2004 Cardozo Life (Winter)

Benjamin N. Cardozo School of Law

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“I guess we'd be considered a family. We're living together, we love each other, and we haven't eaten the children yet.”
Features

An Interview with Yeshiva University President Richard M. Joel ................. 22
Yeshiva University's new president—only the fourth one in its history—comes to the job with experience as a public interest lawyer and as Cardozo's dean for business affairs during its earliest years. Now after a successful tenure as president of Hillel, he brings to the YU presidency vigor and energy for his new challenges.

It's Not Your Father's Legal Writing Program .................. 27
Students are benefiting from a legal writing curriculum that incorporates the practical, emphasizes the ethical, and provides individual attention from faculty. Add oral advocacy training to the mix and you have a very different kind of legal writing program.

Altruism, Ingenuity, Practicality: Traits Shared by Family Law Specialists ... 29
Family law now incorporates much more than divorce and trusts and estates. Cardozo alumni are specializing in these more traditional areas as well as international adoptions, domestic abuse, and various issues relating to same-sex and nontraditional families.

Monrad Paulsen: A Last Word .............. 52
Cardozo's founding dean was bigger than life, down to earth, and well-loved. Former colleagues and students remember him.

Departments

Around Campus ............ 3
Court of Appeals Inaugurates Moot Court Room • Libby Pataki and Richard M. Joel Rededicate Brookdale Center • Women and Human Rights are Focus of Conference • Archbishop Tutu Receives Advocate for Peace Award • Cardozo Receives $2.25 Million in Holocaust Claims Case • Bauer Lecture Celebrates Marbury • Conference on Clergy Abuse • Corporate Scandals Subject of Spitzer and Goldschmid Talks • Library Collaborates with Barnes & Noble • $25,000 for Public Service Stipends

Faculty Briefs .......... 14
Jacobson Gives Expert Testimony in Douglas and Zeta-Jones v. Hello! • Three Join Faculty; Six Visit Floersheimer Center Events • Faculty Briefs • Holocaust Studies Center Fellow

Alumni News & Notes .... 37
Alumni Awards • Marx Writes Avenue Q • Commencement 2003 • Reunions • ClassActions • Annual Fund Honor Roll
Still New

The cover of the last issue of Cardozo Life read, “It’s All New at 55 Fifth.” Well it was true then and continues to be. Our new Jacob Burns Moot Court Room—a world-class conference center pictured on this issue’s inside front cover—has opened, and proudly hosts conferences, special guests, moot court competitions, and, of course, our Intensive Trial Advocacy Program. Contemporary and stylish furniture graces our lobby, new faculty have joined Cardozo, and new programs have been founded. The strongest class in the Law School’s history enrolled this fall. We are pleased to have such a first-rate facility for them.

With all this, Yeshiva University has undergone significant change as well. In September, Richard M. Joel became Yeshiva University’s fourth president. This issue introduces President Joel to the Cardozo community. At the helm for just a few months, he sat with Cardozo Life editor Susan Davis and discussed his hopes and plans for Yeshiva, Cardozo, and the other schools that compose this most distinctive of universities.

Cardozo is sponsoring a new program in Family Law, Policy, and Bioethics codirected by professors Melanie Leslie and Edward Stein. At one time, few if any would have pondered the meaning of “family law” because most would have assumed a broadly shared meaning. The terrain covered by the term family law now comprises a burgeoning number of areas. Of course, divorce, alimony, and child support are included. But so are trusts and estates, as well as the entitlement programs affecting the elderly. Legal issues surrounding both the beginning and end of life are involved. Recent state law developments in Massachusetts and California have brought into sharp focus the definition of marriage and the meaning of the word family. Reproductive technology has complicated the field and given rise to novel questions that involve conflicting, intimate interests. These questions incorporate intricate bioethics questions that spill over into legal ones. In short, family law today is almost an entirely new field of law, encompassing familiar, frequently traveled roads, some new ones, as well as those still being blazed. I predict that this exciting and innovative program will make substantial contributions to the worlds of public policy and scholarship in addition to providing a varied educational experience for students with a professional interest in the field.

This issue of Cardozo Life includes so much more—the scholarly conferences that make Cardozo such a hotbed of intellectual life, the new approaches to Legal Writing, the dazzling achievements of Cardozo’s graduates (the world champion Marlins and Broadway’s hottest play, Avenue Q, have Cardozo grads in responsible positions). I cannot begin to touch all the mountain peaks. So take some time and take a look.

David Rudenstine
Dean

CARDOZO LIFE
Court of Appeals Inaugurates New Moot Court Room

Although "it is not common or ordinary for the Second Circuit to move for any-thing," said Chief Judge John M. Walker, Jr., the Court of Appeals for the Second Circuit heard its October 8 docket in the new Jacob Burns Moot Court Room "to recognize a fine law school in its moments of celebration." Cardozo, said Judge Walker, is "one of the great law schools in the country."

This highly unusual, if not extraordinary, event marks perhaps the first time that the Court has sat at a law school moot court room. Judge Walker made his decision to hear cases at Cardozo after he received a request from Dean David Rudenstine, who wrote that the occasion would mark the official opening of the Jacob Burns Moot Court Room, the heart of Cardozo's $40 million renovation and redesign. Judges Dennis Jacobs and Richard C. Wesley also sat on the panel, which heard six cases.

"I cannot imagine a more fitting tribute to Jacob Burns, a founder of Cardozo, than to have the Court of Appeals sit in our new moot court room. This historic session magnificently marks Cardozo's coming of age," said Dean Rudenstine. Students and special guests filled the court room during the morning and at a luncheon hosted by the dean; the three judges dined with members of the Moot Court Honor Society editorial board and the faculty.

NYS ATTORNEY GENERAL AWARDS $200,000 FOR CLINIC

A former telecommunications executive recently agreed to forfeit $1.5 million in profits made from trading "hot" shares in initial public offerings under a deal negotiated by New York Attorney General Eliot Spitzer. Part of the settlement, $200,000, has been awarded to Cardozo for a securities arbitration law clinic. According to Spitzer's office, settlements from various cases have benefited more than 10 law schools nationwide, to help investors bring claims. According to Dean Rudenstine, the new clinic will come under the aegis of The Heyman Center and will be supervised by Prof. Lela Love, director of the Kukin Program in Conflict Resolution.

Libby Pataki and Richard Joel Help Rededicate Brookdale Center

Libby Pataki, representing her husband, NY Governor George E. Pataki, joined Dean David Rudenstine, Yeshiva University President Richard M. Joel, Cardozo Board Chairman Earle I. Mack, Board Treasurer Barry Shenkman, and Board member Sheldon Solow in cutting a large red ribbon at the official re-dedication of Brookdale Center, Cardozo's home at 55 Fifth Avenue. "Cardozo's
Women and Human Rights are Focus of Conference

Federal District Judge Vicki Miles-LaGrange, United States District Court for the Western District of Oklahoma, and the first African-American judge in the Tenth Circuit, discussed the postgenocide judicial culture of Rwanda and touched on problems with the country’s developing legal system in her keynote address at Engendering Justice: Women Shaping the Future of International Human Rights. Women play an important role in the democratization in Rwanda, she explained, and its
growth has been remarkable,” said Mrs. Pataki. “We need ethically trained lawyers well versed in the balance of legal theory and practice ... and this is Cardozo’s special strength.”

The event, part of President Joel’s investiture celebration, marked the grand opening of the new lobby and Jacob Burns Moot Court Room, as well as the recent opening of the Law School’s redesigned library and renovated classrooms. More than 300 alumni, friends, and special guests attended.

Describing the five-year, $40 million capital improvement program, Dean Rudenstine said, “The result, which is nothing short of a transformation, creates a physical facility that more closely reflects the level of excellence that has always been the hallmark of Cardozo’s intellectual character and the experience it provides.” He expressed gratitude to Yeshiva University for its commitment to the project, to the Cardozo Board of Directors for its leadership, and to the many alumni, parents, and friends who contributed generously to the capital campaign.

The lobby level of the 11-story law school building, including the Jacob Burns Moot Court Room, was designed by Davis Brody Bond Architects. Funding for the new courtroom was provided by Mr. Shenkman, president of the Jacob Burns Foundation and a grandson of Jacob Burns, who once was chairman of the Law School’s Board.

Innocence Project Moves to Larger Space

In a sign of Cardozo’s continuing growth, the Innocence Project is moving to new office space at 100 Fifth Avenue, three blocks north of the Law School. The Project staff and directors will begin the spring semester in the new space, allowing the program to expand its important efforts in using DNA evidence to free the wrongfully convicted. It will also make possible the hiring of additional lawyers and staff to increase significantly the number of cases the Project can take on and the scope of its public education efforts.

According to Nina Morrison, executive director, “The law clinic remains the core program of the Innocence Project, as it has in the past. The new agreement between the Law School and the Project provides stability to the program, allowing it to expand and strengthen its work, while maintaining its close ties to Cardozo.” Student carrels will be at 100 Fifth; the Innocence Project seminar will be taught at the Law School and at 100 Fifth.
The constitution provides that at least 30% of all decision-making positions in the country must be granted to women. "I believe the political will is there," she said. But, she added, the situation concerning the status of the courts is very grave, and immigration and migration. Legal conflicts between human rights and cultural practices in such traditions as female genital mutilation also were debated. The panelists represented a variety of political and legal organizations and academic institutions including Amnesty International, The Center for Reproductive Rights, and Sarah Lawrence College. The Cardozo Women's Law Journal and Cardozo Journal of Comparative and International Law cosponsored the conference.

Archbishop Tutu Receives Advocate for Peace Award

"When you stand out in a crowd, it's because you are carried on the shoulders of others," Nobel Prize winner Archbishop Desmond Tutu said as he received the 2003 International Advocate for Peace Award from the Cardozo Journal of Conflict Resolution and the International Law Students Association. He accepted the award last spring "on behalf of unsung heroes and heroines who work tirelessly for peace."

Archbishop Tutu chaired South Africa's Truth and Reconciliation Commission, which probed human rights violations that occurred between 1960 and 1994. He is currently chancellor of the University of Western Cape and holds honorary degrees from Harvard, Oxford, and Columbia, among others. He has written a number of books, his latest being No Future Without Forgiveness.

The archbishop discussed his lifelong crusade for peace—among the reasons students chose him the 2003 award winner—by weaving together the threads of tolerance and unity. "True security does not come from the barrel of a gun but rather through reconciliation," he said. "An enemy is a friend waiting to be made."

"Until Israel is recognized as a sovereign state ... and equally until a Palestinian state is viable and respected ... unless these two entities exist," Archbishop Tutu said, "there is no hope for peace." He cited other areas of conflict, including Chechnya, Colombia, and Bosnia. The global population, however, is one, he said.

"Your humanity is bound up with the humanity of others, whether you like it or not. ... One day we will realize we are family. That all belong—black, white, short, tall, beautiful, not so beautiful ... gay, lesbian, straight, Arafat, Sharon—all belong. ... We must realize God's dream ... the rainbow people of God's family."
Cardozo Receives $2.25 Million in Holocaust Claims Case

In *Bennis v. Banque Paribas*, one of many Holocaust restitution claims cases filed since 1996, United States District Court Judge Sterling Johnson, Jr. allocated $2.25 million of unclaimed funds to Cardozo. The monies are part of the settlement offered by JP Morgan in the case brought in late 1997 by Holocaust survivors and their heirs against several French banks, as well as Chase, JP Morgan, and Barclays Bank. The grant will make possible an organized program and center for Holocaust studies and human rights.

"I view this gift to Cardozo as one of public trust, and we will factor that into our plans for the center, which is founded with the memories of the plaintiffs in mind," said Dean Rudenstine. "I am extremely proud that Judge Johnson has chosen us for this distinction."

In the class action suit, attorney Kenneth McCallion and a team of six, which included Richard Weisberg, Walter Floersheimer Professor of Constitutional Law, proved that the banks had indeed victimized their Jewish clients.

"Cardozo was chosen the beneficiary because people know about our Holocaust Claims Restitution Clinic, our courses on the Holocaust, our conferences, and the books and articles we've produced about this tragic period," explained Professor Weisberg. His book *Vichy Law and the French Holocaust* brought him to the attention of McCallion, an adjunct professor who with Lucille Roussin runs the clinic and teaches the corresponding course. Prof. Malvina Halberstam, who successfully argued a case in the 2nd Circuit against SNCF, the French national railroad, was also involved in the case.

In addition to providing reparations for Holocaust survivors, "the litigation has joined with scholarly research to pry open archives that have been unavailable to date. The courts are now forcing institutions to show records that they have kept hidden for decades," Professor Weisberg said.

Cardozo is appointing an advisory board that will work with the faculty and administration to formulate the center's mission statement and programs. Prof. Eric Freedman of Université d'Orléans in France (see p. 21) is working at Cardozo this year as the center's inaugural research scholar. Stuart Eizenstat, who, as deputy treasury secretary under President Clinton, led the administration's efforts on Holocaust-related matters, gave the inaugural lecture, "Securing Restitution for the Victims of Nazi Tyranny: The Inside Story." Mr. Eizenstat is now head of international trade and finance at the Washington law firm of Covington & Burling.

Wartime Legislation and Supreme Court Decisions Provoke Discussions

New legislation and several landmark cases decided by the US Supreme Court were the subject of panels organized by members of the faculty and student organizations. Of particular interest to the community was *Grutter v. Bollinger*, in which the Supreme Court upheld the University of Michigan Law School's affirmative action policy, and ruled that race can be used in admission decisions. The case was debated in several panels and informal discussions.

In another landmark case, *Lawrence v. Texas*, the Court struck down the Texas sodomy law, expanding the constitutional right to privacy. Prof. Ed Stein, codirector of the new Program in Family Law, Policy, and Bioethics, organized panels around this case as well.

The Patriot Act, the Bush administration's signature post-9/11, counter-terrorism legislation, was debated at a panel sponsored by the American Constitution Society and at American Democracy in Times of War, the inaugural conference of the Public Law, Policy & Ethics Journal. Nadine Strossen, president, American Civil Liberties Union, joined eminent constitutional scholars, practitioners, journalists, and politicians at the conference, and Cory Booker, former Newark, NJ, councilman, received the Journal public service award.
Class of 2006 Enrolls; Largest Applicant Pool Ever

An eclectic mix of students from a variety of careers, undergraduate institutions, and backgrounds became members of the class of 2006 this fall. Among them are a talent scout, associate editor of a fashion magazine, patent agent, chemist, construction foreman, and lead medical assistant of an emergency room. They represent 110 undergraduate institutions; New York University is the most widely represented with 22 graduates. Other top-feeder schools are Columbia/Barnard, Cornell, University of Pennsylvania, the State University of New York, and, for the first time, The University of California with 12 students. Approximately 20% of the class comes from the Ivy League.

According to Dean Robert Schwartz, nearly 4,700 people applied for admission to the class, an 18% increase over last year. The new 1Ls arrived with a median LSAT score of 162, two points above last year’s median; the top quarter of the class has a median score of 164, putting them in the top 7% nationally.

Applications to the LL.M. program were up as well; a total of 207 applied for admission and 32 enrolled. Of these students, 22 entered the Intellectual Property Program and 24 received law degrees abroad. The new class comes from 17 countries,
Marc Mukasey '93 and his father, Judge Michael Mukasey, including Argentina, China, India, Thailand, Ecuador, Peru, and many western European countries.

At the welcoming lunch Dean Rudenstine urged students to ask questions and get involved in public service. He described the primary forces shaping a Cardozo education as traditional legal doctrine, legal theory, and practical experience. He was joined by featured speaker Chief Judge Michael B. Mukasey, US District Court for the Southern District of NY, who was introduced by his son, Marc Mukasey '93, assistant US attorney for the Southern District of NY. Orientation was highlighted by the now traditional afternoon boat cruise on the Hudson.

1L Publishes Book

Haroon Moghul '06, an American-born Muslim who visited Saudi Arabia and Pakistan after graduating from high school, recently published My First Police State (xlibris, Random House 2003), described as "a defiant look at Saudi Arabia and Pakistan before and after the events of September 11, 2001."

Haroon says, "It's a comedic commentary and a biting satire about travels through ... the Middle East.... I wrote this book because of the coordinated attacks on Riyadh, Saudi Arabia, and Casablanca, Morocco [in May 2003]. More accurately, ... because of the Saudi government's hopeless (or was that helpless?) reaction to said attacks, an indicator of how far the Muslim world was falling—and how fast."

JULY 2003 BAR RESULTS ARE HIGHEST YET

This year's Bar exam results for Cardozo first-time test takers in July were the highest ever recorded by the Law School. Of the 253 taking the exam, 223 passed for a pass rate of 88.1% against an overall state pass rate of 77.6%. This is the first time that Cardozo's results are more than 10 points above the state average. The results are 5.6 points above Cardozo's 2002 rate.

David Samson '93 (at right), president of the World Series champion Florida Marlins spoke to students at a Practice Profile luncheon and sat on a panel, "Play Ball: The Health of Major League Baseball: An Examination of the Major Issues Involving Management, Unions, and the Collective Bargaining Process." Other participants were Spencer Weber Waller, director, Institute of Consumer Antitrust Studies, Loyola University of Chicago School of Law; Thomas Osterberg, senior vice president and general counsel, Major League Baseball, Office of the Commissioner; and David Feuerstein '01, associate, Boies Schiller & Flexner. Armed with free tickets, a group of students later headed to Shea Stadium for a Mets vs Marlins game.

The Intellectual Property Law program generates many campus events—from panels and conferences on patent and copyright law to those on fashion and sports law. Below are highlights of the past two semesters.

Bruce Lehman, former commissioner of the US Patent and Trademark Office, spoke to students and faculty at an IP Society Roundtable.
Gerald Sobeıl of Kaye Scholer was a panelist at "Has the Federal Circuit Lived Up to its Purpose of Providing Uniformity and Predictability in Patent Law?" Other participants included R. Polk Wagner, Morgan & Finnegan; Stephen B. Judlowe, Morgan, Lewis & Brockius and a member of the Cardozo Board of Directors; Pasquale Razzano, Fitzpatrick, Cella, Harper & Scionte; Herbert Schwartz, Fish and Neave; John F. Sweeney, Morgan & Finnegan; and Arun Chandra '98, Jones Day.

The music business team and its structure—who is responsible for what, and how revenue is calculated and shared—were discussed by music industry insiders on a panel convened by the Recording Academy Entertainment Law Initiative at Cardozo. (From left) Michael Glasser '04, editor in chief, AELJ; Trevor Gale, vice president, writer/publisher relations, SESAC (a performing rights organization); Marsha Vlastic, agent, M.V.O. Limited (representing The Strokes, Courtney Love, Kelly Osbourne); Saguit Saad, Esq., Epstein, Levinsohn, Hurwitz & Weinstein; (in back) Griff Morris, Esq., Recording Academy, vice president, Central Region; Jeff Battaglia, manager, JBM Management (representing Disturbed, Alkaline Trio); Jon Marcus, executive director, NY Chapter, Recording Academy; and Deborah Murad '04, symposia editor, AELJ.

Prof. Cynthia Ho, Loyola University of Chicago School of Law, presented "Innovation and Inventorship: A Tale of Biopiracy, Patents, and International Law" as part of the Intellectual Property Speakers Series, which features IP scholars who address cutting-edge issues in the field.

The Sports and Entertainment Law Society and the Intellectual Property Law Society cosponsored the immensely popular "Legal Issues in the Fashion Industry." Featured speakers included (from left) David Jacoby, Phillips Nizer; Theodore C. Max, Mintz Levin Cohn Ferris Glovsky and Popeo; Barbara Kolsun '82, Kate Spade; Michael Colosi, Kenneth Cole Productions; and Samantha Hetherington, O'Melveny & Myers.
Bauer Lecture Celebrates 200th Anniversary of Marbury

John T. Noonan, Jr., professor emeritus at University of California at Berkeley’s Boalt Hall School of Law and a senior judge on the United States Court of Appeals for the Ninth Circuit, spoke on “The Progeny of Marbury” at the Uri and Caroline Bauer Memorial Lecture. The lecture marked the bicentennial of the celebrated US Supreme Court decision in *Marbury v. Madison*, which, according to Judge Noonan, the court may have decided wrongly in 1803, when it established the power of judicial review over federal statutes.

**US DISTRICT COURT JUDGES OFFICIATE AT PAULSEN COMPETITION**

Three US district court judges presided over the Paulsen Moot Court Competition, which was the first student event held in the new Jacob Burns Moot Court Room. Finalists and judges are (from left) Audrey Root 05, Mark Schwed 05, Neelanjan Choudhury 05, Jeffrey Anbinder 05, Hon. Charles Breyer, Northern District of California; Hon. Lawrence Kahn, Northern District of New York; and Hon. Richard Conway Casey, Southern District of New York. Finalist Cheryl Fuchs 05 is not pictured.

**Cardozo Hosts Conference on Clergy Abuse**

Victims’ advocates, survivors, attorneys, law enforcement personnel, academics, and Catholic Church administrators participated in the groundbreaking First National Conference on Clergy Abuse. Organized by Prof. Marc Hamilton and Frank J. Nebush, Jr., Esq., chair, National Conference Committee on Clergy Abuse and chief public defender in Oneida County, NY, the two-day event provided a wealth of information for attorneys involved in clergy abuse cases in both the criminal and civil arenas.

Walter V. Robinson, assistant managing editor of *The Boston Globe* and editor of its investigative journal, who led the charge to expose abuse within the Church, moderated a roundtable. Kathleen L. McChesney, executive director, Office of Child and Youth Protection, US Conference of Catholic Bishops, and Kenneth V. Lanning, FBI (retired), spoke at plenary sessions. The conference was co-sponsored by Survivors Network of those Abused by Priests (SNAP), Child Sexual Abuse Litigation Group, American Trial Lawyers Association, and the National Conference Committee on Clergy Abuse.

**88 COMPETE IN NEGOTIATION COMPETITION**

The 15th Annual Cardozo/ABA Intrashool Negotiation Competition, held in the new lobby, boasted 44 teams totaling 88 contestants. Four teams took prizes: Lindsey Brass '05 and Jeff Cassin '05, David Brand '05 and Lauren Lipson '05; Anthony Musillami '04 and Samantha Zenack '04; and Kavin Edwards '05 and Keith Sklar '05.
Corporate Scandals Subject of Spitzer and Goldschmid Talks

Two government leaders in the prosecution and prevention of corporate abuses, New York Attorney General Eliot Spitzer and US Securities and Exchange Commissioner Harvey Goldschmid, visited the Law School and shared their insights from the front lines. The two lectures, sponsored by The Samuel and Ronnie Heyman Center on Corporate Governance, delved into similar issues, but each reflected the speaker's personal and professional perspective.

"As attorneys, we failed to live up to our mandate," began Spitzer. He then described the evolution of his thinking on federalism and how it impacted his work as attorney general. Contemporary federalists support strong states' rights and a less powerful federal government. While at Harvard in the early 1980s, Spitzer said he believed federalism would lead to a balkanization of law enforcement, and, he joked, those strongly in favor of it were at his academic rival, Yale. However, he said he has since changed his perspective.

When Spitzer became attorney general in 1999, he said, "This new federalism is a wonderful, wonderful thing." He was determined to make aggressive use of the autonomy and power that lie with individual states.

One of his first initiatives was a set of actions against large power plants in states whose uncontrolled emissions dirty New York air. Then he tackled antitrust and immigration.

Amid recent corporate scandals, the attorney general's office is focused on corporate governance. Spitzer lamented the growing strength of the "imperial CEO," who makes decisions without the checks and balances of boards and audit committees, and auditors who paint an appealing picture of a corporation's finances rather than an accurate one. He also objected to the relationship that has developed between the underwriters and analysts, saying the "firewall was breached." With analysts now fully integrated into the "pitch," the information they provide is no longer independent or reliable.

Spitzer advised that corporate attorneys need to focus on defining and serving the client, while remembering that shareholders, not management, are the client. He also called on institutional investors to re-engage in corporate oversight to protect their investment.

Goldschmid said he believes that "The Sarbanes-Oxley Act, signed on July 30, 2002, provides the right national framework for our current healing process. Accountability and deterrence are absolutely essential." The commissioner also explained that it is important not to interfere with a corporation's entrepreneurial spirit and to remember their needs for confidentiality.

According to Goldschmid, Section 307 of the Act enhances the lawyer's role as gatekeeper, changes the current programs and procedures, and takes major and dramatic steps in reporting.

Both speakers ended their respective talks on a positive note. Spitzer concluded that his office has been effective in addressing the problems of corporate governance. According to Goldschmid, the US system has the strength to come out of scandal and heal and reform itself.
Ethics Center Honors Attorney Representing Clients on Death Row; Capital Punishment is Subject of Annual Lecture

Denny LeBoeuf, director, Capital Post-Conviction Project of Louisiana, was honored with this year's Access to Justice Award for her work for those underserved by the justice system. LeBoeuf, who began representing capital defendants in 1989, works in state and federal courts, primarily in Louisiana, at trial, on direct appeal, and in post-conviction. She is especially interested in the litigation of mental health issues and in how race and poverty increase the burden carried by some clients.

She is pictured here with Prof. Barry Scheck and Prof. Franklin E. Zimring, Boalt Hall, University of California at Berkeley, at the award ceremony, which followed the annual Jacob Burns Ethics Center Lecture. In his address, "How Capital Punishment Ended in Europe and Could End in the United States," Professor Zimring explored conflicting American values on the death penalty and offered guidance for death penalty opponents.

Library Collaborates with Barnes & Noble

Tabletalk, a joint venture with Barnes & Noble, Cardozo's on-site book store, brought well-known authors to a luncheon series that marked the opening of the redesigned Chutick Law Library. Writers of recently published fiction and non-fiction books relevant to the legal community included Court TV's Catherine Crier, shown here signing The Case Against Lawyers. Other authors who participated were Prof. Owen Fiss, Yale Law School, author of A Way Out: America's Ghettos and the Legacy of Racism; best-selling novelist Phillip Margolin, Ties that Bind, and George Washington University Prof. Allan Gerson, The Price of Terror: How the Families of Pan Am Flight 103 Brought Libya to Justice.

Auction Raises more than $25,000 for Public Service Stipends

The annual SBA Goods and Services Auction is traditionally a big source of school spirit, as well as stipends for students taking summer jobs in public service. Dinners with favorite teachers, luxury goods, and sports tickets were the
perennial favorites as the dollars flowed at both the silent auction and the live auction, led by Richard Brierly of Christie's. The big money maker? Lunch and a visit with Prof. Marci Hamilton to the US Supreme Court for the term's opening arguments brought in $1,500. The auction raised more than $25,000. Additional generous support from the David Berg Foundation and others allowed Cardozo to give nearly 50 stipends to students last summer.

**Bet Tzedek Hosts Cross-Disciplinary Conference on Difficult Clients**

"The Challenges of the Difficult Client: An Interdisciplinary Conference for Advocates" attracted lawyers, academics, social workers, and health and human services professionals. Panelists at the event sponsored by Bet Tzedek Legal Services Clinic included (below, left) Prof. Joan Beder, Wurzweiler School of Social Work; and Margaret Diaz-Cruz, director of the stipendiary program, Isaac H. Tuttle Fund.

**HOT-BUTTON ISSUE WITH FEDERAL JUDGES—SENTENCING GUIDELINES—SPURS DEBATE**

Arguments for and against the Federal Sentencing Guidelines and the recently passed sentencing law, the Feeney Amendment, made for a lively debate organized by students of the Federalist Society. Critics of the guidelines and the new amendment, many of whom are federal judges, argue that they violate the separation of powers and push judges into handing down harsher sentences. Proponents such as guest panelist (above, left) Eric Jaso, trial attorney, US Attorney's Office for the District of NJ, and a former member ex-officio of the US Sentencing Commission, believes the guidelines are necessary to ensure predictable, consistent, and equal justice. Alan Vinegrad (center), partner, Covington Burling, former US attorney for the Eastern District of New York, said that the guidelines deprive federal judges of any ability to "treat differently situated defendants differently." Prof. Daniel Crane (at right) moderated.
Prof. Arthur Jacobson gave expert testimony in February 2003 in a suit brought by Michael Douglas and Catherine Zeta-Jones against Hello! magazine for publishing unauthorized photographs of their wedding. The well-publicized trial was in Chancery Division of the High Court of Justice in London; Professor Jacobson, who was engaged by the claimants, testified via video conference from Manhattan. Professor Jacobson's testimony focused on New York law, which does not govern the actual publication of the photographs, but was relevant to the question of whether or not the paparazzo had taken the photographs in an unlawful manner.

The photographer, Rupert Thorpe, son of Jeremy Thorpe, former leader of the Liberal Party in Britain, overcame elaborate security precautions at the Plaza Hotel, where Douglas and Zeta-Jones had gone to great lengths to protect their privacy, insisting upon confidentiality agreements from service providers and instructing guards, who were posted at the ballroom entrance, to bar cameras. Among the reasons for the precautions was to protect an exclusive the couple had given OK! magazine, Hello!'s British rival and a fellow claimant.

The unlawfulness of the photographer's behavior figured in the claim that ultimately prevailed, what the British call "commercial confidentiality." (In the United States a similar tort is called "misappropriation.") The theory behind commercial confidentiality is that Douglas, Zeta-Jones, and OK! had a commodity—the right to publish photographs of the couple's wedding—whose value they sought to, and could, protect by maintaining confidentiality. When the paparazzo surreptitiously took the unauthorized photographs and Hello! published them, they breached a duty of confidentiality, which they had by virtue of their knowledge of the measures taken by Douglas and Zeta-Jones, thus injuring the value of the commodity.

Because confidentiality in Britain is a claim in equity, the claimants had to show that Hello!'s "conscience" had been tainted by "unconscionable" behavior. In his judgment, Mr. Justice Lindsay wrote, "Breach of confidence apart, had the Hello! defendants opened their eyes they would have seen that the taking of the photographs which they bought had involved at least a trespass. The fact, as I have held it to be, that they did not in advance and in terms require or authorise on their behalf trespass and surreptitious photography by Thorpe or by any other paparazzo does not disprove the unconscionability, as I hold it to be, under English law, of their publication of the unauthorised photographs in England and Wales." The judge held also that the photographs had been obtained by "misrepresentation or subterfuge."

Justice Lindsay awarded Douglas and Zeta-Jones £14,600 for the Hello! defendants' breach of commercial confidentiality, and £3,750 to each of them for their distress. He also awarded OK! £1,033,156 damages for lost profits. In addition, under British law the losing defendants had to pay the claimants approximately £3,000,000 in legal expenses.

Professor Jacobson's counterpart for the defense was Prof. Diane Zimmerman of New York University Law School, a specialist in intellectual property law and the First Amendment.
Three Join Faculty; Six Visit

Barton Beebe, a visitor to the Cardozo faculty prior to a yearlong clerkship with Judge Denise Cote, US District Court, joined the full-time faculty this fall along with Daniel Crane and Susan Crawford. The three received appointments as assistant professors of law. Professors Crane and Crawford bring to Cardozo years of experience in major law firms in New York and Washington, DC.

Dean Rudenstine welcomed the newcomers to the Cardozo community and said, "Barton, Susan, and Dan bring exceptional talent to the campus. Our students and faculty will greatly benefit from their wealth of practical experiences and their enthusiasm for scholarly exchange." Professor Crane teaches Contracts and Antitrust Law; Professor Crawford teaches Property and Law of Cyberspace, and Professor Beebe is teaching Copyright, Trademark, and Advanced Trademark.

Professor Beebe, previously featured in the winter 2001 issue of Cardozo Life (www.cardozo.net/life), is a graduate of the University of Chicago and earned a Ph.D. in English from Princeton University prior to attending Yale to study law. At Yale, he was senior editor of Yale Law Journal and articles editor of Yale Journal of Law & the Humanities. His interest in intellectual property stemmed from his concern with cultural property and its embracing of high and low culture. His article "The Semiotics of Trademark Law" will be published in the UCLA Law Review.

Prof. Daniel Crane, who practiced at Paul, Weiss, Rifkind & Garrison for four years, said he is enjoying the switch to academia, where he can "choose topics that interest me, even if they don't have immediate applications in a pending case." He also likes the range of discussions with students and professors—talking about federal sentencing guidelines one minute, South Africa's constitution the next, and then later on, family law. "It keeps me on my toes and thinking about other disciplines," he said.

Antitrust law has interested Professor Crane since he was a law student at the University of Chicago. But it wasn't until he began working at Paul, Weiss that he had major opportunities to develop his expertise in this field as his work focused on complex antitrust litigation, joint venture antitrust counseling, and merger review.

He is now applying that experience to his current research—writing on antitrust enforcement in the tobacco industry. According to Professor Crane, the antitrust laws ordinarily are concerned with collusive or monopolistic conduct leading to reductions in consumption, but that approach does not translate well to industries with harmful output, where
Floersheimer Center Sponsors Events

The Floersheimer Center for Constitutional Democracy, which supports several innovative events and programs at the Law School, has emerged as an important center for scholarly and practical discussion. Last spring, the Center supported a major international conference, Emergency Powers and Constitutions, which examined the challenges to finding a proper balance among national security, democracy, and fundamental rights. Panelists included (from left at top) Prof. Dominick McGoldrick, University of Liverpool Law School, and Prof. Mattias Kumm, New York University Law School. Additionally, the program brought renowned intellectuals to campus for a series of seminars for students and faculty titled Religion, Law, and Politics. Peter Gay, director, Center for Scholars and Writers at the New York Public Library, is shown here (center) with the series codirectors: Prof. Michel Rosenfeld (left) and Prof. Bernhard Schlink, Humboldt University of Berlin and a visiting professor at Cardozo. Mr. Gay will return to campus this spring to coteach, with Professor Goodrich, Liberalism and the Rule of Law.

reduced consumption is actually desirable. He proposes that, instead of focusing on consumption reduction in harmful industries, the antitrust authorities should consider whether the conduct at issue will increase or decrease the social harms caused by the industry. For example, a merger between two cigarette companies might be undesirable if it would stymie development of less harmful cigarettes.

On campus, Professor Crane is an advisor to the students of the Federalist Society; this fall, at their request, he moderated a panel on Federal Sentencing Guidelines. He said he is pleased with the quality of student interchanges in and outside the classroom. “They make my job enjoyable,” he said.

Professor Crane worked for two years at the Miami office of Morgan, Lewis & Bockius and clerked for US District Judge Kenneth L. Ryskamp. He holds a B.A. from Wheaton College, magna cum laude, and a J.D. with honors from the University of Chicago, where he was a member of the Law Review. He is fluent in French and Portuguese.

**Prof. Susan Crawford** joins Cardozo after several years as a partner at Wilmer, Cutler & Pickering, where her practice included litigation, counseling, and transactional work, and focused on intellectual property, advertising, privacy, domain names, and e-commerce policy issues. Professor Crawford switched to academia because “life is short,” she said. “I was already writing a great deal and had taught copyright at Georgetown University Law Center and decided to devote myself to teaching full-time.”

Her specialties are related to Internet policy, including ICANN (Internet Corporation for Assigned Names and Numbers), an experiment in the governance of particular online resources (domain names and IP addresses) by a private enterprise. She also consults on new policy about digital copyright subjects, such as the broadcast flag (a system of encryption of content protecting against unauthorized redistribution of television programs), and “closing the analog hole,” which relates to new rules regulating the conversion of content from analog to digital forms.

Her expertise is a valuable asset to Cardozo’s strong intellectual property law program. She serves as a policy fellow at the Center for Democracy & Technology, a think tank in Washington, DC, and is involved in the Internet Policy Project of the Aspen Institute. She said she enjoys living in New York and teaching the “wonderful and engaging” students at Cardozo.

She received a B.A. summa cum laude and a
J.D. from Yale University, where she was the principal violist in the Yale Symphony Orchestra. After graduation, she clerked for Judge Raymond J. Dearie, US District Court for the Eastern District of New York. Professor Crawford said she still plays the viola every day, and after becoming more familiar with the New York music scene, hopes to take up performing again.

Visitors
As in previous years, several professors visit during the academic year. New to campus is Prof. Richard A. Bierschbach, who prior to his visit was an associate at the New York office of Wilmer, Cutler & Pickering, where his practice focused on administrative law, white-collar crime, and appellate litigation. He graduated magna cum laude from the University of Michigan Law School, where he received the Henry Bates Memorial Scholarship, the school’s highest honor. Professor Bierschbach clerked for Judge A. Raymond Randolph of the US Court of Appeals for the DC Circuit and for US Supreme Court Justice Sandra Day O’Connor. He was a Bristow Fellow in the Office of the Solicitor General at the US Department of Justice, and was also an attorney-advisor in the Department’s Office of Legal Counsel. In spring 2004, he teaches Criminal Law and Corporations.

Several visiting professors are already familiar to the Cardozo community. These include Uriel Procaccia, who teaches Economic Approaches to Corporate Law, and Alex Stein, who teaches Evidence, Torts, and Medical Malpractice, both from The Hebrew University of Jerusalem; David Franklin, who first visited Cardozo in 2002, is teaching Torts and Constitutional Law; Renata Salac, of University of Ljubljana, Slovenia, who visits often, will teach Psychoanalysis and the Law in Spring 2004; and The Habush-Bascom Professor of Law at the University of Wisconsin, Frank Tuerkheimer, who teaches Criminal Law and Professional Responsibility. Professor Tuerkheimer is also organizing a symposium about the First Amendment and the 25-year-old The Progressive magazine case, in which the magazine was enjoined from publishing an article that described the science underlying the hydrogen bomb. Professor Tuerkheimer, then US attorney for the Western District of Wisconsin, was involved in the case.

Honors + Awards

Save the Date
March 2, 2004

Floersheimer Center for Constitutional Democracy presents
A symposium on The Progressive magazine case and how, 25 years later, its lessons apply to contemporary issues of national security, secrecy, and the First Amendment.

In 1979, The Progressive won national attention for its article “The H-Bomb Secret: How we got it and why we’re telling it,” which the US government suppressed for six months. Key players in this landmark First Amendment case will present the story from their vantage points.

Keynote by
Anthony Lewis
Former New York Times columnist

Panels
James Schlesinger
Former US Secretary of Energy (1977–79)

Howard Morland
Author of The Progressive article “The H-Bomb Secret”

Robert Cattanach
Former attorney, US Department of Justice

Brady Williamson
Former associate in the firm that represented The Progressive

Frank Tuerkheimer
Former US attorney for the Western District of Wisconsin

Ray Kidder
Scientific expert retained by The Progressive

Symposium details will be mailed, e-mailed, and posted at www.cardozo.yu.edu

This summer, in conjunction with the launching of Michel Rosenfeld’s “A Identidade do Sujeito Constitucional” (a Portuguese translation of “The Identity of the Constitutional Subject,” published in the Cardozo Law Review), the law school at the University of Minas Gerais in Brazil organized a two-day symposium on Professor Rosenfeld’s work. Panels were held also at the state of Minas Gerais legislature and at its labor court.

This fall, Professor Rosenfeld traveled to Australia, where he was a panelist at the International Roundtable on Constitutional Courts in Melbourne and spoke on “Constitutional Adjudication in Highly Political Cases: The Example of Bush v. Gore.” He also addressed the Federal Court of Australia in Sydney on “The Patriot Act and Threats to Civil Liberties.” Last spring, he lectured on constitutional equality at Central European University in Budapest and on the European constitution at the Helmut Kohl Institute of European Studies at Hebrew University in Jerusalem. He spoke on “Constitutional Adjudication in Europe and The United States: Paradoxes and Contrast” at the Uninem seminar of the Venice Commission on European and American Constitutionalism, co-organized by Yale Law School and the University of Göttingen.

Burns Seminars Feature Academics

Prof. Bill Bratton, Georgetown University Law Center, was a guest presenter at a Jacob Burns Faculty Seminar. He returned to Cardozo, where he once was a member of the faculty, to speak on “Sovereign Debt Restructuring and the Best Interest Creditors.” The seminar series invites academics to share their current research interests with Cardozo’s faculty at luncheon talks.

This fall, Professor Rosenfeld traveled to Australia, where he was a panelist at the International Roundtable on Constitutional Courts in Melbourne and spoke on “Constitutional Adjudication in Highly Political Cases: The Example of Bush v. Gore.” He also addressed the Federal Court of Australia in Sydney on “The Patriot Act and Threats to Civil Liberties.” Last spring, he lectured on constitutional equality at Central European University in Budapest and on the European constitution at the Helmut Kohl Institute of European Studies at Hebrew University in Jerusalem. He spoke on “Constitutional Adjudication in Europe and The United States: Paradoxes and Contrast” at the Unodem seminar of the Venice Commission on European and American Constitutionalism, co-organized by Yale Law School and the University of Göttingen.

Barry Scheck and Peter Neufeld received honorary degrees last May from Northeastern University School of Law. This fall, Professor Scheck spoke on “Vindicating Claims of Innocence” at a conference on reforming capital defense systems at Hofstra University School of Law.

Paul Verkuil’s report (with coauthors) for the Social Security Administration has been cited in Congressional testimony by the Committee of Social Security as the basis for recommended changes in disability hearing procedures.

J. David Bleich’s article “Mizvot in the Polar Regions and in Earth Orbit” appeared in Tradition, and “Zman Hadlakat Ner Hanukkah” was published in Ha-Pardes. He also contributed “Palliation of Pain: A Jewish Perspective” and “Medical Malpractice” to Topics in Jewish Medical Ethics. He spoke on “Parity Between the Spouses in Execution of a Religious Divorce” at the Faculty of Law, University of Haifa, Israel; on “The Iraqi Incursion: A Halakhic Perspective” in Frankfurt am Main, Germany; and on “The Ethics of Warfare: A Jewish Perspective” at the Center for Jewish History, New York.

Baron Beebe lectured on trademark law at the Stanford/Yale Junior Faculty Forum, and at the Tulane, Michigan, George Washington, and Fordham Law Schools. His article “The Semiotics of Trademark Law” will be published in the UCLA Law Review.

Daniel Crane’s article on antitrust concerns in patent settlements, published in Florida Law Review, was cited twice in a recent

Susan Crawford was a policy fellow last year at the Center for Democracy & Technology in Washington, DC, where she wrote "Implications of the Broadcast Flag: A Public Interest Primer." At the Council on Economic Development, she and Elliot Maxwell delivered "Promoting Innovation in the Online World: The Problem of Digital Intellectual Property." She presented "The Biology of the Broadcast Flag" at the annual scholarship conference of the Society for Evolutionary Analysis in Law and participated in the Internet Policy Project roundtable at the Aspen Institute Communications and Society Program.

Toni Fine’s American Legal Systems: A Resource and Reference Guide is being used by students taking a new course in the American legal system at Sulaymaniyah University, in Kurdish northern Iraq. Both the original English version, sent by her publisher, and the Arabic translation from the US State Department were made available with help from Lawyers Without Borders.


At International Law Weekend, Malvina Halberstam organized and participated in two panels. She spoke on Abrams v. SNCF, a case against the French National Railroad Corporation, which she argued and won in the Court of Appeals for the Second Circuit. She presented "The US Should Indict Yasser Arafat and Terrorists Who Murdered US Citizens in Judea, Samaria, and Gaza" at the National Conference of Emunah. She spoke in Westchester, at the consortium of five synagogues, on "Israel’s Legal Rights to Judea, Samaria, and Gaza." Her recently published articles include "The Evolution of the United Nations Position on Terrorism: From Exempting National Liberation Movements to Criminalizing Terrorism Wherever and by Whomever Committed" in the Columbia Journal of Transnational Law and "Belgium's Double Standard" in the Washington Legal Times.

Marci Hamilton is representing homeowners suing the City of Los Angeles and a religious institution for failure to enforce residential zoning requirements, challenging as well the constitutionality of the Religious Land Use and Institutionalized Persons Act (RLUIPA).

She continues to write and speak often on federalism, the First Amendment, and church/state issues. Recent publications include "Federalism and the Public Good: The True Story Behind the Religious Land Use and Institutionalized Persons Act" in the Indiana Law Journal and "Religion, the Rule of Law, and the Good of the Whole: A View from the Clergy" in the Journal of Law & Politics.

She addressed Pennsylvania appellate judges in Nemacolin, PA, on "Federalism" and debated the subject with former solicitor general Seth Waxman before judges of the US Court of Appeals for the Second Circuit. She spoke on "The Theological Origins of the Nonaristocratic Character of Representation in the United States" for a symposium on direct democracy at San Diego Law School, and on "RLUIPA and the Constitution" at the annual meeting of the ABA.

As a panelist, she discussed the First Amendment at the National Constitution Center in Philadelphia, PA, at the Federalist Society Annual National Lawyers Convention, where she also spoke on "The Reach of the Federal Government into Religious Organizations," and at the National Crime Victims Bar Association in Washington. She spoke on "Justice Harlan’s Legacy" at the Woodrow Wilson School of Public and International Affairs in Princeton, NJ, and on "Calvinism and the Rule of Law" at Princeton Theological Seminary.

Justin Hughes, who was program chair at FindLaw's Corporate Counsel IP Strategies Conference this fall, also spoke on "Trademarks, Geographical Indications, and Restraints on
Trade” at the Queen Mary’s College-Fordham University Intellectual Property Conference in London and lectured in the US State Department Public Diplomacy Program in Laos and Malaysia. Earlier, he spoke on “Database Protection as Protection of Information: A US Perspective” at the University of Oslo, Norway and moderated a panel at the Annenberg School of Communications at the University of Southern California conference on China and the Internet.

At the International Property Law and Policy Conference at Fordham Law School, he spoke on “The Doha Agenda and Geographical Indications.” Last spring, Professor Hughes was the third Hoosier Distinguished Visiting Professor in Intellectual Property at DePaul University in Chicago.

Kyron Huigens presented his paper “A Specification to Coherence Model of Punishment’s Justification” at Notre Dame and University of Pennsylvania Law Schools and in the United Kingdom at Nottingham, Birmingham, Oxford, and Edinburgh. He delivered “Battered Women on the Perplexing Border” at the Michigan, Wayne State, and Iowa Schools of Law. At Notre Dame, he also spoke at the Federalist Society’s annual student symposium on “Dignity and Desert in The Punishment Theory,” a version of which will be published in the *Harvard Journal of Law and Public Policy.*

**Lela Love** coauthored, with Joseph Stulberg, “Partnerships and Facilitation: Mediators Develop New Skills for Complex Cases” in *Dispute Resolution Magazine.* At the US Department of State, she addressed a delegation from Kosovo seeking redress for persons missing since the end of the Kosovo war. She was the program chair of the American Bar Association Annual Conference in San Francisco, where she presented the 2nd Annual Lawyer as Problem Solver Award, and was a panelist on “Mediation Update: Late-Breaking News on Cutting Edge Topics.”


**Martin Stone** presented “Fish on Interpretation” at the International Congress on Contemporary Problems in Philosophy of Law, at the Universidad Nacional Autonomo de Mexico (UNAM) in Mexico City, a version of which will be published in *Postmodernism and Sophistry: Stanley Fish and The Critical Enterprise,* by SUNY Press. His article “On the Old Saw, ‘Every reading of a text is an interpretation’: some comments” was published in *The Literary Wittgenstein.* He also delivered “Interpretation in Law and Literature” at the 4th Annual Meeting of Italian and American Philosophy.

**Suzanne Stone** moderated a panel at Fordham University School of Law on the faculty seminar and at the Law and Culture Annual Meeting on “Envy, Jealousy and Insider Trading: The Case of Martha Stewart.” At the McGill University Law School faculty seminar, she spoke on “The Stumbling Block: Freedom, Rationality and Legal Scholarship.”

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constitutioanlity of kosher legislation, "Can the State Regulate Kosher Food?"

Peter Tillers blogs (a blog, or weblog, is a personal Web site updated frequently with links, commentary, or just about anything else) for JURIST, a Web site for law teachers. His blog is called “Tillers on Evidence,” http://www.jurist.law.pitt.edu/views/blogs/tillers/. Last summer he lectured at the Konstanz International Summer School and recently coedited an Italian translation of “L’inferenza probabilistica nel diritto delle prove,” published by the Giuffré Publishing House.

Richard Weisberg debated Prof. Sandford Levinson, University of Texas Law School, on the issue of “Torture: An Acceptable Practice?” on National Public Radio; was the keynote speaker at a Law and Literature symposium at the University of Verona, Italy; and participated in “Nietzsche and the Law,” a two-day roundtable at the University of Illinois/Champaign Urbana. He offered a faculty workshop on Law and Literature and a lecture on Vichy and the Holocaust at the Wake Forest Law School.

Lynn Wishart published an article with Alan Wolf ’94, “A Tale of Legal Research—Shepard's and KeyCite Are Flawed (or Maybe It’s You),” in the New York State Bar Journal.

Ellen Yaroshefsky discussed corporate governance on a panel at the New York Council of Defense Lawyers with New York State Attorney General Elliot Spitzer, Judge Jed Rakoff, SEC Commissioner Harvey Goldschmid, and others. She spoke on “Lawyering and the Internet” at the New York County Bar Association, and on “Hot Topics in Legal Ethics” at the National Employment Lawyers Association.

Edward Zelinsky argued his commuter tax case Zelinsky v. Tax Appeals Tribunal in the Court of Appeals and lost. Now he is petitioning the US Supreme Court for certiorari.

ADJUNCTS

Rosalind Lichter was elected chair of the entertainment law committee of the Association of the Bar of the City of New York.

Leon Wilde did a voice-over for a new play, Ears on a Beatle by Mark St. Germain. The play, based upon official FBI records of the surveillance of John Lennon and his wife, Yoko Ono, records Professor Wilde's impressive accomplishments in Lennon's immigration case.

Holocaust Studies Center Names Research/Teaching Fellow

This fall, Eric Freedman was named the first research and teaching fellow of the new Center for Holocaust Studies and Human Rights. An expert on the history of the Holocaust and the attempts by some European countries to compensate victims and their descendants, he will teach a seminar this spring on Vichy and the Holocaust.

“Eric Freedman brings a unique background and mix of talents to the Center,” says Richard Weisberg, who is responsible in part for the allocation of funds by Judge Sterling Johnson to Cardozo for the Center (see page 6). “He has special expertise regarding the renowned Romanian-French philosopher Benjamin Fondane, who hid throughout the Vichy years, until tragically he was betrayed at the last moments of the Occupation and sent from Paris to Auschwitz, where he died. Professor Freedman has dedicated much of his intellectual life to studying such betrayals and why organized slaughters of innocent people take place so frequently in so many parts of the world.”

Since 1986, Professor Freedman has been teaching international negotiation in both the law and humanities faculties of the Université d'Orléans. In 2001 he was named a research consultant to the Wiesenthal Center Europe, working on the Drai Commission, a government-appointed body charged with resolving Holocaust-related claims in France.

Professor Freedman has written extensively on applied linguistics, negotiating, literary and film criticism, and law and literature for such publications as the Annals of the Romanian Academy, Cardozo Studies in Law and Literature, Europe, and Screen. His most recent papers include "La philosophie de Chestov dans le theatre de Fondane," “Le Concept du gouffre,” and "Is the French Commission on Holocaust-era spoliation indemnification a conciliation commission?"

Professor Freedman is British and was educated at the University of Newcastle in the United Kingdom (B.A. Honors) and at the Sorbonne in Paris. He also engaged in postgraduate research at Cornell University. From 1976 to 2002, he was educational and training director at the French Institute of Management in Paris. Prior to that he taught French studies at Cornell University and Middlebury College.
In September 2003, Richard M. Joel celebrated his investiture as the fourth president of Yeshiva University. He comes to the YU presidency from Hillel, The Foundation for Jewish Campus Life, where for 14 years he enjoyed enormous success in strengthening Jewish campus life internationally as president and international director. He holds both a B.A. and J.D. from NYU, and was a Root-Tilden law scholar. Early in his career, he was Cardozo’s associate dean for business affairs during the 1980s and taught both Professional Responsibility and Legal Writing at the Law School. Two months after Joel’s investiture, Cardozo Life editor Susan Davis met with him for this interview.
An Interview with Yeshiva University President Richard M. Joel

DAVIS: Why don't we start with a reminiscence of Cardozo?

JOEL: I had a wonderful sojourn at Cardozo, where I worked for about eight years. I had finished law school a few years earlier and was working at the Bronx DA's office. Dr. Lamm, who was then president, lured me to Yeshiva to build an alumni office. He got my boss, Mario Merola, to agree to give me a two-year leave of absence. I enjoyed legal public service very much, but I was excited to be at Yeshiva.

As the two years came to an end, there was a recognition that Cardozo needed someone to help administer the school, especially during a time of transition—Dean Monrad Paulsen had just passed away and Lester Brickman had become acting dean. I agreed to try the job for three months. The faculty was very gracious and inviting; both they and I found it to be a good match and I stayed on.

When Monroe Price became dean several months later, he asked me to be associate dean and chief operating officer. Cardozo was a very exciting place. It was a young school, but from the very beginning it had a world-class faculty. Everyone had great aspirations for Cardozo to become a major law center that would send students off to fix the world.

DAVIS: How did you like working with Monroe?

JOEL: Monroe is an outside-the-box thinker, a possibility thinker—both in terms of education and marketing. He wanted Cardozo to be a "personal" school where a student could shape how he or she wanted to be equipped to practice law. Monroe was great—and a master teacher for me. He helped me realize that creative thinking is what's needed to meet challenges in new and different ways.

I always think of him as the Norman Vincent Peale of education—a
believer in possibilities. My job then was to help create a tone of warmth at the Law School, to make sure that services were delivered effectively, and to refine and make real those ideas that Monroe manufactured daily.

During his years, there was tremendous change, experimentation, and growth. It was also a time when the University and Law School were learning to live together. There was vitality and newness, and some of the programs Cardozo is best known for started during Monroe's tenure: programs like ITAP, our Criminal Law Clinic, the entertainment law program, and our moot court program. And that's when the legal writing program became one of the best.

DAVIS: Now fast forward 15 years. Some of the things that you mention, like newness and creativity, are the qualities we still pride ourselves on. How do you think Cardozo has changed?

JOEL: It seems to me that Cardozo has been weaned from its infancy and has developed a mature personality, one that prides itself on creativity, the personal nature of the school, the ability to deliver dreams—and be successful.

The student body has grown stronger, which is a tribute to the quality of the faculty, as well as to the achievements of the early graduating classes. Through their professional pursuits, they have enhanced Cardozo's reputation even more.

Now, Cardozo is under the leadership of a dean who comes from the faculty—a former colleague of mine when I was associate dean. I knew David then as a stellar legal educator. Now he is a stellar leader who has done heroic work. I find him to be the greatest of partners, because there is trust, confidence, and mutual support—and a creative tension that comes from knowing we have parallel but not identical objectives. That's the way a healthy university is supposed to work.

DAVIS: Are there certain ideas or priorities that you and the dean have discussed for Cardozo?

JOEL: I am delighted that the visions I hear articulated are ones I embrace myself. It is important to have the world see Cardozo's great qualities: the dimension of its programs, its rigorous curriculum, and esteemed faculty. One of my jobs as president is to draw attention to these attributes, but I also think I should be asking hard questions of Cardozo—and all the schools—to help frame the responses. I will be partnering with David and with the...
I believe presidential leadership is about creating communities and creating conversations about our futures and destinies.

faculty to conceptualize the future, and help attract new faculty, philanthropic support, and the best students.

DAVIS: At your investiture you spoke of YU as a vehicle to “enoble and enable.” I know the law is often seen as a noble profession. Our current students are facing increased tuition, greater student debt, and a small loan forgiveness program. They are hesitant to take public service jobs, which usually pay considerably less than those in the private sector. Since public service employment is often seen as the more “noble” side of the legal profession, do you have a plan in place to alleviate some of the student burden at Cardozo?

JOEL: I think public service is important; it is the field of law I went into. But it is not the specific field one enters; rather it is how one conducts oneself within that field. Everyone practicing the law should do so with nobility.

That being said, I believe there is a crisis in this country and a conflict in terms of how we advance civilization through service and yet send an opposing message in how we compensate important service providers like educators, or health care workers, for example. So, part of the solution rests with the university, part with our society. It is important that we use our respective bully pulpit as university presidents, deans, and trustees to make sure our society and government face up to their responsibilities in this equation and that collectively we ensure that we have a world worth living in.

Many public policy decisions affect how we charge for legal education and what programs we offer. Society has a very strong interest in making sure that we provide the most rigorous legal education we can. How then do you turn to an institution that has labored to create a school of excellence and say, “Now, you better figure out how your program is not going to cost a lot of money”?

There are segments of society who may ask, “Why have you, Yeshiva University, made a commitment to build the Rolls Royce of law schools?” My answer? Because that’s what we do. Certainly that’s what the founding faculty wanted to do and what the trustees today want to do. They want an institution of excellence because our children deserve no less. If we can’t save money on faculty, courses, location, recruitment, or placement—and we can’t—then, how do we pay for all of this? I think we have to put all these challenges out to the philanthropic community, including the need for scholarships that encourage our students to go into public service. Am I supportive of working with the dean to find funding sources? You bet!

DAVIS: You have been hosting town hall meetings at which you said you are developing an overall strategic plan with the administration. Is there a timetable for the plan, or are there parts that you can now discuss?

JOEL: Much about my strategic plan is described in my investiture speech, which is available online to any insomniac. I believe presidential leadership is about creating communities and creating conversations about our futures and destinies. Therefore, the town hall meetings are really part of my plan.

The full plan is a challenge to the YU community to move in partnership: all of the component parts—the different schools, students, alumni, people of good will—to grow stronger and deliver the best education possible. At Cardozo, the challenge is not so difficult because for years the Board, deans, and faculty have been thinking strategically. Dean Rudenstine is looking
very deliberately at concrete steps to move Cardozo forward. He is developing key metrics of measurement to mark success. I hope by the end of the academic year that each school will proffer their long-term plans and that the trustees will embrace them. Then together we will move forward to make those plans a reality.

My hope is that the Cardozo Board will look at the price tag and say, “We have to help pay for the plan.” Hopefully the alumni will say, “Yes, this is what we want and we are going to help by providing jobs for students,

They want excellence. My goal is to raise aspirations while managing expectations. We must dream dreams, but we have to work toward them. I would like to be in the right venues to provoke conversation, community, and planning. If the right vehicle for that is a town hall meeting at the Brookdale Center, then let’s do it.

DAVIS: On a similar note, I understand that you lived in the dormitory on the Yeshiva College campus part-time for four months last spring. What was that like? You must have found enlightenment there that is propelling you on some level.

JOEL: When you bond over the banality of laundry, it creates a special relationship.

If you are going to lead, you have to listen; therefore, you need to be in a place where you can hear the voices. One very real way for me to do that was to live in the dormitories. I hoped that I was helping to create a new mood and a tone. I was trying to be a defining force in the culture, a president who cared enough to live in the dormitory.

I have spent the past 15 years listening to students at campuses around the world. I know who students are. I hear their voices and their dreams. The opportunity to live on campus validated my belief in how wonderful young people are. This is not a cynical generation—it is one that is looking for meaning, one that wants their lives to matter, yet is practical and realistic about the challenges that await them. And they want to cast a shadow—one in technicolor, not black and white.

DAVIS: Do you think it is your ability to hear young people, your ability to lead, or is it other qualities that make you feel you will succeed at YU as you did so well at Hillel?

JOEL: Like everything else, it’s smart to be lucky. Timing is not everything, but it’s a lot. At Hillel I came into a position where people were looking for the next steps, and I was able to articulate a direction. I really like people. I really like young people—and I’m a passionate educator. My Jewishness informs my life in ways I hope are broad. And I believe in the possibility of possibilities. I’m a good impresario. Yeshiva is a very strong university, as Cardozo is a very strong law school. Both can rest on their laurels, doing quite nicely. However, our community does not want that. Why? Because it is not enough. We want this university to be at the forefront of universities committed to the value of values. We believe we have much more music to write and songs to sing.
It's not your father's legal writing program

Prof. Leslie Newman
Director, Lawyering Skills and Legal Writing Program

First-year law students often hear that their academic experience is designed to teach them to "think like lawyers." At Cardozo that first step begins with the mandatory, yearlong Lawyering Skills and Legal Writing course that engages students in this effort from the very first class, and asks them to think like lawyers in practical, "real life" contexts. In so doing, students develop skills to help them use their burgeoning substantive understanding of the law in the actual enterprise of lawyering. By adding lawyering to the traditional legal writing course, students are asked to transform doctrinal learning into action, to integrate legal analysis with practical skills—the most important of which is writing—and to move in their work from how lawyers think to what lawyers actually do.

Students immediately notice that this class differs from their other courses. Each section is exceedingly small, many having as few as eight students. This class size sets Cardozo's program apart from skills and writing programs at other institutions, and provides a wonderful complement, both in setting and substance, to larger doctrinal classes.

Classes and assignments simulate the environment of a small law office rather than a traditional classroom. Faculty—all of whom are in practice—and students sit together at a conference table and in the course of case reading and analysis, reviewing language skills, and integrating research and writing skills, also ask questions such as, "What are the possible constraints on the plaintiff and defendant in the scenario about which we are reading?"; "What other people or entities might be interested in the issues raised by this case?"; "What are some possible ways of considering how to address the issues raised here beyond litigation?" As the work progresses to more sophisticated analysis and expression, these and other 'real-life' questions are interwoven into the assignments and course plan.

During regular and numerous individual conference
sessions, which students consider one of the most helpful aspects of the course, instructors provide line-by-line and face-to-face commentary and suggestions. These sessions also provide students with a chance to ask questions they may not want to discuss in class.

Technology is an essential tool both in facilitating effective and efficient communication among students, teaching assistants, and faculty, and in the substantive teaching of the course. E-mail, video and audiotaping, and instruction in the use of computerized research sources all advance the work of the program.

This format challenges instructors to employ a variety of teaching methods, including the traditional Socratic question and answer form, class brainstorming, and team and collaborative work, to foster a reflective practitioner model of thinking and writing. Fact gathering, client interviewing, negotiation, and oral advocacy are all introduced through honing the all-important writing skill. Assignments are as true to the experience of practice as possible, and are often derived from the instructors' practice.

By adding lawering ..., students are asked to transform doctrinal learning into action, to integrate legal analysis with practical skills....

The faculty this year includes a sitting judge, a former US Supreme Court clerk, a New York State Court of Appeals clerk, a renowned legal scholar, practicing attorneys from highly regarded large and small New York law firms, an in-house counsel, solo practitioners, and lawyers from the offices of the United States Attorney, the New York State Attorney General, and the New York District Attorney.

They offer students a variety of forms of legal writing, from letters to clients, adversaries, and judges, to memoranda as an associate or court clerk, to motion practice at trial and complex appellate advocacy drafting. In addition, all work is either selectively keyed to first-year courses like Torts, Civil Procedure, and Contracts, or designed to explore thought-provoking and challenging legal questions.

Extensive, regular, and ongoing instruction in professional responsibility, through assignments, exercises, feedback, and the conduct of the course itself, consistently reinforces that nothing defines good lawyering better than employing the highest ethical standards. Written and oral appellate advocacy exercises present a variety of ethical considerations. Students learn essential teamwork and cocounseling skills, including compromise, dependability, and good faith. They observe appellate court arguments in either the New York State Appellate Division or the Second Circuit Court of Appeals, often meet with appellate judges or clerks, and discuss and analyze oral arguments as a class. Through these and mock oral arguments in support of their own appellate briefs, students address substantive, procedural, and ethical concerns. Panels of judges unaffiliated with the course or the Law School serve as the bench for the mock rounds of appellate argument, offering students additional critique, insight, instruction, and the benefit of their personal judgment and experience.

The program is characterized by an intense concentration upon writing in varied settings, with careful attention paid to audience and context, the honing of individual style and voice, and the values of quality, integrity, and professionalism. It provides a solid foundation for academic and professional competence, confidence, and ethics.
Few legal specialties are as varied as those under the umbrella of family law. Child custody, adoption, divorce, estate planning, and various issues relating to same-sex and other non-traditional families are all within its purview.

Practitioners range from celebrity divorce lawyers to the so-called “18-b” lawyers who are appointed to represent the poor and who until recently made as little as $40 an hour. Some family lawyers work within large law firms, but many others find specialties that fit within a solo or boutique practice. Women are especially well-represented, perhaps because of their traditional interest in children and families.

The Cardozo alumni profiled here represent the family law gamut, from matrimonial and immigration law to Family Court proceedings. All find satisfaction in their ability to help their clients. They said that although practicing family law may not lead to great riches, it does produce spiritual satisfaction.

Melissa Payton
**IS IT MATRIMONIAL OR DIVORCE?**

Partners Jay Butterman '88 and Deborah Kahn '83 are in some ways the stereotypical Manhattan matrimonial lawyers: They're brash, articulate, and aggressive litigators. But even though they've handled their share of affluent and celebrity clients (Patricia Duff, ex-wife of billionaire Ronald Perelman, and Cyrinda Tyler, the late Warhol star and ex-wife of Aerosmith's Steve Tyler, among them), they say practicing divorce law is not a guaranteed path to wealth.

"The bulk of the cases are, of course, average people—many times people who have very limited resources," Butterman said. "We don't turn away people just because they can't afford us."

Matrimonial lawyers who successfully represent the less affluent spouse, for example, are at best awarded their hourly rate. "But when we don't succeed in getting a large enough award to pay our fees plus enough money for our client to feel satisfied, we don't get fully paid," he said. "There is an impression that the great worthies [prominent divorce lawyers] make millions. The reality is that, with few exceptions, that is not the case."

About 70 percent of Butterman & Kahn's caseload is "matrimonial—the vast bulk of it divorce [cases]," Butterman said. Although the pair are known as litigators, they handle agreements as well: pre-nuptial, marital, and those for civil unions. Each has a side specialty: Butterman handles some entertainment and publishing cases, and Kahn does real estate law.

Kahn and Butterman, both 45, took slightly different routes to law school. Since high school, Kahn wanted to be a lawyer in order to help create social change. "I always liked a good argument," ('She still does!' her partner interjects) "and always liked to write." Her interest in family law came a few years out of law school, when she was in a litigation firm and was handed a tough matrimonial case. She got the "bug" and decided to join a small matrimonial firm.

Enter Butterman, who started law school later in life, after a career in public relations. In the early 1990s, Kahn was representing the husband in a divorce case, Butterman the wife. She called to introduce herself. "Jay launched into a diatribe," she said. "The decibel level was deafening. At some point I just put the receiver down on its cradle."

"She hung up on me!" Butterman said.

"We ended up getting together," Kahn said, "and settling the case, and we began to talk to each other civilly."
They became friends, and Kahn joined Butterman as a business partner in 1997. Although they aren’t married, they are partners in life as well, they said.

One of their most significant cases was Gindi v. Gindi in 2001. Butterman and Kahn represented a young, childless woman in an unhappy Orthodox Jewish marriage who wanted a “get,” or religious divorce, which would allow her to eventually remarry with the approval of her community. Her husband had refused, and as is often the case, was holding out for payment, Butterman said.

The Brooklyn judge granted the woman Kahn and Butterman’s suggested remedy of lifetime alimony payments. The woman’s wish was granted: Her husband allowed the get to avoid the alimony.

This precedent may be challenged in the future, but for now, it has worked to encourage a number of recalcitrant husbands to grant gets, Kahn said.

Matrimonial law is “hugely satisfying,” Kahn said. “You really have an impact on people’s lives in a very palpable way.”

The bottom line, Butterman said, is that “you are literally helping people, individuals who are sometimes in desperate circumstances. You’re dealing with real human problems at the most basic level possible. That is the essence of what it is to be a lawyer.”

Despite its demands, matrimonial law allows greater flexibility for practitioners, he said and added, “I founded this firm two years out of law school, and I think our reputation is as good as any in the city.”

Butterman & Kahn runs an internship program with one or two law students or undergraduates every year, and it hires summer associates. The partners say they frequently hire Cardozo students and new graduates.

**A PIONEER REPRESENTING VICTIMS OF ABUSE**

Family law attorney Merritt McKeon ’96 of Newport Beach, California, is a specialist in helping victims of domestic violence, an area of law that she said still has such a low profile that a judge she knew was once asked if he believed that domestic violence existed.

“There’s a conspiracy to not talk about it,” she said. Most law school courses deal only with battered women syndrome as a defense, McKeon said. “There’s nothing about child custody, nothing about legal services to victims of violence. It’s a vast vacuum.”

McKeon’s interest in domestic violence is intensely personal. She started law school in the midst of a 10-year custody battle for her three children that began after she left their Iranian father in 1988, and he won a court ruling in Oregon to take the boys to Iran. Although she praises her ex-husband for the way he raised the boys, now 15, 17, and 22, she said she was abused during their marriage.

At Cardozo, McKeon started a group, Law Students for Children, with colleagues who shared her interest in abuse survivors, as well as adoption and social services for children. During McKeon’s last year, then Professor and Family Court Judge Gertrude Mainzer, a Holocaust
survivor and children's advocate, helped her get her children back. "She made a few phone calls and suddenly people in the US Attorney's Office were returning my phone calls," she said. Two years later, McKeon was reunited with her sons.

Back in Southern California after graduation, her interest in domestic abuse led her to volunteer for the Nicole Brown Simpson Charitable Foundation. She got to know Nicole Brown Simpson's father, Louis Brown, and eventually coauthored a book with him, *Stop Domestic Violence* (St. Martin's Griffin, 1997), that discusses how battered women can escape abusive relationships.

McKeon has a solo practice in a specialty where she is a pioneer. "I feel that the payoff comes if I can change the way domestic violence is treated in our courts. It doesn't mean getting more punitive, locking guys up. If I can make it easier for children to find protection, for people to keep their jobs and pay child support, and if attorneys could gather evidence of abuse and prosecute cases more easily, I would feel so great."

McKeon said she would be glad to mentor Cardozo graduates in Southern California. "I do a lot of appellate work, and I'm always looking for people interested in my wild and crazy appeals," she said.

**ADOPTION: LAW WITH A HAPPY ENDING**

Susan Halpern '84 came to her legal career through a nontraditional route as well. "But it hit the spot when the time came," she said. Halpern, an adoption lawyer in Manhattan, graduated from Smith College in 1961, with a degree in English literature, and later earned a master's in urban affairs. She raised two daughters and did a lot of freelance consulting. Twenty years later, living in Manhattan with one child still at home, she decided to go to law school.

"Cardozo appealed to me because the average student age was a little higher," Halpern said. "It was a very challenging experience after being out of school so long."

After graduating from Cardozo, she worked for the City of New York, in the legal departments of the Department of Housing Preservation and Development, and then the Department of Consumer Affairs. She gravitated toward adoption law after working at the Citizens Committee for Children, an advocacy group.

"I realized I loved children and wanted law with a happy ending," Halpern said. She works primarily with the city foster care system, engaged by foster parents who decide to adopt a child. She does some private adoptions and some international "re-adoptions"—handling the legal requirements for parents in this country after they have adopted the child overseas.

The hours are long but flexible, said Halpern, who went into practice for herself in 1991. Adoption law is fairly straightforward, with the major requirement being a thorough knowledge of the statutes. "If you really want to make a living at it, you have to broaden into private
adoptions and family law generally," Halpern said.

Foster work adoptions involve a lot of paperwork, culminating in a short finalization hearing before a judge. "It's like a wedding," Halpern said. "There are a lot of tears of happiness. It's especially satisfying in that so often the children [involved] are old enough to appreciate it."

ESTATE PLANNING, MEDICAID, AND MAKING A DIFFERENCE

Elder law attorney Mary WanderPolo '86 found her specialty in a roundabout and somewhat harrowing way.

"In my second year in law school, I had a stroke and was hospitalized with older people," she said. "I got exposed to what was going on with them, and when I came back to school a year later, I joined the Bet Tzedek clinic." The Bet Tzedek Legal Services Clinic, staffed by second- and third-year students, helps elderly and disabled clients who cannot afford private counsel.

While a student and three months pregnant, she was hired by Robert Freedman, then a Bet Tzedek codirector, as an intern and ultimately as the first associate of his elder law firm, Freedman and Fish. After WanderPolo moved to New Jersey with her husband and daughter, she formed a partnership in 1995 with another elder law attorney. She has been a solo practitioner, in Montclair, NJ, since last July.

"I loved law school," WanderPolo said. "I would have stayed for the rest of my life if I could support myself as an adjunct law professor. I liked the mental stimulation, the conversations, and discussions. I loved constitutional law class."

Although a few elder attorneys make a "killing," elder law is mostly a "middle-class" practice, said WanderPolo. "You can support a family." She keeps regular hours most days. "If you want to be a mom or a dad, you can go to soccer games or take an hour off to take cupcakes to school."

She said her work often involves social counseling in addition to legal advice. For example, one client has a husband with a variation of Alzheimer's disease that makes him violent. She advised the client to move him to a psychiatric nursing home and give the staff three months to manage his medications. "I saw her again yesterday and she said, 'You were right, he's doing so much better. It's nice to be able to comfort people and give them some hope, let them know they're not alone,'" WanderPolo said. "You can really make a fundamental difference in somebody's life."

She works with families on retirement and estate planning, and spends a lot of time helping clients negotiate the complexities of Medicaid regulations.

WanderPolo, who said she fell into her career despite health problems and giving birth during her last year of law school, advises law students to take every class they can that might be useful later on. "Once you're out, you're going to be so busy building a practice that you won't have time to go back," she said.

Another bit of advice: "Don't expect to make the salaries they publish in the law journal your first year."
CARDozo’S PROGRAM IN FAMILY LAW, POLICY, AND BIOETHICS

Cardozo has just heightened its profile in family law by pulling together current resources and planning additional offerings through the newly created Program in Family Law, Policy and Bioethics. The program, started in fall 2003, is codirected by Professors Edward Stein and Melanie Leslie ’91, who offer broad experience to the program and its mission while also teaching a variety of courses, from the more basic Family Law and Trusts and Estates to the more advanced Child, Parent and State and Sexual Orientation, Gender, and the Law.

Professor Leslie, who graduated magna cum laude from Cardozo, was the executive editor of the Cardozo Law Review and a 1991 recipient of the Jacob Burns Medal for outstanding contribution to a law journal. She is the coauthor of a leading Trusts and Estates casebook and has focused her research on wills and trusts, and the attorney-client privilege. Before joining the Cardozo faculty in 1995, Professor Leslie clerked for Justice Gary S. Stein of the New Jersey Supreme Court and was a litigation associate at the law firm of McCarter & English.

Professor Stein came to Cardozo in 2000, the year he received his J.D. from Yale. He holds a Ph.D. in philosophy from Massachusetts Institute of Technology and taught that subject at Yale, Mount Holyoke College, and New York University. His areas of expertise encompass evidence, family law, and philosophy, and most recently, he has written and lectured about issues relating to sexual orientation, gender, and the law. In 2001–02, he clerked for Judge Dolores Sloviter of the US Court of Appeals for the Third Circuit.

“We want to make family law a more vital part of the Law School and reach out to students interested in that area,” Leslie said. “We also want to inspire faculty scholarship by bringing together academics from other law schools and other disciplines.”

Professors Leslie and Stein are gathering a board of advisers made up of distinguished alumni, including Family Court Judge Jane Pearl ’88, who has been profiled previously in Cardozo Life (Summer 2001), and other practitioners to offer guidance and help formulate new initiatives. In addition to broad course offerings, Cardozo boasts a spectrum of clinics, including the Bet Tzedek Legal Services Clinic, the Family Court Clinic, and the Immigration Law Clinic; the student-run Cardozo Advocates for Battered Women and Women’s Law Journal, and a wealth of panels and symposia.

At the prompting of Dean David Rudenstein, the new program will also work to beef up Cardozo’s bioethics curriculum. Issues surrounding the end of life and reproductive technology are of special interest, Professor Leslie said. Scholarly panels and speakers will be invited to discuss varying aspects of family law and bioethics; recently, a panel at Cardozo explored the Schiavo case, a Florida legal battle over the fate of a severely brain-damaged woman on life support.

Leslie also hopes the program can raise money and develop a way to forgive loans for students who go into the less lucrative areas of family law. “Someone who goes into public interest family law is altruistic to their bones,” she said. “I think there are many students who would love to do this but can’t afford to because they have to have a job that enables them to pay off their loans.”

Leslie said she’d like to inspire alumni to donate to the cause. “I’d like us to figure out a way to support students who want to do something that is related to social change or social justice.”

For information about the program contact Professor Stein at Cardozofamilylaw@yahoo.com
USING SOCIAL WORK EXPERIENCES IN FAMILY COURT

As a support magistrate for Bronx Family Court, Afua Afriye-Fullwood ’84 presides over maintenance, child support, and uncontested paternity cases. She assigns counsel, authorizes discovery, decides motions, awards counsel fees, and conducts violation hearings subject to a Family Court judge’s confirmation.

Afriye-Fullwood, who was a social worker before she turned to law, said, “Being in family court is an extension of social work, except that your role is much more directed.” She spends much of her time prodding clients to focus on support of their children, despite the problems—high housing costs, low wages, multiple families—that they face.

Someone who goes into public interest family law is altruistic to their bones.”

At Cardozo, the Criminal Law Clinic under Barry Scheck “really changed my life,” she said. “I met students that I’m still friends with today. I found a network of positive people who have been very supportive toward each other ever since.”

After graduation, Afriye-Fullwood spent five years doing criminal defense work for the Legal Aid Society. Then she handled child abuse and neglect prosecutions for three years at Family Court before assuming her current job in 1993. The intensity of the magistrate’s job and the large caseloads have led Afriye-Fullwood to consider other options. She ran unsuccessfully for the Democratic nomination for a Bronx Civil Court judgeship last summer.

Nevertheless, her current job “is a wonderful experience,” she said. “Family Court legal practice requires that you not project your own prejudices and judgments onto the clients who are in a crisis. It’s a job that requires creative thinking to confront difficult financial and personal situations. Having been a Bronx Family Court litigant myself, I treat people the way I would want to be treated.”

Afriye-Fullwood, who has lived for nearly 40 years in the Bronx, said it helps to have a “strong spiritual base” for legal work like hers. “You have to love people and have a strong desire to help them.”

“I do believe that man is basically good and that good triumphs over evil. The current economic situation does create a lot of hardship for families, and many of those that come before me don’t have many options,” she said.

A REAL NICHE PRACTICE: IMMIGRATION AND GAY RIGHTS

Lavi Soloway ’92 intended to take up civil rights law after graduation, especially in the area of gay rights. But at a lesbian and gay law conference just after graduation, Soloway, a Canadian, realized that his student visa was expiring and asked if anyone knew an immigration law specialist. He was referred to Noemi Masliah ’79, an outspoken activist on lesbian and gay immigration issues. “I hit it off with Noemi and started working with her,” Soloway said. “She sold me on this practice and I love it.”

Soloway began working with Masliah in 1994 as an associate. They formed Masliah & Soloway, PC, in 2004, specializing in helping gay and lesbian binational couples and refugees seeking asylum based on sexual orientation. They estimate there is only a smattering of lawyers with a similar specialty in New York. Masliah and Soloway belong to the 4,000-member American Immigration Lawyers Association and co-founded the Lesbian and Gay Immigration Rights Task Force in 1993. They also handle nonimmigrant and employment visas, permanent residence, family-based immigration, and citizenship applications. About half of their clients are gay or lesbian, they said. They also represent corporate clients who must contend with immigration issues affecting their workers.

Masliah noted that when she started her immigration law practice, gay and lesbian clients had little recourse. Until 1990, the United States could exclude all homosexuals from immigration. A few years after the ban was struck down, some gay immigrants began winning sanctuary in this country based on persecution abroad. Soloway is a coauthor of “Preparing Sexual Orientation-Based Asylum Claims: A Handbook for Advocates and Asylum-Seekers.”

Still, gay and lesbian US citizens are not allowed to sponsor their foreign partners for immigration into this
country, as straight couples can. To address that inequity, Masliah and Soloway helped draft the Permanent Partners Immigration Act, introduced by Rep. Jerrold Nadler (D-NY) in 2001. It would treat same-sex partners the same as heterosexual spouses for immigration purposes.

Soloway and Masliah are hopeful for the Act’s eventual passage. “The progress is ongoing,” Soloway said. “We keep winning support from more members of Congress.” And although their current caseload keeps them busy, Masliah said, the additional work would certainly be worth it.

She said that misinformation abounds about recent, celebrated court rulings in this country and abroad endorsing gay marriage. “People think it’s great to get married in Canada, but they don’t realize that if you want a divorce you then have to live there for a year,” she said. Soloway said he has encountered clients and even judges who wrongly believe gay marriage is now legal in this country. (Vermont sanctions gay civil unions, and the Supreme Judicial Court of Massachusetts ruled it unconstitutional to deny marriage to gay and lesbian couples.)

Masliah, who was born in Cuba, said she always wanted to practice immigration law, despite a lack of course offerings when she was at Cardozo. “You never tire or become blasé knowing that someone can stay here if they so choose. Why should where your mother gave birth to you determine your fate?”

Soloway said their clients are an “amazing, diverse group of people—they’re really very inspiring. We get to learn from the heroism of asylum applicants who leave everything to come here, and families who come to build a new life for their children,” he said. “We see the way lives are transformed.”

Like their colleagues in other family law specialties, they said their jobs are demanding but allow a flexible schedule. “It’s an excellent practice in which to have your own firm,” Soloway said.

The partners hire interns and summer associates, including Cardozo students. Students today have many opportunities to volunteer for asylum and refugee work, Soloway said, and will have to study and cope with the shifting regulations surrounding the law.

“Because the regulations are so dense, and at times off-putting, it helps to have passion,” Soloway said. “It also helps a lot to have someone you work with that inspires you every day and that you get along with—and I have that.”
Alumni Association Holds Awards in New Moot Court Room

Immediately following the September 24 ribbon cutting that opened the new facilities at 55 Fifth, the Alumni Association celebrated by honoring their own in the new Jacob Burns Moot Court Room. The first annual alumni awards recognized alumni judges, the entire class of 1979, and Rosemary Byrne ’80, who received the Alumni Service Award. In addition, Cardozo graduates saw for the first time the moot court seats funded by individual alumni and marked with plaques identifying the donors. The opportunity to name moot court room seats has proved very popular among members of every class. For information, contact the Office of Alumni Affairs, (212) 790-0293.

Hon. Sandra J. Feuerstein ’79, US District Court, Eastern District of New York, whose nomination to the federal bench was confirmed the week before the event, spoke on behalf of the judges and the class of 1979. She paid tribute to her Cardozo roots and the role the Law School has played in her career.

The presentation of the Alumni Service Award, a surprise to Rosemary, highlighted the evening. Each year, an alumnus/alumna will receive this award in recognition of outstanding commitment to Cardozo. Rosemary has been an involved alumna since her graduation, contributing in numerous ways to the Law School and its alumni program, helping to raise funds and working to improve alumni relations. Rosemary is executive vice president and general counsel, Corporate Credit, Inc. in Harrison, NY. Upon graduation, Rosemary clerked for Hon. Lawrence W. Pierce, retired, US Court of Appeals, 2nd Circuit, who has been an important influence on her professional life. His attendance at the ceremony was both a tribute and another surprise for this special alumna.

Last spring, 21 more alumni were admitted to the US Supreme Court. Professors Richard Weisberg and Michael Herz made the motions for the groups. Afterwards the group attended oral arguments in the historic University of Michigan affirmative action admissions cases, obtaining coveted seats in the courtroom.
Jeff Marx '96 Enjoys the Life of a Broadway Writer

When Jeff Marx '96 started law school with the dream that he would someday be involved in the production of a Broadway show, he didn’t imagine he’d be turning down offers from television, movie, and theater producers less than 10 years later. But now with the Broadway hit Avenue Q, which he cowrote with Bobby Lopez, that is how Jeff Marx spends much of his time. It’s not the typical day for a lawyer.

Like many others, Jeff came to Cardozo to pursue a career in the entertainment industry. After completing his undergraduate degree at the University of Michigan, where he was active in the performing arts program, Jeff chose to become an entertainment lawyer to continue his involvement in the industry. Jeff accepted a scholarship

Alumnae Start Networking Group

Nearly 50 alumnae, some of whom had not been in touch with one another or Cardozo for a number of years, attended the inaugural meeting of a new Cardozo group for female graduates only. It was founded by Bonnie Steingart ’79, partner, Fried, Frank, Harris, Shriver & Jacobson. The breakfast meeting was held at her offices and was also hosted by Kathy Olson Greenberg ’82, founder, New York Legal Assistance Group; Stephanie Mudick ’81, chief administrative officer, executive vice president, The Global Consumer Group at Citigroup; Rachel Warren ’92, partner, Davidoff & Malito; and Randi Weingarten ’83, president, United Federation of Teachers.

According to Steingart, the group’s purpose is twofold: “Our alumnae need to play a significant role in Cardozo’s rise as a leader in the national legal community, and should create a community where they can promote and support one another.”

Dean Rudenstein gave an encouraging overview of the Law School’s recent achievements. Steingart suggested an agenda that includes the creation of a steering committee to explore a direction and mission for the group and the organization of both an annual networking event and a symposium focusing on issues of interest to women.

The enthusiasm generated at the event was palpable; alumnae were excited about what they termed “the valuable potential” of the group, and many immediately signed on to explore ideas for the future. As Steingart viewed the crowded conference room, filled with Cardozo alumnae from the classes of 1979 to 1999, she noted the breadth of talent in the room.

“Each of us,” she said, “has worked hard and deliberately to construct a productive professional life using the best of our Cardozo education, and together, we now have the opportunity and the power to enrich our own and Cardozo’s future.”

For more information about the Cardozo Women’s Alumnae group and to become involved, please e-mail Bonnie Steingart at steinbo@ffhsj.com.

(From left) Rachel Warren ’92, Bonnie Steingart ’79, Stephanie Mudick ’81, Randi Weingarten ’83, and Kathy Greenberg ’82
from Cardozo knowing the School's reputation for having a strong entertainment law program. His goal was to be involved in the theater, represent artists and producers, and nurture Broadway shows from conception to the stage.

During law school, which Jeff loved, he interned for Broadway producers and worked in various jobs in the industry. It wasn't until his experience with the Cardozo Law Revue, an annual musical spoof produced, written, and performed by law students, that he discovered his talent for writing. Lacking volunteers to write the show, Jeff embarked on the task himself. He later used the material to audition for the BMI workshop, which is where he would meet his collaborator, Bobby Lopez, and create Avenue Q.

In addition to collecting royalties for writers, BMI provides a free workshop for young musical theater writers to encourage them to hone their craft. The workshop is taught by Tony Award-winning writers and has to its credit shows like Best Little Whorehouse in Texas, Little Shop of Horrors, Ragtime, and A Chorus Line. At BMI, Jeff and Bobby, both composers and lyricists, teamed up and wrote a 10-minute musical, which was well received by their BMI class. Encouraged by the positive response, they set out to collaborate on something that people like them would enjoy. The result was Kermit, Prince of Denmark, based on Hamlet, and it won the $100,000 Ed Kleban Award.

When the Jim Henson Company declined to produce the piece, Jeff and Bobby decided to create entirely new characters. They worked with puppeteer Rick Lyon, who made the show and the characters come to life. Jeff and Bobby organized an off-Broadway reading hoping it would garner some interest for a television show. Instead, the producers of Rent approached the team and suggested a live musical. After running for two and a half months and garnering rave reviews off-Broadway, Avenue Q made the move to Broadway, where it is playing at the Golden Theatre. Coincidentally, Jeff's first New York apartment overlooked the Golden, and he remembers looking down on it from his window, dreaming about working in the theater.

Jeff appreciates being a lawyer, and attributes a large part of the show's success to what he learned at Cardozo: diligence, meticulousness, attention to detail, and, of course, copyright and fair use doctrines. Being a lawyer has given him the confidence to go forward without fear of boundaries.

For more information on Avenue Q, visit www.avenueq.com.

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For more information on Avenue Q, visit www.avenueq.com.

Through Cardozo on the Road, the dean, members of the faculty, and administrators visit with alumni outside of New York City. Recent trips have provided alumni in south Florida, Boston, northern New Jersey, and Washington, DC with the opportunity to network with fellow alumni and catch up on the latest events and accomplishments taking place at their alma mater.

This fall, a second annual trip to California brought Cardozo to Los Angeles and San Francisco, where the dean and others visited with alumni, prospective students, and employers. Events in Atlanta, Miami, and central New Jersey will take place in 2004, and more are planned. If you are interested in hosting an event for alumni in your city or area, contact Alumni Affairs.
Chief Judge Judith Kaye Delivers Commencement Address

The class of 2003 celebrated Cardozo's 25th commencement in Avery Fisher Hall of Lincoln Center for the Performing Arts. A happy mood prevailed as 304 men and women received J.D. degrees and 50 received LL.M. degrees. The day also marked the final day of Dr. Norman Lamm's service as president of Yeshiva University.

The Honorable Judith S. Kaye gave a keynote address that was warm and uplifting as she told personal anecdotes and occasionally bantered with Dr. Lamm, who is her neighbor. Coincidentally, Judge Kaye was honored earlier in the semester when the students of Cardozo Women's Law Journal gave her the Most Influential Woman in the Law Award. The day was also an occasion to honor Sandra Feuerstein, US District Judge for the Eastern District of New York, who graduated with Cardozo's first class in 1979. She was the inaugural recipient of the Distinguished Alumni Award. More than a dozen Cardozo graduates who are judges in metropolitan New York joined the commencement processional to honor their colleague and fellow alumna.

In speaking about Judges Kaye and Feuerstein, Dean Rudenstine said, “Cardozo is proud to focus attention on these highly regarded women of the judiciary who both possess remarkable records of public service, making them exemplary models for new lawyers. I also am delighted that so many Cardozo alumni sitting on the bench are able to be with us and inspire today's graduates to reach high.” Judge Kaye, who was appointed New York Chief Judge in 1993 by Governor Mario M. Cuomo, is the first woman to occupy that post. Sandra Feuerstein was nominated to the federal bench by President George W. Bush and is the first Cardozo graduate to become a federal judge.

Visiting Professor Aviva Orenstein was honored with the Monrad G. Paulsen Award for devoted service to the vitality of the ideals and purposes of legal education.

Each year the graduates select their favorite professors and administrators. Jaye Seidlin (above), SBA president, who also won the John D. Appel Award for exemplary service to the student body, presented this year's winners: best adjunct professor—Burt Lipshie; best first-year professor—William Schwartz; and best professor—Marci Hamilton. The best administrator award was given to both Manager of Special Events Amy Gaudet (above) and Dean David Rudenstine. The award for outstanding assistance to students also went to Amy Gaudet.

Certificates in Dispute Resolution awarded together with the J.D. degree were given for the first time to six graduates. (From left) Chad Tepper, Dalela Harrison, Lori Mascio, Prof. Lela Love, and Harpreet Mann. Not shown: Jennifer Haddad, and Yordanos Teferi.

Dean Rudenstine, Judge Kaye, and President Lamm with Cardozo alumni in the judiciary.
PARTY AND ORDER OF THE COIF CEREMONY PRECEDE COMMENCEMENT

In a ceremony at Cardozo the evening before graduation, the Order of the Coif, a legal honor given to those who finish in the top 10 percent of the class, was bestowed on 30 J.D. students. An honorary Order of the Coif Award was given to Malla Pollack '91. This was the first event to take place in the redesigned Jacob Burns Moot Court Room. An elegant reception for all graduates and their families followed in the newly renovated lobby.

Graduates enjoyed an upbeat student speech by Joshua Sussberg, and Sean Armstrong did a beautiful rendition of the national anthem for his class. Many awards were given out for excellence in academics and contributions to journals, the community, and various fields of law. Among the winners were Ezekiel Arlin, who received the Louis D. Brandeis Award for best academic record over three years. LL.M. graduate Noam Schechner received the Louis Henkin Award, also for superior scholarship. Lois Kinney received the Felix Frankfurter Award for outstanding academic maturity, responsibility, diligence, and judgment; the Samuel Belkin Award for scholastic achievement coupled with exceptional contributions to the Law School was given to Joshua D. Glick. Lauren K. Johnson won the Honorable Archie A. Gorfinkel Award; Joanna Garelick won the Steven Eric Tanenbaum Leadership Award; Rachel Bendit received the Jonathan A. Weiss Award for Public Interest Law; and Elizabeth B. Bullard received the Stanley H. Beckerman Public Interest Award.
Vue nightclub in midtown New York provided a unique backdrop for the June 2003 reunions celebrated by the classes of 1983, 1988, 1993, and 1998. Two hundred graduates enjoyed food and drink beneath a domed ceiling illuminated by a digital projection of the city skyline. Dean Rudenstine and many faculty members and administrators also attended. A number of volunteers from each reunion class were instrumental in the success of the event.

Reunions for the classes of 1984, 1989, 1994, and 1999 will be held on Thursday, June 3, 2004 in the Cardozo lobby. The Class of 1979, celebrating their 25th reunion, is planning a separate event on May 6. Get involved now. Call 212-790-0293 or e-mail: birch@yu.edu.
When Sandra Feuerstein was sworn in as a federal district court judge, her mother, Annette S. Elstein, a US immigration judge, administered the Oath of Office.

Class of 1979

Hon. Sandra Feuerstein was confirmed in September as US District Court Judge, Eastern District of New York, and sworn in on December 2. She is Cardozo's first alumna to sit on the federal bench.

She also was honored in June by New York State Senator Charles Fuschillo, Jr., as a 2003 “Woman of Distinction.” Wayne Halper, general manager and head of label operations for DreamWorks Records, Nashville, was recently elected secretary/treasurer for The National Academy of Recording Arts and Sciences, the trade organization that produces Grammy in the Schools and the Grammy Awards. He was also honored as Nashville’s Father of the Year by the Father’s Day Council. Mark Yagerman was elected to the American Board of Trial Advocates.

Class of 1980

Joanne Gabrynowicz, a University of Mississippi law professor, participated in The Future of Space: The Next Strategic Frontier, a project of the Eisenhower Institute in Washington, DC. The project goals are to find a clear definition of the legal status of space, to facilitate a legal consensus on the acceptable extent of military operations there, and to draft a legal framework to manage its future use. Robert Graubard was named executive vice president and branch manager of the New York office of Julian J. Studley, Inc., responsible for business development and operations. William Herbert published an article, “Balancing Test and Other Factors Assess Ability of Public Employees To Exercise Free Speech Rights,” in the September issue of Journal.

Class of 1982

Jonathan Drapkin, executive director of the Gerry Foundation, where he coordinates development of the performing arts center at the site of the original Woodstock Festival in Bethel, NY, was appointed to the Board of

One of the Law School's most popular events is the annual parent's brunch. Last spring, the event was sold out, with nearly 250 parents and students attending. After remarks from Joanna Garellick '03 and Dean Rudenstine, parents attended one of three mock classes led by Professors Goodrich, Hughes, and Leslie. The day ended with tours of the new facilities.

Jerry Sykes and his son, Steven Sykes '04, and Dean Rudenstine
Cardozo was well represented at the annual dinner of the New York Women Judges Association in June. Sandra J. Feuerstein '79 (center), president of the New York Chapter, welcomed (left) Ava Alterman '81 and Arlene Hahn '82. Esther Morgenstern '84 also attended.

A year ago, the Alumni Association launched a breakfast series featuring New York’s civic leaders discussing public affairs. This fall, Alan Hevesi, New York State Comptroller, gave a talk, “In the Wake of Worldcom, et al.: Advocating for Corporate Reform.” Hevesi was elected State Comptroller in 2002 and is the sole trustee of the $105 billion state pension fund, the second largest public pension fund in the nation. He also is responsible for auditing spending practices of all state agencies, public authorities, and municipalities.

Directors of Mid-Hudson Pattern for Progress, a regional planning and policy group.
Kathryn O. Greenberg and husband Alan C. (Ace) Greenberg were honorary chairs of Aging in America’s annual gala in September.
Labe Richman’s continuing legal education course at Cardozo, “Trial Communication Techniques: The Application of Drama, Psychology and Advertising to the Trial of a Case,” won an award from the New York County Lawyers Association for extraordinary innovation in continuing legal education.

Class of 1983
Gary Becker became special counsel in the creditors’ rights and bankruptcy practice at Kramer Levin Naftalis & Frankel. Terri Krivosha was elected chair of the governance committee of her firm, Maslon Edelman Borman & Brand. She was profiled in American Jewish World in July and was the subject of the “Today’s Spotlight” feature in the Minneapolis Star Tribune in June. Gary Mazart was named one of the New Jersey Monthly’s top New Jersey lawyers. He is a partner in the law firm of Schenck, Price, Smith and King, trust and estate department, and co-chair of the firm’s elder and disability law practice group.
Martin Petroff was a guest on Health Talk, the radio call-in program on WMCA Radio, in December and January.
Brian Sahn was profiled in Long Island Business News in July after completing the $11 million sale of Northrop Grumman’s Building No. 1. He has orchestrated the sale of 37 former Northrop
Cardozo Launches New Web Site

At the beginning of the fall semester, Cardozo launched a redesigned Web site: www.cardozo.yu.edu. The new look and organization presents current information for students, faculty, and alumni, and has a calendar of public events. One section, devoted to alumni, includes volunteer opportunities, career services information and CLE classes, reunion photographs, and a link to the Online Community, with access to an alumni directory. Current and past issues of Cardozo Life are available as well.

Cardozo's Office of Public Affairs worked with an outside consultant to create a site that would match in tone and style Cardozo's award-winning publications. Each department at the Law School submitted information addressing specific audiences. Sections have been added for admitted students, donors, the news media, and the general public, while expanding those for current and prospective students and alumni. According to Susan Davis, director of communications and public affairs, "Our goal was to offer our many constituencies a site that is easy to navigate and attractive, with information that is timely. Based on early responses and comments, I believe we have more than succeeded."

Prospective students can now access a wealth of information, including how to apply, tuition and financial aid, housing, and career services. Current students can register for courses online, read faculty bios, and easily use Cardozo's library services, which have links to research guides, databases, and other Internet links.

Grumman properties. **Randi Weingarten** was appointed to the NY State Commission on Education Reform, a bipartisan group of education, business, and community leaders that will work to reform the state's education finance system.

**Class of 1984**

**Judith Charny,** chair of Maslon, Edelman, Borman and Brand, the only female-led firm in the Minneapolis-St. Paul area, was profiled in the May 29 edition of the Cherry Hill, NJ Courier-Post.

**James Kosakow** coauthored the two-volume text *Handling Federal Estate and Gift Taxes,* 6th Ed. (West Group), and is assistant editor of *Insights and Strategies,* a monthly financial and estate planning newsletter for professionals. Acting Supreme Court Justice **Esther Morgenstern** of the Family Court in Brooklyn was designated by the New York State Office of Court Administration to preside over the Model Integrated Domestic Violence Court. The new court, dedicated in the fall of 2003, will adjudicate matrimonial, criminal, and family court matters in one unified court.

**Hal Perkins** has left Telcom Ventures of Tysons Corner, VA to join Steel, Hector & Davis in Miami, FL.

**Class of 1986**

**Cindy Cardinal** was elected to the Manhasset School District Board of Education.

**Allan Rothschild** has joined GFI Management Services, Inc. as chief operating officer. He was also named general counsel for GFI's parent company, GFI Capital Resources Group.

**Class of 1987**

Rabbi **Lev Baesh** (formerly Wesley Odell) affirmed his partnership with C. Andrew Martin in August. **Natasha Lapiner-Giresi** appeared on MSNBC Live in September as an analyst and criminal defense attorney regarding the Laci Peterson case. **Bruce Hurwitz** became of counsel to the Sacramento, CA law firm of McDonough, Holland & Allen, focusing on securities law and corporate finance matters.

**Howard Lazarus** published the article "Ruth: A Hero for American Jewry" in *American Jewish World* in June. **Nancy Silver Reiff** joined the law firm of Isaacson, Rosenbaum, Woods & Levy in Denver, CO. As special counsel, she focuses on real estate, construction, and commercial and corporate litigation matters. **David Zarfes**, in-house counsel at the Paris-based Cap Gemini Ernst & Young, the third-largest management and technology consulting firm in the world, was profiled in the *New York Law Journal* in March.

**Class of 1988**

**Mark Osherow** published an article, "Florida Medical Malpractice and the Statute of Limitations," in the *Florida*
Bar Journal (July). Hon. Jane Pearl has been appointed Family Court Supervising Judge for Kings County and Richmond County. Robert Seiden, president of Fortress Global Investigations Corp., was profiled in Long Island Business News in June. Robert Siegel, chief executive of Metropole Realty Advisors, was profiled in New York Real Estate Journal in September.

Class of 1989
Robin Levinson was named president of the Queens Women's Bar Association. She was also profiled in the Queens Courier in July. Elisa Lowy, senior associate in the corporate, securities, and finance group at Pillsbury Winthrop LLP, coauthored “Another Growing Trend in Corporate Governance Best Practices: Separation of the Positions of Chairman and Chief Executive Officer,” published in Corporate Counsel in June.

Class of 1990
Adam Ennis was appointed to the Overseas Distribution Commission of the United Jewish Federation of Greater Pittsburgh. Morris Misry, chairman of the real estate practice group at Wachtel & Masyr, LLP, has been appointed to the Brooklyn Public Library Board of Trustees.

Class of 1991
Susan Jacquemot became special counsel at Kramer Levin Naftalis & Frankel LLP. She concentrates primarily on commercial litigation, employment law, and product liability. Stephen Parnes was appointed director of development for Advance Residential Communities. He is responsible for acquisitions, site selection, and management of development activities. Fern Reichman lectured in July at the Great Neck Library on “Elder Law and You.” Stacey Richman was profiled in the New York Law Journal in July. The article featured her success as a solo criminal defense lawyer. Douglas Wolf was named to the 2003 Boston Business Journal’s 40 under 40 list, an award program recognizing 40 of Boston’s brightest business and civic personalities. He is a shareholder and cochair of trademark & copyright group, with Wolf, Greenfield & Sacks, PC, an intellectual property law firm in Boston.

Class of 1992
Alice Shooman Lebowitz and her husband, Mark, announce the birth of their son, Alexander Judah (Avraham Yehudah), in March. He joins his sister, Danielle, five and a half years old. William Rogers was recently appointed counsel at the firm of Scarinci & Hollenbeck in their transactional group. He concentrates in the areas of real estate and tax appeal litigation, condemnation, and municipal government.

Class of 1993
Stephanie Gayden and her husband, Marc Miller, announce the birth of their son, Joshua Nicholas, in June. Andrew Grossman, vice president and counsel for GGMC Parking, was profiled in the New York Real Estate Journal for Owners, Developers and Managers in April. Gary Lutzker has become a member of the firm Dow Lohnes & Albertson, PLLC, in the Washington, DC office. Joseph McAdams, NYPD sergeant, wrote a personal essay about 9/11 that will be included in the book True Blue: Police Stories by Those Who Have Lived Them (St. Martin’s Press, February 2004). All proceeds will benefit victims’ families.

Class of 1994
Wendy Kalnick was married in September to Matthew Hirshfield. Michael Pantazakos earned his MA in English and comparative literature from Columbia University last spring. Diane Pink Rein and her husband, David, announce the birth of their daughter, Sophia Lily Pearl, in March. She joins brothers Alexander, 5, and Oliver, 2.

Class of 1995
Charles Guarino is an associate with Morgan & Finnegan, LLP, handling intellectual property, licensing, and internet matters. He and his wife, Patricia, have two sons, Michael Edward and Andrew Charles. Mia Higgins was married to Robert Busser in August. Mario Joseph is a partner in the law firm of Joseph & Smargiassi, LLC, which was reported by the New York Law Journal to be one of the eight largest minority-owned law firms in New York State.

Class of 1996
Eric Feuerstein was made partner at the firm of Fried, Frank, Harris, Shriver & Jacobson. Thalia Saposhnik Kary and her husband, Itay, announce the birth of their daughter, Olivia Leigh, in August. She joins their two and a half-year-old son, Daniel Jonah. Jeff Marx coauthored the Broadway musical hit Avenue Q and has been profiled in various publications including The New York Times (see article, p. 38). Judah Prero and his wife, Esther, announce the birth of a daughter, Naomi, in August. Don Savatta, former senior assistant district attorney in Kings County, opened the Law Offices of Don Savatta, specializing in criminal defense litigation in federal and state courts. Evan Seidman has joined the Stamford, CT office of the firm Edwards & Angell in the private equity and corporate practice group.

Class of 1997
Brian D. Bauman and his wife, Shari, announce the birth of their daughter, Madelyn Rose, in February. Ariane Dimitris received a Commitment to Justice Award in December from inMotion for providing pro bono legal services to poor and indigent women in New York City. Rebecca (Heller) Hennings has joined the legal department of Verizon Wireless. Douglas Lodmell recently cofounded a charity, World Children’s Relief, and is in the process of creating a network of unique primary education schools in some of the world’s poorest countries. He is managing attorney for the Phoenix-based law firm Lodmell & Lodmell, PC.
Class of 2002

Jacqueline Arcella has joined the firm of Jaspal Schlesinger Hoffman on Long Island. Jessica Hutchins was elected to the Longmeadow School Committee in Longmeadow, MA. David Schechter has joined the firm of Greenbaum, Rowe, Smith, Ravin, Davis & Himmel in Woodbridge, NJ.

Class of 2003

Jaime Prince joined the firm of Blank Rome in their New York office. She is a member of the General Financial Services Practice Group. Antoinette Schindel joined Meyer, Suozzi, English & Klein in Mineola, NY. She is an attorney in the firm's labor department. Robert Shmalo, a nationally ranked ice dancer, appeared in the August 2003 issue of Skating Magazine.

IN MEMORIAM

Jeffrey Lang '85 died in May. Amy Seidman '80 died at her home in East Dover, VT, in June. She had a long career as a public defender in five states, serving as a trial attorney for the New York Legal Aid Society and as an assistant federal public defender in Dallas, Washington, DC, and Concord, MA. She worked most recently in White River Junction, VT.

LL.M. NEWS & NOTES

Class of 2000

Ruth Metcalfe-Hay (UK) is contracts manager of Computer Sciences Corporation and has relocated to the company's offices in Phoenix, AZ.
LL.M. PROGRAM CELEBRATES FIFTH YEAR  Cardozo's graduate law program celebrated its fifth anniversary in the fall. The program has graduated about 170 men and women from more than 40 countries, awarding them LL.M. degrees.

Benjamin Brafman, a criminal defense attorney who is on Michael Jackson's defense team and has represented Sean "P. Diddy" Combs and nightclub owner Peter Gatien, among others, delivered the keynote address. He spoke on issues affecting our criminal justice system, among them disparities between the state and federal systems, sentencing guidelines, and plea-bargaining. His remarks will be published in a future issue of Cardozo Public Law, Policy, and Ethics Journal.

Students and alumni from 29 countries attended a gala dinner held in the new Cardozo lobby. Pavitra Shah-Trivedi '03 provided the evening's entertainment, dancing in traditional Indian dress.

Class of 2001

Stacey C. Chesser (US) is associate general counsel of Foreign Resources Corporations. Anna Jakobsson (Sweden) is associated with Donovan & Yee in NYC, where her work focuses on intellectual property matters. Yoko Yamamoto (Japan) is working at Smith, Mazure, Director Wilkins Young & Yagerman, PC in NYC, where she mainly does insurance defense litigation.

Brian Bechick (US) announces the birth of his second daughter, Tehilla Sara. Brian and his family are living in Jerusalem, where Brian is associated with Ephraim Abramson & Co., doing international commercial and high-tech work. Zohar Efroni (Israel) and Sarah Flaccus (Germany) are the proud parents of Lian, born in Berlin on September 2, 2003. Lisandro Frene (Argentina) is a partner in Richards, Cardinal, Tutzer, Zabala & Zaeffler in Buenos Aires, where he does intellectual property and international commercial work. Mary Lynne Froy (US) is working in the Juvenile Rights Division of the Legal Aid Society of New York. Junko Ishibashi (Japan) completed her entertainment marketing certificate at NYU. She has returned to Japan, where she is working on the legal team in the patent department of an intellectual property company. She also works for i-stream (Island Stream) network. Ekaterini Mavriki (Greece) and her husband, Nikos, announce the birth of their first child, Anthony, on May 14, 2003. Bianca Mileck (Brazil) is working at Fischer & Mandell LLP in NYC, a firm specializing in mediation and arbitration in the United States and Latin America. David H. McDonald is associated with Ptney, Hardin in NYC, in the firm's intellectual property and technology practice group. Tova Rosenberg (US) is an associate litigation counsel in the legal defense of Ecomenergy Energy Company in Spring Valley, NY. Luiz Filipe Aranha P. S. Santos (Brazil) is with Mattos Filho, Veiga Filho, Marrey Jr. & Quiroga Advogados in Sao Paulo, Brazil. Philippe Zylberg (Israel) is an associate at Stoll, Miskin, Hoffman & Badie in NYC, where he works on copyright and trademark matters.

Class of 2002

Bianca Mileck & Badie in NYC, where she is the senior partner in the firm's intellectual property and international commercial work. Mary Lynne Froy (US) is working in the Juvenile Rights Division of the Legal Aid Society of New York. Junko Ishibashi (Japan) completed her entertainment marketing certificate at NYU. She has returned to Japan, where she is working on the legal team in the patent department of an intellectual property company. She also works for i-stream (Island Stream) network. Ekaterini Mavriki (Greece) and her husband, Nikos, announce the birth of their first child, Anthony, on May 14, 2003. Bianca Mileck (Brazil) is working at Fischer & Mandell LLP in NYC, a firm specializing in mediation and arbitration in the United States and Latin America. David H. McDonald is associated with Pitney, Hardin in NYC, in the firm's international and technology practice group. Tova Rosenberg (US) is an associate litigation counsel in the legal department of Ecomenergy Energy Company in Spring Valley, NY. Luiz Filipe Aranha P. S. Santos (Brazil) is with Mattos Filho, Veiga Filho, Marrey Jr. & Quiroga Advogados in Sao Paulo, Brazil. Philippe Zylberg (Israel) is an associate at Stoll, Miskin, Hoffman & Badie in NYC, where he works on copyright and trademark matters.

Class of 2003

Jose Maria Arrufat Gracia (Spain) married Dr. Mary B. Morgan in Warren, PA, on May 17, 2003. The couple is living in NYC. Alumni attending the wedding, all from the LL.M. class of 2003, include Shay Markus, Maria Ipanema Ribe, Rotem Rosen, Marta Talez, and Julio Vera. Michele Babkine (Canada) is an associate at Davis Polk & Wardwell, where she is part of the Global Credit Risk Management Group. Cecilia Baunsoe (Switzerland) gave birth to a daughter, Alana Rose, on August 6, 2003. Simon Berry (US) is a vice president at Bear, Sterne & Co. in the firm's legal department, working primarily on issues involving the separation of research and banking information. Sonja J. M. Cooper's (US) paper "Lawyer Advertising Papers" was published in volume 14 of Law & Literature. Lisa Fox (US) was married to Ben Marshall in July 2003. The couple is living outside of Boston. Lisa is working for Action Environmental Inc., a small environmental company, doing trademark and contract work. Chrystal Garipuy (France) is working for the architect/designer Gaetano Pesce, doing contracts and on special assignments, including the sale of artwork. Rotem Rosen (Israel) is in the legal department of Bank Leumi USA in NYC. Kelly Slavitt (US) is associated with Thelen Reid Priest, LLP in NYC. Jane Strachan (US) will have a condensed version of her LL.M. thesis published in the European Intellectual Property Review.
The Cardozo Annual Fund provides the dean with current-use dollars necessary to support vital services such as scholarship assistance, faculty recruitment and research, library resources, technology, symposia and lectures, and building improvements. Without funds for these constantly expanding and changing needs, Cardozo would not be able to continue its growth and advancement. This year's list of alumni who contributed to the annual fund marks the greatest number of individual gifts ever made. Those alumni who contributed to other areas of the Law School through gifts or payments on capital campaign pledges and who were acknowledged in prior issues of Cardozo Life are listed under Special Gifts. In total, 631 alumni made gifts to Cardozo, representing 8.8% of alumni.

Support for the Annual Fund provides the Law School with the margin of excellence that characterizes Cardozo and its continued development as an outstanding law school. Every effort has been made to ensure the accuracy of this list. If your name has been misspelled or omitted, please accept our apologies and contact us so that our records may be corrected. We deeply appreciate your support.

**CLASS OF 1979**
Carol M. Adams Associate
Frederick David Barstein Associate
Soraya Z. Berg Friend
Etzioni Brand Friend
Howard F. Dubs Associate
Clifford S. Draper Friend
Joe Ehrlichstein Associate
Susan Feldman-Gordon-Holm Friend
Hon. Sandra Feuerstein Founder
David Gershwin Associate
Eli Halpern Friend
Rochelle Feder Hansen Friend
Ronald S. Heymann Friend
Henriette D. Hoffman Friend
Sarah J. Jelin Friend
Renee Kass Friend
Barbara Detkin Kikoler Associate
Jay Kimmel Friend
Tamar K. Klein Associate
Paul Steven Labiner Associate
Gary Mark Levine Associate
Kenneth Matthews Friend
Stephen B. Meister Friend
Gerald S. Migdol Fellow
Marian B. Morris Associate
Holly Page Friend
Susan Rand Friend
Jules S. Reich Friend
Jean Rigg Friend
Mark D. Rolnik Friend
Kenneth A. Rosen Friend
Joseph Rosenberg Friend
Harriet R. Rothfield Friend
Gary P. Shaffer Associate
Stephanie Thea Shatkin Associate
Edward Daniel Siegel Associate
Steven Smedresman Friend
Esti Stahler Associate
Harris L. Sufian Fellow
Miriam Szapiro Associate
Muriel Allex Tebid Friend
Janis Goldberg Warren Patron
Ellen S. Weisbord Friend

**CLASS OF 1980**
Susan Frances Bernstein Associate
Sharon Blau Friend
Aaron I. Blinder Friend
Nancy L. Bloomgarden Associate
Elana R. Butler Fellow
Rosemary C. Byrne Founder
Dennis S. Cappello Friend
Ellen R. Cerrick Fellow
Robbin A. Flickner Associate
Arthar F. Freierman Friend
Gary J. Galperin Friend
Patricia Giles Naun Associate
Abby Gilmore Friend
Robert Fred Giusti Fellow
Wendi Gail Glassman Associate
Teresa M. Grant Stoeth Friend
Ruth M. Gursky Friend
Isadore Bussel Huss Friend
Patricia Hudson Friend
Aaron Jacoby Associate
Ellen D. Joseph Friend
Frances S. Kaminer-Pyle Friend
Neil David Karpik Friend
Isaac Lymkis Associate
Robert P. Mulvey Friend
William Seth Nul Friend
Barbara S. Odwak Friend
Steven P. Poliy Friend
Philip M. Roberts Associate
Beverly Block Rosenbaum Friend
Lynda Sheri Smith Friend
Lisa Carol Spring Associate
Barbara E. Waitman Associate
Paul H. Weinstein Friend
Carol Ann Werblin Friend

**CLASS OF 1981**
Audrey Sandier Bernhardt Friend
Ariana S. Cohen Friend
June Diamant Friend
Monte Dube Friend
Sanford R. Dumain Patron
Edward B. Ehrlich Associate
Michael Feldman Friend
Kim Alym Frohlinger Associate
Karen Gantz Zahler Friend
Ike R. Gavzy Friend
Steven Seth Gankin Friend
Louis Philip Gilbert Friend
Linda Molinsky Gold Friend
Michael Philip Goldsmith Friend
Robert Charles Graubard Friend
David C. Green Friend
Phyllis Greenblum Friend
Susan Grossman Associate
Harriet Harkavy Friend
Mitchell Ian Herst Friend
Adrienne Lisa Iaacoff Friend
Isabelle Amy Kirshner Friend
James David Kornreich Friend
Ann L. Kravitz Friend
Ellen Alice Middleton Associate
Stephanie Beth Mudick Leader
Daniel A. Reingold Friend
Francine H. Shebell Friend
Harris H. Wilder Fellow
Judith Wildman Friend
Mary Zinner-Millman Friend

**CLASS OF 1982**
Keith H. Archer Friend
Peter E. Aronson Friend
Edward Gary Baer Friend
Janis H. Beaver Friend
Bruce L. Birnbaum Fellow
Christopher Bishop Associate
Shoshana T. Biskin Bookson Associate
Michael David Braff Friend
Stephen Marc Breitstone Friend
Felicia P. Buebel Associate
Robert William Cleveland Friend
Mark S. Edelstein Fellow
Audrey S. Einhorn Friend
David C. Feinberg Associate
Maxine L. Gerson Fellow
Amy G. Gewirtz McGahan Associate
Jodi Lynn Goldman Friend
Dena Ann Gorbaty Friend
Jonathan Goldbl Friend
Alexander Herman Associate
Meredith J. Kornreich Friend
Meyer Last Patron
Deborah Mamber Friend
Peter M. Nadler Associate
Ellen Radin Associate
Labe M. Richman Friend
Mark Samuel Ross Associate
Eric Morris Schmidt Friend
Frederic Jonathan Siegel Fellow
Bruce Steinberg Friend
Gary Philip Steinberg Associate
Marsha Weinstein Friend
Susan Whitehead Friend
Jeffrey P. Wiegand Fellow

**CLASS OF 1983**
Eric L. Cohen Associate
Amy Legow Cohn Friend
Valerie J. Crown Friend
John L. Daidman Friend
Greg S. Feldman Founder
Joel M. Flax Friend
Aldo F. Font Friend
William Paul Grant Fellow
Joelle L. Halperin Friend
Robert Peter Heidenberg Friend
Helen T. Irwin Associate
Arthur Glenn Jakoby Associate
Stephanie Kaufman Fellow
Nancy J. Kramer Friend
Arthur A. Krim Friend
Amy Natterson Kroll Associate
Elizabeth Krichson Associate
Sarabed A. Kufel Friend
Lillian Joan Laserson Friend
Howard David Leib Friend
Caroline A. Levine Friend
Harold Levine Patron
Jordon J. Metzger Associate
Esther E. Mildner Associate
Shirley A. Mueller Friend
Susan E. Neuberg Friend
Elizabeth Naomi Radov Associate
Muriel Joyce Reynard Friend
Bennett A. Robbins Friend
Minna E. Schneider Friend
Frances Paula Schreiber Friend
David F. Silver Associate
Melvin A. Simon Fellow
Neil Geoffrey Spurr Friend
Fred C. Springer Friend
Mindy G. Suchinsky Associate
Hillevi Tendler Associate
Sholom Joseph Tewsky Friend
Richard J. Wirth Friend
Jay H. Ziffer Fellow

**CLASS OF 1984**
Sandy Ashendorf Friend
John H. Bauman Friend
Donald J. Berk Friend
Michael B. Berman Associate
Marion K. Borko Friend
Helen Drook Associate
Robin C. Gelbard Fellow
Shehdon M. Goldman Friend
Robert Jay Greenberg Associate
Nancy R. Heller Friend
James D. Horwitz Friend
Oscar Abraham Jaeger Friend
Louis P. Karol Fellow
David S. Katz Friend
Sharon D. Katz-Pearman Fellow
Jeffrey L. Kinzler Associate
David Kravitz Associate
Lisa B. Landsman Friend
Mark Lieberman Fellow
Andrew Russell Meyers Friend
Marcie Orley Friend
Penina Nathan Petruc Friend
Hal E. Siegel Friend
Mark S. Silverberg Friend
Martin A. Spigner Friend
Daniel Utevsky Friend
Mindly E. Wachtel-Silverberg Friend
Beth Ann Wahl Friend
Audry Weinberg Patron
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We acknowledge with gratitude the following alumni and friends for their support of special programs and projects in fiscal year 2003. These alumni supported public interest stipends, clinical programs, and the building fund, among other areas.

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Join the ambitious journey.
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Our challenge is clear: $1 million a year in five years.

In keeping with Cardozo’s tradition of taking bold initiatives, we ask our graduates and friends to propel the Law School to a new level of strength. Cardozo’s ambition is to increase Annual Fund giving to one million dollars annually.

With your support, we can meet this challenge and, together, we will transform Cardozo’s future.
Much has been written about Cardozo's founding dean, Monrad Paulsen, who came to Yeshiva University after a long career as dean of the University of Virginia Law School and as a professor at Columbia Law School. His personality and presence at Cardozo virtually assured success for the fledgling law school, while the direction he set and the road map he provided continue to be followed. He set high standards for scholarship, faculty, and student achievement.

Since his death more than 20 years ago, his widow, Jenny Paulsen, has continued to be involved with the life of the Law School, attending graduation as well as hosting students at her home following the annual Paulsen Moot Court Competition. Most of all, she has provided a way for the Law School to stay connected to Monrad and the important contributions he made in laying Cardozo's foundation. The comments and reminiscences, collected by Mrs. Paulsen from those who worked with Monrad in Cardozo's early days, remind us of the debt the Law School owes Monrad and Jenny Paulsen.

LILLIAN R. BEVIER
John S. Shannon Distinguished Professor of Law
Class of 1963 Research Professor
University of Virginia

Monrad understood people's feelings. He had such alert antennae that he could almost feel too much in some situations. At that last dinner [at University of Virginia] you could sense the love this faculty had for him. It was just a wonderful thing to feel, to sense, that their affection for him went so deep.

GAIL UNTERMAN
Former Secretary to Dean Paulsen

We started out with one desk, two wooden file cabinets, and one typewriter. The floors in the building were being gutted and they had just begun construction on the second-floor classrooms and the lobby. I was the only administrator next to Dean Paulsen who had to deal with the day-to-day functioning of the school, in addition to the other tasks. He was doing the work of eight to ten people... all with good cheer.

JUDGE EVE M. PREMINGER
New York City Surrogate's Court

Monrad was devoted to Cardozo Law School and did things for it that no one else could have done. I remember him telling me tales at one lunch of how he recruited the faculty, how careful he was with the right mix, and what he had to do to get certain people.

PETER LUSHING
Professor of Law, Cardozo

In my second year of law school, I would frequent the West End Bar & Grill, Columbia's local watering hole. Occasionally I would run into Monrad there. Our West End talk was rigorous and funny, like a class with no syllabus. I think Monrad was a great man. He was what you would call a "mensch."

TELFORD TAYLOR
Cardozo Founding Faculty

I had known Monrad Paulsen for many years because we were colleagues at Columbia, but I came to know him best when I joined him at Cardozo when the school opened. Paulsen's energetic personality and professional experience made him ideal for starting a new institution, for creating an esprit de corps, and making the students feel they were embarking on an exciting journey.

JUDGE JOHN G. MARKS '79
Nassau County Family Court

If not for Monrad Paulsen, I would not have been admitted to Cardozo. I am forever grateful to him. We became close and shared a lot of special moments. He was able to speak with the most erudite and famous people as well as us of common upbringing with the same zest. He made the person he was talking to feel as if (s)he was the most important person in the world.

CHIEF JUDGE JAY HARVEY WILKINSON
US Court of Appeals, Fourth Circuit
Former Cardozo faculty member

Above all else was the Paulsen presence, which made him seem less a chief administrator and more a spirit-in-residence: presiding over faculty meetings in unkempt magnificence and booming, "I'll dance at your funeral," when he caught you taking exercise.

HELENE EMANUEL '82
Attorney at Law

He was the essence and the soul of the school. It was toward the end of 1979 and I knew he had asked for a search committee to look for another dean, and I asked him what he would do when and if they found one. He said, "Oh, I'll be so happy to go back to teaching. It's so lonely in my office on the 10th floor. I want to be with my students."
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MARCH 2

MARCH 12
Symposium: Justice in Mediation

MARCH 14–15
Intellectual Property Conference: Some Modest Proposals

MARCH 16
Cardozo Distinguished Intellectual Property Law Lecture: Margaret Jane Radin

MARCH 18–21
Cardozo/BMI Entertainment and Communications Law Moot Court Competition

MARCH 21
Intellectual Property Law Program Gala

MARCH 22
Symposium: The Chronic Crisis: Reconsidering the Federal Judicial Appointment Process

MARCH 24
SBA Goods & Services Auction

MARCH 26
Bet Tzedek Conference: Clients and their Families: Challenges and Opportunities

MARCH 29
Symposium: Hegel's Logic of the Subject

MARCH 29–30
US Supreme Court Admission and Alumni Reception Washington, DC

APRIL 14
Exhibition & Panel: 50th Anniversary of Brown v. Board of Education

APRIL 18
Symposium: Richard Weisberg's Failure of the Word

APRIL 19
Symposium: Advocating for Change: The Status and Future of America's Child Welfare System 30 Years after CAPTA

MAY 6
Class of 1979 25th Reunion

JUNE 1
Benjamin N. Cardozo School of Law Commencement

JUNE 3