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Benjamin N. Cardozo School of Law

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Celebrating 35 Years

CARDOZO LIFE

2011 • ISSUE 2

FROM

INNOCENCE

TO

INDIE FILM

INNOVATION IN CLINICAL EDUCATION
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AS CARDozo SCHOOL OF LAW CELEBRATES ITS 35TH YEAR, we reflect on the spirit of innovation that built the school—the same spirit that is very much alive here today. With that in mind, this issue of Cardozo Life looks at experiential learning.

In The Innocence Project at 20, we speak in depth with Barry Scheck. The Innocence Project is a Cardozo clinic that has literally transformed many aspects of the criminal justice system—and provided our students with invaluable legal experience. Congratulations to Barry and Peter Neufeld for their tireless work, and continued success. Generations of Cardozo Law students have been inspired by the leadership of these two legal innovators.

Are You a Gladiator or a Peacemaker covers two Cardozo programs widely recognized for innovation and impact. The school's Intensive Trial Advocacy Program and Intensive Mediation Advocacy Program offer students tremendous opportunities to learn from experts from across the country. ITAP's model—a boot camp for trial lawyers—is embedded in the Cardozo experience. Meanwhile, the Kukin Center for Conflict Resolution has become a leader in alternative dispute resolution—and IMAP has played a big part of this meteoric rise. But ITAP and IMAP are not as different as we may think, and in our piece, Professors Ellen Yaroshefsky and Lela Love make a compelling case as to why today's lawyers need both sets of skills.

In the same spirit of innovation, I am delighted that this year we are adding four new field clinics—a new model that creates partnerships with nonprofit and government law offices in the New York area. Students are working in the New York Attorney General's Office, and for the City of Newark, as well as in public service offices dealing with health care law and consumer debt. Becky Rosenfeld oversees this program, which helps students develop practical and critical analytical skills.

The newest addition to our world class intellectual property program—which has expanded to include Information law—is the Indie Film Clinic, which is the first of its kind in New York City. In this issue, we get a behind-the-scenes look at this new clinical offering.

Our dear alumna, Kathy Greenberg '82, has exposed a wide gap in the justice system—leading to the creation of Cardozo's Guardianship Clinic, for which we are extremely grateful. In this issue, we've reprinted the New York Law Journal article that tells of Kathy's heroic story.

Cardozo Law has a long legacy of leadership in clinical education, dating back to 1976—with the creation of the Bet Tzedeck (House of Justice) Clinic. The clinic was a pioneering concept that provided, and still provides, vitally needed legal services to the elderly. Its founding director, Toby Golick, helped Bet Tzedeck become nationally recognized—and since then, Toby has gone on to become our Director of Clinical Legal Education at Cardozo Law.

It takes equal parts intellectual depth and practical skills to help law students become creative and flexible thinkers. As we celebrate our 35th year, I want to extend my gratitude to all those in our community who have made these successes possible.
Innovation in Clinical Education at Cardozo Law

In this issue, we pay homage to Cardozo's history of clinical education. Over the years our nationally recognized clinics have provided great opportunities for our students, as well as helped clients who can't afford or do not have access to legal services.

**OUR CLINICS**

**BET TZEDEK LEGAL SERVICES CLINIC**
Students represent elderly or disabled clients in civil matters.

**CRIMINAL APPEALS CLINIC**
Students do intensive appellate advocacy and draft and argue appellate briefs in court.

**CRIMINAL DEFENSE CLINIC**
Students work with clients from their initial interviews through trials and sentencing.

**DIVORCE MEDIATION CLINIC**
Students serve as mediators in matrimonial cases referred from the Office of Court Administration.

**FAMILY COURT CLINIC**
Students are placed in Family Court or with attorneys representing clients in Family Court.

**GUARDIANSHIP CLINIC**
Students advocate for low-income clients and assist the court in legal issues related to court-appointed guardian cases, including medical benefits and estate planning.

**HOLOCAUST CLAIMS RESTITUTION PRACTICUM**
Students investigate and pursue claims made by Holocaust survivors.

**HOUSING RIGHTS CLINIC**
Students represent people facing eviction and assist clients in obtaining repairs at their residences.

**HUMAN RIGHTS AND GENOCIDE CLINIC**
Students work on U.S. and international human rights cases involving individuals, human rights organizations and UN agencies.

**INDIE FILM CLINIC**
Students provide free legal services to qualifying New York filmmakers producing independent, documentary and student films.

**THE INNOCENCE PROJECT**
Students work on motions and briefs regarding the reopening of cases and reversal of convictions using DNA evidence.

**KATHRYN O. GREENBERG IMMIGRATION JUSTICE CLINIC**
Students represent immigrants facing deportation before federal immigration authorities and in the U.S. Court of Appeals for the Second Circuit and assist immigrant community-based organizations on litigation and advocacy projects.

**LABOR AND EMPLOYMENT LAW CLINIC**
Students represent clients on issues arising under wage and hour laws, collective bargaining agreements, Title VII of the Civil Rights Act and the National Labor Relations Act.

**MEDIATION CLINIC**
Students serve as mediators at dispute resolution centers in the metropolitan area.

**PROSECUTOR PRACTICUM**
Students intern full-time for a semester at the Manhattan D.A.'s office as student assistant district attorneys.

**SECURITIES ARBITRATION CLINIC**
Students are assigned to arbitration cases referred by the NYSE, NASD and AAA and serve as advocates for claimants.

**TAX CLINIC**
Students have primary responsibility for representing clients in tax disputes.
The Innocence Project at 20
A Conversation with Barry Scheck
As co-director of the Innocence Project, Prof. Barry Scheck has helped expose wrongful convictions for almost 20 years. Using DNA evidence, the project has played a role in clearing 273 prisoners. Here, we speak with Scheck about the impact the project has made on the criminal justice system, the factors that lead to a wrongful conviction, and how he provides guidance to students who participate in the Innocence Project.

**CARDozo LIFE:** What makes the Innocence Project so effective?

**BARRy ScHECK:** What makes the Innocence Project effective is that it taps into something very fundamental on a spiritual level that people understand. That is this whole struggle that our clients and their families engage in to overcome injustice. The Innocence Project and all 49 other innocence projects in our network and seven abroad have transformed the discussion in the criminal justice system. No one ever had any idea that there were that many innocent people in the system. No one.

**CL:** In your book *Actual Innocence*, you talk about a time not very long ago, when it was considered wrong to talk about a convicted prisoner as being innocent. How has that changed?

**BS:** Each one of these exonerations is a learning moment for the criminal justice system—every time an innocent person gets out we always try to call the attention of the citizenry, to look at the cause of this wrongful conviction and what can we do to prevent it. This doesn’t just protect the innocent from being convicted, it helps law enforcement catch the real perpetrator, and it enhances the capability of police and prosecutors to do the job right.

**CL:** You talk about the fabric of false guilt. What are the factors that make up that fabric of guilt—is it indifference of the legal system, is it the media, is it race?

**BS:** Well it’s all of that, so I don’t think you can overlook the fact that so many of these factors interrelate with each other and create a serious problem. But we’re now beginning to tear away the fabric of false guilt, and you have to do that in an intelligent way, in a systematic way, in a meaningful way.

**CL:** When the book is written on the Innocence Project, is the first part going to be about getting people out of prison, and the second part about keeping people who are innocent from being charged?

**BS:** In the very beginning of this project we understood that this was transformative, that this was a learning moment for the whole system. Never before had so many innocent people gotten out of
jail, so you have to go back and ask, what went wrong? How can we fix it? Just as we do with the National Transportation Safety Board, when they go back and look at airplane crashes and train derailments, and try to figure out what went wrong and how can we fix it in a systematic way.

CL: You were at Cardozo in the very early days. What was its mission, what was its goal?

BS: First of all, a lot of students were beginning second careers. We had a lot of women in the class, and a lot of people who had done something else and then were coming back to law school to do something new. And, we had a very young faculty. The faculty has always been comparatively young, very high achieving. A lot of great scholarship has come out of this faculty, far in excess of its initial ranks over the years. And that was the kind of institution that was created—if you had a good idea, just go do it.

CL: Recently I got to watch the Intensive Trial Advocacy Program [ITAP] at Cardozo. It was fascinating to see the transformation students go through. You helped create the program. Tell me about the beginning of ITAP.

BS: We started ITAP based on a fairly well-known model. This is an intensive environment where you really teach people how to do a trial from beginning to end. We had the vision of bringing in the very best teachers, and there were some other schools that were doing it at the same time we were doing it, but frankly we had an enormous advantage. First of all, in the New York metropolitan area we have some of the greatest lawyers in the world. From the very beginning we brought in superstars from all across the country, because they enjoyed spending a week with this wonderful group we created. And they enjoyed each other's company, and it was exactly the same program, arguably even better in terms of talent, that many of the major firms would routinely send their lawyers to participate in. So it would cost them a few thousand dollars or more to send associates from the very best firms to these programs in Boulder or where they were holding them, but you're a Cardozo student in your second or third year, and you can get the same thing.

CL: What do you say to the Cardozo students who work at the Innocence Project when they're coming in, and what do you hope they get out of the program?

BS: We tell the students, first of all, this is a law firm, as well as an educational environment, so it's both. That's what the classic clinical program should involve, so we're going to teach you a lot about doctrine, how to read cases, write, how to litigate. We're also going to teach you about fact development and problem-solving. We're going to teach you about overarching vectors that make the system what it is, and how you can improve them. We're going to teach you, not a small amount frankly, about science, and social science, whether it's the psychology involved in eyewitness identification problems and false confessions, or the hard science that goes with DNA or serology. You're also going to see how we move with the press, with the public, how you have to organize campaigns to get innocent people out and how you have to spread a message. So it's a very serious place in that regard, but it also has a great spirit to it, a great idealism to it, and what we really hope is that when the students leave, whether they become prosecutors, defense lawyers, bankers, intellectual property experts, you name it, they will come back to the experience they had here.

“No one ever had an idea that there were that many innocent people in the system. No one.”

To watch the full interview with Barry Scheck, go to http://bit.ly/BarryScheck
As the year begins, the Innocence Project is actively evaluating nearly 10,000 cases.

Cornelius Dupree is exonerated after serving more than 30 years for a rape and robbery he didn't commit, after the Innocence Project requests DNA testing for his case.

Innocence Project client Freddie Peacock is exonerated through DNA testing 34 years after his wrongful conviction for rape.

The Iowa State Fire Marshall implements policy changes to prevent wrongful arson convictions.

The New Jersey Supreme Court issues a landmark decision mandating major changes in the way courts handle witness identification procedures.

The Innocence Network announces that 29 wrongfully convicted people were exonerated by network projects in 2010.
Are You a Gladiator or a Peacemaker?
"IT'S ONE THING TO LEARN theory," says Cardozo alumna, Hon. Gia Morris '95, "but that will never compare to actually doing something for real."

Morris knows what she's talking about. As a newly minted Interim Civil Court judge assigned to Bronx criminal court—only recently appointed by Mayor Michael Bloomberg—she's still in training, sitting in on cases with her more experienced colleagues, and performing in mock trials with her peers. "It's really the best way to learn," says Morris.

Rebecca Auster Freedman, Cardozo '10, agrees. A contract specialist at NYU School of Medicine who often handles delicate negotiations, she says that "many classes in law school employ the Socratic Method: listening to lectures and then getting called on to answer questions. But you learn so much more when you're forced to do whatever it is you're being taught."

This sort of experiential learning drew both women to Cardozo Law, and it remains central to two of the school's most innovative programs: Intensive Trial Advocacy Program (ITAP) and Intensive Mediation Advocacy Program (IMAP)

The courses sit on opposite sides of the same coin: ITAP teaches students to litigate while IMAP teaches them to mediate. But while the goals might differ, each program relies on a similar methodology. Both ITAP and IMAP force students to step out from behind their text books—and often their comfort zones—to practice the techniques of their trade in front of experts in the field. The hours are long, the work load intense, and the pace unforgiving, but in the end, students emerge from what is often described as legal boot camp with practical experience that, according to Morris—who took the program in 1995—"gives you a level of training, and an advantage, that your peers won't have in your first jobs."

"This is the first time students get to be lawyers," she says, after a pause. "Don't underestimate how amazing that can be."

THE MORE THAN 300 STUDENTS file into Cardozo Law's wood-paneled moot court and quickly take their seats. There's chatter—they're catching up with each other after a short winter break, but also dispelling the nervous energy they're feeling. Some might know what to expect from the next two weeks, but most have never experienced anything like the educational ordeal that's waiting for them. They've taken tough classes before, but ITAP is something new.

"It's called the Intensive Trial Advocacy Program for a reason," says Prof. Ellen Yaroshefsky. "Two weeks of 18-hour days, scrutiny from professionals—we push the students hard."

Over the course of the program, ITAP participants learn the fundamentals of litigation from experienced lawyers and judges. They focus on core skills—such as identifying good and bad facts, submitting items into evidence, delivering opening arguments—that provide a foundation upon which to build a successful career. The program culminates with students putting their training to the test before a judge and jury in a mock trial.

"Every lesson builds on the previous day's lesson," says Yaroshefsky. "For instance, we'll teach students how to put something into evidence. Then the next day, they'll use that skill within the context of an examination that they'll be doing."

"It's a very nuts-and-bolts approach to education," adds Morris. "When you put something into evidence, it's not a situation where you can do it one or the other, based on whatever suits you best.
joined by more than 200 lawyers and judges from all over the profession. "In this type of program, you really get out of it what you put into it," she says. "I didn't want to waste the chance."

Yaroshefsky says that most students have the same attitude, and she's always thrilled to see how they develop over the course of two weeks. "They figure it out pretty quickly," she says. "Students who were previously very meek become forceful and assertive—and they feel good about themselves as they do it."

Since IT began its Alternative Dispute Resolution (ADR) clinic in 1985, Cardozo quickly established itself as having one of the top mediation programs in the world. When Rebecca Auster Freedman began law school in 2008, she knew she wanted to be part of it. "I was always the mediator in my family, and that was something I liked. It's something I wanted to build my career around."

She got her wish when she was admitted to IMAP in 2009, and remembers thinking, 'This is what I was made for.' I still feel that way about mediation and ADR today."

IMAP—which had originally been known as the National Institute of Trial Advocacy—has expanded and evolved to include a mix of civil and criminal case studies, a negotiating session and brainstorming sessions.

"Of course, the law hasn't changed in that time," says Yaroshefsky, "so no matter what, the fundamentals remain the same."

Yaroshefsky is uniquely suited to running the ITAP program and training young lawyers to perform their best at trial. She's the Executive Director of the Jacob Burns Ethics Center, and teaches professional responsibility courses at Cardozo. She began her career in 1975 as a criminal defense lawyer, and in 1982 she joined the Center for Constitutional Rights in New York before entering private practice in 1988. She joined the faculty of Cardozo in 1992.

Of course, Yaroshefsky isn't alone in the ITAP staff—she's joined by more than 200 lawyers and judges from all over the country who help teach the program. They critique the students during class sessions, and also provide one-on-one feedback while reviewing video tapes of their performances.

"The practitioners aren't mean or anything, but they are honest," remembers Morris, who herself now teaches in ITAP. "One of them told me that I was using my hands too much when I talked. We watched the tape together and sure enough, I was waving my hands all over the place. Seeing it, coming face to face with it, reinforced the lesson."

Morris describes the first day of ITAP as nerve wracking—"You don't really know what to expect," she says—but she soon found herself immersed in the work, striving to take advantage of what she considered a unique opportunity to learn directly from the pros. "In this type of program, you really get out of it what you put into it," she says. "I didn't want to waste the chance."

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"IMAP provided a wonderful opportunity to engage in the coursework and the content," says Freedman. "People were excited to find themselves picked to go in front of the class and participate. It was so different from what my other classes were offering."

She describes the work as intense—as the name implies—but not onerous, saying that Professors Love and Abramson lead the class using positive reinforcement and helpful critiques. They create a comfortable environment, and encouraged students to participate without worrying about failure.

"You can't just sit in the back of the room and hide. You've got to engage," says Freedman. "But they make the class feel safe. Rather than say, 'You did this wrong,' they'll look at what didn't work and help you figure out how to improve the next time."

When Professor Love started IMAP 10 years ago, Cardozo was no stranger to teaching ADR. The school's Mediation Clinic was formed in 1985, and Professor Love had long been an acknowledged leader in the field. She's mediated hundreds of community, civil court and employment discrimination cases and serves on the Council of the ABA Dispute Resolution Section and the NYS Unified Court System Alternative Dispute Resolution Advisory Committee. Professor Love also developed and directed the Small Business Clinic at George Washington University's National Law Center.

When the ADR program at Cardozo began, most mediation courses focused on teaching students to mediate, not to advocate on behalf of a client in a negotiation. "Probably because, back then, there just weren't enough mediators to fill the demand," says Love.

That changed with IMAP, however, when she decided to shift the focus of the training away from the neutral party. "These students are learning to become lawyers," she explains. "They're not going to be the neutral person in a negotiation. We teach them to be advocates."

No, there are specific questions you need to ask, and that's the sort of thing they teach at ITAP.*

The Intensive Trial Advocacy Program was started 28 years ago by a group of Cardozo Law professors that included Barry Scheck, noted defense lawyer and co-founder of the Innocence Project. According to Yaroshefsky, who took over as director of the program 10 years ago, they had attended a training session run by the National Institute of Trial Advocacy. "It was a fairly well-known model, and they thought it would be a great thing for our students," she says. "They put together a two-week program from that."

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Professor Love is the first to admit that IMAP was inspired in part by ITAP. "I thought we were doing a fabulous job of training trial attorneys," she says. "But most attorneys will be in mediation, not trials, so I thought, 'Shouldn't we be training them for mediation?'"

Today, she says that IMAP is an integral part of not only Cardozo's ADR program, but its academic syllabus as a whole. She credits the course's success, as well as trends within the legal community. "Only two percent of cases go to trial," she explains. "That means 98 percent of them are settled through negotiation. Students are aware of this, and they want to learn those skills. And the school supports this."

BOTH MORRIS AND FREEDMAN SAY THAT THEY CARRY WHAT they learned in ITAP and IMAP with them today—and in Morris's case, she means it literally. "Take the standard objection questions," says the judge, who entered law school wanting to be a litigator and worked for a time with the Brooklyn district attorney's office. "I still have the cheat sheet I wrote up during the program, and I absolutely used it when I started out as a young ADA. It's comforting to have the objections you need to ask on a sheet of paper right there, to say 'Objection: Hearsay' or 'Object: Compound Question.'"

Morris used the law to help people, and as a judge, she hopes to continue doing so. "I try to explain to defendants what's happening," she says. "I've found that if I treat people as people, if I help them understand the situation, they're less likely to commit more crimes."

Freedman, who teaches a course at Cardozo called "Negotiation Strategies/ADR Competition," says that contract negotiation absolutely requires her to call on lessons learned during her time in IMAP. "Take listening," she says. "Sounds simple and straightforward. But very few people really know how to listen effectively, and to show the other party that they're listening. IMAP taught that, and it's vital to what I do today."

Some of the skills she developed in IMAP also help her in surprising ways. "I often have to explain our contracts to scientists, people who don't necessarily have any sort of legal background. But knowing how to see it from their perspective helps me clarify ideas so that they can understand them."

Neither Love nor Yaroshesky is surprised by the women's comments. "That's the goal of both programs," says the head of ITAP. "Learning through doing—and taking those skills with you when you leave school and enter into your career. It's what ITAP and IMAP are all about."

Innovative Approaches to Immigrant Representation: Exploring New Partnerships

U.S. Supreme Court Justice John Paul Stevens, Federal Judge Robert A. Katzmann and 200 leaders from legal, government and advocacy circles convened at Cardozo on May 3, 2011 to discuss solutions to the growing immigration crisis in America. They spoke about their work on this issue, seeking pragmatic and constructive responses to one of our legal system's most pressing and intractable challenges.

Justice Stevens praised Cardozo's Kathryn O. Greenberg Immigration Justice Clinic and called for better legal representation of non-citizens. The conference was hosted by the Floersheimer Center for Constitutional Democracy.


2009

Julia Blair Mosse and Jared David Newman were married on May 29, 2011 by Rabbi Evan Jaffe at the bride's family home, the Butternut Brook House in Litchfield. The couple met in August 2006 during their first semester at the Benjamin N. Cardozo School of Law. Julia is an associate in the litigation department at Curtis, Mallet-Prevost, Colt & Mosle LLP in New York City. She attended the Chapin School in New York City, and graduated with honors from Middlebury College. Jared is an associate in the real estate litigation department of Pryor Cashman, LLP, in New York City. He attended Council Rock High School in Newtown, PA, and graduated with honors from Duke University.

2008

Eddie Huang, chef-owner of Baohaus, made Zagat's 30 under 30. Why he made the list: A press darling from the minute he opened Xiao Ye, Huang knows how to work the media. His Lower East Side sandwich shop, Baohaus, is doing well, plus he's recently scored a book deal and is negotiating a television project. Also, Time magazine has recognized him as a burgeoning "cult of personality" in the food world.

Yoomi Lee and Benjamin Joseph Steele were married in April 2011. The couple both received law degrees from Cardozo. They met during the summer after their first year, when they attended a program at Oxford University. The bride is a securities legal analyst in Manhattan for the Securities Law Report, a Web site and publication owned by Bloomberg that analyzes enforcement actions and rules proposed by the Securities and Exchange Commission. She graduated magna cum laude from the State University of New York at Binghamton.

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Yoomi Lee and Benjamin Joseph Steele were married in April 2011. The couple both received law degrees from Cardozo. They met during the summer after their first year, when they attended a program at Oxford University. The bride is a securities legal analyst in Manhattan for the Securities Law Report, a Web site and publication owned by Bloomberg that analyzes enforcement actions and rules proposed by the Securities and Exchange Commission. She graduated magna cum laude from the State University of New York at Binghamton.

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Public Secrets: From the Pentagon Papers to Wikileaks

On April 12, 2011, Prof. David Rudenstine invited high-level insiders and experts with experience from the Situation Room, the newsroom and the courtroom to Cardozo to discuss how the rules and assumptions guiding disclosure of government secrets have changed. Jeffrey Brown of PBS NewsHour questioned a distinguished panel on how to apply the lessons of the Pentagon Papers to current events. The event was sponsored by the Floersheimer Center for Constitutional Democracy.

Shown below, left to right: Floyd Abrams, Cahill, Gordon & Reindell, and Adam Liptak, The New York Times Supreme Court reporter; John B. Bellinger, former Senior Advisor to Secretary of State Condoleezza Rice, Arnold & Porter; Former Attorney General Michael Mukasey, Debevoise & Plimpton and Prof. David Rudenstine, Cardozo School of Law.

Renowned Trial Lawyer David Boies Delivers Lecture at Cardozo Law: “Marriage Equality is Important to Everyone”

David Boies delivered the Gloria and Stanley Pleasent Lecture on March 29, 2011, where he laid out his legal brief in Perry v. Schwarzenegger. He compared the fight for marriage equality to the civil rights battles of the 1960s. Below, from left: David Boies, Dean Matthew Diller, and Ed Stein, Vice Dean, and director, Program in Family Law, Policy, and Bioethics.

THE SAMUEL AND RONNIE HEYMAN CENTER ON CORPORATE GOVERNANCE: “Is Bankruptcy a Viable Solution to the States’ Fiscal Crisis?”

A panel on March 21, 2011 discussed the feasibility of state bankruptcy, an issue still simmering in the $2.9 trillion municipal-debt market. The main focus was whether states have the tools to address their financial challenges. Panelists included Dan Rutherford, Illinois State Treasurer, and Jonathan Henes, partner at Kirkland & Ellis LLP. Above, Henes (left), and Thomas Nitido, Deputy Comptroller, Office of the New York State Comptroller.

Greta Ravitsky has joined Cozen O’Connor as an associate in the labor and employment practice. She assists with litigation of employment discrimination cases filed in state and federal courts, drafts employment policies handbooks and separation agreements, assists with the development of strategy and the provision of advice to clients on a variety of employment law and human resource issues. In addition, Ravitsky assists with unfair labor practice proceedings, grievance arbitration and union representation proceedings.

Nora Coleman has been made partner at Haworth Coleman & Gerstman, LLP. She defends a wide variety of corporate clients in complex civil litigation, involving product liability, construction, general liability and commercial disputes. Coleman spends significant time defending cosmetics and hair care products, drawing upon her unique experience working in global product development for one of the nation’s most popular artist-driven cosmetic brands. Additionally, Coleman represents manufacturers of medical devices, industrial equipment, chemicals and recreational products, as well as owners, managers and contractors in construction matters involving workplace injuries and contract disputes. She is an active member of the DRI’s Young Lawyers Committee, serving on both the Substantive Liaison and Activities Subcommittees. She has been published and has spoken on various issues germane to her practice.

Rami Nuseir was named a Star of Queens by the Queens Courier on June 28. Nuseir is currently the founder and director of the American Mideast Leadership Network, a nonprofit organization that was established to enhance cultural, economic and political understanding between anyone who is interested in the Middle East and the United States. He was the head Arab Outreach Coordinator, head Legal Counsel for the Arab American Family Support Center and the Elective Director of Ishmael and Isaac. Recently, he was recognized for his outstanding service and leadership among the Arab-American community, by being awarded the 114th Civilian Observation Patrol Peter F. Vallone Jr. Award for going above and beyond in his efforts to improve the quality of life in the Astoria community.

Sheri Toub has joined William Blair & Company, a global investment firm, as a senior associate. Toub will be located in the firm’s Chicago headquarters, and report to Geoffrey Richards, head of William Blair’s SSR group. She was previously a senior associate in the business, finance and restructuring group at Weil, Gotshal & Manges LLP. She has more than seven years of complex transaction experience in an extensive range of restructuring and distressed M&A engagements, both in and outside Chapter 11. Toub received her B.A. in English with distinction and honors from the University of Michigan.
Prof. Jonathan Henes: “We Need Economic Answers, Not Political Ones”

Last year, Adjunct Prof. Jonathan Henes, a partner at Kirkland & Ellis LLP and recognized as one of the nation’s top restructuring lawyers, returned from vacation with an unconventional idea: Should a state be permitted to file for bankruptcy? As a teacher of bankruptcy law and distressed investing at Cardozo (and a graduate of the school in 1996), this is the kind of question he would sometimes ask his students. But this time, he decided it was worthy of an evening panel. The Samuel and Ronnie Heyman Center on Corporate Governance, which Henes chairs, sponsored “Is Bankruptcy a Viable Solution to the States’ Fiscal Crisis?” on March 21. Since then he has done interviews on the subject with CNBC, CNN, Bloomberg TV, The Wall Street Journal, The Philadelphia Inquirer, The Hill, Forbes and many others.

Henes said that during the recession, attention has been focused on banking risks, job losses and big bailouts. However, a quiet, yet equally dangerous river was flowing underneath—the financial crises faced by states. “Almost every state in the union is confronting massive structural budget deficits and large unfunded pension obligations,” he said. “States do not have the tools or rules to fix these issues on a comprehensive and fair basis.” He went on to say that many governors are struggling to find solutions, but so far they are short term and politically charged. So, Henes is challenging states to follow the rules of corporate restructuring to resolve their fiscal issues.

“States are trying,” he said. “Many states are seeking to make meaningful progress with respect to their unfunded pension liabilities. However, as the federal government is dealing with its own problems, and therefore significantly reducing state aid, states are trying to balance budgets by cutting essential services like K-12 education. If we don’t fix the fiscal issues on a comprehensive basis soon, states will fail their citizens.” Henes used the same logic to offer solutions to the federal and European fiscal crisis. “At the end of the day, we are witnessing political answers and solutions to fiscal and economic problems. We need economic answers.”

and her J.D. cum laude and Order of the Coif from Cardozo.

Jared Zola has been elected partner in the New York office of Dickstein Shapiro LLP. Zola practices in the firm’s Insurance Coverage Practice, and serves as the administrative head of its Insurance Coverage Practice. He also serves as the national co-leader of the firm’s Oil and Gas Production Liabilities Insurance Initiative. His practice focuses on insurance coverage litigation representing corporate policyholders, as well as negotiating settlements with prominent property and casualty insurers, having secured in excess of hundreds of millions of dollars for the firm’s clients. Since joining Dickstein Shapiro, Zola has participated in the trials of several major coverage matters. He has handled significant and complex insurance coverage disputes, including those related to asbestos, toxic torts, environmental, construction defects, directors and officers, advertising injury, first-party and bad faith. He works with the Cancer Advocacy Project, providing pro bono legal assistance to cancer patients seeking health insurance coverage, and has represented on a pro bono basis the Queens Comprehensive Perinatal Counsel. He earned his B.A. from Clemson University.

2002

Nicholas K. Lagemann is one of six lawyers in the New York office of Sidley Austin LLP who has been elected to partnership. Lagemann practices in complex commercial litigation. He has represented clients in all stages of litigation, from the formation of initial pleadings through discovery, dispositive motion practice, trial and subsequent appellate proceedings. Lagemann also has substantial experience with emergency litigation matters, including actions seeking injunctive relief, attachment and other forms of expedited relief. His complex commercial litigation experience has focused on commercial disputes, including breach of contract, fraud, breach of fiduciary duty and other business torts. At Cardozo, Lagemann was Editor in Chief of the Cardozo Moot Court Honor Society. He received his B.A. from Bates College. Prior to joining Sidley, he served as a law clerk to the Hon. Gabriel W. Gorenstein of the United States District Court for the Southern District of New York.

2001

David Feuerstein is a partner in Herrick’s litigation department. His cases include general commercial disputes involving employment-related disputes, real estate litigation and sports-related litigation. From 2001 through 2005, David was associated with the law firm of Boies, Schiller & Flexner LLP. Prior to that, he played professional baseball for the minor-league affiliates of the Colorado Rockies. David is also an adjunct professor at the Benjamin N. Cardozo School of Law, where he teaches Lawyering Skills and Legal Writing to first-year law students.
Public Law Advocacy Week

From Jan. 23 to 31, 2011, the Center for Public Service Law hosted Public Law Advocacy, or P*LAW week. The week-long symposium is an intensive introduction to careers and opportunities in public service. This year’s symposium included a panel titled “Working to Reform Our Nation’s Schools,” which featured Cardozo alum Randi Weingarten ’83, president of the American Federation of Teachers, as one of the speakers. Another panel, “Living the DREAM: Bringing Justice to Young American Immigrants,” provided an in-depth look at the proposed DREAM Act, and was moderated by Prof. Peter Markowitz.
Dean's Speaker Series  Dean Matthew Diller hosted six speakers, who offered career advice and guidance during luncheon meetings with students. Many are distinguished Cardozo alumni.

Jennifer Falstrault '98 spoke about her experience as a partner at Kasowitz, Benson, Torres & Friedman, where she specializes in matrimonial and family law.

William Rubenstein '81 is a partner at Skadden, Arps specializing in mergers and acquisitions as part of the Financial Institutions Group. He talked about his first year at Cardozo, where he was called on 18 classes in a row by Prof. Lester Brickman, and learned that he was "able to think on my feet and analyze cases as well as anyone."

Susan Cohen '85 spoke about her experience working in immigration law at Mintz Levin.

Vered Rabia '98 talked about her experience as a partner at Skadden, Arps, where she specializes in real estate.

Alan Greenberg '85 talked about working in private practice as a personal injury lawyer.

Allen Grubman spoke about how he got to where he is as a founding partner at Grubman, Indursky and Shire specializing in entertainment law. See the article on the following page, "Strategies for Success."

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classnotes

Chief in the Wireless Bureau's Mobility Division, she has also served as interim legal adviser to Commissioner Meredith Baker for wireless and public safety issues, and was instrumental in several major wireless transactions.

Harry Valet, Legal Affairs Director of the Global Policy Office, Metropolitan Life Insurance Company in New York City, received the Hispanic National Bar Association's (HNBA) "Top Lawyers Under Forty" Award.

1997

June Mann's article entitled "Making Complex Post-Mortem Decisions in the Post-Obama Tax Law Era: Two-Year Portability Provision Makes the choice Even Harder" appeared in the August 2011 issue of the New Jersey Lawyer. This article focuses on how the portability credit provision of the new tax law may provide a married couple with up to a $10 million federal estate tax exemption.

Grace E. Robson joined Markowitz, Ringel Trusty & Hartog, P.A., a multidisciplinary civil practice law firm in Miami, as of counsel in the bankruptcy department. She focuses her practice on the representation of businesses and individuals in bankruptcy cases as debtors, creditors, shareholders, bankruptcy trustees, assignors, assignees and purchasers in assignments for the benefit of creditors. Prior to joining the firm, she was a partner and founder of Hough Robson, P.A., a bankruptcy law firm.

Jill Starichenky, an assistant district attorney in New York City, has announced that she overwhelmingly concurs with the findings of a revolutionary study by the Berkley Studies Group focusing on news coverage of sex abuse crimes against children. The study concludes that while America's news media continues to feature stories about these tragic and disturbing incidents, minimal attention is paid to how crimes of this kind can be prevented. The report, titled "Case by Case: News Coverage of Child Sexual Abuse, 2007-2009," was released in June 2011 and finds that despite the increasing number of sex crimes against children in the United States each year, few journalists seize the opportunity to educate the public on what can be done to protect children from being victimized by predatory adults.

1996

David J. Goldsmith and his wife Jennifer Oceahn are thrilled to announce the birth of their son, Ethan Andrew, on Sept. 11, 2011. Ethan brought pure joy and happiness to his family on an otherwise solemn day. He joins proud big sister Molly, who is 5.

Rachel S. Lerner has joined the New York law firm of Kleinberg, Kaplan, Wolff & Cohen, P.C. as of counsel in its corporate practice. Lerner counseled financial institutions, including full service and boutique brokerage firms, domestic and foreign investment banks, and investment advisers on a broad range of regulatory, transactional, and enforcement matters. In the broker-dealer area, she advises clients on SEC, continued
ENTERTAINMENT LAWYER ALLEN GRUBMAN ON
The Best Strategies for Success

On April 12, 2011, entertainment lawyer Allen Grubman spoke to more than 150 students, faculty and guests about his career in the music industry.

Now a senior partner at Grubman, Indursky & Shire, the largest stand-alone entertainment law firm in the United States, he didn’t always think he would be so successful: “I had a vision of what I wanted to do, but at the beginning, it wasn’t easy,” he said. “Going door-to-door wasn’t fun. However, I’m a firm believer that so much of life is luck. If you get lucky and you’re smart, the doors open up.”

After knocking on many doors, the 12th firm Grubman visited hired him. From there, his career took off. During the 1970s he represented disco acts and helped the Village People get their start (the song “Macho Men” was written on his piano). The 80s, he said, were “the heyday of the record industry. No internet, no video games, and sports were not as big as they are now. It was all about the rock stars.” And Grubman knew many rock stars, representing clients such as Madonna, Billy Joel, Bruce Springsteen and U2. When asked why he chose entertainment law, Grubman replied that “the role of the entertainment lawyer is to take care of all negotiations for an artist; helping creative people to expose their work is the most fun practice a lawyer can have.”

Grubman’s daughter, Jennifer Grubman Rothenberg ’99, who serves on the Cardozo Board of Overseers and helps organize the Public Service Auction each year, was among the audience listening to Grubman’s speech.

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From Jail to Yale:
A Look at One Child's Obstacles to a Relationship With His Incarcerated Parents

Chesa Boudin, a recent graduate of Yale Law School, was 1 year old when his mother and father were incarcerated. In 1981 his mother, Kathy Boudin, and his father, David Gilbert, were convicted in the Brinks Armored Car robbery in Nanuet, NY. His mother received a 25-year sentence after being convicted of felony murder and robbery. His father was sentenced to 75 years for three counts of felony murder. Chesa was then adopted and raised by Bill Ayers and Bernadine Dohrn of Hyde Park, NY.

On April 5, 2011, Boudin led a talk in the packed moot court room called "From Jail to Yale: Children's Personal and Legal Obstacles to a Relationship with their Incarcerated Parents." He made a constitutional argument for facilitating a close relationship between children and their incarcerated parents, grounded in the right of association in the first amendment and in the liberty interest of the 14th.

Kathy Boudin was released on parole in 2003, and attended her son's talk.

The New York Times Reporter Visits Cardozo

Adam Liptak, The New York Times Supreme Court reporter, made two appearances at the school this spring. He participated in the panel "Public Secrets: From the Pentagon Papers to Wikileaks" on April 12. In addition, Liptak taught Prof. David Rudenstine's constitutional law class in March.


investment banking. Prior to that, he was a vice president at Merrill Lynch in the Real Estate Investment Banking division. Earlier in his career, Schanzer practiced real estate law for six years in New York. He received his M.B.A. from the University of Chicago, J.D. from the Benjamin N. Cardozo School of Law, where he was a member of the Law Review, and Bachelor of Arts in Political Science from Yeshiva University.

1982

Kenneth Baum was sworn in for his first term as a Woodcliff Lake, NJ councilman at the reorganization meeting on January 3, 2011 by State Sen. Gerald Cardinale and William "Pat" Shuber, Esq.

Barry Negin ascended the stairs—all 86 flights of them—of New York's most iconic skyscraper, the New York Road Runners Empire State Building Run-Up, raising money for NYRR's Team For Kids charity. His time was 23:07. Barry is a partner at Pryor Cashman LLP.

1991

Jonathan S. Fishbein was elected president of Mediation Matters, Inc., which provides ADR services to Albany, Rensselaer, Saratoga, Warren, and Washington Counties.

Fishbein has served as a mediator, arbitrator and board member since 1994.

1987

David Singer and his wife Holly have been selected to receive the Boys & Girls Club of Northern Westchester's 2011 Humanitarian of the Year Award, the highest honor bestowed upon a club supporter. Singer joined Robison Oil in 1980 as vice president, and became president and CEO in 2000. Additionally, over the past 15 years, David has served the community in many ways, including as a member of the board of directors for several organizations, including the Westchester Putnam Workforce Investment Board, United Jewish Appeal Business and Professionals Division, the Rosenthal Jewish Community Center of Northern Westchester, the White Plains Hospital Advisory Board and the ten years he has been serving on the Board of the Boys & Girls Club.

1986

Robyn (Smerring) Myler has been named Aspen Film's new executive director. According to Pete Louras, the president of Aspen Film's Board of Directors, the organization needed leadership, organizational skills and business acumen—which are traits Myler picked up in her career as a lawyer. "We didn't feel we..."
THE WAHALA FACTOR:
How to Mediate a Problematic Real Estate Dispute

On March 29, 2011, the Nigerian Lawyers Association, the New York State Bar Association Section of Dispute Resolution and Cardozo School of Law presented a Continuing Legal Education program titled "The Wahala Factor: How to Mediate a Problematic Real Estate Dispute."

Ambassador Afolami gave examples of things people often do that offend others from different cultures—such as using first names, neglecting titles, taking off your jacket or holding out your hand for a handshake when a bow is appropriate. He underscored the difference between the direct, logical, rational—and sometimes aggressive—discourse common in the United States and the more emotional and indirect manner of speaking in other countries around the world.

Panelists included Michele Swee, named Arbitrator of the Year by the Association of Arbitrators, Barbara Mentz and Irene Warshauer, the latter speakers both prominent mediators and officers of the New York State Bar Section of Dispute Resolution. Each panelist presented different aspects of alternative dispute resolution. The program concluded with a mock mediation of a problematic real estate dispute. In the situation presented, a New York investor had bought a Nigerian track of land for development and was faced with an unanticipated problem—four squatters who wanted to each be paid $12,000 in exchange for their promise to leave the land. Irene Warshauer was the mediator.

1984
Susan J. Pogoda has been appointed as the new deputy commissioner of legal affairs at the New York Department of Buildings (DOB). She brings more than 25 years of legal experience and public service to the department, where she will oversee the Office of the General Counsel and the Loft Board. In her new position, she will coordinate the proposal and implementation of legislative changes within the DOB, and oversee the drafting of new legislation and rules. She will oversee a team of attorneys; provide legal support on policy and regulatory issues and work to ensure industry compliance with the NYC Construction Codes and the Zoning Resolution.

1982
Kathryn O. Greenberg and her husband Alan C. Greenberg will act as major donors for the start of a new student clinic at Cardozo School of Law that will help produce guardianship lawyers who are knowledgeable, develop practice models, and increase public support for a system that better protects those who are unable to care for themselves. This initiative was based on her involvement in a New York Times neediest case.

CLASSNOTES
The Immigration Justice Clinic Gets Bill Introduced to City Council

The Immigration Justice Clinic's representation of Make the Road New York (MRNY), and its ICE out of Rikers Campaign resulted in the introduction of legislation in the New York City Council in August 2011. The bill, drafted in large part by the students in the clinic, will ensure that individuals wrongly caught up in the city's criminal justice system will not be transferred to immigration detention for deportation. The bill was introduced with a veto-proof 35 sponsors and strong support from Speaker Christine Quinn, and has recently gained the support of Mayor Michael Bloomberg. Passage is expected on Nov. 3, 2011. Students Nick Katz, Melissa Lefas, Jose Leon, Michelle Park, Samuel Solomon and Henriette Vinet represented MRNY under the supervision of Prof. Peter L. Markowitz. The Immigration Justice Clinic, following in the tradition of the Innocence Project, combines client advocacy with effecting change in public policy.


Immigration Justice Clinic Receives Award for Campaign to Oppose Secure Communities

The National Lawyers Guild awarded the Immigration Justice Clinic the annual Daniel Levy Award for outstanding and innovative advocacy in the field of immigration. The award is being given in recognition of the clinic's representation of the National Day Labor Organizing Network (NDLON), in relation to its campaign to oppose Secure Communities, part of the Department of Homeland Security's next generation immigration enforcement programs. Students Sarah Amin, Caroline Fuchs, Caroline Glickler, James Horton, Liz Seaver, Phillip Starkweather and Hannah Weinstein represented NDLON under the supervision of Clinical Teaching Fellows Bridget Kessler and Sonia Lin, and Prof. Peter L. Markowitz.


at the University of Mississippi in Oxford, MS. She received her B.A. from Hunter College, her J.D. from the Benjamin N. Cardozo School of Law and was a founding faculty member of the University of North Dakota Space Studies Department. Prof. Gabrynowicz now teaches space law and remote sensing law. She was an official observer from the Benjamin N. Cardozo School of Law and a member of the University of North Dakota Space Studies Department. Prof. Gabrynowicz now teaches space law and remote sensing law. She was an official observer from the Benjamin N. Cardozo School of Law and remote sensing law.

1979
Hon. Ferris D. Lebous was honored by the Binghamton City School District at its 18th annual Distinguished Graduates Dinner on May 4, 2011. Lebous graduated from the State University of New York at Binghamton. He began his career as an Assistant District Attorney before joining the firm of Pearis, Reeseguie, Kline, Barber & Lebous in 1982. In 1998, he was selected to the New York Court of Claims, where he served until 2005. From 2001-2005, he also served as New York State Acting Justice, Supreme Court, assigned to the 6th Judicial District. Since 2006, he has served as Justice in the New York State Supreme Court, Broome County, which is a 14-year position.

Steven J. Mandel of The Mandel Law Firm has received the prestigious BV Distinguished Peer Review Rating from Martindale-Hubbell.

Paolo Macchi has joined Daffara, d'Addio & Partners as an associate specializing in international contracts, with an emphasis on media and advertising rights agreements in relation to sports events.

Veronika Podlahova is a lawyer for the International Criminal Department of the Ministry of Justice of the Czech Republic in Prague.

2009
Lina Cespedes-Baez joined Rosario University Bogota, Colombia in as Coordinator of the Legal Theory Program.

continued
New Appointments

MICHAEL J. BURSTEIN
Assistant Professor of Law
Michael J. Burstein will teach patent law and corporations. Before joining the Cardozo faculty, he was a Climenko Fellow at Harvard Law School. He has clerked for Judge A. Raymond Randolph of the U.S. Court of Appeals for the D.C. Circuit, and served as a Bristow Fellow in the Office of the Solicitor General, U.S. Department of Justice. Prof. Burstein received a B.A. from Yale and a J.D. magna cum laude from NYU School of Law.

DEBORAH N. PEARLSTEIN
Assistant Professor of Law
Deborah N. Pearlstein will teach international law, U.S. foreign relations law and constitutional law. She joins the Cardozo faculty following her tenure as an Associate Research Scholar at the Woodrow Wilson School for Public and International Affairs at Princeton University. Professor Pearlstein received her A.B. from Cornell University, and her J.D. magna cum laude from Harvard Law School. Prof. Pearlstein clerked for Supreme Court Justice John Paul Stevens.

JESSICA ROTH
Assistant Professor of Law
Jessica Roth will teach criminal law and evidence. Before joining Cardozo, she served as an Assistant U.S. Attorney in the Southern District of New York, handling a wide variety of cases, often as lead prosecutor. She holds a B.A. from Harvard-Radcliffe College, and a J.D. cum laude from Harvard Law School.

THE CRIMINAL APPEALS CLINIC

NY State Supreme Court Victory

The Criminal Appeals Clinic won a victory in the Appellate Division, First Department of the New York State Supreme Court, in The People of the State of New York v. Eric Kenney.

The brief on appeal was written and argued by Adam Korn '11. The court overturned the conviction of a defendant accused of two robberies. The argument on appeal was based on the fact that in a lineup to identify the perpetrator, the defendant was the only individual who fit the description of being grossly overweight. The court ruled the testimony of the witnesses was tainted, because of the attempt by police to conceal the difference in weight among those in the lineup was inadequate. The lineup identifications were ordered suppressed and a new trial was ordered.

This is the fourth recent victory for the Criminal Appeals Clinic, which is supervised by Professor Stanley Neustadt.


Rob Garson welcomed a second daughter on Aug. 19, 2011. She joins big sister Noah. His daughters and his firm, Garson, Segal, Steinmetz, Fladgate LLP, keep him busy in New York City.

Rumiko Yoneyama works in California for a real estate development and financing company focused on international investment, especially in East Asia.

2007

Christopher Goetz joined DLA Piper in Cologne, Germany, as a Senior Associate in the Intellectual Property and Technology Group.

Gudmundur Ingolfsson became a father on Aug. 30, 2011, with the birth of his baby girl.

2006


Farhid Sedaghat married Albert Neman on April 4, 2011 in Great Neck, NY. In July 2011 she started her own practice in Manhattan, focusing on real property transactions and litigation.

2003

Philippe Nordmann became a partner in the Swiss Law Firm Wenger Plattner. His practice areas include labor law, corporate law and M&A, litigation and arbitration, real estate and construction law and contract law.

2002

As senior counsel for GE Energy, Vasundhra Prasad successfully negotiated a mega-deal valued at $750 million between General Electric and Reliance Power in India, the largest power sector deal between GE Energy in India and Reliance Power.

Olga Statz was presented with the insignia of Chevalier of the Legion of Honor, the highest decoration given by the French Republic for outstanding service to France. Other American recipients of this award include such luminaries as Toni Morrison, Douglas MacArthur, Julia Child and Cardozo’s own Professors Michel Rosenfeld and Richard Weisberg.
Prof. Malvina Halberstam wrote part of an amicus brief in *M.B.Z. v. Clinton*, which is on the court's docket this term. The case involves the constitutionality of a statute that provides that U.S. citizens born in Jerusalem can have Israel entered as the place of birth on their passports, if they so request. The case was dismissed by the District Court and the Court of Appeals on the grounds that it involves a political question. In granting certiorari, the Court directed the parties to also brief the question whether the statute infringes the President's power to recognize foreign sovereigns. The amicus brief addressed that question.

Prof. Marci Hamilton filed an amicus brief in the U.S. Supreme Court in August in *Hosanna-Tabor Evangelical Lutheran Church v. Equal Employment Opportunity Commission*, urging the Court to ensure that the First Amendment cannot be used as a tool to endanger children in religious organizations. Cardozo Advocates for Kids, an organization that works toward the extension and/or removal of civil statues of limitations for child sexual abuse, was one of the amici curiae on the brief.

Prof. Michel Rosenfeld published his book *Law, Justice, Democracy and the Clash of Cultures: A Pluralist Account* in 2011. Also, Professor Rosenfeld co-edited a volume in French entitled *Repense le constitutionalisme a l'age de la mondialisation et de la privatisation* (*Rethinking Constitutionalism in the Age of Globalization and Privatization*). In addition, he held the Chaim Perelman Chair in Legal Philosophy at the Free University of Brussels, Belgium in April 2011. Professor Rosenfeld was a speaker at Yale, and a panelist at various conferences in Paris, Berlin, Bologna, Tel Aviv, Cape Town and Pretoria, South Africa, the Hague and Madrid.

Prof. Richard Weisberg was sworn in on Sept. 8, 2011 as a member of the U.S. Commission for the Preservation of America's Heritage Abroad. In this position, Professor Weisberg will help protect and preserve historic buildings, collections and monuments in Europe that are significant to the heritage and culture of U.S. citizens. He is the founding director of Cardozo's Program in Holocaust and Human Rights Studies and the Floersheimer Center for the Study of Constitutional Democracy. He has litigated successfully in American federal courts on behalf of Holocaust survivors, and was awarded the French Legion of Honor in 2008.
For this issue, we asked students to describe their best memories of their clinical experience. In the following section, two students will provide first-hand accounts of their time in the Immigration Justice Clinic and the Indie Film Clinic.

THE HOLOCAUST CLAIMS RESTITUTION PRACTICUM

"During my clinic experience at the firm Herrick, Feinstein LLP, I used my contract and property law knowledge from my first year's studies, in conjunction with my German language skills, to translate original Nazi-era documents. I assisted the team of attorneys I was working with in their efforts to recover artwork looted from rightful Jewish owners before and during World War II."

JONATHAN RUSSO 3L

KATHRYN O. GREENBERG IMMIGRATION JUSTICE CLINIC

"My experience with the clinic has been extraordinary—and challenging. I'm working for a client whose situation is similar to my family's two decades ago when we left Iran. I understand his mind-set—I'm an immigrant to the U.S. Over the past year, my clinic partner and I have been extensively researching the law to prevent his deportation. So far, we've had one court appearance fighting his case—another one has just been scheduled. It's an amazing opportunity to help someone I can relate to in this special circumstance."

RACHEL SHIRIAN 2L

Rachel talks more about her experiences on page 29.
BET TZEDEK
(HOUSE OF JUSTICE) CLINIC

"My clinic work has been incredibly rewarding, keeping the underrepresented in their homes and helping elderly clients receive the government benefits they need to help maintain some quality of life. My intent in participating in this clinic was to gain experience in the litigation process and in managing an active caseload. But I've graduated with so much more. I've practiced the human side of law. We approached each case from a client-centered perspective. It's not about applying the best court strategy to practice our skills—it's all about finding the best overall solution to meet a client's fundamental need."

TODD BARNEY '11

ALEXANDER FELLOWS PROGRAM

"Cardozo helped me define who I want to be as an attorney. As a participant in the Alexander Fellows Program, I had the opportunity to observe federal trials within the chambers and discuss them with the judge after they ended. I also got to draft decisions for Social Security disability cases and work on default judgment cases. In addition, I was a staffer and board member for the Cardozo Journal of Law & Gender. These experiences, along with my coursework, prepared me to work as a law clerk."

CHANTAL N. HAMLIN '10, JUDICIAL LAW CLERK IN THE SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION—FAMILY PART

WATERFRONT COMMISSION EXternSHIP

"The Waterfront Commission of New York Harbor is the perfect place to prepare for a career in the public interest. New York Harbor is the city's lifeblood, and being a part of an organization that keeps that lifeblood crime-free means I am truly making a difference. The experience allowed me to hone my investigative skills and legal talents by conducting witness interviews and engaging in legal research—all while being an integral part of the battle against organized crime and corruption."

TALIA ENGLANDER 2L

CRIMINAL DEFENSE CLINIC

"Being a part of the immigration justice and criminal defense clinics is invaluable to my overall experience; your understanding of the law and how you practice the law is shaped by how you interact with clients and present cases in a formal setting. I'd be at a disadvantage if I graduated without clinic experience."

NYASA HICKEY '11

Nyasa talks more about her experience in her My New York interview, cardozo.yu.edu/mynewyork.
Jeff Pruzan was among the first wave of students to take the Indie Film Clinic. Here he describes the rewards of helping independent filmmakers clear legal hurdles in order to distribute their work.
When most people think of law school, they probably don't think of screenplays, camera equipment and actors. For Cardozo students, however, this is no longer the case, thanks to last spring's inaugural semester of Cardozo's Indie Film Clinic.

The first clinic of its kind in New York City, the Indie Film Clinic provides free legal services to qualifying New York area filmmakers creating independent, documentary or student films. However, it does much more than this. It gives Cardozo students the opportunity to work directly with film clients on a wide array of intellectual property and entertainment law issues. Students are exposed to hands-on, real life legal work, and obtain invaluable transactional law experience. The Indie Film Clinic puts Cardozo leaps and bounds above other intellectual programs across the country, and was one of the most rewarding experiences I have had as a law student.

The clinic is comprised of two portions aimed at educating students in both the classroom and in a hands-on client setting. A weekly seminar, taught by entertainment attorney and Cardozo graduate Thomas Crowell, focused on the fundamentals of entertainment and intellectual property law from a functional, practice-based perspective. Crowell, author of The Pocket Lawyer for Filmmakers, focused first and foremost on understanding and addressing the unique needs of film clients, who are creative-minded artists working on stringent timelines with limited budgets. With this in mind, throughout the seminar we learned the intricacies of the film industry and its relation to IP law, including how films are financed, made, and distributed, and the important role of lawyers at each stage. In addition, we were taught how to spot the many issues that can arise during the planning, filming and distribution of a film. Finally, and perhaps most important, we were taught how to draft the many types of contracts and agreements that are necessary when creating a film.

Next, as part of the clinic's first class, we chose our first clients, which included several narrative, documentary, and student filmmakers producing both short and feature length films. Cardozo graduate David Morrison, the Indie Film Clinic's executive director and administrative director of Cardozo's IP & Information Law Program, spearheaded this portion of the clinic. It gave students the opportunity to interact directly with filmmakers, and apply what we had learned in the seminar. To start, each member of the clinic met personally with clients to learn about the film projects and discover what legal issues the clinic needed to address. Then, the students worked directly with the clients throughout the semester drafting contracts, answering questions and providing legal advice. Through this portion of the clinic, students drafted agreements pertaining to every stage of the filmmaking process, including the screenplay, crew, actors, directors, composers, producers and everything in between. In addition, we helped our clients form LLC production companies, obtain shooting and location permits, and even obtain insurance for their films.

Finally, the most rewarding aspect of the clinic was witnessing the progress our clients were able to make as a result of our work. While there are many great independent artists and filmmakers capable of creating beautiful and inspiring works, few independent filmmakers have the time, resources or know-how to perform all of the legal work required to successfully create and distribute a film. As a result, many films are never seen and more are never made. At the Indie Film Clinic, we helped clear these legal obstacles so filmmakers could concentrate on what they do best: making films.
Rachel Shirian is a Cardozo Law 3L. As a student in the Kathryn O. Greenberg Immigration Justice Clinic, she brings an uncommon perspective to her work representing indigent immigrants facing deportation.
Today, as an American, I think back and remember how fear and disquiet were part of our everyday lives in Tehran. We lived guardedly and with restraint, careful to avoid attention, fearful of judgment and punishment. By the time I was 5 years old, it was unsustainable.

In 1991, my pregnant mother, father and I followed in the steps of others in our family and left Iran to begin new lives in the United States, free from religious threat. Thankfully, our journey was not one we had to undertake alone. Early on, we had legal guidance from an international agency dedicated to helping Jewish families find accepting homes. The Hebrew Immigrant Aid Society provides immigration law representation, support and social services to Jewish and other refugees escaping violence and repression, to find security in the United States.

Nevertheless, the journey to the United States was fragmented and exacted a heavy toll. Awaiting American visas, we were obliged to remain in Vienna for several months under increasingly difficult circumstances. Because of our status, my father was unable to obtain any work authorization and we were dependent on our savings. I remember, even as a young child, how it seemed to take forever. Ultimately, as new immigrants to the U.S., we moved into a small apartment with four other relatives. We were just grateful to be here—and thankful to those who had helped us reach our goal.

I feel lucky to have had the chance to begin a better life in the U.S. I also feel personally responsible to help others in similar situations, and have tried to devote my life to those who have felt estranged from their justice systems. I received my first opportunity to give back right after college when I interned as a refugee caseworker for Organization for Refuge Asylum & Migration (ORAM)—a nonprofit organization dedicated to providing legal services to refugees. I interviewed and drafted affidavits for Lesbian, gay, bisexual, transgender (LGBT) refugees in Turkey who had escaped from gender and sexual persecution in Iran. I quickly learned that those with representation fared far better than those who did not.

This year, at the Immigration Justice Clinic, I have been fortunate enough to be able to give back again. At the clinic, we were trusted to be the guardians of the prosperity of others in this country by representing individuals who are facing deportation.

This role reversal is powerful to reflect on. Not too long ago, my family and I were on the other side, vulnerable and without the knowledge to navigate the immigration system. However, as a result of the immigration legal services organization that was willing to help my family, today I am able to ensure justice for others through my clinic work.

Over the course of the past year, I would never have predicted the journey our clients' case would take. Throughout the case that I was assigned, my clinic partner Michelle Park and I worked hard to research all the legal issues that might impact our client's case, and to explain the law in simple terms so that our client could understand each step we were taking. We developed a factual record with evidence to support our client's claims for relief. This challenging experience spurred my growth as an advocate. I've had to wear multiple hats. I've been an advocate, a mediator, a confidant.

I've appeared in immigration court and studied unfamiliar areas of law, to best advance my client's interests. I've learned that regardless of how confident I may be on a particular strategy, I must always have an open mind and seek other viable paths to protect my client's interests. What I have learned most from this experience, however, is to be prepared for every eventuality.

In clinic, I have seen firsthand how every strategy, no matter how painstakingly constructed, can just as easily crumble and a good advocate has to be prepared with a plan B.

Representing a person in immigration removal proceedings has been one of the most challenging yet humbling experiences I have had at the Immigration Justice Clinic. Even though the clinic clients and I are different, in terms of our culture, our background and even the reasons that brought us to this country, we share at least one common ground, and that is our motivation to begin a better life here.
Filling The Justice Gap
The story of the genesis of Cardozo’s Guardianship Clinic appeared in the New York Law Journal earlier this year, and is published here with permission. It tells how the efforts of Kathryn O. Greenberg ’82 to help one young man led to the creation of Cardozo’s newest clinic.

DANIEL WISE AND JEFF STOREY

In January 2003, the New York Times featured as one of its annual 100 neediest cases an 11-year-old boy who had been born with what a judge would later describe as “devastating bodily deformities” but who nevertheless was “personable, charming, well spoken, and displays remarkable fortitude and grace in coping with and overcoming his physical disabilities.”

Attorney Kathryn O. Greenberg was moved enough by the story to donate a specially equipped motorized wheelchair without which Roy W. Lantigua Jr. could only drag himself along the floor. But that generous impulse was only the beginning of a tortuous nine-year process that Ms. Greenberg said gave her “a worm’s eye view of everything wrong about New York’s guardianship system” and has inspired her and her husband to act as the major donors for the start of a new student clinic at her alma mater, the Benjamin N. Cardozo School of Law.

Ms. Greenberg, 64, grew up in Minnesota, the daughter of a lawyer who volunteered his services to the residents of nearby Indian reservations. “It was part of our lives,” she said in an interview. “Part of our culture.”

After graduating from Cardozo in 1982, Ms. Greenberg worked as a trusts and estates lawyer at Shea & Gould and then at a Cardozo clinic before establishing the New York Legal Assistance Group.

Ms. Greenberg, who is married to Alan C. “Ace” Greenberg, has served as the president of Cardozo’s board and supported the creation of an “immigration justice clinic” that bears her name.

Cardozo Dean Matthew Diller, who has stressed the role of clinical education in the school’s curriculum, said that Ms. Greenberg and her husband have a “very clear social vision of the contribution that lawyers and law schools can make toward the remedying of injustice.”

“Kathy is like another mom,” Roy said in a telephone interview with the Law Journal. “She is always worried about me and concerned about my well-being.”

Ms. Greenberg acknowledged that she had become “emotionally involved” in Roy’s case. She said that she has had “enormous contact” with Roy, his mother and his younger brother and has done “lots of thing to make the family’s life better,” among them, paying for transportation, college applications, braces and clothes for Roy and sending the family to Disneyworld.

In the courts, she won appointment as his co-property guardian and co-trustee of his supplemental needs trust. Acting pro bono, she recently persuaded Brooklyn Justice Betsy Barros (See Profile) that the attorney Ms. Greenberg had replaced had squandered and wasted Roy’s limited estate from a $684,700 wrongful life settlement.

Justice Barros rejected $83,360 in legal fees sought by Ray A. Jones Jr. but also ordered Mr. Jones to pay a $501,425 “surcharge,” plus interest, to replenish an estate that had dwindled to $180,000.

“It is abundantly clear that [Mr. Jones] never acted in Roy’s best interest,” Justice Barros wrote in her March 31 decision in Matter of Roy W. Lantigua Jr., 107034/99, adding that Mr. Jones had made decisions without consulting Roy’s mother—his fellow trustee—and behaved toward the court in a manner that was “replete with deception.”

On May 17, Mr. Jones filed a notice of appeal to the Appellate Division, Second Department, on the grounds that Justice Barros abused her discretion and did not act in a timely fashion in vacating court orders Mr. Jones has cited in justifying his activities.

Lumbermans Mutual Group, the company that provided Mr. Jones’ surety bond, also has indicated that it would challenge the judge’s order that it pay the surcharge and interest to Roy’s trust.

‘UNIQUE PHYSICAL LIMITATIONS’
Roy was born with a stunted torso and thighs, no arms and club feet, each lacking a toe. Now 19, he weighs approximately 80 pounds. Attempts to fit him with prosthetic limbs have failed. Justice Barros noted that he needed surroundings that required specialized alterations tailored to “unique physical limitations” that left him dependent on a wheelchair to get around.

In 1999, Roy received a lump sum settlement of $684,700 in a wrongful life action. Mr. Jones, then serving as an evaluator for
the court, suggested that Roy's mother, Elaine DeJesus who was then single, would benefit from the appointment of a co-guardian to assist her in preserving Roy's estate. After the lawyer who had handled the guardianship petition for Ms. DeJesus declined the appointment, Justice Leonard Scholnick named Mr. Jones.

According to Justice Barros, to whom the case was transferred in 2007, Mr. Jones also had received a separate appointment to safeguard the property of a Crown Heights estate. As the attorney for the conservator of Mary D. Dicks, Mr. Jones knew that the elderly Ms. Dicks had been removed from the property because it was uninhabitable due to years of debris and garbage accumulation, Justice Barros said in her March decision.

With Mr. Jones acting for the conservator, the estate initially agreed to sell Ms. Dicks' three-story row house for $25,000 to a contractor named Ezekiel Barnett, whom Justice Barros identified as "a neighbor and business associate" of Mr. Jones.

Justice Barros said that Mr. Jones did not disclose the relationship to the court handling the Dicks case.

"It was at this juncture that [Mr. Jones] embarked on the course of conduct, the hallmark of which was to promote his self-interest at the direct expense of the people he was entrusted to protect," Justice Barros wrote.

The court refused to approve the sale of the Dicks house and appointed an appraiser who valued the property at $101,000. Meanwhile, without seeking the approval of Roy's guardianship court, Mr. Jones submitted a contract on behalf of him and Roy's mother, to purchase the property for $75,000. In January, Roy's estate bought the dilapidated row house at auction for $111,000—$36,000 more than the amount in the original contract.

In May 2000, Mr. Jones, "again without the benefit of a court order," hired Mr. Barnett to renovate the house for $121,800, Justice Barros said. The judge added that the attorney did not seek an order permitting the renovations until July 2, 2001, 19 months after the purchase of the house and 14 months after Mr. Barnett had received his first payment.

Justice Barros found that Mr. Jones had overpaid for a home which was "little more than a pile of rubble," only because he was "putting together a deal to sell the house and his business associate wanted the contracting work."

Meanwhile, in April 2000, Roy and his family moved into a basement/ground floor apartment rented by Mr. Jones from Mr. Barnett for $1,200 a month, $900 more than a court-ordered cap of $300 for Roy's contribution to rent, Justice Barros said.

According to Justice Barros' decision, Roy's mother complained unsuccessfully to Mr. Jones and the court that the apartment was vermin infested, did not meet Roy's special needs and had been flooded. She said that the renovations on the home were taking much longer than the three to four months Mr. Jones had promised and that Mr. Jones was not sharing information with her.

Roy and his family finally moved into the house in July 2002, but Justice Barros said in her order that an elevator has never been fully installed and remains inoperable. Moreover, she said that the house was cited for building code violations that had never been cleared.

In addition to the renovations, Justice Barros criticized Mr. Jones for purchasing in 1999 a handicapped-equipped van for Roy for $39,118 that lacked a parking spot. Roy's mother had trouble driving the van, dented it several times and received numerous tickets. The judge said that Mr. Jones took possession of the vehicle, which he warehoused for approximately three years at a cost to Roy's estate of $210 to $230 a month. It was sold in 2005 after Mr. Jones stepped down as co-guardian.

Justice Barros also faulted Mr. Jones for improperly marshaling Roy's assets, leading to the temporary loss of Medicaid and SSI benefits to which he was entitled.

Shortly after Roy moved to his new house, the Times ran the story that moved Ms. Greenberg, "The Neediest Cases: From a Boy's Frail Body, an Intellect Burst Out."

Justice Barros observed in her opinion that it was "incomprehensible" that a child with $684,700 in 1999 and a professional co-guardian/co-trustee "became so neglected that he was one of the hundred neediest cases featured by The New York Times in 2003." She said that the intent of the trust established for Roy was that he "be well provided for—not dependent upon charitable donations."

"A PRISONER IN HIS HOME"

Ms. Greenberg first met with Amanda Caccavo, Roy's social worker at the Henry Visardi School in Nassau County, who told Ms. Greenberg that attorneys who visited the school often were misinformed about trust and guardianship issues. Ms. Caccavo said that Ms. Greenberg formed "an immediate bond" with Roy.

The customized wheelchair that Ms. Greenberg ordered for Roy was not ready for about 10 months. After it had been delivered, when Ms. Greenberg visited Roy at his Crown Heights house in the fall of 2003, she said she was "appalled" by what she saw.

"The house had no wheelchair access and Roy's mother had to carry him in and out of the house," Ms. Greenberg recalled.

The wheelchair had to remain outside, where cats urinated on the tarp that covered it. Roy testified at a 2010 hearing that he had been humiliated at using a wheelchair reeking with urine.

According to Roy's testimony at a court hearing, the lift to bring the wheelchair into the house had only worked for three months.

"Without his special motorized wheelchair, equipped with a

“I decided I was staring evil in the face.
I said that I was going to object.”

KATHRYN O. GREENBERG
shoulder-operated joy stick, Roy is a prisoner in his home, unable to come and go as he pleases, unable to bathe independently, to use the toilet independently or to prepare his own meals,” Justice Barros said.

In January 2004, Ms. DeJesus, with Ms. Greenberg’s assistance, sought the removal of Mr. Jones. Following Mr. Jones’ consent, Justice Michael L. Pesce (See Profile) replaced Mr. Jones and Ms. DeJesus with Ms. Greenberg and Yvonne Gardner as successor co-trustees and co-property guardians. Ms. Greenberg said that the judge decided she should have another lawyer as co-guardian because “he did not personally know my work.”

The new co-guardians succeeded in getting Roy’s benefits restored. Ms. Greenberg limited spending on the house to essential repairs; it is now on the market.

About a month ago, Ms. Greenberg, through a lead provided by Justice Barros, found a two-bedroom, rent-subsidized handicapped-accessible apartment for Roy, his younger brother, his mother and stepfather.

Meanwhile, Mr. Jones submitted his final accounting and bill for his services last year. Attorney Adam C. Wilner, who had been appointed to review the report, recommended its approval “despite glaring irregularities,” the judge said. Mr. Wilner declined to comment.

Ms. Greenberg said in an interview that she attended a court conference about the final accounting at which “I decided I was staring evil in the face. I said that I was going to object.’’

Ms. Greenberg was represented by attorney Francine Vlantes O’Keefe, a family friend who had previously worked at Lowenstein Sandler. Mr. Jones represented himself.

Ms. Greenberg said that Justice Barros, who visited the Crown Heights house with her law clerk, was “outraged” at how Roy’s guardianship had been handled.

Justice Barros found Mr. Jones’ explanations for his actions “patently incredible.” She rejected his contentions that Roy had not suffered any economic damages and that Ms. Greenberg should have finished the renovations.

Instead, she concluded that Mr. Jones had “profoundly” violated his fiduciary duty as trustee, as guardian and as counsel to Roy and his estate. The judge declined the compensation he sought for “extraordinary services” and legal fees and imposed a surcharge that includes $207,545 for the cost of renovations and $100,000 to correct building code violations and $58,785 for the van. With interest, the total is about $800,000.

“It is abundantly clear that [Mr. Jones] never acted in Roy’s best interest,” Justice Barros wrote. “The hallmarks of [Mr. Jones’] tenure as co-guardian/co-trustee are self-dealing, a cavalier disregard of Roy’s abilities and disabilities, a contemptuous attitude toward and direct contravention of the Court’s orders and authority, and a breakneck pace of expenditures, the lion’s share of which lie in the risky business of home renovation.”

Mr. Jones has not answered repeated telephone and e-mail requests or a note dropped off at the address listed in court files seeking comment about his stewardship of Roy’s estate.

Ms. Greenberg, who does not expect to remain as Roy’s co-guardian, said that she was thrilled by Justice Barros’ decision.

She said that “everything that could go wrong had gone wrong” with Roy’s guardianship. “They had a major problem and I knew I could help them,” she said.

And she said she expects that the new Cardozo clinic will help people with similar problems by “producing guardianship lawyers who know what they are doing, developing practice models that will enable guardians to visit their wards four times a year as is required, and increase public support for a system that better protects those who are unable to care for themselves.”
Law Firm Challenge breaks records

This was a year of records for the Cardozo Law Firm Challenge. Thirty-five firms participated, surpassing our previous record. In addition, 11 firms had 100 percent participation, and many other firms had participation rates above 50 percent.

Many thanks go out to the alumni at each firm who served as agents. This year’s success is a testament to their dedication and hard work.

This year’s winners with 100 percent participation:

Tier 1 (15+ alumni):
Weil, Gotshal & Manges LLP

Tier 2 (9–14 alumni):
Stroock & Stroock & Lavan

Tier 3 (3–8 alumni):
Boise, Schiller & Flexner LLP
Buchanan Ingersoll & Rooney
Cohen Tauber Spievack & Wagner
Cowan Liebowitz & Latman
Day Pitney LLP
Kilpatrick Townsend & Stockton LLP
Meltzer, Lippe, Goldstein, & Breitstone
Patterson Belknap Webb & Tyler
Smith Mazurek Director Wilkins
Young & Yagerman PC

Congratulations Class of 2011!

As Cardozo’s class of 2011 celebrated their accomplishments, the commencement speaker, New York State Attorney General Eric Schneiderman, urged them to strive to help create a better nation. “Yearn towards justice, move toward equality,” Schneiderman said. Dean Matthew Diller quoted Benjamin N. Cardozo, saying that “law never is, but always is about to be.” Four hundred forty-nine graduates received their J.D. from Cardozo Law at Avery Fisher Hall in Lincoln Center on May 31. As the students lined up to get on the stage, they smiled broadly, enjoying the celebration after years of hard work. Many said their Cardozo experience was a great one—with fantastic faculty and a great learning environment.

Mike Berkey, hooded by his mother, Rachel Berkey ’89
Orrie Levy, hooded by his mother, Lynn Goodman ’84
Lloyd Gladstone, hooded by his father, Roger Gladstone ’81

Some graduates were second-generation Cardozo students. Pictured above are several students who were hooded by their alumni family members. Not shown: Zahava Silverman, hooded by her mother, Rhona Silverman ’96 and her brother, Samuel Silverman ’03.

The Black, Asian, Latino Law Students Association (BALLSA) held its third annual dinner on April 5 at Cardozo. Magda M. Jimenez Train ’95, partner at Boies, Schiller & Flexner LLP was honored at the event, which raised funds for the BALLSA Scholarship. One hundred twenty attendees were treated to remarks by keynote speaker Stephen N. Zack, administrative partner at Boies Schiller and president of the American Bar Association. Zack spoke passionately about the need for continued efforts to expand diversity at law schools and in the legal community at large, in order to better reflect the population and to serve justice. Boies Schiller (patron level) and Seeger Weiss LLP (sponsor level) were supporters of the dinner. The dinner committee was headed by Timothy Gladstone ’01, who worked closely with BALLSA chair Glenda Dixon ’93 to create a special evening.

Keynote Speaker Stephen Zack, administrative partner, Boies, Schiller & Flexner LLP and president of the American Bar Association, with honoree Magda Jimenez Train ’95, partner, Boies, Schiller & Flexner LLP
Public Service Auction

Every year, Cardozo students hold a Public Service Auction to raise summer stipends for students working at public service organizations and not-for-profits. This year’s wildly successful auction raised a record $560,000—as a result all 243 eligible students received funding. The stipends are designed to encourage students to engage in public interest/public service, government and judicial legal internships during the summer. For the past six years, every eligible student received funding.

Annual Fund 2010–2011

Cardozo’s Annual Fund, which is the lifeblood of the law school and makes so many programs possible for our students, raised a record amount of money in 2010–11. The Cardozo community of alumni, parents and friends donated $2.1 million. This is a 50 percent increase over last year. Another encouraging sign: the number of alumni making a gift to the law school increased by 12.2 percent. A hearty thank you to all who supported Cardozo this year, you are integral to our accomplishments.
The class of 1986 held their 25 year reunion May 26.

Clockwise from top: Alumni enjoy their five year reunions at Twenty-Four Fifth Ballroom; Hon. Ellen Greenberg '81 and Hon. Martin Shulman '81; Prof. Peter Lushing and Jack Russak '81; Pam Zimmerman '06, Adam Schneid '06, Alyse Aruch '06 and Elia Lahav '06.

From left: Sharon Lewis '87, Jeffrey I.D. Lewis '86 and Michele Jaspan '86; Sonia Estreich '86 and Jacqueline Hoishman-Tunkel '86.
Our Alumni of the Year

Congratulations to Shoshana T. Bookson and Richard L. Perkal, who were honored in November at the Fifth Annual Cardozo Law Alumni Association Dinner at the Mandarin Oriental Hotel in New York City.

SHOSHANA T. BOOKSON ’82
Law Offices of Shoshana T. Bookson

For over 25 years, Shoshana T. Bookson has successfully represented seriously injured victims in complex as well as simple personal injury cases. She has earned a reputation for aggressive representation of her clients that results in recoveries of the maximum compensation.

In 2008, Bookson established her own law practice, the Law Offices of Shoshana T. Bookson, in New York City, where she continues to combine high quality legal representation with personal attention to each client.

In addition to her private practice, Bookson has held leadership positions in the bar. She is past President of the New York State Trial Lawyers Association and continues to serve as a Governor from New York of the American Association for Justice, the national trial lawyer association. She lectures frequently at bar groups on personal injury law and trial advocacy.

Bookson is an active and proud alumna of the Benjamin N. Cardozo School of Law, where she received her J.D. in 1982, after having been selected in law school as an editor of the Moot Court Board. She is a member of the Cardozo Board of Overseers and Chair of the alumnae group CARDozo WOMEN.

RICHARD L. PERKAL ’81
Senior Managing Director, Irving Place Capital

Richard L. Perkal is a Senior Managing Director of Irving Place Capital Management, L.P., a middle-market private equity firm. Perkal’s focus is in the retail and consumer sector. From 2000 to 2008, Perkal was a Senior Managing Director of Bear Stearns & Co. Inc. and a Partner of Bear Stearns Merchant Banking, an affiliate of Bear Stearns & Co. Inc. and predecessor to Irving Place Capital Management, L.P.

Prior to joining Bear Stearns & Co. Inc. in 2000, Perkal was a senior partner in the law firm of Kirkland & Ellis LLP where he headed the Washington, D.C. corporate transactional practice, primarily specializing in leveraged buyouts and recapitalizations. In 1991, he founded Cartoon Cuts, L.P., the country’s first chain of children’s hair salons. Perkal later founded Millennium Laser Eye Centers which he subsequently sold to TLC in 2002.

Perkal currently serves as a Director of two New York Stock Exchange companies, Vitamin Shoppe Industries, Inc., and New York & Company, Inc., and is a former Director of Aeropostale, Inc., also a New York Stock Exchange Company. He is currently a Director of Pet Supplies Plus, LLC and Armace Laboratories Inc., and has also served as a Director on several other boards including CamelBak Products Group LLC, The Healthy Back Store, Inc. and Stuart Weitzman, LLC.

Perkal is a 1981 graduate of Cardozo School of Law, and a member of the Cardozo Law Review. He is the Vice Chairman of the Cardozo Board of Overseers.

My New York

Go to www.cardozo.yu.edu/mynewyork to see Richard and Shoshana chat about their careers and Cardozo years. You can also hear from some of our other distinguished alumni, who talk about the professional and personal opportunities they’ve gotten by living in one of the most diverse and vibrant cities in the world.

Alissa Makower ’92 is the Vice President, Senior Counsel at CBS Corporation in New York City

Marvin Mills ’09 is an associate at Weil, Gotshal & Manges in New York City
Cardozo Board of Overseers Appoints Six New Distinguished Members

HON. DIANNE RENWICK '86
The Hon. Dianne Renwick joined the judiciary in 1997, when she was appointed a New York City Housing Court judge. That same year, she was elected as a judge of the Civil Court of the City of New York. In 2008, Justice Renwick was elected justice of the Supreme Court of the State of New York. She was appointed by Gov. David Paterson to the Appellate Division of the Supreme Court of the State of New York, for the First Judicial Department. Justice Renwick was the fourth woman, and the first African-American woman, to serve in the First Judicial Department since its creation in 1894.

Justice Renwick has taught in trial advocacy programs and has served on numerous committees and boards, including the Governor's Task Force on Judicial Diversity, the Second Circuit Task Force on Gender and Ethnic Fairness in the Courts and the Black Bar Association of Bronx County.

ERIC COHEN '83
Eric Cohen is the senior vice president, secretary and general counsel of Terex Corporation. He is a member of the Terex senior executive leadership team, and his responsibilities include the management of all global legal affairs, SEC matters, product safety, ethics and compliance, as well as participation in the general management, strategy and administrative aspects of Terex's business.

Prior to joining Terex, Cohen was a partner at Robinson Silverman Pearce Aronsohn & Berman LLP (now Bryan Cave LLP). His practice was in the general corporate and corporate securities area, and his responsibilities included advising management and boards of directors of small, mid-size and large corporations in day-to-day legal and business matters, structuring and negotiating acquisitions, divestitures, joint ventures, private and public offerings of equity and debt securities, registrations under the federal securities laws and other related responsibilities.

GARY HOLTZER '90
Gary Holtzer is a partner in the Business, Finance and Restructuring Department of the New York office of Weil, Gotshal & Manges. He practices in all areas of domestic and international restructurings, crisis management, corporate governance, financings and acquisitions involving distressed situations.

Holtzer was ranked as a leading lawyer for bankruptcy/restructuring in Chambers USA: America's Leading Lawyers for Business 2011. He is an adjunct professor at Cardozo and a fellow of the Heyman Center on Corporate Law. Holtzer is also a fellow of the American College of Bankruptcy.

SHAI WAISMAN '96
Shai Y. Waisman is a co-founder and principal of Centelis Capital Management, an investment advisor for various private alternative investment partnerships primarily focused on distressed investment opportunities. Prior to founding Centelis, Waisman was a partner in the business, finance & restructuring department of Weil, Gotshal & Manges. Waisman has been awarded the following recognitions: "Rising Star" for Bankruptcy by Law360 in 2010; New York's "40 under 40" in the business community by Crain's in 2009; "Up and Coming Lawyer" for Bankruptcy/Restructuring in New York by Chambers USA in 2009; "Rising Star" by Institutional Investor News in 2008; and "Outstanding Young Re-structuring Lawyer" by Turnarounds & Workouts in 2006.

ZAHA VA STRAUSS '80
Zahava Straus is a member of Ascend Capital Group International, LLC, a family office managing the Straus investment and personal interests.


Additionally, Straus is vice president of the Zahava and Mosheal Straus Family Foundation, which mainly supports institutions of Jewish education including Yeshiva University, Bar-Ilan University and Ramaz and the Moriah School of Englewood. Zahava and her husband, Mosheal Straus, are University Benefactors, having made various significant gifts to Yeshiva University.
IN MEMORIAM

Dr. Stephen H. Floersheimer

The Cardozo community expresses sorrow on the passing of Dr. Stephen H. Floersheimer. As a friend and benefactor of Cardozo School of Law, Floersheimer established the Floersheimer Center for Constitutional Democracy in 2000. He created the center to seek out answers to problems of sound governance in pluralistic societies. Floersheimer cared deeply about the work of the center and its mission to help improve the functioning of constitutional democracies at home and abroad. His vision supported new scholarly research, public policy publications and numerous conferences on topics, including civil liberties in the age of terrorism, the relationship between church and state, the legal complications of prosecuting hate crimes, and conflicts over journalistic publication of national security secrets. In addition, he established the Walter Floersheimer Chair of Constitutional Law in honor of his father, as well as a scholarship for law students.

"Stephen Floersheimer was a great humanitarian who cared deeply about issues of democracy throughout the world," said Professor Richard Weisberg, who currently holds the Floersheimer Chair of Constitutional Law and was the first director of the Floersheimer Center. "His generosity contributed to the growth of Cardozo as a vibrant locus of intellectual dynamism."

Cardozo School of Law Dean Matthew Diller added, "The Floersheimer Center was an expression of his desire to increase understanding of how democracies around the world can evolve to meet new challenges. His presence will be deeply missed."

Floersheimer lived in Zurich, Switzerland. He was awarded an honorary doctorate in humanities by Yeshiva University. The Yeshiva University community extends our deepest sympathies to his family.

Ruth Mack

Ruth Mack, a generous benefactor of Cardozo Law School and a dear friend to the entire Yeshiva community, passed away recently. Together with her husband H. Bert Mack, she touched the lives of generations of Yeshiva University students. President Richard Joel described her as a "grand lady... whose deeply held belief in Jewish life and learning was so intertwined with the core values of our university. Her fierce commitment to Jewish education and culture resulted in her generous support of university scholarships, with a special focus on students at the Cardozo School of Law. Ruth's generosity was boundless."

In addition to supporting Cardozo School of Law, she cared deeply about and supported the Albert Einstein College of Medicine and other schools and programs at the university. In recognition and gratitude for the extraordinary breadth of Ruth's contributions, Yeshiva University awarded her an honorary doctorate. We will miss our cherished friend Ruth and we extend our deepest sympathies to her children, Earle and Carol, David and Sandra, William and Phyllis, and Frederic and Tami, who have carried on her legacy of leadership at Yeshiva University, and to her grandchildren and great-grandchildren.
Over the past 35 years, Cardozo's clinics and other experiential offerings have grown throughout New York City.
NEW YORK CITY IS ARTS & CULTURE
The Cardozo Arts & Entertainment Law Journal is recognized as one of the top intellectual property law journals.

578 MILES OF WATERFRONT
Cardozo students run the Environmental Law Society and have externships with the Waterfront Commission of New York Harbor. Read about one student's experience on p. 25.

ONE MILLION IMMIGRANTS
Cardozo's Immigration Justice Clinic provides free legal representation, as well as advocating for change in immigration policy. The clinic's had some big victories lately—see p. 21.

WALL STREET AND THE NEW YORK STOCK EXCHANGE
The Samuel and Ronnie Heyman Center on Corporate Governance focuses on corporate and securities law. JP Morgan Chase partners with Cardozo on its Summer Associate Program.

THE INNOCENCE PROJECT
Founded at Cardozo in 1992, the Innocence Project has overturned hundreds of life sentences and wrongful convictions, including those of death row inmates. Barry Scheck tells more on p. 5.

CITY AND STATE GOVERNMENT OFFICES
Cardozo offers Field Clinics with the City of Newark and the New York State Attorney General's office as well as a similar program with the New York City Law Department.

AN INDEPENDENT FILM CAPITAL
Cardozo's Indie Film Clinic provides free legal services to filmmakers and is the only clinic of its kind in New York. Read how the clinic works, p. 27.

CRIME AND PUNISHMENT
Over 32 Cardozo Law alumni work in the Manhattan DA's Office alone. Cardozo alumni are defense attorneys practicing throughout the city. New York has the lowest crime rate of the 25 largest U.S. cities.

A MEDIA MECCA
The Howard M. Squadron Program in Law, Media and Society, along with Oxford University formed GlobalMediaLaw.com. Student externships include MTV, CBS, Forbes and Spike TV.

800,000 BUSINESSES AND CORPORATIONS
Cardozo students have externships at Burberry, Coach, Christie's, FINRA, NASDAQ and many other corporate offices.

THE UNITED NATIONS
The Holocaust and Human Rights Program works on laws to prevent future genocide. The Human Rights and Genocide Clinic successfully won a major case before the European Court of Human Rights. Our story is on p. 42.

CIVIL AND CRIMINAL COURTS
Cardozo students are in the courts regularly, advocating for clients as well as clerking for judges.
Preventing Genocide

Prof. Sheri Rosenberg is a leading scholar and practitioner on the subject of genocide prevention. In her work as the director of the Program in Holocaust and Human Rights Studies, she has been active in the rapidly evolving norm known as the Responsibility to Protect (RtoP). Here she talks about her work with Cardozo’s Communications Director, John DeNatale.

JD: What has been the most exciting aspect of your work as the director of the Program in Holocaust and Human Rights Studies?
SR: The most exciting aspect has been the opportunity to engage with human rights issues on multiple fronts, including scholarly research and policy outputs that have real-world policy implications, and to get them into the hands of policy makers.

JD: Let’s talk about the Human Rights and Genocide Clinic. What do students do?
SR: Beginning in the fall of 2011, we are representing asylum seekers, or individuals fleeing from a well-founded fear of political persecution. In the work that we’ve been doing we recognize that we can contribute to aspects of prevention. We can work on minority rights cases and we can engage in post-conflict transitional justice work. The actual protection of individuals while a series of mass atrocities, like genocide, is taking place is where we expand to now. Students will be involved and we’ll be figuring out which cases to take. We’ll be looking at issues of people seeking asylum from places like Haiti or Darfur.

JD: What do you hope students gain from it?
SR: The students will gain experience working with actual hands-on advocacy, the promotion of legal human rights norms in general, as well as protecting client’s rights. In the Finci case (Sejd and Finci v. Bosnia and Herzegovina), an individual was barred from running for office solely because of his ethnicity. Our students prepared briefs for arguments I made before the European Human Rights Court. We got them to agree with us that this was a violation under the European Convention. We’ve had a number of individual cases like that.

JD: The world is wrestling with how to mobilize against future genocides, and you are helping. Explain the background on Responsibility to Protect.
SR: Essentially, in 2001 Kofi Annan made a plea to the general assembly asking how the world is going to respond to a future Rwanda or Srebrenica. A commission was established under the authority of the Canadian government in 2000 called the International Commission on State Sovereignty. They came up with a report called the RtoP, which set forward a doctrine proclaiming that states have a dual responsibility as a sovereign to other states, and also to protect their population from mass atrocities. They went on to say that should the states fail, the international community has a responsibility to protect those populations. In 2005 at the U.N. Millennium World Summit, U.N. member states committed themselves to a version of the RtoP, wherein they agreed to help states fulfill their commitments to protect their populations, and to take timely and decisive means using all peaceful measures should the state fail to protect. And, military force for humanitarian reasons was seen as an ultimate last resort.

A lot of these conversations came up in the 90s in Bosnia, Kosovo, Rwanda. In Kosovo it was not the international committee that went in but the “coalition of the willing,” and there were questions of legitimacy. This doctrine takes the focus off the state and puts it on the population, so it’s not a right, but a responsibility to protect populations from mass atrocities.

JD: You convened a group of experts for a meeting in New York City to discuss evidentiary standards. Explain what happened at that meeting.
SR: We continued to think about how we can continue to engage in the conceptual and practical implementation of RtoP. We identified a particular issue that needed sorting and applied for a grant. In the U.N. doctrine, member states agreed that the content of the RtoP includes genocide, war crimes, crimes against humanity and ethnic cleansing, all criminal categories defined in international criminal law. But what we saw is that you would see a situation developing somewhere, and the conversation would develop into whether or not what’s happening is in fact genocide, or one of the other enumerated crimes. In the decade that has marked the evolution of the RtoP, the success in gaining a broad consensus on the moral imperative embodied within the RtoP has been partially
achieved by maintaining the concept as a vague set of commitments. On the one hand, situations of prevention of mass atrocities have not been identified as successes of the RtoP; on the other hand, the language of the RtoP has been invoked controversially in situations that have led many groups and individuals to question its true parameters and benefits. Our Evidentiary Assessment Project seeks to address this divergence by introducing a common approach to assessing the evidence on potential RtoP situations that will emerge, are emerging or have emerged. The guidelines are intended to prevent hasty action, while ensuring that the preventative imperative of the RtoP is realized.

JD: How is it going?
SR: It's going very well. We've hired an exceptional fellow, Daniel Stewart, with support from Cardozo and from the grant. We organized an expert meeting based on our research on the key questions needed to be answered. We want whatever standard to be grounded in scholarly rigor but practically applied.

JD: What's next?
SR: A concept paper we are writing will be presented to relevant stakeholders in Europe, Asia and Africa. It will be presented again to individuals in international and non-governmental organizations, to ensure a broad consensus around the standard.

JD: Hypothetically, how would the work you are doing, had it been completed, have impacted Rwanda or any of the recent cases of genocide?
SR: Good question. Rwanda is a tough one. In Rwanda, when the information started coming in at an early stage that massacres were happening that looked systemic, then there would have been a focal point in the U.N. system that would have been tasked in gathering information. Instead of asking, "is there a genocide happening in Rwanda?" the question would be, "is there a reasonable basis to believe that there is a grave risk of genocide in Rwanda?"

In a Frontline documentary a journalist asked a State Department spokeswoman, "isn't there a genocide happening now?" You saw the spokeswoman hem and haw about the legal definition. Instead of using the law as a shield we want to use it as a sword to take action. For example, is there a reasonable basis to believe there is a grave risk? That's when obligation has to kick in. If you have to wait for an answer to "is genocide happening?" then you will not be able to protect the population under assault—because you have to wait too long.

JD: Aren't you in effect saying there ought to be a law against hiding your head in the sand?
SR: Mobilizing is a big thing. A myriad of players are required to protect a population and the standard needs to become part of the lexicon. Members of the U.N. have said we have a responsibility not to hide our head in the sands, to make sure there is some kind of international duty to protect populations. So now we need to do something about it, move that commitment forward.

SR: The RtoP doctrine has been articulated by three pillars. The state has a responsibility to protect its own population. Second, the international community has a responsibility to assist other states—Egypt might be a good example of that. The third pillar is, should a state fail to protect the population, then the putative international community has a responsibility to use all peaceful means, and as a last resort, military intervention. What should we do with that as we articulate the standard? There will be states that will be afraid of any standard that they perceive will be a pretense for big countries to invade little countries. It also raises the question of equality. It's not likely to apply in the United States. It lives very much in the world of politics, law and international relations.
Fifty-five Fifth Avenue has a fascinating history. We found this photograph of Cardozo's street corner from the 1800s and thought we would share it. The home in the photo was number 53, and belonged to James Lenox, a founder of the Lenox Library (which later became the New York Public Library) and the New York Presbyterian Hospital. Lenox's collection of books included the country's first Gutenberg Bible and the manuscript of President Washington's farewell address. His library, along with his gallery of paintings, was one of the rarest and most valuable in the United States.
### Benjamin N. Cardozo School of Law

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