

Spring 1998

1998 Cardozo Life (Spring)

Benjamin N. Cardozo School of Law

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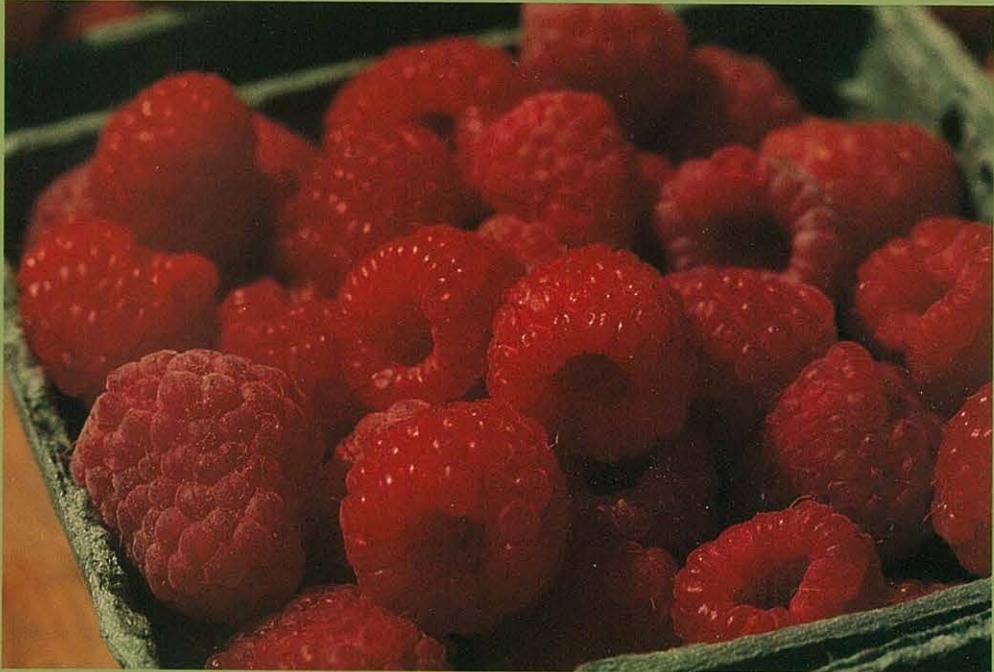
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SPRING 1998

Cardozo LIFE



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JERRY VALENTE

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From the Dean

A Blueprint for the Future

There is no single blueprint for the founding and flourishing of a good law school. However, a foundation built on solid plans, good facilities, continuous fundraising, and a top-flight faculty is the best way to ensure success. Cardozo has been blessed with having all of these components.

The School can boast of devoted founders and supporters—among them the late Jacob Burns, former chairman of the Board, and Earle Mack, our current chairman. By creating the Jacob Burns Institute for Advanced Legal Studies, Mr. Burns assured Cardozo's entrance into the national and international legal consciousness by supporting intellectual endeavors. Mr. Mack and the Mack family have assured that we will have outstanding students now and in the future by supporting scholarships.

With the beginning of the 1998 academic year, Cardozo will add a residence to its facilities—a beautiful building just one block from the Cardozo campus. Plans are also going forward to initiate a capital campaign that will upgrade Cardozo's current building, improving the library, lobby, student areas, and classrooms.

Cardozo's faculty is this Law School's greatest asset. Members of the faculty are productive scholars with a love of teaching. They are quoted in the media as experts relied upon by the best scholars in their fields, and praised by the practicing bar, as well as by students and graduates.

The Cardozo faculty is buttressed by an extraordinary group of adjunct professors who come from the front lines of practice. They bring to the institution a depth of experience and love of lawyering that students find compelling. In addition to teaching, these individuals offer advice, provide access to internships, and help to spread the Cardozo story in the New York legal community.

This issue of *Cardozo Life* celebrates the adjunct faculty. It provides a preview and brief history of the buildings that will become Cardozo's new residence. Then, it takes an in-depth look at the founding, history, and future direction of the Jacob Burns Institute for Advanced Legal Studies—one of Cardozo's cornerstones.

As Cardozo climbs into the higher echelons of law schools nationally, we do well to remember those things that have provided strength and structure for its future.

Paul R. Vertine

Conference Examines Holocaust Issues

Policy makers, authors, academics, religious leaders, and diplomats from around the world discussed highly topical subjects related to the Holocaust at a major two-day conference, "The Holocaust: Moral and Legal Issues Unresolved 50 Years Later." The panelists analyzed such issues as the role of Switzerland and other "neutral" states, looted art, Nazi gold, hidden bank accounts, confiscated Jewish property, and the future of Auschwitz. The event, cosponsored by Cardozo, the Jacob Burns Institute for Advanced Legal Studies, and the World Jewish Congress, was held February 8 and 9 at Cardozo.

Conference co-organizer Prof. Malvina Halberstam said, "I believe the conference made a very important contribution to the thinking on a subject that is very difficult, philosophically, legally, and emotionally. The panelists emphasized correctly that the issues are justice, dignity, and human rights in the broadest sense." She indicated that what

made the conference noteworthy was the caliber of the panelists and the exceptionally high quality of their presentations. According to Professor Halberstam, Bennett Freeman, senior adviser to Under Secretary of State Stuart Eizenstat, and many others said that it was the best and most comprehensive conference on the subject that they had attended.

Senator Alfonse D'Amato, the New York Republican who heads the Senate Banking Committee and has helped force Swiss

banks to open their hitherto secret bank records, spoke at the opening session. He announced that he had just asked Alan Greenspan, chairman of the Federal Reserve, to block the pending merger between Swiss Bank Corporation and Union Bank of Switzerland until a thorough audit of their wartime assets is completed.

He also discussed the issue of looted art and the reluctance of museum directors to investigate the provenance of the art their institutions hold. "I don't think the great galleries...that now hold this artwork are interested in finding a quick...settlement

of these claims," he said.

Among the other speakers were Paul Volcker, chairman, Independent Committee of Eminent Persons; Ambassador Naphtali Lavie, vice chairman, World Jewish Restitution Organization; Prof. Daniel J. Goldhagen, Harvard University, author of *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*; Hector Feliciano, author of *The Lost Museum*; Rabbi Norman Lamm, president, Yeshiva University; Elyakim Rubinstein, attorney general of the State of Israel; Rabbi She'ar Yashuv Cohen, chief rabbi, Haifa; and Israel Singer, secretary general, World Jewish Congress, who was the co-organizer of the conference.



(counterclockwise from top) Volcker, Freeman, Singer, D'Amato, Halberstam, and Verkuil

SUSAN LEPRNER

SUSAN LEPRNER



Guilt, love, and reckoning in postwar Germany were the themes of a literary conversation that drew more than 400 people to Cardozo.

Inspired by Prof. Bernhard Schlink's best-selling novel, *The Reader*, the panel of authors—including Professor Schlink, a regular visitor at Cardozo—discussed these themes from a literary, legal, and moral point of view. Prof. Arthur Jacobson, who coordinated the evening, moderated the panel, which also included Prof. Daniel Goldhagen of Harvard University and author of *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*; *New York Times* editorial writer Tina Rosenberg, who won the Pulitzer prize for *The Haunted Land: Facing Europe's Ghosts After Communism*; and Prof. Richard Weisberg, author of *Vichy Law and the Holocaust in France*. (from left: Weisberg, Goldhagen, Schlink, Verkuil, and Jacobson)



Douglas Wyatt, Esq., Wyatt, Gerber, Meller & O'Rourke, LL.P. (at the podium), was a panelist at "Early Patent Publication: A Boon or Bane?" held last fall by the Intellectual Property Law Program and *Cardozo Arts & Entertainment Law Journal*. Prof. John Duffy (left) moderated the discussion of the legal and economic effects of publishing patent applications after 18 months of filing. Other panelists included (from right) Herbert Wamsley, executive director, Intellectual Property Owners, and Hayden Gregory, Esq., American Bar Association. Not shown is Dr. Robert Rines of United Inventors Association of America and Alliance for American Innovation.

LL.M. Programs in Intellectual Property and General Studies to Be Offered

Two graduate programs at Cardozo have been given the go-ahead by the AALS and ABA. As we go to press, the new programs are awaiting approval by the State of New York to begin in the fall. Building on the Law School's strengths in both intellectual property and legal theory, members of the faculty working with the dean's and admissions offices have developed two Master of Laws programs for law school graduates contemplating a career change or interested in specialized training, as well as foreign lawyers seeking American training.

"With work in intellectual property becoming so highly specialized, a large number of lawyers want more training," explained Senior Associate Dean Michael Herz. "The graduate program in Intellectual Property is the capstone to what is already one of the nation's strongest programs in this field."

The General LL.M., aimed primarily at international students, will be open also to any law school graduate seeking further training. Candidates will be able to construct their own educational programs.

"These new students will make the Law School that much more diverse and will have real benefits for the entire Cardozo community," he said.

Scheck Teaches Lessons Learned in Woodward Trial

Forty-eight hours after Judge Hiller B. Zobel set aside a jury's second-degree murder conviction of British nanny Louise Woodward, her defense attorney, Barry Scheck, brought the case to the classroom at a community meeting open to all Cardozo students. Professor Scheck discussed the trial and emphasized for more than 250 soon-to-be-lawyers the lessons to be learned from it, including client-attorney relationships, jury selection, professionalism,

the value of forensic science in proving guilt or innocence, and ethical issues facing lawyers today.

He said, "This is the only case I've lost in front of a jury where I couldn't understand the reason for losing." He admitted that it was the "lowest moment I've ever had as a professional." However, the judge's reduction of the verdict and Professor Scheck's recent high ratings in public opinion polls lead the well-known professor to believe that his position in the public arena will not negatively affect his ability to defend future clients.

"You are never universally applauded, especially in

controversial cases," stressed Professor Scheck. "However, the important thing is always to maintain your professionalism."

Pre-Law Advisers and Students Visit Cardozo

Dean Verkuil and the admissions office hosted a "Day at Cardozo" for a dozen pre-law advisers, including representatives from Boston University, University of Maryland, NYU, Fordham, Trinity, Wesleyan, and Bowdoin. "This was the first time in many years that we invited advisers to a formal program. With the completion

of the 11th floor, the start of the new academic year, and the initiation of new programs by our dean, we have much to show off," declares Robert Schwartz, director of admissions. The guests met current Cardozo students, sat in on a Property class taught by Melanie Leslie, and met with Professors Monroe Price and David Rudenstine and staff from both the admissions office and the Center for Professional Development. They had lunch at the Salmagundi Club, toured the Law School with graduates of their institutions, and finished the day with a tour of the neighborhood.

Panel on Political Prisoners Brings Cochran to Campus

References to the antiwar movement, the Black Panther Party, Abbie Hoffman, and Kathy Boudin of the Weathermen charged the room at Benjamin N. Cardozo School of Law on February 4 with palpable excitement. Several hundred students and guests came to hear a stellar group of lawyers who have represented "political prisoners." Kathleen Cleaver, a member of the central committee of the Black Panther Party from 1967 to 1971 and a visiting professor at Cardozo last fall, moderated the panel sponsored by BALLSA, which included attorneys Johnnie Cochran, Lennox Hinds, Joan Gibbs, Leonard Weinglass, and Jonathan Lubell; as well as human rights activist Linda Thurston.

Mr. Cochran set the tone of the evening with his remark, "I am honored to be on this panel with other warriors...who have worked to change society for the better, forever." Quoting Frederick Douglass ("without struggle



(from left) Lubell, Weinglass, and Cochran

there is no progress"), he implored those who soon will be lawyers to find a niche where they can make a difference. He said that if they should choose to represent the underrepresented, they will find a career in which they will always be energized. Mr. Cochran represents Geronimo Pratt, a former member of the Black Panther Party, who was released from jail in June 1997 after serving 27 years for a crime he never committed.

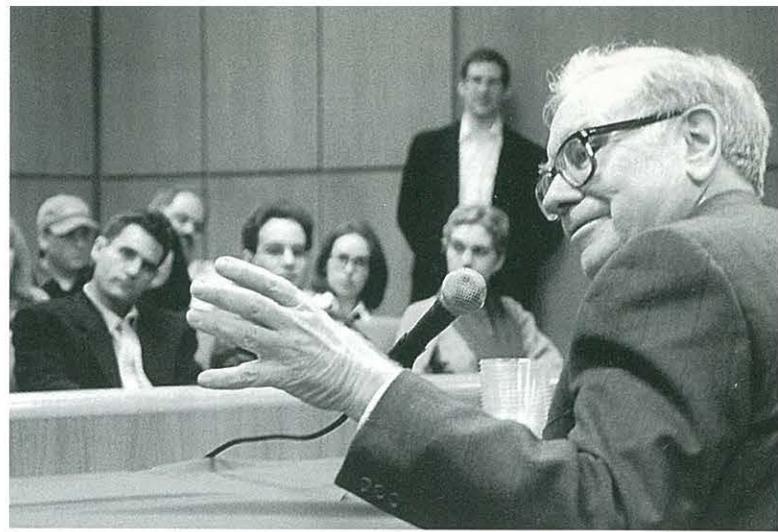
Other political prisoners currently represented by the panelists include Joanne Chesimard by Mr. Hinds, Mumia Abu-Jamal by Mr. Weinglass, and Sundiata Acoli by Ms. Gibbs. The panelists read FBI reports that revealed the tactics used by the government to harass and "neutralize"—a euphemism for eliminate—the individuals who were deemed destructive to the state. They urged students to work with political prisoners, whom Mr. Lubell called "flowers of the oppressed community."

The admissions office under Schwartz has initiated a number of events to bring interested students to campus. "Nobody can tell Cardozo's story better than the professors and students," observes Schwartz. "We work with several undergraduate institutions that bring groups of their students to Cardozo for a look at the Law School." This year, student groups from Sarah Lawrence, Barnard, CUNY, and Yeshiva visited for half days. In February, the admissions office hosted a "Students of Color Law Day," which brought a couple of dozen students to campus for tours, visits with members of BALLSA, and to sit in on classes. This new program, initiated to increase diversity on campus, was deemed successful enough to be repeated next year.

More than 100 admitted students came to Cardozo in March for the annual event that introduces them to the Law School prior to their making final decisions about attending in the fall. They met Dean Verkuil, sat in on a first-year class, talked with current students, and relaxed at a lavish reception.

Warren Buffett Teaches Master Class at Cardozo

"Testing—one million, two million, three million," intoned Warren Buffett, legendary chairman of Berkshire Hathaway Inc., as he checked the microphone and started a "class" at Cardozo early in December. In a lively and candid discussion in Larry Cunningham's class in Corporations, guest profes-



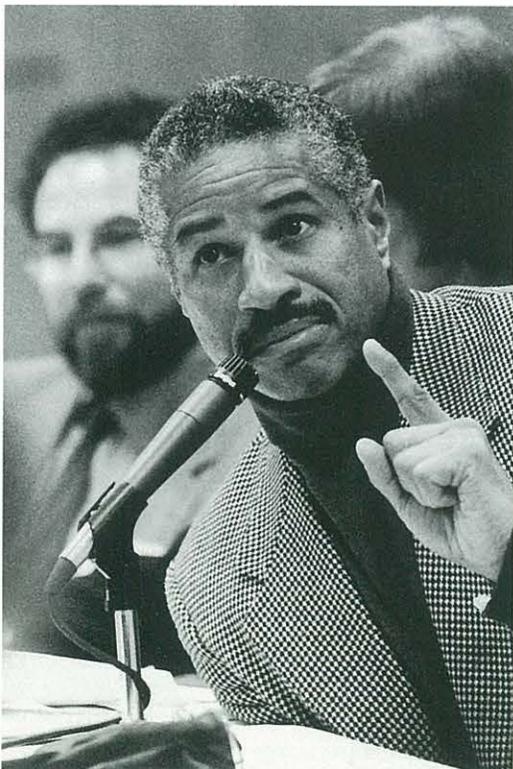
sor Buffett offered students investment advice and a guided tour of his personal philosophy.

Initially, he spoke about conflict resolution and negotiation in business and suggested students have a flexible mind and "when faced with difficult situations, realize that more can be gained if you do not take an adversarial role." He then opened up the floor to questions: "Ask whatever you like, anything goes."

"What should a young associate do if he or she has

a moral or business conflict with the boss?" asked one law student. "Do whatever your senior partner tells you to do," joked Mr. Buffett. He continued on a more serious note with a Churchill quotation: "The house you are associated with shapes you." He advised the students to work with their "heroes." Mr. Buffett named his father, his wife, and Tom Murphy, former head of CapCities, among his heroes. About Murphy he said, "I've seen him close-up in many situations. Money un masks people. He's never done anything that couldn't be on the front page of the *New York Times*, even if the reporter were unsympathetic."

Students plumbing the legendary investor for advice were told to use research and diligence to estimate what a given company would look like in 10 to 15 years. He emphasized, "I look for absence of change. I want to be able to predict. Berkshire Hathaway looks at the business itself, independently of market value. We don't trust anyone else's evaluation. The question to ask yourself is, if you were to



Attorneys who work in legal services and not-for-profit organizations gathered at Cardozo for "The Media and Poverty Law: Ethical and Tactical Issues for Advocates." Coordinated by Prof. Ellen Yaroshefsky and cosponsored by the Jacob Burns Ethics Center and the Legal Support Unit of Legal Services for New York City, the half-day session featured public relations professionals and journalists who discussed how to develop a media strategy and sell a story to a journalist. Additionally, there were discussions on how to protect your client and how to use the press to help your cause. Felipe Luciano of Fox Television (shown here) called for substance and passion when contacting the press and said, "Give me a moral drama and I'm on it."

go away for 10 years and could buy stock in only one company, which would you go with?"

When asked what he thought about Kodak's announced retrenchment and loss of market share, he compared Kodak and Coca-Cola to castles with moats. "Coke has a very large moat around its castle, but Kodak's moat is shrinking. It is smaller today for a variety of reasons. However, I think they made a fatal mistake, dating back to the 1984 Olympics." According to Mr. Buffett, Kodak allowed Fuji Film to outbid it for the advertising slot at the Olympics, and suddenly Kodak—a name that has always been synonymous with the best in photography—took a backseat to Fuji, a second-tier company at the time. Meanwhile, Fuji gained world-wide attention and name recognition in the field.

He spoke about leveraged buy-outs, social security, and philanthropy. When a student questioned whether he was up to Ted Turner's challenge to his peers to give to charity, Mr. Buffett amazed the class with his statement, "I am giving it all away—actually, 99 percent, which my kids think is everything." He continued, "Ted, myself, all of you, we are incredibly blessed to be born at this time, in this country. I don't believe in creating a dynasty of wealth. We should give back to the society that has given us so much."

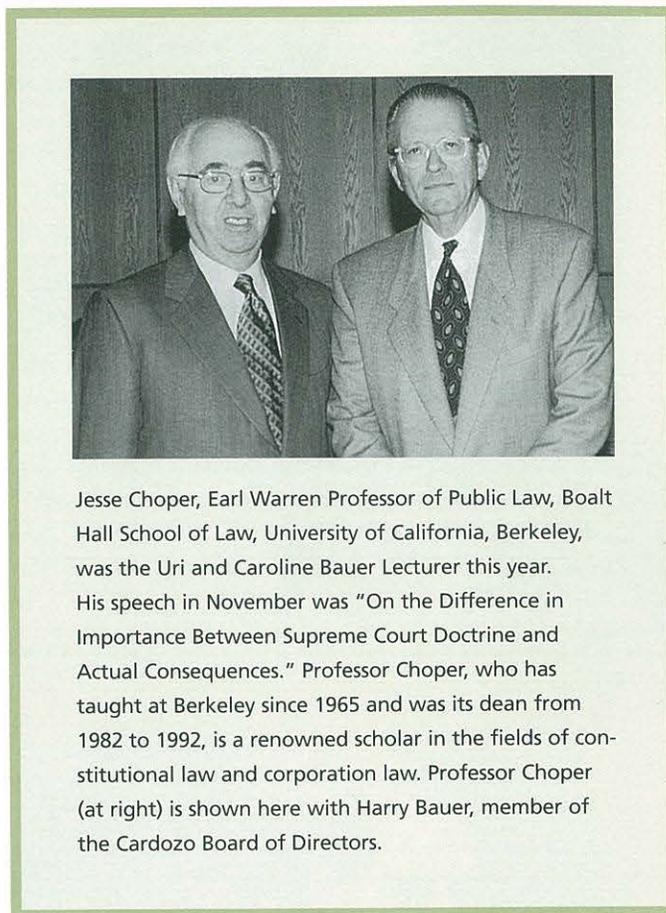
To a student's query

about how he spends his day, he replied, "I tap-dance to work. I enjoy keeping my managers, who are already rich, eager to work. I want to work with people who love the business."

He concluded with some personal remarks. "I enjoy doing just what I do. I have all the creature comforts. I don't live any differently from someone who's making \$200,000 annually. I still live in the same \$31,000 house I bought 30 years ago in Omaha, Nebraska. My kids went to the same public grammar school that I went to, and now my grandchildren are there, too. The important thing is having enough to do what you like to do. I love my job and my life."

Friends of Cardozo Reorganize

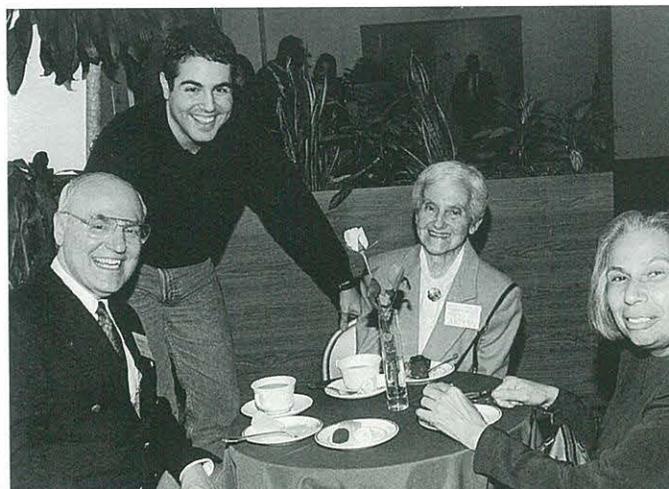
More than 60 parents came to Cardozo in February for a "Friends of Cardozo" cocktail reception. Margaret Cook Schulte '92 and her husband, Stephen J. Schulte, are cochairs of the newly reorganized group that raises funds to create and sustain specific academic projects. Mr. Schulte,



Jesse Choper, Earl Warren Professor of Public Law, Boalt Hall School of Law, University of California, Berkeley, was the Uri and Caroline Bauer Lecturer this year. His speech in November was "On the Difference in Importance Between Supreme Court Doctrine and Actual Consequences." Professor Choper, who has taught at Berkeley since 1965 and was its dean from 1982 to 1992, is a renowned scholar in the fields of constitutional law and corporation law. Professor Choper (at right) is shown here with Harry Bauer, member of the Cardozo Board of Directors.

vice chairman, Cardozo adjunct professor, and partner, Schulte Roth & Zabel, welcomed guests and commended the Law School for its outstanding progress in just 20 years. Senior Associate Dean Michael Herz updated parents on improvements in Cardozo's facilities—the completed renovation of the 11th floor,

the redesign of the 1st and 9th floors, and the anticipated opening of the new dorm in September. The program was rounded out with remarks from faculty members Stewart Sterk and Toby Golick, who both commented on the exceptional caliber of Cardozo students. Friends of Cardozo, which was founded by Cardozo parents, has supported scholarships and the library's computerization project, contributed to the Summer Institute, and funded stipends for students working in the public sector.

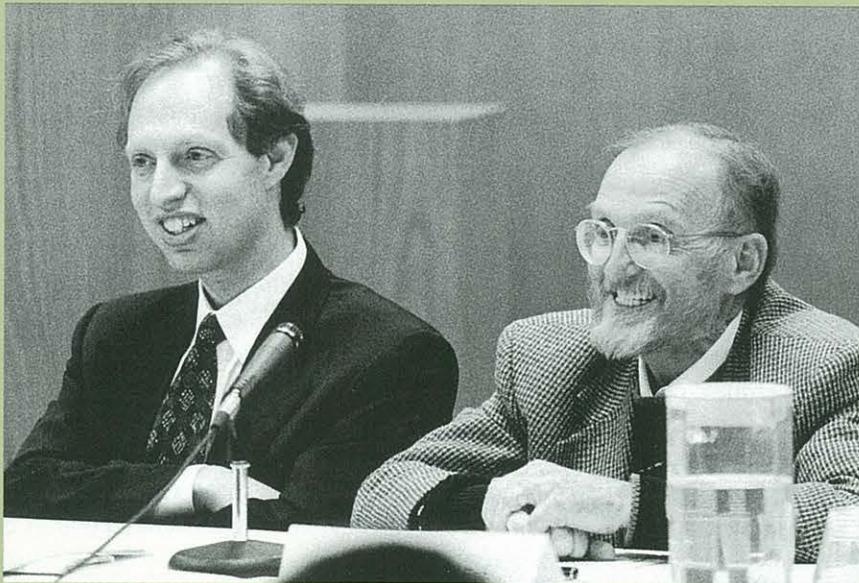


(from left) Fred Silecchia, Thomas Silecchia, Eleanor Silecchia, and an unidentified parent



"Plato, Cicero, Thomas Aquinas, and Thomas Jefferson all believed in a natural law, one that transcended human law. They believed, in the words of Cicero, that prosecuting children 'is not right reason,'" noted Michael Corriero (pictured here), presiding judge of the Youth Part of the Supreme Court, at the panel "Trying Youth Offenders as Adults," sponsored by *Cardozo Women's Law Journal* in

November. While discussing the perennial topic of how to deal with serious juvenile crimes, the panelists came to a consensus that the system needs a more sophisticated way to deal with violent offenders—a carefully circumscribed transfer-up system. Judge Corriero said that family court judges should make that determination. Other panelists included Peter Reinhartz, division chief, Family Court Division, NYC Law Department; and Robert G. Schwartz, executive director, Juvenile Law Center and chair, ABA Juvenile Justice Committee. Prof. Kyron Huigens moderated.



Experts in securities law gathered at Cardozo in November for "Insider Trading After *O'Hagan*: Law Policy and Theory." In a round table, panelists analyzed the craftsmanship of the recent Supreme Court *O'Hagan* opinion, which upheld the judicially created "misappropriation theory," making it a criminal offense for certain outsiders to trade on insider information. Conference organizer and moderator Prof. Lawrence Cunningham noted that "*O'Hagan* marks the first time in some 17 years that the Supreme Court of the United States has spoken—as a court—on the murky contours of insider trading law. For that reason alone, the opinion is important: it will also strongly influence the future fabric of insider trading law." Cosponsored by The Samuel and Ronnie Heyman Center on Corporate Governance and *Cardozo Law Review*, the panel featured the Honorable Ralph K. Winter, US Court of Appeals for the Second Circuit; Prof. Roberta S. Karmel, Brooklyn Law School; Prof. Marcel Kahan, New York University School of Law (at left); Arthur F. Mathews, Esq., Wilmer, Cutler & Pickering (at right); and Daniel J. Kramer, Esq., Schulte Roth & Zabel.

Cardozo Teams Have Winning Year

This year, Cardozo's Moot Court teams have an impressive record. The Moot Court Honor Society won the 15th annual Academy of Law Competition—Jim Harris won Best Oralist—and placed well in four other competitions. For the first time in the School's history, Cardozo's team won the regional competition of the Association of the Bar of the City of New York's National Competition, defeating all teams from New York and New Jersey. It went on to reach the quarterfinals of the nationwide competition, placing Cardozo in the top 16 teams nationally.

Cardozo placed in the quarterfinals at the San Diego Criminal Law competition and in the J. Braxton Craven Constitutional Law Competition at the University of North Carolina, Chapel Hill. In the latter event, Cardozo's oralists, Natasha Young and Elizabeth Kase, were ranked in the top 10 out of more than 80 competitors. The team arguing in the Tulane University Sports Law Invitational won the Best Brief award, in addition to advancing to the "sweet sixteen" round. Oralists Matt McCurdo and Eric Cohen will have their brief published in the *Sports Lawyers' Journal*.

The Cardozo Trial teams, under the coaching of Jill Konviser '90, senior assistant counsel to Governor

Pataki, won second place in the National Association of Criminal Defense Lawyers Competition at the organization's national convention in New York. Cardozo's team had been selected from dozens of law schools as one of the 14 outstanding trial teams to participate in the NACDL competition. Erach Screwvala won the prize for Outstanding Oral Advocate. Vered Rabia received the prize for Best Advocate in the semifinals of the competition.

In March, Cardozo won first and second place at the northeast regional competition of the Association of Trial Lawyers of America. Both teams went to the finals in Washington, D.C.

Four Professors Visit Cardozo

As in previous semesters, Cardozo is benefiting from the presence of visiting professors on campus. (clockwise from top left)

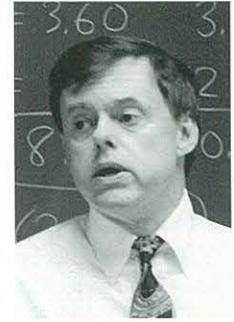
David Caudill, from Washington & Lee University, is teaching Contracts and co-organized the April conference, "Modes of Law: Music and Legal Theory." His interests are in legal theory and in psychoanalysis. In addition to a law degree from University of Houston, he has a Ph.D. in philosophy from Free University of Amsterdam.

John Davidian is teaching Federal Tax and Corporate Tax. He is a professor at

St. John's University and also teaches in the New York University graduate tax program. He holds a J.D. from St. John's and an LL.M. from NYU.

Park McGinty, who is teaching Corporations and Corporate Finance, has a Ph.D. in the history of religion from University of Chicago and a J.D. from Yale University. He previously practiced at Davis Polk & Wardwell and has taught at New York Law School. **Penelope Pether** teaches at the University of

Sydney, where she received a law degree and a Ph.D. in English. She is teaching Feminist Jurisprudence and Law and Literature.



Dean and Profs Help SBA Raise \$12,000

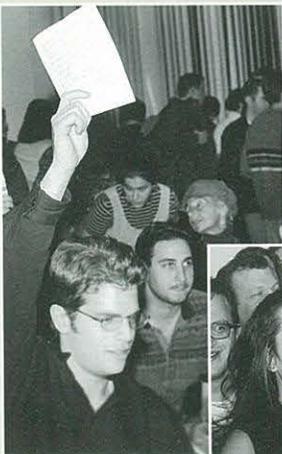
It was touted as the Sixth Annual Goods and Services Auction with a new twist—a fashion show. This year's event, which raised more than \$12,000 for summer public interest stipends, felt less like a fundraiser and more like a party. The evening was sponsored by the Student Bar Association. It was chaired by Stefania Geraci and Rachel H. Nash, who produced the fashion show, and choreographed by Delton Henderson.

The night began with a silent auction, followed by the fashion show, and concluded with a live auction featuring meals donated by Cardozo professors, including dinner for three with Dean Verkuil. Other items included the chance to "be made fun of or nominate someone to be made fun of in the Law

Revue Show," horseback riding in Central Park, and golf at the Winged Foot Country Club, home of the PGA Championship Tournament.

The fashion show energized the audience and readied them for lively bidding. Fashionable day and evening wear loaned by trendy Uncle Sam's, 5th Ave. Collection, Bang Bang, Club Monaco, Zeller Tuxedo, and VIP Fashion by Esther Nash were modeled by Cardozo and FIT students.

The highlight of the fashion show may have been Dean Verkuil, in his debut on the Cardozo catwalk, wearing a black tuxedo with a Nehru collar and a white banded collar shirt with a black button enhancer. In his final turn on the runway, the dean opened his jacket, placed both hands in his pockets, and struck the perfect model's pose—a spirited performance in an extracurricular endeavor that benefits Cardozo's students.



Toby Golick Wins Distinguished Service Award

Ever since she graduated from Columbia Law School, Toby Golick has been helping the elderly, the poor, and the disabled. And for the last 13 years at Cardozo, Professor Golick has worked indefatigably as director of the Bet Tzedek Legal Services Clinic, inspiring and teaching students to protect the legal rights of hundreds of individuals of this underserved and vulnerable population. Although much of Professor Golick's work has focused extensively on issues related to public ben-

efits, including Medicaid, Medicare, and social security, she has also done substantial legal work on issues such as the expungement of juvenile records, tenants' rights, pension benefits, and discrimination based on age or disability.

In honor of her devotion to public service, Professor Golick was awarded the Distinguished Service Award by the Samuel Sadin Institute on Law of the Brookdale Center on Aging in February. At the ceremony,

her colleague in the Clinic, Leslie Salzman, noted, "Toby is compelled to do this work the way an artist

effected legislative change through novel and creative legal arguments. Professor Salzman went on to say

that, as exhausting as litigation is, Professor Golick's efforts on behalf of her clients go beyond legal advocacy. "Toby has been known in her spare time to feed a client's



is compelled to paint. It is her respect for human dignity that motivates her." She cited several significant cases in which Professor Golick's advocacy created new legal precedent or

cat while the client was in the hospital or to find an apartment for a client who wanted to return to the community."

Professor Golick has directed Bet Tzedek since its inception in 1985. The Clinic started with one room, a box of pencils, two phones, nine students, a part-time faculty member, and funding from the Brookdale Foundation and UJA Federation of New York. It is now housed in the newly renovated 11th floor of the Law School, and is a nationally respected organization with 35 students and 4 full-time faculty who help hundreds of clients each year in individual and class-action cases.

At the award ceremony, Professor Salzman re-

Salzman and Golick Settle Class Action

Professors Leslie Salzman and Toby Golick have just settled a significant class action brought on behalf of New York City Medicaid home-care recipients whose home-care services had been reduced by the city without justification. The settlement of *Mayer v. Wing* has resulted in the restoration of essential health-related services to approximately 1,500 elderly and disabled New York residents, the creation of lawful procedures to protect future Medicaid home-care recipients, and the establishment of important legal precedent in the area of public benefits law.

Students from the Bet Tzedek Legal Services Clinic and the Bet Tzedek Community Clinic at New York Legal Assistance Group participated in all aspects of this important case, from interviewing home-care recipients to helping draft memoranda of law. One student, Brian Grimaldi, conducted the examination of an expert witness at the preliminary injunction hearing. Other students who worked on the case include Julie Noble, Mindy Paget, Jennifer Redmond, and Molly Sellner.

marked that Professor Golick is a brilliant and generous mentor with extraordinary energy and wit, and congratulated her for a "well-deserved award for 25 years of tireless work on behalf of elderly, poor, and disabled New Yorkers."

Price and Cunningham Plan Programs at Oxford

Increased globalization and the rapid growth of international and transnational firms, not to mention the World Wide Web and other international technological advances, are creating new areas of the law for students to explore. Seizing the moment, both Monroe Price and Larry Cunningham have developed summer programs to be held at Oxford University that will offer students just that opportunity.

Both programs build on an existing relationship between Cardozo and Oxford University's Centre for Socio-Legal Studies, where Professor Price was a fellow from 1991 to 1992. They each promise guest lecturers, field trips to London, and housing at St. Edmund Hall—the only ancient original hall of the early Oxford colleges, dating in part to the thirteenth century.

According to Professor Price, "The collaboration between Cardozo and the Oxford Programme has yielded several positives: a special issue of *Cardozo International and Compara-*

tive Law Journal and an issue of the *AELJ*, both of which are about to be published; our student Robert Powell is spending a semester at Oxford; and Michael Likosky '97 is a graduate student there and assists Stefaan Verhulst, director of the Oxford Programme on Media Law and Policy. This growing relationship should reap many rewards for us."

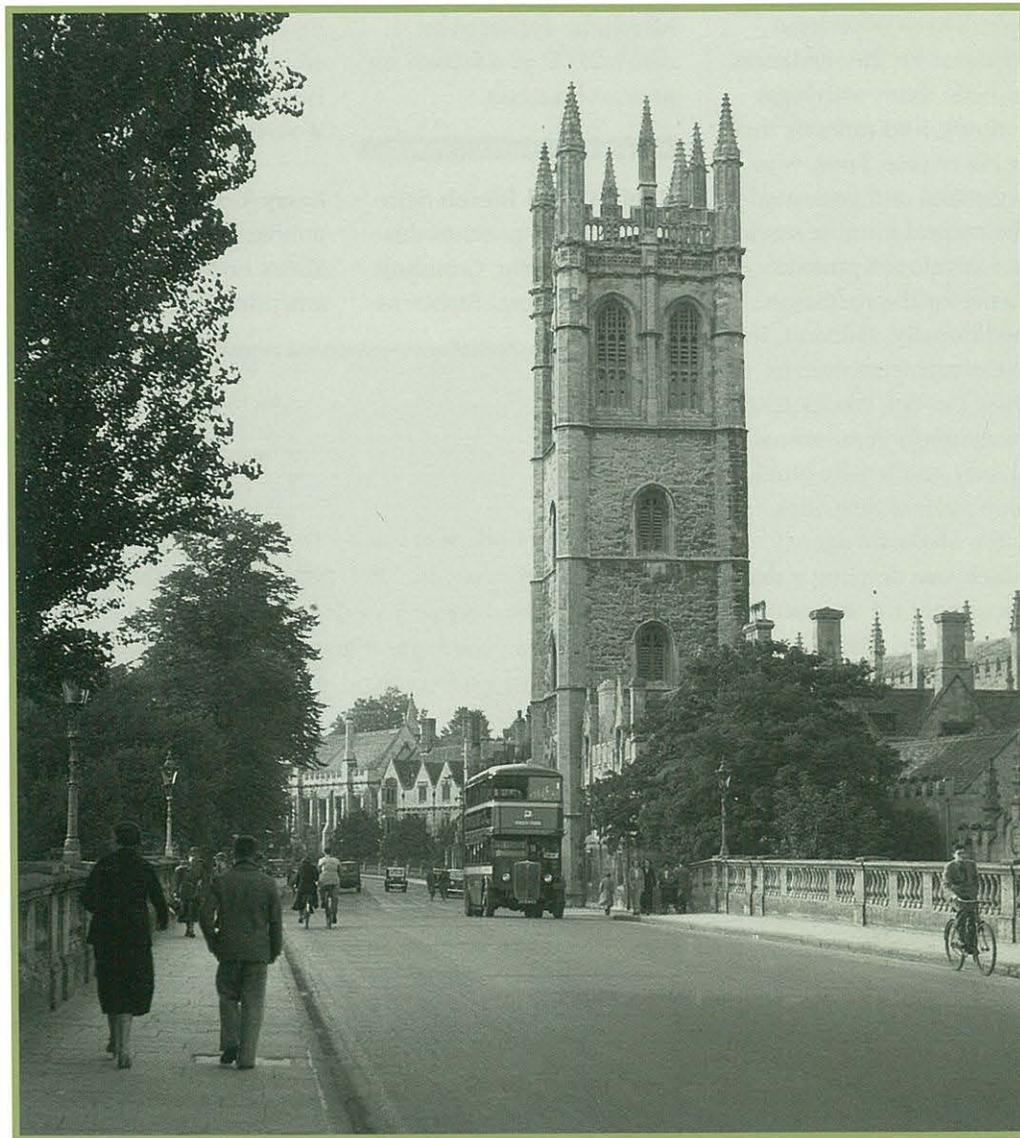
Early in July, Professor Cunningham and Charles Yablon will co-teach Comparative Corporate Governance under the auspices of The Samuel and

Ronnie Heyman Center on Corporate Governance and the Centre. This course, said Professor Cunningham, "will examine the domestic laws that govern the ways various countries allocate power between shareholders and managers and the roles of outside directors, financial institutions, and institutional investors."

Later in the summer, Professor Price and John Duffy, with Stefaan Verhulst, will teach Introduction to Media Law, cosponsored by the Squadron Program in Law, Media

and Society. This is a two-week seminar designed to give prospective law students insights into the critical issues in developing media, telecommunications, and Internet law and policy around the world.

According to Professor Price, "Debates on the economic, social, and legal issues created by rapid changes in technology make this area particularly well suited as an introduction to ways of thinking about and analyzing case law, statutes, and law review articles."



GRANT SMITH / CORBIS IMAGES

Weisberg Named Guggenheim Fellow

Just as *Cardozo Life* was going to press, the Guggenheim Foundation announced that Richard Weisberg won a Fellowship Award. He was the only law professor so honored.

PROFESSIONAL HONORS

Paris Baldacci reports that he and **Lela Love** are working with the Bar Association of the City of New York's pilot housing court mediation project to develop a project for New York City's housing courts. His role is to develop legal material for the mediators, provide them with legal training, and monitor their performance. Love, who organized and presented the second training session, has developed protocol forms for the mediators. Additionally, Baldacci, with assistance from interns from the Bet Tzedek Clinic, successfully represented an elderly and legally blind man against New York City's Medicaid agency, which was denying a reimbursement for the man's eye surgery. The Appellate Division, First Department, Supreme Court of the State of New York, reaffirmed an earlier decision invalidating a state regulation, and the client received over \$9,000 for eye surgery.

In December, **Lester Brickman** testified before the Subcommittee on Courts and Intellectual Property of the House Judiciary Committee at the

hearing "Attorney Fees and the Proposed Global Tobacco Settlement." Subsequently, his views and opinions were quoted in the *New York Times*, *Wall Street Journal*, *Washington Post*, *ABA Journal*, *Los Angeles Times*, *USA Today*, and other periodicals. In March, he appeared on ABC's *20/20* in a feature on tobacco litigation.

SPEECHES - PANELS - PAPERS

Rabbi David Bleich delivered several speeches this winter in Berlin, Germany, including "Moral Problems

in Assisted Procreation" at the Organisation der Jüdischen Ärzte und Psychologen; "An Introduction to Talmudic Jurisprudence" at Humboldt University; "Organ Transplants and Tissue Donation" at Berliner Studien zum Jüdischen Recht, Centrum Judaicum; and "Human Cloning: Moral Blessing or Immoral Curse?" also at Humboldt University. He had articles published in the newly published anthologies *Hazon Nahum*, edited by Yaakov Elman and Jeffery S. Gurock; and *Jewish Law and the New Reproduction Technologies*, edited by Emanuel Feldman and Joel B. Wolowelsky.

Larry Cunningham published a piece on New York's newly adopted amendments to its corpo-



Cunningham

rate code in *Aspen Law & Business*. The recently published collection of Warren Buffett's letters to shareholders of Berkshire Hathaway in the special issue of *Cardozo Law Review* led to interviews in various media, including the *Washington Post*, *Business Week*, *Money Magazine*, *CNN*, and *The News Hour with Jim Lehrer*.

Elizabeth Clark

Betsy Clark, who was a member of the full-time faculty from 1987 to 1990, died on December 26, 1997, after a long and courageous struggle with ovarian cancer. She resigned from Cardozo to teach at the University of Pennsylvania, then at Harvard, and finally at Boston University, where she remained until her death.

Professor Clark brought a passionate and provocative spirit to the classroom that propelled students to think carefully about the details of legal doctrine and perceptively about the contours of the values that shape legal doctrine. She was an ambitious scholar whose interests ranged across the spectrum of the law and legal history, and whose writings were laced with rare grace and intelligence. But as remarkable as Professor Clark was in the classroom or in her writings, she was most arresting as a colleague and a friend. She had a warmth and a commitment to the moment that made interactions—from the mundane to the important—influential and memorable. These special gifts enabled her to touch the lives of many students and faculty during her brief years at Cardozo.



Haile

Minasse Haile published "The New Ethiopian Constitution: Its Impact Upon Unity, Human Rights, and Development" in the winter 1996 issue of *Suffolk Transnational Law Review*.

Malvina Halberstam participated in the World Zionist Congress in Jerusalem.

Lela Love spoke this winter on mediation at the New York County Lawyers' Association, the 25th Annual International Conference of the Society of Professionals in Dispute Resolution, the Annual Conference of Metro New York Society of Professionals in Dispute Resolution, Family and Divorce Mediation Council of Greater New York, Brooklyn Law School, and Victim Services Brooklyn and Manhattan Mediation programs.

Monroe Price has three books scheduled to be published this spring: *Broadcast Reform in India: A Case Study in Comparative Media*



Schroeder

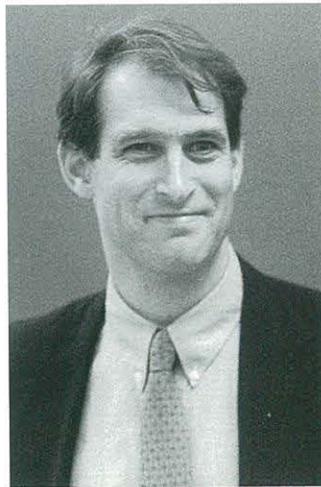
Regulation, edited with Stefaan Verhulst (Oxford University Press, India); *The V-Chip and the Jurisprudence of Ratings* (Lawrence Earlbaum Association, Inc., Publishers); and *A Communications Cornucopia: Markle Foundation Essays on Information Policy*, edited with Roger Noll (Brookings Institution). He participated in the Aspen Institute conference "Public Interest in a Digital Era," for which he wrote two papers: "Red Lion and the Constitutionality of Regulation: A Conversation among the Justices"; and "Hooks and



Weisberg

Ladders: Justifications and Rationales." In November he organized a round table, "Media Law and Democratic Values in Transition States," which was co-sponsored by Cardozo and USAID and held at the Media Studies Center, where Professor Price is a fellow.

Michel Rosenfeld served as a panelist at several international conferences, speaking on the subjects of affirmative action and the delivery of justice in the US. In January he lectured on comparative constitutional law and legal philosophy at the University of Montpellier and the University of Barcelona. In February he presented a paper, "Viewpoint Diversity in American Broadcasting," at the graduate faculty of the New School for Social Research. In March he taught at the ABA Central and East European Law Initiative in Washington, D.C., and gave lectures to members of the Albanian Constitutional Drafting Commission, entitled



Herz

"Models of Judicial Review" and "Constitutional Amendment Provisions."

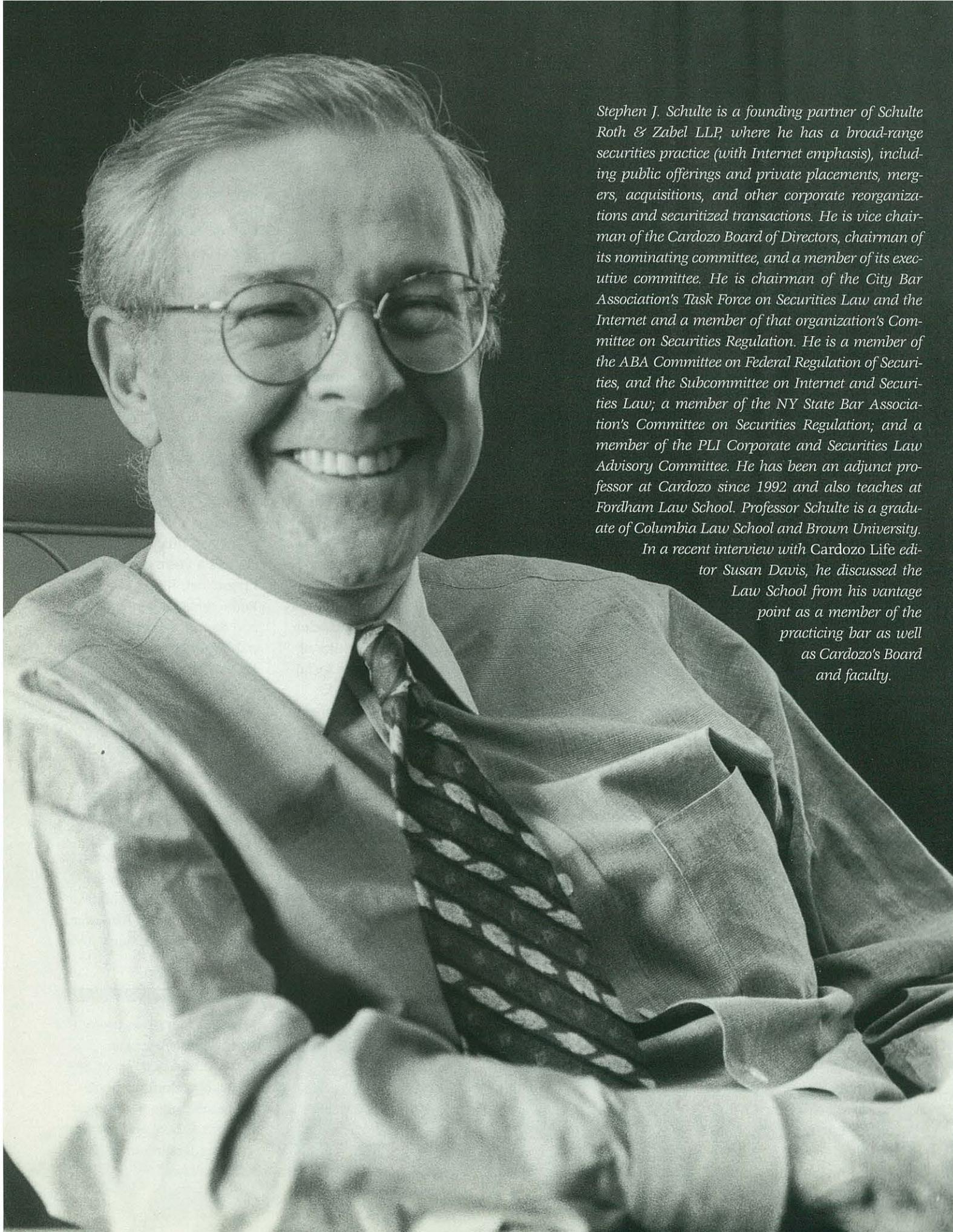
Jeanne Schroeder was a panelist at the conference "Law, Love & the European Union," held at the European University Institute, Florence, Italy. Her paper, "Hegel's Slaves, Blackstone's Objects, and Hohfeld's Ghosts: A Comment on Thomas Russell's Imagery of Slave Auctions," was published in *Cardozo Law Review*.

Richard Weisberg reports that a French translation of his book *Vichy Law and the Holocaust in France* will be published this year. His article "It's a Positivist, It's a Pragmatist, It's a Codifier: Reflections on Nietzsche and Stendhal," originally published in *Cardozo Law Review*, will be reprinted in a book edited by Morris Dickstein and published by Duke University Press.

Ellen Yaroshefsky gave two speeches in January: "Ethical Issues: Screening for Conflicts" at the New York State Bar Association and "Ethical Issues in the Presentation of Psychiatric Testimony" at the American Academy of Psychiatry and the Law.

APPOINTMENTS

Michael Herz was promoted to Senior Associate Dean, a title that, according to Dean Verkuil, "reflects his broad range of duties at the Law School and my personal endorsement of his many talents."



Stephen J. Schulte is a founding partner of Schulte Roth & Zabel LLP, where he has a broad-range securities practice (with Internet emphasis), including public offerings and private placements, mergers, acquisitions, and other corporate reorganizations and securitized transactions. He is vice chairman of the Cardozo Board of Directors, chairman of its nominating committee, and a member of its executive committee. He is chairman of the City Bar Association's Task Force on Securities Law and the Internet and a member of that organization's Committee on Securities Regulation. He is a member of the ABA Committee on Federal Regulation of Securities, and the Subcommittee on Internet and Securities Law; a member of the NY State Bar Association's Committee on Securities Regulation; and a member of the PLI Corporate and Securities Law Advisory Committee. He has been an adjunct professor at Cardozo since 1992 and also teaches at Fordham Law School. Professor Schulte is a graduate of Columbia Law School and Brown University.

In a recent interview with Cardozo Life editor Susan Davis, he discussed the Law School from his vantage point as a member of the practicing bar as well as Cardozo's Board and faculty.

An Interview with Stephen J. Schulte

DAVIS: How did you first get involved with Cardozo?

SCHULTE: I first learned about Cardozo approximately 14 years ago, when my wife, Patsy, left the New York City Comptroller's Office, where she was deputy controller of finance, and announced to me that she wanted to go to law school. She applied to several law schools and was accepted to them.

At that time, I was on the recruiting committee of my firm and when she asked which school I thought she should go to, I suggested a school other than Cardozo. However, I thought that before she made a decision, we should speak with a good friend of ours who was a senior professor at another law school here in the city. So we sat down with this person, who said, "Without question, Patsy should go to Cardozo." We asked why, and he said, "Because it is a school on the rise, fast-moving, with an outstanding intellectual faculty, and it will only be a short time before Cardozo is considered among the very top law schools." That did it; she chose Cardozo.

After Patsy graduated, I determined that I would like to try teaching. I prepared a course, and two law schools invited me to teach it—one of them Cardozo. This gave me my first real opportunity to see the School and its workings from the inside. After serving as an adjunct professor for some time, I was invited to become a member of the Board of Directors. I am now a vice chairman of the Board.

DAVIS: Given that you wear so many hats at Cardozo—professor, board member, spouse of an alum, and now

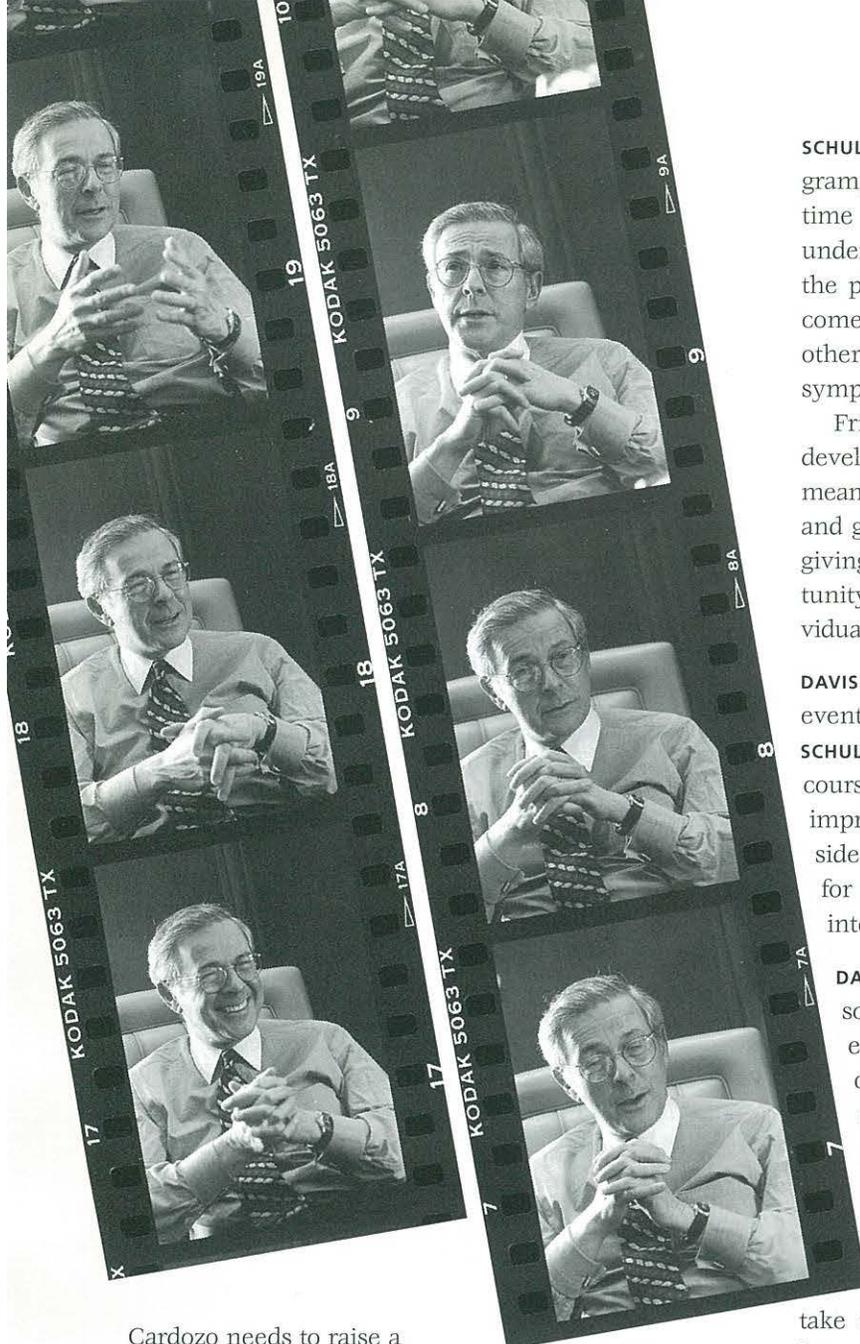
cochair of the new Friends committee—what would you say Cardozo's greatest strengths are?

SCHULTE: I would start with the faculty, which has a national reputation among academics and the practicing bar. I have come to know a number of members of the faculty and find them, collectively, an extremely positive, enthusiastic group—very supportive of the School. It is general knowledge that their individual academic achievements are outstanding. Interestingly, Cardozo's faculty is also known for its teaching. It is obvious that they enjoy the classroom experience, which is extremely important in making for a great law school.

DAVIS: On the other hand, what do you feel needs the most improvement at Cardozo?

SCHULTE: Cardozo's main weakness is that it is only 21 years old. Therefore, there is not yet a broad network of graduates who can bring an awareness of the School's qualities to the firms, agencies, and other businesses with which graduates are associated. Only now are graduates of the earliest classes getting to a point in their careers where they have hiring responsibilities. Because of its youth, Cardozo cannot benefit from the name recognition and general reputation that schools decades older enjoy. All this will correct itself in time.

The thing that can be corrected sooner is the physical plant. Cardozo is a much finer law school than is reflected in its bricks and mortar. The stronger the physical plant, including housing facilities, the easier it will be to recruit students, and the better the morale will be.



Cardozo needs to raise a lot of money to address that issue.

DAVIS: This brings me to the reorganization of the Friends of Cardozo. You and your wife are cochairs of this group, which I believe is composed primarily of parents of current students and has been put together to help raise those funds.

SCHULTE: When an institution builds a development program, it must do so from the bottom up. It takes a long time to develop your graduates to a point where they understand the needs of their school. Combine that with the pride that comes from success, and graduates will come back and give—not only in a financial way, but in other respects: counseling students, participating in symposia, acting as mentors.

Friends of Cardozo is a very important component of development—one of the essential building blocks. It is a means by which parents and others affiliated with students and graduates learn about the School and its programs, giving us feedback and ideas. It also provides an opportunity to develop their involvement and identify individuals with the interest and energy to support the School.

DAVIS: You and Patsy hosted a recent Friends of Cardozo event. Was it successful?

SCHULTE: I think the event was a very good kick-off. In the course of talking with various parents, I was quite impressed to learn that some had traveled in from outside New York City; a few even came from out-of-state for this event. That's a pretty clear demonstration of interest in the School that their children are attending.

DAVIS: In this issue of *Cardozo Life*, we are featuring some of our adjunct professors. We have asked several to tell us of a celebrated moment in their careers—either a case or a client or an event that stands out as a high point. Would you like to share one of these moments with us as well?

SCHULTE: One of the most important lessons that I ever learned in the practice of law—and it applies to many other disciplines as well as to day-to-day interactions with people in our society—is to take responsibility when you have not succeeded or have made a mistake. I learned that lesson when I was an associate. I was working in a large law firm on a securities project with a senior partner. The two of us had prepared a disclosure document and found, before it was distributed but after it was printed, that we needed to make a correction.

I sat in the partner's office as he called the client and

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heard him say—obviously in response to the question, How can this have happened?—“Because we made a mistake. We take responsibility for that mistake and we will correct it. I’m sorry.”

That was a very important lesson for me that I have tried to convey to associates and share with students. People respect people who step up and say, “That was my fault, I’ll correct it.”

I want to add something about which I am concerned regarding the legal profession. Its reputation is close to being at its nadir. I think that attorneys, law schools, and bar associations have a very important responsibility to emphasize ethics, morality, and responsibility to society, and to rebuild the reputation that the legal profession once had.

When I entered the law, I was very proud to say that I was an attorney. Today that statement no longer has that special ring. I think the rehabilitation of the profession’s reputation is critical, and I am committed to working with this law school as well as with the practicing bar in resurrecting it.

DAVIS: Can you tell me briefly what you cover in the course you teach, Initial Public Offerings?

SCHULTE: As an associate, I did a lot of work in the area of initial public offerings (IPOs). This was during an era when partners, by and large, did not explain to associates why they were doing certain tasks. Later, it was apparent to me that associates would be able to work more effectively and with more enthusiasm if they had an overview of the project and understood the IPO process better. As we were building our own law firm, we put a short piece on IPOs into the in-house educational program. Then it occurred to me that this subject was a natural for a larger seminar—the course I now teach.

I begin from the point at which a company determines it would like to raise capital through a public offering, and cover structuring the offering, preparing the prospectus, and negotiating the underwriting agreement. The course incorporates many real-life scenarios and focuses on how to counsel the client.

It is interesting to note that students in the first cou-

ple of years were primarily men. Now the mix has grown close to being equal between men and women. I’m very pleased, because what this says to me is that women feel comfortable working in the commercial, financial, and securities areas, and I think that is a good sign.

DAVIS: I understand that several Cardozo grads work at Schulte Roth & Zabel.

SCHULTE: Quite frankly, I wish we could hire even more. At our law firm, almost 10 percent of the associates are Cardozo graduates, a number of whom have been my former students. To me, one of the hidden goldmines of talent is Cardozo Law School. Not only is the general curriculum very strong; areas of specialty provide students with an excellent basis for entering the practice. For instance, the recent initiatives in Intellectual Property are extremely exciting. In my area, the enhancements brought to the corporate curriculum by The Heyman Center are very impressive. By supplementing the core curriculum with symposia, clinical programs, and externship opportunities, Cardozo offers its students a broad perspective on the practicalities of the law. There are a number of students here that our firm would be very happy to have.

DAVIS: This fall, the dean invited hiring partners from major and midsize firms to a luncheon at which there was general conversation about how to train law students better for the practice of law. I was curious as to whether you thought law students were being trained properly.

SCHULTE: That’s an interesting and complicated issue. I think over the years, there has been a certain tension between the academic approach of faculties, where the emphasis is on intellectual challenge and teaching a way to think and to break down and analyze cases, and increasing pressure from the ABA to include clinics and practical courses in the curriculum.

I went to law school at a time when there were not a lot of clinics, and courses did not emphasize the practical aspects of the profession. As a practicing attorney, I believe that if you get bright people who are interested in a field and you stimulate them intellectually, teach

them the basics of the law—whether contracts, torts, constitutional law, intellectual property, securities regulation, or the like, you will lay the foundation for good practitioners.

There is no question, however, that clinics, legal writing, and other practical courses are critical to the development of law students. They need to learn how to deal with day-to-day issues, including how to communicate and write.

DAVIS: Was Patsy's experience at Cardozo a favorable one?

SCHULTE: Patsy's experience was outstanding. Perhaps, in part, because she started law school as a more mature person having business experience, she was very receptive to the course material. She really respected her professors.

There was another aspect that we found interesting as well. We assumed that because Patsy was an experienced businesswoman, she could approach law school like a nine-to-six job. We learned quickly that that was not the way to get through law school if you wanted to do a good job. So I spent three years cooking dinner and acting as the social secretary. I was given a schedule that permitted us to make, at most, two social commitments a week. We even spent some of our leisure time listening to a substantial number of CLE-type tapes on civil procedure and the like.

DAVIS: Does Patsy now work in commercial law also?

SCHULTE: Patsy graduated, studied for the bar, became—like many students going through that process—extremely nervous as to whether she was or wasn't going to pass. I told her she had only one shot at it because I was not going to cook for another three months. Fortunately, she passed. Then she promptly went into education, joining a foundation that supports a model school in the City system.

I think her real objective in getting the law degree was to understand something about how lawyers think. She

had spent her career retaining and working with lawyers, and really wanted to understand the legal process better. Once she had her degree, however, she decided that she did not want to invest seven or eight years as an associate in a law firm.

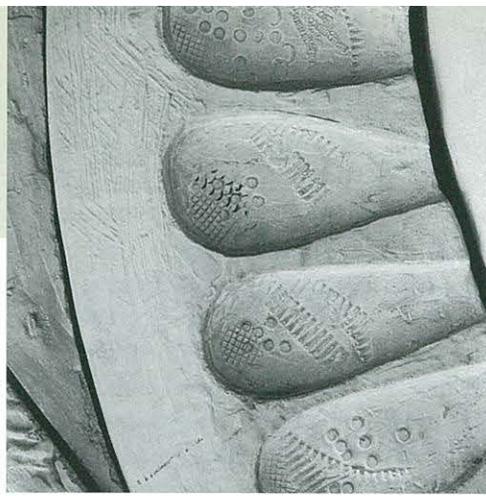
DAVIS: How do you see your role as a board member and vice chair of the Board?

SCHULTE: An institution that is growing the way Cardozo is needs the direct involvement and investment of the directors. The Board must focus on the School's needs: a capital campaign, improving the physical facilities, and more scholarship money. The members must come to understand the School better; they cannot be passive. I feel a responsibility to share with the Board what the Law School is all about; to be honest in its shortcomings as well as its strengths; to identify new people who can become strong, involved directors—not necessarily because they are going to give money but because they are going to be people who are farsighted and understand what it takes to build an institution and programs. As one of the vice chairs, I feel a responsibility to take initiatives, with other board members, in all those areas.

DAVIS: Are there any events that stand out or a special person who stands out in Cardozo's short history as particularly important to the School?

SCHULTE: Without doubt, there are a number of special people and events that come to mind, but rather than single out particular individuals, I want to focus on one event: the successful search for and hiring of a new dean. This is a critical period for Cardozo. It has the support of Yeshiva University. It has an outstanding faculty. It has experienced an exciting period of growth in admissions in the last few years. The Board recognizes the School's development needs and will soon announce a capital campaign. All this would be of no avail if Cardozo didn't have its new dean, Paul Verkuil, who, I have every reason to believe, will be able to unite the School's various constituencies and efforts. ■

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The Jacob Burns Institute

for Advanced Legal Studies

Jonathan Kalstrom

When Jacob Burns, the much loved and dedicated chairman of Cardozo's Board of Directors, retired the post after many years of service, one gift he received in recognition was unique and extremely personal. It was a leather-bound set of essays—more than 1,000 pages—all produced under the auspices of the Jacob Burns Institute for Advanced Legal Studies.

The Jacob Burns Institute for Advanced Legal Studies is an important aspect of life at Cardozo and is little understood in terms of its origins, its aspirations, its major accomplishments, and its links to the extraordinary philanthropist who made it happen. Mr. Burns was a member of Cardozo's Board of Directors from the day of its founding and chairman from 1986 to 1992. Early on he created the Jacob Burns Scholars Program, designed to attract promising students to the Law School, and gave funds for the Jacob Burns Medal to recognize the achievements of the Law School's best students. In 1987, he wanted to under-

take something beyond his previous efforts—something that would strengthen the institution and give it more national weight. That project became the Jacob Burns Institute for Advanced Legal Studies, which he called “the centerpiece of the Benjamin N. Cardozo School of Law.” Mr. Burns wrote of the eponymous Institute, “It will be a principal method of encouraging the research and scholarly mission of the Law School and assisting in obtaining national recognition for the institution.”

The challenge for Cardozo in the 1980s was to develop a signature for the newly founded Law School. At the time, there was an effort among the faculty to try to determine how important ideas in philosophy would affect the legal system, notes Prof. Monroe Price, who served as dean when Jacob Burns was chairman of the Cardozo Board. A large number of permanent and visiting faculty members were dedicated Hegelian scholars, writes Prof. David Gray Carlson in a 1993 paper on the Institute published in *Cardozo Law Review*. They

included Drucilla Cornell, Arthur Jacobson, Michel Rosenfeld, and Peter Tillers. So Carlson raised the idea of organizing a symposium on Hegel and legal theory, and the aforementioned scholars concurred. "Because of the tremendous success of the symposium, Mr. Burns elected to establish the Jacob Burns Institute for Advanced Legal Studies," Carlson continues.

Three people developed the idea for the Institute: Professor Price, former Yeshiva University Vice President for Academic Affairs Egon Brenner, and Mr. Burns, who funded it with an endowment grant from the Jacob Burns Foundation. The faculty has continued to define the Institute over the years through its individual interests and the symposia that blossom from those interests, but its main focus is on legal theory and on supporting scholarship at its highest level.

Jacob Burns lived to see much of the fruits of his work with Cardozo: international symposia that helped put the Law School on the world map; important scholars such as Jacques Derrida and Niklas Luhmann visiting

Cardozo; and published symposia proceedings in *Cardozo Law Review*. "These were instrumental contributions by the Jacob Burns Foundation in the work of this Law School, making us what we are today in terms of being an international presence in the field of legal thought," says Richard Weisberg, Walter Floersheimer Professor of Constitutional Law. "Everything that Jack Burns did was vital to the growth of the Law School. The Institute was the crown jewel."

The Institute, in fact, is novel in several ways. It is not limited to any particular viewpoint or discipline and generously embraces a broad definition of legal theory, giving quite a broad range of alternatives, explains Prof. Stewart Sterk, who currently chairs the committee that oversees the Institute's finances. For example, this spring the Institute sponsored a workshop on music and legal theory and a symposium on the nondelegation doctrine that focused on the extent to which Congress may delegate lawmaking responsibility to administrative agencies.



Jacob Burns with Jacques Derrida. Monroe Price in center.



The Honorable Leon A. Higgenbotham was a featured speaker at "Bondage, Freedom, and the Constitution: The New Slavery Scholarship and Its Impact on Law and Legal Historiography."



"The Phoenix Rises Again: The Nondelegation Doctrine from Legal and Policy Perspectives," held in March under the auspices of the Jacob Burns Institute, brought to Cardozo distinguished political scientists and legal scholars who debated the rules against legislative delegation of lawmaking authority. (from left) Nadine Stroessen, Martin Redish, Justice Hans Linde, and Marci Hamilton.

"Justices at Work: An International Exchange" brought seven Supreme Court and Constitutional Court judges to Cardozo in 1995. (from left) Dieter Grimm of Germany, Ruth Bader Ginsburg of the US, and Yitzhak Zamir of Israel.

"It really enables us to highlight major areas in legal theory across the spectrum, depending on the interests of individual members of the Cardozo community," Professor Sterk explains.

"The Institute has made the Law School a recognized intellectual center and leader in legal theory largely by bringing here an amazing array of very famous scholars," says Professor Carlson.

"One of the things that makes a great law school is a law review that is read and respected by scholars around the country," Professor Price notes. "The focus of the Jacob Burns Institute for Advanced Legal Studies and the conferences it has held meant that for the last 10 years or so *Cardozo Law Review* has been home for many distinguished symposia and articles by great scholars."

This year, "The Holocaust: Moral and Legal Issues Unresolved, 50 Years Later" was sponsored by the Institute in conjunction with the World Jewish Congress. The proceedings are to be published in *Cardozo Law Review*. Organized by Prof. Malvina Halberstam and Israel Singer, secretary-general of the World Jewish Congress, the conference featured distinguished participants who are involved on the front lines with issues that have made international news: confiscated Jewish property, Swiss bank accounts, the future of Auschwitz, and the role of so-called neutral states. These and other topics were discussed by academics, clerics, and government officials from Europe, Israel, South America, and the US. The international news media covered the conference, and organizations and government agencies have requested individual papers as well as copies of the published proceedings.

The smaller interdisciplinary workshop, "Modes of Law: Music and Legal Theory," cosponsored by the Institute and the New School's Mannes College of Music in April, brought together music scholars and legal scholars from the US, Australia, Canada, and the United Kingdom. These proceedings, too, will be published in an issue of *Cardozo Law Review*, and possibly in a book.

Symposium topics from previous years cover an equally broad spectrum: "The Legal Theory of Jürgen Habermas," a symposium that was published in 1994, appeared simultaneously with the publication of the English translation of Habermas's book on law; the 1995 "Bondage, Freedom and the Constitution: The New Slavery Scholarship and Its Impact on Law and Legal Historiography" was published in two volumes of *Cardozo Law Review*, and "Justices at Work: An International Exchange" was also held in 1995 and published subsequently.

The Institute is known to break ground on significant issues. "If you look at the speakers and the variety of issues featured in the Law and Humanism Speaker



Jacob Burns (1902–1993)

Jacob Burns was a prominent New York attorney specializing in corporate law and estates and trusts. He was a philanthropist, a painter, and a corporate leader. He was a founder and, for several years, chairman of the board of U.S. Vitamin and Pharmaceutical Corp., a public company that merged with Revlon, Inc. in 1966. Mr. Burns was a member of the Revlon board of directors from 1966 to 1985.

At Yeshiva University, Mr. Burns served on the Board of Trustees and was a founding director of the Sy Syms School of Business. He was a member of the Cardozo Board of Directors from 1976 until his death in 1993 and was chairman from 1986 to 1992. In 1984, Yeshiva conferred upon him the honorary degree of Doctor of Humane Letters.

In 1970, Mr. Burns received an honorary Doctor of Laws degree from George Washington University, from which he had graduated in 1924. He was a member of the Order of the Coif for more than six decades. At George Washington, he was a trustee for many years and a member of the board of directors of the George Washington Law Association, which presented him with its Distinguished Alumnus Award in 1975. He also received the Alumni Achievement Award in 1983 from the university's General Alumni Association.

In the legal field, he was vice chairman of the Committee on Character and Fitness of the Appellate Division of the Supreme Court of the State of New York, first Judicial Department. For many years, he was a director of the New York County Lawyers' Association, which awarded him its Medal for Conspicuous Service. He was chairman of the Joint Coordinating Committee on Discipline of the Association of the Bar of the City of New York and a member of the House of Delegates of the New York State Bar Association.

In addition to his involvement with Yeshiva and George Washington Universities, Mr. Burns was a philanthropic leader in a broad spectrum of institutions that promoted the advancement of learning and the arts, including the Metropolitan Opera Association, Thirteen—WNET-TV, and Hillel: The Foundation for Jewish Campus Life. The Jacob Burns Foundation, which he founded, continues his legacy.

Series, you'll see that we're very much at the cutting edge," Professor Sterk says. Recent speakers have included: J.H. Baker, professor of English legal history at Cambridge University; political science professor Shlomo Avineri of The Hebrew University; Justice Noelle Lenoir of the French Constitutional Court; Prof. Nicholas Lühmann of Brelefeld University in Germany; and Stanley Fish, professor of English and law at Duke University.

The Institute also supports *Cardozo Studies in Law and Literature*, the first professionally edited journal created to address the growing interest among storytellers, literary scholars, lawyers, and judges in the relationship

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largely by bringing here an amazing
array of very famous scholars.”

between law and literature. *CSLL*, published semiannually, is in its tenth year and explores legal themes in fiction, ranging from the classics to contemporary literature. Topics have included: censorship; narrative, hermeneutics, and style; human rights in literature; judicial biography; and new works by celebrated as well as emerging authors whose interests include a vision of law and society. *CSLL* has published works by such playwrights as Barrie Stavis and Benjamin Fondane, as well as numerous essays. “Jacob Burns Foundation grants were essential in getting *CSLL* launched and in supporting us over the years,” says Professor Weisberg, general editor.

“One important aspect of the Institute is that it provides every member of the Cardozo faculty with the opportunity of financial support for projects that will advance legal knowledge,” Professor Sterk explains.

“The Jacob Burns Institute has enabled me to organize three conferences here in the last 10 years,” Carlson says. The first was “Hegel and Legal Theory”; the second was “Deconstruction and the Possibility of Justice,” in which Jacques Derrida presented a paper that was first published in *Cardozo Law Review* and has since become very well known; and the third was “Law and the Post-Modern Mind,” on psychoanalytic theory.

The Institute generally looks to sponsor major events

at Cardozo, or events that will be published in *Cardozo Law Review*. But there have been instances where it has helped individual faculty members with a project, Professor Sterk says. For instance, the Institute thought it was important to provide funds for the translation from English to French of Richard Weisberg's well-received and important book *Vichy Law and the Holocaust in France*.

As for future direction, the Jacob Burns Institute for Advanced Legal Studies is prepared to follow members of the Cardozo community as their interests and trends in legal scholarship and legal inquiry change, says Professor Sterk. “Whenever a scholar identifies an important area for study, we're willing to consider funding it.”

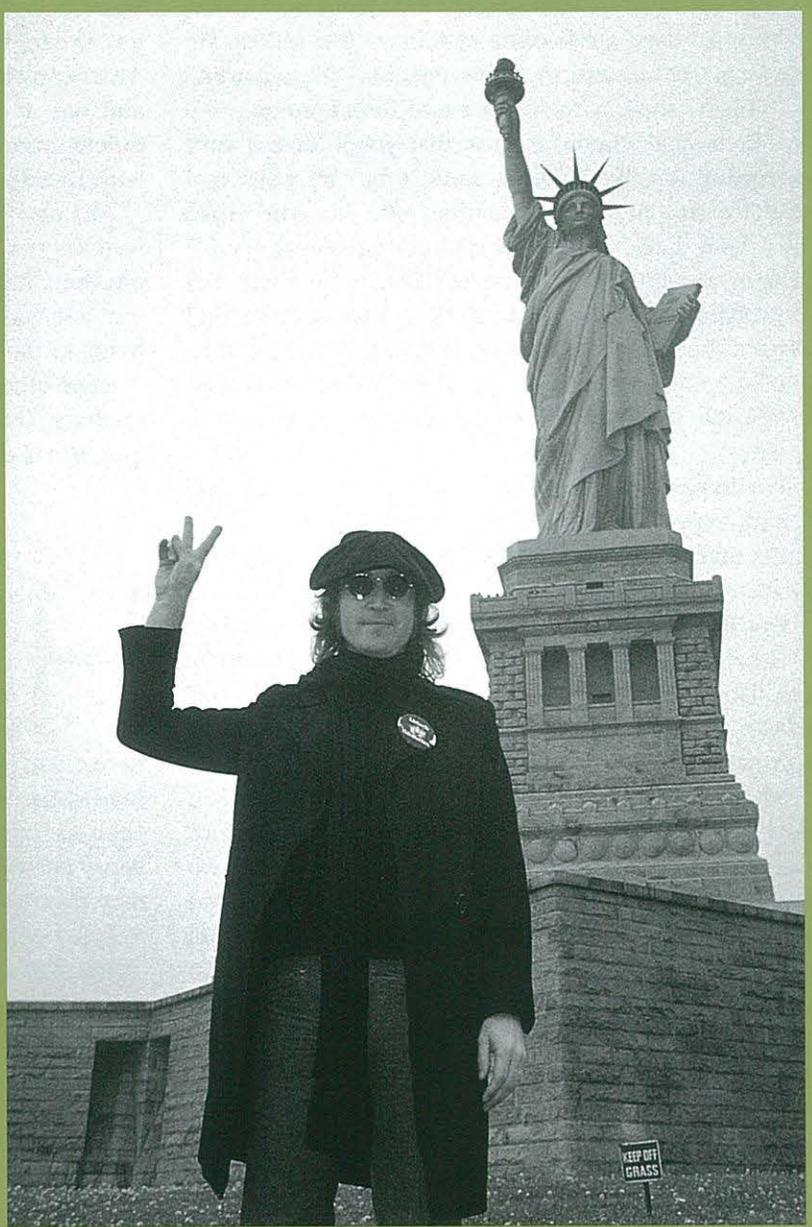
Mr. Burns was extremely charitable; he also supported George Washington University Law School, his alma mater (1924), and contributed funds to establish the Jacob Burns Law Library at that institution. At Yeshiva University, Mr. Burns was a trustee and a founding director of the Sy Syms School of Business. “When it was brought to his attention that Cardozo was being established and needed support, my grandfather felt that he wished to focus his

attention there because of his own background as a lawyer,” says Barry Shenkman, president of the Jacob Burns Foundation and Mr. Burns's grandson.

Mr. Burns became a champion of Cardozo's unique curriculum, which blends practical experience and theory with a broad spectrum of innovative programs and courses. In a 1991 testimony to Jacob Burns, Yeshiva University President Norman Lamm wrote, “Carl Sandburg once described [Abraham] Lincoln as ‘steel wrapped in velvet.’ That is an apt characterization of Jack Burns. Soft-spoken, gentle, almost self-effacing in demeanor, he is hard-headed, clear-eyed, persistent, and powerful in the discharge of his responsibilities to Cardozo.”

“My grandfather was a leader,” Mr. Shenkman observes. “And he was very good at managing the Law School. He not only gave funds, but when he was chairman, he was on the phone for hours every day with the School, looking over its budget, taking an active role.” He was very interested in seeing the Law School succeed and become prominent, says Mr. Shenkman. “He thought that these scholarly endeavors would help establish Cardozo, and he was right.” ■

JONATHAN KALSTROM is a writer who contributes frequently to law school magazines.



BOB GREEN • STAR FILE

Not just any Immigration Case

Leon Wildes represented John Lennon and Yoko Ono from 1972 through 1976 and secured lawful permanent residence for them, despite much contrary legal authority, *Lennon v. United States* 527 F. 2nd 187 (1975).

Each year, Professor Wildes has students in his Immigration Law class study the case, and at the end of the semester, he delivers a lecture that contains many personal anecdotes. The following article comes from one of those lectures.

Professor Leon Wildes
Partner, Wildes & Weinberg

received a call in mid-January 1972 from Alan Kahn, who had been a classmate of mine at law school. He was house counsel to Apple Records—the recording company used by the Beatles and John Lennon.

Kahn said, “Leon, I think that you’ll have a very interesting day if you have some time. We have real heavyweights here, John Lennon and his wife, Yoko Ono, who have some immigration problems, and I thought of calling you.” What he didn’t tell me was that he probably had called a number of other immigration lawyers, because when I met John Lennon and Yoko Ono later that day, their questions were so informed that it was quite clear that I wasn’t the first lawyer being consulted.

I’m embarrassed to say that I said, “Alan, tell me, who is John Lennon?”

He said, “Leon, never admit that you asked me that question.”

On the way down to the Lennons’ Village apartment, he showed me a 1968 Certificate of Conviction issued by a British court, in which Lennon was convicted of possession of cannabis resin. I had no idea what cannabis resin was.

We arrived at a quaint apartment on Jane Street. In the back was a kitchenette, beyond which was a door leading into a bedroom, which I later learned was two stories high and was furnished with a huge TV set that was on all the time, with the sound turned off. Most of the Lennons’ business was done in and around that great big bed. There I was to meet many of their newfound American friends.

Yoko was the first to emerge—a diminutive woman, obviously very bright—and she started telling me her situation. She explained that she had come to the United

States to find and get custody of her nine-year-old daughter, Kyoko, from a previous marriage (to Tony Cox, an American citizen). She had sought the girl for some time and had twice been on the verge of receiving court orders awarding her custody, only to have Cox abscond with Kyoko each time.

She also found time to tell me that she was a rather well known conceptual artist—“con” art, it was called at the time. It seemed important to her to get across to me that she was somebody. Maybe that was a result of her living in the shadow of a very important person.

John emerged from the bedroom. He was fidgety and nervous, but warm and nice at the same time. He brewed tea for us all and started telling me his story.

The Case

He said that he had come to the United States on a waiver of inadmissibility, which was available for temporary trips. He cited the humanitarian reason of accompanying his wife to testify in the custody proceedings for Kyoko. He also told me of his conviction for possessing marijuana. He said, “The first thing I want you to know, Leon, is that I didn’t do anything wrong. I had no drugs in my possession. The police planted them on me just as they planted them on Mick and George.” I was supposed to know who Mick and George were.

He also told me that he had been tipped off that the police were going to raid the apartment where he was staying, although he hadn’t known exactly when. He had cleaned the apartment, which belonged to some other musicians, and was not on drugs at the time and did not have any around, so he felt at ease.

When the police did come, they broke the door in and charged John with possession of cannabis and obstructing justice. Obstructing justice, he explained to me, was “trying to get your trousers on so you can get to the door.” He didn’t get there fast enough, and they believed that he was using the time to hide something. They came with the dogs—and also with the drugs—conducted their search, and arrested everybody.

John was advised by his counsel to plead guilty to possession of cannabis and pay the fine. I said, “Just a moment. You were told to plead guilty?” He said, “That’s what they told me, and I had good counsel. Of course, Leon, lawyers always give you the right advice, right?”

I registered that, although he obviously had told the lawyer he wasn’t guilty of anything,



PHOTOFEEST

Later, I uncovered documents,
under the Freedom of Information Act, that showed
that Lennon was being selectively prosecuted for
political purposes by the Nixon administration.

the lawyer had told him to plead guilty. Perhaps there was something unusual about the British statute.

I asked, "What is cannabis?"

He replied, "Cannabis is a plant."

Then I asked, "What is cannabis resin?"

"Oh," he said, "that's hash."

"Is that marijuana?"

"Oh no," he said, "much better than marijuana!"

I recalled some criminal cases in which people were charged with possession of one drug and succeeded in getting the indictments dismissed because they were actually in possession of another. There was, to my mind, some distinction between the two, and I kept that fact in the back of my mind.

Finally, he said, "You know, they're passing a new law in England now, the Uniform Rehabilitation of Offenders Act, which says that if five years go by without a reconviction for the same type of offense, that's it! They erase the conviction for British purposes." He was referring to a legislative removal of a conviction, but I realized that such a removal does not generally have the same effect under US immigration law. However, there was little law on the subject, and the issue could be an interesting one.

After hearing John's and Yoko's stories, I knew that they really weren't asking for too much. Yoko said that they were trying to stay for just a couple of more months, but would require an extension to do so. They had less than two weeks before they would have to leave the country or face deportation.

I said, "If all you're looking for is more time to stay and search for Kyoko—and I've never seen a more compelling reason for an extension than having two child custody cases pending and trying to locate your own child—I would be happy to look over the extension papers. I'm quite certain we can get you a couple of months."

Then John said, "But Leon, that's all I can hope for. I understand that I can never become a US resident, and if they deport me, I can never come back. That's what happens when the charge is being deportable for conviction of a drug offense." He seemed to be repeating advice received from other lawyers.

I said, "John, I'm not absolutely sure that you are

unable to get residence. First of all, I see a question with respect to the substance that you were convicted of possessing. It's possible that you might not have even needed a waiver of inadmissibility to come in temporarily. The statute says that 'narcotic drugs or marijuana' convictions cannot be overcome. Your conviction was for hash, which is not marijuana or a narcotic. Second, there's something about this statute in England under which you were convicted that rubs me the wrong way. I can't understand why a top criminal attorney in England advised you to plead guilty." I also saw the Uniform Rehabilitation Act as having potential for a new determination because it was a new statute, and there would not yet have been a determination under American law. Eventually, these were the points that I cited in the Court of Appeals some five years later, when Chief Judge Irving R. Kaufman ruled that the conviction need not be recognized under US immigration law and ordered the Immigration and Naturalization Service (INS) to adjudicate Lennon's residence case without considering the conviction.

The Legal Strategy

I explained to the Lennons how I would handle their case. "If you are as important as everybody says you are, I may be able to put the government in a very embarrassing public posture. I could file two petitions, one for each of you, as 'outstanding persons in the arts or sciences whose presence in the United States is deemed by the Attorney General to be in the national interest.' The government might have to approve these petitions." Yoko smiled immediately.

I continued, "Then I would apply for residence for both of you. Let the government deny John's case and grant Yoko's—since there seems to be no reason to deny her application. This would place the government in the uncomfortable position, perhaps, of forcing you, Yoko, to choose to stay here with your child or go back to England with your husband. They're not going to look good doing that. Now, if all you need is a temporary extension, you don't need me. Mr. Kahn can have me review any extension application he drafts."

Leon Wildes with
John Lennon.



All of a sudden, the atmosphere in the room changed. And I will never forget that moment: they looked at each other and said in unison, "We need you!" That's when I knew I was being retained.

From that point on, life was changed for me. I went down to see the INS district director, Sol Marks, and asked him about an extension application. I had known Sol for over 20 years. We commuted on the train together in the summers and he would solve half my immigration problems on the trip. He is a very knowledgeable, capable man who had been with the Service for 38 years.

He called me the next day and said, "Leon, because it's you, you can get a one-month extension. Don't ask me any questions. These people will never get another extension" (*in haec verba*—that's what he told me). "And Leon, tell them to get out."

I went back to Jane Street, where I soon would become a frequent visitor. I practiced immigration law in my own office from 9 a.m. to 5 p.m. The Lennons would get up at 9 p.m. and stay up until dawn, often at the recording studio. I would go to their apartment after dinner to meet witnesses and go through papers, and, if I needed a secretary, they would have somebody available.

We decided to file two outstanding-artist petitions. We started contacting people for reference letters. By simply mentioning my clients' names, I could get through to nearly everyone. Yoko said she would be happy to get letters from Andy Warhol, Clive Barnes, Jasper Johns, Stanley Kubrick, Elia Kazan, Claes Oldenburg, Leonard Bernstein, and Virgil Thomson. If you're a collector of signatures, you would have valued my files at a million dollars!

I completed two magnificent applications and told Sol Marks that we were filing outstanding-artist petitions and that my clients had no intention of leaving the country. His immediate response was a letter enclosing Orders to Show Cause commencing deportation proceedings.

After filing the petitions, I received no adjudication. Two months later, under the Freedom of Information Act, I asked for permission to see all the government's files on Lennon. I appeared at INS one day, and found a table full of files for my review, but my petitions were not there. I smelled a rat and began to make a lot of noise for a very quiet lawyer. The petitions finally showed up in a sealed manila envelope—totally untouched.

I knew that if I didn't have an adjudication of those two petitions, I would not be able to apply for residence for my clients at the deportation hearing, which was coming up in a few days. So for the first of four occasions in this one case, I filed suit in Federal District Court for *mandamus* along with an application for an injunction

against the deportation proceedings, pending adjudication of the two filed petitions. The preliminary injunction was granted and a court hearing scheduled.

Deportation as a Political Strategy

By the hearing date, I had still received no opposing affidavits from the government. It was strange, because in my affidavit requesting the injunction, I alleged that there was a government conspiracy to remove Lennon for political reasons.

Later, I uncovered documents, under the Freedom of Information Act, that showed that Lennon was being selectively prosecuted for political purposes by the Nixon administration. A memo dated February 4, 1972, was forwarded to former Attorney General John Mitchell and Bill Timmons of the White House by Sen. Strom Thurmond, describing Lennon as a threat to the US government and the reelection campaign of Richard Nixon because of Lennon's affiliations with members of the Radical Left, which was then trying to stimulate voter registration of 18-year-olds. The presidential election in 1972 was the first one in which 18-year-olds could vote, making 18- to 20-year-olds a very important constituency. I also uncovered a memo in which Marks is advised by Washington to deny all applications, to revoke the Lennons' voluntary departure privilege, and to schedule the deportation hearing for March 16, 1972—strong evidence of prejudice of the case for political purposes.

At the hearing, Judge Whitman Knapp called both counsels forward and said that the United States Attorney had received a call from Sol Marks saying that he would adjudicate the papers that day. The judge said, "You know I can't order him to either approve or deny. He still has discretion to rule on these petitions." I was satisfied, and my suspicions of a government conspiracy were confirmed by the fact that the INS did not file affidavits in opposition to my claim of a government conspiracy to remove Lennon.

However, I said that I was unwilling to release the injunction against the deportation proceeding until "I see the decisions and until you, Your Honor, and I have original approvals or denials. At least with a denial, I know what my remedies are." The judge agreed, and I got another adjournment of the deportation case. Later that day, both petitions were finally approved. John and Yoko had been declared "outstanding artists whose presence in the US was, in the opinion of the Attorney General, prospectively beneficial to the national culture"! It was truly ironic, because Attorney General Mitchell was one of the parties most active in attempting to deport John Lennon.

Lennon immediately grabbed
a handkerchief from his pocket,
dropped down on his knees,
and started shining Schiano's shoes!

They could now apply for permanent resident status in their deportation proceeding. Even though the government thought that it would look bad denying those petitions, it still believed that it could proceed with deportation because in its estimation, no one with a drug conviction could qualify for permanent residence. If I could prove otherwise, I would be creating an unbelievable precedent.

The Hearings

My clients, like all clients, were very nervous about hearings. They didn't know what to wear; they were afraid to testify; they were afraid of all the tricks the INS was capable of pulling.

Preparing for our first hearing in the deportation case, I called my opposing counsel, Vinnie Schiano at the Immigration Service, and told him how nervous John and Yoko were. He said, "Bring them up to my office, and we'll calm them down before we go into the hearing." They were soon very much at ease in the prosecuting attorney's office, for he was quite an expert on Beatles music. Soon Vinnie whispered to me, "Leon, I don't think they realize that I'm the prosecuting lawyer." I said, "John, Yoko, it's time to go into the hearing now, and you can feel relaxed because Vinnie here, he's the prosecuting lawyer." Lennon immediately grabbed a handkerchief from his pocket, dropped down on his knees, and started shining Schiano's shoes!

It became my practice to choose their clothing for all court appearances. For one hearing, I got to their apartment at 6:30 a.m. and asked them: "What clothes do you have that look alike?" It took us a little while, but they both had black suits, black ties, and white shirts. I dressed them up like two matching dolls and I said, "I want you to hold hands in the courtroom. I don't care who tells you not to do so. Sit together on one side of the table and don't budge. I'll sit on the other side of the table. If they say something about separating you, I want to see the saddest faces you can make." We survived the government's motion to sever the two deportation cases and try them separately; their cases were to be tried together.

At another hearing, I needed to prove that cannabis resin was not marijuana. I was told by my friend Alan Dershowitz that Dr. Lester Grinspoon of Harvard Medical School was one of the best doctors in the country and an expert on marijuana. I called Dr. Grinspoon and asked, "Is cannabis resin marijuana or what?"

"Oh," he said, "cannabis resin is not marijuana. It's hashish!"

"Dr. Grinspoon, name your fee. I need your testimony."

He said, "I'm very sorry. You can cite my book, but I don't testify any more."

I was very disappointed, and tried to reach some other doctors. Then I got a call from Dr. Grinspoon. "Mr. Wildes, I haven't testified in years, but I have a special personal situation. I have a 12-year-old son who has terminal leukemia. Since we first spoke, I found out that he idolizes John Lennon. If you can get me some things autographed by John Lennon, I will be happy to testify at my usual rates."

I promptly left my office and bought lots of Lennon paraphernalia and had John autograph it all. I met Dr. Grinspoon the next evening at the Plaza Hotel with the whole pile of autographed stuff in anticipation of his testimony.

The immigration judge allowed the testimony even though it was not customary in deportation proceedings, because Grinspoon was obviously such an important physician.

Working the Press

The case continued, hearing after hearing after hearing. Nearly every night, I'd meet with the Lennons at their apartment or recording studio, the Record Plant, to work on the case. I was about Yoko's age, 42, and I bought my first pair of jeans and let my hair grow. John Lennon bought an "immigration suit"—it looked something like what I'm wearing now—and got a shorter haircut.

In March 1973, Immigration Judge Ira Fieldsteel finally reached a decision in the case. I got a call from my old friend Sol Marks, who said, "Leon, I'm having a press conference at which the decision will be read.

We're inviting you and Mr. Schiano, the prosecuting attorney, to be there and comment on the decision." In his 38 years with INS, Sol Marks had never held a press conference. Did he know something that I didn't?

Needless to say, I didn't trust the district director as much as I once had. I called my clients and asked them to round up journalists from the music and underground press. I wanted to feed each friendly reporter a question to be asked of Sol Marks at his press conference.

For the press conference, John and Yoko sent Sol a big bouquet of yellow roses. He was never so flustered. Nobody had ever sent this guy roses! All my new friends from *Rolling Stone* and the other journalists started asking their questions.

The decision of the immigration judge was announced. Yoko was granted permanent-resident status, and John's application was denied because of his conviction.

"Mr. Marks, did you have to bring this deportation proceeding?" "Oh yes. I'm required by law to do it." "Is there a procedure by which you might have avoided doing so, called the 'non-priority' program?" "No, there's no such procedure." "Were you told or encouraged by Washington to do this for any political reason?" "Oh no, it was my own idea." He lied through his teeth! When I examined him in a federal court deposition, he admitted that his answers to those questions were untruthful.

Later that week, we held our own press conference because it was time to file our appeal to the Board of Immigration Appeals (BIA). I arranged for it to be held at the Association of the Bar of the City of New York. Many high-profile people from the arts spoke. I gave a presentation on the law, what had been going on, and what we knew.

John and Yoko, full of surprises, as ever, asked me to

stop the proceedings for just a moment. They took out tissues and started waving them, and declared in unison that they were hereby declaring the state of "Nutopia," a state with no borders, no laws, no exclusionary proceedings, no deportation proceedings, and no immigration lawyers! (I wasn't so sure that I was happy about the last part of the declaration.)

Today, if you visit Yoko at the Dakota, you will see a sign on the back entrance to her apartment that reads, "Embassy of the State of 'Nutopia.' "

Federal Court Times Four

This case took me to federal court on four occasions, during the five-year period of its litigation. The first lawsuit (*Lennon v. Marks*, 1972) resulted in securing the approval of the Lennons as "outstanding artists."

The second (*Lennon v. Richardson*, 73 Civ 4476, 1973) was under the Freedom of Information Act, in which I had requested documentation relating to the "non-priority program," a humanitarian program that was not a part of the statute or regulations, and simply a matter of secret law. In discovery proceedings, I was successful in learning about the existence of the program, by which aliens who were fully deportable—including those with multiple convictions for serious drug offenses, murder, and rape—were nevertheless permitted to remain in this country because of extreme hardship. As a result of the suit, I was successful in obtaining such "non-priority" status for John Lennon, and the program was made available to other aliens who might wish to apply.

The third Federal District Court action (*Lennon v. United States*, 73 Civ 4543, 1973) was the one in which I sued Attorney General Mitchell, Assistant Attorney General Kleindienst, Immigration Commissioner Farrell, District Director Marks, and others, alleging selective prosecution.

Finally, I appealed the Deportation Order to the Board of Immigration Appeals and argued Lennon's case in Washington. The BIA affirmed the Deportation Order and I appealed their decision to the US Court of Appeals (*Lennon v. United States* 527 F. 2d 187, 1975).

About two weeks before the Court of Appeals entered its decision, reversing the

Prof. Wildes and his son, Michael Wildes '89, a partner at Wildes & Weinberg, recently reviewed original documents from the case *Lennon v. United States*.





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BIA decision to deport Lennon, we won our application for “non-priority” classification, so that John would be permitted to remain in the United States, even without obtaining permanent residence. We went to federal court four times, winning each case on the basis of a strategy conceived at my first meeting with John and Yoko more than five years earlier.

Lennon Gets His Green Card

You can imagine my feeling after five years of almost daily work on this case. I called John and said, “John, you remember I told you we’re probably not going to win this case, but that we might survive long enough for the law to be changed? I’m now calling to tell you that we actually won it!” Lennon was astonished: “Leon, what do you mean, *won*? Yoko is in the hospital about to give birth, and tomorrow is my birthday, and now you tell me we won?! Please stay at your desk, and Yoko will call you when I get to New York Hospital and you can explain it all to her.”

I had been explaining things to Yoko all along. She was my veritable co-counsel in the case. She understood every nuance of every case I ever cited. John was brilliant; but when it came to these technical things, he relied upon Yoko completely.

Yoko called and said, “Oh, that’s wonderful, Leon! Why don’t you and your wife come over to the hospital as soon as you get the actual decision, and we’ll read it together.” She was interested in every word.

We went to the hospital and spent about two and a half hours there. They were elated. After asking Yoko’s permission, John finally said, “Leon, did you know that all this time big lawyers like Edward Bennett Williams

have been trying to get this case? Do you know why we stuck with you? You’re the best immigration lawyer in the world. You’re the only lawyer I understand and the only lawyer my wife is crazy about. You know, Yoko fires lawyers all the time. We also stayed with you because her tarot-card reader said ‘Stay with Leon. He’s going to win the case for you!’ ”

To which I replied, “Thank God for tarot-card readers.”

My wife and I didn’t get home until about 2 a.m., and I was bleary. It was about 5:30 a.m. when the phone rang and the voice on the other end said, “This is John.”

I was half asleep and asked, “John who?”

“John Lennon, and I have a beautiful boy!” He said it just the way he wrote it in his song, “Beautiful Boy,” which is one of my favorite Lennon songs. We had become very close, and although he wasn’t my normal kind of friend, and I wasn’t his normal kind of friend, we had a very warm relationship.

The next day, I went to buy John a present. It was his birthday. It was also his child’s birthday. He had just become a father. He had won his case. He would have his final hearing, get a green card, and be able to travel and perform again! He would be free again.

I stopped at Mark Cross, not far from my office. What do you get for John Lennon? As I walked into the store, I saw in the showcase a passport cover emblazoned with the great seal of the United States. “I’ll have that passport case,” I said.

Some time later, I visited John and Yoko—they had moved from Jane Street to the fancier Dakota. I was waiting for them in their magnificent living room, where the furniture and carpeting are all white, as is the grand piano. When John and Yoko came in, I was at the piano playing a “beginner” piano song that I had recently learned from my kids’ piano teacher.

John said, “Leon, I didn’t think you knew how to play the piano. You know, I don’t know how to play. All I can do is pick out chords.”

I answered, “I wouldn’t feel too badly about it—you’re doing fine.”

When Yoko walked in, John turned to her and said, “When Sean gets old enough to learn how to play the piano, I’m going to take lessons, too, just like Leon.”

Can you imagine, if that beautiful man had lived more than five years after he had gotten his green card, what magnificent music he would have continued to bless us with?

Just imagine! ■

A Celebrated Moment

Cardozo is extremely proud of its adjunct faculty. Working on the front lines in a variety of areas of the law, members of the adjunct faculty bring expertise to the classroom that benefits students and faculty alike. *Cardozo Life* invited several members of the adjunct faculty to tell a story of an event or case that made a difference in their careers: to share a celebrated moment.

■ Prosecutorial Discretion: Yea or Nay?

BARUCH WEISS, *Assistant US Attorney, US Attorney's Office for the Southern District of New York*

World Trade Center, Don King, Latin Kings, Wall Street insider trading, Manila Air bombing—these are the types of cases that come to mind when one thinks about serving as a prosecutor at the United States Attorney's office. Having spent over 13 years with the office, I've enjoyed working on my share of some of the office's high-publicity cases.

One of the more meaningful experiences I had, however, was not a high-profile felony case, but the only misdemeanor case I have tried while at the office. A case that I lost. Yet it was this case—maybe more than any other case in the office—that made me proud to be an Assistant United States Attorney.

Make no mistake. Despite the jury's verdict, the guy did it. I believed it then and I believe it now. He stood as a lookout while his cousin sold a relatively small amount of counterfeit money to a willing buyer. Unfortunately for the two of them, the buyer turned out to be an undercover Secret Service agent. The cousin, who actually made the hand-to-hand sale, had little choice and eventually pleaded guilty. The defendant, however, had simply stood at a distance. Because he was only the lookout, he had had no contact with the agent and had not been tape-recorded. The case against him was a difficult one to prove.

Still, we knew the details of the defendant's involvement from his cousin's confession after the arrest. His cousin told us that he was late for his rendezvous with the buyer and hailed a gypsy cab. Purely by chance, the defendant, a neighborhood gypsy-cab driver, turned out



to be the cab driver. The defendant learned of the impending sale while driving his cousin to the sale, and, when his cousin asked if he would stand watch, he agreed.

The defendant was arrested for aiding and abetting the sale of counterfeit US currency. During plea discussions, his legal-aid lawyer requested a deferred prosecution, i.e., dismissal of the charges after a year if the defendant stayed out of trouble. I countered with an offer of a misdemeanor. Not that I knew of an appropriate misdemeanor; virtually all the counterfeit statutes are felonies. But I figured that, after all, he was not the primary player, and the sum of money was not large. We would find some applicable provision.

The defendant refused the offer. I told his lawyer that his refusal meant the defendant would be prosecuted for a felony. I was sure that the added pressure would ensure a deal. To my surprise, the defendant again refused. Now I was in a quandary. Even though he had refused to plead guilty, in my view he didn't really deserve a felony. But I had threatened him with the felony in order to get the misdemeanor plea that I thought was appropriate. I had to make good on the threat.

I couldn't do it. He had no record and deserved a misdemeanor, not a felony. So I swallowed my pride and advised his somewhat surprised attorney that we would go to trial on a misdemeanor if she could find an appropriate one. That wasn't easy. She found nothing. I eventually charged him under an obscure, seldom-used statute, which seemed designed more for vending-machine slugs than for counterfeit money. In exchange for proceeding on the misdemeanor, his attorney informally assured me that she would not challenge the statute's applicability on appeal if the defendant were convicted.

So we went to trial. The jury, of course, was not told whether the charge was a felony or misdemeanor. Ironically, I think the jurors assumed that the charge—this was federal court, after all—was a felony, and acquitted him, at least in part, because they felt, as I did, that a felony was too harsh.

It didn't matter. Prosecutorial discretion, so often criticized by the defense bar, had yielded the right charging decision when the law might have led to a more uncompromising result. A guilty defendant was acquitted, and I felt pretty good about the whole thing. It was a good day to be a prosecutor.

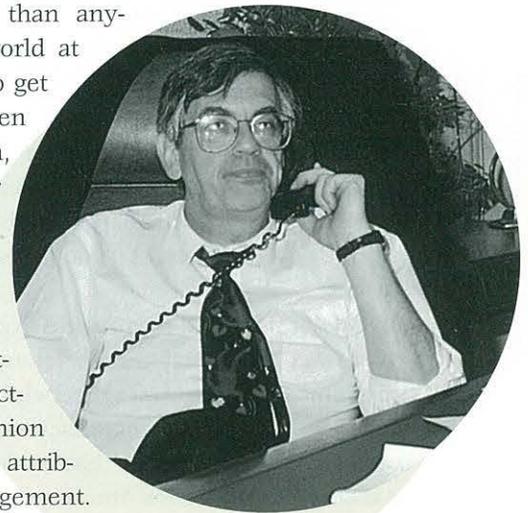
■ "Employees Shall Have the Right to..."

DANIEL SILVERMAN, *Regional Director, New York Office, National Labor Relations Board*

My 30 years with the National Labor Relations Board, the last 17 as regional director of its New York office, have had some exciting moments. The massive publicity surrounding our suit for the injunction that ended the baseball strike as well as our decisions in the election case brought by Michael Jordan, Patrick Ewing, and others to decertify the union in basketball demonstrated the continuing relevance of labor law to our society. But perhaps my most rewarding experience occurred many years ago when I was a young lawyer assigned to the Pittsburgh regional office of the Labor Board.

Returning to counsel's table after finishing my cross-examination of a production-line supervisor of a pants factory in a small town in West Virginia, I felt things had gone reasonably well. Confirmation came when one of the employees involved leaned over and whispered in a manner so as not to disturb the ongoing proceedings, "Mr. Silverman, it doesn't matter if we win or lose; what you did to that supervisor makes it all worthwhile."

Here I was, four years out of law school, representing the General Counsel of the National Labor Relations Board in trying to discredit the supervisor's denials of threats of retaliation against employees for expressing support for a union. I was able to establish that she considered herself a supportive supervisor and friend to the employees, had worked regularly with them for eight hours a day over the past several years, and paid close attention to everything that happened at her station. Although there was an active union campaign going on all around her, she testified on cross-examination that she never heard anything about the union and never discussed the union with any employee or other supervisor or manager. Her demeanor clearly showed that she was very uncomfortable with her testimony and wanted, more than anything else in the world at that moment, just to get off that stand. When she stepped down, the company lawyer argued that even if her denials of statements of dire consequences of unionization were not credited, the threats reflected her personal opinion and should not be attributed to higher management.



I recall feeling at the time that after years of studying labor law, I was finally beginning to understand Senator Robert F. Wagner and President Franklin D. Roosevelt's vision expressed in the National Labor Relations Act. These employees, earning a minimum wage with virtually no benefits, were being provided a lawyer, without cost, to defend their right to select a labor organization to represent their collective interests with their employer. I was there with the power and force of the United States government to tell that supervisor that what she did was wrong, that she had no business interfering with the employees' choice of a union. I could appreciate why Professor Eric F. Goldman in *The Liberal Hour* quoted a worker in South Carolina as saying that President Roosevelt was the "first President we ever had that knew that my boss was an SOB."

I had met the employees many times before the trial. I had visited their homes, met their families, sat around their kitchen tables drinking Kool-Aid and eating egg-salad sandwiches. One employee asked me to assist him with a tax problem, another with a divorce proceeding. I was the perceived expert—the government lawyer coming from the big city with a New York accent and a Jewish name—and they welcomed me with warmth and respect. What a country, I thought. This kid from Jersey City was being paid by public funds to have such a good time. And, although I was barely out of law school and not yet 30, I knew that I had found work that I hoped to do for many years. I thought, as Harry Golden said, "Only in America."

Over the years, as I was gradually assigned more administrative responsibilities, the distance from those production workers in West Virginia became greater and greater. That is perhaps why I sometimes return to a book mailed to me by my law school the summer before my first year. The basic message of the book fit remarkably well into my then vague and unarticulated views of the law. The author, Edmond Kahn, said one should adopt essentially a consumer approach to legal analysis. It is important to retain, he said, an understanding of how these great principles of law we espouse or adopt actually work. As I have come to understand and apply it, this view is not meant to depreciate the evaluation and meaningful consideration of institutional interests. Rather, it focuses on the need to see the law from the bottom up.

For one practicing in the labor area, this view is particularly relevant. There are labor and management interests that must be fully understood and considered in fashioning applicable principles of law. I see an almost daily slugfest between labor and management, bitterly serious arm wrestling with gains to one viewed as losses by the other. Often lost in the dialogue of argument is the core section of the National Labor Relations Act. That

provision, Section 7, which gives the Act its essential meaning, begins, "Employees shall have the right to...." Thus, the statutory rights are vested not with unions or employers, but with employees, or, to use Kahn's term, the consumer. While those employees in West Virginia may never have heard of Senator Wagner, he knew they were there.

It is tempting to get caught up with the subtle nuances of the law and with the glamour of big-publicity cases. It is easy to view labor relations as an intellectual or political game. As a lawyer and an administrator of the National Labor Relations Act, however, I find it humbling, inspiring, and, ultimately, quite grounding to remember why the statute was written and whom we are really charged to protect. The reality of those West Virginia pants-factory employees, so committed, so willing to sacrifice personal interests, helps me remember.

■ History Marks a Voyage

ROSALIND LICHTER '82, *Law Firm of Rosalind Lichter*

When I was 18 years old, President Kennedy was assassinated. I was a university student, and, like most of my generation, I remember where I was at the moment when the news came east. It was a terrifying, life-changing event. Years later I was retained by Judge



Jim Garrison, a major figure in the Kennedy assassination investigation, to represent him in the sale of his life rights to director Oliver Stone for the movie *JFK*. Jim Garrison was the district attorney in New Orleans and later a judge. Renowned for his conspiracy theories about the Kennedy assassination, he had written a book called *On the Trail of the Assassins*. The book was published by friends of mine who retained me to negotiate the sale of the book and life rights to Warner Brothers and Oliver Stone. It feels somewhat surreal to have been a part of this process, where a piece of my personal history became part of a "Hollywood" deal.

Two years ago, Elizabeth Swados, who has been a client of mine since 1989, wrote an opera called *Missionaries*. It is the story of three nuns and one lay person killed in El Salvador and the assassination of Archbishop Romero. When the events actually happened, I was a third-year law student. I still remember the terror in El Salvador and the frustration of knowing

that the killers were supported by the United States government—a government whose constitution I would soon take an oath to abide by. With *Missionaries*, I worked with the poets, authors, and members of the families of the slain women to secure rights to their words, which Ms. Swados used in her opera.

Last year I was retained to sell the movie rights to the book *Buried Alive*. Written by Myra Friedman, it is the definitive biography of Janis Joplin, one of the great rock stars of the twentieth century. Myra was with Janis during all of the fun and desperate times. I was a passionate Janis fan. Her style reflected the rebelliousness and recklessness of the post-Kennedy years. Here was the anti-establishment voice that mourned Kennedy—Janis in psychedelic dress, who was later mourned for her excesses. I negotiated the agreement with Lakeshore/Paramount, and the project is now in development at Paramount Pictures.

Looking back at my 16-year practice in entertainment law, I marvel at having engaged in business transactions that have involved important historical events—events that have illuminated and marked my personal voyage.

There is much more to come—stay tuned.

■ Gorillas on Campus

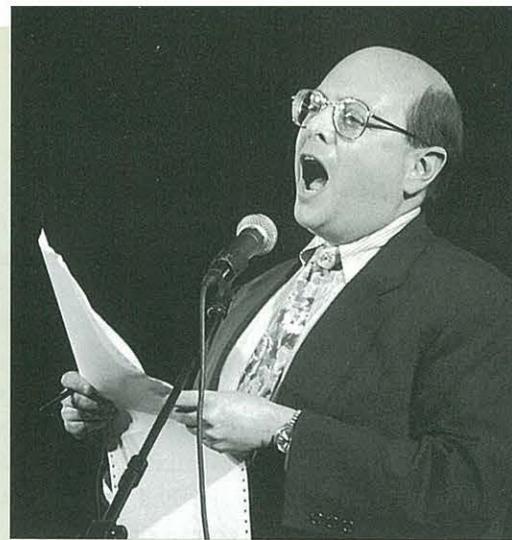
BURTON LIPSHIE, *Managing Attorney*,
Stroock & Stroock & Lavan

I often have the feeling that I live simultaneously in two different worlds. My many connections with Cardozo make my adjunct professor role far more than just a hobby. I not only teach two classes—New York Practice and Legal Writing—but I am often asked to help coach trial or moot court teams, and to participate in the Goods and Services Auction, the Law Revue show, and the “Sneak Preview” for admitted students. My colleagues at Stroock & Stroock & Lavan are used to my rushing off early on Thursday afternoons, as I announce that I am leaving “to fill young minds with CPLR.” And they are also used to the days when my time is filled with 1Ls coming into the office for conferences on their latest law-office memos or moot court briefs.

So when I was asked to write something about a significant event, or part of my practice, for *Cardozo Life*, it was impossible to limit myself to an event connected to my life at Stroock. I needed one from each of the two centers of my legal career.

I suppose the single most significant matter I have worked on in the last few years, in my capacity as a Stroock litigator, was one in which I and the firm were asked to join the team of lawyers representing the then Chief Judge of the State of New York in his lawsuit

against the Governor of the state. This constitutional crisis began in the early '90s, when the state, fallen upon hard financial times (how wonderfully speedily the cycles change!), needed to trim the budget. The Governor's ax fell particularly heavily



upon the judiciary. The Chief Judge's proposed budget was cut to the bone—indeed, well into the bone. Those old enough will remember the results. There were massive layoffs of court personnel. Trials were unobtainable, because the trial parts could not function without court clerks and court officers. The well-regarded arbitration program for smaller Civil Court matters had to be closed down. The entire system was on the verge of collapse.

When the political process failed, the Chief Judge decided that the only remedy was to commence a lawsuit against the Governor, claiming that the political branches of government could not destroy the judiciary by their power over the budget. While other counsel were busily preparing for depositions and other discovery activities, my firm was asked to prepare the brief in opposition to the Governor's prompt motion to dismiss the action.

The Governor claimed that the lawsuit should be dismissed because the court lacked subject-matter jurisdiction over the political question of the budget-making process. The Constitution, he claimed, placed the budgetary authority in the executive and legislative branches, and the courts lacked power to interfere. In the frantic week that followed, the Stroock team researched a number of hoary authorities (dust was everywhere) on the state constitution. I even got to cite *Marbury v. Madison* in a real case. We argued that the doctrine of separation of powers acted to limit the political branches' power over the budget. They could not, we urged, prevent the judiciary from performing its constitutional function by reducing it to penury. Would the Constitution permit the executive and legislature to budget \$1 for the judiciary? If the answer to that question was no, as we urged it should be, then the “political question” argument was wrong, and the remaining issue was the factual one: whether the amount in fact budgeted was constitutionally adequate.

We prepared the opposition papers, and served and filed them. But before the court was called upon to act, cooler heads prevailed. Representatives of the Governor and the Chief Judge were able to work out a compro-

mise, and the constitutional crisis was resolved. I, of course, have always believed that it was the power of our argument, and the executive branch's fear of bad precedent, that helped bring about that settlement. It's probably not true. But being part of that significant litigation was a highlight for many of the lawyers on both sides.

My most significant moment as an adjunct professor at Cardozo is much less important, but one of the most personally satisfying. In the spring of 1992, an earlier cancellation of my New York Practice class required

that—in order to give my students all the CPLR they had paid for—I add 45 minutes to the end of two classes. When I announced the schedule, I was greeted by a chorus of loud groans. I told the class that I wasn't happy with it either, but if I could stay late on the night of my birthday, etc., etc.

And so the night of the extra-long class came. I remember noting that the room was unusually crowded. I found out why about midway through. The back door of the room opened, and in walked a gorilla (O.K., a person

Adjunct Faculty in the News

"Appellate Division Slot Goes to Saxe" was the title of a front-page story in the January 28 issue of the *New York Law Journal*. It stated that State Supreme Court Justice **David Saxe**, who teaches Judicial Process and Ethics in the Summer Institute, was recently designated to the Appellate Division, First Department by Governor George Pataki. Justice Saxe, who has served as a Supreme Court justice in both Criminal and Civil Terms since 1991, will be an additional justice on the appellate bench.

In making the appointment, the Governor said, "Justice Saxe's extensive experience, powerful intellect, and commitment to the rules of law ensure that he will be a valuable addition to this vitally important court."

Justice Saxe is a graduate of Columbia College and of Case-Western Reserve Law School and New York University Law School. From 1974 to 1978,

he was the consumer advocate for the City of New York and director of law enforcement for the Department of Consumer Affairs.

David Boies began teaching Mergers and Acquisitions at Cardozo in January. He is a highly respected antitrust expert who recently set up a private practice, Boies & Schiller. Professor Boies spent 30 years at Cravath, Swaine & Moore and left after the firm found his representation of Yankees owner George Steinbrenner in an antitrust

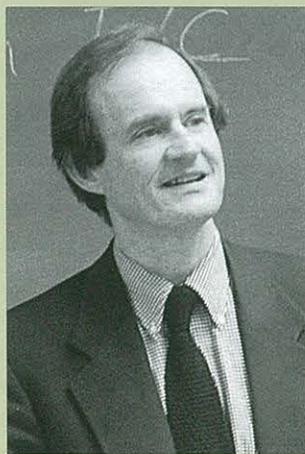
suit against Major League Baseball Properties to be a possible conflict with one of Cravath's biggest clients, Time Warner.

According to a February 25 article in the *New York Law Journal*, "Heavy-Hitters From Big Firms Finding Smaller Can Be Better," Mr. Boies retained his major clients from Cravath, including Florida Power & Light and Georgia-Pacific Corp., as well as acquiring new ones. The article quotes Mr. Boies: "Clients get more effective representation from a small number of people dedicated to a case rather than from a larger group."

Stanley L. Katz, professor of public and international affairs at Princeton University's Woodrow Wilson School and co-director of Princeton's Center for Arts and Cultural Policy Research, received an honorary Doctor of Laws degree in March from Ohio State

University. In an article from that school's newspaper, he was acknowledged as "a longtime advocate for the enduring value of humanistic study, [who] has tirelessly promoted the ideals of intellectual exchange and tolerance of differing viewpoints." The citation from the commencement ceremony indicated that his encyclopedic knowledge of the intricacies of American history and law marks his scholarly accomplishments.

Professor Katz was recently named an adjunct professor at Cardozo: he will teach Race and the Law in the spring of 1999. One of America's foremost legal historians, he served as president of the American Council of Learned Societies from 1986 to 1997. He cofounded *Reviews in American History*, the leading journal devoted to new literature in American history, and has served as associate editor since 1973.



in a gorilla suit), carrying “happy birthday” balloons, a bunch of bananas, and a birthday card. He came up to the podium, led the class in a boisterous rendition of “Happy Birthday,” read a poem appropriate to the occasion, and left me with the balloons (and the bananas). Three of the students had arranged for the event, but apparently, everyone was in on it.

I got my revenge, however. With the assistance of the husband of one of the guilty trio, I arranged for a “gorilla” to descend upon their graduation gathering two months later. He cavorted with them for a while, then gestured to the three to come closer, for a private message. He then whispered to them, “Sauce for the goose is sauce for the gander,” and removed his gorilla head. It was, of course, me.

I have had many uplifting moments during the 13 years I have taught at Cardozo: intellectually stimulating conversations about knotty legal issues, moments of great feelings of accomplishment with a bright 1L who suddenly “gets it,” moments of joy at graduations. But nothing has ever matched, or is likely to match, the great gorilla episode.

■ Mediation in the Mainstream

SALLY GANONG POPE, *Mediation Office of Sally Pope*

A recent committee meeting at the Association of the Bar of the City of New York inspired some reflection on my career as a mediator. There I was, a member of the newly created committee on ADR, meeting with other mediators and lawyers to discuss such matters as confidentiality in mediation, pilot projects for mediation in the courts, and an upcoming mediation training, one of a number sponsored by the Association for hundreds of lawyers and others each year. It was striking to see myself sitting within those walls of the legal establishment as an active member of a committee discussing mediation.

I began my professional life as a Wall Street lawyer and thought I was leaving the practice 20 years ago, when I decided to become a lawyer-mediator. Although accomplished at what I did as a lawyer and fascinated with working on the inside of a number of interesting businesses, I knew I had significant skills that were not being used. I felt skilled at working with people in trouble and had even considered becoming a divorce lawyer. When friends and colleagues commented that

this area of practice was “so messy,” I was actually intrigued by that fact. But traditional divorce practice as a lawyer was not for me.

In 1980 I read about the new field of divorce mediation and the “lightbulb” went on. I had found my calling.

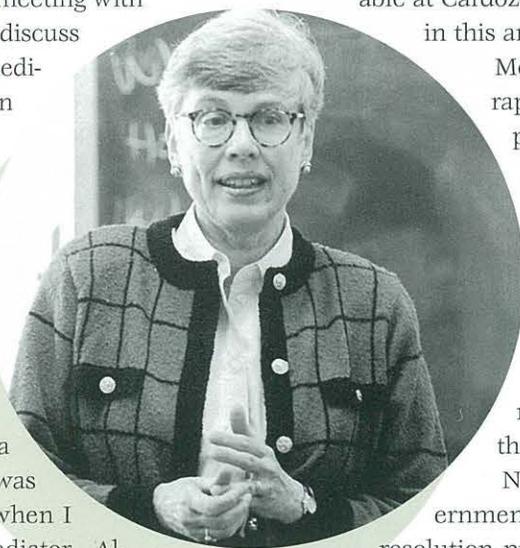
Dramatic things happen in this field every day. People who don’t know how to accomplish their goals, or even what their goals might be, feel stronger and start to see choices. People who feel locked in a battle, perhaps for years, may start to see some of the good things they once appreciated about the other. Few actually reconcile as a result of divorce mediation—this is not the goal—but many have better feelings and respect for the other at the conclusion of the mediation. I often hear comments such as “We haven’t been able to talk like this for years” or “I feel I’ll have a better relationship with my son as a result of this mediation.”

My practice as a mediator and the field have grown simultaneously. In the first year, I had 4 cases; now I work on 100 cases each year. Some of these cases are outside the area of divorce: family conflicts, such as estates and intergenerational disputes; cooperative apartment conflicts; partnership breakups; and other conflicts in work groups and organizations.

I have also participated in the growth of the field by helping to write ethical standards, training other mediators, serving on the board of the National Academy of Family Mediators (I will become its president in July), and teaching at Cardozo in the divorce mediation seminar—one of many courses in mediation and ADR available at Cardozo, making the Law School a leader in this area.

Meanwhile, the use of mediation has rapidly moved into other areas of practice and into such settings as the federal courts, the National Association of Securities Dealers, and Volunteer Lawyers for the Arts. The development of the standing committee at the City Bar Association is an indication of a sea change in the use of mediation and its recognition by the legal profession.

Now many corporations and governmental agencies are adopting conflict-resolution programs. The United States Postal Service, the largest employer in the US, is instituting a nationwide program to provide mediation for equal-employment-opportunity complaints. This commitment to a process that has transformative potential to open opportunities for people in conflict to understand each other in new ways and to become able to make decisions



about how they want to resolve a conflictual situation is the new wave of mediation activity.

My practice provides me with immensely satisfying work. I believe that mediators have the potential to have an impact on all of society, one conflict at a time.

■ Representing Lawyers: A High-Stakes Venture

MICHAEL ROSS, *LaRossa, Mitchell & Ross*

In 1981, after eight years as a state and federal prosecutor, I joined a small boutique criminal law firm to do what I had always wanted to do—handle criminal cases in the trenches of the courtroom. Over the last 10 years, my law practice has evolved into a hybrid. I still handle some criminal cases, but for the most part, my clients are lawyers, some of whom have been accused of committing crimes in law practices, but most have been accused of stepping over that fuzzy gray line, which, for lack of a better term, the ethics scholars call “zealous advocacy.”

Ten years ago, my partner Jim LaRossa and I were retained to represent one of New York’s most successful personal-injury attorneys. The attorney was respected as a fierce, “never-back-down-from-a-fight” advocate by the plaintiffs’ personal injury bar and was feared and despised by the City of New York, which he repeatedly and successfully sued for millions, and by the major insurance companies that paid on the jury verdicts he obtained. The attorney was indicted for having met with a potential witness whom he wanted his adversary to call to the witness stand. The witness was in a position to bolster the lawyer’s case, and he offered to compensate the witness for his time.

In a strategic move to trick his adversary into calling his own witness, he asked the witness to lie to the other side’s lawyer, who was “prepping” him, and not mention that the lawyer had agreed to pay him for his time as a witness, which, of course, is entirely legal. The witness, however, was wearing a secret tape recorder, and the lawyer was indicted for suborning perjury. The key issue in the criminal trial was whether the witness was being asked to lie just to the lawyer, or to lie on the stand as well.

The criminal trial that followed had a very high emotional pitch. The defendant was one of the city’s top trial lawyers, who had won numerous multimillion-dollar, high-profile verdicts and had argued before the US Supreme Court. The lawyer’s wife was a well-respected State Supreme Court judge, and she and colleagues often occupied the front row of the courtroom. The rest of the courtroom was filled each day by the city’s top lawyers—the plaintiffs’ personal injury bar, which rooted for the

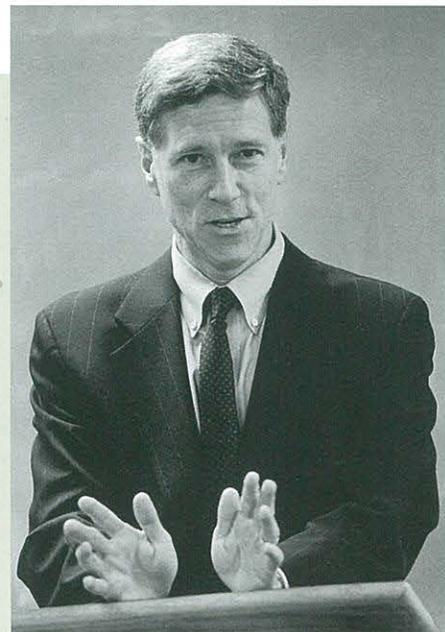
defense, and the civil-defense bar, which rooted for the prosecution.

For me, it was the trial of a lifetime. I had a just cause, an esteemed client, and I was fighting for the principle of not allowing the criminal process to chill the advocacy of lawyers who sue the City and large defense carriers. At the end of the intense, month-long trial, the jury acquitted the lawyer in 20 minutes and actually asked for an investigation of the prosecutors.

The irony of the case, which helped shape my thinking about the law, involved the trial’s aftermath. Immediately after the resounding acquittal, the local disciplinary committee initiated an investigation concerning the same facts—double jeopardy does not apply in such cases—and after two ferocious years of conflicting testimony, with essentially the same set of facts that had resulted in the lawyer’s acquittal, a Special Referee appointed to hear the case disagreed with the criminal jury’s verdict and found against the lawyer, ultimately causing his disbarment.

I, of course, believed that the lawyer would be exonerated again, and when he was instead disbarred, my attitude toward the law and the clients I represent fundamentally changed. I appreciated for the first time the pillars of glass upon which careers and lives are built. I appreciated fully what I had only known on a subconscious level: trials are mortal combat, and it takes only a single loss to destroy a life. I learned that although scholars can debate such esoteric questions as “where do you draw the line for zealous advocacy?” representing lawyers is a big-stakes proposition where justice is an elusive goal.

I now recognize that, in many ways, lawyers are called upon to justify their tactical decisions, and are judged by people who are certainly not their peers, and who do not know that it is impractical for most lawyers to focus constantly on whether everything they do might be misconstrued after the fact. Success for the client is not measured by how many legal skirmishes you win in a case, but rather, whether you and your client are left standing after all is said and done. ■





Cardozo goes **Residential**

Andrew Alpern '92

Housing students in the dense environment surrounding an urban school is a perennial problem for universities. Columbia has been attempting for years to construct a dormitory at 113th Street and Broadway despite protests from local residents and preservationists. New York University has suffered through similar battles, as have other schools whose pedagogical advantage of being in the middle of New York City is tempered by the significant problem of providing student housing within walking distance of the classrooms and library.

Cardozo long dreamed of being able to offer its students convenient and affordable housing, but was stymied by a host of problems, primary of which was the high cost of real estate in reasonable proximity to 55 Fifth Avenue.

By a fortuitous confluence of circumstances, contractual creativity, and patient negotiations, a novel solution has been developed. Cardozo is now poised to become a residential institution with a student dormitory to be created from a much-recycled pair of buildings only a block from the Law School, at 15 East 11th Street.

During most of the nineteenth century, East 11th Street between Fifth Avenue and University Place was built solidly with middle-class one-family row houses, the grander mansions of the rich having been constructed on Fifth Avenue. One anomaly was a carriage house and stable at East 11th Street. Set far back on the lot to conform to a deed restriction and to provide a forecourt for off-street hitching of horses, the two-story brick structure had been built by George Wood in 1852. That same year Wood built a grand three-story residence for himself and his family at 45 Fifth Avenue, accessible to his carriage house on 11th Street via a narrow strip of land

behind the similar 1850 carriage house of James Donaldson, who lived in his own three-story mansion at 43 Fifth Avenue. Donaldson's house and carriage house were bought in 1903 by William E. Finn, who demolished them and in 1905 erected the grand apartment house that still exists at the corner of 11th and Fifth.

The houses to the east of George Wood's carriage house remained solidly in single-family occupancy until the early 1880s, when the four modest brick buildings at 13-19 East 11th Street were remodeled in the more fashionable brownstone and converted for use as a hotel—The Bristol.

William Finn later bought the five-story hotel as part of an attempted land assemblage, but sold it when he found he could not acquire the adjoining old George Wood carriage house property (Wood had sold it to Henry Taylor, whose brownstone on East 12th Street still faces Cardozo, and Taylor's heirs continued to use the building for its original purpose).

The carriage house was ultimately converted for use as a small synagogue, in which guise it still exists.

Finn sold off The Bristol in two pieces. In 1901 the east half went to William Rau, who demolished that portion of the building and retained architect Louis Korn to design a small seven-story apartment house on the site at 17-19 East 11th Street, calling it The Regina. Among the first tenants was one Leopold Wertheim. Rau sold the newly completed building later that year to Wertheim, who in 1902 also bought the remaining truncated piece of The Bristol from Finn. For the westerly site, 13-15 East 11th, Wertheim also hired Louis Korn for the design of a nine-story hotel, which was completed in 1902 and called The Alabama.

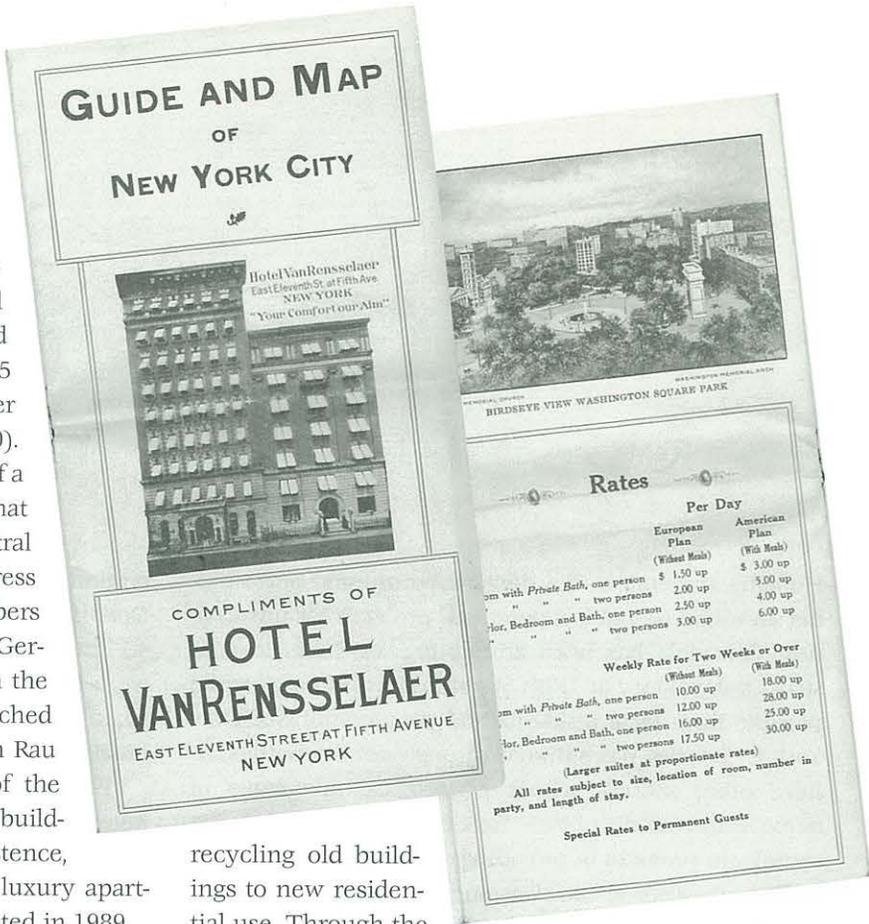
Louis Korn was born in New York City and graduated



from Columbia University's School of Architecture in 1891. He worked briefly for the prolific John B. Snook & Sons before opening his own design office in 1892. An early commission was the extant loft building at 91 Fifth Avenue (1894), whose six busty caryatids high on the façade enliven an otherwise conventional commercial structure. Later, Korn designed a building for Leopold Trew at 141-145 Wooster Street in SoHo (1896) and another loft building at 40 West 22nd Street (1910). Korn's best-known commission came out of a design competition in 1901. The building that resulted was completed in 1904 at Central Park West and 88th Street for the Progress Club, a Jewish social club whose members were predominantly upper-middle-class German immigrants who were excluded from the existing social organizations of the entrenched Christian majority. It is likely that William Rau and Leopold Wertheim were members of the Progress Club. Walden School bought the building in 1932 after the club went out of existence, and it has since been demolished for the luxury apartment house on the site, which was completed in 1989.

The Regina and The Alabama were later renamed the Hotel Van Rensselaer and run jointly as a single operation. In keeping with the custom of many New York hotels before the First World War, it offered rooms and suites for transient, long-stay, and permanent guests. A dining room was maintained on the ground floor to compensate for the lack of cooking facilities in the upper-floor units. The daily rates around 1910 for a single room with private bath ranged upward from \$1.50 without meals and \$3 with full meal service. The weekly rate for a parlor, bedroom, and bath was \$16 without meals or \$23 with meals. Suites of up to six rooms could be had at rates that were apparently negotiable. In 1913, one of the suites in the Van Rensselaer was taken by Mr. and Mrs. Lyndsay Van Rensselaer, formerly of Staten Island. The Van Rensselaer family in New York dates back to the days when it was New Amsterdam and has contributed much to the development of our city. If America can be said to have a true aristocracy, the old Dutch families such as the Van Rensselaers, the Schuylers, the Schermerhorns, and the tenEycks and tenBrocks qualify in spades.

Notwithstanding its ancient name, the Hotel Van Rensselaer declined, both physically and economically. Built by German Jews at the beginning of the century, in 1973 it was given a rebirth by the Iranian Jewish Elghanayan family, who have since made a specialty of



recycling old buildings to new residential use. Through the family's Rockrose Development Corporation, the hotel rooms were rebuilt as rental studio and one-bedroom apartments, with small kitchens and new bathrooms installed, along with new electrical and heating systems and a rebuilt ground floor. In 1982, the building was converted to cooperative ownership, at prices ranging from \$42,000 to \$134,000, with monthly maintenance charges of \$221 to \$758. By 1996, the building had again declined, and two-thirds of the apartments were rented out to tenants by absentee shareholders of the cooperative corporation.

A member of the Yeshiva University Board of Trustees who is in the real estate business learned of the availability of the building and referred the information to the appropriate University officials. After analyzing the situation, the University and its attorneys developed an innovative and possibly unique proposal. They offered to purchase individual apartments directly from the owners of the units. The transactions were negotiated and structured over about half a year, and eventually the University purchased 93 of 114 apartments at a total cost of \$11.6 million.

Repairs have begun, and 30 units are expected to be ready for incoming students this fall. By the fall of 1999, all of the apartments will be available for Cardozo students and, at long last, the school will truly have gone residential.

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Subscriptions: \$40/year (six issues); single issue \$8; double issue \$16. Contact: Administrative Editor, *The Cardozo Law Review*, Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003. Phone: (212) 790-0355. E-mail: cardlrev@ymail.yu.edu.

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Post-Soviet Media Law and Policy Newsletter

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Subscriptions: \$125 institutions, \$50 individuals. Contact: Monroe E. Price, Editor, Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003. Phone: (212) 790-0402, Fax: (212) 790-0205. E-mail: price@ymail.yu.edu.

Cardozo Arts & Entertainment Law Journal

New technology poses new legal questions that affect whoever uses on-line services. Are you infringing copyright law by downloading or uploading information? What if a big company doesn't like what you say about it in an e-mail message? Is this defamation? Who and what are behind the new television ratings system? The *Journal* has recently focused on these cutting-edge topics and developments in intellectual property protection that have far-reaching influence on mass-media outlets as well as individual authors and performers.

Subscriptions: \$28/ year (three issues); special issues \$13; single issue \$10. Contact: *Cardozo Arts & Entertainment Law Journal*, Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003. Phone: (212) 790-0292. E-mail: cdzaelj@ymail.yu.edu.

Cardozo Journal of International & Comparative Law

Gain insight into international legal developments. Articles by law scholars and notes by students cover a variety of current topics, including: ascension into NAFTA contingent on improvement in worker rights, the legitimacy of prenatal gender testing in India, and comparisons of same-sex marriage laws in Europe.

Subscriptions: \$14/ volume, domestic; \$16 foreign; \$8/issue, domestic; \$10 foreign. Contact: *Cardozo Journal of International & Comparative Law*, Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003. Phone: (212) 790-0264.

Cardozo Studies in Law and Literature

Explore the confluence of legal and literary issues from an interdisciplinary perspective. Subjects range from First Amendment religion and free-speech jurisprudence to the study of legal rhetoric in and as literature. Book reviews, original works of fiction, and art are regularly included.

Subscriptions: \$20/year (two issues), \$50 institutions, \$18 students. Contact: *Cardozo Studies in Law and Literature*, Benjamin N. Cardozo School of Law, 55 Fifth Avenue, New York, NY 10003. Phone: (212) 790-0370.

New York Real Estate Law Reporter

Be informed on the latest issues in landlord-tenant law, condominiums and co-operatives, real estate development law, and real property law. The *New York Real Estate Law Reporter* features summary and analysis of significant recent cases, combined with insightful articles by distinguished practitioners.

Subscriptions: \$210/ year (12 issues). Contact: *New York Real Estate Law Reporter*, Leader Publications, 345 Park Avenue South, New York, NY 10010. Phone: (212) 545-6170 or (800) 888-8300, ext. 6170.

ALUMNI *news & notes*

Weingarten '83 Faces New Challenges as President of UFT

Prof. Leslie Newman
*Director, Legal Writing
Program*

Randi Weingarten '83, the recently elected president of the United Federation of Teachers, is in her element. As the leader of the largest union local in the country, with 130,000 members, Ms. Weingarten is fulfilling a long-standing commitment to quality and meaningful public education.

As the union's president, Ms. Weingarten articulates an ambitious yet straight-forward agenda and places it squarely in the middle of the needs, problems, and promise of New York City's public school system. "The union is a critical force," she says, "in an institution vital to a democracy. It must represent its members, the children, and the schools."

Listening to Ms. Weingarten weave these interdependent themes is to appreciate the enormity of the job she has undertaken. Issues such as academic standards, year-round schooling, working and

schooling conditions, facilities, the need for more and innovative materials, education and curriculum reform, smaller class size, and maintaining the aging infrastructure of an institution serving over a million children can be at once engaging and seemingly intractable. Ms. Weingarten's considerable energies are focused on tackling these issues from the perspective



of a union leader representing her members, all the while understanding that the success of the union is the success of the education of the children.

"I believe that every school should and can be

one parents want their children to attend, and where people want to work.

Everyone wants the same things—high-achieving kids, appropriate conduct and conditions, schools that are safe and orderly, schools where learning can take place." Ms. Weingarten sees the fight for better conditions, for example, as synonymous with the fight for school improvements and

education reform. Class size, as well, long an issue for teachers, reflects teachers' needs to fulfill their commitment to teaching in a manageable context, maintains Ms. Weingarten. "The long-term fight over class size needs to be understood within the larger agenda of what is optimal in a classroom for learning to take place."

Ms. Weingarten started early to work her way to her present perch of choice from which to influence public education and New

York City's schools.

Educated in public schools, and the daughter of a public school teacher, Ms. Weingarten as a child witnessed the struggles of union efforts when her mother lost two days' pay for each day on strike, at a time when her engineer father was unemployed. As a law student, while fulfilling her responsibilities as an editor of the *Law Review* and participating in the Criminal Law Clinic, she worked on behalf of increasing the diversity of the Cardozo community.

Following law school, Ms. Weingarten joined the firm of Stroock & Stroock & Lavan as a litigation associate, quickly developing a specialty in labor law. While there, she began representing the United Federation of Teachers and was then wooed away by the union's former president to join forces as counsel. Over the past 12 years, Ms. Weingarten has negotiated the union's labor contracts, settled numerous labor disputes, advocated and lobbied in the city, state, and federal arenas on behalf of the UFT, and generally been involved in all aspects of the union's policy development, operations, and efforts. She says,

"This is what I want to do. My legal training and background have made an enormous contribution to my work." Her recent landslide election as president indicates that the members, as well, appreciate this range of abilities—citing her logic and legal skills, her ability to negotiate, her quiet yet forceful manner, and her lack of fear in the face of conflict and controversy.

These skills complement Ms. Weingarten's teaching and classroom experience. Teaching American history, political science, and law at Clara Barton High School from 1991 to 1997 grounded her in the reality faced by teachers and students in schools across the city. In addition, Ms. Weingarten taught Legal Writing at Cardozo from 1985 to 1991, and was known for exacting standards as well as the extraordinary rapport she established with her students. She likes to think of herself as a lawyer who is a teacher, feeling that both professions are essential to the success of her work.

The tasks ahead for Weingarten are large, yet she sees real accomplishments. She is particularly proud of the union's role in turning around failing schools in the past year. Through cooperative efforts, 15 schools under review and scheduled to be closed were successfully redesigned, their closing was averted, and these efforts resulted in the schools coming off the state's low-performing schools list. "When you can

do that with the low-performance schools, you can do it everywhere.

"Education creates opportunities for people. I want to help people acquire more of the economic pie and help children mold their own futures." Randi Weingarten is optimistic about the future of public education in New York City and is enjoying the challenge.

An Alumna Reflects on ITAP

Lori Levinson '83
Associate, *Cain Hibbard Myers & Cook, P.C.*

In the fall of 1982, I studied the art and science of trial work as a student in the Criminal Law Clinic. I dreamed of being a criminal defense attorney and wanted to learn the necessary skills to be a top-notch litigator. That was in Cardozo's infancy, before the Intensive Trial Advocacy Program (ITAP) was a two-week program offered



CARDOZO ALUMNI WHO SERVED AS ITAP FACULTY IN 1998

Amy Attias '83, Gary Becker '83, Thomas Benigno '79, David K. Bertan '85, Mark Bluver '87, Annie Costanzo '92, Joan Ehrlich-White '87, Steven Fromewick '95, Gary Galperin '80, Glenn Garber '89, Moshe Horn '93, Isabelle Kirschner '81, Jill Konviser '90, Scott Korenbaum '88, Lori Levinson '83, Faith Litvack '89, Virginia LoPreto '82, Laurie MacLeod '84, Richard Maltz '79, Lisa Mattaway '88, Eve Miller '91, Mark Moskovitz '79, Labe Richman '82, Hunter Shkolnik '85, David Silver '83, Charles Silverstein '84, Bobbi Sternheim '80, Susan Lee Strauss '83, Esther Trakinski '89, Alan Yatvin '83.

during the break between semesters.

The Clinic was fun and challenging and lasted for two whole semesters: two semesters of unrelenting videotaped demonstrations of the various aspects of a trial. We trained on the same cases used today in ITAP. So by the time I made it through the Clinic, graduated, and got a hard-won position as a staff attorney in the criminal defense division of the Legal Aid Society in the Bronx, I knew *State v. Stone*, *State v. Diamond*, et al. intimately.

Unlike the Clinic in which I had participated, ITAP (instituted in 1984) offers students the chance to try out their trial wings in front of trial lawyers and judges from all over the country. The Honorable Judge Joel Blumenfeld, who partici-

pates as a team leader every year, was the attorney in charge of the Bronx County Office of the Legal Aid Society when I was there, and many of the faculty participants who serve as judges were there then also.

I was extremely flattered when I was invited that inaugural year to play the part of Marilyn Miller, the rape victim in *State v. Stone*. Since I was all too familiar with the case, I said yes, and soon found myself in the Moot Court Room (in front of what seemed like thousands of students, practitioners, and judges) being examined and cross-examined by pros. That was the beginning of my long association with ITAP.

Now, some 15 years (yikes!) since my graduation, I can look back on the Januarys when I have returned to Cardozo for at least two days as a volunteer instructor, critiquer, and/or demonstrator for what I consider the greatest training ground for hopeful litigators—ITAP.

For me, it is also an op-

portunity to see old friends, to relive the days of terror as a clinical student practicing in front of my peers and a video camera, and, most important, to learn from the critiques given by other participants as well as the demonstrations of trial tactics and skills. In recent years, my participation in brown-bag lunches with other women lawyers, in which we discuss aspects of trial work unique to our experience, has reaffirmed the frustrations as well as the high points of practicing in what is still a male-dominated field. I always leave ITAP with new ideas to try out. This year, one of my co-instructors persuaded me to use a story in the closing

argument of my next trial.

In 1992, I moved out of New York to the Berkshires. Although the area is tranquil and bucolic, a sufficient number of alleged wrongdoers have need for a small cadre of criminal defense lawyers, whose ranks I have joined. The yearly opportunity to participate in ITAP has become an even more exciting and meaningful experience—a reunion with fellow Clinic members and an opportunity to catch up on the legal exploits of my former colleagues working in New York.

As I look back on the years of my involvement with the program, I am struck by the quality, maturity, and poise of the students. I cannot imagine

Director of Development Named

Deborah T. Niederhoffer has been appointed Cardozo's director of development, announced Dean Verkuil. She comes to the Law School with 18 years of experience in development and alumni affairs—nearly 7 of them at NYU's Stern School of Business, where she is still a member of the Alumni Board of Directors. For two years she was director of development for Beth Israel Health Care System and most recently was a consultant with Pepsi-Cola, North America. Ms. Niederhoffer is an adjunct faculty member at NYU's School of Continuing Education. She holds a B.A. with honors from Tulane University and an M.A. from NYU's Tisch School of the Arts.

that when I was in their position I was as skilled as some of them are. How is it possible that they can stand in front of a room filled with their peers and three or so lawyers and judges and give a closing argument without notes? Although we instructors tell the students to do so without notes and I tell myself the same, they really do it.

Very impressive, indeed! As an alumna, I get particular satisfaction in marking the growth of Cardozo and the quality of the faculty-practitioners who participate in ITAP—a most wonderful program. I'm equally delighted that I can contribute to the education of future trial lawyers, while learning new lessons myself.

Annual Fund Exceeds Goal: Dean Issues Challenge

With approximately two months remaining until the end of Cardozo's fiscal year (June 30), Cardozo's Annual Fund has surpassed its inaugural goal of \$100,000 set last fall by Dean Verkuil. As of March 18, alumni, represented by members of each graduating class, have contributed nearly \$50,000. Friends of Cardozo, a group composed primarily of parents of current students, has contributed almost \$30,000. The remaining amount comes from faculty, members of the board, and other interested people.

"The support that we have seen from the alumni is so gratifying," said Dean Verkuil. "They know that they have the power to help make their alma mater one of the best law schools in the country, and their contributions are indicative of that desire. I would like to challenge the alumni to give a total of \$100,000 by June 30!"

Cardozo's Annual Fund provides support for scholarships, the library, technological improvements,

public-interest stipends, clinical education, and other Law School needs. Donors of \$1,000 and more are invited to the Dean's Annual Lunch. To make a contribution, contact Joan Ehrlich-White in the Office of Alumni Affairs, (212) 790-0293.

Annual Fund Donor Categories:

Dean's Council	\$10,000 and above
Leadership Circle	\$5,000 to \$9,999
Benefactor Circle	\$2,500 to \$4,999
Founder	\$1,000 to \$2,499
Supporter	\$500 to \$999
Fellow	\$250 to \$499
Associate	\$100 to \$249
Member	under \$100

Annual Fund Total: \$102,610
(as of 3•18•98)

\$102,610

\$25,000

\$50,000

\$75,000

\$100,000

\$48,130 ALUMNI

\$28,450 FRIENDS OF CARDOZO

\$26,030 FACULTY, BOARD, ETC.

ALUMNI CONTRIBUTIONS TO ANNUAL FUND (AS OF MARCH 18, 1998)
\$48,130

This is a partial list of alumni who have contributed to Cardozo's Annual Fund.

A complete list of donors to the Annual Fund will be published in the fall.

CLASS OF 1979

YAGERMAN, Mark	Founder
WARREN, Janis	Supporter
(The Warren Children Trust)	
ROTHFELD, Harriet	Fellow
HOFFMAN, Henriette	Associate
MATTHEWS, Kenneth	Associate
MIGDOL, Jerry	Associate
BERG, Soraya	Member
KASS, Ilene	Member
McBRIDE, Ellen	Member

\$ 2,775
CLASS OF 1980

BYRNE, Rosemary	Leadership
CHERRICK, Ellen	Fellow
BURR, Sarah	Associate
GALPERIN, Gary	Associate
GIUSTI, Robert	Associate
KAPLAN, Muriel	Associate
RUBIN, Arleen	Associate
BERGES, Hanni	Member
BLOOMGARDEN, Nancy	Member
FALL RITVO, Brynne	Member
FORMAN, Glenn	Member

\$ 5,931
CLASS OF 1981

DUMAIN, Sanford & DUMAIN, Stacey Miller	Supporter
BEZOZO, Kenneth	Associate
VERNON, Darryl	Member
WILDMAN, Judith	Member

\$ 700
CLASS OF 1982

LAST, Meyer	Supporter
BUEBEL, Felicia	Associate
SHIMOFF, Warren	Associate
SKLOVER, Alan L.	Associate
WHITEHEAD, Susan	Associate
WIEGAND, Jeffrey	Associate
BIRNBAUM, Bruce	Member
COHEN, Susan M.	Member
SHANKMAN, Susan	Member
TRITTER, Daniel	Member

\$ 1,305
CLASS OF 1983

STEINER, Sarah	Founder
(The Eshe Fund)	
ZIFFER, Jay	Fellow
FLORIN, Joel	Associate
LASERSON, Lillian	Associate
WIRTH, Richard & Phoenix Home Life Insurance	Associate

BECKER, Gary	Member
FOX, Alan	Member
FREEDMAN, Howard	Member
JACOBY, Arthur	Member
MILDNER, Esther	Member

\$ 2,800
CLASS OF 1984

GOULD, Matthew	Fellow
KATZ, David S.	Fellow
KUHN, Irwin & KUHN, Diane Silberman	Fellow
KATZ-PEARLMAN, Sharon	Associate
MILLER, Marjorie	Associate
ORLEY, Marcie	Associate
WAHL, Beth	Associate
WEINTROB, Audry	Associate
ZELIGSON, Laurie & Citicorp Foundation	Associate
BERK, Donald	Member
KRAVITZ, David	Member
MEYERS, Andrew	Member

\$ 1,665
CLASS OF 1985

SIROTA, Jonathan	Fellow
GREENFIELD, Susan	Associate
KESSLER, Steven	Associate
CALORAS, Robert	Member
KAPLAN, Morris & KAPLAN, Janet	Member
WALLEN, David & WALLEN, Kate	Member

\$ 655
CLASS OF 1986

ADLER, David	Supporter
LAMPOR, Joseph	Supporter
LEWIS, Jeffrey & LEWIS, Sharon Ashley (1987)	Supporter
GANZMAN, Jay	Associate
GILDE, Anne	Associate
ALEXANDER, Adrienne	Member
CASTELLANOS, Rafael	Member
FELDMAN, Andrew	Member
JANOWSKY, Eileen	Member

\$ 1,875
CLASS OF 1987

EHRlich-WHITE, Joan & The Loubess Foundation	Founder
TURNER, Karel & Chase Manhattan Bank	Supporter
BUECHLER, Bruce	Associate
DANOFF, Susan	Associate
KEMP, Marc	Associate
SILLINS, Laura	Associate

\$ 2,000
CLASS OF 1988

GOULD, Georgeanne	Supporter
LIPKIND, Alec	Fellow
DEUTSCH, Leslie	Member
SCHRADER, David	Member
SWARTZ, Mary	Member

\$ 925
CLASS OF 1989

FISTEL, Michael	Associate
CHMURA, Eugene	Member
DELLOFF, Robert	Member
LEVINE, Stuart Jay	Member
LITVACK GARLAND, Faith	Member

\$ 220
CLASS OF 1990

SEEGER, Christopher	Leadership
WEISS, Stephen & WEISS, Debra Kimelman	Leadership
STUART, Jacqueline	Supporter
(The Stuart Foundation, Inc.)	
NOVICH, Bebe	Associate
SCHWARTZ, David	Associate
FALK, Lawrence	Member
FERBER-ABRAHAM, Corrin	Member
MANNIS, Eric	Member
SAMUELSON, Debra	Member

\$ 10,828
CLASS OF 1991

GREENER, Melissa	Associate
KUNREUTHER, Judith	Associate
MELTZER, Gary	Associate
SAFAR, Jay	Associate
LASKOFF, Susan	Member
LEFKOWITZ GREENBERG, Elisa	Member
ROTHMAN, Joel	Member
SANUA, David	Member
SILVERSTONE, Barbara	Member

\$ 565
CLASS OF 1992

GINDI, Raymond	Founder
FRITTS, Katherine & Ernst & Young Foundation	Supporter
MAKOWER, Alissa	Associate
MOSES, Robert	Associate
ROTH, David	Associate
WEINTRAUB, Susan	Associate
SCHEIER, Joshua	Member
TASKER, Arthur	Member

\$ 2,000
CLASS OF 1993

FLOERSHEIMER, Mark	Founder
BUNDER, Michael	Supporter
FISHBONE WALLACK, Lisa	Fellow
BARASCH, Candace	Associate
HWANG CAPIO, Mirry & Prudential Foundation	Associate
LONDON, Sheri	Associate
RAEGNER-STANTON, June	Associate
RAGGIO, Lorraine	Associate
ZAND, Joel	Associate
BROWN, Allyson	Member
GROSSMAN, Andrew	Member
NAGY, Noreen	Member

\$ 2,625
CLASS OF 1994

BLONDER, Meir	Associate
SAFER, Adam	Associate
ROTH, Michelle	Member

\$ 330
CLASS OF 1995

WEILER, Fred	Benefactor
COHEN, Linda J.	Associate
JACOBSON, Stephen	Associate
WALLACH, Stephen & Coopers & Lybrand	Associate
CHERNICHAW, Adam	Member

\$ 2,950
CLASS OF 1996

RITZ, Leonard	Associate
BASKIND, David	Member
BILLIG, Elana	Member
INBAR, Jill Ilan Berger	Member
KOREN, Neil	Member
LEVENTHAL, Samantha	Member

\$ 250
CLASS OF 1997

CARBONE, Michael	Member
GRUBERG, Benjamin	Member
KATZ, Danalyn	Member
MARTIN, Rebecca	Member
STABILE, Renato	Member

\$ 195
ALUMNI FRIENDS

BERMAN, Judge Joseph J.	Leadership
WARREN, Adele & Willard	Benefactor
SISTERHOOD	Member
ADATH ISRAEL	

\$ 7,536

ClassActions

Class of 1980

Ruth Gursky & Barbara Odwak announce their membership in the "Million Dollar Club," having obtained a \$1.4 million verdict for one of their personal-injury clients. **Joel Kaplan**, executive director of the United Jewish Council of the East Side, Inc., cantor at NYC's Congregation Knesseth Israel, social-service organization board member, and father of ten "really good kids," was profiled in a full-page article in the February 20, 1998, issue of *The Jewish Week*.

Class of 1981

Mitchel Herstic and his wife, Chani, became proud new parents in December. Their daughter's name is Allison.

Class of 1982

Mark Beigelman and his wife, Elana, celebrated the birth of a daughter, Shifra

Elka. **Shoshana Bookson** and her husband, Dr. Saul Stromer, welcomed their third child, Steven Andrew, born in January. He joins sister Alexandra and brother Michael.

Class of 1983

Michael Friedson and his wife, Felice, have a radio program on Jewish Horizons Radio Network. They discuss the latest news and information from Israel and about world Jewry. **Eric Rosedale** is working in Poland as a member of the real estate section of Weil Gotshal & Manges, where he is teaching the concepts of private property and real estate in that post-Communist society.

Class of 1984

Myrle Horvitz Davis and her husband, Rabbi Sheldon Davis, celebrated the birth of triplets Jennifer, Rebecca, and Max in June 1997. **Laurence S. Margolin** has formed a new law partnership, Liput & Margolin LLP, in Huntington, NY. The firm will concentrate in litigation, real estate, commercial and corporate representation, and general practice.

Class of 1985

Adena Berkowitz was featured in a cover story of the February 20, 1998, issue of *The Jewish Week*. She was a speaker at the Second International Conference on Feminism and Orthodoxy at NYC's Grand Hyatt Hotel. Adena, a consultant to

Hadassah, spoke at a session regarding rabbinic ordination for women. Over 2,000 attended the two-day conference. **Deborah Chapman Goldstein** was appointed director of Planned-Giving Endowment for United Jewish Appeal—Federation of Jewish Philanthropies of Northeastern New York in Albany. **Jonathan E. Sirota** announced his engagement to Jill A. Minars. A June wedding is planned.

Class of 1986

Andrew M. Gold and his partners have formed a new law firm in San Francisco, Bogatin, Corman & Gold, with emphasis on art, entertainment and intellectual property law, plaintiff's employment and labor law, commercial litigation, personal injury, education code cases, and civil litigation and appeals. **Joseph Lamport** is the publisher of *Law Journal EXTRA!* and developed LJX!, the most heavily trafficked web site for the legal profession. **David Yurkofsky**, aka David Yorke, a professional magician, was profiled in the April 5 issue of the *New York Times*. For a decade, he has been on the city's children's birthday-party circuit and performs for adults, too, at parties, promotional events, and in concert.

Class of 1987

Susan Eisner will be biking 100 miles to Montauk, Long Island, on May 17 to raise

money for the Leukemia Society of America. She would sincerely welcome all contributions from her schoolmates toward her goal of \$2,000. Checks payable to the Leukemia Society of America may be sent to the Cardozo Alumni Office.

Class of 1988

Allen D. Applbaum has been appointed a deputy chief of the Criminal Division at the United States Attorney's Office for the Southern District of New York. He and his wife, Barbara, announce the birth of their first child, Zoe Beatrice. **Howard S. Levine** has become a named partner in the law firm of Weinstein, Eisen & Levine, a Los Angeles bankruptcy boutique that specializes in representing debtors, creditor's committees, and other parties in Chapter 11 proceedings. **Melanie Faber Marmar** and her husband, Tov, celebrated the birth of a daughter, Malka Rivka.

Class of 1989

Sharon Dattelkramer Fishman and **Jeffrey Fishman** announce the birth of a daughter, Alexa Faye. **Wendy Machaver** and her husband, Vincent Ravaschiere, have one-year-old twins, Emily Rose and Andrew Daniel James. **Brad Nacht** and his wife, Lori, welcomed their second son, Samuel Elijah, in November. Brother Jacob Micah is two and a half years old. **Michael J. Wildes** is

IN MEMORIAM

Renee S. Zevon '81, of Boca Raton, FL, passed away on March 25, 1998. A memorial fund has been established for her ten-year-old daughter, Elizabeth. Classmates wishing to make donations may send them to the Elizabeth Steinberg fund, in care of Renee's husband, Dr. Richard Steinberg, 8545 Jared Way, Boca Raton, FL 33433.

seeking the Democratic nomination for a Second Ward Council seat in Englewood, NJ.

Class of 1990

Laurence Pittinsky and his wife, Jill, welcomed the birth of a son, Marc.

Class of 1991

Joel B. Rothman authored the lead article in the November 1997 edition of *Leader's Legal Tech Newsletter*, for which he is a member of the Board of Editors. It was titled "Finding Experts—and Expert Information—on the



Internet." Joel also has an article coming out in the *Newsletter of the American Collectors' Association*, entitled "Intrusion Claims Against Collectors and Collection Attorneys."

Class of 1992

Jay Grossman and his wife, Nancy, welcomed their second child, Avery, in January. Her big brother is Justin.

Class of 1993

Leah G. Richter has become of counsel to the law firm of Marcia Kuttner Werner in Oradell, NJ. **Keith R. Santillo** and his wife, Maria Linda, celebrated their first wedding anniversary on March 14.

Class of 1994

Christopher James Bowes is the co-executive director of CeDAR, the Center for Disability Advocacy Rights, Inc., in New York City. CeDAR is a not-for-profit poverty law



At the fall mentoring reception, Lowell Kern '90 (at left) spoke about copyrights and trademarks with second-year students (left to right) Matthew Lattimer (back to camera), Mary Woods, Katrina Rainey, and Cecilia Capers.



The Black Asian Latino Law Students Association of Cardozo held its annual alumni dinner in March and honored Prof. El Gates and Elizabeth Franqui '97, who both spoke about the progress that minorities have made and the work that remains. A large crowd of alumni and students attended and were entertained by first-year student Ryan R. Sharpe and his a cappella singing group, "Messengers of Love."

agency established in October 1996 in response to the imposition by Congress of stringent restrictions on the work of federally funded legal services attorneys. **Robert Osuna** has opened his own office in NYC, where he practices in the areas of real estate, criminal defense, and immigration. **Melissa** and **Dean Shalit** welcomed their first child in February, Austin Chase.

Class of 1995

Madeleine Pelner Cosman runs seminars and continuing

medical education courses at the New York Academy of Medicine. She has published 14 books, one of which was nominated for the Pulitzer Prize and the National Book Award. **Mario A. Joseph** successfully argued before the New York State Supreme Court, Appellate Division, Second Department in a proceeding pursuant to a section of the Business Corporation Law. **Adina Lewis** and **Lawrence Garbuz** welcomed their first child, Ella Sophia, in September. **Jonathan Prince** was married in August

to Jackie Kurtz, Ph.D., a research fellow at the National Cancer Institute. Jonathan is currently practicing real estate law with the Baltimore office of Ballard Spahr Andrews & Ingersoll, following his clerkship with a judge on the Maryland Court of Special Appeals. **Andrea A. Vag** has moved to the Iselin, NJ, office of Fragomen, Del Rey & Bernsen. She was previously with the firm's Washington, D.C., office, which practices exclusively in the area of corporate immigration law.

Class of 1996

Andrew Buck and his wife, Julie Rabinowitz, welcomed a son, Theodore David, in October. **Brett Fields**, his wife, and two-and-a-half-year-old son will be in South Africa for the next year and a half. Brett is doing business and insurance law for AIG, American Insurance Group.

Class of 1997

Rachel Berke joined the NYC office of Jaworski & Fulbright, LL.P., in September 1997. She is practicing corporate law.

Joshua Gerstin ran for the city council in Boca Raton, FL, just six months after moving to the area. Joshua said, "I ran totally on my own!" when describing the experience, and remarked that he had surprised many people by picking up 14% of the vote. **Karen Elizabeth Greene** and **Scott Silver** were married on August 17, 1997. Both are admitted in California, where Karen practices family law and Scott practices in the areas of real estate and finance. **Dana Katz** has joined the Austin, TX, office of Fulbright & Jaworski LL.P. as an associate, focusing her practice on health care matters. **Ara Mekhjian** became an associate with the law firm of Schottenstein Zox & Dunn in Columbus, OH. **Nathan Paul** and his wife, Batya, welcomed the birth of their first child, Debra Naomi.

Class of 1998

Adam Brodsky was married in March to Catherine Hakim. Adam is an associate at Alter, Bartfield & Mantel.

Many Thanks to Alumni Volunteers!

Each year, alumni share their time, effort, and lawyering skills with current students by participating in the Mentoring Program and the Alumni Roundtable. The value of this alumni support and assistance cannot be overstated. The Office of Alumni Affairs is delighted to take this opportunity to thank all those who helped during the 1997-98 school year, and sincerely apologizes if any name has been inadvertently omitted from this list.

MENTORING PARTICIPANTS

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