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“It’s a broken system.”

ELLEN YAROSHEFSKY, clinical professor of law and director of the Jacob Burns Center for Ethics in the Practice of Law, describing the proliferation of prosecutorial misconduct cases

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To effect change in an institution, you should “get in the door, gain serious credibility and disrupt the hell out of it.”

EMILY TISCH SUSSMAN ’08, awarded the 2012 E. Nathaniel Gates Award for her legal representation of LGBT members of the military

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“Anonymity may well be the key policy issue of the 21st century.”

ALEX KOZINSKI, chief judge, U.S. Court of Appeals for the Ninth Circuit, speaking at Anonymity and Identity in the Information Age

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“The pursuit of justice for all is what defines our powerful and privileged profession; it is at the very heart of what it means to be a lawyer—it is our calling.”

HON. JONATHAN LIPPMAN, chief judge of the state of New York, speaking at Cardozo’s 34th Commencement Ceremony

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If you are sworn to defend the people of the United States … and you have someone that is in another country that you cannot possibly bring to justice before that act of terrorism is committed … do you allow that to happen? Or do you use a drone or some other method of killing that individual?

TED OLSON, Gibson, Dunn & Crutcher LLP, at ACLU in American Life

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“The formula is simple. The world is changing. Use the law to make it better.”

Dean MATTHEW DILLER, speaking at Cardozo’s 34th Commencement Ceremony

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AS THE DEAN OF A GREAT LAW SCHOOL AND A PROFESSOR of law, I like to think that teaching law is my area of expertise. But lately, there have been new cooks in the kitchen. Over the past year it has become commonplace to read articles, editorials, letters to editors, blogs and e-mails advising law schools on how to increase the value of a legal education. Much of the advice is well intentioned, a lot of it is perceptive and some of it is useful. Legal education is always a work in progress, and in recent years there have been exciting developments at Cardozo and other law schools.

This re-examination of law school has been prompted by the deep economic downturn, together with transformative changes to the legal field. In the new landscape that is emerging, law schools will do well if they cultivate creative lawyers and foster a community that enhances teamwork and collaboration, as well as commitment to scholarship. Students will emerge from this environment with a set of skills that enable them to adapt over time, and to seize opportunities that arise.

Cardozo embodies these ideals. It has risen to become a great law school in a short time span, based in large part by our innovative approach to the law. In addition to providing a world-class legal education, we continually strive to implement new and creative teaching methods. It is a place of ideas—and a place where many different viewpoints interact. Our innovative approach to teaching law is present in our diverse selection of clinics and programs, in the teaching styles of our faculty, and in the brilliant careers of our alumni.

In this edition of Cardozo Life, six of our great faculty members offer reflections on teaching law. They provide distinct viewpoints on the many dimensions necessary to educate superb lawyers. Their essays reveal deep and important truths about what it takes to make a great law school. Some stress the need to teach the robust intellectual side of law, and others look at how students can learn by doing. But they all reveal how our professors help shape future lawyers who have the intellectual discipline and problem-solving skills needed to be effective agents of change.

Although these six essays reflect a wide diversity of views on the subject of legal education, they have a number of commonalities that are critically important to the ethos of Cardozo. They exhibit a fierce dedication to students and to the educational mission of the school. Their essays demonstrate a love and passion for the law, and for teaching. Although brief, they are personal statements about the meaning our professors find in teaching law, and why they have chosen to make it their professional calling.

I hope that as members of the Cardozo community you find this report helpful in the current legal debate. I invite you to share your thoughts with us.

Sincerely,

MATTHEW DILLER
Dean and Professor of Law
Conference Examines Identity, Privacy and Speech in the Information Age

Political dissidents, cyberbullies, medical patients, criminals, ordinary citizens: All have reasons to want to hide their identities from others. Modern technology has provided tools to enable such anonymity, and tools to break it. On May 4, Cardozo School of Law hosted an all-day symposium, “Anonymity and Identity in the Information Age,” to address such contemporary issues of anonymity and technology. Leading scholars from across computer science, law, and other disciplines gathered to examine existing technologies and the legal landscape, and to evaluate the way forward.

Although anonymity allows people to speak freely, keynote speaker Chief Judge Alex Kozinski observed, “Anonymity has such high anti-social aspects that it is unlikely to be greeted with enthusiasm by the Supreme Court.” Still, while highlighting the myriad dangers of anonymity, Judge Kozinski outlined why the balance might nevertheless fall on the side of preserving anonymity.

Panels throughout the day focused on the relationship between anonymity and the nature of online speech; on appropriate standards for government access to identity information; and on the possibility and difficulty of conducting medical, social science and other research while assuring the anonymity of the research subjects.

Cardozo’s Felix Wu, assistant professor of law and a leading scholar in the field, organized the symposium.

Heyman Center Forum Examines NY’s Prospects for Economic Recovery

In New York City, the police, fire and sanitation departments are cutting services. Many New York cities and counties are borrowing in the municipal bond market; consequently, rating agencies are downgrading their debt. What are the long-term prospects for recovery?

On April 18, a panel of New York leaders—Richard Ravitch, New York’s former lieutenant governor; Richard Brodsky, a former state assemblyman; and Kathryn Wylde, president and CEO, Partnership for New York City, spoke at “Restructuring New York: Will the State and Cities Recover When the Economy Does?” at Cardozo Law.

Ravitch, who played a critical role in helping New York City avoid bankruptcy in 1975, said that states, including New York, often treat borrowed proceeds and proceeds of asset sales as revenue. In 2010, New York’s governor passed a law enabling the state and municipalities to borrow the money that they are statutorily obligated to pay into pension funds.

Brodsky said excessive government spending and the reduction of the top personal income tax rate have contributed to these financial woes. Moreover, if pensions are cut and taxes raised, he warned, “the growing imbalance of wealth and opportunity in this nation” will persist.

Acknowledging business leaders’ concerns, Wylde suggested they open a dialogue with city officials to examine the problem in the context of the global economy.

The Samuel and Ronnie Heyman Center on Corporate Governance sponsored the forum, which was moderated by Jonathan Henes ’96, chair of the center’s Advisory Committee and a Cardozo adjunct professor.
The ACLU in American Life

For more than a century, the American Civil Liberties Union has played a key role in many major legal battles. On April 3, Professor David Rudenstine organized a conference examining how the ACLU has shaped American life and its direction in the years ahead.

Panelists Heather Mac Donald, a fellow at the Manhattan Institute for Policy Research Inc.; Adam Liptak, Supreme Court reporter for The New York Times; Theodore B. Olson, Gibson, Dunn & Crutcher LLP; Deborah Pearlstein, assistant professor of law at Cardozo; Anthony D. Romero, the ACLU’s executive director; and Steven R. Shapiro, the ACLU’s legal director, answered questions on the organization’s impact, posed to them by PBS NewsHour host and senior correspondent Jeffrey Brown.

In one exchange, Olson complimented the ACLU for “attacking the issues … that are most profoundly divisive and challenging us individually and as a society.” But he then went on to disagree with Romero with regard to the ACLU’s positions on the post 9/11 anti-terrorism policies and legal tactics of the Bush administration.

When Brown asked Romero about the organization’s proudest moment, he cited the Anwar al-Awlaki case, in which the ACLU sued the government, challenging its authority to carry out targeted killings of U.S. citizens located away from an armed conflict zone.

“Where are the checks and balances?” Romero asked. “We allowed our government to hunt and kill one of its own citizens, not in a theater of war, with no assertion of a legal framework. We’re on the cusp of losing the very basic rules, basic protections about what defines our republic.”

Olson replied that if intelligence reveals an alleged terrorist is plotting to blow something up, and the U.S. has the capacity to prevent destruction, it cannot put the civil rights of one alleged terrorist ahead of the people it is sworn to protect.

“Sometimes the intelligence is wrong,” said Romero. “We went to war over intelligence that was wrong.”

To kick off the evening, the audience viewed a history of the ACLU. The film documented how the organization began by defending conscientious objectors during World War I and went on to oppose Japanese internment, to defend the Civil Rights protests of the 1960s and to represent abortion rights activists. The film featured distinguished NYU Professor Norman Dorsen, who headed up the ACLU for many years.

The event was sponsored by the Floersheimer Center for Constitutional Democracy and co-sponsored by the Cardozo chapter of the American Constitution Society. It was televised on C-SPAN.

Take a look at the conference! Go to www.cardozo.yu.edu/ACLU.

Chief Judge Jonathan Lippman Announces Task Force for Pro Bono Requirement

Dozens of distinguished leaders from New York law schools, legal aid organizations, members of the judiciary, practitioners and students met at Cardozo on May 22 to discuss how to meet the essential civil legal needs of low-income New Yorkers. At “Access to Justice: The Role of New York’s Law Schools,” Chief Judge Lippman, pictured left, introduced the committee tasked with developing ways to implement the new requirement that lawyers log 50 hours of pro bono service for admission to the New York bar. Cardozo’s National Center for Access to Justice helped organize the event.
The Supreme Court in March ordered an appeals court to reconsider its decision to uphold patents held by Myriad Genetics on two genes associated with a high risk of breast and ovarian cancer. Professor Daniel Ravicher and his Public Patent Foundation, along with the American Civil Liberties Union, filed the lawsuit against Myriad. The suit said that human genes cannot be patented because they are products of nature, and that Myriad’s monopoly on testing for mutations in those genes raises costs and prevents women from getting a second test to confirm previous results.

Professor Ravicher’s case, Association for Molecular Pathology v. Myriad Genetics, is being closely watched because it involves the ethically charged but commercially important question of whether genes can be patented.

The Chinese government continues its unique relationship with Cardozo’s intellectual property law program. The school welcomed officials from the State Intellectual Property Office of China (SIPO) for the fourth year of the joint SIPO-Cardozo program. In a two-week, intensive training program in intellectual property, students took courses at Cardozo, and visited courts, law firms and government agencies in New York and Washington, D.C.

Cardozo IP Professors Making Headlines

Professors Justin Hughes and Daniel Ravicher made Managing Intellectual Property’s list of top 50 individuals shaping the IP industry worldwide. They were two of only three professors named to the list, and were cited for their outstanding work in the intellectual property field.

Professor Susan Crawford was named to Newsweek’s Digital Power Index, which lists the top 100 leaders in the digital world. The magazine called her a “scholar who turns political heads.”

Michael Burstein’s Multi-Dimensional Approach to IP

Professor Burstein is an emerging scholar in the field of patent law. His background in molecular biology, business, and legal theory are important to his research on the institutional structures that shape innovation. Professor Burstein’s article, “Exchanging Information Without Intellectual Property,” in the fall 2010 volume of the Texas Law Review demonstrates the breadth of his approach to the law.

Distinguished Lecturer in IP

Jack M. Balkin, Knight Professor of Constitutional Law and the First Amendment at Yale University, visited Cardozo in March to talk about “Old School/New School Censorship,” focusing on the ways in which new forms of digital censorship are supplementing older methods around the world.

Justin Hughes Leads U.S. Delegation in First Multilateral Treaty on Substantive Intellectual Property Since 1996

Professor Hughes serves as senior advisor to the Under Secretary of Commerce for Intellectual Property for the Obama administration. In June, he led the U.S. delegation at the World Intellectual Property Organization’s (WIPO) Diplomatic Conference on the Protection of Audiovisual Performances in Beijing. The conference successfully adopted the “Beijing Treaty on Audiovisual Performances,” which will provide a platform for the harmonization of actors’ rights globally. Professor Hughes is widely credited with resuscitating efforts for the treaty after major negotiation breakdowns occurred in 1996 and 2000. “Although actors in the U.S. are well protected by collective bargaining, the treaty will help promote performers’ rights in other countries,” Hughes said.

Professor Hughes signs the Beijing Treaty on Audiovisual Performances at WIPO. Approximately 140 national delegations attended the diplomatic conference.
What We Knew Then, What We Know Now, and What We Still Don’t Know

TENTH ANNIVERSARY OF THE BOSTON GLOBE EXPOSÉ THAT LAUNCHED THE CATHOLIC CHURCH SEXUAL ABUSE SCANDAL

From left, Cardozo Advocates for Kids’ Renee Levitin ’12, group president Jessica Silverman ’12, Professor Marci Hamilton and Lauren Kessler ’12.

The Boston Globe headline on January 6, 2002, read “Church allowed abuse by priest for years.” The paper had published the first of a two-part exposé documenting a “systemic,” widespread cover-up of the actions of a former priest who had allegedly sexually abused more than 130 children over the course of three decades. On January 24, 2012, Cardozo Advocates for Kids (CAKids) marked the 10th anniversary of the scandal at a conference about the sexual abuse of children in religious organizations that was moderated by Professor Marci Hamilton. Anne Barrett Doyle and Terry McKiernan, two pioneering leaders of the movement for child protection and co-directors of BishopAccountability.org, spoke at the event.

Professor Hamilton drew parallels between the Catholic Church scandals and the revelations about the sexual misconduct of Jerry Sandusky. But she said there was a critical difference, as Penn State’s board of trustees, upon learning of the grand jury indictment of the suspected pedophile, took immediate action by firing head coach Joe Paterno, university president Graham Spanier and two others for not properly investigating the sexual misconduct allegations.

Eight reports by grand juries and attorneys general have shed light on sexual abuse allegations in six dioceses, but McKiernan noted these cover only a handful of the 195 dioceses across the United States.

At the event, Doyle advocated for eliminating both the civil and criminal statute of limitations so alleged victims can have their day in court.

CAKids’ President Jessica Silverman ’12, Lauren Kessler ’12 and Renee Levitin ’12 presented McKiernan and Doyle with CAKids’ first annual award, in recognition of their commitment to seeking justice for victims of sexual abuse.
Symposium Examines Ancient and Modern Constitutions

Cardozo’s Floersheimer Center for Constitutional Democracy hosted an all-day symposium on April 2, “Constitutionalism, Ancient and Modern,” bringing together legal, constitutional, historical, political and classical scholars to discuss ancient constitutionalism, direct versus representational lawmaking, citizenship and democracy, and the contemporary struggle to achieve greater fairness and equity. Symposium organizers were Cardozo’s Michael Herz, Arthur Kaplan Professor of Law, and Arthur Jacobson, Max Freund Professor of Litigation and Advocacy.

Keynote speaker John P. McCormick, professor of political science, University of Chicago, discussed ancient republics’ attempts to confront the threat posed to liberty by economic inequality. He drew on Machiavelli’s discussion of Roman constitutional law, which sought to control elites by creating a tribunate comprising randomly selected citizens (the wealthy were ineligible) who could veto government initiatives and punish corrupt magistrates. However, McCormick explained, the tribunates failed because, to quote Machiavelli, “It is always the few who rule,” and people cannot stave off inevitable domination.

To temper oligarchy in the United States, McCormick proposed establishing a tribunate composed of 100 randomly selected citizens (college-educated citizens would be ineligible) that could veto (if it wished) one Supreme Court decision, one Congressional act and one regulation during its one-year term.

Michel Rosenfeld, Cardozo’s Justice Sydney L. Robins Professor of Human Rights and director of the Program on Global and Comparative Constitutional Theory, gave comments.

The Cardozo Law Review co-sponsored the symposium.

Other Floersheimer Center Events

AMERICAN AND EUROPEAN EXCEPTIONALISM: A TALE OF TWO COURTS
September 20, 2011
A lecture by Hon. Andras Sajo of the European Court of Human Rights.

PROPORTIONALITY IN THEORY AND PRACTICE: INTERNATIONAL AND INTERDISCIPLINARY PERSPECTIVES
September 25–26, 2011
This conference examined the concept of proportionality in different contexts, including philosophy, administrative and constitutional law, economics, and military affairs. Panelists included Professor Rainer Forst, Johan Wolfgang Goethe University; Professor Bernhard Schlink, Humboldt University; Hon. Andras Sajo, European Court of Human Rights; and Professor Joseph Raz, Oxford University and Columbia University.

IS MARRIAGE FOR WHITE PEOPLE?
HOW THE AFRICAN AMERICAN MARRIAGE DECLINE AFFECTS EVERYONE
November 1, 2011
A panel discussion of Stanford professor Ralph Richard Banks’ controversial and popular book.

AMERICA’S HOLY WAR:
A SPECIAL DOCUMENTARY SCREENING
November 29, 2011

RELIGION, THE CONSTITUTION, AND THE STATE: CONTEMPORARY CONTROVERSIES
A weekly colloquium during the spring 2012 semester brought specialists with a broad spectrum of perspectives to Cardozo to discuss issues related to religion and secularism.

THE ACLU IN AMERICAN LIFE
April 3, 2012
Through litigation and public education, the American Civil Liberties Union has contributed to the national debate over issues such as national security, public safety, freedom of thought, civil rights, reproductive rights, academic freedom and same-sex marriage. At this conference, an informed and highly accomplished panel explored many of these controversial topics. See page 4 for more details and photos.
Visualizing 9/11:
A Symposium Examining the Images of Sept. 11, 2001

The first event of the year for the Program in Law and Humanities, organized with Professor Christian Delage and the Institute for Contemporary History at the University of Paris, was timed to coincide with the 10th anniversary of 9/11. The international symposium addressed the filming of the attacks as well as the aftermath and impact of those images of terror. The keynote address was given by Jules Naudet, the co-director of the feature documentary film 9/11. The powerful film is a collection of unique footage that the Naudet brothers shot on the day, and which was subsequently screened globally by CBS. Other speakers, including François Croquette of the French Foreign Ministry, addressed issues such as the impact of 9/11 on Hollywood.

LESSONS OF 9/11 FOR MASS TORTS
Pray the Devil Back to Hell

The Cardozo Dispute Resolution Society hosted a screening of Pray the Devil Back to Hell, the first of a three-part movie screening series organized in partnership with the New York Peace Institute. Directed by Abigail E. Disney (winner of Cardozo’s International Advocate for Peace Award in 2011) and Gini Reticker, the film tells the story of a small band of Liberian women who came together in the midst of a bloody civil war, took on the violent warlords and corrupt Charles Taylor regime, and won long-awaited peace for their shattered country in 2003. New York Peace Institute Case Manager Rusa Fischer and Cardozo Dispute Resolution Society Co-Presidents Romina Canessa ’13 and Bryan Branon ’13 led a discussion on the lessons alternative dispute resolution practitioners in the New York community could take away from the movie.

Using Journalism to Promote Conflict Resolution

On May 3, the Cardozo Journal of Conflict Resolution awarded the 12th annual International Advocate for Peace Award to John Marks, president and founder of Search for Common Ground. Through Search for Common Ground and the Common Ground News Service, he has spent more than 30 years training organizers and reporters in conflict and post-conflict areas, using interethnic reporting teams and framing questions to find areas of consensus. Past recipients of the Peace Award included President Bill Clinton for his administration’s pursuit of peace and democracy; Archbishop Desmond Tutu for the development of Truth and Reconciliation Commission and pursuit of peace and justice in South Africa; and Senator George Mitchell for his work negotiating peaceful dispute resolution in contentious conflicts around the world.

The Cardozo/ABA Intra-School Negotiation Competition

This competition, held at Cardozo each year, was judged in 2012 for the first time by both Alternative Dispute Resolution professionals and students in the ADR Competition Team. Twenty-six teams competed.

The winners were: First Place, Iliza Bershad ’13 and Allison Simon ’13; Second Place, Metom Bergman ’12 and Michael Wertheim ’12; Third Place, Kyle Epstein ’13 and Brian Farkas ’13; and Jessica Cohen-Nowak ’14 and Evan Kass ’14.

Cardozo was ranked number 7 in the nation in Dispute Resolution by U.S. News and World Report.
TOP NEWS & events

THE PROGRAM IN HOLOCAUST AND HUMAN RIGHTS STUDIES

HUMAN RIGHTS AND GENOCIDE CLINIC TAKES ON ASYLUM CLAIMS
Over the past year, the Human Rights and Genocide Clinic expanded its docket as well as its faculty. With the arrival of Teresa Woods, visiting instructor and clinical teaching fellow, the clinic began taking asylum claims. Along with their human rights case projects, students now represent an individual who is seeking asylum in the United States due to a reasonable fear of persecution in the individual’s home country. To date the clinic has represented six individuals. Four of those cases have been favorably resolved, and two cases are pending. Now, students have the opportunity to learn international human rights advocacy before domestic, regional and international tribunals and other forums.

LARGE GRANT FOR INTERNATIONAL CONFERENCE ON MASS ATROCITY PREVENTION
The PHHRS received a $125,000 grant to organize a two-day international conference in 2013, “Deconstructing Prevention: The Theory, Policy and Practice of Mass Atrocity Prevention.” An edited volume will be published following the conference.

RESPONSIBILITY TO PROTECT PROJECT SHOWCASED
The program completed its research report titled “A Common Standard for Applying the Responsibility to Protect Principle.” This publication marks the completion of an extensive two-year research project generously funded by the Australian government. Samuel Permutt ’12, a member of the Advanced Human Rights Clinic, presented the paper at a conference in Brussels in April, and Professor Sheri Rosenberg presented the paper at a conference in Bangkok in May. Out of 13 projects funded by AusAid, ours was chosen to be showcased for the funders. The report will be published in early October, with a panel discussion rollout several weeks later.

JACOB BURNS ETHICS CENTER IN THE PRACTICE OF LAW

THE HOW AND WHY OF MARRIAGE EQUALITY
The Ethics Center and the Gertrud Mainzer Program in Family Law, Policy and Bioethics co-sponsored “The How and Why of Marriage Equality,” an engaging conversation with Michael Barbaro, right, of The New York Times and Steven Cohen, left, former secretary to Governor Andrew Cuomo. Cohen had a large role in getting New York state’s marriage equality law passed.

See more at www.cardozo.yu.edu/heathcare.

Seen & Heard at Cardozo Law

DECEMBER 1, 2011
The DSK Scandal: Transatlantic Reflections on Sex, Law and Politics
This two-day academic conference, organized by Professor Julie Suk and co-sponsored by the Institute of French Studies, New York University, offered interpretations on the transatlantic dimensions of the Dominique Strauss-Kahn scandal. Panelists discussed the legal, political, cultural and social implications of the DSK case in the U.S. and France. Panelists included: Bernard Augonnet, Paris Court of Appeals, Criminal Chamber; Kimberlé Crenshaw, Columbia Law School and UCLA School of Law; and Amy Davidson, The New Yorker.

DECEMBER 4, 2011
Senator Al Franken (Democrat, Minnesota) visited Cardozo to speak to students during the Dean’s Study Break with Al Franken.

FEBRUARY 7, 2012
Mary Jo White, U.S. Attorney for the Southern District of New York from 1993 to 2002, spoke at the Dean’s Distinguished Scholars Dinner.

MARCH 13, 2012
The Dean’s Lecture featured Lanny A. Breuer, Assistant Attorney General for the Criminal Division, U.S. Department of Justice.

MARCH 19, 2012
Cardozo professors analyzed the Affordable Care Act Supreme Court case in front of all 1L students. To watch more on the event, go to www.cardozo.yu.edu/heathcare.

MARCH 26, 2012
AT&T Mobility v. Concepcion
This half-day conference brought together lawyers, academics and policy makers to closely examine the impact of the AT&T ruling on pending and future class action litigation.

MARCH 29, 2012
Heather K. Gerken, the J. Skelly Wright Professor of Law, Yale Law School, spoke at the Uri and Caroline Bauer Memorial Lecture. The topic of her lecture was “Exit, Voice and Disloyalty.”

APRIL 20, 2012
The Innocence Project

The Long Road to Reliability for Eyewitness Identification Evidence: State of New Jersey v. Henderson, and Beyond

The New Jersey v. Henderson case helped create stricter guidelines for using eyewitness identification as evidence. A December panel looked in-depth at the case and what it means for the legal community. The event was organized by Professor Jessica Roth.

Innocence Project Forum Explores Prosecutorial Misconduct in the Wake of Connick v. Thompson

In 1985, John Thompson was wrongfully convicted of murder and sentenced to death in Louisiana. After serving 18 years in prison—14 on death row—he was exonerated in 2003, after an investigator discovered critical evidence linking another suspect to the crime had been withheld by the district attorney's office. Thompson subsequently sued the prosecutor and district attorney's office, citing Brady, and a jury awarded him $14 million in damages.

But the state appealed the jury award in Connick v. Thompson, and in March 2011, the U.S. Supreme Court overturned the verdict, granting the prosecutors complete immunity for their misconduct by citing that a single Brady violation is “insufficient” to establish liability. Expressing her outrage, Associate Justice Ruth Bader Ginsberg wrote in her dissent: “... I would uphold the jury’s verdict awarding damages to Thompson for the gross, deliberately indifferent, and long-continuing violation of his fair trial right.”

The questions remain: How can prosecutors be held accountable when they violate the law? What systems, if any, are in place to identify and sanction prosecutors for misconduct? How can we ensure these systems are working? On February 6, Cardozo hosted, “Prosecutorial Oversight: A National Dialogue in the Wake of Connick v. Thompson,” the first in a series of nationwide forums. The event was co-sponsored by the Innocence Project and the Jacob Burns Ethics Center in the Practice of Law and was designed to spark a dialogue on possible reforms. Moderator Maddy deLone, executive director of the Innocence Project, introduced the panel, which included Thompson and representatives from all aspects of the criminal justice system.

The panel discussed fraud and misconduct by prosecutors or police departments, forensic science misconduct, and eyewitness misidentification. “It’s a broken system,” said Professor Ellen Yaroshefsky, director of the Ethics Center and a member of the ABA Criminal Justice Section Council.

There are few statistics available documenting prosecutorial misconduct nationwide and only a handful of instances where prosecutors have been sanctioned. In New York, courts identified 151 cases of prosecutorial misconduct or error between 2004 and 2008. Of these, even though 35 were found to have changed the outcome of the cases, grievance committees disciplined only three prosecutors for misconduct.

New York has taken measures to address the problem. The Brooklyn District Attorney’s Ethics Review Committee reviews and makes disciplinary recommendations to the district attorney regarding prosecutorial misconduct. In addition, both the Brooklyn and Manhattan district attorneys offer training programs.

Among the recommendations panelists made were:

- Develop mandatory training programs in district attorneys' offices and establish and implement internal and external disciplinary measures
- Expand the open-file discovery statute for criminal cases
- Establish a Commission on Prosecutorial and Defense Misconduct, similar to New York’s Task Force on Wrongful Convictions, to investigate the underlying reasons for the misconduct

The Innocence Project's nationwide tour included stops in Arizona, California, Louisiana, Pennsylvania and Texas, and upon its completion, the groups prepared a comprehensive report with recommendations for reform.
Heyman Center Talks:
Preet Bharara, U.S. Attorney, Southern District of New York

Preet Bharara has developed a reputation for battling the worst criminals—and doing it well. Named one of the 100 most influential people in the world by TIME Magazine, he has helped take down terrorists, international criminal networks and drug traffickers.

During his lunch talk in April at Cardozo, he spoke about the type of crime that he’s becoming best known for prosecuting—insider trading cases. Bharara spoke about the principles he tries to instill in his office.

“We always repeat in our office, ‘justice is more important than victory,’” he said.

Bharara said companies should hold their employees to the highest ethical standards, including those who do not have a direct hand in fraud but fail to raise a flag when they are in a position to do so. “I’m not anti-business or anti-Wall Street” he said. “We go after crime—what’s right and proper in the intent of justice. No one is above the law.”

AMERICA’S FISCAL CRISIS—
DEPRESSION, RECESSION OR RECOVERY?

At this conference in October 2011, panelists from diverse backgrounds looked at the Congressional Super-Committee’s Debt Reduction Plan and examined what it will provide and how it will affect the economy. In addition, officials and top economists discussed the different approaches that state leaders are taking in solving their financial challenges, including the recent fiscal and operational restructuring of public workers’ contracts as well as the structural problems and the priorities they expect to manage in addressing future pension obligations.

SHOULD YOU WHISTLE? AN ETHICAL DILEMMA FOR CORPORATE ATTORNEYS UNDER DODD-FRANK

Serious ethical issues emerged for corporate attorneys under the Dodd-Frank Wall Street Reform and Consumer Protection Act. These issues include the interplay between Dodd-Frank, the Sarbanes-Oxley Act of 2002 and state Disciplinary Rules. At this conference in February, a panel looked specifically at an attorney’s ethical obligations under the state Disciplinary Rules focusing on confidentiality and conflicts.
Art as an Investment:
Legal and Business Issues Examined

On April 4, a panel of art luminaries from the academic, business and legal profession convened at Cardozo to discuss the risks and rewards of art as an investment. More than 100 people were in attendance, including alumni, law students, lawyers and Cardozo board member Nathan Kacew ’98.

Irina Tarsis ’11, who served as co-president of Cardozo’s Art Law Society from 2008 to 2011 and worked at the school as a dean’s fellow, organized the panel. She has recently been hired as legal counsel for Lincoln Center.

“Art as an Investment was an exciting and well-attended panel because it dealt with sensitive and sensational multidisciplinary topics: art history, law and business,” Tarsis said.

The panelists included William N. Goetzmann, Edwin J. Beinecke Professor of Finance and Management Studies at the Yale School of Management; Marc Porter, chairman and president, Christie’s Americas; and John Silberman, principal of John Silberman Associates. Tarsis moderated the panel.

Each panelist tackled a different aspect of the art market. Goetzmann compared the performance of art investments to the performance of stocks. He found that stocks outperformed art investments, partially because stocks generate dividends, and concluded that investing in art was considerably riskier. He equated investment in art as roughly the equivalent of investing in bonds.

Porter explained that although the 2008 economic crash caused a brief dip in the art market, it is, in fact, a robust market at present. This is especially true at the high end with newly minted Russian billionaires now entering the market and investors from China buying Chinese antiquities. Art is also seen not just as an investment but also as a status symbol. The biggest investments are in Impressionist art, although there is a declining inventory in this field. He also talked about the phenomenon of Warhol's works, which continue to command higher and higher prices.

John Silberman tackled the art market from a legal perspective, discussing estate matters and some of the pitfalls of inheritance taxes. He also brought up some of the legal hurdles artists run into with gallery dealers and what may happen to an artist’s estate in the event of his or her death.

Dean’s Study Break with Christine Quinn

At the Dean’s Study Break with Christine Quinn, the New York City Council speaker said that “without the work of Cardozo,” a landmark immigration law limiting the city’s collaboration with the federal Immigration and Customs Enforcement Agency (ICE) would not have been passed in City Council. She praised Professor Peter Markowitz and called for a round of applause for his work with the Kathryn O. Greenberg Immigration Justice Clinic. Before the legislation passed, New York City sent immigrants detained on Rikers Island to federal authorities for deportation regardless of whether they were found guilty of the crime for which they were arrested. “We are very proud of the work we’ve done with Cardozo,” Quinn said.

Speaking to about 75 Cardozo students and alumni, the speaker also discussed a wide range of legislative and legal issues in a Q&A with Vice Dean Ed Stein. She talked about her role in helping pass New York’s Marriage Equality Act. Referring to the grassroots efforts of individuals, family members and friends who helped in that effort, Quinn reminded the audience: “Don’t ever underestimate the power of the personal.”

Other topics Quinn covered included New York’s economy, Occupy Wall Street and the future of job creation in NYC.

Christine Quinn is the first woman and the first openly gay speaker of the New York City Council, the city’s legislative body.

The event was co-sponsored by the Dean’s Office and CARDOZO WOMEN.
National Center for Access to Justice Elects Former President of ABA as Chairman

The National Center for Access to Justice at Cardozo Law elected Stephen Zack, administrative partner for Boies, Schiller & Flexner's Miami office, as its new chairman. Zack is the former president of the American Bar Association.

As ABA president, Zack created the ABA's Task Force on the Preservation of the Justice System. The Task Force, led by former Bush administration Solicitor General Ted Olson and by Zack's law firm colleague David Boies, aims to raise awareness of the threat posed by the nation's failure to adequately finance the state courts. Zack also created the ABA's Commission to Promote Hispanic Rights and Responsibilities. Zack's law practice at Boies, Schiller & Flexner focuses on complex commercial litigation. He is a specialist in civil trial law, eminent domain, and corporate and international law. In 2000, he represented former Vice President Al Gore in the trial of Bush v. Gore.

The National Center for Access to Justice works to make the nation's courts accessible and fair to everyone. The center is currently working on the Justice Index, a model for improving the quality of justice in our society through the use of performance measurements.

Immigration Justice Clinic

CARDozo IMMIGRATION STUDY FINDS PERFORMANCE OF IMMIGRATION LAWYERS INADEQUATE

A large number of detained and non-detained immigrants don't have attorneys by the time their cases are completed, according to a study published in December 2011 issue of the Cardozo Law Review.

The study, spearheaded by Professor Peter Markowitz along with Judge Robert Katzmann of the U.S. Court of Appeals for the Second Circuit, found that 60 percent of detained immigrants and 27 percent of nondetained immigrants in New York courts do not have attorneys by the time their cases are completed.

The study also found that the overall performance of immigration lawyers was "inadequate" 33 percent of the time and "grossly inadequate" in 14 percent of the cases.

Judge Katzmann is using the study as a springboard to help develop a system that would guarantee competent legal representation for all immigrants facing deportation.

The study was highlighted in articles in The New York Times, New York Law Journal and many other publications.

GERTRUD MAINZER PROGRAM IN FAMILY LAW, POLICY & BIOETHICS

The Gloria and Stanley Plesent Lecture on March 28 featured Naomi Cahn, the John Theodore Fey Research Professor of Law at George Washington University Law School, who discussed "The New Kinship: Donor-Conceived Families and their Communities."

FANTASY AND MARKETS

OCTOBER 23 AND 24, 2011

This two-day event offered unique perspectives on financial markets, including such diverse topics as Professor Charles Yablon's presentation about regulation, an analysis of Japanese anime cartoons and a look at the relationship between law and capitalism. The conference, organized by Professor Jeanne Schroeder and visiting Professor Renata Salecl, explored the idea that it is time to reconsider the notion that markets reflect economic rationality.

JEWISH ACTIVISM AND THE LAW • FEBRUARY 7, 2012

Professor Deborah Pearlstein, left, and President Richard Joel, center, spoke on the role Judaism has played in their careers. Professor Arthur Jacobson, right, moderated the panel discussion, which also included Rabbi David Zweibel, former Editor-in-Chief of the Cardozo Law Review; and Amanda Nussbaum, Partner at Proskauer Rose LLP.
Cardozo’s New Field Clinics

Last year, Cardozo introduced an innovative new model of clinical education: Field Clinics. In a field clinic, students work as part-time externs alongside seasoned practitioners for one or two semesters in one organization, or in a focused practice area. Previously, Cardozo students could choose from seven field clinics, including the New York State Attorney General’s Office: Social Justice Division; the City of Newark’s Law Department; on consumer rights with MFY Legal Services’ Consumer Rights Project; and on health care reform at the Legal Aid Society’s Health Law Unit. Now, students have five more options.

**ART LAW FIELD CLINIC**
Whitney Museum site
945 Madison Avenue
Students extern with various arts-related government, for-profit and nonprofit law offices, including the Whitney Museum, the Brooklyn Academy of Music, Christie’s, Volunteer Lawyers for the Arts, and the New York Foundation for the Arts. The course examines various aspects of art law—funding, national and private ownership, sales, title insurance, tax consequences, collection management, and operations—as they arise within arts-related organizations.

**SPECIAL EDUCATION LAW AND ADVOCACY FIELD CLINIC**
Advocates for Children site
151 West 30th Street, 5th Floor
Students study the history and practice of special education law and gain understanding of the process of representing families of students with disabilities, while honing basic trial skills. They work at Advocates for Children and collaborating organizations, which provide free legal services to low-income families seeking appropriate special educational services.

**UNITED STATES ATTORNEY’S OFFICE FOR THE SOUTHERN DISTRICT, CRIMINAL DIVISION**
1 St. Andrews Plaza
This high-profile, roundly respected office handles criminal cases ranging from terrorism to white-collar crime, gang violence, organized crime, and many other areas, and is often on the forefront of high-profile and sophisticated criminal cases in both white-collar and violent crime. Students work closely with assistant U.S. attorneys on criminal trials and investigations, guilty pleas, sentencing, and with the various actors in the criminal justice system, including law enforcement agents, cooperating defendants and crime victims.

**STRATEGIC POLICY ADVOCACY FIELD CLINIC**
802 Kent Avenue
Brooklyn, New York
The new Center for Popular Democracy supports community organizing groups around the country to promote pro-worker and pro-immigrant public policies in states and municipalities. In class, students will reflect on the reach and limits of public policy and democratic participation and the hard skills needed to win change. In their fieldwork, students will conduct legal research, create community education materials and support policy and legislative advocacy in myriad ways.

**IMMIGRATION LAW FIELD CLINIC**
New York Legal Assistance Group site
7 Hanover Square
Students work in community-based nonprofit organizations assisting in direct client services, including applications for asylum, permanent residence (including self-petitions by victims of domestic violence), T visas (for trafficking victims), U visas (for victims of crime) and U.S. citizenship—all topics examined in depth in the seminar. Placement options include Catholic Charities, the City Bar Justice Center, Hebrew Immigrant Aid Society, Sanctuary for Families, NYLAG and the Legal Aid Society.
Working for New Jobs

Marcia Levy, Cardozo's new associate dean of the Office of Career Services, wants to make the job search process easier in this challenging job market, and hopes to create opportunities and job search strategies that lead to success.

“The legal field is changing, and it is critical that our office be on top of those changes,” said Levy, who began in January and brings 25 years of experience working with students and new lawyers in both the public and private sectors. “We need to understand the marketplace, the areas of growth, and the kinds of skills that employers are looking for in our graduates and students, and it’s important to work closely with the students so that they are knowledgeable and prepared. It is critical to strengthen our outreach to employers, including alumni, so that we are aware of and can develop opportunities, but also so that employers know about our spectacular students and are motivated to hire them.”

Cardozo Life talked with Levy about her plans for the school and how she will tackle her position in this tough job market.

**Questions for Marcia Levy**

**New Associate Dean of Career Services**

**CARDozo LIFE:** Now that you have been able to get acquainted with Cardozo, what are your impressions of the school so far?

**MARCIA LEVY:** I have learned that Cardozo is a unique and dynamic place. Although it is a young school, it has become a leader. There is a healthy synergy in the school between doctrinal courses that teach the important underpinnings of the law and incredible practical opportunities for our students.

Our students have so many options, from clinical programs to field clinics to our externship program. Our summer stipends for public interest students are amazing, as are the Intensive Trial Advocacy and Representation in Mediation programs that occur in January.

**CL:** How are you tackling your job as associate dean of Career Services?

**ML:** We’ve been doing outreach to firms of all sizes, in a variety of ways. A huge part of our office’s role is recruiting—making sure that we have not just the big firms coming to campus but the small and medium firms, the public interest opportunities and employers from alternative careers.

Another important role is reaching out to our students. From now on, we will be dividing the incoming class among the seven people who do counseling in this office. Every student will have one face in this office he or she can relate to, who is looking out for them. So if, for example, we have a résumé workshop, it will be for 10 people whom counselors work closely with, so that everyone can look at each résumé together and give feedback. In addition, there will be individual counseling sessions so that we are able to get to know everyone in the class.

I also thought it might be useful to implement an action plan that reaches out to recent graduates. We conduct a graduation survey, as part of our reporting requirements. When we get the result of the survey we’ll find out who has full-time employment and who is still looking. We’ll then divide among our career counselors those graduates who are still looking for positions, making sure that we reach out to them individually, so that we know the type of work they are interested in pursuing and that we make them aware of and work to create available opportunities. We will offer study breaks for them during the bar exam so they see us and know that we’re there for them. As soon as the bar exam is over, we will work with them individually and in groups to help them succeed in their employment search.

**CL:** You have a background in many different areas of the law: as a practicing attorney, professor, clinical director and program administrator. How have all these experiences prepared you to be the associate dean of Career Services?

**ML:** First of all, I know how to get a job. I have made so many changes,
so I appreciate that there are many ways in which you can use your law degree. And I think that's very helpful. I've also worked with many students over the years. I was a clinical law professor for 15 years. I was at Rutgers Law School for 10 years, where I developed its public interest program. In addition, since I worked at Sullivan & Cromwell, I can relate to students interested in a big law firm. I understand the skills they need to be successful in a large firm because I was director of the training program and our associate development program there.

CL: You also work on Chief Judge Jonathan Lippman’s Task Force to Expand Access to Civil Legal Services in New York. What do you do for him?  
ML: I was appointed as counsel to Chief Judge Lippman's task force when he first created it. The task force addresses the issues of legal access across the state of New York, looking at how we can do a better job of making sure the people who are unrepresented get representation. It has truly been impactful. When I left Sullivan & Cromwell, Chief Judge Lippman wanted me to stay involved with the task force, so he appointed me special advisor. I'm very proud of the work we're doing.

CL: Switching gears, what new programs do you have in mind for the Office of Career Services?  
ML: We have started “Thursdays on 3.” The 11th floor is not a busy floor, so we go down to the third-floor lounge and have a presence there for people who have questions. We have materials there, and we have the calendar so they know what kind of programs we offer.

We're also working closely with the student groups. There are so many programs at the school that can be combined so that students don't always have to choose between two events. For example, I'm now working with a tax group. Some of the professors in that group have a program in the fall that teaches students about careers in tax and trust and estates. We will do it as a CLE program to get alumni to come, and then we can ask them to stay to network with the students. This way, we are able to offer something to our alumni while also having them meet with our students. I have also started a program called Conversations in Careers. We bring in people who have had very interesting careers to talk to students about how they've done that.

CL: Why should students develop a relationship with the staff in the Office of Career Services?  
ML: Our office really cares about the students, and we want to see them develop and get jobs. We want the students working with us because we want to be able to make sure they have great résumés that reflect the experience that they have; that they understand how to write cover letters; and they understand the interview process. And, whether they're looking for positions in a big firm, a small firm, public interest or government, we want to make sure they understand the different dynamics, so that the students succeed in how they present themselves, both in their written interactions and interviews.

I think we're well suited to provide that kind of guidance to them. The staff here is really experienced in the area of career services, but each person is also a lawyer who has had incredible practice experience as well.
Brett Frischmann’s recently published book *Infrastructure: The Social Value of Shared Resources* focuses on the relationships between infrastructural resources, property rights, commons and spillovers. “Rarely can one find such a broad and useful foundation for digging in and understanding complexities of modern infrastructures,” wrote the late Elinor Ostrom, winner of the Nobel Memorial Prize in Economic Sciences. Frischmann’s background in engineering, astrophysics, mathematics and law supports his interdisciplinary scholarship. “What I often do in my scholarship—and teaching—is cut across different areas that people keep analytically separate, and find the underlying commonalities,” he said.

Professor Rosenfeld was awarded the Fulbright-Tocqueville Distinguished Chair for 2012-2013 (one of the two awarded for that academic year, and the only one awarded to a jurist). As a result of this award, he will spend the Spring 2013 semester at the University of Paris I (Pantheon-Sorbonne) Faculty of Law. Professor Rosenfeld also co-edited *The Oxford Handbook of Comparative Constitutional Law*, the first comprehensive reference in the field. It features contributions from leading scholars worldwide, and was co-edited by András Sajó, a distinguished scholar and judge at the European Court of Human Rights.

*Cardozo Law* was ranked among the top 25 schools for scholarly impact, based on the number of citations faculty received from 2007 to 2011. The study, which appeared in Brian Leiter’s Law School Reports, found Cardozo among the schools that “appear to be firing on all cylinders in scholarly pursuits...”
Marci Hamilton Continues to Advocate for Child Sex Abuse Survivors

Professor Hamilton became the go-to commentator in the country on child sex abuse legal issues as the Jerry Sandusky and Monsignor William Lynn trials went forward. The media also turned to her to interpret the Freeh Report on the cover-up of abuse at Penn State (where she received two graduate degrees). She is representing 30-year-old Travis Weaver in a civil suit against Sandusky, Penn State, and The Second Mile, and during the criminal investigation into child sex abuse by Sandusky. In the civil complaint, Weaver, who is known as alleged Victim 11, says he was abused by Sandusky between 1992 and 1996. In addition, after serving as a consultant on the Philadelphia 2005 Grand Jury Report on sex abuse in the Philadelphia Archdiocese, Hamilton has been representing accusers suing the Philadelphia Archdiocese. She has written extensively about child sex abuse legal reform and both trials for www.justia.com and has kept the public abreast of developments through her Facebook page and Twitter. She called the convictions of Lynn and Sandusky on the same day in June a “historic moment for survivors of child sex abuse.” Hamilton continues to passionately advocate for statute of limitations reform in every state so that victims can go to court when they are ready.

ED ZELINSKY’S ARTICLE CITED IN COURT OF APPEALS CASE

Professor Zelinsky’s article, “The Defined Contribution Paradigm,” published in the Yale Law Journal in 2004, was cited in a U.S. Court of Appeals for the Second Circuit opinion. The case, Robert W. Milgram M.D. v. The Orthopedic Associates Defined Contribution Pension Plan, dealt with a suit filed by Milgram seeking to recover funds erroneously removed from his pension fund account and credited to that of his former wife. In the bench trial, the United States District Court for the Northern District of New York entered judgment against the defendant for the amount of $1,571,723.73. On appeal, the U.S. Court of Appeals for the Second Circuit affirmed this decision.

Lela Love Receives Lifetime Achievement Award

Professor Lela Porter Love, director of Cardozo Law’s Kukin Program for Conflict Resolution and the Cardozo Mediation Clinic, received two prestigious awards this spring: The ADR Achievement Award from the Association for Conflict Resolution of Greater New York and the International Academy of Mediators’ Lifetime Achievement Award for “exceptional contributions throughout her career in not only personally advancing alternative dispute resolution, but inspiring others to do so as well.”

In addition, Professor Love’s new book, Stories Mediators Tell (ABA 2012), co-edited with Eric Galton, was published last winter. This collection of stories by prominent mediators provides a window into the otherwise-private mediation room.
Carlton Smith Named One of Top 10 People of the Year in the Tax Field

When naming Professor Smith to its prestigious list, Tax Notes stated that "Few practitioners have had a bigger effect on the lives of low-income taxpayers than Carlton M. Smith, director of the Benjamin N. Cardozo School of Law Tax Clinic."

Tax Notes particularly lauded Professor Smith's efforts to make it easier to obtain “innocent spouse” relief from joint income tax liabilities. “Perhaps Smith’s biggest victory in 2011 was the IRS’ July decision—despite several appellate victories—to withdraw the two-year limitations period for claims of equitable innocent spouse relief under section 6015(f).”

On June 14, Smith argued in the Second Circuit on behalf of the taxpayer requesting relief in Coulter v. Commissioner; many commentators considered that case to be one the taxpayer could win, thus setting up a circuit split.

But a decision in Coulter never came, with the IRS announcing the withdrawal of the limitations period less than six weeks later. At the time, Smith said the change resulted from pressure imposed on Congress and the IRS by National Taxpayer Advocate Nina Olson. Olson told Tax Analysts that the IRS decision came about through advocacy in all three branches of government, with Smith spearheading the litigation strategy and coordinating with low-income taxpayer clinics (LITCs). ‘Carl’s work played an important role in bringing about the change in policy,’ she said. ‘Equally significant, his work helped LITCs for the first time collectively litigate a single high-profile issue in multiple circuits in a coordinated manner.’

Professor Smith’s amicus brief on review of tax regulations in Mayo Foundation—the Supreme Court’s only tax case of 2011—was cited by the Supreme Court and indirectly led to the court overruling three of its prior opinions on that topic. In addition, Professor Smith pushed cases into the courts of appeals on the issues of whether IRS Appeals Office “Collection Due Process” hearings had to be conducted by individuals appointed through the Constitution’s Appointments Clause, and whether future earned income tax credits receivable by the poor could be taken for previous settlements of their back tax debts.

MYRIAM GILLES RESEARCHES EFFECT OF AT&T MOBILITY v. CONCEPCION

This spring, Professor Gilles organized a well-attended conference at Cardozo Law, bringing together lawyers, academics and policy makers to examine the scope of the recent AT&T Mobility v. Concepcion decision and its impact on pending and future class action litigation.

Professor Gilles’ latest article, “After Class: Aggregate Litigation in the Wake of AT&T Mobility v. Concepcion” (with Gary Friedman), which was published in the University of Chicago Law Review, was the catalyst for the conference. “All the doctrinal developments of recent years circumscribing the reach of class actions pale in import next to the Supreme Court’s game-changing decision in AT&T Mobility v. Concepcion,” said Professor Gilles. “This decision means that companies that touch consumers’ day-to-day lives will now place themselves beyond the reach of aggregate litigation by simply incorporating waiver language in their standard-form agreements.”

SEC NAMES PROFESSOR ERIC PAN TO SENIOR POSITION IN THE U.S. SECURITIES AND EXCHANGE COMMISSION

In December 2011, Professor Pan was named Associate Director of the Securities and Exchange Commission’s Office of International Affairs. Supervising a staff of 45 lawyers and economists, he is responsible for overseeing international regulatory policy for the commission. His work includes advising the commission on cross-border enforcement and regulatory matters, engaging in regulatory dialogues with foreign authorities, providing technical assistance, working with senior staff from The White House, U.S. Treasury Department, U.S. State Department, Federal Reserve Board and Commodity Futures Trading Commission, and representing the commission in multilateral
Richard Weisberg Sworn in as Member of the U.S. Commission for the Preservation of America’s Heritage Abroad

Professor Richard Weisberg has been officially sworn in as a member of the U.S. Commission for the Preservation of America’s Heritage Abroad. Supreme Court Justice Stephen Breyer conducted the swearing-in on April 25 at the Supreme Court. 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.

“An opportunity to serve in any governmental capacity is a great privilege, and I’m especially pleased to serve on this commission,” Weisberg said. “Its work was designed to respect and extend the memory of Holocaust victims now in the U.S. and other interested citizens by preserving American patrimony abroad from misuse, desecration or expropriation.”

The Commission for the Preservation of America’s Heritage Abroad consists of 21 members, many appointed by the president, as was Professor Weisberg. It was established by Congress to protect cultural and communal sites significant to the post-Holocaust Jewish population. The commission continues to look after many of those sites, a large number that are still endangered, insufficiently acknowledged, or affected by a resurgence of anti-Semitism. Members serve three-year terms, though in most cases longer, and meet every six months. Professor Weisberg’s projects include preservation and improvement of a number of historical sites in Stavische, a small town in Ukraine.

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standard-setting bodies such as the Financial Stability Board and International Organization of Securities Commissions. Professor Pan took leave from Cardozo in January 2011, when he was asked to join the SEC as an academic fellow. That same year he received the SEC’s Law and Policy Award for his work on implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act. Research he conducted at Cardozo has helped inform U.S. financial regulatory policy.

**EKOW YANKAH TO PARTICIPATE IN THE MACARTHUR FOUNDATION RESEARCH NETWORK IN LAW AND NEUROSCIENCE**

Professor Yankah has been invited to participate in the research network on Law and Neuroscience, supported by the John D. and Catherine T. MacArthur Foundation. This is an interdisciplinary collaborative initiative that aims to help the legal system avoid misuse of neuroscientific evidence in criminal law contexts, and to explore ways to deploy neuroscientific insights to improve the fairness and effectiveness of the criminal justice system.

The network includes a core group of 13 prominent academic researchers in law, neuroscience, psychology, and philosophy at a dozen of the nation’s leading universities. It addresses a set of closely related problems at the intersection of neuroscience and criminal justice: determining the law-relevant mental states of defendants and witnesses; assessing a defendant’s capacity for self-regulating his behavior; and assessing whether, and if so how, neuroscientific evidence should be admitted and evaluated in individual cases.

**TENNESSEE SUPREME COURT RELIES ON PROFESSOR REINERT’S ARTICLE IN RECENT DECISION**

The Tennessee Supreme Court recently relied on Professor Alex Reinert’s article “The Costs of Heightened Pleading” (2011) in declining to adopt as a matter of state law the pleading standard announced by the United States Supreme Court in Ashcroft v. Iqbal. In its decision, the Tennessee Supreme Court noted that his study provided empirical evidence to question the merits of adopting a heightened pleading standard. “I try to use empirical work to test assumptions,” said Professor Reinert. “That’s true about my work on heightened pleading, Bivens litigation, and my current project on the resolution of motions to dismiss after Iqbal and Twombly.”

Professor Reinert’s scholarship and advocacy efforts frequently focus on the legacy of the Supreme Court’s ruling in Ashcroft v. Iqbal, which he argued before the court in late 2008. He serves as the chair of the Iqbal Project for the national public interest organization Public Justice, where he coordinates a committee devoted to researching the impact of Ashcroft v. Iqbal in lower courts and provides legal assistance in select cases.

**ELLEN YAROSHEFSKY NAMED TO NEW YORK STATE ETHICS COMMISSION**

Professor Yaroshefsky was one of 14 people appointed to the Joint Commission on Public Ethics (JCOPE) in December 2011. JCOPE is an independent monitor that will investigate corruption and help maintain integrity in state government, according to New York State Governor Andrew Cuomo. When choosing her for the position, the governor highlighted Professor Yaroshefsky’s position as co-executive director of the Jacob Burns Ethics Center in the Practice of Law, her experience in defense and civil rights litigation, and her work on the American Bar Association’s Ethics, Gideon and Professionalism Committee, the New York State Bar Association’s Committee on Standards of Attorney Conduct, and the National Association of Criminal Defense Lawyers Ethics Advisory Committee.
NEW FACES on campus

KATE SHAW
Visiting Assistant Professor of Law
B.A. 2001, Brown University
J.D. 2006, Northwestern University
Courses: Legislation; Elements of Law; and The Supreme Court: Theory and Practice

When Visiting Assistant Professor Kate Shaw started teaching last fall, she decided that she wanted to draw from her experience clerking at the Supreme Court. So she designed a class that allowed students to put themselves into the minds of the justices.

“The Supreme Court: Theory and Practice” is a highly innovative class where students play a sitting justice on the Court and argue cases before their classmates. In addition to clerking at the Supreme Court, Shaw was a clerk for the Honorable Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit.

From left, Kathryn O. Greenberg ’82, Chair Emerita and Board Chair Leslie Payson perform the ribbon cutting for the Guardianship Clinic. The clinic was formed as a result of the efforts of Greenberg, who was inspired by her experience helping a young man in New York's guardianship system.

REBEKAH DILLER
Assistant Clinical Professor of Law
Director, Guardianship Clinic
B.A. 1991, Rutgers University
J.D. 1997, NYU School of Law
Courses: Guardianship Clinic and Seminar

Rebekah Diller joins Cardozo from the Brennan Center for Justice at New York University, where she was deputy director of the Justice Program and an adjunct clinical professor of law. At the Brennan Center, Diller spearheaded research, advocacy and litigation to expand access to justice for low-income families. Her work included a successful campaign in Congress to remove a restriction on federally funded legal services attorneys, co-authoring several groundbreaking reports on court fees and debtor’s prison, and litigation against unconstitutional conditions on federal grant programs. Previously, she was as an attorney at the New York Civil Liberties Union, Housing Works and Legal Services for the Elderly in Queens.

A magna cum laude graduate of NYU Law School where she was also an Arthur Garfield Hays fellow, Diller brings a wealth of experience waging campaigns to improve the justice system. She has testified before committees in both houses of Congress and her work has been featured in the New York Times, USA Today, Newsweek and many other outlets.

The Guardianship Clinic, Cardozo’s newest clinic, represents clients in all aspects of adult guardianship proceedings and advocates for more accessibility and accountability within the guardianship system. Students represent family members seeking to become guardians as well as persons under guardianship. They also develop standards to monitor court-appointed guardians and conduct public education to help families navigate their court-imposed reporting and other requirements.

Students who work in the clinic also assist clients with related legal needs, such as eviction defense, medical and other public benefits, and estate planning. After completion of the clinic, students are certified as eligible to apply for court appointments as guardians and court evaluators.

Watch Professor Shaw’s class re-enact Supreme Court cases at www.cardozo.yu.edu/supremecourt.
What is the value of today's legal education? Shifts in the legal field as well as concerns about economic recovery have triggered a plethora of published opinions on the subject from lawyers, journalists and academics. We went straight to the frontlines and asked six Cardozo Law professors their thoughts. What they describe is a lesson in **TEACHING LAW NOW.**
Before joining academia, Ekow Yankah was an associate at Boies, Schiller & Flexner, where he worked on complex commercial litigation, representing Fortune 500 companies, among other clients. He received his B.A. from the University of Michigan, his J.D. from Columbia Law, and a B.C.L. from Oxford. He specializes in jurisprudence and legal theory.

“Each class is my favorite when I’m teaching it. If you haven’t taught a class for awhile, you suddenly remember what you love about the subject.”

As for his hobbies? “I grew up loving soccer and then basketball before a bump in the road derailed what undoubtedly would have been a spectacular, if late-blooming career. European powerhouses and NBA teams still call me up wistfully.” Nowadays, he feeds his competitive side by playing chess.

Most serious legal issue facing the country: That law is seen as an extension of politics. “The idea that we could come together and aim for the common good is considered cute and naive. This is a dangerous place for political community.”

EKOW YANKAH
Professor of Law
Thinking Deeply About Law

“Because law is powerful, rich and complex, lawyers and our legal system can only flourish when they are trained to … think deeply about the practices and principles behind everyday legal skills.”

It has become popular to deride law schools as overly abstract and disconnected from the “real world” of legal practice. Newspapers and opinion writers delight in the description of a bewildered first-year associate unable to draft the simplest document. Some portion of the critique has rightfully been recognized as true, as law schools generally—and Cardozo in particular—race to offer powerful, important and innovative clinics that serve the public good while teaching law students practical skills.

But the core critique of law schools as overly intellectual and indulgent is mistaken for simple, then deep, then finally moral reasons. First, the critique that law graduates are unprepared to immediately draft documents is simpleminded, applying to many, perhaps most, complex careers. We rightfully recognize that doctors must not just excel in class but must also receive important training as residents and then in their chosen specialty. Lawyers no less properly receive training in their chosen specialties at practice, using the core legal skills learned at law school.

This simple observation overlays a deeper blind spot of those who believe law schools should focus on the practical. Which practical skills should an engaged law school choose? Law is attractive to many bright people because it is a broad, complex and rich endeavor, touching upon nearly every significant social problem. Law students come to Cardozo to become world-class litigators and leading transactional lawyers, to represent society against criminals and citizens against the awesome power of the state, to become wise judges, to serve the public as politicians, to pursue social and racial justice and to become thoughtful academics. And that is just a sample of the most obvious goals of every class that enters our doors. Law schools are rightfully committed to teaching a broad range of not just legal skills but the deep legal thinking that prepares students for the richness of their careers and its surprising developments.

Finally, the critique of law school as overly abstract misses by its own light. Because law is powerful, rich and complex, lawyers and our legal system can only flourish when lawyers are trained to—and cultivate an inclination—to think deeply about the practices and principles behind everyday legal skills. This should be the first commitment of a law school and our society. We can recognize clearly that lawyers who unthinkingly enabled the nearly fraudulent financial practices that have led to enormous economic damage failed in their lawyerly duties to be committed to deeper legal values than the ability to efficiently and automatically draft documents asked of them.

But even if we strangely put aside this deepest public commitment, lawyers who are insufficiently trained in creative and deep legal thinking will fail their clients. Lawyers must interpret complex and unclear statutes and contracts. They must craft creative arguments to support a client’s position or to change the law. In the end, a world of lawyers trained solely in the “practical” skills of lawyering will simply be unable to serve their clients in the most demanding and original cases. I have been lucky enough to work alongside some of the country’s most accomplished lawyers on some of the most sophisticated cases. Be assured, without thinking deeply about the law, one can be a passable lawyer but one cannot be a great lawyer.
Before joining Cardozo, Professor Roth served as assistant U.S. attorney in the Southern District of New York from 2002 to 2009, prosecuting securities fraud and serving in the violent crimes unit, the narcotics unit and the general crimes unit. She received her J.D. cum laude from Harvard.

Professor Roth loves teaching criminal law and evidence. Maybe it’s not surprising that one of her hobbies is reading mystery novels. However, law wasn’t the first thing that came to her mind when she was choosing a career. “I wanted to be an archeologist and worked on a dig in Israel for a summer when I was in college.”

JESSICA ROTH
Assistant Professor of Law
“… a law professor has an important opportunity to leave a mark on society and the legal profession by training the next generation of lawyers to be innovative and public-spirited thinkers.”

Our Duty to Public Service

After three years as a public interest lawyer, and seven years as a federal prosecutor, this is my third year as a full-time law professor. I teach criminal law to students in the spring of their 1L year and evidence to 2L and 3L students in the fall.

I see teaching as an extension of my career-long commitment to public service. I believe a law professor has an important opportunity to leave a mark on society and the legal profession by training the next generation of lawyers to be innovative and public-spirited thinkers. Of course we must teach our students the substantive areas of law so that they will be competent practitioners. But we also have an obligation to teach them to view facts and laws critically. To that end, I frequently tell my students that a lawyer “is not a potted plant.” My meaning is really twofold and is intended in both respects to spur creativity and engagement.

First, a lawyer should not resign him or herself to the notion that a situation similar to one already observed will invariably lead to the same result. From any known set of facts it is possible to construct arguments that might persuade a court or jury to view a person’s actions or mental state, for example, differently than they might otherwise. It is also possible to think of additional facts that, if they could be established, would help buttress such an argument. From there, all that stands between the lawyer and the desired result are the available resources to develop the facts, the persuasiveness of presentation and, of course, the uncontrollable human factors attributable to the composition of a particular jury or the predilections of a particular judge. But the power to persuade starts with the insight to determine what facts matter and why, coupled with the ability to fit those facts into a compelling narrative.

Second, a lawyer should not view the law as immutable. The law—particularly criminal law and the laws of evidence—change regularly and vary considerably among jurisdictions. If I have done my job well, my students should be able to construct arguments that draw upon the underlying policy goals of criminal law or the rules of evidence to advocate for a change in how the law is interpreted. They should also view themselves as participants in a legal system broadly understood, encompassing not just courts but also legislatures, and they should understand that they have the power and expertise to advocate for changes in the law, particularly when they work in combination with other members of the profession.

I do not expect all of my students will go on to become prosecutors, whose highest, full-time duty is to “do justice”—although I hope many of them do! But I do hope that all of my students will graduate with a deep appreciation of their capacity, by virtue of their skills and their membership in the profession, to make a difference in the lives of individuals and in society writ large, and that they will turn that appreciation into positive action in ways that are meaningful in their own lives.
As an associate at Koob & Magoolaghan, Professor Reinert focused on prisoners’ rights, employment discrimination and disability rights. At Cardozo, he conducts research in the areas of constitutional law, civil procedure and criminal law. He was recently voted best first year professor for the 2011–2012 school year by the Cardozo Student Bar Association.

“Part of the reason I find teaching rewarding but extremely challenging is because of the great teachers I have had in my life. One of the stories I tell my students is about when Professor (now dean of NYU School of Law) Ricky Revesz had me on call in Administrative Law for what seemed like 10 minutes, asking me to find ways to distinguish a number of different Supreme Court cases. Every answer I provided was met with the rejoinder, ‘But what about this ...?’ Finally, when I felt like I was about to fold my tent and give up, Professor Revesz said ‘Yes, I think you’re right; they can’t be distinguished.’”

“This experience informs my teaching because my goal is to help my students realize, by the end of each class, that they understand much more about the cases than they thought they did walking into each class. That was what Professor Revesz was doing with me, and I remember it clearly to this day. It is what continues to excite me about teaching—the possibility that something will ‘click’ for students at some point in my class and that I will have played some role in making that connection.”

ALEXANDER REINERT
Associate Professor of Law
law professors are expected to play many roles in our professional lives. We write scholarly articles, participate in ongoing litigation either directly or through amicus briefing, provide institutional service by serving on committees or assisting students with career development, and, of course, teach. Of all of these roles, teaching is easily the most challenging. And it is also probably the most important. When we teach, we have the opportunity to build connections for our students: connections between theory and practice, between substance and procedure and between ourselves and our students.

What is perhaps most challenging about our job as teachers is that it is so difficult to know when we have achieved success. Like many of my colleagues, I have received no formal education that qualifies me to teach. The little educational theory I am familiar with comes from taking a few undergraduate classes and reading the occasional article on classroom pedagogy. What I have learned about teaching I have learned mostly through experience, my own and those of my students. This amounts to a long sequence of trial and error. Law professors were very successful law students—we have a sense of what worked for us. But that does not necessarily translate into what works best for our students. We often may not have a sense of whether we have reached a particular student until we read his or her final exam.

With these challenges in mind, every year is an opportunity to improve, to get closer to reaching all students and helping to develop the skills and knowledge that will serve them well as lawyers. We each have our own approach to meeting this goal, but I have settled on some recurring practices.

First, I am always willing, although not always happy, to admit my ignorance. Students, when engaged in class, ask difficult and important questions. When I do not know the answer, I fess up. When I first began teaching, this was harder for me to do. But it accomplishes several educational goals. It builds an important connection between student and teacher. It shows that attaining mastery of legal practice often means knowing what questions to ask and how to answer them. Teachers may not know the answers to every question, but they will recognize what the difficult ones are and how to go about thinking them through.

Second, I strive to use my classroom to show students the important connections between theory, doctrine and practice. In Constitutional Law, I sometimes use the audio excerpts from oral argument in important Supreme Court cases. I do this for many reasons. Just hearing the words of the advocates and the Justices gives students a fresh perspective on the case. But more important is the fact that oral arguments can offer a glimpse into why a decision was made in a certain way and how a particular opinion was written. We spend a great deal of time on the written word in most law school classes, yet it is oral argument that shows how certain positions are refined, abandoned or recharacterized in an effort to influence the Court’s ultimate outcome.

Finally, it is always important to put particular substantive laws in context. Sometimes that context is procedural, sometimes it is historical, and sometimes it is political. Although I caution my students to resist the urge to see every court decision as the product of a judge’s particular political ideology, that does not mean we can ignore political or historical context. Thus, while I have been teaching Constitutional Law this semester, I have offered students the opportunity to meet with me in small groups of 10 to 15 students for the purpose of learning about how constitutional doctrine arises in procedural and political context. In small groups, we have looked at abortion jurisprudence through the lens of procedure, the strategic choices made by litigants, and standards of review that appellate courts use when reviewing factual and legal findings by lower courts. In so doing, I hope students will learn that the substantive rulings of the Supreme Court are not inevitable but emerge from the interaction of many complex factors.

Good teaching takes work, and my own teaching is a work in progress. Although I know it may not be possible, I strive to reach every one of my students. Even a 98 percent success rate would feel like a failure to me. Legal education has been subjected to sharp criticism as of late, some of it legitimate and some of it out of bounds. It will not be changed overnight, but I and my colleagues strive every year to improve, to think critically about past practices and to impart the skills that our students need to thrive as professionals. We know how critical good teaching is. It is our opportunity to communicate our knowledge and love of the law to our students. In that sense, it is a privilege I am grateful for and a challenge I embrace.
Professor Golick has worked in legal services for the poor since her graduation from law school. As a senior attorney for more than 10 years at Legal Services for the Elderly in New York City, she litigated important cases involving the rights of the elderly and disabled.

Most recently, Professor Golick, along with the Bet Tzedek Clinic, filed a lawsuit in federal court on behalf of three disabled Medicaid recipients to stop reductions in their home care services. The clinic is fighting for the patients to continue to receive 24-hour care.

She is a frequent lecturer on public benefits and health law issues.

TOBY GOLICK
Clinical Professor of Law, Director of Clinical Legal Education and Director, Bet Tzedek Legal Services Clinic
Clinical pedagogy is based on the simple premise that a good way to learn to do something is to try to do it—and then try to do it even better next time. Think about riding a bicycle and whether it works better to read about how to do it or just to try to do it. While the value of learning by doing seems obvious, law schools were, in fact, among the last of the professional schools to add experiential education to their curricula. But the demonstrated success of this method of teaching has led to the explosive growth of clinical and externship programs in law schools. There was only one existing clinic, the Criminal Defense Clinic, when I came to Cardozo in 1985 to found the Bet Tzedek Legal Services, Cardozo’s first civil law clinic. Now there are 12 clinics located at the law school and dozens of field-work clinics and externships throughout the city.

The single most important part of clinical teaching is giving students an opportunity to do all the things practicing lawyers do and then teaching them to reflect on what they have done, including what they did well (and why) and what they could have done better (and why). In the clinics, students engage in this process with the guidance of the faculty, but the hope is that students will continue to engage in this process throughout their careers, and will become better and better lawyers as a result.

All law school classes teach students law and how to apply legal principles to different sets of facts, but they generally do not teach students how to find out the facts. In real life, the facts of any situation can be hard to determine, can be complicated and can be disputed. One of the important things taught in the clinics is that cases turn on facts as much as on law and that factual investigation is a key part of handling any case. Courses in civil and criminal procedure teach the formal pretrial methods of fact-finding, but they do not teach how to interview clients and witnesses, how to conduct depositions or how to use informal methods of fact gathering. Students in the clinic learn to use these tools. For example, in the Bet Tzedek clinic, we teach the skill of interviewing by having students first read some of the literature on interviewing techniques; students learn why certain kinds of questions work better than others, ways of effectively structuring an interview, and so forth. Then the students have an opportunity to watch some videotaped interviews, after which they conduct a simulated client interview that is taped and critiqued by the faculty member and the student. But there is no substitute for the real thing, so students also interview real clients and discuss with faculty supervisors what worked and what could have been better.

Similarly, clinical teachers teach students how to plan a case, thinking about the client’s goals and all the options and tools available: informal advocacy, mediation and alternative dispute resolution, litigation in various forums, legislation changes and law reform, and use of news media. We also teach students how to counsel clients about their options, remembering that the goal is to solve a problem, not just to win a case. We teach students the importance of thinking about the audience—the particular judge or bureaucrat or adversary to whom a letter, a legal brief or an oral argument is presented, and of tailoring the presentation to that audience. We practice skills such as direct and cross examination and examination of expert witnesses. Students, who in most law school classes work alone, learn to work in teams as well.

When students begin to work with real clients, they rapidly learn that few cases are easy, and knowing that many cases do not involve large amounts of money does not mean that they are simple or unimportant to the client. Of course, the fact that real lives hang in the balance concentrates the students’ attention, and students learn the incredibly important professional skill of taking responsibility, not just to get a good grade but to do the best possible job for someone depending on them. And they confront and think about ethical issues that are not theoretical but are intensely real.

Another part of the clinical curriculum is to teach cultural sensitivity: clinic clients are by definition unable to afford a lawyer, and they come from many backgrounds. Students encounter and inevitably increase their respect for individuals different from themselves, as they learn to see and appreciate the difficulties poor people face. Almost all clinic students report that they have been profoundly changed by the experience. Finally, and this is my greatest hope, the clinics teach students the joy of using their hard-earned legal skills to help others and to make a difference in the world.
Before joining the Cardozo faculty, Professor Cunningham was a member of the San Francisco law firm of Janin, Morgan & Brenner, where her practice focused on tax and estate planning. From 2001 to 2006 she was Cardozo’s vice dean.

LAURA CUNNINGHAM
Professor of Law
Federal Income Tax is my favorite course. I’ve been teaching it for over 20 years and I enjoy it now more than ever. I find it extraordinarily rewarding because, believe it or not, it has something for everyone. During the first class of every semester, I offer students some of the reasons that they should take the course because many of them enter it with great trepidation, one finger poised over the ‘drop’ button. I tell them that, much to their surprise, some of them will truly enjoy the class and decide to pursue tax law as a career. Others, I say, may not be wowed by the subject but will appreciate that a cursory understanding of tax law is critical to virtually any type of law practice. And finally, I insist, all of them will leave the class as more informed citizens.

Some students do indeed get bitten by the tax bug and move on to take more advanced courses. Every year Cardozo graduates a terrific group of budding tax lawyers. Together with adjuncts Roger Baneman and Zvi Hahn, Professors Engler, Schwarz, Smith, Zelinsky and I offer an impressive array of advanced tax courses, and Cardozo graduates enter the field with outstanding backgrounds.

Yet those students who are immune to the bug still, I hope, learn valuable lessons in the course. Not only must they continue to apply the case-analysis skills that they learned in their first-year courses but they must also learn the critical skill of statutory analysis by becoming intimately familiar with the mother of all statutes, the Internal Revenue Code. The skills necessary to navigate that statute are the same skills needed by any successful attorney in any type of practice, and as we work our way through the semester students become gradually more confident and comfortable with the statute.

Teaching tax is never dull because the issues surrounding our system of taxation are central to the political discourse. In the course we explore the policy choices made by Congress and see how the Supreme Court has moved the law with its interpretation of the statute. We discuss some of the current issues confronting Congress, and I hope the students are better able to put those issues into context. The newspaper is full of stories regarding the debate in Washington over taxes, and it is my hope that even my least enthusiastic student will read those stories with a more informed eye.
Arthur Jacobson has been teaching at Cardozo Law since 1977. He received his B.A., J.D. and Ph.D. from Harvard University, and he specializes in jurisprudence and contracts.

"Every class I teach is my favorite class ... each for a different reason," he says. "Contracts is a favorite because it is beautiful and endlessly deep. Employment discrimination is a favorite because it is one of the hardest classes in law school, and the students who take it are brave. One works with brave people to learn together."

In his spare time, Jacobson is a semi-pro singer of art song and lieder.

"I believe that the anti-intellectualism that is threatening American legal education will, if successful, destroy the power of American lawyers in American life."

ARTHUR JACOBSON  
Max Freund Professor of Litigation & Advocacy
Thinking Like a Lawyer

There's been a lot of talk lately about educating law students for practice, for the work that lawyers do, rather than for the theoretical work of their professors. That talk betrays a great ignorance about what it takes to educate students to practice and a great ignorance about what best contributes to a successful career in the law.

In the standard-format law class we do two things. We teach students how to analyze cases, and we teach them to state their analysis clearly and authoritatively. We show what it means to do what lawyers do: to analyze fact situations, to make arguments the way lawyers make arguments. When I stand in front of the class, I provide the model. When I cold call a student, the student has a chance to practice with me on the spot, doing analysis and making arguments, and to practice this in a public setting. I tell students to avoid saying “I think” or “I feel.” We don’t need the windup before the pitch. Just throw the ball; just give me a declarative sentence.

Making arguments authoritatively means getting rid of these (and other) almost universal verbal ticks that just won’t do for a lawyer. Students who can’t break these habits rarely last beyond the first semester.

But the most important thing we do is teach our students how to write. This is important because it folds all the other skills and disciplines into one. I find that half an hour spent with a student reviewing his or her writing can literally change that student’s life. My friend Bernhard Schlink, the celebrated novelist and constitutional law professor, says to me when I’m talking to him about some idea I’ve had, “But Arthur, does it write?” Writing is thinking, it is analysis, it is argument, it is all of the above. It is what, in fact, lawyers do.

And the most important thing law students can do for their careers as lawyers is develop and keep up the habit of writing exactly what we law professors write! Yup, that useless theory stuff that we’re not supposed to be teaching anymore. I can’t tell you how often I’ve seen the truth of this maxim.

Just recently I hosted a prominent partner at a major law firm in New York. He is one of a handful of top lawyers in international employment law. He was talking about his career. This lawyer, who has written and published at every stage of his career, avowed that his practice of writing academic articles has been critical to his success. It’s not that people necessarily read the articles, he said, but they provide a ‘calling card’ that gives the author instant legitimacy and expertise in the eyes of a would-be client or a partner looking at an application for a job.

So there are many compelling, practical reasons why your time in an academic environment is time well spent for your development as a lawyer. And don’t be fooled into thinking otherwise. Lawyers play a leading role in this country. There is a conversation to be had about where the value is in a legal education. In my own case, and to the degree I’ve been able to add value to the litigations in which I’ve consulted or in which I’ve served as an expert, it is because I’m able to bring what I call ‘legal imagination’ to the table.

What I hope is that I help my students cultivate their own legal imaginations and thus become great lawyers, while also becoming good writers.
Bringing the law to life

CARDozo LAW
One key measure of the value of a legal education is how well it positions lawyers for a career in the law today. We asked five Cardozo alumni at the top of their games to evaluate the impact of a Cardozo Law degree on their lives, and for their specific advice to newly minted lawyers facing today’s challenging job market.

PRACTICING LAW NOW.
Turning a Love of Movies into a Career

You have lots of different people surrounding the talent. Agents, lawyers, managers. They may all have different interests and they're all trying to represent their client."

Jonathan Golfman '03 is speaking on the phone from the Los Angeles office of Media Rights Capital, an independent television, film and digital studio that's responsible for such projects as the Academy Award Best Picture nominee Babel; Sacha Baron Cohen's Bruno; The Adjustment Bureau, starring Matt Damon; and Ted, directed by Seth MacFarlane, and starring Mark Wahlberg and Mila Kunis. As MRC's vice president, head of film business & legal affairs, he navigates Hollywood's sometimes shark-infested waters, setting up deals with actors, directors and distributors; negotiating contracts; and licensing properties.

"It can be tricky," he acknowledged. "But it's also a lot of fun."

Golfman, a film buff since he was a kid, never had any doubts about wanting to work in the entertainment industry. But, he added, "I was more interested in the business side. I'm not a creative writer, and don't have an inclination to direct. I enjoy bringing together all the different elements, making the deals and then following the project through to the end. Studying law was a good way to accomplish this."

At Cardozo, Golfman was attracted to the school's Intellectual Property department. "It's a really strong program, and it relates to what I do," he said. "I took a fantastic class taught by Justin Hughes, and I had a third-year class with Ross Lichter that had us drafting entertainment contracts rather than just reviewing cases. It was valuable training that had tangible, real-world applications."

While in law school, Golfman was also on the Arts and Entertainment Law Journal, worked at Volunteer Lawyers for the Arts, and interned at Miramax Films. The goal, he said, was to create a résumé that "was very entertainment focused and to gain real practical experience while in law school."

"I wanted people to see that I was serious about entertainment as a career," he explained, as if channeling the old scriptwriters' advice to "show, don't tell." "I get résumés today from people who say they want to work in this industry, but nothing in their background demonstrates it—so I'm less inclined to hire them."

Golfman also appreciates the broader training law school can provide. "It taught me how to approach issues from an analytical perspective," he said. "And I also developed a strong work ethic," which has served him well in an industry that's notorious for its long hours.

New lawyers looking to break into the entertainment field won't have it easy, and Golfman acknowledges the tight competition. The jobs are out there, he said, "but you need to find your way, and you may need to make sacrifices. And maybe that means you have to leave the big firm to work at a smaller firm that is willing to give you a chance to gain experience—even if it's for less money."

"But it's worth it," he said, "to do what you love doing."
The Prosecution Never Rests

When prosecutor Jonathan Lenzner ’04 thinks back to his Cardozo years, he remembers his clinical professor Stanley Neustadter.

“To this day there are still things I incorporate into my trials that I got from Stanley,” he said.

As an assistant U.S. attorney for the District of Maryland, where he handles mostly public corruption and white collar crime, Lenzner says he wants his cases to be airtight to prevent someone with skills like Professor Neustadter from getting the case overturned on appeal.

“More than just trying to prevent someone from pulling things apart, Stanley taught me how to think critically,” he said, “to look under the hood and challenge every conclusion, to put forth and not to accept facts until you have thought them through.”

Lenzner has been a prosecutor since graduating from Cardozo in 2004. He likes the process of holding people accountable for their conduct. “For me, it is the hunt,” he said.

Proving that someone committed a crime is not easy, and takes a lot of work. But while Lenzner finds it exhilarating to convict people who thought they could never be caught, he finds working with victims of crimes even more gratifying.

For six years he was an assistant district attorney in Manhattan, where he worked in the Sex Crimes Unit and tried a number of rape cases.

“I’ll never forget the moment after a victim testified,” he said.

After going through what he termed a painful process of first gaining victims’ trust and then ultimately putting them on the stand, “they get to stare down their accuser,” he said. “And when it is over, they thank you because it has helped them restore their dignity.”

Lenzner says he has even received thanks from victims of crimes who did not want to testify.

“I had a rape trial where a police officer committed the rape. The victim was frightened and lived in another state and didn’t want to testify. I had to subpoena her. She did not like me very much, until after the trial.” He says the woman thanked him, and to this day she keeps in touch with a note each year about how she is doing.

Lenzner says that his years in the Manhattan DA’s office exposed him to many kinds of cases, including international financial crimes, where he took on some of the world’s largest banks for their handling of wire transactions. “So much comes through Manhattan in terms of commerce,” he said.

He came to Cardozo after working for six years on political campaigns on Capitol Hill in Washington, D.C., and in California, where he worked for a consulting firm. He wanted to go to law school in order to be better equipped to deal with legal issues that came with making television ads for politicians and dealing with contracts for his firm.

But at Cardozo he took the Intensive Trial Advocacy Program, and that changed what he wanted to do. “At that moment I knew how much I enjoyed being a trial attorney, and I knew I could do it,” he said. He says his mentors, Professor Ellen Yaroshefsky and Gary Galperin (who run the Prosecutor’s Practicum), helped shape his career path.

Living in Washington, D.C., with his wife and two children, he now balances his career with family life. They come first, according to Lenzner, who says that as far as his career goes, “you pick your targets wisely.”

This spring Lenzner returned to Cardozo and spoke to students at the Dean’s Speakers Series, where he offered advice about the current job market.

“It’s a harder job market, and I try to advise young lawyers and help them whenever I can,” he said. His advice is straightforward: “Think outside the box.” He says not to have a preconceived idea—yours or anyone else’s—about being at a big firm or becoming a prosecutor or practicing in any other legal specialty.

“You have to zig when everyone else zags and roll with the new opportunities that are out there. That’s the nature of the market today. Don’t be afraid to meet as many people as possible and remember that there are Cardozo alums all over the world.”
Making Pro Bono a Priority

At her law firm, Sara Eisenberg ’05 helped successfully represent platinum-selling rapper Eminem in a contract dispute with a record label over royalties. In her pro bono practice, she took on California’s death penalty.

“I have always expected to have a role in public interest law,” Eisenberg said.

Her story involves a passion for public service as well as for corporate law, and she credits Supreme Court Justice John Paul Stevens, her professors at Cardozo Law, and her employer, Arnold & Porter, for her success.

Eisenberg does commercial litigation and appeals at the San Francisco law firm, but adds, “I wanted to make sure they supported my pro bono work, and I’ve been very lucky.”

When the state of California began implementing a new regulation to carry out lethal injections in death penalty cases, she decided a challenge was in order.

“I put together a team of associates and got a partner from the firm on board to supervise,” she said. “We filed a complaint challenging the new lethal injection regulation as being in violation of California’s Administrative Procedure Act.”

The state planned to go forward with a three-drug lethal injection.

“The first time I ever heard the idea that three-drug lethal injection was questionable was in my criminal law class at Cardozo, and it stuck with me. And when I clerked with Justice Stevens, the issue came before the court.”

Eisenberg remembers how Justice John Paul Stevens talked with her and other clerks about the case. In his opinion for the Court, he wrote that he believed the death penalty could not be implemented in a way that’s consistent with the Constitution, although he did not think the three-drug injections were an issue.

“It was remarkable to see the way a justice thinks through a case of that importance.”

Eisenberg’s client in the California appeal, Mitchell Sims, was one of 12 death row inmates who had exhausted their appeals. She argued that state administrative law required the agency to explain why they rejected alternatives. The California court agreed and ordered a permanent injunction.

As a result, no executions can take place until a new regulation is proposed and passed. And with an initiative on the ballot in November that would replace all death penalty sentences with life imprisonment, that may not happen.

At Arnold & Porter, Eisenberg recently represented Eminem in a case against his record label. At issue was how royalty payments for downloaded music should be calculated.

The record company used a “records sold” method. But her firm argued for a method based on “licensing the master,” which measures how many times an individual song is licensed by consumers. The ruling will have broad impact on the industry.

Eisenberg credits Cardozo Law for building her confidence and creativity as a lawyer. Professor Stewart Sterk greatly influenced her.

“He was my property professor, and he taught me how to think about the law. He also convinced me to apply for the Supreme Court clerkship.”

Professor Lester Brickman, for whom she was a research assistant working on articles on asbestos litigation, also made an impact on her schooling.

“He helped me learn to write, to master aspects of the law, and to appreciate the puzzles involved that you never thought would be so interesting,” she said.

“I loved Cardozo. There’s a scrappiness … a sense that we are all in this together. It’s hard to put your finger on it. The education I got there prepared me to do great things, to come out into the world. I am better prepared and better trained and have confidence in my capacity for creative thinking.”

Her advice to current students is to “keep an open mind to various and interesting things that lawyers can do. We’ve all been in a mindset of going into big law firms. Think broadly about what you want to do with a law degree. When you enjoy the law, you just enjoy the law. No matter what the issue is.”
Timothy Gladden ’01 entered Cardozo in 1998 with dreams of becoming an entertainment lawyer. But when he took corporate law in his second year, he says “a lightbulb turned on inside my head.” The virtual glow from Thomas Edison’s invention illuminated a new career path, and today, Gladden is a lawyer in the booming technology start-up industry.

“This is a great time to work in this field—especially in New York City,” says Gladden, who, prior to enrolling in Cardozo, managed a company that raised money for public schools, and ran Savvy Clothiers with a friend. “There’s an explosion of entrepreneurs who are looking to start companies, as well as a strong system of incubators, work spaces, and accelerators to help them.”

Gladden, who works for Schnader Harrison Segal & Lewis in Manhattan, says the city is ranked second in America’s tech industry behind Silicon Valley in California. (“We recently passed Boston,” he said with obvious pride.) And all these new companies need lawyers to help set up their business, court outside capital and negotiate contracts. It’s a field that keeps him on his toes.

“I enjoy representing companies who have a good idea, are enthusiastic about it and are thinking big,” he says.

For instance, one of Gladden’s clients runs a company that created a system to help bring together high-school athletes with different colleges. It allows mid-major and small schools to recruit top players while at the same time exposing athletes who are off the beaten path to representatives from some of the best schools. “This is an exciting project that levels the playing field for schools and athletes,” he said. “And that’s what’s fun about working with new and developing companies. You never know which one will create the game-changing product.”

Gladden recognizes that the professional legal landscape is rocky right now and that new lawyers face tough competition in a dwindling job market. The start-up sector is a rare bright spot, especially as more California-based law firms keep pace with the industry’s growth by opening offices on the East Coast. But he still warns that it’s difficult for young lawyers to break into the field, and he suggests they get experience practicing general corporate law first.

However, Gladden is also quick to point out that young lawyers do have some advantages over more-established competitors.

“They’re already immersed in technology. They understand the concepts and can speak their client’s language,” he said. “In the start-up world, that’s a skill that can really help you succeed.”
Practicing Law on the Other Side of the World

Working in the legal field has led Virginia Tomotani Uelze ’09 to some interesting places—at the moment, she’s living in her hometown of São Paulo, Brazil. Working at the start-up office of Jones Day there has opened up a whole new world.

“It’s a unique challenge adapting to a new reality,” Uelze said. “The way we see things working in the United States isn’t true for everywhere else. I’m learning to incorporate local nuances when negotiating with local counsel, working on cross-border deals and learning all the cultural differences. It has been very rewarding, very challenging.”

Uelze began her career in corporate law at Jones Day New York, and always had her sights set on Latin America. So, when she got the opportunity, she transferred from an office of 300 attorneys to an office of eight. In São Paulo she focuses on practicing U.S. law on domestic and international mergers and acquisitions, private equity, general corporate governance issues, and the formation and structuring of business entities.

“It’s a completely different dynamic than New York,” she said. “We are just building our business here. And Brazil has certain restrictions: For example, foreign lawyers aren’t allowed to practice Brazilian law, so I’m a foreign law legal consultant. This makes me work a lot more closely with local counsel for many of the mergers and acquisitions transactions that we do. But we still practice New York law for most of the purchase agreements.”

“Often I will work with clients to explain how the legal market is here, and I spend time on some of the challenges specific to Brazilians—including liability for labor matters and deals. It’s been great to be here on the ground and see these things hands-on.”

In law school she was articles editor for the Cardozo Arts & Entertainment Law Journal, the community service chair for the Latin American Law Students Association and co-director of Cardozo Advocates for Battered Women. She was also active in the bar associations at the city, state and national levels as well as with the Hispanic National Bar Association.

But she says her clinical experience was the most valuable in her three years at Cardozo.

“In my last year I did the Bet Tzedek clinic,” she said. “This is one of the things I highly recommend. Cardozo has a phenomenal clinical program and so many options that students can find a fit for them. I’m anything but a litigator, but I was doing social benefit welfare litigation, and that was a great experience. I learned how to balance different client obligations, I learned interview skills, and these are skills I’ve been able to transfer to my day-to-day work. Clinics are a great laboratory for us to learn.”

She says in this economic climate, being involved is important not only for students’ well-being, but also to boost job prospects.

“Connections are critical,” she said. “As tough and horrible as it is when you’re slammed, you have to get out and network. It’s an essential skill; it’s how you’re going to get jobs and how you’re going drum up business once you start your career.”

“Being a lawyer is a very social profession with a lot of human interaction. I miss those events. For example, I missed the toy wrapping and the Grammy Symposium this year. I still get e-mails, and I want to come to the events, but it’s difficult to get there from Brazil!”

And just as her path was nontraditional, she urges current students to pave their own way.

“I think one of the biggest challenges is everyone wants to get into a big firm,” she said. “If you realistically look, most people won’t wind up at the big firms. Students need to be looking outside the box. Success is not only in going to a big firm. One of the wonderful things about a legal degree is it gives you an educational base: It tells employers that you have excellent analytical skills.”

“A lot of people offer advice when you start 1L,” she said. “But there is no one bullet, no one solution, and people have different paths. It’s figuring out what’s right for you.”
Cardozo Law Review Jumps 10 Spots in Law Journal Rankings

*Cardozo Law Review* shot up in the U.S. law school law review rankings this year to number 27 from number 37.

The journal gained momentum from its symposia and contributions from world-renowned judges and scholars. Last May, *Cardozo Law Review* worked closely with U.S. Second Circuit Court of Appeals Judge Robert Katzmann's Immigration Representation Study Group in organizing a symposium on representation for immigrants facing deportation. The symposium featured speeches by retired Supreme Court Justice John Paul Stevens and Judge Denny Chin of the Second Circuit, along with Judge Katzmann.

Articles based on the speeches and other findings from that symposium were published in the December 2011 issue (Volume 33, Issue 2), which also featured a comprehensive report examining immigrant representation in the New York area. This report spurred a *New York Times* editorial on Dec. 24, 2011, that called for increased legal representation in immigrant deportation cases.

In addition, New York Court of Appeals Judge Jonathan Lippman wrote an article on the extrajudicial activities of judges that appeared in the April 2012 issue of *Cardozo Law Review* (Vol. 33, Issue 4).

The rankings are tabulated yearly by the Washington and Lee University School of Law, and are considered the premier reputation index for law journals. They are measured by the number of citations a law journal receives.

**ITAP**

The Intensive Trial Advocacy Program brings the courtroom to Cardozo, and top judges into student education. Every year, dozens of high-profile lawyers, judges and legal experts teach Cardozo students trial skills, including developing case theory and making opening statements. In its 27th year, ITAP is an intense and unique method of learning practical skills.

DOCTORATE IN JURIDICAL SCIENCE TO BE OFFERED AT CARDozo

The J.S.D. program will begin in Fall 2013 and is designed to attract a small number of teachers and scholars from around the world annually. Each student will work under the supervision and guidance of a Cardozo faculty member in his or her field of interest. The doctoral program is designed to enrich the academic life of Cardozo with the residence of scholars actively engaged in research to contribute to the training of law, teachers and academics; and to expand Cardozo's domestic and international profile.

SECOND ANNUAL NEW YORK SUMMER SEMINAR FOR FOREIGN LAWYERS/ LAW STUDENTS

The second New York Summer Seminar was a great success! Sixteen lawyers and law students from the United Kingdom, Australia and Brazil traveled to NYC to learn theory and practice of the U.S. legal system at Cardozo through classes, site visits and simulations.
Seventh Annual E. Nathaniel Gates Award Ceremony

Cardozo School of Law’s LGBT and allied organization OUTlaw presented the seventh annual E. Nathaniel Gates Award to Emily Tisch Sussman ’08 for her legal representation of LGBT members of the military and her advocacy efforts to end the “Don’t Ask, Don’t Tell” policy. The overflowing crowd at the award reception celebrated the most recent policy reforms as well as the recognition of same-sex marriage in seven states and the District of Columbia.

In his remarks, Dean Matthew Diller called Sussman a “beacon of light” and an inspiration to students who want to use their law degrees to make change and pursue social justice.

E. Nathaniel Gates was a beloved professor at Cardozo, a teacher of constitutional law, criminal law, legal history and employment discrimination; and a mentor and advisor from 1992 until his untimely death in 2006. Vice Dean Edward Stein and Professor Myriam Gilles offered heartfelt remembrances of Gates, who was Cardozo’s first African-American professor and first openly gay faculty member. Gates was a founding member and chair of Cardozo’s Diversity Coalition, an adviser to BALLSA (Black, Asian and Latino Law Students Association) and a founding member of Gay Men of African Descent. In 2006, Cardozo established an award in recognition of Gates that honors alumni whose work benefits the LGBT community.

OUTlaw Co-chairs Lauren Zimmerman and Daniel Davidson presented Sussman, who is now executive director of Young Democrats of America—which is the official youth arm of the Democratic Party—with the Gates award. To effect change in an institution, Sussman said to “Get in the door, gain serious credibility and disrupt the hell out of it.”

The award reception was co-sponsored by Cardozo’s Program in Family Law, Policy and Bioethics, the Center for Public Service Law, and the offices of Alumni Affairs and Career Services.

Andrew Hannibal ’12
Picked for Inaugural Mark Whitlock Scholarship

Hannibal was recognized as an outstanding third-year J.D. student who, through his effort, energy, spirit and initiative, contributes to, expands and strengthens student life and community at Cardozo. The award honors Mark Whitlock ’10, who passed away from brain cancer while a student at Cardozo. When establishing the Mark Whitlock Scholarship, his family sought to celebrate his joyous spirit and vitality.

Three Cardozo Students Presented with New York City Bar Diversity Fellowships

Yuu Kinoshita ’14, Christina Noh ’14 and Kelli Ortega ’14 were awarded the 2012 NYC Bar Diversity Fellowship. The program provides students from New York City area law schools the opportunity to spend their 1L summer in a law firm or a corporate or government legal department to better prepare them for careers in the law.

Chauniqua Young ’12
Selected for Fellowship from the Center for Constitutional Rights

Young was picked for the Social Justice Institute Fellowship in Government Misconduct/Racial Justice at the Center for Constitutional Rights. In her new role, she will develop creative litigation and non-litigation advocacy projects in areas such as racial justice, economic and social rights, immigrant justice, gender equality and national security.

Record Number of Students Awarded Prestigious Peggy Browning Fellowships

This year, the Peggy Browning Fund awarded summer fellowships to four outstanding Cardozo students. The students worked at union-side labor law firms and a labor union. David Feinstein ’14 spent his fellowship at Service Employees International Union in Washington, D.C.; Allison Gotfried ’13 worked at Kennedy, Jennik & Murray P.C. in New York City; and Nora Sullivan ’13 and Marie Winfield ’13 spent their summer at Levy Ratner, P.C. in New York City.

Emily Tisch Sussman ’08, left, won the Seventh Annual E. Nathaniel Gates Award. She is pictured with Brandi Boror ’96, the 2011 recipient.
Family Matters

BY STEPHANIE KANE ’13

One Cardozo student delves into her clinical experience at Family Court in the Bronx—a heartwrenching and sometimes touching experience.

Working at the Family Court Clinic in the Bronx has been more than an opportunity to obtain experience outside the classroom—it has made me realize that my work as a lawyer will profoundly affect the people I represent. I recently detailed one of these realizations in my daily clinic journal:

“This morning I began sitting in conferences with Saul, my assigned court attorney. In the first conference a wife wanted to drop the Order of Protection she had previously filed. At this time, the husband showed her his petition for divorce for the first time. This was the first time I had ever seen this happen, and it is interesting to me that, even after seeking an order of protection against her husband, she still appeared upset. Saul discussed how consolidating the issues would be faster, cheaper and more effective, due to the nature of Family Court. This conference was successful in that the parties were able to put a temporary visitation order together for their time with their child with little difficulty or disagreement. Based on what I’ve seen thus far, this is rare.”

I began my clinical experience working in Family Court in the Bronx for the Honorable David Cohen ’92 in January. When I first started this semester, it was difficult to believe some of the cases that were being heard. I soon learned that having a thick skin in Family Court was necessary. On a daily basis, one sees battered spouses seeking orders of protection. You see two parents struggling for time with their child and cases in which children are taken away from their parents after they have been deemed unfit. It is not uncommon to see violations brought on visitation orders or parents bringing their child’s other parent back to court based on a perceived change in circumstance. Recently, however, I was able to see two adoptions finalized: one for a teenage boy and one for a young girl. It was a touching moment in a place that sees many disheartening cases.

With a seminar portion to supplement much of what is learned firsthand through the court, I have established a strong understanding of the workings of Family Court. Judge Sara Schechter, who was a New York Family Court Judge for 25 years, meets with students weekly to consider in all that we do while in court. We discuss pressing issues that Family Court is facing, pertinent case law and the stages of Family Court proceedings. We have also spent class time role-playing a neglect proceeding and sharing our experiences and research within court through presentations. Two days a week outside the seminar portion of the class, I am engrossed with legal research for cases. For the first time, my research has the ability to effect change for people, which makes the research process that much more rewarding.

However, spending my time researching is only a portion of what I do during my clinic. My court attorney, Saul Stein ’05, spends ample time explaining the background of the case so that I may better understand what situation is being dealt with during the pretrial conferences. Both parties are present as Saul walks them through legal processes while attempting to understand what each party is seeking and how best to proceed. It is during these pretrial conferences that I have best learned the value of a settlement. Knowing what occurs during these pretrial conferences is undoubtedly helpful to both my future negotiation skills and trial court practice. Additionally, seeing examples of good lawyering, as well as bad lawyering, is very influential to me at this point in my legal career and has provided me with solid examples of how I want to represent my clients in the future.

I also spend time in the courtroom observing Judge Cohen in his proceedings. Not only does he remain calm throughout difficult and drawn-out cases, he is also thorough with all the details. Despite all that is on his plate, he has taken the time to bring me up to speed on some of the more complicated trials that I am able to hear and to discuss my research with me. He has given me a firsthand view of his role as a judge and has provided a solid example of a person to aspire to be like.

Perhaps the most redeeming aspect of this experience is that I will walk away with several pieces of legal memoranda that I would not otherwise have known how to write. This has certainly been a talking point with employers when they see the clinic on my résumé. My clinic experience is one of the most rewarding and most practical experiences I have participated in at Cardozo. It has given me a glimpse into the trials and triumphs of working at a job that so greatly affects the people who are being represented.
There are so many benefits to spending time in chambers—but there is one benefit that far outweighs the rest. Sure, you'll get to watch arraignments, hearings, trials and sentencings. And, yes, you'll get to write bench memos and maybe even draft opinions.

But what stands out is this: When you join chambers, you are really joining a family. And you never leave this family, even after your official stay in chambers ends.

I have so many fond memories in chambers. During my first summer as a law student, I interned in the chambers of Hon. F. Dana Winslow, New York Supreme Court, Nassau County. It was always bustling—especially in the mornings, when attorney after attorney would come into chambers for settlement conferences. While I really enjoyed watching them, I most looked forward to the afternoons. When there was no hearing or trial, Judge Winslow and his law secretary would sit with the interns for a while. He would talk to us about a motion he was considering and how he was planning to decide. After explaining the issues to us, he would ask what Judge Winslow's chambers felt like a family despite how busy individual members were (whether compiling research for bench memos, drafting complex decisions or fielding calls from litigants) throughout the day. For instance, almost every day the seven or eight members made time to eat lunch together around a big conference table. The topic of conversation wasn't important, just the opportunity to spend valuable time in each other's company.

The judges, law clerks and secretaries whom I have had the opportunity to share time with have been teachers, mentors and friends to me. I try to visit whenever I can and trade e-mails often. Even though I have ended my internship with Judge Winslow and my fellowship with Judge Wigenton, I still feel as if I am a part of those groups. With all the wonderful experiences I have had in chambers, I knew clerking was what I wanted to do after graduation. So next year I will be clerking for Hon. Elizabeth F. Klein, New Jersey Superior Court, General Equity, New Jersey. While I look forward to the complex legal issues I will get to help resolve, I most look forward to that familiar feeling of being part of a family working toward a shared goal. To me, that's what chambers is really about.
MEDIATION AND CONFLICT RESOLUTION IN ISRAEL:
A Hands-On Journey

BY NATHAN MAIDENBAUM ’14

TUESDAY, JANUARY 3, 2012 (DAY 1)
The highlight of Day 1 for me was definitely listening to Sapir Handelman explain how his organization, Minds of Peace, brings right-wing Israelis and right-wing Palestinians, none of whom are politicians, to public assemblies to see if they can reach peaceful resolutions to the current conflict between the two groups. The goal of the group is to create social conditions for peace amongst each of the populations, using mediation as a tool.

Sapir’s lecture about Minds of Peace illustrated some of the practical uses of mediation by providing relevant and interesting examples. Sapir believes that the two groups can reach a resolution every time through mediation. Sapir explained how he and a Palestinian colleague of his select five members of each group and serve as mediators in their negotiations. They have set up at least seven different mediations thus far. The sides have been able to reach groundbreaking resolutions on several issues each time and have become more open to the other side’s point of view.

I went into the course with the mindset that there is absolutely no way that the Israeli-Palestinian conflict could be solved through peaceful means. After hearing about what Minds of Peace was able to achieve through mediation, I was amazed. My outlook about the chances of reaching a resolution in the conflict was immediately changed for the better. However, I was disappointed to hear from Sapir that, while the mediations brought the parties closer together, most participants returned to their extreme positions following the mediations. Ultimately, Sapir’s lecture made me believe that if organizations like Minds of Peace continue to create open dialogues between the two sides, a peaceful resolution can be achieved in the future.

THURSDAY, JANUARY 5, 2012 (DAY 3)
Today, we went to Ramla. Ramla is a city with a mixed population, home to Arabs, Jews, Christians and other smaller groups. The mayor of the city greeted us and gave us a quick information session about the city. It was nice that the mayor took the time to meet a small group of students from the U.S. I think this speaks to the willingness of people in positions of power in Israel to interact regularly with citizens of the world.

We then went on a short tour of the city before reaching our final stop in Ramla, the mediation center. The highlight of the tour for me was seeing an ancient cistern that was used to store water reserves due to the lack of rain in parts of the country. At the mediation center, we learned how the citizens of Ramla use mediation to solve community conflicts. These include conflicts between people from different population groups and conflicts between people from the same groups.

FRIDAY, JANUARY 6, 2012 (DAY 4)
Today was one of the most interesting days yet. Our first stop was at a village called Neve Shalom/Wahat al-Salam. Here Jews and Arabs live side by side in a cooperative village. The village is a standing example of how Jews and Arabs can live together as neighbors in harmony. One of the main goals of the village is to promote peace, equality and understanding between the two groups of people. They are involved in educational work to further this cause.

It is not surprising that many conflicts arise between the different groups of the village. It was very interesting to learn about how the village settles these disputes. On one occasion, there was a debate about whether a monument in honor of a fallen Israeli soldier from the village should be displayed on the village’s basketball court. It was a very sensitive issue for the community to deal with. While some of the Arab families had close personal relationships with the soldier, they were against the objectives of the Israeli army and did not want a monument in their village honoring that mission. This was a very tough issue for the village to solve. Through many weeks of tough negotiations, the village eventually was able to resolve the conflict when the sides agreed to allow a monument focusing on the soldier and not the military mission. This was done by carefully selecting the language written on the monument to honor a member of the village who was a man of peace killed in war. Ultimately, through the use of mediation, both groups of the community were able to hear each other’s issues and work out a compromise. The village became stronger as a result and draws upon this experience as an example when solving difficult conflicts.
SUNDAY, JANUARY 8, 2012 (DAY 6)

Today we went on tours of the Knesset and the Supreme Court. This was a rare opportunity to see inside the buildings where laws are made and interpreted. Before we went inside the Knesset, we gathered around the giant decorative menorah just outside the entrance. The menorah was adorned with cast metal depictions of famous biblical and political scenes, symbolizing the principles for which Israel stands. The first things we saw inside the Knesset were Chagall tapestries and mosaics, which are displayed near a replica of the Israeli Declaration of Independence. The guide explained the meanings of these important works and their significance in Israel's history. Next, we sat in the chamber of the Knesset where the legislature makes laws. This is the place where so many important historical debates have unfolded between the different factions in the Israeli government.

After the Knesset tour ended, we went to Yad Vashem, the most important Holocaust museum in the world. Every time I go there, I realize how fortunate I am to grow up in a country that allows me to practice my religion openly without being persecuted for it. Even though we only went to the monument outside the museum, just coming to the museum evokes these strong feelings.

Later in the afternoon we visited the Supreme Court. A tour guide explained the symbolism behind the architectural details of the building. I didn't know that every aspect of the edifice had been artfully planned to capture the themes of Israel and justice. We also had an opportunity to witness a hearing in one of the five courtrooms. It was an amazing opportunity to witness a case in another country and to see the differences in the courtroom demeanor of Israelis versus Americans.

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CRIMINAL DEFENSE CLINIC REPRESENTS OWS PROTESTERS

The Criminal Defense Clinic has been involved in defending more than 25 Occupy Wall Street protesters. This spring, ABC 7 News reported on the clinic. To view the video, head to www.cardozo.yu.edu/ows.

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Mediation students pose outside a cistern in Ramla. From left to right: Anna Maslyanskaya ’14, Liliya Gritsenko ’14, Maidenbaum, Jodi Raab ’14, Jacob Hartz ’12, Lindsay Melworm ’14, and Skylar Yankowitz ’14.
Cardozo Celebrates 34th Commencement

New York’s Chief Judge Jonathan Lippman Delivers Commencement Address
Innocence Project Receives Cardozo Justice Award

Lincoln Center provided a beautiful backdrop for graduates and their families at the 34th Cardozo commencement ceremony on June 4.

Judge Jonathan Lippman, Chief Judge of the State of New York and Chief Judge of the Court of Appeals, was the keynote speaker on a day that included a salute to the Innocence Project, which celebrated its 20th anniversary with co-founders Barry Scheck and Peter Neufeld, who received the Cardozo Justice Award from Dean Matthew Diller.

“You are graduating law school at a moment of profound change—in our society, in the legal system and in our profession,” Dean Diller said. More than 450 graduates—64 with Masters of Law degrees and 390 with Juris Doctor degrees—took part in the processional at Avery Fisher Hall.

Dean Diller discussed the monumental changes that have taken place in recent years, including technological innovations that have transformed the way revolutions and social movements originate, worldwide economic competition and our political landscape’s new lexicon of terms—“the 99%,” “Occupy Wall Street” and “the Tea Party”—all of which, he declared, “have profound implications for our laws and legal system.” Diller received thunderous applause when he referred to Congress’ repeal of “don’t ask, don’t tell” and the enactment of same-sex marriage into law in New York.

Chief Judge Lippman extolled the critical role lawyers play in our society, saying, “The pursuit of justice for all is what defines our powerful and privileged profession; it is at the very heart of what it means to be a lawyer—it is our calling.” Acknowledging the “crisis in civil access to justice for the poor,” Judge Lippman...
reiterated his mandate, set to begin in 2013, requiring bar applicants to perform 50 hours of pro bono legal service before they can practice law in New York State.

Diller presented the inaugural Cardozo Justice Award to Barry C. Scheck and Peter J. Neufeld, co-founders and co-directors of the Innocence Project. Since its inception in 1992, the Innocence Project has exonerated 292 wrongly convicted individuals through DNA testing, including 17 on death row, and remains dedicated to reforming the criminal justice system. Recognizing the inspirational roles that Scheck and Neufeld have played in the lives of Cardozo students, Diller stated, “The Innocence Project has focused on teaching as well as on its legal work, imbuing a generation of Cardozo students with the confidence that they can challenge the legal system and produce meaningful change and supplying them with the skills and tools to do so successfully."

In his congratulatory remarks, Yeshiva University President Richard M. Joel, a former associate dean and professor of law at Cardozo, called upon the class of 2012 to “Stay true to your commitment to make a difference in the world.”

Among others speaking at the commencement were: Chair of the Cardozo Board of Overseers Leslie E. Payson ’91; Alumni Association Chair Mark Yagerman ’79; Cardozo Vice Dean Edward Stein; and two students from the class of 2012—Hayley B. Dryer, who presented the Student Bar Association awards, and Lauren J. Zimmerman.
Alumna Gifts $2M for Family Law and Public Service Law

Susan Halpern ’84, long-time friend, supporter, and leader at Cardozo, has made an extraordinary gift of $2 million for initiatives in family law and public service law. Susan’s generosity reflects her dedicated commitment to advancing access to first-rate legal representation for underrepresented New Yorkers, as well as her desire to encourage more lawyers to choose these fields of practice.

The programs have been named in honor of two individuals with long-standing ties to Cardozo. The Program in Family Law, Policy and Bioethics has been renamed the Gertrud Mainzer Program in Family Law, Policy and Bioethics, in honor of the late Judge Gertrud Mainzer. Judge Mainzer was a distinguished family court judge and beloved Cardozo professor who played a major role in strengthening the family law program.

In addition, the David Rudenstine Fellowship Program has been established to provide financial support to students and graduates working in public service law. Professor Rudenstine has been teaching at the school since 1979 and served as Cardozo’s dean from 2001 to 2009.

“Susan’s gift speaks to her overwhelming desire to use the law to strengthen families and help provide access to justice for those who need support,” said Dean Matthew Diller. “We are very grateful that she has chosen Cardozo Law to partner with in expanding and improving the practice of family law and public service law in New York City.”
Year after year, the Alumni Association Dinner provides the perfect forum for the celebration of our vibrant alumni community. The 2011 Alumni Dinner was a resounding success. More than 400 alumni and friends gathered at the Mandarin Oriental Hotel in New York City to honor Alumni of the Year Shoshana Bookson ’82 and Richard Perkal ’81. The tradition continues this year. Please join us on November 7, 2012 to honor our Alumni of the Year:

Jonathan S. Henes ’96, partner, Kirkland & Ellis LLP

Randi Weingarten ’83, president, American Federation of Teachers, AFL-CIO.

The evening promises to be a rousing one as you’ll see old friends and make new ones, and revel in the accomplishments of your fellow alumni. Information and invitations to follow.

SAVE THE DATE: 

We’ll see you on November 7
at the Mandarin Oriental Hotel in New York City.
Reunions
Energize Alumni Spirit

The classes of '07, '02, '97, '92, '87 and '82 filled two floors at the Harmonie Club on May 17 to celebrate Cardozo reunions in a gathering that was intimate, elegant, and charged with good will and high spirits. The most well-attended reunion celebration in the history of the law school was also the ultimate power-networking event, with leaders from law, business, government and the judiciary coming together to recreate the camaraderie of their law school years.

Warmly welcomed by Alumni Association Chair Mark Yagerman ’79, and toasted by Dean Matthew Diller, alumni celebrated their accomplishments and their shared legacy. Long-lost friends were re-acquainted, absent classmates were remembered, law school experiences were fondly recalled. “Do you remember...?”, “Do you ever hear from ...?”, “Whatever happened to ...?” were the questions heard throughout the night.

As participants enjoyed a delicious buffet, Cory Zimmerman ’02—like most—was focused on conversation. “I didn’t eat or drink much because I was so involved talking to my classmates,” he confessed. Judge Tanya Kennedy ’92 concluded that a good time was definitely had by all. Noel Williams ‘87 thought that once every five years isn’t quite enough. “Hopefully,” he said, “as a result of this many of us will get to see each other more frequently than every five years!”

Faculty and administrators also joined the party. Professors Jonathan Silver, Stewart Sterk, David Rudenstine, Peter Lushing, Malvina Halberstam, Lynn Wishart, Melanie Leslie and Arthur Jacobson attended. When Dean Diller noted during his remarks that there are now more than 11,000 alumni, Isabel Balson, Cardozo’s long-time registrar, commented, “And I’ve probably graduated 10,000 of them.” She was joined by a host of Cardozo administrators and deans including Assistant Dean Amy Sugin and Cardozo’s new Associate Dean of Career Services Marcia Levy who, on behalf of current students, energetically networked with potential employers among the hundreds of well-placed and well-connected reunion guests.

And—if this weren’t enough—the evening surpassed the Class Reunion Campaign fundraising goal by 36 percent. These gifts to the law school’s Annual Fund will support, among other activities, scholarship resources and postgraduate fellowships, and also address the most pressing needs of the law school.

Don’t miss the opportunity to experience reunions yourself. Next year’s reunions will bring together alumni from class years ending with a “3” or an “8.” If you would like to help to bring your class together again, please contact the Office of Alumni Affairs, cardzoalumni@yu.edu.
Alexander Hogertz launched his practice—Hogertz LLP—in Berlin, Germany, earlier this year. The firm specializes in intellectual property law.

Shilpa Jangam is legal counsel for Arisglobal Software Private Limited, an international software company for the life sciences industry with headquarters in Connecticut. Based in Bangalore, India, Shilpa is responsible for software licensing agreements with pharmaceutical companies and also manages its IP portfolio.

Kulpreet Kaur married Balraj Singh Galhotra in Houston in November 2011.

Meg Kilzy is assistant prosecutor, Appellate Division in Hudson County, Jersey City, NJ.

Timor Lahav joined Salans LLP as an associate in the firm’s New York office. His practice focuses on the defense and representation of insurance companies in relation to policies providing coverage for the liability of corporations and not-for-profit organizations’ directors and officers. Giulio also advises Italian and European SMEs on international commercial contracts and ADR procedures.

2009
Elise Bensimon joined the Paris law firm Cabinet NAHON as an associate.

Luosi (Rose) Chen gave birth to son Solon C. Wen in December 2010.

Lutz Heidelberg joined Google as legal counsel in Hamburg, Germany, in January 2012.

2008
Tom Braegelmann returned with his family to Berlin in March 2012 to join the Restructuring, Reorganisation and Insolvency Group at Salans LLP in Berlin, Germany.

Jorge Cancio will be changing to a new position in the Spanish Copyright Unit, within the Ministry of Education, Culture and Sports in Spain. Among other things, he will be dealing with the implementation of the new framework on Internet piracy, as well as with WIPO issues.

Michelle Viana and Angelica Walker’s law firm, Viana Walker and Associates, recently was chosen as counsel for The General Consulate of Brazil in New York.
BALLSA Annual Dinner a Huge Success

The 2012 Black, Asian Latino Law Students Association (BALLSA) Alumni Group Annual Dinner in April was a spirited and memorable celebration of diversity at Cardozo, among its alumni, and in the legal profession. BALLSA, chaired by Glenda Dixon ’92, chose Julian S. H. Chung ’95, a partner at Orrick, Herrington & Sutcliffe LLP and a member of the firm’s Banking and Debt Capital Markets group, as this year’s honoree.

The evening’s keynote speaker was I. Neel Chatterjee, also a partner at Orrick, Herrington & Sutcliffe LLP and co-chair of Orrick’s Intellectual Property Group in San Francisco. Neel inspired attendees with an account of his successful efforts to accelerate and promote diversity in the IP legal community in Silicon Valley. Neel made a convincing argument that technology companies, with their culture of inclusivity and collaboration, virtually require IP law practices to set and meet ambitious diversity goals to better serve their clients.

The dinner, chaired by Tim Gladden ’01, benefits the BALLSA Scholarship Fund. Gladden noted that the BALLSA dinner is the primary fundraising event for the Scholarship Fund, which is very important to support increased diversity in the legal profession as a whole. “There is a real need for diversity in the legal profession to generate a diversity of ideas to benefit clients,” he said.

From left, honoree Julian S. H. Chung ’95; Tim Gladden ’01, Mark Yagerman ’79, chair, Cardozo Alumni Association; and Glenda Dixon ’92, BALLSA chair

ALUMNI NEWS

BALLSA Annual Dinner a Huge Success

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From left, honoree Julian S. H. Chung ’95; Tim Gladden ’01, Mark Yagerman ’79, chair, Cardozo Alumni Association; and Glenda Dixon ’92, BALLSA chair

Julian von Lucius is an associate in the firm of K&L Gates LLP’s Berlin office. He concentrates his practice on real estate transactions, public building and planning law and environmental law.

Jan Widmer will spend 2012–13 in the MIT Sloan Fellows Program in Boston. The program is a 12-month, full-time executive MBA program designed to prepare an elite group of global mid-career managers to magnify their impact as leaders.

2007


Joana Kaso and husband Arben became proud parents of Chloe on September 10, 2011. Joana continues to practice law at the Legal Assistance Program in New York.

Mathilde Mellichzon joined UBISOFT, a major French video game publisher and developer, as legal counsel in March 2012.

Kelly Yona has been made a “first instance” judge on immigration matters. She is also a legal advisor at the Swiss Federal Institute of Intellectual Property, where she has been part of the Swiss delegation in international negotiations on intellectual property matters. She was part of the Swiss delegation to the Diplomatic Conference on Audiovisual Performances in Beijing, June 20–26, where Professor Justin Hughes led the United States delegation.

2006

Matthew W. Grieco joined the Office of the New York State Attorney General as an assistant solicitor general in the Division of Appeals and Opinions.

Kelly M. Slavitt is the new chair of the Intellectual Property Law Section of the New York Bar Association. She is the legal and business counsel of North America and Food at Reckitt Benckiser.

2004

David Gross’ wife Eti gave birth to their third daughter Avigail Rachel in October 2011. He owns EMPOWER NY, which provides an online system for NYC real estate managers to track and take care of building violations and tenant complaints. The company recently moved its offices to 307 West 38th Street.

Erik P. Raines, an associate at Hill Ward Henderson in Tampa, is serving in the firm’s Construction & Design and Litigation Groups. He was recently named as a 2012 Florida Rising Star.

2003

Matthew E. Fernand was elected by Sidney Austin to the partnership in the New York office’s Real Estate Practice.

Kelly M. Slavitt is the new chair of the Intellectual Property Law Section of the New York Bar Association. She is the legal and business counsel of North America and Food at Reckitt Benckiser.
CARDOZO WOMEN Ends Successful Year on a High Note

CARDOZO WOMEN wrapped up the 2011-2012 academic year in May with a timely ethics CLE, “The New Ethical Terrain: The Ethical Challenges of Electronic Data,” as the featured presentation of its Spring Networking Event. Long-time Cardozo Adjunct Professor Michael S. Ross reviewed recent opinions in electronic discovery, attorney-client and work-product privileges, access to an adversary’s confidential electronic communications, and eavesdropping and wiretapping. He noted that the ongoing digital communications revolution has created issues and problems in legal ethics and professional responsibility that were unimaginable just a few years ago, because the technology that produced the issues simply didn’t exist.

In September, CARDOZO WOMEN sponsored one of its best-attended programs ever, when more than 100 alumnae and current students turned out to hear a talk by Janet Hanson, the founder and CEO of 85 Broads, a global network community of 25,000 women. Hanson urged the women in attendance to use their networks—especially CARDOZO WOMEN—for personal as well as professional growth.

Both events benefitted the CARDOZO WOMEN Scholarship Fund, which awarded scholarships to two recipients in September. Jacqueline Murekatete ’12, the inaugural CARDOZO WOMEN scholar two years ago and founder of Miracle Corners of the World, was a second-time recipient. Kristen Ramos ’14, who came to Cardozo from Vassar, was also a beneficiary of the CARDOZO WOMEN scholarship.

Shoshana T. Bookson ’82, Chair of CARDOZO WOMEN, said, “We were so pleased to award two scholarships this year to such outstanding young women. We were able to do that because of the steering committee’s decision to link programming to fundraising, which has resulted in an increase in giving of more than 30 percent to the scholarship fund this year.”

From left, Meredith Perl Kornreich ’82, member of the Board of Overseers; Michael S. Ross, presenter for the evening and long-time Cardozo adjunct professor; and Shoshana T. Bookson ’82, chair, CARDOZO WOMEN and member of the Board of Overseers.

2002

Zohar Efroni joined San Francisco-based international litigation and business law firm Carroll, Burdick & McDonough LLP’s Stuttgart office as an associate. His practice focuses on copyright, trademark and Internet law.

Milena Mishev recently moved to McCarthy Fingar LLP as partner. Milena concentrates her practice in trademark, unfair competition and copyright law.

2001

Jonathan R. Bauer became a partner in 2008 at the firm Meuleman Mollerup LLP in Boise, Idaho. He is married and has two children. Bauer primarily practices in business/corporate law, estate and real estate planning.

Daniel Y. Gielchinsky has recently joined Bilzin Sumberg Baena Price & Axelrod LLP in an Of Counsel capacity.

Alan Gottheif has completed 10 years with New York State Supreme Court as a court attorney. Previously serving with individual judges, he is now in a pool of attorneys at 60 Centre Street, New York City.

Elina Koci is currently working as a rule of law specialist with the United States Agency for International Development (USAID) in Tirana, Albania. She is married and has two boys who are 8 and 4 years old.
SOUTH FLORIDA RECEPTION AT MARLINS PARK
Caps off to David Samson and the Miami Marlins! Samson ’93, president of the Miami Marlins, hosted the alumni team meeting to end all alumni meetings. Alums, parents and admitted students were toasted at a reception for the South Florida Cardozo community on April 29 at Marlins Park. Thank you, David, for your generosity, and for keeping the rain out with the retractable roof on your new stadium.

Pictured here with Dean Matthew Diller, David Samson ’93, president of the Marlins, hosted a South Florida reception at the Diamondbacks vs. Marlins game on April 29.

Class Agent Program
Class agents serve a key function in our alumni community. By volunteering to communicate with their classmates on behalf of the Alumni Association and the school, class agents become the personal and noninstitutional face of the law school to fellow alumni. With more than 70 class agents representing virtually every Cardozo class since 1979, the second year of the class agent program has produced impressive results.

Communicating primarily by e-mail, class agents helped turn out a record attendance for our annual alumni dinner in the fall, helped the public service auction raise $600,000, and (for those in reunion classes) made this year’s reunion celebration at the Harmonic Club a truly memorable and special event.

Aleksander Milch, who serves as an agent for the class of ’97, said, “I am just delighted to have been drawn into this awesome circle of Cardozo grads. I would encourage other alumni who would like to be more engaged with the law school to volunteer as class agents. The work is minimal, but the function of the job is so important. It’s a great way to stay in touch and to be an active member of the Cardozo community.”

Class agents encourage event attendance, solicit personal and professional updates for class notes, and promote annual giving. Most importantly, they remind alumni that they are all part of a vital and strong community whose members are leaders in the legal profession, private industry, government and the judiciary.

Dean Matthew Diller welcomes their contributions. “Creating strong alumni networks is one of my highest priorities as dean and class agents have been wonderful allies in this effort. The Alumni Association deserves credit for embracing and energizing the class agent program.”

If you would like to learn more about serving as a Cardozo class agent, contact the Office of Alumni Affairs at cardozoalumni@yu.edu.
Dean’s Advisory Council

At the invitation of Dean Matthew Diller, 36 alumni and friends of Cardozo have accepted positions on the newly launched Dean’s Advisory Council. The council’s mission is to assist the law school in adapting to the changing realities of the legal profession—changes that include the emergence of new areas of the law, the structural and economic changes in private law firms, and the evolving roles that lawyers play in society.

In introducing the council, the dean noted the marking of Cardozo’s 35th anniversary, saying, “The school has had a remarkable trajectory, emerging as one of the most innovative and exciting law schools in the nation ... If Cardozo is to continue to have the same trajectory over the next 35 years ... it will need to adapt and change to meet the challenges that the future will bring.”

The dean solicited the participation of the group, which is still expanding, so that Cardozo would benefit from more systematized input from the Cardozo community, and from the voices of a group of distinguished alumni and friends who can offer a range of perspectives, knowledge and experience.

Record-Setting Alumni Participation in Annual Fund

Dean Matthew Diller laid down a challenge to the Cardozo community: Increase the number of alumni participating in and contributing to the law school. Cardozo alumni responded positively, and the number of donors has increased 84 percent over three years. We are proud to announce that that the 2011–12 Annual Fund campaign set new records. With your help, Cardozo achieved the highest percentage of alumni participation in the history of the law school.

We truly appreciate your part in strengthening the law school community. You send a message that you believe in Cardozo and take an active role in helping it thrive.

she handles pre-broadcast review for CBS News, as well as litigation for all of the company’s subsidiaries. She was also recently married to James Tischler, a detective in the New York City Police Department.

1998

Theodore E. Froum merged his legal practices to become Froum & Garlovsky LLC, which is located in Chicago.

1997

Stephanie Korenman has returned to private practice as a partner at Stern Tannenbaum & Bell LLP after a 5-year stint at

1993

Ira Brody is a partner and managing partner at Broad Capital, LLC, where he oversees financial structuring as well as the firm’s everyday operations. Mr. Brody has also served on the board of Rutherford LEAP, and organization that focuses on providing laptop computers to seventh graders of Rutherford County.

Valerie Lieberman was named to the 2012 Pennsylvania Super Lawyers list, a distinction received by no more than five percent of attorneys practicing in the state. Lieberman, a first...
Regional Alumni Clubs Connect Cardozo Alumni Around the Country

Cardozo Law alumni clubs are growing rapidly around the country. Alumni have enjoyed recent receptions in Washington D.C., Boston, Los Angeles, San Francisco, Florida, Long Island, New Jersey and Chicago.

Regional meetings help foster a sense of community that is uniquely Cardozo, and create contact between admitted students, parents and alumni. They also provide an opportunity to meet Cardozo alums in your community, and they convey the vitality of our community to newcomers.

Thank you to Mark Levinson ’81, partner at Greenberg Traurig LLP, for hosting the Los Angeles reception and to Monica Borochoff ’96, chair of the Los Angeles Alumni Club. Also a big thank you to Neil Koren ’81, partner at Shartsis Friese LLP for providing San Francisco offices and to Muriel Kaplan ’80, who heads up Cardozo by the Bay.

If you’d like to reach out to fellow Cardozo alumni, contact us at cardzoalumni@yu.edu.

The Long Island Alumni Club, co-chaired by Loretta Gastwirth ’82 and Jessica Klotz ’93, hosts receptions in some of Long Island’s historical mansions. Last fall’s event took place at the Glen Cove Mansion.

Wine tasting on the deck: members of San Francisco’s Cardozo by the Bay Alumni Club, chaired by Muriel Kaplan ’80, participated in a wine and chocolate tour last fall.

classnotes
Class of 2012 Gives Back Before Graduating

Launched in 2003, the Class Gift Program is now an established Cardozo tradition. Members of the graduating class pledge to make a gift to the law school in the name of the class. Martina Davis, Todd Grabarsky, Christy Limbach, Sara Liss and David Reap, class of 2012, led the effort, which raised $3,516. This included a class gift party on April 18 and a presentation to Dean Matthew Diller of a mock check at a brunch during the morning of commencement. Adding to tradition, the class of 2012 invited classmates to sign a school banner, which was displayed at the graduation party and which will be displayed at future reunion celebrations. To commemorate their efforts—and to inspire future classes—a gift plaque acknowledging funds raised by each class will hang in the student lounge, illustrating the pride and spirit of Cardozo grads.

Parents Council Hosts Record Parents Brunch

The Cardozo Parents Council, chaired by Stephen Cooper, capped off a busy year with its annual Parents Brunch in November. With more than 500 parents and students in attendance, it was the most successful event of its kind in the group’s history. Parents were also active supporters of the Public Service Auction, selling tickets, donating auction items and bidding up a storm. Closing the year with Dean Diller at the spring “Conversation with the Dean,” the Parents Council sponsored a candid give and take with the law school’s top administrators.

Top, parents enjoyed a mock class taught by Professor Alex Reinert.

Right, the 2011 Parents Brunch was the most successful yet.

in March, and runs through September. Schneider has worked as general manager for numerous productions, including Flamingo Court, Amazing Grace and An Error of the Moon.

1989

Lenny Picker is in his seventh year with the NYC Tax Commission, which handles administrative appeals of property tax assessments. His current title is special counsel, and he also serves as a hearing officer and as an ALJ. His five children, including two sets of twins, keep him and his wife Chana, a Conservative rabbi, busy.

Lawrence J. Shapiro maintains a civil litigation boutique practice in Miami (Coconut Grove), Florida, with a large portion of his practice involving real estate-related litigation and commercial matters. He has a broad-based clientele, including international entrepreneurs involved in establishing and operating a cutting-edge radio-surgery medical facility in Russia. Most recently he had a baby girl, Isabella.

Barton Sobel is a trustee for the Village of Great Neck and for the past six years he has been a member of the Great Neck Park District’s advisory committee for the children’s play garden at the Village Green. For 23 years Mr. Sobel has been operating a private law practice also located in Great Neck.

1988

Paula Whitney Best left the practice of law after six years, and earned a master’s degree in counseling and guidance from New York University. Presently, she works for the City University of New York as a career counselor and academic advisor at Medgar Evers College in Crown Heights, Brooklyn. Sadly, she is widowed after 14 years of marriage to an incredible woman.

Lawrence A. Cunningham recently had his book, Contracts in the Real World, published by Cambridge University Press. Cunningham is also known for writing The Essays for Warren Buffet: Lessons for Corporate America. From 1992–2002, Cunningham taught at Cardozo School of Law, and during that time he was the director of the Heyman Center on Corporate Governance for five years.

Elissa Garber Kon has been married for 21 years and has three children: Julia, Abigail and Joseph. Julia is graduating from high school this year. Kon is a trademark examining attorney at the U.S. Patent and Trademark Office and part of its longstanding telecommuting program.

Georgeanne Gould Moss is doing well and working as a managing director of investments with the Princeton Wells Fargo Advisors office. She and her husband, a partner at Jackson Lewis, have two wonderful sons who are active playing a lot of sports. She serves on several boards, including the National Committee for the Performing Arts of the Kennedy Center in Washington, D.C.
A Talk with Bronx ADA and Author Jill Starishevsky ’97

Jill Starishevsky has been an associate district attorney in the Bronx since 1997, when she graduated from Cardozo Law. She is in the child abuse and sex crimes unit and has prosecuted thousands of cases.

“It’s incredibly rewarding working with survivors and on the front lines, trying to make a difference and do justice for these victims,” she said.

In 2001 she prosecuted a case of a girl named Tiffany who was sexually abused by her stepfather from the ages of 6 to 9, and who told her teacher about it only after seeing an episode of the Oprah Winfrey show about abuse. Starishevsky investigated and prosecuted the case. The stepfather was convicted and sentenced to 17 years in jail.

Several years later, Starishevsky wanted to teach her own daughter about safety issues and was unable to find a book written for young children. So she decided to write her own.

My Body Belongs to Me was published in 2010. Last year Starishevsky was a guest on one of the final Oprah Winfrey episodes, discussing her book. She was joined by Tiffany (now 20 years old), as well as the boy who had been the subject of the program that inspired Tiffany to talk to her teacher.

“It was so rewarding to be there, and to see how one person can have such an impact,” she said.

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Public Service Auction Smashes Record

Cardozo’s Public Service Auction raised a record $600,000 this year. All of the money raised supported 241 students working in public interest over the summer. Five students traveled abroad to work on human rights issues in Africa and Israel. Two students traveled to Hawaii to work with legal service organizations, and one student worked on criminal defense issues in remote Alaskan communities. Others worked throughout the U.S., and many worked closer to home.

They spent their summers at not-for-profits assisting low-income, diverse communities with their legal needs in various practice areas from immigration, family violence, criminal justice, community and economic development, and housing. And some students worked in government agencies such as the U.S. Department of Justice, State Attorney Generals Offices and local New York City and New Jersey agencies.

This year’s Law Firm Challenge was a major success with 47 firms participating. Under the guidance of Gary Holtzer ’90, a partner at Weil Gotshal who served as this year’s chair, several new milestones were set. Most notably, 17 law firms had 100 percent participation. A number of others had participation rates in excess of 75 percent. Overall, 213 alumni made gifts as part of the challenge.

The success of the Law Firm Challenge would not be possible without the hard work of the many alumni who served as agents. It is a great way for alumni to activate their colleagues in a friendly competition that acknowledges the connection they share. By strengthening alumni networks, Cardozo grads increase the value of a Cardozo education for all alumni.

Law Firm Challenge

committee, and is a board liaison to Chatsworth Elementary School. She and her husband Seth Schaffer have lived in Mamaroneck for 24 years, along with their three daughters: Eliza, Anna and Samantha.

Mark I. Sokolow and his wife Rena have two grandchildren: Gabby Mandell-stam, age 2 1/2, whose parents are their daughter Lauren and her husband, Michael; and Jonah Rosman, age 1, whose parents are their daughter Elana and her husband, Rafi. Their daughter Jamie married Mordy Fenster in June 2011. In September 2011, Mark joined Alston & Bird LLP’s New York office as a partner in the Financial Services and Products Group.

1981

Jane Feldman presented an event hosted by The Colorado Association of Professional Lobbyists on ethics rules affecting lobbyists and covered officials. Ms. Feldman was the first assistant attorney general in The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in the Litigation Unit of the Colorado Department of Law, serving for four years. Prior to this she was an assistant attorney general in the Natural Resources and Criminal Enforcement sections in the same office.

William Mark Levinson is a shareholder at Greenberg Traurig’s Century City office and received the National Jewish Health Humanitarian Award at its annual Black & White Ball in Beverly Hills on June 2. He has been involved with the National Jewish Health since 2011, and was being honored for his philanthropic and professional work.

1979

Isaac Palmer is the co-founder of Qualia Legacy Advisors, LLC, and has been appointed CEO. Qualia Legacy Advisors is a media and entertainment transaction advisory firm based in Los Angeles. Prior to becoming the CEO of Qualia Legacy Advisors, Palmer was Head of business affairs at Ogden Entertainment, and following this position he was at Fortress Investment Group and managing director at MESA, a boutique investment firm specializing in media.

practice area groups are cropping up with new events and CLE offerings, and we invite you to consider starting your own. Forming a group can help in both social and professional advancement.

A number of these groups have played a key role in working with our Field Clinics and Externships programs to provide work opportunities for Cardozo students, and to expand the Cardozo footprint in the NYC area.

For more information contact cardozoalumni@yu.edu.
I initially laughed, wondering how someone managed to get an obviously fake job posting on the OCS website. "Legal Counsel to the Yap State Court," it read, noting in the description that "Yap is known for the giant Manta Rays that live in its surroundings and for the Stone Money brought in from Palau."

If it wasn’t a real position, though, what could this person’s motive have been? To provide an ironic commentary on the drudgery of the legal profession? I did a bit of research to see if Yap was, in fact, an actual place, and I read the description again, finally accepting that it was legitimate posting for a real and intriguing opportunity.

I decided to apply, just to see what would happen. Would I actually take the job if it were offered? I would be far from my family; I wasn’t sure how the experience would look on my resume, and I worried that I’d miss New York City too much. On the other hand, I had wanted to work in a developing country for years, and I would probably get to do interesting and rewarding work while living on a tropical island. They eventually offered me the position, and the lure of adventure proved too great.

I accepted. I made the right decision. I get to live among a thriving and ancient culture, and I handle unique and stimulating legal issues on a daily basis, largely due to the structure of the legal system. When the Federated States of Micronesia became independent in 1982, its national and state governments essentially adopted the procedural rules of U.S. federal courts, so the court system is basically the same. There are some interesting caveats to this general rule, though.

Aside from the looser dress code (I wear flip-flops and shorts to work, and one of the public defenders wears a loincloth to court), the most interesting difference is the explicit emphasis on culture and tradition. The Yap State Constitution says that “… nothing in this Constitution shall be construed to limit or invalidate any recognized tradition or custom.”

This provision makes for an interesting hybrid of U.S. and customary law. For example, one of my first tasks was to help resolve a trespassing case against one of the local dive shops. After the dive shop moved to dismiss the case for failure to join indispensable parties, I discussed the matter with the chief justice. He explained that a party involved in a land dispute would traditionally need to involve everyone with authority to “speak for the land” to pursue the claim. For that reason, we ordered the plaintiff to join those necessary parties and, when he failed to do so, we dismissed the case without prejudice for failure to join indispensable parties under Rule 19.

This is a fairly typical example of the issues that I get to deal with every day, and, in many ways, it captures the essence of life on Yap. The people are trying to integrate their traditions and culture into the modern world without being isolated or perceived as backward, and I’m glad that I have the opportunity to help them do it.
Law School Love

Can romance bloom between classes, clinics, journals and internships? Law school students might have their doubts, but Gary Shaffer ‘79 says couples can always find some time together. “Hey, you still need to eat,” he said. “There’s nothing better than going out for food.”

Shaffer speaks from experience. While in school, he and his girlfriend, a classmate named Carol Adams, would hang out at “a greasy spoon in Chelsea,” he said. “We’d also eat at a burger place in the first floor of the school and listen to saxophonist Sonny Stitt.”

The two were still together at graduation, and in 1981 they married. Today, Gary, a mediator, and Carol, a trust and estate lawyer, attest to holding the record of Cardozo’s longest-lasting couple.

So what’s the secret of their success? Gary says that, among other things, it’s important to find the right work-life balance, something that’s not always easy in the high-pressure legal environment. “I think it helps that we’re both lawyers,” he said. “We understand the amount of work that’s sometimes required by the job.”

“We also make sure to take some time to develop a life outside of work,” he said. “We go to the ballet—Carol got me into that.” It’s even easier for Cardozo students, he says. “You’re in the Village! Go out, see a movie, listen to some music.” Or get something to eat? “Or get something to eat! Go to Mamoun’s—they still make great falafel.”

If you met your significant other at Cardozo, e-mail us at cardozoalumni@yu.edu. We are planning a fun event for Cardozo couples.

IN MEMORIAM

PHINEAS LEAHEY, MEMBER OF THE LAWYERING SKILLS AND LEGAL WRITING FACULTY

Phineas Leahey, adjunct professor of legal writing and advocacy at Cardozo, passed away on August 25, 2011, after a 16-month battle with lung cancer. He was 37 and had never smoked.

During his time at Cardozo, he was a rigorous and popular teacher and a valued colleague. Leahey was also a litigation associate at Jones Day. In his final months Phineas continued to work on the pro bono case he had filed on behalf of students against Brooklyn College regarding the imposition of mandatory student fees for organizations, including filing a writ of certiorari to the United States Supreme Court. In 2007, the Second Circuit sided with Mr. Leahey’s arguments on behalf of Brooklyn College Professor David Seidemann in Seidemann v. Bowen, 499 F.3d 119, ruling that the First Amendment prohibits public sector unions from requiring nonmember employees to annually renew their objections to charging them fees for political and ideological expenditures.

Mr. Leahey earned his B.A. in philosophy from Brooklyn College in 1997 and an M.A. in philosophy from Columbia University two years later. He graduated from Columbia Law School in 2002.

He served as a clerk to Judge Joseph M. McLaughlin of the U.S. Court of Appeals for the Second Circuit and worked as an associate at Davis Polk & Wardwell before moving to Jones Day about five years ago.

THE SAD LOSS OF ISAAC BARRET SOLOMON, SECOND YEAR STUDENT AT CARDOZO

Cardozo mourned the loss of Isaac Solomon, a well-loved 2L who passed away on October 1, 2011, at the age of 23. Issac was fully engaged in the life of the school, working on the staff of the Arts & Entertainment Law Journal as well as the Cardozo Jurist newspaper. In January 2011 he travelled to Ecuador with Cardozo’s seminar abroad program, and made a lasting impression on fellow students and faculty, who described him as being the most enthusiastic member of the group.

Former Dean David Rudenstine was also on that trip and described Isaac as “a sweetheart of a young man, full of energy and optimism with an eagerness to slay the day’s challenges.”

Isaac was a gifted writer, and in a recent Jurist article he described his trip to Ecuador as an experience “full of intellectual curiosity and a spirit of adventure.” He was a 2006 graduate of Berkeley Preparatory School in Tampa, FL, and graduated from New York University in 2011 with highest distinction in the Honors History Program.

Isaac loved life and had a true passion for music. He planned a career in the music industry with emphasis on its intellectual property components, and had interned in the licensing department for Sony’s Zomba label. Isaac will be remembered dearly as a valued member of the Cardozo community.

Our hearts go out to his family members for their tragic loss.
In 2004, as the military prison in Guantanamo Bay, Cuba, captured front-page headlines and detainees were seeking to be released, Deborah Pearlstein fought to get in.

“I was part of the group of human rights monitors to view the military commission trials stemming from the 9/11 terrorist attacks, she says. “They hadn’t allowed any independent human rights monitors in until then. It presented an extraordinary opportunity to try to capture the creation of a new, troublingly flawed war crimes trial system.”

Human Rights advocacy is just one facet of Pearlstein’s diverse career. She joined the law school faculty in 2011, after serving as an associate research scholar in the Law and Public Affairs Program at Princeton University. Pearlstein was the founding director of the Law and Security Program at Human Rights First, a senior editor and speechwriter for President Bill Clinton, and a clerk for Supreme Court Justice John Paul Stevens.

**CARDozo LIFE:** There were no civilians monitoring the situation at Guantanamo Bay before you arrived. How did you end up there? What changed?

**DEBORAH PEARLSTEIN:** The opening of the commission trials created an opportunity for us to say, “We’ve observed and reported on military trials in Egypt, and in countries all over the world with regimes that are substantially repressive. And they still let us in to observe their trials. It's inconceivable that the United States wouldn’t have monitors observe the trials here.” So they let us in, and it was a fascinating experience. They were still trying to find chairs and copiers for the defense attorneys’ offices in the military commissions building they set up in Guantanamo. It raised issues such as: In a circumstance where you have nowhere near the resources you need, what does your profession and its ethics require? How do you do your duty if you’re one of the military lawyers assigned to function in that system?

**CL:** Tell us more about your background as a human rights lawyer.

**DP:** I was hired at Human Rights First. After the attacks of 9/11 and the early U.S. response, it became clear that there was going to be a significant human rights impact from U.S. policies on counterterrorism. Human Rights First wanted somebody to come in and start a program, and they wanted someone who had one foot in litigation, one foot in academia, and one foot in communications. It seemed a terrific combination of the kinds of skills I was trying to develop in my career, and the opportunity to work on those issues in an applied way at that particular time in U.S. history was one I didn’t want to pass up.

**CL:** You also worked in the Clinton White House. When were you there, and what was your role?

**DP:** This was before I went to law school. My task was to understand from policymakers what we were trying to accomplish and then to help figure out how best to communicate it in a voice that was comprehensible to everyone but also reflected the President. It also had to take into account not only the particular empirical details of what we were doing but the political ones as well.

**CL:** And how does that experience inform what you do in the classroom?

**DP:** I sometimes think about law school as a way of teaching people how to read again—how to pay close attention to text and the meaning of words, and the different ways in which one might interpret them. Speechwriting was exactly that kind of exercise. It’s just that I had the great fortune to do it on a fascinating stage.

**CL:** Do you think human rights law is an expanding area that your students should consider as a career choice?

**DP:** There’s no doubt that human rights law has exploded as a field over the last half century. It requires an ability or willingness to think about law practice in a lot of different settings. You can do human rights litigation, but you can also work as an investigator, a political advocate, or for the American government, international government organizations, or nongovernmental groups. If you begin to think of law as something other than going to a law firm and practicing there for your entire career, then the world of opportunities is really extraordinary.
CL: You also clerked for Supreme Court Justice John Paul Stevens. What was that like?

DP: I clerked for him in 1999 and 2000, and it was easily the legal experience of a lifetime.

CL: Do you have any stories from your time with the Court?

DP: I do. Every couple weeks, the Court faced last-minute petitions for stays of execution by people who had typically been through an enormous number of appeals in their death penalty cases. I had been clerking for about two weeks, and I had only just graduated law school a little over a year before—I was not an expert in death penalty law. But part of my job was to field these last-minute petitions in Justice Stevens’ chambers. I would read briefs and make recommendations to the Justice about what should be done.

One night I was on rotation when an appeal came in. I had to call Justice Stevens at home, which was part of my job, and I wanted to give him the best case that I could make for this person. He heard my arguments and then said he thought it wasn't appropriate at this stage to vote in favor of hearing the appeal.

I didn't know what to make of that. Had I not done a good enough job of arguing why I thought we needed to consider taking the case? I couldn't sleep that night, wondering if I should have done something more, something different.

The next morning, the first thing Justice Stevens asked me was, “How are you?” Then he said, “You know, I forget that you get baptized pretty quick in this business.”

The experience taught me any number of valuable lessons. Number one was how to be an extraordinary boss, and I can still only hope to live up to those standards. Number two was what it looks like to be an extraordinary human being. Justice Stevens is somebody who considers not only what he thinks and feels, but what everybody around him is thinking and feeling. And number three was what it is to be a lawyer, and what the difference is between law and politics. As much as one might have qualms about the law and want to change it, there are times in which lawyers are responsible for just applying the law as it is.

As difficult as it was for me, that death penalty appeal was one of those times.

CL: You worked with students in your Constitutional Law class last semester when the Supreme Court was hearing the health care reform bill. Can you tell us about that?

DP: The first day of class, I decided to give the students the key excerpts from the new health care law. They established the mandate for individual insurance. I also gave them excerpts of the briefs that had been written by a constitutional law professor on methods of interpreting the Constitution. Then I gave them the Constitution itself and asked, “Is this constitutional or not? If you're not sure, how would you go about figuring it out?”

We talked about where in the Constitution we might find anything about the government’s ability to regulate the health care industry, and then we looked at those clauses. We talked about the meaning of the word “commerce.” We talked about where the framers were coming from historically, what was going on in the country when the Constitution was written. It was an exercise that the students found fascinating and—I like to think—made understanding the path of constitutional law, and constitutional interpretation, more logically approachable.

CL: What do you hope your students take away from your class?

DP: As we go through the paces in constitutional law, I try to give students a sense of what it's like to litigate constitutional cases. What happens when the courts get a case to decide? Who are these people, the clerks? How do they evaluate the petitions that are coming before them? Who are these people, the lawyers? How do they make arguments that are more or less persuasive? And how do these issues arise in the world of contemporary society and politics?

I also hope to give them a sense of their own history. Given how sometimes vitriolic current legal and political debate can be, and as difficult as it is to sometimes extract logical, rational arguments from the cacophony of sound out there, these students should come away with a special ability to make sense of it all as lawyers.

Finally, I want to give them a set of tools. Even if they don’t practice constitutional law, even if they leave the law entirely, they’ll be armed with a set of analytical capabilities, a set of interpretive capabilities—what to do with language, what to do with argument, how to be persuasive, how to effect change. These are tools they can use no matter what they go on to do next.

To watch Professor Pearlstein’s interview, go to www.cardozo.yu.edu/pearlstein.
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