

Spring Brings Visitors to Campus

Every semester, scholars from the United States and abroad visit Cardozo and enrich academic life with fresh perspectives and unique talents. This spring, the Law School welcomes visitors teaching courses ranging from Psychoanalysis and Law to Intellectual Property Protection in the European Union Law, and coming from places as far away as Estonia and as nearby as Syracuse.

Roger Berkowitz, a lecturer at Amherst College, is teaching Criminal Law and Theories of Punishment. Since 1993, he has been seen at Cardozo at many legal theory conferences and as a visiting scholar. His academic interests meld philosophy with the law; he writes and lectures on political theory, legal history, and jurisprudence. He believes that “criminal law is the most philosophical field of law. Modern criminal law can trace its philosophical foundation back to post-Hegelian concepts of the distinction

between moral wrong and harm.” His most recent projects include translating a series of Heidegger’s essays on art and technique, an article on Nietzsche’s interest in the legal and religious ethics of the ancient Indian Brahmins, and a piece on Hollywood’s image of prosecutors. He is enjoying Cardozo students immensely; he likes their “I’m here to work” attitude. “I hope to teach them to be good lawyers and, secondarily, successful attorneys,” he says. Professor Berkowitz understands the challenge in overcoming cynicism found in the profession and hopes to impress on his students the deep ethical foundations of law. He holds a B.A. from Amherst College, a J.D. from Boalt Hall School of Law, and a Ph.D. from the University of California at

Berkeley. His many honors include the American Jurisprudence Award and three Max-Planck Institute fellowships.

Daan Braveman, who has taught at Syracuse University College of Law since 1977 and was dean there from 1994 to 2002, is teaching Constitutional Law. Among his achievements at Syracuse, he was instrumental in starting the Public Interest Law Firm, a clinical program. He says working with students in practical situations gives him the greatest satisfaction. Students learn best when they apply their knowledge. As others have said, “Tell me and I’ll forget; Teach me and I may remember; Involve me and I’ll learn.”

His expertise includes federal courts, civil rights, legal education, and constitutional law.

Professor Braveman is working on the second edition of *Power, Privilege and Law: A Civil Rights Reader* with Leslie Bender, and an article on tribal sovereignty that grew out of his work representing the Oneida Indians of the Thames Band in their land claims litigation against the State of New York. He attributes the subject’s urgency to surging economic development on reservations that raises many conflicting issues of jurisdiction and tribal authority. He is the author of *Protecting Constitutional Freedoms: A Role for*

Berkowitz



Federal Courts (1985), and coauthor of *Constitutional Law: Structure and Rights in Our Federal System* (2000). He holds an A.B. from the University of Rochester and a J.D. from University of Pennsylvania. After graduating from law school, he was a law clerk for the Pennsylvania Supreme Court and an attorney for the Greater Upstate Law Project of Rochester, NY. His honors include the William H. Emerson Faculty Research Prize and the Ralph Kharas Award for Distinguished Services in Civil Liberties.

Frank Emmert, who was until recently the dean and Jean Monnet Professor of European Union Law at Concordia International University in Estonia, began teaching at Cardozo in fall 2002 with courses on international trade and European Union law. This spring, he is teaching his other fields of expertise: International Business Transactions and Intellectual Property Protection in the European Union. EU law in particular, he says, is increasingly popular in the US with all major law schools now offering a course. He adds, "it's an exciting time for the legal profession, particularly in Europe, because there is so much flux and new legislation." This September, he invited students in his classes to participate in the preeminent European Union Moot Court Competition. He advised them on their written briefs, and a team of four was selected

from the Law School to go to the semifinals in Bratislava for the oral arguments. It was the first time Cardozo participated. Professor Emmert has taught at universities throughout Europe and at Stanford Law School. He is the founder and managing editor of the *European Journal of Law Reform*, and has published 12 books and dozens of articles. He studied law at the University of Munich in Germany, then obtained an LL.M. from the University of Michigan (Ann Arbor) and a Ph.D. from the University of Maastricht in the Netherlands. He also holds a diploma in



Emmert

European and international law from the European University Institute in Florence, Italy. He is currently writing papers on labor law and world trade, the European Union's enlargement and transformation, and globalization and human rights.

Renata Salecl's course Psychoanalysis and Law is especially popular with students who have an interest in the social sciences and want to explore other dimensions of law. "We examine how different people understand the law and concepts of legal prohibitions and remorse. The course makes students

think hard. They enrich the classroom by bringing their own examples and case histories to the discussion. I learn a lot from my students, too," she says.

Professor Salecl, a familiar face at the Law School, teaches law at the University of



Salecl

Ljubljana in Slovenia, her native country, and at the London School of Economics. She has taught at Cardozo previously and collaborated on conferences such as the recent Lacan and Crime. She sits on several think tanks, including the Remarque Institute, where she is investigating questions like "What is the West?" from varying European and American perspectives. In her country, she has been developing policy changes in feminist rights, maternity leave, and in vitro fertilization. She is, in general, fascinated by the contemporary human condition as



Tuerkheimer

it confronts anxiety, fear, and the "tyranny of choice" in our postindustrial society. She has written numerous books and articles, including *Per(versions) of Love and Hate*, published in 1998 by Verso and translated and published in German, Russian, Spanish, French, and Serbo-Croatian. She lectures extensively on such topics as "Anxiety in Arts and Wars," "Cultural Aspects of Violence," and

"Law and Femininity in Cultural Context." She holds a B.A., M.A., and Ph.D. from the University of Ljubljana.

Frank Tuerkheimer, the Habush-Bascom Professor of Law at the University of Wisconsin, where he has taught since 1970, is a native New Yorker. He is glad to be back in New York for the semester, where he enjoys "the bridges, rivers, culture, friends, relatives, and mem-

ories." In addition to teaching Criminal Law, he is representing an indigent on Alabama's death row, and is working on a project that entails interviewing the remaining Nuremberg prosecutors. Throughout his career, Professor Tuerkheimer has often combined academia with public service. He held a US Senate appointment as a commissioner from 1991 to 1993 on the National Commission on Judicial Discipline and

Removal, was US attorney for the Western District of Wisconsin from 1977 to 1981, associate special Watergate prosecutor from 1973 to 1975, assistant US attorney in the Southern District of New York from 1965 to 1970, and a legal assistant to the Attorney General of Swaziland from 1964 to 1965. He holds a B.A. from Columbia University. After graduating cum laude from New York University Law School, he

clerked for Judge Edward Weinfeld of the United States District Court for the Southern District of New York. He is of counsel to LaFollette Godfrey & Kahn in Madison, Wisconsin and writes on criminal law, ethics, and evidence issues. He has also written an electronic evidence text that contains jump links to a trial transcript to illustrate otherwise abstract principles of evidence law.

Bernhard Schlink, who regularly teaches at the Law School and has been featured previously in *Cardozo Life*, is coteaching Religion, Law and Politics with Prof. Michel Rosenfeld.

Faculty Publish, Earning Their Reputation

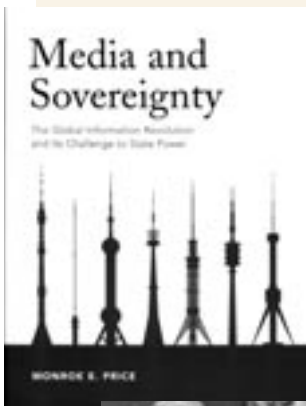
The Cardozo faculty regularly ranks among the more prolific faculties in the nation. That reputation is well earned this year. Along with scores of articles,

book reviews, and op-eds, members of the faculty have written or edited at least six books.

The dean hosted a party in January at which students, alumni, faculty, and friends celebrated the publication of five of these books: Monroe Price's *Media and Sovereignty: The Global Information Revolution and Its Challenge to State Power* (MIT Press); J. David Bleich's *Judaism and Healing*, (Second Edition, Ktav Publishing); *The Oxford Handbook of Jurisprudence and Legal Philosophy* (Oxford University Press) coedited by Scott J. Shapiro; *The Dynamics of Judicial Proof: Computation, Logic, and Common Sense* (Springer- & Physica-Verlag) coedited by Peter Tillers; and *The Marketplace of Ideas: 20 Years of Cardozo Arts & Entertainment Law Journal* (Kluwer Law International) edited by Peter Yu.

As the dean noted, these books range enormously in subject and style but are united by their quality, reflecting both the diversity and depth of scholarship of the Cardozo faculty. Earlier last year, Michel Rosenfeld and Arthur Jacobson saw the publication of *The Longest Night: Polemics and Perspectives on Election 2000*, published by University of California Press and supported in part by the Floersheimer Center for Constitutional Democracy. In addition,

Stewart Sterk and Melanie Leslie just published with one-time Cardozo visiting professor Joel Dobris a new edition of a trusts and estates casebook, and Michel Rosenfeld edited with three colleagues from other schools a new casebook, *Comparative Constitutionalism*, published by West Publishing Company.



Rosenfeld Named Editor in Chief of New Journal

Michel Rosenfeld was named editor in chief of the *International Journal of Constitutional Law* (I•CON), a new quarterly journal intended for an international readership. According to Professor Rosenfeld and NYU's Norman Dorsen, who is editorial director, "We hope that the journal will succeed in filling a need among scholars interested in sharing views on common problems of constitutional law."

I•CON, published by Oxford University Press, will feature articles, essays, book reviews, and shorter reports on familiar and emerging national, international, and transnational constitutional issues and those from a comparative



Rosenfeld

perspective. Periodically, the journal will feature a profile of a constitutional court, discussing the composition of the court, reviewing its most salient decisions, and analyzing its jurisprudence. The inaugural issue contains articles by Jürgen Habermas, Frank Michelman, Mark Tushnet, and Michel Troper, among others, with reports from Australia, Chile, Germany, China, South Africa, and Hong Kong/China.

The journal's second issue will feature the first I•CON symposium on the transnational migration of constitutional norms. A special section devoted to the drafting of a constitution for the European Union will include an essay by Professor Rosenfeld, "The European Convention and Constitution Making in Philadelphia," along with essays by Valéry Giscard d'Estaing, president of the European Convention and former President of France, Giuliano Amato, vice president of the European Convention and former Prime Minister of Italy, and Robert Badinter, a French



Baldacci

Senator who is former Minister of Justice and former Chief Justice of the French Constitutional Council.

APPOINTMENTS

Peter Tillers will teach at the University of Konstanz, Germany this summer. His course will concern probability in various special sciences, including physics, economics, biology, and law.

Peter Yu will join the faculty of Michigan State University in the fall with appointments in the College of Law and the College of Communication Arts and Sciences. He will direct a new intellectual property and communications law program. Professor Yu helped launch the *American Law Review*, a scholarly journal on US law published in Chinese, to which he contributed his first article in that language, "Mickey Mouse Goes to the Supreme Court." He also published "The Harmonization Game: What Basketball Can Teach About Intellec-

tual Property and International Trade." He was recently elected to the boards of the Asian American Bar Association of New York and the US-China Lawyers Society.

PAPERS PANELS SPEECHES

Paris Baldacci rejoined the committee on the judiciary of the Association of the Bar of the City of New York as an interim member. He previously served on the committee from 1996 to 2002. At the Second Triennial Conference on the International Recognition of Same-Sex Relationships in Turin, Italy, sponsored by the International Lesbian and Gay Law Association and the Center for Research and Comparative Legal Studies on Sexual Orientation and Gender Identity, he presented "Tenancy Succession Rights of Surviving Life-Partners: An International Comparison." This paper will be published in a special volume of the *Journal of Homosexuality* and in a book by Haworth Press.

Professor Baldacci also spoke to New York City Housing Court judges and law clerks on "Dealing with Difficult Litigants: The Particular Challenges of the Compulsive Hoarder."

Rabbi David Bleich spoke on stem cell research at the 12th Biennial Conference on Jewish Law in Jerusalem. His article on the same subject was published in *Tradition*.

Lester Brickman presented "Asbestos: What Went Wrong?" at the Association of the Bar of the City of New York. He also spoke at the US Chamber Institute for Legal Reform and the Center for Legal Policy at the Manhattan Institute on "Magnet Courts & Class Actions: The Empirical Evidence," and at the University of Illinois Law School Conference on "Ethics 2000 and Beyond: Reform or Professional Responsibility as Usual?"

Toni Fine participated in meetings of the International Judicial Relations

Bleich



Brickman





Halberstam

Committee of the United States Judicial Conference.

Peter Goodrich has the lead article in the current issue of *Critical Inquiry*, entitled "Distrust Quotations in Latin." He also gave the 10th anniversary lecture at Birkbeck Law School, University of London, where he was the founding dean.

At a small meeting of academics and government officials hosted by Justice Anthony Kennedy at the US Supreme Court,

Malvina Halberstam discussed the role of international law in protecting US national security. At the International Law Weekend in New York, she organized and moderated a panel on the International Court of Justice case *The Congo v. Belgium* and spoke on the evolution of the United Nations' position on terrorism at a panel on "International Law and Terrorism After September 11." As chair of the Association of American Law Schools section on international law, Professor Halberstam organized and



Hamilton

moderated "The Role of National Courts in Dealing with War Crimes, Genocide, Terrorism, and other Human Rights Violations" at the AALS Conference in Washington, DC.

Marci Hamilton spoke at the Federalist Society and the Association of American Law Schools on school vouchers and the Constitution.

Justin Hughes was a panelist at the Kagan Digital Rights Management Summit on "HDTV Broadcast Flag: Content vs. Consumer" and spoke on the "Role of Scientific and Technical Data in the Public Domain" at the National Academies of Sciences, Washington, DC. He presented papers at Boston College Law School and the University of Dayton Law School.

Lela Love presented an article she wrote with Jonathan M. Hyman, "If Portia Were a Mediator: an Inquiry into Justice in Mediation," at a faculty colloquium at Rutgers Law School. She also led a workshop, "Innovations in



Love

Alternative Dispute Resolution Pedagogy," at the AALS conference.

Monroe Price gave the keynote address at a conference at the University of Toronto's Center for Innovation, speaking on "The Internet and Jurisdiction." At the Annenberg School for Communication in Philadelphia, he spoke on "A Foreign Policy of Media Space." He also moderated a panel, "The New Gatekeepers," at the National Arts Journalism Program at Columbia University, at which Justin Hughes also moderated "In Copyright We Trust."

A Hebrew translation of **Michel Rosenfeld's** "Hate Speech in Constitutional Jurisprudence: a Comparative Analysis" will be included in a volume on propaganda and freedom of speech published by the Yitzhak Rabin Center in Israel, and a French translation of an article on *Bush v. Gore* is in *Les Cahiers du Conseil Constitutionnel*, the official journal of the French Constitutional Council. He was a respon-

dent at a colloquium at the Institut des Hautes Études sur La Justice held at the Sorbonne in December and returned in January to participate in the conference *La Constitution de l'Union Européenne*. Professor Rosenfeld presided over a roundtable held in Beijing on "Constitutionalism and Market Economy," organized by the International Association of Constitutional Law, the Chinese Association of Constitutional Law, and the China Law Society. While in China, he also lectured on the 2000 US election at the Nanjing University–Johns Hopkins University Center for Chinese and American Studies.

David Rudenstine reviewed Daniel Ellsberg's *Secrets: A Memoir of Vietnam and the Pentagon Papers* for the December 23, 2002 issue of *The Nation*. His review of *The Miner's Canary* by Lani Guinier and Gerald Torres appeared in the autumn issue of *The Journal of Blacks in Higher Education*.

Suzanne Stone was the keynote speaker at the Riverdale Jewish Women's Forum on "Jewish Law, American Law: Impact on Women's Lives."

Ellen Yaroshefsky moderated a panel, "First Monday: Civil Liberties in a New America," held at the Rutgers School of Law–Newark, and cohosted by Cardozo's Jacob Burns Ethics Center.