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Benjamin N. Cardozo School of Law

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"It's so hard to choose just one—can't I pick two?"
This issue of Cardozo Life is dedicated to Paulette Crowther (1956–2010), Cardozo's associate director of communications and associate editor of Cardozo Life. Her writing and artistic flair have been in evidence since the magazine's first issue, helping to make it award winning year after year. Her contributions will be missed.
Around Campus
Australian Grant to Help Stop Genocide
Immigration Clinic Report • Breyer Debates
Cross-Referencing • Ethics Center Looks at
Prosecutorial Disclosure • Intellectual Property
Program Update • Diller Welcomed • ITAP
Veteran Speaks Up

Faculty Briefs
Senate Confirms Verkuil • Stone Named
University Professor • Breast Cancer Gene Suit

An Interview with Dean Matthew Diller
Dean Diller talks about the law school, those
who have provided him with good counsel, and
how the law school is helping students navigate
the new employment landscape.

In Memory of Samuel Heyman
(1939–2009)
The well-known corporate titan was the support
and guiding spirit behind The Samuel and
Ronnie Heyman Center on Corporate
Governance, which, according to those who
share remembrances, made a difference to
Cardozo students and faculty as well as to the
legal academy and profession.

Federal Court or Military Commission
for Guantanamo Detainees?
PROF. VIJAY PADMANABHAN
Padmanabhan, who was chief counsel at the State
Department on Guantanamo and Iraq detainee
litigation, explains where he believes the trials
should take place.

An Officer and an Attorney:
Making a Difference
CPT RUSSELL NORMAN '05
When Russell Norman '05 returned to the US after
a deployment in Iraq he discovered his work in the
war-torn country had helped ensure that at least
one soldier returned home safely.

Criminal Defense Clinic Scores Wins
for Students, Clients, and Its Graduates
JUDITH LEVINE
The Criminal Defense Clinic won a not-guilty
verdict this year for its client, who had been
wrongly identified. Clinic graduates with careers
in criminal defense credit the program with
important skills and life-changing lessons.

Alumni News
Chris Seeger '86 Honored • Cardozo Grads Are
Called "Professor" • ClassActions • Foundation
Support Grows • Parents Enjoy Their Day • New
Auction Record • Honor Roll 2008–9
Experiential Programs Are a Must

I have spent much of my first year as dean meeting and speaking with Cardozo's alumni, both in the New York area and around the nation. Many graduates have told me how their experiences in Cardozo's clinical programs focused their legal education, shaped their career interests, and exposed them to the obstacles that make equal justice an ideal rather than a reality. They say, too, that their participation in clinics not only was defining and transformative, but demonstrated how lawyers play a critical role in clients' lives. Yet, as the media have recently reported, law school clinics are under fire from lawmakers in a number of states.

This issue of Cardozo Life showcases the important work that our Criminal Defense Clinic is accomplishing both for its clients and for students. The work of Profs. Jonathan Oberman and Jennifer Blasser and their students is characteristic of each of Cardozo's outstanding clinics. This year, students in the Criminal Defense Clinic learned how risky eyewitness identification can be, how research and expert testimony can make the difference in achieving the correct jury verdict, and how critical trial preparation is to the outcome of a case.

These lessons allow our students to start their careers off on the right foot—with a set of habits and values that mark them as thoughtful, resourceful, and creative practitioners who go the extra mile in the service of their clients. Many of us were able to learn these lessons at our first jobs, under the guidance of experienced practitioners. Over the past 20 years, the profession has changed. New lawyers cannot count on receiving the same mentorship in practice that used to be the norm. Employers are increasingly seeking to hire graduates who already have many of the skills that previously they would have learned on the job.

Our clinics, internships and externships, experiential classes such as the Intensive Trial Advocacy Program, and activities such as the Moot Court Honor Society are more important now than ever. Cardozo has been at the cutting edge of clinical education almost since its founding. It is on that edge that we intend to stay. As dean, I will work with the faculty to continue to build and develop our clinics and other experiential programs and classes to ensure the best legal education for our students.
AROUND campus

Australian Government Funds Cardozo in Effort to Help Stop Genocide

As the United Nations and countries around the world continue to grapple with how best and when to stop a genocide, the Program in Holocaust and Human Rights Studies (PHHRS) at Cardozo received funding in September for a two-year project to make these efforts more successful. The Australian government granted Cardozo $139,947 to implement a program to develop an international standard for the Responsibility to Protect (R2P) doctrine.

Dean Matthew Diller says, “The grant shows how the excellence and importance of our program are increasingly recognized around the world. It will enable the program to undertake groundbreaking work that will lead to real action and make an enormous difference in people’s lives.” PHHRS, founded in 2003, engages in legal education, research and publications, and advocacy on issues related to the Holocaust, genocide prevention, and international human rights. In the spring of 2008, it held a major conference on the R2P doctrine. (See Cardozo Life, issue 2, 2008, p. 4.)

According to PHHRS Director Sheri Rosenberg, R2P, a principle endorsed by the UN General Assembly in 2005, is stymied by the need for standards of proof. “As a result, millions of people lose their lives while the international community determines whether a state is ‘manifestly failing’ to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity,” she says. “Our hope is to establish evidentiary standards to end paralyzing debate in making that determination, thereby stopping or even preventing a genocide.”

The purpose of R2P is not to assign blame, but to prevent harm. Therefore, Rosenberg explains, the existing standard—proof beyond a reasonable doubt that a crime has occurred—is not appropriate for determining whether a mass atrocity may be on the verge of occurring or has just begun. “A retroactive determination fails to prevent these crimes—the prime purpose of the R2P doctrine. Our project aims to break the cycle of debate and move to action,” she says.

The funded project seeks to produce a practical set of criteria to inform the application of R2P in emerging crisis situations. A concept paper will be presented at a series of international conferences and workshops at which participants will hammer out the details. Participants will include relevant stakeholders from around the globe. PHHRS anticipates that the consultation process will ensure that the research and writing are grounded in academic rigor and informed by current practice.

PHHRS is undertaking this project in collaboration with the Global Centre for the Responsibility to Protect at the Ralph Bunche Institute for International Studies at the Graduate Center of the City University of New York.

STUDENTS JOIN HAITIAN RELIEF EFFORTS

Following the devastating earthquake in Haiti, Cardozo students mobilized and held several events to raise money for Doctors Without Borders in Haiti and for UNICEF’s fund to aid Haitian children, contributing nearly $2,000 to the two organizations. The Cardozo Community for Haitian Relief Effort is committed to raising additional funds and galvanizing volunteer efforts. Its members are exploring ways to provide hands-on assistance in Miami. At the same time, some students in the Immigration Justice Clinic are running a weekly clinic in Brooklyn to help Haitian nationals apply for Temporary Protected Status, a form of humanitarian immigration relief granted by the Obama administration.
Clinic Report Calls on Federal Government to Review Unlawful Home Break-ins by Immigration Agents

In July 2009, the Immigration Justice Clinic released the first public study of the US Immigration and Customs Enforcement (ICE) agency's home-raid operations, finding that immigration agents have engaged in widespread constitutional violations during such operations. Constitution on ICE: A Report on Immigration Home Raid Operations documents the prevalence of instances of ICE agents physically pushing and breaking their way into private homes in direct violation of the Fourth Amendment and then illegally seizing residents without legal authority—in an apparent effort to meet inflated arrest expectations.

Through analysis of ICE arrest records from home-raid operations in New York and New Jersey, national data, and individual accounts, the report concludes that the large majority (approximately two-thirds) of people arrested during home raids are not dangerous but rather civil immigration violators. The data also reveal that Latino residents are disproportionately likely to be arrested without any articulated basis during the raids.

"The government's heavy-handed tactics are a monumental waste of public resources resulting primarily in the arrest of hardworking immigrants who pose no danger at all to society," explains Prof. Peter L. Markowitz, director of Cardozo's Immigration Justice Clinic and coauthor of the report.

The report, prepared under the guidance of an advisory panel chaired by Lawrence W. Mulvey, commissioner of Nassau County, NY, and composed of law enforcement leaders and scholars from across the United States, concludes that "there is an established pattern of misconduct by ICE agents in the New York and New Jersey field offices" and "the evidence suggests that such a pattern may be a widespread national phenomenon."

"This report reflects precisely the types of misconduct we have seen during immigration home raid operations in Nassau County," says Commissioner Mulvey. "If any local law enforcement agency in the nation were involved in these types of widespread constitutional violations it would prompt a federal investigation."

The press and government officials have noted the report's policy recommendations, which include setting appropriate limits on the use of home raids, revising ICE's warrant and consent practices, minimizing harm to local community policing efforts, and improving accountability for ICE agents and supervisors involved in illegal home raids, among others.

"Each and every one of us ought to be outraged and has an obligation to hold our government accountable," says Jaya Vasandani '10, a coauthor of the report and a student in the clinic. The study was funded by the Hagedorn Foundation of Port Washington, NY, which supports comprehensive immigration reform on a national level.
Breyer Visits to Debate Merits of “Cross-Referencing”

During a two-day meeting of French and American judges and scholars that explored legal pluralism and transnational law, Supreme Court Justice Stephen Breyer, Prof. Mireille Delmas-Marty of the Collège de France, and Michel Rosenfeld, the Justice Sydney L. Robins Professor of Human Rights and director of the Program on Global and Comparative Constitutional Theory, held a discussion open to students and the public in which the participants compared how the United States and France cope with globalization and the internationalization of law.

Dean Matthew Diller, who was a student in Breyer’s Administrative Law class at Harvard, introduced the topic of transnational law as a “hot-button issue in the United States,” and the speakers as among the world’s leading authorities on the subject. He noted that there is no clear hierarchy of legal systems when we look beyond the national level.

Delmas-Marty, a renowned French scholar, gave a detailed lecture on the judicial system in the European Union, the activist role of its Court of Justice, and how the member states, especially France, deal with the internationalization of law. She ended by saying she “like[s] to use a cloud metaphor... The big picture is still changing like the clouds in the sky on a windy day.”

In crafting its own decisions, the US Supreme Court has relied on cross-referencing, looking at how other countries’ courts have ruled on similar issues. Of the 79 cases decided with full opinions by the Supreme Court in its 2004 term, 6 referenced foreign law. “It can be helpful to talk about concepts and borrow them from other courts,” said Justice Breyer, who characterized cross-referencing as a conversation. He identified matters dealing with the environment, commerce, and human rights as international in scope and arguably deserving of a conversation that goes beyond a country’s borders.

According to Rosenfeld, France’s approach to developing transnational law is through harmonization, by which laws are created to converge as much as possible toward a common European standard. “The EU is incredibly intrusive into its member states,” he said, “more so than the US federal government into the laws of the states.” Questions of legitimacy arise out of this comparison.

The hallmark of federal structure is that it brings governance closer to the people and recognizes that local action is often preferable to and more effective than remote, centralized governance. The development of international law attenuates the connection citizens have with the laws that govern them. Breyer noted that “no judge on the [International Court of Justice] has a line to the people.”

When the conversation was opened to the audience, Prof. Stanley Fish asked the panel, “Is pluralism an unfortunate fact or the glory of mankind? Do we wish it would go away or do we want more of it?”

“We have no choice,” answered Delmas-Marty; “diversity is a reality.” She noted that legal pluralism can be seen as a contradiction in terms, making it “a kind of monster.” While “pluralism” connotes coexisting differences, “legal” implies hierarchy and unity. As the world becomes increasingly interdependent, the way to organize it is through legal pluralism. “It’s a condition of cooperation,” she said.

“Pluralism is to be celebrated, of course,” said Justice Breyer. He compared the benefits of pluralism to those of reading a novel: through each we can experience the different possibilities of human nature.

“The big picture is still changing like clouds in the sky on a windy day.”
In 1963, the Supreme Court handed down *Brady v. Maryland*, which declared that withholding favorable evidence is a violation of due process. However, there continues to be a confounding lack of clarity surrounding disclosure obligations in criminal cases. This has been seen most recently in high-profile cases in which wrongful convictions were caused, at least in part, by the government’s failure to disclose evidence.

Thorny questions about the disclosure obligation and best prosecution practices were taken up at a two-day conference, *New Perspectives on Brady and Other Disclosure Obligations: What Really Works*, held at Cardozo in November and organized by Prof. Ellen Yaroshefsky, director of the Jacob Burns Ethics Center. More than 200 prosecutors, defense attorneys, judges, academics, police advisors, and experts from the fields of management, behavioral psychology, and medicine came together for an in-depth examination of disclosure obligations and systems of accountability. The long-term goal of the conference is to increase the reliability of results obtained by guilty pleas, trials, and postconviction proceedings and to optimize effective training, supervision, and control mechanisms for managing information within prosecutors’ offices.

Yaroshefsky’s introduction, which framed the problems and consequences of disclosure lapses, was followed by remarks from the Hon. Charles J. Hynes, Kings County district attorney and longtime advocate of open-file procedures.

This conference broke new ground by offering comparative approaches from the medical, psychological, and policing professions. Dr. Gordon Schiff of Harvard’s Brigham and Women’s Hospital explained how the medical profession changed practices to cope with diagnostic errors. Dr. Maria Hartwig of the John Jay College of Criminal Justice, an expert on the psychology of deception and detection, offered counterintuitive findings demonstrating that those whose job it is to discern deception are only marginally better at it than the general population, and often compound their errors by believing in their prowess to identify lies, causing them to overlook obvious implications of items of evidence. Dr. Larry Richard, head of the leadership and organization development practice group at Hildebrandt, presented behavioral data showing lawyers to be both highly skeptical and autonomous, quipping, “Even if you could convince a lawyer that a change was necessary, they wouldn’t do it.”

Cyrus R. Vance, Jr., the newly elected Manhattan district attorney, discussed his plans for the district attorney’s office and took questions from the audience. Members of his transition team were in attendance seeking insights that might be of direct use in the office.

On the second day, nearly 100 invited participants met in small cross-disciplinary groups to examine specific aspects of the disclosure issue, including internal and external regulation, office culture, training, supervision, and the scope and process of disclosure. Their intensive discussions led to the production of group reports with suggestions for improved practices in six distinct areas. *Cardozo Law Review* will publish these reports along with related articles and a summary of the conference presentations in a forthcoming issue.
Is Abuse an Excuse? The legal issues surrounding women pushed to commit crimes as a result of the abuse they suffer are matters of great concern to lawyers and courts around the nation as well as to organizations supporting abused women.

Cardozo Advocates for Battered Women, the Women's Law Student Association, and the Criminal Justice Society cohosted a screening of Strength of a Woman, a documentary on the criminal justice system's devastating impact on survivors of domestic violence. Following the film, representatives of the New York Correctional Association and STEPS to End Family Violence joined formerly incarcerated survivors of domestic abuse in a discussion of current policies and the legal climate for women who strike back at their abusers.

Patenting of Breast Cancer Genes: Yea or Nay? Thomas Adcock

A federal lawsuit filed in May 2009 by the American Civil Liberties Union and the Public Patent Foundation (PUBPAT) at Cardozo could alter the current practice of gene patenting by corporations. (See p. 17.)

Challengers of the status quo, along with one defender, participated in an October 2009 panel to discuss the ethics and efficacy of the practice. Daniel B. Ravicher, acting director of Cardozo's Intellectual Property Program and executive director of PUBPAT, is the plaintiffs' cocounsel in litigation against Myriad Genetics, Inc., and the US Patent and Trademark Office.

Patents held by Myriad on genetic mutations commonly known as BRCA1 and BRCA2, which indicate high probabilities of cancer, give the Salt Lake City firm a monopoly on the diagnostic tests, resulting in exorbitant fees and, according to challengers, little incentive to license innovative research elsewhere.

"Patenting human genes is counter to common sense, patent law, and the Constitution," said Ravicher, who bases his argument on patent statutes and the First Amendment guarantee of free-flowing information, adding, "Aggressive assertion of gene patents denies patients access to critical medical information and prevents scientists from furthering research into understanding and hopefully one day curing society's most devastating diseases."

Kevin E. Noonan, a Chicago-based molecular biologist and patent lawyer, disagreed with Ravicher and fellow panelists Dr. Adrienne Asch, director of Yeshiva University's Center for Ethics, and Anne-Marie Kunzler, a patient advocate and member of the National Breast Cancer Coalition.

Noonan said that, short of waiting for a patent expiration date, the government could be persuaded to exercise "march-in rights," allowing broader research and testing. "Lawsuits are not the only way," he said. "Politics is another way."

Kunzler, who lost her medical research job and employee health insurance decades ago after being diagnosed with breast cancer, asked Noonan, "We women, we should march on the White House?"

"This is not a women's issue," insisted Asch. "Men get breast cancer. Men have connections to women with breast cancer."

Prior to the panel discussion, Chicago filmmaker Joanna Rudnick screened a documentary about her own experience a few years ago when, at age 31, she received test results from Myriad revealing that she had inherited a BRCA genetic mutation from her mother. These results give her an 80 percent chance of developing breast cancer and a 50 percent chance of developing ovarian cancer, a risk that can be reduced only by her having her breasts and ovaries removed.

To get a second opinion—something impossible to do in the United States due to Myriad's patent—Rudnick traveled to Canada, where a doctor administered an abbreviated genetic test that confirmed the Myriad diagnosis. The fee in Canada was $25.

In the documentary, Rudnick asked geneticist Mark Skolnick, the founder of Myriad, "Why is the test still $3,000?" Skolnick replied, "That's a good question."

Asch offered this response: "Private corporations should not own the difference between life and death."
INTELLECTUAL PROPERTY PROGRAM

NIMMER REVIEWS THE YEAR IN COPYRIGHT
Prof. David Nimmer made his annual visit to Cardozo in January and gave a review of the year in copyright law. He spoke about claims of direct and contributory infringement made against Internet service providers, search engines, and credit card payment processing companies, and their defenses under the safe-harbor provisions of the Digital Millennium Copyright Act.

PATENT COMMISSIONER OUTLINES PRIORITIES
In late November 2009, Robert L. Stoll, who had then been commissioner of patents at the United States Patent and Trademark Office (USPTO) for less than two months, delivered the Distinguished Lecture in Intellectual Property. He outlined the vision for USPTO's future—one he and Undersecretary of Commerce for Intellectual Property David Kappos share—and discussed the aggressive and innovative strategies the agency is undertaking. The office's top priorities include a reduction in patent pendency and a smaller patent backlog. The initiatives he identified for agency improvement represent a dramatic change for the office, especially with respect to processes, systems, human capital, and culture.

STUDENTS BRING IP AND ART LAW SPEAKERS TO CAMPUS
Recently, the student-run Intellectual Property Law Society, headed by Ryan Rentmeester and Michael Sander, has hosted well-known experts in the areas of copyright and trademark. The first speaker of the fall 2009 semester was William Patry, senior copyright counsel at Google, whose talk was called "Moral Panics and the Copyright Wars." Patry previously served as advisor to the Register of Copyrights and in the late 1990s was a professor in Cardozo's Intellectual Property Law program. He is the author of the seven-volume Patry on Copyright.

Drawing upon such examples as the crossover from compact discs to digital downloads, Patry spoke about the recording industry, the power of the consumer, and the need to adapt to consumers' preferences.

Patry was followed a month later, in November, by Prof. E. Michael Harrington of Belmont University in Nashville, TN, who presented "Music, Music Management, and Intellectual Property." Harrington, who is chair of the College Music Society Committee on the Music Industry, has served as an expert witness in a number of music copyright cases and is a member of the board of directors of the Nashville Composers Association.

In the course of just a few weeks, several high-profile attorneys specializing in different facets of art law were featured by the reinvigorated art law society, whose copresidents are Irina Tarsis '11 and Ilona Logvinova '11.

Jo Backer Laird, who was for 10 years senior vice president and general counsel of Christie's and is currently of counsel with Patterson Belknap Webb & Tyler LLP, spoke on her experience as an attorney specializing in art law.

Laird, an adjunct professor at Cardozo, teaches an art law seminar. Then Alice Segal, senior attorney with Immigration and Customs Enforcement, discussed her work as it pertains to art and cultural property, including the recent seizure of looted antiquities from Italy. The following week, Jennifer A. Kreder, a professor at Chase College of Law who writes on the topic of art looted by the Nazis, discussed technical remedies that museums and other nonprofit institutions are using to hold on to disputed
objects. Early in 2010, the society hosted Rachel Waranch, associate counsel at the fashion house Chanel; she discussed her work, her career path, and the nature of her role and responsibilities as an in-house counsel.

Irina Tarsis '11 and Mark Kelner

**ART IN THE TIME OF CHAOS: SOVIET PROPAGANDA ART V. NONCONFORMIST ART**

In February, the Art Law Society presented with the Squadron Program a talk by Russian art dealer and curator Mark Kelner, who spoke on "Soviet Propaganda Art v. Nonconformist Art." The poster that he and Irina Tarsis '11, copresident of the Art Law Society, are shown with, above, is one of several on display at Cardozo from the extensive collection of Prof. Monroe Price.

From left, YU President Richard Joel, Hon. Robert Katzmann, Dean Diller, Board of Overseers Cochairs Leslie Payson '91 and Kathy Greenberg '82

Yeshiva University President Richard M. Joel and members of Cardozo's Board of Overseers and faculty officially welcomed Dean Matthew Diller, sixth dean of Cardozo, at the start of the fall semester. Judge Robert Katzmann of the US Court of Appeals for the Second Circuit was a special guest at the event, held in the Greenberg Center for Student Life. Former Cardozo deans, alumni, and Dean Diller's friends and family joined the celebration. Judge Katzmann has a long relationship with Cardozo as well as with Diller, making him an ideal choice to help introduce Diller to the audience. In saying how much he was looking forward to working with the new dean, President Joel noted how impressive Diller had been throughout the search process. Other speakers included Kathy Greenberg and Leslie Payson, cochairs of the Cardozo Board.

CRAWFORD TO RETURN TO CARDozo

Susan Crawford, who left Cardozo in 2008 to teach at University of Michigan Law School, will return to Cardozo in fall 2010 as a full professor. Crawford, a cyberlaw expert, spent much of last year serving in the Obama administration as a special assistant to the President for Science, Technology, and Innovation Policy as part of the National Economic Council headed by Lawrence H. Summers. In that role she was President Obama's adviser on the development of broadband Internet networks and a net-neutrality policy. Crawford served as a member of the board of directors of ICANN from 2005 to 2008 and is the founder of OneWebDay, a global Earth Day for the Internet that takes place each September 22. Crawford, a violist, received her B.A. summa cum laude and J.D. from Yale University. She served as a clerk for Judge Raymond J. Dearie of the US District Court for the Eastern District of New York, and was a partner at Wilmer, Cutler & Pickering in Washington, DC, when she first joined the Cardozo faculty in the fall of 2003.
Panelists Ponder Kingship in Jewish Law

Yair Lorberbaum's *Subordinated King: Kingship in Classical Jewish Literature* was the focus of a discussion held in October. Shown above, from left, are Professors Adiel Schremer of Bar-Ilan University, David Flatto of Penn State University, Yair Lorberbaum of Bar-Ilan University, and, seated, Prof. Suzanne Last Stone, director, Center for Jewish Law and Contemporary Civilization, sponsor of the panel. The panelists sought answers to such questions as how Jewish law imagines the role of human political authority within a theological system that affirms God as the ultimate authority.

**TO PAY OR NOT TO PAY:** A Debate over the Pending Broadcast Rights Bill was this year’s GRAMMY symposium, held in November. The *Cardozo Arts & Entertainment Law Journal* and the GRAMMY Foundation, in partnership with the ABA Forum on Entertainment and Sports Industries and the New York chapter of the Recording Academy, hosted the panel, which included, from left, below, Daryl Friedman, vice president, government relations, the Recording Academy; Matt Gerson, senior vice president, public policy and government relations, Universal Music Group; and Tom English, vice president and market manager, Clear Channel Nashville. Also on the panel were Scott Goldman, vice president, the GRAMMY Foundation; Richard Zaragoza, partner, Pillsbury Winthrop Shaw Pittman LLP; and Michael Reinert ’82, executive vice president, Universal Motown Records Group, who moderated.

**CONFLICT RESOLUTION AT WORK** In November, the *Cardozo Journal of Conflict Resolution* and the Kukin Program held their 11th annual all-day symposium. Conflict Resolution at Work focused on alternative dispute resolution (ADR) in the private and public sectors. Attendees heard from panelists expert in the areas of real estate, the federal government, and health care. Shown below are the panelists who discussed real estate. From left, Nancy Kramer, Nancy Kramer Mediation; Adam Bailey, Adam Leitman Bailey, P.C.; Prof. Michael Stone, who moderated; Judge Gerald Lebovits, New York City Civil Court, Housing Part; Steven Rosefsky, cofounder and managing partner, Acre Properties LLC; and Charles Mixley, of counsel, Kaplan Fox, and distinguished ADR practitioner in residence at Cardozo.
Veteran ITAP Teacher Speaks of Program’s Value

"Take ITAP!" said Judge Marcia Cooke of the US District Court, Southern District of Florida, a 20-year veteran teacher in Cardozo’s Intensive Trial Advocacy Program, when she was on campus teaching and critiquing direct examination.

During the two-week program, held every January since 1984, students learn basic trial skills in a simulated setting that imitates the stress and time constraints of a real trial. To date, more than 3,050 students have taken ITAP at Cardozo. The visiting teachers are nationally known lawyers and judges, who offer what are essentially master classes in trial skills—from cross and direct examination to jury selection and closing statements. At the end of the program, students try out their newly learned litigation skills by preparing for and conducting jury and bench trials, all in front of their colleagues and visiting professors. This year 130 students participated in the program.

According to Judge Cooke, when she graduated from Wayne State University Law School in 1977, "there were more ways to get trial practice. There were more legal aid programs. More small cases to try." Judge Cooke, prior to her appointment to the bench in 2004, worked in Florida as an assistant county attorney in Miami-Dade County and as the chief inspector general in the governor’s office from 1999 to 2002, and held positions in the US Attorney’s Office. From 1984 to 1992, she was a US magistrate in the US District Court for the Eastern District of Michigan.

When asked why she returns to teach year after year, she gave two reasons. "Obviously, the students," she said. "To see where students are on Monday and then the progress they've made on Friday ... it's awesome." Judge Cooke usually spends one of the two weeks on campus. Then she added, "This is a rock-star trial litigation faculty. So I get to teach with some of the best trial lawyers, best practitioners, and best teachers of trial advocacy in the country."

She explained the enormous value the program has for students. "It gives you a basis, a foundation before you try it in court.... You are learning how to take a case and prove it to a judge or jury." The judge continued, "Even if you aren't going to be a litigator, you've been exposed to the concepts. You understand 'beyond a reasonable doubt,' 'burden of proof,' 'preponderance of evidence.' Those won't be new terms when people throw them at you."

ITAP is perhaps best summed up by this insight from Judge Cooke: "Even if you find yourself not being a litigator or trial lawyer, what lawyers do is persuade. Lawyers advocate. So whether you are advocating in a courtroom or advocating in a contract negotiation or real estate deal, the art of persuasion, the art of advocacy is always involved."

"This is a rock-star trial litigation faculty. So I get to teach with some of the best trial lawyers, best practitioners, and best teachers of trial advocacy in the country."

Hon. Marcia Cooke
Class of 2012 Joins the Cardozo Community

Dean Matthew Diller greeted the newest members of the class of 2012—243 J.D. candidates—at orientation in August 2009. After sessions with the various administrative offices, class meetings, and time for getting to know their fellow section members, entering students heard from luncheon guest Barbara D. Underwood, solicitor general of the State of New York. As always, all first-year students and new LL.M. candidates celebrated the first week of the academic year with a Cardozo tradition—a boat cruise around lower Manhattan.

This year’s entering J.D. candidates, who came from the largest (5,158) and most highly qualified applicant pool in Cardozo’s history, represent 132 undergraduate schools and come from 34 states, the District of Columbia, Puerto Rico, and 10 foreign countries. Nearly 36 percent of them came directly from college, while 13 percent graduated five or more years ago. The class includes volunteers with the Peace Corps, Teach for America, and Americorps; 40 hold at least one graduate or professional degree, including five M.B.A.s and two M.F.A.s. There are those who have distinguished themselves in careers and special personal experiences, including the director of institutional giving for the Apollo Theater in Harlem; a chemical engineer for Merck & Company; members of the South Korean and Israeli armies; the recipient of the 2006 Minor League Pitcher of the Year Award for the New York Mets; and a survivor of the Rwandan genocide, who has served as a public speaker and lecturer on genocide prevention and human rights.

Of the 51 candidates beginning their LL.M. studies in the fall, 37 are international students representing 22 countries, including one student from Cuba, who was a professor of criminal law, and a Fulbright scholar from Lithuania. The class includes 31 who are seeking LL.M.s in intellectual property law; the remainder are in the general studies program. According to Assistant Dean Amy Sugin, the members of the class “are incredibly accomplished and bring with them a wealth of professional experiences.” For example, one was an advisor for a Korean arts management service and is a published author and concert violinist; another cofounded and is the partner in an entertainment/intellectual property law firm; and a third is the former vice president and head of enterprise compliance for ING Americas.
THE MOOT COURT HONOR SOCIETY held the Paulsen Competition in November 2009. As in previous years, judges from the area heard the final-round oral arguments. Shown here, from left, are Ryan Nelson '11, who placed third; New Jersey Federal District Court Judge Susan Wigenton; Sabrina Gillespie '11, the first-place winner; Connecticut Supreme Court Justice Joette Katz; Ryan Finkle '10, who placed second; and New York Court of Appeals Judge Eugene Pigott.

The Moot Court Honor Society enjoyed great success in external competitions during the fall 2009 semester. Matt Friedenberg '11 and Lana Milojevic '11 won the award for best brief at the Wechsler First Amendment Competition at American University's Washington College of Law; Brian Budnick '11 and Felicia Berenson '10 won second and third place oralist honors, respectively, at the Information Technology Moot Court Competition at John Marshall Law School in Chicago; the team of Mandy Jaramillo '10 and Eric Grosshandler '11 won second place for best respondent's brief and Erica Thau '11 and Alex Meszaros '11 had the second-best petitioner's brief at the National Criminal Procedure Competition in San Diego; and Orrie Levy '11 was named the second-place overall oralist and he and Robert Haynes '11 were semifinalists at the Appellate Lawyers Association National Moot Court Competition in Chicago.

STUDENT EARN HONORABLE MENTION IN WRITING COMPETITION
Every year since 2004, a Cardozo student has been recognized in the prestigious James Boskey ADR Writing Competition. This year was no exception. Ari Fontecchio '10 was awarded an honorable mention for "Naming, Framing, and Taming: Why Timing and Emotional Intelligence Really Matter in Crisis Intervention." The essay was published on the ABA Dispute Resolution Section Web site.

CARDOZO TEAM WINS FIRST PLACE
The second annual Monroe E. Price Moot Court Competition took place at the University of Oxford in March 2009. The Cardozo team, which placed first, included John Safari '10, who was named best oralist; Jennifer Gray '10; Debbie Silberman '10; and David Collins '09. Cardozo competed against teams from Malaysia, India, China, Jordan, Europe, and the United States. The internationally recognized media law experts who acted as judges were Judge Dean Spielmann from the European Court of Human Rights, Gugu Moyo from the International Bar Association, and Mark Stephens from Finers Stephens Innocent and Sir Louis Blom-Cooper, QC.

NEGOTIATION COMPETITION
The Kukin Program for Conflict Resolution hosted its 21st annual ABA/Cardozo Intra-School Negotiation Competition with 27 volunteer judges, who are practitioners in the field, and 91 student negotiators. In teams of two, students negotiated legal problems in the area of labor and employment law. The top two teams, who went on to represent Cardozo at the regional competition, were Jacqueline Tokyi '11 and Maria Matasar-Padilla '11, and Or Ratises '12 and Hirsch Neustein '12.
Students Travel to Rwanda and China for January Minisessions

A holiday party in Rwanda provided time with young people orphaned by the 1994 genocide.

RWANDA AND TANZANIA
A group of 17 Cardozo students traveled to Rwanda with Professors Sheri Rosenberg and Jennifer Blasser to learn about the country's reconciliation efforts and the role its legal system has played in the aftermath of the genocide that took place in the 1990s. During the nearly two-week trip, the group met with Rwandan law students, government officials, including the minister of justice, and local attorneys. They also visited the United Nations-established International Criminal Tribunal for Rwanda, which is located in Arusha, Tanzania. Meetings with representatives from several NGOs gave the students additional perspectives on life in this country since the mass killings.

According to Amy Sugin, assistant dean for international programs, perhaps the most poignant moments of the trip came at a party held at a lake outside Kigali, the capital of Rwanda. There, the Cardozo group met with more than 20 young people who had been orphaned by the genocide and lived together afterward, almost as a family. The two groups of young people danced, took boat rides together, and shared stories. "This holiday party provided a wonderful opportunity for the two groups to bond and for our students to see and hear firsthand about the far-reaching impact of the genocide, and how Rwandans are working to move forward to rebuild their society," said Sugin. "For students interested in human rights law, the opportunity to visit Rwanda and to study its legal, social, and cultural complexities onsite is a powerful educational experience."

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BEIJING AND HONG KONG

Another group of students went to Beijing and Hong Kong, accompanied by Professors Justin Hughes, Eric Pan, and Charles Yablon, to study law in China. The goal was to analyze China's rapidly rising global influence and the accompanying legal developments, with a dual focus on intellectual property and corporate law. The group visited law schools, law firms, businesses, and government offices in both cities, including the State Intellectual Property Office and the CCPIT Patent and Trademark Law Office in Beijing and Cleary Gottlieb Steen and Hamilton, the Bank of Asia, Chinese University of Hong Kong, and Hong Kong Securities and Futures Commission in Hong Kong.

Student comments from a post-trip survey showed that the China trip, now in its fourth year, was as successful as ever. "It was such an amazing experience and opened my eyes to China and how global the issues we study in class are," wrote one student. "The trip really inspired me to think about working internationally."

Opinion Leaders Are the Target for Cardozo Law Review’s New Journal, de•novo

The Cardozo Law Review recently launched an online companion journal, de•novo. Its editors have shown a knack for publishing timely articles on topical matters. The journal's most recent issue was devoted to the question before the US Supreme Court in McDonald v. City of Chicago: whether the Second Amendment right to own firearms articulated in District of Columbia v. Heller (2008) is "incorporated" in the 14th Amendment and therefore applicable not only to the federal government but to the states as well.

Editor-in-chief Benjamin Margulis, editors Sarah J. Gregory '10, Jaime B. Orloff '10, and Megan E. Uhle '10, and Law Review staffer Shane D. Wagman '11 put together a collection of articles and essays by nine prominent scholars, punningly entitled "Firearms, Inc." In anticipation of the oral argument in McDonald, which took place on March 2, 2010, the Journal produced a print version, which was delivered to each Supreme Court justice and all counsel of record in the case, as well as to legal scholars, practitioners, gun-related advocacy groups, politicians, and members of the press. There are plans for the students to travel to Washington, DC, and hand-deliver copies door to door on Capitol Hill. One is going to President Obama as well.

As de•novo's first editor, Margulis crafted its mission, seeking to publish shorter articles online and thus participate in discussions of current legal controversies in a way that is impossible for conventional printed law reviews. De•novo's first special issue, "Empathy & Justice," engaged with the debate over Justice Sonia Sotomayor's nomination to the Supreme Court. The editors notified opinion leaders, including every member of the Senate Judiciary Committee, of the online availability of that collection of essays, lectures, and Supreme Court opinions concerning the relevance of a judicial nominee's "experience" and the role of empathy in judging. Says Margulis, "I can't be sure, but I happily give credit to 'Empathy & Justice' for every historical reference made during the Sotomayor hearings."
US Senate Confirms Verkuil as Agency Chair

Prof. Paul Verkuil, a former dean and a leading authority on administrative law whose work is widely cited and relied on both inside and outside the government, has been nominated by President Obama and confirmed by the Senate to serve as chairman of the newly reconstituted Administrative Conference of the United States (ACUS). About his appointment, Verkuil said "I am honored to have been chosen for this position. The confidence in my abilities shown by the President and his administration has been deeply gratifying. I look forward to working with them and making a difference in the smooth running of government and in the daily lives of my fellow citizens."

The Administrative Conference is a body of experts charged with making recommendations to federal agencies and to Congress concerning the efficiency, soundness, and fairness of agency procedures. ACUS was established in 1968 and among its past chairs is Antonin Scalia. Its recommendations on topics ranging from agency alternate dispute resolution, through venue rules for judicial review, to rulemaking procedures have been enormously influential. Congress re-established the agency in 2009 after a 14-year hiatus.

Confirmed by the Senate in March, Verkuil, who is retiring from the Cardozo faculty, has the critically important task of rebuilding ACUS at a time of great regulatory flux. The financial crisis, renewed attention to environmental regulation, particularly with regard to the issue of climate change, and proposed revisions to the health care system will all have major repercussions for federal agencies.

Suzanne Stone Designated University Professor

In recognition of her outstanding contributions to both teaching and scholarship, Suzanne Stone was named University Professor of Jewish Law and Contemporary Civilization. Her appointment was made retroactive to September 1, 2008.

Stone, who has been a member of the Cardozo faculty since 1983, is director of the Yeshiva University Center for Jewish Law and Contemporary Civilization at Cardozo. The center sponsors a wide range of academic activities to create a cross-cultural and cross-disciplinary dialogue that contributes a distinctively Jewish legal perspective on issues in law and culture.

A noted scholar, Stone was the Caroline Zelaznik Gruss and Joseph S. Gruss Visiting Chair in Talmudic Civil Law at Harvard Law School during the 2004-5 academic year. She has taught also at the law schools of the University of Pennsylvania, The Hebrew University, University of Haifa, and Columbia University, and has written and lectured extensively on topics at the intersection of Jewish legal thought and contemporary legal theory.
RUDENSTINE PORTRAIT JOINS THOSE OF PREVIOUS DEANS

Tradition calls for law schools to display portraits of their former deans. Cardozo is no exception. At a party for faculty, administrators, and family, the portrait of former Dean David Rudenstine was officially unveiled. Brenda Zlamany, at left, the artist who was commissioned to create the piece, was also in attendance. "Brenda is a thoroughly engaging person and I was taken with her portrait style immediately," said Rudenstine. "In her style, which combines contemporary sensibilities with a classic style and technique, she seemed an artist's counterpart to Cardozo." Immediately following the reception, the portrait, carried here by Dean Diller, was installed on the wall with portraits of Cardozo's other former deans.

PUBPAT Joins with ACLU to Challenge Breast Cancer Genes Patents

In August 2009, the Public Patent Foundation (PUBPAT) at Cardozo and the American Civil Liberties Union filed a motion asking a federal court to rule that patents on two human genes associated with breast and ovarian cancer are unconstitutional and invalid.

The lawsuit, Association for Molecular Pathology et al. v. U.S. Patent and Trademark Office et al., was filed on May 12, 2009, in the US District Court for the Southern District of New York on behalf of breast cancer and women's health groups, individual women, and scientific associations representing approximately 150,000 researchers, pathologists, and laboratory professionals. The lawsuit was filed against the US Patent and Trademark Office, as well as Myriad Genetics and the University of Utah Research Foundation, which hold the patents on the BRCA genes—two genes linked to breast and ovarian cancer. The lawsuit charges that patents on human genes violate the First Amendment and patent law because genes are "products of nature."

Daniel B. Ravicher, acting director of Cardozo's Intellectual Property Program, executive director of PUBPAT, and cocounsel in the lawsuit, said, "There is something fundamentally wrong with companies being able to own the rights to a piece of the human genome. Genes are not inventions, and patenting genetic sequences is like patenting blood, air, or water."

The patents granted to Myriad give the company the exclusive right to perform diagnostic tests on the BRCA1 and BRCA2 genes and to prevent any researcher from even looking at the genes without first getting permission from Myriad. Myriad's monopoly on the BRCA genes makes it impossible for women to access alternate tests or get a second opinion about their results and allows Myriad to charge a high rate for its tests.

"When you patent genes, you are really patenting knowledge," said Chris Hansen, an attorney with the ACLU. "Granting patents on human genes limits scientific research, learning, and the free flow of information. We hope the court rules soon that patents are meant to protect inventions, not things that exist in nature like genes in the human body."

Because the lawsuit challenges the whole notion of gene patenting, its outcome could have far-reaching effects beyond the patents on the BRCA genes. Approximately 20 percent of all human genes are patented, including genes associated with Alzheimer's disease, muscular dystrophy, colon cancer, asthma, and many other illnesses.

On March 29, in a 152-page decision, US District Court Judge Robert Sweet found in favor of the PUBPAT/ACLU suit and invalidated the patents, ruling that they were "improperly granted."
**FACULTY briefs**

**HONORS**

In November 2009, Lela P. Love was honored for her pioneering work in mediation by Network for Peace through Dialogue at its annual awards dinner. In October, Love presented “The Rise of the Lawyer-as-Problem-Solver: The Growth, Success, and Challenges of Mediation in the United States” at the Third International Mediation Conference in Moscow, where she was also a workshop leader and roundtable participant. The conference, Mediation as a Tool of Improvement of Legal Culture, was sponsored by the Scientific and Methodological Center for Mediation and Law. In December, Love led a module on mediation for a two-year master’s program in international trade and finance at the University of Deusto in Bilbao, Spain, where three Cardozo J.D. candidates were studying under an exchange agreement.

Peter Goodrich’s article “Oedipus Lex,” published in *Legal Studies* in 1992, was selected by the editors of the centenary edition of the journal as one of the 12 best articles published in the last century.

Justin Hughes, who is serving as a senior advisor in the Department of Commerce, was chosen by the Obama administration to head the US delegation to the December 2009 meeting of the World Intellectual Property Organization (WIPO) Standing Committee on Copyright and Related Rights. At the meeting in Geneva, Hughes announced a significant shift in US policy, endorsing loosening of international copyright protections to enable cross-border distribution of special-format reading materials for the blind.

Eric Pan was elected to the American Law Institute. During the fall 2009 semester, he presented several papers, including “Comments on the Path to a Canadian Securities Regulator” at the National Centre for Business Law, University of British Columbia, Vancouver, in November, and “Network Regulation in a Financial Crisis” during the International Law Weekend of the International Law Association—American Branch, held at Fordham Law School in October. He delivered “Four Challenges to Financial Regulatory Reform” at both Villanova Law School in October and the Centre for Economic Law Studies, Faculty of Law, Université Laval in Quebec City in September 2009, and presented “Commentary on Financial Regulatory Reform” at the US Department of the Treasury, Washington, DC, in October.

That month, Pan also moderated “Global Financial Regulation: The Emerging Landscape,” part of the Chatham House City Series held at the Bloomberg Studios in London.

Yeshiva University honored Sheri Rosenberg at the 2009 Hanukkah Dinner in December for her work in the areas of civil and international human rights and her focus on issues of discrimination, equality, and genocide. President Richard Joel cited her past work as preparation for “what will be, perhaps, her most extraordinary and lasting contribution to humanity: the promulgation of official
COMMUNITY CELEBRATES PUBLICATION OF MONROE PRICE’S MEMOIR

Dean Matthew Diller hosted a book party in January to celebrate publication in the United States of Monroe E. Price’s *Objects of Remembrance: A Memoir of American Opportunities and Viennese Dreams* by Central European University Press. The party brought together the Cardozo community and Price’s friends and family, including his six grandchildren and his 99-year-old mother, who held forth at the reception in English, German, and Hungarian. Price, who was born to a Jewish family in Vienna in 1938 and left when he was seven months old, read from the book, which uses a series of reflections to elucidate the Vienna of his infancy, including Jewish life, anti-Semitism, the Anschluss, and Kristallnacht, during which his father was arrested. Published previously in German, it is, according to Price, “about Austrian-Jewish families trying to adjust to middle America—Macon, Georgia, and Cincinnati, Ohio—in the 1950s. It is also about the long, subtle arm of European events playing themselves out years later in the lives of refugees.” For more information, visit objectsofremembrance.com.

international standards and definitions to identify and prevent future genocides.” Rosenberg and the Program for Holocaust and Human Rights Studies recently received a grant from the Australian government to recommend standards that could be adopted internationally. (see p. 3)

Rosenberg and two students from the Human Rights and Genocide Clinic presented “Foreseeing, Preventing, and Responding to Genocide: The Legal Framework” at a conference in Oswiecim, Poland. The conference, held in October 2009, was sponsored by the Auschwitz Institute for Peace and Reconciliation.

Rosenberg’s article “Responsibility to Protect: A Framework for Prevention,” was published in volume one of *Global Responsibility to Protect*.

Edward Zelinsky, the Morris and Annie Trachman Professor of Law, delivered the Arthur Grayson Distinguished Lecture in September 2009 at the School of Law of Southern Illinois University in Carbondale, IL. In “Reforming Health Care: The Conundrum of Cost,” Zelinsky indicated that neither side of the health-care debate is looking at what its plans will cost. Marshall Kapp, Garwin Distinguished Professor of Law and Medicine at SIU, said about Zelinsky, “There could be no better speaker” on the subject.

BOOKS, PAPERS, PANELS

Paris Baldacci is spending the spring 2010 semester on sabbatical in Paris, where he is conducting a comparative research project in the lower courts (tribunaux d’instance) on the role of the judge in helping unrepresented litigants develop the factual record. He will attend seminars at the École Nationale de la Magistrature in Paris and Bordeaux. Prior to leaving, Baldacci conducted several seminars and training sessions for New York City judges. Under the auspices of the New York State Office of Court Administration Judicial Institute, he taught Evidentiary Issues in Housing Court in July 2009, and in October his topic was Developments in Tenancy Succession Law. These sessions were for all sitting NYC housing court judges. In June, July, and October 2009, he lectured and conducted a training session for NYC administrative law judges under the auspices of the NYC Office of Administrative Trials and Hearings on the Role of the
Administrative Law Judge in Assisting the Unrepresented Litigant: Ethical Challenges, Techniques, and Best Practices.

Myriam Gilles and Alex Reinert spoke on panels at an American Constitution Society symposium, Access to Justice in Federal Courts, held at NYU School of Law in January.


Melanie Leslie joined the Committee on Trusts, Estates & Surrogate’s Courts of the Association of the Bar of the City of New York; she will serve for a three-year term. In October 2009, she presented “Helping Nonprofits Govern Themselves: Lessons from Trust Law” at a symposium at Chicago-Kent sponsored by the American College of Trusts and Estates Counsel.


The Identity of the Constitutional Subject: Selfhood, Citizenship, Culture, and Community by Michel Rosenfeld was published by Routledge in October 2009 and is available on Kindle and in hardcover and paperback editions. In September, Rosenfeld was a panelist with Justice Stephen Breyer and former Israeli Supreme Court Chief Justice Aharon Barak on “Balancing and Proportionality in Constitutional Adjudication” at a conference on courts and democracy held at the European University Institute in Florence, Italy. The panel was chaired by Prof. Giuliano Amato, former prime minister of Italy. Rosenfeld returned to the institute in December, while he was a visiting professor at the University of Bologna Law School, to give a talk, “Legal Issues in Countering Terrorism: Substantive Challenges.” That month, he also was the International Human Rights Day Speaker at Johns Hopkins University School of Advanced International Studies in Bologna, delivering “Human Rights in an Era of Globalization and of Clashing Identities: Universal, Singular, or Plural?” In January, he was a visiting professor at Universidad Carlos III Law School in Madrid.

In January, Peter Tilors delivered a keynote address, “Visualizing Proof with Numbers,” at Proportionality and Justice—Quantitative Aspects of Justice and Fairness, a conference sponsored by the University of Munich and the Technical University of Munich. Later in the month, he spoke about hearsay evidence at the Institut für Rechtsphilosophie und Rechtsinformatik at the University of Munich.

In April, Richard Weisberg will continue his project “Shylock v. Antonio on Appeal,” related to The Merchant of Venice, at the invitation of a county-wide bar association that includes Stratford, Ontario, home to the Stratford Shakespeare Festival. In February, he commented on Catherine Filloux’s new play Dog and Wolf following a performance in New York.

Ellen Yaroshefsky was program chair of The New York Rules of Professional Conduct & Their Impact on Criminal Practice, offered...
in November 2009 by the City Bar Center for CLE. Her chapter “Ethics in Criminal Advocacy” appears in *State of Criminal Justice*, published in 2010. During the fall 2009 semester, she delivered the keynote address, “Examining Modern Approaches to Prosecutorial Discretion,” at Temple University Beasley School of Law’s *Political and Civil Rights Law Review* annual symposium in October. She also delivered “Racial Issues, Confidentiality, and Other Ethical Dilemmas” at the 2009 Annual Criminal Defense Conference in Milwaukee in September, and “Ethical Issues in Prison Actions” at the Practicing Law Institute that same month, and she was a reporter in October at The Legal Ethics of Lawyers in Government, a conference on power, politics, and public service held at Hofstra School of Law.

ADJUNCT FACULTY

Michael Bamberger, partner, Sonnenschein Nath & Rosenthal LLP, received the Martin I. Lubaroff Award from the ABA Committee on LLCs, Partnerships, and Unincorporated Entities in November 2009 for his material contributions to the development of alternative entity law.

Simeon H. Baum, president, Resolve Mediation Services, Inc., accompanied Magistrate Judge Robert M. Levy to Moscow in December 2009 through a Department of Justice/State Department program hosted by the Moscow Chamber of Commerce. He trained commercial mediators, lectured at Moscow State University, and commented on a pending mediation bill.

*Dred Scott and the Dangers of a Political Court* by Judge Ethan Greenberg, Supreme Court, Bronx County, Criminal Division, was published in December 2009 by Lexington Books.

Eva Taieb coauthored “Bringing Boards into the Electronic Age,” published in the *New York Law Journal* on November 4, 2009. She wrote about a recent case in which the court enforced a lease agreement formed via text messages.

Rosenberg and Human Rights Watch Prevail in Discrimination Case

After waiting six months for a ruling, Sheri Rosenberg and the students who worked with her on *Finci v. Bosnia and Herzegovina* heard on December 22, 2009, that the European Court of Human Rights had ruled in their client’s favor, finding that the exclusion of Jews and Roma from high political office could not be justified.

“The court’s ruling is a major step forward in Europe’s struggle against discrimination and ethnic conflict,” said Rosenberg, whose cocounsel for the successful plaintiff, Jakob Finci, was Clive Baldwin, senior legal advisor at Human Rights Watch. “This decision affirms that ethnic domination should have no role in a democracy.”

Rosenberg has been working on the case with Human Rights Clinic students since 2005.

In the decision, the Grand Chamber of the Court stated that the “authorities must use all available means to combat racism, thereby reinforcing democracy’s vision of a society in which diversity is not perceived as a threat but as a source of enrichment.” The Bosnian Constitution, drafted by negotiators during the 1995 peace talks in Dayton, Ohio, restricts the highest offices of state—the upper house of parliament and the presidency—to members of Bosnia’s three main ethnic and religious groups: the Serbs, Croats, and Bosniaks (Bosnian Muslims).

Jakob Finci, the successful applicant, was born in a transit camp during World War II after his parents, Bosnian Jews, had been deported from the Bosnian capital, Sarajevo. Returning to Bosnia after the war, he has had a distinguished career in public life and is the Bosnian ambassador to Switzerland. “I am delighted that the European Court has recognized the wrong that was done in the constitution 14 years ago,” Finci said. “The Bosnian politicians need to right the wrongs in the constitution quickly.”
Matthew Diller, a prominent scholar of social welfare law and policy and a well-loved and respected faculty member and associate dean of Fordham Law School, became Cardozo’s sixth dean on August 1, 2009. Five months later, Cardozo Life editor Susan Davis sat down with the new dean to find out how his transition was going and what the future holds for Cardozo under his leadership.
SUSAN DAVIS: Now that you've been here for a while, how do you feel about being Cardozo's new dean?

DEAN MATTHEW DILLER: I'm like a kid in a candy store discovering great things. I've walked into a school where the students feel happy about their experience here. The professors are engaged in their classes. There's a great atmosphere in the building and I feel very welcome. People are looking to me to add something to the mix, but they like the mix that's already here. And that's an ideal situation to come into.

One of the things I appreciate more and more is how great David Rudenstein's leadership was for the law school. Cardozo is fundamentally sound in terms of both its academic program and its administration.

DAVIS: Can you elaborate on your vision for Cardozo?

DILLER: Cardozo has a distinctive personality that I want to deepen and reinforce. It is known for offering an education that embraces the intellectual side of law—one that explores the meaning and reality of justice—while also preparing students for the mastery of basic legal skills and an appreciation for the role they will play as attorneys helping their clients solve important problems. The law school has also placed special emphasis on innovation. It was Cardozo faculty who pioneered the use of DNA evidence in exonerating the wrongfully convicted and also identified intellectual property as a critically important field of law a decade before other schools did. The atmosphere here is one that allows for innovation and creativity in our programs, and among our students and faculty. I'm sure that is why our graduates have a reputation for being thoughtful and well educated as well as creative.

I think we must stay true to who we are and what's special about Cardozo, and then great things will flow.

However, I don't think I can answer this question without mentioning today's economic climate. This is a particularly challenging moment for all law schools and for Cardozo. How businesses hire lawyers is changing. How law firms are structured is changing. What it means to be a lawyer is changing. There is no such thing as a steady state in legal education or in life in general. So unless you are adapting you are falling behind.

DAVIS: Let's talk about the job market and the challenges that our students are facing. Have you put together a strategy to assist students in this economic climate?

DILLER: I am very focused on making sure that students emerge from Cardozo with the skills and credentials they need to navigate this changing environment as well as with the deep education in law that we are known for. As I think about our curriculum and extracurricular programs this is what stays at the forefront of our planning.

At the moment, we are responding by offering students as well as our 2009 graduates more programs, more funding for public interest positions, and more information so they can be better prepared to go out and find jobs. We have expanded the range and frequency of programs run by the Office of Career Services. These are designed to give students more information, as well as a better feel for jobs in
various sectors of the profession and in different geographic areas. For example, we held an extremely successful event in Washington, DC, this past fall at which we brought together area employers and those students interested in practicing in DC. We have another one planned for New Jersey.

We are expanding experiential offerings so students can gain valuable skills that in the past they might have attained as summer associates or in other legal positions. We have expanded the summer 2010 externship program so students can receive academic credit for their work. This winter we also ran two intensive workshops for recent graduates to bolster their skills in pretrial practice and taking depositions.

We are working hard to make this year’s public service auction bigger than ever so we are able to support a record number of students with stipends for summer work in public service settings. Our postgraduate public service stipends have been extremely important to our 2009 graduates. Thirty recipients received funding for 10-week pro bono assignments that often resulted in full-time jobs. Therefore, I’m extremely pleased that the alumni association directed the monies raised at the dinner in November—over $250,000—to funding postgraduate public service stipends for members of the class of 2010.

Finally, I have appointed a task force chaired by Dean Arthur Fama and composed of students, faculty, alumni, and administrators that is charged with proposing programs and other measures to support our students and alumni during this time of change and economic wariness.

DAVIS: Have you seen students focusing more time on getting skills and hands-on experience than they did previously?

DILLER: Yes, absolutely. All the programs Cardozo runs that help students acquire real-world lawyering skills are in huge demand, as they should be. Participation in the Paulsen Moot Court and the negotiation competitions was up dramatically this year. Applications for the Intensive Trial Advocacy Program (ITAP) were way up, so we expanded it to accommodate as many students as we could. These programs enable students to distinguish themselves and to gain the experience they need to get the jobs they want.

DAVIS: Are you looking now to expand the offerings?

DILLER: When you look at our programs you find a terrific range. ITAP is unique in the way it brings judges and lawyers from around the country to teach trial advocacy for an intensive period of time. Our clinics are fabulous. The Alternative Dispute Resolution (ADR) program is great. What I’m focused on now is identifying what’s missing from the mix. What aren’t we doing that could help prepare our students better? Then I want to see how these offerings fit together and if there is a different way to connect them to build something even better.

DAVIS: What specific changes are you considering?

DILLER: There are a few on my radar screen. We have a number of externship programs that I think we need to restructure to ensure that they are academically rigorous and that students get valuable experience. Another is hands-on training in transactional skills. ITAP is a fantastic litigation program but we don’t really have a counterpart for transactional lawyers, although parts of our ADR program—such as Negotiation—bear on transactions.

DAVIS: One of your first jobs as dean was the appointment of Ed Stein as vice dean. How did you identify him for the job, and what did you want him to bring to it?

DILLER: Having served as associate dean at Fordham, I knew fully what the job entailed and that it’s extremely demanding and time-consuming; it’s a job where difficult problems present themselves every day. The vice dean is the point person on academic and faculty issues as well as student problems. So I was looking for someone who has the judgment, resourcefulness, creativity, and patience to work through these problems. Plus I wanted someone who would be a complement and partner to me, especially while I’m getting to know the school.

In every institution, only a handful of people have the skill set to do the job. So it wasn’t hard to identify Ed. He’s done an outstanding job. We function as a team and that has been really magic.

DAVIS: Everyone says Cardozo’s faculty is its strong suit. Do you find that to be true?

DILLER: It is totally true. Cardozo has top scholars in many different fields who are known throughout legal academia. While Cardozo is known as a new school in the world of
legal practice, in the world of academia it is well established as an outstanding institution.

Since coming here, I've learned how many of our faculty members are deeply connected to their students in ways that impress me—especially for faculty who churn out so many top publications. That faculty doors are generally open is a great thing. There also seems to be a closeness between faculty and students.

I've also come to understand that for many members of the faculty, building Cardozo has been the project of their career. We have faculty who have been here since the day the doors opened or came soon thereafter, and think in terms of building an institution. What I have found particularly interesting is that this is true also of our younger faculty.

DAVIS: Will there be new faculty hires this year?
DILLER: Myriam Gilles is chairing the hiring committee. First, we always look for the most talented faculty who are the best fit for the institution: people who will be great classroom teachers, great institution builders, and brilliant scholars. There are also subject areas that we look for, but this year we have just a few openings and will probably not make many new hires.

DAVIS: Do you intend to teach at Cardozo?
DILLER: I will teach next year. Most recently, I was teaching administrative law and a seminar on regulation, which I may do again. Certainly it will be in the area of administrative law. In the past, I've also taught public interest law.

DAVIS: It is said that one of the reasons the job of dean is so difficult is that in addition to academic and administrative oversight, you must also raise funds for programs, research, and scholarships. How are you finding that challenge?
DILLER: I had not done fundraising before, although I had worked closely with alumni. So it has been an education and a challenge—one I've been enjoying because when I meet with people to ask them to support Cardozo I know I'm asking them to support something great, which makes all the difference in the world.

One thing I enjoy very much is when alums return to Cardozo after 10 or 15 or 20 years and I get to show them how the school has developed. It is a great feeling, because they are always astonished at the physical changes, the range of activities we offer, and the amount of energy they find. They always want to reengage with us.

DAVIS: How would you characterize the relationship between the law school and Yeshiva University?
DILLER: President Joel has been incredibly supportive and
helpful to me. He served as Cardozo’s associate dean and knows the institution particularly well. He has warm relationships with many of our faculty members and feels a particular connection to Cardozo, which is all to our benefit. As a lawyer, he has a good understanding of the issues we deal with.

As for the University, I was pleased to find that our administrative offices have good, close working relationships with their counterparts at Yeshiva, which makes it a pleasure to deal with the University on the day-to-day issues of running a law school. I also have come to learn that YU understands and is supportive of the idea that for a law school to be strong it has to be diverse and open to all kinds of ideas.

**DAVIS:** You’ve been spending time as well getting to know and working with the Board of Overseers.

**DILLER:** The Board has been tremendously supportive. It is a wonderful group of people—allumni from various classes, some former Cardozo parents, and a wonderful cadre of interested and committed New Yorkers—many of whom have served on the Board a long time. Cardozo is very lucky to have such a strong Board. I have been working most closely with Kathy Greenberg and Leslie Payson, who are cochairs and alums who have great love for the school and a real sense of mission and vision. There are others who are also enormously helpful and have provided me with extremely valuable advice.

**DAVIS:** There is a very collegial group of former deans that is never very far from the 10th floor of 55 Fifth Avenue. Have you found their advice and support to be valuable?

**DILLER:** They are a fabulous group. Cardozo has been very fortunate. David Rudenshtein has been tremendously generous with his time and advice. During his tenure, he really focused the school on the student experience and it shows. The level of enthusiasm that I see among our students is in large part a product of the work he did.

Paul Verkuil has been extremely helpful, too. He put in place some of the intellectual pieces that are Cardozo signature programs. The Floersheimer Center was created on Paul’s watch, as was the LL.M. program. His deanship has left a lasting mark on the school.

Monroe Price is just a fountain of ideas. Whenever I meet with him it’s like a jolt of energy. His implicit message is not
to take anything as a given; if something has been done a certain way, that doesn’t mean it needs to continue to be done that way. There’s lots of great potential out there and we should seize it. He’s great.

I recently had the opportunity to sit down with Frank Macchiarella, who’s a total pro at running an educational institution.

DAVIS: You’ve had several town hall and informal meetings with our students. Can you share what you are hearing from them about their Cardozo experience?

DILLER: The basic message is that students are very engaged and extremely enthusiastic about our academic program and the variety and kinds of extracurricular activities we provide. They are happy with the fundamental aspects of the school but anxious about the employment situation.

DAVIS: When I watched Oprah’s ‘Christmas at the White House,’ she asked President Obama what grade he would give himself for his performance. May I ask you the same question?

DILLER: Obama gave himself a B plus. So I’ll give myself a B plus as well. I’m still at a point where I’m taking in information and learning the ropes, and I don’t think I get an A until I branch out with some new initiatives and begin projects that really move the school forward.

DAVIS: Can you tell us about any of those new initiatives?

DILLER: I’ve identified a number. One thing we’ve already mentioned is the experiential side of the curriculum. I would like to continue a project that David Rudenstine embarked on—enriching the public service side of the school.

We are forming a public service council, a group of distinguished lawyers and judges to serve as an advisory body to help us take the public service program to the next level. I want to continue to bring more alumni back to the school and build a network that not only works for students, but also lets alumni help each other. This year, Cardozo had its third annual alumni dinner, which was extremely successful. I’d like to build on that success to ensure that the whole alumni organization is deeper and stronger—something it needs to be for the school to succeed.

The practice of law has grown increasingly global so I’m very focused on international programs to ensure that Cardozo continues on its upward trajectory. I’d like to bring in more international students and faculty. I’d also like to send more of our students out into the world by creating additional opportunities for international study. A longer-term project that I would like to tackle is building transnational issues more fully into our curriculum.

Simultaneously, I’m interested in building on our incredible strength in legal theory and our deep ties to legal practice. Our ability to do both superbly is really what makes Cardozo uniquely strong.

DAVIS: Since your scholarship has focused on Social Security and other social programs, I can’t help but ask your opinion of the federal health care initiative.

DILLER: I haven’t studied the particulars in any detail. However, I will say that the lack of any kind of comprehensive health care system has held this country back and put us at a great disadvantage. So I believe that although the bills pending before Congress may not be perfect they are a big step forward.

DAVIS: Is there anything you miss about Fordham?

DILLER: From my point of view, this was the right time in my life to make this move—professionally and personally. I knew it when I made the decision to come here and it’s only been confirmed since then. Being dean of Cardozo is what I want to be spending my time and energy on.

DAVIS: Imagine that we are doing this interview six or ten months from now, and I ask you what you are really happy about having accomplished. What would you answer?

DILLER: The best thing I could possibly say is that we’ve really navigated the crisis in the job market, hiring has picked up, and Cardozo is very much on the minds of legal employers. That’s not something we have much control over, but that is the single most important issue.
REMEMBERING

Samuel Heyman
1939–2010

Among Sam Heyman’s many endeavors were his devoted support of Cardozo and his service as a member of the Cardozo Board from 1980 to 1990. He was an honorary Board member from 1991 until his death in November, from complications during surgery. Sam and his wife, Ronnie, spent many hours helping Cardozo in its early years under the leadership of Dean Monroe Price—and continued their support as the law school matured. Ronnie was an active member of the Cardozo Board from 1991 to 2006, at which time she, too, became an honorary member. Sam and Ronnie’s son, Larry Heyman, graduated from Cardozo in 1997. For Cardozo, the Heyman’s most visible and influential legacy was the founding of The Samuel and Ronnie Heyman Center on Corporate Governance in 1987, which has had an extraordinary impact on the law school, on thousands of students, and on legal academics and those working in the field of corporate governance. The entire Cardozo community mourns Sam Heyman’s too-early death. He is remembered here by some who knew him well.
The Ultimate Winner

Prof. Eric Pan
Director, The Samuel and Ronnie Heyman Center on Corporate Governance

Sam Heyman was brilliant at identifying winners. In the world of business, he achieved legendary status for his skill in spotting undervalued companies. In the world of art, he amassed one of the great private collections, applying a skilled eye to acquiring new pieces. In the world of politics and government, he did more than any other person in recent memory to ensure that our country’s best university graduates would devote themselves to government service. And, in 1987, he and his wife, Ronnie, bet on Cardozo to host a new center on corporate governance.

Sam was one of the most important American business figures of the past 30 years. When Sam engineered the proxy contest in 1984 that allowed him to take control of GAF Corp., a troubled chemical and building materials company, he fired the first shot in a shareholder rights revolution that irrevocably changed Anglo-American corporate governance. Before GAF and similar transactions, professional managers ran corporations with little input from, or consideration of, the shareholders. In the 1970s, Harvard Business School Professor Myles Mace published an influential study showing that power in American corporations was often concentrated entirely in the hands of the chief executive officer. Even the boards of directors served as mere creatures of their CEO masters. Sam sought to challenge the status quo.

When Sam and Ronnie endowed The Heyman Center on Corporate Governance, they founded one of the first legal academic centers in the United States dedicated to the study of corporate governance. Sam saw before many others that the takeover battles of the 1980s were really about a failure of corporate governance. Managers and directors had grown complacent, ignoring the interests of shareholders. Sam wanted managers and directors to be held accountable to shareholders. As a result, he fought the good fight to improve corporate governance in boardrooms and shareholder meetings as well as to ensure that the subject became widely accepted in the seminar rooms and academic halls of American universities.

Later, when taking GAF private and attempting to take over Union Carbide and Borg-Warner, Sam joined an elite group of business figures who saw how access to new sources of capital could allow them to wrest corporate control away from entrenched and hostile boards and managers. But Sam was not trying to make a fast buck. He sought to create value —value that meant new jobs, products, and markets. He invested in his companies, restructured their operations, and created high-performing enterprises. Sam’s methods anticipated many of the same strategies that the leading private equity and restructuring firms are applying today.

I first met Sam and Ronnie when I joined the Cardozo faculty and became the director of The Heyman Center in the fall of 2005. While Sam’s professional reputation and achievements are well known to many, one of my great privileges was to get to know Sam personally. He was a man of intellect, substance, and ideals—a role model for every young lawyer. He believed in living up to the highest standards and expected the best of everyone around him.

Above all, however, I will remember Sam as a great patriot. Many times he told me that he believed the United States to be the greatest country in the world. For Sam, in America everything is possible and everything is achievable. He proved this many times over in his career. In this respect, Sam was the ultimate winner.

A Transformative Innovator

Monroe E. Price
Joseph and Sadie Danciger Professor of Law
Director, Howard M. Squadron Program in Law, Media, and Society

Sam Heyman was extraordinarily generous to me as a friend and supporter when I was a young dean at Cardozo in the early 1980s. Maybe it was because we had been classmates in college; maybe it was because he was intrigued by the challenge of making Cardozo—then a young, upstart institution—into a major American law school. Perhaps it was also because of his wife Ronnie’s family interest in Yeshiva University and what the institution could achieve.

Whatever the reason, Sam and Ronnie became cheerleaders and coconspirators in enriching the life of the law school. Sam made possible The Heyman Center for Corporate Governance, which Sam sought to foster at every opportunity, hoping it would support pathbreaking scholarship, convene meaningful conferences, and create opportunities for bringing talented students to Cardozo. The ambition of the center, in true Heyman-like fashion, was to help in the actual reform of corporate governance practices in the United States.

The center was to reflect Sam’s own transformative impact on American corporate practices. He had become famous (or infamous) in the halls of corporate America for his successful and innovative mode of gaining control of GAF—engineering one of the most prominent takeovers of the 1980s. And then he scared the living daylights out of a series of companies, including Union Carbide. For Cardozo, what he wanted was to see the intellectual underpinnings of his corporate strategies criticized, emulated, studied, and examined. It was and remains a lovely legacy.

I thought of all this one day last November, when more than a thousand people gathered in the cavernous, noble, and ornate Orthodox synagogue, Kehilath Jeshurun on the
East Side of Manhattan, to pay tribute to Sam. A New York street was closed for the occasion. Senator Joe Lieberman—whom Sam had supported throughout his political ascendency (and sometime decline)—spoke fondly and warmly about him, among other things crediting him with running the HIA, or Heyman Intelligence Agency, a fictitious creation that methodically and effectively paved the way for Lieberman's selection as a vice presidential candidate in 2000.

Sam picked his charitable objects carefully to maximize impact, bringing his business acumen to his philanthropy. Over the years, he and Ronnie gave, for example, $45 million to start and support the Partnership for Public Service, established to revitalize the government workforce through a variety of aggressively creative efforts. As the organization's president put it at the time of Sam's death, Sam was a "bold and visionary philanthropist who saw that a path to great social change was to invest in the capacity of our nation's government. He conceived of an organization that would restore prestige to government service and inspire a new generation into its ranks." For this and other deeds, Sam received a Presidential Citizen Medal from George Bush in 2008.

The Heymans helped Cardozo in many ways. Most touching for me was the way they opened their apartment to incoming students—talented future Cardozo alumni whom we were courting vigorously. These young people wandered, often stunned, through the jungle of wonders of the Heymans' art collection: the Lichtensteins and Cindy Shermans, the Pollocks, the de Koonings. The Heymans helped give students, in this and other ways, a sense that studying law could be a thrilling and delightful experience.

Other deans, other faculty members, a couple of decades of Cardozo students all feel the aura of the Heyman standard: the desire to connect law, corporate functioning, and public service. I was fortunate to have known Sam and Ronnie early and, as a consequence, to have had Sam's exacting leadership as a model from the beginning of my time in the Cardozo community.

Teacher and Doer

Prof. Charles Yablon
Former codirector, The Heyman Center

If there are those who teach and those who do, Sam Heyman would unquestionably be categorized as a doer. He was a man of decisive action, not just in his business career but in all aspects of his public life. Never content to simply identify or study problems, Sam always sought to fix them, and his solutions were direct and effective. Sam was far from the stereotype of an ivory-tower academic. He made things happen.

It is interesting, therefore, to note just how much time and effort Sam devoted to educational pursuits. It has been my great good fortune, as well as that of many of my colleagues and students, to have participated in one of the most important of his long-term academic projects, The Samuel and Ronnie Heyman Center on Corporate Governance. At the center's founding, corporate law was a necessary but not particularly interesting part of the standard law school curriculum, concerned with technicalities of corporate formation and obscure doctrines rarely encountered in corporate practice.

In the real business world, new and exciting things were happening, many brought about by Sam and others like him. Corporations were being acquired, through proxy fights and hostile takeovers, against the will of management, but often to the great benefit of shareholders and the larger economy. New financing vehicles, such as "junk bonds," were being introduced, as were new defensive tactics, such as "poison pills," which were of questionable legality. Emphasis was being placed on the quality of the management running America's largest corporations, and a new term, "corporate governance," arose to reflect that combination of legal, financial, and intangible factors that enabled a business to maximize shareholder return.

Sam belonged to this fast-developing corporate world, and through his efforts, The Heyman Center became a place where its legal and economic ramifications could be studied, analyzed, and debated. Sam knew all the important figures in the revolution, and with his help the center hosted talks by such major figures as T. Boone Pickens, Carl Icahn, Michael Milken, and Warren Buffett. It became the venue for conferences and talks by a growing group of academics and shareholder activists who recognized the benefits of a lively and efficient market for corporate control and supported legal rules that would encourage its development.

When the center was founded, corporate governance was just beginning to be of serious academic interest. The Heyman Center made important contributions to this change. It was a model for corporate governance centers started later at Harvard, Duke, and the University of Delaware. Today, corporate governance has become the dominant subject of study among corporate and securities law academics, as evidenced in such courses as Comparative Corporate Governance and Mergers and Acquisitions, both of which were offered at Cardozo long before they were taught elsewhere.

At Cardozo, Sam played a quiet, supportive, indispensable role. He was always there to call a hard-to-get speaker, to meet informally with a group of students, or to mingle at an important event.

Cardozo was not Sam's only foray into academia. There is a Heyman program at Harvard Law School dedicated to encouraging graduates to pursue careers in the federal government, an effort Sam expanded when he became founding chairman of the Partnership for Public Service. All these programs were quintessentially Sam: they are efforts not just to recognize problems, but to solve them.

Despite his pragmatism, his dedicated activism, and his clear-eyed focus on real-world issues, it is accurate to de-
scribe Sam Heyman as a great teacher, showing us by example how to maintain a passionate engagement with the world. His life reflected his belief that every talented individual was obliged to identify and confront real-world problems, and to apply the same intensity and effort to charitable and pro bono endeavors as to business and career.

Sam Heyman, RIP

Larry Cunningham '88
Henry St. George Tucker III Research Professor of Law
The George Washington University Law School

Sam Heyman was a lawyer, businessman, and philanthropist. Scholars and practitioners of corporate law got to know Sam as a distinctive figure in the shareholder rights movement of the 1980s. Blending his training as a lawyer with his business acumen, Sam stood out among his peers in that movement by acquiring companies he intended to manage better than the incumbent managers, rather than picking them apart or flipping them for a quick buck. In doing so, he accumulated a considerable fortune.

Scholars and friends of Cardozo knew Sam as a philanthropist and benefactor. He cofounded and endowed, with his wife, Ronnie, The Samuel and Ronnie Heyman Center on Corporate Governance, which I had the pleasure of directing during most of the 1990s. The Heyman Center was Sam and Ronnie’s way of helping educate students interested in corporate law and providing a forum to generate ideas on the subject.

The Heymans’ multimillion-dollar gift enabled us at Cardozo to award scholarships to students, support them in public interest work, underwrite their study of comparative corporate law at Oxford, fund special advanced courses, bring learned visiting scholars to campus, and host scores of roundtables, speaker series, conferences, and symposia.

The Heymans never influenced any of our activities, but were always ready to support them. Among my favorite Heyman Center events, and an example of the Heymans’ willingness to contribute both money and ideas, was Sam’s 1999 lecture “Non-Practicing Lawyers.” Sam shared with our students his insights on the value his law degree gave him in thinking about risk, ethics, and opportunities in a business context.

Another memorable event was a 1997 symposium, Warren Buffett: Lessons for Corporate America, in which Sam and Ronnie participated, and for which they hosted a delightful dinner party at their home—just one of many times that Sam and Ronnie opened their home to the Cardozo community and to me.

Sam was a generous philanthropist, a thoughtful and reflective business leader, a true friend of Cardozo, a devoted husband and father, and an abiding supporter and friend.

We all will miss him.
Federal Court or Military Commission for Guantanamo Detainees?

President Obama’s decision to prosecute some Guantanamo detainees in US federal courts and others in military commissions, and detain still others without criminal charges, has been assailed from the right and from the left. In fact, neither side’s position has been fair or fully informed.
Military Commissions?

Those on the right, led by former Vice President Cheney, criticize federal court prosecutions as a step back from the war mind-set that the Bush administration brought to the conflict with al Qaeda. Trials in federal court, they fear, expose the country to serious security risks, including the possible release of dangerous enemies within the United States. These right-wing critics base their argument on two assumptions: military commissions provide a more certain route to conviction and sentencing of defendants, and they better protect national security. Recent experience suggests that these assumptions are not correct.

Many terrorist suspects have been tried and convicted in federal court, including Jose Padilla, who was detained as an enemy combatant. Such criminal prosecutions have benefited from established procedures that have been developed over hundreds of years. Often these procedures are said to be too concerned with defendants’ rights, which, critics argue, terrorists do not deserve. But convictions won at trials that abide by standard procedures tend to be upheld when reviewed by higher courts. This outcome is particularly important in cases where the death penalty is requested, as in the 9/11 prosecutions, given the meticulous review death sentences receive on appeal.

By contrast, the procedures associated with military commissions have not been tested. The Bush administration’s attempts to convene such commissions, first by executive order and later pursuant to legislation, were stymied by endless litigation over trial procedures. Boumediene v. Bush, which found that those detained at Guantanamo have habeas corpus rights, guarantees that defendants in military trials will argue each procedure that deviates from established rules and violates their constitutional rights, leading to years of appeals and the danger of overturned convictions.

On the security front, right-wing critics argue that trials in federal courts will provide defendants with a platform from which to spread their hateful ideology. While it is true that defendants throughout history have used trials to send political messages, those messages can be transmitted from military commissions as well as from the federal courts. Both venues allow for media coverage, with courtroom closure permitted for certain reasons, such as the discussion of classified information. The suggestion from security hawks that commissions would be a closed forum from which defendants would be unable to make their arguments public is untrue.

These same critics also contend that trials in the federal courts would be inviting targets for terrorists. While that claim would be difficult to assess conclusively, the United States is already the target of terrorist groups. The reason there have been no terrorist attacks in the country since 9/11 is lack of opportunity, not lack of motive. While sensible security precautions would need to be taken no matter where the trial was held, the suggestion that US trial policy would determine the terrorists’ actions suggests a greater level of control over those actions than exists.

Federal Courts?

On the left, critics argue that the government should use only the federal courts and adopt a “prosecute or release” model for detainees. These groups feel that the past success of terrorism prosecutions, such as in Padilla’s case, indicates that the federal courts alone can handle all cases where detention is required. These groups also insist that prosecution in federal court is the only method consistent with the US Constitution and international law. Again, neither premise is correct.

Past success of federal court prosecutions of terrorist suspects is no proof that the government can successfully prosecute all members of al Qaeda or the Taliban who are in government custody and who might be dangerous if released. It demonstrates only that the Justice Department has been successful in assessing which cases are amenable to prosecution. Those trials do not account for instances in which the prosecutor chose not to bring a case because of faulty evidence, concerns about divulging classified information, lack of intelligence cooperation, and the like.

Some current detainees could not successfully be prosecuted in federal court. Many of those detained at Guantanamo may have been involved in activities, such as training in camps in Afghanistan, that, while illegal today, did not violate US law at the time. Others were captured by the military in circumstances that did not allow for preservation of the evidence necessary for prosecution in the federal courts. But just because they could not successfully be prosecuted does not mean they would not pose a threat to the United States and its allies if released. Indeed, around 10 percent of those detainees released from Guantanamo have returned to the fight.

It is for these reasons, among others, that the Supreme Court confirmed in Hamdi v. Rumsfeld that international law and US domestic law allow the government to detain combatants in armed conflict without criminal charges, so as to keep these individuals off the battlefield. It is also why the Military Commissions Act grants the President the authority to convene military tribunals to prosecute those accused of violations of the laws of war, with procedural rules modified to account for the realities of armed conflict.

The Answer

I believe the sensible course of action is for President Obama to preserve both a civilian path and a military path to bring the detainees to justice. If the Justice Department believes it can secure convictions of al Qaeda and Taliban members in the federal courts, that route is preferable. Successful federal court prosecutions result in sustained convictions, lengthy prison sentences and, where appropriate, execution of those responsible for heinous crimes. But when this option is not available, the President should have the prerogative to use military detention and prosecution to combat the threat posed by al Qaeda and Taliban fighters. 

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55x25]2010 • ISSUE 1 [55x62]ble security precautions would need to be taken no matter where the trial was held, the suggestion that US trial policy would determine the terrorists' actions suggests a greater level of control over those actions than exists.
Before I graduated from Cardozo, a number of law school friends asked why I had decided to join the United States Army Judge Advocate General Corps during a time of war. I had many good reasons, but one was the hope that I might make a difference for even one of our soldiers. It wasn’t until I returned home from deployment in Iraq that I received confirmation that, indeed, my work had helped ensure that at least one US soldier had come home safely.

During the 14 months I was deployed in Iraq, from February 2008 to April 2009, the majority of my time was spent in Baghdad as an international/operational law attorney at the headquarters of Multi-National Corps—Iraq (MNC-I). Under the orders of Lieutenant General Lloyd Austin III, MNC-I was responsible for the command and control of military operations overseeing the approximately 160,000 soldiers, sailors, airmen, and marines in Iraq. I was essentially in-house counsel, providing advice on all international and operational legal issues for the multinational coalition. Our division had attorneys working 24 hours a day providing answers to the near-constant flow of questions from units around Iraq.

BILATERAL SECURITY AGREEMENT
One project with which I was deeply involved was the bilateral security agreement between the United States and the government of Iraq. On January 1, 2009, this agreement changed the legal basis for US forces to stay and conduct operations in Iraq, which until then had been based on the yearly passage of a United Nations Security Council Resolution (UNSCR). In late 2007, when it was determined that the chances of the UN passing another resolution were slim, representatives from the Departments of State and Defense began negotiations to create a bilateral agreement allowing US forces to remain in Iraq to help provide security and stability once the UNSCR expired.

In the fall of 2008, as temperatures dropped to 90°F after having hovered around 130°F during the summer, there was still no agreement, and tension at MNC-I was high. Without an agreement by January 1, 2009, US forces would have no authority under international law to remain in Iraq, a sovereign nation. The concern that the US would have to withdraw abruptly from Iraq became palpable when MNC-I operational planners were given the task of developing contingency plans for a rapid drawdown of forces if no agreement was signed.
On Thanksgiving Day, as the dining facility filled with soldiers sitting down for the traditional American meal, the news spread that Iraq's Council of Representatives had finally ratified the security agreement. A week later, final approval came from the Iraq Presidency Council, leaving less than one month for coalition service members and a nearly equal number of contractors—from Kellogg, Brown, and Root's food-service providers to Triple Canopy's private security contractors—to change tactics and procedures to comply with the new security agreement.

It was my division's job to determine how the agreement would affect military operations in Iraq and then to create briefings, informational papers, and printed orders to prepare our units for the changes. It was an exhausting and exhilarating around-the-clock effort. Against the January 1 deadline we worked to distill the complex changes into language and materials used by the highest-ranking generals and the most-junior soldiers, to make sure everyone had the information he or she needed to continue the US mission most effectively.

Of all the changes brought about by the security agreement, the concession that the United States made in negotiations to give the government of Iraq the power to arrest and prosecute a member of the US military for committing a crime was the most problematic from a legal perspective. We had two great fears resulting from this compromise. We could envision a US unit engaging in an armed and violent confrontation with Iraqi security forces who might try force-fully to arrest a soldier. Second, there was the possibility that a US soldier, taken into pretrial detention, might suffer torture or death at the hands of Iraqi guards or prison inmates. Either scenario would have profound political implications for the US mission.

THE EMERGENCY CHIT
Throughout December, we grappled with finding a resolution for our concerns, eventually creating what we called the "emergency chit." The chit, a pocket-sized, laminated card with English on one side and an identical Arabic translation on the other, detailed the US interpretation of how Iraqi security forces, following the security agreement, should treat a US service member whom they accused of a crime or whom they had already arrested. It explained that US service members should be allowed to return to a coalition base and that all further actions regarding the service member's alleged crime would be handled by more-senior authorities. Service members would carry this card as a legal bulwark against Iraqi security forces taking them into custody.

Lieutenant General Austin approved the emergency chit during the last week of December and an order was sent to all the subordinate commanders in Iraq stating that every service member would have to carry it whenever he or she left a coalition base, or as we termed it, went "outside the wire." By early January, when other operational law attorneys and I traveled to various coalition bases to brief service members on the new security agreement, we found that the
large majority of them were already carrying the chit. Soon, it became standard procedure for units to conduct spot checks for the emergency chit before soldiers went outside the wire. What my colleagues and I had created became an integral part of each service member's day-to-day life in Iraq.

In April 2009, I returned home. During my tour in Iraq, I saw the number of attacks on US forces, which had spiked to nearly 700 per week during March 2008, steadily fall to less than 150 per week. I came home encouraged by the progress and proud of the work that the international/operational law division at MNC-I had accomplished, but unaware of how specifically it had positively affected our soldiers and the US mission in Iraq.

During the summer, I called the judge advocates who had replaced my unit at MNC-I. I wanted up-to-date information for a lecture I was to give at the Naval Justice School in Rhode Island on the rules of engagement in Iraq for navy and marine judge advocates who were preparing to deploy. The division's lead attorney, with whom I had briefly overlapped, helped me with my questions and then asked, "Didn't you create the emergency chit?"

Just a week earlier, he told me, a soldier driving one of our large mine-resistant trucks accidentally hit an Iraqi motorcyclist in Baghdad. When the Iraqi police came to investigate, they attempted—with the threat of violence—to take the soldier into Iraqi custody under the terms of the security agreement. The soldier reached into his uniform pocket, pulled out his emergency chit, and handed it to one of the police officers. After reading the document, the officer was unsure what to do. He used his cell phone to call the local Iraqi district judge and read the chit to him. After several minutes, the officer ended the call, turned back to the US soldier, and let him go without arrest.

It's not often that an attorney's work can have such an immediate effect, or that we can see its life-or-death significance so directly. The story told me that our work had helped ensure that one soldier would make it home safely, and reaffirmed the reasons I chose to serve during a time of war as an officer and an attorney in our nation's military.

1 The official title of the agreement was "Agreement between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq."

2 Iraqi negotiators believed this concession allowed them to show their citizens that US soldiers were not above the law and showed the international community that the government of Iraq and not the United States was in control of the country. US negotiators ultimately accepted the concession after careful consideration.

3 US service members were already familiar with this concept. The first use of a chit dates back to at least the Second Sino-Japanese War, when US pilots carried a document called a blood chit, which explained in both English and the language of the territory where operations were taking place that the individual carrying the chit was a US service member who needed help and that a reward would be offered for his safe return to US custody. Blood chits are used now by all US service members who operate in extremely hostile territory.
Representing the Underrepresented

Criminal Defense Clinic Wins More Than a Not-Guilty Verdict

When it was all over, "jurors lined up to hug the defendant," recalls Rachel Black '10, who served as co-counsel alongside her classmate Sarah Legler '10 in the trial of a young Mexican dry-cleaning worker charged with forcible touching and sexual abuse in the third degree. Until 3 o'clock that morning, Black's colleagues—four other students, plus the professors of the 2009-10 Criminal Defense Clinic—had helped her write and rehearse the closing argument. "I want to f— you," she'd begun, quoting the man who grabbed the complainant's buttocks on the stairway of her building. "Those are terrible words. But my client did not say them." The jury returned a not-guilty verdict. In the courtroom hallway, the exonerated man, his attorneys, and even some jurors wept with relief and joy. For Black, "it was life-changing."

The case, People v. Israel L., was a rare experience in many ways: a jury trial in New York County Criminal Court, where 99 percent of cases are resolved by dismissals and plea agreements; an acquittal among New York criminal verdicts that yield convictions 88 percent of the time; a client whose innocence felt indisputable to his attorneys.

For the clinic's students and their professors, Director Jonathan Oberman and Jennifer Blasser, Israel L. was a pedagogical gift, presenting a textbook's worth of doctrinal, procedural, and ethical issues, from evolving legal doctrine to high-tech forensics, from the aggressive questioning of an assault victim to what Black called the "immense privilege and heavy burden" of representing an innocent client.

The crux of the defense strategy was witness misidentification. Because the social science on the fallibility of eyewitness testimony is counterintuitive, the students brought a pretrial motion asking the judge to allow them to present an expert witness. Numerous factors could undermine the reliability of the victim's naming Israel L. as her attacker: among others, cross-racial identification (she was Asian, he Latino); the not infrequent disjuncture between a witness's certainty and the accuracy of her memory; and "memory blending" or "unconscious transference"—the
process by which a person under stress may project the face of someone she vaguely knows (the defendant, who worked in the dry cleaner’s downstairs and sometimes did chores in her building) onto that of the perpetrator, a different Hispanic man.

In the weeks leading up to the trial, oral arguments were being heard in the New York Court of Appeals on two cases—Abney and Allen—where the defense argued that the trial judges had abused their discretion in disallowing expert testimony on the use of eyewitnesses. The students read the briefs, watched the oral arguments streamed in real time, and incorporated some of the Court of Appeals judges’ questions and answers into their own presentation. Judge Robert Mandelbaum rejected the students’ motion, argued by Jennifer Congregane ’09 and Nicholas Frayn ’09. It was a blow—but also an extraordinary educational opportunity. (Later, the high court agreed with the appellants in Abney and rejected their arguments in Allen.)

Other than in the pretrial motion, the students’ arrows found their marks. At another pretrial hearing, when the prosecution mistakenly called the third, not the first, police officer to arrive during the defendant’s arrest, Joshua Moskowitz ’09 invoked the 1995 New York State Appeals Court ruling in Gates to suppress the complaining witness’s out-of-court identification of the client. The judge did. At trial, expert testimony on cell-phone transmission introduced sufficient evidence to support the testimony by witnesses and the client that he was elsewhere when the crime occurred. That clinched it for the jury.

Like the other Cardozo clinics, Criminal Defense mixes real-world experience with legal scholarship and philosophy. Under an arrangement with the Legal Aid Society, students represent indigent misdemeanor defendants in Manhattan Criminal Court from arraignment through final disposition or sentencing. The state’s student-practice rule and a student-practice order approved by the Appellate Division, First Department, allow the students to act as principal attorneys, with their clients’ consent and under the supervision and legal aegis of their professors. Students also serve as interns to Legal Aid attorneys, providing research, investigation, and other assistance, often on complex felonies.

The Criminal Defense Clinic is the latest incarnation of the Criminal Law Clinic, created 30 years ago by Lawrence Vogelman and Barry Scheck, who later joined with Peter Neufeld to found the groundbreaking Innocence Project.
within the clinic. By 1994, when Oberman—a former supervising attorney at the Neighborhood Defender Service of Harlem and the Criminal Defense Division of the New York Legal Aid Society—arrived, the Innocence Project’s postconviction appeals were jamming the clinic’s docket. Students were assisting in reading trial records and appellate briefs, interpreting testimony, writing postconviction motions, convincing authorities to release evidence—and exonerating innocent convicts. But the misdemeanor practice was shrinking, and with it students’ primary responsibility for their cases. Several years later, when the Innocence Project became independent, Dean David Rudenstine gave Oberman the go-ahead to reinvigorate the clinic with an emphasis on the shoe-leather lawyering of a misdemeanor defense practice. Blasser—who was raised in Panama and had worked in international human rights and as a Legal Aid attorney and a New York City public school teacher—joined in 2003.

As important as substantive law and nuts-and-bolt skills, say the professors, is the political education the students receive, simply by spending a year at the courthouse at 100 Centre Street. According to the New York City Criminal Justice Agency, of the 349,477 cases prosecuted in New York’s criminal courts in 2008, 83 percent of the defendants were black or Hispanic. Of the men—the lion’s share of defendants—only half worked or attended school full time; just 38 percent of the women were employed. Drug arrests made up 30 percent of docketed cases in 2008; leading the charges was the possession of less than two ounces of marijuana, a misdemeanor or violation. A study by the ACLU found that from 1997 to 2007 New York City arrested and jailed nearly 400,000 people for possession of small amounts of marijuana: 83 percent were black or Hispanic, even though government studies show that young whites smoke pot more than their cohorts of color.

Almost everyone in misdemeanor court is poor. Israel L. is an undocumented immigrant. He lives in a Bronx apartment with his partner and their infant son, four adult family members, and two other children. He works six 12-hour days; his partner labors in a laundry. Their pleasures are small: window-shopping in cut-rate stores, Dominican takeout, TV movies. Israel L. was innocent, yet frequent court dates cost him several jobs.

Nationally the growing workloads of their lawyers also exact a cost from indigent clients, who may be pressured to plead guilty to expedite their cases or wrongfully convicted.

Because the social science on the fallibility of eyewitness testimony is counterintuitive, the students brought a pretrial motion asking the judge to allow them to present an expert witness.
due to inadequate counsel. Public defenders have begun to revolt, refusing to take more cases or bringing lawsuits claiming that by underfunding their offices, states are violating the 1963 ruling in 
\textit{Gideon v. Wainwright} that the government must provide representation for people who can’t afford it.

Last year New York State imposed caseload caps on criminal lawyers and gave the city four years to comply, but progress looks doubtful. Legal Aid says nearly 83 percent of its criminal defense attorneys have caseloads far above that level—they handle an average of 718 cases a year (in mixed caseloads, a felony counts as 2.66 misdemeanors), or more than 100 at a time. When Legal Aid veteran and clinic mentor Stephanie Kaplan passed the forcible-touching case on to students she intended to ensure that every effort would be made in Israel L’s defense, something her own caseload might have made impossible. Had she not, an innocent man might have gone to prison or immigration detention.

All this, says Oberman, is the “data” from which political analyses are made. “Overwhelmingly, in misdemeanor practice, you are dealing with crimes of poverty—not just a hungry person who steals a loaf of bread, but the result of the lack of access to programs, benefits, resources, and support systems that people in different social communities are able to take advantage of. Whether you end up working as a public defender or a district attorney, you can’t do the nine-month clinic and not come away with a sense of the intersections of race, class, crime, addiction, and the criminal justice system.”

Many of the Cardozo alumni who now practice criminal defense came to law school with an understanding of these issues and a desire to address them. Julia Mattson ’01, who’d done graduate work in Greek and Latin, entered school as a paralegal aiming for the job she has now: staff attorney at the Legal Aid Society in the Bronx. Daily, Mattson encounters the system’s inequities. “Yesterday, I met a client, a lovely woman, a college student, never arrested,” she said. “She was visiting a friend. He fell and was bleeding. She called an ambulance. Just after he’d been taken to the hospital, the police stopped her in the building and arrested her for trespassing. She spent the night in jail, missed an important exam, and now has to come back to court to fight the case.” So common are such occurrences that in January 2010, Legal Aid filed a federal class action suit against New York City and its public housing authority, claiming a pattern of indiscrimination and unlawful stops and arrests of residents and visitors, purportedly to enforce trespass laws.

Los Angeles Deputy Public Defender Sasha Weiner ’08 worked in immigrants’ housing, juvenile rights, trafficked women, and refugee resettlement before and during law school. “I knew I wanted to advocate for underrepresented people,” she says.

To have that goal is one thing. It is another, however, to tell friends and family you plan a career advocating not just for the underrepresented but also for the most despised—the drug addict, the thief, the rapist. “One of the hardest questions you get asked as a public defender,” she continues, “is ‘How do you represent guilty people?’ I always had the feel-

\textbf{Sasha Weiner ’08}

Deputy Public Defender
Los Angeles County Public Defenders
Los Angeles

\textbf{David Blank}
"You don't defend guilty people. You defend the right to be innocent until proven guilty."

ing I could stand by anybody's rights—that if you don't uphold everybody's, you don't uphold anybody's. But the clinic was my first introduction to articulating what I always felt. I now have a much better means of explaining it: You don't defend guilty people. You defend the right to be innocent until proven guilty," says Weiner, who won a Cardozo Public Law Advocacy Inspire Award in 2008.

By the time they have "J.D." after their names, most criminal lawyers have resolved any qualms about representing people who probably committed crimes. Says Mattson: "I have absolutely no problem with it. The government has a lot of power; it can do anything to people. The Constitution entitles everybody to zealous representation."

The love of justice and reverence for the Constitution don't belong only to the left end of the political spectrum. Nor do all practitioners of criminal defense. Amy Kapoor '09 worked in strategic planning for the Air Force and entered law school with the idea of going into intelligence. A first-year summer internship in post-Katrina New Orleans changed her mind. "A lot of us were ignorant of the criminal justice system and especially the indigent in it," she says. Kapoor was shocked by "the lack of due process, the lack of people having anyone to defend them." Her next internship was in Legal Aid's juvenile rights division. After that she took the Criminal Defense Clinic, which she called "fantastic." With classmate Alison Brill '09, she founded Cardozo's Criminal Justice Society.

Now Kapoor is at San Diego Federal Defenders representing people charged in federal district court with illegal entry, drug importation, fraud, and other immigration-related crimes. Her military experience gives Kapoor insight into San Diego juries, largely white retired military people not generally susceptible to a heartstring-
Bronx or the border towns of Mexico: the practitioners of white-collar criminal defense.

Arthur Jakoby '83 started his career at the US Securities and Exchange Commission. As a junior lawyer there he so impressed his bosses that when he passed the bar, they pushed to fast-track his swearing-in. "That same afternoon I took my first witness testimony in federal court," he says. He was assigned to report to Seth Taube, only to discover he was also a Cardozo alum. (Taube, who is currently a partner at Baker Botts, is a member of the class of 1979.)

"It's one of the best jobs in the world," says Jakoby of the SEC, where he prosecuted insider trading, stock and accounting fraud, and stock market manipulation. "You're protecting the public and the stock market, and making sure the financial system is fair to all." To understand their adversaries' thinking, Jakoby encourages future defense attorneys to spend time working as prosecutors.

Desiring a more diverse practice, Jakoby moved in 1987 to Herrick Feinstein in New York. Now a partner, he represents companies and individuals—broker/dealers and brokerage firms, investment bankers, securities traders, banks, and corporations—accused of business crimes and of violating federal and state securities laws.

"Half my practice is white-collar defense," Jakoby says. "The other is representing corporations, especially insurance companies, that have been victimized by criminals and working with the government to help right the wrong, especially if there are individual victims." Often, his clients can be both victims and wrongdoers themselves, if sometimes unwittingly. In these cases, the client may offer the state evidence to help convict bigger culprits. The cases can be mind-bogglingly complicated, involving multiple parties, institutions, and bodies of regulation, accounting, and criminal and civil law. Their cases often track the newspaper headlines: Jakoby worked on the Enron investigations and is now representing two "feeder funds" to Bernard Madoff's fund.

Renato Stabile '97 also has 'celebrity' clients. At Gerald Lefcourt's New York firm since 1999, Stabile represents individuals and companies accused of securities fraud, mail and wire fraud, money-laundering, racketeering, extortion, embezzlement, bid-rigging, political corruption, gambling, murder, assault, and narcotics offenses, as well as the low-level antisocial infractions former New York Mayor Rudolph Giuliani dubbed "quality-of-life crimes."

One trial that made the gossip columns was that of hip-hop record producer Irv Gotti (né Lorenzo), indicted with his brother in federal court for allegedly laundering more
than $1 million of drug money through their company, formerly known as Murder Inc. Lefcourt and Stabile successfully argued that their client was the victim of guilt by association—but first they had to overcome the image cultivated by their client: the Mafia moniker, the company name and gangsta lyrics, the entourage of real or wannabe bad guys. "This is a persona," they told the jury in 2004. "The persona sold records. But don't equate it with real life."

Says Stabile, "I enjoy being the underdog, representing the little guy and hopefully litigating in a way that makes the laws fairer for everyone, not just my client." Many of Lefcourt's clients don't look much like "the little guy"—Drexel Burnham Lambert securities trader Bruce Newberg, real estate mogul Harry Helmsley, actor Russell Crowe, to name a few. But, Stabile implies, compared to the government's Goliath, everyone is David. "I'm interested in constitutional issues, in the rights of private citizens, and striking a fair balance between those rights and the need to enforce our laws," he says.

Jakoby's stint at the SEC colored his perceptions of innocence and guilt. "I never lost a case when I was with the government, because we didn't bring a case unless we believed that someone was guilty and that the evidence was overwhelming," he begins. "We understood that if we even named someone as a defendant, and it turned out we were wrong and they didn't violate the law, we had nonetheless caused them tremendous harm, monetarily and in damage to their reputation; they would never get that back. Sometimes it is pretty obvious that in fact the person committed the crime. But it's not unusual for people to fall into gray areas, and that's a judgment call. Sometimes prosecutors do not struggle with these decisions and name someone who really shouldn't be named. As a defense lawyer I can help the person being prosecuted."

No defense attorney gets to turn away a client because that client might have committed the crime. "There are clients who are guilty as sin," says Jakoby. "They did it, they intended to do it, and they knew it. For them, I try to get the best result possible. Sometimes we cooperate and they go to jail. Sometimes we don't cooperate. But it's good for the government that the criminal has competent counsel. That way society knows that anyone who takes a plea or is convicted is deserving of their fate."

Jakoby goes on to discuss the gray area. "I have had many clients—lawyers, accountants, people who are very smart and are dealing with large sums of money, some who've spent a lifetime trying to do good. But they make mistakes of judgment and don't always fully understand what they're doing. If I can convince the government to leave this person alone, I have potentially saved somebody's life. If I am not successful, their lives might be ruined even if they are later found to be innocent."

Indeed, for most of these alumni, it isn't defending the
guilty that's hardest. "The innocent clients," says Legal Aid attorney Mattson, "are the ones that keep you awake at night." The police are not so careful about arresting a street-corner kid as the SEC is to charge a Park Avenue lawyer. But in either case, says Mattson, "people often do get convicted when they are innocent, or they take a plea to get out of jail. And if you don't succeed...." She ends the sentence without stating the obvious.

Protecting individuals from the power of the state also motivates Gerald Cohen '04, a partner at Cohen & Fitch LLP in Manhattan. "I went into law school blind," admits Cohen. "I thought a tort was some kind of pie." After a few business transaction classes ("way too boring") he participated in the Innocence Project and was hooked on criminal law. Upon graduation, Cohen worked in a special economic crimes division of the Bronx DA's office, investigating insurance fraud, arson, forgeries, and identity theft. That job gave him a chance to handle complicated cases from beginning to end, and to understand the police and prosecution from the inside.

But his dream was to have his own firm, and now that he does Cohen has crafted a unique practice that combines criminal and civil law, representing the victims of civil rights violations by New York City police. Cohen's cases sometimes begin with the criminal defense of a client in situations where he sees police misconduct. "The case is dismissed, and we turn around and sue the cops" for false arrest, excessive force, falsifying evidence, or other abuses of power. One case involved the victim of an attempted robbery in Harlem, a black man shot in the leg while trying to
The one thing I'll always take away from [the clinic] was Jonathan's compassion for the clients. To the government you're a file, a number. We always were taught you represent a person, with a family and values. We used that to motivate ourselves.

escape his assailants. In the hospital, the police claimed he'd shot himself and invented the robbery to evade arrest for weapons possession. With neither gun nor witness to be found, they made that arrest anyhow. Says Cohen, "I'm not a big race-baiter. But had that been Gerald Cohen in the hospital, they would never have treated me as a suspect."

Cohen says he knows police officers "deal with some really bad people—and I obviously don't think all cops are corrupt." But police courtesy is necessary to express the presumption of innocence, he says—and respect for the citizen engenders respect for the law.

Not every graduate of a Cardozo criminal law clinic becomes a defense attorney. "The Criminal Law Clinic made a huge impact on me," recalls New York City Criminal Court Judge and acting Kings County Supreme Court Justice Suzanne Mondo '82. "Legal Aid was my dream job." She applied there; she wrote to William Kunstler; she tried for a job at a constitutional law organization. None bit. "I had all these loans," recalls Mondo. "I was desperate." So when the Brooklyn DA's office called, "I went to the interview against my will. I was embarrassed to tell my friends I was going to be a prosecutor."

Mondo has worked her way up through the New York district attorneys' hierarchy. After a two-year detour to the federal Organized Crime and Racketeering Section, she was hired to prosecute high-profile cases in Brooklyn—a man accused of killing his wife with insulin; a teacher murdered riding his bicycle in Prospect Park. Before her appointment to the bench in 1999, Mondo did her sole stint on the other side, defending unions and white-collar clients in private practice.

The surprise of this unsought career: "I have a lot of power to help people. It is extremely gratifying." As a DA, she could go easy on "a woman boosting meat at the supermarket." In the homicide division, she saw that the "disadvantaged people" she always felt akin to include victims. "Most murder victims you read about are white, educated, wealthy; the other cases never make the newspapers. But those families also lose a son, a daughter, a parent." For them, she says, "I have thoroughly embraced the role of advocate." As a judge, while she wants to resolve cases efficiently—her calendar holds 80 to 100—she can also slow the wheel. "I will never take a plea from anyone who I think didn't do the crime," she says.

Still, this dedicated victims' advocate has not lost her admiration for the lawyers she once wanted to be: "The Legal Aid people are really passionate about their cases."

Over and over, the graduates of Cardozo's Criminal Defense Clinic praise their professors for this same passion—and the compassion behind it. Jason Ser '98 is a supervisory attorney and trial team leader at Federal Defenders in San Diego—and Kapoor's senior colleague. He says the clinic gave him a strong practical foundation in trial skills, and honed his academic knowledge of criminal law—though he continues to learn on the job every day. Now known for his strategic creativity, he mentors other lawyers. "But the one thing I'll always take away from [the clinic] was Jonathan's
compassion for the clients," he says. "To the government you're a file, a number. We always were taught you represent a person, with a family and values. We used that to motivate ourselves."

The intense human contact of the job also inspires Sasha Weiner. "People who are accused or even convicted of committing crimes are often reduced to that one thing. You did a rape; you're a rapist. You stole; you're a burglar," she explains. "But when you actually talk to people, they are more than the worst thing they've ever done. I'm a daughter, a wife, a friend—and so are my clients. They are artists; they make music. Some are good, hard-working people. Some are just funny. You gain respect for the whole person."

The Cardozo Criminal Defense Clinic gives students the time, resources, and expert support to mount a zealous and highly competent defense—as Legal Aid mentor and clinic graduate Ritchie Abraham '06 put it, "to go looking for unturned stones." A student defending a man charged with assault in a bar brawl—his first-ever offense—returned to the scene numerous times to support the barkeep's impulse to drop the charges; after the case had been dismissed, the remorseful client offered a private apology. Another student duo prevented serious penalties for a young truant arrested in a contretemps with police by finding a youth counseling program to help and supervise her.

Students also are given the room to wrestle with the ethical dilemmas when, in the words of Andrew Goldstein '10, "the best decision doesn't feel like the best decision." In one class, a student representing a domestic-abuse defendant expressed ambivalence about persuading the victim to drop the charges. The lawyer's institutional obligation is clear, Oberman answered: explain that choosing to prosecute is her choice. "But you also have an obligation to that witness on a human level. And that is a rich, nuanced, different conversation." The attorney's duty to the client need not be antithetical to the complainant's, he said. "It is your ethical obligation to remonstrate with the client not to go home and become a recidivist batterer. And in a broader way—a restorative-justice way—when you talk about healing, about life, the human obligation of that conversation is manifest."

The clinic sets a high professional bar. "We teach students what it means to be zealous advocates for their clients," says Blasser. "When students enter the world as lawyers, they can reflect on their experience in the clinic—it is a standard by which they can measure their work, regardless of the field of law in which they've chosen to practice."

"If you choose to do this work, it brings a heavy load," Oberman cautioned the class. "Celebrate it, embrace it." Cardozo's alumni criminal defense attorneys are doing just that.
Christopher A. Seeger '90 Honored at Alumni Association Annual Dinner

The third annual Alumni Association dinner, held on November 16, 2009, at the Mandarin Oriental Hotel in New York, was an evening of firsts. It was the first under the tenure of Dean Matthew Diller; it was the first time more than 400 people attended (the total was 448); and a record amount was realized: more than $255,000 was earmarked for Cardozo's postgraduate stipend program for public service.

The centerpiece of the evening was the recognition of Chris Seeger '90 as Cardozo's Alumnus of the Year; who said, "It was an honor to be singled out by my alma mater, and be surrounded by my friends, family, and fellow classmates at this extraordinary dinner. It was a profoundly meaningful evening, and one that I'll remember for the rest of my life."

In presenting the award, Marc Lieberstein '92, president of the Alumni Association, noted Chris's accomplishments, which include his founding of Seeger Weiss LLP with his classmate Steve Weiss. Today, six of the firm's eight partners are Cardozo graduates. Chris is widely regarded as a respected and accomplished attorney in drug and toxic-injury cases and in personal-injury litigation. Over the years, he has served also as an adjunct professor at Cardozo, teaching trial advocacy and complex litigation. Steve and Chris provided the funding for and named the Seeger Weiss Law Review office at Cardozo.

"This year's dinner was enormously successful thanks to the extraordinarily hard work of Cardozo Board member Steve Weiss and the dinner committee, especially its chair, Alissa Makower '92," said Dean Diller. "Steve and Alissa were responsible for marshalling hundreds of alumni and guests to make this tribute to Chris truly memorable."

"Cardozo brought Chris and me together, and we now share a practice as we once shared a classroom," said Steve, a member of the Cardozo Board of Overseers. "When the Alumni Association chose to honor Chris, I wanted to help create an event that would both celebrate my friend and do justice to our shared past, by raising money to provide stipends to recent graduates working in public service. Since leaving Cardozo, we have been committed to helping our fellow graduates, and try to offer our support whenever we can."
Growing Number of Alumni Are Called “Professor”
at Nation’s Law Schools

Tom Adcock

“It’s a wonderful life, and a wonderful job,” said Lawrence A. Cunningham ’88, Henry St. George Tucker III Research Professor at George Washington University Law School, when he and fellow participants counseled some 50 Cardozo students during the daylong symposium on law school teaching held in November 2009.

He and others noted that at 33 years old, Cardozo has accomplished a great leap forward by having 15 graduates in the legal academy, thus joining the ranks of more venerable campuses producing tomorrow’s legal scholars.

“It’s very unusual for a school as new as Cardozo to have become a source of law professors,” said Dean Matthew Diller. “If you look around at schools that have regularly graduated professors, you’ll see that they constitute just a handful of campuses that have been around for a long time.”

Cardozo alumni are teaching at law schools in nine states and the District of Columbia, an achievement that was realized gradually by Melanie Leslie ’91, who joined the Cardozo faculty in 1995 after working as a litigation associate at Newark-based McCarter & English; former Dean David Rudenstein; and Prof. Michael E. Herz, director of the Floersheimer Center for Constitutional Democracy.

“We knew of this person and that person, but we never really focused on just how many of our graduates had gone into education,” said Herz. “The fact that we now have this critical mass is another sign of the law school’s maturation.”

Rudenstein said, “This is a statement about the trust and confidence the academy has in our graduates. It’s a different kind of trust than that from employers or judges. This may be the hardest trust to earn.”

Leslie, who organized the symposium, envisions it as the first of many in the cause of creating “a vital network” for Cardozo alumni as well as current students determined to break into what she termed the “right circle, the small world” of academia.

To dispel “the mystery around becoming a law professor,” as Leslie put it, she and the other Cardozo alumni professors offered students inspiration and practical tips on pursuing the academic life.

High on the list of practicalities is journal experience. “If you don’t like to write,” said Leslie, “you shouldn’t be a law professor.”

She said other principal factors considered during interviews by faculty search committees—a “very grueling and tiring” annual event in Washington, DC, under the auspices of the Association of American Law Schools—are class rank, advanced degrees in addition to a J.D., a clerkship, and work experience.

“I skipped the clerkships and instead went into transactional work at big corporations,” said Cunningham.

“But I also had four teachers here at Cardozo who got me interested in the world of ideas,” he added, naming Lester Brickman, David Carlson, Peter Lushing, and Arthur Jacobson.
While practicing law, the panelists advised, it pays to meet and mingle with legal academicians. Mary Spector '86 said it was this sort of networking with Dallas law professors that yielded her first teaching post, as an adjunct at Southern Methodist University Dedman School of Law, where she is now associate professor and director of the school's Consumer Law Project.

"It's really important to have something under your belt before you go into the [academic] market," Spector told students. "And by the way, if you've got something you've written—give it a shot. Tell your professor, 'I'd like to publish this. Can you help?""

Serendipity can lead a lawyer to academia, according to two panelists—Peter K. Yu '99, who holds the Kern Family Chair in Intellectual Property Law at Drake University Law School in Des Moines, and Raymond Patterson '96, associate director of the Saltman Center for Conflict Resolution at University of Las Vegas William S. Boyd School of Law.

As a student from Hong Kong, Yu said, "becoming an American law professor was definitely not some-thing I had in mind." But a job at Michigan State University involving telecommunications initiatives between American firms and their Asian counterparts led to a faculty position at Drake, where he now spends half the year, with summers in his native Hong Kong.

"Well, yes, there is serendipity," said Patterson, a high school chemistry teacher before he joined the faculty at Boyd Law. "Everything comes to those who wait, especially when they work like hell while waiting."

Joanne Irene Gabrynowicz '80, director of the National Remote Sensing and Space Law Center at University of Mississippi Law School, made a presentation early in the day on the new frontier of global law conventions in outer space, which she likened to the development of international maritime law.

Gabrynowicz urged students with a yen for teaching to keep an eye on the future, to "follow your heart, and someone will eventually pay you to do what you love doing. You'll have to work hard but the doors will open. You cannot believe how many."

Benjamin N. Cardozo School of Law alumni who are members of the American legal academy include, in alphabetical order, the following:

Clymer Bardsley '04
Langdon Fellow in Dispute Resolution, Moritz College of Law, Ohio State University

Lisa Catalano '93
Director of Securities Arbitration Clinic and Associate Professor of Clinical Education, St. John's University School of Law

Megan Chaney '00
Assistant Professor, University of La Verne College of Law

Lawrence Cunningham '88
Henry St. George Tucker III Research Professor, George Washington University Law School

Joanne Irene Gabrynowicz '80
Director, National Remote Sensing and Space Law Center, and Research Professor, University of Mississippi Law School

Elizabeth Goldman '90
Clinical Associate Professor, Benjamin N. Cardozo School of Law

Susan Schwab Heyman '00
Visiting Professor from Practice, Benjamin N. Cardozo School of Law

Madeline Kochen '81
Assistant Professor, University of Michigan Law School

Melanie Leslie '91
Professor, Benjamin N. Cardozo School of Law

Michael Likosky '97
Visiting Scholar, Institute for Public Knowledge, New York University, and Visiting Professor, Fordham University School of Law

Raymond Patterson '96
Professor and Associate Director of the Saltman Center for Conflict Resolution, William S. Boyd School of Law, University of Las Vegas

Carol Pauli '07
Westerfield Fellow, Loyola University College of Law (New Orleans)

Sheri Rosenberg '94
Director, Program in Holocaust and Human Rights Studies, and Director, Human Rights and Genocide Clinic, Benjamin N. Cardozo School of Law

Mary Spector '86
Codirector of Civil Clinic, Director of Consumer Law Project, and Associate Professor, Southern Methodist University Dedman School of Law

Peter Yu '99
Kern Family Chair in Intellectual Property Law, Drake University Law School
DC Alumni Offer Students Help and Guidance in Current Job Market

When the going gets tough, the tough get going, and going quickly. A speed-networking lunch in a room overlooking the US Capitol was on the agenda when 25 students traveled to Washington, DC, on a chartered bus to meet Cardozo's strong network of alumni working there.

Two panels also offered students a firsthand look at public sector careers in DC. Adam S. Lurie '00, recording secretary of the Alumni Association and staff director of...
With a new dean and a new director of alumni affairs, Cardozo took to the road to visit Cardozo graduates living outside the New York area. At a series of events throughout the fall of 2009 and continuing into the spring, Dean Matthew Diller addressed the groups and introduced his vision for the law school, and Kristen Werrell met with members of the Cardozo community.

In September, the New Jersey Alumni Club, chaired by Joe Fontak '91, a member of the Alumni Association executive committee, held a reception at the home of Rosemary Byrne '80, a member of Cardozo's Board of Overseers. Joe, who made introductory remarks, encouraged continued "alumni involvement and giving back to Cardozo."

Old Westbury Gardens provided a spectacular site for the Long Island Alumni Club reception on September 22. Attendees enjoyed a docent-led tour of the historical home and gardens.

Connecticut alumni and some from Westchester and Rockland Counties were welcomed at the home of Nancy and Nate Kacew '98. Nate is a member of the Cardozo Board of Overseers.

Prof. Sheri Rosenberg '94, director of the Holocaust and Human Rights Studies Program, hosted a lovely event in November at her home for those members of the Pennsylvania Alumni Club who live in the Philadelphia area.

In the spring, the San Francisco, Los Angeles, Boston, Washington, DC, and Florida Alumni Clubs held receptions for parents, admitted students, and alumni. Graduates shared their law school experiences and spoke about life after Cardozo. Hosts were W. Mark Levinson '81, who welcomed guests at Greenberg Traurig, LLP, in Santa Monica; Barbara Friedman '95, at Hanson Bridge LLP in San Francisco; and David Samson '93, president of the Florida Marlins, who held a reception at the team's stadium.

Alumni clubs hold social and networking events as well. The Washington, DC, group hosted a number of events this year, including a family day at the National Zoo in August and a docent-led tour of a special exhibition at the Corcoran Gallery of Art. Cardozo by the Bay—San Francisco, that is—is another active group. Among the highlights of its schedule was a dinner held in October at Cascal, followed by a performance of The Chosen, based on Chaim Potok's novel.

The Long Island Alumni Club held an event at Old Westbury Gardens.
CARDOZO WOMEN Give Scholarship to Survivor of Genocide

The first CARDOZO WOMEN networking event of the academic year was a special one. Shoshana Bookson '82, CARDOZO WOMEN chair and a member of Cardozo's Board of Overseers, named Jacqueline Murekatete '12 the inaugural recipient of the CARDOZO WOMEN scholarship. Jacqueline, who began her studies at Cardozo in August 2009, is a survivor of the Rwandan genocide and has become in recent years an internationally recognized human-rights activist for her work in genocide prevention.

Shoshana said when announcing the scholarship that Jacqueline, who has received numerous honors, including the United Nations' Global Peace and Tolerance Award, "represents the best of Cardozo and the best in all of us." In Rwanda, Jacqueline has worked to develop genocide-prevention curricula for young people and create a community center in the hope that it will empower genocide survivors to rebuild their lives. Shoshana also congratulated alumnae for their successful fundraising efforts in making the dream of law school a reality for Jacqueline and future deserving students. She urged all alumnae to surpass this year's record number of new gifts to the fund. The CARDOZO WOMEN Scholarship Endowment Fund, conceived in 2007 by Cardozo Board Vice Chair Bonnie Steingart '79 and Elaine Laurence '79, has grown tremendously this year under the leadership of Shoshana and CARDOZO WOMEN Fundraising Chair Meredith Kornreich '82.

Dean Matthew Diller said CARDOZO WOMEN is an "extraordinary group of alumni," and offered congratulations on the scholarship and thanks for their generosity and commitment to the next generation of Cardozo alumnae.

The program continued with a presentation by Prof. Daniel Ravicher, acting director of the Intellectual Property Law Program and executive director of the Public Patent Foundation (PUBPAT), a Cardozo affiliate.

CARDOZO GRADS ADMITTED TO THE US SUPREME COURT

The US Supreme Court admissions ceremony was, as always, a terrific event, with eight Cardozo alumni and one administrator admitted this year. The Cardozo group and its guests gathered in the east conference room of the Supreme Court for a continental breakfast and photographs. Adam S. Lurie ’00, staff director and counsel for oversight and investigations on the US House of Representatives Intelligence Committee, made the motion to admit the Cardozo grads, after which the group stayed to hear two arguments.

This year's admittees were Barbara J. Brandes ’79, Nafiz Cekirge ’99, Benjamin Jay Cooper '05, Zhen Huang (LL.M.) '04, Lester J. Levy '85, Christina Danette Porter '98, Stephen T. Raff '99, David Zachariah Schwartz '04, and Sherry-Ann Natasha Smith, assistant director of career services.

Congratulations to all!
1979

Thomas Benigno, who has invested in theater for many years, is one of the major producers of *Burn the Floor,* which has toured all over the world and had a limited engagement last summer at the Longacre Theatre on Broadway. The show features championship ballroom and Latin dancers.

1980

Steven S. Goldenberg, partner and cochair of the energy and public utilities practice group at Fox Rothschild LLP, has been selected to receive a 2009 President’s Award in recognition of his dedication and service to the New Jersey chapter of NAIOC, the Commercial Real Estate Development Association. Steven is a founding member of the organization’s energy master plan task force.

1982

Dawn Effron, a former medical malpractice litigation attorney and an adjunct professor at New England Law Boston (formerly New England School of Law), has been named counsel to the Zaytcoenian Center for Dispute Resolution, located in the Boston area.

1983

Susan E. D. Neuberg joined the corporate department of Cadwalader, Wickersham & Taft LLP, serving in the finance group. She will work in the Washington, DC, and New York offices.

1987

Barbara Kolsun, executive vice president and general counsel, Stuart Weitzman LLC, has co-authored *Fashion Law,* published by Fairchild Books, a division of Condé Nast Publications. Barbara and her coauthor Guillermo C. Jimenez, professor of fashion law at the Fashion Institute of Technology, conceived and edited the book to be a useful guide to this emerging field.

1988

Val Sherman is pursuing an M.F.A. degree at Columbia University’s School of the Arts Film Division. Val was recently awarded top honors for his 30 Rock teleplay, "Seeing Is Believing," which was also recognized as Best Teleplay in the 2009 Columbia University Film Festival.

1990

Richard S. Lev has been named chief compliance officer of Publicis Strategic Solutions Group (PSSG), a leading provider of multichannel message-delivery solutions for the life sciences industry. PSSG is a division of Publicis Healthcare Communications Group.

1991

Peter Smith joined Thompson Hine LLP as partner. His practice focuses on companies and individuals doing business in the telecommunications, media, entertainment, technology, and retail industry sectors.

1992

Lavi Sholem Soloway and Sebastian Alexis Dungan were married in Toronto, Canada. After the wedding, Lavi’s law partner, Noemi Masiiah ’79, led another ceremony in Water Mill, NY.

1994

Lawrence Klein and his wife Sarah welcomed a daughter, Kaetah Zivia Klein, on February 3, 2010.

1995

Steven Fromewick has opened a solo practice in New York City specializing in traffic violations.

1999

Jason Lief has joined Gersten Savage LLP as a partner. He is cochair of the firm’s intellectual property practice, focusing on patent and intellectual property litigation and counseling, with a particular concentration on the pharmaceutical industry.

"How to Handle the High Net Worth Divorce Case," an article by Frederic J. Siegel, senior matrimonial lawyer at Siegel Reilly & Conlon LLC in Stamford, CT, was published in the *Family Law Quarterly* in 2009.
1996

Hon. James D'Auguste was inducted into the New York City Civil Court on January 21, 2010.

David J. Goldsmith became a partner at Labaton Sucharow LLP, where he focuses his practice on the representation of public pension funds and institutional investors in securities litigation.

Judah Prero is an attorney for the American Chemistry Council and has been deeply involved in the legislative efforts surrounding security requirements at chemical manufacturing facilities. He has worked closely with the House of Representative's Energy and Commerce Committee on HR 2868, the Chemical Facility Anti-Terrorism Act of 2009.

1997

Shai Waisman '96 was honored with the James H. Fogelson Emerging Leadership Award given by the United Jewish Appeal–Federation of New York's Lawyers Division. Established in 1992, the award is presented annually to a young lawyer and exceptional leader who combines a highly successful legal career with an exemplary commitment to philanthropic activity. Shai was recognized for his role as one of the lead partners of Weil Gotshal & Manges LLP representing the Chapter 11 debtors in the $639 billion Lehman Brothers bankruptcy. Shai has been involved recently in large and complex restructurings, including those of American Airlines, Global Crossing, and Loral Space & Communications. Highly regarded by his peers in the legal and business communities, he was named one of New York's "40 under 40" by Crain's in 2009; an "Up and Coming" lawyer for bankruptcy/restructuring in New York by Chambers USA 2009; a "Rising Star" by Institutional Investor News in 2008; and an "Outstanding Young Restructuring Lawyer" by Turnarounds & Workouts in 2006.

Jacqueline Klosek has written The Right to Know: Your Guide to Using and Defending Freedom of Information Law in the United States, published by Praeger in June 2009. She is senior counsel in the business law department of Goodwin Procter LLP, where she practices in the intellectual property area, advising clients on issues related to data privacy and security.

Adam C. Rosenberg is the executive director of the Baltimore Child Abuse Center. Previously, he was the first male prosecutor to join the domestic violence unit of the Baltimore state attorney's office; he prosecuted hundreds of cases involving sex offenders, stalkers and predators, child pornographers, and violent abusers.


1998

Valerie Boccadore has been appointed to a two-year term on the legislative and policy committee of the International Trademark Association. She is the director and chief intellectual property counsel of Toys "R" Us, Inc., in Wayne, NJ.

Marc Rosen became a member of Kleinberg, Kaplan, Wolff & Cohen, P.C., in January, 2010. Marc joined the firm as an associate in 2006 and practices corporate and commercial litigation in the state and federal courts as well as before arbitration tribunals and regulatory agencies.

Jennifer Schneider and Mark Oh, who live in Washington, DC, were married on June 27, 2009. Jennifer is the legal adviser to Commissioner Michael J. Copps of the Federal Communications Commission, and Mark is a lawyer at the Securities and Exchange Commission's Division of Enforcement.

1999

Peter Bilfield joined Shipman & Goodwin LLP of Hartford, CT, as a partner in the firm's Stamford office. As part of the business and finance practice group, he will focus on fund formation, investment transactions, and related securities matters.

Leo Lloyd Esses and Alison Meredith Greenberg were married in November 2009 in Manhattan. Leo is the senior associate in the litigation department of Cohen Tauber Spievack & Wagner, P.C.
Five Cardozo Deans Discuss Law School’s Rapid Climb; New Awards Announced at Annual Meeting

It wasn’t just business as usual at the January 2010 Alumni Association annual meeting. For the first time, all five of Cardozo’s living deans met on the same panel to discuss what it takes to make a “top 50” law school in less than 35 years. In 2009, Cardozo reached number 49 in the US News & World Report graduate rankings; it was the first time the magazine had listed the law school among the top 50 ABA-accredited law schools.

In addition, the Alumni Association gave two new awards that will be given annually to recognize a young alumnus or alumna and another member of the Cardozo community for supporting the law school.

More than 100 alumni attended the event. The panel, which featured Deans Frank Macchiarola, Monroe Price, David Rudenstine, and Paul Verkuil, was moderated by Dean Matthew Diller. Each of the panelists shared fond memories of his time at Cardozo. Dean Diller focused the panelists’ remarks by asking them what obstacles the law school faced during their tenure and whether they had any regrets or had made any mistakes.

Paul Verkuil jokingly remarked, “Are you going to ask us about our greatest achievements or just the problems?” He compared the deans to rugby players handing off a ball in the scrum and hoping it keeps moving forward. He attributed the leaps Cardozo made during his tenure to the active and committed Alumni Association, the hiring of Barbara Birch as director of alumni affairs, and the establishment of the Annual Fund.

David Rudenstine teased that his biggest challenge was standing on the shoulders of all the deans who came before him because they are all so tall. In a more serious vein, he explained the difficulty of taking over as dean just 10 weeks after 9/11, which forced him to be a cheerleader in a hazy and unclear environment.

Monroe Price characterized his deanship by saying, “It was not just about whether we can catch up to Fordham and Brooklyn, but it was about forming our own identity.” He said the clinical program and his work with the faculty helped define, internally, Cardozo’s great potential.

Frank Macchiarola understood Cardozo’s biggest challenge to be overcoming its relative obscurity in comparison to other top law schools. He lamented, “Reality travels at the speed of light. Reputation travels at the speed of sound.” He credited the improvement in Cardozo’s reputation to programs such as ITAP and the Innocence Project. Creating a higher profile was a top priority for Macchiarola, who also mentioned his pride in hiring Cardozo graduates such as Melanie Leslie ‘91 as professors, explaining that Cardozo could not claim to be a top school if it did not show it believed in its own graduates.

Marc Lieberstein ’92, president of the Alumni Association, announced the new awards, although neither recipient was able to attend. The Young Leadership Award, for an alumnus who has graduated within 10 years and shows support for and a leadership commitment to Cardozo, went to Adam Lurie ’00, who sent his acceptance by video. With the US Capitol building in the background, Adam, who is staff director of and counsel to the Subcommittee on Oversight and Investigation, Permanent Select Committee on Intelligence, US House of Representatives, attributed his continued involvement with Cardozo to the “extraordinary education” he received.

The Cardozo Service Award, given to an alumnus, a member of the faculty or staff, or a friend of Cardozo in recognition of his or her dedication and commitment to significantly enhancing the goals and mission of the law school, was awarded to Barbara Birch, Cardozo’s former director of alumni affairs. Joseph Fontak ’91 accepted on Barbara’s behalf.
Law Firm Challenge Is Reconcieved for 2010

Strengthening the relationship between alumni and the law school is one of Dean Matthew Diller's primary goals. As a result, he has made visits to many of the law firms that employ Cardozo alumni to talk about the law school, the services it offers alumni, and the role alumni can play as ambassadors to the legal community. The dean has explained that alumni support for the Annual Fund not only is important in supporting law school programs but is a gauge used by foundations as an indicator of satisfaction and by such ranking organizations as US News & World Report.

Several years ago, the law school began the annual Law Firm Challenge as a friendly competition to see which firm could encourage the greatest percentage of Cardozo alumni to contribute to the Annual Fund. In 2009, Jones Day won the competition, with 69 percent participation, in the category of firms with more than 10 alumni. Buchanan Ingersoll & Rooney, PC, with 100 percent participation, won for firms with fewer than 10 alumni. Well, Gotshal & Manges LLP was recognized for having raised the greatest amount.

For 2010, the Law Firm Challenge has been reconceived to add more opportunities for firms to win. Firms will now be able to compete in three categories: 21 or more alumni, 11 to 20 alumni, and fewer than 10 alumni. They can also compete for the greatest amount raised and the most leadership-level gifts ($1,000+). Winning firms will receive recognition at the law school and in Cardozo publications. We encourage all firms employing three or more Cardozo graduates to participate. The kickoff is in April, and the challenge will continue to the end of June 2010.

To sign up your firm for the Law Firm Challenge, or to schedule a visit by the dean to meet with Cardozo graduates at your firm, please email Kristen Worrell at worrell@yu.edu.

Cardozo Alumni Firm Named “Hot” by the National Law Journal

Milberg LLP, now chaired by Sandy Dumain ’81, who has successfully reorganized the firm formerly known as Milberg Weiss Bershad & Schulman, was named to and featured in National Law Journal’s prestigious Plaintiffs’ Hot List for 2009.

The feature, “Milberg Lives Long After All—and Prospects,” credited Sandy with much of the firm’s rebound. It also discussed the firm’s success in winning a $750 million settlement against Xerox Corp., which, according to the article, “rank[s] among the largest recoveries in securities litigation history and one of eight settlements the firm won this year of more than $10 million.”

INSPIRE! Every year, during Public Law Advocacy Week, members of the Cardozo community are nominated for their work in public service and are recognized at an event called Inspire! Honorees this year, shown here with Dean Diller, included Judge Michelle Schreiber ’83, Housing Court, Civil Court of the City of New York, New York County, and Paul Kushner ’97, legal director, Eviction Intervention Services. Also recognized were Susan Cohen ’82, senior staff attorney, Legal Services NYC, and chair of the New York State Breast Cancer Network; Prof. Carlton Smith, director, Cardozo Tax Clinic; Prof. Sheri Rosenberg ’94, director, Program in Holocaust and Human Rights Studies, and director, Human Rights and Genocide Clinic; and Jaya Vasandani ’10.
Erez Gilad is a partner at Stroock & Stroock & Lavan LLP, specializing in corporate restructurings and bankruptcy and out-of-court proceedings.

Eric A. Hernandez has joined the US Attorney's Office in the Southern District of Florida.

Vejay Lalla announced the birth of a son, Ketan Vejay Lalla, on October 24, 2009. He joins brother Dilan Sapna.

Adam S. Lurie is staff director and counsel for oversight and investigations on the House of Representatives Intelligence Committee. Adam supervises and conducts investigations regarding national security and intelligence collection, including whistle-blower allegations and potentially wrongful conduct by executive branch employees and government contractors. He was previously a federal prosecutor with the US Attorney’s Office in New Jersey and an attorney with Cadwalader, Wickersham & Taft LLP.

Kaaryn Marie Nailor and Demond Simmons were married in December at Bridgewaters in New York. The couple met as students at Hampton University, from which the bride graduated. Kaaryn is a program director for the Harlem Children's Zone, a non-profit organization that runs after-school programs and workshops.

Jason Okun was named partner at Fitzpatrick, Cella, Harper & Scinto. He focuses his practice on the preparation and prosecution of patent applications, opinion work, and client counseling in a wide variety of technical areas.

Myriam Sanchez-Hildenbrand has been practicing immigration law since 2002 and is an attorney with Breit & Cohen, LLP, a full-service immigration law firm.

David B. Sunshine joined Cozen O'Connor's New York office in April 2009 and is a member of the business law department. Prior to joining the firm, he was an associate with WolfBlock LLP. David practices in the intellectual property group, concentrating on patent, trademark, and copyright litigation.

Jason Halper joined Lowenstein Sandler PC as a member of the firm's litigation department, and practices in the class action and derivative litigation and tech groups. Jason was named a "Rising Star" by New Jersey Super Lawyers magazine in 2008 and 2009.

Daniel D. Regan, a former assistant district attorney in Allegheny County, PA, was nominated by Pittsburgh Mayor Luke Ravenstahl to become the city's solicitor. Citing Daniel's experience in the district attorney's office, Mayor Ravenstahl said that Daniel "has taken charge and showed great leadership in heading up big cases that ultimately resulted in a better future for many of our neighborhoods." Daniel is a partner with the Pittsburgh firm of Caputo & Caputo, P.C.

Joshua Saviano is an associate with the firm of Morrison Cohen LLP, where he practices corporate and intellectual property law. Josh is known widely for playing Paul Pfeiffer on The Wonder Years. In the TV show's final episode it was revealed that Pfeiffer would become a successful attorney. Life imitating art?

Elliot Gardner has joined Galex Wolf LLC in North Brunswick, NJ. He represents consumers in actions involving violations of state and federal consumer protection laws.

Yoshihiko Wakida (LL.M.) became a father in December 2009 with the birth of a son, Ken Wakida.

Brian S. Weiss is a contributing author of The I-140 Book, edited by Herbert A. Weiss. Brian is active in all phases of immigration and nationality law, focusing primarily on employment and family-based immigration.

Reunions

Save the Date
SUNDAY, MAY 23, 2010

REUNIONS FOR THE CLASSES OF 1980 • 1985 • 1990 • 1995 • 2000 • 2005
REUNION the act of coming together again
JANUARY GRADUATES
CELEBRATE
In December 2009, Dean Diller hosted a reception for those J.D. and LL.M. candidates graduating in January. Shown here are LL.M. graduates Alberto Bremmerman, Carlotta Preve, Astrid Heron, and Vitoria Pinhas with family and friends.

Entrepreneurial Alums Credit Law School with Success

Each year the dean invites members of the Cardozo community—alumni, parents, and friends—whose experience and expertise can help students decide on and pursue their professional goals to meet with students at informal lunches. This year, graduates who are not practicing law offered their life lessons.

Steven Krieger '85, a co-founder and principal of the Engel Berman Group, a real estate development firm, and more notably the owner of Bagel Bob's, a neighborhood store frequented by Cardozo students, visited in November 2009. In his talk, "A Law Degree Makes Lots of 'Cents," Steven emphasized how a law degree provides a skill set that will help in any career and discussed his transition from practicing law to real estate development. He also credited his success to hard work and having taken calculated risks. He encouraged students not to fear rejection, saying that the word "no" hurts only briefly, and told them that unless they take chances there is no way to know how far they can go.

William Greenblatt '82, founder and CEO of Sterling Infosystems Inc., encouraged students in his February 2010 talk to think about becoming entrepreneurs. In "There is a Life after Law School without the Practice of Law," he spoke of the satisfaction to be found in building your own business and creating equity from scratch. His message was that no matter what you do, you should strive to be the best and never sacrifice your integrity. William emphasized that even though he has never practiced law, the skills and ways of thinking he learned at Cardozo—particularly through the Socratic method—have been crucial to his success in business.
Kristen Worrell Leads Office of Alumni Affairs

Kristen Worrell, who has a record of expanding alumni organizations in educational institutions, was named Cardozo's director of alumni affairs in August 2009. Since beginning her tenure, she has put in place a plan for strengthening the alumni relations program by engaging the alumni network and creating innovative programming to bring more alumni back to the law school.

Spending time meeting and listening to alumni, Kristen is seeking to meet their needs by creating panels, area practice groups, mentoring opportunities, and other occasions to get involved with Cardozo.

Dean Matthew Diller said upon making the announcement of Kristen's appointment that her strong and creative leadership will be "integral to continuing to expand alumni participation in every area of Cardozo life. Kristen's deep experience with alumni communities will help take Cardozo to the next level."

Kristen arrived at Cardozo with a breadth of experience that includes years of leadership in alumni relations. She succeeds Barbara Birch, Cardozo's longtime director of alumni affairs, who has taken a position as Yeshiva University's senior director of alumni affairs and annual giving.

In discussing her new position, Kristen said she sees her job as "a unique opportunity to work with Cardozo at a time when there is a new dean." She said, "Working with Matthew Diller to implement a shared vision of an alumni network that will meet the needs of alumni in the 21st century is an exciting challenge that engages me creatively and professionally."

Kristen previously held positions as assistant director of development, alumni relations, and special events at the Horace Mann School in Riverdale, NY, and as assistant director of alumni relations at Columbia School of Law. Early in her career, she was a legal assistant at Dewey Ballantine, LLP, an experience that, when coupled with her years at Columbia, gave her valuable insight into the workings of a law school alumni community. Kristen holds a B.A. from Wesleyan University and an M.P.A. from Columbia University.

Top Ten Things You Can Do for Cardozo

1. Make sure Cardozo can find you! Register for the Cardozo Alumni Online Community at www.cardozo.yu.edu/alumni to update your contact information and have access to thousands of Cardozo graduates.
2. Come to at least one Alumni Association event or one Cardozo School of Law event.
3. Agree to accept phone calls from Cardozo students interested in learning about your area of practice.
4. Volunteer to mentor a Cardozo student.
5. Participate in the Law Firm Challenge, the class agent program, or both.
6. Volunteer your time (one or two hours a month) to assist the Alumni Association with one alumni- or Cardozo-sponsored event.
7. Submit one idea to the Office of Alumni Affairs (worrell@yu.edu) for how to make the Alumni Association work better.
8. Make one phone call to a fellow Cardozo alum to encourage him or her to do one of these TOP TEN THINGS.
9. Agree to coordinate one alumni- or Cardozo-sponsored event, whether CLE, networking, or social.
10. Join a Cardozo Alumni Association committee.
David Fried was elected village justice of Spring Valley, NY.

Michael James Giusto and Dr. Kimberly Alison Bleier were married in January in Hicksville, NY. Michael is an associate at Neufeld & O’Leary in NYC. His wife is completing her final year of a fellowship in pediatric emergency medicine at Schneider Children’s Hospital in New Hyde Park, NY.

Daniel N. Lewis was named director of new media communications at Sesame Workshop. He will be responsible for creating and implementing a comprehensive strategy to leverage social media to extend the workshop’s reach and influence. Daniel was previously a consultant advising startup companies on partnership and distribution deals, audience development, community management, and search-engine optimization, and held the position of general counsel and vice president of business development for Wikia, Inc.

Laura Schöe Grosshans and Jordyn A. Buchanan were married in November in New York. Laura works as a legal analyst at Bloomberg, the financial data and media company, where she is a member of the labor and employment group.

Marra Guttenplan is the fundraising advisor to the Burma Issues/Peace Way Foundation.

Sharon Herman (LL.M.) has relocated to Israel and is with the high-tech department at Herzog, Fox & Neeman, working with companies in the telecom, pharma, energy, chip, and semiconductor industries, among others.

Arkadia Marie Dela y and Joshua David Olson were married in September 2009 at Christ Episcopal Church in Cape Girardeau, MO. Arkadia is an attorney with Husch Blackwell Sanders LLP in St. Louis.

Brad C. Farber, who was an associate at Dewey & LeBoeuf LLP in Washington, DC, has joined the law firm of Brownstein Hyatt Farber Schreck LLP as an associate in its real estate and corporate & business departments. Brad previously worked on Barack Obama’s Campaign for Change, where he coordinated Jewish and business community outreach in Colorado. He also interned for US Senator Tom Daschle, Hon. Philip S. Figa of the US District Court for the District of Colorado, and the New York City District Attorney’s office.

Maud Bergkvist (LL.M.) has returned to Sweden and is a special adviser in the Swedish Ministry of Education and Research, preparing all the legal documentation necessary for the startup of a large European center for materials research.

Arkadia Marie Dela y and Joshua David Olson were married in September 2009 at Christ Episcopal Church in Cape Girardeau, MO. Arkadia is an attorney with Husch Blackwell Sanders LLP in St. Louis.

Brad C. Farber, who was an associate at Dewey & LeBoeuf LLP in Washington, DC, has joined the law firm of Brownstein Hyatt Farber Schreck LLP as an associate in its real estate and corporate & business departments. Brad previously worked on Barack Obama’s Campaign for Change, where he coordinated Jewish and business community outreach in Colorado. He also interned for US Senator Tom Daschle, Hon. Philip S. Figa of the US District Court for the District of Colorado, and the New York City District Attorney’s office.

Margaret Ellen Gertz was married in October to Eric Kuchner at the University Club in New York. Margaret is an intellectual property lawyer in Washington, DC.

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Russ Norman ’05 returned to Cardozo in November 2009 after a 14-month deployment in Iraq. Stationed now at the Aberdeen Proving Ground in Maryland, he serves as the deputy command judge advocate for the 20th Support Command. It was Russ’s first visit back to Cardozo since graduating. During a meeting with Dean Matthew Diller, Russ told of receiving a goody bag from Cardozo while he was in Basra. As a token of his appreciation for the thoughtful gift, Russ presented the dean with a flag that had flown over the Al-Faw Palace in Baghdad. (See the story on p. 34.)
**BE SOCIAL:** Social media will keep you up to date with Cardozo activities and connect you with your former classmates and Cardozo colleagues.

You can follow Cardozo on Twitter. We "tweet" at least once a day. For even more information, the Cardozo School of Law Alumni Association Facebook page is devoted to alumni news and events. Don’t miss another Cardozo gathering. View photos of alumni events, and please feel free to tag your friends!

The Cardozo Alumni group on LinkedIn will assist you with networking and will keep you informed of upcoming events and initiatives at the law school.

The Cardozo Alumni Google Map (www.cardozo.yu.edu/alumni/map) shows you where Cardozo alumni are—all over the world. We are no longer a regional law school; there are Cardozo graduates living all over the United States and in many countries across Europe and Asia. Log on now and map yourself! If you don’t have a gmail account, let us know and we will place your information on the map.

In order to view these pages and participate fully you must be a member of Facebook or LinkedIn, or have a Twitter and gmail account.


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**BLACK, ASIAN, LATINO LAW STUDENTS ASSOCIATION (BALLSA) HOLDS A REUNION**

The BALLSA Alumni Group held a fall reception in the Kathryn O. and Alan C. Greenberg Center for Student Life, providing an opportunity for alumni and students to meet and hear from Dean Matthew Dilfer. Committee member William Jefferson '92 provided a history of Cardozo's BALLSA, and the dean spoke about the importance of diversity efforts. Chair Glenda Dixon '92 provided closing remarks and encouraged support for the BALLSA endowed scholarship fund.

The BALLSA Alumni Group hosts its second annual dinner on April 21.

Lawrence Estrada '09, Amy Lién Cross '12, and Elizabeth Tharakar '12
ALUMNI: REACH OUT TO STUDENTS
AND RECENT GRADS

There are many opportunities for Cardozo alumni to become more involved in the law school through networking events, mentoring, and hiring Cardozo students and alumni. The Office of Alumni Affairs and the Alumni Association are working together to produce exciting, well-attended, and successful events to encourage such interactions.

CARDOZO CONNECTIONS

For the past several years, Cardozo Connections has been the best-attended mentoring event, bringing together alumni and students. In September, in a particularly challenging job market, more than 150 people gathered in the Cardozo lobby to network and exchange information. A special effort was made to reach out to recent graduates still in search of jobs.

Alumni shared their professional experiences and discussed what they would do differently if they were to repeat law school. Students set up appointments to meet again with their mentors, and recent graduates were put in touch with members of the Cardozo community who knew of open positions. The event was organized by the Alumni Association’s Mentor Committee and cosponsored by the Office of Career Services.

BE A CLASS AGENT
AND ENJOY THE REWARDS

The Cardozo Alumni Association, Office of Alumni Affairs, and Office of Institutional Advancement are looking for people to serve as class agents. We are seeking a group of committed alumni who will represent their class years, communicate with members of their classes, and serve as liaisons between their classes and the law school. We are seeking four or more agents per class.

The position offers a wonderful way for an agent to be in touch with friends and to make a difference in the lives of current and future Cardozo students.

For more information or to volunteer today, please contact Kristen Worrell, director of alumni affairs, at worrell@yu.edu.

2008
(continued)

Christina Holder, who spent the year in Zambia on a Uriel and Caroline Bauer Fellowship, was named the winner of ONE’s Big Read story contest. ONE is a grassroots campaign and advocacy organization, cofounded by Bono and committed to the fight against extreme poverty and preventable disease, particularly in Africa.

Jenny Prewo (LL.M.) married Nick Harbord in New York City on October 1, 2009.

Yoriko Sakai (LL.M.) has returned to Japan and works in Tokyo as a legal manager, handling patent licensing agreements and other contract and intellectual property issues at Rovi K.K., a U.S. information technology company based in Santa Clara, CA.

Christina M. Verone joined Hancock & Estabrook LLP’s litigation and zoning & land use practice. Prior to joining the firm, which is located in Syracuse, NY, Christina served as a law clerk for Justice Anthony J. Paris of the Onondaga County Supreme Court.

Angelica Walker (LL.M.) and Michelle Viana (LL.M.) have launched Viana, Walker and Associates, a New York-based firm representing small and midsize Brazilian companies in the United States doing business internationally.

2009

Evan Yagerman married Dani Rosner on January 23.

Sigit Ardianto (LL.M.) has returned to DNC Advocates in Jakarta, Indonesia, as a senior associate.

Susan Caroline Bierbaum was married in October 2009 to James Tucker LeFrak at the Wynn Resort in Las Vegas. Caroline, a marathon runner, is a founding partner of Empire Athletics Management in New York, a sports-management agency that represents track-and-field and road-racing athletes.

Florence Chollot (LL.M.) is an assistant vice president serving on the structured product execution team of the legal department at Barclays Capital in London.

Robert Garson (LL.M.), Thomas Segal (LL.M.), and Michael Steinmetz (J.D.) have opened Garson, Segal, Steinmetz LLP, a firm specializing in intellectual property and litigation and providing counseling to first-time investors in the U.S. market.

Michael Hofstaetter (LL.M.) has returned to Vienna and joined the firm Dr. Reiner and Partner, which specializes in arbitration and mediation.

Rafael A. Martinez is the manager of business affairs at RCA/Jive Label Group, a division of Sony Music Entertainment.

Tran Nguyen (LL.M.) welcomed a daughter, Jamie Anh-Minh Ngoc Nguyen, on August 15, 2009.

Robyn Weinstein and Matt Goldich were married in January in Wilmington, DE. Robyn is the director of the unemployment insurance advocacy project at Volunteers of Legal Service in New York. Her husband is a staff writer for The Late Show with David Letterman and a standup comedian.
Another Big Success for the Holiday Toy Drive

The Alumni Association and Cardozo Advocates for Battered Women worked together again this year for the Fourth Annual Toy Drive, a two-month campaign to collect new toys from corporate donors and members of the Cardozo community. Then, more than 100 alumni, students, and friends attended a party at which they wrapped approximately 1,100 toys.

With the help of the Honorable Tanya Kennedy '92, the Association of Black Women Attorneys became a cosponsor and collected toys at one of its events and at the offices of some of its members. Toys also were collected at the offices of the New York City Law Department and at Cantor, Epstein, Mazzola LLP. Some participants organized toy collections at residential buildings. Members of the faculty, as they have in previous years, offered students a reprieve from being called on in class when they brought toys for donation.

Toys were distributed to Sanctuary for Families, New York City's largest safe haven for women and children affected by domestic violence, and to the New York Foundling Group, a safe haven for abandoned children.

From left, Liana Wolczak '07, Alissa Makower '92, Mark Yagerman '79, Lauren McSwain '07, and Yomi Ajaiyeob of the Association of Black Women Attorneys
Foundation Support Grows for Cardozo Public Service Projects

Groundbreaking work in the area of public interest law has attracted more than $370,000 in new support from domestic and international foundations over the last year. These grants will strengthen some of Cardozo’s most innovative clinical programs; the funded projects have the potential to change both domestic and international policy in human rights, transitional justice, and intellectual property law.

IMMIGRATION JUSTICE CLINIC

In March 2009, the Immigration Justice Clinic (IJC), under the direction of Peter Markowitz, received a $19,250 grant from the Long Island-based Hagedorn Foundation to conduct a study and publish Constitution on ICE: A Report on Immigration Home Raid Operations. The foundation, which made the grant through its Immigration Program, is located in Port Washington, NY, and supports creative community and public-private initiatives that diminish tensions between established residents and newly arrived immigrants.

The IJC initiative was designed to restore constitutional protections to victims of warrantless home raids by Immigration and Customs Enforcement (ICE) agents. It documented the widespread Fourth Amendment violations occurring during ICE home raids in Suffolk and Nassau Counties between 2006 and 2008.

As result of the publication of Constitution on ICE, which received extensive media attention, including an editorial in The New York Times praising IJC’s work, the assistant secretary of homeland security for ICE announced that the agency had abandoned the quotas that led to many of the abuses cited in the report.

PROGRAM IN HOLOCAUST AND HUMAN RIGHTS STUDIES

For the past three years, exploring pathways for effective genocide prevention has been a major concern of the Program in Holocaust and Human Rights Studies (PHHRS), directed by Prof. Sheri Rosenberg ’94. With its 2008 international conference, R2P: The Responsibility to Protect—A Framework for Confronting Identity-based Atrocities, PHHRS established its reputation as a convenor and moderator of global discussions on the United Nations doctrine called “R2P,” which requires member nations to protect vulnerable minorities from “genocide, war crimes, ethnic cleansing, and crimes against humanity.”

When the Australian government announced an international competition for grants from the Australian Responsibility to Protect Fund, PHHRS proposed a two-year initiative that would bring together representatives of the United Nations, government officials, scholars, jurists, and activists in Africa and Asia with the purpose of defining clearly the specific actions that would prove that an enumerated crime is taking place, thereby triggering prompt intervention by national governments or the international community. Effective intervention is currently hamstrung by legal disputes over whether a crime is actually occurring, resulting in death and suffering in the conflict zone. In September 2009, the Australian fund named PHHRS as a recipient of a $139,947 grant to develop a set of specific, concrete standards to guide and inform the application of R2P in emerging-crisis situations.

PHHRS also received an $11,000 grant from the Louise and Arde Bulova Foundation in support of the Human Rights and Genocide Clinic. Dr. Sonja J. M. Cooper ’86, who serves on the Bulova board of trustees, was instrumental in the effort to obtain this grant.

PUBPAT AT CARDOZO

In November 2009, the Nathan Cummings Foundation awarded a $200,000 grant to the Public Patent Foundation (PUBPAT), a Cardozo affiliate, to pursue litigation to revoke claims on human breast cancer genes granted to a private firm by the US Patent and Trademark Office. PUBPAT, which protects the public’s interest in the patent system, was founded by Prof. Daniel B. Ravicher, who serves as the organization’s executive director. Ravicher is also the acting director of the Intellectual Property Law Program at Cardozo.

The lawsuit, filed with the American Civil Liberties Union (ACLU) on behalf of four scientific organizations representing more than 150,000 geneticists, pathologists, and laboratory professionals, as well as individual researchers, breast cancer and women’s health groups, and individual women, charges that patents on two human genes associated with breast and ovarian cancer are unconstitutional and invalid.

Because the PUBPAT/ACLU lawsuit is the first that challenges the whole notion of gene patenting, its outcome could have far-reaching effects beyond the patents on the breast cancer genes. Approximately 20 percent of all human genes are patented, including genes associated with Alzheimer’s disease, muscular dystrophy, colon cancer, and asthma. Dr. Nancy Snyderman, the chief medical editor at NBC News, predicted that the lawsuit will become a landmark Supreme Court case.

The grant from the Nathan Cummings Foundation will also permit PUBPAT to challenge other undeserved patents that restrict access to health information or technologies.
Parents Enjoy Being Law Students for a Day

The Parents Brunch provides an opportunity to experience—at least briefly—life as a law school student, giving parents insight into their sons' and daughters' law school activities and professors. A record-breaking crowd of more than 400 attended this year and filled the Greenberg Center for Student Life.

Following a welcome by Stephen Cooper, a member of the Cardozo Board of Overseers and chair of the Cardozo Parents Council, attendees were offered the premiere screening of the 2009–10 Welcome to Cardozo video that features many first-year students. Lana Milojevic '11 and Zorik Peschinsky '11, cochairs of the 2010 Public Service Auction, then asked parents to attend, bid vigorously on items, and support student efforts in every way possible. Dean Matthew Diller provided an overview of legal education at Cardozo.

Parents learned quickly while sitting in on a class in Naked Contracts why Prof. Peter Goodrich has repeatedly received the student award for favorite first-year professor. Then they came to understand why Prof. Justin Hughes had repeatedly been selected best professor as they enjoyed his lecture, “How to Sound Like a Copyright Law Expert at a Cocktail Party.” The day ended with a session on how to develop a successful career strategy, offered in conjunction with the Office of Career Services.

Mark your calendars now for the 10th Annual Parents Brunch, scheduled for Sunday, November 21, 2010.
Public Service Auction Sets New Record

A record number of students applied and qualified for summer stipend assistance this year, leading to the Public Service Auction committee setting the most ambitious fundraising goal ever—$400,000. In typical Cardozo fashion, the goal was not only met but exceeded by the time the final gavel came down on March 11, 2010. The tally, which included more than $300,000 in sponsorships, came to over $430,000, surpassing all previous auctions, and paving the way for 234 students to receive a minimum of $4,000 for uncompensated public interest internships this summer.

Featuring online, silent, and live auctions, the evening was a celebration of the Cardozo community, with students, staff, faculty, alumni, parents, and friends all good-naturedly bidding against each other for everything from Starbucks and Best Buy gift cards to U2 concert tickets and extravagant vacation packages.

Cochaired by Lana Milojevic '11 and Zorik Peschinsky '11, both stipend recipients in 2009, the auction committee did the heavy lifting, donating many auction items, managing and cataloguing inventory, putting up the website and online auction, soliciting advertisements, and preparing the catalogue. Lana says of the experience, "It was great. It was also challenging because it was a tough year economically. And of course, we had a fantastic team."

The evening's high point was the live auction with the spirited and entertaining auctioneering of Sotheby's Maureen Millard and Matt Schneider '08, now an associate in the corporate department at Proskauer Rose. Matt and Maureen coaxed bids of more than $18,000 from the capacity crowd. Enthusiasm reached a crescendo when the winner of the 50/50 raffle was announced. Cody Brittain '12 took home the $25,000 portion of the $50,000 raised through the raffle sale.

Named for Board of Overseers Cochair Kathy Greenberg '82, the Public Service Auction has come of age under her leadership and grown into Cardozo's largest annual fundraising event. Strongly committed to public interest law, and just as strongly committed to Cardozo, Kathy and her husband, Alan Greenberg, were major sponsors of the event. Other supporters included Shari Redstone, BarBri, the Floersheimer Center for Constitutional Democracy, and Main Event Caterers.
Dean’s Leadership Circle

The Dean’s Leadership Circle recognizes generous members of the Cardozo community who contribute $1,000 or more to the law school’s Annual Fund. This core group of supporters inspires the entire Cardozo community with its leadership and level of commitment to making a significant difference in the life of the law school. Leadership Circle members receive special invitations to law school events throughout the year, are acknowledged in important publications, and are honored at a special recognition reception with the dean and the chair of Cardozo’s Board of Overseers. We welcome the partnership of our alumni, parents of Cardozo students and graduates, and friends in our pursuit of excellence.

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Benjamin N. Cardozo School of Law wishes to thank its many friends for their support and invaluable contributions to the vigor of intellectual life at the law school during the July 1, 2008–June 30, 2009 fiscal year.
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Benjamin N. Cardozo School of Law wishes to thank its many alumni and friends for their support of the David Rudenstine Public Service Fund from July 1, 2008, to June 30, 2009. This fund has been established to recognize and further the many excellent public service initiatives at Cardozo advanced by David Rudenstine during his tenure as dean.

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Mr. Peter Halpin '09
Rowena S. and Morris J. Harary
Joann and Robert Haynes
Darcy L. Hirsh '09
Jacqueline R. and Randall A. Hudson
Arthur I. Indursky
Alice W. Jayne '07
Nancy and *Note '98 Kacew
Alexandra W. Kajstura '08
Ruth and *Steven W. Katz
Linda and Alan Kaufthal
Jeremy S. Keenan '09
Sara Lee Kessler and Robert Miller
Adrian Kim '09
James A. Kirk '07
Lauren '94 and Matthew J. '94 Kluger
Mr. Adam Kotek '08
Wendy '80 and Robert Landes
Elaine S. Laurence '79
James C. Lee '04
Karen and Michael Lefkowitz
Jonathan F. Lemnitzer '04
Gary E. LeVien
Martin Lieberman '80
Valerie H. Lieberman '93
Rachel A. Lowery '09
Elliott Malone '09
Nicole K. Manning '06
Matthew D. Mannisto '10
Lauren Marcello '04
Scott H. Maslin '06
David F. McElhiney '11
Steven A. McGinty '85
Karen E. Mears '09
Peter B. Melamed '06
Aleksander B. Michelle '97
Barry R. Miller
Gideon J. Miller '11
Liv Mills-Carlisle '06
Jordan and Lauren Mintz
Alice and Richard Hetter
Eileen Osterman
Jane L. Okun
Elaine and Max Okun
Christine R. O'Neil '07
Dr. Philip Orbuch
Zachary A. Pali '09
Robert S. Palumbo '10
Polina Pecherskaya '09
Rachel and Myron Peikes
Debra D. Peltz '97
Haifeng Peng '06
Sara M. Perle '10
Sandra Pettit
Joseph Philip '08
Lawrence L. Piccola
Cheryl Pine '87
Zev F. Raben '08
Gary and Mima Reback
Shari E. Reshefsky
Rockwell R. Reid '04
Laurie and Lester Rives
Rhonda and Yale Robbins
Carol Roscoe and Stewart E. Sterk
Diane L. Rose '80
Jean Rosenbaum
Susan and Stanley M. Rosenblatt
Pat and John Rosenwald
Ariel Shamsi Rosenzweig
Jennifer Grubman Rothenberg '99
Carol and Malcolm Rubenstein
Rosey and Stuart R. Rudnick
Debra Z. Samuelson '90
Drue A. Santora '11
Dr. Barbara F. Sax
Andrea L. Schlosser '09
Jason A. Schuman '07
Jane C. Schuster '07
Janet Seidler-Prindle
Judy C. Self '91
Catherine C. Shearn '09
Ann and Herbert Siegel
David C. Silva '05
Robert P. Simone
Selden H. Silver
Halene Rachel-Sperber Hechtkopf
Elliott Z. Stein '05
Nancy and Donald Steinert
Mindie G. Suchinsky '83
Adele and Ronald S. Tauber
Suzanne and Michael Tennenbaum
Elsa and Reva Tranner
Claire K. Tuck '06
*Rachel L. Warren '92
Patricia S. Weiss
Debra '90 and *Stephen A. '90 Weiss
Daniel Weiss '84
James D. Wolfensohn
Janet and Barry Wolper
Ellen Yaroshefsky
Uzi Zucker
James B. Zuckernik '83

The 2009-10 Honor Roll, which acknowledges gifts made between July 1, 2009, and June 30, 2010, will be published in the next issue of Cardozo Life.

Every effort has been made to ensure the accuracy of these lists. If your name has been misprinted or omitted, please contact us so that our records can be corrected.
CARDOZO events

APRIL 30
Conference:
Acknowledging Race in an "Post-Racial" Era

MAY 23
Reunions:

MAY 2010
Conference:
"Hate Speech:" Rethinking Reputation and Remedies

JUNE 1
Commencement

JUNE 3
Conference:
International Financial and Monetary Law