

Spring 2008

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New York Law School

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# NEW YORK LAW SCHOOL

Magazine | Spring/Summer 2008

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## 5 Score!

The Story behind Our Latest and Greatest Bar Pass Results

## 9 Learning from a Legend:

Professor Donald Zeigler on the Art of Teaching

## 12 Going Global:

Our Alumni Take On the World

# NEW YORK LAW SCHOOL

Magazine | Spring/Summer 2008

## DEAN AND PRESIDENT

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Nancy Guida

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## MANAGING EDITOR

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## CREATIVE DIRECTOR

Regina Chung

## PRODUCTION MANAGER AND JUNIOR DESIGNER

Amelia Jonakait

## CLASS NOTES AND FACULTY ACTIVITIES EDITOR

Denise Tong

## CONTRIBUTORS

Mona Houck, Andrea Juncos, LaToya D. Nelson,  
Christine Pakkala, Edith Sachs, Tara Regist-Tomlinson,  
Roman Tabatchouk, Denise Tong

## PROOFREADER

Edith Sachs

## PHOTOGRAPHERS

Arthur Avedon, Jerry Bauer, Regina Chung, Michael Falco,  
John Halpern, Rick Kopstein, Longview Photography, Jack  
McCoy, Studley

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## **New York Law School Magazine**

**T** 212.431.2872

**F** 212.406.0103

**E** [magazine@nyls.edu](mailto:magazine@nyls.edu)

**[www.nyls.edu](http://www.nyls.edu)**

Postmaster, send address changes to:

**New York Law School**

Office of Marketing and Communications

57 Worth Street

New York, NY 10013

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*New York Law School Magazine* was selected as a winner of the 2008 American Inhouse Design Awards by Graphic Design USA. More than 5,000 creative teams entered this year's contest—from leading corporations, firms, nonprofits, and educational institutions—and 500 were named winners. We submitted the Spring/Summer 2007 issue of the magazine, which featured a completely new design by Creative Director Regina Chung. **As always, we welcome your feedback at [magazine@nyls.edu](mailto:magazine@nyls.edu).**



# Sean's message



## Myths and Truths: New York Law School and the Bar Examination

By Richard A. Matasar

Here are some of my favorite law school myths:

- It is not the law school's responsibility to create a program that will help students pass the bar examination.
- Even if law schools have such a responsibility, there is nothing they can do to actually improve their students' performance on bar examinations.
- Students with poor law school grades will not be able to pass the bar examination.
- Only students with high LSAT scores can do well in law school; only they can pass the bar examination.

Fortunately, these myths are demonstrably false.

First, students at every law school go to school believing that their education will permit them to fulfill a dream of becoming a lawyer. Decades ago, perhaps, some prestigious law schools may have claimed with (false) pride that their students were too smart to pass the bar examination, which by its nature was too pedestrian to care about. Today no one believes this to be true—simply put, three years of law school, with the high tuition we charge, ought to be enough to help every student become a lawyer.

Second, we have learned that the skills needed to pass a bar examination, like anything else, can be taught. Whatever the merits of the bar examination as a barrier to becoming a lawyer, it resembles every other kind of high stakes test. It covers legal doctrine. It entails legal analysis. These are among the important skills we teach in law school. If it were true that our schools could do nothing to change their students' bar examination performance, it also suggests that we cannot teach legal doctrine or knowledge. If we could not do that, we should close our doors and send every student to a bar review class to learn to become a lawyer. It is instead clearly the case that hard work in teaching, close attention to every student, and focus on legal analysis can help every student become a lawyer.

Third, we would be committing consumer fraud by continuing to take the tuition money of students with poor law school grades if we "knew" that most of them were destined for failure. Instead, we retain these students, we continue to accept their tuition, and we know that if we devote attention to them we can improve their performance. As I highlight below, at New York Law School, all students we retain, when they work hard, can pass the bar examination and become members of the bar.

Finally, if it were true that only students with high LSAT scores could do well in school or ultimately pass the bar examination, every school would base its admissions decisions solely on applicants' test scores. New York Law School refuses to do this because the evidence is overwhelming that there are many students who test poorly, but do well in school AND pass the bar examination. We also know of students who have high test scores who do poorly in school or become poor lawyers. Our approach is straightforward: We look for passionate, well-rounded students, with a burning desire to become lawyers, and then give every one of them the education to help them become successful.

This issue of *New York Law School Magazine* highlights how we have demolished these myths. Over the last decade, the Law School has systematically collected data on our students' performance in school and on the bar examination. We have made small experiments to improve their performance. And we have adopted an aggressive, integrated, comprehensive curriculum to make a quantum improvement in every student's bar examination performance. Nothing less would have been acceptable for a school that tries to provide the "right program for each student." For the last two years our graduates' performance in passing the bar examination has risen near the top of all New York law schools. Ninety percent of the graduating students last summer passed the bar examination. Our school has created four new truths to dispel the myths: (1) It is clearly our responsibility to help every student reach the dream of being a lawyer; (2) We can and do teach all of our students to help their performance on the bar examination; (3) All students are worthy of our full effort to help them reach their goals; and (4) New York Law School trains every student—strong, medium, or weak—to become a lawyer.

**Score one for the home team!**



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# SCORE!

## The Story behind Our Latest and Greatest Bar Pass Results

By Mona Houck '04

A new building is not the only thing going up at New York Law School. The bar exam pass rate has soared, exceeding the state average and bypassing all but four other law schools in New York.

**“This is a point of pride for everyone who is involved with the Law School—students, alumni, faculty, staff,” Dean Richard A. Matasar says of the July 2007 pass rate, which hit 90 percent.**

After reaching only 58 percent in 1999, the School’s pass rate hovered around 72 percent from 2000 to 2005, with a dip to 66 percent in 2004 (a possible aftereffect for students who began law school just weeks before 9/11). But in 2006, the numbers began to take on new life. That summer, the bar pass rate was 84 percent. And last summer’s rate was the highest on record, surpassing the average rate of 79 percent for all first-time takers of the New York bar exam and 88 percent for all law schools in the state.

That isn’t a change that happened overnight. “It takes a long time to isolate the problem, and it takes a long time to fix the problem,” Dean Matasar says.

While it’s impossible to say exactly what caused the pass rate to climb so sharply, Dean Matasar is certain about one factor: “The students worked hard, studied hard, and followed through on all the things they needed to do to be successful,” he says. “No matter what we do, it’s ultimately up to the students.”

But the School has been working hard as well. One concentrated effort to combat the low pass rate began in the late 1990s, Dean Matasar says, and was built piece by piece into the Comprehensive Curriculum Program (CCP) that began in 2003.

Professor David Chang, the chairman of the committee that developed CCP, says the program evolved from one major premise: “Bar passage problems are a symptom

of more basic and pervasive problems.” Essentially, he says, “students at the bottom of the class have not gotten what they need to learn about the fundamentals of legal method, analysis, and argument.”

The key, Dean Matasar says, was to find a way to tailor the curriculum to help those students. That mind-set is part of the Law School’s continuing effort to find the right program for each student. “In the perfect world, we would say we have 1,500 students and there are 1,500 paths to take them where they want to get to,” Dean Matasar says. “That’s unrealistic, but we’re trying to give students many, many opportunities to pursue their own course.”

CCP is certainly not the first effort to bolster bar exam numbers. “What was different this time was that we were authorized to think systematically—to think in big terms rather than just trying to put a Band-Aid on the problem,” Professor Chang explains.

Thinking big started with focusing on one slice of the problem: first-year performance. Research shows that grades in the first year are a strong predictor of grades at graduation, says Dr. Joanne Ingham, Assistant Vice President for Institutional Research. And grades at graduation are a strong predictor of bar success. Given that, she says, the first year seemed the logical time to stage an intervention.

That intervention came in the form of Principles of Legal Analysis (PLA), a required class for students in the bottom third of each section. “That course,” says Professor Chang, “is the foundation of the general philosophy of the program.”

### MEDIA BUZZ

Members of the legal community have taken note of New York Law School’s soaring bar pass rate, with coverage of the results appearing in the *New York Law Journal*, *The Wall Street Journal*, and *National Jurist* magazine.



It is an intense course. “The hallmark of PLA is drill—repeated practice of legal analysis under time pressure,” says Professor Kris Franklin, Director of the Academic Skills Program. In other words, it’s like tackling an essay exam every week, all semester.

PLA professors work with those who teach the core classes, so students see an overlap in the material they are learning. “This is a commitment the entire faculty has made,” Professor Franklin notes.

**These weekly drills give professors an opportunity to provide personal attention. “We pinpoint where they need the most help and what they need to build on so they can do consistently better work,” Professor Franklin says.**

One early concern was that students would feel stigmatized, says Professor Chang. “We were prepared to deal with that,” he says. “However bad the stigma may be, the stigma of failing the bar is worse, and the dissatisfaction of going through law school and performing poorly is worse.”

Any dissatisfaction seems to dissipate quickly. When first-semester grades come back for the bottom of the class, Professor Franklin says, “no one’s happy about how they’ve done.” And while some students are initially resistant to PLA, she says, “within a very short time—and this is pretty universal—they seem to genuinely appreciate both the course itself and the resources that are offered to them.”

That was the case for Nikon Limberis ’07, who went through CCP and passed the bar exam last summer. “Initially, I was more discouraged than anything, but I think it didn’t take too long to realize that it was going to be helpful for me,” says Limberis, an investment banker at Sandler O’Neill and Partners who struggled to balance the demands of law school and his full-time job. The repeated emphasis on analyzing issues in core subjects eventually seemed to sink in, he says.

PLA is enough for some students, improving their grades and putting them back on the usual track. For others, it is the gateway to CCP.

PLA is one bookend of CCP. The other is Consolidated Legal Analysis, a third-year course taken with New York Law in National Perspective. “It is a revisiting of the basics of legal method, analysis, and argument, but in the context of New York substantive law,” Professor Chang says. The effort at this point is to fold analytical skills into an exposure to the substantive law students will face on the bar exam. “It is not a bar preparation course,” he adds, “but does aim to kill two birds with one stone.”

Even with those first- and third-year anchors in place, there was still work to do, says Dr. Ingham, who has amassed a warehouse of data on innumerable topics related to the Law School. “Based on our research, we determined that that was helpful but still wasn’t enough, so we looked at the years in between.”

It was a close look. “We went through students’ records,” she says, “transcript by transcript.”

The records pointed to a common survival strategy: seeking out courses that won’t further damage shaky GPAs. That strategy may get a student to graduation, but it makes for dim bar and career prospects, Dr. Ingham says. “Staying in law school and earning a GPA of 2.1 or 2.2 is not helpful if you aren’t going to develop strong legal practice skills.

“We took note of what were considered important or rigorous or mainstream doctrinal courses that would be appropriate for legal practice,” Dr. Ingham says. Transcripts showed that students with lower grades avoided some of those courses.

That led to the other major component of CCP, the guided curriculum. It requires four challenging courses that are usually electives but are viewed as important preparation for practice: Corporations; Wills, Trusts, and Future Interests; Federal Income Tax (Individual); and New York Practice. Students must take at least three additional doctrinal courses and three skills courses, then choose among approved electives.

For a few students—those at the very bottom of the first-year class—CCP also means an additional semester in school, allowing time to work at a more manageable pace.

# SCORE!

The Story behind Our Latest  
and Greatest Bar Pass Results

Remember that first big jump in the bar pass rate, to 84 percent in 2006? That was the first class to complete CCP. The second class hit 90 percent. “That doesn’t prove everything we’ve done is the cause of the good outcome,” Dean Matasar says. “It shows there’s a correlation.”

That correlation seems awfully strong to Michael Hunter Schwartz, a law professor at Washburn University with expertise in assessing legal education. “There’s no doubt in my mind that the improved bar pass rate is related to the program they’ve put into place,” he says. One reason, Professor Schwartz says, is that the program cuts across the curriculum, working in tandem with core courses. “Integration makes a huge difference in terms of likely success.” Another reason, he says, is that the very existence of the program sends a message that the bar is vitally important.

A significant advantage of such a program, Professor Schwartz believes, is its ability to build confidence. The greatest obstacle to the bar exam for students who struggle in law school is that “they lose their sense of their own capabilities,” he says. “This sends a message that if you try hard, good things will happen, such as better grades and passing the bar.

“I’d be stunned if such a program didn’t work,” he says. “It’s very thoughtfully constructed.”

Helping students develop the skills and confidence to conquer the bar exam is part of ensuring that each student leaves New York Law School “with the knowledge that you’re going to be someone who has the ability to go forward and make a successful career happen,” Dean Matasar says.

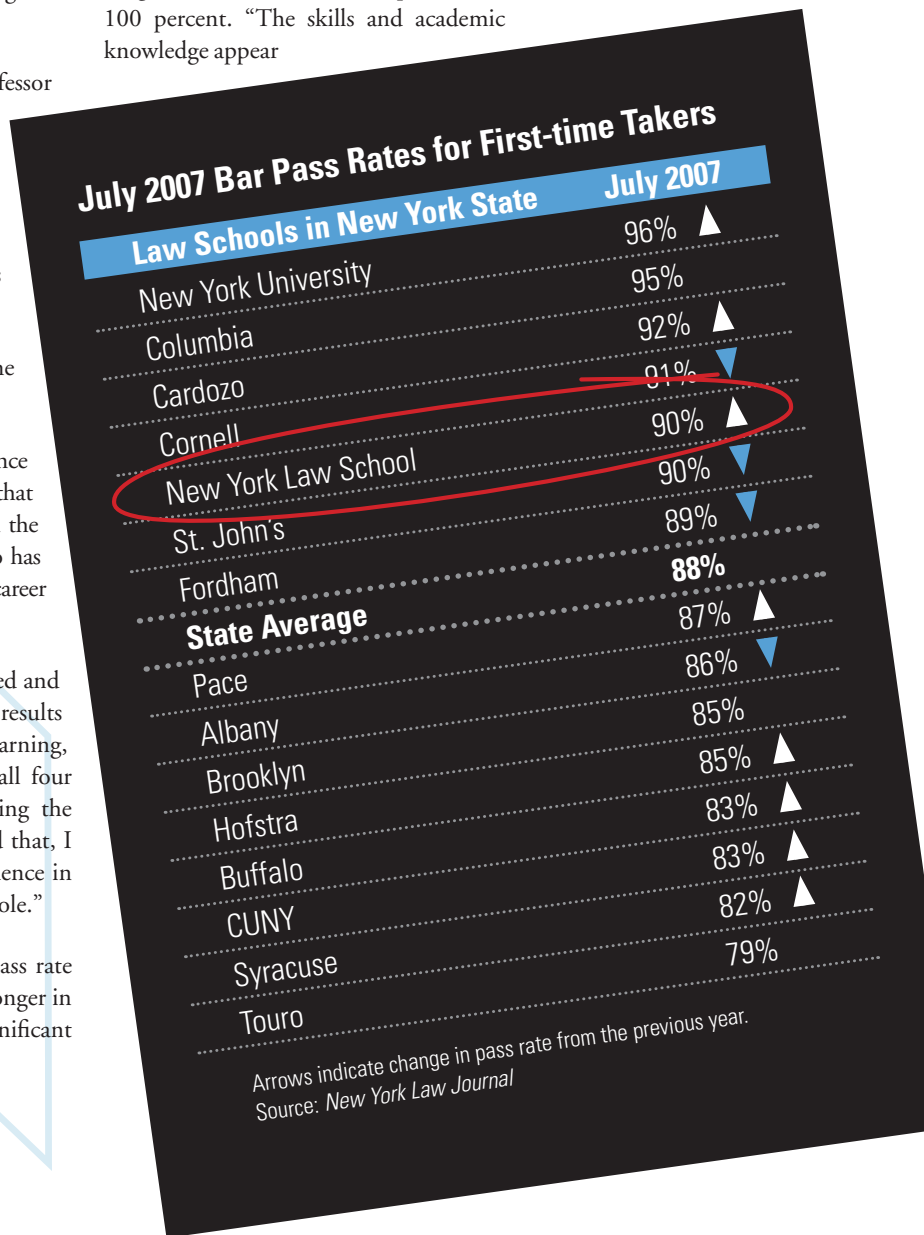
It worked for Limberis. By the time he graduated and began studying for the bar, he says, he could see results from CCP. “I felt that a lot of people were relearning, but because I was learning the core subjects all four years, I had the upper hand going in.” Passing the bar brought a new outlook. “I thought, if I did that, I can do anything,” he says. “I have more confidence in making decisions, just more confidence as a whole.”

Many factors might have contributed to the pass rate increase. For one, entering classes have been stronger in recent years. But that variable hasn’t made a significant

difference in the past, Professor Chang says. “Going back 25 years, despite the ups and downs of the profile of the student body, we’ve always had an entrenched pattern of students in the bottom quarter to third of the class doing poorly on the bar exam.”

Now, the top of the class continues to pass consistently, and the bottom half is performing better. “I wish we had figured this all out a while ago,” Professor Chang says, “but I’m glad we’re making the progress we seem to be.”

New York Law School students are also having success elsewhere, Dr. Ingham says. May 2007 graduates who took the New Jersey bar exam last summer passed at a rate of 91 percent; in California, known for its tough exam, the rate was 86 percent; in Connecticut, 100 percent. “The skills and academic knowledge appear





to be transferring to success on other states' bar exams," she says. "I think that's really exciting."

As thrilling as this progress is, Dean Matasar is focused on a broader task. "If the bar exam was everything, we'd be done," he says. "But we're not. We want people to be great lawyers and be happy and successful in their careers."

To that end, the Law School continues to seek the right program for each student. CCP is part of that effort. The School also has the Harlan Scholars Program to keep top students engaged, seven academic centers to let students

focus on their interests, and, starting this fall, a section devoted to developing technologically sophisticated lawyers (see sidebar). The next big endeavor, Dean Matasar says, will be to focus on the middle 60 percent of the class, offering programs to help students find ways to make a successful transition to being a lawyer.

Dean Matasar says he and the faculty are committed to devoting the substantial energy necessary to stay the course. "We have to keep up all the things we've been doing," he says. "Why would we be happy with anything other than that every student who works really hard passes the bar exam?"

## Introducing: iSection

Socrates never imagined teaching like this. Using blogs, wikis, podcasts, social networking tools, and any other technology at hand, faculty and students in one first-year section this fall will collaborate on new ways to learn the law.

The experiment, called iSection, has a single goal behind its multiple platforms. "It's about being a better lawyer," says Dean Matasar.

"Technology is driving everything in society right now," he says. "The practice of law is changing so rapidly that lawyers are having a hard time keeping up with it."

One way to combat that is to get a head start. "We think students ought to consider themselves part of the profession from day one and take an active role in building relationships with alumni and practitioners," says Professor David Johnson, who, along with Professors Beth Simone Noveck and Richard K. Sherwin, helped bring iSection together.

Students in the section will be "making a commitment to explore legal education in a new way," Professor Johnson explains. A dozen or so professors have committed to the section and are testing the tools they'll use. "We're lucky to have something of a hot spot of people who want to experiment and learn about those opportunities rather than just hoping they'll go away," he says.

Technology used will depend on professors' interests and styles, as well as student contributions. A professor might use graphics to illustrate the structure of reasoning in a case, post notes on a wiki or use a podcast to augment a lecture, or display an on-screen card game to help students build effective arguments. One tool might allow students to simultaneously answer questions, "so the Socratic dialogue becomes more inclusive," Professor Johnson says.

"The one thing we know is that we'll continue to find new possibilities," he says. "Our hope is that we'll find approaches that will spread across the whole school.

"I'm sure we'll also try some things that don't work," he notes, "and we'll be much the wiser as a result."

The iSection joins the Law School's many approaches to individualized education. In this case, the focus is on bolstering the experience of tech-savvy students.

"Here's a group of students that are going to push us to improve their education," Dean Matasar says. The program will seek new ways to develop "students who are better learners, then better students, and then better lawyers."

And they may find unexpected benefits along the way. "I personally believe law school can be fun," Professor Johnson says, "and one of the core goals is to engage both the faculty and the students in exploration." **f**

# SCORE!

The Story behind Our Latest  
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# LEARNING FROM A LEGEND: Professor Donald Zeigler on the Art of Teaching



**What makes  
a law professor  
legendary?**

*New York Law School  
Magazine* sat down  
with revered Professor  
Donald H. Zeigler to  
find out.



## Learning from a Legend: Professor Donald Zeigler on the Art of Teaching

By Andrea Juncos

What makes a law professor legendary? In 2007, the faculty at New York Law School asked Professor Donald H. Zeigler, one of the School's most revered and accomplished professors, to share his proven strategies with his colleagues. Always a willing mentor, he happily obliged. In his paper *How I Teach*, Professor Zeigler outlines the approach he's perfected throughout his teaching career, which reached 30 years in 2007–08. He presented the paper in February 2008, providing a behind-the-scenes look at the techniques he uses in class, his painstaking preparation, and what he loves most about teaching.

Professor Zeigler began the discussion by describing one of the signature elements of his approach: his careful planning and organization. He comes to each of his classes—which include Evidence, Civil Procedure, and Federal Courts—equipped with a detailed “script” designed to organize the flow of thoughts for that particular lesson. “I deconstruct each case for students and help them do it themselves by leading them through a careful sequence of information,” he says. The scripts serve as a guide through this information and include all of the questions he plans to ask students about a case, followed by leading and back-up questions. “Maybe it’s because I’m a control freak,” he laughs.

But Professor Zeigler doesn't follow the scripts rigidly in class. He encourages exploration in the discussion, constantly creating as he goes with ad-libbed questions sparked by students' responses. The scripts, he says, “provide an anchor that helps keep the class firmly on track.”

In preparing so meticulously, Professor Zeigler allows himself to step into the minds of his students and figure out all the logical steps they'll need to take to understand the key points. It's a strategy many of his colleagues admire, and one of the numerous examples of his overwhelming respect for students. “His scripts force him to anticipate what questions and reactions students will have—to put himself in their shoes,” says Professor James Grimmelmann. Professor Edward

Purcell adds, “He recognizes how difficult and complex the material is. He never loses sight of that.”

And students recognize and appreciate the effort. “I felt even more motivated to do the reading and think about the material because I knew he was putting in at least as much time as I was, thinking and preparing for class,” says Erica Bonnett 1L. “His grasp on the material is amazing, yet he is always open to new ideas and questions from students.”

What does his exchange with students look like in action? “It's a group effort,” Professor Zeigler says, “one that's meant to be cooperative rather than competitive.” Using his version of the group Socratic method, he asks straightforward, thought-provoking questions specifically designed to prompt student participation. “When it's going well, the group seems engaged,” he says. “Everybody's trying . . . and it feels like we're all in it together.”

**It's during these moments, in his dynamic back and forth with students, that Professor Zeigler feels most “in the moment, fully engaged.” “Time passes differently,” he says. “I feel very strong. I feel creative. When class is going particularly well, I feel a deep sense of satisfaction.”**

He keeps the class moving at a brisk, efficient pace, and doesn't dole out penalties for incorrect answers. When a student gets what he describes as the “deer-in-the-headlights” expression, he redirects the question to the group. This way, he says, students remain relaxed, as active participants rather than passive observers. “As individuals, most of the students can't answer most of the questions,” Professor Zeigler explains. “But as a group, they can answer almost all of them.” It's a tactic he finds more productive—and respectful—than ones that intimidate or humiliate students, and they agree. As Megan Fuller 2L recalls, “I really appreciated the fact that, although he used the Socratic method, he was not hard on students who were unable to answer his questions. He would simply move on without making anyone feel embarrassed or dumb.”

To maintain this positive classroom atmosphere, which he describes as “friendly but professional,” Professor Zeigler uses several strategies to keep students comfortable and engaged. From his position at the podium, he takes on the role of an animated storyteller, acting out colorful examples—often with props—to bring even the driest cases to life. “Professor Zeigler turned textbook cases into captivating stories where characters pursued their litigation goals by using rules of evidence,” says Olga Tseytkin 4L. “His technique made the rules of evidence alive, meaningful, and easily understandable.” Once his class is moving smoothly and students are familiar with this style, he adds jokes into the mix to keep the mood light and the energy level high. “Laughter wakes people up,” he says, which is even more important for students in his evening classes. “They run on the energy I pour out.”

Keeping his energy level up isn’t always easy. Professor Zeigler says one of his greatest challenges is being prepared to walk into class every day with the energy and focus he needs to do a good job. “Sometimes you feel tired or weak or you don’t feel well. And you still have to put in that energy and focus.” The last two years have proven especially trying for Professor Zeigler, who has been living with lung cancer since 2006. But that hasn’t stopped him from doing everything he can to help his students succeed. After a recent hospitalization that led to a brief absence, Professor Zeigler returned to his evening Evidence class, where he candidly explained the latest news about his health to a room full of concerned students. “There you’ve got it,” he said in closing. “I’m determined to get through Evidence this semester and not leave you high and dry.” When he turned to the board to point out the next assignment, the class erupted in applause, deeply moved by his dedication.

The love and respect that Professor Zeigler has for his students come across in everything he does. His careful preparation, his collaborative in-class approach, his openness with students, and even his dress code—always a jacket and tie—demonstrate that his students



New York Law School faculty members discuss Professor Zeigler’s paper *How I Teach*, as well as their own strategies, at his presentation in February 2008. Middle photo: Professor Carlin Meyer. Bottom photo: Visiting Associate Professor Brandt Goldstein.

are important to him, that they’re “worth the effort.” He expects students to succeed and puts forth an enormous amount of effort to make sure they do. “My job is to teach them the best that I can,” he says. “I find it very satisfying helping them.”

Students receive the message loud and clear and respond with overwhelming admiration. He is among the most beloved members of the faculty, and over the years has touched the lives of generations of students. “Professor Zeigler is one of the most inspiring professors I’ve had the pleasure of having at New York Law School,” says Luna Bloom 2L. “His commitment . . . is

without parallel. Despite any personal tribulations, he brings everything he has to every class.” Erica Bonnett says: “He truly cares about each of his students and genuinely wants each one of us to understand, and it shows.”

In 2005, the graduating class recognized Professor Zeigler with the Teacher of the Year Award at Commencement, where he was met with a standing ovation. He looks back on the experience as “a very special moment,” adding, “I was so gratified.”

What advice does this award-winning teacher have for fellow professors? “My advice is to do very careful preparation, organizing, and planning,” Professor Zeigler says. “If you have a carefully planned flow of thoughts, you’ll be successful and coherent in teaching students and getting them to participate.” Over the years, he’s helped many colleagues—both at New York Law School and Pace University—achieve this flow by offering them his scripts as a preparation tool. “To one extent or another, they have found them helpful,” he says modestly. But Professor Zeigler cautions that no one strategy fits all. “I really think law school would be intolerably tedious if we all taught the same way. I think the best thing is for people to figure out what works for them.”

That’s what he’s done for the last 30 years. And thousands of New York Law School students are forever grateful to him for it. **f**

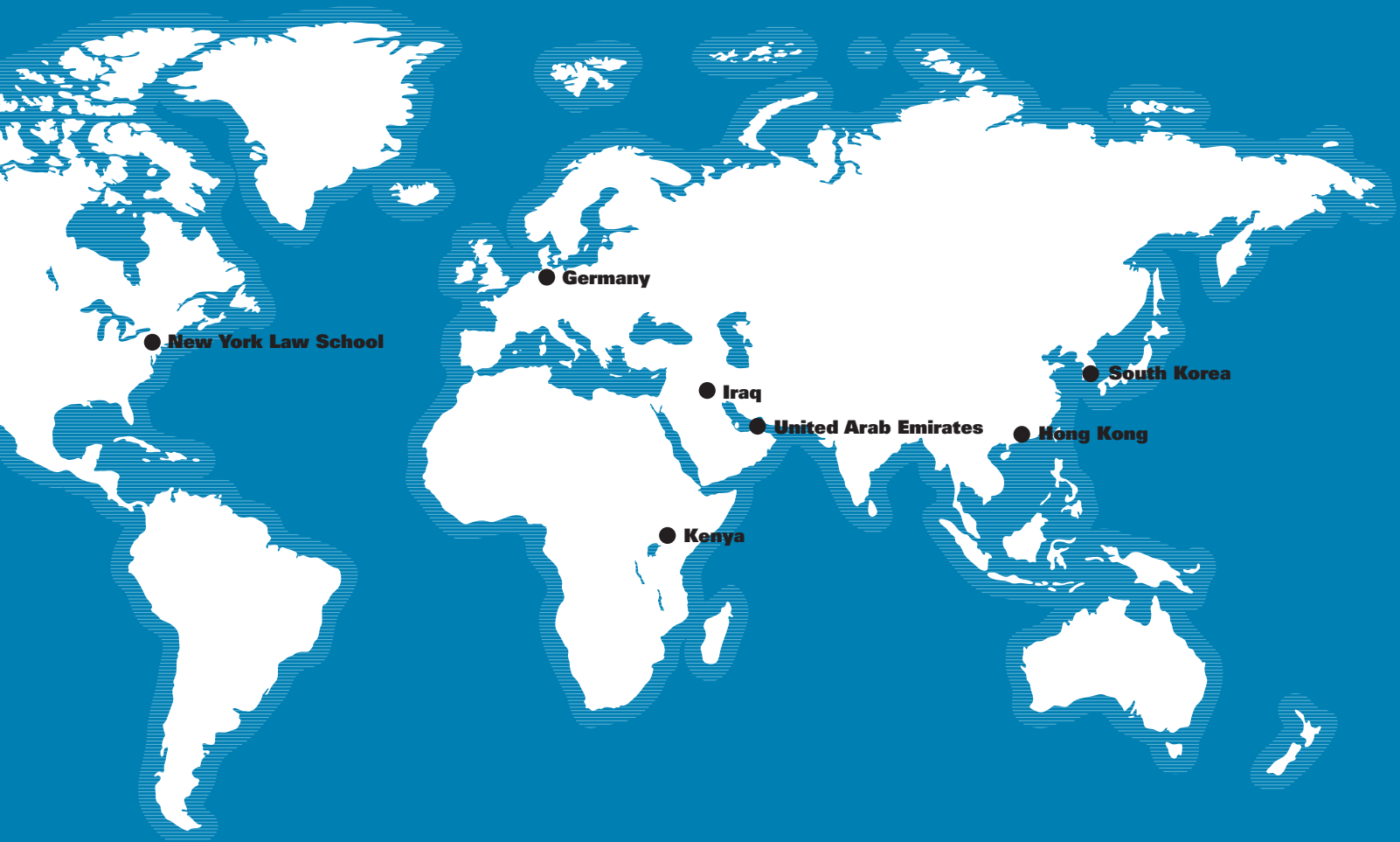
## Going Global: Our Alumni Take On the World

By Christine Pakkala

From the church spires and lakes of Hamburg to the date palms and deserts of Dubai, New York Law School graduates are employed in virtually every corner of the globe and in a variety of important and challenging positions.

“Opportunities to work in the international arena are growing by leaps and bounds,” says Margaret Reuter, Assistant Dean for Career Planning at the Law School. The School is “a rich place to launch students into the global field, both in public and private law,” she says, in no small part because of its Center for International Law. The Center provides many resources for students interested in international law, including an online listing of international job openings with a variety of public and private organizations.

“The alumni who choose to work abroad have a curiosity about the world,” says Reuter. She notes that international law is always in the top three practice areas chosen by New York Law School students, who are often widely traveled and multilingual. Those skills make them prime candidates for international careers. “Our students and alumni are expansive thinkers,” she adds. *New York Law School Magazine* caught up with six of these expansive thinkers, who are profiled on the following pages.



OLIVER AGHA '94  
Dubai, United Arab Emirates



Oliver Agha's decision to work abroad was inspired by a desire to broaden his horizons and develop his career. As an associate at the Washington, D.C., office of Fulbright & Jaworski LLP, Agha was given the opportunity to

work as a senior associate in the firm's Hong Kong and Beijing offices in 2000.

Agha continued to expand his horizons in 2005 when he accepted a position at Clifford Chance's affiliate firm, Al-Jadaan, in Riyadh, Saudi Arabia, where he was Head of Projects and General Counsel, as well as Co-chair of the firm's Banking and Finance practice. With clients ranging from petrochemical companies to banks, he advised on innovative Islamic finance structures and major project finance deals. Islamic finance, which adheres to the laws of the Koran, does not allow usury (charging interest) or investment in businesses whose practices are contrary to Islamic beliefs.

Now Global Head of Islamic Finance and a partner in DLA Piper's Dubai office, where he has been since 2007, Agha heads the Islamic finance practice globally and the finance practice for the Middle East. As part of his responsibilities, he is required to travel often to other DLA Piper offices and to attend, moderate, and chair panel discussions at various conferences across the globe.

"Coming to a new country, with a different legal system and cultural mores, and learning to work in a different environment are character building," Agha says. "One has to develop a base of contacts and associations, and you have to prove yourself—personally and professionally. There is a different work ethic and methodology, and you have to tune into them fast."

Agha says it takes time to adjust to a new way of doing business, as well as different outlooks and expectations. But, he adds, "When you feel familiar and confident

with new concepts and systems, the sense of achievement you experience makes the effort worthwhile."

For Agha, the effort has definitely been worthwhile. He has devised pioneering Islamic financing structures. And he has advised his clients on deals that required finance on an exclusively Islamic basis without commercial bank debt, among other innovative transactions. In one significant deal, he advised lead lender Japan Bank for International Cooperation (JBIC) on the landmark \$9.5 billion Rabigh project financing of a Saudi Arabian petrochemical refinery, one of the world's largest integrated petrochemical projects, recognized by *International Financial Law Review* (IFLR) as "Project Finance Deal of the Year" in 2006.

One of the most enjoyable aspects of living abroad for Agha is his sense that Dubai is the commercial hub of the Middle East—the "gateway for Islamic finance"—and a very enjoyable place to live. Dubai, he says, is a city that combines the traditionalism of the East with the comfort of the West.

Agha's perception of where he comes from and where he is going has changed since he began working abroad. "Working overseas is not just about the work but also about the cultural and social benefits you can acquire to make you a more rounded individual, and this affects the way you work, think, and apply your knowledge and experience."

There is never really a "typical" day for Agha. When he's at work, he is doing complex structures for deals; when away, he is presenting in cities such as Oslo, Hong Kong, and even Almaty, Kazakhstan. During the past year, for example, he has been busy in his marketing campaign to expand DLA Piper's Islamic finance group globally.

Agha says that understanding other cultures and having a "sense of scope of a different world" will open additional opportunities for law students who are considering work overseas. "If working abroad does not tempt you, living abroad should."





RUBEN SETH FOGEL '06  
Hong Kong, People's Republic of China

Ruben Seth Fogel always wanted to explore working abroad after law school. After all, the 27-year-old is just as familiar with Europe as he is with the United States. Born in Russia, Fogel and his family defected to the former West Berlin, Germany, where he watched the Berlin Wall fall. With his international background, he came to America to get his undergraduate degree at Yeshiva University.

As a summer associate at Sullivan & Cromwell LLP, Fogel attended a session about the firm's foreign offices. Inspired, he volunteered to take a temporary leave from his chosen home, the United States, to go to Asia, a part of the world he had never seen.

If his goal was to experience a foreign world while taking on multifaceted work, Fogel has found exactly what he sought. His work at Sullivan & Cromwell in Hong Kong, where the practice focuses on cross-border transactional and securities work, is "intense but rewarding." The transactional practice includes advising clients on mergers, acquisitions, and other strategic investments, such as joint ventures, in the Southeast Asian region, while the securities work runs the gamut from assisting foreign issuers with their SEC reporting obligations to advising Asian companies on securities offerings in the United States and around the world. Because the Hong Kong branch is comparatively small, Fogel enjoys more substantive exposure and perhaps more responsibility at an earlier stage than he may have experienced otherwise at a larger office. Therein, Fogel explains, lies the reward.

"I've really enjoyed the amount of client contact and hands-on exposure," he says. "My expectations have not been disappointed."

Of life in Hong Kong, Fogel says, "It's everything I was used to in New York, but with an unexpected—albeit not unwelcome—European influence, and a much faster pace." He finds many products he knew from Germany, including his "childhood favorite" Kinder

Überraschung chocolate eggs, in Hong Kong stores, as well as American-style diner food, authentic Korean kimchee, and excellent Chinese cuisine in restaurants.

It is easy to imagine that Fogel's intimacy with Russian, German, and American cultures prepared him well for immersion into Hong Kong life. But there were still lessons for the well-traveled young man. Fogel learned that interactions with clients had to be approached with great tact, the concept of "saving face" being of preeminent importance in Asia. "Simple things like pointing out a typo in a document," he explains, "must be done with great delicacy, and in such a way that never embarrasses local counsel or the client."

**"The aggressive, straightforward way of doing business in America might strike the wrong chord in Hong Kong," he adds. "And business cards are always handed over and received with two hands."**

Hong Kong is famous for high rises, but it is hiking and biking its high-rise mountains that Fogel enjoys most. Fogel and his wife, Felissa Elfenbein, watch the Disney fireworks from the balcony of their home in Discovery Bay and walk their Cavalier King Charles spaniels in parks within eyeshot of the dramatic mountains of Lantau Island. They also visit outdoor markets like the Ladies' Market, which inspired Elfenbein to start an Internet-based Asian home décor business.

For students considering a law career abroad, Fogel says it's a wonderful opportunity to "set oneself apart from the pack" but cautions them to consider the "many, fleetingly subtle cultural differences that are sometimes just below the surface."

"The ideal person [to work abroad] should be sensitive to cultural nuances and have had positive experiences of living abroad." It's a description that fits Fogel to a T.

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*Since being interviewed for this article, Fogel has relocated to Miami, Florida, where he has accepted a new position with Akerman Senterfitt.*



## ANDREW FRANKLIN '80

### Nairobi, Kenya

Andrew Franklin is not afraid to speak the truth as he sees it when he compares life in Africa with life in the United States. A financial management consultant in Nairobi, Kenya, Franklin says when he visits the States, he notices the sound of sirens. In Africa, he says, if you break a leg, you get in your car and someone takes you to the hospital. In New York, acting tough might get you somewhere, but in Africa, he says, “if you act like the Big Bwana, you’ll be in trouble.” Law, too, doesn’t work as straightforwardly in Africa, and knowledge of the way to get things done has come in handy for Franklin during his 27 years there.

Self-deprecating frankness and humor are the hallmarks of Franklin’s conversation. His inspiration for going to law school: It was a “fallback” because “lawyers never starve.” Of working in what had been until recently the uncrowded city of Nairobi, he says: “It’s nice to be a big fish in a small pond.” Describing his life in Nairobi, he deadpans that he’s headed home to the brick bungalow he shares with wife Jo to have “elephant for dinner.”

That frankness was Franklin’s trademark even in law school, where he came in as a Marine Corps reserve officer. “So I wasn’t intimidated by the stress of law school or by the instructors.”

**He wasn’t fazed by the rules either. In recalling his early love of Africa, Franklin says he went to South Africa and war-torn Southern Rhodesia in 1978 during the Law School’s two-week Christmas break. But he ended up staying for five.**

Franklin planned to become a JAG officer in the Marines. But at his mother’s urging, he filled out a form in the Law School’s career placement office, listing Africa as the geographical area where he would like to practice. When Dan Weintraub, head of the International Division of Planned Parenthood, came

to the Law School looking for someone to head their operation in Africa, Franklin says, “somebody in that office remembered that there was a card in those files with Africa written on it.”

For 10 years, Franklin “inspected projects all around Africa,” with a very lean budget. As a result, he learned to do a variety of tasks, including inspecting equipment at health clinics and making sure routine procedures like blood pressure testing were being performed properly. He also handled all the United States Agency for International Development (USAID) procurement regulations and developed a checklist for clinic operation.

When the job ended because a new U.S. federal law disallowed the funding of any foreign organization that offered abortion, Franklin turned to management consulting. Now, he provides a range of offshore financial services, including offering personal investment advice, creating personal pension plans, setting up offshore trusts, selling life insurance, notarizing documents, and marketing unit trusts and mutual funds.

When riots broke out after elections on December 27, 2007, more than a thousand people throughout Kenya were killed and the media was shut down. Franklin says he and his wife watched CNN and the BBC to find out what was happening in their own city streets. At the time this article was written, despite a recently declared power-sharing deal, business was still at a standstill, with “zero revenue” from normal business activities.

Despite a situation that is the most dismal—“much worse than an attempted coup in 1982 by the air force”—that Franklin has ever seen in Kenya, he is philosophical about life there, and has no plans to leave. He and other expatriates find that “the weather is great, the lifestyle is good, people play polo and party.” In true form, he adds: “It wasn’t that easy to make a living, but it wasn’t really that hard either.”



SOO-HYUNG LEE '04  
Seoul, South Korea



Soo-Hyung Lee (bottom row, far left) at the 2007 In-house Counsel Forum in Seoul, South Korea.

Some people have favorite professors or classes that influence the way they think about New York Law School. For Soo-Hyung Lee, it was the kindness of a fellow law student that shaped her view. Lee won't forget him or the Law School, no matter how far this international lawyer travels from Worth Street.

The tragic events of September 11, 2001 happened only two weeks after Lee began her first year at the Law School. She "watched the World Trade Center in flames with my own eyes on my way to school, getting out of the subway on Chambers Street." At the Law School, she and her classmates were sheltered on the ground floor but eventually decided to walk home, "terrified by the incident but without any hint of what was going on." Among a huge group marching across the Manhattan Bridge, Lee, like the other students, carried her backpack filled with heavy casebooks and reference books. It was warm, the crowds were thick and fast-moving, and at a moment when it seemed hard to go on, one of her classmates lifted her backpack and carried it.

"Even if it could be seen as a common, kind gesture in a normal situation, for me, his hand looked so special and huge on 9/11. For me, the hand was the beautiful mind of New York Law School people, which I could rely on and sustain myself with all the way to graduation."

She saw terrible destruction that day, but now Lee is involved in the construction side of life as In-house Counsel for POSCO E & C, a construction company in Seoul, South Korea. She manages all legal aspects of

overseas projects, from the initial phase, in drafting or reviewing memoranda of understanding (MOU) and contracts, to addressing any dispute or claim arising out of formal contracts after they have been executed and implemented. For projects underway, she negotiates the terms and conditions of contract.

Many disputes are resolved by arbitration—sometimes with the support of outside legal counsel, so management of outside counsel is also under her work scope. In addition, Lee occasionally provides legal training on contracts to help the business team "beef up their negotiation skills."

Lee majored in international trade law at the Graduate School of International Studies, Ewha Women's University, in Seoul, and has always been interested in international or cross-border transactions. At the Law School, she took international law classes on cross-border legal subjects such as intellectual property.

Lee loves the diversity of living abroad. "Each place has its own culture, way of life, and thought. It is always interesting to watch and realize how people live in different ways in different places."

But she emphasizes that "learning and accepting the local culture" is a crucial part to success in business there. She has made frequent business trips to Vietnam, Indonesia, Malaysia, the United Arab Emirates, Nigeria, and Chile. She "begins with figuring out the character of the project and studying the local information, including its culture, because the culture is the main content of the local mind."

Another challenge is language. Even in languages that use words with similar meanings, Lee is careful of the nuances because "it could turn out that each party understands the same words differently."

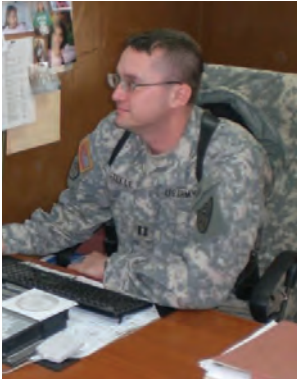
Despite the tragic and terrifying circumstances of 9/11, Lee remembers her time at the Law School fondly and finds "excuses to come back to the United States" by attending conferences, CLE events, or other lawyers' association gatherings.

"The experience of working abroad is worth it," she says, "but if there is a good chance for me to work in the United States, I will consider it."





## CAPTAIN LAWRENCE STEELE '01 Baghdad, Iraq



During law school, Lawrence Steele said he would never practice torts or criminal law. Yet Captain Steele has represented more than 500 clients in criminal cases and various other actions

involving attempted murder, robbery, rape, larceny, detainee abuse, possession of child pornography, aggravated assault, and assault—and there is no work he likes better.

For the last year, seven days a week, in the hot and dusty outskirts of Baghdad, Iraq, Captain Steele, a trial defense counsel in the U.S. Army JAG Corps, has defended soldiers in the Baghdad area. Captain Steele originally planned to use his law degree to continue working in the New Jersey judiciary or as a tax lawyer. But his role as a reserve soldier led him to the JAG Corps and with it, the opportunity to defend soldiers. “The more I did criminal defense, the more I loved it,” he says.

Many soldiers have been diagnosed with post-traumatic stress disorder (PTSD) and various other mental conditions, which become part of their defense. In fact, Captain Steele is interested in New York Law School’s Online Mental Disability Law Program so that he can gain more knowledge and credentials in defending soldiers.

“Seeing soldiers being court-martialed or adversely punished on shoddy investigations and/or shaky evidence” motivates Captain Steele in his defense work.

“We see soldiers that have been involved in serious, life-threatening events, where they continually encounter explosions and small arms fire, and it takes a toll on them,” he says. “Especially the younger soldiers”—some only teenagers—“when they engage the enemy day after day, it has a life-changing impact on them, which is manifested even more so in those soldiers who have been deployed into combat multiple times.”

“They’re angry and scared,” Captain Steele adds. “Especially when they have lost fellow soldiers, to whom they had become close during months of arduous training and dangerous combat missions.”

The impact expresses itself in soldiers through nightmares, flashbacks, acting out, alcohol abuse, and drug abuse—all of which inevitably leads to some sort of criminal misconduct.

Captain Steele’s ultimate goal is not only to achieve justice for the soldiers but to help them get counseling as well. “Having a command not recognize problems is hard to grasp,” he says. “When you encounter that, it makes you angry and want to do something about it.

“Military justice differs somewhat from the civilian courts,” Captain Steele adds. In the military system, a soldier can face anything from nonjudicial punishment in the form of an Article 15 to a court-martial (civilian equivalent to a criminal trial), all with varying degrees of punishment. “Our job is to minimize the impact of the punishment on their lives or to get the action disposed of in a manner that will not follow them the rest of their lives.”

Captain Steele was scheduled to leave the Middle East and the combat zone this past spring. He will proceed to Germany and then home, where he will be on active duty at Fort Dix, New Jersey, until the end of 2009.

Military life is not for every law school graduate, he says. There is danger, and there is sacrifice. He, his 11-year-old daughter Drew, and his wife Donna have spent only three months together since September of 2003. His wife is also a reserve soldier who served in the first Gulf War and was recently mobilized for two years on active duty.

“It’s nice to have someone who knows what you are going through because they’ve been through it too,” he says. “And I could not do what I am doing without my wife’s support.”



**KAREN A. WALTER '96**  
**Hamburg, Germany**

When Karen A. Walter took a job with the Frankfurt branch of Cleary Gottlieb Steen & Hamilton LLP, she came armed with a law degree, a clerkship in the Second Circuit, and two years of experience in the firm's New York office. Her plan was to stay in Frankfurt for three years, perform securities work for the American law firm, and then return home and pursue a similar kind of position.

But love sometimes gets in the way of the best-laid plans, as was the case with Walter when she attended a dinner party and met Bernhard Walter, now her husband. Three years became six at Cleary in Frankfurt, and then, in 2006, Walter followed her husband north to Hamburg, a rainy, gray city without much securities law business but with spectacular scenery and much of its prewar architecture intact.

There, Walter found an in-house counsel position with Hapag-Lloyd, a shipping company founded in the 19th century. In 2005, Hapag-Lloyd acquired CP Ships, a shipping company with business in North, Central, and South America as well as Great Britain. The timing couldn't have been better for Walter. "With five of their ships flying the American flag, they needed someone with an understanding of U.S. law," says Walter in the clipped accent of England, where she was born and lived until her teenage years. She modestly claims she "got the job not because I had any experience with the shipping business, but because I was a U.S. lawyer in Hamburg, which is pretty unusual." Most American lawyers are in Frankfurt or Munich, where Germany's capital markets and the headquarters of many major companies are located.

At Hapag-Lloyd, Walter now uses her fluent German to conduct business. Workdays are shorter but more intense since the office is empty by 7:00 p.m. Part of a five-lawyer team, Walter handles international vendor contracts in addition to U.S. law. Her work at Hapag-Lloyd is varied. On one day, she spent her morning evaluating the facts underlying a contract dispute between her operations department and a business partner.

"They wanted to have a lawyer's view of the facts. They wanted to know what the chance was of winning a legal dispute, good or bad."

Later that day, she reviewed a joint-venture contract related to an acquisition deal, handled in-house because "in a business contract, it is sometimes hard to find an external firm with enough knowledge of our business to write that contract."

Despite the intensity of her job, Walter enjoys it and notes that the work environment in Germany is markedly different than in the United States. Generous vacation policies are mandated by law, and "people do take them."

Other cultural differences exist as well. Germans are generally more formal, she says, and address each other by their last names unless they know each other very well. But they also entertain more often at home and invite friends over for sit-down dinners "complete with china and silver cutlery."

For Walter, New York Law School represented a vibrant community of learning, friends, and activities, including *Law Review*. Accepting a summer internship at Milbank, Tweed, Hadley & McCloy LLP meant she had to give up a city-funded scholarship reserved for city employees, but then-Dean Harry H. Wellington decided that the School would continue it. The generosity of fellow students also left a lasting impression. In her last year, Walter was involved in a car accident that left her hospitalized for weeks and in a wheelchair for weeks after her release. "One of my fellow students drove me from Brooklyn every day, helping me in and out my wheelchair," she recalls. "He made the return trip at the end of the day."

Reflecting on her time at the Law School, she says, "My experience was fantastic. But it doesn't come by itself. You get out of it what you put into it." **f**



**5**reaking new ground. again.

**20** **A Toast to Success:**  
The Law School's  
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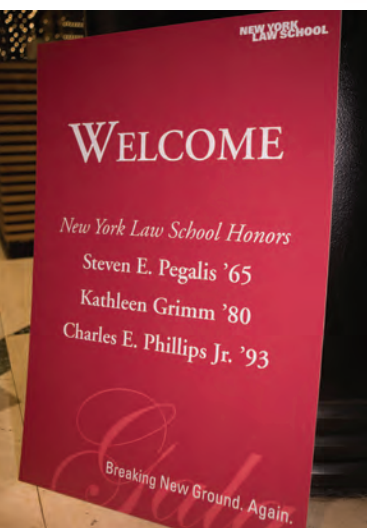
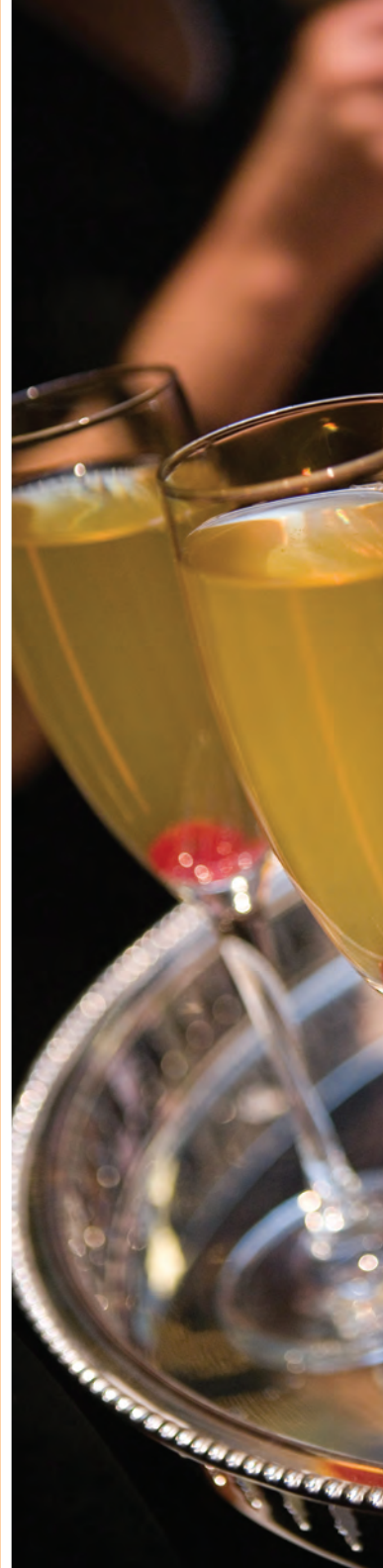
## A Toast to Success: The Law School's Gala Celebration

On December 13, 2007, nearly 500 alumni and friends gathered at the World Financial Center's Winter Garden for an elegant black-tie gala that was the first step in the Law School's *Breaking New Ground. Again.* Capital Campaign. The event celebrated the School's advancement—particularly in the ongoing construction of its new state-of-the-art building—and honored three exceptional alumni: Steven E. Pegalis '65, Senior Partner, Pegalis & Erickson, LLC; Kathleen Grimm '80, Deputy Chancellor for Finance and Administration, New York City Department of Education; and Charles E. Phillips Jr. '93, President, Oracle Corporation.

The night began with a silent auction and cocktail reception, featuring music by Adam Matasar (Dean Matasar's son). Guests descended the grand stairway into the transformed Winter Garden for a wonderful dinner catered by Abigail Kirsch, followed by dancing. Susan Mendik, a member of the Board of Trustees, remarks, "The setting was fantastic—very festive. There was great music and great food, and everybody seemed to be enthusiastic. It was a lot of fun."

The evening also included an awards presentation, where Dean and President Richard A. Matasar and Chairman of the Board Arthur N. Abbey '59 congratulated the three alumni honorees, whose lives embody the Law School's values—to advance justice for a diverse society, foster integrity and professionalism, and embrace innovation. Dean Matasar said, "Tonight we celebrate an accomplished trial lawyer whose passion for justice drives him every day, a dedicated public servant whose legal training is the foundation for managing the financial affairs of the largest public school system in the country, and a lawyer/technologist/business entrepreneur who runs one of the world's leading technology companies." In his welcoming remarks, Arthur Abbey added: "I am truly grateful for this New York Law School family, which has sustained me for almost 50 years, which has sustained generations of talented students for more than 100 years, and which—with our support—will continue to sustain and inspire aspiring law students for generations to come."

The Gala raised approximately \$700,000 for the Capital Campaign, which has netted about \$15 million so far. Reflecting on the success of the event, Associate Dean Suzanne Davidson explains how alumni can continue to contribute: "There will be naming opportunities at every level, starting with gifts of \$200 per year for five years, and going up to the naming of the new building, ensuring that all alumni can give to their capacity and have their names become a permanent part of the new building and New York Law School's future."







**5**reaking new ground. again.









Gala honoree Steven E. Pegalis '65.



Gala honoree Kathleen Grimm '80.



Gala honoree Charles E. Phillips Jr. '93.







## Building Update

If you've been to the Law School recently, you may have noticed the continued progress at the site of the School's brand-new 235,000-square-foot, nine-level academic building. On the Worth Street side of the new building, structural steel frames for the five aboveground floors have been erected. And along the larger, West Broadway portion of the site, two of the four below-ground levels have been excavated, and the third is in process.

With the building's underground "slurry wall" foundation now in place, the construction team is using a "top-down" approach to excavate, beginning with the highest of the belowground levels and working their way down. As they reach the limits of each underground level, crew members pour a 14-inch-thick slab of concrete, leaving holes in the slab for machinery to "muck out" the soil that lies directly below the slab. The team is also in the process of installing mechanical equipment and building the elevator shafts and steam meter room belowground. By summer 2008, excavation will be complete and the aboveground construction will begin on the West Broadway portion of the building and continue on the Worth Street side as well.

As part of the new-and-improved facilities, the School's bookstore has moved across the street to a bigger storefront location at 40 Worth Street. The new location provides a brighter, more visible space, and houses a larger inventory of books and New York Law School merchandise. The grand opening on September 25 was marked with a ribbon-cutting ceremony followed by several events open to the public, such as a book signing by Howard Zaharoff, author of *Stump Your Lawyer: A Quiz to Challenge the Legal Mind*; live music from the New York Law School Jazz Band; and a raffle for various prizes. The opening of the new and improved bookstore, which also serves the TriBeCa community, is a fitting preface to the completion of the Law School's new academic complex.

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## Center on Business Law & Policy

On **September 4, 2007**, members of the Center on Business Law & Policy attended the Innovators in Social Responsibility Awards Gala, held at Pace University. The event honored several prominent business leaders who have developed entrepreneurial approaches to social change.

On **October 8, 2007**, the Center on Business Law & Policy and the Institute for Information Law & Policy co-sponsored a colloquium titled “E-Contract Doctrine 2.0: Standard Form Contracting in the Age of Online User Participation” with Tal Zarsky, a member of the Faculty of Law at the University of Haifa in Israel.

The Center held the inaugural event of its Lawrence Lederman Lecture Series on **October 29, 2007**. Distinguished Adjunct Professor of Law Lawrence Lederman, who is Of Counsel at Milbank, Tweed, Hadley & McCloy LLP and Chairman of the Center’s Board of Advisors, discussed the topic “On the Practice of Law and Life.”

On **November 8, 2007**, the Center held a networking cocktail party for students and alumni at City Hall Restaurant in TriBeCa.

On **November 26, 2007**, the Center held a Master Class with Robert Slee, Managing Director of Robertson & Foley, a middle-market investment banking firm. Slee discussed the topic “Lawyers as Gatekeepers to the Capital Markets.”

The Center held another Master Class on **November 29, 2007**, with Stephen Fraidin, a corporate partner at the law firm Kirkland & Ellis LLP. Fraidin discussed “Revlon Duties Updated: Go-shop Clauses and Reverse Break-up Fees.”



**W W W . N Y L S . E D U / C B L P**

Top: (left to right) Visiting Professor and Center Associate Director Howard Meyers, Professor and Center Director Faith Stevelman, and guest speaker Stephen Fraidin at the Center’s Master Class on November 29, 2007.

Middle: (left to right) Robert Slee, Adjunct Professor Robert W. Wien ’76, and Professor Meyers at Slee’s speech on “Lawyers as Gatekeepers to the Capital Markets” on November 26, 2007.

Bottom: Professor Meyers introduces Professor Lawrence Lederman (left) at the inaugural event of the Lawrence Lederman Lecture Series on October 29, 2007.

## Center for International Law

The Center for International Law's newsletter, *The International Review*, was awarded the 2007 Gold Award for "Best Edited Organization Newsletter" by the publisher of *The Newsletter on Newsletters*, which *TIME* magazine described as "the bible of the newsletter industry." A distinguished panel of judges based its decision on several criteria, including whether the newsletter meets the goals and needs of its readers. *The International Review* is the only academic newsletter published by an ABA-accredited law school that reports on a wide range of contemporary international and comparative law issues.

On **October 4, 2007**, The Rt. Hon. The Lord Kingsland of the United Kingdom Parliament delivered a lecture titled "Reforming Legal Services in the United Kingdom." He spoke about the implications of the passage of the Legal Services Bill, which will reform the rules governing legal services in England by creating a single regulatory body to handle consumer complaints against lawyers, and by allowing lawyers and nonlawyers (including banks, private equity firms, and accountants) to work together under strict safeguards.

On **October 16, 2006**, Professor William W. Park of Boston University School of Law, one of the most well-known and respected international arbitrators, delivered a lecture on "Jurisdiction to Decide Jurisdiction in Commercial Arbitration." He spoke about the timing and the binding character of jurisdictional rulings that affect private dispute resolution.

In his **November 8, 2007** lecture "Meeting Policy Challenges of Bioviolence," Professor Barry Kellman, Professor of International Law and Director of the International Weapons Control Center at DePaul University College of Law, spoke about how scientists and public health officials (in conjunction with law enforcement communities from other nations and international organizations) must coordinate their efforts and form international legal standards to prevent bioterrorist attacks.

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Top: (left to right) The Rt. Hon. The Lord Kingsland of the British House of Lords with Professor Sydney M. Cone III, Director of the Center for International Law.

Middle: Professor Barry Kellman, Director of the International Weapons Control Center at DePaul University College of Law.

Bottom: (left to right) Professor William W. Park of Boston University Law School with Professor Tai-Heng Cheng, Associate Director of the Center for International Law.



## Center for New York City Law

During the fall semester, the Center for New York City Law sponsored three well-attended and important City Law Breakfasts. All three City Law Breakfast talks were simultaneously Webcast on the Center's Web site ([www.citylaw.org](http://www.citylaw.org)), where they are still available, along with many past breakfast talks. The events were also broadcast on Channel 74 throughout New York City.

- At the **September 21, 2007** breakfast, Meenakshi Srinivasan, Chair of the New York City Board of Standards and Appeals (BSA), described her vision of the mission of this important land use agency. Srinivasan was appointed by Mayor Michael Bloomberg and has raised the profile and professionalism of BSA's work.
- At the **October 19, 2007** breakfast, Anthony E. Shorris, then-Executive Director of the Port Authority of New York and New Jersey, spoke on the economic issues confronting the airports and transportation hubs maintained by the Port Authority. Shorris, who has had a long and distinguished career in New York City government, served as the Port Authority's Executive Director from January 2007 to April 2008.
- At the **November 9, 2007** breakfast, Elliot G. (Lee) Sander, the newly appointed head of the Metropolitan Transportation Authority (MTA), spoke about the agency's financial and transportation plans for the region. Sander was appointed to this position in January 2007, becoming the first professional transportation leader to head the MTA in many years. In his talk, he described for the audience how he plans to maintain and expand service.

On **January 1, 2008**, the Center's highly respected newsletter *CityLaw* began its 14th year of publication. The milestone was signified by the adoption of a new design of the newsletter's format and by a change of signature colors. The credit for the new design goes to Melanie Cash '02, Associate Director of the Center, and to 2007-08 Fellows Shlomit Aroubas '07 and William Vidal '07. Aroubas and Vidal received other good news during the fall term—they were both offered and accepted positions at the New York City Law Department to begin in the fall of 2008.



W W W . C I T Y L A W . O R G

Top: Meenakshi Srinivasan, Chair of the NYC Board of Standards and Appeals, speaks on "New Challenges at the NYC Board of Standards and Appeals."

Middle: Anthony E. Shorris, then-Executive Director of the Port Authority of New York and New Jersey, delivers his speech titled "Across the Hudson: The Port Authority and the Region's Future."

Bottom: Professor Ross Sandler, Center Director, (center) and Executive Director and CEO of the MTA Elliot G. Sander (left) speak with members of New York City's civic community.

## Center for Professional Values and Practice

The Center for Professional Values and Practice supports research and teaching on the legal profession, focusing on the dynamics of professional regulation, the market for lawyers, and lawyers' careers. Designed to provide students with an in-depth portrait of law practice in a variety of settings, the Center sponsors research, symposia, and speakers to bring the "real world" of practice to the classroom. By the time affiliates graduate, they have a rich understanding of the various career paths open to attorneys, and a portfolio of work that helps them achieve their goals.

The fall semester was an active time for Center research and teaching:

- Large Law Firms Project—On **October 13, 2007**, Center Co-directors Elizabeth Chambliss and Tanina Rostain participated in a national consortium of scholars conducting empirical research on large law firms, held at the American Bar Foundation in Chicago. Several student affiliates have been writing papers on ethical and regulatory issues in large firms.
- New York Diversity Project—On **October 30, 2007**, Professor Chambliss completed a report for the New York State Bar Association (NYSBA) Committee on Minorities in the Profession, examining the level of racial and ethnic diversity among New York lawyers and calling for improved data collection within the state. The report drew in part on research assistance by Center affiliates. On **November 2, 2007**, the NYSBA House of Delegates approved the recommendations of the report and adopted a resolution calling upon the Office of Court Administration (OCA) to collect demographic data as part of the lawyer registration process. The resolution currently is being considered by the OCA.
- Educational Events—On **November 8, 2007**, the Center presented "Condemned Then Exonerated: The Margin of Error in a System of Justice." Nearly 100 people turned out to listen to exonerated former death row prisoner Ray Krone talk about the experiences of his arrest, questioning, and trial; his encounters with the public defender and district attorney; his conviction and death sentence based on circumstantial evidence; and the appeals process, DNA evidence, and relations with the attorney that helped exonerate him. Krone's distressing and inspiring story left many students with a greater appreciation for the importance of the role they will play in our legal system.

Left: Center Co-director Professor Elizabeth Chambliss.

Right: Center Co-director Professor Tanina Rostain.





## Center for Real Estate Studies

Throughout the fall semester, the Center for Real Estate Studies presented several events including:

- A Master Class on “Real Estate Development in TriBeCa—Gentrification or Destruction?” with Rick Landman ’88, Adjunct Professor of Urban Planning at NYU’s Robert F. Wagner Graduate School of Public Service, held **September 26, 2007**.
- A Breakfast Forum on “Sustainable Real Estate Development in New York City.” Rohit Aggarwala, Director of the New York City Office of Long-term Planning and Sustainability; Russell Albanese, President of the Albanese Organization, Inc.; and E. Gail Suchman, from the Environmental Practice Group at Stroock & Stroock & Lavan LLP, addressed more than 200 people at the event, held **October 24, 2007**.
- A Master Class on “Building a New Home for New York Law School—An Inside Look Behind the Most Ingenious Deal of the Year” with Howard Nottingham, Executive Managing Director at Studley, held **October 31, 2007**.

The Center also signed a Memorandum of Understanding with the Dubai Real Estate Institute (DREI), the region’s first academic institute for real estate studies. The agreement enables DREI and the Center to develop executive education courses and graduate law programs, as well as explore collaborative research initiatives. Professors Andrew R. Berman and Marshall Tracht will travel to Dubai in October to offer a comprehensive weeklong course, Navigating the United States Real Estate Market: Legal, Business, and Regulatory Issues.

Professor Berman, Center Director, published his article, “Risks and Realities of Mezzanine Loans,” *72 Missouri Law Review* 993 (Fall 2007).

Professor Tracht, a nationally known expert in real estate finance and bankruptcy, has been visiting New York Law School from Hofstra University. Before going into academia, Professor Tracht practiced in the real estate and bankruptcy groups at Arnold & Porter LLP.

[WWW.NYLS.EDU/CRES](http://WWW.NYLS.EDU/CRES)

Top: Rick Landman ’88, Adjunct Professor, Robert F. Wagner Graduate School of Public Service, New York University.

Middle: (left to right) Professor Andrew R. Berman, Center Director; E. Gail Suchman, Environmental Practice Group, Stroock & Stroock & Lavan LLP; Rohit Aggarwala, Director, NYC Office of Long-term Planning and Sustainability; and Russell Albanese, President, Albanese Organization, Inc.

Bottom: Howard Nottingham, Executive Managing Director, Studley.





## Institute for Information Law & Policy

In **August 2007**, faculty from the Institute for Information Law & Policy traveled to Singapore for the Fifth Annual State of Play Conference on virtual worlds. This flagship New York Law School event was chaired by Professor Dan Hunter and organized by Student Research Fellow (SRF) Elizabeth Reilly 3L. They also ran the Institute's first Amateur Hour Conference at the Law School on **November 2, 2007**, on the impact of user-generated content on the media industry. Professor Molly K. Beutz spoke at the event.

The Institute launched its Patent Law Program, which already boasts 30 students and close to 30 alumni mentors connected via an online social networking platform and an active speaker series.

The Virtual Company capstone class proposed legislation to amend the Vermont Limited Liability Company Act to make it easier to form and operate companies online. The bill has been reported out of Committee.

Professor James Grimmelman and a team of students have been working on improving public access to the law by extracting opinions from poorly accessible court Web sites.

Candidates for the Certificate of Mastery of Law Practice Technology heard a presentation from Arnold Blair '02 of WilmerHale on the field of eDiscovery.

Professors Richard K. Sherwin and David Johnson, working with SRF Brian Pyne 2L, adopted the diagramming tool Rationale to help develop critical legal reasoning skills. In addition, Professor Beth Simone Noveck, Institute Director, and other faculty members enhanced their teaching with the use of new technologies including podcasting, blogs, wikis, and custom-built tools to create more interactive learning opportunities.

*IIS: A Journal of Law and Policy for the Information Society* accepted for publication SRF Christopher Wong's (3L) article about the Peer-to-Patent project, the United States Patent and Trademark Office's experiment to open up patent examination for public participation. Peer-to-Patent has had over 165 items of prior art submitted on 40 applications—more than four times the total number of public submissions received by the USPTO on all applications last year. The project was recently featured in a two-page article in *The Economist*. For more information, visit [www.peertopatent.org](http://www.peertopatent.org).

The Institute has added more new courses and instructors. Did you know it offers a course in music law? Patent litigation? Video game law?

**W W W . N Y L S . E D U / I I L P**

Top: (left to right) Elizabeth Reilly 3L; Harry S.K. Tan, Associate Professor of Law, Nanyang Business School, Singapore; Dr. Balaji Sadasivan, Senior Minister of State for Foreign Affairs and Information, Communications and the Arts, Republic of Singapore; Beth Simone Noveck, Professor of Law, New York Law School.

Middle: (left to right) Rachel Deletto 2L; Rebekah Burford 2L; and Bryan Pyne 2L at the Amateur Hour Conference at New York Law School, November 2, 2007.

Bottom: Lisa Stancati, Assistant General Counsel, ESPN; Stanley Pierre-Louis, Vice President and Associate General Counsel, Viacom, Inc.; and Ken Werner '78, President, Warner Brothers Domestic Television Distribution, at the Amateur Hour Conference at New York Law School, November 2, 2007.



## Justice Action Center


The Justice Action Center started the fall semester on a high note, welcoming an incoming class of 37 affiliated students—its largest class ever.

With increased numbers come increased resources, and the fall semester saw the continued diversification of the Center's efforts through specialized faculty-led projects. The Center's Racial Justice Project ([www.nyls.edu/rjp](http://www.nyls.edu/rjp)), directed by Professor Deborah N. Archer, launched a series of reports on Supreme Court cases with a focus on ramifications for racial minorities. The Safe Passage Project ([www.nyls.edu/immigration](http://www.nyls.edu/immigration)), led by Associate Dean and Professor Lenni B. Benson and Adjunct Professor Lindsay A. Curcio, paired pro bono attorneys and students to represent children in immigration proceedings.

The highlight of the fall semester came on **October 12, 2007**, when the Center held its annual social justice symposium, spearheaded this year by Center Director Richard D. Marsico as part of the Center's Economic Justice Project. The symposium—titled “The Community Reinvestment Act: Still Relevant at 30?”—was of particular significance given the current problems involving subprime mortgages and their effects on the greater economy. Speakers discussed three decades of the Community Reinvestment Act (CRA) and investigated whether it can address financial issues facing underserved communities, including reverse redlining, subprime and predatory lending, and international multiservice financial institutions.

The afternoon portion of the symposium focused on putting theory into action, featuring a training session that included an introduction to the CRA, home mortgage lending data analysis, and subprime and predatory lending. The Center also issued a report on subprime lending in New York City that shows that African Americans, Latinos, and residents of predominantly minority neighborhoods received higher percentages of subprime loans than whites and residents of predominantly white neighborhoods. (Download the report at [www.nyls.edu/ejp](http://www.nyls.edu/ejp).)

The Center also hosted several Justice Speaks lunch events, including:

- “Forced Treatment and Persons with Mental Disabilities,” featuring Dennis B. Feld of the State of New York Mental Hygiene Legal Service, and Deborah Dorfman, Director of Legal Advocacy, Washington Protection & Advocacy System.
- “Family Responsibility Discrimination,” with Professor Joan Williams, Distinguished Professor of Law at University of California Hastings College of the Law, and Mary Still of the Institute for the Social Sciences at Cornell University.
- “Framing the Debate,” featuring Srinu Sonti '00, Research Director for Senator Harry Reid (D-NV). Sonti discussed how politicians frame the issues for potential voters and their constituents. 

**W W W . N Y L S . E D U / J A C**

Top: In addition to pursuing social justice, students in the Justice Action Center enjoy social outings with fellow students and faculty. Here, students gather at the home of Professor Nadine Strossen on November 30, 2007 for an annual Thanksgiving potluck.

Middle: ACLU President and New York Law School Professor Nadine Strossen with Srinu Sonti '00, the featured speaker at the Justice Action Center's November 7, 2007 Justice Speaks lecture.

Bottom: (left to right) Professor Michael L. Perlin with guest speakers Dennis Feld and Deborah Dorfman at the September 10, 2007 Justice Speaks lunch, which focused on the forced treatment of individuals with mental disabilities.



## 2007 Media Roundup: Reporting the Law

Some of the most controversial headlines of last year—the Jena Six; the Duke rape case; Isiah Thomas’s sexual harassment case; Anna Nicole Smith’s death; and the substance abuse problems of Paris, Britney, and Lindsay—made 2007 a busy year for lawyers and members of the media who cover the legal industry. On November 8, 2007, the School’s Program in Law & Journalism convened a panel of print, television, and online journalists to discuss how well the media reported the important legal issues of the year at its third annual “Reporting the Law: A Year-end Review” event.

Professor Cameron Stracher, Co-director of the Program in Law & Journalism, set the tone for a lively and often humorous discussion with his introduction. After mentioning the headlines noted above, he reminded the audience, “Oh, and there was also a war in Iraq.” He then asked: “Are we talking too much about Britney’s legal woes? Should we be talking about torture? Or are they the same thing?”

The panel, moderated by Adjunct Professor Lis Wiehl, Co-director of the Program in Law & Journalism and legal analyst for Fox News, included Lisa Bloom, Co-anchor of the daytime Court TV trial coverage program *Bloom & Politan: Open Court*; David Lat, Editor in Chief of *Above the Law*, a popular daily blog about legal (and illegal) news; Mark Obbie, current blogger for *LawBeat* and Director of the Carnegie Legal Reporting Program at Syracuse University’s S.I. Newhouse School of Public Communications; and Jeanine Pirro, the former Westchester County, New York, District Attorney who ran for Attorney General of New York State in 2006.

In addition to the popular headlines, the panelists discussed and debated cases that were ignored as well as whether media coverage impacts public opinion or vice versa. During the Q&A session, some audience members voiced concern over the absence of hard news cases from the discussion, like Blackwater or the war in Iraq. The panelists agreed unanimously that while members of the media are reporting hard news, many of the biggest stories of 2007 reflect what the public at large has an appetite for—from race and sex to celebrity scandals—and what sells. “The public gets the media that it deserves,” said David Lat. 



Left to right: Professors Cameron Stracher and Lis Wiehl, Co-directors, Program in Law & Journalism; Jeanine Pirro; Lisa Bloom; David Lat; and Mark Obbie.



## What's New in the Office of Professional Development?

Since Professor Lenni B. Benson became the Associate Dean for Professional Development in fall 2007, she has been working to build on existing initiatives and create new programs in the Offices of Career Services, Student Life, and Public Interest and Community Service. One of her goals has been to better integrate new students into law school life. “In addition to finding out where their lockers are and what course loads they will carry, I wanted students to have a discussion about what it means to be a legal professional,” she explains.

To that end, Dean Benson created a formal ceremony called Convocation—a series of events held in the fall where notable alumni speak to students about their career paths and the professional integrity necessary for success. Fall 2007 speakers included Arthur N. Abbey '59, Chairman of the School's Board of Trustees, as well as Hon. Nicholas Tsoucalas '51, Hon. Carolyn E. Demarest '72, Hon. Seymour Fier '52, Hon. Loren H. Baily-Schiffman '77, Pamela Foster '00, and Hon. Joseph J. Maltese '73.

Dean Benson spoke to the students about pride, respect, and collaboration. “Law school can seem like a very competitive environment, but it's actually designed to be cooperative,” she says. “In class, students share their analysis. They're educating each other and developing essential skills.”

The Convocation events also provided opportunities for students to learn about the School's history and gain pride in the tremendous accomplishments of its alumni, faculty, and students. After the ceremonies, Dean Benson and Margaret Reuter, Assistant Dean for Career Planning, offered six seminar sessions for first-year students to discuss salary realities, course selection, and extracurricular activities.

Another major goal of the Office of Professional Development is to continue to strengthen ties between students and alumni. Dean Benson has been collaborating with the Office of Development and Alumni Relations to plan joint events. “I'd like to see our two communities merge and I see myself as a bridge,” she says. She is also working with the Office of Student Life to create new programs that enable alumni to mentor and network with students.



Hon. Carolyn E. Demarest '72 addresses first-year students at their Convocation Ceremony. Convocation is a new event during which entering students are formally welcomed into the legal profession.



Students recite the New York Law School pledge of professional responsibility.



Helena Prigal, Assistant Dean of Students Services (left), welcomes new students.

Due to these efforts, the number of Career Services alumni speaker events has steadily increased to more than 100 this past year—up from about 25 in the academic year 2004–05. At these events, alumni discuss different occupations and advise on developing skills. “One of the most effective things alumni can do for students is tell their stories about how they got to where they are,” says Dean Benson. “It’s also helpful when they are direct with students about the degree of professionalism that is expected from them.”

One of the newest alumni speaker events is a series called Early Careers, featuring graduates who have been out of law school for two or three years and have moved beyond their first attorney positions. “We want to show students that their first job is not their last job,” explains Reuter. “So if it’s not perfect, they shouldn’t be too disappointed because there are future jobs that might be better for them.”

If alumni can’t make it to campus events, they can still assist students remotely. There are currently several Career Services programs available on the School’s section of iTunes University, where students can download free audio and video clips of alumni offering professional advice. “We’re always looking for alumni who are willing to be interviewed by us,” says Dean Benson. “Once students understand the fundamentals of someone’s work, they can ask better questions at our events so the information they receive can be more specific and tailored.” To view the School’s offerings on iTunes U, visit [www.nyls.edu/itunesu](http://www.nyls.edu/itunesu).

Fortunately, assistance from Career Services doesn’t end at graduation. Alumni can benefit from the office’s career counseling, job postings, recruitment tools, and career panels. For more information, visit [www.nyls.edu/career](http://www.nyls.edu/career).

# GOT A PLAN



Dean Matasar addresses the first-year students.



Will Thompson (left) from Career Services presents evening students with their New York Law School folios.




Convocation—a transition to the profession.

## 2007 Sidney Shainwald Public Interest Lecture Features United States Senator Chuck Hagel

The Honorable Charles Timothy “Chuck” Hagel, Nebraska’s senior senator, was the featured speaker for the Fourth Annual Sidney Shainwald Public Interest Lecture held at New York Law School on October 11, 2007. In a speech titled “Reintroducing America to the World,” Senator Hagel drew on his extensive international relations experience to discuss the need for the United States to repair relationships with members of the international community. Prior to the formal program and luncheon, he also met with a small group of New York Law School students to discuss the implications of justice and the rule of law as it relates to how America sees itself.

Senator Hagel was introduced by Kenneth R. Feinberg, Founder and Managing Partner of The Feinberg Group, LLP and the Special Master of the 9/11 Victim Compensation Fund. Additional remarks were delivered by New York Law School Dean and President Richard A. Matasar and Sybil Shainwald ’76, the creator and benefactor of the Sidney Shainwald Public Interest Lecture Series.

The lecture series was established in 2004 by Sybil Shainwald as a tribute to her late husband Sidney, an impassioned advocate for social justice who, as part of his distinguished career, worked for Consumers Union from 1937 to 1982. The series honors Mr. Shainwald’s life and work by bringing public interest and consumer advocates together, and is intended to encourage students to consider public interest work as a viable and exciting career choice.

Previously featured speakers of the Sidney Shainwald Public Interest Lecture Series have been Kenneth R. Feinberg, Senator Edward M. Kennedy, and the Honorable Stephen G. Breyer, Associate Justice of the U.S. Supreme Court. 



Top left: (left to right) Dean Richard A. Matasar, Senator Chuck Hagel, and Sybil Shainwald '76.


Top right: Senator Hagel addresses New York Law School students prior to the Shainwald Lecture.

Bottom: Kenneth R. Feinberg introduces Senator Hagel.



## Welcoming a **Work of Art**

New York Law School's Shepard and Ruth K. Broad Student Center is now more colorful than ever with the addition of a new masterpiece to its permanent art collection. On October 30, 2007, Adjunct Professor Martin P. Levin '83 donated an important painting to the Law School in memory of his wife, Marcia. The piece, *Phenomenon Prism Smoke Dance* by American Abstract Expressionist artist Paul Jenkins, was unveiled at the Broad Student Center at a gallery event open to the entire Law School community.

Dean Richard A. Matasar welcomed guests, followed by remarks by Professor Levin, who then revealed the painting with Dean Matasar and Associate Dean Suzanne Davidson to an audience awed by its vibrant colors. Professor Levin's donation was part of the *Breaking New Ground. Again.* Capital Campaign in connection with the new building and the School's future. The evening continued with a reception, where attendees enjoyed refreshments as they admired the artwork on display. 

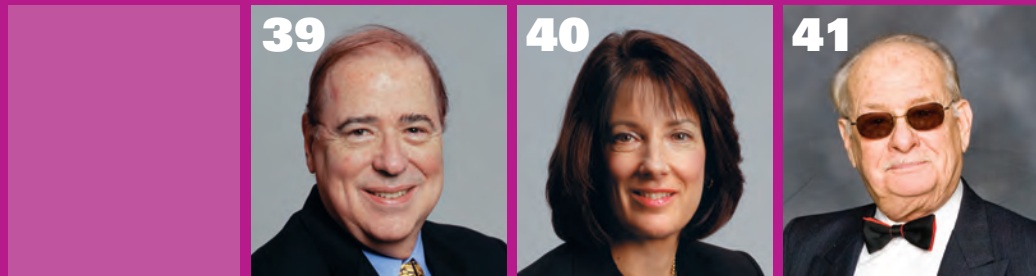


*Phenomenon Prism Smoke Dance*, by artist Paul Jenkins.

Top: Adjunct Professor Martin P. Levin '83 donates the painting to the Law School.

Bottom: (left to right) Associate Dean Suzanne Davidson, Professor Martin Levin, and Dean Richard A. Matasar in front of the painting in the Broad Student Center.

# Meet the authors



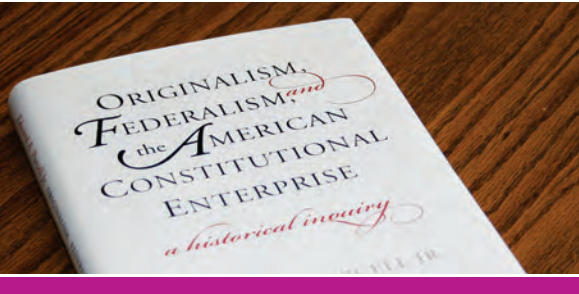
39 PROFESSOR EDWARD PURCELL'S INQUIRY  
INTO CONSTITUTIONAL FEDERALISM

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THE MOST OUT OF A JUDICIAL EXTERNSHIP

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THE RATIONAL LIFE OF GEORGE ELIOT

## Professor Edward Purcell's Inquiry into Constitutional Federalism

By LaToya D. Nelson



One of the most widely accepted beliefs regarding American federalism and the United States Constitution is that the founding fathers created a structure that purported to establish a definite and enduring balance of power between the states and the federal government.

Not so, says Edward A. Purcell Jr., Joseph Solomon Distinguished Professor of Law and one of the nation's foremost authorities on the history of the United States Supreme Court and the federal judicial system. In his latest book, *Originalism, Federalism, and the American Constitutional Enterprise: A Historical Inquiry* (Yale University Press, 2007), Professor Purcell argues that the founding fathers “neither gave the federal structure a single determinate shape as an operating system of government nor mandated any particular and timeless balance among its components.” There was, he argues, no “original” intent, meaning, or understanding about “federalism” that can serve as a directive constitutional norm for later generations.

Instead, says Professor Purcell, the Constitution created a federal structure that was “elastic, dynamic, and under-determined.” That structure had four intrinsic characteristics—what he calls its “doubly-blurred,” “fractionated,” “instrumental,” and “contingent” nature. These characteristics meant that there was no “correct” or “true” original version of American federalism. Further, those four characteristics meant that it would be impossible for succeeding generations of Americans to maintain any particular and unchanging balance among the structure's components.

The idea for the book came to Professor Purcell while he was researching and writing a chapter on “The Courts, Federalism, and the Federal Constitution, 1920–2000” for the forthcoming three-volume *Cambridge History of Law in America* (Cambridge University Press, 2008).

Trying to understand and explain how and why the federal system operated, he finished the chapter but still felt that he had not probed deeply enough into the system's nature and dynamics. Thus, he began what became a book-length inquiry seeking to identify and explain the essential character of American constitutional federalism.

“What always gets me going on a book-length project,” he says, “is some problem that puzzles me or some set of issues that I don't really understand.” Then, he reads everything he can find that might illuminate the problem, always trying to consult sources from a wide range of fields—law, history, political science, economics, sociology, and anything else that might be useful. “I read everything I can, and there's no telling where that will lead,” he explains. “You just follow where your puzzlement and confusion and ignorance lead you, and then interesting facts and ideas start popping up, and sometimes you begin to actually understand something.”

Professor Purcell has been interested in legal and constitutional issues since he began specializing in 20th-century American intellectual history while working on a Ph.D. at the University of Wisconsin. His interest is evidenced by the numerous articles, book chapters, and books he's written. Some of his most well known works include *Brandeis and the Progressive Constitution: Erie, the Judicial Power, and the Politics of the Federal Courts in Twentieth-Century America* (Yale University Press, 2000); *Litigation & Inequality: Federal Diversity Jurisdiction in Industrial America, 1870–1958* (Oxford University Press, 1992); and *The Crisis of Democratic Theory: Scientific Naturalism & the Problem of Value* (University Press of Kentucky, 1973).

He hopes that this latest book will reach a relatively wide audience. “The last two books I wrote, especially *Litigation & Inequality*, were technical and somewhat narrowly focused,” he says. “The new one is much more general. It deals with the broadest issues of constitutional history and theory as well as the sweep of American politics past and present.”

Professor Purcell is currently working on several essays that deal with his favorite subjects, 20th-century law and politics, and he plans to begin work on a fifth book during his upcoming sabbatical in 2009–10. ■



## Professor Mariana Hogan on Getting the Most Out of a Judicial Externship

By Andrea Juncos

For many students at New York Law School, the Judicial Externship Program is the highlight of their law school experience. Working directly with judges in their courtrooms and chambers gives participating students a unique opportunity to see the law in action. Professor Mariana Hogan, Director of the Externship Program, set out to enhance and enrich that experience for law students everywhere when she wrote “Judicial Externships,” a chapter in *Learning from Practice: A Professional Development Text for Legal Externs* (second edition, Thomson West, 2007). The chapter, which she co-authored with Catholic University Professor J.P. “Sandy” Ogilvy, provides students with a critical lens through which they can examine and learn from their judicial externships.

“I wanted to give students a wider, broader view—a context for evaluating the experiences they have with one judge, in one courtroom, in one courthouse, in one jurisdiction,” Professor Hogan says.

For the large majority of students, she says, the judicial externship marks the first time they’ve ever stepped foot in a courtroom. To prepare them to succeed in this new, often intimidating setting, Professor Hogan starts the chapter with essential background information about who and what students will find in the courtroom and what kinds of work they’ll be expected to produce.

From there, the chapter focuses on helping students analyze their experiences. It explores the various roles and approaches of judges, and presents thought-provoking questions and exercises for students to address as they reflect on what they’re seeing at the courthouse. “We want students to think critically about their experiences in court, so the materials are intended to be a jumping-off point to inspire discussion that revolves around what they’re seeing firsthand,” says Professor Hogan. The questions throughout the chapter challenge students to then take the next step and use what they are learning at the courthouse to help them begin to develop their own styles and approaches as lawyers and envision what these would look like in practice.

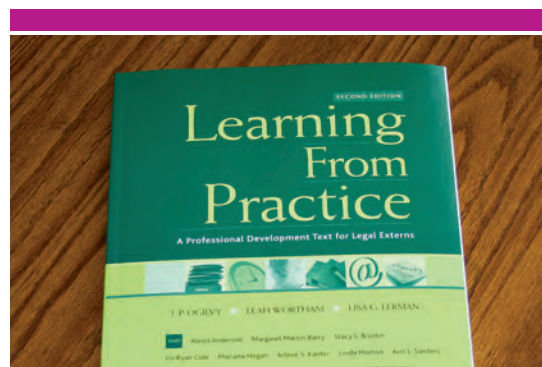
The chapter evolved from materials Professor Hogan started gathering when she became Director of the Externship Program in 1994. As she advised students participating in judicial externships, she noticed that many of them lacked the foundational knowledge

needed to understand their experiences within a larger context. “They were working very hard and were excited about what they were learning, but they often weren’t aware of some of the basic information about the judicial system where they were working—what kinds of cases fell under the judge’s jurisdiction, how the judge came to be a judge, what sort of term the judge was serving, where the judge’s decisions would be appealed—and other questions that a litigator would need to know.”

In response, Professor Hogan started compiling reading materials designed to show students the big picture. The result was a hefty four-volume set that she has been using with students for years. When she posted the volumes on “Lextern,” a listserv for faculty working in externship and other clinical programs, Professor Ogilvy, the manager of the listserv and one of the authors of the first edition of *Learning from Practice*, approached Professor Hogan with the idea of condensing them into a chapter for the second edition of the book.

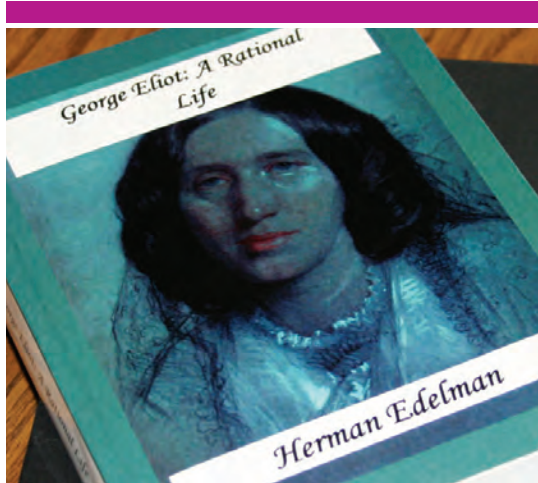
Together, they pared down the volumes into a succinct, reader-friendly chapter that students can draw from throughout their externships. “The process was harder than you would think,” she laughs. “Trying to find a way to introduce students to so much information about how our court system works, the range of issues judges face every day, and the different styles they adopt—without being too superficial—was the biggest challenge.”

Based on positive feedback from students who have used the volumes over the last several years, Professor Hogan is confident that the new chapter will be even more successful in enriching students’ experiences. “You can see a light bulb going on, when students start thinking about their experiences in a totally new way. . . . We hope this chapter will capitalize on the excitement they already have and add some background and context that will encourage them to keep thinking about their experiences after they leave the courthouse.” ■



## Herman Edelman '56 Explores the Rational Life of George Eliot

By Denise Tong



Some people read every book their favorite author has written. Others delve deeper by reading the biographies of authors they admire. Herman Edelman '56 did all of these things and more when he wrote *George Eliot: A Rational Life* (Trafford Publishing, 2006), his biography of English Victorian-era novelist George Eliot. The book not only explores the author's colorful life, but how her work incorporated the budding sociological ideas of the time.

Eliot, originally known as Mary Ann Evans, did not play by society's rules. In addition to using a male pseudonym to present her work, she became the common-law wife of a married man and did not officially marry until age 60—to a man 20 years her junior. While her behavior was seen at the time as unconventional and even controversial, Edelman sees Eliot as a rational, focused person with a keen understanding of society's influence on people's behavior.

As a graduate student in England, Edelman spent his spare time reading *Middlemarch*, which is considered one of Eliot's greatest works. His interest in her work deepened as he noticed a relationship between the threads of her stories and the ideas that he studied in sociology class. In particular, he saw that Eliot was influenced by philosopher Herbert Spencer, who promoted the idea of Social Darwinism and coined the term "survival of the fittest."

"She was writing things that were based less on fiction than on what she thought were explanations for human behavior," he explains. "I read all of her books, and it was clear that she believed that people do what they do in order to connect to a social group."

After returning to the United States, Edelman read several biographies about Eliot, and discovered that none of them examined her work through a sociological lens. So he set out to write a biography that did.

Edelman's dedication to his subject resulted in a cross-Atlantic quest. While he found many materials at Princeton, Yale, and the New York Public Library, he also made several trips back to England. "Some of the original documents were in the probate court in London," he says. "I enjoyed being able to actually go there and look them up."

As a result, his book is filled with photocopies of important historical documents, such as Eliot's last will and testament, private letters, and her prenuptial agreement. "There is a huge accumulation of George Eliot materials at Yale," he notes, "but they didn't have a copy of the prenuptial agreement. I sent the school a copy and received a very nice thank-you letter back."

While the book appeals to those with a literary background, Edelman explains that it was written only for his own pleasure. "It was for personal purposes. The only audience I had in mind was my friends and family who had been hearing me talk about George Eliot for so many years," he laughs.

Looking back on his writing journey, Edelman considers New York Law School to have been an essential training ground for the project. "I could not possibly have completed this book without going to the Law School first," he explains. "It made me a person of inquiry, investigation, and persistence who is able to get the job done."

Armed with these qualities, Edelman is now working on his second book—this time about Herbert Spencer—and he has already found a wealth of documents in the British Public Library. He describes the book as "just another personal project." 📖

# faculty highlights

**43** FULL-TIME  
**48** ADJUNCT

## FACULTY ACTIVITIES





[ Richard C.E. Beck ]



[ Lenni B. Benson ]



[ Andrew R. Berman ]



[ Molly K. Beutz ]



[ Robert Blecker ]



[ Michael Botein ]



[ Elizabeth Chambliss ]



[ Tai-Heng Cheng ]

## Full-time Faculty Activities

Edited by Denise Tong

The following items represent a sampling of the activities of our full-time faculty from the fall 2007 semester.

### Richard C.E. Beck

#### Publications

FEDERAL INCOME TAXATION OF BUSINESS ENTERPRISES. (Vanderplas, 2007) (with R. A. Westin).

### Lenni B. Benson

#### Scholarly Presentations

Panelist, "How to Use Your Law Degree in Academia," at the New York City Bar Association (October 2007).

### Andrew R. Berman

#### Appointments

Reappointed to a three-year term, New York City Bar Association, Committee on Real Property (2007).

#### Publications

Risks and Realities of Mezzanine Loans, 72 MISSOURI LAW REVIEW 993 (Fall 2007).

#### Media References and Appearances

Fending Off the Mortgage Crunch, THE WASHINGTON POST (September 2007).

Negotiating a Market Where "Everything's Negotiable," THE WASHINGTON POST (September 2007).

### Molly K. Beutz

#### Scholarly Presentations

"User-Generated Political Action," a commentary on Clay Shirky's keynote speech at "Amateur Hour," New York Law School (November 2007).

### Robert Blecker

#### Media References and Appearances

Featured in four BBC news stories (twice on WORLD NEWS TODAY) discussing the death penalty and lethal injection in the United States (October 2007).

Interviewed about the death penalty by German and Italian television programs (October 2007).

Highest Court to Hear Appeal, Decide Fate of Death Penalty, THE NEW YORK SUN (September 2007).

Tennessee Plans for First Execution in Nearly 47 Years, ASSOCIATED PRESS (September 2007).

High Court Ruling Could Mean More Death Sentences, INTER PRESS SERVICE (July 2007).

### Michael Botein

#### Awards and Recognition

Nominated for Senior Fulbright grant at Haifa University, Israel (December 2007).

#### Appointments

Named Visiting Professor, Haifa University, Israel, Spring/Summer 2009 term (December 2007).

#### Publications

Compulsory Licensing vs. Private Negotiations in Peer-to-Peer File Sharing, 14 JOURNAL OF INTERNET LAW (2007) (with E. Samuels).

### Media References and Appearances

CN8 to Fight Fine for Promo Use, PHILADELPHIA DAILY NEWS (September 2007).

### Elizabeth Chambliss

#### Projects

MILES TO GO: MEASURING ETHNIC AND RACIAL DIVERSITY AMONG NEW YORK LAWYERS, 2007, report for the New York State Bar Association (NYSBA) Committee on Minorities in the Profession, which was approved and adopted by the NYSBA House of Delegates (November 2007).

### Media References and Appearances

"Miles to Go" in Collecting Data on Minorities, STATE BAR NEWS (November/December 2007).

The Evolution of Law Firm Management, THE PHILADELPHIA INQUIRER (September 2007).

Giving In to the CEO Model, THE PHILADELPHIA INQUIRER (September 2007).

### Tai-Heng Cheng

#### Appointments

Elected to the Academic Council, Institute for Transnational Arbitration (2007).

Appointed to Standing Committee, International Commercial Disputes Resolution Committee, Association of the Bar of the City of New York (2007).



[ Stephen J. Ellmann ]



[ Brandt Goldstein ]



[ Annette Gordon-Reed ]



[ Seth D. Harris ]



[ Mariana Hogan ]

Elected Fellow, Foreign Policy Association (June 2007).

*Correction: In the Fall/Winter 2007 issue of New York Law School Magazine, Professor Cheng's appointment as a Fellow of the Foreign Policy Association was incorrectly described as an appointment to the Fellows Committee.*

**Scholarly Presentations**

Panelist, "Precedent and Control in Investment Treaty Arbitration," British Institute of International and Comparative Law, London (2007).

Chair and panelist, "Are There Lawful Exceptions to Investment Treaty Obligations," International Bar Association, New York (2007).

Panelist, "Power, Norms, and International Intellectual Property Law," Humboldt University, Berlin (2007).

"Attracting Direct Foreign Investment in Post-Conflict Zones," Cardozo Law School, New York (2007).

**Publications**

Renegotiating the Doctrine of Odious Debt, 70 LAW AND CONTEMPORARY PROBLEMS 7 (2007).

Precedent in Investment Treaty Arbitration, 30 FORDHAM INTERNATIONAL LAW JOURNAL 1014 (2007).

**Stephen J. Ellmann**

**Scholarly Presentations**

Argued that the Supreme Court will hold that Guantanamo terrorism detainees have a constitutional right to challenge their detention via habeas corpus, Fall Seminar of the Law of Armed Conflict Center, United States Military Academy, West Point (September 2007).

Panelist, "Issues in Clinical Scholarship," Southeastern Association of Law Schools Annual Meeting, Amelia Island, Florida (August 2007).

**Brandt Goldstein**

**Scholarly Presentations**

Spoke about Guantanamo and human rights, Albany Law School (December 2007).

**Publications**

Guantanamo: The Prequel, THE WALL STREET JOURNAL (December 4, 2007).

The Korean edition of his book, STORMING THE COURT, was published (December 2007).

**Projects**

Visited Los Angeles to consult on the development of the feature film based on his book, STORMING THE COURT (Summer 2007).

**Annette Gordon-Reed**

**Scholarly Presentations**

Panelist, "The History of Obliviousness," "Shocked! Shocked!! Just How Many Times Can a Country Lose Its Innocence?," symposium, New York University (October 2007).

**Media References and Appearances**

Discussed New York University's symposium, "Shocked! Shocked!! Just How Many Times Can a Country Lose Its Innocence?" on The Brian Lehrer Show, WNYC Radio (October 2007).

**Seth D. Harris**

**Appointments**

Member, National Advisory Committee of Workplace Flexibility 2010 (2007).

Senior Fellow, Life Without Limits (2007).

Chair, Obama for America's Labor, Employment, and Workplace Policy Committee (2007).

Co-chair, Obama for America's Disability Policy Committee (2007).

**Scholarly Presentations**

Panelist, "Anti-Discrimination and Workplace Flexibility" (October 2007).

"Community, Social Networking, and People with Disabilities," presentation to the Board of Trustees of the United Cerebral Palsy Association (October 2007).

**Publications**

Report, THE STATE OF DISABILITY IN AMERICA: AN EVALUATION OF THE DISABILITY EXPERIENCE BY THE LIFE WITHOUT LIMITS PROJECT. (United Cerebral Palsy, 2007) (with J. P. Baker and D. B. Mixner).

The Misdirected Debate Over the Economics of Disabilities Accommodations, *chapter in* HUMAN RESOURCES ECONOMICS AND PUBLIC POLICY: ESSAYS IN HONOR OF VERNON M. BRIGGS, JR. (forthcoming).

**Projects**

Represented the Obama for America campaign at a national AFL-CIO policy forum (September 2007).

**Mariana Hogan**

**Appointments**

Completed a two-year term on the Mayor's Advisory Committee on the Judiciary (December 2007).

**Publications**

Judicial Externships, *chapter in* LEARNING FROM PRACTICE: A PROFESSIONAL DEVELOPMENT TEXT FOR LEGAL EXTERNS at 239–282 (Thomson West, 2007).

**Projects**

Visited and reviewed the New York County Defender Service and the Bronx County Defender Service for the Indigent Defense Organization Oversight Committee's report to the Appellate Division, First Department court (Fall 2007).

At the behest of Federal District Court Judge John Keenan, co-sponsored the Federal Criminal Practice Institute, which trains lawyers, particularly women and minorities, for service on the Criminal Justice Act Panels in the local federal courts (Fall 2007).



[ David Johnson ]



[ Randolph N. Jonakait ]



[ Arthur S. Leonard ]



[ Jethro K. Lieberman ]



[ Richard D. Marsico ]



[ Richard A. Matasar ]



[ Carlin Meyer ]



[ Howard S. Meyers ]



[ Stephen A. Newman ]



[ Beth Simone Noveck ]

Proposed a joint program between the New York County Lawyers' Association (NYCLA) and New York Law School designed to get Law School students involved in the Bar Association (Fall 2007).

**David Johnson**

**Media References and Appearances**

Advocates: Time to Get .nyc Domain Name, AM NEW YORK (September 2007).

**Randolph N. Jonakait**

**Publications**

Law in the Plays of Elmer Rice, 19 LAW AND LITERATURE 401 (2007).

The (Futile) Search for a Common Law Right of Confrontation: Beyond *Brasier's* Irrelevance to (Perhaps) Relevant American Cases, 15 BROOKLYN JOURNAL OF LAW AND POLICY 471 (2007).

**Arthur S. Leonard**

**Scholarly Presentations**

Moderator, panel discussion on asylum law as it relates to sexual minorities, at the plenary session of the Lavender Law Conference, Chicago (September 2007).

**Publications**

Ohio Domestic Violence Law Still Protects Gays, GAY CITY NEWS (July 2007), one of numerous articles written between July 1, 2007–December 31, 2007 as contributor to GAY CITY NEWS.

**Media References and Appearances**

Suburban Sex Parties Draw Complaints, ASSOCIATED PRESS (December 2007).

NY Trial Highlights Sexual Orientation, ASSOCIATED PRESS (October 2007).

“Transgender Woman, IRS Fight over Tax Deduction,” National Public Radio (October 2007).

Globo TV-Brazil (August 2007).

Pink Letter Law, JudicialReports.com (July 2007).

When 3 Really Is a Crowd, THE NEW YORK TIMES (July 2007).

**Jethro K. Lieberman**

**Appointments**

Visiting Scholar, Columbia University, 2007–08 academic year (July 2007).

**Richard D. Marsico**

**Scholarly Presentations**

Panelist, “Rising Foreclosures and Neighborhood Economic Destabilization,” Coro Leadership New York Issue Day (December 2007).

**Testimonies and Legal Consultation**

Testified before the Domestic Policy Subcommittee of the House Committee on Oversight and Government Affairs regarding the Community Reinvestment Act (October 2007).

**Richard A. Matasar**

**Scholarly Presentations**

“Being Brave in a Brave New World,” Southern Vermont College (October 2007).

**Media References and Appearances**

Hard Case: Job Market Wanes for U.S. Lawyers, THE WALL STREET JOURNAL (September 2007).

Fashion Exec: It's About Creating Wants —as Quickly as Possible, Bennington Banner (September 2007).

ABA Moves to Tighten Bar Passage Standards, THE NATIONAL LAW JOURNAL (July 2007).

ABA Pushes Law Schools for More Exam Tie-In, BUSINESS FIRST OF BUFFALO (July 2007).

**Carlin Meyer**

**Media References and Appearances**

Ex-fiancé: Gimme Back 38G Ring, DAILY NEWS (October 2007).

**Howard S. Meyers**

**Media References and Appearances**

Quoted on the SEC's informal investigation into the timing of stock sales by Countrywide Financial Corporation's CEO Angelo Mozilo, FOX News (October 2007).

**Stephen A. Newman**

**Publications**

Political Advocacy on the Supreme Court: The Damaging Rhetoric of Justice Scalia, 51 NEW YORK LAW SCHOOL LAW REVIEW 907 (2007).

Using Shakespeare to Teach Persuasive Advocacy, 57 JOURNAL OF LEGAL EDUCATION 36 (2007).

Evolution and the Holy Ghost of Scopes: Can Science Lose the Next Round?, 8 RUTGERS JOURNAL OF LAW & RELIGION 11 (Spring 2007).

**Beth Simone Noveck**

**Scholarly Presentations**

Participated in “Science Foo Camp” at the GooglePlex (Google company headquarters), Mountain View, California (2007).





[ Rudolph J.R. Peritz ]



[ Michael L. Perlin ]



[ Sadiq Reza ]



[ Ross Sandler ]



[ Richard K. Sherwin ]

Spoke at the launch of the Massachusetts Institute of Technology's Center for Civic Media, Cambridge, Massachusetts (September 2007).

Spoke at the Licensing Executives Society, Vancouver, Canada (2007).

Participated in the inaugural Fordham Law and Information Society Faculty Workshop, New York (November 2007).

Hosted Open Invention Network patent reform workshop (2007).

**Media References and Appearances**

IP Experts Call for New Patent Pathway, EETIMES (October 2007).

A Patent Improvement, THE ECONOMIST (September 2007).

Meet IP's Most Important Figures, MANAGING INTELLECTUAL PROPERTY (August 2007).

**Rudolph J.R. Peritz**

**Scholarly Presentations**

"The Microsoft Chronicles: Neelie Crows, Barnett Bellows While Information Flows, Or Not," at a conference on the U.S. and European Union Microsoft anti-trust decisions, LUISS University, Rome (October 2007).

"An Essay on Experimental Use. The Will-to-Progress: Invention and Profit in U.S. Patent Law," 2007 Conference of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), Buenos Aires (July 2007).

**Publications**

Italian translation of "The Microsoft Chronicles: Neelie Crows, Barnett Bellows While Information Flows, Or Not" was published in the Italian journal MERCATO, CONCORRENZA, REGOLE (November 2007).

The Roberts Court after Two Years: Antitrust, Intellectual Property Rights, and Competition Policy, ANTITRUST BULLETIN (2007).

**Michael L. Perlin**

**Scholarly Presentations**

"Training the Trainers," a workshop to teach experienced death penalty defense lawyers how to train inexperienced lawyers using online distance learning methodologies, Xi'an, China (December 2007).

"Humiliation and the Criminal Justice System: How Our Desire to Humiliate Contributes to Recidivism and, Ultimately, Injures Victims," at the 2007 Workshop on Humiliation and Violent Conflict sponsored by the Center for International Conflict Resolution on behalf of the Columbia University Conflict Resolution Network, New York (December 2007).

"Criminal Competencies: Law and Practice," and "Civil Competencies: *Myers* and *Wetherhorn* in a National Context," Alaska State Judiciary Conference (October 2007).

"The Blurring of the Borders Between Civil and Criminal Mental Disability Law," Waseda University Institute of Comparative Law and Jurisprudence, Tokyo (October 2007).

"Everybody Is Making Love/Or Else Expecting Rain': Must Forensic Hospitals Be 'Desolation Rows?'" at "Sex Matters: Sexuality, Sexual Identity, and Sex Offending," conference, Queens College, Cambridge University, England (September 2007).

Moderator, "Assessment of Sex Offenders in Adults and Juveniles," Queens College, Cambridge University, England (September 2007).

Presenter, "Baby, Look Inside Your Mirror': The Legal Profession's Willful and Sanist Blindness to Lawyers with Mental Disabilities"; moderator, "Disability Inside the Law School," at "Lawyers and Disability," conference, Emory Law School (September 2007).

**Publications**

Tolling for the Luckless, the Abandoned and Forsaken: Community Safety, Therapeutic Jurisprudence, and International Human Rights Law as Applied to Prisoners and Detainees, LEGAL AND CRIMINOLOGICAL PSYCHOLOGY (2008) (with A. Birgden).

**Media References and Appearances**

Plea Is No Easy Deal: Hayes' Situation Shows Pitfalls of Insanity Defense, WINSTON-SALEM JOURNAL (September 2007).

Forensic Experts Urged to Monitor Own Bias Against Mentally Ill, CLINICAL PSYCHIATRY NEWS (August 2007).

**Sadiq Reza**

**Scholarly Presentations**

"Torture and Islamic Law," at "The Iraqi High Tribunal and Middle Eastern Approaches to International Criminal Law," a workshop that included CIA and State Department members, Washington, D.C. (July 2007).

**Ross Sandler**

**Media References and Appearances**

City Hires Criminal Lawyer for Deutsche Bank Defense, THE NEW YORK TIMES (September 2007).

**Richard K. Sherwin**

**Scholarly Presentations**

"Law, Metaphysics, and the Digital Neo-Baroque," presented at a panel titled "Rethinking the Secular/Sacred Divide," which he organized, at the Annual Meeting of the Law and Society Association, Humboldt University, Berlin (July 2007).

**Publications**

A Manifesto for Visual Legal Realism, 40 LOYOLA OF LOS ANGELES LAW REVIEW 719 (2007).



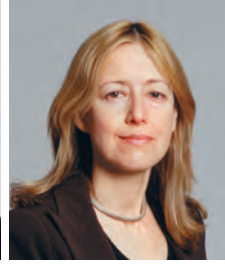
[ James F. Simon ]



[ Cameron Stracher ]



[ Nadine Strossen ]



[ Ruti G. Teitel ]



[ Marshall Tracht ]

Law in the Age of Images, *chapter in VISUAL LITERACY* (James Elkins, ed., Routledge, 2007).

Law, Metaphysics, and the New Iconoclasm, *LAW/TEXT/CULTURE* (2007).

Thinking Beyond the Shown: Implicit Inferences in Evidence and Argument 6 *OXFORD JOURNAL OF LAW, PROBABILITY AND RISK* (2007) (with N. Feigenson).

*Foreword* to *THE POETICS OF THE LEGAL SYSTEM IN THE DIGITAL AGE: CONTEMPORARY CHALLENGES TO TRADITIONAL CONCEPTS OF JUSTICE* (Mellen Press, 2007).

What Is Visual Knowledge, and What Is It Good For? Potential Ethnographic Lessons from the Field of Legal Practice, 20 *VISUAL ANTHROPOLOGY* 143-78 (2007).

#### Media References and Appearances

“The Law Report: A Look Inside Court TV,” radio piece aired by the Australian Broadcasting Corporation (July 2007).

#### James F. Simon

##### Publications

LINCOLN AND CHIEF JUSTICE TANEY published in paperback (Simon & Schuster, November 2007).

Sold the rights for a Chinese-language edition of his book, *WHAT KIND OF NATION* (Simon & Schuster, 2002) (August 2007).

#### Cameron Stracher

##### Publications

Chip Shot, *THE WALL STREET JOURNAL* (November 2007).

Dining In: How a Lawyer Saved His Sanity, One Meal at a Time, *THE AMERICAN LAWYER STUDENT EDITION* (Summer 2007).

Welcome to the Law, One Ls!, *THE WALL STREET JOURNAL Law Blog* (August 2007).

#### Projects

Traveled across the country to discuss and read from his book, *DINNER WITH DAD* (Random House, 2007) (July 2007).

#### Media References and Appearances

Interviewed for the documentary *A Lawyer Walks Into a Bar* (2007).

Discussed net neutrality on The Brian Lehrer Show on WNYC Radio (October 2007).

#### Nadine Strossen

##### Appointments

Davis, Markert, Nickerson Visiting Professorship on Academic and Intellectual Freedom, University of Michigan (November 2007).

##### Scholarly Presentations

“Showcase Panel IV: American Exceptionalism, the War on Terror and the Rule of Law in the Islamic World,” 25th Anniversary Federalist Society National Lawyers Convention, Washington, D.C. (November 2007).

Presentation to Council on Foreign Relations, Independent Task Force on Civil Liberties and National Security, New York (November 2007).

Delivered 17th annual University of Michigan Senate’s Davis, Markert, Nickerson Lecture on Academic and Intellectual Freedom; addressed faculty and students at the University of Michigan Law School and student editors at *THE MICHIGAN DAILY* (November 2007).

Lecturer, Distinguished Lecture Series, University of Maine, Orono, Maine (November 2007).

“Civil Liberties and National Security in a Post-9/11 World,” Great Issues Committee Guest Lecture Series, St. Louis University, St. Louis, Missouri (October 2007).

“Left Out in the Cold? The Chilling of Speech, Association, and the Press in Post-9/11 America,” Washington College of Law, American University, Washington, D.C. (September 2007).

Speaker, forum on “A Time to be Safe,” 93rd National Convention of Hadassah, the Women’s Zionist Organization of America, New York (July 2007).

Spoke at the William Howard Taft Supreme Court Review, Washington, D.C. (July 2007).

#### Media References and Appearances

Interviewed for National Public Radio’s “Justice Talking” (December 2007).

#### Ruti G. Teitel

##### Scholarly Presentations

Panelist, “International and Foreign Law Sources in Interpreting the Constitution,” at “International Law and the Constitution: Terms of Engagement,” conference, Fordham University, New York (October 2007).

##### Publications

Perspectives on Post-Conflict Constitutionalism, 51 *NEW YORK LAW SCHOOL LAW REVIEW* 466 (2006–2007).

#### Marshall Tracht

##### Media References and Appearances

\$500 or Full Disclosure, *NEWSDAY* (September 2007). 

## Adjunct Faculty Activities

Edited by Denise Tong

The following items represent a sampling of the activities of our adjunct faculty from the fall 2007 semester.

### Marc S. Bekerman

#### Appointments

Vice Chair, Standing Committee for Community Outreach of the American Bar Association (ABA) Section of Real Property, Trust and Estate Law (January 2008).

#### Scholarly Presentations

Presented Elder Law, a multi-session course for the ABA Community Outreach Program (January 2008).

Lectured on ethical and income tax issues relating to attorney escrow accounts, Appellate Division, First Department, for the ABA Community Outreach Program (January 2008).

### Martin Bowe '00

#### Appointments

Appointed Senior Counsel, New York City Law Department, Officer of Corporation Counsel (December 2007).

#### Testimonies and Legal Consultation

Won a jury verdict in favor of an employee of the New York City Department of Correction who was sued by an inmate claiming that his First Amendment right to practice his religion was violated due to the manner in which he was served meals (November 2007).

Won a jury verdict in favor of defendants, the City of New York and the New York City Administration for Children's Services, in a case stemming from the removal of nine children from the home after one had been beaten badly (October 2007).

### Judith Bresler '74

#### Appointments

Counsel and Head of the Art & Cultural Assets Practice in the United States, Withers Bergman LLP (September 2007).

#### Publications

Expert Opinions and Liabilities: An IFAR Update, 9 JOURNAL OF THE INTERNATIONAL FOUNDATION OF ART RESEARCH (October 2007).

### Media References and Appearances

Art Smart: Protecting Your Fine Art, FAIRFIELD COUNTRY HOME MAGAZINE (November/December 2007).

### Heather Ellis Cucolo '03

#### Scholarly Presentations

"The Intimacy Module: Treatment and the Right to Sex," the International Academy of Law and Mental Health, Padua, Italy (July 2007).

### Lindsay A. Curcio

#### Scholarly Presentations

"Waivers," American Immigration Lawyers Association, New York Chapter (December 2007).

"Family-Based Immigration and Consular Processing," New York Immigration Coalition (September 2007).

#### Publications

MAINTAINING THE MELTING POT WITHOUT GETTING BURNED: THE TENTH ANNUAL AILA NEW YORK CHAPTER IMMIGRATION LAW SYMPOSIUM HANDBOOK. (2007) (with K. Wolman).

### Marc Edelman

#### Publications

Time for CFL to Rethink Suspension Rule, SPORTS BUSINESS JOURNAL (October 29, 2007).

Fan Ownership Can Give UFL a Leg Up on Building Loyalty, SPORTS BUSINESS JOURNAL (August 27, 2007).

### Media References and Appearances

Quoted on alternative dispute resolution in fantasy sports in SANTA MONICA DAILY PRESS (November 2007), FINANCIAL TIMES (October 2007), MARYLAND LAWYER (September 2007), and ESPN THE MAGAZINE (August 2007).

In a Perfect World, NHL Would Be the People's Choice, ESPN.com (July 2007).



### Lucas A. Ferrara

#### Media References and Appearances

Breaking a Lease, *THE NEW YORK TIMES* (September 2007).

New York Real Estate Lawyers Blog, *ABA JOURNAL* (August 2007).

### David L. Ferstendig

#### Scholarly Presentations

Lectured on various New York practice issues on behalf of the New York State Judicial Institute (2007).

#### Publications

LEXISNEXIS ANSWERGUIDE NEW YORK CIVIL LITIGATION. (Matthew Bender, 2007).

#### Testimonies and Legal Consultation

In *Caradonna v. A.W. Chesterton*, successfully argued before the New York State Supreme Court that the plaintiff's state law claims were preempted by federal law (2007).

### Hon. Robert Firestone '90

#### Publications

*Davis v. Kentucky*. A Logical Application of the Market Participant Doctrine, 46 *STATE TAX NOTES* 237 (October 2007).

The Constitutionality of State Tax Incentives After *Cuno*: A Matter of Internal Consistency, 43 *STATE TAX NOTES* 699 (March 2007).

### Lisa Fleischmann

#### Awards and Recognition

Awarded the Louis J. Lefkowitz Memorial Award for Excellence in Service by Andrew Cuomo, New York State Attorney General, for outstanding performance as a prosecutor and appellate advocate for the state of New York (December 2007).

### Jacob I. Friedman

#### Publications

Public Charities, *chapter in* COMPLETE GUIDE TO NONPROFIT ORGANIZATIONS. (Civic Research Institute, 2007) (with T.D. Fried).

Finally—The Final 409A Regulations, 20 *JOURNAL OF TAXATION AND REGULATION OF FINANCIAL INSTITUTIONS* 5 (July/August 2007).

### Christina Spiesel

#### Scholarly Presentations

"The Representation of Numbers," Goethe Institute for Law and Finance, Frankfurt, Germany (July 2007).

"*CSI: A Modern Ordeal*," Annual Meeting of the Law and Society Association, Humboldt University, Berlin (July 2007).

### Gary L. Tidwell

#### Projects

Developed curriculum and courses in Afghanistan for the newly established National Military Academy Afghanistan, which provides the Afghan National Army (ANA) with professional officers (Summer 2007).

### Philip Weinberg


#### Publications

UNDERSTANDING ENVIRONMENTAL LAW. 2nd ed. (Matthew Bender, 2007) (with K. A. Reilly).

O Centro Espirita: The Supreme Court Raises the Spirits of the Free Exercise Clause, 32 *UNIVERSITY OF DAYTON LAW REVIEW* 3 (2007).

### Charles Weiss

#### Testimonies and Legal Consultation

Won an appeal before the U.S. Court of Appeals invalidating patents covering Toprol-XL in the case *In re Metoprolol Succinate Patent Litigation (AstraZeneca v. KV Pharmaceutical)* (2007). 

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[www.nyls.edu/taxllm](http://www.nyls.edu/taxllm)

# alumni events

We are pleased to present a snapshot of some of the many alumni events that took place throughout the fall 2007 semester.

For more information about these and other alumni events, visit [www.nyls.edu/alumni](http://www.nyls.edu/alumni).





## Law Firm Challenge Has Its First Winner

By Christine Pakkala

Launched last November, the Law School's first annual Law Firm Challenge wrapped up on New Year's Eve with six teams participating in this important new alumni program. Justice Ernst Rosenberger '58 and Ross Moskowitz '84, partner co-captains, and Jana Adelman '06 and Patrick Diamond '06, associate co-captains, led Stroock & Stroock & Lavan LLP to victory, with 100 percent of the firm's alumni contributing to the Law School (see sidebar on next page). Cleary Gottlieb Steen & Hamilton LLP, captained by partner Robert Raymond '94, placed second with 88 percent participation. The other four firms who ran an excellent race in the Challenge were Proskauer Rose LLP, captained by partner Perry Cacace '79 and associate Michael A. Ead '05; Skadden, Arps, Slate, Meagher & Flom LLP, captained by Edward Filardi '68; Thacher Proffitt & Wood LLP, captained by partner Mitchell Williams '84 and associate James L. Gregory '91; and Weil, Gotshal & Manges LLP, captained by partner Holly Gregory '86 and associate Anna M. Grant '01.

A reception thanking all the members of the participating teams was held the evening of Tuesday, March 25, 2008 at the Law School. Dean Richard A. Matasar spoke, and Stroock was awarded championship T-shirts as well as a plaque, which will hang at the Law School for one year.

"It was a great start to the Law Firm Challenge, with participation from all the teams and strong commitment to New York Law School at this exciting moment in its history," says Suzanne Davidson, Associate Dean and Vice President of Development and Alumni Relations. "The participation of six prestigious law firms is a strong foundation on which to build the Challenge in subsequent years. Next year, more teams will be added, and over a multi-year period, we hope all law firms, government agencies, and companies with multiple New York Law School alumni will join the Challenge."

This year, at each Law Firm Challenge firm, one or more partner captains and associate captains volunteered to ask fellow alums at their firms to contribute to the Law School's Annual Fund. Partner Holly Gregory describes the process at her firm and emphasizes the important contribution of her associate captain Anna M. Grant. "I went to all the partners and asked them to participate. I didn't feel that it was appropriate to ask the associates until I knew that we were all in," she says. "Once I knew that, I asked Anna, the senior-most associate, to chair it."

Adopting a horse-racing motif, each participating firm selected its own racing silks, and these colors identified the team as the race was tracked on the New York Law School Alumni Web site.

Dean Davidson says that all the teams achieved three important goals for themselves and the Law School: strengthening important professional ties to the School and to each other; providing much-needed funds for programs and scholarships; and elevating the prestige of the School, since one of the major measurements of a school is the percentage of its alumni who support it.

The Law Firm Challenge is one of numerous events that bring alumni back to the Law School, including reunions, luncheons spotlighting alumni for student and alumni audiences, breakfast forums, and other events hosted by New York Law School's diverse academic centers. Ross Moskowitz notes that the recent Gala on December 13, 2007, honoring alumni Steven E. Pegalis '65, Kathleen Grimm '80, and Charles E. Phillips Jr. '93, "was one of the most amazing events put on at the Law School" and a terrific opportunity to bring alumni together.

"It is good to remind people of a shared experience and a shared benefit we have as alumni of the School," says Gregory. "It benefits us, and it benefits the Law School

“This year’s successful start will help the School to include even more law firms next year. Alumni will want to be involved with something positive and successful like the Challenge.”

—Ross Moskowitz ’84, Stroock & Stroock & Lavan LLP

to have a united group of alumni working on its behalf.”

Robert Raymond underscores the importance of the alumni to the Law School, which, he says, takes a personal interest in every alumnus at this stage in its development. “The expansion spearheaded by Dean Matasar is going to put us way ahead of the curve,” he says. “It’s a very exciting time, and alumni should do everything they can to help, whether that is doing Moot Court or giving 50 bucks.”

“The leadership at the Law School understands the value of branding and has worked very hard to get that message to the legal community,” Moskowitz adds. “The School continues to build and grow because of events like the Law Firm Challenge, and a lot of that has to do with the current administration. Dean Matasar and the Board of Trustees know they have a great product.”

Justice Rosenberger agrees, saying that many significant improvements at the School are “the direct result of the excellence of the deans.”

Dean Davidson is quick to return the compliment, noting that the outstanding product that is New York Law School comes in large part from the vibrant relationship it enjoys with caring, connected alumni. “We have a great pool of committed alumni. They jump to the challenge of supporting the School and each other.”

### **Gold Is a Winner! Stroock Captures the Law Firm Challenge Title**

Stroock & Stroock & Lavan had every reason to break out the bubbly on New Year’s Eve. The law firm achieved 100 percent participation in the Law School’s first annual Law Firm Challenge. Co-captains of the Challenge, partners Justice Ernst Rosenberger ’58 and Ross Moskowitz ’84, and associates Jana Adelman ’06 and Patrick Diamond ’06, galvanized their team to achieve success by the Challenge deadline of December 31, 2007.

The strategy was to contact each alumnus individually, Moskowitz says. His goal was to “keep people focused by gently reminding them about the deadline.” Still, he notes, “we went down to the wire . . . I encouraged them that it was participation—rather than the amount—that was important.”


Winning the Challenge was a happy occasion but not necessarily a surprise, says Justice Rosenberger. “I was hopeful about the outcome because the entire culture of this firm is cooperative and friendly,” he says.

Justice Rosenberger maintains ties, and shows his gratitude, to the Law School through fund-raising events like the Challenge, but also by serving as a trustee and a teacher. In fact, Justice Rosenberger has taught 64 consecutive semesters of his Criminal Justice seminar.

Moskowitz shares that gratitude towards the Law School. While all three goals that Dean Davidson listed for the Challenge are vital, it is the strengthening of the alumni network he connects with the most. “If you are cutting to the core, being at these events is a great opportunity for alumni to network with each other. It’s not only satisfying to give back to the Law School, but it also gives the alumni valuable business opportunities.”

As for next year’s Challenge, Moskowitz says, “Being the defending champion will put more pressure on Stroock to step up to the plate.”

But the pressure is not just on Stroock. Moskowitz says of the other firms involved in the Challenge, “We’ve been able to brag a bit and give them some good-natured needling.

“This year’s successful start will help the School to include even more law firms next year. Alumni will want to be involved with something positive and successful like the Challenge.” 

**October 9, 2007: Tea on Tuesdays: Entertainment**

The Office of Development and Alumni Relations hosted its first Tea on Tuesdays event on October 9. This forum provided students an opportunity to meet and speak with alumni specializing in sports and entertainment law. The prestigious panel included speakers Christine T. Lepera '82, a commercial litigator focusing on the entertainment industry with Mitchell Silberberg & Knupp LLP; Alan L. Sanders '88, Founder and President of Alan Sanders Media Group; Charles J. Sanders '83, a private practitioner who represents music industry clients; and Michael Selverne '84, Founder and Managing Partner of Selverne Mandelbaum & Mintz LLP.



**October 25, 2007: Spotlight Luncheon on Entrepreneurs**

The first Spotlight Luncheon of the 2007–08 academic year was held on October 25 with a panel discussion on entrepreneurs. Featured speakers included Gregory J. Cannata '77, Founder of Gregory Cannata & Associates; Vincent A. Carbonell '00, President of United Reprographic Services; Howard R. Deutsch '79, Chief Executive Officer of Strategic Alpha, LLC; and Gregory D. Frost '73, Chairman of the Board and Chief Executive Officer of Able Energy, Inc.





**October 29, 2007: Speed Networking**

On October 29, the Alumni Association’s Mentoring Committee, in conjunction with the Office of Development and Alumni Relations and Office of Career Services, hosted its first mentoring event of the academic year. They introduced a new format: speed networking, which operates much like speed dating. Students met with alumni mentors for intervals of five minutes. The initial response by students was overwhelming, and the post-event feedback was extremely positive.



**November 8, 2007: An Evening with the Experts: Planning, Taxes, and Other Ethical Quandaries**

The Office of Development and Alumni Relations hosted its first Continuing Legal Education course on planned giving as guests of Philip J. Michaels ’76 at Fulbright and Jaworski LLP on November 8. The event featured Blanche Lark Christerson ’86, Managing Director at Deutsche Bank; Professor William P. LaPiana, the Rita and Joseph Solomon Professor of Wills, Trusts, and Estates at New York Law School; and Philip J. Michaels, Partner at Fulbright & Jaworski LLP. They explored the current and enduring problems in the ethics of representing individual clients.



**November 14, 2007: Spotlight Luncheon on Real Estate**

On November 14, three successful alumni specializing in real estate returned to New York Law School to share pearls of wisdom about their career paths with students and alumni. Featured alumni included Alvin Dworman '51, Chairman and Founder of the ADCO Group; Lloyd A. Levi '73, retired from a successful private real estate practice; and Adrian Zuckerman '83, head of Epstein Becker & Green's real estate practice in New York and the Northeast. **a**



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The  
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of  
**Rakhi Dhanoa '00**

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**Leslie Tenzer '56**  
Reflects  
on  
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## The World in Her Hands

By Christine Pakkala

### The Solo Practice of Rakhi Dhanoa '00

Peek into Rakhi Dhanoa's office at 225 Broadway and you might hear her speaking English, French, Punjabi, or Hindi. On her desk, you might see in progress a brief, paperwork for a visa, or notes from an interview with a client. Chinese or Mexican, Indian or Senegalese, her clients are immigrants all seeking help from the young attorney.

Ask her to describe her work, and she might say it's hectic, frustrating, and rewarding. But boring is one word she will never use. As a solo practitioner, variety is the name of Dhanoa's game. Writing briefs, filing paperwork, prepping clients, and appearing in court are all part of Dhanoa's soup-to-nuts immigration practice.

Just blocks from the Law School, Dhanoa practices immigration law exclusively, for both families and businesses. Responsible for her clients' cases from initial interviews to writing briefs to making court appearances, she guides clients through the labyrinthine process of gaining asylum or citizenship.

The daughter of immigrants herself, Dhanoa started out at a large international law firm, Winston & Strawn LLP, in order to become a "well-rounded lawyer." During her three years at the firm, she was trained by a partner in business immigration and learned how to process temporary visas and green card applications. From there, Dhanoa moved into solo practice to take on cases that were important to her. Her transition was also inspired by her desire to begin a family and, eventually, the birth of her daughter Saniya Purewal, now four. Dhanoa wanted more time and flexibility—two commodities in short supply at a big firm.

"After graduation I hadn't really planned to go into private practice. Working in a big law firm was good in some ways, but it wasn't very family friendly." Dhanoa had built up enough of a client base to make the move in 2003. Balancing child care with self-employment, she worked out of her home for two years until she could afford to rent office space. It wasn't easy at first: Dhanoa felt lonely and found it challenging to be as productive as she had been in an office setting. "I was used to bouncing ideas off people," she says. But the birth of her son Harnek in 2007 confirmed that as a solo practitioner able to control her own schedule, she has the best of both worlds.

Today, Dhanoa's work spans a range of cases. On days devoted to meeting with clients, she might encounter a Chinese family seeking asylum because they have more than the one child allowed by Chinese law; an Indian man seeking a work visa; or a child seeking to sponsor his/her parent. Some of her work is prosaic, like helping companies process business visas or helping immigrants obtain permanent resident visas. Other cases—like those involving victims of female genital mutilation who are seeking asylum to avoid that fate for their daughters—are personal.

“I really try and do a lot of work with women who have been victims of female genital cutting. It’s work that I love and that I have a passion for.” She notes that the Board of Immigration Appeals in *Matter of A-T-*, 24 I&N Dec. 296 (BIA September 27, 2007) handed down a decision that was unfavorable to female mutilation victims. It held that because female genital mutilation (FGM) is a type of harm that generally is inflicted only once, the asylum applicant no longer has a well-founded fear of persecution.

This kind of ruling makes it difficult for Dhanoa to get justice for her clients, but she is convinced that it is important and vital work. “I’ve always been a feminist and I feel strongly about the work I do, especially after speaking to these women, and even children, because sometimes that’s what they are—just teenagers. Getting them asylum and making sure the same thing doesn’t happen to their children is very important to me.”

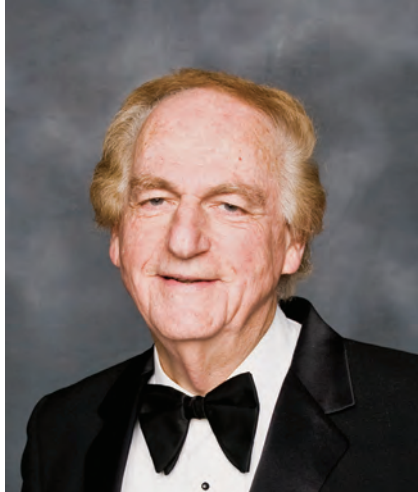
Dhanoa’s move to immigration law coincided with the post-9/11 era, during which the Department of Homeland Security absorbed the Immigration and Naturalization Service (INS) and imposed “special registration” on nonimmigrant males. Though special registration ended in 2002, Dhanoa’s job has become tougher as she seeks to help Muslim clients. Dhanoa says she has gotten “more adversarial” on behalf of her clients, who she says have faced discrimination. “There has been so much negativity about immigrants,” she says. “That has been just a nightmare trying to help them.”

In the last two years, she’s been to countless Stokes Interviews, which are administered by the United States Citizenship and Immigration Service to married couples to determine the authenticity of their marriages. She attends the interviews with clients to “make sure the interviews and questions are fair.”

For Dhanoa, the downsides to being a solo practitioner are few, but they do exist. “You are always on. I definitely try harder with my clients. If they call me after hours, I pick up the phone, no matter what,” she says. “I handhold a lot of my clients. Immigration is very dynamic, and there’s a lot of uncertainty so a lot of clients need that kind of personal attention.”

Solo practice requires independence. In law school, Dhanoa demonstrated the kind of self-starter skills necessary to thrive in solo practice. She founded the South Asian Law Students Association and was a Public Interest Law fellow. She interned with the New York Association for New Americans, where she assisted with asylum applications, and with the Northwest Justice Project in Seattle.

Sometimes Dhanoa misses the camaraderie of colleagues. Luckily for her, she shares an office with solo practitioner and fellow New York Law School alum Sandra Nichols ’95, whom she describes as “a lovely woman.” Also, her mentor, Professor Lenni B. Benson—with whom she studied in the Immigration Law Clinic—is just a few blocks away. “If I have a question, she has five people I can call on for the answer.” [a](#)



## Leslie Tenzer '56 Reflects on 50 Years in Solo Practice

By Christine Pakkala

Leslie Tenzer's office, filled with law books, treatises, photographs, and paintings, reveals people he admires: Benjamin Cardozo, Learned Hand, Humphrey Bogart, Abraham Lincoln, Babe Ruth, and others. But Tenzer's conversation reveals his biggest hero: his father. As Tenzer grew up in a four-room apartment in the Bronx, his father Abraham gave him a valuable gift: a clear sense of priorities. At the top of the list was getting a good education.

"Our apartment had 3,000 to 4,000 books lining the walls," Tenzer recalls over eggs and coffee at the Continental Diner in Babylon, Long Island, where he has operated a thriving law practice since 1959. Tenzer is a tall, smartly dressed man whose clear blue eyes gaze at the constant stream of traffic outside as he describes just how he entered a lifelong career in law.

"My father loved the law," he says. Many of his books were about criminals like Al Capone and John Dillinger and renowned crime fighters like Tom Dewey. The younger Tenzer "reached into" the stories and pulled out the drama and intricacies of criminal law. His father also conveyed the importance of the legal system by accepting jury duty assignments with pleasure and telling his family details of the proceedings.

A passion for history also pushed Tenzer toward law. His four-room office is filled with military artifacts, including working handcuffs from the Civil War, German helmets from both World Wars, and numerous photographs of soldiers. Like that earlier four-room dwelling, his office is lined with books and neat stacks of case files.

Education is, in fact, the theme of the Tenzer family. His father was a violinist and leader of society orchestras and later became an office supply businessman; his mother Sarah was a New York City public school teacher, and his sister Lila followed in her mother's footsteps, becoming a highly regarded teacher and professor.

The first in his family to attend law school, Tenzer recalls the first year as the "toughest one." One of his favorite professors was legendary and self-described "radical" lawyer William Kunstler, whose photograph, signed to Tenzer in 1991 "From an old professor," occupies a place of honor over his computer and adorns an office wall seen on a daily basis, serving as a continuing inspiration for advocacy.

"He was a very good teacher," Tenzer says. "We called him 'Broadway Bill,'" he adds, explaining that Kunstler often told students about his trials, which involved the defense of controversial figures, including members of the Gambino crime family. From Kunstler, Tenzer says, "we learned the meaning of such words as 'trial by combat.'"



Tenzer was admitted to the bar in 1957 and was hired by an insurance company, where he developed trial and other skills. “I’m still using what I learned to this day. I consider myself a graduate of that place as well as New York Law School. If you really want to learn about the law of negligence, work for an insurance company.” Starting in the claims department, Tenzer learned how to conduct accident investigations, including taking signed statements from claimants, and how to take depositions, as well as trial preparation.

Next, Tenzer and another colleague decided to go out on their own. The partnership lasted exactly one month. His colleague had cases “dying on the vine,” says Tenzer. “He didn’t know what to do with them.”

But Tenzer did, by using the knowledge he acquired at the Law School and concrete skills he learned at the insurance company. Much of his early work as a solo practitioner involved accident cases, but several were generated by victims, including targets of “selective enforcement” on Fire Island. Trips out to Ocean Beach to represent clients who had been targeted by police were a “regular Saturday adventure accompanied by a sunburn.” He recounts one instance in which a restaurateur was arrested for endangering the public by having lit candles on tables. The case went to trial and Tenzer brought in a priest from a local church who showed the church lit with candles. “They had to throw out that one,” he says with a smile.


A more recent trial involved a defendant who had been indicted for the assault and robbery of another man. “Thank God for the Internet,” Tenzer says. Through online research, it was discovered that the alleged victim had received workman’s compensation for 32 years and concealed the ownership of 16 cars—including a Jaguar and a Corvette—despite a claim of bankruptcy. This information impeached the credibility of the alleged victim. That, coupled with a 911 call made during the assault in which a woman made an “excitable utterance,” saying that two men were fighting rather than one man being assaulted, bolstered Tenzer’s defense of his client. The trial ended in acquittal.

These trials represent only a sliver of the body of work Tenzer has done in his five decades of solo practice. His cases have involved nearly every aspect of law, including automobile, slip-and-fall, negligence, medical malpractice, matrimonial, real estate, commercial areas, as well as various and sundry crimes of homicide, burglary, robbery, aggravated harassment, endangering the morals of a minor and assault, and DWI. He’s essentially confined to Suffolk County but often travels to other courts throughout New York State, including federal jurisdictions.

Tenzer acknowledges that “you never know what is going to happen in a trial” and “you can’t win them all.” But he has won more than he’s lost by understanding not just what laws are intended to do but how they work in the real world.

His friend and fellow Law School alum, Herman Edelman ’56, calls Tenzer “a ferocious litigator and defender of the rights of his clients.”

Yet Tenzer demurs. “We can’t all be Clarence Darrow. But we can be good lawyers by being well prepared.” In the process, he lives by the rule of his father.

“He told me to be agreeably aggressive and pleasantly persistent.” Indeed, for 52 years, the son has followed his father’s advice to be “the architect of his own career.” 

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## Class Notes

Edited by Denise Tong

**1958**

**Jack M. Sadis** is a partner at Sadis & Goldberg LLP in Manhattan. He has extensive experience representing businesses in mergers, acquisitions, and divestitures.

**1960**

**Martin A. Danoff** was appointed as Chairman of the Law Enforcement Committee of the Grand Lodge of Free and Accepted Masons of the State of New York. Danoff, a real estate and trusts and estates attorney, is also in charge of the Masonic Pro Bono Legal Program.

**Seymour Glanzer** was one of 20 attorneys named to the Legends of the Bar list in the December 2007 issue of *The Washingtonian*.

**1968**

**William Grady** was elected to his seventh term as the District Attorney of Dutchess County, New York. (*Poughkeepsie Journal*)

**Henry M. Stanziale** has a private practice in Mineola, New York, where he specializes in personal injury cases. (*Newsday*)



**Jack Wurgaft** was named on the third annual Lawdragon "500 Leading Lawyers in America" list and in *The Best Lawyers in America*

2008 legal guide in the personal injury litigation category. He is a member of the Million Dollar Advocates Forum,

which recognizes attorneys who have demonstrated excellence in advocacy and who have obtained recoveries on behalf of their clients in excess of \$1 million. He is a founding partner at Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins in Springfield, New Jersey. (Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins)

**1970**

**Paul Massaro** won the first-place watercolor award in December 2007 in "Focus New Jersey," a juried exhibition sponsored by the Arts Center of Northern New Jersey in New Milford. In addition to having artwork accepted at several juried exhibitions throughout New Jersey, he practices law. (*The Montclair Times*)

**1972**

**Marshall L. Gates** is a solo practitioner in Succasunna, New Jersey. (*The Star-Ledger*)

**1973**

**Stuart B. Dember** is a shareholder in the real estate practice group of Buchanan Ingersoll & Rooney PC. Previously, he was a Partner at Saul Ewing LLP. (Buchanan Ingersoll & Rooney)

**1976**

**Steven S. Stark** is General Counsel and Chief Operating Officer for A New Horizon in Fort Lauderdale, Florida. The company, which operates nationally, provides multiple financial solutions for clients with secured and unsecured creditor issues.

**1977**

**Kenneth Lind** is Counsel in the public finance practice at Nixon Peabody LLP in Manhattan. Previously, he worked for the Metropolitan Transportation Authority (MTA) as Deputy General Counsel and Acting Director of Finance. (Nixon Peabody)

**1979**



**Michael J. Stanton** was listed in the Family Law section of *The Best Lawyers in America*. A member of Norris McLaughlin &

Marcus, PA in Somerville, New Jersey, he exclusively practices matrimonial and family law. Stanton is a trustee of the New Jersey State Bar Association and has been a member of the Executive Committee of the Family Law Section of the New Jersey Bar Association for over a decade. He is also a member of the Matrimonial Lawyers Alliance, the Somerset County and American Bar Associations, the American Academy of Matrimonial Lawyers, and the Central Jersey Family Law Inns of Court. In January 2008, he spoke at the 2008 Family Law Symposium in Woodbridge, New Jersey and participated in the Mock Trial of a Divorce Action. (Norris McLaughlin & Marcus, PA)



**Hon. Jonah Triebwasser** is serving a four-year term as Justice of the Town of Red Hook in Dutchess County, New York. He also

serves as the Justice of the Village of Red Hook.

**1980**

**Dr. Allen Bloom** was appointed to the Board of Directors of biotechnology company Redpoint Bio Corporation in September 2007. A business and commercial development consultant for biotechnology and pharmaceutical companies, he also serves on the boards of Cytogen Corporation and Unigene Laboratories, Inc. (*The Wall Street Transcript*)

**Amirali Haidri** received the New Jersey State Bar Association's Amicus Curiae Award in December 2007. He is an Association trustee representing Union County and is a member of the Amicus and Appellate Practice Committees. Haidri is a solo practitioner specializing in areas including professional malpractice, personal injury, and workers' compensation. (*The Courier News*)

**Paul L. Meli** is Of Counsel at Finder and Cuomo, LLP in Manhattan. (Finder and Cuomo, LLP)

**1981**

**Janet L. Burak** is the Senior Executive Vice President and General Counsel for HSBC—North America, HSBC USA Inc., and HSBC Bank USA, N.A. She is also on the Board of Directors of Citizens Committee for New York City and is actively involved with the Global Business Coalition on HIV/AIDS, Tuberculosis, and Malaria. (HSBC)

**Arthur H. Rosenberg** was selected for the 2007 New York Super Lawyers list. He is a partner at Soberman & Rosenberg in Lake Success, New York, where he practices in the areas of medical malpractice, aviation, products liability, and transportation tort litigation.

**Lisa Savitt** was appointed Membership Officer of the ABA Section of International Law. She is Of Counsel at Akerman Senterfitt in Washington, D.C.

**1982**

**Robert E. O'Neill** is the interim U.S. Attorney for the Middle District of Florida. (*St. Petersburg Times*)



**Michael F. Schaff** is listed in the health care law section of the 2008 edition of *The Best Lawyers in America*. He is

also listed among the top 100 New Jersey Super Lawyers by *Law & Politics* magazine. He is a shareholder and the Chair of the business law team at Wilentz, Goldman & Spitzer, PA in Woodbridge, New Jersey. (Wilentz, Goldman & Spitzer)

**Joseph Staffa** is a senior director in the Municipal Structured Finance Group at Fitch Ratings in Manhattan. (Fitch Ratings)

**1983**

**Robert Koenig** was profiled in "Toledo Lawyer Likes His Multiple Ballet Roles" in the December 3, 2007 edition of the *Toledo Blade*. He is President of the Toledo School for the Arts and of the Toledo Ballet Association. He is also a partner in the litigation practice group at Shumaker, Loop & Kendrick, LLP. (*Toledo Blade*)

**Mario Mattei** was honored by the Association of the Bar of the City of New York in November 2007. He received the Thomas E. Dewey Medal, which is given each year to an outstanding assistant district attorney in each of New York City's boroughs. The Staten Island prosecutor has been Chief of the District Attorney's Investigations Bureau since 1991. (*Staten Island Advance*)

**1984**

**Raymond Cantor** was elected to the Allentown, New Jersey, Borough Council.

He is on the Allentown Planning Zoning Board and is the Executive Director of the New Jersey Apartment Association. (*Times of Trenton*)

**Lynne Costantini** is Executive Vice President of Affiliate Sales and Marketing at Scripps Networks in Knoxville, Tennessee. Previously, she was Senior Vice President and Chief Business Affairs Officer at Time Warner. She set the strategy for Time Warner's technology partnerships and commercial negotiations, and oversaw the development and direction of its content strategy. She also negotiated multiplatform content deals. (Time Warner)

**Raymond B. Lang** is the Chief Executive Officer of Fund.com Inc. in Manhattan. The company is an online financial information publisher focused on the \$22.6 trillion investment fund market. Previously, he was the Chief Operating Officer and Chief Compliance Officer of Clear Asset Management Inc., an independent asset management firm. (CNN)

**Hilarie S. Siles** is an executive managing director at Newmark Knight Frank, a global real estate services firm in Greenwich, Connecticut. Previously, she was a vice president at CB Richard Ellis. (*The Journal News*)

**Hon. Marc Whiten** was appointed a civil court judge by Mayor Michael Bloomberg. He previously served as an interim civil court judge and as a criminal court judge. Earlier in his career he worked in the Bronx County District Attorney's Office and at private law firms. (www.nyc.gov)

**1985**



**Susan R. Cragin** wrote *Nuclear Nebraska*, a book published by Amacom Press. With a forward by U.S.

Senator Ben Nelson, the book details the 20-year struggle of a group of rural Nebraska farmers who aim to stop the construction of a nuclear waste dump near the nation's largest aquifer. *Booklist* said, "This inspiring story teaches a wonderful lesson of democracy in action."



**Nicholas Pellitta** is Vice President of Hunterdon Prevention Resources (HPR), a nonprofit organization affiliated with the New Jersey Prevention Network. He is also a member of the HPR Board of Trustees. In December 2007, Pellitta was a member of the faculty of the Division of Criminal Justice in the New Jersey Attorney General's Office, training deputy attorney generals in trial advocacy. Pellitta is a member of Norris McLaughlin & Marcus, PA in Somerville, New Jersey. (Norris McLaughlin & Marcus)

**Rozanne Sullivan** was the stage and musical director of the *New Jersey Law Journal's* September 2007 production of *The Pajama Game* at the New Jersey Performing Arts Center in Newark. She was mentioned in "Litigators in Love," an article in the January 2008 edition of *New Jersey Monthly*. **Lee Zimet** was in the production's ensemble.

**1986**

**Jeanne Gold** is Executive Director of the nonprofit SafeHouse of Seminole in Sanford, Florida. (*Orlando Sentinel*)

**1987**

**Joshua Dicker** is General Counsel and Corporate Secretary at Getty Realty Corp.

in Jericho, New York. Previously, he was a partner at Arent Fox, PLLC. (Getty Realty Corp.)

**Leonard S. Sorgi** is a partner in the Intellectual Property practice group at Sheppard Mullin Richter & Hampton LLP in Manhattan. (Sheppard Mullin Richter & Hampton)

**1988**

**Flory G. Herman** is General Counsel at Adoption STAR, a New York State authorized nonprofit adoption agency. She is also a partner in Littlelamb Productions, a video production company, and was the Executive Producer and Director of the documentary-style film *I Have Roots and Branches*, which received a 2004 Film Advisory Board Award of Excellence. Herman was previously a pharmacist.

**1989**

**Jo Ann Brighton** is a Fellow of the American College of Bankruptcy. She was nominated by the Board of Regents in October 2007. She is Special Counsel at Kennedy Covington LLP in Charlotte, North Carolina, where she focuses on financial restructuring. She is also on the Board of Directors of the American Bankruptcy Institute and regularly writes for such publications as *The American Bankruptcy Institute Law Journal* and *ABI Law Review*.

**Eric Dale** was elected Treasurer of the Fairfield County Bar Association in September 2007. He is a partner at Robinson & Cole, LLP in Stamford, Connecticut, where he is Chairman of the Emerging Companies, Private Equity, and Venture Capital practice group. Dale is also a member of the Board of Directors of

the Connecticut chapter of the Association for Corporate Growth, President of the Stamford chapter of the Connecticut Venture Group, and Chairman of the Board of Directors of the Stamford Partnership. (Acorn-Online.com)

**1990**



**Darlene Prescott** is back in her home state of Texas, where she was admitted to the State Bar of Texas in 2005, after retiring from the United Nations Office of Legal Affairs. She provides pro bono work to the Harris County STAR Family Intervention Court, which focuses on the treatment and recovery of alcohol- and drug-addicted parents.

**Cindy Rose** was profiled in "Spreading the Magic," an article in the December 13, 2007 edition of *New Media Age*. She is the Managing Director for Europe, Middle East and Africa for the Walt Disney Internet Group. The profile focused on Rose's plans to create virtual worlds for the Disney brands. (*New Media Age*)

**1991**

**Teresa Kondrup-Coyle** is a New Jersey State Superior Court Judge. She was previously Freehold Township's Municipal Court prosecutor. (FindLaw.com)

**Jennifer Manner** is the Chairman of the Board for the Satellite Industry Association (SIA) for 2008. She is Vice President of Regulatory Affairs for Mobile Satellite Ventures, where she handles all of the domestic and international regulatory and policy work. (*The Washington Times*)



**Kelly Waters** was profiled in the December 30, 2007 edition of *The Star-Ledger* about her activism in the fight against multiple sclerosis. Motivated to take up the cause after her brother was diagnosed with MS, she has been on the Board of Trustees of the Greater North Jersey chapter of the National Multiple Sclerosis Society for a decade and will become its Co-chair in May 2008. Waters is a partner at Wilson Elser Moskowitz Edelman & Dicker LLP in Newark, New Jersey and is also a municipal court judge. (*The Star-Ledger*)



**Sheldon R. Pontaoe** is Of Counsel in the Intellectual Property group at Troutman Sanders LLP in Raleigh, North Carolina. (Troutman Sanders)

outstanding pro bono legal service to nonprofits. Fridman was recognized for helping Concrete Safaris, an organization that promotes the health and fitness of inner-city youth in East Harlem with adventure and exercise programs. With Fridman's assistance, the Concrete Safaris pilot program expanded from 15 children to 250. (Lawyers Alliance for New York)

**1992**

**Thomas Gammino** is Senior Director of Sales for the Upper East Side at Massey Knakal Realty Services in Manhattan. Together with company CEO Paul Massey, he handled a \$10.3 million sale of a five-story apartment building on the Upper East Side. (Crefeed.com)

**Stevens R. Miller** is on the Board of Supervisors for the Dulles District of Loudoun County, Virginia. He is also President and Counsel for Data Forensics Labs of Northern Virginia, in Ashburn, Virginia. (*Washington Post*)

**Edward F. White** is a board member of the Wireless Suffolk County Local Development Corporation. He has been active in the Copiague Youth League for over 20 years and currently serves as a commissioner for two athletic activities. (*Newsday*)

**1994**

**Daniel Jocelyn** is a partner at McDermott Will & Emery LLP in Manhattan. (McDermott Will & Emery)

**1995**

**Vincent A. Sicari** owns his own practice in Ridgewood, New Jersey. He is also a comic and screenwriter under the name of Vince August; he produces and stars in feature comedy shows in Manhattan comedy clubs, including Caroline's and the Laugh Factory, and has also appeared in numerous TV commercials. (VinceAugust.com)

**Michael Spataro** is the Senior Vice President and Research Salesperson for Jefferies & Company, Inc. in Manhattan. (Jefferies & Company, Inc.)

**1996**

**Mary Beth Kissane** is a principal and head of the Investor Relations & Corporate Transactions practice at Walek & Associates, a financial and corporate public relations firm in Manhattan. (Earthtimes.org)

**Hajime Sakaguchi** is General Manager of Toyota Motor Corporation's Oceania, Middle East & Southwest Asia Marketing Division in Nagoya, Japan. (*Times of Oman*)

**1997**

**Felicity Fridman** was given the 2007 Cornerstone Award by the Lawyers Alliance for New York. The award honors

**Julie Muniz** is a partner at Fragomen, Del Rey, Bernsen & Loewy, LLP in Manhattan. She is also a member of the American Immigration Lawyers Association and the Association of the Bar of the City of New York.

**Andrew Spence** is a solo practitioner in Suffern, New York. (*The Journal News*)

**1998**

**B. Keith Fulton** is the President of Verizon West Virginia. He was previously Verizon's Vice President of Strategic Alliances and Corporate Responsibility. (*Charleston Gazette*)

**Jeffrey W. Pitts** is a partner at Fragomen, Del Rey, Bernsen & Loewy, LLP in the firm's Matawan, New Jersey office. He is also a member of the Federal Bar Association and the Association of the Bar of the City of New York.

**2000**

**Damiano Fracasso** is a candidate for Warren County (New Jersey) Freeholder. He is a solo practitioner in Mount Olive, New Jersey. (*The Star-Ledger*)

**Brian Reynolds** spoke at a public seminar on wills and estate planning in January 2008. The event was sponsored by the New Jersey State Bar Foundation. Reynolds is a partner at Mantell & Prince,

PC, in Murray Hill, New Jersey. He specializes in taxation, estate planning and administration, and business planning. (*Home News Tribune*)

**Amy L. Tenney** is a partner at Jenner & Block LLP in Washington, D.C. She is a member of the firm's Litigation Department, White Collar Criminal Defense and Counseling group, and Products Liability and Mass Tort Defense group. (Jenner & Block)

**2001**

**Carl Maietta** is an associate at Kuhn and O'Toole, LLP in Staten Island. He is also a member of the American Bar Association, the New York State Bar Association, and the Richmond County Bar Association. (Kuhn and O'Toole)

**Thomas H. Prol** lectured in two forums on New Jersey's Global Warming Response Act, California's Global Warming Solutions Act, and America's Climate Security Act. Prol was also appointed to a two-year term on the New Jersey State Bar Association's Board of Trustees. He is an attorney with Scarinci & Hollenbeck, LLC in Lyndhurst, New Jersey. (Scarinci & Hollenbeck)

**Christopher John Solgan** is Vice President and Legal Counsel for the investment banking division of Credit Suisse in Manhattan. (*The New York Times*)

**Jeremy Susac** is Director of the Florida Energy Office in the Florida Department of Environmental Protection. (*Emerald Coast*)

**Joseph Tornberg** completed the executive M.B.A. program at the University of Texas at Austin. He is a government relations attorney with American International Group (AIG) in Houston, Texas.

**Julie S. Trivedi** is an assistant district attorney in the narcotics investigations bureau of the Queens County District Attorney's Office. (*The New York Times*)

**Richard Villanova** is an attorney at personal injury firm Blume Goldfaden Berkowitz Donnelly Fried & Forte in Chatham, New Jersey. (*The New York Times*)

**2002**

**Madelyn Calabrese** is an associate in the financial services group of Katten Muchin Rosenman LLP in Manhattan. (*Staten Island Advance*)

**Anthony M. Orlando** is a senior associate in the Labor & Employment Law Group at Scarinci & Hollenbeck, LLC in Lyndhurst, New Jersey. (Scarinci & Hollenbeck)

**Craig W. Scheetz** is a prosecutor for the federal Route 222 Corridor Anti-Gang Initiative in Reading, Pennsylvania. He works with a task force of investigators from the Reading and state police and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives. (*Reading Eagle*)



**Douglas Singleterry** was elected to the North Plainfield (New Jersey) Borough Council and serves as Vice Chair of the American Red Cross,

Tri-County Chapter. He specializes in medical malpractice defense at Dughi & Hewit, located in Cranford, New Jersey.

**Garth Thomas** and his wife, **Cherita Thomas '03**, welcomed their first child, Sebastian Thomas, on August 29, 2007. On hiatus from practicing law in the Mergers & Acquisitions Group at Jones Day, Garth is a student at Columbia Business School and hopes to pursue investment banking or private equity after graduation.

**2003**

**Ross Kaufman** is a member of Russell & Pastore LLC in Greenwich, Connecticut. (<http://GreenwichLegal.com>)



**Chaun W. Pflug** is an attorney in the commercial real estate practice group of Nexsen Pruet's Charleston, South Carolina, office. His

previous experience includes serving as outside counsel to the South Carolina Department of Health and Environmental Control. (Nexsen Pruet)

**Cherita Thomas** and her husband, **Garth Thomas '02**, welcomed their first child, Sebastian Thomas, on August 29, 2007.

**2004**

**Darren Bloch** is the Vice President for External Relations at the Empire State Development Corporation in Manhattan. (*The New York Times*)

**Richard A. Luthmann** is the Executive Vice President for Marketing and Business Development for InterVision Network Corporation (IVNET) and also the President and CEO of InterVision Streaming Corporation (iSTREAM) an IVNET Subsidiary. (Marketwire)

**Benjamin N. Wolff** and his wife co-founded the Wolff Law Firm, PLLC, in Northern Kentucky. Their general practice firm provides a broad range of legal services in a wide variety of fields such as business organization, contract formation and negotiation, commercial and residential real estate matters, family law, and estates and trusts.

## 2005

**Robert Findaro** is a staff attorney with the Coalition Against Domestic Violence in Nassau County, New York.

**Amanda Gaynor** is an associate at Troutman Sanders LLP in Manhattan. She recently completed a clerkship with Judge John E. Jones III of the United States District Court for the Middle District of Pennsylvania.

**David B. Rankin** successfully represented the plaintiffs in *Barturen v. Wild Edibles*, in which a federal judge enjoined retaliation against employees seeking overtime. Rankin is a solo practitioner in Manhattan. (NYLJ)

**Kristen Schmidt** is an associate at Mendes & Mount in Manhattan. (Mendes & Mount)

**Stacie Truesdell** was appointed Vice Chairman of the State of Nevada Department of Business and Industry Taxicab Authority. She is Associate General Counsel at Plise Development and Construction LLC in Las Vegas, Nevada. (<http://gov.state.nv.us/>)

**Olivier Vallez** is the Executive Vice President and Chief Strategy Officer of InterVision Streaming Corporation (iSTREAM). He is also on the Board of iSTREAM. (Marketwire)

## 2006

**Minerva Alinso** is an attorney at Meenan & Associates, LLC in Manhattan, where she focuses on fact and witness investigation, deposition preparation, research, technical assistance, and litigation support. She previously served for 20 years in the New York City Police Department in Manhattan and Queens, rising to the rank of lieutenant. (NY Daily News)

**David Bruno** is an assistant prosecutor for Morris County, New Jersey. He was previously an associate at The Law Office of Edward J. Bilinkas in Randolph, New Jersey. (Daily Record)

**Kendall Champion** is an assistant prosecutor in the Burlington County Prosecutor's Office in Mount Holly, New Jersey. (Philadelphia Inquirer)

**Michael Ficchi** is an assistant district attorney in the Kings County District Attorney's Office in Brooklyn. (Staten Island Advance)

**Andrea Louie** published "Designing Avatars in Virtual Worlds: How Free Are We to Play Superman?" in the November 2007 issue of the *Journal of Internet Law*.

**Heather Volik** published "Driving Down the Wrong Road: The Fifth Circuit's Definition of Unauthorized Use of a Motor Vehicle as a Crime of Violence in the Immigration Context," in *St. Mary's Law Journal*. She was previously a clerk to Judge Robert C. Chambers, United States District Court, Southern District of West Virginia.

## 2007

**Pooja Bhatnagar** is an assistant district attorney for Bronx District Attorney Robert T. Johnson. (NYLJ)

**Louisa M. Derose** is an assistant district attorney for Queens District Attorney Richard A. Brown. (NYLJ)

**Alice L. King** is an associate at Hogan & Hartson LLP in Manhattan. In February 2008, she published an article in *ABA Health eSource*, titled "'Physician Transparency' Movement Advances Thanks to New York Attorney General."

**Ani Lee** was profiled in the January 2, 2008 issue of *Women's Wear Daily*. She

is a designer and owns a boutique, Jane Doe, in Los Angeles, California. (*Women's Wear Daily*)

**Todd David Marcus** was awarded National First Prize in the 2007 Nathan Burkan Memorial Competition, a copyright law writing competition sponsored by the American Society of Composers, Authors, and Publishers (ASCAP). The competition was judged by a distinguished panel of judges selected by the Copyright Society of the USA. (ASCAP)

**Michael Sim** is a second lieutenant in the U.S. Army. (Staten Island Advance)

**Holly A. Stiles** practices international divorce law in New York City. (*The Asheville Citizen-Times*). 





# n memoriam

## IN MEMORIAM

### ALUMNI

1930

**David I. Shivitz**  
February 19, 2008

1940

**Philip J. Fruitstone**  
October 22, 2007

1950

**James L. Gifford**  
August 5, 2007

**John James Vincent Sullivan**  
October 14, 2007

1953

**Lawrence B. Eichler**  
October 23, 2007

1958

**Joseph L. McElroy**  
August 15, 2007

1959

**Denis Michael Hurley Jr.**  
November 15, 2007

**Maurice F. Sprinz**  
March 16, 2007

1961

**Stephen A. Downes**  
January 21, 2008

**David Cochran Ort**  
June 30, 2007

1962

**Harold K. Grune**  
November 7, 2007

1963

**William P. Mills Jr.**  
January 21, 2008

1964

**Ignatius A. Triolo**  
December 5, 2007

1967

**Donald E. Mindrebo**  
October 31, 2007

1988

**Mark S. Dennison**  
February 15, 2007

2004

**Andrew Hrabsky**  
March 14, 2007

## Harold K. Grune '62

Harold K. Grune died on November 7, 2007, age 76, at Good Samaritan Hospital in Suffern, New York. Grune was born in 1931 in Port Chester, New York, and was raised in Mamaroneck. Before attending New York Law School, he earned his bachelor's degree at Iona College. From 1968 to 1972, Grune was the supervisor in Stony Point, New York, where he also served as a state assemblyman from 1973 to 1974. Throughout his long career in public service, Grune held positions including town judge, county legislator, and town attorney. He also served in the Marine Corps during the Korean War.


Grune was a member of the state and county bar associations, the state and county magistrate's associations, the Catholic Lawyers Guild, the Knights of Columbus in Haverstraw, New York, and the Stony Point Lions Club and Elks Lodge. He was also on the board of directors of the Cardinal Kung Foundation and the Cardinal Mindszenty Foundation and served on the committee of the New York State Right to Life Party.

He is survived by his wife, a sister, 12 children, and 31 grandchildren. 

## Joseph L. McElroy '58

Joseph L. McElroy died on August 15, 2007, age 78, in Westfield, New Jersey. McElroy was born in South Amboy, New Jersey, and graduated from Xavier High School in New York City. In 1950, he graduated from Georgetown University with a Bachelor of Science degree. McElroy later graduated second in his class from Officer Candidate School and served as a first lieutenant in the Army during the Korean War. Following his Army service, he attended New York Law School, graduating in 1958. Having moved to Westfield in 1960, McElroy was a member of the Toastmasters and was also a founding member and lector of St. Helen's Roman Catholic Church of Westfield.

McElroy's career began at the Bank of New York in 1954, and eventually he led the bank's Trusts and Estates department. In 1977, he took up the same position at Manufacturers Hanover Trust Co. Throughout his career, McElroy was President of the Trust Division of the American Bankers Association, a member of the Board of Regents at Georgetown University, and a member of the National Board of the Boy Scouts of America. He retired in 1988.

He is survived by his sister, four children, and ten grandchildren. 

73

James W. Gerard, Class of 1892

74

Justice Emilio Nuñez '27



## James W. Gerard, Class of 1892

### American Ambassador to Germany before World War I

James Watson Gerard had no diplomatic experience whatsoever at the time of his appointment as American ambassador to Germany in 1913. But by the time his assignment ended four years later, upon the outbreak of the First World War, he had achieved the status of a national hero.

He won acclaim for his handling not only of American interests but those of the Allied powers who had warred with Germany since 1914. During his tenure as ambassador, Gerard pressured German authorities to improve conditions for Allied prisoners of war. He personally visited prison camps and often used his own money to purchase food, blankets, and clothing for prisoners.

Gerard was also lauded in 1916 for giving early warning of the unrestricted submarine warfare campaign that Germany would later carry out against the Allies. His protest against this form of warfare to the German foreign minister gave rise to one of two famous quotes for which Gerard is often remembered: The foreign minister told the ambassador that America would never dare to engage in hostilities with Germany because there were 500,000 German reservists in the United States who would rise up in revolt.

“We have 500,000 lampposts on which to hang them,” Gerard retorted.

The second quote arose from Germany’s attempt to make Gerard sign a document reaffirming the Treaty of 1869 between the United States and Germany, with some additional clauses favoring Germany, in exchange for his passports to return to the United States. Gerard answered that he had no authority to sign it. “Even if I had,” he continued, “I would stay here until hell freezes over before I would put my name to such a paper.”

Gerard was born in Geneseo, New York, in August 1867. His family moved in New York society alongside the Astors, the Belmonts, and the Roosevelts. He graduated from Columbia University and then attended New York Law School, gaining admission to the bar in 1892.

No one had really expected Gerard to rise to any kind of prominence in diplomatic circles. His appointment as ambassador was generally assumed to have resulted

from his success raising money for the Democratic Party during the 1912 national campaign. Previously, he had held several public offices, including a seat on the New York State Supreme Court, attained through the sponsorship of Tammany Hall. As a lawyer in private practice, Gerard had represented several leading Tammany figures, including Bourke Cochran and Charles F. Murphy.

After returning to the United States from Germany, Gerard kept up his public profile and involvement in Democratic Party politics. He became a leading advocate of American membership in the League of Nations. He began to be mentioned as a possible Democratic candidate to succeed the ailing President Woodrow Wilson; when in 1920 the nomination went instead to the ticket of James W. Cox and Franklin D. Roosevelt, Gerard worked energetically on their campaign. In every presidential contest after that, Gerard served the Democrats either as chairman of the finance committee, or as treasurer or honorary treasurer of the Democratic National Committee.

He wrote two books drawing upon his experiences in Germany both before and after the onset of the war: *My Four Years in Germany*, and *Face to Face with Kaiserism*. Both were widely read in the United States and abroad.

As the Second World War approached, Gerard, with his firsthand knowledge of German militarism, was among the first to warn of the dangers of Hitler and a resurgent Germany. He spoke out to urge strong national preparedness and in 1941 testified before Congress in favor of Lend-Lease. He died in September 1951 at age 84. [h](#)



## Justice Emilio Nuñez '27 First Hispanic Judge in New York City

New York Law School has historically made a point of welcoming students from very diverse backgrounds. As a result, it can claim a number of noteworthy alumni who became pioneers of one sort or another in their professional lives after law school. Among these is Justice Emilio Nuñez, the first Hispanic judge in New York City, who graduated in the Law School's Class of 1927.

Justice Nuñez was born in Bilbao, Spain, on June 29, 1904. He came to the United States at age 11. As was possible in those days, he enrolled in law school without attending college. He was admitted to the bar in 1929. An article in *TIME* magazine in October 1967 identified him as “the son of Spanish immigrants who learned his respect for the law while working in the fish markets by day and law school by night...”

In the earlier part of his career, Justice Nuñez was counsel for several South American governments and for the government of Spain. He also served as General Counsel for the daily newspaper *La Prensa* and was Vice Chairman of the Citizens Commission on the Future of the City of New York, whose chairman was Mayor Robert F. Wagner. He was also a founding member of the Puerto Rican Bar Association, which today bestows an annual award in his honor: the Honorable Emilio Nuñez Award for Judicial Excellence.

Mayor Vincent R. Impellitteri launched Justice Nuñez's career on the bench in 1951 by appointing him a New York City magistrate—the first of Hispanic heritage in the city's history. He later became the first Hispanic judge on the Court of Special Sessions, on the City Court, on the State Supreme Court, and in the Appellate Division, First Department.


Justice Nuñez presided over a wide variety of cases, ranging from crimes to rent control to obscenity. He was also involved in the disbarment of lawyers connected to the Watergate scandal. His most noted cases, however, dealt with labor disputes, including a long strike by the United Federation of Teachers in 1967 and a major walkout by building maintenance workers in 1970.

In the teachers' strike, he enforced for the first time the Taylor Law's prohibition against strikes by public employees, imposing a \$250 fine and 15-day jail sentence on Albert J. Shanker, the President of the United Federation of Teachers, and fining the union \$150,000.

In his ruling, Justice Nuñez wrote: “The defendant union, powerful though it may be, is nevertheless insufficiently powerful to disdain with impunity the law and the court. Ironic indeed is the fact that this basic lesson in elementary civics must be taught anew to, of all pupils, the very persons to whom we daily entrust our offspring for training and development as the leaders of tomorrow.”

Justice Nuñez concluded his lecture to the teachers with a stern rebuke: “Law means nothing unless it means the same law for all. This strike against the public was a rebellion against the government; if permitted to succeed, it could eventually destroy government with resultant anarchy and chaos.”

After retiring from the bench in March 1977, he returned to private practice as Senior Counsel to Sullivan & Liapakis, a large personal-injury firm in Manhattan. He continued in this capacity up until his death in July 1995.

One of the partners of that firm, Pamela Liapakis, told *Newsday* at the time of Justice Nuñez's death, “I think he was one of the most extraordinary human beings ever to live... He was brilliant, and in every decision he wrote as a judge, it was apparent that he cared deeply about people.” 

“Law means nothing unless it means the same law for all.”





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