Summer 2000

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Benjamin N. Cardozo School of Law

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An Eventful Spring

The spring 2000 semester brought more than one unprecedented event to Cardozo. April saw the first official visit of the Court of Justice of the European Communities to the United States at the invitation of the United States Supreme Court. Their first stop? Cardozo. Three Associate Justices of the Supreme Court were on campus to greet the Judges and Advocates General of the European Court and to discuss with them topics of mutual interest.

The two days focused on legal issues such as federalism and subsidiarity, on problems of constitutional democracies, and on the growing similarities between the two courts in a shrinking world. The visit also highlighted the reasons why law schools are incorporating more international subjects into their curriculums. We co-hosted this historic event with our colleagues at New York University Law School. It was attended by an enthusiastic group of students, faculty, and board members from both schools. In fact, one of our guests provided the second spectacular event.

After attending the conference, Dr. Stephen Floersheimer, a distinguished financier and long-time donor to Cardozo, made a gift of $5 million to establish a Center for Constitutional Democracy—the largest individual gift ever made to Cardozo. The Center will focus research, thought, teaching, and publications on challenges to constitutional governance here and abroad. His magnificent gift will make possible scholarships, visits from distinguished scholars, and support of our faculty in this field.

Nearly 1,000 Cardozo graduates, from an alumni body of 6,500, are working in the fields of intellectual property, art and entertainment law, and new media. In this issue of Cardozo Life, six are profiled, representing an impressive range and depth of experience. Cardozo's growing reputation in this area is due, in no small part, to the successes of our graduates. Of course, our faculty and their scholarship in this field is significant as well. Prof. David Rudenstine, who organized with Professors Marci Hamilton and Daniel Shapiro a conference on art and cultural property law, also held in April, has been researching the legality of Lord Elgin's taking of sculptures from the Parthenon in Athens. His findings are published in an article that is excerpted here.

The Justices conference, the establishment of the Floersheimer Center, and the placement of our alumni in the highest echelons of their fields are indicative of the maturation of Cardozo, a law school that is making its mark in legal education, both here and abroad.
Features

An Interview with Associate Justice
Sandra Day O’Connor

When a delegation of three Associate Justices of the Supreme Court visited Cardozo to meet with members of the European Court of Justice, Prof. David Rudenstine took the opportunity to discuss the conference with Justice O’Connor as well as what it’s been like to be the first woman appointed to the US Supreme Court.

Did Elgin Cheat at Marbles?

In researching the “legal” right of Britain to lay claim to sculptures from the Athenian Parthenon, Professor Rudenstine found a lack of evidence to prove that their Ambassador, Lord Elgin, had the right to take the sculptures from Greece nearly two centuries ago. The article outlines his research and findings on which a future book will be based.

BY DAVID RUDENSTINE
DR. HERMAN GEORGE & KATE KAISER PROFESSOR OF CONSTITUTIONAL LAW

Dream Field:
Intellectual Property and New Media.

At last count, nearly 1,000 Cardozo alumni are practicing in the field of communications, new media, entertainment, art, and intellectual property law. They work on both coasts, in firms large and small, in international companies, and new Internet start-ups. Six graduates, representing classes from three decades, talk about their jobs, the field, and the future.

BY JEFF STOREY ’01

Gift Planning:
A Solution for Your Clients

There are numerous and creative ways for people to make charitable gifts, preserve wealth, and plan their estates. Planned charitable gifts are sophisticated techniques with which every lawyer should be knowledgeable so that their clients can benefit.

BY HENRY RUBIN, ESQ.
SENIOR DIRECTOR OF DEVELOPMENT, YESHIVA UNIVERSITY
US Supreme Court Justices Meet with European Counterparts at Cardozo

When members of two of the world's most important courts met at Cardozo, Associate Justice Stephen Breyer of the United States Supreme Court came prepared with a greeting in French. However, the historic conference made it clear that the Supreme Court justices and their colleagues on the Court of Justice of the European Communities have begun to develop a common language. They are applying similar principles to complex issues confronting both the United States and the 15-member European Union and beginning to learn from each other.

Eight judges and advocates general of the European court gathered at Cardozo with three of their American counterparts—Justices Breyer, Sandra Day O'Connor, and Anthony M. Kennedy—for a round of judicial shop talk cosponsored by Cardozo and the New York University School of Law. This marked the first official visit of the European Court of Justice to the US. The European jurists also participated in a day-long series of panels at NYU on current constitutional issues in antitrust policy, environmental regulation, and Internet privacy. The European delegation then visited the United States Supreme Court in Washington, DC and the Texas Supreme Court.

The program continued a dialogue begun two years ago when United States Supreme Court justices visited the European court in Luxembourg. Dean Paul Verkuil and Prof. Michel Rosenfeld, president of the International Association of Constitutional Law, accompanied the American delegation.

Judicial review has been entrenched in the US since the Marbury v. Madison decision of 1803. The European Court of Justice, the supreme judicial authority on matters governed by European Community Law, was created only in 1952, so its role and powers, like those of the integrated Europe it serves, are still evolving.

Thus, Dean Verkuil pointed out in his opening remarks, the European judges had traveled from the “New World” of constitutionalism to the “Old World.” When it comes to judicial review, “they are new at it,” the dean said. “We are experienced.”

Unlike Europeans, Americans like to talk about the law, said David A. O. Edward of Scotland, president of the Fourth and Fifth Chambers of the Court of Justice. “You like to argue about it. Above all, you like to debate the quality of it.” But Europeans and Americans share “the accepted standards of right conduct.”

First Advocate General Nial Fennelly, First Advocate General with Associate Justice Anthony Kennedy

Justice Sandra Day O’Connor, the first woman appointed to the US Supreme Court, with Judge Fidelma O’Kelly Macken, the first woman appointed to the Court of Justice
Nial Fennelly of Ireland said that much of European Community Law was based on the principles of "proportionality" and "subsidiarity." Proportionality requires policymakers to consider whether their actions are suitable and necessary to achieve a desired end. To Justice O'Connor that sounded like the "strict scrutiny" American courts apply in certain constitutional cases.

Americans talk a lot about "federalism," although, according to Justice Kennedy, they do not understand it fully. The term is controversial in Europe, where it often connotes centralized power. However, the recently formulated principle of "subsidiarity" is akin to the American notion of federalism. It means that the Community should act only if its objectives cannot be achieved by member states. "This is more a political than a legal question," Fennelly said. "The contours are far from clear."

Meanwhile, said O'Connor, "I cannot think of anything that has split our court more" than debates over the respective powers of the state and national governments. She said, quoting Justice Kennedy, the Constitution of the United States "splits the atom of sovereignty," reserving a significant role for the states. Kennedy added that there is a moral and ethical component to federalism, that "it is wrong to surrender control of your destiny to a remote entity." Breyer, who has been in the minority in a series of 5-4 decisions affirming the power of the states, said that Europeans face similar issues as they work to provide both the right to participate in government and the liberty from government. "Do you keep power in Naples or transfer it to Luxembourg?"

In briefing their colleagues about the American judicial scene, the American justices covered a variety of issues. Kennedy cited the importance of the First Amendment in the American system. "Our free speech jurisprudence gives citizens a real stake in the Constitution," he said.

On the second day, the conference turned to specific legal issues, where members of the European Court met with academics. Prof. John O. McGinnis argued that a "revolution" in American antitrust law has "something to teach the world." Increasingly, American antitrust policy is guided by the objective of consumer welfare and respect for the free market.

Advocate General Francis G. Jacobs of England said that the increasing integration of the European market has made American precedents more relevant to the development of European "Competition Law."

"We are, after all, for the first time confronted with the same forces on both sides of the Atlantic," he said. However, he added, Europeans generally are less trustful of the market than their American counterparts.

Giuliano Amato, a former Italian prime minister who is on the NYU faculty, countered McGinnis's position. "You have to go case by case," he said. "You
cannot be so ideological as to say the market will always take care of itself." McGinnis responded that government should act against blatant cartelization and other inefficient practices, but he insisted that officials have a hard time marshalling the information needed to identify such practices.

Recalling Justice Breyer's greeting, Dean Michael Herz had a word of welcome of his own for the law school's guests: "Shalom." He then traced the development of American environmental law from its common law period, through the passage in the 1970s of a spate of federal "common-and-control" measures, to a growing reliance on economic incentives, voluntary cooperation, and flexibility in American regulations.

According to Judge Leif Sevón of Finland, Europe's own environmental movement was triggered by a series of industrial catastrophes.

Professor Rosenfeld moderated a session about the effect of new technology on privacy at which Prof. David Rudenstine sketched the legal framework for fighting off a "massive invasion of privacy." He offered a "doomsday" scenario in which the Internet has assumed the role of Big Brother, who knew everything about the citizenry.

"So we have a problem—broad scale online privacy invasions—and no easy solutions," he concluded. "Although we can turn to the national government for assistance, and we can pressure the private sector to exercise restraint, it is uncertain whether we will be successful in securing effective constitutional protection of citizens' privacy."

**Gift of $5 Million Will Establish Floersheimer Center for Constitutional Democracy**

Dean Paul Verkuil announced that a $5 million gift from Dr. Stephen H. Floersheimer will establish a center for constitutional democracy at Cardozo. The Floersheimer Center will focus research, thought, teaching, and publications on the challenges to constitutional governance here and abroad. It intends to deal with controversial issues in an objective and nonpolitical manner.

According to Dean Verkuil, "Dr. Floersheimer is a wonderful donor, someone who is interested in nurturing intellectual activity at the highest level. This extraordinary gift will ensure a future of scholarly and intellectual achievement at Cardozo."

The Floersheimer Center for Constitutional Democracy plans to support research by scholars and policymakers, conferences, publications, and consultancies both here and abroad. One important goal will be to encourage cross-fertilization in a time of global constitution building through workshops for public and private leaders in developing countries. A leadership program in constitutional law is contemplated that will offer scholarships to outstanding students.

Yeshiva University President Norman Lamm lauded the generosity and the foresight evident in Dr. Floersheimer's gift. "Dr. Floersheimer recognizes that Cardozo is energetic and that its prolific faculty is committed to legal theory and open to scholars from other disciplines. The Law School has also become increasingly a place known for public discussions of comparative constitutionalism, new democracies, and societal systems. Dr. Floersheimer's gift will move the Law School further toward achieving its long-term goals."

Dr. Floersheimer has been a friend of the Law School since his son, Mark, who graduated from Cardozo in 1993, began his studies. In 1992, he established in memory of his father the Walter Floersheimer Chair in Constitutional Law, held by Prof. Richard Weisberg. According to Dr. Floersheimer, who holds a doctorate in English literature from Oxford University, "I believe that Cardozo is a unique academic institution. It has an extraordinary and interdisciplinary faculty that encourages dialogue and research into law and constitutional democracy and includes several leading figures in the international arena of comparative constitutionalism. At a time when democracy is taking root and beginning to flourish in countries throughout the world, this Center has the potential to have an impact on world democracy and the stability of fledgling governments."

Dean Verkuil announced also that Gerald Gunther, William Nelson Cromwell Professor Emeritus at Stanford University Law School, will be the Floersheimer Center's first visiting professor and scholar. Professor Gunther, who will be at Cardozo in the fall of 2001, "is one of the great figures in American constitutional law," said Dean Verkuil.
Ethics Center lecture. He dwelled in part on the conflict faced by lawyers who are expected to serve as guardians of the law, playing a vital role in the preservation of society and conforming to "the highest standards of ethical and moral conduct," while also serving as zealous advocates for clients who are less interested in the high-minded pursuit of truth than in preserving their fortunes, their reputations, or even their lives. "The zealous advocate often speaks and acts in ways which to many are morally reprehensible, and do not promote respect for the law in the eyes of the public," Bennett said. An advocate cannot sponsor perjured testimony, obstruct justice, or falsify evidence, but he can use cross-examination "to rip to shreds" an elderly victim the lawyer knows is telling the truth. He can maneuver to pick jurors who will be guided by emotion and passion rather than the truth. And he can use his own credibility to advance an argument that he knows beyond all reasonable doubt is untrue. He concluded that too often the "game" overwhelms the pursuit of justice.

Heyman Lectures Provide Range of Lessons

At the two Heyman Center lectures this spring, attendees received a primer in the operation of a private equity company and were warned not to expect too much from boards of directors when it comes to "managing" the corporation.

Cardozo Board Member Thomas H. Lee, who is not a lawyer, said that "the next five years look very good" for the Thomas H. Lee Company, which is one of about 500 private firms that have marshalled several hundred billion dollars of investment in the last 20 years. These firms function as a "kind of private stock market."

Mr. Lee's company specializes in financing "high-quality" companies. Of the 1,000 deals the firm sees each year, 700 are not a good fit. Of the remainder, it may acquire an equity stake in 50. Today's deals, unlike those highly leveraged ones popular during the heyday of junk bonds, usually have a debt-to-equity legislation, and whether the Internet industry will adopt and implement programs that effectively protect online privacy."

Judge Christian Gulmann of Denmark said that the Europeans have focused on the protection of databases and on safeguarding the free flow of information; they have not yet grappled with privacy issues posed by the Internet.
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curious" statement.

According to him, directors are important because they pick a company's CEO and decide how he or she should be compensated.

Once the CEO is in place, however, the board's role is limited by the fact that the CEO has reader access to crucial information. Some directors become close to the CEO and "boards hate to tell the CEO no," Denham said.

He suggested that boards can, however, play a larger role in setting and enforcing expectations for ethics and compliance. He observed that directors of e-commerce and other "new model" firms seem more involved in operations. "This is akin to the way boards functioned in earlier times."

**Dean Appoints Sterk**

**Senior Associate Dean**

Stewart Sterk has been on the faculty since 1979. He has known every dean in the history of Cardozo, sat on most committees—including the current dean search committee—and will now take his first administrative position as senior associate dean.

"I don't think there is a pre
dscribed job description," said Professor Sterk. "I will do whatever the Dean wants me to do and then whatever else needs to be done." Sterk, the H. Bert and Ruth Mack Professor of Real Estate Law, is editor of the *New York Real Estate Reporter* and writes and teaches in the areas of property, conflict of laws, trusts and estates, and copyright.

According to Dean Paul Verkuil, "Having Stewart Sterk in this critical position will be a great benefit to the entire law school community. He is respected by his colleagues as a scholar, by the students as an excellent teacher, and as a leader by the administration." Prof. Michael Herz, who has been in the position for four years, will step down in August. (See p. 19.)

When Professor Sterk moves to the dean's office, at the top of the list of things he hopes to accomplish will be to build a better relationship between the administration and the students. He explains, "I want to help create a cooperative environment so that the students have a more positive experience while they are at Cardozo." He indicated that this will mean creating more opportunities for social interaction between the administration and the students and building an accessible staff that is prepared to meet students' legitimate needs. In describing the management style that is going to help achieve this objective, Professor Sterk said, "I want to make people feel a part of the decisions and the programs. It may take longer in the beginning, but it will pay off in the end as staff, faculty, and students come together as a community."

Professor Sterk has agreed to serve for one year, believing it appropriate for the new dean to choose his or her own associate dean.

In terms of the dean search, Professor Sterk said, "It is impossible to find every quality that you would want in one person. However, the most important thing is to find someone with strong academic and leadership credentials." Second, he feels that a candidate should show the ability to market Cardozo's strengths in the law school, legal, and donor communities so as to both help students looking for jobs and benefit the law school in the long term. "What we really need is an impresario who can take everything that is wonderful about Cardozo and put it into a terrific package for the world to see."

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**IP AND DISPUTE RESOLUTION PROGRAMS**

**RANK IN TOP TEN**

In the *US News and World Report* Best Graduate Schools issue, Cardozo found itself listed on two top-ten lists. In Intellectual Property Law, Cardozo ranked sixth, making it the top-ranked program in New York City. NYU and Columbia ranked ninth in a three-way tie with University of Texas–Austin, University of California–Berkeley, George Washington University, and Franklin Pierce Law Center ranked first, second, and third, respectively. This is the third year that the program ranked in the top ten. The Cardozo program in Dispute Resolution made the list for the first time, taking eighth place—the only New York law school to be listed. University of Missouri–Columbia, Ohio State University, and Pepperdine University ranked first, second, and third in this category. Specialty programs are ranked by a survey of faculty members who teach in the field at 174 accredited law schools.
Art Wars Generals and Infantry Attend Conference

In his opening remarks, New York City's Commissioner of Cultural Affairs Schuyler Chapin took literally the title of the conference, "Reports From the Front Lines of the Art and Cultural Property Wars," and gave the audience of more than 150 artists, museum directors, gallery dealers, and lawyers a behind-the-scenes look at the "Brooklyn Museum fracas," when Mayor Rudolph Giuliani halted city funding of the century-old institution. Commissioner Chapin gave a simple reason for the six-month ordeal that the city, the Museum, and the art world lived through: The Mayor "lost his temper." A simple explanation for a complicated issue that ended with a federal judge upholding the museum's First Amendment rights. "The battle of the Brooklyn Museum is over, but the war has not been won. We are a very nervous nation when it comes to public support of the arts," he continued, making it clear that he feels that support of the arts is "one of our major responsibilities as a city and a nation."

But public support of the arts was not the day's major topic. It was, in fact, a celebration of Prof. John Henry Merryman's contributions to art and cultural property law. The esteemed Stanford University law professor is widely credited with being the seminal figure in this area of the law, having developed the first course (1972) and its accompanying text (1979). In his keynote speech, Professor Merryman explained that with regard to the export of cultural property and artifacts, two competing forces are at work: the international commitment to free trade and the commitment to fundamental human rights. If, he posited, one has the right to travel, does one also have the right to take along one's goods? His attendance at all of the sessions provided weight and import to the day's proceedings.

The internationally acclaimed sculptor Richard Serra spoke about Tilted Arc, a site-specific commissioned public sculpture that was removed in 1989 from in front of the Federal Building for which it was designed, after a long and contentious legal battle that played out in the press and that Mr. Serra qualified as "akin to book burning." The artist is now working to have moral rights legislation passed that would make the destruction of an art work a crime.

Prof. Marci Hamilton, who represented the Volunteer Lawyers for the Arts against the City of New York in the Brooklyn Museum case, said at the panel on Suppression and Liberty that "censorship of art is the mark of tyranny." However, she added, "strings of accountability come with government funding" and the government should forswear control only when public funding is eliminated. Prof. Jane Ginsburg of Columbia discussed the perplexing issue of moral rights in a digital age, when legislation gives authors the right to be credited and preserves the integrity of their work while the Internet presents many opportunities for copying, distorting, and controlling original work.

Citing the Tilted Arc case, Justin Hughes, adjunct professor, indicated that the argument was really about the sculpture's context, and he asked whether the artist has a right to control the framework or the context in which a piece is seen as well as the art work itself. This, according to Hughes, is an untenable position, since "art is becoming less and less context dependent" and the Internet is contributing to the decontextualization.

In a panel on repatriation of cultural artifacts, Nancy Wilkie, president of...
the Archaeological Institute of America, declared “the looting must end!” James Cuno, director of the Harvard University Art Museums, said it was the museum's responsibility to perform due diligence regarding any art work that is being considered for acquisition. He also made a distinction between cultural property and cultural patrimony—those artifacts that belong to a country's collective identity. Prof. David Rudenstine moderated the panel and presented his recent research on the Elgin Marbles, putting in question the validity of England's legal right to have taken and kept the marbles that Lord Elgin removed from the Parthenon, perhaps without permission. (See page 25.)

The final discussion, moderated by Daniel Shapiro, adjunct professor, looked to the future and how the Internet and computers may change the landscape for museums and artists alike. Museum directors Michael Govan of the Dia Center for the Arts, Kenneth Hamma of the J. Paul Getty Museum, and Stephen Well of the Smithsonian Institution enlightened the audience on such topics as the cloning of objects, the role of computers in searching for stolen works of art, and art made for the Internet.

The conference was funded by the Jacob Burns Institute for Advanced Legal Studies, the J. Paul Getty Trust, the Samuel H. Kress Foundation, the Reed Foundation, Inc., and the Andy Warhol Foundation for the Visual Arts.

Cardozo Establishes Holocaust Claims Restitution Clinic

The first Holocaust Claims Restitution Clinic at an American law school was founded this spring at Cardozo and is supervised by Lucille Roussin '96, former deputy research director for art and cultural property at the Presidential Advisory Commission on Holocaust Assets in the United States.

According to Ms. Roussin, "My work, and a discussion with Prof. Malvina Halberstam, inspired me to set up this clinic. The number of students wishing to participate shows there is enormous interest in this field."

Competitively selected students were placed at the Holocaust Claims Processing Office, at agencies, and with private attorneys investigating and pursuing insurance and other claims of Holocaust victims. A required seminar surveys historical approaches to pillage and restitution, relevant international law, the development of international cultural property agreements, and legal issues specific to World War II. Students also discussed their field work and completed independent research. Experts in the fields of insurance litigation, Russian trophy art, and slave labor issues were guest lecturers.

Ms. Roussin's area of expertise is cultural property—she holds a Ph.D. from Columbia University in art history and archeology. In the 1980s, she taught art history at Stern College for Women, Yeshiva College, and Sarah Lawrence College. In 1992, when Ms. Roussin heard a talk at the Association of the Bar of the City of New York about recovering cultural property, she decided to go to law school. Upon graduating, she became an associate at Herrick, Feinstein, where she worked on cultural property issues for three years.
Students Honor Ambassador Holbrooke

Ambassadors from Japan, Chile, Brazil, Israel, Portugal, Egypt, and Hungary, consul generals, the media, students, and faculty packed the Jacob Burns Moot Court Room to present Ambassador Richard C. Holbrooke, US permanent representative to the UN, with the inaugural International Advocate for Peace Award.

Students from the Cardozo Online Journal of Conflict Resolution and the International Law Students Association collaborated to create the annual award to recognize and encourage the efforts of those in the international dispute resolution community. Ambassador Holbrooke was selected for his work promoting humanitarian conditions and peaceful resolution to armed conflict, especially for his mediation in Kosovo. The event was co-sponsored by Cardozo's Center for Professional Development and the New York State Bar Association.

Ambassador Holbrooke used the occasion to make a policy statement regarding internally displaced persons, or internal refugees. He explained that the plight of refugees is a subject with which he is familiar. His mother, who attended the ceremony, fled Nazi Germany, his father's family fled Bolshevik Russia, and his wife and her family are refugees from Hungary. In addition, his work as a foreign service officer in Vietnam and as assistant secretary of state for East Asian and Pacific Affairs under President Carter introduced him to the full dimensions of the refugee issue. He has also served on the board of the International Rescue Committee and as chairman of Refugees International.

His speech was a call to action to recognize and develop a system for aiding those who are refugees within their own borders. He noted that the international community officially recognizes as refugees those who cross national borders, which makes them eligible for assistance from the UN High Commission for Refugees (UNHCR) and other organizations.

Internal refugees—more than 21 million—suffer the same degrading and unsafe conditions as international refugees, yet are virtually ignored. He proposed that the international community officially recognize these people as refugees and that the UN appoint the UNHCR as the lead agency to coordinate relief and protection for these victims.

(From right), Tiitu Gennert '00, Peggy Sweeney '01, and Leila M. Zubi '00 present Ambassador Richard Holbrooke with the International Advocate for Peace Award.

John Marth '00 Named Skadden Fellow

For the first time, a Cardozo student was awarded the highly competitive Skadden Fellowship. John Marth '00 was selected from a pool of hundreds of applicants to participate in a two-year program doing public interest legal work. The Skadden Fellowship Foundation pays recipients $37,500 per year, provides benefits, and makes law school loan payments for the duration of the fellowship.

John, who intends to pursue a public interest law career, said, "I believe that I can do something significant to relieve suffering, to prevent injustice, and, if not to win the battle, then at least to help even the odds for those who have come out on the losing end far too long."

The Skadden Fellowship was started in 1989 by the law firm Skadden, Arps, Slate, Meagher & Flom. Each year 25 recipients, who come from the nation's most selective law schools, are chosen for their academic records and commitment to public interest work. A foundation advisory committee of partners, Susan B. Plum, direc-
tor of the Skadden Fellowship Program, and the Board of Trustees oversee the selection process. Ms. Plum remarked, “We were impressed with John’s extensive history of public interest work, the fact that he lives in the community he will serve, and his drive to set up a full-time legal clinic in the soup kitchen that he helped found and is a board member of—he is taking his involvement to another level. John is a paradigm of the Skadden Fellow. Quite frankly, we were dazzled by him.”

In September, John will establish a full-time legal clinic under the sponsorship of the Urban Justice Center (UJC), an organization offering free legal services to poor people. Specifically, he will provide direct representation of low-income residents in Bronx Housing Court, help clients who have exhausted their welfare administrative appeals, and educate people about welfare and housing rights, providing skills for self-empowerment.

Dean Verkuil said, “John’s commitment to justice brings distinction not only to him, but to the Law School as well. We hope many students will be inspired by his example.”

Public interest work has played an important role in John’s life. He volunteered in a shelter for homeless women, helped refugees in El Salvador rebuild their community, was a caseworker in a shelter for elderly homeless in NYC, interned at the UJC, and...

Each year over 100 students and more than 200 visiting faculty participate in Cardozo’s Intensive Trial Advocacy Program (ITAP). Students learn how to do opening statements, cross-examinations, closing arguments and all phases of criminal and civil trials. The visiting faculty give demonstrations and student critiques (above) from which the students learn effective techniques and have the opportunity to view different courtroom styles. At the end of two weeks, students prepare and present bench and jury trials before a practicing judge. Typically, students say that ITAP is one of the most intense and rewarding law school experiences.

At “Artificial Intelligence and Judicial Proof,” an international group of panelists explored the nature and mission of artificial intelligence and its contributions to the study and practice of forensic investigation and proof. Participants included (from left) Kola Abimbola, research fellow, Amherst College; Prof. Paolo Garbolino, Scuola Normale Superiore; Paul Snow, statistical consultant; Prof. Marianne Belis, École Central d'Électronique; Prof. David Schum, George Mason University; and Prof. Marilyn MacCrimmon, University of British Columbia. Other panelists were Prof. Ward Edwards, University of Southern California; Prof. Ronald Howard, Stanford University; Prof. Kathryn Laskey, George Mason University; Tod Levitt, president, Information Extraction & Transport, Inc.; Prof. David Poole, University of British Columbia; Prof. Glenn Shafer, Rutgers University; Prof. Vern Walker, Hofstra University School of Law; and Cardozo Professors Melanie Leslie and Peter Tillers. The event was co-sponsored by the Cardozo Law Review and the Jacob Burns Institute for Advanced Legal Studies.
for many years helped a small soup kitchen, Part of the Solution, grow into a well-established, multiservice organization.

John was a Mack Scholar and participated in the Bet Tzedek Legal Services Clinic. He stressed the supportive roles of Professors Paris Baldacci, Toby Golick, and Leslie Salzman. “They helped me gain the legal expertise I needed to undertake this project.”

Moot Court Wins Top Honors

The Moot Court Honor Society had a memorable year, winning top honors in two major competitions. Aglaia Davis ’01 and Seth Kaufman ’00 were the winning team at the Widener University School of Law Competition in March. The team of Alan Gotthelf ’01 and Sonny Cheh won the APLA Northeast Regional Competition; they also won best appellate brief. At the Fordham Securities Law Competition, Erin Naftali ’00 won best oralist in the preliminary rounds, and the teams of Christophe diFalco ’01 and Joshua Reitzzas ’01 and Pamela Cheong ’01 and Erin Naftali ’00 advanced to the quarterfinals. At the Nassau Constitutional Law Competition, Jennifer Loyd ’01 and Lisa Tuntigian ’01 won both best brief and second place. At the Wisconsin Constitutional Law Competition, Pete McHugh ’01 and Jason Halper ’01 advanced to the quarterfinals.

SBA Auction Raises $47,000 for Public Interest Stipends

At the 8th Annual Goods and Services Auction, Cardozo raised $47,000 for public interest stipends, which allow students to take public interest summer internships that pay no salary. Live and silent auction items brought in more than $22,000, and Melvin I. Weiss, parent of alumnus Stephen Weiss ’90, gave $25,000, the largest single gift ever given to the auction. Guest auctioneer Ricky Kleiman (above), Court TV commentator, kept the bidding fast and energetic. Auction items included meals with faculty members, tickets to sporting events and theater performances, and bottles of vintage wine. A winning bid of $1,200—the highest of the evening—was made by six students for dinner with Prof. Stewart Sterk.

With only seven alums not reporting, 97.4% of the Class of ’99 is employed at an average salary of $74,141. This is a significant increase over the preceding year and does not include recent salary “bump-ups” at larger firms. Jacquelyn Burt, assistant dean, Center for Professional Development, noted, “The high cooperation from our alums is significant and validates our statistics.” Of particular interest to note from this year’s data survey is an improved “at/before” graduation rate of 75.3% and that the Class of ’99 employment pattern reflects the nationwide trend showing a
BALLSA Completes Active Year

The Black, Asian, and Latino Law Students Association (BALLSA) played a significant role in enhancing campus life this semester. Students invited prominent political figures to campus, organized panels and art shows, and hosted several parties. BALLSA and the Law & Politics Society hosted civil rights leader Rev. Al Sharpton; the pastor of Riverside Church, Reverend James Forbes, Jr; NYCLU executive director Norman Siegel; and attorney Colin Moore at "The Aftermath of Diallo: The Case for Federal Intervention and Comprehensive Police Reform." The panel was a call to action to end racial profiling by the police department and to propose policy and legislation for police reform.

Earlier in the semester, former vice-presidential candidate Lenora Fulani spoke about "Ending Minority Politics as a Key to Black Political Power." The event was televised by C-Span. Judges L. Priscilla Hall, New York State Supreme Court, and Charles Tejada, New York State Court of Claims; Etta Ibok '93, attorney in employment law; Maria Cells '99, associate, Neville, Peterson & Williams; Vivian Lee Brady, associate, Kramer Levin Naftalis & Frankel; Nouko Kumada-Lawrence, associate, Proskauer Rose; and Prof. Terry Smith, Fordham Law School were panelists at "Race in the Legal Profession."

Joshua Greenberg '00 (left), Andrew Berkowitz '00, and Joshua Fine '00 (seated) were among the stars in the Y2K Law Revue Show, "I'm Here to Be a Millionaire," which featured comedic performances by students, faculty, and the dean.

Peggy Sweeney '01 and Ryon Fleming '01 shown here with Judge Paula Pace, a NY-area mediator and trainer, were one of the two winning teams at the 2000 ABA Advocacy in Mediation Competition, beating Columbia, CUNY, Fordham, and NYU.

More than 300 guests attended "Application of the Noahide Code to Contemporary Social Problems." The big crowd reflected the resurgent interest in this ancient set of basic legal and moral principles among the clergy, academics, and, most notably, the wider public. The symposium was sponsored by Cardozo's Leonard and Bea Diener Institute of Jewish Law and the Tree of Life Society. Panelists included (from left) Rabbi Alter Metzger, Rabbi Israel Chait, Rabbi Michael Katz, and Dr. Aaron Lichenstein. Rabbi Yoel Schwartz, Nakum Rakover, and Cardozo Professor Rabbi J. David Bleich also participated.

decrease in private practice and an increase in business and government jobs. Of those graduates reporting employment in private practice (55%), 51% are in firms of 51 or more attorneys.

Squadron Symposium Explores Key Issues of the Internet

Practitioners and academics addressed issues of privacy, online anonymity, e-commerce, and communications policy at the symposium "Legal and Social Implications of Trusted Systems and Hardware Identifiers." Speakers included Lorrie Cranor, Information Systems and Services Research Laboratory, AT&T Labs—Research, and chair, "Computers, Freedom, and Privacy 2000" Conference; Donald Hawthorne, associate, Paul Weiss, Rifkind, Wharton & Garrison and Cardozo adjunct professor; Scott Kurnit, founder and CEO, About.com, Inc.; and Jonathan Weinberg, Squadron Scholar-in-Residence, and professor of law, Wayne State University School of Law. The symposium was cosponsored by the Howard M. Squadron Program in Law, Media and Society; the Cardozo Arts & Entertainment Law Journal; Programme in Comparative Media Law and Policy at Oxford University; and Young Lawyers Committee of the Intellectual Property Law Section, New York State Bar.
Morris B. Abram was an American original. About 30 years ago I worked with Morris at Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison. He was a terrific mentor—never ruffled, open to suggestions, and always eager to talk about the issues of the day: Vietnam and civil rights, of course, dominated the “classroom.” As a litigator, Morris never overprepared. I vividly remember briefing him on a case as we went by taxi to the Appellate Division, First Department, for oral argument. At first, I thought, he was testing me (did I know the case?); but I soon realized I was testing him by preparing his oral argument points. Such moments were anxiety-producing, but, nonetheless, knowing Morris was a memorable experience for a young lawyer.

When I became dean at Cardozo, Morris was emeritus on the Board of Directors and living abroad, so I did not get to see him. When he died on March 16, 2000, I was distressed that we had not reconnected after so many years.

Morris was the first chair of the Cardozo Board of Directors, selected by President Samuel Belkin when the law school was still a gleam in Yeshiva’s eye. I am sure Morris was instrumental in securing Monrad Paulsen as our founding dean. They had been law school roommates at the University of Chicago in the early ‘40s, and the two of them were great buddies. I can only imagine the cajoling that went on between them to get Monrad here from the University of Virginia.

Morris had a remarkable academic record. He was the first Rhodes Scholar from the University of Georgia, class of 1938, and went to Oxford in 1947, just after the war ended. Despite his then-controversial civil rights activities, he was a revered alumnus of Georgia even as he later became a citizen of the world.

The many highlights of his career include serving as a prosecutor in the Nuremberg trial, as UN Ambassador for Human Rights, and as the first general counsel of the Peace Corps. What a rich and varied career these posts evoke. He serves as the very model of a committed and productive lawyer, the kind we aspire to produce at Cardozo.

Let me close by quoting from the citation that accompanied the honorary doctor of laws degree given to him at Yeshiva University’s commencement on April 11, 1976, the year Cardozo opened its doors:

“As a distinguished attorney and lifelong champion of causes for the underprivileged, your dedication and integrity have greatly enhanced the dignity of the practice of law.”

Amen.

—Paul R. Verkuil, Dean
Law School Hosts Book Party for Scheck and Neufeld

Students and faculty turned out to fete Barry Scheck, Peter Neufeld, and New York Daily News columnist and two-time Pulitzer Prize winner Jim Dwyer, on the occasion of the publication of the book they co-authored, Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted. The book chronicles the harrowing stories of innocent men wrongfully convicted and tells of the heroic efforts to free them. Actual Innocence and its hard-working students. He spoke informally with students in the Innocence Project clinic a few days later, and shared experiences about life in jail and what it feels like to be free again.

Rudenstine Named Fellow at Princeton

David Rudenstine has been named an inaugural fellow in Princeton University's Program in Law and Public Affairs. He will spend 2000-2001 at Princeton writing Trophies for the Empire: The Tale of the Parthenon Marbles, which is a history of the dispute between Greece and Britain over Lord Elgin's taking of the Parthenon marbles in the 19th century. He will also teach a freshman seminar called "Who Owns the Past?" The fellowship program, a joint venture of the Woodrow Wilson School, the University Center for Human Values, and the politics department, was founded to promote the interdisciplinary study of law and enrich the intellectual life of Princeton students and faculty. The selection committee chooses fellows on the basis of the quality of their achievements and their ability to benefit from the activities of the program, the significance of their
proposed contribution to the purposes of the program, and the contribution they are likely to make in the future to legal scholarship and practice.

In recent months, Professor Rudenstine has spoken and written widely on the topic of his recent research. He participated at the Center of European Studies and Humanities conference on “Repatriation of the Parthenon Sculptures: Historical, Cultural and Legal Aspects” held in Athens under the auspices of UNESCO and the Hellenic Ministry of Culture. He was a presenter at the Cardozo conference he helped organize, “Reports from the Front Lines of the Art and Cultural Property Wars.” And he wrote an article published in The Nation and reprinted in this issue of Cardozo Life (see page 25). In addition, he organized and moderated with Ashton Hawkins, executive vice president and counsel to the trustees, The Metropolitan Museum of Art, a roundtable discussion at Cardozo entitled “Who is Entitled to ‘Own’ the Past? Collecting in the 21st Century.” A distinguished group of panelists and invited guests participated in this closed-door session, discussing the ethical and legal issues that museum directors, trustees, collectors, and dealers face in regard to acquiring art and artifacts from countries other than their own.

**PROFESSIONAL HONORS**

During 2000–2001, **Monroe E. Price** will be a member of the School of Social Science, Institute for Advanced Study in Princeton. He will be one of a group of scholars focusing on the implications of new information technology. This spring in Geneva, he presented a study he edited on “Information Intervention in Post-Conflict Societies: Rwanda, Bosnia, Kosovo, and Cambodia.” The study was commissioned by UNESCO in connection with World Press Day. Professor Price has received a Ford Foundation grant to complete a book on the subject. He has also prepared a study of codes of conduct on the Internet for the Bertelsmann Foundation, including a proposed model code. Earlier in the year, he was elected chair of the Association of American Law Schools Section on Mass Communication Law.

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**Appointments**

**Marci Hamilton** was named in January to the Thomas H. Lee Chair in Public Law. The new Chair was established in honor of Mr. Lee, a Cardozo board member and founder and president of Thomas H. Lee and Company, who said, “Professor Hamilton has made major contributions to the fields of intellectual property and constitutional law. She honors the Cardozo community with her dedication and scholarship.”

Professor Hamilton has taught at Cardozo since 1990 and is the director of the Intellectual Property Law Program. She frequently litigates in appellate courts on cutting-edge constitutional and copyright law issues and often testifies before Congress and state legislatures. Three years ago she successfully argued the City of Boerne case before the US Supreme Court. This winter, Professor Hamilton represented arts organizations in the case between the Brooklyn Museum of Art and the City of New York. She publishes and lectures extensively and is often quoted in the media for her expert opinion. Last year, she was a visiting scholar at Princeton Theological Seminary and Distinguished Visiting Professor of Law at Emory University School of Law. She delivered a lecture to the Cardozo community, “The Reformed Constitution,” on the occasion of her appointment to the Chair. At that event, Dean Verkuil noted, “Marci Hamilton is that most remarkable of law professors: omniscient and dazzlingly energetic.”

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**Paul Verkuil** received an award from the College of William and Mary for founding the Thomas Jefferson Public Policy Program at the College. The citation refers to Dean Verkuil, who was president of William and Mary from 1985 to 1993, as “president, advocate, visionary, and supporter.”
Edward Stein Appointed to Faculty

Edward Stein, who holds a Ph.D. in philosophy from MIT, a J.D. from Yale, and a B.A. with highest honors from Williams College, has been named associate professor of law. Professor Stein brings to the Cardozo faculty an expertise in the areas of family law, bioethics, and gender and sexual orientation. He has written extensively on these topics as well as philosophy and cognitive science. "Ed Stein is very much in the Cardozo tradition. He brings an interdisciplinary approach and intellectual ambition to legal study and adds real strength to our program in family law. An article that he is writing on statutory interpretation has already received extremely enthusiastic reviews by our faculty and others. I know that he will hit the ground running," said Dean Verkuil.

Professor Stein received his J.D. degree just this year; before attending law school he taught philosophy visiting at Yale University, Mount Holyoke College, New York University, and Williams College. In 1999, he was a summer associate at Davis, Polk, and Wardwell. This year he will teach Family Law, Evidence, and Sexual Orientation, Gender, and the Law.

Ellen Yaroshefsky won the 2000 award for outstanding contribution in the field of criminal law education from the Criminal Justice Section of the New York State Bar Association. She was recognized for her outstanding efforts to promote the understanding of criminal law through scholarship, teaching, and the implementation of law school programs.

SPEECHES PAPERS PANELS

At a continuing legal education panel sponsored by the Lesbian and Gay Law Association of Greater New York and the New York County Lawyer's Association, Paris Baldacci spoke on "Housing Succession Rights: Issues for the Elderly Lesbian and Gay Client." At a panel sponsored by Legal Services of New York, he spoke on "Litigating a Functional Family Succession Rights Case: Exemplary Issues." For that training, his practice manual was published in pamphlet form. He addressed 60 tenant advocates on "Landlord-Tenant Litigation: Non-Primary Residency and Succession Rights" at a seminar sponsored by the city-wide task force on Housing Court.

Rabbi J. David Bleich spoke at the Bar Ilan University Jewish Law Conference this spring. His topic was "Non-Jews as Arbitrators."

Laura Cunningham presented a paper on family limited partnerships before estate planning practitioners at the New York University/Tax Analysts Seminar for Government.

Peter Goodrich delivered the plenary lecture, "Ad Hominem," at a symposium on adjudication at Miami University School of Law and another, "Amatory Jurisprudence," at a symposium on jurisdiction at Wexner Center for the Arts, Ohio State University. At a symposium on law, literature, and culture at City University, he spoke on "The Justice of Literature."


Malvina Halberstam participated in a conference of the American branch of the International Association of Jewish Lawyers and Jurists, moderating a panel on "Judging and Judaism: The Influence of a Judge's Jewish Background and Values on the Adjudicative Process."

Marci Hamilton spoke on "Religion and Local Government" at the annual meet-
Michael Herz was appointed associate dean for academic affairs in 1996 when Frank Macchiarola was still at Cardozo's helm. He stayed on as second in command to David Rudenstine, who served as dean ad interim, and was promoted to the newly created post of senior associate dean shortly after Paul Verkuil became dean in 1997. Herz's ability to stay the course and ensure continuity through three deans, while managing both the academic and administrative sides of the Law School, all with good humor, has been the legacy of his tenure. Now after four years of juggling administrative duties and teaching first-year and upper-level courses, he will take a leave, during which he will visit at NYU School of Law.

David Rudenstine was himself dean of academic affairs when he recommended Herz for the position. "When I was appointed interim dean, it was a very rough time for both Michael and me because we were both so new at our jobs. Michael was an extremely strong support and very helpful. During the past three years, he has done a Herculean job."

Dean Verkuil praised Herz as the consummate academic administrator. "He is thoughtful, creative, and has excellent judgment. All in all, Michael is the kind of person who respects, preserves, and enhances Cardozo's reputation and, at the same time, gets the job done."

According to Herz, the job holds many rewards. "There are three things that I have especially enjoyed," says Herz. "First, the Law School has become a much stronger institution in the last four years and, although the deans deserve the lion's share of the credit, it has been gratifying to be part of the team. The second is that from the dean's office, you see a whole new and fascinating side of the institution—there is much more to the Law School than the classroom. And, finally, there's the variety. Every day there are at least 10 new and completely unrelated tasks that arrive on my desk. There's always a new challenge in this job."

When asked why he was now going to spend a year as a visiting professor at NYU Law School, Dean Herz said, "I'm looking forward to having more time for teaching and writing. Being associate dean has cut into my scholarship enormously. I am also curious to see how another school runs. And, wonderful though Cardozo is, having been here for 12 years, I'm looking forward to a change of scene and returning after a year refreshed and ready for new challenges."

Her topic was "Copyright and the Constitution" for the New York City Bar Committee on Literary Property and Copyright.

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Melanie Leslie's article "Enforcing Family Promises: Reliance, Reciprocity, and Relational Contracts" was published in the January 1999 issue of the North Carolina Law Review.

Lela Love, who sits on the NYS Unified Court System Alternative Dispute Resolution Advisory Committee, is co-chair of the subcommittee on qualifications and training for neutrals. She was co-chair of the ABA section of the Dispute Resolution Conference Legal Educator's Colloquium and spoke on "Effective Teaching Strategies for 'Traditional' Dispute Resolution Classes." She participated in several panels at the Association of American Law Schools' Annual Meeting, including ones on preventive lawyering, alternative dispute resolution and estate planning, and mediation and probate disputes. Her recent publications are "Images of Justice" in the inaugural issue of Pepperdine Dispute Resolution Law Journal; "Training Mediators to Listen: Deconstructing Dialogue and Constructing Understanding, Agendas, and Agreements" in the January 2000 Family and
Toni Fine Named Director of Graduate Programs

Toni Fine, who has been associated with NYU School of Law for seven years, has been appointed director of Graduate and International Programs at Cardozo. At NYU, where she was associate director of the Global Law School Program and acting director of the LL.M. Program in Comparative Jurisprudence, she developed curriculum and student foreign exchange programs, organized international conferences, recruited and admitted LL.M. students, and coordinated visits by prominent international scholars.

At Cardozo, Ms. Fine will expand the LL.M. Program and hopes to “‘develop coherent programs of study and ensure that international law students are well integrated into the domestic law school population.” She continues, “I’m looking forward to working with the Cardozo faculty and administration to help vitalize and institutionalize the LL.M. Program here and to enlarging the international community at Cardozo while developing international programs that benefit the entire law school population.”

This summer, Ms. Fine is teaching legal writing for Coudert Brothers’ offices in Almaty, Kazakhstan. She is the author of American Legal Systems: A Resource and Reference Guide and many articles. She lectures frequently here and abroad on graduate legal education in the US and teaches legal research and writing and other lawyering skills.

Ms. Fine is the chair, AALS Section on Graduate Programs for Foreign Students, and a member of the executive committee, AALS Section on International Legal Exchange. She holds a J.D. with honors from Duke University School of Law and a B.A. from SUNY Binghamton. She is a member of Phi Beta Kappa.

Weisberg

In the spring, Richard Weisberg spoke on civil litigation and public discourse at DePaul Law School, on “The Two Best Law Films of the Last Half Century” at the Popular Culture convention in New Orleans, and on The Merchant of Venice at the City University of New York, where he invited actors to play a portion of the trial scene on the basis of interpretations from a 1993 issue of Cardozo Studies in Law and Literature. This summer he delivered a paper at the quadrennial gathering on the Holocaust held at Oxford University, where he expanded on a chapter from his book Vichy Law and the Holocaust in France.
An Interview with Associate Justice
Sandra Day O’Connor

When three US Supreme Court Justices met at Cardozo with eight of their counterparts from the Court of Justice of the European Union, they discussed ways that their courts and procedures were similar as well as different in an effort to discover how they can learn from each other. Prior to the meeting, David Rudenstine, Dr. Herman George & Kate Kaiser Professor of Constitutional Law, sat down with Associate Justice Sandra Day O’Connor, the most senior member of the US delegation, to discuss her thoughts about the day’s conference and to gain insight on the first woman appointed to the highest court in the land.
When I was nominated in 1981, and took the position, it was incredible to see doors opening for women around the world on courts and for other positions, too.
My sense is that jurists from other nations around the world understand that our court occupies a very special place in the American system.

RUDENSTINE: During the course of the year, as you meet with circuit court judges and district court judges at conferences, meetings, and lectures, is it your sense that this international flavor is having a trickle-down effect as well?

O'CONNOR: All over the country federal courts are facing certain international law issues as a result of treaties like NAFTA. If you go to the Ninth Circuit and other areas closely affected by NAFTA, you will begin to see some cases raising issues with international import: enforceability of judgments, taking depositions. What about the enforcement of orders from some decision-making body established by NAFTA itself as opposed to a judicial judgment?

Certainly we have had to face extradition of people to and from this country that invoke international issues. Our court has had a couple of cases involving the alleged failure of state prosecutors to advise criminal defendants who are nationals of another country that there is a consul from their country with a certain address, with whom they may wish to consult, as is required by the Vienna Convention. When that obligation is not observed, an important issue of international law is presented.

I have had some contact with various circuit court judges to explore the possibility of having circuit conference programs address issues in international law. There is a great deal of interest in this kind of program. I will participate on a panel this summer at the Ninth Circuit conference focusing on international law issues.

RUDENSTINE: Let me shift ground if I might. When you have a difficult case, besides perhaps consulting other precedents and decisions of other countries, are there any figures in American jurisprudence—and let's just talk for the moment about figures who are no longer on the court—to whom you turn with any regularity for insight, perspective, and wisdom?

O'CONNOR: I have found it most helpful, when I have a particularly tough legal issue at the court, to find some opinion by Justice Harlan [John Marshall Harlan (1955–1971)] to see how he would deal with that issue. He was a very thoughtful justice. And he dealt with issues so fairly and so well. It's a joy to find them! Interestingly enough, on the issues of federalism I think Justice Frankfurter [Felix Frankfurter (1939–1962)] offers a lot of insights. You wouldn't expect that, would you, but he did. You can find the writings of many past justices helpful, depending on the issue and the circumstance.

RUDENSTINE: It's interesting to hear the two that you do cite, because in my own experience in the classroom, I would flag both of them, especially Justice Harlan, for letting you exactly what's on their minds. You might not agree with him, you might come at it a different way, but there's no way to walk away from a Harlan opinion without thinking he's...

O'CONNOR: He's thought it through.

RUDENSTINE: And he's told you what he thinks. Is that partially the quality that you find?

O'CONNOR: Well, yes, and it seems to me that he evaluated issues in a very fair, equitable manner. He had a balanced and objective approach, I think, to everything that I've seen of his opinions.

RUDENSTINE: In thinking about what to ask you this morning, I asked my daughter, who is a high school senior, 'As you know, Justice O'Connor is the first woman to be appointed to the US Supreme Court. If you had a chance, what kind of questions would you ask her?' And then I got about 12! So let me run down the list very quickly. I think they are all part of the same piece of cloth. What was it like when you were first appointed and became a member of the court? Was there awkwardness or hostility of any kind that you experienced? Did that change over the years? Did it particularly change when Justice Ginsburg arrived?

O'CONNOR: There was no hostility at the court when I arrived. The fact is, we are a nine-member court that sits on cases. When there are only eight members, it does not function right, particularly in those days when it often divided four to four. The members of the court were just delighted to have a ninth member—male or female. They were all kind and welcoming. What was a problem was the excessive amount of media attention to the appointment of the first woman and everything she did. Everywhere that Sandra went, the press was sure to
go. And that got tiresome; it was stressful. I didn't like it. I don't think my husband liked it. It was a constant presence. And over the years, just because I was somehow symbolic of something different on the court, when the court would hand down a decision, there would be a little add-on: What did Justice O'Connor do in the case? This changed dramatically with the arrival of Justice Ginsburg. All of a sudden there were two women and we all became “fungible” justices, and that was an enormous help. Justice Ginsburg is a very competent justice, and it is a joy to have her on the court, but particularly for me it is a pleasure to have a second woman on the court.

RUDENSTINE: Over the period of the past fifteen or so years, do you have a sense that the standing and position of women in the profession as a whole has changed as a result of your appointment to the high court?

O'Connor: Clearly it has. When I was nominated in 1981, and took the position, it was incredible to see doors opening for women around the world on courts and for other positions, too. And law schools became more open. More young women started attending law school. It's now half and half, at least, if not more.

My concern was whether I could do the job of a justice well enough to convince the nation that my appointment was the right move. If I stumbled badly in doing the job, I think it would have made life more difficult for women, and that was a great concern of mine and still is.

RUDENSTINE: As you experienced that responsibility, especially during your early months or years on the court, were there opinions that you had the responsibility to author where you really felt this more acutely?

O'Connor: Any time there was an issue involving any kind of gender discrimination, there would be a particular focus on “what is the woman justice going to do?” Mississippi University for Women v. Hogan [1982], for example, was a case in which there was a great deal of press attention, and I ended up writing the majority opinion. So that was a focal point. The abortion cases produced an enormous amount of mail to my chambers, vastly more than to the other chambers, I am sure. I sometimes thought there wasn't a woman in the United States who didn't write me a letter on one side or the other of that issue. I have two secretaries, and we were incapable of opening all the mail. We physically could not do it in a normal working day.

RUDENSTINE: As you move around from forum to forum, especially when you meet with international jurists and lawyers, there must be times when there are conversations about the role of the Supreme Court in American life. In my experience, this international group has a hard time really appreciating what that role is, what it may have been in the past, and what it might be in the future. How do you reflect on that role, and how do you describe it in your conversations?

O'Connor: My sense is that jurists from other nations around the world understand that our court occupies a very special place in the American system, and that the court is rather well regarded in comparison, perhaps, to their own. It is also my sense that jurists from other nations believe our court has broader powers than most of theirs have in terms of, for example, declaring a legislative enactment unconstitutional.

Many courts don't have the power of judicial review of acts of legislation. Most high courts in other nations do not have discretion, such as we enjoy, in selecting the cases that the high court reviews. Our court is virtually alone in the amount of discretion it has. We are constantly grateful that Congress has seen fit to give the court that amount of discretion. We would drown in cases otherwise—cases that neither warrant nor merit the attention of the nine-member court.
When I answered my hotel telephone, the desk clerk said that my translators were waiting for me. I went downstairs quickly. After we had introduced ourselves, I expanded on what I had previously written them—that I wanted to find whatever I could about Lord Elgin's taking of the Parthenon marbles during the first decade of the 19th century. Within minutes we set off for the archives of the Ottoman Empire, walking through Istanbul's narrow, winding streets, across the historic Hippodrome and past the breathtaking Blue Mosque, the monumental Hagia Sophia, tantalizing restaurants and innumerable eye-catching rug stores. Within 30 minutes we arrived at the archival center, a low-lying, drab, post-World War II rectangular building.

I had made careful arrangements through an American lawyer with the director of the archives so that I, as a foreigner, would be given immediate access to the archives and not have to wait the customary two days while my application was processed.
But as luck would have it, the director was unexpectedly in Ankara for a few days of meetings and his assistants knew nothing of my coming. Yet after an hour of conversation, telephone calls and a review of letters, I and my Turkish Ottoman translators were permitted access to the main reading room. We settled into some free desks, located the indexes to the archives and commenced working. This effort continued on and off till the end of June 1998. Subsequently I visited the Public Record Office in London, and I consulted with archivists at Parliament as I searched for additional documents bearing on Lord Elgin's taking of the world's greatest collection of classical Greek sculptures and the celebrated dispute between Greece and Britain over whether the British Museum should return the marbles to Athens. Acrimonious as the debate has been, when one scrutinizes its historical premises for what gave rise to them, what is to be found is, to say the least, surprising.

The fabulous marbles, sculpted during the age of Pericles under the guiding hand of Phidias out of fine white Pentelic marble quarried 10 miles from Athens and hauled by oxcart to the Acropolis, remained on the high walls of the Parthenon until the first decade of the 19th century. At that time, a period of severe international disorder because of the Napoleonic Wars, the marbles were removed and shipped to London at the behest of Thomas Bruce, seventh Earl of Elgin and eleventh of Kincardine and the Ambassador Extraordinary and Minister Plenipotentiary of His Britannic Majesty to the Sublime Porte of Selim III, Sultan of Turkey in Constantinople.

Since then, Elgin's controversial taking has frequently been both criticized and defended by poets, artists, cultural leaders, politicians, diplomats, lawyers, and academics. Only recently, these marbles have again captured international attention. A year ago, the European Parliament urged Britain to return the collection, and at the end of 1999, President Clinton offered to mediate Greece's demand that Britain return the marbles. A conference last year at the British Museum, which focused on the improper and subsequently concealed cleaning—really scraping—of the marbles in the 1930s, became a forum for swapping charges and countercharges among those supporting retention or return, with the Greek representatives eventually walking off in anger.

The battleground over the marbles sweeps broadly across legal, moral, ethical, and historical considerations. Those defending the taking and the retention of the marbles make several tenuous claims: Lord Elgin had impeccable legal title to the marbles because the Ottomans, who ruled Greece at the time, gave him permission to take them; Britain deserves the marbles because Elgin's taking of them preserved them from looters, collectors and air pollution; the marbles are now part of its patrimony; they are more accessible in London than they would be if they were in Athens; Greece is not prepared to take adequate care of the marbles; and returning them would set a bad precedent, resulting in the emptying of exhibition halls of the world's great museums.

The claims of those favoring return have been comparably strenuous. The Ottomans lacked moral authority to alienate public monuments; the removal of the marbles caused irreparable damage to the structure of the Parthenon; the return of the marbles to Athens will facilitate scholarly study; Greece is prepared to protect and preserve the marbles; and the great museums of the industrialized West cannot turn a deaf ear to all claims for the important remains of a heritage merely because such claims threaten established collections.

As complicated and wide-ranging as this debate may be, both sides have taken as a starting point the assumption that the Ottomans gave Elgin permission to remove the marbles. After so many years of debate and animosity, it may be hard to imagine that there is anything new under the sun to say about this highly significant issue. But there is, and what is new is no small matter. Indeed, as things turn out (and as somewhat surmised by Christopher Hitchens in his book *The Elgin Marbles*) the assumption shared by advocates on both sides of the debate—that the Ottomans gave Lord Elgin permission to remove the marbles—is no more than a grand illusion.

The story preferred by the defenders of how Lord Elgin obtained the Parthenon marbles goes something like this: Lord Elgin was dedicated to improving aesthetic tastes in England and to saving the Parthenon marbles from destruction wrought by travelers who wanted them as trophies for their manors and Ottoman troops who used them for target practice and mortar. Taking advantage of Ottoman solicitude toward Britain in the wake of the 1801 British defeat of the French forces in Egypt,
then part of the Ottoman Empire, Lord Elgin asked the highest officials in Constantinople for permission to remove the marble statuary from the Parthenon. Because the Ottomans were eager to have Britain return control of Egypt to them, the Ottomans, who had for decades denied the French, their ally, these exquisite sculptures, quickly consented to the British ambassador's request. If Elgin exceeded the authority given him by taking marbles from the Parthenon walls—the metopes, the friezes and the free-standing statuary—as opposed to marble statuary on the ground or unearthed through excavation, Ottoman authorities subsequently approved of and condoned Elgin's stripping of the marbles. Although it has been unchallenged for the better part of two centuries, there is little truth to this story.

The British claim that the Ottomans gave Lord Elgin prior permission to denude the Parthenon relies on an English document printed in the appendix of a parliamentary report of a joint committee convened to evaluate Elgin's request that the British government purchase the Parthenon marbles from him. (Parliament went on to vote, 82 to 30, to buy them and give them over to the British Museum.) The Parliament report presents this document as an accurate English translation of a July 1801 Ottoman document that, according to Elgin, authorized the removal of the marbles. Elgin told the committee that the original Ottoman document was given to Ottoman officials in Athens in 1801. Yet no researcher has ever located this Ottoman document, and when I was in Istanbul I searched in vain for it or any copy of it, as well as for any reference to it in other sorts of documents or a description of its substantive terms in any related official papers. Although a document of some sort may have existed, it seems to have vanished into thin air, despite the fact that the Ottoman archives contain an enormous number of other documents from the period.

After having been stored in an underground tunnel for safety during the Second World War, the Elgin Marbles were reinstalled in The British Museum galleries.
Putting aside for the moment the all-important question of just what activities this English document might have authorized Lord Elgin to carry out, there are serious questions about the authenticity and reliability of this historically prominent piece of paper. The parliamentary record reveals that it was not Elgin himself but a young clergyman who worked for him, the Rev. Philip Hunt, who claimed that he had a copy of the 1801 Ottoman document. Hunt, who appeared as the committee's very last witness, told the committee that he had an Italian translation of the Ottoman original in Bedford, about 60 miles north of London. He explained that he did not have the document with him because, when he left Bedford, he did not know he was going to be a witness. The record also indicates that the English document printed in the report was forward­ed to the parlia­mentary committee by Hunt, and that the committee never saw the Italian translation that Hunt claimed to possess. Thus, Parliament never assured itself that the English docu­ment sent by Hunt was a faithful translation of the Italian document.

A contemporary British historian, William St. Clair, who recently published a third edition of his biography of Lord Elgin, claims to possess Hunt's Italian document and vouches for the accuracy of the English translation. Nonetheless, the failure of Parliament, which was running a worldwide empire at the time, to secure Hunt’s Italian document, to obtain a verified copy of the Ottoman document in Athens, or to secure a statement from Ottoman authorities in Istanbul that Lord Elgin had been officially allowed to remove the marbles certainly suggests that it was not all that eager to get to the bottom of this crucial question. In short, by failing to investigate with due diligence, Parliament protected itself from gaining more confidence about what actually happened and from obtaining documents that might support (or disprove) its findings of fact.

In addition to its startling failure to secure the best evidence it could pertaining to the strength of Lord Elgin’s legal claim to the marbles, Parliament actually misled the public about the evidence it had concerning the authenticity of the document. The English document printed on page 69 of the committee’s report has at its end the following words: “(Signed with a signet.) seged abdullah kaimacan.”

The plain suggestion inherent in the placement of this line at the end of the text in the report is clear: that the document examined by the committee had a signet and was signed by the Acting Grand Vizier at the time, thus giving it legal force and legitimacy. But the docu­ment examined by the committee—one purportedly trans­lated from an Italian document that was supposedly translat­ed from an Ottoman original—did not have a signet or sign­ature on it at all. Moreover, St. Clair has told me that the Italian document he possesses has no signet either, nor is it even signed. As much as these considerations undermine the legitim­imacy of this highly touted document, it has another flaw, this one deadly. The English-language document Hunt submitted to Parliament was not a completely faithful English translation of the Italian document Hunt said he possessed. The first sentence of the second para­graph of the text provided to Parliament by Hunt and printed in the committee’s report begins with the fol­lowing words: “We therefore have written this Letter to you, and expedited it by Mr. Philip Hunt, an English Gentleman, Secretary of the aforesaid Ambassador, in order....” But St. Clair has written that the Italian document he has actually indicates: “We therefore have written this letter to you and expedited it by N.N., in order....”

St. Clair does not perceive any significance in this discrep­ancy. Perhaps he is correct. But that seems unlikely. The difference is so peculiar that it was certainly not accidental. No one would mistakenly substitute “Mr. Philip Hunt, an English Gentleman, Secretary of the aforesaid Ambassador,” for the letters “N.N.” Moreover, the context in which Hunt created the discrepancy sug-
suggests his reasons for doing so: By the time Hunt appeared before the committee, it had questioned Elgin at some length about whether he had authority to remove the marbles from the walls of the Parthenon. While Elgin consistently insisted he did have such authority, he also admitted that he had no papers to support his claim. Thus, when Hunt testified, he knew that the committee was seriously concerned about the lack of documentation authorizing Elgin to take the marbles, and it seems likely that Hunt became a witness solely to provide the documentation the committee sought. When Hunt forwarded the English document to the committee, it would appear that he substituted “Mr. Philip Hunt, an English Gentleman, Secretary of the aforesaid Ambassador” for “N.N.” in the hope that the alternative language would shore up the authenticity of his “evidence” and the circumstances as to how it was that he alone came to possess the critical document. In short, through the insertion of his name, Hunt put himself in a position in which he could simultaneously vouch for the authenticity of the document and explain why he alone had a copy of it 15 years after he surrendered the original to Ottoman officials in Athens.

Although these considerations are sufficient challenge to the English document as a reliable basis for any legal claim by Britain, there is another factor that casts an even darker shadow over the proceedings. During his testimony before the committee on February 29, Elgin was questioned about whether the Ottomans gave him permission to remove the marbles. Elgin stated that the Ottomans gave him written permissions more than once, but that he had “retained none of them.” At two other, separate moments during the examination, Elgin denied having a copy of any document granting him permission. Hunt appeared before the committee on March 13. The committee’s second question to Hunt was, “Did you ever see any of the written permissions which were granted to [Lord Elgin] for removing the Marbles from the Temple of Minerva?” Hunt answered, “Yes.” He then stated that the original document had been sent to Athens but that he had an Italian translation of the original. During his testimony, Hunt did not explain how it was that he retained the Italian document for 15 years. Nor did Hunt state how it was that Elgin had known nothing about it when he had testified nearly two weeks beforehand.

It is of course possible that Hunt possessed an accurate Italian translation of an original Ottoman document. But look at the chronology: Elgin appears, denying ever having a copy—in any language—of a relevant document. It is plain from his testimony that he knows of none possessed by others; by the time he completes his testimony, however, he sees that the committee is eager to view some sort of written authorization for the removal of the marbles from the Parthenon walls. In a fortnight, Hunt appears and claims to have an accurate translation of the original order. Is this chain of events enough to make anyone a tad suspicious? There is no suggestion in the testimony as to how it came to pass that Hunt became a witness before the committee.

Let’s assume the authenticity of the English document printed in the committee’s report, for a moment, just to take another approach to the issue. Did this document authorize Elgin to remove marble statuary from the Parthenon walls? The British claim that it did rests on a handful of words. They provide that no one should “hinder them [Elgin’s agents] from taking away any pieces of stone with inscriptions or figures.” But by themselves these few words fail to authorize removal of marble statuary from the Parthenon edifice. Moreover, when they are read in the context of the entire document, the assertion that they permitted Lord Elgin to remove metopes, friezes, and statues from the Parthenon walls is specious. The document describes the activities that Lord Elgin wanted his workers to conduct, and those were limited to measuring, drawing, painting, excavating, and making molds. There is not one word in the document suggesting, intimating, or implying that Elgin sought permission to remove marbles from the walls. In addition, the document itself emphasizes to the local Ottoman offi-
Although possession is often nine-tenths of the law, this is one dispute in which more than possession matters.

Although evidence alone is more than sufficient to overcome the claim that the 1801 document gave Elgin prior permission, there is yet more. In July 1801, Elgin sent the young minister Philip Hunt to Athens. When Hunt arrived, he promptly visited the Voivode, the local Ottoman official. Using threats and bribes, he persuaded the Voivode to permit Elgin's artists to enter the Acropolis for the limited purposes of drawing, measuring, painting and molding. A few days later Hunt met the Voivode again and, struck by the Voivode's favorable attitude toward Britain now that Britain controlled Egypt and the degree to which the Voivode appeared intimidated by the power of the British ambassador (Lord Elgin), Hunt then requested permission to remove a marble sculpture from the Parthenon walls. The Voivode agreed. In the early morning of July 31, a ship's carpenter, five crew members and twenty Athenian laborers mounted the walls of the Parthenon and removed the first metope. The next day they lowered a second. During the weeks following, Lusieri and his men lowered many other marble sculptures.

Lord Elgin was in Constantinople at the time and had no idea that Hunt had secured permission from the Voivode in Athens to remove marbles from the Parthenon walls; nor did he know that metopes were lowered from the Parthenon in his name on July 31 or August 1. In fact, Lord Elgin did not learn of this development until mid-August, when letters from Hunt and Lusieri arrived in Constantinople. Elgin's glee in response to the news is captured in a letter he wrote to Lusieri dated October 8, 1801. He told Lusieri of his "infinite pleasure" when he learned of the marbles and confessed to Lusieri that taking marbles from the walls "now seems to promise success beyond our most ardent hopes."

As is evident, Elgin did not request or receive permission to remove the marbles, and seems to have had no prior intention of denuding the Parthenon. The deed was initiated by Hunt—who 15 years later would produce for Parliament the document on which so much has since hinged—and made possible by intimidated and bribed Ottoman officials in Athens, who in any event lacked authority to permit the desecration that ensued.... [And] the British ambassador's agent at the time gave bribes to Ottoman officials to facilitate the shipment of the marbles out of Greece. Such bribes would seem to poison any claim of legitimacy that might otherwise be imputed to permission to ship.

Although possession is often nine-tenths of the law, this is one dispute in which more than possession matters. Because the longstanding Greek claim for the return of the marbles has broad international support, the European Parliament's being only the latest and most prominent, Britain has never defended its possession of the marbles by claiming that it is keeping them merely because it prizes them. Instead, Britain has consistently tried to strengthen its political position by asserting that it has no moral or legal obligation to Greece because the Ottomans gave Elgin permission to make off with Phidias' handiwork....

Of course, the conventional wisdom is that Britain will never return the marbles. But few imagined that Britain would surrender India to an old man clothed in a sheet, either. The odds, from my point of view, are that Britain will eventually repatriate the marbles to Greece, and when it does so, it will be acknowledging, whether it wishes to or not, that what was acceptable during the age of empire must give way to the demands of an ever-shrinking world that aspires to the rule of law.
A Dream Field: Intellectual Property & New Media

Cardozo attracts many students who come to the law from the arts, the computer field, and other creative backgrounds, and graduates many more who seek to enter the booming fields of entertainment, new media, communications, and intellectual property law. At Cardozo, these students benefit from what Prof. Marci Hamilton, director of the Intellectual Property Program, calls "one of the richest intellectual property curricula in the country," which is supplemented by a range of extracurricular activities that includes a top journal in the field, the premier entertainment and communications law moot court competition, externships, provocative symposia and lectures, and the recently established LL.M. program in intellectual property law that can be completed along with the J.D. in three and a half years.

Today nearly 1,000 Cardozo grads, from an alumni body of 6,500, work for law firms specializing in intellectual property and entertainment law, for new media ventures, and for companies as diverse as BMG Entertainment, McGraw-Hill, the Game Show Network, Twentieth-Century Fox, Major League Baseball Enterprises, PolyGram, ESPN, BBC Worldwide, RCA, Hearst, and something called Itsy-Bitsy Entertainment.

The Internet Entrepreneur
Mark S. Lieberman '84

Mark S. Lieberman recently built a treehouse for his two children. After they had gone inside, he spent some time admiring his handiwork. "I enjoy building things," he says. The lawyer-turned-entrepreneur is having a ball building Softcom, Inc., a New York applications service provider whose aim is to revolutionize the way video is used on the Worldwide Web. "There is no question that in only a few years, the giant video will be an interactive home center where people will watch television, shop, pay bills, get e-mail, do research, and many other daily activities," said Lieberman.

Lieberman, who joined the six-year-old company as chairman in 1999 and became chief executive officer early this year, sees Softcom as another milestone in the convergence of technology, communications, and media that he has sought to advance as an executive, venture capitalist, and government official. The company's "streaming media" technology allows broadcasters and other content providers to combine video, chat, streaming text, and real-time data feeds in an interactive screen that integrates E-commerce, advertising, and archives. For example, Softcom supported enhanced Oscar cover-
age for *E! Online* that allowed viewers to chat with an *E!* gossip columnist, view video clips of nominated films, and play a Golden Gamble game by wagering points to pick the winner. And it gave viewers of the Home Shopping Channel the ability to order Joe Montana memorabilia and chat simultaneously with the quarterback after his election to the Pro Football Hall of Fame.

The Cardozo graduate, whose father is a patent attorney, enrolled in law school after earning a mechanical engineering degree magna cum laude from Tufts University. He was a member of Cardozo’s first class of Alexander Fellows. He clerked for a Federal Appeals Court judge and practiced intellectual property law. In 1989, he served in the Bush administration at the Commerce Department, where he led the United States in negotiations with Japan and the European Community on high-technology research programs, “before anybody even thought about the Internet.” After a two-year stint in government, he moved to the private sector and was involved in seven start-ups. For two years, he was executive vice president of the entertainment, communications, and media division of Cahners Business Information, a Reed Elsevier company, where he directed a stable of publications that included *Variety* and *Broadcasting and Cable.*

Lieberman says that his legal training has helped him to negotiate his own contracts at cash-strapped start-up ventures. It also comes in handy when he is managing other lawyers. Most important, however, the experience gave him a sense of discipline and the training to move quickly when that was required. He says that Cardozo, with its emphasis on intellectual property and ethical issues, is perfectly positioned to take advantage of the “wonderful opportunities” offered by New York’s “Silicon Alley.”

Lawyers should take note, however, that working with the Internet is very different from the traditional corporate environment. Softcom recently walked away from a deal it wanted after the other side’s attorneys raised too many time-consuming negotiating ploys. “Speed absolutely is of the essence,” said Lieberman.

**Superman’s Lawyer**

**Lillian Laserson ’83**

Lillian Laserson’s big moment as an actress came when, playing a floozie named Darlene, she had a date with Potsie on *Happy Days.* But after eight years of struggling in a business with an unemployment rate that exceeded 90 percent, she decided that she “wanted to make a living.” Law school beckoned for this Perry Mason fan.

After acting, “law school was a piece of cake,” Laserson says. She liked the fact that the rules were clear: “You do the work, you make the grades, and you get a job.” She loved Cardozo, where she joined the criminal law clinic and was able to try a case. “It was like producing, directing, and starring in your own production,” she says.

Laserson worked for a large firm for several years, then moved to a smaller boutique operation that specialized in intellectual property law. She worked for Jim Henson Productions before joining *DC Comics and Mad* magazine in 1990 as the company’s first in-house counsel. Today, she is vice president and general counsel, working in offices where the reception area is modeled after the rooftops of Gotham City—complete with bat signal. She performs a variety of functions including contract negotiation, acquisitions, pre-publication review, supervision of litigation, licensing for television and film, and monitoring “very tricky” intellectual property questions.

*DC Comics has grown substantially since Laserson joined the company. Employment has more than doubled, and edgier, adult-oriented comic book lines have*
been added to Superman, Batman, and other traditional fare. The company now publishes a variety of different genres including mystery, humor, and nonfiction. Non-fiction works in particular present new and challenging legal issues in the areas of libel and the rights of privacy and publicity. The Internet has also created new opportunities as well as legal issues. DC Comics has even become a defense contractor, deploying Superman and other characters to teach children in Kosovo, Bosnia, and elsewhere about the danger of land mines.

For her relationships with the people who write and illustrate the company's products, Laserson says “it is very helpful that I have a creative background” because other employees tend to look at lawyers as “suits.” Her usual response when approached by editors, writers, and artists with a creative but legally troubling idea is to say, “Let's figure out how we can say this.”

Laserson says that she loved reading comic books and Mad when she was growing up in Scarsdale. She does not read everything the company produces now—editors know when to contact her about a potential problem. Nevertheless, she is convinced her job is unique because “let's face it, I represent men in tights.”

The Art Director
Lawrence C. Barth '84

Lawrence C. Barth is a busy litigation partner for the Los Angeles office of Munger, Tolles & Olson who fights “to remain something of a generalist.” He has represented plaintiffs and defendants in areas as diverse as trade secret misappropriation, employment discrimination, broker's malpractice, complex business disputes, and environmental law. His firm does not represent Hollywood talent, but it is often hired by major entertainment firms like Universal and Warner Bros. Barth has also written and filed briefs for artists’ groups in censorship cases that have gone all the way to the United States Supreme Court.

Barth represents some “very significant artists and photographers,” publishers, and galleries. He counsels artists on the legal issues they must grapple with in their day-to-day work such as trademark and copyright infringement, moral rights and privacy/publicity rights, and First Amendment rights.

“Lawyers are by nature conservative creatures,” he says. "They try to avoid risk. It's easy to tell a client you cannot do that." Barth's clients look to him for creative ways to achieve their visions without taking legal missteps. He is uncomfortable vetting artists' and writers' work for obscenity. The First Amendment did not give lawyers the job of determining content, he says. But a lawyer can make his or her clients savvy about legal issues. Barth's artist clients trust him because “they know I am interested in what they do.”

That interest is long-standing. In fact, Barth himself has a professional background in the arts. He attended Cooper Union in New York, but left without getting a degree to work as a magazine art director for five years. Then he decided to become a lawyer, and “Cardozo took a chance on me. I had a wonderful time in law school,” said Barth. He worked as articles editor of the Cardozo Law Review, and after graduation clerked for Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit. Barth received a job offer from a New York firm, but Prof. Monroe E. Price acted as a matchmaker with Munger, Tolles & Olson.

Barth continues to exercise his skill in visual communication. He works with colleagues to develop non-traditional ways of presenting information to jurors and lectures frequently on this issue. Trial lawyers often are not good at reducing stories to icons or images. Consultants claim to fill the gap, but Barth says much of their work is “linear and verbally based.” Barth seeks to use “things that are truly visual. I'm sort of the art director of the firm."
Producing the Most Creative Work Possible
Muriel Alix Caplan '79

Muriel Alix Caplan '79 did not start out to become an entertainment lawyer. Instead, she was attracted to the law by the fact that it was becoming "a more open avenue for women." She was a member of Cardozo's first class, although "it did not seem like a new law school," she says, recalling stimulating classes and, in particular, Constitutional Law taught by Telford Taylor. Upon graduation she took a job in Washington, DC with the Commodity Futures Trading Corp.

After nearly three years as a government regulator, Caplan decided to pursue a legal career that was more in tune with her personal interests in books and the arts. Switching specialties "was not something you can do overnight." Just as it is hard to be all things to all people, "it is hard for a lawyer to be all things to all clients." Caplan returned to New York and began to do freelance legal work for theater and movie producers. During this time she earned a certificate in book and magazine publishing from New York University.

All of this spadework paid off when Caplan was hired by the tradebook publisher Henry Holt and Co. in the legal department. Several years later she was promoted to director of legal affairs. Along with other corporate legal work, she negotiated and drafted licenses and contracts; vetted manuscripts for issues of defamation, privacy, and copyright; and supervised litigation. Walt Disney Co. hired her as a senior counsel in April 1997. Caplan, who is based in New York, works in the corporate law department and in addition to other duties, is the primary lawyer for the Disney-owned Hyperion, a general interest publisher of, among other genres, mysteries, novels, and nonfiction works; as well as Disney Children's Book Group and Disney Licensed Publishing in North America.

Caplan's work at Disney has much greater scope than it did at Holt. At Disney, she works with a larger group of clients, and the job is more high-pressured. She frequently works with other Disney attorneys to craft deals that translate characters into movies and television presentations. Moreover, Disney has a large "portfolio" of intellectual property: Mickey, Donald, and the rest and insists that its licensees portray this property in the "right way."

Caplan says that lawyers who work with creative people must be "open to the process." They must show empathy for the needs of authors, illustrators, and other talent involved. Creative people respond better to legal counsel "if they understand that we've read the work carefully and acted with sensitivity." Caplan strives to get across the point of view that "we basically have a common interest to avoid legal problems and to produce the most creative work possible."

The Law of Romance
Lisa M. Dawson '99

You know the type. "The hero is tall, dark, and handsome with issues of trust, fear, or some other flaw, but he can't be dishonest. The heroine is beautiful, smart, and successful with issues of trust or fear but she can't be a man-hater." Lisa M. Dawson is thrilled that she is seeing these characters more and more frequently on the covers of books read by fellow passengers on the train from her Queens residence to her midtown office at BET Books.

The quoted descriptions are from Black Entertainment Television's Web site and intended for potential authors in BET's Arabesque line of romance novels, which are aimed at an educated, middle class African-American audience. The line was launched by Kensington Publishing Corp. in 1994 and purchased by BET Holdings in 1998. Four paperback titles are published each month in addition to four holiday books, four bride books, and one hardcover. Several of the books have been made into movies shown on the BET cable network.

Dawson, the line's contract manager, says that the books—which have titles like Incognito, A Private Affair; and Intimate Behavior—are in demand, a fact confirmed by her informal subway survey. She turns memos from editors into contracts paying royalties and advances to more than 50 African-American authors. In her talks with authors and agents, "I try not to get too adversarial," she says. Getting the job was "a combination of being prepared and lucky." Cardozo provided the preparation.

Dawson, who has undergraduate degrees in business and biochem-
istry, originally wanted to be a doctor. She was attracted to the law because of its problem-solving nature—"like the sciences"—and its verbal character. While in school she worked for ABC-TV and an intellectual property firm, participated in the entertainment law component of the Summer Institute, and was on the staff of the Cardozo Arts & Entertainment Law Journal. Courses like Negotiation in the Music Industry were extremely helpful. She is glad that she chose Cardozo because the breadth of her entertainment and intellectual property law training was “significantly better than that reported by friends at other law schools.”

The Musician
Paul F. Hansen ’97

To earn money while a student at Cardozo, Paul F. Hansen worked as an usher at the Metropolitan Opera. Now a full-time lawyer, he still spends several nights a week at the opera house. After all, he has been a fan since he heard Puccini’s Turandot for the first time when he was 13. In fact, his bosses also encourage him to attend. They want their associate counsel to be intimately familiar with the Met’s product.

Hansen describes his hiring for the Metropolitan Opera’s two-person in-house legal department as “serendipitous.” When he enrolled in law school, the 36-year-old former musician had thought “that was it, there was no more music in my future.”

A concert pianist from the age of seven and then a composer, Hansen earned a master’s degree from Mannes College of Music before deciding that his talent had “plateaued” and that music would not provide “the sustenance that I thought I needed.” Law seemed a good alternative career choice for someone who also studied the social sciences as an undergraduate. As a teenager, he subscribed to the Congressional Record, poring over legislative debates when he wasn’t practicing Chopin’s études and Polonaises.

Hansen was attracted to Cardozo by its reputation for entertainment law and generous scholarships. He was impressed by the “deceptively simple and direct” Socratic method that Prof. David Rudenstine deployed in his constitutional law course and by Prof. Paul Shupack’s penetrating exegesis of contract law. But he also ventured beyond the classroom for internships at Angel Records, Siemens Corporation, NASDAQ, and the United Nations.

His stint as an usher helped him get the attention of Henry Lauterstein, who had represented the Met for 40 years, first as a private lawyer and then as in-house coun-
Lawyers who are generally accustomed to billing rather than soliciting their clients for contributions might well wonder why they need a working knowledge of charitable gift and estate planning. Last year more than $180 billion was gifted to charity, much of it by sophisticated clients with myriad legal needs. Given the size of today’s philanthropic marketplace, your clients are probably among these donors. And if your client is a heavy-volume client, he or she is also probably a heavy-volume donor.

Charitable giving has become inextricably woven into the lifestyle of your clients, and into their legal needs. That means you can help not just in your clients’ business planning, but in their family, personal, and philanthropic lives.

**Charitable Lead Trusts and Other Wealth Preservation Techniques**

If you are an estate planner, you probably counsel your clients on estate freezes and other wealth preservation techniques. You probably tell them about sophisticated planning techniques such as the grantor retained life income trust, the qualified personal residence trust, and the family limited partnership, which could enable them to transfer assets to children at significantly discounted gift or estate tax amounts. However, you should also counsel your clients on the benefits of the charitable lead trust, which allows for similar estate freeze transfers to children and a highly tax-efficient way to fund charitable projects.

How? If your client contributes appreciating assets to the family charitable lead trust having a term of, e.g., 20 years, when the trust term ends, the trust funds are distributed to the children, or, perhaps, grandchildren and every year a percentage of the asset, e.g., 4 percent, is distributed to charity. The 4 percent may come from trust capital or income. As with other typical estate freezes, the asset is valued for gift tax purposes when the trust is established. However, the valuation of the transfer to the children is significantly discounted by the present value of the annual distributions to the charity. Even more impressive, all of the asset appreciation following the trust term is ultimately distributed to the children completely free of gift or estate tax.

For an individual who is already considering a significant gift to charity, this can provide even greater benefits. Assume that your client contributes $1 million of
non-dividend-producing stock expected to appreciate 10 percent annually and $1 million of long-term bonds yielding 8 percent into a 20-year lead trust. Your client would also like to make a donation to Cardozo. You help her structure a charitable annuity lead trust that will distribute $80,000 annually (4 percent) to Cardozo. In so doing, your client will receive a gift tax deduction of $785,448 on the $2 million transfer. The taxable gift, discounted by the annuity gift to charity over 20 years, is reduced from $2,000,000 to $1,214,552. Assuming a gift tax rate of 55 percent, this could result in cash savings of $431,996 and, assuming the projected appreciation over 20 years, a distribution of $6,327,755 to the children—free of all gift and estate taxes. In addition, the client has distributed $1,600,000 to Cardozo in a notably tax-efficient manner. You have helped your philanthropic client succeed wonderfully in family and charitable planning.

Charitable Remainder Trusts

With over 500,000 recognized not-for-profit organizations in the United States, it's not surprising that the previously esoteric charitable remainder trust has entered the financial planning mainstream. There are more than 70,000 of them in existence.

General corporate lawyers and tax planners need to know how to use the charitable remainder trust as a planning tool to shield assets from capital gains taxes. If you've counseled your client on the tax-motivated benefits of options, like-kind exchanges, holding corps, and employer-held stock, you've probably also counseled him that sooner or later, whether upon death, sale, or other disposition, there will be a capital gains tax on these assets. However, you should not neglect to advise him that the tax-sheltered benefit of these assets can be maintained for his entire life (and even possibly the lives of his children) by contributing them to a charitable remainder trust, which, under certain circumstances, the individual himself may serve as trustee.

With a charitable remainder trust, an individual contributes highly appreciated assets that are then sold by the trust without imposition of any capital gains tax. The trust then invests the full proceeds to make annual annuity-like distributions to a beneficiary (or beneficiaries) selected by the donor. Often the beneficiary is the donor himself. The annuity may be for life or for a period of time not to exceed 20 years. At the end of the term, the trust assets are distributed to charity.

If your client holds assets he wishes to liquidate, whether for portfolio, income, or investment needs, the charitable remainder trust can accept these assets, allowing him to have these assets sold by the trust without paying any capital gains tax. The trust allows him to invest the proceeds in a tax-exempt fund, while allowing him the opportunity of increasing his annual income although distributions from the trust are taxable to the beneficiary. The trust can be creatively structured to act as a “super tax exempt pension plan” without any of the attendant contribution limitations or penalties. The client receives a significant charitable deduction for his deferred gift and the establishment of a charitable legacy.

For example, assume that your client holds $1 million of non-dividend producing stock he purchased 20 years ago for $100,000. He would like to sell this asset, but is unhappy about the $180,000 in capital gains taxes he will have to pay. Your client also wishes to help his favorite charity. You suggest, among other alternatives, that he contribute the stock to a charitable remainder annuity trust designed to distribute 5 percent a year to him and his wife, both age 65, for life. The trust will sell the stock and retain the full $1 million (instead of $820,000 had the client sold it and paid capital gains taxes) in a fund that will generate the lifetime annuity. Every year your client and his spouse will increase their total income by $50,000. Over their actuarial lives, the trust will distribute $1,250,000 to them. Your client will also receive a $492,179 charitable income tax deduction. Upon their deaths, they will leave a legacy gift of $1,000,000 to their favorite charity.

Your client looks to you for solutions. Charitable gifts and estate planning help you meet your clients' needs in new and creative ways. Your client will appreciate being given the opportunity to consider charitable lead trusts and charitable remainder trusts as well as the benefits of donor advised funds, private foundations and pension charitable remainder trusts. The best attorney treats a client as an individual. Charitable planning can add value to your services and satisfaction to your practice by helping your clients, their families, and the charitable organizations of their choice.

This fall, Cardozo's Office of Alumni Affairs will sponsor a series of seminars on charitable gift and estate planning. If you are interested in learning more, please call Debbie Niederhoffer, director of development, 212-790-0288.
Sen. Charles Schumer Delivers Commencement Address

The Class of 2000 celebrated Cardozo's 22nd commencement at Avery Fisher Hall at Lincoln Center for the Performing Arts on June 11. Senator Charles Schumer of New York delivered the keynote address and exhorted the class of 2000 to never let fear of failure stop them from making difficult decisions, urging them to "go for it." He also advocated for educational reform, a political priority of his. Cheers and applause filled the auditorium as more than 300 students filed on stage to be hooded and receive J.D. degrees. In addition, 20 received LL.M. degrees, in the program's second year. Many students were honored for distinction in academics, contributions to journals, society, and various fields of law.

The Monrad G. Paulsen Award for devoted service to the vitality of the ideals and purposes of legal education was given to Adjunct Professor Gertrude Mainzer, who is a former family court judge and teaches in the area of family law. Michael Pope, at age 76 the class's oldest graduate, received an award for special contribution to the Law School, as did Jennifer Beth Cannata.

Students selected favorite professors for SBA awards. This year's winners were Marci Hamilton, Melanie Leslie, Stewart Sterk, and Justin Hughes.

Eight Win Alumni Association Scholarships

Adam S. Lurie, Melissa Franco, Jaimie A. Rothman, Myriam I. Sanchez, and Arti Tandon of the class of 2000 and Vivian Walton, a 2L, won Alumni Association Scholarships. The Monroe E. Price Award and the Lila Yagerman Award were given to Rebecca Morris and Leila M. Zubi, respectively.

Class of 2000 Pledges Close to $25,000

This year, Cardozo launched a class giving program—the first time ever in the Law School's history. As of graduation, more than 10% of the class pledged donations totaling almost $25,000. The remarkable success of this solicitation can be attributed to the efforts of chair Vsevolod (Steve) Maskin and vice chair Michael Pope.

Twenty graduates received LL.M. degrees

scholarships to second- and third-year students are awarded on the basis of financial need, community service, academic achievement and publications, and/or to students with disabilities or those who are disadvantaged in some way.
Doug Gilbertson of the Office of Student Finances is shown with SBA President Jaimie Rothman.

Earle Mack, chairman of the Cardozo Board, with Senator Schumer.

Dean Verkuil and Dean Herz.

Michael Pope, the class of 2000's oldest graduate, was hooded by his wife, Prof. Sally Pope.

Award winners (from left) Sonny Chehl, Jayashri Cuffey, Melissa Franco, and Rebecca Morris.

James Howell Sullivan, Jr. made the student remarks.

Melanie Leslie and Stewart Sterk were chosen best first-year professors by the graduating class.

Colleen Samuels, a mother of 10 and the first Cardozo graduate to receive a joint J.D./M.S.W.
**30 Named to Order of the Coif**

At graduation, the Order of the Coif was bestowed on those who finished in the top 10 percent of the class:

- Jennifer J. Arndt
- Jason R. Boyarski
- Adam S. Cohen
- Yakov Deckelbaum
- Jill A. Farbman
- Steven M. Field
- Matthew G. Frankie
- Michael Sha French-Merrill
- Erica J. Goldberg
- Jason R. Goldy
- Sandi F. Greene
- Binyomin A. Kaplan
- Matthew I. Kepniss
- James D. Lawrence
- Isaac Lifschutz
- Adam S. Lurie
- Valerie P. Mahoney
- Rebecca Morris
- Erin M. Naftali
- Douglas W. Pinsky
- Keith M. Poliakoff
- Marnie H. Pulver
- Joanna Raby
- Jason M. Okun
- Lina Rubin
- David B. Schechtman
- Heidi J. Schmid
- Susan B. Schwab
- James H. Sullivan, Jr.
- Orly Zylberstein

(From left)
Alumni Association Scholarship Award winners Leila M. Zubi, Jaimie Rothman, Adam Lurie, Miriam Sanchez, and Rebecca Morris

Susan Beth Schwab won the Felix Frankfurter Award for outstanding academic maturity, responsibility, diligence, and judgement.

Isabel Feichtner won the Louis Henkin Award for academic achievement and superior scholarship.

Vsevolod "Steve" Maskin won the Samuel Belkin Award for scholastic achievement and exceptional contributions to the Law School.

Binyomin A. Kaplan won the Louis D. Brandeis Award for the best academic record over three years.
Alums Discuss New Media

Legal and business experts, all of whom are part of the Cardozo family, came together for a special panel and buffet reception at the Newseum in midtown this spring. "Lawyers and Clients in the New Media Environment: Mergers, Convergence & Free Expression" triggered a stimulating conversation about cutting-edge issues. Initially, panelists discussed sports franchises and the migration of sports programming from network to cable. They raised questions like: Is sports news? Should it be free and available to all as news is? Is it subject to copyright? In today's market, sports owners want more control, are carefully dividing up rights, and negotiating complex legal contracts. Sports associations are wary of giving rights to Internet companies for fear that users will illegally reproduce game highlights, for example.

Panelists asked: Why do artists create—for royalties or because they are compelled as artists? Would removing copyright protections reduce creativity? Others in the print industry asked: What do we do about putting authors' work online? Do we have to renegotiate every contract with every writer? Is that even possible? All agreed that patent and copyright law is here to stay, given the moral and economic incentive to protect creativity, but they see the laws morphing into something more complex.

Panelists predict a future with an ever-greater need for lawyers, as well as encryption advances to protect copyright, and even broader uses for computer technology. The event was co-sponsored by the Howard M. Squadron Program in Law, Media and Society and the First Amendment Center.

(From left) Prof. Monroe Price, moderator (at the podium), with panelists Mark Lieberman '84, chairman and chief executive officer, Softcom, Inc.; Edward Klaris '92, counsel, ABC, Inc.; Allen Lowy '82, president and chief executive officer, eClassicalMusic.com.; Lillian Laserson '83, vice president and general counsel, DC Comics and MAD magazine; Alec M. Lipkind '88, executive counsel, Walt Disney Co., Inc.; Bill Squadron, chief executive officer, Sportvision.com.

Marc Szafran '96 and Harlan Protass '95

Dori Hanswirth '86 and Robert DeBrauwere '93

Marc Szafran '96 and Harlan Protass '95
Class of 1981

Robert Graubard is first senior vice president and general counsel of Julien J. Studley, Inc., a national commercial real estate firm based in New York.

Class of 1982

Felicia P. Buebel is vice president for legal affairs at Loews Cineplex Entertainment Corporation. She is primarily involved in domestic and international leasing. Mark S. Edelstein joined the firm of Morrison & Foerster, LLP as the partner in charge of the firm's real estate finance practice. Judith L. Levy is senior vice president and senior legal advisor at IRJ Whitehall Asset Management Group. Prior to this position, Ms. Levy was vice president and legal counsel for Credit Suisse First Boston. In recognition of his charitable work, Andrew Lutzkey received the New York State Bar Association 2000 President's Pro Bono Service Award. He has donated many hours of work to the Bronx division of Network for Women Services, a nonprofit organization providing legal services to low-income women. He also has a private practice in the Bronx, is involved in Midnight Run, a nonprofit organization helping New York City's homeless, and regularly participates in Career Day at local Bronx schools. Paul A. Metselaar runs his family's business, World Travel Specialists Group, which handles the travel needs of specific professions. The Lawyer's Travel Service, a division of the company, has more than 300 US law firms as clients.

Class of 1983

Neal H. Herstik is a name partner at Gross, Truss & Herstik, P.C.

Class of 1984

Lisa Sarnoff Gochman, a deputy attorney general in the Division of Criminal Justice, Appellate Section, in Trenton, NJ, argued before the US Supreme Court this March in the matter of Charles C. Apprendi, Jr. v. New Jersey. Lisa defended the constitutionality of New Jersey's hate crime statute.

Class of 1985

Dr. Adena K. Berkowitz, who is a noted scholar in the field of Jewish ethics, is the scholar-in-residence at Congregation Beth Torah in Dallas, TX. Midge M. Hyman joined the firm of Cowan, Liebowitz & Latman, P.C. as a partner this February. She specializes in trademark and copyright law.

Class of 1986

David E. Adler is a partner in the firm of Jones, Day, Reavis & Pogue in Cleveland, OH, where he practices in the commercial litigation area. David is the father of three children, ages four, six, and seven. Michele Kunowitz Jaspen announced the birth of twins, Caroline and Daniel, born June 24, 1999. Peter Weinmann, former narcotics bureau chief of the Eric
Cardozo Needs You!

**Director of Alumni Affairs**

Cardozo is approaching its 25th Anniversary. The Law School needs a creative person to take alumni relations to another level. A Cardozo graduate who is an expert in the field of alumni relations is the perfect candidate. Job responsibilities include fundraising and “friendraising,” organizing special events and reunions, and running the Annual Fund. The salary is competitive. Fax your resume and a cover letter to Debbie Niederhoffer, director of development at 212-790-0201.

**Class of 1987**

Dana A. Mitchell Jaffe was elected to Nassau County District Court in January 1997. Prior to her election, she was a partner in the law firm of Mitchell Jaffe & Jaffe. Mark J. Speciner is a partner at the firm of Harris, Beach & Wilcox, LLP. Mark practices trademark and copyright law in the firm’s NYC office. He is married to Midge Hyman ’83, and they have a nine-year-old daughter, Arielle.

**Class of 1988**

Harold K. Gordon is a partner in the law firm of Jones, Day, Reavis & Pogue, where he practices in the litigation group. Marc Handelman has worked in the legal publishing arena for the past several years as an editor with Brownstone Publishers. His first book, *A Dog's Guide to Life: the Bala Diaries*, was released in June.

**Class of 1989**

Michael B. Silvermintz is on the executive committee of York Hunter, a construction services firm.

**Class of 1991**

Paul Brusiloff was named partner at Debevoise & Plimpton. Nathaniel D. Feller is in private practice, specializing in estate planning and administration, and has served as president of the Jewish Community Council of the Rockaway Peninsula for the past five years. Philip S. Sloan is director of global event marketing for EMC Corporation. He is responsible for worldwide strategic sponsorship activities and information technology conferences.

**Class of 1993**

Henry Bregstein is a partner in the firm of Rosenman & Colin LLP, practicing in the corporate, banking, and finance areas. Etta Ibok opened a solo practice concentrating in the areas of civil rights, immigration, and family law. Prior to opening her own firm, she worked for more than six years as a litigator for the Office of Corporation Counsel of the City of New York. Vera Losonci is international counsel at Debevoise & Plimpton in London. Before taking this position, she worked in the firm’s Budapest and Paris offices.

**Class of 1994**

Rachel Mobl Abrahams and her husband, Dr. Stewart Abrahams, announce the birth of a son. Lawrence A. Klein joined Caminus Corporation as in-house counsel and is responsible for all legal matters, including corporate finance and securities law, labor and employment issues, trademark, licensing, and contracts drafting and negotiating. In addition, he maintains a small, elite, private entertainment practice. Alan G. Laifer and his wife, Yael, had their second daughter, Hannah Mali, in June 1999. This past fall, Alan joined Sandbox.com as vice president of e-commerce and direct marketing. Prior to joining this company, he ran the global direct marketing programs for the National Hockey League and NASCAR.

**Class of 1995**

David Slotkin is general counsel for Primus Telecommunications Group Inc. He was featured in an article in *Legal Times* which noted that young people (David is 30 years old) are occupying executive positions in high-tech companies.

**Class of 1997**

Jacqueline J. Klosek is an associate with the firm Friedman Siegelbaum, LLP. Anthony H. Son joined the Silicon Valley offices of Oppenheimer Wolff & Donnelly, LLP practicing in the area of intellectual property.

**Class of 1998**

Shari M. Blecher joined the firm of Goldshore & Wolf, P.C. Her areas of concentration are environmental and commercial litigation, and regulatory compliance. Theodore Froom has joined the law firm of Miller, Canfield, Paddock and Stone, in the Ann Arbor office, as an associate in the business and
finance group. Arthur B. Schwartz, known also as "Cornholio Esquire, CEO of the Greedy Associates," was named one of the most influential lawyers in America by the National Law Journal in the June 12 issue. He is credited with "goosing the great associate raise of 2000...serves as ringmaster of factious, fractious Infirmanion.com chat groups" that draw up to 1.5 million page views a week. Schwartz is a business development leader at FindLaw Inc.

Class of 1999
Jeffrey Seewald was appointed assistant corporation counsel for the City of New York. Mary Kate Woods is a media defense litigator with CBS Broadcasting, Inc. Peter K. Yu is the executive director of Cardozo’s Intellectual Property Law Program and continues to be deputy director of the Squadron Program. His article "Succession by Estoppel; Hong Kong’s Succession to the ICCPR" was published in Pepperdine Law Review. As a research associate of the Programme in Comparative Media Law & Policy at Oxford University, he coordinates the ESIS II project launched by the Information Society Promotion Office of the European Commission.

IN MEMORIAM
Elaine J. Kotin ’83 was a dedicated civil servant. For many years, she was an attorney for the NYPD’s Civil Enforcement Unit. She is survived by her husband of 50 years, Neil; her daughter, Debbie Insdorf ’80; son-in-law Michael; and two grandchildren.

SAVE THE DATE
October 11, 2000
Benjamin N. Cardozo School of Law and its Alumni Leadership Council invite all alumni to a networking party in honor of Dean Paul R. Verkuil and Senior Associate Dean Michael Herz 6 – 9 pm • Details will be mailed

gossip talk

is it interfering with American democracy?

Nine prominent constitutional lawyers provide answers in the next issue of Cardozo Studies in Law and Literature

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Cardozo Calendar of Events

AUGUST 28
Fall Semester Begins

OCTOBER 11
All Class Reunion

OCTOBER 16
Law & Humanism Lecture
Jacques Derrida