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The Future of IP
A remarkable and inspiring time

CARDIZO LAW HAS BUILT A REPUTATION for strong programs in the fields of intellectual property and public service. This issue of Cardozo Life offers a look at the past and future of our intellectual property program and has a terrific photo-essay by Cardozo students who share with us their summer experiences in public service. Taken together, these stories demonstrate why Cardozo has achieved a remarkable reputation and status in the legal world. Our strength is based on equal attention to intellectual depth and practical skills.

The students who provided essays on their summers of public service offer a window into the rich and varied work done each year by hundreds of their schoolmates. I am proud of them and the support they receive through our annual public service auction, which will be held this year on April 7. I hope to see you there.

One of the early pioneers in intellectual property (IP), Cardozo Law built on New York City’s status as the media and arts capital of the world, establishing ties throughout the city and attracting an outstanding full-time and adjunct faculty. Today, new faculty hires and increased curriculum offerings continue to make our program one of the most well rounded—with a range of courses from Internet law to patent and media law. Always on the front lines, we established the Arts & Entertainment Law Journal in 1982, and in 2011 we will introduce the first Indie Film Clinic, which will provide legal services to filmmakers.

As a result of the excellence of our IP program, we now boast a large roster of alumni who are highly accomplished practitioners in the field and who give back to their alma mater. In addition to those alumni you will read about in this issue, there is Julie Swidler ’82, executive vice president for business affairs and general counsel at Sony Music Entertainment, and Andrew Thau ’91, chief operating officer and general counsel for United Talent Agency, who recently came to campus to meet with students. They demonstrated how lucky we are to have such impressive alumni to offer our students advice on broad strategic goals, as well as how to break into the current job market.

I would be remiss not to mention that Supreme Court Justices Sandra Day O’Connor and Stephen Breyer were here this fall to honor former dean Paul Verkuil. Then, the Alumni Association at its annual dinner honored David Samson ’93, president of the Florida Marlins, and the Honorable Dianne Renwick ’86, New York State Supreme Court Justice for the Appellate Division, First Department, for their extraordinary careers.

It has been a remarkable and inspiring time at Cardozo and I am confident that 2011 will be all that and more. I look forward to your continued involvement with the law school in the year ahead.

MATTHEW DILLER
Dean
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Intellectual Property: Fast Forward
Cardozo has been on the front lines for 30 years. Now it’s poised for the future.
Friends Join to Honor Paul Verkuil

Cardozo celebrated the work of former dean Paul Verkuil at a conference on administrative law held in his honor on October 18. A festschrift will be published in a forthcoming issue of Cardozo Law Review. Verkuil was tapped recently by the Obama administration and then confirmed by the Senate to chair the Administrative Conference of the United States. He is charged with reinvigorating the institution with the mission of bringing efficiency, standards, and fairness to government agencies. Verkuil said, “In a world where the news cycle runs at 100 m.p.h. and bloggers, pundits, and politicians shout past each other, we are creating a forum where a politically balanced group of experts from the public and private sectors will team up to make government work better for everyone.”

At a dinner the evening before, attended by Supreme Court Justices Sandra Day O’Connor and Stephen Breyer, Dean Matthew Diller credited Verkuil’s vision with Cardozo’s growth from a strong New York law school into one that is internationally renowned. By adding housing and creating an LL.M. program, Cardozo under Verkuil attracted students from around the world, said Diller, who also commended Verkuil for creating Cardozo’s first annual fund, which now raises approximately $1 million each year.

Justice O’Connor also spoke, noting Verkuil’s many achievements, including his assignment as special master in New Jersey v. New York, a dispute over the sovereignty of Ellis Island, in which the Supreme Court, taking Verkuil’s advice, had the two states share the island.

The conference began with a panel on courts and agencies, moderated by Prof. Richard Bierschbach, that featured Justice Breyer, who spoke eloquently about the importance of administrative law in issues of regulation. There were panels as well on the public/private distinction, structuring and managing the executive branch, and the scholarship of Paul Verkuil. Other participants included administrative law scholars, including Dean Gail Agrawal of the University of Iowa, Preeta Bansal, general counsel and senior policy advisor to the White House Office of Management and Budget, Prof. John Duffy of George Washington University Law School, and Prof. Jeffrey Harrison of University of Florida Levin College of Law, who is coauthor with Verkuil of Regulation and Deregulation, who joined Cardozo faculty members Arthur Jacobson, Michel Rosenfeld, Maggie Lemos, Alex Reinert, and Michael Herz, who was senior associate dean under Verkuil.

From left, Prof. Michael Herz, Paul Verkuil, and Dean Matthew Diller

Justice Stephen Breyer

Dean Matthew Diller; Prof. Richard Bierschbach, who clerked for Justice O’Connor; Justice O’Connor; Leslie Payson, Chair, Cardozo Board of Overseers
Immigration Justice Clinic Named in Honor of Kathy Greenberg

At commencement, Dean Diller announced that the Immigration Justice Clinic will henceforth be known as the Kathryn O. Greenberg Immigration Justice Clinic. Greenberg ‘82, a member of the Board of Overseers, who for six years was its chair, has been a great supporter of the clinic since its founding in 2008. According to Dean Diller, “Kathy has earned a place in the hearts of the Cardozo community and this is a small way to recognize our affection for her.”

Students Meet Justice O’Connor

Prior to the dinner honoring Paul Verkuil, former Supreme Court Justice Sandra Day O’Connor spent an hour in conversation with Dean Diller and 250 students in the Jacob Burns Moot Court Room. The discussion was informative and advice-laden, and the former justice laced her comments with anecdotes. At the behest of Dean Diller, she told a bit about her life, growing up on a ranch in Texas and then volunteering in a district attorney’s office because no law firm would hire a woman as an associate—even one who graduated at the top of her class from Stanford Law School. O’Connor is currently engaged in a program to teach young people about the value of the courts and is speaking out against judicial elections, which O’Connor says undermine the independence of the legal system. “We are the only nation in the world that elects its judges. What’s wrong with us?”

Asked by a student if she had regrets about her decision in *Gore v. Bush*, she replied, “No. The Court did the best it could and there were some real issues in the case. And whatever the Court did, it didn’t change the vote. There were three recounts in the press. Not one of them produced a change. So relax.”
Mark Your Calendars: April 12, 2011

Public Secrets:
National Security and Secrecy from the Pentagon Papers to WikiLeaks

**Moderated by Jeffrey Brown of PBS NewsHour**

A public symposium marking the 40th anniversary of the watershed publication of the Pentagon Papers will examine their historic meaning and lessons for constitutional conflicts in the Internet age. The evening will include excerpts of never-before-heard interviews with Robert McNamara, John Mitchell, and others, as well as dramatic live debate and discussion of the meaning of the Pentagon Papers in an era of digital technology.

The battle between the Nixon administration and *The New York Times*, and the landmark Supreme Court decision to allow publication of the documents, established the rules of engagement for reporters, editors, and those in government. But the legal ramifications continue to shape national security conflicts, as the current WikiLeaks affair demonstrates.

Prof. David Rudenstine, author of *The Day the Presses Stopped*, will provide context and historical analysis in a series of documentary reports.

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**Bauer Lecture**

Prof. Suzanna Sherry of Vanderbilt University Law School delivered the annual Uri and Caroline Bauer Memorial Lecture. She offered a critical assessment of the current Supreme Court, "Four Pillars and Four Failures: The Constitutional Lapses of the Roberts Court." A written version will appear in the *Cardozo Law Review*.

**Immigration Justice Clinic Challenges Government Program**

The Kathryn O. Greenberg Immigration Justice Clinic filed a FOIA suit for government data on a program called Secure Communities that requires state and local governments to coordinate fingerprint data with FBI files for all immigrants in custody, whether or not they are charged with a crime. The program is intended to detain and deport serious criminals and those involved in terrorist organizations. Clinic students analyzed data released by the government through the suit and discovered that tens of thousands of those deported under the program had no criminal records. *The New York Times* cited the clinic in an editorial for work exposing a government “bait and switch” program.

Read the *Times* editorial at cardozo.yu.edu/baitandswitch
After receiving more than 5,516 applications—a new all-time high—for the class of 2013, Cardozo welcomed 249 full-time J.D. candidates in August. These men and women joined 30 full-time and 103 part-time students, who began their studies in January and May respectively, to make a total of 382 in the class.

In addition to the 7 percent increase in applications, there were other new statistical records set by the entering class. The median LSAT for all entering students increased one point to 163, and the median undergraduate GPA also increased, to 3.6. The LSAT score for the top quarter of the class is 166, again a full point above that of last year’s class, while that same group had a GPA of 3.74. The acceptance rate, 24.2 percent, was the lowest it has been in the past five years, and the yield was the strongest, 28.6 percent, for the same period.

Members of the class come from 35 states, the District of Columbia, and nine foreign countries. They arrived with degrees from 136 different colleges and universities, with approximately 33 percent coming directly from college. Their average age is 24, with a range between 20 and 59. Women make up 51 percent of the class, and students of color make up 23.8 percent. The top five feeder schools are NYU, Cornell, University of Pennsylvania, George Washington, and Columbia/Barnard.

Members of the class have academic and work backgrounds that are enormously diverse. Four students hold Ph.D.s—two in neuroscience; several have master’s degrees in such areas as accounting, chemistry, education, history, philosophy, physiology, and political science; and they have work experience as teachers, investment bankers, web designers, writers and editors (including a few who have written novels), professional actors, singers, songwriters, dancers, and research scientists.

There are 46 students who began an LL.M. degree program in August, 43 of them full time; 27 are women. This year, 63 percent are pursuing the General Studies LL.M. degree, compared to 40 percent of those who enrolled in fall 2009. The rest are in the Intellectual Property Program. This class is the most geographically diverse since Cardozo began offering LL.M. degrees, with 27 countries represented and more students coming from India, France, the United Kingdom, and China than elsewhere. The program has again attracted accomplished professionals from the world of law and beyond. Some members of the class worked as paralegals and case managers at New York law firms, others as solo practitioners. Like their J.D. counterparts, there are those who have worked as music producers, television producers, and entrepreneurs. Several have attained master’s degrees, one has completed a doctoral degree, and there are some pursuing doctoral degrees at such institutions as the London School of Economics, Erasmus University in Rotterdam, the Max Planck Institute for Intellectual Property, and University of Bonn School of Law.

New LL.M. Degree Candidates Most Geographically Diverse

Class of 2013 Sets New Records

From left, Alina Pesenson, Cary Adickman, Joan Acosta, and Azure Wheeler, all from the class of 2013
Cardozo Launches LL.M. Program in Dispute Resolution and Advocacy

In the spring of 2011, Cardozo will offer an LL.M. in dispute resolution, bringing to four the number of graduate degree programs available for domestic and international students. The newest program will allow lawyers to enhance their skills and to develop proficiencies in the fast-growing field of dispute resolution through a mix of practical and theoretical training. Students will develop an understanding and vision of the role of the lawyer as a counselor, problem solver, and advocate. They will fulfill an academic and a practical requirement through enrollment in one of Cardozo’s clinics, including Divorce Mediation, Holocaust Claims Restitution, Intensive Trial Advocacy, and the Mediation Clinic. Cardozo J.D. students (and students earning J.D.s from other law schools who visit Cardozo for two semesters) will be able to receive joint J.D./LL.M. degrees in seven consecutive full-time semesters rather than eight.

International Exchange Programs Added

The office of graduate and international programs announced recently that three new exchange programs have been added to the options already available. Students in the J.D. program may now apply for a semester abroad at the University of Paris X-Nanterre, the University of Roma Tre, and the University of Sydney, in addition to programs in Amsterdam, Hamburg, Budapest, Hong Kong, Tel Aviv, and Bilboa. For the January 2011 winter seminars abroad, delegations of Cardozo students and faculty will visit Ecuador and France, where they will meet with Cardozo alumni as well as government officials and lawyers. In Paris, the focus will be on comparing the French and US judicial systems, and in Quito it will be on theories and the two systems of justice in Ecuador.

Democratic Candidates for Attorney General Debate at Cardozo

Eric Scheiderman, second from left, who won the November election to replace Andrew Cuomo as New York’s Attorney General, debated his Democratic opponents at a heated forum in the Jacob Burns Moot Court Room in July. Students, invited guests, and the public attended. Sponsored by the New York Democratic Lawyers Council, the panel was moderated by Liz Benjamin, host of YNN’s Capital Tonight and a New York Daily News columnist. Shown here, from left, are Sean Coffey, a partner in Bernstein Litowitz Berger & Grossman LLP; Eric Schneiderman, who was then a state senator representing parts of Manhattan and the Bronx; Eric Dinallo, a staff member for former Attorney General Eliot Spitzer; and State Assembly Member Richard Brodsky. Nassau County District Attorney Kathleen Rice, then considered the front-runner, was a no-show.
The Most Important Case in Sports Law History?

Prof. Gabriel Feldman, director of the sports law program at Tulane Law School, presented “American Needle and the Puzzling Persistence of the Single-Entity Defense.” American Needle v. NFL was a case then pending before the Supreme Court, which subsequently, in a unanimous decision, decided against the NFL and its plea for antitrust immunity. Professor Feldman, a well-known expert in the field, has represented a variety of sports entities while in private practice and serves as a consultant for a number of sports industry clients. His talk was sponsored by the Howard Squadron Program in Law, Media and Society, the Intellectual Property Law Society, and the Sports & Entertainment Law Students Association.

Nate Boyer ’09 scored a major victory in the state’s highest court. “It is a rare event for anyone, let alone a clinic student,” to win an appeal in the New York Court of Appeals, said Clinic Director Stanley Neustadter. Boyer briefed and argued the case. Exactly one month after argument, the Court of Appeals, in a 6-to-1 ruling, reversed the assault conviction of the clinic’s client and the attendant 25-year sentence it brought (People v. McKinnon, 2010 NY Slip Op 07251). The defendant had been convicted of attempted kidnapping and first-degree assault and was sentenced to 15 years for the attempted kidnapping and to a consecutive term of 25 years on the assault charge—a total sentence of 40 years.

The key issue raised on the appeal was whether a bite wound suffered by the victim was grave enough to constitute “serious disfigurement” as defined in the assault statute. The Appellate Division affirmed the conviction, but the Appeals Clinic pursued the case to the Court of Appeals. Although he had graduated, Boyer remained on the appeal, writing the Court of Appeals briefs. By the time the case was put on the calendar for argument, he had been admitted to practice and was an associate at Hogan Lovells, which allowed him to continue on the case and argue the appeal.

A second victory in the New York State Court of Appeals was achieved in November by the Criminal Appeals Clinic. The case was argued by Prof. Jonathan Oberman, Director of the Criminal Defense Clinic. The brief was written by Joshua Moskovitz ’10 who could not argue the case because he is currently clerking for the US Court of Appeals for the 5th circuit in New Orleans. Professor Neustadter said, “It’s hard enough to get a case to the Court of Appeals, and even harder to get a reversal, but we have gotten two reversals in the course of about one month.”
An empirical study by Etan Chatlynne ’10 on patent law’s presumption of validity was published on March 5, in the Patently-O patent law blog. Moderated by Prof. Dennis Crouch of University of Missouri Law School, Patently-O is the number one patent law blog in the United States and regularly publishes studies, articles, and essays written by well-respected patent practitioners and professors. Prior to his graduation, when the study was published, Etan was a registered patent agent for Hughes Hubbard & Reed LLP, notes editor for the Cardozo Law Review, and a dean’s distinguished scholar.

Jacqueline Murekatete ’12 was recognized as one of five young social entrepreneurs with a $10,000 grant from DoSomething, an organization committed to getting teenagers to do good works. In 1994, when Jacqueline, a Tutsi from Rwanda, was nine, her parents, six siblings, and almost all of her extended family were murdered. They died in the Rwandan genocide that took some one million lives. Jacqueline was granted political asylum and came to the United States to live with an uncle. When she was 16, she began to tell her story. “I suffered through things that no human being should have to experience and people need to know what happened.” Her dream was to build a community center—a place of empowerment for young survivors, where they could meet to engage in a variety of educational and job training programs and learn about past genocides. In 2007, she started Jacqueline’s Human Rights Corner under the auspices of Miracle Corners of the World, a New York–based not-for-profit organization, and began to raise funds to realize her vision. To date, more than $300,000 has been raised and the center, about a half hour from Kigali, was completed in the summer of 2010. Jacqueline’s grant money will go toward the community center. To learn more, visit: miraclecorners.org/WhatJacquelinesCornerDoes.htm.

Cardozo Team Takes Second Place in Monroe Price Moot

In March, Cardozo’s team—one of 27 from 18 countries—took second place in the third annual Monroe E. Price International Media Law Moot Court Competition, held at Oxford University. Daniel Aires, Shafaq Khan, Amanda Shallcross Zane, and Joshua Bromberg, all from the class of 2011, were on the Cardozo team. The competition is named in honor of Price, who is the founder of the Programme in Comparative Media Law and Policy at the University of Oxford’s Centre for Socio-Legal Studies, in recognition of his lifelong devotion and outstanding contribution to the development of media freedom and the rule of law.

Founded to expand and stimulate an interest in media law and policy among students from law and other disciplines, the competition seeks to encourage students to learn about different countries’ legal systems by doing comparative study, and research on regional and international standards to cultivate their written and oral arguments. Singapore Management University and School of Law won first place.

Other Moot Court Honor Society winners include Orrie Levy ’11 and Ryan Nelson ’11, who were finalists in the Fordham University School of Law Irving R. Kaufman Memorial Securities Moot Court Competition, and Rich Trotter ’10 and Lauren Krasnoff ’10, who were quarterfinalists in the Pepperdine University School of Law National Entertainment Law Moot Court Competition.

The intramural Langfan Family Constitutional Oratory Competition is held annually at Cardozo and offers a cash prize for the top three students. Shown here, from left, are Andrew Gladstein ’10, Prof. Alex Reinert, and final round judge Zach Gelber. Orrie Levy ’11 took first place in the 2010 competition.
**THE ICC AND SUDAN**

Richard Dicker, director of the International Justice Program at Human Rights Watch; John Norris, executive director of Enough at the Center for American Progress; and Adam Smith, an associate at Covington and Burling, LLP, and the author of *After Genocide: Bringing the Devil to Justice*, discussed the International Criminal Court (ICC) and its role in the Sudanese and other conflicts. The conversation, moderated by Nicholas Katz ’11, revolved around the ICC’s 2009 arrest warrant for Sudanese President Omar Hassan Ahmad al-Bashir for war crimes and crimes against humanity and the more recent amended charges, which include genocide. The indictment and appeal have placed the ICC at the center of a very public and political conflict, eliciting strong reactions from the international community and raising questions about both the future of the ICC as an institution and its role in bringing justice and sustainable peace to postconflict states such as the Sudan.

**ROMA AND THE EUROPEAN COURT DISCUSSED**

James A. Goldston, executive director of the Open Society Justice Initiative and former legal director for the European Roma Rights Centre, joined students at a lunchtime lecture to discuss the current situation in Europe for the Roma. The Roma represent the quintessential pan-European ethnic minority, present in almost all Council of Europe member states but lacking their own territory or government. Goldston focused his discussion on the Roma rights movement and the challenge to find arguments that work to compel change outside the courtroom, in parliaments, local governments, and other centers of political power.

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**EINSTEIN–CARDozo JOINT DEGREE PROGRAM ANNOUNCED**

In February, Cardozo and the Albert Einstein College of Medicine announced a new joint degree program. The Einstein–Cardozo Master of Science Program in Bioethics (J.D./M.S.B.), a full-year program, has received accreditation and began in fall 2010 as a part-time program in which some Cardozo students have already enrolled. It will accept full-time students for the 2011–12 academic year.

According to Vice Dean Edward Stein, director of Cardozo’s Family, Policy, and Bioethics Program, the M.S.B. encompasses an array of topics of increasing importance in the overlapping domains of medicine, law, public policy, and public health. Medical issues and choices such as end of life, reproduction, the allocation of scarce health resources, protections for human research subjects, the privacy of medical information, disabilities, the role of race, class, and ethnicity in health outcomes, and access to care raise important legal questions and affect such areas as healthcare law, disability law, and elder law.

**PLESENT LECTURE ADDRESSES SAME-SEX MARRIAGE**

Connecticut Supreme Court Justice Richard N. Palmer and retired Justice David M. Borden gave this year’s Gloria and Stanley Plesent Lecture. Justice Palmer wrote the 4-to-3 majority opinion in *Kerrigan v. Commissioner of Public Health*, which overturned Connecticut’s ban on same-sex marriage; Justice Borden wrote one of the case’s three dissents. It was one of the last cases he heard prior to his retirement from the bench. Vice Dean Edward Stein moderated the discussion, which also covered the role of state courts in current challenges to marriage laws. According to Stein, although the justices wrote on different sides of the Connecticut decision, the two of them agreed on 90 percent of the cases on which they both sat, and both are sympathetic to the idea of same-sex marriage. In the majority opinion, Palmer wrote that prohibitions of same-sex marriage are unconstitutional. In the dissent, Borden argued that the issue should be left to the legislature to decide.
Kiyemba v. Obama

Center for Constitutional Rights Executive Director Vincent Warren, former US Solicitor General Gregory Garre of Latham & Watkins, Seton Hall’s Prof. Baher Azmy joined Prof. Vijay Padmanabhan to discuss *Kiyemba v. Obama* prior to its being argued in March 2010. The case concerns the authority of federal judges to order the release into the United States of Guantanamo detainees. The habeas petitioners are Uighurs, members of a Turkic minority in China, who have been held at Guantanamo for eight years and face persecution if returned to their home country.

Comparative Perspectives on Political and Legal Theology Are Voiced

Although the Enlightenment and the rise of Western political liberalism attempted to keep the public, political sphere completely secular while relegating religion to the private sphere, political theology argues that modern political systems have reoccupied the space that was once held by religious and theological systems. In an age in which political globalization has been accompanied by legal globalization, the Center for Jewish Law, directed by Prof. Suzanne Stone, felt there was a need not only for discrete studies of political and legal theology, but to bring political theology and legal theology into a productive conversation at a daylong conference. After scholars and academics grappled with the topic, a panel for the public, cosponsored with the Floersheimer Center, featured Peter Berkowitz of the Hoover Institution at Stanford University, Paul Kahn of Yale Law School, Hendrik Hartog of the department of history at Princeton University, and Samuel Moyn of the department of history at Columbia University. They discussed the concept of the qualitative uniqueness of America, an idea known as American exceptionalism, which dates back to Alexis de Tocqueville’s nineteenth-century description of American democracy as “exceptional.” The panelists addressed the nexus between American exceptionalism and the enduring relevance of political theology in contemporary American society.

Does the Election of Obama Herald a Post-Racial Era?

A two-day conference in April addressed what Prof. Michele Adams calls “a paradoxical situation” where “undeniable progress” coexists with “undeniable disparities” in American society as “the role of racism has shifted.” How should race be described, discussed, analyzed, and evaluated in public, government settings? The conference, Acknowledging Race in a “Post-Racial” Era, addressed these questions. The keynote address was offered by Theodore M. Shaw, former president of the NAACP Legal Defense and Educational Fund.

Adams, who teaches courses that cover civil rights and race discrimination, said, “The challenge now is to recognize where we need to go.” Adams assembled scholars from nine campuses, along with the corporation counsel for the city of New Haven, CT, the American Civil Liberties Union, and the Mexican American Legal Defense and Educational Fund. The participants used the arrival of slaves in Virginia in 1619 and the immigration bill signed by Arizona’s governor only six days prior to the Cardozo seminar as bookends for the discussions. In his address, Shaw, now a professor at Columbia
Law School, asked, “Post-racial America? That's nonsense. Color blindness? No. It's too rich a history to give in to some simplistic notion that we should gouge out our eyes and pretend not to see what we can all see.”

Of President Barack Obama’s ascendency to the White House, he added, “Everybody is conscious of the fact that we’re living in a time we couldn’t have imagined, [but still] we don't know how to talk about racism. I respect [Obama] and I support him, but he is a politician. He can't bear the burden of race, and I don't want him to.” (See also p. 60.)

The Peyote Case Revisited

To mark the 20th anniversary of the landmark Supreme Court case Employment Div. v. Smith, also known as the “peyote case,” the Floersheimer Center brought together scholars and practitioners to analyze the impact of the 1990 decision. The question brought to the Court was whether Oregon could deny unemployment benefits to a person fired for violating a state prohibition on the use of peyote, even though the use of the drug was part of a religious ritual. The Court held that the First Amendment’s protection of the “free exercise” of religion does not allow a person to use religion as a reason not to obey generally applicable laws. “We had no idea that a majority of the Court would use this case to recast the entire First Amendment religion clauses as it did,” said keynote speaker David Frohnmayer, president emeritus of the University of Oregon, who argued the case before the Supreme Court when he was Attorney General of Oregon. In addition, said conference organizer Prof. Marci Hamilton, who was clerking for Justice Sandra Day O’Connor in 1990, “It triggered a separation-of-powers crisis where Congress took over the First Amendment from the Court.” Congress passed the Religious Freedom Restoration Act, a statute eventually found to be unconstitutional by the Court.

Colloquium Looks at Issue of Hate Speech

In the spring of 2010, the Floersheimer Center hosted a weekly colloquium, capped by a daylong conference, The Content and Context of “Hate Speech”: Rethinking Regulation and Remedies. The participants included such leading academics as Jeremy Waldron of NYU, Stephen Holmes of NYU, Frederick Schauer of Virginia, Theodore Shaw of Columbia, and Ruti Teitel of NY Law School, and lawyers and representatives of nongovernmental organizations, including Sandra Coliver of Open Society Justice Initiative, Floyd Abrams of Cahill Gordon, Richard Winfield of International Senior Lawyers Project, Susan Benesch of World Policy Institute, Dinah PoKempner of Human Rights Watch, and Greg Lukianoff of Foundation for Individual Rights in Education, as well as Adam Liptak of The New York Times. Many of the speakers are contributors to a forthcoming book of the same title, edited by the center’s director, Prof. Michael Herz, and Cardozo visitor Peter Molnar of the Central European University.

A video news brief of the conference is available at cardozo.yu.edu and on Cardozo’s Facebook site.
EIZENSTAT RECEIVES ADVOCATE FOR PEACE AWARD

“The 21st century is going to be an incredible century of dynamism, of conflict, but of efforts to find creative ways of resolving conflicts,” said Ambassador Stuart E. Eizenstat when he received the 2010 International Advocate for Peace Award in April. “I think progress is being made in halting ways, in imperfect ways, and sometimes maddening ways. But progress is being made to both reduce areas of conflict [and] to mitigate...and then to develop alternative processes when...conflict does occur.”

The Cardozo Journal of Conflict Resolution (CJCR) presented Ambassador Eizenstat the award for his commitment to international peace building and his work on Holocaust restitution. Prof. Lela Love, director of the Kukin Program, made remarks, and Jordan Walerstein '10, CJCR’s editor-in-chief, presented the award.

For more than 15 years, Ambassador Eizenstat devoted his energy to public service. He served President Carter as chief White House domestic policy adviser. During the Clinton administration (1993–2001), he served as US Ambassador to the European Union, Undersecretary of Commerce for International Trade, Undersecretary of State for Economic, Business, and Agricultural Affairs, and Deputy Secretary of the Treasury. Currently, he heads the international practice of Covington & Burling, LLP, and focuses his expertise on international trade problems and business disputes.

CARDozo Teams Go To Paris, Hong Kong, and Vienna

Mark Irlando ’10 and Andie Schwartz ’10 traveled to Paris in February 2010, joining 43 other law school teams from 18 countries at the Fifth Annual International Chamber of Commerce (ICC) International Commercial Mediation Competition. The competition, known as the largest of its kind, set an attendance record. Cardozo’s team placed 16th. Schwartz said this “is something both of us of will remember for a lifetime.”

In March, four students went to the 17th Annual William C. Vis International Commercial Arbitration Moot in Vienna, and a group of five students, shown here, competed in the 7th Annual William C. Vis (East) International Commercial Arbitration Moot in Hong Kong. Both teams finished in the top third, competing against teams from around the world.

DivoRCE MEDIation ClINIC eNRoLLMeNT dOuBLes

The Divorce Mediation Clinic, which was offered for the first time in January 2010, has proved extremely popular with students. Enrollment doubled in the fall semester. Using cases referred by the New York court system, students learn to mediate issues raised as couples seek the dissolution of their marriages, and then mediate actual disputes. The clinic was created as part of an effort by the Office of Court Administration (OCA) to expand the use of alternative dispute-resolution mechanisms in the courthouse. Dan Weitz ’96, the statewide coordinator of the office of alternative dispute resolution of the OCA, collaborated with Robert Collins, a longtime Cardozo adjunct who teaches Divorce and Family Mediation, and Vice Dean Edward Stein. One student who participated in the clinic during the spring 2010 semester says, “Instead of theorizing about how to mediate in a classroom, or role-playing with classmates, I’ve been able to sit at the table in real mediations and develop my skills by applying and practicing them with clients.”
SIPO-CARDOZO PROGRAM EXTENDED

Tian Lipu, above with Dean Diller, commissioner of the State Intellectual Property Office of China (SIPO), with which Cardozo has had a long relationship, visited the law school in May to discuss the continuation of the joint SIPO-Cardozo programs. Commissioner Lipu explored with Dean Matthew Diller, Vice Dean Edward Stein, and Profs. Justin Hughes, Daniel Ravicher, and Felix Wu, shown above with a student, ways to strengthen and expand the programs. Every year, SIPO patent examiners come to New York to take classes at Cardozo during the fall semester, after which they receive a certificate of completion. At least one SIPO student stays through the spring semester to finish an LL.M. degree. During the summer, Cardozo faculty members visit SIPO in China and teach introductory material to prepare the examiners who will be coming to Cardozo. In addition, a group of officials from SIPO’s regional offices visit Cardozo for a two-week intensive “short course” that includes a trip to Washington, DC. Cardozo students enjoy having these officers in their classes and are granted access to the office during the annual winter minisession in China. Students who speak Mandarin act as teaching assistants and tutors for their Chinese classmates.

PUBLIC ART

Katie Hollander, below right, deputy director of Creative Time, a nonprofit that commissions public art installations, and Judith Church of Debevoise & Plimpton LLP, counsel to the organization, discussed some of the legal issues involved in exhibiting public art. The event, held in September, was cosponsored by the fine art and pro bono committees of the New York State Bar Association’s Entertainment, Arts, and Sports Law Section (EASL) and Cardozo’s Art Law Society. Carol Steinberg ’82 of EASL, at left, was a panelist.

CELEBRATING THE 300TH ANNIVERSARY OF THE ENACTMENT OF THE STATUTE OF ANNE

Before cutting a cake in celebration, panelists Daniel Gervais of Vanderbilt, Peter Jaszi of American University, and Christina Bohannon of the University of Iowa, shown here from right with students, discussed the history of Great Britain’s first copyright act and its influence on the development of US and international copyright law.
Speakers Bring Real-World Experience to Campus

Experts in the fields of corporate and business law spoke at a series of lunchtime seminars. Brandon Becker, chief legal officer of TIAA-CREF, spoke on challenges facing the investment management industry; Jeffrey F. Silverman ‘88, head of retail litigation at Morgan Stanley, discussed retail litigation and the securities industry; Eric M. Feuerstein ’95, a partner at Gibson Dunn & Crutcher LLP, reviewed recent trends in the commercial real estate market; David S. Huntington, a partner at Paul Weiss, analyzed the Dodd-Frank Wall Street Reform and Consumer Protection Act; and Marc Menchel, general counsel for regulation of FINRA, gave his perspective on booms, busts, and regulatory responses.

David Sorkin, general counsel to Kohlberg, Kravis, Roberts & Co., discussed developments in private equity; Anne Salladin, Office of the General Counsel, US Department of the Treasury, provided insight on sovereign wealth funds and the regulation of foreign direct investment; and Stephen Karotkin of Weil, Gotshal & Manges, lead bankruptcy attorney for General Motors, talked about the bankruptcy and rebirth of that company.

Young Alumni Offer Expertise

In October, a group of new alumni returned to campus to share with students some of the career lessons they have learned postgraduation. Among them were Rebecca Berrebi ’08, Rachel Kurth ’08, Benjamin Steele ’08, Jennifer Vakiener ’08, and Gabrielle Zborovsky ’09.

For a complete list of speakers and activities go to cardozo.yu.edu/heymancenter.
Systemic Risk and Regulation Discussed


Prof. Eric Pan, director of The Heyman Center, moderated the morning panel, “Perspectives on Regulation and Financial Institutions—Discussion of the Volcker Rule and Other Financial Regulatory Reform Proposals.” Speakers addressed questions on systemic risk and its role in the new financial regulatory reform, including how to prevent failure of systemically important financial institutions, what type of regulation would work, and whom we should charge with supervision of those financial institutions.

The afternoon panelists who lent their expertise on the need for systemic-risk regulation included Andrea Corcoran, founder and principal of Align International LLC, and a senior fellow at The Heyman Center; Thomas Quaadman, executive director for reporting policy and investor opportunity at the US Chamber of Commerce for Capital Markets Competitiveness; Richard Murray, CEO of Liability Dynamics Consulting, LLC, and chair of the leadership board of the US Chamber of Commerce Center for Capital Markets Competitiveness; and Marc Saidenberg, senior vice president of the bank supervision group of the Federal Reserve Bank of New York.

Global Financial Law Discussed

In June, The Heyman Center gathered academics from 17 US and foreign universities to share perspectives and discuss new scholarship in the area of corporate governance and global financial law. The two-day conference, International Financial and Monetary Law, covered such topics as redesigning the architecture of the global financial system; adapting laws and channeling politics toward robust financial regulation; the challenge of international cooperation and institutional design in financial supervision; mutual recognition in international finance; living wills as a catalyst for action; and the IMF and the future of international financial and monetary regulation.
Equating Regulatory Enforcement and Criminal Law

You have just come back from Washington, where you were counsel in the enforcement division of the Federal Energy Regulatory Commission. What led to that appointment?

I had the good fortune to know the new director of enforcement, Norman Bay, a former US Attorney in the District of New Mexico. He was a law professor at the University of New Mexico. He asked me to come in as special counsel to provide policy advice and guidance in FERC’s enforcement program.

What were some of the first roles that you took on at FERC? Soon after I arrived, we worked on a policy, which was announced in December 2009, voluntarily adopting the standards of Brady v. Maryland, which require the disclosure of exculpatory information in criminal cases. The case law is unclear whether this applies in civil enforcement actions.

Will you bring some of your FERC experiences into the core courses you teach, such as criminal law? Sure. In a lot of ways, the regulatory enforcement regime is criminal law by another mechanism. You have conduct, like market manipulation, that is both a civil regulatory violation and a criminal violation. And seeing how it is treated differently in the two systems is helpful for me and for students.

Are you excited to come back to teach? I am. I certainly missed the classroom. One of the things I missed most was the interaction with students. There is nothing like getting to meet a new group of students and helping them begin and complete their legal education.

Are you aware that there is a Facebook fan page for you? Do you have anything to say to your fans? I'm flattered. And I'm glad the pictures up there are not too embarrassing.

After your graduation from Yale in 1999 and a federal clerkship, you were an associate at Davis Polk and then a federal prosecutor for several years. What drew you to teaching? On the scholarship side, you get to think about whatever difficult legal problems you want and make the best arguments you can—which is a tremendous joy. You get to pick your problems instead of having them given to you. In the classroom, it’s the same sort of experience you get from being on a trial. But in some ways it’s even better, because it happens five days a week.

I read a 2009 law review article that draws on your degree in mathematics, called “Putting Probability Back into Probable Cause,” in which you advocate for requiring police officers to show their track records before getting search warrants. That is a new notion, is it not? Right now, law enforcement is not required to demonstrate that they have a history of success when they are making searches. Instead, you just look at the claim of probable cause in a vacuum. When I was a prosecutor, there were agents who were better and those who were worse. And it would be nice to get that information out there as judges are trying to evaluate the evidence.

What has been the reaction to your article? Mixed. Some people agree; some people have disagreed with it—which is, I guess, where you want to be in terms of scholarship. You want to be in the discussion.

Do you have a favorite case from your time as an Assistant US Attorney in Brooklyn? We did a large number of wiretaps. I tried a homicide case that basically was a hit for hire gone wrong—an individual who had been robbed of drugs and money hired some hit men who killed the wrong people. We tried one of the shooters. That was certainly a case that was striking.

You have spent most of your time in New York since graduating from law school. Do you consider yourself a New Yorker? Well, I think one of the great things about New York is that once you get here, you get to call yourself a New Yorker, no matter how long you’ve been here. I have to confess, I am a Red Sox fan.

I see you have a bridge column from The New York Times framed on your wall. That one is about me. My partner from law school and I won a bridge title in 2001. I play pretty seriously. 💚
Dean Matthew Diller announced in October the appointment of Michael Eric Herz to the newly established Arthur Kaplan Chair. Herz, director of the Floersheimer Center for Constitutional Democracy, has been a member of the Cardozo faculty since 1988, serving for seven years as vice dean. He clerked for Associate Justice Byron R. White of the Supreme Court, and served as a staff attorney for the Environmental Defense Fund. He received his J.D. in 1982 from the University of Chicago and is a 1979 graduate of Swarthmore College.

“Michael Herz has been a leader at Cardozo for more than two decades. He is a superb and renowned scholar, a brilliant teacher, and an institution builder,” says Diller. “Arthur Kaplan's gift to Cardozo will enhance intellectual life at the law school and Michael is a most fitting recipient.” Honoring the late New York attorney, the chair was funded by a $2 million gift from his estate.

Herz says, “I am touched by the generosity of this gift, and honored by the confidence in me shown by the dean and the University. Arthur Kaplan had a wonderful life in the law, setting an example to admire and emulate.”

The gift is particularly meaningful because of the familial ties between Mr. Kaplan and Cardozo. Kaplan's nephew, Jonathan Oberman, a member of the clinical faculty since 1994, is director of the Criminal Defense Clinic, and Eugene Kaplan, a founding partner of Kaplan Landau LLP, another nephew, has taught in the Intensive Trial Advocacy Program since its earliest days.

Oberman praises the Herz appointment. “I have enormous respect for Michael as a colleague and a friend. He has had a tremendous impact on this school, and his work with the Floersheimer Center has been outstanding.”

Arthur Kaplan is described by his nephews as a man who loved the law and New York, where he practiced criminal defense and handled labor matters, wills, and real estate. “Our uncle directed us as executors of his estate to give to charities relating to Jewish cultural, educational, philanthropic, medical, and religious organizations,” Eugene Kaplan said. “We decided to make one large gift to an institution that would be a lasting tribute to him.”

Leiter Lists Two Cardozo Professors as “Most Cited”
In Brian Leiter's latest rankings of High-Impact Faculty in 13 Specialty Areas (2005–9), **Ed Zelinsky** was listed as fifth-most-cited tax professor, and **Stewart Sterk** was named fifth-most-cited property law professor. Leiter writes, “Those in ‘the top ten’ are usually thought of as among the leading scholars in the area.”
Familiar and New Faces on Campus

FULL-TIME FACULTY

Susan Crawford, who taught previously at Cardozo, has returned to the faculty with an appointment as professor of law. She was named director of Cardozo’s Intellectual Property Program. Crawford was a member of the University of Michigan faculty and served in 2009 as a special assistant to President Obama for science, technology, and innovation policy. In 2010, Crawford, one of the foremost supporters of a free and open Internet, received the IP3 award in Internet Protocol from Public Knowledge, a Washington, DC, public interest group working to defend citizens’ rights in the emerging digital culture. She will teach Communications Law; Copyright; Internet Law; and Law of Surveillance.

Brett Frischmann has also joined the faculty as professor of law, having served since 2002 on the faculty of Loyola University Law School in Chicago. His writings on a wide range of intellectual property topics have appeared in the Columbia, Cornell, University of Chicago, and Minnesota law reviews and several peer-reviewed journals. Prior to his position at Loyola, he clerked for Judge Fred I. Parker of the US Court of Appeals for the Second Circuit and practiced at Wilmer, Cutler & Pickering in Washington, DC. He is currently writing a book on infrastructural resources, property rights, commons, and spillovers, to be published by Yale University Press. Frischmann holds a B.A. and an M.A. from Columbia University and received his J.D. in 2000 from Georgetown University. He will teach Advanced Copyright Seminar; Antitrust and Intellectual Property; and Copyright.

See a video interview with Susan Crawford at cardozo.yu.edu

VISITORS

In the fall 2010 semester, visitors include Stanley Fish, professor of humanities and law at Florida International University, who is the Floersheimer Distinguished Visiting Professor. Returning regular visitors Uriel Procaccia, Eric Freedman, and Christian Delage are teaching during the fall also.

Warren Zev Harvey is the Ivan Meyer Visiting Scholar, and is teaching Legal Themes in Maimonides’ Guide for the Perplexed. Harvey is chair of the department of Jewish thought at the Hebrew University of Jerusalem, where he has taught since 1977.

In the spring of 2011, returning visitors Wojciech Sadurski, Renata Salecl, and William Schabas will be on campus. Mauro Bussani, professor of private and comparative law at the University of Trieste, will visit Cardozo for the first time, teaching Comparative Law. Bussani is scientific director of the International Association of Legal Sciences and sits on the scientific councils of the Fondation pour le droit continental (Paris), the Interdisciplinary Association of Comparative and Private International Law (Vienna), and the Master of Laws in Cross-Cultural Business Practice at the Fribourg Law School–Berne Law School–Swiss Federal Institute of Technology. He has written extensively and is coeditor of the Cambridge University Press series The Common Core of European Private Law.

The Floersheimer Distinguished Fellow is Susanna Mancini, who teaches public comparative law at the University of Bologna. She returns to Cardozo for the third time and will teach Multiculturalism and the Human Rights of Women.

YEARLONG APPOINTMENTS

David Udell, a visiting professor from practice, who is founding director of the Justice Program at the Brennan Center for Justice at NYU Law School, will teach Civil and Criminal Justice Reform.

Susan Schwab Heyman ’00, who from 2002 to 2008 was an associate at Debevoise & Plimpton, will teach Contracts and Corporate Fraud.

Charles J. Maxley Jr. is spending the academic year as distinguished ADR practitioner in residence. He is an experienced litigator, arbitrator, and mediator, and is counsel to Kaplan Fox & Kilsheimer LLP.
HONORS & BOOKS

Richard Bierschbach was appointed in July 2010 cochair of the ABA Criminal Justice Section Amicus Practice Committee. The committee helps determine the appropriateness and substance of ABA amicus participation in the US Supreme Court on issues of criminal law.

Lester Brickman’s Lawyer Barons: What Their Contingency Fees Really Cost America will be published in 2010 by Cambridge University Press. According to the author, “The book is a broad and deep inquiry into how contingency fees—which provide the ‘key to the courthouse’ for injured litigants—also distort our civil justice system and endanger democratic government.”

Peter Goodrich’s documentary Auf Wiedersehen—’Til We Meet Again, which he cowrote and coproduced with Linda Mills, premiered at the Los Angeles Jewish Film Festival in May 2010. In April, he delivered “Spectres of Law: Why the History of the Legal Spectacle Has Not Been Written” at the University of California at Irvine conference Theory and Method in Legal History.

In June 2010 the Supreme Court denied the Vatican’s request to reject the Federal Court of Appeals decision to go to trial in John V. Doe v. The Holy See, a sex-abuse case, on which Marci Hamilton is the lead appellate litigator. This marks the first time the Holy See has asked the Supreme Court to hear a case on a lower court ruling in the sexual scandals that have plagued the Catholic Church. (See p. 32.)

Michael Herz, chair-elect of the ABA Section of Administrative Law and Regulatory Practice, has been named one of the 40 public members of the newly reconstituted Administrative Conference of the United States, chaired by former dean Paul Verkuil. “These 40 distinguished citizens, who together have hundreds of years of high-level experience in the government and private enterprise, have agreed to contribute their expertise and energies toward this project in collaborative governance,” said Verkuil.

Lela Love, director of the Kukin Program for Conflict Resolution and the Cardozo Mediation Clinic, received the 2010 Lifetime Achievement Award from the American College of Civil Trial Mediators. In accepting the award in July, Love promised that she will not treat it as a capstone event. “There will be more to come!”

VISITING ASSISTANT PROFESSORS

Vijay Padmanabhan continues through the academic year as a visiting assistant professor and will teach Law of War and Contemporary Conflicts; International Law; and International Human Rights.

Annie Decker and Betsy Ginsberg were named visiting assistant professors for 2010–12. Decker joins Cardozo from the Santa Clara County Counsel’s Office in San Jose, CA, where she was from 2008 to 2010 an impact litigation fellow and then an attorney. During that time, she also cotaught courses in local government at Stanford Law School and Santa Clara University Law School and supervised work conducted by students in Harvard Law School’s local-government clinic. She holds a B.A. from Harvard and an M.C.P. from the University of California at Berkeley. After receiving a J.D. from Yale, where she served as notes editor of the Yale Law Review, Decker clerked for Judge William Fletcher of the US Court of Appeals for the Ninth Circuit. She will teach Property and State and Local Government.

Ginsberg is visiting assistant clinical professor in the Kathryn O. Greenberg Immigration Justice Clinic. She comes to Cardozo from the lawyering faculty at NYU Law School and was previously a staff attorney at the Prisoners’ Rights Project of the Legal Aid Society in New York City. In her scholarship, Ginsberg explores issues relating to access to courts for civil rights litigants. She holds a J.D. from New York University and a B.A. from Wesleyan University.

PAPERS AND PANELS

Dean Matthew Diller spoke at Gray’s Inn in London as part of The Social Contract Revisited, a program sponsored by the Center for Socio-Legal Studies, the University of Oxford, and the Foundation for Law, Justice, and Society.

Vijay Padmanabhan wrote a special report for the Council on Foreign Relations that was released in April 2010. “From Rome to Kampala: The US Approach to the 2010 International Criminal Court Review
Conference" advises the US government on how it should approach that conference. It was funded by a grant from the MacArthur Foundation.

Richard Weisberg was a cochair and panelist at The Risks of Interpretive Flexibility When Basic Traditions Are Challenged by an “Emergency,” a two-day conference in August 2010 at Princeton University. Prof. Peter Brooks of Princeton’s Center for Human Values and department of comparative literature cochaired the event, which was sponsored in part by the New Jersey Council for the Humanities.

IN MEMORIAM

Family Court Judge Gertrude Mainzer, a longtime and beloved adjunct professor at Cardozo, passed away on July 8, 2010, at the age of 97. She inspired and mentored Cardozo students and graduates, many of whom went on to become family law practitioners or family court judges. At commencement in 2000, the law school gave Judge Mainzer the Monrad G. Paulsen Award for devoted service to the vitality of the ideals and purposes of legal education. David Rudenstine said of Judge Mainzer, “[She] was a gifted lawyer, remarkable judge, and a teacher of unusual capacity and stunning devotion to her students….. Gertrude was a force; she was committed to her subject and to those students who crossed her path. She inspired and elevated … and created a course of study that was important to an evolving law school and its students.”

Olga Akselrod represented Innocence Project client Freddie Peacock, who was wrongfully convicted of rape 33 years ago. Peacock was exonerated in February 2010 and became the 250th person in the United States to be exonerated by DNA evidence.

Judge Joseph A. Greenaway of the US District Court for the District of New Jersey was confirmed by the United States Senate after being nominated by President Barack Obama to the US Court of Appeals for the Third Circuit.

Jessica Roth has been appointed the reporter for an ABA task force charged with revising standards on fair trial and free press for the ABA Criminal Justice Section.

Bernhard Schlink hosted an evening of performances in March 2010 at Symphony Space in New York.

Stories by Tibor Dery and Joyce Hackett and a poem by Tennessee Williams were performed. Schlink also appeared in April in a conversation with Monroe Price at the Barnes & Noble store on West 82nd Street, discussing Price’s memoir, Objects of Remembrance: A Memoir of Viennese Dreams and American Opportunities.

Mike Stone was appointed to the Chicago Board of Option Exchange (CBOE) Business Conduct Committee (BCC) for a three-year term. The BCC, composed of industry and nonindustry members, has decision-making authority concerning possible violations within the disciplinary jurisdiction of the CBOE.

In May 2010, Leon Wildes, above, celebrated 31 years as an adjunct professor and presented for the 31st time his class on the deportation proceedings against John Lennon and Yoko Ono, whom he represented.
AN INTERVIEW WITH

Stanley Fish

BY LIAT WEINGART '11
“My role is to figure out what will get a rise out of *New York Times* readers and then write about it.”

THROUGHOUT ITS HISTORY, Cardozo has hosted many esteemed visitors from the world of legal theory, among them Jacques Derrida, Slavoj Zizek, Renata Salecl, and Stanley Fish. As Floersheimer Distinguished Visiting Professor of Law in the fall of 2010, Fish taught again, this time First Amendment. A professor of humanities and law at Florida International University, Fish is known for his weekly essay on the opinion pages of *The New York Times* and as the author of more than a dozen books. Just days after the fall semester began, Liat Weingart ’11, a student in Fish’s class, sat down with her professor for this interview, which has been edited and somewhat condensed. Weingart, a Cardozo Scholar, received her B.A. from the University of Michigan and holds an M.S. from the London School of Economics. She is notes editor of the *Cardozo Public Law, Policy, and Ethics Journal*. 
LIAT WEINGART: You write a weekly column for *The New York Times*. How would you describe your role there?

STANLEY FISH: I can put it humorously. My role is to figure out what will get a rise out of *New York Times* readers and then write about it. For example, since *New York Times* readers are militantly antireligious all I would have to do is put one word on the page—religion—and sit back and wait for the hundreds of responses. I could save myself a lot of work. But in general, I think I’m in the deflationary business. I’m deflating certain kinds of concerns or thoughts—ones that *New York Times* readers have. I wrote a column about conservation and why I think it’s a bad idea. Why I don’t sort my garbage; why I resist my wife’s efforts—she’s a conservationist—to make me buy things like green toilet paper, which feels like sandpaper. Then I wrote a column on why I never use seat belts.

WEINGART: What do you think the use of that is?

FISH: To amuse me. Only a small percentage of the columns—maybe five or ten percent—are like that. More often I’m writing about areas that I have made my special interest, such as education and issues like curriculum, academic freedom, and free speech on campus. I write on legal questions, especially Supreme Court cases. The most recent columns I wrote were on two cases in California. One, *Christian Legal Society v. The University of California*, was about the university not giving the society official recognition on campus because it did not allow either members or officers to engage in extramarital sex or homosexuality. I wrote about another First Amendment case where the Court struck down a law that criminalized the making of crush videos in which women are shown wearing high heels and crushing kittens with them. I try to bring the public’s attention to the absolutely bizarre things that go on in decisions in our legal system.

WEINGART: You are widely quoted as saying something about the humanities being of no use. Can you either dispel the myth or tell us what you really said?

FISH: My point is that the humanities cannot be justified. When people demand justification of the humanities—which they would support them, and what good they are—the response is usually some incredibly boring and unpersuasive argument that having courses in Byzantine art or 17th-century drama will help the economy of a state. The requirement that the humanities be justified is the requirement that they give up their own terms and put themselves to the test of someone else’s terms. When you are asked to justify what you do, you are asked to justify it not in the context of the enterprise itself, but in the eyes of someone else whose values are not yours. So if you respond, you relinquish your own values—the context of your own enterprise—and subordinate yourself to the values and enterprise of the person asking the question. So I say, don’t do it; you will have given up the game before you make the first move in it.

WEINGART: It seems to me that as a student I am doing this all the time. I am answering to someone who tells me what to learn. Can you give me some advice on how to be a student?

FISH: Students as a class are entirely, naturally, and correctly subservient. There is no enterprise of studentry. Students are exactly what they are supposed to be: apprentices, beginners, vessels waiting to be filled, material waiting to be molded. They don’t have a set of rights that gives them some kind of standing, either philosophically or legally. The best thing to do as a student is to do the work and get out!

WEINGART: Is the state of a student’s subservience exclusive to the classroom?

FISH: Absolutely. And it can begin again at a later date. Let’s say I was going to take a class in some program for adult learners. I will walk so naturally into the posture of the student although I’ve been a professor for lo these many decades. You sit in a class and every instinct returns you to the poses and the anxieties you experienced previously as a student.

WEINGART: Since you were not trained formally in the law, how did you become a professor of law?

FISH: That’s what my mother always wondered. My mother and father didn’t want me to become a professor of literature; they wanted me to become a lawyer or doctor or architect. My father was a plumbing and heating contractor so there were architects around the house all of the time—some quite well known. I became interested in the field but found I had absolutely no talent for it.

I moved into the law via playing basketball, which continues to be my favorite and only nonworking pastime. I used to play with a friend who worked with me in the English department at Johns Hopkins and another who was a law professor at the University of Maryland. In between games we would talk and we discovered some intersections between the law and literary studies. The three of us decided to teach a course together—one year at Johns Hopkins and the next year at University of Maryland Law School. We even did a radio show based on what we were teaching. This was about 32 or 33 years ago, which was when I became fascinated with the problems and began to write about them.

WEINGART: What was so fascinating?

FISH: For me it was the issue of interpretation; how it works, what evidence for interpretations is, what makes a persuasive interpretation? When are interpretations legitimate or illegitimate? Those same questions can be posed with reference to the reading of poems, the reading of cases, or sequences in constitutional law. Now I write mostly about interpretations of the law and I don’t say very much at all about interpretations of literary texts.

WEINGART: How did you come to Cardozo?

FISH: By the time I was ready to leave Johns Hopkins in 1984 I had begun to publish in law reviews and appear on panels at the AALS [Association of American Law Schools]. I moved to Duke University, where I had a dual appointment, and for 14 years I was a professor of law and a professor of English as well as a professor of literature, which was a separate department, and executive director of Duke University Press. During that time, I was invited...
“Although I write on the opinion page, in general, I don’t give opinions.”

WEINGART: You are coming out with a new book in January, *How to Write a Sentence and How to Read One*. What prompted you to write the book?

FISH: What prompted me was money. An editor at Harper Collins called my agent asking whether I would write this book and then named a very nice advance. I had written several columns in the *Times* on writing and how since the 1960s courses had ceased to be about the craft of writing and more about reading about oppressed and marginalized peoples. I began to teach writing courses again and developed a theory, a method, and exercises I thought were helpful. So I was ready to write this book, which is not just a how-to book but one on sentence appreciation also. In it I’ve compiled a hit parade of great sentences from 50 or more authors and I try to explain what makes these sentences great and how to imitate them. So it’s like a love letter to sentences—for a general audience.

WEINGART: Can you tell us something about the writing workshops that you are going to hold at Cardozo?

FISH: I’m going to do three workshops for people who are slightly...
uneasy about the act of writing. The level of writing here is good, but many people will find benefit in having an analytic discussion about what it means to write good sentences. It will be an entirely nonpressured event with no expectations, no requirements, and no real work. You just have to be willing to scribble a few things on a piece of paper as we proceed.

I’ll give you a sample exercise. I’ll ask everyone to look around the room and list four or five items they see and then I’ll ask them to add a modal verb like will, may, should, or can, and then make a sentence using those words, adding as few additional words as possible. Then comes the interesting and useful part. We’ll discuss what it is that we all do when we take a random list of words and make them into a sentence. If you begin to understand the process, then you can begin to understand what a sentence is and isn’t.

WEINGART: Many of us in the legal profession, especially law students, believe we are supposed to enjoy reading and writing. But it doesn’t come naturally.

FISH: There’s nothing natural about either activity. In the workshop and the book, I show how some sentences are like incredible feats. I compare them to athletic highlights, like amazing dunks, or impossible catches in the outfield, or 98-yard runs by a punt returner, that make you want to say “That is not humanly possible.” I feel the same way about sentences.

Here’s a sentence by the English satirist Jonathan Swift, author of *Gulliver’s Travels*. In his *Tale of a Tub*, Swift writes, “Last week I saw a woman flay’d, and you will hardly believe how much it alter’d her person for the worse.” Here’s a simpler example. John Updike, the American novelist, poet, and essayist, happened to be in Fenway Park the day that Ted Williams hit a home run his last time at bat. So Updike writes about the ball as it leaves Williams’ bat: “It was in the books while it was still in the air.” That’s a remarkable sentence. All monosyllables. Extraordinarily powerful. Doing several things at once and yet it seems effortless. Here’s another, by the legendary actress Joan Crawford, who when she was asked “Why do you dress up every time you leave the house as if you are going to a party at Sardi’s?” answered, “If you want to see the girl next door, go next door.” That’s really good!

How do you learn to write like that? First you have to appreciate it and you have to want to write something that will be memorable, that someone will experience with pleasure and with a certain sense of awe. I’m trying to instill an infatuation with the possibilities of language and then tell people how they can acquire the skill.

WEINGART: Can you cite an example from a Supreme Court decision?

FISH: One good example is from an opinion by Justice Scalia in *Lee v. Wiseman*—the last big school prayer case in 1990. Mr. Wiseman brought a suit of action because at his daughter’s graduation a prayer was read. The Court found in favor of Mr. Wiseman and against the school district, saying that even though no one was required to say the prayer, or even pay attention to it, the very fact of the prayer constitutes psychological coercion on the part of the state with respect to young Ms. Wiseman.

Scalia goes crazy. First, he quotes a colleague who has said the
What do you think of the recent news report about a New Jersey transit worker who was fired for burning a Qur’an on 9/11? What is the normative answer here?

**FISH:** If the details of the story are as they are reported, then that man can look forward to a large settlement. The public employee law usually allows people not involved in the workplace the rights of every other citizen when they are out in the world. You can put it in the form of an aphorism. If it is legal for someone to burn the Qur’an—burning the Qur’an is not a criminal offense, just like burning the American flag is not a criminal offense—then it is legal for this man to burn the Qur’an. The fact that he is employed by an agency that finds his action distasteful is beside the legal point. Unless there is some reason to say that he represents the agency to the public because he is wearing a uniform or engaged in some function outside the workplace and was, in effect, on duty. There are exceptions to this—for example, policemen, who are required to be on duty always. But this did seem to apply in this incident. This is an easy case.

**WEINGART:** What do you think of the recent news report about a New Jersey transit worker who was fired for burning a Qur’an on 9/11? What is the normative answer here?

**FISH:** If the details of the story are as they are reported, then that man can look forward to a large settlement. The public employee law usually allows people not involved in the workplace the rights of every other citizen when they are out in the world. You can put it in the form of an aphorism. If it is legal for someone to burn the Qur’an—burning the Qur’an is not a criminal offense, just like burning the American flag is not a criminal offense—then it is legal for this man to burn the Qur’an. The fact that he is employed by an agency that finds his action distasteful is beside the legal point. Unless there is some reason to say that he represents the agency to the public because he is wearing a uniform or engaged in some function outside the workplace and was, in effect, on duty. There are exceptions to this—for example, policemen, who are required to be on duty always. But this did seem to apply in this incident. This is an easy case.

**WEINGART:** A Muslim cab driver was stabbed here in New York recently by his passenger, Michael Enright, and you wrote that we have a tendency to distance ourselves from someone of our own culture who commits a heinous crime by saying it’s just one individual, it’s not the society. What is a healthy societal response?

**FISH:** The question is: Does this action have to do with what Time magazine calls the growing Islamophobia in this country? If you believe it does, then you might argue that even if Mr. Enright had no contact with Islamophobic activities, the fact that Islamophobia was in the air was in some way responsible for what he did. The other side might argue: No matter what messages are circulating in the culture, Enright is an individual; he makes individual choices.

As you know from class, those are two views of responsibility that are very important to the history of First Amendment jurisprudence. If you hew to what I call the classically liberal view of First Amendment, then you believe very strongly in the ability of the individual to make his or her own choices and to rise above whatever may be circulating in the culture. But if you are on the other side, as Justice Frankfurter was in Beauharnais v. Illinois, then you may believe that the content of the culture has a direct effect and impact on the actions of individuals.

If you find the culture corrupted and polluted, then the state should do something about it. From the liberal side, the response is “No, no, that would make the state a nanny state; it would put the state in a position of paternalism.” A good locus classicus is Holocaust denial, which in most Western democracies, including Germany, England, Canada, and Israel, is an offense punishable by the law. In the US it is not; we have the strongest view of the independent individual whose rights translate into his responsibilities and, therefore, his inability to say “Well, the culture made me do it.”

**WEINGART:** Which do you believe?

**FISH:** One of the things my readers complain about is they often don’t know where I stand on an issue. Although I write on the opinion page, in general, I don’t give opinions. Opinions are cheap. I like to analyze arguments, the same thing I like to do in class. How does this argument work? Where does it come from? Is it coherent? Where are the holes in it? I can take apart an argument, either in class or in a *New York Times* article, show it to be incoherent, and still be in favor of the agenda.

**WEINGART:** What is to be done about the level of misinformation we are currently experiencing?

**FISH:** Richard Weisberg gave a faculty workshop in which he raised just this question, using a couple of cases, including one that is about to be argued before the Supreme Court [Snyder v. Phelps]. A case where a family whose son was about to be buried was confronted by protesters who were saying, in effect, “We are glad your son is dead because he was a member of an army that permits homosexuals and therefore he was in violation of God’s will, so he deserves to die.” What do you do about this kind of vituperation?

Weisberg is a strong proponent of *New York Times v. Sullivan*, in which false and erroneous opinion is declared to be important to the deliberative process that goes on in a democracy. The decision in the case relaxed the standard of truth in libel because it said it’s more important to maintain free, open, robust, and uninhibited debate. When someone says something false, it prompts others to correct the falsehood, thereby improving the dialogue. It was Justice Brandeis who said the best remedy for bad speech is more speech—or good speech—a version of Gresham’s law. That theory depends on your believing that when a falsehood, vituperation, defamation, or distortion is put into the public sphere it will be recognized as such and the public discourse will thereby have been improved.

I don’t believe that to be true. Rather, I believe falsehoods only capture the public’s attention. The exaggerations, defamations, and myths take over and I don’t think the way to stop or turn back the tide of misinformation and vilification is to allow them into the world freely. Of course, this alternative view presents the specter of a regulatory state. One fears that a state that wants to keep its public discourse clean may end up policing the thoughts of its citizens. So there seem to be two unhappy alternatives, unless you believe, like Professor Weisberg, that if you let everything into the mix then the march toward truth will be improved. I simply can’t believe it. The only argument I can think of against my position is all of recorded history.
SAME-SEX MARRIAGE IN THE US
In 1967, the US Supreme Court, in the aptly named case of *Loving v. Virginia*, held that prohibitions on interracial marriages, which existed in 17 states, were unconstitutional. Throughout the nation's history until then, there had been a patchwork of recognition and nonrecognition for interracial marriages; some states allowed them, some did not, and yet some that did not allow the marriages still recognized those solemnized in jurisdictions that did allow them. We are currently experiencing a similar situation with regard to same-sex marriages, and that patchwork will disappear as well; however, that outcome may still be more than a decade or two away.
S
ince 1999, when no state recognized marriages between two people of the same sex and very few treated relationships between people of the same sex as having any legal consequences, the situation has changed significantly. Five states—Connecticut, Iowa, Massachusetts, New Hampshire, and Vermont—and the District of Columbia allow same-sex couples to marry. Five more states offer same-sex couples all or almost all of the benefits offered married couples, and five other states offer same-sex couples the ability to register for domestic partnerships, which gives them a limited subset of the benefits enjoyed by married couples. Thus, a same-sex couple married in Massachusetts will be treated as married in the District of Columbia and the four other states that allow same-sex couples to marry. Additionally, New York and (probably) Maryland, which do not allow same-sex couples to marry, will recognize valid same-sex marriages from other jurisdictions. In contrast, the majority of states and the federal government will not recognize such marriages at all.

Sound complicated? It gets even more so. There remain significant differences between the benefits available to same-sex couples and those available to different-sex couples, even in states that allow same-sex couples to marry. The Defense of Marriage Act (DOMA), a federal law passed in 1996, limits the effect of a same-sex marriage. First, it defines marriage for purposes of federal law as between one man and one woman, thereby excluding same-sex couples from any of the federal rights or benefits associated with marriage. Married same-sex couples, for example, cannot jointly file federal income tax returns, and they are not treated as married for purposes of Social Security benefits, immigration, or naturalization. Second, DOMA says no state is required to recognize a same-sex marriage from another jurisdiction. Thirty-eight states have taken up DOMA’s invitation by passing laws or constitutional amendments that prohibit same-sex couples from marrying in their states and, further, deny recognition to same-sex marriages from other jurisdictions.

No one is especially happy with this peculiar state of affairs. Advocates of lesbian, gay, bisexual, and transgender (LGBT) rights, while pleased with the remarkable progress they have made in the past decade, are not content with the second-class status that lesbian and gay relationships continue to have, even in the most progressive states. Opponents of same-sex marriage are not happy either and are fighting to defend “traditional” marriage, which they define as marriage between one man and one woman.

Four ongoing court cases could significantly reshape the current legal landscape. The cases of Gill v. Office of Personnel Management and Commonwealth v. US Department of Health and Human Services have the potential to strike down parts of DOMA. In July 2010, the federal district court judge in Massachusetts who heard these two cases held that Congress, in defining marriage as between one man and one woman for purposes of federal law, violated the US Constitution because it failed to defer to each state’s definition of marriage. The federal government has not yet decided whether to appeal these cases to the Court of Appeals for the First Circuit, although it is expected to. While a handful of other federal courts have heard challenges to this ruling’s constitutionality, this pair of cases represents the most carefully crafted and most significant challenge to DOMA to date.

The case of Marriage of J.B. and H.B. concerns whether a state that does not recognize same-sex marriages can grant a divorce to a resident same-sex couple. J.B. and H.B. married in Massachusetts in 2006; they moved to Texas in 2008, and several months later their relationship broke up. Because they were no longer Massachusetts residents, they could not file for divorce there. Instead, J.B. filed for divorce in Texas. The state of Texas petitioned to intervene in the divorce suit and requested dismissal of the action, in part on the theory that the trial court lacked jurisdiction to hear a divorce petition involving a same-sex couple because of a Texas constitutional amendment that defines marriage as between one man and one woman. The trial judge ultimately denied the state’s request for intervention and held that the court had jurisdiction to hear the divorce petition. Texas appealed and, in late August 2010, an intermediate appellate court reversed the trial court, holding that the trial court lacked jurisdiction to hear the divorce petition and ordering the case dismissed. J.B.’s lawyer may appeal to the Texas Supreme Court. For the time being, it seems that anyone in a similar situation will have to become a resident of a state that recognizes valid same-sex marriages—or persuade his or her spouse to do so—in order to divorce.

Finally, there is Perry v. Schwarzenegger, the latest turn in the labyrinthine quest for marriage for LGBT people in California. In 2008, the California Supreme Court held that it was unconstitutional to deny same-sex couples the right to marry. After that ruling, thousands of same-sex couples were legally wed in California. In response, opponents of same-sex marriage proposed a ballot initiative to amend the state constitution to undercut the California Supreme Court’s ruling. In the November 2008 elections, a majority of California voters supported the amendment, known as Prop. 8, thereby preventing additional same-sex couples from marrying in California. In 2009, the California Supreme Court upheld Prop.
8. In Perry, two same-sex couples challenged the constitutionality of the amendment in federal district court. The trial judge heard extensive testimony and struck down Prop. 8 on two distinct constitutional theories: that prohibiting same-sex couples from marrying violates the due process clause and the equal protection clause of the US Constitution. The Perry decision addresses only the legal situation for same-sex couples in California in light of Prop. 8, but it is similar to decisions of some state supreme courts that have held that prohibiting same-sex marriages is unconstitutional on the same grounds. Perry differs from these prior state court decisions because it rests solely on the US Constitution.

If Perry or Gill and its companion case—or both of them—make it to the Supreme Court, they have the potential to reshape significantly the landscape for same-sex marriage. Gill and its companion case could limit the scope of DOMA and allow same-sex couples who validly marry to obtain at least some federal benefits of marriage; while this wouldn't change the number of states that recognize same-sex marriages, it would substantially expand the legal significance of being married to a person of the same sex. If the Supreme Court embraces the two arguments at the heart of the trial court's decision in Perry, there would no longer be any patchwork of state laws, because it would be unconstitutional for any state to prevent same-sex couples from marrying.

Of course, predicting what the Supreme Court will do on such a controversial issue is no easy feat. Many commentators assume that Justice Kennedy would be the crucial swing vote, especially since Kennedy wrote the majority decisions in two landmark gay rights cases—Romer v. Evans and Lawrence v. Texas. In Romer, in a 6–3 decision, the Court struck down a Colorado ballot initiative that amended the state's constitution to prohibit the passing of laws anywhere in the state that protect against discrimination on the basis of sexual orientation. Kennedy held that the Colorado amendment violated the equal protection clause because it was based solely on animus toward gay people. In Lawrence, the Court struck down Texas's sodomy law, which criminalized certain sexual acts between people of the same sex but not between people of different sexes. Justice Kennedy, writing for a five-judge majority, held that the Texas sodomy law violated the due process clause. (Justice O'Connor concurred but on a different theory.) But supporters of same-sex marriage should not be overly optimistic: Kennedy, in his opinion in Lawrence, specifically said that the issue in that case was distinct from whether to give legal recognition to same-sex relationships.

It is not obvious that the Supreme Court will decide to hear the Perry case. The Ninth Circuit recently heard an appeal by the proponents of Prop. 8 who were allowed to enter as intervenors because neither California's governor nor its attorney general was willing to defend the constitutionality of Prop. 8 at trial. As a threshold matter, the Ninth Circuit has to decide whether these Prop. 8 proponents have standing to appeal the trial court's injunction against enforcing the amendment. If they do not, the Perry case might end with the return of same-sex marriage to California without otherwise affecting the national patchwork of legal recognition and nonrecognition. Some advocates of same-sex marriage hope for just such a result, fearing that it is too early to bring the question of same-sex marriage to the US Supreme Court. Their thought, in other words, is that the time is not yet ripe for the LGBT version of Loving v. Virginia.
standing up to the vatican
Finally, some sanity, rational thought, and courage have come to the issue of childhood sexual abuse perpetrated by clergy in this country.

But first, the insanity.

The United States Solicitor General and the State Department, led by Secretary of State Hillary Clinton, took sides with the Vatican and urged the Supreme Court to vacate a Ninth Circuit Court of Appeals decision that had permitted a single victim to sue the Holy See for abuse by Irish priest Andrew Ronan. The priest admitted to victimizing children in Ireland and Chicago, so he was moved to Oregon, where he abused again. Nevertheless, the legal strategy employed by our government was to grossly distort Oregon law so as to favor the Vatican.

The Supreme Court, with six Catholics on the bench, then took the high road and rejected the Solicitor General’s and the State Department’s politicization of the case and denied the Holy See’s petition. As a result, the plaintiff, John V. Doe, is being permitted to pursue his case, first through discovery and then at trial. That is a testament to the rule of law.
If our appointed or elected representatives think they are defending religious liberty by giving the Vatican a pass on child sex abuse, they need to look at history. Our founders understood the potential for corruption in churches. They distinguished "licentiousness" from liberty. Illegal sexual behavior was never intended to be protected under religious-liberty guarantees, and those who use religious liberty as an argument in such cases are besmirching the ordered liberty that is the goal of the First Amendment.

In this regard, Europe appears to be light-years ahead of us. Indeed, with all the recent global revelations of child sexual abuse by clergy, governments are now faced with the question: who weighs more in the balance—the Roman Catholic hierarchy or the victims of abuse? Belgian authorities made their choice recently when, armed with warrants, they searched residences of bishops, files of the Catholic Church's commission formed to investigate child sex abuse, and even a crypt, looking for evidence. A court later held the searches illegal, but the willingness of the authorities to act aggressively to identify perpetrators and cover-ups was a breath of fresh air in a world where power connections such as those between bishops and governments often take precedence over the welfare of children or the suffering of victims.

Yet in our country, standing up to the Vatican hierarchy is almost an anomaly. One brave prosecutor in the United States who did the right thing, with much less drama than was seen in Belgium, was Philadelphia District Attorney Lynne Abraham, who instituted grand jury proceedings investigating the Catholic archdiocese of that city when she learned what the Catholic hierarchy had done to cover up massive abuses. Her efforts produced a prodigious and impressive document that draws on the sort of church files obtained by the Belgian authorities. And while each case has its own sordid and tragic details, there is little doubt that the Belgians will learn what the Philadelphia grand jury did: "[W]e saw what must have been crystal-clear as well to Cardinals Krol and Bevilacqua and their aides: that many, many priests each have had many, many victims, often spanning decades.... [And that] the Archdiocese's primary goal in dealing with these cases was to reduce the risk of 'scandal' to the Church."

Few cases are ever filed against the Vatican for its complicity in the abuse of children by its clergy, because such efforts are expensive and arduous. The only way to bring the Vatican, a sovereign country, to accountability is through the Foreign Sovereign Immunities Act, which involves rigorous jurisdictional and liability hurdles. For one thing, it requires that the complaint be translated into the country's language—in this case Latin—and served overseas. At present, there are three cases pending against the Vatican: the John V. Doe case mentioned above; an important case on behalf of former students of a school for the deaf in Wisconsin, in which the district court filed "letters rogatory" against the Holy See seeking assistance from it in effecting service of process; and a case involving the movement of priests known to have abused children.
across the United States—Mexico border. Not surprisingly, the Holy See has been uncooperative.

Our federal officials, unfortunately, have chosen to favor the Catholic Church. Despite the thousands of abused children across the country, the Philadelphia report, and the few legal settlements that evidence the criminal and grossly immoral behavior perpetrated by priests, bishops, and others in the church, not one Senator or representative has publicly condemned the perpetrators for their severe endangerment of children in this country. Nor has any President, Republican or Democrat, had the moral strength to call to account the church and its hierarchy for destroying thousands of lives and families. No hearings have been held and no studies commissioned. Rather, there has been radio silence from Washington.

That’s as shameful as the actual acts of abuse. As the leader in the free world for human rights enforcement, the United States is uniquely positioned to take definitive measures. One promising path that the President and Congress should consider to demonstrate such leadership is to amend the RICO laws to reach institutionally orchestrated child sex abuse. RICO was created to capture organized criminal activity, and it is triggered by financial harm. It needs to be changed to include widespread harm to children.

Equally important, the federal government, which already requires states to have laws that mandate child abuse reporting in order to obtain Child Abuse Prevention and Treatment Act funding, can use this leverage to encourage states to lengthen or eliminate their statutes of limitations for child sex abuse so these arbitrary barriers no longer keep child predators in business and victims from pursuing justice in the courtroom when they are adults. It is estimated that one in four girls and one in five boys are sexually abused, and only 10 percent of victims ever report the abuse to authorities. Hundreds of studies show that survivors typically need decades to come forward. The legal system offers the only viable means of identifying child predators who operate under the radar against our children.

Since the massive cover-up of the church’s secret handling of child sexual abuse by its priests was revealed in 2002, thousands of victims across the United States—and millions who are rightfully outraged—have demanded accountability. This is the year that our federal government needs to stand up for child abuse victims to ensure that they have the opportunity for justice. After all the news unfolding in the United States and around the world on this topic, inaction is simply not an option.

MARCI HAMILTON is the appellate litigator representing John V. Doe against the Holy See. The case is being litigated by the law firm of Jeffrey R. Anderson.
A Summer of Public Service

Every summer, dozens of Cardozo students take public service internships in countries across the globe, in states far and wide, and in New York City. Their assignments are varied but their experiences are similar in that they all hone skills, put into practice what they have learned in the classroom, and understand better the kind of practice or area of the law they will choose after graduation. Most important, they all report how they enjoy making a difference in the lives of their clients. These summer experiences are made possible through Cardozo’s public service summer stipend and fellowship program. Using monies raised at the Kathryn O. Greenberg Public Service Auction and generously donated by individuals and foundations, including the David Berg Foundation, the program awarded 240 students grants of $4,000 for domestic and $5,000 for international service during the summer of 2010.

REGINA GENNARI ’12
New York Legal Assistance Group
New York City

The New York Legal Assistance Group is a nonprofit law office that provides free legal services in civil law matters to low-income New Yorkers. I interned with the organization’s LGBT Law Project, which assists members of the lesbian, gay, bisexual, and transgender communities with legal matters, including drafting wills and advance directives, pursuing child custody and support, filing for public benefits, and resolving landlord-tenant disputes.

The work was quite challenging. My assignments ranged from researching interstate same-sex civil union dissolution to discriminatory eviction actions and recourse for an asylum seeker who was barred from employment prior to his next court date. I worked closely with clients, filing an uncontested divorce for one and successfully advocating in Brooklyn Family Court for a temporary order of protection for another.

Though the work was intense, it was also incredibly rewarding. I now have a clearer idea about what fields of law I’d like to pursue after graduation and I know what a difference I made for my clients.
Navsaran Trust is a grassroots organization that attempts to eradicate caste-based discrimination and improve the lives of Dalits—the “untouchable” caste community—across the state of Gujarat. My focus was on the manual scavengers—those Dalits who, due to entrenched religious and cultural beliefs, are forced to clean up human excrement for a living. They work on the streets where people openly defecate. In rural Gujarat, where I was based, manual scavengers are confined to this work for their entire lives; they are typically illiterate, incredibly poor, and almost always resigned to their fate.

The statute shows that manual scavenging has been illegal in India for years, but almost nothing is done to stop the practice. The rule of law is simply ignored. Navsaran’s lawyers are constantly in the courts, where they face a level of corruption nearly impossible to convey to an American audience. My assignment was to tour villages, conduct interviews, and compile research about where manual scavengers live, who they are, and what specific jobs they do. Using my research, my supervising attorney and I drew up a petition to show the Gujarat High Court that manual scavenging is rampant, and much more needs to be done to help these people.

While living in Asia for the summer—an eye-opening, fascinating experience—I worked at the Hong Kong Securities & Futures Commission (SFC). I’m shown here with my boss, Karen Ngai, a director of enforcement. Hong Kong’s legal system, particularly in regard to the financial markets, remains largely undeveloped due in part to British rule, which ended in 1997. The SFC has been aggressive in prosecuting financial crimes; it plays a primary regulatory and enforcement role in these uncharted waters.

I conducted research and drafted motions and memoranda, including court documents and search warrants for criminal and civil enforcement actions. I helped advise local legal staff on interjurisdictional disclosure, insider dealing, and market manipulation laws. By researching these issues and how they are dealt with in England, Australia, and the United States I gained a better understanding of the global financial arena and the increased efforts at international market regulation. I also helped update an enforcement manual that includes guidelines for new investigators at the SFC, and I represented the SFC at a market manipulation tribunal arbitration. There, Eric Victorson ’11, another Cardozo intern, and I took detailed notes on the proceedings to report back to agency staff.

This incredible opportunity exposed me to the intricacies of Hong Kong’s legal system and helped me grow professionally and personally.
Working for 10 weeks with the extremely compassionate GMHC attorneys who dedicate their lives to helping others was nothing short of inspirational. I was given ample opportunity to hone my interview skills while applying a substantial amount of the contract, property, and tort law I learned during my first year of law school.

My job on “Intake Tuesdays” was to gather during the initial client interview relevant financial, medical, and personal information and discuss the client’s legal problem—or discern whether there even was one. Most clients sought assistance with landlord-tenant issues or the Social Security disability (SSD) appeals process.

One project was to write and submit a memo to a Social Security administrative law judge (ALJ) on behalf of a client whose original request for Social Security disability was denied. In the memo, submitted just five days before the scheduled hearing, I showed how our client met the Social Security listing for his disorder. I had researched other Social Security psycho-affective disorder cases and carefully pulled examples of the symptoms from the client’s medical and psychiatric records for support. Much to my surprise, and to the excitement of the GMHC staff attorneys and our client, the ALJ cancelled the hearing and awarded our client SSD on the basis of my memo.

During my initial interview with the attorneys at GMHC, an AIDS service organization, I was warned about the emotional and mental issues that affect many of the clients and the toll these issues can take on interns. Undeterred, I began on a Tuesday, when clients can meet with lawyers about any legal problem. By 10 a.m., I was sitting beside my supervising attorney interviewing a client. By 10:45 the attorney was asking me what I thought a good solution might be. I was already gaining practical legal experience and fulfilling my desire to work at a place that changes people’s lives every day.

At GMHC, my research, my memos, and my opinions were valued and considered. I was part of every step GMHC took to represent the clients. Seeing a case through from beginning to end provided me with valuable insight and hands-on experience. I also was exposed to many areas of the law, including landlord-tenant disputes, public benefits issues, and custody and visitation matters.

I helped one client get back into her home, another maintain custody of his son, and another with the massive amount of paperwork he faced after his partner of 30 years passed away. Some clients were difficult; some were unappreciative. But I will always remember the teary hugs of gratitude, the thank-you cards, and the genuine appreciation of so many with whom I worked.

Foreign domestic servants are a visible status symbol among Lebanon’s elite. These women are primarily Filipino, Sri Lankan, Bangladeshi, or African, and can be seen walking dogs, running errands, and caring for children. Many are exploited, abused, and forced to work long hours with little compensation. The main cause of death for these women is suicide, although some deaths are homicides made to look like suicides. And approximately 50 percent of female prisoners are foreign domestic servants accused of various “crimes” related to their jobs.

I also discovered that Palestinians, who are predominately Sunni Muslim, are Lebanon’s largest group of displaced people. Classified as foreigners rather than refugees, and therefore subject to laws of reciprocity, they are forced to live in camps where they are denied basic human rights without the opportunity to pursue citizenship. The government, fearing that as citizens they would change the country’s Muslim/Christian ratio and power structure, thus maintains a divided class structure.

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I was delighted to join the Innocence Project as one of 18 interns from Cardozo. On my second day, I was assigned to six clients incarcerated in states throughout the country. As I took part in training sessions—writing, client communication, and the world of DNA—I pored through trial transcripts to get to know my clients’ cases. One involved a request for permission from a district attorney to test materials for a DNA profile; another concerned an evidence search in the hope of finding DNA for testing. My clients had limited time to make phone calls in prison, so I tried to be available during the hours they might call me. Many of them told me they looked forward to this contact with the outside world.

I was particularly struck by a tour we took this summer of a New Jersey state prison. It showed me what our clients suffer every day and provided extra motivation for my work. The visit also made real to me the issue of prisoners’ rights. Clearly prison is not a place anyone would ever want to be, and having even one innocent person there is one too many.

Rustum Nyquist ’12
Alliance for Arab Women
Cairo, Egypt

While at the Alliance for Arab Women (AAW), a women’s rights organization, I investigated Egypt’s governmental structure, the prospects for female empowerment, especially in rural areas, and the role women can play in promoting good governance. I researched the link between high unemployment in the Sinai peninsula and increased Islamic radicalization among the area’s youth. And I developed a digital news database for use in project planning, implementation, and future research. I helped AAW’s young volunteers organize a series of events to further engage them in support of AAW and nurture their broader social consciousness.

Shortly after my arrival in Egypt, several police officers in Alexandria beat a blogger, who eventually died. This senseless death sparked demonstrations and rallies where people demanded accountability and justice. I reported on these demonstrations on Facebook. My strongest impressions were of the participants’ dedication and the overwhelming police violence. Some of these activist groups—like their counterparts in Iran—used mobile phones, Facebook, and Twitter to plan and modify events and to increase pressure on the government until the officers involved were arrested and brought to trial.
AVEGA-AGAHozo serves over 25,000 of the most vulnerable members of Rwandan society—widows, orphans, the elderly, and the disabled. AVEGA provides medical, counseling, and legal services, and helps communities start and sustain self-help groups. I worked in the organization’s legal and social-economic development departments.

On the way to a genocide commemoration ceremony we made a site visit to Association Ambazi, a cooperative of 131 widows, their children, and the orphans to whom they give care. These women support themselves by selling milk from three cows donated by AVEGA, and they need more cows.

Our visit gave me the idea to donate a goat—since I couldn’t afford a cow—to a cooperative in Rutunga that supports itself by breeding them. As a result, six other people decided to donate too. The 45 widows there were grateful for our contribution. Like many others AVEGA assists, these women had no way of earning a living after the genocide, and needed help to begin income-generating projects. AVEGA also teaches and encourages members of cooperatives to make traditional crafts that can be sold on the Internet and at markets.
Intellectual Property:

Fast Forward
In 1979, there weren't many alternatives for someone who wanted to pursue a career in entertainment law. Michael Reinert '82 had graduated from Tulane University in New Orleans and wanted to find the best place to make that goal a reality. "Cardozo offered something that no one else was offering at the time—an entertainment law program," says Reinert. Thirty-five years later he is the executive vice president of business & legal affairs for the Universal Motown Republic Group, home to some of the world's biggest recording artists.

"There were very few places offering even a course on the subject, let alone a full intellectual property curriculum," says Reinert. "From the day I got there, all I wanted was to be in Marty Silfen's Entertainment Law class. It gave me my first real glimpse into the world of the music business I wanted so much to be a part of."

Fast-forward to 2010: Intellectual property (IP) law affects just about every industry, and the opportunities for an aspiring lawyer are vast. The field today encompasses specialties from the tried-and-true trademark, copyright, and patent law to the more contemporary fields of Internet law, communications and media law, and biotechnology patents. Cardozo continues to offer a deeply experienced faculty, which has recently expanded to include scholars in computer science and leaders in Internet policy—cutting-edge issues for the future of intellectual property law. In addition, the law school is one of very few that offer both introductory and advanced courses in the classic IP subjects and a variety of courses in the newer areas.

Cardozo's IP students benefit from exposure and connections to adjunct faculty members who are on the front lines, working in the myriad areas of the field. Ten years after graduating, Reinert says, he wanted to give back to the place that had given him such an important boost. So Reinert became a member of Cardozo's adjunct faculty, and for 10 years he taught Contract Drafting and Negotiating in the Music Business. In 1995, he brought Hootie and the Blowfish to speak to his class—just as Silfen, his esteemed professor and mentor and a highly respected record industry lawyer, had brought Blondie to a class Reinert had attended. More recently, he was responsible for a panel focusing on a new recording artist, Stephen Jerzak, that featured the artist's manager, lawyer, and the president of his record label discussing issues facing the industry given today's economic climate. Reinert points to many of his students who have taken their places as high-profile music industry executives and private practitioners. "They are among my proudest accomplishments," says the executive, who has enjoyed a long and storied career. "And I always remind people that it all started at Cardozo."

Brett Frischmann, who joined the Cardozo faculty in September as a professor of law in the intellectual property program, began the first day of his Advanced Copyright Seminar as he always does when teaching a new class: He went around the room and asked the students to introduce themselves and explain why they were there. "Every student in the room had some prior experience—in the world, working experience—that was related to a field that copyright addresses. There were people who had worked as musicians, people who had worked in TV, there was a computer programmer," says Frischmann.

Impressed by his students' depth of experience, Frischmann knew he had made a wise choice in joining Cardozo.

Frischmann is the latest addition to Cardozo's renowned IP program, which dates back to the early 1980s, when Monroe E. Price came to the law school as its dean from the University of California at Los Angeles. At UCLA, he helped found an organization of advocates of the arts, and he worked with Melville B. Nimmer, author of *Nimmer on Copyright*, considered the bible for all copyright questions. When he arrived at Cardozo, Price saw an opportunity to draw on the tremendous talent of the local bar in New York, particularly in the copyright field and in art and entertainment law, to distinguish the young law school, which had opened its doors just six years earlier.
Price says today, “It was pretty clear, even then, that intellectual property and creativity were going to be the core exports of the United States, very important growth areas in the economy and important in the growth of the legal profession.”

Cardozo became an early mover in a field that now draws intense interest among law students. Today, the school offers more than 20 courses on the subject, electives that students gravitate toward in huge numbers. On the YouTube channel, Cardozo’s video on the IP program gets three times as many hits as any other subject featured there.

Prof. Stewart Sterk, who has taught at Cardozo since 1979 and served recently as the program’s interim director, takes a long view of the program’s history. “We have always attracted artists and people who have left the creative fields for whom IP seemed like a natural fit,” he says, adding that the school’s location in New York City was central to that appeal. “There are many things that we do that would be very hard to do if we were in Ithaca,” he says, laughing. Many students still come from the arts. “But what we now have is a large number with interests and backgrounds in technology as well,” he says.

This year marks an important step in the program’s evolution. Susan Crawford, a leading national figure on Internet policy, who taught at Cardozo from 2002 to 2006 and left to join the faculty at University of Michigan Law School, has returned and is the new...
director of the IP program. Crawford rejoined Cardozo from a position with the Obama administration, where she was special assistant to the President for science, technology, and innovation policy—“the most powerful geek close to the president,” as Wired magazine described her in a June 2009 feature.

Crawford’s return to Cardozo, along with the arrival from Loyola University Chicago of Frischmann, coauthor of a textbook on cyberlaw, and last year’s hiring of Felix Wu, who has a Ph.D. in computer science from the University of California at Berkeley, has given Cardozo a critical mass in one of the most compelling topics in IP. “We can have a distinct identity in the information technology realm, in addition to the hard and soft IP realm—making sure that Cardozo is known for its strong program and faculty in computer-related issues,” says Crawford.

Cardozo has rebuilt its IP faculty after a period in which it was a victim of its own success. In the wake of Crawford’s departure for Michigan, Barton Beebe, a popular professor of trademark and copyright law, joined the faculty at New York University School of Law in 2008. “Cardozo is a law school where its faculty are intellectually far superior to the school’s [U.S. News] ranking,” says Justin Hughes, who ran the IP program from 2004 to 2008. “So there will always be the danger of losing faculty to higher-profile institutions.”

Dean Matthew Diller says that the new faculty members add important expertise and scholarship to the program. “Cardozo has been a leader in IP for decades and now we’re poised to push in whole new directions and be well prepared for the future of this exciting legal specialty.”

Hughes, who teaches copyright and trademark law, came to Cardozo with extensive experience as a policy expert in Washington. From 1997 to 2001, he worked on the Clinton administration’s initiatives at the US Patent and Trademark Office, and one of his goals, as the head of Cardozo’s IP program, was to bring speakers and programs to the school that drew on his Washington experience. During his tenure, David Nimmer, who now oversees revised editions of the treatise first published by his father, Melville, began to visit annually for classes and meetings with students.

Hughes has also been instrumen-

Hughes says students would be wise to spend some time in the place where much IP policy is made and implemented: “I’d love to try to inspire more of our Cardozo students to go to Washington, either long term or at least for a good experience.”

It was Hughes who brought Daniel Ravicher to Cardozo in 2006. A patent litigator who left behind life in a large law firm to form the Public Patent Foundation, Ravicher, through PUBPAT, has shaken up the patent world by filing lawsuits to challenge the validity of patents owned by Pfizer, Columbia University, and Microsoft.

Each spring, Ravicher teaches the Patent Law Practicum, an advanced independent research course for 10 to 15 students that he describes as “a hybrid between a seminar and a clinic.” Students in his class study patents issued by the US Patent and Trademark Office and assess whether they are valid or questionable. Student projects often form the basis for the lawsuits brought by PUBPAT. One such project led to Ravicher’s successful challenge to a breast cancer gene patent that gained national attention. “The bumper sticker would say, ‘At Cardozo, we don’t just talk about it, we do it,’” Ravicher says of the law school’s IP program.

Now on the drawing board is the Indie Film Clinic, set to debut in 2011. Initiated by Professor Hughes, a cinephile, it will offer independent filmmakers, directors, and producers the legal expertise they need to succeed in the digital era, while giving students transactional skills in this arena. In his message to the Cardozo community at the beginning of the academic year, Dean Diller described the clinic as yet another way for students to gain an edge in entertainment and communications media. “Lawyers who come out of our IP program will serve their clients creatively, and distinguish Cardozo for training innovative lawyers for the digital age,” he said.
The film clinic is aligned with the foundational work that Dean Price and Prof. Marci Hamilton, a former director of the program, built into Cardozo’s intellectual property offerings from the start. In 1984, Cardozo hosted the first Entertainment and Communications Law Moot Court Competition, and in 1987, Price got BMI to agree to sponsor it. Price approached BMI, which collects licensing fees for music and distributes the royalties to composers, songwriters, and music publishers, believing that an organization for the performing arts would want to participate in legal education. “It helped Cardozo move from a beginning place to an institution,” says Price. “And also to move it from the local to the national.”

Another foundation block was the launching in 1982 of the Arts & Entertainment Law Journal, one of the first law journals in the field. Edward Klaris ’92, vice president of editorial assets & rights at Condé Nast Publications, was the journal’s editor-in-chief when he was at Cardozo. Klaris, who speaks fluent Italian, came to Cardozo after spending a couple of years as part of the nonlegal support staff at a law firm in Europe, and started at Cardozo thinking he might become an international lawyer. Still, he wasn’t wedded to any particular field. “I was a generalist,” he says.

Klaris’s work on the AELJ put him in touch with leading scholars and professors in media and First Amendment law. It amounted to a 20-hour-a-week commitment over and above his law studies. “When you have those kinds of responsibilities, you have to up your whole game,” he says. “But the experience was invaluable. I learned a ton. I was very much of a geek then, and I still am, in terms of the law.” A copyright course taught by Hamilton, combined with an excellent seminar in civil rights taught by Arthur Eisenberg of the New York Civil Liberties Union, and a summer clerkship in the Brooklyn chambers of Federal Judge Jack Weinstein of the US District Court, drew him to First Amendment litigation.

Klaris spent six years as a litigator at Davis Wright Tremaine LLP, working on media law and copyright cases before going in-house, first as media counsel at ABC Inc. and then as general counsel from 2000 to 2006 at the New Yorker, where he worked with star writers such as Malcolm Gladwell and Ken Auletta. Now Klaris heads a team of more than 55 staffers responsible for the copyright, trademark, and licensing of Condé Nast’s vast portfolio of properties. It is a switch from his years of vetting libel concerns for broadcast and print, and it informs the advice he would give to budding IP lawyers at Cardozo: Focus on core skill sets, such as litigation, drafting, and negotiating skills, rather than getting overly committed to any specific area.

But Cardozo is also a place where students with specific career goals in IP law can find opportunities. In the early 1990s, Dr. Nada Jain ’96, a native of Yugoslavia with a Ph.D. in plant science and technology from Rutgers University, was in a postdoctoral fellowship, working in molecular immunology at the Sloan-Kettering Institute for Cancer Research. Jain wanted a career in academic research, but after a few years, she realized that she didn’t have the passion for it anymore. She then began to explore other options and eventually landed a job as an IP attorney at BMI, where she worked for several years before moving on to another firm and then ultimately to her current position at Condé Nast. Jain now works on a variety of intellectual property issues, including copyright, trademark, and licensing, and she says that she is grateful for the grounding she received at Cardozo that helped her transition to her current role.

So while Cardozo may not be the place for everyone, it is clear that the school has had a significant impact on the careers of many of its graduates. The film clinic is just one example of the many programs that have helped to build Cardozo’s reputation as a top-tier IP law school.
Cancer Center in Manhattan. “I was always in academia,” says Jain, who watched as the National Institutes of Health slashed funding for scientists and her peers began to have trouble getting grants. “My future in academia looked pretty bleak,” she says.

Jain began to look for jobs at pharmaceutical companies and stumbled on a brochure on alternative careers for scientists—one of which was patent law. At the time, Jain was married and had two children; she needed to stay in New York, so she applied to law schools in Manhattan. Her first acceptance was from Cardozo. “It was a beautiful letter. It emphasized the value that I was going to bring to the school. It was very personal, and I liked that.”

Jain began at Cardozo with the aim of landing a job at a patent law firm. She took Hamilton's trademarks course, and Sterk's course in copyright. But at that time, Cardozo did not have a basic patent law class, and Hamilton arranged for her to take a course at NYU. After graduating, Jain landed a job as a patent lawyer, first at the boutique Darby & Darby PC, at the time one of the nation’s oldest IP firms, and then at Clifford Chance LLP. In 2002, she founded her own practice in Tarrytown, NY. The practice now has four lawyers. One of them is Dr. Franklin S. Adams ’96, a classmate from Cardozo, whom she met and became friends with in an advanced patent law class. Another, Brian Shade ’11, shown in the photo with Jain, a former researcher in reproductive physiology and endocrinology, was a summer associate in 2009 and has continued at the firm as a law clerk.

Unlike Jain, many students come to Cardozo straight from college, and then discover the value of the IP program. Timothy Yip ’08

Yip was managing editor of the Cardozo Law Review. A summer associate at Fenwick & West in its Silicon Valley office after his second year, he took a position with the firm after graduation, working in the corporate department where the clients were overwhelmingly tech and start-up companies. His wife, classmate Megan Laurel (Jack) Yip ’08, is a staff attorney at Legal Aid of Marin.

Due to the difficult economy, Yip was laid off, but Fenwick & West gave him introductions to some of its clients—one of them a local firm called Twitter, where Yip now works full time as legal counsel. He handles some licensing issues for Twitter, finding very useful what he learned in his Technology Licensing Agreements class with Marion Underweiser, a Cardozo adjunct professor who is in-house counsel at IBM, and another class in corporate transactional work. In addition, he advises on copyright and trademark policies, as well as providing general legal support for various teams.

“I studied IP because the topics were interesting and the issues were intellectually stimulating,” says Yip. “One of the things to remember is to have fun with it.”

Twitter may be one of the most talked-about Internet companies, but the reality is that every company in business today will face IP issues that touch on its digital presence. “In some ways the real game changer of the Internet is not so much the possibility of getting a job at Twitter,” says Felix Wu. “Every company now has some work that involves Internet law; a shoe company is going to have an Internet presence. It is going to be worried about domain-name registrations and user-generated content.” Wu is teaching a course this year that has traditionally been called Cyberlaw, but he wanted the name to be changed; it is now called Internet Law. “Cyberlaw” sometimes suggests a separate reality from the ‘real world’, my course is not about any such divide,” he says.

The IP program can be different things to different people, a philosophy wholly embraced by Crawford as she embarks on a new era as its director at a time when the Internet and the digital age have disrupted the traditional legal doctrines of copyright and trademark and challenged telecommunications policy. “There is almost no limit to the gallery of issues that touch on the Internet and information policy right now, and there are far too few people who understand it.”

“There is almost no limit to the gallery of issues that touch on the Internet and information policy right now, and there are far too few people who understand it.”

PROF. SUSAN CRAWFORD

admits that the main reasons he chose Cardozo were its location in New York and the “energy and enthusiasm” of a young school. As an undergraduate at the University of Texas at Austin, Yip had studied philosophy while following the legal travails of Grokster and other Internet pioneers.

“I definitely wanted to go to law school to learn about the intersection of technology, the Internet, and the law,” Yip says. Then he took Susan Crawford’s class in cyberlaw. “It was fantastic,” he says. “She brought her actual experience in dealing with Internet and regulatory issues.” He also studied copyright with Hughes. Still, he was thinking more of a career in corporate law. “I saw working with start-ups and tech companies generally as a pragmatic way of getting to learn more about their business while advising them on interesting IP issues,” he explains.
Cardozo’s 32nd commencement was held at Avery Fisher Hall of Lincoln Center and was, as in years past, a highly emotional and happy occasion. Dean Diller greeted the graduates—383 received J.D.s and 64 received LL.M. degrees—and their friends and families, and introduced Manhattan District Attorney Cyrus R. Vance, Jr., the commencement speaker, who touched on the role of family at the beginning of his remarks. “As you, in a few moments, step on this performing stage to accept your diploma, you may imagine you are doing so as a soloist. It is you, after all, who spent the long hours in solitude, mastering the law.” But he pointed to the packed audience of 2,500 gathered family and friends. “This is a reminder that none of us arrives at any milestone alone.”

Vance was just five months into his role as New York’s top prosecutor, the first new D.A. in nearly four decades. In both the past and the present, he said, the D.A.’s Office has had a “special relationship with Cardozo,” hiring 89 graduates, 30 of whom are now on staff. He told the graduates that their achievement was special “because you have received a degree from Cardozo, with its philosophy that justice is a living, changing, relevant ideal.”

Debbie Y. Jonas, the student speaker, who is the contemporary more of Vance than of her classmates, turned to Vance to tell him that his father, then Secretary of State Cyrus Vance, spoke at her graduation from Harvard University. Jonas, who participated in the Criminal Defense Clinic, chose to go to law school after she watched “helplessly” as a friend was arrested, tried, and convicted. She drew huge applause and a “Woo Hoo” when she offered some advice to Vance: “Members of the Cardozo Criminal Defense Clinic Class of 2010 and the passion they bring to the bar would strike fear in my heart.” She called this passion “unique to Cardozo” as the school is built on the Jewish faith, in which doing justice is a commandment.

Many students were recognized with awards for academic achievement and contributions to the law school. The top academic honor, the Louis Brandeis Award, went to Arielle Katzman, who graduated first in the class. Prof. Melanie Leslie ’91 received the Monrad Paulsen Award for “devoted service to the continued vitality of the ideals and purposes of legal education.” Kathy Greenberg ’82, who served as Board chair for six years, was honored with the Benjamin N. Cardozo School of Law Award for Extraordinary Leadership. The citation on the award notes that it is given for “magnificent leadership and extraordinary dedication and for steadfast devotion to the pursuit of justice.”
Order of the Coif 2010

The members of the class of 2010 listed below are those who graduated in the top 10 percent of the class and, therefore, are designated members of the Order of the Coif. Arielle L. Katzman graduated at the top of the class. Those marked with an asterisk graduated summa cum laude.

Erin J. Austin
Jenna B. Bernstein
Caroline A. Boulanger
Elena L. Cohen
Cara J. David
Matthew L. Elkin
Michelle Feldman
Ruben D. Fernandez
Ryan B. Finkel
Jonathan D. Fishner
Melissa N. Gauger
Jonathan R. Goldman
Jason L. Greenberg
Sarah J. Gregory
Rafael L. Guthertz
Marisa R. Harris
Mandy E. Jaramillo
Arielle L. Katzman*
Jordan H. Koss
Stephen S. Krasman
David J. Krieger
Benjamin Margulis
Maria C. Menghini
Joshua S. Moskovitz*
Jonathan E. Neuman
David B. Noland
Clare M. Oaks
Adam F. Paulson
Kimberly J. Ronning
Amy Sapan
Matthew S. Schneid
Adam B. Silverman
David J. Skochil
Richard W. Trotter
Megan E. Uhle
Marisa H. Warren
Daniel P. Watkins
Jonah Wexler
Amy B. Wolper*

Patricia Weiss Named Associate Dean

In July, Dean Matthew Diller announced the promotion of Patricia S. Weiss to associate dean for institutional advancement and alumni relations. Weiss was previously senior director of the two departments. She came to Cardozo in 2003, beginning as associate director of development. Since then, she has built the department and led the school in a number of record-breaking fundraising efforts, including the raising in total philanthropic dollars of more than $10 million in one year. Other major projects include fundraising for the Center for Student Life and a $1 million Alumni Challenge.

Dean Diller said, “Pat has a terrific record of achievement in advancing Cardozo’s goals. She understands the unique qualities of the law school and how to translate our ambitions into reality.” Weiss established the Cardozo Parents Council and has worked closely with the dean and other senior administration officials in strategic development. She has played a vital role in identifying new Board members and has included the Board in all areas of life at the law school.

Board Chair Emerita Kathryn O. Greenberg ’82, who worked closely with Weiss during the six years Greenberg was chair of the Cardozo Board, said, “I am thrilled that Pat is getting this appropriate recognition for the remarkable job she does. She has an extraordinary work ethic and is a person whose warmth and kindness touch everyone in the Cardozo community.” Weiss holds an M.F.A. from Sarah Lawrence College, a B.S. from Cornell University, and an M.A. from Columbia University.

CARDOZO WOMEN and the Alumni Association’s intellectual property practice group sponsored “Law and the Fashion Industry,” a networking event and continuing legal education program. Barbara Kolsun ’82, general counsel for Stuart Weitzman and author of Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys, Rachel Waranch ’05, director and associate counsel at Chanel, and Melissa Roth ’06, intellectual property counsel for the Americas at Burberry, were panelists. They are shown here, from left.
For its fourth annual dinner, held in November, the Alumni Association decided to honor two graduates, choosing one from the private sector and one from the public sector. Hon. Dianne T. Renwick ’86, New York State Supreme Court Justice, Appellate Division, First Department, and David Samson ’93, president of the Florida Marlins, were honored at the event, which raised in excess of $86,000 for Cardozo’s scholarship fund. (Samson was elected to the Cardozo Board of Overseers in December.) The dinner committee was headed by Jessica Klotz ’93, who worked closely with Mark Yagerman ’79, chair of the Alumni Association, to get more than 300 alumni to attend the lively evening at Gotham Hall.
Alumni Reunions

CLASS OF ’80 CELEBRATES 30TH REUNION; MILESTONES ALSO MARKED FOR CLASSES OF ’85, ’90, ’95, ’00, AND ’05.

A Sunday reunion that provided substantive programming, an opportunity for those living and working outside New York to attend, and a good party took place in May at the law school. Members of six classes gathered to visit with former classmates, professors, and friends. Two CLE programs were offered, as was Cardozo merchandise. Adjunct Prof. Michael Ross taught New York’s New Rules of Professional Responsibility: First Year’s Shake Out, and Steven W. Teppler ’80, who was celebrating his 30th reunion, taught E-Discovery and Digital Forensics.

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REUNION IN EUROPE

Berlin was the location for Cardozo’s first reunion event in Europe. Twenty-two alumni were joined by 10 guests for a June weekend during which they got to know the city and each other. Highlights included dinner at the elegant Café Einstein Stammhaus and Sunday brunch with Bernhard Schlink, former judge, best-selling novelist, and frequent visiting professor at Cardozo. Prof. Justin Hughes and Dr. Jan Hegemann, Raue LLP, were special guests. The weekend was so successful that a second European reunion is planned. It will take place in Paris on June 18 and 19, 2011.

Julian von Lucius ’07, Sarah Flaccus ’02, and Daniel Biene ’02—all LL.M. graduates—made up the Berlin reunion planning committee.
Chuck Silverstein ‘84, senior partner of Silverstein & Bast, a medical malpractice and personal-injury firm in New York City, had a case’s verdict cited as one of the top 100 verdicts nationwide in 2009 by the National Law Journal. The award in Cush v. Interfaith Medical Center was for $24.1 million. A New York jury found that the hospital staff’s departures from accepted standards of medical care resulted in the premature birth of twin babies and their resulting injuries.

New Chair Elected to Alumni Association

Mark S. Yagerman ‘79 has been elected to a two-year term as chair of Cardozo’s Alumni Association’s Executive Committee, succeeding Marc Lieberstein ’92, who held the position for two terms (2006–10). The Alumni Association, which provides a way for Cardozo graduates to remain connected to the law school, offers opportunities for career development, networking, social events, mentoring, community involvement, and philanthropy. As chair, Mark will sit as an ex officio member of the Cardozo Board of Overseers.

Mark, a member of Smith Mazeur’s executive committee, has been an active supporter of the law school and is one of Cardozo’s “pioneers,” having been a member of the first graduating class. He said, “I am thrilled at seeing how much our law school and alumni community have grown.” An often-published author on industry-relevant legal issues, he has written most recently on the topics of toxic mold litigation, personal injury practice, labor law in New York State, and premises liability. In addition to his J.D., he holds a B.A. magna cum laude from Brooklyn College.

1979
Hon. John G. Marks of the Nassau County Family Court left the bench and was appointed executive director of the Nassau County Traffic and Parking Violations Agency, effective January 2010.

1982
David C. Freinberg was named chief executive officer of LeClairRyan. He will assume the position no later than fall 2012. David was leader of the firm’s 75-employee Newark office. He has focused his legal practice on commercial real estate transactions, including the representation of real estate investors, developers, lenders, landlords, and tenants.

Peter M. Nadler, a partner at Tozai Sogo Law Office in Tokyo, copresented “Civil Litigation in Japan” to the country’s Foreign Women Lawyers’ Association.

1983
Gary Mazart, a partner with Schenck, Price, Smith & King LLP, has moved to the firm’s new headquarters in Florham Park, NJ. Gary is chair of the tax, trust, and estate department and cochair of its elder law/disability law practice group. Every year since 2005, he has been named a New Jersey Super Lawyer by Super Lawyers magazine.

1985
Russell Barr, who left New York 17 years ago to open Barr & Associates PC in Stowe, VT, has a practice that encompasses corporate and transactional law, medical malpractice, personal injury, probate, and civil litigation. He says, “I think it’s more rewarding to represent small businesses and individuals than large corporations, because you can see the impact of your work on people’s lives.”

Kenneth J. Sobel, a partner in personal-injury law at Greenspoon Marder, was listed this year as a Florida Super Lawyer. Only five percent of the state’s lawyers are given this designation by Super Lawyers magazine.

1986
Susan I. Kettner, the principal in Kettner & Kettner, a law firm based in New Rochelle, NY, and founded by her grandfather in 1920, was designated by the Democratic Party and the Working Families Party as their nominee for city court judge in the 2010 election. Her community-based practice concentrates on civil litigation, including contested guardianship, probate, real estate, and municipal land use. Susan was the first female elected president of the New Rochelle Bar Association, a post she held from 1998 to 2000.

Mary Spector is the director of the consumer law project, codirector of the civil clinic, and associate professor of law at Southern Methodist University School of Law.

1988
Debra E. Guston of Guston & Guston, Glen Rock, NJ, copresented in September 2010 “Getting Into and Getting Out Of A Civil Union” and “Wills and Advance Directives” at the GLBT Issues and Rights Seminar at the New Jersey Law Center. Debra focuses her practice on the special needs of New Jersey’s GLBT residents and has represented more than 600 lesbian and gay couples in primary, second-parent, and interstate adoption cases.

Mark R. Osherow is a partner in Adorno & Yoss’s Fort Lauderdale and Boca Raton offices. Mark specializes in business litigation and was recognized as one of Florida’s top attorneys by Super Lawyers magazine in 2007, 2008, and 2009.

1990
Juliette Passer, general counsel, PanaManagement Corporation, has a blog called “Panama Laws and Advice.” She writes that she is the only practicing New York attorney with an office in Panama, and sees her “task as protecting American and Canadian investors in Panama.” Previously, Juliette was an associate with Debevoise & Plimpton and Patterson, Belknap, Webb & Tyler in New York.
BALLSA ALUMNI GROUP HOLDS NETWORKING RECEIPTION AND ANNOUNCES SPRING 2011 DINNER

At the beginning of the fall semester, the Black Asian Latino Law Students Alumni Association (BALLSA) held a networking event where more than 80 alumni and students interacted, giving and receiving advice. The alumni group will hold its annual spring dinner on April 14, 2011. For information about the dinner or the BALLSA Scholarship, please e-mail Casandra Tolentin at tolentin@yu.edu.

A student with Lizzette Muniz ’08

Oxenberg: an adjunct professor at Earle Mack School of Law at Drexel University, teaching interviewing, counseling and negotiation, and contract drafting. She is principal of Mindy Friedman, Esq. Consulting, which provides legal, business-related, and strategic planning consulting services to creative/media-based, start-up, nonprofit, and women- and minority-owned businesses.

Jeffrey Fleischman rejoined the Long Island business law firm of Melzer, Lippe, Goldstein & Breitstone, LLP, as counsel to the firm. Jeff is one of four attorneys added to handle trust and estate planning, administration, and litigation. He had been serving as general counsel to a private family office and real estate management company in New York.

Lawrence Klein announced the birth of a daughter, Kaetah Zivia Klein, on February 3, 2010.

OUTLAW ORGANIZES A REUNION GROUP

OUTlaw Alumni, which welcomes gay, lesbian, bisexual, and transgender alumni, students, and friends, is the newest of Cardozo’s alumni clubs. At an event on October 7, Robert Doerfler, LL.M. ’08, chair of the fledgling group, addressed 40 attendees about the importance of diversity and feeling safe at Cardozo. Jean Rigg ’79, a pioneer of the original Gay and Lesbian Student Association, was a surprise guest who spoke about the group in its earliest days. For more information, e-mail Inez Gonzalez at igonzal1@yu.edu.

From left, Robert Doerfler LL.M. ’08, Tommy Wu ’07, Darron E. Berquist ’07 and Olivier Cassagnol ’07

1992

Gustavo Bruckner reports that he and his wife, Bena, had a baby girl, Yaffa Yael, on June 10, 2010. She joins a brother, Noam, and a sister, Ayelet.

Mindy Friedman is an adjunct professor at Earle Mack School of Law at Drexel University, teaching interviewing, counseling and negotiation, and contract drafting. She is principal of Mindy Friedman, Esq. Consulting, which provides legal, business-related, and strategic planning consulting services to creative/media-based, start-up, nonprofit, and women- and minority-owned businesses.

1993

Jeffrey Fleischman rejoined the Long Island business law firm of Melzer, Lippe, Goldstein & Breitstone, LLP, as counsel to the firm. Jeff is one of four attorneys added to handle trust and estate planning, administration, and litigation. He had been serving as general counsel to a private family office and real estate management company in New York.

1994

Lawrence Klein announced the birth of a daughter, Kaetah Zivia Klein, on February 3, 2010.

1996

Daniel Faizakoff was married to Debra Dickstein on May 2, 2010.

George S. Sava ran for New York State Senate against incumbent Dean Skelos. In 2004 George started, with a member of his military reserve unit, Port & Sava, a small law firm on Long Island. His practice focuses on commercial litigation, matrimonial law, entertainment law, and the protection of the rights of military veterans and their spouses.

1997

Stephanie (Rosenblatt) Korenman and her husband, Jeffrey, had a daughter in June, Sophia Gabrielle, who joins big brothers Max and Noah. Stephanie is executive director and senior counsel in the executive financial services group at Morgan Stanley Smith Barney in New York.

1998

Melanie Finkel has become counsel to Trokie Landau LLP, with offices in Manhattan and White Plains. Melanie will continue concentrating on commercial and real estate litigation, real estate foreclosures, and workouts.

Eugene Schneur was selected as one of Crain’s “Forty under 40” class of 2010. Eugene is cofounder of Omni New York and makes a living buying and rehabilitating affordable-housing units in the tristate area—a majority of which are Section 8 buildings. His partner, who was once his client, is Mo Vaughn, a former Mets first baseman. (See Cardozo Life Summer 2007.)

1999

Vered Adoni was one of four Bergen County assistant prosecutors to attend a 10-day crash course on criminal justice in Israel in May. Vered, who emigrated from Israel when she was 15, said that later this year, she hopes to host a group of Israeli prosecutors in Hackensack, NJ.

2000

David Schechtman was named a principal of the real estate investment services firm Eastern Consolidated, having served as senior director. David joined the firm in 2005 and is a specialist in loan sales and bankruptcies. He was featured in 2010 in the Commercial Observer as one of “Ten Brokers to Watch” — and was recognized in 2009 as one of the 25 “Most Visible New York City Real Estate Players, Post Credit Crunch” by the Real Deal.

2001

Junko Ishibashi, LL.M., became senior manager for contracts and business practices and license contracts at Oracle Corporation Japan.

Jodi (Sharp) Kimmel and Brett Kimmel ’93, partners in the Law Firm of Brett Kimmel, P.C., welcomed their second daughter on October 26, 2009.

Christina Ostertag, LL.M., is an attorney at Augur Capital Group in Frankfurt.
LONG ISLAND ALUMNI VISIT HOLOCAUST CENTER

Long Island Alumni held their third annual cocktail reception in September at the Holocaust Memorial and Tolerance Center in Glen Cove, NY. More than 50 alumni, parents, and friends were welcomed by the club’s co-chairs, Loretta Gastwirth ’82 and Jessica Klotz ’93. Richard H. Weisberg, the Walter Floersheimer Professor of Constitutional Law, was the guest speaker, discussing his books *Vichy Law and the Holocaust in France; The Failure of the Word, When Lawyers Write;* and *Poetics: And Other Strategies of Law and Literature.* He also spoke about the important work he is doing with Prof. Sheri Rosenberg of the Program in Holocaust and Human Rights Studies for victims of genocide. Dean Matthew Diller spoke about this year’s outstanding incoming class, and Mark Yagerman ’79, chair of the Alumni Association, encouraged alumni to stay involved with the law school. For information about the Long Island Alumni Club, e-mail the Office of Alumni Affairs at cardzoalumni@yu.edu.

Jenna Cohen ’13 with her parents, Sarah and Michael Cohen

2002

Sarah Flaccus, LL.M., joined the in-house counsel team of August Storck KG, a leading confectionery producer in Germany. She is working on corporate, intellectual property, advertising, and competition issues.

Sharon Kovacs Gruer of Great Neck, NY, is chair of the elder law section of the New York State Bar Association. Sharon concentrates her practice on the areas of estate planning, elder law, special needs trusts, guardianships, tax law, and asset protection.

Shira Weiner has been named director of corporate restructuring services by claims and noticing agent Kurtzman Carson Consultants. She is based in the Computershare subsidiary’s New York office and will serve on the business development team.

Allison Yacker has been elected a partner in Katten Muchin Rosenman’s New York financial services group. Her practice focuses on over-the-counter and exchange-traded derivative products; the structuring and negotiation of various cross-border financings and derivatives products, including total-return, equity, and fund-linked swaps, portable alpha swaps, and options; and the organization and representation of hedge funds, managed account platforms, and private equity funds. Yacker has been with Katten since 2002.

2003

Yishai Fleisher uses his position as an Internet radio personality and director of programming at Arutz Sheva’s Israel National Radio to promote the merits of living in the land of Israel. On his show *Yishai and Friends,* Fleisher deals with Israeli politics, history, and tradition, and has interviewed personalities ranging from Dutch politician and filmmaker Geert Wilders to actor Jon Voight. An address by Fleisher to the Knesset Absorption Committee helped establish, in 2008, International Aliyah Day. Yishai made aliyah in 2003 and settled with his family in Beit El.

2005

Evelyn Konrad, J.D. ’05, LL.M. ’06, published an article, “How I Became a Land-Use Litigator,” in the *New York County Lawyer* in September 2010. It was based on her experience as a solo practitioner representing a pro bono client. Evelyn was also featured in an article in *The New York Times* about her suit in Southampton, NY.

Michael Reisman of Kirkland & Ellis LLP is working on a significant civil rights case in New Jersey federal court challenging New Jersey’s procedures for medicating patients in psychiatric hospitals. New Jersey allows patients to be forcibly medicated without consent to treatment or meaningful review of their need for medication. The firm seeks to safeguard patients’ rights by giving them a greater voice in medication decisions.

2006

Carrie Crane, a teacher at Columbia Grammar and Prep in New York, will marry Andrew Block, vice president of speaker management at the Harry Walker Agency. The wedding is scheduled for July 2011.

Scott W. Stram recently published a comedic memoir called *The Idi-Odyssey (Book One: The Wedding Master).* It is available at Amazon.com and other online bookstores. Scott is currently working as the chief security and compliance officer for Verus Financial, LLC.

Rodolfo Vejar, LL.M., and his wife, Kate, left New York and relocated to Mexico City in February 2009. Rodolfo works as general coordinator for regulatory improvement of services and legal affairs at the Federal Commission on Regulatory Improvement, a governmental body under the umbrella of the Ministry of the Economy, charged with promoting transparency and maximum societal benefit in the design and implementation of regulations.

Yorck-Percy Tietge, LL.M., welcomed a daughter, Maja-Adia, on February 16, 2010. Maja was the youngest attendee at the alumni reunion in Berlin in June 2010.

Howie Weisel has held a federal clerkship since September 2009 with Judge Arthur J. Tarnow of the United States District Court in Detroit. Howie previously served as a law clerk for two years for a family court judge in the Manhattan family court.

2002

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DEAN’S SPEAKER SERIES
FEATURES ALUMNI

Andrew Thau ’91, shown below, chief operating officer and general counsel for United Talent Agency, met with about 50 students in October as part of the dean’s speaker series. Thau, who deals with all aspects of entertainment law, discussed wage and labor negotiations and other issues, including the industrywide response to the writers’ strike that took place several years ago. When he opened the floor to questions, students asked about career options and opportunities in entertainment law. His advice? “Make sure you get two years’ experience as lawyers, whether it’s working in public service, at law firms, or for a DA,” said Thau. “The entertainment firms won’t hire you if they believe you will require on-the-job training.”

Emily Sussman ’08, shown here with Dean Diller and Vice Dean Stein, legislative associate with the Servicemembers Legal Defense Network, was a guest last semester and provided students with an insider’s view of the strategy and work taking place to garner legislative support for the repeal of “Don’t Ask, Don’t Tell.” She also discussed how she took a rather unconventional route in finding her position.

2007
Matthew Asbell was appointed a fellow of the American Bar Association Section of Intellectual Property Law and is serving as chair of the Internet and intellectual property law committee of the American Bar Association Young Lawyers Division.

Matthew Eisler joined the Denver office of Hogan Lovells. Matthew focuses on general corporate matters, with an emphasis on representing public companies and private equity sponsors and their portfolio companies in connection with acquisitions and investments, divestitures, financings, and other strategic considerations.

2008

Harris Barton Brown and Dr. Marnie Brett Nussbaum were married on July 2, 2010, in Cold Spring Hills, NY. Harris, a certified public accountant, is an associate specializing in corporate law at the New York law firm Loeb & Loeb. Dr. Nussbaum is the chief resident in dermatology at New York-Presbyterian/Weill Cornell Hospital in New York.

Licelle Cobrador, LL.M., has joined the Bhatia Law Firm, started by classmate Dilli Bhatta, LL.M., as an associate.

Rotem Dourban-Limon, LL.M., and her husband, Gil, welcomed a son, Eyal, in February 2010.

Karim Khouki, managing partner at Khoukhi At Qwedar, PLLC, was elected chair of the Algerian chapter of the international section of the New York State Bar Association.

Tal Lenchner, LL.M., left BDO Israel to become an associate at the Danziger, Brimer, Levin Law Offices in Tel Aviv.

Val Myteberi, LL.M., welcomed a son, Alexander, on March 9, 2010, and began work in August 2010 as program coordinator of The Heyman Center for Corporate Governance at Cardozo.

2009
Kshama Aiyer, LL.M., joined Majumdar and Co., a law firm based in Mumbai, India, that caters to the international community.

Christine Chirame, LL.M., works in the trademark litigation department at Singh and Singh Associates, an intellectual property law firm in New Delhi.

Lutz Heidelberg, LL.M., married Mascha Berg on August 20, 2010. Classmates Aude Klamecki, Florence Chollot Duriez, Martijn van Bemmel, and Michael Hofstätter attended the wedding in Munich. Lutz is a lawyer for ProSiebenSat.1 Media AG at its European headquarters in Munich, responsible for license acquisitions and sales.

Shay Moyal, LL.M., is a tax senior manager at Fahn Kanne & Co. Grant Thornton Israel.

Aya Inbar Shechter, LL.M., is the interim national executive director of Dor Chadash, a New York–based community network of Israeli and American Jews that coordinates events on Israeli culture, heritage, and current issues.

Pedram Tabibi has joined the business law firm of Meltzer, Lippe, Goldstein & Breitstone, LLP, on Long Island, as an associate in the litigation group. Tabibi served previously as a judicial intern with the Honorable Martin E. Ritholtz of the Queens County Supreme Court and interned with Forbes.com LLC in its in-house legal department.

2010
Sagar Chadha was appointed Queens District Attorney Richard A. Brown as an assistant district attorney.

Melody Chen, LL.M., is vice president and compliance officer at ING Clarion Partners in New York.

Vitoria Pinhas Shlomo, LL.M., is an associate at the International Law Firm PC in New York, specializing in transactional work with Brazil.

Maria Svensson, LL.M., has relocated to Buenos Aires, where she is working as the coordinator of program development at the Asociacion Derechos Civiles, a nongovernmental, nonpartisan, and nonprofit organization founded in 1995 to contribute to strengthening a cultural and legal framework guaranteeing the fundamental rights of individuals, based on respect for the constitutional and democratic values.
Cardozo Receives Three Named Gifts

THE ARTHUR KAPLAN CHAIR
Cardozo received a $2 million gift in the fall of 2010 from the estate of Arthur Kaplan, a Manhattan sole practitioner, to endow a chair for a professor of law. It was given on behalf of the estate by his two nephews, both of whom teach at Cardozo. “After his family, what Uncle Archie loved most, and cared about most, was the power of the law,” said Prof. Jonathan H. Oberman, a clinical professor since 1994 and faculty supervisor of the Criminal Defense Clinic. “He thought that people needed to think about issues and questions clearly and carefully, and he believed in the power of the law and legal doctrine to solve problems in a nonarbitrary way.”

Kaplan died at the age of 99 and had no children. His practice ranged from real estate development to divorce, negligence, and criminal cases.

“We decided to make one large gift to an institution that would be a lasting tribute to our uncle,” said Eugene Kaplan, Oberman’s cousin, whose connection to Cardozo dates back 25 years: His childhood friend, Hebrew school classmate, and adversary in the courtroom, Prof. Barry Scheck, recruited him to participate in the Intensive Trial Advocacy Program in its earliest days.

“This gift will allow Cardozo to retain and attract professors and provide students with the best education possible,” said Kaplan. Prof. Michael Herz has been named the inaugural Arthur Kaplan Professor of Law. For more information about the appointment, see p. 18.

THE WEIL, GOTSHAL & MANGES CLASSROOM
Gary T. Holtzer ’90 and Shai Y. Waisman ’96, partners in Weil, Gotshal & Manges LLP, have each given $100,000 for named scholarships. In doing so, they triggered a $175,000 matching gift from their firm, which will be recognized with the naming of a classroom. Holtzer and Waisman are both in the firm’s bankruptcy and restructuring practice.

Shai Waisman had made a vow to give back to Cardozo once his law school loans were paid off, which he accomplished in 2008. For a son whose parents immigrated to the United States from Israel in 1969, college and law school were “two very expensive endeavors that they simply could not afford,” said Shai, who financed his education through loans, government grants, and scholarships. In 2009, Shai and his wife, Kate, made a $100,000 gift to be paid over four years to fund a student scholarship in their name. “It was very personal,” Shai said. “This was always my plan—that I would be in a position to provide for others.” Shai was chair of the 2010 Law Firm Challenge.

Gary Holtzer and his wife, Jacqueline, made a $100,000 gift this year, to be paid over three years, for a student scholarship in their name. “Both Shai and I are of the view that it is very easy for us to give back to the school so that other people could have that chance,” said Gary. “Not many people make no-brainer $100,000 investments: This was an easy one.”

Gary, who graduated from Cardozo in its earlier days, has taught an advanced bankruptcy seminar for nearly 10 years. “I know what it was like and where it has come from—literally from a start-up to a top 50 law school,” said Gary, who as a student worked closely with Prof. David Rudenstine. “I owe it to him and to the school not to forget where I came from, and to help when I am able to.”

THE NORMAN SCHNITTMAN ROTUNDA
Support from the parents and families of students has been vital to Cardozo’s growth. This year, the family of Evan Schnittman ’11 made a $250,000 contribution to honor the memory of Evan’s grandfather, an educator. The law school will name the entrance to the law library the Norman Schnittman Rotunda.

Norman Schnittman taught in the New York City public schools for 20 years and, in 1956, cofounded a camp, the Crestwood Country Day School, in Melville, NY. He went on to establish other camps and was still a co-owner of Crestwood when he died in 2004. According to his son, Steven N. Schnittman, Evan’s father, “Cardozo took a chance on Evan and it worked out well for him. And now it has worked out well for Cardozo.” The gift came from Norman’s sons, Steven, Bruce, and Barry, along with a $10,000 contribution from Goody Two Shoes, the family’s foundation.

Evan believes the rotunda is the perfect spot to honor the memory of his grandfather, who so valued education. “There is only one entrance to the library; unless your eyes are on the floor, you are going to see the lettering,” Evan said. Steven Schnittman was impressed with the architecture. “I think it is a nice space; I wouldn’t have done it otherwise.”
This year was marked by an impressive increase in the number of alumni and friends who responded to Dean Matthew Diller’s call for student scholarship support. Parents, alumni, and friends made substantial contributions to help fund students’ legal educations, a goal all the more important in this economic climate.

Major gifts ranging from $50,000 to $150,000 signal the level of professional achievement by alumni and a maturing of their commitment to Cardozo. Gifts from parents and other friends indicate support of Cardozo’s mission and values and the education provided to our students.

“I am deeply grateful,” Matthew Diller said, “for this generous response from our Cardozo family to one of the law school’s greatest priorities. A gift or pledge in support of scholarships is critical to moving Cardozo forward and is critical to our students.”

Scholarships enable students to graduate with lower debt burdens and, in turn, give them more freedom to choose career paths that may not be so highly compensated as others—oftentimes those serving the public good. “A gift supporting student scholarships,” says Diller, speaking from experience, “has the ability to change the direction of legal careers and change people’s lives.”

Roger Gladstone ’81, an entrepreneur and graduate of New York University’s Stern School of Business, recently returned to the practice of law, establishing the Gladstone Legal Group in Boca Raton, FL. Roger, whose son Lloyd is a member of Cardozo’s class of 2011, gave $100,000 in response to Matthew Diller’s appeal. “I can’t help myself, because I love the school so much,” he says. “When my son started at Cardozo, I felt the extra push to help. I just feel it is time to pay back.”

William Greenblatt ’82 is the chief executive officer of Sterling Infosystems Inc., a company he founded in 1975 and ran when he was still a student at Cardozo. Today it is a worldwide leader in employee background checks. Bill and his wife, Judith, endowed and established the Judith and William Greenblatt Scholarship with a $100,000 gift, acknowledging the contribution that Cardozo made to Bill’s career. “Law school gave me the tools to know how to go about solving problems and that, from the get-go, has proved to be vitally important in running and continuing to expand my business,” he says.

Board member Nate Kacew ’98 gave $100,000 to endow and establish the Nancy and Nate Kacew Scholarship. Nate has come forward at critical crossroads before, making a substantial gift to the 2002 capital campaign, which was instrumental in the renovation of the Jacob Burns Moot Court Room and the lobby and library. The founder of Buttonwood Mementos LLC, Nate is an entrepreneur with a message to other alumni: “It is important for everybody to give what they can—because together, there is nothing we can’t accomplish for Cardozo.”

William S. Rubenstein ’81, cohead of Skadden Arps’ Financial Institutions Group, is committed to public service. Bill’s $100,000 gift, made through the Samuel and Anna Jacobs Foundation, endows and establishes the Samuel and Anna Jacobs Loan Repayment Award to provide loan-repayment assistance support to recent grads working in public interest law. “I wanted to expand the resources available to those who work providing legal services to those in need,” he says. “I was compelled to assist Cardozo in carrying out its mission—one built on the intersection of law and public service—and, at the same time, honor my grandparents.”

“Natalie and I were both scholarship recipients,” says Steven Maksin ’00, who, with his wife, Natalie Maksin ’03, has pledged $50,000 to create the Steve and Natalie Maksin Scholarship. Steve has a tax practice and Natalie, who was an associate at Weil, Gotshal & Manges LLP, has joined Steve in the practice. “We see our gift as an investment, first in the future of the school itself and second in someone who might not be able to come to Cardozo without our help,” Steve says. “We are fortunate that we can do more and we have an opportunity to lead by example.”

In addition to the major support for scholarships given in 2009–10, Gary Holtzer ’90 gave $100,000 (see p. 57), and there were two anonymous gifts, one of $50,000 and one of $150,000.
Board Leadership Shifts, New Members Elected

At the June meeting of the Cardozo Board of Overseers, Leslie Payson ’91 was elected chair. She was selected after Kathryn O. Greenberg’s announcement earlier this year that she would be stepping down from the leadership position. Greenberg, founder and honorary chair of the New York Legal Assistance Group, will continue as chair emerita. Greenberg and Payson have served as cochairs of the Board since June 2009. Payson was elected to the Board in 2006 and worked closely with Greenberg, establishing the Junior Advisory Board, among other initiatives. Payson is director of the Institutional Client Group at Citigroup.

At the same meeting, Meredith Perl Kornreich ’82 was elected a member of the Board. She has been an active member of CARDOZO WOMEN, serving recently as fundraising chair. Kornreich is general counsel for product development & management and institutional sales & development at TIAA-CREF, a financial services firm. Prior to holding this position, she was general counsel for the organization’s asset management unit and chief counsel of the investment products and corporate finance law units. Before joining TIAA-CREF in 1993, Kornreich was an associate at Orrick, Herrington & Sutcliffe. She graduated from Cardozo magna cum laude, and holds an M.B.A. in finance from New York University and a B.A. from the University of Rochester. She is married to James Kornreich ’81.

Newly elected Alumni Association Chair Mark S. Yagerman ’79 attended the meeting, his first, as a member ex officio.

Two Cardozo Law Alumni Appointed Immigration Judges

CARDozo CONGRATulates Leo a. Finston ’91 and Saul Greenstein ’97

Attorney General Eric Holder appointed Cardozo Law alumni Leo A. Finston and Saul Greenstein to the Executive Office for Immigration Review as new judges for the immigration courts. Along with 21 new immigration judges, they were invested at a ceremony held at the Justice Department headquarters in Washington, D.C. on November 5.

Judge Finston will preside at the Newark Immigration Court; Judge Greenstein at the Houston Service Processing Center.

Cardozo Law alumna, the Honorable Sarah M. Burr ’80, serves as an Assistant Chief Judge of the Immigration Court in New York City.

Founding Board Member Louis Henkin Dies

Louis Henkin, university professor emeritus at Columbia Law School and a founding member of the Cardozo Board, died on October 13, 2010. He was 92. Henkin joined the Cardozo Board in 1977, one year after the law school welcomed its first students. He became an honorary Board member in 1990 and sat on the advisory board of the Program in Holocaust and Human Studies.

Prof. David Rudenstine said of Henkin, who is considered a human rights law pioneer and one of the most influential contemporary scholars of international law and US foreign relations, “Lou always had a remarkably touching soft spot for this law school. I could always feel the warmth of his concern and the pleasure of his delight as he soaked in whatever news there was. Lou, along with others, gave Cardozo rare and indelible gifts of character.”

Henkin graduated from Yeshiva College in 1937 and held an LL.B. from Harvard University. Upon graduation from law school, he clerked for legendary Federal Appellate Judge Learned Hand and then served as a law clerk for Supreme Court Justice Felix Franklin Furter. Henkin was in the army for four years during World War II, then spent five years at the State Department in the Office of Regional Affairs, a predecessor to NATO. He later served as a consultant to the United Nations and began his career in international law.

He became a member of the Columbia Law School faculty in 1962 after teaching for five years at the University of Pennsylvania. At Columbia, Henkin served as the Harlan Fiske Stone Professor of Constitutional Law while also teaching international law and foreign affairs to graduate political science students. In 1978 he cofounded the Institute for the Study of Human Rights and is also credited with the launch of the Human Rights Institute, both at Columbia.
Catching Up with Prof. Michelle Adams

In April 2010, nearly 200 students, alumni, faculty, and members of the public attended Acknowledging Race in a ‘Post-Racial’ Era, organized by Prof. Michelle Adams and funded by the Floersheimer Center for Constitutional Democracy, with support from the Cardozo Law Review. The daylong conference brought together participants to discuss when, if ever, the government can acknowledge race. Six months later, Professor Adams reflected on what she felt had been accomplished and what impact the conference may have going forward. The papers will be published in a forthcoming issue of the Cardozo Law Review.

ONE OF THE REASONS Cardozo is so well recognized and regarded has to do with the level of intellectual engagement one finds on campus, and Acknowledging Race reflected that.

We structured the conference to be part of an ongoing conversation on whether the government can recognize race and take race-based action to rectify past wrongs. There was no real consensus among those who attended, but there was lots of conversation and debate. One conference alone does not necessarily change normative views. Clearly many who attended think it is possible for the government to take race into account in the allocation of important rights and benefits, such as voting, education, employment, and housing. But at the same time, the United States Supreme Court seems to be moving in the other direction. One example is the Court’s 2009 decision in Ricci v. DeStefano, which found for white firefighters claiming reverse discrimination in their case against the city of New Haven.

For me, the high points were the excellent discussions and a great keynote address by Ted Shaw, the former director-counsel and president of the NAACP Legal Defense and Education Fund. It is always useful—and an important educational exercise—for our students and a general audience to see and hear scholars and practitioners exchange views and knowledge on current law and litigation. To have Cardozo be part of this conversation was a great reward. ☝️
CARDOZO LAW

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* Deceased
JANUARY 26
Alumni Association Annual Meeting:
Panel “Constitutionality of Healthcare Reform”

FEBRUARY 2
Dean’s Lecture: Hon. Jonathan Lippman,
Chief Judge of the State of New York
and Chief Judge of the Court of Appeals

FEBRUARY 15
Cardozo Law & Gender Symposium:
Crimes Against Children

APRIL 7
Public Interest Auction

APRIL 12
Public Secrets: National Security
and Secrecy from the Pentagon Papers
to WikiLeaks

MAY 3
New Ways of Representing Immigrants:
Innovative City, State, Federal,
Private & Non-Profit Partnerships
Remarks by Justice John Paul Stevens,
Former Supreme Court Justice

For a complete list of events:
cardozo.yu.edu/calendar