

2003

In Brief, Fall/Winter 2003

New York Law School

A portrait of Roger J. Miner, a man with short grey hair, wearing a dark blue judicial robe over a white shirt and a red tie. He is seated and holding a book with a red spine and gold edges. The background is a dark, textured wall with a vertical decorative element on the left side.

NEW YORK IN BRIEF
LAW SCHOOL

FALL | WINTER 2003

ROGER J. MINER '56

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

NEW YORK IN BRIEF LAW SCHOOL

FALL | WINTER 2003

DEAN AND PRESIDENT

Richard A. Matasar

EDITOR IN CHIEF AND CREATIVE DIRECTOR

Altagracia Diloné Levat
Associate Dean for Public Affairs

MANAGING EDITOR

Edith Sachs
Director of Publications

ASSISTANT EDITOR

Jim Hellegaard
Director of Communications

CONTRIBUTING WRITERS

Jim Hellegaard, Amelia Jonakait, Diano Leo,
Jane Linker, Michael Roffer '83, Edith Sachs,
Denise Tong

PROOFREADERS

Rand Blunk, Amelia Jonakait, Shanell Stoves,
Edward F. Westfield Jr. '01

DESIGN

Arzu Inal

DESIGN AND PRODUCTION ASSISTANTS

Sue Berch, Jeanine Colgan, Amelia Jonakait

PHOTOGRAPHY

John Halpern, Jim Hellegaard, Rick Kopstein,
Jack McCoy, PhotoBureau, Inc., Judy Rolfe,
Lauren Ronick, Edith Sachs, Thornton Studios,
comstock.com, corbis.com

New York Law School In Brief is published twice a year, in the fall and spring semesters, by the Office of Public Affairs of New York Law School.

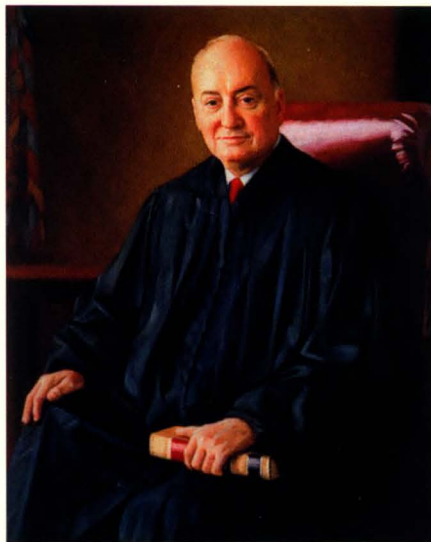
Editorial contributions as well as submissions of copy and photos to Class Notes are welcome. This publication accepts no responsibility for unsolicited manuscripts or photographs. All submissions are subject to editing and are used at the editor's discretion. Opinions expressed in this publication do not necessarily reflect official Law School policy.

IN BRIEF

E: inbrief@nyls.edu
T: 212.431.2325
F: 212.406.0103
www.nyls.edu

POSTMASTER

Send address changes to:
New York Law School
Office of Public Affairs
57 Worth Street
New York, NY 10013
Nonprofit Org. US Postage Paid
New York, NY



ON THE COVER: *Portrait of Hon. Roger J. Miner '56*
by William Benson, Portraits, Inc.

IN THIS ISSUE



5

3 A Message from Dean Richard A. Matasar



15

15 A Remarkable Half Century

By Arthur S. Leonard



18

18 Teaching the Art of Legal Persuasion

24 Alumni at Stroock & Stroock & Lavan LLP

71 Wrestling with Jefferson

By Richard B. Bernstein



24

117 Nailing an Expert, Feeling That 'Rush'

A Profile of Errol B. Taylor '87

159 A Friend *Indeed*: Sybil Shainwald '76



71

30 News Briefs

36 News of the Centers and Institutes

50 Faculty News and Profiles

70 In Print

84 Student News and Profiles

94 Commencement 2003



117

105 Alumni News and Profiles



159

139 Class Notes

156 In Memoriam

New York Law School Graduates: A Legacy of Achievement

FOUNDERS OF MAJOR LAW FIRMS

Alfred L. Rose '10

Proskauer, Rose, Goetz & Mendelsohn

Randolph E. Paul '13

Paul, Weiss, Rifkind, Wharton & Garrison

INNOVATORS IN INDUSTRY

Chester Carlson '39

Invented xerography photocopy process

Maurice Greenberg '50

Chairman and CEO

American International Group

Bernard H. Mendik '58

New York City Real Estate Developer

FEDERAL JUDGES

Hon. John Marshall Harlan '24

United States Supreme Court

Hon. Roger J. Miner '56

*United States Court of Appeals
for the Second Circuit*

ELECTED OFFICIALS

U.S. Senator Rober F. Wagner, Class of 1900

Author of National Labor Relations Act

PULITZER PRIZE WINNERS

Wallace Stevens, Class of 1903

Poet

Elmer Rice '12

Playwright

A Message from the Dean

Continuity and Change; Vibrant to the the Core

By Richard A. Matasar

Photo: John Halpern



TO MOST GRADUATES, LAW SCHOOL IS FROZEN IN TIME—A REFLECTION OF THE SCHOOL

they experienced for three or four years, the faculty who taught them, and the legal profession they prepared to enter. Law school trustees, faculty members, staff, and administrators see a different institution—one that spans their time at the school and reflects adherence to core values while simultaneously embracing change to keep pace with an evolving profession. Only a historian who is also a fortuneteller could see the whole—from creation, to a future yet to unfold.

No one at New York Law School combines the talents of the historian and the clairvoyant, but sometimes it is left to the dean to tell a story about tradition, evolution, and prognostication. This issue of *In Brief* gives me the chance to bring the past, the present, and the future together, for today, 112 years from the founding of New York Law School, is no more than a stop on the way to our school's next century.

Every school has a genesis story; ours is powerful and continues to influence us today. New York Law School was founded with a commitment to get legal education right, to refuse to follow the crowd in conventional thinking, and to build from strength. At the same time, we believed then *and* now in providing opportunity, in seeking students and faculty committed to studying law together, and in serving our profession. Throughout our history we have produced unconventional graduates who have made their mark as leaders of some of the country's top law firms, among them Randolph E. Paul '13 and Alfred Rose '10; innovators in business and finance, such as Chester Carlson '39, Bernie Mendik '58, and Hank Greenberg '50; wise jurists unafraid to stake out unpopular positions, such as John Marshall Harlan '24 and Roger J. Miner '56; elected officials who made significant contributions to social policy, such as Robert F. Wagner 1900; and Pulitzer Prize winners, such as the poet Wallace Stevens 1903 and the playwright Elmer Rice '12.

As demonstrated by the many profiles of our alumni in this issue of *In Brief*, the current generation of graduates carries on this tradition of service, excellence, and fearlessness. It is gratifying to read in our cover story about the inheritance of values and commitment to the law handed down from Miner to Miner. In the Alumni News section, we read about numerous graduates who are serving the profession with distinction, among them Errol Taylor '87 and Denise Dunleavy '77, whose expert litigation skills earned them "Top Litigator" recognition from the *National Law Journal*, and Donna Newman '86 and Andrew Patel '81 who are engaged in groundbreaking constitutional law litigation in the José Padilla case. As this issue was going to press, we learned that David Kelley '86 was named acting United States Attorney for the Southern District of New York.

We could stop here, count our blessings, sing a loud song of joy for the law school, and rest again on our history. Doing so would ignore another potent message about New York Law School: We remain true to our founding but embrace real change because the world in which our graduates will practice is constantly evolving. Therefore, this issue of *In Brief* also celebrates important innovations at the law school—like our visual persuasion curriculum, the evolving scholarship of our faculty, and the extraordinary achievements of our Centers and Institutes. While we cannot see the future, it is clear that it will push us to make whatever changes are necessary to remain vibrant.

New York Law School: Embracing continuity and change; past, present, and future; vibrant to the core.



LAW SCHOOL HONORS

JUDGE Roger J. Miner '56

By Jim Hellegaard and Michael Roffer '83

Photos by Rick Kopstein

NEW YORK LAW SCHOOL CELEBRATED THE CAREER OF ONE OF ITS MOST ILLUSTRIOUS ALUMNI ON OCTOBER 1, 2003, WHEN IT HOSTED A GALA DINNER AT THE LAW SCHOOL IN HONOR OF JUDGE ROGER J. MINER '56, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. THE EVENT INCLUDED THE UNVEILING OF A PORTRAIT OF JUDGE MINER IN THE ERNST STIEFEL READING ROOM, AND THE SCHOOL'S FORMAL ACCEPTANCE OF THE DONATION OF HIS PAPERS.

DEAN RICHARD A. MATASAR, NOTING JUDGE MINER'S MYRIAD ACCOMPLISHMENTS, THANKED HIM FOR HIS DEDICATED SERVICE TO THE LAW AND THE LEGAL PROFESSION:

"JUDGE MINER HAS CALLED UPON THE MEMBERS OF OUR PROFESSION TO FEEL OBLIGED TO DO MORE THAN JUST SERVE—TO CONSTRUCTIVELY CRITICIZE THE LEGAL SYSTEM AND TO SEE THAT IT IS CONTINUOUSLY IN A STATE OF IMPROVEMENT."

Opposite page, left to right: Dean Matasar and Judge Miner.

JUDGE MINER, WHOSE DISTINGUISHED CAREER EARNED HIM mentions as a possible nominee for the U.S. Supreme Court, graduated *cum laude* from New York Law School, where he was managing editor of the *Law Review*. He was admitted to practice in New York and in the United States Court of Military Appeals. Serving on active military duty from 1956 to 1959, Judge Miner was awarded the Commendation Ribbon with Medal Pendant for his work on the revision of the *Manual for Courts-Martial*. Judge Miner later served with the Army Reserve and was discharged in 1964 with the rank of captain in the Judge Advocate General's Corps.

Several years prior to his discharge, Judge Miner joined his father, Abram Miner '26, in private practice in Hudson, New York. Within a few years, he was named corporation counsel for the City of Hudson and later served as the assistant district attorney for Columbia County. From 1968 to 1975, he was the Columbia County district attorney.

In 1976, Judge Miner was elected a Supreme Court Justice for New York's Third Judicial District. President Ronald Reagan appointed him to the United States District Court for the Northern District of New York in 1981 and to the United States Court of Appeals for the Second Circuit in 1985. Judge Miner assumed senior status in the Second Circuit in 1997.

A prodigious writer, Judge Miner has authored more than 600 published opinions. He has sat on Second Circuit panels in almost 1,900 matters. Apart from his work on the bench, Judge Miner has taught at New York Law School and Albany Law School, has published more than 30 articles in law reviews, law journals and other legal periodicals, and has been the recipient of many professional and civic awards.

Arthur N. Abbey '59, chairman of New York Law School's Board of Trustees, officiated at the unveiling of the portrait of Judge Miner, which was underwritten by 31 of the judge's former law clerks. Two of those former clerks, Daniel W. Isaacs '91 and New York Law School Government Resources and Reference Librarian Michael H. Roffer '83, shared their accounts of working with Judge Miner.

Isaacs recalled his days as a clerk for Judge Miner with a joke: "I thought about something that you have always said to me throughout the years: That although I am a man of many talents, the law is not one of them." Referring to Judge Miner's donation of his papers, Isaacs concluded: "I respectfully submit that Your Honor's legacy is not found just in the papers and memorabilia that you have generously donated this evening, but can be found in the generations of lawyers to whom you have imparted your love for the law in pursuit of justice."

Roffer spoke to the assembled guests on the broad impact of Judge Miner's decisions over his many years on the bench. He said a major theme of Judge Miner's work is responsibility: "Do what you're supposed to do, ask what you should ask, say what you should say."

"The judge loves to tell the story of the jury foreperson called upon to deliver a verdict of guilt or innocence in a criminal case who reports: 'Your Honor, we have decided that we don't want to get involved,'" Roffer said. "For Judge Miner, not getting involved is simply not an option."

The essence of Judge Miner's decisions, he said, "can be distilled to certain elemental concepts—concepts like fairness and equity, dignity and respect, and something as simple as right and wrong. His decisions elucidate some of the most fundamental—and troublesome—areas of human existence: from questions about government involvement in religion to, quite literally, questions of life and death."

"In one of his more well-known decisions," Roffer continued, "the judge struck down as unconstitutional New York's statutory



Judge Miner and his law clerks.



Left to right : Susan Lerner Roffer, Michael Roffer '83, Judge Miner.



Top row, left to right: Ralph Carmichael '88, Robin Miner, Mark Miner, Larry Miner, Dorothy McMillan, Ronald Carmichael. Bottom row: Jackie Miner, Judge Miner.

“I would not want the message to be, ‘Look, here is a picture of a graduate who made it to the United States Court of Appeals and made the short list for the U.S. Supreme Court.’ Rather, the message must be that all careers in the legal profession are open to you students here and your education at this school is an important first step.”

—Judge Miner at the unveiling of his portrait

prohibition against physician-assisted suicide.” (The U.S. Supreme Court ultimately reversed that decision.)

Many of the judge’s decisions have been the subject of headlines and editorials, Roffer said, making special note of a 1984 editorial in *The New York Times*, which applauded what it referred to as “Judge Miner’s welcome rebuke of [right-to-life attorney A. Lawrence Washburn]” after Judge Miner imposed sanctions on Washburn in the controversial case involving Baby Jane Doe.

At about that time, Judge Miner began to be mentioned in the media as being on the short list for the U.S. Supreme Court. A 1989 Associated Press article reported that in a survey before the 1988 presidential election, 40 court observers named Judge Miner one of 10 likely Supreme Court choices by President George H.W. Bush.

Professor and Dean Emeritus James F. Simon presided over the dedication of Judge Miner’s papers. Calling Judge Miner a “dear friend and mentor,” Simon discussed some of the important cases the judge has been involved with. “If you look at Judge Miner’s opinions, you see, I think, all of the attributes of a great judge,” Simon said. “You see his courage, the clarity of his thought, his wit, his wisdom.”

As the reception drew to a close, Dean Matasar turned the podium over to Judge Miner for what he called a chance for “rebuttal.” Recalling his long relationship with New York Law School, Judge Miner said that his first knowledge of the school came from a gold key his mother wore with the Law School’s seal on one side and his father’s initials on the other. His father, Abram, a Polish immigrant, had given the key to his mother as an engagement gift in lieu of a ring, which he was unable to afford at the time. Three decades later, when Judge Miner came to the Law School, he knew he was in the right place, he said, “from the time he walked in the door.” The family tradition continued as his stepson, Ralph Carmichael, graduated from the Law School in 1988.

Judge Miner urged his fellow alumni to take pride in the school and support it in any way they can. He said he hoped that his portrait in the Reading Room would serve to remind students of the quality of their legal education and their potential for achievement as graduates of the Law School.

He concluded, “From my point of view, may this portrait be dedicated to a single proposition: That all things are open to all who enter here.” ■



Left to right: Arthur Bernstein '56, Anita Bernstein, Judge Miner.



Left to right: Judge Miner, Jackie Miner, Suzanne Mados.



Left to right: Gabriel Seymour, Judge Miner, Virginia Allan.



Left to right: Judge Miner, Harry Gruber, Virginia Allan.



Left to right: Professor Nadine Strossen, Dean Matasar, Judge Miner.



Left to right: Professor Lawrence M. Grosberg, Adjunct Professor Craig A. Landy, Gabriel Seymour.



Left to right: Ralph Carmichael '88, Mark Miner, Judge Miner, Larry Miner, and Ronald Carmichael.



Left to right: Judge Miner and Board of Trustees Chairman Arthur N. Abbey '59.



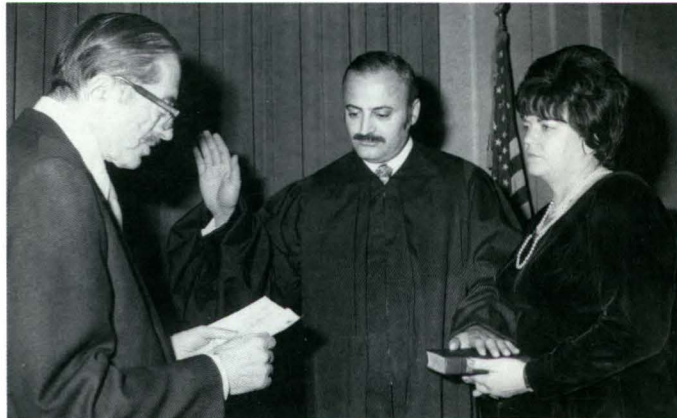
Left to right: Judge Miner and Ellen Bierman.

THE ARCHIVAL COLLECTION OF JUDGE ROGER J. MINER

The Archival Collection of Judge Roger J. Miner was established as a research collection relating to Judge Miner's career for the use and benefit of the students and faculty of New York Law School, other legal scholars, historians, political scientists, journalists, and researchers of all disciplines. It is a compilation of materials associated principally with Judge Miner's tenure as a United States District Judge for the Northern District of New York between 1981 and 1985.

There are additional materials (including videotapes, copies of speeches, and presentations) dating from 1985 to 1993 that are associated with Judge Miner's tenure as a United States Circuit Judge for the United States Court of Appeals for the Second Circuit. Most of Judge Miner's additional papers and records, including those related to his tenure as a United States Circuit Judge, beginning in 1985, will be transferred to New York Law School after Judge Miner's death. The archive will eventually provide scholars and others researching Judge Miner or his works, or the jurisprudence of the Second Circuit, with access to an unparalleled collection of unique material.

A large component of the collection consists of Judge Miner's files covering the sentencing phases of 309 criminal proceedings in the Northern District of New York between October 1981 and September 1985. These files contain, among other items, pre-sentence reports, briefs, exhibits, recommendations, hundreds of pieces of original correspondence, and Judge Miner's sentencing and related notes. The collection also contains original copies of 449 of Judge Miner's District Court decisions issued between October 30, 1981, and August 1, 1985. The decisions span a wide range of subject matter, including antitrust, bankruptcy, civil rights, criminal law, discovery, employment discrimination, habeas corpus, jurisdiction, labor law, patents, securities, social security, tax, and trademark law. Also in the collection are the stenographic minutes for the United States District Court for the Northern District of New York, which provide a day-to-day journal of court sessions presided over by Judge Miner, and Daily Record Books containing Judge Miner's personal, contemporaneous notes and observations for cases tried before him.



Abram Miner '26 administers the oath of office to his son, Judge Roger J. Miner '56, Justice of the New York State Supreme Court while Judge Miner's wife Jackie holds the Bible (January 1976).



Abram Miner '26 administers the oath of office to his son, Judge Roger J. Miner '56, United States District Judge for the Northern District of New York while Judge Miner's wife Jackie holds the Bible (October 10, 1981).



Abram Miner '26 administers the oath of office to his son, Judge Roger J. Miner '56, United States Circuit Judge, United States Court of Appeals for the Second Circuit while Judge Miner's wife Jackie holds the Bible (September 14, 1985).

Photos on this page: Courtesy Miner Family

TEXT OF JUDGE MINER'S REMARKS

Thank you, Dean Matasar. I'm very grateful to the law clerks who have presented this portrait to the school, and I'm very grateful to the school for accepting it. The only thing that I can say about the artist is that he did the best he could.

I'm certainly glad to be here tonight. At my age I am glad to be anywhere. I enjoyed the remarks of the dean very much. He's quite a sparkplug, our new dean, and I've read some of the things he's written about the mission of New York Law School, and I'm happy to report that we're going to get back to the job of training lawyers here. And that's what the school has been dedicated to, and that's what we have to continue to do at New York Law School. I thank Arthur Abbey for his kind remarks; he's the chairman of the Board of Trustees. He's a distinguished attorney here in New York City, a philanthropist, and, of course, his firm is very active before my court, so it doesn't hurt to say a few nice things.

Jim Simon is a very distinguished scholar at New York Law School. We're fortunate to have him. He was the dean when I got my second degree from New York Law School, my honorary degree. The work that he's done is really outstanding. He comes out with a new book every couple of years. His most recent book was a very excellent work called *What Kind of Nation*, contrasting the styles and lives of Thomas Jefferson and his cousin, John Marshall. It was a very, very intriguing way that Jim wrote the book—in point/counterpoint. He's written many books over the years. I thought this was an especially good one. I started out to write a book review about it and, as a matter of fact, I still have my notes on it. I was otherwise occupied by the dissent that he mentioned, and so I cited his book in my dissent rather than writing a review of it. But I know that on one occasion, one of the justices of the Supreme Court gave out his book (one of his books) for Christmas presents. And that's how well-regarded he is in the academic field.

My two clerks who spoke tonight, I thank them very much. Dan Isaacs has always been a real sparkplug and always very close to the family. He came to me highly recommended by my wife, who met him at some Republican function. He was the president of the State Republican Club and she told me I ought to take a look at him. I was teaching here at the time and he was a student in my class on federal crimes, and he did a wonderful job in my class. I gave him an A and I said, "Gee, this is the kind of fellow I want for my chambers. He's a brilliant law student." And then I found out he blew off his other classes so he could get an A in my course. But he was a good law clerk, despite what he says. He's a very diligent fellow and he's somebody that you can always rely on.

Mike Roffer, of course, has been with me longer than anybody else. He was with me two years on the District Court, and one year on the Circuit. And I found him down here when I came and interviewed at New York Law School. A wonderful young lawyer, at the time. He's still fairly young, but it was a long time ago. He had a successful career at the bar, and just a couple years ago he started out in a different career. He got a Master of Library Science degree, and here he is back at New York Law School doing what he really loves, which is research, and he's so good at it. I'm very grateful to him.

I'm grateful to all the law clerks who came tonight from so many places. I consider them alumni, and Jackie and I consider them family, as well. We try to remain in close contact with all of them. There's a special relationship that develops between a judge and his clerks, and I'd like to think we've had that relationship. They've gone on to all kinds of jobs. They're partners and senior associates in major law firms. There's one who's a professor of law down south in a law school. A counsel to the governor of the State of New York, and he's here tonight. I'm grateful to see him. I have one fellow who's a member of the State Assembly. And these are wonderful people who served me well over the years and who I hope have learned a great deal. One of the former clerks that I forgot to mention is house counsel to the Miss Universe Contest. He's here tonight, too.

I take this opportunity to thank the members of my family for the love, support, and encouragement I have received from them throughout the years. Foremost among them is, of course, my wife, Jackie, to whom I literally owe my life as

well as my career. My life was saved through her adamant insistence on medical treatment following my cardiac arrest. When all said I was finished, she stood by day and night, monitoring the physicians who were treating me. I'm glad I wasn't one of those physicians. They will tell you today that most wives would have signed off at an early stage. She certainly must love me to work so hard at keeping me around, and I am still in love with her after many years of marriage. She has been, is, and as long as I live, will be, my everything.

Insofar as my career is concerned, Jackie has not merely been a supportive observer. Her political skills have guided me through my years of public service, starting with her management of my first campaign for district attorney. It was through her talent and knowledge that I was able to be nominated for the State Supreme Court in the Third Judicial District, which included Albany, although no judge had been elected from my small county in 50 years. It was through her talent and knowledge that I obtained the endorsement of a second party that made the margin of victory for me in that election. And it was her talent and knowledge of the workings of the national government that brought me to the attention of the senator who recommended my nomination to the District Court. And it was her talent and knowledge of the workings of the White House and its staff and her participation in those operations that brought me to the attention of those who zealously guarded the process by which President Reagan chose Circuit Court appointees. And so it was no surprise when President Reagan called to offer me the nomination that he asked how Jackie was doing. They say that a judge is a lawyer who knew a politician. I have had the pleasure of sleeping with one.

Our children have come from far and wide to be with us tonight. We're pretty happy about that. Our oldest, Larry, came all the way from his home in Santa Monica, California. He is the athlete in the family. We are very proud of Larry, who is a graduate of the College of Environmental Science at Syracuse. He has spent his professional career in California and the companies that have employed him have greatly benefited from his expertise in environmental regulation compliance. He also has his own environmental consulting business. Larry recently became the father of twins, Evan James and Josh Abraham, named after my father, about whom I shall speak later. His wife, Lisa, is at home in Santa Monica with the two little guys.

Number two is Ronald Carmichael, who is a naval architect and engineer, with a degree in ocean engineering from Florida Institute of Technology. Ronald has been a civilian engineer with the Department of the Navy for 18 years and now has the heavy responsibility of managing the torpedo launching and sonar dome technology for the Navy. The Navy just could not get along without him. His work has been especially important of late, since our Navy, as we all know, is stretched to its limits around the world, and Ronald has been very busy. He is also a world-class scuba diver and instructor and has even taught me how to dive. I don't dive anymore. He tried to teach his mother how to dive, but said that she couldn't keep her mouth shut long enough. Ron is here with his steady companion, Dory McMillan, and they live in Arlington, Virginia.

Number three son is Ralph Carmichael, New York Law School '88, who provided continuity in the family tradition after receiving B.A. and M.B.A. degrees from Michigan State. He was an outstanding student here, winner of most of those book awards that they give to outstanding first-year students in the various courses. He was a law review editor and easily landed a job at the oldest Wall Street firm—Cadwalader, Wickersham & Taft. Who said that New York Law School graduates can't make it on Wall Street? We founded most of these firms. At any rate, Ralph worked on corporate matters at the firm and thought he would like it better to be making the deals rather than handling the legal end. He landed a job at Bear Stearns and became a vice president there in short order. Then he courageously undertook a very daring and daunting project. He created his own banking house—Carmichael and Company. Such a project is about as easy as launching a new automobile manufacturing company. But Ralph did it, and after several years on Fifth Avenue, he moved his headquarters recently to Phoenix, Arizona. His wife, Rose, is at home in Phoenix, and they are the parents of two great kids, Clayton and Ciena.

Number four is son Mark. He is also a Michigan State graduate, having majored in public relations. Many say his personality is akin to mine. I don't know if that's a compliment to him or not. Anyway, he has been in the political end of the

public relations business since he graduated from college. He learned a great deal about politics from Jackie and about the law from his service as communications director for the attorney general of Virginia. When the attorney general ran for governor, Mark was the press spokesman for the campaign and ultimately became press secretary to the governor after his election. Presently, Mark lives in Austin, Texas, where his wife, Robin, hails from. He is now press secretary to the lieutenant governor of Texas, who presides over the Senate there. They have been having a lot of fun in Austin lately, according to press accounts of recent months. Mark and Robin, who is here, are the parents of granddaughter Sydney, who visited us this summer and stole my heart away. They are expecting a brother for Sydney in January.

I love all these children (and their children) very much and appreciate their support over the years. They too made some sacrifices for my career. I was not around as much as I should have been and regret it now. Maybe I can make it up with the grandchildren.

Finally, I make mention of my only sibling, brother Lance, who is here with his wife, Maryellen, and son Aaron. They too have always been most supportive and I want them to know of my love, affection, and respect for them. Lance and Maryellen now constitute the law firm of Miner & Miner in Hudson, successors to Miner & Miner, my father and me.

As is typical for one who is approaching the milestone marked three score and 10, I find my thoughts turning more and more to the past, to the people, places, and things that live in memory. My reminiscences are of the people I have loved and who have loved me, of old friendships, of personal and professional successes and failures, of wonderful people I have met along the way and, of course, of a life in the law. That part of my life has been connected intimately with New York Law School, a connection that began in early childhood.

My first knowledge of the school came through my inquiry of my mother, when I asked her about the significance of the gold key that I hold in my hand. It bears the seal of New York Law School on the front (the Justinian Code: to live honestly, not to harm another, and to give every man his due) and my father's initials on the back. My mother wore this key frequently on a gold pin attached to her dress. It was the only engagement gift my father could afford, and she wore it proudly throughout her lifetime. According to family legend, this key also spent some time in pawn shops here in the city. On one occasion, my father had to hock it for subway fare because the law firm he was delivering papers for during his student days failed to advance his expenses.

At about the age of seven, my father came to the United States with his mother from a place called Turna in Poland, then part of the Austro-Hungarian Empire. Opportunities for Jewish people there were, to say the least, very scarce, although my grandmother curiously spoke well of the emperor, Franz Joseph. My father's father followed shortly, and the family settled in Upstate Hudson, where my grandmother's brother had established himself as a merchant. That man and his wife, a childless couple, took an interest in my father and arranged for the \$100 he needed to enroll in law school after his graduation from Hudson High School in 1923. Although my father attended the day session of law school, he literally worked his way through school with fulltime jobs.

New York Law School was then located in a YMCA building in the Chelsea district. The dean was Robert Petty, one of the Columbia law professors who founded the school. Max Reich, a European-educated scholar, was one of his professors, and also was a teacher of mine. My father graduated from the Law School in 1926, exactly 30 years before I was to graduate. Although he said that he was distracted by the lights of the city and should have spent more time in the library, he passed the bar exam the first time. He married my mother, a New York City girl, and returned to Hudson, practically penniless, to become the first Jewish lawyer to practice there. His financial burdens included his parents, whose candy store was always a marginal operation, but he persevered.

His first job in Hudson was as a clerk in the office of John C. Tracy, a well-known local lawyer and part-time county judge. My father eventually opened his own office and was a single practitioner for many years. He gained an excellent reputation and developed a successful practice. He once ran unsuccessfully for Hudson City judge but was frequently called "Judge" anyway, in keeping with a quaint Upstate tradition. I revered my father greatly and always took an interest in his work. I never contemplated a different career except, very briefly, music. Abe Miner had a brilliant legal mind and was my mentor in all things.

My own path to the law was made much easier as the result of my father's efforts. After I graduated from Hudson High School in 1951, I was accepted in Columbia College in the then all-male liberal arts curriculum. I enrolled in the "three and three" program, whereby the first year at Columbia Law School would be considered the final college year. Although I did well enough in college, I was anxious to get at law studies and, in a catalog that I procured from my father's alma mater, learned that you could enroll in law school with a two-year college background.

At that time the state issued what is known as a law school qualifying certificate attesting to at least two years of college credits. I applied, and after an interview with a three-man committee consisting of Professors Koffler, Dugan, and Silverman, I was duly accepted. Professor Koffler is here tonight and I'm glad you approved my application at the Law School. He was also a teacher of mine, and an excellent one, at this school. My son, Ralph, had him as a professor. Professor Silverman, who was also on that committee, was a professor of Ralph's. There was a catch, however, when I enrolled here: I had to complete eight full semesters of law school! I eventually took just about every course the law school offered, even taking some night courses to fill out my requirements. I graduated at the age of 21 and had just turned 22 when I was admitted to the bar. I did get a college degree some years after my law school graduation and military service.

I knew practically from the time I walked in the door at the old law school building at 244 William Street that I was in the right place. I loved the study of law and have enjoyed every minute of my life in the law. The old building was long ago knocked down to make way for the Brooklyn Bridge approach and One Police Plaza. In the old days, warehouses were nearby, and the smell of coffee in those warehouses often filled the air inside the law school. I can still see the school's shadow as I look through the Municipal Building in the direction of its location. I can also still see the professors from long ago, and I well remember their names and the fine education they provided. In those days, we had comprehensive exams at the end of each year in addition to the exams in the subjects we studied. In the comprehensive exams, we would be tested on the entire area of law covered to date. This was a fine preparation for the bar exam, and I would hope that the present faculty can remember that they are training lawyers and not psychologists, sociologists, social critics, or philosophers. Many of us in the profession and on the bench are becoming aware of a growing disconnect between the profession and the academy. When I jokingly remarked to an academic that I had read about a law school course (not given here, thankfully) called Medieval Icelandic Dispute Resolution, he said that the professor who taught that course was much in demand throughout the nation. I can only guess how disputes were resolved in medieval Iceland.

I think that we who are alumni of New York Law School should take great pride in our alma mater and support it in any way that we can. Over the years, I have often corrected those who confuse us with the institution at Washington Square. The graduates of this school can do anything that the graduates of any other law school can do. That is the message that I hope will be conveyed by this portrait. I would not want the message to be—look, here is a picture of a graduate who made it to the United States Court of Appeals and made the short list for the Supreme Court. Rather, the message must be that all careers in the legal profession are open to you, and your education at this school is your important first step.

Although I am the second graduate to be appointed to the U.S. Court of Appeals, I am the first to donate his papers to the school and the first to hire law clerks from the school. When my predecessor made it to the Supreme Court, he would not consider my application, although I was an honors student here. I vowed then that if I ever got the opportunity, I would hire clerks from New York Law School to serve in my chambers so they could have that valuable career experience. To date, some 20 graduates of the school have served in my chambers, and I intend to continue hiring from here. Graduates of this school can be anything they want to be, and are just as worthy of prestigious clerkships as the graduates of any other law school in the nation. During my service on the Board of Trustees, I continually urged that a graduate of the school be appointed to the tenured faculty. As far as I know, that has not yet been done, but maybe Mike Roffer in the library is a start. It is most unfortunate that the students here must be given the impression that there is not a living alumnus worthy to teach here.

From my point of view, may this portrait be dedicated to a single proposition: that all things are open to all who enter here. Thank you. ■



Photo: Reuters NewMedia Inc./Corbis

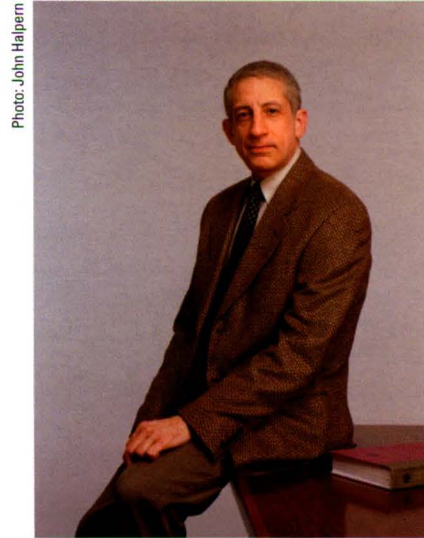


Photo: John Halpern

PROFESSOR ARTHUR S. LEONARD, A RENOWNED SCHOLAR AND ACTIVIST ON SEXUAL ORIENTATION LAW AND DISCRIMINATION ISSUES, DELIVERED THE KEYNOTE SPEECH AT THE ANNUAL GAY PRIDE CEREMONY HOSTED ON JUNE 11, 2003 BY THE ANTI-BIAS COMMITTEE OF THE NEW YORK COUNTY SUPREME COURT AND THE NEW YORK COUNTY CLERK'S OFFICE. THE FOLLOWING TEXT WAS ADAPTED FROM THAT SPEECH AND PUBLISHED LATER THAT MONTH IN *GAY CITY NEWS*, PRIOR TO THE UNITED STATES SUPREME COURT'S DECISION ON *LAWRENCE V. TEXAS*. PROFESSOR LEONARD'S TEXT IS REPRINTED HERE WITH THE PERMISSION OF *GAY CITY NEWS*.

A gay pride march in New York City, featuring a mile-long rainbow flag, in 1994.

Photo: Eric Schilgen/Dallas Morning News/Corbis



A rally at Houston's City Hall celebrates the *Lawrence v. Texas* decision on June 26, 2003.

A Remarkable Half Century

By Arthur S. Leonard

GAY PRIDE MONTH IS A TIME FOR US TO LOOK BACK AT THE accomplishments of the movement for equal rights and a time to look ahead to the work still before us. This year, we have good reason to hope that Gay Pride Month will be especially momentous when the United States Supreme Court issues its decision in the case of *Lawrence v. Texas*.

The organized movement for lesbian and gay legal rights in this country is just over half a century old, and during that period the goal has broadened from equality regardless of sexual orientation to a more expansive view that incorporates gender identity and expression as well. It is remarkable to note the progress that has already been achieved.

When the movement began around 1950 with the formation of the first chapter of the Mattachine Society, made up of gay men in Los Angeles, followed by the lesbian-identified Daughters of Bilitis in San Francisco, gay sex was illegal everywhere in this country—usually a felony carrying harsh penalties. Gay people working in the federal government were among the targets of McCarthyism. An executive order by President Dwight Eisenhower banned the employment of homosexuals in the federal government.

Regulations in many states, including New York, made it illegal for places of public accommodation that were licensed to serve alcoholic beverages to serve “homosexuals,” and the police regularly raided bars that were known as “gay hangouts.” Gay publications were virtually non-existent, and the Postal Service banned periodicals that discussed homosexuality from the mail.

Federal immigration and naturalization laws passed in the early 1950s banned gay people from immigrating to the United States, and provided a basis for denying citizenship and then deporting any gay non-citizens who might be present here.

Other laws made it virtually impossible for gay people whose sexuality was discovered by government investigators to get security clearances required to work in private industries with defense contracts. Authorities that oversaw the licensing of professionals in law, medicine, and education considered homosexuality to be evidence of bad moral character, so gay people working in these professions usually had to

be deep in the closet. They risked being fired with no recourse if they were found out by an unsympathetic employer.

For most people, being “openly gay or lesbian” while holding down a job was not an option.

This is not to say that there were not gay people of great accomplishment who pursued significant careers in government, education, the law, and the arts, but usually they had to hide their sexual orientation and keep their private lives secret in order to survive. Living together openly with a same-sex partner was quite a daring thing to do in all but a few places.

But the formation of gay rights organizations and the often quiet work of gay and lesbian rights pioneers—efforts well under way by the time of the Stonewall Riots here in New York at the end of June 1969, which dramatically amplified their visibility—have had a transformative effect on the status of gay people in our society over the past several decades. In the 1950s, with behind-the-scenes lobbying by gay scholars, the American Law Institute included in its new Model Penal Code a proposal to decriminalize consensual sex in private between adults. In 1960, Illinois became the first state to adopt this.

In 1958 the Supreme Court reversed without opinion a ruling by a lower court, clearing the way for postal distribution of one of the earliest gay rights periodicals, *One Magazine*. Four years later, in an opinion by Justice John Marshall Harlan, it ruled that the Postal Service could not presume that gay-oriented materials were pornographic, opening up the possibility of mail distribution of sexually frank homoerotic magazines and newspapers.

Just days before the Stonewall Riots in 1969, the U.S. Court of Appeals for the D.C. Circuit issued an important ruling that gay federal civil servants could not be dismissed solely to prevent their employers from embarrassment, but only for job-related misconduct that interfered with their official duties.

During the 1970s, following aggressive education and lobbying efforts by the newly vigorous post-Stonewall gay rights organizations, leading professional associations in the United States—such as the

American Psychiatric Association, the American Psychological Association, the American Medical Association, and the American Bar Association—changed their positions on sexual orientation and called for decriminalization of homosexual behavior.

Lambda Legal Defense and Education Fund and the National Gay & Lesbian Task Force both emerged in the early 1970s. The American Civil Liberties Union, which had not previously seen gay rights as a civil liberties issue, became active in representing gay people in court and even brought test case litigation, such as an unsuccessful lawsuit challenging Virginia's sodomy law. The challenge brought the U.S. Supreme Court into the issue, when in 1975 it affirmed the ruling against the ACLU in a summary decision that has been much criticized.

In 1973, the New York Court of Appeals declared for the first time that an openly gay person could be admitted to practice law, and that an organization formed to advance lesbian and gay rights could be chartered as a not-for-profit charitable corporation by the state. At about the same time, Carter Burden, then a City Councilmember, introduced the nation's first "gay rights bill." Though the bill took nearly 15 years to become law, a handful of other communities around the country moved forward with local laws forbidding sexual orientation discrimination.

Even with the advent of the AIDS crisis in the early 1980s, the legal movement for sexual minority rights continued to grow. Wisconsin became the first state to outlaw sexual orientation discrimination. Sodomy law reform continued; in 1980, the New York Court of Appeals, in a case litigated by Lambda Legal Defense, issued a sweeping declaration finding this state's sodomy law unconstitutional on grounds of both privacy and equal protection of the law.

1986 was a year of highs and lows.

Early that year, after a 14-year struggle, New York City finally passed an ordinance banning sexual orientation discrimination in employment, housing, and public accommodations. But just a few months later, in a decision that caught many by surprise, the Supreme Court refused to declare the Georgia felony sodomy law unconstitutional in the notorious case of *Bowers v. Hardwick*, insultingly calling a gay constitutional privacy argument "facetious" in an opinion by Justice Byron White.

Yet, the 5-4 decision proved unpopular with many state courts. Responding to test cases, courts struck down sodomy laws on state constitutional grounds in Kentucky, Tennessee, Montana, Arkansas, Maryland, and even Georgia. In some cases, the state rulings specifically repudiated the reasoning of the Supreme Court in the *Hardwick* case.

The 1990s were extraordinary in the visibility of the debate over gay rights, which gradually came to be a discussion about sexual minorities generally.

Bill Clinton's 1992 presidential campaign made military service by gay people a part of the platform of a major political party for the first time, although that promise backfired in 1993 when Congressional opposition forced the ungainly "don't ask don't tell" compromise. The "deal," which really made no one



A protest against the Boy Scouts of America's policy concerning gay youth and adults (August 21, 2000).

Photo: Getty Images

happy, has proven unworkable on the ground and raised the danger level for many lesbians and gay men who risk "telling" if they complain of harassment.

The issue of the gay family came to the fore in the 1980s in the wake of the AIDS epidemic and the New York Court of Appeals' historic 1989 *Braschi* decision that allowed surviving partners to retain apartment lease rights in the city. The past decade has seen extraordinary judicial breakthroughs in child custody and visitation rights, second-parent adoptions, and domestic partner recognition, all laying significant groundwork for same-sex marriage. As always, there were both losses and wins, but as we progressed through the 1990s the wins became much more frequent.

The Hawaii Supreme Court's 1993 decision in *Baehr v. Lewin* startled the nation with the possibility that same-sex partners could someday marry there, and then attempt to get their marriages recognized in other states. As that case ground on toward the start of the 1996 presidential campaign, hysteria surrounding this issue led to enactment—of the clearly unconstitutional federal Defense of Marriage Act and the voters of Hawaii in turn moved to overrule the state's high court by referendum. Progress was similarly halted in Alaska.

But these developments did not deter the proponents of equal rights to marry. The movement recovered with a victory, charted by the Gay & Lesbian Advocates & Defenders, the New England public interest firm that filed *Baker v. State of Vermont*. Forced by that state's Supreme Court to take action, the Vermont legislature and governor approved the first state law to provide same-sex partners a legal status carrying almost all the rights and benefits that the state affords to married opposite-sex partners.



AIDS activists demonstrate against President George H. W. Bush's AIDS policy (September 1, 1991).

Photo: Dirck Halstead/Time Life Pictures/Getty Images

Here in New York City, persistent work extending over many years culminated in a municipal domestic partnership ordinance that is probably the broadest and most comprehensive of any municipality in the United States. But the City Council is still working on legislation that would require private sector employers who do business with the city to offer their employees domestic partnership benefits on parity with spousal benefits, a concept upheld in the courts in San Francisco and a few other cities.

With the increase in states offering protections against sexual orientation discrimination, it's likely that more than half of all employed Americans are now protected from being fired for being lesbian or gay. With the Sexual Orientation Non-Discrimination Act passed last December, workers in New York State joined—indeed, may have forged—that majority.

During the Clinton presidency, Executive Branch departments, one by one, issued policies banning sexual orientation discrimination, reversing the Eisenhower era ban on federal employment of gays. By the end of his presidency, Clinton issued the first Presidential Executive Order protecting all civilian employees of the Executive Branch.

Meanwhile, the emerging movement for transgender civil rights has begun to achieve victories in localities and even some states—New York City, Chicago, Philadelphia, Boston, and New Mexico, among them—to recognize gender identity and expression as a new category for civil rights protection. There has also been progress, no matter how uneven, in courts and some state legislatures to obtain formal recognition of sex changes through legal name changes and issuance of new birth certificates. In the past year, Maryland's highest court, rejecting the retrograde reasoning of recent decisions from Kansas and Texas, affirmed that the law should recognize the reality of sex changes. A Florida trial court made international headlines by finding that a transgendered father could assert parental rights and be awarded custody when he was better qualified than his former wife to raise their children.

The '90s were also the decade of the gay high school student, as teenagers struggled to form gay-straight alliances in public schools. Federal court victories have established two strong precedents—the rights of such students to associate freely, guaranteed by the Equal Access Act, and the constitutional rights of students to be protected by teachers and administrators from homophobic harassment, won by Wisconsin high school student Jamie Nabozny in his 1996 victory before the Seventh Circuit Court of Appeals.

The most significant victory of the 1990s came in 1996 and it

was the movement's first really big win at the U.S. Supreme Court. In *Romer v. Evans*, the Court struck down Colorado's anti-gay Amendment 2, which banned the state and localities from enacting gay non-discrimination laws. This was the first time the Court had invoked the Equal Protection Clause of the 14th Amendment as a guarantee of equal rights of citizenship for lesbians and gay men.

However, just four years later, the Supreme Court handed the community a major defeat, in *Boy Scouts of America v. Dale*, in a ruling that upheld the right of the Boy Scouts to maintain an anti-gay membership policy, even as they enjoy the use of public facilities and the benefits of preferred tax-exempt status. Local governments, corporations, and charitable organizations continue to struggle with the conflict between their continued involvement with the Scouts and their professed commitment to non-discrimination and equal opportunity.

The recent dramatic developments in Canada seem destined to bring same-sex marriage permanently to the Western Hemisphere. Since Canada, unlike its gay marriage forerunners, Holland and Belgium, has no residency requirements for obtaining a marriage license, the changes there are likely to soon bring American gay and lesbian couples, newly married in Toronto, Vancouver, or Montreal, into U.S. courtrooms.

For the moment, we await the word from the U.S. Supreme Court in *Lawrence v. Texas*, a constitutional challenge to the Texas Homosexual Conduct Law, which criminalizes sexual conduct for same-sex partners that is non-criminal for opposite-sex partners. In some sense, this case is really old, unfinished business, since the state high courts and legislatures have sharply curtailed the number of states that still have these archaic laws. Even as the Supreme Court has mulled sodomy, a federal appeals court in Atlanta is weighing Florida's ban on gay adoption and the Massachusetts Supreme Judicial Court considers whether gay men and lesbians there have a state constitutional right to marry. But *Lawrence* is important unfinished business, and whether and how the Court accomplishes the invalidation of Texas' sodomy law will undoubtedly have an important impact in all areas of the law affecting sexual minorities. ■

Editor's Note: On June 26, 2003, the U.S. Supreme Court issued its decision in *Lawrence v. Texas*, voting 5-4 to overrule *Bowers v. Hardwick* and 6-3 to declare the Texas Homosexual Conduct Law unconstitutional. The breadth of the majority opinion by Justice Anthony M. Kennedy Jr. suggests that *Lawrence* will initiate a new era in the law relative to lesbian and gay rights. In a landmark decision, the Massachusetts Supreme Judicial Court ruled, interpreting its state constitution, that same-sex couples cannot be denied equal access to the civil institution of marriage. *Goodridge v. Department of Public Health*, 2003 WL 22701313 (Nov. 18, 2003).

Teaching the Art of Legal Persuasion

TODAY, WHEN MUCH OF THE UNITED STATES POPULATION RECEIVES NEWS, ENTERTAINMENT, AND STORIES ABOUT THE WORLD VIA TELEVISION OR THE INTERNET, LAWYERS FIND THEIR STORIES MUST INCREASINGLY DRAW ON A SIMILARLY VISUAL RHETORIC FOR EFFECTIVE PERSUASION.



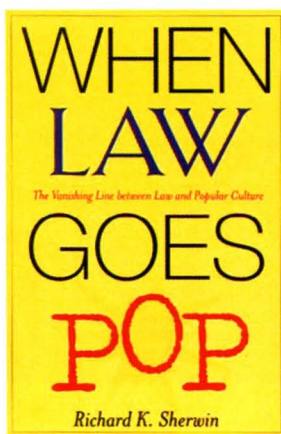
Photo: Getty Images

Prince William County Assistant Commonwealth's Attorney Richard Conway delivers the closing arguments during the trial of Washington-area sniper suspect John Allen Muhammad at the Virginia Beach Circuit Court in Virginia Beach, Virginia, on November 13, 2003.

GREAT LAWYERS HAVE ALWAYS RELIED ON THE ART OF STORYTELLING to sway judges, juries, and other parties involved in settling legal disputes. To tell a good story, lawyers traditionally purloin plots and personalities from popular culture to make narrative sense of scattered bits of evidence and to build (or deconstruct) a persuasive case. But in an era when much of the population receives news and entertainment via television or the Internet, lawyers find their stories must increasingly draw on a similarly visual rhetoric for effective persuasion. Acknowledging that law students might need more than just words to master this contemporary form of storytelling, New York Law School Professor Richard Sherwin has teamed up with Adjunct Professor Christina Spiesel to craft a course on the use of images in the law: Visual Persuasion in the Law.

The working assumption of the new course is that lawyers both in and out of the courtroom are increasingly using sophisticated digital media to create and display visual demonstrative evidence and visual arguments and that future lawyers will be at a competitive disadvantage if they are not taught how to grapple with the strategic practices and substantive impact associated with these new communication technologies.

In the notorious O. J. Simpson trial, for example, prosecutor Marcia Clark framed her opening argument as a detective story, a whodunit, with the clues fitting together like the pieces of a puzzle. Jurors saw a visual representation of this “puzzle” on a large electronic screen inside the courtroom; as Clark ticked off a clue, a fragment of Simpson’s face clicked into view until the whole face was revealed and, she concluded, the crime was solved.



“In a visually literate society, the visual code is going to operate, whether it is in the courtroom, the boardroom, or the living room,” says Professor Sherwin, author of the groundbreaking book *When Law Goes Pop: The Vanishing Line Between Law and Popular Culture* (University of Chicago Press, 2000). “The class seeks to expand traditional law school skill sets, so that students can tell a story visually with visual evidence and visual arguments.”

“Lawyers will always be adapting to changing story forms and changing communication media,” Sherwin continues. “That’s why today, when visual communication has become the dominant form of storytelling in society, you are bound to see a similar shift in the courtroom. We have to adapt to this new reality in the classroom. It is our obligation to prepare future lawyers both to present and to challenge images in a trial setting.”

The Impact of the Visual Medium

A former New York County prosecutor with an undergraduate background in philosophy, Professor Sherwin has been at New York Law School since 1988. That same year, a film by Errol Morris called *The Thin Blue Line* was released. The film depicts in documentary style the wrongful conviction of Randall Dale Adams for the murder of a Dallas police officer. After spending eight years on death row, Adams was released—largely as a result of the film. Professor Sherwin began using the film in his criminal procedure course to highlight the wide-ranging procedural errors that the film portrayed. In the process, he became intrigued by the intersection of law and popular culture.

After multiple viewings, Professor Sherwin recognized that the so-called facts of the documentary had been carefully and persuasively shaped through editing and simulations.

“I realized that the impact of this film, which helped reopen the case, was tremendous, and that it was still being described as a documentary and not a docudrama,” he says. “It was clear to me that the visual medium would have a huge influence on how trial lawyers presented their stories to jurors.”

Professor Sherwin posits that a juror’s expectations and ability to judge the dramas that unfold in real courtrooms are being affected by the proliferation of reality-like courtroom dramas on television and in films and the changing aesthetics of constructing truth. He cites the

The working assumption of the new course is that lawyers both in and out of the courtroom are increasingly using sophisticated digital media to create and display visual demonstrative evidence and visual arguments and that future lawyers will be at a competitive disadvantage if they are not taught how to grapple with the strategic practices and substantive impact associated with these new communication technologies.



Photo: Rick Kopstein

Professors Christina Spiesel and Richard Sherwin, co-teachers of Visual Persuasion in the Law.

low-tech, home-video style of filmmaking that marked such box office hits as *The Blair Witch Project* (1999); the rough, ill-lit images produced by an unsteady camera, together with the seemingly unscripted exchanges among characters, contributed to an enhanced sense of immediacy and visual truthfulness.

Professor Sherwin had already incorporated a number of these themes in his earlier Law & Popular Culture course. Visual Persuasion in the Law grew out of his association with Professor Neal Feigenson, a social scientist and law professor at Quinnipiac University School of Law. Professor Feigenson, a former colleague of Professor Sherwin's on the lawyering skills faculty at New York University Law School, had audited Professor Spiesel's course, *Envisioning Law*, at Yale Law School.

Adjunct Professor Christina Spiesel is an artist rather than a lawyer, but she has found a distinctive professional niche in the application of visual media to legal education. A senior research scholar at Yale Law School and a faculty associate of the Institute for Writing and Thinking at Bard College, she co-teaches the Visual Persuasion course with Professor Sherwin at New York Law School and with Professor Feigenson at Quinnipiac.

In 1996, at a meeting of the College Art Association, she had heard a paper calling for visual training for legal professionals. As an artist experienced with advanced technology, with a distinguished record of government service and a long association with the Yale Law School, she believed that her multiple perspectives could help build a much needed intellectual bridge between legal thinking and the theory, history, and actual practices of image making.

As an illustration of this need, Professors Sherwin and Spiesel point to the criminal trial of the Los Angeles police officers who beat motorist Rodney King. During the trial the prosecutor repeatedly told the jury to base their decision on an amateur videotape showing Los Angeles police officers surrounding and severely beating King. The state's case against the officers seemed clear-cut based on a

"We have to get up to speed on how best to use and respond to technology—if we don't do that, trial lawyers can get steamrolled. The criminal trial involving the police officers who beat Rodney King is a case in point. The prosecutor in that case hadn't a clue as to how the defense was altering the jurors' perception of visual reality. If he had, he would have been able to dissect and defuse the defense strategy and counter it with one of his own"

—Professor Richard Sherwin

straightforward viewing of the graphic videotape. But the defense digitalized and then recast the original videotape using slow motion images that suggested the police batons had descended on King's body only when he provocatively rose up in defiance of police instructions. This visual narrative apparently convinced jurors that King had been in control and had actually caused the beating.

"We have to get up to speed on how best to use and respond to technology—if we don't do that, trial lawyers can get steamrolled. The criminal trial involving the police officers who beat Rodney King is a case in point. The prosecutor in that case hadn't a clue as to how the defense was altering the jurors' perception of visual reality. If he had, he would have been able to dissect and defuse the defense strategy and counter it with one of his own," Professor Sherwin says.

New Twist on Traditional Law School Pedagogy

When they began teaching *Visual Persuasion in the Law*, Professors Sherwin and Spiesel thought the most revolutionary aspect of the course would be its content. Instead, to their surprise, they found that a prize innovation was the course's unusual pedagogy—unusual, that is, for a law school. Students in the seminar engage in experiential learning and collaboration as a way of bringing out their creativity. This becomes a resource that students use throughout the semester in conjunction with the conceptual skills that they need to successfully complete their course assignments.

In addition to the linear (“deductive/syllogistic”) reasoning traditionally associated with appellate case analysis, Professors Sherwin and Spiesel ask the students to use the kind of nonlinear (“associative”) logic typical of visual thinking. Students must apply their own judgment to assess the effectiveness of a visual argument, drawing on a lifetime spent making lightning-fast interpretations of images through channel zapping, instant Web page scanning, and rapid sound bite comprehension.

“American students have been assimilating a complex knowledge of film language simply from watching television and going to the movies,” Professor Spiesel says. “Bringing this passive knowledge into active use is powerful for students. They find competencies they didn't realize they had and begin to learn to deploy these skills toward ends that will serve the profession they are about to undertake.”

By teaching students the psychology of persuasion and the natural and learned aspects of human perception, the interdisciplinary *Visual Persuasion in the Law* team gradually enhances students' self-reflectiveness about and, by extension, their intentional control of intuitive responses to visual argument. The hands-on experience of making digital videos teaches students to appreciate how images help to make up their understanding of the world and the way people make judgments about human action and conflict.

While students use high level video editing software in the Law School's state-of-the-art Digital Media Lab, and may use other kinds of software for their early assignments, the course's emphasis is on developing their understanding and critical thinking.

“Technology changes very rapidly, so teaching law students PowerPoint, for example, which could be replaced with other technology, is not as useful as teaching them how to think about these things critically,” Professor Spiesel told *In Brief*. “They need to learn how to apply the visual technology so that they can respond when facing it as opposing counsel, or direct the design professionals on their team when using it in their own litigation.”



Students in the *Visual Persuasion* class with a reporter from National Public Radio (forefront), one of several media outlets to report on the unique class.

One former student, Melanie Cash '02, who now works in the Law School's Center for New York City Law, remembers being mystified at first by the unusual structure and flow of the class. One of the first assignments had students take a series of five photographs on any subject and arrange them to tell a story. The power of the message conveyed by the photographs was much more important than the quality of the photographs. The students were in essence presenting a story to the class much the way a lawyer might tell a story to a jury, but without words.

“We got these assignments and we didn't know where they were going with them,” she recalls. “We showed our pictures to the class and everyone would comment on what they thought it meant. The professors were trying to draw out our cultural thoughts and try to show where the law was going with it, to show the law in the way we thought.”

In the course of sharing their ideas through this process of class critique and feedback, the students develop a sense of teamwork based on cooperation and creativity. While unique for a law school, this pedagogic approach more accurately mirrors the climate of collective brainstorming and collaboration that goes on as real legal professionals develop their case theories, trial strategies, and final arguments.

Hands-on Experience in the Digital Media Lab

The course requires students to produce two major projects of visual persuasion: a still visual display (such as graphs or charts), intended to serve as demonstrative evidence in support of their theory of the hypothetical case they have been assigned, and a digital video as part of their case summation in a related problem. Professors Sherwin and Spiesel develop new hypothetical cases each semester, drawn from the headlines, so that students can not only have the experience of working on current legal problems, but also track and learn from the mass media's coverage of the issues raised.



Professor Richard Sherwin with students in the Digital Media Lab.

In the inaugural class at New York Law School, students were asked to produce a visual display that would clearly and persuasively demonstrate discriminatory practices in moving young black criminal offenders from juvenile to adult prison systems. Cash put together a foam-board graph using black and white circles to represent individual defendants. By visually depicting the individuals caught up in the system, she evoked a sense of the real disproportion between the treatment of blacks and whites without actually accusing the judges or court system of wrongdoing.

“By representing the presence of individuals in a mass of dots, Melanie made a really compelling point in a subtle way. There was no flamboyance, no rhetorical hammering, but it made it very clear,” Professor Spiesel says of Cash’s project. “It helped teach the meaning of the numbers to the finders of fact.”

The final project of the semester had video teams of three or four students working on a visual argument based on a real-life situation in which “supermax” prisons subject inmates to sensory deprivation by locking them in a lit room for most of an entire day for years on end. The argument students were asked to depict was that this kind of supermax detention constitutes cruel and unusual punishment.

Since their grade depends on effective collaboration, the students quickly reached out to one another as they found themselves required to produce a video in the Digital Media Lab.

“Working with other people is very good training. We have to work in groups and interact with people and not be purely competitive,” former student Christina Martin ’02 says. “That’s not ‘Paper Chase’ kind of stuff. It’s because of Professor Sherwin’s vision. He’s aware of how the law is changing.”

The teaching team feels strongly that this hands-on production experience provides students with crucial practice in visual analysis that will give them the confidence and skills to craft visual evidence and visual arguments using relatively high-level production. Throughout the course, in fact, students get to playfully test the limits and possibilities of various kinds of technical equipment in a way that cultivates their creative and nonlinear thinking skills.

“The aim is to bring people up to speed on visual literacy so that as lawyers they can control the visual product and, if need be, effectively argue against it,” Professor Sherwin says. “By both doing and thinking—complete integration of theory and practice—it is like a second-generation lawyering course for the digital age of omnipresent screens.” ■

M. Tracey Ober and Edith Sachs contributed to this story.

Inside the Digital Media Lab

A critical component of the Visual Persuasion in the Law course is the hands-on experience students get in the Law School’s Digital Media Lab. Students produce a digital video that expresses an argument made on behalf of their client in a hypothetical case.

The lab houses two computer workstations, each with dual monitors, with sufficient speed, power, and memory to run professional video editing software. The students use Adobe Premiere, a sophisticated video editing program that is widely used around the globe; this software has an interface that students may well encounter on either PC or Mac systems in their future workplaces.

Each semester, the Visual Persuasion faculty put together a rich archive of relevant images, including stills as well as stock video, to spark the students’ own ideas for their projects. The students also use digital camcorders to produce original footage. The students upload their visuals into the lab’s computers via high-speed FireWire connections that permit them to take advantage of nonlinear digital editing techniques, which are more spontaneous than the older linear editing modes. They can try out various approaches to their materials and move material around in the timeline, seeing it all on screen, and gradually coaxing their persuasive narratives into final form.

When they are done, the students’ projects are transferred to digital tape and then recorded onto VHS for classroom viewing. While drawn from a common visual archive, each student film is unique, reflecting the singular vision and creative choices of its producers.



Photo: Lauren Cohen Romick

Left to right: James DeCarlo '91, Ross Moskowitz '84, Marcia Helbling '89, Ken Theil '81, Michelle Vago '98, Marina Rabinovich '02.

“Stroock’s success is due to the unique lawyers we have recruited over the years, their innovative approach to the law, and the added value this brings to our clients. We are proud to have Jim, Ross, and Alan as partners of the firm, and are also grateful to count Marcia, Marina, Ken, Michelle, and Karyn among our many talented attorneys.”

—Thomas E. Heftler, Managing Partner

New York Law School Alumni at

STROOCK & STROOCK & LAVAN LLP

By Jane Linker

Partners James J. DeCarlo '91
Ross F. Moskowitz '84
Alan Yudkowsky '90

Associates Marcia S. Helbling '89
Marina Rabinovich '02
Kenneth H. Theil '81
Michelle Vago '98

Special Counsel Karyn B. Zeldman '94

Timeline

In 1987, New York Law School Professor Jethro Lieberman published *Stroock & Stroock & Lavan: An Informal History of the Early Years*. The following is excerpted from the firm's timeline and based on material from Professor Lieberman's book.

1876

Founded as a solo practice by M. Warley Platzek, who will leave in 1907 to become a New York Supreme Court judge

1880

Firm doubles in size with the arrival of new associate Moses J. Stroock. Younger brother Sol M. Stroock joins 10 years later

1909

Stroock moves to 30 Broad Street, adjacent to the Stock Exchange, and begins an association with many major Wall Street firms which continues to the present day

1919

Peter I.B. Lavan joins firm, which is renamed in 1943

1920

Sol Stroock serves as advisor to Governor Al Smith, followed by similar stints with Governors Franklin D. Roosevelt and Herbert Lehman

1930

Stroock continues its shift toward a corporate and financial practice

1951

Stroock represents Charles F. Noyes in his record \$50 million purchase of the Empire State Building

2001

Stroock represents Larry Silverstein in the largest real estate deal in New York history, the leasing of the World Trade Center in July 2001

Founded in 1876 as a solo practice at 176 Broadway in Lower Manhattan, Stroock & Stroock & Lavan today employs over 750 people, 350 of them attorneys, in its main office at 180 Maiden Lane in New York City, and at its branch offices in Los Angeles and Miami.

OVER THE YEARS, STROOCK HAS BUILT A NATIONAL REPUTATION IN

corporate finance and the representation of major financial institutions, many of whom first began their relationship with the law firm decades ago. In 2001, a *National Law Journal* survey rated Stroock among the top three firms in financial services litigation. It is also known for its real estate practice, representing many of America's biggest real estate developers in major deals around the country. Other practice areas include energy and project finance, financial restructuring, intellectual property, and litigation.

Stroock represents a wide variety of large national and international corporations as well as smaller entrepreneurial companies that have been drawn to the firm by its strong IP practice. Among Stroock's noteworthy cases of the past decade are:

- Creating an innovative restructuring plan which enabled Columbia Gas, a power utility holding company serving over 8 million customers in 15 states and the District of Columbia, to emerge on a sound financial footing in what was at the time the largest U.S. bankruptcy case ever;
- Working with UBS Warburg to develop a new financial derivative, which became known as a forward recapitalization transaction, to respond to many issuers' needs for immediate capital;
- Representing Silverstein Properties in the largest real estate transaction in the history of New York, its \$3.2 billion 99-year lease of the 110-story twin towers of the World Trade Center and the office portions of two other buildings in the complex;
- Successfully defending pharmaceutical giant Warner-Lambert against a trademark infringement suit for its new line of herbal supplements known as Quanterra™;
- Facilitating the construction of Bear Stearns new 47-story office tower, which involved negotiating a 99-year ground lease from the site's owner, securing 288,000 square feet of air rights from Grand Central Terminal, structuring a \$700 million synthetic lease that enabled Bear Stearns to capture the tax advantages of ownership, while gaining significant financial reporting advantages; and gaining a \$75 million sales tax exemption from the NYC Economic Development Corporation;
- Defeating a class-action certification for Washington Mutual FA before the California Supreme Court in a precedent-setting case that successfully argued against the application of one state's laws beyond its borders.

In 2001, Stroock formalized decades of commitment to pro bono work by creating the Public Services Project to provide legal assistance to underserved communities. Through the PSP, Stroock attorneys provide hundreds of hours of legal representation and counsel free of charge in asylum cases, criminal appeal, disability rights, children's advocacy, and domestic violence. In 2002, 186 attorneys in the New York City office did some form of pro bono work, and the firm was awarded the New York State Bar Association's President's Pro Bono Service Award in 2003.



Alan Z. Yudkowsky '90

Partner

Practice Areas: Energy, Financial Restructuring, Litigation

ALAN YUDKOWSKY JOKES THAT HE ENDED UP IN STROOCK'S LOS Angeles office somewhat by accident.

"I was trying a case in Seattle, and stopped by the L.A. office to lend a hand, and I never left," laughs Yudkowsky, who as chairman of Stroock's Los Angeles Energy Practice Group now regularly counsels energy trading companies regarding contract disputes, insolvency and restructuring issues, litigation and regulatory matters. "Kind of like the man who came to dinner!"

Yudkowsky, who has also represented clients in real estate, construction, insurance, the entertainment industry, and health care, officially joined Stroock in 1990 as an associate, seven years before he made the move to the West Coast. He was already a familiar face: he's been at the firm since 1986, first as a library assistant, then a paralegal, then a summer associate, and finally as a law clerk during his last year in law school. Initially hoping to have a career as an opera singer, Yudkowsky didn't start law school until he was in his early 30s, commuting two hours each way from his home in Pennsylvania. He chose New York Law School because of its night program and its reputation for preparing good lawyers. He credits former Dean Shapiro, for whom he was a research assistant, as being an invaluable mentor, and his experience as a member of the *New York Law School Law Review* for honing his writing skills.

When Yudkowsky first came to Los Angeles, Stroock had barely scratched the surface of the energy sector in the West. Now he represents clients in numerous high-profile matters. Revenue has tripled in the past several years.

"The firm historically has represented trading firms, and we needed to provide representation in connection with the California energy crisis," explains Yudkowsky, who has represented clients as a member of the Official Committee of Participant Creditors in the California Power Exchange Corporation bankruptcy case, in the Pacific Gas and Electric Company bankruptcy case, and in connection with investigations by various state and federal administrative agencies, and by members of the California State Legislature. He has also appeared in various state and federal court actions, before the California Public Utilities Commission, and in a number of proceedings before the Federal Energy Regulatory Commission.

"Energy is an essential commodity. It will be an ongoing issue over the next three to five years in the West, and Stroock has a national energy and project finance practice and is thus able to provide overall representation in this area. We see the big picture."



Ross F. Moskowitz '84

Partner

Practice Areas: Real Estate, Technology, and Emerging Companies

ROSS MOSKOWITZ, ADMINISTRATIVE PARTNER OF THE 40-PLUS person Real Estate Practice Group, rejoined Stroock in March 1998 after four years as the executive vice president of the New York City Economic Development Corporation. His initial appointment at Stroock was in 1987 as an associate, after several years in a small real estate law firm.

"It was a real boom time in New York City real estate," recalls Moskowitz, who was instrumental in restructuring many of the city's most complicated public/private real estate deals, including Renaissance Plaza and Times Square. "I came back to Stroock because the firm's strong client base allows me to do not only the development side of real estate but also land use and environmental impact."

Today, Moskowitz is involved in all areas of the firm's real estate practice, as well as providing advice and counsel on the various state and municipal approval processes governing such transactions. He represents developers, financial institutions, and real estate owners before New York State and City agencies—ranging from the Landmarks Preservation Commission to the Industrial Development Agency—in connection with commercial and residential developments.

Moskowitz, who at EDC had helped create the Plug N'Go program, which retained and recruited new-media and Internet companies to New York City, was also interested in starting an e-commerce practice group, and Stroock "was open and enthusiastic to the idea." The Technology and Emerging Companies Practice Group, which Moskowitz co-heads, soon had 20 attorneys working in it, and established a satellite office on Broad Street.

Moskowitz, who as Stroock's hiring partner oversees the firm's summer program and fall interviewing, is enthusiastic about the direction he sees New York Law School heading in.

"Dean Matasar is creating opportunities within the school for those who will really excel and giving them a platform for the future," explains Moskowitz. "Combine that with a really good clinical program and unique centers like the Center for New York City Law, and I think New York Law School is well positioned for the future."



James J. DeCarlo '91

Partner

Practice Areas: Litigation, Technology and Emerging Companies, Intellectual Property

JAMES DECARLO WAS AN ENGINEER BEFORE HE ENTERED LAW school, and spent the first ten years after college at AT&T (now Lucent), as “one of the original team members of AT&T’s foray into the world of computers.” He eventually became one of the company’s youngest sales managers, then branch managers, and also worked in product development at Bell Laboratories. He has put this expertise to good use at Stroock as a registered patent attorney actively involved in all aspects of intellectual property counseling, especially regarding those issues facing technology-based businesses.

“I think as an IP lawyer, there’s considerable benefit from having spent time in the industry, because it enhances your ability to understand businesses and what they face. As intellectual property increasingly becomes a more important asset of virtually all worldwide businesses, I frequently find myself in the role of strategic counselor. In fact, many companies now feel the need for a general IP counsel,” points out DeCarlo, whose practice encompasses IP litigation, technology licensing, drafting opinions, and directing the prosecution of patent applications in such areas as electronic commerce, telecommunications, computer software and hardware, biotechnology and pharmaceuticals, electronic and electro-mechanical devices, medical devices, and semiconductors. “In response to this industry trend, IP has become a very substantial practice area here at Stroock, an essential piece of the firm’s overall practice.”

DeCarlo, who was first in his class his first year at law school and a member of the *Law Review*, had always been interested in intellectual property. He decided to make a career change after he laid off dozens of long-term AT&T employees during a downturn in the ‘80s and decided that he wanted a more portable career at a time when no company guaranteed lifetime employment. He chose New York Law School because, with a family to support, he needed to continue working while he obtained his degree at night. He was also attracted to the school’s intellectual property curriculum.

“New York Law School offered an excellent adjunct faculty. I remember my Wills & Trusts class was taught by the Bronx County surrogate, Family Law was taught by a Family Court judge, and both Patent and Trademark Law were taught by a partner in an IP firm who came in with real-life cases for us to discuss. I received an excellent general legal education,” says DeCarlo, who spent his first five years as a lawyer at a small IP boutique firm before moving to Stroock.



ASSOCIATES

Clockwise from top:

Marcia S. Helbling '89
Kenneth H. Theil '81
Michelle Vago '98
Marina Rabinovich '02

Not pictured:

Karyn B. Zeldman '94
 Special Counsel

Marcia S. Helbling '89

Practice Area: Real Estate

Marcia Helbling joined Stroock in July 1993 after five years at Rosenberg & Estes. A member of the Real Estate Group in the New York office, Helbling specializes in cooperatives and condominiums, acting as general counsel to the board of directors of many Manhattan buildings. She is a member of the Co-op and Condominium Committee of the New York Bar Association and active in the Real Estate Board of New York (REBNY). Editor of the *New York Law School International Law Journal*, she “has lifelong friends from New York Law School” and has worked with interns from the Law School interested in a real estate practice.

Kenneth H. Theil '81

Practice Area: Real Estate

Ken Theil joined Stroock in March 1990 after serving as director of legal affairs for the New York City Bureau of Leasing & Design, where he oversaw all leasing done by the city. A member of the Real Estate Group in New York, he specializes in commercial leases, both locally and on a national level, and has been involved in many large-scale projects. Theil pursued a career as a jazz pianist before entering law school and still plays. He has also done a lot of pro bono work at Stroock, most recently for Citizens Union, the NYC Partnership for Children, and the Concert Artists Guild.

Michelle Vago '98

Practice Areas: Mergers, Acquisitions and Joint Ventures, Securities

Michelle Vago joined Stroock in January 2001 after working at Schulte, Roth & Zabel doing bank regulatory work. At Stroock, she has been involved with a range of corporate work, including mergers and acquisitions, lending, and securities assignments. Fluent in Spanish, she was managing editor of the *Journal of International and Comparative Law* at New York Law School, and graduated *magna cum laude*. Vago, too, has been involved in pro bono work at Stroock, primarily doing transactional work for nonprofit organizations.

Marina Rabinovich '02

Practice Areas: Securities, Mergers, Acquisitions, and Joint Ventures ■

New York Law School is pleased to announce
the establishment of its

LL.M. in Taxation



Advanced Tax Training for Lawyers
in the Tax Practice Capital of the World

Now Accepting Applications for Fall 2004 Admission

Open to graduates of U.S. and foreign law schools.

Entering Class Is Strongest in Years

THE ENTERING J.D. CLASS OF FALL 2003 IS AMONG THE MOST academically strong and diverse classes to enter the Law School in the last decade.

The median LSAT score for the class of 530 is 155, up from 150 a year ago, and the median undergraduate GPA is 3.22. Based on their academic credentials, 45 students in this class were invited to participate in the school's Harlan Scholars honors program, which is named for United States Supreme Court Justice John Marshall Harlan '24, who served on the Court from 1955 to 1971.

"This is clearly one of the more competitive classes to start at the school," said Bill Perez, who joined the Law School as assistant dean for admissions and financial aid in July, succeeding Tom Matos, who left the Law School for a position in California. "We are all very grateful to Tom for leaving us in such great shape for the 2004–05 academic year."

The school received more than 6,000 applications for admission, a 40 percent increase from the previous year, Perez reported. "That's a phenomenal increase," he said. "It's probably one of the largest one-year increases of any law school in the country." From this large pool of talented applicants, the School admitted only 29 percent.

Although law school applications are on the rise nationally, Perez attributes the significant jump at New York Law School to its location—it's in the heart of Manhattan's TriBeCa neighborhood, just a short walk from City Hall, numerous city agencies, and several state and federal courthouses—as well as its strong faculty and academic offerings.

The class includes 69 students enrolled in the school's Evening Division. Women outnumber men, making up 51 percent of the overall class. Twenty-four percent are students of color, including 8.8 percent Asian American, 6.5 percent Black/African American, 3.8 percent Hispanic/Latino, and 4.8 percent who identified themselves as other/mixed ethnic background.

The students are also diverse geographically, representing 37 states and five countries. While many of them earned their undergraduate degrees from schools in the Northeast, including Columbia, NYU, Yale, Cornell, and Brown, others come from far outside the New York area, including such schools as the University of Michigan, the University of California-Berkeley, the University of Notre Dame, Hebrew University of Jerusalem, and the University of Florida.

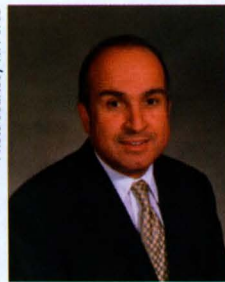
This class will be the first to have the assurance that their tuition will remain consistent throughout their enrollment, as the school is one of the first in the country to adopt a flat tuition structure. Perez expects the flat tuition will be a major selling point to prospective students.

"I think we'll be hearing a lot about flat tuition next year," Perez said. "Certainly next spring when we start admitting people for 2004, and we have students here who are starting to focus on getting their financial aid together for the following year, the feedback they're going to give next year's entering class is going to be: 'This is cool. You can actually plan three or four years ahead. The school's not going to pull a surprise punch on you.' That's when we're going to start seeing the effect of it."

In addition to these positive developments in the J.D. program, the Law School admitted the first LL.M. in Tax class, becoming one of only two law schools in the New York metropolitan area offering this advanced training for tax attorneys. ■

PEREZ NAMED ASSISTANT DEAN

Photo courtesy W. Perez



William D. Perez joined New York Law School as assistant dean for admissions and financial aid in July. Perez comes to the Law School from Seton Hall University School of Law, where he was dean of admissions and financial resource management. Previously, he was director of admissions at CUNY School of Law; assistant dean for admissions at St. Thomas University School of Law; and associate dean of admissions at Wagner College.

Perez began his career in a variety of admissions positions at George Washington University, where he earned a B.A. degree in public affairs. During his more than 20 years of experience in higher education administration, Perez has had responsibility for strategic planning, evaluating and making admissions and scholarship awards decisions, developing publications and communication pieces, and managing all admissions and financial aid data.

Law School to Launch Securities Arbitration Clinic in 2005

Photo: John Halpern

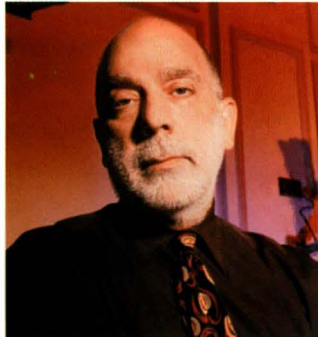


Photo: Photo Library

Professors Aleta Estreicher and Lawrence Grosberg.

NEW YORK LAW SCHOOL IS LAUNCHING A SECURITIES ARBITRATION

Clinic in which students will help qualified small investors bring claims against brokers and banks. The clinic will be aided by a \$200,000 grant from a settlement reached in October 2003 between New York State Attorney General Eliot Spitzer and former Qwest Communications International chief executive Joseph P. Nacchio, who faced allegations that he improperly received lucrative shares of initial public offerings.

"I am extremely pleased that we will be adding a Securities Arbitration Clinic to our clinical and skills curriculum," said Professor Lawrence Grosberg, director of the Lawyering Skills Center at New York Law School.

Professor Aleta Estreicher, an expert in corporate and securities law, will be overseeing the design and implementation of the clinic, with support from the clinical and lawyering skills faculty, Grosberg said. The clinic is expected to launch in the spring semester of 2005.

Under the terms of his agreement with the attorney general, Nacchio does not admit or deny the charge against him, but will turn over \$400,000, representing profits he made from improper involvement in "IPO spinning." This practice is now prohibited under an enforcement settlement negotiated by Spitzer's office with Wall Street investment firms. These funds are being used to establish new clinics at New York Law School and St. John's School of Law.

Earlier this year, Spitzer's office negotiated a similar settlement with Phillip F. Anschutz, former chairman of Qwest Communications International, which yielded \$4.4 million, a portion of which was used to establish securities arbitration clinics at six other law schools in New York State.

Estreicher previously taught a simulation course called Securities Arbitration: Theory and Practice, which she wanted to turn into a

"This clinic will provide an excellent opportunity for our students to assist small investors who otherwise would not have legal representation. Students will be able to interview and counsel clients and handle all aspects of the arbitration hearing."

— Professor Lawrence Grosberg

clinic for some time, but didn't have the resources to do so. "This was a wonderful opportunity to jump-start a program that I've been interested in for a long time," she said.

New York Law School Dean Richard A. Matasar said the school is pleased to be able to serve the interests of the citizens of New York by establishing the clinic. "Small investors will benefit greatly from the creation of a low-cost, service-oriented approach to securities disputes," Matasar said. "The creation of the clinic is good public policy and evidences the tremendous creativity of Attorney General Spitzer in finding an important way to make the settlement of the Qwest litigation improve the securities industry." ■

New Century Institute Holds Conference on Status of Taiwan

UNDER THE LEADERSHIP OF PROFESSOR LUNG-CHU CHEN, THE New Century Institute, a private think tank dedicated to “the advancement of human dignity values for Taiwan and the world community,” now makes its home at New York Law School.

On September 5, 2003, the Institute sponsored its first major event, the International Conference on the United Nations and Taiwan, which drew more than 150 attendees to the Yale Club of New York City. Those in attendance included ambassadors to the United Nations, professors of international law, representatives from various think tanks and other nongovernmental organizations, practicing attorneys, and judges.

Chen, an internationally recognized scholar of international and human rights law, has written extensively on Taiwan’s relations with the United States and the U.N. and has publicly backed the island nation’s efforts to gain membership in the world body. His textbook, *An Introduction to Contemporary International Law* (Yale University Press, 2d ed. 2000), has been widely adopted.

The Institute, he said, seeks to facilitate better understanding of U.S.-Taiwan relations, the U.N., human rights, and world affairs through educational and cultural activities.

“We are hoping that, through occasions like this, we can make the world community better understand what’s going on in the world, what’s going on in Taiwan, what is the sort of injustice that has been perpetrated in this world community,” Chen said in opening the conference. “We hope, through the stimulating discussions of today, we can help to make the ‘invisible state’ a little more visible in the world and in the United States, and also make sure that the voices and aspirations of the Taiwanese people will be heard here and around the world.”

Chen said the conference was very successful and he expects it to become an annual event. His goal for the conference, as well as future workshops and seminars sponsored by the Institute, is to help bring attention to Taiwan, a free democratic state of 23 million people, which is currently excluded from membership in the U.N. Chen said that the conference and the work of the Institute will “make the voice of the Taiwanese people heard and call attention to a grave injustice.”

Among those who participated in the conference were Hon. Richard C. Bush, senior fellow and director, Center for Northeast Asian Policy Studies, The Brookings Institution; Ambassador Harvey Feldman, Heritage Foundation; Dr. Louise Kantrow, executive director, International League for Human Rights; Anthony Jenkins, president, United Nations Correspondents Association; H.E. Ambassador Crispin Grey-Johnson, Permanent Representative of the Gambia to the United Nations; Professor Craig Murphy of Wellesley College, chair of the



Professor Lung-chu Chen speaks to the media after the conference.

Photos: Courtesy Professor L. Chen

board of directors of the Academic Council on the United Nations System; and New York Law School Professor Sydney M. Cone III, director of the Center for International Law, who moderated one of the conference’s plenary sessions, “A Democratic Taiwan in the World Community.” The Institute will publish the proceedings from the conference in a forthcoming publication.

New York Law School Dean and President Richard A. Matasar, the conference’s keynote speaker, told attendees that the question they were confronting—the role in the international community of Taiwan and its relationship to the United Nations—“must be answered soon, because it’s too big a place to be invisible for as long as it has been.”

“The question of Taiwan and its relationship to the mainland and how the world governing bodies will deal with that very thorny problem are, of course, the very issues that are typical of the complicated relationships that have to be built in our post-World War II, post-international technology world,” Matasar said. “And they are ones that strike at the heart of what our educational mission is concerned with.” ■



More than 200 people attended the Institute's conference at the Yale Club in Midtown Manhattan.



Professor Sydney M. Cone III, New York Law School's C.V. Starr Professor of Law and director of its Center for International Law, moderated the conference's second plenary session, "A Democratic Taiwan in the World Community."



Left to right: H. E. Ambassador Alfred Capelle, permanent representative of the Republic of the Marshall Islands to the United Nations; Professor Jordan J. Paust, Law Foundation professor and codirector of the International Law Institute of the University of Houston Law Center; Dean Richard A. Matasar, New York Law School; Professor Lung-chu Chen, New York Law School; and Professor John Huckler, visiting scholar, University of Ottawa and former secretary general, Canadian Human Rights Commission.

Trustees Update

New York Law School Trustees in the News



Photo: Rick Kopstein/New York Law Journal

Phil Damashek, left, with Jeffrey A. Lichtman.

Philip M. Damashek

Philip M. Damashek received the premiere Lifetime Achievement Award from the New York State Trial Lawyers Association at its 50th Anniversary & Annual Law Day Ceremony. Damashek is a member of The Cochran Firm and is a former president of the New York State Trial Lawyers Association. He is pictured with Jeffrey A. Lichtman, immediate past president of the group.

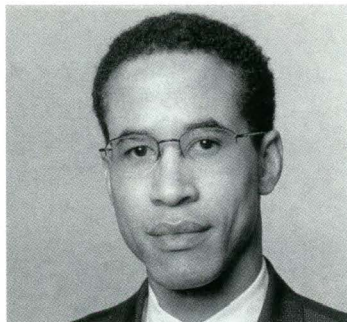


Photo courtesy C. Phillips

Charles E. Phillips Jr. '93

Charles E. Phillips Jr. has been appointed to the board of directors of the prestigious Drum Major Institute for Public Policy, chaired by Ambassador Andrew Young. The Drum Major Institute is a nonprofit, nonpartisan organization dedicated to the achievement of social, educational, and economic justice, embodying the values of the civil rights movement. Phillips is the executive vice president of Oracle Corporation in the office of the CEO, where he is responsible for corporate strategy and business development. Prior to joining Oracle, he worked for Morgan Stanley as a financial analyst. Phillips is also on the board of the Joint Center for Political and Economic Studies.



Photo courtesy First of Long Island

Michael N. Vittorio

In September 2003, Michael Vittorio was named chief executive officer of both The First National Bank of Long Island and The First of Long Island Corporation. Vittorio had been appointed to the Board of Directors and elected president of both entities in February 2003. He joined the Bank in July 2002 as executive vice president in charge of strategic initiatives, with responsibility for new product development, sales and product training as well as extended branch and loan development. From 1989 through 2002, Vittorio was employed at J.P. Morgan Chase, most recently as senior vice president responsible for managing Chase Insurance Agency's Insurance Brokerage and Advisory Service Business.

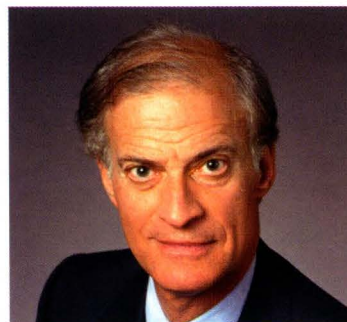


Photo courtesy J. Zirin

James D. Zirin

James D. Zirin has been appointed by New York City Mayor Michael Bloomberg to a four-year term on the Commission to Combat Police Corruption. The commission was created to monitor police corruption and the effectiveness of the Police Department's anticorruption procedures. Zirin is a partner at Sidley Austin Brown & Wood and is a former assistant United States attorney in Manhattan. ■



Photo: Edith Sachs

Photo Montage: NYCLU

Left to right: Dean Matasar and NYCLU's Don Parker.

Law School Hosts NYCLU's Traveling Photo Exhibit

IN OCTOBER, NEW YORK LAW SCHOOL'S SHEPARD AND RUTH K. Broad Student Center hosted "Faces of Liberty," a traveling photo journal exhibit that tells the stories of a number of people represented by the New York Civil Liberties Union over the past three decades.

An educational project of the NYCLU and the NYCLU's Nassau Chapter, "Faces of Liberty" features black-and-white photos with accompanying text that puts human faces on complex civil liberties issues. The exhibit documents the challenges for ordinary men, women, and students who faced unpopularity and adversity to stand up for their beliefs. These stories include high school students denied the right to read library books, gays denied a parade permit because they were "nontraditional," black male college students subject to a wholesale sweep by police in search of a suspect, and women denied the right to join a public organization.

According to the coordinator of the exhibit, Don Parker of the NYCLU's Nassau Chapter, the idea for "Faces of Liberty" originated from a similar exhibit of the same name created by the ACLU of Oregon, which served as a role model for the New York project. Input and suggestions for two New York exhibits—one focusing primarily on upstate New York cases and another predominantly

consisting of cases in New York City and Nassau, Suffolk, and Westchester Counties—were received from the executive directors of the state's seven chapters. The 22 cases featured in the "downstate" exhibit shown in the Broad Student Center date back as far as 1969.

NYCLU is a nonpartisan organization that serves as the state affiliate of the American Civil Liberties Union. Founded in 1951, NYCLU is devoted to defending and advocating individual liberty under the Bill of Rights, the U.S. Constitution, and the New York State Constitution. NYCLU has a membership of over 25,000 state residents.

"Faces of Liberty" began circulating in September 1999. By the spring of 2004, the exhibits will have been displayed in 55 public libraries, 17 college or university libraries, seven law schools, and galleries at two airports. For more information, go to www.nyclu.org/faces_liberty.html. ■

Justice Action Center Hosts Symposium on Gun Control

By Thomas Adcock | Originally published in the *New York Law Journal*
 Photos by Rick Kopstein

On October 14, 2003, Richard North Patterson, the bestselling author whose most recent novel, *Balance of Power*, tackles the issue of gun violence, headlined the Justice Action Center's panel debate on gun control. Patterson and attorney Jon Lowy of the Brady Center to Prevent Gun Violence faced former Congressman Robert Barr and Professor Mary Zeiss Stange of Skidmore College.

THREE YEARS AGO, NEW YORK LAW SCHOOL INSTITUTED ITS Justice Action Center as a means of bringing together faculty, students, and selected guests to "evaluate the efficacy of law as an agent of change and social betterment."

At a campus symposium on gun laws earlier this month, students and lawyers packed into the spacious Ernst Stiefel Reading Room might have wondered if attorneys or anyone else were capable of reducing gun-related deaths in the United States—nearly 30,000 per year.

The first salvo was fired by Richard North Patterson, the former federal prosecutor turned best-selling novelist in town to promote his new page-turner, "Balance of Power," the tale of a gun-shy president plagued by zealots of the National Rifle Association.

"We can agree to disagree," said Mr. Patterson, "but now I'm going to proceed to be disagreeable."

"In the annals of cynicism, there is no claim more bogus than 'all we need to do is enforce existing laws,'" he said, with apparent reference to right-wing politicians and their friends in the powerful NRA. "The NRA has intimidated and bribed our congressional majority. The NRA has kept America from knowing the facts."

The facts, he said, add up to this: "America is the slaughterhouse of the civilized world."

On the other hand were the views of attorney Robert Barr, the former Republican Congressman from Georgia who once sat on the House Judiciary Committee and now splits his time between fellowship duties with Oliver North's Freedom Alliance and board membership with the NRA, and Mary Zeiss Stange, a Skidmore College professor of religion and philosophy who said she keeps a Browning Automatic Rifle at her holiday spread in Montana.

To counter Mr. Patterson's advocacy of increased gun control, Mr. Barr cited the ultra-restrictive gun laws of the nation's capital and a conversation he claimed to have had in the days following the Sept. 11 terror attacks.

"Three different members of Congress, all extremely liberal and in favor of gun control," recollected Mr. Barr, "they said to me, 'In your

NRA capacity, can't you do something to get us our gun rights back so that we here in Washington can protect ourselves?' And since then, a number of other folks have approached me."

Though he declined to identify the members of Congress or others who came to him "in confidence," he said Washington had a "woefully high crime rate engendered, in part, by disarming the public."

Mr. Barr said of the downed pilots of commercial jets hijacked by terrorists, "If they'd had a firearm in that cockpit, they'd be here today."

Ms. Stange objected to that remark on the grounds of sexism, presumably because pilots are generally seen as males and flight attendants as females.

"If the flight attendants had been armed, the tragedy might have been lessened," said Ms. Stange, also an author, whose works explore how firearms empower feminists.

Jon Lowy, senior attorney with the Legal Action Project of the Brady Center to Prevent Gun Violence, said he wants federal gun possession and registration laws expanded in order to abate a statistic he offered at the symposium and a few days later in a full-page *New York Times* ad: "One percent of gun dealers supply 57 percent of crime guns."

Mr. Lowy is trying to bring suit against one such company, Bull's Eye

Mr. Barr and Ms. Stange suggested that problems such as multiple gun sales and the world's highest rate of gun deaths, if indeed such are problems, are worth the cost of protecting the Second Amendment, which speaks of the right to bear arms in the formation of militias.



Shooter Supply of Seattle, which has acknowledged in press reports the “loss” of 238 weapons from its inventory, including a Bushmaster assault rifle that wound up in the possession of John Allen Muhammad and teenager Lee Boyd Malvo, who are on trial in Virginia for the sniper murders of 12 people in the Washington, D.C. area.

Mr. Lowy further decried the problem of multiple gun sales. “In all but a handful of states,” he said, “you can buy as many guns as you have the money for.”

But Mr. Barr and Ms. Stange suggested that problems such as multiple gun sales and the world’s highest rate of gun deaths, if indeed such are problems, are worth the cost of protecting the Second Amendment, which speaks of the right to bear arms in the formation of militias.

“One should honor a principle,” said Ms. Stange, “even when there are significant social costs.”

Messrs. Patterson and Barr had a final back-and-forth on citizen gun-owners opposed to tyranny.

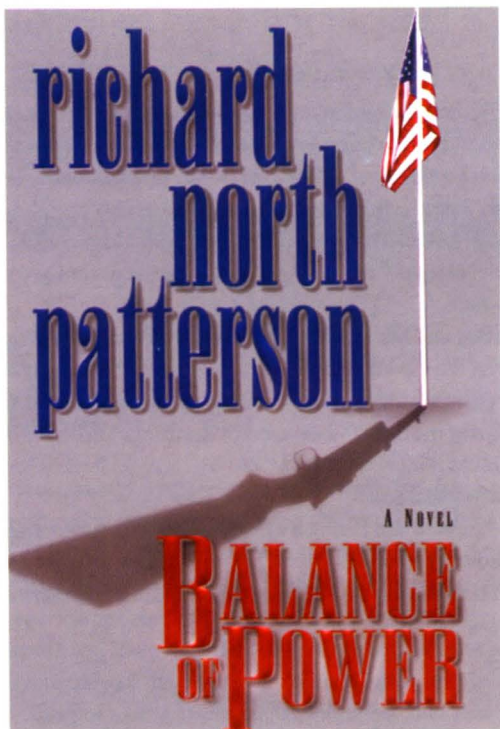
“Guns didn’t overthrow the Soviet Union,” said Mr. Patterson.

“Yeah,” said Mr. Barr, “but they did with the British.” ■



Left to right: Professor Nadine Strossen, Richard North Patterson, Robert Barr, Jon Lowy, and Professor Mary Zeiss Stange.

A Media Reporter Interview with Richard North Patterson

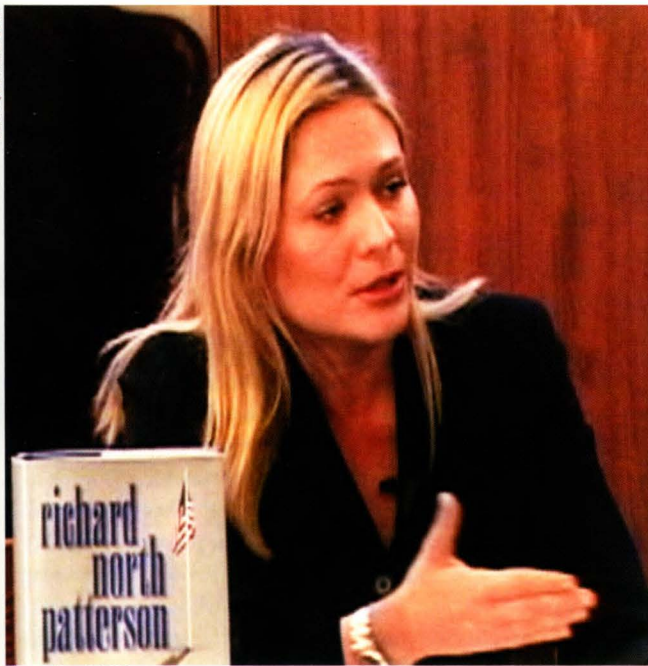


Balance of Power
By Richard North Patterson
Random House Publishing Group, 2003

During his visit to the Law School on October 8 to speak at a gun control debate, Richard North Patterson granted an interview to *Media Reporter*, an ongoing cable TV series produced by the School's Media Center. Patterson was interviewed by alumna Bianca Bezdek '00, of the law firm Bezdek & Associates, and the show aired in November.

Media Reporter examines the ever-changing landscape of the media and communications fields. The program is a showcase for an array of prominent guest speakers at the Law School, featuring lively debates on controversial legal issues and coverage of special events unique to the Law School's community.

Following are excerpts from that interview.



Bianca Bezdek '00.



Richard North Patterson.

Bezdek: I found your new book, *Balance of Power*, gripping, poignant, and timely. In the foreword you quote from the Second Amendment of the United States Constitution: "A well-regulated militia being necessary to the security of the Free State, the right of the people to keep and bear arms shall not be infringed." What exactly does that mean to you? How are you construing that?

Bezdek: The hero of several of your books—President Kerry Kilcannon, who is young, handsome, charming, Catholic, Irish—is the brother of a person who was assassinated and has survived an assassination attempt himself. Of course, Bobby Kennedy comes to mind. How much of this character was based on him, and how much is based on yourself?

Bezdek: In previous interviews, you've been quoted as saying that tackling social issues is a cause more pressing for you than returning to the legal sector. After you've covered issues such as domestic violence, abortion, gun regulations, and campaign contributions, what can your readers, myself included, expect in future novels?

Patterson: I construe it the way I think most reasonable people have historically: that it refers to a militia that was alive and present in the 1780s and not to the right of any person, law abiding or not, to have any weapon, including weapons undreamt of when James Madison helped write the Bill of Rights. Certainly, no right in the Bill of Rights, even if you assume this is to protect individual ownership, is absolute. How can anyone seriously suggest that the Second Amendment protects the rights of madmen, or sociopaths, or wife abusers, or felons, or the mentally ill, or juveniles to have weapons?

Patterson: Well, I think 1968 was a critical year for me; it was the year when the worst things happened to me that weren't personal to me: the murder of Martin Luther King and the murder of Robert Kennedy, where our history was altered tragically by guns. I suppose that all of us who are fiction writers want to reorder the world the way we wish it were. And I think to some extent it is a tribute to Robert Kennedy. Now, I didn't know Robert Kennedy, obviously. I'm a good friend of Ted Kennedy's. But it was a way of talking about the qualities he might have brought to us were he still alive and functioning as a politician in this time, as opposed to his time.

Patterson: Death penalty. It's the book I'm writing now. And I've taken a very complicated and difficult case at the very end, with a lawyer who's trying to save somebody from execution, and used it as a way of not only dramatizing that case but exposing the way the death penalty regime in this country works in general. So I think it's an exciting story and I say hopefully it'll also be a thought-provoking look at how we administer capital punishment in America.



Bezdek: To what do you attribute the phenomenon that the United States is dealing with such increased homicide rates?

Patterson: Well, there are two things. First of all, there's the "sheer opportunity" theory; the more you have of anything, the more it's likely to be used and abused. We have an awful lot of guns in this country. The second thing, and the very important thing, is we do a lousy job of keeping them away from people with a known predisposition to violence, whether it's felons, or people guilty of violent misdemeanors, or people under domestic violence restraining orders, or people who are drug abusers, people who are adjudicated mentally ill, juveniles who don't have any great sense of responsibility. We are terrible at keeping the guns out of the hands of those people. And we could do a great deal to stop gun violence in this country if we had universal background checks for every transfer of a gun. Whether it's neighbor to neighbor, or over the Internet, through classified ads at a gun show, it's subject to the same check the license dealer is supposed to run. And if we had a system where the records of domestic violence, misdemeanors, felonies, and the like are actually automated—and we are a long way from that.

Bezdek: What is the best way to improve gun control? Is it "smart guns"? Is it continuing lawsuits? Is it mandatory registration? Is it a mandatory waiting period between the time you want to purchase a gun and the time you're allowed to own the gun? What do you think is the best way, what combination of these elements should Congress and the President use to handle this issue?

Patterson: I'd say there are three basic elements. First of all, to prevent murders in violent crimes by keeping guns out of the hands of people who shouldn't have them. The people that I've enumerated: felons, and drug abusers, and the insane, and spousal abusers, and the like. And that means universal background checks to try to cut down the number of people, and we would cut down the number of people; dangerous people buy guns. The second is, making guns safer so as to prevent accidents and suicides, including kid accidents and teen suicides. That means safe-storage laws, that means trigger locks, that means, when it is technologically feasible, "smart guns," which are personalized to be fired only by the legitimate owner. The third is preventing manslaughters by keeping weapons of war out of the hands of civilians. Nobody needs an AK-47 to kill a deer. If you want to shoot an assault weapon, join the army—your country needs you! But there's no legitimate sporting purpose or self-defense purpose for having an AK-47. I don't have a problem in the world with law-abiding Americans owning a gun for any lawful purpose. I may question if there is a gun in the household for self-defense. I may worry about the risk, but that's the risk for somebody else to take. My problem is with an extremist gun lobby that keeps us from taking the simplest common-sense steps that most people, including gun owners, would support, because it's somehow the slippery slope that will lead to the confiscation of all weapons. That is just crazy. And it leads to more death and tragedy.

Bezdek: Now, speaking of the gun lobby, the infamous gun lobby. In your new book, *Balance of Power*, it is obviously depicted as a very untransparent entity. How did you go about researching the inner workings of this iron triangle?

Bezdek: Did the NRA or other parts of the gun lobby attempt to enjoin the book in any way?

Bezdek: Is this at all a personal topic? Have you personally—or anyone near and dear to you—been affected by gun violence?

Bezdek: I was transfixed by some of your characters' interesting quotes, one of which is "Politics, like rest, never sleeps." Do you yourself have any political ambitions?

Patterson: I interviewed a hundred people, everyone from an ex-president, to senators, to people who've lobbied on both sides of this issue, to a couple of people who are close to the NRA, although they didn't want that put on record. I read their publications and I talked to people who've had dealings with them, including people whose careers as gun rights advocates were destroyed because they departed from the party line. So I did everything I could to make it authentic. And what I tried to do is get interviews with the NRA's leaders and hear their perspectives on these things. They declined to share their view of the world with me. But I think I've provided what President Clinton said I did, and he's been dealing with them his whole adult life in politics: an extremely realistic look at the workings of the gun lobby.

Patterson: Well, the book is just out today. I can't imagine that they would, given the amount of complaining they do about the free speech violations posed by McCain-Feingold and campaign finance reform. I cannot imagine they are in any kind of intellectual position to attempt to do what would clearly be a violation of the First Amendment, to restrain this book. I expect that they won't like it. I got my first piece of actual hate mail in advance of the book, and I bet I'll get more. This is an issue which is emotional to people: it has all the divisiveness of the abortion debate and none of the moral dignity. And part of the problem is that some gun owners have been led to believe that people like me want to take their guns away, and I don't. But we've been turned into this elitist enemy that scorns their way of life and doesn't think that they have the right to safely use guns for legal purposes. And that's just not true, but that's the reason that so many people get so, shall we say, excited about this issue.

Patterson: I think America has personally been affected by gun violence. I think we're affected every time we lose a political leader, we're affected every time we change our behavior because we're worried about personal danger to ourselves. We're affected as I was affected, when a law firm down the street from me in San Francisco had a guy who never should've gotten a gun walk in with an assault weapon and kill eight people, including the wife of a friend of mine. We're affected by all those things whether they happen to us personally or not. We live in a society where we tolerate an unacceptable level of violence. And the answer is not to arm ourselves so that we turn into an armed camp of the lawless and the fearful, but to take reasonable steps to separate legitimate gun ownership, legitimate uses of guns, from uses of guns by people who are violent.

Patterson: No. I have a number of friends who are in political office. And politics never does sleep; it's not just a job—it's a way of life. They are always on call, their life is always subject to their duties, people at once think ill of them, very often for no good reason, and yet demand a lot of them. They have very little privacy, they're at some personal risk, and they have to raise a ton of money to survive in this political system. So I'm very happy to nip in and out of the political process and be a guest star and write about it rather than be in it. ■

Jagdish Bhagwati Delivers C.V. Starr Lecture on Immigration Policy

By Michael Rhee

Photo: Rick Kopstein



Professor Jagdish Bhagwati.

“INTERNATIONAL MIGRATION LIES CLOSE TO THE CENTER OF global problems that now seize the attention of politicians and intellectuals around the world,” said Professor Jagdish Bhagwati during his lecture at New York Law School on the problems of global migration and ways in which governments should re-orient their immigration practices to address what is expected to be an increasing tide of migration in the future.

A world-renowned economist and political scientist, who is currently a professor at Columbia University and a senior fellow at the Council on Foreign Relations, Professor Bhagwati spoke to an audience of more than 140 during a C.V. Starr lecture on October 23, 2003. It was sponsored by the Law School’s Center for International Law whose director is Professor Sydney M. Cone III.

Recent statistics from the United Nations reveal that around 175 million people currently reside outside the country of their birth, and that almost 10 percent of those living in more developed countries are migrants. Professor Bhagwati highlighted several patterns of

migration, including highly skilled workers who leave developing countries to seek better opportunities in wealthier nations such as the United States, unskilled migrants who continue to illegally enter developed countries to look for work, and those migrants who cross borders pursuing, in many cases, false asylum claims.

Although governments in the developed world have tried to address migration through measures such as granting more special work visas, implementing stiffer border-control measures, and imposing harsher sanctions on employers who hire illegal immigrants, Professor Bhagwati said that these attempts have been largely ineffective. He pointed out that ethnic politics and influential groups in civil society (such as human rights organizations and civil libertarians) have helped to blunt the effectiveness of or even rolled back some of these measures. “The reality is that borders are beyond control and little can be done to really cut down on immigration,” he said. Instead, he proposes that these migration flows be “creatively accommodated.”

Governments must “turn to policies that will integrate migrants into their new homes in ways that will minimize the social costs and maximize the economic benefits” of migration, he said. For example, governments should continue to allow the children of immigrants to attend public schools and should assist immigrants in settling throughout a country so that no one geographic region will experience depressed wages. Professor Bhagwati also said that more prosperous countries should extend greater economic aid to migrants’ countries of origin to alleviate poor economic conditions that force people to migrate.

He advocated greater international cooperation in addressing global migration. Noting that there is no one international organization that oversees and monitors each nation’s migration policies, he proposed the creation of a world migration organization. Rather than dictating a rigid set of rules concerning migration, such an organization could consolidate different protocols and best practices governing migration and then, over time, begin to carry out impartial reviews of the migration policies of member countries.

After the lecture, the Center for International Law hosted a dinner at City Hall Restaurant for Professor Bhagwati, 20 Harlan Scholars (scholarship students at New York Law School), and several members of the faculty. ■

Joel Klein, Frank Macchiarola, and Charles Hynes at CityLaw Breakfast Series

By Jim Hellegaard



Left to right: New York City Schools Chancellor Joel Klein; Charter Commission Chair Frank Macchiarola; and Kings County District Attorney Charles Hynes with CityLaw Center staff.

THE CENTER FOR NEW YORK CITY LAW KICKED OFF ITS 2003-

2004 Breakfast Series on Friday, September 5, with Joel Klein, chancellor, New York City Department of Education. Klein, who was appointed by Mayor Mike Bloomberg on July 29, 2002, discussed his experiences during his first year in the position. His talk drew a standing-room-only crowd to the Law School's Ernst Stiefel Reading Room, including reporters from *The New York Times*, and *The Wall Street Journal*, and camera crews from WCBS Channel 2 and NY1.

Klein's appearance came just a few days before the beginning of the new school year and the implementation of his new Children First reforms. Klein said he is often told that his "problem" is that he thinks like a lawyer, but he doesn't see it that way. "I actually think thinking like a lawyer can be an asset in life," Klein said. "And in the midst of all the advice that I get from so many people and the day-to-day trials and tribulations of trying to do major school reform in an understated city like New York, it's refreshing to be able to step back and think hard and try to reason through some very difficult problems."

Klein said the most critical domestic issue the nation faces is public education. By any measure, public education is failing far too many people in our society, he said, and there is a pervasive view that public education is in many quarters irreparably broken. If that's true, he said, that is some of the worst news that we as a nation would have to face.

"I don't believe it is true, but I do think it has to be accepted that we are not doing the job, particularly in large urban areas—areas that are inhabited by poor people, often by immigrants, people of color—we are not doing the job in public education that our nation will need us to do," Klein said. "And I think people need to be very sober and serious about that."

On October 17, Frank Macchiarola, chair, 2003 Charter Revision

Commission, and president, St. Francis College, discussed the 2003 Charter Revision Commission proposals, the most significant of which would alter the way New Yorkers elect their citywide and local officials by establishing a system of nonpartisan elections. This proposal was voted down on November 4.

Macchiarola discussed some instances where the Commission has provided for nonpartisan elections, including situations where vacancies occur in citywide offices. He said it would be "terrible" if certain districts were discriminated against because their representatives did not belong to the mayor's party for instance, but said he doesn't believe that has occurred in New York City.

"We have a local government that is in fact as fair as local governments should be to all people, although it's not provided for in the way in which we elect them," Macchiarola told the audience. "We continue to elect on a partisan basis. What that means is that we give to the party apparatus the control of who goes on the ballot. And we deaden political input because of that."

On November 7, Charles Hynes, district attorney for Kings County in Brooklyn, spoke at the final breakfast of the semester. His speech on court reform drew several members of the press, including reporters from *The New York Law Journal* and *Crain's New York Business*.

Hynes announced that prosecutors had convened a second special grand jury to pursue new evidence of political and judicial corruption. He did not elaborate, but one of his top assistants told *Newsday* that the new grand jury was going to look into "new cases" that have resulted from the continuing probe of the judiciary. ■

Media Center Students Intern at the Federal Communications Commission

THE MEDIA CENTER, NEW YORK LAW SCHOOL'S HOME FOR THE

study of telecommunications, media, and new media law and policy, is one of the nation's oldest training programs for media lawyers. The Center, under the direction of Professor Michael Botein, offers students a wide-ranging curriculum, including many courses on international and foreign media law as well as opportunities for academic collaboration and exchange with foreign universities.

The Center also sponsors programs that bring distinguished experts in the field of media law together for stimulating discussion of current developments in this arena. In July 2003, the Center sponsored "A New Regulatory Framework for Electronic Communication: The Changing Landscape in the European Union," bringing in a panel of transnational policy and practice experts for an informed discussion of the series of new regulatory directives adopted by the European Union in 2002, designed to rationalize the regulation of electronic networks.

Another priority for the Center is securing summer internships for students who are interested in specializing in media law. In the summer of 2003, the Center awarded Media Law Fellowships to several students to work in Washington, D.C.

Lynnore Thames 4L, an Evening Division student, interned for nine weeks in the Industry & Analysis Division of the Federal Communications Commission's Media Bureau. Thames worked directly with the two division chiefs for the Industry & Analysis Division on several research projects for the Biennial Report on the Media Ownership Rules, and also had the opportunity to work closely with several of the Division's attorneys on legal memoranda and research for the DirecTV/News Corp. merger application.

"Many of the attorneys I worked with were very excited about working for the government," Thames said. "A number of them had worked at major Washington, D.C. and New York law firms, and most said that they would not return to firm life because they had found true fulfillment working for the government."

Peter Choi 2L worked in the Strategic Analysis and Negotiations Division of the FCC's International Bureau. His projects included drafting a presentation for an open commission meeting on the results of the World Radio Communication Conference and attending a variety of meetings outside of the Commission.

"Working as a legal intern in the International Bureau, I had numerous opportunities to not only read proposals and recommendations, but to meet various industry representatives to hear their viewpoints," Choi said. "It was the first time I had worked



Summer 2003 Media Law Fellows in downtown Washington, D.C., left to right: Vanessa Hickey 2L, Peter Choi 2L, Amy Gould 2L, Juliana Li 3L, and Dan Margolis 3L.

in the public sector, and I would definitely recommend this opportunity for anyone interested in pursuing a career in telecommunications law or in the government."

Amy Gould 2L worked at the Telecommunications Research & Action Center (TRAC), where her main responsibility was writing an emergency petition to the FCC regarding a certain common carrier's recently implemented regulatory surcharges. Another of her projects focused on spam and other Internet privacy issues. As part of her assignment to help develop solutions to these problems, she sat in on committee hearings and meetings at the Senate, House of Representatives and the FCC, all of which were discussing the increasing problem of spam. She met several congressmen and was able to voice her opinions at meetings with other consumer advocacy groups throughout the D.C. area.

"Professionally, it was a terrific experience," said Gould. "I learned how to research more efficiently and how to prepare a concise, precise, and well-drafted document. TRAC gave me the supervision I needed, but allowed me to take initiative to start projects and gave me space to research various issues in the telecommunications field and then decide what was most appealing."

“Working as a legal intern in the International Bureau, I had numerous opportunities to not only read proposals and recommendations, but to meet various industry representatives to hear their viewpoints.”

— Peter Choi 2L

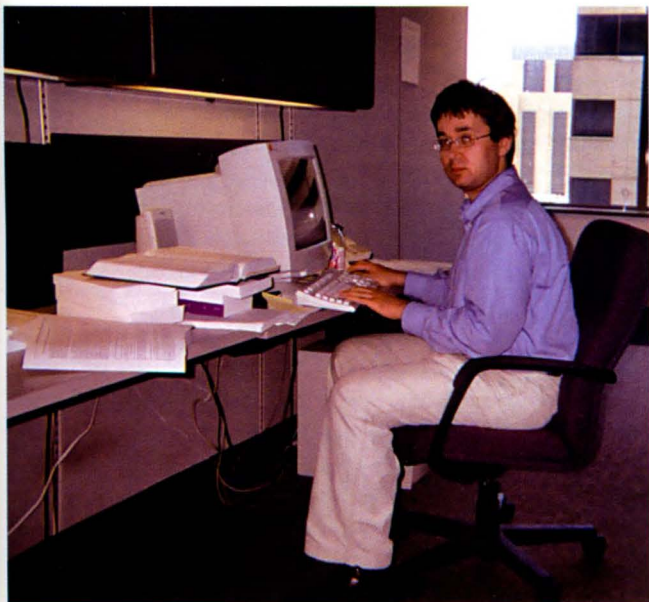


Photo courtesy Media Center

Boris Liberman 2L at work in the FCC's Wireless Telecommunications Bureau.

Boris Liberman 2L was placed in the Public Safety Division of the FCC's Wireless Telecommunications Bureau. He drafted several parts of the Report and Order related to interference issues in the 800 MHz band, specifically addressing levels of responsibility of cellular carriers toward the public safety community that operates adjacent channels in the 800 MHz band.

“The 800 MHz issue is a multibillion-dollar problem, and I was surprised that the team members felt confident enough to delegate significant responsibilities to me in that case,” said Liberman.

Other students who received Media Law Fellowships, and their summer internship placements, were:

- Vanessa Hickey 2L, FCC, Enforcement Bureau
- Juliana Li 3L, FCC, Office of Engineering & Technology
- Dan Margolis 3L, Media Access Project ■

Save the Date!

Anthony Lewis to Deliver Media Center Annual Lecture on February 10, 2004

On Tuesday, February 10, 2004, two-time Pulitzer Prize winner and former *New York Times* columnist Anthony Lewis will deliver the Media Center Annual Lecture on current war-related civil liberties issues.

Lewis's column, called “Abroad at Home,” appeared on the *Times'* Op-Ed page from 1969 until his retirement in 2001. Prior to becoming a columnist, Lewis was based in Washington, D.C. covering the Supreme Court, and in London as *Times* bureau chief.

Lewis won his first Pulitzer Prize for national reporting in 1955 as a general assignment reporter for the *Washington Daily News*, for a series of articles on the dismissal of a Navy employee as a security risk. The articles led to the employee's reinstatement.

From 1956 to 1957 he was a Nieman Fellow at Harvard. In the following years he reported on, among other things, the Warren Court and the federal government's responses to the civil rights movement. He won his second Pulitzer Prize in 1963 for his coverage of the Supreme Court.

He is the author of three books: *Gideon's Trumpet* (1964), about the landmark Supreme Court case; *Portrait of a Decade* (1964), about the great changes in American race relations; and *Make No Law* (1991), about the *New York Times v. Sullivan* case, the landmark Supreme Court decision that changed the course of First Amendment litigation in America. He has also published numerous articles in legal journals.

Details will be posted on the Law School's Web site, www.nyls.edu.

CPVP Launches New Research Initiatives, Master Classes

Codirectors

The codirectors of the Center for Professional Values and Practice are Professors Tanina Rostain and Donald H. Zeigler. Professor Rostain, a graduate of Swarthmore College and Yale Law School, with an M.A. in philosophy from Yale University, has devoted much of her career to thinking about the way lawyers and the legal profession frame the issues of our time. Professor Zeigler, a graduate of Amherst College and Columbia Law School, is a specialist in evidence and the federal courts who has focused his research and scholarship in the area of legal reform.

About the Center

Established in 2002, the Center for Professional Values and Practice (CPVP) provides opportunities for faculty and students to examine the many roles lawyers play and the various approaches to the practice of law.

Lawyers represent a diverse range of clients, from individuals and corporations to government agencies and not-for-profit organizations. They are called upon to be advocates, problem-solvers, facilitators, negotiators, advisers, investigators, and, at times, even business managers. Society places extraordinary demands upon the legal profession, and lawyers must be extraordinarily capable if they are to meet these demands. In their varied roles, lawyers must constantly reflect upon their relation to their clients, to other members of the legal community, and to society at large.

CPVP's work is based on the premise that successful membership in the legal profession requires an inquiry that goes beyond traditional legal theory. To this end, CPVP fosters the development of "reflective professionalism"—an ongoing, conscious consideration of the norms and values that govern lawyers' conduct. Center-affiliated faculty guide students to think critically about the ethical choices they must make as lawyers while honing necessary practice skills.

In addition to its work with students, CPVP serves as an umbrella organization to several affiliated research initiatives investigating the role of lawyers in society.

Research Initiatives

The Clinical Research Institute

The Clinical Research Institute (CRI), sponsored by New York Law School, is one of the newest elements of the Legal Scholarship Network, which in turn is part of the Social Science Research Network. The CRI invites postings of works of clinical scholarship broadly defined, including articles addressing clinical pedagogy, developing clinical models for the practice of law, or offering clinically-based appraisals of legal institutions and rules. The Institute is especially interested in posting works-in-progress, so that authors can receive feedback on their ideas while they are still developing

them, and it encourages clinicians (and others) in the United States and elsewhere to submit their manuscripts for posting. There is no fee to either the authors of posted works or to those who download them.

Lawyers in Transnational Practice Research Initiative

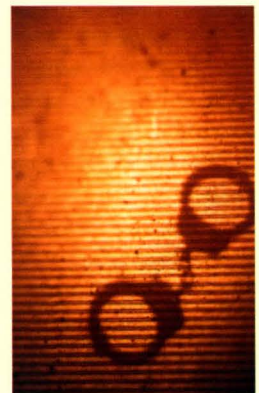
Historically, legal professions and their host nation-states developed in tandem. Today, the legal profession emerges as a transnational phenomenon, and nation-states face challenges to their authority at international, supra-national, and nongovernmental levels. The Lawyers in Transnational Practice Research Initiative has as its goal the creation of a collaborative research network focusing on the means by which the burgeoning international legal community and the move towards globalization reinforce or impede one another.

Master Classes

Among the Center's innovations are its Master Classes, led by experienced practitioners invited to teach students about issues that arise in their particular areas of practice. During the fall 2003 semester, Master Classes were taught by David N. Kelley '86, recently named interim United States attorney for the Southern District of New York, and by Jules Lobel, a professor of international law at the University of Pittsburgh and the author of the just-published book, *Success Without Victory: Lost Legal Battles and the Long Road to Justice in America* (New York University, 2003). ■

Criminal Defense in an Age of Terrorism

Defense attorneys face a multitude of new or enhanced restrictions on their ability to represent their clients effectively. The Center for Professional Values and Practice will look at the challenges of this new legal environment in a special symposium edition of the *New York Law School Law Review* to be published in the spring of 2004.

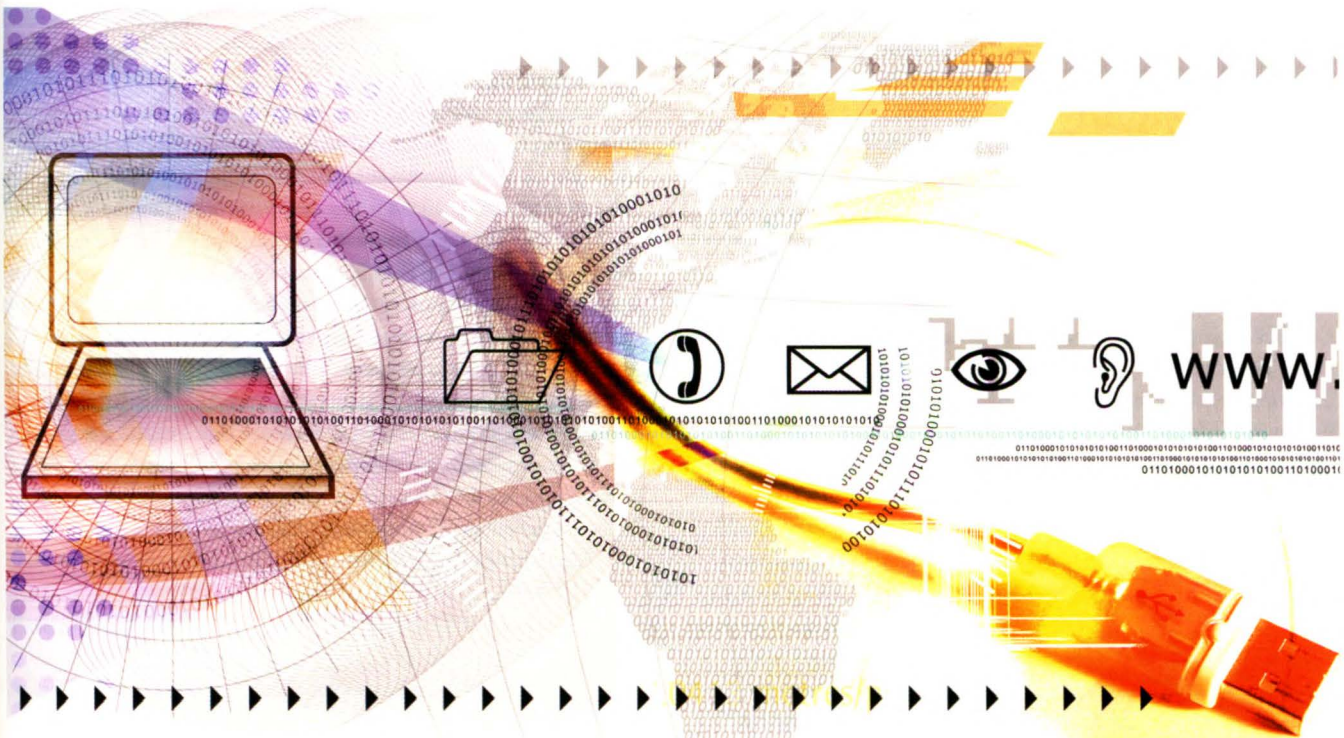


For more information, or to request a copy of this symposium issue, please contact:

Chris Alan Kendall, Program Director
 Center for Professional Values and Practice
 ckendall@nyls.edu
 212.431.2314

Law School's Newest Institute

The Institute for Information Law and Policy



THE INSTITUTE FOR INFORMATION LAW AND POLICY IS NEW YORK

Law School's home for the study of information, communication, and law in the global digital age. The goal of the Institute is to apply the theory and technology of communications and information to strengthening democratic institutions and the rule of law as technology evolves. It is this vision that informs the pedagogy, activities, scholarly research and practical projects of the Institute's faculty, students and fellows.

Through its curriculum, ongoing conference and speakers series, summer lunch colloquia and a variety of original projects, the Institute investigates the emerging field of information law, which encompasses intellectual property, privacy, free speech, information access, communications and all areas of law pertaining to information and communication practices. The Institute addresses the far-reaching legal implications of changes in information and communication technology and how, in turn, new ways of communicating and sharing information impact the substance and

practice of law and democracy.

As the Law School's newest research center, established in the spring of 2003, the Institute made a splash during the summer and early fall of 2003 with a virtually nonstop series of activities, including its lunchtime colloquia, a trip by the Institute's eRulemaking student research team to meet with government agency officials in Washington, D.C., and a "field trip" for students to the U.S. District Court in lower Manhattan to learn about technological applications in the courtroom environment. The Institute's groundbreaking conference, "The State of Play: Law, Games, and Virtual Worlds," which took place this November, will be covered extensively in the spring 2004 issue of *In Brief*.

The following news briefs were reported by student research affiliates of the Institute for Information Law and Policy: Lane Buschel 2L, Marianne Law 3L, Chun Li 2L, Deborah Newman 2L, Diane O'Connell 2L, and Rinil Routh 2L.

Summer Colloquia Bring Noted Scholars and Practitioners to the Institute

Every Wednesday of this past summer, the research fellows of the Institute and other members of the Law School community gathered for learning lunches to discuss recent developments in intellectual property, technology, information and related areas of law. These moveable feasts featured guest speakers who led the interactive discussion and shared information about their research. Area restaurants, including Silk Road Mocha at 30 Mott Street, generously sponsored these lunches. The following are reports from a selection of these summer colloquia.

The Institute's kick-off lunch on May 28 featured Nimrod Kozlovski, lecturer in cyberlaw at Tel Aviv University and fellow of the Information Society Project at Yale Law School. Kozlovski, a noted authority on Internet and information security, is the author of the book *The Computer and the Legal Process* (Israeli Bar Association Press, 2000). He described problems with balancing the need for authentication and privacy in online interactions. This generated an animated, interactive discussion about Internet privacy and security. Of particular interest was the controversial issue of whether Internet service providers (ISPs) should be required to disclose information on transactions and personal data about their subscribers to legal authorities. Kozlovski will be teaching a course in CyberCrime and Cyberterror at New York Law School in the spring of 2004.

On June 4, New York Law School alumnus Steven Heymann '99, then vice president for business affairs of the Entertainment Software Rating Board (ESRB), spoke about how the ESRB, an independent, self-regulatory body comprising over 350 software publishers, applies ratings and advertising guidelines adopted by the computer and video gaming industry. In a lively discussion, Heymann answered questions about how the rating system works, how games are rated, and how the ratings are enforced. He also addressed the business implications of ratings on retail distribution and the role that the ESRB's Advertising Review Council (ARC) plays in ensuring responsible advertising and marketing practices of video games. This was an exciting preview of issues that would later be discussed at the Institute's fall conference on video games.

Brian G. Murphy, a partner at the law firm of Frankfurt Kurnit Klein & Selz, PC, visited the Institute on June 25 to discuss federal trademark and state right of publicity law and attempts by famous persons to defeat unauthorized uses of their likenesses. Using engaging real-world examples and visuals, Murphy discussed the roles played by the First Amendment, rights of publicity and privacy, and the Lanham Act, § 43(a) federal common law trademark protection, when the lines blur between marketing and entertainment. Members of the colloquium had read several cases prepared by Murphy beforehand, contributing to the lively and informed discussion. As a result of his introduction to the Institute at the colloquium, Murphy will be teaching Entertainment Law as an adjunct professor at New York Law School this spring.

On July 9, the Institute welcomed Professor Rene Peralta, research scientist from the Department of Computer Science at Yale University. Professor Peralta probed the question of what the future holds for the new technological instruments of citizen participation, particularly with regard to electronic voting and Internet-based approaches to the election process. Students were given the

opportunity to understand the mechanics and issues from the viewpoint of a computer scientist. Professor Peralta took the position that "the Internet has a valuable role to play in enhancing democratic processes." The discussion elicited questions about the various obstacles encountered when utilizing the Internet for participatory processes; elements of a working e-voting system; and the proper balance between technology and legislation.

At the July 16 colloquium, the Institute for Information Law & Policy was privileged to have Professor Bernd Holznagel as a guest to discuss his paper, "Responsibility for Harmful and Illegal Content on the Internet." Professor Holznagel is the director of the Institute for Information, Telecommunication and Media Law at the University of Muenster in Germany and is a leading figure in this area of law. During the colloquium, the group discussed the German approach to content regulation on the Internet, how the European Union is creating uniform law to address cyberlaw issues, and the comparative approaches to liability for hate speech online.

On September 22, the Institute hosted Ethan Katsh, professor of legal studies at the University of Massachusetts at Amherst and codirector of the Center for Information Technology and Dispute Resolution. Professor Katsh is also a member of the Advisory Board of New York Law School's Democracy Design Workshop. Professor Katsh presented the Uniform Dispute Resolution Database, a tool he designed and built to provide Internet users worldwide with free access to legal precedents regarding disputes over Web domain addresses. New York Law School students Jeremy Hollander 2L and Sal Piscopo 3L worked throughout the summer and fall to analyze and upload cases. The database, as Professor Katsh explained, gives parties the tools necessary to better prepare for Web domain name dispute cases and the process involved in deciding such a dispute. The database can be found at <http://udrp.lii.info>.

Institute Fellows Meet with EPA and DOT Officials in Washington, D.C.

On June 16, 2003, the Institute for Information Law and Policy at New York Law School sent 14 student research fellows to Washington, D.C. for a full day of in-depth, on-site interviews and debriefings with leaders at the Environmental Protection Agency's (EPA) Office of Environmental Information and the Department of Transportation (DOT).

The students, members of the Institute's eRulemaking research team, talked with the EPA and DOT about the agencies' efforts to implement the E-Government Act of 2002 and use new technology to conduct regulatory rulemaking online as mandated by the Act. The students are researching the legal issues raised by moving agency rulemaking from paper to the World Wide Web and are preparing a whitepaper for presentation by the Institute.

At the EPA, Law School students were met by Oscar Morales, director of the Office of Environmental Information (OEI) and supervisor of the government-wide eRulemaking Initiative, and John Moses, deputy director of OEI. Morales provided an overview of the objectives, scope, structure and milestones of the eRulemaking Initiative and its central Web site. Encompassing more than 168 federal entities—departments, bureaus, independent agencies, commissions, and boards—that enact federal rules, the eRulemaking Initiative is one of the largest cross-agency undertakings. The students

discussed the challenges of trying to implement this initiative with OEI staff.

"As law students and the future leaders in our respective communities, we have been given a task of serious importance in shaping how citizens from across the country will interact with the federal government," said Jeffrey Alfano 2L. "These meetings mark the first steps, for many of us, in using the legal training gained at New York Law School to change the way government is perceived and functions. Professor Noveck should be congratulated for bringing such a wonderful opportunity to New York Law School."

The students' next meeting was with Neil Eisner, assistant general counsel at the DOT, one of the government's largest rulemaking agencies, which is at the forefront of utilizing technology to enhance the democratic process. Eisner was particularly proud of the DOT's Docket Management System (DMS), a centralized, Internet-accessible electronic storage system for the DOT's public rulemaking and adjudicatory dockets.

In place since 1995, the DMS contains 1.4 million searchable pages of rulemaking documents, background material, pleadings and transcripts, and is an online resource where the public can learn about and comment upon proposed DOT rules in real time.

Eisner noted that with this tremendous increase in public access came some challenging legal issues, including the safety of copyrighted materials posted online and whether those submitting online comments could be anonymous. He was eager to have the students' perspective and their proposed solutions to these and other issues.

Eisner and the DOT graciously hosted a brainstorming session for the Interactive Democracy Inventory Project, which recently received a grant from the Rockefeller Foundation to create an online repository of best practices in participatory and democratic governance and processes. Led by Professor Noveck, the session included Lars Hasselblad of AmericaSpeaks; Steven Johnson of simcivic.org; David Johnson, formerly of Wilmer, Cutler, & Pickering; Eisner; and the New York Law School students.

Institute for Information Law and Policy Visits New York Courtroom of Tomorrow

On September 12, 2003, students affiliated with the Institute for Information Law and Policy and members of the Law, Technology and Democracy course at New York Law School visited the federal courthouse of the U.S. District Court, Southern District of New York, at 500 Pearl Street in Manhattan, accompanied by Professor Noveck, Professor Richard Sherwin, and Adjunct Professor and District Court of Amsterdam Judge Willem F. Korthals Altes. The chief deputy of the court, Joseph Lamura, provided explanations of the workings of the courthouse and the legal process. Lamura gave the group an inspiring tour of the Hon. Constance Baker Motley Jury Room, the courtroom of the Hon. Leonard Sand, and the magnificent ceremonial courtroom, where all 50 judges can convene and where new citizens are sworn in. Students also toured Judge Sand's judicial chambers, guided by his courtroom deputy, Daniel Kenneally.

Despite being one of the largest courts in the country, processing thousands of civil and criminal cases, including many high-profile trials, congressional hearings and public testimony, the federal court still employs a system of wooden wheels to assign judges to cases. However, the court is moving from a paper-based to a fully-

Democracy Design Workshop Receives Grant

The Democracy Design Workshop at New York Law School, a laboratory dedicated to fostering civic innovation in support of participatory and deliberative democratic practice, has been awarded an \$80,000 grant by the Rockefeller Brothers Fund. The grant will fund the Workshop's Interactive Democracy Inventory, a Web-based global repository of best practices in participatory and democratic governance.

Designed to foster democratic capacity through information exchange and networking, the Inventory provides a knowledge infrastructure to inform and connect practitioners worldwide. This fully searchable database is intended to facilitate problem solving and stimulate innovation through the application of participatory and democratic solutions. The Inventory allows members of this community of interest to upload, index, and search information about organizations, practices, events, scholarship and law. It also helps match those "doing democracy" to those studying and documenting participative practices across multiple domains.

Early work on the Inventory was funded by AmericaSpeaks and the Council of Europe. The Democracy Design Workshop (www.nyls.edu/democracyhome.php) is directed by Professor Beth Simone Noveck, who is also the director of the Institute for Information Law and Policy.

electronic filing system over the next few years. Under the new system, litigants will be able to submit documents to the court from their desktops.

The trip culminated in a visit to one of the new high-tech "courtrooms of the future" with Joel Blum, audio-visual coordinator for the courthouse. Equipped with a wide range of monitors, TVs and cameras, judges can hear from witnesses by video and audio-conference and determine what evidence the jury can and cannot see at the press of a button. Blum explained that this courtroom is very useful for document-heavy cases because lawyers can show electronic documents in evidence directly from a CD or pull them from a server, bypassing the need to sort through boxes for a single piece of paper.

The students left the courthouse with a personal connection to the American judicial system and a deeper understanding of the impact technology is likely to have on the trial process.

Chun Li Joins Institute as Program Director

The Institute for Information Law and Policy welcomed Chun Li 2L as its new program director in May 2003. Li, an Evening Division student, works with Institute faculty and students to coordinate many of the Institute's programs, conferences, and research projects. He also conducts legal research on technology and information law-related subjects.

Prior to New York Law School, Li held a variety of positions in the field of information technology with companies including Goldman Sachs and XTend Communications, Inc. as well as the United States Coast Guard. He holds a B.B.A. in Computer Information Systems from Baruch College of the City University of New York.

New York Law School Alumni: We'd Like to Hear From You!

The Institute for Information Law and Policy welcomes the interest of alumni in all areas of law who would like to learn more about the Institute. For more information on programs such as the Democracy Design Workshop or the annual "State of Play: Law, Games, and Virtual Worlds" conference, or to be added to the Institute's mailing list, check out the Institute's Web site at www.nyls.edu/infolaw.

New Faculty Appointments



Sandra K. Janin '75
Professor of Legal Writing
Assistant Director of the
Writing Program

SANDRA KREVITSKY JANIN HAS JOINED THE FULL-TIME LAW

School faculty as professor of legal writing and assistant director of the Writing Program. Janin comes to the Law School with more than two decades of experience serving as appellate counsel to major litigation firms.

She began her legal career at Weinstein, Chayt & Bard, PC, where she served as appellate counsel to leading plaintiffs' and defendants' personal injury litigation law firms. She set up her own practice in 1984 and remained a solo practitioner until joining the Law School faculty.

Janin previously taught at New York Law School as an adjunct professor of legal research and writing from 1989 to 1993, and from 1997 to 2003.

Janin has lectured on topics such as appellate practice, civil practice, and medical malpractice at the Nassau Academy of Law, the Practising Law Institute, the Metropolitan Women's Bar Association, and the Women's Bar Association of the State of New York. Since 1979, she has delivered an annual lecture, "Pleadings, Venue, Forum Nonconveniens," for the New York State Trial Lawyers Association's "Decisions" program.

Janin is the coauthor of *The New York Law of Medical Malpractice* (New York State Trial Lawyers Association, 1981). She has also been published in the *Journal of Insurance*, *New York Law Journal*, and *Trial Lawyers Quarterly*. She is the recipient of a service award as chairwoman of the Women's Law Forum from the New York State Trial Lawyers Association.

Janin earned her B.A. *cum laude* in political science from Brooklyn College in 1971 and her J.D. *cum laude* from New York Law School in 1975.



Susan J. Abraham
Associate Professor of Applied
Legal Analysis

SUSAN J. ABRAHAM HAS JOINED THE FULL-TIME NEW YORK LAW

School faculty as associate professor of applied legal analysis for the 2003–04 academic year. She comes to the Law School from the law firm of Reitman Parsonnet, where she represented plaintiffs at the trial and appellate level, with an emphasis on employment discrimination.

Abraham began her legal career as a criminal defense trial lawyer in Mercer County, New Jersey, and soon moved to New Jersey's Office of the Public Defender, Appellate Section. She argued many cases before the New Jersey Appellate Division and the State Supreme Court while supervising and reviewing the briefs of new attorneys.

As a solo practitioner, from 1989 to 1996, Abraham represented clients in disability discrimination, employment, criminal, pension, and other matters. She then became supervising attorney with New York's Office of the Appellate Defender, where, along with arguing and filing her own cases, she supervised and trained OAD staff and volunteer attorneys. She also taught substantive and procedural criminal law to the OAD volunteer attorneys.

Abraham has always been inclined toward teaching as well as law; in the early 1990s, she taught English as a second language at the American Language Institute at New York University and expository writing at Borough of Manhattan Community College. She has also privately tutored law students in legal writing.

Abraham earned her B.A. in English from Oberlin College in 1977 and her J.D. from Rutgers Law School in 1983. She also received an M.F.A. in creative writing from Warren Wilson College in 1991.

Peter J. Strauss and David Epstein are the first members of the adjunct faculty to be accorded the title “Distinguished Practitioner in Residence” in recognition of the additional teaching and administrative responsibilities they have undertaken in the clinical and legal writing programs, respectively.



Peter J. Strauss
*Distinguished Practitioner
in Residence*
Adjunct Professor of Law
Codirector, Elder Law Clinic

PETER J. STRAUSS IS CODIRECTOR AND FOUNDER OF THE ELDER LAW

Clinic, which provides representation to persons for whom a guardianship is sought and serves as court evaluator in guardianship proceedings. He also teaches the Elder Law course. He has been an adjunct professor at New York Law School since 1992.

Strauss is nationally recognized as one of the first attorneys in the country to focus in the field of elder law. His special expertise lies in the legal problems of the aging and persons with disabilities. He is a cofounder of the National Academy of Elder Law Attorneys and the National Association of Professional Geriatric Care Managers. He is currently a partner in the law firm Epstein Becker & Green, P.C., where his practice area is personal planning and his areas of focus are elder law, guardianship, estate planning, and trusts and estates law.

Strauss has served on the faculty of the Heckerling Institute on Estate Planning of the University of Miami School of Law and was an adjunct faculty member of the school's Masters Program in Estate Planning from 1993 to 2000. He is a frequent lecturer on advance planning for older persons and persons with disabilities.

An extensively published author on elder law, Strauss is the coauthor of *Aging and the Law*, a treatise for professionals. His most recent book (with Nancy M. Lederman) is *The Complete Retirement Survival Guide: Everything You Need to Know to Safeguard Your Money, Your Health, and Your Independence* (Facts on File, Inc., 2003). He formerly wrote a column on “Law and Aging” for the *New York Law Journal* and now writes guest columns for that publication.

Strauss earned his A.B. in 1957 from Bowdoin College and his J.D. in 1961 from New York University. ■



David Epstein
*Distinguished Practitioner
in Residence*
Adjunct Professor of Law
Legal Research Specialist

DAVID EPSTEIN HAS BEEN AN ADJUNCT PROFESSOR AT NEW YORK

Law School for 12 years, during which time he has taught Legal Reasoning, Writing & Research as well as upperclass electives. He currently serves as the Law School's research specialist, aiding students with their basic legal research skills. Epstein teaches the Drafting: Contracts, Drafting: General Principles, and Legal Research courses.

In 1995 he opened his private practice in Old Bethpage, New York. As a solo practitioner, he focuses on commercial, criminal, and appellate practice. He is a member of the Association of the Bar of the City of New York, serving on its Committee on Legal Education and Admission to the Bar. He also sits on the Appellate Courts Committee of the New York County Lawyers' Association.

Epstein is the coauthor of the *New York Evidence Courtroom Manual* and a coauthor of the Teacher's Handbook to *The Lawyer's Craft*. He is currently preparing a new edition of a multi-volume work on the licensing of intellectual property.

Epstein began his career as an editorial director at Matthew Bender & Company, Inc., where he developed a program to improve the writing and editing skills of the company's attorneys. He became recognized during this time for his expertise in the civil procedure, evidence, trade regulation, antitrust, and communication areas of law.

Epstein earned his B.A. from New York University in 1972 and his J.D. from Brooklyn Law School in 1975. ■

Recent Faculty Promotions

Professor Elizabeth Rosen

Associate Professor of Applied Legal Analysis



Bennington, B.A. 1978; Cardozo School of Law, J.D. 1982;
City University of New York, Ph.D. 2000.

Former associate appellate counsel with Legal Aid Society Criminal Appeals Bureau and litigator with firm of Gold & Morelli. Also served as chief speechwriter to chancellor of City University of New York. Has written on law of entrapment and law and literature movement.

Courses:

Appellate Advocacy; Applied Analysis; General Principles of Drafting; Legal Writing and Analysis; Persuasion; Principles of Legal Analysis.

Professor Elizabeth Rosen was named associate professor of applied legal analysis effective in the 2003–04 academic year. She is affiliated with the Academic Skills Program, which coordinates workshops, courses, and special programs designed to enhance students' academic performance at New York Law School.

ELIZABETH ROSEN JOINED NEW YORK LAW SCHOOL AS ASSISTANT DIRECTOR OF

the Writing Program in 2001. In 2003, she was named associate professor with the Academic Skills Program. She teaches Appellate Advocacy, Applied Analysis, General Principles of Drafting, Legal Writing and Analysis, Persuasion, Principles of Legal Analysis, and workshops on writing and editing. In addition to her New York Law School course load, she developed and teaches a new program at CUNY Honors College for especially gifted students.

She previously taught as an adjunct professor with the Legal Writing Program from 1992 through 1994. She was also a teaching fellow with Hunter College, and an adjunct professor in the English Department at Queens College.

Professor Rosen has had dual careers in law and in education. She practiced law for over 10 years, specializing in litigation. She was an associate appellate counsel with the Criminal Appeals Bureau of the Legal Aid Society from 1983 through 1986, when she became a litigation associate, specializing in commercial securities law, with the firm of Gold & Morelli. She left the firm after five years to become general counsel to Exprinter International, a multinational travel and entertainment company.

In 1995, Professor Rosen joined the staff of the chancellor of the City University of New York (CUNY). She eventually became chief speechwriter to the chancellor, and was in charge of drafting legislative testimony, trustee reports, public addresses, and other special projects for the executive branch of the 21-campus university. Together with a colleague, she developed a successful course of study for CUNY students to compete for national fellowships. She has since served as public affairs consultant to many institutions of higher education, including the Bank Street College of Education, the Graduate Center of City University, and Georgetown University.

Professor Rosen has published in a variety of arenas. She was a political reporter for the *Soho Weekly News*, and a legal reporter for *American Lawyer Publications*, and has written on the defense of entrapment for a book on proving specific criminal defenses. Her essay about the loss of her parents was published in an anthology on death in Western culture, entitled *The Grim Reader*. She has also published on the law and literature movement, analyzing the importance of law to the poetry of Wallace Stevens. Her graduate work—on literary commentary on the doctrine of natural law—received two awards, a dissertation fellowship from the CUNY Graduate Center and a Littleton Griswold award from the American Historical Association.

Professor Rosen received her B.A. from Bennington College, her J.D. from Benjamin N. Cardozo School of Law, and her Ph.D in English from the Graduate Center of the City University of New York. ■



University of Nevada, B.S. 1976; Lewis & Clark College Northwestern School of Law, J.D. 1981; Columbia, M.L.S. 1991.

Professor Camille Broussard

Acting Director of the Law Library and Professor of Legal Research

Camille Broussard has been promoted to the positions of acting director of the law library and professor of legal research. She was formerly adjunct professor of law, associate librarian, and acting codirector of the Library. Professor Broussard joined the library staff as head of reference services in 1991 and was appointed associate librarian in 2002. Before coming to New York Law School, she was the collection services/reference librarian at New York University Law Library, and attorney services librarian at the Boley Law Library, Northwestern School of Law at Lewis & Clark College in Portland, Oregon. An active member of the professional law librarian community, she is a member of the American Association of Law Libraries and the Law Library Association of Greater New York. She is also an authority on gay and lesbian issues. Professor Broussard teaches an Advanced Legal Research seminar, research workshops, and database searching classes.



Cornell, B.S. 1974; Syracuse, J.D. 1977 *magna cum laude*, Order of the Coif, Justinian Society (Law Review, Staff Writing Editor).

Professor Cathy Glaser

Professor of Legal Writing and Codirector of the Writing Program

Cathy Glaser has been promoted to the positions of professor of legal writing and codirector of the Writing Program. She was formerly adjunct professor of law and associate director of the Writing Program. Professor Glaser has been an administrator in the Writing Program since 1986, preparing the curriculum, supervising the adjunct faculty, and teaching both the first-year course and various upperclass writing courses. Previously, she practiced labor relations and employment law (representing management) in several law firms and was a partner at Brown & Glaser. She is a coauthor, with several New York Law School colleagues, of *The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy* (Anderson Publishing, 2002).



C.W. Post College of Long Island University, B.A. 1972; St. John's University, J.D. 1975.

Professor Joseph L. Marino

Professor of Applied Legal Studies and Director, Applied Skills Program

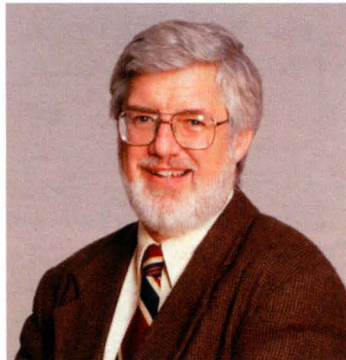
Joseph Marino, who was formerly an adjunct professor of law, has been promoted to the position of professor of applied legal studies. He continues as director of the Applied Skills Program. The heir to a family tradition of teaching bar review, Professor Marino has earned a national reputation in the area of legal skills education. He started teaching bar review in 1975, and by 1995 his courses had become the second largest in New York, New Jersey, and Pennsylvania. He began teaching New York Practice and Procedure as an adjunct professor at New York Law School in 1994, and in 2000 he began teaching full time and was named associate director of the Academic Skills Program. He developed two courses at the Law School, New York Law in National Perspective and Consolidated Legal Analysis. He is the author of numerous articles, books, and law school study aids, including *New York Practice and Procedure* (Black's Law Publishing, 1978–95) and *Marino on Professional Responsibility* (Black's Law Publishing, 1993–95).



Queens College, City University of New York, B.A. 1983, M.L.S. 1992; University of Notre Dame, J.D. 1987.

Professor Michael T. McCarthy
Senior Reference Librarian and Professor of Legal Research

Michael McCarthy, who is the senior reference librarian, has been promoted to professor of legal research. He was formerly an adjunct professor. McCarthy joined the library staff in 1993 after serving in various library capacities at Pace University. Prior to receiving his M.L.S., he practiced law with firms in White Plains, New York, and Manhattan, concentrating in civil and criminal litigation and admiralty and maritime law. He is a member of the American Association of Law Libraries. Professor McCarthy teaches the Legal Research: Practical Skills course.



SUNY—Stony Brook, B.S. 1971; Columbia, M.S.L.S. 1978; Fordham, J.D. 1982.

Professor William Mills
Associate Librarian for Information Services and Professor of Legal Research

William Mills, formerly an adjunct professor, has been promoted to professor of legal research and associate librarian for information services, with responsibility for collection development, computer and other technological resources, the physical plant, as well as stack maintenance, and the Library's access policies. Mills came to the Law School in 1989 with extensive law library experience in both private firm and academic settings. He has a long relationship with the American Association of Law Libraries, having served on its Special Committee on the Renaissance of Law Librarianship in the Information Age, and with the Law Library Association of Greater New York. He also currently serves on the governing board of the New York Library Club. Professor Mills teaches the Advanced Legal Research course.



University of Central Arkansas, B.S. 1971; University of Arkansas, M.A. 1973; University of California-Berkeley, M.L.S. 1975; University of Florida College of Law, J.D. 1986 (*Law Review*, Senior Research Editor).

Professor Rosalie M. Sanderson
Instruction and Automation Librarian and Professor of Legal Research

Rosalie Sanderson, formerly an adjunct professor, has been promoted to professor of legal research. She has 30 years of experience as a librarian, mainly in institutions of higher education, including Stanford University and Emory University, but also with organizations including the World Bank, the Ford Foundation, and a major San Francisco law firm. Professor Sanderson has extensively published and lectured on law library and legal research issues and has received numerous honors and awards for her contributions to the field. She teaches the Legal Research: Practical Skills course.



Amherst, B.A. 1983 *magna cum laude*; Harvard, J.D. 1987 (Winner, Ames Moot Court Competition); University of Iowa, M.F.A. (Creative Writing) 1991. Graduate of Iowa Writers' Workshop.

Professor Cameron Stracher

Professor of Legal Writing and Publisher of the Law Review

Formerly an adjunct professor, Cameron Stracher has been promoted to professor of legal writing. He is the publisher of the *New York Law School Law Review* and teaches the Legal Scholarship course. He practiced law at Covington & Burling in Washington, D.C., prior to receiving his M.F.A. from the University of Iowa. He was a founder of the Writing Resource Center at the University of Iowa's College of Law. Upon returning to New York City, he worked as a commercial litigator at Friedman & Kaplan before becoming litigation counsel at CBS. He currently is a partner at the media law firm of Levine Sullivan Koch & Schulz in New York. He is the author of a novel, *The Laws of Return* (William Morrow & Co., 1996), and of a memoir, *Double Billing: A Young Lawyer's Tale of Greed, Sex, Lies, and the Pursuit of a Swivel Chair* (William Morrow & Co., 1998).



New York University, B.A. 1982 *magna cum laude*, Phi Beta Kappa; Washington & Lee, J.D. 1985 *cum laude*.

Professor Lynn Boepple Su

Professor of Legal Writing and Associate Director of the Writing Program

Professor Su was formerly adjunct professor of law, assistant director of the Writing Program, and writing specialist. In addition to teaching courses, she supervises the upperclass writing courses and oversees the operation of the first-year adjunct training program. She also helps prepare the first-year curriculum. From 1986 to 1990, she was an assistant district attorney in Bronx County, New York; subsequently, she was an associate at several New Jersey firms, concentrating in employment litigation. She is a coauthor, with several New York Law School colleagues, of *The Lawyer's Craft: An Introduction to Legal Analysis, Writing, Research, and Advocacy* (Anderson Publishing, 2002). Professor Su teaches the Legal Reasoning, Writing, and Research; Memorandum and Brief Writing; and Written and Oral Advocacy courses.



Florida State University, B.S. 1981, M.L.I.S. 1985, J.D. 1989.

Professor Sarah Valentine

Reference/Collection Management Librarian, Professor of Legal Research

Professor Valentine was formerly reference and collection management librarian and adjunct professor of law. She has developed a workshop on New York Legal Research and teaches other workshops provided by the library staff. She teaches the research portion of Introduction to the American Legal System, a class offered by New York Law School and The New School for non-law students. Her varied background includes attorney positions with legal aid organizations including Rockland County Legal Aid Society, Legal Services of the Hudson Valley, and MFY Legal Services. Professor Valentine teaches Legal Research: Practical Skills.

Professor Joyce Saltalamachia Named Deputy Director of AALS



University of California, Berkeley, A.B. 1969, M.L.S. 1970; Golden Gate University, J.D. 1976 (*Law Review*, Research and Articles Editor).

PROFESSOR JOYCE SALTALAMACHIA HAS BEEN NAMED DEPUTY director of the Association of American Law Schools, a nonprofit association of 164 law schools in the United States and Canada. Saltalamachia, who is director of New York Law School's Mendik Library and also teaches Torts, began her term at the AALS in August 2003 and is on sabbatical from the Law School for the duration of that term.

In announcing her appointment, AALS spokespersons praised Saltalamachia for her exemplary record of service to the profession. In addition to her service on the AALS Membership Review Committee, Saltalamachia has extensive experience in the law school accreditation process, having served on nearly 25 site evaluation teams, either as part of the American Bar Association team or as an AALS representative for numerous law schools going through initial accreditation and the seven-year, or "sabbatical," re-inspections.

The AALS deputy director, a position once described as akin to "an associate dean on a national level," has a great deal of influence in establishing and implementing association policy. He or she works closely with the Executive Committee, executive director, and associate director on significant policy decisions, none of which are made without consultation with the deputy director.

In announcing her appointment, AALS spokespersons praised Saltalamachia for her exemplary record of service to the profession and her extensive experience in the law school accreditation process, having served on nearly 25 site evaluation teams.

Saltalamachia joined New York Law School in 1982 with a mandate to "improve the library resources and services and to do it fast," she says.

"It was an exciting challenge and a bold move by the school just as legal research was moving from being solely book-based to computerization," she says, adding that the school was willing to commit the resources.

Saltalamachia cites as her major accomplishments as library director designing the Mendik Library, which was dedicated in 1990; automating all of the library operations; developing the staff from one with no dual-degree professionals to its current level of seven professionals with both law and library science degrees; establishing courses in advanced legal research; and increasing the level of computer-assisted legal research from one Lexis terminal in 1982 to dozens of access points available to students.

Saltalamachia has written extensively on delivery of services in academic law libraries, as well as on issues of modern legal research. She is active in the American Bar Association, including its Gavel Awards Screening Committee. She is also a fellow of the American Bar Foundation and an active member of the American Association of Law Libraries. In 1999, she was named as Golden Gate University School of Law's outstanding alumna of the year. ■

Professor Faith Kahn Receives Sloan Fellowship

PROFESSOR FAITH STEVELMAN KAHN IS THE RECIPIENT OF A prestigious fellowship for the 2003–04 academic year from the Sloan Project on Business Institutions at the Georgetown University Law Center (GULC). During this academic year, Kahn, as a visiting research professor at Georgetown, has minimal teaching requirements and is able to devote the balance of her time to scholarship.

So far, Kahn, a specialist in corporate and securities law, has used her fellowship to develop a scholarly piece in which she argues in favor of the creation of a class of professional outside directors. She has organized a roundtable discussion at the January 2004 Annual Meeting of the Association of American Law Schools that will address the evolving role of corporate directors. On February 13, 2004, she will make a presentation to the faculty at GULC. She also plans to present her research at the Law and Society Colloquium at New York Law School during the summer of 2004.

“This research will make me an even stronger Corporations professor,” she says, “and teaching Securities Regulation at GULC should also give me new insights into developing that course going forward at New York Law School.”

As a legal scholar, Kahn likes to explore the links between corporate governance and broader social issues. As part of New York Law School’s 2002 Faculty Presentation Day, she discussed two seemingly unrelated events: the 9/11 attacks on the World Trade Center and the financially devastating collapse of Enron. Kahn suggested that each stemmed from fanaticism based on disrespect for the secular rule of law and the dignity of individuals that it is meant to protect. In addition, both disasters revealed weaknesses in systems that the United States had believed were adequately protected by multiple forms of checks and security devices.

“As American troops defend the values of freedom and the equal dignity of persons in the war against terrorism, our corporate and securities laws must reaffirm the operation of these same values in our systems of corporate governance and capital market regulation,” she said.

Kahn explored this thesis in a recent article, “Bombing Markets, Subverting the Role of Law: Enron, Financial Fraud, and September 11, 2001,” published in the *Tulane Law Review*, and in presentations at numerous academic conferences. Her earlier articles have examined the role of fiduciary law in securing both investor and social welfare and the costs and benefits arising from corporate contributions to nonprofit organizations. The practice and concept of corporate disclosure, now dubbed “corporate transparency,” has been a theme



Yale, B.A. 1982, M.Phil. 1985; New York University, J.D. 1989.

throughout her writing. Kahn’s influence has been felt outside of the academy through discussions with *The Wall Street Journal*, *The New York Times* and also NPR and CNN.

Kahn always knew she was interested in being a teacher and a scholar. After finishing her B.A. at Yale, she stayed on in a Ph.D. program emphasizing early modern history and literature, especially that of the Renaissance.

“I just loved the program; it allowed me to study the connections between political power, money, belief, and cultural production. It was a great window on the origins of modern, Western civilization,” she says. But Kahn missed having greater understanding of contemporary institutions and social problems and a greater opportunity to make a difference in people’s lives. After spending a year in New York in art school, she enrolled at New York University School of Law.

She credits two law professors, Jeff Gordon and Helen Scott, for sparking her interest in corporate law. “I was late to realizing that the study of businesses and markets was a ‘way in’ to examining institutions and relationships similar to those I’d examined in graduate school, but once I got started, I got hooked!” Following graduation, she joined Fried Frank Harris Shriver & Jacobson in the firm’s corporate area. While she enjoyed being part of complex corporate transactions, she found their pace too fast to allow her time to reflect on the larger issues surrounding the structure and practice of business law. Kahn soon realized that teaching law rather than practicing it would give her the opportunity for such analysis. She would also be able to return to the goal she had set out for herself in graduate school—being a teacher.

Kahn finds teaching to be both a challenging and rewarding experience, and just as intense as practicing in a law firm. ■

Adjunct Professor Thomas Hughes '85

By Jim Hellegaard

IN THE 18 YEARS SINCE HE GRADUATED FROM NEW YORK LAW SCHOOL, Tom Hughes has argued dozens of appeals in state and federal courts, answered hundreds of questions posed by judges in those courts, and even participated in the opening arguments in a rare trial held by the U.S. Supreme Court over the sovereignty of Ellis Island. He also speaks locally and nationally on such matters as anti-money laundering regulations and legal writing.

Still, it's not too hard for Hughes to remember a time when his legal career was just beginning, when appearing in court before a judge left him a little stage-struck.

"One of the biggest obstacles for me was getting over a certain amount of stage fright or shyness in speaking in front of people," says Hughes, sitting in his midtown Manhattan office at the Greater New York Insurance Companies, a group of A+ rated insurance companies where he has worked for four years as senior vice president, general counsel, and assistant secretary. "After the first 10 or 15 arguments you begin to get your bearings. You learn how to concisely state a complete argument while directly answering the judge's questions. You even become adept at dealing with that tricky question—the one you don't know the precise answer to—and still keep your argument."

For the last 10 years, Hughes has taken those kinds of experiences and injected them into his teaching as an adjunct professor at New York Law School. Hughes considers it a great honor to be able to return to New York Law School to teach. One of the first things he tells his legal writing students is how proud he is to be a graduate of the school, and that he will

"I consider teaching at New York Law School a vocation, not a job, and strive to give my students some of what I received from my professors, many of whom, incidentally, are still teaching at the school."

—Thomas Hughes '85

always be indebted to it for the excellent legal education it gave him.

"I consider teaching at New York Law School a vocation, not a job, and strive to give my students part of the superb education I received from my professors—some of whom, incidentally, are still teaching at the school," Hughes says.

According to Hughes, the school has changed dramatically—and for the better—since he graduated in 1985. The refurbished buildings reflect the increased stature of the school, he says, and the staff of tenured, associate, and adjunct professors is even more highly regarded than it was during his time.

"Of special interest to me," Hughes says, "is the remarkable change in the Writing Program under the leadership of Professors Jethro Lieberman and Cathy Glaser. In particular, the Legal Reasoning, Writing and Research course emphasizes, more so than when I was a student, the important connection between sound legal thinking to sound legal writing."

Though he considers legal writing a very difficult skill to teach, Hughes, a published author, believes it is one of the most important components of a legal education.

"You can know a body of law very well, but if you can't express it—particularly on paper, where most lawyers do their work—you're not going to be as effective as you should be," says Hughes.

Hughes draws on his interests in religion and science to make his point about legal writing and legal thinking. "For example, I tell students not to be bound by pretheoretical or prelinguistic givens when initially analyzing the facts of a legal case. They should not think of a legal fact as a 'solid object' but as a spectrum of possibilities, like the 'wave function' in quantum mechanics, which, only upon measurement and observation, 'collapses' into a definite entity with describable properties."

Thinking clearly on his feet is a skill Hughes picked up early in his career while arguing cases as an appellate attorney. He eventually landed a job with the New York State Attorney General's Office, heading up the downstate office of the New York State Appeals and Opinions Bureau. From 1995 to 1999, Hughes tackled an interesting array of appellate work, from the Ellis Island case to physician-assisted suicide, both of which garnered strong attention from the media.

Because the Ellis Island case involved a dispute between two states, New York and New Jersey, over the sovereignty of the island, the U.S. Supreme Court had what is known as original jurisdiction, providing a rare instance when the nine-member panel sits as a trial court. In such matters, the Court appoints a special master to take evidence and write a report to them, which they can adopt or reject.

Hughes made two arguments for New York State before the special master and was one of two principal authors on both sets of briefs. In a



Photos: Rick Kopstein



“You can know a body of law very well, but if you can’t express it—particularly on paper, where most lawyers do their work—you’re not going to be as effective as you should be.”

—Thomas Hughes ’85

hearing held on Ellis Island, Hughes and a colleague argued a summary judgment motion, and lost. But when the case went to trial, the first held in the U.S. Supreme Court building in over 200 years, Hughes gave the opening statement on the 1834 Compact between New York and New Jersey. Justice Ginsburg later commented that New York had made a “significant argument” before the special master.

The case was but one highlight of an interesting career for Hughes. Before starting law school in the evening division over two decades ago, Hughes worked for the FBI as an investigative specialist in its foreign counterintelligence division. On his office wall today hangs a personal letter from then-FBI Director Clarence M. Kelly, commending him for the “tenacious, discreet, and competent manner” in which he performed his duties “with respect to a security matter of great interest to the bureau and the nation.” Hughes says the commendation was for “something I did on my own having to do with uncovering an American spy operating in the United States.”

Hughes’ previous work experience also includes a highly prized federal clerkship he assumed upon graduation. In addition to a B.S. from St. John’s University and his J.D., he holds a master’s degree in theology from Fordham, a master’s degree in philosophy from Columbia, an LL.M. from NYU, and a CPCU designation.

Hughes says that his work at the Greater New York Insurance Companies—which involves an array of corporate work, insurance coverage issues, and appeals involving tens of millions of dollars—is just as interesting as any of the high-profile cases he’s worked on in the past.

Still, for someone who’s faced plenty of tough judges in his career, Hughes says the questions posed by his legal writing students are equally challenging to any he’s had to answer in the courtroom. He says that he has learned a tremendous amount in dealing with the variety of students, their problems, and trying to teach the subject matter in a way that enables them to learn it.

“And I’m very happy to say that former students thank me for the course,” Hughes says. “They’ll tell me: ‘At the time I hated it, you were too tough a grader, it was a hard course, but now I see just how valuable are the writing skills we learned.’ They say the things that they learned in the class will help them for the rest of their lives.” ■

Faculty Activities

Compiled by Jim Hellegaard and Amelia Jonakait



From left to right:
Lenni B. Benson
Andrew R. Berman
Robert Blecker
Michael H. Botein
Frank Bress

Lenni B. Benson

SCHOLARLY PRESENTATIONS

"Alien Lives: People and Cases Who Shaped U.S. Immigration Policy: Chapter One—Expelling the Radicals," Faculty Scholarship Luncheon, New York Law School (October 2003).

Andrew R. Berman

APPOINTMENTS

Appointed, Real Property Committee, Bar Association of the City of New York (2003).

SCHOLARLY PRESENTATIONS

"Two Years Later—Real Estate Issues and the Redevelopment of the World Trade Center," New York Law School (September 2003).

Robert Blecker

SCHOLARLY PRESENTATIONS

"The Moral Case for the Death Penalty," a debate with Christopher Gowens, professor of moral philosophy, Fordham University Debating Society (September 2003).

"The Voice of Your Brother's Blood," Conference of Murder Victims' Families, Skidmore College, (September 2003).

"Countering the Abolitionists," lecture at Syracuse University to the New York Prosecutors Training Institute (August 2003).

Dual Keynote Speaker, "The Legal Case for the Death Penalty: An American Point of View"; "The Moral Case for the Death Penalty," speeches presented at the European Parliament, Brussels, jointly sponsored by Northwestern School of Law and Leuven University Legal Studies (May 2003).

PUBLICATIONS

"Roots," chapter in *America's Experiment with Capital Punishment*, Second Edition (Carolina Academic Press, 2003).

"Common Ground," jointly authored with Jim Liebman, *Houston Chronicle* (May 2003).

"Who Deserves to Die, and Why?" *True Detective* (British publication) (April 2003).

MEDIA REFERENCES AND APPEARANCES

"Costly price of capital punishment: Restoration of the death penalty in New York State has cost \$160 million as wheels of justice turn slowly," *The Times Union* (September 2003).

Guest, discussion case of Louisiana man sentenced to die for raping his 8-year-old stepdaughter, MSNBC's *The Abrams Report* (August 2003).

"Unjust Executions," Salon.com (May 2003).

Michael H. Botein

PUBLICATIONS

"The Demise of the Information Superhighway," *Media Law & Policy* (Spring 2003).

MEDIA REFERENCES AND APPEARANCES

Letter to the Editor, "TV and Ownership," *The New York Times* (September 2003).

Letter to the Editor, "Germany shows how justice is done," *Financial Times* (August 2003).

Frank Bress

MEDIA REFERENCES AND APPEARANCES

"Should the high court restrict a suspect's right to remain silent?" including *Scholastic Update* and *The New York Times* Upfront (September 2003).

Camille Broussard

APPOINTMENTS

Chair of the *Law Library Journal* and AALL Spectrum Editorial Board and Advisory Committee for the American Association of Law Libraries. Term runs until July 2004.

Pamela R. Champine

PUBLICATIONS

"Planning Despite Potential Repeal," *Trusts & Estates* (April 2003).

Lung-chu Chen

SCHOLARLY PRESENTATIONS

International Conference on the United Nations and Taiwan, conference sponsored by The New Century Institute, which he founded and serves as president, Yale Club of New York City (September 2003).

Sydney M. Cone III

SCHOLARLY PRESENTATIONS

Participated in the drafting of proposed New York rules on multijurisdictional practice by lawyers in the United States, now pending before the Appellate Division (September 2003).

"A Democratic Taiwan in the World Community," moderated panel, at The New Century Institute's International Conference on the United Nations and Taiwan, organized by Professor Lung-chu Chen (September 2003).

Chaired panel and presented paper at conference organized in Brussels by the ABA Section of International Law and Practice (October 2003).

Moderated International Law Career Panel at New York Law School (October 2003).



From left to right:
 Camille Broussard
 Pamela R. Champine
 Lung-chu Chen
 Sydney M. Cone III
 Paul R. Dubinsky

Moderated C.V. Starr Lecture at New York Law School by Jagdish Bhagwati on Immigration Policy for the 21st Century (October 2003).

PUBLICATIONS

"Legal Services in the Doha Round," *Journal of World Trade* (2003).

"Four Years Later: Reconsidering the Original ABA Report on MDP," Research Paper Series, Social Science Research Network (October 2003).

MEDIA REFERENCES AND APPEARANCES

"International Law Professor Takes on War Crimes Abroad," *New York Law Journal* (April 2003).

Paul R. Dubinsky

MEDIA REFERENCES AND APPEARANCES

"Falun Gong face 2 foes: U.S., China; Both are targeting movement's suit filed in Chicago," *Chicago Tribune* (June 2003).

Stephen J. Ellmann

SCHOLARLY PRESENTATIONS

"Ethical Dilemmas of Public Interest Representation," Centre for Applied Legal Studies, Faculty of Law, University of the Witwatersrand, Johannesburg (October 2003).

"Racial Profiling and Terrorism," University of Cape Town law faculty workshop (October 2003).

"Weighing and Implementing the Right to Counsel," presented at the 120th anniversary conference of the *South African Law Journal*, Johannesburg, and at a Faculty Scholarship Luncheon at New York Law School (October 2003).

PROJECTS

Clinical Research Institute, one of the newest

elements of the Legal Scholarship network, which is part of the Social Science Research Network.

Anthony Fletcher

SCHOLARLY PRESENTATIONS

"The Publication Requirement of the New York Limited Liability Company Law," Faculty Scholarship Luncheon, New York Law School (October 2003).

Annette Gordon-Reed

SCHOLARLY PRESENTATIONS

Presented, Fusco Lecture and seminar, University of Connecticut (October 2003).

PUBLICATIONS

"Logic and Experience: Thomas Jefferson's Life in the Law," chapter in *Slavery and the American South* (W.D. Jordan, ed., University of Mississippi, 2003).

Lawrence M. Grosberg

APPOINTMENTS

Appointed, Association of American Law Schools Committee on Bar Admission and Lawyer Performance (October 2003).

Chair, Committee on Legal Education and Admission to the Bar of the Association of the Bar of the City of New York, which published three reports, all available on the Association Web site, abcny.org: Public Service Alternative Bar Exam, Report in Opposition to Board of Law Examiners' Proposal to Increase the Passing Score on the Bar Exam, and Law School Debt and the Practice of Law.

PUBLICATIONS

"The Bar Exam," ("Point-Counterpoint") debate, *New York Law Journal Magazine* (April 2003).

MEDIA REFERENCES AND APPEARANCES

"New York Law School Program Encourages Mediation," *Staten Island Advance* (April 2003).

"Call for a Tougher Bar Exam Causes Big Stir," *Chicago Daily Law Bulletin* (April 2003).

Karen Gross

SCHOLARLY PRESENTATIONS

"On Becoming an Academic," small group leader, AALS Hiring Conference, Washington, D.C. (October 2003).

"The Diminished Role of Secured Creditors Under the Code," American Bankruptcy Institute Conference on the 25th Anniversary of the Bankruptcy Code, Washington, D.C. (October 2003).

"Results of a Pilot Debtor Education Program: The Lessons Learned," National Conference of Bankruptcy Judges and American Bar Association, San Diego (October 2003).

"The Automatic Stay: Bankruptcy Crimes," NYU Bankruptcy Workshop, New York (September 2003).

"Death and Resurrection of Secured Credit," U.S. Bankruptcy Law at an Economic Crossroads: A Symposium on the Code After 25 Years, 1978-2003, presented by the American Bankruptcy Institute, Georgetown University Law Center, Washington, D.C. (October 2003).

"Teaching Financial Literacy to Teenagers," Federal Reserve Bank, New York (August 2003).

"Financial Literacy and Disclosure Studies: What Have We Learned and Where Are We Going?" Ford Foundation, New York (August 2003).

"Financial Literacy Programs and Micro-Lending in Developing Nations" and "Economic Empowerment of Women," Second World Women Lawyers



From left to right:
 Stephen J. Ellmann
 Anthony Fletcher
 Annette Gordon-Reed
 Lawrence M. Grosberg
 Karen Gross

Conference, London, England (July 2003).

"Financial Literacy Education: Complex Issues on the Platter," Psychology and Law Conference, Edinburgh, Scotland (July 2003).

PUBLICATIONS

"The Coalition for Consumer Bankruptcy Debtor Education: An Overview of Its Pilot Project," in the *Proceedings of the National Conference of Bankruptcy Judges*, with Susan Block-Lieb, Richard L. Wiener, Corinne Donovan, and Sean Wright (October 2003).

MEDIA REFERENCES AND APPEARANCES

"Doctors Aren't Immune from Bankruptcy," *American Medical News* (October 2003).
 "More college grads walking into the real world bankrupt," in numerous newspapers, including *The Albany Times Union*, the *Riverside Press-Enterprise*, and *Providence Journal* (July 2003).

Jeffrey J. Haas

PUBLICATIONS

"When the Endowment Tanks: Some Lessons for Nonprofits," *Business Law Today* (May/June 2003).

MEDIA REFERENCES AND APPEARANCES

"Stars of the '90s Go On Trial," *The Washington Post* (September 2003).
 "WorldCom, Ex-Officers Charged in Oklahoma; U.S. Prosecutors Say Move Could Hurt Federal Case," *The Washington Post* (August 2003).
 "House Vote Soon on Bill to Affirm Ultimate Authority of SEC," *The Washington Post* (July 2003).
 "Bubble Investors Can Still Try Arbitration, Other Courts," *Dow Jones Newswires* (July 2003).
 "Morgan Stanley Contests NASD Liability Ruling;

Arbitrators Cited Role in 'Global' Pact," *The Washington Post* (July 2003).

"Prospectus Info Used to Sell Securities Contradicted by Freddie Mac," *Securities Week* (June 2003).

"Federal Prosecutors Say They Are Seeking an Indictment Against Martha Stewart," *CBS News* (May 2003).

"On Closer Examination: Reform of Sell-side Research Is Creating a Variety of New Headaches for Corporations," *CFO* (May 2003).

"Quattrone, Martha Stewart Cases Follow Very Different Timelines," found in sources including *The Washington Post*, *The Philadelphia Inquirer*, *Clermont Sunday Eagle Times*, and *Monterey County Herald* (May 2003).

"Sprint Shows Pitfalls of Investigating in Tracking Stocks," *The Associated Press* (March 2003).

Seth D. Harris

PUBLICATIONS

Commentary, "Old 9-to-5 Grind Begins to Look Good," *Los Angeles Times* (June 2003).

MEDIA REFERENCES AND APPEARANCES

"Senate blocks Bush proposal to change overtime-pay rules," Knight Ridder story published in several newspapers including the *St. Paul Pioneer Press*, *Milwaukee Journal Sentinel*, *Bradenton Herald*, and *Tallahassee Democrat* (September 2003).
 "New Workplace, Old Fight," *The Washington Post* (August 2003).
 Interview, Radio America Network and WTIC-AM in Hartford, Connecticut (August 2003).
 Press tour, U.S. Labor Department's proposed overtime regulations, interviewed by radio call-in

shows including *The Scott Sloan Show* on WSPD in Toledo, Ohio; *The John Hancock Show* on WBT in Charlotte, N.C.; *Lawyers' Brunch* on Wood Radio AM 1300 in Grand Rapids, Mich.; *Karen Grace* on WFMP in Minneapolis, Minn.; *The Cathy Denman Show* on WSYR in Syracuse, N.Y.; *The Paul Harris Show* on KTRP-AM radio in St. Louis; and *Kojo Nnamdi's Radio Show* on WAMU, Washington, D.C. Interviewed by the *Denver Post*, the *Daily Labor Report*, and has been webcast by National Public Radio across the nation (July-August 2003).

"Your World with Neil Cavuto," *Fox News* (July 2003).
 "Pay Rule Proposal Divisive," *Dallas Morning News*, *CNNMoney*, and *Kiplinger.com* (July 2003).
 "Short-Shots," *Marshall News Messenger* (June 2003).

Randolph Jonakait

SCHOLARLY PRESENTATIONS

"Internet Child Pornography Laws and Their Enforcement: Too Far or Not Far Enough?" Stein Scholars Criminal Justice Interest Group, Fordham University School of Law (October 2003).
 Testified about various possible jury reforms before the New York State Commission on the Jury (July 2003).

PUBLICATIONS

The American Jury System, Yale University Press (2003).

MEDIA REFERENCES AND APPEARANCES

"Public Hearing Explores Ways to Improve Service," *New York Law Journal* (July 2003).



From far left to right:
 Jeffrey J. Haas
 Seth D. Harris
 Randolph Jonakait
 Faith Stevelman Kahn
 Kenneth C. Kettering

Faith Stevelman Kahn

APPOINTMENTS

Currently in residence at Georgetown University Law Center as the Alfred P. Sloan Foundation Visiting Research Professor, (2003–04).

SCHOLARLY PRESENTATIONS

"An Overview of the Sarbanes Oxley Act of 2002," to heads of the NASD, Department of Dispute Resolution, and their staffs (May 2003).

"Decadence and Denial: The Many Narratives of Enron and the Professional Responsibilities of Corporate Attorneys," Law & Society Conference, Pittsburgh, PA (June 2003).

Moderated panel on "Transnational Lawyers and the Evolution of Legal Regimes," Law & Society Conference, Pittsburgh, PA (June 2003).

"The Causes OF and Responses to Recent Corporate Frauds," spoke to the SEC Summer Interns (June 2003).

MEDIA REFERENCES AND APPEARANCES

"White Collar Crimes," Minnesota Public Radio (June 2003).

Interviewed by CNN on the Martha Stewart indictment (May 2003).

Kenneth C. Kettering

MEDIA REFERENCES AND APPEARANCES

"False Security?" *CFD* (June 2003).

William P. LaPiana

APPOINTMENTS

ABA advisor, National Conference of Commissioners on Uniform State Laws Drafting Committee to revise Uniform Durable Power of Attorney Act.

SCHOLARLY PRESENTATIONS

Panel discussion on the impact of state laws on fiduciary income tax, CLE meeting jointly sponsored by the Tax and Real Property Probate and Trust Sections of the ABA (September 2003).

Meeting of the Advisers and Members Consultative Group for Restatement (Third) Property (Donative Transfers), "Preliminary Draft No. 10 dealing with class gifts" (September 2003).

"*Brown v. The Board of Education*: Fifty Years Later," symposium at St. Louis University School of Law (October 2003).

PUBLICATIONS

"Some Property Law Issues in the Law of Disclaimers," *Real Property Probate and Trust Journal*.

MEDIA REFERENCES AND APPEARANCES

"Generosa Strong-Willed: Say She Meant to Stiff Hubby," *Daily News* (August 2003).

Arthur S. Leonard

SCHOLARLY PRESENTATIONS

Lavender Law Conference, Participant in Plenary Session discussion of the Supreme Court's decision in *Lawrence v. Texas* (October 2003)

Lavender Law Conference, Presentation Speech to Award Recipients, Dan Bradley Luncheon (October 2003).

"Harvard Law and the Gay Rights Struggle: 25 Years and Counting," Harvard Law School, Conference Marking the 25th Anniversary of the Formation of the First Lesbian/Gay Law Student Association at Harvard Law School (September 2003).

Guest lecture, "Dean's Lecture Series," Ohio Northern University's Pettit College of Law. Presented, "*Lawrence v. Texas* and the New Law of

Gay Rights," to a law school convocation. Also lectured on lesbian/gay workplace rights to an Employment Discrimination Law class and lesbian/gay family law issues to a Domestic Relations Law class. Convocation speech to be published in a forthcoming issue of the school's Law Review (September 2003).

PUBLICATIONS

"Legal Challenges after *Lawrence*," *Gay & Lesbian Review*, November-December issue (October 2003).

"The Gay Rights Workplace Revolution," *Human Rights*, published by the American Bar Association's Section on Individual Rights and Responsibilities (Summer 2003).

Articles published in *Gay City News*:

"Court Balks at Yankee Bias Suit," "Big Award for False HIV Results," "Trans Win in Conservative Venue," "Ontario High Court Grants Immediate Gay Marriage: Will Canadian Government Appeal?" "City AIDS Ruling Upheld by Feds," "Linking Anti-Gay and Sex Bias," "A Remarkable Half Century," "Liberty's Gay Victory: Historic Supreme Court Vote Ends Sodomy Laws: A Magna Carta for Gay Americans," "Library Computer Restrictions Upheld," "University Affirmative Action Upheld" (June 2003).

"Lawrence Roars in Kansas," "British Gay Discrimination Claims Nixed," "Anti-Gay Billboard Case Revived," "Canadian Marriage Heads West," "Is ADA Worthless for AIDS Claims?" "Gay Man Has No Foster Care Claim," "Scouts Barred From Charity Drive," "Trans Inmate Entitled to Care," "NAMBLA Teacher Out." (July 2003).

"European Court Corrects Austria," "S.F. Contractors Law Survives New Challenge," "CA Oks Second Parent Adoption," "Boy Scouts Booted From



From left to right:
William P. LaPiana
Arthur S. Leonard
Lawrence Levine
Jethro K. Lieberman
Richard Marsico

San Diego's Balboa Park," "Fed. Judge Derides Notion of Prison Sex," "Cruise a Cop, Get Busted," "Gay for Much Less Pay," "Fed Courts Attack Disability Law," "16 Years for HIV Sex," "Gay-Baiting Prosecution Upheld." (August 2003).

"Gay Flier Claims He Got Cold Shoulder," "Portnoy's Search Upheld: Federal judge voids part of a Vermont Internet law 'protecting' youth," "Lesbian Co-Parent Wins Day in Court," "Adult Zoning Rules Struck Down," "Who's My Daddy? Judge rules that ex-lover is equal father," "Pentagon Dogs Gay Shrink," "Gay Bashing Ads Win Out," "AIDS Housing Access Win," "Sodomy Questions Linger: Federal court gives no relief to lesbian mom who lost kids due to moot Alabama law," "Georgia High Court Rejects Gay-Panic Defense." (September 2003).

"Gay Paper Fights Libel Rap," "'Sham Marriage' at Issue: Immigration Service loses first round in Israeli widow's claim for U.S. residency," "Gay Spouse May Inherit Benefits: South African court cites constitution, U.S. sodomy ruling," "Gay Domestic Violence Protection: Florida appellate court rules that law applies to two men." (October 2003).

MEDIA REFERENCES AND APPEARANCES

"Pentagon, Colleges Duel on Gay Policy," *The Hartford Courant* (October 2003).

"Hofstra Breaks New Ground with a Gay Law Fellowship," *The New York Times* (Long Island Edition) (September 2003).

"In Gay-Union Debate, Church Influence Hard to Measure," *New York Journal News* (August 2003).

"Adoption procedure used by gays upheld; State high court backs 2nd-parent method," published in the *San Francisco Chronicle* and *Davis Enterprise* (August 2003).

"Dissent in gay rights case that blasts legal

profession for taking sides in 'culture wars' was long in coming," *Legal Intelligence*, *Texas Lawyer*, *Miami Daily Business Review*, *Broward Daily Business Review*, and *Legal Times* (July 2003).

"California Supreme Court bolsters second-parent adoptions," Associated Press Newswires (August 2003).

"Gay Rights Advances," *Gotham Gazette* (New York) and *Career Journal* (California) (July 2003).

"Wal-Mart Shift Shows Job Sites Welcome Gays," *The Wall Street Journal* (July 2003).

Lawrence Levine

APPOINTMENTS

Voted into membership in the American Law Institute (October 2003).

SCHOLARLY PRESENTATIONS

Moderated and participated on a panel entitled "Civil Justice? The Tort System's Treatment of G/L/B/T Persons," Lavender Law Conference, New York City (October 2003).

Attended meeting of Law School Admissions Council's subcommittee on G/L/B/T issues (October 2003).

Jethro K. Lieberman

APPOINTMENTS

Member, American Bar Association Gavel Committee, (term 2003-06).

MEDIA REFERENCES AND APPEARANCES

Review of *The Lawyer's Guide to Writing Well*, Second Edition, in *New York Law Journal* (July 2003).

Richard Marsico

SCHOLARLY PRESENTATIONS

New York State Division of Human Rights training session, New York Law School (May 2003).

Richard A. Matasar

APPOINTMENTS

Board of Directors, American Law Deans' Association (2003).

Audit Committee, Board of Directors, Access Group (2003).

SCHOLARLY PRESENTATIONS

Presentation, Skills and Methods Committee, Supreme Court of New Jersey (November 2003).

Panelist, "Coping with Difficult Economic Times," Southeastern Association of Law Schools Annual Meeting, Amelia Island, FL (July 2003).

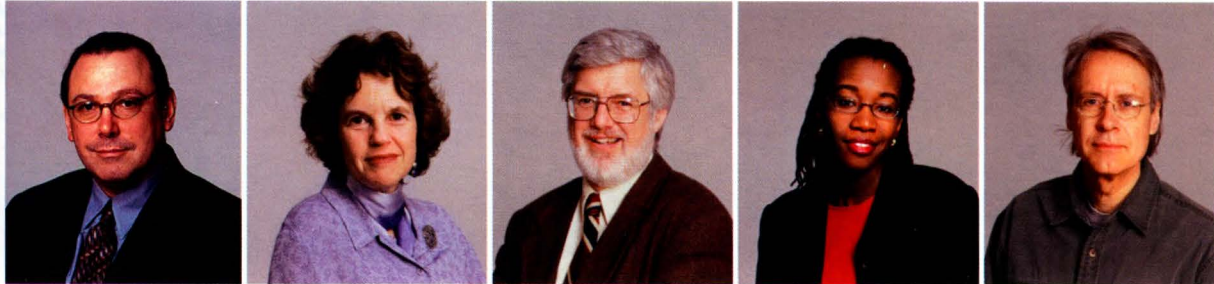
Panelist, "Soliciting Major Donors", ABA Jackson Hole VII Development Conference, Jackson Hole, WY (May 2003).

Keynote Speaker, "Business Continuity and Campus Crisis Planning," National Association of College Auxiliary Services workshop, New York, NY (March 2003).

Panelist, "Major Change Issues—Changes on a Global Level, Post 9-11," American Bar Association Mid-year Meeting, Seattle, WA (February 2003).

Presentation, House of Delegates, New York State Bar Association, New York, NY (January 2003).

Keynote speaker, "The Mandate for International Legal Education," The International Conference on the U.N. and Taiwan (2003).



From left to right:
 Richard A. Matasar
 Carlin Meyer
 William R. Mills
 Denise C. Morgan
 Frank W. Munger

PUBLICATIONS

"Introduction to Faculty Presentation Day Issue," *New York Law School Journal of International and Comparative Law* (2003).

MEDIA REFERENCES AND APPEARANCES

"High court revisits gays in the military issue by hearing sodomy case," *University Wire* (October 2003).

"Law School has high hopes for sale," story on Florida Coastal School of Law, *Florida Times-Union* (September 2003).

"International Conference on Taiwan and the U.N. to Be Held in N.Y.," *Central News Agency* (Taiwan) (September 2003).

"House of Morgan to Welcome First Residential Tenants," *Commercial Property News* (September 2003).

"Case for Tougher Bar Exam Prompts a Forceful Rebuttal," *The New York Times* (April 2003).

Carlin Meyer

SCHOLARLY PRESENTATIONS

Commentator on Panel at 20th Anniversary of Feminism and Legal Theory Workshop (Summer 2003).

William R. Mills

APPOINTMENTS

Elected treasurer of the New York Library Club, a group on whose Governing Council he sits.

Denise C. Morgan

PUBLICATIONS

"The Devil Is in the Details: Or, Why I Haven't Learned to Stop Worrying and Love Vouchers," *New York University Annual Survey of American Law* (2003).

Book review, *Affirmative Action, Hate Speech, and Tenure: Narratives about Race, Law and the Academy*, *University of Pennsylvania Journal of Labor and Employment Law* (2003).

MEDIA REFERENCES AND APPEARANCES

Featured in the Summer 2003 Newsletter from the American Constitution Society (August 2003).

TESTIMONIES AND LEGAL CONSULTATION

Filed an amicus brief in the New York Court of Appeals on behalf of the Black, Puerto Rican, and Hispanic Legislative Caucus of the state legislature, the National Association for the Advancement of Colored People, among others in the *Campaign for Fiscal Equity v. New York State* litigation (May 2003).

Frank W. Munger

PUBLICATIONS

Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities, coauthored with D.M. Engel, University of Chicago Press (2003).

Stephen A. Newman

APPOINTMENTS

Membership on the Matrimonial Committee of the Association of the Bar of the City of New York (September 2003).

PUBLICATIONS

"Grandparent Visitation Claims: Assessing the Multiple Harms of Litigation to Families and Children," *Boston University Public Interest Law Journal* (September 2003).

"The Teacher Who Advocated Pedophilia," *New York Law Journal* (August 2003).

Beth Simone Noveck

SCHOLARLY PRESENTATIONS

"How Political Decisions Are Made: Citizen Participation and Decision-Making," panel, Democracy in the Digital Age conference, The Information Society Project at Yale Law School (April 2003).

"Electronic Rulemaking and Citizen Participation," Faculty Scholarship Lunch presentation, New York Law School (October 2003).

"Citizen Participation in Regulatory Decision Making," Digital Government Conference, Boston (May 2003).

"Which Technology for Which Democracy," presented paper, Centre for Asia-Pacific Technology Law and Policy, Singapore (March 2003).

Gave tutorial at Hawaii International Conference on Systems Sciences on "Civic Innovation and Democratic Design" (January 2003).

Lectured at Harvard University, Kennedy School of Government, as part of Information Law Lectures series on "Information Games" (2003)

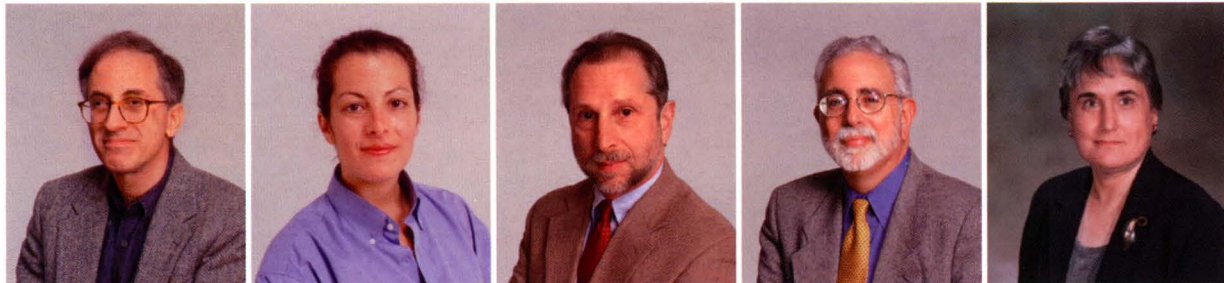
Lectured at UNESCO Regional Conference, Mainz, Germany, on "The Democracy Deficit: Enabling Democracy in the Digital Age" (June 2002).

Presented paper (with Frank McDonough, General Services Administration) at meeting of the Senior Executives Association, Washington, D.C. on "The Silent Change in Government" (June 2002).

PUBLICATIONS

"Designing Deliberative Democracy in Cyberspace: The Role of the Cyber-Lawyer," *Boston University Journal of Science and Technology Law* (Winter 2003).

"Die Wirkung der Bilder in den USA: Die Reaktion der Medien in einer traumatisierten Gesellschaft,"



From far left to right:
Stephen A. Newman
Beth Simone Noveck
Rudolph J.R. Peritz
Michael L. Perlin
Isabelle Katz Pinzler

Die Offene Gesellschaft in Zeiten ihrer Bedrohung, Peter Christian Hall, ed. (2003).

Book Review, *Digital Diplomacy: U.S. Foreign Policy in the Information Age*, by Wilson Dizard Jr., *Political Science Quarterly*, Vol. 117, No. 2 (June 2002).

CyberForum: "Harmful and Illegal Content Regulation in Europe," Council of Europe (January 2002).

Web site, Institute for Information Law and Policy, <http://www.nyls.edu/infolaw>

Web site, Democracy Design Workshop, <http://www.nyls.edu/democracy>

Web site, State of Play: Law, Games and Virtual Worlds, <http://www.nyls.edu/games>

PROJECTS

Democracy Design Workshop awarded a grant from the Rockefeller Brothers Fund for the Interactive Democracy Inventory Project (June 2003).

MEDIA REFERENCES AND APPEARANCES

"Democracy Design Workshop at New York Law School Awarded \$80,000 Grant by Rockefeller Brothers Fund," *Business Wire* (June 2003).

Rudolph J.R. Peritz

PUBLICATIONS

"Toward a Dynamic Antitrust Analysis of Strategic Market Behavior (Antitrust: Stretching the Envelope: Third Annual Symposium of the American Antitrust Institute)," *New York Law School Law Review* (2003).

Michael L. Perlin

SCHOLARLY PRESENTATIONS

"Mental Disability Law in the Trial Process:

Making Sense of Atkins and Sell," with New York Law School Adjunct Professor Andrea Risoli, at the New York State Office of Court Administration, and an extended version, forensic fellowship program, University of Rochester Medical Center (October 2003).

Conducted, Mental Health Disability Law Seminar in Anchorage, Alaska, co-sponsored by the Alaska Mental Health Trust Authority and the Law Project for Psychiatric Rights (September 2003).

Met with officials in Managua, Nicaragua, in the Ministry of Health, counsel to legislative health committees, and the President of Inclusion-Interamericana, to discuss plans for a proposed nationwide Nicaraguan mental health law/advocacy conference (September 2003).

Presented a lecture at Gonzaga Law School on the question of the competency of criminal defendants to represent themselves at trial (October 2003).

PUBLICATIONS

Essentials of New York Mental Health Law: A Straightforward Guide for Clinicians of all Disciplines, co-authored with Professor Stephen Behnke and Marvin Bernstein, W.W. Norton (2003).

"'You Have Discussed Lepers and Crooks': Sanism in Clinical Teaching," *Clinical Law Review* (Spring 2003).

MEDIA REFERENCES AND APPEARANCES

Interviewed, National Public Radio's *Morning Edition* (September 2003).

"Mental Health Disability Law," seminar referred to in the *Anchorage Daily News* (September 2003).

"International Perspectives," preface in *Involuntary Detention and Therapeutic Jurisprudence: International Perspectives on Civil Commitment*, Kate Diesfeld & Ian Freckleton, eds. (Ashgate Publishing, 2003).

Isabelle Katz Pinzler

SCHOLARLY PRESENTATIONS

"States' Rights Plus: The Right Wing Agenda for America," keynote speech, national conference of the National Employment Lawyers Association (NELA), Vail, Colorado (June 2003).

Participant in Invitational Conference on University Testing, Center for Fair and Open Testing (FairTest) (sponsored by the Ford Foundation), New York (October 2003).

Edward A. Purcell Jr.

SCHOLARLY PRESENTATIONS

"*Erie v. Tompkins*: Glimmerings from History," paper presented at the Association of American Law Schools Conference on Civil Procedure, The Many Faces of Contemporary Civil Procedure, New York (June 2003).

PUBLICATIONS

"The Particularly Dubious Case of *Hans v. Louisiana*: An Essay on Law, Race, History, and 'Federal Courts,'" *North Carolina Law Review* (2003).

Sadiq Reza

MEDIA REFERENCES AND APPEARANCES

"Islamic Law Comes to the Classroom," *Student Lawyer* (September 2003).

Tanina Rostain

SCHOLARLY PRESENTATIONS

"The Players and the Code: Lawyers, Accountants and the Production of Professional Epistemology," paper presented at UCLA Law School (April 2003).

Organized and chaired two panels at the Law and Society Association Meetings in Pittsburgh on



From far left to right:
Edward A. Purcell Jr.
Sadiq Reza
Tanina Rostain
Joyce D. Saltalamachia
Ross Sandler

the topic of transnational corporate law practice (June 2003).

PUBLICATIONS

"Professional Power: Lawyers and the Constitution of Professional Authority," chapter for the *Blackwell Law and Society Companion* (Summer 2003).

Joyce D. Saltalamachia

APPOINTMENTS

Deputy Director, Association of American Law Schools in Washington, D.C., for a two-year term (2003).

Ross Sandler

PUBLICATIONS

"Social Service Contracts Lead Top 100 Contracts for FY 2003," *CityLaw* (November/December 2003).

MEDIA REFERENCES AND APPEARANCES

Democracy by Decree, cited by Judge John Walker (October 2003).

"Koch Speaks for Stern; Sontag Speaks on Pain of Others," *New York Sun* (September 2003).

Democracy by Decree, featured in *The Washington Lawyer* (July 2003).

"Lead Abatement May be Reduced; Counties Become More Liable the more they do for Lead Protection, Officials say," *The Post-Standard* (July 2003).

"Blumenthal interested in self-promotion, not justice," *Republican-American* (July 2003).

Democracy by Decree, twice cited in the D.C. Circuit (2003).

Democracy by Decree reviewed in *Regulation Magazine* and *Cato Journal* (Fall 2003).

David S. Schoenbrod

SCHOLARLY PRESENTATIONS

News briefing, "Regulations 'R' U.S.? The State of the Regulatory State," an annual assessment of the cost of regulations, sponsored by the Cato Institute (October 2003).

"Toxic Torts," seminar for federal judges and law professors, sponsored by the Foundation for Economics and the Environment, Big Sky, Montana (September 2003).

Spoke at a conference at the Brookings Institution in Washington, to discuss the conclusions of the book *Democracy by Decree*, coauthored with Professor Ross Sandler (October 2003).

PUBLICATIONS

"Politics and the Principle That Elected Legislators Should Make the Law," *Harvard Journal of Law and Public Policy* (2003).

MEDIA REFERENCES AND APPEARANCES

"Education by Injunction," *New York Sun* (July 2003).

Democracy by Decree, cited by Judge John Walker (October 2003), featured in *The Washington Lawyer* (July 2003), twice cited in the D.C. Circuit (2003).

Democracy by Decree reviewed in *Regulation Magazine* and *Cato Journal* (Fall 2003).

Maimon Schwarzschild

SCHOLARLY PRESENTATIONS

"Peasants with Pitchforks: Putting Direct Democracy in Its Place," Faculty Scholarship Luncheon, New York Law School (September 2003).

Richard K. Sherwin

SCHOLARLY PRESENTATIONS

Keynote speaker, University College London, European Law and Popular Culture Conference, to be published as a chapter in Oxford University Press's upcoming volume on law and film (July 2003).

James F. Simon

AWARDS AND RECOGNITION

What Kind of Nation placed on the "New & Noteworthy Paperbacks" list in *The New York Times Book Review* (April 2003).

SCHOLARLY PRESENTATIONS

Keynote address, Jefferson-Lincoln conference, Louisiana State University in Shreveport (October 2003).

What Kind of Nation, at Monticello (August 2003).

PUBLICATIONS

"Anonymous justice stands at center of vortex," *Seattle Post-Intelligencer* (September 2003).

Reviewed, "The Majesty of the Law: Reflections of a Supreme Court Justice," by Sandra Day O'Connor, *Random Magazine* (NY), and Amazon.com (2003).

MEDIA REFERENCES AND APPEARANCES

"Kennedy is unknown by public but key in Supreme Court," Scripps Howard News Service (September 2003).

Michael B. W. Sinclair

PUBLICATIONS

"*Anastasoff v. Hart*: The Constitutionality and Wisdom of Denying Precedential Authority to Circuit Court Decisions," *University of Pittsburgh Law Review* (2003).



From far left to right:
David S. Schoenbrod
Maimon Schwarzschild
Richard K. Sherwin
James F. Simon
Michael B. W. Sinclair

From left to right:
Cameron Stracher
Nadine Strossen
Ruti G. Teitel

Cameron Stracher

SCHOLARLY PRESENTATIONS

"Eyes Tied Shut: Litigating for Access in the Government's 'War on Terror,'" Faculty Scholarship Luncheon, New York Law School (September 2003).

PUBLICATIONS

Book review, "Barman Ping-Pong, Pathos & Passing the Bar," *The American Lawyer* (October 2003).

Book review, "Law School - Recollection X - Smell the Roses," *The American Lawyer* (October 2003).

Book review, "Diversity in America: Keeping Government at a Safe Distance," *The American Lawyer* (July 2003).

MEDIA REFERENCES AND APPEARANCES

"MTA Says Joke Not Rail Funny," *Daily News* (August 2003).

Nadine Strossen

SCHOLARLY PRESENTATIONS

Presented at: Harvard Law School; National Arts Club; Shelter Rock Forum; National Commission of Union of American Hebrew Congregations; National Student Leadership Conference; Vail Valley Institute; New School University; Washington College; Randolph-Macon College; Utah State Bar Fall Forum; University of Dayton Law School, Distinguished Lecture; Beverly Hills Bar Association; Columbia University (2003).

PUBLICATIONS

"Everyone Is Watching You," chapter in *Current Issues and Enduring Questions: A Guide to Critical*

Thinking and Argument, with Readings, edited by Symvan Barnet & Hugo Bedau, 680-82 (Bedford/St. Martin: Boston and New York, 2002)

"Cybercrimes v. Cyberliberties," chapter in *Cyberspace Crimes*, edited by David S. Wall, 305-18, (Ashgate/Dartmouth: England, USA, 2003).

"Counter-Terrorism and Civil Liberties," *Journal of the Institute of Justice and International Studies* (2003).

MEDIA REFERENCES AND APPEARANCES

C-SPAN, NBC *Today Show*, ABC *World News Tonight*, CNBC *News With Brian Williams*, CNN *American Morning*, CNN *Crossfire*, PBS, Radio America Network, National Public Radio, BBC Radio World News Service, Voice of America Radio, ABC Radio, *The Nation*, *The New York Times*, and *Harper's Magazine* (2003).

Spoke at premier of documentary film she narrated about leadership program at the Riker's Island prison facility (September 2003).

"Liberty's Defending Angel," profile in *Harvard Magazine* (September-October 2003).

Ruti G. Teitel

SCHOLARLY PRESENTATIONS

"Rethinking State and Popular Sovereignty," Columbia University (October 2003).

Panel, Cornell Law School (October 2003).

"Rethinking State and Popular Sovereignty," Columbia University (October 2003).

"Transitional Justice Issues in the Congo Today,"

Princeton University, Woodrow Wilson School of Public and International Affairs (September 2003).

PUBLICATIONS

"Theoretical and International Framework: Transitional Justice in a New Era," *Fordham International Law Journal* (April 2003).

"Human Rights in Transition: Transitional Justice Genealogy," *Harvard Human Rights Journal* (Spring 2003).

"Made-to-measure justice," *The Globe and Mail* (July 2003).

"The Journey to Justice in Iraq," *The Jakarta Post* (August 2003), and "The Road to Justice in Iraq," *Bahrain Tribune* (August 2003).

"Transitional Justice in a New Era (Symposium: Transitional Justice—Northern Ireland and Beyond)" *Fordham International Law Journal* (2003).

MEDIA REFERENCES AND APPEARANCES

"Creating Law and Order in Iraq," CNN International (August 2003).

Adjunct Faculty Activities

Richard Bernstein

PUBLICATIONS

Thomas Jefferson, Oxford University Press (2003).

MEDIA REFERENCES AND APPEARANCES

"Local Author Sheds Light on Revolution," *Park Record* (Park City, UT) (July 2003).

Thomas Jefferson (Oxford University Press, 2003) was reviewed in *Publishers Weekly* (July 2003), *The Christian Science Monitor* (September 2003), and *The New York Times Book Review* (December 2003).

Gary Brown

APPOINTMENTS

Head, U.S. attorney's office on Long Island (August 2003).

MEDIA REFERENCES AND APPEARANCES

"New Top Attorney for LI Office," *Newsday.com*, *Newsday* Nassau Edition (August 2003).

Mark F. DeWan

SCHOLARLY PRESENTATIONS

Spoke at the Queens County Bar Association about attorney advertising within the dictates of the Code of Professional Responsibility (October 2003).

Participated in a panel at the Association of the Bar of the City of New York that discussed attorneys with psychological difficulties who have committed professional misconduct and are the subject of disciplinary proceedings (September 2003).

David Horowitz

MEDIA REFERENCES AND APPEARANCES

"Pretrial Expert Disclosure In State Court Cases," *Journal* (New York State Bar Association) (September 2003).

Thomas Hughes

SCHOLARLY PRESENTATIONS

Seminars in Washington, D.C., San Francisco, and New York (2003).

PUBLICATIONS

"Treasury Department Must Correct Inequities in Money Laundering Rules," Washington Legal Foundation (2003).

Gerald Lebovitz

PUBLICATIONS

"Judicial Jesting: Judicious?" *Journal* (New York State Bar Association) (September 2003).

Andrew McCarthy

APPOINTMENTS

Consultant, Investigative Project, Washington, D.C.

MEDIA REFERENCES AND APPEARANCES

"Andrew C. McCarthy Joins the Investigative Project," PR Newswire (October 2003).

Richard Siegler

PUBLICATIONS

"Reallocation of Co-op Shares," with Eva Talel in the "Cooperatives and Condominiums" column, *New York Law Journal* (July 2003).

"Case Notes: Easement by Necessity," *Habitat* (New York City Edition) (July 2003).

"Case Notes: Adequate Insurance?" *Habitat* (New York City Edition) (June 2003).

"Case Notes: Unequal Treatment," *Habitat* (New York City Edition) (May 2003).

"Case Notes: The Intransigent Terrace User," *Habitat* (New York City Edition) (April 2003).

"Case Notes: Board Approval Required," *Habitat* (New York City Edition) (March 2003).

"Apartment Alterations—Revisited," with Eva Talel in the "Cooperatives and Condominiums" column, *New York Law Journal* (May 2003).

Peter Strauss

PUBLICATIONS

The Complete Retirement Survival Guide: Everything You Need to Know to Safeguard Your Money, Your

Health and Your Independence, co-authored with Nancy Lederman (August 2003).

Andrew Turo

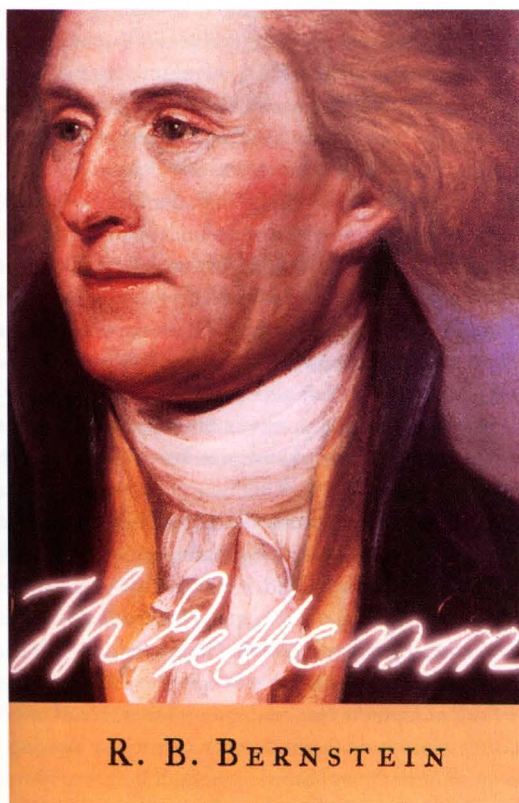
PUBLICATIONS

"The Self-Evaluative Privilege in the Second Circuit: Dead or Alive?" with Ronald G. Blum, *Journal* (New York State Bar Association) (June 2003).

Wrestling with Jefferson

By Richard B. Bernstein

Adjunct Professor of Law, New York Law School



Thomas Jefferson
By R. B. Bernstein
Oxford University Press, 2003

Adjunct Professor Richard B. Bernstein's new book *Thomas Jefferson* (Oxford University Press, 2003) is "the best short biography of Jefferson ever written," declared Professor Gordon S. Wood in *The New York Times Book Review* on December 14, 2003.

Professor Wood, who holds named chairs at Brown and Northwestern Universities in law and history, calls the book "authoritative, judicious, clearly written and remarkably complete for a text that covers fewer than 200 pages." The book has also received glowing reviews from Chuck Leddy in the *Christian Science Monitor*, and Hon. Albert M. Rosenblatt, associate judge, New York State Court of Appeals, writing in the *New York Law Journal*.

In his essay, "Wrestling with Jefferson," written for *In Brief*, Professor Bernstein discusses some of the frustrating contradictions that historians encounter when considering Jefferson's character.

The unanimous Declaration

AS YOU STAND BEFORE THE FAMILY CEMETERY AT MONTICELLO, separated from the tree-shaded graveyard by a plain iron fence, the central tombstone draws your gaze. The obelisk of gray stone bears a simple inscription:

HERE WAS BURIED
THOMAS JEFFERSON
AUTHOR OF THE
DECLARATION
OF AMERICAN INDEPENDENCE
OF THE
STATUTE OF VIRGINIA
FOR
RELIGIOUS FREEDOM
AND FATHER OF THE
UNIVERSITY OF VIRGINIA
BORN APRIL 2. 1743. O.S.
DIED JULY 4. 1826

in print

72

Today's monument was erected in the 1880s to replace the original, which had eroded badly—due partly to the souvenir-lust of generations of visitors armed with pocketknives. The inscription, however, is the same one that Thomas Jefferson composed in the last year of his life, listing the achievements “by which I most wish to be remembered.”

The cemetery is peaceful and silent. That silence was not only what Jefferson had in mind for his grave, but also what he professed to crave in life. Amid the tumult of politics and the clangor of war, Jefferson always claimed to yearn for a life of tranquil contemplation, spent with his books and his family.

In life, Jefferson never found the quiet that surrounds him in death. As a politician, he was embroiled in controversy, subjected to waves of criticism and ridicule, wounded so often and so deeply that he never recovered. Perhaps for this reason he omitted his political career from his epitaph. The words he chose, however, are as notable for what they say as for what they leave out. He presented himself to posterity as a man concerned above all with ideas. Each achievement listed on his tombstone speaks to that concern. He first claimed authorship of the American Revolution's fundamental political testament, the most eloquent statement of the new nation's core principles and of a dream that has swept the world. He next declared himself author of his era's most revolutionary statute, which denied government the authority to dictate what human beings can and cannot believe in matters of religion. Finally, he proclaimed himself father of a university allied with no religion or church—a home for the life of the mind that would serve his beloved Virginia and be a model to the world. In sum, Jefferson wanted posterity to see him as he saw himself—as spokesman for a revolution of ideas that would make the world over again. That is my biography's central theme.

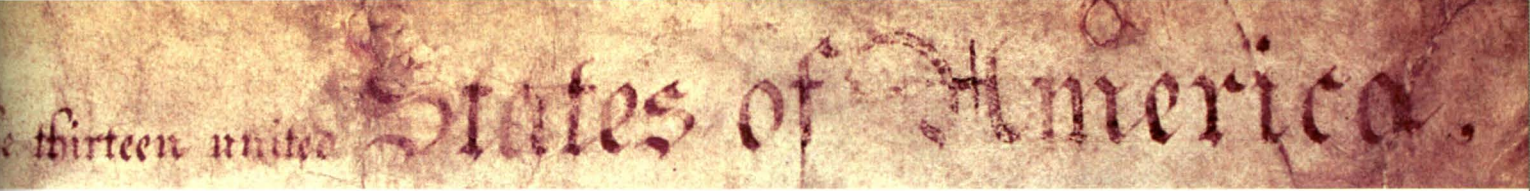
Jefferson made many problems for biographers. First, there is so much to fit within a coherent frame. His surviving letters number over 18,000. Also, he wrote more brilliantly than any of his contemporaries, seeming to display his thoughts and feelings on the page. Yet he mostly showed himself as he wanted to be seen. A guarded, deeply private man who presented a series of versions of himself to friends and colleagues, admirers and adversaries, he rarely wrote with the self-criticism or introspection that, for example, characterized John Adams. We must work by indirection, sifting tantalizingly cryptic clues, looking beneath the surface of his words for meanings that he might not have known were there. Jefferson was a human kaleidoscope. Though the elements of his thought and character are always present, they assume different configurations from encounter to encounter, crisis to crisis, moment to moment. No wonder generations of scholars have confessed bewilderment.

Jefferson and his ideas have roots in specific times and places. A biographer, therefore, must set him in context—as a Virginia gentleman farmer, a lawyer and politician, a defender of democratic revolution, an inquisitive man who tried to make all knowledge his province, and his era's finest writer. Most important, Jefferson was a man of the late eighteenth and early nineteenth centuries. To what extent are the things that dismay us about Jefferson unique to him, and to what extent are they features of his era—features that he may have shared with his contemporaries, who did not leave written traces of their views? Should we hold him to standards not part of his context? To sit in judgment on him in some timeless tribunal does violence to past and present alike.

Jefferson's range of interests was extraordinary even in a time when men and women thought that all knowledge was open to them. An eager participant in the intellectual world of the Enlightenment, that vast, varied body of ideas and arguments that dominated the Atlantic world for over a century, Jefferson let his mind voyage far and wide. He was an architect, a violinist, a student of religion, an amateur scientist and sponsor of scientific research, a connoisseur of food and wine, and a tinkerer who loved to improve upon inventions. Ranging more freely than his friends James Madison and John Adams or his adversary Alexander Hamilton, Jefferson most resembles Benjamin Franklin, who similarly dazzles us with his spectrum of abilities and interests. The problem is that, too often, Jefferson gets credit for creativity that he neither claimed nor deserved. Though widely read and energetically curious, he was a brilliant adapter and interpreter of his era's ideas rather than a figure of towering originality.

A biographer also must meld discussion of the private Jefferson into the narrative of his life as politician and thinker. Too many scholars wall him off from his roles as slaveholder, planter, husband, father, and lover, treating him as a solitary philosopher-politician. In so doing, they unwittingly follow his lead; he tried to sort his life into tidy compartments, ignoring how his public and private selves spilled over the edges and blended together.

Finally, the contradictions of his life bedevil all who study him. Jefferson was an advocate of liberty who owned slaves and became a



troubled apologist for slavery, justifying it by racist theories that, he claimed, were based on science. A champion of limited government who wanted power to rest with the states, he became a President who devised creative, expansive uses of national power—some bordering on the tyrannical. A private man who claimed to loathe politics, he became his era's dominant politician. A man of aristocratic habits and tastes, he became a symbol of American democracy, and its most eloquent voice. A cultivated eighteenth-century Virginia gentleman, he became a timeless theorist of liberty, democracy, and the rights of man.

Jefferson's character and consistency always have been issues. In some cases, his ideas evolved over time. For example, he based his vision of a good society on agriculture, which he saw as the most virtuous way of life, but he experimented with manufacturing, founding a grist mill and a nail factory at Monticello (and hoping to make a profit from them). Some seeming inconsistencies reflect differences in values between his era and ours. For example, he claimed to hate politics but allowed his name to be put forward for high office. Was he dishonest? Or was he an 18th-century gentleman who knew that a candidate was supposed to deny ambition and to accept office reluctantly? In a more troubling example, his arguments for human equality clash with his opinions about racial inequality and about the differences supposedly fitting men for, but excluding women from, politics and government.

Though Jefferson defended freedoms of speech and press, he was willing to use draconian measures against those who attacked him or disputed his views of democracy. He could voice friendship for someone—only to criticize him harshly to others. He could deny inconvenient facts to President George Washington, while admitting them to James Madison. His circle of correspondents was so wide that he could write conflicting things to different people with slight risk that the inconsistencies would emerge in his lifetime. When conflicts surfaced, and they sometimes did, he found the resulting uproar mortifying. We must recall a warning that Madison, his shrewdest friend, penned after his death: like "others of great genius," Jefferson had a habit "of expressing in strong and round terms, impressions of the moment." That is, he wrote so much, so often, that he regularly contradicted himself when writing under the sway of a specific preoccupation.

Consider one final, agonizing contradiction. In 1826, Jefferson was aged, feeble, despairing of his country's future, and crushed under a burden of debt he had carried for over 50 years. Yet, in his last letter, declining an invitation to attend the commemoration of the 50th anniversary of the Declaration of Independence, he penned an eloquent, hopeful "farewell address" to his countrymen:

All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.

This hymn of praise to liberty is written by a man who owns slaves.

Jefferson was caught between past and future, between his origins and his aspirations for himself and the American nation, between who he was and what he wanted to be. The roots of his ruin lay partly in what he hoped posterity would deem his most enduring legacy—the American Revolution, which he had helped to lead. The new democratic world he envisioned had dwindling room for the dignified, elegant, free-spending gentlemen-farmers who, he had hoped, would lead that world. Indeed, the forces he helped to set in motion ground him and his hopes for his family's fortunes to pieces. And yet he succeeded beyond his hopes, for his identification with the Revolution and with what posterity saw as its core principles—principles that he voiced with surpassing eloquence—defines his image to this day.

In 1874, biographer James Parton wrote, "If Jefferson was wrong, America is wrong. If America is right, Jefferson was right." Parton had in mind Jefferson's writing of the Declaration of Independence—the core document of the American political tradition and a classic statement of democratic values that has served as a model for revolutionaries around the world from his time to our own.

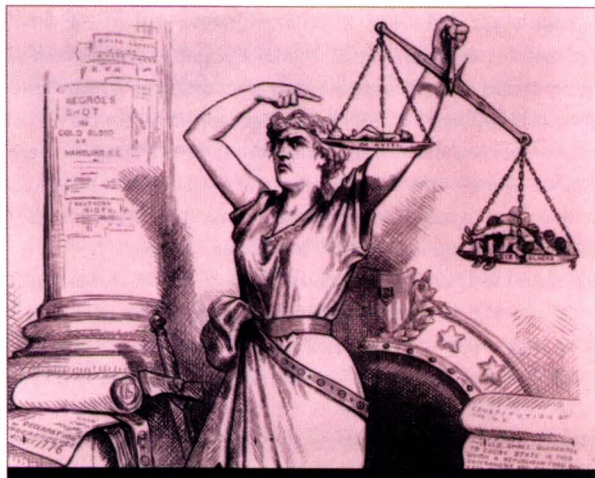
As Abraham Lincoln, the only man rivaling Jefferson in Americans' hearts, argued, Jefferson's principles are "the definitions and axioms of free society." When we seek to understand liberty, equality, progress, constitutional governance, separation of church and state, and the meaning of the American Revolution, we do so in contexts framed by Jefferson's words. Whatever we think of him as a person or as a politician, we can never deny his remarkable gift as a writer, or his ultimate claims to fame. He achieved his intention to express "the American mind" and became the leading spokesman for the revolution of ideas that changed, and continues to change, the face of America and the world. His words mean not only what he might have intended them to mean, but also what succeeding generations of Americans have read into them. Thus, though he might not comprehend today's United States, Jefferson's shadow looms large over us, thanks to the conflicting influences of his thinking, doing, and—most important—his writing. That truth alone requires each generation to reacquire itself with his life and work, and to grapple with his ambiguous legacies. ■

Richard B. Bernstein is Adjunct Professor of Law at New York Law School and director of online operations at Heights Books, Inc. The author or editor of 18 books on American constitutional history, including *Are We to Be a Nation?* and *Amending America* (both nominees for the Pulitzer, Bancroft, and Parkman Prizes), he lives in Brooklyn, New York.

Race, Law, and the Pursuit of Justice in America

Race on Trial

Law and Justice in American History



Edited by

ANNETTE GORDON-REED

Race on Trial: Law and Justice in American History
By Annette Gordon-Reed
 Oxford University Press, 2003

Professor Annette Gordon-Reed's book *Race on Trial* is a compilation of 12 original essays that examine landmark cases from American legal history in which race was a major factor, from the Amistad case of 1841 to the O.J. Simpson trial in 1995. At the approximate midpoint of this 154-year span was the case of Jack Johnson, a champion boxer and black man whose consistent preference for white women as romantic and sexual partners antagonized both the white and black communities. Johnson's prosecution by the federal government for violating the Mann Act is the subject of an essay by Gordon-Reed's New York Law School colleague, Professor Denise Morgan. Morgan's chapter is excerpted below, preceded by an excerpt from Gordon-Reed's introduction that summarizes the reasons for the negativity, both black and white, toward Johnson.

FROM THE INTRODUCTION BY ANNETTE GORDON-REED:

Denise Morgan's essay on the life and legal troubles of Jack Johnson, the first black man to become heavyweight boxing champion of the world, explores the incendiary and complex nature of black-white sexuality in the early twentieth century. Johnson, who was already a pariah to whites for defeating a white man in the championship match, became an even more hated figure when he openly consorted with and married a series of white women. He was the white racist's nightmare walking: an aggressive black man who physically overpowers white men and takes "their women." The law, in the form of the Mann Act, was used as a weapon to teach him a lesson. At the same time, however, Johnson was not an ideal hero to black people either, because he had so thoroughly accepted the dominant culture's adoration of white female beauty and concomitant deriding of black women's appearance. Many black people were simply appalled and ashamed by Johnson's adamant and vocal rejection of black women, even as he claimed that he was simply exercising his basic human right to the mate of his choice.



Original caption: "Accompanied by his beautiful white wife Irene, Jack Johnson, famous former world heavyweight boxing champion, enjoys luncheon in a restaurant on his arrival in Paris from Brussels, Belgium, where he engaged in a series of wrestling matches."

FROM THE CHAPTER "JACK JOHNSON VERSUS THE AMERICAN RACIAL HIERARCHY," BY DENISE MORGAN:

...The difficulties that both white and black Americans had with Jack Johnson, the first black man to win the world heavyweight boxing championship, resulted from his status as a reluctant hero. Johnson was hated by white Americans for exhibiting a strong sense of individuality, for excelling in a sport that had previously been closed to men of his race, and for asserting his right to love the three white women whom he married. And although black Americans admired his courage and felt vindicated by his success in the ring, they were troubled by the ways that his uncompromising individuality distanced him from the black community and by the fact that white Americans used his behavior as an excuse to seek reprisals against that community...

However, it was Johnson's relationships with white women that most deeply troubled the black community. Johnson saw his choice of sexual partners as a matter of asserting and satisfying his individual desires completely divorced from racial politics. When his marriage to Lucille Cameron, a white woman, was questioned by both blacks and whites, he defended his decision in race-neutral terms:

I am not a slave and...I have the right to choose who my mate shall be without the dictation of any man. I have eyes and I have a heart, and when they fail to tell me who I shall have for mine I want to be put away in a lunatic asylum. So long as I do not interfere with any other man's wife I shall claim the right to select the woman of my own choice. Nobody else can do that for me. That is where the whole trouble lies.

However, Johnson was hardly raceblind in his relationships with women. Not only did he express a strong preference for white women as romantic and sexual partners, he also explicitly renounced black women. Early in his boxing career, Johnson chose to "forswear colored women and to determine that [his] lot henceforth would be cast only with white women." Johnson attempted to justify his decision by claiming that the black women with whom he had been involved had been unfaithful to him. But, since many of Johnson's white girlfriends worked as prostitutes, the black community did not accept Johnson's explanation that he preferred white women because they were more likely to be monogamous. Nor did it appear to the black community that Johnson's interest in white women was driven by romantic love. While genuine affection and friendship undoubtedly motivated him to keep company with some of the white women with whom he was sexually involved, Johnson's choice to seek loving relationships among

women whom he paid to serve him and to whom he owed no reciprocal duty was more consistent with self-absorption than romantic devotion. Accordingly, Johnson's affirmative decision to renounce all black women was difficult to interpret as anything other than an attempt to distance himself from the black community and to partake of white racial privilege. This angered black Americans.

Of course, some members of the black community defended Johnson's interest in white women by arguing that his preferences were unexceptional: "Most men like fair women, if you don't believe it just go into the best Negro homes amid the blackest of the most prosperous Negro families and you will find a yellow or almost white woman occupying the leading place of wife." Others refused to ascribe any political meaning to his choice of romantic interests, characterizing "his marriage to a white woman as a mere chance affair and not a thing studied out by the champion in the sense of a demand, owing to his superior position, and apparently meaning the inferiority of his own race women." However, for many others, Johnson's choice to value white women more highly than black women validated the white supremacy that his boxing success called into question.

The response of most of the black press was to denounce him. The *Newport News Star* declared that

no Negro, who has any spark of manhood, and who prayed and hoped that Jack Johnson would win his battle with Jim Jeffries, and clearly establish his title to the championship of pugilists, in his class, now feels that he did himself the slightest tinge of honor. They would gladly recall that prayer and that hope, when they read of his fool infatuation for white women.

The *New York Amsterdam News* argued that Johnson's choice of white partners indicated that he had forsaken his race and decried the fact that "white men of standing...conceitedly point to the example as an evidence of the black man's lack of race pride, his desire to be white and the general unworthiness of his race." The Reverend Adam Clayton Powell, Sr., pastor of the Abyssinian Baptist Church in Harlem, confirmed that "the overwhelming majority of colored people have no

Unlike his victory in the fight against Jeffries, Johnson's freedom to pursue his sexual and romantic interests was not seen as worth the sacrifice of human and political capital by black Americans. While Johnson incited the wrath of white Americans by challenging the American racial hierarchy in both situations, his relationships with white women were taken as a rejection of his own race and as an affront to the social and political cohesiveness of the black community.

sympathy whatever with Johnson in his inordinate and persistent desire to seek female companionship with the whites."

Given that black men were routinely terrorized and lynched on the strength of any hint that they had intimate associations with white women, the black community was correct in assuming that Johnson's unapologetic romantic and sexual interest in women of that race would be taken as an audacious act of rebellion against the constraints of the American racial caste system. White Americans feared the threat that interracial sex posed to the racial hierarchy for several reasons. First, intimate interracial relationships could undermine the myth of biological racial difference by affording people of different races greater opportunity to recognize their equal humanity and to forge bonds of trust and understanding. Second, mixed-race children could challenge the established hierarchy by complicating the line drawing necessary to maintain racial segregation and by weakening the familial boundaries that kept social and economic capital within the white community from one generation to the next. And, perhaps most immediately, there were matters of ego—white men feared competition from black men for the attention of women.

Thus, although interracial pairings have always been a part of the American scene, the white majority has consistently discouraged them—by social pressure, legal restrictions, and violence. For example, in colonial Virginia the legislature tried to prevent marriage between white indentured servants and enslaved blacks by declaring that the white party would be banished from the colony. And in spite of the fact that white plantation owners took advantage of their unimpeded sexual access to enslaved black women frequently enough that it was said that "[the] men [lived] all in one house with their wives and their concubines; and the mulattoes one sees in every family partly resemble the white children," there were strong social sanctions against interracial sex in the antebellum South. After the Civil War, deprived of the mechanisms of social control that slavery provided, southern whites were forced to find other means to shore up the American racial hierarchy. Antimiscegenation laws were revived as a symbol of white resistance to social equality with newly emancipated African Americans. Those rules both policed interracial sexual desires and defined white households as "racially impregnable institutions." Moreover, the threat of violence always lurked behind those legal restrictions. Although the incidence of lynching peaked in 1892, the practice—which was often directed at black men who expressed sexual interest in white women—continued well into the twentieth century.

Thus, perhaps it is not surprising that few black Americans applauded Johnson's open defiance of the taboos against interracial love

and sex. Johnson's choice of sexual partners had negative ramifications for many members of the black community. Black Americans were punished physically and economically as a result of white anger over Johnson's liaisons with white women. "Many colored waiters, porters, in white barbershops, and colored men employed in various capacities were dismissed from their employment. Even Black professional men suffered reprisals as a result of the bitter agitation stemming from the...controversy." Indeed, the black press was consumed with the fear that Johnson's behavior would result in retaliation by white Americans against the entire black community. *The Indianapolis Freeman* wrote that

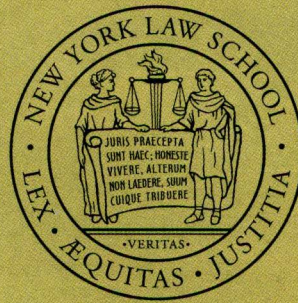
the persistent pursuing of this course will cause a wide-spread feeling of opposition to Negroes. He has no right to anything that promises so much mischief. He's free and all that, as he says, but there are "invisible" laws to which he must subscribe—the agreements of society—if he would enjoy a large measure of that freedom of which he boasts.

Unlike his victory in the fight against Jeffries, Johnson's freedom to pursue his sexual and romantic interests was not seen as worth the sacrifice of human and political capital by black Americans. While Johnson incited the wrath of white Americans by challenging the American racial hierarchy in both situations, his relationships with white women were taken as a rejection of his own race and as an affront to the social and political cohesiveness of the black community.

Thus, despite his success in challenging the myths of racial difference that maintained and perpetuated the subordination of all black Americans, Jack Johnson did not enjoy an unproblematic relationship with the black community. As the strength of that community lay in group solidarity, black Americans did not appreciate what Johnson would probably have described as his individualistic color-blind approach to life. Johnson contended that "[he had] found no better way of avoiding racial prejudice than to act in [his] relations with people of other races as if prejudice did not exist." However, in acting as if racial prejudice did not exist, Johnson both flouted the conventions of the American racial caste system and ignored the fact that race has been affirmatively used by black Americans to forge a sense of common identity, to carve out a zone of safety from the violence of white Americans, and to fashion an agenda for unified action. ■

From *Race On Trial* by Annette Gordon-Reed. © 2002 by Oxford University Press, Inc. Used by permission of Oxford University Press, Inc. www.us.oup.com/us/ (Footnotes have been omitted.)

NEW YORK LAW SCHOOL LAW REVIEW



Vol. 46, Nos. 1-2, Symposium Issue

JUDGE JON O. NEWMAN: A SYMPOSIUM CELEBRATING HIS THIRTY YEARS ON THE FEDERAL BENCH AND AN OCCASION TO REFLECT ON THE FUTURE OF COPYRIGHT, FEDERAL JURISDICTION, AND INTERNATIONAL LAW

In the 2002 Law Review Symposium, the *New York Law School Law Review* celebrated the career of Judge Jon O. Newman of the United States Court of Appeals for the Second Circuit through scholarly discussion of three fields of law where he has made special contributions: copyright, federal jurisdiction, and the application of international law by U.S. courts. This special issue is a compilation of the proceedings of the 2002 Law Review Symposium, with additional scholarly contributions. The Symposium was organized by the *New York Law School Law Review*, and directed by Professor Paul R. Dubinsky and other former and current law clerks of Judge Newman.

Contributors include: Aviam Soifer, Peter S. Menell, Lori Fisler Damrosch, Andrew D. Hurwitz, and Edward L. Rubin.

Vol. 46, Nos. 3-4, Symposium Issue

REFLECTING ON THE LEGAL ISSUES OF OUR TIMES
NEW YORK LAW SCHOOL FACULTY PRESENTATION

The issue is a compilation of scholarly contributions originating from New York Law School's Faculty Presentation Day on April 3, 2002, and is a memorialization of the collaborative and scholarly discussion of that day. The publication of this issue is exemplary of the Law School's commitment to sustaining an environment conducive to scholarly, intellectual exchange among faculty and students in and outside the classroom.

Some of the articles include topics such as Changes in the Law Since 9/11; Portraits of Grief: Reflecting on The *New York Times* 9/11 Obituaries Through a Legal Lens; Economic Justice; and, Dispute Resolution. The issue also includes six notes and comments.

Faculty contributors include: Richard A. Matasar, Nadine Strossen, Michael B. W. Sinclair, Richard K. Sherwin, Donald H. Zeigler, Lawrence M. Grosberg, Pamela R. Champine, Michael L. Perlin, and Sidney M. Cone III.

Student contributors include: Heather S. Ellis, Clair B. Steinberger, Christi Wilson, Amy Wichowski.

To order these issues or for subscription information please contact:

Coordinator of Law Review
New York Law School
57 Worth Street
New York, NY 10013
T: 212.431.2109

Checking Abuses of Power

How are juries selected in the United States? What forces influence juries in making their decisions? Are some cases simply beyond the ability of juries to decide? How useful is the entire jury system? Professor Randolph N. Jonakait, an expert on constitutional law, examines these and other issues in his new book, *The American Jury System*. Following is an excerpt from Chapter 2, "Checking Abuses of Power."

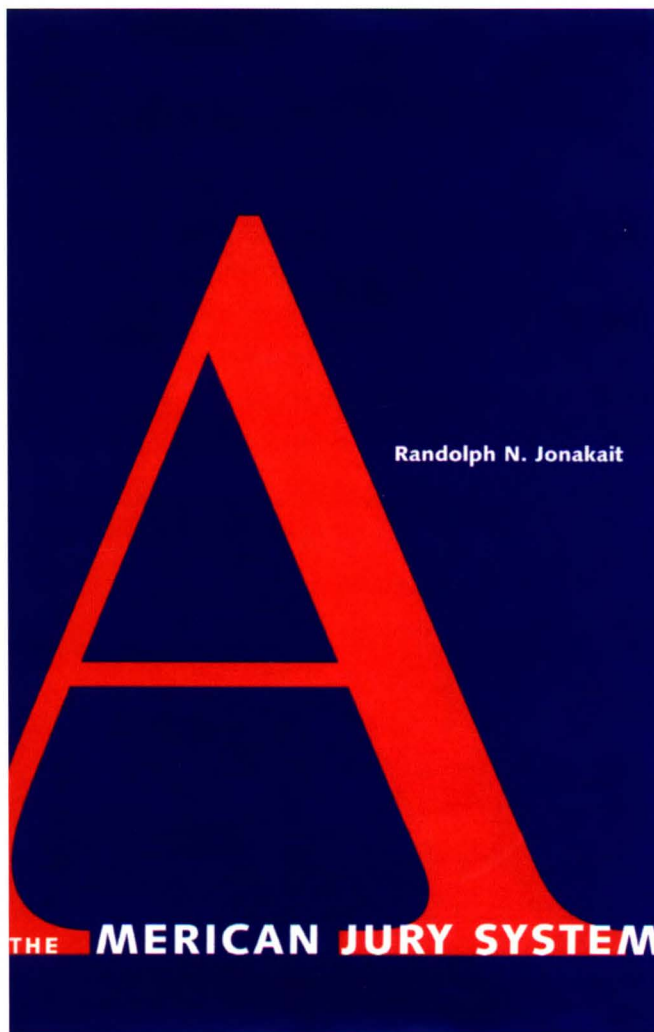
Juries have many functions, and the right to a jury trial became a part of our Constitution to balance and check the powers of governmental officials. This was explained in the Supreme Court case of *Duncan v. Louisiana*.

DUNCAN V. LOUISIANA

Gary Duncan's criminal trial was seemingly insignificant. He was prosecuted in 1966 in Plaquemines Parish, Louisiana, a strip of land rich in sulphur and oil that stretched a hundred miles from New Orleans down both sides of the Mississippi to the Gulf of Mexico. From the 1920s until his death in 1969, Leander Perez was, according to his biographer Glen Jeansonne, the "political boss who held absolute power in Plaquemines Parish to an extent unsurpassed by any parish leader in Louisiana's history." His base of power for most of this time was as district attorney, an office he passed on in 1960 to his son, Leander Perez, Jr. No one held office and no legislation passed without the father's approval. "Perez, who considered lawmakers superfluous middlemen... simply drew up laws and inserted them into the minutes of the parish police jury and commission council... He concluded that honest elections were more trouble than they were worth and made sure none was held in his bailiwick. Dead people might have voted in the elder Richard Daley's Chicago and Lyndon Johnson's Texas, but neither place had Babe Ruth and Charlie Chaplin as voters. Plaquemines did."

Indeed, in 1968 a federal court concluded that the number of white people registered to vote in the parish exceeded the number of white adults who actually lived there. In 1962, although more than a fifth of the sparse population was black, 6,906 white people were registered to vote compared to 43 black people.

On August 26, 1966, the federal courts entered an order desegregating the Plaquemines parish schools. Leander Perez was not happy. A dozen years earlier, after the Supreme Court had decided



The American Jury System
By Randolph N. Jonakait
Yale University Press, 2003



Brown v. Board of Education, he announced that he was dedicating his life to the principle of segregation. In the 1960s Perez stated, “Do you know what the Negro is? Animals right out of the jungle. Passion. Welfare. Easy life. That’s the Negro. And if you don’t know that, you’re naive.” The spearhead for integration came from communistic Zionists, “to all those Jews who were supposed to have been cremated at Buchenwald and Dachau but weren’t, and Roosevelt allowed two million of them illegal entry into our country.”

Gary Duncan’s nephew and cousin were two of the black students who began attending a formerly all-white school. On October 18, 1966, they were threatened by white students. The twenty-year-old Duncan, a fisherman, married and with a child, was driving by the school after it let out. He saw a group of white individuals standing near his relatives. He stopped, and his cousin and nephew told him that the white people were trying to start a fight. Duncan herded the two into his car and then “touched” or “slapped” a white boy on the arm. A white adult made a call to the sheriff’s office. A deputy spoke to Duncan and the other boys and refused to make an arrest.

Three days later, however, the district attorney, Leander H. Perez, Jr., had Duncan arrested for simple battery because of the touch or slap. Duncan requested a jury trial, but Louisiana then limited jury trials to cases where either capital punishment or imprisonment at hard labor could be imposed. Because simple battery in Louisiana was a misdemeanor carrying a maximum sentence of two years, it did not qualify for a jury trial, and Duncan’s trial was held without one. The trial judge convicted the defendant and sentenced Duncan to sixty days in the parish prison plus a \$150 fine.

In Plaquemines parish, Duncan never had a chance of being acquitted. The judge had set bond at twice the usual level. The sentence was longer than for almost any other battery conviction in the parish. Indeed, local lawyers could not be found to defend him. One of his out-of-state lawyers was arrested for illegally practicing law. A federal court eventually enjoined that prosecution, finding that it “was...without basis in law and fact.” In another decision, a federal court ultimately concluded that Duncan’s trial judge had been “personally hostile to Duncan and...altered established principles of criminal procedure in an effort to punish Duncan for his exercise of federally secured rights.”

Although this was apparently a minor offense, the Supreme Court latched onto the case to make significant constitutional pronouncements. The first concerned the standards for determining whether states have to conform to the provisions in the Bill of Rights of the United States Constitution.

The first ten amendments to the Constitution by their language

apply only to the federal government. The Fourteenth Amendment, however, adopted in the wake of the Civil War, denies states the power to “deprive any person of life, liberty, or property, without due process of law.” The meaning of that phrase is open to various interpretations, and over time, the Supreme Court has increasingly looked to the Bill of Rights to define the content of the Fourteenth Amendment’s “due process clause.”

The Fifth Amendment, for example, requires the federal government to pay just compensation when it takes private property for public purposes. The Fourteenth Amendment does not contain this explicit provision about the public seizure of private property, but before the nineteenth century ended, the Supreme Court held that the Fourteenth Amendment’s general due process provision incorporated the Fifth Amendment’s more specific command. States, therefore, could constitutionally exercise eminent domain only by giving just compensation even though the Fourteenth Amendment did not specifically enunciate this constitutional principle. Three decades later, the Supreme Court took a similar approach and concluded that the Fourteenth Amendment’s general due process clause incorporated the First Amendment’s specific provisions concerning speech, press, and religion, and thus, the states could not infringe these rights.

By the 1960s, however, the Supreme Court had still not adopted a similar principle for any of the many Bill of Rights provisions concerning criminal trials. The Court had stated only that the crucial criterion for determining when the states had to confer a criminal procedure safeguard was whether “a civilized system could be imagined that would not accord the particular protection.” If the imagination could conjure such a civilized system without the procedure, then the Constitution did not require the states to provide it.

In deciding that states had to afford criminal defendants jury trials, the Court in *Duncan v. Louisiana* rejected this earlier test. The previous standard was wrong, the Court concluded, because state proceedings are not merely abstract schemes, “but actual systems bearing virtually every characteristic of the common-law system that has been developing contemporaneously in England and in this country. The question thus is whether given this kind of system a particular procedure is fundamental—whether, that is, a procedure is necessary to an Anglo-American regime of ordered liberty.” The question is not, the Court continued, whether a procedure is “necessarily fundamental to fairness in every criminal system that might be imagined but is fundamental in the context of the criminal processes maintained by the American States.”

Under the earlier approach, the Fourteenth Amendment did not

Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge.

require criminal jury trials in state courts. As Duncan conceded, a fair criminal process could be imagined that did not utilize juries. Indeed, many civilized countries decide criminal matters without juries. But with the inquiry transformed into whether jury trials are fundamental to the American scheme of criminal justice, the Court concluded that history, modern practices, and the core purposes of juries all indicate that criminal jury trials are so essential that the states are constitutionally required to have them.

The Duncan Court noted that the generation that framed the Constitution viewed jury trials as an essential component of its freedom. Indeed, jury trials came to America with the English colonists, and every colony provided a right to such trials. Moreover, interference with jury trials met with strident protest. The English Stamp Act allowed some violations of revenue laws to be tried in the colonies without juries, but the colonial Stamp Act Congress of 1765 responded that “trial by jury is the inherent and invaluable right of every British subject in these colonies.” As England sought to further limit the colonial right to jury trials, the colonists protested more, and the preservation of jury trials became one of the symbols fueling the Revolution. The Declaration of Independence ultimately protested that the king is “depriving us in many cases, of the benefits of Trial by Jury,” and to his “transporting us beyond the Seas to be tried for pretended offenses.” Not surprisingly, immediately after independence every state guaranteed jury trials. Before the drafting of the federal Constitution, twelve states had adopted their own constitutions. The only right protected in all of them was the right to a jury trial in criminal cases.

The federal Constitution followed suit. The new nation’s charter, in article 3, section 2, guaranteed: “The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed.” Many, however, criticized this Constitution for not adequately protecting criminal jury trials and other rights. The new country soon adopted the first ten amendments, which included another guarantee of jury trials. The Sixth Amendment states in part: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.”

Jury trials were fundamentally important at the country’s

inception. Colonists protested their infringement; all the early states adopted them; the federal Constitution guaranteed criminal jury trials not once, but twice. Furthermore, every state that has since entered the union has protected the right to jury trials in criminal cases. *Duncan v. Louisiana* concluded: “Jury trial continues to receive strong support. The laws of every State guarantee a right to jury trial in serious criminal cases; no State has dispensed with it; nor are there significant movements underway to do so.”

The Duncan Court built its argument that criminal juries are fundamental to our justice system not merely on historical precedent; it made eloquent reference to the basic legal and societal purposes our juries serve. The widespread use of jury trials reflects “a profound judgment about the way in which law should be enforced and justice administered. A right to jury trial is granted to criminal defendants in order to prevent oppression by the Government.” The Court continued that juries can protect society against governmental actors who may use their powers unjustly. “Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge. If the defendant preferred the commonsense judgment of a jury to the more tutored but perhaps less sympathetic reaction of the single judge, he was to have it.” Consequently, the Court concluded in *Duncan*, jury trials in criminal cases are fundamental to the American system of justice. The Court held that the Constitution “guarantees a right to jury trial in all criminal cases which—were they to be tried in a federal court—would come within the Sixth Amendment’s guarantee.”

Some four decades later, many deride juries, but their noise hides the fact that few actually advocate their abolition. Some would like to limit the kinds of civil matters a jury can consider, but no one seriously suggests that juryless tribunals should decide all our criminal cases or even all our civil disputes. There is no movement to repeal the Sixth Amendment’s jury trial guarantee. The credible critics are not abolitionists, but reformers. ■

This excerpt is from Randolph Jonakait’s *The American Jury System*, published by Yale University Press. (Footnotes have been omitted.) Reproduced by permission. For more information, or to purchase a copy of this title, please visit www.yalebooks.com

Other Books by Faculty

Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities

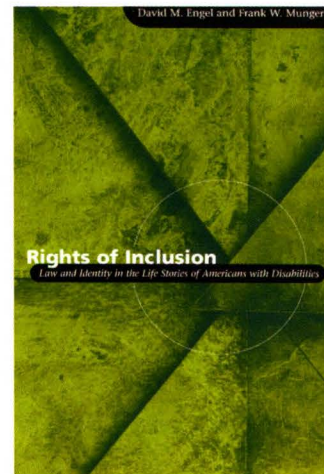
By Frank W. Munger (with David M. Engel of SUNY Buffalo Law School)

The University of Chicago Press, 2003

Rights of Inclusion provides an innovative, accessible perspective on how civil rights legislation affects the lives of ordinary Americans. Based on eye-opening and deeply moving interviews with intended beneficiaries of the Americans with Disabilities Act (ADA), David M. Engel and Frank W. Munger argue for a radically new understanding of rights—one that focuses on their role in everyday lives rather than in formal legal claims.

Although all sixty interviewees had experienced discrimination, none had filed a formal protest or lawsuit. Nevertheless, civil rights played a crucial role in their lives. Rights improved their self-image, enhanced their career aspirations, and altered the perceptions and assumptions of their employers and coworkers—in effect producing more inclusive institutional arrangements. Focusing on these long-term life histories, Engel and Munger incisively show how rights and identity affect one another over time and how that interaction ultimately determines the success of laws such as the ADA.

Rights of Inclusion was one of 12 books to receive the 19th Annual Gustavus Myers Outstanding Book Award from the Gustavus Myers Center for the Study of Bigotry and Human Rights in December 2003.



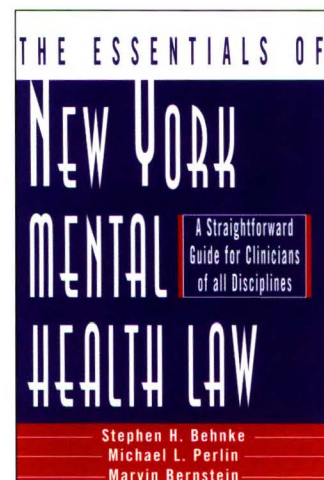
The Essentials of New York Mental Health Law: A Straightforward Guide for Clinicians of All Disciplines

By Stephen H. Behnke, Michael L. Perlin, and Marvin D. Bernstein

W.W. Norton & Company, 2003

In *The Essentials of New York Mental Health Law*, Professor Michael L. Perlin and his coauthors explain in a straightforward and accessible manner the laws most relevant to mental health practice in the state of New York. In both format and content, the book is designed to provide quick insight into the complexities of the law, and thereby dispel the mystery and alleviate the anxiety that many clinicians associate with the legal system.

Appendices include essential New York statutes and regulations, as well as sample forms and letters that clinicians can adapt to their own needs. Easy-to-read tables summarize essential legal information and provide at-a-glance reference resources for busy clinicians. A bibliography is included for those who wish to do in-depth reading in particular areas of mental health law.

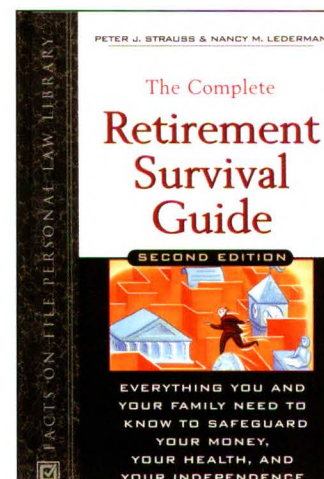


The Complete Retirement Survival Guide: Everything You Need to Know to Safeguard Your Money, Your Health, and Your Independence

By Peter J. Strauss and Nancy M. Lederman

Facts on File, Inc., 2003 (Second Edition)

Adjunct Professor Peter J. Strauss is coauthor of this clear and authoritative guide to life planning, financial strategies, and legal protection for people facing retirement. *The Complete Retirement Survival Guide*, is a thoroughly updated edition of the popular *The Elder Law Handbook*—written specifically for those over age 55, for anyone with a parent over age 55, as well as for people with disabilities or family members with disabilities. Important issues covered include planning for health care needs; managing and paying for medical and long-term care; life planning for individuals and their families; taxes; working and retirement; meeting housing needs; and getting help. This indispensable collection of facts and advice provides the necessary foundation for ensuring that the quality of life and autonomy of older people and people with disabilities are maintained while their independence and their resources are protected.



Law Review Articles

A selection of articles recently published by members of the faculty.

Professor Michael Botein

"The Demise of the Information Superhighway," 11 *Media Law & Policy* 85 (2003).

Professor Sydney M. Cone, III

"Legal Services in the Doha Round," 37 *Journal of World Trade* 29-47 (2003).

Professor William P. LaPiana

"Some Property Law Issues in the Law of Disclaimers," 38 *Real Property, Probate and Trust Journal* 207-239 (2003).

Dean Richard A. Matasar

"Introduction to Faculty Presentation Day Issue," 22 *New York School Law Review* 1 (2003).

Professor Denise Morgan

"The Devil Is in the Details: Or, Why I Haven't Yet Learned to Stop Worrying and Love Vouchers," 59 *New York University Annual Survey of American Law* 477 (2003).

Professor Beth Simone Noveck

"Designing Deliberative Democracy in Cyberspace: The Role of the Cyber-Lawyer," 9 *Boston University Journal of Science & Technology Law* 1 (2003).

Professor Rudolph J.R. Peritz

"Toward a Dynamic Antitrust Analysis of Strategic Market Behavior (Antitrust: Stretching the Envelope: Third Annual Symposium of the American Antitrust Institute)," 47 *New York Law School Law Review* 101-118 (2003).

Professor Michael L. Perlin

"You Have Discussed Lepers and Crooks': Sanism in Clinical Teaching," 9 *Clinical Law Review* 683 (2003).

Professor Edward A. Purcell

"The Particularly Dubious Case of *Hans v. Louisiana*: An Essay on Law, Race, History, and 'Federal Courts,'" 81 *North Carolina Law Review* 1927-2059 (2003).

Professor David S. Schoenbrod

"Politics and the Principle that Elected Legislators Should Make the Law," 26 *Harvard Journal of Law and Public Policy* 239-280 (2003).

Professor Michael B. W. Sinclair

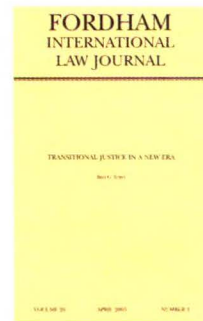
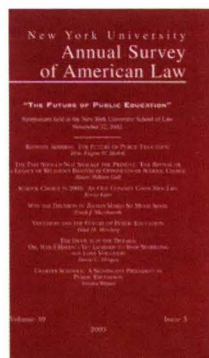
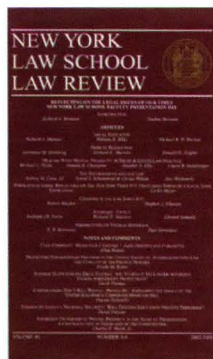
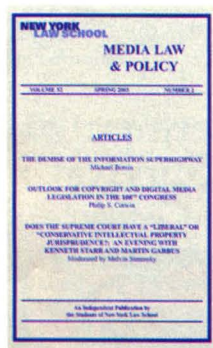
"Anastasoff versus Hart: The Constitutionality and Wisdom of Denying Precedential Authority to Circuit Court Decisions," 64 *University of Pittsburgh Law Review* 695-743 (2003).

Professor Ruti G. Teitel

"Theoretical and International Framework: Transitional Justice in a New Era," 26 *Fordham International Law Journal* 893 (2003).
 "Human Rights in Transition: Transitional Justice Genealogy," 16 *Harvard Human Rights Journal* 69 (2003).
 "Transitional Justice in a New Era (Symposium: Transitional Justice—Northern Ireland and Beyond)" 25 *Fordham International Law Journal* 893-906 (2003).

in print

82



Books by Alumni and Students

Handbook of New Jersey Title Practice

By Lawrence J. Fineberg '77

New Jersey Land Title Institute (Third Edition)

This comprehensive text examines and cites all of the laws, rules, cases, and customs that impact title insurance. Its subjects include New Jersey land titles—registration and transfer, title examinations, and title insurance—law and legislation.

New York Courtroom Evidence

By John E. Durst '80 and Abraham Fuchsberg

Lexis Publishing 2002 (Third Edition)

A quick-answer evidence handbook designed with the litigator in mind. Includes a “Quick Reference Guide” that arranges all major topics on the admission of evidence in the order which they arise at trial. Subtopics under each summarize the factors determining admissibility and include relevant practice tips for each type of evidence.

The Legal Manual for New York Physicians

Edited by Robert Abrams '87 and Donald R. Moy

Medical Society of the State of New York and New York State Bar Association 2003

Written and edited by more than 50 experienced practitioners, this landmark text is a must-have for physicians and anyone involved with the medical profession. The information in this manual, provided by experts in the field, is primarily presented in an easy-to-use question-and-answer format. Who can access medical records? How do I open a medical practice? Can a donor specify a donee? These questions, as well as hundreds of others, are answered in this comprehensive text, which covers more than 50 topics, and includes major contributions by the Department of Health and other state agencies.

Study Guide for Samaha's Criminal Law

By Jonah Triebwasser '79

Wadsworth/Thomson 2002 (Seventh Edition)

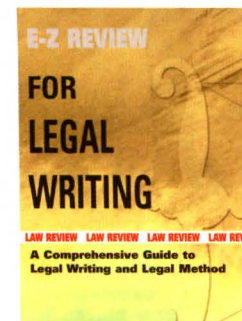
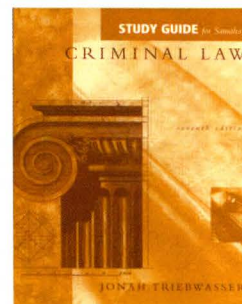
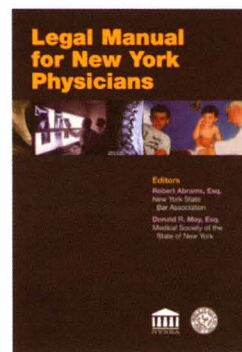
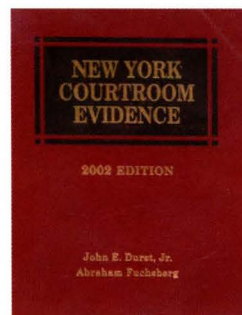
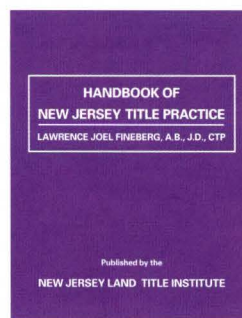
This study guide is the companion to one of the leading undergraduate textbooks in criminal law and is used by students across the United States. The book offers a succinct analysis of the various aspects of American criminal law, along with sample test questions and study outlines. This is the third edition of this guide that Triebwasser has authored.

E-Z Review for Legal Writing: A Comprehensive Guide to Legal Writing and Legal Method

By Peter Errico 3L and Heather Rowell

Law Review Publishing 2003

Peter Errico 3L hasn't received his J.D. yet, but he's already a published author. After finishing his second year at New York Law School, he spent his summer collaborating with Heather Rowell, a student at Chapman University School of Law, on a review supplement for legal research and writing. The resulting title, *E-Z Review for Legal Writing: A Comprehensive Guide to Legal Writing and Legal Method*, is part of the E-Z Review series written exclusively by law students for law students.



Welcoming the New Class

Students in the entering class arrived for their week-long orientation program on August 18, 2003. This year's program was reflective of the many changes being made at the Law School to strengthen the academic program, to advance a new standard of excellence, and to build a strong sense of community. In addition to a series of seminars on the court system, legal principles, and the case method, students had many opportunities to interact with faculty and staff in a variety of social events that took advantage of the school's location in the heart of Manhattan's historic TriBeCa district. Small groups of students joined faculty members for lunch or dinner in Chinatown, Little Italy, TriBeCa, and in the Dean's home in Chelsea.

More than 60 first year students participated in "A Day in the Dirt," the annual public service project organized by Professor Lawrence Grosberg, Mike Nussman, director of human resources, and Helena Prigal, director of public interest and community service, in conjunction with the Central Park Conservancy.



Students participate in public service activity by painting benches in Central Park on August 21. (Photos on this and opposite page by Rick Kopstein, Jack McCoy, and Thornton Studios.)



Aerial view of festive barbeque in the Law School's parking lot.



Students enjoying the barbeque.



Professor Stephen Ellmann hosted a group of students for dinner at the local TriBeCa bistro Petite Abeille on August 19.



Professor Mariana Hogan and Ken Norz, director of academic affairs, were joined by a group of students at the August 20 performance of *The Exonerated* at the Bleecker Street Theater.



Members of the Student Bar Association took a group of first year students to the lanes at Chelsea Piers on August 23 for an afternoon bowling excursion.



Professors Beth Noveck and Andrew Berman (front, far right) drew a packed house of students for lunch at Silk Road Mocha on Mott Street in Chinatown on August 20.

Meet a Few of Our New Students

By Edith Sachs

It happens every August: A new group of students descends on the Law School, full of excitement and anticipation mixed with not a little apprehension about the rigors of legal study awaiting them. Following are brief introductions to a few of the members of the classes of 2006 and 2007.

Smita Gulivindala

Smita Gulivindala, who came to the United States from India with her family at age 10, segues easily back and forth between her Indian and American identities and incorporates both cultures into her daily life.

Gulivindala recalls starting the sixth grade in Astoria, Queens—her first time going to school in America—and finding it difficult to adjust to her new surroundings. “The culture and the educational system were both different from what I had known previously,” she says. “I actually found the social environment harder to get used to than the educational environment.” But she persevered and eventually found a balance between her Indian and American selves. Today, she pursues a passion for a type of classical Indian dance called Kathak and takes vocal lessons in classical Indian style, but also studies Western ballroom dancing.

A double major in information systems and finance at New York University’s Stern School of Business, Gulivindala did internships at Deloitte Consulting and at Deutsche Bank during college. Following graduation, she worked as a business analyst for Merrill Lynch, but found herself searching for an occupation that would feel more “meaningful” to her. She chose law because, as she says, “It seemed to me that as a lawyer, I could get to the end of the day and look back and see that I had done some justice. As a lawyer, you are in a position to do what’s right, and you can find satisfaction and meaning in that.”

Gulivindala has already found a mentor who has given her glimpses of justice in action: Hon. John B. Pessala, a family court judge in Nassau County, New York, who has let her visit his courtroom and observe proceedings firsthand. She found this opportunity to be extremely valuable in helping her clarify her career goals.

So does Gulivindala see herself in black robes, wielding the gavel someday? “I don’t know if that role is in my future, but it would be amazing,” she says, eyes lighting up.



Erin Smith

"It is a daunting prospect to consider law school at 40 years of age," admits Erin Smith, who adds that her goals and ambitions are probably more modest now than when she was 20 years old and wanted to "run the bank," as she puts it. But this veteran of the worlds of banking and Internet start-ups also believes that the experience, wisdom, and maturity she acquired over the years helped her to make the right decision to pursue her J.D.

Photo: Edith Sachs



After graduating from the University of Delaware with a degree in economics and finance, Smith pursued a career in banking, working through the 1980s and early '90s in various capacities for Chase Manhattan Bank and Citibank. In 1992, after nearly a decade in banking, she decided to attend law school "to capitalize on my interest in the legal side of my banking career, to challenge myself academically, and to provide myself with a broader range of experience for the future," she says.

But as it often does, life intervened: Her future husband accepted a job in London, and they moved there for the next five years. After some time spent traveling in Europe and doing volunteer work, Smith reconnected with Citibank and accepted a job in its Private Banking Group in London. "It was a wonderful job in which I worked closely with the bank's local solicitors, continuing to stimulate my respect for and interest in the law," says Smith.

Back in the United States, her husband ventured into the burgeoning Internet start-up arena as cofounder of Bigfoot International. Shortly thereafter, he asked Smith to join the business, which she did, serving as secretary/treasurer/chief financial officer for several years. During that time, she was intimately involved in launching new lines of business and reviewed virtually every legal document that came across her husband's desk. As the company grew, diversified, and changed its corporate structure, she continued to play an integral role, working with the company's lawyers and accountants, overseeing its finances, and helping to refine its strategic vision.

Two years ago, Smith reprised her secretary/treasurer/CFO role in another new Internet company with the prophetic name of Tribeca Tables Software Development. With the business safely on its feet, Smith decided that the time had finally come to fulfill her 10-year-old goal of becoming a lawyer.

Daunting though the prospect may be, Smith is eager to take on this new challenge. "I would like to be in a better position to give back to my community and to add value above and beyond my business skills," she says.

Benjamin Peck

Benjamin Peck recounts the reaction of surprised friends, colleagues, and family to the news that he would be attending law school. It goes something like this: "You? Law school? What happened to being a writer, professor, and diplomat?"

While Peck concedes that he did indeed want to be all those things at earlier points in his life, he now declares that "my discovery of the law has in every way stoked my strongest enthusiasm."

It took some time, however, for Peck to develop the confidence to embark upon his legal studies. As an undergraduate at Columbia University in the late 1990s, he studied comparative literature, mainly Russian and German. Although drawn to the concept of studying law, he believed that his creative impulses—expressed through a satirical newspaper, *Faulty Times*, which he conceived and produced, and through authorship of numerous short stories and plays—would never find an outlet within what he refers to as "the strict logical confines of legal thought."

But Peck realized that his interest in the law was a natural outgrowth of his love of literature, language, and history. "Literature and history are both defined by the nature of the civilization that authors them, and the law is the glue that holds the values of any civilization together," he says. "This thought excited me, and as I reflected on the importance of language, and subtle expression to the law, I yearned to study it."

Peck believes that his mastery of the Russian, French, and German languages will be a strong asset in the course of his legal education. "I discovered that learning a language is the best tool in training the mind to approach problems in a completely new light," he says. His study abroad at Freie Universitaet in Berlin during the summer of 1999, during which he conducted himself entirely in German, helped him realize that learning foreign languages instills "an uncompromising eye for detail in even the smallest matters of spoken and written expression."

"It made me aware that language was not something that should be regarded as automatic," he says. "It must always be carefully considered and selected to ensure that every word achieves its desired effect." ■

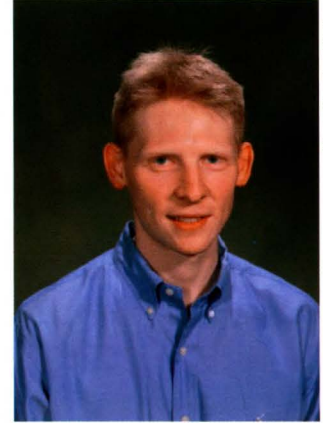


Photo: Thornton Studios

Jennaydra Clunis 3L Elected to NBLSA Executive Board

Photo: Thornton Studios



Clunis at the Black Law Students Association 2003 Annual Awards Dinner with Johnnie L. Cochran Jr., one of the evening's honorees.

THIS PAST SPRING, THIRD-YEAR STUDENT JENNAYDRA CLUNIS WAS elected to the prestigious position of national vice chair of the National Black Law Students Association (NBLSA). NBLSA, whose mission is to nurture and promote the professional needs and goals of Black law students, has over 200 chapters at law schools throughout the country, including New York Law School. Its chapters represent over 6,000 Black law students in six regions comprising 48 states, including Hawaii and the Commonwealth of Puerto Rico.

As national vice chair, Clunis, a native of Brooklyn, New York, and a 1999 graduate of the University of Delaware, is primarily tasked with coordinating and executing NBLSA's annual Frederick L. Douglass Moot Court Competition (referred to by NBLSA as the FDMCC), in addition to exercising general executive authority over the business and activities of the association.

The opportunity to oversee the FDMCC was a strong incentive for Clunis in deciding whether to run for the national vice chair position. "I always wanted to be active within this competition, and I thought that the best way to leave a notable legacy would be to execute the entire competition," Clunis says. Another motivation for Clunis to run was

attending NBLSA's national convention, at which its elections are held, and seeing that the national vice chair post was uncontested; dismayed by this, and feeling a desire to serve the association in any available capacity, Clunis threw her hat into the ring and came out as the victor.

So far, Clunis has made substantial progress toward her goal of leaving a lasting mark on the FDMCC. She has more than doubled the number of teams in the upcoming competition, which takes place in the spring; to date, 110 teams are set to compete. She also has cultivated sponsorships from organizations including BarBri and Westlaw in order to secure prizes for participants and winners, and has recruited well-known jurists to serve as oral and brief judges. Among these are Professor Charles J. Ogletree of Harvard Law School; Hon. George Bundy Smith, associate judge, New York State Court of Appeals; and New York Law School Professor Nadine Strossen, president of the ACLU. Clunis was also responsible for writing the moot court problem.

Clunis finds the experience of serving as a NBLSA officer to be simultaneously challenging and rewarding. "I have met a lot of wonderful people through my travels and have worked with many people at many different law schools," she says. Juggling the responsibility of her position with her coursework is a special challenge. "I try to focus on time management," she says, "and to make deadlines so that I get everything done in a timely manner." Clunis credits the support of New York Law School faculty, particularly Professors Lenni Benson, Nadine Strossen, and Sadiq Reza, for helping to make this easier. She also received assistance and encouragement from Sally Harding, director of student life, who worked with her on ideas for NBLSA's agenda and the FDMCC. ■

Holly Higgins 2L Interns with JAG Corps



Photo: Rick Kopstein

Higgins in front of the Intrepid Sea-Air-Space Museum on the Hudson River in Manhattan.

SECOND-YEAR NEW YORK LAW SCHOOL STUDENT HOLLY HIGGINS

always knew that a career in the military was something she would one day want to explore. After all, she grew up in a U.S. Navy family—her parents are retired from active duty and her sister is a Navy doctor in Okinawa, Japan. Her parents reflect fondly upon their active duty years as some of the most fulfilling moments in their lives, and her sister has likewise enjoyed serving in the Navy Medical Corps for the past six years. Higgins wanted those same experiences for herself, and she chose law school as a means to make that happen.

So she was elated when she was selected this past summer as one of 30 people nationwide to be awarded an internship with the Judge Advocate General's Office in Washington, D.C. A native of Norfolk, Virginia, Higgins was one of five interns in the Navy JAG office—the other four comprised two other civilians like herself, and one each from the Navy and the U.S. Marine Corps.

Higgins soon found out how seriously the Navy viewed her role. Her first assignment during the 10-week program was to assist a reservist on a death penalty case on appeal. "Until I began working at JAG, I did not realize the military had a death penalty system," she said. "But seven people are currently being held on 'death row' at the brig in Fort Leavenworth, Kansas, in the disciplinary barracks."

The case she worked on was *U.S. v. Parker*, a double murder. In this case, Higgins's goal was to get the defendant a hearing in light of

Atkins v. Virginia, which held that executions of mentally retarded criminals constitute "cruel and unusual punishment" prohibited by the Eighth Amendment.

Higgins researched all state statutes to identify the variations in how they defined mental retardation. "In New York, for example, the statute says that mental retardation means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior which were manifested before the age of 19," Higgins explained. "So we looked at the childhood background of the defendant and argued he qualified for a hearing."

Higgins learned very recently that her research did secure a hearing for the defendant, who is now awaiting an assessment of his mental capabilities by military doctors.

"Looking at the other statutes was also supposed to serve as a guide for the military in how the Uniform Code of Military Justice should define and update their mental retardation definition," she added.

Higgins also witnessed a court martial trial involving a drug offense. "I haven't visited very many civilian courts, but seeing the military court was great," she said. "Since there is a possibility that the jurors might take different opinions on the case, all the jurors had to be individually asked whether they could overlook each other's rank in order to make a just decision without influence. This is all very standard procedure, but I found the small differences like this exciting."

A highlight of the summer for Higgins and her fellow interns was a field trip to the Marine Corps base at Quantico, Virginia. Loaded up with all the requisite military gear—war belts, canteen, ammunition, first aid-kit—the interns boarded high-speed boats for maneuvers on the Potomac River. Later, they donned \$15,000 night-vision headsets and goggles and climbed, crawled, fought, and scrambled their way through an obstacle course. The interns even sampled the military's infamous ready-to-eat meals and saw glimpses of the lives of real recruits at Quantico.

"My summer JAG internship was the first opportunity that I have had to work in a military law setting," Higgins said. "The substantive work, the people that I met, and all the other things that I learned about JAG on a daily basis only stimulated my interest in becoming a Navy JAG officer. It has become quite competitive to be selected for the JAG Corps, so I will keep my options open. I plan to pursue civilian options too, though my interests still lie in the international/national security realm." ■

Froessel Kicks Off Moot Court Competition Season

Photo: Jack McCoy



The final round bench of the 2003 Froessel Moot Court Competition was composed of (left to right) Alan Vinegrad, partner, Covington & Burling, and adjunct professor, New York Law School; Hon. Ernst Rosenberger '58, associate justice, New York Supreme Court, Appellate Division, First Department; Hon. George Bundy Smith, associate judge of the New York Court of Appeals; Hon. Ronald L. Ellis, United States Magistrate Judge, SDNY; and Richard A. Matasar, dean and president, New York Law School.

THE TRADITION OF MOOT COURT COMPETITION AT NEW YORK LAW

School continued this fall with the first of two annual competitions held at the Law School: the 27th Annual Charles W. Froessel Moot Court Competition, which concluded on September 7, 2003, before a packed house in the Ernst Stiefel Reading Room. The finalists competed before a distinguished final-round bench led by Hon. George Bundy Smith, associate judge, New York State Court of Appeals, and adjunct professor, New York Law School, as Chief Judge.

In the intramural Froessel competition, teams of New York Law School students compete against each other with the ultimate goal of receiving an invitation to join the Moot Court Association. The case argued by the students this year concerned a Sixth Amendment violation of effective representation of counsel. A total of 85 students competed in this year's competition.

The Froessel competition is also popular with alumni, who often serve as judges. At least 30 alumni volunteered as judges this year, according to Christopher Yapchanyk 3L, student president of the Moot Court Association.

In addition to Judge Smith, this year's final-round bench was composed of Alan Vinegrad, partner, Covington & Burling, and adjunct professor, New York Law School; Hon. Ernst Rosenberger '58, associate justice, New York State Supreme Court, Appellate Division, First Department, and trustee and adjunct professor, New York Law

School; Hon. Ronald L. Ellis, United States Magistrate Judge, Southern District of New York; and Richard A. Matasar, dean and president, New York Law School.

This year, the Moot Court Association's Executive Board selected the following 30 Froessel competitors to become Moot Court Association candidates:

Michael Brooks	Lilian Lee
Christopher Cifrodello	Boris Liberman
Sara Delahunt	Jamie Mogil
Amy Gould	Jennifer Paganucci
Rebecca Gruber	Maureen Peknic
Christopher Heer	Debbie Peters
Vanessa Hickey	Doug Shaw
Andrew Hodes	Katie Silvers
Corrie Hurm	Michael Suarez
Carrie Krieg	Danielle Sucher
Daniella Kulikov	Jacob Turner
Marc Kurzwiel	James Vinograd
Peter Lagregor	Megan Whitney
Bret Lean	Robert Windsor
Kerwin Ledesna	Howard Zakai

The following students received awards:

- Best Final Round Advocate: Rebecca Gruber
- Finalists: Daniella Kulikov, Rebecca Gruber, Lilian Lee, Michael Suarez
- Best Preliminary Round Advocate: Michael Suarez
- Best Team: Rebecca Gruber and Daniella Kulikov
- Best Petitioner Brief: Howard Zakai and Vanessa Hickey
- Best Respondent Brief: Michael Suarez and Lilian Lee
- Morris Orland Moot Court Award: Vanessa Hickey, Amy Gould, Andrew Hodes, Megan Whitney, Carrie Krieg, Christopher Heer

This fall, the Moot Court Students competed in four competitions; in the spring, the competition season heats up and the association is planning to send 17 teams to 15 competitions at law schools nationwide.

The second of the two New York Law School competitions, the annual Robert F. Wagner National Labor and Employment Law Moot Court Competition, in which more than 40 law schools from across the country will participate, will be held at the Law School March 11-14, 2004.

Student Organizations Hold Annual Awards Dinners

Last spring several student organizations held special banquets to honor alumni, faculty, and judges who have served as sources of pride, inspiration, and encouragement to students at the Law School.

On April 11, the Asian American Law Students Association (AALSA) partnered with the South Asian Law Students Association (SALSA) to honor New York State Supreme Court Justice Doris Ling-Cohan and Nadine Strossen, professor of law at New York Law School and president of the ACLU. Judge Ling-Cohan, widely supported and elected in November 2002, is the first female Asian judge in New York Supreme Court's history. The event's keynote speaker was Dalia Hashad, Arab, Muslim, and South Asian advocate for the ACLU. The elegant event featured a dragon dance troupe.

All photos on these pages by Thornton Studios.



Professor Strossen with student Jisha Vachachira '03.



Justice Doris Ling-Cohan.



Student officers of the Asian American Law Students Association.



Student officers of the South Asian Law Students Association.



Attorney Dalia Hashad of the ACLU.

Latino Law Students Honor Judge Sonia Sotomayor and Telesforo del Valle '82

The Latino Law Students Association (LaLSA) held its Latino Achievement Awards Banquet on April 11, 2003, paying tribute to the Honorable Sonia Sotomayor, U.S. Court of Appeals, Second Circuit. Judge Sotomayor has spent over half a decade serving on this court, and another half decade as a United States District Court judge for the Southern District of New York. She has received two honorary Doctor of Laws degrees from Herbert H. Lehman College and Princeton University.

Photos these two pages: Thornton Studios



The students' honoree, Judge Sonia Sotomayor of the United States Court of Appeals for the Second Circuit.



Left to right: Jorge Sastoque 3L, LaLSA president, with Telesforo del Valle '82.



Bottom row photos: LaLSA Executive Board members with the evening's honorees.



Black Law Students Honor Emerson S. Moore II '99 and Attorney Johnnie L. Cochran Jr.

On April 25, the Black Law Students Association (BLSA) held its annual Alumni Awards Dinner, extending special recognition to Emerson S. Moore II '99. Moore is an associate with Proskauer Rose LLP, practicing corporate law. Moore is actively engaged with the students at New York Law School and participates in the annual academic skills workshop for first-year students sponsored by BLSA.

The keynote speaker was Johnnie L. Cochran Jr., the renowned criminal trial lawyer who is the founder of The Cochran Firm. The students allocated a portion of the proceeds generated at the annual dinner to fund both a book and travel scholarship for the organization's members.



Johnnie Cochran with BLSA President Kirk Burkhalter 4L.



Emerson Moore '99 with BLSA Vice President-Evening, Lynnore Thames 4L.



Cochran receives artwork from local art school which BLSA students adopted.



BLSA Executive Board members with Cochran.

Commencement 2003

By Jim Hellegaard

Photos by Island Photography

AS THE MEMBERS OF THE CLASS OF 2003 WALKED INTO LINCOLN Center's Avery Fisher Hall on May 21, they were greeted by the stirring sounds of a brass quartet and the exuberant cheers and applause raining down from friends and family members who stood ready to share in the joy of a very special evening.

The 347 graduates who took part in New York Law School's 111th Commencement had been through much together. Like so many law school graduates before them, they had pored through thousands of pages of reading assignments, endured grueling days and nights of demanding studies, honed their writing skills through countless hours of exercise, and worked harder than they ever could have imagined to develop the skills required of today's law practitioners.

And yet, unlike so many who came before them, they had witnessed the horrors that unfolded just eight blocks from the Law School on September 11, 2001, as their second year was just getting under way. Now, 20 months after that terrible day, there came a reason to celebrate as hundreds of dreams were finally realized.

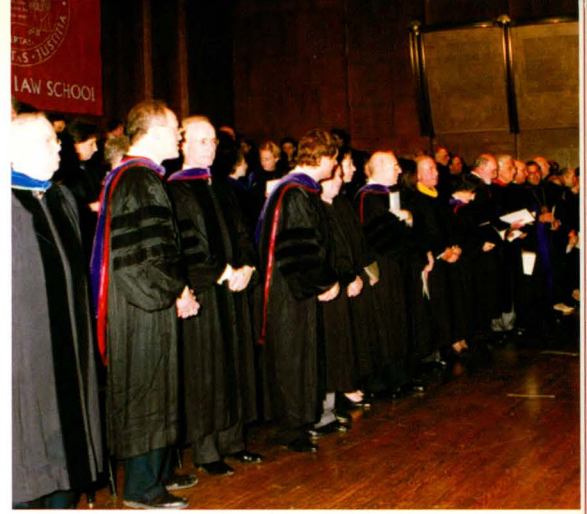
"I have a very special feeling about this class; we came to New York Law School together," Dean Richard A. Matasar told them. "We have lived through many things together. And I want to speak on behalf of all of my colleagues on the faculty in saying that this class has a very special place in all our hearts. Your middle year of law school was different from the middle year of anyone else's law school. And all of us remember that year and the courage all of you showed in coming back to school and persevering through some very difficult times and really becoming a tremendous success."

The students also heard encouraging words from the Honorable Jack B. Weinstein, senior judge, United States District Court for the Eastern District of New York, who received an honorary degree and was the commencement speaker. Asked before the ceremony what advice he would give to today's graduates, Judge Weinstein said simply, "To persevere." Acknowledging the tough job market that awaits the Class of 2003, Judge Weinstein said he faced a similar situation when he graduated from Columbia Law School and couldn't land the job he desired at a large downtown law firm.

"So I went into practice myself," he recalled. "I opened a little shop on Lexington and 42nd Street. And I had an exciting, wonderful life. You've got to persevere in this thing. I know some of you are going to be discouraged immediately but you shouldn't be because we really do need you out there."

The student speaker, Jisha S. Vachachira '03, delivered a stirring address in which she reminded her classmates that they would be creating a legacy for future generations. "If we can take the power





we have in our hands today to inform ourselves of the condition and plight of our fellow humanity—to be affected by mankind’s difficulties—we are doing our jobs as the guardians of social freedom. It is my vision as a lawyer.”

The President’s Medal of Honor was awarded posthumously to the late Shepard Broad ’27, who died in November 2001 at the age of 95. After arriving in New York from Pinsk, Russia, at the age of 14 with little education and speaking no English, Broad went on to found Broad and Cassel, one of the largest law firms in Florida, and to develop Bay Harbor Islands out of swampland in South Florida.

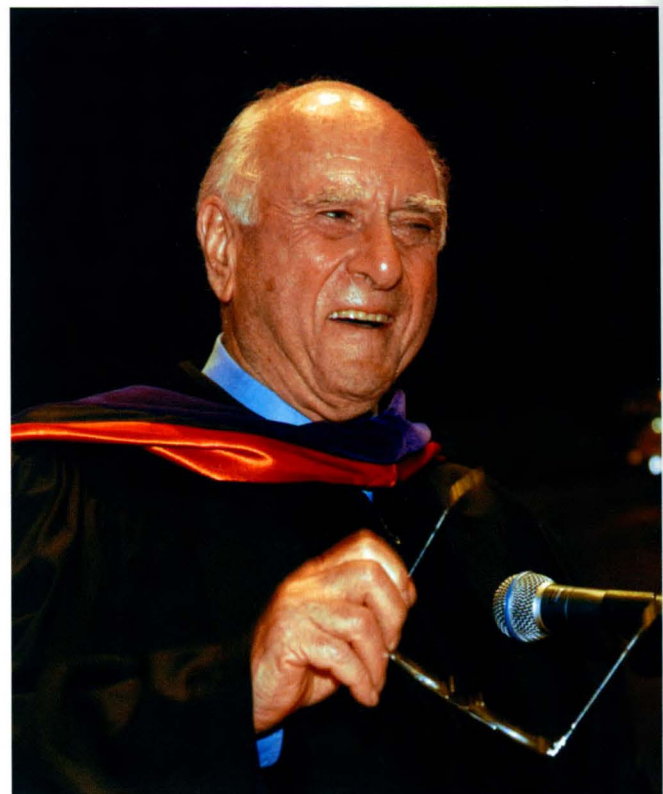
His son, Morris Broad, accepted the award on behalf of the family, many of whom attended the ceremony.

“He’d be very proud,” Morris Broad said. “He graduated in 1927 and he said that the greatest single investment he made was the tuition of \$140 that he used to get a night school education at New York Law School. So he had a very special feeling for New York Law School.”

The Otto L. Walter Distinguished Writing Awards were presented to Professor Seth D. Harris for his article “Coase’s Paradox and the Inefficiency of Permanent Strike Replacements,” published in the *Washington University Law Review*; Professors Ross Sandler and David S. Schoenbrod for their book, *Democracy by Decree: What Happens When Courts Run Government*; Professor Michael L. Perlin for his three-volume treatise, *Mental Disability Law: Civil and Criminal*; and students Ilir Mujalovic ’03 in the Day Division for “Yet Another Minimum Tax Disaster: How a Recovery of Damages in a Contingent Fee Lawsuit Turns Into a Liability,” and Karen Kay Fleshman ’03 in the Evening Division for “Abrazando Mexicanos: The United States Should Recognize Mexican Workers’ Contributions to Its Economy by Allowing Them to Work Legally.” ■



Jisha S. Vachachira ’03 delivers student remarks.

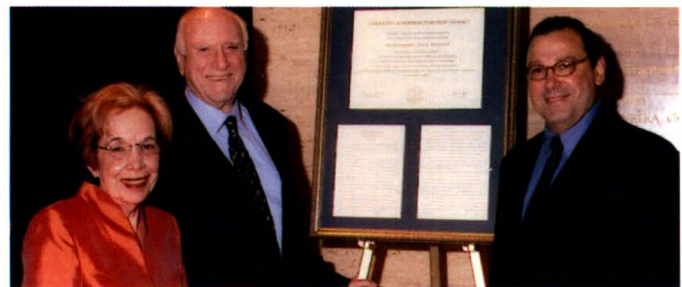
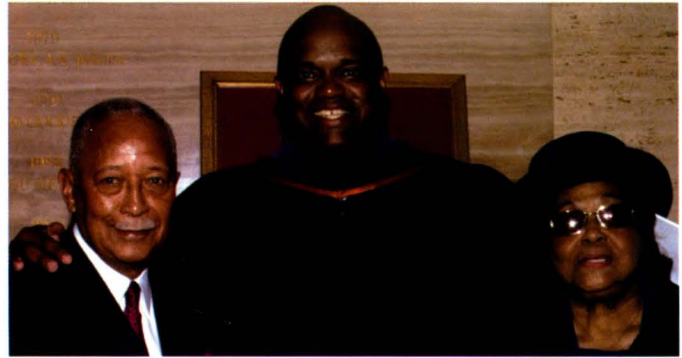


Commencement speaker and honorary degree recipient Hon. Jack B. Weinstein.



Graduating students Cara Imbasciani ’03 (right) and Michele Imbasciani ’03 sang the National Anthem.

Photo: Felipe Coronado



Left to right: Ann Bussell and Morris Broad, daughter and son of Shepard Broad '27, accepted the President's Medal of Honor awarded posthumously to their father.

Finalists for the Trustees' Prize for the Highest Average, Day Division (left to right): Kristine F. Treglia '03, Alina Gail Bjerke '03, and Charles R. Walsh Jr. '03.

Left to right: Hon. David Dinkins, Douglas Henderson Jr. '03, and Henderson's mother Bertha Shipman.

Left to right: New York Law School Trustee Sybil Shainwald '76, commencement speaker and honorary degree recipient Hon. Jack B. Weinstein, and Dean Richard A. Matasar.

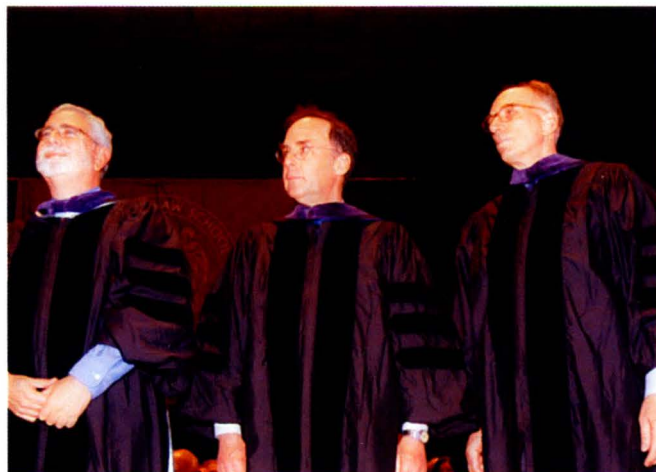
Otto L. Walter Distinguished Writing Awards

STUDENTS

EVERY YEAR AT COMMENCEMENT, THE LAW SCHOOL PRESENTS THE OTTO L. WALTER DISTINGUISHED Writing Awards to the authors of written works judged to be particularly outstanding examples of legal scholarship. The awards—made possible by a gift of an eminent alumnus, the late Otto L. Walter '54—are open to both faculty and students, and are given in separate categories for each. They are decided by a committee of faculty members who were previous winners of this award.

The winners of the 2003 Otto L. Walter Distinguished Writing Awards were:

FACULTY

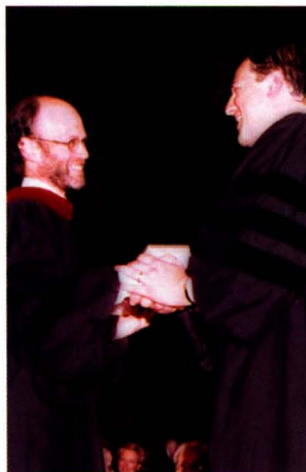


Left to right: Professors Perlin, Schoenbrod, and Sandler.

BOOK DIVISION

Professor Michael Perlin, for his five-volume treatise *Mental Disability Law: Civil and Criminal*, 2nd Edition (LexisNexis/Matthew Bender, 2002).

Professors Ross Sandler and David Schoenbrod, for their book *Democracy by Decree: What Happens When Courts Run Government* (Yale University Press, 2003).



Professor Harris (right) receives award from Associate Dean Stephen Ellmann.

ARTICLE DIVISION

Professor Seth Harris, for his law review article "Coase's Paradox and the Inefficiency of Permanent Strike Replacements," 80 *Washington University Law Quarterly* 1185 (2002).



Karen Fleshman '03,

"Abrazando Mexicanos: The United States Should Recognize Mexican Workers' Contributions to its Economy by Allowing Them to Work Legally," 18 *New York Law School Journal of Human Rights* 237 (2002).



Ilir Mujalovic '03, "Yet Another Alternative Minimum Tax Disaster: How a Recovery of Damages Turns Into a Liability," 47 *New York Law School Law Review* (forthcoming).

Commencement Awards

OTTO L. WALTER DISTINGUISHED WRITING AWARDS

Full-Time Faculty

Seth D. Harris
Ross Sandler and David S. Schoenbrod (coauthors)
Michael L. Perlin

Students

Illir Mujalovic (Day Division)
Karen Kay Fleshman (Evening Division)

ALFRED L. ROSE AWARD FOR EXCELLENCE

Illir Mujalovic (Day Division)
Gail Goldfarb (Evening Division)

THE TRUSTEES' PRIZE FOR THE HIGHEST AVERAGE FINALISTS

Kristine F. Treglia (Day Division)
Alina Gail Bjerke (Day Division)
Charles R. Walsh Jr. (Day Division)
Christopher Paul Massaro (Evening Division)
Eric J. Marlett (Evening Division)
Gail Goldfarb (Evening Division)

DEAN'S AWARD FOR STUDENT LEADERSHIP

Cherita Lataa' Coy
Jeffrey Maxwell Rubinstein

PROFESSOR JOSEPH T. ARENSON AWARD FOR EXCELLENCE IN WILLS AND DECEDENTS' ESTATES

Alina Gail Bjerke (Day Division)
Christopher Paul Massaro (Evening Division)

CHIEF JUSTICE ROSE E. BIRD AWARD FOR MOTIVATION IN PURSUING PUBLIC INTEREST LAW

Tracy Anne McDonagh

CENTER FOR NEW YORK CITY LAW FELLOWSHIP

Derek Joseph Kraft (2003–2004)
Vincent Todarello (2003–2004)

HELEN & ANDREW DOKAS MEMORIAL AWARD FOR EXCELLENT ACHIEVEMENT

Jean-Michel Voltaire

ELSBERG PRIZE FOR PROFICIENCY IN THE LAW OF CONTRACTS—EVENING DIVISION

Christopher Paul Massaro

FACULTY AWARD TO THE EDITOR-IN-CHIEF, NEW YORK LAW SCHOOL LAW REVIEW

Meagan Alicia Zapotocky

DANIEL FINKELSTEIN WRITING AWARD

Steven Antonio Lastres

ALEXANDER D. FORGER AWARD FOR DISTINGUISHED SERVICE TO THE PROFESSION

Amy Elizabeth Fallon

SYLVIA D. GARLAND AWARD FOR EXCELLENCE IN SUBJECTS RELATING TO CIVIL LITIGATION

Christopher Paul Massaro

MILTON S. GOULD AWARD FOR PROFICIENCY IN THE LAW OF CONTRACTS—DAY DIVISION

Robert Francis Jordan

ANTHONY E. JANNACE AWARD FOR OUTSTANDING ACHIEVEMENT

Richard Saehee Chang

PROFESSOR ALBERT KALTER AWARD FOR EXCELLENCE IN TAX LAW

Eric J. Marlett

PROFESSOR JAMES P. KIBBEY MEMORIAL AWARD FOR EXCELLENCE IN COMMERCIAL LAW

Chalres R. Walsh (Day Division)
Grace Yin Yeung (Evening Division)

D. GEORGE LEVINE MEMORIAL AWARD FOR THE HIGHEST GRADE IN THE LAW OF REAL PROPERTY

Christopher Alfonso DeCicco (Day Division)
Christopher Paul Massaro (Evening Division)

MEDIA CENTER AWARD FOR OUTSTANDING PERFORMANCE

Carla Denise Davis
Tanessa Alison Cabe

THE ABRAHAM "AVI" MUND COMMENCEMENT PRIZE FOR EXCELLENCE IN INFORMATION TECHNOLOGY AND THE LAW

Jennifer Elizabeth Romano

NEW YORK LAW SCHOOL JOURNAL OF HUMAN RIGHTS AWARD FOR OUTSTANDING EDITORIAL CONTRIBUTION

Gina M. Caccese

NEW YORK LAW SCHOOL JOURNAL OF HUMAN RIGHTS AWARD FOR OUTSTANDING MEMBER

Jaime Leigh Endy

NEW YORK LAW SCHOOL JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW AWARD FOR OUTSTANDING EDITORIAL CONTRIBUTION

Gia Rose DiCola
CarlaJean Hoffman

NEW YORK LAW SCHOOL JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW AWARD FOR OUTSTANDING SERVICE

Veronica Joyce
Yelda Basar

NEW YORK LAW SCHOOL LAW REVIEW AWARD FOR OUTSTANDING EDITORIAL CONTRIBUTION

Mark Edward Misorek
Meagan Alicia Zapotocky

NEW YORK LAW SCHOOL LAW REVIEW AWARD FOR OUTSTANDING SERVICE

Cynara Hermes

NEW YORK STATE BAR ASSOCIATION COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR LEGAL ETHICS AWARD

Christine Marie Harrington

NATIONAL TEAM MOOT COURT AWARD FOR OUTSTANDING CONTRIBUTION

Daniel Joseph Parisi
Suzanne M. Scott
Jisha Susan Vachachira
Marina Hoppas

NEW YORK LAW SCHOOL MOOT COURT AWARD FOR BEST ADVOCATE

Daniel Joseph Parisi

NEW YORK LAW SCHOOL MOOT COURT AWARD FOR SERVING WITH DISTINCTION

Adam Joseph Brown
Elaine Michelle U. Calderon
Miye Johnson
Alyssa Feinsmith

PROFESSOR ROBERT R. ROSENTHAL AWARD FOR EXCELLENCE IN NEW YORK PRACTICE

Kristine F. Treglia

JOSEPH SOLOMON AWARD FOR EXCELLENT CHARACTER AND FITNESS

Christine Marie Harrington
Jean-Michel Voltaire

ERNST C. STIEFEL WRITING AWARD FOR EXCELLENCE IN COMPARATIVE, COMMON AND CIVIL LAW

Olga Sher

MURRAY STOCKMAN MEMORIAL AWARD FOR THE HIGHEST AVERAGE IN THE LAW OF EVIDENCE

Kristine F. Treglia

LOUIS SUSMAN MEMORIAL AWARD FOR EXCELLENCE IN THE STUDY OF THE LAW OF EVIDENCE

Christopher Paul Massaro

WOODROW WILSON AWARD FOR PROFICIENCY IN CONSTITUTIONAL LAW

Joshua David Sanders (Day Division)
Sergey Kolmykov (Evening Division)

HENRY J. WOLFF AWARD FOR PROFICIENCY DURING A FULL COURSE OF STUDY

Kristine F. Treglia
Alina Gail Bjerke

DR. MAX REICH AWARD FOR EXCELLENCE IN CIVIL TRIAL ADVOCACY

Megan MacMullin

PROFESSOR IVAN SOUBBOTITCH AWARD FOR EXCELLENCE IN POVERTY LAW AND CIVIL RIGHTS

Joshua David Sanders

PROFESSOR VINCENT LOLORDO AWARD FOR EXCELLENCE IN ADMINISTRATION OF CRIMINAL JUSTICE

Kathryn Emily Gebert

Jean-Michel Voltaire '03

Attorney, United States Department of Justice, Civil Division

Photo: Michael Peridock



Jean-Michel Voltaire '03

New York City Technical College, B.S. *summa cum laude*; New York Law School, J.D. *magna cum laude* (*Law Review*, Articles Editor).

LESS THAN A DECADE AFTER he walked into the American Embassy in Haiti to apply for political asylum, Jean-Michel Voltaire will once again be dealing with the American government. This time, though, it will be from the inside in his new position as an attorney with the U.S. Department of Justice in Washington, D.C.

Voltaire, who graduated from New York Law School in May 2003, didn't even speak English when he first stepped onto American soil in November, 1994 at the age of 23. Passing his GED in French just seven months after he

arrived, Voltaire lived in Brooklyn with his brother and worked as a security guard at night. The job left him time to read so that he could learn enough English to go on to college. The next step: the City University of New York, where he graduated *summa cum laude* in just seven semesters and was named class valedictorian.

In college, Voltaire discovered a passion for the law, triggered by a combination of classes in legal philosophy and a job as a paralegal at the New York City Corporation Counsel. He knew law school would be difficult, but "I made up my mind I could do it."

Voltaire chose New York Law School and has always felt he made the right decision.

"The professors really care about teaching the law, and that inspires us. The students are from different races, different nationalities, different religions and different economic backgrounds, yet we're intermingled like waters of a river, and that is the greatest strength of the school," he explains.

Voltaire still vividly remembers his first day in Civil Procedures with Professor Purcell, during his first year of law school.

"He really opened our minds to the law, not only the theoretical but the practical side. He was always trying to challenge us," he says. "I had many great teachers and they all had an impact that will remain with me."

Throughout law school, Voltaire continued to work for the Corporation Counsel; his job title changed from paralegal, when he was in college, to student legal specialist. His responsibilities also increased, as he wrote motions and did research on a variety of cases. Voltaire, who graduated seventh in his class, was an articles editor of the *New York Law School Law Review*.

In the fall, Voltaire joined the civil division of the Justice Department. As an attorney, he will defend the U.S. government against constitutional challenges to federal statutes and attacks on the legality of the government's decisions. He also wants to be active in the Haitian community so that he can make it easier for Haitians claiming political asylum.

"The U.S. should maintain its historic commitment to the protection of refugees and must treat all refugees equally," he explains.

Someday, Voltaire hopes he might even become a law professor himself, motivating other young people to pursue their highest aspirations.

"I've found that when you make up your mind to do something, it can be done, even if it seems to be impossible," he says. "The difference between the possible and the impossible depends on the person's determination to succeed." ■

Maya Grant '03

Associate, Weil, Gotshal & Manges, LLP, Corporate Department



Photo: Jim Hellegaard

Maya Grant '03

New York University, B.A.; New York Law School, J.D. (*Law Review*, Notes & Comments Editor). Minority Fellowship, Association of the Bar of the City of New York.

WHEN SHE ARRIVED AT NEW York Law School, Maya Grant thought her career path would lead her into entertainment law. After all, she had starred in musical theater while in high school, and was in the Tisch School of the Arts acting program in her early days as an undergraduate at New York University. But soon after she began taking classes in law school, the vision she had had for her future began to change.

"I feel I have been very lucky," says Grant, who now works as an associate in the Corporate Department at Weil, Gotshal & Manges, LLP, in New York. "The moment I applied to New York Law

School, doors just started opening for me."

One of those doors opened when Grant learned she was the recipient of a minority fellowship from the Association of the Bar of the City of New York, which recruits minority students from New York-area law schools to work in corporate law firms or corporations in Manhattan. The fellowship brought Grant to the legal department of Johnson & Johnson, where she worked in partnership with their counsel, Patterson, Belknap, Webb & Tyler, LLP. She says these experiences were key factors that led to her position at Weil, Gotshal.

But even as she assumes the responsibilities of working at a major law firm on Fifth Avenue, Grant is using her legal skills to make an impact in the wider world beyond Manhattan. She has become active in pro bono matters at Weil, Gotshal. And she continues to work with Action Against Hunger, a nongovernmental humanitarian aid organization; while in law school, she provided the organization with assistance in legal research, drafting documents,

and preparing contracts for people who were volunteering to work in mission camps.

Grant's long-term goals include working for the United Nations or another international governing association. She believes that the negotiation, transactional and other professional legal skills that she has learned in corporate law will translate well into the public sector, allowing her to assist nongovernmental organizations and other social-humanitarian organizations in aid missions throughout the world. A speaker of no less than a half-dozen languages, Grant is now involved with Action Against Hunger in a broad campaign against the use of subsidies by first-world nations. She first became aware of this issue while taking international law classes in law school, particularly Professor Sydney Cone's classes in world trade and international business transactions.

"I became very aware of the use of subsidies and how damaging they are to struggling economies, and how the first world could really help out these economies, especially in the agricultural sector," she said.

Grant also cites the classes she took with Professor Denise Morgan on civil procedure and the legal history of race as having a tremendous impact on her view of the world, and says the education she received in law school was nothing short of inspiring.

"Every step along the way was delightful," she says. "I just kept putting one foot in front of the other, and everything fell into place." ■

Karen Fleshman '03

Director, Special Initiatives, New York City Department of Youth and Community Development



Karen Fleshman '03

Mount Holyoke College, B.A.; University of Texas, M.A.; New York Law School, J.D. *cum laude* (*Journal of Human Rights*).

A FEW MONTHS AFTER graduating from New York Law School, Karen Fleshman found herself mulling over the possibilities for her future. But a couple of things seemed certain: She would be in New York City, and she would be involved in public service.

"I love public service and I really love working for the City of New York," says Fleshman, director of special initiatives for the Department of Youth and Community Development. "But I'm also very interested in international law and immigration policy. I'm very interested in how to help people and make society better."

In her current job and previously as director of community outreach for Citizenship NYC, a mayoral initiative established to help immigrants become U.S. citizens, Fleshman has worked with thousands of people struggling to rebuild their lives in a new country. Born to a family that has been in this country since before the American Revolution, Fleshman's appreciation for the immigrant experience took root in her childhood when her best friend was a refugee from the former Soviet Union. Later, while in college, she spent time in Argentina and Ecuador.

"Spending time in Latin America and really understanding the root causes of migration, and then all the years of experience I've had working directly with immigrants and just listening to their stories, gave me just a tremendous respect for immigrants," Fleshman says.

Fleshman finds working with immigrants to be "incredibly inspiring." Living in New York City can be difficult for an English-speaking American citizen, she says, but imagine if you couldn't speak

the language, and didn't have any legal status, how difficult your life would be.

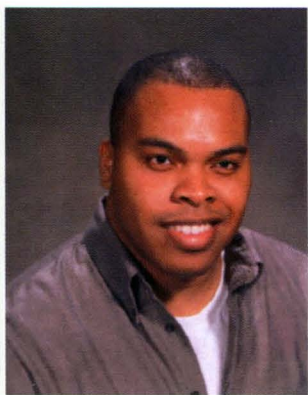
"I live in Queens and see these people who come here with nothing, and they've been able to buy real estate and establish businesses and be a fundamental part of the city's economic vitality," she says. "Immigrants coming into the city led to the revitalization of so many neighborhoods, because they brought in their entrepreneurship and their desire to develop housing and they did it through their sweat."

Fleshman—a winner of the prestigious Otto L. Walter Distinguished Writing Award, presented at Commencement—says her interest in immigration law and international law was sparked by her classes at New York Law School, particularly Immigration Law, taught by Professor Lenni Benson, and Introduction to International Law, taught by Professor Paul Dubinsky. She also cites Adjunct Professor Kathleen Grimm '80 as an important role model. Grimm, who teaches Municipal Finance and serves on the school's Board of Trustees, is deputy chancellor for finance and administration of the New York City Department of Education.

"It's a very powerful experience," Fleshman says, "to study under people like Professor Grimm who are leaders in their field." She adds, "And there is no better place, more ideally located, than New York Law School for those of us who want to learn how New York City works and who want to contribute to its betterment." ■

Dwight Day '03

Student, LL.M. in Taxation, New York Law School



Dwight Day '03

American University of Paris, B.A.;
New York Law School, J.D. *cum laude*
(Law Review), Phi Alpha Delta (Editor
in Chief, *De Novo*)

TO MEET DWIGHT DAY TODAY, you can't help but be struck by his enthusiasm, confidence, energy, and the joy he gets from life. But it has been a long and circuitous journey from his childhood in the parish of St. Andrew near Kingston, Jamaica, to becoming a successful graduate in New York Law School's Class of 2003.

After spending his childhood in Jamaica, Day was chosen at age 17 to participate in the American Field Service Intercultural Program, one of the world's largest community-based volunteer organizations. He spent a year living and going to school in Quebec.

After finishing high school in Jamaica, and on a visit to his mother in New Jersey, Day applied to and was accepted by the American University of Paris. But he was despondent when he realized he couldn't afford the tuition.

"The very next day I received another letter from the university, offering me a Benjamin Franklin Society Award scholarship," he said. "This was a miracle for me. I would never have been able to attend without the scholarship."

After completing his studies in Paris, Day returned to New Jersey, taking a job with Bankers Trust in Manhattan as an investment banking assistant. But he knew that what he really wanted to do was attend law school. He worried that a personal obstacle stood in his way.

"I was always shy," he recalled. "I did not like to be on stage. In class I hated being called on. Even if I had done the required reading, I was just not the type of person that liked to be grilled before a hundred other mates. So when I told friends and family that I was going to law school,

they were shocked."

His experience at New York Law School changed all that. Day credits Professor Paul Dubinsky, his contracts professor, with helping him overcome that obstacle.

"Professor Dubinsky doesn't know it, but by calling on me so often, he left me no choice but to speak up in class," Day said. "Then, as my confidence grew, I became bolder and I even started volunteering. In law school, if you have an opinion, and someone else is saying something else that you don't agree with, you have to support your point of view."

Indeed, he found that he so enjoyed having a forum for his point of view that he cofounded and became editor-in-chief of the student newspaper, *De Novo*. He also joined Phi Alpha Delta and was a student member of the American Bar Association and the New York and New Jersey bar associations. In addition, he worked at Frank J. Martone PC, a law firm in New Jersey.

New York Law School, says Day, fostered a keen awareness of concepts of justice and fairness, with particular emphasis on inequalities in access to legal services. For Day, this was reinforced by the experiences of several friends and acquaintances who fared badly in the criminal justice system due to what Day perceived as ineffective counsel.

Day plans to devote much of his energy in his career to improving access to legal services for those who cannot afford it. He hopes to run his own general practice firm and possibly enter politics. Seeking further preparation before entering practice, Day has returned to New York Law School to pursue the School's new LL.M. in Taxation. ■

The Media Law Alumni Association Wants You!

The Media Law Alumni Association (MLAA) is tracking down New York Law School graduates practicing or interested in the following areas of law:

Telecommunications

Internet

Cable Television

Broadcasting (Television and Radio)

Copyright

Print

Entertainment

Art

The goal of the MLAA is to bring together alumni for industry and social events, including activities at the school. MLAA's Fredrik Cederqvist '94 of AT&T and Professor Michael Botein, director of the Media Center, would like to hear from all alumni working in or interested in media law. If you want to be on the MLAA mailing list, please send your e-mail address, phone number, and mailing address to Professor Botein as indicated below.

Address:

The Media Center
New York Law School
57 Worth Street
New York, NY 10013

E-mail:

mbotein@nyls.edu

Fax:

212.966.2053

(MLAA is not involved in fundraising or student job placement, and thus your information will not be used for these purposes.)

Alumni News

Thank you!



Dear Friends,

Thanks to so many of you, the Alumni Mentor Program is blooming beautifully! Students are told relentlessly that building relationships with the practicing bar is invaluable. For the students, the endeavor is easier said than done. Many are shackled by natural shyness, concerned about being presumptuous, naïve about what to ask and what to expect, and fearful of rejection. The energized Alumni Mentor Program is making their first steps painless and empowering. Thank you.

Our October 9 reception for students to meet alumni mentors was preceded by an hour-long workshop about “networking” aimed to address student concerns and reluctance. The room was packed with students engaged in spirited give-and-take with Linda Sosnowitz '73, Hon. Manuel Cofresi '86, and Lori Freudenberger '91. The positive energy in the room was palpable. That was not just my impression. Several students came up to me during the course of the reception to tell me how much they appreciated the workshop. More students visited my office in the days after the reception to tell me about the connections they made, and how much they appreciated the ready helpfulness of their predecessors.

I am a firm believer in the power of the “community.” We each belong to many communities. One is the community of our school. Another is the community of our colleagues in our areas of practice. When we welcome the newest members of our community and offer them a hand, we are all stronger and our individual successes are our shared success.

Thank you for welcoming our students.

All the best,

Meg

Margaret Reuter
Assistant Dean for Career Planning

Scenes from Mentor Program Reception



Alumni representing the firm of Abbey Gardy, LLP (left to right): Meagan Zapotocky '03, Richard B. Margolies '01, Nancy Kaboolian '89, Michelle Z. Hall '02, and Gina M. Tufaro '02.



Felicity Fridman '97 (far right) hands a business card to Brett Lean 2L.



Left to right: Michelle P. Roberts '94, Amber Albert 1L, and Carra Greenberg 1L.



Linda Sosnowitz '73 (far right) holds court.

"[Mentoring] is a wonderful thing that can help the young attorney, or student, to find their way a little more quickly than they might otherwise."

—Basil O'Connor '75



Rebecca Gruber 2L and George F. Russo '82.



Alumni Association Vice President Michael Hourihan '81 talks to Alexis Benjamin 2L.

"Inevitably you'll find people with whom you'll develop relationships. Some will become friends, some you may work with, and others you may encounter in a courtroom."

—Hon. Manuel Cofresi '86

Recent Grads Reception

THE FIRST ALUMNI EVENT OF THE ACADEMIC YEAR, THE Recent Grads Reception, also signaled the start of the Recent Graduates Program for 2003–04. This year's event took place on August 21, at the Tribeca Grand Hotel, one of Manhattan's most popular hot spots. Graduates from the Class of 2003 were joined by members of the classes of 1999 through 2002 for food, drinks, business card exchanges, raffle prizes, and greetings from Dean Matasar.

The New York Law School Alumni Association's Recent Graduates Program offers receptions, networking opportunities, workshops, and recreational events to alumni from the five most recent graduating classes. For more information or to volunteer assistance to the Recent Graduates Committee, which coordinates the program, contact Inez Gonzalez, assistant director of alumni affairs and special events, at igonzaletz@nyls.edu. ■



The Recent Graduates Committee, 2003–04

Chair: Yvette Y. Chang '95

Class of 1999: Suzanne Ascher, Heather D. Wiltshire-Clement

Class of 2000: Donna C. Curcio, Daniel J. Curtin, Jill M. Isacson, Kira Polner, Andrea Risoli, Linda Russo

Class of 2001: Shani R. Friedman, Edward F. Westfield Jr.

Class of 2002: Anne Behk, Joseph S. Miller, Alifya H. Vasi

Class of 2003: Neena Dutta, Stacie L. Karp, Daniel J. Parisi



Photos this page: Joe Vericker/PhotoBureau, Inc.

Reunions 2003

ALUMNI WHOSE CLASS YEARS END IN "3" OR "8" GATHERED IN THE Ernst Stiefel Reading Room on Thursday, June 5, to renew acquaintances and reminisce about their student years. The event also presented a valuable opportunity for attendees to network at one of the year's largest gatherings of Law School alumni.

A highlight of every Reunion is the taking of class pictures, and this year's event was no exception. With Alumni Association President Lawrence H. Silverman '77 doing the honors, class years were called

out and alumni "fell into line like soldiers," according to Laurie Dorf, director of alumni affairs and special events. The proceedings added to the general atmosphere of warmth and high spirits in the Stiefel Room that evening.

The New York Law School Alumni Association and the Office of Institutional Advancement extend their thanks to the members of the Reunion Committee for a great evening. ■



All Reunion Photos: Rick Kopstein



CLASS OF 1968



CLASS OF 1973



CLASS OF 1978



CLASS OF 1983



Receptions

Long Island Alumni Reception | September 30, 2003

ON SEPTEMBER 30, MORE THAN 80 ALUMNI FROM LONG ISLAND gathered in East Meadow at Carlton on the Park, owned by Anthony Capetola '70, for cocktails and conversation.

Douglas J. Lerosé '83, president of the Suffolk County Bar Association, spoke to the alumni about the importance of service to the legal profession and to society at large, stating that "we have to take responsibility for what happens in this world."

Nassau County Executive Thomas R. Suozzi, who is not a New York Law School graduate but is acquainted with Alumni Association President Lawrence H. Silverman '77, stopped by to greet the alumni.

Especially pleasing was the presence of alumni from the Class of 2003, representing a continuation of the strong interest in staying involved with the Law School traditionally demonstrated by alumni in the Long Island region. ■



Left to right: Linda and Marc Krieg '71; Dean Matasar; and Madeleine and New York Law School Trustee Alan Clark '77.



Left to right: Alumni Association President Lawrence H. Silverman '77; Nassau County Executive Thomas R. Suozzi; Dean Matasar; and New York Law School Trustee Anthony Capetola '70.

Washington, D.C., Alumni Reception | Friday, June 13, 2003

WASHINGTON, D.C.—AREA ALUMNI ATTENDED A RECEPTION hosted by the Law School at the Metro Center. This was one of several events that takes the Law School "on the road" to maintain contacts with alumni outside the New York metropolitan area.

A highlight of the day was Dean Matasar's "State of the Law School" update on new programs and current initiatives at the school. The dean then welcomed an energetic Q&A, enabling attendees to pose questions about his strategies and goals for the future of the school. ■



Attendees of the D.C. alumni reception pose with Dean Matasar (front row, third from left) and Laurie Dorf, director of alumni affairs and special events (front row, third from right).

REUNIONS 2004

1944

1949

1954

1959

1964

1969

1974

1979

1984

1989

1994

1999

Save the Date

Thursday, June 10, 2004
6:30 p.m.

New York Law School
Stiefel Reading Room



Have **YOU** Registered Yet?

**Register now for the new alumni online
directory sponsored by the
New York Law School Alumni Association.**

Just send your e-mail address to alumniold@nyls.edu
and we will send you your individual security
identification number. It's that easy!

www.nyls.edu/alumnidirectory

Alumni Profiles

In this issue of *In Brief*, we take a closer look at fourteen alumni—representing classes from four different decades—who have combined their legal education with determination, inspiration and commitment and, as a result, have made strong and distinctive marks in their chosen specialties.

1970s

Anthony Capetola '70

Denise Dunleavy '77

1980s

Douglas J. Lerosé '83

Jack McNeill '87

Donna R. Newman '86

James A. O'Malley '85

Michael Roffer '83

Errol B. Taylor '87

1990s

Robert J. Raymond '94

Karen A. Robertson '96

K. Elizabeth Ryder '96

2000s

Elisa Gerontianos '02

James P. Kennelly '02

Amy Tenney '00



Photo: Edward Santalione

Nailing an Expert, Feeling That 'Rush'

By Emily Heller | Originally published in the *National Law Journal*

A profile of Errol B. Taylor '87

The *National Law Journal* in its June 2, 2003 issue named Errol B. Taylor '87 one of the top 10 litigators in the country. Taylor and the nine other litigators were chosen for their success in trying cases over many years, each having at least one big win within the preceding 15 months. Qualifications for the award were also stated by the *National Law Journal* as: effective communication by simplifying complex information into forms that are easily digestible to juries; the ability to raise doubt about their opponent and thereby affirm their own credibility; and overall strategy in the courtroom to win the big cases.

In its profile of Taylor, the *National Law Journal* cites his successful patent litigation on behalf of AstraZeneca PLC while a partner at Fitzpatrick, Cella, Harper & Scinto. Since the original publication of this article, Taylor has moved to Milbank, Tweed, Hadley & McCloy LLP as a partner in that firm's Intellectual Property Litigation Group.

WINNING—FOR MOST PATENT LITIGATORS—USUALLY MEANS A favorable settlement, said Errol B. Taylor, partner in the litigation practice at Fitzpatrick, Cella, Harper & Scinto in New York.

Trials are rare, he said.

"There are a lot of patent litigators who don't have much trial experience."

However scarce trials may be, Taylor relishes them. And he got a bellyful in a bench-trial win last year involving Prilosec, a popular stomach-acid-reducing medicine.

Taylor represented AstraZeneca PLC, which owns patents for omeprazole, the active ingredient in Prilosec, one of the world's most-prescribed medicines. Worldwide sales for Prilosec and AstraZeneca's other omeprazole brands totaled \$5.7 billion in 2001, according to the company.

After several generic drug manufacturers sought permission from the U.S. Food and Drug Administration to market their versions of the drug, AstraZeneca sued, alleging infringement.

The generic companies argued that AstraZeneca's patents were invalid. Billions of dollars in drug sales were at stake in the case—a multidistrict litigation consolidated in New York federal court.

AstraZeneca won the bulk of the verdict. In a 277-page ruling in October, the judge found that the patents at issue were valid until

2007. The judge also found that all but one defendant had infringed, though the generic drugs had not been marketed. The case is on appeal with both plaintiff and defendants raising issues.

A second wave of Prilosec patent litigation involving a different set of generic-drug makers is in discovery.

Taylor, who has handled about half-a-dozen trials in a 16-year legal career, headed the 15-lawyer team that tackled the mammoth case.

"You do not try a case like this by yourself," Taylor said, noting that partner Fred Zullo was "instrumental" in readying it for trial. The trial consolidated five separate actions pending since 1998. Discovery took three years. Trial lasted seven months.

Neither side thought the case would last as long as it did, said Taylor.

"The defendants decided that it was in their interest to cross-examine each of our witnesses ad infinitum," he said. For example, a key plaintiff's expert testified for a little more than a half-day about the tests he conducted on the four defendants' products to illustrate the alleged infringements, Taylor said.

The defense cross-examined him for three days, Taylor said. "I don't think it helped them."

Cross-examination "should be concise, should be pointed, should be directed," he said. "You should get in and get out."

Like the inventors he puts on the stand, Taylor is a scientist. Before law school, he worked in drug development for 10 years as a biologist for Squibb Corp. His work in science didn't directly prepare him for a career in patent litigation except that it gave him an insight into the pharmaceutical industry that others don't have, he said.

The line between effective cross and overdoing it is not blurry, he said. "I think definitely they were way over."

Cross should "create doubt," he said. "You don't have to do that by addressing every single thing he's done. You can do that by attacking his credibility. You can do that by pointing out the one or two ways how his testing may not have been entirely sound."

The judge or jury will view your client's case by your own conduct, he said. Overdoing it could hurt your case.

Don't "fight tooth and nail for everything," he said. "You need not fight every war and every battle as if it's World War III." Winning means managing "how you are perceived."

In long trials, keeping a high energy level is challenging. Taylor said he lived in a hotel during the trial, and it was hard to be away from family.

"I felt like I was away in jail. I'd get cards and care packages from my kids," he said. "You work hard. You are up till wee hours getting ready for the next day. You sweat every detail. You go over things time and time again."

What a rush!

What makes it all worthwhile, though, is when you "nail" an expert on cross-examination, he said. "It's a great feeling. It's a rush. It's an adrenaline rush."

Taylor got one of those highs in the Prilosec trial when crossing a defense expert witness who claimed a defendant's manufacturing process was noninfringing. Repeatedly using the phrase "seeing is believing," said Taylor, the expert emphasized the importance of personally viewing the procedures before making his conclusion.

Yet Taylor said he impeached the expert with the expert's own records to show he wasn't at the plant when he claimed to be. The expert said he was at the plant from late afternoon on through the manufacturing procedures, which lasted until about 4 a.m. From expense records the expert submitted to the defense law firm—produced in discovery—there was an airline ticket with flight times noted, Taylor said.

The records showed he left the plant about 5 p.m., though the manufacturing process was only half completed, Taylor said.

"I knew I had this, but he didn't know I had this," he said. "So I take him down this path, how important it was that if you're not there you don't know what's going on," he said. After the expert had testified for about 15 minutes about "seeing is believing," Taylor confronted him.

"It was a dead silence," he said. The expert admitted he wasn't there. "His credibility was gone," he said. "For a patent lawyer, it's like a Perry Mason moment." Coming up with great impeaching material means doing hard work and checking everything, said Taylor. "Sometimes, it's just luck. It's paying attention to every little detail."

One of those little details in patent litigation that helps sell a case to a jury or judge is testimony from the inventor about the invention, said Taylor. "People want to hear the story," he said. "In cold patent concepts, it doesn't matter how the invention was made in assessing its validity. Most people want to know that there was a problem and it was hard to solve. And they solved it in a way that was ingenious."

Like the inventors he puts on the stand, Taylor is a scientist. Before law school, he worked in drug development for 10 years as a biologist for Squibb Corp. His work in science didn't directly prepare him for a career in patent litigation except that it gave him an insight into the pharmaceutical industry that others don't have, he said.

"I got out of science because I didn't think I was a great scientist," he said. "I thought I wanted to be a litigator. I thought I wanted to be a trial lawyer."

Big-trial victories don't necessarily mean big-money judgments. No money changed hands in the Prilosec case, Taylor said, and that may seem strange since billions were at stake.

Such was the case in another of Taylor's favorite trials, one over the anxiety medicine Desyrel.

Taylor won declaratory judgment and an injunction against a generic drug maker, Barr Laboratories Inc., which wanted to market an equivalent. Taylor's clients, Mead Johnson & Co. and Bristol-Myers Squibb Co., held a patent on the way the tablet was scored so it could be split, said Taylor. The judge said the generic drug maker infringed.

One of the more satisfying aspects of the case was the way the president of the generic company was quoted as saying that the case exemplified how pharmaceutical companies were inappropriately maneuvering to keep generic drugs off the market. Taylor recalled the quotes: "They are going to lose. They know they are going to lose. I know they are going to lose. But they are going to continue to fight because as long as they are fighting, the FDA can't approve our application."

Taylor savored that win. "That was a really good feeling for me." ■

Copyright 2003 by American Lawyer Media. Reproduced with permission of American Lawyer Media in the format Magazine via Copyright Clearance Center.



Speaking for Terror Suspect, and for the Constitution

By Chris Hedges | Originally published in *The New York Times*
A profile of Donna R. Newman '86

When Donna R. Newman '86 woke up on the morning of May 15, 2002, she had no idea that her life was about to change dramatically. That day, she was assigned to represent José Padilla, the “dirty bomb” suspect whose case seems destined to become a critical test of the constitutional rights and civil liberties of U.S. citizens. Andrew G. Patel '81 is Newman's co-counsel on this historic case. The following profile of Newman appeared in *The New York Times*.

DONNA R. NEWMAN, A COURT-APPOINTED LAWYER, KNEW

something big was up when she showed up for a routine court date and a retinue of federal marshals refused to let her carry a pen into the courtroom. She had, by the luck of the draw, just become the lawyer for José Padilla, accused of planning to explode a radioactive “dirty bomb” in the United States.

Since that moment last May, Ms. Newman, 55, a mother of two grown daughters and a lawyer in private practice who more typically defends suspects in drug cases, has been locked in a bitter dispute with the United States government. It is a battle that could have broad ramifications for how the country deals with terrorist threats. The outcome of the case could also, more important, define what rights can be stripped away from citizens in the name of national security.

“If the government gets away with this, it can, with these rules, lock up any American citizen as an enemy combatant simply based on secret evidence,” she said. “It can deny them access to a lawyer and hold them incommunicado indefinitely. I never felt this kind of fear before, fear for our country, fear for what is happening to our Constitution. People don’t react because they believe it won’t touch them. But by the time it does touch them, it will be too late.”

Ms. Newman is an unlikely adversary for the federal lawyers she faces in the tit-for-tat filings between her and the government. She began her career as a speech therapist in public schools, went to law school when she was in her mid-30’s and did not stray far from home so she could raise her two girls. She said she never protested in the 1960’s because “I was too busy studying.” And she loves, especially

“We all know the importance of this case. Those who understand the law recognize the impact upon our legal system in the event of an adverse ruling.”

—Donna R. Newman ’86

“If the government gets away with this, it can, with these rules, lock up any American citizen as an enemy combatant simply based on secret evidence. It can deny them access to a lawyer and hold them incommunicado indefinitely. I never felt this kind of fear before, fear for our country, fear for what is happening to our Constitution. People don’t react because they believe it won’t touch them. But by the time it does touch them, it will be too late.”

—Donna R. Newman ’86

after she has had a bad day, to hit the mall and look for bargains. Her husband, Kenneth M. Newman, 57, who is in the printing industry, added that she is also known for her apple pies at Thanksgiving.

“When I got to court and saw all the government lawyers at the other table and just me at my table I knew I needed help,” she said. “I asked for a co-counsel and the court appointed Andrew G. Patel. We spend every waking moment writing briefs and trying to understand military law. We turn to a lot of people for help. There are experts from all over the country who have assisted us in this case and never charged the public defender’s office for their time.”

She said the case has drawn support from lawyers in the American Bar Association and the National Association of Criminal Defense Lawyers as well as private practitioners, academics and public defenders.

“We all know the importance of this case,” she said. “Those who understand the law recognize the impact upon our legal system in the event of an adverse ruling.”

She sat in a white chair in her living room in her home in New Jersey. She asked that the location be kept confidential because of threats that have been made against her. She wore a brown houndstooth outfit, a string of pearls and a cameo brooch that once belonged to her mother, which she wears for good luck. But underneath the delicate flights of her hands, the broad smile, the laugh that filled the room and the slightly girlish voice that rose and fell with enthusiasm was an unshakable resolve.

As In Brief was going to press on December 18, 2003, a three-judge panel of the U.S. Court of Appeals for the Second Circuit ruled that the federal government does not have the power to detain José Padilla as an enemy combatant indefinitely without access to counsel. The court ordered Defense Secretary Donald Rumsfeld to release Padilla from military custody within 30 days. According to news reports, the government plans to seek a stay of the ruling while considering whether to appeal to the full Second Circuit or to the U.S. Supreme Court. Following is a timeline of key developments in this case.

May 8, 2002: FBI agents arrest José Padilla on a material witness warrant at Chicago's O'Hare Airport as he returned from Pakistan, where he allegedly discussed plans to explode a "dirty bomb" somewhere in the United States, according to government documents.

May 15, 2002: Donna Newman is appointed as Padilla's defense attorney.

June 9, 2002: Padilla is labeled an "enemy combatant" by President Bush and transferred to a Navy brig outside Charleston, South Carolina, where he has since been held incommunicado.

June 11, 2002: Newman files a petition for a writ of habeas corpus in U.S. District Court in New York for Padilla's release, challenging the legality of her client's detention without charge as an enemy combatant.

June 12, 2002: U.S. District Judge Michael Mukasey gives the government until June 21 to respond to Newman's petition, asking that Padilla either be charged with a crime or freed. Andrew Patel '81 is appointed as Newman's co-counsel in the case.

June 26, 2002: Government prosecutors file a motion to dismiss Newman's petition, arguing that the U.S. District Court does not have the authority to order Padilla's release and claiming that the government has broad powers to detain U.S. citizens suspected of involvement in terror plots.

August 27, 2002: The government files a brief containing a Defense Department memo stating that Padilla received training in explosive device wiring from Al Qaeda operatives.

September 26, 2002: Newman and Patel file a motion charging that Padilla's continued detention is a violation of his constitutional and statutory rights and demanding his immediate release from the Navy brig. The New York Civil Liberties Union files a "friend of the court" brief.

December 4, 2002: Mukasey rules that Padilla has the right to access by his attorneys to challenge his detention as an enemy combatant. However, Mukasey also upholds the president's right to identify and detain enemy combatants within the United States.

January 9, 2003: The government files a brief asking Mukasey to reverse his December 4 decision, disclosing that Padilla had been under interrogation by military personnel for several months and arguing that access by Newman and Patel could disrupt that process.

March 11, 2003: Mukasey orders the government to allow Padilla to meet with his lawyers.

March 25, 2003: Government prosecutors notify Mukasey of their intention to seek an expedited appeal of his March 11 order.

April 9, 2003: Mukasey gives his approval for an interlocutory appeal to the U.S. Court of Appeals for the Second Circuit.

July 28, 2003: The Cato Institute, joined by the Center for National Security Studies, the Constitution Project, the Lawyers Committee for Human Rights, People for the American Way, and the Rutherford Institute, files an amicus brief challenging the administration's indefinite detention of Padilla.

November 17, 2003: The U.S. Court of Appeals for the Second Circuit begins hearing arguments from the Padilla defense team and government lawyers. ■

Timeline compiled by *In Brief* staff

When asked what effect it would have on constitutional rights if she were to lose the case, she gave a wan smile and said softly in her broad East Flatbush accent, "I won't lose."

Ms. Newman, on her way to work last June, received a call on her cellphone from the assistant United States attorney in the Southern District handling the case, telling her that her client would no longer have access to a lawyer and that he had been removed from his jail cell in New York and taken to a military brig. President Bush, he said, had declared Mr. Padilla "an enemy combatant."

"I laughed," she said. "I told him my briefs were not that good. I couldn't believe it. I thought it was a joke."

Mr. Padilla, without her knowledge, had been moved to a Navy brig in Charleston, S.C., where he is now held without charge. He is being interrogated and has no contact with the outside world. Ms. Newman said she writes to her client but was told by the government that it could not guarantee the letters would be delivered. When she filed the habeas petition seeking his release, the government told her it was invalid because her client, whom she could not contact, had not signed it.

"If someone in this country can disappear based on a suspicion," she said, "without any real evidence, if someone can be held incommunicado and denied access to a lawyer, what is to keep us

from becoming like Argentina during the military dictatorship?

"Mr. Padilla was arrested when he deplaned from a commercial airliner for which he had a valid ticket," she said. "He was carrying a valid U.S. passport. He was not carrying a weapon. There were no plans in his possession to carry out either an attack or material to do so."

The struggle with the government titans invigorates her. It is what she thinks the law is about, why she admires the Constitution and why she defines herself "as a patriot."

"As a child I watched 'Perry Mason,'" she said. "I thought he was great. I wanted to be like him. There were no lawyers in my family. My father was an immigrant from Romania who never went to college. But here I am." ■

Copyright © 2003 by The New York Times Co. Originally published February 11, 2003. Reprinted with permission.

Denise Dunleavy '77

At Dunleavy's Firm, Women's Legal Issues Come First | *By Jane Linker*

DENISE DUNLEAVY, NAMED BY THE NATIONAL LAW JOURNAL

as one of the top 50 women litigators in the country, has spent most of her legal career working on behalf of women. She strongly believes that women often get short shrift from the legal system. In 2002, she and a colleague, Lenore Kramer, founded Kramer & Dunleavy—believed to be the only law firm in America focusing solely on women's issues.

"Despite all their advances, women still seem to come up short in the courthouse—either their claims are diminished, their complaints trivialized, their verdicts smaller, or their cases are assigned to junior attorneys at a firm. Here, we understand the issues a woman faces when she is injured, in ways others may not," explains Dunleavy.

The firm describes itself as "a place for women to turn." It specializes in women's health and safety issues, including birth injuries, medical malpractice, pharmaceutical litigation, defective products, and premises liability (especially those that lead to sexual crime).

Dunleavy's original goal in life was not to be a legal advocate for women. She actually wanted to be an actress, but decided to go to law school after two years of waitressing, while she auditioned to get acting jobs.

"I wanted to be in charge of my career, to do something I could control, and I'd always been fascinated by law since I was a kid and my father's best friend was a criminal lawyer," she recalls. "It turned out to be better than acting—you never repeat a role, you get to direct, write the script, choose the actors, and the best part is that the jury can't leave!"

Dunleavy chose New York Law School because she needed an evening program and liked that the school had a diverse student body—people like her who hadn't necessarily turned to law immediately after college.

During her second half of law school, she worked in the Brooklyn District Attorney's Office as a student assistant. Married during her first semester of law school, Dunleavy gave birth to her eldest daughter the month before she graduated. She took a year off after graduation before beginning her legal career by working for New York State Supreme Court Justice Budd Goodman. When a second daughter came along, Dunleavy, who had always wanted to be a trial lawyer, started taking personal injury cases from friends, "the reject cases no one wanted." Within a year, she had rented space in a lawyer's office.

"No one would settle these cases, so we usually went to court. I loved it," she laughs.



Photo: Rick Kopstein

"Despite all their advances, women still seem to come up short in the courthouse—either their claims are diminished, their complaints trivialized, their verdicts smaller, or their cases are assigned to junior attorneys at a firm. Here, we understand the issues a woman faces when she is injured, in ways others may not."

—Denise Dunleavy '77

In 1984, she became involved in a case that would make her a pioneer in breast implant litigation. *Livshits v. Natural Y Surgical Specialists* was considered the first case in the nation to prove that breast cancer resulted from a carcinogenic chemical in the polyurethane cover of the implant. Dunleavy won a \$4.5 million verdict in 1991, and was instrumental in getting the product removed from the marketplace within six weeks after the verdict.

When a social worker she knew came to her to get advice for the rape victims she was counseling, Dunleavy raised the issue of the women's civil rights. She started representing rape victims who were attacked due to inadequate building security, winning cases, making new law on appeal and calling attention to the issue of women's safety.

In 1995 she merged her practice with a large firm, Weitz & Luxenberg, where she spent seven years involved in mass torts. While there, Dunleavy took on a case against the gun industry as trial counsel with another woman, Elise Barnes, on behalf of seven families of gunshot victims in Brooklyn. In February of 1999, a federal jury found for the first time that a gun manufacturer was liable for injuries caused by its guns. Although the New York State Court of Appeals eventually overturned the verdict, the case, *Hamilton v. Accu-tek*, won international attention and focused attention on the problem of handgun violence.

Over the past decade, Dunleavy's career has been filled with landmark litigation on behalf of women. She was lead attorney on products liability litigation involving the lactation-suppressing drug Parlodel. She won a \$2.5 million verdict against a plastic surgeon for unauthorized and unnecessary removal of healthy lymph nodes during the surgical removal of silicone breast implants. This past summer, she won a suit against a hospital and its medical staff whose failure to detect and treat Group B Streptococcal Disease (GBS) resulted in permanent brain injury to a child after birth.

"These cases have a dual role: they help the individual and they help society. I'm not a Pollyanna, but it can make you feel really terrific that taking on these cases is effecting real social change," explains Dunleavy. "I consider myself blessed that I found a career I love, that I am good at, and that helps others." ■



Attorneys Lenore Kramer, left, and Denise Dunleavy work in the law library at their firm, which specializes in women's legal issues, on August 27, 2002.

Photo: AP/Wide World Photos

Over the past decade, Dunleavy's career has been filled with landmark litigation on behalf of women. She was lead attorney on products liability litigation involving the lactation-suppressing drug Parlodel. She won a \$2.5 million verdict against a plastic surgeon for unauthorized and unnecessary removal of healthy lymph nodes during the surgical removal of silicone breast implants. This past summer, she won a suit against a hospital and its medical staff whose failure to detect and treat Group B Streptococcal Disease (GBS) resulted in permanent brain injury to a child after birth.

Robert J. Raymond '94

From Law Enforcement to Corporate Law | *By Jane Linker*

IT MAY SEEM LIKE A LONG WAY FROM THE 52ND PRECINCT IN THE Bronx to the executive offices of Cleary, Gottlieb, Steen & Hamilton at One Liberty Plaza in Manhattan, but New York Law School graduate Robert Raymond makes it sound almost like a direct route. What's more, he has enjoyed every step of the way. In fact, he says, law isn't so different from police work—"you learn from watching people."

Raymond, 42, was one of 11 new partners announced by Cleary, Gottlieb in October of 2002. He had worked at the firm since 1995, beginning there as a summer associate in 1993 after his second year of law school.

Raymond, who like every other New York Law School student had sent out scores of résumés to firms seeking a summer job, credits Professor Robert Blecker for opening the door at Cleary. Though he had been granted interviews by other firms, Cleary, Gottlieb hadn't offered one. In fact, they had turned him down. Coincidentally, Raymond mentioned his interest in the firm to Professor Blecker, who had an old friend at Cleary, Gottlieb. Raymond became only the second student Blecker ever recommended—the first one, Michael Verde '88, had also been a police officer turned law student.

"I spent the whole interview listening to how terrific they thought this first guy had been, and then they offered me the summer job," recalls Raymond. "Believe me, I called the guy up later to thank him and we became good friends. We even have an ex-cops annual dinner."

Raymond, who grew up in Yonkers, New York, joined the police department after working briefly as an accountant. He took the entrance exam because he had a friend taking it, although his brother, already a police officer, had tried to talk him out of it. Raymond really liked police work, but became frustrated because promotions were slow in coming. He realized that one way to move up might be law school, but there was one catch—he had to finish college first. It took three years, but thanks to Regents College (now Excelsior College), which accepted a lot of his previous credits from stints at Mercy College and C.W. Post, he got his B.A. and applied for a scholarship awarded each year by New York Law School to a police officer.

In 1990, the year his oldest son was born, Raymond started law school four nights a week. He transferred to a trouble-shooting inspection unit in Queens, which gave him flexibility, especially in the summers, when he was allowed to use overtime he'd accumulated to take 10 weeks off for a summer law internship.

From the beginning, Raymond loved law school. "There was one test at the end and that determined your grade. It was great for someone like me who was working full time and had a family," he recalls.

Not that it was easy—far from it. "I'll never forget the first day in our Legal Methods class. Professor Simon told us he didn't know how



Photo: Rick Kopstein/New York Law Journal

we were going to do it, because he was covering exactly what he did for the day students, and he kept his word," recalls Raymond. "They never gave us anything less rigorous or less complete. It's a myth that evening law school students are less prepared."

After he graduated in 1994—he was third in his class and an editor of the *Law Review*—Raymond was invited to clerk for Judge Roger J. Miner of the U.S. Court of Appeals for the Second Circuit. The catch was that the whole family—a second son was born the year Raymond graduated from law school—had to move to Albany. It turned out, Raymond recalls, to be a memorable year.

"I learned a tremendous amount. We'd write a brief for every case Judge Miner had, and each of us was expected to know all the cases,"



Ex-cops James Tampellini and Michael I. Verde '88 of KMZ Rosenman, and Robert J. Raymond '94 and Christopher J. DeCresce of Cleary, Gottlieb, enjoy dinner at a Midtown restaurant.

“When I first came, Cleary, Gottlieb never recruited on campus at New York Law School. Now they do, and a number of people have been hired.”

—Robert J. Raymond '94

Raymond says. “During that year, I got to work on the ERISA cases, which I found especially interesting.”

While a summer associate at Cleary, Gottlieb, Raymond had the opportunity to work in the ERISA area, and when he joined the firm permanently, he decided to try the ERISA practice.

“Cleary encourages new associates to try different areas to see where they’ll fit in, which is great. ERISA was a good mix of substantive law, drafting documents, and client contact.”

It’s a decision he has never regretted. “Virtually everything that comes through here has some issue with ERISA. Sometimes, it’s a huge part of the deal, other times a more minor aspect, but it’s enabled me to work with virtually every corporate lawyer in the firm.”

Through the years, Raymond, who admits he’s given some thought to the idea of teaching someday, has maintained his contacts with New York Law School. He participated in a Spotlight program on the Evening Division last year, and he’s gone out of his way to facilitate Cleary, Gottlieb’s hiring summer associates from the Law School.

“When I first came, Cleary, Gottlieb never recruited on campus at New York Law School. Now they do, and a number of people have been hired,” he says proudly, ticking off names of New York Law School grads now in Cleary, Gottlieb offices around the world. ■

Amy Tenney '00

In the Nation's Capital, a Recent Graduate's Career Blossoms | *By Jane Linker*



Photo: Judy Rolfe

YOU COULD SAY THAT AMY TENNEY LITERALLY SPENT HER DAYS and nights at New York Law School for four years. Days, she was chief aide to Professor Nadine Strossen, a position that required extensive research and writing. At night, she attended classes, and was also supervising editor of the *New York Law School Law Review* from 1998 to 1999.

Hectic, yes, but Tenney, who graduated from the University of Maryland with high honors as a government major, decided early on that a legal education could be empowering. During and after college she worked for Rep. Carolyn Maloney (D-N.Y.), primarily on women's issues. Tenney met Professor Strossen when she contacted the ACLU president about her book, *Defending Pornography*. Tenney was writing her senior thesis on laws banning pornography on the Internet.

"We e-mailed about various First Amendment issues and I attended her lecture on Maryland's campus. Since I was defending my

thesis the next day, I had a copy of it with me. She asked to read it, and the next day I received an e-mail offering me a job when I graduated," recalls Tenney. "That was quite a day—I defended my thesis and had a job!"

Tenney chose New York Law School because of its strong commitment to public interest law, a scholarship, and the opportunity of working closely with Professor Strossen, who has been on the New York Law School faculty since 1988. It wasn't until she was out of law school and clerking for Judge Leonie M. Brinkema, of the U.S. District Court for the Eastern District of Virginia, that she realized just how good her legal education was.

"I remember being a little apprehensive about being the only clerk from a non-first tier law school, but I soon realized that we had all taken the same classes and read the same cases," recalls Tenney, who also cites Professors Lenni Benson and Carlin Meyer as mentors.

After a year with Judge Brinkema on the court known as the "Rocket Docket" because of its reputation for processing cases from filing to resolution in six months—"little sleep, but lots of great experience," is how Tenney recalls it—she spent a second year clerking, this time in Portland, Maine, for Judge Frank M. Coffin of the U.S. Court of Appeals, First Circuit. Judge Coffin is a legendary jurist who was appointed to the bench by President Lyndon Johnson.

"Although both clerkships were wonderful learning experiences, they were very different in many ways. The pace of the district court is invigorating, and the appellate court allows deep introspection while shaping law. The value of clerkships at either level is immeasurable—both in terms of the job prospects they create and the opportunity to grow as a lawyer in a supportive environment."

After her clerkships, Tenney joined the Washington, D.C. office of Jenner & Block. Since joining Jenner & Block, Tenney has focused on appellate litigation, including *Wiggins v. Smith*, a landmark case in which the U.S. Supreme Court invalidated a defendant's death sentence and established new ground rules for the effective representation of death penalty defendants.

The firm has a strong commitment to pro bono work, and Tenney has taken advantage of the many opportunities it offers. In the fall of 2002, Tenney was a firm-sponsored fellow at the ACLU's national legislative office, working on First Amendment and privacy issues.

Just a few years into her legal career, Tenney has had a number of diverse and rewarding experiences, and she is especially grateful to the role models who have shown her that there are so many different avenues to achieve justice. ■



James P. Kennelly '02 wears two hats: New York City firefighter, and real estate developer.

A Firefighter's Other Passion: Changing the Skyline

By Dennis Hevesi | Originally published in *The New York Times*

A profile of James P. Kennelly '02

James P. Kennelly lives in two worlds. As a New York City firefighter, he has saved several lives and still is not above pushing a mop around the firehouse. And as a budding real estate developer, he has just completed the Sycamore, a 14-story luxury condominium building on 30th Street and Second Avenue in Manhattan. A profile of Kennelly published in *The New York Times* is excerpted here.

IT WAS WHILE RIDING THE LADDER TRUCK THROUGH MANHATTAN, catching fleeting glimpses of the construction boom of the late 90's, that Firefighter Kennelly got the urge to make the big leap of his real estate career.

A fellow firefighter, James Carroll, had been interested in buying an open-air fruit stand on a 40-by-75-foot former parking lot at the corner of Second Avenue and 30th Street, as well as an adjacent 20-by-75-foot walk-up building with an abandoned Blimpie in its storefront. When that deal didn't work out, Mr. Kennelly asked if he could step in.

The price was \$3.3 million, and to cover the 10 percent down payment, he took out second mortgages on his Coyle Street and Avenue S properties. "The problem with the property," Mr. Kennelly said, "was that there was an 80-year-old rent-controlled tenant living above the Blimpies; he's paying \$170 a month and controlling \$3.3 million worth of development property."

Weeks of reassuring visits to that tenant—and to his daughter, a lawyer—eventually fostered a deal by which Mr. Kennelly would buy a one-bedroom co-op at Park Avenue and 39th Street for \$295,000, and deed it to that tenant. But where would that money come from?



Kennelly, third from left, with some of his 50 colleagues at the East 67th Street firehouse.

“That’s when I went to Jim Buckley; he owns one of the restaurants where I was a dishwasher as a kid,” Mr. Kennelly said. “Jimmy gave me the money to relocate the tenant, and now he’s a partner in the Sycamore.”

Of his former dishwasher, Mr. Buckley, owner of his namesake bar and restaurant on Avenue S in Marine Park, said: “I know Jim since his late teens; always hustling. I didn’t hesitate because he’s very hard working and intelligent.” Mr. Buckley also told his former employee about a fairly regular customer at the restaurant.

“This was September 2000,” Mr. Kennelly recalled, “and at this point Jimmy says, ‘Would you like to speak to Robert Trump?’—the brother of Donald and president of the Trump Management Company, which oversees the extensive real estate holdings amassed by their father.

A few days later, Mr. Trump came into the restaurant and readily agreed to what was supposed to be a 20-minute meeting with the fledgling developer, but turned out to be an hour and a half. “He said he thought the numbers, the buildable per square foot price I had contracted for, looked like it would be profitable,” Mr. Kennelly said. “He gave me a ton of tips.”

And within 48 hours, there was a message from Mr. Trump on Mr. Kennelly’s phone machine referring him to a major construction

lender, William Procida of the Palisades Financial Corporation.

Mr. Procida, it would turn out, had bigger ideas. “He said it would be even better if I had a larger building, so I started acquiring air rights from surrounding buildings,” Mr. Kennelly said—60,000 square feet of unused development rights, which, added onto the original 40,000 square feet authorized by zoning for the site he had purchased, would result in 80 apartments instead of 30. Mr. Procida also reached out to Metropolitan Housing Partners and asked that company to put up \$600,000, or 28 percent of the equity required by the bank for a \$21 million construction loan.

Mr. Buckley, meanwhile, was thumbing through his phone book for another important connection. “I have a good friend from childhood,” he said, “Alfonso DeMatteis”—president of DeMatteis International, builders of 150 buildings in the city and overseas. Mr. DeMatteis’s sons, Kevin and Keith, partners in the Calakar Construction Service Corporation, would come on board as the builders of the Sycamore.

“There are a lots of smooth talkers out there,” said Keith DeMatteis. “But Jim, he was very candid and forthright. So you go with the gut.”

Another factor would come into play. “My family, when we moved out of Brooklyn,” Mr. DeMatteis said, “we went to Rockaway, which

Fairly often these days, Firefighter Kennelly finds himself standing on the corner across the street from his Manhattan high-rise. “I changed the skyline of New York—a bit,” he said. “Pretty cool.”

is densely populated with firefighters and cops. We grew up with them; there’s always been this affinity.”

Eventually, with the players in place and financing from the Roslyn Savings Bank awaiting approval, Firefighter Kennelly knew he would have to apply for his leave of absence—time for one more rescue.

On July 8, 2000, with a hose line stretched to a blazing sixth-floor apartment on East 67th Street, Firefighter Kennelly set down his air tank—keeping the mask over his mouth—in order to squeeze past a door that would open only about 18 inches. It was jammed by two slumped bodies behind it.

“I pushed one victim through the opening,” Firefighter Kennelly said. “The guys outside hit both me and the other victim with the hose to cool us down. And then I passed the second victim through the opening.” Unfortunately, one victim was already dead and the other died six weeks later.

Construction on the 14-story Sycamore—with cantilevers over the adjacent brownstones, setbacks creating terraces on the top four floors, high ceilings and large windows—began in August 2001.

The topping off was 10 months ago. Since then, 31 apartments have been sold. Prices range from \$330,000 to \$457,000 for a studio to \$1.4 million for a three-bedroom.



The Sycamore, located at 30th Street and Second Avenue in Manhattan.

Currently in the works for the onward-looking developer are a 300-unit elder-living facility in Carmel, N.Y., and a 4,000-seat stadium and catering hall in a community that he did not, at this point, want to identify.

Still, fairly often these days, Firefighter Kennelly finds himself standing on the corner across the street from his Manhattan high-rise. “I changed the skyline of New York—a bit,” he said. “Pretty cool.”

Then he heads uptown to the firehouse. ■

Copyright © 2003 by The New York Times Co. Originally published July 20, 2003. Reprinted with permission.

Photo: G. Paul Burnett/The New York Times

Anthony Capetola '70

Attorney, Restaurateur, and Entrepreneur

By Edith Sachs

ANTHONY CAPETOLA '70 WOULD NEED A WHOLE CLOSET TO HOLD all the hats he's worn since graduating from New York Law School. He is a trustee of the Law School and an attorney whose busy practice focuses on business and matrimonial law. He's also a restaurateur and entrepreneur in the hospitality industry, and the owner of The Carlton, in East Meadow, New York. He has launched and invested in multiple dining and entertainment venues in casinos in Atlantic City and Las Vegas. Earlier in his career, he worked in the Nassau County District Attorney's Office. He has managed professional boxers and owned and bred racehorses. And he's not done yet.

Of course, none of this is what Capetola originally intended to do with his life. "I went to Wagner College on Staten Island intending to become an engineer," he says. He also played football and came to the attention of a few NFL teams. But midway through school, he got friendly with some fellow students who intended to enter law school. "My interest was piqued," he says, "and I was beginning to realize that I wasn't well suited to be an engineer. In my last year of college I took courses that would enable me to get into law school."

At New York Law School, he landed an internship in the Nassau County D.A.'s Office in the summer of 1969. After graduating and passing the bar, he signed on full time as an assistant district attorney, handling "everything from murder cases to traffic tickets," he says.

In one instance, he was assigned as a last-minute substitute prosecutor in a case against pornography purveyor Al Goldstein and *Screw* magazine. Seeing his advantage, the defense attorney demanded and was given a trial on the previously scheduled calendar date. But Capetola and his colleagues worked around the clock through an entire weekend, prepared their evidence, and subsequently got a plea deal from the defendants.

In the mid-1980s, out on his own, Capetola switched his focus from criminal law to business and matrimonial law so that he would have more time for new ventures. He already held an interest in the Sail Harbor catering and banquet hall in Bayville, New York. In 1984 he was approached with the opportunity to buy a share in a thoroughbred racehorse, Raja Shark. "The horse did well in preliminary races," says Capetola, "and eventually ran in the Kentucky Derby, Preakness, and Wood Memorial." The venture became a full-fledged horse breeding and racing enterprise that Capetola managed until the late 1980s.

Capetola soon found himself involved with a different stable of athletes altogether. In 1994 he participated in a deal to take over the contract of a professional boxer, Regilio Tuur of the Netherlands. Tuur eventually became World Boxing Organization junior lightweight champion, which led to Capetola's taking over the management of 10 to 12 other boxers.

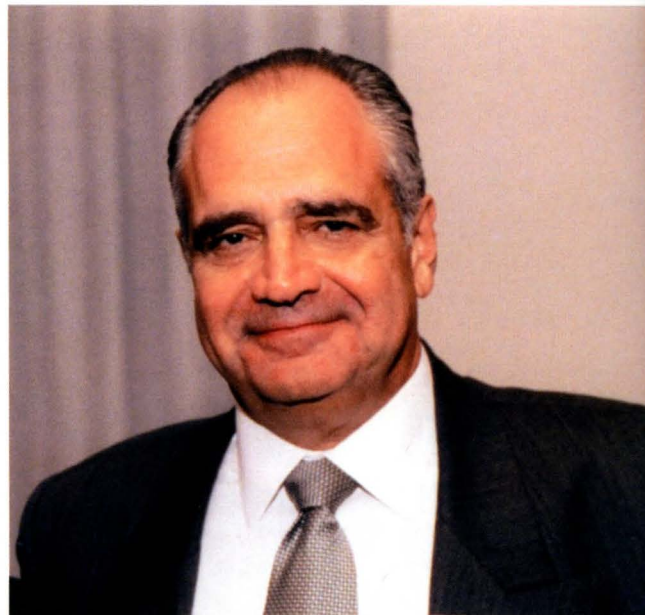


Photo: Joe Verticker/PhotoBureau, Inc.

Later Capetola went full-tilt into the restaurant business, all the while practicing law full time. In 1995, as part of a sideline business in construction and real estate management, he won a bid to renovate the structure that became The Carlton. Housing the Palm Court Restaurant, a cigar club, and a wine cellar, the business is now in its eighth year of operation on Long Island.

In 1998 he made the first of many casino deals, opening Temple Bar in Caesar's Palace in Atlantic City.

January 2001 saw the opening of Olio! at the MGM Grand Hotel in Las Vegas (Capetola sold the business to the hotel's management in late 2002). In 2002 he capitalized on a hot new trend by becoming a partner in the Las Vegas PURE Oxygen chain of "oxygen bars." His latest venture is an entertainment complex housed within Resorts International in Atlantic City.

When his responsibilities as a trustee of the Law School are added in, the question arises: "How do you balance all these interests?" Capetola's answer: "I guess I'm a workaholic. I work 80-90 hours a week. But I have very good support people, and I've arranged my businesses so that they can operate without me to a substantial degree. It takes careful planning."

But one event requiring Capetola's full personal attention was his daughter Michele's graduation from New York Law School in 2000, at which Capetola, in honored New York Law School tradition, presented his daughter with her diploma. Michele Capetola Johnson, a mother of two, now works part time at Capetola's firm. ■



Suffolk Leader Addresses Challenges of Geographic Diversity

By Leigh Jones | Originally published in
the *New York Law Journal*

A profile of Douglas J. Lerosé '83

Douglas J. Lerosé is one of a number of New York Law School alumni who hold leadership positions in bar associations and other professional organizations. The *New York Law Journal* published the following profile of Lerosé.

ASK DOUGLAS J. LEROSE WHAT THE BIGGEST CHALLENGE FOR

Suffolk County lawyers is, and he can answer in no time: No time. With courthouses flung from Riverhead to Central Islip, from Hauppauge to Patchogue, practicing in New York's most eastern county takes good planning and fast wheels.

"There is a tremendous geographic diversity," said Mr. Lerosé, the incoming president of the Suffolk County Bar Association. "There's not a lot of down time."

Because the Suffolk legal community is spread across its 31 villages, 128 hamlets and 10 towns, attorneys need to buddy up through the bar association, Mr. Lerosé asserted.

"If you have an active practice and your primary concern is for clients, you don't have much time to find out new developments in the law," he said. "You need to be part of something larger. With the bar association, you have the ability to commiserate with other attorneys going through the same types of ups and down that you're experiencing."

He plans this year to encourage Suffolk attorneys to participate in bar events by going beyond the usual continuing legal education seminars. He would like to bring in personalities such as impersonators and authors to draw crowds and expand the bar's reach. Financial planning celebrity Suze Orman would be a big hit, he said, but the bar association would need to pay \$25,000 for her appearance.

"The bar would hang me," he laughed.

Outgoing bar president Lynne Adair Kramer advised that "keeping that sense of humor" is a good plan for Mr. Lerosé during the next 12 months.

"It's a wonderful experience, but I don't think a practitioner could do it for years," she said.

Mr. Lerosé, 48, commutes to his Melville office from Syosset. The solo practitioner, who focuses on real property and civil litigation, said that other bar members refrain from ribbing him about living in Nassau County, where he is "engrained" in the Syosset community.

Born in Jamaica, Queens, Mr. Lerosé graduated from St. Mary's Boys High School in Manhasset and earned his law degree from New York Law School in 1983, after completing a bachelor's degree at Adelphi University.

A self-described "serious" teenager, he was inspired from history books to pursue a law degree. "I thought it would train my mind to think along logical lines," he said.

He was one of three young law graduates hired to work for then-newly formed Cullen and Dykman, where he practiced until 1986, when he started his own solo firm in Suffolk County. His one-man operation enables him to understand the concerns of the majority of the Suffolk County Bar Association's 3,300 members, who are also small firm or solo lawyers.

Some of those concerns, he said, involve issues such as limits on fiduciary appointments, tort reform, mandatory fee dispute resolutions, new laws requiring disclosures by homeowners regarding changes made to their property upon its sale and communicating with legislators on issues affecting the legal profession.

On a more immediate level, Mr. Lerosé plans to work this year to expand the Suffolk County Bar Association's parking accommodations at the bar center on Wheeler Road in Hauppauge.

"We've got growing pains," he said, referring to parking problems that arise at the center during bar events and some 130 education programs given each year.

Mr. Lerosé and his wife, Cynthia, have a son, David, who is 12, and a daughter, Catherine, who is 3. ■

This article is reprinted with permission from the June 3, 2003, edition of the *New York Law Journal*. © 2003 ALM Properties Inc. All rights reserved. Further duplication without permission is prohibited.

K. Elizabeth Ryder '96

Egypt Is Latest Stop for International Legal Development Specialist | *By Edith Sachs*

K. Elizabeth Ryder's specialization takes her all over the world. As an international legal development consultant, she works with governments, bar associations, and nongovernmental organizations to reform legal systems and legislation. Most of the projects she undertakes are in crisis areas or countries where the legal regime is weak or unable to address rapidly changing social and economic needs, including the former Soviet Union and the war-torn territories of the former Yugoslavia. She has also taught law in Lithuania and Norway. Currently, she lives in Cairo, Egypt, where she is employed by Trowers & Hamlins, a London-based international law firm.



Photo courtesy K. E. Ryder

What prompted your interest in international law? Were there specific influences at New York Law School that inspired you to take your career in this direction?

The former Soviet Union was just breaking apart as I finished law school, and the race to assist in the rebuilding of Central and Eastern European legal systems was in full swing. The United States had the upper hand when it came to constitution drafting, but the Europeans had an advantage with their neatly packaged civil codes. While I was still at New York Law School, Professor Ruti Teitel was working closely with the Czech government, as I recall, on constitutional issues, and through her work I became more aware of the different types of international work that were becoming available to U.S.-trained attorneys.

What kind of company is Trowers & Hamlins, and what does your work for them entail?

Trowers & Hamlins is a London-based international law firm with a strong presence in the Middle East. The London office works in all areas of commercial law, but is particularly well known for its public-sector work. Trowers & Hamlins first became involved in the Middle East in 1959 and now has offices in Abu Dhabi, Bahrain, Dubai, Oman,

and Cairo. The Cairo office, where I am based, acts in the areas of mergers and acquisitions, banking and finance, secured transactions, and general corporate matters. Our clients are primarily foreign investors, but we also act for Egyptian entities.

My particular expertise, as an attorney with Trowers, is general corporate advice, with a focus on multinationals in the Egyptian market, including commercial agency, distribution, franchises, and employment issues. My recent experience includes working with lenders to the Egyptian government in financing equity participation in a liquefied natural gas project, and acting for a Saudi family with respect to various acquisitions in the Egyptian tourism industry.

How is Egyptian law different from American law? Is there an independent judiciary that can operate free from pressure from political or religious factions?

Egyptian law is based on a civil code which is supplemented by laws issued by the parliament and decrees issued directly by President Mubarak or his ministers. While new legislation continues to reform various sectors, particularly the areas of banking and corporate investment, Mubarak does hold dictatorial powers, and political opposition to the changes is not generally allowed.

There are constant reminders of a different mentality with respect to transparency and control. As Egypt is a civil law country, the decisions of the Court of Cassation, the highest court, are of persuasive value. The Court is known to be very competent and somewhat isolated from political pressure—which is unusual in a judicial system that often bows to the highest bidder or the highest-placed political ally—and so its decisions can be quite useful. That said, several years ago an entrepreneurial Egyptian lawyer organized by subject matter all of the Court's decisions and offered to provide them, for a fee, to law firms and universities. The Court promptly sued the lawyer for copyright infringement. So at this point, we generally cannot obtain judicial decisions unless we happen to read about an interesting decision in the newspaper, manage to get the citation, and then request a copy from the Court.

Do you find your American nationality is a liability in conducting business in Egypt?

No, I do not. Most Egyptians are quick to differentiate between Americans and American foreign policy, and I have always felt safe and welcome. There is a sizable American population in Egypt working, for the most part, in the oil and gas industries. Schools were established to service these families, complete with imported yellow school buses (the surrounding area is often referred to by locals as the “51st State”). The American University in Cairo is an internationally respected institution that also draws international students to Egypt, among them many Americans. Because of this regular interaction with Americans in particular and the long-established presence of resident foreigners in Cairo in general, most Egyptians have remained friendly, even during the military campaign in Iraq.

There is, however, a difference between doing business as an American and representing American commercial interests. American products are boycotted by Egyptians in response to the Palestinian crisis, which is broadcast daily on Egyptian television and radio.

What are your likes and dislikes about living and working in Egypt?

My likes are many. Not only has the work been enlightening, but living with the Mediterranean beaches to the north, exceptional scuba diving to the east in the Red Sea, and the antiquities along the Nile river basin has made for some very nice weekends. And Egyptians are some of the friendliest people I have come across.

Despite all this, the poverty and lack of opportunity for the majority of Egyptians is difficult to accept when there is so much wealth within the country. Fifty percent of the population is illiterate, although steps are being taken to address this problem. But in my view, drastic measures are necessary to confront this issue, as well as that of the burden of overpopulation.

“For me, it is not possible to choose a favorite country, as all the locales I’ve worked in have offered something interesting. However, the rule of law as practiced and valued in the United States is something that I have come to take great pride in, and I look forward to practicing in the States again.”

—K. Elizabeth Ryder '96

How long do you think you’ll stay in Egypt? Are there any other countries you’d like to try working in?

My partner is a diplomat and, depending on positions that open to him over the next several years, we will eventually leave Egypt. Some very interesting changes have been quietly taking place in China, and I think it could be quite exciting to spend some time there.

Have you ever run into any other alumni during your time away from the United States?

I do have the good fortune to run into New York Law School graduates every now and again. Most recently, I met an alum, Curtis Doebbler '89, who had been seconded to work with the American University in Cairo to develop their legal program. [Doebbler was a visiting professor at AUC from 2000 to 2002 and assisted in establishing the university's first master's degree in International Human Rights Law.]

What other countries have you lived and worked in, and which did you like best?

I have worked as a lawyer in a number of countries. Previously, I helped the American Bar Association develop a judicial training center to guide judges in several former Soviet republics through new legislation and legal practices. I also worked with the United Nations in Bosnia and Herzegovina to coordinate the development of 40 legal aid centers to provide legal services to displaced persons and refugees. I have taught comparative constitutional law in Lithuania and contract law (Anglo-American tradition) in Norway. My current position is my first in the Middle East.

For me, it is not possible to choose a favorite country, as all the locales I've worked in have offered something interesting. However, the rule of law as practiced and valued in the United States is something that I have come to take great pride in, and I look forward to practicing in the States again. ■

Michael Roffer '83 & Elisa Gerontianos '02

A Mendik Library Homecoming | *By Jim Hellegaard*



Photo: Rick Kopstein

AFTER SPENDING MANY LONG HOURS IN MENDIK LIBRARY STUDYING and preparing for exams, New York Law School graduates might be forgiven for not wanting to return there so quickly. But this spring, two graduates actually did return to the library, and not just to visit; they are now employed there full time.

Elisa Gerontianos, a 2002 graduate, joined the library on March 17, as the new reference assistant in charge of interlibrary loans and document delivery. Michael Roffer, a 1983 graduate, arrived a month later as the new government resources and reference librarian.

Following graduation last year, Gerontianos continued her work as a research assistant to Professor Ruti Teitel, pursuing a long-held passion for human rights, before taking on her new challenge at the library.

"I came to law school because I love the law and I wanted to learn about law," Gerontianos says. "I didn't really come in knowing what I was going to do when I came out."

She's happy where she has landed and enjoys her new position, which allows her to pursue an interest in teaching by showing new groups of students how to perform research for professors, while also giving her time to attend the many human rights-related events at the Law School and around the city.

"This is a very nice situation for me," says Gerontianos, who was initially drawn to attend New York Law School by the presence of

Professor Nadine Strossen, president of the ACLU. "And my colleagues in the library are just amazing. I've always enjoyed being in libraries and I love information, so that's why I decided to apply for the job when it opened."

Roffer spent his first three years after law school working as a clerk for Hon. Roger J. Miner '56, first in the Northern District of New York, and later in the U.S. Court of Appeals for the Second Circuit. Then, after two years of practicing law, he landed at Proskauer Rose, the Manhattan law firm where he would spend 13 years as an associate and later as senior counsel. During this period, Roffer had his first New York Law School "homecoming" as an adjunct professor, teaching a course with Judge Miner on federal courts and federal crimes from 1987 to 1991.

After 18 years in law, however, Roffer began thinking of taking on a new challenge in his life and left the firm in December of 2001. The following month he enrolled at Rutgers University in the School of Communication, Information and Library Studies, where he earned his Masters in Library and Information Science (MLIS) degree in January of 2003.

Although he had been back to visit the Law School on a number of occasions since his graduation, Roffer was impressed by the tremendous research and study facility that makes up Mendik Library,

which houses more than 500,000 volumes of books and microforms, audiovisual materials, and computer programs. The legal research resources include materials from international, federal, all 50 state and local New York jurisdictions. A sophisticated range of computer research services and other technological enhancements augment the Library's superb collection.

But even more impressive to both Roffer and Gerontianos is the energy and vitality they see in the students they assist in locating research and study materials. The impact is perhaps deeper on Roffer, who had been away for 20 years, in contrast to Gerontianos, who had never really left the Law School.

"New York Law School students are very sharp, energetic, enthusiastic, and committed," Roffer says. "I see a tremendous positiveness about the students."

Roffer's return after years away also prompts compliments to the faculty, who are of course the other main users of the library. "Both the breadth and the depth of their backgrounds really speaks very well of where the school has gone in the last several years." ■

Although he had been back to visit the Law School on a number of occasions since his graduation, Roffer was impressed by the tremendous research and study facility that makes up Mendik Library, which houses more than 500,000 volumes of books and microforms, audiovisual materials, and computer programs. The legal research resources include materials from international, federal, all 50 state and local New York jurisdictions. A sophisticated range of computer research services and other technological enhancements augment the Library's superb collection.

Jack McNeill '87

Associate Director, Law Library Pace Law School

Photo courtesy J. McNeill



WHEN JACK MCNEILL GRADUATED from new york law school in 1987, he envisioned a career practicing law. After a few years of doing just that, at various law firms and in his own solo practice, McNeill, who worked at the NYU

library while in law school, decided to make a career change and enrolled in library science classes at the University of South Florida.

By 1994, he had earned his degree in library science and was working in the law school library at St. Thomas University in Miami. In 2000, he moved back to New York to become head of reference services at Pace Law School in White Plains, and was named associate director of the Law Library.

One of his major projects as associate director is overseeing the renovation of the Pace Law Library. "Technology has had an amazing impact on libraries," he says. "This is a very dynamic field, and it's exciting and challenging because you're constantly thinking about what the future holds."

McNeill says now that he has "the best job in the world," and enjoys the academic environment. "You're working with faculty members, students, really bright people. They bounce their ideas off you. You help them with their research. You're right in the middle, literally, of the scholarly endeavor. It's a lot of fun." ■

His Rule of Law: Low Overhead

By Shaifali Puri | Originally published in *The New York Times*

A profile of James A. O'Malley '85

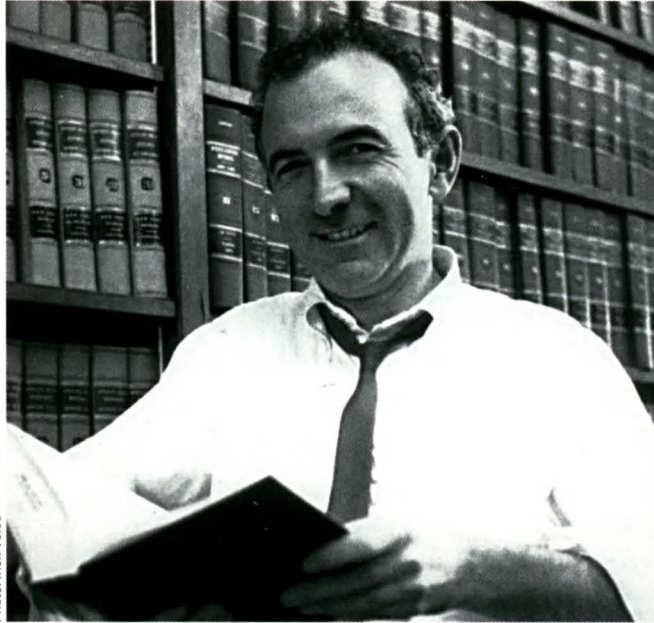


Photo: Irish Voice

“The critical difference between being a lawyer and being a traditional businessman: A lawyer might have a hundred clients, but each client only has one lawyer.”

—James A. O'Malley '85

WHEN JAMES A. O'MALLEY CAME TO THE UNITED STATES FROM Limerick, Ireland, in 1977, his plan was to teach literature. But America, he found, has a way of changing your plans.

“I kept hearing all these American guys saying they were going to law school and it sounded so interesting,” Mr. O'Malley said. “And I thought, ‘Wow, in this country anyone can just go to law school.’”

Today, he is an immigration lawyer with more than 200 clients from 70 countries. But when he graduated from law school in 1985, he had no idea how to set up a practice, so he apprenticed himself to an established lawyer to learn the ropes.

In addition to preaching the cardinal rule that a businessman has to keep his overhead low (“I had a desk with a phone in a shared one-room office,” Mr. O'Malley said), his mentor taught him the critical difference between being a lawyer and being a traditional businessman: “A lawyer might have a hundred clients, but each client only has one lawyer,” he said. “And you are responsible to that client on an individual basis, so you can't think in terms of volume as a traditional business owner might.”

When he struck out on his own, in 1987, Mr. O'Malley knew that much of his practice would consist of filling out government forms for visas, green cards and citizenship. He focused on standardizing the process and prices in order to handle more clients. “For a routine visa application the process will require about 10 hours of work, and we charge about \$2,000,” he said.

In the early days, Mr. O'Malley said, “I'd save the complicated cases for Saturdays because they couldn't be standardized and required more time.”

Mr. O'Malley employs two lawyers and two paralegals, and has an office in Dublin with one lawyer. Business is good, and he anticipates that it will grow, a prospect that leaves him with mixed feelings. For one thing, he dislikes the logistics of being a boss. “I never wanted to be so big that all I did was manage people,” he said.

And he has not forgotten his lessons about overhead costs. Salaries for the lawyers start in the high-\$40,000 range and for the administrative staff in the mid- to high-\$20,000 range. Health care costs run about \$300 to \$400 a month per employee.

Mr. O'Malley clearly relishes the client relationships he has as a small-firm proprietor. On his office wall is a painting of a courthouse, a view seen from his window. It was done by a client who had set up an easel in Mr. O'Malley's office for three months. ■

Copyright © 2003 by The New York Times Co. Originally published May 6, 2003. Reprinted with permission.

Karen A. Robertson '96

International Securities Lawyer

By Michael Rhee and Edith Sachs

WHEN KAREN ROBERTSON ARRIVED IN GERMANY FOUR YEARS AGO to work in international securities law in the Frankfurt office of Cleary, Gottlieb, Steen & Hamilton, she thought she would have the opportunity to brush up on her German-language skills. Instead, she finds that she speaks English in the office most of the time and, because of the large number of foreign professionals based in Germany's financial and banking capital, believes that it might be possible to get along without speaking any German at all.

"Frankfurt is a very easy place for a non-German to live and work," says Robertson, who did not have to take Germany's equivalent of the bar exam because she continues to practice U.S. federal and New York State law exclusively. Her work is focused on international stock and debt offerings, meaning that she works on public and private transactions involving sales of securities to investors domiciled inside or outside of the country where the company is located.

Her responsibilities include primarily drafting offering documents, usually in the form of prospectuses describing the company and the transaction in detail. She also advises domestic and foreign companies on U.S. corporate and securities law. One of her more noteworthy projects, in September 2001, involved helping Germany's Deutsche Bank in its process of becoming listed on the New York Stock Exchange.

As a student in the Law School's Evening Division in the mid-1990s, Robertson faced a difficult decision in which the future of her legal education seemed to hang in the balance. She had been working full time as a social services caseworker for the City of New York and was receiving a partial-tuition scholarship from the Office of the Mayor. In order to keep the scholarship, she had to remain a full-time city employee. But at the end of her second year, she received a fellowship from the Association of the Bar of the City of New York.

"These fellowships place minority students as summer associates in top New York firms for 12 weeks," recalls Robertson. "But I wasn't going to be able to get 12 weeks' vacation from my city job. So I had to choose between forgoing the opportunity to be a summer associate, or quitting my job and thus giving up my scholarship."

Robertson opted for the summer associate position, giving up her job and the scholarship money.

Almost 10 years later, Robertson has never regretted her decision. Indeed, after making that decision, she subsequently received a splendid surprise: a Dean's Scholarship from New York Law School. She graduated *magna cum laude*, was the student speaker at commencement, and was awarded the Alfred L. Rose Award for outstanding legal ability, character, and potential for leadership.

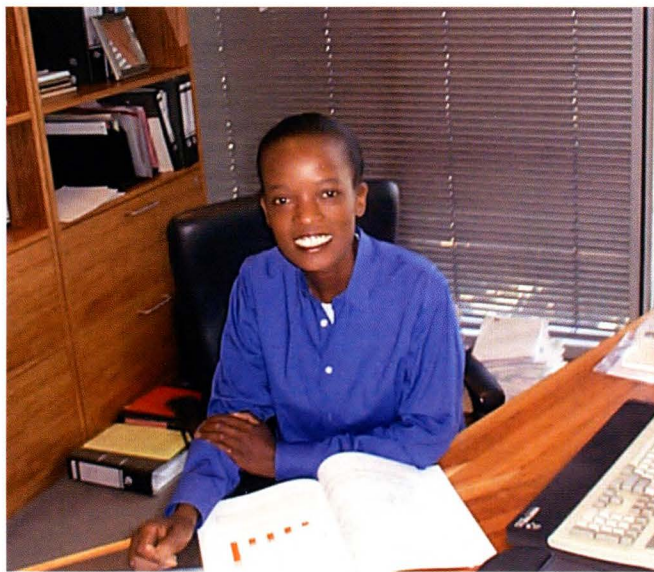


Photo: courtesy K. Robertson

"I would advise evening students to keep in mind exactly why they are in law school, and to see if there are any creative ways of working in legal positions that interest them, such as taking an unpaid leave of absence, or working in a legal position for less than 12 weeks during the summer."

Following graduation, Robertson was selected for a prestigious clerkship with then-Chief Judge Jon O. Newman (now Senior Judge) on the U.S. Court of Appeals for the Second Circuit. Anticipating a future as a litigator, Robertson started at Cleary Gottlieb's New York office in 1997, but then decided to take advantage of the firm's offer to associate to try out different areas of law without committing to a lengthy rotation period. After her first corporate deal, "I was hooked," she says, explaining that in her view, corporate law offered similar experiences to those found in litigation, but usually within a less adversarial environment.

Three years later, Robertson, who had studied German and was seeking to spend a few years abroad, took Cleary Gottlieb up on its offer to transfer her to its office in Frankfurt.

Based on Robertson's experience, a law student might find himself or herself faced with some conflicting recommendations: be focused, but flexible; stick to your plan, but don't be afraid to take risks. Robertson's career trajectory is proof that the ability to reconcile these priorities can take you very far indeed. ■



Professor Arthur Leonard



Professor Carlin Meyer



Professor Seth Harris



Professor Lenni Benson



Professor Harry Wellington



Professor Isabelle Katz Pinzler

AUDIT A COURSE

The Labor & Employment Law Program Invites Alumni to Audit a Course

For decades, since New York Law School alumnus Senator Robert F. Wagner drafted the National Labor Relations Act, the Law School has remained on the cutting edge of labor and employment law theory and practice.

Today, one of the School's greatest strengths is the faculty who practice, teach, and publish on the topic of the law and workplace issues. Diverse faculty perspectives from six full-time faculty, and almost one dozen adjunct faculty, lend depth to the range of real-work experiences and academic perspectives covered in the school's Labor and Employment Law curriculum.

Drawing on this strength, the faculty have organized a Labor & Employment Law Program with unique courses for lawyers and non-lawyers. For graduates of the Law School, the Labor & Employment Law Program offers an exciting continuing legal education initiative that takes advantage of auditing privileges already available to alumni. With permission of the instructor, and based on availability of spaces after the first week of classes, alumni are invited to register as auditors for elective courses offered that semester.

To register to audit a course, please visit the Law School's Web site at www.nyls.edu for the registration form, or call the Office of the Registrar at 212.431.2300. The Registrar will contact prospective auditors after the first week of classes with information about space availability.

A sampling of courses offered in the Labor & Employment Law Program are listed below.

Descriptions for these courses are available on the Law School's Web site under "Academics."

- Employment Law
- Labor Law
- Problem-Solving and the Law of the Workplace
- Alternative Dispute Resolution
- Collective Bargaining & Dispute Resolution
- Employee Benefits Law
- Employment Discrimination Law
- Immigration Law
- Negotiating, Counseling, and Interviewing
- Public Sector Labor Relations
- Workplace Injuries and the Law

Related courses include:

- Administrative Law
- Sexuality and the Law
- Sports Law

For more information about the Labor & Employment Law Program, please contact:

Professor Seth Harris
Director
Labor & Employment Law Program
New York Law School
sharris@nyls.edu

Class Notes

Send us your news!

In the past two issues of *In Brief*, many of our alumni found news about themselves that they had not directly submitted to the magazine. When they called to thank us, they expressed curiosity about how we learned about their accomplishments. The answer is that the *In Brief* staff aggressively pursue news items about our alumni through daily scanning of print and online news media and legal industry publications. In this issue, you will find references to the source publication for those news items obtained from published sources. We would, of course, prefer to hear directly from you! So please do take a moment to let us know about your professional accomplishments and personal milestones, or other news you would like to share with your colleagues in the New York Law School community. Send us your news via the Web at www.nyls.edu/inbrief or use the form included in this issue.



Hon. Abraham Gerges '64, a New York State Supreme Court justice in the Second Judicial District, has been elected secretary of the National Conference of State Trial Judges of the Judicial Division of the American Bar Association.

Gerges made news in early 2003 when he spoke for a group of 14 justices who were protesting a New York City Probation Department move to reduce supervision for about 75 percent, or 30,000, of those on probation in the city. The city's plan is for these probationers to report to a computer kiosk once a month instead of a probation officer. On March 3, 2003, the *New York Post* quoted Gerges: "It is one thing for a judge to consider early termination after a defendant has complied with the conditions of probation for a term of years. It is quite another for the Probation Department to expect judges to routinely consent to early termination." (*New York Law Journal*)

1938

Richard S. Woodman, still practicing at Woodman & Getman, is also president of the Central New York Abstract Corporation.

1950

Benjamin Gilman has joined the law firm Finkelstein & Partners, LLP, of Newburgh, New York, as senior counsel. He is also chairman and chief executive officer of The Gilman Group, an international strategic business consulting firm based in Washington, D.C. Gilman was a U.S. congressman for 30 years, serving as chairman of the House International Relations Committee from 1985 to 2002. He retired from Congress in July 2002.

1951

Hon. **Joseph N. Giamboi** is a New York State Supreme Court justice in the 12th Judicial District, Bronx County.

1955

Robert A. Freeman is the principal of Concord Energy Consulting, Inc. in Santa Monica, California, specializing in energy conservation consulting. He sold his previous company, Las Vegas-based Co-Energy Group, Inc., in 2000 and moved to Santa Monica from Henderson, Nevada.

1958

Gary L. Blum is head of the Bankruptcy & Financial Restructuring Group of Becker & Poliakoff, PA in Fort Lauderdale, Florida. He was formerly partner at Finley Kumble in Manhattan. (Becker & Poliakoff, PA)

1961

Charles H. Sachs has retired from the practice of law. He was a principal of Irving & Charles H. Sachs, Esqs. in Bayonne, New Jersey, for 40 years, specializing in commercial litigation, real estate, and trusts and estates. He is the son of **Irving Sachs '24** (deceased).

1962

Reuben David's article, "Divorce Case Settlements Require Detailed Understanding of Pension Plan Options," was published in the May 2003 *New York State Bar Journal*.

1965

Sal Rumore has a private practice in accounting and tax services in East Northport, New York. He has also been a professor of accounting and taxation at St. Joseph's College in Patchogue, New York, since 1982. He is a member of the American Institute of Certified Public Accountants, the New York State Society of Certified Public Accountants, and the East Northport Chamber of Commerce. (*The Observer*)

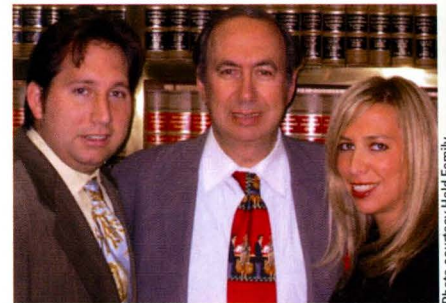


Photo courtesy Held Family

Edward Held '66, vice president of the board of directors of New York Law School's Alumni Association, is a founding member of the law firm Held, Held & Held in Brooklyn. He principally handles personal injury litigation as well as wills and estates, real estate and commercial law. Two of his children are also New York Law School alumni and have joined him in his law practice: Alyssa J. Held '94 and Marc J. Held '96. Alyssa is managing partner at Held, Held & Held and is also a partner in Dance Explosion, an entertainment company in Manhattan that provides party-planning services. Marc is head of Held, Held & Held's Litigation Department. (www.brooklynlaw.com)

1968

Martin R. Friedman is of counsel with Held, Held & Held, a family-run law firm in Brooklyn. He has expertise in estates, estate planning, trusts and elder care, will preparation, tax planning, probate and administration of estates, postmortem planning, and all related areas.

Sang Ki Lee is professor of law and associate dean at Handong International Law School in Pohang, South Korea, teaching Western legal institutions and intellectual property. (lawschool.handong.edu)

David P. Slater is a traffic court hearing officer in Palm Beach City, Florida.

1971

Jerome I. Katz is a partner at Gair, Gair, Conason, Steigman & Mackauf in Manhattan. He has been appointed as a mediator in the U.S. District Court, Southern District.

1973

George L. Benninger is of counsel with Dreier LLP in Manhattan. His practice is in international transactions. (*NYLJ*)

Anthony Bergamo has been chief executive officer of Niagara Falls Redevelopment, Ltd. since 1998. He also has been managing director of Milstein Hotel Group and senior vice president of MB Real Estate since 1996. He is a director of Lone Star Steakhouse & Saloon, Inc. and a director and trustee of Dime Community Bancorp, Inc. Bergamo is the founder and chairman of the Federal Law Enforcement Foundation, a foundation that provides economic assistance to federal and local law enforcement officers suffering from serious illnesses and to communities recovering from natural disasters. (*Factiva*)

1974

Robert M. Simels has a private practice in Manhattan. (*NYLJ*)

1975

Sandra Janin has joined the full-time instructional staff at New York Law School as the writing specialist and assistant director of the Writing Program. She will be conducting workshops and meeting individually with students to improve the quality of their legal memoranda, appellate briefs, and writing samples. She previously spent 27 years in private practice.

James S. Scherling and **Mark S. Tepper** are partners at Tepper, Scherling, Kaplan, Berliner & Huber, LLC in Livingston, New Jersey, practicing real estate, general corporate, and personal injury law.

1976

Hon. **Edward P. Borrelli** has been appointed as interim city court judge of Yonkers, New York, by Yonkers Mayor John Spencer. Borrelli previously served as a city judge in 2000 and is also a former judicial hearing officer of the Supreme Court of Westchester County. (*The Journal News*)

Menachem J. Kastner has been appointed chairperson of the Real Estate Litigation Department of Fischbein Badillo Wagner Harding, a general practice firm with offices in Manhattan, Long Island, and New Jersey. He frequently lectures and publishes on issues involving real estate litigation, with an emphasis on co-op/condo and landlord/tenant litigation. His article "Cooperatives Authorized to Use Business Judgment Rule in Terminating Shareholders' Leases" was published in the August 2003 *New York State Bar Journal*.

John McMahon, president and chief executive officer of Orange & Rockland Utilities, Inc. in Pearl River, New York, was quoted extensively in the Middletown, New York, *Times Herald Record* on March 15, 2003. The article, "O&R Chief Forecasts Energy Future," discussed the need for more power plants in Orange and Rockland Counties.

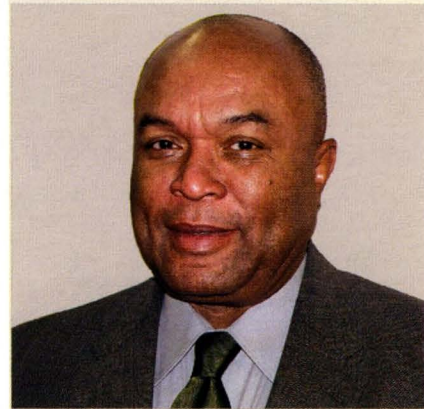


Photo: Marilyn Muñoz

Theodore Simpkins '70 has been named district administrator of the Florida Department of Children & Families (DCF) office in Palm Beach County, where he will oversee the office's efforts to privatize its foster care system and reduce its backlog of child abuse investigations. Simpkins was appointed to the post by state DCF Secretary Jerry Regier. He was previously the regional liaison with the Florida Agency for Workforce Innovation. A native of Harlem in New York City, Simpkins began his career as a child-abuse investigator for the city's Bureau of Child Welfare (now incorporated into the Administration for Children's Services). As DCF's Palm Beach County administrator, Simpkins faces challenges that include improving the overall performance of the office, restoring staff morale, and dealing with the backlog of investigations. (*The Sun-Sentinel*)

find a friend

www.nyls.edu/alumnidirectory



Hon. Joseph Maltese '73 spends his days as a state Supreme Court justice and his nights and weekends as brigadier general in command of the New York Guard's 54th Civil Affairs Brigade. He began his military career as an enlisted person in the Army National Guard in 1969 and ascended to staff judge advocate for the 42nd Infantry Division, assisting Army units deploying to the Persian Gulf in 1990 for Operation Desert Storm. After transferring to the Army Reserve the following year, Maltese served as a military judge on the Army's Trial Judiciary in Germany, Panama, and the United States.

Elected Civil Court judge in 1991, Maltese was inducted as an acting State Supreme Court justice in 1996 and has since been presiding over civil cases in his capacity as a civilian judge. He retired from the Army Reserve in 1999, but joined the New York Guard, which promoted him to the rank of brigadier general in March 2003. The New York Guard's primary mission is to provide support and assistance to the organized military forces of the state of New York, including Army and Air National Guard troops, and to assume the state missions of those forces should they be federalized. (*Staten Island Advance*)

Philip J. Michaels is a partner in the Manhattan office of Fulbright & Jaworski LLP, specializing in estate and tax planning. He is also an adjunct professor at New York Law School, teaching estate administration. In September 2003, he spoke at two sessions of the 29th Annual Notre Dame Tax and Estate Planning Institute, a prestigious event attended this year by over 1,000 attorneys. Michaels is widely published in the area of estate planning, with articles appearing in the *New York Law Journal*, the *Journal of Taxation of Estates and Trusts*, and the *CPA Journal*.

1977

Alan W. Clark is partner at The Law Firm of Alan W. Clark & Associates, LLC in Levittown, New York, specializing in medical and professional negligence and products liability. Clark is a trustee of New York Law School.

Lawrence J. Fineberg is vice president and New Jersey state counsel for Chicago Title Insurance Company in Iselin, New Jersey. He is the author of the *Handbook of N.J. Title Practice* (3rd ed., 2003).

Barry Goldstein is a solo practitioner with extensive practice experience in domestic violence cases. He served on the board of directors of My Sisters' Place, one of the leading domestic violence agencies in the country, for 14 years and was chairperson for four of those years. Goldstein also works with the Community Change Project of the Volunteer Counseling Service in Rockland County, New York, teaching classes for men who have been convicted of domestic violence crimes.

1978

Harry P. Brett is a partner at Wilson, Elser, Moskowitz, Edelman & Dicker LLP in Manhattan. He is the chairman of the firm's hiring committee and cochairman of the General Liability practice group as well as a member of the Aviation, Product Liability, and Construction practice groups. He is a member of the New York State Trial Lawyers

Association and the American Society for Industrial Security. He also is editor of the *Security Risk Newsletter*. (*NYLJ*)

Neal S. Greenfield is counsel, intellectual property and technology, at Pitney, Hardin, Kipp & Szuch LLP. His practice focuses on supervising, implementing, and enforcing the domestic and international trademark portfolios of large- and medium-size corporate clients. His professional memberships include the International Trademark Association (INTA); chair, INTA Internet Domain Name Dispute Resolution Subcommittee; the American Intellectual Property Law Association; and the Internet Corporation for Assigned Names and Numbers (ICANN).

Robert Spitalnick is a solo practitioner in Great Neck, New York, concentrating in family law and real estate matters. Spitalnick writes that his daughter Leslie Spitalnick 1L graduated from New York University magna cum laude and is attending New York Law School as a Harlan Scholar. Leslie's twin sister, Nadine, graduated from the University of Pennsylvania.

1979

Neldra Zeigler is deputy commissioner, equal employment opportunity, for the New York City Police Department and is certified as an equal employment opportunity specialist. She was previously the police department's assistant deputy commissioner for legal matters. (*BLSA Newsletter*)

1980

Bruce E. Colfin and **Jeffrey E. Jacobson** have been named associate professors at Five Towns College in Dix Hills, New York, teaching music business contracts and copyright and music publishing. They are partners at Jacobson & Colfin, PC in Manhattan, which specializes in legal matters related to music, entertainment, intellectual property, copyright, trademark, licensing, the Internet, and video. (Jacobson & Colfin, PC)

John F. Kuntz is senior vice president and general counsel at The Provident Bank in Jersey City, New Jersey, managing the bank's legal affairs. He was previously vice president and assistant general counsel at Mellon Investor Services LLC in South Hackensack, New Jersey. (The Provident Bank)

Gideon Rothschild is a partner at Moses & Singer LLP in Manhattan, where he focuses on domestic and international estate planning and asset protection. He cowrote the BNA Tax Management Portfolio on asset protection planning. He also is an adjunct professor in the graduate program in estate planning at the University of Miami School of Law, chair of the International Estate Planning Committee of the American Bar Association, and a fellow of the American College of Trust & Estate Counsel.

Christopher Schwartz has joined Buchanan Ingersoll PC as a partner in the firm's commercial litigation practice. (*Legal Times*)

Theresa Vara-Dannen, an English and French teacher at St. Margaret's-McTernan School in Waterbury, Connecticut, was honored with a grant funded by the school's Parents' Association. The grant will enable her to research and develop a program that will help students relate local history to American history and literature. (*The Republican-American*)

1981

Edward Lopez practices criminal law and civil litigation at Balsam Felber & Goldfield in Manhattan. (*BLSA Newsletter*)

Clement S. Patti Jr. has formed a new firm, Parisi & Patti, in Westchester County, New York. He was previously the chief assistant district attorney of Westchester County. (*NYLJ*)

Hon. **Theodore Weathers**, a Superior Court commissioner in San Diego, was appointed a Superior Court judge by California Governor Gray Davis in July 2003. (*San Diego Union-Tribune*)

1982

Thomas E. Charbonneau is of counsel at Chadbourne & Parke LLP in Manhattan. (*NYLJ*)

Claire Hancock practices complex commercial litigation in Little Rock, Arkansas, where she is a partner at Wright, Lindsey & Jennings LLP. Her only child, Gillian, was 13 this summer.

David Morowitz has his own practice, The Law Office of David Morowitz, Ltd., in Providence, Rhode Island, where he specializes in serious personal injury cases, primarily medical malpractice. **Robert Kiedaisch '82** is of counsel with the firm.

Francine L. Semaya presented "Insurance Exit Strategies—Solutions for Discontinued Operations," a discussion of involuntary exit options, at a conference in Manhattan on May 29 and 30. She is chair of the Insurance Corporate and Regulatory Department of Cozen O'Connor in Manhattan, and her practice includes national and global insurance regulatory matters. She lectures frequently and has written articles for insurance and legal trade publications. (*The Independent*)

1983

Robert Boneberg has joined the Manhattan office of Lowenstein Sandler PC in its real estate, bankruptcy, and specialty litigation practices. He is also president of the World Rights Trust, Inc., a nonprofit human rights organization. (*NYLJ*)

Martin P. Levin is an adjunct professor at New York Law School and of counsel to Cowan, Liebowitz & Latman, PC in Manhattan. Earlier in his career, he was a publishing executive and oversaw the publication of titles by Stephen King, Erica Jong, Ken Follett, Gay Talese, and many others. After retiring, he passed the bar and joined his current firm. He is also a teaching fellow at the Stanford Professional Publishing Course, and in 1999 he won the Curtis



Photo courtesy M. Flynn

Michael Flynn '78 is a solo practitioner in Garden City, New York, with an unusual specialty: railroad law. According to the *Oceanside* (New York) *Herald* (July 24, 2003), he has been involved in litigation against every major rail transit corporation along the eastern seaboard during his 25-year career. In 2002, he took on what may be his most challenging case to date: *Green vs. Long Island Rail Road*, a personal-injury case in which he convinced the judge to reject the claim by the Metropolitan Transportation Authority, the parent of LIRR, that it did not "operate" the railroad. Flynn prevailed as his client's sole counsel against a team of five attorneys from Skadden, Arps. The case went to the Second Circuit Court of Appeals, and thereafter to the U.S. Supreme Court, which denied certiorari in May 2003, upholding the Second Circuit's decision.



Photo: Rick Kopstein

Hon. Faviola A. Soto '78 is a New York State Supreme Court justice in New York County. Previously, she served as a judge of the Civil Court of the city of New York. She is the first person of Dominican descent to sit on the bench in New York State. She is a member of the New York County Lawyers' Association, Association of Judges of Hispanic Heritage, Dominican Bar Association, and Puerto Rican Bar Association, and is also affiliated with the Dominican Women's Caucus, Inc. and Project O Kute, which assists women with AIDS. (*NYLJ*)



Arthur H. Rosenberg '81 is becoming a recognized expert in the field of aviation law. As a partner at Soberman & Rosenberg in Lake Success, New York, he has successfully combined his substantial aviation, engineering, and technical background with extensive litigation and trial experience.

He has served on plaintiff liability committees in aviation mass disaster litigation including the Air Florida litigation involving the crash of a Boeing 737 into the 14th Street Bridge in Washington, D.C., the Air Canada litigation involving the in-flight fire of a DC-9 airplane near Covington, Kentucky, and others. He represented the families of victims in the TWA Flight 800 and Swissair disasters. He has successfully prosecuted numerous lawsuits against manufacturers of general aviation aircraft and commercial airliners in the United States. Many of his efforts have resulted in design changes to aircraft and airline procedures to prevent future accidents.

Before entering private practice, Rosenberg was a program manager and engineer for a major aerospace corporation. In this capacity, he made many important contributions to well-known projects, including the space shuttle, the F-14 and A6 aircraft, and other Navy and experimental aircraft. Rosenberg holds a commercial pilot's license with instrument ratings. (www.srlaws.com)

Benjamin Award from the American Association of Publishers for lifetime achievement in publishing.

Diane J. Montague is a managing director in the Private Asset Management Group of Neuberger Berman, LLC in Manhattan. She is a member of the New York Society of Security Analysts and the Association for Investment Management and Research. (Neuberger Berman, LLC)

Vincent Viola was elected to the board of directors of the National Italian American Foundation (NIAF), a nonprofit, nonpartisan foundation that promotes the achievements of Italian Americans. Viola is chairman of NYMEX Holdings, Inc. and the New York Mercantile Exchange, Inc. (*Italian Voice*)

Adrian Zuckerman has joined the Manhattan office of Lowenstein Sandler PC in its real estate, bankruptcy and specialty litigation practices. (*NYLJ*)

1984

James H. Gianninoto is partner at Saiber Schlesinger Satz & Goldstein, LLC in Newark, New Jersey. His primary practice areas are business litigation, construction litigation, and insurance coverage litigation. (*NYLJ*)

Kevin C. Peterson, a reserve officer in the U.S. Coast Guard, has been on active duty since 9/11. Lieutenant Commander Peterson is currently the surface forces branch chief for the Coast Guard's Activities New York division, based at Fort Wadsworth, Staten Island.

1985

Timothy Collins is a partner at Collins, Dobkin & Miller LLP in Manhattan, a private law firm primarily engaged in housing and landlord/tenant law. He was extensively quoted in the article "Analyzing Rent Law's Impact" in the July 6, 2003, *The New York Times*.

Thomas D. Hughes is senior vice president, general counsel, and assistant secretary of the Greater New York Insurance Companies, a group of property-casualty companies headquartered in Manhattan. He is also an adjunct professor at New York Law School, teaching legal reasoning, writing, and research. His article "Treasury Department Must Correct Inequities in Money-Laundering Rules" appeared in the Washington Legal Foundation's *Legal Backgrounder* on June 27, 2003.

Norine F. Krasnogor was a Mitzvah Award recipient on Jewish Family Service Day at Temple Beth El, Stamford, Connecticut, on April 13, 2003. She and her daughter Julie are partners at Krasnogor & Krasnogor LLP in Stamford and Manhattan. (Temple Beth El)

1986

Lynell Canagata-Jeffrey works for the New York City Office of the Comptroller. (*BLSA Newsletter*)

1987

Dawn S. DeWeil has a private practice in Manhattan, where she concentrates on medical malpractice. She has tried cases in both state and federal courts and has successfully argued before the U.S. Court of Appeals for the Second Circuit. She also has lectured nationally on breast implant litigation and has appeared on Court TV. (www.deweillaw.com)

1988

Sylvia Kinard-Thompson is executive director of the New York Production Alliance (NYPA), a nonprofit, volunteer organization that promotes film, video, and audio in New York. She also is founder, president, and CEO of Imani Entertainment, an independent television and film company in Manhattan. (*BLSA Newsletter*)

Glenn Verchick is a partner at Werbel, Werbel & Verchick in Brooklyn. (*NYLJ*)

1989

Edward A. Ambrosino was appointed a council member of the Town of Hempstead in New York. He is of counsel to the Real Estate Department and Municipal and Regulatory Affairs Group of Ruskin Moscou Faltischek, PC in Uniondale, New York. (NYLJ)

Mark L. DeBenedittis is a partner at Grenici & DeBenedittis, PC in Hauppauge, New York. (NYLJ)

Robert M. Haroun and **Joseph Sofer** are partners at Sofer & Haroun, LLP, specializing in all forms of intellectual property law, including patents, trademarks, and copyrights, as well as related litigation. Since its inception in 1995, the firm has expanded fivefold and now serves a broad range of Fortune 500 clients and foreign multinationals. The firm recently moved into new expanded offices in Manhattan. Haroun also writes that he and his wife, **Julie Goldstick Haroun '90**, live in Westport, Connecticut, with their three children.

Victoria V. Sweeney has been admitted into partnership at KPMG LLP. Sweeney, based in KPMG's Montvale, New Jersey office, focuses on ethics and compliance issue in the firm's Department of Professional Practices. She joined KPMG in 2000.

1990

Steven C. Davidson is a solo practitioner in White Plains, New York, specializing in criminal defense. He is married and has two daughters. His article "The Promise of Gideon" was published in the spring 2003 *Westchester Bar Journal*. The article celebrates the 40th anniversary of the U.S. Supreme Court decision of *Gideon v. Wainwright*.

Dale J. Lois is a partner at Whitman Breed Abbott & Morgan LLP in Greenwich, Connecticut, practicing in the areas of commercial real estate, corporate law, and electronic commerce. (*Poughkeepsie Journal*)

1991

Daren R. Domina is a partner at Katten Muchin Zavis Rosenman in Manhattan. He is in the financial services group. (NYLJ)

John F. Gaffney is on the Florham Park School District Board in Florham Park, New Jersey. He is a partner with Smetana Mahoney Gaffney & Tamburello, Esqs. in Florham Park, specializing in insurance defense as house counsel to Atlantic Mutual Insurance Company. (*The Daily Record*)

Pauline M. Galvin, Yonkers Democratic Committee chairwoman, has a private law practice in Yonkers, New York. She recently ran for mayor of that city. (*The Journal News*)

James L. Gregory III is a partner at Baker & McKenzie in Manhattan. He is responsible for real estate finance transactions and specializes in institutional lending. (NYLJ)

Steven P. Knowlton is a partner in the New Jersey and New York offices of The Law Offices of Gene Locks, PLLC. His litigation practice focuses on products liability, with areas of concentration in pharmaceutical litigation, medical devices, and catastrophic personal injuries. He lectures to health care practitioners on risk management and liability in practice issues. (NYLJ)

James S. Oddo, a New York City councilman (R-Mid-Island/Brooklyn), was appointed by Mayor Michael R. Bloomberg to the Staten Island Growth Management Task Force, a blue-ribbon panel that will explore ways to curb overdevelopment in the borough. (*Staten Island Advance*)

Jason Oshins has his own practice in Brooklyn, focusing on personal injury, real estate, and bankruptcy.

Amy Kriegsman Weiss is a matrimonial attorney with Novenster & Fabriani LLP in Mount Kisco, New York. She writes that her son, Benjamin Sawyer Weiss, was born on May 7, 2003.

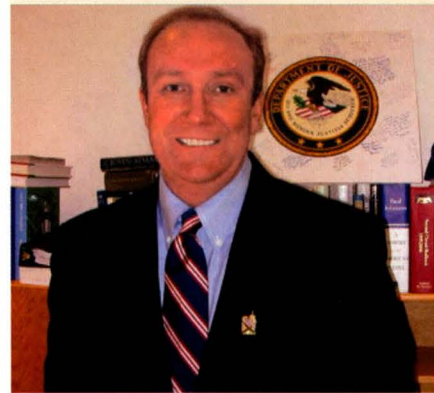


Photo courtesy A. McCarthy

Andrew C. McCarthy '85, one of the country's top federal prosecutors, recently retired from the United States Attorney's Office for the Southern District of New York and has joined The Investigative Project, which identifies itself as the largest intelligence and data-gathering center in the world on militant Islamic activities. McCarthy, a consultant with the organization, will focus on international terrorism financing and operating methods of terrorist organizations.

During his nearly 20 years as a federal prosecutor, McCarthy played a role in some of the country's most significant criminal cases, many of which included the prosecution and investigation of terrorist groups. He led the prosecution of *United States vs. Sheik Omar Abdel Rahman et. al.*, in which a dozen Islamic militants were convicted for terrorist activities that included the 1993 World Trade Center bombing. Following the 9/11 attacks, he supervised the U.S. Attorney's Antiterrorism Command Post, coordinating the Office's investigative and preventive efforts with the FBI, the Justice Department, the New York City Police Department, the Joint Terrorism Task Force, and other federal and state law enforcement and intelligence agencies.

For the last five years, McCarthy served as the chief assistant U.S. attorney for the Office's White Plains Division, which handles the Southern District's six northern counties. The recipient of numerous awards and honors, McCarthy also has been an adjunct professor at New York Law School. (The Investigative Project)

Photo courtesy Saul Ewing LLP



Timothy Hoeffner '86 has become a partner at Saul Ewing LLP in Philadelphia after 16 years at Weil, Gotshal & Manges LLP in Manhattan. He is concentrating his practice in complex securities and business litigation, as well as crisis management and counseling on corporate governance and disclosure issues. According to an article in the *Philadelphia Legal Intelligencer* ("Saul Ewing Employs Hoeffner as Partner," April 15, 2003), the firm is "ready to take off" in the area of bankruptcy litigation, with cases pending that involve Owens Corning and Conesco, and believes that Hoeffner will be of great assistance in this area.

Hoeffner started his career at Weil, Gotshal, where he worked on some large cases, including representing Ernst & Young in the early-1990s savings and loan crisis. He also represented 11 board members of Cendant Corporation in what became the largest class action settlement—\$3 billion—after the company's disclosure of alleged accounting irregularities. He has represented numerous other corporations, directors and officers in securities class action and shareholder derivative litigation, including matters involving Enron, Sotheby's Holdings, the Interpublic Group of Companies (McCann-Erickson), and Pfizer. (*Legal Intelligencer*)

1992

Sharon Braunstein Kessel happily announces the birth of Emily Nicole on March 15, 2003. She writes that Emily joins a two-year-old big sister, Julianna Rose, and Jenna Renee, who is in heaven.

Steven Fischman is a partner with Scully, Scott, Murphy & Presser in Garden City, New York. In his practice area, he performs all aspects of patent prosecution, particularly in the electronic, electromechanical and computer engineering arts with a special emphasis in computer software, semiconductors, and nanosciences. (*NYLJ*)

Christopher W. Nanos is division counsel for Wal-Mart Stores, Inc. in Bentonville, Arkansas.

Gary A. Saunders is counsel to the Financial Restructuring Practice Group at King & Spalding LLP in Manhattan. He has represented debtors, creditor committees, individual secured and unsecured creditors, and asset purchasers in connection with Chapter 11 cases and has provided bankruptcy advice to lending institutions in connection with structured finance transactions. (www.kslaw.com)

Brenda Eady Stafford is counsel in the Health Law Group of Drinker Biddle & Reath LLP in Florham Park, New Jersey. Her practice includes litigation management, patient treatment issues, and professional liability. (*Delaware Law Weekly*)

Scott Wofsy is a partner at Edwards & Angell, LLP in Stamford, Connecticut. He was previously a principal in the Stamford office of Cummings & Lockwood LLC. (*Fairfield County Business Journal*)

1993

Ian P. Waldon is a partner at Wade, Ossé, Waldon, LLP in Manhattan. He concentrates his practice in intellectual property, entertainment law, music law, and labor law. (*BLSA Newsletter*)

1994

Glenn Delgado is vice president of business and legal affairs at Arista Records in Manhattan. (Black Radio Exclusive)

Michael G. Lewis was promoted to counsel in the Manhattan office of Pitney, Hardin, Kipp & Szuch LLP. He is a member of the firm's Financial Services practice group and focuses on bankruptcy, environmental law, commercial litigation, and petroleum marketing. (*The Metropolitan Corporate Counsel*)

Scot P. Mackoff is an associate with Mitofsky, Shapiro, Neville & Hazen LLP in Manhattan. He and his wife, Andrea, just had their second child, Benjamin.



Photo: John Halpern

David N. Kelley '86 has been named interim United States attorney for the Southern District of New York (SDNY). Kelley, who was the deputy United States Attorney attorney under James B. Comey, will oversee that office following Comey's confirmation as deputy attorney general of the United States in December 2003. At press time, Kelley was reported by the Associated Press to be on a list of candidates being considered for the permanent position to succeed Comey in the SDNY. Kelley, a veteran prosecutor of terrorism cases, led the Justice Department task force on the 9/11 investigation, among other career achievements. He is an adjunct professor at New York Law School, coteaching Trial Advocacy with Professor Eugene Cerruti.

Carolyn Richmond has been named general counsel, business & legal affairs, for B.R. Guest Restaurants and James Hotels, based in downtown Manhattan. B.R. Guest has 12 restaurants in New York and Las Vegas, including Fiamma, Blue Water Grill, Ruby Foo's, and Blue Fin. Richmond was previously an associate at Kelley Drye & Warren LLP.

Zachary D. Rosenbaum is a partner at Lowenstein Sandler PC in Roseland, New Jersey. He concentrates his practice in civil and criminal fraud and commercial litigation. (*NYLJ*)

Edward T. Sieban ran unopposed and won a second term as a trustee of the Village of East Rockaway, New York. He is executive assistant for the Town of Hempstead, New York, and an adjunct professor at St. John's University. (*Village Herald*)

1995

Mark M. Greany opened his general law practice in Norwalk, Connecticut. He was previously the general counsel to Quantum Consulting in Rye, New York. (*The Hour*)

Susan McWalters was made a partner at Certilman Balin Adler & Hyman, LLP in East Meadow, New York, on July 1, 2003. McWalters also writes that her second son, John Edward McWalters, was born on November 16, 2002. Older brother Matthew William McWalters was born June 8, 2000.

Amy N. Roth has been an attorney with the law firm of Constantine & Partners, PC since 1997. She was part of the C&P team that represented a class of five million merchants in an antitrust action against Visa and MasterCard. The case settled the week that trial was to begin in the Eastern District of New York for over \$3 billion and injunctive relief—the largest antitrust settlement in history, according to Bob Lande, director of the American Antitrust Institute.

Kevin Ward, a deputy inspector with the New York City Police Department and commanding officer of the Ninth Precinct in Manhattan, retired from the force on July 4, 2003. Ward has moved his family to Boston and has entered Harvard University to study for a master's degree in public administration. (*Villager*)



Photo courtesy Heaney

Suzanne Heaney '88 is an attorney with the Southern Massachusetts Legal Assistance Corporation (SMLAC) in New Bedford, where she provides legal services to low-income clients in civil matters. But earlier this year, Heaney got a taste of modeling when she was named one of 10 finalists in *MORE* magazine's 40+ Model Search contest. She appeared in a special fashion layout in the magazine's November 2003 issue.

Earlier in her career, Heaney was a public defender in New York City before moving to Japan, where she spent two years as a corporate lawyer and was the only American in her firm. After returning to the United States, she tried her hand at energy trading, but has returned to legal practice. (*The Standard-Times*)



Photo courtesy Twomey, Latham, Shea & Kelley, LLP

Suzanne Shane-Voss '88, a partner at Twomey, Latham, Shea & Kelley, LLP in the firm's headquarters in Riverhead, New York, was named among "Long Island's Top 50 Women" by *Long Island Business News*. In 2001, she also received an award as one of the publication's "40 Rising Stars Under 40." At the firm since 1994 and a partner since 1998, she has represented both individuals and corporations in matters such as contract negotiations and civil litigation. With an emphasis on commercial litigation and corporate transactions, she has also represented clients in state and federal court at both the trial and appellate level. As head of the Marketing Department, she oversees the firm's other office in Port Jefferson, New York.

Before joining Twomey, Latham, Shea & Kelley, Shane-Voss practiced in New York City, where she concentrated in commercial and real estate matters and was an arbitrator in the New York State Civil Court. (*Long Island Business News*)

network

www.nyls.edu/alumni directory



Denise Pursley '88 is a partner at Nixon Peabody LLP in Garden City, New York. Her practice involves all aspects of real estate law, with particular emphasis on commercial sales, lease, and lending transactions for properties such as office buildings, industrial buildings, and shopping centers. Her clients include pension funds, lenders, owners, and developers of real estate. In the area of environmental law, Pursley has handled federal and state litigation, administrative proceedings, and environmental due diligence in connection with commercial transactions.

Pursley is former chairperson of the Environmental Law Committee of the Nassau County Bar Association; former chairperson and current member of the Board of Directors of Long Island Transportation Management, Inc., a nonprofit organization; member of the Regional Plan Association, Long Island Committee; and cofounder of the Long Island chapter of the New York Law School Alumni Association.

Pursley was recognized as a rising star by *Long Island Business News* magazine when she received its "40 Under 40" honor in 2000. She was again recognized by the magazine when she was inducted into its inaugural class of Long Island's Top 50 Women. (*New York Real Estate Journal*)

Saul Zabell is a partner at Somma, Zabell & Associates in Farmingdale, New York, which specializes in unlawful workplace discrimination. He recently represented the plaintiff in *Mack v. Otis Elevator Co.*, a harassment case in which the U.S. Court of Appeals for the Second Circuit reversed the lower court's decision defining the term "supervisor." According to the May 22, 2003 *New York Law Journal*, Otis Elevator may petition the Supreme Court for certiorari.

1996

Jennifer Arangio ran for New York City Council in Manhattan's District 5—the district currently represented by Council Speaker Gifford Miller. She won the Republican primary on September 9. She is a partner at McCabe, Flynn & Arangio LLP in Manhattan. (*Our Town*)

Tim O'Neal Lorah has joined the Law Division of Morgan Stanley in the firm's Anti-Money Laundering Group, specializing in anti-money laundering, anticorruption, and economic sanctions compliance issues. He was previously a litigation associate at Schulte Roth & Zabel LLP for five years.

Anthony Sirianni has been named branch manager of the McLean and Manassas, Virginia, offices of Legg Mason Wood Walker Inc., the brokerage subsidiary of Legg Mason, Inc. (*Potomac News & Manassas Journal Messenger*)

Lino A. Solis has been appointed in-house counsel at Thor Equities in Manhattan. He was previously legal counsel with G+G Retail, Inc. (*Real Estate Weekly*)

Corrinne Wright is an assistant commissioner at the Northeast Conference, an NCAA Division I collegiate athletic association based in Somerset, New Jersey. (*BLSA Newsletter*)

1997

Lisa D'Ateno writes that she married Thomas Winston Leath, a senior site engineer for the New York Stock Exchange, on November 6, 2003. The ceremony was performed by the Hon. Gerald Lebovitz, an adjunct professor at the Law School. D'Ateno is an attorney in the Liquidation Bureau of the New York State Department of Insurance.

Dr. Marc R. Leffler joined the personal injury department at Greenwald Law Offices in Chester, New York. (*Hudson Valley Business Journal*)

Ariella Reback and her husband, Rabbi Edward C. Bernstein, were honored on May 15 by the Beth El Synagogue Center in New Rochelle, New York, for their leadership. Reback, an associate at Davidson, Dawson & Clark LLP in Manhattan, specializes in trusts and estates. (*Westchester Jewish Life*)

1998

Jason Armenti is a wealth management adviser at Duncan Financial Group in Ridgewood, New Jersey. (*The Times of Trenton*)

Gila Garber has moved to Boca Raton, Florida. She is practicing in the area of medical malpractice defense for Stephens Lynn Klein LaCava Hoffman & Puya, PA in West Palm Beach.

Kristen Linnus Seibold is an associate in the Community Associations Group of Stark & Stark in Princeton, New Jersey. She was previously an attorney and regulatory analyst with the New Jersey Division of Consumer Affairs. (*NJ Biz*)

1999

Emerson S. Moore II, an associate at Proskauer Rose LLP in Manhattan, was honored by New York Law School's Black Law Students Association in spring 2003. (*NYLJ*)

2000

Michelle Cusimano practices labor law at Proskauer Rose LLP in Manhattan. (*Manhasset Press*)

Jennifer L. Tierney is an associate at Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, New Jersey. (*New Jersey Law Journal*)

2001

Brian F. Hogencamp is with Goldman, Horowitz and Chernov, LLP in Mineola, New York. (*Portland Press Herald*)

John C. Saxton Jr. is the senior enforcement lawyer for the New York Stock Exchange. (*Asbury Park Press*)

David Tomlin has become assistant general counsel at The Associated Press in Manhattan. He was formerly assistant to the president of AP. (*NYLJ*)



Thomas J. Hierl '89 has been named a principal of the Boston office of Ernst & Young LLP. A member of the Tax Operations Group working with Ernst & Young's New England Banking & Asset Management Practice, Hierl has an extensive track record working with financial services clients in the asset management industry. He has specialized in the mutual fund industry and has experience with broker/dealers, traders, and investment partnerships. (Ernst & Young)

2002

Lisa Compagno is an Honors Program attorney for the U.S. Department of Justice in the Executive Office for Immigration Review. (www.ilw.com)

Crystal D. Frazier is director of supplier diversity at TIAA-CREF in Manhattan. She is responsible for marketing initiatives and supporting business opportunities for women- and minority-owned suppliers in the firm. Her work at TIAA-CREF landed her a spot on *The Network Journal* magazine's "40 Under Forty" list in June 2002.

Richard W. Gaeckle is an associate at Hoagland, Longo, Moran, Dunst & Doukas, LLP in New Brunswick, New Jersey. (*New Jersey Law Journal*)

Alina Moffat practices entertainment law at Cutler & Sedlmayr, LLP, a small boutique firm in Manhattan. This past summer, she competed in the New York City Triathlon to raise money for the New York City Chapter of The Leukemia & Lymphoma Society. Moffat raised \$2,200 in donations for the chapter. She writes that the triathlon was actually changed to a "duathlon" because heavy rains necessitated converting the swimming portion of the competition into another running event.

Eric Shimanoff is an associate in the Litigation Department of Kramer Levin Naftalis & Frankel LLP in Manhattan. (*The New York Times*)

2003

Michelle Almeida is an attorney at Vasti & Vasti, PC in Pleasant Valley, New York.

Alina Bjerke has joined Cleary, Gottlieb, Steen & Hamilton in Manhattan. (*Dallas Morning News*)

Jerry Carannante is an associate at Sullivan & Cromwell LLP in Manhattan.

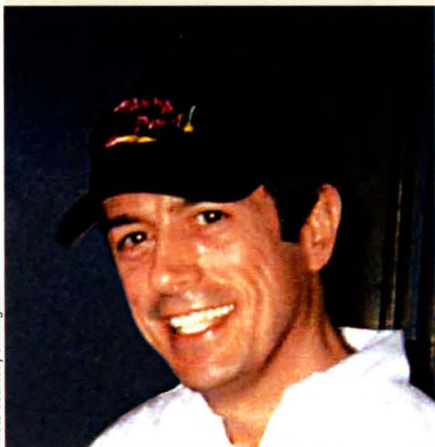


Photo: Tomas Lim '96

James H. Rodgers '89 has had extensive experience in international, admiralty, and maritime law. As an associate at L'Abbate, Balkan, Colavita & Contini, LLP in Manhattan, he is involved in commercial litigation, which includes international cargo disputes. He has also served as associate counsel at the American Bureau of Shipping & Affiliated Companies (ABS), a top ship classification society. His position at ABS sometimes took him to Europe, where he became familiar with substantive and strategy law in foreign jurisdictions. His duties included negotiating contracts with foreign corporations, managing lawsuits commenced in foreign jurisdictions, and evaluating European Union and foreign law.

Rodgers's pro bono work includes drafting a legal brief on behalf of an Irish pro se litigant who sued the Irish government because he believed the 1998 Good Friday Agreement was unconstitutional. His law review articles on international law have appeared in the *UCLA Journal of International Law and Foreign Affairs* and the *UC Davis Journal of International Law & Policy*. (New York Law School)

Photo courtesy J. Dagleish



Jack Dagleish '92 is the producer of *Zanna, Don't*, an off-Broadway musical that ended a three-month run at Manhattan's John Houseman Theater at the end of June and is currently being developed for Broadway. The musical was named by *New York Times* drama critic Bruce Weber as one of the best off-Broadway productions of the season.

Dagleish's other producing credits include *Shakespeare's R&J* (an adaptation of *Romeo and Juliet*) and *Pound of Flesh*, staged at the Berkshire Theater Festival. Aside from producing, Dagleish is a tax practitioner in the entertainment industry, with a private practice and an affiliation with the CPA firm of Rosenzweig & Maffia LLP. He also serves on the board of Amas Musical Theatre and participates in the League of American Theatres and the Producers' Producer Development Program. (*The New York Times*)

Dwight Day is an associate at the law office of Frank J. Martone, PC in Clifton, New Jersey. He has been admitted into the inaugural class for New York Law School's LL.M. in Tax.

Christopher DeCicco is a law clerk to Hon. Paul F. Chalet, Superior Court of New Jersey, Monmouth County, Criminal Division, in Freehold, New Jersey.

Gia DiCola is employed with the New York City Law Department.

Amy Doherty is an associate at Cleary, Gottlieb, Steen & Hamilton in Manhattan.

Jaime Leigh Endy is an assistant district attorney with the New York County District Attorney's Office in Manhattan. (*Boyertown Area Times*)

Evette C. Ennis is the human resources officer for compensation and benefits at Linklaters in Manhattan.

Amy Fallon is an associate at Fragomen, Del Rey, Bernsen & Loewy PC in Manhattan.

Nicole Fantigrossi is a legal assistant at Bryan Cave LLP in Manhattan.

Lauren Godfrey joined Drinker Biddle & Reath LLP in Florham Park, New Jersey.

Maya Grant is an associate at Weil, Gotshal & Manges LLP in Manhattan.

Mindy Gress joined the firm of Goldah Magill, Attorney at Law, in Brooklyn.

Christina Hoggan is an attorney with the New York City Law Department.

Gregory Kalmar is an associate at Christopher J. Cassar PC in Huntington, New York.

Christopher Koutsouris is an associate at Dasti, Murphy, McGuckin, Ulaky, Cherkos & Connors in Forked River, New Jersey.



Photo: Michael Udofia

Edward Okeke '97 is a legal officer in the Office of International Standards and Legal Affairs at the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris. Prior to joining UNESCO, he was a legal officer in the Administrative Law Unit of the United Nation's Office of Human Resources Management in New York. He joined the U.N. in 1992 on a short-term administrative assignment; after his position was converted into a fixed-term appointment, he continued to work for the U.N. during law school, eventually getting the opportunity to join its Administrative Law Unit. His advice to law students who want to work in the U.N. system: Get a solid legal education, with coursework in international, comparative, labor, and employment law. (*International Law Review*)

Judith Scheer Krauss, a Holocaust survivor, was profiled alongside classmate **Jean-Michel Voltaire '03** in the *New York Law Journal* on May 16, 2003, in an article titled, "Two New York Law School Grads Overcome Adversity."

Dawn Kulick is a prosecutor for the Miami-Dade County State Attorney's Office.

Steven Lastres is the law library and legal records manager at Arnold & Porter in Manhattan.

Ann Marie Lutz is a law clerk for the Hon. Terence P. Flynn, Superior Court of New Jersey, Essex County, Chancery Division, Family Part, in Newark, New Jersey.

Peter Malloy is a licensed workers' compensation representative at the Law Office of Howard A. Kornfeld in Manhattan.

Ilijar Mujalovic is an associate at Shearman & Sterling LLP in Manhattan.



Ann E. Schofield '97 was named a partner in the Trial and Intellectual Property Departments at McDermott, Will & Emery in Manhattan in January 2003. She is among the youngest lawyers in the firm to be named partner. Specializing in trademark infringement litigation for fashion industry clients, she currently represents Jordache Enterprises in litigation against Polo Ralph Lauren Corporation over Jordache's use of the "United States Polo Association" trademark in its clothing line. She is also defending Jordache in a trademark case where Levi Strauss & Co. claimed that the back-pocket stitching of Jordache jeans too closely resembled that of Levi's. Both cases are being heard in U.S. federal courts.

Schofield, who joined McDermott, Will & Emery in 1999, also represents GTFM, Inc. (FUBU) in various legal matters and is a frequent commentator on Court TV on matters of trademark litigation.

Jacqueline Olschan is an associate at Sandak Hennessey & Greco LLP in Stamford, Connecticut.

Chaun Pflug works in the Mayor's Office of Environmental Coordination in Manhattan.

Karyn Pizzelanti is a clerk for Hon. Joseph Conte, Superior Court of New Jersey, Bergen County, Law Division, Criminal Part, in Hackensack, New Jersey.

Nicole Reina is an attorney with Jacobowitz & Gubits, LLP in Walden, New York.

Anthony Ruffini is an associate at Amabile & Erman, PC in Staten Island, New York.

Randall Tranger is an associate at the Law Offices of Thomas Mallon in Freehold, New Jersey.

Kristine Treglia is an associate at Davis Polk & Wardwell in Manhattan.

Jisha Vachachira is an associate at Tressler, Soderstrom, Maloney & Pries in Manhattan.

Raymond Varuolo has joined the Suffolk County (New York) District Attorney's Office as an assistant district attorney. He previously spent six years as an investigator in the New York County District Attorney's Office in its Cold Case Unit.

Jean-Michel Voltaire, a native of Haiti, was profiled alongside classmate **Judith Scheer Krauss '03** in the *New York Law Journal* on May 16, 2003, in an article titled, "Two New York Law School Grads Overcome Adversity." He works for the U.S. Department of Justice, Civil Division, in Washington, D.C.

Charles R. Walsh Jr. is an associate with Weil, Gotshal & Manges LLP in Manhattan. (Daily Messenger)

Ioanna Zevgaras is an associate with Morris, Duffy, Alonso & Faley, LLP in Manhattan. ■



Photo courtesy G. Thomas

Garth Thomas '02 is an associate in the corporate and finance department at Kaye Scholer LLP in Manhattan. A former vice president of New York Law School's Black Law Students Association (BLSA), he encourages current students through BLSA's mentor/mentee program. (*BLSA Newsletter*)

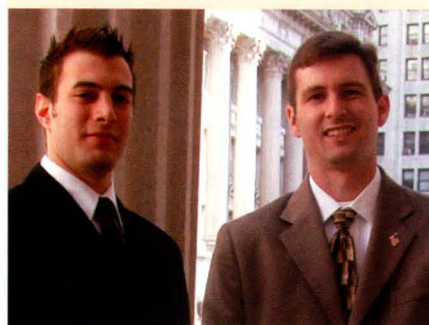


Photo: Edith Sachs

Derek J. Kraft '03 (right) and **Vincent Todarello '03** were awarded a one-year post-graduate fellowship by the Law School's Center for New York City Law to study New York City law and governmental operations. Kraft and Todarello will write, research, and edit the Center's various publications, including the monthly newsletter, *CityLaw*. They will also contribute to the Center's unique Web site, www.citylaw.org, which houses decisions of more than nine New York City agencies.

HAVE YOU HEARD FROM...

...any of the alumni listed below?

The Alumni Office would like to update its contact information for the alumni listed below. If you recognize any of your friends or contacts among these “lost” alumni, please let us know so that we can reconnect with them and be able to send them the Magazine, invitations to events, and information from the Alumni Association.

Please write to the alumni office by e-mail to alumni@nyls.edu, or call us at 212.431.2800.

Also, don't forget to register for the Alumni Online Directory if you haven't done so already. Through the Online Directory, you can update your home and business contact information and also search for fellow alumni.

For the Alumni Online Directory, please visit: www.nyls.edu/alumnidirectory

1990

Andrea S. Addison
Frederick W. Altschuler
Tim L. Bompart
Gerard J. Britton
Rocco Cammarere
Gary C. Christelis
Doris C. Cirignano
Gerard J. Costello
Henry Dlugacz
Jeffrey C. Dodson
Dathi Duffy
Gary S. Ehrlich
Donna K. Farmer
Donna R. Fischer
Barry W. Friedman
Michael G. Friedman
Jennifer L. Glick
Andrea B. Grossman
Reed S. Grossman
Randolph F. Iannacone
Marc H. Leon
Susan Ludel
Greg B. Maybaum

Kathleen C. McConnell
George McGuigan Jr.
Bridget B. McKinley
Cynthia B. Meyer
Steven J. Miraglia
Patric A. Morris
Scott B. Pero
Laura Ramsey
Ricky E. Rems
William Rosenburgh
Mark A. Rothberg
Jody S. Rubinstein
Alana N. Schwartz
Roberta J. Simon
Paul Slaney
Karen S. Sonn
Timothy G. Stickelman
Bartola V. Suarez
Julia S. Swanson

1991

Teri C. Abrahams
Michael Agnello
Frances Chan

Marina Chemomorskaya
Gregory A. Cole
Naomi Conklin
Leslie A. Dewey
Kathleen J. Duffy
Mia S. Edwards
Arlen T. Epstein
Juan M. Fajardo
Elisa F. Fazio
Lisa N. Frankel
Hunter B. Fugger
Maria L. Fury
Peter Georgalos
Stefan E. Gottschalk
Carol A. Granoff
Christine M. Guerci
Russell L. Herko
Rochelle J. Hess
Adrienne Hopper
Anthony Juliano
Deborah E. Kaminetzky
Christopher W. Kammerer
Randi D. Kaplan
Tracy A. Kohlman

Jill L. Kotler-Fisher
Donald A. Lash
Matthew L. Litsky
Kara A. Lobdell
Jenice L. Malecki
James Marceda
Randi D. Marcus
Nadine T. Mincer
Ronald P. Musselwhite
Steven J. Nechamkus
Gail E. Nickols
Frances Nicotra
Jacqueline A. Robles
Veronica Ronan
Robin L. Ross
Paul J. Ryan
Nicole A. Schmidt
Alan M. Sclar
Vincent J. Scocozzo
Sabrina P. Shroff
Lawrence J. Siry
Peter P. Skomorowsky
Theresa E. Smith
Susan I. Sneider

have you heard from...

Florence R. Tauber
Rhonda L. Taylor
Jack V. Valinoti

1992

Kristin M. Altieri
Catherine I. Bardey
Michael T. Barrett
John C. Breslo
Robert S. Bronstein
Gerald D. Bruckner
Alison A. Buchanan
Michele C. Cacioppo
Raysa Castillo
Leonard J. Catanzaro
Dena L. Cimakosky
Susan J. Civic
Dorothea L. Dougboh
Elizabeth M. Dowell
Mark E. Dwyer
Arthur R. Estrella
Heide B. Fiterstein
Alexander D. Flesher
Christine L. Fontaine
Helene Y. Frank
Thomas D. Gammino
Rosanne E. Giambalvo
Michael E. Glynn
Juan Iribarren
Young J. Kim
Stacey A. Knipp
Susan D. Langer
Laura A. Large-Geller
Marc R. Levy
Patti A. Lipp
Meryl A. Lutsky
Elizabeth A. Mafale
Catherine H. Mazzucca
Stephanie R. Mc Cavitt
Kevin L. McAllister
Allan S. Meltzer
Eric C. Mendelson
John T. Murphy
Bayne D. Papamichael
Constance M. Papavasiliou
Alpa Patel
Michael A. Pettinati
M. J. Quinn
Valerie A. Rothman

Thomas M. Ryan
Michael D. Schlossman
Elizabeth E. Shulman
Joseph A. Spejenkowski
Corey Steinberg
Jon A. Steinberg
Samantha M. Susskind
Terrence M. Tierney
Thomas N. Tronolone
Maris C. Tutrone
Irene Vassilakis
Hope E. Wayne Mark
Deborah Weiss

1993

Alesia J. Albanese
Robert J. Alexander
Christopher J. Ball
Arthur G. Baumgartner
Thomas R. Berka
Deborah H. Berlin
Donald M. Boyce
Laura L. Caffaro
Laura L. Casulli
David J. Cronan
Fernando L. Cruz
Mitchell Y. Donner
Natalie Feinstein
Kevin A. Felix
Galin E. Franklin
Gary Fung
Gizelle M. Galang
Jackie S. George
Christopher P. Giordano
James B. Golding
Janet M. Halecky
Pamela I. Housley
Joan M. Ibsen
Jeffrey S. Jacob
Lissa Jean
Joan S. Kegeize
Ann T. Kenny
Edmond H. Leidesdorf
John C. Lin
Clifford J. Locurto
Junling Ma
Michael J. Maguire
Esther R. Nolan
Monica M. O'Brien

Michelle A. Oves
William Pager
Charles M. Peknic
Laurie C. Richmond
Katherine E. Ryder
Howard G. Sadowsky
Flavia A. Scott-Morgan
David Simon
Peter T. Skeie
Jeffrey J. Slate
Adam B. Speregen
Robbin A. Taylor
Nancy J. Terris
Stanley Trotta
Carey S. Turner
James N. Welsh
Frank P. Winston

1994

Alexander M. Amanatides
Jennifer L. Bailine
Edwin F. Bassett
Jorge A. Batista
Richard Chen
Carmen D. Contreras
Stephanie A. Cook
Wendy M. Crowther
Theresa A. DeRoberts
Rosemary DiBenedetto
William H. Drumm
Deborah A. Duseau
Tamara A. Espinel
Joyce A. Farrell
Connie J. Gargiulo
David C. Holland
Alan M. Joseph
Robin J. Kannel
Gail S. Karan
Kerry C. Kerin
Richard R. Kiernan
Anthony P. La Trace
Marc S. Lawrence
Alisa R. Lebensohn
Sylvia Lee
Angela D. Lurie
Stefanie J. Martin
John B. Monahan
Sheila P. Murphy
Albert M. Myers

Edgar J. Navarrete
Jeffrey E. Phillips
Shari L. Pire
Lisa M. Potter
Whitney S. Quillen
Deborah R. Raider
Stuart K. Roberts
Meredith L. Schwartz
Steven T. Senior
Jeff W. Silver
Marc J. Skobac
Evan Smith
Robert V. Stothard
Joseph G. Taras
Dale Tarzia
Ernest E. Theurer
Julie A. Waterman
Jeanne M. Weisnick
Michael Zhu

1995

Michael V. Altholz
Charlotte G. Anderson-Bedford
William T. Angstreich
Richard Baudin
William E. Bernarducci
Edward J. Bronson
Cynthia L. Brown
Jennyann Carles
Steven M. Cohen
Brian W. Colistra
Andrew Craner
Angela M. Davila
Sheila C. Duffy
William W. Fahey
Michelle A. Foust
Lori D. Fritsch
Michelle M. Frost
Merril A. Fruchter
Copernicus T. Gaza
Robin S. Gladstein
Laura D. Hochman
Tracey L. Jarzombek
Sandra C. Karcher
Anderson S. Kressy
Dannielle H. Levy
Sean M. Malatesta
Patrick J. Mantione
Valerie S. Masters

Lauren M. Merryman
 Renee S. Moore
 Frank P. Nardi
 Annemarie A. Nespole
 Maryann D. O'Connor
 Osvaldo Ramirez
 Michael J. Rizzo
 Todd M. Rubin
 Robin M. Runstein
 Mark R. Scheibner
 Alexandra Seward
 Tamara L. Smith
 James A. Sotomayor
 Kiyoko Suzuki
 Christine M. Tomczak
 Matthew Toto
 Theresa-Ann A. Uminga
 Jason D. Warshaw
 Edna Weiner
 Randy M. Yaloz
 Edward J. Yun

1996

Karoline L. Bellum
 David Bernstein
 Erick J. Bowen
 Joe Calvert
 John A. Corring
 Maria M. Diaz
 Kevin Doherty
 Jennifer D. Drayton
 Daniel D. Dubree
 Maureen Duffy Kelly
 Meredith Friedman
 Heather Garson
 Stacy E. Garsson
 Kellie K. Gasink
 Steven C. Goodwin
 Brenda Hall
 Lisa Herman
 Bjorn Holubar
 Catherine Iznaga
 Dwight Jackson
 Alexander Jeffrey
 David Klaffer
 Vitaly Lipkansky
 H. D. Lippner
 Walter L. Lopez
 Anthony Lopresti
 Anthony H. Lupu
 Kelly Magner
 David Mardo
 Mario Mateo

Karen McArthur
 Michael G. McMaster
 Nina Mirilashvili
 Peter J. Morey
 Robert Muchnick
 Richard E. Nohe
 Akiva Ofshtein
 Jonathan M. Persons
 Yvonne M. Pritchett
 Yunling Ren
 Laura Ricciardi
 Jennifer K. Siegel
 Sharon Toussaint
 Laura Vea
 Katherine Wallen
 Jeffrey Weinman
 James E. White

1997

Antonio Allam
 Dwight Amemiya
 Roberto Barbosa
 Serge Benjamin
 Joshua Berger
 David Bliven
 Gilad O. Block
 Amy Chen
 Jennifer R. Chiaino
 Gregory T. Chillino
 Virginia A. Danforth
 William A. Dean
 Lisa M. Delphin
 Sabina Dhillon
 Adam D. Falcon
 Richard S. Fischel
 Patrick M. Flynn
 Traci Geisler
 Nick Gilbo
 Holly B. Goldberg
 Bennet M. Gonzalvo
 Dmitri Y. Goryachkin
 Heidi E. Herr
 Nicole T. Itkin
 Ron E. Jager
 Robert L. Kerner
 Melinda E. Long
 Marcela Lopez-Macedonio
 Marc M. Lopresti
 Dawne McBarnette
 Diana Morgan
 Mark Nallia-Tone
 Khristian M. Nin
 James F. O'Neill

Igor S. Oberman
 Vitaly Ostrovski
 John Paul
 Laura A. Pentimone
 Sybil L. Ransom
 Richard K. Resch
 Daniel J. Rinaldi
 Michael J. Rowen
 Lisa Y. Schatz
 Stephanie E. Schroeder
 Leslie E. Singleton
 Leslie E. Singleton
 Marc G. Snyder
 Silvio A. Spadavecchia
 Kurt F. Stuckel
 Kelly J. Sugiyama
 Stephanie Tong
 Nina B. Trester
 Ian K. Umland
 Jennifer Weintraub
 James P. White
 Katherine T. Wren

1998

Anthony Adolph
 Stephen Balsamo
 Stephen Beakey
 Debra E. Cabassa
 Clara L. Campos-Raymond
 John Canton
 Antoinette L. Cassetta
 Joseph Cervini
 Ngan L. Chan
 Catherina Chang
 Jennifer E. Clark
 Chris Cooper
 Lauren R. Cooper
 Rocco J. Corozzo
 Joel Denaro
 Joel Denaro
 Cheryl A. Donaldson
 Elizabeth R. Dooley
 David A. Drossman
 Louis F. Eckert
 Michelle F. Epstein
 Craig S. Esquenazi
 Michael J. Fahy
 Jeffrey L. Fata
 Mychal L. Feldman
 Alison K. Finley
 Paul A. Fino
 Luis M. Galup
 Leor E. Gamzo

Paul T. Halajian
 Gavin I. Handwerker
 Daniel E. Jacobson
 Michael R. Lago
 Patrick W. Leary
 Nichole E. Lee
 Cheryl L. Manos
 Dmitry Marin
 Stefanie A. Martinez
 Lisa Mateos
 Julian Miller
 Nicole E. Miller
 Nirupa L. Narayan
 Donal A. O'Buckley
 Gina B. Okum
 Seoung-Hee Park
 Robert D. Paschall
 Brandi L. Phillips
 Alexei J. Plocharczyk
 Lisa M. Post
 Jonathan S. Richter
 Susanah E. Riley-Wade
 Corinne R. Robinson
 Jessica A. Rosh
 Jee-Yeon Y. Shin
 Jesse D. Stein
 John R. Webb
 James E. Wei
 Ross W. Weiland
 Leah R. Wigren
 Jeffrey E. Zeichner

1999

Juan Agueda
 Kristen Ahearn
 Cynthia I. Averell
 Monica M. Barkett
 William Basso
 Reese D. Belew
 Fernando A. Bohorquez
 Susan P. Bree
 Suzanne R. Calvert
 James Carroll
 Ivana Cobanov
 Grant R. Cornells
 Danielle Cortina
 James R. Costo
 Diane K. Craven
 Christopher C. Crotty
 Stephen P. Dempsey
 Philip D. DiFiore
 Jonathan B. Fahey
 Elizabeth J. Ficarra

have you heard from...

Anne L. Fierro
Amy B. Friedman
Amy-Ann T. Fronckowiak
Dominique A. Geller
Michael J. Gonzalez
Thomas A. Graci
Ghenya B. Grant
Michelle A. Gray
Jeanne M. Haney
Joseph Kar
Ronald S. Kloor
Shari Laskowitz
Gregory Levine
Jennifer C. Lukoff
Mia M. Meloni
Kimberly J. Mento
Christine E. Morton
Linda M. Ortiz
Amy M. Rausch
Kirsten A. Rostedt
Tamara B. Rothleder
Jorge A. Salinas
Peggy D. Sanchez
David A. Weems
Lisa A. Weiss
Keith R. Whitman
Leo P. Whittlesey
Sterling Williams
Ellen Yu

2000

Arthur A. Ayo-Aghimien
Arthur S. Bangs
Alfred Basicas
Stuart T. Bassel
Andrea B. Bezdek
Felicia L. Boles
Shayne L. Brown
Lillian J. Costa
Keith C. Cozier
William Cozzolino
Gregory J. Dell
Ryan M. Donihue
Marc T. Hardekopf
Jay M. Hohenberger
Anna L. Karpman
Brian D. Keane
Bernadette K. Kirwin
Maria Lanigan
Harriette L. Lavitt
Jason M. Leifer
Anthony H. Lowenberg
Joshua W. Lubetsky

Robert I. Meyers
Michael J. Miske
Michael J. Moran
Donald L. Novajosky
Darrin M. Ocasio
Jenna E. Olson
Annmarie S. Picone
Maria-Alana S. Recine
Bonnie L. Rodriguez-Nirenberg
David J. Rubin
Brett H. Schultz
Collin D. Schwartz
Andrea J. Servidio
Donald K. Sheppard
Srinivas R. Sonti
Gwynne A. Sugg
Jennifer L. Tabacchi
Saori Tomizawa
Andromachi Tsoukalas
Matthew J. Tucci

2001

Deana M. Ardente
Anita Baker
David I. Batt
Erena D. Baybik
Amy L. Brodsky
Kristin L. Buckler Padula
Joseph R. Cassidy
Todd J. Chiaramida
David C. Conover
Allison Cummings
Theodore F. Dimig
Elsa Djuardi
Haydee R. Dumbrigue
Moriah M. Eskow Niblack
Andra H. Feiner
Daniel J. Fitzgerald
Mary Lynne Frey
Tara A. Gellman
Carol A. Giuliano
Joshua M. Glaser
Michael L. Hart
Marjorie R. Heidsieck
Chad J. Helin
Millie T. Ho
Evangelos N. Karoutsos
Andrew J. Kehoe
Michael V. Longo
Bradford S. Magill
Josephine Marrali
Marisol Martinez
Owen J. McKeon

Tamara S. Millo
Leonanus A. Moore
Elise L. Perkul
Ilyssa B. Raiman
Diane Robertson
Stacy M. Schwartz
Richard C. Seely
Alexander M. Sequeira
Tia Shim
Alvaro M. Silva
Jan M. Silverman
Lance I. Smith
Marlene Soukavanitch
Lawrence H. Steele
Pasquale G. Tamburino
Anna E. Vira
Robert Vivien
Ian T. Williamson
Mary N. Wilson
Johanna S. Zapp

2002

Andrea S. Akivis
David D. Aman
Susan L. Baddour
Mark Bastian
Beth H. Berger
Jennifer B. Berzin
Julie Bogomolny
Jason S. Bolio
Justin M. Cordello
Dennis W. Donovan
Jill M. Dworzanski
Harry O. Heinonen
Lauren S. Hurr
Peter A. Kreiner
Rachel S. Mizrahi
Mark J. Nemetz
Stacey B. Nussbaum
Erin E. Nyhoff
Ngozichukwuka H. Okwuwa
Janice P. Purvis
Xochitl A. Quezada
Sherie B. Rosenberg
Brian D. Rubin
Amy L. Schwartzwald
Laura J. Tils
Mayra A. Velez-Camacho
Sabrina K. Wright
Suzanne Zacharias

In Memoriam

FACULTY

Hon. Alan Oshrin, administrative judge of the 10th Judicial District, Supreme Court, Suffolk County, died on August 17 at the age of 64. Judge Oshrin was a friend of the Law School who volunteered to participate in the classes taught by Steven E. Pegalis '65, adjunct professor and Law School trustee. According to Pegalis, who teaches the Medical Malpractice course, his students would prepare oral arguments for trial or appellate issues. Judge Oshrin, acting as a trial or appellate judge, would engage the students with questions or challenges, lending a new and valuable dimension to the classroom experience in this course.

Judge Oshrin held a bachelor's degree from Hobart College and received his law degree from Columbia University School of Law in 1963. He practiced mostly matrimonial and labor law for 25 years with the Commack, New York, firm of Pachman and Oshrin. He was elected to the State Supreme Court in 1990 and was appointed administrative judge for Suffolk County in 2001.

Former Adjunct Professor **W. Bernard Richland**, who taught local government law at New York Law School from 1978 to 1988, died on August 14, 2003, at the age of 94. A prominent figure in New York City government, he drafted the New York City Charter, adopted in 1961, and was commissioner of the Charter Revision Commission from 1973 to 1975. Born in Liverpool, England, Richland came to New York at the age of 16. He obtained his legal education through a combination of self-study and attending classes at New York University, and was admitted to the bar in 1937. He was the chief of the Opinions and Legislation Division of the New York City Law Department and acting corporation counsel from 1943 to 1958, and served as corporation counsel from 1975 to 1977. His book, *You CAN Beat City Hall*, was published in 1980. The *New York Law School Law Review* will publish a tribute to Richland in its forthcoming symposium issue.

STUDENT

Suzanne Altamore 2L, an Evening Division student, passed away on September 26, 2003. She was a beloved and very highly regarded member of the Law School community who was, by all accounts, enjoying the intellectual challenge and rigors of her chosen field of study. A memorial service was held for her at the Law School on November 12, at which her family, friends, and Law School colleagues gathered to celebrate her life. A fund was established in her memory, and her classmates in the Evening Division held a fundraising event on December 3.

ALUMNI

Hon. Eli Wager '54 died on April 13, 2003, at the Long Island State Veterans Home in Stony Brook, New York, at the age of 77. He served on the New York State Supreme Court for almost twenty years before retiring in 1994.

Born in Brooklyn, Wager served in the Army in World War II as a radio operator and translator. He graduated from City College with a degree in business administration and earned his law degree from New York Law School at night. He became a solo practitioner in Brooklyn, moving to Woodmere on Long Island in 1955. He got his first taste of politics when he represented a group of neighbors in Woodmere in a successful fight to preserve open space. He was eventually elected to the New York State Assembly in 1966, breaking through as one of the first Democrats to be elected in the heavily Republican 20th Assembly District. After serving four terms, he was appointed to the State Supreme Court in 1976 by then-Gov. Hugh Carey, gaining a reputation as a competent and conscientious jurist.

Egon Dumler '56 died on April 26, 2003. He was a founding partner of the entertainment law firm of Dumler & Giroux in Manhattan. In his practice, he represented notable actors, writers, musicians, directors, agents, packagers, advertising agencies, and producers in all fields of television, motion pictures, theater, publishing, and music. He served on the advisory board of the Entertainment Committee of the New York Bar Association, was a member of the Friars Club and the Fifth Avenue Synagogue, and was chairman and a director of Carnegie House Tenants Corporation for 25 years. He wrote and edited various legal publications including *The Dow Jones-Irwin Handbook for Entertainers and Their Professional Advisors* (Egon Dumler and Robert F. Cushman, eds., 1987).

Faculty

Theodore R. Kupferman
September 20, 2003

Constantine Peter Lambos
February 8, 2003

Frederick Schmidt
July 18, 2003

Alumni

1931
James Crisona
September 4, 2003

1940
Louis Shuman
August 22, 2003

1949
James Lynch
September 11, 2003

1951
Anthony D. Pompa
July 15, 2003

1952
James Mechta
October 11, 2003

1957
George T. Lewis, Jr.
October 17, 2003

Samuel Stein
April 10, 2003

Ludwik Seidenman
July 19, 2003

1958
Robert J. Berman
September 23, 2003

1967
Kenneth A. Southworth III
March 29, 2003

1970
Ronald Uri Wilchfort
May 17, 2003

1980
Erik Skaalerud
April 14, 2003

1982
Mark E. Schaefer
May 4, 2003

1984
Col. Rafe R. Foster
September 4, 2003

1985
William Uscher
April 27, 2003

1993
Laura Obadiah-Smith
May 22, 2003

1995
Allen M. Lehmann
July 25, 2003

1996
Irina Orlova
November 30, 2003

1998
John G. Rowan
August 5, 2003



THE BOOKSTORE *Online*

Order

collegiate apparel,
law school mementos,
software, and books online:

<http://nyls.bkstore.com/>



10% OFF

for alumni on all merchandise

including alumni and faculty
books featured in *In Brief*.

Books and software can be
ordered through the Bookstore
site's "Feedback" area (click on the
"Contact Us" tab).



TO RECEIVE YOUR DISCOUNT:

Send an e-mail to bksnylaw@bncollege.com
after placing your order. Be sure to mention
your name and class year.

A Friend *Indeed*

Sybil Shainwald '76

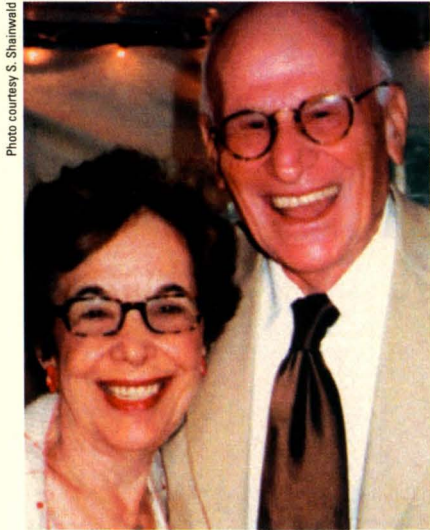


Photo courtesy S. Shainwald

Sybil and Sidney Shainwald.

SYBIL AND SIDNEY SHAINWALD had a 42-year love affair that included four children, three grandchildren, two careers, and one common goal: to leave the world a better place. Sybil, who graduated from the Law School's Evening Division in 1976, continues to achieve her goal through a legal career that has focused on women's health issues, including the nation's first DES daughter victory and thousands of cases involving drugs and devices harmful to women and their children.

For Sidney, a certified public accountant, the path was as an impassioned consumer advocate, working for Consumers Union from 1937 to 1982, when he retired as associate director. Sidney passed his CPA exam on the first try and became a partner in the public accounting firm of Bernard Reis & Co. He represented some of the greatest artists and entertainers of the time. He was also the accountant for, and invested in, several shows and movies, including *Fanny*, *Bells Are Ringing*, and *Around the World in 80 Days*.

When Sidney died last March at the age of 86, Sybil Shainwald, now a trustee of the Law School, wanted to create a lasting and meaningful tribute to her beloved husband, and so she decided to establish and endow the Sidney Shainwald Public Interest Lecture Series. She believes that by bringing public interest and consumer advocates together at the Law School for an annual lecture, Sidney's life work will be honored and continued. The Series is also intended to encourage students to consider public interest work as a viable and exciting career choice.

For Sybil Shainwald, endowing the Sidney Shainwald Public Interest Lecture Series is a meaningful way to pay homage to the extraordinary life and career of her husband. For New York Law School, it is an opportunity to further Sidney's efforts and to honor a man who was invaluable in both his life and work.

The first Sidney Shainwald Public Interest Lecture will take place on April 22, 2004 with keynote speaker Kenneth R. Feinberg, special master of the September 11th Victim Compensation Fund and managing partner of the Feinberg Group, the foremost law firm in the nation specializing in the negotiated resolution of complex legal disputes.

For Sybil Shainwald, endowing the Sidney Shainwald Public Interest Lecture Series is a meaningful way to pay homage to the extraordinary life and career of her husband. For New York Law School, it is an opportunity to further Sidney's efforts and to honor a man who was invaluable in both his life and work.

If you would like to join in building this endowment, please send a contribution to:

Sidney Shainwald Public Interest Lecture Series
New York Law School
Office of Institutional Advancement
40 Worth Street, Suite 705
New York, NY 10013

For information about endowing a scholarship or planned giving at New York Law School, please contact:
Barbara I. Leshinsky
Associate Dean for Institutional Advancement
212.431.2818
bleshinsky@nyls.edu

Office of Public Affairs
New York Law School
57 Worth Street
New York, NY 10013

BOUND PRINTED MATTER
U.S. POSTAGE
PAID
TRENTON, NJ
PERMIT NO. 532

CHANGE SERVICE REQUESTED

www.nyls.edu