Features

An Interview with
Dean David Rudenstine ................. 17
Cardozo's fifth dean talks with Cardozo Life editor
Susan Davis about his priorities for the Law School.

Fighting for “Hearts and Minds”:
Towards a Foreign Policy
of Information Space ................. 21
In the war against terrorism, the United States came up
short in its ability to influence and shape opinion
internationally and to dampen the hatreds instilled by its
ingemies. Professor Price calls for a new front on the war,
where a strategy to change ideas is developed and
implemented through the media.
BY MONROE PRICE
JOSEPH AND SADIE DANCIGER PROFESSOR OF LAW AND DIRECTOR,
HOWARD M. SQUADRON PROGRAM IN LAW, MEDIA AND SOCIETY

Cardozo Heroes ....................... 25
Among the thousands who assisted New Yorkers
devastated by the tragedy of September 11, there were
Cardozo alumni who used their professional and personal
skills to aid their neighbors and community.
BY VICTORIA RIVKIN

"More than any of us can bear" ........... 30
Cardozo lost two alumni in the events of September 11,
Andrew Zucker ’99 and Barbara Bracher Olson ’89.
At a memorial service, they were remembered by family,
friends, and professors. Cardozo Life reprints eulogies by
Suzanne Pronesti ’99, Prof. John O. McGinnis, and Solicitor
General of the United States Theodore B. Olson.

Departments

Around Campus ............... 3
YU Appoints Rudenstine • Goldstone
Delivers Ethics Center Lecture •
Cunningham Named Senior Associate
Dean • Bauer Lecturer Examines
Lawyer Jokes • Howard Squadron Dies
• Scholars Find New Connections to
Nietzsche • DNA Evidence Exonerates
102nd Prisoner • American Constitution
and Federalist Societies Collaborate •
Racial Profiling Explored • Women's
Groups Sponsor State v. Mom •
International Students Intern in
Judges' Chambers

Faculty Briefs .......... 12
Seven Visit for Spring • In Memoriam:
Hedy Forspan ’90

Alumni News & Notes .... 36
Alumni Admitted to Supreme Court •
Cardozo On-Line Connected • Capital
Campaign Supports Lobby and Library
Renovations • Parents Participate in
Cardozo's Future • ClassActions
From the Dean

A New Beginning

This year has been one of contrasts and upheavals for Cardozo, as I suspect it has been for most everyone. We began the year celebrating our 25th anniversary. A time for us to applaud how far we've come and how hopeful our future is. Literally days later, the horrific events of September 11 threw us all into emotional turmoil. We were personally and profoundly saddened by the deaths of two alumni and the displacement of some of our students, faculty, and alumni who live near Ground Zero. In the aftermath, we faced the challenge of incorporating the painful events into the ways we, individually and as a community, chose to move forward.

I assumed the deanship of Cardozo within weeks of 9/11. This opportunity inspires and energizes me and, because it has come at this challenging time for the Law School, New York, and the United States, it has motivated me and presented a clear mission: to make sure that our students as well as the broader public understand the critical role the rule of law has in a diverse and free society like ours. As we continue to try and make sense of what the events of the fall mean to us, our world, and to law in general, we will find ourselves looking anew at issues like civil liberties, free trade, human rights, and international tribunals—all in a new light. I expect and plan for Cardozo to make significant contributions to the national conversation about these seminal issues and oftentimes to point the way to policies and ideas that will make a difference.

In this issue of Cardozo Life, we remember those we lost and those who bravely assisted and volunteered in the days following September 11. We also look forward to what each of us may do to make for a better tomorrow.

David Rudenstine
Dean
YU Appoints Rudenstine Dean

David Rudenstine, Dr. Herman George and Kate Kaiser Professor of Constitutional Law and a widely published author in the area of First Amendment and cultural property law, was appointed the dean of Cardozo by University President Norman Lamm in November.

Professor Rudenstine, who has been at Cardozo since 1979, served as dean ad interim from 1996 to 1997 and associate dean for academic affairs from 1994 to 1996. He is the first dean in the Law School’s 25-year history to have been drawn from its faculty. He succeeds Paul R. Verkuil, who was dean for four years and remains at the Law School as a professor.

"After an extensive nationwide search, we concluded that David Rudenstine was the most qualified and committed candidate for the job," said Dr. Lamm. "He is a distinguished legal scholar, one of our most beloved professors, and he has the energy and enthusiasm to lead Cardozo during this new century."

According to Cardozo Board Chairman Earle I. Mack, "David Rudenstine embodies the spirit and shares the philosophy of Cardozo’s founding dean, Monrad Paulsen, who helped create a law school where legal studies are taught in the context of the humanities."

Professor Rudenstine, a Manhattan resident, is known for his widely acclaimed book, The Day the Presses Stopped: A History of the Pentagon Papers Case. He is currently working on Trophies for the Empire: The Tale of the Parthenon Marbles, a history of the famous dispute between Greece and Britain.

In 2000-01, Professor Rudenstine was an inaugural fellow in the Program in Law and Public Affairs at Princeton University, where he taught, worked on his forthcoming book, and gave the 10th annual Helen Buchanan Seeger Lecture, sponsored by the Center for Hellenic Studies. Over the years, he has been an arbitrator, mediator, and court-appointed referee for many cases.

Professor Rudenstine earned both bachelor’s and master’s degrees from Yale University, and a juris doctor from New York University, where he was a fellow in the Arthur Garfield Hays Civil Liberties Program. Prior to joining the Cardozo faculty, he was a staff attorney in the New York City Legal Services Program; director of the Citizens’ Inquiry on Parole and Criminal Justice, Inc.; and a project director, associate director, and acting executive director of the New York Civil Liberties Union. From 1965 to 1966, he served as a Peace Corps volunteer in Uganda.

He has been a consultant for the Ford Foundation, Children’s Defense Fund, WNET, Fund for the City of New York, and Correctional Association of New York, among other organizations.

LAW SCHOOL CELEBRATES 25TH ANNIVERSARY

The beginning of the Law School’s 25th anniversary year was marked with a party to which the entire Cardozo community was invited. Four people who have held the title of dean joined students, alumni, faculty, and friends for a gala celebration. Shown below are (from left) Dean David Rudenstine, Frank Macchiarola (dean 1991–96), Prof. Paul Verkuil (dean 1997–2001), and Prof. Stewart Sterk (acting dean, fall 2001).

Bonnie Steingart ’79, a member of the Cardozo Board, represented Cardozo’s first class at the 25th Anniversary kickoff party.
Noted South African Jurist Delivers Annual Ethics Center Lecture

Pointing out that the September 11 attack on the World Trade Center and the Pentagon was only the most recent proof of the heightened need for an international rule of law, Justice Richard J. Goldstone of South Africa, delivering the Jacob Burns Ethics Center Lecture this fall, called on the United States to support a permanent international criminal court.

"The United States clearly has the right to put Osama bin Laden on trial, but it’s not that simple. It’s in the interests of the international community and the United States for such a trial to be in an international court," he said. "We’re living in a global village and we need international justice. National sovereignty must bend to that. The only way we’ll get meaningful human rights laws that are a real deterrent is through an international court."

Justice Goldstone, who since 1994 has been a member of the Constitutional Court of South Africa, was presented with the Burns Center’s Access to Justice Award for his "contributions to the rule of law and access to impartial justice" at the gathering of students, faculty, and alumni.

A native of South Africa, Justice Goldstone has an international reputation for his work on behalf of human rights, both in his own country and abroad. An early opponent of apartheid, he served from 1991 to 1994 as the chairperson of the Commission of Inquiry regarding Public Violence and Intimidation. Known as the "Goldstone Commission," it was the precursor to the South African Truth and Reconciliation Commission. From 1994 to 1996, Justice Goldstone served as the chief prosecutor of the United Nations International Criminal Tribunals for Rwanda and the former Yugoslavia, and since 1999, he has been the chairperson of the International Independent Inquiry in Kosovo.

In the lecture, Justice Goldstone provided a comprehensive overview of the laws of war or, as he called them, "international humanitarian laws." Pointing out that, increasingly, civilians, not soldiers, are the targets of war—in the 100 civil wars fought since 1945, 90 percent of the casualties have been civilians— he noted that today these crimes are considered "crimes against humanity" and the concept of international justice has gained widespread acceptance.

"We’ve demonstrated that international criminal courts can provide fair trials, and we’ve seen that universal jurisdiction can act as a deterrent," he said, noting that before 1993 no law school even taught international humanitarian law because "it wasn’t used—there was no mechanism to enforce the laws that existed."

"Despite the fact that the Geneva Convention obliges all nations to bring to justice those who have violated its principles, prior to 1993 this didn’t happen. The International Criminal Tribunal Against Yugoslavia was the first real international court, and it has had significant impact. There is no question that if the Yugoslav tribunal hadn’t existed there would have been far worse civilian casualties."

Laura Cunningham Named Senior Associate Dean

Laura Cunningham, who has taught Tax and Trusts and Estates since 1992, was appointed senior associate dean by Dean Rudenstine, who chose her because "she brings great strengths to this important leadership position: She is a strong teacher and scholar who has the trust and confidence of the faculty and students." Over the years that she has taught at Cardozo, Dean Cunningham has chaired the appointments committee and served on several other important committees that have contributed greatly to the life of the Law School. She has written numerous articles in her areas of expertise and is the coauthor of The Logic of Subchapter K: A Conceptual Guide to the Taxation of Partnerships and Partners. While serving as dean, she will continue to teach one course each semester. In discussing her new position, Dean Cunningham said, "I'm eager to improve the quality of student and faculty life and intend to do what I can to ensure that the interaction between students, faculty, and administration is efficient, productive, and pleasant."
Lessig Discusses the Future of Copyrights at Tenzer Lecture

Stanford Law Professor Lawrence Lessig, who has earned a reputation as the most important thinker on issues of intellectual property in the Internet era, discussed the future of copyrights and the limitations that Congress should place on them at the ninth annual Tenzer Distinguished Lecture in Intellectual Property.

Lessig, the author of a new book called The Future of Ideas, spoke at length about two interrelated but conflicting trends. The technological trend, which is responsible for both the explosion in digital technology and for the never-before-imagined ways that creative works are now and will be distributed. Then he pointed to the legal trend, which is toward increased control of creative enterprises.

We must “free ourselves from the idea that our culture is the property of others,” he said, noting also that Congress’s hard-line approach to the protection of copyrights has allowed software and media giants to monopolize our cultural and intellectual lives, thus decreasing creativity. Lessig argues that artists are continually aware that lawsuits may arise from their creative output. Furthermore, the Internet, which Lessig believes can and should be a vehicle for producing and distributing culture from the bottom up, has been reduced to a heavily barricaded area. In conclusion, he urged limited but reasonable control on copyright—a moderate approach to finding a sensible balance.

Bauer Lecturer Examines Lawyer Jokes

Using as a point of departure the premise that “lawyer jokes seem a permanent fixture of the legal landscape,” University of Wisconsin Law School Centennial Professor Marc Galanter delivered the annual Uri and Caroline Bauer Memorial Lecture in February. Professor Galanter, a former advisor to the Ford Foundation on legal services and human rights programs in India, is the author of Lowering the Bar: Lawyer Jokes and Legal Culture, a new book that examines the role of lawyer jokes in American society.

According to Professor Galanter, it was late in the just-past century that the public began to see lawyers as flawed professionals and generally labeled them as sly, oppressive, and coercive—a stereotype that gave birth to the ubiquity of lawyer jokes. He pointed especially to the 1970s when, as a result of the litigation explosion, lawyer jokes became popular and increasingly harsh. Paradoxically, he noted, lawyers are often portrayed on television or in film as heroic saviors, illustrating the notion that although most people today have a negative opinion of lawyers in general, everybody thinks their lawyer is noble.

(From left) Dean Rudenstine, Prof. Marc Galanter, Lore Bauer, and Cardozo Board Member Harry Bauer
CARDOZO BAR PASSAGE RATE JUMPS TO RECORD LEVEL

Of the Cardozo graduates who took the New York State bar exam for the first time in July, 86% passed. This is significantly above the statewide pass rate (79%) and is the highest level of success in Cardozo history. Cardozo administrators credit the jump to several factors including changes to the first-year curriculum, the adoption of upper-level distribution requirements, and greater guidance in course selection, as well as an increase in the quality of the class and the efforts of individual professors. Distribution requirements ensure that students are not trying to learn too many subjects for the first time right before taking the bar exam.

Dean Welcomes New Students and Visiting Faculty

The spring semester began with a dean's reception that recognized the many visiting faculty and recently hired administrators, and gave a salute to the entering J.D. and LL.M. students. According to Assistant Dean for Admissions Robert Schwartz, 45 students began their J.D. studies in January and 12 began the LL.M. program, representing the strongest January class the school has ever enrolled, as measured by the median LSAT score, which is 159 for the J.D. candidates. These students come to Cardozo with advanced degrees in biology, business administration, forensic psychology, and social work. Those coming from other careers include a teacher, a stage manager, an aviation electrician, a political aide, a consultant for an Internet company, and a child protective specialist for the City of New York. The variety extends to the undergraduate institutions from which these students hold degrees; they represent 37 schools from Yale and Yeshiva to Brigham Young and McGill.

Howard M. Squadron, a founding partner of Squadron Ellenoff Plesent & Sheinfeld, which recently merged with Hogan & Hartson, and the guiding spirit behind Cardozo's Howard Squadron Program for Law, Media and Society, died in December after a long illness. Listed twice in the 1980s by the National Law Journal as one of the 100 most powerful lawyers in the United States, Mr. Squadron was known especially for his work in communications and entertainment law and as a leading national spokesperson for American Jews. He was president of the American Jewish Congress from 1978 to 1984 and was chairman of the Conference of Presidents of Major American Jewish Organizations from 1980 to 1982. Among many notable accomplishments, he helped save City Center from the wreckers's ball and was long-time chair of its board of directors. In his law practice, Mr. Squadron represented developers, mortgage brokers, and communications companies, including The News Corp. and News American for more than 25 years. He handled major First Amendment, civil rights, and pro bono cases and participated in the effort to include condemnation of anti-Semitism in the United Nations resolution on racism.

Rupert Murdoch, chairman of The News Corp., and Fred Wilpon, co-owner of the New York Mets, among his dear friends, co-chaired a dinner in 1999 held in honor of Mr. Squadron and the 10th anniversary of the Squadron Program. It was his last public appearance. Among the most visible and well-loved activities of the Squadron Program was the conversation series hosted by Mr. Squadron, to which he would invite such luminaries as Peter Jennings, Mike Wallace, and Abe Rosenthal to meet and discuss with students and faculty contemporary issues in the media and entertainment law. Mr. Squadron is survived by his wife, Anne Strickland Squadron, five children, and eight grandchildren. His son, Bill, a sports lawyer, taught a course at Cardozo with his father and has participated in a number of panels on communications and entertainment law at the Law School.
Scholars Find New Connections to Nietzsche

Judging by the well-attended fall conference "Nietzsche and Legal Theory," the ideas of the provocative German philosopher are more relevant than ever. Over 40 scholars from many disciplines and from all corners of the globe convened to discuss Nietzsche's writings and his influence on legal thought. The two-day event, organized by Prof. Peter Goodrich, marked the first time that academics had staged a critical encounter between legal theory and Nietzsche's legacy. Papers and commentary presented at the conference will be published in a forthcoming issue of Cardozo Law Review. The symposium, which was sponsored by the Jacob Burns Institute for Advanced Legal Studies, included Prof. Jacques Derrida, Ecole des Hautes Études en Sciences Sociales, Paris; Prof. Renata Salecl, London School of Economics and University of Ljubljana, Slovenia; Prof. Anthony Carty, University of Derby, England; Prof. Jeanne Schroeder; Prof. William MacNeil, Griffith University, Australia; and Prof. Lior Barshack, The Hebrew University of Jerusalem.
DNA Evidence Exonerates 102nd Prisoner

Prof. Barry Scheck held a press conference at the Law School when Bruce Godschalk (left), the 102nd prisoner exonerated through postconviction DNA testing, was released from jail after serving 15 years. Professor Scheck used the occasion to urge reforms, especially Congressional passage of the bipartisan Innocence Protection Act, allowing all states to conduct postconviction DNA testing.

Innocence Project Launches Website

The Innocence Project launched a comprehensive Website where defense lawyers and other legal professionals, prisoners and their families, the media, and individuals interested in postconviction exonerations can find up-to-date information on case profiles and new legislation, law and science links, and how to contact affiliated programs, resources, and organizations working with DNA and wrongful convictions. Innocence Project cofounder Prof. Barry Scheck notes, "This site will be a technological springboard for our continuing work and the expansion of the Innocence Network. It will create synergy amongst the various organizations that share two important goals: the correction and the prevention of wrongful convictions." The Innocence Network is a growing group of wrongful conviction clinics in law and journalism schools across the nation.

As of February, 102 prisoners in the United States have been exonerated through postconviction DNA testing, 11 off death row. More than half of these cases were handled by Cardozo law students with Professors Scheck and Peter Neufeld. The clinic has generated legislative reforms and helped focus the legal community on efforts to prevent the miscarriage of justice and the causes of wrongful convictions.

American Constitution Society and Federalist Society Collaborate on Panels

Melissa Stewart ’02 was watching C-Span one evening last summer and learned of the founding of The American Constitution Society for Law and Policy (formerly the Madison Society). "I just knew that there was a need for a chapter of this organization at Cardozo," said Ms. Stewart, who is president of the International Law Students Association. "I called then-professor Rudenstine and asked him to be the faculty advisor, which he agreed to do, as did Prof. Kyron Huijgens. I wrote the chapter's constitution and we were off and running."

According to its mission statement, "The American Constitution Society is a new national organization of law students, law professors, practicing lawyers, and others. We want to help revitalize and transform the legal debate, from law school classrooms to federal courtrooms. We want to counter the dominant vision of American law today, a staunch conservative vision that lacks appropriate regard for the ways in which the law affects people's lives." Melissa felt that "the legal educational system had become very conservative" and the society was eager to promote more compassionate views.

Simultaneously, Ezekiel Arlin and Devorah Klein were reinvigorating the Cardozo chapter of The Federalist Society, a group of conservatives and libertarians interested in the current state of the legal order [and] founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and

(From right) Dean David Rudenstine, Michael Herz, Michel Rosenfeld, John McGinnis, and Richard Weisberg
that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be." They were hoping to spur intellectual debate on legal issues outside the classroom by hosting several functions a year devoted to timely legal issues and to expose students to different perspectives on those issues.

With similar agendas, although opposite political leanings, the organizations are working on several joint projects. This fall they presented "Reviving Tocqueville's America: The Rehnquist Court's Jurisprudence of Social Discovery," a panel that featured Cardozo professors debating the ideology, values, and methods of the Rehnquist Court.

Racial Profiling Explored in Wake of 9/11

After the events of September 11, many people with Arabic-sounding last names suddenly became the newest victims of racial profiling. Examining ways to maintain national security without trampling rights, professors and civil rights lawyers discussed the history of racial profiling since the American Civil War and asked questions such as, "When does racial profiling go from being good police work to a violation of civil rights?" Prof. Michel Rosenfeld moderated a panel that included Prof. Myriam Gilles; King Downing, national coordinator for the

The students participating in the annual Monrad G. Paulsen Moot Court Competition this fall argued a case of a prisoner's right not to incriminate himself. The final round was judged by (from left) Justice Joseph Dorsa, NY State Supreme Court; Associate Justice Gary S. Stein, Supreme Court of NJ; and Chief District Judge Michael B. Mukasey, Southern District of NY, who commented on how much better prepared the student litigants were than the lawyers who appear before him in court. David Cooper '03 (left), won best oralist and Emily Ching '03 best brief. Brandy Miller '02 and Emily Baser '03 were runners-up.

At the ABA Regional Negotiation Competition, held at Western New England College School of Law, Megan Weiss '02 and Venus Sahwan '02 took first place in a field of 20 law schools. They then went on to represent the Northeast region and Cardozo at the national competition held in February. Last year, Weiss and Sahwan made it to the final round of the regional competition but did not advance to the nationals.
Panels Introduce Speciality Areas

One of the best ways to introduce students to various areas of the law and employment is through panels that feature experts and practitioners. Among those held this year was Theater Law: an Introduction to the Industry and its Players, with panelists Elliot H. Brown, partner, Franklin, Weinrib, Rudell & Vassallo; Jordan Roth, producer, The Rocky Horror Picture Show; The Donkey Show; Ralph Sevush ’91, associate director, The Dramatists Guild of America; Scott Shukat, The Shukat Company, Ltd.; Harriet Slaughter, director of labor relations, The League of American Theatres and Producers. The event was moderated by Rosalind Lichter ’82, The Law Firm of Rosalind Lichter.

Asian American lawyers discussed their practice in intellectual property law at a panel co-hosted by Cardozo’s Intellectual Property Law Program, Asian Pacific American Law Students Association, the Litigation and Young Lawyers Committees of the Asian American Bar Association of New York, and the US-China Lawyers’ Society. The panel, which included John Flock (left), a partner at Kenyon & Kenyon, and Benjamin C. Hsing of Kaye Scholer, was moderated by Prof. Peter Yu ’99.

The Cardozo Online Journal of Conflict Resolution presented a panel on sports law and alternative dispute resolution, two areas that are especially popular with students. Panelists included Hal Biagus (left), deputy counsel, National Basketball Players Association; and Frank Coonelly, general labor counsel, Office of the Commissioner of Baseball.

Campaign Against Racial Profiling at the ACLU; William Goodman, legal director of the Center for Constitutional Rights; and Abdeen Jabarra, civil rights lawyer and past president of the American-Arab Anti-discrimination Committee. Panelists agreed that we should not let people’s rights be compromised, especially as almost all of those detained have not yet been directly connected to the terror plot, making profiling ineffective as well as unconstitutional. Citing targeted investigation as the best way to use profiling procedures, Mr. Jabarra pointed to FBI agents going to flight schools around the country to study the student roster for Arabic-sounding names. In that case, law enforcement is dealing with a relatively small number of people and highly specific coordinates. The panel was sponsored by Cardozo’s Public Interest Law Students Association.

International Students Intern in Judges’ Chambers

A new internship launched this fall, the Judicial Observation Program, pairs federal and state judges with international LL.M. students, who get an insider’s view of the US legal system and gain practical knowledge. They conduct legal research and help draft opinions and observe hearings that range from class actions and sentencing to witness examinations and naturalization ceremonies.

According to Philippe Zylberg ’02, “The experience of sitting in court with a federal judge facing rival attorneys arguing their respective cases, and then
observing the decision-making process in the judge’s chambers, was especially enlightening.” Philippe, who is from Israel and interned for Hon. Shira Scheindlin, US District Court for the Southern District of NY, was particularly struck by how much the fate of an individual’s life or property is left to the judge’s discretion. Both judges and their clerks benefit by learning about other countries’ legal systems and cultures.

According to Toni Fine, director of the LL.M. Program, “We are now working with two judges and hope to expand this program so that more students can take advantage of this wonderful opportunity.”

**STUDENTS HONE LITIGATION SKILLS IN INTENSIVE TRIAL ADVOCACY PROGRAM**

More than 80 students took advantage of the opportunity to sharpen their litigation skills and learn from legal experts through Cardozo’s Intensive Trial Advocacy Program (ITAP). Participants were able to practice effective techniques and view different courtroom styles as more than 200 visiting faculty gave critiques and demonstrations. Students learned how to do opening statements, cross-examination, closing arguments, and all phases of criminal and civil trials. At the end of the two-week program, they did bench and jury trials before a real judge. Shown here are guest faculty Michael Karnavas (left), who is currently representing Col. Blagojevic before the International Criminal Tribunal for the former Yugoslavia in The Hague, and David Silver ’83, partner, Barr, Steinberg, Moss, Lawrence, Silver & Saltonstall, Bennington, VT.

Scholars Discuss French Court Ruling in Yahoo! Case

It has been over a year since a French judge stunned legal observers internationally by ruling that US-based Yahoo!, Inc. is liable under French law for allowing French citizens to access auction sites that sell Nazi memorabilia. European and American scholars, including several Cardozo professors, discussed the global implications of this ruling at “Hate and Terrorist Speech on the Internet: The Global Implications of the Yahoo! Ruling in France,” presented by the Howard M. Squadron Program in Law, Media and Society.

Isabelle Rorive and Benoit Frydman from the Free University of Brussels, both of whom are Markle Fellows, presented the factual details of the Yahoo! case, and then moderator Monroe Price opened the floor for a lively question and answer session that focused on the broader impact of the ruling. During the second half of the program, Terrorism and the Internet: Regulatory Implications of the Yahoo! Case, a distinguished panel that included New York Times columnist Carl Kaplan, visiting professor Oren Gross, and Prof. Michel Rosenfeld discussed whether or not France’s ruling will force the Internet to be policed on a regional basis in accordance with local censorship laws. Panelists were concerned also with whether the Yahoo! ruling infringed on the rights of the company. Other participants were Julie Mertus, American University; Alan Davidson, Center for Democracy and Technology; Helen Nissenbaum, Department for Culture and Communication, New York University; and Laurent Pech, Institute of Political Studies in Aix-en-Provence.
Seven Visit for Spring

This has been a banner year for visitors to the Law School. A total of 12 professors have visited for 2001–02, with seven arriving in January to teach during the spring semester. They bring expertise in diverse fields and enhance the scholarly climate at Cardozo.

Harold Abramson from Touro Law Center brings his knowledge and experience to augment Cardozo's nationally ranked alternative dispute resolution (ADR) program and is teaching International Dispute Resolution and Dispute Resolution Process. He said it's been exciting working with Cardozo students who are so intensely interested in the theory and not just the practice of dispute resolution. He noted it was especially gratifying to see students he co-taught do so well in the ABA Regional Representation in Mediation Competition—Cardozo teams won first and fourth place.

Professor Abramson, who has been deeply involved in the field of ADR for more than 15 years, publishes extensively, lectures widely, and conducts training programs in the US and abroad. He is at work on a book on how to represent clients in mediation as a problem-solving process and on sections of a book on international dispute resolution. He also serves on the Association of American Law Schools facilitation panel that conducts faculty retreats for US law schools.

At Touro, he served for nine years as vice dean responsible for academic programs, faculty development, and international programs. Prior to entering the academy, he worked in both private practice and government, where he helped formulate public policies and litigated contract disputes and complex regulatory cases. Professor Abramson has a B.A. from University of Michigan, a J.D. from Syracuse University, and an M.P.A. and an LL.M. from Harvard University.

Edward D. Cavanagh is an expert in antitrust law who has worked for many years in private practice and was an assistant attorney general for the New York State Antitrust Bureau. He is visiting from St. John's University School of Law, where he has taught for over 20 years, and is teaching Civil Procedure. He is working on The Antitrust Evidence Manual (2nd Ed.) for the ABA Antitrust Section and is researching the proposed amendments to Rule 23 of the Federal Rules of Civil Procedure. Professor Cavanagh frequently lectures; has given testimony to the US Senate Committee on the Judiciary; and has published numerous articles on antitrust, civil procedure, and complex litigation. He holds an A.B. summa cum laude from University of Notre Dame, a J.D. with distinction from Cornell Law School, and an LL.M. and a J.S.D. from Columbia Law School.

Jeffrey Haas, who is a leading authority on tracking stock equity structures and other securities law matters, is visiting from New York Law School. At Cardozo he teaches Corporate Finance and Securities Regulation, which he notes has been especially relevant to his students this term. "In the classroom, animated conversations about the antifraud provisions of securities laws and corporate liability all seem to swirl around Enron. It's been pretty stimulating," he said.

Professor Haas teaches
and writes about mutual fund regulation, securities law, corporate finance, corporations, and contracts, and he has been quoted widely in the media, appearing also on many television programs. He soon will publish "The Heartland Funds' Receivership and its Implications for Independent Mutual Fund Directors" in the Emory Law Journal. Professor Haas practiced corporate and securities law at Cravath, Swaine & Moore and Latham & Watkins. He has a B.S. summa cum laude from Florida State University and a J.D. cum laude from the University of Pennsylvania Law School.

Lewis Henry LaRue, Alumni Professor of Law at his alma mater, Washington and Lee University School of Law, is teaching Evidence. He said he is enjoying his Cardozo class and New York, and is looking forward to giving a faculty colloquium on "Policy Issues in Counting Votes: The Issue to Which Bush v. Gore is a Footnote." He currently is working on a project examining the convergence of two elements of courtroom trials—mathematical probability, which informs expert scientific evidence, and literary probability, which involves lay judgments of how probable the courtroom narratives of lawyers are. Prior to joining the Washington and Lee faculty, Professor LaRue was a legal officer in the Marine Corps for three years and a trial attorney for the US Department of Justice. He has published four books, including Constitutional Law as Fiction: Narrative in the Rhetoric of Authority (Pennsylvania State University Press, 1995) and Political Discourse: A Case Study of the Watergate Affair (University of Georgia Press, 1988); and scores of articles, essays, and reviews. His fields of teaching also include law and politics and jurisprudence. Professor LaRue holds an LL.B. from Harvard University.

TAX CASE UPDATE

After the Tax Appeals Tribunal ruled against him in Matter of Zelinsky, Edward Zelinsky said, "I am grateful that they finally decided the case so I can now get to the appeals division." Zelinsky challenged the New York tax law, arguing that he is being unfairly taxed twice—by his home state of Connecticut and the state of New York, where he derives his income. Zelinsky frequently works from home and in challenging the double taxation has raised issues that have become increasingly controversial. The issue of double taxation and its implications as telecommuting expands has been identified by the Northeastern States Tax Officials Association as one of the most important modern matters of tax administration. The Association has been trying to forge a multijurisdictional agreement that would eliminate or reduce the threat of double taxation on tangible income.

Stephen Morse, the Ferdinand Wakeman Hubbell Professor of Law at University of Pennsylvania Law School, is also professor of psychology and law in psychiatry at the University's School of Medicine. He is teaching Criminal Law and Mental Health Law at Cardozo. Professor Morse’s published works, research, and teaching are at the intersection of law and psychology. He is especially interested in clarifying and establishing the conditions for moral and legal responsibility, including the legal criteria for rationality in criminal law and mental health law. Currently, he is writing an article for the Virginia Law Review, "Uncontrollable Urges and Irrational People," which evaluates recent US Supreme Court rulings on the constitutional standards for the involuntary civil commitment of sexual predators. In addition to extensive writings on the insanity defense and mental health law, he has testified before the US Congress and other legislative bodies on these subjects. Professor Morse is co-editor of Foundations of Criminal Law (Foundation
Movsesian holds an A.B. summa cum laude and a J.D. magna cum laude from Harvard University, where he was an editor of the Harvard Law Review and a recipient of the Sears Prize.

Bernhard Schlink, a frequent visitor to Cardozo, is teaching a seminar on European Community Law. He is the author with Prof. Arthur Jacobson of Weimar: A Jurisprudence of Crisis, and several other books on constitutional law, fundamental rights, and the issue of separation of powers. He also wrote the best-selling novel The Reader, which The New York Times described as "arresting, philosophically elegant, morally complex," and the newer Flights of Love: Stories. He is currently working on a lecture and article on loyalty, treason, and betrayal in different cultures. Professor Schlink sits on the Constitutional Law Court for the state of Nordrhein-Westfalen, Münster. He holds a J.D. from Ruprecht Karls University in Heidelberg.

PROFESSIONAL HONORS

In February, the New York Civil Liberties Union honored Barry Scheck and Peter Neufeld with the Florina Lasker Award for their significant contribution to the advancement of civil liberties and privacy rights in New York. The Innocence Project received an award in March from Jews for Racial and Economic Justice for "righting the wrongs endured by those falsely convicted."

Peter Tillers was named an associate of the Joseph Bell Centre for Forensic Statistics and Legal Reasoning, Faculty of Law, University of Edinburgh, Scotland, marking the commencement of his participation in a three-year research and development project relating to evidence marshaling software for investigation. Cardozo Law Review published his paper "Introduction: A Personal Perspective on 'Artificial Intelligence and Judicial Proof" as part of a collection that he compiled on the topic.

Richard Weissberg has been selected for a semester-long teaching
appointment at Johns Hopkins University's School of Advanced International Studies at its campus in Nanjing, China, a provincial capital on the Yangtze River. In fall 2002, he will teach Introduction to American Law and Constitutional Law to Chinese and international students. He will also continue his research on public discourse, with a comparative examination of the cultural conceptions that shape public conversations in China.

Larry Cunningham's *Outsmarting the Smart Money*, published by McGraw-Hill, is right on the money during this time of the Enron debacle. He discusses how to invest using straightforward common sense instead of misleading "hot tips" and explains how to approach the markets with intelligence and calm, outlining the need for investors to monitor their investments, including their retirement funds. He explores security analysis guidelines and what investors should look for that might indicate accounting irregularities, as well as ways to avoid being cheated by money managers and how to identify "spin" reporting.

Monroe Price has been working on a number of books that are ready for publication or have just been published, including *Forging Peace: Intervention, Human Rights and the Management of Media Space* (edited with Mark Thompson), by Edinburgh University Press; *Media and Sovereignty: Law, Identity and Technology in a Global Environment*, by MIT Press; *Media Reform: Democratizing Media, Democratizing the State* (edited with Beata Rozumilowicz and Stefaan G. Verhulst), by Routledge, London; *Media in the Yeltsin Decade: Essays and Documents* (edited with Andrei Richter and Peter Yu), by Kluwer Law International; and *Parental Control of Broadcasting*, edited with Stefaan G. Verhulst and published by Lawrence Erlbaum Associates. An article, "The Newness of New Technology," is in *Cardozo Law Review*.

Rabbi David Bleich spoke at the annual meeting of the AALS on "Stem Cell Research and the Definition of the Beginning of Life."

At the ABA national conference on Professional Responsibility in Miami Beach last spring, Lester Brickman spoke on "The Ethics of Hourly Rate Billing." He has two articles forthcoming: "Lawyers' Ethics and Fiduciary Obligation in the Brave New World of Aggregative Litigation" in *Williams and Mary Environmental Law & Policy Review* and "Mandatory Fee Arbitration under New York's Matrimonial Rules" in the *Cardozo Online Journal of Conflict Resolution*.

Malvina Halberstam spoke on justice for victims of the Holocaust, and on the Foreign Sovereign Immunities Act and human rights, addressing the Act's application to an action against the French
Railroad for transporting thousands of people to death camps during World War II. Professor Halberstam is of counsel on this case, which was argued in the Federal District Court for the Eastern District of NY. She also participated with Israel's ambassador to the United Nations, Yehuda Lancry, Congressman Eliot Engel, and Time magazine writer Adam Cohen at a symposium organized by Betar on "Israel and the US After September 11," discussing the justification under international law for the use of force against terrorists and those who harbor terrorists. She also hosted a group of more than 20 foreign government officials, scholars, and journalists visiting through the US State Department's project on Foreign Policy and Human Rights Issues.

Marci Hamilton gave a keynote address, "Religious Liberty Legislation and Executive Agencies," at the annual meeting of the National Association of Regulatory Administrators. She debated "Civil Rights and the Bush Administration's New Anti-terror Initiatives" with David Rudovsky of the University of Pennsylvania Law School at the World Affairs Council meeting in Philadelphia. At the Federalist Society Annual Professors Conference, she addressed the issues of "Civil Rights, the Patriot Act, and Military Tribunals" and then discussed vouchers at the New York City Federalist Society meeting. She participated in a symposium on federalism and states' rights at the University of Indiana, and one on the Establishment Clause at the University of Virginia.

Arthur Jacobson and visiting professor Bernhard Schlink gave a colloquium at the European University Institute in Fiesole, Italy, on their book Weimar: A Jurisprudence of Crisis. The commentators were John McCormick, a political scientist at Yale, and Gerald Newman, a law professor at Columbia.

John McGinnis and David Rudenstine met with a delegation from the Consultative Tribunal of the Autonomous Government of Catalonia, Spain, through the US Department of State's Bureau of Educational and Cultural Affairs. The Tribunal was interested in how the US Supreme Court operates, the relationship between the state and federal courts, specific laws regarding minority rights and affirmative action policies, and US legislative procedures.

Richard Weisberg delivered a lecture entitled "A Reply to Stanley Fish on Holocaust Denial" at Emory, the University of Wisconsin/Madison, and University of Saskatchewan/Saskatoon. He discussed "The Figure of the Examining Magistrate from Dostoevski to Malamud" at the University of Nice and at Cornell, and spoke on "Vichy: from the Archives to the Quai d'Orsay" at the Maison Francaise of NYU and at Fordham. His topic was "The Rhetoric of the French Catholic Church during Vichy" at Oxford and at the Law and Society Annual Meeting and "Antonio's Legalistic Cruelty in The Merchant of Venice" at a faculty seminar at the University of Texas/Austin and at the International Shakespeare Society Meetings in Valencia, Spain. He also directed a performance of scenes from The Merchant of Venice at the University of Texas/Austin. He visited Texas again for a symposium on "Language and the Law," where he delivered a paper, "The Legal Writer at the Millennium with an Application to Justice Souter."

Peter Yu contributed a chapter on "European Union Privacy Directive" to The GigaLaw.com Guide to Internet Law, which will be published this year by Random House, and an article on US-China intellectual property policy in Commentaries on Law and Public Policy: 2001 Yearbook. As a guest columnist for FindLaw.com, he wrote on the ramifications of China's recent entry into the World Trade Organization.

An Interview with Cardozo Dean
David Rudenstine

David Rudenstine, Dr. Herman George and Kate Kaiser Professor of Constitutional Law, has been at Cardozo since 1979. He was appointed dean in November 2001, just a few weeks after the Law School kicked off its 25th anniversary year and terrorists made a devastating attack on our country. With these episodes in mind, Cardozo Life editor Susan Davis sat down with Cardozo’s fifth dean to learn what’s on his agenda and where he sees his greatest challenges.
SUSAN DAVIS: After September 11, you said that being dean of Cardozo seemed an even more compelling challenge than before. Do you think the role of law schools in our country has changed or become more relevant since 9/11?

DAVID Rudenstine: September 11 did help make more evident the significant roles that law schools and lawyers play. They are both essential in influencing the social, political, and ethical fabric of our country.

We Americans have always taken our liberties very seriously, but we often forget that lawyers are central in shaping order and liberty in a very complicated society like ours. They have played that role since the republic was founded in 1789. Although I heard many students say that their studies seemed insignificant or irrelevant during the days immediately after the World Trade Center disaster, I think the better view is that becoming a lawyer is important and will serve the individual and the society well.

DAVIS: Do you think that the Law School has been responsive to the needs of students in understanding that balance between security and freedom?

RUDENSTINE: Trying to understand that tension is something that law schools address all the time. So much of what we do every day is directly related to how we as a society organize ourselves, how we harness dynamic and complicated forces so as to preserve freedom and liberty. Legal education plays a very special role in defining and sustaining a general culture that vigorously tries to mesh our concerns for security and liberty.

DAVIS: Upon being appointed dean, you said you were touched and inspired by the many congratulatory notes you received.

RUDENSTINE: It was particularly satisfying to get notes from folks with whom I have not had any contact for quite a while. I received a very large number of letters and emails from our graduates, some of whom took classes with me. Many recalled particular moments or episodes, and it was gratifying to hear that my appointment as dean had special meaning to them. Through me, they felt a fresh connection to the Law School and their days at Cardozo.

DAVIS: How did it feel going from a professor to being dean?

RUDENSTINE: The transition feels natural and comfortable. I have hopes and ambitions for the institution, and it's particularly exciting to be in a position where I can realize them.

DAVIS: Are there many challenges that you want to tackle?

RUDENSTINE: Of course, many! The faculty is like a dynamic engine that's been pushing the School for a long time. I certainly want to help them feel as if their energies and ambitions are supported and affirmed. I also want to be responsive to the hopes and dreams of our student body—to address the issues they have now regarding their daily lives at school and those they will face after they graduate.

It is essential also that Cardozo be an important cornerstone in the lives of its alumni—a place of personal significance where they continue to have meaningful experiences. We need to celebrate our graduates more. They are individuals of exceptional achievement in diverse and wonderful endeavors. Their careers are a source of pride for us, and we should trumpet their remarkable, collective successes and contributions.

...we often forget that lawyers are central in shaping order and liberty in a very complicated society like ours.
America benefits from having qualified, able, and ethical students pursue public service.

DAVIS: Do you have a plan for Cardozo to be more involved in the community?

RUDENSTINE: I am eager to position Cardozo as a place where important ideas related to law and public affairs are generated, discussed, and evaluated. For example, I would like Cardozo to use its resources and facilities to sponsor and facilitate debates on contemporary social issues so that the public can better understand contemporary controversies: What is actually at stake? What are the value choices and real-world remedies? This semester we held panels on Enron, the Yahoo! case, and torture as a method to find terrorists—all to explicate current issues that are relevant to the law and our everyday lives.

DAVIS: What qualities do you think make Cardozo's character unique?

RUDENSTINE: Uniqueness is a tough standard. However, we do things here that give us distinct stripes. First, we try to help our students become truly fine lawyers. We do that by providing them with exposure to legal doctrine, lawyering skills, and legal theory. We are unusual in that way. Especially so in that we have many professors who are committed to legal theory in a way that is intense, high level, and exciting, and they bring this passion into the classroom. Our clinical programs and lawyering opportunities are particularly strong as well.

So, on one day our students are getting hands-on lawyering experience—how to interview, marshal evidence to build a case, how to negotiate or mediate a dispute, how to stand before a judge who is grilling you in a very challenging way. On the next day, they will be discussing legal philosophy and jurisprudence with an expert in that subject. We combine these aspects of the law in a dramatic and important way. This doesn’t make us unique, but does make us special.

For a long time most people thought that the law was unrelated to and sovereign and independent from disciplines like philosophy, history, economics, sociology. Then, at the turn of the century, there was far more openness to the idea that law was closely and intimately interrelated to other disciplines. At Cardozo we take that lesson seriously. We try not only to have it reflected in the research and writing of the faculty, but also to address it in particular courses. Our faculty is known nationally for taking significant and relevant ideas from other disciplines and incorporating them into legal studies. This enriches the scholarship and writing of our professors and makes the courses they teach that much richer.

DAVIS: And what about the opportunities here for hands-on legal training?

RUDENSTINE: I think we need an integrated and comprehensive approach to lawyering opportunities. We have a wonderful Intensive Trial Advocacy Program and terrific clinics. But some students don’t want to do a clinic. I would like all our students to gain some exposure to more aspects of lawyering so they are adequately prepared for the demands of the profession.

DAVIS: In recent years the effects of globalization and a more international world community has had an impact on Law School curriculum, programs, and discussions. Do you see that increasing since 9/11?

RUDENSTINE: Absolutely. This spring, for example, the Floersheimer Center is sponsoring a conference with a
post-9/11 theme related to tolerance, fundamentalism, security, and liberty. For next year, we are talking about holding a conference on the important and controversial idea of universal jurisdiction and a world court. Some professors have altered their regular courses in light of 9/11, and this spring we are offering a special course on Civil Liberties and National Security.

DAVIS: One of the chief roles of a dean, and one of the more time-consuming challenges, is to raise funds. What specific needs at the School have you prioritized for funding?

RUDENSTINE: No institution of higher learning is worth its salt if it seeks to fund its entire educational program solely on the back of tuition. It just cannot be done. The expense of a meaningful and exciting education outstrips tuition charges here and at the leading law schools of America.

An important challenge is to enhance our endowment and annual fund. This effort will have to fall upon the shoulders of our graduates, board of directors, parents, and friends in the broader community.

We are in the midst of a capital project for which we need additional support as well. The renovation of our lobby and library is expensive. There is a whole variety of new programmatic and faculty initiatives that we need to develop and enhance. Our nationally ranked Intellectual Property Law and Alternative Dispute Resolution programs have managed to achieve their accomplishments on a shoestring. One can only imagine what the professors who direct these efforts could do if their programs were endowed and more money was available to them.

DAVIS: And what about more monies for scholarships?

RUDENSTINE: We especially need additional funds to help students who have a commitment to public service to realize their professional goals and ambitions.

At the moment, the cost of a legal education at Cardozo is over $45,000 a year once you add tuition, books, housing, food, and miscellaneous expenses. Many of our students, and it is true also for law students around the country, are graduating with enormous educational debts. A student may want to do public service work with the federal, state, or city government or at a non-governmental organization or a classic not-for-profit, however, salaries in these jobs are not going to allow them to pay the rent, put food on the table, and discharge their loans.

These days there is a lot of pressure on law schools to find a way to give grants to students so they can complete their legal studies with less loan obligation. Law schools are also under increased pressure to develop a loan forgiveness program so that students will have their indebtedness decrease by a certain percentage for each year that they engage in public service work. In addition, we need to support summer jobs in the public sector so that our students can make important contacts and gain critical experience.

This expensive agenda is very important. Everyone in America benefits from having qualified, able, and ethical students pursue public service.

DAVIS: We are celebrating our 25th anniversary and now boast more than 7,000 graduates. What message do you want to share with these men and women?

RUDENSTINE: Cardozo's achievements are remarkable. Few, if any, would have imagined that so much could have been accomplished so quickly. Our history is the consequence of many influences including our graduates' tenacious ambitions, their commitment to the highest values. I hope for and expect great and exciting things of Cardozo. I am fully confident that the future will be as rewarding and engaging as the past.

We now need to remain true to our deepest values and sustain a spirit of generosity and ethics. These qualities stir our students, graduates, and friends. Their presence will continually enrich and refresh us. They will help to make Cardozo stronger and more vibrant than it is today.

I have hopes and ambitions for the institution, and it's particularly exciting to be in a position where I can realize them.
Fighting for "Hearts and Minds":
Towards a Foreign Policy of Information Space

On September 11, when fuel-laden airliners exploded into 20th-century icons, when massive buildings disintegrated and the world seemed suddenly to change, the first casualty identified on television was our graduate, the author, CNN commentator and so much more, Barbara Olson. Barbara was to be specially remembered, nationally and internationally, because of her last communication before the violent descent into the Pentagon, a cell-phone call to her husband, Ted, as he sat in his Justice Department office.

But her iconic role was more significant: she had, in the years before her death, been personally effective in changing public opinion, in battling for hearts and minds through a highly effective use of the US media. Without much assistance, she had created an entity, the Independent Women's Forum, and developed a brilliant persona as its effective spokesperson for a conservative ideology. And, finally, she developed a platform for herself using the many apertures for persuasion afforded by the new technologies that had transformed the global communications landscape.

She was an exemplar of intense participation in a marketplace of ideas in which individuals and groups could deploy electronic soap boxes and turn them into powerful megaphones. She showed by example how to manage imagery and ideas within national borders and beyond. Olson had propounded her views to support a political movement within the United States, to affect voter behavior, to help, dramatically, in the impact on elections and to convince many to adopt her perspectives as a mainstream movement.

Ironically, the notion of powerful, effective, shaping uses of the media, just where Barbara excelled, moved to the foreground with the events of September 11. Until then there was precious little public attention to its place in the armament of external influence. Scholarly treat-
ment of international broadcasting had lagged and, as a subject, it had not been central to international relations academic work. All of a sudden, “hearts and minds,” the mental and emotional kilns in which hatreds are stoked, emerged as a meaningful and urgent battleground for large-scale state concern. After the attack on the World Trade Center, the significance of a “clash of civilizations” was no longer only a question for debate in academic institutions. It became clear that military responses were insufficient to counter reservoirs of inculcation and belief that nourished future terrorists or aggressors against the West. In an explicit, broadly demanded strategy, the global market for speech. September 11 was an extraordinary wake-up call about the movement of ideas in the world, and the way in which some ideas—ideas deeply and treacherously held—can have enormous consequences for global stability, peace of mind, and the conduct of ordinary life.

In the war against terrorism (and in many previous wars) public opinion is a significant front for engagement. New examples of the vital importance of information policy to war emerge daily, often amplifying a sense of frustration about negative global attitudes toward the United States.

An international communications landscape that had been seen previously as capable of developing pluralism, diversity, and democracy was now seen to harbor the weeds and thorns of conflict, danger, and instability.

In a moment of exasperation, Congressman Henry Hyde summarized the feeling of many: “How is it that the country that invented Hollywood and Madison Avenue has such trouble promoting a positive image of itself overseas?” In February 2002, The New York Times reported the establishment of an Office of Strategic Influence in the Pentagon, designed to deploy information as a coordinated weapon of US national defense. But under the pressure of public opinion, the idea of the office was abandoned.

The Office of Strategic Influence should be seen in context. With the end of the Cold War, long-standing United States government efforts to help shape global public opinion on matters significant to national security were essentially privatized. The morale of the United States Information Agency (USIA), the prime instrument for this function and descendant of the World War II Office of War Information, declined. USIA was finally disembodied and merged into the State Department. In fact, in contrast to the USIA, Hollywood and Madison Avenue, CNN, and the Motion Picture Association of America were celebrated as extremely effective carriers and projectors of American values. Gaining so fabulous a global reach, so pervasive a presence, America had fostered mass overseas markets and created exuberantly receptive audiences. Who needed the Voice of America and other elements of a tired and somewhat bloated information apparatus?

I have spent much of the last few years exploring these questions with students at Cardozo and at the Programme in Comparative Media Law and Policy at the University of Oxford. I have tried to analyze and describe
why one society has an interest in the media space of another and how it goes about trying to affect it. In the process, a world emerges in which decisions about speech and culture are made multilaterally, among or between governments and with great transnational corporations. These arrangements reflect a marketplace of ideas, which I often call a marketplace for loyalties. This is the market in which Barbara Olson was so effective.

Information Intervention

As can be seen in Afghanistan, a media-related foreign policy becomes more tangible and more immediately necessary in moments of conflict. At such a time, the geopolitical stakes in the patterns of distribution of information are too high to be left solely to some fictive market in which governments do not actively participate. Information intervention—an affirmative effort to engage media realities—has a long tradition in its relationship to the run-up, avoidance, or resolving of war.

International Public Information Group

In April 1999, there was a concrete precedent for the later Office of Strategic Influence. The White House issued Presidential Decision Directive 68, which sought to develop and consolidate approaches to international information space. The International Public Information Group (IPIG) had members from the State Department, United States Agency for International Development, the National Intelligence Council, the National Security Council, the Department of Defense, and the Joint Chiefs of Staff. The composition of this group, particularly the inclusion of members of the intelligence and military community, was designed to reflect the importance of media to foreign policy and national security.

After the 1999 NATO military intervention in Kosovo and with the prodding of IPIG, the United States took the lead in establishing a "Ring around Serbia." This ad hoc and creatively assembled group of peripheral transmitters broadcast non-Milosevic voices into parts of the former Yugoslavia. This aspect of "information intervention" provided an effective mode of distribution, too, for reinforced Serbo-Croatian programming of the Voice of America, the BBC, the United States surrogate, RFE/RL, and Deutsche Welle. The US government persuaded the leadership in Republika Srpska to allow transmitters there to be retooled for the Serbian information action. The Ring around Serbia also included transmissions from Romania and Croatia.

Elements of an Information Foreign Policy

The shapelessness of transnational information networks, especially as the Internet significantly affects information flow, compels a new set of responses. If a government uses persuasion through information as part of its foreign policy, then it must find new mechanisms and employ new skills. Any government engaged in these processes must be far more conscious and pro-active about the modes of information distribution. It must also allow public debate to ensure the development and use of best practices.
Implementation of a foreign policy of information that focuses on media structures must include the following: better understanding of the role of international broadcasting, the Voice of America, and its counterpart; sustained assistance for favored forms of media abroad; sponsoring the export of legal and policy models regarding media structures (and rewarding those states that adopt the favored model); expanding or altering state-sponsored international broadcasting; using the World Trade Organization and related mechanisms to force changes in media-related trade practices; reinvigorating the international copyright regime to affect domestic intellectual property regimes; developing regional agreements, treaties, and customary international law as measures to shape or limit state media law enactments; increasing “information intervention” by the international community, especially in postconflict situations; and encouraging an international environment that fosters new technology (including addressing the digital divide).

Since the 1990s, the United States and Europe have mounted many efforts to foster transitions to democracy in an effort to establish a media sector supportive of democracy, one that has a substantial degree of editorial independence, is financially viable, reflects diverse and plural voices, and provides information necessary for citizenship to be meaningful. A foreign policy of technical assistance for media reform is a mix of idealism and realpolitik, of advocacy of principle and extension of national interest. Each element of assistance (financial aid, organizational assistance, and legal reform) touches on choices concerning the meaning of democracy and the role of media in the political process. In an environment affected more and more by new technologies, the grounding, organization, and implementation of media assistance is in need of more systematic examination, study, and possibly revision.

In the wake of September 11, there is an urgency to address the attitudes, perceptions, longings, and fears of a world concerned about its future. Suddenly during this war against terrorism, public opinion was again a significant front and space for engagement. In the early days of US flights over Afghanistan, bombers destroyed local radio transmitters and replaced Radio Shari‘ah with US programming. Reflecting a preoccupation with hostile attitudes across the world, President Bush named Charlotte Beers, a veteran of the advertising industry, as Under Secretary for Public Diplomacy, hoping to achieve more aggressively favorable US images abroad. She immediately began a process of rebranding America.

There has always been a battle for hearts and minds, but not with the technologies, not with the constellation of nation-states, not with the legal framework that exists today. Our student, Barbara Olson, was a master of the media—as a best-selling author, as a television personality. She had a great deal to teach about the way to hearts and minds, with her combination of conviction, passion, and extraordinary political savvy. For the future, it will be that combination that governments need and seek to employ as they try to shape public opinion at home and abroad.

On September 11, 2001, four terrorist attacks in the United States stunned citizens of every nation. As people around the world watched the Twin Towers collapse on television, the lives of thousands were altered forever. There were, of course, those who lost loved ones and those New Yorkers who lived or worked downtown and were directly impacted, as well as those who witnessed the day's events firsthand. There were also New Yorkers who chose to go to the scene of the crime to assist with the recovery and others who lent support and expertise in the days and weeks that followed the tragic events.

"Our alumni, like many members of the legal community, have contributed greatly since September 11," says Stewart E. Sterk, H. Bert and Ruth Mack Professor of Real Estate Law who was acting dean on that Tuesday. "It is a sign of the diversity of the institution that we have so many people who are able to serve the different needs that arose out of this tragedy," he adds.

Whether they were emergency medical technicians or police officers in their prior lives, or simply lawyers, Cardozo alumni lined up to offer their services.

By Victoria Rivkin
I wasn't a welder, I couldn't give blood, and I couldn't do physical labor in the first few days," says Jacqueline Haberfeld '91. "I had a skill that was useful and I had to offer it," she says. So, Ms. Haberfeld wielded her lawyering skills like the pro she is and helped families quickly obtain death certificates for their loved ones in the aftermath of the attacks.

Ms. Haberfeld, a ninth-year Weil, Gotshal & Manges litigation associate, was recovering at home from emergency surgery and watching television helplessly in her Upper West Side apartment as the morning's events unfolded. "I was sitting in bed screaming. It was incomprehensible," she remembers. "It just as easily could have been my building."

She returned to work a few days later and saw an email plea for volunteer lawyers. Attorneys were needed to put together death certificates for people who lost a family member whose body had not been recovered. Without a body, the process usually takes three years. In this situation, where most bodies would never be found, thousands of families needed a death certificate for quick access to their loved one's insurance, bank accounts, and other property.

She responded immediately. On September 26, Ms. Haberfeld arrived at Pier 94 where 80 lawyers were waiting to assist families. For three days, she worked day and night feverishly interviewing the many hundreds of people arriving at Pier 94 to fill out the necessary documents. According to Ms. Haberfeld, lawyers issued 900 death certificates in that time alone.

Ms. Haberfeld quickly became a senior expert on the job. She trained new volunteers not only in how to properly complete the paperwork, but also in how to speak with the bereaved.

Ms. Haberfeld credits the mediation training she received at Cardozo as critical, especially when meeting with families of the deceased. She describes the experience as heart wrenching and requiring a lot of diplomacy, sensitivity, and an acute ability to listen. These were the very skills that Ms. Haberfeld says she learned in the mediation clinic for minor criminal cases and as a litigator on the job.

After returning to Weil, Gotshal & Manges, Ms. Haberfeld went back to Pier 94 at night, even bringing her boyfriend to volunteer so they would be able to see each other. "I was in crisis overdrive," she says. "I put everything else out of my mind. The families needed us there and needed us to be strong."
Joseph A. Inzerillo '01, a first-year at Cadwalader, Wickersham & Taft, also went into crisis overdrive on September 11. This ex-New York City police officer was beginning his second day at his first job out of law school when he heard screaming in the firm's downstairs atrium.

Mr. Inzerillo's first reaction was to use the experience he had gained on the police force. Cadwalader, located only a few blocks from the World Trade Center, became a refuge amidst the dust and debris that had turned day into night when the Towers crumpled. Mr. Inzerillo spent the better part of the morning shuttling back and forth between the firm's headquarters at 100 Maiden Lane and its building at 125 Maiden Lane. He calmed people, reducing their fears, and just generally tried to keep order.

"I don't remember most of it. I was just working on autopilot," explains Mr. Inzerillo. "As a cop, you are taught how to keep your cool while others around you are panicking. So, that's what I did."

Although he had seen his share of tragedies as a police officer and was actually on the 23rd floor of the World Financial Center during the 1993 World Trade Center bombings, this experience greatly affected him and made him want to do more. A few days later he got Cadwalader to "adopt" Ladder 11, Engine 28 Firehouse, which lost six firefighters on September 11. The firm offered their families free legal services and invited their children to Cadwalader's children's holiday party. Mr. Inzerillo met with families to assess their legal needs and help them review benefits for which they are eligible. He also assisted them with issues such as probate and taxes. In addition, he did hours of research compiling information that became part of a handbook of public and private assistance resources for the victims and families of the World Trade Center attack.

While Mr. Inzerillo was able to return to his home in Queens in the late afternoon on September 11, his former classmate, Sarah F. Warren '01, couldn't return home for weeks after the attacks.

Ms. Warren moved to Battery Park City in August of last year to be close to her job as a litigation associate at Fried Frank Harris Shriver & Jacobson at One New York Plaza. That bright and warm Tuesday morning, Ms. Warren was in her pajamas editing an article for Cardozo Arts and Entertainment Law Journal. Around 8:45 a.m. she heard a noise that she says sounded like an oil barge crashing. Soon after, from her 23rd floor apartment, which overlooks the water, Ms. Warren saw the second plane stream right past her window. Her entire building shook.
From her balcony she could see one of the Towers on fire and could almost feel the flames. Panic stricken, she quickly packed a small bag and headed to a nearby parking garage where her friend's car was parked. On her way to the car, she saw the unimaginable—people jumping from the buildings to escape the flames. As Ms. Warren and her friends prepared to drive out of New York, the first Tower collapsed.

Ms. Warren was not allowed back into her apartment for three-and-a-half weeks, except to rescue her cat. "I could not sleep or eat for weeks," says Ms. Warren, who was haunted nonstop by what she had seen prior to her escape.

When she received a memo that was sent to all Fried Frank lawyers asking for volunteers to help families with estate matters, Ms. Warren had reservations about responding. "I didn't know if I could handle it emotionally after what I had gone through," she says. But after attending a training session, Ms. Warren became one of the first associates to 'adopt' a family—a mother of three who had lost her husband.

Ms. Warren soon became this widow's right-hand person, helping to obtain a death certificate, establish trust funds, settle life insurance policies, roll over accounts, and research and apply for charitable funds. And her reservations quickly melted away as her own ordeal transformed her into an effective counselor to the family.

"Seeing people with more dire circumstances than my own puts things into perspective," she says. "When the work required me to be composed and strong for someone else, I realized I could do it. I learned that I was stronger than I thought I was."

In no time, Ms. Warren became the in-house expert at Fried Frank, assisting other associates with questions about charitable funds and basic trust and estate matters. "Our goal here was to alleviate the families' burdens so they can spend their time grieving and healing," she explains.

Donald Scherer '93 and his pregnant wife also found themselves homeless in the aftermath of the World Trade Center disaster. Forced out of their home in Battery Park City, the Scherers repeatedly called city officials and politicians to find out what was happening to their home and when they could safely move back in. But the answers were not forthcoming; their calls were rarely returned.

Mr. Scherer, who is the CEO of Crossborder Solutions, a software company he cofounded with his mother and sister, Stephanie Scherer '94, was not used to being ignored.
So one night, he posted a message on a Battery Park City Internet chat board asking if anyone would be interested in forming a residents' association. Within minutes, hundreds of people responded with great interest.

Mr. Scherer formed the Battery Park City Residents' Association and became its first president. The Association's meetings attracted not only hundreds of angry residents but the media as well. Soon his phone calls were being returned and the politicians and government officials paid attention. Progress included a shuttle bus system, negotiations for lease-breakers, and streamlined identification of residents.

While Andrew D. Leftt '01 was not involuntarily caught up in the day's events, he chose to put himself right into the middle of the fray. This former emergency medical technician hitched rides on an ambulance and a fire truck to go from the Queens Supreme Court, where he was practicing that morning, to Manhattan.

This brand new plaintiffs' associate at David Horowitz P.C. in Manhattan headed to New York Presbyterian Hospital, where he once worked as an EMT. He grabbed some gear, a partner, and an ambulance and headed downtown. Forced to get off at Vesey Street, he walked the rest of the way until he came upon an abandoned ambulance with shattered windows. Its crew members, he later learned, had died. The ambulance started, so he drove further south, arriving within one block of the World Trade Center. There Mr. Leftt and his partner picked up people randomly—firemen, a father with a baby, and others who suffered mostly minor eye injuries, cuts, and bruises. After driving them to a makeshift hospital at City Hall, Mr. Leftt was not permitted back to Ground Zero.

He returned to the hospital and spent the rest of the day waiting in vain for rescued victims to arrive. The next morning, he went to work at his law firm, and returned to Ground Zero every night that week. Mr. Leftt helped volunteers dig through the rubble in search of survivors and treated the injuries of those working at the site.

Mr. Leftt admits that it's been difficult since September 11. Those lost include four EMTs from his station and others that he knew. He has attended many funerals.

"It has made me and everyone I know feel less immortal than we once did," says Mr. Leftt. "If I did not start as a lawyer and was still with EMS, I might have been dead."

But this has not lessened his resolve to help. "I went into emergency mode and relied on my training," he says. "We hope that the training and experience keeps us safe. But even if it didn't, we would do it anyway."
“More than any of us can bear.”

—Mayor Rudolph Giuliani

On January 24, 2002, Cardozo held a memorial service for two alumni who died in the tragic events of September 11. Barbara Bracher Olson graduated from Cardozo in 1989 and Andrew Zucker was in the class of 1999. Both were active and involved law students, and both loved Cardozo. As former dean Paul Verkuil noted in his opening remarks at a service that featured friends, family, and faculty who spoke for each of these special graduates, Barbara and Andrew “reflect our civilization at its best.”

Reprinted here are somewhat edited remarks of three people who gave eulogies at the memorial service: One friend, one professor, and one family member.
DEAR ANDREW
Suzanne Pronesti Sherman ’99
Associate, Norris, McLaughlin & Marcus

I want to thank you for everything you have taught me since I first met you on May 13, 1996. In those five and a half years, you taught me your intense power of persuasion; you taught me that being aggressive was a necessary part of our profession; and in the final moments of your life, you taught me that an attorney must have the utmost in dedication to his client, even if that meant staying awake for days on end in order to make a difference in just one client’s life. You taught me that a good trial lawyer must work harder than any other attorney you could be pitted against, and most importantly, a trial attorney must be prepared. My friend, today is one appearance for which none of us could ever be prepared.

I remember the very first thing that you said to me. It was just before our first law school class, Contracts, was to begin. I was sitting in the front row, you were several rows behind with a triple extra-large coffee. (You were still drinking regular coffee back then.) I eagerly introduced myself, you told me your name (without smiling), and so sweetly asked, “Do you think you could be sitting any closer to the professor?” With that quick question, I met for the first time your to-the-point personality.

That summer—most of the time—you were the driven first-year student, preparing all of your outlines and case briefs before class, doing all of the readings. You spent your free time going to see John Grisham movies over and over so you could get motivated. And then there were those days when you did not show up for class because you claimed that you wanted to “stay at home and study.”

But you always surprised me, like the time you appeared in Torts after one of these self-imposed two-week study breaks. Of course, you were called on immediately. You cleverly stated the case to the professor. “No, Professor Silver, even in the 19th century, a chair should not come flying out of the window of San Francisco’s Saint Francis Hotel.” You told him that a chair being thrown from the window of a hotel was a wrongful act, and the person throwing the chair out of the window must be liable for injury to those below. “The act spoke for itself,” you said. You surprised us all that day and taught me one of your very intense lawyering techniques: You did not always have to shine, but when the moment counts, you have to be prepared. And at that moment, you were
better prepared than any other student. Years later, I
called you from San Francisco’s Union Square. I was on
the sidewalk below one of the windows of the Saint
Francis Hotel. We laughed and laughed at the thought of
that first-year moment.

You also taught me that to be prepared for class meant
you didn’t have to have one study guide, you had to have every study
guide. You spent as much time at
Barnes & Noble as you did in the
library. You even went so far as to
call at home the editor of one of
the review books that you had to
have, asking if you could go to his
house on Long Island to pick up
the galleys of his book that hadn’t
even been published yet. Now it’s
too late for me to ask you if you
were ever able to get that book.

Another time you called a
Barnes & Noble in some midwest­
eran state, where you found the
teachers edition of our Tax text­
book. You wanted to have the
answers to all of the questions, so
you would be prepared if asked
any one of them.

The employees of the Dunkin’
Donuts on the corner of 15th
Street and 6th Avenue were also
familiar with all of your study
guides. There, over many other
triple extra-large regular coffees,
you taught me Civil Procedure.
You explained to me a case about
a plane that crashed into a million
pieces, with the passengers and
the pieces scattered everywhere.
You told me that the important issue was determining in
which jurisdiction the families of the victims could sue
the airlines. I have thought about sitting in that Dunkin’
Donuts with you teaching me that plane crash case
many times over the last month.

You also taught me about friendship. I remember talk­
ing to you on the phone one night while riding the Third
Avenue bus from 23rd to 96th Street. You were crying.
Borrowing from the many lessons that you had taught
me on the power of persuasion, I convinced you that
after the two-day New York Bar exam, you had to show
up and take the New Jersey Bar. I learned then that there
are times when those on whom you depend for physical
and emotional strength have times of weakness.

Sadly, I am realizing, whether in moments of strength
or weakness, you will never call my cell phone again
with news of a great offer, an exciting deposition, or how
you are going to nail the cross-examination of a psychi­
atric expert.

I will never forget the call you
made to me in the middle of the
night on April 1, 2001. You had
lost your baby, Abbe. You called
me again. You had an emergent
motion to argue the next day and
couldn’t let your favorite client
down. So you asked me to make
the court appearance for you.

Another favorite client promp­
ted many more recent phone
calls. It was a seemingly no-win
case. You were representing a stu­
dent who was wrongfully exp­
elled from medical school. After
your summer of sorrow, you
were back. You were the hired
gun. You waged a war on your
adversaries, the administration of
the school. You galvanized your
troops—other students nation­
wide who believed in your cause
to get this student back into
school to realize his professional
dreams. You orchestrated a letter­
writing campaign from profes­
sors, e-mails from your client’s
life-long friends—thousands of
character witnesses who made all
the difference.

On September 6, I called to tell
you to make sure your client knew how lucky he was to
have you as his attorney. In this fight, you were at your
best. You were freeing an innocent man.

On September 7, you called to tell me you had won.
We celebrated your victory and sang your final praises.

On September 10, I called you during lunch. You were
busy, you said, eating boxes of devil dogs and drinking
tons of coffee. Now decaf. I shared a moment of profes­
sional weakness with you, and you took the time to
teach me your final lesson.

“If you want to make things happen," you told me,
“you have to work hard at making a change for yourself"
each and every day. Do what I do." Even on your very last day, you inspired me.

When we first met, your tiny apartment was covered with printed quotes from inspirational men and legal masterminds. There was Benjamin Cardozo, and our favorite, Learned Hand. How lucky for you that you are now in heaven, where you can argue with all of these men, and try to convince them that you are right, and they are wrong. I know you will win.

In fact, I do have an enduring image of you in heaven: You are standing in the courtroom, prepared for trial. G-d is the Judge. You are making Him think. You are making Him laugh.

BARBARA OLSON:
AN INTERN, AUTHOR, AND LEGEND
John O. McGinnis
Professor of Law

I knew Barbara Olson in three separate contexts. I first met her many years ago when she came to the Office of Legal Counsel (OLC) at the Department of Justice to work as an intern. Although I am now a professor at Cardozo, I had never heard of Cardozo or known anyone who had been a graduate, and thus she was my first contact with the School.

She was an excellent ambassador for Cardozo because she was a superb intern. She was eager to learn and took well, as not all interns do, to the intense editorial suggestions that she received on her drafts. She was eager for work—always pleased to undertake the last-minute research requests one got from the White House Counsel on lovely Friday afternoons. She even was able to indulge her taste for adventure, volunteering to deliver the order to close the PLO mission in New York that followed an OLC opinion that such an action was legal if authorized by the President.

But most of all she contributed her spirit to the office. One of the best things an intern can do is to renew the collective sense of wonder at the majesty of work for the public good—in this case of effectuating the rule of law throughout the often unruly executive branch. This is what made Barbara a truly great intern.

I next knew Barbara as a student legend, for when I came to Cardozo many of my colleagues wanted to talk to me about her. No doubt one connection that impelled colleagues here to describe her in my presence was that we were both conservatives. To some of my colleagues, I daresay, we were two of the handful of conservatives they knew. But they also wanted to convey to me how a student like Barbara improved their lives. They spoke of how her relentless class challenges kept them thinking and entertained. Even her activities off campus were still fondly remembered. My colleague David Carlson, once a visiting professor at Michigan, spoke of a weekend when Barbara attended a Federalist Society convention at that school and ended up in a late night poker game with such outstanding jurisprudential scholars as Robert Bork and Douglas Ginsburg.

The explicit message from my colleagues was always the same: here was a truly amazing student, intent, engaged—always with some initiative, and never, never dull. Perhaps the implicit message was that if more conservatives were like her, people would take conservatives more seriously.

Finally, I knew Barbara as a best-selling author and ubiquitous talk-show pundit. When impeachment rolled around, I myself went on one or two TV shows with Barbara, and she offered me sage advice to improve my presentations. Now I was the student and she was a fine teacher, both through instruction and by example. But she was hard to imitate because her television style was so rooted in a character that combined friendliness and, indeed, joyousness with firm conviction and resolve.

"...here was a truly amazing student, intent, engaged—always with some initiative, and never, never dull."

Although I knew three avatars of Barbara, as intern, student legend, and pundit, one of Barbara’s great virtues was that she was always the same—her own self-directed character and not a person molded and distorted by situation and circumstance. In particular, success never changed her way of dealing with people. This trait is especially rare in Washington because it is a town where human relations are often defined by status and where contacts are made in direct proportion to their usefulness. Moreover, after success in such a hierarchical place, a certain dull ponderousness can set in. But Barbara was not changed by Washington. She was the same kind, effervescent human being as an intern and as a best-selling author and TV commentator. And she still approached everyone with the openness of an engaged student. Now, of course, one cannot say that Barbara changed Washington—no one can do that—but
she created her own little oasis where individuals were, to use the Kantian phrase, treated as ends in themselves rather than means.

To remember Barbara in this way is to underscore the outrage that was perpetrated on her and thousands of others on September 11. The way terrorists treated Americans that day was the antithesis of the Kantian ideal. They used the lives of human beings simply as instruments to advance an ideology. And that ideology flows from a joyless anger that is the antithesis of Barbara's spirit. No act could be more in counterpoint with Barbara's life and being. Disagreement for her was an opportunity for human engagement rather than destruction, and those with whom one disagreed could be, and often were, friends rather than enemies.

The juxtaposition of the spirit of her life and the circumstances of her death should always remind us of what we are fighting to defend—ideals of liberty and tolerance that made Barbara's life possible. And she exemplified these ideals in so many respects—through her enthusiastic debates with intellectual sparring partners in the classroom and on TV, through her kind solicitude for those she knew regardless of status, and perhaps above all through her determination to not be dull, to shape her own life through challenges that she chose and that enriched those around her.

INNATELY AMERICAN

Theodore B. Olson
Solicitor General of the United States

Four and one-half seemingly endless months ago, on September 11, our nation was savagely attacked, thousands of our citizens were murdered and tens of thousands more lost spouses, children, parents, family members, neighbors, co-workers and friends.

This was a brutal assault on America, Americans, and American ideals. The victims of September 11 were persons of all races, backgrounds, religions, ages, and qualities. They were walking, talking, living symbols of America to the impoverished, enslaved, and persecuted people of the world who long to come to America or to live lives of freedom, democracy, and equality, and to enjoy the right to pursue happiness and prosperity.

Sadly, two of the persons so cruelly taken from us on September 11, Barbara Bracher Olson and Andrew Steven Zucker, were alumni of this wonderful law school. I did not know Mr. Zucker, but I was blessed to know, love, and be married to Barbara Olson. Let me say just a few words about her.

Many people loved and admired Barbara. But whether you loved and admired her values, her spunk, her energy, her passion, her courage, her unconquerable spirit, or her incredible warmth, whether you knew it or not, underneath it all, you admired and were captivated by Barbara, in part because she was pretty darn close to being a quintessential American.

Barbara was a Texan, from a family whose ancestors came to this country from Germany, so she was a descendant of immigrants, like virtually all of us.

Barbara went to the University of Texas and a Catholic university, St. Thomas, in Houston. She became a professional ballet dancer in San Francisco and New York because of the beauty of dance and the rigor of its discipline, and because you have to be extraordinarily tough and ambitious to do it. And Barbara was extraordinarily tough and ambitious.

She could be charming, tough, indefatigable, ferocious, and lovable.
And all those things at once.

But Barbara always wanted to be a lawyer and to be involved in government. In order to afford law school, she invented a career out of whole cloth in Hollywood because, she calculated, that was the fastest way to earn the money she needed. It did not trouble Barbara that she knew absolutely nothing about the motion picture and television industry. And, in fact, it really didn't matter because, as she later explained to the unwitting producer who gave her a first job, she was a "fast-learner."

And, of course, she succeeded. She turned down the last job tendered to her because they were offering too much money and she did not want to be tempted to forego her dream to be a lawyer.

She came here to Benjamin N. Cardozo School of Law at Yeshiva University, not necessarily the obvious choice for a blond Catholic girl from Texas. But she thrived at Cardozo as she had thrived at St. Thomas and in the ballet and in Hollywood. She loved Cardozo, the students, the classes, the professors, the dean.

Barbara created a Federalist Society chapter here in this hotbed of conservative legal thought. She loved to tell me how she talked the dean into allowing her to use his conference room for the first meeting, how she convinced 9th Circuit Judge Alex Kolinsky to be her first
speaker, and how she schemed to find the right kosher food to entice a respectable audience to her subversive gathering.

In her third year of law school, Barbara somehow managed to finesse herself into an internship in the Department of Justice in Washington. And, as a very brassy and gutsy intern, she managed to be the only employee of the government of the United States willing, feisty, and fearless enough to personally serve the papers on the PLO mission to the United Nations in New York announcing that it was being expelled from this country—because they were terrorists. How proud Barbara was to tell that story to her friends at Cardozo!

After law school, she turned down jobs with the finest law firms in New York to go to Washington where, it seems, she was always destined to be. In rapid succession, she succeeded as a lawyer at Wilmer, Cutler & Pickering in private practice, as a hot and very successful federal prosecutor, as deputy general counsel and solicitor to the house of representatives, and as a top congressional investigator, television personality, and lobbyist.

It was typical of Barbara that when her publisher suggested that she write a book about Hillary Rodham Clinton, she literally jumped at the chance. She told me at the time that she wasn't sure that she was a writer, but a friend of ours told her that she didn't have to be a writer to be an author. So, with her legendary energy and limitless self-confidence, she poured herself into the book, finished it in nine months and, against seemingly insurmountable odds, without any previous experience with serious writing, climbed onto The New York Times best-seller list during the most competitive time of the year, and stayed there for nine weeks.

Her second book, written in about six months last year and finished just days before her death, has been in the top seven on The New York Times best-seller list for 13 successive weeks.

Barbara was everywhere in Washington. A witness for Clarence Thomas at his confirmation, a cofounder of the Independent Women’s Forum, hosting Federalist Society members from all over the country in her home, at the epicenter of the Travel Office and Filegate investigations, the second-most invited guest ever on Larry King Live, appearing on MSNBC, Fox, Meet the Press, Cross-Fire, Politically Incorrect, you name it. Ready to talk about any subject, ready to face down any adversary. She always had an opinion. And she always had that disarming, captivating, endearing smile.

In short, Barbara par­took of everything life gave her. She saw no limits in the people around her, and she accepted no limits on what she could accomplish. She could be charming, tough, indefatigable, ferocious, and lovable. And all those things at once.

Barbara was Barbara because America, unlike anyplace in the world, gave her the space, freedom, oxygen, encouragement, and inspiration to be whatever she wanted to be.

So, sadly and ironically, Barbara may have been the perfect victim for those twisted, hateful terrorists: because she was so thoroughly and innately an American. And such a symbol of America’s values, ideals, and robust ambition. And she died as she lived. Calling for help repeatedly from her hijacked flight, fighting, believing in herself, and determined to succeed. So, if she was the perfect victim, she is also a perfect symbol of what we are fighting for now and for America’s strengths, ingenuity, passion, and determination, the qualities that assure ultimate success against hatred, evil, and brutality.

I know, and Barbara knows, that her government and the people of America will win this war, however long it takes, whatever we have to do. We will prevail for Barbara Bracher Olson and Andrew Steven Zucker and all the other Americans we lost on September 11. And for the American spirit for which they stood and which their lives embodied. And, most of all, we will defeat these terrorists because Barbara and Andrew and those other American casualties of September 11, and our forebears, and our children, would never forgive us if we did not.
Alumni Admitted to Supreme Court

On March 20, 12 Cardozo graduates met in Washington, DC for admission to the US Supreme Court. Justice Sandra Day O'Connor joined the group for breakfast, and Marc Hamilton, Paul R. Verkuil Chair in Public Law, made the motion for the group. If you would like to be admitted next year, please call the Office of Alumni Affairs at 212-790-0293. The next Cardozo group admission will be held on March 31 and April 1, 2003. To be eligible, you must be admitted to practice for three years. While in Washington, DC, Dean David Rudenstine and administrators caught up with local alumni. The law firm of Paul, Hastings, Janofsky & Walker hosted a reception, thanks to the efforts of Jeff Ifrah '92.

Connect with Cardozo On-Line

The Cardozo On-Line Community is up and running, and you are encouraged to take advantage of this excellent resource. The On-Line Community allows alumni to locate other graduates using an online directory. The directory can be searched by class, geographic region, or area of practice, in addition to offering other valuable resources. To register today, visit the alumni web page at www.cardozo.yu.edu/alumni and click on On-Line Community.

More than 125 current and past editors of the Law Review, members of the faculty, and administrators celebrated at Abigail's on West 38th Street at the annual alumni party. Among the attendees were: (all from left)

Susan Schwab '00 and Prof. Stewart Sterk

Craig Brody '00 and Tani Cohen '03

Timur Slenim '99 and Jason Vogel '99

Jeremy Samson '02, Martha Griffin '03, Jordana Lambert '03, Peter Luneau '03

Make Sure You Are Listed in the New Directory

The Office of Alumni Affairs has engaged Harris Publishing Company to produce a new Cardozo alumni directory. Please take a moment to complete and return the questionnaire, which you should have received in the mail. Your updated information can then be included in this important reference. You may choose to exclude information from the printed directory by indicating your preferences on the form. You may also update your record online; refer to your questionnaire to access the online version. Thank you for your cooperation in making the directory a useful resource.

Parents Visit for Brunch & Tour

Current students and their parents spent a Sunday at Cardozo this fall. They toured the building to see the latest renovations, sat in on clinic workshops, and during brunch enjoyed a special address by Cardozo Board member and US Senator Frank Lautenberg (at right). Parents were led by tour guide Deborah Ginsburg '03.
Capital Campaign Supports Lobby and Library Renovations

As the Campaign for Cardozo enters its final phase, several donors have made gifts and pledges totaling $16.5 of the $25 million needed for capital improvements during phase one of the campaign. Rachel Sussman, a longtime friend and donor of Yeshiva University, has pledged more than $380,000 towards the renovation of the library entrance.

Among other generous gifts are $100,000 commitments from Rachel Warren ‘92, Cardozo Board member and a partner at Davidoff & Malito, and Nate Kacew ‘98, president of The Gifted Portfolio, making them the newest members of the Jacob Burns Pillars of Justice Society. Graduates who pledge gifts of $100,000 payable within five years are invited to join this group, named for Cardozo’s late board chairman.

Alumni who wish to make a gift of $100,000 but desire a more flexible time span in which to fulfill their pledge are invited to join the Scales of Justice Society. For more information about the Campaign for Cardozo or either giving society, contact Debbie Niederhoffer, director of development, 212-790-0270.

NAMING GIFT OPPORTUNITIES IN THE CAMPAIGN FOR CARDOZO

$5 MILLION AND ABOVE
• To name the renovated lobby
• To name an academic center

$3 MILLION AND ABOVE
• To name the 11th Street residence
• To name the dean’s suite
• To name the dean’s chair
• To name a floor: 2nd, 3rd, 4th, 5th, 9th, 10th, 11th
• To name academic programs, such as the Intellectual Property Law Program
• To name a clinic: Bet Tzedek, Criminal Law, Criminal Appeals, Tax, Mediation, or Holocaust Claims Restitution

$1 MILLION AND ABOVE
• To endow a profa sional chair
• To endow a full scholarship fund

$500,000 AND ABOVE
• To endow a faculty research fund
• To name the dean’s suite
• To name the board room
• To name the 59-seat lobby classroom

$100,000 AND ABOVE
• To endow a partial scholarship
• To name a high-tech classroom
• To endow a student internship
• To name the Intellectual Property Research Collection, the New York Research Collection, or the Legal & Jurisprudence Research Collections

$25,000 AND ABOVE
• To name faculty and student offices
• To name seminar rooms

BELOW $25,000
• To name chairs in the new Moot Court Room
• To name collections in the library
Parents Participate in Cardozo’s Future

The Parent’s Annual Fund has raised nearly $20,000 to support a variety of projects, including clinics, public interest summer stipends, the loan repayment program, and the building fund. Parents of students and alumni play an important role at Cardozo by giving time, resources, and gifts. A number of parents also serve on the Cardozo Board of Directors. To learn how you can become more involved or to make a donation, please contact Melissa S. Cohen at 212-790-0270. Mail donations to The Parents Annual Fund, Cardozo, 55 Fifth Avenue, Room 1049, New York, NY 10003.

Annual Fund Has Record Year

The alumni Annual Fund is having its most successful year ever, but your participation is still needed! Gifts made before June 30 will significantly improve the Law School’s ability to offer scholarship funds to incoming students, or you may direct your gift to any other area of need. When considering a gift, please keep in mind the following:

- The more alumni who give to Cardozo, the greater our leverage when asking for foundation support.
- As Cardozo’s reputation grows, so does the prestige of your degree.

SUPPORT CARDozo’S PUBLIC INTEREST LAW PROGRAMS

Cardozo is dedicated to helping students who wish to pursue careers in public interest law. The Law School recognizes the struggle of financing an education and pursuing a career in this demanding field. Consider the following:

FINANCING AN EDUCATION AND CAREER IN PUBLIC INTEREST LAW*

| Average Indebtedness of US Law School Graduate: | $87,898 |
| Average Starting Salary of US Law School Graduate: | $80,000 (Private Sector) |
| Average Starting Salary of US Law School Graduate: | $34,000 (Public Sector) |
| Monthly Net Income for Person Earning $34,000/year: | $2,074 |
| Monthly Debt Service on $87,898 Indebtedness: | $1,078 (10-year plan) |
| Monthly Salary Remaining for Living Expenses: | $996 |

CARDOzo HELPS TWO WAYS:

- A Public Interest Summer Stipend Program encourages students to engage in public interest and public sector legal internships. Grants of $3,250 are awarded to first- and second-year students who have secured unpaid summer internships with public interest and public sector law offices. Awards are based upon demonstrated commitment to and/or background in public interest law, in combination with financial need.

- The Loan Repayment Assistance Program (LRAP) is designed to encourage and support graduates to pursue careers in public interest law. In their first years out of law school, graduates with large educational debts who enter public interest law may apply for grants to help pay their loans.

When making an Annual Fund gift, you may designate either of these programs to support those Cardozo students and graduates pursuing work in the public interest arena.

* All numbers are taken from the National Association for Public Interest Law’s document Loan Repayment Assistance Programs (LRAPs) Overview and are for the year 2000.
Class of 1981
Stephanie B. Mudick is co-
general counsel for Citigroup,
where she heads the largest
in-house legal department at
the largest financial services
company in the US. She lives
in Palisades, NY with her
husband, David Gottlieb, and
their two-year-old twin daugh-
ters. Douglas S. Stanger
joined Flaster/Greenberg PC
of Cherry Hill, NJ. He will
manage the firm’s Atlantic
County branch.

Class of 1982
Benjamin Heller, chairman
of Heller Realty, received an
honorary doctoral degree at
the 77th annual YU Hanukkah
Dinner at the Waldorf-Astoria
Hotel. Stephanie J. Ressler-
Hochstat announces the birth
of her son, Joshua, in August.
He joins a sister, Samantha.
Stephanie is a sole practition-
er in the areas of trusts and
estates, planning and real
estate. Mark Samuel Ross
was honored by Temple Beth
Ahm of Springfield, NJ at a
gala celebrating the Temple’s
50th anniversary. A past
president of the synagogue,
he is senior director and co-
owner of Menorah Chapels
Funeral Homes in Union
and Teaneck, NJ.

Class of 1983
Mark Lewis is vice president
of First Virginia Banks Inc.,
Falls Church, VA. He has been
with the company, the largest
independent banking company
in Virginia, for nine years
as assistant general counsel.
He provides legal advice and
guidance for the bank’s
commercial lending and real
estate transactions.

Class of 1986
Joseph Lamport is director
of online product development
for the Legal Research
Center, Inc. He is responsible
for development of LRC’s new
legal knowledge management
platform and the creation of
its next generation of online
legal research products.
Honorable Diane T.
Remwick was elected to the
New York State Supreme
Court, Bronx 12th District in
November. She had been a
civil court judge of the City
of New York since 1997.

Class of 1987
Joel C. Epstein, currently a
senior associate in the Health
and Human Development
Programs division at Educa-
tion Development Center in
Newton, MA, published his
first book, A Parent’s
Guide to Sex, Drugs, and
Flanking Out: Answers to
the Questions Your College
Student Doesn’t Want You to
Ask (Hazelden, 2001). A fre-
quesper speaker on student life
and college parent issues, he
is consultant to educational
institutions, Greek campus
organizations, and attorneys
on policy and legal compli-
ance, student safety, risk
management, and media
relations.

Class of 1988
Lawrence Cunningham, a
professor at Cardozo since
1992, has accepted an ap-
pointment at Boston College,
where he will be a professor
of law and business. He also
will direct innovative pro-
gramming and pursue gradu-
ate degrees in business and
finance. At Cardozo, he was
director of The Samuel and
Ronnie Heyman Center on
Corporate Governance. Loved
by his students, he was selected
by them at Commencement
2001 as “best professor.”
Peter L. Gladstone, a partner
in the Fort Lauderdale, FL
firm of Gladstone & Weiss-
man, has been appointed
chair of the legislative com-
mittee of the Family Law
Section of the Florida Bar.
Brad Rosen opened his own
practice, specializing in enter-
tainment law, in Rochester,
NY last October.

Class of 1989
Elaine Shay and her hus-
band, Steve Becker, announce
the birth of their twins, Strat
Joseph Becker and Seren
Isabelle Becker. Jill A. G.
Zellner coauthored the
article “Legal Guideline for
Compliance with Revised
Article 9 of the UCC: Part I,”
published in The Secured
Lender (November/December
2001). Part II appears in the
January/February 2002 issue.
She is managing director and
counsel for the Middle Market Finance Group of GE Capital's Commercial Finance subsidiary in Stamford, CT.

Class of 1991

David Sanua opened his own practice in workers' compensation law specializing in appellate work. His offices are located in Brooklyn, NY.

Class of 1992


Class of 1993

Steven D. Fiergang joined the business services division of the Philadelphia, PA law firm Spector Gadon & Rosen PC.

Class of 1994

Joshua Cohen is a partner of Cummings & Lockwood's Creditors' Rights Group in the firm's New Haven office. He lives in Connecticut with his wife, Nancy, and their three children. Stephanie Spirit Evenchick and her husband, David, of West Orange, NJ announce the birth of their daughter, Rachel Isabel. Stephanie is a corporate associate with Phillips Nizer Benjamin Krim & Ballon LLP.

More than 50 recent graduates attended a networking event at Light, a popular East Side club. Chair Rachel Nash '99 and class representatives coordinated the event. Everyone received a complimentary Cardozo t-shirt. This was the first of regular events the committee hopes will be offered for alumni less than five years out of law school. (From left) Lawrence Rosenbloom '97 and Adam Jaffe '97.

James Schwalbe '93, ex-officio member of the Cardozo Board of Directors, graciously opened his home to Cardozo graduates in northern New Jersey. The upbeat evening was highlighted with greetings from Dean Rudenstein and US Senator Frank Lautenberg, a Cardozo Board member. (From left) James Schwalbe '93, his wife, Jill, Laura Sutnick '93, and cohost Michael Wildes '89.
January LL.M. and J.D. graduates celebrated with faculty, family, and friends at the Salmagundi Club. Thirteen received master of laws degrees and 38 received juris doctor degrees. (From left) LL.M. graduates Pilar Toro from Colombia, Kampanat Seelasorn from Thailand, and Paula Corredor, a friend, also from Colombia.

NYC. Eli Franks joined the firm of Shook, Hardy & Bacon as an associate in the firm’s products liability litigation division in the Miami, FL office. He handles worker’s compensation, maritime, and insurance fraud defense matters. Brian Selvin, an adjunct professor in Cardozo’s tax clinic, joined the New Jersey firm Greenbaum Rowe Smith Ravin Davis & Himmel as an associate in the tax, trusts and estates department. Howard Wien married Colleen Read on September 30.

Class of 1996

Class of 1997
Steven Kaye and his wife, Stephanie, announce the birth of a daughter, Na’ama Tehilah. He is the senior partner of Steven J. Kaye Associates, PC, a four-attorney law firm focusing on plaintiff’s personal injury in Brooklyn, NY. Michael Likosky edited Transnational Legal Processes, published by Butterworths Publishers (UK), and distributed by Northwestern University Press. The book,
consisting of 22 essays by leading scholars in international law and the social sciences, examines the relationship between law and globalization. Michael is a visiting research fellow at the University of Bonn, and has completed a D.Phil. in law at Oxford University.

Class of 1998
Julianne Blumenreich
Siver joined the law firm of Sanders & Parks in Arizona practicing commercial litigation. Theodore Froum joined the firm of Dykema Gossett in Ann Arbor, MI as an associate in its taxation and estates practice group. Wendy A. Morris joined the Boston, MA office of Kirkpatrick & Lockhart LLP as an associate in the litigation department. Andrew Sacher is an assistant district attorney in the Bronx DA’s Office. Harry A. Valek’s article, “New Bills Address Identity Theft,” was published in the New York Law Journal on January 2.

Peter Yu was appointed acting assistant professor of law at Cardozo. He teaches International Copyright, International Trademark, and China Information Law, Policy and Society. He also joined the board of editors of the Journal of the Copyright Society of the USA. Robert Zonchshcin and his wife, Leah, announce the birth of twins, Samuel David and Toby. Robert was recently promoted to manager of the multistate tax group at Deloitte & Touche.

Class of 1999
Dina Lancer and her husband, Adam, welcomed a baby girl, Tamar Rena, on February 16. Rachel Nash, with her sister Esther, wrote, produced, and directed the movie Fashionista Dating, which premiered in November on Time Warner Cable, RCN, and the Internet.

Class of 2000
Adam S. Lurie recently published an article, “Judicial Law Clerk: The Legal Experience of a Lifetime,” in Pass It On, the newsletter of the ABA’s government lawyers division. The article features alumnus James Nobile ’88, a former law clerk. Adam, a law clerk to Judge Newcomer in Philadelphia, PA, was married to Jodi Sharp ’01, a law clerk for a superior court judge in Camden, NJ. Neel Shah has opened the Law Office of Neel Shah in East Brunswick, NJ.

Class of 2001
Michael Dowdy is an assistant district attorney in the Bronx DA’s Office. Aaron

Letters to the Editor

Thank you for providing me with the Summer 2001 issue of Cardozo Life. I appreciate receiving the publication for my review and placement in my chambers’ library.

I would certainly welcome and seriously consider applications for positions of law clerk from your top qualifying students who may be interested in such a postgraduate position.

KERMIT EDWARD BYE
United States Circuit Judge
Eighth Circuit Court of Appeals
Fargo, ND

I am writing to tell you of one of ours that should be trumpeted in the next issue of Cardozo Life.

I have enclosed the 11/5/01 issue of People magazine. Jackie Haberfeld [on page 114 in that issue] is a Cardozo graduate (1991); she is an incredible person who has, in the wake of the September 11 tragedy, truly shone as a hero. At Cardozo, Jackie was SBA president. She is a motivated person who makes things happen, but more than that she is a phenomenal human being who is incredibly intelligent with a huge heart. I am lucky to have her as a friend. Cardozo is lucky to count her among its alumni.

STACEY RICHMAN ’01
Law Offices of Murray Richman
NYC

This letter inspired the story on pp. 25-29, in which Ms. Haberfeld and other Cardozo heroes are featured.
Fredrickson and Sarah Weisman were married on September 16 in Spain. Aaron recently passed the Virginia State Bar. Alexander Lumelsky has opened his own general practice of law and litigation in Hartford, CT.

Class of 2002
Rachel Hirschfeld announces the birth of a grandson, Max Goldin Steiger. He joins a sister, Ella Pearl Steiger, 4.

Correction: Ronald A. Spirn '93 is with the law firm Vincent J. Russo and Associates, PC located in Westbury, NY, not Connecticut.

In Memoriam
Matthew Todd Adrian '87, an immigration judge for the Executive Office of Immigration Review, died on September 22.

Hedy Forspan '90 died December 13. (See page 14.)

Stanley J. Lafazan '82 died tragically in a car accident in Vermont on March 8. A solo practitioner who focused on criminal law in Brooklyn, Stan lived with his wife, Sheryl, an artist, in Tribeca and Vermont. His soft-spoken, sincere style earned him accolades with juries and judges. He possessed a wonderful sense of humor and was a talented guitar player. He is survived by his wife.

Barbara Bracher Olson '89 died in the terrorist attacks of September 11. She was on the plane that crashed into the Pentagon. (See page 30.)

Andrew Zucker '99 died in the terrorist attacks of September 11. He was working at the World Trade Center. (See page 30.)

Scholarships in the names of both Andrew Zucker and Barbara Olson have been established at Cardozo. Donations may be made payable to Cardozo and sent to the Office of Development. Please indicate to which scholarship you would like your contribution to go.

Periodically, the Center for Professional Development and the Alumni Association offer panels for students to get an insider's view on specific careers. This fall, “How to Jumpstart a Career in the Entertainment Field” featured an all-alumni panel that included Adam Liebner '92, talent agent, N.S. Bienstock, Inc.; Jodi Peikoff '89, Jodi Peikoff Law Office; Michael Roban '93, head of business and legal affairs, ContentFilm, Inc.; Victoria Sanders '88, literary agent, Victoria Sanders Literary Agency; and Glen Trotiner '84, director, producer, writer, FreeWheel Productions, Inc. Rachel Hirschfeld '02 helped organize the event and invited professional entertainers to perform before the discussion. They included Terrance Archie and Darlene Bel Grayson (above), Morris Anthony, Leslie Clemmons, Wendy Bobitt Cavett, Jason Knight, and Dexter Porter.
BENJAMIN N. CARDOZO
SCHOOL OF LAW
Jacob Burns Institute for
Advanced Legal Studies
Yeshiva University
Brookdale Center
55 Fifth Avenue
New York, New York 10003-4391
David Rudenstine
Dean
Laura A. Cunningham
Senior Associate Dean
Matthew Levine
Associate Dean for
Business Affairs
Jacquelyn Burt
Assistant Dean for
Placement
Judy Mender
Assistant Dean for
Student Services
Robert Schwartz
Assistant Dean for
Admissions

BOARD OF DIRECTORS
Earle I. Mack
Chairman
Sheldon H. Solow
Stephen B. Siegel
Vice Chairman
Barry A. Shenkman
Treasurer
Ronnie Heyman
Secretary
Robert M. Beren
Leon Black
Harvey R. Blau
Leon H. Charney
Hon. Sandra J. Feuerstein
Morris Goldfarb
Shimmie Horn
E. Billi Ivry
Dr. Ira Kukin
Jonathan Kukin
Dr. Norman Lamm
Hon. Frank R. Lautenberg
Thomas H. Lee
Mark S. Lieberman
Jeffrey H. Loria
Lawrence Ruben
Stephen J. Schulte
Barry K. Schwartz
Bonnie Steingart
Terence A. Todman, Jr.
Rachel L. Warren
Stephen A. Weiss
Siggi B. Wilzig
Selig A. Zises

Honorary Directors
Joseph Appleman
Hon. Marvin E. Frankel*
Hon. Stanley H. Fuld
Abraham S. Guterman
Prof. Louis Henkin
Samuel J. Heyman
Edgar J. Nathan III
Romie Shapiro

DIRECTORY
General Telephone
212-790-0200
Admissions
212-790-0274
Alumni Affairs
212-790-0293
Chutick Law Library
212-790-0285
Dean's Office
212-790-0310
Development
212-790-0288
Financial Aid
212-790-0392
Professional Development
212-790-0358
Public Relations
212-790-0237
Registrar
212-790-0295
Student Services
212-790-0313
Web Site
www.cardozo.yu.edu

* deceased
Cardozo Calendar of 25th Anniversary Events

MAY 30

JUNE 5
CLE in Intellectual Property Workshop

JUNE 7
Benjamin N. Cardozo School of Law Commencement

JULY 14
Reunion for Connecticut Alumni

AUGUST 8-9
2nd Annual Intellectual Property Scholars Conference

AUGUST 26
Fall Semester Begins

OCTOBER 6-7
Symposium: Spinoza and the Invention of Modernity