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SPRING 2006

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An Interview with Senator Frank Lautenberg
Cardozo Life editor Susan Davis sat down for a one-on-one with this loyal board member, donor, former Cardozo parent, and senior US Senator.

The Privatization Quandary
Prof. Paul Verkuil makes clear how important it is to keep the balance between government functions and private outsourcing while protecting public sector values.

Loose Professionalism, or Why Lawyers Take the Lead on Torture
Prof. Richard Weisberg offers a chilling comparison between Vichy France's racism and what he terms today's "loose professionalism" in dealing with the question of torture.

Cardozo Alumni: Representing the People; Representing the Government
Melissa Payton spoke to seven alumni working in government. Some are elected officials, representing the people of their states, cities, and countries; others work for government agencies; one works for the New York City Law Department.

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COVER: UNDERNEATH ROTUNDA IN THE CAPITOL BUILDING. © RANDY DUCHAINE/CORBIS.
More Renovations—
All in Time for Cardozo’s 30th

It’s been a full and productive year, and while the focus of this issue of Cardozo Life is fall 2005, our plans for the coming summer and fall are exceptional and exciting.

As many of you know, over the past several years we have spent more than $45 million to enlarge and renovate the Law School. This summer, we embark on—and will complete—a Center for Student Life, which will provide new and stunning student facilities. The Center for Student Life has been championed by Kathy Greenberg, chair of the Cardozo Board of Directors, who has been supported by generous alumni, parents, board members, and friends. The architect’s renderings of the third-floor student lounge and café don’t begin to illustrate how comfortable, full of light, and convenient these spaces will be for our students. Not only will the lounge have large, southern-facing windows looking out on downtown New York, but new staircases will provide easy access to the second and fourth floors where most of our classrooms are located.

In the coming months we will welcome two new faculty members, bringing to ten the number of young scholars who have joined us in the past four years. And after graduation this June, when more than 400 J.D. and LL.M. candidates will receive their diplomas, our alumni will total nearly 9,000. These numbers and our building projects are particularly auspicious because in September we begin our 30th anniversary year. Among those who will come to Cardozo to help mark this special occasion are Justice Stephen Breyer; Linda Greenhouse, Supreme Court correspondent for The New York Times; and many others to discuss such timely topics as terrorism and the new Supreme Court.

I encourage you to visit Cardozo soon—in person, through the pages of this magazine, or online.

Regards,

David Rudenstine
Dean

Kathryn O. Grinberg
Chair, Board of Directors

Richard M. Joel
President, Yeshiva University
Groundbreaking Conference Addresses Use of Secret Evidence in the Courts

Secret Evidence and the Courts in the Age of National Security brought together government officials, lawyers, journalists, and academics to examine the increased use of secret evidence and discuss whether the government is protecting national security at the expense of fundamental liberties. The conference, sponsored by the Floersheimer Center for Constitutional Democracy and the Jacob Burns Center for Ethics in the Practice of Law, was the first to bring together people with varied perspectives to address challenges that secret evidence presents, especially in legal proceedings.

David Cole, professor of law at Georgetown University Law Center, said that historically the government’s handling of national security crises has not been balanced. Foreign nationals are targeted and stripped of their rights first, which “often serves as a kind of wedge for what will be done in the future to the rest of us.”

According to Cole, what is also at stake is public knowledge of what our government is doing. Gitanjai Gutierrez, an attorney with the Center for Constitutional Rights, agreed that reliance on secret evidence is dangerous because it can hide executive misconduct. “What we’ve learned from Guantánamo is that, if anything, it has been a smokescreen for what our government has been doing in other facilities and other countries,” Gutierrez said. According to Jameel Jaffer, staff attorney at the American Civil Liberties Union, secrecy prevents citizens from having all the information necessary to make informed decisions about political leaders or holding leaders accountable for bad decisions and ineffective policies. “Excessive secrecy leads to uninformed decisions and to unaccountable decision makers,” Jaffer said.

Gutierrez discussed combatant status review tribunals, procedures used at Guantánamo Bay to evaluate a detainee’s status as an enemy combatant, and said evidence is often withheld from detainees. She questioned when it became appropriate to use secret evidence to detain foreign nationals for the rest of their lives, but according to Bradford Berenson, former White House associate counsel, during times of war we have always been able to hold an enemy until the war is over, as a lesser use of force than execution. “This is not just US practice,” Berenson said. “This is universal practice through millennia of human history.”

The conference also addressed issues of secrecy, including the effects of the Patriot Act and expanding surveillance powers. “The Department of Justice wanted the Patriot Act to be drafted to tear down the wall, the so-called wall, between the criminal
division and the intelligence side of law enforcement," Karl Metzner, Assistant United States Attorney for the Southern District of New York, said. "The problem is that with the walls demolished so completely, the roof is in danger of coming down."

According to New York Congressman Jerrold Nadler, the government has sought more ways of conducting secret searches since 9/11, and these efforts affect all US residents, not just the terrorists. In his opinion, the Patriot Act is bad legislation. "But I strongly believe that we can protect America without thinking of safety and constitutionality as opposite values," Nadler said.

The way secret evidence is handled and how terrorism cases are tried in other countries was discussed by Gadi Taemir, senior prosecutor for the Office of the State Prosecutor of Israel, who said that Israel has no special court for terror cases. The cases are prosecuted in the regular criminal court, which James MacGuill, defense lawyer for the Special Courts, Ireland, said is preferable to having a separate system. "Throw the fair trial guarantees aside and you may never, ever recover from it," MacGuill said.

The Hon. Gerald Rosen, US District Court, Eastern District of Michigan, discussed some of the logistical problems with cases involving secret evidence, such as how everyone from the judges to the court reporters must receive clearance. Andrew McCarthy, a senior fellow with the Foundation for the Defense of Democracies, said that terrorism or national security trials often force opposing attorneys to take on each other's roles. "The prosecutor is really called on to be a defense lawyer in many aspects of what he must do during the trial," McCarthy said.

During a panel on investigative journalism and national security, participants discussed the reporting challenges posed by an increased use of secret evidence. Dana Priest, national security correspondent for The Washington Post, said the job is difficult when you don't have the entire picture and that, when working in the field of intelligence, everything is secret. "We are in the business of challenging secrecy, because we presume it doesn't really exist for the purpose [the government claims] it does, and I would urge that that's something you need to consider yourselves," Scott Armstrong, investigative journalist for the National Security Clearinghouse, said.

Stephen Hayes, a journalist for The Weekly Standard, said that the current administration's interest in secrecy extends not only to documents that are potentially harmful, but also to ones that are potentially helpful.

Priest discussed some of the difficult decisions she had to make when working on an article about CIA use of secret prisons in other countries. She had to consider the public's right to know, our country's national security interests, and the interests of the countries involved. The paper made the decision not to name the countries, but instead to refer to them as Eastern European democracies, which Priest called the responsible thing to do.

Adam Liptak, national legal correspondent for The New York Times, shared his perspective as both a lawyer and a reporter in the keynote address. He spoke in part about government use of preventive detention, which he said may be a good idea, but the existing laws have been stretched "beyond recognition" to achieve the goal. "That is, we don't have a preventive detention law enacted by Congress, but we have various techniques that prosecutors and courts have molded into a preventive detention regime." While he said it's a bad time for the media, he added that our country is committed to free speech and it is "now so deeply rooted that it's hard to imagine that it will be fundamentally disturbed."
Nobel Prize Winner Amartya Sen Discusses Limits of Law

During an enlightening lecture at Cardozo, Nobel Prize-winning economist Amartya Sen discussed the relationship between human rights and the law and criticized a purely legal approach to handling human rights issues. "I speak here with great humility because I am not a lawyer," he said, before apologizing to the audience because he was going to speak about the limits of the law.

Sen, the Lamont University Professor at Harvard University, said there are several ways to safeguard human rights other than through legislation. He said that those who fight for human rights often pursue legislation, such as new laws or new interpretations of old laws, but this approach is incomplete or "foundationally mistaken." He challenged the idea that human rights protections are consequences of legislation, precursors to legislation, or ideal ground for legislation.

Sen said it is necessary to rely on public discussion and pressure, social critique, and education, in order to foster change. It is imperative to "look beyond the rigid box of legislation," he said, adding that we need to think about the issues on a much larger scale, and while legislation is important, it is not the only route worth pursuing.

Cardozo Supports Hurricane Katrina Relief Efforts

As the country mourned the destruction caused by Hurricane Katrina, Cardozo did its part to provide support and assistance to those in need.

On behalf of the Cardozo community, the Public Interest Law Students Association (PILSA) enlisted the help of other student groups to organize fundraisers and a clothing drive, and to collect donations for hurricane relief organizations. During a two-week period—including five days of fundraising efforts called “Hurricane Relief Week” and a day when the Cardozo administration matched the donations—the student body, faculty, and staff raised approximately $5,400. The money was donated to the American Red Cross, Operation USA, and Habitat for Humanity.

The Law School admitted nine upper-level Tulane students as visitors for the fall semester at no charge since they had already paid tuition to their home institution. Cardozo also helped them acclimate by assisting with housing, securing free casebooks through textbook publishers, holding a special orientation upon their arrival on campus, and providing funds from The Carroll and Milton Petrie Emergency Fund for their initial and most basic needs such as housing, clothing, and books.

Tulane student Alex McBride worked at the Innocence Project during the summer of 2005, and that experience led him to Cardozo in the aftermath of the hurricane. He described the Law School's faculty and students as fantastic and said he was enjoying his time at Cardozo. "I'm thankful that Cardozo let us in," McBride said.

Scott Sherman, Andrew Pickett, and Alex McBride were among nine Tulane Law Students who visited Cardozo for the fall semester in the aftermath of Hurricane Katrina.
Class of 2008 Arrives on Campus

At orientation, 236 first-year students and 47 LL.M.s entering in September 2005 were formally welcomed to Cardozo, and to the profession, by Dean David Rudenstein and Robert Schwartz, associate dean for admissions. “We are all very proud of your accomplishments, and you should be as well,” Schwartz said. Dean Rudenstein gave a brief history of Justice Cardozo and of the Law School, and discussed some of what the students can expect—anxiety, disappointment, falling in and out of love, and exhilaration.

During a keynote speech, Michael Cardozo, corporation counsel of the city of New York, encouraged students to enjoy the practice of law while making a positive difference.

Mr. Cardozo, a distant relative of Justice Benjamin N. Cardozo, portrayed lawyers as heroes and said they can save someone from death, can help eliminate discrimination, and have the capacity to effect change. “You don’t have to wait until you graduate to start doing this good work,” Cardozo said.

The newest J.D. candidates bring with them extraordinary qualifications, marking the Law School's continued success in attracting high-caliber students. For the second year in a row, the number of students applying to Cardozo’s J.D. program was in excess of 5,000. Of those enrolling in September, the median GPA was 3.5—the highest in the School's history. Half scored above 164 on the LSAT, and the top quarter of the class achieved scores of 166 or higher. Letter's Law School Rankings for 2005 ranked Cardozo 23rd nationally for student quality as measured by LSAT scores for the top quarter of the class. (See http://www.lettersrankings.com/students/2005student_quality.shtml)

The entering J.D. students call 30 states and 9 countries home, with a record 11.2 percent (46 students) from California. They represent 130 undergraduate institutions, with the major feeder schools being NYU with 24 students, University of Pennsylvania with 17, and Columbia/Barnard with 16. They range in age from 20 to 56, with 10 percent of them 30 or older. Overall minority enrollment for the class is 22.6 percent.

Several members of the class arrived with experience working on political campaigns and in a variety of careers. Enrolling in the fall were a former assistant military attaché at the Israeli embassy, a policy analyst at the National Immigration Law Center, a producer for MSNBC, a statistician for CBS Sports, an assistant to David Letterman, a stand-up comedian, an Olympic fencer, an economist for the US Department of Commerce, a published author and poet, and one student who lived with the aborigines in Australia. Several hold advanced degrees in areas such as philosophy, theology, Japanese literature, molecular genetics, education, and American history.

Of the entering LL.M. students, 33 received their first degrees in law abroad, while 13 graduated from a law school in the US, including 4 from Cardozo; 24 enrolled in the General Studies program and 22 enrolled in the Intellectual Property Law program.

The new graduate students hold law degrees from more than 20 countries including Bulgaria, Chile, Estonia, France, Guinea, India, Israel, Japan, and Mexico.
Heyman Center Events Focus on Securities Industry

Eric J. Pan, who joined the Cardozo faculty in 2005 and was named director of the Samuel and Ronnie Heyman Center on Corporate Governance, has launched this year's program with a series of public events that addressed trends reshaping the securities industry. Perspectives on Corporate Restructuring featured 21 of the nation's leading experts involved in some of the largest and most complex corporate reorganizations of all time, such as Enron, United Airlines, and Calpine. Speakers included James Sprayregan and Richard A. Cieri of Kirkland & Ellis LLP; Stephen F. Cooper of Kroll Zolfo Cooper LLC; Henry S. Miller of Miller Buckfire & Co., LLC; Prof. David Carlson; Deirdre Martini, United States Trustee (Region 2); John Rapisardi of Weil, Gotshal & Manges LLP; Myron Trepper of Willkie Farr & Gallagher LLP; and Daniel H. Golden of Akin Gump Strauss Hauer & Feld LLP. The conference provided an opportunity for practitioners and students to learn firsthand from the experiences of lawyers in the vanguard of this field.

The Heyman Center also began to collaborate with the Securities Industry Association Compliance and Legal Division (SIACL) in offering public programs. The first, Attorneys as Gatekeepers, explored the new obligations attorneys have to prevent securities law violations. The panel included Judge Lewis A. Kaplan of the Southern District of New York; Helene Glotzer, associate regional director, Northeast Regional Office of the US Securities and Exchange Commission; Carmen Lawrence, head of securities regulation and enforcement at Fried, Frank, Harris Shriver & Jacobson LLP; Mike Stone, former general counsel of Morgan Stanley Dean Witter and an adjunct professor at Cardozo and senior fellow of The Heyman Center; Paul Merolla, general counsel of Instinet Group, Inc. and president of SIACL; and Professor Pan. Two more Heyman Center-SIACL programs are scheduled for spring 2006 and another four during the next academic year.

In addition to supporting public events, faculty scholarship, and student internships, The Center helps students with strong academic records and an interest in corporate law. With the addition this fall of 14 Cardozo students who are pursuing J.D. and LL.M. degrees, there are now 36 Heyman Scholars on campus.

(Clockwise from top left) Dean David Rudenstine; Prof. Michael Stone; Prof. Eric Pan; Paul Merolla, president, Securities Industry Association Compliance and Legal Division; Hon. Lewis A. Kaplan, US District Judge for the Southern District of New York; Helene Glotzer, US Securities and Exchange Commission; and Carmen Lawrence, Fried, Frank, Harris, Shriver & Jacobson LLP.
Intellectual Property Program Features Scholars and Practitioners

The semester began with the fifth annual Intellectual Property Scholars Conference (IPSC). Held in August, the event provides young scholars, who present their works in progress, with networking opportunities and advice from veteran academics. IPSC is cosponsored with the Berkeley Center for Law & Technology, University of California at Berkeley; the Center for Intellectual Property Law and Information Technology, DePaul College of Law; and the Stanford Program in Law, Science & Technology, Stanford University.

"Grasping the Slim Tail of Innovation: Biotechnology Patenting from 1990–2004"; and Wendy Gordon, Boston University on "Moral Philosophy, Informational Technology: the Copyright Connection."

FOCUS ON PATENTS  Hon. Francis Gurry, deputy director-general and general counsel, World Intellectual Property Organization (WIPO), spoke on the "Future Direction of the International Patent System" at the 12th annual Distinguished Lecture in Intellectual Property. At WIPO, he is responsible for policy questions and administration of the Patent Cooperation Treaty; policy issues concerning biotechnology, genetic resources, and traditional knowledge; and the WIPO Arbitration Center. An Australian national, Gurry holds law degrees from the University of Melbourne and a Ph.D. from the University of Cambridge.
GEOGRAPHICAL INDICATIONS

CONTROVERSY  A major symposium, Geographical Indications: Rural Development, the Meaning of Place, and the Implication for Trade Talks, examined a specialized area of intellectual property law that is concerned with the protection of such things as names of foodstuffs like Bordeaux wine, feta cheese, and Idaho potatoes. Geographical indications are creating controversy between the European Union and countries such as Canada and the United States that use terms like Parmesan cheese and champagne generically. Panelists included Lynne Beresford, commissioner of trademarks, US Patent and Trademark Office (USPTO); Denis Croze, director-advisor, WIPO; Victoria Espinel, assistant US trade representative for intellectual property; Prof. Dev Gangjee, Oxford University; and Prof. Stefania Fusco, Stanford University.

THE MUSIC INDUSTRY & THE WEB  “Web Commerce and Development for Unsigned Artists,” a panel of music industry experts, discussed the use of the Web in finding new streams of revenue for developing musical artists. For the third year in a row, the Grammy Foundation®, in partnership with Cardozo Arts & Entertainment Law Journal, The New York Chapter of The Recording Academy, and the ABA Forum on Entertainment and Sports Industries, presented programming on campus that examines and debates the most compelling issues facing the music industry.

CAREER ADVICE  Two events, organized for students contemplating a career in intellectual property and/or entertainment law, featured alumni panelists and others who shared insights and personal advice. Receptions held afterwards gave students an opportunity to network with the guest speakers.

A panel for students interested in intellectual property careers featured (from left) Barbara Kolsun ’82, senior vice president and general counsel, Seven for All Mankind; Vejay Lalla ’00, director of legal and business affairs, Lifetime Entertainment Services; William Jelinek ’93, associate counsel, The Estée Lauder Companies, Inc.; Alan Barson ’90, principal, The Law Office of Alan D. Barson, and vice chairman, NYSBA Entertainment, Arts and Sports Law Section; and Jennifer Romano, attorney, NBC Universal, and chair, NYSBA, Young Entertainment Lawyers Committee.
African Women’s Rights Advocate Receives Peace Award

As news of the first woman to be elected an African head of state spread across the airwaves in early November, students of the Cardozo Journal of Conflict Resolution presented Betty Kaari Murungi, a lawyer and leading figure of Africa’s women’s rights movement, with the 2005 International Advocate for Peace Award. She accepted it “on behalf of the thousands and thousands of women with whom I have worked over the decades ... whose courage and conviction allowed me to collaborate in the work for justice and a sense of peace in their lives,” she said. Ms. Murungi’s speech was the keynote address for the conference International Mediation in Times of Conflict: Lessons from Public and Private Dispute Resolution.

Against the historic and emotional backdrop of Ellen Johnson Sirleaf’s victory in Liberia and Rosa Parks’s death in the United States, Ms. Murungi spoke of growing up on the slopes of Mt. Kenya and the influential role her grandmother played as a respected community mediator. Ms. Murungi said, “She knew and practiced human rights way back in the ’40s and ’50s. She gave voice to young girls and women by offering shelter, food, and counsel.” She credited her grandmother with introducing her to the importance and necessity of conflict negotiation.

Ms. Murungi explained that African women’s lives are shaped by “colonialism, neo-colonialism, imperialism, Christianization, Islamization, globalization, and militarism,” and yet they remain custodians of the old and trusted methods of building peace within communities. She said, “There are many such women all over the world to whom this art of resolving and transforming conflicts comes naturally. They represent the power that women have within their own communities that somehow fails to translate into political power within the formal structures that have evolved such as the United Nations or the African Union.”

Ms. Murungi spoke of the organization she directs, the Urgent Action Fund–Africa, which promotes the rights of women and girls in three main areas: rapid-response grant making, peace building, and transnational justice. The organization undertakes collaborative projects with women and organizations in conflict and postconflict situations.

Because political and security structures are, as Ms. Murungi said, “exclusive male clubs,” African women have resorted to innovative strategies to get their voices heard. She explained how women in Liberia refused to attend church and stayed away from their homes for weeks in order to win a place at the negotiating table during their civil war. Because they found this behavior so disturbing, the men relented and finally invited them to participate. “This was an unprecedented achievement, as an indigenous women’s group never before attended negotiations of this kind in Liberia,” she said.

Ms. Murungi called on the audience to stay vigilant as situations of extreme conflict continue in Western Sudan’s Darfur region, the Congo, Ivory Coast, and Northern Uganda, noting also that the “war on terror” has fueled religious and cultural fundamentalism that is producing repressive antiterror legislation that undermines human rights and sets back progress for women.

In ending, she urged Cardozo students as young advocates to continue on their paths, hold onto their dreams, and always remain open to new ideas, for this is how the law remains committed to the principle of growth.
Series Showcases Stories of the Holocaust

The Cardozo Program in Holocaust and Human Rights Studies introduced Stories and the Holocaust: Challenges to the Artistic Imagination, a four-part series of performances and discussions scheduled throughout the academic year that illustrate events connected to the Holocaust and address the limits of artistic freedom in representing Holocaust accounts.

The first event featured Bernhard Schlink, author and Cardozo visiting professor, who read from his acclaimed novel *The Reader*, about a young contemporary German who must confront his country's Nazi past. During a roundtable discussion, Clayton Koelb, chair of the department of Germanic languages at the University of North Carolina, Chapel Hill, said the novel raises the question of how to put a human face on evil. Cardozo Professors Richard Weisberg and Julie Suk and Visiting Professor Uriel Procaccia also offered their perspectives on the novel.

Later in the semester, the new play *w/Hole in the Heart*, a powerful family story of Holocaust survival, was performed. Written by Lea Wernick Fridman, a professor at Kingsborough Community College, the play focuses on how the daughter of a Holocaust victim deals with her mother's incomplete descriptions of the past by attempting to fill in the holes in her mother's stories and reconstruct history. During a discussion moderated by Professor Weisberg, Lilian Kremer, the university distinguished professor emerita at Kansas State University, said the play shows how difficult it is to capture the past as it really was. Professor Schlink said the play shows how the Holocaust's effects are felt by the second generation and that he'd like to see it performed in Germany.

**SEXUAL SLAVERY**

Sulia Chan of the Chinese Alliance for Memorial & Justice illustrated her discussion of WWII Korean comfort women at Sexual Slavery: New Approaches to an Old Problem. The symposium, sponsored by the *Women's Law Journal* and the Program in Holocaust and Human Rights Studies, addressed the current rise of the sexual slavery trade and offered ways to combat the problem on the national and global level.
Hate Speech Regulation Examined at Floersheimer Center Conference

Constitutional experts from Europe, Israel, Canada, and the United States gathered to discuss the legal controversies surrounding the regulation of hate speech at A Comparative Examination of Hate Speech Protection, sponsored by the Floersheimer Center for Constitutional Democracy.

Different countries approach the issue in different ways; the goal of the conference was to better understand the regulation of hate speech in a comparative perspective. In the United States the courts have generally looked unfavourably on regulating hate speech. By contrast, restrictions on hate speech are accepted in other parts of the world.

Bhikhu Parekh, a member of the English House of Lords, gave a keynote address titled "Is There a Case for Limiting Hate Speech?" Calling himself an "oddity" in the gathering because he is not a lawyer, Parekh defined what hate speech is, discussed what is wrong with it, and spoke about whether the law is the best way to deal with it.

Parekh said that 148 countries regulate hate speech and that he supported hate speech regulation in the United Kingdom. "Free speech is a great value, but it's not the only value," Parekh said. Even in the United States, some forms of communication, such as child pornography, are now subjected to restrictions, and, according to Parekh, in certain societies hate speech needs stronger regulations.

"Let us not judge all societies in terms of a single model," Parekh said.

As part of a larger project on the study of hate-speech regulation, a follow-up meeting will be held this spring at Central European University in Budapest, where participants will address, among other topics, the challenges presented by hate speech on the Internet.

Prominent First Amendment Scholar Discusses Recent Book

Geoffrey Stone, one of the nation's leading First Amendment scholars, participated in a lively discussion about his most recent book, Perilous Times: Free Speech in Wartime from The Sedition Act of 1798 to The War on Terrorism. The book, called by Prof. Michael Herz "a classic effort to study the errors of history so as not to repeat them," examines how free speech protections have been diluted in America during times of war.

According to Stone, speech enjoys its special legal status because it is the means through which we make decisions in our society. When speech is restricted, the ability to make wise decisions is lost. "I think speech is valuable because it does have power," he said. "That's why we need to protect it, but it's also why we need to fear it." Nonetheless, Stone said, the government consistently overreacts to apparently dangerous speech during wartime.

Stone, the Harry Kalven, Jr. Distinguished Service Professor of Law at the University of Chicago, responded to the comments of Dean Rudenstine and Professors Herz and Richard Weisberg, and joked that he wished he had the benefit of their remarks before his book was published.
Corporate Election Reform Is Bauer Lecture Topic

Lucian Bebchuk, a professor of law, economics, and finance at Harvard Law School, shared his ideas on reforming corporate elections at Cardozo's annual Uriel and Caroline Bauer Memorial Lecture.

Professor Bebchuk, the first corporate law scholar to give the Bauer lecture, explained the importance of corporate elections, saying that directors make critical decisions, such as selecting and/or firing the CEO and delegating day-to-day decisions to the CEO. Directors need to have the right incentives. "Independence is beneficial, but independence is inefficient," he said, in determining who will make a good director.

Noting that at present shareholders do not have the power to change the entire board, he argued that to increase shareholder power they should have the ability to replace all of the directors in one up-or-down vote. "We need to have some mechanism for accountability," Bebchuk said. He also proposed holding more meaningful elections every two or three years instead of every year.

Who is Judge Alito?

As the debates and Senate hearings on Judge Samuel Alito's nomination to the US Supreme Court were ongoing, the Cardozo Democrats and the NYU Democrats held a panel in the Jacob Burns Moot Court Room to discuss "Who is Judge Alito?" The panelists were Mark Tushnet, Carmack Waterhouse Professor of Constitutional Law, Georgetown University Law Center (who spent three weeks at Cardozo during the fall); Prof. Michael Herz, a former clerk to Justice Byron White; Prof. Ed Zelinsky, Alito's classmate at Yale; and Kate Pringle, a partner at Friedman Kaplan Seiler & Adelman LLP and former law clerk to Judge Alito. Adam Liptak, national legal reporter for The New York Times, was the moderator.

The panelists all had high praise for Alito's ability and integrity, but were divided on the substance of his judicial decisions. The discussion also delved into the standards that the Senate should apply in exercising its constitutional authority to "advise and consent" on the appointment of US Supreme Court justices. Pringle, who received some attention in the press as a liberal Democrat who strongly supported the appointment, suggested that the Senate and the citizenry have the right to demand smart people who respect the Court and different points of view on it. Zelinsky stressed that it was important to look at the whole candidate and not to dissect individual decisions.
Cardozo students were treated to a rare insider's view when Iraq's deputy permanent representative to the United Nations, Feisal Amin al-Istrabadi, spoke about the writing of the Iraqi constitution that was approved in a referendum in October 2005. He was one of the principal drafters of the Interim Constitution and also of the Bill of Fundamental Rights of the Interim Constitution.

Istrabadi described the hope and excitement his countrymen have because "politics are going on in Iraq for the first time in 35 years." He said that the National Assembly election in January 2005 marked "the first time in our history when we didn't know who was going to win the election before we voted."

He did say that the constitution is not as liberal as he would have hoped, but stressed that the process was important: "Giving life to constitutionally defined political institutions is far more important to the course of Iraq's immediate future." He compared writing the constitution to horse trading, explaining that when the drafting process broke down, draftees added a provision to gain the participation of Sunni Arabs. The Parliament, elected in December with wide Sunni participation, can propose a new package of amendments, which may represent Sunni interests more favorably.

He noted that critics, notably The New York Times, have said the constitution didn't offer adequate protection for women and minorities. He argued, "There is a clearly expressed equality before the law in that document." Later he applauded the Iraqi political progress that took the country from a brutal tyranny to an elected government and noted that 31 percent of the National Assembly members are women, whereas in the United States only 14 percent of the members of the House and Senate are women.

Other especially contentious issues that surfaced during the drafting process included federalism and how to determine control of natural resources, applicability of federal laws to different regions, international treaties, representation in foreign capitals—for example, can a Kurdish leader have a regional office in California?—and how to work religion into the legal life of the country. The constitution now states, he said, that Islam is a source of legislation, but not the only source.

Despite Iraq's varied ethnic concerns and complicated political ambitions, he thinks federalism will work best and said it is the "only key to the reunification of the country." He compared the constitution's federalist arrangement to systems such as those in the United Kingdom and Spain, where Scotland and the Basque regions, respectively, are under self-rule.

He also provided a snapshot of Iraq before the United States invaded in March 2003. "There was one Iraq legally, yes, but de facto there were two or three." In Kurdistan there were two states, he said, and "they shared a common parliament but had their own prime ministers, were under international protection, had a healthy economic and cultural life, and used Iraq's old currency for their currency. Baghdad, under the control of Saddam Hussein, had its own court of causation, used a different currency, and suffered a shrinking economy, primarily because of international sanctions. The country was in fact dissolved."

He ended by saying he looks forward to the day when the United States can leave Iraq a secure and safe place and the two countries can enjoy friendly relations and healthy trade. "Rome was not built in a day. It will take at least a generation to rebuild Iraq."
JUDGE STEIN  Judge Sidney Stein of the US District Court for the Southern District of NY addressed LL.M. students on the future of the Federal Sentencing Guidelines. His visit was sponsored by the Office of Graduate and International Programs and the Graduate Law Society.

MEXICAN VISITORS  Early in the semester, students and recent graduates of some of Mexico City's law schools, including Escuela Libre de Derecho, Universidad Iberoamericana, Universidad Panamericana, and the UNAM Instituto de Investigaciones Juridicas visited Cardozo to learn more about the master of laws programs. They met with Dean Rudenstine and members of the faculty; attended classes, including a special presentation on trademark law by Prof. Barton Beebe; met with Judge Miriam Cedarbaum at the US District Court for the Southern District of New York; and toured Greenwich Village. Dean Rudenstine visited the Mexican law schools last year with Toni Fine, director of the LL.M. program (third from right).

ON DOUBLE-SUPER-SECRET BACKGROUND  Viveca Novak, the Washington correspondent for Time who was called to testify in the Valerie Plame leak case, discusses dealing with and protecting confidential sources at On Double-Super-Secret Background: Managing Confidential Sources. Other panelists were (from left) Mark Bowden, national correspondent, the Atlantic Monthly; Mark Feldstein, director of the journalism program and associate professor of media and public affairs, George Washington University; and Victor Kovner, partner, Davis Wright Tremaine LLP.

TRUST LAW IN THE 21ST CENTURY  Prof. Gregory Alexander of Cornell University Law School joined Prof. Stewart Sterk on a fiduciary duties panel at Trust Law in the 21st Century. The conference focused on significant developments in the growth of the perpetual trust and the move by many states and offshore jurisdictions to increase the availability of trusts for asset protection purposes. The event was cosponsored with The American College of Trust and Estate Counsel Foundation of Los Angeles, CA.

PAULSEN MOOT COURT COMPETITION  Paulsen Moot Court Competition winner Baruch Gottesman '07 and runner up Arkadia Delay '08 are joined by competition judges (from left) Roy Barnes, former governor of Georgia; Mrs. Jenny Paulsen; and Judges Dora Irizarry, US District Court, Eastern District of NY; and Robert Katzmann, US Court of Appeals for the Second Circuit.
Students Start Program for Youth

In the fall, 19 law students began working with the newly founded Cardozo Youth Advocates. Started by Sarah Hudson-Plush '07, Lauren Kaeseberg '07, and Aron Zimmerman '06, this program is intended to get young people thinking and talking about the law. The Cardozo students have been working with The Door, a youth services center, where they share responsibility for teaching a weekly class called Law Talk, in which they cover a variety of topics and facilitate conversations about such legal issues as the death penalty, same-sex marriage, the First Amendment, and children's rights. Hudson-Plush said similar sessions will begin in the spring at Washington Irving High School, located near Cardozo, where about 500 students are part of the high school's law and public service program. Plans are also under way for a Law Day, an evening program when high school students will visit Cardozo for mock classes and opportunities to meet informally with law students.

Innocence Project Gains Another Release

On September 29 at the Innocence Project office, Barry Scheck held a press conference to discuss the exoneration that day of his client Barry Gibbs, 57, who was wrongfully convicted in 1988 of murdering a Brooklyn woman.

In an emotional statement, Mr. Gibbs, a Navy veteran and former postal worker who is free after serving 19 years in prison, said he was both humbled and overwhelmed, and cautioned that what happened to him could happen to anyone. He added that the judge's words overturning his conviction were the best he had ever heard in his whole life. The first thing he did after his release was take a two-hour bath.

His murder conviction was vacated after new evidence revealed that ex-NYPD officer Louis Eppolito, who is under indictment for mob-related activities, pressured an eyewitness to falsely identify Gibbs.

Innocence Project attorney Vanessa Potkin (far left) and Scheck acknowledged the efforts of the Brooklyn District Attorney's Office, the US Attorney's Office for the Eastern District, and the DEA, whose agents worked with the Innocence Project to reopen and reinvestigate the case. Scheck said this was originally a case of law enforcement gone bad, but now it's a case of law enforcement corrected. As of press time, 175 prisoners have been exonerated with the help of the Innocence Project. Mr. Gibbs was the 166th to be released.
Professor Haile Retires

At the end of August, Minasse Haile retired after serving 26 years on the Cardozo faculty and was named professor emeritus by YU President Richard Joel.

Haile was appointed professor in 1979, soon after Cardozo opened. He arrived after an illustrious career in his native Ethiopia, where he served Emperor Haile Selassie as the Minister of Foreign Affairs, Ambassador to the United States, and as chairman of the Emperor's Private Cabinet.

Highly decorated, Haile holds more than two dozen international honors, including being named Honorary Commander of the Royal Victorian Order by Queen Elizabeth II and receiving the French Legion of Honor. During his early career, he helped draft Ethiopia's first civil service regulations and helped establish the first Personnel Administrative Agency.

Haile went to school in the United States, receiving his law degree as well as a master's degree and Ph.D. in international law and relations from Columbia University. He completed his undergraduate studies at the University of Wisconsin. His scholarship and writings focused on international human rights, especially in his native Africa, and he was known at Cardozo for bringing his distinct knowledge and experience into the classroom. Over the years, he taught Comparative Law, Law of International Organizations, Human Rights and Economic Development, and International Human Rights. "I enjoyed Cardozo very much, the school, the faculty, and the students," he said.

Now, as he enters retirement, there is much he would like to accomplish. He is beginning to gather his papers and thoughts for a memoir he wants to publish, and he hopes to travel to Africa, a trip he has been unable to make for political reasons since 1977.

Rudenstine Named Vice President for Legal Education

David Rudenstine, called by YU President Richard Joel "a gift to the University," was named vice president for legal education and reappointed as dean. This appointment, which was approved by the University's Board of Trustees, makes Rudenstine a member of President Joel's cabinet. According to President Joel, Dean Rudenstine's new appointment is in recognition of his and the Law School's continuing success and his contribution to the University.

In accepting the appointment, Dean Rudenstine, who is also Sheldon H. Solow Professor of Law, said, "I am honored by my appointment as a university vice president and grateful to President Joel for the trust and confidence he has in me. It has been a very special and gratifying privilege to serve as dean of Cardozo these last four years and I look forward to continuing to serve this remarkable law school and to assist in the strengthening of Yeshiva University."

Kathryn O. Greenberg '82, Cardozo Board chair and a member of the YU Trustees said, "Cardozo and the University each benefit from this wonderful appointment. It will increase the mutual understanding and success that both institutions enjoy."
Susan Crawford has been named to the board of directors of the Internet Corporation for Assigned Names and Numbers (ICANN), a not-for-profit organization responsible for assigning Internet Protocol (IP) addresses and managing the worldwide system of domain names. Its mission is to ensure the stable and secure operation of these unique identifier systems, which are vital to Internet operation. In addition, ICANN coordinates policy development related to these technical functions.

Crawford, a well-known expert in cyberlaw, was the only newly nominated board member to join the 15-person board at the conclusion of ICANN’s Annual General Meeting in Vancouver, Canada on December 4, 2005. Her term is for three years. The ICANN board meets three times a year at locations around the globe. The next meetings are scheduled to take place in Wellington, New Zealand and Marrakesh, Morocco.

“Susan’s appointment to the ICANN Board of Directors is well deserved and will inform her scholarship and provide an exciting aspect to her teaching at Cardozo,” Dean David Rudenshtein said. “She has written extensively about ICANN, is extremely knowledgeable about the issues and policy, and will be an asset to the organization.”

When the announcement was made, Crawford wrote in her blog, “I am deeply honored to have the opportunity to work with the ICANN community, and I look forward to digging in and helping out.” She continued, “The ICANN experiment is a big idea that meets a crucial need. It’s not a regulatory agency. It’s a forum for the discussion of global policies for domain names. Its form of standard-setting (which includes policymaking), done right, should match the way the Internet works: most things should be left to local control, with only a few global rules imposed with which most people are willing to go along.”

Crawford, who is an advocate for keeping the Internet open and free, came to Cardozo in 2003 from the law firm of Wilmer, Cutler & Pickering, where she was a partner. Her practice, which included litigation, counseling, and transactional work, focused on intellectual property, advertising, privacy, domain names, and e-commerce policy issues. A Yale Law School graduate, Crawford is a Policy Fellow with the Center for Democracy and Technology, and a Fellow of the Yale Law School Information Society Project.

“Although the internet is made up of machines, it’s also a remarkable social phenomenon that allows us to collaborate and create together in amazing ways.”

Among Crawford’s current projects is OneWebDay, which she describes as an annual celebration of “the health and diversity of the Internet, and a way to remind people they need to work to maintain the values that have made the Internet a gift.” Similar in form to Earth Day, OneWebDay will be celebrated around the globe on September 22; the goal, according to the organization’s website, is to “create, maintain, advance, and promote a global day to celebrate online life.” Among other volunteers, students at Cardozo, Harvard, and Yale are coordinating in-person brainstorming sessions around the world to facilitate specific projects.

According to Crawford, “Although the Internet is made up of machines, it’s also a remarkable social phenomenon that allows us to collaborate and create together in amazing ways. OneWebDay will be a day for offline events like blogging in parks, teaching older people to IM, and creating hotspots, and a day for online collaborations like creating ‘a day in the life of the Web’ exhibits, music mashups, and ‘stadium waves’ online.” For more information, visit www.onewebday.org.
PROFESSIONAL HONORS

Marci Hamilton continued her representation of clergy abuse victims, arguing First Amendment issues in federal court in the Portland, OR archdiocese federal bankruptcy proceeding and in a Spokane, WA archdiocese bankruptcy case where she won. Again representing clergy abuse victims, she gave an oral argument in federal court on the constitutionality of retroactive legislation in San Diego. At the AALS in January, she spoke on “The Religious Origins of the Establishment Clause.”

Monroe Price, who has for two years been directing the Project for Global Communication Studies at the Annenberg School for Communication of the University of Pennsylvania, received a grant from the Hewlett Foundation to study the operation of the freedom of information law in Mexico. He drafted a report for the BBC World Service Trust on the status of media in Iraq and spoke at Wilton Park, in the United Kingdom, at a workshop for the governing board of the Iraqi Media Network. He co-organized a conference on media in conflict zones with the Crisis States Programme of the London School of Economics.

Michel Rosenfeld delivered “Political Rights in Times of Stress” at the National Academy of Law and Social Sciences of Córdoba, Argentina on the occasion of his induction in June 2005 as a foreign member of the organization. During the fall semester, he visited Taiwan and spoke on “The Problem of Identity in Constitution Making and Constitutional Reform” at the Constitutional Re-engineering of New Democracies: Taiwan and the World conference. At the international conference The Future of the European Judicial System—The Constitutional Role of European Courts, at Humboldt...
University in Berlin, he joined the German Minister of Justice and the President of the European Court of Justice as a plenary speaker. His speech was “Comparing the European Court of Justice and the US Supreme Court.” Later in the fall, he spoke in Paris on “The Balance Between Liberty and Security in the Fight Against Terrorism as It Emerges from the Jurisprudences of the US, UK, and Israel” at the École Nationale de la Magistrature; on “Human Rights and the War on Terror in the United States” at the Bar Association of the City of Paris; and on “Proportionality: Intrinsic or Extrinsic Standards?” at the University of Paris X.

Ellen Yaroshefsky was honored by her alma mater, Rutgers Law School, with the Eric Nesse Award for Outstanding Public Service. In November she presented “How Secret Evidence Is Eroding the Adversary System” at a conference, Lawyers’ Ethics in an Adversary System, at Hofstra Law School.

PAPERS, PANELS, BOOKS
Paris R. Baldacci spoke in December on “Addressing the Challenge of a Person with Diminished Capacity in Housing Court” at a panel on ethical issues in dealing with self- and partially represented litigants in Housing Court, sponsored by the Housing Court Committee and the Housing Court Public Service Committee of the Association of the Bar of the City of New York. Later in the month, he spoke on “Representing Gay, Lesbian, Bisexual and Transgender Families in Tenancy Succession Cases” at a new associates pro bono day sponsored by the City Bar Committee on Pro Bono and Legal Services.

At a conference on genetics and reproductive technology held by the World Health Organization in Cairo,

Friends, Colleagues, and Former Students Celebrate Professor’s Life

Nearly 200 faculty, students, alumni, and friends gathered at a memorial service for E. Nathaniel Gates in the moot court room. Gates, who died at home in Canada on January 8 at the age of 51 after a long struggle with cancer, was universally remembered as a warm, compassionate human being. His former students and colleagues spoke of the impact he had on their lives, of his deep and abiding faith, and his engagement in the study of critical race theory and the history of race relations in the United States. Those who spoke at the service were Prof. Eva Hanks, Vice Dean Laura Cunningham, Dean David Rudenstine, Gates’s secretary Sharon Thomas, Bita Ikrok ’93, Devin Rice ’99, Jahaira Zagarell ’99, Scott Maslin ’06, Sheetal Shetty ’06, and Amanda Greenspan ’06. Alan Florendo ’06 closed the service by singing an aria from Handel’s opera Rinaldo. Prior to his death, Gates’s many friends on the faculty and staff commissioned a portrait to hang at the Law School as a tribute and memorial to Gates’s gracious and supportive presence at Cardozo. The portrait was painted by Canadian artist Kendall Nichols, whom Gates admired.

An award named in honor of Prof. E. Nathaniel Gates was presented to Jeff Marx ’96, co-creator of the Tony Award-winning Broadway musical Avenue Q, for his outstanding contributions to the LGBT community. The ceremony was cohosted by Outlaw (formerly Gay and Lesbian Law Students Association), the Office of Career Services, and Office of Alumni Affairs.

Vice Dean Laura Cunningham was one of several speakers who recalled Gates at the memorial ceremony held this February. On her left is a portrait commissioned by his Cardozo colleagues.
J. David Bleich spoke on stem cell research. He presented a paper at the AALS annual conference entitled "Ruling Over Others: The Religious Implications of Governing People of Other Faiths" and then traveled to Germany, where he spoke on "Torture vs. Duty of Rescue" at Humboldt University in Berlin.

Toni M. Fine was a Fulbright Senior Specialist for the US State Department and US Consulate, in Lagos, Nigeria, where she lectured at Obafemi Awolowo University, Babcock University, Lagos Business School, and Pan African University, among other places. She was a visiting professor at Catedra Garrigues Program in Global Law at the Universidad de Navarra, Spain and spoke on the "Supreme Court of the US and Its Use of Foreign Law" at the Constitutional Law Colloquium, Universidad Complutense, Facultad de Derecho, Madrid. She also visited Germany, lecturing on "Politics and the Supreme Court of the United States" at Humboldt University, University of Bochum, and Hannover University.

E. Nathaniel Gates joined the Cardozo faculty in 1992. He was first and foremost a gifted teacher and mentor. His influence extended far beyond the classroom, and many students found in him a friend and advisor on career, academic, and social issues. His open door policy—even for those not enrolled in his classes—was legendary. Gates served as a mentor and advisor for such important student initiatives and organizations as the Diversity Coalition and BALLSA. In 1995, the students elected him Outstanding Professor of the Year. Few teachers have the kind of influence, or inspire the kind of devotion, that characterized the relationship between Gates and so many Cardozo students and alumni.

He enriched the life of the Law School by organizing important academic panels and conferences such as Bondage, Freedom & the Constitution and bringing to campus major figures including Rev. Al Sharpton, former Mayor David Dinkins, Judge Leon Higgenbotham, former Black Panther Kathleen Cleaver, and Rev. Dr. James Forbes, Jr.

Gates’s scholarship focused on constitutional law and American legal history. Illness prevented him from completing his major project, a sweeping examination of race in American legal history dating back to the colonial period, but he nonetheless made important contributions. He edited and provided introductions to a monumental four-volume collection of articles on critical race theory, published by Garland in 1997, that remains an essential work in the field. His other writings include "Justice Stillborn: Lies, Lacunae, Incommensurability, and the Judicial Role" (Cardozo Law Review 1997) and " Estranged Fruit: the Reconstruction Amendments, Moral Slavery and the Re-articulation of Lesbian and Gay Identity" (Cardozo Law Review 1996). One colleague described his work as "forceful and powerful in expressing a view that is both laced with moral and legal norms and framed by history. It is imaginative and creative in its conception and implementation."

Born in Red River, New Mexico in 1954, he attended the prestigious Cranbrook School in Bloomfield Hills, MI, where he excelled in academics and track. He went on to earn a B.A. in philosophy (1978) and a J.D. (1987) from Yale University, and, in 1986, a Certificate of Advanced Study from Nihon Kenkyu Center in Tokyo. His honors included being named a William S. Beinecke Scholar at Yale, a Japan Foundation Scholar, and a W.E.B. DuBois Fellow at Harvard University. Gates spent many years in Japan, becoming fluent in the language, and taught English there from 1979 to 1982. Later, he worked in the Tokyo offices of Milbank, Tweed, Hadley & McCloy and Nagashima & Ohno. Before joining the Cardozo faculty, he was an associate at Simpson, Thacher & Bartlett and Clearly, Gottlieb, Steen & Hamilton.

He is survived by his husband and life partner, François Côté, of Montreal.
FACULTY briefs

Myriam Gilles is a Fellow in the Program in Law and Public Affairs at the Woodrow Wilson School at Princeton. She is working on a project tentatively entitled “Exploding the Class Action Agency Costs Myth: The Social Utility of Entrepreneurial Lawyers.” Her article “Opting Out of Liability: The Forthcoming, Near-Tot al Demise of the Modern Class Action,” which looks at collective action waivers in arbitration clauses, was published in the Michigan Law Review.

Malvina Halberstam’s article “La Grande and Avena Establish a Right, but Is There a Remedy?” was published in the Journal of International and Comparative Law. In November, she spoke on “The UN’s Evolving Stance on Terrorism: Where Are We Now?” Her lecture was sponsored by Yeshiva University’s Joseph Dunner Political Science Society and the Rabbi Arthur Schneier Center for International Affairs.

Justin Hughes delivered “Global Convergence in Legal Attacks and Decisions in P2P File Sharing” at The Legal Future of P2P File Sharing Software at Queen Mary College, University of London in November and “The American Approach to Domain Name Disputes—Comparative American and International Legal Norms” in October at the annual seminar of the National Internet Development Agency of Korea. After his visit to Japan with Barton Beebe, Hughes traveled to Beijing, where he spoke on “Challenges to Intellectual Property and its Justifications” at Renmin University Law School, which publishes the China Intellectual Property Review.

Eric Pan presented a paper on education corporations. The Cardozo professors participated on a panel with Prof. Hideaki Kubori, a prominent entertainment attorney in Tokyo; Prof. Kazuo Makino, a frequent visitor to Cardozo; and Mr. Iida Hiroshi, a patent lawyer for Pfizer Japan, Inc., all of whom discussed “Intellectual Property Law Studies and Practice in the United States.” Encouraging the students to ask questions, Hughes found them to be “intelligent and ... forceful.”

The second stop on the trip was the Japanese Institute of International Business Law. About 40 lawyers from major Japanese corporations attended a panel where Beebe spoke on new developments in trademark law and Hughes spoke on the international debate about “geographical indications” protection. At the Dai-Ni Tokyo Bar Association, the two spoke at Cutting Edge Issues in Cyberspace Law—Implications for Japanese Law. Beebe spoke on “Trademark Law and the Internet: A Comparative Review of Google Search Legal Issues and Liability of Auction Site Operators,” while Hughes spoke on the US Supreme Court’s Grokster decision. There were about 50 lawyers and a dozen students from Omiya in attendance.

After leaving Japan, Hughes visited China. He is shown here with students from Renmin University.
on "Regulation of Clearing and Settlement Systems" at St. John's College, Cambridge University in September as part of the Transatlantic Financial Services Regulatory Dialogue. He chaired a panel on "Strategies of Comparative Corporate Governance" at the International Chamber of Commerce Roundtable on Corporate Governance in London and took part in a panel on "Corporate Governance: Promoter of Economic Development" at the New York University Center for Global Affairs in October.

David Rudenstine's article "Common Ground: Law Schools in American Life During the New Age of Faith" was published in The University of Toledo Law Review as part of a symposium issue on leadership in legal education.

Alex Stein delivered "Ambiguity Aversion and the Criminal Process," at the Law & Economics Seminar at Bar-Ilan University, Israel. The paper of the same title, which he co-wrote with Uzi Segal, will be published in the Notre Dame Law Review. His article "Overenforcement," written with Richard Bierschbach, was published in the Georgetown Law Review.

Susanne Stone is a curator of the Jews & Justice Series, presented by the American Jewish Historical Society at the Center for Jewish History.

In May, Ed Zelinsky appeared before subcommittees of the House Judiciary Committee, testifying on the Sixth Circuit decision in Cuno v. DaimlerChrysler and on his own case, Zelinsky v. Tax Appeals Tribunal, which is before the New York Court of Appeals. He has written and spoken widely about these cases, appearing in October in Washington, DC to address the National Association of State Bar Tax Sections and in Manhattan in December addressing the Foundation for Accounting Education annual conference for New York state taxation. He spoke at the University of Minnesota School of Law and at the Tax Executives Institute in San Diego about Cuno, which the US Supreme Court has agreed to hear. Many of the briefs filed with the Court cite his writings.

BELLAGIO CONFERENCE The Program in Security, Democracy, and the Rule of Law sponsored a conference in July 2005 that was funded by the Rockefeller Foundation and held at its Bellagio Center in Italy. Attending the three-day conference, "Terrorism, Globalism, and the Rule of Law," were Michel Rosenfeld, the program's director; Dean David Rudenstine; and Paul Verkuil from Cardozo. They were joined by international academics, government officials, and judges, some of whom are shown here and included Cyrille Becq-Bret of the University of Paris X; Ali Mezrani of the University of Tunis; Jean-Godefroy Bidima of Tulane University; US Supreme Court Justice Stephen Breyer; Johana Breyer of the Dana-Farber Cancer Institute; Olivier Duthellet de Lamothe of the French Constitutional Council; David Dyzenhaus of the University of Toronto Faculty of Law; Michael Foessel of the University of Dijon; Antoine Garapon, Secretary General of the Institut des Hautes Etudes sur la Justice in Paris; Dieter Grimm of Humboldt University in Berlin; Claude Klein of Hebrew University; Attorney Krishan Mahajan of Tottenham India Law Associates; A. Sam Muller, director of The Hague Institute for the Internationalisation of Law; Fernando Reinares, director of antiterror policy in the Ministry of the Interior of Spain; Kent Roach of the University of Toronto Faculty of Law; and Andras Sajo of Central European University in Budapest.
Program Inaugurates Jewish Law and Legal Theory Workshop; Lectures and Panels Continue

Academics and graduate students in the fields of law or Jewish studies participated in the newly inaugurated Jewish Law & Legal Theory Workshop. Prof. Suzanne Stone, director of The Program in Jewish Law & Interdisciplinary Studies, said the workshop format was chosen because it encourages the dissemination and discussion of research, the exploration of new lines of inquiry, and the promotion of cross-disciplinary collaborations. She also indicated that it provides an opportunity to exchange sources and educate participants as to the current state of the fields of Jewish law, legal theory, and the relevant humanistic disciplines. The formats of the three workshops were similar: scholars gave papers that were then followed by a response from someone in another field.

At the first workshop, Prof. Martin Stone spoke on “Positivism as Opposed to What? Law and the Moral Concept of Right,” and Rabbi Anthony Glickman, professor of Rabbinics, Rabbi Isaac Elchanan Theological Seminary, responded. Later in the semester, Leib Moscovitz, senior lecturer, Department of Talmud, Bar-Ilan University, presented “Rabbinic Legal Thought: From Case Law to Conceptualization,” with a response by Prof. Arthur Jacobson. Then, George Fletcher, Cardozo Professor of Jurisprudence at Columbia Law School, presented “Victims and Victims: The Theological Foundations of Criminal Law,” with a response by Albert Baumgarten, professor of Jewish history at Bar-Ilan University.

Jews & Justice Series

Prof. Ronald Dworkin delivered “Law’s Empire and the Sea of the Talmud: Ronald Dworkin on Jewish Law and Interpretation,” as part of the Jews & Justice series at the Center for Jewish History. Dworkin focused on whether the Jewish legal system more closely resembles his own perspective on law or that of legal positivism. Prof. Suzanne Stone, cocurator of the series, responded to Dworkin’s remarks. The evening was moderated by Yeshiva University Chancellor Dr. Norman Lamm.

More Book Parties

Two receptions celebrated the publication of books by Professors Marci Hamilton and Alex Stein. Hamilton is shown here signing her book God vs. the Gavel: Religion and the Rule of Law (Cambridge University Press) for students. Alex Stein, who published Foundations of Evidence Law (Oxford University Press), posed with students from his Evidence class and Dean Rudenstine.
From his 23rd floor office, Senator Frank Lautenberg overlooks downtown Newark, which seems to be struggling as it tries to become a major US city—locked in a perpetual “renaissance.” Land is being cleared nearby for a hockey arena, and projects that are still just a dream can be imagined on the Passaic River, towards the port, and near the courthouses, one of which bears the Senator's name.

Lautenberg is a son of New Jersey, having lived in more than a dozen New Jersey towns—Paterson, Ridgewood, and Paramus among them. He attended 13 different public schools in 12 years, growing up in financial straits but with strong family influences and a proud legacy of hard work and honesty. A graduate of Columbia Business School, on whose board he sits, Lautenberg has long and deep ties to Cardozo, as well.

His daughter, Ellen Hendel, who is now enjoying motherhood, graduated from Cardozo in 1993, and the Senator
fondly remembers having been both the commencement speaker and a proud father that year. He said that his speech focused on the honorable role of lawyers in defining and facilitating the rule of law in a democracy. “We are a nation of laws and, therefore, couldn’t function without a population of lawyers.” At one time, the Senator considered going to law school himself, but after completing his undergraduate studies and serving three years in the army, he was 25 and felt that he was just “too old.”

Currently in his fourth term as a senator, the robust 82-year-old grandfather of 10, who still skis, said, “Now, I am a lawmaker and so much of what I do depends on my comprehension of the Constitution.”

His introduction to Cardozo came when Ellen attended. “I’ve been impressed with the school’s faculty and its leadership. David Rudenstine is very capable as was Paul Verkuil,” he said. “I’m proud of the direction Cardozo takes,” explaining that Cardozo is dedicated to individual rights and the ethical practice of law and singled out the Innocence Project as an especially good example of both. He also noted Cardozo’s Jewish heritage, saying, “That is a precious connection for me, as well.”

Lautenberg was first elected to the Senate in 1982, serving three terms before retiring, briefly. He was reelected in 2003 to fill the seat vacated by Robert Torricelli. In the interim, he joined the Cardozo board, on which he still sits. He has also been a donor to the capital campaign and served as a special guest at Law School events, including a parents’ brunch.

In 2000, after the Senator announced he would not seek
I’m proud of the direction Cardozo takes, explaining that Cardozo is dedicated to individual rights and the ethical practice of law.

reelection, Congress renamed the federal courthouse in Newark the Frank R. Lautenberg Post Office and Courthouse. The newly completed Secaucus train station and a school in Paterson are named for him as well. “It’s considered bad form to name things for people in office,” he noted.

He took a special interest in just how he would be remembered in the eponymous courthouse. The story he entertained this reporter with was how hard it was—and the political acumen it took—to get a plaque of sufficient size in a well-located place with a personal inscription. He wanted to ensure that those coming to the courthouse would understand the importance of this recognition to the Senator and to use the opportunity to get across an important message. He spent much time deciding on a text that would reflect his feelings. Now, in a prominent location, a plaque bearing the Senator’s name and words reads: “The true measure of democracy is its dispensation of justice.”

“I wanted people to know when they walk into that courthouse that we are a nation of laws and they get the same chance as everyone else,” he said. During the Senate debates on the nomination of Samuel Alito to the Supreme Court, Senator Lautenberg, who did not vote for the Associate Justice’s confirmation, invoked the words on that plaque, saying, “I believe in that quote. It guides me today.”

When asked of which of his Senate accomplishments he was proudest, he said, “Much of my legislation is devoted to protecting people, protecting children in particular.” He sponsored legislation that raised the drinking age to 21, which he says has saved “over 20,000 families from having to mourn the loss of a child.” He is a major supporter of gun-control legislation and tried very hard when President Clinton was in office to close the “gun show loophole.” “After losing this major fight, I wrote a law that prohibits domestic abusers to get a gun. Almost 50,000 gun licenses have been denied by that Lautenberg law.”

Most impressive to his guests was the story of legislation sponsored by Lautenberg in 1987 that first banned smoking in airplanes. According to the Senator, this measure ‘changed the culture around the world about tobacco,” because it was the first time people experienced a smoke-free environment. “I get flowers from flight attendants. It has had the largest effect on people of any legislation I’ve sponsored.”

As the senior Senator from New Jersey, home to the second largest container terminal on the East Coast, he was at the center of the battle over the now-abandoned proposal for a company from Dubai, one of the United Arab Emirates (UAE), to take over operations at several US seaports. “Nuclear components are transferred through Dubai to North Korea, Libya, Tehran—avowed enemies of the US. The UAE does one billion dollars worth of business with Iran and is, along with their neighbors, considering a boycott of Israel,” he explained.

Asked how his current term differs from the first three, Senator Lautenberg immediately pointed to one obvious and major change: Because the House, the Senate, and the White House are all in Republican hands, it has become extraordinarily difficult for Democrats to get legislation passed. Nonetheless, Lautenberg is making his presence felt. Upon returning to the Senate in 2003, The New York Times called him “one of the most surprising and talked about members of the Senate ... [and a] real thorn in the side of Republicans.”

When asked about this reputation, Lautenberg replied, “I see a lot of things that are wrong,” quickly listing: American’s spending power is in decline, the “richest among us get tax breaks,” pensions are no longer sacrosanct, those without the means are deprived of the medical advances available to those who can afford them, and, perhaps most dismayingly, children who go astray do not have the programs they need. “It’s not fair.”

“I fought for the country in uniform and I’m fighting now. I’d rather be holding the sword against those who would do us harm. But, if I think the Republicans are doing things, I don’t mind sharpening my sword.”
The relationship of government to the private sector is very much in flux these days. Pressures are building to outsource more and more government functions. At the same time, the federal civilian bureaucracy is shrinking in alarming proportion to its oversight responsibilities. The number of private contractors doing the work of government has accelerated, while the number of federal employees needed to supervise them has eroded. This imbalance has negative consequences for public management generally, but it specifically makes surveillance of privatized activities an urgent matter. When combined with the loss of key government personnel, this lack of oversight and control becomes an inevitable consequence of privatization, producing an imbalance between those in government who should oversee and those in the private sector who are meant to be overseen.

he ratio of private contractors to public employees is now almost 10 to 1, but the more significant deficit is in the reduction of top-level government officials, such as contracting officers and the Senior Executive Service, who have seen their numbers drop as their contracting oversight responsibilities have grown. The Government Accountability Office (GAO), for example, has reported that Department of Defense oversight was insufficient in about one-third of its contracts, a deficiency it attributes at least partially to declining personnel levels. This accountability gap is really a byproduct of two converging forces: the deregulation movement, which renders many government regulatory programs unnecessary, and the privatization movement, which transfers government activities to the private sector. Deregulation critiques the economic role of government over the economy. It seeks to end programs that are inefficient or counterproductive. Privatization plays a different role. It accepts the need for a government activity, but sees efficiency advantages in shifting it to private hands.

In the United States, at least, privatization, unlike deregulation, is concerned less with the amount of government expenditures than with where to place responsibility for the activity. The size of government, viewed as a percentage of the gross domestic product, could well grow in a privatized environment, as it has during the Bush administration.

Proponents of privatization and deregulation share a belief that the market will improve the services provided by a monopolistic bureaucracy. Privatization was a cornerstone of the reinventing government movement during the Clinton-Gore administration. It has thrived during the Bush administration. President Bush’s vision of an “ownership society,” which advocates private accounts as an alternative to Social Security, further highlights the private sector’s role in the provision of traditional government services. Privatization is a presumed good in this setting. And the reality is that our government could not function without contracting out some of its services. Privatization has been part of government management since the post–World War II period, but its acceleration to the limits of accountability is a relatively recent phenomenon. Today, the degree and level of those delegations has become a central issue of public policy. In addition, stating a preference for private over public solutions, as the “ownership society” suggests, can have unintended consequences. By endorsing the view that private enterprise provides a superior organizing principle to government monopoly, privatization forces the public sector to
The public's perceptions matter.

As we have seen in connection with Congress's creation of public officials to provide airport security, the public often prefers to have government officials in charge.

defend itself. Thus, the central question of the privatization movement is whether the term "public sector" continues to be a viable social concept. Stated alternatively, is the public-private distinction, which has demarked law and political theory from the earliest times, still meaningful in an era of transcendent privatization?

For anyone who has studied the administrative state here and abroad, the most complicated question is understanding where the line between public and private is drawn. Often the effort is abandoned as unproductive. Yet when confronted with the phenomenon of privatization, the question becomes irresistible; one is compelled to discover whether a line (or some approximation of it) can be drawn. Identifying the continuing role for the state in the context of privatization implicates the public-private distinction and its connection to democratic political theory.

The words "public" and "private" are so commonplace in American law and society that they almost defy definition. In society generally, these words are politically charged. To take but one example, they have been invoked to separate public discourse from private conversation in an effort to foster civic engagement. Inevitably, the line between them remains ambiguous and contested. Calling an activity "public" has served to legitimate governmental action since society was formed. Indeed, from the time of Justinian, "public law" and "private law" have defined the relationship of the individual to the state. In Continental jurisprudence, which traces its roots to Roman law, public law carries with it substantive obligations of the state to the citizen. In the Anglo-American legal tradition, public law has similar, but less well articulated connotations.

There is a long historical, political, and legal tradition that supports the public-private distinction, its role in our society, and the essential question of who runs the government and for what reasons. This distinction is at the core of those functions of government that are labeled "inherent." Such functions are performed by officials who exercise discretion and are accountable for the important actions of

"Big government today officially changed its name to humongous government."
government. The privatization movement's success has placed these functions and the actors who perform them increasingly at risk. Protecting the public sector means placing some functions beyond the reach of privatization. Our goal here should be to balance the two positives of the private and public sectors—efficiency and accountability—in ways that confirm rather than threaten our legal and political traditions.

Giving the public sector an independent value does not undermine the private sector. This is not a zero sum game. Indeed, in terms of democratic theory this is a positive sum game where both sides can win. If the public sector is given independent value, the private sector benefits from clearer rules and better oversight. Our tradition of political liberalism keeps the public sector from usurping the essential role of private enterprise. But our notions of civil society require that the public enterprise operate effectively as well.

It is difficult for the courts to implement the public-private distinction under the Constitution. But if Congress replaces the Office of Management and Budget's Circular A-76, which sets a competitive process that allows government employees to challenge rampant privatization, with a better defined statute that guarantees objective consideration of the larger issues, these questions can be resolved.

An expanded administrative process could be led by GAO, which can help ensure that the government remains in charge of those functions that are crucial to our functioning as a civil society. Its role as an objective decider and honest broker gives it enormous credibility. There is also no substitute for the public's voice on these matters, as expressed both through public-private competitions and a broad range of interest groups. Should GAO's role expand, congressional interest will be heightened. Congress must evaluate what society is losing when the private-public distinction is subordinated to the privatization movement. At stake, of course, is the degree of accountability and credibility necessary to make our government and society work effectively.

Privatization need not be the enemy. Many functions of government can be performed better and more effectively with competitive sourcing. But the higher up the policy ladder the process goes, the closer one gets to inappropriate delegations. What is lost is not just the position, but the credentials of the official involved. As Justice Scalia noted in his Webster v. Doe dissent, government officials take oaths of office to uphold the Constitution. But they also subscribe to stringent conflict of interest and ethics rules, and work for more than money. Oaths and badges are not merely symbols or formalities. They accompany the defining qualities of authority and credibility.

In our post-9/11 world, government officials have earned renewed respect from the public. The credibility of a public sector employee is not easily transferred to the private sector. The public's perceptions matter. As we have seen in connection with Congress's creation of public officials to provide airport security, the public often prefers to have government officials in charge. The public is both demanding and respectful of government officials. Admittedly, credibility is hard to measure, and we are entitled to be skeptical about it. Still, the values behind public service that help animate the public-private distinction can also energize public decision making. When private contractors perform inherent government functions, they weaken government's capacity to do the common good.

The goal is to grant privatization its due while protecting public sector values. Boundaries are admittedly hard to draw, but locating them has become an imperative exercise in public law and government management. This is not just a matter for the courts. All three branches of government take oaths to uphold the constitution, and each has a stake in ensuring that this exercise succeeds.
GEN'L. JACK D. RIPPER: “Were you ever a prisoner of war, Mandrake?”

GROUP CAPTAIN LIONEL MANDRACE: “Yes ... the Japanese.”

RIPPER: “Did they torture you?”

MANDRACE: “Yes, yes, Jack. They did.”

RIPPER: “Did you talk?”

MANDRACE: “No—but I don’t think they really wanted me to talk.
They were just having a bit of fun, that’s all.”

—STANLEY KUBRICK, DR. STRANGELOVE

Loose Professionalism,
or Why Lawyers Take the Lead on Torture

RICHARD H. WEISBERG
WALTER FLOERSHEIMER PROFESSOR
OF CONSTITUTIONAL LAW AND
DIRECTOR, PROGRAM IN HOLOCAUST
AND HUMAN RIGHTS STUDIES

The torturer through history can be characterized as naive (in
his hope that confession or disclosure will be accurate) or as
cynical (in his indifference to the inaccuracy that usually fol-
ows from the practice), or as self-absorbed (in his need for
the torture victim to utter formulas that support the torturer’s
worldview) or as sadomasochistic (in his literal brutality,
often tempered by the phrase “this hurts me more than it
hurts you”). None of these descriptions reflects well on the
torturer or the society condoning the practice. Against these
risks, periodically, apologists for the practice invoke special
emergency conditions (whether spiritual or geopolitical), as
though the world had never before seen such conditions.
Where the premodern torturer perceived some unique threat
Sterling Hayden (left) as Brigadier General Jack D. Ripper and Peter Sellers as Captain Lionel Mandrake in the 1964 film *Dr. Strangelove or: How I Learned to Stop Worrying and Love the Bomb.*
to the soul, the modern torturer sees it to the nation-state, and his or her postmodern apologist manages to forget history in an unwise and ironic rush to cloak the torturer's brutality in the language of utilitarianism.

In this discussion of professional consequences—specifically to the world of lawyers and law professors—of this rush to rationalization, two points at least bear clarification early: First, I am not suggesting that the legal community can or should completely avoid discussions of torture; no— I am suggesting, on the all-too-infrequent historical model of early protest against aberrational practices, that lawyers so inclined should speak out directly and forcefully against the practice. There should be such a “conversation” about torture, including as its preferably most powerful intervention an emphatic "no" to the practice! Second, I am not suggesting that those who, instead, begin to rationalize torture necessarily favor the practice; what I am saying is that the lessons of history are clear in demonstrating that such rationalizations not only help the practice to thrive but often provide (as in Vichy-created racism) the main reasons for its baleful success.

In mid-October 1940, with Nazi occupiers in Paris and a new French regime down in Vichy legislating aggressively against Jews, Prof. Jacques Maury leveled a frontal protest against racism. A specialist in public law from the University of Toulouse, Maury could not believe that statute writers from his own country had jumped the gun on German demands and exceeded even the Nuremberg model of “racial” definition and persecution. Many lawyers at the time privately found Vichy’s premature violation of France’s egalitarian traditions to be grotesque. They, like Maury, believed at the beginning that the French system simply would not design to recognize or enforce racist practices. Maybe the occupiers would eventually impose anti-Semitism on the indigenous population, but the Nazis surely had not yet made that difficult political decision by October 1940, when Vichy on its own promulgated the first of what would become almost 200 home-grown laws against the Jews. So Professor Maury published openly what most of his colleagues believed: It was unacceptable for a government acting in the name of France to violate “our long-held rule safeguarding equality in their rights as well as their responsibilities to all French people.”

A “conversation” had begun about racism. If government ministers under Marshal Petain wished to define and punish people on the basis of their “racial” or “religious” heritage, the rest of the legal community’s willingness to do so remained quite unclear. Jacques Maury voiced his unwillingness, and he did so loudly and clearly. His professional assumption was that the strange un-French law would die aborning. No one yet had introduced into the conversation a discourse of rationalization, obfuscation, or utilitarianism. Instead, among the first prominent words from a lawyer was Maury’s unambiguous rejection of the practice.

Rising considerably more than an American lawyer might today protesting the practice of torture, Jacques Maury published his professional opinion of the new law’s validity in the Parisan equivalent of the Yale Law Journal; it was a frontal attack on racism. He did not assume, as the rationalizers of torture seem to do today, that since the practice exists we are required to micromanage it by bringing our exquisitely refined lawyer-like skills to justify at least some part of it.

Tragically, Maury’s protest went no further than the two articles he published in the fall of 1940. If Maury had been punished for his indictment of the new practice, either by the Nazis or the Vichy regime itself, there might have been reason for his colleagues to reject his mode of frontal protest. But he was not punished for his words at all. Three years later, his academic career thriving, we find him instead still writing about these laws, which had been developed along the lines of an accepting discourse instead of the conversation of protest he had vainly opened as the Occupation was just beginning. Documents show that, in the absence of any help at the beginning from his conferees at the bar or in academia, Maury himself dropped the discourse of principled protest and instead (like those others) worked within the laws and made them live.

By 1942 and 1943—with the deportations from France proceeding apace and according to Vichy legal definitions—Jacques Maury’s strict professionalism had been transmogrified. Like the rest of his colleagues at the bench and bar (and in academia), Maury instead wrote and talked about the ambiguities surrounding the status of the Jew in Vichy. Like everyone else, he had become a loose professional. Direct protest against the very idea of such laws had disappeared.

What happened between the publication of his protest in late October and the loose professionalism of the high-deportation period? The transmogrification had, as it turns out, little to do either with external German pressure or with indigenous anti-Semitism itself. It did not happen, as it turns out, that Maury’s legal colleagues accepted this bizarre change in their laws and traditions because they were afraid of the Nazis. Fewer still wished to pander to the Germans so that France could politically fit into Hitler’s “new Europe.” Ample documentation proves that French lawyers quickly perceived that the Nazis were willingly permitting French laws and judicial structures to proceed virtually unchallenged.

Anti-Semitism existed, of course, among lawyers as among the wider population. At the bar, there was a special resentment of the recent influx of “foreign Jews.” But there was an even deeper resentment that Vichy legislation worked to disbar and sometimes imprison respected Jewish colleagues whose families had been in the country since Napoleon or before and whose brothers and fathers had died fighting for France during the twentieth century. There was no love of this legislation.
Analogous to the rationalizers of torture today, most Vichy-era lawyers would say wistfully: “Nobody in France likes official discrimination on the basis of race and religion. But ...” Everything that really counted in the discourse that followed Maury’s late-1940 strict professionalism began with that word but.

Confronted with a clear choice between opposing the practice and working within it, the French legal community took up the new laws as they would a rich and potentially fine new wine. Like today’s micromanagers of torture, they found the “middle ground,” the loopholes, the ambiguities, and in so doing they made the new and unusual vintage into a highly palatable professional brew. As many veterans of Vichy whom I interviewed 20 or so years ago told me, had French lawyers (like those in Italy) or the population as a whole (like that in Denmark) rejected the racist laws, history would have told a different and probably far more benign wartime story than the one France has to live with today.

Whatever their personal feelings and their finer professional instincts—to be detected in archival records of private musings by French lawyers across the spectrum (even in the Vichy ruling circle itself)—the entire relevant legal community spent four years collectively reversing their country’s 150-year-long egalitarian traditions. And they did this not only under no significant German pressure but sometimes in the face of the occupier’s annoyance that the Vichy approach went too far, implicated too many groups, and involved a case-by-case legalistic scrutiny that was foreign to Nazi jurisprudence and precedent.

Although the practice of torture violates all of our traditions, lawyers of impeccable credentials are starting to “PULL A VICHY” on their community.

Although the practice of torture violates all of our traditions, lawyers of impeccable credentials are starting to “PULL A VICHY” on their community. Lacking the will to mount a Maury-style protest, they seek to cabin torture within a spectrum of acceptable and unacceptable procedures and definitions. In this sense they exceed the unfortunate example of Vichy in three ways: First, if they instead chose to enter the debate at the level of direct protest, they would encounter none of the personal and professional risks run by Maury in the fall of 1940. Maury’s finer instincts moved him at first to protest despite many conceivable risks to his own well-being; today’s apologists, who are under no external threat, traduce such instincts. Second, unlike the Vichy lawyers, who knew that racial laws were an actual unavoidable fact, apologists for torture today cannot be absolutely sure that an American most extreme practices if there had been unambiguous protest early—wrote that unfortunate history. Today’s professional communities need to learn it.

The complex discourse of loose professionalism is on the move, but the Vichy example should give us pause. We should not confuse conversational complexity (even among lawyers) either with intelligence, appropriateness, or sophistication. These virtues, and perhaps especially the last of the three, implicitly justify the arguments made on behalf of some forms of torture. No one, after all, wants to seem wide-eyed when facing, for example, the “ticking bomb” hypothetical. So even if one admits the severe costs of breaking the taboo against torture, surely it would be wise to forgo the benefits of saving thousands of lives by torturing the one who knows where the bomb is.

But as David Cole of Georgetown University and I, among others, have pointed out, the hypothetical itself lacks the virtues of intelligence, appropriateness, and especially sophistication. Here, as in The Brothers Karamazov; it is the complex rationalizers who wind up being more naïve than those who speak strictly, directly, and simply against injustice. “You can’t know whether a person knows where the bomb is,” explained Cole in the Nation; “or even if they’re telling the truth. Because of this, you end up sanctioning torture in general.”

Let us continue to be alert to what governments may be doing. And, if there is evidence that our government practices torture, let us avoid loose professionalism by entering the debate with a firm protest against the practice. Let us not lead, in the name of some skewed idea of Realpolitik, with our collective, liberal chins.

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despite what you might hear on radio talk shows, government jobs and elected positions are not a gateway to easy riches. For attorneys who work for local, state, or federal government, positions tend to be secure and benefits—health insurance, vacations, and pensions—are sound, although the pay may be modest compared to that for a seasoned litigator at a large private firm. For elected officials, job security ranges from iffy for newcomers to nearly ironclad for long-time incumbents; many attorneys who are elected officials—including those interviewed here—keep their day jobs.

The following Cardozo graduates in elected and appointed government jobs say the payoff can be powerful: there's the excitement of representing the government in major, complex cases; the opportunity to help constituents and taxpayers; and the ability to change law for the better, among other things. >>
Fay Leoussis '79, who is chief of the 400-employee Tort Division of the New York City Law Department, knows the challenges of bureaucracy better than most. Her office defends the city against personal injury cases; pending cases number 33,000, down from a mind-boggling backlog of 60,000 in the mid-90s. The cases can range from injuries caused by broken sidewalks to casualties of the 9/11 terrorist attacks. About 8,000 new suits are filed against the city each year.

"It takes a lot of patience," Leoussis said of her division's caseload. "We obviously can't win them all, but every time we do, we know we have just saved taxpayer dollars that can be reallocated to other public services."

Her office is free to do the right thing. "We will not pursue something if we believe it is wrong," Leoussis said. If the department's Risk Management Unit identifies a pattern, for example, of dangerous sidewalks or roadways, the city is notified and repairs are ordered. "When confronted with a situation where we believe the city was wrong, or the situation was wrong, we don't pursue it [in court]—that's also a positive feeling."

Leoussis has worked for the Law Department (also called the Office of the Corporation Counsel) since graduating with Cardozo's first class. Starting as an assistant corporation counsel in the Appeals Division, she rose to chief of the Tort Division in January 2001.

In college, she found she had a bent toward public service, and aimed for a legal services career. After Cardozo, she applied to the Law Department on the advice of a friend and never left. "Once I got here, I really liked it. I liked the people, I liked the work; it has never ceased being interesting and challenging."

Some might find "challenging" an understatement. Dealing with 200 attorneys and an equal number of support staff along with handling a mega-caseload is not easy. "I'm not going to tell you that it is," Leoussis said. "Organizational skills are key, along with an ability to tune things out. Put blinders on. You have to focus on priorities. You have to realize you're doing your best, compartmentalize, and have mental discipline."

When she started her current job, she worked 60 to 70 hours week; she's since whittled that down to 50 or so.

Cardozo graduates are well represented in the Law Department, Leoussis said. At last count, there were at least 45, and although Corporation Counsel Michael A. Cardozo is a Columbia Law School graduate, he is descended from a cousin of Benjamin N. Cardozo. The department's Appeals Division has an internship program that frequently hires Cardozo students, and if a Cardozo employee organized a similar program for the Tort Division, Leoussis would "love it."

More than 40 Cardozo graduates work at the NYC Law Department. Clockwise from right: Eric Epstein '94, Stacey Cohen '90, Mary Swartz '88, Fay Leoussis '79, Barbara Moretti '93, Susan Smolens '04, Michael Cavino '04, Monica Smith '01, Rhonda Rosen '85, Steve Lief '82, Daniel Schloss '92, Ilene Kass '79, and Mordecai Newman '90
Several Cardozo alumni have federal jobs in Washington, DC. Scott Sisun '01, who received an LL.M. in intellectual property from Cardozo in 2003, found that Cardozo's intellectual property program prepared him well for his current job as a trademark examining attorney at the US Patent and Trademark Office (USPTO).

He believes his Cardozo background helped him land the position in what has become a very competitive field. Sisun and the other 300-plus US trademark examining attorneys review and analyze every trademark application to the USPTO to make sure it meets federal requirements. They must make sure the mark is distinctive and doesn't cause confusion or appear vague, immoral, or scandalous; they recommend approval or opposition and meet with applicants and their lawyers to resolve issues. Sisun said he likes the position's creative aspects and the chance to work with the pro se applicants, who are often cutting-edge entrepreneurs.

Trademark law seems to attract pop culture fans like him, Sisun said, who get excited about new and interesting "marks" and working with nascent businesses. "Of course, we'll get the big Xerox application, but we also get the applicant who designs his own furniture, is about to go public, and wants to make sure he can put his mark on his product."

In his undergraduate days, Sisun thought he wanted to be an advertising copywriter and interned at two ad agencies. Then he decided he wanted more of a challenge, and enrolled at Cardozo. His jobs after graduation included clerking for a New Jersey Superior Court judge and being an associate at Pavia & Harcourt, an intellectual property boutique firm, and at Wilson, Elser, Moskowitz, Edelman & Dicker. He performed a variety of tasks for the firms, always making sure he gained trademark and copyright experience. "In my early jobs, if 25 percent of my work was trademark law, I was still happy," he said.

The result is a job he loves, with decent pay, flexible hours, and recognition for good work. He advises Cardozo students who are interested in trademark and copyright law to stick with it. "There will be bumps in the road and hurdles, but trust that things will work out."

Sonya Levine '86 is a US Department of Labor attorney who helps enforce Title I of ERISA, the Employee Retirement Income Security Act of 1974. She has participated in federal investigations and enforcement proceedings against fiduciaries that have breached their duties to employer-sponsored pension and health plans, including corporate sponsors such as Enron, WorldCom, and Global Crossing.

Levine is one of 30 trial attorneys in the Plan Benefits Security Division and one of a half-dozen who worked on
various aspects of the Enron case. A bankruptcy lawyer by training, she was actively involved in the portion of the government's ERISA case that led to a settlement of bankruptcy claims against Enron itself for $134 million. The bankruptcy settlement funds will be distributed to former Enron workers and retirees through the company's retirement plans.

"The complexity of Enron's accounting and corporate structures was breathtaking," Levine said. "It was eye-opening."

Until July 2001, Levine worked for private firms, usually representing corporations and individuals in bankruptcy matters. Besides financial remuneration, there are a lot of differences between private and public jobs, she said. "There are small, petty frustrations in government that you don't find in the private sector, but there is more flexibility, especially for people who have families. Also, there's something nice to be said for representing the United States of America."

One of those benefits is a chance to participate in cases that reach the Supreme Court. For example, in January 2004 the Supreme Court heard arguments in Yates v. Hendon, a case involving ERISA and bankruptcy issues. Levine and other DOL attorneys helped formulate the government's position articulated in an amicus brief and argued by the Solicitor General. "It's an interesting opportunity that you wouldn't necessarily get in the private sector," Levine said.

Levine, who was raised in Brooklyn, is the daughter of two lawyers who handle trusts, estates, commercial transactions, and real estate. She took several bankruptcy courses at Cardozo and interned as a student for the US Bankruptcy Court in New York's Southern District. Her advice to current students interested in public sector law is to seek internships, like the ones at DOL and other government agencies, in the field of their interest.

"We may not pay as well as the private sector, but we can provide good experience," Levine said.

Delfa Castillo '92 was, until recently, a trial attorney for the US Department of Justice, representing the federal government in appeals before the US Court of International Trade, United Court of Appeals for the Federal Circuit, and United States Court of Federal Claims.

Castillo received her law degree relatively late in life, 10 years after receiving her bachelor's degree and a year after her own daughter graduated from college. As a child, Castillo and her nine siblings helped their migrant farmworker parents in the orchards and vegetable fields of Michigan. Later, the family returned to their permanent home in Texas, where Castillo finished high school, married, and started a family.

After a move to New York, she earned her B.A. in early childhood education from Brooklyn College in 1982. She worked as assistant director of a nonprofit tutorial program for low-income children on Manhattan's Upper West Side, earned a master's in reading specialization from Bank Street College of Education in 1984, and became director of the tutorial program the same year. After several years at the tutorial program, helping children and their parents and
organizing volunteers, Castillo decided to try law school. She enrolled at Cardozo and found an interest in international business transactions, especially in discussions about trade and displaced workers. That led to a judicial clerkship for the US Court of International Trade, and then to her US Justice Department job in 1996. At DOJ, she has been a team leader and member of the trial teams handling the complex and lengthy Winstar litigation, a breach of contract action filed by savings and loan associations against the federal government that continues today.

Castillo's long and winding road to the law has made her a champion of women who overcome difficult odds. "I have spoken before teenage girls in the Bronx as well as women who may cross my path, and I encourage them to dare to dream and make their dreams come true," she said.

She is about to start a new chapter in her life. Castillo quit her DOJ job on March 17 to take a break and tend to health problems. She might return to working for the government or begin her own law practice, but she's not quitting over dissatisfaction with her old job.

"It's nice to say that you represent the government and feel that what you are doing is helping the entire country and keeping government expenses down in legitimate and valid ways. Also, you get to travel and you go up against some of the best private law firms. I would say that government attorneys as a group are as good or better than the private firms out there."

Castillo is not alone in that assessment. In the case of the Winstar litigation, a February 2004 Law.com article noted that the government's aggressive defense against the thrifts had succeeded, with one observer saying that the DOJ had done a "heroic job" in saving taxpayers billions of dollars.

"What's great about [working for DOJ] is that it gives you a lot of autonomy," Castillo said. "In my case, I got a lot of responsibility off the bat."

As for politicians, it's not surprising that lawyers dominate the ranks of elected officials. Scott McCoy '01, one of seven attorneys in the 29-member Utah State Senate, said he has found his Cardozo experience immensely helpful. "Court basics are so incredibly valuable when you want to serve in a legislative body. You're actually writing law that the courts are going to look at and interpret." McCoy is a full-time associate at the Salt Lake City office of an international law firm, Howrey LLP, handling complex commercial litigation and federal securities matters. "They're really great," McCoy said about Howrey. "They understand the value of having me in the State Senate." That means the firm exempts him from billable hour requirements for the two months in late January through March when the Legislature meets.

McCoy, a Democrat, took a rather unorthodox route to public office in Utah, where politics are dominated by conservative Republicans. McCoy grew up in Missouri and

"I would say that government attorneys as a group are as good or better than the private firms out there."

DANUTA OTFINOWSKI
Oklahoma, where he was drawn to politics in high school. As a graduate student at George Washington University in 1992, he began working for the US House Agriculture Committee, then as a legislative director for Iowa Republican Rep. Tom Latham. He left Washington, DC, to enter Cardozo in 1998; after graduating, he worked for a year for a Wall Street law firm. While living in New York City, McCoy met his partner, Mark Barr, and decided to leave the Republican party. "My life and politics were different and more in line with the Democratic party," he said.

McCoy, who has relatives in Utah, accepted an offer to clerk for former Utah Supreme Court Justice Leonard Russon. When Justice Russon retired in 2003, McCoy joined a boutique Salt Lake City law firm that eventually merged with Howrey.

McCoy got involved in Utah politics as head of the "Don't Amend Alliance," which opposed an amendment to the state constitution to ban gay marriage. Although Utah voters overwhelmingly passed the amendment in 2004, McCoy was noticed by Utah Democrats, and when party delegates met in February 2005 to replace a state senator who was quitting for health reasons, they picked McCoy over two other candidates. The choice was surprising for several reasons: McCoy had decided to run for the seat only the night before; the incumbent had favored her husband, a longtime Democratic leader, to succeed her; and McCoy is openly gay. When a newspaper notified a conservative Republican senator the next day of McCoy's victory, his startled reaction was, "The gay?" McCoy later ordered a personalized license plate that reads: The Gay.

More than a year later, the phrase "first openly gay Utah state senator" is no longer automatically attached to McCoy's name in news stories. The label is revived occasionally when the legislature takes up an anti-gay measure, but for the most part, McCoy is accepted, even by the Republican who inspired McCoy's license plate. "Now I'm just a Democrat from Salt Lake City," McCoy said. "I certainly advocate for gays, but it's annoying when that's the only thing people think you're about." Other issues he has taken up include requiring health plans to cover birth control for women, studying Utah's electronic waste problem, expanding veterans benefits, and repealing criminal penalties for slander and libel. McCoy will run for a full, four-year State Senate term this year, and has been asked to run for mayor of Salt Lake City and for Congress.

David Fried '05 also caught the political bug at an early age. He became involved in Democratic political activities and community organizations even before high school in Spring Valley, NY, an ethnically diverse, working-class village in Rockland County. As an undergraduate at Manhattanville College in Purchase, NY, he was one of several volunteer advance aides to President Clinton, Hillary Clinton, and Vice President Al Gore, traveling ahead of the First Family to destinations as far away as India to help in last-minute trip planning. "It was fantastic," he said. "It was an unforgettable experience to work with
them." After Clinton left office, Fried worked part time in the Rockland County Legislature, and when the incumbent representing Spring Valley retired, Fried leaped at the opportunity, defeating four opponents in the Democratic primary in a strongly Democratic district.

When he won office in 2003 at the age of 24, Fried was one of the youngest county legislators in state history. He was also a second-year student at Cardozo. "I was passionate about both—legal studies and serving. I found that the two responsibilities complemented each other well. The Law School was very accommodating, and I had the intention of running since I started, so I was able to plan my academic calendar around my legislative responsibilities."

At Cardozo, Fried concentrated on constitutional law but took a variety of classes. Courses in state and local taxation and legal writing were especially helpful, he said. "All law students everywhere have an enormous responsibility to public service," Fried said. "All of us should appreciate the opportunity we have in law school and then, as an attorney, to act responsibly as the public servants we are."

Being a Rockland County legislator is a full-time job, although the Legislature runs on a reduced schedule in summer. Fried supplements his political job as an adjunct professor teaching business law and American government at Westchester Community College.

Fried said he will run for re-election in 2007. After that? "I'd like to continue to do my best to serve people. I'll take public service as far as my constituents are willing to take me."

For Michael Wildes '89, Cardozo is a family affair. His father, Leon, has been an adjunct professor at Cardozo for 25 years, teaching Immigration Law and directing the Immigration Law Clinic. He met his wife, Amy Messer '91, at Cardozo, in his father's class, and all of them—father, son, and wife—work as immigration lawyers at the family's Manhattan firm, Wildes & Weinberg. But Wildes is probably better known, at least in New Jersey, as mayor of Englewood and as a potential congressional candidate.

"My interest in public service has centered around leaving a legacy of leadership to my children so that they will feel engaged in the process and interested in changing policy where it needs to be changed," he said. Wildes, who has represented some high-profile "terrorist defectors"—Saudis and others who have provided intelligence to US law enforcement—sees himself as a proponent and protector of national security. In that role, he has appeared on cable television news shows commenting on international terrorism.

Wildes began his elected career as an Englewood councilman in 1999. He was re-elected in 2002, and then elected mayor the next year. He was sworn into office by New Jersey Sen. Frank Lautenberg, one of many leading Democrats—others include Edward Kennedy, Hillary Clinton, and Joseph Lieberman—who have recognized Wildes' fund-raising prowess for Democratic candidates. Wildes expects to run for another three-year term as Englewood mayor in 2006, but is already raising money for a congressional run in 2008.

Wildes' high-flying style has drawn attention in Englewood, population 26,000, but he is not fazed by his hometown critics or Democratic party regulars who want him to wait his turn. "I have never apologized for my ambition or passion to serve," he said. "Public service is a public trust. You always serve at the pleasure of the community that placed you there; they are the ones to whom I answer."

After obtaining his law degree, Wildes worked as a federal prosecutor for four years before joining the family firm. His advice to Cardozo students who want to enter politics? "There's no substitute for digging in and running for a position, whether it's local, regional, or national. Success in all of those arenas has everything to do with your enthusiasm and drive."
Bonnie Steingart Named Alumna of the Year

The Cardozo Alumni Association honored Bonnie Steingart '79 with the Alumna of the Year Award. She was recognized for her exceptional commitment and service to the Law School. A member of the Cardozo Board of Directors since 1999, Ms. Steingart has helped the Law School reach significant milestones. Her contributions include extraordinary leadership in the creation and coordination of Cardozo Women, one of the most successful alumni programs at Cardozo; guidance in producing her 25-year class reunion, which has become the model for such events; and assistance with the Law Firm Challenge that contributed to increased alumni giving in 2005.

Among the special guests who spoke at this third Annual Alumni Awards Ceremony were the Honorable Jack B. Weinstein, Ms. Steingart's mentor and for whom she clerked, and Leon Silverman of Fried Frank Harris & Shriver, where Ms. Steingart has been a partner since 1987. Dean Rudenstine, Cardozo Board Chair Kathy Greenberg '82, and classmate Leonard Benowich '79 also spoke of the awardee's great contributions to Cardozo.

Graduates who have been state or federal judicial clerks were given special recognition during the evening for the important roles they have played in promoting Cardozo among judges across the country.

The event raised more than $27,000 and will fund public interest summer stipends for students, who will be called Steingart Scholars.
A Study of Undivided Loyalties

No story better demonstrates the benefit of building strong relationships with law school classmates and then maintaining the connections than the formation of Seeger Weiss LLP. The friendship between Christopher Seeger ’90 and Stephen Weiss ’90 began when they were Cardozo Law Review editors. Their shared experiences ultimately led to a successful partnership and a joint commitment to Cardozo. Even the relationship between their families has prospered: their wives have become close friends, as have the three children in each family, who track each other closely in age.

Upon graduation, Chris and Steve began their legal careers at prestigious law firms, Shearman & Sterling and Fried, Frank, Harris, Shriver & Jacobson respectively. However, they didn’t leave each other behind. They continued to collaborate on ideas and share ambitions, relying on each other for advice and support.

Chris, always an entrepreneurial spirit, left Shearman & Sterling after two years to join a firm formed by the partner who had hired him, fellow alumnus Nathan Eissler ’83. Then, a year later, Chris opened his own firm handling everything from real estate and wills to litigation matters. In 1995, he was given an opportunity that changed the course of his practice when Steve urged his father, noted class action attorney Mel Weiss, to appoint Chris a claims advocate on behalf of thousands of New York Life Insurance customers participating in a class action settlement. Chris’s performance cemented his role in a number of similar insurance class action settlements. In a case against Prudential Life Insurance, for example, Chris and scores of lawyers working under his auspices provided representation to more than 53,000 claimants who elected to arbitrate claims arising from the sale of vanishing premium life insurance policies, achieving a nearly 90 percent success rate.

Meanwhile, Steve was developing an expertise in environmental law at Fried Frank, defending large companies not unlike the insurance companies Chris was fighting. He was on Fried Frank’s partnership track when Chris invited him to join his blossoming practice. Unable to go to his trusted friend for advice, Steve turned to his father, who encouraged him to choose the path that he believed would offer the greater opportunity for career satisfaction. At that moment, Steve decided to join Chris and on April 2, 1999, the firm Seeger Weiss LLP was born.

Chris and Steve quickly earned the respect of peers and opponents. The skill sets they developed at Cardozo and then honed during their large-firm experience made them exceptionally qualified to take on large corporations. They represented individuals who had been harmed physically or financially, but lacked the resources to fight multi-billion dollar multinationals. Seeger Weiss grew quickly and dramatically. With the addition of David Buchanan ’93, a former colleague of Steve’s at Fried Frank, the nucleus of Seeger Weiss was formed and its reputation as smart and tough but fair advocates grew among opposing counsel.

One of the firm’s early successes was against MCI in 2001 in a consumer rate litigation that settled for $88 million, the largest telecommunications settlement up to that time. The case was pivotal for the firm, as it set its sights on bigger and broader client representations. Since then, the firm has tried a number of high-profile cases. Chris has received national press attention for his pharmaceutical litigations against Pfizer, winning a trial verdict involving the drug Rezulin; Eli Lilly, serving as the lead negotiator of a $700 million settlement of personal injury claims involving Zyprexa; and, most recently, Merck in connection with its withdrawal of Vioxx. He served as co-counsel in the federal and state court coordinated proceedings.

Steve’s representations, similarly notable, focus on consumer and environmental matters. Included among his successes was a
$110 million class action settlement on behalf of the nation's corn farmers for market losses resulting from the Starlink™ brand genetically modified corn scare.

Seeger Weiss prides itself on the breadth of its practice. The firm handles everything from individual advantage over many of opportunity to gain frontline experience. Laurence Nassif ’98 has been with the firm since graduation; he describes its practice as “razor’s edge” and enjoys the opportunity to do work that can effect change for literally millions of people.

The partners hope to grow Seeger Weiss in a
catastrophic injury cases to nationwide antitrust, consumer, and securities class actions. Steve says he rejects the idea of relying on any one area of specialty, claiming, “At Cardozo, we were encouraged to be critical thinkers, which is a skill that can be applied to any practice area. By keeping our minds open and our management unversed to any customs or dogma, we’re able to be nimble, which gives us a competitive many of our peers.”

As the firm has grown—there are now about 25 full-time attorneys and 70 employees on staff—Chris and Steve have hired a number of Cardozo graduates Steve describes as “superb advocates” and “at the top of their game.”

among the Cardozo alumni at Seeger Weiss are (from left) Lawrence Nassif ’98, Melissa Stewart ’02, Michael Farkas ’01, Stephen Weiss ’90, Chris Seeger ’90, Jeffrey Grand ’02, and Moshe Horn ’93.

Many of their hires come from major defense firms where attorneys learn to produce high-quality briefs. In addition, they seek to hire those who share their commitment to disadvantaged and disenfranchised individuals. The result, they say, is a cadre of young lawyers who are fully committed to the firm and its causes, like Michael Farkas ’01 who chose Seeger Weiss over big-firm offers because of the atmosphere and considered and controlled way, so as to continue to serve the needs of their clients. Difficult times such as 9/11, which devastated their downtown location, seem only to have sharpened their commitment to effecting corporate and social change.

They offer this kind of commitment to Cardozo as well. A few years after graduation, Chris and Steve attended a Cardozo Law Review alumni party. A conversation about fundraising with Dean Paul Verkuil led Steve to a position as an ex-officio member of the Cardozo Board of Directors. Steve and Chris chaired one of the first alumni fundraising drives, which raised more than $25,000—a record amount at that time. Then, in 1998, Steve was elected a full member of the Board.

Steve and Chris have continued to increase their involvement with the Law School. Steve, with his wife, Debra, also a 1990 graduate, exhibited leadership during the Law School’s first Capital Campaign while Chris and Moshe Horn ’93, counsel at Seeger Weiss, taught a popular mass torts course. To memorize their friendship and the important role the Law School played in their lives, the partners made a generous gift to Cardozo and had the law review office named the Seeger Weiss LLP Law Review Office.

The two partners said, “Cardozo was barely 10 years old when we began our studies there. It’s absolutely amazing that in an incredibly short period of time, it has only continued to raise its reputation nationally and internationally. With its maturing alumni base, remarkable physical transformation, and stellar faculty and scholarship, it’s clear that the school’s opportunities for future growth and success are limitless, and we’re committed to be part of it.”
1981

In October, Anthony Rafei opened a boutique litigation law firm, Rafei Manville, PLLC in Seattle, WA.

Martin Shulman was sworn in as a justice of the New York State Supreme Court in December.

1982

Loretta Gastwirth was named one of Long Island's top 50 women in Long Island Business News. She is a partner at Meltzer Lippe Goldstein and Breitstone and is involved in commercial, intellectual property, and Indian gaming law; trade secrets, securities and employment litigation, and arbitration.

Steven Mosenson, general counsel of the Cerebral Palsy Association of New York State, was elected chair of the New York State Bar Association's corporate counsel section.

1983

Howard Leib was appointed to Manhattan's Community Board 5 by former Manhattan Borough President C. Virginia Fields.

Michael Schloss is of counsel at Theen Reid & Priest in the labor and employment department.

1984

Ilene Shifrin was appointed adjunct professor in the Applied Skills chair of the New York Program at New York State Bar Association's Law School.

1985

Magda Deconinck and Susan Sanders founded the Law Offices of Sanders & Deconinck LLP, offering consultation and litigation services to attorneys and clients in the area of New York City employee pensions. She retired from the pensions division of the New York City Law Department after 20 years of service.

Eric Herschmann was appointed senior executive vice president of the Southern Union Company in November and remains a partner at Kasowitz Benson Torres & Friedman, specializing in litigation.

Joan Waks was elected secretary of the board of trustees of Chilton Memorial Hospital in New Jersey. She is a partner at Waks & Mecky and associate counsel for the Passaic County Board of Social Services.

Michael Schneck opened Schneck Holtzman LLC with partner Lee Holtzman. He will be the managing partner at the firm, specializing in tax appeals and real estate law.

1986

Susan Kettner was appointed chair of the New Rochelle Zoning Board. She concentrates her law practice in trusts and estates, adult guardianship, and real estate.

Mary WanderPolo was profiled in the Verona-Cedar Grove Times, with a focus on her elder law practice in New Jersey.

1988

Michele Schwartz became a partner at Hughes & Luce in Dallas. She concentrates her practice in intellectual property law.
FLORIDA ALUMNI  Alumni, parents, and friends joined Dean David Rudenstine in February for a wonderful evening at the Woodfield Country Club in Boca Raton. The event, hosted by Todd Rosenberg '02 (right), shown here with Paul Labiner '79, featured an inspiring update on the Law School by Dean Rudenstine. Parents enjoyed the opportunity to talk with alumni, who also reconnected with local colleagues.

Washington, DC Alumni and Parents Reception

For graduates in Washington, DC, the Cardozo reception in January was not only an opportunity to see former classmates but to catch up with faculty and administrators. They heard from Professors Malvina Halberstam, Justin Hughes, Toni Fine, and Lynn Wishart, as well as Dean of Student Services Judy Mender. Alumni were joined also by parents and friends, who enjoyed a video of the first days of law school for this fall’s entering class. The reception was held in conjunction with the annual meeting of the Association of American Law Schools, at which many Cardozo faculty present papers.

1990


Janice Schacter was appointed to the FCC’s Consumer Advisory Committee as a representative for the Alexander Graham Bell Association for the Deaf and Hard of Hearing.

1991

Lisa Post Gershon became special counsel at Cadwalader Wickersham & Taft, practicing in the area of commercial mortgage securitization, representing issuers, underwriters, mortgage loan sellers, and institutional investors in primary and secondary capital markets.

1992

Stephen Abrams joined the investment firm of ICON Advisors as associate general counsel.

Gustavo Brückner and his wife, Bena Medjuck-Brückner, had a son, Noam Nadav, in June.

Barbara Davodovits-Ifrah and Jeff Ifrah had a daughter, Shoshana Davida, in October.

In February Alissa Makower spoke on a panel, “How to Go In-House,” at the New York City Bar Association.

Tanya Kennedy was sworn in as a civil court judge of the city of New York on December 8, 2005 by the Honorable Barry A. Cozier. She was his law clerk for a combined six-and-a-half years in the Commercial Division of the NY State Supreme Court, Civil Division, and in the Appellate Division, Second Judicial Department. Her mother, Ms. Eleanor Kennedy, stood at her side.

1993

Evan Glassman joined the firm of Piliero Goldstein Kogan & Miller as a partner, practicing litigation and intellectual property law.

Barry Marenberg and his wife, Lisa, had a daughter, Kenni Paige, in August.

Melissa Michalsky joined Luper Neidenthal & Logan in Columbus, OH as an associate focusing on business, construction, and real estate law.

Marc Mukasey joined the firm of Bracewell & Giuliani as a partner specializing in corporate investigations after many years as an assistant US Attorney.
Dean Launches New Speaker Series

Dean David Rudenstine inaugurated a new luncheon series at which successful Cardozo graduates from various fields shared their experience and expertise with students to help them focus on their professional goals. The series brought back to campus three alumni: Isaac Palmer '79, managing director of Fortress Investment Group in Los Angeles and former senior vice president of corporate development at Paramount Pictures; Leslie Payson '91, vice president for the information technology division and manager of organizational development and training at Lehman Brothers; and Susan Panisch '96, vice president for original programming at Outdoor Life Network. At the informal gatherings held in the dean's conference room, the speakers offered valuable insights into their fields. The series will continue in the spring.

Law Firm Challenge Kicks Off at Power Breakfast

Breakfast at the Regency Hotel is the way New York's power elite start their day. Therefore, it was the perfect location for the 2006 Law Firm Challenge kickoff. This year, 22 alumni from 16 large firms met at the elegant Park Avenue hotel to begin the competition and try to unseat last year's first-place winner, Fried Frank, the firm with the greatest level of participation by Cardozo alumni in last year's Annual Fund. Any firm with five or more Cardozo graduates is eligible to compete. Winners will be named at the end of June.

Harold Gordon '88 of Jones Day, last year's second-place winner; Shai Waisman '96 of Weil Gotshal, the firm that raised the most money; and Bonnie Steingart '79 of Fried Frank told of the meaningful relationships their firms have with Cardozo. They spoke also of the importance of alumni being actively involved in the life of the Law School, not only by making annual financial contributions, but through hiring, mentoring, and admissions. To join the Law Firm Challenge, e-mail cardozoalumni@yu.edu.

REUNIONS ARE COMING UP!

Thursday, May 18, 2006, 7–10 pm
Manhattan Penthouse on Fifth Avenue
80 Fifth Avenue, New York City

Class of 1981 to Celebrate 25th Reunion
Thursday, June 8, 2006, 7–10 pm
Cardozo School of Law Lobby
55 Fifth Avenue at 12th Street, New York City

To complete a questionnaire, to RSVP, and for more information visit www.cardozo.yu.edu or call 212-790-0293.

ALUMNI ASSOCIATION ANNUAL MEETING OPEN TO ALL GRADUATES

You are invited to the Alumni Association's Annual Meeting for the installation of the new members of the executive committee
Thursday, June 15, 2006, 6:30 pm
Jacob Burns Moot Court Room

The members of the executive committee welcome ideas and suggestions from fellow graduates. Please attend and share your thoughts on strengthening Cardozo's growing alumni network. A reception will follow in the Lobby. Please RSVP to cardzoalumni@yu.edu or call 212-790-0293.

ALUMNI ASSOCIATION SPONSORS MANHATTAN BOROUGH PRESIDENT DEBATE

Former New York City Council Members Eva Moskowitz and Bill Perkins and Assembly Member Scott Stringer joined the other democratic Manhattan borough president candidates for a debate in the moot court room. The event was cosponsored by Cardozo's Alumni Association, The Daily News, The League of Women Voters of the City of New York, and the Manhattan Neighborhood Network, who televised the event. Scott Stringer won the election.
What's the best thing about being a lawyer?
I wonder about that sometimes, myself! Really, the versatility. You can do a lot of different things with a law degree, including non-traditional legal work. My field of labor relations was not historically performed by lawyers, but has become much more so. Being a lawyer provides you with a good general background and solid foundation.

Did you want to pursue labor law when you were in law school?
No, I never even thought about labor law. When I entered law school, I was more interested in real estate and land use law. During law school I became interested in litigation.

What law school experiences influenced that change?
I really enjoyed ITAP and appellate advocacy, which I took with Michael Ross.

How did you end up in labor relations?
Landing in labor relations was a bit serendipitous. I took a job with the Advocates Office of the New York City Parks Department, doing internal employee investigations and discipline. From there, I decided to pursue labor relations because I enjoyed the union dynamics and the legal component of labor relations. I'm one of those people who happily landed in a field that I never would have predicted.

Did you play a role in the negotiations leading up to the first transit strike in 25 years?
NYC Transit has a Labor Research and Negotiations Division within its Department of Labor Relations. It's relatively small, composed of four people, including me. During negotiations with the TWU, all of the labor relations staff is involved.

I had many roles during the negotiations, sort of a “jack-of-all-trades”: I was a lead spokesperson on a departmental bargaining committee, was involved with half-a-dozen bargaining teams helping formulate bargaining strategies, and was a note taker. I also trained the labor relations staff on the intricacies of mandatory/non-mandatory/prohibited subjects of
bargaining and helped train the operations people on NYC Transit strike procedures. Then, I drafted contract language for the agreements. Since the strike, I've been assisting with the implementation of the Taylor Law penalties.

Was there one standout moment for you in the negotiations? There were two. The first was midnight, December 16, the initial contract deadline. The second was the union's second scheduled strike deadline of December 19-20. There was a lot of speculation as to how the union would play its cards, and we were strategizing on how to respond. Once the union went on strike, I felt as if all the built-up anxiety and suspense of the preceding weeks evaporated. As I think back, I would even include a third standout moment—the union membership's rejection of the agreement; needless to say, that was unexpected.

Did you think the TWU would go on strike? Even inside opinions were divided. We often got current news from NY1 while at the hotel. We were just focused on getting the deal done.

Was the TWU's threat of a strike just business as usual? The TWU contract is negotiated every three years, and the union almost always uses the strike threat as a bargaining tactic. So, developing a strike plan has become a routine part of our negotiating plan. We consider backup plans, do Taylor Law training throughout the agency on what to do and say with the employees, and what to do with employees that show up to work even if there is a strike.

What's your average day at work like? Depends on the day. I recently moved to the Administrative Trials and Hearings division, which primarily involves doing arbitrations, traditional case preparation, like reviewing files, preparing witnesses, and engaging in settlement discussions.

During the Transit Workers Union negotiations, I was busy coordinating bargaining sessions, attending committee meetings, preparing notes afterwards, and participating in strategy sessions. Now, we're spending a lot of time implementing Taylor Law sanctions against all employees who participated in the illegal strike. This is a unique experience since it doesn't happen very often. And because there still isn't an agreement in place, we are pursuing interest arbitration, which also doesn't happen often.

Did you meet Roger Toussaint? If so, what was he like? I have met Roger Toussaint. I prefer not to attempt to characterize him.

What courses do you recommend law students take if they are interested in a career in labor relations? Contracts is very important since collective bargaining agreements form the backbone of relationships between management and labor. Even though I didn't take one, I would suggest a labor law course to provide a good foundation. An alternative dispute resolution course would be helpful in learning methods of reaching agreements. Courses such as administrative law, ITAP, and appellate advocacy are very useful in doing arbitrations and administrative hearings.

Did you take ADR? I took ADR in my third year of law school. Aspects of ADR were used during contract negotiations with the TWU, but perhaps not how it's taught. I think that two sides need to be interested in trying to make ADR work, and that was not always the case during the negotiations.

Is there a gadget you can't do without? No. I have a Nextel for work, but I try not to carry it around.

Do you have a favorite travel destination? I'd like to find time to take a vacation, anywhere other than Manhattan.

Do you have a family? Yes, a wife of eight years and two daughters, who are four and one.

Do you live in New York City? After getting married during my third year of law school, I moved out of Manhattan—after living there for about four years—to Forest Hills. In 2003, I moved to Oceanside, in Nassau County.

Have you seen a good movie recently? I haven't seen a movie in five years.

Do you have any hobbies? I'm an avid Mets fan and I like to run and read non-fiction.

Do you have any regrets? No.

What do you see for yourself in the future? I want to work and grow as an attorney in the field of labor and employment law.
In the past several years, Cardozo has completed $45 million of capital improvements that have transformed the Law School campus. Among the major changes have been the Jacob Burns Moot Court Room, a state-of-the-art facility where conferences, symposia, special lectures, and moot court competitions are held; the Law Library, which occupies four floors and is one of several areas that allows wireless Internet access; and a residence hall. There has been continuous modernization of classrooms, all of which now have new furnishings and advanced, multi-media instructional equipment. In summer 2005, faculty facilities, student journal offices, and new seminar rooms were completed. In addition, the construction of an internal staircase connecting the ninth and tenth floors contributed immeasurably to community life at the Law School.

This summer, construction begins again on the final phase of major renovations, with a focus on the third and fourth floors. The third floor will be transformed with the creation of a Center for Student Life. The Center, scheduled to open in fall 2006, will feature a new café and a comfortable student lounge for study and relaxation—a place to gather with friends. Plans also call for two new seminar rooms, handsome wooden lockers for students, and new internal staircases from the second through the fifth floors. New windows will be installed on the third floor as well.

Funding for the final phase of these major renovations—most especially for the café and lounge—has been supported by the generosity of and major gifts from parents, members of the Cardozo Board, and other friends.

According to Dean Rudenstine, “This is a wonderful moment in the life of Cardozo. With the completion of this summer’s projects, we will be able to say, unequivocally, that our physical facilities now match the excellence of Cardozo’s faculty, programs, students, and alumni.”

Fundraising continues to secure this transformation of Cardozo’s facilities. Kathryn O. Greenberg ’82, chair of the Cardozo Board,
and her husband, Alan C. Greenberg, gave the leadership gift to support the Center for Student Life and to honor Dean Rudenstine in appreciation for his contribution to Cardozo’s remarkable achievement.

Cardozo parents and all members of the Cardozo community are invited to participate in this great endeavor. Gifts contribute to the best of Cardozo, to the lives of the students, and to the Law School’s very strong future.

Please contact Patricia Weiss, director of institutional advancement, for information at 212-790-0270 or by e-mail: pweiss@yu.edu.

UPDATE

Final Phase of Cardozo’s Major Renovations
2006–2007

Costs*

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<tr>
<td>Faculty Facilities: Floors 4 and 10</td>
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<td>Residence Hall Lounge</td>
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Cash and Pledges

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New Gifts and Pledges to be Raised

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*As of March 31, 2006. The above costs are subject to change.

1994

Joshua Cohen is of counsel at Day Berry & Howard in New Haven, CT, specializing in commercial litigation.

Kevin Koplin married Danielle Morgan in November. He is an associate at McCabe Flynn & Arangio, specializing in securities law.

Juan Otero became the director of economic development and commerce at the National Governors Association. Prior to his appointment, he was deputy director of the Office for Interoperability and Compatibility at the Homeland Security Department.

Mark Treitel and his writing partner, Shoe Schuster, were finalists on the Bravo reality series Situation: Comedy in which they wrote and produced an original sitcom pilot.

1995

Peter Graham was appointed to the board of directors of AngioDynamics. He is currently senior vice president-chief legal officer, global human resources and secretary of E-Z-EM, Inc., the former parent company of AngioDynamics. He has practiced in general corporate, intellectual property, and securities law for medical technology companies for almost 10 years.

Allen Popowitz married Emily Rand in July. He is a partner in the real estate practice group at Wolf Block.

1996

Karen Cushman married Asaf Peled in August. She is an attorney with Verizon.

Joshua Gerstine and his wife, Melissa, had a daughter, Eden Rachel, in February. She joins sister Isabella.

Richard Horowitz published www.InternationalSecurityResources.com, a compilation of Internet resources on international security, covering topics such as the arms trade, human rights, and money laundering, and providing legal and investigative tools.

Ray Patterson is an associate professor and associate director of the Saltman Center for Conflict Resolution at the William S. Boyd School of Law, University of Nevada at Las Vegas.

Evan Seideman became a partner at Edwards & Angell in the Stamford, CT, office. He is a member of the corporate department, concentrating on early-stage and middle-market technology companies, individuals and entities providing seed and venture capital, private companies, and Fortune 1,000 companies engaged in mergers and acquisitions.
**CLASSactions**

**1997**

Daniel Forman became partner at Crowell & Moring in Washington, DC. His practice focuses on government procurement law, including bid protests, False Claims Act and qui tam litigation, and investigations of potential civil and criminal matters.

Jason Goldstein became a partner at Brown Raysman Millstein Felder & Steiner in the real estate division.

Nathan Paul and his wife, Batya, had a son, Jonathan Daniel, in June.

Adam Rosenberg became chief of staff at the Associated Jewish Community Federation of Baltimore, managing the executive department and strategic initiatives. He had been a prosecutor for seven years.

**1998**

Jonathan Bayer became vice president in the Office of the General Counsel/Investment Banking Department at Lehman Brothers.

Arun Chandra joined the firm of Hogan and Hartson as an associate concentrating in intellectual property litigation. Previously, he was a law clerk to the Hon. William H. Pauley III, US District Court for the Southern District of New York.

David Orbach formed Gallant Funding, LP, a private equity firm in Florham Park, NJ.

Erica Rosengarten married Paul Tropp in November. She is an assistant district attorney in the special victims bureau in the Queens District Attorney’s office.

Spencer Schneider married Marisa Lax in August. He is an associate in the corporate department of Ropes & Gray in New York.

**1999**

Michael Bachrach was elected treasurer and a member of the board of directors of the New York Criminal Bar Association.

Jason Vogel has joined the firm of Kilpatrick Stockton as an associate in the intellectual property practice group.

**2000**

Adam Cohen joined Hodgson Russ as an associate in their immigration practice group. He advises and counsels foreign nationals on all immigration matters.

Taha Kerman Mastour and her husband, Benny, had a daughter, Chloe Juliet, in August.

Rebecca Morris married Matthew Hannafin in October. She is a lawyer at WNET, the public television station in New York.

Jesse Redlener was appointed cochair of the Young Lawyers Committee of the Bankruptcy Law Section of the Boston Bar Association. He is an associate in the business department at Nutter, McClennen & Fish LLP in Boston.

**ANNUAL ALUMNI-STUDENT NETWORKING RECEPTION** Cosponsored by the Alumni Association and the Office of Career Services, this fall tradition offers students an opportunity to network with successful graduates from all areas of practice. More than 100 participants shared career experiences and made valuable contacts. Cardozo Board member Rick Perkal ’81 (shown here), vice president at Bear Stearns, offered words of encouragement to job-seeking students, crediting his Cardozo education for his career success.

**CARDOZO WOMEN CONTINUE MOMENTUM**

Cardozo Women is a group of alumnae dedicated to acknowledging alumnae accomplishments, creating a network of allies, and celebrating Cardozo. Since its founding two years ago, the group has hosted 14 events, including special speakers and networking luncheons that draw large numbers of attendees. Among more recent events was Creating a Culture of Compliance in a Zero-Tolerance Environment held in association with The Samuel and Ronnie Heyman Center on Corporate Governance. During the fall semester, a networking event brought more than 75 alumnae to campus to hear the professional journeys of Randi Weingarten ’83, president, United Federation of Teachers; Shoshana Bookson ’82, partner, Shandell, Blitz, Blitz & Bookson; and Cara Londin ’89 (shown here), first vice president, Merrill Lynch & Co., Inc.
2001

Chloe Epstein joined Stribling and Associates as a real estate broker.

Jillian Erdheim married Tyson Lomazow. She is a prosecutor for Manhattan Family Court.

David Feuerstein joined the firm of Herrick Feinstein as an associate.

Sheree Gootzeit married Justin Donath in August. She is a senior associate at Sklover & Associates, specializing in employment and labor law.

Anne Mogilevich and Alexander Lumelsky were married in 2004 and had a son, Samuel Michael, in February 2006.

Michael Waldinger is a deputy public defender at the Law Offices of the Los Angeles County Public Defender.

2002

Grace Meng married Dr. Wayne Kye in June. She is the coordinator for the office of Assemblyman Jimmy Meng (D-Flushing 22nd Assembly District).

Roger O’Sullivan opened O’Sullivan PLLC, specializing in biotechnology law.

David Tawil and his wife, Yehudit, had a son, Ralph, in October.

2003

Peter Katzman joined Forchelli Curto Schwartz Mineo Carlin & Cohen in Mineola, NY, concentrating in commercial and corporate transactions.

2004

Melissa Kho married Peichung Chiu in October. She is an associate at Boies Schiller & Flexner, specializing in complex civil litigation.

2005

Avi Muchnick’s Web site, Worth1000.com, which he started while a student at Cardozo, received media attention for its digitally enhanced celebrity photos.

Michelle Miller (Rosen) joined Chamlin Rosen Uliano & Witherington in New Jersey, focusing on matrimonial law.

Suzanne Herrmann joined Saiber Schlesinger Satz & Goldstein as an associate specializing in employment and labor law.

Lauren Lipson joined the firm of Blank Rome LLP.

IN MEMORIAM

Harriet Rothfeld ’79
Dr. Madeline Pelner Cosman ’95

AFTER INNOCENCE The award-winning documentary film After Innocence, cowritten and produced by Marc Simon ’01, was screened at Cardozo in January for alumni, students, and guests. The film had its national premiere in New York in October. The special presentation was highlighted by a panel discussion with Mr. Simon, a former Innocence Project participant; Prof. Barry Scheck, cofounder and codirector of the Innocence Project; exoneree J. Scott Hornoff, who is featured in the film; and Madeline deLone, executive director of the Innocence Project. The panelists shared some behind-the-scenes details about the film and answered questions from the audience. After Innocence is now being released in cities across the country. For more information about the film and the Life After Exoneration Program, visit www.afterinnocence.com.
BERG FOUNDATION HONORED  The David Berg Foundation, a steadfast friend and supporter of Cardozo's public interest program, was honored on February 28 at a luncheon attended by 20 students who won Berg Public Interest Summer Stipends for internships last summer. Dean David Rudenstine and Kathryn O. Greenberg '82, chair of the Cardozo Board of Directors, are shown above with the students and Michele Cohn Tocci, president of the Berg Foundation (fifth from right, second row) and Dean H. Jerome Zoffier, board chair of the Berg Foundation (on Dean Rudenstine's left).

The Berg summer stipends have been critical in allowing students to take unpaid summer internships in the public and non-profit sectors, where they gain invaluable professional experience working for the public good. The students shared stories of the public law experiences they gained at an array of agencies, organizations, and government offices, including the Office of the Mayor, Appleseed Foundation, Legal Aid Society, New York Legal Assistance Group, Hebrew Aid Immigrant Society—the Vienna Office, Georgia Capital Defenders, the Department of Justice, and several district attorney's offices. Attending the luncheon, as well, were Noach Korman, executive director of Miklat and representatives of other organizations where students take summer internships.

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LLM CLASS actions

**1999**

Robert Kraus is assistant counsel at Lumenis Inc. in NYC.

Nicole Tupperwien is legal advisor to the Deputy Prime Minister of the Republic of Macedonia in Skopje.

**2000**

Germana Giordana is an attorney at Engel & McCarney in NYC.

Ruth Hay is assistant general counsel at Nationwide Mutual Insurance Company in Ohio, where she is responsible for managing the company's IT legal issues, patent program, and IP/IT contracts and due diligence activities.

Mark Peto has started his own law firm in Budapest.

**2002**

Cecilia Baunsoe married her long-time partner, Fernando Luis Quirindongo, on April 16, 2005, at the Zion German Evangelical Lutheran Church in Brooklyn. Ann Cho, Vesselin Dittrich, Francisco “Pancho” Javier Augspach, and Svetlana Vinogradova all attended the wedding.

Daniel Biene is in Hamburg working for Ganske, a publisher of books and magazines about travel, food, and architecture. He is advisor to the CEO and manager of the office and of the company’s board of directors and has been re-elected to the executive board of the German-American Lawyers Association.

**2001**

Albana Bollati is working in the office of the general counsel of the New York City School Construction Authority (SCA). She has been assisting the vice president and general counsel in assuring the participation of the SCA in New York City’s September 11 captive insurance program.

David Fox is in-house counsel for Eicon, a technology company in Montreal. He handles the firm’s intellectual property matters, including patents for new technologies. David also has an online US immigration business, Easy Visa USA (www.easyvisausa.com).

Eunhyang “Ann” Cho is working at Cho & Associates in NYC.


Clemens Kohnen has been accepted to the Goethe Institut program for young leadership. He began his training in Munich and is spending six months in Jakarta, Indonesia. Upon completion of the program, he will be posted as the head of administration in one of the Institut’s foreign offices.

Sean Levinson is a public defender in Cook County, IL.

Guizeng “Wayne” Liu has joined the CCPIT Patent and Trademark Law Office in Beijing.

Carla Moreschi is working at Fuller and Fuller LLP in NYC, a firm specializing in immigration law.

Gustavo A. Rodriguez is working in the Caracas office of Clarke, Modet & Co.

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**JANUARY GRADUATION CELEBRATION**

In early December, Dean Rudenstine hosted a reception in the lobby for the 20 J.D. and 22 LL.M. students receiving degrees in January 2006. He gave each student a copy of The Nature of the Judicial Process, a treatise on judicial reasoning written by Benjamin Cardozo.
Growing Leadership Circle Celebrates With Dean

It's always nice to be invited to a dinner in your honor. So, it was no surprise that more than 50 of the Law School's most dedicated alumni, friends, and parents attended a dinner to mark the success of the Dean's Leadership Circle, of which they are members. Those individuals who contribute $1,000 or more to Cardozo annually are automatically designated Dean's Leadership Circle. Now in its third year, the group has increased its membership by nearly 50 percent in the past year, with the number of alumni at 72.

Dean David Rudenstine and Board Chair Kathy Greenberg '82 thanked the attendees for their generosity and offered a peek at Cardozo's future plans. Guests, who came from as far away as California, included board members, graduates from the classes of 1979 through 2005, and parents of current and past students. These supporters inspire the entire Cardozo community with their leadership and commitment to making a significant difference in the life of the Law School.

Aviya Goldin Chill is working at Porat, Sagiv, Shlomi, a law firm near Tel Aviv that specializes in tax and real estate law.

Rotem Rosen is CEO of Africa-Israel Properties & Developments USA, in NYC.

Noam Schechter and his wife, Shlomit, announced the birth of their first child, a son, Itay, on November 3.

Erica Schlesinger is at DigComm Consulting, LLC. In addition to Web site and e-commerce consulting, the firm performs extensive domain name analysis and other research audits. Erica writes, "We are currently working to build a global network of attorneys and new media professionals. I encourage those of you working in areas dealing with the Internet and new media to contact us so that we can explore the possibilities. Please visit www.digcomm.info." You can e-mail Erica at ewass@digcomm.info.

Vivian Williams is the principal of Vivian A. Williams & Associates in NYC.

Ingvil Conradi Andersen has returned to Norway and is legal advisor to the Norwegian Media Authority.


Efi Harari and his wife, Cheryl, announced the birth of Elior Lynn Harari, born October 13, 2005.

Berna Karahmetoglu has returned to Istanbul where she is working at the K&K Law Firm.

Elodie Siliart is business affairs manager of Le Maquis, a small music label.

Scott Sisun '01 is a trademark examining attorney at the US Patent and Trademark Office in Washington, DC. (See story, p. 36.)

Yoshihiko Wakida is foreign legal advisor at Barst & Mukamal LLP, an immigration law firm in NYC.

Leon Wang is a member of the intellectual property group at Baker & McKenzie in Hong Kong.

Yu Bo completed internships at the World Intellectual Property Organization (WIPO) and at the Security Council Peacebuilding Commission, both at United Nations headquarters in New York.

Vilma Dedvukaj and her husband, Louie, announced the birth of a son, Anton Martin Dedvukaj, on June 24, 2005—a month before his due date.

Erica Ellis is an assistant district attorney in Hobbs, NM. She had been associated with Riley, Shane, and Hale in Albuquerque.
ADVICE FROM THE BENCH  In September, Cardozo welcomed (from left) Justices Steven Pesner, Angela Mazzarelli, Betty Weinberg Ellerin, and Stephen G. Crane to discuss Appellate Issues in Commercial Litigation. Coordinated by alumnus James d’Auguste ’96, the judges offered practical, real-world advice to both students and graduates.

Veronica Gutierrez has returned to Mexico and is teaching at the law school of the University of Guadalajara.

Petra Hansmersmann is working at Eaton & Van Winkle LLP in NYC.

Steffen Hemmerich works at Estandards Forum, a not-for-profit organization that monitors the efforts of numerous countries to comply with international standards in such areas as macro-economic policy and data transparency, institutional and market infrastructure, and financial regulation and supervision.

Yossi Kurzberg is pursuing his doctoral law degree at UCLA.

Robert Kleinman has relocated with his family to western Massachusetts.

Ken Matsuzaki completed an internship at Pitney Hardin LLP in NYC and returned to Tokyo where he is at Dentsu Corporation. Before leaving New York, he earned a yellow belt in krav magna (Israeli contact combat) and was a regular at the Monday Night Jam at the Village Underground. His book of photography, People, is sold in NYC at St. Mark’s Bookshop, Asahiya Bookstore, and Kinokuniya Bookstore.

David Moya has returned to Barcelona, where he is on the law faculty of the Universidad de Barcelona.

Stefan Wiesli is an associate at Rinderknecht Klein & Stadelhofer in Zurich.

Contessa Nyree is staff counsel at Audible.com, a publicly traded company based in Wayne, NJ, that provides online books, magazines, and newspapers in audio format that can be downloaded and played on iPods and other electronic devices.

IN MEMORIAM

Dr. Madeleine Pelner Cosman ’95 passed away March 2, 2006 in Escondido, CA. She was 68. A medical lawyer and health-care policy analyst, Cosman was active in conservative political circles, published numerous books and articles, appeared on radio and television, and testified before Congress. She also lectured at the Cato Institute and the Galen Institute among others.

Cosman’s first career was in medieval and Renaissance studies. She was a long-time faculty member at the City College of New York where she founded the Institute for Medieval and Renaissance Studies and was its director for many years. The author of many books, she is best known for Fabulous Feasts: Medieval Cookery and Ceremony (George Braziller, 1976), an illustrated study of culinary practice in the Middle Ages.

Prior to attending Cardozo from which she graduated when she was in her late 50s, she founded Medical Equity, a brokerage of medical and surgical practices. Her diverse work was united by her interest in the history of medicine. Most recently her interest in health care policy led her to study the effects of illegal immigration on the United State’s health care system.

After moving to San Diego in 1999, she became a volunteer patrolwoman with the San Diego County Sheriff’s Department and a director of the California Rifle and Pistol Association. She was a board member of Wake Up America Foundation, an organization opposed to illegal immigration, and a member of the Council for National Policy.

Cosman received a B.A. from Barnard, an M.A. from Hunter, and a Ph.D. from Columbia. She was married to Bard Cosman (1930–1983) and is survived by two children and four grandchildren.
GREENBERG RECEIVES HONORARY DEGREE

Cardozo Board Chair Kathryn O. Greenberg ’82 received an honorary degree at Yeshiva University’s 81st Annual Hanukkah Dinner and Convocation held at The Waldorf-Astoria in December. YU President Richard M. Joel also conferred honorary degrees on Senator Hillary Rodham Clinton and four community leaders: Linda Altman, Jay Feinberg, Rose Yavarkovsky, and Jack M. Nagel. Senator Clinton delivered the Convocation address.

Greenberg was recognized for combining her passion for the law and dedication to serving the less fortunate by conceiving and launching the New York Legal Assistance Group (NYLAG), which has provided free civil legal services for low-income New Yorkers since its founding in 1990. As a result of her efforts, NYLAG has grown into a full-service, not-for-profit law firm for seniors, immigrants, survivors of domestic violence, people with disabilities, children, Holocaust survivors, and sufferers of chronic illness.

Born in Minnesota, Greenberg graduated with honors from the University of Colorado and then cum laude from Cardozo. After graduation from law school, she was associated with the law firm of Shea & Gould, and served as a supervising attorney at Cardozo’s Bet Tzedek Legal Services Clinic.

BEREN FAMILY IS HONORED

Robert M. Beren (on left), former chairman of the Yeshiva University Board of Directors, and the Beren family were honored when Cardozo’s ninth floor was named the Israel Henry Beren Floor in honor of Robert Beren’s uncle, who would have turned 100 in 2005. The ninth floor is home to faculty offices and a new seminar room. Mr. Beren and his family, who toured YU’s four Manhattan campuses, saw the recent renovations at Cardozo with YU President Richard Joel (on right), YU Chairman Morry J. Weiss, Cardozo Board Chair Kathryn O. Greenberg, and Dean David Rudenstein, who hosted a luncheon in the family’s honor.

TWO BOARD MEMBERS ELECTED

A former member of the Cardozo Board and a graduate from the class of 1991 were elected to the Cardozo Board of Directors. They assume their positions in June 2006.

Morris Goldfarb, father of Jeff Goldfarb ’02, sat on the Cardozo Board from 2001 to 2004. He is chief executive officer and chairman of the board of G-III Apparel Group, Ltd, which designs, manufactures, imports, and markets men’s and women’s apparel. The company, which holds licensing agreements with such designers as Calvin Klein, Kenneth Cole, Cole Haan, Sean Jean, and sports licenses with the National Football League, National Basketball Association, and others, is traded on the NASDAQ exchange. Goldfarb is involved in the real estate business and has sat on the boards of Grand Casinos, Inc.; Wilson’s; and Panasia Bank, the first Korean-American commercial bank in New Jersey. He also serves on the board of directors of Lakes Entertainment, Inc. He lives in New York City and has a home in Mamaroneck, NY.

Leslie Payson, who lives in New York City, graduated from Cardozo in 1991 and holds a BA from Sophie Newcomb College of Tulane University. She is vice president of Lehman Brothers where she has worked since 1994. In her current position, she serves as global manager of organizational development and training for the information technology division. After graduating from Cardozo, Payson was a bankruptcy associate at Strook & Strook & Lavan.

PARENTS BRUNCH

Lisa Alperin and her daughter, Stephanie Alperin ’08, joined nearly 300 parents and students for one of the Law School’s most popular events—the annual Parents Brunch, a program that includes mock classes, tours, and a chance to meet Dean Rudenstein and members of the faculty and administration.
Dean's Leadership Circle

The Dean's Leadership Circle, recognizing generous members of the Cardozo community who give $1,000 or more to the Law School's Annual Fund, represents a core group of supporters who inspire the entire Cardozo community with their leadership and level of commitment to making a significant difference in the life of the Law School. Leadership Circle members receive special invitations to Law School events throughout the year, are acknowledged in important publications, and are honored at special recognition dinner with the Dean and Chair of Cardozo's Board of Directors. We welcome the partnership of our alumni, parents of Cardozo students, and friends in our pursuit of excellence.

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Alumni Annual Giving 2004–05

During 2004–05, Cardozo alumni contributed generously to the Law School supporting vital services such as scholarship assistance, faculty recruitment and research, library resources, technology, symposia and lectures, and building improvements. Without funds for these continually expanding and changing needs, Cardozo would not be able to continue its extraordinary growth and advancement. Last year, alumni representing more than 9 percent of all graduates gave over $682,647 to Cardozo.

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. We deeply appreciate your support.

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Commencement

JUNE 8
Class of 1981 25th Reunion

JUNE 15
Cardozo Women
Long Island Luncheon
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Annual Meeting

AUGUST 28
Classes begin

SEPTEMBER 20-21
Terrorism and the Rule of Law
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OCTOBER 22-24
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