

Fall 2016

2016 Cardozo Life (Fall)

Benjamin N. Cardozo School of Law

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CARDOZO LAW

YESHIVA UNIVERSITY | BENJAMIN N. CARDOZO SCHOOL OF LAW | CARDOZO LIFE MAGAZINE

FALL 2016



Justice For All

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

Building New York

*Cardozo launches the
Center for Real Estate
Law and Policy.*

Guantanamo: The Supreme Court Blinks

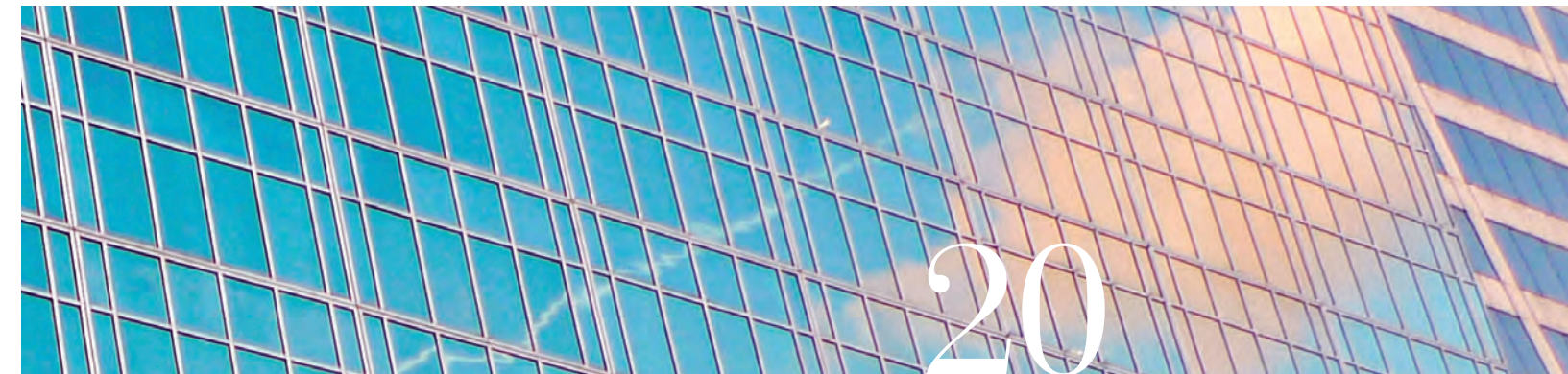
*An excerpt from David
Rudenstine's new book*

A New Generation

*The sons and daughters
of Cardozo graduates
join the class of 2019.*



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INNOVATION
LEADERSHIP
AMBITION



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Celebrating 40 Years

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

In my welcoming address to the incoming class of 2019, I described four qualities that define Cardozo and distinguish us from other law schools:

Innovation. Cardozo is a trailblazer in creating visionary programs. We were one of the very first law schools to develop specialties in intellectual property and alternative dispute resolution. Those programs continue to be ranked among the best

in the nation and have launched countless careers. With programs and centers such as the Innocence Project, the National Forensic College, the Indie Film Clinic and the FAME Center, we are the first to anticipate how changes in technology, science and the marketplace will impact the legal profession.

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

Leadership. Since its founding 40 years ago, Cardozo has been a community of leaders—visionaries who built a great law school in record time. Today's faculty continues that tradition, producing scholarship that has placed them among the most influential scholars in the country. Our alumni hold leadership positions in law, business and government. And our students are bursting with energy, leading more than 50 student organizations that produce a multitude of exciting events each year.

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

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

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

Thank you for supporting Cardozo Law!


MELANIE LESLIE
Dean and Professor of Law

CARDOZO LIFE FALL 2016

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TOP NEWS & events



Dean Melanie Leslie Announces Professor Myriam Gilles as Vice Dean

Professor Myriam Gilles has been appointed vice dean of Cardozo Law. Professor Gilles is a beloved member of the Cardozo faculty who has taught Torts, Products Liability, Class Actions and Civil Procedure to hundreds of students. She is a highly respected legal scholar whose work on complex litigation and mass torts has appeared in top law reviews, including those of the University of Chicago, Columbia, Michigan and Pennsylvania. Professor Gilles is routinely called as an expert on these issues in the media and before Congress. A graduate of Harvard University, she received her J.D. from Yale Law School in 1996. She was a visiting professor at the University of Virginia Law School in 2004 and a fellow in the Program of Law and Public Affairs at Princeton University from 2005 to 2006.

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

THE CENTER FOR RIGHTS AND JUSTICE

Dean Melanie Leslie announced the creation of the Center for Rights and Justice (CRJ) in 2016. The center, which focuses on themes of access, fairness, equality, accountability and transparency, is home to more than a dozen programs, clinics, and field clinics that work to advance justice through scholarly research, public policy reform and advocacy. Professor Alexander Reinert, the director of the center, argued before the U.S. Supreme Court in *Ashcroft v. Iqbal* and was co-counsel in the historic settlement with New York State that led to the reduction of the number of inmates held in solitary confinement. See page 24 for an in-depth look at the new center.

THE INNOCENCE PROJECT

The Innocence Project, along with the Jacob Burns Center for Ethics in the Practice of Law, the Center for Rights and Justice and the *Cardozo Law Review* hosted New Models for Prosecutorial Accountability in April. The conference brought together bar counsel, judges, prosecutors,

defense lawyers and academics to look at how to prevent prosecutorial misconduct and what can be done to address it when it occurs.

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

CARDOZO LAW INSTITUTE IN HOLOCAUST AND HUMAN RIGHTS

Edwin Rekosh, a leading human rights innovator, became the director of human rights initiatives at Cardozo Law. Professor Rekosh has worked in human rights for 25 years, including 10 years in Romania and Hungary assisting the development of human rights there and elsewhere in Central and Eastern Europe, as new constitutional orders emerged. He has pioneered innovative projects in China and in over 30 countries in Europe, Asia, Africa and South America. He will lead new and existing initiatives in human rights law at Cardozo, which include the Cardozo Law Institute in Holocaust and Human Rights, the Law and Armed Conflict Project and Human Rights Forward.

THE CENTER FOR
REAL ESTATE LAW
AND POLICY

The Center for Real Estate Law & Policy debuted in March and houses various curricular and experiential learning opportunities focusing on real estate law. The program includes courses, the real estate concentration, an

externship, a speaker series and CLE programs; the Stephen B. Siegel Program in Real Estate Law; the *New York Real Estate Law Reporter*; and the center's advisory board, consisting of some of the city's leading real estate practitioners. Dean Melanie Leslie appointed Professor Stewart Sterk as the center's director. He is a much-beloved faculty member and highly respected scholar in property, trusts and estates, copyright, and the conflict of laws. Read more about the center on page 20.



➤ From left, Eric Feuerstein '95, partner and co-chair of the Real Estate Practice Group, Gibson, Dunn & Crutcher; Dean Melanie Leslie; Scott Rechler, chairman and CEO, RXR Realty; and Jason Barnett, vice chairman and general counsel, RXR Realty, spoke in April at the kickoff event for the Center for Real Estate Law & Policy.

INTELLECTUAL
PROPERTY
AND INFORMATION
LAW PROGRAM



Ariana Tadler

Cardozo Data Law
Initiative

The Cardozo Data Law Initiative (CDLI) introduced a data law concentration, new courses and more externship opportunities. In addition, Dean Leslie appointed Ariana Tadler as the program's executive director. Tadler is a partner at Milberg LLP and is renowned for being one of the nation's leading authorities on electronic discovery in plaintiffs' litigation.

The CDLI provides students with theoretical

coursework, practical training and real-world exposure in e-discovery, data privacy, social media law and cybersecurity. To date, the program has placed approximately 30 students in internships, externships or full-time employment.

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

FAME Center for
Fashion, Arts, Media &
Entertainment Law



In 2015–16, the FAME Center for Fashion, Arts, Media & Entertainment hosted exciting events on the intersection of law and sports, fashion and art, featuring

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

Cardozo students have held externships at top companies including the following:

- Kate Spade • Calvin Klein
- CBS • Viacom • Sony Music Entertainment • Christie's • Sotheby's • Lincoln Center
- Reuters • MTV • ESPN • Condé Nast • Chanel • Prada
- Michael Kors



RECENT EVENTS AT THE
FAME CENTER:

Lunch at Barneys
A Discussion with Marc Perlowitz,
former general counsel of
Barneys New York
April 5, 2016

Fourth Annual Sports Law
Symposium
March 18, 2016

Conscious Couture:
How U.S. Fashion Companies
are Addressing Problems
in Overseas Garment Factories
March 8, 2016

Luxury and Law:
The CEO and the General Counsel
Conversation with Michael Kors
CEO John D. Idol and Senior Vice
President–Business Affairs and
General Counsel Lee S. Sporn
February 16, 2016

Rethinking Antiquities:
Restitution and Collecting in
the Time of ISIS
March 1, 2016

Street Art: What is Protectable?
December 1, 2015

The U.S. & China:
Perspectives on Brand Protection
and Intellectual Property
September 24, 2015



The Indie Film Clinic

To date, Cardozo students have represented over 90 independent, documentary and student films as part of the Indie Film Clinic, providing services such as drafting and negotiation of entity formation documents and agreements, depiction releases, artwork licenses and legal opinion letters on fair use. Many of their clients have appeared in leading U.S. and international film festivals. Cardozo welcomed Michelle Greenberg-Kobrin as director of the Indie Film Clinic. She had previously worked as a transactional attorney at Arnold & Porter and as the dean of students at Columbia Law School, where she taught classes in transactional lawyering.

➤ Indie Film Clinic client
Women Who Kill won the award
for Best Narrative Screenplay at
the 2016 Tribeca Film Festival.
The film is about the search for
meaning in modern-day
relationships.



➤ Michelle Greenberg-Kobrin,
clinical assistant professor of
law, director of the Indie Film
Clinic and director of the
Leadership Program at the
Heyman Center on Corporate
Governance

Cardozo Law's Intellectual Property & Information Law Program is ranked

No. 7 in the nation

by U.S. News & World Report.

Other Intellectual Property &
Information Law Events

World IP Day
Digital Creativity:
Culture Reimagined
April 14, 2016

The States of Security:
Data Security Regulation at
the State Level
April 1, 2016

International Trade and
IP Practice
March 16, 2016

Cardozo/BMI Moot Court
Competition
March 2–6, 2016

New Impressions on
Advertising Law
Cardozo Arts & Entertainment Law
Journal Annual Symposium
February 26, 2016

Bitcoin, Blockchain and the
Decentralization of Finance
November 17, 2015

Evolve Law:
Big Data in the Legal Industry
October 1, 2015



➤ Charley Cooper, managing
director at R3CEV, spoke at the
Cardozo Law Tech Talk Bitcoin,
Blockchain and the Decentraliza-
tion of Finance.

KUKIN PROGRAM
FOR CONFLICT
RESOLUTION

Cardozo Journal
of Conflict Resolution
Presents International
Advocate for
Peace Awards

The *Cardozo Journal of Conflict Resolution* (CJCR) honored Peter Yarrow, Noel Paul Stookey and Mary Travers (posthumously) of the famous folk-singing trio Peter, Paul and Mary with the 2015 International Advocate for Peace (IAP)



Peter Yarrow from Peter, Paul and Mary accepted the 2015 International Advocate for Peace Award on behalf of his band, Peter, Paul and Mary, and performed several songs for the audience.

Award. In selecting the music group, CJCR recognized its members' anti-war efforts and their goal of unifying society through song and music.

The journal honored Benjamin Ferencz with the 2016 IAP award. Ferencz was recognized for his humani-

Benjamin Ferencz accepts the 2016 International Advocate for Peace Award from the *Cardozo Journal of Conflict Resolution*.

tarian work. As lead prosecutor of the Nuremberg Trials, he brought leaders of Nazi Germany to justice. Ferencz also negotiated reparations for concentration camp victims. He is one of the founders of the International Criminal Court and has made the end of war his life's work.

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

MEDIATION CLINIC
CELEBRATES 30 YEARS

Cardozo's Mediation Clinic celebrated its 30th anniversary by highlighting its remarkable accomplishments. Over 500 students have passed through the clinic, going on to become leaders in the field in practice, in academia, in the court and in program administration.

Cardozo Law's
Kukin Program for
Conflict Resolution
is ranked the

No.6

DISPUTE
RESOLUTION
PROGRAM

in the nation by
U.S. News & World Report.

THE FLOERSHEIMER
CENTER FOR
CONSTITUTIONAL
DEMOCRACY



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

From left, Professor Julie Suk, Linda Hirshman and Professor Kate Shaw at the *Sisters in Law* event.

THE SAMUEL AND
RONNIE HEYMAN
CENTER ON
CORPORATE
GOVERNANCE

2016
EVENTS



APRIL 7

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

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

MARCH 21

Shareholder Activism in
Contemporary Corporations:
A Comparative View

MARCH 16

Emerging Companies:
From Domestic Establishment
to International Expansion

MARCH 2

Cross-Border Regulatory and
Compliance Issues Facing
Multinational Financial
Institutions

FEBRUARY 9

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

FEBRUARY 3

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

The Israeli Supreme Court
Project at Cardozo Law

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

The Israeli Supreme Court Project also hosted Three Presidents: Former Israeli Chief Justices in Conversation, a discussion with former Israeli Supreme Court presidents Aharon Barak, Dorit Beinisch and Asher Grunis.

On October 7, The Israeli Supreme Court Project hosted an event entitled "Women at the Wall, on the Bus and in Front of the Court: Religious Women as Agents of Change Throughout Israel" at the Yeshiva University Museum in the Center for Jewish History.

STUDENTS ENVISION THEIR
PROFESSIONAL FUTURE
THROUGH THE DEAN'S
SPEAKER SERIES

The Dean's Speaker Series allows students to meet and spend time with prominent alumni and friends of the law school who generously share their experience, expertise and insights on building a professional life. This year, students enjoyed lunchtime talks with:

Kari Cohen '09

Vice President and Assistant
General Counsel, Brooklyn Nets
and Barclays Center

Waleed Diab '04

Senior Counsel, Google, Inc.

Justice Asher Dan Grunis

Former President,
Supreme Court of Israel

Ian Dumain '04

Partner, Boies, Schiller &
Flexner LLP

Daniel Glimcher '06

Founder and Managing Principal
Glimcher Capital Group

Jonathan Henes '96

Partner, Kirkland & Ellis LLP

Barbara Kolsun '82

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

Adam Lurie '00

Partner, Linklaters

Todd Rosenberg '02

CEO, Pebb Capital

Emily Tisch Sussman '08

Campaign Director,
Center for American Progress
Action Fund

Howard Weller '90

Founder, The Law Firm of
Howard H. Weller

Clinics News



From left, Rikki Dascal '16, Professor Leslie Salzman, Joshua Ontell '17 and Alexandra Abend '17 challenged policies in the New York City Rent Freeze Program that placed low-income elderly and disabled participants at risk of eviction.

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

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

Clinic students Jake Jaffe '17 and Kristin Husebye '16 successfully represented a woman in her multi-year

struggle to remain in the East Village community she has called home for 40 years. The clinic began working with Ms. D two years ago after her court-appointed guardian improperly signed away her rights to her rent-stabilized apartment and prepared to move her to an institution. The clinic secured an important victory on her behalf at the Appellate Division, which set aside the guardian's deal and remanded the case so that Ms. D could have her day in court. Jaffe and Husebye argued and won a motion to quash a subpoena seeking highly confidential social work treatment records, examined witnesses, and submitted a post-trial brief.

BRONX DEFENDERS' (BXD) MAINZER FAMILY DEFENSE FIELD CLINIC STUDENT WINS FAIR HEARING FOR CLIENT SEEKING TO KEEP FAMILY TOGETHER
Karolina Wiaderna '16 won an Office of Children and Family

Services fair hearing for her client Ms. K, who was seeking to keep her family together after recovering from a struggle with addiction that had put her at risk of losing custody of her children. Wiaderna was able to convince the judge to seal all of Ms. K's prior cases for drug-related issues by showing the judge what tremendous efforts Ms. K had made to turn her life around for herself and her kids. Based on the strategy Wiaderna and her supervising attorney crafted, BXD Family Defense Practice attorneys are adapting their practice to incorporate the lessons of Ms. K's case and will request hearings for all prior relevant cases to get them amended or sealed in one proceeding.

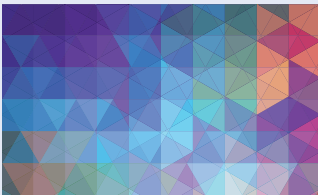
Students in Civil Rights Clinic Successfully Argue Case in Appeals Court

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



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

court found that the lower court's decision was in error and refused to dismiss his case on the other grounds raised by the prison-official defendants.



DIVORCE MEDIATION CLINIC STUDENTS HELP 50 COUPLES NAVIGATE FAMILY REORGANIZATION

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

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

The Criminal Appeals Clinic registered another victory at the New York Court of Appeals. Reversing a conviction for gun possession based solely on police testimony, the ruling expanded

the right of a defendant to cross-examine police witnesses about prior, though not necessarily criminal, misconduct. Elsa Mitsoglou '14 briefed and argued the appeal at both the Appellate Division and the Court of Appeals. The case, *People v. Tyrell Ingram* (June 28, 2016), was supervised by volunteer Jeremy Gutman, Esq., and Clinic Director Stanley Neustadter.

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

Melanie Reyer '16 assisted one of the lead prosecutors handling the public corruption trial against former New York Assembly Speaker Sheldon Silver. She assisted with critical pretrial research to show Silver's corrupt intent in business dealings. Her work supported the government's ultimately successful effort to convince the jury that Silver's connections were not merely coincidental but instead were quid pro quo agreements.

344
PEOPLE
in the U.S. have now been exonerated by post-conviction DNA.*
*As of August, 2016



Clockwise from top left: Afrodite Fountas '15, Chanel Vegh '16, Professor Jocelyn Getgen Kestenbaum, Ariella Mueller (Columbia Law School student), Heidi Rhodes (researcher with the Jesuits Massacre Documentation Project) and Adriana Greaves '14 gathered documentary evidence for trial as part of the Jesuits Massacre Documentation Project.

HUMAN RIGHTS AND ATROCITY PREVENTION CLINIC WORKS ON PROJECT ON THE MISSING AND DISAPPEARED

The Human Rights and Atrocity Prevention (HRAP) Clinic and the International Center for Transitional Justice (ICTJ) announced a strategic research partnership to examine international law and practice regarding enforced disappearance and the missing. Under the agreement, student participants in the clinic will review the evolution of these concepts and their legal implications and share their results with the ICTJ, an international organization that works in countries seeking to address legacies of mass human rights violations.

In collaboration with the Human Rights Center at UNISINOS in Porto Alegre, Brazil, HRAP Clinic students Kerrijane Wennberg '17 and Danielle Singer '17 conducted research and assisted in the drafting of an intervention (amicus brief) in a case pending before the Brazilian Supreme Court that involves indigenous peoples' rights to reclaim traditional lands.
HRAP Clinic students Ryan Lavigne '17, Danielle Singer '17, Kerrijane Wennberg '17 and Amit Noor '16 conducted a hearing before a U.S. immigration judge and successfully gained asylum for their client, a Falun Gong practitioner from China who had been jailed and abused in her home country.

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

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

A recent clinic client faced likely deportation for his 25-year-old criminal record in spite of his lawful

residence in New York City since 1963 and his large family of U.S. citizens. He not only won his deportation case in court last April but also finally became a U.S. citizen in December as the culmination of the legal efforts of four clinic-student teams.

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

In January, students Danelly Bello '17, Sophia Gurulé '17 and Jacob Onile-Ere '17 filed a civil lawsuit in the Southern District of New York against 10 federal agencies for failing to respond to the clinic's Freedom of Information Act requests submitted to uncover the truth about a major new federal immigration enforcement effort



➊ María Orellana '16 (speaker) and Matias Manzano '16 (not pictured), along with Clinical Teaching Fellow Thomas Fritzsche (back right), stopped the deportation of two young brothers fleeing violence in Central America.

called the Priority Enforcement Program.

Cardozo Law students Anthony Faranda '16, Dara Gell '16 and Sophia Gurulé '17 traveled to Boston in February, where Gurulé argued a summary judgment motion at the U.S. District Court on behalf of an Immigration Justice Clinic

client. The Immigration Justice Clinic sued to fight their client's passport revocation and get a declaratory judgment saying their client is a native-born U.S. citizen. The students in the clinic performed substantive work for the case, conducting and defending depositions, drafting various discovery requests and correspondence to opposing counsel, and ultimately filing an extensive motion for summary judgment.

**MEDIATION CLINIC
STUDENTS ASSIST IN
VARIOUS CASES**

Mediation Clinic student successes included the following:

- Facilitating an agreement between two co-workers whose dispute involved a plane ticket that one bought for the other during a period when they had been romantically involved
- Assisting a bride and a photography business in reaching an agreement over scheduling



and payment issues related to wedding photos

- Helping two artists work through a breach-of-contract case in which they needed to express their concerns and perspectives to each other, gain greater clarity about the dispute, and work toward resolving that conflict going forward

- Helping a group of Nigerians disentangle their financial affairs after a failed effort to start an import business

**TECH STARTUP CLINIC
CLIENTS SECURE FUNDING
FROM PREMIER VENTURE
CAPITAL FIRMS**

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



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

This fall, the Mayor's Leadership Team on School Climate requested that the clinic research progressive school disciplinary codes and policies in a range of jurisdictions around the country. The clinic worked intensively to prepare a report about the significant aspects of disciplinary codes in jurisdictions including the state of Maryland and the cities of Denver, CO; San Francisco and Oakland, CA; and Buffalo and Syracuse, NY. On October 7, 2015, the clinic made a presentation of its findings to the Mayor's Leadership Team Working Group on School Discipline. Many of the clinic's suggestions were incorporated into the recently announced changes to the New York City Department of Education's Discipline Code.



➋ Lewis "Jim" Fogle, pictured with supervising attorney David Loftis, spent 34 years in prison before being exonerated with the help of the Innocence Project. Dara Gell '16 performed crucial work in the case.

**Innocence Project Clinic
Student Instrumental
in Exoneration of Lewis
"Jim" Fogle**

Lewis Fogle spent 34 years in prison for a crime that he did not commit before being exonerated by the work of the Innocence Project clinic. The work of clinic student Dara Gell '16 was particularly instrumental in his release. In 1982, Lewis "Jim" Fogle was convicted for the 1976 rape and murder of a 15-year-old girl in Cambria County, PA. Although no physical evidence connected him to the crime, he was arrested based on the

"confession" of a mentally ill man placed under hypnosis by a professor at the local community college and was convicted based on the testimony of three informants procured a week after that confession. The Innocence Project was able to test the victim's rape kit in 2010, but the results were inconclusive. Within weeks of starting as a clinical student at the Innocence Project in the summer of 2014, Gell located critical documents that revealed specific evidence inventory numbers that eventually led to the discovery of additional items of evidence that were central to proving Fogle's innocence. Gell was also a fundamental part of the team that drafted Mr. Fogle's petition for post-conviction relief. On August 13, 2015, the order granting post-conviction relief was signed by the judge, vacating Fogle's sentence and granting him a new trial. On September 14, 2015, the district attorney agreed not to re-try Fogle, and he was fully exonerated.

**IN THE SPECIAL EDUCATION
LAW FIELD CLINIC,
JUSTINE RIDDICK '16 HELPS
AT-RISK STUDENT GET ON
TRACK TO GRADUATE**

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

Cardozo Law is the
24th
BEST LAW SCHOOL
in the nation
for practical training.*

*The National Jurist



Professor Alexander Reinert Co-Counsel in Historic Settlement Overhauling Solitary Confinement in New York Prisons; Testifies on Speak Free Act Before U.S. House of Representatives

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

become director of Cardozo's Center for Rights and Justice (CRJ) this year. Read more about the CRJ on page 24.

On June 22, 2016, Professor Reinert testified before the U.S. House of Representatives' Judiciary Subcommittee on the Constitution and Civil Justice. The subcommittee was holding a hearing on H.R. 2304, the Speak FREE Act of 2015, which proponents claim is important to protect individuals from so-called strategic lawsuits against public participation, or SLAPPs. Professor Reinert testified in opposition to the bill, noting that the legislation is too broad and that it violates numerous constitutional principles. In his testimony, Professor Reinert said that "The proposed legislation will impose significant barriers to important civil



rights and public interest litigation and introduce unwarranted and unprecedented changes to the procedures by which cases are adjudicated in federal court. It is an unwarranted intrusion into states' rights and is almost certainly unconstitutional."



Diller

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

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

Professor Michael Herz Testifies Before U.S. Senate Subcommittee

Professor Herz testified before the U.S. Senate Subcommittee on Regulatory Affairs and Federal Management in March. The hearing was largely devoted to so-called "*Chevron* deference," named for the 1984 Supreme Court decision



Herz

holding that courts should accept any reasonable agency interpretation of an ambiguous statute. Professor Herz took the position that while *Chevron* does indeed carry a threat of judicial abdication, properly read it appropriately allocates power between courts and agencies.

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

New York Times journalist Adam Liptak wrote a feature on Professor Shaw's study published in the *Cornell Law Review*, exploring the U.S. Supreme Court's appointment practices. Professor Shaw found that when the Supreme Court appoints a lawyer to argue a case before it as a friend of the court, which happens several times each term, that lawyer is a white male in the overwhelming majority of cases. Shaw said in *The New York Times* that only about 10 percent of invited lawyers are women, and as little as five percent of such appointments go to lawyers who are black or Hispanic. "Giving a young lawyer early in their career



Shaw

this opportunity is an affirmative good," she said, "but I think there should be a broader pool from which the justices draw when they're handing [these appointments] out." Professor Shaw served as a clerk to U.S. Supreme Court Justice John Paul Stevens.

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

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

Professor Ekow Yankah's Op-Ed "When Addiction Has a White Face" is Published in *The New York Times*

Professor Yankah's op-ed compares the crack epidemic from the mid-1980s to the current epidemic of drug addiction, particularly heroin. He states in his article that the response has been much different now when



Leslie



Yankah

"addiction has a white face," in that white heroin addicts are receiving overdose treatment, rehabilitation and reincorporation, whereas African-Americans during the crack epidemic received "jail cells and 'Just Say No.'" From the article: "It is hard to describe the bitter-sweet sting that many African-Americans feel witnessing this national embrace of addicts. It is heartening to see the eclipse of the generations-long failed war on drugs. But black Americans are also knowingly weary and embittered by the absence of such enlightened thinking when those in our own families were similarly wounded."

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

In February, Magistrate Judge Kimberly Swank ordered the extradition to Spain of Inocente Orlando Montano Morales, El Salvador's former Vice Minister of Public Security, to stand trial for his role in



Blum



Sterk



Markowitz



Kestenbaum



Kolsun

the 1989 massacre of six Jesuit priests, their house-keeper and her daughter at the University of Central America in El Salvador. Professor Blum, interim director of the Cardozo Law Institute in Holocaust and Human Rights and the Human Rights and Atrocity Prevention Clinic, worked on the case with the San Francisco-based Center for Justice and Accountability (CJA). “It’s a significant finding about the role of these kinds of illegal acts committed conspiratorially

by military regimes,” said Blum in an article in the *Associated Press*. Montano will stand trial in Spain as a terrorist who conspired with fellow military leaders to commit a *jus cogens* offense.

Professor Stewart Sterk Named Sixth Most Cited Property Scholar in Nation

Professor Sterk’s 400 citations made him the nation’s sixth most cited property scholar between 2010 and 2014, and the tenth most-cited property scholar between 2011 and

2015. The *PropertyProf Blog* also listed his article “Neighbors in American Land Law: The Enduring Value of Servitude Restrictions” in the *Columbia Law Review* as one of the “all-time most cited articles of the most cited scholars.”

Can Obama Pardon Millions of Immigrants? Professor Peter Markowitz Writes Op-Ed in *The New York Times*

Professor Markowitz’ op-ed proposes that President

Obama use his pardon power to grand broad amnesty to millions of immigrants in the country illegally.

From the article: “We are left with a brutal legacy of millions of families torn apart, many simply for doing what they needed to do to protect and feed their children. President Obama will not be judged on his intentions or his attempts on immigration, but rather on his real impact. This is his last chance to establish a legacy of pragmatic compassion.”

NOTED ACHIEVEMENTS

PROFESSOR LEE SPORN, CO-DIRECTOR OF CARDOZO’S FAME CENTER FOR FASHION, ARTS, MEDIA & ENTERTAINMENT LAW, WINS LIFETIME ACHIEVEMENT AWARD

Professor Sporn, Senior Vice President, Business Affairs, General Counsel and Corporate Secretary for Michael Kors, won the Luxury Law Summit’s Lifetime Achievement Award. He was recognized in a London ceremony in May. The Luxury Law Summit draws top luxury business executives to London each year, where they discuss the latest trends and risks facing the fashion industry.

PROFESSOR JOCELYN GETGEN KESTENBAUM AWARDED FULBRIGHT SCHOLARSHIP TO TEACH AT BRAZIL’S UNISINOS FACULTY OF LAW

Professor Getgen Kestenbaum, Telford Taylor Visiting Assistant Clinical Professor of Law, received an International Fulbright-FAPERGS expert fellowship. She taught an intensive two-week seminar on human rights, indigenous rights and atrocity prevention during the summer at the Faculty of Law of Universidade do Vale do Rio Dos Sinos (UNISINOS) in Brazil.

PROFESSOR BARBARA KOLSUN, CO-DIRECTOR OF CARDOZO’S FAME CENTER FOR FASHION, ARTS, MEDIA & ENTERTAINMENT LAW, HONORED AS ALUMNI OF THE YEAR

Professor Kolsun was honored as Alumni of the Year for her dynamic career in fashion law at Cardozo’s annual alumni dinner in February. Professor Kolsun served as general counsel for Stuart Weitzman, 7 for All Mankind and Kate Spade. She is co-editor of *Fashion Law: A Guide for Designers, Fashion Executives, and Attorneys*, the seminal text of the field, and she consults with fashion companies on various issues.

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

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

Professor Weisberg’s book on Vichy and the German occupation was published in Paris. *Deux Avocats Dans La France Occupée* (co-authored by Eric Freedman) was published by Editions Non Lieu. The English version (also co-authored by Eric Freedman), titled *The Haennig-Nordmann Papers: Two Lawyers in Occupied France*, was published by Cardozo Law’s Holocaust, Genocide and Human Rights Program in 2013. The book is a seminal work on the ethical applications of the law during times of crisis.



Professor Richard Weisberg at his Festschrift in April.

BOOKS

Professor Christopher Buccafusco Publishes *Happiness & the Law*

Happiness & the Law, written by Professor Buccafusco, along with John Bronsteen and Jonathan S. Masur, draws on new research in psychology, neuroscience and economics to assess how the law affects people’s quality of life. The book proposes a comprehensive approach to assessing human welfare—well-being analysis—that is a valuable alternative to the strictly economically based

cost-benefit analyses currently dominating how we evaluate public policy.

***Winning Arguments: What Works and Doesn’t Work in Politics, the Bedroom, the Courtroom, and the Classroom* published by Professor Stanley Fish**

Professor Fish’s book *Winning Arguments* was published in July 2016. According to its description, the book “guides readers through the ‘greatest hits’ of rhetoric ... Fish offers insight and outlines the crucial keys you need to win any debate, anywhere, anytime.”

Professor David Rudenstine Publishes *The Age of Deference: The Supreme Court, National Security, and the Constitutional Order*

Professor Rudenstine’s *The Age of Deference* traces the court’s role in the rise of judicial deference to executive power since the end of World War II. In a case-by-case examination stretching back to the Truman and Eisenhower presidencies, he illustrates how the court has repeatedly ceded authority to the executive branch in national security matters. Read more about Professor Rudenstine’s book on page 30.



Professor Lester Brickman, Member of Cardozo's Founding Faculty and Scholar in Mass Tort Litigation and Contingency Fees, Retires

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

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

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

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

He has written extensively on asbestos litigation and his treatise-length articles and testimony on eight occasions before the Senate Judiciary Committee and subcommittees of the House Judiciary Committee have been influential in directing attention to critical asbestos litigation abuses.

Four federal courts have acknowledged him as an expert on the history of asbestos litigation, asbestos bankruptcy trusts



and the effect of tort reform on future asbestos claim generation. In 2005, President George W. Bush introduced Professor Brickman to an audience in McComb County, Michigan, as an expert on asbestos litigation issues and asked him to explain the need for a legislative solution for asbestos litigation abuses.

In 2011, he published a book titled *Lawyer Barons: What Their Contingency Fees Really Cost America* (Cambridge University Press). Professor William H. Simon of Columbia and Stanford Law Schools, in commenting on *Lawyer Barons*, said:

"Tort litigation in America is riven with abusive and corrupt practices that Dickens would find familiar. Dickens is not around to chronicle them, but fortunately Lester Brickman is. An able storyteller, Brickman combines compelling narrative with a lucid summary of the pertinent theories and research. He builds a powerful case that current fee practices undermine the tort system and betray the professed values of the legal profession."

According to Ranker.com, which publishes a list of "notable or famous U.S. law professors," Professor Brickman is ranked as the 50th most "famous law professor from the United States." In its ranking of most "famous law professors in the world," Professor Brickman is ranked 90th. Finally, in a ranking of the 5000 most "famous male professors" in the world, Professor Brickman is ranked 2678th. (Those ranked in the top 25 of the top 5000 include Barack Obama, Bill Clinton, Albert Einstein, Pope Benedict XVI, Stephen Hawking, Alexander Graham Bell, Ben Bernanke, Carl Sagan, Friedrich Nietzsche, Isaac Asimov, Martin Luther, Woodrow Wilson, W.E.B. Du Bois, Ludwig Wittgenstein, Cornell West, Adam Smith and Cass Sunstein.)

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

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

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

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

Hamilton's specialty is pioneering for the vulnerable, whether it was the authors, artists and photographers increasingly at risk of losing rights over their works in the internet era; the elderly service members at risk of losing the Old Soldiers Home to an unconstitutional transfer of property by U.S. Senators to Catholic University; or, most recently, the children at risk of medical neglect in religious settings; victims of clergy sex abuse; or the abuse of women, girls, and boys in polygamy.

"Marci has been an inspiration to our students for decades, and her work has been at the forefront of many critical issues of our day," said Dean Melanie Leslie. "She is a visionary, a valued teacher and mentor to students, and a leading advocate for important justice reforms for the vulnerable."

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

Professor Hamilton served as a law clerk for U.S. Supreme Court Justice Sandra Day O'Connor after receiving her J.D., magna cum laude, from the University of Pennsylvania Law School, where she served as editor-in-chief of the *University of Pennsylvania Law Review*. She was the lead counsel before the

U.S. Supreme Court for the city Boerne, Texas, in the historic case invalidating the Religious Freedom Restoration Act, *Boerne v. Flores*.

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

Among her professional honors, Professor Hamilton received the prestigious American Humanist Association's



annual Religious Liberty Award, the National Crime Victim Bar Association's Frank Carrington Champion of Civil Justice Award, the E. Nathaniel Gates Award for outstanding public advocacy and scholarship, the Air Force Association's Lifetime Achievement Award for Pro Bono Legal Service to veterans groups, the National Association of Uniformed Services, and CORMV and she was named one of Pennsylvania's Women of the Year by Legal Intelligencer after serving as an assistant to the Philadelphia district attorney's pioneering grand jury report on sex abuse in the Philadelphia Archdiocese.

STUDENT competitions

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

The Cardozo School of Law team of Jonah Brill '17, Sarah Griggs '17, Joseph Kammerman '16, Vino Jayaraman '16, Charles Manfredi '17, Liliya Perelman '16 and Madison Wiles-Haffner '17 won first place at the 2016 Tulane Mardi Gras Sports Law Competition in February 2016. This is the third year in a row that a Cardozo Law team won the Mardi Gras Invitational.

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

⌚ Clockwise, from left: Joseph Kammerman '16, Madison Wiles-Haffner '17, Charles Manfredi '17, Liliya Perelman '16, Vino Jayaraman '16, Jonah Brill '17 and Sarah Griggs '17 competed against 25 teams in the Tulane Mardi Gras Sports Law Competition.



⌚ Brett Dovman '16, Melissa Trenk '17 and Daniel Resnick '17 won the Southeastern Regional Transactional LawMeet competition on February 26.

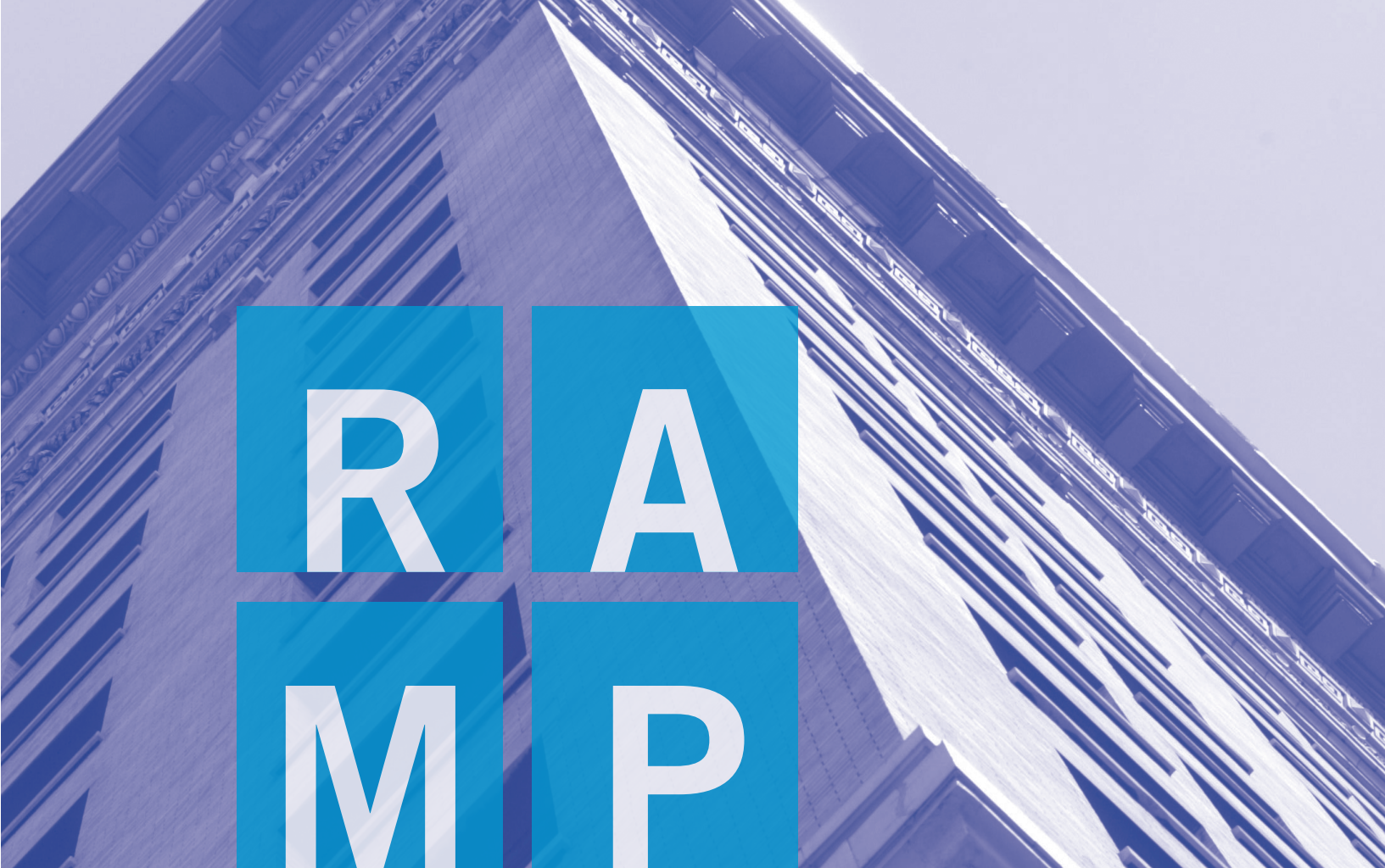
CARDOZO LAW TEAM WINS SOUTHEASTERN REGIONAL COMPETITION OF THE NATIONAL TRANSACTIONAL LAWMEET

Brett Dovman '16, Melissa Trenk '17 and Daniel Resnick '17 won the Southeastern Regional Transactional LawMeet competition in February. They received help from fellow student Danielle Siegel '17 and coach Jillian Gautier, program director of the Samuel & Ronnie Heyman Center on Corporate Governance and adjunct professor of law.

The Transactional LawMeet is a national competition giving students the opportunity to participate in a mock M&A transaction. This year, 84 teams participated in seven regional competitions, with 12 teams participating in the Southeastern Regional competition.

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

The Cardozo team of Danelly Bello '17, Nicolas Rovner '17, Hilary Orzick '16, Darien Blair '16, Leah Gerstley '16, Brooke Ford '17 and Amanda González '17 took home first place at the Seigenthaler-Sutherland Cup National First Amendment Moot Court Competition. Twenty-four teams participated in the competition, which was held in March in Washington, D.C. This year's problem was whether the United States violated the Free Speech, Free Exercise and Establishment clauses of the First Amendment by compelling an atheist photographer to take photographs of inherently religious weddings.



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

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

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

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

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

In addition, many have seen a significant increase in their salary after the first year, with those graduates moving on to bigger firms earning \$170,000 per year or more.



BUILDING NEW YORK

Cardozo Launches the Center for Real Estate Law and Policy

What does it take to make successful, high- profile real estate deals in New York City?

How does a company reach the top of the field in one of the most competitive markets in the world? And what are the special challenges faced by the lawyers who work on major real estate transactions? Those are just some of the topics that were discussed at Cardozo in April by Scott Rechler, chairman and CEO at RXR Realty, a multibillion-dollar private equity firm; Jason Barnett, vice-chairman and general counsel at RXR; and Eric M. Feuerstein '95, a partner and co-chair of the real estate group at Gibson, Dunn & Crutcher, in April at Cardozo. The panel discussion, titled "The Art of a Successful Deal: Both Sides Must Win," was part of the inaugural event for Cardozo's Center for Real Estate Law and Policy. The center's mission: To make Cardozo the leader in educating young lawyers who understand how to conduct business in the New York real estate market. "We want to ensure that Cardozo students are thoroughly prepared for the challenge of real estate practice," says the center's director, Professor Stewart Sterk. "We also want to serve as a resource for the real estate community in general, and for Cardozo alumni in particular, on the cutting edge of real estate issues."

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

What follows is an edited excerpt from the Center for Real Estate Law and Policy's inaugural panel.



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

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

And we built a fully integrated team—now with 400 people at RXR. We do all of our development, leasing, construction, property management, marketing, and also the legal and taxes, in-house, which is very rare in a firm like ours.

Another important piece was operating locally, but financing ourselves globally. We believe real estate is a local business. We operate within Manhattan and a 60-mile radius around Manhattan and the New York metropolitan area. And that's all we operate in. Because of that, we have relationships that we have built over decades. We have buying power that we otherwise wouldn't have. We have insights and intelligence as to what's happening in the market, and we see the trends before others see them.

By financing ourselves globally, we attracted the most competitive capital in the world to fuel our business. And that was harder said than done, because in '08, when we began that process, I flew around the world to probably 200-something meetings. And [I got] lots of "Nos," because people were scared of real estate, scared of investing. But eventually, we ended up building enough support from non-U.S. funds that we were able to go and raise the capital.

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

And then every year we do a whitepaper. We start off and we ask, "What's happening globally? What's happening macro in terms of economy? And how is that going to affect our marketplace along the way?"

This year we looked at oil prices, China, the lone-wolf terrorism—those are some of the themes that came into the mix. We grab all [the macro] data and then we say, "What's happening

more locally? Which companies are growing, which are contracting? Where are there political challenges that might happen? What's happening with construction costs? What's happening with labor costs? What about quality of life?"

We spend two weeks digesting all of that information, and then we write the paper. It informs what our strategy for that year is going to be. This year the paper was 45 pages long.

The strategy team pushes it all down through the organization, and the major themes are made relevant to each part of our organization. So now, when we're thinking about buying something, or there's something we want to see, we have conviction as to what's interesting to us. We're not waiting to react to something coming on the market. We're proactively pursuing things that fit within our sphere. Or if we see an opportunity, we are quick to move aggressively and pursue it.

In 2010 we could see Google preparing to come to New York, and we said, "You know what? The world is changing. The glass towers that we used to buy may not be what every tenant wants. When you talk to these tenants, they want big open floor plans. They want high ceilings. They want gritty neighborhoods. They want character. They want diversity. They want a different look than what we had. So we went out and sought buildings in Midtown South in 2010 that fit that complexion, and one building we bought was the Starrett-Lehigh Building. In 2010 we paid \$930 million for it.

And I remember a lot of people thought we were crazy. This is a crazy bet. It was an enormous deal at the time. And even I, when I went there the first time, I thought I was dropped off at the wrong location. [Laughs]

JASON BARNETT: It was the meatpacking district. Everyone thought I'd lost my mind. I'm like, "Listen, sleep on it."

You walk through the building, and what you saw were the Verizons, the Tommy Hilfigers, the Martha Stewarts, and in their spaces was this incredible creativity and energy and dynamism. People wanted to be there. Here was this building that was 96% leased, two-and-a-half million square feet, like a Class B building, you know, operating all the common area, nowhere near public transportation—and yet people wanted to be there. The rents were \$30.00 a foot, and we bought it and went through a process of transforming that creativity, taking that creativity that was inside the offices and bringing it to the common area. Redoing all of the lobbies and the hallways and creating a sense of community.

For example, there are these truck bays—big elevators—in the building. During lunchtime we bring all these gourmet food trucks into the bays and take them to different floors. Sushi is on five, taco is on 12, and we use social media to let people know. We have a collaborative workplace called the Center for Social Innovation that brings in all these firms that have a social

mission. They've created a heartbeat of programming that they provide for the building. Martha Stewart is down there mentoring people in that place.

It's changed the dynamic of the building, and we've been able to push rents from \$30 a square foot to \$70. And we sold 49% interest last year for a billion-and-a-half-dollar value in a four-year period because we were able to demonstrate that. But, you know, it's being able to lead the market by having a sense of what that pulse is, and then moving forward with conviction.

FEUERSTEIN: Jason, how do you approach these massive negotiations as a general counsel?

BARNETT: In New York real estate transactions, it's easy to get bogged down in the details and the point-by-point negotiations. The natural competitiveness of it. The attitude that if you're right, you should win, even though that's not an important part of the deal. So we try to do a couple things.

First, when we approach a transaction, we don't just look at it from our side, we look at it from the seller's side. We make sure we understand what's important to us—what our goals are in the transaction—but also what's important to them, whether that's certainty of execution, tax concerns, reputational concerns. Sometimes the seller has certain commercial concerns: Maybe he's about to lose a fee stream or the headquarters where his office is. It's going to affect his people, or he'll have to downsize or move. You think about those things and recognize what's important to the seller.

At the same time, you say, "Here's what's important to me: I need to know that I'm buying the cash flow that I am buying. I need to know that I can transact this in a structure that works for my investors. I need to know that I understand the risks and have mitigated in my underwriting."

There are always points of contention here and there. But when you hit those points, or when the lawyers really get into loggerheads, if you have treated the other side fair, and they feel that way, and you have made an effort to keep that open [line] of communication, then I am able to pick up the phone to the principal on the other side—or Scott can do it—and say, "Listen, we need to get this done. Let me explain to you why this is important to me." And they will explain to you why it is important to them.

RECHLER: This business in New York, it's a big stage, and there are a lot of egos. The lawyers have their egos, the brokers have their egos, the tenants have their egos. We try to come in as humble as possible, and try to put our egos outside the room because, at the end of the day, we want to get something done.

Jason's biggest challenge, frankly, is controlling those egos. Because fighting over the details takes time, and time kills deals. You nickel-and-dime it to death.

That's the critical thing. You don't remember that nickel-and-dime [process], you remember not getting a deal done right.

One of our values is to make our communities better places for people to live and work. We're civically engaged. I'm vice-chair of the Port Authority for Governor Cuomo. When he asked me to do that, the World Trade Center development was sort of at a stagnant place—this was the end of 2010. Construction had

stopped at the memorial and the museum. There was no budget, no idea what it was going to cost. There was no timeline of when it was going to be finished. And I remember walking at the site with him, and he said, "You know, this should be an image of government effectiveness and pride for our city, and instead it's an image of ineffectiveness, government bloat." He asked me to get my arms around that.

What was interesting is there were so many stakeholders. I hate to even call it a real estate transaction, but there's no more complex development in the world than the World Trade Center because you have this sacred site where 3,000 people were brutally killed. Their families and the emotions that go along with that are underpinning so much of what that is.

I remember my first set of negotiations with the mayor to try to get things working again. There was such a lack of trust from the number of years when people just didn't get along. And I remember sitting there and saying, "Look, I'm a New Yorker just like you're a New Yorker. And all we care about is getting this done. There's a lot of emotion out there, but if you're just going to keep saying no, and living in the past, we're not going to get there. So let's go hand-in-hand and find that middle ground.



➊ Professor Stewart Sterk, director of the Center for Real Estate Law & Policy (far right), moderates the panel discussion with Barnett, Rechler and Feuerstein '95.

We're not going to solve all the issues, but once we start building trust, those issues are going to end up going away."

And that was the moment when it changed with the memorial. Once we broke through that and realized we are not going to solve all the issues, we created a subcommittee—myself and Dan Tishman, who was representing the mayor at the memorial—and once a month we met and knocked down issues. After every month, it started to get easier and easier. Ultimately, we got it opened on time and for less than we thought it would cost.

It was eye-opening for me to negotiate in that environment. You're not only negotiating with the person you're negotiating with, you're negotiating with the public ghost, the ghost of public opinion. It's not tangible, but for the elected officials, that's their currency, that's what they care about. They're looking at headlines and newspaper columns. So it's important to understand that it's important to them, and that the currency is critical.

But you also have to remind everyone why we're doing this, and that we need to get to the end game. ■

This business in New York, it's a big stage, and there are a lot of egos. We try to come in as humble as possible, and try to put our egos outside the room because, at the end of the day, we want to get something done.

CARDOZO JOURNAL OF CONFLICT RESOLUTION

THE CARDOZO LAW INSTITUTE FOR HOLOCAUST AND HUMAN RIGHTS

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THE BET TZEDEK LEGAL SERVICES CLINIC

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THE INNOCENCE PROJECT

THE PUBLIC SERVICE LAW CENTER

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JUSTICE FOR ALL

Cardozo Law creates a new Center for Rights and Justice

BY MARILYN HARRIS

IT'S A RARE OPPORTUNITY to see a lawyer prepare for what could be a landmark case. But in February Cardozo students seized the chance to do just that when they attended a mock trial in the Jacob Burns Moot Court Room. There, Professor Alexander Reinert faced a five-judge panel of professors and attorneys who hammered him with questions in advance of his upcoming oral argument before the U.S. Court of Appeals for the Second Circuit. The issue raised by the case, *McGowan v. United States of America*, was whether a federal prisoner may bring a damages action against the government to remedy the violation of his First Amendment rights.

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

can see top-flight lawyers in a behind-the-scenes sparring match of intellect with stand-in judges.

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

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

"Over the years, Cardozo has been engaged in so many programs that advance the cause of justice that I wanted to put them together under one umbrella," says Dean Melanie Leslie,

who proposed the new center. The dean believes that building connections between programs, scholarship and clinics not only will highlight Cardozo's strengths but also will help generate ideas for new justice initiatives.

Dean Leslie tapped Reinert last fall to direct the center and to expand the initial plans for its programming. Some programs—like the moot court panels, which are branded CRJ Moots—are already under way. Longer-term projects, such as a comprehensive, issue-based resource center and a scholar-in-residence program, are in development. Reinert hopes to serve Cardozo's students while simultaneously bolstering advocacy efforts for the public interest legal community at large.

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

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

Reinert is a laid-back, approachable professor who parks the bike he rides to work from Brooklyn across from a couch in his office that's worn from many meetings with students. He's popular enough to have been voted Teacher of the Year. But don't let his easygoing demeanor fool you; Reinert is a lifelong, tenacious advocate for the under-represented.

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

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

significantly higher rate of dismissals by lower courts of cases brought by individuals as opposed to corporations.

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

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

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

Reinert's goals for CRJ are both lofty and practical. “I want to tell a coherent story about what we already do here at Cardozo around the issues of justice,” he says. “CRJ will also be inward-looking, meaning we at Cardozo can learn something about ourselves and how our programs are interconnected. We will also be forward-looking, asking, What more can be done to make the justice system fairer and more accessible? At the same

time, I am very aware that our mission shouldn't be so broad that it wouldn't be meaningful.”

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

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

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

The Center for Rights and Justice is a unifying concept for the legacy of outstanding public service programs that Cardozo has championed since its founding 40 years ago.

CRJ

Many Programs, Five Organizing Principles of Justice

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

Fairness.

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

Each year, the school's Bet Tzedek Legal Services Clinic represents dozens of elderly and disabled people seeking health, disability and housing benefits that they could not get without clinic assistance. Last fall, for instance, Bet Tzedek, directed by Clinical Professor Leslie Salzman, joined other organizations to sue New York City on behalf of disabled and senior citizens whose rent-freeze was terminated by the city because they missed a renewal deadline. Fairness is also central to Vice Dean and Professor of Law Myriam Gilles' scholarship and advocacy regarding arbitration agreements and their impact on consumers harmed by corporate abuses.

Equality.

Everyone must be treated the same way under the law, and denial of equal treatment compromises the legitimacy of our shared institutions. Furthermore, equality goes beyond formal equal treatment and nondiscrimination: It includes the substantive public policies that enable members of historically subordinated groups to live as true equals in our society.

Last year, the Civil Rights Clinic at Cardozo, under the direction of Clinical Associate Professor Betsy Ginsberg, filed a federal civil lawsuit in the Southern District of New York on behalf of a transgender woman who was raped after being sent to a New York State men's prison. The suit claims she was placed in a dangerous, unsupervised area by guards who knew she would face harassment, abuse and rape from other inmates—violating her rights under the Eighth Amendment.

Accountability.

Society must hold wrongdoers accountable, regardless of power, status or wealth, and accountability must be apportioned fairly, not in a biased or unjust manner. The need for accountability gave rise to the Innocence Project, founded in 1992 by Professor Barry Scheck and Peter Neufeld. Its goals are to exonerate the innocent through DNA testing and to reform the criminal justice system to prevent future injustice. Students and faculty at the clinic have worked together to exonerate more than 300 prisoners. Another insistent call for accountability comes from the scholarly work of Assistant Professor Deborah Pearlstein, a human rights expert, who focuses her widely published research on national security law and the separation of powers.

Access.

Everyone, not just the educated or privileged, should be able to access justice, regardless of his or her ability to understand the law or to pay for legal assistance. Thanks in part to the work of the Kathryn O. Greenberg Immigration Justice Clinic and its director, Professor Peter Markowitz, New York City announced the nation's first fully funded immigrant-detainee representation program. Supported by the New York City Council, the program ensures that no detainee will lack representation due to a lack of resources.

Transparency.

Transparency is central to the workings of a justice system that seeks to ensure accountability, reduce unfairness and inequality, and increase access. At the Jesuits Massacre Documentation Project, Professor Carolyn Patty Blum, Visiting Assistant Clinical Professor Jocelyn Getgen Kestenbaum and their students in Cardozo's Human Rights and Atrocity Prevention Clinic are compiling an ever-growing database of material related to the 1989 murder of six Jesuit priests, their housekeeper and her daughter by Salvadoran military. Just last February, a U.S. judge ordered one of the military officers, who had moved to the United States illegally, to be extradited to Spain, where he had been indicted and would face justice.



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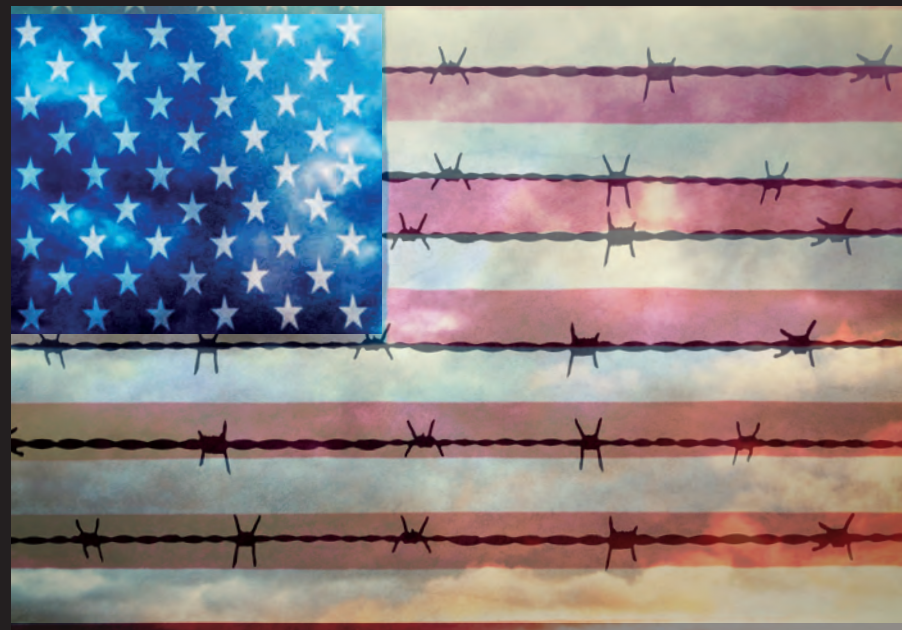
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MAKING THE CASE: Some of the Many Faces of Justice at Cardozo Law



DAVID RUDENSTINE CHALLENGES THE SUPREME COURT ON

NATIONAL SECURITY

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

GUANTANAMO. THE COURT BLINKS

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

Over the last decade and a half, the Guantanamo prisoners have generated a few hundred habeas petitions, raising many complex and entangled issues. However, a review of all those matters is not required to gain a perspective on the role of the Supreme Court in Guantanamo litigation in upholding the rule



of law. That is because among the Guantanamo prisoners were a small number not considered enemy combatants, and thus not a threat to U.S. security, whose efforts to win their release through the courts provide a dramatic window on the strength of the Supreme Court's allegiance to the rule of law. After all, if the Supreme Court cannot uphold the rule of law on behalf of individuals the executive concedes are not enemy combatants and should never have been incarcerated in Guantanamo in the first place, there is no reason to expect the Court to be more vigorous in upholding the rule of law in cases in which

there may be strong reasons to consider the individual seeking legal redress a threat to U.S. security.

Twenty-two Guantanamo prisoners were Uighurs, who were imprisoned at Guantanamo in 2002 and remained prisoners from four to eleven years, even though the Bush administration had concluded possibly as early as 2003 that these individuals were not enemy combatants and presented no national security threat to the United States. The Uighurs claimed that their imprisonment was unlawful and sought judicial relief. Nonetheless, the Bush administration—as well as the Obama administration—took the position that the Uighurs had to remain imprisoned because they could not be returned to China for fear of

Note: Quotation marks in this excerpt have been kept throughout, although their references have been omitted due to space limitations.

being tortured or executed, the administration would not release them into the United States, and no third country had agreed to admit them. Against these dead ends, the Uighurs sought in federal court an order of conditional release into the United States.

China's far western province Xinjiang, which “lies along the ancient Silk Road,” is the “traditional home” to the Uighur, a “Turkic-speaking people who converted to Islam in the 1300s.” When the Communist government of China took control of the region in 1949, the government began to resettle Han Chinese

“The U.S. Supreme Court has been dangerously deferential to the executive branch and done serious harm to American democracy, the rule of law, the governing order, and individual liberty.

—DAVID RUDENSTINE

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

Because of political unrest and increasing violence, some Uighurs fled their traditional homeland for “a Uighur village in Afghanistan.” In October 2001, when the United States began its attacks on Afghanistan in the wake of 9/11, the Uighurs fled the “bombing campaign, crossing into Pakistan.” At the time, the United States was offering a bounty of \$5,000 to Pakistani villagers for each terrorist they turned over. As a result, in late 2001, “Pakistani villagers lured the Uighurs to a mosque, where they were ... arrested by Pakistani security forces,” who turned them over to United States forces for the bounty. In May of 2002, the United States transported the Uighurs to Guantanamo, and sometime during that year, the United States “listed the East Turkestan Islamic Movement as a terror group, a classification that some believed was a concession to China in exchange for China's support of the American-led anti-terrorist campaign.”

In June of 2008, just months after the Supreme Court reaffirmed that federal courts had jurisdiction over Guantanamo detainees petitions for writs of habeas corpus, the executive decided that “it would no longer consider the 17 Uighurs detainees” who still remained at Guantanamo as “enemy combatants,” which was a strange phraseology since the executive had not formally designated the Uighurs as “enemy combatants.” With

these two decisions at their backs, the remaining Uighur detainees “filed motions alleging that their continued detention is unlawful and requesting that the court order the government to release them into the United States.” All the Uighur proceedings were assigned to District Judge Ricardo M. Urbina.

After setting forth the background of the case and asserting that the “government no longer treats the detainees as enemy combatants,” Judge Urbina stated that “the only issues to be resolved are whether the government has authority to ‘wind up’ the petitioners’ detention and whether the court has the authority to order the petitioners released into the United States.” After reviewing what he considered to be the relevant case law, Judge Urbina stated that the “constitutional authority to ‘wind up’ detentions during wartime ceases once (1) detention becomes effectively indefinite; (2) there is a reasonable certainty that the petitioner will not return to the battlefield to fight against the United States; and (3) an alternative legal justification has not been provided for continued detention. Once these elements are met, further detention is unconstitutional.” With those three elements in focus, Judge Urbina concluded that the detention of the Uighurs has become “effectively indefinite” in that the government has failed to resettle the Uighurs, even though it has “approached and re-approached almost 100 countries in its efforts to locate an appropriate resettlement location”; there is no evidence to

support any concern “that the petitioners would return to the field of battle;” there is no “alternative legal justification,” other than the status of enemy combatant for continued detention. At that point the judge simply stated: “the court concludes that the government's detention of the petitioners is unlawful.”

The thorny remaining issue was what to do about the fact that the Uighurs were unlawfully detained. They could not be transferred to China, and no other country had acceded to the request by the United States that they be accepted for resettlement. What that meant was that if the Uighurs were to be released, they would have to be released into the United States.

In addressing this central issue, the district judge conceded that the Supreme Court had “‘repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.’ ” Nonetheless, he insisted even this great power is “not absolute,” and although a court would frequently reframe from insinuating, “itself into a field normally dominated by the political branches,” the court insisted that this case was “exceptional.” At that point, the district judge spelled out what he considered the exceptional circumstances:

The government captured the petitioners and transported them to a detention facility where they will remain indefinitely. The government has not charged these petitioners with a crime and has presented no reliable evidence that they would pose a threat to U.S. interests. Moreover, the government has stymied its own efforts to resettle the petitioners by insisting (until recently) that they were enemy combatants, the same designation

given to terrorists willing to detonate themselves amongst crowds of civilians.

Against the analytical framework he set forth, Judge Urbina concluded that it was not sufficient for the government to put forth its failed efforts to resettle the Uighurs as a justification for their continued imprisonment. To endorse such a view would be to accede to the “carte blanche authority the political branches purportedly wield over the Uighurs” and that is not in keeping “with our system of governance.” With that, the judge concluded that he was granting “the petitioners’ motion for release into the United States,” and to make clear just how unjust it was to continue to imprison the Uighurs, he wrote that an “Order consistent with this Memorandum Opinion is separately and contemporaneously issued this 8th day of October, 2008.”

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

Judge Arthur Raymond Randolph, who had been appointed to the court by President George H. W. Bush in 1990 and was on senior status at the time, wrote the opinion. Given the com-



plexity and importance of the issues raised by the appeal, Randolph's eight-and-one-half-page opinion was not exhaustive or convincing.

From his perspective, Judge Randolph was able to decide the complex issues presented by the case in a short opinion because of how he characterized the petitioners and their legal claims. The petitioners asserted that because they were not and never had been enemies of the United States, nor enemy combatants, they were in effect civilians imprisoned in a military prison without pending charges against them. This was in violation of their right to liberty guaranteed by the United States Constitution, and that they were entitled to relief pursuant to the petition for the writ of habeas corpus.

In sharp contrast to the petitioners' characterization of their

position, Judge Randolph converted the Uighurs' implausible circumstances into a conventional immigration matter in which an alien is taken into custody at the point of entry into the United States by immigration officials and then requests that a federal court order the executive to release the alien into the United States over the executive's objection. By so doing, Judge Randolph was able to reference Cold War immigration cases in which federal courts refused to second-guess an executive judgment refusing to admit a particular alien into the United States on the ground that the alien in question presented a threat to the nation's security. Judge Randolph argued that federal courts took such a hands-off approach in these cases because it was, in his view, well established that immigration decisions were exclusively assigned to the politically accountable branches and that absent a specific grant of authority, federal courts had no authority to review the executive's decision.

Once he framed the dispute as an immigration matter, Judge Randolph was able to claim that the appeal raised one “critical question,” and that was: “what law ‘expressly authorized’ the district court to set aside the decision of the Executive Branch and to order these aliens brought to the United States and released in Washington, D.C.?” In response, Judge Randolph was able to conclude that no statute or treaty specifically authorized Judge Urbina's order and that decisions of the Supreme Court and D.C. Circuit Court, which the district judge “must follow,” had concluded, “the due process clause does not apply to aliens without property or presence in the sovereign territory of the United States.”

The Supreme Court granted the seventeen Uighurs' request for review on October 20, 2009. By then, four of the seventeen Uighurs had been resettled in Bermuda and within a few weeks of Supreme Court action, the executive transferred six Uighurs to Palau, leaving seven Uighurs in Guantanamo. Thus, although the executive had not yet been subject to a final judicial order to release any of the Uighurs, the judicial proceedings pressured the executive to quicken its efforts to resettle the Uighurs by persuading other nations to accept them.

After seven years of incarceration at Guantanamo, it would not be implausible for the remaining seven Uighurs to think that justice delayed was surely justice denied. At the same time, the very idea that the Supreme Court had agreed to decide “whether a federal court exercising habeas jurisdiction has the power to order the release of prisoners held at Guantanamo Bay ‘where the Executive detention is indefinite and without authorization in law, and release into the continental United States is the only possible effective remedy,’ ” had to quicken the pulse of hope. The hope was that as slow as the wheels of American justice might turn, the American aspiration that it was committed to the rule of law was not just table talk, but a bedrock principle of the governing scheme that imposed responsibilities on the Supreme Court that it was prepared to discharge.

But whatever hope had been kindled by the Supreme Court's grant of certiorari was squashed four months later when the

high court, on March 1, 2010, announced that changed circumstances surrounding the incarceration of the Uighurs in Guantamo had caused it to vacate the judgment of the District of Columbia Court of Appeals and to remand the matter to that court for further proceedings.

The Court characterized the changed circumstances as follows: “By now ... each of the detainees at issue in this case has received at least one offer of resettlement in another country. Most of the detainees have accepted an offer of resettlement;

“The Supreme Court had an opportunity to uphold the rule of law in circumstances when such a ruling would have really mattered, and it walked away from the opportunity, betraying its own mission and mandate.

—DAVID RUDENSTINE

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

Although vacating a grant of certiorari is not unusual and a change in circumstances that substantially alter the character of the dispute is an entirely plausible basis for vacating the granting of a certiorari petition, it is most unclear how the changed circumstances in this case redefined the nature of the legal question. It seems beyond doubt that the Uighurs preferred resettlement in the United States as opposed to Palau, Albania, or Bermuda, and because the United States was solely responsible for their being uprooted from Afghanistan and Pakistan, imprisoned for years, and subject to harsh treatment at Guantanamo, the Uighurs may have concluded that it was the United States, as opposed to another nation, that should accept the burden of their resettlement by allowing them to become a member of the Uighur community within the United States. If that was their position—and it is difficult to imagine why it would not have been—the nature of the legal question their case presented was not affected by the changed circumstances.

It is doubtful that the members of the Supreme Court understood the matter any differently. If that is so, the question

arises as to why the Court did vacate the grant of certiorari and remand the case, especially since the remand was to a panel of the District of Columbia Court of Appeals, which had already written a shallow and unpersuasive opinion on the issues. One explanation is that the Supreme Court was playing for time. It was hoping that a further delay in judicial proceedings would cause the five Uighur holdouts refusing a resettlement offer to accept the executive's offer, and that such a development would permit the Court to dismiss the case on the ground that it was moot. Although agreeing to decide the legal questions the Uighurs presented would not necessarily mean that the high court would rule against the executive, it might have, and perhaps hoping to avoid such a confrontation, the Court took advantage of the changed circumstances the executive energetically engineered. In short, while in some situations there may be solid reasons prompting the Court to blink, the Court's blink in this case left five individuals imprisoned, even though the executive had concluded they were not a security threat and the fact that they had already been imprisoned eight years.

One year after the Supreme Court decision, on April 18, 2012, two Uighurs were transferred to El Salvador, and two and one-half years after the Supreme Court decision, on December 30, 2013, three Uighurs were transferred to Slovakia.

When the last of the Uighurs were transferred to Slovakia, the Pentagon spokesman called the development a “humanitarian gesture” and stated that the United States was grateful to Slovakia for the gesture and its “willingness to support U.S. efforts to close the Guantanamo Bay detention facility.”

In this public statement, irony runs deep. The United States could have made the same humanitarian gesture as did Slovakia years earlier, and if it had done so, it would have honored the rule of law and avoided the continued infliction of egregious harm on the Uighurs. But such a humanitarian gesture was beyond the reach of the United States, and though the executive's conduct in the shameful episode may be explained—not excused—by crippling politics that prevented the executive from treating the Uighurs justly, there is no comparable explanation for the Article III judges, who are intentionally insulated from political pressure so that they can enforce the law in the face of howling winds. The Supreme Court had an opportunity to uphold the rule of law in circumstances when such a ruling would have really mattered, and it walked away from the opportunity, betraying its own mission and mandate. ■

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

GOING GLOBAL

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

Since her appointment as assistant dean of graduate and international programs last year, Val has been traveling the globe on a mission to go beyond domestic recruiting in search of the best and brightest for advanced legal study at Cardozo. In just one year Val has made immense contributions to the growing success of the law school's graduate and international programs as well as to future innovation at Cardozo. A member of the law school's senior leadership team, she works closely with other administrators, faculty and staff to ensure that graduate students receive a world-class education. In addition to overseeing the Master of Laws (LL.M.) and the Doctor of Juridical Science (J.S.D.) programs at Cardozo, Val is also responsible for negotiating agreements on behalf of Cardozo, building partnerships with global educational, private and public partner institutions, and expanding opportunities for students and Cardozo worldwide.

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

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



VAL MYTEBERI
Assistant Dean, Graduate and International Programs,
Cardozo School of Law

“My strategy is to personalize the curriculum of each of the students at Cardozo to match their goals and to build on their strengths and experiences. Together with my team, we work to build a strong community of support around all LL.M. students, so they walk away with knowledge, experience and networks that will help them for the rest of their professional lives. They have this one chance to be in New York City, to be at Cardozo. We want them to make the most of it.”



WAYNE LIU (CHINA)
Founding partner of Yuanhe Partners and Yuanhe United Intellectual Property Partners, an IP and general practice firm headquartered in Beijing with a branch office in New York

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



DANIEL BIENE (GERMANY)
CEO and co-founder of Legalbase, a Berlin-based startup company in the legal tech space

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



CLEMENS KOHNEN (ISRAEL VIA GERMANY)
Diplomat in the service of the German Foreign Office, currently posted to Israel

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



NELLY OLAS (FRANCE)
Trademark and design attorney with a French firm of industrial property counsels

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



Professor Michael Herz is an expert in administrative law and the former chair of the ABA's Section of Administrative Law and Regulatory Practice. Some of his research delves into

how federal agencies use social media. His blog post below looks at this topic, focusing on government agencies' use of social media as "tools of modern government public relations."

We Are All Publicists Now

BY PROFESSOR MICHAEL HERZ
MAY 3, 2016

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

Federal agencies, too, were leaping on this bandwagon. In 2010, the Federal Web Managers Council, an interagency group of web managers working to improve the United States governments’ online presence, created a timeline to trace the federal government’s embrace of social media. The first item, somewhat pathetic in retrospect, is from April 1, 2002, when the White House Easter Egg Roll was live-streamed. The next item does not appear for another two years, but the timeline is increasingly crammed with developments in the ensuing years.

Then, in September 2011, the timeline just stops.

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

Clay Shirky, a writer on Internet technologies, once observed that “communications tools don’t get socially interesting until they get technologi-

If we are looking for when federal agencies’ use of social media went from normal to ubiquitous, the abandonment of the timeline suggests that 2011 is not a bad estimate.

cally boring ... It’s when a technology becomes normal, then ubiquitous, and finally so pervasive as to be invisible, that the really profound changes happen.” If we are looking for when federal agencies’ use of social media went from normal to ubiquitous, the abandonment of the timeline suggests that 2011 is not a bad estimate.

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

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

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

The most recent dust-up involving the propaganda prohibition concerns EPA. In 2014, EPA undertook an extensive social media campaign to rally public support for a proposed rule to clarify the regulatory definition of “waters of the United States.” Among other techniques, the agency used the aggregating tool Thunderclap to coordinate hundreds of simultaneous tweets of a text composed by EPA that read: “Clean water is important to me. I support EPA’s efforts to protect it for my health, my family, and my community.” The U.S. Government Accountability Office (GAO) concluded that this violated the prohibition on propa-

ganda because EPA’s role in originating the message was hidden—the millions of followers who received the Thunderclap message did not know the tweet originated with EPA.

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

As a result, the prohibition on agency publicity or propaganda is used primarily to arm agency critics with ammunition for anti-agency publicity and propaganda.

And that is just how it was used in this instance. The GAO’s conclusion played directly into what EPA’s harshest critics believe about the agency. For example, U.S. Senator James Inhofe (R-Okla.), the Chairman of the Senate Committee on Environment & Public Works, stated that the report confirmed what he had “long suspected, that EPA will go to extreme lengths and even violate the law to promote its activist environmental agenda.” The U.S. Chamber of Commerce lamented that “ ‘covert propaganda’ is something you’d expect from a foreign spy agency not from EPA.” In fact, covert propaganda is exactly what the Chamber, and other EPA opponents, expect from the agency. EPA’s critics have long attacked the agency for spewing misinformation, saying that “EPA” stands for “Environmental Propaganda Agency.”

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

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

Agencies will continue to refine their social media presence to convince the public of the value of the agencies’ work. These efforts may be indispensable measures to inform the public and so ensure a functioning democracy. Or they may be pathological artifacts of the permanent campaign...

Second, this phenomenon does not, as some critics claim, amount to brainwashing the American public. Counterspeech on the Internet is robust. That is what it means for all of us to be publicists. Indeed, the government is at a disadvantage in social-media battles. The material that goes viral is creative and, even more important, subversive. Government has a hard time being creative, and it simply cannot be subversive. For example, the Transportation Security Administration (TSA) currently has 90 videos on YouTube. As government videos go, these have an enormous number of views. But their popularity is dwarfed by that of anti-TSA videos. Inescapably, more people will watch “Another TSA Video To Make Your Blood Boil” (5 million) than will watch “Why Shoes on the Belt?” (27,000).

Finally, the most striking aspect of the EPA’s “Waters of the United States” social media campaign was that it occurred in the context of a pending rulemaking. Since notice-and-comment rulemaking moved online, observers have worried that this historically technocratic process would become a plebiscite. While commenters and government websites alike admonish against such a shift, a built-in pressure in that direction results simply from the use of the technologies of mass participation. Problematically, EPA encouraged the mistaken view, too evident already on some NGO websites, that commenting is not about providing information or argument, but simply about showing “support”—a petition or referendum in which numbers trump all other considerations.

Agencies will continue to refine their social media presence to convince the public of the value of the agencies’ work. These efforts may be indispensable measures to inform the public and so ensure a functioning democracy. Or they may be pathological artifacts of the permanent campaign, distracting at best and deceptive at worst. Whichever they are, the last five years have shown that the old issues—agency expertise, discretion, and democratic deficit—are now inextricably bound up with use of the new technologies. ■

This post was part of RegBlog’s 16-part series, RegBlog@5.

MOVERS & shakers



➔ Kenneth Carter '98 & Honorable Tanya R. Kennedy '92

Kenneth Carter '98, counsel at CloudFlare, was honored as the top corporate counsel in the Bay Area by the *San Francisco Business Times* and the *Silicon Valley Business Journal*. The awards ceremony, held on March 10, 2016, highlighted counsel who “steer their companies through uncharted territory.” Carter won in the “Private Company” category.

Carter was hired as CloudFlare's first in-house lawyer, where he leads legal affairs, public policy, government relations, and trust and safety. CloudFlare is a leading Internet performance and security company. The company is

on a mission to build a better Internet and is changing the way that two billion people worldwide access information.

In December, **Hon. Tanya R. Kennedy '92** was sworn in to the Supreme Court of the State of New York. Dean Melanie Leslie '91 and former dean Matthew Diller spoke at the ceremony.

“I am ready and I am able,” Kennedy said. “You see, an ordinary person can do extraordinary things, and I am an ordinary person.”

After graduating from Cardozo in 1992, Kennedy accepted a position in the Office of the Corporation Counsel for the

New York City Law Department. There she served as assistant corporation counsel for seven years and then as deputy assistant chief from 1997 to 1999. It was then that she was offered a principal law clerkship for now retired State Supreme Court Justice Barry Cozier. Their working relationship was strong, and when Justice Cozier was promoted to the Appellate Division, Kennedy came along with him.

Her most recent position, prior to being nominated to the State Supreme Court, was as the supervising judge for the New York City Civil Court in New York County. ■

ALUMNI news & notes

9th Annual Alumni Association Dinner Held in February



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

The highlight of the evening was the presentation of the awards to our outstanding honorees. Dean

Melanie Leslie '91 presented Barbara Kolsun, co-director of the Fashion, Arts, Media and Entertainment (FAME) Law Center, with her award. Dean Leslie noted Kolsun's long and illustrious career as legal counsel for start-up fashion houses that are now household names. She credited Kolsun and co-director Lee Sporn for creating FAME programming that has energized and organized Cardozo in training students to represent businesses driven by the creative process. In her acceptance speech, Kolsun spoke about the exciting and dynamic programming, classes and internships that are part of FAME and her excitement for

the future of the center.

Alissa Makower '92, chair of the Alumni Association, presented the awards to Eric Cohen and William (“Bill”) Greenblatt. Cohen is the senior vice president, secretary and general counsel of Terex Corporation, a leading global manufacturer of a broad range of lifting and material-handling equipment for use in various industries. Cohen spoke about the path of his legal career and the importance of maintaining and nurturing connections made along the way. Of course, Cohen made a very important connection in law school—his wife Gail, who is a classmate. Eric and Gail established a scholarship to

assist students in obtaining their dreams of legal education. Their daughter Haley Cohen '12 is also an alumna. Cohen serves on the Cardozo Board of Overseers and chairs the Board's Alumni Committee. He was a featured speaker in the Dean's Speaker's Series.

Bill Greenblatt is the founder and chairman of SterlingBackcheck, one of the world's largest background screening companies. Greenblatt spoke about the necessity of hard work and how grades in law school are not necessarily determinative of success after law school. He and his wife Judith are the proud parents of Cardozo alumnus Brandon Greenblatt '14. Bill has been an active Cardozo alumnus for many years. He has been on the Cardozo Board of Overseers since 2011 and is a longtime supporter of the Public Service Auction. He and his wife endowed a scholarship to assist students in obtaining a legal education. He was a featured speaker in the Dean's Speakers Series and has spearheaded initiatives to assist students with gaining employment after graduation.

The 10th Annual Alumni Dinner will be held during Cardozo's 40th anniversary celebration year and promises to be a blockbuster event. Please watch the mail for your invitation or contact the Alumni Office if you have any questions.

REUNIONS!

Reunions are a time for reconnecting with classmates and remembering the importance of Cardozo in our lives. Over 200 alumni and friends gathered at the Harmonie Club on June 9th to celebrate reunions for classes ending in 1s and 6s. The evening was filled with warm smiles and fond memories. Classmates who had not seen each other in many years were able to catch up on one another's lives and careers. Each class had a continuing-loop slide show featuring photographs of their class from prior years, cultural milestones and pop culture set to music of the time period. Additionally, alumni could be seen pouring over the

yearbooks and other Cardozo memorabilia displayed around the room. In a time when people can keep track of one another's lives on social media, actually

meeting face-to-face takes on special significance. It is a chance to truly reconnect with the people who shared your law school experience. Notably, at this year's reunion we witnessed another Cardozo first—Dean Melanie Leslie celebrated her

own 25th reunion with her 1991 classmates. The next reunions will be held in the spring of 2017 for classes ending in 2s and 7s. If you are interested in working on your Reunion Committee, please contact Inez Lano at Inez.lano@yu.edu.



CLASSnotes

2016

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

2015

Peter Busch joined the firm of Leason Ellis, a boutique intellectual property law firm specializing in patent, trademark and copyright protection and litigation. Peter works in the firm's White Plains offices.

Victor Cueva delivered the keynote address at SUNY Ulster's commencement, discussing his struggles as an undocumented immigrant.

Gabrielle DeNaro, Shea Donato, Angie Godoy, Rebecca Hausner and Shanitra Waymire were sworn in as New York County Assistant District Attorneys in September.

2014

Matthew Baione opened a new firm, Pitta Giblin & Baione. Matthew's firm works with victims of the September 11th attacks.

Yan Slavinskiy was sworn in as a New York County Assistant District Attorney in September.

2013

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

Sarah Efronson married Dr. Matteo Spera in March at a ceremony in Matheson Hammock Park in Miami. Sarah is an associate at Jones Day, where she focuses her

practice on government investigations and civil litigation.

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

Jamie Caplan Smith joined Givens Pursley as an associate in the firm's Boise, Idaho offices.

2012

Gerardo Contino's Cuban salsa band, Gerardo Contino y Los Habaneros, kicked off the Roxbury Arts Group's 37th season in May.

Jon E. Linder joined the firm of Smith, Gambrell & Russell as an associate in the firm's New York Real Estate practice, where he focuses on the purchase and sale of residential and commercial

properties among all other aspects of real estate transactions.

Sarah Nadeau married Chris Balducci, an FDNY firefighter, in September. The wedding was officiated by The **Hon. Jane Pearl '88**, also a Cardozo alumna, for whom the bride interned in Family Court.

2011

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

Sabrina Damast, who opened the Law Office of Sabrina Damast in November 2014, spoke at the American Immigration Lawyers

Association annual conference on June 23, 2016, in Las Vegas.

2010

William Forni spoke at the 2015 National Head Start Association Fall Leadership Institute, reflecting on his experience as an alumnus of Head Start. While in D.C., he also met with members of Congress, including Senator Elizabeth Warren of his home state of Massachusetts, about the importance of the Head Start program. In June, William was appointed to the New York City Bar Association Trademarks & Unfair Competition Committee and was profiled in the *Huffington Post*.

Pinny Goldberg and his wife, Lori, welcomed a baby girl, Shayna.

Shira Siskind successfully defended a New York Police Department sergeant accused of violating the Constitutional rights of a Bronx

man he shot in the head. Shira works in the New York City Law Department.

Jason Starr received the Alumni Association's Young Leadership Award.

2009

La Toya L. Barrett opened a new firm, Dwyer & Barrett, in Newark, NJ. La Toya's work concentrates on labor and employment law, representing employees.

Anusree (Anu) Nair was elected partner at Klasko Immigration Law Partners. Anu heads the firm's Investor division in the EB-5 practice. Anu also participated as a panelist at the 2016 Ho Chi Minh EB-5 Delegation Conference in Vietnam. Anu presented on H1-B visas on the panel, U.S. Immigration Policies (EB-5, L-1, H1B, EB-3, EB-1, EB-1c).

Lenny Platt made his television debut on *Quantico*, playing the character of Drew Perales. Previously, Lenny worked for ESPN International as a legal assistant.

2008

Jordan Beckerman was named partner at Ropers, Majeski, Kohn & Bentley. Jordan is a member of the firm's Corporate Transactions and Entertainment practice areas.

Christina Juliano was named partner at Hancock Estabrook in Syracuse, NY. Christina works in the firm's litigation practice. She has represented clients in a broad range of matters, including medical and dental malpractice defense, personal injury, asbestos litigation, commercial contract disputes, employment litigation and insurance defense.

Regional Clubs

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

The Los Angeles club sponsored a happy hour and plans several more in the coming months. During the winter, alumni of the Cardozo by the Bay Club gathered for the fourth time to coordinate a celebration with the Annual Dinner in New York. Although we do not have a formal alumni club in San Diego, a group of our alumni in Southern California gathered together last fall for a happy hour event. This spring, the Northern New Jersey Club participated in their second volunteer service night at a local food bank. The common theme is that wherever Cardozo alumni are, they are happy to keep those Cardozo connections strong.

The committees of our regional clubs are found on the alumni page of the Cardozo website (<https://cardozo.yu.edu/alumni>). If you are interested in getting involved, please reach out

to them or contact Inez Lano at Inez.lano@yu.edu. Our regional receptions are often hosted at the offices of our alumni in the area, so if you would like to volunteer to host an event, please contact the Alumni Office.

2015 ALUMNI ASSOCIATION ANNUAL MEETING HELD ON OCTOBER 28

The theme of the 2015 Cardozo Alumni Association Annual Meeting on October 28 was The Importance of the Cardozo Alumni Network: Using Social Media to Build Your Brand. The evening featured a presentation by Robin Colner, CEO and founder of DigiStar Media. Robin taught alumni how to optimize their LinkedIn profiles and how to best leverage the Cardozo

alumni network. The business portion of the evening included the election of new officers and representatives of the Alumni Association Executive Committee and the presentation of the Young Leadership Award to Jason Starr '10 and the Volunteer Service Award to Mark Yagerman '79. Jason was an active participant in the Cardozo community as a student and continues to be an active alumnus. Mark Yagerman is the former chair of the Cardozo Alumni Association Executive Committee and current chair of the Parents' Council.

More than 100 people attended the Annual Meeting and the reception that followed. The 2016 Annual Meeting will be held on November 16, 2016, so please mark your calendars.

management, as a shareholder in the firm's New York offices. Eli focuses his practice on defending wage and hour class actions, particularly in the hospitality industry.

Allison C. Yacker was profiled in Bloomberg BNA about being Katten Muchin Rosenman's youngest capital partner and her experiences as a woman practicing "Big Law."

2000

Michael Pope received his B.A. in English from St. Joseph's College at the age of 92.

1999

Ali Khorasane was promoted to vice president at Applied Materials in Santa Clara, CA. Ali has been segment counsel for five years and manages the legal team responsible for commercial contracts for Applied Materials' semiconductor businesses on a global basis with approximately \$8 billion in annual sales.

Schuyler Kraus was appointed to the Management Committee of Hinshaw & Culbertson's New York office. Schulyer represents mortgage lenders, servicers and investors in complex consumer financial litigation matters in federal and state court. Additionally, he regularly counsels clients regarding first-party and third-party insurance disputes.

1998

Gregory G. Plotko joined the Bankruptcy practice at Richards Kibbe & Orbe as a partner. Gregory is working in the firm's New York City offices.

1997

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

David Gold joined the board of directors of Metropolitan Commercial Bank. David is a senior equity

analyst at Sidoti & Company, one of the largest small-cap equity research boutiques in the industry. His research focuses on real estate services and consulting as well as specialty finance companies and industrials/business service companies with market caps ranging from \$200 million to \$6 billion.

Paul Keller joined the firm of Norton Rose Fulbright as a partner in the firm's New York offices. Paul focuses his practice on intellectual property matters.

1996

Marc Greendorfer expanded his advocacy work with the creation of Zachor Legal Institute, a nonprofit legal foundation focused on protecting individual rights and combating anti-Israel boycotts. Marc is a partner at Tri Valley Law in San Ramon, CA, where he specializes in corporate transactional law.

David Valente was promoted to vice president in the Property Management division's New Development group at FirstService Residential, New York's leading residential property management company. David assumes executive oversight for a team of property management professionals who collectively oversee a portfolio of 50 luxury cooperatives and condominiums comprising approximately 2,700 units.

1995

José Jara was elected president of the board of directors at Leake & Watts, an award-winning New York City nonprofit human services agency. José remains a principal and national practice leader of multiemployer plans at Buck Consultants, A Xerox Company.

Peter King ran for Morris County (NJ) Freeholder. Peter is a partner in the King & Petracca law firm of Parsippany, focusing primarily in municipal law. His firm is municipal attorney in Morris Plains, Morris Township, Randolph Township and Rockaway Township.

Carl H. Linder joined the firm of Greenspoon Marder as a shareholder partner in their Wills, Trusts & Estates group in Miami. Carl also currently sits on the Budget Advisory Board for the City of Miami Beach.

Jonathan Rochwarger joined Winston & Strawn as a Corporate partner in the firm's New York offices. Jonathan focuses his practice on securities law, capital markets transactions, corporate governance and general corporate matters.

1993

Michelle Napell will become the executive director of Jewish Family & Children's Service of Greater Mercer County (JFCS) on July 1. JFCS offers a wide range of high-quality, client-centered behavioral health, advocacy and support services for individuals and families.

1992

Tanya Kennedy was inducted to the Supreme Court of the State of New York in a ceremony that included Justice Fern A. Fisher, Assembly Speaker Carl Heastie, Judge Lisa Walsh, Justice Peter H. Moulton, former Cardozo Dean Matthew Miller and current Cardozo Dean Melanie Leslie.

1989

Arlene Bluth was inducted to the Supreme Court of the State of New York.

Barbara Cohn was named one of the Top 25 Doers, Dreamers and Drivers by *Government Technology*. Barbara is New York City's Chief Data Officer, and in this role she has significantly expanded the New York City data available to citizens and researchers.

1987

Bennet Susser made his stand-up comedy debut before a packed audience at Scotty's Comedy Cove in Springfield, NJ, in February. By day, Bennet is a founding member of Jardim, Meisner & Susser in Florham Park and heads the firm's

Products Liability and Life Science practice areas.

1986

Allen Kadish, a partner at DiConza Taurig Kadish, is currently the president of the New York chapter of the Turnaround Management Association. The TMA is a global nonprofit organization comprised of turnaround and corporate renewal professionals.

1985

Stephen L. Ferszt joined Olshan Frome Wolosky as partner and Employee Benefits practice group leader in the firm's New York offices. He will also be advising clients on tax, estate and succession planning matters as part of the firm's Tax & Personal Planning practice.

1982

Jay Kalish was appointed a member of the ReWalk Robotics board of directors and audit committee. Jay serves as general counsel and partner at OurCrowd Management, an Israeli hybrid venture-capital/crowdfunding platform for accredited investors.

1981

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

1979

Alan Joseph published his first novel, *Stones of Fire*.

Mark Yagerman received the Alumni Association's Volunteer Service Award.

Have a personal milestone you would like to have included in Class Notes? Send it to Sharon Lewis '87 at slewis1@yu.edu.

Major Gifts

Cardozo is deeply proud to acknowledge a \$1,000,000 gift from Benjamin B. Ferencz in support of the Cardozo Law Institute in Holocaust and Human Rights (CLIHHR.) With this gift, the law school's Human Rights and Atrocity Prevention Clinic will be renamed the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic.

Ben Ferencz's history of activism and working in support of international criminal justice and world peace is legendary. In 1945 he was transferred to the headquarters of General Patton's Third Army, where he was assigned to a team tasked with setting up a war crimes branch and collecting evidence for such crimes. In this function, he was then sent to the concentration camps as they were liberated by the U.S. army. He was an investigator of Nazi war

crimes after World War II and the Chief Prosecutor for the United States Army at the Einsatzgruppen Trial, one of the twelve military trials held by the U.S. authorities at Nuremberg, Germany. From then to now, Ferencz has spoken out and pushed for laws and redress to punish crimes against humanity on an international stage.

Ferencz's connection to Cardozo runs long and deep. Telford Taylor, a founding member of Cardozo's faculty, was the Chief Counsel of the U.S. Nuremberg Military Tribunals. He asked Ferencz to take on the responsibilities of being an investigator. Ferencz's respect for Taylor and for the work of CLIHHR and the Human Rights and Atrocity Prevention Clinic motivated Ferencz to support CLIHHR over the last five years. He funded a Telford Taylor fellow in the Institute as well as the Telford Taylor Visiting Clinical Professor. Ferencz's generosity is also a



tribute to Professor Sheri Rosenberg, who founded the clinic, and to Professor Richard Weisberg, whose Holocaust claims litigation settlement initiated the establishment of CLIHHR at Cardozo.

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

🕒 *Benjamin B. Ferencz, accepting the 2016 International Advocate for Peace Award this spring at Cardozo.*

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

\$1 Million Gift to Establish Trial Lawyer Team

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

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

Benedict Morelli is the founder and partner of Morelli Law Firm and former president of the New York State Trial Lawyers Association. A highly regarded trial lawyer, Morelli has a long history of successful representation spanning over 35 years, which includes winning multi-million dollar verdicts for many of his clients. Morelli's son Alexander is a member of the Cardozo class of 2016.

🕒 *Benedict P. Morelli (center), pictured here with Dean Melanie Leslie (left) and President Richard Joel (right), received an Honorary Degree of Doctor of Laws at the 2016 commencement ceremonies. Morelli's son, Alexander, received his J.D. from Cardozo the same day.*



Parents Council's Impact Grows

Mark Yagerman '79 marked his first year as chair of the Parents Council. He took the reigns as chair as a pioneering member of Cardozo's class of 1979, a former chair of the Alumni Association Executive Committee (from 2011–14), and importantly, a parent—of Evan Yagerman '08. Mark has devoted a huge amount of time to the law school and especially to furthering the council's goals and efforts.

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

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

Continuing established traditions, the council published

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

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

The Parents Council continues to welcome and integrate parents into the life of the law school. Past efforts have included speakers from the Offices of Career Services, Admissions and Alumni Affairs, and chosen from among the student body. Members also receive VIP invitations to school-wide events. If you are interested in learning more about the Parents Council or have suggestions for future events, contact Patricia Weiss, associate dean of institutional advancement and alumni affairs, at pweiss@yu.edu or 212.790.0270.



24TH ANNUAL PUBLIC SERVICE AUCTION PROVIDES OPPORTUNITES FOR ALL

Over 300 people attended the 24th Annual Public Service Auction thanks to the efforts of Cardozo alumni, parents and friends. Always one of Cardozo's best parties of the year, this year's auction was especially memorable. The reception kicked off with jazz/funk entertainment by Ryan Cole and the Paper Souls while attendees bid on event tickets, fashion, electronics and more. The live auction and

50/50 raffle, both mainstays of the event, began with a welcoming guitar performance by Cardozo's own Stuart Anello '18, while Honorary Chair Dan Abrams welcomed the spirited attendees. The fun truly paid off when the auctioneer, Hugh Hildesley of Sotheby's, rallied participants to raise enough funds to provide a stipend for every eligible student applicant who wanted to work in an otherwise unpaid position. As a result, many of Cardozo's students will return to the school this fall with fresh experience from nonprofit organizations, governmental agencies and courts.

Class Gift Campaign Sets New Records

Launched in 2006, the Class Gift Program is a tradition in which graduating students encourage fellow classmates to make a gift to the law school in honor of their class year. Class of 2016 Gift Committee members advised by Molly Duane '14 on behalf of the Junior Advisory Board, lead a robust campaign. Funds raised from 123 participants more than doubled the amount from the previous year. The 2016 class also set new records including the highest average gift and most number of new Young Leaders Circle members. During the pre-commencement award ceremony Lara Traum '16 stated, "After three years, I can attest to the fact that something special happens at Cardozo. My involvement in the class gift committee honors the faculty who nurture that day-to-day and year-to-year." All members of the committee were welcomed on stage to present Dean Melanie Leslie with a mock check representing their campaign efforts. The Class of 2016 will be added to a plaque in the Kathryn O. and Alan C. Greenberg Center for Student Life that highlights their efforts in the Class Gift Program.

LAW FIRMS TAKE ON THE CHALLENGE

The Law Firm Challenge gives graduates an opportunity to unite at work under the common purpose of supporting the law school and provides a platform to help increase alumni participation. Under the leadership of David Herman '00, a partner at Weil, Gotshal & Manges, 74 firms participated in this year's Law Firm Challenge, setting an all time record and contributing to the highest number of firms reaching 100% participation in the competition's history. The success is due to the hard work of the many alumni who volunteered as law firm agents, and serves as a reminder of the importance of strengthening our relationships with our alumni and expanding our network within the legal community.

If you would like to serve as an agent for next year's competition, please contact Melissa Starr, Director of Institutional Advancement, at Melissa.Starr@yu.edu.

2016 LAW FIRM CHALLENGE WINNERS:

Tier 1 (15+ Alumni)	Boies, Schiller & Flexner LLP
Weil, Gotshal & Manges LLP	Cohen Tauber Spievack & Wagner P.C.
Tier 2 (9–14 Alumni)	Cowan Liebowitz & Latman, P.C.
Akerman LLP	Haynes and Boone, LLP
Tier 3 (3–8 Alumni)	Kilpatrick Townsend & Stockton LLP
Akin Gump Strauss Hauer & Feld LLP	Lanier Law Firm
Amster Rothstein & Ebenstein LLP	McKool Smith
Anderson Kill, P.C.	Smith Mazure Director Wilkins Young and Yagerman, P.C.

As part of our 40th anniversary celebration, Cardozo is hosting a series of events throughout the fall.



SEPTEMBER

September 7

John Lennon vs. The USA

A discussion of the new book by Leon Wildes documenting the legal fight to keep John Lennon and Yoko Ono from being deported

September 12

Dean Melanie Leslie in Conversation with Fashion Icon Isaac Mizrahi on Fashion, Business and Law

Presented by the FAME Center for Fashion, Art, Media & Entertainment

September 13

Tech Talk: Crowdfunding and the Increasing Democratization of Capital Markets

Presented by the Samuel & Ronnie Heyman Center on Corporate Governance and the Cardozo Tech Talk Series

September 13

The Online Art Auction Market: New Game, New Rules

Presented by The FAME Center and the Cardozo Art Law Society

September 19

The Age of Deference: The Supreme Court, National Security, and the Constitutional Order

A discussion on David Rudenstine's groundbreaking new book moderated by Adam Liptak of The New York Times

OCTOBER

October 13

Give Me a (C)! Supreme Court Amici on the New Copyright Case Involving Cheerleading Uniforms and Fashion Design

Presented by Cardozo's Intellectual Property & Information Law Program and the FAME Center

October 20

Tech Talks: Video Games and eSports in New York

Legal and NYC professionals in the fields of video games and eSports speak about challenges in the industry and the legal profession.

Presented by Cardozo's Tech Talks Series

NOVEMBER

November 8

A Conversation with Sheila Nevins, President of HBO Documentary Films

Presented by the FAME Center and the Indie Film Clinic

November 9

Fashion Tech Pop-Up Clinic

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

November 16

America's Brave New World of Predictive Policing

As police departments across the country develop new tools for tracking social media, the concept of predictive policing has become a concern. Who is monitoring social media within police groups, and how is that information being used?

In Memoriam



PROFESSOR PETER TILLERS

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

Professor Tillers was a leader in New Evidence

Scholarship. A prolific scholar, he authored many books, revised the first volume of John Henry Wigmore's treatise on the law of evidence, and published a wide variety of articles on evidence, inference and investigation. Professor Tillers was an editor of *Law, Probability & Risk* and a former chairman and secretary of the Section on Evidence at the Association of American Law Schools. While teaching Evidence at Cardozo, he organized major conferences and traveled and lectured in the United Kingdom, Canada, Italy, Germany, China and elsewhere.

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

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

"As my teacher, and then colleague and friend when we co-taught Fact Investigation, I appreciated more than

anything that Peter was not a spoon-feeder," said Philip Segal '06, who currently works at Charles Griffin Intelligence. "He was a deep thinker and wanted others to wrestle with issues of truth and knowledge as he did. Kindly and modest, he was the very best paper editor I ever had."



Photo by Sari Goodfriend, fellow Cardozo photographer and dear friend to Norman, taken the week before he passed away while they were shooting the Cardozo reunions together at the Harmony Club.

NORMAN GOLDBERG

Photographer Norman Goldberg passed away on June 12, 2016, at the age of 74.

Norm was a constant presence at Cardozo events over the last three decades. He was behind the camera, but his winning personality was always out front and making friends with whomever he was shooting. Norm was a great friend of Cardozo who knew hundreds of people at the law school by name. He was generous, kind, quick to laugh, easy to get along with, and is greatly missed by all who had the pleasure to know him.



In celebration of our 40th Year, we gathered second-generation students in this year's May-entry class to honor Cardozo's budding tradition of legacy in legal scholarship.

TALKIN' 'BOU MY GENERATION



Ryan Botwinick, son of Jeffrey Botwinick '84

Joshua Wildes and Raquel Wildes, the children of Michael Wildes '89 and Amy Wildes '91. Amy and Michael met while taking the class of Michael's father, Professor Leon Wildes.

Nathaniel Levy, son of Fredrick Levy '86

Alison Bertan, daughter of David Bertan '85

Ari Horn, son of Shimmie Horn '96

Joshua Freifeld, son of Harry Freifeld '79

Michelle Glasenberg, daughter of Rise Jane Sunness Glasenberg '80

4 *FOR* 40

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

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

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

HOW WILL WE REACH OUR \$4 MILLION GOAL?

With the support of every alum from each of our classes: 1979 to 2016.

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

CELEBRATE 40 YEARS OF CARDOZO'S DYNAMISM

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

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

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

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Director, Wilkens Young & Yagerman, P.C.

Stephen Breitstone '82

Partner, Meltzer, Lippe, Goldstein &

Breitstone, LLP

Ira Dizengoff '92

Partner, Akin Gump Strauss Hauer &

Feld LLP

Emily Tisch Sussman '08

Campaign Director,

Center for American Progress Action Fund

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