

Enjoying the Jobs of Their Lives:

ALUMNI ON THE BENCH



Jeff Storey '01

Many of Cardozo's graduates are making a significant impact on society as interpreters of the law. Considering that Cardozo is such a young school, there are a remarkable number of alumni sitting as judges in Housing Court, the Civil Court, Family and County Court, the Appellate Division of state Supreme Court, and federal Immigration Court.

They are appointed or elected and come to these positions with solid legal training, superior research and writing ability, and with a "judicial temperament" and "people skills." Among the judges from Cardozo there are those who encourage litigants to settle disputes in ways that provide a measure of justice to both sides and those who act as gatekeepers for busy courts, determining which issues should go to the jury. Some decide whether foreign nationals should be allowed to enter the United States or forced to leave the country. Others shield children from neglect and abuse and work to ensure that defendants receive the process that is their due. All feel they have the jobs of their lives.

IN A MANHATTAN EXHIBIT SHOWCASING WOMEN LAWYERS, THERE IS A photo of Immigration Judge Annette Elstein swearing in her daughter Sandra J. Feuerstein '79 as a justice of the state Supreme Court. They are thought to be the first mother-daughter judicial team in the nation.

The fact that women could become attorneys never seemed unusual to Feuerstein. After all, her mother worked at Legal Aid for more than 30 years before becoming an immigration judge. However, Feuerstein never

gave much thought to becoming a lawyer when she was growing up. After graduating from college, she married, moved to Long Island, and taught school for six years. She stayed home while her children were young.

When their two sons were five and six years old, Feuerstein's husband, who also is an attorney, asked her what she planned to do when the children started school. He showed her an advertisement for a new law

judge. Meanwhile, she had become politically active in her community. She was elected to the District Court as a Republican and served from 1987 to 1993. She was elected a state Supreme Court Justice in 1993 and appointed to the Appellate Division in the Second Department in 1999, the first woman from the 10th judicial district.

As a District Court judge, Feuerstein was close to litigants, giving her "this tremendous feeling" that she was accomplishing something on a one-to-one basis.

She liked the give-and-take of trials in the Supreme Court—she had loved Evidence in law school—and was gratified that jurors took their role so seriously. Even though she has moved up to the Appellate Division, she would like to preside over a trial from time to time.

"After a while, I fear that you lose your perspective about what it's like to be a trial judge and a practicing attorney," she says. "I don't want that to happen."

The Appellate Division courthouse is located in Brooklyn. Feuerstein and her colleagues—

including the justice she worked for as a law clerk—review lower court decisions in all kinds of cases that originate in a geographic region stretching from the Hudson Valley to Long Island. The court has a heavy caseload, and justices must comb through precedents and written records.

"We are reading day and night, seven days a week," Feuerstein says. "Thank goodness for the computer." It allows her to do legal research at home.

Feuerstein is sometimes frustrated by lawyers who do not argue their cases in person. She advises attorneys who do appear not to waste time with opening statements. "We're a hot bench," Feuerstein says. "We're not a jury. We know your case pretty, pretty well."

She is concerned that the reputation of the courts in general has suffered from attorneys who are not polite to their adversaries. Also, their dignity has been compromised by the inaccurate portrayal of judges on television. Feuerstein is appalled that the judges of daytime television shows spend so much of their time "screaming at everybody." She says that young people should be taught that the law "can be used but also can be abused."



Sandra Feuerstein '79

school Yeshiva University was starting. Feuerstein joined Cardozo's first graduating class and now is its highest-ranking judicial alumna.

Feuerstein loved law school from the moment she started, although some adjustments were necessary. She recalls sitting at the kitchen table for seven hours, reading and rereading her first Property assignment. She eventually unlocked the legal code, however, graduating with honors. And she was inspired by professors like Malvina Halberstam, "a most brilliant person," from whom she took Criminal Procedure and several other courses. Feuerstein herself is the co-author of a treatise on New York criminal practice.

The hardest part of going to law school was the guilt she felt about spending so much time away from her family. In retrospect, "it was probably a wonderful thing I did for them," she says. "It gave them an understanding of how hard you have to work to achieve your goals."

Feuerstein, who always knew she wanted to go into government, was hired as a law clerk for the justices in Nassau County Supreme Court and then as a matrimonial referee, and then as a law clerk to the administrative

CIVIL COURT JUDGE MARTIN SHULMAN '81 SAYS HE IS IN "the service business."

The judge's customers, the litigants who appear before him, want a disposition of their cases. He tries to maximize what he can do for each one. Litigants may not be totally happy—after all, the customers are not always right in this arena—but they do receive due process and the opportunity to be heard on something that matters a great deal to them.

In short, "you're performing justice," Shulman says.

Frequently, the court's service is to broker a compromise that avoids needless expense and gives the parties a piece of what they want.

Some judges are known as scholars. Others are regarded as excellent trial managers. In fact, a good judge has to do many things well, and Shulman says his performance demonstrates the needed versatility. However, working with litigants is his strong suit. "I'm told that I am very good at settling cases," he says.

Shulman, who is also a graduate of Yeshiva College, says that his decision to become a lawyer was a natural progression from the Talmudic education he received. His personal and academic life "constantly involved an application of law." His religion makes him sensitive to moral issues, although it does not water down his obligation to be impartial.

At Cardozo, he received "a very good legal education" from professors who made dry courses very exciting and "forced you to think." After graduation, he honed his skills as an advocate, first working in the public sector and then for a private firm. He worked hard for his clients but sometimes found himself telling colleagues, "I think we're wrong." He eventually decided that his personality was more suited to disposing of cases than for advocacy.

Shulman, who has four daughters and is active in community affairs, also grew tired of the unpredictable and lengthy hours of private practice. "I had no life," he says. The judge still works from around 8 a.m. to 7 p.m., but now the stress comes from making the right decision.

In 1994, Shulman, a Democrat, was elected to a 10-year term in the New York City Civil Court. He was appointed an acting New York State Supreme Court Justice in 1999 and supervising judge of the 13-judge Manhattan Civil Court early this year. He did not regard his selection as a judge as the pinnacle of his career, but as an

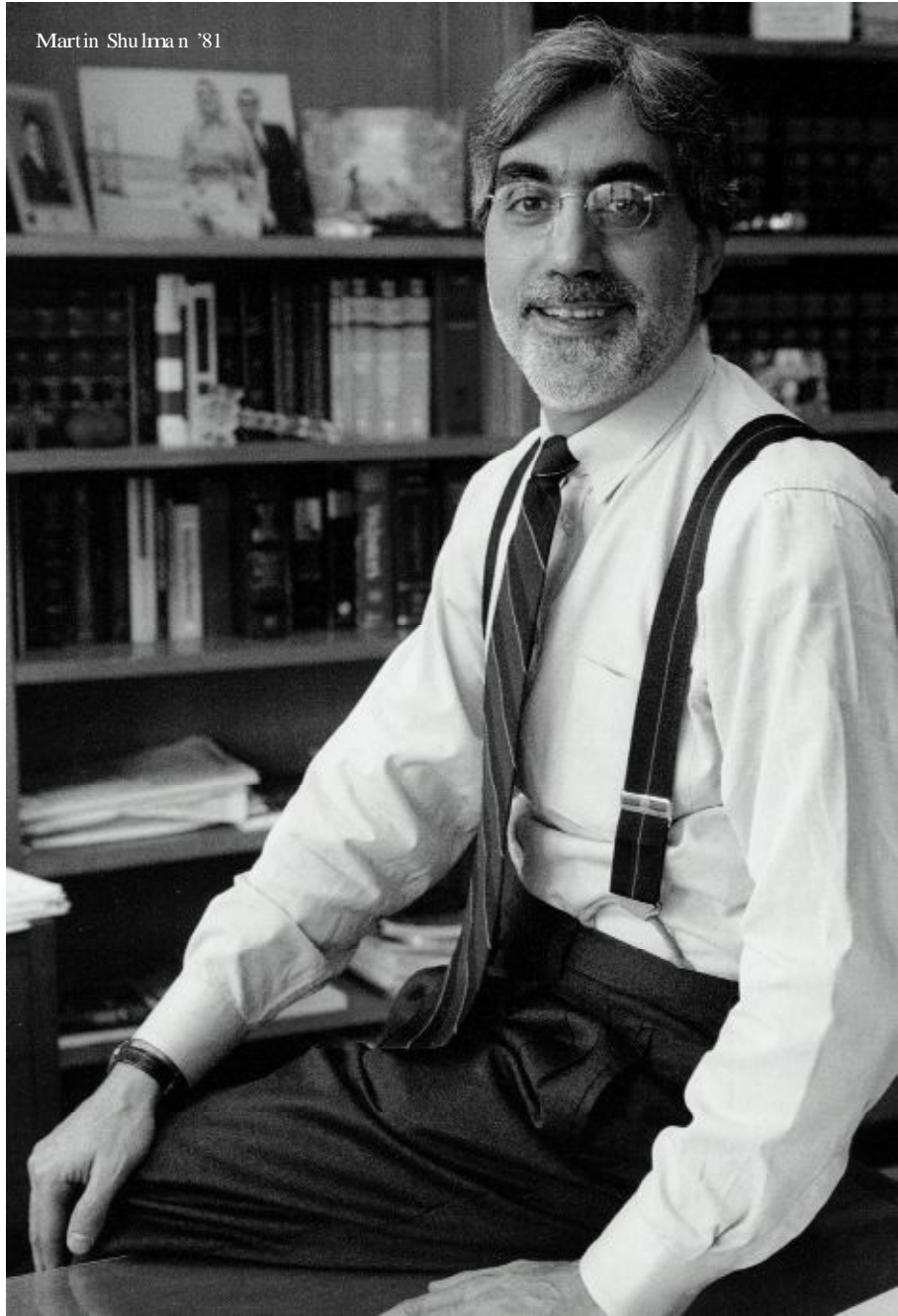
extension of his previous career.

Shulman says that judges must have a good temperament, the ability to listen carefully, and good people skills. As he told the *New York Law Journal*, "I like attorneys who are not 'form over substance' oriented and are open-minded and pragmatic about resolving disputes. I dislike attorneys who are arrogant and ill-humored."

In brokering a settlement, Shulman familiarizes himself with the issues of the case before him and tries to focus quickly on what the parties are seeking. As a go-between, he follows a few simple rules: Never recommend a particular disposition, never betray a confidence, and never force a side to bid against themselves.

"It's a dance. Sometimes a dance works quickly. Sometimes it takes a little longer... When it's settled, it's rewarding," he says.

Martin Shulman '81



IMMIGRATION JUDGE NOEL ANNE FERRIS '80 WON'T EVER forget the man from Albania who recently appeared in her small courtroom to seek asylum in the United States.

He was about the same age as the judge, 50, but he looked like he was in his late 70s. However, his deteriorating physical condition was not caused by political persecution. Instead, it stemmed from working for decades as a coal miner in a poor country.

That did not meet any of the narrow grounds Congress has approved for political asylum. Humanitarian concerns are not enough to admit all foreign nationals who seek refuge in the United States. "I could not find a way of granting that case," Ferris said of the Albanian.

Ferris has worked as a judge in Manhattan's Immigration Court for seven years. The court is part of the United States Justice Department, but it is independent of the Immigration and Naturalization Service. Ferris and her colleagues interpret a body of law that is "one step worse" than the infamously complex Internal Revenue Code. Two other Cardozo graduates also work as immigration judges in Manhattan: Sarah Burr '80 and Matthew Adrian '87.

"This is a real court," says Ferris, who wears a black robe when she is sitting. Judges are presiding "almost all the time," so there is little time for research or reflection. They ask questions and are expected to make oral rulings. However, there is no clerk and no stenographer. The proceedings are recorded on a tape recorder operated by the judge.

At the hearings, "everybody has a different story to tell." This variety helps keep the work "fresh and interesting;" Ferris expects to spend the rest of her career on the court. The stories also have given her a unique perspective on current international affairs. The testimony has convinced her that "it is shocking and immoral" to ignore human rights abuses around the world. "We have a responsibility to prevent people from murdering each other."

Ferris was one of many students at Cardozo seeking a second career. She had worked as an assistant to the fashion director of B. Altman for four years after graduating from college. She enrolled in law school because she wanted to work as the administrator of a charity and was tired of being asked how fast she typed. At first, she

was a little scared, but was stimulated and challenged by "an incredible faculty" of professors like Telford Taylor, Stewart Sterk, and Peter Lushing. Within two weeks, Ferris discovered that she loved litigation.

The Law School did not teach Immigration Law when Ferris was a student. She took up the field later because she wanted to work for the United States Attorney's Office, and that's where the opening was. After leaving the office, she practiced immigration law at a private firm before being appointed an immigration judge.

Last year, a California newspaper rated Ferris the eighth toughest of more than 200 immigration judges in granting asylum requests. Ferris says that such comparisons ignore differences among immigration courts. The Manhattan branch is the busiest in the nation, draws petitioners from an unusually large number of coun-

Noel Anne Ferris '80



tries, and has a large asylum caseload. It calls on interpreters who speak more than 60 languages. In a given week, Ferris may hear cases from nine or more countries. Chinese and Albanians are the most common petitioners, but on a single day recently, Ferris heard cases involving nationals of both Outer and Inner Mongolia.

Attempts at fraud are common, and Ferris works hard to detect it. "I take my oath of office very seriously," she says. However, she cannot blame people who have had "awful lives" and try to get into the United States. "There's nothing so wonderful as being able to tell people they can stay here for the rest of their lives, especially when terrible things have happened to them in their home countries."

WAITING FOR HER CASES TO BE CALLED AS A FEDERAL defender, Dianne T. Renwick '86 used to pass the time pondering "what the judge should do" in response to the various legal issues before the court. "Not only was I analyzing the judges' decisions, but I was enjoying the process," she says. When she got the opportunity, Renwick was delighted to make the judicial calls for real.

Renwick, born and raised in the Bronx, says she enrolled in law school because "I was always interested in fairness, in civil rights and human rights and law seemed like the perfect avenue through which to pursue these interests." She was impressed by what Cardozo had achieved in a short period of time and by the faculty, but says, "I don't think I appreciated the Socratic method as much then as I do now."

She participated in the law school's Criminal Appeals Clinic and the Criminal Law Clinic, experiences that she found rewarding, if a little intimidating at times. "I enjoyed exploring what the work of a lawyer entailed," she says. However, becoming a judge was not in the forefront of her mind. "There was too much I felt I needed to accomplish. At that time, becoming a good lawyer was my primary goal."

After law school, Renwick worked in the Bronx office of the Legal Aid Society for two and a half years. She then spent eight years in Brooklyn as a trial attorney in the Society's Federal Defender Division, representing clients charged with drug importation and other major federal offenses in the United States District Court for the Eastern District. "I loved the work. It was challenging and stimulating," she says, adding that "even now I



sometimes miss the excitement of trying cases. However, I do not miss the long hours during trials or the time away from my family."

In March 1997, she was appointed a Housing Court judge. Less than a year later, she was elected to the Civil Court. She would like to someday move on and become a justice of the State Supreme Court, but says, "Being a judge is a constant learning experience and I'm still learning."

Renwick, who is 40, was the youngest African-American woman elected to the Civil Court in Bronx County. Civil Court judges handle a broad range of issues that she finds very interesting. "You have an opportunity to really see the community and assist people," she says. A Bronx criminal court judgeship was not an option because Renwick is married to Robert Johnson, the Bronx County District Attorney. Although she could have sat in another borough, she preferred to remain close to her two young children.

Among the most important qualities for a judge is “patience,” Renwick says. The Civil Court sometimes is called the “People’s Court” because litigants use its Small Claims Court to press their claims without the assistance of counsel. This is gratifying to Renwick, who finds that “people want someone to listen to their case.” She continues, “Not surprisingly, they feel good when the judge and court personnel treat them with respect.”

THE REACTION OF MERYL BERKOWITZ TO THE QUESTION was what you might expect from a veteran trial attorney. “I screamed out ‘objection!’” says Berkowitz ’81.

But Berkowitz was not acting as one of the lawyers in the case. She was the judge.

“I guess the objection is sustained,” one of the lawyers noted wryly.

Berkowitz’s momentary disorientation was understandable. In 1999, she was one of the first Democratic candidates in 60 years to be elected a county judge in Nassau County, a Republican stronghold until the collapse of the county’s finances. (David Gross ’87 was elected a District Court judge in the same election. Dana Mitchell Jaffe ’86, also a Nassau County District Court

judge, was elected in 1996.)

When the Democrats approached her to run, the first reaction of the previously nonpolitical Berkowitz was, “Why should I do that? I can’t win.” She was more than surprised by her victory. “I was shocked.”

Berkowitz grew up on the South Shore of Long Island, only four miles from where she now lives. At Cardozo, she signed up for what was then the recently established Criminal Law Clinic, an experience that helped get her a job at Nassau County Legal Aid, where she worked for 16 years, rising to a supervisor’s position. With three young daughters at home, she eventually left the agency and was in private practice when she ran for judge.

Many judges come from a background as prosecutors, but Berkowitz said that defense attorneys also make good judges. For one thing, after years of dealing with defendants, “I know all the stories.” More important, as a defense attorney, “you try very hard to be fair,” she says.

Ironically, given her professional background, Berkowitz initially was not assigned to hear criminal cases. With crime rates falling recently, there is a greater need for judges in the civil arena. Berkowitz found herself presiding over accident and divorce cases as an acting state Supreme Court justice. Her cases have called into play



Meryl Berkowitz '81 (center)
with Dana Mitchell Jaffe '86
and David A. Gross '87

other aspects of her experience. “Anybody who is married can identify with the problems in a marriage,” she says. It has been an advantage to work with people who haven’t already formed an opinion of her. “I started out my career as a judge in front of people who didn’t know me as a lawyer.”

All in all, “it’s been a real learning experience.” She wishes that “every lawyer could sit on the bench and watch things from that vantage point.”

Berkowitz, who was elected for a 10-year term, adds, “I’d like to have this job for a very long time.”

FAMILY COURT JUDGE JANE PEARL ’87 sat behind a vase brimming over with purple flowers and listened as the attorney for a mother with a temper said she did not want to go to anger management therapy. “My client doesn’t want to go to any more programs,” the attorney said.

Pearl said that the woman could attend family counseling. The counselor would decide whether any additional therapy was needed to repair the woman’s relationship with her daughter.

The Cardozo graduate has been deciding such issues since she was appointed last year as one of a dozen New York City Family Court judges in the Bronx. Her principal role is to hear cases involving the abuse and neglect of children. The work “interests me in ways that are both legal and deeply emotional,” she says.

Pearl seeks to marshal the resources of the legal and the therapeutic communities in a pro-active, yet flexible effort to protect children and preserve families. Outside her small courtroom, dozens of adults and children mill around a large, noisy waiting room, waiting their turn to appear before Pearl and her colleagues.

Some judges are demoralized by the confusion and what they regard as the futility of their efforts. Pearl says that it is important to guard against judicial burnout, but “it is possible to judge without being judgmental.” She says she has no plans to use her current position as a stepping-stone to another judgeship. “I cannot think of

any job that I would like more,” she says.

Pearl came to Cardozo already interested in family and juvenile delinquency issues. She had a doctorate in psychology and thought that a legal degree “would be an excellent addition for helping people.” The school seemed sympathetic to people starting a second career,



Jane Pearl '87

and she was attracted to “the wonderful program in law and literature” taught by Prof. Richard Weisberg.

While at Cardozo, Pearl participated in a summer seminar on judicial ethics that included an internship at Family Court. After graduation, she worked as a law secretary for two years and in the family law department of a private firm before going on maternity leave. She returned to Manhattan Family Court as a hearing examiner and referee before becoming a judge herself.

Pearl says that she does not act as a therapist on the bench, but her psychology training helps her assess the evidence in the cases before her. As a judge, she must pay attention to immediate detail—what’s happening in a child’s daily life—and to “global constructs”—what needs to happen as the child grows and develops. The court is busy, and Pearl must be very careful that she does not miss something important in a rush to move cases through the system.

Caseload delays cause pain to parents and children, Pearl says, “but you can move cases along in a way that’s attentive to the needs of the parties.” ■