

## Seven Visit for Spring

This has been a banner year for visitors to the Law School. A total of 12 professors have visited for 2001–02, with seven arriving in January to teach during the spring semester. They bring expertise in diverse fields and enhance the scholarly climate at Cardozo.

**Harold Abramson** from Touro Law Center brings his knowledge and experience to augment Cardozo's nationally ranked alternative dispute resolution (ADR) program and is teaching International Dispute Resolution and Dispute Resolution Process. He said it's been exciting working with Cardozo students who are so intensely interested in the theory and not just the practice of dispute resolution. He noted it was especially gratifying to see students he cotaught do so well in the ABA Regional Representation in Mediation Competition—Cardozo teams won first and fourth place.

Professor Abramson, who has been deeply involved in the field of ADR for more than 15 years, publishes extensively,



Morse

lectures widely, and conducts training programs in the US and abroad. He is at work on a book on how to represent clients in mediation as a problem-solving process and on sections of a book on international dispute resolution. He also serves on the Association of American Law Schools facilitation panel that conducts faculty retreats for US law schools.

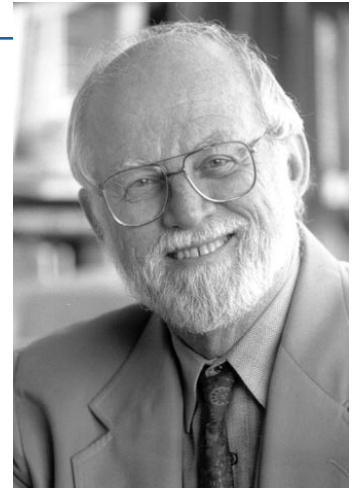
At Touro, he served for nine years as vice dean responsible for academic programs, faculty development, and international programs. Prior to entering the academy, he worked in both private practice and government, where he helped formulate public policies and litigated contract disputes and complex regulatory cases. Professor Abramson has a B.A. from University of Michigan, a J.D. from Syracuse



Haas

University, and an M.P.A. and an LL.M. from Harvard University.

**Edward D. Cavanagh** is an expert in antitrust law who has worked for many years in private practice and was an assistant attorney general for the New York State Antitrust Bureau. He is visiting from St. John's University School of Law, where he has taught for over 20 years, and is teaching Civil Procedure. He is working on *The Antitrust Evidence Manual* (2nd Ed.) for the ABA Antitrust Section and is researching the proposed amendments to Rule 23 of the Federal Rules of Civil Procedure. Professor Cavanagh frequently lectures; has given testimony to the US Senate Committee on the Judiciary; and has published numerous articles on



LaRue

antitrust, civil procedure, and complex litigation. He holds an A.B. *summa cum laude* from University of Notre Dame, a J.D. with distinction from Cornell Law School, and an LL.M. and a J.S.D. from Columbia Law School.

**Jeffrey Haas**, who is a leading authority on tracking stock equity structures and other securities law matters, is visiting from New York Law School. At Cardozo he teaches Corporate Finance and Securities Regulation, which he notes has been especially relevant to his students this term. "In the classroom, animated conversations about the antifraud provisions of securities laws and corporate liability all seem to swirl around Enron. It's been pretty stimulating," he said.

Professor Haas teaches

and writes about mutual fund regulation, securities law, corporate finance, corporations, and contracts, and he has been quoted widely in the media, appearing also on many television programs. He soon will publish "The Heartland Funds' Receivership and its Implications for Independent Mutual Fund Directors" in the *Emory Law Journal*. Professor Haas practiced corporate and securities law at Cravath, Swaine & Moore and Latham & Watkins. He has a B.S. summa cum laude from Florida State University and a J.D. cum laude from the University of Pennsylvania Law School.

Lewis Henry LaRue, Alumni Professor of Law at his alma mater, Washington and Lee University School of Law, is teaching Evidence. He said he is enjoying his Cardozo class and New York, and is looking forward to giving a faculty colloquium on "Policy Issues in Counting Votes: The Issue to Which Bush v. Gore is a Footnote." He

Movsesian



currently is working on a project examining the convergence of two elements of courtroom trials—mathematical probability, which informs expert scientific evidence, and literary probability, which involves lay judgments of how probable the courtroom narratives of lawyers are. Prior to joining the Washington and Lee faculty, Professor LaRue was a legal officer in the Marine Corps for three years and a trial attorney for the US Department of Justice. He has published four books, including *Constitutional Law as Fiction: Narrative in the Rhetoric of Authority* (Pennsylvania State University Press, 1995) and *Political Discourse: A Case Study of the Watergate Affair* (University of Georgia Press, 1988); and scores of articles, essays, and reviews. His fields of teaching also include law and politics and jurisprudence. Professor LaRue holds an LL.B. from Harvard University.

Schlink



## TAX CASE UPDATE

After the Tax Appeals Tribunal ruled against him in *Matter of Zelinsky*, Edward Zelinsky said, "I am grateful that they finally decided the case so I can now get to the appeals division." Zelinsky challenged the New York tax



law, arguing that he is being unfairly taxed twice—by his home state of Connecticut and the state of New York, where he derives his income. Zelinsky frequently works from home and in challenging the double taxation has raised issues that have become increasingly controversial.

The issue of double taxation and its implications as telecommuting expands has been identified by the Northeastern States Tax Officials Association as one of the most important modern matters of tax administration. The Association has been trying to forge a multijurisdiction agreement that would eliminate or reduce the threat of double taxation on tangible income.

Stephen Morse, the Ferdinand Wakeman Hubbell Professor of Law at University of Pennsylvania Law School, is also professor of psychology and law

in psychiatry at the University's School of Medicine. He is teaching Criminal Law and Mental Health Law at Cardozo. Professor Morse's published works, research, and teaching are at the intersection of law and psychology. He is especially interested in clarifying and establishing

the conditions for moral and legal responsibility, including the legal criteria for rationality in criminal law and mental health law. Currently, he is writing an article for the *Virginia Law Review*, "Uncontrollable Urges and Irrational People," which evaluates recent US Supreme Court rulings on the constitutional standards for the involuntary civil commitment of sexual predators. In addition to extensive writings on the insanity defense and mental health law, he has testified before the US Congress and other legislative bodies on these subjects. Professor Morse is co-editor of *Foundations of Criminal Law* (Foundation

Press, 1999, with L. Katz and M. S. Moore) and author of dozens of articles and book chapters. He holds an A.B. cum laude from Tufts University, and a J.D. cum laude, Ed.M., and Ph.D. (psychology and social relations) from Harvard University. Professor Morse noted that visiting Cardozo or any law school is akin to being an anthropologist traveling upriver who discovers and enters a different culture—and he is enjoying it.

Mark Movsesian of Hofstra University School of Law is teaching Contracts and International Trade. Professor Movsesian's professional interest in the latter subject blossomed when he was an attorney/advisor in the Office of Legal

Counsel at the US Department of Justice. There he developed a broad understanding of the US legal system and dealt with such issues as international trade. Following this appointment, he clerked for US Supreme Court Justice David Souter. He is currently working on two articles, "Two Cheers for Freedom of Contract" for the *Cardozo Law Review* and "Enforcement of WTO Rulings: An Interest Group Analysis," for the *Northwestern Journal of International Law and Business*. In February, he spoke on the relationship between WTO rules and traditional cultures at Cardozo's "Traditional Knowledge, Intellectual Property, and Indigenous Culture." Professor

Movsesian holds an A.B. summa cum laude and a J.D. magna cum laude from Harvard University, where he was an editor of the *Harvard Law Review* and a recipient of the Sears Prize.

Bernhard Schlink, a frequent visitor to Cardozo, is teaching a seminar on European Community Law. He is the author with Prof. Arthur Jacobson of *Weimar: A Jurisprudence of Crisis*, and several other books on constitutional law, fundamental rights, and the issue of separation of powers. He also wrote the best-selling novel *The Reader*, which *The New York Times* described as "arresting, philosophically elegant, morally complex," and the newer *Flights of Love: Stories*. He is currently

working on a lecture and article on loyalty, treason, and betrayal in different cultures. Professor Schlink sits on the Constitutional Law Court for the state of Nordrhein-Westfalen, Münster. He holds a J.D. from Ruprecht Karls University in Heidelberg.

#### PROFESSIONAL HONORS

In February, the New York Civil Liberties Union honored Barry Scheck and Peter Neufeld with the Florina Lasker Award for their significant contribution to the advancement of civil liberties and privacy rights in New York. The Innocence Project received an award in March from Jews for Racial and Economic Justice for "righting the wrongs endured by those falsely convicted."

Peter Tillers was named an associate of the Joseph Bell Centre for Forensic Statistics and Legal Reasoning, Faculty of Law, University of Edinburgh, Scotland, marking the commencement of his participation in a three-year research and development project relating to evidence marshaling software for investigation. *Cardozo Law Review* published his paper "Introduction: A Personal Perspective on 'Artificial Intelligence and Judicial Proof'" as part of a collection that he compiled on the topic.

Richard Weisberg has been selected for a semester-long teaching



### In Memoriam: Hedy Forspan '90, Director of Cardozo Tax Clinic

Hedy Forspan '90, who had been director of the Tax Clinic, died last fall after a lengthy illness. She was a returning student when she first came to Cardozo, and participated in both the Mediation Clinic and the Tax Clinic, which was founded and then run by Jim Lewis,

a major figure in the tax bar in America.

Hedy was taken under wing by Lewis, who became her mentor. When she graduated, he asked her to work with him as an assistant. Upon Lewis' retirement and because he admired Hedy as a lawyer, teacher, and partner, he asked her to pick up the reigns, which she did with great energy and care until she was too ill to carry on. She was well-loved and admired by her students and will be remembered for her gentleness and caring.

After graduating from Cardozo, she clerked for then-New York Supreme Court Justice David Saxe, who is currently a judge in the appellate division of the First Department. She had a private practice on Long Island, where she specialized in tax and trusts and estates.

She leaves a husband, Harold, and four children. Her eldest daughter, Adrienne, who is on leave from Cardozo, is expected to complete her J.D. studies here next fall. Another daughter, Estee, is in her first year at Cardozo.

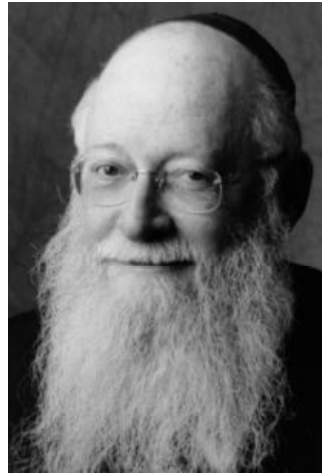


Cunningham

appointment at Johns Hopkins University's School of Advanced International Studies at its campus in Nanjing, China, a provincial capital on the Yangtze River. In fall 2002, he will teach Introduction to American Law and Constitutional Law to Chinese and international students. He will also continue his research on public discourse, with a comparative examination of the cultural conceptions that shape public conversations in China.

NEW BOOKS

Larry Cunningham's *Outsmarting the Smart Money*, published by McGraw-Hill, is right on the money during this time of the Enron debacle. He discusses how to invest using straightforward common sense instead of misleading "hot tips" and explains how to approach the markets with intelligence and calm, outlining the need for investors to monitor their investments, including their retirement funds. He



Bleich

explores security analysis guidelines and what investors should look for that might indicate accounting irregularities, as well as ways to avoid being cheated by money managers and how to identify "spin" reporting.

Monroe Price has been working on a number of books that are ready for publication or have just been published, including *Forging Peace: Intervention, Human Rights and the Management of Media Space* (edited with Mark Thompson), by Edinburgh University Press; *Media and Sovereignty: Law, Identity and Technology in a Global Environment*, by MIT Press; *Media Reform: Democratizing Media, Democratizing the State* (edited with Beata Rozumilowicz and Stefaan G. Verhulst), by Routledge, London; *Media in the Yeltsin Decade: Essays and Documents* (edited with Andrei Richter and Peter Yu), by Kluwer Law International; and *Parental Control of Broadcasting*, edited with Stefaan G. Verhulst and



Brickman

published by Lawrence Erlbaum Associates. An article, "The Newness of New Technology," is in *Cardozo Law Review*.

PAPERS PANELS SPEECHES

Rabbi David Bleich spoke at the annual meeting of the AALS on "Stem Cell Research and the Definition of the Beginning of Life."

At the ABA national conference on Professional Responsibility in Miami Beach last spring, Lester Brickman spoke on "The Ethics of Hourly Rate Billing." He has two articles



Halberstam

forthcoming: "Lawyers' Ethics and Fiduciary Obligation in the Brave New World of Aggregative Litigation" in *William and Mary Environmental Law & Policy Review* and "Mandatory Fee Arbitration under New York's Matrimonial Rules" in the *Cardozo Online Journal of Conflict Resolution*.

At this fall's International Law Weekend, Malvina Halberstam spoke on justice for victims of the Holocaust, and on the Foreign Sovereign Immunities Act and human rights, addressing the Act's application to an action against the French

Hamilton



Brickman



Railroad for transporting thousands of people to death camps during World War II. Professor Halberstam is of counsel on this case, which was argued in the Federal District Court for the Eastern District of NY. She also participated with Israel's ambassador to the United Nations, Yehuda Lancry, Congressman Eliot Engel, and Time magazine writer Adam Cohen at a symposium organized by Betar on "Israel and the US After September 11," discussing the justification under international law for the use of force against terrorists and those who harbor terrorists. She also hosted a group of more than 20 foreign government officials, scholars, and journalists visiting through the US State Department's project on Foreign Policy and Human Rights Issues.

**Marci Hamilton** gave a keynote address, "Religious Liberty Legislation and Executive Agencies," at the annual meeting of the National Association of Regulatory Administrators. She debated "Civil Rights and the Bush Administration's New Anti-terror Initiatives" with David Rudovsky of the University of Pennsylvania Law School at the World Affairs Council meeting in Philadelphia. At the Federalist Society Annual Professors Conference, she addressed the issues of "Civil Rights, the Patriot Act, and Military Tribunals" and then discussed vouchers at the New York City Federalist Society



McGinnis

meeting. She participated in a symposium on federalism and states' rights at the University of Indiana, and one on the Establishment Clause at the University of Virginia.

**Arthur Jacobson** and visiting professor **Bernhard Schlink** gave a colloquium at the European University Institute in Fiesole, Italy, on their book *Weimar: A Jurisprudence of Crisis*. The commentators were John McCormick, a political scientist at Yale, and Gerald Newman, a law professor at Columbia.

**John McGinnis** and **David Rudensine** met with a delegation from the Consultative Tribunal of the Autonomous Government of Catalonia, Spain, through the US Department of State's Bureau of Educational and Cultural Affairs. The Tribunal was interested in how the US Supreme Court operates, the relationship between the state and federal courts, specific laws regarding minority rights and affirmative action



Weisberg

policies, and US legislative procedures.

**Richard Weisberg** delivered a lecture entitled "A Reply to Stanley Fish on Holocaust Denial" at Emory, the University of Wisconsin/Madison, and University of Saskatchewan/Saskatoon. He discussed "The Figure of the Examining Magistrate from Dostoevski to Malamud" at the University of Nice and at Cornell, and spoke on "Vichy: from the Archives to the Quai d'Orsay" at the Maison Française of NYU and at Fordham. His topic was "The Rhetoric of the French Catholic Church during Vichy" at Oxford and at the Law and Society Annual Meeting and "Antonio's Legalistic Cruelty in *The Merchant of Venice*" at a faculty seminar at the University of Texas/Austin and at the International Shakespeare Society Meetings in Valencia, Spain. He also directed a performance of scenes from *The Merchant of Venice* at the University of Texas/Austin. He visited



Yu

Texas again for a symposium on "Language and the Law," where he delivered a paper, "The Legal Writer at the Millennium with an Application to Justice Souter."

**Peter Yu** contributed a chapter on "European Union Privacy Directive" to *The GigaLaw.com Guide to Internet Law*, which will be published this year by Random House, and an article on US-China intellectual property policy in *Commentaries on Law and Public Policy: 2001 Yearbook*. As a guest columnist for *FindLaw.com*, he wrote on the ramifications of China's recent entry into the World Trade Organization.

#### ADJUNCTS

**Gary Galperin**, assistant district attorney, New York County District Attorney's Office, coauthored the article "Psychiatric Defenses in New York County: Pleas and Results," published in *The Journal of the American Academy of Psychiatry and the Law* (2001).