

YU Appoints Rudenstine Dean

David Rudenstine, Dr. Herman George and Kate Kaiser Professor of Constitutional Law and a widely published author in the area of First Amendment and cultural property law, was appointed the dean of Cardozo by University President Norman Lamm in November.

Professor Rudenstine, who has been at Cardozo since 1979, served as dean ad interim from 1996 to 1997 and associate dean for academic affairs from 1994 to 1996. He is the first dean in the Law School's 25-year history to have been drawn from its faculty. He succeeds Paul R. Verkuil, who was dean for four years and remains at the Law School as a professor.

"After an extensive nationwide search, we concluded that David Rudenstine was the most qualified and committed candidate for the job," said Dr. Lamm. "He is a distinguished legal scholar, one of our most beloved professors, and he has the energy and enthusiasm to lead Cardozo during this new century."

According to Cardozo Board Chairman Earle I.

Mack, "David Rudenstine embodies the spirit and shares the philosophy of Cardozo's founding dean, Monrad Paulsen, who helped create a law school where legal studies are taught in the context of the humanities."

Professor Rudenstine, a Manhattan resident, is known for his widely acclaimed book, *The Day the Presses Stopped: A History of the Pentagon Papers Case*. He is currently working on *Trophies for the Empire: The Tale of the Parthenon Marbles*, a history of the famous dispute between Greece and Britain.

In 2000–01, Professor Rudenstine was an inaugural fellow in the Program in Law and Public Affairs at Princeton University, where he taught, worked on his forthcoming book, and gave the 10th annual Helen Buchanan Seeger Lecture, sponsored by the Center for Hellenic Studies. Over the years, he has been an arbitrator, mediator, and court-appointed referee for many cases.

Professor Rudenstine earned both bachelor's and master's degrees from Yale University, and a juris doctor from New York University, where he was a fellow in the Arthur Garfield Hays

Civil Liberties Program. Prior to joining the Cardozo faculty, he was a staff attorney in the New York City Legal Services Program; director of the Citizens' Inquiry on Parole and Criminal Justice, Inc.; and a project director, associate director, and acting executive director of the New

York Civil Liberties Union. From 1965 to 1966, he served as a Peace Corps volunteer in Uganda.

He has been a consultant for the Ford Foundation, Children's Defense Fund, WNET, Fund for the City of New York, and Correctional Association of New York, among other organizations.

LAW SCHOOL CELEBRATES 25TH ANNIVERSARY

The beginning of the Law School's 25th anniversary year was marked with a party to which the entire Cardozo community was invited. Four people who have held the title of dean joined students, alumni, faculty, and friends for a gala celebration. Shown below are (from left) Dean David Rudenstine, Frank Macchiarola (dean 1991–96), Prof. Paul Verkuil (dean 1997–2001), and Prof. Stewart Sterk (acting dean, fall 2001).



Bonnie Steingart '79, a member of the Cardozo Board, represented Cardozo's first class at the 25th Anniversary kickoff party.



Noted South African Jurist Delivers Annual Ethics Center Lecture

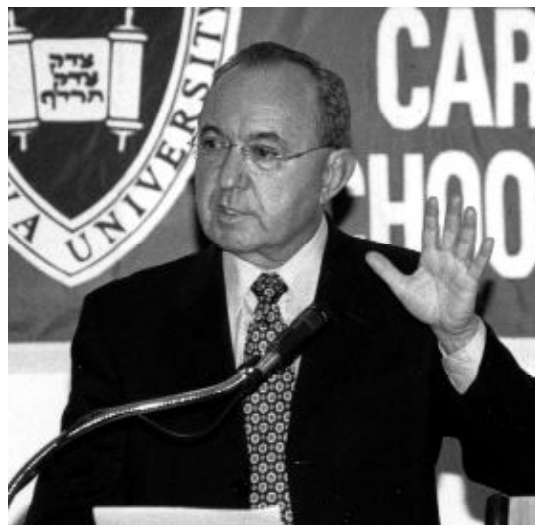
Pointing out that the September 11 attack on the World Trade Center and the Pentagon was only the most recent proof of the heightened need for an international rule of law, Justice Richard J. Goldstone of South Africa, delivering the Jacob Burns Ethics Center Lecture this fall, called on the United States to support a permanent international criminal court.

“The United States clearly has the right to put Osama bin Laden on trial, but it’s not that simple. It’s in the interests of the international community and the United States for such a trial to be in an international court,” he said. “We’re living in a global village and we need international justice. National sovereignty must bend to that. The only

way we’ll get meaningful human rights laws that are a real deterrent is through an international court.”

Justice Goldstone, who since 1994 has been a member of the Constitutional Court of South Africa, was presented with the Burns Center’s Access to Justice Award for his “contributions to the rule of law and access to impartial justice” at the gathering of students, faculty, and alumni.

A native of South Africa, Justice Goldstone has an international reputation for his work on behalf of human rights, both in his own country and abroad. An early opponent of apartheid, he served from 1991 to 1994 as the chairperson of the Commission of Inquiry regarding Public Violence and Intimidation. Known as the “Goldstone



Justice Richard J. Goldstone

Commission,” it was the precursor to the South African Truth and Reconciliation Commission. From 1994 to 1996, Justice Goldstone served as the chief prosecutor of the United Nations International Criminal Tribunals for Rwanda and the former Yugoslavia, and since 1999, he has been the chairperson of the International Independent Inquiry in Kosovo.

In the lecture, Justice Goldstone provided a comprehensive overview of the

laws of war or, as he called them, “international humanitarian laws.” Pointing out that, increasingly,

civilians, not soldiers, are the targets of war—in the 100 civil wars fought since 1945, 90 percent of the casualties have been civilians—he noted that today these crimes are considered “crimes against humanity” and the concept of international justice has gained widespread acceptance.

“We’ve demonstrated that international criminal courts can provide fair trials, and we’ve seen that universal jurisdiction can act as a deterrent,” he said, noting that before 1993 no law school even taught international humanitarian law because “it wasn’t used—there was no mechanism to enforce the laws that existed.”

“Despite the fact that the Geneva Convention obliges all nations to bring to justice those who have violated its principles, prior to 1993 this didn’t happen. The International Criminal Tribunal Against Yugoslavia was the first real international court, and it has had significant impact. There is no question that if the Yugoslav tribunal hadn’t existed there would have been far worse civilian casualties.”

Laura Cunningham Named Senior Associate Dean



Laura Cunningham, who has taught Tax and Trusts and Estates since 1992, was appointed senior associate dean by Dean Rudenstine, who chose her because “she brings great strengths to this important leadership position: She is a strong teacher and scholar who has the trust and confidence of the faculty and students.” Over the years that she has taught at Cardozo, Dean Cunningham has chaired the appointments committee and served on several other important committees that have contributed greatly to the life of the Law School. She has written numerous articles in her areas of expertise and is the coauthor of *The Logic of*

Subchapter K: A Conceptual Guide to the Taxation of Partnerships and Partners. While serving as dean, she will continue to teach one course each semester. In discussing her new position, Dean Cunningham said, “I’m eager to improve the quality of student and faculty life and intend to do what I can to ensure that the interaction between students, faculty, and administration is efficient, productive, and pleasant.”

Lessig Discusses the Future of Copyrights at Tenzer Lecture



Stanford Law Professor Lawrence Lessig, who has earned a reputation as the most important thinker on issues of intellectual property in the Internet era, discussed the future of copyrights and the limitations that

Congress should place on them at the ninth annual Tenzer Distinguished Lecture in Intellectual Property.

Lessig, the author of a new book called *The Future of Ideas*, spoke at length about two interrelated but conflict-

ing trends. The technological trend, which is responsible for both the explosion in digital technology and for the never-before-imagined ways that creative works are now and will be distributed. Then he pointed to the legal trend, which is toward increased control of creative enterprises.

We must “free ourselves from the idea that our culture is the property of others,” he said, noting also that Congress’s hard-line approach to the protection of copyrights has allowed software and media giants to monopolize our cultural and intellectual lives, thus decreasing creativity. Lessig argues that artists are continually aware that lawsuits may arise from their creative output. Furthermore, the Internet, which Lessig believes can and should be a vehicle for producing and distributing culture from the bottom up, has been reduced to a heavily barricaded area. In conclusion, he urged limited but reasonable control on copyright—a moderate approach to finding a sensible balance.

Bauer Lecturer Examines Lawyer Jokes

Using as a point of departure the premise that “lawyer jokes seem a permanent fixture of the legal landscape,” University of Wisconsin Law School Centennial Professor Marc Galanter delivered the annual Uri and Caroline Bauer Memorial Lecture in February. Professor Galanter, a former advisor to the Ford Foundation on legal services and human rights programs in India, is the author of *Lowering the Bar: Lawyer Jokes and Legal Culture*, a new book that examines the role of lawyer jokes in American society.

According to Professor Galanter, it was late in the

just-past century that the public began to see lawyers as flawed professionals and generally labeled them as sly, oppressive, and coercive—a stereotype that gave birth to the ubiquity of lawyer jokes. He pointed especially to the 1970s

when, as a result of the litigation explosion, lawyer jokes became popular and increasingly harsh. Paradoxically, he noted, lawyers are often portrayed on television or in film as heroic saviors, illustrating the notion that although most

people today have a negative opinion of lawyers in general, everybody thinks their lawyer is noble.

(From left) Dean Rudenstine, Prof. Marc Galanter, Lore Bauer, and Cardozo Board Member Harry Bauer



CARDOZO BAR PASSAGE RATE JUMPS TO RECORD LEVEL

Of the Cardozo graduates who took the New York State bar exam for the first time in July, 86% passed. This is significantly above the statewide pass rate (79%) and is the highest level of success in Cardozo history. Cardozo administrators credit the jump to several factors including changes to the first-year curriculum, the adoption of upper-level distribution requirements, and greater guidance in course selection, as well as an increase in the quality of the class and the efforts of individual professors. Distribution requirements insure that students are not trying to learn too many subjects for the first time right before taking the bar exam.

Dean Welcomes New Students and Visiting Faculty

The spring semester began with a dean's reception that recognized the many visiting faculty and recently hired administrators, and gave a salute to the entering J.D. and LL.M. students. According to Assistant Dean for Admissions Robert Schwartz, 45 students began their J.D. studies in January and 12 began the LL.M. program, representing the strongest January class the school has ever enrolled, as measured by the median

LSAT score, which is 159 for the J.D. candidates. These students come to Cardozo with advanced degrees in biology, business administration, forensic psychology, and social work. Those coming from other careers include a teacher, a stage manager, an aviation electrician, a political aide, a consultant for an Internet company, and a child protective specialist for the City of New York. The variety extends to the undergraduate institutions from which these students hold degrees; they represent 37 schools from Yale and Yeshiva to Brigham Young and McGill.

Civic Leader and Legal Giant Howard Squadron Dies

Howard M. Squadron, a founding partner of Squadron Ellenoff Plesent & Sheinfeld, which recently merged with Hogan & Hartson, and the guiding spirit behind Cardozo's Howard Squadron Program for Law, Media and Society, died in December after a long illness. Listed twice in the 1980s by the National Law Journal as one of the 100 most powerful lawyers in the United States, Mr. Squadron was known especially for his work in communications and entertainment law and as a leading national spokesperson for American Jews.

He was president of the American Jewish Congress from 1978 to 1984 and was chairman of the Conference of Presidents of Major American Jewish Organizations from 1980 to 1982. Among many notable accomplishments, he helped save City Center from the wrecker's ball and was long-time chair of its board of directors. In his law practice, Mr. Squadron represented developers, mortgage brokers, and communications companies, including The News Corp. and News American for more than 25 years. He handled major First

Amendment, civil rights, and pro bono cases and participated in the effort to include condemnation of anti-Semitism in the United Nations resolution on racism. Rupert Murdoch, chairman of The News Corp., and Fred Wilpon, co-owner of the New York Mets, among his dearest friends, co-chaired a dinner in 1999 held in honor of



Howard Squadron flanked by YU President Norman Lamm and Rupert Murdoch

Mr. Squadron and the 10th anniversary of the Squadron Program. It was his last public appearance.

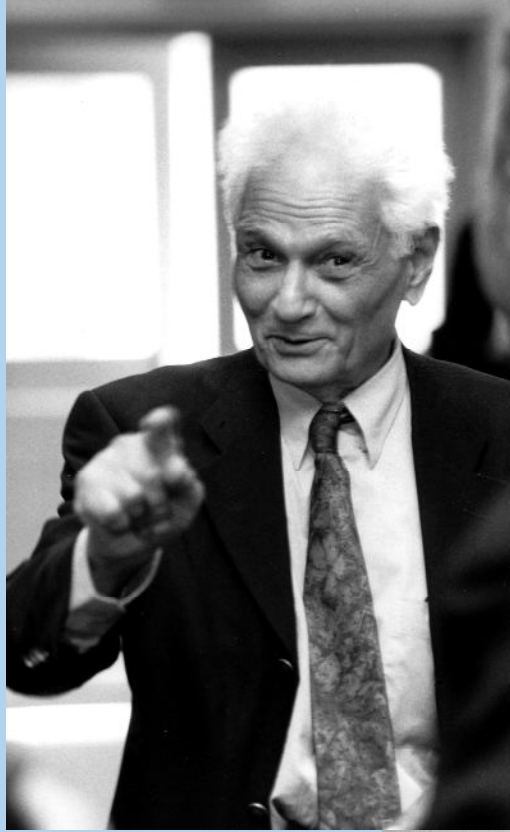
Among the most visible and well-loved activities of the Squadron Program was the conversation series hosted by Mr. Squadron, to which he would invite such luminaries as Peter Jennings, Mike Wallace, and Abe Rosenthal to meet and discuss with students and faculty contemporary issues in the media and entertainment

law. Mr. Squadron is survived by his wife, Anne Strickland Squadron, five children, and eight grandchildren. His son, Bill, a sports lawyer, taught a course at Cardozo with his father and has participated in a number of panels on communications and entertainment law at the Law School.



Scholars Find New Connections to Nietzsche

Judging by the well-attended fall conference “Nietzsche and Legal Theory,” the ideas of the provocative German philosopher are more relevant than ever. Over 40 scholars from many disciplines and from all corners of the globe convened to discuss Nietzsche’s writings and his influence on legal thought. The two-day event, organized by Prof. Peter Goodrich, marked the first time that academics had staged a critical encounter between legal theory and Nietzsche’s legacy. Papers and commentary presented at the conference will be published in a forthcoming issue of *Cardozo Law Review*. The symposium, which was sponsored by the Jacob Burns Institute for Advanced Legal Studies, included Prof. Jacques Derrida, École des Hautes Études en Sciences Sociales, Paris; Prof. Renata Salecl, London School of Economics and University of Ljubljana, Slovenia; Prof. Anthony Carty, University of Derby, England; Prof. Jeanne Schroeder; Prof. William MacNeil, Griffith University, Australia; and Prof. Lior Barshack, The Hebrew University of Jerusalem.



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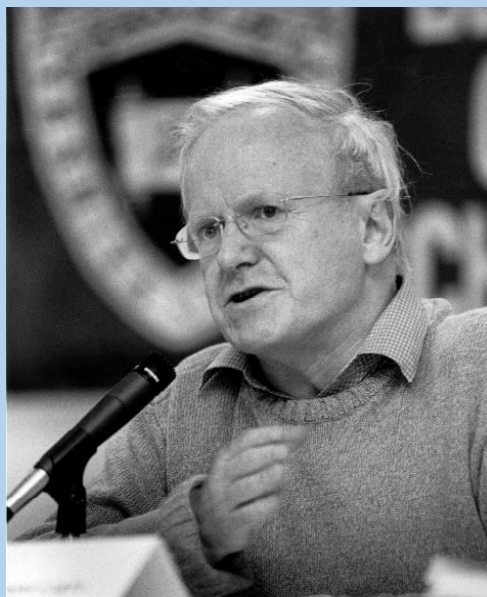
Barshack



Schroeder



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MacNeil

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DNA Evidence Exonerates 102nd Prisoner



Prof. Barry Scheck held a press conference at the Law School when Bruce Godschalk (left), the 102nd prisoner exonerated through postconviction DNA testing, was released from jail after serving 15 years. Professor Scheck used the occasion to urge reforms, especially Congressional passage of the bipartisan Innocence Protection Act, allowing all states to conduct post-conviction DNA testing.

Innocence Project Launches Website

The Innocence Project launched a comprehensive Website where defense lawyers and other legal professionals, prisoners and their families, the media, and individuals interested in postconviction exonerations can find up-to-date information on case profiles and new legislation, law and science links, and how to contact affiliated programs, resources, and organizations working with DNA and wrongful convictions. Innocence Project cofounder Prof. Barry Scheck notes, “This site will be a technological springboard for our continuing work and the expansion of the Innocence Network. It will create synergy amongst the various organizations that share two important goals: the correction and the prevention of wrongful convictions.” The Innocence Network is a growing group of wrongful conviction clinics in law and journalism schools across the nation.

As of February, 102 prisoners in the United States have been exonerated through postconviction DNA testing, 11 off death row. More than half of these cases were handled by Cardozo law students with Professors Scheck and Peter Neufeld. The clinic has generated legislative reforms and helped focus the legal community on efforts to prevent the miscarriage of justice and the causes of wrongful convictions.

American Constitution Society and Federalist Society Collaborate on Panels

Melissa Stewart '02 was watching C-Span one evening last summer and learned of the founding of The American Constitution Society for Law and Policy (formerly the Madison Society). “I just knew that there was a need for a chapter of this organization at Cardozo,” said Ms. Stewart, who is president of the International Law Students Association. “I called then-professor Rudenstine and asked him to be the faculty advisor, which he agreed to do, as did Prof. Kyron Huigens. I wrote the chapter’s constitution and we were off and running.”

According to its mission statement, “The American Constitution Society is a new national organization of law students, law profes-

sors, practicing lawyers, and others. We want to help revitalize and transform the legal debate, from law school classrooms to federal courtrooms. We want to counter the dominant vision of American law today, a staunch conservative vision that lacks appropriate regard for the ways in which the law affects people’s lives.” Melissa felt that “the legal educational system had become very conservative” and the society was eager to promote more compassionate views.

Simultaneously, Ezekiel Arlin and Devorah Klein were reinvigorating the Cardozo chapter of The Federalist Society, a group of “conservatives and libertarians interested in the current state of the legal order [and] founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and

(From right) Dean David Rudenstine, Michael Herz, Michel Rosenfeld, John McGinnis, and Richard Weisberg



that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be." They were hoping to spur intellectual debate on legal issues outside the classroom by hosting several functions a year devoted to timely legal issues and to expose students to different perspectives on those issues.

With similar agendas, although opposite political leanings, the organizations are working on several joint projects. This fall they presented "Reviving Tocqueville's America: The Rehnquist Court's Jurisprudence of Social Discovery," a panel that featured Cardozo professors debating the ideology, values, and methods of the Rehnquist Court.

Racial Profiling Explored in Wake of 9/11

After the events of September 11, many people with Arabic-sounding last names suddenly became the newest victims of racial profiling. Examining ways to maintain national security without trampling rights, professors and civil rights lawyers discussed the history of racial profiling since the American Civil War and asked questions such as, "When does racial profiling go from being good police work to a violation of civil rights?" Prof. Michel Rosenfeld moderated a panel that included Prof. Myriam Gilles; King Downing, national coordinator for the

STUDENTS DISPLAY WINNING ADVOCACY SKILLS



The students participating in the annual Monrad G. Paulsen Moot Court Competition this fall argued a case of a prisoner's right not to incriminate himself. The final round was judged by (from left) Justice Joseph Dorsa, NY State Supreme Court; Associate



David Cooper '03

Justice Gary S. Stein, Supreme Court of NJ; and Chief District Judge Michael B. Mukasey, Southern District of NY, who commented on how much better prepared the student litigants were than the lawyers who appear before him in court. David Cooper '03 (left), won best oralist and Emily Ching '03 best brief. Brandy Miller '02 and Emily Baser '03 were runners-up.

At the ABA Regional Negotiation Competition, held at Western New England College School of Law, Megan Weiss '02 and Venus Sahwany '02 took first place in a field of 20 law schools. They then went on to represent the Northeast region and Cardozo at the national competition held in February. Last year, Weiss and Sahwany made it to the final round of the regional competition but did not advance to the nationals.

Panels Introduce Speciality Areas

One of the best ways to introduce students to various areas of the law and employment is through panels that feature experts and practitioners. Among those held this year was Theater Law: an Introduction to the Industry and its Players, with panelists Elliot H. Brown, partner, Franklin, Weinrib, Rudell & Vassallo; Jordan Roth, producer, The Rocky Horror Picture Show, The Donkey Show; Ralph Sevush '91, associate director, The Dramatists Guild of America; Scott Shukat, The Shukat Company, Ltd.; Harriet Slaughter, director of labor relations, The League of American Theatres and Producers. The event was moderated by Rosalind Lichter '82, The Law Firm of Rosalind Lichter.



Asian American lawyers discussed their practice in intellectual property law at a panel co-hosted by

Cardozo's Intellectual Property Law Program, Asian Pacific American Law Students Association, the Litigation and Young Lawyers Committees of the Asian American Bar Association of New York, and the US-China Lawyers' Society. The panel, which included John Flock (left), a partner at Kenyon & Kenyon, and Benjamin C. Hsing of Kaye Scholer, was moderated by Prof. Peter Yu '99.

The Cardozo Online Journal of Conflict Resolution presented a panel on sports law and alternative dispute resolution,



two areas that are especially popular with students. Panelists included Hal Biagus (left), deputy counsel, National Basketball Players Association; and Frank Coonelly, general labor counsel, Office of the Commissioner of Baseball.

Campaign Against Racial Profiling at the ACLU; William Goodman, legal director of the Center for Constitutional Rights; and Abdeen Jabarra, civil rights lawyer and past president of the American-Arab Anti-discrimination Committee. Panelists agreed that we should not let people's rights be compromised, especially as almost all of those detained have not yet been directly connected to the terror plot, making profiling ineffective as well as unconstitutional. Citing targeted investigation as the best way to use profiling procedures, Mr. Jabarra pointed to FBI agents going to flight schools around the country to study the student roster for Arabic-sounding names. In that case, law enforcement is dealing with a relatively small number of people and highly specific coordinates. The panel was sponsored by Cardozo's Public Interest Law Students Association.

Cardozo Women's Groups Sponsor Symposium on "State v. Mom"

Should the state intervene in a mother's lifestyle to protect her children? Should it prosecute a mother or allow for medical treatment in cases of addiction? These were the key points discussed at a panel moderated by visiting professor Janet Dolgin. Other issues raised included how to protect a woman from

domestic abuse if, as is common, she is afraid to file charges, and whether children should be taken from families where domestic abuse occurs and placed in foster care. The panelists, who were experts in family law, postpartum depression, domestic abuse, and substance abuse during pregnancy, were Lynn Paltrow, National Advocates for Pregnant Women; Edgar DeLeon, Esq., private practice; Dr. Geoffrey McKee, University of South Carolina Medical School; and Maureen McCloskey, Safe Horizon Domestic Violence Law Project. The panel was sponsored by Cardozo Women's Law Journal and the Cardozo Advocates for Battered Women.

International Students Intern in Judges' Chambers

A new internship launched this fall, the Judicial Observation Program, pairs federal and state judges with international LL.M. students, who get an insider's view of the US legal system and gain practical knowledge. They conduct legal research and help draft opinions and observe hearings that range from class actions and sentencing to witness examinations and naturalization ceremonies.

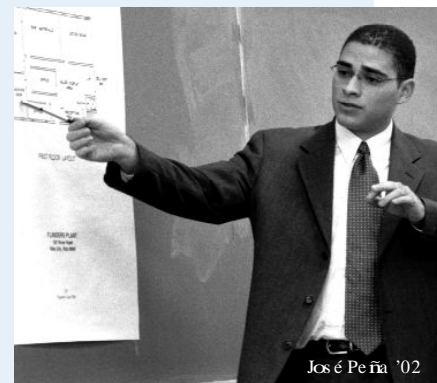
According to Philippe Zylberg '02, "The experience of sitting in court with a federal judge facing rival attorneys arguing their respective cases, and then

observing the decision-making process in the judge's chambers, was especially enlightening." Philippe, who is from Israel and interned for Hon. Shira Scheindlin, US District Court for the Southern District of NY, was particularly struck by how much the fate of an individual's life or property is left to the judge's discretion. Both judges and their clerks benefit by learning about other countries' legal systems and cultures.

According to Toni Fine, director of the LL.M. Program, "We are now working with two judges and hope to expand this program so that more students can take advantage of this wonderful opportunity."

STUDENTS HONE LITIGATION SKILLS IN INTENSIVE TRIAL ADVOCACY PROGRAM

More than 80 students took advantage of the opportunity to sharpen their litigation skills and learn from legal experts through Cardozo's Intensive Trial Advocacy Program (ITAP). Participants were able to practice effective techniques and view different courtroom styles as more than 200 visiting faculty gave critiques and demonstrations. Students learned how to do opening statements, cross-examination, closing arguments, and all phases of criminal and civil trials. At the end of the two-week program, they did bench and jury trials before a real judge. Shown here are guest faculty Michael Karnavas (left), who is currently representing Col. Blagojevic before the International Criminal Tribunal for the former Yugoslavia in The Hague, and David Silver '83, partner, Barr, Steinfeld, Moss, Lawrence, Silver & Saltonstall, Bennington, VT.



Scholars Discuss French Court Ruling in Yahoo! Case

It has been over a year since a French judge stunned legal observers internationally by ruling that US-based Yahoo!, Inc. is liable under French law for allowing French citizens to access auction sites that sell Nazi memorabilia.

European and American scholars, including several Cardozo professors, discussed the global implications of this ruling at "Hate and Terrorist Speech on the Internet: The Global Implications of the Yahoo! Ruling in France," presented by the Howard M. Squadron Program in Law, Media and Society.

Isabelle Rorive and Benoit Frydman from the Free University of Brussels, both of whom are Markle Fellows, presented the factual details of the Yahoo! case, and then moderator Monroe Price opened the floor for a lively question and answer session that focused on the broader impact of

the ruling. During the second half of the program, Terrorism and the Internet: Regulatory Implications of the Yahoo! Case, a distinguished panel that included New York Times columnist Carl Kaplan, visiting professor Oren

Gross and Prof. Michel Rosenfeld discussed whether or not France's ruling will force the Internet to be policed on a regional basis in accordance with local censorship laws. Panelists were concerned also with whether the Yahoo! ruling infringed on the rights of the company. Other participants were Julie Mertus, American University; Alan Davidson, Center for Democracy and Technology; Helen Nissenbaum, Department for Culture and Communication, New York University; and Laurent Pech, Institute of Political Studies in Aix-en-Provence.

