

# FACULTY briefs

## Thirteen Professors Visit During 2001–02

A record number of visiting faculty from around the nation and Israel will bring new faces to the Law School for 2001–02. Both **Uriel Procaccia** and **Barton Beebe**, who visited last year and were featured in the previous issue of *Cardozo Life*, will return in the fall semester. Professor Procaccia will teach Cor-

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EDITOR'S NOTE: After going to press, *Cardozo Life* learned that Professor Gunther is unable to teach in the fall semester.

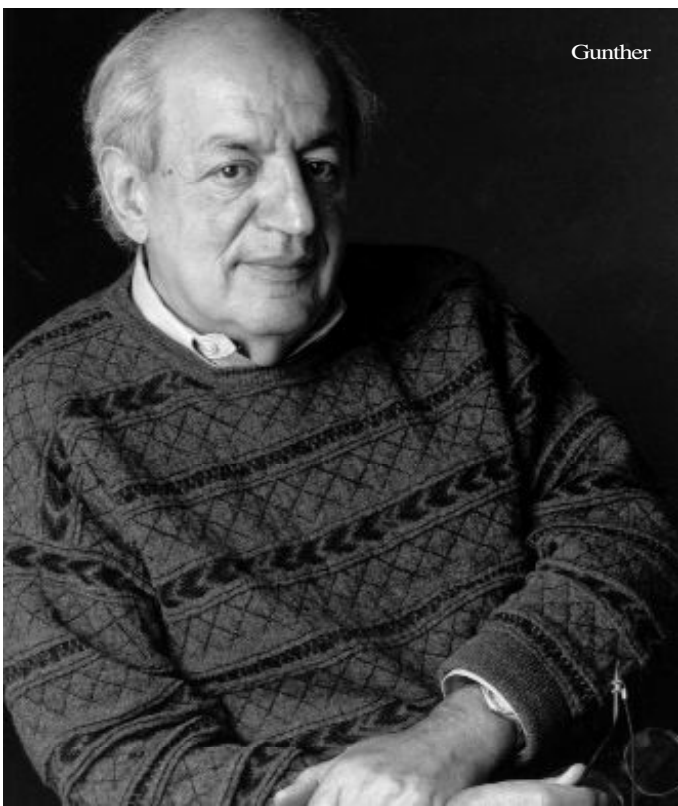
porations, and Law and Culture; Professor Beebe will teach Trademarks and Advanced Trademarks.

Also joining Cardozo for the fall term is **Gerald Gunther**, William Nelson Cromwell Professor of Law, emeritus, from Stanford Law School, where he has taught since 1962. His areas of interest are constitutional law, federal jurisdiction, and legal history. He is author of several books, including the leading constitutional law casebook and an award-winning biography of Judge Learned Hand, for whom he clerked from 1953 to 1954. A year later, he also clerked for Chief Justice Earl Warren. Professor

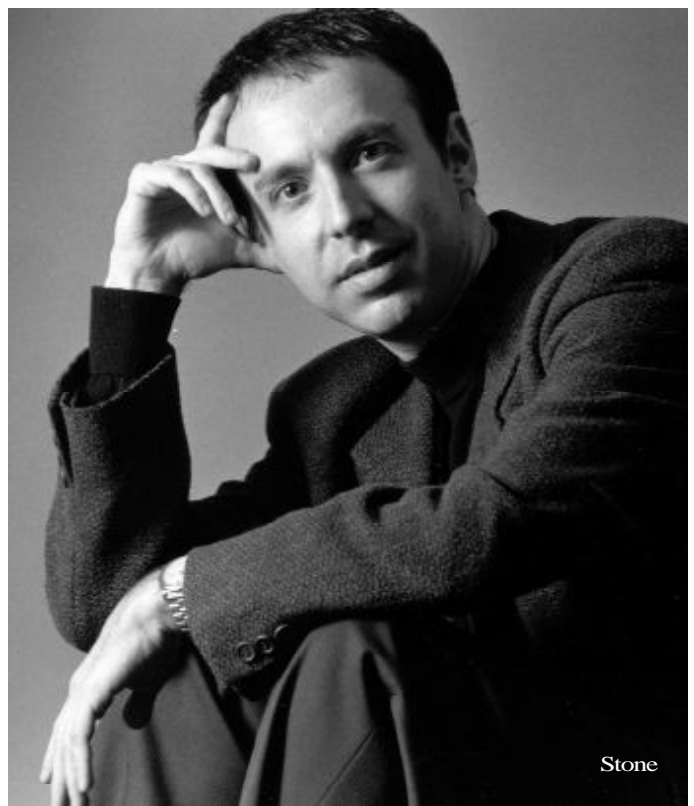
Gunther was an associate at Cleary, Gottlieb, Friendly and Hamilton for three years and then was a professor at Columbia University for six years. He was a Guggenheim Fellow and an NEH Senior Fellow, and is a fellow of the American Academy of Arts and Sciences. He has been a visiting professor at many universities in this country and in China, Austria, Ghana, and Israel. Professor Gunther holds an A.B. from Brooklyn College, an M.A. from Columbia University, and an LL.B. from Harvard University. He will teach Constitutional Law.

**Martin Stone** is professor of law and associate pro-

fessor of philosophy at Duke University and will visit for the full year. He holds a BA. summa cum laude from Brandeis University, a J.D. from Yale University, a B.Phil. from University of Oxford, and a Ph.D. in philosophy from Harvard University. He also has a background in music and studied piano at the California Institute of the Arts and the Tanglewood Music Festival. Professor Stone has received numerous academic fellowships and honors throughout his career, including the George Plimpton Adams Prize from Harvard University. His teaching interests include torts, jurisprudence, philosophy



Gunther



Stone

of law, criminal law, contracts, and moral and political philosophy. He speaks frequently on philosophy and legal theory and publishes extensively on these subjects as well. At Cardozo, he will teach Torts, Elements, and Jurisprudence.



Dolgin

Janet Dolgin, the Maurice A. Deane Distinguished Professor of Constitutional Law at Hofstra University School of Law, is an anthropologist as well as a lawyer. Since joining the Hofstra faculty in 1984, she has written widely on the transformation of the American family and of American family law. Her most recent book, *Defining the Family* (NYU Press, 1997), reviews the law's response to surrogacy and reproductive technology to analyze the shifting meaning of the American family. She also writes about the implications of new genetics. Previously, she taught anthropology at Columbia University and The Hebrew University of Jerusalem, and has published books and articles on the subject. She holds a B.A. from Barnard College, an M.A. and Ph.D. from Princeton

University, and a J.D. from Yale University. After graduating from law school, Professor Dolgin practiced at Davis Polk & Wardwell. She lectured as a Fulbright Scholar in Israel and was a visiting professor at Cornell University. In the fall, she will teach Family Law and Child, Parent & State; in the spring, Constitutional Law and Reproductive Technologies.

Aviva Orenstein is visiting from Indiana University School of Law—Bloomington. After graduating with an A.B. and J.D. from Cornell University, she clerked for Hon. Edward R. Becker, US Court of Appeals, Third Circuit. Professor Orenstein writes and teaches in the area of evidence, legal profession, and children and the law, and is coauthoring the hearsay exceptions volume of the evidence treatise *The New Wigmore*. At Indiana, she founded the Children and the Law Discussion Group and coordinates Outreach for Legal Literacy. She also participates in the Bloomington Court-Appointed Special Advocate Program for abused and neglected children and serves on the board of the Victim-Offender Reconciliation Project. She will teach Evidence and Civil Procedure in the fall and Professional Responsibility in the spring.

Oren Gross is a professor at Tel Aviv Law School, where he teaches international law, international business transactions, and international trade law. At



Gross

Cardozo for the full year, he will teach International Business Transactions, Law of Cyberspace, and Contracts. He holds an LL.B. from Tel Aviv University and an LL.M. and an S.J.D. from Harvard University. He was senior legal advisory officer for the Israeli Defense Forces and Ministry of Defense from 1986 to 1991. Professor Gross was an associate for one year at Sullivan & Cromwell, a Guberman Fellow at Brandeis University, and a Fulbright Scholar at Harvard. He frequently writes and lectures about human rights and international law.

Another six professors will visit Cardozo during the spring semester only: Stephen J. Morse, University of Pennsylvania Law School; Richard Delgado, University of Colorado Law School; Mark Movsesian, Hofstra University Law School; Lewis H. LaRue, Washington and Lee Law School; Jeffrey Haas, New York Law School; and Hal Abramson, Touro Law School.

#### PROFESSIONAL HONORS

Barry Scheck and Peter Neufeld, cofounders of the Innocence Project, received the 2001 Charles W.

Froessel Award from the New York Law School Law Review and the Journal of International and Comparative Law. Among his many speaking engagements, Scheck appeared on a panel at a Brooklyn Law School conference, "DNA: Lessons from the Past—Problems for the Future."

Scott Shapiro was awarded the Gregory Kavka award by the American Philosophical Association. The Kavka award is presented every two years for the best published article in political philosophy. The essay for which he received the prize, "On Hart's Way Out," was published in *Legal Theory* in 1998 and has since been reprinted several times. In March, he presented this paper in San Francisco at the American Philosophical Association, Pacific Division. In January, he gave a paper entitled "Authority" at the American Association of Law Schools, Section on Jurisprudence, and in May gave one entitled "Ulysses Unbound" at a conference on Deliberation and Reason at Bowling Green State University in Ohio.

At a farewell party for Dean Paul Verkuil, Cardozo Board Member Thomas H. Lee announced that when the dean steps down, Mr. Lee would like the chair in public law that he has endowed to be renamed the Paul R. Verkuil Chair in Public Law.

Paris Baldacci was a discussion leader at the annual American Association of Law Schools Clinical Legal Education Conference in Montreal. He conducted an annual training for Legal Services of New York (LSNY) on apartment succession rights of nontraditional family members, which was attended by over 50 attorneys from legal services offices throughout

New York. LSNY published his training materials in booklet form as part of its Continuing Legal Education series. He presented the training again for the Volunteer Lawyers Program of the Civil Court of the City of New York.

Lester Brickman was the keynote speaker in April at the Minnesota State Bar Association's Business Law Institute, where his subject was "The Role of Financial

Self-Interest in the Governance and Operation of the Legal Profession and its Effect on Society." Earlier in the spring, he spoke on "Lawyer Abuse of Mass Tort and Other Aggregative Mechanisms" at The William and Mary School of Law conference on "Toxic Torts: Issues of Mass Litigation, Case Management, and Ethics."

Malvina Halberstam continued to speak out on

Israeli-Arab conflicts, appearing on *Israel Update*, a cable television program, and presenting a mini-course at the Fifth Avenue Synagogue.

Kyron Hui gens delivered two papers last winter at the University of North Carolina Law School: "Solving the Apprendi Puzzle," and "Law, Economics, and the Skeleton of Value Fallacy." A paper on the latter subject was

## Rosenfeld: Sleepless on Sabbatical

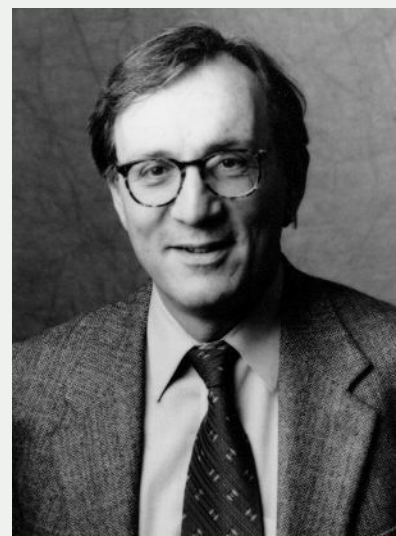
After working for years in the relatively small field of comparative constitutional law, Michel Rosenfeld, who is president of the International Association of Constitutional Law (IACL), spent his sabbatical year finding that the field is growing and flourishing, not only in Europe, where it has been stronger than in the United States, but stateside and even in non-Western countries such as China. For two weeks, he traveled and lectured in China, visiting Shanghai, Beijing, and Sian and was fascinated to see that there was a growing Western-style society and a great interest in the field, especially among younger people who are trying to effect governmental changes. He said, "I was surprised at the very open discussions and that certain members of the audience criticized the Chinese government in front of their own officials." At Remnin University Law School in Beijing, he was presented with the honorary title of Guest Professor.

Rosenfeld also garnered another honor: he was appointed editor-in-chief of the *International Journal of Constitutional Law*, a faculty-run journal published by Oxford University Press and sponsored by the NYU Global Law School Program, which will begin publication in 2002. Coincidentally, last year was also the 20th anniversary of the founding of IACL, which was recognized at a Paris roundtable at which he presided and was a speaker.

He lectured and was a panelist and commentator at many international conferences, traveling to Aix-en-Provence, Montpellier, Nancy, Rennes, and Paris, France; Budapest, Hungary; Barcelona and Madrid, Spain; Sao Paulo, Brazil; and Palermo, Italy. Nationally, he spoke at conferences held at NYU, Harvard, Dartmouth, and University of Maryland Law School. He even returned to

Cardozo at one point to speak at the Faculty Speakers Series on "Reconstructing Constitutional Quality."

Rosenfeld's book *Just Interpretations* was translated and published in French and Italian. His article "The Rule of Law and the Legitimacy of Constitutional Democracy" was published this summer in the *Southern California Law Review* and will be published soon in both Chinese and Spanish translations. A French translation of "Constitutional Decisions of the US Supreme Court's 1998-99 Term: Redefining the Boundaries of Federalism to the Detriment of Individual Rights" was published in *Revue du Droit Public*. "American Constitutionalism Confronts Denninger's New Constitutional Paradigm Based on Material Security, Diversity and Solidarity" appeared in *Constellations*. "Le Point de vue du droit Americain" was in Michel Troper's *Interventionisme Economique et pouvoir local en Europe*, published in Paris by *Economica*. "Teaching Constitutional Law in the United States" was published in *L'enseignement du droit constitutionnel*, edited by Jean François Flauss and published in Brussels by *Fruylant*. "Bilinguismo, identidad nacional y diversidad en los Estados Unidos" appeared in *Lenguas, Politica, Derechos*, edited by José Maria Saucá and published by University of Carlos III. And "Igualdad y accion afirmativa para las mujeres en la Constitución de los Estados Unidos" was published by *Centro de Estudios Políticos y Constitucionales in Mujer y Constitución en España*.



Larry Cunningham (right) signed copies of his book *How to Think Like Benjamin Graham and Invest Like Warren Buffett* (McGraw-Hill) for Jack Bogle, founder of Vanguard. A student looks on.



Richard Weisberg (right) was among the many well-wishers at the reception marking the publication of *Weimar: A Jurisprudence of Crisis* (University of California Press) by Arthur Jacobson (left) and Bernhard Schlink of Humboldt Universität zu Berlin.

Paul Verkuil hosted a book party for Visiting Professor George Fletcher, shown here signing *Our Secret Constitution: How Lincoln Redefined American Democracy*, published by Oxford University Press.



At the request of the State Department, Malvina Halberstam discussed the International Criminal Court with the foreign policy delegation, a group of foreign diplomats and media representatives, when they visited in February.

published in the *California Law Review*, while the former will be published in the *Georgetown Law Journal* at the end of the year.

Arthur Jacobson and Michel Rosenfeld are editing a new book on Election 2000, which will be published by the University of California Press.

Monroe Price's book *Television, Public Sphere and National Identity* was published in Russian. In June, he gave a paper, "National Responses to Media Globalization: Toward an Analytic Framework," at the Institute for Advanced Study, in Princeton, NJ, where he spent the year as a visiting fellow. His publication *Enabling Environment for a Free and Independent Media* (with Peter Krug) is being translated into Albanian, Serbo-Croatian, Russian, Spanish, and French and will be distributed by USAID.

David Rudenstine gave the 10th annual Helen Buchanan Seeger Lecture, sponsored by the Center for Hellenic Studies, Princeton University. His topic was "Who Owns the Past? Greece, England, Lord Elgin and the Parthenon Sculptures." While at Princeton, where he spent the year as a visiting fellow, he also commented on a paper presented at the Princeton Law and Public Affairs seminar. His paper was entitled: "Civic Virtue, the Supreme Court and the Limits of Sociology: A Brief Comment



Price

on Christopher Eisgruber's Paper." In February he lectured on "Bush v. Gore: Judicial Statesmanship or Partisan Politics?" at four British law schools: Leicester, Nottingham, Birmingham, and De Montfort. His article "The Rightness and Utility of Voluntary Repatriation" will be published in the AELJ, and "A Tale of Three Documents: Lord Elgin and the Historic 1801 Ottoman Document" will be published by the Cardozo Law Review. His book review of *Our Vietnam: The War 1954-1975* by A. J. Langguth was published in the March 5 issue of *The Nation*. In June, he participated in two panels commemorating the 30th anniversary of the Pentagon Papers Case, one sponsored by the Vietnam Veterans Association at the National Press Club, Washington, D.C., and the other sponsored by the Federal Bar Committee at the Ceremonial Courtroom, United States Courthouse in Manhattan.

Jeanne Schroeder's new book, *The Triumph of Venus: The Erotics of the Market*, has been accepted for publication by the University of California Press and is due



Schroeder

out in 2002. In addition, she had three law review articles published recently: "The Four Discourses of Law: A Lacanian Analysis of Legal Practice and Scholarship" in the *Texas Law Review*, "Rationality in Law and Economics Scholarship" in the *Oregon Law Review*, and "Just So Stories: Posnerian Methodology" in *Cardozo Law Review*.

Paul Shupack served as the consultant to the New York Law Revision Commission on its report to the New York Legislature on UCC Article 9. He was chair of the Association of the Bar of the City of New York's intercommittee working group, preparing that organization's report on UCC Article 9. He was appointed the American Law Institute's representative to the drafting committee charged with revising UCC Articles 3, 4, and 4A.

Peter Tillers was appointed visiting professor of law at Harvard Law School for the spring semester of 2002. He will teach *Evidence and Fact Investigation*. In the spring, he was a panelist at a workshop on "Artificial Intelligence and Legal Evidence,"

held in St. Louis in conjunction with the Eighth International Conference on Artificial Intelligence and Law. He inaugurated the workshop proceedings with an overview of the subject from a "jurisprudential perspective." He also spoke at a National Research Council Workshop in Washington, D.C. on "Science, Evidence, and Inference in Education."

Richard Weisberg was a distinguished guest speaker at the Anti-Defamation League symposium on the role of lawyers and judges in the Holocaust, held in Los Angeles. He spoke on "Vichy Law and the Holocaust in France." He was also a featured speaker at a special symposium held by the National Actors Theatre and American Society for Yad Vashem following a performance of the Broadway production of *Judgment at Nuremberg*.

Ellen Yaroshefsky spent the summer working with Bruce Green of Fordham's Louis Stein Ethics Center on an ethics manual for legal services lawyers and editing a book with Julie Blackman, *Battered Women: 25 Years of Reflection*.

She and Barry Scheck gave a presentation on "Wrongful Convictions: Causes and Remedies" at the AALS Clinical Teachers Conference.

Peter Yu was named the editor of a new book series on intellectual property and technology law to be published by Kluwer Law International. He was also named to the editorial board of *Gigalaw.com*, which provides legal information for Internet professionals. He had two articles published: "From Pirates to Partners: Protecting Intellectual Property in China in the Twenty-first Century" in the *American University Law Review* and "Piracy, Prejudice, and Perspectives: An Attempt to Use Shakespeare to Reconfigure the US-China Intellectual Property Debate" in the *Boston University International Law Journal*. He was a panelist on "Current Trends in E-Commerce and Intellectual Property" at the National Asian Pacific American Bar Association Regional Conference, and coorganized "The Napster Litigation: What's Next for Peer-to-Peer Distribution?" for the New York State Bar Association.

Rudenstine



Shupack

