

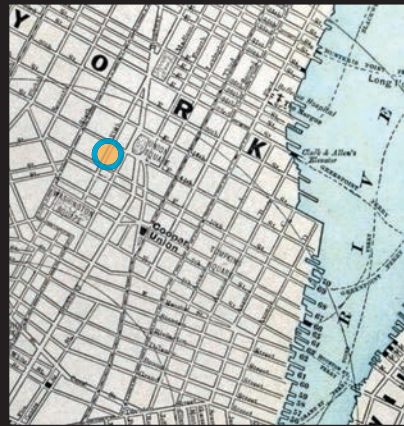
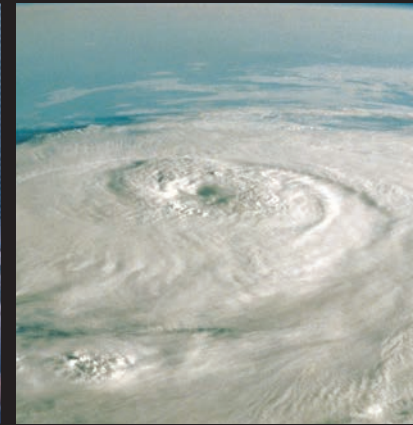
CARDOZO LIFE

BENJAMIN N. CARDOZO SCHOOL OF LAW | YESHIVA UNIVERSITY

FALL 2013



BOOTING UP



**New York's
Second Tech Boom
Re-Programs
The Legal Field**





“Worry a little less. In the end, find some form of work that satisfies you, that makes you feel good about what you’re doing. It doesn’t matter what kind of law you practice. Just make sure that it appeals to some part of your personality—whether it’s intellectually, emotionally, spiritually.”

SUPREME COURT JUSTICE SONIA SOTOMAYOR

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“It never would have occurred to me in 1991 when I graduated law school that gay marriage would be a possibility, let alone that we would be challenging the U.S. government.”

ROBERTA KAPLAN, attorney for Edie Windsor

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“Outsiders who aren’t in Cuba have a lot of influence on how technology ends up hurting or helping the cause of freedom. I encourage people through technology to be associates, to help people share and get information.”

CUBAN BLOGGER YOANI SÁNCHEZ

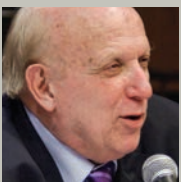
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“Genes are the foundation of life, they are created by nature, not by man, and that’s why we asked the Supreme Court to make sure they are not controlled by corporations through the patent system.”

PROFESSOR DANIEL RAVICHER, after the U.S. Supreme Court ruled in favor of his challenge to gene patenting

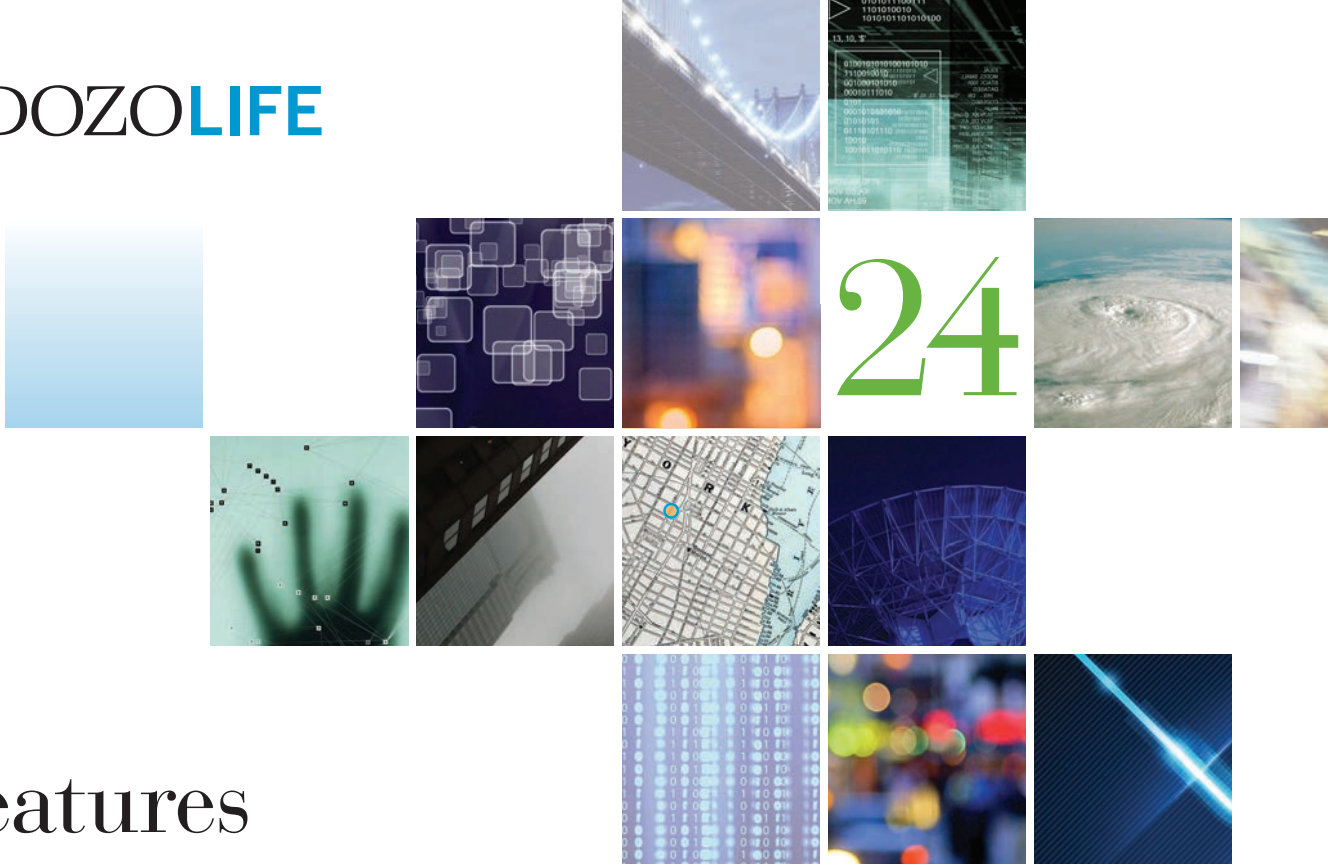
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“There was no case that said there was a right to have confidential sources. The American TV press had to start from scratch, making law—First Amendment law—which didn’t really exist.”

FLOYD ABRAMS, attorney and expert on First Amendment law

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Technology and the City

NEW YORK CITY IS EXPERIENCING A TECHNOLOGY boom, and Cardozo graduates and faculty members are involved in every aspect. This tech boom is visible in the nearly 130 tech start-ups around town, as well as in the new offices of big players like Google, Twitter and others. So what does this mean for Cardozo students and alumni?

Professor Susan Crawford, a member of Mayor Bloomberg's Advisory Council on Technology and Innovation, says lawyers have a large part to play in the development of New York City's technology industry—because legal issues in the digital world are full of intangibles that require thoughtful legal analysis.

Susan is featured in this edition of *Cardozo Life* along with several Cardozo alumni who are prominent in the technology field. Those alumni include Jed Alpert '91, founder and CEO of Brooklyn-based Mobile Commons; Avi Muchnick '04, founder and CEO of Aviary, a photo-editing software start-up with its headquarters in Manhattan; Aaron Wright '05, an associate in the content media and entertainment group at Jenner & Block; and Megan Yipp '08, a user safety policy specialist at Twitter.

In this issue, we also profile intellectual property law professor Felix Wu, who analyzes the way technology is changing the concept of privacy and the impact that shift has on society, and Barbara Kolsun, the fashion industry's go-to lawyer on counterfeiting and trademark infringement.

Cardozo's Intellectual Property Law Program is one of the best in the country. This means that we stand ready to delve into the top echelons of the city's technology world. Our goal is to provide lawyers with the practical and creative skills needed in this emerging environment. The new Cardozo Tech Start-Up Clinic, slated for 2014, is just one way that the school is readying our students for growth.

The fast-moving changes in technology and the legal world require creative lawyers who can respond to new opportunities. We are committed to cultivating that mindset in all of our graduates.

I hope you enjoy this edition of *Cardozo Life*, and I look forward to seeing our alumni in the year ahead.

Warm regards,

MATTHEW DILLER
Dean and Professor of Law



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Supreme Court Justice Sonia Sotomayor Inspires Students

The line snaking around the block said it all—the once-in-a-lifetime chance to see Supreme Court Justice Sonia Sotomayor give a talk at Cardozo Law was not to be missed. The evening didn't disappoint. The Justice's speech, in which she discussed her background, her family and her job—and even gave some advice to students—left many in the audience feeling grateful and inspired.

Justice Sotomayor visited Cardozo to answer questions from Judge Alison Nathan, U.S. District Court Judge of the Southern District of New York. The event transpired after the Justice met Dean Matthew Diller during the confirmation hearing of Judge Nathan. As she makes a point of connecting with students as much as possible, she accepted the invitation to visit.

"Too many law students spend an awful lot of time thinking about what their next step in their career is going to be," she said. "Worry a little less. In the end, find some form of work that satisfies you, that makes you feel good about what you're doing. It doesn't matter what kind of law you practice. Just make sure that it appeals to some part of your personal-



Justice Sotomayor walks into the Jacob Burns Moot Court Room with Cardozo students.

ity—whether it's intellectually, emotionally, spiritually."

The Justice answered questions submitted by students, and her answers gave audience members a hint of what it's like to be a Supreme Court Justice: "The day is spent reading briefs for the next sitting, reading memos for those sittings that my law clerks have prepared,

reading cases that have been cited in the briefs I'm reading, reading memos for draft opinions, and reading memos from my colleagues," she said.

Justice Sotomayor also spoke on personal topics, telling the audience that she is still not used to the public recognition she receives on a daily basis as a result of her job. In addition, she touched on the obstacles she has faced as a woman of color.

"The hardest thing that we have to do as women of color and men of color is to deal with our fears—not to let our fears stop us from reaching further than we imagine," she said. "We have to be willing to take lots of risks—like saying 'Yes' to the President and becoming a Supreme Court Justice, even if you're terrified."

She joins a list of Supreme Court Justices who have visited Cardozo in recent years, including Justices Stephen Breyer, Sandra Day O'Connor and John Paul Stevens.

From left, YU President Richard Joel; Justice Sotomayor; Dean Matthew Diller; Judge Alison Nathan



Edie Windsor, Woman Who Overturned DOMA, Visits Cardozo



Edie Windsor tells the audience her story and explains how her case ended up at the U.S. Supreme Court.

When Edith “Edie” Windsor and her lawyer, Roberta Kaplan, visited Cardozo before the historic Supreme Court ruling on the Defense of Marriage Act (DOMA) this summer, they provided students with a rare look into the client-lawyer relationship, along with a behind-the-scenes account of one of today’s major Supreme Court cases. Having recently returned from the U.S. Supreme Court where Kaplan argued the case, Windsor told around 150 students and faculty members that when she saw the words *Windsor v. United States*, she felt only panic.

“Nobody ever really believed that this could happen in our lives,” she said.

Vice Dean Ed Stein, director of the Gertrud Mainzer Program in Family Law, Policy & Bioethics, interviewed Windsor and Kaplan for the Gloria and Stanley Present Lecture on April 23. A resident of Greenwich Village, Windsor challenged DOMA, which was a federal law stating a marriage must be defined as between a man and a woman. In June she won the case when the U.S. Supreme Court struck down the law, calling it unconstitutional as a deprivation of the equal liberty of persons protected by the Fifth Amendment.

Windsor married Thea Spyer, her partner of 40 years, in Canada in 2007. New York State later accepted the marriage—but when Spyer died in 2009, Windsor was hit with federal estate tax of \$363,000—a tax that would not apply if her marriage were to a man.

“I felt hurt for my spouse, and I felt my government was treating me very unjustly,” she said.

Kaplan took on Windsor’s case, setting up a dynamic that contributed to changes in the state’s marriage laws.

Arguing the case was like “winning the lawyer lottery,” she said. “It never would have occurred to me in 1991 when I graduated law school that gay marriage would be a possibility, let alone that we would be challenging the U.S. government.”



From left, Vice Dean Ed Stein; Edie Windsor; Roberta Kaplan



Dissident Blogger Speaks at Cardozo After Students Visit Cuba

In January, when Assistant Dean of International Programs Amy Sugin and Professors David Rudenstine and Jennifer Blasser took a group of Cardozo students to Cuba, they had no idea they would soon be hosting one of the Cuban regime's most vocal home-grown critics. Yoani Sánchez made her name as a fearless blogger who is willing to criticize her own government from inside Cuba. From her apartment, which students learned is under constant surveillance, she began a blog known as *Generación Y*, which is now being translated into 17 languages. She also has more than 400,000 followers on Twitter.

Students and faculty members were impressed by Sánchez's openness and courage when they met her in Cuba, so when she was granted a passport under a set of Cuban travel reforms, they asked her to visit the school.

In April, Sánchez had lunch at Cardozo with the students who met her in Cuba, and she spoke before a full house in the Jacob Burns Moot Court Room. She stressed the importance of technology in allowing the free spread of ideas around the world. She said that students and others across the globe were helping maintain pressure on the Cuban government to reform, and that she was hopeful the next generation of Cuban people will see democracy flourish. The event was sponsored by the Floersheimer Center for Constitutional Democracy.

Sánchez with Cardozo students who met her in Cuba



Nuremberg Prosecutor Benjamin Ferencz Talks About "Making Laws, Not War"



Benjamin Ferencz has dedicated his life to "making laws—not war" and preventing crimes of aggression. The prominent prosecutor visited Cardozo on April 24 as part of the Dean's Speaker Series.

Born in Europe and raised in New York City, Ferencz graduated from Harvard Law in 1937 and joined an anti-aircraft artillery battalion preparing for the invasion of France. As Nazi atrocities were uncovered, he was transferred to a newly-created War Crimes Branch of the Army to gather evidence of Nazi brutality and to apprehend the criminals.

He spoke about the lessons of Nuremberg and post-war efforts to bring a criminal regime to justice. A strong supporter of the International Criminal Court, Ferencz strived to inspire his audience to replace the "rule of force with the rule of law."

The new Telford Taylor International Human Rights Clinical Teaching Fellowship at Cardozo has been generously sponsored by Ferencz.



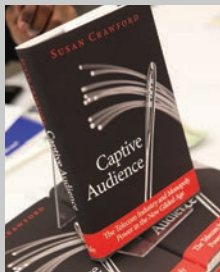
Professor Susan Crawford in the Spotlight

QUEST TO PROVIDE HIGH-SPEED INTERNET FOR ALL AMERICANS BRINGS MEDIA PRAISE

The release of Susan Crawford's widely praised new book *Captive Audience: The Telecom Industry and Monopoly Power in the New Gilded Age* jump-started a banner year for the Cardozo professor. She has been on the forefront of the debate over how to

provide Americans with better access to high speed Internet.

- In June, Professor Crawford was named one of the most influential minds in tech by *Time Magazine*.
- In a May article, *The New York Times* wrote: "If you were going to look for ground zero in the fight against a rapidly consolidating telecom and cable industry, you might end up on the fifth floor of the Benjamin N. Cardozo School of Law in New York."
- In April, the *New Republic* called Professor Crawford "The Next Elizabeth Warren."



IT'S NOT YOUR FATHER'S MUSIC PUBLISHING BUSINESS ANYMORE!

This year's GRAMMY Symposium focused on how music publishing is changing in a new media/new technology marketplace. The panel, held in April, explored how and why publishers are increasing their interest in assuming the rights to master recordings.

IP SPEAKER SERIES DRAWS PROMINENT SCHOLARS

Leading scholars in IP visited the school to speak about this rapidly changing area of law and scholarship. This year's speakers included Peter Swire of Ohio State University; Elena Cooper of the University of Cambridge; Jeanne Fromer of Fordham University; and Ariel Katz of the University of Toronto.



DISTINGUISHED LECTURE IN IP

Robert D. Cooter, the Herman F. Selvin Professor of Law and codirector of the Law and Economics Program at the University of California, Berkeley, School of Law, discussed "Innovation as Property and Culture" at the Distinguished Lecture in IP in April.

ANNUAL BURNS SENIOR LECTURE IN INTELLECTUAL PROPERTY

David Nimmer, professor at the University of California, Los Angeles, School of Law and counsel to Irell & Manella spoke in January on "Online Copyright Infringement: Grappling with Responsibility."

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Cardozo's Intellectual Property Program was ranked #5 in the nation and #1 in New York State by *U.S. News & World Report*.

U.S. Supreme Court Rules in Favor of Professor Daniel Ravicher's Challenge to Gene Patents

In June, the Supreme Court ruled in favor of Professor Ravicher's landmark case against Myriad Genetics. The case invalidates patents on two genes associated with hereditary breast and ovarian cancer.

Ravicher said that in the ruling, the Supreme Court determined that there can be no patent blocking on genetic diagnostic testing. He went on to say that the decision by the court will not prevent innovation in biotechnology, but it does mean that "nature is not patentable."

"The Patent Office's policy of granting companies complete control over portions of our bodies is both morally offensive and a clear violation of the law," Ravicher said. "Genes are the foundation of life, they are created by nature, not by man, and that is why we asked the Supreme Court to make sure they are not controlled by corporations through the patent system."

Justice Clarence Thomas wrote the opinion for the



DANUTA OTFINOWSKI

Court, which ruled that Myriad's discovery of the precise location and sequence of the genes at issue, BRCA1 and BRCA2, did not qualify for patents. He wrote, "A naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated." The opinion went on to say, "It is

undisputed that Myriad did not create or alter any of the genetic information encoded in the BRCA1 and BRCA2 genes ... Groundbreaking, innovative or even brilliant discovery does not by itself satisfy the criteria" for patent eligibility, he said.

The Court did say that manipulating a gene to create

something not found in nature is an invention eligible for patent protection. That left the door open for other ways for companies to profit from their research.

The case was brought by Professor Ravicher and his Public Patent Foundation (PUBPAT) along with the ACLU.

CROWDSOURCING INVESTMENT: NEW OPPORTUNITIES AND EMERGING LAW

Crowdfunding platforms have quickly become one of the deepest wells of financial support for artists in the United States. Hundreds of millions of dollars have been raised for creative works using these platforms, and film and video projects receive a sizeable portion of revenue generated by this form of fundraising. This Indie Film Clinic symposium examined crowdfunding as it exists, and in the context of this new law, offering perspectives on securities issues related to crowdfunding, its entrepreneurial aspects, and its potential impacts on independent filmmakers.

Pictured from left, Professor Justin Hughes; Natalie Difford, producer of *Gimme the Loot*; and Professor Jeanne Schroeder.



*Hundreds of IP
scholars attended
the conference.*



2013 IP Scholars Conference

The IP & Information Law Program hosted the 30th Annual Intellectual Property Scholars Conference in August. Over 200 prominent intellectual property scholars from more than 100 institutions presented their works in progress in order to exchange ideas and benefit from the critique of colleagues.

The annual conference is one of the premier gatherings for those in the IP world, and in addition to Cardozo is cosponsored by UC Berkeley School of Law, DePaul University College of Law, and Stanford Law School. Presentation topics included copyright, trademark, patent, design patent, trade secret, right of publicity, information/Internet law, and telecommunications.



Professor Jeanne Fromer, NYU School of Law, spoke on "An Information Theory of Copyright Law."



Justin Hughes Leads U.S. in Negotiation Treaty on Copyright Exceptions for the Blind

In June, Professor Justin Hughes completed his work as chief negotiator for the United States at the World Intellectual Property Organization's Diplomatic Conference in Marrakesh. Delegates from over 150 countries attending the meeting successfully concluded the "Marrakesh Treaty to Improve Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled." See page 18 for more details.



SECRET COURTS?

In 2009, the Delaware legislature amended its laws to permit judges of the Court of Chancery to arbitrate private disputes. However, in 2012, the program was declared unconstitutional. In February, the *Cardozo Journal of Conflict Resolution* sponsored “Secret Courts? The Delaware Court of Chancery Arbitration Experiment,” which analyzed what this path-breaking case could mean for court-annexed dispute resolution. Above, Brian Farkas '13 kicks off “Secret Courts?”

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Cardozo’s
Dispute Resolution
Program was
ranked #6
in the nation by
*U.S. News &
World Report.*



**NEGOTIATING THE EXTREMES:
IMPOSSIBLE POLITICAL DIALOGUES IN THE 21ST CENTURY**

Held the day before the 2012 election, this conference brought together domestic and international experts on elections, democratic dialogue, negotiation and legislation, and modern media to consider the question: How can the alternative dispute resolution community contribute to dialogue in the public sphere? Jed Melnick, a founding editor of the *Cardozo Journal of Conflict Resolution*, provided generous funding for the conference.

Above, from left, C.T. Butler, author and mediator; Benjamin Davis, University of Toledo College of Law; and Brad Heckman, CEO at New York Peace Institute.

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The *Cardozo
Journal of Conflict
Resolution* was
ranked #8
in the field of
civil litigation and
dispute resolution
by *U.S. News &
World Report.*

ALEXANDER FELLOWS CLINIC
BET TZEDEK LEGAL SERVICES CLINIC
CIVIL RIGHTS CLINIC
CRIMINAL APPEALS CLINIC
CRIMINAL DEFENSE CLINIC
DIVORCE MEDIATION CLINIC
FAMILY COURT CLINIC
GUARDIANSHIP CLINIC
HOLOCAUST CLAIMS RESTITUTION PRACTICUM
HOUSING RIGHTS CLINIC
HUMAN RIGHTS AND GENOCIDE CLINIC
INDIE FILM CLINIC
INNOCENCE PROJECT
KATHRYN O. GREENBERG IMMIGRATION JUSTICE CLINIC
LABOR AND EMPLOYMENT LAW CLINIC
MEDIATION CLINIC
PROSECUTOR PRACTICUM
SECURITIES ARBITRATION CLINIC
TAX CLINIC
TECH START-UP CLINIC
YOUTH JUSTICE CLINIC

Cardozo Law Announces Three New Clinics...

TECH START-UP CLINIC

The Tech Start-Up Clinic will give students hands-on experience with intellectual property, corporate, contract, tax, and labor and employment issues. **Contact revites@yu.edu for more information**

CIVIL RIGHTS CLINIC

In the Civil Rights Clinic, students will litigate cases in the federal courts, draft complaints, interview and counsel clients, draft and argue motions, conduct discovery, negotiate settlements, and represent clients in court. **Contact betsy.ginsberg@yu.edu for more information**

YOUTH JUSTICE CLINIC

The Youth Justice Clinic will partner with the Legal Aid Society, along with other organizations and government agencies, to handle problems associated with youth in the education and justice systems. **Contact yaroshef@yu.edu for more information**

Leadership in Clinical Education

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BRINGING LAW TO LIFE

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LABOR AND EMPLOYMENT LAW CLINIC
MEDIATION CLINIC
PROSECUTOR PRACTICUM



From left, Professor Jessica Roth; Edward M. Stroz, founder and co-president, Stroz Friedberg; Richard Zabel, Deputy U.S. Attorney, Southern District of New York; Louise M. Parent, executive vice president and general counsel, American Express; Dean Matthew Diller; Preet Bharara, U.S. Attorney, Southern District of New York

Symposium on the Cyber Threat to Corporate America

High profile guests visited Cardozo to discuss the latest threats to Internet security and the steps companies can take to protect themselves against those threats. Speakers and panelists at the symposium—which was arranged in partnership with the U.S. Attorney's Office for the Southern District of New York—included Preet Bharara, U.S. Attorney, Southern District of New York; Paul T. Cappuccio, executive vice president and general counsel, Time Warner; Robert Greifeld, CEO and president, NASDAQ; A.T. Smith, deputy director, U.S. Secret Service; Joseph Demarest, assistant director in charge of the cyber division, FBI; and Louise M. Parent, executive vice president and general counsel, American Express.

THE HONORABLE JUSTICE ROSALIE SILBERMAN ABELLA, SUPREME COURT OF CANADA

Justice Abella visited Cardozo in April, and held an open conversation with students, alumni and practitioners. Born in a displaced persons camp in Stuttgart, Germany, Justice Abella's accomplishments have been remarkable and have made her one of the most admired and honored women in Canada. At the age of 29 she was appointed to the Ontario Family Court, becoming Canada's first Jewish woman judge and the youngest judge to take the bench in that country. In August 2004 she was appointed to the Supreme Court of Canada, becoming the first Jewish woman to sit on the country's Supreme Court.

The conversation was moderated by Michael Oreskes, senior managing editor of the *Associated Press*.



From left, Michael Oreskes, senior managing editor, the Associated Press; and Hon. Rosalie Silberman Abella, Justice, Supreme Court of Canada



HANK GREENBERG TELLS THE AIG STORY

In March, the Heyman Center hosted Maurice "Hank" Greenberg, the former CEO of American Insurance Group (AIG) and coauthor Lawrence A. Cunningham '88, of *The AIG Story*.

Greenberg spoke about the rise of AIG, its downfall in the years following his forced departure in 2005, and the bailout it received from the U.S. government in 2008. He said that the name AIG has become so ingrained in the country's consciousness as part of the 2008 financial collapse that the public has focused more on AIG's perceived infamy than on its prior claims to fame. He said he wrote the book both to showcase AIG's achievements and because he owed it to his former employees to set the record straight.



Public Service Auction Breaks Record

Cardozo's Public Service Auction, held in April, raised \$611,000, breaking the 2012 record and allowing more students than ever to work in the public interest sector over the summer. The money raised by the auction supported 244 students working in public service internships and externships in the United States and abroad. Students worked in various practice areas, including immigration, criminal justice, community and economic development, and housing.

Below, Patrick Tindana '14 speaks about how valuable his 2012 summer stipend was when he worked for the organization Immigration Equality. There, he assisted attorneys with drafting and filing immigration documents, and he interviewed prospective clients, some of whom were being held at detention centers.



Spotlight on Civil Liberties at 2013 Inspire! Awards

Cardozo's Public Law Advocacy Week (P*LAW) in the Jacob Burns Moot Court Room with Inspire!, Cardozo's annual networking event and recognition ceremony in honor of those who most inspire us to serve the public good.

Among 2013's honorees were two public interest lawyers who have dedicated their careers to ensuring the expansion of civil rights and civil liberties for all: Arthur Eisenberg, legal director for the New York Civil Liberties Union (NYCLU), and Steven R. Shapiro, legal director for the American Civil Liberties Union (ACLU). Eisenberg has



➡ *Leslie Thrope, director, Center for Public Service Law, speaks at the Inspire! Awards as students who helped with the awards look on.*

➡ *Steven Shapiro, legal director for the ACLU, was honored at the Inspire! Awards.*



worked at the NYCLU for more than 35 years, during which time he has litigated extensively on issues of free speech and voting rights. Shapiro has been with the ACLU since 1976, becoming legal director in 1993. He is heavily involved in human rights issues and is a member of the policy committee of Human Rights Watch.

The ceremony concluded with impassioned speeches about and by Carl Lipscombe, Tracy Jo Mathis and Rachel Pecker, student recipients of this year's award.

Zero Dark Thirty: Law, Film and the Hunt for Bin Laden

Cardozo professor Deborah Pearlstein, a prominent human rights lawyer and scholar, organized this event, which was moderated by Jeffrey Brown of the *PBS NewsHour*.

Professor Pearlstein said *Zero Dark Thirty* raised important questions in the debate over enhanced interrogation—a topic she has written and lectured about extensively.

The first part of the evening consisted of an interview with former CIA general counsel John Rizzo, who played a key role in providing the legal justification for enhanced interrogations. Rizzo said that the film's depiction of the conditions was accurate and that the interrogation techniques shown were justified because of the seriousness of the threat the government faced. But he acknowledged by the end of the night that the fear of another terrorist attack was the main motivating factor in the push to defend interrogation techniques that many consider torture, and that in hindsight he wishes the government had not gone down that path.

Joining the discussion following Rizzo's interview were Professor Pearlstein and Glenn Carle—a former CIA agent who refused to participate in enhanced interrogations. He said the techniques were morally wrong and ultimately ineffective. He



From left, former CIA general counsel John Rizzo is interviewed by Jeffrey Brown of the *PBS NewsHour*.

was joined by *Washington Post* film critic Ann Hornaday, who analyzed the film carefully in terms of what it said—and what it didn't say—about the effectiveness of torture. Her cultural analysis laid the groundwork for a vibrant debate about whether the film influenced Americans' acceptance of torture in the name of national security. Much of that debate focused on whether the film leads viewers to the conclusion that enhanced interrogation techniques are effective and sometimes necessary.

MICHEL ROSENFELD'S *LAW, JUSTICE, DEMOCRACY, AND THE CLASH OF CULTURES: A PLURALIST ACCOUNT*

A March symposium was inspired by Michel Rosenfeld's book, *Law, Justice, Democracy, and the Clash of Cultures: A Pluralist Account*, in which he expounded on his theory of "comprehensive pluralism." The theory centers on the idea that the problems of the 21st century are best confronted by a political and legal philosophy based on pluralism—and, by contrast, that monist theories such as liberalism are



inadequate to respond to the stresses placed on liberal democracies by the spread of postmodern thought, religious fundamentalism, ethnic and cultural conflict, and global terrorism.

Pictured above, from left, Dieter Grimm, former justice on the Federal Constitutional Court of Germany; Professor Michel Rosenfeld; and Yale Law School Dean Robert Post.

THE VOTING WARS

Professor Richard L. Hasen of the University of California, Irvine, School of Law discussed his book *The Voting Wars: From Florida 2000 to the Next Election Meltdown*. In the book, he explores the proliferation of election-related litigation and charges of voter fraud as well as the decline in public confidence in fair results—and he paints a fairly dim picture of the future of elections if reform is not made an urgent priority. A distinguished panel of election law experts responded to Professor Hasen's arguments, including Professors Mark C. Alexander, Seton Hall University School of Law; Richard Briffault, Columbia Law School; and Janai S. Nelson, St. John's University School of Law.

JACOB BURNS ETHICS CENTER IN THE PRACTICE OF LAW



YOUTH JUSTICE SYMPOSIUM

New York is one of only two states in the nation to set the age of criminal responsibility as low as 16. The state's Juvenile Offender Law also permits the prosecution of children as young as 13 as adults. Stakeholders in the youth justice court system have called for the state to raise the age for criminal responsibility from 16 to 18. The symposium, held in April, addressed how the state should approach youth in the court system. Professor Ellen Yaroshefsky, pictured above, organized the conference.

GIDEON'S 50TH ANNIVERSARY

On the 50th anniversary of *Gideon v. Wainwright*, Jonathan Rapping, president and founder of Gideon's Promise, spoke about the state of our nation's public defense system and explained how the Gideon's Promise model is reforming public defenders' offices across the South and beyond.

PROGRAM IN LAW AND HUMANITIES

FROM HOLLYWOOD TO NUREMBERG

A film screening in October of Professor Christian Delage's latest documentary, *From Hollywood to Nuremberg: John Ford, Samuel Fuller, George Stevens*, was followed by a half-day symposium on the relationship between the Hollywood machine and the war machine. Speakers at the symposium discussed the effect of cinematic techniques upon the representation of the horrors of war.

THE GUILT PROJECT WITH VANESSA PLACE

Organized in conjunction with the New York University Department of Comparative Literature, this public lecture and debate took place at the law school in October. Vanessa Place is a poet, critic and criminal defense attorney specializing in appealing sexual offense convictions. Her most recent books are *The Guilt Project: Morality, Rape and Law* (2010) and a work of conceptual poetry, *Tragodia 1: Statement of Facts* (2011). The respondents were Professor Jeanne Schroeder, author of *The Four Lacanian Discourses, or Turning Law Inside-Out* (2008), and Professor Mark Sanders, author of *The Ambiguities of Witnessing: Law and Literature in the Time of a Truth Commission* (2007).

THE PROGRAM IN HOLOCAUST, GENOCIDE, AND HUMAN RIGHTS STUDIES



DECONSTRUCTING PREVENTION: THE THEORY, POLICY AND PRACTICE OF MASS ATROCITY PREVENTION

Over the past decade, the prevention agenda has expanded to include conflict prevention, protection of civilians, genocide prevention, atrocity prevention, transitional justice and the Responsibility to Protect. While this expansion is welcome, it does not come without its challenges. The rapid growth in policy response and civil society advocacy has left little time for critique and self-reflection. The prevention field's underlying assumptions and goals have remained for the most part under-examined and undertheorized.

This conference, held on February 26, sought to reveal an understanding of atrocity prevention, defining its parameters and rationalizing its relationship to related disciplines and agendas. It resulted in an edited volume serving as an authoritative work on the state of the field.

Professor Sheri Rosenberg, pictured above, organized the conference.



From left, Ambassador Francis Deng, permanent representative of South Sudan to the United Nations and special secretary to the U.N. Secretary-General of the Prevention of Genocide; Professor Sheri Rosenberg; Tibi Galis, executive director of the Auschwitz Institute for Peace and Reconciliation; Edward Luck, dean of the University of San Diego School of Peace Studies and special advisor to the U.N. Secretary-General on the Responsibility to Protect.

Seen & Heard At Cardozo Law

Price Media Law Moot Court Competition Draws Dozens of Teams to Cardozo

The Price Media Law Moot Court–Americas Regional Round was held at Cardozo in January. The competition drew the participation of teams from the Bahamas, Jamaica, Trinidad & Tobago, Mexico, Argentina and Brazil, in addition to teams from across the United States. The moot problem dealt with issues of social media, technology and content regulation to expose students to cutting-edge areas of media law.

In addition, Floyd Abrams, one of the leading First Amendment lawyers in the country, gave the keynote address, in which he spoke about his early involvement in First Amendment law.

“There was no case that said there was a right to tell news or to have confidential sources,” he said. “The American TV press had to start from scratch, making law—First Amendment law—which didn’t really exist.”



◀ Former dean Monroe Price speaks with students.

In addition to describing conflicting theories of the law, Abrams gave the audience specific advice for the courtroom, including: “Don’t read your brief, don’t avoid difficult questions, and don’t ever play around with the judges.” Asked by a student how to compose oneself in

court, he said, “Be yourself. Work within the framework of who you are. Be straightforward.”

The three-day event is named after former dean Monroe Price in recognition of his contributions to the development of media freedom and the rule of law.

Israeli Supreme Court Project

Cardozo will take over responsibility for translating into English significant cases of the Supreme Court of Israel. The Friends of the Library of the Supreme Court of Israel signed a memorandum of understanding with Cardozo on October 18, 2012, transferring authority and funding for the project to the school. The opinions of the Israeli Supreme Court are of significant influence to the development of law in other countries.

➔ From left, Peter Fishbein, special counsel, Kaye Scholer; Eliezer Rivlin, former Deputy President of the Supreme Court of Israel and visiting professor at Cardozo School of Law; Asher Dan Grunis, President of the Supreme Court of Israel; Dean Matthew Diller; Judge Jon O. Newman, United States Court of Appeals for the Second Circuit; Vice Dean Edward Stein, Cardozo School of Law





Clinics News

Three New Clinics to Debut

Cardozo is expanding its clinical offerings with three new opportunities—two aimed at providing representation for the underserved and one focused on training students to represent the emerging technology sector in New York City. In addition, three new field clinics will give students valuable experience in family law, alternative dispute resolution, and financial services.

1 CARDOZO YOUTH JUSTICE CLINIC

Created to address the growing need for skilled lawyers in juvenile justice litigation and research positions, this clinic will focus on the “school-to-prison pipeline.” The clinic will partner with the Legal Aid Society to handle school suspension cases related to clients charged with misdemeanors and felonies, and it will partner with other organizations and government agencies in doing impact work that will address problems associated with youth in the education and justice systems.

2 CARDOZO CIVIL RIGHTS CLINIC

The Civil Rights Clinic will take on cases challenging abusive corrections and law enforcement practices such as unconstitutional prison conditions and discriminatory policing practices. Students will primarily litigate cases in the federal courts, drafting complaints, interviewing and counseling clients, drafting and arguing motions, conducting discovery, negotiating settlements, and representing clients in court. The clinic will give students significant exposure to and experience with civil practice in the federal courts.

3 CARDOZO TECH START-UP CLINIC

The Tech Start-Up Clinic is a transactional legal clinic that will provide a range of legal services to new technology-based companies in New York City. It will expose students to the myriad legal and business strategy challenges that start-ups face and will give students hands-on experience with intellectual property, corporate, contract, tax, and labor and employment issues. The clinic will create an experience that takes the students through the life cycle of an actual technology start-up, focusing on the various problems the company may encounter from formation through IPO and beyond.

Immigration Justice Clinic Teams with NY City Council in Pilot Program for Immigrants Facing Deportation

The Kathryn O. Greenberg Immigration Justice Clinic, the New York City Council, and other groups announced an initiative this summer to provide legal counsel for immigrants. The pilot program provides \$500,000 in funding for counsel for immigrants detained and at risk of deportation. Often, immigrants that have been detained are in violation of small technicalities, like overstaying a visa. In a 2011 report, Judge Robert Katzmann, U.S. Circuit Judge for the U.S. Court of Appeals for the Second Circuit, revealed that among those who are detained and cannot afford legal counsel, only 3% prevail. However, those who have an attorney have an 18% chance of winning their case. “The NYC Council and Speaker Quinn should be applauded for creating the nation’s first assigned counsel system for immigrants,” said Professor Peter Markowitz, director of the Immigration Justice Clinic.



Dean Matthew Diller speaks to the press about a new initiative that will help provide legal counsel for immigrants.

New Field Clinics Expand Students' Experiential Learning Opportunities

GERTRUD MAINZER FAMILY DEFENSE FIELD CLINIC AT THE BRONX DEFENDERS (BXD)

This field clinic will examine child welfare law and policy, and will offer students litigation experience in high-stakes child neglect proceedings. Every state is required by federal law to investigate allegations that children have been or are being abused and neglected. The overwhelming majority of such investigations, however, are not of incidents of actual harm but concern a parent's lack of resources, lack of access to services, and poverty that may place a child at risk. Because of its unique model of holistic defense, The Bronx Defenders is an ideal placement for students to be first exposed to this emerging public defense field. Students will also gain essential litigation skills and experience by providing direct representation to parents in child neglect proceedings under the supervision of an experienced attorney.

ALTERNATIVE DISPUTE RESOLUTION FIELD CLINIC

ADR-related externships in the new ADR Field Clinic will be in private and non-profit organizations and will involve mediating and arbitrating disputes in varied areas including family law, international business, and community/neighborhood conflicts. Organizations sponsoring student externships in the past include the American Arbitration Association, the Civilian Complaint Review Board, the International

Institute for Conflict Prevention and Resolution, FINRA, the New York Peace Institute, mediation projects in the federal courts, and others. Students may observe mediations and arbitrations, interview litigants and screen cases, and research legal and policy issues.

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

The New York State Department of Financial Services oversees thousands of insurance companies, banking, and other financial institutions across the state. Recent initiatives include reforming the force-placed insurance industry, acting to stop international money laundering, and helping New Yorkers recover from devastating storm-related losses. Students in this field clinic will assist the seasoned legal practitioners in the department's General Counsel's office and five executive divisions – Insurance, Banking, Financial Frauds and Consumer Protection, Capital Markets, and Real Estate Finance—in their work regulating a broad array of financial products and services in the market.

Immigration Justice Clinic Files Suits on Behalf of Immigrants

The Kathryn O. Greenberg Immigration Justice Clinic, along with other immigration rights groups, filed three lawsuits in federal court in March alleging illegal treatment by border patrol officers in five states. The lawsuits describe customs officials putting detainees in cold, cramped conditions for

several days with little food and water. They alleged that the poor conditions were used to try to compel the immigrants to sign voluntary deportation orders.

Clinic Report Calls for Changes to New York's Guardianship System

The Guardianship Clinic at Cardozo Law issued a major report calling for an overhaul of New York's guardianship system. The report was written based on input from a group of more than 70 lawyers, judges, court staff members and social service providers who took part in a workshop at the law school last year.

"This report highlights the challenges that need to be addressed in order for New York to fix the system that is supposed to help our most vulnerable citizens," said Rebekah Diller, director of the Guardianship Clinic at Cardozo Law.

The recent criminal conviction of prominent Brooklyn attorney Ray A. Jones highlights the inadequacies of the current system. Jones was charged with squandering the estate of a woman under his guardianship. A similar civil case led to the formation of the Guardianship Clinic at Cardozo.

Criminal Appeals Clinic Registers Victory in *The People of the State of New York v. Simone Morgan*

Simone Morgan, a client in the Criminal Appeals Clinic, was convicted of stabbing her boyfriend during a confrontation at his home, despite her claim of self defense at trial.

On October 25, the Appellate Division reversed the conviction, concluding that the prosecution did not carry its burden of disproving self defense beyond a reasonable doubt. The case was briefed by Naju Lathia '12, who is currently clerking for a judge in the Criminal Division of the New Jersey Superior Court. She was supervised by Bobbi Sternheim '80 and the clinic's director, Professor Stanley Neustadter.

Students In Cardozo Clinics File Suit to Protect Elderly Woman from Losing Housing

Students in the Bet Tzedek and Guardianship Clinics filed suit in Brooklyn Federal Court in March on behalf of 74-year-old Luz Ortega, who is suffering from Alzheimer's and is being denied benefits to pay her rent by the New York City Housing Authority. The suit seeks relief under the Americans with Disabilities Act, accusing the New York City Housing Authority and its chairman, John Rhea, of discriminating against Ortega based on her handicap.

Cardozo Alumna's Innocence Project Client Exonerated

Innocence Project client Bennie Starks was exonerated in January after a 25-year struggle to clear his name. Starks was convicted of rape and battery of a 68-year-old victim in 1986. After multiple rounds of DNA testing and three separate appeals, the remaining charges pending against Starks were dismissed. Lauren Kaeseberg '07 was on the team of attorneys that helped clear Starks' name.



JIM FRUCHTERMAN

Justin Hughes Instrumental in Negotiating International Treaty on Copyright Exceptions for the Blind

In June, Professor Hughes completed his work as chief negotiator for the United States at the World Intellectual Property Organization's Diplomatic Conference in Marrakesh. Delegates from over 150 countries attending the meeting successfully concluded the "Marrakesh Treaty to Improve Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled," the world's first multilateral treaty on intellectual property exceptions and only the second multilateral treaty ever written for people with disabilities. The treaty is intended to improve access to published materials for the visually impaired by requiring copyright exceptions for the blind in national copyright

laws and by establishing a framework for countries to exchange "accessible format copies"—copies of books in braille, digital braille, navigable audiobooks, and other formats that serve the blind. In his closing statement, Professor Hughes said "The United States believes

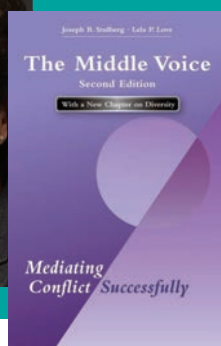
profoundly, in the words of our Supreme Court, that copyright law is 'the engine of free expression,' but we are also committed to policies that ensure everyone has a chance to get the information and education they need and to live independently as full citizens in their communities."



Scheck

Barry Scheck and Peter Neufeld Receive Bar Association's Gold Medal

Professors Scheck and Neufeld received the New York State Bar Association's Gold Medal, the organization's highest honor. The award, given to individuals who exhibit lifelong excellence in the legal profession and unparalleled civic contributions, was presented to them for their groundbreaking work to help reverse many wrongful convictions.



Lela Love Publishes Mediation Book

Professor Love published *The Middle Voice: Mediating Conflict Successfully, 2nd Edition* (Carolina Academic Press 2013). The book, which Love coauthored with Joseph Stulberg, leads readers stage-by-stage through the mediation process.



Hamilton



Ravicher



Rosenfeld



Smith



Yankah

Marci Hamilton Re-launches Statute of Limitations Web Site

Professor Hamilton successfully relaunched www.sol-reform.com, which is a web site being used across the country to retrieve information on legislative developments related to the statutes of limitations for child sex abuse. The goal of the site is to be the most reliable resource for media, the public and legislators on the complicated area of child sex abuse laws. It provides up-to-date information on state laws related to sexual abuse cases.

U.S. Supreme Court Rules in Favor of Daniel Ravicher's Gene Patenting Case

In June, the Supreme Court ruled in favor of Professor Ravicher's landmark case against Myriad Genetics. The case invalidates patents on two genes associated with hereditary breast and ovarian cancer. Professor Ravicher said that in the ruling, the Supreme Court determined that there can be no patent blocking on genetic diagnostic

testing. He went on to say that the decision by the court will not prevent innovation in biotechnology, but it does mean, "Nature is not patentable." Justice Clarence Thomas wrote the opinion for the Court, which ruled that Myriad's discovery of the precise location and sequence of the genes at issue, BRCA1 and BRCA2, did not qualify for patents. He wrote, "A naturally occurring DNA segment is a product of nature and not patent eligible merely because it has been isolated." Professor Ravicher and his Public Patent Foundation (PUBPAT) along with the ACLU brought the case.

Michel Rosenfeld Receives Highest Honor from Collège de France

Professor Rosenfeld held the prestigious Fulbright-Tocqueville Distinguished Chair at the University of Paris 1 in the spring. During that time, he received an invitation from the entire faculty of the Collège de France to give a formal lecture. This is the highest honor one can receive from the university. His presentation was titled "American Exceptionalism Regarding

Social and Economic Rights: A Matter of Ideology, Identity or Politics?" In addition, Professor Rosenfeld held conferences at La Sapienza University in Rome and at Cardozo Law on his book (co-edited with András Sajó) *The Oxford Handbook of Comparative Constitutional Law*. He held conferences at Cardozo and at the University of Paris X on his book *Law, Justice, Democracy and the Clash of Cultures*.

Carlton Smith is Cowinner of Janet Spragens Pro Bono Award

Professor Smith was selected as cowinner of the 2013 Janet Spragens Pro Bono Award for outstanding and sustained achievements in pro bono activities in tax law. The award recognizes his current work as an amicus or pro bono lawyer in several low-income taxpayer court cases as well as his work on innocent spouse relief cases in 2010 and 2011. He was honored with this prestigious award at the ABA Tax Section convention on January 26.

Ekow Yankah Cited in Stop and Frisk Ruling

Professor Ekow Yankah was cited in Judge Shira Scheindlin's ruling that the New York Police Department's stop-and-frisk policy is unconstitutional. The Judge referenced a portion of his op-ed in *The New York Times* on July 16:

"What is reasonable to do, especially in the dark of night, is defined by preconceived social roles that paint young black men as potential criminals and predators. Black men, the narrative dictates, are dangerous, to be watched and put down at the first false move. This pain is one all black men know; putting away the tie you wear to the office means peeling off the assumption that you are owed equal respect."



MELANIE LESLIE PRESENTS PAPER IN SPAIN

Professor Leslie presented “The Myth Revisited: New Challenges to Testamentary Freedom,” at the Workshop on Wealth, Families and Death: Socio-legal Perspectives on Wills and Inheritance in Bilbao, Spain in April.



STEWART STERK SPEAKS AT UNIVERSITY OF LIECHTENSTEIN

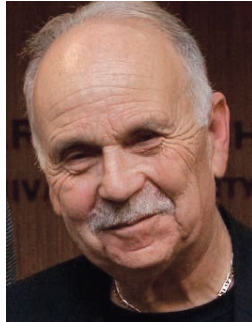
Professor Sterk spoke on “The Rights and Beneficiaries under U.S. Trust Law” at the Trust Conference: Aspects of Beneficiaries’ Rights, Enforcement and International Law in April at the University of Liechtenstein.



EDWARD ZELINSKY’S ARTICLE CITED BY COURTS

Professor Edward A. Zelinsky’s article in the *Yale Law Journal*, “The Defined Contribution Paradigm,” was cited by the U.S. Court of Appeals for the Second Circuit in *Milgram v. The Orthopedic Associates Defined Contribution Pension Plan* and by the U.S. District Court for the District of Columbia in *Russell v. Harman International Industries, Incorporated*.

NEW APPOINTMENTS



Fish



Ginsberg



Shaw



Tinto

Stanley Fish will join Cardozo as the Floersheimer Distinguished Visiting Professor of Law. Professor Fish is one of this country’s leading public intellectuals, and a world-renowned literary theorist and legal scholar. He began his academic career in the English department at the University of California, then became the Kenan Professor of English and Humanities at Johns Hopkins University, where he taught from 1974 to 1985, before becoming Arts and Sciences Professor of English and Professor of Law at Duke. He was dean of the College of Liberal Arts and Sciences at the University of Illinois from 1999 to 2004. Professor Fish is a prolific author, having written over 200 scholarly books and articles. Professor Fish is a contributor to “The Opinionator” blog for *The New York Times*.

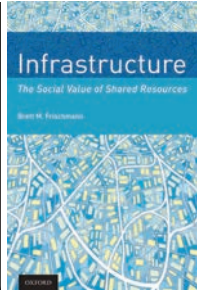
Betsy Ginsberg will join the full-time faculty as clinical assistant professor of law. Professor Ginsberg had been teaching at the law school as a visiting faculty member, helping to oversee the Immigration Justice Clinic. She will be starting the Civil Rights Clinic in Spring 2014.

Previously, Professor Ginsberg was a member of the lawyering faculty at NYU School of Law from 2007 to 2009. Prior to that, she was a staff attorney at the Prisoners’ Rights Project with the Legal Aid Society in New York City, where she litigated federal class action lawsuits seeking to reform jails and prisons in New York City and New York State with respect to disability rights, mental health care, and prison guard brutality.

Kate Shaw will join the full-time faculty as an assistant professor of law. Professor Shaw has been teaching at the law school as a visiting faculty member. Before joining Cardozo, Professor Shaw worked in the White House Counsel’s Office as a Special Assistant to the President and as Associate Counsel to the President. Earlier in her career she clerked for Justice John Paul Stevens of the U.S. Supreme Court and Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit. She graduated with a B.A. magna cum laude from Brown University and with a J.D. magna cum laude and Order of the Coif from Northwestern University,

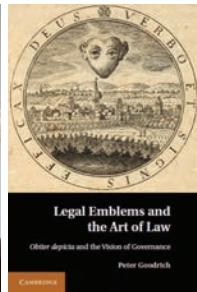
where she served as the Editor-in-Chief of the *Northwestern University Law Review*.

Katharine Tinto will join the full-time faculty as a clinical assistant professor of law. Professor Tinto received her B.A. with honors and academic distinction from Stanford University in 1996 and her J.D. magna cum laude and Order of the Coif from NYU School of Law in 2001. While at NYU Law, she was a Root-Tilden-Kern Scholar, a Pomeroy Scholar, and served on the *NYU Law Review*. Upon graduation, Professor Tinto clerked for Judge Stephen Reinhardt of the Ninth Circuit Court of Appeals. Prior to her Cardozo appointment, she was the associate director of the lawyering program and an acting assistant professor of lawyering at NYU School of Law. Professor Tinto previously worked for over seven years as a public defender in Los Angeles County and was also the founder of a family violence prevention program in the East Palo Alto Police Department. Her current scholarship focuses on the relationship between policing and criminal and immigration law.



Brett Frischmann Receives “Best Book” Award

Professor Frischmann received the 2012 PROSE Book Award for the best book in law/legal studies for *Infrastructure: The Social Value of Shared Resources*, which devotes needed attention to understanding how society benefits from infrastructure resources. The PROSE Awards annually recognize the very best in professional and scholarly publishing.



Peter Goodrich Publishes Two Books

Professor Goodrich published *The Scene of the Mass Crime: History, Film, and International Tribunals* this spring. Coedited by Professor Goodrich and Christian Delage, the book is a collection of essays on filming war crimes and show trials. The essays were culled from a conference on the same topic held at Cardozo in fall 2011.

Professor Goodrich’s *Legal Emblems and the Art of Law: Obiter depicta as the Vision of Governance* was published by Cambridge University Press in September. The book will appear in an Italian translation in 2014.



Rebekah Diller Serves as Cocounsel at Supreme Court

Professor Diller served as cocounsel at the Supreme Court this past term for a group of public health and humanitarian groups in *Alliance for Open Society International v. USAID*, in which the Court struck down a sweeping speech restriction imposed on recipients of U.S. HIV/AIDS funds. Professor Diller originated the case and also argued it successfully at the Second Circuit while she was an attorney at the Brennan Center.

Cardozo Law Announces Two New Field Clinics...



Alternative Dispute Resolution Field Clinic
Learn more at cardozo.yu.edu/adrfieldclinic

Family Defense Field Clinic at Bronx Defenders
Learn more at cardozo.yu.edu/familydefensefieldclinic

- FIELD CLINICS AT CARDOZO**
- Alternative Dispute Resolution Field Clinic
 - Art Law Field Clinic
 - City of Newark Field Clinic
 - Consumer Debt Protection Field Clinic
 - Gertrud Mainzer Family Defense Field Clinic at the Bronx Defenders
 - Health Care Reform Field Clinic
 - MFY Legal Services, Inc.
 - New York State Attorney General: Social Justice Division
 - Special Education Law and Advocacy Field Clinic

Leadership in Clinical Education

CARDOZO LAW

BRINGING LAW TO LIFE

Privacy in the Digital Age

Felix Wu is worried about your privacy—especially about the way technology is changing the concept of privacy and the impact it has on society. As a lawyer and scholar, Professor Wu’s work has made him an expert in understanding how the law has been slow to respond to rapid social and technological changes. Last year, he organized a major conference on privacy in the digital age. Here he talks to *Cardozo Life* about the challenges we face in maintaining privacy, the value of dissent, and why studying Internet and information law is so important.

CARDOZO LIFE: You have a scientific as well as a legal background. How do the two go together with respect to your legal work and research, and has your scientific background been helpful?

PROFESSOR FELIX WU: I’ve been able to use my technical background to understand what computer scientists have been doing in terms of when privacy can be maintained in databases. This has involved actually looking at the technical results themselves with respect to these kinds of privacy problems.

Much more subtly, my scientific background has also helped my legal thinking. My background is in theoretical computer science, and that involves trying to understand the structure of what computers can or can’t do. That has been very informative to my thinking about the law and what the structure of various laws ought to be.

CL: You spend a lot of time studying privacy law. What are some of the challenges faced in maintaining privacy in the Digital

Age while making sure that research and innovation continue to flourish?

FW: If you look 20, 30, 40 years ago, the government could only get at so much information. What we’re finding today is that a lot of those natural limits are starting to fade, and now we can collect a lot of information that we previously wouldn’t have been able to find. Those natural limits, I think, at one point provided a kind of balance between the privacy of individuals versus other useful goals, and now we suddenly have to think, “What do we do when we don’t have those limits anymore?”

The recent Supreme Court case of *U.S. v. Jones* is an example of this. It was a case about whether the police could put a GPS tracker on a suspect’s car without a warrant in order to track their movements over an extended period of time. In the end, the court said, “Well, actually sticking the tracking device on the car was a trespass,” and that meant a warrant was required.

But in a way, that dodged the real un-

derlying question: Should we be able to track people’s movements over a long period of time? It’s a hard question because on the one hand, we expect that police are able to track movements in the sense of just watching the public roads. On the other hand, it seems very different to be able to find out where anybody has been over a long period of time. You find out things that you would never be able to find out otherwise.

CL: How do these privacy issues affect the average person?

FW: A lot of people say, “Well, this is an interesting problem in theory, but I’ve got nothing to hide. I don’t really care if the police follow me or not.” But it’s important to think about privacy not just from the perspective of each individual person, but society as a whole. Privacy is important because without it, we get a society in which people are a little bit more careful about what they do, what they read, what they talk about with each other. That has the potential to push society in a way that makes everything a little less sharp around the edges, a little more tending toward the mainstream, and I think that’s something we should strive against.

CL: You recently held a conference on this subject, and you looked at anonymity in online speech, government access to identifying information, and identifiability in databases. What are some of the ideas that came out of the conference?

FW: Chief Judge Alex Kozinski came to give the keynote address for the conference, and in it he looked at all the ways in which anonymity can be used for such good things and for such bad things at the same time. Dissidents feel comfortable

airing their views, while on the other hand, anonymity makes it possible for criminals to engage in illegal activity without getting caught. There are many reasons to hide your identity, and it can be very difficult to sort out the good from the bad ones, very difficult to figure out how to set the rules in such a way that we somehow catch the bad folks while still allowing the good folks to use anonymity for what it is they want to do.

This highlighted a theme recurring throughout the day. There are certainly some people who are very much convinced that the potential good uses far outweigh the potential bad ones—that the value of dissent is so strong that we ought to do whatever we can to make sure we preserve it, even if it means a few are able to get away with doing something wrong. Others are less convinced and see the need to try to create more space for maintaining a certain amount of order, a certain amount of transparency.

CL: Cardozo has one of the strongest intellectual property programs in the country. Why are Internet law and information law so integral to our program?

FW: There's a way in which they are becoming all law, at least in the sense that all law has a little bit of these aspects in it now. You might be studying civil procedure and the question arises, "What do we do when we get a discovery request, and one company has huge, huge volumes of electronic data, way more than had ever been collected in the past?" Now we have all these e-mails to sift through. How do we do it? Can we use a computer to predict which documents will be responsive to various discovery requests? Should we allow that or not?

That's a kind of civil procedure question. Here's a criminal procedure one: What kind of information can the government get in order to track down criminals? Can they get access to your cell phone records, or the smartphone in your pockets?

Or think about tax law. What do we do about collecting sales tax when so many transactions happen online?

All these other areas of law are now informed by questions of information law and Internet law, and that's part of what's so important about having them in our program here. ■



NORMAN GOLDBERG

BY SUSAN KARWOSKA

BOOTING UP

New York's Second Tech Boom Re-Programs The Legal Field

A STONE'S THROW FROM THE CARDOZO LAW CAMPUS, IN AN AREA OF NEW YORK CITY still known for its meatpacking plants, rail yards and other vestiges of the city's industrial past, Google's new east coast headquarters has brought a decidedly 21st-century presence to the neighborhood, from the free local wireless it provides to the of-the-minute design of its offices. Occupying a full city block, the massive building looks like nothing so much as a ship that's just come in.

Google's dramatic growth in the Big Apple in the last ten years has been a major driver of the city's burgeoning tech industry. Mayor Michael Bloomberg is throwing considerable weight behind the effort to make sure this growth continues, offering up forward-looking initiatives to support and develop the city's tech ecosystem.

Add to this a ready supply of venture capital as well as New York's status as a world-class city, and it's clear why New York has become fertile ground for a new generation of tech innovators. This tech renaissance promises to create new employment opportunities in every sector of the city's economy, including the legal industry—good news in the field's otherwise soft job market for those prepared to take advantage of it. ➔

JED ALPERT '91
FOUNDER AND CEO
MOBILE COMMONS



“**T**his is an extraordinarily interesting time, full of ferment and opportunity,” says Cardozo professor Susan Crawford. “Because everything is so intangible in the digital world, its legal status really matters. Lawyers have a large role to play when you’re making arguments about intangible property or intangible relationships. It’s very difficult to point to a new piece of software and say ‘that’s mine,’ or ‘that’s his.’ Explaining what these intangibles are becomes the province of the lawyer, and lawyers are very good at telling stories.”

“The technology boom in New York City is going to be great for the legal industry here too,” says Avi Muchnick ’04, who has a leg in both the legal and tech worlds as a Cardozo graduate and the founder and chief product officer of Aviary, a successful New York-based photo-editing software startup. In 2007, when he was still at Cardozo, Muchnick used seed funding from Jeff Bezos, founder of Amazon, to get Aviary off the ground. Six years later, Muchnick claims 50 million monthly users for his software and says that four billion photos have been edited using Aviary in a 12-month period.

“It’s clear—software is eating the world, and that means that there’s going to be a lot more intellectual property work out there to deal with this shift,” says Aaron Wright ’05, an associate in the content media and entertainment group at Jenner & Block and a former software developer who, like Muchnick, began a startup while still at Cardozo.

Wright was editor of the *Cardozo Law Review* when he and a few other *Law Review* staff members started a sports Web site that was later sold to Wikipedia founder Jimmy Wales. Wales then hired Wright and his codevelopers to help build Wikia, a for-profit sister company to Wikipedia, which they saw grow from a small enterprise into what Wright says is now “one of the largest Web sites on the planet.”

As much as he enjoyed his time in the tech world, Wright says, he wanted in on the legal side of the business. “I realized I wanted to go back to practicing law, so I thought about the future of the legal profession, and I looked around the city and realized that New York is going to be the hotbed for future tech startups. Everyone was talking about California, but I had a good feeling about what was happening here. There was a lot of energy, and I decided that I wanted to be a part of that.”

New York City is quickly developing into an epicenter of tech innovation with its own east coast slant, attracting local outposts of California tech giants like Google, Twitter, Facebook and eBay, and fostering homegrown startups like Foursquare, BuzzFeed, Gilt Groupe and Etsy. The New York startups often take the

city’s traditional industries—such as fashion, finance, media, advertising and publishing—into the digital age. According to seedtable.com, in the last year alone, 127 startups were founded in the city—just a few shy of California’s total. “If the field continues to grow the way it’s been growing, that’s going to create a lot of legal work and a lot of opportunities for lawyers here,” says Cardozo Dean Matthew Diller. “We want to produce the New York lawyers who have the right mindset to do this work.”

PREPARING TODAY’S LAW STUDENTS FOR TOMORROW’S ECONOMY

Diller says Cardozo is uniquely poised to help its students take advantage of the range of opportunities this emerging field will generate. The school boasts one of the oldest and most well-respected intellectual property programs in the country and is particularly strong in the dimensions of IP law that relate to the tech boom, with a faculty that includes leading experts on Internet law and policy as well as privacy, telecommunications and patent law. “The nature of the tech business in New York is such that to access the information you need to make it work, you are going to have to understand intellectual property,” says Diller. “In New York it’s not so much ‘I’ve invented a new computer chip,’ it’s software, media, information-based development—and all of that is intellectual property.”

An innovative Tech Start-Up Clinic that Cardozo is slated to launch will give students even more of a jump-start in the field, says Diller, offering students hands-on, real-world experience doing core legal work for new startups. The plan is to take on small startup ventures as clients, says Diller, and to have students do the initial legal work for them, a lot of which involves setting up corporate structures that will start them off with a good foundation. “Along with representing individual clients,” he adds, “we’ll also be helping to educate young entrepreneurs and innovators about the legal issues that they will face.”

The exposure such a clinic will provide is strong preparation for work in the tech world, says Megan Yip ’08, a user safety policy specialist with Twitter. “Cardozo’s clinical programs taught me very practical problem-solving and interpersonal skills,” she says. “The school’s tight-knit but competitive community is very similar to the way the tech community feels. You know and work with everyone, and as you collaborate and compete, everyone gets stronger and smarter.”

continued on page 30

“Because everything is so intangible in the digital world, its legal status really matters.”

—PROFESSOR SUSAN CRAWFORD

SUSAN CRAWFORD
CARDOZO PROFESSOR
TELECOMMUNICATIONS POLICY EXPERT



Things You Need To Know About Tech

JED ALPERT '91 Founder and CEO, Mobile Commons

The distinctions between media and new media are going to continue to erode. Experience in emerging media law, in entertainment law as it applies to new media, and in the confluence of technology and media is going to be in increasing demand. Law involving telecommunications and how tech startup businesses use

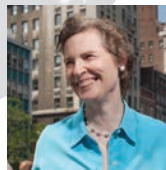


telecommunications is, and will continue to be, extremely important.

Anyone looking to get into tech law should really understand what the business objectives are of these kinds of companies. While it's important to understand the legal issues confronting tech startups, it's also really important to know how these issues conform to the business objectives of those companies.

SUSAN CRAWFORD Cardozo Law Professor, Telecommunications Policy Expert

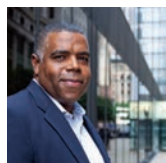
You have to understand the tech world if you're interested in



practicing in this area. I always advise students to go to meetings and start getting involved in that world. It's also very important to understand basic business law. Knowing something about real estate and understanding how to negotiate with somebody is very useful as well. Actually, it turns out that your people skills are the most important thing in the business world, just being able to deal with people and understand what their needs are and serve them.

TIMOTHY GLADDEN '01 Co-Head, Emerging Companies Practice, Schnader Harrison Segel and Lewis

Get out and go to events—start to learn about the space, to learn



about different areas of technology focus so that you can be a resource for your clients and for the firm that you go to work for. Look for opportunities to network.

AVI MUCHNICK '04 Founder and Chief Product Officer, Aviary

If you saw *The Social Network* and you're suddenly excited about Facebook, and that's why you want to go into technology law, it's probably not going to be as interesting in the long run. But if you're generally enthusiastic



about startups and are always trying out new gadgets as they come out, and new Web sites and new apps, then I would say it's something that you should really consider. And I would advise people to read a lot. There are a lot of great blogs that explain how technology startups get funding, how ideas get off the ground, how teams come together, and all of those pieces are super relevant to the law and to the execution of technology startups.

AARON WRIGHT '05 Associate, Content Media and Entertainment Group, Jenner & Block

It always helps if you have a technical background. You can

talk to clients and potential clients a lot easier that way. The main bodies of law that apply,



beyond basic contracts, are copyright and trademark—sometimes there are questions related to data privacy. If you want to work for smaller startups, most of the needs are transactional at first. They want to acquire something or somebody's acquiring them, they want to raise money. And then there are just the issues all companies' face—employment issues that come up, things like that.

MEGAN YIP '08 User Safety Policy Specialist, Twitter



Whether it is tech law or anything else, find something that you really love. Go to work to answer a question that you enjoy staying up at night thinking about. Represent people who you understand, respect, and want to go out on a limb for.

AVI MUCHNICK '04
FOUNDER AND CHIEF PRODUCT OFFICER
AVIARY



Combining the Tech Start-Up Clinic's real-world experience with Cardozo's strength in intellectual property law makes the school particularly well suited to prepare students for work in the tech world. "To succeed in this area of law, students must have both a strong basis in the fundamentals and a mindset that will allow them to flourish in this rapidly changing and evolving world," says Diller. "Cardozo is extremely strong in the core fundamental areas of law that underpin practice in the tech world, which lies at the intersection of business and intellectual property. We also inculcate an entrepreneurial spirit in our students and train them to have a sense of flexibility, an appreciation for innovation, and the ability to seize opportunities. All of these things prepare them to work with tech entrepreneurs, for whom these are key values."

CITY SUPPORT FOR THE NEW YORK TECH ECOSYSTEM

While Cardozo is making sure its students possess the background and skills to take advantage of what the New York tech scene has to offer, New York City, for its part, is laying the groundwork to make sure that this tech boom lasts—unlike the dot-com boom before it.

"The tech startup scene in New York now is as vibrant and active as it's ever been, certainly since the first tech boom in the late 90s," says Jed Alpert '91, founder and CEO of the Brooklyn-based tech startup Mobile Commons. Alpert's startup makes software to help large organizations communicate with clients or constituents over mobile phones. He credits New York's current success, in part, to its commitment to providing what the tech industry needs. "New York is the biggest city in the country and has a city government that ... is extremely interested in using technology for reaching people and for better serving constituents."

Fostering a robust and sustainable tech ecosystem means making sure that New York has the infrastructure and the talent to support it. To address the city's perennial shortage of top-notch talent in computer science and engineering, Mayor Bloomberg has made it a priority to build or expand world-class applied sciences and engineering campuses in New York City.

The showpiece of this effort is the Cornell NYC Tech project, a partnership between Cornell University and Technion, the Israel Institute of Technology. Slated to start construction soon,

the project's \$2 billion, state-of-the-art applied science and engineering campus will be located on city-owned land on Roosevelt Island. Across the river in Brooklyn, an academic and private-sector consortium is developing plans for the NYU Center for Urban Science and Progress in downtown Brooklyn that is expected to generate \$5.5 billion in overall economic impact over the next three decades while creating 7,700 jobs. These campuses "will be a big boost to the city because they will create a dense infrastructure of very smart people and a cross-fertilization of academics and engineering folks," says Crawford, who is a member of Mayor Michael Bloomberg's Council on Technology and Innovation. The council formed in the fall of 2011 to explore ways Bloomberg's administration could foster growth in the New York tech ecosystem. "Boston has MIT, and Silicon Valley has Stamford," says Crawford, "so these developments will be very useful for New York."

Other city initiatives include addressing the tech talent shortage by working to train and retain a local tech-savvy population; streamlining bureaucracy; addressing infrastructure and affordability issues that impede the growth of the industry; and improving Internet connectivity citywide, which is a focus of Crawford's work on the mayor's council. "My obsession is the absence of a world-class basic communications infrastructure in the city," says Crawford. "It's a nationwide problem, but it's particularly acute here. And it's not only a problem for startups, it's also making the digital divide worse." Crawford says the city is serious about addressing this issue despite the roadblocks it faces. "I've really gotten to know the people inside the mayor's office," she says, "and I know they are working as hard as they can to fix this problem."

Despite these challenges, Crawford says, New York also has some distinct advantages as a tech startup hub. "One of the big pluses here is that New York is much more interesting than Silicon Valley," she says, "and there's plenty of venture capital here and a tremendous community as well. The New York Tech Meetup has more than 32,000 members, and it's full of energy and excitement.

"I always advise students to go to those meetings and start getting involved in that world, and I try to make everything I teach as practical as possible so that they'll have some knowledge that will be useful to them when they do," she continues. "I teach my students what the Internet is, what the different technologies are that allow you to access it, give them an idea of what that world is. And I think that the opportunity they'll have to do real-life work with companies will be essential. What's

"Everyone was talking about California, but I had a good feeling about what was happening here. There was a lot of energy, and I decided that I wanted to be a part of that."

—AARON WRIGHT '05

AARON WRIGHT '05
ASSOCIATE
CONTENT MEDIA AND ENTERTAINMENT GROUP
JENNER & BLOCK





DIGITAL DAREDEVIL:

Stephen Coates '06

BY BRONWYN BERKERY

If trademark attorney Stephen Coates has learned one thing on the job, it's that there's no such thing as a typical day in the tech industry. He learned to embrace the field's rapidly changing environment quickly as an employee at Amazon.com. The Seattle-based Internet retailer started off selling books, but shortly after Coates' first day in May 2011, the company formed Amazon Studios to create content for the entertainment industry.

"When you're surrounded by smart people who think outside the box and are passionate about what they do, it demands you to be equally innovative," he says. "I set aside five hours each day for unexpected issues."

At Amazon, Coates handles a full range of intellectual property issues, including copyrights and trademarks—particularly as they relate to movies, preproduction work and test pilots. His fascination with the IP world can be traced back to his time spent as a paralegal at a boutique tech company in the 1990s. Soon after, he attended Cardozo, where he met several mentors within the alumni network. One of those mentors hired him to work as an associate at Kilpatrick Townsend & Stockton LLP.

Coates says that legal opportunities within the tech industry will only increase in the coming years. Experience helps, he says, but "you must be flexible and innovative. It's about using existing laws in new ways."

different at Cardozo is that we're actually working with startups. It's great for students to be forming these relationships when they're still in law school."

AREAS OF JOB GROWTH

As the tech sector builds in New York, says Diller, the legal opportunities will follow. He adds that a number of firms here are already trying to build their practices in the tech area. Muchnick confirms this assessment and says he sees three key areas of job growth for those with legal backgrounds.

The first area is with new or existing law firms that specifically address technology startup issues. "There are certainly a few boutique firms that people use right now," says Muchnick, "but I suspect that as things really start to blossom here there's going to be a lot more room for additional legal service providers."

In addition to boutique law firms, Muchnick sees an increased demand for in-house counsel, especially as these New York startups grow. These kinds of positions, he says, "provide great opportunities for those who really love the idea of focusing on a single client, of being a part of a single company with a common mission."

Muchnick says the third area of growth is in the creation of startups that provide legal services to the tech industry. He offers the example of a business that translates Web site legalese into plain English "so that anyone can quickly browse through a terms of service agreement and actually know what they're signing up for."

The key to finding the right fit is making connections, says Timothy Gladden '01, who joined his current firm, Schnader Harrison Segal & Lewis, in part to help the partners develop an emerging companies practice to take advantage of New York becoming a growing tech sector. "My advice to those entering the field," says Gladden, "is to get out and explore New York's rich tech ecosystem now—go to events, start to learn about the space, learn about different areas of technology focus so that you can be a resource for your clients and for the firm that you go to work for. Look for opportunities to network."

Gladden cautions that work in tech law requires a good deal of flexibility. "You are going to cover a wide range of practice areas because you are often working with first-time entrepreneurs, and these companies are growing—and once they've gotten funding, they tend to grow pretty quickly. So one day the need is that the company is out looking to raise capital, and the next day the need could be that in the course of raising that capital someone introduced them to a partner that wants to enter into a commercial agreement, and the following day the need could be employment related or have to do with real estate."

In the same vein, Yip says she believes that in the near future, online dispute resolution might become an important practice area in tech law as well. "This kind of dispute resolution is becoming more nuanced and necessary as the Internet creates different communities, and in those communities the expectations for how one resolves disputes may not include threatening to go to court or going to court."

TIMOTHY GLADDEN '01
CO-HEAD
EMERGING COMPANIES PRACTICE
SCHNADER HARRISON SEGAL & LEWIS



A portrait of Megan Yip '08, a woman with dark hair pulled back, wearing a dark blue blazer over a light blue patterned top. She is sitting at a wooden desk, looking directly at the camera with a neutral expression. The background is a blurred indoor setting with light-colored walls and some decorative elements.

MEGAN YIP '08
USER SAFETY POLICY SPECIALIST
TWITTER

SVEN WIEDERHOLT

While flexibility is the key word on the business side of tech law, creativity is the name of the game in the IP realm. “With IP in tech startups,” says Diller, “it’s a brave new world, and you are building the case law as you go along.”

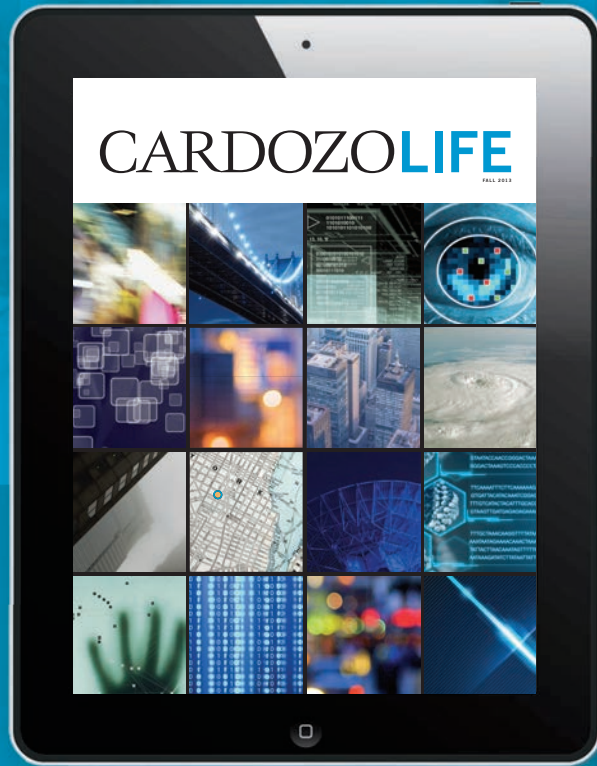
Wright says his experience bears this out. “The whole landscape in this field is changing,” he says. “The Internet is changing relationships between people, it’s changing how companies work, and it provides for a lot of creativity. The cases you’re relying on are from last year—you’re not necessarily looking back to cases from thirty years ago that were landmark decisions. The landmark decisions are getting created now. It’s a quickly changing body of law that is always presenting new challenges, it’s on the cutting edge, and it matters. It’s things that people are passionate about, and it’s fun to be a part of that.”

Working in the tech industry “definitely demands a different

kind of lawyering than when you’re representing major financial institutions and major corporations, which are large complex institutions,” says Diller. “Each area of law has its own constraints, and working with startups is not the same as working with a big business just scaled down to a small business. Tech law is a lot more focused on finding practical solutions that are simple and elegant and work for the client from a legal standpoint and a business standpoint. It’s much more about efficiency and simplicity and not reinventing the wheel, and knowing when you can use an off-the-shelf solution to a problem and knowing when you actually have to put in the energy to craft something special and unique. Success in this area of law hinges on both the skills and the attitude that the students bring to this work, and our focus at Cardozo is on giving students both the fundamentals and the outlook they need to flourish.” ■

“The school’s tight-knit but competitive community is very similar to the way the tech community feels.”

—MEGAN YIP '08



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Early in his career, as an American pioneer in the field of comparative constitutional law, **Professor Michel Rosenfeld** originally found himself somewhat isolated. “I got little positive feedback in the U.S. as a young comparative law professor,” he says of his work.

But **globalization** has changed that, making this a very important field. From international business transactions to new international courts and new constitutions around the world, the legal landscape has transformed—and Rosenfeld is now recognized worldwide as a **leading scholar** in the comparative constitutional law field.

Cultures, Constitutions, & Democracy In The World

Michel Rosenfeld Provides The Handbook





One of the first law professors to win the prestigious Fulbright-Tocqueville Distinguished Chair, Rosenfeld recently returned to Cardozo from a semester of teaching and lecturing as a member of the law faculty at the University of Paris 1, part of the Sorbonne. A prolific writer and co-editor-in-chief of the *International Journal of Constitutional Law*, he co-edited the first edition of the *Oxford Handbook to Comparative Constitutional Law* last year.

Rosenfeld sat down with *Cardozo Life* to talk about why law students need to study comparative constitutional law, how Citizens United is related to the Euro crisis, and what he has learned from his decades-long contact with U.S. Supreme Court justices.

CARDOZO LIFE: You were the second law professor to hold this chair at the University of Paris. What were some of your highlights?

MICHEL ROSENFELD: The most exciting highlight was when I got an invitation from the entire faculty of the College du France, which consists of one person per field of knowledge, including many Nobel prize winners, to come give a formal lecture. That's the highest honor one can receive from this premier French academic and cultural institution set up in the sixteenth century. The interesting thing is they wanted me to lecture on social and economic rights under the US constitution, so in my lecture I had to explain to the most serious intellectuals in France why in the U.S. we don't protect social rights in the way they do in the Europe.

CL: And why is that?

MR: In part it's because our constitution is older, and these weren't concerns in the 18th century. It is also because, as Americans, we are adverse to interference with markets. The Europeans are reliant on the safety net idea; Europeans have social and economic rights protected by their constitution. Federal laws from the FDR era have protected Americans, but without constitutional force these laws have started to be diluted.

CL: Why is comparative law so important right now?

MR: I was one of the very few who did it in the United States when I started. Since then, the world has become globalized, spanning from business transactions, to international private law, international public law, human rights, IP, and also a proliferation of new constitutions. Lots of countries in Eastern Europe, South America and South Africa have gotten new constitutions. There have been a proliferation of new constitutional and international courts, and the U.S. Supreme Court is not the dominant force it was before. I was involved in a big debate on whether the U.S. Supreme Court should cite foreign cases. I organized in my capacity of president of the U.S. Association of Constitutional Law a 2005 debate between Justices Breyer and Scalia on this topic.

CL: In an editorial you wrote in *I-CON*, the international journal of constitutional law, you talked about two current events: The Citizens United case, and the Euro crisis. You said they may look like two different things, but they actually have constitutional dimensions in common. Could you explain that?

MR: Traditionally we think of free speech, equality, and the structure of government as the key concepts for understanding constitutions. Money was not such a big issue in the traditional constitutional system. What I picked up on is how in two different parts of the world at the same time money became a huge driving issue for essential constitutional problems.

In the U.S., it became a driving issue for free speech when the supreme court said, basically, that there are no limits on money in campaigns, because if you put limits then you are limiting free speech—an argument that many in the Supreme Court, the President of the United States, and I find absurd.

At the same time in Europe there was an economic crisis, which was aggravated because they did not have when the crisis

hit a constitutional structure at the EU level for handling what the Federal Reserve routinely does in the US.

CL: Why should a new student want to study comparative constitutional law?

MR: First of all, there is quite a bit of overlap in the fields of international law, comparative law, and human rights law. The idea that constitutional law is only meant for public interest lawyers or people who deal with prisoners is not true.

I practiced law at Skadden Arps, which is a corporate takeover firm. I was a litigator, and in my very first case, there was a question of federalism—whether or not a state could impose limitations on someone who wanted to take over a company. We had to furiously write briefs on this constitutional issue which could make or break our client's takeover plan.

If you pick up *The New York Times* and look at the recent case involving Apple and accusations of tax evasion, you realize that they have a subsidiary in Ireland. For them to set all this up they have to be conscious of the rights people have, the claims that

Supreme Court heard oral argument on two same-sex marriage cases here, the French parliament adapted a law that made same-sex marriage legal in France. The debates were politically different, but in both cases they raised constitutional issues that were somewhat similar.

So now we have a series of countries and courts around the world that have dealt with this issue. To the extent that the two cultures involved are relatively similar, there can be mutual exchange and learning.

On the other hand, constitutionalism, as I wrote in my book *The Identity of the Constitutional Subject*, is tied to a national identity and culture. To that extent I don't think you can simply homogenize it. That will never work. It has to appeal to the people whose constitution it is. That's why we are not going to have one system for the whole world.

It is also in part why the EU is having so much trouble now. They have a lot of interests in common, but 28 countries within the union each have very different traditions, and the project of building a constitution for Europe has been very, very difficult



Professor Rosenfeld was joined by U.S. Supreme Court Justice Stephen Breyer and Judge Guy Canivet, who sits on the highest court in France, at an event sponsored by the Fulbright Commission in France.



can be made against them, and take into account the constitutional and human rights, legal restraints and requirements in a foreign country. So lawyers have to be much more conversant in these issues.

Now, an American law student will most likely never become a top expert on the Irish constitution. But when you have these international deals, the American lawyer has to sit down with a lawyer from another country and they will have to be able to talk to one another. From the level of the individual transaction to the level of the Supreme Court's jurisprudence this is the case.

CL: There are new constitutions cropping up all over the world. Where is this moving? Over the next 20 years, will we have hundreds of different, new constitutional models, or will experts like you help shape them into a modern democratic constitution?

MR: One of the things I did in France was organize a roundtable with Supreme Court Justice Breyer, a member of the Constitutional Council in France, myself and a leading French legal scholar. It was very striking that at the same time that the U.S.

and has had setbacks. Right now the whole idea of a union is in question in a way that five years ago no one could even have dreamt of. So I think that in this respect we are going to have lots of differences in the world, though in some areas we will have greater convergence.

CL: You convened an exchange between Justices Scalia and Breyer to ask whether our Supreme Court should consider foreign constitutional cases. And you are constantly talking to the top jurists around the world. What is your view of the differences in personality and how that plays out?

MR: They are very different, one from another. Very serious, dedicated and obviously very qualified people. One thing that is interesting is the extent to which our Supreme Court Justices are stars. They are known not only in our country but also around the world. I happened to be at a conference in Argentina the day Justice O'Connor's resignation from the Court was announced. It was front page news in the largest paper in Buenos Aires. There is nothing comparable to that anywhere else in the world. ■



Barbara Kolsun's Big Designs for Fashion Law

Barbara Kolsun '82 is the 2013 recipient of the John D. Appel Award for Exemplary Service to the Student Body—but that's only one of her accomplishments. Kolsun coauthored (with Fashion Institute of Technology Professor Guillermo Jimenez) *Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys*, the first textbook on fashion law. She pioneered teaching a fashion law course at Cardozo as well as at other New York law schools, and she's the fashion industry's go-to lawyer on counterfeiting and trademark infringement.

Kolsun, the executive vice president and general counsel at luxury shoe design firm Stuart Weitzman, remains an active part of Cardozo Law. Because of her efforts, the school already offers a course in fashion law drafting as well as a practicum that is offered in collaboration with the Fashion Institute of Technology (FIT). She's also developing a program with Professor Jeanne Schroeder that focuses on the legal problems of the fashion, design and architecture worlds. This past February, Kolsun moderated "International Fashion Trends: The Business of International Fashion Law," an all-day conference she helped organize with the *Cardozo Journal of International and Comparative Law*.

Cardozo Life spoke with Kolsun about her career, the development of Cardozo's fashion programs, and why the fashion industry is only getting bigger.

CARDOZO LIFE: Tell us a little about how you arrived at Cardozo.

BARBARA KOLSUN: I came to Cardozo in 1979. I had been in show business for eight years as a professional singer and decided to apply to law school.

CL: Does your work in the arts contribute to what you do now?

BK: It gives me confidence. I always say to my friends whose kids want to be in show business, "It's a perfectly great way to start your career because you learn about rejection, you learn how to express yourself, you learn how to be unequivocal about advice that you give."

CL: You've worked at most of the major fashion companies, and I get the sense that you kind of invented their legal offices.

BK: That's right. I mean, I was the first in-house lawyer at Stuart Weitzman, and at Kate Spade, and 7 For All Mankind. Fashion companies have always had lawyers—but they were outside counsel. But like in any business, once the outside counsel's bills start to reach a certain level, you start to think about having someone in-house who has some expertise in the area. And there are a lot of issues that are specific to the industry. I know our business very well. I can anticipate the problems that the creative side or the marketing side will have to deal with before they become problems.

CL: What does your job entail?

BK: The key, when you start a job like this, is to say, "Hey, I'm here to help. I'm part of the service end of the business." And I always tell my students or my interns, "This is a service business." I tease them and tell them they're flight attendants. They bring the food, they make sure people don't choke on it, and then they clear the plates. Don't think you're any bigger than that.

I was hired here by the equity fund that invested in the company. They're obviously looking to eventually sell the company, so there's a lot of focus on due diligence. When you think about due diligence, you ask, "Have we got a human resources department? Who does our bookkeeping? What are in our stores? Where are our leases? Do we have employment agreements? Do we have an employee handbook?"

You also have to consider that everything's different in Europe—"How do we deal with our employees in France and Italy?" The list goes on and on.

I also read all the contracts and comment on them. I have a great relationship with the business people everywhere I've worked because I love what I do, and if you love what you do, then you get to know everybody.

CL: Tell me about some of the classes you teach at Cardozo.

BK: The course that I'm teaching this semester is called Fashion Law Drafting. During the term, students have seven or eight short writing assignments. For example, students were given an e-mail by a customer which said, basically, "I love your shoes, but I hate that naked 12-year-old girl in boots, and I'm really offended by it, and I'm going to stop buying your product."

The assignment was to respond to that with a one-page letter. And the students learned that it was all about finding the right tone. First, you don't want to offend the customer. You want to talk about the point of the ad, which is empowerment and



NORMAN GOLDBERG

women, and you want to also remind them that this model is actually 30, and she has three children, and she is very well known for her charitable work related to families.

Usually students start the semester trying to write moot court briefs, and it's like, "No, no, no! You don't have to cite a case—just get to the answer."

CL: You basically started the fashion law program at Cardozo. How did it develop?

BK: Years ago, Dean Monroe Price asked me to put together a syllabus for a course in fashion law. And then the course didn't happen, and I put all the material on the back burner. In the meantime, I met Guillermo Jimenez, a professor at Fashion Institute of Technology. He suggested we do a book. So I took the outline that I prepared for Price and used it as the outline for the book. Once it came out, it was very easy to sell the course.

It was hugely successful at Cardozo. I co-teach it with Lee Sporn, and we insisted on teaching it in the morning because I have to work. I remember Ed Stein saying to me, "Oh, you'll never get students at eight in the morning." But sure enough, there were 35 students in that first class. And now, this academic year, there are three offerings: Fashion Law, Fashion Law Drafting, and Lee is teaching a course called Fashion Law Practicum with FIT.

CL: What advice would you give to students looking to break into fashion law?

BK: If you list all the general counsel of all the fashion companies in New York, everybody has a different background, from a former U.S. Attorney to litigators to an acquisitions lawyer to a real estate lawyer. So I'd suggest that students work in a law firm to get some skills. Like any hot business, it's not easy getting jobs. We tend to have very small law departments, and there are very few lawyers who get positions in fashion companies right out of law school.

There's a lot of opportunity out there if students are flexible in terms of geography. I have a mentee who was at Levi Strauss, and she got the job as general counsel at Neiman Marcus because she was willing to move from San Francisco to Dallas.

CL: Where are we going with fashion law?

BK: I think there will continue to be discussions in the U.S. about protection of fashion because it doesn't exist under our current jurisprudence. We have copyright, we have design patent, but we don't have the kind of protection of fashion law that Europe has. It's a big issue.

Fashion is a trillion-dollar business, and there are a lot of knock offs. There's also counterfeiting. Everyone's being counterfeited—whether you're a famous designer or not. There are also employment issues specific to the fashion industry—we all have a lot of retail stores, real-estate issues, shopping malls.

Fashion is growing and growing—everybody cares about it, everybody's interested. It's not really a little niche. ■

Art Law at Cardozo

Cardozo draws on New York City's vibrant art and fashion scenes to provide students with red carpet opportunities to study the industry's legal field. Partnerships and programs combine hands-on training and access to prominent arts institutions.

In the **Fashion Law Practicum**, students from Cardozo and the Fashion Institute of Technology partner to create simulated businesses. Cardozo students work as legal counsel, addressing issues from proposal to broad development strategy.

In **The Indie Film Clinic**, students provide free legal services to independent, documentary, and student filmmakers, gaining valuable transactional, licensing, and negotiation skills.



LA CAMIONETA, one of the projects represented by students in The Indie Film Clinic, screened at the SXSW Film Festival in 2012, and was recently ranked near the top of *Indiewire's* current list of "The Best Indie Movies of 2013." The film follows a decommissioned school bus as it leaves the U.S. on its way to Guatemala, where it is resurrected as one of the brightly colored camionetas that bring the majority of Guatemalans to work each day.



The Cardozo **Arts & Entertainment Law Journal** is the number-one journal in the country for arts, entertainment and sports law, and the number one journal for IP law in New York State.

Fashion Law and Fashion Law Drafting courses, taught by industry leader Barbara Kolsun, expose students to international business and intellectual property issues in fashion.



Law and Literature, published three times a year, explores the interdisciplinary connections that literature brings to creative and critical understanding of the law.

The **Program in Law and Humanities** combines courses, conferences, lectures and visits from prestigious speakers to promote an interdisciplinary approach to law and our culture at large.

The **Art Law Field Clinic** provides a chance to work at prestigious institutions like the Whitney Museum of American Art, The Brooklyn Academy of Music, and Christie's and Sotheby's auction houses.

CONFERENCES

International Fashion Trends: The Business of International Fashion Law in spring 2013 addressed the economic and legal implications of sustainability, international trade, and compliance within the international fashion realm.

Law and Fashion: Emerging Trends is a bi-yearly conference held after fashion week with the involvement of Lee Sporn, senior vice president of business affairs, general counsel and secretary, Michael Kors Holdings and Barbara Kolsun, general counsel of Stuart Weitzman.

STUDENT GROUPS

Cardozo Art Law Society

Cardozo Entertainment Law Society

Intellectual Property Law Society

Sports & Entertainment Law Students Association



RESIDENT ASSOCIATE MENTOR PROGRAM

RAMP provides an opportunity for recent Cardozo graduates to work as full time Resident Associates for one year.

Participating small- to medium-sized firms and corporate legal departments hire graduates at a residency-level salary.

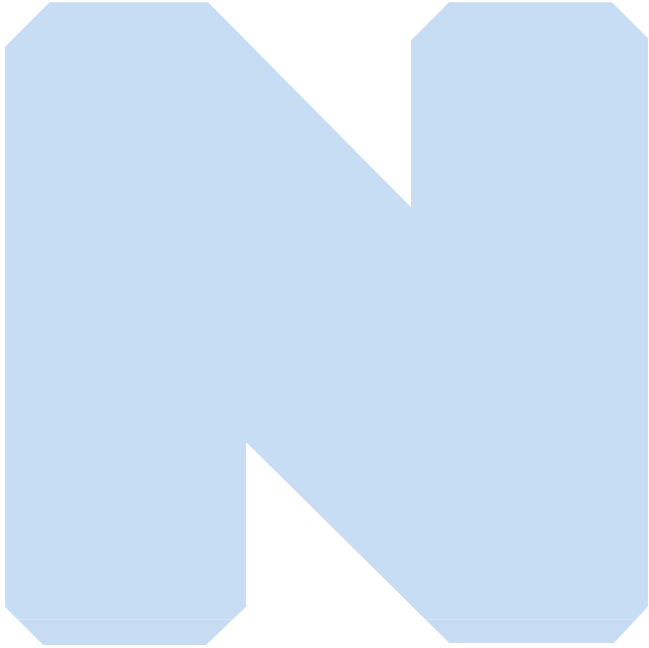
Employers receive free CLE opportunities.

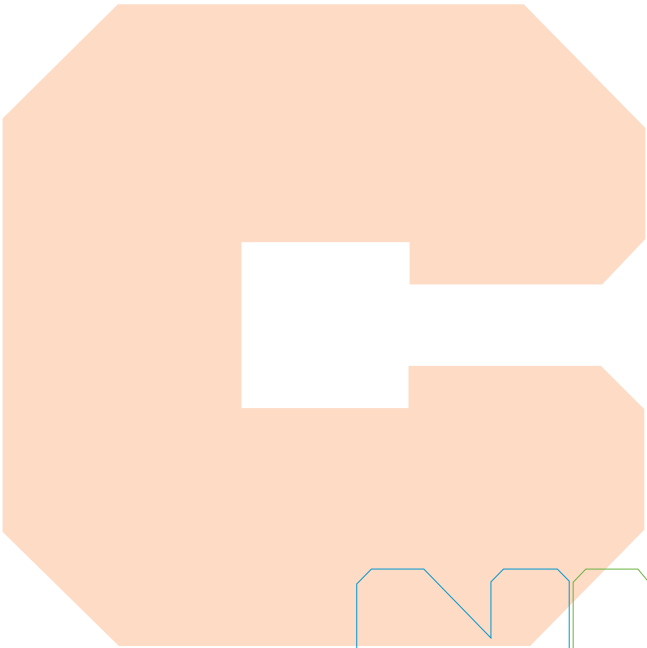
Graduates receive support from Cardozo's Center for Professional Development.

Employers and students interested in RAMP can contact Marcia Levy, mlevy2@yu.edu.

CARDOZO LAW

New York City is at the heart of a Cardozo Law education





NYC

Five Years of Running the Immigration Justice Clinic

The Kathryn O. Greenberg Immigration Justice Clinic has just completed its fifth year of operation at Cardozo School of Law. When Cardozo hired me to develop the clinic five years ago, we set three goals for ourselves. We wanted first to help provide representation for the most vulnerable and least served immigrants facing deportation. Simultaneously, we sought to enhance the power of immigrant communities by representing community-based organizations seeking to bring about systemic changes to law and policy. Finally, and most critically, we wanted to educate and launch the careers of the next generation of immigration advocates and social justice lawyers.

Along the way, through the amazing work of our committed student advocates, we have had a number of notable victories. In the first year of the clinic, we uncovered, through federal FOIA litigation, startling evidence of the widespread use of illegal warrantless SWAT-style home raids by the federal immigration authorities. We published our finding in a report entitled *Constitution on ICE*, which garnered significant media attention and prompted both substantial policy changes and a federal lawsuit. These reactions have collectively served to sharply curtail the use of home raids by immigration authorities.

In later years, our students took aim at two pernicious aspects of federal immigration enforcement that seek to draft local law enforcement agencies into the job of routine civil immigration enforcement. This devolution of immigration enforcement drives a wedge between immigrant communities and the police, making us all less safe. As part of this effort, students litigated a major federal lawsuit to uncover the truth about a then-secret new program called “Secure Communities”—a program that seeks to impose civil immigration checks on early police encounters before people are even formally charged with a crime.



Our lawsuit prompted hundreds of newspaper articles and two federal investigations. Three governors subsequently asked to have their states removed from the program. Our students also developed the concept of “detainer discretion”—the idea that states and localities can choose not to hand individuals over for deportation. The clinic provided legal support for the passage of two detainer discretion laws here in New York City and inspired similar efforts in jurisdictions across the country. Collectively, these efforts have spared thousands of families from being torn apart by deportation.

These are but a few examples of the incredible accomplishments of our students over these first five years. But in taking stock now of what we have achieved, it is becoming clearer by the day that our greatest impact will be through the influence we have had on our students. The significant majority of the clinic's alumni have gone on to careers in public interest law, with many working at the top public interest and immigrant rights organizations in New York and across the country. We've had alumni working in the immigration units at four of the city's six public defender offices and at other premier public interest organizations such as the Correctional Association of New York, Immigration Equality, the Legal Aid Society, Make the Road New York, the National Center for Law and Economic Justice, the New York Civil Liberties Union, the New York Legal Assistance Group, and the Urban Justice Center. In addition, we have had a number of students awarded prestigious postgraduate fellowships and federal clerkships. Unquestionably, the most enduring impact of Cardozo's Immigration Justice Clinic will be the continuing commitment and accomplishments of our alumni, who continue to strive toward justice for immigrants and for all marginalized communities. ■

Peter Markowitz is Clinical Associate Professor of Law and Director of the Kathryn O. Greenberg Immigration Justice Clinic.

LYNLY S. EGYES '09
ATTORNEY, THE SEX WORKERS
PROJECT AT THE URBAN
JUSTICE CENTER

What do you do as an attorney at the Sex Workers Project?

I provide direct services to sex workers and victims of trafficking, I represent clients in a variety of visa applications, and clients who are in immigration court proceedings. I also work directly with defense attorneys and advise them on plea allocutions for my clients. I provide regular “know your rights” training to the transgender immigrant community in Queens, and, through this work and our connection with the LGBT community, we have established the first LGBT anti-trafficking program in the U.S. Through our client-centered, non-judgmental approach, I often identify trafficking in situations that have been missed by other people.

What did you achieve in the Immigration Justice Clinic?

I worked on the Freedom Of Information Act lawsuit about immigration home raids and on an Individual Adjustment of Status

case where our client had a criminal conviction that could have had an impact on her adjustment. I also screened people at Varick Street Detention Center and helped a detainee file a stay of removal. While at the clinic, I coauthored the report, *Constitution on ICE: A Report on Immigration Home Raid Operations*.

How did the clinic prepare you for your current job?

We had a client who would be taken directly from jail to immigration detention. Peter Markowitz told me that I needed to get the immigration detainer lifted. I spent months contacting everyone I could think of for help, from law enforcement officials to attorneys to detention and removal officers, and I finally received a letter from our client saying that she would be released. I apply this attitude of doing everything I can, and then a little bit more, for my client every day in my job. I have been told by defense attorneys, judges and prosecutors that what I am asking for is not possible. But I think back to Peter telling me to keep going until the problem is fixed. And that is what I do.



NYASA HICKEY '11
ATTORNEY, BROOKLYN
DEFENDER SERVICES

What do you do at Brooklyn Defender Services?

I aid in the representation of non-citizen criminal defense clients, aiming to avoid or minimize the negative immigration consequences of arrest and potential conviction. I also help clients secure citizenship, green card status and other immigration benefits. Finally, I process applications for individuals seeking legal assistance for such benefits, and I supervise volunteer attorneys.

What is most rewarding about your job?

Of course, I love the “wins.” But what really makes my job rewarding is that moment when the communication barrier between client and attorney, between disempowered and empowered comes down and I can help my client understand the legal process around him or her, and how he or she can meaningfully participate in the decision making required to defend their case.

What did you achieve in the Immigration Justice Clinic?

I represented an individual who was

taken advantage of by unscrupulous immigration attorneys, causing what should have been a simple adjustment application to remain an unresolved case for almost 20 years. By utilizing creative legal arguments and gathering affidavits from his family and community, I helped my client avoid deportation and obtain his green card in immigration court.

I also engaged in large-scale advocacy focused on disentangling the immigration and criminal justice system by drafting legislation, crafting legal arguments and developing advocacy.

How did the clinic prepare you for your current job?

Without the Immigration Justice Clinic I would not have been prepared for the challenges I face at BDS, including communicating effectively with clients, colleagues and adversaries, as well as multi-tasking in a fast paced and high-volume environment.

Peter Markowitz was an incredible role model who showed me what careful, zealous and creative lawyering can and should be. The clinic gave me a “best practices” model of client-centered lawyering that I try to emulate on a daily basis.



CLEMENT LEE '11
DETENTION STAFF ATTORNEY,
IMMIGRATION EQUALITY

What do you do as an attorney at Immigration Equality?

I represent detained, indigent, LGBT asylum-seekers in immigration court, almost all of whom fear brutal forms of persecution and violence in their home countries simply because they are LGBT.

What is most rewarding about your job?

Many detention facilities attempt to mitigate transgender detainees' risk of victimization by placing them in solitary confinement. Transgender immigrants can be subject to torturous isolation, surveillance and humiliation for up to 23 hours a day. Many are tempted to "give up" and accept deportation to a country where they fear violence and persecution. I'm happy when Immigration Equality is able to secure their release from the nightmarish forms of solitary confinement.

What did you achieve in the Immigration Justice Clinic?

I put together an asylum application

for an LGBT asylum-seeker. Nyasa Hickey and I helped secure permanent U.S. residency for a foreign national whose experiences with predatory and incompetent attorneys nearly resulted in his deportation. After the 2010 Haiti earthquake, the clinic helped Haitian nationals apply for Temporary Protected Status. The clinic also worked with a coalition of community-based organizations to protect immigrants in New York City with low level or no convictions from being funneled into immigration detention from city jails.

How did the clinic prepare you for your current job?

The clinic was, hands-down, the most meaningful experience I had in law school. By exposing me to the complex interactions between criminal and immigration law, it played a tremendous role in preparing me for my current position. Professor Markowitz helped me to learn to navigate the complexities of "crimmigration" laws in a way that I still find useful every day. I still contact him for his feedback on cases that present particularly challenging issues.

BROOKE MENSCHEL '11
LITIGATOR, NEW YORK CIVIL
LIBERTIES UNION

What do you do as a litigator at the NYCLU?

I deal with a range of issues with a special focus on police in schools and indigent defense throughout New York.

What is most rewarding about your job?

Over the past two years, I have had the chance to work with a diverse group of people on issues that not only affect their lives, but also present fascinating and complex legal issues. On a daily basis, I have the opportunity to work with NYC public school students who typically have never met a lawyer and who fear authority as a result of negative interactions in school and in their neighborhoods. Having the chance to advocate for these students and provide them with a voice to assert their constitutional rights has been incredibly rewarding.

What did you achieve in the Immigration Justice Clinic?

As a member of the clinic, I had the

opportunity to work on three different, rewarding, and very challenging projects. Along with another student, I was able to use my newly developed legal skills to clear our client from deportation and secure his future in the United States, with his family in the only home he had ever known. Working with lawyers other public interest lawyers, I contributed to the drafting of a federal lawsuit that, years later, made headlines when the Judge supported the clinic's position. Finally, as part of a yearlong effort to reverse a decision made during the previous administration, I presented the effects of the policy to top-level DOJ and administration officials.

How did the clinic prepare you for your current job?

More than anything else in law school, the Immigration Justice Clinic taught me how to be a lawyer. Working closely with Peter as a mentor, I learned to develop legal theories, recognize holes in legal arguments, present facts and laws persuasively, and be the most effective advocate possible for my client.



Cardozo Journals Rise in Rankings

THREE JOURNALS ARE AMONG TOP IN UNITED STATES IN ANNUAL RANKINGS OF CITATIONS BY WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW

The **Cardozo Arts & Entertainment Law Journal** maintained its spot as the #1 journal in the country for arts, entertainment and sports law and the #1 journal for intellectual property law in the state of New York. Each year, AELJ publishes three issues focused on arts, entertainment, intellectual property, the First Amendment, sports, cyberlaw, and media and telecommunications law.

The **Cardozo Journal of Conflict Resolution** increased its ranking to #8 in the broad field of civil litigation and dispute resolution.

The **Cardozo Law Review** now occupies the #23 slot for the most cited law journal in the country. The journal has seen an impressive rise in prestige over the last two years—this latest advancement follows a jump from the #37 to #27 slot in 2012. The law journal rankings look at a journal's impact and the number of times it is cited in a given year to determine its annual rank.

Cardozo Journal of International and Comparative Law Cited in Kiobel Ruling

In *Kiobel v. Royal Dutch Petroleum*, decided by the U.S. Supreme Court in April, Justice Stephen Breyer cited a note by Kathryn Metcalf '11 in the *Cardozo Journal of International and Comparative Law* to support his argument that other nations allow lawsuits brought by foreigners against foreigners based on conduct abroad (Metcalf, "Reparations for Displaced Torture Victims," 19 *Cardozo J. Int'l & Comp. L.* 451, 468-470 [2011]).

Cardozo Law Review Article Cited in Landmark Recess Appointments Opinion

In January, Edward A. Hartnett's "Recess Appointments of Article III Judges: Three Constitutional Questions," 26 *Cardozo L. Rev.* 377 (2005), was cited in a unanimous opinion in the D.C. Circuit Court of Appeals ruling that President Barack Obama's recess appointments are illegal and an abuse of executive power. Hartnett is the Richard J. Hughes Professor of Law at Seton Hall University School of Law and has been a visiting faculty member at Cardozo.

STUDENT AWARDS AND ACCOMPLISHMENTS

Michelle Gonzalez '13 Awarded Immigration Justice Fellowship

Michelle Gonzalez was selected for the first Kathryn O. Greenberg Immigration Justice Clinic Community Fellowship. She joined Immigration Equality, a legal aid and advocacy organization working on behalf of LGBT immigrants and their families, for an 18-month fellowship. Gonzalez is focusing on representing LGBT people held in immigration detention. In the Immigration Justice Clinic, she represented a transgender woman in deportation proceedings, successfully preventing her return to Mexico and the prospect of brutal persecution. The fellowship is funded by the generous support of the JPB Foundation.

community, including her work on *The Cardozo Jurist*, her involvement with the Black Law Students Association and the Minority Law Students Association, her mentoring—both official and unofficial—of many students, and her outreach to Cardozo alumni and prospective students. The Whitlock Scholarship was established by the friends and family of Mark Whitlock '10, who passed away from brain cancer when he was a student at Cardozo.



Danielle Noel '13 Receives 2013 Mark Whitlock Scholarship

Danielle Noel received the Whitlock Scholarship for her dedication to the Cardozo

Zubin Soleimany '14 Awarded Prestigious Peggy Browning Fellowship

The Peggy Browning Fund awarded a 10-week summer fellowship to Zubin Soleimany '14, who spent the fellowship working at Levy Ratner in New York, NY. The application process is highly competitive, and the award was based on his outstanding qualifications. Soleimany is interested in pursuing legal advocacy that supports the organization of nontraditional workers.



Cardozo ADR Team Excels in Two Competitions

THE AMERICAN BAR ASSOCIATION NEGOTIATION COMPETITION

The American Bar Association Regional Negotiation Competition took place at Boston College December 1–2, 2012. Cardozo sent three teams to the competition, and the team of Andrew Glantz '14 and Rachel Teitelbaum '13 advanced to the finals, ultimately placing third out of a field of twenty teams.

THE ICC INTERNATIONAL COMMERCIAL MEDIATION COMPETITION IN PARIS

Since 2007, Cardozo has sent a team to the ICC Competition. This year the team of Adam Berkey '13 and Evan Kass '14, coached in Paris by Ben Thompson, represented the school. Sixty-six teams from around the world competed, and Cardozo's team finished 11th in the preliminary rounds, advancing to the finals.

Cardozo Team Places in Finals at Transactional Law Meet

A team of Cardozo students placed as a Mid-Atlantic Regional Finalist at the 2013 National Transactional Law Meet at Drexel University's Earle Mack School of Law in Philadelphia. The team was composed of Mark Guffanti '13, Cindy Horowitz '14 and Shalinhia Miles '14. Jon English '13 and Simon Elkharrat '13 competed on another team and placed second for their draft. Alumni Julia Rubin '04 of White & Case and Sarah Jones '02 of Credit Suisse served as coaches to both teams and were instrumental in their success.

Cardozo Team Wins LL.M. Moot Competition

A Cardozo LL.M. team placed first out of 12 teams in the LL.M. International Commercial Arbitration Moot Competition at American University. The competition, which includes the preparation of an outline of participants' arguments on behalf of both the claimant and the respondent, emphasizes oral advocacy skills before panels of arbitration experts. The winning Cardozo team included Andrea Kalish '13, Iva Rukelj '13, Kristina Jean-Conte '13 and Matthew Gross '13. In addition, Jean-Conte received an honorable mention for her oral presentation.

Student Articles Win Top Prizes



CARY ADICKMAN '13 WINS PRESTIGIOUS ACS WRITING COMPETITION

Cary Adickman, the *Cardozo Arts & Entertainment Law Journal's* senior articles editor,

won the American Constitution Society's Richard D. Cudahy Writing Competition on Regulatory and Administrative Law. His paper, "Special Access: The Harm of Premature Deregulation in Telecommunications," was selected as this year's winner in the student category by a distinguished panel of judges. Adickman's note was published in the *AELJ* Volume 31, Issue 1. Only one student nationally is awarded this prestigious honor.

LAW REVIEW ARTICLE BY JARED BLOCH '13 SELECTED AS TOP NOTE

A note by Jared Bloch '13 for the *Cardozo Journal of Conflict Resolution*, "From the People's Court to American Idol: The Relationship Between Television and Arbitration," 14 *Cardozo J. Conflict Resolution* 503 (2013), was selected as one of the best

law review articles published within the last year in the fields of entertainment, publishing and the arts. It will be included in the 2013 edition of the *Entertainment, Publishing and the Arts Handbook*, published annually by Thomson Reuters (West).



DANIELLE GORMAN '13 WINS IP WRITING COMPETITION

Danielle Gorman was selected as a winner in the New York State Bar Association's Phil Cowan Memorial/BMI

Scholarship writing competition. Her paper, "A Red-Letter Year: Single Color Trademark Protection in the Fashion Industry," explores the *Louboutin v. Yves Saint Laurent* cases.

CARDOZO STUDENTS TAKE FIRST AND SECOND PLACE IN IP WRITING COMPETITION

A note by David Kurlander '14, "Rebalancing Pay-For-Delay: Why the Hatch-Waxman Act Should Be Given More Weight in the Antitrust Analysis and What That Means for Reverse

Payment Agreements," won first place in the 2013 Honorable William Conner Intellectual Property Law Writing Competition, which is awarded by the New York Intellectual Property Law Association.

Erica Schwartz '13 won second place in the competition for her article "Red with Envy: Why the Fashion Industry Should Embrace ADR as a Viable Solution to Resolving Trademark Disputes," published in the *Cardozo Journal of Conflict Resolution* in fall 2012.



JASON SHAPIRO '13 WINS EMPLOYEE BENEFITS COUNSEL WRITING COMPETITION

Jason E. Shapiro won the Eighth Annual Employee Benefits

Writing Competition from the American College of Employee Benefits Counsel for his article "Employee Benefits Law: The Hidden Gap Enabling Sexual Orientation Discrimination in Employment." Shapiro was honored at the college's annual dinner in Boston.



STUDENTS PREPARE AND ARGUE CASE IN COURT OF APPEALS

Rachel Pecker '13 and Ryan Brewer '14, student participants in the Kathryn O. Greenberg Immigration Justice Clinic, represented a non-citizen in his appeal to the Second Circuit Court of Appeals. The students wrote briefs to the court, arguing that their client, a lawful permanent resident who has lived in the United States for more than 20 years, should not be deported. They prepared the case for oral argument and Rachel argued the case before a three-judge panel on June 18. From left, Professor Peter Markowitz; Professor Betsy Ginsberg; Professor David Rudenstine; Rachel Pecker '13; Sonia Lin, clinical teaching fellow; Kathryn O. Greenberg '82, chair emeriti, Cardozo Board of Overseers; Lindsay Nash, fellow, Immigration Justice Clinic; Dean Matthew Diller; Ryan Brewer '14



Cardozo Law Celebrates 35th Commencement

NEW YORK STATE SUPREME COURT ASSOCIATE JUSTICE DIANNE T. RENWICK DELIVERS ADDRESS

The class of 2013's commencement ceremony was held May 28 in Avery Fisher Hall at Lincoln Center. The Hon. Dianne T. Renwick '86, New York State Supreme Court Associate Justice, gave the commencement address. It was the first time in the school's history a Cardozo alum spoke at commencement.

Justice Renwick spoke of a feeling of

jubilant, satisfaction, pride and relief when she graduated in 1986, saying she hoped "today is for you what it was for me, one of the highlights of your life."

Dean Diller told graduates that they were entering the legal profession at a crossroads, saying, "but despite what you may have heard, this is a great time to be a lawyer."

He said that as the law changes rapidly, "Our society looks to lawyers to solve problems, and there is no shortage of problems out there for you to tackle."

Justice Renwick welcomed the class of 2013 to the ranks of Cardozo alumni, and urged them to be courageous, saying, "What ensures our freedom and equality is the singular dedication to the rule of law—the bedrock of our system of government."

Others speaking at the ceremony included: Board Chair Leslie Payson '91; Alumni Association Chair Mark Yagerman '79; President Richard M. Joel; Vice Dean Edward Stein; and graduates Max Bookman and Hugo Arenas.

MOVERS & shakers



SPENCER BROWN



John Amster '95 Creative Entrepreneur

BY BRONWYN BERKERY

John Amster never thought about founding a company when he entered Cardozo Law. But his entrepreneurial streak emerged during, of all places, an internship at the U.S. Attorney's Office in Brooklyn.

While working on a drug trafficking case, Amster found himself recording stacks of phone data using pencil and paper—a tedious and boring job. So he used his technical skills to compile the data digitally, “providing much faster, much more accurate, and much more accessible evidence,” he says.

In the same setting, many people would have found themselves engrossed in the nitty-gritty of a drug cartel case; Amster's focus on the phone-call record system was self-revelatory. “The experience helped me realize that I was a creative problem solver and more naturally inclined towards creating opportunities than accepting the status quo.”

Amster's entrepreneurial instinct was fired up, and in 2008

he started RPX Corporation, a company that provides defensive patent aggregation services for businesses, reducing unnecessary costs. He says the idea was born after he saw companies spending billions of dollars on outside legal counsel and not enough on securing the appropriate patent rights for their products.

Within a year, the San Francisco company's staff grew from about a dozen to nearly twice that, and it moved from an old firehouse to a formal office space. RPX went public in 2010, and by 2013 its roughly 130 employees served 150 clients. “We grew rapidly in one of the worst economic situations,” Amster says.

Amster's understanding of the legal field helped him recognize a business need, and he encourages students and lawyers to “seize the opportunities.” But it's not easy, and he also warns them that “having a good idea is not enough. Successful businesses do a lot of planning and are effective at communication. Understand the risks.”



Andrea Rattner '86

Leader in Executive Compensation and Employee Benefits

BY PHIL GUIE

Andrea Rattner graduated from Cardozo and began her career as a litigator, but she quickly discovered that the courtroom was too procedural for her taste. However, she found that the area in which she practiced, employee benefits, was exciting and interesting, and one in which she wanted to remain involved. So she shifted her focus from litigating to handling advisory and transactional employee benefits and executive compensation matters. She says she was attracted not only to the work's technical, multidisciplinary nature but also to its real-life, practical aspects.

"The work is important to both employers and employees," she explains, "because it helps companies attract and retain a talented workforce by offering competitive pay packages that comply with many different laws, including ERISA and tax, securities, employment and corporate governance laws."

In 1988, Rattner was hired by Proskauer Rose. Now, more than 25 years later, she sits on the seven-person executive committee that manages the firm. On any given day, she spends most of her time analyzing and solving clients' problems and interfacing with their in-house counsel as well as with CEOs, CFOs and top human resources executives. She also meets with board members, particularly with directors

serving on boards' compensation committees.

Rattner is considered a leader in the field of executive compensation and employee benefits. It's her job to help companies structure and design pay packages and benefit plans that meet their business objectives and comply with applicable laws. One challenge she says she relishes is figuring out how to treat employees and their equity and other benefits and compensation arrangements in a deal, as well as putting together "golden parachutes" and other compensation arrangements as part of a transaction.

Since executive compensation is a hot and sometimes controversial topic, Rattner also fields media inquiries. Last November, when rumors broke that—in light of then-anticipated tax increases—companies were looking to accelerate and pay executive bonuses in late 2012 instead of early 2013, CNBC's Mary Thompson contacted Rattner for her take.

Rattner believes that executive compensation is a field that offers excellent opportunities, especially for attorneys who want to be deeply involved in their clients' businesses, their people, and their transactions, such as mergers and acquisitions, bankruptcies and public offerings. "It's really a specialty that has a very broad reach," she says.



SARI GOODFRIEND

Jump in Giving Showcases Strong Support from Community

The Cardozo community rallied to support the law school's programs and curriculum this fiscal year. Giving to the law school reached a record \$6.1 million.

Cardozo's longstanding support for civil and human rights was endorsed by a \$2.5 million foundation grant to continue and enhance the work of the Kathryn O. Greenberg Immigration Justice Clinic and the Refugee Representation Project of the Human Rights and Genocide Clinic. Both projects, which provide direct representation to two of society's most vulnerable populations—indigent immigrants and refugees—have achieved remarkable success in their very short histories, preventing the deportation of virtually every client they have represented and succeeding in instituting key policy reforms.

A \$100,000 gift from world-renowned human rights advocate and former Nuremberg prosecutor Benjamin Ferencz created the Telford Taylor International Human Rights Clinical Teaching Fellowship as part of the Human Rights and Genocide Clinic in the 2013–14 academic year. Taylor was counsel for the prosecution and Ferencz's colleague throughout the Tribunal and a founding member of Cardozo's faculty. Ferencz's lifelong work has focused on issues of international criminal justice and world peace. He chose Cardozo as the home for the fellowship because of the law school's traditional dedication to upholding international human rights and the work of the Human Rights and Genocide Clinic toward preventing further occurrences of genocide throughout the world.

Earlier this year, Cardozo was selected to assume the project of translating and publishing the opinions of the Supreme Court of Israel. The Court is one of the great judicial bodies of the world and at the forefront of dealing with the complex



and challenging questions facing open and multicultural societies everywhere. Its rulings, traditionally available only in Hebrew, will be published in English in both print and electronic formats. Cardozo plans an expanded array of activities under the Israel Supreme Court Project, which will become a nexus for the study of comparative constitutional law, law and national security, and law and religion. Responsibility for the translation project was transferred to Cardozo along with \$127,500 in project funding by the Friends of the Library of the Supreme Court of Israel.

Board member and Miami Marlins

president, David P. Samson '93, became a benefactor of Cardozo with a pledge in support of experiential learning programs to insure that Cardozo students are practice ready at graduation—a key component of the dean's vision for the school.

"Making sure our graduates are prepared to assume substantial responsibility in their chosen legal, business, government or public interest law career—on day one—is vitally important," Sampson said. "I want Cardozo to continue to excel in this work and I want our students to continue to be exceptional and productive leaders."

The law school set a goal this year of raising \$1 million from Cardozo families. Alumni and parents responded generously. A \$100,000 gift from the Wildes family, which shares a long history with Cardozo, will support the Wildes Family Scholarship Fund. Family members include Michael Wildes '89 and his father Leon, both adjunct professors at Cardozo. Leon Wildes taught for more than 30 years at the law school and in the Immigration Clinic. He represented John Lennon and Yoko Ono from 1972 through 1976, securing lawful permanent residence for them.

"There are still so many opportunities for lawyers," Michael said. "My father and I want to make sure that those who want to make a difference in the world are able to do so."

Gifts to the Dean's Discretionary Fund are vital to the current and future strength of the law school. This year saw a rise in gifts to the Fund by both alumni and parents. The gifts allow the Dean to fund the law school's immediate needs and to increase educational resources.

Harold Gordon '88 and his wife Carrie

Gordon '88 gave a \$100,000 gift to the Fund. Harold, a partner at Jones Day, has been a longstanding leader at Cardozo. He serves on the Executive Committee of the Alumni Association, is an involved member of the Heyman Center Advisory Committee and is a member of the Dean's Advisory Council.

"Matthew Diller has a vision for the law school that is both aspirational and oriented to the real world," Harold said. "Carrie and I want to see Cardozo flourish under his leadership."

Scholarship resources always rank very high on the law school's list of priorities. Board member Eric I Cohen '83 and his wife Gail Cohen '83 boosted the endowment of their previously established Cohen Family Scholarship with a new gift of \$100,000, lending force to the dean's campaign to expand scholarship resources for students.

"I am honored to serve on Cardozo's board," Eric said. "Gail and I want to encourage and support students as they become members of the Cardozo community. We want to give them a great start in their careers at Cardozo and in

their future professional lives."

Additional support for the \$1 million goal came from a number of donors who chose to remain anonymous. Each made a generous gift of \$100,000. Two alumni leaders made their gift to the Dean's Discretionary Fund. The couple has remained engaged with and continuously active in Cardozo since graduation and this is their latest expression of support for the law school. Two sets of parents of current students made gifts of \$100,000. One made a gift to the Dean's Discretionary Fund and the other named a scholarship fund in honor of his family.

Moreover, law school alumni who are also parents of a second generation of Cardozo students made generous gifts. One donor who is both an alumnus and a parent made a \$100,000 gift to support the work of the Israel Supreme Court Project and the law school's new Tech Start-Up Clinic which will add a dynamic new element to Cardozo's clinical education offerings. And finally, the Annual Fund received widespread support and closed at \$1.9 million.

Public Service Auction Continues to Set Records

Always one of Cardozo's best parties of the year, the 2013 Public Service Auction broke previous records, raising \$611,000 for the public interest summer internship program. Stipends went to 242 students for summer internships in international human rights, at not-for-profits providing legal services to the underserved, and with government agencies and law departments of state and local governments, as well as for clerking in courts around the country.



Attendees enjoyed spirited bidding.



Dean Matthew Diller draws the winning raffle ticket.



First row from left: board chair Leslie Payson '91 and board members Rosemary C. Byrne '80 and Shoshana T. Bookson '82 enjoy the bidding. Behind them from left, Alumni Association Executive Committee member Sanford Hausler '87; Alumni Association chair Mark Yagerman '79; and Alumni Association Executive Committee member Leonard Benowich '79



Parents Council's Impact Grows

The Cardozo Parents Council, cochaired by Rachel Berkey '89, P'11, '13 and Stephen Cooper, P' 08 wrapped up a full year that began in November with its full-to-capacity annual Parents Brunch. Always a force in the life in the law school, the council also published their annual Parent Handbook and were active supporters of the Public Service Auction, selling tickets, donating auction items, and engaging in good-natured but seriously competitive bidding for auction prizes. Parents responded to a challenge by Cooper to double a \$4,000 stipend gift. Instead of doubling the challenge, they more than quadrupled it, raising a total of \$18,000.

This year, in conjunction with the Office of Career Services, the Parents Council inaugurated a new program designed to address questions about employment in the changing legal profession: "Building a Career: Candid Conversations with Students and Recent Graduates." More than 50 parents and students participated in the evening with Dean Diller and Associate Dean of Career Services Marcia Levy. They also heard reports from a diverse group comprised of two current students—one of whom has a job offer and another who is still looking—and a recent alumnus who described his own path to finding his current ideal position.



Shanice Naidu '15 and her parents Pelham and Lydia speak to Dean Matthew Diller at the Brunch.



Stephen Cooper and Rachel Berkey '89, cochaired of the Parents Council



Dean Matthew Diller meets students' parents.



Professors Alexander Reinert (pictured above) and Peter Goodrich taught mock classes after the brunch.



Law Firm Challenge

This year's Law Firm Challenge was a major success, with 47 firms participating under the leadership of Gary Holtzer '90, a partner at Weil Gotshal & Manges LLP and member of Cardozo's Board of Overseers, who chaired the project for the second consecutive year.

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

Lauren Sampson Brings Experience, Energy to Cardozo Fundraising

New Jersey native Lauren Sampson became Cardozo's Director of Annual Giving and Donor Relations last April, coming to Cardozo from Stevens Institute of Technology, a private engineering, technology and business university in Hoboken, where she was Director of Annual Giving. Prior to Stevens, she was the Annual Fund Manager at The Cooper Union.

How is fundraising for a school like Cardozo different than for one like Stevens?

The main difference between fundraising at Cardozo and Stevens is the size of the alumni population. At Stevens, I was responsible for soliciting annual gifts from both graduate and undergraduate schools, which had about 40,000 alumni combined. Cardozo has a smaller alumni population, which allows me to build more personal relationships with a larger percentage of alumni, which I really enjoy. Also, fundraising for one school instead of four schools and eight programs allows me to be more focused and thoughtful in my approach to soliciting donors.

What are your goals for the year ahead?

One of my goals is to get to know more about this wonderful school and its amazing alumni. Cardozo has accomplished spectacular feats in only 36 years and I cannot wait to truly become a part of the Cardozo community. Another major goal of mine is to increase the alumni participation rate and get more of Cardozo's alumni base to

understand the importance of annual donations to their alma mater.

What is your favorite part of working in Institutional Advancement?

Fundraising is both an art and a science and I love the variety the job brings. Working in Institutional Advancement you get to wear many hats. Some days I am a writer, others an event planner, but first and foremost I'm always a fundraiser. There really is no job out there like it.

Another one of my favorite parts of working in Institutional Advancement is the amazing feeling that I get when someone makes a donation to the school, because it lets me know that the school has connected on a very personal level with the donor.

Which leads me to one of the very best aspects of this job—communicating our thanks and sincere gratitude for our Cardozo friends. No one has to give. There are many ways for people to practice their own personal philanthropy. So when an alum chooses to honor his or her connection to the law school with a gift, it comes very much from the heart. Recognizing that heart-felt motivation opens the door to developing a solid relationship of trust with the donor. I find great joy in getting to know the alumni and friends of the school.

If you could tell Cardozo alumni and parents one thing, what would it be?

I would tell them that gifts to the Annual Fund ensure the continued excellence of the



Cardozo experience, and that every gift no matter the size makes a difference in the lives of Cardozo's students.

What do you do for fun outside of work?

I am an artist so I spend a lot of time creating, as well as going to museums and galleries. I am also an avid reader so I spend quite a bit of my free time curled up with a good book.



CLASS OF 2013 RAISES GIFT FOR SCHOOL

The 3L Class Gift Program was launched in 2006 and allows graduates to make a gift in the name of their class. Class gift chairs Brian Farkas and Danielle Noel, along with committee members Sheri Adler, Brittany Brown, Zabrina Chandler, Julie Geifman, Rachel Jacobs, Stephanie Kane, Dening Kong, Alexandra Manfredi, Robyn Mohr, Jimmy Renteria, Ryan Singer and Robert Woo, encouraged their classmates to contribute—and the total amounted to \$5,104 in gifts and pledges. The committee members presented Dean Matthew Diller with a mock check. The class of 2013 will be added to a plaque in the Kathryn O. and Alan C. Greenberg Center for Student Life that highlights participation in the 3L Class Gift Program and helps promote school pride and spirit.



Sixth Annual Alumni Association Dinner

Cardozo alumni gathered on January 15 to celebrate the law school and to honor Jonathan S. Henes '96, partner, Kirkland & Ellis LLP and Randi Weingarten '83, president, American Federation of Teachers. Almost 500 people were in attendance as the group toasted our honorees, enjoyed the splendid view of Columbus Circle from the Mandarin Oriental Hotel—and raised \$200,000 for scholarships.

Both Henes and Weingarten spoke passionately about the impact that Cardozo has had on their lives. Henes is recognized as one of the nation's leading restructuring lawyers, having led some of the highest profile global restructurings in a variety of industries including media, chemicals and energy. He is also active in civic and philanthropic activities. He has contributed greatly to intellectual life in the Cardozo community as chair of the advisory committee for the Samuel and Ronnie Heyman Center on Corporate Governance and as an adjunct professor teaching a course in distressed investing and corporate restructuring.

Weingarten is a celebrated American labor leader, attorney

and educator, who as president of the American Federation of Teachers represents 1.5 million union members nationally. She has been on the national stage as a policy expert and labor lawyer for two decades. In her career, she has launched major efforts to place education reform and innovation high on the nation's agenda. Weingarten has also been active at Cardozo as an adjunct professor, a member of the Cardozo Public Service Advisory Council and as a keynote speaker at the annual Public Law Advocacy Week (P*LAW) and at student orientation.

In addition, Jil Simon '13 and Jerry Goldfeder '79 spoke about the significance of receiving a scholarship to attend law school and how the opportunity shaped their lives.

Mark Yagerman '79, the chair of the Executive Committee, said, "The dinner is a much anticipated event each year and helps us express our pride in Cardozo. It gives us an occasion to celebrate all that Cardozo and our alumni have accomplished."

Be sure to mark your calendar for the Seventh Annual Alumni Association Dinner on January 14, honoring Arthur M. Luxenberg '84 and Hon. Martin Shulman '81.



1 From left, honorees Jonathan S. Henes '96; Randi Weingarten '83; Dean Matthew Diller. 2 Hon. Dianne T. Renwick '86 (right) and friends. 3 From left, Dinner Chair Harris Sufian '79; Alumni Association Chair Mark Yagerman '79; Dinner Chair Mark Lieberstein '92.

connect with Cardozo

There are so many ways for you to get involved with your Alumni Association.

NETWORKING EVENTS

- Beehive Networking
- Cardozo Connections

EVENTS

- Annual Dinner
- Annual Meeting
- Regional Dinners
- Reunions: New York and International

REGIONAL CLUBS

- Cardozo by the Bay (San Francisco)
- Connecticut
- Europe
- Florida
- Israel
- Long Island
- Los Angeles
- New Jersey
- Philadelphia (in formation)
- Washington, D.C.
- Westchester

COMMITTEES

- **Activities:** Organize public service and social events.
- **Alumni in Transition:** Develop programming to assist alumni changing jobs or career paths.
- **Continuing Legal Education Committee:** Review, organize and optimize CLE programming and conduct several CLEs throughout the year.
- **Mentor Committee:** Help students or younger alumni by sharing experiences.
- **Recent Graduates:** Work with other recent alumni for first five years after graduation.

PRACTICE AREA GROUPS

Organize a variety of practice-specific events throughout the year, including CLEs. The current practice-area groups include:

- General Counsel
- Intellectual Property
- Labor & Employment
- Personal Injury
- Public Service
- Real Estate
- Trusts & Estates
- Tax

AFFINITY GROUPS

Assist populations of shared interest in organizing a variety of social and professional events throughout the year. Our current Affinity Groups are:

- **BALLSA** (Black, Asian, Latino Law Students Association Alumni Committee)
 - Annual Dinner
 - Alumni/Student Reception
 - Scholarship
- **Cardozo Women**
 - Scholarship
 - Book Club
 - Networking events
- **OUTlaw** (LGBTQ Alumni)
 - Reunion
 - LGBT Fund

For more information, call 212.790.0298 or go to cardozo.yu.edu/alumni.

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CLASS notes

2013

Benjamin Pedersen married Kristen Nowaskey in a ceremony at St. Mary Roman Catholic Church in Lakeville, CT. Benjamin will start as an associate in the New York offices of Debevoise & Plimpton in September.

2012

Julia Forman was appointed assistant district attorney in the Bronx District Attorney's Office.

Scott Group joined the firm Segal McCambridge Singer and Mahoney as an associate. Scott focuses his litigation practice on toxic tort and general liability matters in New York and New Jersey, representing

defendants including manufacturers and distributors in asbestos litigation, product liability matters, and catastrophic tort lawsuits.

Andreas Sætre Hanssen is an intellectual property lawyer at Advokatfirmaet Simonsen Vogt Wiig in Oslo, Norway.

Melanie Lewis was appointed assistant district attorney in the Bronx District Attorney's Office.

Saranya Murugaiyan is a junior associate focusing on corporate law and intellectual property at Samvad Partners, which has offices in the four major Indian cities. Saranya is based in Chennai.

Adam Pallack is the director of business and legal affairs at Universal Music Group.

Susanna Ratner was selected for the American Bar Association Section

of Taxation Public Service Fellowship. She is working at SeniorLAW Center in Philadelphia, providing direct legal representation, education and advocacy for low-income senior residents with real-estate tax issues.

Elizabeth Schwartzman was appointed assistant district attorney in the Bronx District Attorney's Office.

Marshall Volk was appointed assistant district attorney in the Bronx District Attorney's Office.

2011

Kaveri Arora married Michael Turner in April. Kaveri is an associate at the New York office of Venable, where she works in the firm's commercial litigation group. The couple was married in a ceremony at Fairmount Park Horti-

culture Center in Philadelphia.

Daniel Mulhall married Janelle Milanes in July. Daniel is manager of contracts administration with the legal department of AMC Networks in New York City.

Carina Patrilli has opened a new firm focusing on immigration law, including matters related to adjustment of status, naturalization, asylum, and temporary and permanent visas. Carina's firm is based in New York City.

Rachel Snyder married Drew Katz on March 16 in a ceremony at the Breakers Hotel in Palm Beach, Florida. Rachel is a pro bono lawyer in New York for the Door, a nonprofit organization that provides legal, career and other development services for impoverished young people.

Reunions Foster Alumni Connections

Friends and former classmates came together for their reunions on May 22. Graduates from celebrating classes—1983, 1988, 1993, 1998, 2003, 2008—met at the Harmonie Club for an evening of cheers and laughter. Alumni were seen smiling as they viewed their yearbooks and compared stories. The evening was a reminder of shared experiences, triumphs and achievements.

A second reunion event, a brunch with Dean Matthew Diller, was held at the law school the following day. Dean Diller discussed faculty developments and research as well as projects the school's various clinics worked on this year. Alumni had an opportunity to chat with faculty and tour the school, which for some looks very different than the last time they visited.

Next May, Cardozo will celebrate its first 35th Reunion, along with all classes ending in 4 or 9. If you would like to join your class committee and be a part of the planning, please contact CardozoAlumni@yu.edu.



Ellen Friedland and Eric Cohen '83 enjoy their reunion.



Marina Moraru and Csilla Boga '08 reconnect.



The class of '83 enjoyed the evening.

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Joel N. Yacoob and **Abraham Neuhaus** opened a new firm, and in one of their first cases, they represented Joseph Francis and Girls Gone Wild. The defendants had a default judgment of \$3 million against them, but the Third Circuit Court of Appeals overturned the judgment of the lower courts.

2010

Shilpa Jangam has been promoted to manager—legal at ArisGlobal. She is responsible for global contract negotiations across Europe and the United States.

2009

Oksana Bandrivska married Mahdi Bsieso on October 7, 2011.

LaToya Barrett successfully argued that her client's racial bias and hostile work environment suit against Xerox Corp. not be

removed to federal court.

Mara Brasil is a senior talent acquisition specialist, immigration, at Standard Chartered Bank.

Luosi "Rose" Chen was admitted to the Bar in New York State and is also busy with her son, Solon C. Wen, born in December 2010.

Hila Moran Cherny is an associate attorney at the intellectual property law firm of Soroker Agmon in Herzliya, Israel.

Jason L. Ederer joined Goldberg Segalla's Manhattan office, where he focuses his practice on professional liability, intellectual property, and sports and entertainment law.

Michael Hofstaetter is an assistant teacher in the University of Vienna's Department of Civil Procedure.

Anusree "Anu" Nair will be speaking at the EB-5 Summit For Attorneys and Developers in San Francisco. Anu is an associate in Klasko, Rulon, Stock & Seltzer's Philadelphia office and focuses her practice on both business and family-based immigration.

Charlotte (Charly) Phillips is an associate at Wrobel Schatz & Fox, a small litigation firm based in Bryant Park.

S. Cortlandt Urquhart is a federal and foreign principal contract and grant officer in the Office of Contract and Grant Administration at the University of California, San Diego.

2008

Carissa Alden married **Gregory Weiss** '04 on October 28, 2012. Carissa and Gregory first met in fifth grade at the Calhoun School and were

reunited at the 2008 *Cardozo Law Review* alumni party. Carissa is an associate in Fross Zelnick Lehrman & Zissu's New York City office, where she manages global trademark portfolios for clients in various industries and advises clients on trademark clearance, registration, licensing, policing, enforcement and opposition matters. Gregory is Assistant Division Counsel focusing on executive liability at AIG.

Edwyn "Eddie" Huang published his memoir, *Fresh Off the Boat*. Eddie owns Baohaus, a Taiwanese street-food restaurant in New York City.

Kim Turner was selected by *The Recorder* as one of "50 California Lawyers on the Fast Track," attorneys whose early accomplishments indicate they will be tomorrow's



Old and New Friends Meet at Regional Dinners

For the first time, alumni outside the New York area hosted their own special, celebratory dinners in conjunction with the 6th Annual Alumni Association Dinner. Leading this new initiative was Muriel Kaplan '80, cochair of San Francisco's alumni club, Cardozo by the Bay. Muriel envisioned all our regional clubs organizing alumni in their cities to celebrate in tandem with the Alumni Dinner in New York. She rallied the San Francisco club and spurred on other alumni who gathered in Los Angeles, New Orleans, France, Germany and Israel. We hope this will become a Cardozo tradition. If you would like to join one of our regional alumni clubs (see page 59), or if you want to start a regional club in your area, please contact CardozoAlumni@yu.edu.

Alumni Reconnect in London

Cardozo alumni from seven different countries gathered in London from June 14 to 16 to celebrate the Third International Reunion. As Cardozo has grown, our alumni have scattered all over the world, and the International Reunion gives us a chance to connect to our alumni who are far away from Fifth Avenue. Nearly 30 alumni joined Dean Matthew Diller, Assistant Dean Amy Sugin and Director of Alumni Affairs Sharon Ashley Lewis '87 for several days of fun, food and activities.



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top lawyers and leaders. Kim works with the Legal Aid Society's Employment Law Center in San Francisco, where she advocates for equality in athletic opportunities for female youth—particularly those in low-income communities.

Julian von Lucius is an associate in K & L Gates' Berlin office. He concentrates his practice on real-estate transactions, public building and planning law, and environmental law. In addition, he teaches administrative law for the German-Polish Law School of Humboldt University and Uniwersytet Wroclawski.

2007

Inbal Baum launched a new business, Delicious Israel (www.deliciousisrael.com), which offers culinary walking tours in Tel Aviv

and Jerusalem, as well as custom food and wine tours throughout Israel.

Valerie Charles wrote an article on how members of the gaming industry can reduce risks associated with the Foreign Corrupt Practices Act that was published in the *New York Law Journal*. Valerie is an associate at Edwards Wildman Palmer in New York, where she works in the white-collar and government enforcement practice group.

Lauren Kaeseberg successfully petitioned for the exoneration of Bennie Starks, who had been convicted of rape and battery in 1986. Lauren began working on Mr. Starks' case while she was a Cardozo law clinic student at the Innocence Project in 2004 and continued working on the case

after she graduated. Lauren is a criminal defense attorney in Chicago.

2006

Alexander Clemens is a researcher and lawyer at the Commission for Looted Art in Europe, which is based in London. The organization locates and recovers Nazi-looted artworks on behalf of claimants worldwide.

Daniel Zohny is legal counsel—intellectual property at the Fédération Internationale de Football Association (FIFA) in Zurich.

2005

Shinji Niioka's daughter, Emma Nanako Niioka, was born on March 1, 2013. His wife, Julia Niioka, was a visiting research student at Cardozo.

Jack "Yankie" Schwartz published his second book, *Contemplations*. Like his first book, *Ponderables*, it focuses on Jewish philosophy.

Kesha Tanabe was elected a partner in the Minneapolis firm Maslon Edelman Borman & Brand. Kesha focuses her practice on matters related to defaulted debt instruments and frequently represents bondholders, indenture trustees and lenders in bankruptcy proceedings, restructuring transactions and litigation. She also represents collateral trustees and trustees of liquidating trusts in all aspects of trust administration. Kesha was recently named to the "Minnesota Super Lawyers®" list as one of the Top Women Attorneys in Minnesota for 2012, and she was also recognized on the Minnesota "Rising Stars" list for 2012.

Welcome to Sharon Lewis, Alumni Affairs' New Director

In April, Cardozo welcomed back Sharon Ashley Lewis '87 to fill the position of Director of Alumni Affairs. A former litigator and active Cardozo alumna, Lewis brings to her new position a strong sense of connection to the law school and a deep appreciation of the legacy that she shares with all Cardozo alumni.

What did you do when you left Cardozo?

After graduating from Cardozo, I was a litigator at Webster & Sheffield, specializing in product liability defense and bankruptcy. I loved the intellectual and strategic challenges of litigation and being part of a litigation team was an unforgettable experience.

What other experiences have been important to you?

I've always been very grateful for my educational opportunities, so it has been an honor for me to serve in alumni leadership—both at Cardozo and at Johns Hopkins, my undergraduate alma mater. It's so clear to me that an active alumni body really does shape the character—and even the trajectory—of a school and I've always loved being part of that process. Community really does matter.

Why is Cardozo special to you?

On one level, Cardozo taught me how to think and opened my mind to a whole new way of analyzing situations. It also gave me the confidence to know that I could handle many difficult challenges

because law school itself is very challenging. On a personal level, I met my husband Jeffrey here. We have been married for 26 years and we share a strong sense of recognition of Cardozo's place in bringing us together and in building our careers and our lives. Therefore, Cardozo will always hold a special place in my life and heart.

What was your favorite class at Cardozo?

I had many favorite classes at Cardozo—at least one every semester—but the class in which I had my first real “a-ha” moment was in Contracts with Professor Paul Shupack. That was the first time the disparate pieces first came together and the nuances of the judicial



opinions opened up. I can remember where I was sitting at that moment and how it felt.

What has been the most enjoyable aspect of your first year on the job?

The most enjoyable aspect of my job is meeting alumni. I truly enjoy getting to know each alum and hearing what each has done since graduation. Our alumni are a diverse group of people, but they share a common thread of passion for what they do. I find that inspirational.

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Elaine Y. Wang was named chief of staff for First Selectman Timothy Herbst in Trumbull, CT. Elaine's responsibilities include negotiating and managing all collective bargaining agreements as well as managing departments and personnel.

Stefan Wiesli married his long-time girlfriend Gesche on September 22, 2012.

2004

Michelle Waller Cohen was elected partner at Patterson Belknap Webb & Tyler. Michelle works in the firm's New York City office and focuses her practice on corporate and commercial, patent, employment, and products liability litigation.

David Kochman was named one of the *New York Law Journal's* Rising

Stars. David is an associate at Reed Smith, where his practice focuses on complex commercial litigation and appellate matters. Since 2006, David has led the pro bono representation of William Kuenzel, an Alabama death row inmate, in federal habeas proceedings before the U.S. Court of Appeals for the Eleventh Circuit. As counsel of record for the inmate, who has been on death row since 1988, David now has a certiorari petition before the U.S. Supreme Court. He began working on the case while still at Cardozo. His pro bono work was profiled in the *New York Law Journal*.

Paula Lynn Miller married Eric Weil at BallenIsles Country Club in Palm Beach Gardens, FL. Paula is a Kings County assistant district attorney.

2003

Gregory J. Coughlin was elected partner at Harter Secrest & Emery, where he works in the firm's Rochester, NY, office. Gregory focuses his practice on merger, acquisition, joint venture, securities and private equity transactions.

John C. Gilson was elected a partner in the Charlotte, NC firm Moore & Van Allen, an Am Law 200 firm with a nationally recognized reputation and one of the largest law firms in the Southeast. John practices in the areas of mezzanine finance, private equity, and venture capital representing banks, institutional investors, hedge funds, BDCs, SBICs, private equity groups, and sponsors in their buy-out, investment, and finance transactions. John was also selected for inclusion to the

2013 North Carolina “Rising Stars®” list, which is included in the *North Carolina Super Lawyers* magazine.

Brian T. Kohn was promoted to special counsel at the firm of Schulte Roth & Zabel. Brian practices in the areas of complex commercial, securities, accountants' liability, mergers and acquisitions, and bankruptcy and creditors' rights litigation and works in the firm's New York City office.

Daniel Kokhba was made partner at Kantor, Davidoff, Wolfe, Mandelker, Twomey & Gallanty. Daniel works in the firm's New York City office and focuses his practice on commercial litigation and employment law.

Joanna R. “Jodi” Varon was named a partner at Duane Morris. Jodi is a member of the employment,

What are your goals for Alumni Affairs?

Imagine: If we could engage every single alum on some level—as committee members, as mentors, as donors, as participants in the full array of events and offerings—Cardozo's prominence in the legal world would be limitless.

But even more compelling is the value of the alumni network to each of us who received a Cardozo education. Our fellow grads are not only leaders in the law, but in the private sector, in the non-profit world, in government and in the judiciary. We offer each other contacts in and access to leadership in every sector of the economy. I want to help to harness the potential of our community for the good of us all.

The achievements of our alumni are varied and remarkable. There are so many ways to get involved and we are always open to

creating more opportunities for community engagement.

One of my highest priorities is to have more effective communication with our alumni both electronically and in person. To do this, we are working on our database to improve accuracy and search-ability. And I invite alumni to communicate with us about changes in their lives and careers.

I encourage alumni to stop by for a visit to see the many changes at Cardozo. My door is always open!

If you could tell Cardozo alumni one thing, what would it be?

Network. The ability to reach out to people is crucial, now more than ever. Cardozo provides many opportunities to network with alumni, professors, and administrators. Take advantage of these opportunities.

STUDENTS GET CAREER ADVICE DURING DEAN'S SPEAKER SERIES

The Dean's Speaker Series gives current Cardozo students an opportunity to spend time with prominent alumni and friends of the law school, who generously share their experiences and insights on building a professional life. This year's students enjoyed lunch-time talks with:

- **Kenneth Carter '98**, policy counsel for advanced networks and access services at Google
- **Alan Futerfas '87**, criminal defense attorney at Law Offices of Alan S. Futerfas
- **Jeff Goldfarb '02**, director of strategic planning at G-III Apparel Group
- **Dori Ann Hanswirth '86**, partner at Hogan Lovells representing Internet businesses and publishing and media companies
- **Marc Kemp '87**, principal of the real estate investment and development firm Basser-Kaufman
- **Jeffrey I.D. Lewis '86**, partner at Patterson, Belknap, Webb and Tyler LLP and the outgoing president of the American Intellectual Property Law Association
- **Lisa Lippman '90**, senior vice president at residential real estate firm Brown Harris Stevens
- **Mitchel Pahl '84**, partner at Duane Morris LLP and a nationally recognized expert on employee benefits and executive compensation
- **Jason Pomeranc '95**, entrepreneur, hotelier and the founder of Thompson Hotels, a group of luxury boutique hotels in New York, London, and other major cities
- **Elliot Schrage**, Facebook's vice president for communications, marketing and public policy
- **Josh Sussberg '03**, partner at Kirkland and Ellis LLP representing debtors, creditors, equity holders and investors in restructuring distressed companies

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labor, benefits and immigration practice group in the firm's New York City office. She focuses on cases related to employment discrimination; wage and hour; family, medical and military leave; background checks; and plant closings/reductions in force and works in connection with recruitment, performance management and termination cases.

Kelly Slavitt has been appointed Deputy General Counsel and Legal Director—North America and Food at Reckitt Benckiser, with overall legal responsibility for the United States, Canada and the food business. Based in New Jersey, Kelly will have overall responsibility for I-Mex legal execution, risk management and cost control, building on her work in the trademark and commercial fields.

2002

Daniel Biene started a company in 2012 called SmartLaw Media, which for the first time in the European market will enable consumers and businesses to create their own legal documents online. At the core of this service is an innovative software that Daniel and his team of ten full-time software engineers and Internet business professionals are currently developing. Unlike other online legal services in the United States, the service is not a collection of templates but a case of document mass customization.

Evan Rosen was promoted to partner at Epstein Becker & Green, where he is a member of the labor and employment practice group. Evan works in the firm's Atlanta office.

Aaron Y. Strauss has been named to the 2013 New Jersey "Rising Stars®" list. Aaron is the founder of and a partner at A.Y. Strauss, where he represents a wide variety of commercial lenders, developers, landlords and tenants on a broad spectrum of commercial transactions. He is also actively involved with the UJA-Federation in New York and New Jersey, the American Israel Public Affairs Committee, American Friends of the Israel Defense Forces, and American Friends of Rabin Medical Center in Tel Aviv, Israel.

2001

David Feuerstein was named one of the *New York Law Journal's* Rising Stars. David is a partner in Herrick, Feinstein's 80-member litigation department, representing public and private companies in

state and federal court and in arbitration and mediation. He handles class action defense as well as employment, real-estate and commercial litigation. David is spearheading Herrick's work with the Neighborhood Economic Development Advocacy Project's latest effort, the Partnership Project in Assisting Targets of Predatory Educational Institutes. This project addresses the growing legal need of low-income New Yorkers saddled with debts incurred from attending illegitimate trade schools that use students to exploit federal grant and loan programs.

Daniel D. Regan is running for the Allegheny County, PA, Common Pleas Court. Daniel has been city solicitor under Pittsburgh Mayor Luke Ravenstahl since November 2009.

Alumni Annual Meeting

The Cardozo Alumni Association gathered for its annual meeting on February 21.

The Young Leadership Award was given to Douglas Schneider '05, a member of the Alumni Association Executive Committee, founding chair of the Junior Advisory Board, and initiator of the annual Small Firm Networking event.

Voting for the Volunteer Service Award resulted in a three-way tie between Stephen Cooper P'08, Muriel Kaplan '80, and Harris Sufian '79. Muriel and Harris were unable to attend the meeting and were given their awards in absentia.

Cooper is a member of the Cardozo Board of Overseers, chair of the Board's Development Committee, and founding chair of the Cardozo Parents Council. Kaplan is vice chair of the Alumni Association Executive Committee and cochair of Cardozo by the Bay, the San Francisco regional alumni club. Sufian is treasurer of the Executive Committee and a class agent, and served as cochair of the Fifth and Sixth Annual Alumni Dinners.

Following the awards ceremony, Professors Richard Bierschbach, Deborah Pearlstein, Alexander Reinert and Kate Shaw spoke about the future landscape of civil liberties, covering then-upcoming Supreme Court cases addressing gene patenting, marriage equality, voting rights and surveillance.



Dean Matthew Diller congratulates honoree Stephen Cooper



Mark Yagerman '79 with honoree Douglas Schneider '05



From left, Professor Kate Shaw; Professor Deborah Pearlstein; and Professor Richard Bierschbach speak about the future landscape of civil liberties.

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Jessica Singh was elected a partner at Duane Morris. Jessica works in the firm's New York City offices, and she concentrates her practice in the areas of construction, real-estate and commercial litigation.

2000

Andrew Koerner was recognized in the 2013 edition of *Chambers USA* for his work in the field of immigration. *Chambers* commented that Andrew is "thorough, open-minded and creative" and that "he is recommended for his representation of individuals and companies in an all-encompassing array of employment and family-based immigration matters and nationality issues."

1999

Orlee Goldfeld successfully argued that her client, Hank Morris, should be granted a new parole board hearing. State Supreme Court Justice Richard Mott said the board had not considered that Morris made full restitution of \$19 million, lost his security industry licenses, has an unblemished prison record, was found at the lowest possible risk of committing another crime, and has already served more than the board's guideline of 12 to 18 months. Orlee is of counsel at the New York firm of Hollyer Brady LLP.

V. David Rivkin joined the firm of Carlton Fields in their New York City office. David focuses on commercial litigation and arbitration practice on cross-border disputes often involving licensing

of technology, copyright and trademark infringement, theft of trade secrets, and other intellectual property matters.

1998

Troy Barsky joined the firm of Crowell & Moring as a partner in their Washington, D.C., office. Troy is a member of the firm's health care group, where he focuses on health care fraud and abuse as well as Medicare and Medicaid law and policy.

1997

Andrew "Andy" Cohen is running for the Democratic nomination for the New York City Council in the northwest Bronx's 11th District. If elected, Andy would represent the Riverdale, Norwood, Bedford Park, Woodlawn, Wakefield and Kingsbridge neighborhoods.

Andy currently maintains his own practice and is an adjunct professor at John Jay College of Criminal Justice.

Grace E. Robson, a partner with the law firm of Markowitz Ringel Trusty & Hartog in Ft. Lauderdale, has successfully completed the requirements for national certification in business bankruptcy law from the American Board of Certification. Robson focuses her practice on the representation of businesses and individuals in bankruptcy cases as debtors, creditors, shareholders, bankruptcy trustees, assignors, assignees and purchasers in assignments for the benefit of creditors.

1996

Julie Hyman has joined the Hudson Valley Bank Business Development

In Memoriam

MELODY TAGLIAFERRI CRONIN '07

Melody Tagliaferri Cronin passed away on February 24 at the age of 35, after a courageous battle with acute myelocytic leukemia. Melody was an associate with the Baltimore law firm of Rosenberg Martin Greenberg, where she worked in the firm's litigation and creditors' rights groups. In both 2009 and 2010, she was recognized by the Maryland Bar Association for her pro bono work with the Wills for Heroes Foundation, receiving the Distinguished Service Award and the Alex Fee Award for Pro Bono Service.

PAMELA GOLD (GOLD-ZAFRA) '03

Pamela Gold (Gold-Zafra) passed away in February after battling melanoma for a little over a year. Pam, a member of the class of 2003, was an outstanding law student, an editor of the *Cardozo Law Review*, a teaching and research assistant, and a faculty member, teaching Lawyering and Legal Writing from 2007 to 2011.

She was a rigorous but kind and extremely popular teacher, a mentor to many students, and a wonderful colleague. Pam began her legal career with Wilentz, Goldman, and Spitzer, P.A. After working first in the firm's flagship Woodbridge, NJ, office, she moved to the New York

office as a leader in the firm's Toxic Torts and Asbestos litigation group, loving her work as a plaintiff's attorney. She is survived by two young children, Samuel and Benjamin; her parents, Sandy and Mark Gold; and her sister, Lauren Guberer.

WENDY LANDES '80

Wendy Landes passed away on March 14. She practiced family law in California and was the Chair of the Family Law Section of the State Bar Alternate Dispute Resolution Committee and a member of the board of Levitt and Quinn, a nonprofit family law center. After Wendy's diagnosis with liposarcoma in 2008, the "Wendy Walk" was started as a fundraiser that has raised about \$1 million for research on this rare form of cancer. Wendy is survived by her husband Robert and her children, Ali, Matt and Jackie, as well as her parents, sister and brother.

CATHERINE BENINCASA MCALEVEY '80

Catherine McAlevey passed away on April 13 after a brave battle with breast cancer. She served as deputy commissioner of operations for New York City's Human Resources Administration's Department of Social Services prior to her retirement in 2010. In addition to her passion for strong city government, she was a devoted fan of horseracing.

BRETT SHAAD '07

Brett Shaad, a member of the class of 2007, died in April after a short battle with meningitis. Brett was an attorney practicing in Los Angeles at the time of his death.

"Brett was an extraordinary person," his family wrote. "He was a loving son, brother and grandson, an attorney with a deep passion for social justice, and a dear friend to so many people. We cannot believe that this wonderful person is gone. We love you, Brett."

Born in Sacramento, Brett graduated from Jesuit High School and Boston College before he attended Cardozo. He was known for his wonderful smile and strong but gentle ways. He is survived by his parents, Sandy and Dick Cunha and Fritz Shaad; his brother, Brian Shaad; and his grandparents, Ken and Mary Lou Cayocca.

RACHEL STEAMER '05

Rachel Steamer was a prosecutor in the office of the Philadelphia District Attorney. After being diagnosed with cervical cancer, Rachel was a strong advocate for the HPV vaccine, encouraging women to be vaccinated to prevent this form of cancer. She passed away in February.

WENDE DONIGER '85

Wende Doniger '85 practiced matrimonial and family law, article 81 proceedings and adoptions

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Board. Julie is the founder of Julie Hyman, PC, a matrimonial trial and appellate law firm in Riverdale, NY.

1994

Shalom Baum was profiled in the *New Jersey Jewish Standard* for his work as president of the Rabbinical Council of Bergen County. Shalom assumed the presidency in late 2011 and has increased communication and cooperation with the New Jersey Board of Rabbis on issues such as Jewish education and Israel.

Jonathan Sobel won a patent victory for Symbol Technologies, obtaining an appellate ruling that infringement claims were frivolous and that sanctions should be awarded. Jonathan is a partner at Sobel & Feller in New York City.

1993

Gary S. Lutzker has joined the firm of BakerHostetler, residing in the firm's Washington, D.C., office. Gary focuses his practice in communications and cable television (broadband) law, regulation, transactions and policy. He counsels major communications and media clients and represents them before the Federal Communications Commission, U.S. Copyright Office, Federal Trade Commission, Department of Justice, and state and local regulatory agencies on matters including cross-ownership, broadcast carriage, program exclusivity, leased commercial access, program access, and more.

1992

Elliot J. Blumenthal opened a new law practice specializing in

commercial and business litigation and white collar criminal defense. Elliot bases his practice in Cedarhurst, NY.

Asher I. Labendz has joined Rawle & Henderson's New York office as an associate. Asher will focus his practice in the area of workers' compensation.

Oleg Rivkin joined the firm of Carlton Fields in their New York City office. Oleg focuses on international litigation and arbitration involving corporate, commercial and other business disputes.

1991

Joel B. Rothman opened a new firm, Schneider Rothman IP Law Group, based in Boca Raton, FL. The firm focuses on helping intellectual property owners monetize their

intellectual property, secure litigation financing, and enforce their rights.

1990

Stephen A. Weiss successfully represented the whistleblower in a case that represented the first settlement under the New York False Claims Act since it was modified in 2010 to allow payments to whistleblowers in tax fraud cases. Stephen says the "settlement demonstrates how necessary and effective whistleblower laws are in uncovering small business fraud that may be known and visible only to company insiders." His client received \$1.1 million. Stephen is a founding partner at Seeger Weiss LLP and serves on the Cardozo Board of Overseers.

at a firm she opened with her husband, D. Daniel Engstrand, Jr. Additionally, Wende was the acting director of Continuing Legal Education at Touro Law Center and an adjunct professor of law at St. John's University. She was also the director of the Suffolk County P.E.A.C.E. Program and Co-Chair of the Curriculum Committee of the Suffolk County Academy of Law. Wende passed away in April.

We Mourn the Passing Of

EDWARD DE GRAZIA, FOUNDING MEMBER OF CARDOZO FACULTY

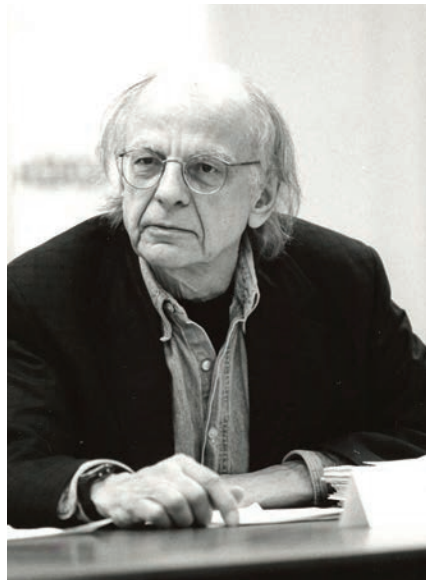
Edward de Grazia, professor of law emeritus and a founding member of the Cardozo faculty, died on April 11 at the age of 86.

Professor de Grazia was a specialist in human rights litigation, a political activist, and an avant garde playwright. During the 1950s and 1960s, he litigated challenges to the censorship of many artistic works, including Henry Miller's *Tropic of Cancer*, William Burroughs's *Naked Lunch*, and the Swedish film *I Am Curious (Yellow)*.

He authored several books, including *Girls Lean Back Everywhere: The Law of Obscenity and the Assault on Genius* (1993), a comprehensive

history of literary censorship that *Publishers Weekly* called "a tour de force of literary/legal sleuthing," and, with R. Newman, *Censorship Landmarks and Banned Films: Movies, Censors, and the First Amendment* (1982). Professor de Grazia's plays included *The Americans*, an anti-Vietnam War play performed at La Mama Experimental Theater, and *The Swings*, performed at the Gene Frankel Theatre Workshop.

"Throughout his years at Cardozo, Ed de Grazia was a thoughtful teacher, productive



scholar and passionate advocate of freedom of speech," said professor and former Cardozo Dean David Rudenstine. "He used his rare intelligence to participate in groundbreaking litigation, write exceptional books, and influence public policy over many decades."

His students benefited from his experience and scholarship—especially when taking Freedom and Censorship of Literature, Art and Film, a course he taught for years.

Professor de Grazia taught at the law schools of Catholic University of America, University of Connecticut, Georgetown University and American University. From 1956 to 1959, he served with the Office of the Director General of UNESCO, Paris, and then as a consultant with the U.S. Department of State and the U.S. Agency for International Development. After receiving both a B.A. and a J.D. from the University of Chicago, where he was managing editor of the *University of Chicago Law Review*, he joined Kirkland, Green, Martin, and Ellis and worked in the firm's Washington, D.C., office.

He was born in Chicago on February 5, 1927, to Alfred J. de Grazia, a band and orchestra conductor, and Catherine Calogera Lupo de Grazia.

He retired from the Cardozo faculty in 2006. In 2008, he was named professor of law emeritus by Yeshiva University President Richard Joel.

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1989

Michael Wildes, a managing partner at Wildes & Weinberg, announced that his firm would be opening two new offices in Miami. Wildes & Weinberg focuses on U.S. immigration and nationality law. Michael is also an adjunct professor at Cardozo.

1988

Benjamin Kaufman joined the firm of Wolf, Haldenstein, Adler, Freeman & Hertz as a partner, specializing in class action and commercial litigation.

Robert W. Seiden is the court-appointed receiver empowered to seize the assets of a Chinese company facing accounting questions. The case may test the extent to which investors can hold U.S.-traded Chinese companies

accountable for losses they have suffered because of the companies' accounting and disclosure problems. Robert was appointed receiver of ZST Digital Networks in March as part of a novel remedy granted to a U.S. investor by the Delaware Court of Chancery.

1986

Justice Dianne T. Renwick was nominated to the New York State Court of Appeals. Justice Renwick is currently an associate judge in the Appellate Division, having been appointed by former Governor Paterson. Dianne is also on the Cardozo Board of Overseers.

Lisa Rosenthal is running for a seat on the Board of Education for Rhinebeck, NY, where she has lived since 2004. Lisa works in private practice.

1983

Harold Levine joined the firm of Moritt Hock & Hamroff as a tax partner, where he heads the firm's tax practice group in their New York City office.

1981

William Mark Levinson has joined the firm of Fox Rothschild as a partner and cochair of the financial services industry practice group. Mark concentrates his practice on corporate and securities, municipal finance, and real estate, and he resides in the firm's Los Angeles office.

1980

Steven Goldenberg spoke at the U.S. Department of Energy's North-east/Mid-Atlantic Industrial Energy Efficiency and Combined Heat and Power Regional Dialogue

Meeting on March 13th in the session, "Current Barriers and Drivers for More Investment in Industrial Energy Efficiency and Combined Heat and Power." Steven is a partner and cochair of the Energy and Public Utilities Practice at Fox Rothschild and founded the New Jersey Large Energy Users Coalition. He is the author of New Jersey's district energy law, recent amendments to the Energy Savings Improvement Projects Law, and a proposed Governmental Energy Reliability and Savings Public-Private Partnership Act that is now pending in the New Jersey Legislature.

SENATOR FRANK LAUTENBERG, CARDOZO BOARD MEMBER

The Cardozo community mourns the passing of Senator Frank Lautenberg, whom for 12 years was an esteemed friend, board member, and guardian donor of the law school and Yeshiva University. Senator Lautenberg's life illustrated both the transformative power of education and the dedication of committed public service. His service as a Cardozo board member from 2002 to 2009 and thereafter as an honorary member



until his death reflects his values as well as his aspirations.

The Senator participated actively in the life of the law school, supporting a variety of initiatives that improved the educational experience of the students, including establishing a scholarship in his name, speaking frequently at law school events, expanding loan assistance for new graduates, and consistently lending his support to the public service summer internship program. On the board, he was a pillar of strength and integrity, serving as vice chair, chairing the nominating committee, and always deeply engaged in advancing the law school and its students. His belief in a just society, and compassion for the individuals who comprise it, guided his vision, made a difference in the lives of our students and enriched our world.

We extend our heartfelt condolences to his wife Bonnie Englehardt Lautenberg; to their six children and their spouses, our alumna Ellen Lautenberg '93 and Doug Hendel, Nan and Joe Morgart, Josh and Christina Lautenberg, Lisa and Doug Birer, Danielle Englehardt and Stuart Katzoff, Lara Englehardt Metz and Corey Metz; and 13 grandchildren.



**FRANK MACCHIAROLA,
DEAN OF CARDOZO SCHOOL OF LAW
FROM 1991-96**

It is with deep sadness that we announce the death of former Dean Frank J. Macchiarola, a beloved member of the Cardozo School of Law community.

During his five years as Cardozo's dean, Macchiarola affected students with his warmth and collegiality. His strong leadership raised Cardozo's prestige as a world-class law school.

"Frank's first principle was that a law school was a school and that students were its heart," said professor and former Dean David Rudenstine. "He put students front and center as he thought about what the law school needed and what new initiatives to support."

Dean Macchiarola embraced community, believing that an institution becomes stronger when all parties involved pull together in support of a shared vision. He came to the school with years of experience in public service and education.

He served as chancellor of New York City schools from 1978 to 1983; as deputy director of the New York State Emergency Financial Control Board; and as president and CEO of the New York City Partnership, a civic organization, from 1983 to 1988. He also served as vice president of the City University Graduate School and of Columbia University, where he was chair of the advisory committee of the Columbia Business School and a professor of education at Teacher's College. He held all of those positions prior to his days at Cardozo, where, in addition to being dean, he taught Legal Process, Contracts, and Legal Writing. After leaving Cardozo, he became the president (1996) and then chancellor (2008) of St. Francis College in Brooklyn.

Dean Macchiarola served on Mayor Michael Bloomberg's transition team and often

played a diplomatic role in municipal matters—including the successful effort to bring music back to Broadway after a prolonged musicians' strike in 2003.

Colleagues describe Dean Macchiarola as a consummate leader who encouraged Cardozo's administration to build a stronger law school while being generous to students and mindful of their needs.

"Teaching, for Frank, was not a job—it was a tremendous responsibility and joy, and he approached every student directly and personally," said Shai Waisman '96, a founder of Centelis Capital Management and a member of Cardozo's Board of Overseers. "Dean Macchiarola invested his time in you as a young student, understanding your goals and desires and always pushing you to realize your potential."

Earle I. Mack, chairman emeritus of the Cardozo Board of Directors, wrote in a letter that "Frank always had a bright smile on his face and offered a warm and assuring hand to shake. He spoke kindly to and of everyone."

"Frank Macchiarola played an integral part in creating the Cardozo spirit we share as a community today," said Dean Matthew Diller. "He remained connected to his Cardozo colleagues and was always eager to offer his advice and support for the school. He will be greatly missed."

He is survived by his wife, Mary T. Macchiarola; his three sons, Joseph (Michaela), Michael (Jennifer) and Frank (Sarah); and seven grandchildren, John, Joseph, Danny, Mary Kate, Erin, Maggie and Brian. He is also survived by his brothers, Joseph, James and Henry.

Floyd Abrams on Being a First Amendment Lawyer

Professor David Rudenstine and legendary First Amendment lawyer Floyd Abrams discuss what it takes to please the court.



DAVID RUDENSTINE:

You practically invented the modern field of first amendment law. Talk about your early involvement in it.



FLOYD ABRAMS:

There was no case that said there was a right to tell news, or to have confidential sources. The American TV press had to start from scratch, making law—first amendment law—which didn't really exist.



In the Pentagon Papers case you represented The New York Times.



We tried to figure out what the first amendment is all about. That's when it all started.



What specific courtroom advice do you have for our moot court competitors?



Don't read your brief; don't avoid difficult questions; and don't ever play around with the judges.



You've argued a lot of Supreme Court cases. Have you ever frozen up?



It's hard to think on your feet when it's just you and the microphone and the justices. Be yourself. Work within the framework of who you are. Be straightforward. And remember, however bad life seems at that moment, it could get worse.

This exchange took place between Professor Rudenstine, author of *The Day the Presses Stopped: A History of the Pentagon Papers* and Abrams at an event during the Price Media Law Moot Court Competition.



PHOTO: SPENCER BROWN

Support the Annual Fund!

“ The three years I spent at Cardozo were some of the most fundamental years of my life. I had the opportunity to learn and fine-tune my legal skills in a variety of classes, clinics, and externships. I would not have had the access to such amazing experiences if it was not for the support of the entire Cardozo community and the Annual Fund. I have already chosen to give back to Cardozo as a new alumna, and you should too. ”

—RACHEL JACOBS '13

Every year, Cardozo alumni, students, parents, and friends express their support for the school through gifts to the Annual Fund. These contributions have an immediate impact on the education, resources, and professional opportunities provided to Cardozo students. We invite you to become a partner in creating a dynamic future for Cardozo by making a contribution to the Annual Fund.

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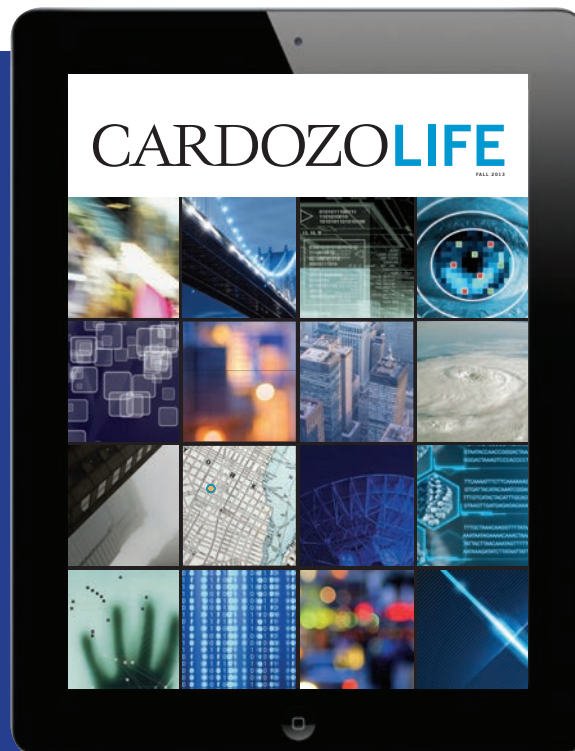
Honoring our Alumni of the Year

Arthur M. Luxenberg '84
Founding Partner, Weitz & Luxenberg

Hon. Martin Shulman '81
Associate Justice, Appellate Term, First Department
Justice, Supreme Court, New York County

Save the date!

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



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cardozo.yu.edu/calendar