Fall 2016

2016 Cardozo Life (Fall)

Benjamin N. Cardozo School of Law

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CARDozo events

ALUMNI GALA:
Celebrating 40 Years

FEBRUARY 15, 2017
Honoring
Mark Yagerman ’79
Partner, Smith-Mazure
Director, Wilkins Young & Yagerman, P.C.
Stephen Breitstone ’82
Partner, Webster, Lipke, Goldstein & Breitstone, LLP
Ira Dizengoff ’92
Partner, Akin Gump Strauss Hauer & Feld LLP
Emily Tisch Sussman ’08
Campaign Director, Center for American Progress Action Fund

For more information, contact the Office of Alumni Affairs, cardozoalumni@yu.edu.
CELEBRATE CARDOZO’S 40TH:
JOIN THE 4 FOR 40 CAMPAIGN

In this our 40th year, Dean Melanie Leslie calls on all alumni to jump-start the next 40 by raising $4 million for student scholarships, programmatic support, public service and other areas of greatest need.

The 4 FOR 40 Campaign is well underway. We have already raised $1 million from alumni for scholarships.

**HOW WILL WE REACH OUR $4 MILLION GOAL?**

With the support of every alum from each of our classes: 1979 to 2016. Target goals for each class will be announced this fall.

It is up to you. Each alum from every class: Make a gift and you will make it happen.

CELEBRATE 40 YEARS OF CARDOZO’S DYNAMISM

Cardozo is known for innovation, ambition, activism and leadership. It’s in our DNA. Continue the tradition.

Make your annual gift today in support of the 4 FOR 40 Campaign.

To contribute online, please visit cardozo.yu.edu/4for40

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**Cardozo Life**

**YESHIVA UNIVERSITY | BENJAMIN N. CARDOZO SCHOOL OF LAW**

FALL 2016
Celebrating 40 Years

CaroDozO Life

Fall 2016

John Danielle
Editor-in-Chief

Assistant Dean, Office of Communications and Public Affairs

John Treska
Creative Director

JOIN US AT:

Dec 4

CaroDozo Law National Forensic College

Dec 5

CardoDozo Law Review Hosts New Models for Prosecutorial Accountability in April.

Dean Melanie Leslie Announces Professor Myriam Gilles as Vice Dean

Professor Myriam Gilles has been appointed vice dean of Cardozo Law. Professor Gilles is a beloved member of the Cardozo faculty who has taught Tort, Products Liability, Class Actions and Civil Procedure to hundreds of students. She is a highly respected legal scholar whose work on complex litigation and mass torts has appeared in top law reviews, including those of the University of Chicago, Columbia, Michigan and Pennsylvania.

Dean Melanie Leslie announced the creation of the Center for Rights and Justice (CRJ) in 2016. The center, which focuses on themes of access, fairness, equality, accountability and transparency, is home to more than a dozen programs, clinics, and field clinics that work to advance justice through scholarly research, public policy reform and advocacy.

Professor Alexander Reinert, the director of the center, argued before the U.S. Supreme Court in Ashcroft v. Iqbal and was co-counsel in the historic settlement with New York State that led to the reduction of the number of inmates held in solitary confinement. See page 24 for an in-depth look at the new center.

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THE INNOCENCE PROJECT

The Innocence Project, along with the Jacob Burns Center for Ethics in the Practice of Law, the Cardozo Law Review hosted New Models for Prosecutorial Accountability in April. The conference brought together bar counsel, judges, prosecutors, defense lawyers and academics to look at how to prevent prosecutorial misconduct and what can be done to address it when it occurs.

In June, Professor Barry Scheck, co-founder of the Innocence Project, hosted the third annual National Association of Criminal Defense Lawyers-CardoDozo Law National Forensic College. Participants heard from experts and participated in workshops on complex forensic science issues in order to better prepare for the courtroom.

JUDY TASHJI
Creative Director

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Cardozo’s Intellectual Property & Information Law Program is ranked No. 7 in the nation by U.S. News & World Report.

The Center for Real Estate Law & Policy debuted in March and houses various curricular and experiential learning opportunities focusing on real estate law. The program includes courses, the real estate concentration, an externship, a speaker series and CLE programs; the Stephen B. Siegel Program in Real Estate Law; the New York Real Estate Law Reporter and the center’s advisory board, consisting of some of the city’s leading real estate practitioners. Dean Melanie Leslie appointed Professor Stewart Stark as the center’s director. He is a much-beloved faculty member and highly respected scholar in property, trusts and estates, copyright, and the conflict of laws. Read more about the center on page 20.

**The States of Security: Data Security Regulation at the State Level**

In April, Professor Felix Wu, faculty co-director of the CDLI, organized The States of Security: Data Security Regulation at the State Level, a symposium that examined the efforts states have made to regulate data security. Panelists considered the form and substance of proposed new laws, as well as the ways in which states can coordinate with each other and with the federal government.

FAME Center for Fashion, Arts, Media & Entertainment Law

In 2015–16, the FAME Center for Fashion, Arts, Media & Entertainment Law Initiative introduced a data law concentration, new courses and more externship opportunities. In addition, Dean Leslie appointed Ariana Tadler as the program’s executive director. Tadler is a partner at Milberg LLP and is renowned for being one of the nation’s leading authorities on electronic discovery in plaintiff’s litigation. The CDLI provides students with theoretical coursework, practical training and real-world exposure in e-discovery, data privacy, social media law and cybersecurity. To date, the program has placed approximately 30 students in internships, externships or full-time employment.

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**Recent Events at the FAME Center**

- *Fame Center Lunch at Barneys* A Discussion with Marc Parnowsky, former general counsel of Barneys New York
  
  April 5, 2016
- *Luxury and Law: The CED and the General Counsel Conversation with Michael Kors* CEO John D. Idol and Senior Vice President–Business Affairs and General Counsel Los S. Sporn
  
  February 16, 2016
- *Street Art: What is Protlectable?* December 1, 2015

**Top News & Events**

**The Center for Real Estate Law and Policy**

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**Other Intellectual Property & Information Law Events**

- **World IP Day**
  
  Digital Creativity: Culture Reimagined
  
  April 14, 2016
- **The States of Security: Data Security Regulation at the State Level**
  
  April 1, 2016
- **International Trade and IP Practice**
  
  March 16, 2016
- **Cardozo/BMI Moot Court Competition**
  
  March 2–4, 2016
- **New Impressions on Advertising Law**
  
  Cardozo Arts & Entertainment Law Journal Annual Symposium
  
  February 26, 2016
- **Bitcoin, Blockchain and the Decentralization of Finance**
  
  November 17, 2015
- **Entire Law**
  
  Big Data in the Legal Industry
  
  October 1, 2015

**The Indie Film Clinic**

To date, Cardozo students have represented over 80 independent, documentary and student films as part of the Indie Film Clinic, providing services such as drafting and negotiation of entity formation documents and agreements, deposition releases, artwork licenses and legal opinion letters on fair use. Many of their clients have appeared in leading U.S. and international film festivals. Cardozo welcomed Michelle Greenberg-Kobrin as director of the Indie Film Clinic. She had previously worked as a transactional attorney at Arnold & Porter and as the dean of students at Columbia Law School, where she taught classes in transactional lawyering.
Students and faculty joined Linda Hirshman, author of the best-selling book Sisters in Law: How Sandra Day O’Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World for an informative conversation about their monumental justices. Sisters in Law discusses the intertwined lives of Justices O’Connor and Ginsburg, the first and second women to serve on the Supreme Court. Professors Kate Shaw and Jhislene works in dispute resolution. As lead prosecutor of the Nuremberg Trials, he brought leaders of Nazi Germany to justice. Ferencz also negotiated reparations for concentration camp victims. He is one of the founders of the International Criminal Court and has made the end of war his life’s work.

The IAP is awarded annually by CJCR to individuals and groups who have made significant contributions to peace through their efforts in dispute resolution.

The Israeli Supreme Court Project at Cardozo Law
The Israeli Supreme Court Project hosted Between Europe and Perspective in June. The conference examined the differences in the ways the U.S. and Europe interpret constitutional norms and how Israeli constitutional jurisprudence compares both draws and strays from each of those systems. Scholars from universities around the world as well as Justice Issac Amit of the Supreme Court of Israel attended this important event.

The Israeli Supreme Court Project hosted an event entitled “Women at the Wall, on the Bus and in Front of Israel” at the Yeshiva University Museum in the Center for Jewish History.

Students and faculty joined Linda Hirshman, author of the best-selling book Sisters in Law: How Sandra Day O’Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World for an informative conversation about their monumental justices. Sisters in Law discusses the intertwined lives of Justices O’Connor and Ginsburg, the first and second women to serve on the Supreme Court. Professors Kate Shaw and Jhislene.

From left, Professor Julie Suk, Linda Hirshman and Professor Kate Shaw at the event.

APRIL 7
Bankruptcy Reform: Is the ABI’s Chapter 11 Proposal Necessary, or Just a Solution in Search of a Problem?

Pictured above, panels at Bankruptcy Reform included Hon. Robert D. Drain, United States Bankruptcy Court, Southern District of New York; Elliot Gane, general counsel, The Loan Syndications and Trading Association; Craig Goldblatt, partner, WilmerHale; Gary Hoffman ’90, partner, Weil Gotshal; and David Smith, director, The McIntire Center for Financial Innovation, University of Virginia.

MARCH 21
Shareholder Activism in Contemporary Corporations: A Comparative View

MARCH 16
Emerging Companies: From Domestic Establishment to International Expansion

MARCH 2
Cross-Border Regulatory and Compliance Issues Facing Multinational Financial Institutions

FEBRUARY 9
Current Issues in Corporate Representation: Protecting the Attorney-Client Relationship

FEBRUARY 3
Financial Crimes: Combating Corruption and Anti-Money Laundering in the Financial Services Industry

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Students in Civil Rights Clinic Successfully Argue Case in Appeals Court

Civil Rights Clinic students John Ludwig ’17 and Benjamin Seibel ’16 prevailed in March in their argument before the U.S. Court of Appeals for the Second Circuit on behalf of their client, a transgender prisoner whose civil rights action sought appropriate medical treatment. The court vacated the lower court’s ruling, which dismissed their client’s case on the ground that he hadn’t properly exhausted his administrative remedies before bringing his case to federal court. The appeals court found that the lower court’s decision was in error and refused to dismiss his case on the other grounds raised by the prison-official defendants.

Bet Tzedek Legal Services Clinic Defends Elderly and Disabled Tenants Against Eviction

Working with Professor Leslie Salzman, clinical students Rikki Dascal ’16, Alexandra Abend ’17 and Joshua O nell ’17 filed a challenge to judicial and practices in New York City’s Rent Freeze Program (RFP) that placed low-income elderly and disabled participants at imminent risk of eviction and homelessness. The RFP freezes rents and provides landlords with tax abatements in return. However, the program had failed to accommodate tenant participants who could not meet administrative deadlines due to their disabilities. In response to the clinic’s suit, the city has already revised its rules and restored a number of rent subsidies that had been improperly terminated.

Clinics News

Students fair hearing for her client Ms. K, who was seeking to keep her family together after recovering from a struggle with addiction that had put her at risk of losing custody of her children. Wiaderna was able to convince the judge to seal all of Ms. K’s prior cases for drug-related issues with the jury that Silver’s connections were not merely quid pro quo agreements.

Benjamin Seibel ’16, Professor Betsy Ginsberg and John Ludwig ’17 at the U.S. Court of Appeals for the Second Circuit.

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The Immigration Justice Clinic sued to fight their client’s passport revocation and get a declaration and payment issues related to wedding photos.

- Helping to write an article through a breach-of-contract case in which they needed to express their concerns and perspectives to each other, gain greater clarity about the dispute, and work toward resolving that conflict going forward.
- Helping a group of Nigerians disentangle their financial affairs after a failed effort to start an import business.

**TOP NEWS & events**

**Kathryn O. Greenberg**

**Immigration Justice Clinic Prevents Deportation of Two Children Fleeing Violence in Central America**

Mariza Mamanso ’16 and Maria Orellana ’16 stopped the deportation of two young brothers, ages 10 and 14, who arrived in the United States as unaccompanied children fleeing violence in Central America. Clinic students represented the brothers in federal immigration court and in state family court, successfully obtaining special immigrant juvenile status relief for them.

A recent clinic client faced likely deportation for his 25-year-old criminal record in spite of his lawful residence in New York City since 1983 and his large family of U.S. citizens. He not only won his deportation case in court last April but also finally became a U.S. citizen in December as the culmination of the legal efforts of four clinic-student teams.

In December, with the help of Jeremy Ancelson ’15 and Karyn Shealy ’16, another clinic client, who escaped forced labor with her 6-year-old son, won a T visa for victims of human trafficking.

In January, students Danielle Bella ’17, Sophia Gurralé ’17 and Jacob Onoilo-Eke ’17 filed a civil lawsuit in the Southern District of New York against 18 federal agencies for failing to respond to the clinic’s Freedom of Information Act requests submitted to uncover the truth about a major new federal immigration enforcement effort called the Priority Enforcement Program.

Cardozo Law students Anthony Faranda ’16, Dara Gell ’16 and Sophia Gurralé ’17 traveled to Boston in February, where Gurralé argued a summary judgment motion on behalf of an Immigration Justice Clinic client. The Immigration Justice Clinic used to fight their client’s passport revocation and get a declaration and payment issues related to wedding photos.

- Helping two artists work through a breach-of-contract case in which they needed to express their concerns and perspectives to each other, gain greater clarity about the dispute, and work toward resolving that conflict going forward.
- Helping a group of Nigerians disentangle their financial affairs after a failed effort to start an import business.

**TECH STARTUP CLINIC**

**CLIENTS SECURE FUNDING FROM PREMIER VENTURE CAPITAL FIRMS**

Over the past year, students in the Tech Startup Clinic have counseled over 50 companies, drafting formation and financing documents and assisting with intellectual property, employment and privacy issues. Clinic clients have been able to secure funding from premier venture capital firms like Kleiner Perkins and have been accepted into top accelerator programs such as Tech Stars.

**INNOCENCE PROJECT CLINIC**

**Student Instrumental in Exoneration of Lewis “Jim” Fogle**

Lewis Fogle spent 34 years in prison for a crime that he did not commit before being exonerated by the work of the Innocence Project clinic. The work of clinic student Dara Gell ’16 was particularly instrumental in his release.

In 1982, Lewis “Jim” Fogle was convicted for the 1976 rape and murder of a 15-year-old girl in Cambria County, PA. Although no physical evidence connected him to the crime, he was arrested based on the "confession" of a mentally ill man placed under hypnosis by a professor at the local community college and was convicted based on the testimony of three informants procured a week after that confession. The Innocence Project was able to test the victim’s rape kit in 2010, but the results were inconclusive. Within weeks of starting as a clinical student at the Innocence Project in the summer of 2014, Gell located critical documents that revealed specific evidence inventory numbers that eventually led to the discovery of additional items of evidence that were central to proving Fogle’s innocence. Gell was also a fundamental part of the team that drafted Mr. Fogle’s petition for post-conviction relief. On August 13, 2015, the order granting post-conviction relief was signed by the judge, vacating Fogle’s sentence and granting him a new trial. On September 14, 2015, the district attorney agreed not to re-try Fogle, and he was fully exonerated.

**YOUTH JUSTICE CLINIC ASSISTS IN CHANGES TO NYC SCHOOL DISCIPLINE CODE**

This fall, the Mayor’s Leadership Team on School Climate requested that the clinic research progressive school disciplinary codes and policies in a range of jurisdictions around the country. The clinic worked intensively to prepare a report about the significant aspects of disciplinary codes in jurisdictions including the state of Maryland and the cities of Denver, CO; San Francisco and Oakland, CA; and Buffalo and Syracuse, NY. On October 7, 2015, the clinic made a presentation of its findings to the Mayor’s Leadership Team Working Group on School Discipline. Many of the clinic’s suggestions were incorporated into the recently announced changes to the New York City Department of Education’s Discipline Code.
Professor Alexander Reinert Co-Counsel in Historic Settlement Overhauling Solitary Confinement in New York Prisons; Testifies on Speak Free Act Before U.S. House of Representatives

A lawsuit filed by Professor Reinert, along with the New York Civil Liberties Union and the law firm Morrison & Foerster, led to far-reaching changes in the way New York’s state prisons use solitary confinement. The settlement with New York State reduces the number of inmates held in solitary confinement, eliminates solitary as punishment for all minor violations, limits the duration of most solitary sentences, increases rehabilitative features in solitary, and ends most of the punishment’s dehumanizing aspects. “Solitary confinement is one of the most severe forms of punishment practiced in the United States, and for too long it has been inflicted on people in prison with no consideration for its consequences,” said Professor Reinert, who was tapped to become director of Cardozo’s Center for Rights and Justice (CRJ) this year. Read more about the CRJ on page 24.

On June 22, 2016, Professor Reinert testified before the U.S. House of Representatives’ Judiciary Subcommittee on the Constitution and Civil Justice. The subcommittee was holding a hearing on H.R. 2304, the Speak FREE Act of 2015, which proponents claim is important to protect individuals from so-called strategic lawsuits against public participation, or SLAPPs. Professor Reinert testified in opposition to the bill, noting that the legislation is too broad and that it violates numerous constitutional principles. In his testimony, Professor Reinert said that “the proposed legislation will impose significant barriers to important civil rights and public interest litigation and introduce unwarranted and unprecedented changes to the procedures by which cases are adjudicated in federal court. It is an unwarranted intrusion into state’s rights and is almost certainly unconstitutional.”

Diller
Hersz
Shaw
Leslie
Yankah

Professor Rebekah Diller’s Work Cited in Supreme Court Justice Sonia Sotomayor’s Dissent in Utah v. Strieff

Professor Diller’s co-authored Brennan Center report Criminal Justice Debt: A Barrier to Reentry was cited in Supreme Court Justice Sonia Sotomayor’s dissent in Utah v. Strieff. The dissent received widespread attention for its impassioned discussion of the impact of unlawful police stops, particularly on communities of color. Justice Sotomayor cited Criminal Justice Debt, along with statistics from Justice Department investigations in Ferguson, Mo., and elsewhere, to illustrate the prevalence of outstanding arrest warrants for minor offenses such as unpaid traffic tickets.

Professor Michael Herz Testifies Before U.S. Senate Subcommittee

Professor Herz testified before the U.S. Senate Subcommittee on Regulatory Affairs and Federal Management in March. The hearing was largely devoted to so-called “Chevron deference,” named for the 1984 Supreme Court decision holding that courts should accept any reasonable agency interpretation of an ambiguous statute. Professor Herz took the position that while Chevron does indeed carry a threat of judicial abdication, properly read it appropriately allocates power between courts and agencies.

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The New York Times Features Professor Kate Shaw’s Study of Friends of the Supreme Court Appointments

New York Times journalist Adam Liptak wrote a feature on Professor Shaw’s study published in the Cornell Law Review, exploring the U.S. Supreme Court’s appointment practices. Professor Shaw found that when the Supreme Court appoints a lawyer to argue a case before it as a friend of the court, which happens several times each term, that lawyer is a white male in over-medium to well-done. The New York Times journalist Adam Liptak wrote a feature on Professor Shaw’s study published in the Cornell Law Review, exploring the U.S. Supreme Court’s appointment practices. Professor Shaw found that when the Supreme Court appoints a lawyer to argue a case before it as a friend of the court, which happens several times each term, that lawyer is a white male in the over-medium to well-done majority of cases. Shaw said in The New York Times that only about 10 percent of invited lawyers are women, and as little as five percent of such appointments go to lawyers who are black or Hispanic. “Giving a young lawyer early in their career this opportunity is an affirmative good,” she said, “but I think there should be a broader pool from which the justices draw when they’re handing [those appointments] out.” Professor Shaw served as a clerk to U.S. Supreme Court Justice John Paul Stevens.

Dean Melanie Leslie’s Paper Cited by the New York Court of Appeals

Dean Leslie’s paper in issue 31 of the Wisconsin Law Review, “The Costs of Confidentiality and the Purpose of Privilege” (2000, issue 31) was cited by the New York Court of Appeals in its June 9, 2016 decision concerning Attorney Assurance Corp. v. Countrywide Home Loans, Inc.

Professor Ekow Yankah’s Op-Ed “When Addiction Has a White Face” is Published in The New York Times

In February, Magistrate Judge Kimberly Swank ordered the extradition to Spain of Inocente Orlando Montano Morales, El Salvador’s former Vice Minister of Public Security, to stand trial for his role in the Jesuit Priest Massacre. Professor Yankah’s op-ed “When Addiction Has a White Face,” in that white heroin addicts are receiving overdue treatment, rehabilitation and reintegration, whereas African-Americans during the crack epidemic received “jail cells and ‘Just Say No.’” From the article: “it is hard to describe the bitter-sweet sting that many African-Americans feel witnessing this national embrace of addicts. It is heartening to see the eclipse of the generations-long failed war on drugs. But black Americans are also knowingly weary and embittered by the absence of such enlightened thinking when those in our own families were similarly wounded.”

Professor Carolyn Patty Blum Works on Case Leading to El Salvadoran Colonel’s Extradition to Spain to Face Charges for Role in Jesuit Priest Massacre

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Professor Carolyn Patty Blum Works on Case Leading to El Salvadoran Colonel’s Extradition to Spain to Face Charges for Role in Jesuit Priest Massacre

In February, Magistrate Judge Kimberly Swank ordered the extradition to Spain of Inocente Orlando Montano Morales, El Salvador’s former Vice Minister of Public Security, to stand trial for his role in the Jesuit Priest Massacre. Professor Yankah’s op-ed “When Addiction Has a White Face,” in that white heroin addicts are receiving overdue treatment, rehabilitation and reintegration, whereas African-Americans during the crack epidemic received “jail cells and ‘Just Say No.’” From the article: “it is hard to describe the bitter-sweet sting that many African-Americans feel witnessing this national embrace of addicts. It is heartening to see the eclipse of the generations-long failed war on drugs. But black Americans are also knowingly weary and embittered by the absence of such enlightened thinking when those in our own families were similarly wounded.”
the 1898 massacre of six Jesuit priests, their housekeeper and her daughter at the University of Central America in El Salvador. Professor Blum, interim director of the Cardozo Law Institute in Holocaust and Human Rights and the Human Rights and Atrocity Prevention Clinic, worked on the case with the San Francisco-based Center for Justice and Accountability (CJA). “It’s a significant finding about the role of these kinds of illegal acts committed conspiratorially by military regimes,” said Blum in an article in The Associated Press. Montano will stand trial in Spain as a terrorist who conspired with fellow military leaders to commit a jus cogens offense.

Gathering Celebrates the Academic Career of Professor Richard Weisberg; Deux Avocats Dans La France Occupée Published in Paris

A Festschrift celebrating the academic career of Professor Weisberg, whose scholarship and legal advocacy have helped to win major restitution claims for Jewish victims of the Holocaust, was held in April. Professor Weisberg is a pioneer in the growing law and literature movement worldwide, and his books The Failure of the Word and Poetics have been widely translated. The Festschrift is a traditional gathering of scholars who speak and write about the ways the honoree has influenced their work. Topics included the genesis of law and literature as a field of study, its development as a movement, and its proliferation into other scholarly disciplines, such as Holocaust Studies and Constitutional Law. More than 120 people attended.

Professor Weisberg’s book on Vichy and the German occupation was published in Paris. Deux Avocats Dans La France Occupée (co-authored by Eric Freedman) was published by Editions Non Lieu. The English version (also co-authored by Eric Freedman), titled The Healing-Nordmure Papers: Two Lawyers in Occupied France, was published by Cardozo Law’s Holocaust, Genocide and Human Rights Program in 2013. The book is a seminal work on the ethical applications of the law during times of crisis.
Professor Lester Brickman, Member of Cardozo’s Founding Faculty and Scholar in Mass Tort Litigation and Contingency Fees, Retires

Professor Brickman, one of the founding members of the Cardozo faculty and nationally recognized scholar in mass tort litigation and contingency fees, retired this summer after 51 years of teaching. He taught generations of Cardozo students, served as the acting dean at a time when the school became ABA accredited, and left his mark on the institution and the community in countless ways. He taught many courses, including Contracts, Land Use Planning, The Legal Ethics of Legal Fees, and Current Issues in Professional Responsibility and the Legal Professio. Hundreds of Cardozo graduates recall his contracts class, which they describe as a transformative experience in their legal training.

“As one of Cardozo’s founders we salute Professor Brickman for his years of service to Cardozo,” said Dean Melanie Leslie, who knew Professor Brickman when she was a student at the law school, and as a colleague on the faculty. “We thank him for his contributions to the Cardozo community and wish him the very best in this next phase of his career.”

“Lester was not only a central member of the founding faculty, he served as interim dean for two years during a critical and precarious period, during which he shepherded through the school’s accreditation,” said Professor Michael Herz. “Cardozo stands very much in his debt.”

Professor Brickman’s scholarship—which focuses on contingency fees and their effect on the tort system, mass tort litigation, asbestos litigation, arbitration, and class actions—has been cited over 1,000 times in treatises, casebooks, bar association opinions, restatements of the law, congressional debates and testimony, scholarly and legal practice journals and judicial opinions, including those of the United States Supreme Court and the United States Circuit Courts of Appeals. He is a leading authority on lawyers’ contingency fees and has been widely quoted in the press on lawyer fees as well as on tort reform issues. His articles and an amicus brief on nonrefundable retainers resulted in the barring of their use by the New York Court of Appeals—a holding subsequently followed by a number of state supreme courts.

He has written extensively on asbestos litigation and its treatise-length articles and testimony on eight occasions before the Senate Judiciary Committee and subcommittees of the House Judiciary Committee have been influential in directing attention to critical asbestos litigation abuses. Four federal courts have acknowledged him as an expert on asbestos litigation issues and asked him to explain the need for a legislative solution for asbestos litigation abuses. In 2008, he published a book titled Lawyering James: What Three Contingency Fees Really Cost America (Cambridge University Press). Professor William H. Simon of Columbia and Stanford Law Schools, in commenting on Lawyering James, said: “Tort litigation in America is riven with abusive and corrupt practices that Dickens would find familiar. Dickens is not around to chronicle them, but fortunately Lester Brickman is. An able storyteller, Brickman combines compelling narrative with a local summary of the pertinent theories and research. He builds a powerful case that current practices undermine the tort system and burden the professed values of the legal profession.”

According to Ranker.com, which publishes a list of “notable or famous U.S. law professors,” Professor Brickman is ranked as the 50th most “famous law professor from the United States” in its ranking of most “famous law professors in the world.” Professor Brickman is ranked 96th. Finally, in a ranking of the 5000 most “famous male professors” in the world, Professor Brickman is ranked 267th. (Those ranked in the top 25 of the top 5000 include Barack Obama, Bill Clinton, Albert Einstein, Pope Benedict XVI, Stephen Hawking, Alexander Graham Bell, Ben Bernanke, Carl Sagan, Friedrich Nietzsche, Isaac Asimov, Martin Luther, Woodward Wilson, W.E.B. Du Bois, Ludwig Wittgenstein, Cornell West, Adam Smith and Case Sunstein.)

Professor Brickman is a graduate of Carnegie-Mellon University (B.S. 1961), the University of Florida Law School (J.D. 1964) and has a Masters in Law degree from the Yale Law School (LL.M. 1965).

He will be named a Professor Emeritus, and will remain at Cardozo during the upcoming academic year.

Professor Marci Hamilton, Leading Church/State and Constitutional Law Scholar and Leading Advocate for Women's and Children's Rights, Retires

Professor Marci Hamilton, a member of Cardozo’s highly successful Intellectual Property Law Program, a highly regarded professor of constitutional law, a constitutional litigator, one of the nation’s leading church-state scholars and a passionate advocate for women's and children's rights, has announced her retirement from the full-time faculty of Cardozo School of Law. Professor Hamilton relinquished the Paul R. Verkuil Chair in Public Law but will continue as the Paul R. Verkuil Research Professor, teaching one seminar course at the school. She is the author of four books, God in the Gavel: The Perils of Extreme Religious Liberty, Fundamentalism, Politics, and the Law; Justice Denied: What America Must Do to Protect Its Children; and, God vs. the Gavel: Religion and the Rule of Law, numerous book chapters, and hundreds of scholarly articles and columns on cutting-edge legal topics of the day. She is frequently sought out by the media, as an active organizer of symposia and events at the law school, and has mentored an untold number of Cardozo students in her areas of expertise.

Hamilton's specialty is pioneering for the vulnerable, whether it was the authors, artists and photographers increasingly at risk of losing their works in the internet era; the elderly service members at risk of losing the benefits of their military service; the patients at risk of losing rights over their medical care, especially in religious settings; the elderly service members at risk of losing their benefits in the military era; the children at risk of medical neglect in religious settings, victims of clergy sex abuse; or the abuse of women, girls, and boys in polygamy.

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Professor Hamilton will focus on serving as CEO and academic director at CHILD USA, the nonprofit think tank she founded, which generates scholarship on issues of child abuse and medical neglect. She will also serve as the Fox Family Pavilion Distinguished Scholar in the Fox Leadership Program at the University of Pennsylvania.

Professor Hamilton served as a law clerk for U.S. Supreme Court Justice Sandra Day O’Connor after receiving her J.D., magna cum laude, from the University of Pennsylvania Law School, where she served as editor-in-chief of the University of Pennsylvania Law Review. She was the lead counsel before the U.S. Supreme Court for the city Boerne, Texas, in the historic case invalidating the Religious Freedom Restoration Act, Boerne v. Flores.

Professor Hamilton has been a leading advocate for victims of childhood sexual abuse, a generous provider of pro bono legal assistance to numerous children’s organizations in cases before the U.S. Supreme Court and state high courts, and a leading advocate of efforts to overturn state statutes of limitations in child sexual abuse cases. She has litigated select child sex abuse cases and major church/state cases and has challenged the constitutionality of the Religious Land Use and Institutionalized Persons Act in cases involving local governments and religious land use.

Among her professional honors, Professor Hamilton received the prestigious American Humanist Association's annual Religious Liberty Award, the National Crime Victim Bar Association's Frank Carrington Champion of Civil Justice Award, the E. Nathaniel Gates Award for outstanding public advocacy and scholarship, the Air Force Association's Lifetime Achievement Award for Pro Bono Legal Service to veterans groups, the National Association of Uniformed Services, and CORMY and she was named one of Pennsylvania's Women of the Year by Legal Intelligencer after serving as an assistant to the Philadelphia district attorney's pioneering grand jury report on sex abuse in the Philadelphia Archdiocese.
CARDOZO LAW TEAM WINS SOUTHEASTERN REGIONAL COMPETITION OF THE NATIONAL TRANSACTIONAL LAWMEET

Brett Dovman ’16, Melissa Trenk ’17 and Daniel Resnick ’17 won the Southeastern Regional Transactional LawMeet competition in February 2016. This is the third year in a row that a Cardozo Law team won the Mardi Gras Invitational.

Twenty-five teams participated in the competition, which dealt with (a) the constitutional issue of whether the right to wear one’s hair at whatever length he or she chooses in public school interscholastic sports is protected by the Fourteenth Amendment; and (b) the tort issue of whether the limited-duty “baseball rule” should apply to stadium corners.

Moot Court Honor Society Wins First Place at 2016 Seigenthaler-Sutherland Cup National First Amendment Moot Court Competition


Cardozo Law Wins Tulane Mardi Gras Sports Law Competition for Third Year in a Row


RESIDENT ASSOCIATE MENTOR PROGRAM (RAMP) CREATES JOB OPPORTUNITIES FOR RECENT GRADUATES

Cardozo’s innovative Resident Associate Mentor Program (RAMP) continues to provide recent graduates with access to full-time associate jobs and small- and medium-sized law firms and corporate legal departments that do not typically hire new lawyers.

RAMP jobs offered to recent graduates increased almost four-fold since 2013, when the program was created. In 2015, 130 employers partnered with Cardozo to offer jobs through RAMP, and 38 students from the class of 2015 secured jobs through the program.

Graduates who accept RAMP jobs work for fellowship salaries for one year, and in exchange, they gain valuable experience that propels them into their next job. Resident associates perform the equivalent of associate work, building essential practice skills and working directly with clients.

Many graduates accept jobs with their RAMP employers, and others have leveraged their experience to make a move to other firms. Those who have moved have ended up at firms such as Fried Frank, Holland & Knight, Steptoe & Johnson, Societe General and Blackstone.

In addition, many have seen a significant increase in their salary after the first year, with those graduates moving on to bigger firms earning $170,000 per year or more.
What does it take to make successful, high-profile real estate deals in New York City?

How does a company reach the top of the field in one of the most competitive markets in the world? And what are the special challenges faced by the lawyers who work on major real estate transactions? Those are just some of the topics that were discussed at Cardozo in April by Scott Rechler, chairman and CEO at RXR Realty, a multibillion-dollar private equity firm; Jason Barnett, vice-chairman and general counsel at RXR, and Eric M. Feinsteins ’83, a partner and co-chair of the real estate group at Gilbert, Dean & Cruncher, in April at Cardozo. The panel discussion, titled “The Art of a Successful Deal: Both Sides Must Win,” was part of the inaugural event for Cardozo’s Center for Real Estate Law and Policy. The center’s mission: To make Cardozo the leader in educating young lawyers who understand how to conduct business in the New York real estate market. “We want to ensure that Cardozo students are thoroughly prepared for the challenge of real estate practice,” says the center’s director, Professor Stewart Sterk. “We also want to serve as a resource for the real-estate community in general, and for Cardozo alumni in particular, on the cutting edge of real estate issues.”

Cardozo’s new Center for Real Estate Law and Policy offers curricula in Real Estate Transactions, Land Use Regulation, Environmental Law, New York Residential, Landlord-Tenant Law, and more. It is home to the Stephen B. Siegel Program in Real Estate Law, which supports curriculum, publications and academic research. The center also publishes the New York Real Estate Reporter, a monthly survey of the most important real estate cases decided in New York.

What follows is an edited excerpt from the Center for Real Estate Law and Policy’s inaugural panel.
This business in New York, it's a big stage, and there are a lot of egos. We try to come in as humble as possible, and try to put our egos outside the room because, at the end of the day, we want to get something done.
IT’S A RARE OPPORTUNITY to see a lawyer prepare for what could be a landmark case. But in February Cardozo students seized the chance to do just that when they attended a mock trial in the Jacob Burns Moot Court Room. There, Professor Alexander Reinert faced a five-judge panel of professors and attorneys who hammered him with questions in advance of his upcoming oral argument before the U.S. Court of Appeals for the Second Circuit. The issue raised by the case, McGowan v. United States of America, was whether a federal prisoner may bring a damages action against the government to remedy the violation of his First Amendment rights.

Professor Reinert has argued many important cases, most notably one before the U.S. Supreme Court. The students, however, were observing their first such courtroom exercise, one of three held this spring by Cardozo’s new Center for Rights and Justice (CRJ). And Reinert, who usually peppers his students with questions, is happy that he has created a new forum—unlike any offered by other New York law schools—where students can see top-flight lawyers in a behind-the-scenes sparring match of intellect with stand-in judges.

“This is a service to the community,” says Reinert. “Students learn by seeing that in the actual practice of law, being a lawyer means you have to make yourself vulnerable.”

The CRJ, inaugurated in January, isn’t a physical space. Rather, it’s a unifying concept for the legacy of outstanding public service programs that Cardozo has championed since its founding 40 years ago—programs ranging from the Innocence Project to the Cardozo Law Institute in Holocaust and Human Rights to the Civil Rights Clinic. It brings together the many public interest law and client advocacy programs Cardozo offers (see sidebar, p. 27) and through its activities will work to advance the cause of justice through scholarly research, public policy reform, advocacy and client representation.

“Over the years, Cardozo has been engaged in so many programs that advance the cause of justice that I wanted to put them together under one umbrella,” says Dean Melanie Leslie,
who proposed the new center. The dean believes that building connections between programs, scholarship and clinics not only will highlight Cardozo’s strengths but also will help generate ideas for new justice initiatives.

“People don’t come to law school just to learn about theory,” says Reinert. “Work on solitary confinement was very personal to me,” he says. “In the legal world we tend to cabin things off, and the potential connections between scholarship and advocacy aren’t made often enough,” says Reinert. “The first article I ever published was on Eighth Amendment jurisprudence, and the theory it advanced eventually helped inform one of the arguments made by successful proponents of solitary confinement reform in New York State Prisons.” This connection between scholarship and action is one aspect of CRJ that excites Reinert. “That’s the kind of connection there should be more of, where legal scholarship and legal practice intersect and help effect real change. These are the kinds of connections I’m hoping CRJ will create.”

Dean Leslie says Reinert was a natural choice to lead the Center for Rights and Justice. “Alex embodies the spirit of Cardozo.” He has argued before the Supreme Court, litigated significant civil rights cases for more than a decade and had a personal connection with our students and alumni.”

Reinert is a laid-back, approachable professor who parks the bike he rides to work from Brooklyn across a couch in his office that’s worn from many meetings with students. He’s popular enough to have been voted Teacher of the Year. While he has a long-standing commitment to having his law clerks follow up on cases as part of their education, he says Reinert is a lifelong, tenacious advocate for the under-represented.

As a first-year law student, Reinert protested apartheid, joined antiwar rallies and raised his voice for disarmament. He worked in a civil rights clinic during his final year at NYU Law School, where he focused on prisoners’ rights. “There are a lot of things that could have spoken to me in terms of helping people who are underrepresented,” he says, “but that’s what hooked me.”

In a widely publicized case in 2009, Reinert distinguished himself by arguing before the U.S. Supreme Court in Ashcroft v. Iqbal, challenging the U.S. government’s policy of rounding up Muslim Americans in the wake of the September 11 terrorist attacks. The complaint alleged that his client, Javidi Iqbal, a Pakistani cable installer on Long Island who was swept up on immigration charges, was treated unfairly while in detention because he was Muslim. The court ruled the complaint was not sufficiently fact-filled to be plausible. Setting a precedent that Reinert determined in a study published in 2015 has led to a significantly higher rate of dismissals by lower courts of cases brought by individuals as opposed to corporations.

In December 2015, Reinert was co-named with the New York Civil Liberties Union on a case that helped clinch a landmark settlement agreement with New York State. The settlement severely restricts the use of solitary confinement in state prisons. “Working on solitary confinement was very personal to me,” Reinert says, recalling his own experiences in the law school clinic. “It’s a serious problem, and I’m grateful to be part of work that I’m passionate about.”

Ashcroft v. Iqbal wasn’t Reinert’s first time in the U.S. Supreme Court. After he graduated, he clerked for Justice Stephen Breyer, noting, “I had a lot of work going on at an institution surrounded by protesters, when at another time I could have been one.” Reinert found it especially challenging “working for an institution that signed off on death penalties every day when, from a personal, moral and policy perspective, I’m an abolitionist.”

The Supreme Court experience taught Reinert to see that “our judicial system could have someone like me working in it. It’s one of our government’s strengths that has to explain itself and can be held accountable. That’s pretty powerful.”

Reinert’s goals for CRJ are both lofty and practical. “I want to tell a coherent story about what we already do here at Cardozo around the issues of justice,” he says. “CRJ will also be involved in making the change. If you can’t change something from the inside, you can’t change it.”

Each year, the school’s Bet Tzedek Legal Services Clinic represents dozens of detainees, prisoners and disabled people seeking health, disability and housing benefits that they could not get without clinic assistance. Last fall, for instance, Bet Tzedek asked Clinical Professor Leslie Salzman, joined other organizations to sue New York City on behalf of disabled and senior citizens for an overtime policy that is constitutionally inappropriate for the city because the city missed a renewal deadline. “It’s惬能 is a powerful way of saying that society matters more than the individual, that we need robust civic engagement.”

One major project still on the drawing board is a web-based resource center that would collect in one website all available information relating to particular social justice issues, such as prisoners’ rights. It’s a project that students can contribute to, and one that Reinert says “will enhance the ability of CRJ to provide service to the outside community. Creating one place to see all the connections between advocacy, scholarship, policy statements and regulations on a particular issue—and not just the litigation around it—would be a tremendous resource for students, practitioners and scholars alike.”

Reinert is also planning a CRJ speakers’ series as well as a scholar-in-residence program that would draw legal scholars to Cardozo for a term or a year to work on major research and writing and meet with students.

For her part, Dean Leslie is excited to see what the CRJ can become. “The Center for Rights and Justice as Alex envisions it could, in just a few years, demonstrate that scholarship, law and policy are connected in real, concrete ways. It can contribute to an expansion of justice for all and at the same time embody the heart and soul of Cardozo.”

**Fairness.** Everyone deserves a fair shake. Procedural fairness demands that before being deprived of something important, like freedom or shelter, individuals have the opportunity to be heard. Substantive fairness means decisions are made free of bias or undue influence.

**Equality.** Everyone must be treated the same under the law, and the question of equal treatment is an equalizer that compromises the legitimacy of our shared institutions. Furthermore, equality guarantees equal representation to each person and to society as a whole. It’s at the heart of inequality, and the work we do to create systems of racial justice and equality.

**Accountability.** Society must hold wrongdoers accountable, regardless of power, status or wealth, and accountability can be achieved only through transparency in the workings of a justice system that seeks to ensure accountability, fairness and justice. In the future, students, practitioners and scholars alike will be held accountable to their peers for upholding justice and fairness in their work. That’s the kind of system that Cardozo seeks to ensure accountability, fairness and justice.

**Access.** Everyone, not just the educated or privileged, should be able to access justice, regardless of his or her ability to understand the law or pay for legal assistance. Thanks in part to the work of the Kathryn Q. Greenberg Immigration Justice Clinic and its director, Professor Peter Markowitz, New York City has created two of the nation’s first fully funded immigrant-defendant representation programs. Supported by the New York City Council, the program ensures that no detainee will lack representation due to a lack of resources.
Some of the Many Faces of Justice at Cardozo Law

JOCELYN GETGEN KESTENBAUM
Telford Taylor Visiting Clinical Professor of Law, Human Rights and Atrocity Prevention Clinic

LESLIE SALZMAN
Director, Clinical Legal Education Co-Director, Cardozo Bet Tzedek Legal Services Clinic

PETER L. MARKOWITZ
Professor of Law, Director, Kathryn O. Greenberg Immigration Justice Clinic

MYRIAM GILLES
Vice Dean, Professor of Law and Civil Rights Scholar

ALEXANDER A. REINERT
Professor of Law, Director, Center for Rights and Justice

BETSY GINSBERG
Clinical Associate Professor of Law, Director, Civil Rights Clinic

BARRY SCHECK
Professor of Law, Co-Founder and Co-Director, Innocence Project

ALEXANDER A. REINERT
Professor of Law, Director, Center for Rights and Justice
David Rudenstine challenges the Supreme Court on national security.

GUANTANAMO. THE COURT BLINKS

It is often said—and properly so—that American tolerance for speech is not put to the test until the speech in question is speech that is hated. Only then is it possible to assess the nation’s commitment to tolerating offensive, hateful, and despicable speech that stops short of “inciting or producing imminent lawless action.” A similar statement may be made with regard to the nation’s, as well as the Supreme Court’s, commitment to the rule of law. The strength of that commitment is only really tested when that commitment possibly conflicts with other important considerations. In the Guantanamo cases brought by the Uighurs, who were judged by the executive as not being a security threat, the rule of law principle conflicted with executive prerogatives, instilled upon because of general security considerations unrelated to the imprisoned individuals. This context, a context that put the Supreme Court’s commitment to the rule of law to the test, the high court failed.

Over the last decade and a half, the Guantanamo prisoners have generated a few hundred habeas petitions, raising many complex and entangled issues. However, a review of all those matters is not required to gain a perspective on the role of the Supreme Court in Guantanamo litigation in upholding the rule of law. That is because among the Guantanamo prisoners were a small number not considered enemy combatants, and thus not a threat to U.S. security, whose efforts to win their release through the courts provide a dramatic window on the strength of the Supreme Court’s allegiance to the rule of law. After all, if the Supreme Court cannot uphold the rule of law on behalf of individuals the executive concedes are not enemy combatants and should never have been incarcerated in Guantanamo in the first place, there is no reason to expect the Court to be more vigorous in upholding the rule of law in cases in which there may be strong reasons to consider the individual seeking legal redress a threat to U.S. security.

Twenty-two Guantanamo prisoners were Uighurs, who were imprisoned at Guantanamo in 2002 and remained prisoners from four to eleven years, even though the Bush administration—as well as the Obama administration—took the position that the Uighurs had to remain imprisoned because they could not be returned to China for fear of

In his groundbreaking book, David Rudenstine argues that for the last seven decades the U.S. Supreme Court has acquiesced to the executive branch in cases implicating national security. Rudenstine analyzes dozens of cases from the end of World War II to the present in which he argues the court betrayed its duty to define and enforce the law by deferring excessively to the executive. The following excerpt from Rudenstine’s *The Age of Deference: The Supreme Court, National Security, and the Constitutional Order* (published by Oxford University Press, August 2016), chronicles the legal struggle of detainees imprisoned at the Guantanamo Naval base.
The U.S. Supreme Court has been dangerously deferential to the executive branch and done serious harm to American democracy, the rule of law, the governing order, and individual liberty.

—D avid Rudenstine

people in Xinjiang in an effort to consolidate its authority. Over time, the resettlement initiative resulted in a “dramatic shift in demographics in the region,” which in turn caused the Uighur population to feel “slighted” and economically discriminated against, which provided a foundation for a “violent opposition movement.”

Because of political unrest and increasing violence, some Uighurs fled their traditional homeland for a “Uighur village in Afghanistan.” In October 2001, when the United States began its attacks on Afghanistan in the wake of 9/11, the Uighurs fled the “bombing campaign, crossing into Pakistan.” At the time, the United States was offering a bounty of $5,000 to Pakistanis villag- ers agreeing to turn in terrorists for reward. “Pakistanis villagers lured the Uighurs to a mosque, where they were arrested by Pakistan security forces,” who turned them over to United States forces for the bounty. In May of 2002, the United States transported the Uighurs to Guantanamo, and detention at Guantanamo began that year, the United States “listed the East Turkestan Islamic Movement as a terrorist group.”

In June of 2006, just months after the Supreme Court reaffirmed that federal courts had jurisdiction over Guantanamo detainees’ petitions for writs of habeas corpus, the executive de- cided that “it would no longer consider the 17 Uighur detainees” who still remained at Guantanamo as “enemy combatants,” which was a strange phraseology since the executive had not formally designated the Uighurs as “enemy combatants.” With these two decisions at their backs, the remaining Uighur detain- ees filed motions alleging that their continued detention is un- lawful and requesting that the court order the government to release them into the United States. In response, the Uighur proceedings were assigned to District Judge Ricardo M. Urbina.

After setting forth the background of the case and asserting that “the government no longer treats the detainees as enemy combatants,” Judge Urbina stated that “the only issues to be re- solved are whether the government has authority to ‘wind up’ the petitioners’ detention and whether the court has the authority to order the petitioners released into the United States.” After review- ing what he considered to be the relevant case law, Judge Urbina stated that the “constitutional authority to ‘wind up’ detentions during wartime ceases once (1) detention becomes effectively indefinite; (2) there is a reasonable certainty that the petitioners will not return to the battlefield to fight against the United States; and (3) an alternative method of prosecution has not been provided for continued detention. Once those elements are met, further detention is unconstitutional.” With these three elements in focus, Judge Urbina concluded that the de- tention of the Uighurs has become “effectively indefinite” in that the government has failed to release the Uighurs, even though it has “approached and re-approached almost 100 coun- tries in its efforts to locate an appropriate re- location location”; there is no evidence to support any concern “that the petitioners would return to the field of battle;” there is no “alternative legal justification,” other than the status of enemy combatant for continued detention. At that point the district judge concluded that the government’s detention of the petitioners is unlawful.

The thorny remaining issue was what to do about the fact that the Uighurs were no longer “enemy combatants.” They could not be transferred to China, and no other country had accepted to the request by the United States that they be accepted for resettlement. What Judge Urbina had observed was that if the Uighurs were to be re- leased, they would have to be released into the United States.

In addressing this central issue, the district judge conceded that the Supreme Court had “exclusive authority to ‘wind up’ detentions during wartime ceases once (1) detention becomes effectively indefinite; (2) there is a reasonable certainty that the detainees will not return to the battlefield to fight against the United States; and (3) an alternative method of prosecution has not been provided for continued detention. Once those elements are met, further detention is unconstitutional.”

Nonetheless, he insisted even this great power “is not absolute,” and although a court would frequently refrain from imitating “stiff into a release constructed by Guantanamo’s ‘political branch,’” he insisted that this case was “exceptional.” At that point, the district judge spelled out what he considered the exceptional circumstances:

The government captured the petitioners and transported them to a detention facility where they will remain indefinitely. The government has not charged those petitioners with a crime and has presented no reliable evidence that they would pose a threat to U.S. interests. Moreover, the government has stymied its own efforts to reclassify the petitioners by insisting (until recently) that they were enemy combatants, the same designation given to terrorists willing to detain themselves amongst crowds of civilians.

Against the analytical framework he set forth, Judge Urbina concluded that it was not sufficient for the government to put forth its failed efforts to reclassify the Uighurs as a justification for their continued imprisonment. To endorse such a view would be to adhere to the “vaste blancie authority the political branch perilously wielded over the Uighurs” and that is not in keeping with “our system of governance.” With that, the judge concluded that he was granting “the petitioners’ motion for release into the United States,” and to make clear just how unjust it was to con- tinue to imprison the Uighurs, he wrote that “an Order consist- tent with this Memorandum Opinion is separately and contem- poraneously issued this 8th day of October, 2008.”

The executive appealed Judge Urbina’s decision. The Court of Appeals for the District of Columbia accelerated the appeal, hearing oral arguments in the matter within six weeks of the district judge’s opinion and handing down a decision reversing and remanding the case three months later.

Judge Arthur Raymond Randolph, who had been appointed to the court by President George H. W. Bush in 1990 and was on senior status at the time, wrote the opinion. Given the com- plexity and importance of the issues raised by the appeal, Ran- dolph’s eight-and-one-half-page opinion was not exhaustive or convincing.

From his perspective, Judge Randolph was able to conclude that “the court concludes that the government’s detention of the petitioners is unlawful.”

Once he framed the dispute as an immigration matter, Judge Randolph was able to claim that the appeal raised one “critical question,” and that was “[w]hat law ‘expressly authorized’ the dis- trict court to set aside the decision of the Executive Branch and to order these alibums brought to the United States and released in Washington, D.C.” In response, Judge Randolph was able to conclude that “the due process clause does not apply to aliens without property or presence in the sovereign territory of the United States.”

The Supreme Court granted the seventeen Uighurs’ request for review on October 20, 2009. By then, four of the seventeen Uighurs had been resettled in Bermuda and within a few weeks of Supreme Court action, the executive transferred six Uighurs to Palau, leaving seven Uighurs in Guantanamo. Thus, although the exec- utive refused to accept the Supreme Court’s final judicial order to release any of the Uighurs, the judicial proceedings pressured the executive to quickly its efforts to resettle the petitioners. Yet, the Uighurs, by persuading other nations to accept them.

After seven years of incarceration at Guantanamo, it would not be implausible for the re- maining seven Uighurs to think that justice de- layed was surely justice denied. Judge Randolph concluded that the Supreme Court had agreed to decide “whether a federal court exercising habeas corpus jurisdiction has the power to order the release of an alien terrorist arrested at Guantanamo Bay where the Execu- tive’s detention is indefinite and without authorization in law, and release into the continental United States is the only possible effectual remedy.”

He wrote that the power of habeas corpus existed “to restrain the executive branch” and that the Supreme Court had upheld the right of habeas corpus “as a hands-off approach in these cases because it was, in his view, well established that immigration decisions were ex- clusively assigned to the politically accountable branches and that absent a specific grant of authority, federal courts had no authority to review the executive’s decision.”

But whatever hope had been kindled by the Supreme Court’s grant of certiorari was squashed four months later when the
The Supreme Court had an opportunity to uphold the rule of law in circumstances when such a ruling would have really mattered, and it walked away from the opportunity, betraying its own mission and mandate.

—DAVID Rudenstine

David Rudenstine was Cardozo’s Law dean from 2001–2009 and is Sheldon H. Solow Professor of Law. He is a noted American legal scholar, an expert on first speech, free press and national security issues and the author of “Polarizing a Political Prize: The Day the Presses Stopped: A History of the Pentagon Papers.” He has taught constitutional law at Cardozo since 1979.

fivesettainees, however, hare洁consistented no such offer and are still being held at Guantanamo Bay. Against these circum-
stances—the transfer of six Uighurs to Palau on October 31, 2009, the transfer of two Uighurs to Switzerland on February 4, 2010, and the unsuccessful offer of resettlement to the remaining five Uighurs—the Court stated that since no “court has yet ruled in this case in light of the new facts,” it was declining “to be the first to do so” since it was a court of “review.” No member of the Court dissented from the decision.

Although vacating a grant of certiorari is not unusual and a change in circumstances that substantially alter the character of the dispute is an entirely plausible basis for vacating the granting of a certiorari petition, it is most unclear how the changed circumstances in this case redefined the nature of the legal question. It seems beyond doubt that the Uighurs preferred resettlement in another country to remaining at Guantanamo Bay. Yet the Court, in vacating the grant of certiorari and remanding the case to the Court of Appeals for the District of Columbia Circuit to take Rule 26.1 into account in making its decision on the merits, led to the conclusion that the Uighurs did not want resettlement in another country. The result was that the Court did vacate the grant of certiorari and remand the case, especially since the remand was to a panel of the Court of Appeals for the District of Columbia Circuit of Appeals, which had already written a short and unhelpful opinion in the issue. One explanation is that the Supreme Court was playing for time. It was hoping that a further delay in judicial proceedings would cause the five Uighurs held at Guantanamo to accept the executive’s offer, and that such a development would permit the Court to dismiss the case on the ground that it was most. Although agreeing to decide the legal questions the Uighurs presented would not necessarily mean that the high court would rule against the executive, it might have, and perhaps hoping to avoid such a confrontation, the Court took advantage of the changed cir-
cumstances the executive energetically engi-

The court characterized the changed circumstances as fol-

low: “By now … each of the detainees at issue in this case has received at least one offer of resettlement in another country. The majority of the detainees have accepted an offer of resettlement, even though the executive had concluded they were not a security threat and the fact that they had already been imprisoned eight years.” One year after the Supreme Court decision, on April 18, 2012, two Uighurs were transferred to El Salvador, and two and one-half years after the Supreme Court decision, on December 30, 2013, three Uighurs were transferred to Slovakia. When the last of the Uighurs were trans-

ferred to Slovakia, the Pentagon spokesman called the develop-
mament a “humanitarian gesture” and stated that the United States was grateful to Slovakia for the gesture and its “willingness to support U.S. efforts to close the Guantanamo Bay detention facility.”

In this public statement, irony runs deep. The United States

could have made the same humanitarian gesture years earlier, and if it had done so, it would have honored the rule of law and avoided the continued infliction of egregious harm on the Uighurs. But such a humanitarian gesture was be-

hield the rule of law in circumstances when such a ruling would have really mattered, and it walked away from the opportunity, betraying its own mission and mandate.

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GOING GLOBAL

Going global: Students from Austria, China, France, Germany, Israel and China have contributed to Cardozo’s success.

Val Myteberi—just got back from France. Or was it China? Maybe both?

Since her appointment as assistant dean of graduate and international programs last year, Val has been traveling the globe on a mission to go beyond domestic recruiting in search of the best and brightest for advanced legal study at Cardozo.

In just one year Val has made immense contributions to the growing success of the law school’s graduate and international programs as well as to the success of the law school’s senior leadership team, which works closely with other administrative faculty and staff to ensure that graduate students receive a world-class education. In addition to reinvigorating the Master of Laws (LL.M.) and the Doctor of Juridical Science (J.S.D.) programs at Cardozo, Val is also responsible for negotiating agreements on behalf of Cardozo, building partnerships with global educational, private and public partner institutions, and identifying opportunities for students and Cardozo worldwide.

Val holds an LL.M. with a concentration in corporate law from Cardozo School of Law and an LL.B. from University of Tirana, Albania. She was formerly the program director of the Samuel and Ronnie Heyman Center on Corporate Governance at Cardozo, where she worked on an international scale and across academic, research, diplomatic and nongovernmental partners, acting as a persuasive advocate for the center’s priorities.

During her years at The Heyman Center, Val was instru-
ment in launching transactional practical skills programs, including a deal-making class called ITRANS, which is taught during the winter intensives at Cardozo.

Val Myteberi
Assistant Dean, Graduate and International Programs, Cardozo School of Law

My strategy is to personalize the curriculum of each of the students at Cardozo to match their goals and to build on their strengths and experiences. Together with my team, we work to build a strong com-

munity of support around all LL.M. students, so they walk away with knowledges, experiences and networks that will help them for the rest of their professional lives. They have this once in a lifetime opportunity to be in New York City, to be at Cardozo. We want them to make the most of it.

WAYNE LIOU (CHINA)


“My study [at Cardozo] gave me a lot more confidence and self-motivation to do things, and an international perspective.”

In Germany, legal education is very academic and rigid. Cardozo has shown me that the law is really not a referential exercise but an extremely broad discipline with plenty of interdisciplinary factors to be taken into account, and with lots of opportunity.”

DANIEL BIENE (GERMANY)

CEO and co-founder of Legalbase, a Berlin-based startup company in the legal tech space.

“In Germany, legal education is very academic and rigid. Cardozo has shown me that the law is really not a referential exercise but an extremely broad discipline with plenty of interdisciplinary factors to be taken into account, and with lots of opportunity.”

CLEMENS KOHNEN (ISRAEL VIA GERMANY)

Diplomat in the service of the German Foreign Office, currently posted to Israel.

“My study at a U.S. law school, in particular at Cardozo, is a great experience. In one year at Cardozo I have learned more about the tools of the judicial trade than in five years in a German university. Plus, I got to make friends to keep.”

NELLY OLS (FRANCE)

Trademark and design attorney with a French firm of industrial property counselors

“Everything about my Cardozo experience was special to me! I loved that LL.M.s are fully integrated into the regular J.D. classes and program. And I’m now part of a great community of lifetime friends and continuously growing alumni connections.”

The Supreme Court had an opportunity to uphold the rule of law in circumstances when such a ruling would have really mattered, and it walked away from the opportunity, betraying its own mission and mandate.
Social media age, that is what all of us are. The very notion of “tools of modern government public relations.”

There are currently an estimated 10,000 federal government social media accounts across dozens of different platforms. (For an impressive array from just a single agency, see the list on the U.S. Environmental Protection Agency’s social media page.) For all the theorizing about social media as a dialectic network, fostering feedback and engagement by customers and citizens, agencies overwhelmingly rely on those platforms to push rather than to pull, to get their “story” out there. In other words, those platforms are the tools of modern government public relations.

Governmental publicity has always stirred controversy. As long ago as 1913, Congress prohibited agencies from hiring “publicity experts.” Slightly amended, this provision remains in the U.S. Code to this day. And since 1951, virtually every appropriation measure has provided that “no part of an appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.” This restriction occasionally trips up agencies that seek to engineer positive media coverage by writing and disseminating prepackaged news stories.

The most recent dust-up involving the proposed EPA rulemaking relating to “coal ash” occurred in 2011, when the White House Easter Egg Roll was live-streamed. The next item does not appear for another two years, but the timeline is increasingly crammed with developments in the ensuing years.

Then, in September 2011, the timeline just stops. The timeline stops not because social media activities came to an end but because by 2011 it was no longer even moderately notable when an agency used social media.

Clay Shoyer, a writer on Internet technologies, once observed that “communications tools don’t get socially interesting until they get technologically boring … It’s when a technology becomes normal, then ubiquitous, and finally so pervasive as to be invisible, that the really profound changes happen.” If we are looking for when federal agencies’ use of social media went from normal to ubiquitous, the abandonment of the timeline suggests that 2011 is not a bad estimate.

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First, agencies indisputably are engaged in social media. As government videos go, these have an enormous number of views. But their popularity is dwarfed by that of anti-TSA videos. Inexorably, more people will watch “Another TSA Video To Make Your Blood Boil” (9 million) than will watch “Why Shoes on the Belt?” (270,000).

Finally, the most striking aspect of the EPA’s “Waters of the United States” social media campaign was that it occurred in the context of a pending rulemaking. Since notice-and-comment rulemaking moved online, observers have worried that this traditionally technocratic process would become a plebiscite. While commentators and government websites alike admonish against such a shift, a built-in pressure in that direction results simply from the use of the technologies of mass participation. Problematically, EPA encouraged the mistaken view, too evident already on some NGO websites, that comment is about soliciting information or argument, but simply about showing “support” — a petition or referendum in which numbers trump all other considerations.

Agencies will continue to refine their social media presence to convince the public of the value of the agencies’ work. These efforts may be indispensable measures to inform the public and so ensure a functioning democracy. Or they may be pathological artifacts of the permanent campaign.
Kenneth Carter ‘98, counsel at Cloudflare, was honored as the top corporate counsel in the Bay Area by the San Francisco Business Times and the Silicon Valley Business Journal. The awards ceremony, held on March 10, 2016, highlighted counsel who “steer their companies through uncharted territory.” Carter won in the “Private Company” category.

Carter was hired as CloudFlare’s first in-house lawyer, where he leads legal affairs, public policy, government relations, and trust and safety. CloudFlare is a leading Internet performance and security company. The company is on a mission to build a better Internet and is changing the way that two billion people worldwide access information.

In December, Hon. Tanya R. Kennedy ‘92 was sworn in to the Supreme Court of the State of New York. Dean Melanie Leslie ‘91 and former dean Matthew Diller spoke at the ceremony. “I am ready and I am able,” Kennedy said. “You see, an ordinary person can do extraordinary things, and I am an ordinary person.”

Her most recent position, prior to being nominated to the State Supreme Court, was as the supervising judge for the New York City Civil Court in New York County. The highlight of the evening was the presentation of the awards to our outstanding honorees. Dean Melanie Leslie ’91 presented Barbara Kolson, co-director of the Fashion, Arts, Media and Entertainment (FAME) Law Center, with her award. Dean Leslie noted Kolson’s long and illustrious career as legal counsel for startup fashion houses that are now household names. She credited Kolson and co-director Lee Sporn for creating FAME programming that has energized and organized Cardozo in training students to represent businesses driven by the creative process. In her acceptance speech, Kolson spoke about the exciting and dynamic programming, classes and internships that are part of FAME and her excitement for the future of the center.

On February 9th, Cardozo alumni gathered to celebrate the Ninth Annual Cardozo Alumni Dinner, which honored Eric I. Cohen ’83, William M. Greenblatt ’82 and Barbara Kolsun ’82 as our Alumni of the Year. The dinner had a warm and spirited atmosphere as more than 600 people filled the Pierre Ballroom. Guests enjoyed the evening, with many staying until the lights went down long after the dessert reception. This year, philanthropic contributions made in conjunction with the dinner supported scholarships and the FAME Center.

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In her acceptance speech, Kolson spoke about the exciting and dynamic programming, classes and internships that are part of FAME and her excitement for the future of the center. Alissa Makower ’92, chair of the Alumni Association, presented the awards to Eric Cohen and William (”Bill”) Greenblatt. Cohen is the senior vice president, secretary and general counsel of Terex Corporation, a leading global manufacturer of a broad range of lifting and material-handling equipment for use in various industries. Cohen spoke about the path of his legal career and the importance of maintaining and nurturing connections made along the way. Of course, Cohen made a very important connection in law school—his wife Gail, who is a classmate. Eric and Gail established a scholarship to assist students in obtaining their dreams of legal education. Their daughter Haley Cohen ’12 is also an alumna. Cohen serves on the Cardozo Board of Overseers and chairs the Board’s Alumni Committee. He was a featured speaker in the Deans’ Speaker’s Series.

Bill Greenblatt is the founder and chairman of SterlingBackcheck, one of the world’s largest background screening companies. Greenblatt spoke about the necessity of hard work and how grades in law school are not necessarily determinative of success after law school. He and his wife Judith are the proud parents of Cardozo alumnus Brandon Greenblatt ’14. Bill has been an active Cardozo alumnum for many years. He has been on the Cardozo Board of Overseers since 2011 and is a longtime supporter of the Public Service Auction. He was a featured speaker in the Deans’ Speaker’s Series and has spearheaded initiatives to assist students with gaining employment after graduation. The 10th Annual Alumni Dinner will be held during Cardozo’s 40th anniversary celebration year and promises to be a blockbuster event. Please watch the mail for your invitation or contact the Alumni Office if you have any questions.
ALUMNI news & notes

REUNIONS!

Reunions are a time for reconnecting with classmates and remembering the importance of Cardozo in our lives. Over 200 alumni and friends gathered at the Harmonic Club on June 9th to celebrate reunions for classes ending in 1s and 6s. The evening was filled with warm smiles and fond memories. Classmates who had not seen each other in many years were able to catch up on one another’s lives and careers. Each class had a continuing-loop slide show featuring photographs of their class from prior years, cultural milestones and pop culture art to music of the time period. Additionally, alumni could be seen pouring over the yearbooks and other Cardozo memorabilia displayed around the room. In a time when people can keep track of one another’s lives on social media, actually meeting face-to-face takes on special significance. It is a chance to truly reconnect with the people who shared your law school experience. Notably, at this year’s reunion we witnessed another Cardozo-frae-Osamud Madison Leslie celebrated her own 25th reunion with her 1991 classmates.

The next reunions will be held in the spring of 2017 for classes ending in 2s and 7s. If you are interested in working on your Reunion Committee, please contact Inez Lano at inez.lano@yu.edu

CLASS notes

2015

Peter Bouch joined the firm of Leason Ellis, a boutique intellectual property law firm specializing in patent, trademark and copyright protection and litigation. Prior work in the firm’s White Plains office.

Vicer Cane delivered the keynote address at SUNY Ulster’s commencement, discussing the “momentum of the underdog.”

Gabriela Deloria, Shana Drutsky, Anita Godley, Rebecca Haesser and Shantale Negina were sworn in as New York County Assistant District Attorneys.

2014

Matthew Baines opened a new firm, Pitta Griffin & Baines. Matthew’s firm works with victims of the September 11th attacks.

Van Stackelberg was sworn in as a New York County Assistant District Attorney in September.

2013

Jeffrey Bergson will be honored at The Guidance Center of Westchester’s gala on May 10. Jeffrey is an associate in the Litigation department of Beckman, Lubiner & Ramande, focusing his practice on complex commercial litigation, contract disputes and corporate dissolution matters. The Guidance Center of Westchester is dedicated to helping clients of all ages overcome psychological, social and cultural barriers as they strive to develop brighter futures.

Sarah Drossin starred Dr. Matteo Spera in March as a ceremony in Manhattan Hammacher Park in Miami. Sarah is an associate at Jones Day, where she focuses her practice on government investigations and civil litigation.

Ashley Finance, joined Blank Rome as an associate in the firm’s Real Estate Group in the New York office. Ashley focuses her practice on leasing, purchases and sales, and financing transactions.

Anna Capan Smith joined Ginsu Pardely as an associate in the firm’s Boise, Idaho office.

2012

Gerardo Cortés’s Cubana sous band, Gerardo Contreras y Los Habaneros, kicked off the Byrdcliffe Arts George’s 37th season in May.

Jan E. Linder joined the firm of Smith, Gambrell & Russell as an associate in the firm’s New York Real Estate practice, where he focuses on the purchase and sale of residential and commercial properties among all other aspects of real estate transactions.

Sarah Nadeau married Chris Balducci, an FDNY firefighter, in September. The wedding was officiated by the Hon. Jane Paulette Hill, also a Cardozo alumna, for whom the bride interned in Family Court.

2011

Emily Bennett was named a shareholder in the firm of Howard & Howard Attorneys. Emily works in the firm’s Chicago office and concentrates her practice in civil litigation with an emphasis on commercial, class actions, patent infringement and employment disputes.


2010

William Foro spoke at the 2015 National Head Start Association Fall Leadership Institute, focusing on his experiences as an alumnus of Head Start. While in D.C., he also met with members of Congress, including Senator Elizabeth Warren of his home state of Massachusetts, about the importance of the Head Start program.

Endea Williams was appointed to the New York City Bar Association Trademarks & Unfair Competition Committee and was profiled in the Jekyll & Hyde Law. Mary Gillberg and his wife, Lisa, welcomed a baby girl, Shaina.

2009

La Toya L. Barnett opened a new firm, Dreyer & Barnett, in New York, N.Y. LaToya’s work concentrates on labor and employment law, representing employers.

Regional Clubs

Regional Clubs continue to be an important way for our alumni to stay connected to the law school as we spread out across the country and the world. This year, the dean hosted alumni receptions in many areas where we have alumni clubs—Long Island; Westchester/Putnam Counties; Northern New Jersey; Washington, D.C.; Boca Raton; Miami; San Francisco; Silicon Valley; Los Angeles; the Mid-Atlantic Region; Boston; and Chicago. Many of our regional clubs also sponsored social and networking events this year. For example, the Washington, D.C., Club hosted its annual Meet the Interns Happy Hour to welcome students working in D.C. for the summer. This group also works with the Office of Career Services each winter to host students interested in learning more about jobs in the district.

Joshua Loe successfully defended a New York Police Department sergeant accused of violating the Congressional rights of a Bronx man he shot in the head. Joshua works in the New York Police Department Legal Department.

Kathleen Gittler joined the board of directors of Thinking Alike, the parent company of YAI and CIPL.

Christopher Shuffler has been promoted to partner at Rold盲th in the firm’s New York City office. Christopher is a member of the firm’s Corporate & Transactional advisory group and concentrates his practice on project development, mergers and acquisitions, securities law, corporate governance issues, and general corporate law.

Regional Clubs
Major Gifts

Cardozo is deeply proud to acknowledge a $1,000,000 gift from Benjamin B. Ferencz in support of the Cardozo Law Institute in Holocaust and Human Rights (CLHHHR). With this gift, the law school’s Human Rights and Atrocity Prevention Clinic will be renamed the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic. Ben Ferencz’s history of activism and working to support international criminal justice and world peace is legendary. In 1945, he was transferred to the headquarters of General Patton’s Third Army, where he was assigned to a team tasked with setting up a war crimes branch and collecting evidence for such crimes. In that function, he was then sent to the concentration camps as they were liberated by the U.S. army. He was an investigator of Nazi war crimes after World War II and the Chief Prosecutor for the United States Army at the Einsatzgruppen Trial, one of the twelve military trials held by the U.S. authorities at Nuremberg, Germany. From then to now, Ferencz has spoken out and pushed for laws and redress to punish crimes against humanity on an international stage. Ferencz’s connection to Cardozo runs long and deep. Telford Taylor, a founding member of Cardozo’s faculty, was the Chief Counsel of the U.S. Nuremberg Military Tribunals. He asked Ferencz to take on the responsibilities of being an investigator. Ferencz’s respect for Taylor and for the work of CLHHHR and the Human Rights and Atrocity Prevention Clinic motivated Ferencz to support CLHHHR over the last five years. He funded a Telford Taylor fellow in the Institute as well as the Telford Taylor Visiting Clinical Professor. Ferencz’s generosity is also a tribute to Professor Shert Rosenberg, who founded the clinic, and to Professor Richard Weinberg, whose Holocaust claims litigation settlement initiated the establishment of CLHHHR at Cardozo.

This significant gift will strengthen and broaden the work of the clinic and support its director, who will train students through human rights cases designed to increase accountability, provide redress to victims, and prevent future atrocities.

$1 Million Gift to Establish Trial Lawyer Team

Dean Melanie Leslie announced a major gift to the law school that will have an enormous impact on trial competitions. The $1 million gift from Arlene and Benedict Morelli will establish the Benedict Morelli Trial Team, a trial lawyers speaker series and the Arlene and Benedict Morelli Family Scholarship Fund. The team will expand Cardozo Law’s presence in national and international trial competitions, with the gift going toward the hiring of trial-team coaches and funding for travel to competitions. The speaker series will draw top trial lawyers to Cardozo for lectures as well as coaching and mentoring of students, and the scholarship fund will allow generations of students to pursue a legal education at Cardozo.

“This generous gift gives Cardozo School of Law the opportunity to provide scholarships for students and to greatly enhance our trial advocacy programs,” said Dean Melanie Leslie. “The Morellis are building a legacy of excellence that allows us to bring our trial lawyering programs to new heights. We are deeply grateful for this opportunity to transform the educational experience and careers of our students.”

Benedict Morelli is the founder and partner of Morelli Law Firm and former president of the New York State Trial Lawyers Association. A highly regarded trial lawyer, Morelli has a long history of successful representation spanning over 30 years, which includes winning multiple million dollar verdicts for many of his clients. Morellis’ son Alexander is a member of the Cardozo class of 2016.

The endowed gift underscores and will advance the law school as a leading global center for study, teaching, and the promotion of human rights focused on the prevention of mass atrocities. The extraordinary opportunity that this gift opens to generations of students who will work as human rights advocates is incalculable.

Parents Council’s Impact Grows

Mark Yagerman ’79 marked his first year as chair of the Parents Council. He took the reins as chair as a pioneering member of Cardozo’s class of 1979, a former chair of the Alumni Association Executive Committees (from 2011–14), and importantly, a parent—of Dean Yagerman ’88. Mark has devoted a huge amount of time to the law school and especially to furthering the council’s goals and efforts.

This year’s Parents Council wrapped up a busy year of programming that began last September with the well-received Reception and an Evening of Information with Vice Dean Richard Bierschbach, who spoke about a student’s first year at Cardozo. This well-attended event gathered over 90 parents, and the event is generating a great deal of attention from the parent community, and helped to enroll almost 20 new members.

In November, the council hosted its annual Parents Brunch to celebrate its 15th anniversary. The day provided a wonderful social and educational event for all. Parents and students alike were able to attend mock classes presented by Prof. Peter Godschalk—Paperless Tigers: Virtual Contracts—and by Prof. Alexander Reinert—How to Talk to Our Children About Civil Procedure.

Continuing established traditions, the council published its annual Parent Handbook and again was an active supporter of the Public Service Auction, forming committees to help sell tickets, donating auction items, and inspiring others to engage in good-natured but seriously competitive bidding.

Especially important, the council proposed a challenge to Cardozo parents: raise two public interest summer stipends for a total of $8,000. Over $16,000 was raised! Together, Cardozo parents supported four summer stipends, doubling the initial challenge and proving once again, through their generosity, the positive impact the parent community has on students and thus the entire Cardozo community.

The Parents Council continues to welcome and integrate parents into the life of the law school.

Past events have included speakers from the Offices of Career Services, Admissions and Alumni Affairs, and chosen from among the student body. Members also receive VIP invitations to school-wide events. If you are interested in learning more about the Parents Council or have suggestions for future events, contact Patricia Weiss, associate dean of institutional advancement and alumni affairs, at pweiss@yu.edu or 212.792.5070.
As part of our 40th anniversary celebration, Cardozo is hosting a series of events throughout the fall.

SEPTEMBER

September 7

John Lennon vs. The USA
A discussion of the new book by Leon Wildes documenting the legal fight to keep John Lennon and Yoko Ono from being deported
Presented by the FAME Center and the Cardozo Art Law Society

September 12

Dean Melanie Leslie in Conversation with Fashion Icon Isaac Mizrahi
Presented by the FAME Center and the Fashion Art Law Society

September 13

Tech Talks: Crowdfunding and the Increasing Democratization of Capital Markets
Presented by the Samuel & Ronnie Heyman Center on Corporate Governance and the Cardozo Tech Talk Series

September 13

The Design Auction Market: New Gens, New Rules
Presented by the FAME Center and the Cardozo Art Law Society

September 19

The Age of Defiance: The Supreme Court, National Security, and the Constitutional Order
A discussion on David Rudenstine’s groundbreaking new book moderated by Adam Liptak of The New York Times

OCTOBER

October 13

Give Me a C!: Supreme Court Amici on the New Copyright Case Involving Downloading Uniforms and Fashion Design
Presented by Cardozo’s Intellectual Property & Information Law Program and the FAME Center

October 20

Tech Talks: Video Games and eSports in New York
Legal and YC professionals in the fields of video games and eSports speak about challenges in the industry and the legal profession.
Presented by Cardozo’s Tech Talk Series

NOVEMBER

November 3

A Conversation with Sheila Nevins, President of HBO Documentary Films
Presented by the FAME Center and the Indie Film Clinic

November 5

Fashion Tech Pop-Up Clinic
Fashion and technology start-up entrepreneurs get an overview of legal issues from lawyers related to their test. Presented by the FAME Center

November 16

America’s Brave New World of Predictive Policing
As police departments across the country develop new tools for tracking social media, the concept of predictive policing has become a concern. What are monitoring social media within passive groups, and how is that information being used?

In Memoriam

PROFESSOR PETER TILLERS
Renowned legal scholar
Peter Tillers, Cardozo faculty member of 27 years and professor emeritus, died on October 3, 2015, of complications from ALS. He was 72 and was living with family in Chapel Hill.

Professor Tillers was a leader in New Evidence Scholarship. A prolific scholar, he authored many books, reviewed the first volume of John Henry Wigmore’s treatise on the law of evidence, and published a wide variety of articles on evidence, inference and investigation.

Professor Tillers was an editor of Law, Probability & Risk and a former chairman and secretary of the Section on Evidence at the Association of American Law Schools. While teaching Evidence at Cardozo, he organized major conferences and traveled and lectured in the United Kingdom, Canada, Italy, Germany, China and elsewhere.

Born in Riga, Latvia, in 1943, Professor Tillers’ family was forced to flee during World War II, arriving in the United States in 1950. He went on to receive his bachelor’s degree from Yale and a J.D. and LL.M. from Harvard Law. He maintained ties to Latvia throughout his career, serving as legal adviser for the Latvian mission to the United Nations during the 48th session of the General Assembly.

Professor Tillers retired from teaching several years ago after being diagnosed with ALS. Among his other honors and achievements, Professor Tillers was the Fellow of Law & Humanitas at Harvard University, the Senior Max Rheinstein Fellow at the University of Munich, and a visiting professor at Harvard Law. He became professor emeritus at Cardozo Law in 2014. He was a recipient of the AALS John Henry Wigmore Award for Lifetime Achievement in Exalculating the Law of Evidence and the Process of Proof.

“As my teacher, and then colleague and friend when we co-taught Fact Investigation, I appreciated more than anything that Peter was not a spoon-feeder,” said Philip Segal ’08, who currently works at Charles Griffler Intelligence. “He was a deep thinker and wanted others to wrestle with issues of truth and knowledge as he did. Kindly and modest, he was the very best paper editor I ever had.”
In celebration of our 40th Year, we gathered second-generation students in this year’s May-entry class to honor Cardozo’s budding tradition of legacy in legal scholarship.

Ryan Botwinick, son of Jeffrey Botwinick ‘84
Joshua Wildes and Raquel Wildes, the children of Michael Wildes ’89 and Amy Wildes ’91. Amy and Michael met while taking the class of Michael’s father, Professor Leon Wildes.

Alison Bertan, daughter of David Bertan ’85

Joshua Freifeld, son of Harry Freifeld ’79

Michelle Glasenberg, daughter of Rise Jane Sunness Glasenberg ’80

Ari Horn, son of Shimmie Horn ’96

Nathaniel Levy, son of Fredrick Levy ’86

ACTIVISM INNOVATION LEADERSHIP AMBITION

CELEBRATE CARDOZO’S 40TH:
JOIN THE 4 FOR 40 CAMPAIGN

In this our 40th year, Dean Melanie Leslie calls on all alumni to jump-start the next 40 by raising $4 million for student scholarships, programmatic support, public service and other areas of greatest need.

The 4 FOR 40 Campaign is well underway. We have already raised $1 million from alumni for scholarships.

HOW WILL WE REACH OUR $4 MILLION GOAL?
With the support of every alum from each of our classes: 1979 to 2016.

Target goals for each class will be announced this fall. It is up to you. Each alum from every class: Make a gift and you will make it happen.

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Guantanamo: The Supreme Court Blinks
An excerpt from David Rudenstine’s new book.

A New Generation
The sons and daughters of Cardozo graduates join the class of 2019.

For more information, contact the Office of Alumni Affairs, cardozoalumni@yu.edu.

THE 40TH ANNIVERSARY ISSUE | CELEBRATING FORTY YEARS OF ACTIVISM, INNOVATION, LEADERSHIP AND AMBITION