnis. "We send students out to be interns in corporate counsels' offices, and each of us supervise these internships. We have the students do a short paper on, generally, a research topic."

Yablon also sees the beauty of the Center's practical approach to problem-solving in the business world and teaching corporate governance. "Although we are trying to take an academic and theoretical approach, we all know that business is really a very practical kind of thing," he says. "You can't have a theory of business that isn't being constantly challenged and affected by what's going on in the real world. In fact, in this field, it's usually the case that the practices come first and the theory comes afterwards. It was only after, for example, the growth of hostile tender offers in the late '70s and '80s that you began to get the academic literature trying to understand why this sort of thing was happening."

That mandate to teach corporate governance is important to a law school where corporate lawyers are groomed. "Lawyers influence clients in this area," says Arthur Liman, the renowned senior partner of Paul, Weiss, Rifkind, Wharton & Garrison.

"People have to run businesses and businesses run our lives," says Ronnie Heyman. She graduated from Harvard University and Yale Law School and serves on the Yeshiva University Board of Trustees, the Cardozo Board of Directors, and the National Council for the Arts. A photograph of her and first lady Hillary Rodham Clinton rests on an end table in her library, where a wall lined with law books is opposite a work by Andy Warhol. Clearly, Ronnie and her husband have varied interests that range from their contributions to Cardozo and other educational institutions to their involvement in real estate, the arts, and the future of corporate governance.

Crisscrossing paths with his wife, Mr. Heyman graduated from Yale University and Harvard Law School. Afterwards, he worked as a lawyer for the United States Justice Department and served as an Assistant United States Attorney for the District of Connecticut.

He left government service in the 1960s to run Heyman Properties, his family's Connecticut-based real estate business. Then, in 1983, the shopping mall developer won control of GAF—a chemicals and roofing materials company—in a landmark proxy fight.

"Sam acquired his role at GAF because the shareholders voted him in over a management that wasn't sensitive to shareholder interests," says Liman, underscoring the fact that a proxy battle is a democratic way of changing management because the shareholders vote. It also helps explain the wellbeing of the Heymans' abiding interest in shareholder rights and corporate accountability.

Monroe Price—an old friend of Mr. Heyman's from Yale—was dean of the Law School in the '80s and was instrumental in facilitating the founding of the Samuel and Ronnie Heyman Center on Corporate Governance. The Center's birth coincided, however, with a dramatic downturn in the stock market. Ronnie recalls that "the date we picked for the benefit dinner announcing the opening of the Center was October 27, 1987." For those who have forgotten, it was "one week after Black Monday, when the market went down 500 points."

Her husband had offered a leveraged buy-out deal of $66 per share to his board of directors at GAF, which had been refused. Heyman withdrew his offer. Then stocks plummeted, dropping the value of GAF stock to $33. Ronnie wittily tells how the couple rushed home early from a vacation to field calls from frantic arbitragers wanting to know the status of the deal. "One arbitrageur called and said, 'I just want to know one thing. Are you still having that dinner next Tuesday?'"

The answer was yes. "The tickets had been sold back in September. Everybody came and it was a wonderful evening. That was the real launching of our corporate governance center,' she says, which "rose like a phoenix" from a fire.

After all the dust had settled, Mr. Heyman bought GAF for a price that was less than his original offer but higher than the market price before the crash.
Over the years, the Heyman Center has sponsored many speeches, conferences, and seminars, some of which have been published in the *Cardozo Law Review*. The inaugural “Conference on Corporate Governance” in 1987 was very influential. According to Cunningham, “Scholars, lawyers, and judges have drawn on it throughout the past decade.” A symposium called “Taking Stock: Reflections on Sixty Years of Securities Regulation” marked the 60th Anniversary of the federal securities laws and contained a number of articles that have been regarded as among the best pieces in the field. (The Buffett Symposium will be published in the *Law Review* and republished as a book.)

Cunningham says that more recognition will come. “In *U.S. News & World Report’s* survey of the best graduate schools, they identify the best law schools in a range of categories like intellectual property, clinical programs, and entertainment law. One of the categories ought to be corporate and business law. They don’t have it yet, but they certainly should; and if they did, Cardozo would be on that list toward the top,” says Cunningham. The Heyman Center helps give the school an identity in the New York legal community and the fellowships and stipends are a stepping stone for students. In a joint venture between the Heyman Center and the American Corporate Council Association, students are enabled to intern during the academic semesters at major corporations in the metropolitan area.

“Most companies will not accept young lawyers fresh out of law school,” says Rosemary C. Byrne ’80, Vice President and General Counsel of Intercontinental Monetary Corporation. But interning at a corporation may help. In addition to contacts made, Byrne emphasizes that students learn “something of the judgement” that is “so essential” in business.

“I think from childhood on one of the ways we learn to make decisions is by seeing decisions made,” she says. “You observe the process.” If lucky enough to get an internship, yes, write the obligatory paper, “but you should also be talking to people and observing what happens in the halls. Who talks to whom? How does business truly get conducted? Only by taking the legal blinders off do you really learn a lot about corporate governance.”

After graduation, Byrne went to work as a litigator at Cadwalader, Wickersham & Taft. There she met a client who became her future employer. She has these words of advice. “Even if you’re working in the litigation group of a large company, part of what you’re learning, if you’re observant, is how lawyers at private firms are successful or unsuccessful in dealing with corporate clients.”

Like many others, Byrne sees the mission of the Heyman Center as twofold: offering students stipends and fellowships and examining significant corporate issues at the upper echelon.

William S. Rubenstein ’81, has given these issues a good deal of consideration as a partner at Skadden, Arps, Slate, Meagher & Flom and cohead of their Financial Institutions Mergers and Acquisitions Group. He has been involved in many proxy fights and bank mergers over the years; and it is instructive to learn what he has to say about the issues new and old that are teasing corporate sensibilities.

“The story’s always a little different,” he says, “the dynamics are always a little different. Every company has its own history.” But Rubenstein hastens to emphasize that many conflicts come down to “the credibility of
management, which by definition intends to more or less preserve the status quo—and a dissident stockholder or a raider (two very different animals) “agitating for some kind of change.” When it comes to a dramatic change—like selling off a division or putting the company in play—Rubenstein reminds that short-term gains and long-term goals may not be the same. “You really have to assess the fundamentals of the company and what its growth prospects are to make a judgement about whether change is the right thing, or whether you enhance shareholder value over the long run by remaining independent or whole. Sometimes illusion and reality are hard to separate.” Other issues, too, are on the horizon for corporate lawyers. Price has his eye on the structures of the telephone companies and the new Telecommunications Act of 1996. McGinnis is interested in global trade laws and what forces will shape them in the future.

And another corporate dream? “I don’t see a very sharp separation between economics and biology,” McGinnis says. He would like to explore the biological roots of human motivation in a corporate hierarchy. Perhaps the distinguished entomologist and biologist, Harvard science professor E.O. Wilson, would have something to contribute. The inquiry seems in keeping with Cardozo’s openness to different disciplines.

Price insists that “I’m not a corporate dreamer.” That said, he can’t resist rising to the challenge of naming whom he would next like to see at Cardozo under the auspices of the Heyman Center. “The Chairman of the S.E.C.,” he says, “or I’d love to have Michael Milken come.”

(A reporter at The Wall Street Journal agrees with Price. Why? “Because Milken’s reinvented himself; and it would be interesting to hear what he thought was good corporate governance.”)

It is undeniable that the Heyman Center has coincided with “a total public reexamination of corporate governance,” says Cunningham. And Price concurs. “Institutional investors now think long and hard about their role as shareholders in ways they didn’t before,” he says. “I think the Heyman program—together with other programs—has raised awareness.” The American Law Institute, in particular, has, during the same time, been constantly at work on a project called The Principles of

THE HEYMAN CENTER supports fellowships and stipends that enable students to work in the field of corporate governance. Stipends are awarded for full-time summer internships in the area of business regulation at a variety of public and quasi-public agencies including the New York Stock Exchange, the National Association of Securities Dealers, and the U.S. Securities and Exchange Commission.

The Heyman/American Corporate Counsel Association (ACCA) In-House Counsel Internship Program provides seminars and fellowships to second- and third-year students who work with in-house attorneys during the school year, learning the structure of the corporation from the inside. Participating students can attend a wide range of ACCA meetings on antitrust updates, labor relations in the '90s, corruption in the global marketplace, and information management in the technology age. However, the most important part of the program is the hands-on experience that students obtain. In recent years, Heyman/ACCA student interns have worked at American Express
Corporation. In fact, the Heyman Center has been a forum in which to analyze some of this progress, as seen in a conference dedicated to "The ALI Principles of Corporate Governance and the Future of Corporate Law" in 1993.

"However, one should understand the idea of corporate governance very broadly," says Cunningham. "It encompasses international trade, commercial transactions, bankruptcy, contractual relationships. And this bundle of ideas has interested the Cardozo faculty since its founding. The Heyman Center fits in culturally. It's a vibrant center for the exchange of ideas.

"One of the things that made the Buffett Conference so successful was precisely that we engaged people who had been speaking past each other for decades in conversations with each other. People from very different camps in the academic world were fully and directly engaging one another. And, I think, learning from each other in a very significant way. That's very unusual," concludes Cunningham.

Says Sam Heyman, "It is very gratifying to see the terrific job that Cardozo has done in positioning the Heyman Center at the forefront of the debate on corporate governance issues. While Ronnie and I provided the original concept and the financial wherewithal to establish the program, Cardozo is to be commended for making the Heyman Center what it is today."

The next chapter of the Heyman Center is to give it "prominence in the New York legal community, enhanced stature in the academic community across the nation, and a stronger presence in American corporations," predicts David Rudenstine, former interim dean.

The Heyman Center is in the market for people and ideas. In this challenge, Cunningham takes Warren Buffett's investment philosophy to heart. The billionaire from Omaha believes that there are lots of businesses whose prices in the market are lower than their intrinsic business value—and that identifying those companies is what successful investing is all about.

"We are in the business of identifying undervalued ideas," Cunningham says, "and believe me, there are more gems out there."

ALICE WEIL has worked for many magazines in New York.


Lisa A. Small '98, was a legal intern at Gulf Insurance Group—a member of Travelers—during the fall of 1996. "It's very rare for a second-year student to have the opportunity to go in-house," she says. "Most lawyers don't have that opportunity until they've already been trained in a large law firm."

As for what was accomplished:

"I was working on corporate filings, making sure that Travelers was able to do business in certain states," says Small. "I also did research on recent changes in the industry, such as a new securities reform act that will have an impact on insurance liability."

Small's boss "was a great mentor," she says, "and this kind of experience is very important. It helps teach professionalism and how to interact with people. Meanwhile, I got a good look at some of the legal issues facing a corporation. Perhaps most important is the experience I gained that will be helpful in the future. I am sure it helped me to land my current internship with Judge Sterling Johnson, Jr., Federal District Judge in the Eastern District of NY in Brooklyn, and I know that upon graduation these experiences will be critical in getting the job I want."

Louis D. Greenstein '97, "always had an interest in securities law," he explains, "even when I was a business major as an undergraduate." Greenstein won two Heyman Fellowships. In the summer of 1995, he worked for the National Association of Securities Dealers in New York, in the Arbitration Department; and the following year he received a place in the summer honors program at the Securities and Exchange Commission (S.E.C.) in Washington, DC. After taking the Bar in July, he will begin working at the S.E.C.

"The Heyman Fellowships have led me directly down the path to exactly what I want to do. Without them, I don't know if I would be where I am today," he says. "They gave me the opportunity to take jobs that I wouldn't have been able to afford to do."

He believes that his summer experience—and a semester internship at The New York Stock Exchange Division of Enforcement—helped him win the job he will take upon graduation. "Securities law, in particular, is a very difficult field to get into," he says. "First and foremost, they want experience within the industry."

His summer internships yielded another dividend, too. "They opened a lot of doors for interviews with firms that typically only look in the top 10 percent of the class. They were very interested in the fact that I had experience with the S.E.C."

As for his long-term goals: "I would like to work my way up through the Commission to be a director of enforcement; or eventually, I might like to be on the transaction side of securities law—involved with public offerings and/or compliance issues.

Last summer, I noticed that almost every single attorney appearing before the Commission—with very few exceptions—was a former S.E.C. staff attorney. It was a real eye-opener. Since I want to have a future in this industry I realized that it was by far the best place to start."
Bookkeeping mischief at major corporations like Mercury Finance, America Online, Pearson, and others has left scores of corporate professionals embarrassed, investigated, fired, and, in the case of Centennial Technologies, jailed. Hundreds of corporate employees are at risk as their employers face insolvency or worse. Multimillion dollar lawsuits loom. Substantial capital has been misallocated. A lot of money has changed hands.

People commonly ask, where were the auditors? The boards? The market? Auditors can be fooled or co-opted, and board-designed internal controls such as multiple crosschecks or approvals of accounting data are often ignored. Markets digest financial information as reported, and a long time can pass between use and detection of aggressive or irregular accounting.

A rarely asked question is how lawyers can help avert accounting scandals that ultimately are in no one's interest, even those tempted to perpetrate or condone them. Lawyers are frequently positioned to help, given their proximity to the situation; too often they can't help, however, due to inadequate training in accounting and bookkeeping fundamentals. Thanks to the financial scandals plaguing numerous corporations this past quarter, many lawyers are now learning advanced accounting.

Accounting shenanigans are not new: There is almost always some pressure to engage in them. Many pending scandals suggest that pressure to use irregular accounting is especially acute at businesses with poor economic characteristics or facing tough competitive conditions. As The Wall Street Journal noted in reporting the accounting irregularities at Pearson's Penguin books division, "Pearson already is under fire from shareholders for lackluster performance, an unfocused strategy and a hodgepodge of assets." Mercury Finance lends to sub-prime credits in the used-car financing industry, where constant portfolio growth is both necessary to minimize the percentage of bad loans and disastrous, as competition forces lenders to fish the very bottom of the borrower barrel. At America Online, the brave new world of cyberspace poses serious business challenges: such as determining which business segments will be franchise opportunities warranting additional investment and which will be commodity businesses warranting far less.

A corporation's contractual profile may increase pressure for aggressive or irregular accounting. Incentive compensation agreements triggered by meeting sales or earnings targets may encourage accounting games, as some have suggested happened at Mercury Finance. Pressure to use accounting finesses to comply with covenants in loan agreements, settlement agreements, or consent decrees often proves irresistible. Planning for additional financing can add pressure to paint pretty pictures of dismal performance.

Lawyers may not be in a perfect position to understand these pressures or to assess the incentives they create for fabricated reporting. But attuned lawyers can watch for aggressive accounting, and underscore for auditors and managers the enormous legal and public relations risks it poses. A lawyerly reminder of the recent massive jury verdict against Coopers & Lybrand following the Phar-Mor Inc, debacle and the multimillion dollar settlement by Ernst & Young after the Lincoln Savings and Loan meltdown can motivate supine auditors. Reminding managers that Charles Keating and (Crazy) Eddie Antar did jail time and that the CEO of Centennial Technologies is behind bars can thwart managerial temptation. And highlighting the dozens of annual SEC enforcement actions charging fraudulent financial reporting can accomplish both ends.
To convince participants to heed these warnings, however, lawyers must also know basic accounting. Grasping most problems requires only a rudimentary understanding of simple bookkeeping rules and their relationship to financial statements. Double entry bookkeeping requires that, for every transaction, a debit (accounting jargon meaning a left-side journal entry) and a credit (meaning a right-side journal entry) in equal amounts be made in accounting records. The double entries keep balance sheets equalized and sustain the relationship between net income and owners' equity. In particular, increases in asset or expense accounts require debits, and decreases in them require credits; increases in liability or revenue accounts require credits, and decreases in them require debits.

These bookkeeping rules are inviolate. So short of making up or not recording transactions, the tricks are played in classifying them as an expense or an asset, or as a liability or a revenue. What eventually is called fraudulent or scandalous, moreover, does not always begin as gaming. Difficult judgments are often necessary in deciding how or when to account for a transaction. In making a judgment, though, managers and auditors may be tempted to make the call most favorable to the reporting company, even if it is aggressive. A lawyer aware of special pressures to do so and sufficiently conversant with accounting to understand a judgment's dubiousness can often make the difference between nurturing the roots of an accounting scandal and nipping one in the bud.

There are lots of techniques for aggressive accounting and lots of circumstances that call for difficult judgments. Yet many recent accounting scandals have a simple thing in common: Earnings were inflated by treating as an asset what should have been treated as an expense.

Take Pearson's accounting for book sales through its Penguin division, for example. Sales made on credit require two entries in equal amounts: a debit (a left-side entry) to Accounts Receivable, the asset account; and a credit (a right-side entry) to Sales, the revenue account. Subsequent receipt of the cash payment calls for a debit to Cash, the asset account; and a credit to Accounts Receivable. Penguin began granting 10% discounts off its list price to selected buyers who paid their accounts early—say, within 30 days instead of the usual 90 days. Following bookkeeping's simple rules, receipt of those early cash payments called for a credit to Accounts Receivable equal to 100% of the list price; the debit would be to Cash for 90% of the list price and to

Accounting Scandals
an expense account—say, Discount Expense—for the other 10%. That expense would reduce reported earnings.

Instead of doing that, Pearson apparently recorded receipts of early payments as a debit to Cash for 90% of the list price, and as a credit to Accounts Receivable for 90% of the list price. So the 10% discount never showed up as an expense. It simply remained part of the asset account, Accounts Receivable—and artificially inflated reported earnings.

Why Penguin buried the discounts remains unclear, although independent bookstores not given discounts have since suggested that the selective discounts violated a consent decree binding Penguin not to favor bookstore chains with discounts that aren’t given to independent bookstores.

While Penguin’s individual discounts given on a per-customer basis may have seemed like small change, it is astonishing that auditors did not detect the aggregate amount, which grew over six years to $163 million. Pearson management eventually discovered the buried discounts when evaluating the integration of Penguin and Pearson’s recently acquired Putnam Berkley publishing house. In the course of its sale to Pearson, Putnam Berkley’s lawyers might have noticed this irregularity had they examined Penguin’s operation more thoroughly. With the law of looming in desuetude, the seller’s lawyers perhaps had little incentive to do so. But especially in light of the consent decree and the lawsuits about discount practices leading up to it, those lawyers might have asked about discount policies and then wondered about the bookkeeping. Asking why such a decision was made could have led to an investigation. And even if not a legal requirement, perhaps the seller’s auditors should have asked why the seller was not taking advantage of this source of leverage. After all, a discount is an incentive to do so. But especially in light of the consent decree and the lawsuits about discount practices leading up to it, those lawyers might have asked about discount policies and then wondered about the bookkeeping. Asking why such a decision was made could have led to an investigation. And even if not a legal requirement, perhaps the seller’s auditors should have asked why the seller was not taking advantage of this source of leverage.

Many such attorneys were involved in major deals with Mercury Finance during the last two years, as it apparently treated as assets what should have been expenses. In January 1997, Mercury Finance announced it had overstated earnings for the first three quarters of 1996 and for the whole of 1995 by a total of more than 100%. All corporate hell broke loose at Mercury Finance. Its CEO and controller both left; a turnaround specialist was recruited; pending deals with the Bank of Boston and Salomon Brothers were terminated. It lacked cash to meet its maturing commercial paper obligations, and teetered on the edge of bankruptcy.

The company and the industry made headlines every other day. Some commentators correctly noted that many companies in high-risk businesses (like lending to weak credits) use “aggressive accounting techniques”; others—unhelpfully and incorrectly—that accounting in finance companies is “extraordinarily complex.” It is not all that complex. To lenders, loans are assets. Some loans are unlikely to be repaid. Bad loans are a cost of doing business—an expense. Expenses reduce net income. Estimating the amount of bad loans may involve complex judgments, but the accounting is simple. The portion of loans deemed uncollectible is recorded as an expense—as a debit (left-side entry) in bookkeeping terms. The credit (right-side entry) is made to an account called Allowance for Doubtful Accounts.

Rather than treating all bad loans as expenses, Mercury Finance apparently decided that even if a borrower was not going to pay, somehow the company would recover—by repossessing the related car, for example. In the bookkeeping, a debit was apparently made to an asset account called Other Assets to reflect the right to repossess, rather than to an expense account—to reflect that the loan probably wasn’t ever going to be paid. With far fewer reported expenses, Mercury Finance reported far higher earnings.

Just as detecting the buried discounts in Pearson’s Accounts Receivable should not have been tricky, a bright red flag existed on Mercury Finance’s financial statements. The Other Assets account on its balance sheet rocketed from $24.6 million at the end of 1994 to $121 million a year later. Maybe that account really included assets other than repossession rights. But the increase does seem peculiar, at least to a corporate lawyer with a little accounting sense.

Many recent accounting scandals have a simple thing in common: Earnings were inflated by treating as an asset what should have been treated as an expense.
Informed of basic accounting principles, alert lawyers... can counter pressure to perform accounting legerdemain.

Under Fabri-Centers' inventory system as it existed (it has since been modernized), a judgment about quarterly profit margins was obviously necessary. But lawyers involved in the debt offering—aware both that the quarterly financial statements were unaudited and that they just might have been prepared in anticipation of the offering—could have paid greater attention to the role that accounting estimates were playing. At a minimum, fuller disclosure about pricing and estimating practices would have been proper. True, Fabri-Center's financing cost might have been higher, but it would have been far lower than the subsequent public relations and settlement costs—as well as legal and accounting fees—which Fabri-Centers incurred in defending itself against SEC charges.

Once a judgment is made about how to account for a financial transaction, it is hard to change it. An initially aggressive position of small magnitude in one period may go unnoticed. It invariably builds in successive periods, though, and pretty soon the magnitude is huge and hard to conceal. Once indulged, bad accounting is a hard-to-kick addiction, a degrading habit that goes from aggressive and irregular to scandalous and fraudulent.

The original judgment is often made by managers under external or internal pressure and blessed by auditors who may honestly be able to opine that it complies with generally accepted accounting principles. In the process, board controls can be evaded and markets fooled.

Informed of basic accounting principles, alert lawyers practicing preventive corporate law can counter pressure to perform accounting legerdemain. They can keep managers from addictive accounting deception and substantially reduce the social costs of accounting scandals by averting them.
IF THE UPBEAT STORIES—and excited tourists who gather daily at Rockefeller Center to be on The Today Show—are any indication, the Big Apple is back. A healthy optimism prevails and the word on the street is that New York is safer, cleaner, and more vital than ever.

Gone are the dark days of 1975, when New York's plea for a federal bailout of its perilous fiscal crisis was met with the New York Daily News headline "Ford to City—Drop Dead!" Businesses began relocating at an alarming rate, taking dollars and jobs with them. The subways were fearful graffiti-covered places with ridership declining annually. Some neighborhoods were rife with drug addicts and dealers; and to malodorously punctuate it all, the infamous sanitation strike of 1975 left massive mountains of garbage overflowing onto the streets for weeks.

New York has always been a balance (not always equal) of good and bad. Though the scale tipped toward the negative, there were some bright spots. One of them was the opening of Cardozo's doors in 1976. With a jump-start from its mother institution, Yeshiva University—and some high octane fuel from Cardozo's visionary founding dean, Monrad Paulsen—the fledgling law school joined the ranks of New York's fine academic institutions. "There was a real pioneer spirit, a camaraderie, and an intimacy between students and faculty," remembers David Schlitz '79. "We generated electricity as we all pulled together to create something important." The school has grown tremendously since then, and holds a prominent position amongst scholars and practitioners today.

Cardozo owes its success, in part, to one of its major assets, which is the city of New York. For a future lawyer, the city probably holds more opportunities for internships and jobs than any other place in the world. More than 65 Fortune 500 companies are headquartered here. Alexandra Zois '99, who is hoping to practice international law, adds, "There is only one city that has a United Nations."

"I am at Cardozo because I want to be an entertainment lawyer," explains Rebecca Heller '97. "I have already held jobs and internships at RCA, Angel Records, MCA, and an entertainment law firm. When I decided on this career, I knew I had to be in New York."

Some days, the metropolis is like one big movie set. 21,286 films, television shows, and commercials—a record number—were shot here in 1996. Add to this the bustle of the Stock Exchanges and other financial institutions, the art world, philanthropic foundations, and the...
media, publishing, fashion, and retail industries; and one ends up with an energy that envelopes everyone. It's a city that offers a staggering array of career options and directions.

Prof. Marci Hamilton believes that Cardozo's location in New York has a positive effect on students. "The immediacy of events with global impact occurring right here opens their perspective, which, in turn, heightens the level of classroom discussion," she says. "The city is especially intoxicating in terms of intellectual property, because it's the center of the world on these issues."

Andrew Spatz '99, is fresh from the University of Arizona. He loves the way New York accelerates his mind and drive. "It's like running with the bulls in Spain," he says. "New York's rhythm sweeps you up." He adds that though he appreciates the natural beauty of Arizona, he is happy to "trade in the mountains and cacti for the subways and skyscrapers. It is the place to start your career." Harlene Hipsh '80, who is from Kansas City, adds that "New York is the best place to be a student—because it's that time when you're growing and learning about the world."

As far as quality of life goes, New York holds some excellent cards. The big news is that New York is now one of the safest large cities in the US with a reported 34% drop in crime during the first six months of 1996. MTA New York City Transit, one of the most extensive subway systems in the world, also reports a significant 64.3% drop in subway crime between 1989 and 1995.

Urbane though it may be, New York is also a lively place for sports fans. The city has nine major sports arenas and claims the 1996 World Series winners, the New York Yankees. It is home as well to the Knicks, the Rangers, and the Giants, and host to the US Open. Among the many parks is Central Park, the number one place to rollerblade, go for a horseback ride, cycle, jog, and enjoy leisure time.

The sophisticated pleasures of cosmopolitan life, though far too numerous to list, include the Metropolitan Opera and the New York City Ballet, arguably the finest performing arts organizations in the world. Joseph Papp's Public Theater continues to offer the beloved free Shakespeare in the Park, and on Fifth Avenue, Museum Mile alone boasts over nine museums. There are university libraries, private libraries, legal libraries, and the New York Public Library, which is a vast resource with 87 branches. There are more than 17,000 restaurants, thousands of shops, 35 Broadway theaters, and over 600...
other Off- and Off-Off-Broadway productions annually to provide abundant diversions. Perhaps what most captivates visitors and New Yorkers alike, however, is the endlessly varied and surprising streetlife. There is simply no place like it in the world for people watching.

While Cardozo students have all of New York as their playground and battleground, they are fortunate that the school is located in the historic and dynamic neighborhood of Greenwich Village. Just this past January, Mimi Sheraton, former food critic of *The New York Times*, paid tribute to the enduring charm of Greenwich Village in a *Times* feature story. She recalled that when she moved to this part of the city in 1945, the Village was a bohemian enclave filled with poets, cafes, jazz clubs, Off-Broadway theaters, little specialty food shops and crammed junk shops, secondhand bookstores, foreign-film houses, and charming row houses on tree-lined streets, sprinkled throughout with beautiful gardens. It was the home or hangout of countless literary greats including Theodore Dreiser, e.e. cummings, Dylan Thomas, Eugene O'Neill—and celebrated politicians like Eleanor Roosevelt and Jimmy Walker. Sheraton concluded that what she loved about this neighborhood in 1945 still holds true today.

Despite federal and state budget cutbacks in the recent past, private organizations, residents and business owners, and elected officials and civic-minded business leaders have mobilized throughout the city to spearhead efforts to ameliorate life in the city. Cardozo is embraced by one such collective organization, the 14th Street-Union Square Business Improvement District (BID).

Robert Walsh, executive director, talks about the revitalization of the area. “This neighborhood used to be a no man’s land and now it’s a highly popular destination point. In the ’70s, Union Square Park was overridden with drug dealers. The buildings around the square were dilapidated and many businesses were in trouble.” He further notes, “There was no good place to eat and hardly any residential base.”

The park’s renovation precipitated a major economic rehabilitation of the area around Union Square. Walsh continues, “The area has the best and biggest Greenmarket in the city, and many architectural gems are being restored and renovated. The neighborhood has the best-tasting restaurants in the city, a collection of Off-Broadway theaters, a growing base of nonprofit organizations, an activated business community, a high concentration of students, and greatly increased residential opportunities. It took a lot of hard work!”

High marks from the Mayor’s Office testify to the fact that local streets are much cleaner. Neighborhood crime has dramatically decreased. A new multimillion dollar real estate project planned for 14th Street between Broadway and Fourth Avenue, just two blocks east of the Cardozo campus, exemplifies the area’s active redevelopment. It will house a Virgin megastore, a 14-screen theater, an electronics store, and 240 residential apartments.

The cluster of schools including Cardozo, New York University, Parsons School of Design, and the New School for Social Research—within two blocks—contribute to the Village’s profile as a neighborhood with a youthful and alternative lifestyle. Randall Rothschild, president of the Student Bar Association, claims that one need never leave the neighborhood, “because everything is right here. Greenwich Village is Cardozo’s campus.”

Prof. Larry Cunningham ’87, comments, “Greenwich Village’s vibrancy and diversity of culture stretch the mind and give students the opportunity to see themselves in different contexts. The constant exposure to other lifestyles, values, political agendas, religions, and economic classes encourage one to reevaluate preconceptions and reform them anew. The magic of living here is that one is always learning.”

*Proud and passionate city—mellotissome, mad, extravagant city!*—Walt Whitman, from City of Ships
THE GAP  LAW SCHOOLS HAVE LONG (OR PERHAPS ALWAYS) SUFFERED AN identity crisis. On the one hand, they view themselves as a community of scholars, truly part of a university engaged in intellectual pursuits. On the other, they are training professionals, almost all of whom will spend their work lives outside the academy. Thus law schools are simultaneously pulled toward both theory and brass tacks, unable to decide whether they are trade schools or three years of graduate education in the liberal arts.

This tension is resolved by different schools in different ways. Some tend very much toward the trade school model, with the educational experience geared toward success on the bar exam. Others are preoccupied with theory and abstraction, almost to the point of taking pride that their students do not do better on the bar exam. But these variations notwithstanding, every law school in the US offers an education that is different from and neglects many aspects of the on-the-job training that new lawyers receive once they begin practice. As a
result, lawyers and many law students tend to believe that legal education is deeply flawed. For years, there has been wailing and lamentation about the "gap" between legal education and legal practice.

To some extent, such a gap is inevitable. Law professors are almost all law school graduates who decided that they did not want to practice; it cannot be surprising that they do not want to simply echo the concerns of practice in the classroom. Once legal education was taken out of the law firms, however, and given to the universities, the focus predictably and necessarily changed. While academics have intellectual interests not necessarily shared by practitioners, practitioners have economic interests not shared by academics. From the point of view of a person hiring a new graduate, every hour of training that is done by the law school is money in the employer's pocket. As the economics of legal practice have shifted, law firms are less and less able to take the time to bring lawyers along slowly (something small firms, public interest organizations, and most government offices were never able to do). As clients have become less willing to pay for on-the-job training, the pressure on law schools to provide a more practical skills-oriented curriculum has grown.

PROPOSALS FOR REVAMPING LEGAL EDUCATION

Five years ago, two publications focused attention on the gap between the academy and the world of practice and gave significant impetus to increased emphasis on skills training.

The first publication was an article by Harry T. Edwards, a judge on the US Court of Appeals for the DC Circuit and a former law professor at the University of Michigan, entitled "The Growing Disjunction Between Legal Education and the Legal Profession," 91 Mich. L. Rev. 34 (1992). Judge Edwards lamented how little the discussions and concerns of the academy had to do with the actual practice of law. While law school might be interesting, rigorous, and intellectually challenging, what it decidedly was not was training for the practice of law. And however far removed the classroom might be from the real world of lawyers, legal scholarship was even farther afield. The average law review article written by a law professor was deemed utterly useless to the practicing lawyer. In Judge Edwards' eyes, the professor and the lawyer occupied completely different worlds.

 Needless to say, his point was not that there was something wrong with the practice of law. Rather, he urged law schools to realign their focus with the work that lawyers—the people they are training—actually do. Much of what Judge Edwards said had been said by others for years. But for a prominent judge and former academic to compellingly make these points in an academic journal got the attention of the academy.

The second much-noticed publication came from the American Bar Association. In the late 1980s, the ABA

Prof. Barry Sheck, director of Clinical Legal Education, with students in The Innocence Project.
assembled its Task Force on Law Schools and the Profession: Narrowing the Gap. As the title indicates, the premise going into this project was that the notorious gap existed and should be narrowed. In 1992, the Task Force issued its report, "Legal Education and Professional Development—An Educational Continuum," universally referred to as the "MacCrate Report" (for the chairman of the Task Force, Robert MacCrate of Sullivan & Cromwell). The report actually downplays the "gap." Rather, it paints a picture of collaboration and complementarity; and it repeatedly acknowledges that law schools have made enormous new commitments to skills training compared to 20 or so years ago, when such training was limited to first-year moot court and perhaps a trial advocacy course.

Nonetheless, the bottom line is a call for changes in legal education. The MacCrate Report contains a lengthy (and unprecedented) effort to catalogue the skills and values that lawyers should have. It then outlines the "educational continuum," at law school and thereafter, through which they can be acquired. The overall emphasis is on ensuring a curriculum that equips students with the concrete skills and values they will need to practice law. The Report has, in turn, substantially influenced the ABA's standards for accreditation of law schools.

The MacCrate proposals are not the most radical now circulating. A more startling proposal is to eliminate the third year of law school altogether and replace it with an internship. Cardozo Prof. John McGinnis has endorsed this reform, as has Judge Richard Posner. McGinnis argues that the virtually per se requirement of graduation from a three-year law school for admission to the bar backfires in all sorts of ways. He would like to see the elimination of any particular educational requirement, leaving the market to sort out the right amount of academic training in individual cases. He argues that, at a minimum, only two years of law school should be required. Meanwhile, the State Bar of Texas is considering requiring a 1,600-hour mandatory supervised legal internship before a law school graduate would be fully admitted to practice.

**HOW BROKE IS IT?** The ballyhooed gap between law school education and the practice of law does exist, but its enormity is often overstated. Indeed, I would assert that *every* aspect of a Cardozo education is at least indirectly useful to the practitioner. More importantly, the substantive knowledge and analytic and argument skills that are the stuff of the standard law school class are at the heart of much of what lawyers do, and are a necessary foundation for all that lawyers do. Practitioners commonly assert that they did not learn how to be lawyers until after they graduated. But one reason that they were able to learn "how to be lawyers" at that point is that they had the foundation of three years of law school.

Although traditional legal education is relevant, it is concededly incomplete. But incompleteness is a common flaw, and rarely fatal. All professional school education is incomplete. Certainly medical school, for example, is radically so; M.D.s learn "how to be doctors" during their residencies after graduation. Law school's incompleteness in part reflects practical limitations on how much can be done in three years. And there are some things one just cannot learn except by doing them. Lawyering is one. (Teaching law is another.) A school, by its very nature, cannot turn out a seasoned practitioner.

The attack on the irrelevance of law school education often is directed at a caricature of the modern law school that simply does not exist (not even in New Haven). Most law schools offer a wide range of practice-oriented courses, and the trend is very much in that direction.

**SKILLS TRAINING AT CARDOZO** Certainly that is true here at Cardozo. Cardozo's lawyering curriculum is never laid out in one place, so it is easy to overlook how broad and complete it is.

---

This externship distinguishes itself by giving us the opportunity to get completely involved in some very interesting and high profile cases and follow through with them. The people we work with make a concerted effort to make our jobs a broad educational and practical experience. To be out there actually working greatly enhances the meaning of all that we've learned in class.

—Janet Lipinsky '98, Externship, US Attorney's Office
During ITAP the learning curve is extraordinary as one works day in and day out on aspects of litigation like criminal procedure and evidence. The ITAP faculty is impressive: Lawyers from all over the nation share their expertise. It’s a laboratory where you can pick and choose your own style. It truly teaches you how to litigate.

—Adam Rosenberg ’97, ITAP Participant

Basic Curriculum
Not to beat a dead horse, but substantive knowledge, lessons in legal reasoning, and experience in articulating effective arguments are all critical to the successful practice of law. Almost all Cardozo courses impart these things. Focusing more narrowly, courses such as Civil Procedure, Evidence, Administrative Law, Conflicts of Laws, Remedies, and Federal Courts are really lawyering courses.

Pure “skills courses” begin with first-year Legal Writing and Research, of course, a lawyering class. Without focusing on a particular substantive area, students simulate a number of the concrete tasks of practicing lawyers while honing their writing skills. In the second or third year, students must also satisfy the writing requirement—taking at least one course that involves the completion of a substantial piece of written work. They can also sign up for Advanced Legal Writing and Editing. My own view is that the writing training ought to be more extensive than it is. Few if any skills are more important to a lawyer than good writing; and few if any shortcomings are more frequently lamented than the inability of lawyers to write well.

Advanced Legal Research is one of only two required upper-level courses. It has a difficult set of assignments to familiarize students with a wide range of research materials. Many students enjoy ALR and, to be frank, many do not. But almost all are glad they have taken it once they are in practice. Time and again one hears Cardozo grads say that the payoff in practice is enormous, and that ALR gave them the leg up on their peers from other schools.

The other required upper-level course is Professional Responsibility. This, too, is a lawyering class, directly addressing the ethical challenges that face the practicing lawyer. It is taught both in a traditional classroom format and through simulations that require students to grapple with the ethical challenges of daily practice.

Litigation
The centerpiece of the litigation curriculum is the Intensive Trial Advocacy Program (ITAP), taught to about 150 students in a two-and-a-half week period between the fall and spring semesters. This three-credit simulation course run by professors Barry Scheck and Ellen Yaroshevsky draws on the talents of hundreds of attorneys from around the country. Arguably the best law school trial-practice course anywhere, ITAP is a transforming experience and for many students the highlight of their time at Cardozo.

Other simulation-based litigation classes include Pretrial Practice, which grew from one to three sections this year; Fact Investigation, in which students use sophisticated new computer software to help marshal facts for trial; Complex Civil Litigation; Appellate Advocacy (in which students write a brief and argue an appellate case); and the Summer Institute course on Civil and Criminal Litigation Practice.

Add the Moot Court Honor Society to this list. Though not strictly speaking a class, here students hone their brief-writing and oral advocacy skills. Finally, over half the student body takes New York Civil Practice during the third year.

Transactional Lawyering Classes
One enormous advantage of having a law school in the legal capital of the United States is the wealth of talent to draw on for adjunct faculty. During the 1996-97 academic year, approximately 60 attorneys are teaching at Cardozo. There are also instructors for the Summer Institute, ITAP, and first-year Legal Writing. Many of the adjunct-taught classes focus on drafting and dealmaking (the brass tacks of transactional lawyering), and use simulations to give students the experience of working through a legal deal. Courses range from Advanced Secured Transactions, Public Offerings, and International Mergers and Acquisitions, to Employment Discrimination, and Family Law Agreements. This year, we offered five contract-drafting courses; that number is likely to increase in the future.

Clinics
Clinics where students actually work as lawyers are a relatively modern addition to the American law school. Thirty years ago, there were virtually none; but now few law schools lack them. Cardozo boasts six that are housed on campus: the Criminal Law Clinic, Criminal Appeals Clinic, Bet Tzedek Clinic, Tax Clinic, Mediation
Clinic, and The Innocence Project. Supplementing them are the Bet Tzedek Community Clinic, which places students at the New York Legal Assistance Group, and the Immigration Law Clinic. All of these clinics give students the opportunity to represent real clients in the real world, under the supervision of expert attorneys.

Externalships
Cardozo has a long list of outside placements for which students receive credit toward graduation. The Prosecutor Practicum is a full-time semester-long internship in the Manhattan District Attorney's Office; this year we established a similar program in the Office of the United States Attorney for the Southern District of New York. The Alexander Fellows Program lets students work as full-time judicial clerks in federal judges' chambers. Part-time externships include placements as part of the Intellectual Property Program; positions with corporate in-house counsels through the Heyman/ACCA In-House Counsel Internship Program; and the Corporation Counsel's Appellate Externship, in which students draft briefs for the Appeals Unit of the New York City Law Department.

Institutes
More than 150 students participate in the Summer Institutes, which combine a twice-weekly seminar in a particular subject with supervised practical legal training through placements in law firms, government offices, public interest organizations, and corporations. This summer will see courses in Bankruptcy Practice, Civil and Criminal Litigation Practice, Entertainment Law, State Environmental Law, Family Law, International Trade Law, Israeli Business Law, Judicial Process, Labor Law, and Urban Law and Government.

In addition, Cardozo offers funding for a variety of summer work experiences. As a result of these stipends, scores of students are able to accept nonpaying summer positions—and valuable experience—they would otherwise have to forgo.

Law schools have generally been wary about externships. They do not always work out and they are difficult for the school to oversee. Nonetheless, they can be extremely valuable when they work, and I think their number will continue to increase.

Future Additions
Quite an extensive lawyering program already exists. However, in the next few years the school should make it possible (and consider requiring) that every student participate in a clinic, internship, or externship during the three years of law school. We should also increase the number of drafting, pretrial, and trial practice courses, most of which close out.

BRIDGING THE GAP
Five years having passed since Judge Edwards' article and the MacCrate Report appeared, the time is ripe to assess how Cardozo has addressed the challenge. I think the truth is that Cardozo has responded appropriately, to use a noncommittal lawyer's word. The Law School has offered ever more skills courses, and will continue to expand such offerings, but it has not remade itself exactly according to the MacCrate blueprint. Nor should it.

Within the world of legal academics, Cardozo is often perceived as highly theory-oriented. Certainly the faculty has an academic bent. About two-thirds of our professors have a graduate degree in addition to their first law degree; half have a graduate degree in a field other than law; eight hold Ph.D.s. Yet to focus on these numbers is to ignore the fact that a much higher percentage worked as practicing lawyers before entering teaching. The world of the law firm, the Department of Justice, or the public interest advocate is also the world of the Cardozo faculty.

Thus many individual Cardozo professors bridge the theory/practice gap. A professor may be found teaching pre-trial practice one day and a seminar on Plato's Laws the next; another easily moves from a brass-tacks bankruptcy course to a seminar on Hegel. There is no conflict here. To the contrary, each endeavor is informed and enriched by the other. And what is true for the school as a whole. That is, the Law School's goal is to expose students to the abstractions, intellectual and ethical conundrums, and overarching theories of the American legal system, and to the concrete skills and values they need to be first-rate attorneys.
Cardozo Grad at Center of Swiss Bank Case

Edward D. Fagan '80, is the lawyer at the center of what has become known as the Swiss Bank case. He is representing more than 12,500 Holocaust survivors in their effort to regain monies from the Swiss banks. "The numbers increase by 100 to 300 people daily," claims Fagan, whose private practice law firm has been catapulted into the spotlight, necessitating additional phone lines and support staff to handle the increased volume of inquiries and mail.

For eight years, Fagan worked at major law firms defending companies in product liability cases against such products as DES, the Dalkon Shield, asbestos, and several industrial carcinogens. He left the field in 1988, when he realized that in these kinds of cases one "sees people begin to lose their sense of morality." He is now in private practice and currently works with four lawyers who are associates or of counsel.

In September, Fagan's interest was piqued by an article in The New York Times about the German gold and monies sent to Switzerland during the war. He saw the possibility of a class action law suit, but didn't have a client.

For three years, Fagan had a client, Gizella Weisshaus, who visited him every Friday with kugel and sponge cake. That Friday, Mrs. Weisshaus mentioned her frustration at having spent 30 years trying to retrieve her father's money, which had been placed in a Swiss bank account prior to the family's being sent to Auschwitz, where all but Mrs. Weisshaus died.

Fagan had found his first client and filed a claim a few days later. "I knew it was going to be big; I just didn't know that it was going to be the biggest case of the century," he says.

He has built a team of human rights and international banking lawyers who have joined the case with their expertise. The team includes Robert Swift of Philadelphia, who is the only lawyer that has successfully represented claimants against the Swiss banks; Prof. Burt Neuborne of NYU Law School; Prof. Richard Weisberg of Cardozo, who has written and spoken widely on the Holocaust; and Richard Emery, the well-known civil liberties and First Amendment lawyer.

The story has been covered in every media outlet and attention to it continues to grow in intensity. "This is the part of the case that is really killing the Swiss," explains Fagan. "They have been exposed as Nazi collaborators. The war would have been over in 1943 if the Swiss had not continued to finance the Nazis," he claims. "You are talking about 11 million people. This is not only a Jewish issue. It is about everyone that lost their lives in a war that we now see the Swiss allowed to continue."

As for his client, Mrs. Weisshaus, Fagan asserts, "She's found renewed meaning to her survival; there is a new focus on what her family was like before the war, rather than dwelling on the losses."

Fagan predicts that the whole case will be over in two years and the final judgement will be between $5 and $10 billion. "Swiss banks work on the basis of trust and no one trusts them anymore. They are now known as money launderers and evidence shredders."

Fagan says the banks are in breach of contract; and violated their promise to depositors, broke human rights laws, and violated federal and international common law. "They have an obligation to depositors to provide account records from 1933 to 1945. I have clients who have their account numbers. Where is the money?"

"When the case against the banks is over, I'm going to go after the insurance companies and then try to

The Cardozo Alumni Association Coordinating Committee will meet at the Law School on Tuesday, May 13 at 7 p.m. The meeting is open to all alumni interested in participating in the Organization.
retrieve the real estate. All of this property has been taken improperly from thousands and thousands of people. It should be given back."

According to Fagan, "This case has been the greatest thing that ever happened to me and my family and the worst thing that ever happened to us." Unfortunately it keeps him away from his wife, Elizabeth, a medical illustrator, and their two children, Alexandra Nicole and Russell Ian, who are five and almost four respective-ly. But as he so succinctly puts it, "It's nice to practice law, get paid, and do something that helps people and rewrites history."

Graduates of Cardozo Mediation Clinic are Leaders in the Field

For more than a decade the Cardozo Mediation Clinic has been training student mediators and helping disputing parties reach better understandings and agreements. During that time, students from the clinic have become part of the lifeblood at community mediation centers in Brooklyn and Manhattan.

In an overwhelming response to a 10th anniversary questionnaire sent by Prof. Lela Love, alumni on various career tracks and from diverse practice areas said they found their mediation training useful both personally and professionally. They reported on what they are doing now, and told how their mediation training has had an impact on their lives. Perhaps the

Alumni Contribute Time and Skills to ITAP

This year more than 20 alumni participated in the Intensive Trial Advocacy Program (ITAP) held in January. It was again a success, in part because of the quality of the practitioners who come to Cardozo every year to teach trial advocacy skills.

Mark Bluver '87, and Laurie MacLeod '84, came to town from their farm in Greenfield, MA; Lori Levinson '83, came from Allford, MA; David Silver '83, from Bennington, VT; and Alan Yatvin '83, traveled from Philadelphia. Both Laurie and Lori did demonstrations of trial skills that students would be attempting.

From the New York metropolitan area ITAP welcomed Amy Attias '83, Gary Becker '83, Thomas Benigno '79, David Bertan '85, Annie Costanza '92, the Honorable Sandra J. Feuerstein '79, Gary Galperin '80, Glenn Garber '89, Moshe Horn '93, Lisa Mattaway '88, Eve Miller '91, Mark Moskovitz '79, Labe Richman '82, Charles Silverstein '84, and Esther Trakinski '89.

Jill Konviser '90, who has taught at ITAP for several years, has been the coach of the successful and talented Cardozo trial advocacy teams for the past three years.

In keeping with the tradition of having a Cardozo alum as program administrator, David Entin '90, served before returning to Ann Arbor, MI.
finds her skills useful in her work as an emergency room nurse.

Many alumni are in leadership positions in the mediation community in New York City or play roles in the field through public service. Jonathan Fishbein '91, is on the board of directors of the Center for Alternative Dispute Resolution, Inc., in Albany, NY. Jay Ganzman '86, is panel chairperson of the Lawrence Township Community Dispute Resolution Committee in NJ; and Carla Wise '92, works for the PEACE program. Ray Patterson '96, who is on the Alternative Dispute Resolution Committee of the Association of the Bar of the City of NY, was recently appointed to develop and direct a Mediation Program for the Civilian Complaint Review Board.

Michael Tarail '90, directs the NYC Court Dispute Referral Centers Program; James Kornbluh '93, coordinates the Midtown Community Court Dispute Resolution Program; and Dan Weitz '96, serves as the program administrator for the CUNY Dispute Resolution Consortium. Abby Sloane '85, who attended Cardozo before the clinic was founded, now directs Manhattan Mediation Programs for Victim Services. Congratulations, Cardozo!

---DANIEL WEITZ '96
AND PROF. LELA LOVE

ClassActions

Keep your classmates posted by sending your personal and professional news. Photos are always welcome.
Mail to: Alumni Affairs, Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003. Fax: 212-790-0232

Name ____________________________ Class ____________________________

Home address ____________________________

Business address ____________________________

Phone (day) ____________________________ (evening) ____________________________

Fax ____________________________ E-mail address ____________________________

Serve as a Resource

We welcome your help. If you would like to be a mentor, alumni ambassador, or help us place current students and graduates, please let us know. Mail the requested information to Dean Ellen Cherrick at the above address or call 212-790-0350.

☐ I am interested in being a mentor to Cardozo students in my area of specialization.

☐ I would like to be an alumni ambassador. I will meet or speak by phone with applicants to Cardozo from my undergraduate college or current hometown.

☐ I know of a job opening for a ___ year law student/graduate attorney.

Name ____________________________ Cardozo class ___ Undergrad College __________

Address ____________________________ Phone ____________________________

Area of specialization ____________________________

Job available at ____________________________
Class of 1979
Susan M. Kassapian, special counsel at the Department of Consumer Affairs of the City of New York, represented DCA in a lawsuit against H & R Block that resulted in the largest legal settlement in the agency's history. The landmark settlement, which will cost the tax preparer close to $500,000, was the culmination of five years of citations against Block. John G. Marks was elected to a six-year term as a Judge of the District Court of the Fourth District in Hempstead, NY. Debra Winter Petrov, who has been at the Brooklyn District Attorney's office since graduating, was appointed deputy district attorney by District Attorney Charles Hynes in December. Since 1991, she has been chief of the Civil Actions Bureau, which combines the civil and criminal responsibilities of the DA's office. There she was instrumental in developing the narcotics eviction program, which helps landlords and tenant groups rid buildings of drug dealers. Seth Taube was included in The Best Lawyers in America 1996-97, published by Woodward/White Inc., and compiled by researchers who asked attorneys whom they would seek out if they needed help themselves. Taube, a partner at McCarter & English, was named in the New Jersey list under the Corporate Law category.

Class of 1980
Ruth Gursky and Barbara Odwak have completed renovations of their office in Brooklyn and invite their friends and colleagues for an office tour (or, of course, to use their legal services). Muriel B. Kaplan has been named a shareholder and member of the firm at the Saltzman & Johnson Law Corporation in San Francisco, CA. Leon Ruchelman, a Judge of the Civil Court of the City of New York, has been nominated to the Court of Claims of the State of New York by Governor George Pataki.

Class of 1981
Nancy Sparling Cleveland has joined the real estate department at Saul, Ewing, Remick & Saul in Philadelphia, PA. Nancy was the founding editor and organized the first editorial board of the Arts and Entertainment Law Journal, and was a member of both the Moot Court Board and the Cardozo Law Review. Nina B. Neumann-Muller has been living in Antwerp, Belgium, since graduation. She and her husband have four children. In 1995, Nina received her LL.M. from Catholic University in Leuven, Belgium.

Class of 1982
Shoshana T. Bookson was named a partner at Glaser, Shandell & Blitz in NYC. The firm is now known as Shandell, Blitz, Blitz, Glass & Bookson, LLP. Michael D. Braff was named a partner at Kaye, Scholer, Fierman, Hays & Handler in NYC. Michael is in litigation, and lives in Manhattan with his wife, Gladys, and their children, Jake, 10, and Lizzie, 6.

Gastwirth has become a member of the firm of Meltzer, Lippe, Goldstein, Wolf & Schlisel, P.C., Mineola, NY, where she practices in the areas of commercial litigation, and copyright and trademark disputes. Barbara Kolsun has become assistant general counsel at Designer Holdings, Ltd., responsible for anti-counterfeiting enforcement for Calvin Klein and DKNY jeans.

Timothy Clifford Riley was profiled in the Los Angeles Daily Journal under the headline “Lawyer Finds Satisfaction Fighting for the Underdog.” His civil litigation practice handles insurance bad faith, personal injury, medical malpractice, product liability, and business litigation. Carol J. Steinberg wrote an article entitled “Of Images and Gods: The Struggle for Artists' Rights in Corporate America” in Art & Academe, the NY School of Visual Arts Humanities and Sciences Department journal. The article was originally presented as a paper at SVA's annual conference on

The annual Washington, DC alumni reunion, hosted by the Dean's Office and the Office of Alumni Affairs, was held this year on January 6 at the Sheraton Washington Hotel. About 30 alumni from the DC area met for lunch at the hotel where the Association of American Law Schools (AALS) was holding its annual meeting.

Joining the alumni were Deans David Rudenstine, Michael Herz, and Ellen Cherrick; and Professors Lawrence Cunningham, Leslie Newman, Jonathan Silver, Stewart Sterk, and Lynn Wishart. AALS will return to Washington for its annual meeting in January 2000 and Cardozo will be there. So mark your calendars now.
Many Thanks to our Alumni Volunteers!!

Each year alumni share their time, effort, and lawyering skills with current students by participating in the Mentoring Program and the Alumni Roundtable. The value of this alumni support and assistance cannot be overstated. The Office of Alumni Affairs is delighted to take this opportunity to thank all of those who helped during the 1996-97 school year, and sincerely apologizes if any name was inadvertently omitted from this list.

ALUMNI MENTORS


ALUMNI ROUNDTABLE PARTICIPANTS

Adrienne Alexander '86, Marilyn Bodner '92, Barbara Brandes '79, Adam Chernichaw '95, Susan Cohen '82, Robert Cyruli '87, Susan Danoff '87, Paul Freilich '86, Thomas Furth '89, Hillel (Hal) Goldstein '90, Melinda Gordon '86, Jeffrey Greenberg '87, Wayne Greenwald '79, Ruth Gursky '80, Maurice Heller '84, Mitchel Herstic '81, Erik Kahn '92, Richard Katz '90, Andrew Mandel '87, Clifford Meirowitz '91, Valery Molot '85, Lynne Moorhouse '91, James Norman '93, Martin Petroff '83, Jason Raphael '90, Richard Rosier '93, Frederic Siegal '82, Alan Sklover '82, Lee Spielmann '85, Marianne Spinelli '90, Alice Spitz '81, Heidl Title '85, Shirley Traylor '80.

At a mentoring reception, alumni met with current students who are interested in their practice area.

Clockwise from above:
Lowell Kern '90, with Jacqueline Zion '98; Alissa Makower '92, with Donna Ahlstrand '98; Brett Kimmel '93, with his mentee, Melissa Heller '98.

Class of 1983

Adele R. Jacobs is the co-chair of the 1997 UJA/Federation Women's Division Campaign in Fairfield County (CT), where she is in private practice. She and her husband, Michael Liebowitz, are the parents of four-year-old twins, Jacob and Stephen. Stephanie Kaufman was appointed a trustee on the Nassau County College Board (NY). Stephanie also serves as the Village Justice of Hewlett Bay Park, NY; vice president of the Hewlett-Woodmere Parent Teachers Association; board member of the Facilities Improvement Committee of the Hewlett-Woodmere School District 14; and board member of the United Jewish Campaign of Long Island.

Class of 1984

Michael B. Berman is chief of staff to Robert M. Zeiman, national commander of the Jewish War Veterans of the US, the country's oldest active veterans organization. Michael serves as general counsel for the National Museum of American-Jewish Liberal Arts and the Education of Artists. Carol, an attorney in the Office of Legal Affairs of the City of New York's Department of Housing Preservation and Development, is an adjunct professor at Brooklyn Law School.
Military History. Mark Dugan has been elected a board member of the NJ Visiting Nurse and Health Services Board of Trustees. Mark, who lives in Cranford, NJ, practices in Elizabeth and is an adjunct professor at Fairleigh Dickinson University. Mark S. Lieberman has been named vice president of Entertainment, Communications and Media for Cahners Publishing Company in Newton, MA. Eileen Rakower has been elected a Judge of the Civil Court of the City of New York.

**Class of 1985**

Wende Doniger is teaching trial advocacy skills as an adjunct professor of law at St. John's University in Queens. Wende is also president of a charitable foundation that assists families in need of legal and other professional services in matrimonial law.

Robert Erlanger represented a father and daughter who successfully sued Iceland Air in an unusual child-rescue case. Although Erlanger worked on the case for more than four years, the trial in US District Court for the Southern District lasted only two-and-a-half days, at which time the jury awarded the plaintiffs approximately $15 million.

Amy B. Goldsmith has been named a partner at Gottlieb, Rackman & Reisman, P.C. in NYC. Barry K. Odell has been named a partner in the Toms River, NJ law firm of Novins, York & Pentony. Barry practices in the area of general civil litigation with an emphasis on personal injury matters. He serves as an arbitrator and mediator. Barbara H. Press and four other New York attorneys have formed The AIMM Group (Attorneys in Matrimonial Mediation), to provide mediation counseling for divorcing and separating couples.

**Class of 1986**

Marc Abrams is the business development manager at Frontier Software Development Inc. in Portland, OR. Frontier creates network management solutions for customers including AT&T and MCI. Dana Mitchell Jaffe was elected to a six-year term as a Judge in the Second District Court of Nassau County (NY). Emily Oshansky has been appointed administrator of the First Department (NY) Assigned Counsel Plan. She had previously been director of the First Department's Law Guardian office.

**Class of 1987**

Robert J. Cyruli was named a partner at Kessner & Mass, LLP, practicing real estate law and related litigation with an emphasis on commercial leasing transactions. The firm also maintains offices in New Jersey under the name Kessner & Cyruli. Robert and his wife, Ilona, reside in Bronxville, NY. Andrew L. Kramer has been named a partner in the New York and Hartford, CT offices of Brown Rainsman Millstein Felder & Steiner LLP. Andrew concentrates in the area of real estate, focusing on financings. He was previously a real estate associate at Cahill Gordon & Reindel. Andrew Mandel and his wife, Helen, welcomed their first child, Beatrice Seldson, on February 28. Andrew, who is a public defender in the Bronx County office of The Legal Aid Society of the City of New York, said of his daughter, "she's beautiful!" Dana E. Shanler joined the general counsel's office of TIG Holdings, an insurance holding company listed on the New York Stock Exchange. She spent the last half of 1996 setting up TIG operations in London with Lloyd's of London. Dana says she's having a great time. Laura Sydell, a broadcast journalist for WNYC radio who is heard regularly on NPR, won the Front Page Award from the 75-year-old Newswomen's Club of New York, the oldest journalism club for women in the nation. Peter Alan Weimann graduated with an MPA from the Kennedy School of Government, Harvard University. He has been appointed chief of narcotics for the Office of the District Attorney in Buffalo, NY.

**Class of 1988**

Leslie Sarah Deutsch began presiding as a full-time Administrative Law Judge with the New York State Department of Social Services. On July 19 she was ordered to active duty as a Judge Advocate General Corp's officer in support of Operation Joint Endeavor (Bosnia Mission), assigned to Kaiserslautern Law Center in Germany, where she will be until April 1997. Then she resumes her judicial duties in Manhattan. John R. Goldman has been named a partner at Herrick, Feinstein, LLP in NYC. Mark R. Osherow has opened a law firm with offices in Boca Raton and Miami, FL. He is practicing in the areas of personal injury, construction and commercial litigation, product liability, trusts and estates, real estate, and other areas as well.

**Class of 1989**

Barbara Bracher Olson is counsel to the US House of Representatives Committee on Government Reform & Oversight. Lauren Singer Salit and her husband, Mason, welcomed their second daughter, Illysa Hunter, in December 1996. Illysa's big sister, Taylor, is two. Diane Steiner has left Phillips Nizer Benjamin Krin & Ballon, where she practiced matrimonial law for seven years, to be a senior associate at Sheresky, Aronson, Mayefsky, Rodal, LLP, a matrimonial "boutique" in NYC.

**Class of 1990**

Karen Getz Braverman is practicing personal injury and criminal law in NYC. She and her husband, Michael, celebrated the birth of their second daughter, Lindsay Gayle, in September 1996. Lindsay's older sister, Jessica Michelle, is four, and, Karen reports, already speaking like a litigator. David H. Entin is the founder and director of the American Institute for Legal Education, which sponsors
programs offering foreign professionals and students the opportunity to overview the American legal system. David is based in Ann Arbor, MI, where the institute's courses are taught on the campus of the University of Michigan.

Class of 1991
Sallic B. Kraus, having moved twice in a year, is now a claim executive in the Stamford, CT headquarters of General Reinsurance Corporation. Sallic handles insurance coverage litigation arising out of environmental and product liability claims and reinsurance disputes. Robert Rosenthal is one of the appellate attorneys for Grant Snowden and has filed a brief with the Federal Circuit Court in Atlanta. The case was profiled in The Wall Street Journal on October 28, 1996.

Matthew L. Rossman is engaged to be married on May 8 to Rochelle Weinman. Matthew is a professional liability insurance broker with Trinity Managers in NYC.

Joel B. Rothman, formerly an assistant district attorney in Bronx County (NY), has become associated with Stephens, Lynn, Klein & McNicholas, P.A., in its West Palm Beach, FL office. The firm, with 55 attorneys in four Florida offices, specializes in professional liability defense, including legal malpractice and products liability. Joel and his wife, Elizabeth, relocated to the Boca Raton area.

Class of 1992
Delfa Castillo has moved to Washington, DC, where she is a trial attorney for the Department of Justice. She clerked for two-and-a-half years for a judge in the US Court of International Trade in NY.

Rabbi Leonard Guttman, a deputy commissioner for the City of New York and general counsel of the City Commission for the United Nations and Consular Corps, the liaison between Manhattan and its diplomatic community, spoke on “Yarmulke Diplomacy” at a Port Chester, NY synagogue.

Carla S. Wise is now a solo practitioner concentrating in family and matrimonial law in Goshen, NY. She is looking forward to catching up with her classmates at their fifth reunion on May 8.

Class of 1993
Suzanne R. Kazenoff, previously with Kasowitz, Benson, Torres & Friedman, LLP, has now joined Speed & Schlanger, LLP in NYC.

Barry J. Marenberg of the intellectual property law firm Sofer & Haroun, LLP in NYC, has passed the examination for registration to practice before the US Patent and Trademark Office in Washington, DC. He is now a registered patent attorney able to draft and prosecute patent applications. A prerequisite to sitting for the examination is an engineering or science degree; “Barry received his degree in biochemistry from Clark University in MA in 1988.

Class of 1994
Andrea Ben-Yosef joined the labor section of the Nashville, TN firm of King & Ballow Law Offices.

Denise M. Gavaletz is managing director at Touchstone Consulting Group, Inc., in Worcester, MA. Her company provides employee benefits counseling services to national and international firms with over 500 employees. In 1997, Denise will be visiting associates in London, Taiwan, and Canada, as well as travelling across the US.

Carole Helaine Holstein was appointed an assistant district attorney in Bronx County (NY). Cheryl Himmel and Mark I. Schreck were married in September 1996.

Michael Jaffe became engaged in August to Elizabeth Brackis, who is getting her Ph.D. in psychology at YU's Ferkau School of Psychology. Rachel Mohl recently married Dr. Stuart Abrahams. Rachel is practicing family and matrimonial law at Mysak, Gorlick, Kravitz & Listhaus in NYC.

Class of 1995
David A. Gabay has opened his own law firm in Huntington, NY, concentrating in the areas of business and commercial law, real estate, trusts and estates, and litigation.

Class of 1996
Joseph R. (“Jay”) McKechnie and his wife, Ahn Yuet Lee, are expecting their first child in July. Jay, a cum laude graduate, was one of the recipients of the 1996 Alumni Association Scholarships.

Len Ritz attended his Princeton University class of 1980 reunion before he joined the real estate department at Kramer Levin Naftalis Nessen Kamin & Frankel. Adam Stone is engaged to Elizabeth Bazil and a September wedding is planned. Adam is the son of Toby Stone ‘81 and her husband, Robert. Carrie Boodin Zehfuss won third prize in the 1996 Law Students Annual Writing Competition of the New York State Bar Association, Labor and Employment Law Section. Her paper, “Limiting Employer Liability in Cases of Hostile Sexual Harassment,” was originally written for Prof. Susan Mackenzie’s Employment Discrimination class.
20th Anniversary
Cardozo Calendar of Events

APRIL 8
Conference: From Transitions to Constitutional Democracy
Convocation and Dinner in honor of King Juan Carlos of Spain

MAY 8

JUNE 15
Benjamin N. Cardozo School of Law Commencement