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An Interview with Bernhard Schlink
An affiliated faculty member and regular visitor, Bernhard Schlink is a legal scholar and award-winning novelist. Cardozo Life editor Susan Davis sat down with him just as the major motion picture based on his book The Reader was garnering serious critical attention.

“You shall love the stranger, for you yourselves were once strangers in the land of Egypt.” Juditc Levine
Called the civil rights movement of the 21st century, immigration law has taken on an entirely new dimension since 9/11. With a growing program that includes a dynamic new clinic, Cardozo and its alumni stand at the center of a legal specialty that aspires to the highest American ideals.

Arguing Ashcroft v. Iqbal: A View from the Lectern
Prof. Alex Reinert
Many dream of taking a case to the Supreme Court, while few ever get to argue one there. Professor Reinert gives us a behind-the-scenes look at his preparation for and argument of Ashcroft v. Iqbal.

Their Defining Moments
Melissa Payton
Members of the class of 2009 profiled here are in agreement: one personal experience or professor made a huge difference as they pursued their legal education.

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Keeping up with the News

One of the frustrations of being a magazine editor working in print versus in the blogosphere is the long delay in getting the "news" out. While the Cardozo Web site is full of items that are happening right here, right now, Cardozo Life, which is published just twice a year, is always reporting on events that happened one or even two semesters ago. However, since we are still wedded to and believe in words on paper, we carry on. Thus, on the following pages you will see announcement of the appointment of Dean Matthew Diller, the sixth dean of Cardozo, who will have already moved into his office and begun his tenure when you receive this issue. Indeed, the events we report on took place during the final semesters of David Rudenstine's deanship. In a similar vein, our story on page four, about the Immigration Justice Clinic, concerns secret documents the clinic retrieved in February 2009 to much fanfare, while at the end of July, a New York Times editorial endorsed the recommendations of a clinic report released just days earlier, but too late for inclusion in this issue of the magazine.

No matter how recent the news, what is very clear from the stories that follow is that life at Cardozo is nothing short of robust, even ebullient. We are celebrating and enjoying many accomplishments and milestones: Our first graduating class just celebrated its 30th reunion year; academic and clinical achievements by our students are making news; there is extraordinary scholarship by and recognition of our faculty—we now have three French Legion of Honor medalists; and the honors for and accomplishments by our alumni continue to mount.

I know you will enjoy reading about Prof. Alex Reiner's experience arguing Ashcroft v. Iqbal at the US Supreme Court and hearing from some of our most recent graduates about law school experiences that had big impacts upon them. I think you will also find the interview with Bernhard Schlink just as eye-opening as the story about the changing landscape in immigration law.

So settle in, turn the pages, and enjoy reading the good old-fashioned way.

SUSAN L. DAVIS
Editor, Cardozo Life
Matthew Diller Named Dean of Cardozo

Matthew Diller, a prominent scholar of social welfare law and policy, who from 2003 to 2008 was associate dean for academic affairs at Fordham Law School, was named dean of Cardozo in April by Yeshiva University President Richard Joel. At Fordham, where he had taught since 1993, Diller was the Cooper Family Professor of Law and co-director of the Louis Stein Center for Law and Ethics.

Diller, the sixth dean to lead Cardozo, will begin his duties on August 1. He succeeds David Rudenstine, who has held the position since 2001 and who will return to teaching at Cardozo full time as the Sheldon H. Solow Professor of Law.

According to President Joel, “Matthew Diller is a scholar and administrator of the highest order and brings to Cardozo an enduring commitment to social justice. He embodies the values and vision that inform and propel the Yeshiva University educational experience.”

Upon his appointment, Diller said, “Cardozo is one of the remarkable success stories of legal education over the past half century. I am excited at the prospect of working with the superb faculty, administration, students, and board members, all of whom have conveyed great love for the law school and excitement about the possibilities for its future.”

Diller, who has lectured and written extensively on the legal dimensions of social welfare policy, including public assistance, Social Security, and disability programs, was from 1986 to 1993 a staff attorney in the civil appeals and law reform unit of the Legal Aid Society in New York. He received his A.B. and J.D. degrees magna cum laude from Harvard University and then clerked from 1985 to 1986 for the late Honorable Walter R. Mansfield of the US Court of Appeals for the Second Circuit. In the fall of 1999, Diller was scholar in residence at the Brennan Center for Justice at New York University School of Law. His articles have been published in the Yale Law Journal, the UCLA Law Review, the Texas Law Review, and the Stanford Law & Policy Review, among others.

Cardozo Board Chair Kathryn O. Greenberg, a member of Cardozo’s class of 1982, said, “I am excited and fully supportive of this outstanding appointment and look forward to working closely with Matthew Diller. I am particularly pleased that he will continue to build upon the solid foundation and emphasis on legal ethics and public service that was strengthened so gloriously by Dean David Rudenstine.”

Diller has been a member of the board of directors of Legal Services of New York since 1999 and was its vice chair from 2003 to 2007. He has been a member of the executive committee of the poverty law section of the Association of American Law Schools, and was chair of the committee in 1999–2000. From 2000 to 2008, he was also a member of the board of directors of the National Center for Law and Economic Justice.

U.S. News & World Report, which issues the most widely read ranking of law schools, released the 2010 list and placed Cardozo 49th, tied with Southern Methodist University. This year’s rank is a gain of six places over last year’s and marks the first time Cardozo has been in the top 50. As in past years, Cardozo was ranked in the top 10 nationally for programs in dispute resolution and intellectual property law. The Kukin Program for Conflict Resolution placed seventh and the Intellectual Property Law Program was eighth. In a new ranking of part-time programs, Cardozo was listed as 18th nationally.
AROUND campus

Immigration Clinic Succeeds in Getting Secret Memos

The Immigration Justice Clinic made public in March key documents it obtained through a lawsuit that demonstrate that the Bush administration's immigration home-raid strategy was a law enforcement failure. The papers—including both new data and previously secret memoranda—reveal that the raids, which terrorized immigrant communities across the country, were ineffective at capturing their purported targets. The papers released by the clinic created a firestorm of national media attention.

The lawsuit, filed by the clinic under the Freedom of Information Act (FOIA) in a federal court in Manhattan, sought records pertaining to the sweeping campaign of home raids conducted by the Immigration and Customs Enforcement agency (ICE). ICE released these critical documents after a settlement was reached just hours after President Barack Obama issued his "Presidential Memorandum on Transparency and Open Government" on his first day in office. The documents confirmed that many immigrant families and local law enforcement personnel knew—well before ICE’s campaign of raids—that ICE’s own enforcement priorities,“ explained Prof. Peter L. Markowitz, director of the Immigration Justice Clinic, which represented the plaintiffs in the lawsuit. "ICE has created tremendous bureaucratic incentives for fugitive operation teams to abandon focus on high-priority targets in favor of a "home raids" strategy that has resulted in destruction and pain for hard-working immigrant communities. In addition, the data reveal that while the human costs of ICE's home-raids strategy were painfully high, the law enforcement gains were shockingly low.

NY1’s Carter Delivers Keynote, Rep. Markey Advocates for Passage of Bill for Child Abuse Survivors

NY1 senior political reporter Dominic Carter delivered a searing and candid talk about his childhood as a victim of sexual assault at the hands of his mother during the March 3 conference The Evolving Balance: Abuse in Religious Communities and the Law. Carter said he is using his platform as a newscaster to turn attention to childhood sexual abuse. He referred the audience to his memoir No Mama’s Boy, published in 2007, and said he found the telling of his ordeal therapeutic. “As a child I carried the pain of an adult. As an adult I carried the pain of a child.” Explaining why it is crucial to bring this topic into the light, he noted, "Children don't know where to turn in their anguish and turmoil, and furthermore, this kind of abuse is happening all over the world. This is as important as important gets!"

Assemblywoman Margaret Markey urged audience members to rally in Albany to support her bill, the Child Victims Act, which gives survivors of childhood sexual abuse, regardless of their age and no matter how long ago the alleged abuse occurred, a one-year window to file lawsuits against perpetrators. Prof. Marci Hamilton voiced her support for the bill’s passage; over the last few years she has been an advocate for extending the statute of limitations in child abuse cases in states around the nation. (Despite the opposition of some leaders of religious denominations, including the Roman Catholic Church and Hasidic and Saphardic Jewish institutions in Brooklyn, the legislation has passed the Assembly three times; it has never advanced in the Senate.)

The rest of the day was highly charged with emotion and political and legal advocacy as members of the Christian, Muslim, and Jewish faiths, attorneys, and academics shared perspectives. Flora Jessop, a survivor of childhood sexual abuse who is a former member of the Fundamentalist Church of Jesus Christ of Latter-Day Saints and the author of Church of Lies, gave a rare insider’s view on her experience with polygamy.

The program was the inaugural event sponsored by Cardozo Advocates for Kids, a student organization focused on political advocacy and social action.
of a shotgun approach of undisciplined home raids."

Three ICE memoranda issued in 2006 set forth a series of dramatic policy changes that collectively set the stage for the Bush administration's widely publicized campaign of immigration home raids. In early 2006, facing political pressure to look tough on immigration enforcement, ICE increased the annual arrest quota for each Fugitive Operation Team (FOT) from 125 to 1,000. Overnight, these seven-person teams were expected to become eight times as productive. These memoranda also reveal that ICE eliminated the requirement that 75 percent of the arrests be of "criminal aliens," allowing the teams to count any arrest at all. Predictably, this led the FOTs to use overly aggressive tactics to go after the low-hanging fruit of immigration enforcement—undocumented workers. "The secret memoranda and new data reveal that ICE eliminated the requirement that 75 percent of the arrests be of "criminal aliens," allowing the teams to count any arrest at all.

Prof. Vijay Padmanabhan worked for several years as an attorney-adviser in the Office of the Legal Adviser at the US Department of State, where he was the department's chief counsel on Guantanamo and Iraq detainee litigation. With Guantanamo in the news and Padmanabhan being quoted extensively in major national journals and on television, students were invited to a panel discussion featuring the media-savvy professor. Organized by the Florenheimer Center, the event on April 1 was moderated by Prof. Maggie Lemos, with Professors Ellen Yaroshefsky and Peter Lushing offering comments. The panel was broadcast by C-Span.

Padmanabhan offered background on "the mess that is Guantanamo today," explaining that the Bush administration "was dealt some resounding losses at the hands of the courts," primarily because of two miscalculations. According to Padmanabhan, the administration believed wrongly that the courts would take little or no role in dealing with enemy combatants and would use a World War II precedent to rule that these detainees did not have a right to habeas corpus. The second miscalculation was believing that no national or international law covered Guantanamo detainees. However, in three different Supreme Court cases—Hamdi v. Rumsfeld (2004), Hamdan v. Rumsfeld (2006), and Boumediene v. Bush (2008)—the detainees at Guantanamo were granted the right to habeas corpus, constitutional due process, and the right to legal counsel.

Padmanabhan went on to explain that because the war against terror is not a traditional conflict in the historical sense of war, it is hard to determine when such a conflict is over, or who is a combatant or noncombatant. Finally he outlined the major issues confronting the Obama administration: resettlement of detainees who have been illegally held, the trials and where they will take place, and the continuing detention of those who can be neither prosecuted nor released. "Now as a country we have to deal with this," said Padmanabhan.

"We must hold our government accountable for what it has done."

In his comments, Professor Lushing mused on the future, saying that perhaps Obama could use the lessons learned at Guantanamo as a way to reform our domestic criminal justice system. Professor Yaroshefsky said Guantanamo should be viewed as a "tribute" to our federal courts, which set rules to limit executive power, a tribute to the many journalists who uncovered and exposed what was going on, and a tribute to the lawyers at the Center for Constitutional Rights and the ACLU, who stood up for the Constitution and the rights of the detainees.
Liptak of the New York Times Talks about the Supreme Court

Adam Liptak became the Supreme Court correspondent for the New York Times at the start of the Court's October 2008 term. With just under six months on the job, he visited Cardozo and met with students and members of the faculty, and then gave a public lecture, "The Roberts Court: A Reporter's Reflections." He focused his remarks on what the Court says and hears, and how the makeup of the Court may change in the future.

Liptak called his job "daunting" in that he needs to digest huge amounts of information quickly and then provide readers with detailed yet accessible reporting. He said given that the Court reviews only 80 or so cases a year and that its decisions tend to affect the public very little, "the Supreme Court is sort of overrated; ... we spend far too much time thinking about it."

When it came time to focus on his primary topic—the Chief Justice—Liptak said Chief Justice John Roberts is a first-rate writer who occasionally uses humor in his decisions. Liptak cited one decision in which Roberts quoted a lyric from Bob Dylan's "Like a Rolling Stone"—"When you got nothing, you got nothing to lose"—which Liptak says the justice misquoted by leaving out the word 'ain't." He said that according to law professor Alex Long of the University of Tennessee, an expert on citations of rock music in judicial opinions, this was the first time a Supreme Court Justice had used a rock lyric to buttress an opinion.

Since his audience contained many law students, a number of whom aspire to clerkships, his detailed discussion of law clerks at the Supreme Court and the amount of influence they have was of particular interest. According to Liptak, these law clerks tend to hold political opinions similar to those of their bosses, although the "exact manner they are influential is not clear."

Asking himself the question, "Will we have resignations?" he answered, "I don't know." He went on to say that three justices are generally considered the likeliest to resign from the Court. Justice Stevens, who is 89, is still vigorous and has great strategic sense, Liptak said, and doesn't seem to be "hankering to go." Ruth Bader Ginsburg, who has been ill, has said she's not going to resign, and Justice Souter, who doesn't much like life in Washington, hasn't indicated anything. [Since Liptak's visit, Souter has resigned and Federal Appeals Court Judge Sonia Sotomayor has been nominated to the Court by President Obama.]

After his prepared remarks, the correspondent took several questions from the audience. "Is the Court corrupt?" he was asked. He answered, "I don't think the Court is corrupt." In response to another question, he said, "I'm in favor of cameras in the courtroom—a value to society and the public." And when asked about the future of newspapers, he responded, "These are dark days for the newspaper industry."

INTERNET OPENNESS AND NET NEUTRALITY DEBATED

The Cardozo Public Law, Policy & Ethics Journal presented a symposium in April on Internet openness, net neutrality, content diversity, and competition. Participants debated a new definition of net neutrality and what the developing mandates are, and explored how policymakers promote or harm the richness and diversity of online content. Speakers included Sascha Meinrath of the New America Foundation; Berin Szoka of the Progress & Freedom Foundation; John Morris of the Center for Democracy & Technology; Matthew Lasar, a contributor to Ars Technica; Fred Benenson of Creative Commons; and Prof. Jonathan Askin of Brooklyn Law School.

AROUND campus
A Ton of Books from Justice Cardozo's Personal Library Makes Its Way to the Cardozo Law Library

On April 14, Cardozo School of Law took possession of one ton—2,000 pounds—of books that once were part of Justice Benjamin N. Cardozo's extensive library. The long and exciting history of how they came to the law school includes their traveling across the Atlantic Ocean two times before landing at 55 Fifth Avenue.

Following Justice Cardozo's death in 1938, his executor donated the justice's entire library to the Inner Temple in London* to help replace the library that had been destroyed in the London Blitz during World War II. According to Andrew Kaufman, Cardozo's biographer, the books remained in storage for 16 years until the new library was built. When Kaufman was researching the biography he went to London to examine the books, only to find that the librarian at the Inner Temple had decided not two months earlier that it no longer needed them, "and disposed of the collection piecemeal at auction."

In the collection were various law reports and Cardozo's set of the Harvard Law Review, which went to Emmanuel College, Cambridge University. According to the Emmanuel College Magazine, volume 42, 1959-60, "Most notable during the year was the splendid gift by the Honourable Society of the Inner Temple of nearly 800 volumes, chiefly American Law Reports, from the important library of Benjamin Cardozo."

It is thought that Judge Norman Birkett, one of two British judges at the Nuremberg Trials, may have been responsible for guiding the donation to Emmanuel College, since he was both an honorary fellow of Emmanuel and a member of the Inner Temple. He was also well known in the United States, in part because of his work at Nuremberg.

Then in 2008, Emmanuel College announced that it wanted to dispose of the books to allow for more space. Peter Jackson, a librarian at the Inner Temple, asked Andrew Kaufman for advice about who in the US might be interested. Ultimately, Kaufman suggested that Jackson write to Cardozo Law Librarian Lynn Wishart. Jackson first corresponded with Wishart on June 9, 2008, and ten months later the books arrived.

They have yet to be catalogued and shelved but they include copies of the Federal Supplement, US Reports, New York Reports, Appellate Division Reports from the Supreme Court of New York, and volumes 28 to 51 (1914-38) of the Harvard Law Review.

*One of the four Inns of Court, which are unincorporated associations that have existed since the 14th century and play a central role in the recruitment of student barristers, as well the training and continued professional development of established barristers.
Madoff Attorney Talks about Defending the “Despised”

Ira Sorkin, on a visit to Washington, DC, in December 2008, was seated on a pint-sized school chair listening to his grandchild and classmates make farm-animal sounds when his cell phone rang. It was Bernard Madoff, saying “I’ve been arrested and I’m handcuffed to a chair and I need your help.” Sorkin advised, “Don’t answer any questions.” With “moo moo, quack quack” sounds in the background, he contacted colleagues at his New York law office to assist Madoff with processing. After this call, his cell phone went dead. He said, “The press didn’t know yet but I was worried that all hell would break loose, and that he would do the perp walk.” At the airport later that day, he needed to buy packs and packs of gum to get enough change for pay-phone calls to New York. After hours of technical frustration, he returned to New York to take up the challenge of representing Bernard Madoff, the man at the center of perhaps the largest financial fraud in history.

This is one of the anecdotes that Ira Sorkin, a partner at Dickstein Shapiro, LLP, shared with the Cardozo community in April at a Jacob Burns Ethics Center event, “Representing the Most Despised Client in the World.” Although barred by attorney-client privilege from sharing private information, he was open to talking about ethical considerations and personal insights. It was Sorkin’s first speaking engagement since being retained by Madoff.

Sorkin justified his defense of Madoff, saying, “Among the roles of the defense lawyer is to force the government to prove it is right with the judge playing referee.”

Sorkin spoke about the limitations of the SEC, which he thinks is vastly understaffed. Its employees are people who, although bright and highly educated, don’t have a lot of experience “on the street.” He said that as a student at George Washington University Law School in the 1960s he worked one summer at the SEC. “The staff were blue-collar guys. They talked blue collar, and they had been on Wall Street for decades. They used to say, ‘Don’t listen to the lawyers, they don’t know anything.’”

When asked, “What are you doing for Bernie Madoff now?” Sorkin said he is helping with the sentencing, which is tied to the amount of money involved in the fraud. He also said, “I would like to get him to a jail where he will have minimum pain.”

Sorkin spoke about the SEC’s current role is further complicated by how much the financial markets have changed and that no one on Wall Street or at the SEC is paying enough attention to risk. He noted, “The what-ifs were not played out. The SEC needs to be more proactive, like ask ‘Where will the market be in five years?’ They don’t even know where it will be in five minutes!”

After speaking for more than an hour to a capacity crowd in the Greenberg Center for Student Life, Sorkin offered some parting wisdom to the students. “I don’t care how smart you are, or how well you write, you’ve got to get out there and get yelled at by a judge, get beaten up a little, and get experience. You can read a book about how to drive a car, but until you get behind the wheel you can’t know how to drive.”
Princeton’s Appiah Calls Religion a Challenge to the Modern State

For those concerned that religious zealots may hobble or even destroy all hope of rational politics in the world, a scholar regarded by many of his colleagues in the fraternity of campus philosophers as “our postmodern Socrates” offers a ray of sunshine.

“The challenge that religion creates for modern politics is not to try to keep religion out of politics,” declared Princeton University Prof. Kwame Anthony Appiah in a March lecture, “but to draw on the traditions of cohabitation—the cosmopolitan strands—that live in all the world’s religions.”

It may seem at times as if the zeitgeist belongs to intolerant “true believers,” a tendency carried to terrifying extremes by Talibans, foreign and domestic alike, but the professor insisted on examining the historical record. In his formal remarks, titled “Religion as a Challenge to the Modern State,” he noted that while “religion and politics have been tied together” for centuries, sometimes violently so, “most religious people in the world today live in societies where there are significant numbers of people of other religions; and even when they don’t, they mostly know they live in a world containing other religions.

“It is now widely accepted that even where a society has a majority of one religious identity, it does not follow that all questions should be settled according to the view of that religious tradition.”

Professor Appiah’s talk, sponsored by the Floersheimer Center and Yeshiva University’s Center for Ethics, was the second of a pair of back-to-back public lectures during his March stint as the Ethics Center’s scholar-in-residence when he offered complementary analyses of issues made considerably more complex by what Appiah terms “pluralistic ideology,” which is of a mere three centuries’ vintage (and thus relatively new). With a modern ideology of religious diversity, he warned, “you have the beginnings of a substantial problem. Because now the mere fact that the majority believes something is right for religious reasons will not do as a political reason, and so you must discuss what is right across religious traditions within a single political order.”

Thus the need for tolerance—“bearing with others despite their failures,” as Appiah defined it—and cosmopolitanism, because “there are so many values worth living by and nobody, and no single society, can explore them all.”

Taking the long view of history, Appiah says that a certain few of us will always cling feverishly to the formalities of religion, for better or for worse; far more will tolerate the “not always very coherent ways” of living peaceably in a world of conflicting ideas on morality and public policy; and “sensible people have better things to do” than insist on the supremacy of their personal gods.

TISCH AND MEMBERS OF COMMUNITY HONORED AT P*LAW

Every year, Public Law Advocacy Week (P*LAW) ends by honoring members of the Cardozo community for their work in public service. This year, a special honor went to Laurie M. Tisch of the Illumination Fund, who gave a major gift last year for Cardozo’s Loan Repayment Assistance Program. Stephanie Silva ‘94, the executive director of Day One; Professors Michelle Adams, Edward Stein, and Ekow Yankah; Paulette Crowther, associate director of communications; and Zach Pall ‘09 also were honored. Special recognition was given as well to alumni from the classes of 2004 to 2008 who work in the public sector or who perform significant pro bono work. Pictured (from left): Dean Rudenstine; Emily Sussman ’08; Doug Schneider ’05, chair of the Junior Advisory Board; and Laurie M. Tisch.
Judge Rakoff Shares Personal Wisdom in Con Law Class

Manhattan Federal District Court Judge Jed S. Rakoff took the podium in Dean Rudenstine's Constitutional Law class, where he was teacher for a day, and said, "Judges are often in a situation where there is public outcry against the dastardly crimes of the defendant, with people calling for action and revenge justice, but our role is to be cognizant of and protect the rights of individuals." Judge Rakoff noted that he was "speaking in a personal capacity, not judicial."

Rakoff is presiding over attorney Marc Dreier's criminal trial. Dreier, who had led a law firm with 250 attorneys and celebrity clients, pleaded guilty to conspiracy, securities and wire fraud, and money laundering. Rakoff spoke about his decision to allow Dreier to post bail and stay in his apartment under house arrest with armed guards paid for by relatives. During the hearing, Rakoff said, "There are 100 good reasons why Mr. Dreier should be jailed." But he ruled that Dreier's defense lawyer had met the legal standard for his client to remain out of jail by showing that he no longer controls the millions of dollars he obtained and so was not likely to flee.

He said that in a district court, the facts of the case are the single most important determinant, and the law is less open to interpretation. Further up the judicial ladder, especially at the Supreme Court, ideology comes into play more. And as far as the court of appeals goes, he said, "It's boring; you just deal with abstractions you learned in law school and then forgot about." Ultimately, he said, "the best judges try very hard to be open to what the lawyers present them with and then let each other scrutinize and find out what the facts are."

Students questioned the judge sharply on the legitimacy of the bail bond, given that Dreier stole his money. After answering, Rakoff quipped, "Cardozo students could talk their way out of jail!"

JURISTS FROM THREE COUNTRIES OFFER COMPARATIVE PERSPECTIVES

Prominent jurists, statesmen, academics, and practicing attorneys from Israel, Canada, and the United States were brought together in April by Prof. Malvina Halberstam for a roundtable discussion, "Judicial Review: A Comparative Perspective." Among those participating were Canadians Irwin Cotler, a member of Parliament and former minister of justice and attorney general, and Justice Morris Fish of the Canadian Supreme Court. Israel was represented by Michael Eitan, a minister in his country’s new government and former chairman of the Knesset Committee on the Constitution, Law, and Justice; Justice Elyakim Rubinstein of the Supreme Court of Israel; and Daniel Friedmann, former minister of justice. United States participants were Judge Richard Posner of the US Court of Appeals for the Seventh Circuit and attorney Nathan Lewin of Lewin & Lewin. The event was sponsored by the Floersheimer Center, and the conference proceedings will be published in the Cardozo Law Review.

When Hon. Jed Rakoff of the US District Court, Southern District of New York, visited in February, he also met with LL.M. students. Amy Sugin, assistant dean for graduate and international programs, is shown on Judge Rakoff's right.
“Film is like fine cognac; you distill it down, and distill it some more until you come to the truth and reality,” said Irish filmmaker Terry George, the co-writer, director, and producer of *Hotel Rwanda*, during his keynote address at Healing the Wounds: Speech, Identity, and Reconciliation in Rwanda. The two-time Oscar winner spoke about the challenges of making a film on a subject of such magnitude as the Rwandan genocide of 1994: “I had to compress history into two hours and present straightforward moral dilemmas and choices. It is not like a book.”

He also said that, as in Northern Ireland, the best hope for peace and progress in Rwanda lies in leadership that recognizes both sides and creates legal structures to help Rwanda rebuild and reconcile. The victor does not have to dominate. He said, “For many, for better or for worse, *Hotel Rwanda* is the sole source of knowledge about the genocide, demonstrating the power of the medium. President George W. Bush watched the film two times.”

George knows a lot about political reconciliation from having lived through the troubles in Northern Ireland and by seeing the positive outcome. He spent several years in a Belfast jail for his political activism. He supports Rwanda’s current president, Paul Kagame, who reminds George of Sinn Fein President Gerry Adams. “Neither one cares about money; both care very much about helping their society.” He closed by saying, “With the right leadership we can make progress. Let’s help Rwanda rebuild and find peace.”

When the floor was opened to questions, some asked about Paul Rusesabagina, the real-life character played by Don Cheadle, and how he was portrayed in the film. George said, “Like *The Killing Fields* or *Missing*, the film is not really about Paul, but is about taking people inside the genocide. Paul is an allegory of everyone who tried to help.” He further cautioned his listeners not to confuse the film with reality. “Paul is not Don Cheadle, nor is Liam Neeson Oskar Schindler,” he said.

The day-long conference on March 30 delved into legal and societal questions about Rwanda’s struggle to promote unity and reconciliation. Eradicating genocide ideology through laws that control speech and promote a specific narrative of Rwandan history has become a mainstay of the government’s efforts. The conference sought to determine when governments are justified in limiting freedom of speech in the interest of moving society forward and what role the law can and should play in shaping individual and collective identity.

The conference, sponsored by the Program in Holocaust and Human Rights Studies and organized by its director, Sheri Rosenberg, closed with a tribute to Alison Des Forges, a scheduled participant and a well-known activist with Human Rights Watch, who was killed in a plane crash in Buffalo on February 12, 2009.
Theater, Law, and Levity Make<br><i>Shylock v. Antonio</i> Very Appealing

In a five-to-two decision, the majority ruled in a mock appellate trial held in Cardozo's Jacob Burns Moot Court Room that Antonio must repay Shylock the 3,000 ducats he borrowed in Shakespeare's famed drama <i>The Merchant of Venice</i>. The decision rendered in "Shylock v. Antonio on Appeal" capped an evening of scenes from the play; arguments by two prominent New York attorneys representing the main characters—Antonio, the merchant who defaults on a loan, and Shylock, the lender who demands a pound of flesh as repayment; and public deliberations by a panel of distinguished judges, composed of authors, lawyers, academics, and real judges. The event, organized by Richard H. Weisberg, Walter Floersheimer Professor of Constitutional Law, an expert on law and literature, was held on December 1.

Actors performed relevant scenes from the play, including the signing of the contract, the trial, and Shylock's and Portia's famous monologues, and then the spotlight turned to the attorneys, who had previously submitted legal briefs and would now present their cases before the seven judges.

Shylock's lawyer, Michael Braff '82, a partner at Kaye Scholer, LLP, argued that the case was a clear example of breach of contract and was about such fundamental principles as a citizen's obligation to repay his debts. Contracts, said Braff, need to be honored if Venetian trade—or any kind of business—is to flourish. "Antonio did nothing but wait to be sued—that's not how a gentleman should act."

Antonio's attorney, Daniel Kornstein, a partner at Kornstein Veisz Wexler & Pollard, argued that the contract was illegal because of its "outrageous" clause claiming a pound of flesh in the event of his client's default. As he drew a parallel to the current mortgage crisis, Kornstein said that the case presents a cautionary tale for predatory lenders and should be voided so that lenders do not engage in such business practices in the future. "We need to make an example of Shylock so that it never happens again."

The judges, who ultimately rendered a five-to-two decision in favor of Shylock, peppered the litigators with both serious and humorous questions, and then rendered their verdicts in the English fashion, with each jurist offering his or her decision and reasoning separately. <i>The Merchant of Venice</i> features a trial with no legally trained people, said legal scholar and renowned jurist Richard Posner of the US Court of Appeals for the Seventh Circuit, who served as chief judge. He also voiced concern about the trial's "irregularities," such as Portia impersonating a doctor of law.

Judge Jed Rakoff of the US District Court, Southern District of NY, delighted the
audience when he began, “My views will seem less amateur, if I respond in iambic pentameter,” and then recited his decision in a rhyming poem with contemporary references to bailouts and cross-dressers.

Others, such as renowned British solicitor-advocate Anthony Julius of Mishcon de Reya, said, “The question arises: what is the case being considered? A 16th-century case, a 20th-century case, or a play? Plainly it’s a play. Justice that ignores the integrity of the play is not really justice.” He, along with Posner, ruled in Antonio’s favor. Having fun with the play-within-the-play concept, Prof. Julie Stone Peters of Harvard University said the “theatrical” contract reflected no meeting of the minds.

First Amendment attorney Floyd Abrams of Cahill Gordon & Reindel, who deplored the characters’ anti-Semitism, said, “The trial was a travesty, beautiful sometimes, funny sometimes, and ugly sometimes. The bond is a punishment that no civilized society should enforce; the only equitable resolution is to force the 3,000 ducats to be repaid.” Bernhard Schlink, the internationally noted jurist, author of The Reader, and a visiting professor at Cardozo, said in a serious vein, “Public policy ties society together in a specific time and place. In this specific society, principles were not violated in contract.” The Hon. Dianne T. Renwick ’86, who serves on the New York State Supreme Court, Appellate Division, said, “Shylock should be returned his money. Vacate the convictions, as there was a total lack of due process. And someone should report Portia to the authorities.”

Stephanie Daventry French, chair of the theater arts department at East Stroudsberg University, was the drama director. The program was sponsored by Cardozo’s Jacob Burns Institute for Advanced Legal Studies, the Program on Holocaust and Human Rights Studies, and the Law & Humanities Institute.

FEINBERG VISITS
In October, Kenneth R. Feinberg (at far left), special master of the Federal September 11th Victim Compensation Fund of 2001 and managing partner and founder of the Feinberg Group, LLP, spoke on “Public Catastrophes, Government Inaction, and Private Compensation: Resolving the Insurance Mess after Katrina.” Shown with Feinberg are Professors Peter Shuck of Yale University, Anthony Sebok, and Mark Geistfeld of New York University.
Goldstein

GOLDSTEIN DISCUSSES
SEVEN COMMON MISTAKES ABOUT
COPYRIGHT

In November, Paul Goldstein, Lillick Professor of Law at Stanford University, gave the 16th Annual Distinguished Lecture in Intellectual Property. His topic was “Seven Common Mistakes about Copyright.” Over the course of four decades of teaching and writing about copyright law, Goldstein has identified mistakes that are frequently made in the popular press, in law review articles, and even by writers of treatises. In this lecture, he gathered some of the most fundamental—and from a policy perspective, most consequential—of these errors, indicating both their source and their solution.

“DOES IP NEED IP?”

Rochelle Dreyfuss, the Pauline Newman Professor of Law at New York University, was this year’s Uri & Caroline Bauer Memorial Lecturer in April. According to Professor Dreyfuss, a leading scholar of both soft and hard intellectual property, arguments for strong intellectual property protection proceed on the assumption that preventing free riders is necessary to generate the monetary incentives required to encourage intellectual production. In recent years, it has become clear that this assumption is not always accurate; many creative industries are flourishing without intellectual property protection. Now that nonmonetary incentives to innovate have been recognized, Dreyfuss says, it is time to think about how the rules of copyright and patent law ought to change to accommodate what might be called Intellectual Production without Intellectual Property, or, as she puts it, IP without IP.

Dreyfuss

Dreyfuss, who clerked for Supreme Court Chief Justice Warren E. Burger, is a member of the American Law Institute; the National Academy of Sciences Committee on Science, Technology, and the Law; the National Institute of Health’s Advisory Committee on Genetics, Health, and Society; and the Advisory Board to BNA’s US Patent Quarterly.

IP LAW SOCIETY HOSTS IP GURUS

When Intellectual Property Law Society leader Ari Abramowitz ’10 saw cyberlaw expert Jonathan Zittrain participate on a New York City Bar copyright panel, he was so impressed with Zittrain’s wit and omnivorous pursuit of knowledge that he invited him to speak at Cardozo. Zittrain was one of several people well known in the field of intellectual property to visit Cardozo as guests of the student organization.

“Power corrupts, and PowerPoint corrupts absolutely,” said Zittrain in his opening salvo. He went on to say that he wants to ensure that the Internet, which was designed to empower our collective identity, stays that way. The Internet’s salvation, Zittrain argues in his recent book The Future of the Internet and How to Stop It, lies in the hands of its users, who he says should work creatively and collaboratively, participate in solutions, and become true “netizens.”

Zittrain is a Harvard Law School professor, the cofounder and codirector of Harvard’s Berkman Center for Internet & Society, and the author of several books. He is also known for his work with Lawrence Lessig (albeit on the losing side) on the landmark US Supreme Court case, Eldred v. Ashcroft.

Zittrain is concerned about the proliferation of technologies, such as the iPhone and TiVo, that do not have the capacity to produce user-driven change. Whereas on a PC any user can write and share code in ways the manufacturer never imagined, tethered technology requires the consumer to use the product in the way specified by the manufacturer.

He spoke fondly of the spirit of the early developers of Internet architecture: a group from MIT who didn’t have much capital. They built, he said, a network that could piggy-back, that had no center. They had freedom and no business plan. The idea was not about making money. They didn’t worry about whose bits were whose, and they had no overhead.

Their idea was very simple, he continued. Users identify themselves and move packets (bits of data) from A to B in the way a person moves around a mosh pit. You didn’t need a runner to take it anywhere, nor is anyone doing it because of a contractual requirement. It’s like a social network, rather neighborly. He noted that to this day there is no overall map of the Internet, and if you rewind time and remade the Internet, it probably would never have turned out the way it did.

Later in the semester, MacArthur Foundation Grant winner Richard Stallman, the godfather of the free-software movement and the GNU/Linux operating system, spoke and signed copies of Free Software, Free Society: Selected Essays of Richard M. Stallman. Stallman graduated from Harvard in 1974 and then studied at MIT, where he became a programmer and famed hacker in MIT’s Artificial Intelligence Lab. He went on to write GNU, a free operating system, and in 1985 published the GNU Manifesto. He then started a nonprofit corporation called the Free Software Foundation to employ program-
Stallman and provide a legal infrastructure for the free-software movement. Stallman argues that freedom is vital to users and society for its moral value, not merely for pragmatic reasons.

In his current book, Stallman tackles the essential issues driving changes in copyright law and argues that for creativity to flourish, software must be free of inappropriate and overly broad legal constraints.

Michael Heller, author of The Gridlock Economy: How Too Much Ownership Wrecks Markets, Stops Innovation, and Costs Lives (Basic Books, 2008), described in his February talk what he calls the anti-commons, a state in which there is so much ownership of a resource that no one ends up using it because of economic controls that have become completely counterproductive. He explained that although private ownership usually creates wealth, too much ownership has the opposite effect—it creates gridlock. Heller is the Lawrence A. Wien Professor of Real Estate Law at Columbia Law School, a graduate of Stanford Law School and Harvard College, and one of America's leading authorities on property.

Stanford professor Lawrence Lessig, founder of Stanford's Center for Internet and Society, the cofounder of Creative Commons, and the author of five influential books, made a return visit to Cardozo in November to present "Remix: Making Art and Commerce Thrive in the Hybrid Economy." In summing up the discussion, Abramowitz said, "His dynamic visual presentation merged into his oral presentation as a kind of digital media/human hybrid."

WASHINGTON BRIEFING
Assistant US Trade Representative Stanford McCoy and Elaine Wu, from the US Patent and Trademark Office, came to Cardozo in fall 2008 to brief attendees about intellectual property issues in Washington. Victoria Espinel (below left) of George Mason University moderated. She is shown here with Stanford McCoy and Elaine Wu.

PATENTABLE SUBJECT MATTER
Since the 1998 State Street Bank decision, commentators, practitioners, and patent examiners have debated whether patentable subject matter includes business method patents or, instead, has some "technological" limits. At "Patentable Subject Matter after Bilski: Not Quite Anything under the Sun," panelists considered the various limits proposed by the parties and amici in Bilski and whether this debate might soon end. Shown below, professors Justin Hughes, Eileen Kane of Penn State, and Kevin Collins of Indiana University...
AMIRA DOTAN WINS INTERNATIONAL ADVOCATE FOR PEACE AWARD
The Cardozo Journal of Conflict Resolution selected Amira Dotan as the 2008-9 International Advocate for Peace Award winner. The first woman in Israel to attain the rank of brigadier general in the Israeli Defense Forces, where she served from 1965 to 1988, Dotan later became vice president of Ben Gurion University of the Negev, and subsequently a member of Israel's Knesset from 2006 to 2009. She has dedicated her career to public service in Israel and to working toward peace.

In her welcoming remarks, Prof. Lela Love said, “The first thing you notice about Amira Dotan is her smile. So warm, so connected with whomever she is around—a bridge from her to you.” That smile shone brightly when Amira Dotan accepted the award.

Dotan, through her own initiative and innovative vision, consistently strives to bring people together in Israel, the broader Middle East, and other war-torn regions using groundbreaking conflict-resolution strategies. She co-founded the Neve Tzedek Gishur Mediation Center, which provides mediation services and training in Israel and has been a powerful force to spread knowledge about mediation more broadly within the general population.

Dotan also founded the Middle East Career Women's Forum to build a network of professional women throughout the region. Within the Knesset, she initiated the passage of a law that requires any proposed legislation to be reviewed for its potential impact on women.

Dotan was introduced by renowned mediator and scholar Prof. Jack Himmelstein, who said, “Born a few months before the birth of the State of Israel, Amira’s life has been one of dedication to her beloved country. For her, that has meant facing the many conflicts within and beyond its borders. She does so with deep insight, searching intelligence, and boundless energy—all grounded in a deep and caring connection to others. In short, she acts in friendship and with heart.”

Past winners of the International Advocate for Peace Award include Richard Holbrooke, William Jefferson Clinton, George Mitchell, Seeds of Peace, Desmond Tutu, Eve Ensler, Betty Kaari Murungi, Dennis Ross, and Jeffrey Sachs.

CARDozo NEGOTIATION TEAMS COMPete WORLDWIDE IMPROVING SKILLS AND STYLE
Negotiation Competition Focuses on Elder Law
In fall 2008, the Kukin Program and the Cardozo Dispute Resolution Society hosted Cardozo's largest-ever ABA/Intraschool Negotiation Competition. With elder law as the focus, 124 student negotiators competed for an opportunity to represent Cardozo in various ABA and international competitions. Rebecca Auster '10 and Jeffrey Haberman '10 tied for first place with Meryl Rothchild '09 and Benjamin Thompson '09. Dan Watkins '10 placed second.

When ranking the teams, judges consider preparation, a team's relationship with the other side, service to the client's best interest, teamwork, and which team the judges would hire.

Elliot Malone '09, who placed third with Amira Samuel '10, said, “I think that the most challenging aspect of negotiating in general is trying to adjust to the different negotiation styles of
adverse parties. Some are respectful, while others are stubborn and simply unwilling to negotiate unless they get their way."

Cardozo in Paris

Rebecca Auster '10 and Jay Robert '09 spent 10 days in Paris in February, reaching the quarterfinals in the ICC International Commercial Mediation Competition. Prof. Lela Love was the team's coach. Teams from 40 universities in 18 countries competed.

Robert said that during the competition, language and cultural barriers were frequently significant obstacles to reaching an agreement. He and Auster competed against teams from London, the Ukraine, New York, and Minnesota.

Cardozo Hosts ABA Regional

In March, Cardozo welcomed 12 teams to the Regional Representation in Mediation Competition. One member of each team plays the disputant while the other plays the role of attorney. Bradley Roth '10 and Daniel Watkins '10 placed fourth in this competition, in which teams are judged on the ability to work together and with the competing team, to serve the client's interests, and to assess their own strengths and weaknesses after the simulated mediation is over.

Students Compete in Vienna and Hong Kong

Peter Halprin '09, Era Makoci '10, Edward Quilice '10, and Jeffrey Richbourg '10 won honorable mention in the category of Best Claimant's Brief when they competed in the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, against 233 university teams from 58 countries. According to Halprin, "The feeling shared by most American teams was that this competition seemed like the Super Bowl for law schools internationally."

Cardozo also sent the team of Yulia Dernovsky '09, Emily Golden-Fields '10, Jamie Robbins '09, Benjamin Thompson '09, and Michelle Zolnoski '09 to Hong Kong for the Vis East competition. Thompson said, "I have improved my oratory skills and my reasoning ability, and have gained a much better sense of international law."

Environmental Negotiation Competition in Richmond

Tressie Kamp '10 and Dan Watkins '10 advanced to the semifinal round in the 2009 Robert R. Merhige, Jr., National Environmental Negotiation Competition at T. C. Williams School of Law at the University of Richmond in Virginia. They competed in a field of 26 teams from 15 law schools.

Kamp said, "From the viewpoint of a true negotiation novice, the competition was a rare educational opportunity to understand the intersection of negotiation and environmental law. The focus on renewable energy allowed for interesting debate regarding an important, quickly evolving legal issue."

PLESENT LECTURE

David A. Hoffman, Esq., of Boston Law Collaborative, LLC, who teaches mediation at Harvard Law School, delivered the annual Gloria and Stanley Plesent Lecture in September. His topic was "Colliding Worlds of Dispute Resolution: Towards a Unified Field Theory of ADR." (From left) Alan Weiler, former Cardozo Board member; David Hoffman; Gloria Plesent; and Stanley Plesent, partner, Hogan & Hartson
AROUND campus

DA CRAIG WATKINS OF TEXAS IS FEATURED GUEST AT TV SHOW SCREENING

District Attorney Craig Watkins of Dallas, TX, now has his own television show. *Dallas DNA* is a new series from the Investigation Discovery Channel that profiles Watkins and his Conviction Integrity Unit, which seeks to exonerate the wrongly convicted in Dallas County. A private screening of the show took place at Cardozo on April 27, a day before its premiere. It was attended by Watkins, Maddy deLeone, executive director of the Innocence Project, and the exonerated Johnnie Earl Lindsey of Dallas, all of whom stayed for a question-and-answer session with the audience.

After the screening District Attorney Craig Watkins met with students.

Religious Revival Challenges Constitutionalism

The revival of religion in pluralist and multicultural settings deeply immersed in identity politics poses serious theoretical and practical challenges to the legitimacy and viability of the dominant conception of constitutionalism, which seems inextricably linked to the principle of secularism. Organized by Prof. Michel Rosenfeld and Hélène Ruiz-Fabri, of University of Paris 1, *Constitutionalism and Secularism in an Age of Religious Revival: The Challenge of Global and Local Fundamentalisms* featured a keynote address by Dieter Grimm, formerly a justice of the German Constitutional Court. The two-day conference in October 2008 brought together leading scholars of law, political science, religion, and sociology to discuss the effects on, and meaning for, secular constitutionalism of rising religious fundamentalism.

Panelists at *Constitutionalism and Secularism* included Prof. Isabelle Rorive (left), Université Libre de Bruxelles, and Prof. Susanna Mancini, University of Bologna.
Current Economic Climate Gives Heyman Center Plenty to Talk About

Fourth Annual Corporate Restructuring Conference: Distressed Investing & Deal Making in 2009

This March, just as the US economic situation was at its nadir, members of the legal and business world attended "Distressed Investing and Deal Making in 2009," the fourth in the popular corporate restructuring series held annually by the Heyman Center. Reporter Jeff McCracken of the Wall Street Journal and Jonathan Henes '96, a partner in the restructuring group of Kirkland & Ellis, spoke about the current restructuring market. Then the conference dissected the recent successful restructuring of Wellman, Inc. Representatives from the major parties to the deal shared their perspectives, including Brandon Aebersold of Lazard Freres & Co., Michael Cohen of Kirkland & Ellis, John Haeckel of Chilmark Partners, Mark Ruday of Wellman, Inc., and Mark Sommerstein of Ropes & Gray.

A discussion of distressed investing opportunities in 2009 was moderated by Andrew Rosenberg of Paul Weiss. Panelists Saul Burian of Houlihan Lokey Howard & Zukin and David Trucano of Centerbridge agreed that the current credit freeze is different from anything that has come before. They noted that even in the recession of 1989 people believed there was fundamental value in the market. Burian and Trucano said that it is hard to analyze a company’s balance sheet in this climate, and companies are scrambling to pull in assets. According to the panelists, although the economy is bad and liquidity is low, there are investment opportunities. They mentioned real estate, travel-related companies, building products, commodities, auto rental companies, chemicals, and companies that make consumer products people use no matter what happens to the economy.

Grading the SEC: Madoff, Stanford, and the Future of SEC Enforcement

Heyman Center advisor Harold Gordon '88, a partner at Jones Day and a former SEC enforcement branch chief, talked to students about why the SEC failed to detect multi-billion-dollar Ponzi schemes this year and how its series of failures and mistakes threaten the existence of the agency.

Judge Hardin Shares Wisdom about Fraud Cases with Students

Students were treated to a master class with an expert who shared his deep understanding of how a judge untangles the facts of a case to determine intent, liability, guilt, and fair outcomes. Judge Adlai S. Hardin of the US Bankruptcy Court for the Southern District of New York talked to students about fraudulent conveyance law and Ponzi schemes, with a focus on Madoff, the Bayou Group, and Manhattan Investment.

Judge Hardin’s decision in In re Bayou Group set an important legal precedent for clawing back redemptions from those investors who successfully withdrew money from the investment fund before the discovery of fraud. The Bayou Group purported to be a conventional hedge fund when in fact it was an investment pyramid scheme. In the Bayou case, the judge agreed with the trustee that if investors knew, or should have known, that a fraud was being perpetrated, they cannot redeem their funds in good faith.

Corporate Governance in Action with Andrew Sole '99

Andrew Sole '99, founder and managing director of Esopus Creek Advisors, LLC, is an outspoken voice calling for managers and boards to be more responsive to shareholder interests. In February, Sole discussed with students his career as an investment fund manager and his response to Syms Corp., the national retailer, for failing to disclose certain real estate assets and transactions.
STUDENTS MONITOR POLLS IN OHIO  Prior to Election Day, November 4, 2008, 36 Cardozo students traveled by bus to Cleveland to work as poll monitors. They stayed with local volunteers, who opened their homes. With the support of the Floersheimer Center for Constitutional Democracy and the guidance of faculty members Michelle Adams, Ed Stein, and Ekow Yankah, students received training in Ohio election law and were able to ensure that at the 36 polling precincts they monitored, every voter was able to cast a ballot. It was a profoundly meaningful and satisfying day for the students.

Brian Sogol '10 recalled, "We were trained to handle discreet situations, and they did come up—long lines, voters confused about how the ballots worked. It felt great to see that we were really addressing problems and serving a purpose, not just standing outside for 14 hours in the cold. I think this will be one of the main things I remember about my time at Cardozo. It's why I came to law school."

Professor Adams said, "I think there are a lot of ways of getting a legal education. What you get at Cardozo crosses a lot of different areas. There is the standard doctrinal and scholarly exposure, there are clinics and externships, and then there are experiences like going to Ohio, where you are bringing all that experience together."

The 2009 LANGFAN FAMILY ORATORICAL COMPETITION, which recognizes student excellence in public speaking and rhetoric, took place in April. This year's topic was inspired by a recent debate in the news and the courts: Does the US Constitution guarantee criminal defendants and convicts the right to DNA testing of evidence that could exonerate them? (From left) Justin LaMort '09, third place; Cardozo Prof. Gary Galperin '80, a final-round judge; Jeff Haberman '10, first place; Andrew Kurland '09, editor-in-chief, Moot Court Honor Society; and Scott Cohen, second place.
During January Students Gain Practical Skills, Give Back, and Learn on the Road

During winter break, some students head for the slopes, some for Caribbean beaches; others use the time to enrich and supplement their education. In January 2009, the law school offered several options for students to gain practice, such as travel to China to study its legal system, the Intensive Trial Advocacy Program at Cardozo, and public service in New Orleans helping people still dealing with the aftermath of Hurricane Katrina.

The Intensive Trial Advocacy Program, a cornerstone of Cardozo's practical skills curriculum, teaches some 100 students how to be lawyers in a two-week immersion course. Students learn courtroom strategies and techniques under the instruction of leading civil and criminal jurists and lawyers from across the country. In a "master class" approach to learning, students practice direct and cross examinations, interviewing and preparing witnesses, selecting juries, dealing with evidentiary issues, and preparing for and presenting bench and jury trials. The course ends with students conducting a full jury trial.

For the third time, students and faculty members traveled to China to experience the country's legal transformation amid its economic reawakening. Law and Business in China has been expanded from a focus on business law to topics such as the history and philosophy of Chinese law, legal aid, and environmental law. Students also witnessed China's growth from the vantage point of three cities: the lesser-known but emerging city of Wuhan, the bustling capital, Beijing, and the cosmopolitan Hong Kong SAR. They met with representatives of Jianghan District Court, King & Wood, Lovells, Sullivan & Cromwell, the Ford Foundation, the Bank of East Asia, Cleary Gottlieb, and the Securities & Futures Commission of Hong Kong, and interacted with law students at Wuda University and Chinese University of Hong Kong.

Danielle Labadof '10 said, "The most amazing accomplishment was the connection we made to law students living thousands of miles away who, like us, are attempting to change our radically different worlds through the same institution."

For the third year in a row, a group of students went to New Orleans in partnership with the Student Hurricane Network to help people with legal problems stemming from Hurricane Katrina.
COPY SQUARE PANEL

In September, the Squadron Program cosponsored with the Cardozo Arts & Entertainment Law Journal Copysquare: Rethinking Sharing Licenses for the Entertainment Media. Shown above are panelists (from left) Prof. Jonathan Askin, director of Brooklyn Law School's Incubator & Policy Clinic; Fred Benenson, a cultural program associate at Creative Commons; Eric E. Johnson, creator of the Copy Square license, who is an assistant professor at University of North Dakota School of Law and a former general counsel at Fox Cable Networks; and Prof. James Grimmelmann of New York Law School's Institute for Information Law and Policy.

SQUADRON FELLOWS SPEND SUMMER IN MEDIA- AND ARTS-RELATED RESEARCH

Squadron summer fellows receive stipends for internships they secure in media- and arts-related research projects from Washington, DC, to London and Moscow. The projects this summer directly reflect the students' academic interests and future career plans. At the Due Process of Law Foundation in Washington, DC, Anamay Melmed '11 will conduct research on themes related to Latin America, including indigenous peoples, normative systems, judicial nominations, and the conflict between indigenous communities and the government. Shubha Gokhale '11 will work in Mumbai with the Hoot, a media watch site assigned to TV and print monitoring in Marathi, filing reports on how the media cover the regional chauvinism of the dominant political parties in Maharashtra, analyzing media policy issues arising from the coverage, and generating article ideas. Maria Matasar-Padilla '11 will help the Committee to Protect Journalists, an advocacy group that promotes press freedom worldwide, as a legal researcher and analyst for a handbook to provide legal guidance to journalists working abroad, including a summary of recent and ongoing cases against journalists charged with violating local restrictions. Katya Fisher Yoffe '11 will provide assistance to the Moscow Media Law and Policy Institute and the Moscow Times, Russia's premier English-language daily newspaper, researching Russian cultural property law, Holocaust-era looted art, and problems regarding theft, forgery, and the lack of regulation in the Russian art market.

GUESTS SPEAK ON BLOGGING, THE ELECTION, ENTERTAINMENT, MEDIA, AND MORE

The Squadron Program hosted several luncheon speakers in the fall of 2008. David Flumenbaum, an editor at the Huffington Post, spoke about blogging, the social and legal issues he faces, and the future of journalism. Howard F. Jaeckel, vice president and associate general counsel for CBS, spoke on election law and its effect on broadcasters; he offered his perspective on its utility in the current media climate.
Prof. Alain Badiou from the École Normale Supérieure in Paris, author most recently of *Logics of Worlds*, spoke on "Democracy and Philosophy" in November, giving the Rhett Rountree Fund Public Lecture.

Manhattan DA Candidates Debate Enforcement of Vehicular Homicide Laws. In June, Cardozo Criminal Justice Society and Transportation Alternatives hosted a debate on the enforcement of vehicular homicide laws. The debate featured two of the three Manhattan Democratic DA candidates: Richard Aborn and Cyrus Vance (above). Leslie Crocker Snyder, the third Democratic DA candidate, could not attend, but sent a top staffer, Richard Socarides, in her place. Prof. Jonathan Oberman moderated the debate. The candidates discussed their views on vehicular crimes and the role of the district attorney's office in protecting New Yorkers from reckless and dangerous drivers.
Weisberg Awarded the French Legion of Honor

Richard Weisberg, the Walter Floersheimer Professor of Constitutional Law, was named to the Legion of Honor, the highest recognition given by the French Republic for outstanding service to France. French President Nicolas Sarkozy signed a decree in December 2008

Weisberg received the medal at a ceremony on January 22, 2009, in Washington, DC. He is the third Cardozo professor to be so honored. Michel Rosenfeld was recognized as a knight in 2004. Professor Emeritus Minasse Haile received the honor several years ago.

Weisberg, an expert on the practice of law during the Vichy regime, is the author of *Vichy Law and the Holocaust in France*, published in 1996 by New York University Press and translated into French in 1998. Since 2001, he has represented plaintiffs before an oversight committee, consisting of American State Department and French government officials, that is responsible for the restitution, to victims or their heirs, of banking assets stolen during the Vichy regime. He has also worked on cases in American federal courts against various banks and other institutions arising out of their actions during the Holocaust.

Created in 1802 by Napoleon Bonaparte, the Legion of Honor is conferred on illustrious individuals. They are nominated for distinguished military or civilian service and professional prominence and are appointed for life through a decree signed by the President of the Republic. Each year, about 10 Americans are recognized with this honor. American honorees include Colin Powell, Ronald Reagan, Neil Armstrong, Robert De Niro, and Estée Lauder.

Dean David Rudenstine said, "We are very proud that Richard Weisberg's extensive legal and historical research and service to the French people are being recognized. His work has uncovered disturbing truths that have important legal and civil implications worldwide, and here at Cardozo his contributions enrich the law school for students and faculty alike." Weisberg has taught at Cardozo since 1977.

Professor Weisberg's specialties also include constitutional law and trusts and estates. He is a pioneer of the worldwide interdisciplinary Law and Literature movement, is the founding editor of the 20-year-old journal *Law and Literature* (University of California Press), and is the author of *The Failure of the Word; When Lawyers Write; and Poetics and Other Strategies of Law and Literature*. He is a former chair of the law and humanities section of the Association of American Law Schools. From 1979 to 1986, he was president of the Law and Humanities Institute, and he has been its chair since 1987.

Among other honors, Weisberg has been a fellow of the National Endowment for the Humanities, the Society for the Humanities of Cornell University, the American Council of Learned Societies, and the Rockefeller Foundation. In 1998, he was named a Guggenheim Fellow for his study of the privatization of public discourse.
Stanley Fish Discusses Academic Freedom and the Purpose of Teaching

"Do not hijack the academy for your politics and values!" pronounced public intellectual and Cardozo visiting scholar Stanley Fish at a talk in which he discussed his most recent book, *Save the World on Your Own Time*. College teachers are equipped, he said, "to introduce students to bodies of knowledge and to teach them analytic and research skills so that they can learn to reason on their own. That is my argument, nothing more, nothing less."

Fish went on to say much more. He deplored the mission statements of universities that seek to shape the "total person"—not just students' intellects, but their ethical, social, and political selves as well. Teachers should keep their political and personal views out of the classroom, he argued. Those who offer their views often invoke academic freedom, but Fish argues that academic freedom, correctly understood, is the freedom to do the academic job, not the freedom to do any job that comes to the professor's mind. As an example, Fish said that when he teaches Milton's *Paradise Lost*, even though he has a personal opinion about whether or not Satan is the hero of the epic poem, he encourages his students to put moral considerations aside and ask "How does this argument work?" This, he said, has continued to be a matter of dispute since 1712.

Also on the panel, moderated by Dean David Rudenstine and sponsored by the Floersheimer Center for Constitutional Democracy, was Richard Epstein of University of Chicago Law School, who said of Fish's position, "I disagree with just about everything." He contended, "I need to have substantive and rational arguments. I will say to my students, 'Here's how Marx thinks about it, here's how I think about it.' I think it's impossible to separate your opinions out. You either let everybody in or nobody in."

Robert Post of Yale Law School, another panelist, playfully opened with, "It is a terror and a pleasure to speak with Stanley. Therefore it is sublime." He believes that Fish sees the world through the lens of a literary critic, adding "We often read to find truth about what the author is saying, not for literary structure." Post went on to say, "What's wrong with putting forward ideas as candidates for approval? It doesn't necessarily equal a political agenda."

After an hour of jovial intellectual sparring, Fish summed up the debate: "When someone from the outside asks academia to justify itself and asks 'What use is this venture anyway?' the answer is, 'None whatsoever.'"
Diller Taps Ed Stein for Vice Dean

Dean Matthew Diller has named Ed Stein Cardozo's vice dean beginning July 1, 2009. Stein is the director of the Program in Family Law, Policy, and Bioethics. When making the announcement, Diller said, “Ed is a superb teacher and scholar who has increasingly undertaken major leadership roles at Cardozo, all of which makes him a perfect candidate for the job.”

Stein, whose current research focuses on legal issues involving families, sexual orientation, and gender, joined the Cardozo faculty in 2000. In addition to overseeing the Program in Family Law, which he helped found, Stein is a member of the self-study committee that is preparing for the ABA reaccreditation process and of the board of the Center for Ethics at Yeshiva University.

“I am thrilled to be working with Matthew Diller as he begins his tenure,” said Stein. “Together we can build upon the tremendous work done by David Rudenstine and Michael Herz and make Cardozo an even better place to study and to teach law.”

Stein has served previously as chair of the appointments committee and as chair of the educational policy committee, in which capacity he helped shepherd through a major revision of the first-year curriculum. For many years, he was also a member of the clerkship committee.

Before joining the Cardozo faculty, Stein taught in the philosophy departments at Yale University, Mount Holyoke College, and New York University. In 2001-2, he clerked for Judge Dolores Sloviter of the US Court of Appeals for the Third Circuit. He is the author of numerous articles and books on legal, philosophical, and scientific topics.

FACULTY briefs

CYBERLAW SCHOLAR APPOINTED TO FACULTY

Felix Wu, a cyberlaw scholar who received both his J.D. and his Ph.D. in computer science in 2005 from the University of California, Berkeley, has been appointed assistant professor of law beginning in the fall of 2009. At Berkeley, Wu was recognized with the Annual Review of Law & Technology Award for best note, was associate editor of the Berkeley Technology Law Journal, and received American Jurisprudence Awards for the highest grades in several subjects. His dissertation concerned online auctions, a topic on which he has also written a number of articles. Upon graduation, Wu became an associate at Covington & Burling in San Francisco. From July 2006 to July 2007 he clerked for Judge Sandra L. Lynch of the United States Court of Appeals for the First Circuit. Immediately prior to coming to Cardozo, he was an intellectual property associate at Fish & Richardson in Boston. Wu received his undergraduate degree in 1996 in computer science summa cum laude from Harvard. He is a member of the Order of the Coif and Phi Beta Kappa. He will teach Trademark Law, Cyberlaw, and a seminar on privacy.
MINZNER TO SERVE AS FERC COUNSEL
Max Minzner, an assistant professor since 2006, has been appointed counsel to the Director of Enforcement at the Federal Energy Regulatory Commission (FERC). The FERC has jurisdiction over interstate transactions involving energy, including oil, natural gas, and electricity. Minzner, whose background is in federal law enforcement, will work under Norman Bay, incoming director of enforcement at the FERC, providing advice on enforcement policies and procedures. Minzner will be on leave from Cardozo for the 2009-10 academic year while working in Washington, DC.

From 2002 to 2006, Minzner was an assistant United States attorney in the Eastern District of New York, where he served in the public integrity, narcotics, and general crimes sections. After receiving his J.D. in 1999 from Yale Law School, where he was notes editor for the Yale Law Journal, Minzner clerked for Judge Pamela Rymer of the United States Court of Appeals for the Ninth Circuit and was an associate at Davis Polk & Wardwell in New York.

Sheri Rosenberg & the Human Rights and Genocide Clinic Represent Plaintiff in Landmark Discrimination Case

On June 3, the Grand Chamber of the European Court of Human Rights heard a case brought by Jakob Finci, a Jewish citizen of Bosnia and Herzegovina, who was denied the right to stand for election to the three-member presidency and the House of Peoples in the Bosnian parliament, solely because of his ethnicity and religion. Finci is represented by Prof. Sheri P. Rosenberg and Cardozo’s Human Rights and Genocide Clinic with Clive Baldwin and Minority Rights Group International.

_Sejdic and Finci v. Bosnia and Herzegovina_ is one of the first cases to challenge at the European level the provisions in Bosnia’s constitution that prohibit individuals from minority groups from running for the highest offices. The case was first brought before the Strasbourg Court in 2006. In 2008 the Ordinary Chamber joined Mr. Finci’s case with the case of Dervo Sejdic. The Ordinary Chamber relinquished jurisdiction to the Grand Chamber on February 10, 2009. The Grand Chamber agrees to hear a small number of the most important cases referred to it by the Court’s Ordinary Chambers.

The Grand Chamber’s decision to accept the case—the first to be heard under Protocol 12, which provides for a robust right to nondiscrimination—gives Europe’s highest judicial body the opportunity to make clear that racial discrimination no longer has a place in the political arrangements of any of the continent’s countries. Judgment is expected later this year.

Rosenberg, the director of the Human Rights and Genocide Clinic, is also the director of Cardozo’s Program in Holocaust and Human Rights Studies. She received her

(From left) Ari Brochin ’10, Jakob Finci, Sheri Rosenberg, and Matt Diament ’09

J.D. from Cardozo in 1994, and an LL.M. in 2003 from Columbia University. In 2000, the US Department of State selected Rosenberg to be one of two US lawyers to work in Sarajevo, Bosnia and Herzegovina, for the Human Rights Chamber, a quasi-international court established under the Dayton Peace Agreement.

Ari Brochin ’10 and Matthew Diament ’09, helped with the case while working at the clinic, went to Strasbourg with Rosenberg for the court proceedings. Rosenberg has been working on the case with clinic students since 2005.
Visitors for the Academic Year Announced

Frank Pasquale, Loftus Professor of Law at Seton Hall Law School, where he is also associate director of the Gibbons Institute for Law, Science & Technology, will visit in the fall. Pasquale has focused his scholarship on enriching intellectual property and health law with insights from economics, philosophy, and social science. Pasquale joined Seton Hall after practicing at Arnold & Porter LLP where his work included antitrust and intellectual property litigation. He graduated in 2001 from Yale Law School, where he was an editor of the Yale Law and Policy Review and the Yale Symposium on Law and Technology, and also served as a student director in the clinical program’s Disabilities Clinic, focusing on advocacy in the health and benefits fields. He then clerked for the Honorable Kermit Lipez of the US Court of Appeals for the First Circuit and served as a fellow at the Institute for the Defense of Competition and Protection of Intellectual Property in Lima, Peru. At Cardozo, Pasquale will teach Trademark Law and a seminar, Technology, Human Rights, and Equality.

In spring 2010, Mark S. Weiner, Sidney I. Reitman Scholar at Rutgers School of Law-Newark, will visit at Cardozo, after spending the fall semester as a Fulbright Fellow at the University of Akureyri in Iceland. Weiner, who has been a member of the Rutgers-Newark faculty since 2001 and was recently named the 2009/2010 Chancellor’s Distinguished Research Scholar, is an award-winning legal historian and author. His first book, Black Thais: Citizenship from the Beginnings of Slavery to the End of Caste (Alfred A. Knopf, 2004), received the 2005 Silver Gavel Award from the American Bar Association. His latest book, Americans without Law: The Racial Boundaries of Citizenship (NYU Press, 2006), received the President’s Book Award from the Social Science History Association. Weiner received his A.B. from Stanford University, graduating with honors and distinction, and holds a J.D. from Yale Law School and a Ph.D. in American Studies from Yale University. He has been the recipient of a Jacob K. Javits Fellowship from the US Department of Education, a Samuel I. Golieb Fellowship in Legal History from NYU School of Law, and a dissertation fellowship from the Mrs. Giles Whiting Foundation at Yale. During his Cardozo visit, Professor Weiner will teach the first-year Constitutional Law course.
Several visitors familiar to Cardozo will return again this year. In the fall, Uriel Procaccia and Christian Delage return to teach Comparative Corporate Governance and Law and Film, respectively. In the spring, Renata Salecl will, as usual, teach Psychoanalysis and the Law, and Bernhard Schlink will offer a legal-theory seminar.

OTHER VISITORS

Wojciech Sadurski, a professor of legal theory and legal philosophy at the EUI Law Department in Florence, and Susanna Mancini, an associate professor of comparative public law at the University of Bologna, who also teaches at Johns Hopkins’ Bologna campus, will be teaching short courses in the spring of 2010 under the auspices of the Floersheimer Center. Mancini is returning to Cardozo; she also taught in 2008.

Dr. Isaiah M. Gafni, the Sol Rosenbloom Professor of Jewish History at the Hebrew University, where he received his Ph.D. and has taught for more than 40 years, will be the Meyer Visiting Professor in the Center for Jewish Law. He has written extensively on a broad range of topics relating to the social, religious, and cultural history of the Jews in late antiquity. He was formerly the director of the Mandel Center of Jewish Studies at the Hebrew University and also previously served as director of graduate studies at the university’s Rothberg International School. He has been a visiting professor at numerous American universities, including Harvard, Yale, and Brown.

Scheck & Neufeld Honored with Thomas Jefferson Medal

The University of Virginia presented the Thomas Jefferson Medals in Architecture, Civic Leadership, and Law to Barry Scheck and Peter Neufeld at the school’s Founder’s Day Activities on April 14. The awards are presented jointly with the Thomas Jefferson Foundation, the nonprofit organization that owns and operates Monticello. The artist Robert Irwin and former Secretary of State Warren M. Christopher were honored as well.

According to the university’s press release, the Thomas Jefferson Medals are the highest external honors bestowed by the university, which grants no honorary degrees. They recognize achievements of those who embrace endeavors that Jefferson—author of the Declaration of Independence, third US president, and founder of the University of Virginia—excelled in and held in high regard.

“Nothing the legal system does is more important than adjudicating criminal guilt and innocence,” said Dean Paul G. Mahoney of the university’s law school. “Barry Scheck and Peter Neufeld have worked tirelessly to identify and remedy mistaken convictions and by so doing have served the interests not merely of their clients, but of justice.” Previous recipients of the law medal include six US Supreme Court justices, Senators Sam Nunn and Edmund S. Muskie, and former Attorney General Griffin B. Bell.

VISITING ASSISTANT PROFESSORS

Jessica Roth, who has been an assistant United States attorney for the Southern District of New York since 2002, has received a two-year appointment as a visiting assistant professor. During her tenure at the US Attorney’s Office, Roth handled a wide variety of cases, often as lead prosecutor. Most recently she prosecuted financial crimes; previously she had served in the violent crimes unit, the narcotics unit, and the general crimes unit. In 1997, she received a J.D. cum laude from Harvard, where she also earned a B.A. In law school, she was lead executive editor for the Harvard Civil Rights–Civil Liberties Law Review and was a teaching fellow, for which she received the Derek Bok Award for excellence in teaching. In 1997–98, she clerked for Hon. Denise Cote of the US District Court for the Southern District of New York and a year later she clerked for Hon. John M. Walker, Jr., of the US Court of Appeals for the Second Circuit. From 1999 to 2002, she was with the law firm of Gibbons, Del Deo, Dolan, Griffinger & Vecchione, P.C., where she was a member of the firm’s white-collar criminal defense department and...
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responsible for expanding its public interest and constitutional law practice. She will be teaching Criminal Law.

Vijay Padmanabhan and Verity Winship will return as visiting assistant professors, completing two-year appointments.

HONORS
Richard Weisberg was designated an honorary member of the Faculty of Law of the University of Wuhan (China) in ceremonies there in January 2009. Weisberg, who was with Cardozo’s intensive program in Wuhan and Beijing at the time, delivered his inaugural faculty lecture, “Libel Law Comparisons: China and the US.”

PAPERS, PANELS, SPEECHES

Malvina Halberstam participated in a panel, “Piracy off Somalia: The Challenges for International Law,” at the annual meeting of the American Society of International Law, held in March in Washington, DC. She spoke about the application of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, a treaty she helped negotiate when she served as a counselor on international law in the US Department of State.


Marci Hamilton gave the Crawford Distinguished Lecture in Municipal Law at Albany Law School in the fall of 2008. Her talk, “The Constitutional Scope of Congress’s Power over Local Land Use: Why the Religious Land Use and Institutionalized Persons Act Is Unconstitutional,” was then published in the Albany Law Review. She spoke at Central European University in June 2009, presenting “Reflections on Employment Div. v. Smith and Boerne v. Flores and the Relationship between the Legal Academy and the United States Supreme Court.” She continues to press for legislation in states across the country on behalf of victims of childhood sexual abuse. In April, Hamilton participated in a historic press conference in Albany that brought together child sex abuse survivors, the National Black Churches Initiative, Orthodox Jewish groups, and Catholics, all in support of the Child Victims’ Act, a bill in the NY State legislature. She also presented oral arguments before the New Jersey Supreme Court and the Illinois Supreme Court in child sex abuse cases involving the statute of limitations.

Justin Hughes and Ed Stein, and Prof. Carl Minzer of Washington University Law School, went to Beijing this summer to teach in the State Intellectual Property
Office-Ca rd ozo program. In April 2009, Hughes was a panelist at Authorship and Ownership, a conference marking the 100th anniversary of the 1909 Copyright Act, at Santa Clara University. He also moderated two panels and gave a talk, "Copyright Responsibility on the Internet in Three Acts," at Creativity and the Internet: Are We Building a Sustainable Ecosystem? The forum was the 17th Annual International Intellectual Property Law and Policy Conference, organized by Fordham Law School and held in Cambridge, England. Also in April, Hughes was a panelist at a roundtable, "Technology, Innovation, and American Primacy," at the Council on Foreign Relations in New York. Earlier in the spring, he was senior commentator at Junior Scholars in IP 2009, held at Michigan State University. He was also a panelist on "The Legal Landscape" at the Federal Trade Commission Digital Rights Management Town Hall, in Seattle. At the University of Hokkaido Law School, in Sapporo, Japan, he delivered "Copyright Enforcement on the Internet—in Three Acts" and "Do the Justifications for Intellectual Property Survive in the Networked Environment?" In February, Hughes participated in "The Making Available Right: What Went Wrong?" held by the Philadelphia chapter of the Copyright Society of America. In January, he appeared on a panel, "Shooting the Messenger—ISP’s and Intermediaries Caught in the Crossfire," at the Global Intellectual Property Forum, held by the Singapore IP Academy.

Arthur Jacobson gave a talk, "Hate Speech and Self-Restraint," in April at the Hate Speech and Incitement to Violence Workshop run by Peter Molnar and Kendall Thomas at Columbia Law School.

Lela Love is serving as chair of the ABA Section of Dispute Resolution, an organization of 20,000 members, and oversaw the first International Mediation Leadership Summit, which was held in The Hague in the fall of 2008.


In October 2008, Pan presented "Regulatory Competition in International Securities Markets" at the Harvard Law School International Finance Seminar; "The Global Credit Crisis: Prospects and Implications for Asia" at the China-Europe International Business School in Shanghai; and "Mutual Recognition" at the International Bar...
Association’s annual meeting in Buenos Aires. He was a commentator on “The Hardening of Soft Law in Financial Regulation” at a conference at Brooklyn Law School, Generating International Legal Norms. In September he participated in the Yale Law & Policy Review Conference, offering “Accountability and Principled Governance.”


Michel Rosenfeld enjoyed a yearlong sabbatical during which he was the Fernand Braudel Senior Fellow from January 1 through March 2009 at the European University Institute in Florence and taught short courses at the University of Aix-Marseille III, the University of Paris X, the University of Paris I, and the University of Palermo. Derrida and Legal Philosophy coedited with Peter Goodrich, Florian Hoffmann, and Cornelia Vismann, was published by Palgrave Macmillan.


Rosenfeld also spoke at conferences in the US and abroad; at the beginning of the fall 2008 semester, he gave a talk, “Rethinking Constitutional Ordering in an Era of Legal and Ideological Pluralism,” at the Columbia University


In January 2009, he returned to the European University Institute and was a panelist on “Judicial Treatment of ‘War on Terror’ Cases in Comparative Perspective” at Security and Law: Facing the Dilemmas. He gave a faculty seminar at the department of law in February: “Rethinking Constitutional Order in an Era of Legal and Ideological Pluralism.” Returning to New York in April, he presented “Hate Speech in Constitutional Jurisprudence: A Comparative Analysis” at Columbia Law School’s Center for the Study of Law and Culture Workshop. In May, he delivered the concluding remarks at the International Conference on Religious Pluralism, sponsored by the Tres Culturas Foundation at the University of Jaen in Spain. In June, he presented “The Functional and Identitarian Dimensions of Contemporary Citizenship in National and International Settings” as a panelist at the Fourth Galilee Colloquium on Social, Moral, and Legal Philosophy in Kfar Blum, Israel.

CARDOZO ADJUNCT JUDGE CHARLES TEJADA DIES

The Honorable Charles J. Tejada an Acting NYS Supreme Court Justice and Judge of the Court of Claims, who was also an adjunct professor at Cardozo for many years, died in December 2008. A memorial service was held in January at the New York County Lawyers Association. Known for presiding in the Central Park Jogger case, Judge Tejada taught Remedies. He received his bachelor’s degree from the City College of New York in 1970 and his law degree from New York University School of Law.

In May, Carl Smith, director of the Tax Clinic, moderated “Collection Alternatives: Offers-in-Compromise, Installment Agreements, Partial-Pay Installment Agreements, Currently Not Collectible Status, and Bankruptcy,” a panel consisting of IRS lawyers and low-income taxpayer clinic professors. The event in Washington, DC, was sponsored by the American Bar Association Tax Section.

Alex Stein’s most recent work, “Originality,” written with Gideon Parchomovsky, has been accepted for publication by the *Virginia Law Review*. The article introduces a novel model of copyright law that calibrates authors’ rights and liabilities to the level of originality in their works. His article, “Reconceptualizing Trespass,” also written with Parchomovsky, was selected for presentation at the American Law & Economics Association’s annual meeting at University of San Diego Law School in May 2009. He presented the article previously at University of Virginia Law School. It will be published in the *Northwestern University Law Review*. He also published in *Cardozo Law Review’s* symposium issue on the Fifth Amendment a response to critics of his well-known work with economist Daniel Seidmann, “The Right to Silence Helps the Innocent: A Game-Theoretic Analysis of the Fifth Amendment Privilege,” published eight years ago in the *Harvard Law Review*.


Ed Zelinsky has been named a regular monthly columnist on *Oxford University Press’s* OUPblog. Publishing under the banner “EZ Thoughts,” Zelinsky writes monthly on such diverse topics as the state tax implications of swine flu, Warren Buffett and the estate tax, and amending the 17th Amendment to the US Constitution to abolish gubernatorial appointments to the US Senate.

**ADJUNCTS**

Michael A. Bamberger, who teaches LLC/Partnerships, won the Martin I. Lubaroff Award given by the ABA Committee on LLCs, Partnerships, and Unincorporated Business Entities. He was honored for making material contributions to the development of alternative entity law.

Careen Shannon of Fragomen, Del Rey, Bernsen & Loewy, PC, who teaches immigration law, co-authored with Austin Fragomen and Daniel Montalvo the *State Immigration Employment Compliance Handbook*, recently published by West.

The second edition of *Winning at the NLRB*, co-authored by Matthew M. Frankiewicz and Daniel Silverman, who directs the Labor and Employment Law Clinic, was released by BNA Books in 2009.

Judge Joseph A. Greenaway Jr., of the United States District Court for the District of New Jersey and an adjunct professor has been nominated by President Obama to the Third Circuit Court of Appeals in Philadelphia. In announcing the nomination on June 19, President Obama said that Greenaway had distinguished himself as a “first-rate jurist with unflagging integrity and evenhandedness.” At Cardozo, Greenaway teaches Criminal Trial Practice and a Supreme Court seminar. Prior to being confirmed to the federal bench 12 years ago, he was an in-house general attorney at Johnson & Johnson for six years. Before that, Judge Greenaway served as an Assistant US Attorney in Newark, spending four years in the criminal division and one as chief of the narcotics division.
Since 1993, Bernhard Schlink has been a frequent visitor at Cardozo, teaching and participating in a variety of symposia and special events. In his native Germany, he is well known as a professor and legal scholar, a former Constitutional Court judge, and the author of many novels, including *The Reader*, a best-selling book in the United States, which was made into an award-winning feature film in 2008 that starred Kate Winslet and Ralph Fiennes. Schlink was at Cardozo during the fall 2008 semester, just as *The Reader* was being released in theaters across the country. Since the time of this interview with Cardozo Life's Susan Davis, *The Reader* has won many prizes, including an Academy Award for Winslet.

DAVIS: I just heard that the film *The Reader* has been nominated by the foreign press for three Golden Globe Awards. This is very good news. Congratulations.

SCHLINK: Yes, that is good news.

DAVIS: I presume it will help increase your book sales and that it will have an impact on your work for film and television.

SCHLINK: I hope so. *Homecoming*, another novel of mine, is to be made into a movie. I'm just writing the script. And my mysteries, a trilogy, may become a German television series. So, yes, interesting things are happening.

DAVIS: Did you write the script for *The Reader*?

SCHLINK: No, that was David Hare.

DAVIS: Did you work with him at all on the screenplay?

SCHLINK: I met several times with David Hare and Stephen Daldry, the director. It was during the screenwriters' strike, so Stephen and I met quite frequently. We talked about the script and discussed problems and solutions.

DAVIS: Had you written or worked on a screenplay before?

SCHLINK: I had written one screenplay for a German television movie, but then the director was fired and replaced by a new director, who wrote a new screenplay. But it was fun.

DAVIS: And what about the casting for *The Reader*? Were you pleased with Kate Winslet? I know Nicole Kidman was originally supposed to star in it.

SCHLINK: Kate Winslet always was my first choice. Originally it looked as if she couldn't do it because she had too many other commitments. Then, after Nicole became pregnant, Kate reconsidered and agreed to the project.

DAVIS: And how about Ralph Fiennes?

SCHLINK: He's a wonderful actor and a very nice man. I was delighted to meet him two or three times.
Literature is something you carry with you, that holds and supports you in situations of difficulty, sadness, and loneliness.

DAVIS: So were you pleased with the film?
SCHLINK: I am truly pleased with the film. Of course, there are things that I would have done differently here and there, but I understand and respect the choices Stephen Daldry made.

DAVIS: I haven’t seen the film yet; however, after reading the reviews in the American press, which seemed somewhat mixed, I was surprised by the very positive reaction from the foreign press, which nominated The Reader for best picture, Stephen Daldry for best director, and Kate Winslet for best actress. Do you think this is a result of Americans and Europeans seeing the Holocaust in different terms and, therefore, judging the film in a different way?
SCHLINK: I think it’s the same criticism that my book encountered. I expected it to come back with the film—here and in Europe, where the book also found a mixed resonance. Some reviewers asked: How can you portray someone who committed the most monstrous crimes with a human face? Don’t you turn the Germans into victims? Don’t you turn things upside down? Some see the book as being about the Holocaust, which it isn’t. Others argue that books and films about the Holocaust should only be documentaries. So I was prepared for the film critics.

DAVIS: If the book is not about the Holocaust, would you say it is about guilt?
SCHLINK: It’s about the generation of Germans who grew up after World War II—what we call the second generation—coping with what our parents’ generation did. Learning that the beloved parents, or admired teachers and professors, or respected pastors and other figures of love and authority had a dark past, had been involved in crimes. How do you deal with that? You realize that in a way you are entangled in the guilt of those whom you love or keep solidarity with. It is a German topic, but it has a universal aspect.

DAVIS: Do you think you learn guilt at home as you grow up, the way you learn racism or bigotry? Or does the guilt just permeate the society?
SCHLINK: I suppose you can say we learn all emotions. There are children who are brought up so that as adults they are unable to love. Kids can probably be brought up unable to feel guilt or remorse, too. I think it is a normal thing to learn these emotions and is not specifically cultural. However, questions like: What should I do when I learn that someone I love is guilty? Do I have to break with this person? Can I keep this person in my life? These questions are universal.

DAVIS: I’m curious about whether this guilt has moved beyond your generation into the one following yours, and into the generation now growing up in Germany.
SCHLINK: I think you find guilt as long as there is a personal relationship with those who committed the crimes. So for my son’s generation, the beloved grandfather plays a similar role to the one that beloved parents and teachers played for my generation. If you don’t have a personal relationship, the feeling becomes much more abstract. You can’t really love your dead great-grandfather, nor do you feel compelled to break with him. So the guilt disappears in the fourth generation.

DAVIS: In The Reader, Hanna Schmitz learns to read from Michael Berg. Do you see reading as a way of learning right from wrong? Is it about a dialogue between the author and the reader?
SCHLINK: In the book, Michael reads to Hanna on cassettes and sends them to her once she is in prison. But he never writes to her and he never comes to see her. So it is a communication without him fully and truly engaging in communication. Reading to someone is talking to the person and not talking to the person. It represents also the difficulty that the first and second generation had talking to each other. There wasn’t much real, true communication going on. But there was a kind of message sent from one to the other—back and forth.

Reading doesn’t make you a moral and good person, but it does widen your horizon, and gives you a chance to widen your moral horizon. Although it is certainly no guarantee. I never meant to say that once Hanna began to read she became a good person. We know that a big percentage of the Einsatzgruppen, who killed Jews, Poles, and Russians behind the front, were academics.

I think that literature, in a way, is an institution. It’s something that is bigger than you. We hear stories about people in solitary confinement who have nothing to read, nothing to do, and then start remembering the books they have read. So literature is something you carry with you, that holds and supports you in situations of difficulty, sadness, and loneliness.

DAVIS: Your book The Reader was given a big boost by being chosen as an Oprah Book Club selection. Do you know how this happened?
SCHLINK: I heard it was a word-of-mouth-book. Small book clubs all over the country write to Oprah when they love a book. Oprah apparently got so much mail about The Reader that she decided to read the book herself and chose to do a show around it.

DAVIS: She's a pretty big phenomenon, don't you think?

SCHLINK: She's an amazing phenomenon. I think what she does for the reading culture in this country is fantastic.

I also admire the way she deals with people. She's very direct. When I was on her show, she invited a group of people to discuss the book. If she thought someone said something wrong, she made clear that she found it wrong. But she did it in such a direct and engaged way, and made it so obvious that she cared for the other opinions, that no one took her criticism as an offense. She also had a great way of leading the discussion. I was very impressed.

DAVIS: In Germany, are you recognized on the street, like a kind of superstar?

SCHLINK: Sometimes people come up to me, people on the same bus or train, in a train station or a store. They are always nice. So it's a nice experience.

DAVIS: Why did you choose law as a profession?

SCHLINK: One reason was having a childhood under my mother's Calvinist influence, and her constant thinking and talking about issues of responsibility and guilt. I became interested in justice—man's justice, not God's. Another reason was the joy I found in the law as a topic that has theoretical depth but doesn't turn into a never-ending discourse; it has to be brought to the point of a solution and a decision.

DAVIS: I'm curious about how you integrate your novel and short-story writing with your legal writing and your legal career. Do you spend a week on one and a week on the other?

SCHLINK: Well, I need a couple of hours to get into writing. An afternoon or a full morning is really nice. But I try to carve out bigger chunks of time, a full day, a weekend, or even a whole week or weeks. I put aside whatever might come along and devote the time to writing.

DAVIS: I understand that your more recent novel has to do with jurisprudence and teaching. Have you included Cardozo in it?

SCHLINK: Law seeps into much that I write. In Homecoming there is a professor who teaches at Columbia, a political scientist and a lawyer by training, but not a law professor. This character had to be a political scientist; otherwise I would have loved to bring Cardozo into it.

DAVIS: Is it true that the first time you came to Cardozo, it was as part of a delegation to better understand how we do legal training in this country?

SCHLINK: Well, that was many years ago, in the mid-'80s. Germany's first private university, the University of Witten-Herdecke, wanted to start a law school and asked me to be the first dean and to develop a new curriculum—something special. I wanted to find an American law school to be a partner and then intertwine German legal education with American legal education. My idea was that upon graduation, the students would take the German first state exam and the New York bar exam. So I came to talk to different law schools, and Cardozo was interested, but finally decided...
against it. Not too long after that, the German university found it didn't have the money, and the project never happened. But the good thing that came from this was that I got in touch with Cardozo.

DAVIS: Was it the people you were most interested in, or was there something specific about Cardozo?

SCHLINK: Initially the Cardozo faculty invited me to participate in a Hegel conference, and then a Derrida conference and a Habermas conference. What I really liked and what gives Cardozo its very special standing in Europe is its fine way of being both a traditional law school, teaching the nuts and bolts of law, and one with a special interest in theory, philosophy, and history. I understand that this causes some tension, but I think it's crucial that Cardozo lives with both. Again and again, I am approached by students in Germany who have learned about Cardozo because of this special feature and want to know more about it.

DAVIS: Do you think the tension helps create the environment that you find so appealing?

SCHLINK: Yes, I do. Maybe balance is a better word here than tension—balance between professors who think Cardozo should be a traditional law school on as high a level as possible and others who understand that there is much more to law: theory, philosophy, history, literature. Keeping this balance gives Cardozo its unique standing.

DAVIS: Do you think Cardozo can stay this way?

SCHLINK: The faculty does it by being what it is and by hiring people who keep on teaching and researching in this tradition. And I am happy that the faculty keeps inviting me to visit.

DAVIS: Are you still teaching law in Germany?

SCHLINK: Yes. I still teach at Humboldt University, but have reduced my teaching load.

DAVIS: Are you still a judge on the Constitutional Law Court for the State of Nordrhein-Westfalen, Munster?

SCHLINK: No. I sat on the court for 18 years and could have been reelected for another six-year term, but I felt that it was enough. You go through different stages as a judge. First, one has to learn before fully mastering the role. For example, you have to learn when to say something—not too early, not too late; how to form coalitions without ever talking about forming coalitions; how to negotiate the final text of a decision. Finally, I was the oldest one on the bench, and I enjoyed being listened to as such. I realized I had gone through all the possible stages, so I thought it was enough.

DAVIS: Were you the dean of Humboldt during the unification of East and West Germany?

SCHLINK: No, right after that. During unification the dean was someone from the old German Democratic Republic. (Humboldt is located in the part of Berlin that belonged to the GDR.) That dean did a good job organizing a gradual transition and a structure in which some of the old could be kept.

DAVIS: Do you mean old and new people? Old and new law?

SCHLINK: Old and new professors. In East Germany, as in all
Communist countries, law didn’t play the role that it plays in the West. What was important was Party rule. So the training and the professional and scholarly experiences of professors from East and West Germany were quite different. I found then that it was easier to talk about law with an American colleague than with one from the GDR.

DAVIS: Was there a huge influx of law students from East Germany?

SCHLINK: Many came. In the old GDR, if you were a man, you had to be an officer in the army to be allowed to go to law school. As a woman you had to have finished some kind of training–crane driver, carpenter, nurse, all kinds of professions. Once the Berlin Wall came down, law school was open to everyone who had finished high school.

DAVIS: I read an essay you wrote not too long ago about the constitutionality in Germany of shooting down a hijacked plane. Are there certain constitutional hot-button issues that you are currently involved with in Germany?

SCHLINK: I wrote against a statute that would have allowed the President to order the shooting down of a hijacked plane. As I had argued, the Constitutional Court decided the statute was not constitutional, ruling that hijacked airplanes must not be shot down unless the only people in them are terrorists. For the court it was a matter of human dignity.

In German constitutional law, the current issues on the table are about terrorism and how to deal with it. How much eavesdropping is allowable? What technical means can be used to obtain information? Can computers be accessed without the owner’s knowledge? The more one knows, the better one is able to fight terrorism. The amount of information that can be useful, if well organized, is endless. Are the government, the police, the secret service therefore entitled to inform themselves without limitation? The Federal Constitutional Court says that even though some information may turn out to be useful in certain situations, acquiring it goes too far. It tries to find a middle road. That is something that I and many of my colleagues support.

DAVIS: It makes me think of the movie The Lives of Others. Did you see it?

SCHLINK: I think the film is a beautiful fairy tale. It helped reconcile East and West Germans. The West Germans got the feeling that, yes, it was bad in East Germany, but there were good people even among the Stasis. It made the East Germans feel that although there was much wrong in their state, they didn’t have to only condemn their past. It really contributed to the two coming together. Legends can help.

DAVIS: How about President Obama? Do Germans love him?

SCHLINK: The German people like Obama and are glad that the Bush years are over. They understand that this doesn’t mean the US will become less demanding and challenging. Times are tough. But since Obama seems to be someone who knows more, understands more, cares more, is better read, is more sensitive, Europe is ready to be challenged more, to have more demanded of it.

DAVIS: And how did you find your most recent experience at Cardozo?

SCHLINK: Over the course of the years, I see Cardozo students getting better and better. It is great.

I co-taught two courses: Comparative Constitutionalism with Michel Rosenfeld, as always a great joy, and Law and Literature with Richard Weisberg, something I had never taught before. It was very generous of Richard to invite me to co-teach. The students were remarkable, very engaged. And I learned a lot. How Richard made the students aware of jurisprudential and philosophical problems through literature was beautiful. Take, for instance, Melville’s Billy Budd. Richard led the students into a discussion of positive law and natural law, the idea of positivism, and how behind this idea something completely different can hide. I came to understand that there are students who have a problem accessing these issues when reading philosophy, but are happy to engage with them through literature.

DAVIS: Then, you taught with our two French Legion of Honor winners.

SCHLINK: Yes, I did. And I am one myself.

DAVIS: Are you returning to Cardozo soon?

SCHLINK: Michael Herz and I talked about the possibility of my returning in spring 2010. But I understand that right now no one can make promises due to the economic situation. I’d be happy to come back. Over the years I’ve been invited to teach at other law schools, but since I keep enjoying Cardozo, why go somewhere else?

Another reason was the joy I found in the law as a topic that has theoretical depth but doesn’t turn into a never-ending discourse; it has to be brought to the point of a solution and a decision.

PHOTOGRAPHY: NORMAN GOLDBERG
"You shall love the stranger, 
for you yourselves were once strangers
in the land of Egypt."

It is late afternoon on a spring day in a corner conference room on the law school's 11th floor. Judge Robert Katzmann of the US Court of Appeals for the Second Circuit is nibbling a cookie and listening to the six students in the new Immigration Justice Clinic discussing their work, their challenges, and their aspirations.

They speak of the clinic's unique purview: the legally complex intersection of criminal and immigration law. They extol the opportunities the clinic offers to engage in individual defense and federal litigation, research, and policy advocacy. They praise the clinic director, Prof. Peter Markowitz, as knowledgeable, collaborative, perfectionist, and impassioned.

And they share his passion. "This is an area of extraordinary unmet need," serving "populations that are bearing the fiercest brunt of being low on the totem pole in society at this moment," says Markowitz. "What civil rights were to the twentieth century, immigration rights are to the twenty-first."

Jaya Vasandani '09 puts it this way: "If you care about social justice and using the law to make change, then you can't not care about immigration law."

It was Judge Katzmann who sparked the clinic's creation; since 2007 he has been exhorting attorneys to volunteer to represent illegal immigrants. Now he's eager to hear about its first coup: its revelation, in early February, gleaned from internal government directives obtained under the Freedom of Information Act (FOIA), that since 2006 Immigration and Customs Enforcement (ICE) agents had ceased focusing on immigrant criminals and terrorism suspects, as the law intended, and instead were pursuing easier targets. In a stepped-up program of home raids, "a vast majority of those arrested had no criminal record, and many had no deportation orders against them, either," said the New York Times. Yet these people were detained, often far from home, and sometimes deported. The memos helped substantiate a contemporaneous report by the Migration Policy Institute, as well as immigrants' stories and advocates' suspicions of Fourth Amendment violations in the raids.

The story was covered by dozens of major news organizations. Homeland Security Secretary Janet Napolitano, whose department oversees ICE, ordered a review of the operations. Speaking to Judge Katzmann, the students welled with excitement at the policy impact their work could have.

The FOIA suit was an auspicious debut for the year-old clinic at a critical time in US immigration history. Ten to 14 million foreigners reside illegally within US borders; six to eight percent of the country's workforce is undocumented. The number of foreign-born residents of the US is at an all-time high—38.1 million in 2007, or 12.6 percent of the population, according to the Migration Policy Institute—and they continue to come, legally or not, and put down roots, raise children, work, and pay taxes, even if they will never reap the benefits.

George W. Bush campaigned with a promise to achieve comprehensive immigration reform, whose goal is to rationalize the system and open avenues to legal temporary or permanent residency, serving the needs of both immigrant families and US employers.
But that controversial aim turned politically untenable after September 11. Administration priorities were changed; the goal was now to secure the borders and remove as many illegal residents as possible.

Even before the terrorist attacks, immigration regulations and quotas stymied attempts by millions of immigrants to gain legal status through employment or family ties. Today, except for foreign workers with the highest credentials, waits for H-1B (temporary worker) visas can stretch for years, according to Lisa Eisenberg '05, who specializes in employment-based immigration law; for potential employers, she says, 'this category is effectively closed.' Federal stimulus legislation bars employers from hiring foreign workers for many blue-collar jobs, and workers in low-paid jobs such as landscaping or food processing are often driven to obtain false documents if they want employment. Without guest-worker programs, says Eisenberg, who practices at the firm of Lynn R. Newkofsky in New York, "American employers are pushed into hiring illegal workers."

In family-based immigration, the long-held US priority of family reunification is eroding, many say; quotas mean waits ranging from four years to more than two decades. And asylum cases are always pressing.

Stepped-up enforcement and more complicated and restrictive laws are causing what Judge Katzmann calls an "avalanche" of court cases. According to Assistant Chief Immigration Judge Sarah Burr '80, judges at New York's 26 Federal Plaza received 18,600 new cases in 2008, which were added to cases pending from previous years. Each of a diminishing number of judges handles 850 new cases a year. On the Second Circuit's docket, immigration cases ballooned to 39 percent from 4 percent, which translates to 32 to 48 cases a week, Judge Katzmann said in 2007.

The number of immigrants in detention has tripled in a decade—to 32,000 in January 2009, according to ICE data—and detainees may be held for years without judicial review. Studies show that immigrants with legal representation are three to four times more likely to win their cases than those without—yet indigent immigrants do not enjoy the Constitutional guarantee of free representation that US criminal defendants do, and nationwide, only a little more than a
Studies show that immigrants with legal representation are three to four times more likely to win their cases than those without.

third have lawyers. Unlicensed “notaries” prey on poor, terrified, non-English-speaking newcomers, taking their scarce dollars in exchange for advice that can erase all chances of winning legal status. The consequences of a legal misstep can lead to deportation, broken families, destitution, and in some cases imprisonment or torture.

The system is broken, say observers of all political stripes. But to Judge Katzmann, what is at stake is more than financial or legal resources; it is the bedrock principle of equal protection under the law. “Justice should not depend on the income level of immigrants,” he has told many audiences.

It was this exhortation—delivered in a 2007 Marden Lecture at the New York City Bar Association—that inspired Cardozo Dean David Rudenstine to start the Immigration Justice Clinic. “Immediately, I recognized a meaningful educational experience for students” that could provide “a critically needed service to the circuit court” at a time when “immigration has moved to the front of the national agenda,” Rudenstine says.

This was not the first time Cardozo students had engaged in hands-on immigration law. Prof. Leon Wildes, an eminence grise in the field and a founder and senior partner of Wildes Weinberg, has been teaching a course in immigration law since 1979, “when there wasn’t even a casebook,” he says. For about half those years, he’s overseen an Immigration Law Externship that puts students under the supervision of skilled agency lawyers handling individual applications for political asylum. Wildes enthusiastically endorsed the creation of the new clinic.

Within four months of green-lighting it, Rudenstine had raised the funds to sustain the clinic, whose current annual budget is about $200,000. A substantial boost came from Cardozo Board Chair Kathryn Greenberg ’82 and her husband, Alan.

Interviewing prospective directors allowed Rudenstine and Prof. Toby Golick, director of clinical legal education, to hone the clinic’s purpose. Surfeited with outstanding candidates, the two chose Markowitz, a former acting assistant professor at New York University School of Law and supervisor of its Immigrant Rights Clinic, as well as the former director of the Immigrant Defense Clinic at Hofstra School of Law. Markowitz started his career as a staff attorney at Bronx Defenders and maintains contact with many grassroots immigrants’ organizations.

Markowitz’s idea for the clinic was broader than the dean’s original concept, which hewed close to individual defense. “The primary mission,” says the director, “has to be an exceptional legal education—not just in the substance of the law, but also in the skills.” One “perpetually undertaught” skill he imparts: the use of a “lawyer’s toolbox” that is not limited to litigation, or even to alternate dispute resolution, such as arbitration or negotiation. They can use things like legislative advocacy, administrative advocacy, media strategies, or fact-finding and reports,” as in the FOIA suit. These tools require careful selection. “I want the students to come away understanding that every decision a lawyer makes is a strategic decision, with long-term implications—from the words they choose in a meeting to the battles they take or pass on.”

Each clinic participant handles a “small case” (the defense of an individual client) and a “big case” in federal litigation. Because immigration law is civil law, even when the immigrant has committed a crime, there is no plea bargaining, so the vast majority of cases go to trial—a great opportunity for students. The “big cases” are chosen for their larger social impact. For instance, immigrants held at Rikers Island—a New York City jail that holds pretrial defendants who cannot make bail—are routinely inter-
viewed by immigration agents who fail to honor their requests to have their lawyers present. The students are helping a community-based organization document what it believes is the agents’ illegal conduct and to negotiate a solution with immigration and local authorities that does not violate detainees’ rights.

Students also go regularly to the Varick Street detention facility, where along with New York Legal Aid lawyers they interview detainees to determine whether they are eligible for bond. A person out of detention is much more likely to retain a lawyer, and thus resolve his or her case positively.

The passion so evident in Markowitz and his students is shared by Cardozo alumni who practice immigration law. It is a field, most agree, whose professional and personal challenges are exceeded only by its rewards.

Immigration law is complex—as complex as the tax code, and more rapidly mutating; rules and policies can change weekly, requiring quick adaptation of cases in progress. Many lawyers complain that the trend is toward rigidity, especially since 9/11. “Our system is stacked more than ever before against the alien,” comments Leon Wildes. “I must tell clients more and more that there is no remedy for them.” Still, a lawyer's hands aren't entirely tied: “You become highly adept at using the small technical rules.”

On the plus side, such a large and complex body of law allows attorneys to specialize in areas that are close to their hearts. Lavi Soloway ’92, a gay Canadian immigrant, wanted to serve a “doubly disenfranchised group:” gay, lesbian, and transgendered immigrants. Before joining the practice of Noemi Masliah ’79—now Masliah & Soloway—he interned at Lambda Legal Defense and later started a walk-in legal clinic at the Gay Community Center in New York. Sexual minorities living in repressive cultures or under theocratic governments face marginalization, persecution, and violence at home, Soloway says, but because they lack marriage rights and sometimes are HIV-positive, they have few options for legal status. They can apply for asylum, but cultural and personal factors get in the way: “Since their sexuality was so forbidden in their countries, it is unimaginable to them that it could be a basis for lawful status”—and unthinkable to reveal their sexuality to a government official. In the last 16 years, Soloway has practiced in every aspect of immigration law, including family, citizenship, naturalization, and more, but a third to half of his clients are LGBT people from all over the world.

Michael Wildes ’89 joined his father’s firm, where he was recently made managing partner, from the “other side.” A former federal prosecutor with the US Attorney’s Office in Brooklyn, he has developed an international reputation for representing defectors who have provided hard-to-obtain national security information. These include Mohammed Al-Khilewi, a Saudi Arabian diplomat who defected, carrying incriminating evidence of international terrorism and espionage, and Hani Al-Sayegh, an accused Saudi terrorist allegedly implicated in the Khobar Towers bombing in Saudi Arabia, in which 19 US servicemen were killed. Wildes also prevented the deportation of Kwame James, the Trinidadian basketball player who helped the crew of American Airlines Flight 63 subdue Richard Reid, the “shoe bomber,” saving 197 lives.

In an area of the law whose practitioners sometimes view the government’s reaction to terrorist threats as exaggerated,
“I want the students to come away understanding that every decision a lawyer makes is a strategic decision, with long-term implications—from the words they choose in a meeting to the battles they take or pass on.”

—Prof. Peter Markowitz, Director, Immigration Justice Clinic

Wildes has testified on Capitol Hill for stronger antiterrorism legislation. Although he thinks “the pendulum has swung too far the other way”—toward overzealous enforcement—since 9/11, he sees no contradiction between strong national security and a humane immigration policy. “We can protect our borders and reunify families and vitalize our economy all at once,” says Wildes, who also serves as mayor of Englewood, New Jersey.

Susan Cohen ’85 says she fell into immigration law—and into a specialty in employment-based law—during her first year at the Boston office of the large international law firm Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, PC. She was assigned the case of a Japanese potter, a Harvard artist in residence, who belonged to the seventh generation in his family to practice a rare form of ceramics. Winning him “extraordinary ability” permanent residence status, Cohen saw a significant business opportunity for her firm. She went on to found and run its full-service immigration department—now one of the nation’s top practices—supervising 10 attorneys and 15 immigration specialists and assistants.

But it was political asylum cases that won Cohen’s heart and to which she now devotes her pro bono energy. In 1990, Cohen brought a case into the firm from a newly formed organization called the Political Asylum/Immigration Representation project, or PAIR. The client was a Somali who would have been killed had he been sent home. “He came with a few dollars,” she recalls, “learned the system, applied to Harvard B-school, got an MBA, and is now a successful CEO. He and I are part of each other’s family.” Representing this man was “such a moving experience” that Cohen began working with PAIR. The organization vets the bona fides and financial needs of immigrants seeking political asylum and links them with Boston-area lawyers to represent them at no cost—with “virtually 100 percent success,” she says. Cohen, who serves on PAIR’s board, received the 2005 Adams Pro Bono Publico Award from the Massachusetts Supreme Judicial Court for her asylum work. A singer-songwriter, she is donating the proceeds from her first CD to PAIR.

Elaine Witty ’91 had a long, distinguished career in immigration-related work in New York City government before moving to Memphis to join Siskind Susser, PC, as senior counsel in 2007. She has developed a subspecialty in religious-worker visas, securing legal residency for rabbis, ministers, clerics, and seminarians to meet the needs of US congrega-
tions that cannot find native-born clergy. Her choice is not surprising. Witty grew up in Boro Park, Brooklyn, the daughter of an Orthodox rabbi in a family of Hungarian Jewish immigrants. “People who come to their spiritual leader have problems, from domestic violence to hunger to immigration,” explains Witty. Her mother and father took them in and gave them succor—and supper. “My parents modeled community outreach, crisis management, and social work,” she says. “I don’t know any other way but to get involved.”

Like many of her fellow alumni in this area, Witty is active in the immigration bar beyond the demands of her job. Before moving to Tennessee, she served as chair of the New York chapter of the American Immigration Lawyers Association (AILA), was on the City Bar Association’s Immigration and Nationality Committee, and was honored with the Brooklyn Bar Association Volunteer Lawyers Pro Bono Award. Cohen has also chaired and co-chaired a wide range of national AILA committees. Leon Wildes was AILA’s national president for 30 years. His son, Michael, recently chaired the New Jersey State League of Municipalities Immigration Task Force.

Other Cardozo graduates have done their part in policy development. Soloway has been working with advocates for the Uniting American Families Act, pending since 2000, which would extend eligibility for immigration sponsorship to any “permanent partner”—someone who is over 18 and is in a committed, financially interdependent relationship with the immigrant but who is legally barred from marrying that person. Cohen has contributed to numerous signal pieces of legislation and regulations. “The law doesn’t keep up with the reality on the ground in the country in terms of the needs of immigrants and employers,” says Cohen. “Anyone who can spare the time to work on advocacy to change the law to make it more appropriate and beneficial to serve the purposes it was intended to should do so. Especially if you have any influence, you can make a big difference.”

The high level of engagement among these attorneys is motivated by more than professional ambition. After all, immigration—especially when the client is indigent—is not the most lucrative area of the law. Time and emotional investments can be great. “Working through the system often takes years,” says Witty. “These clients become as important as your family. Their cases can be life and death. And you are typically their only moral support in time of crisis.”

Those who stay in the field thrive on its emotional intensity, especially the elation of victory. But the commitment goes deeper; immigration law puts profoundly held political, ethical, and religious beliefs to work.

These attorneys see in immigration law the potential to express one of the highest American ideals: to welcome
These attorneys see in immigration law the potential to express one of the highest American ideals: to welcome newcomers and value the contributions they bring. That is not just an American ethic, it is a Jewish one, important to many Cardozo alumni in this field. "You shall love the stranger, for you yourselves were once strangers in the land of Egypt," reads Deuteronomy. That stranger, says Michael Wildes, could be anyone "from Britney Spears' lighting director to a domestic worker."

Immigration experts believe the stars are aligned to return US policy to these ideals. Although nativist fears and jingoism endure (and can be inflated during economic downturns), changing demographics are altering Americans' views of immigrants. In many cities, "minorities" now outnumber the native-born. Almost every American knows an immigrant. And immigrants, especially Latinos, are showing their political muscle.

President Obama, himself a global citizen, recently reconfirmed his campaign pledge to create an orderly system to legalize illegal immigrants already working in the US. "I know people get really riled up politically about this," he said in a speech. Nevertheless, "we have to have some mechanism to get [these workers] out of the shadows." Advocates are also encouraged by his appointment of former Arizona Governor Napolitano, whom they see as nonideological and sympathetic to the plight of immigrants.

While comprehensive immigration reform won't happen right away, partial reform seems likely. The Development, Relief, and Education for Alien Minors—or DREAM—Act, for instance, was introduced in both houses of Congress in late March. That law would give temporary legal status to foreign-born children of illegal immigrants—who have lived here for years but can gain citizenship only through their parents—so they can attend college or join the military and at the same time become eligible for legal permanent status. Soloway thinks passage of the Uniting American Families Act is also closer than ever before.

Cardozo's alumni immigration lawyers say they are thrilled about the potential of the Immigration Justice Clinic to improve the situation for immigrants now and contribute to better policy in the future. "It's very heartening to all of us," says Soloway, citing the "staggering" numbers of unrepresented immigrants.

In the work taken on by the clinic, Dean Rudenstine sees more opportunities for students to experience the contributions that are possible through good lawyering. "Lawyers are almost unique in their authority in our system to bring about change," he says. "The students study that all the time in their casebooks. But when you are part of the actual case where you get the federal or state officials to do something that they never wanted to do, but agree to only because they are under compulsion of a court, that is a lesson in authority, responsibility, and power that leaves a permanent mark on our students. If they feel any engagement in public policy, and they want themselves to be vehicles for change, the experience in the clinic of this power is indelible."

Lisa Eisenberg '05 (at left) organized a practice-focused panel, sponsored by Cardozo Women, on current immigration issues. It featured Peter Markowitz and Noemi Masliah '79 (above), and Hon. Sarah Burr '80.
Arguing
Ashcroft v. Iqbal
A View from the Lectern

THE BUILDING HOUSING THE SUPREME COURT of the United States sits across from the United States Capitol, smaller than its legislative sibling but on a slight uphill grade from the elected branch. Or at least that’s how it seems when one is standing at the top of the courthouse steps, looking out past the Capitol. On December 10, 2008, I walked down those steps having argued my first case in the Court, something I considered not so much an accomplishment as a feat of endurance. After four years of litigation, a total of well over 300 pages of briefing at the trial, appellate, and Supreme Court levels, and months of preparation for oral argument, the case of Ashcroft v. Iqbal had been fully briefed, argued, and submitted to the Court. My co-counsel and I would spend the next months awaiting the Court’s decision, the matter entirely out of our hands.

Litigation has been described by many in the business as a “roller coaster,” and I think they mean that it has a number of ups and downs, with momentum shifting from one party to another and back again multiple times. It is exhausting, exhilarating, and terrifying, and once you are done you (usually) can’t wait to start again. But a roller coaster always returns to the same place, and in that sense the analogy fails; litigation is transformative for all those—lawyers, clients, even judges—who are involved in it. I have come to see litigation as more like a long walk in the woods, or a family tree drawn over many generations. There are numerous beginnings and endings. There are detours, pitfalls, moments to sit and reflect, and opportunities to rest and gather resources for the road ahead.

BY PROF. ALEX REINERT
THE CASE
When I think about how the journey of Ashcroft v. Iqbal began, I see several different beginnings. There are, of course, the basic facts that drive the case: Javaid Iqbal, an immigrant from Pakistan, was arrested by federal authorities after September 11, held in Brooklyn’s federal Metropolitan Detention Center (MDC), and confined for many months in the Administrative Maximum Security Housing Unit (ADMAX SHU) of the MDC. The case stems from the treatment he received and the reasons he was held there in the first place. As alleged in his complaint, while he was confined in the ADMAX SHU Mr. Iqbal was beaten, strip-searched, shackled, and subjected to other deprivations as a result of being classified as of interest to the September 11 investigation solely because of his race, religion, and national origin. Although much remains in dispute about the case, and most of the evidence related to it has been designated confidential and therefore not subject to public release, Mr. Iqbal was never charged with any crime relating to terrorism or September 11, and he was eventually returned to his home country, Pakistan, where he now lives.

But Mr. Iqbal’s case also began, in the formal legal sense, when he filed his complaint in the Eastern District of New York, seeking compensation under an old line of cases that allow individuals to sue federal officials for damages for violations of the Constitution. He had retained counsel at Koob and Magoolaghan, a law firm where I worked, and with the Urban Justice Center, a nonprofit community organization in New York City. In that initial complaint, Mr. Iqbal identified defendants ranging from the individual officers who had subjected him to abuse to the high-level officials he alleged had created a policy of treating Arab and South Asian Muslims as presumed terrorists. Rather than file an answer to Mr. Iqbal’s complaint, several of these high-level defendants moved to dismiss it, arguing that they were entitled to qualified immunity for the conduct alleged in the complaint. The motion practice sparked by the defendants’ decision marked yet another new beginning.}

These defendants’ motions were heard by Eastern District of New York Judge John Gleeson, who rejected them for the most part in a 70-page memorandum and order dated September 27, 2005. The defendants then appealed to the Second Circuit, which affirmed Judge Gleeson’s decision on June 14, 2007. By this time, Mr. Iqbal’s original attorneys had been joined by lawyers with Weil, Gotshal, and Manges, LLP; more than 40 attorneys, most of them representing various defendants, were appearing at ongoing depositions twice a week.
Each strategic step—the motion to dismiss, the interlocutory appeal, the beginning of discovery, the sequencing of depositions—marked a different path that the litigation meandered on, as suggested by the various formal names the case has taken. When first filed, the case was *Elmaghraby v. Ashcroft*. Ehab Elmaghraby was an Egyptian man who had experienced treatment similar to that received by Mr. Iqbal, and was at first his co-plaintiff. By the time the Second Circuit decided the case, Mr. Elmaghraby had settled his lawsuit with the government, and the case was renamed *Iqbal v. Hasty*. Dennis Hasty, the former warden of the MDC, was the first to file his notice of appeal with the Second Circuit, so by convention he became the lead defendant in the case.

**CERTIORARI GRANTED**

When the Supreme Court granted the petition for certiorari filed by former Attorney General John Ashcroft and current FBI Director Robert Mueller, the case was known as *Ashcroft v. Iqbal*. The most recent beginning, then, began with a change in nomenclature.

When the Court granted certiorari, I received a number of congratulatory messages from friends, family, and former colleagues. It was slightly disconcerting. I had clerked on the Court for Justice Stephen G. Breyer, and so I knew that my co-counsel and I had failed to do our first job: to keep the Court from granting certiorari. I also had convinced myself that our arguments in opposition to certiorari were so compelling that there was little chance it would be granted. But as the day approached on which the justices held their private conference for cases pending review, I began to look at the rate of success when the Solicitor General is arguing for certiorari: estimates ranged from 50 to 80 percent, depending on the year. For everyday litigants, the rate is somewhere close to one percent. So I was not surprised when we learned that at least four justices, the minimum required to grant certiorari, believed that the case presented questions substantial enough to warrant a hearing.

The briefing on the merits initiated the next stage of the litigation. The briefs submitted on behalf of General Ashcroft and Mr. Mueller were joined by those submitted by other defendants, who had sought certiorari but on whose petitions the Court had not acted. Our brief sought to cover the principal arguments raised by Ashcroft and Mueller, and also had to take into account the arguments raised by the parties who were not formally before the Court. By the end of October, we had completed our briefing and I turned my full attention to preparing for oral argument.

**PREPARING FOR ORAL ARGUMENT**

When I clerked for Justice Breyer, I saw most of the oral arguments that took place during the October term in 2000. I had seen a range of oralists, from the truly amazing to the awful, although almost everyone was very good. The Solicitor General, Greg Garre, who was arguing the case for the petitioners, had argued more than 25 cases before the Supreme Court. I, on the other hand, had argued a big fat zero. I knew that to be fully prepared, I should arrange to be raked over the coals in advance as many times as possible by as many different smart people as possible.

So I began to prepare. I outlined what I thought were the principal points the petitioners would strive to make. I made a list of the key points that I wanted to make sure the justices heard from me. I thought about the most difficult questions I might be asked. I made sure that I knew the record backward and forward, in case a question touched upon any part of it. Most important, I practiced answering questions from my co-counsel, my colleagues at Cardozo, and a wide variety of attorneys and professors. These moot argument sessions, including one in front of a packed house in Cardozo's moot court room, took place over the six weeks leading up to the day of argument.

On December 8, the Monday before my argument, I went to see my friend Chris Meade argue a case in the Court. I was struck, as I had been when I clerked, by the beauty of the courtroom and the civility displayed by the justices. As soon as Chris's argument was over and I began thinking about my argument, scheduled for just two days later, it was difficult to relax. I had brought to Washington two suits for the argument, and I debated with friends and family which one was the best to wear. I had three ties, and I laid them repeatedly over the suit I had chosen to see which seemed most appropriate. I read and reread the briefs on all sides, the amicus briefs, and my notes for the argument. I made handwritten notations on the papers I would bring with me to the podium.

**THE SUPREME COURT**

On Wednesday, I woke up at about 4 a.m., impressed that I had managed to sleep even that long. I did my best not to wake my wife, who had arrived the night before with other members of my family, and I sat with the briefs one last time, thinking over the case.

The memory of that morning is mostly a blur. We arrived early at the courthouse and filed in to wait for the courtroom upstairs to open. On the ground floor, there is a statue of the first Chief Justice, John Marshall, seated in a chair. The Solicitor General, Greg Garre, who was arguing the case for the petitioners, had argued more than 25 cases before the Supreme Court.

I, on the other hand, had argued a big fat zero.
sheen on the statue's right foot speaks to the tradition of touching it for good luck before proceeding to Court. I had indulged in the tradition as an aspiring law clerk prior to my interview with Justice Breyer, and I saw no reason to tempt fate this time.

When the courtroom opened, my co-counsel and I filed upstairs to be addressed by the clerk, who explained how the Court would proceed that morning. It may have been a good-faith attempt to make everyone comfortable and to indulge in the tradition as an aspiring law clerk prior to my touching it for good luck before proceeding to Court. I had been able, we rushed in, took our seats, and surveyed the scene.

After sitting down at the counsel table, putting the complimentary quill pens into my briefcase for safekeeping, and checking to see that all of my family was seated, I turned to look at the dais on which the justices sat. The lectern at which I would speak, after the Solicitor General addressed the Court, was to my immediate right. It can be adjusted up and down to suit the height of the attorney, but we already had been told the apocryphal story of the lawyer who had managed to break the crank a few weeks before. I stood up and stepped behind the lectern to ensure that I did not need to adjust its height, and as I looked at the justices' empty chairs, I realized for the first time how intimate a setting the Court is. The Chief Justice's chair seemed to be only a few arms' lengths away, and Justice Breyer's and Alito's seats, to my extreme left and right respectively, were not much farther. The justices sit in a shallow semicircle, and I was struck by how close everyone seemed.

The half-hour between sitting down and the start of the argument was measured in seconds for me. The courtroom was filling up; the clerks for the current year were seated to the far right, in chairs that faced the audience. The press and sketch artists were in the left wings of the courtroom, taking notes. About five minutes before the justices filled their seats, there seemed to be dead silence. The sense of anticipation, fear, and excitement that occupied those five minutes—well, I am no roller-coaster ride, but I imagine it is the sense one gets when ascending that first incline.

And then the gavel sounded, the justices entered, smiling and chatting, everyone stood as "Oyez, Oyez, Oyez" reverberated through the room, and the argument began. I cannot imagine having to argue the second case at any level without spending time here, and there with Justices Stevens and Ginsburg. When I looked back over the transcript (which I waited two months before doing), I saw many more "I mean's" and "Well's" than I would have liked. But I sat down without great incident, and exhaled.

Every argument has bright spots and forgettable lines. I have never argued a case at any level without spending time wishing I had said something differently. And this argument was the same. For three days, I woke up with thoughts of what I could have/should have/done better, interrupted only occasionally by positive memories of what had seemed to go well. I tell my students that it is hard to win or lose a case on oral argument, but that does not make it seem any less consequential.

THE DECISION: FIVE TO FOUR

When the Court's five-to-four decision reversing the Second Circuit's judgment finally came down on May 18, 2009, the second-guessing started all over again. Justice Kennedy authored the majority opinion that reversed Mr. Iqbal's previous victory, and Justice Souter wrote the principal dissent. I won't go into the fine details of the majority's decision, but in many ways it reflects the multiple beginnings and endings that mark all litigation. The ruling says that before Mr. Iqbal can sue General Ashcroft and Mr. Mueller, he must make more-specific allegations regarding their involvement in his confinement in the MDC's ADMAX SHU. Justice Kennedy wrote in the majority opinion that Mr. Iqbal's "account of his prison ordeal could, if proved, demonstrate unconstitutional misconduct" by other officials who remain in the case.

Justice Benjamin N. Cardozo, in The Growth of the Law, described the job of the Supreme Court as follows: "We must distinguish between the sound certainty and the sham, between what is gold and what is tinsel; and then, when certainty is attained, we must remember that it is not only good, that we can buy it at too high a price." The Court's decision in Ashcroft v. Iqbal provides a particular kind of certainty, but like many decisions, it does not end Mr. Iqbal's case; it presents a challenge different from the one that came before, but it leaves us back in the hands of the lower courts, to continue the long, meandering path toward resolution. The only certainty is that there will be some resolution, and that the ride will continue to be exhausting, exhilarating, terrifying, and, ultimately, worth it.
New Grads Point to a Variety of Experiences That Made a Difference
Their Defining Moments

No one ever said that becoming a lawyer would be easy. Three years of graduate school—with its coursework, exams, memorization, moot court, clinics, and internships—can sometimes overwhelm even the most talented and determined law students. Today's graduates also face the prospect of finding gainful employment in the most difficult economic environment in decades. But even in a recession, Cardozo graduates are landing top-notch jobs and clerkships. How do they do it? Nearly all of the highly accomplished 2009 Cardozo School of Law graduates interviewed here said they received an extra push from a mentor or from their involvement in a clinic or extracurricular commitment that gave them the confidence to press on toward their goals. These turning points, or defining moments, ranged from gaining an editorial spot on a law journal to discovering a talent for litigation or volunteering for a law-related project.
A GROUNDBREAKING PRESIDENTIAL ELECTION WAS THE setting for two new graduates' "eureka" moments; both participated in Cardozo students' election-protection efforts during the November 2008 vote in Ohio.

Alisha Williams, who was vice president of the Black Law Students Association at Cardozo, admits that she had "senioritis" during her third year, avoiding extracurricular activities and struggling to stay focused—until she joined the 40 Cardozo students and professors who traveled to Cleveland for training in Ohio election law and worked as poll monitors on Election Day. The effort "reinvigorated" her, she says.

"As one who has experienced the difficulties of trying to plan a small panel event in the moot court room, I am in awe of the group effort that took place behind the scenes to plan the logistics of the trip," she says.

Williams says that two other volunteer commitments were personally rewarding. A member of the national advisory board of the Student Hurricane Network (an association dedicated to helping communities affected by Hurricanes Katrina and Rita), she says of her colleagues: "Their work ethic and commitment to social justice helped push me through law school during the periods when I felt discouraged." Similarly, the compassion and dedication of staff members at the Sylvia Rivera Law Project, which works to guarantee that all people are free to determine their gender identities, gave her heart, even when being an advocate was emotionally draining.

Williams is working at Lopez McHugh LLP in Philadelphia.

Alison Brill, an aspiring public defender who is clerking for New Jersey Supreme Court Justice Barry T. Albin, also volunteered for the election project in Ohio. Several of her fellow volunteers, writing in the December 2008 issue of the Cardozo Jurist, offered heartfelt stories of persuading first-time voters to persist despite long lines and confusion over JD requirements.

"During this long day, speaking with local voters and witnessing the complications of ensuring adequate procedures to protect the right to vote, I felt the awesome responsibility of being a lawyer in this society."

—ALISON BRILL
to protect the right to vote, I felt the awesome responsibility of being a lawyer in this society," Brill says.

Brill feels she also benefited from her clinical work in the Innocence Project and the Criminal Defense Clinic, representing clients, scrutinizing criminal cases, and performing legal work alongside compassionate mentors.

“This is what I came to law school to learn to do, and these experiences made me more confident in the decisions I had made," she says. Brill, who was active in a half-dozen Cardozo student organizations, won the Andrew S. Zucker Award for her commitment to community activism and the legal profession; she also received the Benjamin N. Cardozo Writing Award.

Gaining the self-assurance to become a lawyer is a theme for many Cardozo graduates. Cindy Abramson, whose unconventional background includes working in circuses as a trapeze artist and “hula hoopist,” initially wanted to do transactional work. But her Legal Writing professor, Victoria Kummer, encouraged her to go into litigation.

“She gave me the confidence I needed to believe that I could be a good lawyer one day and put me on a path that I am now very excited about,” Abramson says. Abramson, who was the senior notes editor for the Cardozo Arts & Entertainment Law Journal, is working in litigation at Morrison & Foerster in New York City.

Sometimes all it takes is some recognition from a faculty member during the first year, when many law students are questioning their career paths. Steven Keslowitz, executive editor of the Cardozo Law Review, had already published two books on the Simpsons cartoon family (The Simpsons and Society and The World According to the Simpsons) by the time he entered Cardozo, but getting picked to be a summer research assistant by Prof. Lester Brickman was key to his next two years.

“It was a very important personal boost, which is critical during the first year," Keslowitz says.

Keslowitz went on to publish two more books while he was at Cardozo: The Tio of Jack Bauer and From Poland to Brooklyn: The Lives of My Grandparents, Two Holocaust Survivors. Through his law review experience, he learned that he enjoyed the editing process as well, and now works in Debevoise & Plimpton LLP’s intellectual property department.

Developing skills through academic or practical work can also bolster a future attorney’s determination to succeed. Keslowitz and Marvin Mills, another 2009 graduate with an unusual background, both singled out Prof. Max Minzner for his ability to bring out their best student work.

Mills spent four years as a survival, evasion, resistance, and escape specialist for the US Air Force, training American troops to resist abusive enemy interrogations, before enrolling at Cardozo and becoming a champion moot court competitor.

“I attribute much of my analytical skill to the time spent both as Professor Minzner’s student and as one of his teaching assistants,” Mills says. Mills, who was president of the Black Law Students Association, is working at Weil, Gotshal & Manges in its finance and restructuring department.

—NATHANIEL BOYER
Nathaniel Scott Boyer came to Cardozo with a journalism degree and writing experience, and was editor-in-chief of the Cardozo Law Review. Still, he had much to learn about legal writing and analysis, he says, and he honed his abilities while working with Prof. Margaret Lemos as a student, research assistant, and teaching assistant.

Lemos “instilled in me the value of making careful and thoughtful decisions, seeing both sides of any argument, and anticipating problems,” Boyer says. “She broke me out of the non-lawyerly mode of superficially glancing over a problem’s nuances.”

His Criminal Appeals Clinic stint representing an indigent criminal appellant was also rewarding, Boyer says. “It made me a much more persuasive writer, and I was thrilled to make a difference in the life of someone who had been at the mercy of a system that was stacked against him.” Boyer is working in litigation for Hogan & Hartson LLP.

For Meryl Rothchild, the Mediation Clinic directed by Prof. Lela Love was an important way to boost her communication skills. She also took heart from making the regionals in negotiation competitions in her second year. “That was the time when I started to believe in myself and gain confidence as an impromptu public speaker,” Rothchild says. “Another defining moment was learning that I had been elected as editor-in-chief of the Cardozo Arts & Entertainment Law Journal. Now that was an honor.”

Like Mills, Rothchild is working in financial restructuring, but at Stroock & Stroock & Lavan LLP.

Some law students find that being pushed beyond their comfort zone brings dividends. Virginia Tomotani Uelze found herself in family court just four weeks into her first year at Cardozo, advocating for a battered woman who was seeking a temporary restraining order. “The judge addressed me and my classmate as ‘counselor,’ and even though the title was premature, it was exciting—and I was inspired by everything that one word evoked,” she says.

During Uelze’s third year, Prof. Toby Golick, her supervising attorney in the Bet Tzedek Legal Services Clinic, prodded her as well. “Under her guidance, I had a number of first experiences: counseling and interviewing clients; drafting a will; representing a client at an administrative hearing; and most unforgottably, taking a deposition.”

Uelze, a trilingual (English, Spanish, and Portuguese) former marketing manager from Sao Paulo, Brazil, was the articles editor for the Cardozo Arts & Entertainment Law Journal. She is now working at the New York offices of Jones Day.

Defining moments aren’t confined to future lawyers. Sigit Ardianto has been practicing law in Jakarta, Indonesia, since 2004; an emerging legal scholar in his homeland, he has just completed Cardozo’s LL.M. program in Comparative Legal
Thought. He was so galvanized by several of his courses that the lessons he learned may come to influence legal education in Indonesia.

Ardianto says Prof. Michel Rosenfeld’s Comparative Constitutionalism course made him want to apply what he learned about legal theory to his country’s constitutional issues when he returns to Indonesia. But he says his defining moment at Cardozo came from the First Amendment class taught by Prof. Marcia Hamilton. Although the Indonesian constitution guarantees many of the same rights as the US Constitution, victims of religious and other kinds of persecution cannot directly ask the courts there for help; through Hamilton’s teaching, he was convinced that change is needed.

"Thanks to her class and to her role in First Amendment issues in the United States, I am inspired to do more in raising awareness of the need for constitutional complaint in Indonesia, in hopes that someday it will be accommodated within the Indonesian legal system."

Ardianto was offered a job at a New York law firm, but plans to return to the law firm DNC in Jakarta, where he was an associate before coming to Cardozo. He has other aspirations as well: “My dream is to establish a new, progressive law school in Indonesia that could meet international legal education standards, and perhaps mimic Cardozo’s success,” he says.

"The judge addressed me and my classmate as ‘counselor,’ and even though the title was premature, it was exciting—and I was inspired by everything that one word evoked."

—VIRGINIA TOMOTANI UELZE

PHOTOGRAPHY PAGES 56 AND 57: NORMAN GOLDBERG
Justice Abella of Canada Delivers Commencement Address

Justice Rosalie Silberman Abella of the Supreme Court of Canada was the featured speaker at Cardozo’s 31st commencement on June 1. At the ceremony, held at Avery Fisher Hall of the Lincoln Center for the Performing Arts, more than 360 men and women received J.D. degrees and 70 received LL.M. degrees. The celebration was also marked by numerous tributes to Dean David Rudenstine, including one from YU President Richard M. Joel, who presented him with a citation honoring him for his many contributions to the law school.

Rudenstine steps down as dean after serving for eight years. Rudenstine also received the Monrad Paulsen Award for devoted service to the continued vitality of the ideals and purposes of legal education.

"Wow!" were the first words from Justice Abella, who, noting that her son, Zachary Abella, received a Cardozo LL.M. degree and a hug from Dean Rudenstine in 2007, said, "I never dreamed that two years later I’d be on this stage getting a hug myself." In a highly personal speech she also paid homage to Dean Rudenstine, who, she said, "talks the talk and walks the compassionate walk. I cannot think of a better model of someone who keeps his brain and humanity in perpetual motion."

Abella urged the graduates to use their education to encourage “peace and understanding in the world. Take your education and donate it to the cause of justice,” she said. “Never forget how the world looks to the unprivileged.”

As a daughter of Polish Holocaust survivors who emigrated to Canada when she was four, she was aware that her father, a former attorney, was not allowed to practice law in their new country. It was that circumstance that galvanized her to want to become a lawyer. She recalled with emotion that he died just before she received her law degree, and never saw his grandchildren. She ended on an optimistic note, quoting from the George Gershwin song “Of Thee I Sing” and offering her own exhortation: “Go for the stars. Be worthy of this mighty nation. Help make America the most just nation it can possibly be.”

Justice Abella, who was born in a dis-
placed persons' camp in Stuttgart, Germany, and moved to Canada with her family in 1950, was appointed to her current position in 2004, becoming the first Jewish woman on the Canadian Supreme Court. A 1970 graduate of the University of Toronto Law School, she practiced civil and family law litigation until 1976, when she was appointed to the Ontario Family Court, becoming the youngest—at age 29—and first pregnant judge in Canadian history. She was then named to the Ontario Court of Appeal in 1992.

The ceremony was highlighted as well by two student speeches, both of which were humorous. Robert Garson, an LL.M. student from Britain, spoke about the new words he learned at law school, such as “Ponzi” and “waterboarding,” which is “not something you do whilst on holiday in Hawaii.” He remarked how uncrusty and stylish the Cardozo professors are and spoke about the caliber of the education, calling his class the “last of the Rudenstine clan” and saying, “Cardozo’s main achievement is that it turns out nice and honorable lawyers.”

J.D. graduate Benjamin Thompson created his speech from comments he solicited from his classmates—what he called “Graduation Speech Scratch.” He opened by saying, “Before I started law school I always wanted to be a musician and perform on the stage at Lincoln Center. Now as I look out, it looks like one big liability!” He noted, too, that the three years of law school “were a short amount of time that took forever,” and closed with, “I don’t think I made a mistake.”

Student Bar Association senator Christopher Perez, a J.D. graduate, announced the awards for notable administrators and faculty as voted on by the students. Best administrator went to Amy Sugin, assistant dean for graduate and international programs; best adjunct professor to the perennial favorite, Burton Lipshie; best first-year professor to Peter Goodrich; and outstanding assistance to the student body to Jamie Carnes, director of special events.

La Toya Barrett celebrates on the plaza at Lincoln Center

Members of the Order of the Coif

The list below contains the names of the 36 members of the class of 2009 who graduated with top academic honors. They represent the top 10 percent of the class and, therefore, are designated members of the Order of the Coif. Jonathan G. Rohr graduated at the top of the class, winning the Louis Brandeis Award. Rohr, Scott Danner, and Lauren Fornarotto all graduated summa cum laude.

Dustin R. Anderson
Ashley B. Antler
Jeremy A. Benjamin
Jennifer H. Blecher
Nathaniel S. Boyer
Alison Brill
Scott M. Danner
Matthew R. Diament
Christopher V. Fenlon
Anya J. Ferris
Lauren L. Fornarotto
Keith C. Gartner
Adam J. Gelardi
Thomas M. Grandin
Steven A. Homan
Steven Keslowitz
Michael A. Kleinman
Alisa T. Levien
Michael Noam Lipshitz
Ronit Lock
Karen E. Meara
Alexander E. Middleton
Zachary A. Pall
Julia Portnoy
Jonathan M. Ream
Jay Robert
Jonathan G. Rohr
Chelsea M. Rosen
Karen Rosenfield
Michael P. Shepherd
Carrie M. Van Fleet
Margaret C. Wallace
Jennifer A. Wilen
Jason C. Yoder
Christian J. Yungwirth
Aaron J. Zakem
Mindi Guttman was hooded by her grandfather, Joseph Appleman, honorary member of the Cardozo Board of Directors.

Shannon Goldberg, winner of the Archie A. Gorlinke Award for the most promising and accomplished graduate entering the field of criminal law.

Robyn Weinstein, winner of the Samuel Belkin Award for exceptional contribution to the growth and development of the law school.

Zachary A. Pall is a winner of the Telford Taylor Award for outstanding achievements in the fields of constitutional law and international human rights. He also received the Order of the Barristers. Pall will clerk for the Idaho Supreme Court.

YuFah Wang, winner of a Cardozo Service and Achievement Award.

Jonathan Rohr, co-winner with Scott Danner of the Felix Frankfurter Award for outstanding academic achievement, maturity, responsibility, diligence, and judgment.

J.D. student speaker Benjamin S. Thompson, recipient of a Jacob Burns Medal.

Maayan Filmar, winner of the Louis Henkin Award for demonstrating academic achievement and superior scholarship in the LL.M. program.

LL.M. graduates celebrate with Amy Sugin, assistant dean, graduate and international programs (holding plaque). Sugin received the student-selected award for best administrator.
THE THIRD ANNUAL TOY DRIVE and Wrapping Party, sponsored by the Alumni Association's activities committee, chaired by Joanna Garelick '03, student members of Cardozo Advocates for Battered Women, and the Office of Special Events, was a tremendous success. More than 1,100 toys were collected and 100 alumni, students, staff, and friends wrapped them. The toys were given to the Sanctuary for Families, New York's largest safe haven for women and children affected by domestic violence. To donate toys to the 2009 toy drive, please write Inez Gonzalez, igonzal1@yu.edu.

CARDOZO WOMEN Seeks to Reach All Alumnae

"We need to be an organization that serves all alumnae, not only practicing attorneys, but students, women currently at home raising families, retired alums, and those in transition," says Shoshana T. Bookson '82, chair of CARDOZO WOMEN and a member of the Cardozo Board. This year, the group has reconfigured itself organizationally and expanded its initiatives to do just that.

Most visibly, CARDOZO WOMEN's menu of activities, events, and programs has been broadened to meet more effectively the varied needs and interests of alumnae. The group sponsored three practice-area networking events—in personal injury practice, immigration, and criminal law—that brought many alumnae back to the law school for the first time. In an effort to connect with students, CARDOZO WOMEN offered a two-part mentoring series on career development. It played an active role in organizing a BALLSA award dinner and reached out to alumnae who need help weathering career transitions by sponsoring a panel, "Job Searching in a Tough Economy."

Much of the new activity has resulted from a stepped-up organizational structure that includes the formation of committees on fundraising, programming, and communications, which offer alumnae additional ways to reconnect with the law school and with each other. Some alumnae have held luncheons or arranged mini-reunions with small groups of classmates; others have served as speakers and panelists at CARDOZO WOMEN events or found an active niche as fund-raisers. Some have chosen a lower-profile role and simply greet other alums at programs and events.

The result has been greater numbers of alumnae participating in and enjoying a wider diversity of events. Retirees, those working and those not working in the law, students, and many returning for the first time discover that their connection to Cardozo doesn't end at graduation.
FOCUS ON: craig brody

“The elements that I loved about being a lawyer are the same in my new job—representing clients, counseling, negotiating, and interacting with people.”

What is a literary agent as opposed to a “talent” agent?
Traditionally, literary agents represent writers, directors, and producers, and talent agents represent actors. However, many actors also have literary agents.

Biggest difference between lawyer and agent?
The elements that I loved about being a lawyer are the same in my new job—representing clients, counseling, negotiating, and interacting with people.

Now, instead of reading offering memoranda from investment banks, I’m reading people’s stories—their hopes and dreams. That’s a great change.

What’s your typical workday like?
That’s what’s cool about this job—there isn’t a typical day. Whether it is at a business breakfast or lunch, or in a meeting with my colleagues, my day is spent learning about projects and helping to find opportunities for our clients. If there is an open element—writer, producer, director, talent—our goal is to fill it with one of our clients.
Favorite thing about L.A.?
My career. I have a passion for this business and I'm immersed in it.

Gadget you can't live without?
The Kindle. It's a digital book, so I can read all my scripts on it instead of taking the paper scripts home with me. It also saves trees.

Memorable law school moment?
I have two.

Prof. John McGinnis testified in front of Congress during President Clinton's impeachment hearings when I was taking his Con Law II course. So we watched him testify on television in class. We actually saw what we were learning in action.

Similarly, I was taking criminal law with Barry Scheck when he was the attorney in the televised appeal trial [Massachusetts v. Woodward, the "Nanny Murder Trial"]. He would go through the case in class and then we'd watch him on television.

Most influential law school professor?
Ed de Grazia. Freedom and Censorship in Art and Film was a phenomenal class. Everyone truly learned how to speak their minds.

Last movie you saw?
I see every movie as they come out, last weekend I saw The Hangover, which was hilarious, and this weekend I am going to see The Taking of Pelham 1 2 3.

If you could do it all over, would you do anything differently? Go to L.A. sooner?
I wouldn't change a thing. I'm a better thinker, listener, and advisor after law school and my prior work experience.

Advice for those looking to work in motion pictures?
In Hollywood?
When I was deciding to move to L.A., I asked my father if he thought I was crazy. He said, "You've been talking about this since you were 17—I'd think you were crazy if you didn't go for it." If you just want to "hang out with movie stars," then perhaps it's not the right choice, but if you really have a fire in your belly and a passion for this business and it won't go away, then you should follow your dreams.

CONTINUING LEGAL EDUCATION SERIES
This spring, the Alumni Association's Continuing Legal Education Series featured topics in the areas of intellectual property, real estate, beginning one's own practice, and a CPLR update.

SUPREME COURT ADMISSIONS
Six alumni were admitted to practice before the United States Supreme Court at a ceremony in March. Vice Dean Michael Herz, a former Supreme Court clerk, made the motion for the group.

ALUMNI IN TRANSITION
A new series focusing on career advice launched in July with a discussion on Alternative Careers beyond the Law Firm. Future events will be posted at www.cardozo.yu.edu/alumnitransition.

For more information or if you are interested in participating in any of the programs above, please e-mail cardzoalumni@yu.edu.
The Alumni Association first needed to make Dean David Rudenstine an "honorary alumnus"; then it promptly named him the 2009 Alumnus of the Year. Bonnie Steingart '79, vice chair of the Cardozo Board of Directors and a partner at Fried Frank, presented him with the necessary credentials—all before more than 300 alumni, Board members, parents, and friends who attended the second annual Alumni Association dinner.

The event, held at Gotham Hall, the old, majestic bank building in Herald Square, honored Rudenstine for his eight years of inspired leadership of Cardozo. David Samson '93, president of the Florida Marlins; Hon. Dianne Renwick '86, New York State Supreme Court Justice, Appellate Division, First Department; and Randi Weingarten '83, president of the American Federation of Teachers, gave tributes to Rudenstine, speaking of his achievements, commitment to public service, and dedication.
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1979
Thomas Benigno is a producer of Burn the Floor, which opened on Broadway in August 2009.

1980
Eric Kunkes has been named chair of the subcommittee on futures commission merchants and introducing brokers of the American Bar Association business law section committee on derivatives and futures law.

1983
Adam Krim became a certified empowerment coach, specializing in coaching attorneys. Adam has practiced law for 25 years in Israel and New York.

1984
Martin Aron, a partner at Edwards Angell Palmer & Dodge LLP, has been reappointed chair of the labor and employment committee of the business law section of the New Jersey State Bar Association. This is his third term as chair.

1985
Adena Berkowitz co-authored with Rivka Haut Shaarei Simcha: Gates of Prayer, the first liturgical work written in the modern era by Orthodox women for use in the Jewish community.

1986
Hon. Dianne T. Renwick was honored by the New York County Lawyers' Association in February 2009 for her professional achievement and designation to the New York State Supreme Court, Appellate Division, First Department.

1989
Faith Glickman Rossi is a partner at Lerner & Holmes PC, a boutique real estate law firm in Boston. She is living with her husband, Fred, and teenage sons, A.J. and Tyler, in Manchester, MA.

1990
Lisa Lempel-Sander has opened a second office in NYC for the practice of psychotherapy and psychoanalysis. After graduating from Cardozo and while practicing law in the Corporation Counsel’s office, she trained as a psychoanalyst and pursued both careers for several years. She now pursues only psychotherapy, with a specialty in treating attorneys.

1991
Daniel B. Schwartz’s article “Reclaiming the Music of Prayer” was published in the winter edition of the Orthodox Union’s Jewish Action magazine.

1992
Daniel D. Edelman has joined Crowell & Moring LLP as a partner in the firm’s commercial litigation group in New York. He was previously a shareholder at Heller Ehrman LLP.

1993
David Feldman has joined Gibson, Dunn & Crutcher LLP as a partner in the firm’s New York office. He focuses his practice on the representation of distressed investors, lenders, bondholders, and creditor committees in bankruptcy cases, restructurings, and distressed asset and debt transactions.

1994
Peter S. Sloane has joined Leason Ellis LLP, an intellectual property law firm in White Plains, NY, as chairman of the trademark and copyright practice group. He was formerly a partner at Ostrolenk Faber LLP in NYC.

OUTLAW GIVES GATES AWARD TO MEMBERS OF THE CLASS OF 1982
Robert Balsam ’82 of Balsam, Felber, and Goldfeder is shown here with Mary Ann Carleso ’09, president of OUTlaw. He, his partner Daniel Felber ’82, and Geoffrey Bowers ’82, who died in 1987, were honored this year with the E. Nathaniel Gates Award. Balsam and Felber represented Bowers in his HIV discrimination claim against a large law firm, which inspired the movie Philadelphia.
CLASSactions

1996
Marc Greendorfer founded Tri Valley Law, PC, in San Ramon, CA, after leaving Thelen LLP, where he was special counsel. Tri Valley Law is a transactional corporate law firm.

Shai Waisman was named one of New York's "40 under 40" in the business community by Crain's New York Business. He was also named a "Rising Star" by Institutional Investor News in 2008 and an "Outstanding Young Restructuring Lawyer" by Turnarounds & Workouts in 2006. Shai is a partner in the business finance and restructuring department of Weil, Gotshal & Manges.

1997
Aram Lee Erenburg and Sara Ann Schacter were married on March 14, 2009, at Steiner Studios in the Brooklyn Navy Yard. Aram is a senior associate at the Manhattan law firm Kucker & Bruh, where he specializes in real estate litigation.

Anthony Son joined Connolly Bove Lodge & Hutz LLP as a partner in the firm's intellectual property group. He focuses his practice on patent litigation and will be based in the Washington, DC, office. Prior to this appointment, he was a partner with Foley & Lardner LLP.

1998
Marlene M. Markard, a corporate and commercial attorney in private practice in East Hampton, NY, and a musician, has been appointed executive director of the Choral Society of the Hamptons. She is also the founder of In the Pink, Inc., a nonprofit organization dedicated to helping breast cancer patients and survivors.

2000
Robert Greenberg (LL.M.) was admitted to the Pennsylvania bar. He is also a member of the bar in Connecticut; Washington, DC; New Jersey; New York; and Wyoming. In addition to practicing, he is a clinical associate professor of business law at Sy Syms School of Business, where he has been named by the students nine years in a row one of the three best professors. He also teaches paralegal studies at NYU and Queens College.

1999
Michael Bachrach was elected vice president of the New York Criminal Bar Association, making him the youngest person—by some 20 years—ever to have held the position. He has also joined the faculty of the Bryan R. Shechmeister Death Penalty College at University of Santa Clara School of Law in California.

2000
James D. Lawrence is with Bryan Cave's class and derivative actions, commercial litigation, and product liability groups. He represents clients in matters concerning breach of contract, fiduciary duty claims, enforcement of noncompetition agreements, trade-secret litigation, and complex class-action defense.

1996
Ball S.A. is now known as the Minority Law Students Association (MLSA).

BALLSA & CARDOZO WOMEN HONOR JUDGE DIANNE RENWICK
The BALLSA* Alumni Group and CARDOZO WOMEN honored Judge Dianne T. Renwick '86 in April for her professional achievement, dedication to Cardozo, and commitment to public service. According to the groups, Renwick, a judge on the New York State Supreme Court, Appellate Division, was chosen to be honored for the level of integrity she brings to her work and for being a wonderful role model for Cardozo students and graduates. Faculty, students, alumni, and her fellow judges attended the event. Renwick is shown here with David Rudenstine and her husband, Bronx District Attorney Robert Johnson. To become more involved with BALLSA Alumni or to contribute to the BALLSA Scholarship Funds, write to Casandra Tolentino at tolentino@yu.edu.

*BALLSA is now known as the Minority Law Students Association (MLSA).
Cardozo visited a record number of communities in 2008-09 to bring a bit of the law school to graduates, parents of current students, and admitted students living outside the New York area.

In December, Cardozo screened Nuremberg: Reflection and Resonance in Boca Raton, FL. Parents and alumni helped organize the event, including Lisa Roser Gladstone '81, whose son, Lloyd, is in the Class of 2011; Edward and Barbara Popkin, whose daughter, Courtney, is a member of the Class of 2010, and Gary Krasna '84. Sherry and Ken Endelson, parents of Alexandra Wolfe '10 and Elizabeth Endelson Wolfe '05, were hosts at the Boca Grove and Tennis Club. Speakers included Sheri Rosenberg '99, director of the Program in Holocaust and Human Rights Studies, who helped produce the film, and Ben Ferencz, a Nuremberg prosecutor, who was featured in the film.

Santa Monica, CA was the spectacular site of the reception hosted by Mark Levinson '82 at Greenberg Traurig, where he is a partner. Dean David Rudenstine attended.

In the spring, the San Francisco, Boston, and Washington, DC, alumni clubs held receptions for admitted students. Graduates offered inside information on attending law school and shared their career paths since graduation. Hosts included Barbara Friedman '95, counsel at Hansen Bridgett LLP in San Francisco, Jim Zackernik '84 at Robinson & Cole in Boston, and Cliff Elgarten '79 at Crowell & Moring in Washington.

The DC group held a number of events this year, including a docent-led tour of the exhibition “Georgia O’Keeffe and Ansel Adams: Natural Affinities” at the Smithsonian American Art Museum. They also hosted a conversation with “Unsung Heroine” Nesse Godin (at center, above) at the US Holocaust Memorial Museum.

In Stamford, CT, alumni joined with Congregation Agudath Sholom to hear Nitsana Darshan-Leitner’s talk, “Bankrupting Terror: One Lawsuit at a Time.” The Cardozo group met privately with Darshan-Leitner prior to her lecture.

The Law Firm Challenge encourages alumni working at the same firm to show their solidarity and support Cardozo. Firms compete to see which one can produce the greatest percentage of alumni participation. This year's winning firm was Jones Day, which hosted the breakfast when the leading firms were announced. Harold Gordon '88, a partner at the firm, shared how being involved with Cardozo has been personally gratifying and has benefitted Cardozo and Jones Day. Other leading law firms included Fried Frank, Debevoise & Plimpton, Hogan & Hartson, Day Pitney, and Cohen Tauber. A special mention also went to Weil Gotshal Manges. To have your firm participate in next year’s challenge, e-mail Inez Gonzalez at igonzal1@yu.edu.
CARDOZO JUDGES DINE TOGETHER
In September, Dean Rudenstine hosted a dinner for alumni who are judges, congratulating them on their achievements and thanking them for their meaningful representation of Cardozo in the legal community. Hon. Sandra J. Feuerstein ’79 and Hon. Diane T. Renwick ’86 co-hosted the evening. Shown here (from left) are Judges Mark Partnow ’79, Tanya Kennedy ’92, and Dennis Nieves ’86.

E.D.N.Y. AND S.D.N.Y. ADMISSIONS
Cardozo hosted a special admissions ceremony in September 2008 when 25 alumni were sworn in to the Eastern District and Southern District Courts by Hon. Sandra J. Feuerstein ’79 of the Eastern District and Hon. Loretta A. Preska of the Southern District. Judge Feuerstein, working closely with Joshua Glick ’03, her former clerk, and Eric Hochstadt ’03, Judge Preska’s former clerk, organized this event and made it a reality.

Guests at Dean’s Speaker Series
Focus on Tough Job Market
Throughout the year, the dean invites a number of special visitors to the law school whose experience and expertise can help students decide on and pursue their professional goals. Speakers include alumni, parents of students, and friends of Cardozo. This year, the guests focused attention on finding a job at a time of financial uncertainty.

Richard Satin ’80, vice president and general counsel at Medical Action Industries, gave a talk entitled “From Main Street to Wall Street: Luck Is the Residue of Design.” Satin drew parallels between the weak job market he encountered upon graduation and the current economic situation, encouraging students to be enterprising in their searches.

Ron Geffner ’91, a founding partner in the firm Sadis Goldberg, where he oversees the financial services group, continued that theme in “Making the Most of Every Opportunity.” He also spoke about his own career path, his belief that law is a service business, and how to build a fulfilling career.

As the academic year drew to a close, Mark Levinson ’81, a shareholder at Greenberg Traurig, offered students an insider’s view into life at a large firm with “Law Firm Life—Practical Knowledge of Survival and Success: The Ins and Outs of a Large Firm.” Levinson talked about the demands of working at such a firm as well as the business of managing a law practice. He provided handy tips on what to look for when assessing a potential employer.
2001

Karen Bekker has joined the New Jersey law firm of Norris McLaughlin & Marcus, P.A., as a litigation associate. She will work in the New York City office.

Dr. Athena Karamanlis was awarded the Certified Fraud Examiner designation by the Association of Certified Fraud Examiners.

Marc Simon wrote the 2008 documentary film Nursery University, which tells the story of five families—each with different backgrounds and economic circumstances—attempting to place their toddlers in preschool.

2002

Zohar Efroni (L.L.M.) completed his Ph.D. dissertation on digital copyright law at the University of Munich. He is working on a book on the same topic, to be published by Oxford University Press. A paper he wrote on the concept of information in intellectual property scholarship will be published in a book on law and information technology, a release of the Law, Society, and Culture Series at the Buchmann Faculty of Law, Tel Aviv University. Zohar will present his research at Cardozo's 2009 IP Scholars Conference, focusing on information-cost theory and its implications for the design of copyright systems. He contributes content to the Web site of Stanford's Center for Internet and Society.

Sarah Flaccus works at Luther Lawfirm GmbH in Berlin in the field of intellectual property, media, and entertainment law, representing national and international clients in music, film, sports, and advertising.

Vasundhra Prasad (L.L.M.) is corporate counsel in the licensing and technology group at Cisco Systems in Bangalore, India. She assisted in setting up the Indian Competition Law Commission and was a consulting counsel with the Indian Ministry of Information and Broadcasting regarding an amendment to the Copyright Act.

2003

Lawrence D. Mandelker is an associate in the trust and estates practice group of the New York office of Seyfarth Shaw LLP.


Vivian Williams (L.L.M.) was admitted to the US Supreme Court with other Cardozo graduates on March 31. His firm, Vivian M. Williams & Associates, P.C., has been expanding rapidly and employed two Cardozo J.D. students as summer associates last year.

2004

Yaacov Brisman has joined Scarinci Hollenbeck as a member of the firm's labor and employment law group. He will work from the firm's office in Lyndhurst, New Jersey. Yaacov represents public- and private-sector employers, including public school districts and other educational institutions, in employee-related disputes.

Andrew J. Chamberlain has also joined Scarinci Hollenbeck in the firm's environmental and land use law group in the Lyndhurst office. Andrew previously served as a legal clerk to the Honorable Roger F. Mahon and as an assistant prosecutor with the Union County Prosecutor's Office.

Seema Lal (L.L.M.) married Kevin M. Meehan on July 28, 2008, and is a program attorney with the Practising Law Institute.

ALUMNI ASSOCIATION ANNUAL MEETING INCLUDES CLE

Popular professor Burton N. Lipshie was the guest speaker at the Alumni Association's annual meeting on January 26, 2009. He provided a CPLR update for CLE credits. Marc Lieberstein '92, chair of the Alumni Association, invited attendees to be involved with the law school and learn about the different programs, symposia, and events taking place. More than 75 alumni attended the annual meeting.
CLASS OF '79 ENJOYS ANOTHER FIRST:
A 30TH REUNION
Cardozo's first graduating class—the Class of 1979—celebrated another first on May 30: its 30th reunion. The Rainbow Room was the venue where fellow classmates, administrators, faculty, Dean Rudenstine, and incoming Dean Matthew Diller celebrated. The class announced the Founder's Initiative, a new Fundraising campaign, to raise monies to support an annual academic lecture in the name of the class. To make a donation or learn more about the Founder's Initiative, please call Patricia Weiss, 212-790-0270.

CLASS OF 1984 CELEBRATES 25TH REUNION
On May 7, 80 members from the Class of 1984 met in the Kathryn O. and Alan C. Greenberg Center for Student Life at Cardozo to commemorate their 25-year reunion. They were joined in the festivities by Dean Rudenstine, former Dean Monroe Price, and professors such as Stewart Sterk and Lynn Wishart.

Members of the Class of 1984
VARIOUS CLASSES COME TOGETHER FOR MILESTONES

CLASS OF 2004: Tal Dickstein, Howard Freeman, Stephanie Berman Freeman

CLASS OF 1999: Matthew Lattimer, Kaye Cyrus, Andrea Robinson '94, Francis Hemmings

CLASS OF 1989: Jana Ertrachter, Reginald Bullock, Eric Aronson, Arthur Marcus

CLASS OF 1994: Ilana Eden Matteson, Judith Zuckerman Frantz, Amy Braun, Stephanie Spirt Evenchick, Ilene Fish
**2005**

Nicholas H. Eisenman has joined Major League Baseball as counsel in trademark protection and special projects. He previously worked at Foss Zelnick Lehrman & Zissu and Jones Day.

Shinji Nitoa (LL.M.) recently left his position at General Electric and is now legal counsel at GlaxoSmithKline's offices in Japan.

**2006**

George Pavlenishvili (LL.M.) is doing a six-month secondment in the legal department at Credit Suisse in New York, as part of an effort to develop the relationship between Credit Suisse and DLA Piper, where he is an associate.

**2007**

Davide Bresner recently married Nicole Baum, whom he met in New York the year before starting his LLM degree at Cardozo.

**2008**

Matthew Weldon '09, a January graduate, won the $600 first prize in the Nathan Burkman Memorial Competition at Cardozo, which is sponsored by the American Society of Composers, Authors, and Publishers. His winning essay, "A Case for Publishing Raymond Carver's 'Original' Stories," will also be considered for one of the three national prizes to be selected by a panel of judges from the Copyright Society of the USA. While at Cardozo, Weldon was the editor of the Cardozo Public Law, Policy & Ethics Journal and received a Howard M. Squadron Fellowship.

Thomas MacLean (LL.M.) announced the birth of his son, Abram Graham MacLean, on January 5, 2009. Thomas practices law in Southern California.

Jennifer McAdam has joined the Kansas City, MO, firm of Lathrop & Gage as an associate in the insurance department. She assists corporate policyholders in handling and litigating insurance disputes. Jennifer served as a law clerk to the Honorable Ronald Holliger of the Missouri Court of Appeals from 2007 to 2008.

Catherine Suh joined Gibbons P.C. as an associate in the products liability department.

Kyung Shin (Tatiana) Park (LL.M.) is a researcher at the Center for IP & Information Law at the Institute for Legal Studies, the School of Law, Hanyang University, in Seoul, Korea.

Cardozo's LL.M. program celebrated its 10th anniversary with a dinner in the Greenberg Center for Student Life at which Robert Doerrler '07 was presented with the Distinguished LL.M. Alumnus award. Former LL.M. program director Toni Fine and Dean Rudenstine were also recognized for their contributions.
Donors Thanked

Cardozo Board Chair Kathryn O. Greenberg ’82 and Dean David Rudenstine hosted a reception at the Harmonie Club in June to thank Laurie M. Tisch, founder of the Laurie M. Tisch Illumination Fund; Barry Shenkman, president of the Jacob Burns Foundation; and Maurice Kanbar, principal of M. K. Enterprises, Inc., for their extraordinary philanthropy in support of student scholarships and public service programs at Cardozo. A number of alumni, parents, and friends joined in celebration.

Dean Rudenstine spoke of the power lawyers have in serving the public to shape and change society. Matthew Diller, who had recently been named to succeed Rudenstine, underscored that Cardozo would continue to focus on public service, a commitment reflected in his own career.

Alison Brill, a newly minted 2009 alumna and aspiring criminal defense attorney, offered her thanks on behalf of all the students who benefitted from the contributions made by the three donors. Citing experiences at Cardozo that she thought “would not have happened anywhere else,” Brill talked about how her visit to a Rwandan prison in 2008 taught her about the necessity for flexibility in the legal system, and how her experience with the Innocence Project led her to co-found a prisoners’ rights advocacy group that worked on pro bono projects with local advocacy coalitions and organizations.

Laurie Tisch, whose daughter, Emily Sussman, graduated in the class of 2008, spoke about the plight of many Cardozo graduates who, encountering substantial postgraduate debt, are forced to reconsider their plans to work for the public good. In response, she established the Laurie M. Tisch Loan Repayment Assistance Program to help scores of Cardozo graduates who work in public-interest law and face the double burden of law school debt and modest public service salaries.

The gifts from both Shenkman and Kanbar are earmarked for student scholarships.

Cardozo Alumni Association Dinner

Save the Date!
November 16, 2009

For information: talentin@yu.edu
Parents Attend Council Events

"I signed on to be an ambassador for the school, help build awareness for its achievements, and assist families in navigating the process of legal education," said Stephen Cooper, chair of the Parents Council and a member of the Cardozo Board. "I am filled with pride for what my daughter accomplished while a law student, and getting involved with Cardozo is my way of showing support." Cooper helped found the Parents Council in the fall of 2007 to give institutional shape and structure to the historically spirited and strong support of Cardozo parents in the life of the school.

The Parents Council hosted two events this year: a brunch in the fall, and an evening panel in the spring that focused on the resources available to students that are provided by the Cardozo administration.

Parents Brunch

In November, a capacity crowd filled the Greenberg Center for Student Life for the Eighth Annual Parents Brunch and a chance for parents to gain insight into their sons' and daughters' law school experience. The event is a good introduction to the community for parents of first-year students, and provides a chance to reconnect with the law school and friends from prior years for parents of second- and third-year students.

After a welcome from Stephen Cooper, parents saw a short film that highlights the breadth of opportunities available at Cardozo. Andrea Schlissel '09, chair of the Public Interest Law Students Association, talked about the Public Service Auction and urged all parents to attend and bid vigorously on items. The auction helps fund summer stipends for unpaid internships in public service.

Dean David Rudenstine also addressed the group, sharing good news about the 2008 record-high New York State bar exam pass rate of 93.2 percent for first-time test takers, as well as advice for career choices given the current economic situation.

Parents then attended mock classes. Prof. Michael Herz introduced parents to Elements, a class taken by all first-year students, with a discussion of "The Case of the Murderous Heir—Making Law and Finding Law." Prof. Dan Crane taught "Irrationality and the Rule of Law."

Meet the Deans

At the Second Annual Meet the Deans evening in April, parents heard from the deans of admissions, student services, and career services. Ashley Antler '09, Alison Brill '09, and Amy Kapoor '09, all third-year students, spoke as well about their job searches. Bonnie Steingart '79, vice chair of the Cardozo Board of Directors and a partner at Fried Frank, also addressed the group. Much of the discussion involved the resources provided to students by the Office of Career Services.
Public Service Auction Raises $365,000

Cardozo's 17th annual public service auction on April 2 raised $365,000, a full $30,000 more than last year's record-breaking total. Items ranging from weekends in Nantucket to sports tickets and electronics were sold in online, silent, and live auctions. The monies go toward stipends for unpaid summer internships in the public sector. Each qualifying student will receive $4,000 for internships in not-for-profit organizations, judges' chambers, and government offices.

Items that brought the most—more than $15,000 together—were tickets to three entertainment events: VIP tickets to the MTV Music Video Awards along with 50,000 airline miles for travel to Las Vegas or Miami depending on where the event is held, and tickets to the Bruce Springsteen and U-2 concerts.

New this year was the opportunity for attendees to participate in building a stipend. Auction-goers were able to contribute from $100 to $1,000 to achieve together the $4,000 needed for one stipend. As a result, monies for close to two additional stipends were raised. The community spirit apparent during this part of the evening was characteristic of the entire effort that made the 2009 auction such a success. More than 400 attended, including many parents, Board members, and alumni, as well as students and members of the faculty. Scores of people contributed auction items and became sponsors of the auction.

Cardozo Board Chair Kathy Greenberg '82 has been credited with the extraordinary growth of the auction in recent years and was honored for her remarkable contributions as the law school's “Pre-eminent Public Service Advocate.”

Dean David Rudenstine presented Kathy Greenberg '82 with a citation that extolled her accomplishments and named the auction the Kathryn O. Greenberg Public Service Auction. They are shown here with Greenberg's husband, Alan C. Greenberg.

Benjamin N. Cardozo School of Law wishes to thank its many alumni and friends for their ongoing support of the law school. The 2008-09 Honor Roll will be published in the next issue of Cardozo Life. An electronic version is online at www.cardozo.yu.edu/honorroll.
Two to Share Chair of Cardozo Board

At its June meeting, the Cardozo Board of Directors elected Leslie Payson '91 and Kathy Greenberg '82 co-chairs.

At its meeting in June, the Board of Directors voted to name Leslie Payson '91 and Kathy Greenberg '82 co-chairs. Payson, who has been a member of the Board since June 2006, is a director at Citigroup. She holds a B.A. from Sophie Newcomb College of Tulane University and upon graduating from Cardozo was a bankruptcy associate at Strook & Strook & Lavan.

After the meeting, Greenberg said, “Leslie has great strengths that she brings to the Board and will offer as a co-chair. She and I have worked together extremely well and I believe that sharing responsibilities will move Cardozo forward even more quickly and to the benefit of our entire community.” Greenberg has served as Chair of the Board since 2002.

FORMER CARDOZO BOARD MEMBER
BILLI IVRY DIES AT 102

E. Billi Ivry, the first woman to be elected a member of the Yeshiva University Board of Trustees and a former member of the Cardozo Board of Directors, passed away in October 2008 at the age of 102.

Ms. Ivry also served on the boards of Stern College for Women, the Bernard Revel Graduate School of Jewish Studies, and the Azrieli Graduate School of Jewish Education and Administration. In all these schools, as well as the affiliated Rabbi Isaac Elchanan Theological Seminary, she established major scholarships and student free-loan funds in her name. At Cardozo, she endowed two scholarship funds and a revolving loan fund.

“[Her] vision was focused on the children, on the Jewish story, on learning and knowledge,” said YU President Richard M. Joel in the eulogy he delivered at her funeral. Highly regarded as one of the most beloved YU Trustees, Ms. Ivry received an honorary doctorate from the University in 1987. President Joel called her Yeshiva University's “matriarch, the first woman university trustee, the longest continual annual donor, the only trustee sitting on five of our boards, our friend, and great benefactor.”
CARDOZO events

SEPTEMBER 16, 2009
Reception to welcome
Dean Matthew Diller

SEPTEMBER 24
BALLSA Alumni Event

SEPTEMBER 30
Cardozo Connections
Alumni-Student Mentoring Event

NOVEMBER 4
Arts & Entertainment Law Journal
and GRAMMY Foundation Symposium

NOVEMBER 19
Fourth Annual Alumni Toy Drive
Wrapping Party

NOVEMBER 22
Parents Brunch

DECEMBER 1
Supreme Court Admission Event

MARCH 11, 2010
Public Service Auction

NOVEMBER 16
Alumni Association Dinner honoring
Christopher A. Seeger ’90