**Justice For All**

Cardozo’s Center for Rights and Justice continues to blaze a trail.

**Building New York**

Cardozo launches the Center for Real Estate Law and Policy.

**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.

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**ALUMNI GALA:**

**Celebrating 40 Years**

**FEBRUARY 15, 2017**

Honoring

Mark Yagerman ’79
Partner, Smith Mazure
Director, Wilkens Young & Yagerman, P.C.

Stephen Breitstone ’82
Partner, Meltzer, Lippe, Goldstein & Breitstone, LLP

Ira Dizengoff ’92
Partner, Akin Gump Strauss Hauer & Field 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.
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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JOHN DIAMANTE
ASSISTANT DEAN, OFFICE OF COMMUNICATIONS AND PUBLIC AFFAIRS

JOHN D. ENATALE
CARDOZO SCHOOL OF LAW IS CELEBRATING ITS 40th anniversary! Since the law school’s inception, our faculty and alumni have made significant contributions to the legal profession. As we begin our 40th year, I am confident that we will continue to build on this great legacy.

In my welcoming address to the incoming class of 2019, I described four qualities that define Cardozo and distinguish us from other law schools: Innovation. Cardozo is a trailblazer in creating visionary programs. We were one of the very first law schools to develop specialties in intellectual property and alternative dispute resolution. These programs continue to be ranked among the best in the nation and have launched countless careers. With programs and centers such as the Innocence Project, the National Forensic College, the Indie Film Clinic and the FAME Center, we are the first to anticipate how changes in technology, science and the marketplace will impact the legal profession.

Activism. Supreme Court Justice Cardozo said, “the law never is, but is always about to be.” Our faculty produces scholarship that challenges the legal status quo and shapes discussion in both the legal literature and the popular press. Our students learn to question the proffered justifications for legal rules and to argue effectively for change when change is necessary. We build programs, such as the Kathryn O. Greenberg Immigration Justice Clinic and the Civil Rights Clinic, that train our students to become skilled social justice advocates. And our new CRJ Moot (sponsored by the Center for Rights and Justice, p. 24) helps lawyers prepare to argue issues of first impression before appellate courts while providing our students with a vital window into that process.

Leadership. Cardozo has been a community of leaders—visionaries who built a great law school in record time. Today’s faculty continues that tradition, producing scholarship that has placed them among the most influential scholars in the country. Our alumni hold leadership positions in law, business and government. And our students are hewing with energy, leading more than 30 student organizations that produce a multitude of exciting events each year.

Ambition. Cardozo Law’s list of accomplishments are a testament to our drive to improve, to excel and to succeed. At Cardozo, we strive to inspire each new generation of students to attempt great things. One of the greatest joys of my first year as dean has been meeting so many alumni whose spirit of ambition propelled them to create great careers.

I hope you enjoy this edition of Cardozo Law. Inside, we announce the launch of two new exciting programs: the Center for Rights and Justice and the Center for Real Estate Law and Policy. We also highlight the work of several faculty members and have included an excerpt from former dean David Rudenstine’s most recent book, in which he argues that the Supreme Court has abdicated its constitutional responsibility to act as a check on executive power with respect to national security issues.

I invite you all to participate in our anniversary celebration! Find out about upcoming events at Cardozo.yu.edu/40 and help make this a banner year for your law school.

Thank you for supporting Cardozo Law!

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 also 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. Professor Gilles is routinely called as an expert on these issues in the media and before Congress. A graduate of Harvard University, she received her J.D. from Yale Law School in 1996. She was a visiting professor at the University of Virginia Law School in 2004 and a fellow in the Program of Law and Public Affairs at Princeton University from 2005 to 2006.

“Professor Gilles understands the Cardozo community and is dedicated to our students and faculty,” said Dean Melanie Leslie. “I have worked closely with her for 20 years, and value her brilliant intellect, tenacity and talent for strategic thinking. I am thrilled that she has agreed to serve the law school in this capacity.”
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 CLS programs, the Stephen R. 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 Sterk 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.

**TOP NEWS & EVENTS**

**THE CENTER FOR REAL ESTATE LAW AND POLICY**

The Center for Real Estate Law & Policy debuted in March and house 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 CLS programs, the Stephen R. 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 Sterk 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.

### INTELLECTUAL PROPERTY AND INFORMATION LAW PROGRAM

**Cardozo Data Law Initiative**

The Cardozo Data Law Initiative (CDLI) 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 plaintiffs’ 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 Center for Real Estate Law & Policy has placed approximately 30 students in internships, externships or full-time employment.

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. Panels 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 hosted exciting events on the intersection of law and sports, fashion and art, featuring speakers such as the former general counsel of Barneys and the CEO of Michael Kors. In addition, the center offered new courses and events and expanded its externship program and board of advisors. The FAME Center provides coursework, externships, clinics and symposia in fashion law, art law, music law, sports law and media law. FAME’s board of advisors consists of practitioners from HBO; Google; Christie’s; the NNM; G-Hill; Paul; Wink; Gibson, Dunn & Crutcher; and Perkal Street Partners.

Cardozo students have held externships at top companies including the following: • Kate Spade • Calvin Klein • CBS • Viacom • Sony Music Entertainment • Christie’s • Sotheby’s • Lincoln Center • Routier • MTV • ESPN • Condé Nast • Chanel • Prada • Michael Kors

### RECENT EVENTS AT THE FAME CENTER:

**March 8, 2016**

**Lunch at Barneys**

A Discussion with Marc Poniatowitz, former general counsel of Barneys New York

**April 5, 2016**

**Fourth Annual Sports Law Symposium**

March 18, 2016

**Conscious Couture: How U.S. Fashion Companies Are Addressing Problems in Overseas Garment Factories**

March 8, 2016

**Luxury and Law: The CED and the General Counsel Convocation with Michael Kors**

CEO John D. Idol and Senior Vice President-Business Affairs and General Counsel Lee S. Sporn

February 15, 2016

**Rethinking Antiquities: Revisiting and Collecting in the Time of ISIS**

March 1, 2016

**Street Art: What is Protectable?**

December 1, 2015

**The U.S. & China: Perspectives on Brand Protection and Intellectual Property**

September 24, 2015

### Other Intellectual Property & Information Law Events

**World IP Day**

Digital Creativity: Culture Reinvented

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

**Evolve Law**

Big Data in the Legal Industry

October 1, 2015

### Cardozo’s Intellectual Property & Information Law Program is ranked No. 7 in the nation

by U.S. News & World Report

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No. 7 in the nation

by U.S. News & World Report

**April 1, 2016**

**Digital Creativity: Culture Reinvented**

April 14, 2016

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

April 1, 2016
KUKIN PROGRAM FOR CONFLICT RESOLUTION

Cardozo Journal of Conflict Resolution Presents International Advocate for Peace Awards

The Cardozo Journal of Conflict Resolution (CJCR) honored Peter Yarrow, Noel Paul Stookey and Mary Travers (posthumously) of the famous folk-singing trio Peter, Paul and Mary with the 2015 International Advocate for Peace Award in recognition of their anti-war efforts and their goal of unifying society through song and music.

The journal honored Benjamin Ferencz with the 2016 IAP award. Ferencz was recognized for his humanitiarian work. 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 FLOERSHEIMER CENTER FOR CONSTITUTIONAL DEMOCRACY

Students and faculty joined Linda Hirshman, author of the best-seller book Sisters in Law: How Sandra Day O’Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World, in an informative conversation about these two 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 Julie Suk participated in the talk.

The Israeli Supreme Court Project at Cardozo Law

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

THE SAMUEL AND RONNIE HEYMAN CENTER ON CORPORATE GOVERNANCE

The Samuel and Ronnie Heyman Center on Corporate Governance Presents International Advocate for Peace Awards

Cardozo Law’s Kakin Program for Conflict Resolution is ranked the No. 6 Dispute Resolution Program in the nation by U.S. News & World Report.

2016 EVENTS

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 Gace, general counsel, The Loan Syndications and Trading Association; Craig Goldblatt, partner, WilmerHale; Gary Holter ’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

2016 STUDENTS ENVISION THEIR PROFESSIONAL FUTURE THROUGH THE DEAN’S SPEAKER SERIES

The Dean’s Speaker Series allows students to meet and spend time with prominent alumni and former faculty members who are named in program administration.

Daniel Glimcher ’06
Founder and Managing Principal
Goodman Capital Group

Jonathan Horrocks ’98
Partner, Kirkland & Ellis LLP

Barbara Kellen ’82
Professor of Practice, Co-Director, Fashion, Arts, Media & Entertainment (FAME) Law Center

Adam Lurie ’90
Partner, Linklaters

Todd Rosenburg ’02
CEO, Pelo Capital

Emily Torch Susman ’08
Campaign Director, Center for American Progress Action Fund

Howard Weller ’90
Founder, The Law Firm of Howard W. Weller
TOP NEWS & events

Clinics News

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

Working with Professor Leslie Salzman, clinic students Rikki Dascal ’16, Alexandra Abend ’17 and Joshua Ontell ’17 filed a challenge to policies 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 landlord to 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. Clinic students Jake Jaffe ’17 and Kristen Huashby ’16 successfully represented a woman in her multi-year struggle to remain in the East Village community she has called home for 40 years. The clinic began working with Ms. D two years ago after her court-appointed guardian improperly signed away her rights to her rent-stabilized apartment and prepared to move her to an institution. The clinic secured an important victory on behalf of Ms. D in late Division, which set aside the guardian’s deal and remanded the case so that Ms. D could have her day in court. Jaffe and Huashby argued and won a motion to quash a subpoena seeking highly confidential social work treatment records, examined witnesses, and submitted a post-trial brief.

Students in Civil Rights Clinic Successfully Argue Case in Appeals Court

Civil Rights Clinic students John Ludwig ’17 and Benjamin Seidel ’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 actions 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.

DIVORCE MEDIATION CLINIC STUDENTS HELP 50 COUPLES NAVIGATE FAMILY REORGANIZATION

Over the last year, students in the Divorce Mediation Clinic have helped some 50 couples with limited financial resources navigate through the treacherous waters of family reorganization, adding them in negotiating settlements of their divorce issues, drafting separation agreements and filing divorce papers. Students worked with cases ranging from a couple so cooperative that they’ll be living together after their divorce to a couple so acrimonious with one another that the mother-in-law had arranged, between sessions, to have the husband fired from his job.

Criminal Appeals Clinic Registers Victory; Ruling Expands Right of Defendant to Cross-Examine Police Witnesses on Prior Misconduct

The Criminal Appeals Clinic registered another victory at the New York Court of Appeals. Reversing a conviction for gun possession based solely on police testimony, the ruling expanded the right of a defendant to cross-examine police witnesses about prior, though not necessarily criminal, misconduct. Elsa Mitsoglou ’14 briefed and argued the appeal at both the Appellate Division and the Court of Appeals. The case, People v. Tyrell Ingram (June 20, 2018), was supervised by volunteer Jeremy Guinan, Esq., and Clinic Director Stanley Nussatter.

Federal Criminal Prosecution Field Clinic Student Assists in Corruption Trial Against Former Speaker Sheldon Silver

Melanie Reyner ’16 assisted one of the lead prosecutors handling the public corruption trial against former New York Assembly Speaker Sheldon Silver. She assisted with critical pretrial research and assisted in the drafting of an intervention (amicus brief) in a case pending before the Brazilian Supreme Court that involves indigenous peoples’ rights to reclaim their traditional lands.

In collaboration with the Human Rights Center at UNISINOS in Porto Alegre, Brazil, HRP Clinic students Kerri Jansen Møberg ’17 and Daniele Singer ’17 conducted research and assisted in the drafting of an intervention (amicus brief) in a case pending before the Brazilian Supreme Court that involves indigenous peoples’ rights to reclaim traditional lands. HRP Clinic students Ryan Lougine ’17, Daniele Singer ’17, Kerri Jansen Møberg ’17 and Amil Noir ’16 conducted a hearing before a U.S. immigration judge and successfully gained asylum for their client, a Falun Gong practitioner from China who had been jailed and abused in her home country.
residence in New York City since 1983 and is a 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 from forced labor with her 6-year-old son, won a T visa for victims of human trafficking.

In January, students Darrell Bells ’17, Sophia Gurralé ’17 and Jacob Omole-Ené ’17 filed a civil lawsuit in the Southern District of New York against 16 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, Dana Gell ’16 and Sophia Gurralé ’17 traveled to Boston in February, where Gurralé argued a summary judgment motion at the U.S. District Court on behalf of an Immigration Justice Clinic client. The Immigration Justice Clinic sued to fight their client’s passport revocation and get a declaration and payment issues related to wedding photos.

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 Dana Gell ’16 was particularly instrumental in his release. In 1982, Lewin “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 retry Fogle, and he was fully exonerated.

TOP NEWS & events

Kathryn O. Greenberg
Immigration Justice Clinic Prevents
Deportation of Two Children Fleeing Violence in Central America

Maria Marana’s ‘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

In the Special Education Law Field Clinic, Justine Riddick ’16 Helps at-Risk Student Get on Track to Graduate

At Advocates for Children, Justine Riddick ’16 worked with an attorney on an “over-age but under-credited” student who is behind in her academic work and at risk of dropping out of school. She attended school meetings with families, helping them assert their rights and navigate the system. One student she worked with was a teenager who was struggling in middle school. His mother, who doesn’t speak English, had been unable to get him the services he needed on her own. Riddick worked intensively with the student’s family, collaborating with an expert neuropsychologist. That expert’s report established both that the student had much greater academic potential than his school had thought and also that he had a significant learning disability that had not been addressed. Through Riddick’s persistent advocacy, the student obtained appropriate and intensive services, including a specialized tutor. He is now doing much better in school and is on track to graduate high school with a diploma.

Top News & Events

Cardozo Life the 24th
Best Law School
in the nation
for practical training.*

*The National Jurist
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 SLAPP’s. 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.”

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 Barrage for Romny 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.

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 the overwhelming 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 Ambac 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

Professor Yankah’s op-ed, “When Addiction Has a White Face,” in the New York Times, explores the U.S. criminal justice system’s response to drug addiction, particularly heroin. He states in his article that the response has been much different now when “addiction has a white face,” in that white heroin addicts are receiving different treatment, rehabilitation and reincorporation, 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 or unknowingly essays and embroiled in 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

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 1989 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 conscriptarily 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.

Professor Stewart Sterk Named Sixth Most Cited Property Scholar in Nation

Professor Sterk’s 400 citations made him the nation’s sixth most cited property scholar between 2010 and 2014, and the tenth most cited property scholar between 2011 and 2015. The PropertyProf Blog also listed his article “Neighborhoods in American Land Law: The Enduring Value of Servitude Restrictions” in the Columbia Law Review as one of the “all-time most cited articles of the most cited scholars.”

Can Obama Pardon Millions of Immigrants?

Professor Peter Markowitz Writes Op-Ed in The New York Times

Markowitz op-ed proposes that President Obama use his pardon power to grant broad amnesty to millions of immigrants in the country illegally.

From the article: “We are Jesuit priests, our housekeeper and her daughter, a Jesuit nun, we lived in a nation with a brutal legacy of millions of families torn apart, many simply for doing what they needed to do to protect and care for their children. President Obama will not be judged on his intentions or his attempts on immigration, but rather on his real impact. This is his last chance to establish a legacy of pragmatic compassion.”

Professor David Rudenstine Publishes The Age of Deference

The Supreme Court, National Security, and the Constitutional Order
Professor Rudenstine’s The Age of Deference traces the court’s role in the rise of judicial deference to executive power since the end of World War II. In a case-by-case examination stretching back to the Truman and Eisenhower presidencies, he illustrates how the court has repeatedly ceded authority to the executive branch in national security matters.

Read more about Professor Rudenstine’s book on page 30.

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 homoerotic 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 HHoming-Nondistance 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.

BOOks

Professor Christopher Buccafusco Publishes Happiness & the Law

Winning Arguments: What Works and Doesn’t Work in Politics, the Bedroom, the Courtroom, and the Classroom
Professor Fish’s book Winning Arguments was published in July 2016. According to its description, the book “guides readers through the ‘greatest hits’ of rhetoric. Fish offers insight and outlines the crucial keys you need to win any debate, anywhere, anytime.”

Professor Christopher Buccafusco’s Happiness & the Law, written by Professor Buccafusco, along with John Bronsteen and Jonathan S. Masur, draws on new research in psychology, neuroscience and economics to assess how the law affects people’s quality of life. The book proposes a comprehensive approach to assessing human welfare—well-being analysis—that is a valuable alternative to the strictly economically based cost-benefit analyses currently dominating how we evaluate public policy.
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 a 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 Profession. Hundreds of Cardozo graduates recall his contracts class, which they describe as a formative 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 Horen. “Cardozo has lost a treasured member of its founding faculty. His presence will be missed.”

Professor Brickman’s scholarship—which focuses on contingency fees and their effect on the tort system, mass tort litigation, asbestos litigation, fee arbitration, and class actions—has been cited over 1,000 times in treatises, casebooks, bar association opinions, restatements of the law, congressional debate 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 issues as well as on tort reform issues. His articles and an amicus brief on nonfundable 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 his 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.

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, the founder 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 vs. 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, is 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.

Professor Hamilton’s specialty is pioneering for the vulnerable, whether it was the authors, artists and photographers increasingly at risk of losing rights over their works in the internet era; the elderly service members at risk of losing the benefits of their service; the elderly and their surviving family members at risk of losing their homes; 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.

“Professor Hamilton’s scholarship—which focuses on the intersection of the First Amendment and law for the vulnerable—has been influential in advancing the legal status of the vulnerable,” said Dean Melanie Leslie. “She is a visionary, a valued teacher and mentor to students, and a leading advocate for important justice reforms for the vulnerable.”

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 49th. 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, Woodrow Wilson, W.E.B. Du Bois, Ludwig Wittgenstein, Cornell West, Adam Smith and Cass Sunstein.)
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 on February 26.


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

The Cardozo team of Danielly Bello ’17, Nicolas Rovner ’17, Hilary Orzick ’16, Darien Blair ’16, Leah Greenly ’16, Brooke Ford ’17 and Amanda Gonzaloar ’17 took home first place at the Seigenthaler-Sutherland Cup National First Amendment Moot Court Competition. This year’s problem was whether the United States violated the Free Speech, Free Exercise and Establishment clauses of the First Amendment by compelling an atheist photographer to take photographs of inherently religious weddings.

CARDOZO LAW WINS TULANE MARDI GRAS SPORTS LAW COMPETITION FOR THIRD YEAR IN A ROW

The Cardozo School of Law team of Jonah Brill ’17, Sarah Griggs ’17, Joseph Kammernan ’16, Vino Jayaraman ’16, Charles Manfredi ’17, Liliya Perelman ’16 and Madison Wilkes-Haffner ’17 won first place at the 2016 Tulane Mardi Gras Sports Law 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.

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

Cardozo’s innovative Resident Associate Mentor Program (RAMP) continued 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 fellowships 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. Feuerstein ’93, a partner and co-chair of the real estate group at Gibbons, Dunn & Crumrine, 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 challenges 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.

ERIC FEUERSTEIN ’95. When people in this room see that you bought the Helmsley Building and other iconic buildings in New York, they just see the massive purchase. Talk about what leads up to that. Talk about the strategy.

SCOTT RECHLER. I’ll start on organizational strategy and then get into specific transactional strategy. We asked ourselves early, “How do we want to structure our company, our organization, capital structure, to make ourselves as successful as possible?” And there were a couple of key tenets to that. The first was having the disciplines in-house—the expertise—to handle the complexity of the financial and legal side of this business, and the real estate side as well.

And we built a fully integrated team—now with 400 people at KBS. We do all of our development, leasing, construction, prop-

erty management, marketing, and also the legal and tax side, in-house, which is very rare in a firm like ours.

A really important piece was operating locally, but financing ourselves globally. We believe real estate is a local business. We operate within Manhattan and a 60-mile radius around Manhat-

tan and the New York metropolitan area. And that’s all we operate in. Because of that, we have relationships that we have built over decades. We have buying power that we otherwise wouldn’t have.

We sought out intelligence as to what’s happening in the market, and we see the trends before others see them.

And then every year we do a whitepaper. We start off and we ask, “What’s happening in the world to fuel our business. And that was harder said than done, because in ‘08, when we began that pro-
cess, I flew around the world to probably 200-something meetings. And [I got] lots of “NOS,” because people were scared of real estate, scared of investing. But eventually, we ended up building enough support from non-U.S. funds that we were able to go and raise the capital.

So the basic foundation of our strategy was to have a fully-integrated team, operate locally, and finance globally.

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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, 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 clinical not only will highlight Cardozo’s strengths but also will help generate for the legacy of outstanding public service programs that Cardozo has championed since its founding 40 years ago.

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, legal and social practice is one aspect of CiR 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. Those are the kinds of connections I’m hoping CiR will create.”

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

Reinert is a laid-back, approachable professor who puts his bike his rules to work from Brooklyn across from a couch in his office that’s worn from many meet- ings with students. He’s popular enough to have been voted Teacher of the Year. But don’t let his easygoing demeanor fool you. Reinert is a lifelong, tenacious advocate for the underrepre- sented.

As a high school student, Reinert protested apartheid, joined antiviolence 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 lots 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 mauling up Muslim Americans in the wake of the September 11 terrorist attacks. The complaint alleged that his client, Javaid 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-counsel 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 experience 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. Su- preme Court. After he graduated, he clerked for Justice Stephen Breyer, noting with irony, “I was going to work at an insti- tution surrounded by protestors, when at another time I could have been one.” Reinert found it especially challenging “work- ing 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 on it. It’s one of our gov- ernment’s weaknesses that has to be explained itself and can be held accountable. That’s pretty powerful.”

Reinert’s goals for CiR 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. “CiR will also be inward-looking, meaning we at Cardozo can learn something about ourselves and how our pro- grams are interconnected. We will also be forward-looking, asking what more can be done to make the justice system fairer and more accessible? At the same time, I am very aware that the mission shouldn’t be so broad that it wouldn’t be meaningful.”

One major project still on the drawing board is a web-based resource center that would collect in one well-organized and 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 sees “being designed to provide a service to the outside community. Creating one place to see all the con- nections between advocacy, law, scholarship, policy statements and regulations on a particular issue—and not just the litigation around it—would be a tremendous resource for students, practic- ers and scholars alike.”

Reinert is also planning a CiR 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 writ- ing and meet with students.

For her part, Dean Leslie is excited to see what the CiR can become. “The Center for Rights and Justice as Alexa 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.”

The Center for Rights and Justice (CiR) is organized around five principles: fairness, equality, accountability, access and transparency. Some examples of how CiR is working to defend these values are presented here.
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.

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 despis - able speech that stops short of “inciting or pro - ducing 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 im - portant considerations. In the Guantanamo cases brought by the Uighurs, who were judged by the executive as not being a secu - rity threat, the rule of law principle conflicted with executive prerogatives, insisted upon because of general security consid - erations unrelated to the imprisoned individuals. In 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 indi - viduals the executive concedes are not enemy combatants and should never have been impris - oned in Guantanamo in the first place, there is no reason to expect the Court to be more vigor - ous 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 administra - tion—took the position that the Uighurs had to remain im - prisoned because they could not be returned to China for fear of...
In sharp contrast to the petitioners' characterization of their detention, and that they were entitled to relief pursuant to the petition for the writ of habeas corpus.

The thorny remaining issue was what to do about the fact that the Uighurs were deemed enemy combatants. They could not be transferred to China, and no other country had acceded to the request by the United States that they be accepted for resettlement. What Judge Urbina noted was that if the Uighurs were to be released, they would have to be released into the United States. In addressing this central issue, the district judge conceded that the Supreme Court had held that over no conceivable subject is the legislative power of Congress dominated by the political branches, and that absent a specific grant of authority, federal courts had no authority to review the executive's decision.

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.

—DAVID RUDENSTINE

given to terrorists willing to detonate 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 reestabish the Uighurs as a justification for their continued imprisonment. To endorse such a view would be to accord to the "vague and imprecise" legal argument put forward by the petitioners, the conclusion that the government's detention of the petitioners is unlawful.

The court concluded that "it would no longer consider the 17 Uighurs detainees" who still remained at Guantanamo as "enemy combatants," Judge Urbina stated that the "only issues to be resolved were whether the government had authority to "wind up" the petitioners' detention and whether the court has the authority to order the petitioners released into the United States. After reviewing 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 assessment of justice has not been provided for continued detention. Once those elements are met, further detention is unconstitutional." With those three elements in focus, Judge Urbina concluded that the detention of the Uighurs has become "effectively indefinite" in that the government has failed to reestablish the Uighurs, even though it has "appealed and re-approached almost 100 countries in its efforts to locate an appropriate resettlement 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 stated that the government's detention of the petitioners is unlawful.

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 transported and forwarded six Uighurs to Palau, leaving seven Uighurs in Guantanamo. Thus, although the executive branch had not yet formally resolved the final judicial order to release any of the Uighurs, the judicial proceedings pressured the executive to quickly its efforts to resettle the Uighurs, by persuading other nations to accept them. After seven years of incarceration at Guantanamo, it would not be surprising if the remaining seven Uighurs to think that justice delayed 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 petitioners detained by the executive branch at Guantanamo Bay; where the executive detention is indefinite and without authorization in law, and release into the continental United States is the only possible effective remedy." He acknowledged that the basis was as low as the wheels of American justice might turn, the American aspiration that it was committed to the rule of law was not just talk, but a bedrock principle of the governing scheme that imposed responsibilities on the Supreme Court that it was prepared to discharge.

But whatever hope had been kindled by the Supreme Court's grant of certiorari was squashed four months later when the
high court, on March 1, 2010, announced that changed circumstances surrounding the incarceration of the Uighurs in Guantánamo had caused it to vacate the judgment of the District of Co- lumbia Court of Appeals and to remand the matter to the district court for further proceedings.

The Court characterized the changed circumstances as fol-

dows: "By now — such of the detainees in this case has 
received at least one offer of resettlement in another country. Most of the detainees have accepted an offer of resettlement; five detainees, however, have rejected two such offers and are 
still being held at Guantánamo 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 unaccepted 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 grant 
of certiorari, it is most unusual how the changed circumstances 
in this case redefined the nature of the legal question. It seems 
undeniable that the Uighurs preferred re-settlement in the United 
States as opposed to another nation, that should accept the burden of 
their resettlement by allowing them to become a member of the 
Uighur community within the United States. If that was their 
position—and it is difficult to imagine why it would not have 
been—the nature of the legal question their case presented was 
not affected by the changed circumstances.

It is doubtful that the members of the Supreme Court un-
derstood the matter any differently. If that is so, the question 
arises as to why the Court did vacate the grant of certiorari and 
remand the case, especially since the remand was to a panel of 
the District of Columbia Court of Appeals, which had already 
written a shallower and unprepared opinion on 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 under a retention order 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-
nereed. In short, while in some situations there may be real reasons prompting the 
Court to blink, the Court’s blink in this case left five individuals imprisoned, 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 13, 2011, 
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-
ment 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 Guantánamo Bay detention facility." 

In this public statement, irony runs deep. The United States 
could have made the same humanitarian gesture as did Slovakia 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-

David Rudenstein was Cardozo Law dean from 2001–2009 and is 
He has taught constitutional law at Cardozo since 1979.

Since her appointment as assistant dean of graduate and international 
programs as well as to future innovation at Cardozo, 
Val has made immense contributions to the growing success of the law school’s graduate and international 
programs as well as to future innovation at Cardozo. A 
member of the law school’s senior leadership team, she works closely 
with other administrators, faculty and staff to ensure that graduate students receive a world-class education. In 
addition to overseeing 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 expanding 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

"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 
knowledge, experience and networks that will help them for the rest of 
their professional lives. They have this one chance to be in New York 
City, to be at Cardozo. We want them to make the most of it.” 

Daniel Biene is a Berlin-based startup company property counsels

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

Nelly Olas (France) 
Trademark and design attorney

"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."
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.

### 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...

**Professor Michael Herz is an expert in administrative law and the former chair of the ABA’s Section of Administrative Law and Regulatory Practice. Some of his research delves into how federal agencies use social media. His blog post below looks at this topic, focusing on government agencies’ use of social media as “tools of modern government public relations.”**

**We Are All Publicists Now**

**By Professor Michael Herz**

**May 3, 2016**

Via RegBlog.org—RegBlog’s founding in 2011 was an ambitious, creative, and prescient undertaking. It was also very much a sign of the times, reflecting the increasing comfort with—and saturation by—social media throughout society.

Federal agencies, too, were leaping on this bandwagon. In 2010, the Federal Web Managers Council, an interagency group of web managers working to improve the United States government’s online presence, created a timeline to trace the federal government’s embrace of social media. The first item, somewhat pathetic in retrospect, is from April 1, 2002, 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 crowded 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 longer even more obviously notable when an agency used social media.

Clay Shirky, 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.

What, then, can we make of those five years of social-media ubiquity? Now that these tools are “technologically boring” have they become “socially interesting”?

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 these platforms to push rather than to pull, to get their “story” out there. In other words, these 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 appropriations measure has provided that “no part of any 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 ensure positive media coverage by writing and disseminating pro-government news stories.

The most recent dust-up involving the propagation of overtly promotional content occurred in 2014. In EPA’s effort to craft a stronger policy to inform the public about the dangers of lead in drinking water, EPA’s Office of Public Affairs created a video that failed to consult with the Office of Water and the Office of Enforcement and Compliance Assurance. These oversight bodies claimed that the Office of Public Affairs had included an unwarranted legal interpretation of the Safe Drinking Water Act, thereby exceeding the authority of the EPA.

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The GAO’s conclusion played directly into what EPA’s mainstream critics believe about the agency. For example, U.S. Senator James Inhofe (R-Okla.), the Chairman of the Senate Committee on Environment & Public Works, stated that the report confirmed what he had “long suspected, that EPA will go to extreme lengths and even violate the law to promote its activist environmental agenda.”

The U.S. Chamber of Commerce lamented that “covert propaganda” is something you’d expect from a foreign spy agency not from EPA. In fact, covert propaganda is exactly what the Chamber, and other EPA opponents, expect from the agency. EPA critics have long attacked the agency for spreading misinformation, saying that “EPA stands for Environmental Propaganda Agency.”

The alleged illegality—EPA insists that no violation occurred—is a sideshow. However, the overall setting, like the trend of which it is a part, represents a fundamental shift in how government agencies interact with the public.

First, agencies indisputably are engaged in publicity and propaganda. Anyone who follows a federal agency on Twitter, Instagram, YouTube, or Facebook, or who has read an agency blog or visited an agency website, would be rather surprised to learn that agencies are not permitted to engage in “publicity” or “propaganda.” What else are social media tools for? No need to hire a publicist; in the social media age, that is what all of us are.

Second, this phenomenon does not, as some critics claim, amount to brainwashing the American public. Counterspeak on the Internet is robust. That is what it means for all of us to be publicists. Indeed, the government is at a disadvantage when it tries to silence a built-in pressure to pull, the “story” out there. In other words, these platforms are the tools of modern government public relations.

The only legal penalty for violating the appropriations rider is for the offending agency to return funds to the treasury. The greater consequence, of course, is the public- and political-relations harm from being labeled a distributor of “covert propaganda” that is among the very sort of propaganda the GAO understands the prohibition to reach.

As a result, the prohibition on publicity or propaganda is used primarily to arm agency critics with ammunition for anti-agency publicity and propaganda. That is just how it was used in this instance. The GAO’s conclusion played directly into what EPA’s mainstream critics believe about the agency. For example, U.S. Senator James Inhofe (R-Okla.), the Chairman of the Senate Committee on Environment & Public Works, stated that the report confirmed what he had “long suspected, that EPA will go to extreme lengths and even violate the law to promote its activist environmental agenda.”

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MOVERS & shakers

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.

“In my career, I have been fortunate to have worked with numerous extraordinary people, but I am particularly grateful to have been a part of the team that built the New York City Law Department. It was an incredible opportunity to work with some of the most talented and dedicated attorneys in the country,” Kennedy said.

After graduating from Cardozo in 1992, Kennedy accepted a position in the Office of the Corporation Counsel for the New York City Law Department. There she served as assistant corporation counsel for seven years and then as deputy assistant chief from 1997 to 1999. It was then that she was offered a principal law clerkship for the now-renowned State Supreme Court Justices Barry Cozier and Barbara Kolson ’92 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.

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.

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 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 an 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 Halley 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 Dean’s 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 alumnus 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 and his wife endowed a scholarship to assist students in obtaining a legal education. He was a featured speaker in the Dean’s 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.
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

2016
Zachary Gotlib '16 will receive the American Heart Association Survivors of the Year Award. Born with a congenital heart defect that prevented him from participating in the sports that he loved, he eventually underwent valve transplant surgery while in college. Through sheer perseverance he recovered his strength, graduated from college and attended Cardozo. A law student when he ran in the American Heart Association Wall Street Run & Heart Walk and plans to complete the New York City Marathon on November 6. This fall he started as an associate at Demos.

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 1 and 6. 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-look slide show featuring photographs of their class from prior years, cultural milestones and pop culture set 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 foe—Drum 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 2 and 7. If you are interested in working on your Reunion Committee, please contact Inez Lano at inez.lano@yu.edu.
CARDOZO LIFE  FALL 2016

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ALUMNI NEWS & NOTES

Regional Clubs

The Los Angeles club is pleased to announce its 2016-2017 board. The board plans several more events in the coming year. In 2015, the alumni of the Cardozo by the Bay Club gathered for the fourth time to coordinate a celebration with the Annual Dinner in New York. Although we do not have a formal alumni club in San Diego, a group of our alumni in Southern California gathered together last fall for a happy hour event. This spring, the Northern New Jersey Club participated in that event and was able to share its local food bank. The common theme is that wherever Cardozo alumni are, they are happy to keep those Cardozo connections strong. The committees of our regional clubs are found on the alumni page of the Cardozo website (https://cardozo.yu.edu/alumni). If you are interested in getting involved, please reach out to them or contact law@cardozo.yu.edu. Our regional receptions are often hosted at the offices of our attorneys, so if you would like to volunteer to host an event, please contact the Alumni Office.

2015 ALUMNI ASSOCIATION ANNUAL MEETING HELD ON OCTOBER 28
The theme of the 2015 Cardozo Alumni Association Annual Meeting on October 28 was the importance of the Cardozo Alumni Network. Using Social Media to Build Your Brand. The evening featured a presentation by Robin Colter, CEO and founder of Digital Media. Robin taught alumni how to optimize their LinkedIn profiles and how to leverage the Cardozo alumni network. The business portion of the evening included the election of new officers and representatives of the New York region. The Executive Committee and the presentation of the Young Leadership Award to Jason Starr ‘10 and the Volunteer Service Award to Mark Yagerman ‘79. Jason was an active participant in the Cardozo alumni community as a student and continues to be an active alumnus. Mark Yagerman was the former chair of the Cardozo Alumni Association Executive Committee and current chair of the Parents’ Council. More than 100 people attended the Annual Meeting and that followed. The 2016 Annual Meeting will be held on November 16, 2016, so please mark your calendars.

Joshua Lee successfully defended a New York Police Department sergeant accused of violating the Constitutional rights of a Bronx man before the Israel supreme court. Joshua works in the New York Police Department Law Department.

Kirsten Gehrke joined the board of directors of National Amusements, the parent company of AMC and CitiScope.

Christopher Shuffler has been promoted to partner at Roskoth 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 private equity transactions, mergers and acquisitions, securities law, congressional issues, and general corporate law.

2007 Mariana Moliner opened a new practice, Moliner Law, focused on patents and trademarks in New York.

2006 Brendan O’Hara was named partner at Faulkner, Colbo, Harper & Scinto. Brendan works in the firm’s New York offices, where he focuses his practice on intellectual property matters, particularly those involving patents (pharmaceutical and biotechnology).


2002 Stuart Breisky published an article on the European Commission’s proposal to allow the United States dollar to replace the euro as the primary reserve currency for investor-to-state dispute settlement.


2000 Michael Papp received his R.A. in English from St. Joseph’s College at the age of 62.

1999 Ali Almanse was promoted to vice president at Apial Investment in Santa Clara, CA. Ali has been segment counsel for five years and manages the legal team responsible for commercial contracts and for Applied Electronics’ semiconductor businesses on a global basis with approximately $1 billion in annual sales.

1998 Gregory G. Potts joined the Batchelder Kibbe & Otro firm as partner. Gregory is working in the firm’s New York City office.

1997 Allan Bluestein joined America Kovac, a pro-Republican opposition research organization, as vice president of Freedom of Information Act operations in May, a position that places him in charge of public records requests.


1995 Jason Jan was elected president of the board of directors at Leadex W. Land, an award-winning Washington, DC, not-for-profit public affairs group, and a former Cardozo Dean Matthew Fansler. Jason is a practicing attorney who specializes in constitutional law and represents educational institutions and governments.

1994 George B. Pavlovich founded Andrews Keith New York’s office as a partner in the Business Transactions practice. George’s practice focuses on project development and finance in addition to mergers and acquisitions of power producers, equity investors, international financial institutions and governments. He has shepherd a variety of power, oil and gas, liquid natural gas, and other infrastructure projects, as well as acquisitions, in the United States, Africa, Latin America and Europe.

1993 Stuart Breisky published an article, “The Federal Circuit’s Patent Eligibility Decision,” that was published in the 2001 American Bar Association Intellectual Property Litigation of the Year:

1992 Alan Joseph will become the executive director of Jewish Family & Children’s Services of Greater Mercer County (JFCS) on July 1. JFCS offers a wide range of services, including behavioral health, advocacy and support services for individuals and families.

1989 Arlene Bial was inducted to the Supreme Court of New York, a ceremony that included former Cardozo Dean Matthew Fansler, Speaker Carl Heastie, Judge Linda Walsh, Justice Peter W. Stone, former Cardozo Dean Matthew Miller and current Cardozo Dean Melanie Leslie.

1987 Barry Silbert was named the inaugural E. St. John Crocker Chair of Real Estate Finance at the University of California, Berkeley, and joined the faculty of the law school. Barry previously served as the managing director of a New York-based real estate investment firm, Inland Real Estate Capital, and a managing director of the real estate investment banking firm, Morgan Stanley & Co.

1986 Kenneth R. Fried was named the inaugural E. St. John Crocker Chair of Real Estate Finance at the University of California, Berkeley, and joined the faculty of the law school. Kenneth previously served as the managing director of a New York-based real estate investment firm, Inland Real Estate Capital, and a managing director of the real estate investment banking firm, Morgan Stanley & Co.

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1982 Jay Kakish was appointed a member of the Board of Directors, a role to which he was elected. Jay has been a partner at Ernst & Young since 1980 and is currently a director and executive officer of the company. Jay previously served as a partner in the firm’s tax and financial services practice.

1981 James Feldman was appointed executive director of the newly formed New York State Assembly Office of Ethics and Compliance.

1979 Alan Joseph (published his first novel, “Four of Fire.”)

2008 Arlene Bial received the Alumni Association’s Volunteer Service Award.
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 (CLIHHHR).

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 responsibility of being an investigator. Ferencz’s respect for Taylor and for the work of CLIHHHR and the Human Rights and Atrocity Prevention Clinic motivated Ferencz to support CLIHHHR 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 Weisberg, whose Holocaust claims litigation initiative established the establishment of CLIHHHR 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.

The endowed gift underwrites 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 opportunities that this gift opens to generations of students who will work as human rights advocates is incalculable.

$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 35 years, which includes winning multi-million dollar verdicts for many of his clients. Morelli’s son Alexander is a member of the Cardozo class of 2016. The 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 Committee (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 Rovner, who spoke about a student’s first year at Cardozo. This well-attended event gathered over 150 parents, generated a great deal of attention from the parent community, and helped to enroll almost 20 new members.

In November, the council hosted an 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 Geistrieb—Paperless Tigers: Virtual Contracts—and by Prof. Alexander Rainit—How to Talk to Our Children About Civil Procedures.

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. Our $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 efforts 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@cren.edu or 212.793.0270.
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 Lauren Willes documenting the legal fight to keep John Lennon and Yoko Ono from being deported

September 12

Dean Melanie Leslie in Conversation with Fashion Icon Isaac Mizrahi
on Fashion, Business and Law
Presented by the FAME Center
and the Cardozo Art League Society

September 13

Tech Talk: 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 19

The Age of Defiance: The Supreme Court, National Security, and the Constitution: A National Debate
Presented by the FAME Center and the Cardozo Art League Society

OCTOBER

October 13

Give Me a C! Supreme Court Amici on the New Copyright Case Involving Cheerleading 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 NCV 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 2

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

November 9

Fashion Tech Pop-Up Clinic
Fashion and technology start-up entrepreneur get an overview of legal issues from lawyers related to their test.
Presented by Cardozo’s Tech Talk Series

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. FBI is monitoring social media within active search 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, revised 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.

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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         INNOVATIONLEADERSHIP       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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