

US Supreme Court Justices Meet with European Counterparts at Cardozo

When members of two of the world's most important courts met at Cardozo, Associate Justice Stephen Breyer of the United States Supreme Court came prepared with a greeting in French. However, the historic conference made it clear that the Supreme Court justices and their colleagues on the Court of Justice of the European Communities have begun to develop a common language. They are applying similar principles to complex issues confronting both the United States and the 15-member European Union and beginning to learn from each other.

Eight judges and advocates general of the European court gathered at Cardozo with three of their American counterparts—Justices Breyer, Sandra Day O'Connor, and Anthony M. Kennedy—for a round of judicial shop talk cosponsored by Cardozo and the

Dean Michael Herz addressing members of the Court of Justice at NYU. Judge Claus Gulmann is on the left.

New York University School of Law. This marked the first official visit of the European Court of Justice to the US. The European jurists also participated in a day-long series of panels at NYU on current constitutional issues in antitrust policy, environmental regulation, and Internet privacy. The European delegation then visited the United States Supreme Court in Washington, DC and the Texas Supreme Court.

The program continued a dialogue begun two years ago when United States Supreme Court justices visited the European court in Luxembourg. Dean Paul Verkuil and Prof. Michel

Rosenfeld, president of the International Association of Constitutional Law, accompanied the American delegation.

Judicial review has been entrenched in the US since the *Marbury v. Madison* decision of 1803. The European Court of Justice, the supreme judicial authority on matters governed by European Community Law, was created only in 1952, so its role and powers, like those of the integrated Europe it serves, are still evolving.

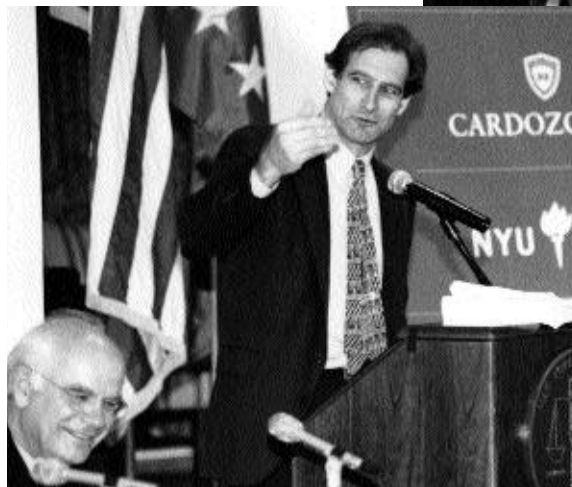
Thus, Dean Verkuil pointed out in his opening remarks, the European

judges had traveled from the "New World" of constitutionalism to the "Old World." When it comes to judicial review, "they are new at it," the dean said. "We are experienced."

Unlike Europeans, Americans like to talk about the law, said David A. O. Edward of Scotland, president of the Fourth and Fifth Chambers of the Court of Justice. "You like to argue about it. Above all, you like to debate the quality of it." But Europeans and Americans share "the accepted standards of right conduct."

First Advocate General

Justice Sandra Day O'Connor, the first woman appointed to the US Supreme Court, with Judge Fidelma O'Kelly Macken, the first woman appointed to the Court of Justice



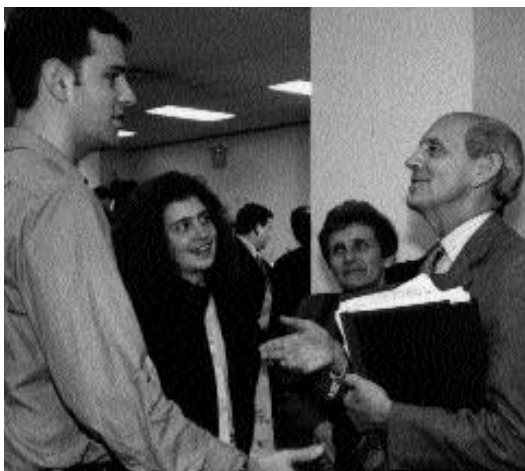
Nial Fennelly, First Advocate General with Associate Justice Anthony Kennedy

Nial Fennelly of Ireland said that much of European Community Law was based on the principles of “proportionality” and “subsidiarity.” Proportionality requires policymakers to consider whether their actions are suitable and necessary to achieve a desired end. To Justice O’Connor that sounded like the “strict scrutiny” American courts apply in certain constitutional cases.

Americans talk a lot about “federalism,” although, according to Justice Kennedy, they do not understand it fully. The term is controversial in Europe, where it often connotes centralized power. However, the recently formulated principle of “subsidiarity” is akin to the

American notion of federalism. It means that the Community should act only if its objectives cannot be achieved by member states. “This is more a political than a legal question,” Fennelly said. “The contours are far from clear.”

Meanwhile, said O’Connor, “I cannot think of anything that has split our court more” than debates over the respective powers of the state and national governments. She said, quoting Justice Kennedy, the Constitution of the United States “splits the atom of sovereignty,” reserving a significant role for the states. Kennedy added that there is a moral and ethical component to federalism, that “it is wrong to surrender control of your destiny to a remote entity.” Breyer, who has been in the minority in a series of 5–4 decisions affirming the power of the states, said that Europeans face similar issues as they work to provide both the right to partic-



Justice Breyer with students

ipate in government and the liberty from government. “Do you keep power in Naples or transfer it to Luxembourg?”

In briefing their colleagues about the American judicial scene, the American justices covered a variety of issues. Kennedy cited the importance of the First Amendment in the American system. “Our free speech jurisprudence gives citizens a real stake in the Constitution,” he said.

On the second day, the conference turned to specific legal issues, where members of the European Court met with academics. Prof. John O. McGinnis argued that a “revolution” in American antitrust law has “something to teach the world.” Increasingly, American antitrust policy is



Judge David A.O. Edward, president of the Fourth and Fifth Chambers of the Court of Justice presents Dean Verkuil with a present for his part in organizing the conference.

guided by the objective of consumer welfare and respect for the free market.

Advocate General Francis G. Jacobs of England said that the increasing integration of the European market has made American precedents more relevant to the development of European “Competition Law.”

“We are, after all, for the first time confronted with the same forces on both sides of the Atlantic,” he said. However, he added, Europeans generally are less trustful of the market than their American counterparts.

Giuliano Amato, a former Italian prime minister who is on the NYU faculty, countered McGinnis’s position. “You have to go case by case,” he said. “You

From left: Justice Kennedy, Cardozo Board Chairman Earle Mack, Judge Edward, Thomas Susman, Esq., NYU Dean John Sexton, Prof. Rosenfeld, Justice O’Connor, Judge Leif Sevón, Judge Macken, Judge Claus Gulmann, Justice Breyer, Judge Jean-Pierre Puissechet, Dean Verkuil, Chief Justice of the Texas Supreme Court Thomas Phillips, Registrar Roger Grass, Judge Nial Fennelly, Advocate General Philippe Léger, Advocate General Francis G. Jacobs



cannot be so ideological as to say the market will always take care of itself.” McGinnis responded that government should act against blatant cartelization and other inefficient practices, but he insisted that officials have a hard time marshalling the information needed to identify such practices.

Recalling Justice Breyer’s greeting, Dean Michael Herz had a word of wel-

come of his own for the law school’s guests: “Shalom.” He then traced the development of American environmental law from its common law period, through the passage in the 1970s of a spate of federal “common-and-control” measures, to a growing reliance on economic incentives, voluntary cooperation, and flexibility in American regulations.

According to Judge Leif Sevon of Finland, Europe’s

own environmental movement was triggered by a series of industrial catastrophes.

Professor Rosenfeld moderated a session about the effect of new technology on privacy at which Prof. David Rudenstine sketched the legal framework for fighting off a “massive invasion of privacy.” He offered a “doomsday” scenario in which the Internet has assumed the

role of Big Brother, who knew everything about the citizenry.

“So we have a problem—broad scale online privacy invasions—and no easy solutions,” he concluded. “Although we can turn to the national government for assistance, and we can pressure the private sector to exercise restraint, it is uncertain whether we will be successful in securing effective constitutional

Gift of \$5 Million Will Establish Floersheimer Center for Constitutional Democracy

Dean Paul Verkuil announced that a \$5 million gift from Dr. Stephen H. Floersheimer will establish a center for constitutional democracy at Cardozo. The Floersheimer Center will focus research, thought, teaching, and publications on the challenges to constitutional governance here and abroad. It intends to deal with controversial issues in an objective and nonpolitical manner.

According to Dean Verkuil, “Dr. Floersheimer is a wonderful donor, someone who is interested in nurturing intellectual activity at the highest level. This extraordinary gift will ensure a future of scholarly and intellectual achievement at Cardozo.”

The Floersheimer Center for Constitutional Democracy plans to support research by scholars and policymakers, conferences, publications, and consultancies both here and abroad. One important goal will be to encourage cross-fertilization in a time of global constitution building through workshops for public and private leaders in developing countries. A leadership program in constitutional law is contemplated that will offer scholarships to outstanding students.

Yeshiva University President Norman Lamm lauded the generosity and the foresight evident in Dr. Floersheimer’s gift. “Dr. Floersheimer recognizes that Cardozo is energetic and that its prolific faculty is committed to legal theory and open to scholars from other disciplines. The Law



Dr. Stephen H. Floersheimer with Dr. Norman Lamm

School has also become increasingly a place known for public discussions of comparative constitutionalism, new democracies, and societal systems. Dr. Floersheimer’s gift will move the Law School further toward achieving its long-term goals.”

Dr. Floersheimer has been a friend of the Law School since his son, Mark, who graduated from Cardozo in 1993, began his studies. In 1992, he established in memory of his father the Walter Floersheimer Chair in Constitutional Law, held by Prof. Richard Weisberg. According to Dr. Floersheimer, who holds a doctorate in English literature from Oxford University, “I believe that Cardozo is a unique academic institution. It has an extraordinary and interdisciplinary faculty that encourages dialogue and research into law and constitutional democracy and includes several leading figures in the international arena of comparative constitutionalism. At a time when democracy is taking root and beginning to flourish in countries throughout the world, this Center has the potential to have an impact on world democracy and the stability of fledgling governments.”

Dean Verkuil announced also that Gerald Gunther, William Nelson Cromwell Professor Emeritus at Stanford University Law School, will be the Floersheimer Center’s first visiting professor and scholar. Professor Gunther, who will be at Cardozo in the fall of 2001, “is one of the great figures in American constitutional law,” said Dean Verkuil.



Robert S. Bennett, partner, Skadden, Arps, Slate, Meagher & Flom and former special counsel, US Senate Select Committee on Ethics, gave the annual Jacob Burns

Ethics Center lecture. He dwelled in part on the conflict faced by lawyers who are expected to serve as guardians of the law, playing a vital role in the preservation of society and conforming to “the highest standards of ethical and moral conduct,” while also serving as zealous advocates for clients who are less interested in the high-minded pursuit of truth than in preserving their fortunes, their reputations, or even their lives. “The zealous advocate often speaks and acts in ways which to many are morally reprehensible, and do not promote respect for the law in the eyes of the public,” Bennett said. An advocate cannot sponsor perjured testimony, obstruct justice, or falsify evidence, but he can use cross-examination “to rip to shreds” an elderly victim the lawyer knows is telling the truth. He can maneuver to pick jurors who will be guided by emotion and passion rather than the truth. And he can use his own credibility to advance an argument that he knows beyond all reasonable doubt is untrue. He concluded that too often the “game” overwhelms the pursuit of justice.

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Cardozo International and Comparative Law Journal and the Financial Women's Association co-sponsored “Advising Emerging International Markets.” Panelists were (from left) Jennifer Frankel '97; Aviva Werner, senior legal counsel, Emerging Markets Traders Association; Bob Strahota, Securities & Exchange Commission; Alison Hardwood, World Bank/IFC specialist; and Professor Ingo Walter, NYU Stern School of Business.

legislation, and whether the Internet industry will adopt and implement programs that effectively protect online privacy.”

Judge Christian Gulmann of Denmark said that the Europeans have focused on the protection of databases and on safeguarding the free flow of information; they have not yet grappled with privacy issues posed by the Internet.

Heyman Lectures Provide Range of Lessons

At the two Heyman Center lectures this spring, attendees received a primer in the operation of a private equity company and were warned not to expect too much from boards of directors when it comes to “managing” the corporation.

Cardozo Board Member Thomas H. Lee, who is not a lawyer, said that “the next five years look very good” for the Thomas H. Lee Company, which is one of about 500 private firms that have marshalled several hundred billion dollars of investment in the last 20 years. These firms function as a “kind of private stock market.”

Mr. Lee's company specializes in financing “high-quality” companies. Of the 1,000 deals the firm sees each year, 700 are not a good fit. Of the remainder, it may acquire an equity stake in 50. Today's deals, unlike those highly leveraged ones popular during the heyday of junk bonds, usually have a debt-to-equity

ratio of two or three to one.

The Thomas H. Lee Company then holds its equity stake for an average of three and a half years, contributing analytical skills, the ability to forecast the future, and an understanding of management capabilities. Although it receives a fee, most of the company's profit comes on "the back end," when the company is sold.

Attorney Robert E. Denham, partner, Munger, Tolles & Olson, discussed what directors contribute to public companies, a hot topic among those who are concerned with the reform of corporate governance.

Textbooks often describe the board as "running the corporation." Denham described that as a "very curious" statement.

According to him, directors are important because they pick a company's CEO and decide how he or she should be compensated. Once the CEO is in place, however, the board's role is limited by the fact that the CEO has readier access to crucial information. Some directors become close to the CEO and "boards hate to tell the CEO no," Denham said.

He suggested that boards can, however, play a larger role in setting and enforcing expectations for ethics and compliance. He observed that directors of e-commerce and other "new model" firms seem more involved in operations. "This is akin to the way boards functioned in earlier times."

Dean Appoints Sterk Senior Associate Dean

Stewart Sterk has been on the faculty since 1979. He has known every dean in the history of Cardozo, sat on most committees—including the current dean search committee—and will now take his first administrative position as

senior associate dean. "I don't think there is a prescribed job description," said Professor Sterk. "I will do whatever the Dean wants me to do and then whatever else needs to be done." Sterk, the H. Bert and Ruth Mack Professor of Real Estate Law, is editor of the *New York Real Estate Reporter* and writes and teaches in the areas of property, conflict of laws, trusts and estates, and copyright.

According to Dean Paul Verkuil, "Having Stew Sterk in this critical position will be a great benefit to the entire law school community. He is respected by his colleagues as a scholar, by the students as an excellent teacher, and as a leader by the administration." Prof. Michael Herz, who has been in the position for four years, will step down in August. (See p. 19.)

When Professor Sterk moves to the dean's office, at the top of the list of things he hopes to accomplish will be to build a bet-



ter relationship between the administration and the students. He explains, "I want to help create a cooperative environment so that the students have a more positive experience while they are at Cardozo." He indicated that this will mean creating more opportunities for social interaction between the adminis-

tration and the students and building an accessible staff that is prepared to meet students' legitimate needs. In describing the management style that is going to help achieve this objective, Professor Sterk said, "I want to make people feel a part of the decisions and the programs. It may take longer in the beginning, but it will pay off in the end as staff, faculty, and students come

together as a community."

Professor Sterk has agreed to serve for one year, believing it appropriate for the new dean to choose his or her own associate dean.

In terms of the dean search, Professor Sterk said, "It is impossible to find every quality that you would want in one person. However, the most important thing is to find someone with strong academic and leadership credentials." Second, he feels that a candidate should show the ability to market Cardozo's strengths in the law school, legal, and donor communities so as to both help students looking for jobs and benefit the law school in the long term. "What we really need is an impresario who can take everything that is wonderful about Cardozo and put it into a terrific package for the world to see."

IP AND DISPUTE RESOLUTION PROGRAMS RANK IN TOP TEN

In the *US News and World Report* Best Graduate Schools issue, Cardozo found itself listed on two top-ten lists. In Intellectual Property Law, Cardozo ranked sixth, making it the top-ranked program in New York City. NYU and Columbia ranked ninth in a three-way tie with University of Texas-Austin. University of California-Berkeley, George Washington University, and Franklin Pierce Law Center ranked first, second, and third, respectively. This is the third year that the program ranked in the top ten. The Cardozo program in Dispute Resolution made the list for the first time, taking eighth place—the only New York law school to be listed. University of Missouri-Columbia, Ohio State University, and Pepperdine University ranked first, second, and third in this category. Specialty programs are ranked by a survey of faculty members who teach in the field at 174 accredited law schools.

Art Wars Generals and Infantry Attend Conference

In his opening remarks, New York City's Commissioner of Cultural Affairs Schuyler Chapin took literally the title of the conference, "Reports From the Front Lines of the Art and Cultural Property Wars," and gave the audience of more than 150 artists, museum directors, gallery dealers, and lawyers a behind-the-scenes look at the "Brooklyn Museum fracas," when Mayor Rudolph Giuliani halted city funding of the century-old institution. Commissioner Chapin gave a simple reason for the six-month ordeal that the city, the Museum, and the art world lived through: The Mayor "lost his temper." A simple explanation for a complicated issue that ended with a federal judge upholding the museum's First Amendment rights. "The battle of the Brooklyn Museum is over, but the war has not been won. We are a very nervous nation when it comes to public support of the arts," he con-



(From left) Professor Rudenstine, Prof. John Henry Merryman, and sculptor Richard Serra

tinued, making it clear that he feels that support of the arts is "one of our major responsibilities as a city and a nation."

But public support of the arts was not the day's major topic. It was, in fact, a celebration of Prof. John Henry Merryman's contributions to art and cultural property law. The esteemed Stanford University law professor is widely credited with being the seminal figure in this area of the law, having developed the first course (1972) and its accompanying text (1979). In his keynote speech, Professor Merryman explained that with regard to the export of cultural property and artifacts, two competing forces are at work: the international commitment to free trade and the commitment to fundamental human

rights. If, he posited, one has the right to travel, does one also have the right to take along one's goods? His attendance at all of the sessions provided weight and import to the day's proceedings.

The internationally acclaimed sculptor Richard Serra spoke about *Tilted Arc*, a site-specific commissioned public sculpture that was removed in 1989 from in front of the Federal Building for which it was designed, after a long and contentious legal battle that played out in the press and that Mr. Serra qualified as "akin to book burning." The artist is now working to have moral rights legislation passed that would make the destruction of an art work a crime.

Prof. Marci Hamilton, who represented the Volunteer Lawyers for the Arts against the City of New York in the Brooklyn Museum case, said at the panel on Suppression and Liberty that "censorship of art is the mark of tyranny." However, she added, "strings of accountability come with government funding" and the government should forswear control only when public funding is eliminated. Prof. Jane

Commissioner Schuyler Chapin



Ginsburg of Columbia discussed the perplexing issue of moral rights in a digital age, when legislation gives authors the right to be credited and preserves the integrity of their work while the Internet presents many opportunities for copying, distorting, and controlling original work. Citing the *Tilted Arc* case, Justin Hughes, adjunct professor, indicated that the argument was really about the sculpture's context, and he asked whether the artist has a right to control the framework or the context in which a piece is seen as well as the art work itself. This, according to Hughes, is an untenable position, since "art is becoming less and less context dependent" and the Internet is contributing to the decontextualization.

In a panel on repatriation of cultural artifacts, Nancy Wilkie, president of

SEARCH IS ON FOR NEW DEAN

Dean Paul Verkuil announced that he will step down as dean in December 2000, although he will continue as a member of the faculty. A search committee composed of members of the board, faculty, and student body under the leadership of Yeshiva University Vice President Morton Lowengrub was appointed to find his successor. According to YU President Norman Lamm, "We have all been fortunate to have Dean Verkuil at the helm of the Law School. His experience, sagacity, and clear vision have kept us on a course of success."

the Archaeological Institute of America, declared “the looting must end!” James Cuno, director of the Harvard University Art Museums, said it was the museum’s responsibility to perform due diligence regarding any art work that is being considered for acquisition. He also made a distinction between cultural property and cultural patrimony—those artifacts that belong to a country’s collective identity. Prof. David Rudenstine moderated the panel and presented his recent research on the Elgin Marbles, putting in question the validity of England’s legal right to have taken and kept the marbles that Lord Elgin removed from the Parthenon, perhaps without permission. (See page 25.)

The final discussion, moderated by Daniel Shapiro, adjunct professor, looked to the future and how the Internet and computers may change the landscape for museums and

artists alike. Museum directors Michael Govan of the Dia Center for the Arts, Kenneth Hamma of the J. Paul Getty Museum, and Stephen Weil of the Smithsonian Institution enlightened the audience on such topics as the cloning of objects, the role of computers in searching for stolen works of art, and art made for the Internet.

The conference was funded by the Jacob Burns Institute for Advanced Legal Studies, The J. Paul Getty Trust, The Samuel H. Kress Foundation, The Reed Foundation, Inc., and The Andy Warhol Foundation for the Visual Arts.

Cardozo Establishes Holocaust Claims Restitution Clinic

The first Holocaust Claims Restitution Clinic at an American law school was founded this spring at Cardozo and is supervised

by Lucille Roussin '96, former deputy research director for art and cultural property at the Presidential Advisory Commission on Holocaust Assets in the United States.

According to Ms. Roussin, “My work, and a discussion with Prof. Malvina Halberstam, inspired me to set up this clinic. The number of students wishing to participate shows there is enormous interest in this field.”

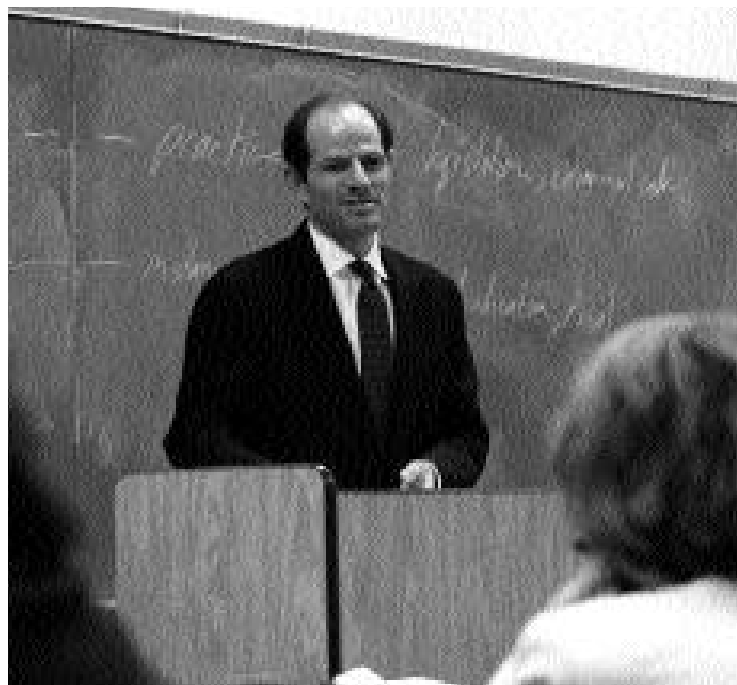
Competitively selected students were placed at the Holocaust Claims Processing Office, at agencies, and with private attorneys investigating and pursuing insurance and other claims of Holocaust victims. A required seminar surveys historical approaches to pillage and restitution, rele-

vant international law, the development of international cultural property agreements, and legal issues specific to World War II. Students also discussed their field work and completed independent research. Experts in the fields of insurance litigation, Russian trophy art, and slave labor issues were guest lecturers.

Ms. Roussin’s area of expertise is cultural property—she holds a Ph.D. from Columbia University in art history and archeology. In the 1980s, she taught art history at Stern College for Women, Yeshiva College, and Sarah Lawrence College. In 1992, when Ms. Roussin heard a talk at the Association of the Bar of the City of New York about recovering cultural property, she decided to go to law school. Upon graduating, she became an associate at Herrick, Feinstein, where she worked on cultural property issues for three years.



Lucille Roussin



Students in Adjunct Professor Justin Hughes’s course, Law of Cyberspace, were treated to a surprise when New York State Attorney General Eliot Spitzer showed up to teach class.

Students Honor Ambassador Holbrooke

Ambassadors from Japan, Chile, Brazil, Israel, Portugal, Egypt, and Hungary, consul generals, the media, students, and faculty packed the Jacob Burns Moot Court Room to present Ambassador Richard C. Holbrooke, US permanent representative to the UN, with the inaugural International Advocate for Peace Award.

Students from the *Cardozo Online Journal of Conflict Resolution* and the International Law Students Association collaborated to create the annual award to recognize and encourage the efforts of those in the international dispute resolution community. Ambassador Holbrooke was selected for his work promoting humanitarian conditions and peaceful resolution to armed conflict, especially for his mediation in Kosovo. The event was co-sponsored by Cardozo's Center for Professional Development and the New York State Bar Association.

Ambassador Holbrooke used the occasion to make a policy statement regarding internally displaced persons, or internal refugees. He explained that the plight of refugees is a subject with which he is familiar. His mother, who attended the ceremony, fled Nazi Germany, his father's

family fled Bolshevik Russia, and his wife and her family are refugees from Hungary. In addition, his work as a foreign service officer in Vietnam and as assistant secretary of state for East Asian and Pacific Affairs under President

Carter introduced him to the full dimensions of the refugee issue. He has also served on the board of the International Rescue Committee and as chairman of Refugees International.

His speech was a call to action to recognize and develop a system for aiding those who are refugees within their own borders. He noted that the international community officially recognizes as refugees those who cross national borders, which makes them eligible for assistance from the

UN High Commission for Refugees (UNHCR) and other organizations.

Internal refugees—more than 21 million—suffer the same degrading and unsafe conditions as international refugees, yet are virtually ignored. He proposed that the international community officially recognize these people as refugees and that the UN appoint the UNHCR as the lead agency to coordinate relief and protection for these victims.



(From right) , Tiiu Gennert '00, Peggy Sweeney '01, and Leila M. Zubi '00 present Ambassador Richard Holbrooke with the International Advocate for Peace Award.

John Marth '00 Named Skadden Fellow

For the first time, a Cardozo student was awarded the highly competitive Skadden Fellowship. John Marth '00 was selected from a pool of hundreds of applicants to participate in a two-year program doing public interest legal work. The Skadden Fellowship Foundation pays

recipients \$37,500 per year, provides benefits, and makes law school loan payments for the duration of the fellowship.

John, who intends to pursue a public interest law career, said, "I believe that I can do something significant to relieve suffering, to prevent injus-

tice, and, if not to win the battle, then at least to help even the odds for those

who have come out on the losing end far too long."

The Skadden Fellowship was started in 1989 by the law firm Skadden, Arps, Slate, Meagher & Flom. Each year 25 recipients, who come from the nation's most selective law schools, are chosen for their academic records and commitment to public interest work. A foundation advisory committee of partners, Susan B. Plum, direc-



tor of the Skadden Fellowship Program, and the Board of Trustees oversee the selection process. Ms. Plum remarked, “We were impressed with John’s extensive history of public interest work, the fact that he lives in the community he will serve, and his drive to set up a full-time legal clinic in the soup kitchen that he helped found and is a board member of—he is taking his involvement to another level. John is a paradigm of the Skadden Fellow. Quite frankly, we were dazzled by him.”

In September, John will establish a full-time legal clinic under the sponsorship of the Urban Justice Center (UJC), an organization offering free legal services to poor people. Specifically, he will provide direct representation of low-income residents in Bronx Housing Court, help clients who have exhausted their welfare administrative appeals, and educate people about welfare and housing rights, providing skills for self-empowerment. Dean Verkuil said, “John’s commitment to justice brings distinction not only to him, but to the Law School as well. We hope many students will be inspired by his example.”

Public interest work has played an important role in John’s life. He volunteered in a shelter for homeless women, helped refugees in El Salvador rebuild their community, was a case-worker in a shelter for elderly homeless in NYC, interned at the UJC, and



Each year over 100 students and more than 200 visiting faculty participate in Cardozo’s Intensive Trial Advocacy Program (ITAP). Students learn how to do opening statements, cross-examinations, closing arguments and all phases of criminal and civil trials. The visiting faculty give demonstrations and student critiques (above) from which the students learn effective techniques and have the opportunity to view different courtroom styles. At the end of two weeks, students prepare and present bench and jury trials before a practicing judge. Typically, students say that ITAP is one of the most intense and rewarding law school experiences.



At “Artificial Intelligence and Judicial Proof,” an international group of panelists explored the nature and mission of artificial intelligence and its contributions to the study and practice of forensic investigation and proof. Participants included (from left) Kola Abimbola, research fellow, Amherst College; Prof. Paolo Garbolino, Scuola Normale Superiore; Paul Snow, statistical consultant; Prof. Marianne Belis, École Central d’Électronique; Prof. David Schum, George Mason University; and Prof. Marilyn MacCrimmon, University of British Columbia. Other panelists were Prof. Ward Edwards, University of Southern California; Prof. Ronald Howard, Stanford University; Prof. Kathryn Laskey, George Mason University; Tod Levitt, president, Information Extraction & Transport, Inc.; Prof. David Poole, University of British Columbia; Prof. Glenn Shafer, Rutgers University; Prof. Vern Walker, Hofstra University School of Law; and Cardozo Professors Melanie Leslie and Peter Tillers. The event was co-sponsored by the *Cardozo Law Review* and the Jacob Burns Institute for Advanced Legal Studies.

for many years helped a small soup kitchen, Part of the Solution, grow into a well-established, multiservice organization.

John was a Mack Scholar and participated in the Bet Tzedek Legal Services Clinic. He stressed the supportive roles of Professors Paris Baldacci, Toby Golick, and Leslie Salzman. "They helped me gain the legal expertise I needed to undertake this project."

Moot Court Wins Top Honors

The Moot Court Honor Society had a memorable year, winning top honors in two major competitions. Aglaia Davis '01 and Seth Kaufman '00 were the winning team at the Widener University School of Law Competition in March. The team of Alan Gotthelf '01 and Sonny Chehl won the AIPLA Northeast Regional

Competition; they also won best appellee's brief. At the Fordham Securities Law Competition, Erin Naftali '00 won best oralist in the preliminary rounds, and the teams of Christophe diFalco '01 and Joshua Reitzas '01 and Pamela Cheong '01 and

Erin Naftali '00 advanced to the quarterfinals. At the Nassau Constitutional Law Competition, Jennifer Loyd '01 and Lisa Tuntigian '01 won both best brief and second place. At the Wisconsin Constitutional Law Competition, Pete McHugh '01

and Jason Halper '01 advanced to the quarterfinals.

Employment Stats are Good for Class of '99; Salaries Up

With only seven alums not reporting, 97.4% of the Class of '99 is employed at an average salary of \$74,141. This is a significant increase over the preceding year and does not include recent salary "bump-ups" at larger firms. Jacquelyn Burt, assistant dean, Center for Professional Development, noted, "The high cooperation from our alums is significant and validates our statistics." Of particular interest to note from this year's data survey is an improved "at/before" graduation rate of 75.3% and that the Class of '99 employment pattern reflects the nationwide trend showing a



SBA AUCTION RAISES \$47,000 FOR PUBLIC INTEREST STIPENDS

At the 8th Annual Goods and Services Auction, Cardozo raised \$47,000 for public interest stipends, which allow students to take public interest summer internships that pay no salary. Live and silent auction items brought in more than \$22,000, and Melvin I. Weiss, parent of alumnus Stephen Weiss '90, gave \$25,000, the largest single gift ever given to the auction. Guest auctioneer Ricky Kleiman (above), Court TV commentator, kept the bidding fast and energetic. Auction items included meals with faculty members, tickets to sporting events and theater performances, and bottles of vintage wine. A winning bid of \$1,200—the highest of the evening—was made by six students for dinner with Prof. Stewart Sterk.



Judy Saffer, assistant general counsel, BMI (center), is shown here with members of the Moot Court Honor Society: (from left) Jisoo Lee '01; Deborah Rubino '00; Jennifer Davis '00; Danielle Attias '00; Sarah Opatut '00; Arti Tandon '00; Jody Sharp '01; Nancy Abdelrahman '01; Michael Hoffman '00; and Jaimie Rothman '00. The Honor Society organizes the annual Cardozo/BMI Entertainment and Communications Law Moot Court Competition. More than 20 teams from law schools around the country compete each year. BMI is dedicated to the protection of the rights of writers, composers, and publishers of music.

BALLSA Completes Active Year

The Black, Asian, and Latino Law Students Association (BALLSA) played a significant role in enhancing campus life this semester. Students invited prominent political figures to campus, organized panels and art shows, and hosted several parties. BALLSA and the Law & Politics Society hosted civil rights leader Rev. Al Sharpton; the pastor of Riverside Church, Reverend James Forbes, Jr.; NYCLU executive director Norman Siegel; and attorney Colin Moore at “The Aftermath of Diallo: The Case for Federal Intervention and Comprehensive Police Reform.” The panel was a call to action to end racial profiling by the police department and to propose policy and legislation for police reform.

Earlier in the semester, former vice-presidential candidate Lenora Fulani spoke about “Ending Minority Politics as a Key to Black Political Power.” The event was televised by C-Span. Judges L. Priscilla Hall, New York State Supreme Court, and Charles Tejada, New York State Court of Claims; Etta Ibok '93, attorney in employment law; Maria Celis '99, associate, Neville, Peterson & Williams; Vivian Lee Brady, associate, Kramer Levin Naftalis & Frankel; Nouko Kumada-Lawrence, associate, Proskauer Rose; and Prof. Terry Smith, Fordham Law School were panelists at “Race in the Legal Profession.”

BALLSA sponsored a Black History Month Art Exhibition, “Arcoiris: A Latin American Art Expo,” and an inaugural art show by the Asian Pacific American Law Students Association, “Winds from the East: A Contemporary Vision.” Social evenings included a '70s Saturday Night Fever party, a reggae party, a Caribbean Festival, a Chinese New Year celebration, and the Annual Alumni Reunion Dinner.



Dr. Lenora Fulani (back row center), former US Independent Party vice presidential candidate, is shown with students (from left, back row) Marcus Ferguson '01; Khalilah Taylor '01; Vivian Walton '01; Ryan Sharpe '00. (Front row) Tamecca Greene '02; Marian Schand '00, BLSA president; Tracey Cosby '00



Rev. James Forbes, Jr.



Norman Siegel, Esq.



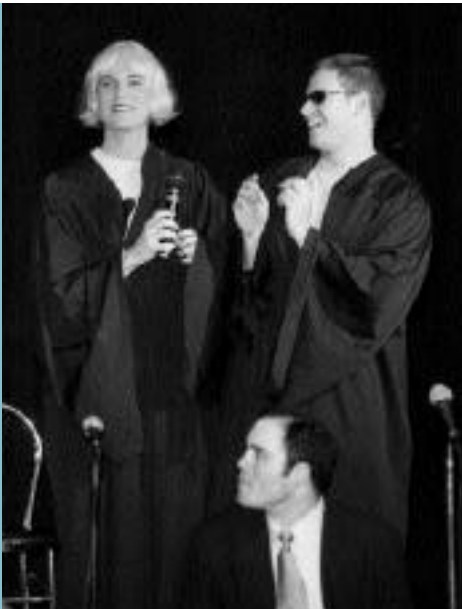
Rev. Al Sharpton

Paul Wong '00, APALSA president, welcoming students to art opening



Students and artists at the LALSA art exhibit





Joshua Greenberg '00 (left), Andrew Berkowitz '00, and Joshua Fine '00 (seated) were among the stars in the Y2K Law Revue Show, "I'm Here to Be a Millionaire," which featured comedic performances by students, faculty, and the dean.

Peggy Sweeney '01 and Ryon Fleming '01 shown here with Judge Paula Pace, a NY-area mediator and trainer, were one of the two winning teams at the 2000 ABA Advocacy Competition, beating Columbia, CUNY, Fordham, and NYU.



More than 300 guests attended "Application of the Noahide Code to Contemporary Social Problems." The big crowd reflected the resurgent interest in this ancient set of basic legal and moral principles among the clergy, academics, and, most notably, the wider public. The symposium was sponsored by Cardozo's Leonard and Bea Diener Institute of Jewish Law and the Tree of Life Society. Panelists included (from left) Rabbi Alter Metzger, Rabbi Israel Chait, Rabbi Michael Katz, and Dr. Aaron Lichenstein. Rabbi Yoel Schwartz, Nakum Rakover, and Cardozo Professor Rabbi J. David Bleich also participated.

decrease in private practice and an increase in business and government jobs. Of those graduates reporting employment in private practice (55%), 51% are in firms of 51 or more attorneys.

Squadron Symposium Explores Key Issues of the Internet

Practitioners and academics addressed issues of privacy, online anonymity, e-commerce, and communications policy at the symposium "Legal and Social Implications of Trusted Systems and Hardware Identifiers." Speakers included Lorrie Cranor, Information Systems and Services Research Laboratory, AT&T Labs—Research, and chair, "Computers, Freedom, and Privacy 2000" Conference; Donald Hawthorne, associate, Paul Weiss, Rifkind, Wharton & Garrison and Cardozo adjunct professor; Scott Kurnit, founder and CEO, About.com, Inc.; and Jonathan Weinberg, Squadron Scholar-in-Residence, and professor of law, Wayne State University School of Law. The symposium was cosponsored by the Howard M. Squadron Program in Law, Media and Society; the *Cardozo Arts & Entertainment Law Journal*; Programme in Comparative Media Law and Policy at Oxford University; and Young Lawyers Committee of the Intellectual Property Law Section, New York State Bar.

Morris B. Abram: In Memoriam

Morris B. Abram was an American original. About 30 years ago I worked with Morris at Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison. He was a terrific mentor—never ruffled, open to suggestions, and always eager to talk about the issues of the day: Vietnam and civil rights, of course, dominated the “classroom.” As a litigator, Morris never overprepared. I vividly remember briefing him on a case as we went by taxi to the Appellate Division, First Department, for oral argument. At first, I thought, he was testing me (did I know the case?); but I soon realized I was testing him by preparing his oral argument points. Such moments were anxiety producing, but, nonetheless, knowing Morris was a memorable experience for a young lawyer.

When I became dean at Cardozo, Morris was emeritus on the Board of Directors and living abroad, so I did not get to see him. When he died on March 16, 2000, I was distressed that we had not reconnected after so many years.

Morris was the first chair of the Cardozo Board of Directors, selected by President Samuel Belkin when the law school was still a gleam in Yeshiva’s eye. I am sure Morris was instrumental in securing Monrad Paulsen as our founding dean. They had been law school roommates at the University of Chicago in the early ‘40s, and the two

of them were great buddies. I can only imagine the cajoling that went on between them to get Monrad here from the University of Virginia.

Morris had a remarkable academic record. He was the first Rhodes Scholar from the University of Georgia, class of 1938, and went to Oxford in 1947, just after the war ended. Despite his then-controversial civil rights activities, he was a revered alumnus of Georgia even as he later became a citizen of the world.

The many highlights of his career include serving as a prosecutor in the Nuremberg trial, as UN Ambassador for Human Rights, and as the first general counsel of the Peace Corps. What a rich and varied career these posts evoke. He serves as the very model of a committed and productive lawyer, the kind we aspire to produce at Cardozo.

Let me close by quoting from the citation that accompanied the honorary doctor of laws degree given to

him at Yeshiva University’s commencement on April 11, 1976, the year Cardozo opened its doors:

“As a distinguished attorney and lifelong champion of causes for the underprivileged, your dedication and integrity have greatly enhanced the dignity of the practice of law.”

Amen.

—Paul R. Verkuil, *Dean*



(From left) Cardozo’s first dean, Monrad Paulsen, Dr. Norman Lamm, John Trubin, Herbert Tenzer, Morris Abram, and Charles Bassine

