

6-1985

1985 Commencement Program

New York Law School

NEW YORK LAW SCHOOL

Ninety-Third Commencement Exercises

June 9, 1985



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Edward Hayum
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Patricia Oveis Kahn
Suzanne Jamie Levitt
Carol Jameson Mann

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Prelude and Fugue in B Minor

Johann Sebastian Bach

Mary Monroe
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Pomp and Circumstance No. 1, op. 39

Sir Edward Elgar

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Kathleen Mahan
Soprano

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Alex Holton, Robert Lang, Robert Summers, John Trujillo
Trumpet

Fanfare

Gregorio Turini

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FLOURISH OF TRUMPETS

Givotte

William Boyce

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Presentation of Candidates by Dean
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Conferring of Degrees by
Dr. John V. Thornton

FLOURISH OF TRUMPETS

Processional Fanfare

Gregorio Turini

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Temple Beth-Torah

RECESSIONAL*
Psalm XIX

Benedetto Marcello

**The audience is requested to remain seated during the Processional and Recessional.*

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**CANDIDATE FOR THE DEGREE OF MASTER OF LAWS
JUNE 9, 1985**

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MARIO M. CUOMO

Mario M. Cuomo, 52nd Governor of the State of New York, tends to talk a great deal about his parents. And well he should. For the values he projects in his political vision of "the family of New York," expressed so eloquently in his January, 1983 inaugural address, are quite literally the values of family. In his book, *The Diaries of Mario M. Cuomo*, Mr. Cuomo has written that the lessons his Italian immigrant parents taught him had little to do with opera or Roman sculpture, but rather centered on the values of self-sacrifice and cooperation and compassion, the dignity of hard work, the preeminent importance of family and community ties to society as a whole. "What they gave me is what they gave our society," Mr. Cuomo writes, and "these beautiful lessons they taught so well I believe were a lot more permanent and more valuable."

Born on June 15, 1932, Mario Matthew Cuomo was the most studious of Immaculata and Andrea Cuomo's four children. Throughout his youth in South Jamaica, Queens, he worked in the family's small grocery store, which was open twenty-four hours a day, seven days a week. He attended Queens public schools and St. John's Prep, then graduated *summa cum laude* from St. John's University in 1953. A gifted college athlete, Mr. Cuomo considered a career as a professional baseball player and, in fact, played with the Pittsburgh Pirates farm team, but an injury cut short his career.

After graduating St. John's School of Law in 1956, he became confidential legal assistant to Judge Adrian Burke of the New York State Court of Appeals. Two years later he entered private practice and simultaneously taught at St. John's Law School as an adjunct professor, a position he held for 17 years. At the same time he served as chairman of the St. John's University Alumni Federation.

Mr. Cuomo first attracted public attention in 1972, when at the request of Mayor John Lindsay he arbitrated a bitter controversy over low income housing in Forest Hills. He had earlier settled a similar crisis in the Corona section of Queens. Mr. Cuomo's settlement in Forest Hills exacted compromises from both sides that preserved low-income housing in a middle-class neighborhood. His later much-acclaimed book, *Forest Hills Diary: The Crisis of Low-Income Housing*, published by Random House in 1974, contains his reflections on both the political and human implications of the dispute.

The ground swell of political support following the success in Forest Hills led to his appointment in January, 1975 as Secretary of State to Governor Hugh Carey. Taking on broad responsibilities in that position, he acted as a roving negotiator in statewide crises, settled the Co-op City rent strike controversy, was responsible for the first revision in more than seventy years of the state's lobbying laws, and convened the first statewide arson conference. Mr. Cuomo acted as a factfinder in the nursing home controversy, and his subsequent report led to the creation of the Moreland Act Commission and a Special Nursing Home Prosecutor.

In 1978 Mr. Cuomo was elected Lieutenant Governor. In his new position Mr. Cuomo added to the normal duties of the office responsibilities as chairman of the State's Urban and Rural Affairs Cabinets as well as leadership of the State Advisory Council on the Disabled. He also took on a new responsibility as the state's first Ombudsman and helped thousands of New Yorkers with grievances against the state through the maze of state agencies and regulations.

Mr. Cuomo formally declared his candidacy for the Democratic nomination for Governor in March of 1982. He waged a brilliant come-from-behind primary race to defeat New York City Mayor Ed Koch in September, 1982 and went on to defeat conservative Republican Lewis Lehrman in the general election, despite his being outspent by Lehrman three to one.

Since assuming office, Governor Cuomo has initiated programs that have resulted in the creation of private sector jobs and a stronger economy, reforms of the criminal justice system, improved state budget practices, an easing of the burden on counties through state assumption of the local share of many Medicaid costs, and a multimillion dollar program to provide permanent shelter for the homeless.

Eight days after taking office, he directed negotiations that resulted in the resolution of the tense, fifty-three hour Ossining prison takeover without bloodshed. He nominated the first woman to serve on the state's highest court and the first member of a minority to serve a full term on that court, the Court of Appeals. He vigorously - and successfully - campaigned for the multibillion dollar "Rebuild New York" bond issue which is repairing the state's transportation network and creating jobs.

By any standard, the vitality of New York State's economy under Mr. Cuomo is the sign of a highly successful administration. His most recent budget, approved this past April, combines tax cuts with increases in spending for vital social services, including increased aid to public schools, welfare recipients and localities. His \$50 million, three-year program to build housing for the homeless - Governor Cuomo is chairman of the National Governors' Association Task Force on the Homeless - is larger than the federal government's homeless program.

Mr. Cuomo's fiscal accomplishments prove that it is possible for government to be both progressive and pragmatic. But they also vindicate the set of assumptions with which the Governor began his administration. As he said in his inaugural address, "a technically balanced budget that fails to meet the reasonable needs of the middle class and the poor would be to us the emblem of hypocrisy." To the same extent that Governor Cuomo rejects the concept of government as simple accountancy, he is dismayed by the politics of slogans, bumper stickers and quick statements on television. He has, more than any political figure in recent memory, made a sustained personal effort to reach people through lengthy radio and television shows and through personal appearances at town meetings throughout the state. His ringing, straight-forward eloquence has attracted national attention, first for his inspirational keynote speech at the 1984 Democratic National Convention and subsequently for his thoughtful address at Notre Dame University on "Religious Belief and Public Morality" given from his perspective as a Catholic Governor.

Governor Mario M. Cuomo, in admiration of and appreciation for your concern with the well-being of all New York's citizens, for your contribution to the present and future life of New York State, for your use of the law as an instrument for change, and for your personal example as a moral leader, the Board of Trustees of New York Law School is deeply honored to confer upon you the degree of doctor of laws, *honoris causa*, with all the rights, privileges and honors thereunto appertaining.

BILL MOYERS

Bill Moyers, often compared to Edward R. Murrow in terms of the scope of his influence on broadcast journalism, believes that television is "for people who care about the life of the mind and the life of the country and want to do something about it."

In bridging "the life of the mind and the life of the country," Mr. Moyers has not only educated millions of Americans about the realities underlying their culture, but has performed a function that is the lifeblood of a democratic society: expanding people's awareness of their world that they might participate more creatively in it. "I'm a Jeffersonian," Mr. Moyers has said, "in that I believe if people know enough they will make better judgements. Everything I do is political in that its main purpose is to enlarge the viewer's sense of the world"

A direct line of development runs from Mr. Moyers' current position as senior news analyst and commentator for the CBS Evening News to the spring of his sophomore year at North Texas State College, where he was majoring in Journalism. Mr. Moyers wrote to then U.S. Senator Lyndon B. Johnson offering to help with the Senator's reelection campaign. Mr. Moyers spent the summer in Washington as a staff aide and subsequently transferred his studies to the University of Texas at Austin, where he worked at KTBC, a television station owned by Mrs. Johnson.

After graduation in 1956, Mr. Moyers left public affairs to study ecclesiastical history at the University of Edinburgh, Scotland, on a Rotary International Fellowship. Subsequently, he earned a divinity degree, with honors, from Southwestern Baptist Theological Seminary.

Mr. Moyers returned to politics in 1960 when Lyndon Johnson, then seeking the Democratic presidential nomination, asked his former aide to rejoin his Washington staff. Mr. Moyers remained as Johnson's special assistant through LBJ's eventual inauguration as Vice President in 1961. Mr. Moyers then resigned, over Johnson's protests, to work as Associate Director for Public Affairs of the Peace Corps. He was named Deputy Director of the Peace Corps in 1962 by President John F. Kennedy.

After the President's assassination in 1963, Mr. Moyers returned to the White House to become a key member of the Johnson Administration. Acting first as one of the President's chief advisors on domestic affairs, he was appointed the President's press secretary in 1965. At a time of escalating tension between the White House and the media, Mr. Moyers' candor earned him the enduring respect of the Washington press corps.

In 1966, again over the President's strenuous objections, Mr. Moyers resigned his post to become the publisher of *Newsday*, the Long Island daily newspaper. During his tenure at *Newsday*, the paper was substantially upgraded and received thirty-three major journalism awards, including two Pulitzer prizes. Mr. Moyers resigned in May, 1970 when Harry F. Guggenheim, *Newsday's* controlling owner, announced the sale of the paper to the Times-Mirror Company.

That summer, like the summer of his sophomore year, was to be a watershed for his later work. Armed with a notebook and a tape recorder, Mr. Moyers set out on a 13,000 mile odyssey through America "to hear the people speak for themselves," as he wrote in the preface to *Listening To America*, the best-selling book that emerged from those travels. In 1971, Mr. Moyers began to produce an unprecedented number of critically acclaimed public affairs programs, such as *Bill Moyers' Journal* and *Creativity*, on subjects as diverse as the American reality he had experienced. All of his subjects are indeed "political," but never doctrinal; all have a deeply moral message, but without a trace of moralism.

Thus it is not surprising to find that Mr. Moyers has received virtually every award the broadcast industry has to offer, including ten Emmy Awards, two George Foster Peabody Awards and the George Polk Award for political reporting. His public television series, *A Walk Through the Twentieth Century with Bill Moyers*, was named the outstanding informational series of 1984 by the Academy of Television Arts and Sciences. His public television series on creativity received the same award in 1981.

In addition to his other achievements, Mr. Moyers has been a trustee of the Rockefeller Foundation, a director of the Council on Foreign Relations, a member of the Board of Visitors of the John F. Kennedy School of Government at Harvard University, a director of Harte-Hanks Newspapers and a consultant for Cox Communications.

Bill Moyers, for your profound contributions to broadcast journalism, for your efforts in raising the awareness of the nation, for your struggle to direct the medium of television toward educational goals, the Board of Trustees of New York Law School is pleased and proud to confer upon you the degree of doctor of laws, *honoris causa*, with all the rights, privileges and honors thereunto appertaining.

ELLEN ASH PETERS

When Ellen Ash Peters was named Chief Justice of Connecticut's Supreme Court in 1984, Harry Wellington, Dean of the Yale Law School and John Marshall Harlan Visiting Professor at New York Law School for the 1985-1986 academic year, offered a concise description of her judicial bearing: "She is a person not captured by ideologies at all." Her respect for the stability of the law, according to Dean Wellington, is well balanced by her sensitivity to the need for the law to deal with changing times.

Justice Peters graduated Phi Beta Kappa from Swarthmore College in 1951 and subsequently attended Yale Law School, where she graduated *cum laude* in 1954. After serving as a law clerk to U.S. Circuit Court Judge Charles E. Clark for a year, and teaching law for another year at the University of California's Berkeley campus, she returned to Yale in 1956 as an assistant professor. She was appointed full professor in 1964 - the first woman to hold a tenured position at Yale Law School - and held the prestigious position of Southmayd Professor of Law there from 1975 to 1978. In 1978, the late Governor Ella Grasso named Justice Peters to the Connecticut Supreme Court, the first woman to hold that position since the Court was founded in 1711.

Among numerous awards and honors, Justice Peters received the first Ella Grasso Distinguished Service Medal in 1982 and the Yale Law School Distinguished Service Medal in 1983. Her professional activities include service on the Connecticut Judiciary Executive Committee and the Connecticut State-Federal Judicial Council, both since 1981, and service on the Connecticut Law Revision Commission between 1978 and 1984.

The balance between legal theory and reality has been a major concern in Justice Peters' literature. In several important articles - "Grant Gilmore and the Illusion of Certainty," (*Yale Law Journal*, 1982) and "Reality and the Language of the Law," (*Yale Law Journal*, 1981) - she probes the point of confluence between the formal, abstract structures of the law and the often undisciplined realities it is intended to regulate. After recounting Professor Gilmore's pedagogical premise that "certainty" is an illusion and that the object of legal education is the generation of further dialogue rather than a set of static, accomplished facts, she characterizes Gilmore's enduring message as follows: "... abandonment of the illusion of certainty did not signal nihilism, or anarchy, or anti-intellectualism. On the contrary, we learned . . . that the only legal certainty is the certainty of legal change." Similarly, in "Reality and the Language of the Law," she observes that because differing nomenclatures can change our perception of the same set of legal issues, "we can hope at most to find ways to illuminate reality, to search for recognizable patterns," which "by teaching us what is relevant . . . instruct us in what to overlook." She continues,

The great contribution of the law and schools is to educate us to different patterns of exclusion and inclusion. Each prism refracts . . . a different ray of light. Each, however, captures only a small fraction of reality. The effort to fuse the various refractions into a workable beacon is a challenge that is yet unmet.

In assuming her responsibilities as Connecticut's highest judicial officer, Justice Peters acknowledged the problem of the Court's growing caseload was indeed a serious one, but also expressed a sense of optimism about the Court's potential for charting new directions in the development of law and legal theory.

"We have to simultaneously move cases and move them fairly," she said in an interview after assuming the bench. "All of us, I think, have to be aware of the fact that those two goals are essential and are sometimes in conflict. When they come into conflict, the more important goal is to move cases fairly." "The role of the Supreme Court," she continued, "has to be to keep the law abreast of the needs of this century . . . and to keep our case law abreast of developments the legislature is concerned with."

Justice Ellen Ash Peters, distinguished legal scholar and esteemed jurist, in recognition of your invaluable contributions to the study of commercial law and to the administration of justice, the Board of Trustees of New York Law School is pleased and honored to confer upon you the degree of doctor of laws, *honoris causa*, with all the rights, privileges and honors thereunto appertaining.

DONNA E. SHALALA

In 1980 Donna E. Shalala became the tenth President of Hunter College of The City University of New York. In an uncannily precise way, the presidency of Hunter encapsulates the widely variegated interests and accomplishments of her career: a deep commitment to educational excellence, a long-standing involvement with the women's movement, an illustrious academic career in several of New York's major educational institutions, administrative responsibilities in both city and federal government, and a love of this, her adopted city.

A native of Cleveland, Dr. Shalala graduated from Western College for Women in Oxford, Ohio in 1962. After serving two years in the Peace Corps, she entered Syracuse University's Maxwell School of Citizenship and Public Affairs where she completed her doctoral work in urban planning in 1970.

During the next several years her academic career flourished in New York, first as an assistant professor at City University's Bernard M. Baruch College and subsequently as tenured professor and chairwoman of the graduate program in politics and education at Teachers College of Columbia University. Her publications, which number more than 40, include articles, monographs and books in the fields of urban affairs and the political economy of schools. Dr. Shalala's expertise in municipal finance was firmly established in 1971 with the publication of "New York City - Statehood: An Idea Whose Time Has Passed," a report written for the Citizens Union. Her other publications include *The City and the Constitution*, the definitive study of the 1967 New York State Convention, and *The Property Tax and the Voters*, a pioneering analysis of state finance referenda.

In 1975 Dr. Shalala received widespread recognition for her work as a director and treasurer of the Municipal Assistance Corporation, the agency convened to help solve New York City's financial crisis. In 1977 she became one of the leading women in the Carter Administration where she served as Assistant Secretary for Policy Development and Research of the United States Department of Housing and Urban Development. During her three-year tenure at HUD, she initiated a national mortgage credit program for women together with an extensive study of the problems of women in urban environments. Concurrently, she was instrumental in founding the Washington Women's Network, one of the most prestigious and influential women's movement organizations in the country.

As an extraordinarily creative member of New York's academic and business communities, Dr. Shalala has dedicated her energies to the linking of academic achievement with the substantive needs of the community surrounding the university. "A public college has to have a commitment to excellence in scholarship, but it also has a very special relationship to other public institutions," she said in an interview shortly after assuming the presidency of Hunter. For Dr. Shalala, academic excellence is not a goal in itself, but rather the medium through which the university fulfills "its mission of improving the quality of city life."

Dr. Shalala is the recipient of numerous awards and honors, including the Young Scholar Award of the American Association of University Women (1976) and election to the National Academy of Public Administration (1975). During those same years she was a John Simon Guggenheim Fellow. She is a Governor of the American Stock Exchange, Vice President of the American Political Science Association, Trustee of the Committee for Economic Development, Charles F. Kettering Foundation, and a Director of the Institute for International Economics, the Children's Defense Fund and the American Arbitration Association. In addition, Dr. Shalala is a member of the Governor of New York's Council on Fiscal and Economic Priorities and is president of the Women's Forum, a group whose membership includes many of the nation's highest women achievers.

Dr. Donna Edna Shalala, in recognition of your outstanding academic accomplishments, your commitment to educational excellence and vocational opportunity for women, and your dedicated efforts on behalf of New York City, the Board of Trustees of New York Law School is pleased and proud to confer upon you the degree of doctor of laws, *honoris causa*, with all the rights, privileges and honors thereunto appertaining.

ROBERT B. McKAY

Conferred April 17, 1985

Robert B. McKay was born in Wichita, Kansas, in 1919 and is a graduate of the University of Kansas and the Yale Law School. The timely conclusion of his legal education was interrupted by World War II and military service in which he rose to the rank of captain (1941-46).

His public service continued after the war when he served on the legal staff at the Department of Justice (1947-50), after which he moved to academia at Emory University (1950-53), and later at New York University. During a career begun at New York University in 1953, he rose to the rank of professor of law, which he currently holds, and served the Law School and the University as Dean of the Law School from 1967 to 1975, a period of significant growth and productivity at that prestigious institution. Concurrently, he continued his scholarly pursuits with the writing of numerous monographs, articles and reviews, as well as through his involvement with the Aspen Institute for Humanistic Studies and the Institute for Judicial Administration.

At the same time that he was involved in this extraordinary academic career, he served New York City as Chairman of the Mayor's Rent Control Committee, Chairman of the Board of Correction, Chairman of the Citizens Union, and President of the Legal Aid Society of New York City. His public service to the State of New York included the Chairmanship of the Special Commission on Attica and that of the Attorney General's Advisory Committee on Ethics. At the bar, he rose from numerous committee chairmanships to the presidency of the Association of the Bar of the City of New York, a position he currently honors. At all times he has been known for his humanitarian qualities, his strong understanding of social problems and his extraordinary erudition.

In recognition of a career vital and productive, Robert B. McKay has been honored by seven universities and many associations. New York Law School hereby joins these ranks with the conferral of the degree of Doctor of Laws, *honoris causa*, on Robert B. McKay.

